

Berry Avenue Property Owners Association Architectural Review Committee (ARC) Guidelines, Community Rules and Restrictions

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ARC APPLICATION FORM ATTACHED

ALL PERSONS USING THIS MANUAL ARE ADVISED:

1. This manual has been adopted for the purpose of establishing general guidelines for architectural approvals and every day rules for the community and does not supersede or replace the Association's governing documents or local, state or federal laws, codes, ordinances, rules or regulations.
2. This manual is subject to amendment from time to time. Also, because of changing circumstances and technologies, matters prohibited or approved in the past may not necessarily be prohibited or approved in the future.
3. While this manual is intended to establish consistency of appearance within the community, it should be remembered that because of factors such as location, neighborhood characteristics and proximity to common areas, waterbodies, roads and the like, various properties may be treated differently in order to reflect such factors.
4. As stated in the Association's governing documents, no approval hereunder shall constitute a warranty or approval as to, and neither the Association nor any member or representative thereof shall be liable for, the safety, soundness, workmanship, materials or usefulness for any purpose of any improvement or alteration nor as to its compliance with governmental or industry codes or standards.

Revised October 2018

**Section
10**

Air Conditioners

- A. Window A/C units are not permitted.

**Section
20**

Antennas and Satellite Dishes

- A. Exterior antennas used for AM/FM radio, amateur ("Ham") radio, CB radio, Digital Audio Radio Services ("DARS"), or antennas used as part of a hub to relay signals among multiple locations are not permitted.
- B. Satellite dishes with a diameter of 18 inches or less may be installed subject to the following:
 - 1. Dish must be installed at least 8 feet above the finished floor of the home.
 - 2. The preferred location for dishes is on the rear wall of the home or on a sidewall within 6 feet from the rear of the home.
 - 3. Cables required for installation, which are exposed on outside walls, must be painted to match the existing building color.
 - 4. Dishes may not be installed in common areas.
 - 5. Installation of more than one dish will be considered in the circumstance that a single dish is insufficient to provide an acceptable signal. In such situations, a letter from the satellite service provider must be presented for review to ARC with the homeowner's request.

**Section
30**

Awnings

- A. Only retractable roll-out awnings encased on rear of home are permitted.
- B. You must submit an architectural application, with a survey showing location and sample of fabric, to ARC for approval prior to installation. Colors must be consistent with the color scheme of the houses in the community.
- C. Periodic cleaning and eventual replacement by owner is at the discretion of the Board of Directors.

**Section
40**

Basketball Hoops

- A. Shall be professionally manufactured basketball backboards installed on black poles with white or clear backboard. No roof or roof-mounted backboards are permitted.
- B. Portable basketball hoops shall be stored in garage when not in use. Storage on lanais or anywhere outside of the home is prohibited.
- C. Shall not cause a nuisance.
- D. Portable basketball hoops cannot be set up in the street.

**Section
50**

Watercraft

- A. The only place a boat, canoe, kayak or other watercraft may be kept within the community is within the garage of the unit owner. The garage door must be able to close completely so that the boat, canoe or kayak is not visible from the street. Boats, canoes or kayaks parked in the street or any other unauthorized area will be towed at the owners expense.

**Section
60**

Clothes Drying

- A. No garments, rugs, or any other materials may be hung, exposed, or dusted from the windows or from the front façade of any home. Further, no outside clothesline or other facilities for drying or airing clothes shall be erected in the front, side or back yard of any home.

**Section
70**

Driveways & Walkways

- A. Surfaces must be consistent with original materials and colors.
- B. Walkways from the driveway to front door; front and rear patios and porches may be considered for resurfacing (tile, pavers, etc.,)
- C. Driveways should remain free from oil, gas and other stains. Periodic cleaning may be required at the discretion of the Board of Directors.
- D. No side extensions to the driveways are allowed.

**Section
80**

Exterior House Light

- A. All additional light fixtures require architectural approval. Along with your architectural application submit a picture of the fixture and a copy of your survey, showing the location, to ARC for approval prior to installation.

**Section
90**

Fences

You must submit an architectural application with a survey showing the fence location for approval prior to installation. Municipal permits are responsibility of homeowner. Gates, a minimum of four (4) foot wide are required to allow access of lawn maintenance equipment. These gates MUST be kept unlocked at all times.

A. Interior Lots

1. 6' white vinyl or 5' bronze or black aluminum fencing only.
2. Must be set back at least 5' from front corners of house.
3. Due consideration should be given to any easements that may exist.

B. Corner Lots

1. 6' white vinyl or 5' bronze or black aluminum fencing only.
2. Must be set back at least 5' from front corners of house.
3. Fences must be set in at least 5' from the sidewalk on the side of the property facing the street.
4. Due consideration should be given to any easements that may exist.

C. Preserve / Water Management Lots

1. 6' white vinyl or 5' bronze or black aluminum fence only on rear of home only.
2. Must be set back at least 5' from front corners of house.
3. Fence cannot encroach into the landscape buffer easement.
4. Due consideration should be given to any easements that may exist.

D. Perimeter Lots

1. 6' white vinyl or 5' bronze or black aluminum fencing only.
2. Must be set back at least 5' from front corners of house.
3. Due consideration should be given to any easements that may exist.

**Section
100**

Flag Poles & Flags

- A. No flags or banners other than a flag permitted by Chapter 720.304, Florida Statutes, or other local, state or federal law which must be displayed in a respectful manner and which is subject to reasonable standards for size, placement and safety.
- B. Only permissible installation is by brackets mounted to the front exterior of house. Flags are not permitted to be affixed to trees or other landscaping.
- C. You must submit an architectural application with a survey showing location to ARC for approval prior to installation.

**Section
110**

Garages

- A. Garage conversions are not permitted.
- B. Garage doors should be kept closed when garage is not in use.
- C. Garages doors should be periodically cleaned, painted and maintained - damaged or unsightly doors may be required to be cleaned, repaired, or replaced at the discretion of the Board of Directors.

**Section
120**

Gutters & Down Spouts

- A. Gutter color must match the fascia of the house.
- B. Down spouts must match the color of the house.
- C. You must submit an architectural application with a survey showing location to ARC for approval prior to installation.

**Section
130**

House Colors

- A. Shall remain as original colors selected for the community.
- B. Approval must be received prior to painting front doors or garage doors.
- C. You must submit an architectural application to ARC for approval prior to painting.

**Section
140**

House Paint

- A. Shall not have mildew or irrigation staining.
- B. Shall not have chipped or peeling paint.

**Section
150**

DELETED

**Section
160**

Landscaping & Plant Materials

- A. Landscaping (includes plants in established planter beds) shall not be removed without prior approval.
- B. All landscaping shall be contained in mulched beds.
- C. Homeowner is responsible for maintenance and upkeep of all additional landscaping.
- D. Landscaping should not be planted in the Right of Way or Public Utility Easements. Planting in such areas is at the homeowners risk, as if utilities need to be installed or repaired, it is within the right of the installing entity to remove the plants with no responsibility to replace them or compensate the owner.
- E. When installing new landscaping in any area other than an existing planter bed, or when installing a new planter bed, homeowner is required to have all public and private utilities located and flagged prior to digging.
- F. **LANDSCAPE LIGHTING & DECORATIVE STRUCTURES**
 - 1. Wiring shall be buried and out of sight.
 - 2. Homeowner may be required to assume responsibility for maintaining lawn directly surrounding landscape lighting or decorative structures if the installation of such features creates an undue burden on the lawn maintenance company
 - 3. Transformers shall be obscured from view.
 - 4. Must not be a nuisance to neighbors.
 - 5. No trellis' are allowed.
 - 6. Ponds, fountains and other water features and sculptures are not permitted unless contained within an enclosed lanai or pool area.
- G. **PLANT MATERIAL**
 - 1. **Trees**
 - (A.) Most varieties permitted, however rapid growing and/or invasive varieties may be prohibited completely, or restricted in certain locations.
 - (B.) Shall not be a nuisance due to insects or rodents.
 - (C.) Shall be regularly trimmed so that branches do not become a nuisance to neighboring properties.
 - (D.) Fruit trees must be planted a minimum of 10' from property lines. Standard setback for all trees other than fruit trees is a minimum of 5' from property lines. Large or rapidly growing trees may require greater setbacks.
 - (E.) Fallen fruit, branches and fronds must be picked up.
 - (F.) Fruit trees may only be planted in backyard.
 - (G.) For the health of the tree, the planting of flowers around swale trees is not permitted.
 - 2. **Hedging**
 - (A.) Most varieties permitted, however rapid growing and/or invasive varieties may be prohibited or restricted in certain locations.
 - (B.) Shall not be a nuisance due to rodents or insects.
 - (C.) Shall be regularly trimmed so that branches do not become a nuisance to neighboring properties.
 - (D.) Spacing of hedging shall be continuous (i.e. planted on 18 inch centers).
 - (E.) Hedging shall be planted inside property line by at least 18 inches. On corner lots, hedging must be set back at least 5' from sidewalks and/or roadways.
 - (F.) Hedging must maintain height between 4 and 5 feet.
 - 3. **Plants and Flowers**
 - (A.) No artificial vegetation allowed (includes grass, plants, etc.,).
 - (B.) Most varieties of plants permitted.
 - (C.) For the health of the tree, the planting of flowers around swale trees is not permitted.
 - (D.) Adding new planter beds or replacing plants in existing beds require prior approval.

**Section
170**

Mailboxes

- A. No individual mail boxes are permitted. Mail delivery is located at designated locations.

**Section
180**

Nuisances

- A. Music may not be played at a level that can be heard outside of your home.
- B. No homeowner shall create an annoyance to the neighborhood. Loud, disturbing and unnecessary noises will not be tolerated and may be reported as noise disturbances to the County Sheriff's Office. Activities that may constitute a noise disturbance include, but are not limited to, the following:
 - a. loud music, television or parties
 - b. sounding of horns and whistles for an unreasonable period of time other than as a danger warning
 - c. yelling, shouting, singing, etc other than at normal conversation levels after 11pm
 - d. barking, howling, whining, screeching of animals
- C. Rodents and insects shall be controlled.
- D. Garage or yard sales are not permitted.
- E. Firearms, pellet, and BB guns shall not be discharged within the community.
- F. Fireworks are not permitted within the community.

**Section
190**

Parking of Vehicles

- A. Parking on streets, parking on or across sidewalks, parking on lawns, and parking on common areas is not permitted.
- B. Vehicles may not be parked sideways on driveways.
- C. Board of Directors or their agent has the authority to tow vehicles which are in violation of the rules and regulations of the community at the vehicle owner's expense.
- D. Vehicle owner will be responsible for expense of repairs required to any property damaged as a result of parking in violation of these rules (ie: damage to grass, sprinkler, etc.).

**Section
200**

Patios & Lanais

- A. Wood decks are not permitted.
- B. Shall be constructed of pavers or concrete.
- C. Materials shall be consistent in color and type with those used in the construction of the home.
- D. Shall not extend beyond the plane (sides) of the house.
- E. Shall not encroach on any easement, including utility easements.
- F. Homeowner is responsible for having all public and private utilities located prior to commencing construction.
- G. Irrigation lines and heads that run through the area of the improvement should be capped and/or re-routed so that no running water is flowing under the patio/lanai. Homeowners who build over existing lines do so at their own risk. In the instance a line breaks underneath the patio/lanai, Association's irrigation contractor will repair the line and is permitted to remove any portion of the patio/lanai necessary to complete the repair. Neither Association nor contractor will be responsible for repair or reimbursement to Homeowner for damage caused to the patio/lanai as a result of the break.

**Section
210**

Pets

- A. Pets must be leashed at all times when they are not in a fully enclosed patio/yard.
- B. You must pick up after your pets.
- C. Pets cannot be left outside, including within a screen patio area or a pool screen enclosure, to bark or to the annoyance of neighbors.

**Section
220**

Swing Sets and Play Equipment

- A. Swing sets and play grounds must be submitted for review and approved.

**Section
230**

Pools

- A. Swimming Pools & Spas
 1. No portion of pool, pool deck or enclosure may extend beyond plane of the house.
 2. Homeowner is responsible for having all public and private utilities located prior to commencing construction. Homeowners that proceed with construction without having utilities located will be responsible for costs associated with damage to any utility line.
 3. Irrigation lines and heads that run through the area the pool and deck will be installed should be capped and/or re-routed so that no running water is flowing under the pool or deck. Homeowners who build over existing lines do so at their own risk. In the instance a line breaks underneath the improvement, Association's irrigation contractor will repair the line and is permitted to remove any portion of the improvement necessary to complete the repair. Neither Association nor contractor will be responsible for repair or reimbursement to Homeowner for damage caused to the as a result of the break.
 4. Survey showing a scaled drawing of pool/spa and pool equipment should be attached to your architectural application.
 5. You must suggested that you receive architectural approval from ARC before applying for permits.
- B.Pool Equipment & Gas Tanks (heaters, pumps)
 1. Landscaping shall be used to obscure pool equipment from view.
 2. Type of landscaping that will be used should be identified in architectural application submitted for pool installation.

**Section
240**

Screen Enclosures & Screen Doors

- A. Screen doors are not permitted on the front doors of the units.
- B. The recessed patio and patio doors in the rear of the unit may be screened provided framing is white or bronze screening and approved by the ARC.

Section 250

Seasonal Lights & Holiday Decorations

- A. May only be displayed for a total of 40 days per calendar year.
- B. No hooks, nails or other devices shall be placed on a tree or other landscaping for purpose of hanging lights or other decoration as this is harmful to the health of the plant.

**Section
260**

Sidewalks (Parallel to Streets)

- A. Shall not be painted or stained.
- B. Shall be kept free of irrigation stains.
- C. Sidewalks are never to be altered except as originally installed.

**Section
270**

Signs

- A. One "For Sale" or "For Rent" sign may be displayed in the front window of the home, provided the face surface shall not be larger than 3" x 5". Once the developer has sold all homes within the community the size will then be increased to 18" x 24" in yard.
- B. No other signs are permitted.
- C. No signs of any kind may be placed on community common grounds.

**Section
280**

Storage Sheds & Tents

- A. Are not permitted.

**Section
290**

Storm Shutters

- A. Shall preferably have removable panels.
- B. Roll-down and sliding models shall match wall color.
- C. Accordion panel shutters must match color of adjoining window or door frame.
- D. No Bahama Shutters are permitted.
- E. Panels must be in place no earlier than 48 hours prior to storm or warning, and must be removed within 7 – 14 days after a storm or 48 hours after a warning.
- F. Must not be used for security purposes.
- G. You must submit an architectural application with a survey, showing location to ARC, for approval prior to installation of shutters other than what was included with your home.

**Section
300**

Trash

- A. All trash must be placed in containers. Bags and loose trash are not permitted. Containers should be made of rigid plastic with 20 – 32 gallon capacity, well-sealed.
- B. No trash containers can be put out earlier than 24 hours before pick up.
- C. Containers must be brought in no later than 12 hours after collection.
- D. Trash containers must be stored out of view. Trash containers may not be stored at the side or rear of the house unless obscured from view by approved landscaping.

**Section
310**

Vehicles

- A. No recreational vehicles, commercial vehicles, trailers, or mobile homes are permitted to be stored within the community unless they can be stored within the garage.
- B. No car covers or unlicensed cars are allowed.
- C. ATV's, 4-wheelers and similar vehicles may not be driven anywhere within the community.
- D. The speed limit throughout the community is 20 m.p.h.

**Section
320**

Windows and Window Coverings

- A. Window coverings shall consist of curtains/drapes, blinds or other traditional window covering. Sheets, newspaper, aluminum foil, bags and other similar items are not permitted.
- B. Tinting shall be non-mirror finish.
- C. Broken or damages blinds or window coverings will be required to be replaced at the discretion of the Board of Directors.
- D. Broken windows shall promptly be replaced.

Compliance with these guidelines does not automatically grant architectural approval. Architectural approval must be requested in writing, for any changes to the exterior of your home. Application and instructions can be found on the attached Architectural Review Board Application form or by calling Property Keepers Management at (954) 586-5111.

**BERRY AVENUE PROPERTY OWNERS ASSOCIATION ARCHITECTURAL REVIEW
COMMITTEE
APPLICATION AND APPROVAL FORM**

Name: _____

Address: _____

Phone: _____ (H) _____ (w)

Subdivision: _____ Lot: _____

Date: _____ Date Received: _____

Approval is hereby requested to make the following modifications, alterations, or addition to my home or lot.

Please attach a detailed description of the modification/improvement (ie: color, size, materials to be used), along with a lot survey containing a scaled drawing of the location of the modification/improvement, and copy of professional license and proof of insurance of contractor who will be performing the work if other than the homeowner.

I AGREE:

1. To abide by the decision of the ARC/Board of Directors.
2. That if the modification is not completed as approved, said approval can be revoked and the modification removed.
3. That I am responsible for restoring all property affected by my installation/modification to its prior condition and that I am responsible to pay for and repair any and all damages done to any common area or adjoining property as a result of the installation/modification within a reasonable time following completion.
4. That I may be required to place a deposit with the Association in the amount of \$200.00-\$1,500.00, depending on the size and nature of project, to secure against property damaged as a result of the installation/modification. Once the installation/modification is completed and the property is appropriately restored, as determined by the Board, the deposit will be returned to me. Should I fail to restore or repair damaged property caused by the installation/modification within a reasonable time, the Association will have the right to use my deposit to complete the repairs.
5. To obtain all necessary permits and comply with all State, County, and City codes and ordinances.
6. That I am responsible for having all public and private utilities located prior to commencing work on any improvement/modification that requires any digging or excavation, and that the ARC will not approve this application until I have returned the attached Irrigation Review Form executed by a representative of Association's irrigation vendor.

I have read, understand and agree to all of the above.

Owner's Signature

Please mail request to: Property Keepers Management, LLC.
6555 Powerline Road
Suite 105
Fort Lauderdale, FL 33309
<http://www.Property-Keepers.com>
DanaR@property-keepers.com
Phone: 954-586-5111 Fax: 954-586-5113

**BERRY AVENUE PROPERTY OWNERS ASSOCIATION ARCHITECTURAL REVIEW
COMMITTEE
APPLICATION AND APPROVAL FORM (Cont.)**

Date first received by ARC: _____ (initial/date)

Application not completed, contacted owner: _____ (initial/date)

Approved: Property Manager _____

 Homeowner's Association ARC _____

Denied: Property Manager _____

 Homeowner's Association ARC _____

Deposit Amount (if required): _____

Comments: _____
