



Guidelines for use by  
**THE ARCHITECTURAL REVIEW & CONTROL COMMITTEE**

**AUGUST 2018**

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These guidelines will be used in reviewing and approving application for construction or alterations in Barefoot Bay Recreation District. In addition, all structures must meet any applicable requirements of the Code of Ordinances of Brevard County, FL. Architectural Review & Control Committee ("ARCC") applications are required for the following:

All new and used homes placed on any lot within the subdivision.

1. All additions to any property.
2. All property renovations to existing structures except:
  - a. Awnings for windows.
  - b. Replacement of A/C pads.
  - c. Minor repairs without modification to existing construction, not exceeding \$500.
3. Replacement of A/C units.

Note: These guidelines are to be used for Barefoot Bay ARCC. It is the responsibility of the lot owner to contact Brevard County for their permitting requirements.

## **ARCHITECTURAL REVIEW & CONTROL**

### **DOR Article II, Section 1. Architectural Review & Control Committee.**

An Architectural Review & Control Committee 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 member 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, 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 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 year (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.

F. Quorum and Conduct of Business

1. In order to conduct the business of the committee, a quorum must be present. A quorum will exist when a simple majority of three (3) voting members are present. A simple majority of those present is need to take action on any item.
2. The ARCC shall hold an organizational meeting each year as soon after January 1 as is practicable. The ARCC shall select a Chairman and a Vice-Chairman from among its membership at the organizational meeting. The Vice-Chairman will chair the meeting when the Chairman is absent.
3. Each Member of the Committee shall have one (1) vote on each permit application.
4. The ARCC may also adopt such rules and procedures as it may deem to be appropriate for the conduct of its business; provided, however, that such rules may not be inconsistent with the provision of this article.

**DOR Article II, Section 2. Requirements for approvals by ARCC**

No building or other structure shall be erected or placed on any Lot, nor shall the exterior of any such building or structure or the driveways or parking areas serving such building or structure be altered in any way unless and until two sets of the complete building plans, two sets of complete specifications and two copies of a plot plan have been submitted to the ARCC and approved by it in writing. An application for such approval shall demonstrate to the satisfaction of the ARCC that:

1. The said building or other structure complies in all respects with the Provisions of this instrument; and
2. The said building or other structure is in conformity and harmony with such written rules as may from time to time be adopted by the ARCC.

The ARCC's approval of the said plan specifications and plot plans shall be evidenced by the signature of its Chairman or Vice-Chairman on the plans, specifications and plot plans submitted by an applicant. One set of approved plan shall be returned to the applicant and the other shall be retained by the ARCC among its permanent records.

In the event the ARCC fails to approve or disapprove an application within thirty (30) days after the complete application has been submitted to the ARCC, the ARCC shall be deemed to have approved the application in all respects.

The ARCC shall have the authority to promulgate regulations relating to all construction and landscaping for lots within Barefoot Bay. Such 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 regulations shall be given in writing to the Recreation District as soon as practicable after adoption thereof by the ARCC. A copy of Guideline for Use by the Architectural Review and Control Committee

(ARCC Guidelines), any such amendment, modification, alteration or change to such a 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.

In the event that a dispute arises in the interpretation by the ARCC of any requirement of Article II of the DOR or of the regulations provided for herein above, such dispute shall be resolved by a majority vote of the Recreation District, whose decision shall be final and binding.

When an application for repairs or construction is denied, the applicants have an opportunity to appeal to the Architectural Review Control Committee once and will be given a chance to modify or revise the type of repairs or construction proposed to comply with the Deed of Restrictions Architectural Review Control Committee guidelines. It is the resident's responsibility to notify the Architectural Review Control Committee of Intent to Appeal. In the event that a dispute arises in the interpretation by the ARCC of any requirements of Article II of the DOR or of the regulations provided for herein after, such dispute shall be resolved by a majority vote of the Recreation District, whose decision shall be final and binding.

### **DOR Article II, Section 3. Architectural Design and Installation Requirements.**

A manufactured or modular home installed on any lot in Barefoot Bay shall meet the following design and installation requirements and shall be continuously maintained in compliance with such requirements.

A. All such homes shall be installed at the Lot Owners expense, and such installation shall have the following features and conform to the following requirements:

1. A patio roof, including posts and fascia, fabricated of aluminum or other approved material. Minimum requirement – Sixty (60) square feet.
2. A garage or a carport roof, including posts and fascia, fabricated of aluminum or other approved material.
3. 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.
4. A patio slab made of poured concrete, brick pavers, or other approved material. Minimum requirement – Sixty (60) square feet.
5. A covered concrete carport slab having a minimum unobstructed area (except for steps) of eleven (11) feet by eighteen (18) feet.
6. A concrete driveway extending from the carport slab to the curb of the adjacent street which driveway shall include a widened or flared area as it approaches the street. All driveways and parking areas shall be of poured and reinforced concrete material.
7. Skirting material sufficient to completely enclose the entire base of the home. The skirting may be stucco skirting, stone skirting, outdoor Hardie Board skirting, or other approved material.
8. Central water, sewer and electricity connected to the home.

9. Landscaping with appropriate plants, grass, shrubs and/or trees in compliance with regulations adopted by the ARCC.
  10. No dock, wharf, landing, boathouse or other structure shall extend from any Lot over or on any lake, canal, and water way or drainage easement.
  11. Each home shall be complete, set up on piers, shall be leveled, and shall have a running gear and tongue of the manufactured or modular home removed as appropriate to the style of home being installed..
  12. Each manufactured or modular home shall be tied down in accordance with all applicable building codes and with such installation inspection as required by law.
  13. No manufactured or modular home installed on any Lot shall be more than four (4) years old.
  14. A final survey showing the location of the home shall be submitted to the ARCC.
  15. A Lamp Post approved by the ARCC shall be installed in front of all Residences and maintained in operational condition. Said Lamp post shall be illuminated from dusk to dawn during any time that the residence is occupied.
  16. The address number of all Residences shall be affixed to the front of the carport or garage in such a manner as to be clearly visible and legible from the public or private way on which the home fronts. The numerals of the address number shall not be less than three (3) inches in height and one-half (1/2) inches in width.
  17. A utility building (Minimum size 48 square feet)
- B. Manufactured or modular homes installed upon lots within Barefoot Bay shall be installed only by contractors who are duly licensed for such installations by appropriate governing authorities.
- C. All installation shall meet all the applicable construction codes of Brevard County and the State of Florida, and shall meet all requirements of Article II of the DOR.
- D. The length of time to complete construction on Architectural Review Control Committee permits shall be four (4) months.
- E. No more than one manufactured or modular home shall be placed on each Lot within Barefoot Bay. Two or more sections of a manufactured or modular home may be joined to form a single dwelling unit.
- F. No manufactured or modular home installed on any Lot after July 1, 1999, shall be less than 20 feet in width and or less than 34 feet in length, including the hitch.
- G. All manufactured or modular homes placed on any lot in Barefoot Bay shall have complete sanitary facilities including lavatory, wash basin, tub or shower and kitchen sink. All homes shall be connected to public sewer and a public water supply in conformity with all requirements of applicable government agencies.
- H. Prior to sodding, provisions shall be made for property line drainage swales. Said swales shall be designed to carry run-off water from rear and sides of the home to the front curb-gutter.

#### **DOR Article II, Section 4. Setbacks**

The placement and installation of manufactured or modular homes on any lot in Barefoot Bay shall require the following setbacks from Lot lines:

1. **Corner Lots**
  - Rear Setback - 7 ½ feet
  - Side Setback from Adjacent lot- 7 ½ feet

Setback from remaining side lot line and front lot line - 10 feet and 15 feet with the property owner having the choice as to which of the two setbacks shall be 10 feet and which of the two shall be 15 feet.

2. **Interior Lots**

Rear Setback - 7 ½ feet

Side Setback - 7 ½ feet

Front Setback - 10 feet

**Measurement of setbacks shall not include** air conditioners, walkways, reception antennas and steps where no vertical supports are used. Vertical supports are posts supporting a roof. The maximum width of walkways in a setback is 36".

## **Specification, Definitions and Approved Materials**

### **Air Conditioning Units Specification**

1. All central A/C Units on Barefoot Bay residential lots are required to be placed on an A/C pad, constructed of concrete or other approved material or integrated into the home,<sup>1</sup> specifically, ground level concrete material unless specific property is in a flood zoned area designated by Brevard County and the National Flood Insurance Program of the Federal Emergency Management Agency.
2. Window or wall A/C units must be supported by structure of the home. Ground bracing is prohibited.<sup>2</sup>

### **Carport and Driveway**

**Definition** of a carport – A shelter for an automobile attached to the mobile home. It consists of a concrete slab base and an aluminum/shingle roof with support posts and fascia. A fully enclosed carport (garage) may be permitted in place of an open carport.

A concrete carport slab having a minimum unobstructed area (except for steps) of eleven (11) feet by eighteen (18) feet, with aluminum fabricated, wood or shingle roof, or a combination thereof, including posts and fascia.

The minimum unobstructed car parking space on carport slab, between side steps and post, is 8 feet 4 inches. An enclosed carport may be permitted in place of an open carport, but not for the purpose of storing an R.V., which would not otherwise be permitted. Exceptions that may develop on difficult lots will be reviewed on an individual basis

### **Approved materials**

**Approved materials-Carport-** Framework constructed of aluminum, concrete block or wood. (All wood including post & poles must be covered with aluminum, vinyl or paint to match home.)

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<sup>1</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>2</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

**Driveway-** A concrete driveway extending from the carport slab to the curb of the adjacent street which driveway shall include a widened or flared area as it approaches the street. All driveways and parking areas shall be of poured and reinforced concrete material. Concrete reinforced pavers set in concrete mix are allowed.

### **Fencing**<sup>3</sup>

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Fence definition: Chain link or vinyl picket barrier either completely enclosing or partially enclosing any area of space on any lot where such barrier does not meet the definition of a privacy landscaping screen or wall. The fence shall not surpass the front of the enclosed home structure.

Picket fence definition:<sup>4</sup> A picket fence is a type of vinyl fence that has evenly spaced vertical boards made of vinyl material. Each picket is attached to horizontal rails. The space between each picket must be at least the width of the picket.

Fencing shall not be permitted along any lot line where drainage canals or swales exist. Where no drainage canals or swales exist along a lot line, fencing shall be limited to chain link or vinyl picket fencing not exceeding four (4) feet in height, which may be coated with colored vinyl.

Meter pedestals may not be enclosed, and fences must be set back a minimum of one foot to allow emergency access to pedestal.

Article II, Section 5 of the DOR<sup>5</sup> permits only chain link and vinyl picket fencing. Article II, Section 5 of the DOR does not permit privacy stockade fences (a fence of closely fitted vertical boards) regardless of material.

No covering may be installed on fences. Privacy slats may be installed in chain link fences, however, the slats must be uniformly installed, cleaned and maintained<sup>6</sup> and may not extend beyond the top of the fence.

### **Generators and Propane tanks**

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Emergency generators, propane tanks, and other liquid type fuel tanks<sup>7</sup> are approved subject to concealing them with approved landscaping, 4 ft. high vinyl walls, 6 ft. vinyl lattice walls or underground. A permit from Brevard County must be submitted with the ARCC application for a generator or propane tank.<sup>8</sup>

### **Gutters**

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Gutters are not a DOR requirement, however, where gutters are used; the downspout shall not be directed to affect the abutting property.

### **Lamppost**

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Location: the lamppost should be located between the front of the house and the front property line, near the front lawn side of the driveway. The lamppost must be on the owner's property and not in the front right-of way.

Height: The standard lamppost comes approximately 6 ft. 6 in. long. The standard depth to bury the post is 1 ½ ft. to 2 ft. deep, leaving approximately 5 ft. of lamppost above ground.

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<sup>3</sup> Promulgated rule approved by ARCC June 7, 2011 , presented to BOT July 8, 2011

<sup>4</sup> Promulgated rule approved by ARCC November, 25, 2014, presented to BOT December 12, 2014

<sup>5</sup> Promulgated rule approved by ARCC November, 25, 2014, presented to BOT December 12, 2014

<sup>6</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>7</sup> Promulgated rule approved by ARCC August 30, 2011, presented to BOT September 27, 2011

<sup>8</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

**Wattage:** The minimum wattage for a florescent bulb is 20. The minimum wattage for an incandescent style bulb is 40. A substitute bulb type may be used, provided it provides documented light output equal to or greater than a 40 watt incandescent bulb. This included, but is not limited to, LED, solar and halogen.

**Illumination of Bulb:** The color of the bulb must be white, clear or yellow, and must not be impeded by any landscaping or material.<sup>9</sup>

**Color of Lamppost:** The color of the lamppost must be black or white unless other color approved by ARCC.

Electric eye sensor lights are approved.

**Style:** Any style lamppost that matches the décor of the home. Multiple bulb style posts are approved.

### **Landscaping & Privacy Materials**

Landscaping with appropriate plants, grass, shrubs and/or trees in compliance with regulations adopted by the ARCC. Landscaping in accordance with the Brevard County Landscape Ordinance.

Prior to sodding, provisions shall be made for property line drainage swales. Said swales shall be designed to carry run-off water from rear and sides of the home to the front curb-gutter.<sup>10</sup>

Plantings and trees shall not encroach neighbor's property. In the event encroachment occurs, it is the encroaching property owner's responsibility to correct it.<sup>11</sup>

All invasive plants, including but not limited to, pepper trees, Australian pines and bamboo, are banned from Barefoot Bay. All existing invasive plants must be removed by January 1, 2022.<sup>12</sup>

Raised Garden Beds adjoining the home are permitted up to 3 feet wide. Freestanding raised garden beds, up to 30" high, with a cumulative total of no more than 48 square feet, are permitted. Requests for exceptions must be submitted to ARCC.<sup>13</sup>

All lawn decorations, statues, planters and the like shall be aesthetically harmonious with the community.<sup>8</sup>

- A. **Privacy landscaping materials** defines a barrier or opaque screen which is utilized on the side of carports, around decks, or runs along any lot line or parallel to any lot line. Such barrier or opaque screen may not exceed six (6) feet in height (see exception below) and may be constructed of vinyl panels, painted wood, vinyl lattice, powder coated aluminum, steel or other ARCC approved materials.<sup>14</sup> No cumulative total of feet for all barriers on any

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<sup>9</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>10</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>11</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>12</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>13</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>14</sup> Promulgated Rule approved September 20, 2016 and presented to the Board of Trustees September 27, 2016.

<sup>15</sup> Promulgated Rule approved March 19, 2013 and presented to the board of Trustees March 26, 2013

one property may exceed thirty two (32) feet.<sup>15</sup> Said barrier or opaque screen shall comply with the provisions of Sec. 62-2109 Code of Ordinances of Brevard County, Florida.

Exception-vinyl barriers used for privacy along the carport may be up to eight feet in height, however, the length of the privacy panels in the carport will be included in the cumulative total of 32 foot. ARCC permits are required for all privacy landscape material.

## **Porch (Patio) and Decks**

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### **Definition of Porch (Patio)**

A porch (patio) is a covered area structurally attached to the outside of the mobile home. The porch (patio) floor is a concrete slab. The minimum size for a patio roof and patio slab is 60 square feet.<sup>9</sup>

The following are recognized types:

1. Unscreened
  - Concrete slab at ground level.
  - Concrete slab raised above ground level
2. Screened
  - Concrete slab at ground level.
  - Concrete slab raised above ground level
3. Weather Protected (on concrete slab-ground or raised level)
  - Enclosed with fixed or movable glass windows/enclosure panels.
  - Enclosed with fixed or movable vinyl windows/enclosure panels.

A weather-protected porch (patio) is considered a **Florida room**.

An unscreened porch at ground level is considered a **cabana**.

### **Approved Materials for porch (Patio)**

Siding that blends in architecturally with the rest of the home.

A patio roof, including posts and fascia is constructed out of aluminum, vinyl, or wood. All wood including post and poles must be covered with aluminum or vinyl or it may be painted, providing the paint is aesthetically compatible with or blending in architecturally with the rest of the home and the other homes in Barefoot Bay.

A patio slab is made of poured concrete, brick pavers, or other approved material. Patio Deck Board and patio blocks are an approved material as it is aesthetically compatible with or blends in architecturally with the rest of the home and the other homes in the bay.

### **Decks**

Decks are an optional addition not requiring a roof. Decks must be abutting the home, and must have matching handrails and steps. All open decks must be skirted with lattice or other ARCC approved materials. They must be constructed out of pressure-treated wood, composite deck board, poured concrete or other approved material. Steps from the deck must land on a concrete pad.<sup>10</sup> All decks should be a minimum of 6' x 6'.

All decks higher than 30" above grade must have a guardrail. The requirements for the guardrails is they need to be at least 36" in height measured from the deck surface to the top of the rail.<sup>29</sup>

## Roof

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Approved roofing materials are shingle, metal, vinyl, foam and membrane.

## Skirting Material for the Home

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**Definition of Skirting material-** material that is sufficient to enclose the entire base of the home. It is constructed of stucco, stone, stucco finished concrete block, outdoor Hardie Board skirting or other ARCC approved material.<sup>16</sup> (Hardie Board bolts & seams have to be concealed with Stucco type finish) Wood framing is not allowed. Vinyl skirting is not allowed.

## Siding Materials

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Approved siding materials for manufactured/modular homes, garages and accessory buildings are stucco, vinyl, aluminum, coated engineered wood panel<sup>17</sup>, hardie board lap siding or other approved material.

## Steps & Handicap Ramps

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Entrance steps to the home without a landing<sup>18</sup> must be constructed of concrete.

Entrance steps to the home with a landing may be constructed of concrete, pressure treated wood, fiberglass or other ARCC approved material. Landings must be a minimum of 3' x 3' up to 6' x 6'.

Handicap ramps must be constructed of suitable building material and maintained in good condition. Ramps reducing the required space in a carport must be removed when no longer needed.<sup>19</sup>

## Temporary Portable or Free Standing Structures.<sup>20</sup>

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The DOR requires that all temporary, portable or freestanding structures installed for longer than 48 hours require an approved ARCC permit. ARCC requires all temporary, portable freestanding structures, including playgrounds, must be placed in the back yard and anchored. They must meet all state of Florida and Brevard County building codes.

Above ground pools must be completely enclosed by a fence.

The following items are banned:

- Trampolines larger than 6 feet in diameter
- All tents, and portable shelters
- Car canopy's and garages
- All pop up structures.

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<sup>29</sup> Promulgated Rule approved July 24, 2018 and presented to Board of Trustees August 28, 2018

<sup>16</sup> Promulgated Rule approved September 20, 2016 and presented to the Board of Trustees September 27, 2016.

<sup>17</sup> Promulgated Rule approved January 17, 2012, presented to Board of Trustees December 9, 2011.

<sup>18</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>19</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>20</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

## Utility Building

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### Definition of Utility Building

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 hot water heater. A utility building must be structurally attached by full roof to the mobile home or carport at eave level. The minimum size of a utility building is 48 square feet.

### Materials

1. Types of acceptable materials
  - a. Wood or aluminum framework
  - b. Siding consistent to that of the mobile home exterior and matching in its color.
  - c. Aluminum lap or vinyl siding over approved framework, with construction to match the exterior surface of the mobile home.
2. The use of metal on exterior framework or siding is not permitted.

### Dimensions

1. Height of construction shall conform to existing construction, such as carport roof, patio (porch) roof, or mobile home eave.
2. The minimum size of a utility building is 48 square feet on the base.

### Construction

1. A utility building, if constructed as a part of the carport slab, shall be built on a raised concrete slab which is at least one (1) inch above the surface of the carport floor, except on renovations.
2. Prior to construction, approval must have been obtained in writing from the ARCC.
3. Consistent with County building codes, pressure treated lumber must be used on contact with concrete.

## Used Mobile Homes

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A used mobile home must meet the Manufactured Housing Construction and Safety Standards established promulgated by the U.S. Department of Housing and Urban Development (HUD) in 1976 and amended by HUD in 1994. In addition, no used mobile home shall be permitted in Barefoot Bay having a year model, as shown on the Florida Motor Vehicle Certificate of Title as "year make", more than four (4) calendar years prior to the year of submittal of the application form to the ARCC.

In addition, applicant must provide the following:

- a. A copy of Motor Vehicle Certificate of Title, State of Florida, in applicant's name. (A double-wide requires two (2) certificates.)
- b. Close-up photographs, in color, of end and full side views (4 pictures) of the home at present site. (Minimum size of photos – 3' x 4".)
- c. Upon arrival of the used home, the serial number of the home will be verified. The DOR/ARCC office should be notified of arrival of the unit.

## Miscellaneous<sup>21</sup>

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### Furniture outside the home

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No indoor furniture is allowed on any unscreened area of the property.

### Gazebo<sup>22</sup>

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Does not need to be structurally attached to the home, must be anchored down, must meet setback requirements, must be maintained in good condition and must meet Brevard County requirements.

Approved materials include metal, wood, canvas canopy top or other approved material.

The gazebo must be kept free of all items of personal property except for customary outdoor items such as exterior patio or porch furniture and barbecue grills.

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### Hurricane Shutters<sup>23</sup>

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Hurricane Shutters may be of a material chosen by the unit owner to protect their residence. If plywood is chosen, it shall be painted and/or decorated to match the color of the house.<sup>24</sup>

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### Maintenance of Exterior of Homes<sup>25</sup>

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The exterior of each home, including, but not limited to, windows, screens, roofs, gutters, and siding shall be maintained in good condition at all times and/or in substantially the same condition as when each item was newly installed without gaps or openings. Only materials as approved by the ARCC shall be used.

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### Painting of wood<sup>26</sup>

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Exposed wood sections of carports, utility buildings, patios, screen rooms, decks and lattice, must be painted and/or stained, providing the paint is aesthetically compatible with or blending in architecturally with the rest of the home and the other homes in Barefoot Bay.<sup>27</sup>

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### Prefabricated storage unit<sup>28</sup>

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Only one prefabricated (plastic) storage unit, placed adjacent to the home, no larger than twenty (20) square feet, will be considered a customary outdoor item for the purpose of Article 3 Section 2C of the DOR. The storage unit must be placed on a concrete slab and must be strapped or anchored.

When submitting an ARCC permit after the work has begun, the property owner must personally appear at the next scheduled ARCC meeting to have their application reviewed by the Committee.<sup>30</sup>

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## **DOR Article II, Section VI. Enforcement of Architectural Control Requirements.**

- (A) In the event that the ARCC determines that there is a violation of the provisions of Article II of the DOR on any lot in Barefoot Bay, the ARCC shall give written notice to the Owner of such Lot specifying the nature of such violation and giving the Lot Owner a reasonable time of not less than 21 days to cure or correct such violation. Such written notice shall be either: delivered personally to one of the record owners of the Lot in question as shown on the Brevard County tax rolls, or mailed by certified U.S. Mail, return receipt requested, to the address of such Owner as shown on the Brevard County tax rolls.

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<sup>30</sup> Promulgated Rule approved July 24, 2018 and presented to Board of Trustees August 28, 2018

(B) In the event that the ARCC determines that the Owner to whom such a notice of violation has been given has not corrected the violation within the time set forth in the notice, the ARCC may, in its discretion, elect to forward the issue of such violation to the Board of Trustees of the Recreation District for further action. If the Board of Trustees of the Recreation District concurs that legal action is necessary to cause the alleged violation to be corrected, the Recreation

District shall thereafter have the authority to bring an action for injunctive and other appropriate relief in a court of competent jurisdiction in Brevard County, Florida. If the Recreation District brings such legal action to enforce the provisions of Article II of the DOR, the Recreation District shall be entitled to an award of attorney's fees and court costs incident to such action.

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<sup>21</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>22</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>23</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>24</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>25</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>26</sup> Promulgated Rule approved December 8, 2015 and presented to Board of Trustees January 8, 2016

<sup>27</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018

<sup>28</sup> Promulgated Rule approved April 3, 2018 and presented to Board of Trustees April 13, 2018