



RESORT AND MARINA • ELEUTHERA • THE BAHAMAS

## CAPE ELEUTHERA PHASE I

### Design Guidelines

*Prepared pursuant to Section 5.3 of the Declaration of Covenants, Conditions And Restrictions for Cape Eleuthera (the "Declaration")*

#### 1.1. Purpose of the Design Guidelines

*\*\*These Design Guidelines must be read in conjunction with Chapter 5 of the Declaration.*

The purpose of these Design Guidelines ("Guidelines") is to assist owners of Parcels or Units at Cape Eleuthera Phase I (the "Cape") with the design of their homes and additional improvements so that all development will enhance the identity, character and quality of the Cape, while meeting individual residential needs. Cape Eleuthera Phase I includes The Grove and 1,041 residential lots laid out in 78 blocks and originally platted in the 1970's. Other areas within the overall Cape Eleuthera property may have separate design guidelines that are more or less restrictive than these Design Guidelines.

These Guidelines are intended to provide guidance to Owners and contractors regarding matters of particular concern to the Reviewer in considering applications and are not the exclusive basis for decisions of the Reviewer. Compliance with the Guidelines does not guarantee approval of any application.

Design review approval refers only to adherence to the criteria given in these Guidelines. It does not imply technical design approval of site development, structure, roofs, utilities, mechanical systems or safety requirements or adherence to jurisdictional codes and regulations.

These Guidelines may be amended, adjusted or updated from time to time as provided in

Section 5.3(a) of the Declaration in order to meet the spirit of design character, quality and coordination intended for the Cape.

#### 1.2. Related Controls

All development within the Cape must comply with the codes and regulations of all governing bodies that have jurisdiction in The Bahamas. These Guidelines are to be used in conjunction with the Governing Documents for the Cape, as described in Section 1.3 of the Declaration, of which these Guidelines form a part.

In the event of a conflict between these Guidelines and the Rules of Cape, these Guidelines shall control. In the case of any conflict or inconsistency between these Guidelines and any other Governing Document, the higher or stricter standard or requirement shall control.

To the extent that these Guidelines provide a more stringent development standard than any applicable local/district, island or national regulation, these Guidelines shall control. To the extent that any applicable local/district, island or national regulation is more stringent, it shall control.

#### 1.3. Definitions

All capitalized terms used in these Guidelines shall have the definitions set forth below. All other capitalized terms not defined below shall have the definitions set forth in the Declaration.

- (a) **Building Coverage:** The percentage of lot area covered by buildings, including roofed porches, decks and similar structures, as well as all ground cover more than 30 inches above grade.
- (b) **Building Elevation:** A two-dimensional view of a building facade.
- (c) **Building Envelope Area:** The zone within each Parcel or Unit where building construction is permitted.
- (d) **Building Height:** The vertical distance measured from the crown of the road to the highest point of the roof.
- (e) **Building, Principal:** A building in which the principal use of the lot in which it is located is conducted.
- (f) **Building Section:** A drawing showing a vertical slice through the site and building.
- (g) **Conceptual Plans:** Informal drawings showing the initial ideas, organization and relationships of project planning and design, adequate to show design intent.
- (h) **Construction Documents:** All final, sealed drawings, specifications, materials samples, surveys and other documents from which a project is reviewed, permitted and constructed.
- (i) **Easement:** A defined land area that is limited to a particular use.
- (j) **Fence and Wall:** A structure intended to separate or enclose or define space, basically freestanding; constructed of one or more materials such as wood, stone or cement; designed to be decorative or ornamental or to serve utilitarian purposes such as to control ingress or egress of persons or animals. A hedge, Wall or Landscaped berm may constitute a Fence.
- (k) **Finished Grade:** The final, finished ground level of a Parcel or Unit according to the Unit Parcel Plan.
- (l) **Floor Area Ratio "FAR":** The Total Building Floor Area under roof divided by the Total Unit Area.
- (m) **Floor Elevation:** Height of floor level above Finished Grade.
- (n) **Guidelines:** Standards established for the exterior design of all new buildings, building additions, landscaping, driveways, walkways, exterior patios, pools, utilities, mechanical equipment, lighting, signage and any other exterior development, alterations and maintenance facility that can be seen from or may create an impact on the outside of a Unit.
- (o) **Hardscape:** Driveways, walkways, patios, terraces, Walls, steps, planter boxes, foundations, pools and other non-building, inorganic construction in a Landscape area.
- (p) **Landscape:** The areas of the site covered by Softscape and Hardscape.
- (q) **Open Space (green area):** The gross area of the site less Building Coverage, parking surface, internal traffic circulation systems and other impervious surfaces, all of which should be open from the ground to the sky. Open Space areas shall remain open and unobstructed to the sky (except for trees) and can be used for active or passive recreation purposes. Parking and loading areas shall not be allowed in any required Open Space.
- (r) **Parcel Plan:** Individual plans prepared for each Parcel or Unit describing the Total Unit Area, Building Envelope Area, the surrounding Landscape zones, building Setbacks, Finished Grade measurements, Easements and plant protection areas.
- (s) **Reviewer:** The entity having jurisdiction in accordance with Chapter 5 of the Declaration.
- (t) **Setback:** Restricted land area or zone defined by a measured distance from a

street, property line, building edge or other significant feature.

- (u) **Site Plan:** A drawing showing the layout of all development within a Parcel or Unit, including Easements, Setbacks, buildings, paved areas, Landscaped areas, Walls, Fences, utilities and grades.
- (v) **Softscape:** All plant materials in a Landscape zone, which is 100% pervious.
- (w) **Streetscape:** Landscaping, walkways, driveways, lighting and signage within the Landscape zone inside the boundaries of a Parcel or Unit adjacent to a street or roadway or any Landscaped verge thereof.
- (x) **Total Building Footprint:** The area under roof projected to the ground.
- (y) **Total Building Floor Area and Gross Floor Area:** The areas of all floors of a building, including finished basements and all covered areas, including porches, sheds, carports and garages. If the first finished floor level of an elevated building or structure is elevated to a height greater than seven feet above the Finished Grade, the area below such first floor shall be included in calculating Gross Floor Area of the building or structure.
- (z) **Total Unit Area:** The area measurement shown on individual Parcel Plans as provided by the Declarant.
- (aa) **Unit or Parcel:** A lot or building site available for residential development that is defined by established property lines.

## 2.0. DESIGN REVIEW SUBMITTAL PROCEDURES

### 2.1. Design Review Process

A design review process has been established to ensure that all development with the Cape meets the requirements set forth in these Guidelines and the other Governing Documents. This review covers initial site planning, architecture,

landscaping, exterior lighting and exterior signage, as well as any changes, additions or renovations to any development on a Parcel or Unit.

The design review process is divided into three steps:

1. Conceptual Design Review
2. Construction Documents Review
3. Construction Verification

**Written design review approvals are required to complete utility hookups and return construction security deposits.**

All requests for design review approvals must be submitted in writing to:

*Cape Eleuthera Resort Limited  
Attention: General Manager  
P.O. Box EL-26089  
Rock Sound, Eleuthera, The Bahamas  
realestate@capeeleuthera.com*

**Two sets of drawings must be provided with each submittal.**

All drawings submitted for design review approval must include the following information:

1. Unit Owner's name; mailing address; business, home and cellular telephone numbers; and e-mail address.
2. Unit number (location of proposed construction).
3. Name, mailing address, telephone numbers and e-mail address of architect or Owner's representative. Any Owner not residing in The Bahamas must appoint a resident representative for the purposes of these procedures.

Unless otherwise indicated, all drawings submitted for design review approval shall be drawn at a minimum scale of 1/8 inch to 1 foot.

All required drawings and review materials should be submitted to the Reviewer for review and approval in a single package.

Denial of design approval requires correction of the reason(s) for denial and resubmittal for approval. Conditional approval allows design or construction to proceed to the next level, subject to the conditions being resolved by the next submittal.

Questions, meetings and informal and partial submittals are encouraged to promote early communication and resolution of issues. However, verbal responses are unofficial and are subject to change in a written response. Verbal responses shall have no binding effect on the Reviewer or the Board, and each Owner acknowledges and agrees that he or she may not rely on any such verbal representations. Only written approvals from the Reviewer are official and binding.

A non-refundable design review fee of \$750 is required, and a refundable construction security deposit of Five Thousand Dollars (\$5,000) is required at the time of application. The construction security deposit shall be payable prior to commencement of any site work. Such security deposit shall be replenished to the original \$5,000 requirement upon request by the Reviewer in the event that such funds are applied to cure breaches of these Guidelines or the Declaration.

## **2.2. Submittal Requirements**

### **2.2.1. Step 1: Conceptual Design Review**

When the initial design for the project has been prepared, conceptual drawings must be submitted to the Reviewer for formal review and conceptual design approval. This review applies to all new construction, modifications and additions proposed for a Unit and covers conceptual site planning, architecture, landscaping and grading.

The purpose of this conceptual design review is to provide the Owner and his or her designer with written assurance that the fundamental design is acceptable before going to the effort and expense of a detailed design. It also provides a clear list of any issues that must be

resolved in the next step of project design (Construction Documents design review).

Two (2) sets of Conceptual Plans are to be submitted for this review. These plans must include, but are not limited to, the following:

#### Conceptual Site Plan:

1. Show all property lines, Easements, Setbacks and Building Envelope Areas.
2. Show location of water, sewer and electrical connections and conceptual distribution layout.
3. Show all buildings, Walls, driveways, walks, pools, patios, atriums, terraces and any other above-grade development.
4. Show dimensions between existing and proposed construction and between proposed construction and nearest property lines.
5. Include a vicinity map showing the relationships of this site to the rest of the Cape.

#### Preliminary Grading Plan:

For each Unit:

1. Show existing and proposed ground level contours and spot elevations.
2. Show slope treatment and drainage concepts.

#### Conceptual Floor Plan:

For Each Unit:

1. Show the layout of all rooms, terraces, patios, balconies, decks, garages and any other proposed structures and floor areas.
2. Show the Total Building Footprint and square footage for each floor and totaled.
3. Show the conceptual Floor Elevation of all floors, terraces, patios, balconies, etc.
4. Show all window and door openings, exterior columns, arcades, roof overhangs, patio covers and any other features that will affect the exterior design of the building.
5. Calculate and show the proposed Unit FAR.

Conceptual Roof Plan:

For Each Unit:

1. Show a plan of all proposed roofs with slope pitches and ridge heights above the adjacent Finished Grade.
2. Indicate any non-standard conditions or construction requirements.

Conceptual Building Elevations:

For Each Unit:

1. Provide all exterior Building Elevations of all proposed buildings.
2. Show maximum Building Heights above the adjacent Finished Grade on each elevation drawing.
3. Indicate conceptual finish materials (including roofing), colors and textures under consideration (including samples and color chips, if requested).

Conceptual Building Sections:

For Each Unit:

1. Provide two primary sections through the site and the Principal Building. These two sections should be located perpendicular to each other.
2. Show all significant grade and Building Height elevations in relation to the Finished Grade.

Conceptual Landscape Plan:

For Each Unit:

1. Show planting concept, including locations and types of all plant materials.
2. Show Hardscape concept, including locations and materials for driveways, walkways, terraces, patios, atriums, Walls, Fences, planter beds, fountains, trellises and pools.
3. Show that plant and Wall design along the street frontage meets the design guideline requirements for the Cape.
4. Calculate and show that the minimum Softscape area for the Unit has been achieved.

Fence and Wall Plans:

For Each Unit:

1. Show locations, materials, colors and heights in relation to on-site grades.
2. Show relationships to Walls, Fences and grades on adjacent parcels.

Other:

For Each Unit provide:

1. Certificate of the architect or other appropriate design professional engaged in the design of the project, certifying compliance with all applicable covenants, conditions, restrictions and guidelines affecting the Unit.
2. Construction site layout plan identifying areas for materials lay down/storage, parking, site accommodation and toilet facilities.
3. Such other information as Reviewer shall reasonably require.

**2.2.2. Step 2: Construction Documents Design Review**

When the final construction drawings and specifications for the project have been prepared, they must be submitted to the Reviewer for official review and approval. This review covers all design necessary for construction, including site development, grading, utilities, architecture, landscaping, Walls, pools, mechanical equipment, exterior lighting and exterior signage.

The purpose of Construction Documents design review is to provide the Owner or developer and his or her designer with written assurance that the final design is acceptable with respect to satisfying the requirements of these Guidelines, and that any conditions placed on the previous conceptual design approval are resolved. It also provides a clear list of any issues that must be resolved during the construction process.

Two (2) sets of final construction plans are to be submitted for this review. They must contain, but are not limited to, the following:

Final Site Plan:

For each Unit:

1. Show final locations of all structures, terraces, patios, atriums, driveways and walkways, etc., and show dimensions from buildings and paved areas to Setbacks and property lines.
2. Show water, sewer and electrical connection points and distribution lines.
3. Show locations of all above-ground mechanical equipment, including electrical transformers, fuel tanks, water tanks, filtration equipment, backflow preventers, air-conditioning units and irrigation controllers, etc.

Final Grading Plan:

For each Unit:

1. Show Finished Grade contours and slope treatments.
2. Show drainage flows and catchments.

Final Architectural Plans:

For each Unit:

1. Show final floor plans and construction details for all proposed structures.
2. Show the final Total Building Area in square feet (including each floor) and the final Floor Elevations of all floors, porches, terraces, patios, balconies, etc.
3. Show the roof plan with pitch slopes and ridgeline heights.
4. Show all final exterior elevations for all proposed buildings, and indicate exterior colors, materials and maximum Building Heights above the Finished Grade on each elevation drawing.
5. Provide two primary sections through the site and Principal Building, showing Building Height elevations in relation to the Finished Grade.
6. Provide sample board of all exterior colors and materials.
7. Provide FAR calculations and Softscape area calculations to verify compliance with these Guidelines.

8. All architectural plans must be signed and sealed by an architect qualified and licensed to practice in The Bahamas.

Final Landscaping, Irrigation and Pool Plans:

For each Unit:

1. Show type, size and location of all plant materials.
2. Show location, materials, colors and construction details for all paved surfaces.
3. Show location, materials, colors, heights, sections and construction details for all Fences, Walls, planters, trellises, gazebos, fountains, etc.
4. Show screening treatment for all exterior mechanical equipment and trash collection areas.
5. Show landscaping irrigation system, location and type of spray heads and location of irrigation controllers.
6. Show location of pool and pool equipment and plans for drainage.
7. Provide samples of exterior materials and colors.

Exterior Lighting:

For each Unit:

1. Show locations, fixture heights, fixture type and type of illumination for all exterior lighting (note that lighting should have shades or other means of covering exposed light bulbs).
2. Show illustrations of all fixture types.

Exterior Signage:

For each Unit:

1. Show location and design details for building address.
2. Show location and design details for any other exterior signs.

Specifications:

For each Unit:

Provide copies of all written specifications for proposed construction, including:

1. Sitework
2. Architecture
3. Landscaping and irrigation

#### 4. Exterior lighting and signage

No sitework or construction shall commence until issuance of written approval of the Construction Documents by the Reviewer and receipt of a valid building permit and any other permits or approvals required to be obtained from any governmental authority having jurisdiction.

#### 2.2.3. Step 4: Construction Verification

The following construction verification requirements must be met during the construction period:

1. **At the beginning of construction, the foundations for all proposed development within the Building Envelope Area must be staked and surveyed by a land surveyor qualified and registered to practice in The Bahamas. A certified copy of this survey must be submitted to the Reviewer for verification of approval before continuing with construction.**
2. Spot inspections may be conducted at any time by the Reviewer to verify that construction is in conformance with the approved plans.
3. Any material field changes must be submitted to the Reviewer field representative for approval prior to construction.
4. Forthwith upon completion of construction, and prior to any occupation of the Unit, a certificate of the Owner's architect for the project certifying that construction (which shall include Landscaping) upon the Unit has been completed in accordance with the approved design and plans, together with an as-built survey and a copy of all Ministry of Works Acceptance Certificates and Certificates of Occupancy must be submitted to the Reviewer, prior to release of any security deposit or occupancy of the Unit.

#### 3.0. UNIT PLANNING STANDARDS

#### 3.1. Objectives

To encourage design and construction compatible with the Cape and to achieve privacy while enhancing views to the ocean and other waterways or natural areas.

#### 3.2. Building Envelope Area

Principal Buildings, swimming pools, decks, hot tubs and any other out buildings must be located only within the Building Envelope Area of the Unit. This zone is defined by building Setbacks from property lines, streets, natural areas and the beach. The Founder shall have the discretion to adjust Building Envelope Areas of Units to take into account special features or characteristics of Units or adjacent Units.

All structures, including primary buildings, secondary buildings, garages and shade structures, must be located in the Building Envelope Area.

The following are the general building Setbacks required on each Unit; however, Setbacks and therefore Building Envelope Areas may vary for some Units, in which case the measurements shown on the relevant Parcel Plan shall prevail, subject to Declarant variation as mentioned above. Measurements are from Unit boundaries unless otherwise stated:

- Street frontage and rear yard
  - Minimum building Setback of 20 feet
- Side abutting another Unit
  - Minimum building Setback of 10 feet
- Minimum Setback dimensions may not be averaged

#### 3.3. Combining Units

If the Declarant permits two or more contiguous Units to be combined into a single Unit, the Units' internal property lines and associated side Setback requirements shall be re-determined, and the Building Envelope Areas of both Units shall be combined to form a single Building Envelope Area; *provided, however*, that the Reviewer reserves the right to adjust Building Envelope Areas and other aspects of these Guidelines in the case of combined Units.

The combining of Units shall be subject to all other requirements, restrictions and covenants set forth in Section 5.8 of the Declaration.

### **3.4. Landscape Zones**

All areas outside the Building Envelope Area of each Unit are designated as Landscape zones. Landscape zones must be Landscaped in accordance with the provisions of this Section 3.4. No other development is allowed in a Landscape zone except planting, driveway, walkway, patio, terrace or swimming pool installations, in each case, uncovered, unless otherwise approved by the Reviewer.

A minimum of 20% of the Total Unit Area shall be Softscape.

To ensure that the overall beauty of the community is preserved and enhanced, Landscape plans for individual residences must be reviewed and approved by Reviewer.

All mechanical equipment not screened architecturally shall be screened with planting material. Plant material height must be greater than the height of the equipment at the time of installation. Adherence to Setbacks is required.

### **3.5. Front Yard/Streetscape Landscape Requirements**

This area includes that portion of the yard from the street-front Unit boundary to the front of the house.

1. All homes shall be Landscaped with the following materials or any combination thereof: grass, groundcovers, shrubs, vines, trees and palms.
2. Front and rear yards shall include native as well as exotic species of plant material (but not invasive species). Landscaping must utilize at least 70% native or complementary species unless otherwise approved by the Reviewer.
3. All shrub beds must have at least 2" of cypress mulch, eucalyptus mulch, Coquina shell aggregate or clean white sand. Bare ground is not acceptable.

4. If automatic irrigation is permitted by the Reviewer, heads installed in sodded areas shall be at turf level or below. All valves must be installed below grade. The system should minimize spray on walks, adjacent properties, etc.

### **3.6. Site Grading and Terracing**

All Unit parcels have been carefully planned to maximize views. To maintain these views, protect street and property line frontages and control erosion, finish grading on each Unit must adhere to the following requirements:

1. Grading of natural terrain should be minimized.
2. No grading is permitted outside property lines.
3. Final on-site grades must be compatible with existing street frontage and adjacent property line grades.
4. Graded slopes must be feathered into the contours of natural slopes to avoid artificial angles and edges.
5. All elevation or height measurements shall be taken from Finished Grade, unless otherwise specified.

### **3.7. Site Drainage**

On-site storm water and irrigation drainage must be designed to prevent erosion and uncontrolled flows off-site. Buildings, pools and patios are not allowed on any designated drainage Easement.

During construction, measures must be taken to control soil erosion on-site.

### **3.8. Walls and Fences**

The Reviewer has the right to approve the location, height and materials for all Walls and Fences, and all Walls and Fences must meet the following general criteria:

1. Fencing/Walls must be constructed so that the finished face is toward the street or neighboring property.
2. Design and construction of Fences/Walls or changes to existing Fences/Walls must be approved and permitted.



3. Fencing and Walls should be designed with respect for the site land environment. It is recommended that Fencing and Walls be landscaped, where appropriate.

### **3.9. Driveways and Parking**

Driveways for each Unit must be set back a minimum of 10 feet from side property lines. A minimum of 2 on-site parking spaces are required. Each Owner must provide sufficient on-site paved surfaces for vehicular parking and maneuvering requirements associated with the Owner's site. All parking areas and driveways must be properly designed and constructed of durable, approved and dust-free materials such as sand seal, asphalt or concrete, in accordance with standard engineering practice, suitably sloped and drained and shall be of a strength adequate for the traffic load expected.

### **3.10. Swimming Pools, Decks and Hot Tubs**

The Reviewer has the right to approve the size, shape and location of swimming pools, decks and hot tubs. Pool equipment should be obscured behind landscaping or fencing whenever possible.

### **3.11. Outbuildings: Carports, Gazebos, Garages, Sheds, Shelters and Accessory Structures**

The construction of all accessory structures, including garages, carports, guest houses, swimming pools, storage sheds, pool cabanas and similar structures shall be subject to the following conditions:

1. Accessory structures must be compatible with the principal structure on the lot in materials, detailing, color, style, design, height, scale and massing.
2. Accessory structures may not exceed the height of the Principal Building on the site.
3. The design of new outbuildings must be complementary to the existing Streetscape if they are visible from the public right-of-way.

4. The addition of "gatehouses" in conjunction with enclosed Walls or Fences is not allowed.
5. The construction or installation of metal, plastic or cloth covered garages, storage sheds or other outbuildings is not allowed.

### **3.12. Air Conditioning Units, Antennas, Trash Facilities and Satellite Dishes**

1. Exterior HVAC units, antennas and dishes must be sited in a location least visible from the public right-of-way whenever possible.
2. Mechanical equipment may not be located in the front yard of any structure or side yard of any structure if that side yard is adjacent to a public right-of-way, unless the following conditions are met:
  - a. there is no other technically defensible location on the lot for the equipment;
  - b. the equipment is located as far from the right-of-way as possible; and
  - c. the equipment is screened from view with appropriate fencing or landscaping.
3. Exterior air conditioning units, television dishes and antennas must be mounted out of sight of the public right-of-way and obscured behind landscaping or fencing whenever possible.
4. Trash, garbage and HVAC units must be enclosed and screened with fencing and/or landscaping whenever possible. If possible, garbage facilities must be placed out of the public view when not being serviced.

### **3.13. Exterior Colors**

Approved colors will highlight the architectural details of the building. Typically, one color for the body of the Unit and one for the trim will bring the architectural details into focus. Additional colors may be appropriate for subtle highlighting (i.e., porch ceilings, porch floors, foundations, etc.). Color approval is mandatory.

### 3.14. Utilities and Sustainable Design

Currently no utilities are available to any of the Units, and Owners are responsible for providing all utilities to their Unit in conformance with the Sustainable Design Best Practices attached as **Exhibit A**.

## 4.0. UNIT ARCHITECTURAL STANDARDS

### 4.1. Design Philosophy

The design philosophy for the Cape is derived from the idea that the architecture will be responsive to natural elements. Materials and construction methods will avoid unnecessary complexities. By holding to these simple ideas, we hope to see an architecture that relates to the physical and cultural environment, with an elegance born from simplicity, precision and craftsmanship.

The Cape is a coastal environment in a tropical climate. Comfortable living environments must respond to the need for shade and protection from the summer sun, while promoting a desire to enjoy outdoor spaces. They must provide shelter from rains, but offer a place to enjoy them. They must withstand the effects of a saltwater environment, but embrace its rejuvenating qualities. They must also offer protection from storms, while providing a tranquil refuge to experience them.

The architecture at the Cape will be defined by elements that address these issues:

1. The mass and scale of the residential buildings will fit with other surrounding buildings.
2. Porches will provide space for outdoor living.
3. Overhangs will provide rain protection and shade.
4. High ceilings and well organized plans will facilitate natural ventilation.
5. Shutters will offer privacy as well as provide security from wind and storm.

The Cape will be characterized by buildings that are free of unnecessary ornamentation. Some

fundamental material and composition notions include:

- Restrained detailing
- Predominately wood, cementitious board siding or stucco Walls
- Metal roofs, wood shake shingles or Bermuda roofs
- Wood decks and porches
- Windows and doors with full trim and shutters

These Guidelines are intended to describe a philosophy that echoes the history and character of the region. The Cape Eleuthera community will preserve the richness and dignity that defines the region and celebrates the rediscovery of Cape Eleuthera.

### 4.2. Building Height Envelope

In order to protect the overall scale of the neighborhoods within the Cape, an envelope of allowable Building Heights has been established.

Building Heights are measured from the Finished Grade.

Buildings are limited to a maximum of 2-1/2 stories.

Small towers, chimneys and projecting elements may exceed the maximum Building Height by no more than 3 feet.

Maximum height of any structure to the ridge shall be 25 feet.

Total maximum height to the highest point of the roof shall be 35 feet.

### 4.3. Unit Coverage and Floor Area Ratio

The Total Building Footprint shall not exceed 35% of the Total Unit Area.

FAR shall not exceed 0.4; *provided, however*, that the Total Building Floor Area under roof shall not exceed 15,000 square feet for any Unit.

Limitations on an approved combination of lots will be dealt with on an individual basis.

#### 4.4. Roofs

Appropriate roof design includes:

- Standing metal seam roofs, Bermuda style roofs or wood shake shingles are required
- Sloping roof surfaces with overhanging eaves
- Gable, hip or shed roof forms
- Varying plate and ridgeline heights
- Maximum roof pitch not to exceed 12 in 12
- Minimum roof pitch not below 4 in 12

Unacceptable roof design includes:

- Corrugated metal roofing
- Exposed rolled or built-up roofing
- Mansard roof forms
- Large skylights of unusual shapes

Domes, vaults and skylights may be approved only under special circumstances.

Flat roofs are limited to a maximum of 10% of the total roof area calculated from a plan projection.

Rooftop mechanical equipment is acceptable only if screened from off-site view behind ridgelines or parapets that are integrated with the roof design.

#### 5.0. CONSTRUCTION PRACTICE

##### 5.1. Work Procedures

Before Construction May Begin:

1. Construction approval must be obtained in writing from the Reviewer.
2. Two (2) sets of the approved Construction Plans must be provided to the Reviewer.
3. A pre-construction meeting must be held between the contractor and the Reviewer to discuss construction scheduling and regulations.
4. A refundable construction security deposit of \$5,000 must be deposited with the Reviewer to guarantee any needed repairs and cleanup caused by construction.
5. Proof of comprehensive builders' risk insurance to limits of cover reasonably acceptable to Reviewer, and listing the Declarant, Cape Eleuthera Resort Limited and CECA Limited as additional insureds.

6. To the extent not provided as a part of the review process, copies of all appropriate governmental approvals shall be delivered to the Reviewer, including a valid building permit in respect of the proposed construction.

During Construction:

1. All construction must be built according to approved plans.
2. A copy of the signed construction authorization document and the approved construction drawings must be kept at the construction site at all times.
3. Construction activity is permitted only between 7:00 a.m. and 6:00 p.m. on Mondays through Fridays and 8:00 a.m. through 5:00 p.m. on Saturdays. No construction is allowed on Sundays or Bahamian Public Holidays.
4. All work must be done in a safe and orderly manner. The contractor and Owner shall be responsible for the safe and clean operation of the site.
5. Grading and construction activity may not adversely impact adjacent Units or Common Areas. Measures must be taken to control dust resulting from construction activity.
6. Steps must be taken to control dust, water runoff and soil erosion and protect designated plants, natural features, adjacent Units, Common Areas and Declarant's property.
7. Contaminated water runoff will be required to pass through a sedimentation process prior to discharge to any outflow or watercourse.
8. Children and other people not working on the project are not permitted on the site.
9. All materials stored on-site shall be stored in a safe and tidy manner. No materials are to be stored within the Setbacks of any Unit.
10. All material design changes in the field must be submitted to the Reviewer for approval.
11. Security deposit funds will be used to correct continuing infringements and to effect treatments necessary following contamination or pest infestations.

Authority to Stop Work:

If any of the construction practices set forth in this Section 5.0 are not followed by the

contractor, the Reviewer has the authority to stop work until all procedures and practices are in full compliance with such Section. In the case of breach, a stop order shall be issued by the Reviewer identifying the breach and the corrective actions to be taken prior to resumption of construction.

#### **5.2.1. Limit of Work Area**

All construction activity must be fully contained within the boundary lines of the Unit. No work areas, trash areas, storage, unloading, parking or support activities may occur on adjacent Units, streets or open areas, unless specific permission is obtained in writing from the Reviewer.

If the contractor fails to keep all construction activities confined to permitted areas, the Reviewer has the right to stop the work, have the site made safe, construction materials and equipment removed, and charge the cost to the construction security deposit.

If the expenses incurred by the Reviewer in enforcing any compliance with these Guidelines or with its conditions of approval exceed the amount of the construction security deposit, the Reviewer shall be authorized to assess the excess cost to the appropriate Owner as a Specific Assessment pursuant to the Declaration.

#### **5.2.2. Work Access and Parking**

Permission for access to the construction site must be obtained from the Reviewer. Construction equipment access may be limited to specific routes to the site, as determined by the Reviewer.

Parking of all construction and personal vehicles must be contained wholly within the construction site boundaries, unless specific permission is obtained by the Reviewer for a designated parking location off-site.

#### **5.2.3. Work Area Services**

##### Utilities

The Owner, or his or her contractor, is responsible for arranging for all utility services needed during construction.

##### Toilet Facilities

The Unit Owner, or his or her contractor, must provide temporary on-site toilet facilities for construction crews at a location approved by the Reviewer. These facilities must be cleaned and serviced regularly.

##### Worker Housing

- No construction workers may be housed on the construction site
- Provisions may be made for a night watchman to remain on the site during non-construction hours

##### Food Services

- No food services are permitted on-site, unless specifically approved by the Reviewer

#### **5.2.4. Repairs and Cleanup**

1. The contractor is responsible for avoiding damage and making full repairs to any Common Areas, developed or undeveloped Units, streets, sidewalks, utilities, lighting, signage and/or landscaping in the vicinity of the construction site.
2. The contractor is also responsible for maintaining a clean and orderly construction site and cleaning up all remnants of construction activity, materials, equipment and debris at the completion of construction.
3. The refundable construction security deposit paid to the Reviewer before the start of construction may be used by the construction office, upon written notice, to make repairs to any Common Areas, Units, streets, sidewalks, utilities, lighting, signage and/or landscaping damaged during construction that is not repaired by the contractor. It may also be used to guarantee that the contractor will clean up all trash and debris during and at the end of construction. Any unused portion of the construction security deposit will be refunded after project completion.

## EXHIBIT A



### Blue Marlin Lane and The Grove Sustainable Design Best Practices

Recommendations offered to the Cape Eleuthera Resort and Marina for the inclusion of sustainable design features into the new residential buildings at Blue Marlin Lane and The Grove. The areas of focus described below are chosen to provide the most significant improvement in reducing negative environmental impact and improving positive environmental impact over typical building practices.

#### Energy

1. Each house must incorporate renewable energy generation equipment into the building design.
2. The owner may decide whether to use solar, wind, or other sustainable power generation methods.
3. Owners are encouraged to use solar thermal collectors for hot water.

#### Water

1. Each house must utilize a cistern to capture rainwater for irrigation and potable water uses.
2. Potable water treatment achieved using UV or other low energy/chemical free sterilization.
3. The house must employ low flow fixtures for sinks, showers, toilets, and washing appliances.

#### Sanitary Waste

1. Human Waste must be treated on property, using chemical free, biological wastewater treatment.
2. Each development must install its own wastewater treatment system.
3. Nutrient rich effluent from the treatment system should feed a banana grove, or other agricultural feature, rather than passive release into the environment to maximize benefits.

#### Building Design

1. Locally sourced materials to be used to the greatest extent possible, where practicable.
2. The building should incorporate low energy fixtures such as LEDs for lighting, inverter driven appliances for refrigerators, microwaves, washing equipment, water pumps, air conditioning equipment, etc.
3. Specify insulation meeting or exceeding R21 in walls and R40 in ceilings.
4. Specify high performance glazing in wall windows and doors.
5. Specify white or light colored roofing material. Elastomeric roofing material is suggested as a low impact, environmentally friendly material.
6. Design the building to maximize natural cooling from the wind, and lighting from the sun.



### Landscaping

1. The house must incorporate sustainable/native/non-invasive species in the landscaping plan to contribute to the overall aesthetic appeal of Blue Marlin Lane and The Grove.
2. Native species requiring minimal upkeep are preferred to minimize negative impact.
3. An edible landscape serving dual aesthetic and food production purposes is encouraged.

### Site Planning

1. The project must incorporate a landscape plan to encourage synergies between the built and natural environments.
2. Consider the house as a room within the environment, rather than a structure that does not fit with natural features.
3. Plan the site to maximize benefits from natural shading, providing natural cooling.