

building plans, specifications and a plot plan showing the location of structures on the Lots have been submitted to the Environmental Control Committee for review and approval as described in Article V hereof.

Section 4. Minimum Square Footage Requirements. Every Residence constructed on a Lot shall contain a minimum of 1200 square feet of fully enclosed floor area devoted to living purposes (exclusive of roofed or unroofed porches, terraces, garages, carports and other outbuildings).

Section 5. Setback and Location of Structure.
(a) All Lots. Setbacks for any Residence or other permanent structure (whether or not attached to the Residence) shall be at least:
(i) Thirty feet from the front Lot line abutting the street;
(ii) Twenty feet, or 25 percent of the depth of the Lot, whichever is greater, from the rear Lot line, unless such rear Lot line shall be either contiguous to a boundary line of the golf course, in which case the depth of the rear setback shall be 25 feet or 25 percent of the depth of the Lot, whichever is greater; or contiguous to a lake shoreline, in which event the depth of the rear setback shall be 50 feet or 25 percent of the depth of the Lot, whichever is greater, using as a rear line the normal high water level of such lake as shown on the Map; provided, however, that on any Lot, the rear line of which is contiguous to a lake shoreline, there may be constructed and maintained, at or adjacent to such shoreline, any boat shelter, pier, or similar structure in respect to the size, design, construction or placement of which the Committee shall have issued a permit or license;
(iii) Five feet from the side Lot lines.
(b) Additional Restrictions Applicable To Lakefront Lots. All structures must be located not less than 50 feet from the Historical Water Mark of any Lake or one quarter of the depth of the Lot measured from the rear line if over 200 feet in depth, whichever is greater. Site plans shall show topographic values, showing elevations and shall be stamped by a registered civil engineer or a licensed land surveyor.

Section 6. No Temporary Structures. Except as otherwise provided in Article VIII, section 17 (d) (concerning the storage and parking of recreation vehicles), no recreational vehicle, trailer, mobile home, camper, tent, shack, used structures, or other structures of a temporary character, shall be placed or erected on any Lot and in no instance may any such vehicle, trailer or structure be used as living quarters while located within Lake of the Pines.

Section 7. Modular and Prefabricated Housing: Mobile Homes. No modular housing unit or prefabricated housing unit assembled off the building site or mobile homes shall be permitted on any Lot. Civil Code §714.5 (which generally prohibits private covenants from restricting such homes) does not apply to Lots within Lake of the Pines because this restriction has been in effect continuously as part of the Environmental Standards, since 1983, prior to the passage of Civil Code §714.5 (1987).

Section 8. Utility Lines. All utility lines running from overhead utility poles within Lake of the Pines to Improvements constructed on any Lot shall be placed underground.

Section 9. No Used Materials. No used buildings or structures, intended for use as a Residence shall be placed on any Lot. All structures constructed or placed on a Lot shall be constructed with a substantial quantity of new material.

Section 10. Solar Heating Systems. Subject to limitations imposed by California law, the Environmental Control Committee shall be entitled to adopt, as part of the Environmental Standards, reasonable regulations regarding the installation of solar heating systems. These rules may include limitations on placement and design of such systems to the extent necessary to avoid an unsightly appearance from neighboring Lots or Common Area.

Section 11. Colors and Exterior Finishes. No reflective finishes (other than glass) shall be used on exterior surfaces (other than surfaces of hardware fixtures), including but without limit exterior surfaces of any of the following roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes, equipment or mailboxes. No exterior finishes shall be used without approval of the Environmental Control Committee. Generally, colors shall be restricted to those found in the chart of approved exterior paint and stain colors adopted by the Environmental Control Committee as part of the Association Rules. All exterior colors, textures and materials, including roof materials, must be adequately described in the plans and specifications (with an indication where the colors will be used upon the finished Residence) and approved in writing by the Committee prior to initiation of construction. Color samples shall be submitted to the Committee along with the plans and specifications.

Section 12. Roofing Materials. As required by County Ordinance, only Class A fire retardant roofing materials shall be installed on any Residence. The Environmental Control Committee shall have the authority to review and approve the roofing materials selected by an Owner as certain materials may be inappropriate in a particular context due to such factors as the design of the Residence, color, reflective characteristics, etc.

Section 13. Roof Pitch and Eave Restrictions. The Environmental Standards may include minimum roof pitch and eave requirements on building structures within Lake of the Pines.

Section 14. Drainage. No Owner shall do any work, construct any Improvement, place any landscaping or suffer the existence of any condition whatsoever that shall alter or interfere with the drainage pattern for the Owner's or any adjacent Lots or parcels or Common Area as established in connection with the approval of the final subdivision and parcel maps applicable to Lake of the Pines by the County except to the extent such alteration in drainage pattern is approved in writing by the Environmental Control Committee, the County and all other public authorities having jurisdiction. Plans and specifications submitted by an Owner to the Environmental Control Committee in connection with the construction of a Residence or other major structural Improvement shall include a drainage plan in sufficient detail to permit the Committee to assess the impacts, if any, of the Improvement on natural drainage courses. See Article VII, section 5 regarding the maintenance of drainage courses.

Section 15. Antennas and Similar Devices. Owners are entitled to maintain antennas for receiving and transmitting electromagnetic energy on their Lots. Nevertheless, in order to ensure adequate aesthetic controls and to maintain the general appearance of Lake of the Pines, no Owner, resident or lessee shall, at his or her expense or otherwise, place or maintain any objects, such as masts, towers, poles, television and radio antennas, or television satellite reception dishes on or about the exterior of any building within Lake of the Pines unless architectural approval is first obtained in accordance with Article V, hereof. Furthermore, no activity shall be conducted on any Lot which causes an unreasonable electromagnetic interference with equipment such as, but not limited to, computers, telephones, television or radio reception within Lake of the Pines. For purposes of this section 15, an unreasonable interference shall be deemed to exist if any neighboring property Owner or resident must install any special device on his or her computer, telephone, television or other electronic equipment in order to prevent electromagnetic interference from a neighbor's antenna or broadcast activities. The Committee's discretion to regulate television satellite reception equipment shall be subject to all limitations imposed by State and federal laws.

Section 16. Exterior Lighting and Fixtures. Fluorescent, mercury vapor, sodium, or amber vapor lights, or standard outdoor lights of the type used for security must be enclosed in a manner that directs the light in a specific area without causing a visual impairment to passing

MARKUP #1 ->

ISSUE #1

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 15. (p. 39): 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 Similar Devices. Owners are entitled to maintain antennas for receiving and transmitting electromagnetic energy on their Lots. Nevertheless, in order to ensure adequate

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).