

Whitney Oaks Community Association

Design Guidelines and Rules for Wireless Service Equipment - 2021

The following findings and resolutions and rules and regulations were approved by the Board of Directors (the "Board") of the Whitney Oaks Community Association (the "Association") at its Board meeting held on January 5, 2022, at which a quorum of the Directors was present and after hearing member comments regarding the proposed rules. The Board finds and resolves as follows:

WHEREAS, Section 10.5 of the *First Restated Master Declaration of Covenants, Conditions and Restrictions for Whitney Oaks* (the "Declaration") gives the Board the power to adopt, amend, and repeal rules and regulations to be known as Design Guidelines to set forth standards and procedures for Architectural Review Committee (the "ARC") review and guidelines for architectural design; and

WHEREAS, Section 4.13 of the *First Restated Master Declaration of Covenants, Conditions and Restrictions for Whitney Oaks* (the "Declaration") regulates the erection, construction, or maintenance of masts, towers, poles, antennas, or satellite dishes, and allows the Board to approve or deny the erection, construction, or maintenance of the same; and

WHEREAS, structures providing cell phone service, internet connections, and other wireless services are becoming more prevalent due to the increased number of users; and

WHEREAS, the newest technology for wireless data transfer, known as "5G," is a lower range technology than previous cell phone towers, and therefore requires more individual structures to provide a complete service network; and

WHEREAS, these factors may lead to additional requests to construct structures within the Development in order to provide wireless services; and

WHEREAS, the equipment used to provide wireless service can be intrusive and an eyesore if not properly disguised.

BE IT RESOLVED, that the Board finds and declares that the purpose of this rule is to provide additional Design Guidelines and Rules to regulate the appearance and location of Wireless Service Equipment; the Board finds that Wireless Service Equipment can be a nuisance, and these Design Guidelines and Rules will protect the uniform appearance of the Lots in the Development.

BE IT FURTHER RESOLVED, that the Board, acting in good faith and in the best interest of the Association, adopts and shall enforce the following rules:

(1) Wireless Service Equipment Defined. The term "Wireless Service Equipment" means any broadcasting equipment, including but not limited to antennas, radio equipment, supporting electrical systems, and enclosures, used to provide telephone, internet, or other wireless service, and which is not fully enclosed within a Residence. Notwithstanding the above, Wireless Service Equipment shall not include satellite dishes.

(2) Engineering Requirement. Any person who seeks to add Wireless Service Equipment to an existing structure must provide written documentation

from a licensed engineer indicating that the existing structure is capable of supporting the proposed Wireless Service Equipment.

(3) Relevant Entities. Any person seeking to install Wireless Service Equipment must provide copies of any agreements they have entered or will enter in relation to the Wireless Service Equipment to the ARC.

(4) Preferred Locations. The following list establishes the order of preference, from the most preferred (a) to the least preferred (f), for locations of Wireless Service Equipment. The person seeking to install a Wireless Service Equipment must disclose any locations on their Lot that are higher in priority than the location they are applying to install the Wireless Service Equipment, and may include an explanation as to why they have not chosen those locations.

- (a) Located underground.
- (b) Collocation on an existing telephone pole.
- (c) Mounted on an existing street lighting standard.
- (d) Mounted on an existing tower-like structure.
- (e) Mounted on an existing non-tower structure.
- (f) Mounted on a new structure.

(5) Maximum Height. Wireless Service Equipment that are mounted on an existing structure may not add additional height to the structure.

(6) Location. Wireless Service Equipment shall not be placed in a location that would cause physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to existing easement rights, or safety hazards. In no event shall any Wireless Service Equipment be approved if it requires the removal or substantial modification of existing trees. In no event shall any Wireless Service Equipment be approved if it would be located within the space between ground level and ten (10) feet in height above sidewalks, or between ground level and seventeen (17) feet in height above streets.

(7) Line of Sight to Traffic Signals. In no event shall Wireless Service Equipment obstruct the line-of-sight between any point on the street and any intersection, signage, directional marking, or traffic control devices.

(8) Interference with Other Devices. In no event shall Wireless Service Equipment be located in such a manner as to interfere with the operation of any other devices in the Development, including but not limited to solar power cells.

(9) Concealed Improvements. All Wireless Service Equipment shall employ and maintain camouflage design or other screening techniques to minimize visual impacts.

(10) Color and Materials. Wireless Service Equipment that cannot be completely enclosed within an existing structure shall be of the same color and finish as existing materials.

(11) Antennas. Any antenna elements shall be flush-mounted or top-mounted to the structure.

(12) Antenna Volume. Each antenna shall not exceed six (6) cubic feet in volume, inclusive of any shroud, radome, or other concealment device or structure.

(13) Profile of Improvement. In no event shall the edge of a Wireless Service Equipment mounted on a pole extend more than twenty-four (24) inches in any direction. All conduits, conduit attachments, cables, wires, and other connectors must be placed within existing enclosed structures when possible or otherwise concealed from public view. The cumulative volume for all non-antenna equipment associated with a Wireless Service Equipment shall not exceed twenty-eight (28) cubic feet, inclusive of any shroud, cabinet, housing, or other concealment device used in connection with the non-antenna equipment, but shall not include any equipment installed below ground level or placed within the existing structure.

(14) Noise. All Wireless Service Equipment shall be constructed and operated in such a manner as to avoid the proliferation of noise.

(15) Signs. The ARC may require applicable signage at their discretion. In no event shall any Wireless Service Equipment include any advertisements, signage, or other marking except those markings required by law and the ARC.

(16) New Structures. Any new structure proposed to accommodate a Wireless Service Equipment shall meet the following requirements, in addition to those previously listed. In the event that the previous requirements and those listed in this Section 16 conflict, the requirements in Section 16 shall be in effect.

(a) No new structure shall be taller than thirty (30) feet.

(b) All new structures shall be of the same color and finish through the use of paint or application of screening material to match the color, finish, and design of the existing structures surrounding the new structure.

(c) All new structures must be aligned with existing poles, structures, and trees.

(d) All new structures must be set back at least ten (10) feet from any above-grade building face.

(e) All new structures must be set back at least fifteen (15) feet from any tree trunk, as measured from the outside of the tree.

(f) All new structures must be set back at least six (6) feet from existing fire hydrants or fire connections.

(g) All new structures must be set back at least ten (10) feet from any street lighting standard, traffic signal pole, or other pole structure.

(h) All new poles shall maintain a minimum distance of fifteen (15) feet from any driveway, as measured from the edge line of the driveway.

(17) Compliance with Law. Any person seeking to install a Wireless Service Equipment must comply with all applicable local, state, and federal law relating to Wireless Service Equipment.

(18) Definitions. Any term that is used herein and is not otherwise defined herein shall have the same meaning that is given to it in the Declaration.

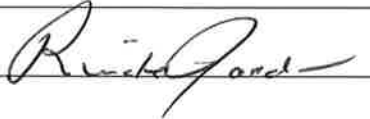
(19) Conflicts. To the extent any provision in these rules conflicts with any other provision of the rules, the provisions of these rules shall prevail.

BE IT FURTHER RESOLVED, this resolution may be terminated or amended by a majority vote of the Board.

CERTIFICATE OF CONSENT AND ADOPTION

The undersigned declares that they are the Secretary and that the foregoing Resolution of the Board of Directors and rules were approved by at least a majority of the Directors at which a quorum of the Directors was present at the meeting of the Board held on the date above, and that said rules remain in full force and effect.

Dated: January 5, 2022

_____, Secretary