

100751



RECORDED IN  
BOOK 155 PAGE 416

GENERAL DEVELOPMENT CORPORATION \*  
A DELAWARE CORPORATION \*

AMENDED DECLARATION OF RESTRICTIONS

TO WHOM IT MAY CONCERN  
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WHEREAS, GENERAL DEVELOPMENT CORPORATION, A DELAWARE CORPORATION, AUTHORIZED TO TRANSACT BUSINESS IN FLORIDA, IS THE OWNER OF THE FOLLOWING DESCRIBED PROPERTY, SITUATE, LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA, TO WIT: PORT CHARLOTTE SUBDIVISION SECTION 58 A SUBDIVISION IN CHARLOTTE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5 , AT PAGES 72A THRU 72J OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, AND,

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WHEREAS, GENERAL DEVELOPMENT CORPORATION, A DELAWARE CORPORATION, HAS CAUSED TO HAVE RECORDED A DECLARATION OF RESTRICTIONS, RESERVATIONS, EASEMENTS AND COVENANTS COVERING PORT CHARLOTTE SUBDIVISION, SECTION 58 LOCATED IN CHARLOTTE COUNTY, FLORIDA, WHICH DECLARATION APPEARS OF OFFICIAL RECORD BOOK 65 , PAGES 44 THRU 50 .

WHEREAS, GENERAL DEVELOPMENT CORPORATION, A DELAWARE CORPORATION AUTHORIZED TO DO BUSINESS IN THE STATE OF FLORIDA IS AT PRESENT THE MAJORITY LAND OWNER OF SAID PORT CHARLOTTE SUBDIVISION SECTION 58 AND WHEREAS, SUBSEQUENT TO THE DATE OF THE RECORDING OF SAID DECLARATION, CONDITIONS HAVE SUBSTANTIALLY CHANGED TO CAUSE THE FOLLOWING CHANGES TO BE MADE. PARAGRAPHS 6, 7 AND 8 OF THE PREVIOUSLY RECORDED DECLARATION ARE HEREBY AMENDED AS FOLLOWS, ALSO PARAGRAPHS B-3 , THRU B-7 HAVE BEEN ADDED, ANYTHING CONTAINED THEREIN TO THE CONTRARY NOTWITHSTANDING, TO WIT:

B-2 WHEN EACH AND EVERY TRACT LISTED IN THIS PARAGRAPH IS SUBDIVIDED INTO RESIDENTIAL LOTS, NO SINGLE RESIDENCE LOT SHALL BE RE-SUBDIVIDED INTO BUILDING LOTS HAVE LESS THAN TEN THOUSAND (10,000) SQUARE FEET NOR HAVING A WIDTH OF LESS THAN SEVENTY-FIVE (75) FEET AT THE MINIMUM BUILDING SET BACK LINE ON RESIDENCE LOTS LISTED IN THIS PARAGRAPH NO BUILDING SHALL BE ERRECTED HAVING AN AREA OF LESS THAN ONE THOUSAND (1,000) SQUARE FEET GROUND AREA. RESIDENCES MAY BE CONSTRUCTED ON THE FOLLOWING TRACTS SHOWN ON THE RECORDED PLAT DESCRIBED ABOVE.

DOES NOT APPLY

B-3 EACH AND EVERY OF THE FOLLOWING TRACTS SHALL BE USED SOLELY FOR A PUBLIC PARK SITE, AND NO STRUCTURE SHALL BE CONSTRUCTED OR ERECTED OTHER THAN THOSE NECESSARY FOR RECREATIONAL FACILITIES. NO BUILDING SHALL BE BUILT NEARER THAN TWENTY-FIVE (25') FEET TO THE FRONT PROPERTY LINE, NOR NEARER THAN SEVEN-ONE-HALF (7 1/2') FEET TO THE SIDE PROPERTY LINES, NOR NEARER THAN TWENTY (20') FEET TO THE REAR PROPERTY LINE.

TRACTS "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K" AND BLOCK 4221

B-4 EACH AND EVERY OF THE FOLLOWING TRACTS SHALL BE USED SOLELY FOR A UTILITY SITE AND NO STRUCTURE SHALL BE CONSTRUCTED OR ERECTED OTHER THAN THOSE NECESSARY FOR UTILITY SERVICES. NO BUILDING SHALL BE BUILT NEARER THAN TWENTY-FIVE (25') FEET TO THE FRONT PROPERTY LINE, NOR NEARER THAN SEVEN-ONE-HALF (7 1/2') FEET TO THE SIDE PROPERTY LINES, NOR NEARER THAN TWENTY (20') FEET TO THE REAR PROPERTY LINE.

TRACT "M"

B-5 EACH AND EVERY OF THE FOLLOWING TRACTS SHALL BE USED SOLELY FOR A CHURCH SITE. ONLY ONE CHURCH DENOMINATION WILL BE ALLOWED ON EACH TRACT. NO BUILDING SHALL BE BUILT NEARER THAN FORTY (40') FEET TO THE FRONT PROPERTY LINE, NOR NEARER THAN TWENTY-FIVE (25') FEET TO THE SIDE PROPERTY LINES, NOR NEARER THAN TWENTY-FIVE (25') FEET TO THE REAR PROPERTY LINE. CHURCHES ARE REQUIRED TO PROVIDE OFF-STREET PARKING SPACE FOR MEMBERSHIP AND VISITORS.

TRACT "N"

B-6 EACH AND EVERY OF THE FOLLOWING TRACTS SHALL BE USED SOLELY FOR A CIVIC SITE. NO BUILDING SHALL BE BUILT NEARER THAN FORTY (40') FEET TO THE FRONT PROPERTY LINE, NOR NEARER THAN TWENTY-FIVE (25') FEET TO THE SIDE PROPERTY LINES, NOR NEARER THAN TWENTY-FIVE (25') TO THE REAR PROPERTY LINE. CIVIC SITES ARE REQUIRED TO PROVIDE OFF-STREET PARKING SPACE FOR VISITORS.

TRACT "O"

## A. EACH AND EVERY OF THE FOLLOWING LOTS AND BLOCKS:

SHALL BE KNOWN AS COMMERCIAL LOTS, WHICH MAY BE FOR, BUT NOT LIMITED TO THE FOLLOWING USES. USES OTHER THAN THOSE LISTED MAY BE PERMITTED, PROVIDING A REQUEST FOR APPROVAL, STATING THE PURPOSE AND COMPLETE DESCRIPTION OF THE USE AND OPERATION IS SUBMITTED IN WRITING AND APPROVAL IS RECEIVED. ANTIQUE SHOPS; AQUARIUMS; APARTMENT AND DUPLEX BUILDINGS; ART GOODS AND BRIC-A-BRAC SHOPS; ARTISTS' STUDIOS; BARBER SHOPS; BANKS; BATH AND MASSAGE PARLORS; BEAUTY PARLORS; CIGAR STORES; PRIVATE CLUBS; LODGES; FRATERNITIES AND OTHER PUBLIC MEETING PLACES NOT OPERATED FOR PROFIT; CONFECTIONARY AND ICE CREAM STORES; CONSERVATORIES; CURIO STORES; DRUG AND SUNDRY STORES; EXCEPTING THAT NO LIQUOR, BEER, WINE AND INTOXICATING BEVERAGES MAY BE SOLD THEREIN; RETAIL FRUIT STORES; GASOLINE AND AUTO SERVICE STATIONS ONLY ON CORNER LOTS; GROCERY STORES AND MEAT MARKETS, EXCEPT THOSE DEALING IN LIVE POULTRY; HASKENBARNERY; HARDWARE STORES, INCLUDING DISPLAY OR PLUMBING FIXTURES, BUT NOT IN CONNECTION WITH A PLUMBING SHOP; ELECTRONIC SALES AND SERVICE; MAT CLEANING AND BLOCKING; INTERIOR DECORATING, COSTUMING, DRAPERIES, JEWELRY AND LEATHER GOODS STORES; MESSENGER OFFICES; MILLINERY AND WEARING APPAREL STORES; MOBBISTES; MOTELS AND HOTELS; NEWSSTANDS; OFFICES FOR LAWYERS, ARCHITECTS, ENGINEERS, DOCTORS, DENTISTS, AND RELATED PROFESSIONS; OPTICAL STORES; PHOTOGRAPH GALLERIES; PAINT STORES; SOUVENIR STORES; SPORTING GOODS STORES, STATIONERY STORES; TAILOR SHOPS; SHOE STORES AND REPAIRING SHOPS; POST OFFICES; PRESSING SHOPS, CLEANING AND LAUNDRY AGENCIES, PROVIDED NO GASOLINE OR EXPLOSIVES OF ANY KIND ARE STORED OR USED; RESTAURANT OR DINING ROOMS WHERE KITCHEN IS SCREENED OR LOCATED ALTOGETHER WITHIN A CLOSED BUILDING OR ROOM AND AMPLE PROVISION FOR CARRYING AWAY OF DISSEIPATING FUMES, ODORS, SMOKE OR NOISE AND WHERE PREMISES ARE SO ARRANGED AND THE BUSINESS IS SO CONDUCTED AS NOT TO BE OFFENSIVE OR OBNOXIOUS TO OCCUPANTS OF ADJOINING PREMISES; FLORISTS' SHOPS AND LANDSCAPE OFFICES; AUTOMOBILE ACCESSORY STORES, NEW PARTS AND EQUIPMENT INCLUDING NEW TIRES; BAIT AND TACKLE SHOPS; RETAIL BAKERIES; TRIVEL-SALES AND REPAIR SHOPS; DOOLING ALLEYS, PROVIDING AMPLE

PARKING SPACE IS INCLUDED ON THE PREMISES; EMPLOYMENT AGENCIES; FURNITURE STORES, NEW MERCHANDISE ONLY; LAWN MOWER SALES, RENTAL AND SERVICE; MORTUARIES AND FUNERAL PARLORS; PRINTING SHOPS; CERAMIC SHOPS, NOT INCLUDING MANUFACTURE; ELECTRICAL APPLIANCES AND FIXTURES, SALE AND REPAIR; SKATING RINKS, PROVIDING AMPLE PARKING SPACE IS PROVIDED ON THE PREMISES; TELEPHONE EXCHANGES; TELEGRAPH STATIONS; THEATRES AND MOTION PICTURE HOUSES; WAITING ROOMS FOR COMMON CARRIERS; WALLPAPER STORES.

B. ALCOHOLIC BEVERAGES MAY BE SERVED IN HOTELS OR HOTELS CONTAINING FIFTY (50) OR MORE GUEST RENTING ROOMS AND IN RESTAURANTS CONTAINING SEATS TO ACCOMMODATE NOT LESS THAN ONE HUNDRED (100) CUSTOMERS.

C. ANY BUILDING OR IMPROVEMENT HEREAFTER CONSTRUCTED SHALL BE MASONRY OR OTHER APPROVED TYPE OF CONSTRUCTION.

D. ON COMMERCIAL LOTS SIDE WALLS OF COMMERCIAL STRUCTURES MAY BE BUILT WITH THE OUTSIDE FACE AT THE INTERIOR SIDE-LOT LINES. PARTY WALLS SHALL NOT BE USED, EXCEPT WHERE ONE OWNER BUILDS A SERIES OF ADJOINING STRUCTURES, AND THESE WALLS ARE PROPERLY CONSIDERED IN THE DESIGN. IF A COMMERCIAL STRUCTURE IS NOT TO BE BUILT AT THE INTERIOR SIDE-LOT LINE, IT SHALL NOT BE CONSTRUCTED NEARER THAN FOUR (4') FEET TO THE INTERIOR SIDE-LOT LINE NOR NEARER THAN TWENTY-FIVE (25') FEET TO THE FRONT OR REAR LOT LINE, NOR NEARER THAN TWENTY-FIVE (25') FEET TO THE SIDE STREET LINE OF SAID LOTS.

TRACT 1104, BLOCK 4266; LOTS 1-42, BLOCK 4250;  
LOTS 1-16, BLOCK 4229

B-8 EACH AND EVERY OF THE FOLLOWING TRACTS HAVE BEEN SUBSEQUENTLY  
REPLATED IN PORT CHARLOTTE SECTION RECORDED IN PLAT

BOOK , AT PAGES THRU OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY,  
FLORIDA, AND THE DECLARATION OF RESTRICTIONS THEREFORE RECORDED IN OFFICIAL  
RECORD BOOK AT PAGES THRU

DOES NOT APPLY

ALL STATEMENTS CONTAINED IN THE ORIGINAL DECLARATION OF RESTRICTIONS AND COVENANTS NOT IN CONFLICT WITH THIS AMENDMENT SHALL REMAIN IN FULL FORCE AND EFFECT AS IF SET FORTH VERBATIM HEREIN.

DATED April 19, 1963



GENERAL DEVELOPMENT CORPORATION  
BY W. G. Proctor  
W. G. PROCTOR  
ASSISTANT VICE PRESIDENT

ATTEST  
Frederick G. Roach  
Assistant Secretary

STATE OF FLORIDA )  
                          ) 221  
COUNTY OF DADE )

I HEREBY CERTIFY THAT ON THIS 19th day of April, 1963, BEFORE ME PERSONALLY APPEARED W. G. PROCTOR AND FREDERICK E. ROACH, ASSISTANT VICE PRESIDENT AND ASSISTANT SECRETARY RESPECTIVELY, OF GENERAL DEVELOPMENT CORPORATION, A DELAWARE CORPORATION, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS FOR THE USES AND PURPOSES THEREIN MENTIONED, AND THAT THEY AFFIXED THEREON THE OFFICIAL SEAL OF SAID CORPORATION, AND THAT THE SAID INSTRUMENT IS THE ACT AND DEED OF SAID CORPORATION.

WITNESS MY SIGNATURE AND OFFICIAL SEAL AT MIAMI, IN THE COUNTY OF DADE AND STATE OF FLORIDA, THE DAY AND YEAR LAST ABOVE SAID.

Opal D. ...  
NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES MAY 20, 1964