

**LIVE OAK PRESERVE ASSOCIATION, INC.**

**RESOLUTION REGARDING AMENDMENT TO THE LIVE OAK PRESERVE  
MASTER DEVELOPMENT GUIDELINES RELATING TO WALLS AND FENCING**

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; 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 "Walls and Fencing" as provided in the attached Exhibit A.

NOW, THEREFORE, BE IT:

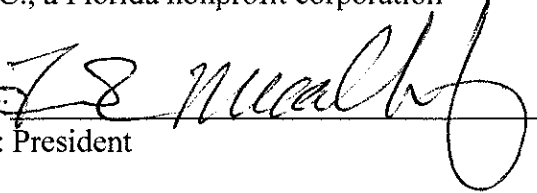
RESOLVED, that the Board of Directors of the Association hereby approves and adopts the attached Amendments to the Guidelines regarding "Walls and Fencing"; and

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.

IN WITNESS WHEREOF, the Board of Directors of Live Oak Preserve Association, Inc., at a duly noticed regular meeting of the Board of Directors at which a quorum was present, held on the 21 day of August, 2013, in the manner required by the Association's governing documents, has adopted the foregoing resolutions upon motion made by Frank Micalef and seconded by Sheldon Cohen 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 21 day of August, 2013.

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

By:   
Its: President

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

By:   
Its: Secretary

*Exhibit A – Amendment to the Live Oak Preserve Master Development Design Guidelines relating to “Walls and Fencing”*

## **LIVE OAK PRESERVE ASSOCIATION, INC.**

### **EXHIBIT A – WALLS AND FENCING**

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 Official Records Book 13544, Page 1895 of the Public Records of Hillsborough County, Florida. The “Walls and Fencing” provision of the Guidelines shall be amended as follows:

#### **WALLS AND FENCING**

Retaining walls will be faced with the same material as the structure it is in contact with or shall be made of compatible materials if it is a freestanding retaining wall. It is recommended that walls be constructed of solid masonry.

All proposed fence installations must be submitted to and approved by the DRC prior to installation. (Sample forms found EXHIBIT A and E).

No fences or walls will be permitted in the front yard.

The following general guidelines will apply to all fences:

1. Fencing will be under the scrutiny of the DRC to comply with design compatibility and shall be in keeping with the architectural style and materials used in the neighborhood.
2. Fence color and material will be standard for All Villages as determined by the DRC.
3. Site Plans must accompany all fence submissions. Proposed fence locations must be clearly designated on all Site Plans. Site Plans that do not include proposed fence locations will not be approved.
4. Side walls attached to the house and integrated into the landscape plan will be subject to DRC approval.
5. Side yard fences will not be permitted within fifteen (15) feet of the front of the house. The fifteen (15) feet shall be measured from the front horizontal boundary of the structure, not including the garage.
6. With the exception of the lake and wetland conservation lots, rear and side

yard fencing shall be permitted only where adjoining another homesite (i.e. back to back). Rear and side yard fences shall be six (6) feet in height. There shall be no fencing that is six (6) feet in height on lake and wetland conservation lots. All fencing for lake and wetland conservation lots, must comply with the following requirements: (i) be forty-eight inches in height on all sides, and (ii) be white or black/bronze, vinyl vertical picket style fencing. To the extent that a fence is installed, the fence shall be installed along the rear yard. Landscaping, such as a row of shrubbery or trees or some other type of vegetation generally permitted in Live Oak Preserve, functioning as a makeshift fence will not permitted as a fence substitute on lake and wetland conservation lots to the extent that it obstructs the view of the lake and/or wetland conservation areas. If the fence is visible to other Live Oak Preserve home sites or common areas, landscaping buffering may be required pursuant to the DRC guidelines.

7. Fifty-two inches high white or black/bronze, vinyl vertical picket fencing may be permitted on a pool deck only.
8. Seventy-two inches high white, vinyl vertical board to board fencing or black/bronze vinyl vertical picket fencing will be the only fencing permitted on interior and/or non Wetland or Conservation lots.
9. Fences cannot be placed on landscape easements. Fences may extend into utility easements at the owner's risk.
10. Fence locations on corner lots may be further restricted due to side yard visibility constraints, side yard setback restrictions, and the locations of homes on adjoining property. Corner lots will be handled on a case-by-case basis. You may request specific information on your corner lot setback prior to submitting of a plan.
11. Fences must be placed so the outside face of the fence is inside the property line. All fencing must be installed with the horizontal railings on the interior lot side of the fence.
12. Fence requirements in Live Oak Preserve may vary from those contained in Hillsborough County's fence ordinance. In all instances, the Live Oak Preserve fencing design guidelines will control.
13. Refer to Exhibit E for Fence Specifications.