

AVIARY ARCHITECTURAL (ARB) RULES & REGULATIONS

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AVIARY GENERAL RULES & REGULATIONS

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AVIARY ARCHITECTURAL (ARB) RULES & REGULATIONS

No changes to the exterior of the house or property shall be made without the approval of the Architectural Review Board (ARB). This approval includes items, such as, shutters, gutters, enclosures, landscaping and the like. MODIFICATION FORMS ARE AVAILABLE AT THE POA OFFICE. Completed forms concerning Architectural modifications should be submitted to a member of the Aviary ARB. **Do Not** submit a completed form directly to the POA office, as this will only delay the processing and approval of the requested modification.

Modifications may also require the approval of the Master Association (POA), Architectural Review Board (ARB) prior to the homeowner receiving the final approval, which will allow the modification to be made.

Modifications that require a City Of Greenacres permit must be submitted to the POA / ARB for approval.

The removal of a live tree is not permitted without a modification request and the City of Greenacres approval.

The POA / ARB is the governing authority for all modifications within River Bridge. The POA / ARB has established a number of modifications, for which the final approval authority has been given to the Sub-Associations ARB.

The modifications requiring only Sub-Association approval are as follows:

- A. Landscaping within the flower beds require a modification only when changing the shrubbery. A MODIFICATION FORM must be submitted to the Sub-Association and approved, prior to making any changes to the existing landscaping or adding any new landscaping to the property. Dead, existing shrubbery may be replaced with the same type of plant and no modification approval is required. SEE ADDITIONAL LANDSCAPE RULES & REGULATIONS ITEM C, LISTED BELOW UNDER OTHER AVIARY ARB RULES & REGULATIONS,
- B. Installation of roof gutters and drains.
- C. Any change or addition of light fixtures on the exterior of the house or garage.
- D. Installation of exterior motion detectors.

- E. Replacement of the mailbox post. The post shall be made of a thermo plastic similar to those in current use. Prior to installation, the selected replacement post, requires approval by the Aviary Board of Directors. All mailboxes must be standard size and black in color. No modification form is required to replace a box.
- F1. On September 9, 2020 the Aviary Board Of Directors approved the following modification to house painting Rules. House paint colors must be selected from the Approved COLOR CHART (modified 6-8-22), which is shown on attached Exhibit A. Exhibit A is a copy of the COLOR CHART. Obtain the approved colors from the ARB Committee in order to view a more exact color chip.
A MODIFICATION FORM MUST BE SUBMITTED TO THE ARB COMMITTEE PRIOR TO PAINTING YOUR HOUSE. You may be requested to obtain a small sample can of the selected color(s), in order for the ARB to view the color(s) on the house prior to giving approval-
- F2. a) Driveway colors, for single or pattern colors require ARB approval. Use of pavers. will require both POA / ARB approval, as a City permit is required.
- b). DRIVEWAYS SHALL NOT BE WIDENED USING LOOSE STONE OR PAVERS. THE SURFACE OF THE DRIVEWAY ADDITION MUST MATCH THE SURFACE OF THE EXISTING DRIVEWAY. ARB APPROVAL FOR THE WIDENING OF A DRIVEWAY SHALL REQUIRE THAT OWNER PROVIDE PROOF THAT THE ADDITIONAL WIDTH IS WITHIN THE BOUNDARY OF THE OWNERS PROPERTY. CITY PERMIT MAY BE REQUIRED.
- F3. The Aviary Board has selected a replacement roof tile. As a permit is required when replacing a roof, POA / ARB approval is necessary. Repair only, of an existing roof does not require a Modification approval.
BY BOARD VOTE Added 6-8-22 PLACEMENT OF ROOF TARPS TO PREVENT DAMAGE FROM AN ACTIVE ROOF LEAK SHALL BE ALLOWED FOR UP TO NINETY (90) DAYS TO ALLOW AMPLE TIME FOR THE UNIT OWNER TO CONTRACT FOR A RE-ROOF OR ROOF REPAIR. THE TARP SHALL BE SECURELY INSTALLED UTILIZING A POSITIVE MECHANICALLY FASTENED METHOD. SANDBAGS AND/ OR OTHER WEIGHTED MATERIAL SHALL NOT BE USED TO SECURE A TARP IN PLACE. THE ROOF TARP MUST BE MAINTAINED AT ALL TIMES AND IF NECESSARY BE REFASTENED TO ROOF OR REPLACED SHOULD THE TARP BECOME LOOSE OR TORN. IF THE OWNER FAILS TO CONTRACT FOR ROOF REPAIR OR REPLACEMENT WITHIN THE NINETY DAY PERIOD THE OWNER SHALL BE REQUIRED TO REMOVE THE ROOF TARP. THE BOARD SHALL HAVE THE RIGHT TO EXTEND THE NINETY PERIOD UPON SHOWING OF GOOD CAUSE (IE. MATERIAL AND CONTRACTOR SCHEDULING DELAYS, ETC)

Other Aviary ARB Rules & Regulations.

- A. STATUES: A homeowner may display a statue on his/her property, which shall not exceed four (4) feet in height and shall not cover an area greater than six (6) square feet, but shall not exceed three (3) feet in either width or length. The statue must be placed in such a location that it does not interfere with the landscaping cutting and edging of the grass, preferably in beds, clear of shrubs and the like. The statue shall not be of a religious nature and only one per home is permitted. ARB approval for statues is required. Courtyards do not fall within this rule and may include more than one statue.

B. GENERATORS: Whole-house electric generators may be installed on a homeowner's property, but only after the submission of a modification request, which will be reviewed and approved by the Aviary ARB. The generator request will be reviewed to determine if the generator and installation meets the City, County and State Codes and easement restrictions. If the Aviary ARB approves the modification request and since a permit is necessary, submission will be made to the POA / ARB for final disposition.

C. ADDITIONAL LANDSCAPE RULES & REGULATION

1. Replacement of all trees and shrubs, other than those of similar size and type, must be approved by the ARB prior to replacement. This rule also applies to any new beds to be cut into the existing landscaping.
2. Replacements must be planted within thirty (30) days of the removal of the old plantings.
3. No trees or shrubs may be placed on the slope of the waterway.
4. Living hedge fences are not allowed. See POA / ARB Rules & Regulations for specifics.
5. No plantings are to be added or removed from any Aviary common area without prior approval of the ARB. Aviary Board approval must be obtained.
6. Fruit trees are prohibited in the Aviary. Those planted prior to April, 1993, are allowed, but may not be replaced once they are removed or they expire.
7. Replacement of dead trees, shrubs, ground-cover, and the like, is the responsibility of the homeowner. ARB approval required.
8. Annuals/perennials are permitted in existing beds and do not require ARB approval.
9. Fountains, bird feeders and water reservoirs are not permitted.
10. The placement of mulch or bed edging is permitted without ARB approval.
11. CROWN REDUCTION OF HARDWOOD TREES REQUIRES AVIARY ARB AND RIVERBRIDGE POA ARB APPROVAL.

AVIARY GENERAL RULES & REGULATIONS

SELLING & LEASING OF A RESIDENCE The Aviary HOA, Declaration of Protective Covenants Article XII, TRANSFER OF OWNERSHIP AND LEASING Section 1(a) and 1 (b) Selling or Leasing a home requires the homeowner to notify the POA and the Aviary HOA Board in writing of such intent. Section 1(b) also provides the right to modify lease provisions, as the Board may deem appropriate.

Homes in the Aviary HOA cannot be sold to any Financial Institution(s) such as a Hedge Fund or to Corporate Real-estate Companies. The prospective buyer or lessee must submit an application to the Aviary Board together with a one hundred and fifty dollar (\$150.00) application fee. A copy of an executed purchase contract or lease must accompany the application. The Lessee and an Officer of The Aviary Board will be required to execute a joint lease agreement. A meeting interview with new residents will be held with two (2) Aviary Board member(s) to screen the potential new resident(s) and to inform them of the Aviary Rules and Regulations, etc..

Capital Contribution: Each Owner, at the time of acquiring title to a lot shall pay a non-refundable capital contribution to the Aviary Homeowners Association in an amount equal to \$300.00.

(Amendment to Article XII, added section 7 recorded 3/28/23)

A home may be leased only after a new owner has owned the home for a minimum of **twenty (24) months** and only once in any twelve (12) month period. All leases shall be for a minimum time of three (3) months. A lease may be renewed with Board approval. Copies of renewed leases must be provided to the Association and to the POA. **The twenty-four (24) month** ownership prior to leasing does not apply to the Aviary HOA. **The twenty-four (24) month** ownership requirement also does not apply to the Legal Heir's of deceased owner(s) estate. (Amendment to Article XII, section 1B recorded 3/28/23)

PAYMENT OF ASSESSMENT IN ACCORDANCE WITH ARTICLE X, SECTION 3, ALL NEW OWNERS WHO PURCHASED THEIR HOME AFTER JUNE 1, 2017 MUST PAY QUARTERLY MAINTENANCE ASSESSMENT USING THE AUTO DEBIT PAYMENT PROGRAM.

NON-PAYMENT / LATE PAYMENT OF MAINTENANCE ASSESSMENT

Significant change to rules for payment of assessment voted in by Board on June 1, 2016

ARTICLE X, SECTION 6 OF THE AVIARY DECLARATION OF PROTECTIVE COVENANTS, PROVIDES IN THE CASE OF A DELINQUENCY, FOR THE RIGHT TO ACCELERATE THE BALANCE OF THE CALENDAR YEARS ASSESSMENT AND TO CONSOLIDATE SAID BALANCE WITH ANY DELINQUENT AMOUNT.

SHOULD A UNIT OWNER BE LATE OR DELINQUENT IN PAYING THE DUE ASSESSMENT FOR ANY TWO CONSECUTIVE OR NON-CONSECUTIVE QUARTERS IN A CALENDAR

YEAR THE BALANCE OF THE CALENDAR YEARS MAINTENANCE ASSESSMENT WILL BE ACCELERATED AND THE FULL AMOUNT FOR THE BALANCE OF THE YEARS ASSESSMENT, INCLUDING ALL LATE FEES WILL BECOME DUE.

THE LATE OR DELINQUENT UNIT OWNER WILL ALSO HAVE THE OPTION TO PAY THE LATE OR UNPAID BALANCE AND SIGN-UP FOR THE AUTOMATIC DEBIT PAYMENT PROGRAM. BY DOING SO THE AMOUNT DUE FOR THE ACCELERATED PORTION AND ALL LATE FEES WILL BE WAIVED.

BY BOARD VOTE ADDED 6-8-22 THE AVIARY COLLECTION PROCEDURES ARE AS FOLLOWS:

DELINQUENT ACCOUNTS PAST 15 DAYS A LATE FEE OF FIFTY DOLLARS (\$50.00) WILL BE APPLIED TO THE UNIT OWNER'S ACCOUNT.

DELINQUENT ACCOUNTS PAST 30 DAYS THE POA WILL BE NOTIFIED TO DEACTIVATE TRANSPONDERS AND ALL GATE ACCESS KEYS. OPTICAL TEL WILL BE NOTIFIED TO SUSPEND INTERNET AND VIDEO SERVICES TO THE UNIT. PER FLORIDA STATUTES, THE LETTER OF LATE ASSESSMENT IS SENT TO THE OWNER/OWNERS.

DELINQUENT ACCOUNTS PAST 60 DAYS THE ACCOUNT IS REFERRED TO THE ASSOCIATION ATTORNEY FOR COLLECTION.

PARKING RULES Parking in River Bridge and in the Aviary HOA is governed by the Declaration of Protective Covenants of River Bridge and the Aviary. Towing of unauthorized vehicles in violation of HOA/POA regulations, has been authorized by the Aviary Board. Effective September 28, 2009 the Aviary HOA Board voted to suspend providing a notice for a parking violation. Any vehicle violating the POA and Aviary Parking Rules will be towed without notice. The Aviary and the POA have complied with all City and County Towing requirements. It is the responsibility of unit owners who have rented their unit to inform the renters of these rules. It is the responsibility of all unit owners to notify their Guests of these rules.

- No over-night parking on the street for any vehicle, 2:00 AM to 6:00AM.
- No Commercial Vehicle parking on driveways except for contractors during the working hours allowed by the City of Greenacres Statute. Any Commercial Vehicle parked on a driveway or street after 7:00 PM is subject to being towed.
- Non-commercial pickup trucks and any commercial vehicle parked on a driveway from 2:00 AM to 6:00 AM shall be towed.
- Special authorization for driveway parking of guests with non-commercial pickup trucks of up to 3 days can be obtained from any member of the Aviary Board. This signed authorization must be displayed on the dash of vehicle.
- Special authorization for extended time for non-authorized vehicles such as pickup trucks, trailers, motor-homes, boats etc. may be obtained from the POA office. This must be done during normal working hours and in advance of the date of arrival of such vehicle.
- Boats, trailers, trucks, vans, motorcycles/scooters, and the like vehicles may be parked only within the home garage and the garage door must be able to be fully closed.
- + Fire department regulations prohibit vehicles from parking on opposite sides of the street to ensure that emergency vehicles have street access. Vehicles parked in this manner are subject to towing.

VEHICLE REPAIR Any vehicle repair work shall only be done within the home garage.

GUEST OCCUPANCY No guest may occupy a home without the owner in residence, for a period exceeding thirty (30) days in any twelve (12) month period. Such guest will be considered a tenant and subject to all lease restrictions included within the POA/HOA documents and these Rules and Regulations.

PETS Only common household pets may be kept by a resident or lessee. A limit of two (2) pets per home is permitted. The full-grown weight of such pets may not exceed thirty (30) pounds, except that the Board of Directors, may, in its discretion, waive this rule on a case-to-case basis. Pets must be leashed when out of doors. Owners must remove pet waste. A designated area is provided in the POA documents. Under Federal Law Service Dogs and medically necessary Companion Dogs are allowed.

FLAGS American flags only are permitted for display and if a pole is to be used, must comply with the POA rules regarding location and height.

HOLIDAY DECORATIONS Decorations and decorative banners may be displayed for holidays, such as July 4th, Christmas, Thanksgiving, Hanukkah and Halloween. Decorations may be displayed no earlier than thirty (30) days prior to the Holiday. All Decorations and such shall be removed within 1 week following the Holiday.

FIREWORKS The use (ignition) of "fireworks" in the Aviary Sub-Association and in River Bridge either on the common property or on the property of a homeowner, is strictly prohibited. "Fireworks" shall include, but not be limited to, explosive devices and bottle rockets. The use of hand held sparklers will be permitted, if used in a responsible manner. In the case of use of such sparklers by children under the age of fourteen (14), a responsible adult must be present and supervising such use. In the event this rule is violated by a homeowner(s), guest of a homeowner or lessee of the homeowner's property, the homeowner shall be subject to fine or other disciplinary measures, as prescribed by the Aviary Board of Directors.

GARBAGE/RECYCLABLES Garbage, trash, recyclables, etc., may not be placed at the curb more than twelve (12) hours prior to the scheduled pickup. Garbage, which is placed outside the night prior to pickup, must be in a rigid plastic garbage container with a cover that locks in place. In no event shall containers be placed at the curb prior to 7pm. Garbage in plastic bags may only be placed outside at the curb after 6am on the day of pickup. Recyclables may be put out the night before, but should be clean so as not to attract animals.

HOT WATER TANKS No ARB approval is required, however it is recommended that in order to protect your home insurance, a permit is obtained prior to replacement,.