

AVIAN PLACE HOMEOWNERS ASSOCIATION

Rules and Regulations

Adopted at the BOD meeting on February 13, 2023

Effective Date: March 1, 2023

Welcome to our community: Avian Place is a wonderful place to live. We are a community with deed restrictions of which your real estate agent/landlord should have informed you. A complete set of both the **Master Association Documents** and the **Avian Place HOA Documents** can be found in the **HOMEOWNERS' INFORMATION** section of our website: <http://avianplacehoa.com>. You can also find rental applications, architectural request, landscaping request, painting request, etc., on the **Documents and Forms** tab, or obtain them at the clubhouse office, in person, or by calling **239-931-0172**. You can email the clubhouse at provinceparkoffice@gmail.com.

Schoo Association Management, LLC. is the management company for both Avian Place HOA and Province Park Master Association. Their contact information is: 9403 Cypress Lake Dr., Suite C, Fort Myers, FL 33919; P: 239-362-3091 F: 239-362-0894. Call them with questions or concerns.

1. All applications for ownership/renting must be pre-approved by **Schoo Association Management, LLC. prior to sale closing and/or occupancy of the home. All fees (Master and Avian Place) must be current, and maintenance of home up to date, before approval can be granted.**
 2. **All residents 18 years of age and older living within Avian Place will be subject to a background check. Sales Applications and Rental Applications will include provisions for a background check. Background checks must be completed prior to approval of the sale or lease of any residence.**
 3. Avian Place Fees are payable quarterly and due: Jan 1; Apr 1; July 1; and Oct 1. \$25 Late Fee applies for any payment received more than 15 days late.
 4. Province Park Master Association Fees are payable quarterly and due: Jan 1; Apr 1; July 1; and Oct 1. \$25 Late Fee applies for any payment received more than 10 days late.
 5. Fees may be paid online at <https://portal.schooassociationmanagement.com> or by mail using the coupons received from Schoo Association Management.
- **Living in an HOA Community:**
 1. **Quiet hours are 10 pm to 8 am.** Please be considerate of your neighbors and other residents by keeping noise levels lower during these hours.
 2. Guests are owner's/renter's responsibility and are expected to follow all community rules.
 - **Keeping Homes Looking Their Best:**
 1. The owner of each home must promptly perform all maintenance and repair work on the exterior of the home and within the home which, if omitted, would adversely affect Avian Place or other homeowners.
 2. Storage of items along the sides or behind home is prohibited. Store extra items in your garage.
 3. Garbage and recycling cans must be stored either in your garage or out of sight on the side of your home.
 4. All driveways, aprons, street gutters, sidewalks, and entry walkways shall be power washed each year, at HOA expense, between November 1st and December 31st, or more often, at owner's expense, if necessary.
 5. The outside of homes shall be kept free of mold, mildew, black spots, dirt, etc. and have periodic power washing to maintain the overall appearance of the home.
 6. Trash, litter, cigarette butts, pet feces, etc. must be picked up immediately and disposed of properly.
 7. Any architectural changes to homes **must be approved prior to any changes being made.** Use Architectural ARC Form available on the web site, in the clubhouse office, or from Schoo Association Management.
 8. Fences, kiddie pools, play equipment, tents, sheds, etc. are not allowed on your property.

- **Landscaping:**
 1. The front lawns of all homes shall be kept in the original condition. Nothing shall be planted, placed, changed, removed, or left in the planting beds in front of the entry walkway of each home.
 2. Any landscaping changes must be approved prior to the change being made. Use Landscape ARC Form available on the web site, in the clubhouse office, or from School Association Management.

- **Painting:**
 1. All homes within Avian Place shall be painted every 10 years; or more often if necessary. Use the Painting ARC Form available on the web site, in the clubhouse office, or from School Association Management to request painting approval. Use the Self-Paint ARC form if painting the home yourself.
 2. Repainting of small areas of homes for maintenance or repair does not require an ARC painting form.
 3. All painting of homes within Avian Place shall follow the Painting Standards as set forth in the ARC Painting request form.
 4. Sales and rental applications will not be approved unless a home has been painted at least once, and is currently up-to-date on its painting.
 5. Any request for color changes to a home must be requested by owners of both attached units and be approved by the Avian Place Board of Directors. If color change request is approved, both homes must be painted simultaneously. Any request for color changes must adhere to the color scheme currently in use within Avian Place.
 6. Any licensed and insured painting contractor may be used.

- **Roofs:**
 1. Emergency repairs to a roof will not require an ARC request form. Use of a licensed and insured contractor will be required.
 2. Replacing a roof will require submission of an ARC form. Use of a licensed and insured contractor will be required.
 3. It is recommended that both sides of a unit complete roof replacement at the same time.
 4. The same color, style, type, and rating (number of years of service) as original shingles must be used for any roof replacement/repair. Use of GAF Timberline HD shingles in color Weathered Wood is required for roof replacement/repair.

- **Pets:**
 1. All pets **must be on a leash and under the control of a competent dog walker** when outside your home. All cats must be indoor cats only.
 2. Walk dogs on sidewalks in front of homes and outside Tali Park; along Greens Edge Blvd.; or in the dog park.
 3. **Do not walk dogs behind homes or between homes.**
 4. Pick up pet feces immediately and dispose of it in your garbage or the cans in Tali Park.
 5. For safety and sanitation reasons, dogs are not permitted in Tali Park.
 6. **Pets must not be left alone on a lanai or alone in a home with lanai doors open.**
 7. Pets cannot be fastened, chained, tethered, or tied to trees, buildings, mailboxes or any other post. (This is a Lee County Law effective May 2, 2014).
 8. **All Pets entering Avian Place must be pre-approved** and a \$200 non-refundable pet fee is required. Properly documented service dogs and emotional support animals are exempt from the pet fee. There is no pet fee required for cats.
 9. Owners of service dogs and/or emotional support animals must submit a completed **COMFORT/ EMOTIONAL SUPPORT ANIMAL (ESA) AND SERVICE ANIMAL REQUEST FORM**. Forms can be obtained from School Association Management or from the clubhouse office.

10. Failure to register your dog within fourteen (14) days of the animal entering Avian Place will result in a \$100 administrative fee being added to process the application.
11. **NO GUEST PETS allowed** in Avian Place without prior BOD approval.
12. All animals within Avian Place shall be licensed, have veterinarian's proof of vaccinations and weight records, a clear photograph of each dog, a clear photograph of each dog's tag (tag must include name of dog and owner's phone number) submitted to Schoo Association Management with the application and payment of the non-refundable pet fee.
13. All pet records must be updated and resubmitted to Schoo Association Management upon request of the HOA.
14. Limit two (2) dogs per household. No Pit Bulls, Rottweilers, Dobermans, or other aggressive breeds are permitted in Avian Place. No animals for breeding purposes are permitted.
15. Only common domesticated household pets are allowed.
16. No other animals, livestock, reptiles, snakes or poultry of any kind may be kept in Avian Place.
17. All residents with pets shall abide by the Rules and Regulations of the Avian Place HOA documents and rules governing pets. The HOA shall have the power and authority to revoke a resident's right to keep and maintain a pet should the resident fail to abide by the Rules and Regulations.
18. All pet owners must follow Lee County Ordinance No. 14-04 which states, in part, that a dangerous or nuisance dog can be removed from their premises. Per Lee County ordinance, a "nuisance animal" means any animal that endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, corrupts public morals or interferes with reasonable enjoyment of life or property."
19. Dangerous or Vicious Dog Determinations: per Lee County ordinance, a "Dangerous Dog may be automatically impounded if the dog according to the records of animal services: has aggressively bitten, attacked or endangered or inflicted severe injury on a human being on public or private property; has been unprovoked, chased or approached a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack."
20. Both dog owner and person bitten should report all dog bites immediately to Schoo Association Management at 239-362-3091. Get the dog's name, dog owner's name and address; and name of person bitten with contact information. The bite must also be reported to the Lee County Domestic Animal Services at 239-533-7387.

- **Parking:**

1. Parking is restricted to driveways only. Parking is **NOT** permitted on the grass, over the sidewalks, on the street, or in the apron of driveway.
2. Avian Place residents and guests are **NOT** permitted to park in the condo or Greens Edge parking lots at any time.
3. Guest parking passes for use in the clubhouse parking lot can be obtained at the Clubhouse office or printed from the Documents and Forms section on the Avian Place web site (avianplacehoa.com).
4. Vehicles parked in the clubhouse parking lot without a resident sticker or guest parking pass are subject to towing. No overnight parking is permitted in the clubhouse parking lot without Master Association approval.
5. We are contracted with Red's Towing Service for 24/7 enforcement of parking violations. No warning will be given. Red's Towing can be contacted at 239-936-4461.
6. No boats, trailers, recreational vehicles, commercial vehicles or similar vehicles will be allowed to park on the street or in the driveways except for temporary loading/unloading of the vehicle with prior BOD approval. No overnight parking will be permitted at any time.
7. Vehicles with expired tags, no tags, not running, disabled (flat tires, etc.) may be towed without warning.

8. Storage pods and/or dumpsters may be temporarily placed in the driveway for up to 72 hours. Longer periods will require BOD approval. Unit owners/renters are financially responsible for any damages to driveway, streets, and/or entry gates caused by the use and/or delivery of storage pods and/or dumpsters.
- **Gate Entrance:**
 1. We use the **ENVERA SYSTEM for the gate entrance:** you must register your vehicle at the clubhouse office and purchase a car sticker for each registered vehicle.
 2. Car stickers must be permanently attached to the vehicle's windshield.
 3. Visitors entering the community will be required to provide a valid driver's license and the name and address of the resident they are visiting.
 4. You can register online at www.MyEnvera.com to add guests and/or vendors. You can also download the My Envera app to your phone to add guests and/or vendors.
 5. Resident car stickers are \$17 each (limit two (2) per unit), and Fobs for the pool and fitness room are \$12 each (limit two (2) fobs per unit).
 6. **Your car stickers and fobs are deactivated when your home is sold or your lease expires.** When renewing a lease tenants must submit a signed copy of the new lease and all applicable paperwork to School Association Management at least thirty (30) days prior to the expiration date of their old lease to avoid deactivation of their car stickers and fobs.
 7. You will also need a round, green sticker for your car to identify you as an Avian Place owner/renter. These are available at no cost in the clubhouse office. Clubhouse hours vary and are posted on the clubhouse door.
 - **Community Pool:**
 1. The pool is open from dawn to dusk daily. Residents, guests, and renters must follow the pool rules posted at the pool. Fobs are required for entry to the pool. Do not open the gate for any individual without a fob.
 2. Entry is permitted through the pool gate only. Entrance to the pool is not permitted through the clubhouse.
 3. Limit four (4) pool guests per unit. Additional guests must be pre-approved by the Master Association.
 4. No smoking or vaping of any kind is permitted around the pool deck.
 5. No cooking, glass, or pets are allowed within the pool gates.
 6. Children under the age of fourteen (14) years old must be accompanied by an adult at all times.
 7. Babies and toddlers must use special swim diapers.
 8. No diving, jumping, or running on the pool deck.
 9. Bathrooms and emergency phone are located in the pool hallway. Fobs are required to enter the hallway.
 10. Avian Place and Province Park Condo residents may not use the Greens Edge clubhouse or pool. Greens Edge residents may not use the Province Park clubhouse or pool.
 - **Fitness Room:**
 1. Fitness room is open 6:00 am to 10 pm daily. Fob required to enter fitness room. Do not allow entry by any individual without a fob.
 2. Adults only. Please use equipment carefully. Close/lock windows, turn off fans when exiting.
 - **Lakes and Canals:**
 1. Alligators have been spotted in both the lakes and the canals. Do not allow children or pets to walk or play by the water's edge. No swimming is permitted in lakes or canals.
 2. Fishing is permitted in the lakes.

- **Safety on the Streets/Neighborhood:**
 1. Follow posted speed limit of 20 MPH.
 2. All vehicles must come to a **FULL STOP** at all stop signs.
 3. Reckless driving is prohibited within Avian Place.
 4. Children should play in Tali Park, not in the streets.
 5. It is **RECOMMENDED** that you turn on an outside light at night for safety and security.
 6. For your safety and protection, please keep the garage door closed when you are not in your garage.
 7. **NEIGHBORHOOD WATCH: IT TAKES A WHOLE NEIGHBORHOOD TO KEEP CRIME OUT. PLEASE NOTIFY POLICE SHOULD ANY UNWARRANTED ACTIVITY TAKE PLACE.**
 8. **KEEP VEHICLES LOCKED AT ALL TIMES. KEEP LANAI DOOR LOCKED WHEN NOT AT HOME. FORT MYERS POLICE NON-EMERGENCY NUMBER IS 239-321-7700.**

- **Garbage, Recycling, and Large Trash Pick up:**
 1. **Thursday is Garbage/Recycling Pick Up Day.** Green garbage cans and blue recycling cans may be placed in the apron of your driveway on Wednesday evening no earlier than 5 pm.
 2. Your cans must be returned to your garage or placed out of sight at the side of your home by Thursday evening.
 3. Nothing placed on the sides of cans will be picked up. Only the cans will be emptied (do not pack too tightly or contents will not release).
 4. **DO NOT** use the Condo trash cans or their compactor, they are for Condo resident use only!!
 5. **LARGE Trash item pick up is Thursday:** items such as mattresses, hot water tanks, furniture, TVs, etc. may be placed in the apron of your driveway on Wednesday evening no earlier than 5 pm. Large items may not obstruct the sidewalk and must be placed away from mailboxes and signs.
 6. **GREEN Waste pick up is Thursday:** place large branches, trimmings, etc. in the apron of your driveway away from mailboxes or signs. Small branches, individual palm fronds, and similar items cannot be picked up by the truck's forks. Dispose of these in your green can.

- **Renting at Avian Place:**
 1. Requires a rental application (can be found online, at the clubhouse, or at School Association Management).
 2. Annual background checks are required for all tenants age 18 or older, and must be completed prior to approval of new lease or renewal of existing lease. **Negative background check may result in non-approval of lease application/lease renewal.**
 3. **New rental applications** should be submitted as soon as possible **before** the effective date of the new lease. It may take up to two (2) weeks to complete necessary requirements for approval of a new lease. New tenants may not occupy a home until a **new** lease has been approved. A \$100 administrative fee may be charged to expedite a new lease approval if required paperwork is received less than two (2) weeks before effective date of lease.
 4. **Lease renewals submitted less than thirty (30) days in advance will be charged a \$100.00 administration fee!!**
 5. Rental fees and Pet Restrictions apply. Weight limit: 35 pounds for dogs.
 6. \$200 non-refundable pet fee per dog. No pet fee required for cats.
 7. Owners must be current with all Avian Place fees and Province Park Master Association fees to rent or renew a lease.
 8. Owners must be current on unit maintenance, power washing, and painting to rent or renew a lease.
 9. Leases are permitted from one (1) month to twelve (12) months. No rentals of less than one (1) month are permitted. No month-to-month rentals are permitted.
 10. No portion of the home (other than the entire home) may be rented.

11. RENTERS WHO HAVE THREE (3) NON-COMPLIANCE ISSUES WILL BE SUBJECT TO EVICTION OR NON-RENEWAL OF LEASE.

12. Owner's guests staying in Avian Place during owner's absence:

- a. **MUST SUBMIT COMPLETED GUEST APPROVAL PAPERWORK to the clubhouse office or Schoo Association Management prior to arrival.**
- b. The maximum length of stay for a guest in owner's absence is fourteen (14) days.
- c. All guests staying **longer than fourteen (14) days** must complete a **Rental Application, provide a lease (even if no rent is being charged), and pay all applicable fees, and undergo a background check.**
- d. **NO GUEST PETS are permitted in Avian Place without prior BOD approval. GUESTS who bring a pet into Avian Place, without prior BOD approval, will be required to vacate the property immediately.**

13. Owner's guests staying with owner in residence:

- a. Guests staying more than fourteen (14) days, but less than sixty (60) days, **MUST** complete page 1 of the **GUEST APPROVAL FORM**. No fees or background checks will be required.
- b. Guests staying more than sixty (60) days **MUST COMPLETE GUEST APPROVAL FORM and pay all applicable fees.**

14. Renters are not permitted to have guests in the renter's absence.

15. Renter's guests staying fourteen (21) days or less with the renter in residence, must complete page 1 of the **GUEST APPROVAL FORM**. Background checks will not be required.

16. Renter's guests staying more than fourteen (21) days, with the renter in residence, must be added to the lease. They will be required to complete the full **RENTAL APPLICATION PACKET**, pay all applicable fees and undergo background checks.

17. GUEST APPROVAL FORMS and RENTAL APPLICATION PACKETS may be found on the Avian Place HOA web site (<http://avianplacehoa.com>), or obtained from the clubhouse office or Schoo Association Management.

● **Clubhouse Rental:**

1. The Clubhouse may be rented to **owners only** for \$100 (payable by check). The clubhouse must be thoroughly cleaned after the event by the renter. Renter is responsible for any damages or cleaning expenses incurred by the association following the event.
2. The Clubhouse cannot be rented by an owner for the use of a tenant.

● **Nuisances:**

1. No noxious or offensive activity shall be carried on in the premises nor anything be done therein willfully or negligently, which may be or become an annoyance or nuisance to others.
2. No playing, in the garage, of any Karaoke machine, no loud playing of any musical instruments, radios, TVs, or sound producing machines to disturb the peace, quiet, and comfort of other residents.

● **Garages:**

1. Garages shall be used primarily for storage of vehicles and other items.
2. Major car repairs are prohibited in the garage or in the driveways.
3. Barbequing in garages is prohibited.
4. Nothing may be stored in any garage that may pose a fire hazard; including any type of explosive materials; or that may cause harmful fumes.
5. No business shall be conducted or operated out of the garage.
6. No flammable material is to be stored outside the residence.
7. No owner/renter may convert the interior of any garage into living space.

- **Satellite Dishes:**
 1. No dish may be larger than a meter (36 inches) in diameter.
 2. The owner/renter must hire a professional installer that is insured and bonded.
 3. The dish must be installed in a safe and proper manner and the owner must execute a hold-harmless agreement that will protect the Avian Place HOA if the dish harms any person or damages any property.

- **Seasonal Decorations:**
 1. The owner/renter who installs any seasonal decorations, shall be responsible for any repair or any damages caused by the placement of those decorations.
 2. No decorations that may cause a safety hazard will be permitted.
 3. Neither the HOA nor the landscaper will be responsible for any damages to seasonal decorations.
 4. Decorations should be removed within fourteen (14) days of the holiday ending.

- **Shutters:**
 1. Absentee homeowners will be allowed to install their shutters when leaving their homes for the duration of the summer. Shutters must be removed upon return.
 2. No occupied residences will be permitted to install the shutters unless hurricane watch/warning advisories are in effect.
 3. All shutters must be removed and properly stored as soon as safely possible following the storm.

- **Signs:**
 1. No "For Sale" signs, "For Lease" signs, or any other type of signs are permitted on the outside of any unit.
 2. No industry, business, trade, occupation, political, or professional signs are allowed.
 3. Directional signs for Open Houses must not be posted any earlier than one (1) hour before and must be removed within one (1) hour after the event.

- **Skateboarding/Basketball Hoops:**
 1. No skateboarding or ramps are permitted anywhere on the common grounds; i.e. streets, grassy areas, park area, clubhouse area, sidewalks, pool area, etc.
 2. Permanent or portable basketball nets/hoops are not allowed within Avian Place.

- **Violations/Fines:**
 1. **Non-Compliance with Avian Place Rules/Regulations/Covenants:** please follow deed restrictions, covenants, use restrictions, and Rules and Regulations of the HOA. Violation letters will be sent informing resident of non-compliant actions/activities. Fines of up to \$100 per day, and up to \$1000 per offense may be assessed against the resident and/or homeowner.
 2. All non-compliance issues may be charged an administrative fee of \$20.00 per letter sent.
 3. If any homeowner/renter is charged with a violation and believes that no violation has occurred or that they have been wrongfully or unjustly charged hereunder, they must proceed as follows:
 - a. Within fourteen (14) days after Notice of Violation has been served on the owner/renter they must submit, in writing, a request for a hearing regarding the violation.
 - b. If a request for a hearing is filed, a hearing on the complaint shall be held before the Compliance Committee.
 - c. At any such hearing the Compliance Committee shall hear and consider any arguments, evidence, or statements concerning the alleged violation.
 - d. If no request for a hearing is filed within fourteen (14) days, a hearing will be held, with or without the parcel owner, any occupant, licensee, or invitee of the parcel owner.
 - e. Following the hearing, the Compliance Committee will issue its determination regarding the alleged violation, and make their recommendations to the Avian Place BOD to determine if any fine or suspension shall be imposed.

- f. The association will provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner.

- **Open Fires/Weapons/Fireworks:**

1. Wood burning fires, campfires, fire pits, tiki torches, etc. are not permitted at any time on your property or within Avian Place.
2. No fires of any type are permitted in garages or roof covered lanais.
3. Propane fueled appliances, such as propane heaters, table features, and gas grills are permitted in open air, extended screened lanais.
4. Only gas grills are permitted in Avian Place, no charcoal grills may be used at any time.
5. No unit owner/renter/or resident shall use, or permit the use of by any agent, employee, invitee, or guest any firearm, air rifle, pellet gun, BB gun, bow and arrow, or any other similar dangerous weapon, projectile, or device anywhere on or about the Avian Place or Province Park community.
6. Fireworks are not permitted anywhere on or about the Avian Place or Province Park community.

****Every person 18 years of age and older residing in the home must sign below.****

I, _____ as renter / owner of
_____, Fort Myers, County of Lee, State of Florida, do hereby agree that I have
read and understand the above Rules & Regulations set forth this _____ day of _____, 20____.

I, _____ as renter / owner of
_____, Fort Myers, County of Lee, State of Florida, do hereby agree that I have
read and understand the above Rules & Regulations set forth this _____ day of _____, 20____.

I, _____ as renter / owner of
_____, Fort Myers, County of Lee, State of Florida, do hereby agree that I have
read and understand the above Rules & Regulations set forth this _____ day of _____, 20____.

I, _____ as renter / owner of
_____, Fort Myers, County of Lee, State of Florida, do hereby agree that I have
read and understand the above Rules & Regulations set forth this _____ day of _____, 20____.