

## **ARCHITECTURAL PLANNING CRITERIA FOR BAY ISLES UNIT #2 AND UNIT #7**

**WHEREAS**, Bay Isles Bayou Association, Inc. (“**Association**”) has as one of its purposes and objectives the enforcement of the Amended and Restated Declaration of Restrictions, Limitations, Conditions, and Agreements for Bay Isles Unit #2 and Unit #7 as recorded in Official Records Instrument **No.** 2011098590, of the Public Records of Sarasota County (“**Declaration**”), *and*

**WHEREAS**, the Declaration prescribes that the Board of Directors of the Association (“**Board**”) shall appoint a committee to be known as the Architectural Review Board (“**ARB**”) that has been re-named as the Architectural Review Committee (“**ARC**”) to conform to identities in FS720, *and*

**WHEREAS**, an ARC was created for the purpose of handling the architectural review and control functions of the Association, *and*

**WHEREAS**, the Declaration further provides that the Board, upon recommendation of the ARC, shall adopt and thereafter modify or amend from time to time as may be necessary or desirable, Architectural Planning Criteria, which criteria are to be set forth in writing and made known to all owners and all prospective owners in Unit #2 and Unit #7, *and*

**WHEREAS**, certain Architectural Planning Criteria of the Association were recorded as an exhibit to the Declaration and were subsequently amended by the Certificate of Amendment to the Architectural Planning Criteria for Bay Isles Unit #2 and Unit #7 as recorded in Official Records Instrument No. 2012008300, *and*

**WHEREAS**, pursuant to a Notice of Meeting of the Board, containing this proposed rewrite of the Architectural Planning Criteria, a meeting at which a quorum was present and voting was held on September 30, 2021, this Architectural Planning Criteria was passed by a majority vote of the Directors then present and voting.

**WHEREAS**, pursuant to a Notice of Meeting of the Board, containing this proposed rewrite of the Architectural Planning Criteria, a meeting at which a quorum was present and voting was held on September 05, 2024, this Architectural Planning Criteria was passed by a majority vote of the Directors then present and voting.

**WHEREAS**, pursuant to a Notice of Meeting of the Board, containing this proposed rewrite of the Architectural Planning Criteria, a meeting at which a quorum was present and voting was held on February 27, 2025, this Architectural Planning Criteria was passed by a majority vote of the Directors then present and voting.

**WHEREAS**, pursuant to a Notice of Meeting of the Board, containing this proposed rewrite of the Architectural Planning Criteria, a meeting at which a quorum was present and voting was held on April 23, 2025, this Architectural Planning Criteria was passed by a majority vote of the Directors then present and voting.

**NOW THEREFORE**, in accordance with the foregoing, the Board, upon recommendation of the ARC, does hereby adopt the following Architectural Planning Criteria (“**Criteria**”) and rules and regulations pertaining thereto.

**1. DUTIES AND POWERS OF ARC.** The ARC shall have the right to either approve or disapprove any: **(a)** exterior changes or structures of any kind, including, but not limited to and without limitation: any building, fence, wall, swimming pool, tennis court, screened enclosure, dock, davits, moorings,

seawall, grading, flood elevation and drainage system, water or sewer line, drain, mailbox, awnings, solar energy device, decorative building, lighting, lighting fixtures, landscaping, trees and plants, landscape device or object artwork/sculpture, decorative objects, or other improvements; and/or **(b)** any demolition, addition, alteration, change, or modification of any exterior improvements or structures. By way of examples only and not intended as limitations, additions, alterations, changes, or modifications include, but are not limited to: painting (exclusive of re-painting with the same, existing, approved color), re-roofing (exclusive of patching with the same, existing, approved material), new landscape material (exclusive of replacing with the same, existing, approved material) or changing overall appearance of existing landscaping (exclusive of typical pruning), changing windows and/or doors (sizes, location and type), changing artwork/sculpture and large decorative objects, new or additional exterior air conditioning equipment, new or additional pool equipment, changing or new mailboxes, and/or new or additional permanently installed generator equipment. Prior to commencing work, homeowners should seek confirmation from the ARC if any doubt exists whether an intended addition, alteration, change, or modification is subject to further ARC approval. Compliance with other restrictions and criteria, such as Municipal and County codes and Ordinances, State of Florida Statutes, laws and rules, and U.S. Governmental regulations and requirements, is the responsibility of each homeowner and not the ARC. Notwithstanding the foregoing requirements for approval by the ARC, construction approved in writing by the ARC, while controlled by a prior Board of Directors, shall not require additional approval by the ARC after adoption of these Architectural Planning Criteria.

**2. PLANS SUBMITTED.** Except as indicated elsewhere, a homeowner contemplating any activity subject to these Criteria shall provide the following materials to the ARC: **(a)** Plans; **(b)** a fully completed and signed Association application form; **(c)** elevation drawings; **(d)** landscaping and irrigation plan; **(e)** specifications; **(f)** Owner and Contractor Affidavits; **(g)** Contractor's qualification statement; **(h)** grading and drainage plans; and **(i)** proposed elevations of the floor(s) and concrete slab(s) indicating how any increase in the elevation of the existing grade of a lot shall be accomplished by the lot owner so as to not increase the surface water runoff from such lot onto neighboring properties. The Association application form, Owner and Contractor Affidavits, and Contractor's qualifications statement shall be on forms provided by or approved by the ARC. Two sets of all drawings and applicable forms are required on new construction.

All site plans shall be drawn to scale (not less than 1" equals 10'). All building plans shall be drawn to scale (not less than 1/4" equals 1 foot).

All Applications shall include Plans setting forth a complete listing of proposed changes or modifications to the subject property, including details listing the specific proposed colors and materials used on mailboxes, pool cages, doors, garages, walls, fences, decorative structures and any other items visible from the street or an adjoining property. Only items set forth in an Application will be considered and partial applications or applications missing information shall be deemed incomplete and will not be reviewed by the ARC. Any proposed changes or additions to Plans will require the submission of a new Application.

**3. PRELIMINARY PLAN APPROVAL.** In order to facilitate the preparation and ultimate approval of construction plans, any property owner may submit preliminary drawings or other writings prior to the preparation and submission of the final working drawings and specifications. Upon receipt of preliminary drawings, the ARC in its sole discretion, may review and indicate its approval, disapproval or recommendations on the matters reflected thereon, including a request for additional information. The preliminary drawings must address and respond to all paragraphs of the Criteria established herein, together with the requirements of Article VI (entitled "Architectural Control") and Article VII (entitled "Restrictions") of the Declaration.

**4. FEE AND SECURITY DEPOSIT POLICY.** Fees and security deposits shall be payable as provided in a Fee Schedule adopted and approved by the ARC.

(a) **Fees.** The fees have been set based on the historical review of typical direct costs associated with construction plan submittals. However, in particular cases where the review and approval process has been long and difficult, the direct costs may exceed the initial fee amount. In those cases, the owner(s) shall pay and will be responsible for all direct costs exceeding the initial fee amount, and upon request of the owner(s), an itemized cost schedule will be made available. ARC approval will not be given until all over-expenditure, if any, has been paid. No refund of any portion of the initial ARC fee shall be returned to the owner(s), in any event or under any circumstances. No approval(s) will be considered or granted if applicant is in arrears or has not paid all assessments and/or penalties due to the Association.

(b) **Security Deposits.** All security deposits shall be delivered to the Association prior to the commencement of any work, and no work may commence until the applicable security deposit is delivered to the ARC. Security deposits will be held by the Association and may be drawn upon in the event of any damage to Association property, common areas, or the Association, as determined by the Board in its discretion, including in the event of a delay in completion of the project or the levying of fines by the Association. The Association shall provide written notice to the appropriate party within ten (10) days of drawing upon the security deposit, and may, in the Board's discretion, require the security deposit to be replenished or the posting of a larger security deposit (in which case no additional work may take place until the security deposit is increased or replenished). Security deposits, or remaining portions thereof, will be refunded upon substantial completion of the project, and a satisfactory site inspection by the ARC evidencing no damage to Association property or common areas. The ARC may, in its discretion, waive security deposit requirements for small projects.

**5. CERTIFICATE OF OCCUPANCY** . In addition to the requirements of Article VI (entitled "Architectural Control") of the Declaration, a copy of the Certificate of Occupancy issued by the Town of Longboat Key shall be provided to the Association prior to an Association Certificate of Occupancy (substantial complete) being issued.

**6. BUILDING TYPE.** Unless approved by the ARC as to use, location, and architectural design, no garage, tool or storage room or other structure may be constructed separate and apart from the residential dwelling, nor can any such structure(s) be constructed prior to commencement of construction of the main residential dwelling.

**7. LAYOUT.** No foundation for a building shall be poured, nor shall construction commence in any manner or respect, until the layout for the building and landscaping is approved by the ARC. Each homeowner shall furnish the ARC for its approval a survey prepared by a licensed and registered surveyor, which survey shall show thereon the staking out of the foundation layout prior to the pouring of concrete footings or commencement of foundation construction. The intent of this survey is to enable the ARC to help property owners prevent setback encroachments at the earliest possible time.

**8. HEIGHT SURVEY.** Each applicant shall provide and submit to the ARC a survey prepared by a Florida registered surveyor at the completion of the roof framing of the house indicating maximum height. This height shall be measured from the unimproved lot at the curb or street level survey prior to any filling or construction. The survey should indicate compliance with the Flood Plain requirements.

**9. EXTERIOR COLOR PLAN.** The ARC shall have the right of approval of the color plans for all new and existing homes and each owner must submit to the ARC a color plan at the time plans are submitted for approval showing the roof, , exterior walls, shutters, trims, etc. A single specific proposed paint color for a house exterior shall be identified on the application by reference to the paint manufacturer, color name and numerical identifier. Applicant shall arrange for a sample of the proposed color to be painted on the residence exterior wall of sufficient size for the ARC to review. Colors listed on the list attached as Exhibit A, the Bayou Approved Color Palette, are approved for use. All other paint colors will be reviewed and evaluated by the ARC, in view of the impression created by the proposed color in the overall

context of Bayou. Exterior color plans featuring the colors tan, beige, cream, grey, warm white or low pigment pastels are favored; bright colors or color combinations are not permitted. House numbers, pool cages, railings and similar items are permitted in the colors black or white only, unless specifically approved by the ARC. No color changes may be made without the written approval of the ARC; repainting with existing colors will be permitted in most instances by the ARC, but prior approval for all painting is required.

**10. ROOFS.** All roof installations and replacements must be approved in advance by the ARC. An application shall identify the roof materials and color; applicant shall submit an appropriate full sized sample of the proposed roofing material in the proposed color. Flat roofs shall not be permitted on the main body of any home; exceptions based on the architecture of the home require additional approvals of the ARC. In general, roofs must be esthetically pleasing, in the sole discretion of the ARC and board, not contrast with other homes, and be of good quality and strength to withstand the barrier island environment and the storms that could cause major structural damage. The composition of pitched roofs must be either tile or metal or coated prefinished metal with no exposed fasteners. Exceptions for utilizing composite materials, solar tiles, and evolving technology and materials require additional approvals of the ARC. All roof vents must match the color and contour of the primary material and cannot be elevated above. The roof color should be consistent with and not contrast with the existing Bayou roofs of brown, charcoal, grey, and white or terra cotta colored tile. No asphalt or asphalt composition roof shall be approved.

**11.**

**12. GARAGES.** No house shall be constructed without provisions for a garage adequate to accommodate at least two large-sized automobiles. All garages must have doors that are to be maintained in a usable condition and that are operated by electric door openers. Garage doors shall be kept closed except when the garage is in use. No garage shall be permanently enclosed or converted to other usage without the substitution of another attached enclosed garage upon the lot.

**13. DRIVEWAY CONSTRUCTION.** All new and refurbished driveways shall consist of pavers. Driveways must be at least eighteen (18) feet in width at the entrance to the garage. Concrete slabs are not acceptable. Where curbs are required to be broken for driveway entrances, the curb shall be repaired by the owner in a neat and orderly fashion acceptable to the ARC. No portion of such driveway shall be located closer than five (5) feet from the sideline of any lot or building site. Sidewalks may not be painted, cut out or removed unless replacement is necessary due to damage.

**14. DWELLING QUALITY/SIZE.** The ARC shall have the right of final approval of all exterior building materials. The ARC encourages the use of materials such as brick, stone, and stucco, or a combination of the foregoing. The use of wood is discouraged for exterior surfaces and all structures. Plywood siding, plywood paneling, vinyl and aluminum siding are not allowed. Aluminum soffit and fascia coverings may be used with approval of the ARC. Trellis and lattice constructed of material less than one inch x two inches (1"x 2") (nominal dimension) is not allowed. Non-wooden construction is encouraged for air conditioning and pool equipment gates (such as iron, aluminum, plastic, et cetera). All trellis and lattice construction requires ARC approval. Minimum floor area of air-conditioned space measured from outside wall to outside wall, shall not be less than twenty-four hundred (2,400) square feet exclusive of open or screened porches, terraces, patios, and garages. No dwelling shall exceed thirty-five (35) feet in height. Height measurements shall be referenced to the original unimproved grade at curb or street level as surveyed prior to any filling or construction thereon. Any damage to streets and curbing during remodel or new construction is the responsibility of the owner to repair or replace, as directed by the Board, at the owner's sole expense. Owner is also responsible to keep sidewalks clean and clear of debris, materials, containers, supplies, and vehicles. Debris must be kept in an adequate container to prevent from being blown into adjacent properties and to not present an unsightly appearance.

**15. SIGNS.** No construction signs of any kind shall be displayed to the public view on any lot except for the following: During the course of construction of improvements, the general contractor may erect a construction sign not more than four (4) square feet in size containing the name of the builder, the job number and phone number, which sign shall be removed when all required certificates of occupancy are issued. The building permit for such construction may be placed on the reverse side thereof. Prior to the erection of any sign, such sign must be approved by the ARC as to size, design, location, and content. All pest control application signs must be removed within 48 hours of treatment.

**16. GAMES AND PLAY STRUCTURES.** All basketball backboards and any other fixed games and play structures shall be located at the rear of the dwelling, or on the inside portion of corner lots within the setback lines. No platform, doghouse, playhouse or structure of a similar kind or nature shall be allowed without prior approval of the ARC.

**17. EXTERIOR DECORATIVE STRUCTURES.** Freestanding items placed in front yards must be approved prior to installation by the ARC. One decoration visible from the road(s) placed on or attached to the home is permitted but must be approved by the ARC for its color, size, and design that must be consistent with the Bayou neighborhood. Items that move with the wind or other power sources are not permitted. Items, including wind chimes, that emit sounds are not permitted.

**18. FENCES AND WALLS.** The composition, location and height of any fence or wall to be constructed on any lot shall be subject to the approval of the ARC. The composition of any fence or wall shall be consistent with the material and color used in the surrounding homes and other fences, if any. Fences and walls shall not be constructed in a required setback, except as allowed by the Declaration and approved by the ARC.

**19. LANDSCAPING AND TREES.** A basic landscaping plan for each building site must be submitted to the ARC. New construction, renovations and additions shall have the landscape plan submitted with the building plans. Without these plans, approval cannot be considered. A landscaping plan shall include **(a)** a landscape scheme; **(b)** a list of all plant stock included in the scheme; **(c)** the size of such stock at the time of planning; **(d)** the location of existing trees, and **(e)** the date when work will commence. All lots are required to have installed a standard underground sprinkler system. The entire lot, including the portion of the lot between the street pavement and the right-of-way line, shall be landscaped, irrigated, and maintained. In the sole discretion of the ARC, sod may not be required for a particular yard, subject to the landscape being designed by a landscape architect licensed by the State of Florida and all landscaping being designed to and meeting "Florida Friendly Landscape" standards and all landscaping plans being submitted to the ARC for review and approval.

The landscape plan and layout plan shall preserve all existing trees where possible, except as noted below. The Landscaping plan shall locate, show, and incorporate existing trees. Hedges and planting beds shall not be located in utility and drainage easements. Landscape plant materials installed in easements shall not impede drainage and may be subject to removal by easement holder. Any replacement of landscape plant materials in easements is the responsibility of the lot owner. After installation of the plant material complying with the approved landscape plan and before the issuance of the Association's certificate of occupancy, the ARC may require additional plant material (trees and shrubs) planted at the owner's expense, if in the ARC's sole discretion, it is determined that the landscaping is inadequate.

All new landscaping plans and major modifications of existing plans require review and approval by the ARC prior to commencement of any work and shall meet the requirements herein.

- i. Landscape modifications requiring ARC approval.** ARC approval is required for the replacement of a different type of tree and/or changing the overall appearance of the

landscaping theme. A scale plan showing the location of the trees to be removed and the size, variety and location of the replacement trees and other landscaping changes must be submitted to the ARC for review and approval. ARC approval is required for installation of any artificial turf. Artificial turf is restricted to the rear and side yards of the homes and must not be visible from the street. Artificial turf must be screened with landscaping and/or fencing to not be visible from properties that share a boundary line. Exceptions to the above for use of artificial turf used only as an accent between walkway pavers and driveway sections may be presented for approval by the ARC.

- (i) **Landscape modifications not requiring ARC approval.** ARC approval is not required for minor landscaping modifications which include planting of annual flowers, replacing small perennial accent plantings, replacing dead plants, shrubs etc. with like shrubs, and adding mulch or ground cover in planting beds, which does not change the overall appearance of the landscaping theme.

The following alternative provisions are in addition to other landscape requirements of the Association. It is the intent of these provisions to encourage and allow landscapes which reduce water usage within the area governed by the Association and to articulate the Florida Friendly Landscape features interpreted solely by the ARC.

- (a) Landscapes which conserve water, protect the environment, are adaptable to local conditions and which are drought tolerant are encouraged. The principles include planning and design, appropriate choice of plants, efficient irrigation, practical use of turf, appropriate use of mulches and proper maintenance.
- (b) Benefits including a reduction in water, fertilizer, and pesticide use as well as a reduction in storm water runoff and maintenance. An emphasis is placed upon using Florida native plant species and non-native plant species that have a proven history in this part of Florida and which are drought tolerant and resistive to yard pests.
- (c) A successful landscape is one where the right plants are in the right place, watering is done efficiently, fertilizing is done appropriately, yard pests are managed responsibly, storm water runoff is significantly reduced, and the waterfront is protected from pollutants.
- (d) Proper selection of and placement of plant species is critical to a successful landscape. It is required that a Florida-registered landscape architect (or an experienced professional landscape designer with qualifications acceptable to the ARC) is responsible for planning and designing new landscapes and rehabilitating existing landscapes. For Florida Friendly Landscape designs it is strongly recommended that the landscape architect or designer is familiar with the principles of Florida Friendly Landscape.
- (e) Irrigated turf shall not be treated as a fill-in material but rather as a planned element of the landscape. Irrigated turfgrass areas shall be limited to those areas that receive pedestrian traffic, provide for recreational use, and provide soils erosion control and where it is used as a design unifier, or other similar practical use. Turfgrass species which do not require irrigation in order to remain healthy are not limited in their use as part of a landscape design.

- (f) Gravel, shell, mulch and other similar materials may be used as a component in design in the side and back yards. These types of materials may be used to compliment a landscape design but shall not be the focus of, or main element of the design. Care shall be taken to minimize the view of these materials from neighboring properties.

At the time of construction or landscape modification, all exotic invasive/intrusive trees shall be removed from all lots and shall not be allowed to be planted, grown, or cultivated without the approval of the ARC. Exotic invasive/intrusive trees include but are not limited to the following:

- (1) Casuarina (Australian Pine)
- (2) Schinus terebinthifolius (Brazilian Pepper Tree)
- (3) Melaleuca quinqueneriva (Punk Tree)
- (4) Enterolobium cyclocarpum (Ear Tree)
- (5) Melia azedarach (Chinaberry Tree)
- (6) Ficus retusa (Cuban Laurel)
- (7) Grevillea robusta (Silk Tree)
- (8) All Eucalyptus, except E. cinera (Silver Dollar Tree)
- (9) Ficus aurea (Strangler Fig)
- (10) Dalbargia sissoo (India Rosewood)
- (11) Cupinia nacdiododes (Carrot Wood Tree)
- (12) Ficus benamina (Benjamin Fig)
- (13) Ficus benjalenis (Banyan)
- (14) Coccoloba unifer (Sea Grape)
- (15) Araucaria excelsa (Norfolk Pine)
- (16) Bauhinca Monandre (Orchid Tree)

At the time of construction or landscape modification, all poison ivy and other vines growing on trees shall be removed. Climbing vines and other similar type climbing plants require approval from the ARC.

Minimum requirements for plant material shall be as follows:

Ground cover, border material: 1-gallon minimum, full size

Shrubs: 3-gallon minimum, full size

Shade trees: 4" in diameter at 4' above natural grade,  
14' high and 6' spread.

Sod: Sod where required shall be St. Augustine varieties, Zoysia and other sod as approved by the ARC. Bahia is not allowed.

Florida Friendly Landscape design and principles as defined by State regulations are permitted and may conflict with this Section 18. Use of landscape architects and designers is encouraged. Gravel, shell, mulch, rocks, stones, and other similar materials may be used as a component of the side and rear yards but are not to be used in front yards or other areas visible from the road. Though permitted, these materials must not be the primary feature of the overall design and must not significantly contrast with the landscaping of neighboring properties.

## 18.1 MAINTENANCE OF LAWNS AND LANDSCAPING

- (a) Lawns are to be mowed weekly from April through October and bi-monthly from November through March
- (b) Hard surface edging must be done at least bi-monthly .
- (c) Mower debris must be promptly cleared from hard surfaces. The streets adjacent to the property must be kept clean of mower debris, leaves, and other debris from trees and vegetation.
- (d) In times of drought or extreme dry conditions, mowing must be reduced to help preserve lawns. Hand watering is permitted when irrigation is prohibited to preserve lawns and plants.
- (e) Areas of grass lost to dryness, disease, or pests must be timely replaced.
- (f) Beds and ornamentals must be pruned as needed, kept free of dead leaves and branches, and kept free of weeds. An application of mulch to a depth of one to two inches is required once a year. Mulch that has accumulated to form a mound must be thinned and a new top layer added.
- (g) Irrigation systems are to be kept in good working order and must cover all areas in need of regular watering. Errant and broken irrigation heads and pipes must be immediately repaired.
- (h) Trees must be shaped and pruned as required to ensure encroachment on neighboring properties or roadways does not occur. Trees overhanging the roadways must accommodate the height of service and public safety vehicles and must be trimmed both functionally and esthetically.

**19. SWIMMING POOLS, TENNIS COURTS AND RECREATION AREAS.** Any swimming pool, tennis court, badminton court, or other recreation area to be constructed on any lot shall be subject to the requirements of the ARC, which include, but are not limited to, the following:

- (a) Composition to be of material thoroughly tested and accepted by the industry for such construction. Pool enclosure frame colors shall be white, dark brown, or black.
- (b) Location and construction of tennis, pickleball, or badminton courts must be approved by the ARC; court fence colors shall be dark brown or black.
- (c) Any lighting of a pool or other recreation area shall be designed so as to buffer the surrounding residences from the lighting.
- (d) All swimming pool equipment, such as electrical equipment and devices, pumps, filter, and heater, shall be screened from view. All swimming pools are required to have fences, walls or screen enclosures. Screen enclosures shall be constructed of materials similar or be compatible with the home construction and shall include an access gate that screens all equipment from view. Solar roof water and/or pool heaters require separate ARC approval.

If an owner elects to purchase two (2) adjoining lots and use one for recreation purposes, the lot used for recreation purposes must be adequately screened by landscaping and/or walls or fences on both the front and side as required by the ARC, the objective being to screen any such use from public view.

Disposal of pool chlorinated water may only be performed by dechlorinating the water to less than 0.1 mg/L prior to discharging the water via a hose or pipe directly into storm sewers.

**20. DOCKS.** All docks and mini docks shall comply with all applicable federal, state, and local laws, rules, regulations, and standards, including those of all applicable governmental or regulatory agencies or entities. Prior to the ARC considering any proposed dock or mini dock, the applicant shall submit copies of all issued governmental or regulatory approvals and permits required for the construction of such dock or mini dock, in addition to all other documents and materials required under the Criteria.

a. **Docks.** Docks on Bay Isles waterways shall not extend more than five (5) feet into the adjacent waterway, as measured from the mean low tide line (i.e., more than five (5) feet beyond the mean low tide line). No dock shall be constructed so that any portion thereof lies closer than ten (10) feet to either side lot line as extended into the adjacent waterway.

b. **Mini Docks.** Docks shall not be permitted on Lots 1 through 13 of Block B of Bay Isles Unit No. 2 or Lot 17 of Bay Isles Unit No. 7, which lots are situated on Bayou Lake. However, mini docks may be permitted on these and all other Lots subject to ARC approval. Mini docks shall not be greater than twelve (12) feet wide by six (6) feet long and shall not have a deck surface of more than seventy-two (72) square feet. Mini docks shall not extend more than five (5) feet into the adjacent waterway, as measured from the mean low tide line (i.e., more than five (5) feet beyond the mean low tide line). The deck surface of mini docks shall not be higher than the graded level of the top of the adjacent riprap, and mini docks shall not have any appendages greater than four (4) feet above the deck surface. No mini dock shall be constructed so that any portion thereof lies closer than eleven (11) feet to either side lot line as extended into the adjacent waterway.

c. **Dock Storage Boxes.** Each dock, mini docks excluded, is entitled to place one storage box on or in the vicinity of the dock. These boxes must be of a size that when placed on the dock there is sufficient room to walk on the dock without creating a hazard. The boxes must be of a material that is specifically made for its purposes. The boxes must NOT contain any hazardous materials including, but not limited to, fuel tanks, propane bottles, chemicals, solvents, or other materials that pose a fire or environmental risk. If not secured to the dock, it is the owner's responsibility to move the box to a safe location prior to a major weather event such as hurricanes.

**21. GARBAGE, TRASH, RECYCLING, AND YARD WASTE CONTAINERS.** No lot shall be used or maintained as a dumping ground for garbage, rubbish, trash, or other waste. All garbage, rubbish, trash, recycling, and/or other waste shall be kept in sanitary containers. All yard waste shall be removed by landscape maintenance contractors immediately upon the completion of work. Under limited circumstances where compliance of the foregoing is infeasible, and for yard waste generated by an owner, such yard waste must be collected into orderly bundles or containers meeting all requirements of the Town of Longboat Key for yard waste collection.

Except when required to be placed at the curb for collection, all containers and yard waste bundles shall not be visible from street view. Yard waste bundles shall be placed in front of a dwelling after 5:00 P.M. the night before collection, and all containers, along with any debris, shall be removed promptly after collection and within the same day. In no event shall containers or yard waste bundles be placed or encroach upon any road or create a hazard for pedestrians or vehicular traffic.

Trash and recycle carts and bins may be placed curbside after 5pm the eve of collection day and returned to storage before 7pm of collection day.

**22. REGULATION OF CONSTRUCTION, SITE WORK, MAINTENANCE WORK AND WORK HOURS.** The following rules shall apply to all work by contractors hired or engaged by owners or residents for any and all construction or maintenance work projects, as set forth below:

- (a) Construction or work crews, including but not limited to landscape maintenance companies, are not allowed at the job site before 8:00 A.M. or after 5:00 P.M. Monday through Friday and

are not allowed on Saturdays, Sundays, and holidays as defined by Bay Isles Association rules applied at its entrances. Emergency services such as plumbing and air conditioning repair are exempt and can occur on any day of the week regardless of time. Furniture, appliances, and other large items, exclusive of construction equipment and materials, that were not possible to have delivered during the weekdays due to constraints imposed by the deliverer/vendor, or a Bayou owner who is not in residence to accept delivery during the weekdays, may be delivered on Saturday before noon and must be pre-approved by the Bayou management.

- (b) Residents themselves can work, with the exception of exterior construction activities, any day of the week between 8am and 5pm and will be subject to any noise or nuisance restrictions of the Bayou Association or the Town of Longboat Key. Exterior construction activities by owners are not allowed on weekends or holidays. Residents must make every effort to limit noise on the weekend and holidays.
- (c) Vehicles, construction equipment and materials must not be parked on or block sidewalks at any time.
- (d) Sidewalks and adjacent roads must be swept and cleaned after each workday.
- (e) Unless all garbage, waste, trash, and debris are removed daily, a dumpster shall be provided at each job site by the contractor. All dumpsters must be emptied when full. Accumulation of garbage, waste, trash, or debris is prohibited.
- (f) All garbage and construction debris must be placed in the dumpster. Job sites and adjacent properties shall be cleaned after each workday, with all garbage, waste, trash, or debris being placed in the dumpster keeping the site clean.
- (g) The possession and/or use of alcoholic beverages, any controlled substance or firearms is strictly forbidden. Any violation of this rule will result in immediate removal of offender from Bay Isles property.
- (h) Construction/service personnel and suppliers are not to trespass or enter any Bay Isles Bayou property other than their client's. Access to the client's site will be by the most direct paved route possible.
- (i) Contractor vehicles and/or construction equipment are not to be left on the site overnight. Any exceptions must be approved in writing by the ARC beforehand.
- (j) Loud, offensive, or discourteous language will not be tolerated. The playing of radios or similar devices is prohibited unless earphones are used by listener.
- (k) Contractor and construction vehicles will be denied entry to the property if they are in such condition to cause damage to Bay Isles Bayou property or if they have inappropriate graffiti displayed in view.
- (l) Shirts must be worn while at the site. T-shirts and tank tops are acceptable.
- (m) All roadways shall be kept clear of dirt and debris. Failure to do so will result in the Association contracting for street cleaning and invoicing the contractor and/or applicable owner or resident for the cost of the service.
- (n) Use of vibrating rollers as an aid to the compacting of construction fill is prohibited.

- (o) Maintenance of property and resident standards for site improvements, lawn/landscaping and structure standards are outlined herein.

Violation of the Architectural Planning Criteria (APC) and/or recorded Bayou Declarations can result in issuance of a work-stop-order by the Association. In the event an owner shall fail or refuse to correct the construction site/exterior improvement deficiency situated on said lot or fails to maintain their exterior property in full compliance with the Declaration and the APC, the Association shall have the right to take remedial action or any steps necessary to remedy such deficiencies, hazards or violation. Such right may include the right of reasonable access to the premises with or without consent of the owner to accomplish repairs/improvements, and such entry by Association and/or its duly authorized agents shall not be deemed to be a trespass. The expense incurred by the association, of any kind, to accomplish such remedial actions or actions to correct a hazard condition shall be chargeable to and paid by said owner to the Association within thirty (30) days after submission of a bill thereof. In the event of an owner's failure to pay such expense within thirty (30) days of submission, the Association shall have the right to file a lien against the property as indicated in Article VII of the Declaration.

**23. TEMPORARY STRUCTURES.** No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be used on any lot at any time as a residence, either temporarily or permanently. Portable toilets must be provided for any multi-day construction job, however, as an alternative, the homeowner may share their toilet facilities with the workers. Portable toilets on site during construction shall be located at least twenty (20) feet from the roadway and shall be screened on three (3) sides by a painted wooden fence.

**24. AIR CONDITIONING UNITS.** See the Amended and Restated Declaration of Restrictions, Limitations, Conditions and Agreements for Bay Isles Unit #2 and Unit #7, recorded in Instrument number 2011098590 of the Official Records of Sarasota County, Florida.

**24. GENERATORS.** All permanently installed generators require ARC approval and must meet all Town of Longboat Key requirements for generators. All generators shall be screened from view and insulated by a well-ventilated, fire-rated enclosure designed to minimize any noise. The enclosure shall be constructed of material similar to or compatible with the home construction and shall include an access gate that screens the generator from view. The enclosure materials must be sound-reducing but must permit the generator to properly operate despite being baffled or muffled. The generator, location, enclosure, and materials are subject to ARC approval. The request for ARC approval must also include the manufacturers' specified max decibel level of the generator and the sound specifications of any sound-reducing materials. A generator shall be prohibited if it rates above 65dB(A) while in its enclosure and when heard from the lesser of twenty-three feet (23') or inside the nearest abutting residential dwelling on another owner's lot. Any approvals by the ARC shall not be construed to waive this 65dB(A) limitation if the generator in-fact exceeds this 65dB(A) limitation. The testing of generators is permitted only between the hours of 9am and 5pm with no testing permitted on Saturday, Sunday, or holidays.

**25. MAILBOXES.** No mailbox or paper box or other receptacle of any kind for use in delivery of mail or newspapers or magazines or similar material shall be erected on any lot unless and until the size, location, design, and type of material for said box or receptacle is approved by the ARC. Owners shall submit a mailbox design for ARC approval at the time of submission of plans. Plastic mailboxes are prohibited and shall not be approved by the ARC. All mailboxes and their supporting structures shall at all times be kept in good condition.

**26. SIGHT DISTANCE AT INTERSECTION.** No fence, wall, hedge or shrub planting which obstructs sight lines and elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a

line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of a rounded property corner, from the intersection of a street property line within the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient heights to prevent obstruction of such sight lines.

**27. UTILITY CONNECTION.** Building connections for all utilities, including, but not limited to, water, electricity, telephone, computer and other communications, and television shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility authority. Electrical service shall be located so that the meter is screened from the street.

**28. ANTENNAS/SATELLITE DISHES.** No television, radio, satellite, or other antenna or satellite system may be installed on Association Property by any person other than the Association. Certain television, satellite, or other antenna systems may be erected or installed within a Lot subject to compliance with the following requirements:

- (a) Permitted antennas include (collectively hereinafter referred to as “**antennas**”):
  - (i) Direct broadcast satellite dishes (DBS) less than one meter in diameter.
  - (ii) Multi-channel, multi-point distribution service devices (MMDS) that are less than one meter in diameter or diagonal measurement.
- (b) **Location and Color of Antennas/Satellite dishes.** To the extent feasible, all antennas/Satellite dishes must be of a color that is compatible with the exterior of the building and be placed in a location to minimize annoyance or inconvenience to other residents of the Subdivision if this placement would still permit reception of an acceptable quality signal.
- (c) **Proviso.** It is the intent of this provision to comply with the Telecommunications Act of 1996. Nothing herein shall be interpreted or applied by the Association to prevent or unreasonably delay antenna/Satellite dish installation, maintenance or use; unreasonably increase the cost of installation, maintenance or use; or preclude reception of acceptable quality signals. Owners are encouraged to seek guidance from the Association concerning these matters but do not have to receive ARC approval prior to installation. However, any installation must be in accordance with these provisions and reasonable rules and regulations adopted by the Board to interpret these regulations.

**29. SETBACK CRITERIA.** See the Amended and Restated Declaration of Restrictions, Limitations, Conditions and Agreements for Bay Isles Unit #2 and Unit #7, recorded in Instrument number 2011098590 of the Official Records of Sarasota County, Florida.

**30. DEMOLITION.** Before any demolition or exterior alterations on any lot proceeds, the owner or owners’ agent shall seek ARC approval of its plans in the same manner as for improvements, as more particularly set forth in these Criteria and the Declaration. This is in addition to the requirements of the Town of Longboat Key. The application should include: 1) copy of Town of Longboat Key permit; 2) site plan, showing trees proposed for removal and all vegetation intended for saving; 3) affidavits for both owner and demolition contractor; 4) appropriate fees; and 5) information relating to demolition schedule.

If the owner intends to immediately proceed with new construction after demolition, the demolition can be included in the total building process. This can be accomplished by following the rules in these Criteria and the Declaration.

**31. MAINTENANCE OF PROPERTY AND RESIDENCES (STANDARDS).** The owner of each property and residence shall maintain, repair, and replace, at his own expense, all portions exposed to view [exterior] of the property and residence.

- (a) **Structures.** The exteriors of all structures, including mailboxes, shall be maintained by the owner in good condition and repair, and in a neat and attractive appearance. All painted areas shall be regularly neatly painted. All roofs shall be kept clean and free of mildew, chalking, or staining. No excessive rust deposits, peeling of paint or discoloration shall be permitted.
- (b) **Lawns/Landscaping.** All property shall be kept neatly manicured well-watered on a regular basis. All debris, weeds and unsightly growth shall not be permitted to grow, etc. and shall be promptly removed and properly disposed. Maintenance by each owner shall extend to the waterline of any adjacent lake or canal, the pavement edge of any adjacent street, swale or easement separating two (2) properties, and, as to perimeter properties, to the edge of maintained common area abutting the property. Irrigation systems will be operated and maintained so as not to cause excessive overspray or browned out areas. All landscaping shall, at all times, be maintained in neat and trim condition. All overgrown plantings shall be removed or trimmed. Dead plants, weeds or dead grass must be removed. Replace all plants with sizes as outlined under landscaping and trees section.

Each year the ARC members/committee shall select two resident's landscaping that is outstanding in the Bayou based on overall color scheme, plant placement and theme. The Board will recognize the selected property owners during the Annual Meeting or at our Bayou social event.

**32. HURRICANE SHUTTERS AND PANELS.** This section will provide guidance on the selection and installation of hurricane shutters and panels.

- (a) **Hurricane Shutters.**
  - (i) **Permanently attached wind protection.** Types include Rolling, Accordion, Colonial and Bahama. Wooden boards may not be placed over any window visible from the roadway.
  - (ii) Requires prior approval of the ARC as to type and color.
- (b) **Hurricane Panels.**
  - (i) **Temporarily installed wind protection.** Types include Aluminum, Steel, Lexan, Fabric Shield and Plywood.
  - (ii) Prior approval is not required if no permanent brackets are installed or if the brackets are painted.
  - (iii) May be installed upon official announcement of a tropical storm or similar strength weather watch or warning. Lexan panels may be installed any time.

**33. ARC REPORTS.** The approval or disapproval of Plans and the other requirements under these Criteria, and any other materials required to be submitted in the discretion of the ARC, shall be delivered in writing to the Board and the lot owner submitting said Plans.