

The Shores at Berkshire Lakes
GUIDELINES FOR
ARCHITECTURAL CONTROL COMMITTEE
REVIEWS

This revision dated **April 21, 2022**, supersedes all previous issues and revisions and has been approved and adopted by The Shores HOA Board of Directors (The Board). Sections shall be denoted by **G-** for General, **AC-** for Architectural and **L-** for Landscaping. The Architectural Control Committee (ACC) has been assigned the task of reviewing and approving or denying all Modification Requests for exterior changes or additions to any single-family home or villa.

GENERAL

G-1 The requirements of Section 4, Architectural Control, Section 7, Maintenance; Improvements, Section 9, General Covenants and Use Restrictions, of the Amended and Restated Declaration of Restrictions and Protective Covenants shall govern. The purpose of these restrictions is to preserve the architectural integrity in the community and to maintain a uniform design and style for improvements made by owners who reside in the community. These guidelines are subject to periodic review and revisions by the ACC and The Board. In addition to ACC and The Board approval, all exterior improvements must meet all local requirements with proof of properly acquired drawings and permits as required.

G-2 Owners of dwellings who perform work in violation of Section G-1 above of the documents without prior written approval of the ACC or The Board shall be subject to fines, in addition to all other available rights and remedies of the Association. Amount of fine shall be determined by The Board based on the degree of the violation. In addition, the owner may be subject to Section 4.2 C regarding removal of unauthorized improvements at no cost to the Association.

G-3 Items in place prior to November 1, 2002 are considered to be “grandfathered”.

ARCHITECTURAL

AC-1 No additional fences shall be allowed after the date of “turnover”.

AC-2 The color of the exterior walls of all villas, single family homes and condos may be changed only with approval of The Board. All owners in the villa must consent in writing to any change in exterior colors.

Colors can be chosen as follows:

- Can remain as originally painted or selected from the approved paint chips that can be seen at the management company, or
- Chosen from the coordinated color selections for house, front door and trim as shown at the management company.

AC-3 Both portions of all villas are to be painted at the same time. Both owners are to submit separate applications for approval at the same time. If one villa application is submitted without the villa mate application the application will be automatically rejected.

AC-4 Roofs for villas, single family homes and condos shall abide by the following guidelines:

1. The roof must match an existing barrel or flat tile, concrete or metal roof on a villa, single family home or condo in the Shores.
2. The color of the roof on all villas, single family homes and condos shall be either
 - a. As originally installed
 - b. Matches an existing roof color already installed on any other villa, single family home or condo in the Shores, including blended roof colors
 - c. Or shall be a shade of black, gray, terra cotta, or white

The owner must obtain a physical sample of the material to be installed before deciding on their choice and submit the sample to the ACC in connection with any application for approval. No asphalt shingles will be allowed.

Villas; Shared Roof Restrictions. In the interest of preserving the aesthetic appeal of the community, promoting the integrity of the common villa roofs, and preserving property values, when conducting a half or partial roof replacement on a villa home, the following requirements must be **strictly followed**:

1. The contractor must sign off on the application confirming compliance with items # 3, 4, 5, 6, 7, & 8 below when installing the roof tiles. If there is no contractor signature, the application will be automatically rejected.
2. If the ACC votes to recommend approval of the applicants Modification Request (“MR”), then the management company will deliver a written notice to the adjoining villa mate informing them that there will be a vote on the MR to replace the other half roof on their building at the next Board meeting. The non-replacing villa mate will be advised if they have any concerns that they should attend the meeting or send written correspondence to management stating those concerns. In the event of a dispute between the two owners, they shall comply with the arbitration provisions under Section 7.7(A) of the Declaration.
3. Tiles are to be feathered together at the meeting point of the villa mate's roof and the new roof.
4. No new ridge shall be created where the new half roof meets the old half roof.
5. The new tile color must match the villa mate's existing roof.
6. The new tile material must match the villa mate's existing roof.
7. The new tile form, shape, and size must match the villa mate's existing roof.
8. If the villa garage doors are side by side, the new roof must, with the consent of the adjoining owner, be installed to extend over both garage doors.

It is the intent of these guidelines that all half-roof replacements effectively blend in with their existing counterparts, avoiding any appearance of a joint or separation between the two sections of the roof. If these requirements are not followed, the replacing owner will be fined and required to fix the violation at the replacing owner's expense, even if it requires replacing the entire roof over both villas, in addition to all other available legal remedies.

AC-5 A standard “For Sale” sign has been established for both realtor and homeowner sales. No private realtor or owner signs shall be allowed

(Refer to standard at management company's office). Signs should be placed as close to shrubbery in the front yard as possible so as to not interfere with mowing.

AC-6 The rain gutters, down spouts, soffits, fascia and bird stops on all villas, single family homes or condos can be black, brown or white and must be the same color. For villas, both villas must be the same color.

Shutters and trim must be a neutral color. White, off-white, cream, gray, tan, and taupe are acceptable colors provided they meet the aesthetics of the community. Samples of the shutter and trim colors must be submitted to the ACC for approval.

For villa lots A-1 thru A-39. half gutters over a single garage entry are not allowed. Both villa owners must replace or install new gutters together over the front of the villa. Also, gutter downspouts must be at the ends/edge of the garage. No downspouts are allowed in the center between the garages.

AC-7 Screen Lanai framing shall be black, brown/bronze, or white with charcoal colored screening. Screening shall match the existing screening used here at the Shores. No solid materials (aluminum, fiberglass, etc.), in lieu of screening, shall be allowed. All screen house roof enclosures shall be screened. No solid roof panels shall be allowed. Building roof line shall not be modified or extended. For villas with doors in front of the house, screened enclosure frame colors must match.

AC-8 Single family or villa owners may install one flagpole that is no more than 20' high. The placement of the flagpole must not obstruct sightlines at intersections and is not within or upon an easement. All flagpoles require an ACC modification request. Types of flags that can be displayed in a respectful manor are as follows.

One official United States flag, not larger than 4 1/2 feet by 6 feet. You may additionally, display one official flag of the State of Florida or the United States Army, Navy, Air Force, Space Force, Marines, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag.

Official United States flags displayed at night should be lighted with a fixture of 150 lumens with a narrow beam. In addition, the lighting fixture should be installed about 3 feet from the flag pole and aimed at

the ball at the top of the pole. This arrangement will allow the lights to spread and illuminate the flag itself, no matter which way the wind blows.

On Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veterans Day, multiple small portable, removable official flags of the United States and of any branch of the United States Armed Forces may be displayed from noon the day prior until noon the day after the named holiday.

AC-9 No personal items shall be stored on common areas (e.g. shore of lake). Unit property lines do not extend to the edge of the lake.

AC-10 Satellite dish antennas (maximum diameter of 39.37”) are to be installed on the rear or the rear half of the sides of villas and single-family houses where they can receive signal. Pole or ground mount antennas shall not be approved.

AC-11 No playground apparatus shall be approved.

AC-12 The homeowner is responsible for any damage incurred during construction work. There are no “wash - out” facilities on the site. Violations of the “wash - out” policy or damage to any property could result in fines by the board, in addition to other available rights and remedies of the Association.

AC-13 The painting of entry doors for single family houses, condos and villas shall be chosen from the approved paint chips that can be viewed at the management company. For villas having entry doors in the front of the building, the color of both doors must match.

AC-14 There shall be no additions beyond the original “footprint” of the building on the lot. No roof lines shall be extended or modified except for approved screened lanai and swimming pool extensions.

AC-15 Storm shutter standards:

- a. “roll-up” shutters shall be metal and white in color. Accordion type shutters shall be white in color.
- b. galvanized finish (painted white) may remain installed while unit is vacant.
- c. galvanized finish (non-painted) may be installed 72 hours prior to an official “HURRICANE WARNING” being established and removed within 72 hours after the “HURRICANE WARNING”

- is removed.
- d. wood panels (plywood) shall be a minimum of 3/4" thick, painted white with no bare wood exposed, cut to fit openings in a neat manner with location markings not exceeding 1" in height, time of panel installation shall be the same as for unpainted galvanized units, panels shall be prepared well in advance of the hurricane season so that they can be fitted and painted.
 - e. polycarbonate ("Lexan") shall be clear; secondary framing shall be white; discolored or hazy panels shall be replaced by the current Owner at no cost to the Association; the degree of clearness shall be determined by the board and discussed with the Owner.
 - f. wind abatement systems shall be "Armor Screen", "Storm Catcher" or an approved equal.
 - g. "Storm Buster 16", a polypropylene corrugated panel, is an approved material. The 72-hour requirement as stated in AC-20 c. shall apply. Original installation shall be by an authorized Contractor.

AC-16 Painting of mailboxes and posts- (Single-family houses and villas) will be the responsibility of the MHOA.

AC-17 Holiday decorations may be put up no more than five (5) days prior to the holiday and must be taken down no later than five (5) days after the holiday. The exception for this shall be decorations for Christmas and Hanukkah may be put up during the week of Thanksgiving and taken down no later than January 10th.

AC-18 Owners and/or Contractors shall be responsible for locating all underground utilities prior to any digging. Call Sunshine State One or visit www.sunshine811.com

AC-19 To meet the latest Collier County Code and also wind mitigation requirements, all villas and single-family houses requiring replacement garage doors, the doors shall be of the solid panel type with no glass panels and the same style and color as the other doors in the community. In the case of the attached villas, this does not mean that if one villa requires a replacement door the other attached villa would be required to install a replacement door at the same time.

AC-20 Garage (coach) lights for villas, single family homes and condos shall be either black, white, silver, tan, or taupe. No other color is allowed. Garage (coach) lights for adjacent attached villas shall

reasonably match and be approved by the ACC. The shape of the lights shall be approved by the ACC.

AC-21 Paver options for driveways of villa lots A-1 thru A-39. Villa owners of these lots have the option of replacing the concrete driveways and walkways to the front entry with concrete pavers. All owners in a villa must consent in writing to the color of the pavers as both villas must use the same color.

The only partial repair of concrete driveways allowed is:

- the sidewalk and apron as one repair, or
- the driveway between the sidewalk and the house

For all villas, the following is a list of standards to be adhered to:

- a. An application shall be submitted for approval to the ACC.
- b. Each villa, on an individual basis, may install pavers with approval.
- c. Adjacent attached villas shall have the same color pavers.
- d. Color of pavers shall be limited to shades of tan, beige or gray. Samples of pavers shall be submitted with the application for approval.
- e. Size of pavers shall be approximately 6-1/4" square and 6-1/4"x9-1/2".
- f. All driveways shall have the same pattern which is a combination of the 2 sizes above. The pattern is referred to as Munich, Contempra, Vienna Series or Roman Cobble with the following ratio 6-1/4" x 6-1/4" = 25%, 6-1/4"x9-1/2" = 75%.
- g. Pavers shall extend from the garage door opening to the edge of the gutter at Berkshire Pines Drive.
- h. The sidewalk except at the width of the driveway shall remain concrete.
- i. The walkway from the driveway shall be 4' wide. (Optional width of walkway - full width from garage wall to house wall.)
- j. All edges of pavers shall be edged with a running course of pavers and edged with mortar.
- k. Owner to contact HOA irrigation contractor for possible irrigation adjustments (at owners' expense).
- l. Contractor to locate all underground utilities prior to any concrete removals.
- m. Contractor to provide traffic control on Berkshire Pines Dr. when concrete is being loaded on trucks for disposal.
- n. No contractor equipment to remain on site overnight.
- o. Pavers being delivered to site are to be stored on the grass area between the gutter and sidewalk.
- p. Contractor to repair all areas disturbed by the construction.

- q. The homeowner is responsible for any damage incurred during construction.

AC-22 Owners may keep storage pods and/or dumpsters on the Parcel in connection with approved construction activity for a period not to exceed sixty (60) days after obtaining written approval from the Master Association through the ACC approval process.

AC-23 All contractors shall supply the owner with a copy of all required business licenses and evidence of insurance. The copies of the licenses and insurance shall be attached to the Modification Request form by the owner(s) and verified by management to be valid.

AC-24 Modification Requests are required for solar panels, security cameras and other technologies. These technologies must follow all county, state, and federal laws and regulations for usage. Installation of solar panels facing the street is discouraged.

LANDSCAPING

L-1 No existing planting beds, trees, or hedges are to be expanded without prior approval by The Board. Any plants that are removed must be replaced. ACC approval is **NOT REQUIRED** for changes in existing planting beds when:

- Planting replacements are 'like-for-like' (same plant replaces same plant)
- Planting installations are within empty beds where plantings used to exist or will fill in bare spaces
- Planting is replaced from plants from the same Tier list (1, 2, or 3) as shown at the management company
- Landscape beds are not being expanded, withdrawn, added or eliminated
- No county requirements are infringed upon (includes types of plantings and various easement issues)
- No banned plantings (trees, shrubs, and ground cover that are invasive or have seasonal intolerance to SWFL) shown at the management company are used

New planting beds should be within 4 feet of the existing building. Additional planting beds should not be more than 4 feet from surrounding tree(s), A/C units, swimming pool pumps, ground utility units (with either above or below ground covers), or in other approved locations. Choices of approved plantings (Tier list 1, 2, and 3) and banned plantings are shown at the management company.

L-2 Any portion of the existing irrigation system that may be disturbed by new construction must be isolated and capped prior to construction so that the remainder of the system will be operational during construction. On completion of construction, the system shall be adjusted, repaired, and made fully operational. This work shall be done by the Association irrigation contractor at the Owners expense.

L-3 Excess sod or earth resulting from any construction such as pools and lanais shall be removed and disposed of properly off-site. No excess soil shall be spread or in any way change existing grades, especially along the banks of the lake (common areas).

L-4 Planting bed edgings of brick, concrete block, wood or other materials shall not be extended more than 8” above grade and must be maintained.

L-5 Tree removal / replacement

In the event a homeowner desires to remove or relocate a tree to a new location, the owner must submit a completed Modification Request form, and where applicable, also a Tree Removal Form to the ACC. The request shall include a drawing, or plot plan, that indicates the location of the tree to be removed, as well as the location of any new trees to be planted. The ACC will determine the suitability of removing or relocating the tree. Factors to determine suitability include, but are not limited to:

- Are the trees causing damage to structures?
- Are the trees creating a safety hazard, such as blocking the view of traffic or street lighting?
- Are the trees damaging walks, driveways, utilities, etc. for things such as roots invading the sewer lines?
- Was hurricane damage a factor.

Along with the permission to remove the tree, the homeowner may be required to install a new acceptable tree located on his property in a location he designates and is approved by the ACC. If the owner has a substantial number of acceptable trees on his property, the ACC may waive the replacement requirement. Lists of acceptable and unacceptable trees may be found at the management company

Once the ACC has determined that the homeowner’s tree removal application is acceptable, the homeowner agrees to do the following:

- The tree is to be removed by a licensed and insured tree removal contractor

or by the homeowner himself.

- The tree and all the debris from the removal is to be removed from the homeowner's property and the common property of the Association for disposal.
- The trunk and roots are to be ground down to below ground level.
- Soil is to be placed in the cavity created by the ground down trunk and roots, and sod is to be installed to restore the area to resemble the surrounding area.
- Any damage to the irrigation system, sidewalks or roadway done by the contractor during the removal process is to be repaired at the homeowner's expense.

After the tree removal, the homeowner may be required (except when a homeowner is granted a waiver by the ACC) to install a new canopy tree that meets Collier county requirements.

- The homeowner's property must have a minimum of 3 canopy trees at all times.
- Newly planted trees shall be staked for between 6 and 12 months, until the tree has established itself. Leaving the braces on longer than this can damage the tree.
- Large canopy trees must be planted a minimum of 15' away from any structures and 10 feet away from drives, sidewalks, and hardscapes to prevent future problems with roots and branches damaging the foundation or roof of the home.
- A brochure listing the acceptable trees along with planting suggestions is available from the management company or directly from Collier County.