

**DRAFT AMENDED AND RESTATED DEED OF RESTRICTIONS (DOR)
AMENDMENT BALLOT
FOR 3/31/22 DOR REVIEW AD HOC COMMITTEE**

Underlined words reflect new words that would be added to the DOR if approved.

~~Words with a strike through~~ reflect words that would be removed if approved.

BALLOT QUESTION NO. 1:

ARTICLE I, SECTION 1 – Definitions.

AND

ARTICLE II, SECTION 2 - ARCC Guidelines.

EFFECT OF A YES VOTE:

This amendment removes references to ARCC “regulations” and changes to “guidelines” to make it consistent with other sections of the DOR. Article I, Section 1 of the DOR will be amended to read as follows:

“Architectural Review and Control Committee” (ARCC) shall mean and refer to the Committee established to promulgate guidelines ~~regulations~~ and enforce Article II of the Amended and Restated Deed of Restrictions of the Barefoot Bay Recreation District as established in Article II.

AND

Article II, Section 2 of the DOR will be amended to read as follows:

The ARCC shall have the authority to promulgate guidelines ~~regulations~~ relating to all construction and landscaping for lots within Barefoot Bay. Such guidelines ~~regulations~~ may, without formal amendment of this Deed of Restrictions, be created, amended, modified, altered, or changed by a majority vote of the ARCC, provided, however, that notice of any such amendment, modification, alteration, or change to the guidelines ~~regulations~~ shall be given in writing to the Recreation District as soon as practicable after adoption thereof by the ARCC. A copy of Guidelines for Use by the Architectural Review and Control Committee (ARCC Guidelines), any such amendment, modification, alteration, or change to such a guideline ~~regulation~~ shall be maintained online at the official Recreation District website as well as in the offices of the Recreation District and shall be made available on request to any interested party upon payment of a reasonable copying fee.

_____YES

_____NO

BALLOT QUESTION NO. 2:

ARTICLE I, SECTION 2 - Definitions.

AND

ARTICLE II, SECTION 1 – Architectural Review & Control Committee.

EFFECT OF A YES VOTE

This amendment removes references to the Barefoot Bay Homeowners Association, which is not a legally-recognized organization. Article I, Section 2 of the DOR will be amended to read as follows, and subsequent sections will be renumbered:

~~Section 2. “Association” shall mean and refer to Barefoot Bay Homeowners Association, a Florida Corporation and its successors and assigns.~~

AND

Article II, Section 1 of the DOR will be amended to read as follows:

Section 1. Architectural Review & Control Committee.

An Architectural Review & Control Committee (ARCC) shall be established to enforce the provisions of this article. The ARCC shall consist of five (5) members, who shall be appointed as follows:

(A) The Board of Trustees of the Recreation District shall appoint a Member of the Board of Trustees to serve as Liaison to the ARCC.

(B) Five voting members of the ARCC shall be appointed ~~as follows: two (2) by the Board of Trustees and three (3) by the Association~~, all of whom shall be Lot owners.

(C) Two (2) alternates shall be appointed by the Board of Trustees, each to a three (3) year term ~~as follows: One (1) by the Board of Trustees and one (1) by the Association~~, who shall

both be Lot owners. Alternates shall only be permitted to vote when needed to establish a quorum as provided in the ARCC rules and procedures. If needed, the Chairman of the ARCC shall designate which alternate shall vote on any item.

(D) The Community Manager shall assign a Recreation District employee to serve as support staff responsible for the recording of notes and drafting of minutes. The Resident Relations Department shall retain original copies of all minutes and handouts from the meetings and shall publish an agenda seven (7) days prior to each meeting.

(E) ARCC members will be appointed by the Board of Trustees ~~as follows: one (1) member appointed by the Association for a one (1) year term; one (1) member appointed by the Board of Trustees and one (1) member appointed by the Association, each for a two (2) term; and one (1) member appointed by the Board of Trustees and one (1) member appointed by the Association, each for a three (3) term.~~ At the expiration of the initial terms, new members will be appointed for terms of three (3) years each. If a member resigns or otherwise vacates his/her seat before the expiration of his/her term, a new member will be appointed to fill the open seat and serve the balance of the unexpired term.

_____ YES

_____ NO

BALLOT QUESTION NO. 3:

ARTICLE II, SECTION 3 – Architectural Design and Installation Requirements.

EFFECT OF A YES VOTE

This amendment specifies that a garage must be a minimum size of 11' x 18' and must have siding conforming to the style and materials of the home, and must have two unobstructed sides. Article II, Section 3 (A) 2. of the DOR will be amended to read as follows:

(A) 2. A garage with the minimum size of 11' x 18' with siding conforming to the style and materials of the home or a carport roof, including posts and fascia, fabricated of aluminum or other approved materials having two unobstructed sides.

_____ YES

_____ NO

BALLOT QUESTION NO. 4

ARTICLE II, SECTION 3 – Architectural Design and Installation Requirements.

EFFECT OF A YES VOTE

This amendment specifies that a home may have a utility room in lieu of a garage. Article II, Section 3 (A) 3. of the DOR will be amended to read as follows:

(A) 3. ~~A~~ In lieu of a garage, a utility room, fabricated of aluminum or other approved materials. A utility room is a building designed to house common household tools and equipment, and for general storage. The base of the building is a concrete slab. It may be used for housing a washer, dryer, and automatic hot water heater. A utility building must be structurally attached by full roof to the modular coach (mobile home) or carport at eave level. A utility room shall conform to all specific dimensions as approved and recorded by the ARCC.

_____YES

_____NO

BALLOT QUESTION NO. 5

ARTICLE II, SECTION 3 – Architectural Design and Installation Requirements.

EFFECT OF A YES VOTE

This amendment specifies standards for lamp post light as a minimum of 460 lumens and white, clear, or yellow, and not obstructed by landscaping. Article II, Section 3 (A) 15. of the DOR will be amended to read as follows:

(A) 15. A ~~Lamp Post~~ lamp post approved by the ARCC shall be installed in front of all Residences and maintained in operational condition at all times. Said ~~Lamp~~ lamp post shall be illuminated from dusk to dawn and must be a minimum of 460 lumens (40 watt), be white, clear, or yellow and not be obstructed by landscaping, in accordance with the ARCC Guidelines.

_____YES

_____NO

BALLOT QUESTION NO. 6

ARTICLE II, SECTION 3 – Architectural Design and Installation Requirements.

EFFECT OF A YES VOTE

This amendment requires solar installations to follow setback requirements and meet state statutes and DOR requirements. Adopting Article II, Section 3 (G) of the DOR to read as follows:

(G) 15. Any solar installation must be within the setback requirements and meet the requirements of section 163.04, Florida Statutes, and must be in conformity and harmony with the state statutes and the DOR.

_____YES

_____NO

BALLOT QUESTION NO. 7

ARTICLE II, SECTION 3 – Architectural Design and Installation Requirements.

EFFECT OF A YES VOTE

This amendment requires an approved permit from Brevard County and the AARC to install propane tanks in excess of 20 pounds, and requires the installation to be conducted by a licensed vendor or contractor. Adopting Article II, Section 3 (G) of the DOR to read as follows:

(G) An approved permit from Brevard County and approved AARC permit are required to install propane tanks in excess of 20 pounds on a Lot. Any such installation must be conducted by a vendor or contractor that is licensed by the state of Florida to perform such work.

_____YES

_____NO

BALLOT QUESTION NO. 8

ARTICLE II, SECTION 6 – Antennas and Satellite Dishes.

EFFECT OF A YES VOTE

This amendment removes unenforceable standards with respect to damage caused by antennae and clarifies that it applies to reception and transmitting antennae. Article II, Section 6 (F) of the DOR will be amended to read as follows:

(F) Each Owner of a reception/transmitting antenna shall be responsible for all costs associated with the antenna, including, but not limited to installation, maintenance, and removal.

~~1. The cost to repair, replace, maintain, move, and remove the antenna.~~

~~2. The damages to common property, other Lots, and any other property damage by the installation, maintenance, or use of the antenna.~~

~~3. The costs of injury to any persons who may be injured as a result of the installation or use of the antenna.~~

_____YES

_____NO

BALLOT QUESTON NO. 9

ARTICLE III, SECTION 1 – Residential Use.

EFFECT OF A YES VOTE

This amendment ensures that the DOR complies with a new state home-based business statute. Article III, Section 1 of the DOR will be amended to read as follows:

No structure other than a single story, single-family residential dwelling shall be erected, altered, placed, or permitted to remain on any lot. Each lot is hereby restricted to residential use by the Owner or Owners thereof and their immediate families, guests, lessees, and invitees. No commercial or business activity shall be permitted upon any lot unless the occupant thereof holds a home occupation license issued by Brevard County for such activity provided, however, that all lot owners shall comply with the requirements of Section 8 of ~~the~~ this article. The owner of a commercial business operating out of the residence must reside in that residence.

_____YES

_____NO

BALLOT QUESTION NO. 10

ARTICLE III, SECTION 2 – Condition of Property.

EFFECT OF A YES VOTE

This amendment provides that ancillary structures, in addition to the primary home, must be maintained free of mildew, mold, and dirt. Article III, Section 2 (B) of the DOR will be amended to read as follows:

(B) The exterior of a home or other ancillary structures on any lot shall be maintained free of mildew, mold, and dirt which is visible when the house is viewed from the street or from an adjacent lot.

_____YES

_____NO

BALLOT QUESTION NO. 11

ARTICLE III, SECTION 3 – Parking of Vehicles.

EFFECT OF A YES VOTE

This amendment clarifies that vehicles with an expired license or lack of registration may not be parked on any lot, driveway, carport, or common area except as specifically provided in the section. Article III, Section 3 (A) of the DOR will be amended to read as follows:

(A) No commercial vehicle, abandoned, expired license, non-registered, and/or inoperable vehicle, recreational vehicle, jet ski, boat, boat trailer, utility trailer, camper, motor home, camping trailer, truck camper, pick-up truck with camper top, or any vehicle in excess of 25 feet in overall length as measured from the foremost projection thereof to the rearmost projection thereof, shall be parked on any lot, driveway, carport, or common area within the Barefoot Bay, except for (1) commercial vehicles parked temporarily at a lot for the purpose of providing repair or other services to the occupant thereof, and (2) those vehicles described in subsection C of this section.

_____YES

_____NO

BALLOT QUESTION NO. 12

ARTICLE III, SECTION 5 – Nuisance.

EFFECT OF A YES VOTE

This amendment clarifies that occupants of a lot, not the owners, are responsible for preventing nuisances on the lot. Article III, Section 5 of the DOR will be amended to read as follows:

No nuisance shall be allowed upon any Lot, nor shall the occupant of any Lot be permitted to conduct or engage in any activity which interferes with the peaceful possession and proper use of neighboring property by the ~~Owners~~ occupants thereof. No person shall make unlawful use of any Lot within Barefoot Bay, and the occupants of all Lots shall comply with all valid laws, zoning ordinances, and regulations of Brevard County and the State of Florida.

_____YES

_____NO

BALLOT QUESTION NO. 13

ARTICLE III, SECTION 6 – Signs.

EFFECT OF A YES VOTE

This amendment changes the title of the section from “Signs” to “Signs, Flags, and Banners” to more accurately reflect the subject matter of the section. The title of Article III, Section 6 of the DOR will be amended to read as follows:

Section 6. Signs, Flags, and Banners.

_____YES

_____NO

BALLOT QUESTION NO. 14

ARTICLE III, SECTION 6 – Signs.

EFFECT OF A YES VOTE

This amendment allows the BBRD administration to approve other materials for signs rather than limiting materials to just wood, plastic, and metal, and requires that signs must comply with state law and county ordinances. Article III, Section 6 (A) of the DOR will be amended to read as follows:

(A) Not more than one sign having a maximum area of 6 square feet may be used to advertise a Lot “for sale” or “for rent,” to advertise a contractor working on the property, or to express political views or support. Any such sign shall be made of wood, plastic, ~~or~~ metal, or other approved material and shall be maintained in good repair, free of faded or peeling paint or other material. Such signs shall be removed within two (2) weeks after the event and must comply with Florida Statutes and County Ordinances.

_____YES

_____NO

BALLOT QUESTION NO. 15

ARTICLE III, SECTION 6 – Signs.

EFFECT OF A YES VOTE

This amendment ensures that the BBRD may not enforce the sign code in a way that violates federal law, state law, or county ordinances. Article III, Section 6 (D) of the DOR will be amended to read as follows:

(D) Except as provided in subsections (A), (B), and (C) of this section, no sign of any kind shall be displayed on any residential Lot in Barefoot Bay except as permitted by federal law, state law, or county ordinances.

_____YES

_____NO

BALLOT QUESTION NO. 16

ARTICLE III, SECTION 6 – Signs.

EFFECT OF A YES VOTE

This amendment provides that exterior signs, flags, and banners must be maintained in good repair and that worn, torn, or faded signs, flags, and banners must be removed and/or replaced. Adopting Article III, Section 6 (G) of the DOR to read as follows:

(G) Any sign, flag, or banner on the exterior of the property shall be maintained in good repair. Any worn, torn, or faded sign, flag, or banner shall be removed and/or replaced.

_____ YES

_____ NO

BALLOT QUESTION NO. 17

ARTICLE III, SECTION 14 – Enforcement of Deed of Restrictions.

EFFECT OF A YES VOTE

This amendment allows BBRD staff to notify DOR violators of violations by delivering the notice of violation in person as long as the staff also posts the notice of violation on the lot. Article III, Section 14 (B) of the DOR will be amended to read as follows:

(B) **Notice of Violation.** Statement of Violation and Notice of Hearing. In the event that the Recreation District determines that there is a violation of the provisions of this Instrument on any Lot in Barefoot Bay, the Recreation District shall give a Statement of Violation and a Notice of Hearing to the Owner or Occupant of such Lot specifying the nature of such violation and giving the Lot Owner or Occupant a reasonable time, as determined by Recreation District management and pursuant to current written Recreation District policy, to cure or correct such violation. Such Statement of Violation and Notice of Hearing shall be deemed to be sufficient if it is (1) delivered personally to the occupant of the Lot or the record Owner of the Lot as shown on the Brevard County Tax Rolls, in addition to posting on the Lot of the address where the violation exists (2) mailed by certified U.S. Mail, return receipt requested, to the Occupant of the Lot at the address on which the violation exists, or (3) mailed by certified U.S. Mail, return receipt requested, to the address of the Owner as shown on the Brevard County Tax Rolls.

_____ YES

_____ NO

BALLOT QUESTION NO. 18

ARTICLE IV, SECTION 3 – Social Membership Fee.

EFFECT OF A YES VOTE

This amendment removes redundant and no longer applicable language relating to the social membership fee. This amendment does not alter the powers of the Board of Trustees in any way. Article IV, Section 3 of the DOR will be amended to read as follows:

Each Lot Owner shall, upon the genuine sale of the property to a new owner, pay to the Recreation District a social membership fee. The membership fee ~~at the time of recording of this Amended and Restated Deed of Restrictions is \$750.00 plus sales tax per Lot, but such fee may be increased from time to time as may be determined~~ by the Board of Trustees of the Recreation District as stated in the Barefoot Bay Recreation District Policy manual.

(...)

_____ YES

_____ NO