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Our File No: 14023.001

October 1, 2021

**Sent Via email to s.danko@starhospitalitymanagement.com and First Class Mail**

Attn: Jay Gile, President  
Burnt Store Meadows Condominium Association, Inc.  
c/o Star Hospitality Management, Inc.  
26530 Mallard Way  
Punta Gorda, Florida 33950

Re: Burnt Store Meadows Condominium Association, Inc.  
RECORDED Certificate of Amendment to Design Review Guidelines

Dear Mr. Gile:

Enclosed please find the *original* RECORDED Certificate of Amendment to Design Review Guidelines of Burnt Store Meadows Property Owners' Association, Inc for your files.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Ernest W. Sturges, Jr., Esq.

EWS/kl  
Enclosures

PERSONAL INJURY ❖ WRONGFUL DEATH ❖ CRIMINAL DEFENSE ❖ MEDIATION  
CIVIL LITIGATION ❖ REAL ESTATE LITIGATION ❖ COMMERCIAL LITIGATION  
CONDOMINIUM & COMMUNITY ASSOCIATION LAW ❖ REAL ESTATE LAW ❖ BUSINESS / CORPORATE LAW



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RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Ernest W. Sturges, Jr., Esq.  
Goldman, Tiseo & Sturges, P.A.  
701 JC Center Court, Suite 3  
Port Charlotte, Florida 33954

**CERTIFICATE OF AMENDMENT TO  
DESIGN REVIEW GUIDELINES OF  
BURNT STORE MEADOWS PROPERTY OWNERS' ASSOCIATION, INC.**

**THIS CERTIFICATE** is made to reflect and document an Amendment to the Design Review Guidelines of BURNT STORE MEADOWS PROPERTY OWNERS' ASSOCIATION, INC., a Florida not for profit corporation. The Design Review Guidelines of BURNT STORE MEADOWS PROPERTY OWNERS' ASSOCIATION, INC., are being recorded in the Public Records of Charlotte County.

The undersigned officers of the Board of Directors of BURNT STORE MEADOWS PROPERTY OWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation, hereby certify as follows:

1. The Design Review Guidelines of BURNT STORE MEADOWS PROPERTY OWNERS' ASSOCIATION, INC., are hereby amended in accordance with **Exhibit "1"** attached hereto and entitled GPYC YACHT CLUB MARINA RULES.

2. The Design Review Guidelines of BURNT STORE MEADOWS PROPERTY OWNERS' ASSOCIATION, INC., were proposed by a duly adopted resolution, and approved and adopted in accordance with the association governing documents and/or applicable law.

Executed this 13 day of September, 2021, at Charlotte County Florida.

**BURNT STORE MEADOWS PROPERTY  
OWNERS ASSOCIATION, INC., a Florida not for profit corporation**

By: Jay Gile  
Name: JAY GILE  
Its: President

STATE OF Florida  
COUNTY OF Charlotte

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 13 day of September, 2021, by Jay Gile, President of Burnt Store Meadows Property Owners Association, Inc., who is personally known to me or produced \_\_\_\_\_ as identification.

SEAL



NOTARY PUBLIC

Suzanne P. Andrews

Suzanne P Andrews  
Printed name of notary

By: William Main  
Name: WILLIAM MAIN  
Its: Secretary

STATE OF Florida  
COUNTY OF Charlotte

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 13 day of September, 2021, by William Main, Secretary of BURNT STORE MEADOWS PROPERTY OWNERS ASSOCIATION, INC., who is personally known to me or produced \_\_\_\_\_ as identification.

SEAL



Suzanne P Andrews  
NOTARY PUBLIC  
Suzanne P Andrews  
Printed name of notary

# BURNT STORE MEADOWS PROPERTY OWNERS ASSOCIATION, INC.

## DESIGN REVIEW GUIDELINES (First Adopted May 17, 2021)

### INTRODUCTION

#### General

Sections 3 and 4 of the Declaration of Covenants, Conditions and Restrictions for Burnt Store Meadows POA (the "Declaration") grants the Board of Directors of the Association, Inc. (hereinafter referred to as "Association") and the Association Architectural Review Board (the "ARB") authority to approve the erection and alteration of all buildings, structures or other improvements within the community (the "Community"). Specifically, Section 4 of the Declaration provides that, except for the initial construction of Living Units, Common Area facilities, and related improvements by the Developer, no building, Structure or other improvement shall be erected or altered, nor shall any grading, excavation, landscaping, change of exterior color, or other work which in any way materially alters the exterior appearance of any Structure, Lot, or Living Unit be performed without the prior written approval of the ARB.

Except for "Items Not Requiring ARB Notification and/or Approval", as set forth in Section 7.0 of these Guidelines, requests for improvements and/or changes to any of the following must be presented to, and receive written approval from, the ARB: any building or other Structure or improvement, addition or change of any nature, including, but not limited to, swimming pools, screen enclosures, patios or patio extensions, privacy hedges with a height over three (3) feet along or adjacent to the side and rear lot lines, exterior paint or finish, shutters, hurricane protection, swales, asphaltting, driveway surfaces or treatments or other improvements or changes of any kind (even if not permanently affixed to the land or to other improvements).

Each building, wall, fence, or other Structure or improvement of any nature, together with new landscaping for new construction or a total redesign, shall be erected, placed, relocated, changed or removed only in accordance with the plans and specifications and plot plan so approved by the ARB and applicable governmental permits and requirements.

Any change, modification, alteration, addition or improvement in the exterior appearance of any building, wall, or other Structure, and total redesign in the appearance of landscaping or the Lot itself, shall be deemed an alteration.

#### 1.0 DEFINITIONS:

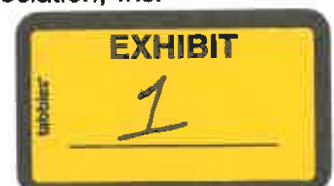
1.1 **ARB:** Architectural Review Board.

1.2 **ARB Approval:** Prior written approval from the ARB to perform any action for which approval is required. Such approval will be valid for six (6) months from the date of issuance. Failure for the project to commence within the six (6) month time period will require the application to be re-submitted to the ARB for approval before the project can commence.

1.3 **Architectural Control:** The Association's right to require approval or disapproval from the ARB as to the installation or alteration of any building, Structure, or other improvement or any grading, excavation, landscaping, change of exterior color, or other work which in any way materially alters the exterior appearance of any Structure, Lot, or Living Unit. (Reference Section of the Declaration)

1.4 **AHJ:** Authority Having Jurisdiction (by way of example and not limitation, as to fire pits and fireplaces, the AHJ is the local Fire District). Punta Gorda Fire Department

1.5 **Association:** The Association, Burnt Store Meadows Property Owners' Association, Inc.



**1.6 Change:** Any alteration, addition, modification, improvement, work, construction, project or undertaking of any nature involving single family homes, multi-family dwellings, the appurtenances thereto, yards, or any portion of the Community that is visible from the exterior of the premises from any vantage.

**1.7 Codes:** All applicable federal, state, county and local laws and ordinances affecting the Community.

**1.8 Guidelines:** These Design Review Guidelines, as amended from time to time

**1.9** Any undefined terms used in these Guidelines shall have the same meaning as found in the Declaration or Chapter 720, Florida Statutes, both as amended from time to time. In case of any conflict or ambiguity between the provisions of these Guidelines and the Declaration, the Declaration shall control.

## **2.0 DESIGN REVIEW GUIDELINES:**

These Design Review Guidelines have been created to help maintain the integrity of the Community as developed by its builders. It is not the intent of these Guidelines to judge what is beautiful or not beautiful, but to coordinate, encourage and maintain architectural compatibility within the Community.

These Guidelines are intended as an overview of the process to be followed by the ARB whenever a proposal to change an existing Lot, Living Unit, Structure, building, or other improvement is submitted. Further requirements and restrictions on the use of Lots and/or Living Units are contained in Section 4 of the Declaration of Restrictions, which should be referred to as well.

## **3.0 THESE GUIDELINES COVER, AMONG OTHER THINGS, THE FOLLOWING ASPECTS OF YOUR LOT OR LIVING UNIT:**

- a) Lot and Living Unit:** Your Lot and Living Unit based on its orientation and natural features. Specific directions are provided as to the hardscape and landscape elements involved in making any changes to Lot or Living Unit.
- b) Architectural Standards:** Items to consider as they relate to the style, building materials, detailing and colors should you choose to make exterior changes to your current Lot or any Structure located thereon.

## **4.0 ARB APPROVAL:**

- a)** Other than those changes included in the "Items Not Requiring" section in Section of these Guidelines, Owners are required to submit to the ARB complete plans and specifications for any building, Structure, or any other improvement proposed to be erected or altered, or any proposed grading, excavation, tree or other significant landscape material removal or installation, change of exterior color or other work which materially alters the exterior appearance of any Living Unit, Structure, building, other improvement, or Lot, or any Change of any nature.
- b)** For a list of examples of projects for which you must obtain prior ARB approval see the General Introduction section of these Guidelines. Such plans and specifications will then be reviewed and either approved or disapproved by the ARB.
- c)** To assist in this review, an application form entitled Architectural Request Form ("Request Form") can be downloaded from the Association's website. This form furnishes the ARB with the basic information it needs to review, and also functions as a checklist so that all design aspects can be inspected upon completion. A copy of the Request Form is attached to these Guidelines.

d) Any questions in reference to these Guidelines should be submitted to the Management Company. The ARB will make every effort to clarify the Guidelines and interpret the applicable provisions.

## **5.0 THE ARB APPROVAL PROCESS:**

The ARB will generally meet on the third Monday of each month, and otherwise at the call of the Board as necessary, to carry out its duties and functions. The ARB shall meet with the same formalities and notice requirements as required for Board meetings, unless otherwise permitted by law.

Notice of meetings shall be posted 48 hours in advance on the website and may be given by email blast to residents or by other social media. Any Owner wishing to appear before the ARB may do so. These meetings shall be open to all Owners.

All requests requiring ARB approval must be submitted to the ARB no later than three (3) business days prior to the next scheduled ARB meeting. Requests received later than the three (3) days may not be addressed at the next meeting, due to the lack of time to visit property, and need for additional information or clarification. Requests must be submitted using the ARB Request Form which is available in the Management office, or the online website ([www.bsmppoa.com](http://www.bsmppoa.com)). Requests must include a site drawing showing the proposed changes, construction detail information as applicable, color information, contractor's license, liability insurance, and type of plants to be used (if applicable), and location on Lot. Measurements of the location in reference to the Lot/Living Unit, easements, and property line are required.

Whenever possible, at least three (3) business days prior to the monthly scheduled ARB meeting, a member or members of the ARB may review the requests to identify requests that may need more information, or a site visit for clarification of request, in order to verify that the request is in compliance with the Guidelines. Any forms considered incomplete, or where additional information is required, in the sole discretion of the ARB, will be identified, and the person submitting the request will be notified so all appropriate information can be turned in before the monthly meeting. The ARB may, in its discretion, defer consideration of requests which are not complete in the initial submittal or which require further information.

Records of all ARB submittal forms will be kept in the Management Company office and be available for review by Association members during normal office hours.

The following is a suggested set of steps Owners should take in preparing to submit an ARB application for consideration:

**Step 1:** If deemed appropriate by the Owner, the Owner should secure the services of an architect, designer, landscaper, contractor or whomever the Owner has decided to employ to accomplish the changes desired. Seeking professional advice on the work to be done is left to the discretion of the Owner. The ARB may require that certain types of requests (by way of example, and not limitation, a home addition) can only be reviewed by the ARB if supporting materials from an appropriate professional have been provided. The Owner, with or without the assistance of a professional, should outline a plan or concept for the changes and obtain a written design plan for such changes.

**Step 2: Preliminary Review:** Sometimes it may be advisable to schedule a preliminary review of the Owner's conceptual ideas and drawings with a representative of the ARB. While not required, if the Owner would like to review the proposed plans with an ARB member prior to a formal submittal, he or she may do so by contacting the Management Company office to set up a time to meet.

**Step 3: Final Review:** When drawings and specifications are complete, they must be submitted to the ARB for final approval or disapproval no later than three (3) business days prior to the next scheduled ARB meeting. Owners must include all applicable full working drawings, site improvement plans, site

grading and landscape plans. No work may be started until approval is received from the ARB. All changes must begin within six (6) months of the final ARB approval and shall be completed in a most expeditious timeframe.

**Step 4: Denied ARB Requests**

- a) The Property Manager (PM) will send a copy of the "Approved/Disapproved" ARB form along with a cover letter which sets forth the ARB decision to the homeowner.
- b) The e-mail or letter from the PM will give the homeowner two (2) options:
  - 1. Rectify the denial by complying with the reasons for denial set forth by the ARB.
  - 2. Appeal the decision of the ARB in writing, to the Board of Directors within 30 days of notification of the decisions. The determination by the board, upon prompt review of such decision, shall, in all events, be final, and shall not be unreasonably delayed.
- c) The PM will forward the homeowner's response to the Board of Directors, in the case of an appeal.
- d) In cases of an appeal, the Board of Directors will rule on the appeal with the Board's decision being final.

**6.0 THE ASSOCIATION AND THE ARB DO NOT ASSUME RESPONSIBILITY FOR THE FOLLOWING:**

- a) The structural adequacy, capacity or safety features of the proposed improvement or variance.
- b) Soil erosion, un-compactable or unstable soil conditions.
- c) Acquiring necessary permits from state and local authorities, and compliance with any or all building codes, safety requirements, governmental laws, regulations, or ordinances.
- d) Performance or quality of work of any contractor, or subcontractor.
- e) Hazardous waste regulation compliance is a requirement and responsibility of the Owner.

**7.0 ITEMS NOT REQUIRING ARB NOTIFICATION AND/OR APPROVAL:**

- a) Door hardware such as peepholes, kick plates and locks.
- b) Downspouts and gutters, which are painted the trim color of the Living Unit, and if the trim color is not available, the color of the house.
- c) Hanging baskets.
- d) Commercially manufactured hose reels and/or hangers placed on the side of the house adjacent to the faucet.
- e) Replacing or changing small bushes, perennials, and plants that occur within existing planting beds, which does not, according to the ARB, constitute a major landscaping change, and whose plantings are taken from the list of approved plants/trees as listed in the COPG Landscape Guidelines-see COPG website for details.

- f) Edging installed in or around existing beds including plastic, bricks, or concrete edging, provided that the installation does not exceed twelve inches (12") in height and is not a permanent Structure, such as a mortared wall.
- g) Low voltage (twenty-four (24) volts or less) lighting for landscaping.
- h) General repairs to roofs, driveways, exterior facades when using materials matching those existing to put the exterior back to original construction or ARB approved appearance.
- i) Holiday decorations, provided that they are put up no sooner than 30 days before the holiday, are removed within 15 days after the holiday, and do not create a nuisance for the neighbors.
- j) Security signage (a single sign placed within ten feet (10') of the entrance to the home).
- k) Window or door replacement that does not alter the appearance of the house. A\_COPG permit is required.
- l) The changing of mulch type or color.
- m) The addition or change in landscape rock.

## **8.0 BUILDING SETBACK LINES, SIZE OF BUILDING, SITE RESTRICTIONS AND BUILDING HEIGHTS:**

All Structures shall conform to the requirements of the Codes and the Governing Documents.

## **9.0 ENCLOSURES:**

Lanais may be enclosed, with ARB approval, as long as construction materials used match those materials used in the construction of the residence, and in the color of bronze or white. The construction must conform to Codes and be permitted by the City as well as the ARB.

## **10.0 FENCING:**

ARB forms must be submitted for all installation of property fences or trash can barriers. Approval must be granted by the Board prior to installation. All fences and trash can barriers must conform to City Code.

## **11.0 BURNING:**

- a) No outdoor incinerators are allowed.
- b) Outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained without prior approval of the COPG Fire Department and ARB and must meet all Codes.
- c) For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhang portion, or other within ten feet (10') of any Structure.
- d) Propane-fired fireplaces, within the confines of a deck or lanai, are allowed and must conform to all Codes and have prior ARB approval prior to installation.
- e) Outdoor fire pits are allowed as long as they are commercially manufactured. Fire pits are allowed to be placed ONLY on solid, impervious surface (cement, concrete or pavers). Openings in outdoor fireplaces,



permanent barbecues, and grills shall be provided with a commercially manufactured spark arrester, screen, or door meeting standards approved by the AHJ and must have the screen cover in place while the unit is in operation. Operating the fire pit with the cover open is NOT permitted.

- f) Approved commercial fire pits may not be used to burn rubbish, lawn debris, or other materials.

#### **12.0 GARAGES, CARPORTS AND ACCESSORY BUILDINGS:**

- a) No detached garage or other accessory building shall be erected. Each residence shall have an attached garage. Repairs of vehicles shall be permitted only inside the garage
- b) No garage shall ever be permanently enclosed or converted to other uses without substitution of another attached garage and approval of the ARB.

#### **13.0 HURRICANE SHUTTERS:**

Shutters come in many choices of material, including but not limited to metal, aluminum, plastic, and fabric. They can be of several types, including, but not limited to, roll down (either electric or hand roll up), accordion style, whole window covering, metal panels, or plantation.

#### **14.0 LANDSCAPING:**

- a) Plantings of perennial or annual type plants and small bushes in original existing flowerbeds, and previously ARB approved landscaping, may be done without ARB approval. Any total redesign in the landscaping must first be approved by the ARB. The ARB request form must include a site drawing showing the expanded landscaping changes in relation to easements and property lines. Invasive trees and plants are not allowed. A list of approved landscaping materials may be found in the COPG Landscape Guidelines. All tree planting and removal must comply with COPG Codes.
- b) No planting may be placed within swales designed for water drainage or any easement.
- c) Decorative curbing may be installed around existing landscaping without prior ARB approval.
- d) Decorative fountains and other water features must be maintained to avoid stagnant water and prevent a mosquito breeding area.
- e) Unless a Florida-friendly landscape plan prepared pursuant to Section 720.3075(4), Florida Statutes, as amended from time to time, has been approved by the ARB, stone, gravel, or paving may not be used as a substitute for grass in a lawn.
- f) The trimming of trees must be in compliance with COPG Codes.

#### **15.0 OUTSIDE LIGHTING:**

Except as may have been initially installed by Developer, no spotlights, floodlights, or other outdoor high intensity lighting (greater than twenty-four (24) volts) shall be placed or utilized upon any Lot which in any way will allow light to be reflected on any other Lot or the improvements thereon without the written authorization of the ARB. Low intensity lighting (twenty-four (24) volts or less) which does not unreasonably disturb the owners or other occupants of the Community shall be allowed

#### **16.0 PATIO HEATERS:**

Patio heaters shall comply with all Codes.

#### **17.0 SCREEN CAGE OR SCREEN ENCLOSURE:**

Any screened structure shall be attached to the rear of a Living Unit.

#### **18.0 SWIMMING POOLS:**

An owner may, if approved by the ARB, construct a swimming pool and screened enclosure on his Lot. In the event such construction requires entry of or access over an adjoining Lot, the entry or access shall be only with the consent of the owner of the adjoining Lot. A site plan showing the location of the swimming pool and all related construction must accompany the ARB Request Form. No above ground swimming pools are permitted.

#### **19.0 OUTDOOR EQUIPMENT AND APPARATUS:**

All garbage and trash containers, oil tanks, bottled gas tanks, must be (a) underground, or (b) placed in areas not readily visible from adjacent streets, or (c) adequate landscaping must be used as screening around these facilities and maintained by the owner.

#### **20.0 SWING SETS/PLAYGROUNDS/CHILDREN'S PLAY STRUCTURES AND APPARATUS:**

Swing sets/Playgrounds, basketball hoops, outdoor furniture, etc. that cannot be stored during high windstorms must be permanently anchored in the ground to prevent becoming flying objects during storms.

#### **21.0 ROOFS:**

All roof covering shall meet COPG building codes. Missing or broken roof tiles or shingles must be promptly replaced. Roofs must be maintained in a clean and fresh appearance.

#### **22.0 BUILDING EXTERIORS AND COLORS:**

- a) The Owner is responsible for the upkeep of the homes' exterior including, but not limited to, repainting and refinishing.
- b) The initial exterior color and design of Structures and subsequent changes shall approved by the ARB.
- c) No permission or approval from the ARB shall be required to repaint the exterior of a Structure the same color(s).
- d) Owners who wish to change the exterior color scheme must submit (1) a completed ARB Request Form, indicating the proposed color combination and (2) a swatch of each color which identifies where each color is to be used (i.e. trim, body). The new color scheme must first be approved by the ARB prior to proceeding with a paint contractor.

#### **22.0 FACTORY-BUILT STRUCTURES:**

No Structure of any kind of what is commonly known as "factory-built", "modular", or "mobile home" type of construction shall be erected. This Section does not apply to Insulating Concrete Forms (ICFs) as allowed by the City of Punta Gorda.

#### **23.0 COMPLETION OF CONSTRUCTION REPAIRS:**

All changes must begin within six (6) months of the final ARB approval to avoid having to resubmit a new ARB. The construction of any addition to or the repair of the exterior of any Living Unit shall be completed with reasonable promptness as determined by the ARB.

#### **24.0 ENFORCEMENT:**

Any decisions of the ARB shall be enforced by the Association. Follow-up visits may be made to ensure that the work complies with that which was approved by the ARB. Failure by the Owner or occupant to follow the approved ARB request will normally result in a letter being forwarded to the Owner informing them of the situation and actions necessary to bring the work into accordance with these Guidelines, although Association has the right to pursue other remedies. (Reference Section 24 of the Declaration of Restrictions.)

#### **References:**

COPG Landscape Guidelines-see the COPG website:

[www.ci.punta-gorda.fl.us/residents/landscape/landscape-requirement](http://www.ci.punta-gorda.fl.us/residents/landscape/landscape-requirement)