

LAKE OF THE WOODS OF JACARANDA HOMEOWNERS ASSOCIATION, INC.

OPERATING RULE ON BUFFER (“NO-MOW”) ZONES

BACKGROUND

The wet detention ponds (“wet ponds”) in the Lake of the Woods of Jacaranda Homeowners Association, Inc (“ASSOCIATION”) are all man-made and interconnected. They are the most visible component of the entire drainage system within the ASSOCIATION. Any rainfall within the ASSOCIATION, which does not percolate into the ground, flows from our lots and streets into the wet ponds either directly or via a system of catch basins, drains, pipes, and above-ground swales. The ponds serve multiple functions including both filtering the runoff water and detaining water so that it can be released more slowly to avoid downstream flooding damage. Drainage water flows from pond-to-pond via culverts, pipes, and control structures and ultimately flows out of the LOWOJ property, into the Alligator Creek Conservation Area. Eventually it makes its way to Lemon Bay and the Gulf of Mexico. The Alligator Watershed is part of a larger Sarasota County drainage system.

The wet pond system represents a complete ecosystem that filters drainage water, helps to prevent property damage, benefits Florida wildlife, and ensures clean water outflow into the Alligator Creek Preserve. Functional wet ponds necessarily feature a vegetative buffer zone around their perimeter and littoral zones within the wet pond. The purpose of those features is to limit the flow of pollutants into the ponds, clean the water, promote wildlife, and to avoid erosion, which damages property and, over many years, causes sediment build-up in the wet ponds that prevents the ponds from functioning properly.

The Southwest Florida Water Management District (SWFWMD) requires that our ASSOCIATION ponds be kept in good working condition. SWFWMD issues a permit to the ASSOCIATION, which must be periodically renewed. The re-permitting process includes obligatory inspections of the ASSOCIATION wet pond and wetlands drainage system to ensure it is working as designed. If the ASSOCIATION fails to properly maintain the wet pond drainage system, SWFWMD has legal authority to conduct repairs that would be outside of ASSOCIATION control, using its own contractors. The cost for any such repair/remediation work would be borne by the ASSOCIATION and its property owners (“MEMBERS”) and result in a potentially large special assessment.

As our subdivision ages, it is increasingly important that we step up our wet pond maintenance plans and take adequate steps to keep our drainage system functioning properly, so we remain in compliance with SWFWMD requirements. In recognition of this need, the ASSOCIATION Board of Directors (“BOD”) has a Wetlands Committee to monitor our drainage system and make strategic and tactical recommendations to the Board regarding system maintenance.

## OPERATING RULE FOR NO-MOW (BUFFER) ZONES

The ASSOCIATION hereby establishes a Buffer Zone (“No Mow Zone” or NMZ) operating rule that applies to all Lake of the Woods of Jacaranda Homeowners Association, Inc. MEMBERS, their tenants, guests, invitees, and/or vendors. The scope of this Buffer Zone rule applies to all wet detention ponds within the Lake of the Woods of Jacaranda Homeowners Association.

The following ASSOCIATION rule has been established by the Board of Directors:

- 1) A minimum 3-foot no-mow (Buffer) zone, or NMZ, shall be maintained in the area between the homeowner's and/or ASSOCIATION property line and the water line along the entire periphery of each wet pond.
- 2) The responsibility for cutting, trimming, or otherwise maintaining the no-mow zone shall be the responsibility of the MEMBERS who own or reside in property abutting the wet-ponds and/or wetland areas. It is the MEMBERS’ responsibility to pass on these requirements to any tenants, guests, invitees and/or vendors who may be present or performing work on their property.
- 3) The application of herbicides within the No-Mow Zone by any MEMBER their tenants, guests, invitees and/or vendors is prohibited without express written permission from the Board of Directors.
- 4) No Mow Zones shall be maintained at a height of approximately 12-15 inches by MEMBERS. When the height of a no-mow zone is too high, it begins to lay down, reducing it’s benefit and effectiveness. Homeowners should maintain the NMZ height to avoid this.
- 5) Maintenance of Now Mow Zones within the ASSOCIATION common areas shall be accomplished by ASSOCIATION licensed and insured contractors.
- 6) No MEMBER, their tenants, guests, invitees and/or vendors shall deposit biological material of any kind, including, but not limited to, yard and pet waste, into the storm drains, the wet detention ponds and/or designated wetland areas.
- 7) MEMBERS shall be responsible for clearing any debris that may impede the flow of storm water into the drains along any street abutting their home/property.
- 8) MEMBERS shall follow the lawn irrigation rules set by Sarasota County.
- 9) Fertilizers containing more than 49% fast-release nitrogen or phosphorus are prohibited. The only fertilizers that are approved for use by ASSOCIATION MEMBERS are those that contain slow-release nitrogen and phosphorus. Sarasota County requires at least 50 percent slow-release nitrogen in fertilizers.
- 10) When using fertilizers, neither the MEMBER, their tenants, guests, invitees and/or vendors shall apply fertilizer within 10 feet of any waterway or pond.
- 11) The ASSOCIATION follows the Sarasota County fertilizer blackout period from June 1 to Sept. 30 during which no fertilizer containing nitrogen or phosphorus shall be applied to turf or landscape plants. See the fertilization restrictions promulgated by Sarasota County.
- 12) Planting of any invasive (non-Florida) species in the "no mow" zone and/or *littoral zones* is prohibited. Information about invasive species can be found here.

## ENFORCEMENT

Violations of this RULE will be subject to the ASSOCIATION Violation and Compliance Procedures. The ASSOCIATION compliance and violation procedures are published on [the Keys-Caldwell website](#). Failure to comply with this rule may result in the issuance of a violation and subsequent fine and/or a loss of ASSOCIATION privileges.

The ASSOCIATION reserves the right provided under our Declaration of Covenants and Restrictions to enter any/all properties within the ASSOCIATION to inspect for potential violations. Such inspection may be done by direct observation via in-person visit but may also include other measures such as aerial inspections via drones.

## AUTHORITY

The Lake of the Woods of Jacaranda Homeowners Association, Inc. Declaration of Covenants and Restrictions (“DECLARATION”), paragraph 7.19 (as amended) specifically states, in part, that: “. . . it is the lot owner’s responsibility not to remove native vegetation (including cattails) that become established within the wet detention ponds abutting their property. Removal includes dredging, the application of herbicides or algaecides, introduction of Grass carp, and cutting.”

## NO WAIVER

The failure of the ASSOCIATION to enforce any right, provision, covenant or condition which may be granted by the ASSOCIATION’s Declaration of Covenants and Restrictions, Articles of Incorporation, Bylaws or Operating Rules shall not constitute a waiver of the right of the ASSOCIATION to enforce such right, provision, covenant or condition in the future.

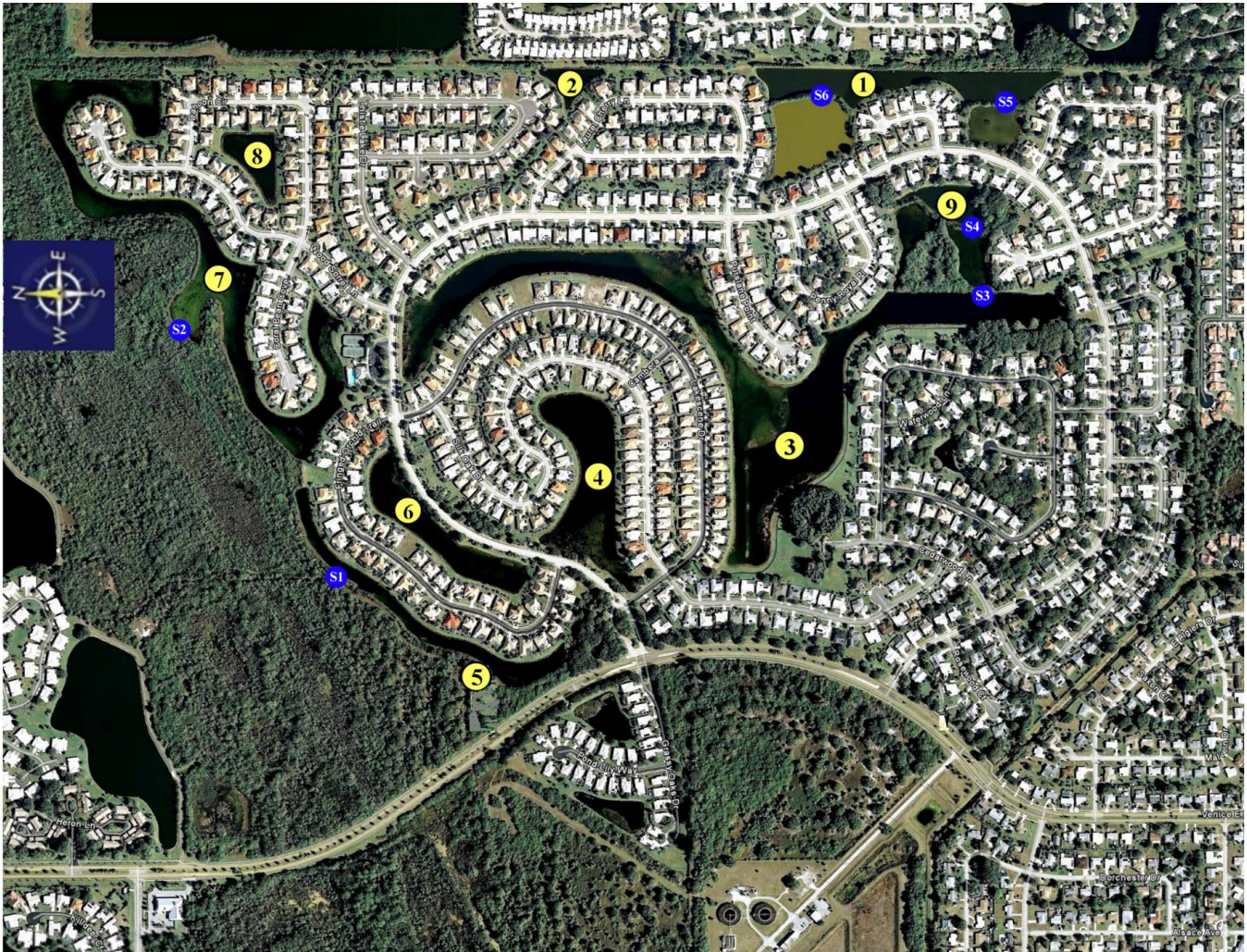
## CONFLICT WITH DECLARATION, ARTICLES, OR BYLAWS

In the event of any conflict between this Operating RULE and the DECLARATION, Articles of Incorporation (“ARTICLES”), and Bylaws (“BYLAWS”), the DECLARATION, the ARTICLES, the BYLAWS, and the OPERATING RULES in that order, shall control.

## PARTIAL INVALIDITY

The invalidation in whole or in part of any part of this RULE shall not affect the validity of the remaining portions which shall remain in full force and effect.

ADDENDUM 1: BUFFER ZONE MAP/LITERATURE



*Figure 1: LOWOJ Stormwater Drainage System*

### Lake of the Woods of Jacaranda Communities

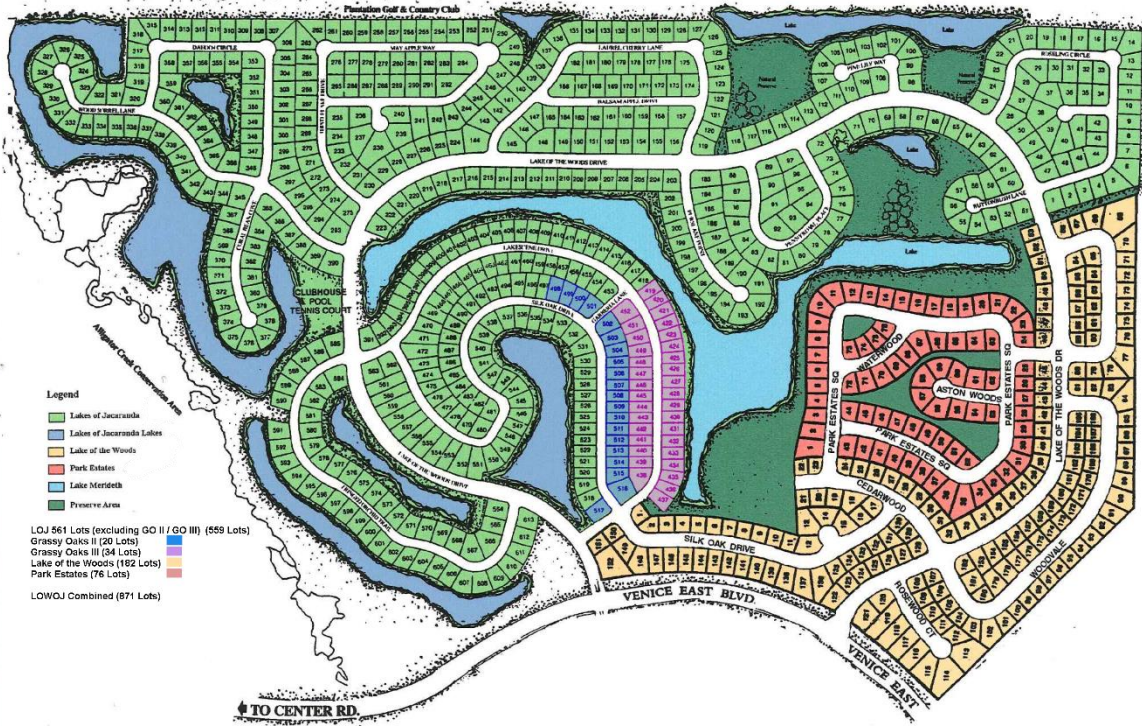


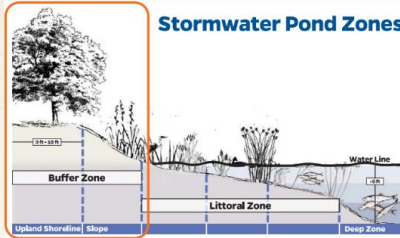
Figure 2: Definition of Sub-Association Properties and Properties that Abut ASSOCIATION Wet Ponds

# Buffer Zones

a.k.a. No Mow Zones

for Stormwater Ponds

## Buffer Zones



Buffer zones, also known as no mow zones, are vegetated lands that are either natural or created to separate a waterbody from negative human impacts. Buffer zones are a key feature for securing shorelines from erosion (National Research Council, 2000).

Adapted from Martin County Government:  
[https://wec.ifas.ufl.edu/extension/landscaping/littoral\\_zone.pdf](https://wec.ifas.ufl.edu/extension/landscaping/littoral_zone.pdf)

## Shoreline EROSION



### Major causes of erosion impacting shorelines

Most stormwater ponds that are surrounded by homes have at least 4 major sources of shoreline erosion - (1) wave action, (2) water level fluctuations between wet and dry seasons, (3) downspouts from surrounding homes, and (4) sprinklers.

These sources create many different types of erosion, each of which can be controlled with plants.

## Good, Better, Best Buffer Zones

In Florida, stormwater ponds are the most common way to manage rainwater that falls on developed lands. These ponds are designed and installed to protect us from floods and to trap pollution so that when the water moves downstream into our rivers, creeks, lakes, springs and bays it is clean. The proper management of the buffer zone around stormwater ponds can improve water quality, protect property, save a substantial amount of money, and benefit Florida wildlife. For decades, the many benefits of buffer zones have been codified in laws and policies around the world, written for the express purpose of protecting surface water from pollution and shorelines from erosion (National Research Council, 2000). Learn more about the qualities of good, better, and best buffer zones on the next page.

**UF** IFAS Extension  
UNIVERSITY OF FLORIDA

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### Best buffer



Photo credit: Science and Environment Council of Southwest Florida <https://www.scienceandenvironment.org/project/hoa/>

## Good



A GOOD buffer primarily relies on a grass strip that is at least 3 feet wide and 10-15 inches tall. Trim the buffer using tools that keep the clippings out of the water. A GOOD buffer zone will secure your shoreline from many of the major causes of erosion by locking in the soils with plant roots and limiting compaction from heavy lawn mowers.

### Pros

- Combats most erosion forces.
- Modest water quality improvements by:
  - » extending the root zone of plants deep within the ground,
  - » locking in the sediment that contains phosphorus and other contaminants; and
  - » preventing grass clippings, which contain approximately 3% nitrogen by mass, from entering your pond.
- Minimal maintenance required.
- Extends the life of the pond pushing the need for costly engineered solutions into the future.

### Cons

- Does not protect your shoreline against all major causes of erosion.
- Does not increase habitat for aquatic wildlife.
- Does not remove pollution from within the pond.



## Better



Sometimes the impacts of erosion that exist within a community are worse between homes due to channelization from combined roof runoff. As a result, you might consider establishing a BETTER buffer. A BETTER buffer consists of the GOOD buffer plus the installation of native bunch grasses, shrubs, and/or trees between homes, and native, aquatic plants on the slope.

### Pros

- Deeper and thicker root systems that can tolerate periods of high water and lock in soils better than turfgrass.
- Aquatic plants on the slope lock in soils reducing erosion during dry periods when the water level is low.
- Increased water quality benefits compared to the GOOD buffer.
- Wildlife habitat for certain types of wading birds (White and Main, 2004).
- Extends the life of the pond delaying the need for costly engineered solutions.

### Cons

- Wave action can still impact your shoreline.
- Only modest improvement for aquatic wildlife.
- More maintenance required than the GOOD buffer.



## Best



The BEST buffers are those that not only protect your shoreline from all the major types of erosion saving pond owners a significant amount of money, but also support wildlife and reduce pollution. For a stormwater pond, these BEST buffers include:

1. A wider GOOD buffer with high plant diversity,
2. An expanded BETTER buffer that connects the native vegetation between homes and occupies at least 50% of the pond perimeter,
3. Includes native shrubs and trees, and
4. Native wetland plants in the water around the perimeter of the pond.

### Pros

- All the pros of the BETTER buffer.
- Expanded wildlife habitat for most types of aquatic birds (White and Main, 2004).
- Combats all major causes of erosion.
- Extends the life of the pond even further than the BETTER buffer, putting off the need for costly engineered solutions.
- Increased water quality benefits provided by the GOOD buffer.

### Cons

- Requires the most maintenance.

