

Lucayan Beach West

RESTRICTIONS AND STIPULATIONS

1. **USE.** No trade manufacture business or commercial undertaking (including the business of a guest house proprietor, boarding house keeper or hotel operator) and no professional undertaking shall be carried on on Lots 1 to 6 inclusive in the said Subdivision nor shall any building be constructed or erected on the said Lots 1 to 6 inclusive or used for any purposes other than that of a private dwelling and the appurtenances thereto.
2. **USE.** No trade manufacture business professional or commercial undertaking excepting that the operation of a first class hotel may be carried out on Lots 7 to 32 inclusive in the said Subdivision nor shall any building be constructed or erected on the said Lots 7 to 32 inclusive or used for any purposes other than that of a first class hotel or apartment house and the appurtenances thereto.
3. **WALLS & FENCES.** No boundary walls or fences to be built on any lot in the said Subdivision of a greater height than Six (6) feet Six (6) inches from the ground.
4. **DENSITY.** Not more than one (1) dwelling house with appropriate outbuildings (including rooms for the accommodation of guests, servants' quarters and garage or combined garage and apartment) shall be built on Lots 1 to 6 inclusive in the said Subdivision, and no private dwelling house including the appropriate outbuildings shall be built on any parcel of land in the said Subdivision which comprises less than a lot therein as laid out by the Vendors Provided Always that nothing herein contained shall be deemed to restrict the building of one private dwelling house with appropriate outbuildings on more than one lot of land numbered 1 to 6 inclusive in the said Subdivision.
5. **NUMBER OF HABITABLE ROOMS/BUILDING HEIGHT.** The maximum building height and the maximum number of habitable rooms in an apartment house or of hotel bedrooms in a first class hotel with appropriate outbuildings (including rooms for the accommodation of guests, servants' quarters and garages) which may be built on Lots 7 to 32 inclusive in the said Subdivision shall not exceed the number prescribed in the following tabulation:

Lot Number	Maximum Building Height	Number if Habitable Rooms or Hotel Bedrooms Permitted
7 to 16 inclusive	70' or 5 storeys whichever is the lesser	60 per lot
17 to 20 inclusive	70' or 5 storeys whichever is the lesser	45 per lot
21 and 22	170' or 15 storeys whichever is the lesser	180 per lot
23 to 26 inclusive	170' or 15 storeys whichever is the lesser	240 per lot
27 to 30 inclusive	170' or 15 storeys whichever is the lesser	300 per lot
31 and 32	68' or 6 storeys including ground floor and/or basement	A maximum of 300 on either lot but in no event exceeding a total of 450 on both lots

A habitable room shall be deemed to include all bedrooms and living areas but exclude kitchens, bathrooms and similar rooms passages or corridors. Provided Always that nothing contained herein shall be deemed to restrict the building of less than the total permitted rooms on more than one lot of land in the said Subdivision.

6. **APPROVAL OF PLANS.** No building or structure of any kind shall be built or constructed on any lot of land in the said Subdivision nor shall there be any alteration of any building or structure of any kind unless and until the exterior elevation plans and the proposed type of construction and the proposed location of such buildings or structures (and of any septic tank or sewerage system to be constructed in connection therewith) upon the said lot of land shall have been submitted to the Vendors and approved of in writing by them. Every application to the Vendors shall be in writing and shall be accompanied by the said exterior elevation plans and details of the proposed type of construction and a plot plan showing the location of such buildings or structures (including the said septic tank or sewerage disposal system) on the said lot of land and such plans must be prepared by a qualified professional architect and shall be delivered at or forwarded by registered post to the Registered Office

of the Vendors in the Colony. If within Thirty (30) days after the delivery of such plans and details as aforesaid to the Registered Office of the Vendors no written objection from the Vendors shall have been received by the owner of the lot of land upon which it is proposed to build or construct such buildings or structures then such plans and other details as aforesaid shall be deemed to have been approved of by the Vendors.

7. **SIZE OF DWELLING UNIT.** No private dwelling house with an interior floor area of less than One Thousand Eight Hundred (1,800) square feet shall be built on Lots 1 to 6 inclusive in the said Subdivision. Garages, carports, porches, patios and terraces shall not be taken into account in calculating the minimum square foot area required by this restrictive covenant.
8. **WASTE.** No earth closet or open pit toilet or cesspit shall be constructed erected or maintained on Lots 1 to 6 inclusive in the said Subdivision and no earth closet or open pit toilet or septic tank or cesspit shall be constructed erected or maintained on Lots 7 to 32 inclusive in the said Subdivision.
9. **TEMPORARY BUILDINGS.** No temporary building of any kind (including any tent or trailer used for sleeping accommodation) shall be built or maintained on any lot of land in the said Subdivision except sheds or workshops to be used only for the works incidental for the erection of any permanent building thereon without the express written approval of the Vendors.
10. **SIGNS.** No sign, billboard, hoarding or other advertising device of any kind shall be erected or displayed on any lot of land in the said Subdivision without the prior written permission the Vendors.
11. **WELLS.** No well for the taking of water shall be bored, dug or sunk on any lot in the said Subdivision at a less distance than Fifty (50) feet from any septic tank or sewage disposal system which may be constructed on any such lot.
12. **SETBACKS.** No buildings or structures including porches or projections of any kind shall be built or constructed at a less distance than Twenty (20) feet from any street or road boundary line and at a less distance than Fifteen (15) feet from any other boundary line of Lots 1 to 6 inclusive in the said Subdivision.
13. **SETBACKS.** No buildings or structures including porches or projections of any kind shall be built or constructed on Lots 7 to 32 inclusive which do not conform to the following setback regulations:
 - A. No building including porches or projections shall be built at less distance than Eight (8) feet from a property boundary except that this dimension shall be increased where the principal window to a habitable room faces a property boundary in which case the setback shall be not less than Twenty-five (25) feet or Fifteen (15) if suitable screening is provided.
 - B. No principal window to a habitable room facing the principal window to another habitable room shall be less than Fifty (50) feet apart or Thirty (30) feet if suitable screening between the buildings is provided.
 - C. Where the principal window to a habitable room faces a secondary window to a habitable room or window to a nonhabitable room or flank wall the space between the buildings shall be not less than Thirty (30) feet.
 - D. Where flank walls or windows to nonhabitable rooms face each other the space between them shall be not less than Fifteen (15) feet.
 - E. The setback of the building(s) on Lots 21 to 27 inclusive shall be One Hundred Fifty (150) feet and the setback of the building (s) on Lots 28 to 32 inclusive shall be Two Hundred (200) feet from the Southeast property boundary line. For the purposes of this clause the following definitions shall apply:

“Flank Wall”: The end wall of a building containing no windows.

“Habitable Room”: Any room in a dwelling unit generally used for eating, sleeping or living including living rooms, dining rooms, bedrooms and family rooms.

“Principal Window”: Principal window shall mean the main window to a living, dining, bed or family room.

“Screening”: Fencing, walls or planting designed to minimize noise or visual nuisance.

14. **ANIMALS.** No swine, cows, horses, poultry, objectionable animals or creatures shall be kept, raised or maintained on any lot of land in the said Subdivision Provided Always that dogs and cats shall not be deemed to be objectionable animals.
15. **DUMPING.** No lot of land in the said Subdivision shall be used as a dumping ground or place for the accumulation of garbage, trash or other waste matter.
16. **NUISANCE.** Nothing shall be done on any lot of land in the said Subdivision which may be or become an annoyance or nuisance to the owners of adjoining lots of land in the said Subdivision.
17. **UNLAWFUL USE.** No unlawful or objectionable use shall be made of any lot of land in the said Subdivision.
18. **OFF-STREET PARKING.** No dwelling unit that does not provide off-street car parking on the basis of One (1) parking space per dwelling unit or per hotel bedroom for the first Fifty (50) rooms and one space for Two (2) rooms thereafter approached from a driveway access shall be built on any lot of land in the said Subdivision. Such driveway shall not be greater than Twenty (20) feet nor less than Ten (10) feet in width. No driveway access shall be nearer than Thirty (30) feet from a road intersection.