

Wildlife Friendly Landscapes in Deed Restricted Communities: Strategies for Communicating with HOA's

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So, you want to transform your yard into something more environmentally and wildlife friendly but live in a community with landscaping restrictions and/or approval requirements. There are things you can do to make your new landscape fit into the neighborhood while reducing the need for maintenance and attracting the local fauna. Understanding the rules and communicating effectively with your HOA board or Architecture Committee is key. More often than not, problems arise from misconceptions in what needs to be done to make a yard “Florida-friendly” or wildlife friendly, what the finished product will look like, and how it will affect property values.

First, become familiar with what is needed to make a yard wildlife or environmentally friendly and the rules that will restrict what you can do. THE FLORIDA-FRIENDLY LANDSCAPING™ program (FFL) was established in 1994 to promote environmentally friendly landscapes that conserve water and protect the environment by reducing the need for fertilizers and pesticides. This includes choosing plants adapted to local conditions and that therefore are more tolerant to drought, more resistant to insects and other pests, and do not require frequent fertilization. These include our native plants which have the added benefit of serving as food sources for the wildlife with which they normally coexist. It is important to note that most non-native plants do not provide significant, usable food to local wildlife. Choosing native plants in your landscaping is one step in creating a yard that is both Florida-friendly and wildlife friendly.

Read your HOA's guidance on landscape requirements and the approval process to learn what is acceptable in your particular neighborhood. Try and work within these parameters when you plan out your new landscape. Make sure you understand what rights the law does and does not give you in converting your property to a Florida-friendly landscape. State statutes are included at the end of this document for reference. Barbara Billiot Stage, Esq. summarized the meaning of these statutes in a presentation to UF IFAS. Homeowners association (HOA) covenants, restrictions and ordinances may not prohibit Florida-Friendly Landscaping™ practices, however they may apply reasonable limits. The laws do not invalidate HOA architectural control committees or landscaping committees but they are of course required to work within the law.

Ms. Stage clarified with examples: state statutes forbid prohibitions on things like reasonable and appropriate use of mulch, use of plants attractive to wildlife such as butterfly or hummingbird gardens or other non-nuisance wildlife; use of attractive, well-suited plants in the landscape in favor of other plants that are less suitable to the site; establishment of swales, rain gardens, waterfront buffers or other protective practices; and use of composting bins, rain barrels, etc. They do NOT prohibit setting reasonable limits on Florida-friendly landscaping, such as requirements that landscapes be well maintained, or limit particular elements of a Florida-friendly landscape — such as a butterfly garden, composting bin or rain barrel — to a backyard, side area, or screened area.

Second, communicate what you want to do in a way that shows your property will still conform aesthetically to the neighborhood requirements. Include a plan that maps out what you want to do on a survey of your property, that clearly shows you conform to requirements, and that shows the finished product will look good. Strategies may include the following:

Conform to traditional layouts and overall look – Locate new native plants in existing or conventionally located beds (around house and trees; along fences). Layer taller plants or shrubs toward the back and

shorter ones in the front. Group like plants together for a cohesive look. Keep trees or add one if you do not already have one.

Florida and wildlife friendly yards may have more plant beds and less lawn than most yards, since grass requires high chemical maintenance and is of low value to wildlife. Find out how much turf you are required to keep (or the least amount already in a neighboring yard). Expand bedding area if desired/possible. In your plan show layouts that clearly include the required grassy areas. Layouts that include deeply curved plant beds with ribbons of turf located along the roadway give the impression of larger grassy areas with traditional (but expansive) plant beds near the house.

Choose native plants with characteristics desired by the HOA. Usually, this means shrubs that have neat forms or can be trimmed into well-maintained forms (especially in the front of the property), trees with wide canopies for shade, and plants with colorful flowers and full foliage. These characteristics will help HOA board members understand that FFL yards are not so visually different from traditional yards and that “drought-tolerant” does not mean “arid” or scraggly and “native” does not equate to “weedy”! Include (good, aesthetically pleasing) pictures of the plants you are choosing. Use Audubon’s Plants for Birds database to help: <https://www.audubon.org/native-plants>

Position elements that may be controversial in appearance (rain barrels, composting bins, etc.) in the rear of the property and note on your plan how they will be screened from public view with fencing, shrubs, etc.

Third, you may want to include brief notes on the value of the new landscaping. Because these plants are adapted to local conditions they will fare better and look better during periods of heat, drought, and fertilizer restrictions. And because they require less water, fertilizer, and pesticides (equating to lower maintenance bills for you) they are better for the environment, conserving limited water resources and reducing pollution in run-off (good for everyone). Plus, native plants support more wildlife by providing natural food sources. It might also be helpful to include a brief note on why you chose particular plants (“hummingbirds [or butterflies] will feed on the nectar of these flowers”; “the berries on these shrubs will help feed migrating birds”, etc.). Because many people value seeing wildlife, having yards in the neighborhood that attract wildlife may also make properties more appealing to buyers!

So, sit down and design that beautiful bird haven you always wanted. With careful planning and thoughtful communication you can greatly increase your chances of turning the idea into reality. Good luck and happy planting!

UF IFAS Extension Document ENH 1164. Ten Strategies for Working with Your Home Owner Association to Convert a Florida-Friendly Yard. Gail Hansen and Claire Lewis.

UF IFAS Extension Document ENH 1258. Perceptions of Florida Friendly Landscapes: Linking Visual Quality and Environmental Health Through Landscape Codes. Gail Hansen, Laura Warner, Paul Monaghan, Emily Ott, Tim Fogarty, Claire Lewis, and Esen Momol.

UF IFAS Extension Presentation. Bridging the Divide: Strategies for Homeowners and HOA’s Working Together. Gail Hansen. https://ffl.ifas.ufl.edu/LegallySpeaking2017/2017-4_HOAStrategies_Hansen.pdf

UF IFAS Extension Presentation. Florida Friendly Landscaping in Our Courts. Barbara Billiot Stage. https://ffl.ifas.ufl.edu/LegallySpeaking2017/2017-3_FFL-Law_Stage.pdf

Florida Friendly Landscapes that conform to many HOA requirements:



Before and After: Which looks better? Birds like the “after” yard!



State Statutes on Florida-friendly landscaping, HOA's, and local governments

2009 Statute FS 720.3075(4)

(a) The Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration.

FS 720.3075(4)

(b) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping, as defined in s. 373.185, on his or her land or create any requirement or limitation in conflict with any provision of part II of chapter 373 or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373.

FS 373.185

(1)(b) "Florida-friendly landscaping" means quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are DROUGHT TOLERANT. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance.

FS 373.185

(3)(b) A deed restriction or covenant may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land or create any requirement or limitation in conflict with any provision of part II of this chapter or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of this chapter.