

Berkeley Walk

Rules and Regulations.

MARKUP #1 ->

Architectural Review Board (ARB) - consists of one (1) or more people who are appointed by the Board of Directors. The ARB shall regulate the external design, appearance, use, location and maintenance of the Property. The ARB will review submissions and make decisions using their best judgment of what will be compatible with the character and appearance of the community.

If the homeowner proceeds with an improvement without requesting permission from the ARB, they risk the potential of redoing or removing the improvement. If the ARB disapproves a request, the homeowner may not proceed with the improvements. Approval or disapproval will be granted within 30 days as long as all requested information is submitted. It will be the homeowners’ responsibility to provide all additionally requested information in a timely manner.

AMENITY RULES AND REGULATIONS-

Swimming Pool Rules

- No lifeguard on duty, swim at your own risk.
- No diving.
- Unattended solo bathing is prohibited.
- Children under the age of 18 shall not use pool without an adult in attendance.
- Children, three years old and younger, as well as any child not potty trained, must wear snug fitting plastic pants or a water-resistant swim diaper.
- No glass articles allowed in or around pool.
- No smoking in or around the pool area.
- Please leave the pool area clean, remove all personal belongings and trash before exiting the pool area.
- When entering the pool area if you notice any damage please call your HOA manager immediately.
- No food, drink, or wrappers shall be permitted within ten feet (10’) of the swimming pool or spa.
- No running or rough play allowed.
- No swimming allowed during heavy rain or when thunder and lightning can be seen or heard.
- Swimming pool is for the residents of Berkeley Walk Townhomes and their guests. A resident must accompany all guests.
- Gates must be closed after entering and exiting the swimming pool area.
- Emergency telephone is located at poolside.
- Please refrain from using profanity in or around the swimming pool.
- Please return all furniture to its original location before leaving the pool area.
- The pool is maintained by a licensed Certified Pool Operator. In the event that the pool must be closed, all signage must be adhered to or access to the pool will be revoked for a minimum of 30 days.
- No pets allowed within the pool enclosure.

ISSUE #1

ANTENNAS AND SATELLITE DISHES- Satellite dishes are limited to 18” in diameter and one dish per home site. They must be placed on a pole in the back yard.

ARCHITECTURAL CHANGES- Any changes to the exterior of the home are subject to review by the ARB.

BASKETBALL HOOPS AND BACKBOARDS- Basketball hoops are not permitted. All other recreational equipment must be approved by the ARB.

BIRDHOUSE OR BIRDFEDER- Birdhouses and birdfeeders will require approval of the ARB.

CARPORTS AND SHEDS- No structure, shed, tent, shack, carport, garage, barn, or other outbuilding shall be erected by the Owner or Occupant, other than the Declarant, on any portion of the Property, at any time, either temporarily or permanently. The above listed items will not be approved by the current ARB.

CLOTHESLINES- Clotheslines are not permitted. Fences shall not be used as clotheslines.

DECKS, PATIOS, SCREENED PORCHES AND COVERS- Patios, screened porches and covers will require approval from the ARB. Dimensions of the options with materials, colors, and specifications must be submitted with the plans for ARB approval. Decks will not be approved during the Developer control period. No awnings or shade structures will be permitted.

DOGHOUSES- Dog houses meeting the following guidelines will not require approval. Doghouses are restricted to (16) square feet and must be in a completely fenced backyard. Doghouses must be installed at ground level and must not be visible above the fence or from any public or Private Street. Dogs may not be tethered unattended. Dog pens are not allowed.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. AMENITY RULES AND REGULATIONS- (p. 1): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

ANTENNAS AND SATELLITE DISHES- Satellite dishes are limited to 18" in diameter and one dish per home site. They must be placed on a pole in the back yard. ARCHITECTURAL CHANGES- Any changes to the exterior of the home are subject to review by the ARB.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).