

East Section 4 Extension

Poinciana Gardens

SCHEDULE OF RESTRICTIONS

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 any lot of land in the said Subdivision nor shall any building be constructed or erected on any lot of land in the said Subdivision or used for any purposes other than that of a private dwelling and the appurtenances thereto
2. **WALLS & FENCES.** No boundary walls or fences to be built on any lot in the said Subdivision without prior permission and approval of the Vendor in writing.
3. **APPROVAL OF PLANS.** No building or structure of any kind shall be built on any lot 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 upon the said lot of land shall have been submitted to the Vendor and approved of in writing by them. Every application to the Vendor shall be in writing and shall be accompanied by the said exterior elevation plans and brief details of the proposed type of construction and a plot plan showing the location of such buildings or structures on the said lot of land must be prepared by a 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 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 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 of by the Vendor.
4. **WASTE.** No earth closet or open pit closet or cesspit shall be constructed erected or maintained on any part of any lot of land in the said Subdivision.
5. **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 and which shall be removed upon completion of such erection.
6. **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.
7. **UNLAWFUL USE.** No unlawful or objectionable use shall be made of any lot of land in the said Subdivision.
8. **WELLS.** No well for the taking of water shall be bored, dug or sunk on any lot of land in the said Subdivision by any person other than the Vendor without prior written approval of the Vendor as to number and depth of such wells, and except otherwise than in compliance with any and all standards, conditions, rules, regulations and bye-laws from time to time (1) promulgated by any competent public authority, (2) prescribed by The Grand Bahama Port Authority, Limited (a Bahamian corporation) by means of a Building Code or a Sanitary Code or a combined Building Code and Sanitary Code or by Planning Regulations for the Freeport Area, (3) promulgated or made by the said The Grand Bahama Port Authority, Limited pursuant to an agreement made with the Government of the Bahama Islands dated August 4, 1955 as hereinbefore set forth and as the same is from time to time amended and (4) under the provisions of the Freeport Bye-Laws Act, 1965, as the same may from time to time be amended. Where permission for the sinking of a well shall be granted by the Vendor water shall not be drawn from any lot at a rate exceeding the rate from time to time established by the Vendor.
9. **SETBACKS.** No building or structure including porches or projections of any kind shall be built on any lot at less distance than Twenty (20) feet from any street or road boundary line and at less distance than Fifteen (15) feet from a side boundary line save where a principal window to a living room is adjacent to a side or rear boundary line in which event the setback shall be Twenty-five (25) feet.
10. **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.

11. **NUMBER OF HABITABLE ROOMS/DWELLING UNITS:**

- a). Not more than one (1) single family dwelling house with appropriate outbuildings shall be built on any lot of land numbered One to Nineteen (1-19) inclusive in the said Subdivision and no single family dwelling house including 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 Vendor. Provided Always that nothing herein contained shall be deemed to restrict the building of one (1) single family dwelling house on more than one (1) lot of land numbered One to Nineteen (1-19) inclusive in the said Subdivision.
- b). Not more than one (1) duplex house containing two (2) dwelling units with appropriate outbuildings shall be built on any lot of land numbered Twenty to One Hundred Twenty (20-120) inclusive in the said Subdivision and no duplex house including the appropriate outbuildings shall be built on any parcel of land in the said Subdivision which comprises less than a lot of land in the said Subdivision as laid out by the Vendor. Provided Always that nothing herein contained shall be deemed to restrict the building of one (1) duplex house on more than one (1) lot of land numbered Twenty to One Hundred Twenty (20-120) inclusive in the said Subdivision.
- c). No building consisting of more then sixteen (16) habitable rooms with appropriate outbuildings shall be built on lots numbered One Hundred Twenty One to One Hundred Sixty Two (121-162) in the said Subdivision.

For the purpose of this clause "Habitable Room" shall mean any room in a dwelling unit used for eating, sleeping or living including living rooms, dining rooms, bedrooms and family rooms.

12. **SIGNS.** No sign, billboard, hoarding or other advertising device of any kind shall be erected or displayed on any lot or block of land in the said Subdivision without the prior written consent of the Vendor.
13. **SURFACE WATER.** Nothing shall be done on any lot of land in the said Subdivision whereby the natural flow of surface water shall be increased or altered in such manner as to cause a nuisance to any adjoining or neighboring property.
14. **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 any adjoining lot or block of land in the said Subdivision.
15. **TRAILERS OR COMMERCIAL VEHICLES.** No trailers, including boat trailers, boats or commercial vehicles of other than those present on business may be parked in the Subdivision except in enclosed garages.
16. **BUILDING COMPLETION.** The erection of any new building or repair of any building damaged by fire or otherwise, 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 representatives is authorized and empowered either to tear down and clear from the premises the uncompleted portion of such structure or to complete the same at its discretion, and in the either event, the expense incurred shall be charged against the owner's interest therein and shall be a lien upon the said lands and premises.
17. **SIZE OF DWELLING UNIT.** No dwelling unit with an interior floor area of less than One Thousand (1,000) square feet shall be built on lots numbered One to Nineteen (1-19) inclusive in the said Subdivision. Garages, carports, porches and patios and terraces shall not be taken into account when calculating the minimum square foot area required by this restrictive covenant.
18. **OFF-STREET PARKING.** No dwelling unit that does not provide off-street car parking on the basis of One and one-quarter (1¼) parking spaces per dwelling unit approached from a driveway access shall be built on any lot or block 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.