

9. RESIDENTIAL DESIGN RESTRICTIONS.

a. All Homes Shall:

- i. Be a minimum of Three Thousand Three Hundred (3,300) total square feet, with Two Thousand Seven Hundred (2,700) under air.
- ii. Contain a minimum three car garage with minimum dimensions measuring twenty (20) feet by thirty (30) feet.
- iii. Contain at least three (3) full bathrooms.
- iv. No frame construction permitted. All homes shall be of CBS construction with concrete eight (8) inch by sixteen (16) inch reinforced tie beams and eight (8) inch by sixteen (16) inch tie columns.
- v. Brick veneer is preferred, though stucco is acceptable.
- vi. Metal roofing or architectural asphalt shingles or concrete tiles are minimum acceptance.
- vii. A minimum twenty (20) percent setback of the distance from one side property line to the other side property line, fifty (50) foot rear setback and fifty (50) foot front setback, unless circumstances unique to the property shall create hardship on the owner; i.e. irregular shape lot, environmental concerns, etc.
- viii. Finished floor elevation shall be at least thirty (30) inches above the apex of the road adjacent to the front property line, unless circumstance unique to the property exist; i.e., irregular elevation change placing floor level unreasonably high or low.
- ix. Brick pavers, concrete or asphalt driveways are permitted; dirt, mulch or gravel driveways are not permitted. All driveways are to have an inverted culvert at the Association road swale.
- x. No construction is permitted on Sundays and holidays within the Development. Construction shall be done between the hours of 7:30 A.M. and 6:00 P.M. Monday, Tuesday, Wednesday, Thursday, Friday and between 9:00 A.M. and 5:00 P.M. on Saturday.
- xi. No construction shall be permitted by anyone within the Development that is not a licensed contractor in the state of Florida. The contractor shall be active and maintain all insurances as required by law.



xii. All homes must purchase a low pressure sewer system from Alpha General Services, Inc. which will connect to the central sewer system.

xiii. Impervious area may not exceed ten percent (10%) of the total lot area.

b. Swimming Pools:

i. All swimming pools constructed in the Development shall be screened in or have a wall or fence at least four (4) feet in height enclosing the pool. Gates in the protective wall and/or fence must be self enclosing and have a spring lock so that the gate shall be closed and fastened at all times

ii. No swimming pools may be kept or maintained as to be a hazard to the health, safety and/or welfare of the residences of the Development.

iii. No above ground swimming pools are permitted in the Development.

b. To Ensure a Fire Wise Community, All Homes Must:

i. Choose a firewise location.

(1) Slope of terrain; build on most level portion of land.

(2) Set single story home at least thirty (30) feet back from any ridge or hill, increase distance for multi-leveled homes.

ii. Design and build a firewise structure.

(1) Use construction materials that are fire resistant or non-combustible whenever possible.

(2) For roof construction, use materials such as Class-A asphalt, slate or clay tile, metal, cement and concrete products, or terracotta tiles. No exposed fasteners shall be accepted.

(3) No vinyl siding shall be permitted.

(4) Use fire resistive materials such as stucco or masonry on exterior wall cladding.

(5) Cover windows and skylights with non-flammable screening shutters, if shutters are utilized.



(6) Use double pane glass and/or tempered glass for windows and skylights.

(7) Cover exterior attic and underfloor vents with wire mesh no larger than one-eighth (1/8) of an inch.

(8) Undereave and soffit vents must be closer to roof line than wall.

(9) Box in eaves, while providing adequate ventilation.

(10) Driveway must have a minimum twelve (12) foot wide distance while maintaining a vertical clearance of fifteen (15) feet. Slope of driveway must be no greater than twelve percent (12%).

(11) Provide at least two (2) ground level doors for safety exits and at least two (2) means of escape, either a door or window in each room.

(12) Driveways must be well maintained and clearly marked and include ample turnaround space near main structure.

(13) Any bridges leading to home must support at least forty thousand (40,000) pounds.

(14) No outdoor incinerators.

(15) Smoke detectors must be to code standard.

iii. Employ firewise landscaping and maintenance.

(1) Keep gutters, eaves and roof clear of leaves and/or debris.

(2) Clear dead wood and dense vegetation from at least thirty (30) feet from house.

(3) Keep firewood away from house, attachments, fences and decks.

(4) If all wood fence is used, masonry or metal protective barriers must come between fence and house.

(5) Use non-flammable metal when constructing a trellis and cover with high moisture, non-flammable vegetation.



(6) Wood decks may not be located atop a hill where it will be in direct line of fire moving up slope; consider a terrace instead.

(7) Occasionally inspect home, looking for deterioration such as breaks and spaces between roof tiles, warping wood or cracks and crevices in structure.

(8) Keep trees and shrubs pruned.

(9) Remove leaf clutter and dead overhanging branches.

(10) Dispose of lawn clippings as per local regulations.

(11) Irrigation system must be well maintained.

(12) Store and use flammable materials properly.

(13) Dispose of smoking materials properly.

(14) Follow manufacturers' instructions when using pesticides and fertilizers.

(15) No outdoor campfires.

(16) Clear thirty (30) feet of native vegetation from around the residence.

c. Landscaping of Homes must Have:

i. Landscaped area thirty (30) feet around home.

ii. A plan shall be submitted to the Architectural Review Board consisting of:

(1) Site plan outlining all plant material, size and location.

(2) Details shall show all structures and all accessory structures, i.e. walkways, trellises, outdoor lighting, gazebos, pools, spas, driveways.

(3) Architectural Review Board shall deem the plan to be adequate or inadequate in its quantity and quality.

(4) An irrigation system.



10. NATURE PRESERVE / SOUTHWEST FLORIDA WATER MANAGEMENT - The Association shall establish a nature preserve and therefore restricts the clearing of native habitat to a maximum of fifty percent (50%) of each lot. All restrictions shall become part of the Deed Restrictions, Home Owners Association Bylaws, and contractually survive through sale from owner to owner.

a. Tree Removal. No Lot Owner, except the Developer, may remove or allow to be removed any live native trees in excess of six (6) inches in diameter without the written approval of the Board.

b. Restrictions. The applicable ordinances of Hawk's Landing regarding the nature preserve are hereby adopted and incorporated herein.

c. No construction activities may be conducted relative to any portion of the surface water management system facilities.

i. No owner of property within the subdivision may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, wetland mitigation area(s), buffer area(s), up and conservation area(s), and drainage easement(s) described in the approved permit and recorded plat of the subdivision, unless prior approval is received from the Southwest Florida water Management Bartow Service Office.

ii. Subsection 369.20 (8), F.S. states 'a riparian owner may physically or mechanically remove herbaceous aquatic plants and semi woody herbaceous plants, such as shrub species and willow, within an area delimited by up to fifty percent (50%) of the property owner's frontage or fifty (50), which ever is less...' In addition, property owners may construct private docks within the cleared which are exempt pursuant to Rule 40D-4.051(12)(c). Florida Administrative Code, Otherwise, no owner of property within the subdivision may construct or maintain any building, residence or structure, or undertake or perform any activity in the wetlands, buffer areas, and drainage easements described in the approved permit and recorded plat of the subdivision, unless prior approval is received from the Southwest Florida Water Management District, Bartow Service Office. This restriction includes, but is not limited to the construction of seawalls, upland retaining walls, and the placement of riprap or other shoreline reinforcements. Future changes to statute and rule shall be applied to this restriction. To insure the preservation of native habitat, no further splitting of individual lots within Hawk's Landing will be allowed. All lots shall be a minimum of two (2) acres. The surface water management system facilities are located on land that is designated common property on the plat, are located on land that is owned by the Lot Owner or are located on land that is subject to easement in favor of the Lot Owner successors.



iii. No construction activities may be conducted relative to any portion of the surface water management system facilities. Prohibited activities include, but are not limited to: digging or excavation; depositing fill, debris or any other material or item; constructing or altering any water control structure; or any other construction to modify the surface water management system facilities. If the project includes a wetland mitigation area, as defined in Section 1.7.24, or a wet detention pond, no vegetation in these areas shall be removed, cut, trimmed or sprayed with herbicide without specific written approval from the District. Construction and maintenance activities which are consistent with the design and permit conditions approved by the District in the Environmental Resource Permit may be conducted without specific written approval from the District.

iv. The Association is responsible for operation and maintenance of the surface water management system facilities. Operation and maintenance and reinspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.

v. All the Lot Owners, parcel owners or unit owners must be members of the Association.

vi. A line item shall be created for the assessing of funds and the collecting of the assessed funds by the Lot Owner for operation, maintenance and replacement of the surface water management system facilities.

vii. The District has the right to take enforcement measures, including a civil action for injunction and/or penalties, against the Lot Owner to compel it to correct any outstanding problems with the surface water management system facilities.

viii. Any amendment of the declaration of protective covenants, deed restrictions or declaration of condominium affecting the surface water management system facilities or the operation and maintenance of the surface water management system facilities shall have the prior written approval of the District.

ix. The restrictions shall be in effect for at least twenty-five (25) years with automatic renewal periods thereafter.

x. If the Association ceases to exist, all of the Lot Owners, parcel owners or unit owners shall be jointly and severally responsible for operation and maintenance of the surface water management system facilities in accordance with the requirements of the Environmental Resource Permit, unless and until an alternate entity assumes responsibility.

xi. For projects which have on-site wetland mitigation as defined in Section 1.7.24 which requires ongoing monitoring and maintenance, the declaration of protective covenants, deed restrictions or declaration of condominium shall include a provision for monitoring and maintenance of the sufficient fund in its budget for monitoring and maintenance of the wetland mitigation area(s) each year until the District determines that the area(s) is successful in accordance with Environmental Resource Permit.

d. Highlands County. The Developer hereby adopts and incorporates herein the Highlands County ordinances regarding the following:

i. Landing clearing exemption on up to two (2) acres without environmental clearance.

ii. Same restrictions as Southwest Florida Water Management District permit for the development.

iii. Environmental Clearance Report may be required on each lot containing protected native habitat if clearing of a lot exceeds two (2) acres.

e. Florida Fish and Wildlife Conservation Commission.

i. A species of special concern, gopher tortoise is known to occur in Hawk's Landing. A site assessment of each lot should be made to ascertain the presence or absence of the species. If present, a permit will be required for the incidental take or relocation on site of the species.

f. US Fish and Wildlife Conservation Service.

i. The potential exists for several federally protected animal species to occur in Hawk's Landing. A site assessment of each lot should be made to ascertain the presence or absence of protected species. If present, a permit will be required for the incidental take of the species. On site or off site mitigation for habitat and species impacts may be required.

ii. If an incidental take permit is required, a Habitat Conservation Plan for the species will have to be implemented. Mitigation for federally listed species is granted beginning at 2:1 ratios for impacted areas.

11. TREES, SHRUBS , HIGH GRASS.

a. Overgrown Lots. No Owner or Owners, of a lot or parcel of land in the Development, may permit the growth of weeds and/or grass to exceed a height of twelve (12) inches or more, nor shall the accumulation of dead trees, rubbish, trash or debris be permitted to accumulate in an unsightly manner. In the event property owner is in violation of this