



.BAREFOOT BAY RECREATION DISTRICT  
BREVARD COUNTY, FLORIDA



**ARCC Guidelines Review**

**Administration Conference Room**

**Agenda**  
**9:00 a.m.**  
**April 16, 2024**

- Call to Order:
- Pledge of Allegiance:
- Roll Call: Present: Chairman Gary Gresko, Vice-Chair Paul Voit, Peter Carey, Tom Nelson, John Soulis, and Alternates Tom O'Donnell and Richard Edwards
- Chairperson's Report:
- Member's and other Reports:
- In Attendance: Mary Barry DOR Inspector DOR/ARCC Coordinator Sally-Ann Biondolillo

Review of the ARCC Guidelines changes:

Page 7 – Item 3 Remove the sentence “The square footage attributed to the carport or garage will be included in these percentage limitations.”

Page 8 – Patio – add the words or raised after patio slab.

Page 9 – move the drainage paragraph from Landscaping & Privacy Materials to under Gutters section. Remove the words “Prior to sodding”.

Page 10 – Remove the sentence “The porch (patio) floor is a concrete slab”.

Page 11 - Section 1 add the words “or factory” to the second sentence.

Page 11 - Section 2 add the words "or factory" to the second sentence.

Page 12– Steps & Handicap Ramps – 2<sup>nd</sup> sentence remove the word fiberglass.

Page 12 – Move the Hot Tub section to under Above Ground Pools – ground level hot must be on solid material approved.

Page 12 – Under banned section: Car canopies and add “Detached” garages.

Page 13 – #2 Remove the sentence “The use of metal on exterior framework or siding” and add “The use of” T1-11 siding is not permitted.

Page 13 – Item C add the word “mobile”.

Closing Remarks:

Discussion:

Adjournment:

Sally-Ann Biondolillo

Sally-Ann Biondolillo  
DOR/ARCC Coordinator

Two or more Trustees of the Barefoot Bay Recreation District (BBRD) may attend this meeting. Any person desiring to appeal any decision made by the ARCC Committee, with respect to any matter considered at this meeting or hearing, will need a record of the proceedings for such purposes, must ensure that a verbatim record and transcript of the proceedings, which record includes the testimony and evidence which the appeal is based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her expense, as the district does not provide one. ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with disabilities Act and Sect.286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least 48 hours prior to the meeting, contact the DOR Enforcement Staff at (772) 664-3141.



BAREFOOT BAY RECREATION DISTRICT  
BREVARD COUNTY, FLORIDA



**ARCC Guidelines Review**

**Administration Conference Room**

**Minutes**  
**9:00 a.m.**  
**April 4, 2024**

- Call to Order: Vice Chairman Paul Voit called the meeting to order at 9:00 am.
- Pledge of Allegiance: Vice Chairman Paul Voit led the pledge of allegiance.
- Roll Call: Present: Vice-Chair Paul Voit, Peter Carey, Tom Nelson, John Soulis, and Alternate Richard Edwards. Excused: Chairman Gary Gresko and Alternate Tom O'Donnell
- Chairperson's Report: None
- Member's and other Reports: None
- In Attendance: Mary Barry DOR Inspector DOR/ARCC Coordinator Sally-Ann Biondolillo

Review of the ARCC Guidelines

Page 12– Steps & Handicap Ramps – 2<sup>nd</sup> sentence remove the word fiberglass.

Page 12 – Move the Hot Tub section to under Above Ground Pools – ground level hot must be on solid material approved.

Page 12 – Under banned section: Car canopies and add “Detached” garages.

Page 13 – #2 Remove the sentence “The use of metal on exterior framework or siding” and add “The use of” T1-11 siding is not permitted.

Page 13 – Item C add the word “mobile”.

Closing Remarks: The next scheduled meeting will be Tuesday, April 16<sup>th</sup>, 2024, at 9:00 am at 625 Barefoot Blvd., Administration Conference Room.

Discussion: Sally-Ann will revise the Guidelines after the last meeting.

Adjournment: Meeting was adjourned at 10:31 am.

Sally-Ann Biondolillo

Sally-Ann Biondolillo  
DOR/ARCC Coordinator

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Guidelines for use by  
**THE ARCHITECTURAL REVIEW & CONTROL COMMITTEE**  
**APRIL 2024**

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These guidelines will be used in reviewing and approving applications 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 by the Board of Trustees, all of whom shall be Lot owners.
- C. Two (2) alternates shall be appointed by the Board of Trustees, each to a three (3) term, 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 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 needed 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 guidelines relating to all construction and landscaping for lots within Barefoot Bay. Such guidelines 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 shall be given in writing to the Recreation District as soon as practicable after adoption thereof by the ARCC. A copy Guidelines 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 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.



**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.
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 material having two unobstructed sides.
3. 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.
4. A patio slab made of poured concrete, brick pavers, or other approved material.
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 at all times. Said Lamp post shall be illuminated from dusk to dawn and must be a minimum of 460 lumens (40 watts), be white, clear, or yellow and not be obstructed by landscaping, in accordance with ARCC Guidelines.
  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**

### **GENERAL NOTIFICATION AND PROVISIONS:<sup>1</sup>**

THE PROPERTY OWNER IS RESPONSIBLE FOR COMPLIANCE WITH ALL REGULATIONS STATED IN THE “AMENDED AND RESTATED DEED OF RESTRICTIONS FOR BAREFOOT BAY” OR OTHERWISE STATED IN THE ARCC GUIDELINES.

Any homeowner that starts work without an approved ARCC permit will be issued a “Stop Work Order.”

Addition to principal structure:

1. In no event shall the principal structure be expanded in any manner that changes the structure of the base unit, except when the expansion is constructed in an authorized factory according to the federal mobile home construction and safety standards promulgated by the U.S. Department of Housing and Urban Development and are approved by the Federal Department of Community Affairs.
- ~~2. Additions are further limited as follows: No addition or combination of additions and accessory structures shall exceed 50 percent of the square footage of the doublewide mobile home, or 100 percent of the singlewide mobile home. ~~The square footage attributed to the carport or garage will be included in these percentage limitations.~~~~
3. A garage may be constructed on lots with the easement vacated and must not exceed 100% of the original structure.<sup>2</sup>

Lots: Lots shall mean any lot of record appearing on any of the recorded plats of Barefoot Bay enumerated in the recitals of the Amended and Restated Deed of Restrictions for Barefoot Bay.

If any manufactured or modular home has been placed on two adjacent platted lots in a manner such that the home is located across the platted boundary between such platted lots, the two platted lots shall be treated as a single lot for purposes of the Amended and Restated Deed of Restrictions for Barefoot Bay.

The ARCC interprets the word “home” to mean the principal structure exclusive of any additions or accessory structures. For the purposes of compliance with these ARCC guidelines, any Lot in Barefoot Bay previously deemed to be a single Lot on prior assessment rolls of Barefoot Bay Recreation District based on any addition or accessory structure(s) located across a platted boundary shall be deemed “grandfathered” as a single Lot until such addition or accessory structure is removed.

### **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>3</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.

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<sup>1</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>2</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

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

2. Window or wall A/C units must be supported by the structure of the home. Ground bracing is prohibited.<sup>4</sup>

### **Carport and Driveway and Patio<sup>5</sup>**

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**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. The garage door opening must be at least 8' wide.

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**

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

**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.

Patio - A patio slab made of poured concrete, brick pavers, or raised<sup>16</sup> made of other approved materials with a patio roof, including posts and fascia, fabricated of aluminum or other approved materials. (Minimum requirement – sixty (60) square foot.)<sup>7</sup>

### **Fencing<sup>8</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>9</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 that restrict access to all parties.<sup>10</sup>

Article II, Section 5 of the DOR<sup>11</sup> permits only chain link and vinyl picket fencing. Article II,

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<sup>4</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

<sup>5</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>6</sup> Promulgated Rule approved , and presented to the Board of Trustees

<sup>7</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>8</sup> Promulgated Rule approved June 7, 2011, and presented to the Board of Trustees July 8, 2011

<sup>9</sup> Promulgated Rule approved November 25, 2014, and presented to the Board of Trustees December 12, 2014

<sup>10</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees on April 25, 2023

<sup>11</sup> Promulgated Rule approved November 25, 2014, and presented to the Board of Trustees December 12, 2014

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>12</sup> and may not extend beyond the top of the fence.

All fenced in properties must have at least one 4' gate minimum.<sup>13</sup>

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### Generators and Propane tanks

Emergency generators, propane tanks, and other liquid type fuel tanks<sup>14</sup> are approved subject to concealing them with approved landscaping. A permit from Brevard County must be submitted with the ARCC application for a generator or propane tank.<sup>15</sup>

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### Gutters

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

~~Prior to sodding~~, provisions shall be made for property line drainage. Said drainage<sup>16</sup> shall be designed to carry run-off water from rear and sides of the home to the front curb-gutter.<sup>17</sup>

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### Rain Barrels<sup>18</sup>

A Rain Barrel is defined as a container that collects water from the downspouts and cannot exceed 50 gallons. The container must be of approved material by the ARCC.

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### Lamppost

A lamppost approved by the ARCC shall be installed in front of all Residences and maintained in operational condition at all times. Said lamppost 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.<sup>19</sup>

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.

Electric eye sensor lights are approved.

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

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### 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.

All invasive plants or prohibited plants<sup>20</sup>, including but not limited to, pepper trees, Australian pines, and bamboo, are banned from Barefoot Bay.

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

<sup>13</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees on November 13, 2020

<sup>14</sup> Promulgated Rule approved August 30, 2011, and presented to the Board of Trustees September 27, 2011

<sup>15</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

<sup>16</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>17</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

<sup>18</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>19</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>20</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

AN INVASIVE & OR PROHIBITED PLANT LISTING CAN BE FOUND IN THE BREVARD COUNTY ORDINANCES (Article II, section 114-26 titled undesirable plants found in Brevard County Ordinances AND Florida Department of Agriculture listed under Invasive Non-Native Plants)

**Palm Trees** – Palm trees must be pruned to remove dead fronds. The requirement is stated to: Remove potential fire hazards, especially near buildings or homes; increase visibility and safety near driveways, sidewalks, and cross streets. The requirement is to prevent damage to buildings, property or persons during periods of high winds.<sup>21</sup>

**Tree Removal** – Any tree removed for safety or other reasons must be removed to below ground level. If the tree is on a property line, the owner must obtain written approval from all parties concerned. (NOTE: See Fla. Stat. Section 163.045).<sup>22</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>23</sup>

All lawn decorations, statues, planters, and the like shall be ecstatically harmonious with the community.<sup>24</sup>

Flag poles are limited to one (1) 20' pole per Lot.<sup>25</sup>

**Privacy landscaping materials** are defined as an opaque roll down screen, vinyl lattice or vinyl spaced picket barrier, which is around decks, carports, or patios. Such materials may not exceed six (6) feet in height and no more than a 3' clearance for the patio.<sup>26</sup> No cumulative total of feet for all privacy screening on any one property may exceed thirty-two (32) feet.<sup>27</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 attached to<sup>28</sup> 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.

Any privacy landscaping materials on any lot for which a previously approved ARCC permit has been issued that do not meet the requirements of these guidelines shall be deemed "grandfathered" for as long as such privacy landscaping materials remain in place. Upon removal of the grandfathered privacy landscaping materials, such grandfathered status shall be lost."

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

#### **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

<sup>21</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>22</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

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

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

<sup>25</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>26</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>27</sup> Promulgated Rule approve March 19, 2013, and presented to the Board of Trustees March 26, 2013

<sup>28</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

feet.<sup>29</sup>

The following are recognized types:

1. Unscreened
  - Concrete slab at ground level.
  - Concrete slab or factory<sup>30</sup> raised above ground level.
2. Screened
  - Concrete slab at ground level.
  - Concrete slab or factory<sup>31</sup> 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. All decks must be a minimum of 8' x 8'.<sup>32</sup>

All decks higher than 30" above grade must have a guardrail around the deck.<sup>33</sup> The requirements for the guardrails are they need to be at least 36" in height measured from the deck surface to the top of the rail.

### Roof

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

### Skirting Material for the Home

**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>34</sup> (Hardie Board bolts & seams have to be concealed with Stucco type finish) Wood framing is not allowed. Vinyl skirting is not allowed.

<sup>29</sup> Promulgated Rule approved September 20, 2016, and presented to the Board of Trustees September 27, 2016

<sup>30</sup> Promulgated Rule approved , and presented to the Board of Trustees

<sup>31</sup> Promulgated Rule approved , and presented to the Board of Trustees

<sup>32</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>33</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>34</sup> Promulgated Rule approved September 20, 2016, and presented to the Board of Trustees September 27, 2016

## 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>35</sup>, Hardie board lap siding or other approved material.

## Steps & Handicap Ramps

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Entrance steps to the home<sup>36</sup> must be constructed of concrete.

Steps to the home with a deck must be constructed of concrete, pressure treated wood, ~~fiberglass~~ or other ARCC approved material. Steps must land on concrete pad.<sup>37</sup>

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>38</sup> or when the home is sold.<sup>39</sup>

## Temporary Portable or Free-Standing Structures.<sup>40</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 the state of Florida and Brevard County building codes.

Above ground pools must be completely enclosed by a fence and/or secured with a locking ladder for safety reasons to prevent access to the pool. An in-ground pool must be completely fenced in to prevent access into the pool when not in use.<sup>41</sup>

Hot tub covers must be labeled ASTM F1346-91. Ground level hot tubs must be on solid approved materials.<sup>42</sup>

Clotheslines – clotheslines and any outdoor drying apparatus are permitted on lots in Barefoot Bay. Any such clotheslines or drying apparatus must be placed to the rear of the residence and must be folded or removed overnight. Clothes lines may not be located within carports.<sup>43</sup>

The following items are banned:

- Trampolines larger than 6 feet in diameter
- All tents, and portable shelters
- Car canopies and detached<sup>44</sup> garages
- All pop-up structures.
- ~~Hot tub covers must be labeled ASTM F1346-91~~

## Utility Building

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<sup>35</sup> Promulgated Rule approved January 17, 2012, and presented to the Board of Trustees December 9, 2011

<sup>36</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

<sup>37</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>38</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

<sup>39</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>40</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

<sup>41</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>42</sup> Promulgated Rule approved , and presented to the Board of Trustees

<sup>43</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>44</sup> Promulgated Rule approved , and presented to the Board of Trustees



### 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 or~~ T-111 siding<sup>45</sup> 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 the arrival of the unit.

### Condition of Property

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The exterior of a home (including awnings, skirting, and roofing), driveways, or carport shall be maintained free of mildew, mold, dirt, rust, or grease which is visible when the house is viewed from the street or from an adjacent lot (See Article III, Section 2 of the Deed of Restrictions)

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<sup>45</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

## Miscellaneous<sup>46</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.

## Fire Pits<sup>47</sup>

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Fire Pits: Regulations are controlled by the Florida Fire Service.

An open fire pit is not allowed.

Propane or natural gas fed fire devices or structures are allowed.

Above ground containers such as those purchased at a hardware or building material store made for burning; such as chimeneas are allowed. This type of device should not be located within 15 feet of a building or structure, or combustible material. The burning container cannot be located in any right of way. All fires should have a screen or other device to arrest or control escaping embers, which present a fire hazard.

Burning of yard waste, rubbish, plastic, rubber material, pesticides, aerosol containers and treated lumber is not allowed. It is suggested that proper safety measures are taken when burning, such as a garden hose or fire extinguisher.

## Arbors, Pergolas, Trellises and<sup>48</sup> Gazebos<sup>49</sup>

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May be freestanding, and do not need to be structurally attached to the home but must be anchored into concrete<sup>50</sup> for safety purposes. 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.

Sun sails height must not exceed the eaves of the main structure.

## Hurricane Shutters<sup>51</sup> and Other Devices<sup>52</sup>

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Hurricane Shutters may be 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.

Windows and doors in occupied dwelling units shall not be boarded or covered, except for the temporary installation or closure of storm shutters, panels, or other hurricane protection devices

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<sup>46</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

<sup>47</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>48</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>49</sup> Promulgated Rule approved June 5, 2012, and presented to the Board of Trustees June 8, 2012

<sup>50</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>51</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

<sup>52</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

during the threat of storm. While such protection is provided, at least one door leading directly to the building exterior shall be provided.

Hurricane shutters must be removed by the end of Hurricane Season. Seasonal residents arriving after December 1<sup>st</sup>, must remove shutters as soon as possible after arriving.

Any device, strap, netting, or other temporary items used during Hurricane season must be Removed at the end of Hurricane season or as soon as possible by seasonal residents.

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### **Maintenance of Exterior of Homes<sup>53</sup>**

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The exterior of each home, including, but not limited to, windows, screens, roofs, gutters, and siding shall be always maintained in good condition 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>54</sup>**

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Exposed wood sections of carports, utility buildings, patios, screen rooms, decks and lattice, arbors, pergolas, and trellises<sup>55</sup> 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.

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### **Prefabricated storage unit<sup>56</sup>**

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Only one prefabricated (plastic) storage unit, placed adjacent to the home, no larger than thirty-six (36)<sup>57</sup> square feet, will be considered a customary outdoor item for the purpose of Article III Section 2C of the DOR. The storage unit must be placed on a concrete slab and must be strapped or anchored.

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### **Decorating<sup>58</sup>**

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All DOR and<sup>59</sup> ARCC Guidelines must be followed when decorating homes for the holidays.

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### **Plan Changes/Change Orders/Revisions<sup>60</sup>**

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After the initial approval by the ARCC, any changes to the approved plan must be resubmitted to the ARCC annotating the changes made. This is to ensure a proper paper trail of what the change was for future reference.

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### **Watercrafts<sup>61</sup>**

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Boats of any size are not allowed to be stored outside on the property. Kayaks, canoes, surf boards and paddleboards must be properly stored & secured in the rear of the residence.<sup>62</sup>

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<sup>53</sup> Promulgated Rule approved August 14, 2012, and presented to the Board of Trustees August 28, 2012

<sup>54</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

<sup>55</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>56</sup> Promulgated Rule approved December 8, 2015, and presented to the Board of Trustees January 8, 2016

<sup>57</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>58</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>59</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>60</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>61</sup> Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

<sup>62</sup> Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

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

- (A) The ARCC is to assist in the enforcement of the provisions of Article II of this instrument. The ARCC shall advise and consult with a designated representative of the Recreation District with respect to apparent or alleged violations of the terms of conditions of Article II of this instrument and as to be the appropriate means to correct or remedy such violations. The subsection shall not be deemed to limit the right of the Recreation District to determine for itself whether such a violation exists and the appropriate remedy for any such violations.<sup>63</sup>
- (B) In the event that the Recreation District determines that there is a violation of the provisions of Article II of the instrument on any Lot in Barefoot Bay, the Recreation District shall give written notice to the Owner and/or Occupant of such Lot in accordance with the process outlined in Article III, Section 13 of this instrument.<sup>64</sup>

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<sup>63</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

<sup>64</sup> Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023