



Liberty Oaks Property Owners' Association, Inc.

"Design Guidelines"
Version: June 1, 2023

Architectural Review Procedures, Design Criteria, and On-Going Operational Guidelines

Preamble & Neighborhood Vision

Liberty Oaks is a one-of-a-kind, conservation-minded community comprised of premium quality estate lots created for a select group of families who appreciate: (a) the land's natural beauty, (b) high-quality architecture and construction, (c) innovative land planning that respects the intrinsic beauty of the land, and (d) the overall privacy and feeling of a custom subdivision with an extremely limited supply of lots.

The perfect blending of natural and manmade design elements found in Liberty Oaks enhances the value for Liberty Oaks property owners, both individually and collectively.

These Design Guidelines, together with the Liberty Oaks' Governing Documents, are key components to ensuring the long-term quality of the Community, the enjoyment for all families, and the integrity of each purchaser's investment.

Section 1 - Definitions, Terms, and Conditions

1. Liberty Oaks is subject to the provisions of the Declaration of Covenants, Conditions, Restrictions, and Easements of Liberty Oaks, as recorded in the public records of Hillsborough County, Florida ("Declaration"). The Declaration provides that the Architectural Control Committee shall maintain architectural and aesthetic control of Liberty Oaks. The purpose of architectural control is to assure that the residences and any other improvements in Liberty Oaks as a whole shall preserve a uniformly high standard of construction that is attractive and harmonious. The power to regulate vested in the Architectural Control Committee includes the explicit authority to prohibit those buildings, designs, modifications, landscaping, structures, improvements, etc. found to be: inconsistent with the provisions of the Declaration or the aesthetic design or quality intended to be created

and preserved thereby; contrary to the best interests of Liberty Oaks; or detrimental to the value and desirability of Liberty Oaks as a residential community with exclusive, unique and desirable qualities.

2. Definitions and Provisions

- a. "Architectural Review Committee", "Architectural Control Committee", or "ARC". The Committee as outlined in the Declaration.
- b. "Builder" or "Contractor". Any person or entity that is permitted to undertake the improvement of property within the Subdivision. Without first obtaining the written approval of the Developer, in his sole and absolute discretion, no builder, contractor, individual, etc. shall be permitted to construct any improvement, modification, etc. in Liberty Oaks. The pre-approved Builder(s) are: AR Homes
- c. "Design Guidelines". This document regulates, governs, and controls the improvement of any vacant lot, establishes architectural standards, and any subsequent renovation, maintenance, modification, alteration, on-going operations, etc. The Design Guidelines apply at all times, including for pre-construction, during construction, and anytime thereafter including following the issuance of a Final Approval from the ARC.
- d. "Developer". Magnolia Estates Tampa LLC or its assigns, successors, etc.
- e. "Lot". A platted lot of the Subdivision and any related, privately owned land whether platted or not platted. A Lot may be either vacant or improved.
- f. "Liberty Oaks", "Subdivision", or "Community". The property containing all lands of the real estate development, including both privately and commonly owned property, and any future additions per the Declaration.
- g. "Liberty Oaks Property Owners' Association, Inc.", "POA", or "Association". The legal entity charged with the management and quality control of the Subdivision related to all improvements, Lots, common space, infrastructures, easements, etc. and as applicable.
- h. "Owner". Includes the party named on the property's title.
- i. Refer to the associated Community governing documents for further definitions and any legally defined terms that may conflict with this

document. When in conflict or confusion, the stricter of any applicable governing document shall apply.

Section 2 - Philosophy

1. Architecture Style and Land Planning Philosophy

- a. Architecture. High quality, naturalist land planning as well as sophisticated architecture of a variety of styles is sought. The overall goal is to achieve a unique, aesthetically pleasing subdivision whereby all Owners and invited guests are inspired by the interrelated design elements at all levels of view. These guidelines do not specify a mandatory architectural style that must be used within the Community, but rather give Owners and their architects a set of guidelines that will make the entire Community a more attractive place to live. These guidelines were created to encourage a unique collection of individually outstanding architectural statements, that when viewed together produce a pleasant environment and neighborhood. Each home design shall be unique in layout and design so that no two lots look the same.
- b. Layout and Land Planning. The land planning philosophy is to achieve a natural, enhanced, park-like setting that focuses on maintaining the natural land and trees as well as emphasizing key viewsheds, such as wetland systems (both naturally occurring and man-made), oak trees, pine trees and other species. Owners are encouraged to leverage the features of the unique lot attributes, including existing vegetation, view lines, breezeways, solar orientation, etc. Lots should contain a mixture of natural areas blended with formal and/or manicured areas.

Section 3 – Review & Approval Process

1. Building Process. All new construction, landscaping, alterations, renovations, modifications, and/or changes must be approved through the ARC. All ARC decisions shall be rendered in written form. All feedback and approvals must follow the ARC's submittal guidelines.
 - a. Pre-Application Research

- i. It is the Owner's responsibility to review, comply with, and to acquaint his or her building team with the requirements and restrictions for building and design in Liberty Oaks as set forth in the Declaration and the Design Guidelines. Hillsborough County, as well as other agencies, has jurisdiction over Liberty Oaks and should be contacted at the beginning of the planning process to ensure compliance. Compliance with all federal, state, and local laws, ordinances, regulations, etc. is the obligation of the Owner. Each Owner shall rely upon his or her own research and conclusions.
- b. Pre-Application Meeting
 - i. Provided as a courtesy at no cost for the Lot Owner and Builder. This meeting is not required, but is strongly encouraged in order to avoid potential future delays, rejected plans, etc. Please allow at least 14 business days lead time for scheduling a Pre-Application Meeting. The Pre-Application Meeting with the ARC is strongly encouraged *prior to* submitting any official plans to any other party.
- c. Forms. All submittals shall be complete and on forms as provided by the ARC and must be submitted in writing, and digital copies may be requested. Incomplete and/or unofficial paperwork will be rejected, and a re-processing fee may apply.
- a. Submittal and Review. Provide two (2) copies of the following documents. Any fees due are payable to the Liberty Oaks Property Owners' Association, Inc. All building proposals will be reviewed and approved on a case-by-case basis through the ARC.
 - i. Completed Application
 - ii. Application Fee - \$500.00.
 - 1. The ARC can apply a tiered fee structure for various reviews, including pool, landscaping, renovations, etc.
 - iii. Compliance Deposit – Calculated as follows: House square footage (total under roof) X \$0.50/SF PLUS 0.5% of the house's value. The Deposit shall not exceed \$10 ,500.00. The Owner is responsible to maintain the full balance of the Compliance Deposit as well as promptly replenish the balance if a deduction

occurs. The Compliance Deposit is returned upon the POA's Final Completion Approval and satisfactory compliance with the provisions herein.

- iv. Elevation rendering, including height, dimensions, roof pitch, and any roof projections, etc.
- v. Floorplan. Include all levels and intended uses for each space. Include both conditioned and as well as non-conditioned spaces.
- vi. Proposed colors and materials. Please note that actual samples and mock-ups/color boards may be required. Also, a 4'X4' sample on the exterior of the home will be required during construction. Proposed materials should be incorporated into the side elevations of the home.
- vii. Landscape plan, irrigation plan, and exterior lighting plan. Areas to remain in the natural-state should be noted accordingly and protected throughout construction as completely off-limits.
- viii. Site Plot Plan showing lot survey boundaries, topography in 1' contours and at each lot corner, existing landscape (any tree 4" or larger), proposed house footprint, driveway, ancillary structures (pool, etc.), hardscape (walls, fencing, etc.), dock, play systems, septic system and drainfield, well, gas tank and corridor, location of each utility and mechanical area, and landscaping. Any proposed tree removal shall be indicated on the plan with an "X".
- ix. A comprehensive Site Grading Plan, including civil/drainage engineering, onsite wastewater disposal system elevations (including top of the drainfield to be minimized from view), finished floor elevation, and other relevant grades that would impact the aesthetics of the residence and lot.
- x. Tree and Vegetation Protection Plan, including any necessary root pruning, tree barricades, etc.
- xi. Erosion Control Plan, including silt fence, drainage structure protection, surrounding property protection, etc.
- xii. Construction Timetable

- xiii. Access, Parking Management, and Logistics Plan, including the placement of signage to direct parking, material delivery details, etc. Note that vehicles may not obstruct the natural flow of traffic inside the neighborhood gates and fines will be levied for any violations.
 - xiv. All files in electronic format on a flash drive
 - xv. Note that landscaping and pools may be approved at a later date, but no later than 30 days prior to installation. Additional fees shall apply if approved separately from the primary residence.
 - xvi. Note that it is highly recommended that the Owner obtain ARC approval prior to obtaining a municipal building permit in order to first ensure compliance with the Design Guidelines. Should an Owner and/or Builder obtain a municipal building permit and not also obtain the ARC approval, no construction activity shall be permitted until such time as the ARC issues approval to proceed as outlined in the Design Guidelines. Under this scenario, the ARC reserves its right to require any modification to an already approved municipal building permit. The cost, as applicable, of any re-design fees, etc. shall be paid by the Owner.
- d. Construction Approval
- i. Once an application is considered complete, the ARC shall render a decision, in writing, within thirty (30) days.
 - ii. Personnel will not be allowed to enter the Subdivision to work on a project until Construction Approval is given. The commencement of work without Construction Approval may result in the assessment of fines and all contractors will be ordered to "Stop Construction" and their respective subcontractors, vendors, etc. will not be granted access within the Subdivision.
 - iii. Notwithstanding the approval of the plans and specifications by the ARC, the Owner and Owner's contractors are solely responsible for compliance with the Declaration and other requirements listed herein.

- iv. The structural soundness, durability, quality of construction and safety of any structure and the proper functioning of any of the components and equipment, as well as conformity to building codes, are beyond the scope of the ARC's review and/or inspections. Any responsibility is thus disclaimed and acknowledged by all applicable parties, including Owner, Builder, etc. Neither the review process and/or inspections, nor approval of or comments in respect to plans and other information imply the assumption of any responsibility whatsoever in respect to those plans by either the Association, the ARC or the Developer.
- e. ARC Inspections. The below list are the minimum standard milestone inspections whereby no further work is permitted to proceed until the inspection is approved by the ARC in writing. Additional inspections may apply. Any requested inspection shall be made in writing to the ARC at least five (5) business days in advance. Fees shall apply should the work product not be ready for an inspection.
 - i. Owner/Builder Preconstruction Meeting, which is held at the site.
 - ii. Stake-out lot, driveway, foundation, septic drain field, work area limits, parking area, erosion control measures, tree protection areas, dumpster location, and mark/flag trees for removal
 - iii. Clearing
 - iv. Foundation
 - v. Utilities, including wastewater, power, and data.
 - vi. Construction-In-Progress. At any time , both exterior and interior inspections are included. These inspections can occur without prior notice and at any time .
 - vii. Final, including landscaping
- f. Building Timeframe
 - i. Owners, including any subsequent Owner, are required to start construction on their lot within four (4) years of the original purchase from the Developer.
 - ii. If the house foundation is not completed within a 6-month time frame from Construction Approval, then the Owner is required to re-apply and pay applicable fees.

- iii. Work shall be professional, efficient and continuous. The building site shall not remain idled for any period of time greater than thirty (30) days.
 - iv. Approved construction work must be completed within eighteen (18) months of the Construction Approval, unless otherwise approved by the ARC. Should the Owner not meet this timeframe, he/she is required to re-apply for Construction Approval. Absent a reapplication within thirty (30) days, the POA may take action to remove the construction and secure the site at the Owner's expense.
- g. Final Completion Approval
- i. Jobsite shall be fully cleaned and returned to new condition, including removal of portable toilet, signage, waste containers; cleaned roadway; repaired damage area(s); clean drainage areas and structures, etc.
 - ii. Owner shall submit final As-Builts for both horizontal and vertical improvements to the ARC, including engineering items, and a copy of the approved Certificate of Occupancy from the applicable municipality.
 - iii. Upon the full satisfaction of all requirements, the ARC will issue a Final Completion Approval Letter and the return of the applicable Compliance Deposit amount. The Owner is required to maintain the house in the standard and condition as the house stood at the time of approval, including repairs and maintenance and landscaping. No alterations, either permanent or moveable, are allowed after the Final Completion Approval is issued without subsequent ARC approval. Interior revisions not affecting the exterior elevation of the residence or number of bedrooms do not require a submittal.
- h. Any and all ARC decisions are not bound or restricted by any precedent relating to existing construction.
- i. Pursuant to Florida Statutes Section 720.305, Owners must comply with the Declaration and all other governing documents of the Association. Accordingly, all work performed following Construction Approval by the ARC must be in compliance with:

- i. All materials, plans, specifications, representations, etc. submitted to the ARC as part of the review process;
- ii. Any conditions and requirements imposed by the ARC upon project approval;
- iii. The Declaration; and,
- iv. Federal, state, local and all other governing laws and ordinances.

In the event of the failure of the Owner to comply with the above, the Association may take any and all legal action to enforce its rights, including imposition of fines and suspension of the use of Common Property.

- j. All ARC decisions are issued in writing and signed by two members of the ARC. During the Developer's tenure as defined in the Association's Declaration, only one approval signature by the Developer is required.

Section 4 – Design Standards

1. Minimum square footage of air conditioned space requirements are:
 - a. A suggested 3,000 sf for a 1 story house
 - b. For a multi-story house, the first floor shall contain a suggested minimum 2,000 sf and the entire house shall contain a suggested minimum 3,200 sf
 - c. Ancillary structures will be reviewed on a case-by-case basis for size criteria in relation to the primary structure. Detached sheds are prohibited.
 - d. The ARC may modify these requirements based on unique circumstances, lot specific criteria, and/or the relative quality of the house. It is the goal of the ARC to encourage quality architecture and design as a priority over gross quantity of square feet constructed.
2. Colors, Materials, & Façade
 - a. Exterior colors shall be approved during the ARC permitting process. Earth-tone, natural colors, and/or neutral colors are strongly encouraged in order to achieve a blended look with the natural landscape. Highly contrasting colors are discouraged. Upgraded materials are strongly encouraged.

- b. Upgraded façade material(s) is/are required and approved through the ARC.
 - c. Exterior colors shall be selected on the basis of blending with the natural environs.
 - d. Elevated foundations, including monolithic and stem wall constructions, shall be blended into the primary architecture of the home and/or blended with proper landscaping.
3. Landscaping
- a. Philosophy.
 - i. Landscaping is a key element of quality design and should be specifically designed as to each Lot and the associated architectural style while blending in with the overall Community's theme.
 - ii. The use of manicured areas intermixed with natural areas is encouraged to create a mature, park-like setting. Additionally, a variety of landscape material should be used and properly layered to enrich the value of the Lot.
 - iii. Landscape species shall be selected from the existing palette found in the Community.
 - b. Open Space; Natural Space
 - i. Lots are required to preserve at least 25% of the total upland area in the natural state of the land with only minor alterations permitted.
 - 1. Lots with natural areas (i.e. wetlands, etc.) shall be required to exceed this minimum standard as outlined herein.
 - 2. Clusters of existing trees shall be maintained in a minimalist manner with a pine ground cover (or similar approved ground cover). Minor planting of approved plant material, including azaleas, and/or ground cover will be considered within these areas as a tasteful enhancement. Clearing of nuisance vegetation such as vine, weeds, etc. within these areas is allowed. Clearing of selective trees in order to enhance natural wooded clusters is permitted and shall be approved during the initial review period for the site plan on a tree-by-tree basis.

- ii. See Setback provisions and the Plat for specific criteria within wetland, front, rear, and side setbacks. Additional setbacks may apply.
 - c. The use of natural grasses, ground covers (pine straw, etc.) and shrubbery that is drought tolerant and Florida-native is encouraged in place of sod and/or non-native material that requires an irrigation system.
 - d. All landscape bedding shall be covered in order to achieve a finished appearance. Mulch, bark, etc. shall be a natural color.
 - e. Regular landscape and irrigation system maintenance is required, including weed and pest control and the proper cover in landscape beds and similar areas. All leaves, debris, etc. shall be properly bagged and removed from the site. Blowing leaves, debris, etc. onto a neighboring property, common property, etc. is prohibited.
 - f. Grading shall be creative and made to appear as natural topographic changes. In the event a tree(s) and/or vegetation is to be protected in proximity to a grading change, then mechanisms such as a tree protection retaining wall or similar structure may be required.
 - g. Objects, furniture, play structures, materials, lawn ornaments, etc. in any area are prohibited unless approved by the ARC.
4. Protected Viewsheds
- a. All homes, structures, etc. shall be sited to protect the views of other owners in all sight lines in all directions. Refer to the Plat for required wetland setbacks that also serve the purpose to protect viewsheds.
 - b. Landscaping and hardscape shall not obstruct views.
5. Repetitive Floor plans
- a. Elevations should not be repeated on side-by-side lots.
6. Roof
- a. Upgraded roofing is required and approved through the ARC. Depending on architectural style, multiple rooflines are required. A modern/contemporary or prairie-style home is permitted to utilize a flat and/or low sloping roof.
7. Windows
- a. All window colors and treatments shall be approved by the ARC. The proposed window treatment(s) should blend into the house and not

create an eyesore or draw unnecessary attention in a negative manner. Energy efficient and impact resistant windows are encouraged.

8. Driveways

- a. Utilize the pre-approved and designed location for each Lot or seek a variance from the ARC. The Owner will be required to pay all costs associated with the relocation of a driveway. Please refer to the civil engineering construction plans on file with the ARC.
- b. The location of the driveway should utilize the natural beauty of each lot, including incorporating the location of trees, as well as the approved engineering and drainage plans.
- c. The driveway layout shall be interesting and curvilinear. Straight driveways are discouraged unless utilized to minimize clearing limits, minimize the visual impact of the driveway, etc. Single entry/exit driveways are strongly encouraged to minimize clearing and maximize green space. Double entry/exit and/or circular driveways will be considered on lots that are not heavily wooded.
- d. Unique driveway treatment is required and shall be approved as part of the initial house review.
 - i. Style of concrete to blend in with the natural landscape such as pitted concrete, mixed stone, etc.
 - ii. Stone
 - iii. Pavers/Brick
 - iv. Crushed Granite or Shell
 - v. Curbing may be utilized where appropriate to create a clear delineation
- e. The Owner is responsible for ensuring a proper transition between the curb, as applicable, and the driveway. Any damaged curb shall be replaced to a condition equal and matching to a newly installed curb and the associated finish treatment.
- f. In the instance whereby a driveway crosses over a drainage swale, a culvert will be required that matches the POA's approved architectural design to ensure consistency with other properties.
- g. The driveway and any point of access (pedestrian, vehicular, etc.) that provides a transition between the Owner's lot and any other property

shall be per the approved site plan and only to and from the internal private street. For example, an Owner may not create any additional access point to enter or leave the Subdivision through a neighboring property or development, etc. This provision applies regardless of if the Owner's lot is walled, fenced, landscaped, none of the above, etc.

9. Mailboxes

- a. Mail will be provided by a central kiosk station (also known as a Cluster Box Unit or "CBU"). No individual mailboxes or other mailboxes are permitted within the Subdivision.

10. Foundation Walls

- a. Any wall that attaches to a residence, such as a stem wall or retaining wall, should utilize the same materials with which the wall comes in contact in order to achieve a seamless blending of elements.

11. Fencing, Screening, Buffering, & Walls

a. Philosophy

- i. Fencing is generally discouraged and must be approved by the ARC. Fencing will be considered in cases whereby view lines are unobstructed for any and all owners within the subdivision and the fence blends into the natural environment. This section also applies to walls, buffering elements, and other similar screening, whether the screen is natural or manmade.
- ii. Landscape buffering and fencing is permitted near the home and in the front yard. However, landscape buffering shall not obstruct key view lines for any other owner.
- b. Side fencing. The ARC will consider on a case-by-case basis. Lots 1 and 10 shall be required to utilize a fencing product to match the POA's common area fencing.
- c. Rear fencing will be considered on a case-by-case basis. Any proposed fence shall be approved through the ARC. Fencing should not detract from the landscaping or Community's appearance and overall theme. Rear walls are permitted and shall be approved through the ARC.
- d. No blocking the full view of any other property owner with either manmade or natural barriers or landscaping.

- e. Screening/Fencing (whether by landscape or hardscape) to block mechanical areas, utilities, etc. is considered important to ensure the aesthetic value of each property. Screening should be consistent and harmonious with the overall site. Any mechanical area should be screened for both visual and noise nuisances. The ARC shall have the right to review the noise level of any exterior equipment following installation.
 - f. Wetland Buffer. Refer to Plat for location and applicability. No improvements and/or formal landscaping and/or sodding, other than bahia sod, shall occur within the wetland buffer. Cleaning shall be permitted to control the spread of nuisance vegetation and provide a pleasing view. It is the design intent to continue to keep the wetland buffer in what is considered an enhanced, natural state.
12. Tree Protection & Maintenance
- a. Philosophy. The goal of the Community is environmental protection, conservation and to feature a high density of selected trees and tree clusters and to maintain an overall naturalistic setting. This philosophy will be balanced with the best use of private property and aesthetics.
 - b. Before any initial construction or subsequent alteration, etc. can begin, a comprehensive tree barricade and erosion control plan shall be implemented on the Lot and must be maintained at all times during the duration of the construction. There shall be no use (either horizontally or vertically) of the area inside the boundary of the tree barricade for any reason, including ingress/egress, parking, material storage, utility placement or access corridor, cleaning, etc. The POA has the right to immediately repair and back-charge the Owner for any violation and/or damage.
 - c. Best practices shall be implemented to preserve trees including, arborist consultation, root pruning, fertilization, staying clear of the outside canopy drip line, etc.
 - d. Should a protected tree be damaged or killed, the applicable financial penalty shall apply against the Compliance Deposit and additional expenses as necessary.
13. Garage

- a. The garage opening shall be screened from view and not face the street. The garage shall not negatively impact any roadway viewshed. The minimum sized garage shall be able to accommodate at least three (3) standard sized vehicles.
 - b. The ARC can modify any garage standard to allow for specific lot and setback criteria.
- 14. Parking
 - a. Each residence must be able to accommodate at least two (2) visitor parking places within the privately owned driveway.
- 15. Zoning & Code Compliance. Each Owner is required to independently verify applicable municipality and regulating requirements, including zoning, setbacks, and adhere to same. Approval by the ARC shall not be construed to be the granting of a variance of government rule or ordinance.
- 16. Building Height
 - a. The more restrictive criteria of the County zoning code criteria or 50' shall be permitted as a maximum height.
- 17. Set Backs
 - a. All structures, including ancillary, shall follow the primary residence setback criteria for Hillsborough County's ASC-1 zoning, including 15' side yards and 50' front and rear yards. Additionally, structures on adjacent lots should be 100' apart to achieve an estate look whereby plenty of land exists between structures.
 - b. Please also refer to the Plat, civil engineering plans, municipal requirements, etc. for other setback requirements, including rear lot stormwater systems, fire protection and separation requirements, well and septic system setbacks and separations, wetland buffers, and easements, etc.
 - c. Natural land, including areas with trees, should be left to remain in setbacks to the greatest extent feasible. This criterion will ensure a private feeling for each Owner's lot as well as create a grand estate image for each home. For example, only minimal front yard clearing to provide for a driveway is approved on heavily treed lots.
 - d. Increased setbacks may be required in order to account for proper massing.
- 18. Easements

- a. The installation of trees or shrubs and the building of walls, fences, or other construction that would interfere with access or maintenance may not occur within any easement.
19. Engineering Considerations
- a. Any item required for property engineering shall be architecturally pleasing and blend into the natural landscape to the greatest extent possible. For example, any piping, drainage culvert, etc. shall be consistent with the Community standard as determined by the ARC.
 - b. Site drainage shall be detailed on the grading plan. The residence shall connect into any applicable drainage system, including a closed pipe network, per the civil engineering plans.
 - c. The Owner is responsible to ensure Subdivision infrastructure is not altered, damaged, destroyed, etc. before, during and after the construction process. Any issue should be immediately reported to the ARC within one (1) hour or less from the occurrence. Among potential Subdivision infrastructure is: a pressurized water line; sanitary sewer system, power lines; live data cables; a irrigation system; gas tanks and lines; curb; road surfaces including concrete, asphalt, pavers, etc.; landscaping; drainage structures and piping; drainage swales/grading elements; structural gates and walls, etc.
20. Ancillary Structures
- a. Ancillary structures are any structure, whether covered or not, that are not the primary residence, including a pool, detached suite or detached garage. Any ancillary structure requires ARC approval and shall maintain the overall quality of the primary structure on the lot.
 - b. Storage sheds shall not be permitted.
 - c. All criteria of a primary residence, including setbacks and materials, shall apply.
21. Pools and Tubs
- a. Shall be in-ground and screened from the neighbors. Must be permanently fixed to the ground and not movable.
22. Screened Enclosure
- a. The ARC will review the design for the screening of any outdoor area, including a pool. The screened enclosure must be architecturally

related to the residence. This screening shall not be permitted to block another Owner's sight lines.

- b. The Owner is responsible to ensure all applicable ordinances are met for securing a pool area.

23. Tree Removal

- a. Tree removal, maintenance, limb or root pruning, etc. shall be approved as part of the initial ARC house construction approval and performed by a certified arborist. Tree removal may be denied if not in accordance with the vision of the Community.
- b. Tree removal following home construction shall be approved through the ARC. The ARC may charge a fee for tree removal approval.
- c. Any tree removed without prior approval is subject to a fine ranging in value based on the tree's replacement cost. The minimum fine shall be based on the market rate to mitigate for the tree's replacement. The minimum fine shall be \$1,000 per incident.

24. Emergency Tree Removal

- a. The ARC shall approve any non-emergency tree removal. A certified arborist shall perform all tree maintenance or removal. Emergency tree trimming, removal, etc. is permitted in times of legitimate emergency, such as a hurricane.

25. Conservation Area Protection

- a. Wetlands, either manmade or naturally occurring, shall not be touched, altered, harmed, damaged, etc. as part of the construction process or at any other time. Fishing, dumping, traveling across or any other disruption to a waterbody/natural area is prohibited during construction.

26. Signage

- a. All signage (both POA, private, etc.) including numbering, lettering, etc. should be consistent with original design specifications and must be approved through the ARC. Generic signage is strongly discouraged.
- b. No advertising, including For-Sale, For-Rent, etc., or any other signage is permitted on private lots, common areas, etc.
- c. Any proposed Builder, contractor, subcontractor, etc. sign shall be approved through the ARC before placement of any part of the sign.

Sign colors, design, etc. shall be consistent with the Developer's overall signage theme.

- d. The Developer is exempt from the Signage provisions of the Design Guidelines. The Developer may also assign, in writing, this exemption to any party so desired.

27. Solar Energy

- a. Solar systems must be aesthetically integrated into the design forms when exposed to view. Panels and equipment should be hidden and blended to the greatest extent feasible and should have the same pitch as the roof.

28. Gas

- a. Each Owner is permitted to install a buried gas tank. The location of the tank shall be approved by the ARC. The ground disturbance shall be minimized in order to install and maintain the tank. The POA is permitted to cause the remediation and/or removal of any gas tank that could pose a danger.

29. Wetlands & Bodies of Water

- a. Docks, Boardwalks, Gazebos, Observation Areas and the like
 - i. Must obtain POA and ARC approval. Boardwalks may either be at-grade or elevated. In the event a boardwalk connects to a wetland and/or POA-owned property, the necessary dock and POA approvals are required in addition to any jurisdictional approvals.
 - ii. Should the structure be allowed, the Owner is required to obtain all necessary permits. Any permitted dock shall match the style and quality of the house located on the same lot and shall blend into the natural environment.

30. Play, Exercise, etc. Structures

- a. Any play, exercise, etc. structure shall be temporary in nature and removed by dark on the day of use.
- b. Any permanently placed play, exercise, etc. structure shall be approved through the ARC. Materials and colors shall blend into the natural environment. The structure shall be screened by dense landscaping. The structure shall be set back at least 1' from the lot's existing setbacks for each foot of height as measured from the highest

element of the structure. The structure must not be visible from any adjacent lot.

31. Landscaping Installation Criteria

- a. As part of the initial Lot/House Approval, a minimum landscaping budget, calculated based on the builder's cost and excluding irrigation, sod, installation preparation, and tree maintenance of \$12,500.00 shall be required. The ARC will review each home's landscaping plan on an individual basis and may require modifications that result in a higher cost. The ARC reserves its right to inspect the landscape cost application as part of the ARC approval process. The minimum landscaping budget shall go up 3% per annum from January 1, 2019 to maintain the present value of the criteria.

32. Vacant Lots

- a. The Owner shall maintain a vacant lot in pristine condition, including the regular bi-monthly (i.e. two times per month) mowing of grass, pruning of trees, removal of debris, removal of dead trees and other dead material, removal of weeds and invasive species, etc.

33. Street Trees

- a. The Owner shall provide street trees and associated irrigation, as applicable, at the time of initial construction. Street trees do *not* count towards the minimum landscaping budget.
- b. Street trees should be placed as close to the curb as permitted.
- c. Street trees shall be properly and professionally maintained at the Owner's expense and provide for a minimum 10' clearance from the existing ground.
- d. The Owner is responsible to replace any damaged, unhealthy, unsightly, etc. Street Tree, other tree and/or vegetation on their lot.

34. Right-Of-Way

- a. The Owner abutting the right-of-way is responsible for landscaping from their front property line to the curb. The landscaping shall be consistent with the POA's landscaping plan. The goal of this policy is to create a look whereby the road appears to be built into the native landscaping of the site.
- b. The Owner abutting the right-of-way is responsible for the maintenance of the POA's non-paved portion of the right-of-way,

including the upkeep and mowing of the grass, landscaping, and street tree(s) to ensure a high quality appearance.

35. Outdoor Misting Systems

- a. The installation and operation of outdoor misting systems, including mosquito sprays, must be in compliance with state and local law. Pursuant to Florida Statutes Section 487.031(13), it is unlawful for any person to apply pesticide directly to, or in any manner cause pesticide to drift onto, any person or area not intended to receive the pesticide; thus, the placement and operation of such systems must not result in the migration of pesticide onto neighboring properties.

36. Utilities

- a. The visibility of all utilities, including a septic system and drainfield, shall be minimized to the greatest extent practical. This provision includes utilities located anywhere within the Community, including both common and private property.
- b. An Owner, Builder, etc. shall be required to only use and pay for their own metered utilities, including for both temporary and permanent power services, water, sewer, data, etc.
- c. The installation of any utility shall not negatively impact a preserved area that is off-limits for construction.

Section 5 – Builder & Contractor Standards

1. Builder & Contractor Approval

- a. Any Builder must be pre-approved by the Developer by submitting the ARC Builder Application. See terms for deposit, liability, etc. The Owner is responsible for any acts, omissions, damages, liability, negligence, etc. of their Builder and/or any other party associated with the Owner's Lot.
- b. Any contractor used for alterations following the initial Certificate of Occupancy for the home must be pre-approved by the ARC, agree to abide by all rules of the POA, and maintain satisfactory evidence of valid insurance on file.

2. Construction Rules and Standards

- a. All vendors shall read, acknowledge, abide by, and sign the ARC's Construction Rules and Regulations prior to entering the Property to begin any work. This is the responsibility of the Owner and prime contractor.
- b. It is the Owner's responsibility to ensure any hired party maintains the property insurance coverage. Should a hired party not meet this requirement, then the Owner is solely responsible for the hired party's actions, negligence, etc. The Owner and Builder agree to hold the Developer, ARC and related parties harmless.
- c. Approved work hours are published in the "Gate Access Rules and Application" document.
- d. All work and associated activities shall only occur within the approved work limits area. Parking shall be approved as part of the ARC review process. Access shall be through the designated construction entry. The gate access code shall not be provided. Not permitted to block ingress/egress. Not permitted to park in any area that is not wholly on private property and owned by the Owner associated with the construction work. No parking on any common area, curb, landscaping, easement, utility, protected area, etc. Daily cleaning of the homesite/construction area, road, trash, etc. shall be required to maintain a high-quality appearance. Should the POA have to perform any cleaning, maintenance, etc. duties then the Owner will be charged costs plus applicable administrative mark-up.
- e. All work shall be performed in a professional manner. The use of vulgarity, playing of loud music, etc. is strictly prohibited.
- f. Damage to any property is the reporting and financial responsibility of the Owner. As applicable, the Builder shall also be responsible. Any damage or maintenance burden will be deducted from the applicable Security and/or Compliance Deposit as outlined in the Declaration and/or the Design Guidelines. Damage includes degradation to common property or any item that results in a loss, whether quantifiable or not, to the Association or any other Owner. Examples of property damage or a maintenance burden include, but are not limited to: road, curb, cleanliness, tracking dirt into the street,

spills, drainage, utilities, landscaping, lighting, motorized mechanisms, entry features, etc.

- g. The ARC reserves its right, in its sole and absolute discretion, to ban any vendor from the Property due to a violation of any rule or standard.
- h. All issues shall be resolved within 24 hours or less, regardless of the day of the week.

Section 6 – General Provisions

1. Home and Land Alteration Process

- a. For any lot and/or home that is approved and wishes to deviate from the approved plans on file, the owner shall obtain a new approval from the ARC. Deviations include, but are not limited to, the following:
 - i. Repainting
 - ii. Replacing doors, windows, etc.
 - iii. Any exterior change not approved as part of the original approval during the initial construction, including any alteration that may not be exterior, but is visible from the common property or street.
 - iv. Landscaping changes
 - v. Any other alteration as determined by the ARC.

- 2. The ultimate responsibility for compliance with the Design Guidelines falls on the Owner in order to ensure clear accountability.
- 3. Binding Decisions by the ARC. All ARC decisions and opinions are binding. Should an Owner wish to appeal an ARC decision, the matter shall be submitted, in writing and within forty-five (45) days of said ARC decision, to the ARC and include all pertinent data as well as the requested relief that the Owner seeks. The ARC will then meet with the Owner within sixty (60) days. The ARC will issue a final ruling within thirty (30) days following the meeting with the Owner and the determination of a complete file.
- 4. The ARC may issue rules, standards, etc. and may require submittals on standardized forms.
- 5. The most restrictive provision(s) of the Design Guidelines shall guide decision making. Any provision deemed not to apply shall not impact the validity of any other provision(s).

6. The LOPOA Board may revise the Design Guidelines as needed in its sole discretion at any time, with major changes governed by voting majority in accordance with governing documents.

Applications for the ARC to review should be delivered, with a signed confirmation receipt, to:

**Liberty Oaks Property Owners' Association, Inc.
Attention: Architectural Review Committee
17716 Royal Eagle Lane
Lutz, Florida 33549**