

BERKSHIRE LAKES
ARCHITECTURAL
REVIEW BOARD
STANDARDS

May 2023

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Berkshire Lakes Master Association, Inc.
Architectural Review Board Standards

1 ARB Authorization

The Architectural Review Board (ARB) is established under the direction of the Berkshire Lakes Master Association, Inc. Article 7 of the Declaration of Covenants, Conditions, Restrictions and Easements outlines the make-up, scope and responsibilities of the ARB. The ARB shall have the right to require the submission of site, elevation, landscape, irrigation, and/or construction plans.

- 1.1 ARB approval is necessary prior to commencement of any work on the exterior of any property. Failure to obtain such approval may result in undoing the work at the owner's expense.
- 1.2 As part of the ARB Alteration Request application process, 1 complete set of plans (the ARB may require up to 3 sets), pictures, and specifications prepared by the owner, 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. 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 property.
- 1.3 Complete plans must be submitted to the ARB before applying to the County for a permit.
- 1.4 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.
- 1.5 It shall be the owner's obligation to obtain all required Collier County permits.
- 1.6 It is the owner's responsibility to ascertain if and where any and all easements are located on their property and be aware of any restrictions within those easements.
- 1.7 The ARB has the right to approve or disapprove any request on an individual basis. Building lot size, location, and orientation are the determining factors in the approval process for plantings, fences and hedges. The standards established by the ARB may be altered or amended from time to time as the ARB recommends, subject to BLMA Board approval.
- 1.8 Any request for an addition or alteration to an owner's property that is not listed within this document needs to be submitted to the ARB. The ARB will review the request and it will need BLMA Board approval.
- 1.9 **ARB approval does not override governmental regulations. ARB approval does not override decisions made by the HOA governing documents in regard to drainage, grading or clearing of easements.**

2 ARB Alteration Request Process

- Resident completes appropriate Alteration Request form.
- Form is received, 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 and permit to implement the request.
- The resident will notify the office that the project has been completed and return the permit (yellow card).
- The property will be inspected, checking to ensure the completed project complies with the initial request.
- After the inspection the resident will receive a notice of approval or not approved.

3 Definitions

The following definitions apply where stated in these standards:

- 3.1 **Deck:** Flooring surrounding an in-ground pool or spa, or floor of a patio, lanai, or porch. It must be constructed of pavers or concrete.
- 3.2 **Fence:** A barrier intended to prevent escape or intrusion or to mark a boundary. It typically consists of posts and slats. No wood, chain-link or wire fences are allowed.
- 3.3 **Hedge:** A boundary formed by closely growing bushes or shrubs of the same species.
- 3.4 **Lanai:** A roofed porch.
- 3.5 **Porch:** A covered area adjoining an entry.
- 3.6 **Screening Materials:** Concrete, decorative concrete, PVC, or plantings.
- 3.7 **Structure:** Anything constructed or erected with a fixed location on the ground. Among other things, these may include buildings, walls, fences, and swing sets.
- 3.8 **Wall:** A thick masonry structure.

4 Contractor/Owner Responsibilities

- 4.1 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.
- 4.2 Nor shall any Contractor or any other person involved in said construction cause any vehicle or equipment, 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.
- 4.3 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. 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./Certificate of Occupancy.
- 4.4 Dig Safe (call 811 or online at www.sunshine811.com) must be contacted to mark all underground utilities prior to any excavation work. It is the contractor's responsibility to protect and maintain all utilities. Any damages must be repaired immediately by the contractor.
- 4.5 The BLMA shall have the right to order any construction to cease, if such construction is not in compliance with the approval given by the ARB. Neither the BLMA nor the BLMA ARB shall be liable for any expense related to ceasing such construction.

5 Drainage and Grading

- 5.1 Drainage and grading shall meet all requirements of the proper government agencies.
- 5.2 The contractor shall grade in accordance with the overall drainage plan and other criteria as specified in the covenants and related documents
- 5.3 Collier County has adopted a Surface Water Drainage Plan for the Berkshire Lakes subdivision within and upon the rear 5 feet of each of the following described single family residential lots, there shall be a nonexclusive surface water drainage that shall run in favor of Master Association and in favor of the owners of any properties within Berkshire Lakes that the plan shows as utilizing said easement for surface water drainage:

Lot	Street Address	Lot	Street Address
12	744 Belville	107	809 Belville
13	748 Belville	108	865 Belville
14	752 Belville	121	761 Belville
15	756 Belville	125	723 Lambton
20	637 Merryport	27	696 Lambton
95	849 Belville	90	261 Lambton
96	845 Belville	91	267 Lambton
99	6637 Eastbourne	158	703 Lambton
100	6641 Eastbourne	161	6621 Cutty Sark
103	6640 Eastbourne	30	656 Lambton
104	6636 Eastbourne	62	645 Lambton

- This easement shall entitle the Master Association to grade and slope the easement area so that the surface waters flow over the easement area in accordance with the plan adopted by the County.
- The depth and slope of the easement area shall be in accordance with the plan adopted by the County.
- The aforementioned easement includes the right to drain surface water from other residential lots over and upon easement areas, providing such drainage is in accordance with the plan.
- All grading and sloping done by the Master Association pursuant to its easement shall be accomplished with as little inconvenience to the owner of the residential lot as practical.

6 Landscaping

When major changes in the basic landscape plan are made, the modified plans shall be submitted for approval to the ARB before implementation.

The Architectural Review Board (ARB) was established to preserve the beauty, quality and value of the Berkshire Lakes Community. If an owner chooses to implement the States's voluntary Florida Friendly Landscaping practices, they must be implemented without disruption of the overall consistent appearance of the community or negatively impact property values. The ARB Board has evaluated the standards and approved changes that can be applied without disrupting the cohesive look of our deed restricted community.

- 6.1 Healthy, living tree removal must have ARB approval. The owner is responsible to contact Collier County to determine tree requirement.
- 6.2 All plantings must not extend on to any neighboring property at maturity. See <https://gardeningolutions.ifas.ufl.edu/> to reference maturity size of plantings.
- 6.3 Ficus and running/spreading bamboo as well as any invasive species/County Prohibited Exotics are banned.
- 6.4 All lots are required to be sodded and have an automatic underground irrigation system installed.
- 6.5 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 lakeside lots and adjacent to all landscaped and or natural areas which border the individual building lot.
- 6.6 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 properly maintained by owner.
- 6.7 A 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.
- 6.8 10 feet of sod surrounding all lakes must be maintained, extending to the high-water mark of the lake.

- 6.9 Rock/mulch is to be contained in defined beds. No rock/ mulch strips along driveways for the purpose of parking. All rock/mulching to the curb, sidewalk or driveway must have proper edging in order to contain the rock/mulch and soil below from being washed into the drains/sewers which impacts the lakes.
- 6.10 No rock/mulching of the entire property. Our covenants require sod/ARB approved artificial turf on all lots.
- 6.11 Fertilization of turf and plantings must follow the Collier County fertilization ordinance.
- 6.12 Vegetable and fruit gardens are not permitted in the front or side yards of any property.

Landscaping Adjacent to Common Properties

- 6.13 Maintenance responsibility for all common properties, which includes the entire exterior of the perimeter fence, is assigned to the Master Association.
- 6.14 Planting trees/hedges/shrubs within the 10-foot easement on the interior of the perimeter fence is prohibited. Doing so hampers the association’s ability to maintain/repair the fence as required
- 6.15 Should the property owner fail to abide by the above restriction and a repair/maintenance activity requires close access to the fence, the association is not liable for damages to said plantings. Owner is responsible for any costs involved in clearing the property.

7 Fences, Walls, and Hedges

- 7.1 Perimeter areas of the development may have up to a 9-foot fence and/or hedge.
- 7.2 Fences in lieu of enclosures of swimming pools, small play areas and small dog runs must be 4 feet in height. The BLMA Community pool is excluded from this requirement for security reasons.
- 7.3 Fences replacing pool cages are not required to have a hedge screening the fence. All other fences must have a landscape buffer between the fence and adjacent property. If a neighboring property has an existing landscape buffer which shields your fence from their view, you are not required to plant an additional buffer. However, if at any time in the future the landscape buffer is removed, you are required to install a buffer to shield the fence from view of the adjacent property.
- 7.4 Fences must not be within 5 feet of the property side lines.
- 7.5 When using walls/fences to create small privacy gardens, they must be designed to coordinate with the overall design of the house.
- 7.6 No chain link, wire, wood or wooden stockade fence of any kind is permitted. (See appendix)
- 7.7 No fence shall be permitted in the front of any property.
- 7.8 Building lot sizes are the determining factor in the approval process for fences and hedges to be constructed in the space between adjacent houses. Factors to be considered are the specific space in feet between the homes, the impact on the adjacent property owner’s ability to maintain his/her property, and the ability for both owners to access their property.
- 7.9 A hedge should not exceed 6 feet in height between adjacent properties. For lake front lots only, the hedge continuing to the rear property line, once past the patio area must be reduced in height to 4 feet.
- 7.10 To maintain a uniform height of a hedge, the 6 feet around all sides of the deck or patio the height of the hedge is measured from the deck or patio.
- 7.11 A hedge should not exceed 4 feet if planted in the front yard unless it is planted against the wall of the home where it can be a maximum of 6 feet in height. The ARB has the right to approve heights above these limits for properties (see section 1.7). Exceeding these height requirements must be specifically approved by the ARB.

- 7.12 Hedges installed in the front yard will be set back a minimum of 10 feet from the edge of the street.
- 7.13 All hedges will be set back a minimum of 3 feet from the property line. The ARB may require more than the minimum 3-foot setback on hedges between two homes if it is deemed to interfere with access to the backyard area.
- 7.14 The hedge on both sides must be kept trimmed by the owner, so as not to encroach on any neighbor's property. The owner must be able to keep the hedge trimmed without trespassing on the neighboring property.
- 7.15 Hedges installed on the property line prior to April 20, 2005 are exempt from the aforementioned setbacks; however, the owner(s) are responsible for the maintenance. Dead or otherwise destroyed hedges cannot be replaced on the property line and must go through the ARB approval process.
- 7.16 The use of Areca Palms as a hedge between adjacent properties is prohibited as of November 2009, and cannot be replaced. Single Areca Palms can be planted as a palm tree. Areca Palms can be utilized to form a noise barrier; however, they must be planted 10 feet from the perimeter 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 Palm 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 Rd. corridors, along the canal facing I-75(Not planted within the canal easement), and those residential units backing up to the perimeter fence.

8 Shoreline

At the time of lake remediation, most lots which abut the lakes will have had sod installed at the seasonal high-water mark above a course of stone which continues down the slope into the lake itself. No riding lawn mowers will be allowed to operate within five feet of the lake edge of the sod. No fertilizer should be applied within ten feet of the lake edge. **The ARB does not take applications for any changes to the shoreline. Any changes must be addressed to the Lakes Committee.** Before or after remediation nothing other than sod should be planted in the 10 to 15 foot easement granted to the Master Association for shoreline maintenance and repair.

9 Mechanical Equipment

- 9.1 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 where possible.
- 9.2 Equipment should be located for minimum noise to occupant and neighbors where possible.

10 Accessory Structures

Carports and tool sheds are prohibited.

11 Swimming Pools, Spas and Hot Tubs

- 11.1 May include an attached, or detached, separate spa.
- 11.2 Swimming pools and spas are to be below ground/deck level. A spa attached to the pool may be above grade.
- 11.3 Hot tubs should be within the confines of a screened enclosure or if not located on a screened lanai, hot tubs must have a locking mechanism for the top, or be located within a fenced area. No surrounding wood or metal decks. A landscape buffer must screen the tub from view.

11.4 Pool, spa, or lanai enclosures must be bronze or white (no “raw” aluminum).

12 Lanai or Patio Covers

12.1 Must be attached to the home or no further than 2 feet from the home’s roof.

12.2 Professionally installed and hurricane rated.

12.3 A lanai, patio, etc. which may be added after the original construction shall be consistent with the design and material of the original structure.

12.4 Flat aluminum roof acceptable if flat/parallel to ground with a slight pitch where neighbors cannot see the roofing materials, otherwise roofing must be of approved materials (See roofing section 16)

12.5 Must have fascia/trim caps covering edges of aluminum roof so as to shield edges from view

12.6 Color - bronze or white (no "raw" aluminum)

13 House Painting

All homes should be painted every 5-10 years. It is an owner’s responsibility to properly clean and paint homes on a regular basis. Recommended colors and color combinations are contained in the ARB color book which may be reviewed prior to application. Paint samples must be included with ARB Request form.

14 Driveways

14.1 Driveways shall be at least 16 feet in width except zero lot-line, which can be 8 feet, and of stable permanent construction.

14.2 A Collier County permit is needed for any driveway alterations.

14.3 Driveways and turnarounds may be limited in size or placement by the ARB depending on the lot size and orientation.

14.4 Driveways must be constructed of concrete or pavers. They may be stamped, stained, or painted. Asphalt pavement or gravel are not allowed.

14.5 Exceeding the current width requires a site plan showing side property lines.

15 Roof Materials

15.1 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.

15.2 All homes must use minimum Timberline 30 shingles or equal (30 year/70 mph warranty).

15.3 All 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. can only use cement tile or metal (26 gauge minimum, with a barrel or clay tile appearance), or No. 1 grade H/S, R/S wood shake/shingles. Asphalt shingles are not allowed.

16 Garage Door Screens

Garage door screens are permitted when adhering to the following guidelines:

- They are overhead mounted either under the soffit or attached directly to the garage door header beam.
- The screen must be one piece and cannot have an entrance door.
- They may be electrically or manually operated.
- The screen material must be of the 'SOLAR" type, which ensures the garage interior is screened from public view.

17 Hurricane protection and the use of plywood

Recognizing the use of plywood as an **emergency hurricane protection device is not intended as a permanent installation**. Such installations must be removed within 30 days following a hurricane or November 30, end of the hurricane season, whichever is earliest.

18 Mailboxes, Posts and Exterior Light Posts

- 18.1 Single family homes must have the custom designed black mailboxes and posts with post light fixtures. Mailboxes must have house numbers a minimum of 1 inch tall.
- 18.2 Mailbox posts and post light fixtures are available at cost from the Master Association office.
- 18.3 Should the mailbox need replacement, an owner may purchase a similar box from a retail establishment. (An example of an acceptable mailbox is in the appendix)
- 18.4 Mailbox post and post light for neighborhood associations and condominiums, may be permitted to be grouped in structures approved by the U.S. Postal authority and the ARB.
- 18.5 All homes in Unit 1, 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 do not require lights on mailbox posts.

19 Flags/Flagpoles

- 19.1 A home may have one free-standing flagpole no more than 20 feet high.
- 19.2 The flagpole cannot obstruct sightlines at intersections or interfere with light from street lamps, and cannot be erected within or upon an easement.
- 19.3 The flagpole and display are subject to all building codes, zoning setbacks, and other applicable government regulations, including lighting ordinances.
- 19.4 In lieu of a flag pole the home owner can elect to install a wall mounted flagpole assembly.

20 Private Wells

- 20.1 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.
- 20.2 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. The owner is responsible for the removal of any such staining.

21 Sidewalks

- 21.1 Sidewalks where installed are part of the public right-of-way. As such repairs are the responsibility of Collier County.
- 21.2 Sidewalk cleaning of mold, dirt and litter is the responsibility of the property owner.

22 Outdoor Cooking, Smokers, and Fire Pits

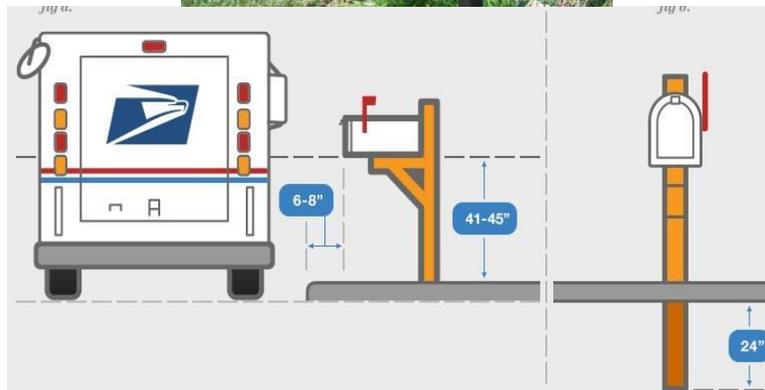
- 22.1 Only commercially manufactured electric, LP gas, or charcoal outdoor portable barbeque appliances are permitted,
- 22.2 Commercially manufactured electric or LP gas outdoor portable fire pit/heaters are permitted,
- 22.3 No such devices shall be of a size, or used in a location or manner, that presents a danger to the owner or other persons, or unreasonably intrudes upon a neighbor's use and enjoyment of their property. The use of such devices is restricted to the backyard.
- 22.4 No permanent outdoor barbeque grill, fire pit, or fireplace structures of any kind are permitted.
- 22.5 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.

Appendix

The information is listed by the section in which they appear in the document for reference:

7.6 Fences: The properties of 252 Lambton, 256 Lambton, 929 Belville, and 7201 Appleby along the bicycle/walking trail have had 6 foot wooden fences to screen the backyard from view. If these are replaced, they must be constructed of ARB approved materials. Replacement fencing can be the original height and cover the area in which the fence was originally constructed, but cannot exceed it.

18.3 Mailboxes: Example of a replacement mailbox with the placement of house numbers:



Mail-post installation measurements

Residence Requirements:

Minimum Floor Area

Air-conditioned floor area excludes garage, entry, and lanai or porch area

- 1.0 One story 1200 square feet
- 1.1 Two story 1400 square feet.

Front Elevations

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

Roof Pitch

- 1.1 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.

Single family Residential 90' and 70' lots

Permitted uses:

1.0	Single Family Dwelling	70.0'	90.0'
1.1	Building Setbacks: as measured from individual lot or parcel boundary lines.		
1.1.1	Lot size		
1.1	Minimum front yard	25.0'	30.0'
1.2	Minimum side yard		
	One story	7.5'	7.5'
	Two Story	7.5'	10.0'
1.3	Minimum Rear Yard		
	Principal Structure	20.0'	25.0'
	Accessory Structure	10.0'	15.0'

Maximum Building Height

- 2.0 30 feet, principal structure
- 2.1 20 feet, garage and pool enclosure
- 2.3 As measured from the finished floor to the highest point of the roof structure.

Minimum Floor Area

- 1.0 Air conditioned floor area excludes garage, entry, lanai or porch area.
- 1.1 One story - 1800 square feet.
- 1.2 Two story - 2000 square feet.
- 1.3 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.

Accessory Structures

- 1.0 Private garages - with overhead doors - may be front or side entry design.

- 1.1 2 car attached – minimum
- 1.2 No maximum attached garage
- 1.3 Remote electric automatic door opener on each door is required.
- 1.4 Carports and tool sheds are prohibited.

Private Swimming Pools, SPAS

- 1.0 May include an attached, or detached, separate spa
- 1.1 Pool Enclosure Color - bronze or white (no "raw" aluminum)
- 1.3 Swimming pools and spas are to be below ground or deck level.

Single Family Residential — 55' Lot

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

Building Setbacks

As measured from individual lot or parcel boundary lines.

- 1.0 Lot size - 55'
- 1.1 Minimum Front Yard 20'
- 1.2 Minimum Side Yard - One Story 5' Two Story 5'
- 1.3 Minimum Rear Yard -Principal Structure 20'
- 1.4 Accessory Structure 5'

Maximum Building Height

- 1.0 30 feet, principal structure
- 1.1 20 feet, garage & pool enclosure
- 1.2 As measured from the finished floor to the highest point of roof structure.

Accessory Structures

- 1.0 Private garages - with overhead doors - may be front or side entry design.
- 1.1 1 car attached — minimum
- 1.2 No maximum attached garage
- 1.3 Remote electric automatic opener is required for each door.

Corner lot residences are to face minor streets where possible.