

Berkshire Lakes Master Association, Inc.

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RULES AND REGULATIONS

Approved by the BLMA Board of Directors on June 16, 2021

Effective July 1, 2021

The Berkshire Lakes Master Association (sometimes referred to herein as “BLMA” or the “Association”) Board of Directors strives to maintain the pristine nature of our community and to ensure compliance with the BLMA Articles, Declaration of Covenants, and Bylaws (the “BLMA Governing Documents”) which all members agreed to comply with when they purchased their property in Berkshire Lakes.

This document contains a selection of the Rules and Regulations which are contained within the Governing Documents of the Berkshire Lakes Master Association, and is not intended to be an entire listing of all of the pertinent matters set forth in the Governing Documents. They are items selected from the documents which most frequently invoke unwitting violations. They are provided in this advisory form to assist and alert you in order to avoid a violation. Also provided in this document are rules approved by the Board of Directors, designed to support and maintain the desired ambiance and value of our individual and Association’s properties. The titles, captions and table of contents in this document are for reference purposes only, and shall not in any way define, limit, extend or describe the scope of this document or otherwise affect the meaning or interpretation of the provisions of this document.

All BLMA members (also referred to herein as “property owners” or “owners”) should acquaint themselves with the Association’s Governing Documents, and specifically Article 8 in the Berkshire Lakes Declaration of Covenants which spells out the Restrictions. The Berkshire Lakes Master Association strictly enforces the provisions of the Governing Documents and these Rules and Regulations.

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1. Membership

When you buy a home within Berkshire Lakes you become a member of the Association and contractually agree to abide by the rules.

2. Architectural Review Board (ARB)

- When you want to make changes to your landscape, house paint color, install a new roof, windows, or other changes to your property you need to get permission from the ARB. Alteration request forms are available at the Master Association office or can be downloaded from the Berkshire Lakes Website: <https://www.berkshirelakes.org>.
- There are two (2) Alteration Request forms, Landscape and Property,
- The ARB meets twice monthly, on the 2nd and 4th Wednesdays.
- The alteration request form specifies the required additional documentation required for submission.
- Alteration request forms must be received at the BLMA office the Monday AM prior to the 2nd and 4th Wednesday.
- Failure to obtain ARB written prior approval can result in having the alteration removed and a fine.

Certain activities do not require prior approval from the ARB. The list of those activities is contained in the ARB Standards, which may be amended from time to time. Currently the list is as follows:

- Repainting house with same existing color scheme.
- Repainting of mailbox (black only).
- Replacement of lamppost lighting fixture with approved fixture
- Repair or replacement of driveway that maintains original dimensions and materials
- Replacing windows or doors with same appearance
- Replacing garage doors with same appearance
- Refinishing pool
- Replacing pool/lanai deck of same size
- Replacing sod
- Removing dead or diseased trees

3. Roofing (ARB Specifications)

- Clay, cement tile, wood shingles or shakes and approved grade “timberline” shingles are the acceptable roof materials. Metal roofs (26 gauge minimum) will be considered within the standards (shingle or tile appearance) set forth by the ARB.
- All single family homes located in unit 1, Berkshire Lakes, commonly known as Brentwood (which includes the following streets, Henley Drive, Paddington Ct, Brighton Ct, Wentworth Ct., Wimbledon Ln and 226,242,290, 306, 322 and 386 Belville Blvd.) must use cement tile, metal (26 gauge minimum, with a barrel or clay tile appearance) or No. 1 grade H/S, R/S wood shake / shingles.

4. Quiet Enjoyment

Collier County Noise Ordinance Article IV specifies the permissible levels of noise during particular hours of the day. BLMA has adopted the applicable levels set forth in the Ordinance. Any noise level violations, or other activity on the part of BLMA property owners, their guests, or renters which may unreasonably interfere with the quiet use and enjoyment of neighboring properties is prohibited. Violators can be fined \$100 per occurrence by BLMA, and also may be fined by the County for violation of County Ordinances.

5. Parking

Article 8.2 sets forth in full the restrictions pertaining to the parking of different types of vehicles. To acquaint you with the general policy and to alert you to the more common vehicular compliance issues, we provide here a general summary of the major areas of these policies.

The only vehicles allowed to be kept or parked on a residential driveway or condominium assigned parking area and on no other part of the property, except when completely enclosed within a residential garage, are the following:

- Private passenger automobiles and marked Municipal, County, or State Police, Wildlife and Fisheries, and Fire Department vehicles.
- Private passenger vehicles commonly known as sports utility vehicles (“SUVs”).
- Private passenger vans solely for passenger transportation, having windows completely surrounding the passenger compartment and having factory installed seats.
- All such vehicles must have a current and valid registration. Unregistered vehicles must be kept in a garage.

No vehicle designed for commercial purposes or bearing exterior advertising, lettering, or other signs shall park on a residential driveway, except for contractors’ vehicles while actively doing repairs or maintenance to a residential unit.

No vehicle of any type, including boats, campers, and trailers, can be parked on a non solid surface, i.e. grass or sand lot.

No vehicle of any type shall be parked on any public street right-of-way between the hours of midnight and 7:00 AM.

6. Trash

- Trash containers, recycle bins, lawn trimmings and trash stored for pick-up shall comply with the applicable Collier County Ordinance(s), as may be amended. Containers must be set out after 6:00 P.M. the day before pick-up and removed the same day of pick-up.
- Trash containers, recycle bins and yard waste containers when not placed for collection shall be screened from view from the road and neighbor.

7. Pets

Cats, dogs and other common household pets may be kept as companion animals.

- No breeding or raising animals for commercial use is allowed.
- Pets must be leashed when outside the owner's property.
- Pets must be under the owner's control at all times.
- Owners are responsible for removal of pet waste from public or private property.

8. Driveways

Driveways and off street parking must be paved with concrete or decorative pavers, and must be kept in good condition, free from mold, stains, dirt and debris. No macadam or stone is allowed.

9. Garage Doors

Operable garage doors must be provided for all garages, and equipped with operable remote control electric openers. Garage doors shall be kept closed at all times, except when vehicles are entering or exiting the garage or when outdoor activities necessitate convenient garage access. Garage doors may be left open if equipped with electronically/manually operated overhead garage door screens designed to increase air circulation while shielding the garage interior from public view. The installation of such screens requires prior approval from the Architectural Review Board.

10. Water Property Rights

- No docks, bulkheads, moorings, pilings or boat shelters of any kind shall be erected on or over any lakes.
- No boats shall be used upon any portion of the property that is designed for water retention.
- As our lakes are essentially retention ponds, swimming is prohibited. All fishing shall be "catch and release" only.
- Owners of detached residential units located on a lake lot, and their guests, current renters, and guests of their current renters, can fish from such lake lot. Owners of detached residential units not located on a lake lot, and owners of all other types of residential units, and their guests, current renters, and guests of their current renters, can fish only from the BLMA fishing pier and/or selected common properties. All BLMA members can fish from the Master Association's fishing pier, and/or selected common properties. Guests wishing to fish must be accompanied by a BLMA member or the BLMA member's current renter.

11. Restrictions on Use of Residential Units

- To be used exclusively as a residential unit.
- No more than two (2) unrelated individuals may use a residential unit as a residence.

- The number of occupants shall not exceed the maximum number allowed by the applicable Collier County Ordinance(s), as may be amended.

12. Maintenance of Property

- All areas within a residential unit or multi-family property, not covered by structures, walkways or paved parking facilities shall be maintained as lawn or a landscaped area to the abutting street or lake.
- Lawns shall be irrigated with an underground irrigation system, cut to a height of four inches (4”), and replaced as necessary.
- Where properties are found not to be maintained in good condition, the owner shall receive written notice of violation requesting correction within a specified period of time. Failure to correct the violation after the notification can result in a fine.
- Not in good condition includes, but is not limited to, roofs dirty or needing replacement, dirty driveways, poor or no landscape maintenance, house needs cleaning or painting, debris in the yard.
- The removal of trees (except for dead trees), major changes to landscape, structural modifications to the residence and the changing of house colors must have the approval of the ARB. See Section 2 above for more information about ARB approval requirements.

13. Antennas and Satellite Dishes

The installation of Antennas, Satellite Dishes, and other such devices requires prior approval by the Architectural Review Board.

14. Signage

No sign of any type shall be allowed on any part of any residential unit, except as follows:

- One (1) “FOR SALE” sign on a residential unit. The sign may state “For Sale By Owner” and set forth the contact information, or it may contain a realtor’s name, logo, and contact information.
- One (1) sign on a residential unit which identifies the name of the company providing security monitoring for the unit.
- One (1) “Garage Sale” sign on a residential unit.
- Signs relating to construction activities are permitted on the residential unit and must be removed on or before the seventh (7th) day following the completion of the construction or final inspection by the Collier County Building Department, whichever is sooner.

- No sign shall exceed two (2) square feet in area. All signs shall be placed in the front yard of the residential unit. No sign is allowed in connection with activity for which a permit must be obtained from the County unless the required permit has been issued.

15. Use of Lake and Drainage Ditch Water

The use of water for any purpose from a lake or drainage ditch by owners, their guests, and renters, is prohibited.

16. Mailbox Post and Fixture

To ensure uniformity within the community, the Association Mailbox post and post light fixtures are available at cost from the Master Association office. All mailboxes must be United States Postal Service approved mailboxes.

- Unit 1, also known as “Brentwood” is the only area that does not require a post light fixture. Unit 1 includes the following streets: Henley Drive, Paddington Ct, Brighton Ct, Wentworth Ct., Wimbledon Ln and 226,242,290, 306, 322 and 386 Belville Blvd (The source of this street designation is the Unit 1 Plot Plan).
- All mailboxes and posts shall be painted black, with a red carrier flag. Any plantings around the mailbox must be kept trimmed to a level below the bottom of the mailbox.
- Postal regulations require the house number must be represented in numbers that are at least one inch tall and must be positioned on the front, or flag side, of the mailbox.

17. Flags and Flagpoles

BLMA follows the provisions of Florida Statutes section 720.304, to which all HOAs are subject. Those regulations follow.

- Any home owner can erect one flagpole with a maximum height of 20 feet.
- The flagpole cannot obstruct sightlines and cannot be erected within the easement.
- Can fly one US or Florida state flag, no larger than 4 X 6 feet.
- Can fly, equal in size or smaller, beneath the US or Florida state flag, one flag representing one of the US Military services or the POW flag.

18. Leasing of Single Family Home

The Berkshire Lakes Master Association’s authority for lease approval is listed in its governing documents, Covenants, Article XI, section 11. Prior approval must be obtained from the Association for all leases and lease renewals of single family homes. For all other residential units in Berkshire Lakes, please consult the rules of the neighborhood association that govern leasing of those units.

The lessee (also referred to in this document as a “tenant” or “renter”) must be a natural person, not a trust, partnership, or any type of business entity.

- The lease period must be for a minimum of thirty (30) consecutive days, except for the month of February if the lease period is for the entire month, with no more than a total of three (3) such lease periods per calendar year, or one twelve (12) month lease period. The renewal of a lease must be done prior to the expiration of the current lease, and is dependent on the tenant's observance and adherence to the BLMA Governing Documents. If approved, the lease application fee is waived for lease renewals. A lease renewal is considered to be a separate lease period.
- The property owner / rental agent must submit the completed forms ("Notice of Rental Occupancy") to the BLMA office 20 days prior to commencement or renewal of the lease.
- There is a lease application fee and a background check fee per person. These fees are not refundable in the event the lease application or lease renewal is disapproved.
- Any unresolved infractions, unpaid fines or assessments, or any one of the items listed in the BLMA covenants Article XI section 11.1 constitutes adequate grounds for disapproval of the lease application.
- The property owner is responsible to pay all fees associated with the background check in addition to the rental application fee.
- The entire residential unit must be leased. Leasing of only a portion of a residential unit or of any appurtenances thereto, including but not limited to rights to use the common areas, garages, driveways, yards, and parking spaces, is prohibited.
- The annual assessment is to be paid by the property owner.
- Once the requested information has been provided, the Board of Directors has Ten (10) days in which to approve or disapprove the proposed lease. If the Board fails to approve or disapprove the proposed lease within the established time period it will be regarded as an approval and a letter of approval will be sent to the property owner.

19. PODS and Dumpsters

Residents moving often use PODS to ship furniture / personal belongings. The maximum time allowed for this activity is (7) seven days. Interior home modifications often require the removal and temporary storage of furniture. With limited garage space and the need, if applicable, to garage the owner's truck / vehicle, the POD is the immediate solution. For accumulation of debris from any repair activity or major landscape activity the use of the dumpster is appropriate. The dumpster and POD must be removed once debris accumulation is completed.

Conditions governing the use of a POD or Dumpster (hereafter called the "equipment")

- BLMA must first be advised in writing of the reason for the proposed use of a POD or dumpster, and the start and end dates of such use.
- The equipment must be located on the driveway

- The equipment and or vehicles cannot be parked on a non-solid surface (grass) and vehicles cannot be parked in the street overnight.
- If the need for the equipment is necessary past the stated end date the office must be notified.
- The BLMA office will issue a Berkshire Lakes permit which needs to be affixed to the equipment.

20. Master Association Clubhouse:

The clubhouse is located at 495 Belville Boulevard. The use of the clubhouse may be restricted by the BLMA Board of Directors, as it deems appropriate.

- Houses the Master Association’s office, which is open from 9:00 AM to 2:00 PM Monday through Friday. Telephone (239) 353-7633, Facsimile (239) 353-3770.
- Meeting place for the Master Association’s monthly board meetings, the multi-family association’s board meetings and town hall meetings.
- Used daily by the various clubs and organizations
 - All clubs must be registered with and approved by the Master Association Board. Contact the Master Association office for criteria and use policy details.
- Voting precinct (#431) for Berkshire Lakes’ residents.
- Available to residents for private parties, contact the Master Association office for rental details, available facilities and dates.
- Lending library facility for residents’ use.

21. Master Association Swimming Pool and Tennis Courts:

The Berkshire Lakes Master Association clubhouse facilities include a swimming pool and tennis courts. The use of the clubhouse, swimming pool and tennis courts may be restricted by the BLMA Board of Directors, as it deems appropriate. Use of these facilities is restricted to members, and their guests and renters who are registered at the Master Association office. Under no circumstances may a BLMA member provide access or allow the use of these facilities by someone who is not a BLMA member, except for the member’s current guest(s), or current renter(s) of the members’ residential unit. All guests must be accompanied by a member or the member’s current renter. Children under the age of 16 must be accompanied by an adult. Owners are responsible to provide their respective renters with the key for pool and tennis court access. All rules must be strictly observed.

The use of the pool is also subject to the following:

- Pool access requires a key which is available from the Master Association’s office, for a refundable \$10 deposit.

- BLMA reserves the right to request identification of pool users at any time.
- There is no Life Guard assigned to the pool; individuals using the pool do so at their own risk.
- Pool hours are 8:00 AM to dusk as per Collier County ordinance.
- Infants and toddlers not potty-trained must wear clean swim diapers.

The use of the tennis courts is also subject to the following:

- Court access requires a key which is available from the Master Association's office, for a refundable \$10 deposit.
- Tennis shoes must be worn while on the courts.
- Proper attire will be strictly enforced. Tank tops, tee shirts, running shorts, and bathing suits are prohibited.
- Nets must be in the raised position before play can begin.
- Courts are not to be used for any purpose other than tennis.
- Everyone is to observe tennis etiquette. Profanity, loud noises, and any misconduct will not be tolerated. No one is to cross a court, distract, or interfere while play is in progress.
- Courts are available on a first come, first serve basis. BLMA may block out times reserved for league or special play.
- BLMA reserves the right to request identification of court users at any time.
- Court hours are 8:00 AM to dusk as per Collier County ordinance.

22. Work Hours for Maintenance and Repairs

Monday through Saturday 7:00 a.m. to 7:00 p.m.

All repair and maintenance work by contractors and homeowners is permitted.

Sundays and Holidays

Except for emergency repairs to restore the functionality of utilities and mechanical systems, or for temporary repairs that may be required to mitigate safety issues or secure a residence from intrusion after damage to the residence, repairs and maintenance work on Sundays and Holidays is permitted only as follows:

1. No repairs or maintenance work of any kind may be performed by contractors on Sundays and the following Holidays: New Years Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day.
2. Except between the hours of 9:00 A.M. to Noon, no outdoor repairs or maintenance work of any kind may be performed by contractors on the following Holidays: Birthday of Martin Luther King, Jr., Washington's Birthday (President's Day), Labor Day, Columbus Day, and Veteran's Day. However, indoor work that may be done without resulting in noise that can be heard outside the residence where the work is being performed is permitted on these Holidays, from 9:00 A.M. to 5:00 P.M.

3. Repairs and maintenance by homeowners doing their own work on their own properties is permitted between the hours of 7:00 A.M. and 7:00 P.M. on Sundays and Holidays. However, such work should be limited in scope and duration so as not to unreasonably interfere with their neighbors' use and enjoyment of their properties.

23. Outdoor Cooking; Fire Pits; Smokers

The use of commercially manufactured electric, LP gas, or charcoal outdoor portable barbeque appliances is permitted, subject to compliance with all applicable laws. These devices should be safely stored, and screened from view from the road and neighbor, when not in use. The use of a commercially manufactured electric or LP gas outdoor portable fire pit/heater is permitted, subject to compliance with all applicable laws. No "home-made" versions of such devices are permitted. No such devices shall be of a size, or used in a location or manner, that presents a danger to the owner or other persons, or unreasonably intrudes upon a neighbor's use and enjoyment of their property. No permanent outdoor barbeque grill, fire pit, or fireplace structures of any kind are permitted. No outdoor wood burning devices of any kind are permitted, including but not limited to wood-burning fireplaces, fire pits, barbeque grills, and food smoking devices.

24. Feeding Wildlife

The use of a single small bird feeder per residential unit is allowed, as long as it is properly managed so as not to draw other types of wildlife (such as rats, squirrels, feral cats, ducks, and other animals) to the bird feeder site. Such bird feeders must be placed in the back yard of the residential unit. No other type of wildlife feeding is allowed. All feeding of pets shall be done inside the residential unit; no food of any kind shall be left outside to feed pets, even if the area is fenced or screened in.

25. Fines Committee; Levy of Fines for Violations

The Board of Directors may determine that a fine should be levied against Owners and Members for non-compliance with the provisions of the BLMA Governing Documents or these Rules and Regulations by the Owners, Members, their Guests or Tenants, or other persons within their control, which is then reported to the Fines Committee. The Fines Committee conducts an independent review of, and hearing process in connection with, each matter reported by the Board of Directors. Based upon their independent review and evaluation of each such matter after following the procedures required by Florida law and the Governing Documents, the Fines Committee can only approve the recommended amount of the fine, or determine that no fine shall be levied. Members of the Board of Directors and their family members are prohibited from serving on the Fines Committee. Current members of the Compliance Committee are also prohibited from serving on the Fines Committee. Former members of the Compliance Committee may serve on the Fines Committee, but shall not vote or participate in any matter before the Fines Committee in which they were previously involved as a Compliance Committee member.

Appendix

Mail post installation specifications including placement of house numbers
Exact mailbox replacement.

