

AVIAN PLACE HOA

Rules and Regulations

Adopted at the BOD meeting on March 30, 2017

Effective Date: April 13, 2017

Welcome to your community: It is a wonderful place to live. We are a community with deed restrictions that your real estate agent should have informed you about. A complete set of both the **Master Association Documents** and the **Avian Place HOA Documents** can be found on the **Governing Documents Page** of our website: <http://avianplacehoa.com>. You can also find rental applications, architectural request, landscaping request, painting request, etc., on the **FORMS PAGE**.

Schoo Mgmt, Inc. is our HOA management company: 9411 Cypress Lake Dr., #2; Ft. Myers, FL. 33919;

P: 239-481-4700 F: 239-481-6321. Call them with questions or concerns.

1. All applications for ownership/renting must be pre-approved by **Schoo Management, Inc.**
 2. 2017 Avian Fees are \$240 per quarter due: Jan 1; Apr 1; July 1; and Oct 1. LATE FEES APPLY!
 3. 2017 Master Assoc. Fees are \$306 quarterly due: Jan 1; Apr 1; July 1; and Oct 1. LATE FEES APPLY!
- **Living in a HOA Community:**
 1. Quiet hours are 10 pm to 8 am. Please keep noise levels lower, be considerate of your neighbors.
 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 perform promptly 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. No storing of items along the sides or backs of homes. Store extra items in your garage.
 3. Garbage/recycling cans should be stored either in your garage or out of sight on the side of your home.
 4. All driveways, aprons, driveway gutters, sidewalks, and the entryway sidewalks shall be power washed each year between November 1st and December 31; or more often if necessary.
 5. The outside of homes shall be free of mold, mildew, black spots, etc. and have periodic power washing to maintain the overall appearance of the home.
 6. Trash, litter, cigarette butts, etc. should be picked up immediately and disposed of properly.
 7. Any architectural changes, including rescreening, need to be approved (use ARC Form on web site).
 8. Fences, kiddie pools, play equipment, tents, sheds, etc. are not allowed on your property.
 9. Open fires, campfires, fire pits, etc. are not allowed on your property or within Avian Place.
 - **Landscaping:**
 1. The front lawn/planting beds of all homes shall be kept in their original condition. Nothing shall be planted, placed, changed, or left in the planting beds in front of the entry sidewalk of each home.
 2. Any landscaping changes need to be approved (use Landscaping ARC Form on web site).
 - **Painting:**
 1. All homes within Avian Place shall have been Painted once by May 31, 2017.
 2. All homes within Avian Place shall be Painted every 10 years; or more often if necessary. (Use the Painting ARC form on website to request painting approval)
 3. Repainting of small areas of homes for maintenance or repair will not require ARC painting form.
 4. All painting of homes within Avian Place shall follow the Painting Standards as set forth in the ARC Painting request form.
 5. Sales Applications will not be approved unless a home has been painted at least once, and is currently up-to-date on its painting, power washing and other maintenance.
 - **Roofs:**
 1. Emergency repairs to a roof will not require an ARC request form. Use a licensed and insured contractor for the repair. All other roof repairs require an Architectural ARC Form.
 2. Replacing a roof will require an ARC form. A licensed and insured contractor will be required.
 3. It is recommended that both sides of a home complete roof replacement at the same time.
 4. The same color, style, type, and rating (number of years of service or better) as original shingle must be used for any roof replacement/repair.

- **Pets:**

1. All pets **must be on a leash** when outside your home. All cats must be indoor cats only.
2. Walk dogs along front of homes on sidewalk; in Tali Park, along Greens Edge Blvd. or 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. **Pets must not be left alone on a lanai, or alone in a home with lanai doors open.**
6. 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).
7. **All Pets entering Avian Place must be pre-approved** with a **non-refundable pet fee for dogs**.
 - a. Owner's Pet Fees: \$100 non-refundable per dog
 - b. Renter's Pet Fees: \$100 non-refundable per dog (35 pound weight limit)
 - c. **NO GUEST PETS allowed** in Avian Place without prior BOD approval.
8. 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 Management, Inc. with the application and a non-refundable pet fee.
9. **Limit (2) dogs per household.** No Pit Bulls, Rottweilers, Doberman, or other aggressive breeds are permitted in Avian Place. No animals for breeding purposes are permitted.
10. Only common domesticated household pets are allowed.
11. No other animals, livestock, reptiles, snakes or poultry of any kind may be kept in Avian Place.
12. All residents with pets shall abide by the Rules and Regulations of the Avian Place HOA 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.

- **Parking:**

1. Parking is restricted to driveways only (not on grass, not over sidewalk, not on street, not in the apron of driveway). Only (2) two vehicles per driveway.
2. Vehicles with expired tags, no tags, not running, or that are disabled (flat tires, etc.) will be towed.
3. No boats, trailers, recreational vehicles, commercial, or similar vehicles are allowed to park on the street or in the driveways. Exception: commercial vehicles performing work.
4. We have 24/7 Towing Service to enforce parking violations. No warnings will be given. The towing service is RED's Towing 239-936-4461.
5. Guest parking passes can be obtained at the Clubhouse office and extra parking provided at the Clubhouse parking lot for short term parking.

- **Gate Entrance:**

1. We use the **ENVERA SYSTEM**: You must register your vehicle at the Clubhouse office.
2. Hours are 8:00 am to 5:00 pm M-W; 8:00 am to 7:00 pm TH-F; and 12:00 noon to 4:00 pm on Saturday (Hours subject to change). You can register online at www.myenvera.com to add guests or vendors and/or use the Envera smart phone app to connect with Envera. Resident car stickers are \$13, and fobs for the pool and fitness room are \$8 (with a limit of two per unit for fob or car stickers.) **Your sticker and fobs are deactivated when your home is sold or your lease ends.** Please renew your lease at least 30 days in advance and bring in your new lease to reactivate your stickers and fobs. You will also need a round sticker for your car to identify you as an Avian Place owner/renter. They are free.

- **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 through the pool gate only.
2. Limit 4 pool guests per unit, unless previously approved by the Master BOD.
3. No smoking of any kind in or around the pool deck.
4. No cooking, no glass, and no pets are allowed within the pool gates.
5. Children under the age of 14 must be accompanied by an adult for supervision.
6. Babies and toddlers must use special swim diapers
7. No diving, jumping, or running on the pool deck.
8. Bathrooms and Emergency phone are in the pool hallway (use your fob to enter hallway).

- **Fitness Room:**
 1. Fitness room is open 6:00 am to 10 pm daily (must use fob to enter).
 2. Adults only, please use equipment carefully. Close/lock windows, turn off fans.
- **Lakes and Canals:**
 1. Alligators have been spotted in both the lakes and the canals. Do not allow children or pets to walk/play by the water's edge. No swimming in lakes or canals.
 2. Fishing in the lakes is allowed.
- **Safety on the Streets/Neighborhood:**
 1. Follow posted speed limits of 23 MPH.
 2. 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. Please keep your 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. KEEP VEHICLES LOCKED AT ALL TIMES. KEEP LANAI DOOR LOCKED WHEN NOT AT HOME. NON-EMERGENCY # 239-321-7700**
- **Garbage and Recycling:**
 1. **Tuesday is Garbage/Recycling Pick Up Day.** Green Garbage Cans and Blue Recycling cans can be placed in the apron of your driveway on Monday evening or Tuesday morning for pickup. Return your cans to your garage or side of your home by Tuesday evening.
 2. Nothing placed on sides of cans will be picked up. Only the cans will be emptied (do not pack too tightly or contents will not release).
 3. DO NOT use the Condo trash cans or their compactor, they are for Condo resident use only!!
 4. **LARGE Trash item pick up is Thursday:** place items Wednesday evening or Thursday morning. (mattresses, hot water tanks, furniture, TVs)
 5. **GREEN Waste pick up is Thursday:** place branches, trimmings, away from mailboxes or sign posts.
- **Renting at Avian Place Reminders:**
 1. Requires a rental application (can be found online at www.avianplacehoa.com)
 2. Background checks will be conducted for anyone 18 or over. Contact Schoo Management Inc. at 239-481-4700.
 3. Rental fees and Pet Restrictions apply. Weight limit 35 pounds for dogs.
 4. \$100 non-refundable pet fee per dog.
 5. Owners must be current with all Association fees to allow renters.
 6. Owners must be current on unit maintenance, power washing, and painting to rent or renew a lease.
 7. Leases are permitted from (1) month to (12) months.
 8. No portion of the home (other than the entire home) may be rented.
 9. **RENTERS WHO HAVE (3) NON-COMPLIANCE ISSUES WILL BE SUBJECT TO EVICTION OR NON-RENEWAL OF LEASE.**
 10. **Guests staying in Avian Place** during owner's absence **MUST FILL OUT A GUEST APPROVAL FORM**
 - a. The maximum length of stay for a guest in owner's absence is **14 days**.
 - b. All guests staying longer than 14 days must complete a **Rental Application, provide a lease, and pay all applicable fees, and complete background checks.**
 - c. **NO GUEST PETS allowed in Avian Place without prior BOD approval. GUESTS who bring a pet into the Avian Place, without prior BOD approval, will be required to vacate the property immediately.**
- **Clubhouse Rental:**
 1. The Clubhouse may be rented to **owners only** for \$100 cash with a \$250 cash deposit refunded if there are no damages and clubhouse is thoroughly cleaned after the event. If damages or cleaning expenses are over \$250, the extra expenses will be the responsibility of the owner who rented the clubhouse.
 2. The Clubhouse cannot be rented by an owner for 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, sound producing machines to disturb the peace, quiet, and comfort of their neighbors.
- **Garages:**
 1. Garages shall be used primarily for storage of vehicles and other items.
 2. Major car repairs are prohibited.
 3. Barbequing in garages is prohibited. Only GAS grills are permitted.
 4. Nothing may be stored in any garage that may cause a fire hazard; explosives; or 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 into living space the interior of any garage located within the home.
- **Satellite Dishes:**
 1. No dish is to be over a Meter (36 inches) and should be installed as inconspicuously as possible.
 2. Require that the owner/renter hire a professional installer that is insured and bonded.
 3. Require that the dish be installed in a safe and proper manner and the owner to execute a hold-harmless agreement that will protect the Association 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 hanging of those decorations. No decorations which will cause a safety hazard, will be permitted. Landscaper or HOA will not be responsible for any damages to seasonal decorations.
 2. Decorations should be removed within 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 and remove them once they return. No occupied residences will be allowed to install the shutters unless a pending hurricane is imminent. Once the hurricane has passed, all shutters must be taken down and stored in their proper place.
- **Signs:**
 1. No "For Sale" signs or "For Lease" signs or other type of signs are allowed on the outside of any unit. No industry, business, trade, occupation, political, or professional signs are allowed. Directional signs for Open Houses must not be posted any earlier than one hour before and must be removed within one 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 can be \$100 per day/up to \$1000 per offense.
 2. 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 (14) days after Notice of Violation has been served on the owner/renter they must submit in writing, a request for a hearing concerning the violation.
 - b. If a request for a hearing is filed, a hearing on the complaint shall be held before the Rules Enforcement Committee.
 - c. At any such hearing the Rules Enforcement Committee shall hear and consider any arguments, evidence, or statements concerning the alleged violation.

- d. Following the hearing the Rules Enforcement Committee will issue its determination regarding the alleged violation.
- e. If no request for a hearing is filed within (14) fourteen days, a hearing will be considered waived and the allegations shall be admitted by default and appropriate sanctions shall be imposed.

- **Weapons:**

1. No unit owner/renter/or resident shall use, or permit the use of by any agent, employee, invitee, or guest, of any firearm, air rifle, pellet gun, B-B gun, bow and arrow, or other similar dangerous weapon, projectile or device anywhere on or about the Avian Place premises; except for the purpose of self-defense as permitted by law.

I, _____ as renter / owner of _____, Ft. Myers, County of Lee, State of FL, do hereby agree that I have read and understood the above Rules & Regulations set forth this _____ day of _____, 201__.

I, _____ as renter / owner of _____, Ft. Myers, County of Lee, State of FL, do hereby agree that I have read and understood the above Rules & Regulations set forth this _____ day of _____, 201__.

Helpful Local Numbers

- Emergencies: 911
- Ft. Myers Police Non-emergency: 239-321-7700
- Ft. Myers Fire Department: 239-321-7311
- City of Ft. Myers Utilities: 239-321-8100
- Animal Control: 239-432-2083
- Dead Animal Pickup: 239-321-8050
- Fish & Wildlife: 888-404-3922
- Storm Info: (Only when there is a storm): 239-477-1900
- Lee Co. Emergency Mgmt Agency: 239-477-3600
- Florida Power & Light (FPL): 239-334-7754
- Power Outage Reports: 1-800-468-8243 (provide account number)
- HOSPITALS:
 1. Lee Memorial Hospital; 2776 Cleveland Ave, Ft. Myers 33901 – 239-332-1111
 2. Gulf Coast Medical Ctr; 13681 Doctor’s Way, Ft. Myers 33912 – 239-343-1000
 3. Health Park Medical Center; 9981 S Health Park Dr., Ft. Myers 33908 - 239-433-7700
- Locksmith Suggestion:
 1. Koon’s 800-282-8458 or 239-936-0373
- Internet- Landline phone – Cable TV:
 1. Comcast: 239-432-9277
 2. Century Link: 800-339-1811
 - a. Repair: 800-788-3600
- Newspaper – News-Press: 800-468-0233 or 239-335-0200
- USPS – Our 33916 zip code Post Office is at Page Field (2655 N. Airport Rd.) 239-277-3336
- USPS Services also located at Sun Harvest, Metro at 6 Mile Cypress 239-437-2973 (M-F: 8am-6pm) (Sat.8-4)
- A Secondary Postal Service is located next to Publix on Dani Drive (USPS/FedEx/UPS) 239- 277-0170
- Voter Registration: 239-533-8683 > <http://electio.dos.state.fl.us/regtovote/regform.shtml>
2480 Thompson St., Ft. Myers, FL
- Homestead Exemption Registration > 239-533-6100 > www.leepa.org >2480 Thompson St.
- Property Appraiser’s Office: 2480 Thompson St., Ft. Myers, FL
- Recording & Deed Copies: 239-533-5000 > www.leeclerk.org
- License & Vehicle Registration: www.leetc.com