

Bayway Isles Homeowners Club, Inc. (the “Association”)
Architectural and Building Review Committee
Standards and Guidelines

Bayway Isles is a unique community consisting of 213 single-family home sites. Compliance with our Association’s Architectural and Building Standards is critical to the character and image of our community and to the maintenance of the property values of our homes.

Your Board of Directors takes very seriously its responsibility to review building and improvement plans, as provided for in our Bylaws, deed restrictions, and protective covenants (“Deed Restrictions”). Specifically, no building, wall, structure (including fence, dock, and dock-related structures), or other improvement may be placed upon a Bayway Isles lot unless and until the plans and specifications therefore and the plot plan have been approved in writing by the Association. Similarly, no alteration in the exterior appearance of the land, buildings, or structures shall be made without approval. This document does not supersede anything required of the property owner by our Deed Restrictions.

In order to discharge our obligation in a fair, consistent, and effective manner the Association’s Board has established an Architectural and Building Review Committee (the “Building Review Committee”) and adopted these Architectural Standards and Guidelines (the “Standards”).

The property owner is responsible for ensuring that these Standards are provided to their architects, builders, and contractors and incorporated into all building and improvement planning.

1. Compliance with Building Codes

Any and all existing building code requirements, regulations, or restrictions of the Florida Building Code, or as the same from time to time shall be amended, shall be the minimum building code requirements for improvements on Bayway Isles, provided, however, that all improvements shall also meet the minimum requirements of the City of St. Petersburg, Florida. This shall not prevent the Association from imposing more rigid or stringent requirements.

2. Submittal of Building, Renovation, and Other Improvement Plans

A Building Review Committee Project Application Form is available on the Association’s website at <https://www.baywayisles.com>. Electronic transmission of plans is preferred and will reduce the time required for review as long as the details are complete and clearly readable. Alternatively, two sets of building, fence, dock, or other improvement plans showing proposed setbacks, elevations, construction details, and materials to be used may be submitted to the Building Review Committee at bwi.building.review@gmail.com, or Bayway Isles Homeowners Club, Inc., 5650 Leeland St S, St. Petersburg, Florida 33715. As noted above, Association approval is required prior to making any changes to the exterior of a property. The property owner is encouraged to confirm receipt of plans with the Building Review Committee Chairman or their designate.

Owners are strongly encouraged to submit proposed plans to the Committee before final construction drawings are completed and if permitting is required, before they are submitted to the city or county for permit approval. The Committee will review the plan documents within thirty days after submission and the Association will provide written approval or disapproval of the submitted plans. Incomplete submittals or the need for additional information may extend the approval period beyond thirty days.

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3. Condition for Approval

The property owner must be a member in good standing in the Association and current on their annual and special assessments.

4. Information to be provided

The property owner shall identify any requested variances to Bayway Isles Deed Restrictions or to these Standards and Guidelines on their Project Application Form.

The Committee reserves the right to request and review the following elements of the submitted plan:

- Site Plan: Dimensioned survey showing location, footprint, and setbacks of buildings and other improvements.
- Final Exterior Elevations: Specifications, materials.
- Roofs: Structure, pitch, materials, product photos, installation details.
- Fascia and Trim: Section details, materials.
- Exterior Doors, Windows, and Garage Doors: Specifications, materials, and product photos.
- Exterior and Dock Lighting: Fixture design, location and luminance.
- Patios, Decks, Balconies, and Porches: Specifications, materials.
- Fences and Walls: Location, design details, materials, and product photos.
- Landscaping: Dimensioned sketch, vegetation list, placement, and height showing impervious surface ratio.
- Screened Porches and Pool or Deck Enclosures: Structure, materials, and roof details.
- Mechanical Equipment (HVAC, Pool pumps/filters/heaters, etc.): Location, screening details.
- Fuel Tanks: Location and setbacks, screening details.
- Docks and Dock-Related Structures: Permit application, materials, and product photos.
- Driveways: Materials, color, pattern, and finish.
- Exterior Paint and Trim: Paint colors and pattern.

5. Architectural Design

Exterior elevations shall be complementary in architectural design and materials, and compatible with neighboring structures and with the character of the neighborhood.

6. Minimum Living Area

A minimum of 2,200 square feet of enclosed living area is required.

7. Pools and Patio Decks

Swimming pools are to be in-ground only, with prior Committee approval for location, size, and screening from view. All swimming pools are to adhere to the setback requirements contained in our Deed Restrictions. Pool or Patio decks, spas, fire pits, etc. that are 12 inches or less above grade may intrude up to 5 feet into the required 15-foot rear-yard setback. Swimming pool accessories, such as ladders, slides, waterfalls, etc. must not exceed six feet in height.

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8. Building Details

- Soffit options are stucco on galvanized steel or better lathing and PVC or composite systems.
- Concrete, ceramic, and clay tile or standing seam metal are the minimum acceptable roofing materials.
- Desired roof pitch is 5:12 and the minimum acceptable is 4:12.
- Flat roofs that can be seen from neighboring property are not allowed.
- Rooftop “Sun Decks” that permit viewing of adjacent properties are not permitted.
- Imitation brick, stone, or Masonite® type exteriors are not acceptable.
- The preferred material for chimneys is stucco with an angled metal chimney cap. Metal chimneys are not allowed.
- Front elevation stairs shall be constructed of masonry or concrete materials, with the underside concealed from view.

9. Fence and Wall Details

Any walls built on or alongside property lines will be of the concrete masonry type. Composite, and metal fences may be permitted subject to Committee review. Wrought iron or better-quality decorative fences are acceptable in pool and patio areas. Chain link and wood fences, other than decorative wood in appropriate areas, are not acceptable. Proposed fence layouts must provide for an open and airy street and water view. Fence width, height, design, and materials will be the determining factors in Committee approval.

Fences are not allowed in front yards. The point at which the fence ties to the house shall be no closer to the front of the house than ten feet. Exceptions may be granted for low or decorative fences or walls that serve as an architectural feature of the house, or screen mechanical equipment or an entry.

There may be only one fence separating adjoining lots. Double fencing along or within three feet of common boundary lines is prohibited. This prohibition exists regardless of the type, design, or height of the existing and/or proposed fences. Proposed fences must tie into any existing fences.

10. Setbacks

Bayway Isles emphasizes open-sight **lines**. For this reason, we require that parcel owners adhere to the setbacks specified in our deed restrictions, although they may be more stringent than those required by the City of St. Petersburg. In the case of pool cages / screen rooms / screen enclosures / pergolas, the minimum setback from any side or rear property line is ten feet, unless the supporting pool or deck is elevated more than 12 inches above grade or the screened-in area has a solid roof, in which case the minimum rear setback is fifteen feet.

11. Fuel Tanks and Mechanical Equipment

Above-ground fuel tanks and mechanical equipment (HVAC, pool/spa pumps, filters, etc.) must be contained in the side or rear yard and within a concealed area so that it is not visible from the front or side street or from the waterway. Said concealment may be accomplished with architecturally compatible building materials (e.g., masonry wall, concrete decorative block), shrubbery, or other means as approved by the Committee. Materials used for concealment must be designed for outdoor use such as concrete/stucco, PVC, or anodized or powder-coated aluminum. Wood is not an acceptable material for this purpose.

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12. Demolition

Prior approval is required to demolish existing structures, including buildings, fences, walls, docks, and dock-related structures.

Depending upon the extent of the demolition, exterior demolition projects may require fencing in adherence to Paragraph 13 - Construction Practices. Association approval is not required for interior demolition projects.

13. Construction Practices

All construction practices shall be conducted during normal hours of operation as defined by City ordinance. Noise, dust, traffic, or any other nuisance shall be mitigated to avoid as much disruption as possible to the residents of Bayway Isles Homeowners Club.

Temporary chain link fences may be erected while building permits are in effect, however, any chain link fence must be covered on the street and adjacent yard sides with an opaque material in green, blue, or black. Such fences and coverings must be maintained, wholly contained within the property lines, and may not encroach upon the street.

Residential lots with existing vegetation that will not be disturbed during the project shall be maintained consistent with Architectural Section 19. Landscaping - Care and Maintenance.

All Stormwater drains in Bayway Isles connect directly to our waterways, and no silt or other debris may be permitted to escape from a parcel into the street, waterway, stormwater drain system, or onto neighboring properties. The same must be contained by a silt fence, drain socks, or other means approved by the Association.

All trash/debris/materials shall be stored in a manner consistent with the project and Bayway Isles Homeowners Club Deed Restrictions.

Existing curbs, storm drains and roadways shall be protected from damage by vehicles and construction equipment. The contractor is responsible for initiating all repairs.

Roadways shall be kept open in both directions for vehicles, bicycles, pedestrians, and city trash/recycling trucks. Construction vehicles and equipment shall not impair safe visibility on the roadways. Roadways shall always be kept clean and free from construction debris and dirt.

Portable toilets must be scheduled for regular dumping and sanitization. Offensive odors or upturned facilities must be corrected immediately.

The Building Committee is authorized to initiate site inspections for compliance with this section. Violation of any of the requirements of this section may result in a stop work order being issued or the use of any other enforcement method allowed by law. Such violations may be subject to a fine or city citation.

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14. Signs, Flags, and Flagpoles

No signs or flags may be placed in Bayway Isles except street location (name and/or address) signs located upon a mailbox or within the front yard. Street location signs may not exceed one square foot in size and must be architecturally compatible with the home.

Unless otherwise provided for by exception below signs, flags, and banners are prohibited in the windows of homes or painted upon or attached to any part of a home or structure, on lots, seawalls, fences, docks, and dock-related structures, on vehicles, on or over bodies of water, on watercraft, streets, easements, and public and private rights of way. Except as provided for in Paragraph 15 - Outdoor Decorations and Exterior Lighting Standards, decorative flags, pennants, streamers, etc. with text are considered signs and are prohibited.

Exceptions:

In accordance with Florida State law (F.S. Chapter 720.304), a homeowner may display:

- No more than one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and one portable, removable official flag, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag
- One sign of reasonable size provided by a contractor for security services within 10 feet of any entrance to the home
- Official government notices or information notices approved by the Association

Flagpoles are permitted with the approval of the Association, but they may not exceed 25 feet or the highest point of the roofline above grade in height, whichever is lower. Flagpoles must be metal or commercial-grade fiberglass installed and maintained so as to be vertical, and may not be closer than 10 feet to the nearest front or side yard property line. The halyard must be secured to avoid slapping against the flagpole during periods of high winds. This restriction does not apply to wall-mounted flagpoles less than six feet in length.

The Association may approve the temporary placement of legally required “No Trespassing” signs upon empty parcels, as long as they are associated with a current St. Petersburg police department blanket trespass notice and are tasteful and limited in size. Association approval is required for all “No Trespassing” signs.

15. Outdoor Decorations and Exterior Lighting Standards

Building Review Committee approval is not required for seasonal (holiday) decorations displayed for not more than ten days spanning each Federal, religious, or commonly recognized decorative holiday. Seasonal decorations with relevant text such as “Happy Holidays” are permitted during the display period.

Seasonal or holiday exterior lighting may be used only during certain designated Federal holidays, which are Independence Day, Thanksgiving, and Christmas. For these holidays outdoor decorations and decorative lighting may be displayed no more than thirty (30) days before the holiday event and must be removed from all structures and property within fifteen (15) days after the event.

Exterior Lighting: Except for seasonal or holiday lighting, exterior lighting, including wall lights, and landscape and flag lights must be fixed in luminance and may not blink, change color, or simulate motion.

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Light Trespass: All light fixtures, including dock and security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the light source. No light fixture shall produce glare or light spillage exceeding one-half foot-candle outside the property line or dock footprint.

All dock and underwater lighting fixtures shall be installed within the boundaries of the homeowner’s dock or boat lift and must comply with all federal, state, county, and local regulations. Association approval is required for all permanent dock, seawall, and underwater lighting installations.

16. Mailboxes

In accordance with the ordinances of the City of St. Petersburg, all homes shall have a mailbox attached to the exterior wall of the structure adjacent to the front door or a mail drop slot in the front door of the structure. Standalone mailboxes are not permitted.

17. Landscaping – Ground Cover

The intent of this standard is for the landscape to consist primarily of living, subtropical grasses, or ground cover. Permeable areas of all lots are to be laid with St. Augustine or Zoysia-type sod or other approved ground cover, which includes those plants recommended by the Florida-Friendly Landscaping™ Program.

The amount of impermeable area on a lot is limited by the maximum impervious surface ratio (“ISR”) allowed by city code, which within the required front yard setback on standard lots is forty-five percent (45%). On corner lots, the maximum ISR allowed within the required front and streetside yard setback is twenty-five percent (25%). In our zoning district and subject to the limits above, the maximum ISR for the parcel area inside the property line is sixty percent (60%). The ISR is measured in square feet and as a percentage of lot area.

For the purpose of calculating the parcel’s ISR the impervious surfaces include all areas of the parcel covered with impervious materials, including but not limited to buildings, structures, driveways, walkways, equipment pads, pools, and hot tubs, fences, walls, and decks, or any areas covered by roofing, concrete, asphalt, brick, decorative pavers, crushed rock or shells, river rock, gravel, geoweb and turf block. For the purpose of this standard, since it is a synthetic, non-living material artificial turf shall be classified and treated as an impervious material, regardless of its drainage characteristics.

Except as provided herein impervious materials are not permitted for use or substitution for approved grasses or ground cover. Stone, gravel, mulch, rock beds, gravel, and similar materials, including artificial turf, may be used as an accent, but such materials may not be used as a substantial portion of the required landscaping.

Installation of artificial turf is specifically permitted only subject to the requirements of this section. A dimensioned survey showing the location of any proposed artificial turf installation and including a total ISR calculation shall be submitted with any Building Review project application for approval.

Location: Installation of artificial turf is prohibited within public and private easements or rights-of-way, within 50 feet of a retention pond, or inside the drip line of any tree. Artificial turf may not be installed in the front yard, and for corner lots, the streetside yard. It may be installed in rear and side yard areas only if there is a solid fence, wall, or hedge that acts as a sight border between neighboring parcels and street view.

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Materials and Appearance: Artificial turf shall consist of materials that mimic St. Augustine or Zoysia grass and appear natural in appearance and color. Indoor/outdoor plastic or nylon carpeting or similar materials are not permitted as a substitute. The use of crumb rubber infill as a component of the installation of artificial turf is prohibited.

Maintenance: All artificial turf shall be maintained in a fadeless condition and shall be kept free of visible margins, dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to: cleaning, brushing, debris and mold removal; repairing of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and invasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes. Artificial turf must be replaced if it falls into disrepair with fading, holes, or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.

18. Landscaping – Hedges and Vegetation

Note: See St. Petersburg City Code 16.60.010.8. for the definition of "yard".

Hedges. Definition: A hedge is a form of landscape vegetation defined as a grouping of shrubs, trees, bushes, bamboo, and the like that are planted and maintained to create an open space less than two feet wide along the entire height between each and which form an opaque or semi-opaque "living wall". Areca Palms and other densely clustering trees are permitted, provided the leaves at the tree's base are removed to prevent a hedge-like appearance, maintaining a canopy at the top of the tree.

Front Yards: Where landscaping vegetation is used along the street within four (4) feet of the street curb, it shall not exceed twenty-four (24) inches in height above the curb, provided that the vegetation does not result in a hazard or impairment to public vehicular or pedestrian traffic. Beginning at four (4) feet from the street curb to the front setback line of the house, the landscaping vegetation, excluding trees, within ten (10) feet of the side yard boundary lines shall not exceed four (4) feet in height.

Rights-of-way: Rocks, gravel, crushed stone or impermeable materials are not permitted in the planting areas within four (4) feet of the curb. Note: See St. Petersburg City Code 16.40.060.2.1.2.

Side Yards: Within the side yard setback area (from the front setback line to the rear yard setback line), landscaping vegetation, excluding trees, shall not exceed ten (10) feet in height, providing there is no objection from the adjoining property owner; otherwise, the height shall not exceed six (6) feet.

Rear Yards: *Non-Waterfront Yards:* Where rear property lines adjoin, landscaping vegetation, excluding trees, shall not exceed ten (10) feet in height, providing there is no objection from the adjoining property owner; otherwise, the height shall not exceed six (6) feet.

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Rear Yards: *Waterfront Yards*: In the waterfront yard visibility view area, no solid walls, plants, hedges, or trees of any kind shall exceed three (3) feet. Open fences shall not exceed four (4) feet. Refer to Paragraph 9 “Fence and Wall Details.” Also see the illustration “Fence/Hedge Regulations Waterfront Yards,” on Addendum A.

Mangroves serve as a valuable conservation and preservation element to Florida’s shorelines. Mangrove trimming guidelines can be found at the Pinellas County Website: <https://pinellas.gov/homeowner-guidelines-for-trimming-mangroves>.

Corner Lots: On lots located on two intersecting streets, the landscaping vegetation, excluding trees, shall not exceed three (3) feet in height within the forty-five (45) foot sight triangle area from the corners in each direction. In the sight triangle, one (1) tree with branches no lower than eight (8) feet is permitted.

Other Lots: Owners of lots that are non-rectangular, irregularly shaped, or where a variance is requested from these limitations must receive preapproval from the Association.

19. Landscaping - Care and Maintenance

Healthy turf, trees, and shrubbery greatly enhance the entire community's aesthetics. Each lot owner shall do their part by properly maintaining the vegetation on their lot.

- Turf grass height shall be maintained within the recommended range for the approved sod varieties.
- All landscaped areas of turf grass and bedding plants shall be maintained to be free of weeds and disease.
- Hardwood trees, palm trees, and shrubbery shall be trimmed so as not to impede clear lines of visibility for vehicular or pedestrian traffic on all the community's roads.
- Coconuts and large seed pods should be removed from palm trees before hurricane season.
- Diseased, severely damaged, or dead trees should be removed promptly.
- All visible planters shall contain healthy plants. Planters that are not in use should be stored and not within view of the street or adjoining lots.
- Wall plants and vines shall be healthy, free from disease, and pruned to create an aesthetically pleasing accent to the home.
- No grass clippings, leaves, or other landscaping debris shall be disposed of on streets, sidewalks, curb-line gutters, in the city's stormwater system, waterways or retention ponds.

20. Children's Play Structures

Play structures shall be of wood or composite construction. No platform shall be higher than five feet from the original grade at rest. No part of the structure shall be higher than eleven feet from the original lot grade. The platform may not exceed six-by-six feet or thirty-six square feet in area. All play structures require prior Committee approval regarding placement and construction.

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21. Basketball and other Recreational Structures

Portable basketball hoops are permitted, which should be stored out of public view after each use. Other recreational structures require the approval of the Association and may be subject to size, height, location, setback and shielding requirements.

22. Outdoor Furniture

Furniture designed for outdoor use consisting of benches, chairs, and small tables with tops not to exceed 36" in width is allowed in the front entry area of a home and on second-floor balconies. Folding chairs, lounge chairs, or other "beach" type furniture is not permitted. Otherwise, outdoor furniture, cooking equipment, fire pits, and similar entertainment equipment are permitted only in private areas such as enclosed side or rear yard areas and are not allowed in driveways, front yards, or where it can be visible from the street.

23. Hurricane Protection

Hurricane protection shall consist of impact-resistant windows, roll-down shutters, accordion shutters, and/or removable corrugated panels. Shutters and tracks will match window frames if available, and if not, use white or the house color. Plywood may be used as temporary storm protection; however, such temporary protection may be utilized only after the issuance of a hurricane watch and must be removed within 72 hours after the hurricane watch / warning is canceled.

Hurricane protection additionally includes installing roof systems recognized by the Florida Building Code that meet ASCE 7-22 standards, impact-resistant doors, reinforced garage doors, exterior fixed generators, fuel storage tanks, and other hurricane protection products used to preserve and protect the structures. (Florida Statute 720.3035).

Seawalls, docks, and dock-related structures must be kept in good repair at all times. In-water vessels (boats, PWCs, etc.) should be properly secured in a protected and stable location. Electric, water and any other dock connections and removable equipment should be removed as part of hurricane preparation precautions. For more information, visit <https://pinellas.gov/preparing-your-boat-for-hurricane-season>.

24. Sunroom & Atriums

A Sun Room (or Atrium) is a structure attached to a residence that is part of the conditioned air space of the residence. The Sun Room/Atrium must be attached to the house structure and may not be installed facing any street. Frame construction may consist of vinyl, wood, or metal (aluminum or hot-dipped galvanized steel). The height of the Sun Room/Atrium structure is not to exceed the existing roofline.

25. Direct Broadcast Satellite Dishes & Television Receiving Antennae

To the extent that acceptable signals can be received, direct broadcast satellite (DBS) dishes and over-the-air TV antennae should be placed so that the DBS dish and TV antennae cannot be seen from the front of the home. Placement of the DBS dish and antennae on either side or the rear of the home, or concealed in an attic is preferable as long as it does not unreasonably increase the cost of installation. The overall height of any DBS or antenna structure is not to exceed twelve feet above the roofline. The maximum size of any dimension of the DBS dish shall be 1 meter or less.

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26. Roof Drains and Pipes

Gutter downspout colors may be selected as an accent to the home or painted the color of the wall behind it. Use splash blocks and gravel at the base of a downspout. Roof runoff must not be diverted onto neighboring property. Drain lines tied into rain gutter downspouts must be buried or otherwise completely hidden from view.

27. Solar Energy Panels and Solar Water Heaters

All solar energy panels and solar water heater installations require the approval of the Association. The exposed conduit and pipes extending up the sides of the home shall be painted the same color as the walls.

28. Lawn Ornaments (includes Fountains, Statues, Sculptures, and Artwork) Note:

See St. Petersburg City Code 16.60.010.8. for the definition of “yard”.

A lawn ornament is a decorative object placed in the front, side, or rear yard outside of the footprint of the structure. Except as provided below, lawn ornaments may be placed no closer to the front property line than ten feet and no closer to the side or rear yard line than three feet.

Bayway Isles permits a limited number of tasteful lawn ornaments on each lot. Garish, brightly colored, or ‘kitsch’ objects such as skeletons, scarecrows, toy figures, etc. are not permitted outside of the holiday seasons. Lawn ornaments may not be animated, make noise, or emit smoke or light. Except as provided for in Paragraph 15 - Outdoor Decorations and Exterior Lighting Standards, lawn ornaments displaying text are considered signs and are prohibited.

Allowable Lawn Ornaments:

- Two white or earth-tone guardian lion statues astride a home’s driveway(s) entrance / exit and no closer to the front property line than three feet
- One wind chime. Wind chimes must be hung within five feet of the home’s structure and shall not produce sound at a level that is clearly audible at the nearest adjacent home, public street, or waterway
- In addition to the allowable ornaments above, in the front and side yards combined a maximum of three other lawn ornaments that are larger than 18 inches in height including stand
- Parcels with street-side yards may have a maximum of an additional three other lawn ornaments larger than 18 inches in height including stands in the street-side yard.

The Building Review Committee will consider approving additional lawn ornaments for homes on oversize parcels. Prior approval by the Building Review Committee is required on all lawn ornaments over eighteen inches in height including stand, as well as any lawn ornament that will be externally illuminated. All lawn ornaments must be architecturally compatible with neighboring properties and in proportion (number, size, shape, color, and location) to the lot(s) and improvements. Residents are encouraged to inquire with the Building Review Committee prior to purchase of lawn ornaments.

29. Gardens, Rain Barrels

Home gardens, rain barrels, and the like are permitted with approval as to location, size, and appearance. They must not occupy more than one hundred (100) square feet in total and be placed in a location so that the garden,

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rain barrels, and other equipment is not visible from the street. Fruit-bearing plants and trees and vegetable gardens may not create a visual or vermin nuisance to adjoining lots. Rain barrels and other garden equipment must be shielded from view from neighboring properties. Garden sheds are not permitted.

30. Garages, Vehicle Parking and Storage

Note: See St. Petersburg City Code 16.40.100.2. for the definition of “commercial / domestic equipment”.

Except for brief periods of loading and unloading commercial and domestic equipment including but not limited to work trucks or vans, watercraft, watercraft or utility trailers, recreational vehicles, camper trucks or trailers, “fifth wheels”, tractor trucks, and buses may not be parked in driveways or on the street overnight and must be stored out of sight in a fully enclosed garage with the door closed. Non-commercial passenger vehicles such as vans, pickup trucks, and sport utility vehicles are exempt, as are contractor vehicles and trailers during periods of active construction or property maintenance.

31. Seawalls, Docks and Dock-Related Structures

No dock may be designed, built, used, located, or maintained in such a way that it deprives the right of adjacent parcel owners to unencumbered access to their property, or that it becomes a hazard to navigation. Floating docks are not allowed.

During replacement or repairs, seawalls may be elevated no more than 12 inches (Bayway Unit 1) or 18 inches (Bayway Isles Unit 2) from the original grade. In the event that a parcel’s seawall cap is raised above that of adjacent properties, end cap diverters must be installed to ensure proper drainage.

Seawalls, docks, and dock-related structures must be kept in good repair at all times.

32. Approval Conditional

Approval of building plans under these Standards and Guidelines is conditional upon the accurate representation of all material facts by the property owner.

If the Building Review Committee should fail to detect an unstated variance or otherwise incorrectly interprets the plans, the owner retains all responsibility for complying with the Bayway Isles Deed Restrictions and these Standards and Guidelines. In the event of such an error, the property owner will solely bear the cost of any corrections required to bring their project into compliance.

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33. Remedies for Violations

In the event of a violation or breach of any of these Standards, by any person or concern claiming by, through, or under the Association, or by virtue of any judicial proceedings, the Association, and the owners of lots in the Subdivision or any of them, jointly or severally have the right to proceed at law or in equity to compel a compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing right, the Association shall have the right upon ten days' written notice to the owner to enter upon the property where such violation exists and summarily abate or remove the same at the expense of the owner, and such entry and abatement or removal shall not be deemed a trespass.

The cost of such abatement or removal shall be paid by the Grantee to the Association. Further, such cost shall become a lien upon the property until paid, including reasonable attorney's fees and costs for the collection thereof.

In the event that any litigation is brought to enforce or interpret these Standards, the prevailing party shall be entitled to recover reasonable attorney's fees and costs incurred therein, including those incurred in mediation, arbitration, in any bankruptcy proceeding, and those incurred on appeal.

The failure to enforce any Standard, right, reservation, restriction, or condition contained herein, however long continued, shall not be deemed a waiver of the right to do so thereafter as the same breach or as to a breach occurring prior or subsequent thereto and shall not bar or affect its enforcement. The invalidation by any court of any of the Standards herein contained shall in no way affect any of the other Standards, but they shall remain in full force and effect.

The Association reserves the right to modify or amend these Standards at any time.

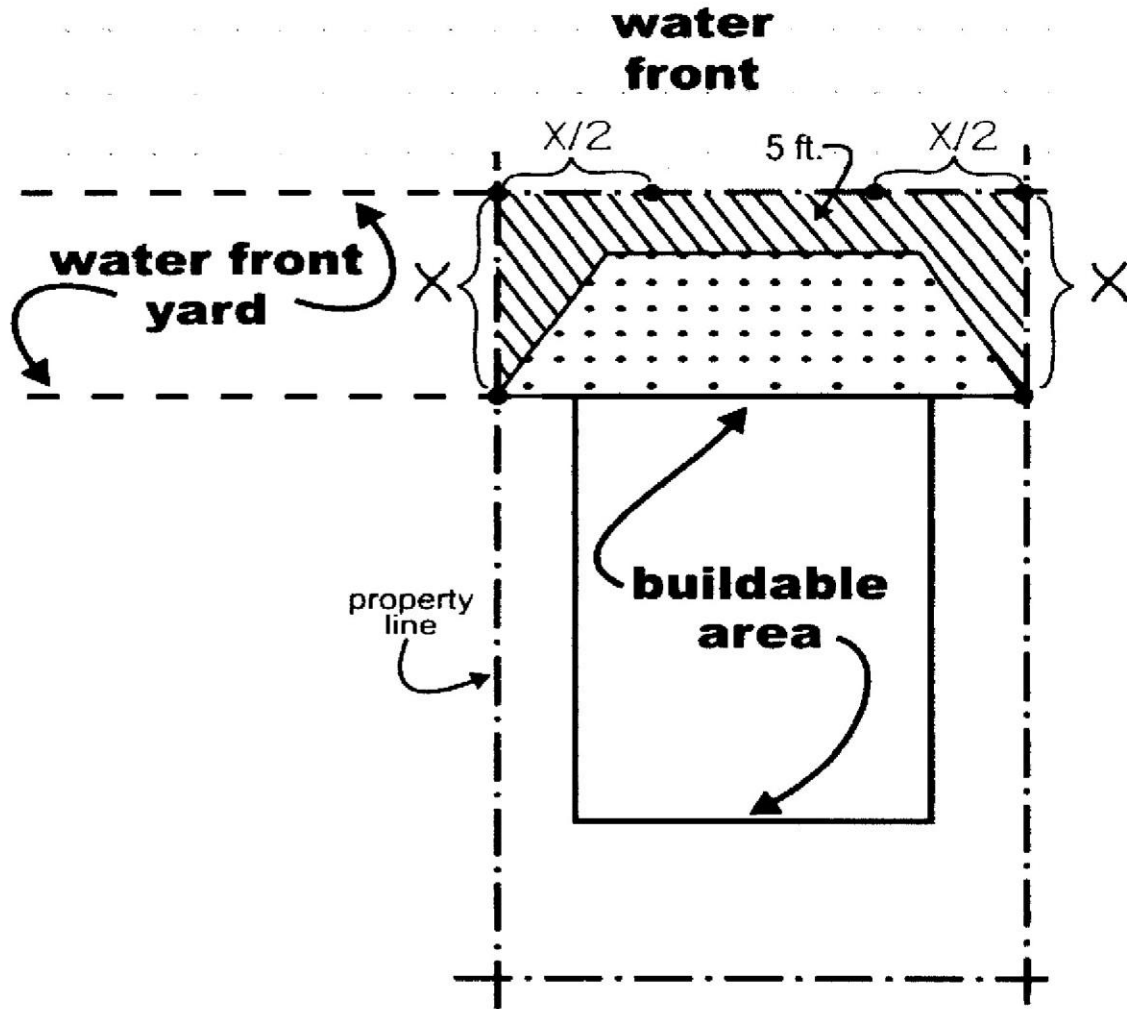
Addendum "A"

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Fence/Hedge Regulations

Waterfront Yards

(excluding IC/CRD zoned properties
and Commercial Marinas)



4ft. open fence;
3ft. solid wall, fence or hedge



4ft. open fence;
3ft. solid wall or fence;

In this part of the waterfront yard there shall be no limit on the height of landscape materials or number of trees.

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8. Building Details
9. Fence and Walls Details
10. Setbacks
11. Fuel Tanks and Mechanical Equipment
12. Demolition
13. Construction Practices
14. Signs, Flags, and Flagpoles
15. Outdoor Decorations and Exterior Lighting Standards
16. Mailboxes
17. Landscaping – Ground Cover
18. Landscaping – Hedges and Vegetation
19. Landscaping – Care and Maintenance
20. Children’s Play Structures
21. Basketball and other Recreational Structures
22. Outdoor Furniture
23. Hurricane Protection
24. Sunroom & Atriums
25. Direct Broadcast Satellite Dishes & Television Receiving Antennae
26. Roof Drains and Pipes
27. Solar Energy Panels and Solar Water Heaters
28. Lawn Ornaments (includes Fountains, Statues, Sculptures and Artwork)
29. Gardens, Rain Barrels
30. Garages, Vehicles Parking and Storage
31. Seawalls, Docks and Dock-Related Structures
32. Approval Conditional
33. Remedies for Violations
34. Addendum A – Fence/Hedge Waterfront Yards