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LIVE OAK PRESERVE ASSOCIATION, INC.

**RESOLUTION REGARDING AMENDMENT TO THE LIVE OAK PRESERVE
MASTER DEVELOPMENT GUIDELINES RELATING TO THE FUNCTIONS OF THE
COMMITTEE & DESIGN REVIEW PROCESS**

WHEREAS, Live Oak Preserve Association, Inc. (the "Association") is a nonprofit corporation duly organized and existing under the laws of the State of Florida; and

WHEREAS, Section 5.5 of the Master Declaration for Live Oak Preserve ("Declaration") as recorded at Official Records Book 13544, Page 1862 of the Public Records of Hillsborough County, Florida, provides that the APPROVING PARTY may adopt and modify from time to time, in its discretion, minimum guidelines, criteria and/or standards which will be used by it in connection with its exercise of architectural control, provided however that same shall not apply to any previously existing or approved IMPROVEMENT; and

WHEREAS, Section 1.1 of the Declaration as recorded at Official Records Book 13544, Page 1843 of the Public Records of Hillsborough County, Florida, defines the "Approving Party" as the Community Association a/k/a Live Oak Preserve Association, Inc.; and

WHEREAS, Section 10 of the By-Laws of Live Oak Preserve Association, Inc. as recorded at Officials Records Book 13544, Page 1895 of the Public Records of Hillsborough County, Florida, provides the Board of Directors of the Association (the "Board") with the authority to adopt, or adopt previously adopted, reasonable rules and regulations concerning the use, operation, maintenance of property subject to the Declaration in order to implement and carry out the intent of the governing documents; and

WHEREAS, the Board has determined that it is in the best interest of the Association to amend the previously adopted Live Oak Preserve Master Development Design Guidelines for Live Oak Preserve (the "Guidelines") in connection with the guideline provisions addressing "Functions of the Committee" and "Design Review Submittal Requirements" to conform with the wording in the Declaration; and adopts the attached summary entitled "Design Review Process Overview"

NOW, THEREFORE, BE IT:

RESOLVED, that the Board of Directors of the Association hereby approves and adopts the attached Amendments to the Guidelines regarding "Functions of the Committee" and "Design Review Submittal Requirements"; and adopts the attached Design Review Process Overview; and

RESOLVED, that notwithstanding the foregoing, any restrictions or guidelines set forth in the Declaration, Guidelines, or in other rules and regulations of the Association shall remain in full force and effect and shall continue to be followed and observed.

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IN WITNESS WHEREOF, the Board of Directors of Live Oak Preserve Homeowners Association, Inc., at a duly noticed regular meeting of the Board of Directors at which a quorum was present, held on the 19 day of June, 2013, in the manner required by the Association's governing documents, has adopted the foregoing resolutions upon motion made by Frank Micallef and seconded by Anthony Leone and passing with a vote of 4 in favor and 0 opposed; therefore, a majority of the Directors approved the resolution, which is to be made a part of the minutes of the meeting of the Board of Directors held on the 19 day of June, 2013.

LIVE OAK PRESERVE ASSOCIATION,
INC., a Florida nonprofit corporation

LIVE OAK PRESERVE ASSOCIATION,
INC., a Florida nonprofit corporation

By: [Signature]
Its: President

By: [Signature]
Its: Secretary

Exhibit A – Amendment to the Live Oak Preserve Master Development Design Guidelines relating to "Functions of Committee"

Exhibit B – Amendment to the Live Oak Preserve Master Development Design Guidelines relating to "Design Review Submittal Requirements"

Exhibit C – Design Review Process

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EXHIBIT A – FUNCTIONS OF THE COMMITTEE

This amendment to the Live Oak Preserve Master Development Design Guidelines (“Guidelines”) is promulgated by the Board of Directors (the “Board”) of the Live Oak Preserve Association, Inc. (the “Association”) pursuant to the authority granted the Board under Section 5.5 of the Master Declaration for Live Oak Preserve (“Declaration”) as recorded at Official Records Book 13544, Page 1862 of the Public Records of Hillsborough County, Florida, and Section 10 of the By-Laws of Live Oak Preserve Association, Inc. as recorded at Officials Records Book 13544, Page 1895 of the Public Records of Hillsborough County, Florida. The “Functions of the Committee” provision of the Guidelines shall be amended as follows:

FUNCTIONS OF THE COMMITTEE

5. The DRC shall review and respond to submittal within ~~fourteen (14)~~ thirty (30) days. Unapproved submissions shall be returned for revision and resubmittal. All approval shall be in writing.

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EXHIBIT B – DESIGN REVIEW SUBMITTAL REQUIREMENTS

This amendment to the Live Oak Preserve Master Development Design Guidelines (“Guidelines”) is promulgated by the Board of Directors (the “Board”) of the Live Oak Preserve Association, Inc. (the “Association”) pursuant to the authority granted the Board under Section 5.5 of the Master Declaration for Live Oak Preserve (“Declaration”) as recorded at Official Records Book 13544, Page 1862 of the Public Records of Hillsborough County, Florida, and Section 10 of the By-Laws of Live Oak Preserve Association, Inc. as recorded at Officials Records Book 13544, Page 1895 of the Public Records of Hillsborough County, Florida. The “Design Review Submittal Requirements” provision of the Guidelines shall be amended as follows:

DESIGN REVIEW SUBMITTAL REQUIREMENTS

The ~~committee~~ DRC reserves the right to take as many as ~~fourteen (14)~~ thirty (30) days to approve or disapprove any submissions.

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EXHIBIT C – DESIGN REVIEW PROCESS OVERVIEW

LIVE OAK PRESEVE ASSOCIATION, INC. DESIGN REVIEW COMMITTEE

The Design Review Committee (“DRC”) is a committee duly adopted and created by the Association’s Board of Directors to review all request for improvements/modifications. It ensures that any changes are in keeping with the Master Declaration for Live Oak Preserve (“Declaration”) and the Master Development Design Guidelines (“Guidelines”). The DRC is made up of no more than five volunteers (but no less than three) that are appointed by the Association’s Board of Directors to serve at the pleasure of the Board of Directors. These volunteers may contact the Association’s Community Manager to express their interest, who in turn will submit their names for consideration to the DRC. The DRC may make recommendations on the different individuals expressing the desire to volunteer. The Board of Directors will consider the DRC’s recommendations, if any, and make the desired the appointments. The Board of Directors is not bound by the recommendations of the DRC.

The DRC has exclusive jurisdiction over modifications, additions, or alterations made on or to existing Units or structures containing Units and the open space. As such, the DRC approves or denies requests based on completeness and compliance with the established Guidelines and the Association’s governing documents. All meetings of the DRC must comply with section 720.303, Florida Statutes. In particular, notice of all DRC meetings must be posted in a conspicuous place in the community at least 48 hours in advance of a meeting, except in an emergency. In the alternative, if notice is not posted in a conspicuous place in the community, notice of each board meeting must be mailed or delivered to each member at least 7 days before the meeting, except in case of an emergency. Notwithstanding this general notice requirement, for communities with more than 100 members, the bylaws may provide for a reasonable alternative to posting or mailing of notice for each board meeting, including publication of notice, provision of a schedule of board meetings, or the conspicuous posting and repeated broadcasting of the notice on a closed-circuit cable television system serving the homeowners’ association. However, if broadcast notice is used in lieu of a notice posted physically in the community, the notice must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required. When broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. The bylaws or amended bylaws may provide for giving notice by electronic transmission in a manner authorized by law for meetings of the board of directors, committee meetings requiring notice under this section, and annual and special meetings of the members; however, a member must consent in writing to receiving notice by electronic transmission.

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In general, no modification/improvement should be made to any existing Unit or its open space unless the Owner (or Parcel Association)¹ first submits a modification application and receives approval from the DRC to proceed. Notwithstanding, the authority of the DRC to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, is limited to matters that are specifically stated or reasonably inferred as to such location, size, type, or appearance in the Association's Declaration or other published guidelines and standards authorized by the Declaration. All members serving on the DRC should read and review section 720.3035, Florida Statutes, a copy of which is attached hereto. In other words, unless there is specific authority prohibiting a particular improvement/modification, the DRC is without authority to deny an appropriately filed DRC request. Descriptions such as "aesthetically pleasing" or "in the discretion of the DRC" are inadequate.

Outlined below is the Design Review Process for all Live Oak residents. In the event that the DRC fails to approve or reject a properly submitted application or to request additional information within thirty (30) days after submission, the application shall be deemed approved (Section 5.4 of the Declaration).

1. Any request for approval by the DRC of any improvement/modification must be in writing and shall be accompanied by plans and specifications or other details as the DRC may deem reasonably necessary in connection with its determination as to whether or not it will approve the same. The attached Design Review Committee Form ("DRC Form") must be completed by the Owner, accompanied by a copy of the lot survey and a copy of the contractor's proposal or plan or any other documentation.² The plans and specifications submitted for approval shall show the nature, kind, shape, height, materials, color, and location of all proposed improvements/modifications. **Any alterations or additions to the exterior of your home or its ground should be clearly indicated on the survey.** If the DRC deems the plans and specifications deficient, the DRC may require such further detail in the plans and specifications as the DRC deems necessary including, without limitation, floor plans, site plans, drainage plans, elevation drawings, and descriptions or samples of exterior materials and colors, and until receipt of the foregoing, the DRC may postpone review of any request submitted for approval. The DRC shall have the right to charge a reasonable fee to any Owner requesting DRC approval, including where applicable the fee of any architect or engineer hired by the DRC to review any plans or specifications. The DRC is not obligated to review or approve any plans or specifications until such fee is paid. The DRC shall not withhold in a discriminatory manner or in a manner that unreasonably prohibits the reasonable improvement of any property, but may be withhold due to aesthetic considerations.

2. The DRC Form may be downloaded from <http://liveoakvillages.com/lopdocs.html>, and should be completed in the manner set forth in the Design Review Submittal Requirements section of the Guidelines. All completed DRC Forms must be submitted along with the refundable deposit, if required, to the Live Oak Preserve Association, Inc., c/o Community Association Manager, 4131 Gunn Highway, Tampa, Florida

¹ Hereinafter the term "Owner", when appropriate, shall also include Parcel Association.

² Submissions by tenants, or relatives of Owners are inadequate.

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33618 by the designated deadline, which is the Tuesday of the 1st week of the month to be reviewed. The DRC meets monthly. If a submittal is untimely, a request will not be reviewed until the following month's DRC meeting. No request will be deemed received until the DRC acknowledges receipt of the request.

3. All DRC Forms will be forwarded to the DRC, which shall consist of no more than 5 volunteers but no less than 3 volunteers, all of whom shall be appointed, and shall serve at the discretion of the Board of Directors. The DRC will meet on the scheduled date following each deadline to process all requests received.

4. The DRC will evaluate each of the improvements/modifications, additions, or alterations made on or to existing Units or structures containing Units and the open space to assure conformity with the design criteria, performance and quality standards set forth in the Guidelines as well as compatibility with the adjoining sites and common spaces.

5. If conflicts arise between the submitted DRC Forms and the Guidelines, the DRC shall have sole discretion to interpret the Guidelines and render a decision.³ Notwithstanding, if the Declaration or Guidelines provides options for the use of material, the size of the structure or improvement, the design of the structure or improvement, or the location of the structure or improvement on the parcel, the DRC cannot restrict the right of an Owner to select from the options provided.

6. Within five (5) business days following each meeting, the Community Association Manager will notify the Owner of the DRC's decision and will retain the original copy of the completed DRC Form in each Owner's file.

7. If the DRC request is denied, the Owner may resubmit the request and requesting a variance. If a subsequent review is required, the DRC reserves the right to charge a \$200.00 Design Review Fee payable to Live Oak Preserve Association, Inc. for review of the subsequent submission and an additional \$200.00 fee for each subsequent submission thereafter.

8. The DRC has the right to grant variances from the Guidelines as long as the granting of the variance would not be in violation of the requirements of all public agencies having jurisdiction and it would result in undue hardship.⁴ The term undue hardship should be strictly construed and should not be granted due to topography or aesthetic considerations. Moreover, if a variance is granted, the DRC should clearly document the reasons behind granting the variance so that it will minimize claims of arbitrary enforcement and discrimination.⁵

³ Notwithstanding, the DRC's interpretation, if the Guidelines are vague and ambiguous or unclear, the enforceability of the Guidelines is questionable.

⁴ **Do not grant variances on a regular basis.** While it appears that the DRC has broad variance authority, if the DRC habitually grants variances, it could effectively abandon the restriction or procedure in question because of the number of variances previously granted. In the granting of a variance, the DRC should consider the unique circumstances surrounding the request and recite such considerations. The unique circumstances should not consist of circumstances that the majority of Owners could claim.

⁵ **Grant Reasonable Modifications to Disabled Persons.** Regardless of the variance standards, the FHA requires an association to grant disabled persons reasonable accommodations and modifications. If, for example, a disabled person needs to install a wheelchair ramp in front of his/her unit, the association must grant this request regardless of

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9. The DRC shall review and notify each Owner of its approval or disapproval, or that the DRC requires additions to the plans and specifications or other materials, by written notice within 30 days after request for such approval is made in writing to the DRC, and all documents, plans and specifications, and other materials required by the DRC in connection with such approval have been submitted to and received by the DRC. All approval shall be in writing.

10. In the event that the DRC fails to disapprove any request within such 30 day period, the request shall be deemed approved and upon request the DRC shall give written notice of such approval, provided the party requesting such approval pays any fee charged by the DRC in connection with such approval.

11. In consenting to any proposed DRC request, the DRC may condition such consent upon changes being made and any such approval shall be deemed a disapproval unless and until the party requesting the approval agrees to the changes.

12. If the DRC approves, or is deemed to have approved a DRC request, the Owner requesting the approval may proceed to make the improvement/modification in strict conformance with the plans and specifications approved subject to any conditions required by the DRC.

13. Any changes required in order to comply with applicable municipal codes or zoning requirements subsequent to the DRC's final approval must be resubmitted to the DRC for its approval. The DRC may request a meeting to discuss modifications of the drawings or specifications.

14. The approval by the DRC of any DRC request shall not obligate the DRC to approve any similar DRC request in the future, and the DRC shall have the right in the future to withhold approval of similar DRC requests requested by any other Owner.

15. The DRC has the right to monitor the design and construction process in order to ensure conformance with the approved submission by the DRC, Guidelines, and Declaration.

16. In the event that an Owner wishes to appeal a decision to the DRC, the Owner has the right to appeal the decision to the Association's Board of Directors. To perfect this right, a written notice of appeal must be received by the Community Association Manager within thirty (30) days of DRC's decision to disapprove. The failure of a person or entity to timely appeal or challenge the DRC's decision shall be deemed a waiver of the right to appeal and a waiver of any and all basis for challenging the decision, including but not limited to, any claim that any cited deficiencies have been cured, any claim that the violation did not take place, and any claim that enforcement actions taken by the DRC were improper, unreasonable, or arbitrary.

17. The Board of Directors shall hear the timely appeal or challenge from a person or entity in violation at the next meeting of the Board of Directors which is not less than fourteen

whether installation would fall within the variance standards. If you are unsure whether an application falls under the FHA, have the Community Association Manager contact legal counsel.

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(14) days after receipt of the written notice of appeal or challenge. The Community Association Manager, President, or Secretary of the Association who receives a timely written notice of appeal shall provide a copy of such notice to the Chairman of the DRC not less than five (5) days before the meeting of the Board of Directors at which the appeal will be considered. The Chairman of the DRC will have the option to explain the DRC's reasoning for not approving the DRC request submitted either in writing or in person at the meeting of the Board of Directors. The Board of Directors may, at its discretion, affirm or amend the decision of the DRC. The decision of the Board of Directors shall be final and shall not be subject to any further appeal.

18. The Association's Board of Directors may adopt and modify from time to time, in its discretion, the DRC Review process, and this document.