

**ORCHARD KNOLLS HOMEOWNERS ASSOCIATION, INC.**

**RULE NO. 2001-3**

**AMENDED RULE PERTAINING TO SATELLITE DISH ANTENNAS.**

WHEREAS, Article VIII, § 8, paragraph (n) of the Declaration of Covenants, Conditions and Restrictions of the Orchard Knolls Homeowners Association, Inc. (hereinafter the “Association”) dated June 30, 1989 and recorded on August 14, 1989 in Liber 8948 at Folio 380, (hereinafter the “Declaration”) states that no satellite dishes shall be allowed on any properties located with in the Association; and

WHEREAS, the Architectural Guidelines adopted by the Architectural Review Committee for the Orchard Knolls Homeowners Association state that all external antennas or receiving devices of any kind, including, but not limited to, satellite dishes, are prohibited and further sets forth procedures governing the approval of any exterior improvement or alteration to properties located within Orchard Knolls; and

WHEREAS, § 207 of the Telecommunications Act of 1996 prohibits homeowners associations from unreasonably restricting the installation of satellite dishes less than one meter in diameter; and

WHEREAS, on August 6, 1996 the Federal Communications Commission (FCC) adopted a rule implementing § 207 of the Telecommunications Act of 1996, which order is set forth at 47 CFR §1.4000; and

WHEREAS, the Board of Directors for the Association is desirous of adopting a

rule imposing reasonable restrictions on the placement of satellite dish antennas which both preserves the Association's interest in protecting the esthetic appearance of the community while, at the same time, complying with the FCC Rule prohibiting unreasonable antenna restrictions; and

WHEREAS, the Board of Directors originally adopted such a rule on October 19, 1998, which Rule is hereby amended to conform to recent FCC decisions and amended to the Telecommunications Act of 1996.

NOW THEREFORE, the Board of Directors for the Association hereby adopts the following Rule:

1. **Dishes Over One Meter Prohibited.** Satellite dish antennas which are over one meter in diameter shall continue to be prohibited on any properties located with the Association.

2. **Notification.** Any owner wishing to install a satellite dish one meter or less in diameter shall submit a notification to the Architectural Review Committee (ARC) containing their installation plans. In the event that the location is not consistent with paragraph 3 hereinbelow, the homeowner must also include with the notification documents indicating to the Architectural Review Committee's satisfaction that an acceptable quality signal cannot be received by the dish if it is placed at a location permitted under paragraph 3 hereinbelow.

3. **Dishes Under One Meter Permitted In Rear Yard or On Rear Half of Roof**

**line.** Satellite dish antennas which are less than one meter in diameter may be installed in the rear yards of homes located within the Association or on the rear half of the roof line not visible from a street in such a location that the dish is not visible from the street, provided that the notification process set forth herein is followed.

4. **Dishes in Side Yards.** In the event that an acceptable quality signal cannot be received from a satellite dish installed at a location permitted under paragraph 3 hereinabove, a satellite dish that is less than one meter in diameter may be installed on the side yard of a home located within the Association at a location as close to the home as is practicable while still permitting reception of an acceptable quality signal, and provided that landscape screening is placed around the antenna which shields the antenna from view of the street and any adjacent residence. A notification of the reasons for the antenna's location must be submitted to the Architectural Review Committee (ARC) of the Association prior to the installation of the dish, as set forth in paragraph 2 herein. After installation, the Association may inspect the antenna to ensure that the homeowner or tenant complied with safety guidelines and rules set forth herein. In reviewing any such screening it is understood that the cost of the landscape screening may not unreasonably increase the cost of installing the satellite dish, and the ARC will work with the applicant to select a low cost yet effective landscape screen. For purposes of this Rule, the side yard of a home is defined as the area between the front line of the house and the rear line of the house. The area in front of the front line of the house shall be

considered within the front yard. In the case of a corner lot, the side yard which abuts the adjoining street shall also be considered as part of the front yard and only the side yard which does not abut an adjoining street shall be considered as a side yard (i.e. a corner lot only has one side yard for purposes of this Rule).

5. **Dishes in Front Yards.** In the event that an acceptable quality signal cannot be received from a satellite dish installed at a location permitted under paragraphs 3 or 4 hereinabove, a satellite dish that is less than one meter in diameter may be installed in front of a home located within the Association at a location as close to the home as is practicable while still permitting reception of an acceptable quality signal, provided that landscape screening is placed around the antenna which adequately shields the antenna from view of the street and any adjacent residence. After installation, the Association may inspect the antenna to ensure the homeowner or tenant complied with safety guidelines and the rules set forth herein. In reviewing any such screening it is understood that the cost of the landscaping screening may not unreasonably increase the cost of installing the satellite dish, and the ARC will work with the applicant to select a low cost yet effective landscape screen.

6. **Rejection of Original Location on Architectural Change Notification.** The Architectural Review Committee reserves the right to conduct, or have conducted, a site survey on the homeowners property. The objective of this survey would be to determine that the homeowner could not receive an acceptable quality signal in his rear yard or rear

half of his roof line before selecting a location in the side yard, or that the homeowner could not receive an acceptable quality signal in the side yard before selecting a location in the front yard. If alternative locations having acceptable quality signals are identified and determined by the ARC to have less visual impact on the community as a whole, the ARC may require the homeowner to relocate their antenna on that basis alone. In that case, after inspecting and rejecting the original location, the ARC shall provide the homeowner with alternative locations where the antenna will be permitted and will receive an acceptable quality signal.

7. **Existing Dish Locations Not Grandfathered.** Existing dishes which were installed without following these guidelines are rejected. Owners or tenants must submit notification which will be reviewed pursuant to this rule.

8. **Painting to Match Background.** Consistent with the goal of making the antenna appear less obtrusive, any antenna which is installed on a side or front yard shall be “painted in a fashion that will not interfere with the reception so that it blends into the background against which it is mounted.” This requirement can be waived or modified by the ARC on a case-by-case basis to ensure that the antenna is esthetical pleasing and also receives an acceptable quality signal. This provision is derived from the FCC Fact Sheets dated August 1996 and May 2001.

9. **Limit to One Dish per Property Unless Unacceptable Signal.** There shall be a limit of one satellite dish on each property in the Association. In the event that an

acceptable quality signal for video programming or wireless communications cannot be received from one antenna, the homeowner must notify the Association and will be permitted to use such additional antennas as are necessary for the reception of video programming in the viewing area and for the reception and transfer of fixed wireless signals.

ORCHARD KNOLLS HOMEOWNERS  
ASSOCIATION, INC.

By:  
\_\_\_\_\_, President

This is to certify that at a meeting of the Board of Directors for the Orchard Knolls Homeowners Association was duly called on \_\_\_\_\_, and a majority of the Board voted in favor of this regulation.

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