HERON LANDING HOMEOWNERS ASSOCIATION, INC.

COMMUNITY STANDARDS

Fifth Edition Adopted

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Table of Contents <u>DEFINITIONS</u>	5
1.01 Responsibilities	6
<u>1.02</u> Policy	
1.03 Committee Discretion	6
PROCEDURES FOR MANAGING PROPERTY ALTERATIONS	7
2.01 Alterations	7
2.02 Prohibited Items	7
2.03 Application Process	
2.04 Completion	
<u>2.05</u> Appeal	
2.06 Enforcement Process	
HOME DESIGN AND MAINTENANCE	9
3.01 ACC General Standards	9
<u>3.02</u> Animals/Pets	9
3.03 Artificial Vegetation	9
<u>3.04</u> ATV's/Dirt Bikes	9
<u>3.05 Awnings</u>	10
<u>3.06</u> Basketball Hoops	10
3.07 Bird House	10
<u>3.08</u> <u>Clotheslines</u>	10
3.09 Commercial Vehicles	11
3.10 Community Yard Sale Events	
<u>3.11 Curb Numbers</u>	
<u>3.12</u> Drainage	
<u>3.13</u> Driveways	
<u>3.14 Equipment</u>	
3.15 Exterior Finish and Colors	
<u>3.16 Exterior Lighting</u>	
<u>3.17 Fences, Walls & Screening</u>	
3.18 Fountains/Sculptures	
<u>3.19</u> Front Doors/Entryway	
<u>3.20</u> Fruit Trees	

<u>3.21</u>	Garages and Garage Doors	14
<u>3.22</u>	Garbage Cans	14
<u>3.23</u>	Garden Hoses	14
<u>3.24</u>	Garden/Walkway Lighting	14
<u>3.25</u>	<u>Generators</u>	15
<u>3.26</u>	<u>Glass Block</u>	15
<u>3.27</u>	<u>Grills</u>	15
<u>3.28</u>	Heating and Air Conditioning Equipment	15
<u>3.29</u>	Holiday Decorations	15
<u>3.30</u>	House Numbers	15
<u>3.31</u>	Hurricane Shutters	16
<u>3.32</u>	Irrigation	16
<u>3.34</u>	Laundry	16
<u>3.33</u>	Nuisances	16
<u>3.34</u>	Painting and Cleaning	16
<u>3.35</u>	Patio and Lanai Area Furniture	16
<u>3.36</u>	Play Structures	17
<u>3.37</u>	Porches, Decks, Screen Enclosures and Patios	17
<u>3.38</u>	Potted Plant	17
<u>3.39</u>	Prohibited Vehicles	18
<u>3.40</u>	Rain Barrels	18
<u>3.41</u>	Rental of Home	18
<u>3.42</u>	Repairs	18
<u>3.43</u>	Required Repair	19
<u>3.44</u>	Roofs	19
<u>3.45</u>	Satellite Dishes	19
<u>3.46</u>	Security Lighting	19
<u>3.47</u>	Signs and Flags	20
<u>3.48</u>	Solar Heating Equipment	20
<u>3.49</u>	Soliciting	20
<u>3.50</u>	Sports Equipment	20
<u>3.51</u>	Swimming Pools, Spas, Whirlpools, and Hot Tubs	21
<u>3.52</u>	Substances and Fuel	21
<u>3.53</u>	Temporary Storage Containers	21

3.54 Temporary Structures	
<u>3.55 Towing</u>	
<u>3.56</u> <u>Trailers</u>	23
<u>3.57</u> Trampolines	23
3.58 Trespassing	23
<u>3.59</u> Vehicles and Parking	23
<u>3.60</u> <u>Vegetable Gardens</u>	25
3.61 Visibility on Corners	25
3.62 Water Softeners/Conditioners	25
3.63 Watercraft	25
<u>3.65</u> Wetlands	25
3.66 Window Treatments	25
<u>3.67</u> Window or Wall Units	
3.68 Yard Ornamentation	
3.69 Eave Lighting	26
LANDSCAPING	
4.01 Landscaping Builders Package	
4.02 Landscaping Maintenance	27
4.03 Landscape Edging	27
4.04 Bedding Coverings	
<u>4.05</u> Turf	
EXHIBITS	

A Prohibited Plants

HERON LANDING HOMEOWNERS ASSOCIATION, INC.

COMMUNITY STANDARDS

This Community Standards Document is established to assist the Architectural Control Committee (ACC) and Owners with procedures and guidelines through consistent and high quality design standards for the property alteration process. It supports and amplifies the Declaration of Restrictions and Covenants and other governing documents that bind each property Owner. It is provided to residents of Heron Landing for their future reference. This document is not intended to address all possible situations, alterations, etc. Please contact the Heron Landing Management office with any questions.

It is the intention of the ACC to maintain a high standard of exterior architectural appearance throughout the Heron Landing Community. The following guidelines have been set up to protect the integrity of the community for the purchasers' investment and enjoyment therein. Your adherence to these guidelines will help preserve the quality of Heron Landing for decades to come.

Property setbacks, easements and other ordinances must be adhered to and complied with in accordance with County Government Ordinances. ACC approval does not waive the responsibility of owners to obtain a permit if necessary for all proposed improvements.

DEFINITIONS

- "ACC" shall mean the Architectural Control Committee.
- "Board" shall mean the Board of Directors of Heron Landing.
- "Declaration" shall mean The Declaration of Restrictions and Covenants for Heron Landing.
- "Association" (as defined in the Declaration) shall mean Heron Landing Homeowners Association, Inc., its successors and assigns.
- "CCR" shall mean Covenants, Conditions and Regulations

ARTICLE 1 ARCHITECTURAL CONTROL COMMITTEE

1.01 Responsibilities

In accordance with authority granted to the ACC in the Declaration, the ACC shall be appointed and "shall administer and perform the architectural and landscape review and control functions relating to Heron Landing. In carrying out its duties, the ACC shall review all submittals to assure procedures and standards conform to design guidelines as set forth in these Community Standards and in the Declaration & prepare submittals for approval by the Board. The Committee shall keep records and shall maintain a file of all alteration application and activity for a period of not less than seven years.

1.02 Policy

All Owners and their contractors must comply with alteration application guidelines and requirements prior to commencement of any work. The ACC will review plans, materials, site plan, colors and/or landscaping plan to ensure compliance with design requirements, policy and procedures of these standards. No alteration requiring the approval process shall be commenced until plans and specifications have been submitted to and approved in writing by the ACC. If said alterations are performed without ACC approval, 1) the Association reserves the right to restore the property to its prior condition directly payable by the homeowner and 2) reserves the right to impose fines via a violation. The Association assumes no responsibility for the structural integrity, safety features, mechanical operation, and permitting or building code compliance of the proposed construction to a lot or a home.

Any exterior improvement performed by a licensed contractor over \$5,000 requires the homeowner to submit a copy of the contractor's certificate of insurance (general liability) with your ACC request. General liability insurance is to be no less than \$1,000,000 per occurrence.

1.03 Committee Discretion

These standards do not cover every possible situation that may require ACC approval. As it applies, the ACC is not authorized to exercise discretion in approving or disapproving a specific proposal as per state statute FS 720. In some special cases Board approval may be needed for a proposal that may conflict with a standard set forth in this document. Board approval does not constitute a precedent for future requests.

ARTICLE 2 PROCEDURES FOR MANAGING PROPERTY ALTERATIONS

2.01 Alterations

Any exterior property alteration (to the home or the lot) requires the completion of an "Application to Architectural Control Committee" form that must be approved by the ACC & Board. A copy of a blank application form is included in this booklet.

Examples of alterations include, but are not limited to:

- Awnings
- Brick pavers: location and color
- Changes to the exterior color of the home (painting)
- Exterior decoration applied above garage doors and fronts of homes
- Recreational or sporting equipment
- Fences
- Flag poles and antennas
- Front door: style and/or color
- Gutters: style, color
- Items in flowerbed besides plants
- Lanais, sunrooms and gazebos
- Lighting: placement and size
- Landscaping (refer to Article 4)
- Pools, spas, hot tubs, whirlpools
- Porches, decks and patios
- Roofing
- Screen Enclosures
- Home additions and exterior renovations

2.02 Prohibited Items

Certain alterations/conditions are not allowed within the Declaration without the written approval of the Board as submitted by the ACC. These include but are not limited to those listed below. They are considered to be in VIOLATION and subject to immediate action by the ACC through the Violation Procedures as amended from time to time.

- Window Air Conditioning Units
- Satellite Dishes over 39.37 in.
- Aluminum, metal, plastic, or fiberglass roofs where the roof pitch is equal to or greater than 3/12 unless covered by composite asphalt/fiberglass multi-tab or dimensional shingles.
- Wood or asphalt mineral surface roll roofs
- Plastic or Artificial flowers.
- Vehicles blocking sidewalks.

2.03 Application Process

Listed here is an abbreviated description of the application process. ACC will only process completed applications, including signatures and accompanying plans and specifications, lot plots, colors, pictures, drawings, etc. Applications must contain all the information necessary for the ACC to make an informed decision or it will be denied.

Within thirty (30) days after receipt by the ACC, the ACC will act on the submission. After review, the original submittal will be retained by the ACC for their files. The ACC will give one of the following responses to each application received:

- "Approved" (project approved as submitted)
- "Conditional Approval" (subject to conditions noted)
- "Denied" (reasons noted in the meeting minutes)

2.04 Completion

Approved projects must be completed within 6 (six) months of approval by the ACC. After that time, the ACC's approval of the application will expire. A new ACC application must be submitted and approved before any further work can begin. The Board or the ACC retains the right, but not the obligation, to extend time frames for applicant to complete the proposed and approved work. A member of the property management team will verify the work has been done in compliance with the ACC's approval.

<u>2.05 Appeal</u>

In the event the ACC denies any plans, the applicant may request a rehearing by the ACC. If the ACC again denies the applicant's request, the applicant may appeal to the HOA Board. The Board's decision is final.

2.06 Enforcement Process

Any owner through accepted communication to the on-site Property Manager may report violation(s) of any Community Standard or Declaration condition. The policy of the HOA is to have management do property inspections. If Management determines that the alleged violation requires corrective action, Management will then proceed with the approved enforcement process, thru the Violation Procedures and policy as established by the Board of Directors.

ARTICLE 3 HOME DESIGN AND MAINTENANCE

3.01 ACC General Standards

No Material alterations, addition or modification to a Lot or Home, or material change in appearance thereof, shall be made without the prior written approval thereof being first had and obtained from the ACC as required by this Declaration.

3.02 Animals/Pets

No animals of any kind shall be raised, bred or kept within Heron Landing for commercial purposes. Other than swine, poultry, vicious breeds and uninsurable pets (i.e., pets that create policy coverage exclusions under insurance policies purchased by the Association or pets that cause increases in insurance policy premiums under insurance policies purchased by the Association), Owners may keep a maximum of two (2) pets/animals as long as such pets or animals do not constitute a nuisance. Notwithstanding the foregoing, pets may be kept or harbored in a home only so long as such pet or animals do not constitute a nuisance. A determination by the Board that an animal or pet kept or harbored in a home is a nuisance shall be conclusive and binding on all parties. All pets shall be walked on a leash. No pet shall be permitted outside a home unless such pet is kept on a leash or within an enclosed portion of the yard of a Lot or dog park. No pet or animal shall be "tied out" on the exterior of the home or in the common areas or left unattended in a yard or on a balcony, porch or patio. No dog runs, dog pens or dog houses are permitted on any Lot. When notice of removal of any pet is given by the Board, the pet shall be removed within forty-eight (48) hours of giving of the notice. All Pets shall defecate only in the "pet walking" areas within Heron Landing designated for such purpose, if any, or on the Owner's Lot. The person walking the pet or the Owner shall clean up all matter created by the pet during the walk. Each owner shall be responsible for the activities of their pet. Pets are not permitted in any water body in Heron Landing. Notwithstanding anything to the contrary, service dogs shall not be governed by the restriction contained in this Sections. The Association intends to enforce all pet related violations but will not be held liable for owners that choose to ignore attempts to get into compliance.

3.03 Artificial Vegetation

Except as otherwise permitted by Florida law, no artificial grass, plants or other artificial vegetation, or other landscape devices, shall be placed or maintained upon the exterior portion of any lot, unless approved by the ACC.

3.04 ATV's/Dirt Bikes

All-terrain vehicles (ATV) and dirt bikes are not permitted to be driven anywhere in Heron Landing. They must be stored in the garage and put on a trailer to be taken out of the neighborhood.

3.05 Awnings

With prior ACC approval, awnings are permitted on the rear of the home over the Lanai and must be neutral in color and match the exterior color of the home.

3.06 Basketball Hoops

A resident may have no more than one (1) basketball hoop; portable or direct burial inground. No matter which type is selected, an ACC request must be submitted. ACC request must include the following: picture of hoop, model, photo/map of where hoop will be located. No-wall mounted basketball hoops are permitted. Backboard cannot be bigger than 60 inches.

The basketball hoop must be maintained & in good repair. If not, it must be replaced within 7 days. For instance, basketball hoops cannot have peeling paint, visible rust, damaged backboards, yellow/ yellowing backboards, damaged rim or damaged netting.

Basketball hoops must not cover or impede any common area or sidewalk (including while using the basketball hoop), must not be used after 9pm and must be stored inside during high wind events (portable units only). Basketball hoops may not be used in the street.

For portable hoops, no rocks/ stones/ bricks, bag of sand (or similar) maybe used to hold unit down. The base of the basketball hoop must be internally filled in accordance with the manufacturer's instructions (often with sand/ water).

3.07 Bird House

One birdhouse and/or bird feeder will be permitted on a revocable and conditional annual basis. If the house or feeder is not maintained or otherwise becomes offensive, the Architectural Control Committee (ACC) has the authority to rescind approval at any time and to require removal of the house or feeder. Birdhouse or feeder may be placed in the rear yard only and may be ground supported or suspended/mounted in a tree. The proposed location shall be at least 5 feet from the property line. If the home site is a corner lot, house or feeder may be located in the side yard common with the street right of way, not closer than 16 feet to the street pavement adjacent to the side yard and not closer than 40 feet to the street pavement adjacent to the front yard. House or feeder may not be suspended from a "street tree" on a corner lot. Ground supported, or tree suspended/mounted birdhouses or feeder. The Committee will consider the size and appearance of the birdhouse or bird feeder as appropriate to the location on a one by one basis, but in no case shall the total of width plus height plus depth of a birdhouse exceed

50 inches, with maximum dimension of 18 inches, any one side or shall the total of width plus height plus depth of a bird feeder exceed 30 inches, with maximum dimension of 18 inches, any one side. If a ground supported birdhouse or bird feeder is not located in an existing planting bed, then the homeowner shall provide and maintain a mulched area at least 2 feet in diameter at the base of the support.

3.08 Clotheslines

Clotheslines may be installed in the rear of a Lot so long as not visible from the street or visible to your neighbors; provided, that, any such clothes line shall be removed

when it is not in use as a clothes line

3.09 Commercial Vehicles

Commercial Vehicles (vehicles used for work purposes and vehicles with writing on the sides or equipment racks or holders) are not permitted to be parked on driveways in Heron Landing. They must be parked inside a garage at all times. The exception to this is a county or government issued vehicle.

3.10 Community Yard Sale Events

No personal events are permitted. The Community may at its discretion hold two (2) events each year (spring and fall). Property Management will coordinate these events with volunteers. Signage will be placed on common areas. No signage will be placed on individual property.

3.11 Curb Numbers

Heron Landing does not permit painted numbers on curbs.

3.12 Drainage

Roof gutters and downspouts of six (6) or seven (7) inch aluminum construction are permitted within the approved color scheme. (See Community Color Book). Downspouts shall not direct water onto common areas or neighboring property and must drain according to approved drainage plan.

3.13 Driveways

All driveways must be constructed from an approved material type (pavers only) Any owner changing the appearance of a driveway, to include replacement must submit an application to the ACC for approval. No surface applications to driveways shall be permitted without the prior written approval of the ACC as to material, color and pattern. Such applications shall not extend beyond the front Lot line or include the sidewalk. Driveways need to remain free of grease, oil or other stains. Weeds growing through driveway pavers need to be eliminated. Driveways need to be kept free of debris. Driveway reflectors are not permitted.

All driveways should, if possible, permit a full size (20 foot) car to be parked in the driveway and not interfere with sidewalk access. Any change in size or shape of the driveway must be approved by the ACC. Extensions on either side of driveway may not exceed a combined total of four (4) feet. Only pavers are permitted to line either side of driveway.

3.14 Equipment

Equipment (i.e., lawn care, car care, work equipment, etc.) is not permitted to be stored outside of the residence.

3.15 Exterior Finish and Colors

Changes to exterior of home require ACC approval. All exterior colors must comply with the approved Board of Directors Community Color Book. Accent colors, not exceeding two (2) per structure, not including front door color, will be allowed. Any change of the existing color to one of the approved community color selections requires the owner to submit an application to the ACC for summary approval stating color selections. Owners wanting to repaint with existing surface colors must also submit an application to the ACC for summary approval. Stacked stone or rock alterations to a home must be chosen from the approved Community Color Book. An owner must submit an application to the ACC for summary approval stating selection. Stone or rock alterations shall be used for accents only to the home. The exterior of Homes shall be repainted within forty-five (45) days of notice by the ACC.

3.16 Exterior Lighting

Changes to exterior lighting of home require ACC approval. Coach Lights must be the same or very similar to the lights already installed. Lights must be bronze or black in color with clear glass. Light fixtures must be proportionate to home. Lights must be mounted to home, left and right of garage door. Minimum height from ground to the bottom of fixture is 6 feet, maximum. Bulbs may be clear or frosted. Yellow or any other color bulbs are not approved except during the winter holiday season. In no event shall a resident have a combination of light bulbs (all bulbs must be of the same wattage & same lumens). No flashing bulbs are allowed. Damaged or burnt out bulbs must be replaced within one (1) week.

3.17 Fences, Walls & Screening

No walls or fences shall be erected without prior written review and approval of the ACC. The only allowable type of fences is Wrought Iron or Black Aluminum 4' – 6' in height max. No wooden, chain link or PVC fences are permitted. All lots with a view of water or conservation may install a Black Aluminum fence 4' – 6' max in height. No privacy fencing is allowed on any lots. No chain link fencing of any kind shall be allowed. Fences shall not be installed flush to the ground so that drainage will be blocked in any way. Due to the Associations maintenance requirements and responsibilities the installation of fences within a drainage easement area is not expected to be approved by the ACC. However, in the event a fence is installed within a drainage easement area, with prior written ACC approval, the Owner is solely responsible for fence repair or replacement if the drainage easement area needs to be accessed. If your Home is located on a corner lot please refer to the standards as outlined in the community's specific fence standards.

All screening and screen enclosures shall have the prior written approval of the ACC. All enclosures of balconies or patios, including addition of vinyl windows, shall be approved by the ACC and all decks shall have the prior written approval of the ACC. All screen enclosures must be bronze with charcoal screening. Homes on corner lots may be required to have landscaping on the street side of the screening or enclosure.

3.18 Fountains/Sculptures

No fountain or sculpture may be placed on the property or in the front of the house.

3.19 Front Doors/Entryway

Changes to front doors (door style or paint color) require ACC approval. Front doors may be of metal, solid wood or fiberglass and may contain glass portions that may be plain, frosted or etched. Maximum of two decorative items are permitted within the alcove or porch. Items not wall mounted are not to exceed 3 feet in height. Only one item may be wall mounted. Item must be maintained in the covered entry and not extend into the walkway. Two (2) vine trellis and (1) vine arbor are permitted with ACC approval and must not exceed 90" in height. Trellis and/or arbor material must be either metal or PVC. Trellis and/or arbor must be used in combination with living plant material. Owner must maintain such item and trim as necessary per 4.02.

3.20 Fruit Trees

No fruit bearing trees are permitted.

3.21 Garages and Garage Doors

Carports, unattached garages and the screening of garage doors are not allowed in Heron Landing. All sections of garage doors, except the upper most section, which may contain windows, shall be of standard solid panel construction, which will conceal the contents of the garage. Garage door windows must not be see through. Garage doors shall be kept closed except when access or an activity requires them to be open.

3.22 Garbage Cans

Trash collection and disposal procedures established by Association shall be observed. No outside burning of trash or garbage is permitted at any time. No garbage cans supplies, or other similar articles shall be maintained on any Lot so as to be visible from outside the Home or Lot. Each Owner shall be responsible for properly depositing garbage and trash in garbage cans and trash containers sufficient for pick-up by the appropriate collection agencies in accordance with the requirements of any such agency.

If trash cans are stored outside, residents must take care to properly secure cans from rodents and ensure no foul orders impact surrounding homes. Trash receptacles shall be maintained in a sanitary condition and shall be shielded from the view of adjacent properties and streets. Trash cans may be stored outside, on the side of the residence and shielded from view. Residents must submit plans to shield trash cans from view to ACC.

Garbage cans and trash containers shall not be placed outside the Home for pick-up earlier than 5:00 p.m. on the day preceding the pick-up and shall return all containers to their concealed location no later 10:00 p.m. the day of pick-up. Trashcan lids should be secured to avoid animals, odor, and windblown garbage from affecting adjoining homes. Each resident is responsible for picking up litter on their property and preventing windblown debris from originating from their property.

3.23 Garden Hoses

Garden hose hangers or hose reels should be placed on the side of the home wherever possible and concealed from the street. Hoses must be fully retracted and hung neatly when not in use. Hangers, hose reels and hoses must be neutral in color.

3.24 Garden/Walkway Lighting

Any lighting requires approval from ACC. Low voltage garden lights permitted on the home site but only in existing flower and shrubbery beds, and only on a conditional basis. Approval may be rescinded if installation is not maintained. Lights may be placed no closer than eight inches to the edge of the bed. Lights shall not exceed twelve (12) inches in height, with white bulbs of 4, 7 or 11 watts. Lights shall be installed in a manner consistent with the purpose intended, shall not reflect into adjacent homes, and shall be maintained at all times by Homeowner.

3.25 Generators

Permanently installed external propane generators may be allowed. All specifications including size, type, location, appropriate screening, etc., must be approved in writing by the ACC. Local, county & state applicable permits and approvals will be required. Such generators would only be allowed to be used during periods of electric power outages.

3.26 Glass Block

The use of glass blocks on an existing home or the use of glass block in an addition to an existing home is not allowed within Heron Landing.

<u>3.27 Grills</u>

Grills must be covered and stored behind the home on patio when not in use. No cooking shall be permitted nor shall any goods or beverages be consumed on the Common Areas, except in areas designated for those purposes by Association. The Board shall have the right to prohibit or restrict the use of grills or barbecue facilities throughout Heron Landing.

3.28 Heating and Air Conditioning Equipment

Outdoor air conditioning units shall be placed to minimize noise to adjacent dwellings and shall be screened from view from the street and neighboring homes with shrubs and/or approved fencing. Refer to paragraph 3.17 for fencing approval. Window air conditioner units and/ or window fans are prohibited.

3.29 Holiday Decorations

Decorations may be displayed no earlier than 15 days prior to and must then be removed no later than 7 days after a holiday. These holidays include: Halloween, Valentine's Day, Easter and Independence Day. Fall decorations may be displayed no earlier than October 1 and must be removed no later than December 1st. Winter/Holiday decorations may be displayed three (3) weeks prior to Thanksgiving and must be removed no later than January 15th of the following year. Care should be taken when deciding on placement of yard decorations, noting that large snow globes or inflatables may cause dead spots in lawns. All lighting, lighting accessories, extension cords and light clips and decorations shall be totally removed by January 15th. In no circumstance shall light display have or emit any sound.

3.30 House Numbers

All house numbers must be clearly readable from the street, but not so large as to be out of proportion to the structure, and compatibility to the overall design of the structure. Numbers are required to be black, non-reflective, and between 4-6 inches in height. All missing house numbers must be replaced by the homeowner within 14-day notice from the Management Company.

3.31 Hurricane Shutters

Any hurricane shutters or other protective devices visible from outside a Home shall be of a type as approved in writing by the ACC. Panel, accordion and roll-up style hurricane shutters may not be left closed during hurricane season (nor at any other time). Any such approved hurricane shutters may be installed or closed up to seventytwo (72) hours prior to the expected arrival of a hurricane and must be removed or opened within one (71) week after the end of a hurricane watch or warning or as the Board may determine otherwise. Except as the Board may otherwise decide, shutters may not be closed at any time other than a storm event. Any approval by the ACC shall not be deemed an endorsement of the effectiveness of hurricane shutters.

3.32 Irrigation

Due to water quality, irrigation systems may cause staining on Homes, other structures or paved areas. It is each Owner's responsibility to treat and remove any such staining.

Homeowners are required to abide by Sarasota County watering schedule. The schedule is subject to change and is available on the County website. Additional watering restrictions and/or schedules can be implemented from time to time by the Board.

3.34 Laundry

Subject to the provisions of Section 163.04 of the Florida Statutes, to the extent applicable, no rugs, mops, or laundry of any kind, or any other similar type article, shall be shaken, hung or exposed so as to be visible outside the Home or Lot.

3.33 Nuisances

No obnoxious, unpleasant, unsightly or offensive activities shall be carried on, nor may anything be done, which can be reasonably construed to constitute a nuisance, public or private in nature. Any questions with regard to the interpretation of this section shall be decided by the BOD, whose decisions shall be final.

3.34 Painting and Cleaning

Roofs and/or exterior surfaces and/or pavement, including but not limited to sidewalks, driveways, houses, or lanais shall be pressure cleaned within thirty (30) days' notice by the ACC. Homes shall be repainted within forty-five (45) days of notice by the ACC.

3.35 Patio and Lanai Area Furniture

Patio or Lanai furniture located in the front of the home requires ACC approval. The only acceptable furniture for patios, lanais and front porch areas is neutral outdoor furniture. Outdoor grills shall be restricted to rear lanai/patio. Indoor furniture or full-size household appliances of any type shall not be placed or stored in front yards, back patios, gardens or flowerbeds of homes. No furniture of any type is allowed on driveways.

3.36 Play Structures

The overall height of play sets may not exceed twelve (12) feet in height. Play structures must be crafted in wood or recycled plastic. <u>Aluminum or metal tubing is prohibited</u>. A picture and dimensions of the play set must be submitted with the architectural application prior to approval. All play sets must be maintained. Canopies must be of earth-toned colors (i.e., tan, green, olive or brown). Any ripped or torn canopies must be replaced with approved style/ color within 14 days. Applications for play structures must include a site plan clearly showing its intended placement. The structure's visual impact to neighboring home sites and/or the street must be buffered as much as possible with approved fencing or landscaping. Fence applications must be submitted in advance of installation of the fence and only current approved styles are permitted.

If the play structure will be buffered by landscape, the plant material must start at a height of thirty-six (36) inches from the ground and may not exceed seventy-two (72) inches of overall height at maturity. The landscape buffer must be maintained at a height of 72 inches at all times. The landscape buffer installation may not alter the drainage of the home site. The proposed plant material and location of landscape buffer must be submitted to the committee via application prior to installation.

3.37 Porches, Decks, Screen Enclosures and Patios

All such structures must be submitted to the ACC for its approval. All structures shall have an appearance consistent with the dwelling and the community. Any porch, patio, screen enclosures or deck shall comply with existing setback governance. Porches, screen enclosures or decks, which are constructed above ground must be finished to the ground with materials compatible with the deck or the dwelling, free of mold, mildew, weeds and may be screened with landscaping.

Screened in front porch areas are not permitted. Screen doors are allowed on front doors upon approval of the ACC.

Screen enclosures shall be constructed with bronze/black colored aluminum supports and smoke/charcoal colored screen material. Enclosures shall not exceed the width and height of the home nor extend beyond the dwelling's existing roofline. No porches, decks, screen enclosures or patios will be allowed to have aluminum, metal, plastic or fiberglass roofs where the roof pitch is equal to or greater than 3/12 unless it will be covered by composite asphalt/fiberglass, multi-tab or dimensional shingles. Any future roof replacement costs, on approved ACC additions, shall be the responsibility of the Homeowner.

3.38 Potted Plant

Decorative potted plants are limited to three (3) within the driveway area of the property and a total of five (5) for the entire front portion of the property. Any potted plant must be maintained in good repair. A decorative potted plant is defined as; a plant that has been placed with soil in a decorative flowerpot, that is made of clay, ceramic, or plastic and is kept for display and decoration.

3.39 Prohibited Vehicles

No commercial vehicle, limousine, recreational vehicle, all-terrain vehicle, boat, trailer, including without limitation, boat trailers, house trailers, and trailers of every other type, kind or description, or camper, may be kept within Heron Landing except in the garage of a Home. The term "commercial vehicle" shall not be deemed to include law or recreational or utility vehicles (i.e., Broncos, Blazers, enforcement vehicles Explorers, Navigators, etc.) or clean "non-working" vehicles such as pick-up trucks, vans, or cars if they are used by the Owner on a daily basis for normal transportation; provided, however, vehicles with ladders, racks, and hooks attached to such vehicles shall be "commercial vehicles" prohibited by this Section. No vehicles displaying commercial advertising shall be parked within the public view. No vehicles bearing a "for sale" sign shall be parked within the public view anywhere within Heron Landing. For any Owner who drives an automobile issued by the County or other governmental entity (i.e., police cars), such automobile shall not be deemed to be a commercial vehicle and may be parked in the garage or driveway of the Lot. No vehicle shall be used as a domicile or residence either temporarily or permanently. No gas powered: all-terrain vehicles (ATVs), golf carts, scooters or mini motorcycles are permitted at any time on any paved surfaces or Common Areas. Additionally, no ATV, golf cart or mini motorcycle may be parked or stored within Heron Landing, including any Lot, except in the garage of a Home. Notwithstanding any other provision in this Declaration to the contrary, the foregoing restrictions shall not apply to construction vehicles utilized in connection with construction, improvement, installation, or repair by Declarant, or its agents.

3.40 Rain Barrels

Rain barrels require ACC approval before installation. Rain barrels need to be stored behind the home, not visible from any street. Rain barrels must be neutral or earth-toned in color.

3.41 Rental of Home

REFER TO COMMUNITY DOCUMENTS

3.42 Repairs

No vehicle, which cannot operate on its own power shall remain in Heron Landing for more than twelve (12) hours, except in the garage of a Home. No repair or maintenance, except emergency repair, of vehicles shall be made within Heron Landing, except in the garage of a Home. Repairing vehicles in a driveway is prohibited at all times. No vehicles shall be stored on blocks. No tarpaulin covers on vehicles shall be permitted anywhere within the public view.

3.43 Required Repair

In the event that a Home or other improvement is damaged or destroyed by casualty loss or other loss, then the Owner thereof shall commence to rebuild or repair the damaged Home or improvement in accordance with the Declaration. As to any such reconstruction of a destroyed Home or improvements, the same shall only be replaced as approved by the ACC. Notwithstanding anything to the contrary herein, to the extent that insurance coverage obtained and maintained by the Association covers such casualty destruction, the Owner of such damaged or destroyed Home shall not perform any activities that would negate such coverage or impair the availability of such coverage.

<u>3.44 Roofs</u>

All changes to the roofing of your home will require prior approval from the ACC.

3.45 Satellite Dishes

No exterior visible antennae, radio masts, towers, poles, aerials, satellite dishes, or other similar equipment shall be placed on any Home or Lot without the prior written approval thereof being first had and obtained from the ACC as required by this Declaration. The ACC may require, among other things, that all such improvements be screened so that they are not visible from adjacent Homes, or from the Common Areas. Each Owner agrees that the location of such items must be first approved by the ACC in order to address the safety and welfare of the residents of Heron Landing. No Owner shall operate any equipment or device, which will interfere with the radio or television reception of others. All antennas not covered by the Federal Communications Commission ("FCC") rules are prohibited. Installation, maintenance, and use of all antennas shall comply with restrictions adopted by the Board and shall be governed by the then current rules of the FCC.

3.46 Security Lighting

Security lights mounted on the home are permitted under the following conditions: Homeowner shall obtain and pay for all permits if required by local authority having jurisdiction. Security lights shall be of the simple lamp holder type and not a decorative luminary. Mount holder to the metal soffit under the eave or rake on the roof. Wall mounting not permitted. Maximum of two lamps per holder in any one location. Maximum of four locations on home. Maximum wattage per lamp shall be 100 incandescent. Lamps shall be aimed so as not to illuminate neighbor's homes. Lights shall be turned on by means of a motion detector or other security breach detector. Security Lights may not be left on throughout the night. Homeowner will have to remove if lighting becomes a nuisance to neighboring properties.

3.47 Signs and Flags

No sign, flag, banner, advertisement, notice or other lettering shall be exhibited, displayed, inscribed, painted or affixed in, or upon any part of Heron Landing, including without limitation, any Home or Lot, that is visible from the outside; provided, however, any Owner may display in a respectful manner one (1) portable, removable United States flag or official flag of the State of Florida and one (1) portable, removable official flag of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag. Any such permitted flags may not exceed four and one-half feet (4') by six feet (6').

Each Owner may erect one (1) freestanding flagpole that is no more than twenty feet (20') high on any portion of such Owner's Lot if the flagp ole does not obstruct sightlines at intersections and is not erected within or upon any easement. The flagp ole may not be installed any closer than ten feet (10') from the back of curb, or within ten feet (10') of any Lot line. Any Owner may further display from the flagpole, one (1) official United States flag, not larger than four and one-half feet (4') by six feet (6') and may additionally display one (1) official flag of the State of Florida or the United States Army, N a v y, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag. Any flag pole installed in accordance with this Section is subject to all building codes, zoning setbacks, and other applicable governmental regulations, including without limitation noise and lighting ordinances in the County or municipality in which the flag pole is erected and all setback and location criteria contained in this Declaration.

Declarant is exempt from this Section; provided, further, the Declarant specifically reserves the right, for itself and its agents, employees, nominees and assigns the right, privilege and easement to construct, place and maintain upon any property within Heron Landing such signs as it deems appropriate in connection with the development, improvement, construction, marketing and sale of any of the Lots. The prohibitions on signs displayed on or within vehicles contained above in this Section shall not apply to commercial vehicles such as for construction use or providing pick-up and delivery services and other commercial services.

3.48 Solar Heating Equipment

The addition of any solar heating equipment must be reviewed and approved by the ACC. Solar equipment may not be installed on the front of the home or front portion of property.

3.49 Soliciting

Heron Landing has a "No Soliciting" policy. No handbills or flyers are permitted to be passed out in Heron Landing. If you encounter solicitors, please report them to the Management Company.

3.50 Sports Equipment

No recreational, playground or sports equipment shall be installed or placed within or about any portion of Heron Landing without prior written consent of the ACC. No basketball backboards, skateboard ramps, trampolines or play structures will be permitted without the prior written approval by the ACC. Tree platforms of a similar nature shall not be constructed on any part of a Lot. Rules and Regulations governing basketball hoops may be adopted by the Association from time to time. Trampolines or sports equipment that is stored in the backyard but is visible from the street must be buffered by approved landscaping or an approved privacy fence. (Please refer to fence standards)

3.51 Swimming Pools, Spas, Whirlpools, and Hot Tubs

No aboveground pools shall be permitted. All in-ground pools, hot tubs, spas and appurtenances installed shall require the prior written approval of the ACC. Pools with fiberglass shells are prohibited. The design must incorporate, at a minimum, the following: (I) the composition of the material must be thoroughly tested and accepted by the industry for such construction; (ii) any swimming pool constructed on any Lot shall have an elevation at the top of the pool of not over two feet (2') above the natural grade unless approved by the ACC; (iii) pool cages must be of a design, color and material approved by the ACC; and (IV) pool cages shall in no event be higher than the roof line of the Home or more than one story. Pool cages/ patios/ outdoor living area shall not extend beyond the sides of the Home without express approval by the BOD.

All pools shall be adequately maintained and chlorinated (or cleaned with similar treatment). No diving boards, slides, or platforms shall be permitted without ACC approval. Under no circumstances may chlorinated water be discharged onto other Owners' lawns, the community streets, or into any water bodies within Heron Landing or adjoining properties.

Any pool cage that is damaged or if a screen is torn, the homeowner is required to correct the repair/ replace said issue within 90 days.

Pool equipment is to be shielded from view (from street and neighboring properties) with landscaping. Landscaping plan is required to be submitted to ACC for approval.

Homeowner is responsible for repairing any damaged to the sidewalks or other community property as a result of said project. Repairs must take place within 30 days after substantial completion of project or pool cage is installed (whichever is earlier or relevant).

Homeowner is responsible for taking necessary actions to keep sidewalks and streets clear of debris (sand, dirt, stone, pavers, etc.) at all times until project is complete.

Lawn, flower beds and irrigation are required to be fully restored within 30 days after (whichever is applicable) either the pool cage is installed, final grading is completed, or fence is installed. Homeowner is responsible for keeping lawn and improved landscape areas maintained during pool install. Specifically:

- Landscape beds are required to be weeded
- Lawn is required to be cut in accordance with 4.05 Turf
- Reasonable steps must be taken to keep lawn watered if irrigation system is damaged or unavailable during the course of the project
 - $\circ~$ Reasonable steps include watering via a lawn sprinkler & hose
- Lawn shall be fertilized & free of weeds
- Hardedges are required to be maintained

3.52 Substances and Fuel

No flammable, combustible or explosive fuel, fluid, chemical, hazardous waste, or substance shall be kept on any portion of Heron Landing or within any Home or Lot, except those which are required for normal household use. All propane tanks and bottled gas for household and/or pool purposes (excluding barbecue grill tanks) must be installed underground or in a manner to be screened from view by landscaping or other materials approved by the ACC.

3.53 Temporary Storage Containers

Only one POD unit or other temporary storage containers are allowed at a residence no longer than 14 days and must not be placed where it interferes with the sidewalk or roadway. Residents wishing to have a temporary storage container must notify the Management Company when the container will arrive and be picked up. Extensions to the 14-day period will be considered on a case-by-case basis.

3.54 Temporary Structures

No structure of a temporary character, trailer, tent, or other building is permitted. Pop-up Canvas type tents or gazebos are permitted only when in use (for events, parties, gatherings) and may not be stored in yards. Residents wishing to have a temporary structure must notify the Management Company when the container will arrive and be picked up.

<u>3.55 Towing</u>

Subject to applicable laws and ordinances, any vehicle parked in violation of these and other restrictions contained herein or in the Rules and Regulations may be towed by the Association at the sole expense of the owner of such vehicle if such vehicle remains in violation for a period of twenty-four (24) hours from the time a notice of violation is placed on the vehicle or if such a vehicle was cited for such violation within the preceding fourteen (14) day period.

3.56 Trailers

Trailers (flat bed, horse, motorcycle, boat, RVs, etc.) are not permitted in public view in Heron Landing. Trailers must be stored in garages and garages must remain closed.

3.57 Trampolines

Trampolines require ACC approval. They must be located in the rear of a home and must not be visible from any street or neighboring home.

Trampolines must be adequately secured to the ground & any netting must be maintained/ repaired when damaged.

3.58 Trespassing

Each home in Heron Landing is privately owned. Trespassing through side yards or backyards is not permitted. For safety reasons, parents are encouraged to keep their children out of neighboring yards. Homeowners reserve the right to notify authorities.

3.59 Vehicles and Parking

All vehicles must be properly licensed with tags clearly displayed. **No unlicensed vehicles are permitted on any paved area within the community.** Owners' automobiles shall be parked in the garage or driveway and shall not block the sidewalk. Residents are not allowed to park their vehicles in the street overnight.

No vehicles of any kind shall be parked on any portion of Heron Landing or a Lot except on the surfaced parking area thereof. Vehicles shall not park on the paved surfaces comprising the Common Area. To the extent Heron Landing has any guest parking, Owners are prohibited from parking in such guest parking spaces. No vehicles used in business for the purpose of transporting goods, equipment and the like, shall be parked in Heron Landing except during the period of a delivery. Campers and boats must be parked inside garages.

3.60 Vegetable Gardens

Any type of fruit or vegetable producing plant must be submitted to the ACC prior to planting. No plants may exceed 6 ft.; plants must be weeded and maintained. All gardens must be in back of home and screened from view.

3.61 Visibility on Corners

Notwithstanding anything to the contrary in these restrictions, no obstruction to visibility at street intersections shall be permitted and such visibility clearances shall be maintained as required by the Board and governmental agencies. No vehicles, objects, fences, walls, hedges, shrubs or other planting shall be placed or permitted on a corner Lot where such obstruction would create a traffic problem.

3.62 Water Softeners/Conditioners

Water softeners are permitted outside homes but must be screened from view using landscaping or approved fencing.

3.63 Watercraft

Boats, jet skis, canoes, kayaks and water equipment are to be stored only in garages.

3.64 Waterways

No owner whose Home adjoins a waterway may utilize the waterway to irrigate. The Association may use waterways for irrigation purposes. By acceptance of a deed to a home, each Owner acknowledges that the water levels of all water bodies may vary. There is no guarantee by the developer, builder, or the Association that water levels will be constant or aesthetically pleasing at any particular time. The developer and the Association shall have the right to use one or more pumps to remove water from water bodies for irrigation purposes at all times.

3.65 Wetlands

Owners having homes adjoining wetlands or conservation areas are hereby put on notice that the cutting or removal of any vegetation in these areas is strictly prohibited. Answers to any questions about wetlands or conservation areas should be referred to the Association. In the event that the HOA is fined by SWFWMD due to the cutting, spraying or removal of any vegetation said fine shall be passed on to and paid by the homeowner. Once proven that the homeowner/resident is responsible for the cited violation.

3.66 Window Treatments

Window treatments shall consist of drapery, blinds, decorative panels, or other window covering, and no newspaper, aluminum foil, sheets or other temporary window treatments are permitted. No security bars shall be placed on the windows of any Home without prior

written approval of the ACC. No awnings, canopies or shutters shall be affixed to the exterior of a Home without the prior written approval of the ACC. No reflective tinting or mirror finishes on windows shall be permitted unless approved by the ACC. Window treatments facing the street shall be of a neutral color, such as white, off-white or wood tones.

3.67 Window or Wall Units

No window or wall air conditioning unit may be installed in any window or wall of a Home.

3.68 Yard Ornamentation

Maximum of two (2) yard ornaments less than 36" in height are permitted per yard and must have ACC approval prior to installation. A picture or detailed description of the item must be submitted with the request, along with the proposed location for the structure which shall be located only in a landscaping bed and must blend in with the home. The materials and color used shall be generally subdued and in harmony with the natural surroundings of the home, lot and community. No bright colors, unusual materials offensive or obscene items will be approved. Yard ornamentals may be denied for any reason without explanation. Unauthorized yard ornaments will be removed with 24-hour notice.

3.69 Eave Lighting

All lighting to be installed on the eaves or soffit of a home must have written ACC approval. This includes temporary or "permanent" lighting including but not limited to Govee or Phillips Hue type lights. Lights must be installed in a manner which makes all lights and wires flush with the soffit/eave of the home. Any cords which are found to be dangling or hanging from the eave must be corrected by the homeowner within seven (7) days. All wires, lights, plugs and/or electrical cords must be flush to the home and/or properly concealed in a manner which does not leave them visible from the street or neighbors home. Consistent with other rules contained here-in, during non-holiday periods the lights must remain white in color and cannot be left on past 10pm. Lights cannot impact another property or be a nuisance to any other neighbor. Lights may match minor holiday colors (St. Patrick's Day) and/or event related colors such as Super Bowl only on the day preceding and day of the holiday and/or event.

ARTICLE 4 LANDSCAPING

4.01 Landscaping Builders Package

Heron Landing has a minimum install landscaping packing upon completion of a home. Builders must install one of the ACC approved packages prior to offering the home for sale.

4.02 Landscaping Maintenance

Changes to landscape require ACC approval. All Lots shall be landscaped in a manner that is harmonious, compatible and consistent with the overall landscaping and general appearance of the community. Each Owner shall maintain the landscaping and yard area in an attractive appearance and free from insects and diseases. Landscape maintenance shall include care of trees, shrubs, ground cover, annuals, turf grass and irrigation systems. Turf areas should be regularly cut to maintain consistent appearance of quality. All damaged plant material, including ground cover and sod, shall be removed.

Each Owner shall provide for the timely replacement of lost plants, sod or grass, bark or ground cover, and trimming and pruning of plants to prevent an overgrown look. No weeds, underbrush, refuse or other unsightly growth or objects shall be permitted to be grown or remain upon any Home.

Lawns must be hard edged on sidewalk and driveway in front of house at all times.

Any tree, shrub and flowers planted within original landscape being areas (minor landscaping) are permitted without written approval by the ACC, if maintained in an attractive manner. Residents planting annuals do so with the understanding that they are responsible for upkeep and maintenance including removal of annuals when they die. Invasive plants (Brazilian pepper, melaleuca, etc.) are not permitted.

Plants and shrubs must be trimmed to a maximum of 36". Hedges may be permitted to grow up to 6' but must be maintained.

Plans to add ANY tree(s), ANY shrub(s), or ANY vegetation which will grow to a height of three (3) feet or taller, first requires the approval from the ACC. Plans to relocate any tree must be submitted to the ACC for approval. Each yard must contain the county mandated tree allocation refer to county code 602.12. See Approved County Tree list for trees that are Trees of Special Significance. Any hardwood/protected tree must have prior written approval from the county before submitting for ACC approval.

4.03 Landscape Edging

All landscape in the front of the house must have an edge and be approved by the ACC prior to installation. Approved edging for Heron Landing is:

1.) Professional installed concrete curbing in approved colors. See Community Color Book for approved colors and patterns.

2.) Stacked brick, block or rock edging. See Community Color Book for approved colors and brick sizes.

3.) Properly installed black rubber tube-type edging. Must be properly installed in ground

and may not rise up. Improperly installed rubber edging will result in a violation letter.

The following materials are not permitted as in landscape edging: any type of plastic, wooden, or wire, fencing. All edging types/style and color must be consistent across all visible areas of property. (I.E. mixed styles and/or colors are not permitted)

4.04 Bedding Coverings

All landscaped plants & trees should be planted with the appropriate topsoil, peat moss and fertilizer mixtures. No bare ground is acceptable. All shrubs, ground cover and tree beds shall have a 2" minimum layer of mulch or rock. Mulch is required to be refreshed annually.

ONLY the following types of cover are permitted as landscape bed coverings:

- 1. Mulch: cypress mulch, pine bark mulch, cedar mulch (approved colors: red, black, brown)
- 2. Rock: crushed stone, marble rock, river rock, beach pebbles, lava rock. No shells, crushed gravel, pea gravel, or coral shall be permitted.

No boulders are permitted without ACC approval.

<u>4.05 Turf</u>

Artificial turf will not be approved anywhere in Heron Landing.

Turf must be maintained & trimmed in a professional looking manner. The standards for a wellgroomed lawn are as follows:

- Healthy, Green Grass: A well-maintained lawn should have lush, green grass. The grass should be even in color and not show any signs of yellowing or browning.
- Uniform Growth: The grass should grow evenly throughout the lawn without any patchy or bare areas. Proper watering and fertilization contribute to uniform growth.
- Mowed at the Right Height: The grass should be regularly mowed at the appropriate height of 3-4 inches. Mowing at the right height helps the grass stay healthy and better compete against weeds.
- No Weeds: A good lawn is free of weeds or has them under control. Regular weeding and lawn care practices can prevent weeds from taking over.
- No Pests or Diseases: A healthy lawn is generally free from pest infestations and diseases. Proper lawn maintenance and occasional inspections can help detect and address potential issues early.
- Well-Defined Borders: Clear edges (hard edges are required) between the lawn and other landscaping features, such as flower beds and walkways, give the lawn a neat and tidy appearance.
- Grass Type: Lawn should be St. Augustine (dwarf grass such as Palmetto is not allowed).
- No clumps of grass clippings should be visible on the lawn or on hard surfaces.

Appendix A Prohibited Plants

The following plants are not allowed in Heron Landing, whether planted in the ground or in a flowerpot. Many plants on the list below are deemed to be invasive species by the Florida Invasive Species Council.

Scientific Name	Common Name	Scientific Name	Common Name
Abrus precatorius	rosary pea	Adenanthera pavonina	red sandalwood
Acacia auriculiformis	earleaf acacia	Agave sisalana	sisal hemp
Albizia julibrissin	mimosa, silk tree	Alstonia macrophylla	devil tree
Albizia lebbeck	woman's tongue	Alternanthera philoxeroides	alligatorweed
Ardisia crenata		Antigonon leptopus	coral vine
and the second	coral ardisia	Ardisia japonica	Japanese ardisia
Ardisia elliptica	shoebutton ardisia	Aristolochia elegans	calico flower
Asparagus aethiopicus	asparagus fern	(Aristolochia littoralis)	
Bauhinia variegata	orchid tree	Asystasia gangetica	Ganges primrose
Bischofia javanica	bishopwood	Begonia cucullata	wax begonia
Calophyllum antillanum	Santa Maria	Broussonetia papyrifera	paper mulberry
Casuarina equisetifolia	Australian-pine	Bruguiera gymnorrhiza	large-leafed mangrove
Casuarina glauca	suckering Australian-pine	Callísia fragrans	Inch plant
Cenchrus purpureus	elephantgrass, Napier grass	Casuarina cunninghamiana	river sheoak
(Pennisetum purpureum)		Cecropia palmata	trumpet tree
Cinnamomum camphora	camphor-tree	Cenchrus polystachios	mission grass
Colocasia esculenta	wild taro	(Pennisetum polystachios)	for a table and a
Colubrina asiatica	latherleaf	Cenchrus setaceus	fountain grass
Cupaniopsis anacardioides	carrotwood	(Pennisetum setaceum) Cestrum diurnum	day jessamine
Deparia petersenii	Japanese false spleenwort	Chamaedorea seifrizii	bamboo palm
Dioscorea alata	winged yam	Clematis terniflora	Japanese clematis
Dioscorea bulbifera	air potato	Cocos nucifera	coconut palm
Dolichandra unguis-cati	cat's-claw vine	Crassocephalum crepidioides	redflower ragleaf
(Macfadyena unguis-cati)	Cot 3 clow vinc	Cryptostegia madagascariensis	Madagascar rubbervine
Eichhornia crassipes	water-hyacinth	Cyperus involucratus	umbrella plant
Eugenia uniflora	and the second second second	Cyperus prolifer	dwarf papyrus
Ficus microcarpa ¹	Surinam cherry	Dactyloctenium aegyptium	Durban crow's-foot grass
Hydrilla verticillata	laurel fig	Dalbergia sissoo	Indian rosewood, sissoo
	hydrilla	Dalechampia scandens*	spurge-creeper
Hygrophila polysperma	green hygro	Distimake tuberosus	Spanish arbor vine, wood-rose
Hymenachne amplexicaulis	West Indian marsh grass	(Merremia tuberosa)	
Imperata cylindrica	cogongrass	Dracaena hyacinthoides	bowstring hemp
Ipomoea aquatica	water-spinach	(Sansevieria hyacinthoides)	
Jasminum dichotomum	Gold Coast jasmine	Elaeagnus pungens	silverthorn, thorny olive
Iasminum fluminense	Brazilian Jasmine	Elaeagnus umbellata	autumn olive, silverberry
Lantana strigocamara ²	lantana, shrub verbena	Epipremnum pinnatum cv.	pothos
Ligustrum lucidum	glossy privet	'Aureum'	
Ligustrum sinense	Chinese privet	Eulophia graminea	Chinese crown orchid
Lonicera japonica	Japanese honeysuckle	Ficus altissima	council tree, false banyan
Ludwigia peruviana	Peruvian primrosewillow	Flacourtia indica	governor's plum
Lumnitzera racemosa	black mangrove	Hemarthria altissima	limpograss
Luziola subintegra	Tropical American watergrass	Heteropterys brachtiata	redwing
Lygodium japonicum	Japanese climbing fern	Hyparrhenia rufa	jaragua
Lygodium microphyllum	Old World climbing fern	Ipomoea carnea subsp fistulosa	shrub morning-glory
Manilkara zapota	sapodilla	Kalanchoe x houghtonii	mother of millions
, Melaleuca quinquenervia	melaleuca, paper bark	Kalanchoe pinnata	life plant