

POLICY MANUAL

Number ARC-10
Issued June 18, 1992
Revision November 20, 1997
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DEED RESTRICTIONS SUMMARY

The following is a summary of the deed restrictions for all lots in Brook Forest This summary highlights the parts of each deed restriction that usually concerns most lot owners For more information, the covenants and restrnctions associated with each individual lot should be reviewed

These restrictions are enforced by the Brook Forest Community Association through its Board of Directors, the Architectural Review Committee and professional management assistance retained by BFCA BFCA has and will use legal action, when needed, to enforce these deed restrictions Texas law permits BFCA to recover from deed restriction violators all legal costs it incurs in enforcing its deed restrictions

SECTION 1, SINGLE FAMILY RESIDENTIAL CONSTRUCTION

This section governs houses and garages, including height and number of stories Only detached, single family residences not to exceed two stories are allowed Garages may be attached or detached, cannot exceed 3 cars and cannot be over 2 stories nor may they exceed the house in height or number of stories

SECTION 2, ARCHITECTURAL REVIEW

No building or improvement of any type may be done without the prior approval of the Architectural Review Committee Improvements include swimming pools, spas, storage buildings, garages, drives, walks, landscaping, gazebos, exterior painting, new siding, roof replacement, new brick, fences, antennae or any other improvement that alters the appearance of the lot All improvements must (1) be in harmony with existing structures and (2) comply with all BFCA deed restrictions

SECTION 3, MINIMUM SQUARE FOOTAGE

Single story houses shall not be less than 1,700 square feet Two story houses shall not be less than 2,000 square feet with at least 1,200 square feet on the ground floor

SECTION 4, LOCATION OF IMPROVEMENTS ON LOT

This section is very explicit and should be read carefully Buildings are restricted as to their distance from the lot lines

SECTION 5, COMPOSITE BUILDING SITES

This section outlines the restrictions on consolidating adjoining lots into one single-family resident building site

SECTION 6, UTILITY EASEMENTS

Structures are not allowed on utility easements Easements can be crossed by driveways and walkways by making arrangements with the impacted utility company

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (p. 18): 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:

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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).

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