

WINDING CREEK SUBDIVISION

NOTICE TO BUYERS

To the purchasers of Lots in WINDING CREEK SUBDIVISION, Manatee County, Florida.

You are hereby notified that the purchase of your Lot is subject to:

1. The Declaration of Covenants, Conditions, Restrictions and Easements, as amended, a copy of which is available on our website at www.wchoamyakka.com.
2. Ownership of a Lot in said Subdivision automatically makes you a member of the WINDING CREEK HOMEOWNER'S ASSOCIATION, INC., and you are subject to the Articles of Incorporation, Bylaws and Rules and Regulations. Each Lot entitles its Owner to one vote in the affairs of the Association.
3. The Homeowner's Association owns and controls the association property, as described in the Listing of Holdings, and has the right and power to assess and collect for the cost of maintenance and care of all property and uses under the purview of the association which you have the right to enjoy, in accordance with the Declaration, the Articles of Incorporation, and Bylaws of the Association. A projected ten-year Fiscal Program is included as part of the Declaration for your information.
4. As of 12-31-2023, the annual assessment by the Homeowner's Association is \$510 per Lot, due January 31st of each year. You are notified hereby that the Association may increase that amount as may be required to maintain the common property of the Subdivision and administer the Homeowner's Association.
5. Each Lot shall be used for single family residential purposes or agricultural use only in accordance with applicable zoning and governmental land use regulations specifically, but not limited to the Manatee County Planning, Development & Zoning Department and this Declaration. No dwelling structure shall be occupied by more than one family, its domestic employees, and guests.
6. **Minimum Construction Standards.** The following provisions and restrictions apply in the construction of any residence or other structure.
 - (a) Maximum density permitted is .2 dwelling units per acre (1 per Tract).
 - (b) Only one residence is permitted per Lot.
 - (c) The Minimum Lot size permitted is 217,804 feet, on five (5) acres.
 - (d) All structures shall be located and set back at least 50 feet from the front Lot line, 10 feet from the side yard Lot line, 25 feet from the rear Lot line, 30 feet from any waterfront setback and an additional 35 feet from the line when adjacent to agricultural operations. The 35-foot setback requirement when adjacent to agricultural operations may not be enforceable if the agricultural use is established after an adjacent home is built 10 feet from the side boundary of the Lot.
 - (e) Maximum building height permitted of any structure is 35 feet.
 - (f) The minimum unit living floor area of any residence permitted is 1500 square feet.
 - (g) Land clearing shall not commence until construction plans have been approved.
7. Building permits for single family residences cannot be obtained for Lots containing less than four acres of uplands.

8. All building permit applications are subject to approval by the Environmental Management Department (EMD). All Lots containing wetlands or having wetlands within 200 feet of the site shall be required to have landward extend of wetland limits established by a person qualified to do a wetlands delineation. Building permit applications at minimum shall include a certified wetlands survey for on-site wetlands, identification of wetlands within 200 feet of the site, and special habitat delineation, as required pursuant to section 721.42 of the Manatee County Land Development Code.
9. Wetland buffers shall be provided for all on-site wetlands and wetlands within close proximity to the site, as required pursuant to section 719 .11.1 of the Manatee County Land Development Code. A site plan delineating wetlands, required wetland buffers, and proposed improvements shall be submitted concurrently with the building permit application. An additional 15-foot setback from the upland edge of the wetland buffer and adjacent structures is required pursuant to section 702.6.10 of the Manatee County Land Development Code. A conservation easement inclusive of the areas defined as wetlands/wetland buffers shall be dedicated to the county prior to certificate of occupancy issuance.
10. No owner or resident shall perform any activity on a Lot which impacts or affects a wetland or wetland buffer without receiving approval from Manatee County or other agencies having jurisdiction. Wetland buffers are to remain in their natural state and are to be protected in accordance with the conditions included in 14.(a) of this notice.
11. No septic tanks / drain fields shall be located within 75 feet of a jurisdictional wetland.
12. Prior to each owner obtaining their certificate of occupancy, each property owner at the owner's cost shall plant one (1) canopy tree meeting the minimum standards of the Manatee County Land Development Code (3" caliper, 10' minimum height, and 4' minimum canopy spread) at planting within twenty-five (25) feet of the right-of-way of each local street within the subdivision for every fifty (50) linear feet, or substantial fraction thereof, of the right-of-way. None of these required trees shall be planted within a public or private utilities easement. The trees shall be spaced no closer together than twenty-five (25) feet, unless a decorative grouping or alternative method is shown and approved on the final site plan or landscape plan. Palm trees may be utilized when grouped at least two (2) together to count as one (1) canopy tree. Existing native trees should be used to fulfill these requirements wherever they meet the spacing and size requirements of this paragraph. Responsibility for installation and maintenance belongs to each property owner. In the event a street tree dies or is removed, the owner of the Lot is responsible to replace the tree within thirty (30) days. A canopy tree shall mean a tree species which produces one (1) main trunk and normally reaches a height of thirty (30) feet or more upon maturity. All canopy trees shall be a minimum of three (3) inches in diameter breast height at the time of planning, unless otherwise indicated.

See residential street tree table attached hereto as Schedule "1" as relating to Phase I and Schedule "2" is the street tree table as relating to Phase II to the property subject to the Declaration.

13. All streets within the subdivision are private streets and therefore are part of the common property on new Lots which are to be developed take access from the road right of way shall be required to demonstrate compliance with all standards of the Manatee Land Development Code including but not limited to level of service compliance (CLO) Wetland Protection and dimensional Lot requirements prior to any issuance of any building permit.
14. (a) Unless permitted by the code, the following acts and activities are expressly prohibited within the boundaries of all wetland areas as defined in Article 4.03(a) without obtaining prior consent from Manatee County:
 - (i) Construction or placing of buildings, roads, signs, billboards or other advertising or other structures on or above the ground.

- (ii) Construction or placing of utilities on, below or above the ground without appropriate local, state and federal permits or other authorization.
- (iii) Dumping or placing of soil or other substances or material as landfill or dumping or placing trash, waste, unsightly or offensive materials.
- (iv) Removal, mowing or trimming of trees, shrubs or other vegetation.
- (v) Application of herbicides, pesticides, or fertilizers.
- (vi) Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substances in such manner as to affect the surface.
- (vii) Surface use except for purposes that permit the land or water areas to remain in its natural condition.
- (viii) Any activity detrimental to drainage, flood control, water conservation, erosion control, soil conservation or fish and wildlife habitat preservation.
- (ix) Acts or uses detrimental to such retention of land or water areas.
- (x) The following language shall be included as part of the deed restrictions for each Lot:

"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), upland 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 District (SWFWMD), Venice Regulation Department."

- (xi) All Lots abutting wet retention or detention ponds shall have the following language (or similar language as approved in writing by the Venice Regulation Department) as part of the deed restrictions:

"The Lot owners shall not remove native vegetation (including cattails) that becomes established within the wet retention or detention ponds abutting their property. Removal includes dredging, the application of herbicide, cutting, and the introduction of grass carp. Lot owners shall address any questions regarding authorized activities within the wet retention or detention ponds to SWFWMD, Venice Service Office, Regulation Manager."

- (xii) The removal of littoral shelf vegetation (including cattails) from wet retention or detention ponds is prohibited unless otherwise approved by the district. Removal includes dredging, the application of herbicide, cutting, and the introduction of grass carp. Any questions regarding authorized activities within the wet retention or detention ponds shall be addressed to the district's Regulation Manager, Venice Service Office.

(b) Wetland areas are subject to conservation easement(s) set forth in Paragraph 4.03(a) in said restrictions, and attached as Exhibit "D".

(c) Wetland areas shall be surveyed and delineated for each individual Lot when each owner purchases said Lot. As a condition for the owner to obtain building permit, all building permit applications shall be submitted to the Manatee County Building and Development Services Department (BADS) for review. A certified wetland area survey shall be included in each building permit application for Lots containing wetlands. A wetland area easement shall be given from the declarant to the county and shall be in the form of the conservation easement set forth in Paragraph 4.03(a) of Declaration,

which owner shall take title to the property subject to. Owner shall pay for the surveying and environmental costs at the closing.

- (d) Activities (i.e., mowing, bush hogging, tilling, disking, dredging, filling, vegetation removal (unless otherwise specified in this condition), etc.) and the construction and/or placement of any type of permanent or temporary structure (i.e., fences, pole barns, sheds, etc.) within the 75-foot upland buffer, mitigation area, and wetlands located within the project boundaries are strictly prohibited. This area shall be maintained in its native condition in perpetuity except for the removal of nuisance and exotic vegetation .
- (e) Each property owner within the subdivision at the time of construction of a building, residence, or structure shall comply with the approved construction plans for the surface water management system approved and on file with the Southwest Florida Water Management District (SWFWMD).
- (f) 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 areas, buffer areas, upland conservation and drainage easements described in the approved permit and recorded in the plat of the subdivision, unless prior approval is received from the Southwest Florida Water Management District, Sarasota Regulation Department.

15. All owners shall take title to the property with the knowledge that there is an existent adjacent mining operation which may include possible truck traffic on the road rights of way.
16. Each Lot or tract of the property shall have a pond constructed on the Lot ("pond"). The pond and related equipment shall be constructed prior to the commencement of construction of any structure or building by and at the expense of the owner. The pond and related equipment may be accessed and water used for fire control purposes at any time and by any fire control personnel or other government personnel and the dry hydrant basket must be at a depth of 12 feet and the hydrant located within 800 feet of the home. The pond shall be constructed to have an area of least one-quarter acre or larger and at a minimum depth of 15 feet. The owner shall maintain the pond and related equipment in good condition at all times and the association shall have the same rights as in Article 8.17 of the Declaration above should the owner fail to maintain said pond or related equipment. (see Item 21 below)
17. Prior to obtaining building permits, each owner shall submit to a Lot Review Committee established by Declarant, the proposed site plan for the owner's construction showing and locating the location of all proposed improvements, buildings, structures, wetlands, 75-foot upland buffer, the conservation easement boundary, drainage easement, the Army Corp of Engineers boundary, and the terms of the construction as it relates to the wetlands, buffers and setbacks. Said survey must be submitted to Manatee County in order to obtain building permits. The Declarant shall appoint the Plan's Lot Review Committee which shall consist of a licensed engineer and surveyor and environmental consultant and a representative of the Declarant, or of the association as appointed by Declarant. The Owner shall pay a reasonable fee to the Lot Review Committee for this review with the submission of the Site Plan. The Lot Review Committee shall review for, but not be limited to, construction location, drainage plans, limits of construction and other matters required by the Lot Review Committee. The Lot Review Committee shall also review the developer's plans to assure no activities are proposed outside the limits of construction and that the activities proposed within the area will not adversely impact habitats or surface water flows outside that area. If any Lot owner wishes to perform activities outside the "Limits of Construction" area, i.e. pond excavation, creation of pasture clearing, etc., the Conservation Easement area (wetland limits and buffer) as delineated on the Rectified Color Infrared Aerial on file with SWFWMD will be staked and flagged in the field, surveyed and provided to the Lot owner for him/her to show his proposed activities and present them for review by the Committee. The Owner

shall be bound by changes requested by the Lot Review Committee. The limits of construction are proposed in the attached Exhibit "J" to the Declaration.

Additionally, any Builder or Contractor of improvements or residences to any Lot within the subdivision must be approved by Declarant or Declarant's agent prior to the construction of said improvements or residences.

18. (a) The project site lies in flood zones X and A, with an undetermined Base Flood Elevation (BFE), per FIRM Panel 120153 0450C. Specifically Lots or a portion of Lots 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 are in the FIRM FLOOD ZONE 'A'.
- (b) All new subdivision proposals and other proposed non-agricultural developments, greater than fifty (50) Lots or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data (CFR 60.3.b.3, LDC 718.6.2.4.3). This data shall include Base Flood Elevations (BFE) and Flood Protection Elevations (FPE) for each Lot. Developer must provide "100- year" flood elevations and corresponding data if they are not available (A with no BFE designated), submitted to and approved by the Building Official.
- (c) The developer is responsible for providing base flood elevation data, also referred to as a flood study. The developer must submit a completed, engineered flood study to the building official for approval. There will be no building permits issued for the above project until this requirement has been satisfactorily met. This requirement is not the responsibility of the contractors or homeowners/buyers, but the responsibility of the developer.
- (d) If it is determined that any of the structures are in the A Zone, a Floodplain Management Permit will be needed for submittal along with the building permit application.
- (e) A sealed survey showing the FIRM panel number, flood zone, base flood elevation, with existing and proposed grades of the Lot, and flood zone lines must be submitted at the time of building permit application, unless there is a FEMA approved LOMR or CLO MR for the above Lots. In which case the surveyor will just need to note the case number on the survey.
- (f) The buyers of the Lots noted above are hereby notified that their home may lie within the flood zone, as determined from the Preliminary Plat submitted by George F. Young, Inc., as reviewed by the Manatee County Building Development Services Floodplain Management Division; and the mortgage lender may require the Buyer to purchase flood insurance. Also, be advised that the mortgage lender will make their own flood determination and it may differ from that of Manatee County.
- (g) Should the buyer not agree with the results of the floodplain study, submitted by the developer, for the entire subdivision; the buyer is hereby advised that they are free to commission and pay for a floodplain study of their own for their particular Lot.
- (h) The project site lies in flood zones X and A, with Base Flood Elevations (BFE) of 76 to 97 feet above mean sea level, as determined through a Flood Study conducted by Lombardo, Skipper and Foley, Inc., per FIRM Panels 120153 0410C and 120153 0450C. Specifically portions of Lots: 13, 14, 15, 16, 111, 112, 113, 114, 134, 134, 135, 136, 137, 138, 140, 141, 142, and 147 lie within flood zone A which exceeds the limit of the conservation easement.
- (i) If it is determined that any of the structures are in the A zone, a Floodplain Management Permit will be needed for submittal along with the building permit application.
- (j) A sealed survey showing the FIRM panel number, delineating flood zone lines, showing base flood elevation, with existing and proposed grades of the Lot, must be submitted at the time of building

permit application. If there is a FEMA approved LOMR or CLOMR for the above Lots, the case number must be noted on the survey.

(k) If it is determined that a Lot lies within a flood zone, a mortgage lender may require the owner/mortgager to purchase flood insurance.

(l) Buyers are hereby notified that their mortgage lender's flood determination may differ from the determination made by the Manatee County Building Development Services Floodplain Management Division.

19. The foregoing statements are only summary in nature and shall not be deemed to supersede or modify the provisions of the Homeowner's Association Covenants or Restrictions, or any Lot sales contract between a purchaser and the Developer.
20. Owner shall not impact more than one-half (1/2) an acre (after the written consent has been received by the Association) that is within the Army Corps of Engineers (ACOE) boundary line as depicted on the survey each Buyer has or shall receive and a sketch of the overall ACOE line is attached as Exhibit "B ". Owner shall not impact any area within the ACOE boundary line which "impacts" shall be defined as the filling, dredging (as in excavation of any ponds), clearing, or replacement of vegetation (as in conversion of native cover or pasture grass) or any other activity that would alter the nature or function of the affected wetland (other than the one-half (1/2) acre with the Association's prior written approval). Additionally, all motorized vehicles and livestock are excluded from this area. However, where the ACOE line is within any easement to Manatee County, Southwest Florida Water Management District, or the Association, then the structures of said easement the most restrictive covenants shall control. The Association, Southwest Florida Water Management District, Manatee County and/or ACOE shall enforce this restriction strictly.
21. The specifications of any and all hydrants shall be governed with local and/or state governmental authorities and the hydrant for each owner must be inspected and approved by the local county or fire authorities prior to the issuance of any building permits. The hydrants must be located no nearer than 200 feet and no farther than 800 feet from the residence on the pond and located nearest the drive to the residence.

Schedule "2"

WINDING CREEK - PHASE II-A - RESIDENTIAL STREET TREE TABLE

1 tree per 50' of frontage per Manatee County LDR, Section 715.3.4

(native vegetation to be used as applicable)

See Code Landscape Plans, dated 9-27-2002.

Lot Number	Frontage ÷ by 50	Number of Trees	Rounded Down
64	250	5.00	5
65	260	5.20	5
66	250	5.00	5
67	306	6.12	6
68	439	8.78	8
69	331	6.62	6
70	324	6.48	6
71	314	6.28	6
72	256	5.12	5
73	412	8.24	8
74	416	8.32	8
75	295	5.90	5
76	253	5.06	5
77	1069	21.38	21
78	304	6.08	6
79	208	4.16	4
80	59	1.18	1
81	511	10.22	10
82	945	18.90	18
83	485	9.70	9
84	406	8.12	8
85	474	9.48	9
86	842	16.84	16
87	308	6.16	6
88	303	6.06	6
89	56	1.12	1
90	94	1.88	1
91	210	4.20	4
92	279	5.58	5
93	214	4.28	4
94	230	4.60	4
95	248	4.96	4
96	267	5.34	5
97	209	4.18	4
98	58	1.16	1
99	89	1.78	1
100	68	1.36	1
101	1003	20.06	20
102	1091	21.82	21
106	522	10.44	10
104	403	8.06	8
105	1084	21.68	21

Lot Number	Frontage ÷ by 50	Number of Trees	Rounded Down
106	358	7.16	7
107	447	8.94	8
108	91	1.82	1
109	66	1.32	1
110	123	2.46	2
111	255	5.10	5
112	187	3.74	3
113	184	3.68	3
114	184	3.68	3
115	313	6.26	6
116	594	11.88	11
117	548	10.96	10
118	400	8.00	8
119	213	4.26	4
120	219	4.38	4
121	273	5.46	5
122	900	18.00	18
156	971	19.42	19
157	300	6.00	6
158	1079	21.58	21
164	1012	20.24	20
165	736	14.72	14
166	509	10.18	10
167	216	4.32	4
168	209	4.18	4
169	191	3.82	3
170	191	3.82	3
171	1104	22.08	22
172	274	5.48	5
173	65	1.30	1
174	65	1.30	1
175	892	17.84	17
176	432	8.64	8
177	237	4.74	4
178	373	7.46	7
179	221	4.42	4
180	551	11.02	11
181	300	6.00	6
182	787	15.74	15
183	425	8.50	8
184	255	5.10	5
185	226	4.52	4

Schedule "2" - Continued

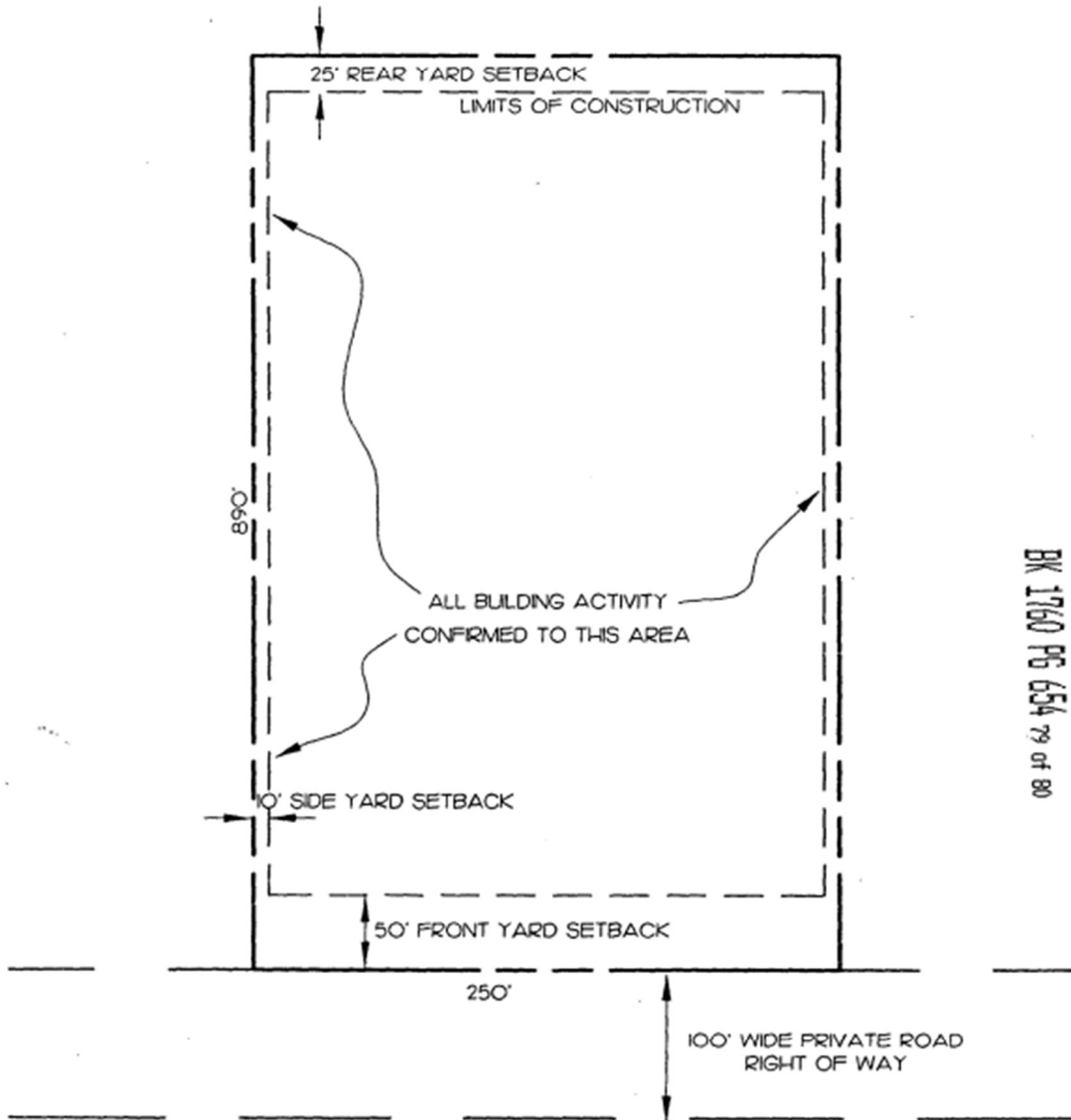
WINDING CREEK - PHASE II-A - RESIDENTIAL STREET TREE TABLE

Page 2

Lot Number	Frontage ÷ by 50	Number of Trees	Rounded Down
186	184	3.68	3
187	562	11.24	11
188	1083	21.66	21
189	611	12.22	12
190	48	0.96	1
191	96	1.92	1
192	442	8.84	8
193	395	7.90	7
194	933	18.66	18
195	745	14.90	14
196	1224	24.48	24
197	354	7.08	7
198	347	6.94	6

Lot Number	Frontage ÷ by 50	Number of Trees	Rounded Down
199	90	1.80	1
200	140	2.80	2
201	600	12.00	12
202	738	14.76	14
203	334	6.68	6
204	224	4.48	4
205	846	16.92	16
206	151	3.02	3
207	86	1.72	1
208	244	4.88	4
209	1073	21.46	21
Total			844

TYPICAL 5.1 ACRE LOT
(UPLANDS ONLY)



BK 1760 PG 654 79 OF 80

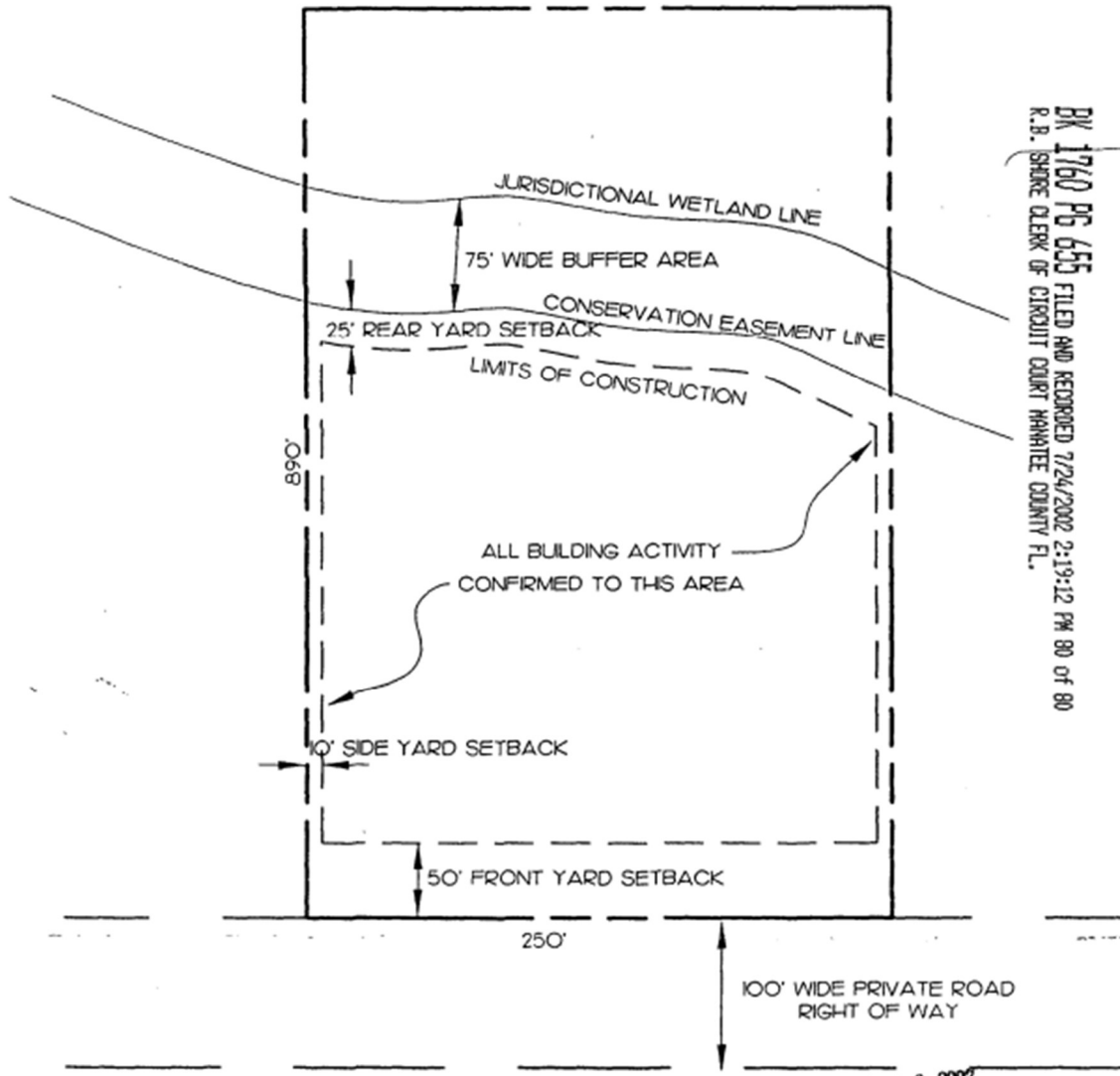
ACCEPTED IN OPEN SESSION JUL 23 2002
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

SCHEDULE A
WINDING CREEK

N.T.S.



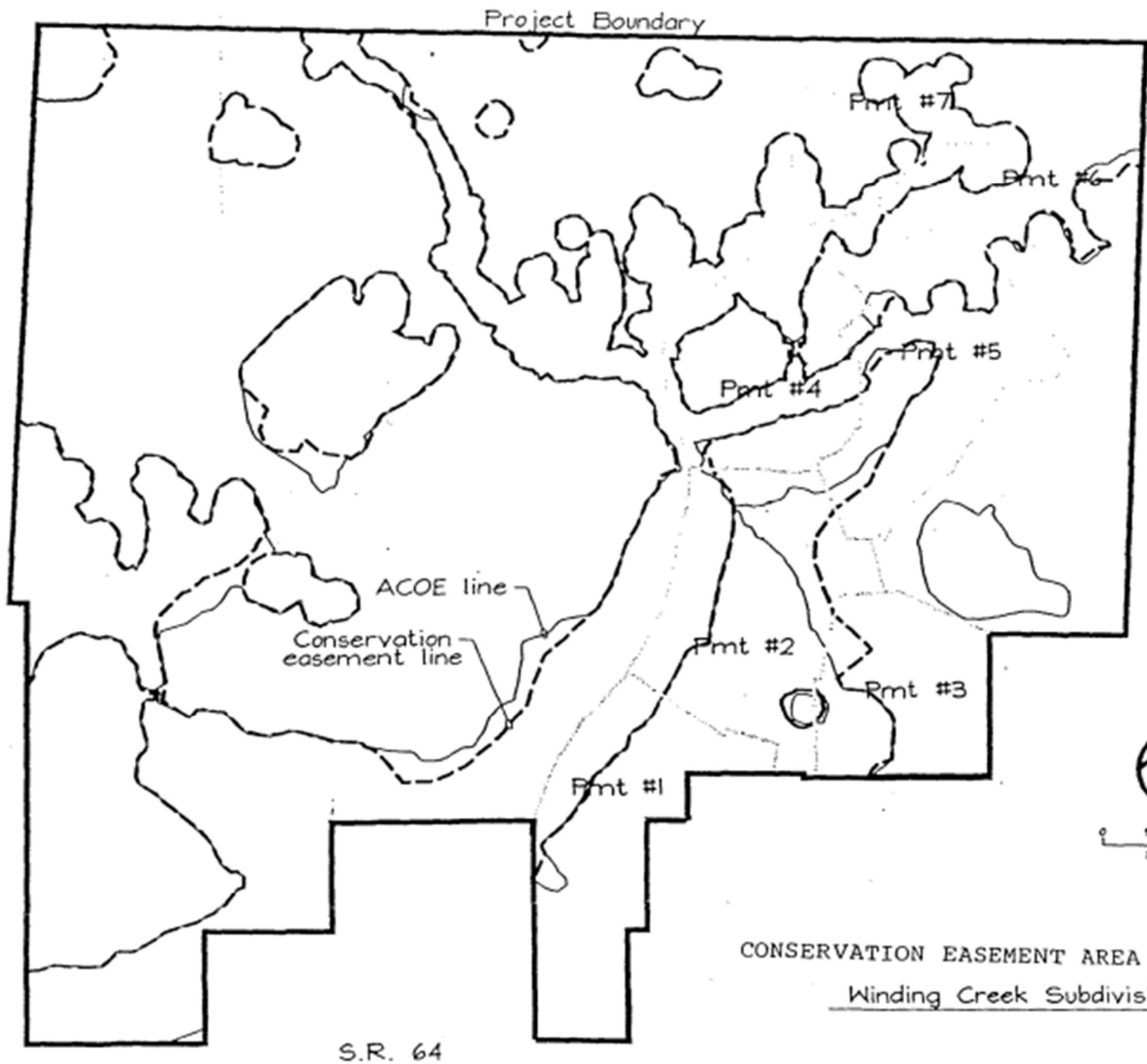
TYPICAL 5.1 ACRE LOT WITH WETLANDS
(4 ACRES OF UPLANDS MIN.)



BK 1760 PG 655 FILED AND RECORDED 7/24/2002 2:19:12 PM 80 of 80
R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.

ACCEPTED IN OPEN SESSION
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY
JUL 23 2002
SCHEDULE B
WINDING CREEK
N.T.S.

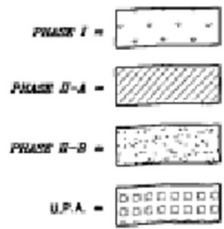
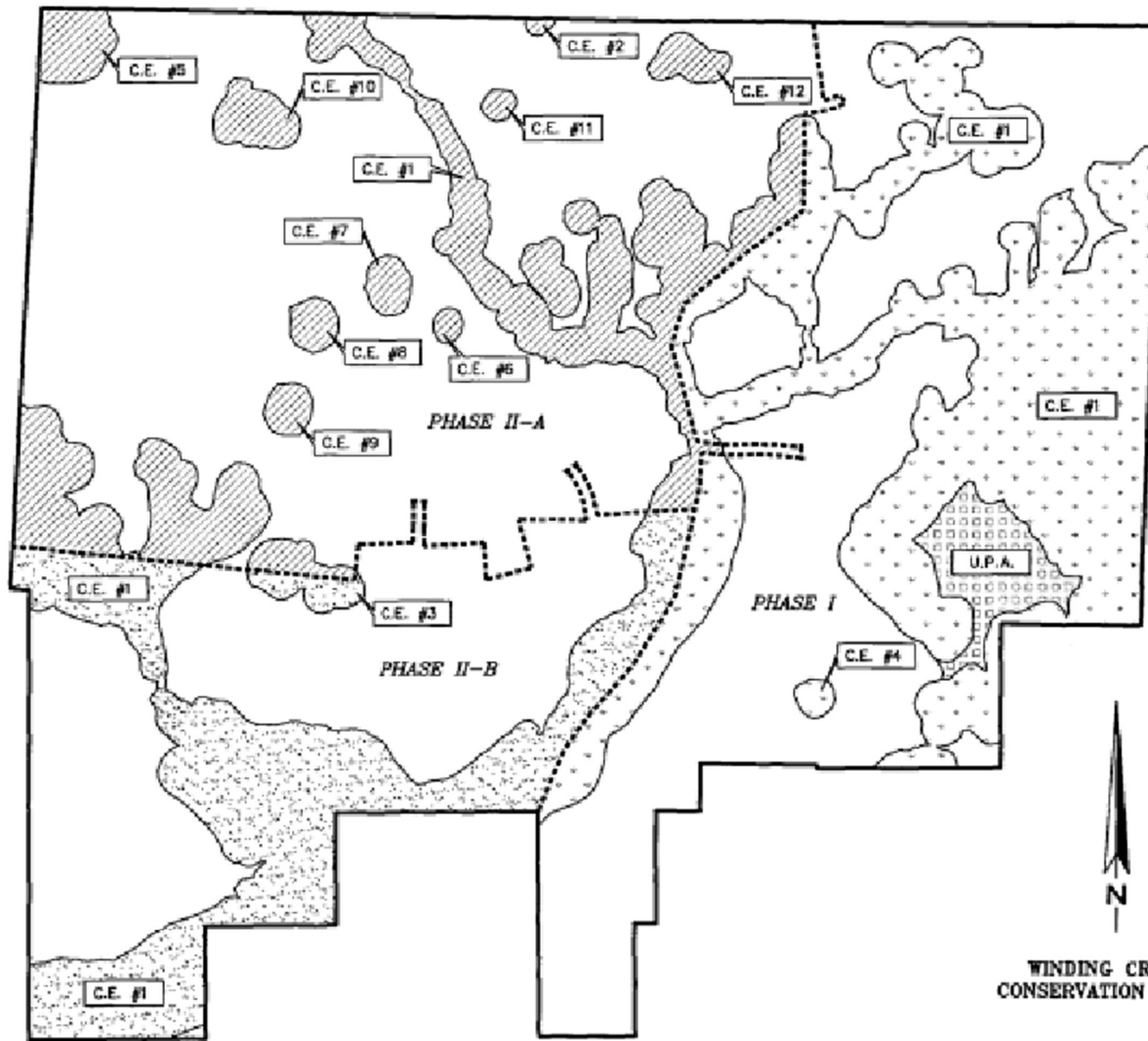




200001767 (IP-JPF)
Sheet 9 of 9
05/17/2002



EASEMENT #	AREA (ACRES±)
1	640.90±
2	0.82±
3	11.49±
4	2.64±
5	10.54±
6	1.75±
7	4.76±
8	4.58±
9	4.34±
10	9.38±
11	1.85±
12	5.99±
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SUBTOTAL	699.00±
U.P.A.	28.57±
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TOTAL	727.57±



C.E. = CONSERVATION EASEMENT
 U.P.A. = UPLAND PRESERVATION AREA

Schedule 2

WINDING CREEK
 CONSERVATION AREAS

LOMBARDO, SKIPPER & FOLEY, INC.
 Consulting Engineers, Surveyors and Planners
 705 So. 101 - 101st Street - Pompano Beach, Florida 33062 - 954-782-0000
 LSF

Lots within the area outlined in red are part of the **Winding Creek Equestrian Community** and while the **Equestrian Community** is physically part of the "Main" Winding Creek Community; it does have separate Covenants and a separate HOA.

