

**SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS**

**SEA COLONY, PHASE II**



This Declaration (Supplemental Declaration) is made this 23<sup>rd</sup> day of July, 2001, by Gulf Landings Development Corporation, (Declarant).

Declarant has recorded on the 8th day of February, 1983, in the offices of the Clerk of the Circuit Court for Pasco County, Florida, in Book 1234 at Pages 625-637, as Instrument No. 958351, a certain Declaration of Covenants and Restrictions for Gulf Harbors Sea Forest (The Development). Said Covenants and Restrictions subject Gulf Harbors Sea Forest to the provisions thereof pursuant to an incremental plan of development and improvements.

NOW, THEREFORE, Declarant declares that:

Rcpt: 516719 Rec: 19.50  
DS: 0.00 IT: 0.00  
07/30/01 Dpty Clerk

1. The Development includes all the real property set forth and described in the Plat of SEA COLONY, PHASE II, recorded on the 23rd day of July, 2001, in the offices of the Clerk of the Circuit Court for Pasco County, Florida, in Plat Book 41 at Pages 108-110.

2. All of the real property described in the plat is made subject to the provisions of the Declaration of Covenants and Restrictions, the provisions of which are incorporated herein by reference.

3. Pursuant to the provisions of the Declaration of Covenants and Restrictions, lot numbers 1 through 22 and lot numbers 61 through 76, shown on the plat of Sea Colony, Phase II, as aforesaid, are designated Single Family Residential as to permitted use.

4. Plans and Specifications as required for permits including, but not limited to: site plan; floor plans, elevations, details, landscape and grading; professional engineers' sealed foundation plan, for all improvements must be submitted in accordance with the rules and regulations to, and approved in writing by, the Architectural Review Committee (the Committee) prior to the start of construction.

5. A Prime Contractor may be employed for the construction of one specific building only if it meets the following criteria:

JED PITTMAN, PASCO COUNTY CLERK  
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- A. Must file AIA Document (G702/703)
- B. In business (with same upper level organization) for at least five (5) years.
- C. Successfully and satisfactorily completed at least twenty (20) similar projects within the past five (5) years, using own personnel to complete at least 20% of the work.
- D. Financially solvent and liquid, with sufficient capital and credit to successfully and satisfactorily complete the subject work and all work presently under contract.
- E. Satisfactorily completed (and received satisfactory review) of approved questionnaire and references confirming these prerequisites. Minimum documentation and reference requirements to include: three (3) approved customers; bank; primary lender; three (3) suppliers; three (3) subcontractors; and an Audited Financial Statement or a Financial Statement prepared on a review basis. All references to be in writing.

6. Owner may not begin construction of his/her home unless and until the criteria in #5 (above) are met.

7. The type, size, grade, composition, finish and color of all materials to be placed on the exterior of any building shall first have the written approval of the Architectural Review Committee.



Exterior colors to conform with homes in the community. No unfinished concrete block shall be allowed. Only premium grade roofing materials such as cement tile, clay tile, cedar shakes or fiberglass dimensional shingles, similar to Timberline, shall be allowed.

8. The minimum living area (fully enclosed floor areas above the elevation of the finished Grade of the lots, exclusive of roofed or unroofed porches, terraces, garages, or outbuildings) shall be 1200 square feet in a two bedroom dwelling and 1400 square feet in a three bedroom dwelling.

9. Each of said lots shall carry with it as an appurtenance a membership in the Gulf Landings Association, Inc. and the Gulf Harbors Beach Club, Inc. subjecting said Lot and Owner thereof to the privileges and obligations pertaining to such memberships as set forth in the Articles and By-Laws of the Gulf Landings Association and Beach Club.

10. All residences shall have an attached two car garage, fully enclosed, and constructed of material similar to the main house.

11. All residences shall have a pile or other foundation approved and sealed by a professional engineer. Soil testing is mandatory to establish design criteria for proper design, construction and installation of the foundation system by the engineer. All costs of soil testing, foundation design and monitoring shall be paid by the lot owner.

12. No house shall have a blank exterior wall of more than one story. All exterior walls over two stories shall have either windows, vertical bands, piers, or the like.

13. The provisions of this paragraph are intended to be in furtherance of a general plan and to provide that the design, location and construction of all dwellings and improvements shall be pursuant to such a plan. The plan is similar to the concept commonly referred to as "zero lot line" in that dwelling will be located toward one side of a lot, along a specified side setback line, so that an owner's usable side yard will be entirely on one side of his dwelling. The side of a dwelling which faces its own usable side yard is referred to as the "open side" The side of a dwelling which faces the neighboring usable side yard – is referred to as the "closed side". In order to provide a degree of privacy, windows, doors and other openings which would afford access or a view into the neighbor's usable side yard are prohibited on the closed side of all dwelling.

A. Each lot owner shall have an easement over and across that portion of the parcel of the side yard adjacent to the open side of his dwelling; which parcel is situated on the adjoining lot and is bounded by the common side lot line, the front and rear lot lines of the adjoining lot and line parallel to and 3 feet distant from the common side lot line. The easement on all lots shall be for the purpose of the exclusive right to use and enjoy said parcel and the right to abut a fence (no chain link fences allowed) or wall to the closed side of the adjoining dwelling; assuming, however, the obligation to maintaining said parcel and fence or wall and obligation of providing and maintaining drainage between lots. In order to assist in the drainage of the closed side easement, all dwellings shall have gutters along their entire closed side with downspouts located so as to enable all runoff water from the roof to be deposited in either the front or rear yard of the dwelling. The Owner of the lot on which said parcel is situated shall have the right of ingress and egress during normal working hours (8 a.m. to 5 p.m., Monday to Saturday) for the purpose of maintenance and/or repairs of walls and roofs of his dwelling which are along said parcel. Such maintenance and repair shall be done in a manner as not to interfere with the adjoining lot owner's use of the parcel and in a manner as not to cause damage to

shrubbery, lawns, fences and the like. No Owner shall place, walls, fences, plants or other objects on the open side of Owner's home so close to neighbor's closed side as to cause damage to neighbor's home or inhibit access to same for purpose of maintenance.

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B. Building setbacks for Sea Colony, Phase II:

1. Front: Buildings on each lot shall be at least 15 feet from the front line.
2. Rear: Buildings on each lot shall be at least 15 feet from the seaward edge of the retaining wall.
3. Side: No building shall be closer than 15 feet from any building on an adjoining lot (3 feet on closed side plus 12 feet on open side equals 15 feet).
  - a. Lots 2 through 6 shall have dwellings constructed along a setback line which shall be three (3) feet from the east side (left) lot line. The east side (left) shall be the closed side of these lots.
  - b. Lots 8 through 22 shall have dwellings constructed along a setback line which shall be three (3) feet from the south side (left) lot line. The south side (left) shall be the closed side of these lots.
  - c. Lots 61 through 73 shall have dwellings constructed along a setback line which shall be three (3) feet from the south side (right) lot line. The south side (right) shall be the closed side of these lots.
  - d. Lots 75 and 76 shall have dwellings constructed along a setback line which shall be three (3) feet from the west side (left) lot line. The west side (left) shall be the closed side.
  - e. Lot 7 may have an open side on either or both sides of the dwelling with its north (right) setback a minimum of 12 feet from the north (right) side lot line. Lot 74 may have an open side on either or both sides of the dwelling with its north (left) and south (right) setbacks a minimum of 12 feet from the north and side lot lines.
  - f. Lot 1 may have an open side on either or both sides of the dwelling with its west (right) setback a minimum of 12 feet from the west (right) lot line.
4. Steps, stoops, entries, bay windows, etc.: All encroachments into required building setback shall comply with local code but shall not encroach more than 24 square feet unless previously authorized by Committee.

C. Upon submittal of plans, one home may be constructed on two or more adjoining lots with County and Committee approval. Owner would be responsible for assessments on each lot.

14. Landscape and grading plans shall be submitted and shall include trees of 10 feet or more in height as follows:

- A. 2 Live Oaks, or
- B. 2 Sable Palms, or
- C. 3 Wax Myrtles tree shaped, or
- D. 2 Washington Palms.

There will be no trees or shrubs allowed over 4 feet in height within 15 feet of the rear of any lot.

15. Air conditioning compressors, pool equipment and any and all other types of equipment shall be screened from the street and shall not be permitted on the closed side of homes. Hose bibs will not be permitted on the closed side of homes.

16. Mailboxes and posts shall be per standard approved design.

- 17. Retaining walls must be 32" high (4 courses high). Walls run from closed side to open side line, not lot line to lot line.
- 18. Dock and dock-like facilities shall be submitted and approved by the Architectural Review Committee prior to installation.
- 19. Two foot (2') overhangs are mandatory unless it is agreed that would negatively affect the structure's aesthetics; if so, smaller overhangs would be acceptable.
- 20. Signs such as, but not necessarily limited to, For Sale or For Rent shall be limited to a size no larger than 6 square feet exclusive of the post.
- 21. The Declarant shall not be responsible in any way whatsoever for any defects in, failure of, damage to or maintenance of any seawall or retaining wall. Each owner shall be responsible for all repairs to and maintenance of any such walls on or adjacent to his property.
- 22. Pursuant to the provisions of the Declaration of Covenants and Restrictions, the provisions of the Supplemental Declaration shall affect and run with the land and shall exist and be binding upon all parties claiming an interest in the Development until January 1, 2003, after which time the same shall be automatically extended for successive periods of ten years each, unless terminated by the affirmation vote of a majority of the Owners of all Lots in the Development entitled to vote.
- 23. Short-term rentals are allowed within Sea colony at Gulf Landings Phase Two. A short-term rental is defined by Pasco County ordinances as a dwelling unit which is made available for more than three (3) times per year, for periods of fewer than thirty (30) days, or one (1) calendar month at a time, whichever is less, for use, occupancy, or possession by the public timeshares, vacation rentals, and holiday rentals meeting this definition are examples of short-term rentals.

IN WITNESS WHEREOF, GULF LANDINGS DEVELOPMENT CORPORATION has executed this Supplemental Declaration this 20<sup>th</sup> day of JULY, 2001.

GULF LANDINGS DEVELOPMENT CORPORATION,  
a Florida corporation

By: [Signature]  
As Its President

Attest: [Signature]  
Secretary

STATE OF FLORIDA  
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of JULY, 2001, by Joseph R. Borda, as the President, and Margaret E. Mountain, as the Secretary, of Gulf Landings Development Corporation, a Florida corporation, on behalf of the Corporation. They are both personally known to me and did not take an oath.



[Signature]  
Notary Public  
Lesli A. Wiggin  
Typed Name of Notary

My commission expires: 6/10/03