

5. To the extent any conflict exists between provisions of the attached Architectural Review Board Standards ("Standards") and the Declaration, the Declaration shall control, but all other provisions of the Standards shall remain in full force and effect.

FURTHER AFFIANT SAYETH NOT.

Executed this 19 day of February, 2021

Robert Luparello
(Robert Luparello, President of Berkshire Lakes Master Association, Inc.

The foregoing instrument was sworn to, subscribed and acknowledged before me this 19th day of February, 2021 by Robert Luparello as President of Berkshire Lakes Master Association, Inc.



Rini G. Rassias
NOTARY PUBLIC

Rini G Rassias
Printed Name of Notary
My Commission Expires: January 24, 2022


Personally known ✓
Produced Identification _____
Type of Identification Produced _____

BERKSHIRE LAKES MASTER ASSOCIATION, INC.
495 Belville Boulevard
Naples, FL 34104

February 3, 2021

Subject: Certification of Architectural Review Board Standards

The Berkshire Lakes Master Association's Board of Directors, at its January 29, 2021 Board Meeting, unanimously approved the updated and reorganized, Architectural Review Board Standards manual. The publication is dated February 2021.


Robert Luparello, President
Berkshire Lakes Master Association

*** TX REPORT ***

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berkshirelakes@embarqmail.com

Berkshire Lakes

INSTR 6004933 OR 5895 PG 1972 RECORDED 2/22/2021 8:05 AM PAGES 19
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
REC \$163.00

**AFFIDAVIT OF ROBERT LUPARELLO REGARDING
BERKSHIRE LAKES ARCHITECTURAL REVIEW BOARD STANDARDS**

STATE OF FLORIDA)
) SS:
COUNTY OF COLLIER)

BEFORE ME, an officer duly authorized to take acknowledgements and administer oaths, personally appeared Robert Luparello as President of Berkshire Lakes Master Association, Inc., who, after being first duly cautioned and sworn, upon his oath, deposes and says:

1. My name is Robert Luparello. I am sui juris and competent to testify in a court of law and that if called upon to do so, I would testify consistent with the facts as stated herein. I make this affidavit based upon my own personal knowledge.

2. I am the President of Berkshire Lakes Master Association, Inc.

3. On January 29, 2021, Berkshire Lakes Master Association, Inc.'s Board of Directors unanimously approved the updated and reorganized Architectural Review Board Standards manual certifying the Berkshire Lakes Architectural Review Board Standards Reorganized All Information Retaining the dates of all additions August 26, 2019, October 3, 2019 and January 2021, a copy of which is attached hereto as Exhibit "1" and incorporated herein by reference.

4. It is intended that Exhibit "1" to this affidavit supplements and/or clarifies provisions set forth in Article VII (Architectural Control to Preserve the Beauty, Quality and Value of the Community) of the Fourth Amended and Restated Declaration of Covenants, Conditions,

**BERKSHIRE LAKES
ARCHITECTURAL
REVIEW BOARD
STANDARDS**

**Reorganized All Information
Retaining
the dates of all additions
August 26, 2019
October 3, 2019
January 2021**

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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 where there are changes to the existing layout, color or materials. 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, 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.
- 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 Nothing can be built, erected or planted in any drainage easement, county road easement, buffer zone or within 10 feet of the perimeter fence or wall.
- 1.7 The ARB has the right to approve or disapprove any request on an individual basis. 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 a homeowner'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.

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 Projects NOT requiring prior ARB approval:

- Repainting house with same existing color scheme.
- Repainting of mailbox (black only.)
- Replacement of lamppost lighting fixture with BLMA approved fixture (see appendix.)
- 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.

4 Definitions

The following definitions apply where stated in these standards:

- 4.1 **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.
- 4.2 **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.
- 4.3 **Hedge:** A boundary formed by closely growing bushes or shrubs.
- 4.4 **Lanai:** A roofed porch.
- 4.5 **Porch:** A covered area adjoining an entry.
- 4.6 **Screening Materials:** Concrete, decorative concrete, PVC, or plantings.
- 4.7 **Structure:** Anything constructed or erected with a fixed location on the ground. Among other things, these may include buildings, walls, fences, and swing sets.
- 4.8 **Wall:** A thick masonry structure.

5 Contractor Responsibilities

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 In any violation of any of the provisions in section 6, 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. Neither the BLMA nor the BLMA ARB shall be liable for any expense related to ceasing such construction.

6 Drainage and Grading

6.1 All lot drainage must have prior ARB approval. Drainage plans must be submitted at the time of application.

6.2 The contractor shall grade in accordance with the overall drainage plan and other criteria as specified in the covenants and related documents.

6.3 Drainage and grading shall meet all requirements of the proper government agencies.

6.4 Collier County has adopted a Surface Water Drainage Plan for the Berkshire Lakes subdivision within and upon the rear five (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. (See appendix for lot numbers and addresses that could be affected.)

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.

If grading and sloping are with the drainage plan submitted by such owner to the ARB and approved by the ARB, the owner shall be responsible for the cost of said grading and sloping.

7 Landscaping

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

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, 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 standards and approved changes that can be applied without disrupting the cohesive look of our deed restricted community.

- 7.1 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 A.F.B. Note: Owner is responsible to contact Collier County to determine tree requirement.)
- 7.2 The planting of any species 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 / IF as Guidelines for sizes at maturity shall be the standard. Trees planted prior to April 20, 2017 are grandfathered; however should such aforementioned trees die of natural causes or storm damage they cannot be replaced.
- 7.3 Collier County prohibits the planting of trees within the county easement. It is the owner's responsibility to ascertain where the easement is on the property and abide by the county restrictions. (The county easement on many properties is 30 feet from the center of the street/15 feet from the curb. Owners should check their property survey.)
- 7.4 In reviewing the building plans, the ARB shall consider and encourage the contractor to retain all natural vegetation existing on the property.
- 7.5 Ficus and bamboo are banned.
- 7.6 All lots are required to be sodded and have an automatic underground irrigation system installed.
- 7.7 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.
- 7.8 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.
- 7.9 It is further understood that it is the owner's responsibility to maintain all sodded areas.
- 7.10 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 multiple suggested types of sod. (See Appendix)
- 7.11 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.
- 7.12 Sod shall be planted between the street edge and sidewalk.
- 7.13 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.
- 7.14 Ten (10) feet of sod surrounding all lakes must be maintained, extending to the high-water mark of the lake.
- 7.15 There is no allowance for artificial turf.
- 7.16 All combined defined plant beds cannot exceed 30% of front or rear yards.
- 7.17 Rock/mulch is to be contained in defined planting beds. No rock/ mulch strips along driveways.
- 7.18 No rock/mulching of the entire property. No rock/mulching to the curb, sidewalk, or water's edge. Large areas of rock/mulch must be approved.
- 7.19 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.
- 7.20 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:

- 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.

- 7.21 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.
- 7.22 Fertilization of turf and plantings must follow the Collier County fertilization ordinance.
- 7.23 Vegetable and Fruit gardens are not permitted in the front or side yards of any property. Plans for such gardens require ARB approval and must be consistent in keeping with the neighbors and community's esthetics and appearance.

Landscaping Adjacent to Common Properties

- 7.24 Maintenance responsibility for all common properties, which includes the entire perimeter fence located within the buffer easement, is assigned to the Master Association.
- 7.25 Planting trees / hedges / shrubs within the easement of 10 feet adjacent to the perimeter fence is prohibited. Doing so hampers the association's ability to maintain / repair the fence as required and therefore is not approved by the ARB.
- 7.26 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.

8 Fences, Walls, and Hedges

- 8.1 Certain areas of the development and outside perimeter wall have been permitted for a 9 foot fence and/or hedge. (See appendix)
- 8.2 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.
- 8.3 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. Fences must not be within 5' of the property side lines. The plant size must be between 15" and 18" when planted, and meet the specified plant spacing.
- 8.4 When using walls to create small privacy gardens, they must be designed to coordinate with the overall design of the house.
- 8.5 Any and all fences approved in writing by the ARB must have a landscape buffer between the fence and adjacent properties.
- 8.6 No fence is to be installed without ARB written approval. It is the property owner or the contractor's responsibility to obtain the ARB's written approval prior to installation of any fence or garden wall.
- 8.7 No chain link, wire fence, wood or wooden stockade fence of any kind is permitted.
- 8.8 No fence shall be permitted in the front of any property.
- 8.9 Fences must be of the style and color complimentary to the style and color of the residence.
- 8.10 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.

- 8.11 A shrubbery 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.
- 8.12 A shrubbery 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.
- 8.13 Some residential unit's construction have the pool deck or patio elevated above the contour of the land. The elevation is not constant on all sides of the platform. To maintain a uniform height of the hedge, the 6 feet around all sides of the deck or patio the height of the hedge is measured from the deck or patio.
- 8.14 All shrubbery 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. Hedges installed in the front yard will be set back a minimum of 10 feet from the edge of the street; however, Collier County restricts planting within the county easement. It is the owner's responsibility to ascertain where this easement is on the property and abide by the county restrictions.
- 8.15 The hedge on both sides must be kept trimmed by the owner, so as not to encroach on any neighbor's property.
- 8.16 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 grandfathered hedges cannot be replaced on the property line and must go through the ARB approval process.
- 8.17 Areca Palms are classified 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 they will exceed the 6' allowable height for a shrubbery hedge. Hedges of Areca Palms planted prior to November 18, 2009 are grandfathered. Dead or otherwise destroyed Areca Palms, including those previously grandfathered, in an existing shrubbery hedge 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 road corridors, along the canal facing I-75 (Not planted within the canal easement,) and those residential units backing up to the perimeter fence.

9 Shoreline

At the time of lake remediation, most single-family 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 ten to fifteen foot easement granted to the Master Association for shoreline maintenance and repair.

10 Mechanical Equipment

- 10.1 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.
- 10.2 Locate for minimum noise to occupant and neighbors.
- 10.3 Over the air reception devices (TV antennas, satellite dishes, etc.) The FCC rule is addressed in 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.

11 Accessory Structures

- 11.1 Carports and tool sheds are prohibited.

12 Private Swimming Pools, SPAs, Hot Tubs

- 12.1 May include an attached, or detached, separate spa.
- 12.2 Swimming pools and spas are to be below ground/deck level. A spa attached to the pool may be above grade.
- 12.3 Hot tubs should be within the confines of a screened enclosure. Where there is no enclosure, hot tubs must be on a concrete/paver patio adjoining the lanai, must have a locking mechanism for the top, and no surrounding wood or metal deck. A landscape buffer must screen the tub from view. A fence and landscape buffer may be installed according to ARB standards.
- 12.4 Pool, spa, or lanai enclosure to be substantially of a mansard roof design. Color - bronze or white (no "raw" aluminum.)

13 House Painting

ARB approval is required for any change of color. Recommended colors and color combinations are contained in the ARB color book which may be reviewed prior to application.

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 Where practical, driveways should accommodate a turnaround within the property rather than backing onto the street for exit.
- 14.3 Driveways and turnarounds must be a minimum of 5 feet off the side lot lines.
- 14.4 Driveways must be constructed of concrete or pavers. They may be stamped, stained, or painted. This must be approved by the ARB. Asphalt pavement or gravel are not allowed.
- 14.5 Exceeding the current width, nominally 16 feet, 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 single family lots must use minimum Timberline 30 shingles or equal (30 year/70 mph warranty.)
- 15.3 All single family homes located in Unit 1, Berkshire Lakes, commonly known as Brentwood, which includes the following streets, Henley Dr, 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.
- 15.4 All roof changes/replacement require ARB approval.

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

- 17.1 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.
- 17.2 Installed plywood may be painted to match the main house color and should be trimmed to the shape of the cavity it is covering.

18 Mailboxes, Posts and Exterior Light Posts

- 18.1 To ensure uniformity within the community the Association, through the ARB has planned for custom designed mailboxes and posts, and post light fixtures.
- 18.2 Mailbox posts and post light fixtures are available at cost from the Master Association office.
- 18.3 Should the mailbox need replacement; the exact replacement box is available from a hardware store or hardware supply firm. (Photo of mailbox can be found 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 mailboxes will be painted Black.
- 18.6 The US Postal Service requires the house number must be represented in numbers that are at least 1 inch tall and must be positioned on either the front or the flag side of the mailbox.
- 18.7 All single-family homes in Unit 1, known as Brentwood which includes the following streets, Henley Dr, 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 Any home owner may erect a free-standing flagpole no more than 20 feet in height on any

portion of the homeowner's real property.

- 19.2 The flagpole cannot obstruct sightlines at intersections 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. (See appendix for flag regulations)
- 19.4 In lieu of a flag pole the home owner can elect to install a wall mounted flagpole assembly.
- 19.5 Any flag pole/wall mounted flagpole assembly installed prior to this date are grandfathered.

20 Playground Equipment

As playground equipment is classified as a structure, installation of such structure in the front or side yards of any residential unit will significantly alter the appearance of said unit. Therefore, the installation of said equipment in these locations is prohibited. Installation of such equipment may be installed in the rear yard. ARB written approval is a requirement.

21 Private Wells

- 21.1 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.
- 21.2 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 way.
- 21.3 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.

22 Sidewalks

- 22.1 Sidewalks where installed are part of the public right-of-way. As such repairs are the responsibility of Collier County.
- 22.2 Sidewalk cleaning is the responsibility of the property owner.

23 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.

24 Outdoor Cooking, Smokers, and Fire Pits

- 24.1 The use of commercially manufactured electric, LP gas, or charcoal outdoor portable barbecue appliances is permitted, subject to compliance with all applicable laws.
- 24.2 The use of a commercially manufactured electric or LP gas outdoor portable fire pit/heater is permitted, subject to compliance with all applicable laws.
- 24.3 No "home-made" versions of such devices are permitted.
- 24.4 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.
- 24.5 No permanent outdoor barbecue grill, fire pit, or fireplace structures of any kind are permitted.
- 24.6 No outdoor wood burning devices of any kind are permitted, including but not limited to wood-burning fireplaces, fire pits, barbecue grills, and food smoking devices.

25 Miscellaneous

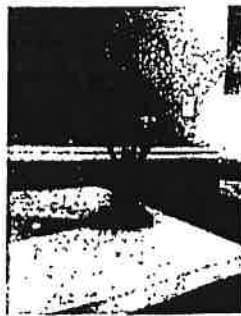
- 25.1 A lanai, patio, etc. which may be added after the original construction shall be consistent with the design and material of the original structure.
- 25.2 Trash containers are to be screened from view of the street, adjacent neighbors or common areas.

Appendix

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

3 Light Fixtures

Example of acceptable light fixture:



7.4 Lots that may be affected by the Master Association utilizing the easement for drainage and grading:

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

8.10 Suggested sod types: Floratam, Seville, Palmetto, Captiva and Empire Zoysia.

9.1 Approved wooden fences: The properties of 252 Lambton, 256 Lambton, and 7201 Appleby along the bicycle/walking trail to screen the backyard from view.

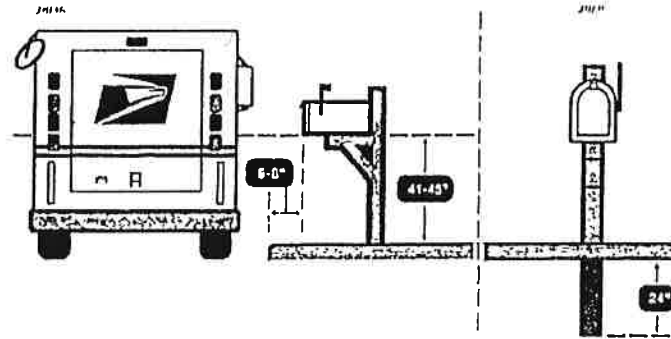
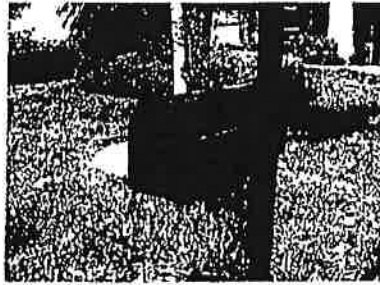
Appendix

Clear picture of pole lamp on page 12.

Physical size 8.27 x 17.7 inches



19.3 Mailboxes: Exact replacement for mailbox with the placement of house number.



Mail-post installation measurements

20.3 Flag regulations: Any home owner may display one portable, removable United States flag or official flag of the state of Florida in a respectful manner and one portable removable official flag in a respectful manner not larger than 4 ½ feet by 6 feet which represents the United States Army, Navy, Air Force, Marine Corps, Coast Guard or a POW-MIA flag. Such additional flag must be equal to in size or smaller than the United States flag. The United States Flag must be flown above all other flags displayed.

This section is from the original builder documents:

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.

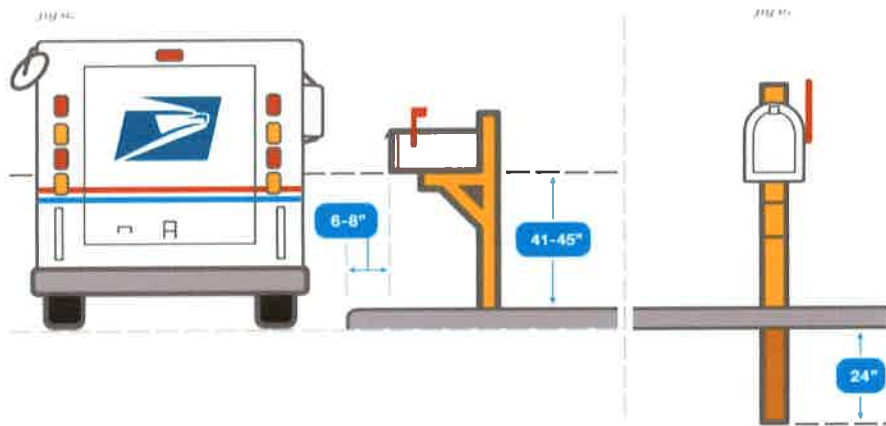
Front Elevations

- 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.

Appendix

Enhanced picture of photos on page 13

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



- 1.2 Screen enclosures shall not break the side plane of the residence.
- 1.3 Where practical, natural materials, rather than synthetic will be used for exterior finish.
- 1.4 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	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, SPA

- 1.0 May include an attached, or detached, separate spa.
- 1.1 Pool Enclosure. To be substantially of a mansard roof design.
- 1.2 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 floors - may be front or side entry design.
- 1.1 1 car attached — minimum.
- 1.2 No maximum attached garage
- 1.3 Remote electric automatic door is required for each door.

Corner lot residences are to face minor streets where possible.



State of FLORIDA
County of Collier

I HEREBY CERTIFY THAT this is a true
and correct copy of a document recorded
in the OFFICIAL RECORDS of Collier County
WITNESS my hand and official seal
date, 3/8/2021
CRYSTAL K. KINZEL
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

BY: Mary Dabyn D.C.