

Lemon Bay Isles
Property Owners' Association, Inc.

Phase 3-4

Englewood Florida

6100 Toucan Drive

Englewood, Florida 34224



Deed Restrictions
Revised March 2026

Prepared by and Return to:
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CERTIFICATE OF AMENDMENT

**AMENDED AND RESTATED DECLARATION OF RESTRICTIONS
LEMON BAY ISLES 3-4 PROPERTY OWNERS ASSOCIATION, INC.**

We hereby certify that the attached amendments to the Amended And Restated Declaration Of Restrictions Of Lemon Bay Isles 3-4 Property Owners Association, Inc. (which Amended and Restated Declaration of Restrictions was originally recorded at Charlotte County Official Records Book 4962, Page 310 et seq. of the Public Records of Charlotte County, Florida) was duly adopted by an affirmative vote of two-thirds of the members present and voting in person or by proxy were entitled, at a Membership Meeting held on February 5, 2026, as required by Article 19 of the Amended and Restated Declaration of Restrictions. The Association further certifies that the amendment was proposed and adopted as required by the governing documents and applicable law.

DATED this 14 day of February 2026.

Signed, sealed and delivered

Lemon Bay Isles 3-4 Property Owners' Association, Inc.

in the presence of:

sign: [Signature]

print: Lesleigh McDaniel

sign: [Signature]

print: Geek Smith

By: [Signature]
Ken W. Brink, President

Signed, sealed and delivered

in the presence of :

sign: [Signature]

print: Lesleigh McDaniel

sign: [Signature]

print: Geek Smith

By: [Signature]
Stephanie Schermond, Secretary

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by means of (check one) physical presence or online notarization this 14 day of February 2026, Ken W. Brink President of Lemon Bay Isles 3-4 Property Owners Association, Inc., a Florida not for profit corporation, on behalf of the corporation. She is personally known to me or has produced _____ as identification.



NOTARY PUBLIC

sign Sonia A. Walker
print Sonia A. WALKER
State of Florida at Large (Seal)
My Commission expires:

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by means of (check one) physical presence or online notarization this 14 day of February 2026, Stephanie Schermond Secretary of Lemon Bay Isles 3-4 Property Owners Association, Inc., a Florida not for profit corporation, on behalf of the corporation. She is personally known to me or has produced _____ as identification.



NOTARY PUBLIC

sign Sonia A Walker
print Sonia A. Walker
State of Florida at Large (Seal)
My Commission expires:

LBI 3-4 Deed Restrictions March 2023
LEMON BAY ISLES
PROPERTY OWNERS' ASSOCIATION, INC.
PHASE 3-4
AMENDED DECLARATIONS OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENT AND LEMON BAY ISLES, INC., A Florida Corporation, hereinafter referred to as "The Association" established the following restrictions and covenants upon the lands included in said subdivision known as Lemon Bay Isles Subdivision Phase 3-4, which shall run with the land.

Lemon Bay Isles is a Mobile "aka" Manufactured Home Subdivision (MHS).

Charlotte County contends that a MHS is for manufactured homes, built on individually platted lots, in accordance with county subdivision regulations. Further, that the MHS is a "single" family residential district and the use and development of its standards are intended to promote a residential character.

In addition, Lemon Bay Isles was established as a fifty-five (55) plus deeded community in accordance with the Housing for Older Persons Act (HOFA) of 1995.

The power to amend, add to or modify the following restrictions, shall reside within the Association. The Association may amend, add to or modify the restrictions upon a simple majority vote of 50%+1 of those members present at a properly called meeting, where a quorum is met.

HISTORY of LEMON BAY ISLES SUBDIVISIONS PHASE 3 & PHASE 4

LEMON BAY ISLES, INC.

SUBDIVISION PHASE 3-4

WHEREAS, on the 8th day of September, 1988, LEMON BAY ISLES, INC., a Florida corporation, (“Developer”), executed its Declaration of Restrictions for LEMON BAY ISLES SUBDIVISION, PHASE III, which was recorded September 14, 1988, under Clerk’s File No. 916851 in Official Records Book 996, commencing at Page 583 and following in the Public Records of Charlotte County, Florida (“Declaration of Restrictions”); and

WHEREAS, on February 16, 1999, the “Developer” transferred over to LEMON BAY ISLES 3 PROPERTY OWNERS’ ASSOCIATION, INC., the Declaration of Restrictions for LEMON BAY ISLES SUBDIVISION PHASE III; and WHEREAS, on February 16, 1999, the “Developer” transferred over to LEMON BAY ISLES 4 PROPERTY OWNERS’ ASSOCIATION, INC., the Declaration of Restrictions for LEMON BAY ISLES SUBDIVISION PHASE IV; and

WHEREAS, LEMON BAY ISLES 3 PROPERTY OWNERS’ ASSOCIATION, INC., and LEMON BAY ISLES 4 PROPERTY OWNERS’ ASSOCIATION, INC., merged March 22, 1999 and changed its name to LEMON BAY ISLES PHASE 3-4 PROPERTY OWNERS’ ASSOCIATION, INC.; and

WHEREAS, on February 10, 2000, the Association amended and restated the Restrictions for LEMON BAY ISLES SUBDIVISIONS PHASE 3 AND PHASE 4, which were recorded February 14, 2000, under Clerk’s file No. 706246 in Official Record Book 1769, Page 0737 in the Public Records of Charlotte County, Florida; and

WHEREAS, on March 21, 2000, the Association amended the Restrictions for LEMON BAY ISLES SUBDIVISIONS PHASE 3 AND PHASE 4, which were recorded April 5, 2000, under Clerk’s file No. 717776 in Official Record Book 1781, Page 1387 in the Public Records of Charlotte County, Florida; and

WHEREAS, on February 12, 2004, the Association amended the Restrictions for LEMON BAY ISLES SUBDIVISIONS PHASE 3 AND PHASE 4, which were recorded March 4, 2004, under Clerk’s file No. 1183205 in Official Record Book 02413, Page 0799 in the Public Records of Charlotte County, Florida; and

WHEREAS, on February 23, 2012, the Association amended the Restrictions for LEMON BAY ISLES SUBDIVISION PHASE 3 AND PHASE 4, which were recorded June 19, 2012, under Clerk file No. 2103339 in Official Record Book 3666, pages 946-951 in the Public Records of Charlotte County, Florida.

WHEREAS, on February 3, 2022, the Association amended the Restrictions for LEMON BAY ISLES SUBDIVISION PHASE 3 AND PHASE 4, which were recorded on April 11, 2022 under Clerk File No. 3085646 in Official Record Book 4962, pages

WHEREAS, on February 5, 2026, the Association amended the Restrictions for LEMON BAY ISLES SUBDIVISION PHASE 3 AND PHASE 4, which were recorded on February 26, 2026 under Clerk File No. 3617734 in Official Record Book in the Public Records of Charlotte County, Florida

**LEMON BAY ISLES, INC. SUBDIVISION
PHASE 3-4**

AMENDED AND RESTATED DECLARATION OF RESTRICTIONS

This Amendment of Declaration of Restrictions for Lemon Bay Isles Subdivisions, Phase 3 and Phase 4, is executed this 23rd day of March, 2023, by Lemon Bay Isles Phase 3-4 Property Owners' Association, Incorporated ("Association"), a Florida Not for Profit Corporation, the address of which is 6100 Toucan Drive, Englewood, Florida 34224.

WHEREAS, LEMON BAY ISLES 3-4 PROPERTY OWNERS, ASSOCIATION, INC., desires to amend the Declaration of Restrictions pursuant to paragraph 19 of the Declaration of Restrictions;

NOW, THEREFORE, the Declaration of Restrictions is hereby amended and restated as follows:

1. No manufactured home may be placed or assembled in the subdivision which contains less than 960 square feet of floor space, exclusive of porches, utility rooms, garages, and carports.
2. All homes must have horizontal, residential-type siding of only aluminum or vinyl, and a roof of fiberglass, asphalt shingles, continuous filament or "Florida" style metal roofing material.
3. No more than one home shall be placed or built on a lot, and every home shall be used for single family residential purposes only.
4. No home shall be permitted in the subdivision that does not conform in appearance and quality with the homes previously located in the subdivision. No home shall be less than 23 feet in width. No home shall measure less than 7 feet 6 inches in height from floor to ceiling in the interior, except those homes with cathedral ceilings are permitted to measure 7 feet from floor to ceiling at the sidewall. No home shall be installed that is more than one (1) year old as established by its Certificate of Origin at the time it is placed in the subdivision.
5. Before any home in the subdivision is occupied the following must be completed:
 - A. The Home must be placed and anchored in accordance with home manufacture's specifications and per Charlotte County and Florida State Codes.
 - B. Electrical, water and sewer utilities must be hooked up to the home per Charlotte County Florida State codes.
 - C. A concrete driveway from the street to the home of at least 12 feet in width shall be installed.
 - D. A carport shall abut the home, per Charlotte County and Florida State codes and shall have a concrete base of at least 25 feet in length and 12 feet in width. A carport shall have a cover of aluminum, metal, or secure and substantial cover that will match the house roof. The carport cover must be at least 13 feet wide and of equal or greater length.

- E. If a garage is not constructed, then a utility room, storage room, or shed of aluminum or wood (same as the house) shall be constructed under the carport, per Charlotte County and Florida State codes. The color, direction of siding and material shall also be the same as the house.
- F. The garage, including the roof, must match the home in both style and appearance. Roof pitch shall be the same as house and peak to be no higher than the house. Constructed per Charlotte County and Florida State Codes.
- G. All homes shall be skirted with brick, split brick or decorative block.
- H. If a porch is constructed, its base and flooring shall be of masonry.
- I. All lots shall be completely sodded, with appropriate landscaping, installed within thirty (30) days after the Certificate of Occupancy is issued.
6. All improvements, including any Florida room, porch, garage or one additional shed adjacent to the home, other appurtenances, must conform in style and construction with the home. This includes color, direction of siding, and materials. The additional shed must not be placed in excess of 6 feet from the house. These improvements must be done according to Charlotte County and Florida State codes.
7. All home construction and exterior improvements, modifications and replacements to the previous or current structure or footprint, including the landscaping and the placement of the home, must be submitted in writing to the Property Owners' Association Board of Directors via the Home Repair or Replacement Form. Submit the site plan drawn to the appropriate scale with new construction/improvement specifications, a timeline for completing the various improvements along with the completed form. The form can be found on the website under POA documents. This must be done at least thirty (30) days prior to placing any home on the lot or beginning any improvements. After review, the Property Owners' Association Board of Directors shall have ten (10) days to approve or disapprove verbally or in writing, the plans.
8. There shall be a set-back of 25 feet from the front lot line or any canal or lake, 15 feet from the rear lot line, 7½ feet from each side lot line. If the county requires a greater setback, the county requirements shall apply.
9. Easements have been reserved on the plat for drainage and utilities. The plat also reserves maintenances easements on certain lots. Additionally, there is hereby reserved along all lot lines a 5 foot wide easement for utilities and drainage.
10. a) All lots, whether vacant or occupied, must be kept mowed to a height that does not exceed 12 inches and must be edged around driveway and street. Flower beds are to be kept free of unsightly weeds. All lots, whether vacant or occupied, must be kept clean and free of litter and unsightly structures. House siding must be kept free of mold, mildew, and rust stains. All trees must be kept trimmed and house gutters free of growth and debris.
- b) The lakes and canals are storm water/retention ponds. Therefore, the owners of lots abutting a lake shall be responsible for keeping the lakeshore clean and free of aquatic weeds and growth 25 feet out into the water. Owners of **lots abutting canals or drainage easements** shall be responsible for keeping the canal or drainage easement clean and free of aquatic weeds and growth out to the middle of the canal or drainage easement.
- c) When any lot, including the water ways, is not maintained in the above condition, the Association reserves for itself and its assigns the right to enter upon any such lot or water way and mow the grass, clean up the lot and remove unsightly structures and aquatic weeds, and to charge the owner the amount for the work performed, and if said cost is not paid to the Association within thirty (30)

days after written notice is mailed to the lot owner, a lien may be filed subject to mechanics' lien laws against the subject property for the full amount due plus costs and attorney's fees.

11. No lot owner shall place, or allow to remain, any shrubbery, fence, structure or any other obstruction on any drainage or utility easement. If such obstruction exists on any easement the utility company shall have the right to remove, destroy or cut through such obstruction without notice, and the lot owner hereby agrees neither Association, its assigns, nor the utility company shall be liable for neither trespass nor damages, and the lot owner shall be responsible for any costs incurred. If the cost of removing or cutting through the obstruction is not paid by the owner within thirty (30) days, the utility company may record a lien against the lot.
12. All connections to the sewer line owned by the Englewood Water District shall be made only by Englewood Water District or its duly authorized agents. Each lot owner shall be responsible for the cost of extending the connection from the home to the main sewer line.
13. No **animals** shall be kept on any lot, except that two domestic pets may be kept in each residence. Doberman Pincher, German Shepherd, Rottweiler, or Pit Bull, whether a mix or purebred, are prohibited from residing in any residence in Lemon Bay Isles 3-4. This becomes effective the date these deed restrictions are signed. **All pets** shall be kept on their own lot, except when being walked on a leash. All pets must be held within 5 feet of the curb while walking. In the event that a pet deposits any unpleasant byproduct, anywhere other than on the owner's lot, the owner of the pet shall be responsible removing and disposing of said byproduct in their own trash receptacle. Using another homeowner's or the clubhouse trash receptacle is prohibited. All pet owners need to be aware of the Charlotte County codes and guidelines concerning pet ownership and adhere to them. This is inclusive of renters.
14. The subdivision is **restricted to adult occupancy only**. Each occupied unit (including rentals) must be permanently occupied by at least one person 55 years of age or older. No children shall be allowed to permanently occupy any unit. Persons under the age of 18 years shall be construed to be children. Occupancy of a unit for more than ninety (90) days in a calendar year shall be construed to be permanent. Any units that are rented must be rented for a minimum of 30 days. The homeowner must provide the Association with the names of the renters and the length of time they will be residing there.
15. **Any motor home, house trailer, travel trailer, trailer or dolly, truck, camper, boat, water vessel or recreational vehicle** of any kind or sort must be stored in a garage or under the carport roof. This restriction does not apply to currently registered and licensed automobiles, van trucks and pickup trucks, up to and including $\frac{3}{4}$ ton, which must however, be parked on the owner's driveway. None of the afore mentioned items shall be parked temporarily on the owners' property for more than five (5) consecutive calendar days in any thirty (30) day period, if not under carport roof or in garage.
 - A. All golf carts must be driven only by persons 14 years of age or older. Golf carts are not allowed on walkways. Golf carts are not allowed to cross private property without the expressed permission of the owner. Golf carts must be stored in garage or under the car port. Charlotte County and Florida State laws must be abided by concerning golf carts.
16. **Any dock**, building or appurtenance to be placed on a canal or lakefront must be approved in writing by the Association and have the required Charlotte County and State of Florida permits. No motors larger than 5 horsepower are allowed in the lakes or canals. No boat shall maintain a speed which could create a wake in any canal or lake in said subdivision.

17. The only **clothes lines** permitted shall be a removable umbrella type or post with retractable line type, and laundry may be hung only on these types of clothes lines. Said clotheslines must be located within the setback requirements for the lot and must be directly behind the home.
18. Video signal antennas (HDTV signal booster) including direct to home satellite dishes less than one meter (39.37 inches) in diameter and TV antennas sized for local broadcast signals are allowed. Antenna replacement must be at the rear of the house and cannot exceed 6 feet in height above the roofline.
19. The power to amend, add to, or modify these restrictions shall reside in the LEMON BAY ISLES 3-4 PROPERTY OWNERS' ASSOCIATION, INC. and the Association may amend, add to or modify the restrictions upon a simple majority vote of 50%+1 of those members present at a properly called meeting at which a quorum is present.
20. All lot owners in the subdivision of Phase 3-4 must be members of the LEMON BAY ISLES PHASE 3-4 PROPERTY OWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation, hereinafter called the "Association", and shall pay the annual dues established by the Lemon Bay Isles 3-4 Property Owners' Association Board of Directors, per each platted lot, even though multiple lots may be deeded as one property. The Association shall own and be responsible for maintaining any drainage structures and drainage easements within the subdivision that the County does not accept for maintenance, and shall be responsible for maintaining those pieces of land on the subdivision which are not part of a lot, street nor recreation facility, but are in the nature of a common area. If any owner fails to pay the annual dues to the Association, the Association may record a lien against the owner's lot for the amount of the unpaid dues, plus its costs and attorney's fees. An owner may not avoid liability for the Association by disclaiming or waiving membership or use of the property owned by the Association. The Association shall be managed by the Board of Directors. The Directors shall be elected by members in accordance with the Articles of Incorporation and Bylaws of the Association.
21. All lot owners in the subdivision of Phase 3-4 must be members of the Lakeside Club, Inc., a Florida not-for-profit corporation, hereinafter called the "Club", and shall pay the annual dues established by the Club. If dues are not paid a lien plus all attorney and court costs or fees will be placed on the lot. Directors shall be elected by the members in accordance with the Articles of Incorporation and Bylaws of the Club. 22. Any lien provided for in these restrictions may be recorded and foreclosed as a mechanic's lien (or civil court action) according to the procedures set forth in the Florida Statutes. When a lien is recorded, the owner of said property shall be responsible for the Association's recording fees, court costs, attorney fees and all cost of collection. No such lien, however, shall take priority over a first mortgage made in good faith and for value, nor shall any violation of these restrictions defeat nor render invalid the lien of any first mortgage made in good faith and for value.
23. These restrictions may be enforced by proceeding at law or equity against any persons violating or attempting to violate any of said restrictions, either to restrain violations or to recover damages, by the LEMON BAY ISLES PHASE 3-4 PROPERTY OWNERS' ASSOCIATION, INC. or the owner of any lot, the prevailing party in any such proceedings shall be entitled to its attorney's fees and court costs incurred in said proceedings.
24. The invalidation of any part of the restrictions shall not affect the remainder of the restrictions, which shall remain in full force and effect.
25. Failure by the Association to enforce any of these restrictions shall not render the Association liable to anyone, nor shall such failure constitute a waiver of the right to enforce the restrictions as to any subsequent violation.
26. The non-residential "Club" building(s), amenities and parking lots are not subject to these Deed Restrictions.

27. A complaint by a homeowner regarding a potential violation of the aforementioned restrictions can be handled in one of two ways. A homeowner may state the complaint directly to any Property Owners' Association board member or put a complaint in writing and signed in the POA mailbox in the clubhouse. The written complaint must contain the address where the alleged violation is taking place and the deed restriction number in violation. Within one week of receipt, a member of the Property Owners' Association board will inspect the property and if there is a violation, they will discuss the situation with the homeowner either in person or by phone, and give the homeowner 14 days to correct the violation. If the homeowner does not comply, a registered letter will be sent to the homeowner stating the deed restriction in violation and a request to comply in 14 days from receipt. If the homeowner does not comply the following steps will be taken:

A fine of \$25.00 per day will be levied on the property for a total of 14 days. If the fine is not paid a lien will be filed subject to mechanics' lien laws against the subject property for the full amount plus costs and attorneys' fees.

28. Political signs may be displayed on the homeowners' front lawn 2 months prior to a state or federal election. The signs must be removed within 2 weeks after the election is completed.

29. Above ground pools are prohibited. In ground pools with a pool cage are permitted. Any requests for an in-ground pool must be submitted in writing to the Property Owners' Association Board of Directors via the Home Repair or Replacement form for approval, as stated in deed restriction number seven (7). The request must include all specifications from the licensed contractor doing the work as well as a timeline for completion. The form can be found on the website under POA documents. The pool and pool cage must be constructed according to the Florida State and Charlotte County codes.