

Lakeside Property Owners Association

sign must first be submitted to and approved by said HENRY STONESON and ELLIS L. STONESON, their successors or assigns, before the same is displayed upon any portion of said dwelling. There may also be displayed upon any lot, a sign not exceeding 20 x 24 inches, or a form and style approved by said HENRY STONESON and ELLIS L. STONESON, their successors or assigns, advertising the fact that said lot or the lot together with the house thereon, is for sale or to let or to lease.

ISSUE #1

No radio aerial or supports for a radio aerial shall be erected on any lot or upon any building in said tract of any unsightly nature, or unless drawings showing the location, size, design and material of the proposed erection shall be first submitted to said HENRY STONESON and ELLIS L. STONESON, their successors or assigns and approved by them.

V. Restrictions of Fences

No fence or boundary wall situated anywhere upon any lot shall have a height greater than six (6) feet above the graded surface of the ground upon which such fence or wall is situated, nor shall any tight wall or tight fence situated within the set-back area of any dwelling house facing any front street have a height greater than four (4) feet above the graded surface of the ground upon which such fence or wall is situated.

VI. Approval of Plans

No building shall be erected on any lot or moved onto any lot until the design and location thereof have been approved in writing by HENRY STONESON and ELLIS L. STONESON or by a Committee appointed by the Declarants, their successors or assigns, but in the event of the failure of said Declarants to appoint such Committee elected by the owners of a majority of lots in said subdivision, provided, however, that in the event that such Committee is not in existence fails to approve or disapprove such design or location within thirty (30) days after such submission to it of such design or location, then such approval shall not be required, provided that the design and location on the lot conform to and are in harmony with existing structures in the tract. In any case either with or without the approval of the Committee, the buildings erected or moved upon any lot in said tract shall be subject to, all of the covenants and restrictions herein provided for.

VII. Setback of Buildings: Building Area

No dwelling or other structure except portion excepted in Paragraph III shall be constructed on any lot nearer to the front street line than the set-back line shown on said Map of said Tract, nor shall any dwelling house or other structure be moved or placed upon any lot nearer than three (3) feet to the side line of said lot, provided, however, that said side line restriction shall not apply to a garage located on the rear one-half of any lot and provided further, that upon any corner lot any building or other structure may be erected within less than three (3) feet of the side street line or up to the side Street line in whole or in part, upon obtaining the written consent thereto of HENRY STONESON and ELLIS L. STONESON, their successors or assigns. For the purpose of the foregoing restriction all projections (except eaves and gutters) from any such dwelling house or other structure such as bay windows and fire place chimneys shall be considered part of such dwelling house or structure.

No dwelling having less than a ground floor area of 1,200 square feet in the case of a one-story dwelling, or 800 square feet in the case of a one and one-half or two-story dwelling, exclusive of porches, terraces, etc., shall be erected or constructed on any lot or building site. On all double frontage lots, or building sites fronting or abutting on Rossmoor Drive, Elmhurst Drive and Stonecrest Drive the frontage on these streets is designated as the front lot line and dwellings erected or constructed on said lots or building sites shall front toward the front lot line, except the property described in the Paragraph III herein, may front on Eucalyptus Drive or Junipero Serra Boulevard.

Declaration of Easements, Restrictions, Conditions,
Covenants, Charges, and Agreements

January 1, 2010

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 64.056 (p. 11): 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:

No radio aerial or supports for a radio aerial shall be erected on any lot or upon any building in said tract of any unsightly nature, or unless drawings showing the location, size, design and material of the proposed erection shall be first submitted to said HENRY STONESON and ELLIS

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).