

BERKSHIRE LAKES
ARCHITECTURAL
REVIEW BOARD
STANDARDS

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**Changes to the ARB Standards may be submitted for
B.L.M.A. Board consideration and approval.**

(B.L.M.A. Covenants, Article 7, Page 12.)

**Berkshire Lakes
Architectural Review Board (ARB) Standards**

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Berkshire Lakes Master Association, Inc.
Architectural Review Board Standards

ARTICLE I: ARB Authorization

11. The architectural Review Board (ARB) is established under the direction of the Berkshire Lakes Master Association, Inc.
12. Article 7 of the Declaration of Covenants, Conditions, Restrictions and Easements outline the make-up, the scope and the responsibilities of the ARB.
13. This article provides in part that in connection with the ARB process, the ARB shall have the right to require the submission of a site plan, an elevation plan, a landscape plan, an irrigation plan and construction plans"
14. As part of the ARB Alteration Request application process, one (1) complete sets of plans and specifications prepared by an architect, landscape architect, engineer or other person found to be qualified by the ARB shall be submitted for approval by written application on such forms as may be provided or required by the ARB.
15. Complete plans must be submitted to the ARB before applying to the County for a permit.
16. Plans to be approved shall be complete and accurately depict the unit or units, being constructed. All changes involving design, color or materials must be resubmitted for approval before installation. All work shall comply with the approved documentation. *Note: Covenants Article 12.2 states that 40% of Members are required in order to amend covenants (656 of 1639). Covenant Article 7.1 states that the standards established by the ARB may be altered or amended from time to time as the ARB recommends, subject to BLMA Board approval.*
17. Where Collier County permits are required by the Growth Management Division, it shall be the owner's obligation to obtain all required permits.
- 1.8 **ARB Alteration Request Process**
 - Resident completes appropriate Alteration Request form
 - Form is accepted, checked for completeness including resident supplied projected start and completion dates.
 - Sequential project number is assigned and information is logged in the ARB Alteration Request tracking log.
 - At the next ARB meeting the request is evaluated and if there are no objections, the resident will receive an approval to implement the request
 - The resident will notify the office that the project has been completed.
 - The ARB will inspect the property checking to ensure the completed project complies with the initial request.
 - The result of the inspection the resident will receive a notice of approval or not approved

1.9 **Florida Friendly Landscaping**

Florida State statutes section 720 pertains to Homeowner Associations, (HOA) section 720.3075 specifically addresses Florida Friendly Landscaping (FFL). The intent is water conservation and water quality protection and restoration. Also stated is HOA’s governing documents may not prohibit or be enforced to prohibit any property owner from implementing FFL. It should be noted that our governing documents are current and do not prohibit FFL.

There are nine broad principles for FFL, (1) Right Plant, Right Place, (2) Water efficiently, (3) Fertilize appropriately, (4) Mulch, (5) Attract wildlife, (6) Manage yard pests responsibly. (7) Recycle yard waste, (8) Reduce storm water runoff, (9) Protect the waterfront. The explanations of these broad principals are provided in the Guide to FFL handbook, a copy of which can be borrowed from the BLMA office.

The FFL program is voluntary, not mandatory. Given the purpose of this voluntary program is based on water conservation and protection as an HOA we must consider the aesthetics and the positive and negative views of our community while meeting the stated objectives of the program.

The Architectural Review Board (ARB) was established to preserve the beauty, quality and value of the Berkshire Lakes Community. FFL practices must be implemented without disruption of the overall consistent appearance of the community or negatively impact property values. The ARB Board evaluated the current standards historically applied and changes that can be applied without disrupting the cohesive look of our deed restricted community; consequently the ARB standards section VI sections 6.5 through 6.11 have been added.

Article II: Single family Residential 90' and 70' lots

1.1. Permitted uses:

1.1.1. Single Family Dwelling

1.1.1.1. Building Setbacks: as measured from individual lot or parcel boundary lines.

1.1.1.1.1.	Lot size	70.0'	90.0'
1.1.1.1.2.	Minimum front yard	25.0'	30.0'
1.1.1.1.3.	Minimum side yard		
	One story	7.5'	7.5'
	Two Story	7.5'	10.0'
1.1.1.1.4.	Minimum Rear Yard		
	Principal Structure	20.0'	25.0'
	Accessory Structure	10.0'	15.0'

1.1.1.2 Maximum Building Height

- 1.1.1.2.1 30 feet, principal structure
- 1.1.1.2.2 20 feet, garage and pool enclosure
- 1.1.1.2.3 As measured from the finished floor to the highest point of the roof structure.

1.1.1.3. Accessory Structures

- 1.1.1.3.1. Private garages - with overhead doors - may be front or side entry design.
- 1.1.1.3.1.1. 2 car attached – minimum
- 1.1.1.3.1.2. 3 car attached – maximum
- 1.1.1.3.1.3. Remote electric automatic door opener on each door is required.
- 1.1.1.3.1.4 Carports and tool sheds are prohibited.

1.1.1.3.2. Private Swimming Pools –

- 1.1.1.3.2.1. May include an attached, or detached, separate spa
- 1.1.1.3.2.2. Pool Enclosure. To be substantially of a mansard roof design.
- 1.1.1.3.2.3. Color - bronze or white (no "raw" aluminum)
- 1.1.1.3.2.4. Swimming pools and spas are to be below ground or deck level.

1.1.1.3.4. Minimum Floor Area

- 1.1.1.3.4.1. Air conditioned floor area excludes garage, entry, lanai or porch area.
- 1.1.1.3.4.2. One story - 1800 square feet.
- 1.1.1.3.4.3. Two story - 2000 square feet.
- 1.1.1.3.4.4. All lots platted in Unit 7 Berkshire Lakes will be required to have a minimum floor area for a one story structure of 1500 square feet.

1.1.1.3.5. Front Elevations:

- 1.1.1.3.5.1 Consideration by the contractor should be given to avoid construction of similar elevations close to each other. Any proposed building should be in harmony with the architecture of buildings on neighboring properties.
- 1.1.1.3.5.2. Screen enclosures shall not break the side plane of the residence. Where practical, natural materials, rather than synthetic will be used for exterior finish. Wing wall additions to the structure shall not be higher than 5 feet above floor slab.

ARTICLE III: Single Family Residential — 55' Lot

- 1.2 With Collier County site plan approval, Villas, cluster and group housing, townhouses, patio homes and zero lot line homes.

1.3. Building Setbacks: as measured from individual lot or parcel boundary lines.

- 1.3.1. Lot size - 55'
- 1.3.1.1. Minimum Front Yard 20'
- 1.3.1.2. Minimum Side Yard - One Story 5' Two Story 5'
- 1.3.1.3. Minimum Rear Yard -Principal Structure 20' Accessory Structure 5'

1.4. Maximum Building Height:

- 1.4.1. 30 feet, principal structure
- 1.4.2. 20 feet, garage & pool enclosure
- 1.4.3. As measured from the finished floor to the highest point of roof structure.

1.5. Accessory Structures:

- 1.5.1. Private garages - with overhead floors - may be front or side entry design.
- 1.5.1.1. 1 car attached — minimum
- 1.5.1.2. 2 car attached — maximum
- 1.5.1.3. Remote electric automatic door is required for each door.

1.6. Private Swimming Pools

- 1.6.1. May include an attached, or detached, separate spa
- 1.6.1.1. Pool enclosure. To be substantially of a mansard roof design
- 1.6.1.1.1. Color - bronze or white (no "raw" aluminum)
- 1.6.1.1.2. Swimming pools and spas are to be below ground or deck level.
- 1.7. Carports and tool sheds are prohibited.

1.8 Minimum Floor Area: Air-conditioned floor area excludes garage, entry, and lanai or porch area

- 1.8.1.1. One story 1200 square feet
- 1.8.1.2. Two story 1400 square feet.

1.9. Front Elevations-

- 1.9.1. Consideration by the contractor should be given to avoid construction of similar elevations close to each other.
- 1.9.2. Any proposed building should be in harmony with the architecture of buildings on the neighboring properties.
- 1.9.3. Screen enclosures shall not break the side plane of the residence.
- 1.9.4. Where practical, natural materials, rather than synthetic will be used for exterior finish.
- 1.9.5. Wing wall additions to the structure shall not be higher than 5 feet above the slab.

ARTICLE IV: Roofs

1. Materials:

- 1.1. 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.
- 1.2. All single family lots must use minimum Timberline 30 shingles or equal (30 year/70 mph warranty).
- 1.3. All single family homes located in Unit 1, Berkshire Lakes, commonly known as Brentwood, (i.e. that area bounded by Henley Drive and from the west end of Henley Drive down Belville to the junction with Devonshire Boulevard.) will either 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.
- 1.4. All roof changes/replacement require ARB approval.

2 Pitch

- 2.1. Main structure and garage - minimum center pitch 5 feet high to 12 feet horizontal.
- 2.2 Lanai - if part of the original design plan, the lanai may have a flat or below the 3½ minimum pitch roof.

3 Mailboxes, Posts and Exterior Light Posts

- 3.1. To assure compatibility with the community theme, the ARB plans for custom designed mailboxes and posts, and light-posts, when applicable. However, purchases of a parcel or group of lots for a neighborhood development may submit its own design for ARB approval.

- 3.2 All mailboxes will be painted Black.
- 3.3 Brentwood is the only area that does not require lights on mailbox posts

4 Contractor Signs

- 4.1 During the construction process any owner or builder shall have the right to place one sign limited to "Name of Contractor" and/or "Name of Owner"
- 4.2 No signs shall be more than two square feet in area.
- 4.3 Designs and wording to be approved by the ARB.
- 4.4 Subcontractor signs are not permitted.
- 4.5 Signs to be removed following work completion.

5 Water and Sewer.

- 5.1 Impact fees are payable to Collier County.
- 5.2 No impact fees are payable to Berkshire Lakes.
- 5.3 No hook-up fees are payable to Berkshire Lakes

6 Landscaping

- 6.1 Tree removal. (Tree removal requires ARB approval, Covenants 8.11; Exception: Written notification from Compliance Committee requesting the removal of dead or diseased trees shall be considered the required approval from the ARB. Note: Owner is responsible to contact Collier County to determine tree requirement.)
 - 6.1.1 In reviewing the building plans, the ARB shall consider and encourage the contractor to retain all natural vegetation existing on the property. (See County Native Plant List, appendix)
 - 6.1.2 Fichus are banned from the date of the 2006 revision to these articles.
- 6.2 All lots are required to be sodded and have an automatic underground irrigation system installed.
- 6.3 It is the contractor's owner's responsibility to sod and irrigate the entire lot up to the street valley gutter, up to the high water mark for lake-side lots and adjacent to all landscaped and or natural areas which border the individual building lot.
- 6.4 It is further understood that it is the owner's responsibility to maintain all sodded areas.
- 6.5 In keeping with Florida Friendly Landscaping objectives and to improve the aesthetics of residential and common properties within the Berkshire Lakes complex the choice of sod is expanded to include Floratam, Seville, Palmetto, Captiva and Empire Zoysia.
 - 6.5.1 All grasses and ground covers must adhere to Berkshire Lakes existing standards for lawns (referred to as sod). It must be green in color year round and maintained as stated in section 6.1 of the BLMA Covenants dated June 26, 2016.
 - 6.5.2 If replacing sections of a lawn with a non-lawn plant material (ground cover) it must provide the same function as grass, must be green in color and living plants
 - 6.5.3 Sod or non-lawn plant material shall be planted between the street edge and sidewalk.
 - 6.5.4 A five (5) foot strip of sod shall be provided adjacent to the house side of all sidewalks, where present, or along roadways where sidewalks are not present.
 - 6.5.5 Ten (10) feet of sod or a non-lawn plant material surrounding all lakes must be maintained, extending to the high-water mark of the lake.
 - 6.5.6 There is no allowance for artificial turf.

- 6.5.7 Rock / mulch is to be contained in defined planting beds.
- 6.5.8 No rock / mulching of the entire property above the sod line as defined in sections 6.5.4 and 6.5.5.
- 6.5.9 No rock/mulching to the curb, sidewalk or water's edge.
- 6.5.10 No rock/ mucking strips along driveways.
- 6.5.11 Rain Barrels and composting bins are limited to the rear yard, 5 feet off the property line, positioned not to disrupt drainage and screened from view. They must adhere to Article V, section 1.3.1
- 6.6 Those lots with rear yards facing the outside perimeter of the development will be sodded and irrigated to a minimum distance of 15 feet from the pool deck or pool enclosure whichever is deeper or 35 feet from the principal structure.
- 6.7 When major changes in the basic landscape plan are made, the modified plans shall be submitted for approval to the ARB before implementation.
- 6.7.1 Neighborhood security is of paramount concern to all; street lamps are an integral part of an overall security plan. Therefore the ARB will require the following:
 - 6.7.1.1 When submitting a landscape plan, either new or revised, the owner/contractor must include on the plan the location of any street lamp located on the subject property. Tree plantings must not be placed in the easement and may not be in close proximity to the street lamp so as to negate the purpose of street lighting. The ARB has the right to reject any submitted landscape plan that does not show the street lamp location or a statement that none are located on the subject property.
- 6.8 The contractor is responsible for implementation of the ARB approved landscaping. Landscaping items identified in the County list of Prohibited Exotics are expressly forbidden. This responsibility is not transferable.
- 6.9 Fertilization of turf and plantings must be as stated in the Collier County fertilization ordinance #11-24

7 Drainage and Grading

- 7.1 All lot drainage must have prior ARB approval, drainage plans must be submitted at the time of application.
- 7.2 The contractor shall grade in accordance with the overall drainage plan and other criteria as specified in the covenants and related documents.
- 7.3 Drainage and grading shall meet all requirements of the proper government agencies

8 Driveway

- 8.1 Driveways shall be at least 16 feet in width except zero lot-line, which can be 8 feet, and of stable permanent construction.
- 8.2 Where practical, driveways should accommodate a turnaround within the property rather than backing onto the street for exit.
- 8.3 Driveways and turnarounds must be a minimum of 5 feet off the side lot lines.
- 8.4 Asphalt pavement and gravel are not allowed.
- 8.5 Driveway upgrades require ARB approval for acceptable materials and color.

9 Sidewalks

- 9.1 Sidewalks are to be installed in accordance with the criteria established by Collier County.

10 Fences and Walls

- 10.1 Certain areas of the developments outside perimeter wall have been permitted for a 9 foot fence. ARB has the information.
- 10.2 Fences in lieu of enclosures of swimming pools, small play areas and small dog runs may be no higher than 4 feet. The BLMA Community pool is excluded from this requirement for security reasons.
- 10.3 All fences must have a landscape buffer between the fence and adjacent property. Fences must not be within 5' of the property side lines.
- 10.4 When using walls to create small privacy gardens, they must be designed to coordinate with the overall design of the house.
- 10.5 Any and all fences approved in writing by the ARB must have a landscape buffer between the fence and or wall and adjacent properties.

11 Side and Rear Property Lines.

- 11.1 Fences and walls including shrubbery are not to be constructed on the side property lines except as defined below.
- 11.2 The ARB would consider a shrubbery hedge not exceeding 6' in height between adjacent properties. The hedge will not extend beyond the patio area, pool or pool screen enclosures in the rear. An additional shrubbery hedge, not to exceed 42 inches in height and subject to 11.3 and 11.4 may extend from the rear limits identified above to the rear property line.
- 11.3 All shrubbery hedges will be set back 5' from the side property line.
- 11.4 The hedge, both sides, must be kept trimmed by the owner, so as not to encroach on any neighbor's property.
- 11.5 Fences when authorized by the ARB must be of a style and color complimentary to the style and color of the residence.
- 11.6 No chain link, wire fencing or wooden stockade of any kind will be permitted.
- 11.7 No fence is to be installed without ARB written approval. It is the property owner or contractor's responsibility to obtain ARB written approval prior to installation of any fence or garden wall.
- 11.8 Hedges installed on the side property line prior to April 20, 2005 are exempt from the aforementioned setbacks; however the owner(s) are responsible for the maintenance as stated in 11.4
- 11.9 Areca Palms are classified as a tree growing to a height of 15' to 25' The use of Areca Palms as a shrubbery hedge between adjacent properties is prohibited as it exceeds the 6' allowable height for a shrubbery hedge. Hedges of Areca Palms planted prior to November 18, 2009 are grandfathered. Dead Areca Palms, including those previously grandfathered, in an existing shrubbery hedge cannot be replaced. Areca Palms can be utilized to form a noise barrier or to screen fences however, they must be planted 10' from the fence to allow maintenance access. Examples are:
 - The Master Association's use of the Areca Palm to screen the wooden fence at the rear of the Lambton Lane Park.
 - The Master Association's use of the Areca Palms along the I 75 corridor to develop a noise barrier. Resident's use of the Areca Palm to screen fences and or create a noise barrier along the Santa Barbara Blvd. and Radio Road corridors and those residential units backing up to the perimeter fence.

11.10

The planting of any specie of tree, hardwood, softwood or palm, between adjacent homes is restricted by the proviso that any tree when matured must be fully contained on the parcel where planted. UF/IFAS Guidelines for size at maturity shall be the standard. Trees planted prior to April 20, 2017 are grandfathered. Such aforementioned trees should they die of natural causes or storm damage cannot be replaced.

ARTICLE V: Definitions:

1. The following definitions apply where stated in these standards concerning fences and walls.
- 1.1 **Fence:** A barrier made of posts and wire or boards. The posts or boards may be made of pre-formed concrete.
- 1.2 **Wall:** A thick masonry structure.

1.3. Mechanical Equipment

1.3.1. A/C units and pool pump, filter and heating equipment, water softeners, solar equipment and associated electrical panels and controls must be screened from view from road and neighbors.

1.3.2. Locate for minimum noise to occupant and neighbors .

1.3.3 Over the air reception devices rule (TV ANTENNAS, SATELLITE DISHES) Whereas the Berkshire Lakes Master Association Covenants (dated October 4, 2000) section 12.6 TV Antennas specifically states, “No wires, TV antennas, aerials and similar structures of any sort shall be erected, constructed or maintained on the exterior of any building.”

As directed by Congress in section 207 of the Telecommunications Act of 1996 the Federal Communications Commission adopted the “Over the Air Reception Devices (ONTARD) rule concerning governmental and non-governmental restrictions on viewers’ ability to receive video programming signals from direct broadcast satellites (DBS), broadband radio service providers and television broadcast stations (TVBS).

In effect since 1996 the rule (47 C.F.R. Section 1,4000) prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. The rule applies to video antennas including direct to home satellite dishes that are less than one meter (39.37”) in diameter, TV antennas and wireless cable antenna

- Effective January 22, 1999 the Commission amended the rule so it applies to rental property where the renter has an exclusive use area, such as a balcony or patio.
- On October 25, 2000 further amended the rule so that it applies to customer end antennas that receive and transmit fixed wireless signals.
- The rule applies to individuals who place antennas that meet size limitations on property they own or rent and that is within their exclusive use or control including condominium owners and cooperative owners and tenants who have an area where they exclusive use such as a balcony or patio in which to stall

the antenna. The rule applies to townhomes and manufactured homes as well as single family homes.

- The rule allows local governments, community associations and landlords to enforce restrictions that do not impair the installation, maintenance or use of the type of antennas as described above.
- Under some circumstances where a central or common antenna is available, a community association or landlord may restrict the installation of individual antennas.
- The rule does not apply to common areas that are owned by a landlord, a community association or exclusive area. Such common areas may include the roof or exterior wall of a multiple dwelling unit. Restrictions on antennas installed in or on such common areas are enforceable.
- A regulation that an antenna be located where reception would be impossible or substantially degraded is prohibited by the rule. However a regulation requiring that antennas be placed on a particular location on a house such as side or rear might be permissible if the placement does not prevent reception of an acceptable signal or impose unreasonable expense or delay.
- If, however the required the location does not impose unreasonable expense or delay or preclude reception of an acceptable quality signal, then the restriction is permissible and the viewer must comply.

SUMMARY:

The FCC rule regarding Over The Air Reception Devices (TV Antennas) is addressed section 8.13 of the Berkshire Lakes Covenants stating TV antennas are allowed, however ARB review can require a specific installation location. If the requested location does not degrade signal quality or maintenance and does not increase cost the viewer must comply.

1.3.4 **Solar Panels**

- Florida Statutes section 163.04 provides that covenants “may not prohibit or have the effect of prohibiting solar collectors clotheslines or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels” subject to the covenants. The statute does provide that the association may determine the specific location where the panels may be installed, providing it does not impair the effective operation of the solar collectors.

1.4. **Screen Materials**

141. Concrete, decorative concrete, wood or plantings.

1.5. **Miscellaneous**

- 1.5.1. Corner lot residences are to face minor streets where possible.
- 1.5.2. A lanai, patio, etc. which may be added after the original construction shall be consistent with the design and material of the original structure.
- 1.5.3. All trash containers are to be stored within an enclosure not visible from the street, neighbors or common areas.

- 1.5.4. NOTE: The ARB has the right to approve or disapprove on an individual basis, making certain exceptions to the above standards, subject to BLMA Board approval.

1.6. Private Wells

- 1.6.1. (Article 13.27 of the BLMA covenant amended October 26, 1994 and recorded November 30, 1994 by Coast Communities Corp.)
- 1.6.1.1. The digging, installation and or use of wells upon any single family or multi-family property for irrigation purposes is prohibited unless specific written approval is first obtained from the ARB.
- 1.6.1.2. Any private well improvements placed upon a property are placed thereon at the sole risk of the owner and must be screened from public view.
- 1.6.1.3. The ARB shall have the absolute right to deny approval for the digging installation and or use of any well unless the applicant demonstrates that the use of such water will not cause staining to buildings or other improvements on the property, will not cause unpleasant odors, will not cause unacceptable noise and will not adversely affect the Berkshire Lakes community in any other way.
- 1.6.1.4. All approvals granted by the ARB may be revoked at any time if the ARB determines that the actual operation of a well is causing staining to buildings and or other improvements, is causing unpleasant odors, is creating unacceptable noise or is adversely affecting the Berkshire Lakes community.

2. Garage Door Screens

- 2.1. Garage doors are to remain closed except when vehicles are entering or exiting the garage.
- 2.1.1. The above statement was written into the covenants to shield in some cases an untidy garage interior from public view. However, recently garage door screens have been made available as a means to improve air circulation while reducing electricity consumption. Garage door screens are permitted when adhering to the following guidelines:
- 2.1.1.1. They are overhead mounted either under the soffit or attached directly to the Garage door header beam.
- 2.1.1.2. They may be electrically or manually operated.
- 2.1.1.3. The screen material must be of the 'SOLAR" type, which ensures the garage Interior, is screened from public view.
- 2.1.1.4. The screen material comes in various colors therefore the color chosen must be color coordinated with the house color to create the appearance of a closed garage door.

ARTICLE VI: Projects not requiring prior ARB approval

- 1.1 Repainting house with same existing color scheme.
- 1.2 Repainting of mailbox (black only).
- 1.3 House/roof washing.
- 1.4 Replacement of lamppost lighting fixture with approved fixture
- 1.5 Repair/replacement of driveway that maintains original dimensions, replacement can either be concrete or brick pavers. The use of blacktop is strictly prohibited.
- 1.6 If planning for items 1.1 and 1.5 involves any change to the existing layout, color or materials, ARB approval is necessary prior to commencement of any work.

Failure to obtain such approval may result in undoing the work at the owner's expense.

ARTICLE VII: Lake Front Property

1.1 Shore Line Erosion

- 1.1.1 Windy conditions can cause the lake water to "lap" the shoreline and over time it is possible to experience "property erosion". The ARB with Master Association approval (June 1999) developed a standard approach to assist property owners protect their property. This standard approach utilizes a product, Rip Rap, a mixture of sand and cement in a biodegradable bag, which hardens into a concrete block when wet. When stacked to manufacturer specifications this will produce an effective and attractive wall that blends into the shoreline landscape.
- 1.1.1.1 In February 2005 BLMA approved an additional standard, 6" to 12" rip-rap stone chunks, which may be spread over geo-textile fabric, as backfill to a low base row of Rip-Rack bags at the dry season low waterline following the existing shore line slope where the paved cycle path exists on property of The BLMA, The Colonies, The Landings, Windsor Place, New Waterford and Partridge Point. This method was approved by county engineering as a safe maintenance project not requiring county permits
- 1.1.2 The installation of Rip-Rap placed upon a property is placed there at the sole risk of the owner and the cost of the product, labor and of back fill, if any, is the sole responsibility of the property owner. The placement of the "Rip Rap" bags must be at the existing shoreline.
- 1.1.3 Claiming additional rear yard footage from the lake proper is strictly prohibited and should such a violation occur, the property owner would be required to move them to their correct location. Any expense incurred for this activity is the responsibility of the property owner.
- 1.1.4 As with all structural and or major landscaping changes ARB prior written approval must be obtained. Three copies of the work plan are to be submitted to the ARB for approval.

ARTICLE VIII CONTRACTOR CONDUCT & PROCEDURES DURING CONSTRUCTION OF RESIDENCES

- 1.1 Unless the contractor receives specific written permission from the ARB, the Builder/contractor and all other persons involved in the construction of a residential improvement shall perform their work without entering upon property owned by any person or entity other than the person or entity that owns the property upon which the residential improvement is being constructed. Nor shall any Contractor or any other person involved in said construction cause any vehicle or equipment, or materials or debris to be placed upon property owned by a person or entity other than the person or entity that owns the property upon which the residential improvement is being constructed. Owners of the property upon which the residential improvement is being constructed shall be responsible for any violations of this standard and if any damage is caused to adjacent or nearby property, or if any debris is placed upon adjacent or nearby property in violation of this standard, the owner of the property upon which the residential improvement is being constructed shall be liable.

- 1.2 In all cases, all construction debris must be removed from the construction site and surrounding areas no later than 5 working days after C.O.
- 1.3 It is also understood that it is the responsibility of the Contractor to protect and maintain all sewer laterals, (clean outs) that potentially can be damaged during the construction process. If a sewer lateral is damaged, it is to be reported to the ARB immediately and is to be repaired within 24 hours.
- 1.4 In any violation of this standard, the ARB shall have the right to disapprove such Contractor for future work and to order the construction to cease, since such construction is not in compliance with the approval given by the ARB.

Signage

- 2.2. No signs of any type shall be permitted at Berkshire Lakes unless it meets the following standards:
 - 2.2.1. Only one "FOR SALE" sign and one security notice, not to exceed 2 square feet in area.
 - 2.2.2. The ARB has the right to approve or disapprove signs on an individual basis, subject to BLMA Board approval.

House Painting

- 2.3. ARB approval is required for any change of color on a single family dwelling. Recommended colors and color combinations are contained in the ARB color book which may be reviewed prior to application.

Use of plywood for Hurricane protection

- 2.4. Recognizing the use of Plywood as an emergency hurricane protection device is not intended as a permanent installation, such installations must be removed within 60 days following a hurricane or November 30, end of hurricane season, whichever is earliest.
- 2.5. Installed plywood may be painted to match the main house color and should be trimmed to the shape of the cavity it is covering.

Time Limits to complete Approved Projects.

- 2.6. Members are required to advise the BLMA office of the date of start of approved projects.
- 2.7. The BLMA Office will advise the member of the date by which completion is required.
- 2.8. The ARB will monitor progress against this timetable and report to the ARB should the project not be completed by due date.
- 2.9. ARB will review such reports with Owners to analyze reasons and decide what action needs to be taken to resolve the issue.
- 2.10. ARB may extend the completion date if there is, in their opinion, a reasonable extenuating circumstance.
- 2.11. Completion time Schedule:
 - 2.11.1. All projects with the exception of those listed below shall be completed within six months of commencement.
 - 2.11.1.1. Extensions shall be completed within nine months from date of commencement.
 - 2.11.1.2. Reconstruction (excluding casualty damage) shall be completed within twelve months from date of commencement.

- 2.11.2. Casualty damage and reconstruction is specifically covered under Article 10 of the BLMA Covenants.

Single Family A1

2.1.2. CHECKLIST FOR ARB REVIEW, BERKSHIRE LAKES DEVELOPMENT 2.1.2.1.

Enclosed for ARB review are the following materials:

- 2.1.2.1.1. Date Submitted
- 2.1.2.1.2. Three sets of drawings:
 - 2.1.2.1.3. Site plan - scale 1/8" - 1'0" or 1" - 10'
 - 2.1.2.1.3.1. This plan consists of the following with specifications:
 - Grading - Proposed and existing contours on a 25' grid.
 - Utility trench locations
 - Siting of structure
 - Driveway cut
 - Setbacks (easements)
 - Outdoor use areas (pool, decks, spa, and atriiums).
 - Privacy walls - screen enclosure
 - Trash container storage
 - All types of hard surface materials noted
 - Outdoor lighting proposed
 - Placement of mechanical equipment (ac-pool, solar)
 - Landscape intent - Results of vegetation survey, show location, type and size of existing trees/shrubs on the lot.
 - 2.1.2.1.4. Floor plan - scale 1/8" - 1' 0" or 1/4" - 1' 0"
 - 2.1.2.1.4.1. These plans show all rooms and include all balconies, decks, patios, atriiums, utility meter locations, garage and square footage of total living area of residence.
 - 2.1.2.1.5. Exterior elevations - scale 1/8" - 1' 0" or 1/4" - 1' 0" Front - rear sides
 - 2.1.2.1.5.1. This drawing shows all exterior elevations of the structure with heights and materials used clearly indicated. The drawing also indicates finished floor elevations above grade.
 - 2.1.2.1.6. Roof plan - scale 1/8" -1' 0" or 1/4" - 1' 0"
 - 2.1.2.1.6.1. This plan shows pitch, valleys, hips, etc.
 - 2.1.2.1.7. Material Specification.
 - 2.1.2.1.7.1. All information requested on sheets #B1 and #B2 are filled in and attached to plan submittal.
 - 2.1.2.1.7.2. Landscape planting plan - scale 1/8" - 1'0" or 1" - 10'0"
 - This plan indicates all existing plant material to remain or to be removed.
 - The plan also shows the location, gives the botanical name, common name, size, quantity, specifications and cost estimate of all proposed plant material.
 - 2.1.2.1.8. Irrigation plan - scale 1/8' - 1'0" or 1"-10'
 - 2.1.2.1.8.1. This plan indicates the location of all heads, piping, controls and necessary information for installation purposes.

2.1.2.2. PLEASE NOTE:

- 2.1.2.2.1. Any revisions or remarks noted on final plans as conditions for approval must be redrawn, resubmitted and approved before construction.

- 2.1.2.2.2. Construction/contract drawings must be reviewed by an architect and/or be in proper form and complete.
- 2.1.2.2.3. Landscape and irrigation drawings must be reviewed by a Landscape architect