

CHAPTER 31

MAJOR CONSTRUCTION REGULATION

31.01 Purpose and Intent. This regulation is established for the purpose of requiring the advance issuance of Association permits for certain construction, works of art and grading to insure the maintenance of high artistic result and the preservation of the community's character.

31.02 Reservation of Rights. Nothing herein shall effect or impair the Association's jurisdiction and right to hear, try and determine complaints and order corrections to any and all constructions and works of art as provided in Article III, Sections 1 through 4 [Paragraphs 46 through 54] of the Protective Covenant and the other Governing Documents.

31.03 Constitutes Major Construction. The Board of Directors finds that, where so indicated below, the following structures, improvements and grading substantially affect community character and hereby declares them to be "Major Construction" which requires advance Association approval and a permit. This list is not intended to be definitive or comprehensive, but rather representative of various types of Major Construction.

31.0301 Grading. Any excavation, filling, back-filling or alteration to existing topography shall constitute "Major Construction."

31.0302 Fences and Walls. All fences and walls shall constitute "Major Construction."

31.0302.01 Exception: Split-Rail Fences. Wooden, unpainted, split-rail fences not exceeding 36 inches in height, and consisting of two (2) or fewer rails shall be considered minor construction.

31.0302.02 Exception: Garden Walls. Garden walls not exceeding 32 inches in height and composed of dry-laid materials, and which observe all setback requirements established for structures in the Protective Covenant, shall be considered minor construction.

31.0303 Works of Art. All Works of Art shall constitute "Major Construction."

31.0303.01 Criteria for Review. In reviewing works of art, the quality of the art itself shall not be at issue, but rather the fit of the work of art with its site, surroundings and the character of the community shall be the governing consideration.

31.0304 Entry Features. All entry features shall constitute "Major Construction" and include, but are not limited to:

- a. Gates and gateposts.

- b. Gate houses.
- c. Arches.
- d. Pilasters.

31.0305 Roofs. Any new roof, change in an existing roof, addition to a roofed area, or change in roofing materials shall constitute "Major Construction."

31.0305.01 Exception: Re-roofing with the same roofing material shall be excepted from classification as "Major Construction." This exception shall apply only if the original roofing material being replaced is a fire-retardant roof covering of a class as required under Health & Safety Code §13132.7 .

31.0306 Accessory Buildings. All accessory buildings shall constitute "Major Construction" and include, but are not limited to:

- a. Pump houses.
- b. Tool or storage sheds.
- c. Lath houses or greenhouses.
- d. Pool houses or cabanas.

31.0306.01 Exception: Those construction sheds used in conjunction with Construction Permits, as regulated by §30.0504.

31.0307 Animal Containment Enclosures or Structures. All animal containment enclosures and structures shall constitute "Major Construction" and include, but are not limited to:

- a. Barns.
- b. Stables.
- c. Shade structures.
- d. Corrals.
- e. Paddocks.
- f. Riding rings.
- g. Stalls.
- h. Kennels.
- i. Dog runs.

31.0308 Accessory Structures. All accessory structures shall constitute "Major Construction" and include, but are not limited to:

- a. Gazebos.
- b. Arbors or shade structures.
- c. Tennis or other courts.
- d. Swimming pools.
- e. Fountains.
- f. Bridges.
- g. Trash enclosures / Equipment enclosures.
- h. Trailers, campers, recreational vehicles or other such types of vehicles which have had their wheels removed or have otherwise been modified and/or placed in such a way so as to make them immobile or not readily movable.

31.0308.01 Exception: Play Equipment. Play equipment, including but not limited to, swing sets, slides, tree houses, playhouses and skateboard ramps, shall be considered minor construction, so long as such equipment is installed observing required yards and setbacks.

31.0308.02 Exception: Flag Poles. Flag poles not exceeding 35 feet in height shall be considered minor construction.

31.0308.03 Exception: Trailers. Trailers or other such type of vehicles used in conjunction with Construction Permits, as regulated by §30.0504.

31.0308.04 Lot Coverage. For the purposes of Paragraph 126 of the Protective Covenant, Lot Coverage calculation shall include the square footage for the following in the numerator calculation:

- All areas covered by buildings measured to the outside wall (excluding eaves)
- All covered areas (including gazebos, pavilions, porta-cochere, trellises, etc.)
- All area covered by pools and water features including, and up to, a 4-foot wide perimeter paved pool decking and/or walkway
- All area covered by tennis courts and/or sports courts

31.0309 Energy or Communication Structures. All outside energy or communication structures shall constitute "Major Construction" and include, but are not limited to:

- a. All antennas (including satellite dish antennas) of any size or nature, except those antennas regulated by Chapter 32, entitled "Antennas".
- b. Solar panels.
- c. Wind generators.
- d. Gas, fuel or other tanks.

31.04 Effective Date. The effective date of this regulation is May 19, 1994.

31.05 Amended Date. This regulation was amended at §31.0308 (a and b) and §31.0308.01 was added February 2, 1995. This regulation was amended at §31.0304.01 and §31.0307.01; and §31.0304.02 and §31.0305.01 were added January 2, 1997. The original Section 31.0308.01 was rescinded, §§31.0301 and 31.0308.03 were added and §§31.01, 31.03, 31.0302.01, 31.0306.01, 31.0308 and 31.0309(a, b, c, and d) were amended on January 15, 1998. This regulation was amended at §31.0308.04 May 14, 2020.