

## Whisper Bend/Water Oak Restrictions

This document was written as a reference for all owners to consult and review. It is only one section (Article IV) of the Declaration of Maintenance and Land Use Provisions of Water Oak.

As outlined in Section 4.4, (Community-Wide Standards and Rules) any rules and regulations passed or adopted by the Board are also binding on the Unit Owners. The Attachment section contains Rules and Regulations passed by the Board since the Declaration's inception.

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## ARTICLE IV - USE RESTRICTIONS

### General

The Property shall be used only for residential, recreational, and related purposes (which may include, without limitation, offices for any property manager retained by the Association or Board, including business offices, models, a sales office, or a resale office) as may more particularly be set forth in this Declaration and amendments and Supplements hereto. Any Supplement or Amendments may impose stricter standards than those contained in this Article. The Association, acting through its Board of Directors, shall have the standing and the power to enforce such standards. The Association, acting through Its Board of Directors, shall have the authority to make and enforce standards and restrictions governing the uses of the Property, in addition to those contained herein, and to impose reasonable user fees for use of the Common Areas.

### Accessory Structures

Dog houses, or structures of similar kind of nature shall not be permitted on any part of a Lot without approval by the Board. Dog houses and runs should be located so as not to be obtrusive. They should be painted to blend with their immediate surrounding or left to weather naturally. Landscaping will be required to soften the structures visually. Prefab, chain-link dog runs general will not be approved unless screened by wood fencing or located in a heavily planted area and painted flat black or green. tool sheds are not permitted on any Lot.

Freestanding accessory structures such as storage sheds and detached garages are not allowed in W0. Covered patios and screen enclosures may not extend into the side yard setback on any lo-t in WO. The ARC may consider minor variations to this policy in the case of uniquely shaped lots. Any such variation considered by the ARC must meet all local government codes and restrictions. Play equipment must be contained within the standard side yard setbacks on any lot in WO.

Permanent basketball backboards may not be attached to front elevations of houses.

### Air Conditioning Units

Except as may be permitted by the Board or its designees, no window air conditioning units may be installed in any Unit.

### Animals and Pets

No animals, reptiles, livestock, wildlife, or poultry of any kind shall be raised, bred, or kept on any portion of the Property, except that dogs, cats, or other usual and common household pets may be permitted in a Unit. However, those pets which are permitted to roam free, or which, in the sole discretion of the Association, endanger the health and safety of the Owners and their Visitors, make objectionable noise, or constitute a nuisance or inconvenience to the Owners of other Units or the Owner of any portion of the Property shall be removed upon the request of the Board. If the Owner fails to honor such request, the pet may be removed by the Board. No pets shall be kept, bred or maintained for any commercial purpose. Household pets shall at all times, whenever they are outside the Owners Unit (including the Lot), be confined on a leash held by a responsible person.

### Antennas Satellite Dishes

No exterior antennas, aerials, satellite dishes, or other apparatus for the transmission of television, radio, or other signals of any kind shall be placed, allowed, or maintained upon any portion of the Property, including any Unit, without the prior written consent of the Board or its designee. Board and/or the Association shall have the right, without obligation to erect an aerial, satellite dish, or other apparatus for a master antenna or cable system for the benefit of all or a portion of the Property.

### Artificial Vegetation

Exterior Decorations, and Similar Items. No artificial vegetation shall be permitted on the exterior of any portion of the Property. Exterior decorations, including without limitation, sculptures, fountains, flags, and similar items must be approved in accordance with Article VI of this Declaration.

### Clotheslines

### Garbage Cans

### Tanks & Etc.

All rubbish, trash, and garbage shall be stored in appropriate containers with lids and regularly removed from the Property and shall not be allowed to accumulate thereon. All clotheslines, storage tanks, mechanical equipment, garbage can storage structures, and such other items shall be subject to approvals set forth in Article VI of this Declaration.

### Business Use

No trade or business may be conducted in or from any Unit, except that an Owner or occupant residing in a Unit may conduct business activities within the Unit so long as: (1) the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside the Unit; (2) the business activity conforms to all zoning requirements for the Property; (3) the business activity does not involve persons coming - on the Property who do not reside in the Property or door-to-door solicitation of residents of the Property; and (4) the business activity is consistent with the residential character of the Property and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Property, as may be determined in the sole discretion of the Board.

The terms "business" and "trade", as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether (i) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required therefor. Notwithstanding the above, the leasing of a Unit shall not be considered a trade or business within the meaning of this Section. This Section shall not apply to any activity conducted by the Board with respect to its development and sale of the Property (including any resales) or its use of any Units which it owns within the Property, including the operation of a time-share or similar program.

### Decks

Decks should be located at the rear of the Units. The configuration, detail and railing design of a deck should relate harmoniously with the architectural style of the Unit. Wood decks must be constructed with rot-resistant wood and, in many cases, may be left to weather naturally. In some instances, the Board will require that the decks be stained to coordinate with the Neighborhood design or to help integrate the deck with the house. A skirt board must be constructed, and landscape planting should be provided to screen structural elements and to soften the structure visually.

## Firearms

The discharge of firearms within the Property is prohibited. The "firearms" includes B-B guns, pellet guns, and other firearms of all types, regardless of size.

## Lighting

### Post Light

All Single-family Units must install an approved post light. The Owner will be responsible for maintaining the lighting for his/her Unit and the Association shall have the right at the Owners sole cost and expense to maintain such lighting in the event the Owner falls to do so.

*Amended October 14, 2005 - All houses in Water Oak must have a white electric post light and post with a non-colored light bulb located in the front of the house. The ARC must approve the design of the post light. Installation, maintenance, and energy costs of the post light are the responsibility of the homeowner.*

## Maintenance of Premises

No weeds, underbrush, or other unsightly growth shall be permitted to grow or remain upon any Unit, and no refuse or unsightly objects shall be allowed to be placed or suffered to remain upon any Unit. All lawns, landscaping, sprinkler systems and any property, structure, improvement and appurtenance shall be kept in good, safe, clean, neat and attractive condition.

Owners whose Lots back up to a lake bank will be responsible to maintain the property from their Lot line to the lake bank. Owners whose Lots back up to a buffer area will be responsible to maintain the property in the Buffer area behind their Lot.

All Owners must maintain their front yards to the edge of the roadway asphalt, including any unpaved right-of-way.

Upon the failure to maintain the premises as aforesaid to the satisfaction of Board, and upon the Association's or Owners failure to make such correction within fifteen (15) days after Board gives written notice of same, Board may enter upon such premises and make such improvements or corrections as may be necessary, the costs of which shall be paid by the Association or Owner, as the case may be, or Board may bring an action at law or inn equity. Such entry by Board or its agents shall not be a trespass and by acceptance of a deed for a Unit, such party has expressly given the Board the continuing permission to do so which permission may not be revoked; provided, however, Board or its agent does not have to give written notice in the case of an emergency, in which event, Board may without any prior notice, directly remedy the problem.

If any Owner or the Association fails to make payment within fifteen (15) days after request to do so by Board, assessment for the payment requested shall be levied and enforced in accordance with the provision of Article III hereof.

Notwithstanding any other provision of the Declarations to the contrary, the Association shall maintain all unimproved Lots In the subdivision and the cost thereof shall be paid to the Association by the Owner quarterly by a billing procedure determined by the Association. If any Owner or the Association fails to make payment within fifteen (15) days after request to do so by Board, assessment for the payment requested shall be levied and enforced in accordance with the provision of Article III hereof.

## Nuisance

No portion of the Property shall be used, in whole or in part, for the storage of any property or thing that will cause it to appear to be in an unclean or untidy condition that will be obnoxious to the eye, nor

shall any substance, thing, or material be kept upon any portion of the Property that will emit foul or obnoxious odors to that will cause any noise or other condition that will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants or surrounding property. No noxious, illegal or offensive activity shall be carried on upon any portion of the Property, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to any person using any portion of the Property. There shall not be maintained any plants or animals or device or thing of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of the Property. No outside burning of wood, leaves, trash, garbage or household refuse shall be permitted with the Property.

### Occupants Bound

All provisions and any of the community wide standards of the Declaration, By-Laws, rules and regulations or use restrictions promulgated pursuant thereto which govern the conduct of Owners and which provide for sanctions against Owners shall also apply to all occupants, or visitors of any Unit. Every Owner shall cause all occupants of his/her Unit to comply with the Declaration, By-Laws, rules and regulation and the community wide standard adopted pursuant thereto and shall be responsible for all violations and losses to the Common Areas caused by such occupants, notwithstanding the fact that such occupants of a Unit are fully liable and may be sanctioned for any violation of the Declaration, By-Laws, rules and regulations and community wide standards adopted pursuant thereto.

### On-Site Fuel Storage

No on-site storage of gasoline or other fuels shall be permitted on any part of the Property except that up to five (5) gallons of fuel may be stored on each Unit for emergency purposes and operation of lawn mowers and similar tools or equipment. Notwithstanding this provision, underground fuel tanks for storage of heating fuel for dwellings, pools, gas grills and similar equipment may be permitted if approved in accordance with Article VI hereof.

### Parking

Vehicles shall be parked only in the garages or in the driveways serving the Units. No overnight on-street parking or parking on lawns shall be permitted.

*Amended October 14, 2005 - Vehicles shall be parked only in the garages or in the driveways serving the units. No overnight (12:00 A.M. to 6:00 A.M.), on street parking or parking on lawns shall be permitted. Blocking of driveways and mailboxes is prohibited. No parking opposite of another car on the street is permitted, as this would impede emergency vehicles and other traffic. [MORE](#)*

### Playground, Play Equipment, Stroller, Etc.

The Board may, but shall not be obligated to, permit swing sets and similar permanent playground equipment to be erected on Units provided it is approved in accordance with Article VI hereof. Any playground or other play areas or equipment furnished by the Association or erected within the Property shall be used at the risk of the user, and the Association shall not be held liable to any Person for any claim, damage, or injury occurring thereon or related to use thereof. Tennis courts will not be permitted. Playhouses, if approved, must be placed in rear yard within set back lines and must be in scale with the size of the yard and consistent with Unit.

*Amended October 14, 2005 - Play equipment must be contained within the standard side yard setbacks on any lot in Water Oak. Permanent basketball backboards may not be attached to the front elevations of houses. Permanent playground equipment must be approved by the ARC before installation. Portable basketball hoops may be used in driveways. They may not be placed on any sidewalk or street. Portable basketball hoops shall be put against the unit when not in use. All play and*

*recreational equipment must be kept in good repair. Basketball hoops may be used between the hours of 9:00 A.M. and 9:00 P.M.*

### Pools

No above-ground pools shall be erected, constructed or Installed on any Unit except that above ground spas and Jacuzzi may be permitted as approved in accordance with Article VI hereof.

Swimming pools must be permanent in-ground construction, built according to local building codes. Above ground swimming pools are specifically prohibited. Spas smaller than 10' in diameter may be built above ground provided that the spa is located within a screen enclosed patio directly attached to the main structure of the house. Enclosures around swimming pools and spas must be consistent with the overall design and color combination of the house. Solar panel pool heaters may be located on roof surfaces if not visible from the street. Specific approval from the ARC is required before any solar pool heater may be installed.

### Prohibited Vehicles

Commercial vehicles, vehicles with commercial writing on their exteriors, vehicles primarily used or designed for commercial purposes, tractors, mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camper trailers, boats and other watercraft, and boat trailers shall be parked only in enclosed garages or side or rear yards if fully hidden by an approved privacy fence. Stored vehicles and vehicles which are either obviously inoperable or do not have current operating licenses shall not be permitted on any Unit except within enclosed garages. For purposes hereof, a vehicle shall be considered "stored" if it is put up on blocks or covered with a tarpaulin and remains on blocks or so covered for fourteen (14) consecutive days without the prior approval of the Board. Notwithstanding the foregoing, service and delivery vehicles may be parked in the driveway of a Unit during daylight hours for such period of time as is reasonably necessary to provide service or make a delivery to the Unit. Any vehicle which is parked in violation of this Section 5.1(v) or which is in violation of Section 5.1(s) due to the type of vehicle may be towed by the Board of Directors.

### Sight Distance at Intersections

All property located at street intersections shall be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain where it would create a traffic or sight problem.

### Subdivision of Units

#### Timesharing

No Unit shall be subdivided, or its boundary lines changed except with the prior written approval of the Board of Directors of the Association. The Board may permit a division in Ownership of any Unit intended for a single family detached residence as shown on a Plat, but solely for the purpose of increasing the size of the adjacent Units. In the event of a division in Ownership of any Unit, the Owners among whom the Unit is divided shall be treated as Co-Owners of the divided Unit for purposes of voting and shall be jointly and severally liable for all Assessments against the Unit hereunder. Board hereby expressly reserves the right to replat any Unit or Units owned by Board; provided such division boundary line change, or replatting is not in violation of the applicable zoning regulations. No Unit shall be made subject to any type of time share program, Ownership interval or similar program whereby the right to exclusive use of the Unit rotates among multiple Owners or members of the program on a fixed or floating time schedule over a period of years.

### Temporary Structures

## Tents

## Trailers

Except as may be permitted by the appropriate committee under Article VI hereof, during initial construction within the Property, no tent, utility shed, shack, trailer or other structure of a temporary nature shall be placed upon any Unit.

## Utility Lines

No overhead utility lines, including lines for cable television, shall be permitted within the Property, except of temporary lines as may be required during construction and high voltage lines if required by law or for safety purposes.

## Utilities

Connections to necessary utility services are the responsibility of the building and/or homeowner. All houses in WO must be pre-piped for natural gas, which will be available throughout the neighborhood. All houses must have an energy efficient natural gas water heater and an energy efficient natural gas heating system. Piping for a natural gas range/cooktop and a natural gas dryer must be included in the house.

## Walls

Except as otherwise permitted by the NCC or MC (as such terms are hereinafter defined) the following provisions shall apply to all walls and fencing on the Property. All walls and/or fencing must conform to the parameters as follows: The location of all fences and walls must be approved by the NCC prior to installation. Decorative entry walls, entry gates, courtyard walls, and privacy walls surrounding, and abutting pool decks are considered structures appurtenant to the residence and may be allowed within the building set-back.

Any and all wall and fences may not exceed an average height of six (6) feet exclusive of pillars or ornaments and shall in no instance exceed six (6) feet in height measured from the first-floor finished floor elevation unless approved by the NCC or MC in writing.

The style and placement of fences within WO will be strictly controlled by the ARC. Any fence in WO must be specifically approved by the ARC before it is installed. All fences within WO must be designed and installed in accordance with applicable local codes and restrictions. The styles, sizes and color of privacy fences allowed in WO are strictly regulated.

Privacy fences may be installed on lots that back up to streets and on all interior lots. Corner lots and lots that open to amenity locations such as ponds or lakes have special restrictions for fences, materials and locations. Fences on perimeter lots that back up to the wall on Linger Lodge Road and the HOA fence on 65th Street East may be extended across common area of the HOA to enclose the rear yards. The installation and maintenance of such fences is the responsibility of the homeowner. Homeowner must provide access at any time to the HOA and its representatives for inspection and maintenance of the community property. If necessary, the homeowner may be required at homeowner's expense to remove fences installed on common area to allow maintenance and repair of the community property such as the perimeter walls and fences.

The standard privacy fences allowed in WO will be a six (6) foot high wood fence of board on board design or a white PVC fence of standard design. Detail drawings of approved fence styles are shown in Exhibit C. Privacy fences must be installed so that rails and posts are positioned on the inside facing to the interior of the lots. **Privacy fences may not extend more than ten (10) feet forward from the rear**

**corner of the house.** All wood privacy fences must be painted with Sherman Williams Woodscapes Pure White. No other fence colors are allowed.

On corner lots privacy fences must be set back from the side lot line to allow planting of the mandatory landscape buffer and must be meet all Manatee County codes. No fences will be allowed within 20 feet of the rear lot line of any lot that abuts any portion of a lake or pond. Fences must not obstruct drainage patterns as shown on the site construction plans. Any fence installed in WO must be maintained in good condition and repainted as needed.

### Drainage

Catch basins and drainage areas are for the purpose of natural flow of water only. No obstructions or debris shall be placed in these areas. No Person, other than Board or the Association, may obstruct or rechannel the drainage flows after location and installation of drainage swales, storm sewers, or storm drains. Board hereby reserves for itself and the Association a perpetual easement across the Property for the purpose of altering drainage and water flow.

### Drainage Areas

For the purposes of this Declaration, "Drainage Areas" means those portions of the Common Areas designated as surface water management areas, drainage areas, basins, drainage easements, water management tracks, canals or canal easements (collectively "Drainage Areas") which are reflected on the Plat, and any amendments thereto, or are described in this Declaration, or otherwise designated by Board as "Drainage Areas," and which shall be kept and maintained by the Association for Irrigation, drainage, storm water retention and detention and beautification and for the installation, maintenance, construction or repair of utility facilities in a manner consistent with the original design thereof by Board, and in accordance with the requirements of all applicable governmental authorities. The Drainage Areas are an integral part of a master drainage system which is for the benefit of the Subdivision. The Association shall maintain the Drainage Areas and master drainage system in a manner consistent with the original design thereof by Board, and in accordance with the requirements of all applicable governmental authorities.

### Wetlands

#### Lakes

#### Ponds

Wetlands, lakes and ponds mean those Common Areas so designated on the development plans submitted to Manatee County, this Declaration, the Plat, any addendum thereto, or otherwise designated by Board and which are areas subjected to permanent or prolonged periods of inundation or saturation, or which exhibit vegetative communities or soil types characteristic of such hydro periods. The boundaries of wetlands, lakes and ponds shall be subject to accretion, reliction, or other natural changes. Wetlands, lakes and ponds shall be kept and maintained by the Association together with any adjacent shoreline in an ecologically sound condition for water retention drainage and water management purposes in compliance with all governmental requirements. Graded lakes shall be maintained with a productive littoral zone in compliance with governmental requirements.

The Lot Owners shall not remove native vegetation (including cattails) that becomes established within the wet detention ponds abutting their property. Removal includes dredging, the application of herbicide, cutting, and the introduction of grass carp. Lot Owners shall address any questions regarding authorized activities within the wet detention ponds to SWFWMD, Venice Service Office, Surface Water Regulation Manager.

## Environmental Restrictions

Building in or filling of wetland areas shall be prohibited without an approved plan and permit from the Manatee County Environmental Management Division or such other department of Manatee County that has jurisdiction of the matter at that time. The environmental restrictions established in this paragraph shall be enforceable by the Board, the Association or by Manatee County. In the event any such enforcement action is commenced, the prevailing party shall be entitled to reimbursement from the opposing party for all Court costs and Attorneys' fees, including negotiation, investigation, trial and appellate proceedings.

No Owner of the property within the subdivision may construct or maintain any building, residence, or structure, or undertake or perform any activity in the maintenance easement or the grass swales described in the approved permit and recorded in plat of the subdivision, unless prick approval is received from the SWFWMD pursuant to Chapter 40D-4.

## Windows

### Doors

Awnings and Shutters Unfinished aluminum, bright finished, or bright plated metal or exterior doors, windows, frames, screens, louvers, exterior trim or structural members shall not be permitted. Metal frames shall be either anodized or electrostatically painted and be in harmony with the exterior color and texture of the residence. Wood frames must be painted, sealed or stained.

### Sidewalks

Owners of Lots which are required to have sidewalks per subdivision construction plans approved by Manatee County Planning Department shall be required to construct those sidewalks on their Lots at their expense in accordance with subdivision construction plans approved by Manatee County Planning Department, upon completion of construction of a dwelling on the Lots or within three (3) years of final plat recording whichever shall occur first. If any Owner fails to construct sidewalks as required herein the Association may at its option and after ten (10) days written notice to the Owner of its intent to do so arrange for construction of the sidewalks on the Owners Lot at Owners expense and assess the cost to the Owner. The Association shall have the lien rights given for collection of assessments if Owner fails to pay such costs on demand and shall have the right to enter upon Owners Lot and the exterior of any improvements to exercise its rights hereunder.

### Roofs

Heavyweight dimensional 25-year shingles are a minimum requirement for all roofs. Cement tile is also an acceptable roofing material. Roof color should be an integral part of the exterior coloring of the residence. The proportions of the roof shall be consistent with the architectural style of the residence. The fascia and roof overhangs must be in proportion and blend with the rest of the residence.

### Access

No Lot or parcel of lands shall be used for any purpose other than solely and exclusively for a single family residential dwelling unless Board approves in writing the use of a Lot for a road. Provided, however, that in the event a single family residential dwelling is built upon a Lot, said Lot(s) shall no longer be considered to be used as a roadway. Said Lot(s) shall thereafter be used sole and exclusively for a single family residential dwelling.

### Garages

Each single family detached resident must have a private fully enclosed garage for not less than two or more than three cars. Conversion of any garage to living area shall be prohibited. Garages shall be

attached and part of the main dwelling and in keeping with the architectural style of the residence. Carports are not permitted. Double garage doors should be a minimum of 16' in width and doors for individual stalls shall be a minimum of 8' In width. All garage doors must be in keeping with the architectural style and the materials used on the residence.

### Driveways and Walks

All single-family residence shall have a driveway of at least 16' in width at the property line. Finished concrete, patterned concrete, bominite pavers and integrated stone finishes are permitted. Other driveways may also be constructed of brick or interlocking pavers but must be of a stable and permanent construction. Asphalt, blacktop, stained concrete and epoxy bonded aggregate are prohibited.

Driveways must be constructed of concrete, concrete pavers, brick, brick pavers or other high-quality materials. Unpaved, gravel and/or asphalt driveways are specifically prohibited.

Walkways from the driveway or street curb to the house should be constructed of the same materials as the driveway. Where county required sidewalks are shown on the site construction plans and plat(s) for WO, the sidewalks will be built according to county code. Completion of the required sidewalks across the front or along the side of a residential lot is the responsibility of the builder and/or homeowner. Any mandated sidewalk should be included in landscape plan for each specific lot.

### Size of Residence

The living area of each residence shall contain a minimum of 1,350 square feet. Living area is defined as heated and or air-conditioned areas and exclusive of garages, porches, patios and terraces.

### Trees

The Board shall plant, within twenty-five (25) feet of the right-of-way of each local street within Water Oak prior to Certificate of Occupancy, one canopy tree meeting the requirements of Section 715.10.5 of the Manatee County Land Development Code for every fifty (50) linear feet, or substantial fraction thereof, of right-of-way. None of these required trees shall be planted within a public or private utilities easement.

The trees shall be spaced no closer together than twenty-five (25) feet, unless a decorative grouping or alternative method is chosen. Existing native trees should be used to fulfill these requirements wherever they meet the spacing and size requirements of this paragraph. Palm trees may be utilized, when grouped at least two (2) together to count as one (1) canopy tree. Responsibility for installation and maintenance is each property Owners.

### Compliance with the Documents

Every Owner shall cause all occupants of his/her Unit to comply with the Documents and shall be responsible for all violations and losses to the Common Areas caused by such occupants, notwithstanding the fact that such occupants of a Unit are fully liable and may be sanctioned for any violation of the documents. All lessees shall agree to comply with the Documents.

### Exculpations and Approvals

Board, the Association, and the NCC, the MC or any of their agents may grant, withhold or deny their consent, permission or approval in any instance when their consent, permission or approval is permitted or required at their sole discretion and without liability of any nature or kind to Owner or any other Person for any reason whatsoever and shall be indemnified and held harmless by such Owner or other Person from any and all damages resulting therefrom, including, but not limited to, Court costs

and reasonable Attorneys' fees. Every consent, permission or approval by Board, the Association, the NCC, the MC or their agents under this Declaration shall be, in writing, and binding upon all Persons.

**Community-Wide Standards and Rules**

The Association, through the Board, shall have the right to promulgate and impose further Community-Wide Standards or any rules and regulations of the Association and thereafter to modify, alter, amend, rescind and augment any of the same with respect to the use, operation and enjoyment of all or a portion of the Property, the Common Areas, and any improvements located thereon.

## Section 4.2 Leasing of Units.

Definition. "Leasing", for purposes of this Declaration, is defined as regular, exclusive occupancy of a Unit by any Person or Persons other than the Owner for which the Owner receives any consideration or benefit, including, but not limited to a fee, service, gratuity, or emolument.

### Rental / Leasing Provisions

#### (1) General:

Units may be rented only in their entirety; no fraction or portion may be rented. There shall be no subleasing of Units or assignment of leases unless prior to written approval is obtained from the Board of Directors.

No transient tenants (See note1) may be accommodated in a Unit.

All leases shall be in writing, except with the prior written consent of the Board of Directors. No Unit may be subject to more than two (2) leases in any twelve (12) month period, regardless of the lease term. The Owner must make available to the lessee copies of the Documents.

Every Owner shall cause all occupants of his/her Unit to comply with the Documents and shall be responsible for all violations and losses to the Common Areas caused by such occupants, notwithstanding the fact that such occupants of a Unit are fully liable and may be sanctioned for any violation of the documents. All lessees shall agree to comply with the Documents.

#### NOTE 1:

A transient tenancy as defined by Florida law in the Florida Statutes as follows: "When the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient." OR "It is the intention of the parties that the occupancy will be temporary."

For example: If you have friends or relatives who come to visit from out of town and they stay with the intention of leaving in a few days, they would be considered a transient occupant. So, no friends or relatives unless the property owner of record is present.

ATTACHMENTS

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Water Oak Homeowners Association, Inc.

Rules and Regulations

Adopted: October 14, 2005

The purpose of the Rules and Regulations is to have a handy reference for all owners to be able to consult and review if there are any questions concerning the Declaration of Maintenance and Land Use Provisions of Water Oak. The Declaration is the final authority for these Rules and Regulations. These guidelines will ensure that the neighborhood of Water Oak (also known as Whisper Bend) will always maintain an attractive, high quality appearance.

These items are not the complete use restrictions, but only those items that are most often cited and violated.

Use Restrictions

Parking

Vehicles:

Vehicles shall be parked only in the garages or in the driveways serving the units. No overnight (12:00 A.M. to 6:00 A.M.), on street parking or parking on lawns shall be permitted. Blocking of driveways and mailboxes is prohibited. No parking opposite of another car on the street is permitted, as this would impede emergency vehicles and other traffic.

Prohibited vehicles – Commercial vehicles with commercial writing on their exteriors, vehicles primarily used or designed for commercial purposes, tractors, mobile homes, recreational vehicles, trailers, campers, camper trailers, boats and other watercraft, and boat trailers shall be parked only in enclosed garages or side or rear yards if fully hidden by an approved privacy fence. Stored vehicles which are either obviously inoperable or do not have current operating licenses shall not be permitted on any Unit except within enclosed garages. The Board of Directors may tow any vehicles (at the owner's expense) which are parked in violation of this Section 5.1(v) or which are in violation of Section 5.1(s) due to the type of vehicle.

Pets:

No animals, reptiles, livestock, wildlife, or poultry of any kind shall be raised, bred, or kept on any portion of the Property, except that dogs, cats, or other usual and common household pets may be permitted in a Unit. Household pets shall at all times, whenever they are outside the Owner's Unit (including the Lot), be confined on a leash held by a responsible person. Owners must clean up after their pets. Any pet permitted to roam free or which, in the sole discretion of the Association, endangers the health and safety of the Owners and their visitors, make objectionable noise, or constitute a nuisance or inconvenience to the Owners of other Units or the Owners of any portion of the Property shall be removed upon the request of the Board. No pets shall be kept, bred, or maintained for any commercial purpose.

Maintenance of The Units:

No weeds, underbrush, or other unsightly growth shall be permitted to grow or remain upon any Unit. No refuse or unsightly objects shall be allowed to be placed or suffered to remain upon any Unit. All

lawns, landscaping, sprinkler systems and any property, structure, improvement and appurtenance shall be kept in good, safe, clean, neat and attractive condition.

Owners whose lots back up to a lake bank will be responsible to maintain the property from their lot line to the lake bank. Lot owners shall not remove native vegetation including, but not limited to cattails.

Owners whose lots back up to a buffer area will be responsible to maintain the property in the Buffer areas behind their lot.

All Owners must maintain their front yards to the edge of the roadway asphalt, including any unpaved right of way.

### Architectural Requests and Approvals:

Any additions or changes to the exterior portion of any Unit or any Lot must have prior written approval from the ARC Committee. The Owner of the Unit must submit a form prior to any change or addition. Any alterations that have been done without prior written approval could be required to be removed at the owner's expense.

Some of the items requiring approval are Unit color change, installation of satellite dishes, additions to the homes, enclosing of screened areas, and installation of fences, pools, or placement of items outside the Units. This is not a complete list; therefore, please consult with the Board or Management Company before proceeding.

*Amended October 14, 2005*

*Any additions or changes to the exterior portion of any Unit or any Lot must have prior written approval from the ARC Committee. The Owner of the Unit must submit a form prior to any change or addition. Any alterations that have been done without prior written approval could be required to be removed at the owner's expense.*

*Some of the items requiring approval are Unit color change, installation of satellite dishes, additions to the homes, enclosing of screened areas, and installation of fences, pools, or placement of items outside the Units. This is not a complete list; therefore, please consult with the Board or Management Company before proceeding.*

# WATER OAK HOMEOWNER ASSOCIATION OF MANATEE, INC

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## Resolution on Signs

APPROVED AND ADOPTED ON NOVEMBER 21, 2017, BY:

THE WATER OAK HOMEOWNER ASSOCIATION BOARD OF DIRECTORS

### Sign Restrictions

1. No sign of any kind shall be placed or permitted where it would create a traffic, safety, or sight problem.
2. No sign of any kind shall be displayed to general view on any Lot or in any Unit window except under the following circumstances.

### Directional or traffic:

Directional or traffic signs may be installed by the appropriate governmental authority or by the Board. These include, but are not limited to, ARC Permits, General or Board meeting notifications, informational, or other identification signs or billboards approved by the ARC or Board of Directors.

### Signs

#### For Sale, and For Sale by Owner Signs:

One "For Sale" sign of not more than six (6) square feet, being not wider than three (3) feet nor higher than three (3) feet, may be displayed on a Lot by the owner or the agent for the Owner thereof. A "For Sale" sign, as furnished by a real estate agent is permissible without ARC review. However, a "For Sale by Owner" sign shall be of the style, size, color, configuration and manner of as specified by the ARC. Multiple signs are not permitted on any lot.

### Open House Signs

Open House signs not larger than (4) square feet, being not wider than two (2) feet nor higher than two (2) feet, may be displayed on a Lot by the owner or the agent for the Owner thereof. Open house signs may be placed on common areas of the community to direct traffic to the open house no sooner than one (1) hour before the open house and must be removed no later than five (5) PM of the same day.

### Political signs:

Political signage approved by the ARC 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 sign 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.

### Contractor Signs:

When work is being performed at a Lot by a professional contractor, the contractor may position one (1) temporary sign on the Lot advertising their company and services. The sign

must be in accordance the rules stated above and may be displayed on the lot only while the work is being performed.

**Temporary Exceptions:**

Temporary exceptions may be granted subject to the approval of the ARC or the Board of Directors.

**Compliance:**

Each Member and their family, the Member's tenants, guests and invitees are governed by, and shall comply with the Declaration, Articles and Bylaws, and the rules of the Association.

**Fines:**

Fines may be levied in accordance with Article III, paragraph 9 of the documents named in 2.6 above.

**Authority:**

The Board of Directors may remove, or have a designated authority remove, any non-conforming signs in the community.

## WATER OAK (also known as Whisper Bend)

### ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES

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#### Purpose

Architectural design standards and guidelines secure and enhance the quality, value and harmony of a community. These standards and guidelines will ensure that the neighborhood of Water Oak (also known as Whisper Bend) will be always maintain an attractive, high quality appearance.

#### Architectural Review Committee

All construction within Water Oak (WO) must be approved by the Architectural Review Committee (ARC) -of the WO Homeowners Association. The primary mission of the Architectural Review Committee will be to ensure that all improvements and construction within WO meet the standards described herein. The ARC will concentrate on the exterior appearance of houses built in WO.

The Architectural Review Committee may allow minor variations to the standards and guidelines presented herein, if unique and/or specific design considerations and lot conditions warrant a change.

During the initial stages of development and construction at WO, the developer will appoint the Architectural Review Committee. After control of the Homeowners Association is passed to the residents, the ARC will be appointed by the Board of Directors of the Association, as provided for in the Declaration, Articles of Incorporation and By-Laws of the Association.

#### Plans Approval Process

The plans approval process for builders in WO has two stages: Master Model Approvals and Individual House Approvals. The master model approval process will simplify and expedite ARC plan approvals for builders. Builders must have each floorplan or standard house plan approved as a "master model" before it can be offered for sale to the general public.

To receive a master model approval, the builder must submit to the ARC a master model approval application, 1/4" scale architectural drawings of the floorplan and all proposed elevations of the house, individual landscape plans for each proposed front elevation and the design review fee. The Application for Master Model Approval is shown in Exhibit A. Whenever the footprint or any elevation of an approved master model house is changed, the change must be approved by the ARC.

Once a Master Model is approved by the ARC, the builder may use the simplified individual House Approval for each identical individual house to build. To receive an individual House Approval, the builder must submit to the ARC an individual house approval application, which lists the specific characteristics of the house, and a site plan showing the house on the lot. The Application for Individual House Approval is shown in Exhibit B.

The ARC will approve or disapprove each application for approval within fifteen (15) days after receipt of the complete application. In the event the ARC fails to approve an application within thirty (30) days, the builder should contact the ARC immediately in writing. Should the ARC fail to provide an approval or disapproval within ten (10) days after receipt of that notice, the builder may consider the application approved.

Plan approval by the ARC does not imply that plans will meet building code, zoning or other approvals required by governmental agencies. Builders and/or homeowners are responsible for all governmental fees, including building permit and impact fees, required before, during and/or upon completion of construction any improvement on the lots.

### Changes to Approved Architectural Plans

When the builder finds it necessary to change architectural plans, elevations and/or specifications for the exterior of a house already approved by the ARC, the revised plans must be submitted to the ARC for a new approval. Revised plans must be submitted with an Application for Master Model Approval form, that indicates the request to revise a previously approved master model. (See Exhibit A.)

### Plan Review Fees

The ARC reserves the right to charge plan review fees to review plans for all construction and other improvements that require ARC approval.

### Construction inspections

ARC has the right to inspect all construction and improvements to lots within WO to determine that the construction conforms to the exterior appearances as shown in plans and specifications presented for the individual House Approval.

If the house or other improvements under construction varies from the approved plan, the ARC may require construction work to stop until the house under construction is changed to conform to the approved plans.

### Land Use Restrictions

All lots in WO are restricted to single family residential use. Any and all use of the houses built must conform to applicable zoning and use restrictions as governed by Manatee County codes and regulations. Approved builders may maintain model homes and sales offices for the sole purpose of marketing houses within WO. Model homes and model home sales center must receive design approval from the ARC.

Any on-site construction office including offices in garages or temporary trailers must be approved by the ARC. Any construction materials stored on-site in WO must be screened from public view.

### Construction Cleanup

Construction cleanup is the responsibility of the builder. Construction trash or debris on site must be placed in approved containers. All construction sites must be maintained in a clean and orderly manner. WO will monitor construction sites for cleanliness. If a construction site is unsightly, the builder will be issued an order to clean up the site. If the site is not cleaned up within working three (3) days, WO will clean the site at the expense of the builder.

**Setbacks and Building Heights**

All houses built in WO must conform to the lot line setback restrictions for the neighborhood. The setbacks for WO are:

Front Setback	Rear Setback	Side Setback
20'	15'	7.5'

\*All setbacks are measured from face of building to property line.

All waterfront lots have a special 30-foot setback.

For all houses built in WO, the maximum building height is 35 feet. Maximum building height will always be measured from the first finished floor level to the top of the roof.

**House Size Restrictions**

The air-conditioned area of houses built in WO must have a minimum of 1,350 square feet air-conditioned area. Air-conditioned area is defined and measured to include all the area within the outside finished face of the walls. The standard for the measurement of air-conditioned area is set by American National Standards Institute (ANSI). The garage and other un-air conditioned but roofed spaces such as a porch, lanai or exterior entry recess will not be counted in the allowable square foot range of a house.

All houses in WO must have an attached, enclosed garage with operational garage door(s). Garages must accommodate at least two (2) full size automobiles and should have a minimum width of 19'4" and minimum depth of 20'. No garage larger than a three (3) car garage will be allowed in W0.

**Roof Pitch and Materials**

All houses built in WO must have minimum roof pitch or slope 5:12. Typically roof slopes should be 5:12 to 12:12. A variety of hip and gable roof lines is encouraged to avoid monotony in the community appearance. Flat and/or mansard roofs on the main house structure are prohibited. On the rear of a house a minimal amount of flat, built-up roof may be used over porch or lanai spaces.

Approved roofing materials include 25-year fungus resistant dimensional fiberglass or asphalt shingles, metal, concrete tile. All vents and flashing sheet metal must be painted to match the roof surface.

The screened rear porch of a house may be included under the main roof of the structure or may be covered with an insulated metal roof. Metal porch roofs will not be allowed on lots if the porch structure is visible from the street.

**Building Materials**

Exterior walls of houses built in W0 must be surfaced with stucco, brick or stone Limited areas of elevations and areas such as gable end may be covered with aluminum or vinyl siding. The use of wood product sidings is not encouraged. No unpainted or mill finished metal may be used as trim on any exterior surface of a house including the door, sliding glass doors and window frames.

Any garage door window shapes should be compatible with other design elements in the house elevations.

Chimneys must be finished in similar materials to the adjacent walls of the house. Chimney caps must be finished with a color included in the approved, color combination for the house.

**Colors**

All exterior color selections and combinations will be approved by the ARC. Each builder must select a palette of color combinations to be used in the neighborhood. The initial palette of color combinations must be approved by the ARC before model homes are completed. Color combination palettes must include roof color, house body color, trim colors and colors of accent items such as doors, shutters, etc. New and/or updated color combinations can be presented for approval as needed. Builders are encouraged to limit the number of colors within each color combination so that no more than four colors including window frames, soffit and fascia are shown on any elevation. When each Individual House Approval application is submitted, approved color combinations must be included on the application form.

Any change from the original color combinations approved by the ARC must be approved by the ARC before colors may be changed on existing improvements. Any homeowners who changes colors before receiving approval from the ARC may be required to restore the original approved colors at the individual owner's expense.

### Repetitive Use of Elevation Designs and Color Combinations

The same house front elevation may not be repeated on any two adjacent lots. The same floorplan may be built on adjacent lots if different elevations are used on the houses. Builders should design a minimum of three (3) elevations for each floorplan.

House color combinations may not be repeated on any two adjacent lots.

### Screening of Equipment and Trash Containers

All mechanical equipment and trash containers located on the exterior of a house must be screened from view from the street. A four (4) or six (6) foot high fence of the same design and color as the approved privacy fence, a stucco covered wall painted the same color as the body of the house or landscaping of adequate height and fullness at installation are the only approved methods to screen air conditioning equipment and trash containers.

### Swimming Pools

Swimming pools must be permanent in-ground construction, built according to local building codes. Above ground swimming pools are specifically prohibited. Spas smaller than 10' in diameter may be built above ground provided that the spa is located within a screen enclosed patio directly attached to the main structure of the house.

Enclosures around swimming pools and spas must be consistent with the overall design and color combination of the house.

Solar panel pool heaters may be located on roof surfaces if not visible from the street. Specific approval from the ARC is required before any solar pool heater may be installed.

### Fences

The style and placement of fences within WO will be strictly controlled by the ARC. Any fence in WO must be specifically approved by the ARC before it is installed. All fences within WO must be designed and installed in accordance with applicable local codes and restrictions.

The styles, sizes and color of privacy fences allowed in WO are strictly regulated. Privacy fences may be installed on lots that back up to streets and on all interior lots. Corner lots and lots that open to amenity locations such as ponds or lakes have special restrictions for fences, materials and locations.

Fences on perimeter lots that back up to the wall on Linger Lodge Road and the HOA fence on 65th Street East may be extended across common area of the HOA to enclose the rear yards. The

installation and maintenance of such fences is the responsibility of the homeowner. Homeowner must provide access at any time to the HOA and its representatives for inspection and maintenance of the community property. If necessary, the homeowner may be required at homeowner's expense to remove fences installed on common area to allow maintenance and repair of the community property such as the perimeter walls and fences.

The standard privacy fences allowed in W0 will be a six (6) foot high wood fence of board on board design or a white PVC fence of standard design. Detail drawings of approved fence styles are shown in Exhibit C. Privacy fences must be installed so that rails and posts are positioned on the inside facing to the interior of the lots. Privacy fences may not extend more than ten (10) feet forward from the rear corner of the house. All wood privacy fences must be painted with Shen/vin Williams Woodscapes Pure White. No other fence colors are allowed.

On corner lots privacy fences must be set back from the side lot line to allow planting of the mandatory landscape buffer and must be meet all Manatee County codes.

No fences will be allowed within 20 feet of the rear lot line of any lot that abuts any portion of a lake or pond.

Fences must not obstruct drainage patterns as shown on the site construction plans.

Any fence installed in WO must be maintained in good condition and repainted as needed.

## Water Oak Homeowners Association, Inc.

c/o Sentry Management, Inc.  
361 Interstate Blvd.  
Sarasota, FL 345240-8685  
941-343-0506

April 30, 2002

To Whom it May Concern:

The Architectural Design Standards and Guidelines for Water Oak are revised to allow an Amenity Fence on a lot that abuts any portion of a lake or pond.

The approved Amenity Fence is limited to the Country Estates Malibu (or equal design) four (4') feet high, white PVC fence. (See attached illustration.) No other fence material or design will be approved.

The Amenity Fence must be set back five at least (5') feet from the rear property line.

Along side lot lines a combination of Amenity Fence and Privacy Fence (6' high, solid fence) may be installed. Only Amenity Fence may be installed alongside lot lines for the first Fifteen (15') from the rear fence line. The Amenity Fence may be terminated at the rear corner of the structure, if the structure is closer than Twenty (20') to the rear lot line. A Privacy Fence may be installed along the side lot line from the end of the Amenity Fence to a point Ten (10') feet forward from the rear corner of the house, which includes any lanai with a structural roof.

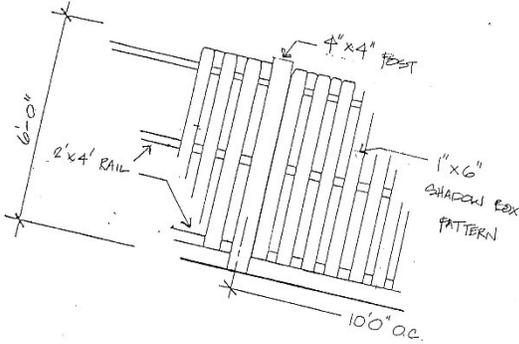
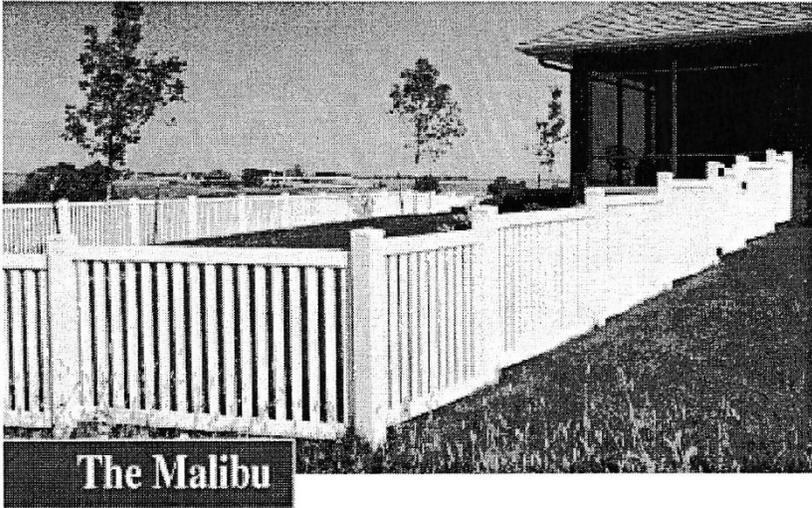
Any fence installed on a lot must not interfere with the community drainage system and must not impede water flow through drainage swales.

Any fence installed on a homeowner's lot must meet the design standards of the community and must be approved by the Modifications Committee of the Water Oak Homeowners Association, Inc. prior to installation. Approval by the Modifications Committee is separate from any approval required by governmental agencies and does not assure the homeowner that a fence will comply with requirements imposed by governmental agencies. Homeowners must apply separately for any required fence or building permits.

The homeowner agrees to maintain and mow sod outside the Amenity Fence to the water's edge of any lake or pond. In addition the homeowner must allow access to the lake, pond or common area if maintenance of the common area and/or drainage system behind a lot is required.

David W. Scussel

Secretary



**ACCEPTABLE MATERIALS**  
Painted, Pressure Treated Wood

### Antennae and Satellite Receptors

Exterior radio and television aerials and antennae are prohibited within the neighborhoods of WO. Satellite dish receptors of 18-inch diameter and smaller may be installed in locations not visible from the street. Specific approval from the ARC is required before any satellite dish receptors may be installed.

### Mailboxes

Mail boxes must be installed in accordance with regulations of the US Postal Service. Only one mail box design will be approved for the neighborhood.

### Landscaping

Landscaping is an important feature of WO. Every lot must be landscaped to at least the minimum standard for the neighborhood. Corner lots and lots that abut the lake or pond have special landscape requirements. Landscape requirements for standard lots include:

- Irrigation system Required
- Sod St. Augustine Floritam
- Accent tree 4
- Accent shrubs 3
- Medium shrubs 22
- Dwarf shrubs 25
- Ground cover shrubs 80
- Lake and pond rear yard - 1 shade tree

Street trees must be planted in the first 20 feet of lot and may not be planted in the right-of-way.

Corner lots must have two (2) additional street trees and 30 medium shrubs in the side yard of the lot along the street. This side yard landscaping may not be located forward of the front corner of the house.

Lots that abut amenity areas such as a lake or pond must have a minimum of one tree in addition to any required front yard and side yard landscaping.

## ARC Guideline Regarding Flags.

State of Florida Section 720.304 of the Homeowners' Association Act (*In regard to flags.*)

(2)(a) Any homeowner may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and one portable, removable official flag, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association.

(b) Any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, if the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement.

The homeowner may further display in a respectful manner from that flagpole, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, one official United States flag, not larger than 4 1/2 feet by 6 feet, and may additionally display one official flag of the State of Florida or the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag.

The flagpole and display are subject to all building codes, zoning setbacks, and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances in the county or municipality in which the flagpole is erected and all setback and locational criteria contained in the governing documents.