

**THE GRAND BAHAMA PORT AUTHORITY, LIMITED
BUILDING & DEVELOPMENT DEPARTMENT**



RESTRICTIVE COVENANTS

ARDEN FOREST RESTRICTIVE COVENANTS

RESTRICTIVE COVENANTS – ARDEN FOREST SUBDIVISION

Restrictions and Stipulations

COMMERCIAL ENTERPRISE

1. No trade manufacture business or commercial undertaking (including the business of a guest-house proprietor boarding-house keeper or hotel operator) other than rental of residential dwellings and no profession shall be carried on any lot designated for single family dwellings.

TEMPORARY BUILDINGS

2. No temporary building of any kind (including any tent or trailer used for sleeping accommodation) shall be built or allowed to remain on any lot except temporary sheds or workshops intended to be used and used only for the works incidental to the erection of any permanent buildings thereon.

BUILDING SET BACKS

3. No dwelling unit or building including porches, or projections of any kind shall extend beyond the setback lines provided by this paragraph, provided that where more than one Lot is developed as a single building site the setback lines between contiguously owned Lots shall not apply, but the side Lot setback lines shall apply to the perimeter Lot lines of the multiple Lot site.

Front Yard Setback: No building shall be erected less than or greater than forty (40) feet from the Front Lot Line

Rear Yard Setback: No building shall be erected closer than forty (40) feet to the rear Lot

Line unless otherwise prescribed on the Plan. Non residential structures such as garages, carports or tool sheds up to a maximum floor area of Four Hundred (400) square feet may be erected within the rear yard setback provided that building plans for the said structures are submitted to the Vendor and receive the Vendor's prior written approval.

Side Yard Setbacks: No building shall be erected closer to the side yard setback than Twelve (12) feet on that side of the Lot designated for a driveway as prescribed on the Plan and fifteen (15) feet from the remaining side Lot line.

DRIVEWAYS

4. (i) No Driveway shall be set back less than a minimum of twelve (12) feet from side property lines. Driveways shall be located as per the Plan attached hereto as Exhibit B and shall be a minimum of Forty (40) feet in length.
- (ii) No Driveway shall be constructed with materials other than concrete, or asphalt. No pea rock, mulch, sand or earthen driveways shall be permitted.

PARKING

5. No lot shall have less than two (2) on-site parking spaces.

VEHICLES

6. (i) No vehicles are to be parked on verges, landscape buffers, or roads within the Subdivision for a period exceeding twenty-four (24) hours, or in any event so as to cause damage to Subdivision landscaping or obstruct traffic flow. Derelict vehicles will be towed at the owner's expense without notice.
- (ii) No lot shall be used for the repair or storage of vehicles or boats.

ARTERIAL ROADS

7. No lot shall have a driveway or direct ingress or egress or curb cut from or to any main

arterial road as designated by the Vendor provided there is access to said lot by means of an internal or service road.

TREE RETENTION

8. (i) No trees exceeding three (3) inches in diameter situate in the front or sideyard setback of any Lot shall be removed unless approved of in writing by the Vendor or replaced with an indigenous or native tree of not less than three (3) inches in diameter. The approval of the Vendor is required prior to removing and replacing any trees in accordance with his paragraph 12(i).
- (ii) No trees or natural vegetation shall be removed from parks, greenways or landscape buffers, shown on the enclosed Plan attached hereto as Exhibit A.
- (iii) No trees in the front yard setback shall be removed for the installation of any above or below ground service lines or

LANDSCAPING

9. (i) No weeds, underbrush, or other unsightly growth shall be permitted to grow or remain upon any Lot except for designated greenways and landscape buffers and no refuse or unsightly objects shall be allowed to be placed or suffered to remain upon any Lot or within any designated greenways and landscape buffers;
- (ii) All landscaping, sprinkler systems and any built landscape structures, improvements and appurtenances to the lot shall be kept in good, safe, clean, neat and attractive condition;
- (iii) All lots located at street intersections shall be landscaped so as to permit safe sight across the street corners;
- (iv) The front yard landscaping must be graded and sod;

- (v) A minimum of the following landscaping plants are required: (a) Three (3) shade trees (b) Two (2) fruit trees (c) Twenty (20) flowering shrubs.

WALLS AND FENCES

10. (i) No material other than green vinyl chain link fencing or green painted chain link fencing shall be permitted along the rear boundary line of a Lot or shall project past the midpoint of the sidewalls of a dwelling unit;
- (ii) No fence, wall, hedge or shrub planting shall exceed five (5) feet in height;
- (iii) No walls or fences are permitted along the front Lot Line;
- (iv) No barbed wire or razor wire fence types shall be used on any Lot; and
- (v) No fence, wall, hedge or shrub planting shall be placed or permitted to remain where it would obstruct the view of motorists.

ROOFING

11. (i) No roof shall be built with materials other than cement tile, metal, some types of asphalt shingles unless otherwise approved in writing by the Vendor.
- (ii) No flat roof shall be more than ten percent (10%) of the total roof area calculated from a plan view.
- (iii) No roof top solar panels and mechanical equipment shall be installed unless they are screened from off-site view behind ridge lines or parapets that are integrated with the roof design.

ENCLOSURES AND SCREENING

12. No clotheslines, garbage cans, storage tanks, tarps, mechanical equipment, including without limitation, electrical meters, gas meters, and air conditioning compressors or other similar

items shall be located on any Lot unless screened so as to be concealed from view of neighboring lots and streets.

WASTE

13. (i) Septic tanks shall be constructed of a one piece pre-cast concrete method so as to minimize leakage.
- (ii) Septic tanks shall not be installed within the front yard setback unless they are located a minimum of Six (6) Feet from the front wall of the dwelling.
- (iii) Septic tanks and disposal wells shall not be installed unless they meet the requirements prescribed in the Freeport Building and Sanitary Code or as otherwise directed by the Authority issuing Building Permits pursuant to the Freeport Bye Laws Act, 1965.
- (iv) No earth closet or open pit toilet or cesspit shall be constructed or maintained on any Lot.
- (v) Connection will be mandatory to any central collection system which may be installed by the Vendor, the Grand Bahama Port Authority, Limited or their assigns.

WELLS

- 14 No well for the taking of water shall be bored, dug or sunk on any Lot or tract in the said Subdivision.

SURFACE WATER

15. (I) Nothing shall be done on any lot whereby the natural flow of surface water shall be increased or altered in such a manner as to cause a nuisance to any adjoining or neighbouring property. All topographic changes must occur within the lot boundaries and meet adjacent grades.

(ii) Surface water drainage must be contained within the lot boundaries and not permitted to flow on to roads right of ways.

(iii) Surface water drainage from a lot is permitted to drain to greenways and buffer areas.

SIGNAGE

16. Other than lot identifying numbers affixed to a residence no sign billboard hoarding or other advertising device of any kind shall be erected or displayed on any lot without the prior written approval of the Vendor.

DUMPING

17. No lot shall be used as a dumping ground for rubbish trash garbage or other waste matter. Garbage or other waste shall be kept in clean and sanitary containers. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No incinerator shall be permitted except upon prior written approval of the Vendor.

ANIMALS

18. (i) No swine, cows, horses, poultry, Pit Bulls, Rothweillers, Mastiffs, Doberman Pinchers or any other breed of dog from time to time specified by the Vendor ("the restricted breeds") and no objectionable animals or creatures shall be kept raised or maintained on any Lot. Except for the restricted breeds, dogs and cats shall not be deemed objectionable animals.
- (ii) Not more than two (2) kennels (one doge per kennel) are permitted on a lot.
- (iii) No breeding operation of any type is permitted.

NUISANCE

19. Nothing shall be done on any lot which may be or become an annoyance or nuisance to the owners of any adjoining or neighboring lot.

TOWERS

20. Not to construct on any Lot in the Subdivision any tower mast or similar apparatus for radio television cable or telephone service.

PROPERTY DAMAGE

21. Not to cause damage to any property within the Subdivision and to make full repairs to any Common Area, developed or undeveloped roads, sidewalks, utilities, lighting, signage, and/or landscaping damaged by the lot owner, his servants agents or invitees

BUILDING PLAN APPROVAL

22. (i) No building or structure including landscape structures of any kind shall be built on any Lot or tract in the said Subdivision nor shall there be any alteration of a building or structure of any kind, unless and until the floor plans, exterior elevation plans and the proposed location of such buildings or structures indicating extent of land clearing upon the said Lot or tract shall have been submitted to the Vendor and approved of in writing. Upon receiving written approval from the Vendor a complete set of construction drawings shall be submitted for a building permit. Every application to the Vendor shall be in writing and shall be accompanied by required drawings and specifications as outlined in the Freeport Building and Sanitary Code and/or subsequent amendments or alterations to the said Code. Such plans must be prepared by a qualified professional architect, architectural technician or draftsman registered in accordance with The Professional Architects Act, 1994 and shall be delivered at or forwarded by registered post the Registered Office of the Vendor in the Commonwealth. If within forty-five (45) days after the delivery of such plans and details as aforesaid to the Registered Office of the Vendor no written

objection shall have been received by the Owner of the Lot of land upon which it is proposed to build such buildings or structures or his or her Agent then after serving notice on the Vendor by registered mail and having received no reply within seven (7) days thereafter the said plans shall be deemed to have been approved by the Vendor.

- (ii) Applications for a permit to construct on five or more single family lots shall be accompanied by a minimum of three (3) alternate house designs indicating floor plans and elevations. Such plans and elevations shall be approved of in writing by the Vendor.

INCOMPLETE OR DAMAGED BUILDINGS

- 23. The erection of any new building or repair of any damaged building on any lot shall be completed as rapidly as possible and should the owner leave such building in an incomplete condition for a period of more than six (6) months then the Vendor or its authorized representative is authorized and empowered either to tear down and clear from the premises the incompleted portion of such structure or to complete the same at its discretion and in either event the expenses incurred shall be charged against the Owner's interest therein and shall be lien upon the said lot.

LICENSED CONTRACTORS

- 24. No building or structure of any kind shall be erected constructed placed enlarged or altered in any manner except by a contractor duly licensed by the Port Authority pursuant to the Agreements referred to in paragraph 29 of this Schedule or by a contractor approved of in writing by the Vendor.

CONSTRUCTION STANDARDS

25. No lot block tract or unit shall be resubdivided replatted or altered in any way and no building structure erection or improvement of any kind shall be erected constructed placed enlarged altered used or occupied (a) unless the same is maintained in a safe clean and presentable condition including such appropriate landscaping as may be required by the Vendor or (b) otherwise than in compliance with any standards condition rules regulations and bye-laws from time to time (1) promulgated by any competent public authority (2) prescribed by the Building Code and Sanitary Code or by a Planning Code or by Planning Regulations for the Port Area (3) promulgated or made by The Grand Bahama Port Authority, Limited (hereinafter called "the Port Authority") pursuant to any Agreement made with the Government of the Commonwealth of The Bahamas dated the 4th day of August, A.D., 1955 and recorded in the said Registry of Records in Volume 8 at pages 447 to 479 inclusive as such Agreement has been amended or (4) under the provisions of the Freeport Bye-Laws Act, 1965 as the same may from time to time be amended PROVIDED HOWEVER that wherever the standards conditions rules and regulations set forth herein are of a higher standard than those promulgated by sub-paragraphs (1) (2) (3) and (4) of this paragraph the standards conditions rules and regulations hereof shall apply.

UTILITY EASEMENTS

26. Nothing shall be done over on or under the area designated as utility easement area on the plot plan of the said hereditaments hereto attached which will or may prevent impede or interfere with the use of such area for the purposes of laying , erecting, inspecting, maintaining, repairing, replacing, and renewing cables, pipes, lines, conduits, wires, poles,

and other apparatus for the purposes of water, electricity, cable, telephone, drainage, and sewage supplies and services to the Subdivision and every part thereof.

IN ADDITION TO PARAGRAPHS 1 THROUGH 26 HEREOF THE FOLLOWING ADDITIONAL RESTRICTIONS AND STIPULATIONS SHALL BE APPLICABLE TO LOTS DESIGNATED FOR SINGLE FAMILY DWELLINGS.

SINGLE FAMILY USE

27. No "duplex house" apartment hotel or other building designated for occupation by more than one family with its guests and servants shall be built on any lot.

MINIMUM FLOOR AREA

28. No private residence or dwelling house shall be constructed with an interior ground floor area which is less than the areas indicated below:-
- (1) One Thousand Three Hundred (1,300) square feet of ground floor living area shall be built on Lots between 14,000 and 18,850 square feet;
 - (2) One Thousand Four Hundred (1,400) square feet of ground floor living area shall be built on Lots between 18,851 and 22,850 square feet;
 - (3) One Thousand Five Hundred (1,500) square feet of ground floor living area shall be built on Lots between 22,851 and 26,850 square feet;
 - (4) One Thousand Six Hundred (1,600) square feet of ground floor living area shall be built on Lots larger than 26,851 square feet.

Ground floor living area shall not include porches, decks, garages or carports.

DWELLINGS PER LOT

29. Not more than one private residence or dwelling house (including rooms for the accommodation of guests servants' quarters and garage) shall be built on any Lot Provided Always that nothing herein contained shall be deemed to restrict the building of one private residence or dwelling house on more than one Lot.

HEIGHT RESTRICTIONS

30. No single family dwelling unit shall exceed (i) two storeys and (ii) twenty-eight (28) feet in height from adjacent natural grade of the ground to the midpoint of a pitched roof.

IN ADDITION TO PARAGRAPHS 1 THROUGH 26 HEREOF THE FOLLOWING ADDITIONAL RESTRICTIONS AND STIPULATIONS SHALL BE APPLICABLE TO LOTS DESIGNATED FOR (A) TWO FAMILY DUPLEX HOUSES AND (B) MULTI-FAMILY DWELLINGS OF ONE OR TWO STORIES DESIGNED TO INCLUDE THREE OR MORE LIVING UNITS.

MULTIFAMILY USE

31. Except for a multi-family dwelling or two-family "duplex house" no apartment house hotel or other building designed for occupation by one or more families with their guests and servants shall be built on any lot.

MINIMUM FLOOR AREA

32. Not more than one multi-family dwelling or one two-family duplex house with appropriate outbuildings (including rooms for the accommodation of guests servants' quarters and garage or combined garage and apartment) shall be built on any lot Provided Always that nothing herein contained shall be deemed to restrict the building of one multi-family dwelling or

two-family duplex house on more than one lot. No multi-family dwelling shall be built upon any lot having an area less than Ten Thousand (10,000) square feet.

33. No two-family duplex house with an interior floor area of less than Nine Hundred (900) square feet per living unit shall be built on any lot. Garages carports porches patios terraces and outside stairways shall not be taken into account in calculating such minimum square foot area.

BUILDING SET BACK

34. No building shall extend beyond the setback lines provided in this paragraph provided that where more than one lot is developed as a single building site the setback lines between contiguously owned lots shall not apply but the side lot setback lines shall apply to the perimeter lot lines of the multiple lot site.
- (a) With respect to lots designated for multi-family dwellings no building shall be erected closer to any lot line than Fifteen (15) feet.
- (b) With respect to lots designated for two-family duplex houses no building shall be erected closer to the front lot line than whichever is the lesser of Twenty-five (25) feet or a distance equal to Twenty per centum (20%) of the average depth of the lot; no building shall be erected closer to the rear lot line than whichever is the lesser of Twenty-five (25) feet or a distance equal to Twenty-five per centum (25%) of the average depth of the lot; and no building shall be erected closer to the side lot line than a distance equal to Ten per centum (10%) of the average width of the lot or less than Sixty-five per centum (65%) of the distance measured from the finished grade to the highest point of the building whichever is greater but in no event closer than Ten (10) feet to the said side lot line.

HEIGHT RESTRICTION

35. No building shall exceed (i) two storeys and (ii) twenty-eight (28) feet in height from adjacent natural grade of the ground to the midpoint of a pitched roof. No multi-family dwelling or two-family duplex house shall be erected without a pitched roof with pitch of not less than one and five tenths (1.5) inches per foot. No building shall have a straight wall extending longer than Two hundred (200) feet.

ADEQUATE PARKING

36. No Multi-family dwelling or two-family duplex house shall be built on any lot or lots unless there shall also be provided on such lot or lots a minimum of one and five tenths (1.5) parking spaces for each dwelling unit of the building thereon. Each parking space whether covered open or in a garage shall be not less than Nine (9) feet by Twenty (20) feet in size. All parking spaces whether covered or open other than those contained in a garage shall be obscured from public view from the adjacent road by masonry walls not less than Four (4) feet in height above adjacent ground level.