

Cottages on Ali'i Drive Design and Landscaping Guidelines

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Design & Landscaping Guidelines
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1. Purpose.

The Cottages on Ali'i Drive Design & Landscaping Guidelines ("Design Guidelines") are binding rules that also provide information as to how to obtain approval for a specific project. These covenants were created to ensure a harmonious aesthetic relationship within the Cottages on Ali'i Drive project ("Project") and are under the jurisdiction of the Cottages on Ali'i Drive Design Committee ("CADDCC"). These Design Guidelines apply to all modifications, additions, or alterations made on or to an existing Lot. Capitalized terms not defined in these Design Guidelines shall have the same meaning as those terms in the DCCRs. The term "Lot" used in these Design Guidelines is the same as defined in the DCCRs and include a dwelling, residence, garage, storage or any structure on the Lot.

- 1.1 The following review procedures and design guidelines have been created to preserve the overall appearance of the Project and are subject to revision at any time without notice, at the sole discretion of the CADDCC. The Applicant shall be responsible for verification of all required governing modification.
- 1.2 Failure of the Applicant and/or Applicant's authorized agent ("Authorized Agent") to comply with these guidelines could result in the Applicant being required to remove, at the Applicant's sole cost, the constructed modification. The Applicant may also be assessed a fine for non-compliance with established guidelines. The "Applicant" is the Lot Owner who is submitting a Design Committee Application Form, and supporting or related documents to the CADDCC.
- 1.3 In the event of any conflict between or among the various documents and laws, the most restrictive governing provision, law, code or ordinance shall take precedence.

2. Submittal Requirements and Fees

- 2.1 All proposed modifications, additions or alterations to a Lot (including yard area), shall be approved by the CADDCC, except for the following:
 - a. Repainting the exterior of a Lot in accordance with an originally approved color scheme
 - b. Rebuilding a Lot in accordance with originally approved plans and specifications
- 2.2 Although approval is not required by the CADDCC for modifications listed above, the Applicant shall notify the CADDCC prior to commencing work.
- 2.3 Regardless to how minor the proposed modification, addition or alteration may be, it shall be submitted to the CADDCC for review and approval, unless specifically exempted in writing by the CADDCC or as set forth in these Design Guidelines.
- 2.4 Review fees will be established on a case-by-case basis depending on the scale, scope and complexity of the associated review process, but in no event, unless stated on the CADDCC application, shall a review fee be less than \$150.00 unless the CADDCC waives the fee because the simplicity of the review. The CADDCC, at its sole discretion, may use

consultants to process and evaluate the applicant's proposal. The cost of the third party review shall be borne by the Applicant.

3. Design Review Procedures for Modifications Not Requiring a Government Permit

- 3.1 **Initial Submittal:** A minimum of four (4) copies/samples of the following shall be submitted to the CADDCC, c/o Hawaiian Properties, 1165 Bethel Street, Suite 100, Honolulu, HI 96813.
- a. Completed "Design Committee Application Form"
 - b. Site Plan. Submit site plan to verify Lot location within the Project.
 - c. Building Plans. Show floor plan (top view). Building plans shall include specifications for the type and finish of all exterior materials. Colors used shall match the design intent and originally specified color scheme of the project and should not "stand out." Swatches of the proposed new colors shall be provided.
 - d. Applicable Fee(s). Enclose check or money order payable to: Cottages on Ali'i Drive Homeowners Association (if required). The CADDCC shall establish a fee schedule.
 - e. The CADDCC may require that the Application Form, Site Plan and Building Plans be submitted electronically.
- 3.2 The CADDCC shall review the submittal within thirty (30) calendar days after receipt and shall issue a letter of approval, disapproval or a request for additional information. The time for CADDCC review does not begin until all required documents and applicable fees are received from the Applicant. If the CADDCC fails to give a written response within the 30-day period, the plans shall be deemed approved. However, the CADDCC may request an extension from the Board of Directors of the Association ("**Board of Directors**") for reasonable cause and such extension, if granted, shall control. Failure of the Applicant to respond to the CADDCC's request for additional information shall not be counted in the 30-day approval timeline and shall constitute grounds for disapproval.
- 3.3 **Subsequent Submittals:** If CADDCC does not approve the project, the Applicant will be notified and the entire submittal will be returned with appropriate comments.
- 3.4 The fact that an Owner has scheduled work, arranged financing, entered into a contract for materials or labor, or claims he/she will suffer alleged hardship, shall not be a basis for CADDCC approval.

4. Minor Modifications:

- 4.1 The following guidelines apply to all Lots within the Project:
- a. **Covering for exterior hard surfaces.** Surfaces should be neutral in color and shall be consistent with the overall design intent of the Project. No artificial turf or vinyl surfacing will be allowed.

- 4.2 **Name Plates and House Numbers.** Existing signage may not be modified in any way.
- 4.3 **Decorations.** In general, tacked-on house decorations shall not be approved.
- a. No individual decorative enhancements to exteriors of buildings is permitted, including without limitation shutters, trim, lattice, awnings, window planters and pot shelves.
 - b. Notwithstanding the foregoing:
 - i. decorations for holidays or special holidays are exempt and need not be submitted for approval, provided that they are constructed, installed, and/or applied, no sooner than thirty (30) days before the event and are removed within fifteen days after the event.
 - ii. decorations for special occasions such as birthdays or graduations are exempt and need not be submitted for approval, provided that they are constructed, installed, and/or applied on the same day as the event are removed within twenty-four (24) hours after being constructed, installed and/or applied.
- 4.4 **Window Coverings.** Window Coverings should be neutral in color and approved by CADDCC. Material samples showing style and texture shall be submitted for approval.
- 4.5 **Window Tint.** Tinting of windows will be reviewed on a case-by-case basis. Reflective tint will not be approved. Dark tint will not be approved.
- 4.6 **Drop Blinds.** Drop blinds for lanais and balconies may be used provided they meet the following criteria:
- a. Blinds shall be rolled and/or adequately tied down when not in use and during periods of high winds to avoid annoyance to adjacent Owners.
 - b. Blinds shall be of a woven poly-mesh material in an oatmeal, off white color only.
- 4.7 **Signs.** No signs shall be erected or installed within the Project except:
- a. Signs required by legal proceedings.
 - b. Residential identification signs (e.g. address numbers, name of owner), subject to the approval of the CADDCC as to suitability, with a maximum face area of two (2) square feet
 - c. Construction signs required notifying the public of temporary unsafe conditions at the construction site during construction or as required by law or building code.
 - d. Not more than one “for sale” or “for rent” sign per Lot may be erected within the Project per Lot, and such sign may not exceed two (2) feet by three (3) feet. In

addition to the foregoing, for a period of one (1) year following the sale of any Lot to an Owner by the Declarant, the Owner shall not display any “for sale” signs (or any other signs of a similar nature advertising the Lot for sale) on or at such Owner’s Lot, Common Area, or areas dedicated to the County or the State of Hawaii or any agency or agencies thereof; provided, however, that the foregoing prohibition shall not apply to any mortgagee in possession.

e. Security system signs.

- 4.8 **Exterior Security Lighting.** No exterior lighting may be added to a Lot, except for security lights around the dwelling, provided any hard wiring connected to the security lighting shall not adversely impact the appearance of the home. Exterior visible solar power panels connected to exterior security lighting are not authorized. The light illumination shall be downward facing and directed around the dwelling and not towards neighboring properties.
- 4.9 **Security Cameras.** Lots may install wireless exterior security cameras, provided any hard wiring connected to the security cameras shall not adversely impact the appearance of the home. Cameras shall be installed under eaves or front entry/lanai beams to minimize visibility from the Lot frontage or neighboring property.
- 4.10 All minor-modifications not listed herein shall follow established Project documents. If there are any questions with regards to whether any modification requires approval, what fees may be involved, or for any other information, please contact the Property or Site Manager.
- 4.11 Each Owner shall be responsible for disposing of construction waste and debris, and for keeping the public, private and common areas surrounding his property free of waste and debris at all times during construction.

5. Design Review Procedures for Modifications Requiring a Government Permit

- 5.1 **Initial Submittal:** A minimum of four (4) copies of the following shall be submitted to the CADDCC, c/o Hawaiian Properties, 1165 Bethel Street, Suite 100, Honolulu, Hawaii 96813.
- a. Completed “Design Committee Application Form”
 - b. Site Plan. Submit site plan to verify lot location within the project.
 - c. Outline. Submit a written outline describing the design intent, scope and schedule. In addition, all necessary information related to zoning issues or existing utilities shall be clarified.
 - d. Plot Plan (scale 1 inch=20 feet). The plot plan provided by CADDCC at the time of the original sale contains all the required information except the outline of the proposed modification. If the original plot plan is unavailable, prepare a plot plan showing the lot dimensions, property lines, drainage swales, adjacent streets, existing dwellings and improvements, including fences and trash enclosures. Proposed improvements should be emphasized. (Either darkened or shaded.)

- e. Building plans and elevations. Show floor plan (top view), roof plan and all elevations front, rear, and side views. Most important, a cross-section of the point of the roof connection shall be provided. Building plans shall include specifications for the type and finish of all exterior materials, which should match the existing materials and colors as closely as possible. If the structure or structures are to be finished in a different color, swatches of the proposed new colors shall be provided.
 - f. Applicable Fee(s). Enclose check or money order for \$150.00 Per Application payable to: Cottages on Ali'i Drive Homeowners Association.
 - g. The CADDC may require that all documents (except checks or money orders) be submitted electronically.
- 5.2 The CADDC shall review the submittal within thirty (30) calendar days after receipt and shall issue a letter of approval, disapproval or a request for additional information. The time for CADDC review does not begin until all required documents are received from the Applicant. If the CADDC fails to give a written response within the 30-day period, the plans shall be deemed approved. However, the CADDC may request an extension from the Board of Directors for reasonable cause and such extension, if granted, shall control. Failure of the Applicant to respond to the CADDC's request for additional information shall not be counted in the 30-day approval timeline and shall constitute grounds for disapproval.
- 5.3 **Subsequent Submittals:** If the CADDC does not approve the plans, the applicant will be notified and the entire submittal will be returned with appropriate comments. All copies of the plans shall be revised prior to resubmission.
- 5.4 The fact that an Owner has scheduled work, arranged financing, entered into a contract for materials or labor, received approval from City & County agencies or claims he/she will suffer alleged hardship, shall not be a basis for CADDC approval.
- 5.5 The CADDC's approval of the plans in no way constitutes any assumption of liability or responsibility or as a substitute for government permits. If government approvals alter what has been approved by the CADDC, the Applicant shall resubmit the plans to the CADDC, clearly identifying any changes to the previously approved documents.
- 5.6 Post government permits in view from the street prior to construction.
- 5.7 Approvals for modifications, additions, or improvements have an expiration date one year from the date of issuance.
- 5.8 If at any time after commencement of construction, more than two (2) months have passed without substantial/significant progress toward completion of any project for which the CADDC has granted approval, the committee may declare all approvals null and void; and the Owner shall submit a new application for CADDC approval, along with relevant plans and specifications, as amended. The Owner will be responsible for any review fees in effect at the time of re-submittal. Determination of a lack of substantial and/or significant progress in a project will be made by a majority vote of the members of CADDC.

- iii Note: CADDC shall not be bound by any previous decision when considering plans and specifications re-submitted to the Committee as a result of an Owner exceeding the time requirements for completion of any project.

6. Construction Requirements

- 6.1 **Construction Value.** There is no limitation regarding the value of homes or improvements on Lots. It is recognized, however, that the standards established herein imply value of a first class project.
- 6.2 **Regulatory Requirements.** All work shall comply with the Hawaii County Zoning Code, Ordinance, applicable building codes, and Americans with Disabilities Act Accessibility Guidelines and the Federal Fair Housing Act, when applicable.
- 6.3 **Contractor Requirements.** Licensed contractors shall perform all projects requiring a permit. The Contractor shall carry the minimum insurance required by the Project and shall use subcontractors and employees that are responsible and trustworthy.
- 6.4 **Materials.** All materials used for structures shall be termite and fungus free, and shall be new. Materials shall not be garish by their nature as a result of their use with other materials. A mix of materials will be approved only if the materials complement each other. The availability of a material to be used shall not be a basis for approval. Ownership of, or interest in a material distributorship, construction company, or franchise shall not be a basis for approval.
- 6.5 **Grading.** The Owner shall accept the condition of the Lots as is and shall be responsible for the maintenance of the Lot, including wind and water erosion control and landscaping. All grading, excavation, fill or site work required by Owner for landscaping or lot alterations, following acceptance of the lot by the Owner, shall be done only in accordance with approved drawings and at the expense of the Owner. Fill material brought to the site shall be free of adobe, termites and deleterious matter. All graded areas shall be landscaped. No surface water runoff, nor any design thereof, shall permit the direct flow or discharge of run off to any other Lot.
- 6.6 **Storm Drainage.** Surface drainage, including swales, drainage inlets, and all other drainage facilities, shall not be altered or obstructed in any way. Any drainage swale altered during a modification or alteration on an Owner's lot shall be reconstructed to be functional. Surface runoff shall be dispersed or channeled in a manner to prevent erosion or encroachment onto adjacent property, and only in accordance with approved grading plans. No surface water runoff, nor any design thereof, shall permit the direct flow or discharge of run off to any other Lot.
- 6.7 **Common Area Restoration.** A licensed, professional landscape company shall restore all disturbed common area to its original appearance. All material damaged shall be replaced with new plant material that is similar in size and maturity to the existing material. Owner shall maintain and warrant landscaping for a period of 90 days.
- 6.8 **Excavation.** Whenever an Owner excavates within his Lot, it shall be done so as not to adversely affect the drainage of any adjacent properties. Whenever excavation creates an

unstable bank condition, or potentially unstable bank condition, the Owner shall take appropriate action to control and retain embankment. Excavation that creates an unsightly (in the judgment of CADDCC) retaining wall will be disapproved.

- 6.9 **Fill.** Whenever an Owner seeks to fill portions of his Lot, it shall be done so as not to adversely affect any adjacent properties. Whenever fill or excavation requires the construction of a retaining wall it shall be the Owner's responsibility to install and maintain the retaining wall. Further, wherever fill or excavation causes destruction of existing drainage swales or natural drainage patterns, it shall be the Owner's responsibility to restore such swales and drainage patterns or to otherwise provide for adequate drainage. Fill and excavation shall require prior approval of the CADDCC.
- 6.10 **Utilities.** All residential utility, electric, and telephone service lines shall be underground. Existing utilities should not be damaged. If damaged, the Owner will be responsible for costs of repairs.
- 6.11 **Sanitation.** All sanitary and water piping shall be concealed.
- 6.12 **Disposal of Construction Waste and Debris.** Each Owner shall be responsible for disposing of construction waste and debris, and for keeping the public, private and common areas surrounding his property free of waste and debris at all times during construction.

7. **Modification Guidelines**

- 7.1 **Barbeque Pits (Built In).** Barbeque pits which are visible from the street or adjacent property shall be submitted to CADDCC for review and approval.
- 7.2 **Dog Houses, Hot Houses, Storage and Tool Sheds.** Doghouses, hot houses, storage, tool sheds and similar structures that are visible from a street or adjacent property shall be submitted to CADDCC for review and approval.
- 7.3 **Tents and Temporary Structures.** Tents and temporary structures such as lean-to's, luau enclosures, etc., may be erected in the Lot's rear yard area without CADDCC approval, provided the Owner shall not continue to use the structure beyond the special event for which it is planned and shall expeditiously remove the tent or temporary structure after its use. The structure may be erected a maximum of 24 hours prior to the end and shall be allowed to remain in place for a total period not to exceed 72 hours.

LANDSCAPING GUIDELINES

The following landscape guidelines apply to the common areas and individual lots within the Project. All proposed landscape improvements on each lot shall be subject to prior review and approval by the CADDCC or if the CADDCC has not been formed then by the Board of Directors.

A. General

No Owner, occupant, or guest may disturb, cut, trim, damage or remove any of the trees located in the landscaped areas adjacent to roadways, parks, guest parking areas or other Common Areas of the Project, nor disturb, cut, trim damage or remove in any way any other plants, shrubs, groundcover or other elements of landscaping placed or planted on any of the Common Areas of the Project. No Owner, occupant, or guest may plant, put, place, store, maintain, or affix any plants, planters, statues, water features, or objects of any kind upon or in any portion of the Common Areas.

The drainage facilities within the Project were designed to comply with County standards, and any alteration to the facilities may adversely impact the Project. Accordingly, no Owner, occupant, or guest may: (i) alter the original grading or slope of a Lot's yard area; (ii) alter any vegetative swale including the grading or landscaping within such swale; (iii) modify or disturb any drainage swales or drainage facilities as originally designed; (iv) obstruct or otherwise impede any swales or drainage channels located within the Common Areas; or (v) plant any vegetation within any vegetative swales. All drainage facilities will be solely maintained by the Association.

B. Yard Area

Owners shall landscape the front yard area in their Lot within three (3) months of deeded ownership and the remaining grounds of the Lot within nine (9) months after deeded ownership. All installed landscaping shall be in accordance with the Design Guidelines approved by the CADDCC or if the CADDCC has not been formed, then by the Board of Directors. Owners shall submit landscaping plans to the CADDCC for approval pursuant to the procedures set forth in this Design Guidelines, Section 3, Design Review Procedures for Modifications Requiring a Government Permit.

Owners are responsible for cutting, trimming, removing, and maintaining any landscaping within their Lot. If the homeowner fails to adequately maintain the yard area, the Association will retain the right to enter and maintain upon 5 days written notice. All costs for such work will be charged to the legal Owner of the Lot.

C. Setback

Owners shall not erect, place, or maintain any building or structure whatsoever in any set back area, except approved landscaping, fences, or walls between any street boundary in the Project and setback lines along such boundary, unless otherwise approved by the CADDCC.

D. Storage

All dumpsters, garbage cans, above-ground tanks of any kind, and other similar items shall be located or screened as to be concealed from view from any neighboring Lots, sidewalks, streets, or Common Areas.

E. Irrigation

No sprinkler or irrigation systems of any type shall be installed in any Lot without a backflow preventer, specified as FEBCO Lead Free Series LF 825Y or an approved equivalent.

The following are recommended water conservation practices that will optimize the watering operations of a landscape irrigation system:

- 1.2 Operate irrigation systems during the evening and early morning hours to minimize water loss due to evaporation.
- 1.3 Lawn areas should be zoned separately from shrub and ground cover areas to conserve water due to differing water needs.
- 1.4 Install automatic controllers to provide a more precise control of water application than manually controlled irrigation systems.
- 1.5 Install drip or trickle irrigation systems wherever practical in non-lawn areas.

F. Plant Materials

Plant materials shall be selected based on ecological habitats, disposition of exposures, predilections for soil types, sensitivity to moisture, and climate limitations. In addition, the choice and arrangement of plants should respect growth rates, ultimate form, color, texture, and seasonal variations. A “General Plant Material List” is attached for reference and should be used in planning the landscaping of the yard areas in a Lot. The CADDCC shall consider the use of plants not designated on this list and may approve or reject such plants in its sole discretion.

G. Plant Sizes.

Although the “General Plant Material List” is attached, some of the plants may violate the restrictions set forth in the Declaration regarding the size of tree canopies and the size of the root system and will not be approved even though set forth in the attached said plant material list.

GENERAL PLANT MATERIAL LIST

1. STREET TREES

Botanical Name

Callistemon viminalis
Cassia javanica x fistula
Koelreuteria Formosan

Common Name

Bottlebrush
Rainbow Shower
Golden Raintree

2. TREES

Botanical Name

Baccharis pilularis
Bucinda buceras
Callistemon viminalis
Cassia javanica x fistula
Cassia species
Chrysophyllum pruniferum
Clusia rosea
Coccoloba uvifera
Conocarpus erecta
Cordia subcordata
Erythrina sandwicensis
Ficus lyrata
Filicium decipiens
Grevillea robusta
Hernandia Sonora
Koelreuteria Formosan
Melaleuca leucandendra
Messerschmidia argenta
Mimusops caffra
Noronhia marginata
Ochrosia oppositifolia
Olea europa
Pandanus odoratissimus
Parkinsonia aculeate
Plumeria species
Pongamia pinnata
Samania saman
Tabebuia argenta
Tabebuia donnell-smithii
Terminalia catappa
Thespesia populnea
Thevetia nerifolia

Common Name

Saltbush
Geometry Tree
Bottlebrush
Rainbow Shower
Shower Trees
Satin Leaf
Autograph Tree
Seagrape
Silver Buttonwood
Kou
Wili-Wili
Fiddle-leaf Fig
Fern Tree
Silk Oak
Jack-in-the Box
Golden Raintree
Paperbark Tree
Beach Heliotrope
Elengi
Madagascar Olive
Ochrosia
Olive Tree
Hala
Jerusalem Thorn
Plumeria
Pongamia
Monkeypod Tree
Silver Trumpet Tree
Gold Tree
False Kamani
Milo
Be-Still Tree

3. PALMS

Botanical Name

(SMALL)

Adonidia merrillii
Chrysalidocarpus lutescens
Cycas circinalis
Rhaphis escelsa

(LARGE)

Cocos nucifera
Livistonia chinensis
Mascarena species
Phoenix canariensis
Phoenix dactylifera
Pritchardia pacifera
Roystonea elata
Trachycarpus fortunei
Washingtonia robusta

Common Name

Manila Palm
Areca Palm
Cyad Palm
Rhaphis Palm

Coconut Palm
Chinese Fan Palm
Bottle Palm
Canary Islands Date Palm
Date Palm
Fiji Fan Palm
Royal Palm
Windmill Palm
Washingtonia Palm

4. SHRUBS

Botanical Name

Acaypha wilkesiana
Agapanthus africanus
Agave species
Aloe vera
Antirrhinum majus
Bougainvillea species
Carissa grandiflora
Cestrum nocturnum
Chrysanthemum species
Codianium variegatum
Cortaderia sellowiana
Crinum species
Cphea hyasopifolia
Draceana marginata
Euphorbia splendens
Feijoa sellowiana
Gardenia jasminoides
Ixora coccinea
Lantana camara
Nerium oleander
Philodendron species
Pittosporum tobira
Plumbago capensis
Podocarpus maacrophylla
Raphiolepis indica
Russelia equisetiformis
Salvai species

Common Name

Beefsteak Plant
Lily of the Nile
Century Plant
Alor
Snapdragon
Bougainvillea
Natal Plums
Night Blooming Jasmine
Chrysanthemum
Croton
Pampas Grass
Spider Lily
False Heather
Dragon Tree
Crown of Thorns
Pineapple Guava
Gardenia
Ixora
Common Lantana
Oleander
Philodendron
Pittosporum
Plumbago
Podocarpus
Kokutan
Coral Plant
Salvia

Scaevola frutescens
Strelitzia reginae
Vinca minor

Beach Naupaka
Bird of Paradise
Dwarf Periwinkle

5. GROUND COVERS

Botanical Name

Alernanthera species
Asparagus species
Carpobrotus adulis
Gazania splendens
Ipomoea pes-caprae
Lantana montevidensis
Liriope spicata
Lonicera japonica
Mondo japonicum
Polypodium phymatodes
Portulaca grandiflora
Pothos aureus
Rhoeo discolor
Sansevieria species
Senecio confusus

Common Name

Blood Leaf
Asparagus Fern
Hottentot Fig
Gazania
Beach Morning Glory
Weeping Lantana
Liriope
Japanese Honeysuckle
Mondo Grass
Laua'e Fern
Portulaca
Pothos Vine
Oyster Plant
Snake Plant
Mexican Flame Vine

6. VINES

Botanical Name

Allamanda species
Campsis radicans
Cassia bicapsularis
Cryptostegia grandiflora
Ficus pumila
Hylocereus undatus
Ipomea species
Jasminum multiflorum
Pyrostegia ignea
Solandra guttata
Tecomaria capensis
Wedelia trilobata
Trachelospermum jasminoides

Common Name

Allamanda
Trumpet Vine
Cassia Vine
India Rubber Vine
Creeping Fig
Night Blooming Cereus
Morning Glory
Downy Jasmine
Haupala Vine
Cup of Gold
Cape Honeysuckle
Wedelia
Confederate Jasmine

7. GRASSES

Botanical Name

Cynodon dactylon
Cynodon hybrids
Paspalum 'Excalibur'
Stenotaphrum secundatum
Zoysia species

Common Name

Common Bermuda Grass
Hybrid Bermuda Grass
Excalibur Seashore Paspalum Grass
St. Augustine Grass
Zoysia Grass