

- e. A minimum of thirty-three (33) percent of each lot shall be open and pervious, provided that swimming pools (excluding surrounding deck surfaces) shall be deemed to be open and pervious.
- f. Accessory structures that do not exceed six (6) feet in height above Finished Grade, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features and other accessory structures, shall be allowed within the boundaries of each lot, provided they are located in a rear yard screened from public streets. The requirements of the preceding sentence shall not apply to accessory structures adjacent to or visible only from private streets. Accessory structures over six (6) feet above Finished Grade (or under six (6) feet in height but not in an enclosed yard), which may include casitas, gazebos, trellises, and patio covers, shall be allowed on each lot, provided that they comply with the Floor Area limitations shown on Page D-3 of the Approved Plans, are limited to sixteen (16) feet above Finished Grade, and comply with the setbacks on Page F-2 of the Approved Plans.
- g. Accessory structures containing livable square footage shall meet the setbacks for the main home and may not exceed sixteen (16) feet in height as measured from Finished Grade.
- h. House-mounted basketball backboards and pre-fabricated storage sheds shall not be permitted.

#### **AREA C – RESORT-BRANDED HOMES**

44. Area C may only be improved with up to forty-five (45) detached single-family residential Resort-Branded Homes and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height and Floor Area limitations shown on Page D-3, and setback limitations as shown on page F-3 of the Approved Plans. Each Owner of a Resort-Branded Home may occupy it, or permit its family and guest(s) to occupy it, or make it available for residential uses. In addition, each Owner of a Resort-Branded Home may voluntarily participate in the Resort Hotel Rental Program and make its Resort-Branded Home available for transient occupancy uses or hospitality uses, at its sole option, under the terms and conditions of the Resort Hotel Rental Program, provided, however, that any rental of any Resort-Branded Home shall only be done through the Resort Hotel Rental Program. The principal guest of a Resort-Branded Home in the Resort Hotel Rental Program shall register with the Principal Resort Hotel. Nothing shall prohibit a Resort-Branded Home from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.

45. Resort-Branded Homes are subject to the following requirements:

- a. Resort-Branded Homes shall be constructed in conformance with the development standards set forth in this Special Use Permit.
- b. Resort-Branded Homes in the Resort Hotel Rental Program must always meet the requirements of the Acceptable Brand for the Principal Resort Hotel.

- c. Additional walls not shown on the Approved Plans may be constructed on a lot within enclosed private yards, provided they do not exceed six (6) feet in height.
- d. Air conditioners may be installed on roofs, provided they shall be screened and noise attenuated so as to comply with the allowable noise levels as defined in the Town Code provisions relating to noise, as it is amended from time to time. Noise measurement shall include any installed screening or other attenuation devices. Such screening shall be included in the overall height of the structure.
- e. All outdoor lighting shall comply with Town ordinances.
- f. A minimum of thirty-three (33) percent of each lot shall be open and pervious, provided that swimming pools (excluding surrounding deck surfaces) shall be deemed to be open and pervious.
- g. Accessory structures that do not exceed six (6) feet in height above Finished Grade, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features and other accessory structures, shall be allowed within the boundaries of each lot, provided they are located in a rear yard screened from public streets. The requirements of the preceding sentence shall not apply to accessory structures adjacent to or visible only from private streets. Accessory structures over six (6) feet above Finished Grade (or under six (6) feet in height but not in an enclosed yard), which may include casitas, gazebos, trellises, and patio covers, shall be allowed on each lot, provided they comply with the Floor Area limitations shown on Page D-3 of the Approved Plans, are limited to sixteen (16) feet above Finished Grade, and comply with the setbacks on Page F-3 of the Approved Plans.
- h. Accessory structures containing livable square footage shall meet the setbacks for the main home and may not exceed sixteen (16) feet in height as measured from Finished Grade.
- i. House mounted basketball backboards, and pre-fabricated storage sheds shall not be permitted.

#### **AREA D – RESORT RELATED ATTACHED RESIDENCES**

- 46. Area D may only be improved with up to fifty-three (53) attached single-family residential Resort Related Attached Residences and uses incidental or accessory thereto, as well as common areas and common use facilities and/or amenities, provided that all such improvements comply with the height, setback, and Floor Area limitations shown on Page D-3 of the Approved Plans. Each Owner of a Resort Related Attached Residence may occupy it or permit its family and guest(s) to occupy it, or make it available for residential uses. Nothing shall prohibit a Resort Related Attached Residence from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.
- 47. Resort Related Attached Residences are subject to the following requirements: