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On

**SECTION 23 PROPERTY OWNERS ASSOCIATION, INC.  
AMENDMENT TO THE DECLARATION OF RESTRICTIONS  
SINGLE FAMILY RESIDENTIAL (SFR)**

**WHEREAS**, the Section 23 Property Owners Association, Inc. as the assigned Grantor, did amend and restate the Declaration of Restrictions of PUNTA GORDA ISLES Section 23 by vote of the membership on October 29, 1996, as recorded in Official Record Book 1515, Pages 1909 through 1927 of the public records of Charlotte County, Florida and

**WHEREAS**, the Section 23 Property Owners Association, Inc. as the assigned Grantor, did amend the restated Declaration of Restrictions of PUNTA GORDA ISLES Section 23 by vote of the membership on October 13, 1998, as recorded in Official Record Book 1672, Pages 2113 through 2114 of the public records of Charlotte County, Florida and

**WHEREAS**, the Section 23 Property Owners Association, Inc. as the assigned Grantor, did amend the restated Declaration of Restrictions of PUNTA GORDA ISLES Section 23 by vote of the membership on October 21, 2003, as recorded in Official Record Book 2390, Pages 1036 and 1037 of the public records of Charlotte County, Florida and

**WHEREAS**, the Section 23 Property Owners Association, Inc. as the assigned Grantor, did amend the restated Declaration of Restrictions of PUNTA GORDA ISLES Section 23 by vote of the membership on October 19, 2004, as recorded in Official Record Book 2585, Pages 1703 and 1704 of the public records of Charlotte County, Florida.

**NOW THEREFORE**, in accordance with the laws of the State of Florida, the Articles of Incorporation and Bylaws that govern, the Board of Directors of Section 23 Property Owners Association, Inc. does hereby amend and restate Article XII of the Declaration of Restrictions of PUNTA GORDA ISLES Section 23 in its entirety as follows:

Prepared by  
and return to  
VIDEOK OAKS, P.A.  
17 EAST MARION AVE.  
SUITE 101  
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## ARTICLE XII

### WALLS, HEDGES, FENCES AND ENCLOSURES

The height of any wall, hedge, or fence shall be measured from the property elevation and shall be restricted to a maximum height of three feet (3'0"), and shall not exceed that height by placing objects thereon or by growth (as with untrimmed hedges) or by attaching vertical extensions. The height of enclosures shall be measured from the property elevation and shall be restricted to a maximum height of five feet (5'0"), and shall not exceed that height by placing objects thereon or by growth (as with untrimmed hedges) or by attaching vertical extensions. No wall, hedge, fence or enclosure shall extend beyond the property line and shall be kept trimmed or painted and in good repair.

**Walls:** No wall shall extend forward or outward from the front or rear corner(s) of the building or exceed the three (3) foot height limitation unless said wall(s) is an integral part of the original design of the dwelling, as in Spanish type homes that often feature a small garden or courtyard or compliment the outside perimeter of a swimming pool in such a home featuring Spanish architecture. All walls that are attached to the main building shall be approved by the Board of Directors before construction begins. Decorative masonry walls or "wingwalls" that extend outward from the side of the main building shall not exceed the three (3) foot height limitation unless approved by the Board of Directors prior to the construction.

**Fences:** All fences are restricted to the three (3) foot height limitation. Moreover, no fence shall extend over the property lines, or forward of the front corners of the building into the front yard, or as in the case of corner property, outward from the sides of the building toward the road.

**Enclosures:** Masonry, metal, wooden, synthetic or enclosures made from other materials and used to shield equipment such as air conditioners, pool equipment, etc., shall be constructed as an extension to the main building and limited to the five (5) foot height limitation. Such enclosures shall be painted the same color or a color complimentary to the color of the main building.

Walls, hedges, fences or enclosures shall be included in the initial construction plan

so far as is practicable, but if subsequently considered, a sketch of the proposed addition(s) shall be submitted to the Board of Directors for their consideration. Questions pertaining to the height of walls, hedges, fences or enclosures should be in writing and addressed to the Board of Directors. The Board shall consider appearance, quality, durability, maintenance and whether the wall, hedge, fence or enclosure will create an undesirable affect on adjoining properties or on the community. The Board shall be governed by these restrictions however, an approval or denial by that body will be provided in writing and is binding.

## ARTICLE XVI

### VEHICULAR PARKING

The parking of vehicles is not permitted on vacant lots on a regular basis. The parking of vehicles by family members and guests of the homeowners, shall park on the concrete driveway. Trucks with a rated capacity of more than one (1) ton, RV's, motor homes, conversion vans, campers, boats (or other watercraft) and travel trailers shall not be parked on any residential property, except that the driveway may be used as a parking area temporarily for guests and for outfitting (for travel) the aforementioned vehicles for a period not to exceed forty-eight (48) hours in any seven (7) day period. Otherwise, the parking and/or storage of trucks having a rated capacity of more than one (1) ton, RV's, motor homes, conversion vans, campers, boats (or other watercraft) and trailers is restricted to the garage only.

Repair vehicles may park on residential property temporarily for the purpose of performing maintenance and/or repair work for the homeowner. No maintenance or repair work shall be performed on any motor vehicle or boat on any lot except within a building totally isolated from view. The outside parking of commercial vehicles used in business, construction, maintenance or repair that feature lettering or advertisement on the vehicle or vehicles that haul visible materials and equipment used in a trade or business, are not permitted on any residential property, County property or on the Common Property, swales or easements, as a matter of course. However such vehicles may park on residential

property during the construction of a residence or as otherwise specifically permitted herein.

**In all other respects the Restrictions as amended are confirmed and restated.**

The amendment herein set forth, was approved by the membership of Section 23 Property Owners Association, Inc., in accordance with the Articles of Incorporation and Bylaws of that corporation on the 15th day of October, 2008.

Harvey Goldstein  
HARVEY GOLDSTEIN, President

Witnesses:

Ronald E. Woods  
Print Name: Ronald E. Woods

Dorothy W. Cabott  
Print Name: DOROTHY W. CABOTT

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

BEFORE ME, a person duly authorized to administer oaths and take acknowledgments personally appeared **HARVEY GOLDSTEIN**, a person well known to me who was placed under oath administered in due form of law and who stated that he executed the foregoing Amendment for the uses and purposes set forth herein.

WITNESS my hand and seal at Punta Gorda, Charlotte County, Florida this 2 day of December, 2008.

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA  
Teresa Lynn Boucher  
Commission #DD732515  
Expires: FEB. 21, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

Teresa Lynn Boucher  
Notary Public

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