

WOODBINE SPRINGS PLANTATION-DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS (CONTINUED-PAGE 2)

BOOK 710 PAGE 738
SANTA ROSA COUNTY, FLA.

Article III

Architectural Control

No structure or other improvement shall be erected, altered or placed on any Lot in the subdivision until the design, location, plans, specifications and plot plan showing the nature, kind shape, height, materials, color and location of such structure or improvement have been approved in writing as to the harmony of external design and location in relation to surrounding structures and topography by a majority vote of the Board of Directors of the Association, or by an Architectural Review Committee composed of three or more representatives appointed by the Board. In the event said Board, or its designated Architectural Review Committee, fails to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to it, such approval will not be required and this article will be deemed to have been fully complied with.

Article IV

Use Restrictions

Section 1. All Lots shall be used and occupied solely for residential purposes and shall not be used for commercial, trade, public amusement, public entertainment or business purposes of any kind or character. No structure shall be erected, altered or placed or permitted to remain on any residential Lot other than one single family structure with a private garage attached to the main structure or a detached garage in conformity with architectural design of the residential structure for not more than three vehicles with a servant’s room, tool room and/or laundry room attached to same. Any such permitted detached structure shall be set back so that the front thereof is no closer to the front street line than the front of the residential structure.

Section 2. All buildings erected or constructed on any Lot shall not exceed two and one-half stories in height and shall contain a minimum of 1,700 square feet of floor area on a “lakefront” Lot and 1,500 square feet of floor area on all other Lots. For purposes of this Declaration, “lakefront” Lot shall mean and refer only to those Lots bordering on Woodbine Springs Lake. All buildings shall be set back 50 feet from the front Lot line; 15 feet from each side Lot line (expect that structures on corner Lots shall be set back 20 feet from each side street line); and 30 feet from the rear Lot line (expect that all buildings on lakefront Lots shall be set back 100 feet from the water’s edge of Woodbine Springs Lake and all buildings on Lots with a Non-Access Easement shall be set back 50 feet from the rear Lot line). No driveway, patio or other improvement shall be located nearer than 5 feet to the side or rear Lot lines, nor nearer than 20 feet to any Non-Access Easement. Waiver of any of the preceding fixed setback requirements is hereby granted for unintentional violations which do not exceed 10% of the particular setback distance in question. Additional waivers of the preceding setback requirements for cul de sac and nonrectangular Lots may be granted by the Board of Directors of the Association, or its Architectural Review Committee.

Section 3. The minimum square foot area of proposed buildings and structures or additions and enlargements thereto shall be determined by multiplying the outside length and width dimensions of each story of the buildings or structure, except that garages, porches, patios and terraces shall not be taken into account in calculating the minimum square foot area required.

Section 4. No outside antennas, poles, masts, towers, satellite receiving dishes or the like (except commonly utilized housemounted television antennas) shall be erected on any Lot.

Section 5. All dwellings, yards, drives and landscaping must be maintained at all time. Failure to provide such maintenance shall be grounds for suit by any other property Owner in the subdivision, the Association and/or any appropriate governmental agency.

Section 6. Outside clothes lines or other items detrimental to the appearance of the subdivision shall not be permitted on any of the Lots except that a clothes line which is enclosed or camouflaged from street view (and in the case of lakefront Lot, enclosed or camouflaged from water view) shall be permitted only to the rear of the back line of the residential structure.

Section 7. All garbage and trash containers, oil tanks, bottled gas tanks and the like shall be kept clean and sanitary, and must be positioned underground, placed in a walled-in area or screened from view so that they shall not be visible from any Lot line.

Section 8. No trailer, house trailer, motor home, basement, tent, and, garage, barn or other out-building shall at any time be used as a residence, temporary or permanent, nor shall any structure of temporary character be used as a residence. No building that is unfinished on the exterior shall be occupied.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4. (p. 2): 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 outside antennas, poles, masts, towers, satellite receiving dishes or the like (except commonly utilized housemounted television antennas) shall be erected on any Lot.

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).

ISSUE #1