

Herons Glen Homeowners Association, Inc.

Grounds Committee Community-Wide Landscape Standards

The Grounds Committee is responsible for preparing the "Community-Wide Landscape Standards" which are in accordance with Article XIII, as authorized by Article XII of the Restated Covenants, Conditions and Restrictions of Herons Glen, as recorded in the County Clerk's Office. The following are the "Community Wide Landscape Standards" that have been developed in coordination with Article XIII of the Restated Covenants, Conditions and Restrictions of Herons Glen.

As authorized by Bylaws of Herons Glen Homeowners Association, Inc Article IX Section 2 (b) the Grounds Committee is charged with monitoring compliance to provisions of Article V. Maintenance, and sections designated by Article XIII, Resident Use Restrictions, of the Declaration.

All homes, including homes located in sub-associations, are subject to the standards. Sub-associations may have additional more restrictive standards, rules and regulations but not less restrictive than the governing documents of the Herons Glen Homeowners Association.

Homeowners in the Fairways, Meadows and Solana must have proposed groundwork approved by their sub association before submitting the Grounds Request to the Grounds Committee for review.

Grounds Maintenance and Homeowner's Responsibilities

Lawns

HOMEOWNERS shall keep lawns bug free, disease free, weed free and fertilized year-round. Dead, dying or otherwise unhealthy lawns must be treated and/or replaced in a timely manner. All lawns must be maintained with the original type of St Augustine Floratam grass.

HOMEOWNERS shall keep sprinkler heads free of lawn growth for proper disbursement of water. No sprinkler or irrigation systems of any type shall be installed, constructed or operated within the lots or common property other than by the CLIS Owner. No private water system shall be constructed on any lot. See Community Wide Standards on Irrigation. Homeowners are responsible for contacting the Herons Glen Recreation District CLIS Irrigation Dept. for irrigation concerns affecting landscaping and lawn.

Lawn mowing is provided by the Herons Glen Homeowners Association (HOA).

Irrigation water and the operation & maintenance of the CLIS irrigation system is provided by the Herons Glen Recreational District (HGRD).

Shrubbery and Landscape Beds

HOMEOWNERS shall keep all shrubbery pruned to maintain a neat and tidy appearance. Shrubbery shall be kept trimmed, healthy, fertilized, bug and disease free. Shrubbery growth must be kept from extending onto sidewalks or neighbor's property.

HOMEOWNERS shall maintain all landscape beds, including beds around utility equipment, mailboxes and lampposts, weed free, with a defined edge, and covered at all times with either mulch, stone or rock. The mulch, stone, or rock in a landscape bed must all be of the same type and color with the exception of landscape beds shared by neighbors.

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For the purposes of the Community Wide Landscape Standards a shared landscape bed is treated as one landscape bed. This will apply to the application of either mulch, stone or rock covering in the landscape bed, placing potted live plants or decorative items in the landscape bed and landscape bed borders.

Exception: if the owners of the shared bed cannot agree on the same type of border or landscape bed cover, then bed must be separated or clearly defined as two separate landscape beds for the purposes of application of either mulch, stone or rock covering in the landscape bed, or a landscape bed border.

Each resident is responsible to maintain their side of the landscape bed.

HOMEOWNERS shall maintain landscaping to allow house numbers and lamppost lights to be clearly visible from the street.

HOMEOWNERS are responsible to maintain shrubbery around Fire Hydrants in accordance with the North Fort Myers Fire Department recommendations for Fire Hydrant access.

HOMEOWNERS are responsible to maintain shrubbery around Electrical Utility Boxes in accordance with Lee County Electric Cooperative recommendations for Electrical Utility Box access.

HOMEOWNERS shall remove and replace any individual dead, dying, diseased or damaged shrubbery and may remove and replace undesired shrubbery. Replacement of this shrubbery is permitted without approval, subject to the limitation below, and provided the replacement is the same as removed or from the Grounds Committee list of recommended shrubs, which is available at the HOA office or online at Heronglenhoa.org. Empty or partially empty landscape beds are not permitted.

Grounds Committee approval is required for the following landscape bed changes:

- (a) Replacement of all or a majority of the shrubs in a landscape bed.
- (b) The installation of additional shrubs to satisfy a violation notice received such as an empty or partially empty bed or mechanical equipment needing additional screening.
- (c) All modifications to the size or design of an existing landscape bed, installation of a new landscape bed, or removal of an existing landscape bed. Proposed changes to a resident's landscaping cannot conflict with the current "Landscape Guide for New Construction and/or Reconstruction."

HOMEOWNERS shall landscape all extended or enclosed lanais when visible to neighbors, golf course or roadways. Plantings must be a minimum of 12" in height and of such size and spacing to cover lower framework and shrub beds must be adjacent to lanai.

Landscape Bed Borders

Homeowners are permitted to install landscape bed borders without approval if border is installed in accordance with the standards.

Homeowners are permitted to have one type of landscape bed border per landscape bed consisting of either concrete curbing, stone, brick, or decorative block.

Landscape borders are not permitted to:

- be placed in areas that will prevent lawn mower access.
- cause drainage issues for adjacent property.
- exceed a height of approximately twelve inches over the level of the landscape bed adjacent to the border.

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All landscape borders are to be kept in a neat, clean and tidy appearance free of weeds and grass.

Concrete curbing that has become discolored must be painted or removed. Concrete curbing may be painted white, gray, tan, brown or the ARC approved color of the house or house trim.

Lawn mowers are not responsible for damages to landscape borders of any type.

Potted Live Plants

Homeowners are responsible for the removal of all pots including hanging pots when leaving their homes for an extended period of time and/or when threatening weather conditions exist.

Empty plant hangers, such as shepherd's hooks, are not permitted in landscape beds.

No more than a total of six (6) potted live plants are permitted (visible from the street). Of the six permitted potted live plants, the following conditions also apply:

- (a) No more than four (4) potted live plants are permitted to hang from trees.
- (b) No more than two (2) potted live plants are permitted in driveway.
- (c) No more than two (2) potted live plants are permitted on walkway.
- (d) Potted live plants are limited to ornamental plants, must complement the overall home's landscaping and each must be kept in a neat, clean, unbroken, and decorative pot.
- (e) Potted live plants must be kept trimmed, healthy, fertilized, bug and disease free.

Trees

HOMEOWNERS shall maintain at least one tall tree (a tree with a mature height of at least 15 feet) in their front yard. To satisfy the tall tree requirement, new plantings must be at least 6 feet tall with a mature height of at least 15' feet and must have approval from the Grounds Committee. Trees must be properly staked at initial installation and stakes must be removed within 12 months of installation if the tree is self-supporting.

HOMEOWNERS shall obtain Grounds Committee approval for removal of trees. The tree stump must be either: 1. Removed completely; 2. Ground down below the surface of the surrounding area; or, 3. If located in a landscape bed, cut down so that it is level with the surrounding area.

HOMEOWNERS shall keep tree growth from extending onto sidewalks or creating any unsafe conditions to sidewalks or neighbor's property.

HOMEOWNERS shall keep trees trimmed, healthy, fertilized, bug and disease free, according to "Best Tree Management Practices" and for required trees "Lee County Tree Maintenance Requirements".

HOMEOWNERS shall not plant Fruit trees in front yards or side yards bordering a street.

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Yard waste and Garbage

HOMEOWNERS shall place all garbage and trash in containers with the exception of yard waste. Garbage cans and other similar items shall be located or screened so as to be concealed from view of neighboring units, streets, and property located adjacent to the unit. Garbage cans or trash shall not be placed at curbside until 6 p.m. the day before scheduled pickup.

HOMEOWNERS shall not place garbage and trash in plastic bags at curb side until the morning of pick-up to avoid attracting animals.

HOMEOWNERS shall bundle, bag or place in containers all yard waste for weekly curbside pickup. Yard waste items shall be cut to no more than six feet in length. Yard waste shall not be placed at curbside, including the sidewalk and areas next to the sidewalk, until 6 PM the day before scheduled pick-up.

Animals and Pets

Animals and Pets are permitted in accordance with Article XIII Residential Use Restrictions, Section 4. Restrictions.

HOMEOWNERS shall not have more than three (3) household pets in a home.

HOMEOWNERS when allowing pets outside shall at all time keep pets confined on a leash and controlled by a responsible person and shall be responsible for the removal of solid pet waste and proper disposal of the same.

All Animals and Pets must be kept in compliance with Lee County Ordinance #09-20.

Decorations

These Landscape Standards apply to decorations placed in landscape beds, driveways, sidewalks or otherwise not attached to home (*including, but not limited to: sculptures and nameplates*)

Decorations shall not be offensive in any manner or nature. The Grounds Committee will have the authority to make the determination of offensive.

Artificial Flowers, plants and trees are not permitted with the exception of front entry door wreaths, which are permitted.

Decorations shall have a height of no more than four (4) feet or a diameter of no more than three (3) feet and shall not be placed on the lawn. Decorations are limited to plant beds, driveways, entries, and walkways. No more than two (2) decorative items may be placed on any driveway and may not block ingress and egress to home. (HOLIDAY DÉCOR IS EXCEPTED)

Decoration(s) must complement the overall home's landscaping and be kept neat, clean, unbroken, and not otherwise unsightly rusted or faded. Total Decorations shall be limited to no more than six (6).

Holiday and Special Event Decorations: Special events (e.g. sports games, birthdays, anniversary, etc.) decorations are permitted for that day only. Christmas or other Holiday decorations will be permitted starting the Monday before Thanksgiving and must be removed by January 10. For all other Holiday times decorations are permitted, but only for a period not to exceed 7 days during the time of the Holiday.

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Homeowners are responsible for the removal of all exterior decorations when leaving their homes for an extended period of time and/or when threatening weather conditions exist.

Covenants, Conditions and Restrictions of Herons Glen

ARTICLE V, MAINTENANCE

Section 2. Owner's Responsibility. Each Owner shall maintain his or her Lot and all structures, parking areas and other improvements thereon. Owners of Lots which are adjacent to any portion of the Common Properties or Recreational Facilities on which walls have been constructed shall maintain that portion of the Common Properties and Recreational Facilities, which lies between the wall and the Lot boundary. Owners of Lots fronting on any roadway within the Properties shall maintain driveways serving their respective Units and shall maintain landscaping on that portion of the Common properties, if any, or right-of-way between the Lot boundary and the nearest street curb. Owners of Lots fronting on the water's edge or upon greenbelt buffer fronting the water's edge of any lake or other body of water within the Properties or the Recreational Facilities shall maintain and irrigate all landscaping between the Lot boundary and such water's edge; provided, the Owners shall have no right to remove trees, shrubs or similar vegetation from this area without prior approval pursuant to the Governing Documents. Owners of Lots on which privacy walls have been built and Owner's of Lots which are adjacent to privacy walls shall maintain the portion of the privacy wall located on or adjacent to their Lots; provided, however, the Association shall maintain all privacy walls designated as Common Property. The Association may perform the Owner's landscape maintenance responsibilities as provided in Section 3 hereof.

ARTICLE V, SECTION 5. MODIFICATIONS TO THE STORM WATER MANAGEMENT SYSTEM.

(c) The Association, the District, and any Owner shall not take any action which modifies the Storm Water Management System in a manner which changes the flow of drainage of surface water, except to the extent the same is approved by the requisite governmental or quasi-governmental authorities.

ARTICLE XIII, RESIDENTIAL USE RESTRICTIONS

Section 4. Animals and Pets. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any portion of the Properties, except that dogs, cats, or other usual and common household pets not to exceed a total of three (3) such pets may be permitted in a Unit. No pets are permitted to roam free. If the owner fails to honor such rule, the pet may be removed or a fine or other penalty may be imposed by the Board of Directors. No pets shall be kept, bred, or maintained for any commercial purpose. Household pets shall at all times whenever they are outside a Unit be confined on a leash held by a responsible person. Persons walking pets shall be responsible for removing solid pet waste and properly disposing of the waste.

Section 5. Annoyances. No portion of the Properties shall be used, in whole or in part, for the storage of any property or thing that will cause it to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept upon any portion of the Properties that will emit foul or obnoxious odors or that will cause any noise or other condition that will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property. No noxious, illegal or offensive activity shall be carried on upon any portion of the Properties, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to any person using any portion of the Properties. There shall not be maintained any plants or animals or device or thing of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of the Properties. No outside burning of wood, leaves, trash, garbage or household refuse shall be permitted within the Properties.

Section 6. Unsightly or Unkempt Conditions. It shall be the responsibility of each Owner to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on his or her Lot. The pursuit of hobbies

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or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles and other mechanical devices, which might tend to cause disorderly, unsightly, or unkempt conditions, shall not be pursued or undertaken on any part of the Properties.

Section 8. Clotheslines, Garbage Cans, Tanks, Etc. All clotheslines, garbage cans, storage tanks, mechanical equipment and other similar items except generators shall be located, or screened by landscaping, so as to be concealed from view of neighboring Units, streets, and property located adjacent to the Unit. All generators shall be approved prior to installation and shall be landscaped so as to ensure safe operation of the generator. Any tank for generator fuel storage must be buried. No fuel storage above the ground is allowed. All rubbish, trash, and garbage shall be stored in appropriate containers with lids and regularly removed from the Properties and shall not be allowed to accumulate thereon. (Includes amendment- instrument #2019000009689 recorded on 1/14/2019.)

Section 12. Irrigation. No sprinkler or irrigation systems of any type shall be installed, constructed or operated within the Lots or Common Property by any Person, other than the CLIS Irrigation System Owner or its affiliates or assigns.

Section 13. Tents, Trailers and Temporary Structures. No tent, utility shed, shack, trailer or other detached structure shall be placed upon any Lot or Unit.

Section 15. Tree Removal. No trees shall be removed, except for diseased or dead trees and trees needing to be removed to promote the growth of other trees or for safety reasons, unless approved in accordance with the Governing Documents.

Section 16. Sight Distance at Intersections. All property located at street intersections shall be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain where it would create a traffic or sight problem.

Section 20. Artificial Vegetation, Exterior Decorations and Similar Items. Artificial vegetation, with the exception of such as door wreaths, shall not be permitted on the exterior of any part of the properties. Exterior decorations, including, without limitation, sculptures, fountains, flags, flagpoles and similar items must be approved in accordance with the Governing Documents.

Section 23. Fences. No dog runs, animal pens or visible fences of any kind shall be permitted on any Lot, except for a community boundary fence if approved by the Association.

Section 29. Play Equipment. All play equipment and similar items shall be stored so as not to be visible from streets or property adjacent to the Unit. No such items shall be allowed to remain on the Common Property or on Units so as to be visible from adjacent property when not in use.

History: Adopted at the 7/12/06 HOA Board Meeting; amended at the January 9, 2008 HOA Board Meeting; amended at the 07/15/09 HOA Board Meeting; amended at the 07/14/10 HOA Board Meeting; amended at the 09-12-12 HOA Board Meeting; amended at the 01-14-15 HOA Board Meeting; amended at the 1-11-17 HOA Board Meeting. amended at the 12-11-19 HOA Board Meeting; amend at the 2-10-2021 HOA Board Meeting.