



# BREEZY VILLAGE ASSOCIATION, INC.

## 55+ Community Not-For-Profit Corporation

### Architectural Review Committee Manual

The property owner is responsible for compliance with all regulations stated in the “AMENDED AND RESTATED Declaration, Restrictions, Covenants, and Conditions FOR BREEZY VILLAGE ASSOCIATION, INC.” or otherwise stated in the ARC guidelines.

Any homeowner that starts work without an approved [BVA ARC REVIEW REQUEST](#) form will be issued a “[Stop Work Order.](#)” Breezy Village Association, Inc., homes are considered RMH-8 by Indian River County Statutes Chapter 912 and 911. Land Use Description is 1 MH in MH Sub: Zoned MH

An Original Plat Map may be found at the end of this Manual, on the website, or in the Clubhouse.

Indian River County Statutes 912.07 - [Section 912.07. - Locating buildings and structures on a property. | Code of Ordinances | Indian River County, FL | Municode Library](#)

[CHAPTER 911. - ZONING | Code of Ordinances | Indian River County, FL | Municode Library](#)

Many factors limit where a residence or other buildings and structures may be erected or placed on a property. These factors include (but are not limited to) zoning setbacks; easements; road rights-of-way; access and driveway location regulations; wetlands regulations; and tree protection, tree removal, and land clearing regulations.

Regulation	Unit	RMH-6	RMH-8
Maximum density	d.u. per gross acre	6.0	8.0
Minimum lot size	sq. feet	7,000	5,000
Minimum lot width			
SF	feet	70	50
Minimum yard	feet		
Front		20	20
Side		10 <sup>1</sup>	10 <sup>1</sup>
Rear		20	20
Maximum building height	feet	35	35
Maximum building coverage			
Mobile home	percent of lot	40	40
Other		30	30
Minimum open space	percent of gross area	35	35
Minimum district size	acre	20	20



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<sup>1</sup> Except that side yards for mobile home parks in existence prior to April 11, 1985, (regardless of current zoning), shall be established as follows: Every mobile home residence shall be located on a space so that no living space is closer than twenty (20) feet to any adjacent living space and no accessory structure shall be located closer than ten (10) feet to any other structure on an adjoining space. An accessory open carport or a combination open carport/storage shed structure may be located within three (3) feet of a structure on an adjoining park space if the accessory structure is on a park space having an area of less than five thousand (5,000) square feet and if the park space was lawfully established prior to site plan or permitting requirements or was created in accordance with site plan and permitting requirements in effect at the time of the park space establishment.



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Pursuant to Florida Statutes 720.3035

1. The authority of an Association or any architectural, construction improvement, or other such similar committee of an Association to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.
2. If the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants provides options for the use of material, the size of the structure or improvement, the design of the structure or improvement, or the location of the structure or improvement on the parcel, neither the Association nor any architectural, construction improvement, or other such similar committee of the Association shall restrict the right of a parcel owner to select from the options provided in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.
3. Unless otherwise specifically stated in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, each parcel shall be deemed to have only one front for purposes of determining the required front setback even if the parcel is bounded by a roadway or other easement on more than one side. When the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants do not provide for specific setback limitations, the applicable county or municipal setback limitations shall apply, and neither the Association nor any architectural, construction improvement, or other such similar committee of the Association shall enforce or attempt to enforce any setback limitation that is inconsistent with the applicable county or municipal standard or standards.
4. Each parcel owner shall be entitled to the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants concerning the architectural use of the parcel, and the construction of permitted structures and improvements on the parcel and such rights and privileges shall not be unreasonably infringed upon or impaired by the Association or any architectural, construction improvement, or other such similar committee of the Association. If the Association or any architectural, construction improvement, or other such similar committee of the Association should unreasonably, knowingly, and willfully infringe upon or impair the rights and privileges set forth in the



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declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, the adversely affected parcel owner shall be entitled to recover damages caused by such infringement or impairment, including any costs and reasonable attorney's fees incurred in preserving or restoring the rights and privileges of the parcel owner set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.

5. Neither the Association nor any architectural, construction improvement, or other such similar committee of the Association shall enforce any policy or restriction that is inconsistent with the rights and privileges of a parcel owner set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, whether uniformly applied or not. Neither the Association nor any architectural, construction improvement, or other such similar committee of the Association may rely upon a policy or restriction that is inconsistent with the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, whether uniformly applied or not, in defense of any action taken in the name of or on behalf of the Association against a parcel owner.

#### **ARCHITECTURAL REVIEW COMMITTEE (ARC) COMPOSITION**

The ARC shall be composed of no less than five (5) recorded lot owners who are not serving on the Board of Directors. They will be designated by the Board of Directors of the Corporation. The Board of Directors will also assign one Board Director to be a liaison between the ARC and the Board.

#### **PURPOSE**

The Declaration of Restrictions, Covenants and Conditions "DRC&C" establishes the basis of maintaining the quality of design within the Community. The guidelines allow the Architectural Review Committee (ARC) to adopt architectural standards subject to the confirmation of the Board and the Florida Statutes. The covenants define the general scope and nature of the ARC's responsibility in dealing with specific situations and requests.

#### **FUNCTION**

The ARC performs its task of ensuring and maintaining aesthetic quality of the exterior appearance of properties by establishing and monitoring the architectural review process. The ARC ensures that proposed exterior alterations adhere to the objectives set forth in the DRC&C. This involves regular systematic review of all applications for exterior alterations submitted by residents.

#### **ARC AUTHORITY**



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The ARC shall have the authority to review and, with a majority vote, recommend, modify, or disapprove the plans and specification referred to in the current DRC&C, in the interest of the Subdivision as to:

1. The quality of workmanship and materials
2. Harmony of external design with existing structures and location
3. With respect to topography and finished grade level

Members of the ARC shall not be compensated for any services performed pursuant to the DRC&C.

All actions of the ARC, including but not limited to approval, modification, or disapproval by the ARC shall be in writing. There shall be NO verbal agreements or tentative commitments by any individual.

In the event the ARC of the designated representative fails to take any action to approve, modify, or disapprove any plans and specification within thirty (30) days after said complete plans and specification have been submitted, approval will not be required, and the related DRC&C shall be deemed to have been complied with full.

#### **ITEMS REQUIRING APPROVAL**

1. The DRC&C defines those items requiring approval of the ARC.
2. The DRC&C mandates that any alterations, additions or improvements, whether permanent or temporary, to the exterior appearance of one's property requires prior written approval of the ARC, and full compliance with Florida State and Indian River County Statutes.

[Indian River County](#)

Recorded 8/23/2024 in Indian River County, Page 4. Paragraph 8.

No building, home, fence, mailbox, wall, driveway, lamppost, antenna or any other structures or improvements shall be erected, placed or altered on any lot nor shall any addition or change thereto be made until the construction plans and specifications, showing the nature, kind, shape, height, floor plans, materials, location and approximate cost of such structure or improvements have been submitted to the ACC (*Now ARC*) for review. Upon receipt of written approval from the ACC (*Now ARC*), building permit(s) must be obtained from the proper Indian River County authorities.

#### **ARC ENFORCEMENT RESPONSIBILITIES**

The members of the ARC shall be responsible for the enforcement of the following violations.



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1. Every mobile, modular home or manufactured home, hereinafter referred to collectively as “home”, placed on any lot within the Breezy Village Home Subdivision, shall be installed by a contractor, holding a current license within the State of Florida to do such installation. Simultaneously with the installation of a home, the following improvements shall be required to be made, at the owner’s expense: **State of Florida and Indian River County Statutes**

- a. A concrete patio slab either raised or at ground level. The patio shall have an aluminum fabricated roof/or treated wood and shingle roof, with posts and fascia.
- b. A concrete carport slab with a minimum of one driveway consisting of a solid concrete pour, extending from the carport slab and merging with the road. The carport should have an aluminum roof and/or treated wood shingle roof, with posts and fascia. Upon written approval from the ARC and Indian river County Permits, a circular driveway may be installed on the lot. The plot plan given to the ARC should show the set-back lines in red and the location of proposed shed with the dimensions. The Plat Plan given to the ARC should show the set-back lines in red and the location of proposed carport or patio and dimensions of each. Material to be used may be aluminum, wood or other approved material. Any installation shall meet all the applicable construction codes of Indian River County.
- c. The home shall be completely skirted with solid skirting, so that the entire base of the home is enclosed. The skirting design and material must be approved by the ARC. Each home shall have approved skirting enclosing the entire base. This is interpreted to be a fully covered base minus the necessary vents for air circulation. The enclosure can be the continuation of the unit’s outer siding down to the ground level, standard vinyl skirting, imitation stone or brick, or other material approved by the ARC. Open type slats are not acceptable because of their susceptibility to winds and danger to others.
- d. The home must be connected to a public water system, public sewer system and electricity. Wells are only allowed for irrigation purposes. Approval from the ARC and an IRC permit is required.
- e. The home must be completely set upon piers and leveled, with running gear and tongue removed and completed by a Florida Certified/Insured Builder.
- f. A mailbox and lighted street lamppost. The lamppost shall be operated by either a photocell or light switch or both. The lamppost is required to be FULLY lit during



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all non-daylight hours. Solar Powered lights are permitted as long as they are FULLY lit during all non-daylight hours. All mailboxes must be of design approved by and at a height as required by the U.S. Post Office. [Florida Statutes – 163.04](#)

g. The entire lot, except for that area covered by the home, patio, carport and driveway shall be landscaped, with plants, grass, shrubbery and trees. The planting of nuisance trees is prohibited. [Florida Statute 373.185](#)

h. Tie downs as required by the State of Florida and Indian River County must be installed.

2. No building, home, fence, mailbox, wall, driveway, lamppost, antenna or any other structures or improvements shall be erected, placed or altered on any lot nor shall any addition or change thereto be made until the construction plans and specifications, showing the nature, kind, shape, height, floor plans, materials, AND location or improvement have been submitted to the ARC for review. Upon receipt of written approval from the ARC, building permit(s) must be obtained from the proper Indian River County authorities. Fences of any type are not permitted on any properties within the Breezy Village Subdivision, except as required by law. So called “privacy fences”, or any other permanent type of structure, are not permitted. A property owner may outline his/her property with shrubbery, or other growing plants and trees, but such that their branches and outgrowth may not infringe upon the adjacent property. Climbing vines on a trellis are permitted between carport posts or columns with approval of the ARC and may not infringe on an adjacent property.

3. With the exception of security services signs of reasonable size posted within ten (10) feet of an entrance to a home or For Sale signs advertising a home or vacant lot for sale, which sign shall not exceed four (4) square feet, no signs or advertisements shall be displayed in the said subdivision or rights-of-way thereof, except with the expressed written permission of the ARC.

4. No boat, boat trailer, camper, RV, or any similar personal property shall be stored on any lot (home site) or any roadway or driveway in the Subdivision. The Corporation, at a reasonable fee, provides a separate storage area provided space is available. No camper or RV, while parked in the Subdivision, may be used for habitation, either temporarily or permanently.

Installation, display, and storage of items. Regardless of any covenants, restrictions, bylaws, rules, or requirements of an Association, and unless prohibited by general law or local ordinance, an Association may not restrict parcel owners or their tenants from installing, displaying, or storing any items on a parcel which are not visible from the parcel's frontage or an adjacent





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parcel, or an adjacent common area, including, but not limited to, artificial turf, boats, flags, vegetable gardens, clotheslines, and recreational vehicles. [Florida Statute 720.3045](#)

5. Each lot and all improvements thereon shall be maintained in a clean, safe and sightly condition. Garden, yard, or maintenance equipment shall be kept at all times in a structure that has been approved in writing by the ARC. No junk or inoperative cars or trucks shall be parked on any lot. No lumber, grass, shrub, or tree clippings, plant waste, metals, bulk materials, or scraps or refuse or trash shall be kept, stored or allowed to accumulate on any lot. Outside burning of leaves, trash, or debris is prohibited. No weeds or other unsightly growths shall be permitted to grow or remain upon any lot; however, vacant lots may remain in their natural state provided the growth does not exceed six (6) inches in height, and no refuse pile of unsightly objects shall be allowed to be placed or allowed to remain anywhere thereon. All lots with structures shall be completely grassed and landscaped where there is no structure, and the grass area shall not be allowed to grow to a height of six (6) inches. [Florida Statute 163.04](#)

6. Television and radio antennas or towers may be erected in the Subdivision up to a maximum height of twenty-two (22) feet. The height of the antenna shall be measured from the ground to the top of the antenna or tower, whichever is higher, and this height shall not exceed twenty-two (22) feet. Satellite dishes may be installed on any lot, but only in accordance with the regulations of the Federal Communication Commission or the rules and regulations of the ARC.

7. With prior approval of the ARC and then permitted by Indian River County, a utility shed may be built or placed. The plot plan given to the ARC shall show the set-back lines in red and the location of the proposed shed with the dimensions. The shed is built on a concrete slab and has appropriate hurricane tie downs. All sheds must use the similar siding material as the home has and shall meet all the applicable construction codes of Indian River County.

- a. *Utility buildings.* Utility buildings or sheds of one hundred (100) square feet or less may be located within a required side or rear yard, provided a minimum of five (5) feet is maintained from the side or rear property line and the utility building or shed is clear of all easements. Only one such utility building or shed may be allowed to encroach into a required yard on a single lot or parcel of land. A utility building or shed (one hundred (100) square feet or less) that is to be located to within five (5) feet of a side or rear property line shall be located no closer than ten (10) feet to the principal structure and shall not exceed the height of the principal structure. (Refer to [chapter 917](#) regulations for accessory storage buildings.)

8. Clotheslines may only be in the rear of the owner's lot and may not infringe upon the adjacent property. **Florida Statute 163.04 Energy Device based on renewable resources**





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9. Domestic animals are limited to Cats/Dogs/Birds and are the property of the resident, only these animals are allowed, provided they are licensed and comply with all Indian River County Ordinances. No pet will be permitted to run free. All animals should be on a leash when outside and should not be left unattended. Free running animals are deemed a nuisance by many property owners. No person may breed animals for sale within the Subdivision. Excessive barking, especially at night, will not be tolerated.

10. Notwithstanding any provision to the contrary in an Association's governing documents, an Association may not levy a fine or impose a suspension for any of the following:

- a. Leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after the designated garbage collection day or time.
- b. Leaving holiday decorations or lights on a structure or other improvement on a parcel longer than indicated in the governing documents, unless such decorations or lights are left up for longer than 1 week after the Association provides written notice of the violation to the parcel owner.

#### **ARC MEETINGS**

Meetings must be held on a monthly basis, with a 48-hour posting notice of such a meeting as required by Florida Statutes. Minutes of each meeting are to be kept, typed, and filed with the secretary of the Board of Directors.

#### **ARC REPORTING**

All pending recommendations shall be reported to the Board of Directors at their monthly meeting.

**Denial** of a request shall be brought to the immediate attention of the Board Director assigned as liaison between the Board of Directors and the ARC.

The Association or any architectural, construction improvement, or other such similar committee of an Association may not enforce or adopt a covenant, rule, or guideline that:

1. Limits or places requirements on the interior of a structure that is not visible from the parcel's frontage or an adjacent parcel, or an adjacent common area.



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2. Requires the review and approval of plans and specifications for a central air-conditioning, refrigeration, heating, or ventilating system by the Association or any architectural, construction improvement, or other such similar committee of an Association, if such system is not visible from the parcel's frontage, an adjacent parcel, or an adjacent common area, and is substantially similar to a system that is approved or recommended by the Association or a committee thereof.

3. If the Association or any architectural, construction improvement, or other such similar committee of the Association denies a parcel owner's request or application for the construction of a structure or other improvement on a parcel, the Association or committee must provide written notice to the parcel owner stating with specificity the rule or covenant on which the Association or committee relied when denying the request or application and the specific aspect or part of the proposed improvement that does not conform to such rule or covenant.

