

**PROPOSED AMENDMENTS TO
AMENDED AND RESTATED MASTER DECLARATION
OF COVENANTS, RESTRICTIONS AND EASEMENTS
FOR SYMPHONY ISLES SUBDIVISION**

Insertions are underlined; deletions are ~~stricken through~~

Use of * * * indicates no text affected

1. To amend Article VI, Section 6.2 of the Declaration to read as follows:

ARTICLE VI

Easements and Restrictions - Single Family Homes Section

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6.2 Single Family Residential Use. Only single-family dwellings and related structures shall be erected, constructed, altered or permitted to remain on Lots and Partial Lots constituting a part of the Single Family Homes Section, and occupancy thereof shall be limited to a single family and single family residential use. Single family shall include one person; two or more persons all of whom are related by blood, marriage, or legal adoption; or no more than two unrelated persons living and cooking together as a single housekeeping unit, together with any legally dependent minor children, or immediate family members. Further, the number of occupants residing in the dwelling shall never exceed the maximum occupancy limits set forth within Hillsborough County Code of Ordinances, as existing from time to time, based upon the square footage of the dwelling. "House Sharing" by multiple families, "Fractional Ownership", and transient uses, such as short-term occupancy by tenants in the absence of the owner, are prohibited. As used herein, "Fractional Ownership" means any tenancy-in-common interest in title to a residence created or held by two or more persons, corporations, partnerships, limited liability companies, or other artificial entities, wherein the joint tenants have formally arranged for the preferred or exclusive use by one or more of the joint tenants-in-common during specific periods of time. "Fractional Ownership" also includes a time share estate as defined by Section 721, of the Florida Statutes, and is expressly prohibited. "Short-Term", as used herein, shall mean occupancy in violation of any minimum lease term which may apply under this Declaration, or occupancy by a tenant for a period of less than three months. Additionally, effective from the date of adoption of this amendment, no Lot subject to this Declaration shall at any time, temporarily or permanently, be occupied by a "sexual predator" (as that term is defined in Sections 775.21 and 943.0435, Florida Statutes, respectively, or as the same may be amended or renumbered by the legislature). The dwelling shall not exceed 40 feet in height from curb of street in front of structure to highest peak for beachfront dwellings, and 35 feet for all other dwellings, excluding chimneys. Included in or attached to each dwelling shall be a private garage for at least two cars. The garage shall conform architecturally with the dwelling. All dwellings shall be of new on-site construction. The following minimum square footage requirements shall apply to dwellings constructed, erected, altered or placed on Lots and Partial Lots in the Single Family Homes Section (the square footage minimum refers to heated/cooled living space within the dwelling and does not include open or screened porches, garages, and similar portions of the dwellings):

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2. **To amend Article VI, Section 6.5 of the Declaration to read as follows:**

ARTICLE VI

Easements and Restrictions - Single Family Homes Section

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6.5 Commercial Use. None of the Lots shall be used primarily, or directly, for any business, commercial, manufacturing, mercantile, storing, vending, trade, occupation, or profession of any kind, religious, education or otherwise, designed for profit, altruism, or otherwise, or any other purpose incompatible with single family residential use. Owners, tenants and occupants may conduct limited business or professional activities, if such use is incidental to the primary use of the residence, but only if confined solely within their residence, and only if the activity cannot be seen, heard or smelled by other residents of the subdivision, and provided further that no activity shall be permitted that results in a significant increase in pedestrian or vehicular traffic in the subdivision, or increases the insurance risk of the other owners or the Association, or if the activity constitutes a dangerous activity. However, nothing in this provision is intended to prohibit the use of an unoccupied model home as a sales office for the sale of real property within Symphony Isles.

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3. **To amend Article VI of the Declaration to add a new Section 6.27 to read as follows:**

ARTICLE VI

Easements and Restrictions - Single Family Homes Section

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6.27 Leasing. In the event a residence is leased, notice and a copy of such lease must be provided to the Board of Directors within ten (10) days after execution of the lease. All leases must be in writing and no lease may be for a term of less than three (3) months. Additionally, no residence shall be leased more than three times in any calendar year. The Board of Directors shall have the right to require that the owner(s) and the tenant(s) sign a Lease Addendum form which certifies that the tenant(s) have received a copy of the Declaration and all other governing documents of the Association, and which contains an agreement of the tenant(s) to comply with this Declaration and all other documents. If a Lease Addendum is not executed, any lease shall be deemed to include such provisions. A Uniform Lease Addendum meeting these requirements, in a form satisfactory to the Association, shall be made available by the Association. The owner(s) shall not be relieved of any liability or responsibility hereunder by virtue of the existence of said lease, lease addendum or any of the foregoing provisions, and the owner will remain responsible for any violations of his tenant(s). The Board of Directors may adopt reasonable rules and regulations regarding leasing and subleasing consistent with the terms of this Declaration and governing law.

4. **To amend Article VII, Section 7.2 of the Declaration to read as follows:**

ARTICLE VII

Easements and Restrictions - Townhouse Section

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7.2 **Townhouse Definition.** Attached single-family residences, with courtyards ("Courtyards") have been constructed on Tracts 1-3, inclusive, Block 1, Symphony Isles Unit One; and on Tracts 1 and 2, Block 2, Symphony Isles Unit One (the "Townhouse Section"), and occupancy thereof shall be limited to a single family and single family residential use. The term "single-family" shall include one person; two or more persons all of whom are related by blood, marriage, or legal adoption; or no more than two unrelated persons living and cooking together as a single housekeeping unit, together with any legally dependent minor children or immediate family members. Further, the number of occupants residing in the Townhouse shall never exceed the maximum occupancy limits set forth within Hillsborough County Code of Ordinances, as existing from time to time, based upon the square footage of the Townhouse. "House Sharing" by multiple families, "Fractional Ownership", and transient uses, such as short-term occupancy by tenants in the absence of the owner, are prohibited. As used herein, "Fractional Ownership" means any tenancy-in-common interest in title to a Townhouse created or held by two or more persons, corporations, partnerships, limited liability companies, or other artificial entities, wherein the joint tenants have formally arranged for the preferred or exclusive use by one or more of the joint tenants-in-common during specific periods of time. "Fractional Ownership" also includes a time share estate as defined by Section 721, of the Florida Statutes, and is expressly prohibited. "Short-Term", as used herein, shall mean occupancy in violation of any minimum lease term which may apply under this Declaration, or occupancy by a tenant for a period of less than three months. Additionally, effective from the date of adoption of this amendment, no Lot subject to this Declaration shall at any time, temporarily or permanently, be occupied by a "sexual predator" (as that term is defined in Sections 775.21 and 943.0435, Florida Statutes, respectively, or as the same may be amended or renumbered by the legislature). The living space which is under roof, plus the Courtyard, are hereinafter collectively referred to as a "Townhouse". The term "Building" is used to describe a single structure containing the interior living area (the enclosed and roofed portions) of one or more Townhouses.

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5. **To amend Article VII, Section 7.4 of the Declaration to read as follows:**

ARTICLE VII

Easements and Restrictions - Townhouse Section

* * *

7.4 None of the Lots shall be used primarily or directly, for any business, commercial, manufacturing, mercantile, storing, vending, trade, occupation, or profession of any kind, religious, education or otherwise, designed for profit, altruism, or otherwise, or any other purpose incompatible with single family residential use. Owners, tenants and occupants may conduct limited business or professional activities, if such use is incidental to the primary use of the Townhouse, but only if confined solely within their Townhouse, and only if the activity cannot be seen, heard or smelled by other residents of the

Townhouse Section, and provided further that no activity shall be permitted that results in a significant increase in pedestrian or vehicular traffic in the subdivision, or increases the insurance risk of the other owners or the Association, or if the activity constitutes a dangerous activity. However, nothing in this provision is intended to prohibit the use of an unoccupied model home as a sales office for the sale of real property within Symphony Isles and the conduct of other business incidental thereto, provided the intended use is approved in writing by the Board of Directors.

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6. To amend Article VII of the Declaration to add a new Section 7.12 to read as follows:

ARTICLE VII

Easements and Restrictions - Townhouse Section

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7.12 Leasing. In the event a Townhouse is leased, notice and a copy of such lease must be provided to the Board of Directors within ten (10) days after execution of the lease. All leases must be in writing and no lease may be for a term of less than three (3) months. Additionally, no Townhouse shall be leased more than three times in any calendar year. The Board of Directors shall have the right to require that the owner(s) and the tenant(s) sign a Lease Addendum form which certifies that the tenant(s) have received a copy of the Declaration and all other governing documents of the Association, and which contains an agreement of the tenant(s) to comply with this Declaration and all other documents. If a Lease Addendum is not executed, any lease shall be deemed to include such provisions. A Uniform Lease Addendum meeting these requirements, in a form satisfactory to the Association, shall be made available by the Association. The owner(s) shall not be relieved of any liability or responsibility hereunder by virtue of the existence of said lease, lease addendum or any of the foregoing provisions, and the owner will remain responsible for any violations of his tenant(s). The Board of Directors may adopt reasonable rules and regulations regarding leasing and subleasing consistent with the terms of this Declaration and governing law.

END OF PROPOSED AMENDMENTS

**Proposed changes to the Symphony Isles Master Association, Inc.
Amended and Restated Master Declaration of Covenants, Restrictions, and Easements:**

6.11 Vehicles. Homeowners will normally and are expected to garage their personal vehicles. No trailer, trucks, ~~pick-up trucks~~, boats or motor homes of any kind shall be parked overnight on any Lot, on any driveway, or on any street without the express written consent of the Board of Directors or unless located within a fully enclosed structure in a building located thereon and shielded from view. Passenger automobiles, **pick-up trucks**, and vans, as hereafter defined, may be parked overnight in a driveway. Passenger automobiles, **pick-up trucks**, and vans shall not be parked overnight on any street without the express written consent of the Board of Directors. Boats, trailers, motor homes, recreation vehicles, mobile homes, campers, and commercial vehicles shall not be parked overnight on any Lot, or on any street adjacent to any Lot, except that a recreational vehicle or motor home may be brought upon any Lot for a single visit for loading and unloading purposes only, but in no case may this period be for more than twenty-four (24) continuous hours. The following definitions shall apply for purposes of this section:

a) "Passenger Automobiles" means those vehicles which are primarily used as passenger motor vehicles, and which have a body style consisting of two doors, four doors, hatchback, convertible, station wagons, or mini-vans which do not exceed twenty (20) feet in length. It also means certain enclosed utility vehicles such as Ford Bronco, Chevrolet Blazer, Jeep Wagoneer, Range Rover, and similar vehicles, provided they are in a condition similar to that which existed when sold by the manufacturer, and specifically excluding any of the stated vehicles which have been modified by increasing their height, adding off-road tires, roll bars, and similar apparatus unrelated to conventional passenger use of the vehicle.

b) "Vans" mean enclosed self-propelled motor vehicles, with side and rear windows, not otherwise herein described, and which do not exceed twenty (20) feet in length, which are used primarily as a passenger vehicle and not as a "commercial vehicle", as that term is defined hereafter. Vans not described within this section, are specifically prohibited, however, conversion vans delivered by a dealer, which meet this criteria, shall be allowed.

c) "Pick-Up Trucks" means standard factory pickup trucks provided they are in a condition similar to that which existed when sold by the manufacturer, and specifically excluding any of the stated vehicles which have been modified by increasing their height, adding off-road tires, roll bars, and similar apparatus unrelated to conventional passenger use of the vehicle, not otherwise herein described, and which do not exceed twenty (20) feet in length, which are used primarily as a passenger vehicle and not as a "commercial vehicle", as that term is defined hereafter. Pick-up trucks with dual rear wheels (Dualies) are classified as "Trucks" and subject to rules previously defined. Pick-up truck toppers are allowable if they match the vehicle color, conform to the original vehicle body lines and contours, do not exceed the height or width of the pick-up truck cab, and do not qualify as a "Camper" as that term is defined hereafter. Pick-up truck tailgates must remain attached to the vehicle and in a closed position. Pick-up truck beds can not contain any articles that are visible from street elevation or in view from neighboring homes.

d) "Trucks ~~and Pick-Up Trucks~~" mean any motor vehicles not otherwise described herein as a permitted vehicle, including, without limitation, those manufactured and marketed as such.

e) "Commercial Vehicles" means all vehicles of every kind whatsoever, which from viewing the exterior of the vehicles or any portion thereof, shows or tends to show any commercial markings, signs, displays, equipment, inventory, apparatus, or otherwise indicates a commercial use, excluding cabinet or tool boxes on permitted vehicles.

f) "Campers" means all vehicles, vehicle attachments, vehicle toppers, trailers or other enclosures or devices of any kind whatsoever, manufactured, designed, marketed or used for the purpose of camping, recreation or temporary housing of people or their personal property.

g) "Mobile homes" means any structure or device of any kind whatsoever, which is not self-propelled, but which is transportable as a whole or in sections, which is manufactured, designed, marketed, or used as a permanent dwelling,

h) "Motor homes" or "Recreation Vehicles" mean any vehicles which are self-propelled, built on a motor vehicle chassis, and which are primarily manufactured, designed, marketed or used to provide living quarters for camping, recreational or travel use. Vehicles satisfying the foregoing criteria and which contain shower facilities, restroom facilities, and full cooking facilities, shall be considered motor homes.

i) "Boats" means anything manufactured, designed, marketed or used as a craft for water flotation, capable of carrying one or more persons, or personal property.

j) "Trailers" means any vehicles or devices of any kind whatsoever which are manufactured, designed, marketed or used to be coupled to or drawn by a motor vehicle.

**Proposed changes to the Symphony Isles Master Association, Inc.
Amended and Restated Master Declaration of Covenants, Restrictions, and Easements:**

7.7 Restrictions.

(i) Vehicles. Homeowners will normally and are expected to garage their personal vehicles. No trailer, trucks, ~~pick-up trucks~~, boats or motor homes of any kind shall be parked overnight on any Lot, on any driveway, or on any street without the express written consent of the Board of Directors or unless located within a fully enclosed structure in a building located thereon and shielded from view. Passenger automobiles, **pick-up trucks**, and vans, as hereafter defined, may be parked overnight in a driveway. Passenger automobiles, **pick-up trucks**, and vans shall not be parked overnight on any street without the express written consent of the Board of Directors. Boats, trailers, motor homes, recreation vehicles, mobile homes, campers, and commercial vehicles shall not be parked overnight on any Lot, or on any street adjacent to any Lot, except that a recreational vehicle or motor home may be brought upon any Lot for a single visit for loading and unloading purposes only, but in no case may this period be for more than twenty-four (24) continuous hours. The following definitions shall apply for purposes of this section:

a) "Passenger Automobiles" means those vehicles which are primarily used as passenger motor vehicles, and which have a body style consisting of two doors, four doors, hatchback, convertible, station wagons, or mini-vans which do not exceed twenty (20) feet in length. It also means certain enclosed utility vehicles such as Ford Bronco, Chevrolet Blazer, Jeep Wagoneer, Range Rover, and similar vehicles, provided they are in a condition similar to that which existed when sold by the manufacturer, and specifically excluding any of the stated vehicles which have been modified by increasing their height, adding off-road tires, roll bars, and similar apparatus unrelated to conventional passenger use of the vehicle.

b) "Vans" mean enclosed self-propelled motor vehicles, with side and rear windows, not otherwise herein described, and which do not exceed twenty (20) feet in length, which are used primarily as a passenger vehicle and not as a "commercial vehicle", as that term is defined hereafter. Vans not described within this section, are specifically prohibited, however, conversion vans delivered by a dealer, which meet this criteria, shall be allowed.

c) "Pick-Up Trucks" means standard factory pickup trucks provided they are in a condition similar to that which existed when sold by the manufacturer, and specifically excluding any of the stated vehicles which have been modified by increasing their height, adding off-road tires, roll bars, and similar apparatus unrelated to conventional passenger use of the vehicle, not otherwise herein described, and which do not exceed twenty (20) feet in length, which are used primarily as a passenger vehicle and not as a "commercial vehicle", as that term is defined hereafter. Pick-up trucks with dual rear wheels (Dualies) are classified as "Trucks" and subject to rules previously defined. Pick-up truck toppers are allowable if they match the vehicle color, conform to the original vehicle body lines and contours, do not exceed the height or width of the pick-up truck cab, and do not qualify as a "Camper" as that term is defined hereafter. Pick-up truck tailgates must remain attached to the vehicle and in a closed position. Pick-up truck beds can not contain any articles that are visible from street elevation or in view from neighboring homes.

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