

AUTUMN WOODS OAK HOLLOW
and
MAHOGANY RUN
2023 RULES & REGULATIONS MANUAL

Draft Revision to 9/7/23

Deleted: 5-20-23

WELCOME TO AUTUMN WOODS.

As a new resident we want to provide you with this easy access guide to make you aware of information that will be helpful to you as you settle into the community.

Autumn Woods is a deed restricted community that has rules and restrictions as to what is allowed on the outside of your home. There is also included some helpful information to make your transition as smooth as possible.

There are Four Community Associations within this community. There are a total of 548 units in the three Neighborhoods of the Autumn Woods Community Association (AWCA). Oak Hollow Mahogany Run (OHMR) consists of 350 platted single family detached dwelling units. Maple Brooke (MB) consists of 110: platted single family attached units (villas, aka duplexes, two-family dwellings—55 separate structures). Cedar Ridge (CR) consists of 88 condominium units (multi-family dwellings—22 separate structures, 4 units per structure) on a single platted tract of land.

The first is the **Autumn Woods Master Association**. This is managed by Resorts Management. Their website is autumnwoodscommunitynaples.com. All contact information is available at their website. They have an office at the clubhouse. The manager is Tony McHugh and his phone is 239- 596-9634 and his email address is tmchugh@resortgroupinc.com. The master is responsible for the maintenance of all common areas including the clubhouse and recreation areas.

In order to receive a gate pass for your automobiles you need to fill out a resident information sheet included in these documents and bring the completed document to the clubhouse office.

The association for the Villa's is called **Maple Brooke** and the association for the Condominiums is called **Cedar Ridge**.

The association for the single-family homes is **Oak Hollow & Mahogany Run**. All information from here on only applies to single-family homes. All provisions contained in the Declaration of Covenants for the Master and Neighborhood Associations, and the Master Association Rules and Regulations, govern, even though they might not be referred to or repeated in the 2023 Autumn Woods Oak Hollow & Mahogany Run Rules and Regulations Manual. You are encouraged to review these governing documents.

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Deleted: The management company Sentry Management. Their website is www.swpropmgt.com. The Community Manager for Southwest Property Management is Elle Bruner, 239-261-3440.

1. UNITS AND LOTS

1.1. Use of Lot

1.1.1. Single Family Residential Use Only (AW R&R RU&L 1, OHMR DEC 8.1; no added requirements)

AW R&R RU&L 1: A unit must be used and occupied for residential purposes only. Each Lot or Unit shall be occupied by only one Family at any time.

1.1.2. Commercial or Institutional Use (OHMR DEC 8.1; no added requirements)

Each Lot or Unit shall be used in a residential manner and for no other purpose. However, “no impact” or “low impact” home-based business in and from a Lot or Unit are allowed. Such uses are expressly declared customarily incident to residential use. The existence of the home-based business shall not change the character of the Lot or Unit. A home-based business shall be subject to first obtaining a Collier County home occupational license and zoning approval, if applicable or required.

1.1.3. Unit Rental (AW R&R RU&L 2, OHMR DEC 10; no added requirements)

A unit may not be rented for less than 30 days, nor rented more than three times within any twelve-month period. Rental of a unit must be documented by a written lease. See OHMR Declaration of Covenants – Section 10 for detailed requirements related to renting. The unit owner must provide the Master Association a copy of the lease agreement detailing the name of the owner, tenant, contact information for each party to the agreement, specific term of the agreement along with vehicle information identifying the make, model, color, year, and license numbers of the tenant’s vehicle(s). No barcodes will be issued for rental cars or for those leasing in Autumn Woods for less than six months.

1.1.4. Animals (OHMR DEC 8.4)

No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except for cats, dogs, or other generally recognized household pets. No more than four (4) adult animals (six months or older) are permitted on any Lot or Unit. No commercial breeding, maintenance, keeping, or boarding of animals of any type is allowed. All animals shall be kept in strict accordance with all local laws and ordinances. Pets must be licensed when required. Pit Bulls and Rottweilers are not permitted. A list of approved breeds is available upon request. Dogs must be kept on leashes when not actively supervised within the confines of an owner’s lot. Invisible fencing may be installed subject to easement and lake restrictions.

1.1.5. Nuisances (OHMR DEC 8.5; no added requirements)

No Owner shall use his/her Lot or Unit, or permit it to be used, in any manner which constitutes or causes an unreasonable amount of annoyance or nuisance to the Occupant of another Unit, or permit the Lot or Unit to be used in a disorderly,

Deleted: There are a total of 548 units in the three Neighborhoods of the Autumn Woods Community Association (AWCA). Oak Hollow Mahogany Run (OHMR) consists of 350 platted single family detached dwelling units. Maple Brooke (MB) consists of 110: platted single family attached units (villas, aka duplexes, two-family dwellings—55 separate structures). Cedar Ridge (CR) consists of 88 condominium units (multi-family dwellings—22 separate structures, 4 units per structure) on a single platted tract of land.¶
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Deleted: OHMR DEC 8.1: Each Lot or Unit shall be occupied by only one Family at any time.

Deleted: AW R&R RU&L 2:

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obnoxious, offensive, or unlawful way. The use of each Unit shall be consistent with existing laws and the Governing Documents, and Occupants shall at all times conduct themselves in a peaceful and orderly manner. No solicitation will be allowed at any time within the community.

1.1.6. Garage Use or Alteration (AW R&R RU&L 3, OHMR DEC 8.7)

Each Unit shall have an attached and enclosed garage capable of housing not less than two (2) standard sized automobiles. The openings of such garages must be situated within the setback lines. ~~Garage doors should remain closed when no specific activity is taking place which would require them to be open for any length of time.~~ Motorized roll-up screens for a garage are not permitted.

A garage may not be enclosed, used for habitation, altered in a way that reduces parking capacity, or used in a manner that prevents accommodation of owner and overnight guest vehicles upon the lot.

1.1.7. Garage Sales (AW R&R RU&L 4, OHMR DEC 8.2)

Neighborhoods each have their own garage sale applications which may be downloaded from the website (www.autumnwoodscommunitynaples.com). ~~Lots or Units may conduct garage sales only with the prior written consent of the Neighborhood Association.~~ Owners are required by County Ordinance (CC Ordinance 04-41, Section 5.04.05©—as may be amended from time to time) to acquire a garage sale permit from Collier County. Owners are allowed a maximum of one garage sale every six months. ~~This limitation does not include any neighborhood-wide garage sale activity organized by the community - currently held twice a year.~~ After the application is approved by the Neighborhood Manager, please return the approved application, permit to the gate house, and provide a copy to Master Association Manager.

1.1.8. Parking on Streets and Lots (AW R&R CF&CC 7, AW R&R RU&L 3; OHMR DEC 8.18; no added requirements)

Parking anywhere on common area lawns, sidewalks or on grounds other than the designated parking lots, or unit driveways in Autumn Woods is prohibited. No vehicles, trailers, implements, or apparatus may be driven or parked in Master Common Areas not intended for vehicular access, unless in use for maintaining such Master Common Areas.

No vehicle, trailer, container, or other object may obstruct clear passage of any sidewalk, fire hydrant, or driveway in Autumn Woods at any time.

Sidewalks shall not be blocked by parked vehicles.

The driveway apron may be used for vehicle overnight parking on occasion, or in the event it is needed after the garage has been fully utilized (i.e., 2 vehicles parked in the garage) and the driveway is full.

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Deleted: No garage shall be enclosed or converted to a use other than for the storage of automobiles.

Deleted: AW R&R RU&L 3: (up to two cars for OHMR and MB; and one, or two cars in CR, depending on the condominium garage design accommodation). Sidewalks shall not be blocked by parked vehicles. The driveway apron may be used for vehicle overnight parking on occasion, or in the event it is needed after the garage has been fully utilized (i.e., 2 vehicles parked in the garage) and the available driveway.

Deleted: AW R&R RU&L 4:

Deleted: OHMR DEC 8.2: Lots or Units may conduct garage sales with the prior written consent of the Neighborhood Association and applicable Collier County permit. The number of individual residential garage sales shall be limited to one (1) permit for every six (6) months.

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Non-commercial vehicles (cars, SUVs, and trucks) may be parked on streets and common area parking lots. However, such vehicles may not be parked on streets and common area parking lots overnight (between the hours of 12:00 AM to 6:00 AM).

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A resident must notify the security office if they expect parking of guests' non-commercial vehicles on streets or common area parking lots to extend past midnight. If additional parking for overnight guests is required, a resident must obtain the Manager's authorization for their guests to park on common area parking lots for a specified, and limited number of days.

A resident's vehicles bearing commercial insignia or names, and boats, trailers, campers and RV's may not be kept on a lot unless fully enclosed within the garage.

Boats, trailers, campers, and RV's may be parked on a driveway for a maximum of up to 12 hours during a 7-day period for cleaning, loading, and unloading. Boats, trailers, campers, and RV's may not be parked on streets or common area parking lots, except as authorized by the Manager

Commented [FaJB3]: The old OHMR R&Rs have a 4-hour limit. Does OHMR want to keep this more restrictive limit?

Commercial vehicles of companies servicing a unit or lot may be parked on driveways and streets only while performing the services. Such vehicles associated with services being performed over consecutive days may not be parked on driveways, lots, streets or common areas overnight, except as authorized by the Manager.

1.1.9. Motor Vehicles and Boats (AW R&R CF&CC 7, 8; OHMR DEC 8.19; no added requirements)

No maintenance or mechanical repairs of vehicles or boats is permitted on any driveway or yard, except in an emergency.

Deleted: AW R&R CF&CC 7 (partial excerpt): Vehicles, boats, trailers, campers, and RV's may not be dismantled, repaired, and assembled on a driveway or lot...OHMR DEC 8.19: OHMR DEC 8.19:

No boats, ATV's, swamp buggies, dune buggies, go karts, wave runners, jet skis, trailers, motor homes, travel trailers, campers, or recreational vehicles, shall be parked anywhere on the Neighborhood Property outside of fully enclosed garages. Please see AWCA Master Rules and Regulations Manual – Clubhouse Facilities and Common Areas, Section 8 for rules concerning the operation of golf carts and other motorized vehicles within Autumn Woods.

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Notwithstanding the forgoing restrictions in this section, golf carts, motorcycles and mopeds may be parked in the unit's driveway during the day. Motorcycles, mopeds and golf carts must be stored in an enclosed garage between 12:00 am and 6:00 am.

Moved down [1]: Motorcycles, mopeds and golf carts must be stored in an enclosed garage between 12:00 am and 6:00 am.

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All vehicles and accessories shall be in an operable and well-maintained condition. The ARC-M or the ARC-N shall have the absolute authority to

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determine from time to time whether a vehicle and/or accessory is operable and adequately ~~maintained or~~ screened from public view. Upon adverse determination by said ARC-M or ARC-N, the vehicle and/or accessory shall be removed and/or otherwise brought into compliance with this paragraph.

Commented [FaJB4]: I presume the intent here is to prevent the blight of junky cars.

As used herein the term "commercial vehicle" means trucks and other vehicles which are used for business purposes including but not limited to, any vehicle which displays a company name or logo on its exterior, is adorned with signs, flags, advertisements or any type of lettering or graphic of a commercial nature or any vehicle with racks, ladders, staging, or other equipment or attachments of a commercial nature, including supplies used for commercial purposes, on or visible in the vehicle. Additionally, and notwithstanding the foregoing, any vehicle, by whatever name designated, which is used for transporting goods, equipment or paying customers shall be considered a commercial vehicle, regardless of any definition found elsewhere to the contrary. Further, any vehicle, whether commercial or non-commercial, with body parts such as the hood, door, quarter panel, bumper or bed removed shall be placed in a garage so that it is not readily visible from any adjacent street or Lot. The Neighborhood Association is authorized to tow or place a disabling "boot" on any vehicle violating this Section, the Rules and Regulations, a law or any other restriction contained in the Governing Documents and the cost of towing and/or booting shall be the obligation of the Owner of the vehicle.

1.1.10. No Storage on Lots

~~No area of the lot shall be used for storage, except for trash and recycling containers, yard sports equipment, play toys and Temporary Facilities, with restrictions as described in other sections of these Rules and Regulations.~~

1.1.11. Trash & Garbage (OHMR DEC 8.20(D); no added requirements)

~~Trash, garbage and other waste shall be kept only in sanitary containers which shall be maintained in a clean and sanitary condition and be kept in the garage or screened from view from any street, except when out for pick-up. Trash, Recycle, and Yard waste are picked up on Wednesday. Trash is also picked up on Saturdays. Containers and yard waste may be placed at the curb no sooner than 6:00 PM on the evening preceding scheduled pick-up. Containers must be removed before the end of the pick-up day.~~

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1.1.12. Temporary Facilities (OHMR DEC 8.11)

~~Detached accessory buildings or any structure of a temporary character, including but not limited to, detached garages, storage buildings, trailers, tents, shacks, barns, motor homes, mobile homes, any prefabricated or relocated structure, and greenhouses, shall be prohibited from being used or kept on any Lots. Notwithstanding the foregoing, an Owner may place a dumpster or any trash~~

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receptacle that is used in construction activities on a Lot for a period of two (2) weeks. Thereafter, the dumpster or trash receptacle must be removed from the Lot and emptied. The Owner shall remove and empty the dumpster or trash receptacle every two (2) weeks until such time as the dumpster or trash receptacle is no longer needed on the Lot. Portable restrooms shall be allowed on a Lot during the construction period but must be placed in an area so as to cause minimal disturbance to neighbors and Association residents but must also provide accessibility for emptying.

1.1.13. Signs (OHMR DEC 8.6; no added requirements)

No person may post or display a sign, mount, paint, or attach on any Lot or Unit, fence, or other improvement on a Lot so as to be visible from the public view or mounted on any vehicle or trailer parked or driven in the subdivision or carried by any person or by any other means displayed within the subdivision except the following:

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(A) An Owner may erect one (1) For Sale or For Rent sign after obtaining the approval of the Neighborhood Association. The size, height, and location shall be as prescribed in the Master Association Rules and Regulations.

(B) Political signs may be erected upon a Lot by the Owner of such Lot advocating the election of one or more political candidates or the sponsorship of a political party, issue, or proposal provided that such signs shall not be erected more than ninety (90) days in advance of the election to which they pertain and are removed within fifteen (15) days after the election.

1.1.14. Portable Furniture, Sports Equipment and Toys

Portable Basketball Backboards: (OHMR DEC 8.20(J) (partial excerpt))

Temporary basketball goals are permitted on the Owner's driveway. A portable basketball goal may be placed by a driveway subject to the following restrictions:

(1) The goal must be located on or next to a driveway between the front of a unit and 12 feet from the street. (2) The goal may only be used from 9:00 AM to 9:00 PM Daylight Savings Time and 9:00 AM to 6:00 PM Eastern Standard Time. Additional lighting for the goal is not permitted. If the goal has not been used for a period of 30 continuous days, it must be removed. (3) The backboard should be mostly clear in color except for standard markings thereon, and the goal's supporting pole and base should be dark in color. The rim must have a net attached that is not frayed or torn. Metal nets are not permitted. The backboard, rim, pole and base must be kept painted and rust free. (4) In the event of a hurricane warning, the goal must be safely secured.

Commented [FaJB5]: Consider future OHMR Declaration amendment to allow permanent backboards, as at least one variance has been granted.

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Front Porch Furniture: One bench (up to 5 feet wide) or 2 chairs, and one table (up to 3 feet wide) is permitted in front of a unit, provided that the bench or chairs and the table is located in the entry foyer or within a landscape bed located no

Commented [FaJB6]: I suggest allowing a wider 2-person bench

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more than 10 feet from the front of a unit. The bench or chairs and the table must be of an earth tone color or of a color compatible with the color scheme of the unit.

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Lawn Furniture: Lawn furniture, tables, umbrellas, swings and hammocks are permitted to be kept in the back yard only. Any chairs or tables used in the front yard for Halloween, a yard sale or other event must be immediately removed following use.

Sports Equipment and Toys: Portable athletic equipment, other than a portable basketball goal, may not be placed in the front of a lot. Portable equipment and toys must be stored out of public sight when not in use.

Storm Hazards: Prior to wind events, all outdoor portable equipment, furnishing and toys must be stored in the garage or suitably secured.

1.2. Owner's Maintenance Obligations (AW R&R RU&L 11g&h; OHMR DEC 6, 8.16, 8.20(B)) The individual Owners shall, in addition to other obligations contained elsewhere herein, have the maintenance, repair and replacement responsibility of the following:

Lawn All areas of Lots not covered by structures, walkways or paved parking facilities shall be maintained by their Owners as lawn (not to exceed 6 inches in height) or landscaped areas to the roadway edge of any abutting streets and to the littoral plantings (native grasses planted and maintained within an LME by the AWCA) of any abutting water management area. Stone, gravel, or paving may not be used as a substitute for grass in a lawn, unless required to prevent erosion and as so approved by the ARC-N.

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Landscaping The landscaping on Lots, including without limitation, the trees, shrubs, lawns, flowerbeds, walkways, and ground elevations, shall be maintained by the Owner thereof in a well-groomed manner. Lawns shall not exceed a height of 6". Such grooming shall include but not be limited to regularly cutting, trimming, watering, and fertilizing. Mulched areas must be regularly mulched. Trees and palms should be evaluated on an annual basis prior to Hurricane Season to prevent unnecessary accidents and/or damage. Homeowners should thin tree canopy's and remove dead or dying branches or fronds that can fall on houses, cars, and people. Overly long branches should be shortened and branches with cracks removed or shortened. Branches with the same diameter as the trunk will be shortened and the outer edges (not the interior) of the canopy will be thinned, making your tree more hurricane resilient

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No underbrush (other than indigenous growth) or other unsightly growths shall be permitted to grow or remain upon any part of the Lots and no refuse pile or unsightly objects shall be allowed to be placed or remain anywhere thereon. Vacant Lots, if any, shall be cleaned, seeded and then maintained in a well-kept condition at all times.

Deleted: OHMR DEC 8.16 (partial excerpt): Landscaping. Decorative ground cover rock in the front and side yard may not exceed ten (10) percent of the total area of the front and side yard. Lawns must be properly maintained (not to exceed 6 inches in height). All areas of Lots not covered by structures, walkways or paved parking facilities shall be maintained by their Owners as lawn or landscaped areas to the roadway edge of any abutting streets and to the waterline of any abutting lakes, rivers, canals or water management areas. Stone, gravel, or paving may not be used as a substitute for grass in a lawn. The landscaping on Lots, including without limitation, the trees, shrubs, lawns, flowerbeds, walkways and ground elevations, shall be maintained by the Owner thereof in a well-groomed manner. Such grooming shall include but not be limited to regularly cutting, trimming, watering and fertilizing. Mulched areas must be regularly mulched. Pavers and/or walkways are permitted between Units subject to the approval of the ARC-M or ARC-N and agreement by the adjacent Owners.¶ OHMR DEC 6:¶

6.1 Owner Maintenance. The individual Owners shall, in addition to other obligations contained elsewhere herein, have the maintenance, repair and replacement responsibility of the following:

Building and Hardscape The Lot or Unit and all structural components, including courtyard walks, entry doors, garage doors, painting, caulking, and roof components, windows, sliding glass doors, screens, screen doors and their hardware, frameworks, mailboxes (including related components and poles), lanais, walkways located on the Lot or Unit, and locks serving the Unit. The roofs and exterior of the structure and driveway (including that portion of the driveway in the Roadway, if any) shall be kept in a good and serviceable condition and cleaned on a regular basis to remove and discourage mold growth and with no damage or defect therein, unless the driveway was damaged by the Neighborhood Association or Master Association in the fulfillment of its obligations and duties under the Governing Documents.

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Interior The complete interior of the Unit including all interior walls, floors, ceilings, partitions, cabinets, plumbing and all other interior components.

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Systems Interior and exterior electrical lines and hookups, all air conditioning components, appliances, TV cables and connections, telephone and other similar lines, and connections. All potable and non-potable water lines from the shut-off valve and serving the individual Lot or Unit, including fully-functional sprinkler systems. Sewer pipes serving the individual Lot or Unit.

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Appearance No refuse or unsightly objects shall be allowed to be placed or to remain anywhere in the Lot or Unit, nor shall trash burning be permitted. Owners are prohibited from having visible mold or mildew on the residence or other improvements, or other debris in the yard, dead or dying landscaping, personal property in disrepair, or creating or maintaining any other condition which, in the Neighborhood Association Board's judgment or discretion, has a negative aesthetic or economic impact on the neighborhood or constitutes a hazard to other property or to residents.

Deleted: (D) All grounds, green areas, storm drains (excluding Master Common Area storm drains), drain courses, sprinkler systems and other portions of same located on the individual Lots or Units including but not limited to all potable and non-potable water lines from the shut-off valve and serving the individual Lot or Unit.

Pest Control Pest, insect, and rodent control, whether applied inside the Unit or on the Lot.

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Owner Improvements Any modifications, alteration, installation or addition to the Lot or Unit made by the Owner or his/her predecessors in title with ARC-M or ARC-N or Neighborhood Association Board approval including, but not limited to, any decks or concrete pads, hedges, and other landscaping improvements installed by the Owner or his/her predecessor in title. The Owner shall be responsible for insurance, maintenance, repair and replacement of such modifications, installations or additions and the cost of removing and replacing or reinstalling such modifications if their removal by the Neighborhood Association becomes necessary in order to maintain, repair, replace or protect Master Common Areas for which the Neighborhood Association is responsible.

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Drainage System. No structure of any kind shall be constructed or erected, nor shall an Owner in any way change, alter, impede, revise, or otherwise interfere with the flow and the volume of water in any portion of a water management, lake, or preserve area reserved for drainageways, sluiceways, or for the accumulation of runoff waters. No

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Owner shall permit his Lot or Unit to exist in a condition which, intentionally or unintentionally, causes damage or otherwise interferes with the drainage system and the Neighborhood Association shall be permitted to adopt various standards and requirements to cause a Lot or Unit to be altered at the expense of an Owner in order to cure the damage or condition which is causing damage to the drainage system. Lots or Units with a pool may not utilize an overflow drain system which allows pool water to drain directly into a Lake. Each Owner shall keep all drainage structures (such as catch basins) located on the Lot or Unit clear of grass, leaves, and other debris unless otherwise approved by the ARC-M.

Notice to Owners; Non-Disturbance; and Maintenance. Owners are hereby notified that certain Lots or Units may include, or be adjacent to, native landscape areas, wet detention ponds, jurisdictional wetlands, designated mitigation areas or designated conservation easements. The Owners shall not remove native vegetation that becomes established within the native landscape areas, wet detention ponds, jurisdictional wetlands, designated mitigation areas, or designated conservation easements abutting their property, which includes any lake maintenance easements within the Lot. Removal includes dredging, the application of herbicide, and cutting. Owners should address any question regarding authorized activities within the wet detention ponds, jurisdictional wetlands, designated mitigation areas or designated conservation easements to SFWMD, Surface Water Permitting Department. The SFWMD may authorize removal of certain exotic or nuisance vegetation upon application by Lot or Unit Owners, the Master Association, or the Neighborhood Association.

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Enforcement of Maintenance. If the Owner of a Lot or Unit fails to maintain his/her Lot or Unit as required above, the Association shall have the right to institute legal proceedings to enforce compliance, or may take any and all other steps necessary to remedy such violation. The Neighborhood Association may repair, replace or maintain any item which constitutes a hazard to other property or residents, prevents the Neighborhood Association from fulfilling its maintenance responsibilities, or which has a materially adverse effect on the appearance of the Neighborhood Common Properties. Any expenses so incurred by the Association shall be billed directly to the Owner of the Lot or Unit to which such services are provided, and shall be an individual Assessment charged against the Lot or Unit, secured by a lien against the Lot or Unit as provided in Article 4 above.

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Negligence; Damage Caused by Condition in Lot. Each Owner shall be liable to the Neighborhood Association for all costs and expenses it incurs for any maintenance, repair or replacement made necessary by his/her act or negligence or the Owner, or any member of his/her Family or his/her Guests, employees, agents, or Tenants. In the event the Neighborhood Association is required to incur expenses to maintain the Lot or Unit, including the provision of any landscape services for Owner obligations, or any expense necessary in the Board's discretion to maintain any Lot or Unit, such costs shall be an individual Assessment charged against the Lot or Unit, as provided in Article 4 above.

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Reimbursement. All costs and expenses incurred by the Association pursuant to this Article, including attorney's fees and costs connected with such matters, shall be reimbursed to the Neighborhood Association by the Owner and shall constitute an individual Assessment against the Owner and his/her Lot or Unit.

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Waiver of Objection. If a Party becomes aware of a violation or failure to comply with these restrictions, including the Neighborhood Association Rules and ARC Standards, and fails to object in writing within one (1) year of violation or failure occurring, the objection shall be deemed waived.

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1.3. Easements (AW DEC 5.6; AW R&R AC&AG 4, 7)

In the event the Association has landscape maintenance obligations for any areas subject to any easement, the Association shall only be obligated to repair and replace any landscaping over an easement area with sod cover. No Owner may install or construct any additional landscaping or improvements on any Lot or Unit burdened by said easement without prior written approval of the ARC as provided for in Article 7 of this Declaration. The Owner is responsible for the landscaping on the Lot.

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Modifications to a unit or property that affects a Master Association Drainage Easement (DE), Lake Maintenance Easement (LME), Landscape Buffer Easement (LBE), Sidewalk, Access Roadway, or other common area/tract will need approval by the ARC-M (The Master Board, or designee) in addition to the ARC-N. Modification requests for changes that affect Drainage Easements (DE) or Lake Maintenance Easements (LME) must always be accompanied by a drainage plan.

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Any damage to a lake bank or drainage easement resulting from modifications will be repaired and billed to the owner (Sec 10 & 10.6 of the Master Declaration of Covenants).

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1.3.1. Drainage Easement (AW R&R RU&L 11m; no added requirements)

Landscaping within Drainage Easements (DE)—DE easements may have underground storm pipes that interconnect the lakes, drain the streets, or drain rear lot areas. There are also DEs in rear lot areas that have a shallow swale that moves surface water between lots to the drainage system inlets. Landscaping in open swale areas can be problematic due to the plants blocking the flow of water in the swales. A downstream planted hedge may impede drainage flow serving lots upstream, creating nuisance flooding. Planting trees on top of underground pipes can be problematic as well. Some of the DEs are also Landscape Buffer Easements (LBE), so an accommodation of both functions is needed. Planting landscape in DE's requires ARC-M approval and such landscaping is subject to removal without responsibility of replacement by the AWCA.

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1.3.2. Utility Easement (AW DEC.5.2; no added requirements) no owner obligations

The Association shall have the right to grant such electric, telephone, gas, water, sewer, irrigation, drainage, central service or other easements, and to relocate any

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existing easement in any portion of the Property as the Association shall deem necessary or desirable, for the proper operation and maintenance of the Property, or any portion thereof or for the general health or welfare of the owners for the purpose of carrying out any provisions of this Declaration. Such easements or the relocation of existing easements may not prevent or unreasonably interfere with the use of the Lots or Units. Each Lot or Unit, shall be subject to an easement in favor of all other portions of the Property to locate utilities and provide drainage and support and to use, maintain, Repair, alter and replace structural supports, roofs, pipes, wires, ducts, vents, cables, conduits, public utility lines and other similar or related facilities serving other portions of the Property. Each Lot or Unit, shall be subject to all easements recorded in the Official Records of Collier County, whether by recorded instrument, plat dedication or otherwise.

1.3.3. Lake Maintenance Easement (AW R&R RU&L 11i; no added requirements)

Landscaping within Lake Maintenance Easements (LME)—Plantings within LMEs are subject to ARC-M approval. Only native plants that provide stabilization of the lake bank may be planted in a lake maintenance easement. Screening plantings around a pool enclosure that abuts the LME may be permitted and would be maintained by the property owner. Such landscaping within the LME is subject to removal to facilitate maintenance without responsibility of replacement by the AWCA.

Deleted: AW R&R RU&L 11i:

1.3.4. Landscape Buffer Easement (AW DEC 5.3, 5.6; AW R&R RU&L 11j)
(inconsistent maintenance responsibility in AW DEC 5.3 and AW R&R RU&L 11j & AW R&R AC&AG 3)

The Association shall maintain all landscape buffer easements.

Deleted: AW DEC 5.3:

In the event the Association has landscape maintenance obligations for any areas subject to any easement, the Association shall only be obligated to repair and replace any landscaping over an easement area with sod cover. No Owner may install or construct any additional landscaping or improvements on any Lot or Unit burdened by said easement without prior written approval of the ARC as provided for in Article 7 of this Declaration. The Owner is responsible for the landscaping on the Lot.

Deleted: AW DEC 5.6:

Any Collier County required landscape buffer easement, or Collier County required landscape plantings that is required within an individual lot shall be the responsibility of the individual property owner to maintain, unless otherwise agreed to by either the AWCA, or by OHMR Neighborhood Association. Pavers and/or walkways are permitted between Units subject to the approval of the ARC-N and agreement by the adjacent Owners. A proposed hedge between units may be along the common property line, subject to an agreement between the adjacent owners.

Deleted: AW R&R RU&L 11j:

2. ARCHITECTURAL CONTROL (AW DEC Article 7, AW R&R AC&AG; OHMR DEC Article 7)

2.1. Improvements Requiring Approval (AW R&R AC&AG 1, OHMR DEC 7.1)

An Owner that intends to construct an addition to a unit, to reconstruct a unit, to erect an accessory structure, to modify the exterior appearance of a unit or lot, or to make a landscaping change must submit an Architectural Review Committee (ARC-N) Request for Modification Form to their Neighborhood Property Manager. All such work must be approved by the ARC-N (or by the Neighborhood Board of Directors) before the Owner may proceed with any modification.

The ARC application form, instructions and submission checklist can be found on the Oak Hollow and Mahogany Run webpage:

<https://autumnwoodscommunitynaples.com/oak-hollow-mahogany-run/>

In addition to ARC-N approval, the AWCA Master board must review projects that include:

- Alteration to a Drainage Easement, Lake Maintenance Easement, Landscape Buffer Easement, Access Easement or AWCA Common Property;
- Site re-grading or drainage modification;
- Storm water discharge into a lake, lake maintenance easement or beyond the boundary of the lot.

2.1.1. Professional Assistance (AW R&R AC&AG 1) The review and approval of an addition, reconstruction, accessory structure or landscaping may require the independent review of an architect, engineer, and/or landscape architect at the discretion of the Neighborhood Board, and such reasonable professional review fees are to be paid by the applicant, as applicable.

2.1.2. Failure to Obtain Approval (OHMR DEC 7.1, AW AC&AG 2) No building, structure, enclosure 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 alters the exterior appearance of any Lot or Unit occur, except in strict compliance with this Article and until the requirements of this Article have been fully met and until all necessary approvals have been obtained. Failure to receive ARC approval is a violation and may result in the owner having to "undo" modifications that did not receive proper approval.

2.2. Architectural Review Committee (OHMR DEC 7.2)

The Architectural Review Committee – Neighborhood (ARC-N) has been established based on a delegation of authority from the Master Association, pursuant to the terms of the Master Association and Neighborhood Association Governing Documents. The

Deleted: AW R&R AC&AG 1: An Owner that intends to construct an addition to a unit, to reconstruct a unit, or to modify the exterior appearance of a unit or lot, or to make a landscaping change must submit an Architectural Review Committee (ARC-N) Request for Modification Form to their Neighborhood Property Manager. An addition to a unit, a modification to the appearance of a unit or lot, or a landscaping change must be approved by the applicable, ARC-M, ARC-N (or by the Neighborhood Board of Directors) before the Owner may proceed with any modification. The review and approval of an addition, or reconstruction may require the independent review of an architect, engineer, and/or landscape architect at the discretion of the ARC-M as may be required and such reasonable professional review fees are to be paid by the applicant, as applicable⁴
OHMR DEC 7.1: No building, structure, enclosure 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 alters the exterior appearance of any Lot or Unit shall occur except in strict compliance with this Article and until the requirements of this Article have been fully met and until all necessary approvals have been obtained.

Deleted: or

Deleted: An addition to a unit, a modification to the appearance of a unit or lot, or a landscaping change

Deleted: applicable, ARC-M,

Deleted: or

Deleted:

Commented [FaJB9]: I assume the board has to make this decision to contract for services and charge the owner.

Deleted: ARC-M

Deleted: as may be required

Deleted: The primary responsibility for enforcement of the architectural standards and conditions established in this Neighborhood Declaration and in the Master Declaration shall reside with the Master Association as set forth in Article 7 of the Master Declaration. The Master Association shall have the right to delegate any portion of the responsibility for architectural standards to the Neighborhood Association. The following provisions shall be subject to any architectural review procedures or requirements established by the Master Association, and in the event of conflict between the terms or conditions of this Neighborhood Declaration and the terms and conditions of the Master Declaration, the Master Declaration shall prevail. With the consent of the Board of the Master Association, the Neighborhood Board may establish an Architectural Review Committee – Neighborhood (ARC-N), which shall have jurisdiction over all construction on any portion of the Neighborhood Properties, whose

duties, powers, and responsibilities of the ARC-N shall be consistent with the duties, powers, and responsibilities set forth for the ARC-M in Article 7 of the Master Declaration. Accordingly, Article 7 of the Master Declaration is hereby incorporated by reference and completely reproduced herein, and all references therein to the “ARC-M” shall be deemed to mean and refer to the ARC-N to the extent that the Master Association has delegated some portion of the responsibility of the ARC-M to the ARC-N.

Deleted: provided

2.2.1. Board Review (OHMR DEC 7.2) All decisions of the ARC-N are subject to review by the Board of Directors and the Board of Directors has the authority to overrule, void or otherwise modify in all respects any decision of the ARC-N.

- a. **Appeal (OHMR DEC 7.3)** Any party aggrieved by a decision of the ARC-N shall have the right to make written request to the Board of Directors within thirty (30) days of the decision, for a re-review thereof.
- b. **Variance (OHMR DEC 7.4)** Any variance from compliance with any of the architectural provisions of the Declaration or Rules and Regulations must be approved by the Board of Directors. The granting of such a variance shall not, however, operate to waive any of the terms and provisions of this Declaration for any purpose, or create a precedent, except as to the particular property and particular provisions hereof covered by the variance, nor shall it affect in any way the Owner’s obligation to comply with all governmental laws and regulations affecting his use of the Lot or Unit, including, but not limited to, zoning ordinances and setback lines or requirements imposed by any governmental or municipal authority.

2.2.2. Professional Consultation (AW R&R AC&AG 1, 3)

The review and approval of an addition, reconstruction, accessory structure, or site/landscape improvement may require the independent review of an architect, engineer, and/or landscape architect at the discretion of the Board of Directors as may be required and such reasonable professional review fees are to be paid by the applicant, as applicable.

Deleted: AW R&R AC&AG 1 (partial excerpt):

Deleted: or

Deleted: ARC-M

2.3. New Construction or Expansion

2.3.1. Location on Lot (OHMR DEC 8.8)

All buildings or other structures, permanent or temporary, habitable or uninhabitable, must be constructed, placed, and maintained in conformity with setback lines shown on the recorded Plat or imposed by Collier County Regulations. Notwithstanding the foregoing, the ARC-M or ARC-N shall have the right and authority to approve non-statutory variances from the non-statutory setback requirements for reasonable cause or to alleviate a hardship.

Deleted: AW R&R AC&AG 3 (partial excerpt): The review and approval of an accessory structure may require the independent review of an architect, engineer, and/or landscape architect at the discretion of the ARC-N/M as may be required and such reasonable professional review fees are to be paid by the applicant, as applicable.

2.3.2. Height and Area Restrictions (OHMR DEC 8.3)

Maximum height. Maximum height of each Unit shall be thirty-five (35) feet and subject to ARC-M or ARC-N approval and to Collier County restrictions (per Collier County Ordinance 96-80, Table 2), as amended from time to time.

Minimum Square Footage. The living area of each Unit, exclusive of garages, porches, patios, and other areas not designed for human habitation shall be 1,250 square feet or larger measured to the outside of the exterior walls.

2.4. General Design Guidelines

2.4.1. Architectural Style (AW R&R AC&AG 2)

The Neighborhoods have approved exterior paint and roof tile schemes that are specifically permitted. In addition to the original Mediterranean community architecture with barrel tile roofs and stucco masonry finishes with banding accents, there are alternative schematic architecture styles developed for the community and maintained by the neighborhoods. The expanded architecture styles include flat tile roofs, stone finishes, alternative entry doors, alternative garage doors, exterior brackets, light fixtures, paver styles, and decorative shutters. The published offerings can be approved by the ARC-N. Styles not contemplated by the published Neighborhood standards may be considered (i.e. standing seam metal roof—Old Florida vernacular), however, depending on the complexity of the proposed change may require involvement of the Neighborhood or Master association Boards or the services of a professional architect, engineer, or landscape architect to review on behalf of the ARC-N/M and paid for by the applicant, as applicable.

Deleted: AW R&R AC&AG 2:

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2.5. Standards - Exterior of Home

2.5.1. Roof (OHMR DEC 8.9)

No exposed roof surfaces on any principal and/or secondary structures shall be installed without the approval of the ARC-M or ARC-N. Notwithstanding the foregoing, there shall be no asphalt or shake style shingle roofs in the Neighborhood Association. The ARC-M or ARC-N shall have the authority to approve treatments and materials when in its determination such treatments and materials, in the form utilized, will not be a detriment to the quality of the Neighborhood. Certain concrete tile styles and colors have been pre-approved for use, and are listed in the Architectural Materials Guidelines, Exhibit ____.

Deleted: OHMR DEC 8.9:

2.5.2. Gutters (require drainage plan per AW R&R AC&AG 3) Gutters shall be “K” style, or other profile approved by the ARC-N. Gutters shall match the eave fascia color, or another color approved by the ARC-N. Downspouts should be placed to be inconspicuous to the extent feasible. Water must be directed away from the building onto gravel or a splash block within a landscape planting bed, in a manner

that does not cause erosion. On a sloped lot it may be necessary to discharge into an engineered subsurface infiltration or upwelling discharge system, or piped to discharge into the lake behind the property following all AWCA requirements and with AWCA approval.

2.5.3. Walls (OHMR DEC 8.12) All exterior walls of all Units, garages, and approved accessory buildings shall be completely finished with wood, stucco, brick, stone, paneling, or other material acceptable to the ARC-M or ARC-N. No concrete block surfaces shall be visible on any exterior wall. The first floor exterior walls of the main residence building and garage constructed on any Lot shall be composed of at least 95% masonry or masonry veneer (including stucco), said percentage to apply to the aggregate area of all first floor exterior walls, excluding windows, doors, or other openings and gable ends. The minimum masonry requirement specified shall apply to the lower floor only for two-story dwelling. Masonry or masonry veneer includes stucco, ceramic tile, clay, brick, rock, and all other materials commonly referred to in the Collier County, Florida area as masonry.

Deleted:

Deleted: unpainted

2.5.4. Chimneys (OHMR DEC 8.10) All fireplace flues, smoke stacks, and spark arresters shall be completely enclosed and concealed from public view in finished chimneys of materials architecturally compatible with the principal finish material of the exterior walls of the dwelling or otherwise approved by the ARC-M or ARC-N.

2.5.5. Paint A number of pre-approved paint color schemes can be found in the Architectural Guidelines. An owner may propose an alternative color scheme, similar to a pre-approved scheme but with color hues that are more compatible with the roof tile, driveway pavers, stone veneer or other materials of the home. Samples or a mock-up of proposed alternative colors must be provided.

Deleted: The exterior walls and garage door of a unit may be painted any color originally used by Centex on any unit in Autumn Woods or any ARC approved color. The front entrance door of a unit may be painted an earth-tone color. ARC approval is required prior to painting....

2.5.6. Windows (OHMR DEC 8.20 C) (address muntin grids, color, glass types) Windows must be constructed of aluminum, vinyl or other durable and weather-resistant material. Window glass must be clear, or lightly tinted a neutral gray. Dark gray and colored tints are not allowed. No reflective or obscuring coating, foil, film or similar treatment shall be placed on windows or glass doors. A replacement window may replicate the muntin grid of the existing window, or omit the grid. Window air conditioners and fans are not permitted.

Commented [FaJB10]: Discuss whether impact windows should be required, to eliminate unsightly storm shutters over time.

Discuss whether windows should be allowed to be painted, and acceptable colors. Currently, most windows are white but some are dark bronze.

Discuss leaded glass, stained glass, patterned or frosted obscure glass, patterned frosted glass, wrought iron grates.

Deleted: reflective

Commented [FaJB11]: Discuss moving to Article 1 – Use of Lots

2.5.7. Hurricane Protection (AW R&R RU&L 10; no added requirements)

- a. Permanently-Installed Shutters and Screens
- b. Temporary Protection

Commented [FaJB12]: This is a really long section. Do we repeat in full?

2.5.8. Decorative Shutters See Architectural Guidelines for approved shutter styles.

2.5.9. **Exterior Doors** See [Architectural Guidelines](#) for approved door styles. Storm or screen doors should have full-length glass or screen, be devoid of decorative scrolling and solid panels, and be color compatible with a unit.

Commented [FaJB13]: It is already stated that all exterior changes require ARC approval.

Deleted: ARC approval is required prior to installation.

2.5.10. **Garages** (AW R&R RU&L 3; OHMR DEC 8.7) Each home shall have a garage with capacity for at least two automobiles. A garage may not be enclosed, used for habitation, altered in a way that reduces parking capacity, or used in a manner that prevents accommodation of owner and overnight guest vehicles upon the lot. Motorized roll-up screens for garages are not permitted.

Commented [FaJB14]: Coordinate with 1.1.6 Use of Garages.

Commented [FaJB15]: Discuss merits of reproducing or referencing and augmenting the Master R&R guidance.

Commented [FaJB16]: What to do about illegal provision in OHMR Declaration? Per FCR § 1.4000, our rules cannot unduly impair use of an antenna.

Deleted: 8.21(I) (I)→ Restrictions on

Deleted: with restrictions listed in the Neighborhood Association's Rules and Regulations

Deleted: Cable or TV antennas shall be installed in accordance with the FCC RULES 47 C.F.R. Section 1.4000 and as amended from time to time.

Deleted: units

a. Garage Door See [Architectural Guidelines](#) for approved garage door styles.

2.5.11. **Exterior Lights** (AW R&R RU&L 12o & 12p, OHMR DEC 8.15) (indicate size range, lamp color and brightness) See [Architectural Guidelines](#) for sconce lights and Landscape Guideline for landscape lights. (coordinate with detailed Master R&R guidance)

Commented [FaJB17]: Discuss further restricting height.

Deleted: ARC approval is required prior to installation.

2.5.12. **TV and Radio Receiving and Transmission Devices** (OHMR 8.20(I) (editing needed; refers to additional restrictions in R&Rs)

Any exterior radio or television antenna, satellite dish, microwave antenna, or other antenna or device for sending or receiving television or radio signals of any kind shall require ARC-M or ARC-N approval. TV and radio antenna and satellite dishes must be located on a unit or lot in such a way as to be screened from view at a point in the center of the street directly in front of a unit. No antennas may be installed on the front of the house or roof top area or roof ridgeline and no antenna tower may be erected on the roof top or the yard. The height of a TV or radio antenna may not exceed the height of the peak of the roof of a unit. A satellite dish in excess of 39" in diameter is prohibited. The foregoing provisions may be amended or waived by the ARC, to the extent that these provisions are demonstrated to be in conflict with FCC RULES 47 C.F.R. Section 1.4000 or other applicable law.

Deleted: FCR § 1.4000 Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.

(a)

(1) Any restriction, including but not limited to any state or local law or regulation, including zoning, land-use, or building regulations, or any private covenant, contract provision, lease provision, homeowners' association rule or similar restriction, on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property that impairs the installation, maintenance, or use of:

(i) An antenna that is:

(A) Used to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, including a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, and

(B) One meter or less in diameter or is located in Alaska;

(ii) An antenna that is:

... [1]

2.5.13. **Awnings & Shades** (AW R&R AC&AG 3)

Decorative fabric shade awnings, or similar decorative treatments may be permitted only inside screened/fenced lanai areas, subject to ARC-N/M approval. Awning colors shall complement the house color scheme. Awnings must be fully retracted or removed prior to any severe weather event.

Deleted: AW R&R AC&AG 3:

2.5.14. **Window Planters, Trellises, Lattice and Arbors** Window planters are not permitted.

Commented [FaJB18]: Coordinate with section 3.8.6. Review existing OHMR R&R Landscape item 18 allowir

... [2]

2.5.15. Solar Energy Devices (OHMR DEC 8.20(G)) Flat solar panels may be located on side and rear roofs. Panels on side roofs shall be located toward the rear of the home. Piping, conduit and other appurtenances shall be installed in a neat and inconspicuous manner, and be painted to match adjacent building colors. The foregoing provisions may be amended or waived by the ARC, to the extent that these provisions are demonstrated to be in conflict with Florida Statute 163.04 or other applicable law.

2.5.16. Clothes Hanging Devices (OHMR DEC 8.20(A), OHMR R&R Appearance of Units and Lots item 13)

No towels, garments, rugs, etc., may be hung from windows or other parts of the Units, or from fences or other accessory structures. Clothes hanging devices are not permitted on a lot. Retractable clothes hanging devices are allowed inside lanais. Such devices must be retracted when not in use. Towel hooks, and portable towel racks, not more than 48" high are allowed at a pool deck.

2.6. Standards - Accessory Structures (AW R&R AC&AG 3; OHMR DEC 8.11)

Accessory Structures - The following structures are allowed in Autumn Woods: in-ground pools, pool cages, fences/privacy walls, gazebos, pergolas, pool water features, outdoor kitchens and anchored playsets/playhouses. All such structures are subject to additional restrictions as may be required by the ARC N/M, or Neighborhood rules to achieve desired screening and privacy to be reasonably compatible with neighboring residences, as applicable.

All accessory structures must meet the permit and set-back requirements of Collier County Ordinance 04-41, Section 10.02.06 (B) as may be amended from time to time, or the community Planned Unit Development Ordinance (CC Ord 96-80), as applicable. Accessory structures shall meet applicable wind code criteria and be secured accordingly. An up-to-date land survey is required with such an ARC application, to include boundary information, easements, existing structures, vegetation, and topography depicted. The proposed site plan depicting the proposed improvement shall include the collected survey information and shall provide compliant setback information as well.

A drainage plan must be submitted along with owner's ARC request for any Accessory Structure, or roof guttering, or improvement impacting a Drainage Easement (DE), Lake Maintenance Easement (LME), Access Easement (AE), or Landscape Buffer Easement (LBE) within a lot.

Premanufactured children's playsets may be kept within a lanai/fenced area with vegetative shrubs around the lanai/fence to partially obscure visibility by observers from the street, across a pond, or completely from abutting neighbors. Approved playsets/playhouses within the lot must be screened from the road and view by planting hedges that will grow high enough in one year to obscure the structure from view. Any planting may require additional ARC-N/M approval.

Deleted:) No Owner may erect or maintain solar energy collector panels or other solar energy devices or equipment upon any Lot without the prior written consent of the ARC-M or ARC-N. In approving the installation and location of any solar energy collector panels or other solar energy devices or equipment, the ARC-M or ARC-N shall comply with all applicable laws, whether county, state, or Federal. Solar Panels shall be installed in accordance with Florida Statute 163.04 Energy devices based on renewable resources, as amended from time to time.

Deleted: Florida Statute 163.04

Deleted: Energy devices based on renewable resources.—

(1) Notwithstanding any provision of this chapter or other provision of general or special law, the adoption of an ordinance by a governing body, as those terms are defined in this chapter, which prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources is expressly prohibited.

(2) A deed restriction, covenant, declaration, or similar binding agreement may not prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restriction, covenant, declaration, or binding agreement. A property owner may not be denied permission to install solar collectors or other energy devices by any entity granted the power or right in any deed restriction, covenant, declaration, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings and within the boundaries of a condominium unit. Such entity may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45° east or west of due south if such determination does not impair the effective operation of the solar collectors.

Deleted: (OHMR DEC 8.20(A))

Deleted: (OHMR R&R Appearance of Units and Lots item 13)

Deleted: Florida energy regulations allow r

Deleted: (See Section 10.17 of the OH/MR Declarations.)...

Deleted: AW R&R AC&AG 3:

Decorative shade awnings, or similar decorative treatments may be permitted only inside screened/fenced lanai areas, subject to ARC-N/M approval.

The following accessory structures are not allowed: Sheds, Cabins, Treehouses, Tents, Above Ground Pools, Detached Garages, Huts, Dog Houses, and Storage Structures of any type.

2.7. Pool & Pool Deck (AW R&R RU&L 8, 11i) Clarify buffer planting requirements.

Only in-ground pools are permitted and require applicable ARC-N, or ARC-M approval.

The construction of a pool or spa may not change the grade of a lot. The drainage system for a lot must be modified to accommodate water runoff from gutters and down spouts included in the pool / spa installation.

The location of a pool / spa and deck must not intrude upon any required setback, or easement of record that may be indicated on the Map of Boundary Survey of a lot (i.e., lake maintenance, drainage, landscape buffer, access, or utility per recorded plat, or as otherwise recorded in the Public Records).

In addition to ARC-N approval, applicable ARC-M approval including approval of a Drainage Plan is required prior to construction. Due to increased storm water runoff and encroachment of pools constructed adjacent to community lakes, storm water collection and discharge via storm pipes to the lakes must follow detail standards available from the ARC-M. Refer to Exhibit "B" of the [AWCA Rules and Regulations](#) for additional information.

A pool / spa pump, heater and related equipment must be installed on a concrete pad along the side or rear of a unit and must be screened from view by landscaping.

Temporary security fencing may be erected around a pool /spa.

2.8. Screen Enclosures White as well as bronze frames are permitted for a unit's front entry foyer. The frames for all other screen enclosures must be bronze. The frames must be devoid of decorative scrolling and solid panels. The screen enclosure for a unit's front entry foyer must be under truss and may not protrude beyond the outside wall or column of a unit. ARC approval is required prior to installation.

2.9. Pool Cage or Fence (AW DEC 7.8, OHMR 8.13)

Swimming pools shall be enclosed in approved screened or fenced enclosures. Such a fence may be installed in lieu of a screen enclosure wherein the Owner shall have the right to erect permanent security fencing around the swimming pool in lieu

Deleted: OHMR DEC 8.11

Deleted: Detached Buildings and Temporary Structures. Detached accessory buildings or any structure of a temporary character, including but not limited to, detached garages, storage buildings, trailers, tents, shacks, barns, motor homes, mobile homes, any prefabricated or relocated structure, and greenhouses, shall be prohibited from being used or kept on any Lots. Notwithstanding the foregoing, an Owner may place a dumpster or any trash receptacle that is used in construction activities on a Lot for a period of two (2) weeks. Thereafter, the dumpster or trash receptacle must be removed from the Lot and emptied. The Owner shall remove and empty the dumpster or trash receptacle every two (2) weeks until such time as the dumpster or trash receptacle is no longer needed on the Lot. Portable restrooms shall be allowed on a Lot during the construction period but must be placed in an area so as to cause minimal disturbance to neighbors and Association residents but must also provide accessibility for emptying.

Deleted: AW R&R RU&L 8: POOLS AND SPAS (SINGLE FAMILY LOTS—OHMR & MB)

Deleted: a.

Deleted: b.

Deleted: c.

Deleted: d.

Deleted: AW R&R RU&L 11i: Landscaping within Lake Maintenance Easements (LME)—Plantings within LMEs are subject to ARC-M approval. Only native plants that provide stabilization of the lake bank may be planted in a lake maintenance easement. Screening plantings around a pool enclosure that abuts the LME may be permitted and would be maintained by the property owner. Such landscaping within the LME is subject to removal to facilitate maintenance without responsibility of replacement by the AWCA

Deleted: Existing OHMR R&R.*
Only in-ground pools are permitted.*
The location of a pool / spa and screen enclosure must not intrude upon any easements indicated on the Map of Boundary Survey of a lot.*
The construction of a pool / spa may not change the grade of a lot. The drainage system for a lot must be modified to accommodate water runoff from gutters and down spouts included in the pool/ spa installation. A drainage plan is required to be approved by the ARC prior to construction.

Deleted: A pool/ spa must be contained within a screen enclosure or fence.*
(1) The screen enclosure must have a bronze frame.*
(2) The screen enclosure must be attached to a unit.*
(3) The screen enclosure cannot be wider than a unit's walls.*
(4) Landscaping must be installed around the screen enclosure.*
(5)

Deleted: AW DEC 7.8:

of a screen enclosure provided that such security fencing shall follow the same setback and horizontal dimensional criteria as required for a screened enclosure. Pool/fence enclosures are subject to additional criteria specified by the ARC-M and applicable County Building Codes.

A landscape buffer is required around a pool cage or fence to screen or soften the appearance of the cage or fence from neighboring properties. See Section 3 for specific landscaping requirements. Enclosure fence design and material requirements can be found in the Architectural Guidelines.

2.10. Pergola or Gazebo

A pergola is allowed at the rear patio or pool deck. A pergola may be freestanding, attached to the house, or incorporated into a pool enclosure or outdoor kitchen structure, except. The pergola location and size are limited to what is allowed for a screen enclosure. A gazebo with a maximum area of 200 square feet is allowed within the buildable setback lines of the rear yard.

A pergola or gazebo must meet the following requirements:

- Design and color must be compatible with the house.
- The entire structure must be engineered to withstand hurricane force winds, and be approved per the Florida Building Code.
- Materials must be durable, corrosion-resistant and insect-proof (not wood).
- Added fabric or other shading devices may only be included when deemed aesthetically acceptable by the ARC-N. Such devices must be secured or removed in advance of severe weather.

2.11. Shade Devices

Decorative pergola ribbon shades, shade sails, or similar decorative shading treatments may be permitted only inside screened/fenced lanai areas, subject to ARC-N/M approval.

2.12. Site Walls (OHMR DEC 8.13)

Reinforced masonry site walls are only allowed along the side edges of a pool or patio deck, parallel to the side walls of the house. Walls shall not extend beyond the rear edge of the deck and into the landscape. Walls are limited to six feet in height measured from the surface of the lanai. Wall finish shall be stucco and paint, stone facing, or similar decorative surface to complement the exterior materials of the house. Walls may be freestanding or incorporated into a screened pool enclosure or pergola structure. Landscaping is required, to screen or soften the appearance of the wall from neighboring properties.

2.13. Fences No fence is allowed on a residential lot, except around the perimeter of a pool deck as described in Section 2.9.

Deleted: OHMR DEC 8.13 (partial) swimming pools shall be enclosed in approved screened or fenced enclosures. Such a fence may be installed in lieu of a screen enclosure wherein the Owner shall have the right to erect permanent security fencing around the swimming pool in lieu of a screen enclosure [provided that such security fencing shall follow the same setback and horizontal dimensional criteria as required for a screened enclosure. Pool/fence enclosures are subject to additional criteria specified by the ARC-M or ARC-N and applicable County Building Codes. Lots without swimming pools may have screen enclosures or permanent fencing consistent with the aforementioned described for Lots with swimming pools.

Deleted: OHMR DEC 8.13 (partial): No fence or wall shall be erected or maintained on any Lot except for Common Area walls, fences, or buffering or screening structures, landscaping or improvements erected by the Master Association or walls erected as part of the original architecture of a Unit to which they are appurtenant and in compliance with the plans and specifications therefor approved by the ARC-M or ARC-N. Notwithstanding the foregoing, an Owner, with the prior written approval of the ARC-M or ARC-N, may construct cinder block walls parallel to his/her Lot lines as long as the wall is place in the rear of his/her Unit and shall not exceed six (6) feet in height when measured from the surface of the lanai. Additionally, the cinder block wall shall be screened by hedges on the side facing other Lots.¶

2.14. Outdoor Kitchen An outdoor kitchen may be located within the lanai, or on the rear patio or pool deck. A patio kitchen must be enclosed in a decorative wall between four and six feet in height, which may be incorporated into a pool enclosure, pergola or gazebo. Design of the enclosure wall must be complementary to the design and exterior finishes of the house. Portable, pre-manufactured units are treated as furniture.

2.15. Anchored Play Sets, Playhouses and Swing Sets (AWCA R&R AC&AG 3, OHMR DEC 8.20(J)) (guidelines for materials colors?)

Outdoor athletic and recreational facilities, such as tennis courts, pickleball courts, and other sport courts are prohibited on any lot. Children’s playsets, playhouses, and swing sets require ARC-N or ARC-M approval and Collier County approval, if applicable. and must be installed in the rear of the Lot and shall not to exceed ten (10) feet in height.

Regulations. Approved playsets/playhouses within the lot must be screened from the public view by planting hedges that will grow high enough in one year to obscure the structure from view. Any planting may require additional ARC-N/M approval.

Deleted: OHMR DEC 8.20(J):

Commented [FaJB24]: Covered in 1.1.14

Deleted: Temporary basketball goals are permitted on the Owner’s driveway in accordance with the Neighborhood Rules and ...

3. Standards - Site & Landscape (AW R&R RU&L 11)

3.1. Driveways (AW R&R AC&AG 6)

- Primary driveway widths shall not exceed the width of the garage.
- Driveway layout shall connect the garage to the street at a 90-degree angle. Other drive layouts, where site conditions permit, may be allowed at the ARC’s sole discretion. In such cases, drive widths shall not exceed 16 feet and the total drive paver area shall not exceed 40% of the total front yard.
- Drive pavement materials to include concrete, approved concrete pavers. Other pavement material may be allowed at the ARC’s sole discretion. See ??? for approved paver selection. All concrete paver patterns to be reviewed and approved by the ARC Committee.
- Concrete staining is permitted. Stain must be a penetrating sealer. Homeowner to provide stain product information and color sample to the Arc Committee for review and approval before any work is begun. If the homeowner chooses to stain, the drive must be kept in such a condition as to avoid future flaking or peeling. Driveway paver color and pattern to blend harmoniously with the architecture and house color palette. Contrasting colors and high variation paver blends are not acceptable.
- Property modifications that affect common area sidewalks such as the installation of driveway pavers must be approved by the ARC-N, the ARC-M and accompanied by a signed legal agreement whereby the owners accept applicable liability and maintenance for the augmented area(s) (Refer to [AW R&R Exhibits “C” and “D”](#)). ARC-M may require a performance bond for improvements impacting community property.

Deleted: (AW R&R AC&AG 6)

3.2. Sidewalks (AW R&R RU&L 11j)

- The purpose of front walkways is to lead the pedestrian to the entrance of the residence in an aesthetically pleasing manner. Walkways should be unobtrusive and be made of concrete or other suitable materials that are compatible to the architectural style of the residence and the driveway of the home.
- Sidewalk widths shall not exceed five feet.
- Sidewalk segments can extend down the driveway up to six feet and serve as a landing from the cars, when designed in an aesthetically pleasing manner.
- Pavers and/or walkways are permitted between Units subject to the approval of the ARC-N and agreement by the adjacent Owners. (from AW R&R RU&L 11j)

3.3. Lawn (AW R&R RU&L 11b, 11f)

- All areas of Lots not covered by structures, driveway, walkways or other paved areas shall be maintained by their Owners as lawn or landscaped beds.
- Grass Sod – Sod species shall be Floratam St. Augustine or Zoysia Empire, or other turf is the ARC’s sole discretion. Bahia sod will not be approved for any home site.
- Xeriscape concepts may be considered as part of a design prepared by a FL registered landscape architect and approved by the ARC (See Below 3.6).
- A xeriscape design must be compatible with the site and neighboring properties.

3.4. Artificial Turf (AW R&R 11f)

- Artificial Turf is not permitted, except within the rear fence/lanai areas.
- A synthetic turf sample to be provided to the ARC for approval.
- The contractor/vendor must be an approved installer of synthetic turf.
- Artificial turf will be reviewed on a case-by-case basis and used very sparingly.

3.5. Landscape Beds

- A decorative landscape bed is required across the front of the home. This bed must include a “palm group” of two or more palms.
- Shrub materials should be planted to provide a "layered" appearance with larger shrubs in the background stepping down to ground covers in the foreground where practical, and highly visible. Integration of the trees and palms with the shrubs and ground covers is required. A limited palette of complementary plants is encouraged over a larger variety and should form a continuous mass visually versus isolated plantings. Groundcovers shall proportionally not represent the prominent plant material used. Shrub masses can be used to screen private areas, buffer intruding noises and views. All landscaped beds should be massed in groupings of three or more plants unless single species is being used as an accent plant. Both flowering and native shrub species are encouraged. There will be no intentional “blank spaces” in bed areas. All bed areas shall be filled throughout and in accordance with the appropriate planting and spacing requirements.
- [ARC Approval Requirements for Landscaping Changes](#)

Commented [FaJB25]: The AW R&Rs have two provisions (lot line hedges and sidewalks between units) that require neighbor consent. There needs to be a mechanism for having that consent “run with the land” so new neighbors cannot demand removal.

This is an issue for the lawyers, but I see two options – a formal deed restriction, or a clause in the governing documents that states that purchase is an acknowledgment of acceptance of such existing walks and hedges between the units.

May want to grandfather in existing sidewalks and hedges between units, except those that are the subject of an active dispute.

Commented [FaJB26]: OHMR DEC requires grass lawns. Would need to amend the declaration to allow xeriscape designs.

a. ARC approval before proceeding is required to:

(1) Alter the footprint (expansion/ contraction) of an existing landscape bed or to create a new landscape bed.

(2) Plant trees, palms, shrubs and hedges. (See exception in 1.b.)

(3) Remove live trees, palms, shrubs and hedges.

• ARC approval is not required to:

(1) Remove dead, diseased and storm damaged shrubs and hedges.

(2) Replace removed shrubs and hedges with similar shrubs and hedges set forth in the Tree Standards, Palm Standards and Landscaping Plant List exhibits at the back of this Manual. A major change to the design composition of a landscape bed requires ARC approval.

(3) Remove dead, diseased or damaged trees or palms that pose an imminent threat to persons or property. A subsequent ARC request must be submitted to document the removal and propose replacement trees or palms or document compliance with the minimum tree requirements based on the remaining trees on the lot.

(4) Plant annual flowering plants within existing landscape beds.

3.6. Mulch & Decorative Stone (AW R&R RU&L 11e; OHMR 8.16) (review xeriscaping language, acceptable stone color/size, 10% stone area limitation applicable per yard area or in aggregate?)

- All landscape beds shall be mulched with a 3" layer of pine straw, sterile melaleuca mulch, grade B cypress mulch or cocoa brown hardwood mulch. Colored mulch is not permitted. Mulch shall be pulled back 6" from all tree and palm trunks.
- All trees and palms located in lawn areas shall be provided with a 5' diameter mulch ring. Tree and palm staking shall be located within the boundary of the mulch ring.
- Decorative ground cover rock and mulch in the front, side or rear yard may not exceed ten (10) percent of the total area of that yard, unless a cohesive design prepared by a FL registered landscape architect is reviewed and approved by the ARC. (AWCA verbiage should be removed)
- A 2-ft perimeter of gravel around a home for the prevention of pests and termites' intrusion in a home shall not be included in the mulch area calculations.

3.7. Native Areas (AW R&R RU&L 11n, no added requirements)

3.8. Plants

- All plants installed shall be Florida No. 1 quality or better in accordance with Grades and Standards for Nursery Plants, State of Florida, Second Edition (Feb. 1998).

3.8.1. Required Street Trees (OHOM RR 2 a-f)

Deleted: existing

Commented [FaJB27]: Update reference.

Deleted: trees, palms,

Deleted: trees, palms,

Deleted: trees, palms,

Commented [FaJB28]: Let's discuss. This is wide open for abuse. Owners remove trees without replacement, and replace with trees that are inappropriately located or not approved species.

Suggest allowing emergency tree and palm removal only, with follow-up application documenting the proposed replacement or compliance with minimum tree requirements based on remaining trees.

Commented [FaJB29]: Coordinate with final title of reference document. Current document is AW Tree and Plant Standards.

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- The streetscape frontage is defined as the lawn area no closer than 14 feet from the curb and no farther than 20 feet from the curb.
- One canopy tree is required per 3000 square feet of pervious lot area. Most Autumn Woods lots require 2 canopy trees. One canopy tree must be located in the streetscape frontage. The other canopy tree may be located on the lot per the owners choosing.
- A lot that is 75 feet wide or less in the front must have a minimum of one canopy tree in the streetscape frontage. One additional canopy tree or one or more additional accent trees or palms are permissible in the streetscape frontage.
- A lot that is more than 75 feet wide in the front must have a minimum of one canopy tree and one accent tree or palm in the streetscape frontage. A second canopy tree may be substituted for the one accent tree or palm required. Additional accent trees or palms are permissible in the streetscape frontage.
- Permissible streetscape canopy trees and accent trees are set forth in the Trees Standards exhibit at the back of this Manual. Permissible accent palms are set forth in the Palm Standards exhibit at the back of this Manual.
- Tree and palm branches that overhang a sidewalk must be a minimum of 8 feet above the sidewalk.

3.8.2. Required Screening Planting (AW R&R AC&AG 3)

- Screening plants shall be of a size and spacing that will provide effective screening within one year of the planting date.
- Screening/Buffering shall be provided around each of the following:
 - a. **Screen Enclosures and Pool Fences** (buffering and softening)
 - b. **Permanent Equipment** (full screening)
 - c. **Playhouses and Playsets** (full screening)
 - d. **Trash and Recycling Area** (full screening)
 - e. **Site Walls** (buffering and softening)
- Screening plants shall be of a size and spacing that will provide effective screening within one year of the planting date.

Commented [FaJB30]: A varied mix of shade, decorative, screening and accent plantings, with view gaps as desired, would be appropriate at screen enclosures and pool fences. There is no need for a continuous hedge, just visual softening.

Explain the concept of “buffering” or “softening” required for cages, fences and walls, as opposed to full “screening” required at equipment and trash areas.

3.8.3. Hedges (AW R&R RU&L 11j, k; AW R&R AC&AG 3) (No additions)

(AW R&R RU&L 11k) Hedges are greater than 4 ft in height and limited to rear and side yards. Hedges may extend into the front yards along a side yard but will need to be limited to a shrub height of 2.5 ft or less within 10 ft of the back of sidewalk, or 20 ft to curb (no sidewalk) where a line-of-sight issue is created next to a driveway, as applicable. Hedges shall not be permitted along a front yard (i.e., parallel to the street), except on corner lots where privacy screening is desired (i.e., along the corner frontage that does not have a driveway).

(AW R&R RU&L 11j) A proposed hedge between units may be along the common property line, subject to an agreement between the adjacent owners.

Commented [FaJB31]: The AW R&Rs have two provisions (lot line hedges and sidewalks between units) that require neighbor consent. There needs to be a mechanism for having that consent “run with the land” so new neighbors cannot demand removal.

This is an issue for the lawyers, but I see two options – a formal deed restriction, or a clause in the governing documents that states that purchase is an acknowledgment of acceptance of such existing walks and hedges between the units.

3.8.4. Vines Vines may be planted around the front entry foyer or garage door of a unit. Such vines may only be attached to a unit with anchors and heavy gauge filament

May want to grandfather in existing sidewalks and hedges between units, except those that are the subject of an active dispute.

and may not be attached with trellises, lattice and arbors. Such vines may not encroach upon the doorways and windows of a unit.

- 3.8.5. Pre-approved and Disallowed Plants Guide (AW Tree and Plant Standards needs updating.)
- 3.8.6. Planting Setbacks (Current OHMR R&R requires all landscaping branches (canopy) to be 2' from the property line when mature. This conflicts with AW option for hedges along property line with neighbor consent. It may not be practical for streetscape tree canopies.)
- 3.8.7. Along Lot Lines (See above.)
- 3.8.8. Sightlines (AW R&R RU&L 11k; OHMR DEC 8.17; no added requirements) (AW & OHMR language not identical)
- 3.9. Grading and Drainage (AW DEC 6.3; AW R&R RU&L 11i)
- 3.10. Irrigation (AW R&R I&WU 1)
- 3.11. Wells and Sewer Structures (OHMR DEC 11)
- 3.12. Signs and Flags (AW R&R RU&L 6; OHMR DEC 8.6; no added requirements)
- 3.13. Exterior Holiday Decorations (AW R&R RU&L 7; OHMR DEC 8.14 (refers to R&Rs; no added requirements?))
- 3.14. Grills, Smokers, Fire Pits & Open Flames (OHMR DEC 8.20(K); no added requirements) (How does the board intend to track grandfathered fire pits? This is an issue for pre-existing conditions relative to any new rule.)
- 3.15. Equipment
 - 3.15.1. A/C, Pool Equipment, Water Treatment
 - 3.15.2. Generator (AW R&R RU&L 5)
- 3.16. Mailboxes (AW R&R RU&L 9, OHMR DEC 8.20(F); no added requirements)
- 3.17. Flower Pots (consider allowing additional colors, locations such as rear patio and adjacent planting beds)
- 3.18. Statuary or Fountain (consider allowing within planting bed adjacent to rear patio)
- 3.19. Landscape Lighting (AW R&R RU&L 12) (consider allowing more fixture colors)
- 3.20. Pathway Lighting (AW R&R RU&L 12) (Consider limiting to ground-illuminating down lights without exposed bulb glare. Consider allowing more fixture colors.)
- 3.21. Bird Feeders (AW R&R CF&CC 10)
- 3.22. Extent and Maintenance of Landscaping (AW R&R RU&L 11g&h; OHMR DEC 8.16, 8.20(B); no added requirements)

All areas of Lots not covered by structures, walkways or paved parking facilities shall be designed as lawn or landscaped areas to the roadways edge of any abutting streets and to the littoral plantings (native grasses planted and maintained within a LME by the AWCA) of any abutting water management area. Stone, gravel, or paving may not be used as a substitute for grass in a lawn, unless required to prevent erosion and as so approved by the ARC-N.

Commented [FaJB32]: Decide if you want to retain this language from the existing OHMR R&R, or if vines should be allowed at rear patio areas.

Coordinate with section 2.5.14. Window Planters, Trellises, Lattice and Arbors

Deleted: AW R&R RU&L 11g:

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Commented [FaJB33]: Coordinate with xeriscape language in section 3.3.

Deleted: AW R&R RU&L 11h: The landscaping on Lots, including without limitation, the trees, shrubs, lawns, flowerbeds, walkways, and ground elevations, shall be maintained by the Owner thereof in a well-groomed manner. Such grooming shall include but not be limited to regularly cutting, trimming, watering, and fertilizing. Mulched areas must be regularly mulched.

Deleted: OHMR DEC 8.16 (partial excerpt): Landscaping. Decorative ground cover rock in the front and side yard may not exceed ten (10) percent of the total area of the front and side yard. Lawns must be properly maintained (not to exceed 6 inches in height). All areas of Lots not covered by structures, walkways or paved parking facilities shall be maintained by their Owners as lawn or landscaped areas to the roadways edge of any abutting streets and to the waterline of any abutting lakes, rivers, canals or water management areas. Stone, gravel, or paving may not be used as a substitute for grass in a lawn. The landscaping on Lots, including without limitation, the trees, shrubs, lawns, flowerbeds, walkways and ground elevations, shall be maintained by the Owner thereof in a well-groomed manner. Such grooming shall include but not be limited to regularly cutting, trimming, watering and fertilizing. Mulched areas must be regularly mulched. Pavers and/or walkways are permitted between Units subject to the approval of the ARC-M or ARC-N and agreement by the adjacent Owners.

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Faith and Jeff Brown

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Page 16: [2] Commented [FaJB18]

Faith and Jeff Brown

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Coordinate with section 3.8.6. Review existing OHMR R&R Landscape item 18 allowing vines at front entrance with support wires. Provide explicit guidance regarding trellises and arbors.

