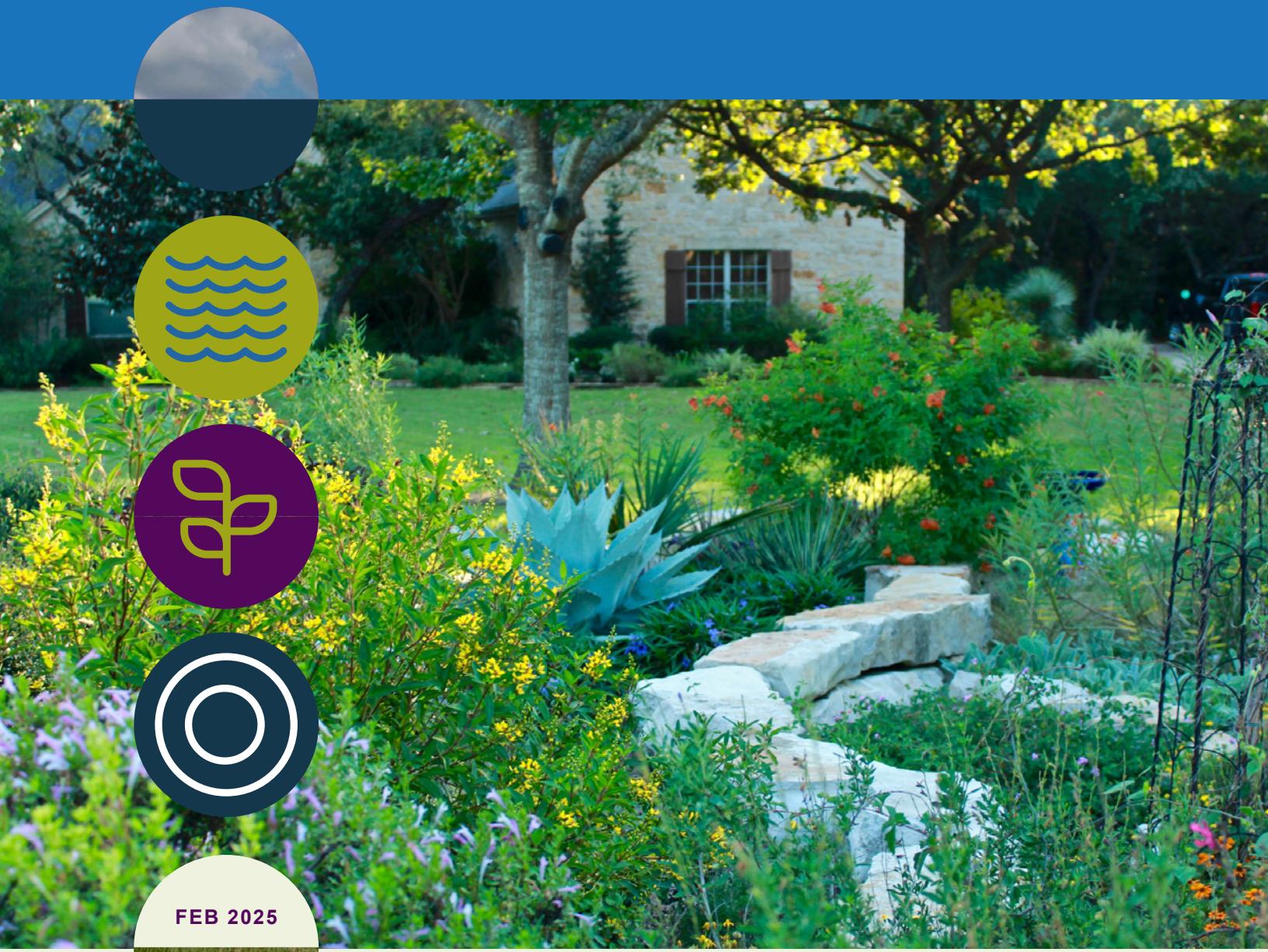


MODEL LANGUAGE FOR HOAs IN THE TEXAS HILL COUNTRY

A practical guide for protecting and preserving
water resources, native landscapes, and night skies



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Cover photo courtesy of Diana Kirby.

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Key to acronyms, abbreviations and definitions

Photo courtesy of Jorgen Hog

ACC

Architectural Control Committee

IPM

Integrated Pest Management

CC&R

Covenants, Conditions and Restrictions

LDC

Landscape Design Committee

EPA

Environmental Protection Agency

NPSOT

Native Plant Society of Texas

HOA

Homeowners' Association

TWDB

Texas Water Development Board

Building envelope

All the building components that separate the indoors from the outdoors, including the exterior walls, foundations, roof, windows and doors.

Hydrozone

A part of a landscape where plants with similar water needs are grouped together.

Impervious cover

A surface that prevents infiltration of water into the earth, e.g. asphalt, building, gravel surface, pools, highly compacted soils.

Irrigation

Method of putting water on a landscape, using potable or non-potable water, delivered through a garden hose or a system of pipes and emitters from above or below ground.

Karst

A type of landscape where dissolving of the bedrock has created sinkholes, sinking streams, caves, springs, and other characteristic features.

Light pollution

Wasted light in the natural environment. This is a manmade problem, caused by overly bright, outdoor lighting that shines when or where it is not needed. Light pollution generally falls into four categories: skylight, light trespass, glare, and light clutter.

Low impact

Reducing negative impacts on the environment.

Native plants

Plants, grasses, and trees that live or grow naturally in the Hill Country without direct or indirect human intervention; or a species of plant which is adapted for Texas' drought and heat and is an essential food source and habitat for native animals.

Night sky

A dark night sky, undiminished by light pollution, where stars and planets are clearly visible to the naked eye.

Non-potable

Water not fit for human consumption, including untreated well water, recycled water, aerobic septic water, untreated captured rainwater, and raw water from reservoirs.

Potable

Treated water or water considered naturally safe for human consumption, such as filtered well water, treated municipal or community water from a permitted and managed community water system using groundwater sourced from wells.

Water-wise landscape

An attractive, functional, easily maintained landscape that uses native or drought-tolerant plants and requires minimal water to thrive.

Xeriscaping

A style of landscape design for greenspaces that requires low amounts of irrigation and maintenance, and which promotes biodiversity.

See further definitions to include in CC&Rs on page 20 of this document.

See further definitions to include in Landscape Guidelines on page 23 of this document.

Executive summary

The Hill Country is facing extraordinary pressure on its natural resources—land, water, native plants, wildlife, and night skies.

 According to a recent report published by the Texas Hill Country Conservation Network, the population in unincorporated areas of the Hill Country doubled between 1990 and 2020, and it shows no sign of slowing over the next 20-30 years. More people mean more homes, development, land fragmentation, impervious cover, loss of habitat, demand on water, and outdoor light escaping into the night sky.

At the same time, recurring drought and record summer temperatures, along with growing demand, are severely reducing our surface water and groundwater resources. The 2022 State Water Plan demonstrates that our current water supply is not enough to meet future water demand.

How can we protect and preserve our native landscapes and natural resources? A large majority of Hill Country land is unincorporated where counties have limited authority to manage growth and shape new housing developments or commercial construction.

However, it's quite common for Homeowners Associations (HOAs) to have Covenants, Conditions and Restrictions (CC&Rs) that govern residential construction, community landscape requirements, and home maintenance standards.

The HOA structure of community governance presents an important opportunity for new developments and existing HOAs to craft or amend CC&Rs and thoughtful Landscape Guidelines that encourage water conservation, native landscapes, and night sky friendly lighting. Such action can substantially contribute to preserving the region's natural resources for future generations and building resilience against environmental pressures, like drought and heat.

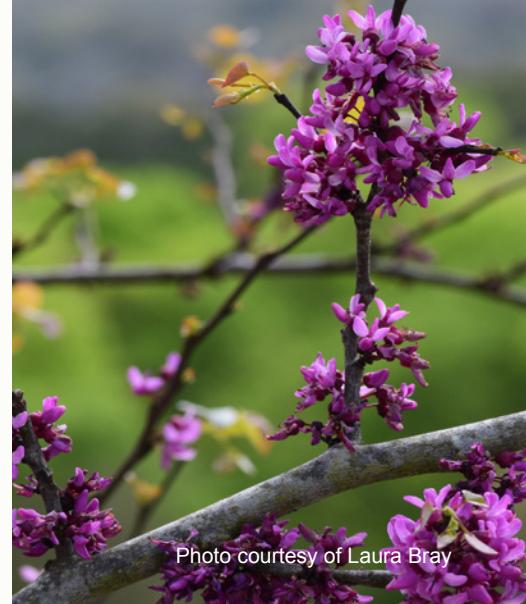
Whether you are a developer establishing CC&Rs for a new subdivision, or an established HOA board or committee wishing to revise existing Landscape Guidelines, this guide can be a valuable tool for achieving significant and beneficial changes.

The following is a preview of what you'll find in each section of this guide:

Section 1

CC&R best practices to promote water-wise and low-impact landscaping

This section outlines best practices for CC&Rs tailored to preserve Hill Country natural resources. You will find clear, enforceable guidelines that balance homeowner desires for aesthetic appeal with conservation imperatives. Sample language addresses water conservation, native plant landscaping, and outdoor lighting.



Section 2

Landscape guidelines for the Hill Country: Model language for new and existing developments

CC&Rs often delegate residential landscape control to Architectural Control Committees (ACCs) or Landscape Design Committees (LDCs). These committees can promote Landscape Guidelines that conserve water on residential landscapes and HOA common areas. This section provides model landscape guidelines to reduce outdoor water use, help protect water supplies, promote native Texas wildlife, and enhance the aesthetic appeal of Hill Country communities.

Section 3

Implementation guide

Implementing CC&R best practices and model landscape guidelines requires collaboration between developers, HOAs, homeowners, cities, counties and sometimes even local groundwater districts. This section offers practical steps for integrating these guidelines into both new developments and established neighborhoods. It emphasizes education, community engagement, and phased implementation to facilitate smooth transitions and maximize compliance.



Introduction

The Texas Hill Country is known for its scenic vistas, starry night skies, and crystal-clear waters. Visitors and residents alike enjoy sweeping hillside views, the stature of old oak and elm trees, the vibrant ever-changing colors of springtime wildflowers, and awe-inspiring stars. The karst geography of the Hill Country also lends itself to uniquely interconnected systems of rivers and aquifers.

These features have drawn people to the region for centuries, and the most recent decades are no exception. The Texas Hill Country is one of the fastest growing regions of the country. A predominantly rural part of the state, comprising historic ranches and farmland, a large majority of Hill Country land is unincorporated where counties have limited authority to guide development.

While population growth and development bring economic opportunity, the strain of rapid and minimally regulated development is threatening the very resources that make the Hill Country an environmentally unique and desirable region.

Well-crafted Covenants, Conditions, and Restrictions (CC&Rs) and thoughtful Landscape Guidelines encourage landscapes that conserve water and are resilient to environmental pressures, like ongoing drought and changing climate.

If you are a developer establishing CC&Rs for a new subdivision, or an established HOA revising landscape guidelines, or development staff at a city or county, the model language and best practices found within this guide will go a long way to benefit people here now—and those coming tomorrow—while we preserve the natural riches of the region.

Photo courtesy of Wade Blissard

Water

Landscape irrigation is one of the major drivers of municipal water demand, especially when exacerbated by heat and drought. A recent study put outdoor water at 31% of annual residential water use (TWDB Technical Note 12-01), but Hill Country water managers have observed summer outdoor water use at closer to 60 to 70%



of residential use. Without significant conservation, we will not have enough water to sustain the current quality of life, economic and recreational vitality, or fish and wildlife habitat. Water provides for many things we love about the Hill Country.

Native landscape

Hill Country native landscapes provide important ecological benefits for local wildlife and pollinators and migratory species. These benefits can be lost when native landscapes are replaced with non-native species and turf grass. Native drought-tolerant landscapes are attractive and economical alternatives to turf lawns while providing additional benefits like food and habitat for native wildlife and proven savings on utility bills.

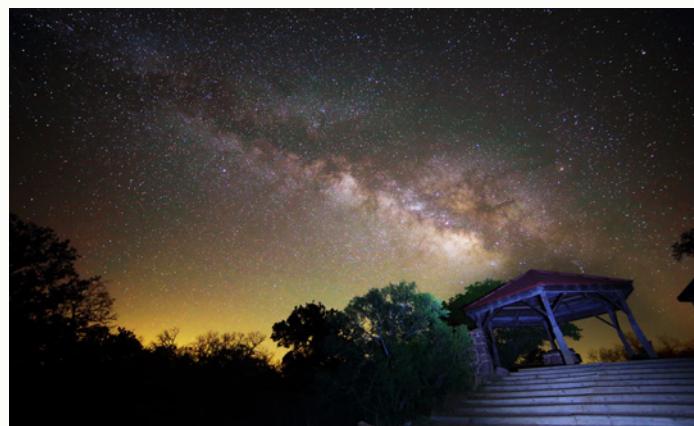
Photo courtesy of Heidi Gudelman



Night skies

As development expands, it often unintentionally increases the spread of light pollution—overly bright outdoor lighting that shines where it's not needed. When we reduce light pollution and preserve our view of the night sky, we also save money, protect our health, improve the safety of our communities, and remove interference with migratory wildlife patterns.

Photo courtesy of Jay Bhadra



If you are a developer establishing CC&Rs for a new subdivision, or an established HOA revising landscape guidelines, or development staff at a city or county, the model language and best practices found within this guide will go a long way to benefit people here now—and those coming tomorrow — while we preserve the natural riches of the Hill Country region.

The role of HOAs in preserving natural resources

For those not familiar with HOAs, these are private, self-governing organizations whose members consist of the property owners in a “common interest” residential community, or subdivision. HOAs are typically established as non-profit corporations with property owners and homeowners serving on a board of directors that oversees the management of their residential community.

HOA's operate under a set of legal documents that govern and regulate the association and the community. After federal, state, and county or municipal law, an HOA's governing documents are the next highest level of authority. Most HOAs include mandatory membership, which means that anyone who buys land or property within the subdivision agrees to abide by the covenants and accepts the restrictions when they take title to the property.

In Texas, there are more than 22,000 HOAs, and over six million people live in communities governed by an HOA, according to a 2023 study done by the Foundation for Community Association Research. Given the requirement of HOAs to comply with both the Texas Business Organizations Code and the Texas Property Code, many subdivisions opt to hire an HOA management company to handle their daily administrative needs.

About CC&Rs and landscape guidelines

Covenants, Conditions, and Restrictions (CC&Rs) are a key part of an HOA's governing documents. CC&Rs are rules and guidelines placed on properties within a development to maintain a certain look and feel. For example, CC&Rs might cover things like restrictions on the color of your house or the type of fence you can install, rules about street parking, or maintenance requirements.

CC&Rs also establish rules for governance and enforcement and designate the level of power and authority the HOA Board of Directors, Architectural Control Committee (ACC), Landscape Design Committee (LDC), residents and other entities have in upholding the rules and restrictions.

Depending on how the governing documents are written, landscape rules and guidelines may be embedded in the CC&Rs, or they may be adopted as separate documents. Landscape rules that exist within the CC&Rs are more difficult to change, requiring subdivisions to follow a complicated legal and administrative process involving multiple steps, including the approval of a super majority (two-thirds vote) of property owners.

Landscape rules and guidelines that are adopted outside the CC&Rs are easier to change, requiring either majority approval from the HOA Board, or majority approval from the committee in charge of promulgating landscape guidelines—depending on how the CC&Rs are written. Section 1 of this guide provides a number of recommendations on how to set up your CC&Rs in a way that allows HOAs to more easily respond to changing best practices for Hill Country landscapes.

In either case, getting the landscaping guidelines right from the beginning—to address water conservation, water quality, native landscaping and night sky protection—is of critical importance to Hill Country developments.

Why developers and HOAs should care about landscape guidelines

While most CC&Rs include standard language for building restrictions and language that allows for the creation of an Architectural Control Committee, there has been far less consideration given around the creation and enforcement of landscape guidelines. Many developers use standard boilerplate language for CC&Rs that does not take into consideration the unique and fragile Hill Country geography, and many older subdivisions have CC&Rs that are either silent when it comes to landscaping or simply promote green lawns and the use of irrigation systems.

Updating existing landscape guidelines and changing established landscapes might seem a formidable task, but for many reasons it makes good economic and practical sense for your HOA to shift towards more water-wise and low-impact landscaping.

Photos courtesy San Antonio Water System



Before and after native landscaping was used to replace turf grass—adding water conservation, beauty and an attraction for pollinators.

BENEFITS OF WATER-WISE AND LOW-IMPACT LANDSCAPING

1. A tremendous amount of water can be saved by implementing more efficient landscapes and irrigation practices. Homeowners can also save on monthly water bills. Typically, turf grass needs 1 inch of water weekly in summer, while mature native beds may require only $\frac{1}{2}$ to $\frac{3}{4}$ inch every other week. For example, converting a 500-square-foot turf area, which requires 1,240 gallons monthly, to a water-wise landscape could save up to 930 gallons monthly, leading to significant savings, according to Austin Water.
2. Long-term trends show the Hill Country is likely to see recurring drought, which means water restrictions and aquifer declines, in the years ahead making it much harder to upkeep a water-thirsty lawn. Non-adapted turf grass lawns struggle to survive in the Texas heat.
3. Native and adapted landscapes often pay for themselves within a couple years. Shifting from turf grass to a more drought-adapted landscape requires an upfront investment, but homeowners will see savings in water costs, lower landscape maintenance and replacement costs, a decreased need for chemical inputs like fertilizer and pesticides, an increase in wildlife habitat, and better soil health overall.
4. Drought-tolerant landscapes offer more aesthetic diversity and visual appeal. Similarly, outdoor lighting that is night sky friendly offers safety while preserving views of the night skies, which can be a community asset in itself.
5. Common areas managed by the HOA will enjoy the same cost savings and lower maintenance benefits when incorporating native and drought tolerant plants.



This guide is for developers of new subdivisions, established Homeowners Associations (HOAs), and local regulatory staff overseeing development. Its primary purpose is to protect and preserve water resources, native landscapes, and night sky views in the Texas Hill Country. The recommendations herein—model language and practical rule changes for both new and existing HOAs—can make a huge difference in how our region grows while maintaining the character, beauty, and capacity of the region.

SECTION 1

CC&R best practices to promote water-wise and low-impact landscaping

Example language for new and existing developments

When drafting or revising Covenants, Conditions and Restrictions (CC&Rs) to protect the water, wildlife, and night skies of the Hill Country, there are a few important principles to keep in mind. This section contains example language to include in new CC&Rs, or to incorporate into CC&R amendments or modifications.

Address environmental sustainability in the HOA's declarations

It's important to state in the governing documents that the HOA wishes to be a good environmental steward by conserving water, promoting native vegetation, guarding against invasive species, protecting wildlife habitat, and preserving night skies.

Example Language for Declaration

This Declaration of Covenants, Conditions and Restrictions (the “Declaration”) is made by [insert development name], the “Declarant”, and is as follows:

WHEREAS, Declarant desires to create upon the Property a residential community and carry out a uniform plan for the improvement and development of the Property for the benefit of the present and all future owners thereof; and

WHEREAS, Declarant wishes to provide for the preservation and enhancement of the Property’s natural resources, which include water, native flora and fauna, and night skies; and

WHEREAS, these Covenants, Conditions and Restrictions have been designed to ensure that residential properties are aesthetically pleasing, water-wise,

environmentally friendly, and properly maintained to contribute to the health, safety and welfare of the property owners, residents, wildlife, and native species.

NOW, THEREFORE, it is hereby declared: that all of the Property shall be held, sold, conveyed, and occupied subject to the following covenants, conditions and restrictions.

Photo courtesy of Jonathan Letz



Establish a committee accountable for landscaping oversight and enforcement

In addition to identifying the goals and objectives of the community, it is important to establish the governing bodies responsible for establishing, overseeing, and enforcing landscaping rules.

The establishment of an Architectural Control Committee (ACC) is a well-established practice among Texas HOAs and is specifically addressed in Texas Property Code Section 209.00505. ACCs are often responsible for reviewing and approving changes to residents' properties that are visible from the exterior. The ACC ensures that proposed changes comply with the community's architectural guidelines and aesthetic standards.

While many HOAs opt to utilize their ACC for landscaping oversight, the expertise required to review architectural plans and blueprints is vastly different from the expertise required to review landscape design plans. Consequently, it is recommended that communities wishing to protect the constrained water resources and native habitat of the Hill Country establish a Landscape Design Committee (LDC) and vest it with the same degree of authority for landscaping oversight as the ACC has for building and construction oversight.

Regardless of whether the authority to approve landscaping plans resides with the Board, ACC, or LDC, a process must be established for 1) submitting and reviewing site preparation and landscape design plans, 2) approving or rejecting those plans, 3) ensuring the plans are followed, and 4) establishing landscaping maintenance guidelines for the community. **The language that establishes these committees and processes can be long and complex, so developers and HOAs are encouraged to work with a lawyer to determine the structure and exact responsibilities of the ACC and/or LDC.**

All of these governing bodies can lean on the vast library of resources covering water-wise and low-impact landscaping practices in the Hill Country for their onboarding. (See Appendix B Resources)

Example Language for Landscaping Oversight and Enforcement

Landscape Management and Controls. It is the goal of the developer and the Landscape Design Committee (LDC), with authority as delegated, to retain and enhance the Hill Country's natural and cultural character within the subdivision. The LDC is responsible for approving all property owners' landscaping plans and ensuring all properties comply with established Landscape Design Guidelines.

Before any landscaping commences, owners must present a completed landscape plan and schematic drawings to the LDC for approval. The schematic drawing

of the landscape and irrigation plans may indicate the square footage of all hardscaped, landscaped, and irrigated areas, include a plant legend indicating all plant species with their Latin/botanical name, quantities, and sizes, and indicate the placement of any decks, fencing, pavement, driveways, rock and mulch areas, or other freestanding structures.

The LDC shall have the full and complete authority to deny landscape plans at their sole discretion if said plans do not represent the goals of the community, as stated in the declarations. The LDC may have the authority and standing on behalf of the HOA to impose reasonable fines and to pursue all legal and equitable remedies available to enforce the provisions of this paragraph.

The factors considered for approval of landscape plans may include, but not be limited to (i) water use and impacts; (ii) preservation of natural vegetation and wildlife habitat; (iii) protection of local waterways and riparian areas; (iv) tree preservation; (v) utilization of native, drought resistant plants; (vi) drainage impacts; and (vii) any other matter deemed to be relevant or appropriate by the Board or LDC.

Common Areas: The LDC may also be responsible for reviewing bids from landscape vendors and managing the costs and maintenance of the community's common landscaped areas. For landscaping in common areas adjacent to a roadway, the contractor shall provide a traffic control plan in accordance with Texas Manual on Uniform Traffic Control Devices to assure the safety of the contractor and the traveling public as a condition of LDC approval.

Site Preparation. No site preparation, including the removal of trees, clearing of vegetation, grading, leveling or earthmoving, shall commence without the prior written approval of the LDC. During site preparation, care must be taken to protect existing trees. (See Appendix B Resources for tree protection techniques during construction.)

Grant the LDC, ACC, or Board the authority to adapt to landscaping best practices

It is also important to provide enough leeway for the LDC, ACC, or Board to keep up with changing environmental conditions, changes in technology, and increased scientific knowledge.

Because CC&Rs are difficult to change, it is recommended that Landscape Guidelines be adopted

outside of the CC&Rs (See Section 2). The LDC, ACC, or Board should be granted the authority to amend these Guidelines, which contain approved plant lists and landscaping and irrigation methodologies, so that they can remain current with new and evolving data and best practices. Residents should be notified in accordance with guidelines for notification.

Note: If an LDC, ACC, or Board is considering updating the Landscape Guidelines, care should be taken to engage the community in the process. (see Section 3: Implementation)

Example Language for Authority to Update Landscape Guidelines

The Landscape Design Committee (LDC) has the full authority to amend Landscape Guidelines to better align with new or evolving data, studies, or publications. Updates to the Landscape Guidelines require majority approval from the LDC, and residents should be notified of changes in accordance with guidelines for notification.

Once the guidelines have been approved, it is recommended that the LDC send out a notice to the residents and members via mail, email, and/or the Association's webpage. The notice should include 1) language indicating that the LDC has voted to approve the guidelines, 2) a copy of the approved guidelines, and 3) a date when the guidelines will be effective and enforceable.

Consider incorporating non-negotiable landscaping rules in the covenants

Because CC&Rs are intentionally difficult to change, care should be taken to address only those restrictions deemed essential to maintaining the character and goals of the development. Some examples that help promote a Hill Country “feel” and enhance the property’s natural resources are below:

Example Language for Non-Negotiable Landscaping Rules

LANDSCAPING REQUIREMENTS & RESTRICTIONS

Utilization of Native Trees, Plants, Grasses

All landscaping within [insert development name], including residential

landscapes and common areas such as medians, must utilize native and/or drought-resistant species of trees, plants, and grasses. A list of approved flowers, shrubs, trees, grasses and other landscaping plants will be provided by the LDC.

Invasive Species

The LDC will make available a list of invasive species that may not be planted anywhere on the grounds of [insert development name]. This list will be reviewed and updated every five years at a minimum. (The “Grow Green” Guide referenced in Appendix B contains a good list of invasive plants to avoid.)

Impervious Cover

To help promote aquifer recharge, mitigate stormwater runoff, and prevent erosion, no individual property owners may exceed [insert number ranging from 20% to 50% depending on lot size of the development] impervious cover on their lots. Calculation of impervious coverage shall be at the discretion of the ACC and LDC.

Irrigation Systems

Landscape irrigation systems shall not be mandatory. Irrigation systems, if installed, will be required to include water conservation features as determined by the LDC, such as automatic shut-off during rain events. Irrigation shall be performed, at a minimum, in accordance with the water supplier’s water conservation and drought contingency plans.

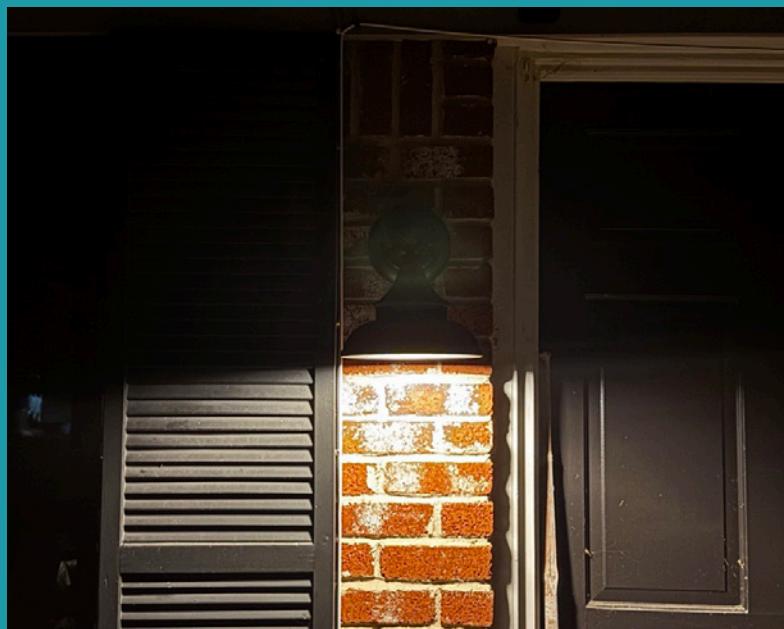
[For developments where residences are on private wells, there may be recommendations from the local groundwater conservation district. If there are no water supplier restrictions, consider adding the following:

There shall be no irrigation allowed between 10am and 7pm to minimize evaporation and maximize irrigation efficiency, unless the HOA deems unusual circumstances (e.g. high fire risk, extreme heat), the irrigation of reclaimed water during the day is necessary to meet regulatory requirements, or additional irrigation is needed to fulfill a temporary grow-in period for newly planted landscape.]

Outdoor Landscape Lighting

Outdoor light fixtures should serve a specific purpose while preserving a view of the night skies and minimizing impacts to neighbors, drivers, and pedestrians. Any light fixture used for exterior illumination must be fully shielded, pointed downward, and placed in a manner so that the light source is not directly visible from any other properties or public roadways. Further, outdoor lights should be 3,000K or less in color

Photos courtesy Travis County Friends of the Night Sky



Example of night sky friendly outdoor lighting, before and after.

Showcase best practices in common areas

Common areas provide a great opportunity to showcase best practices for water-wise and low-impact landscaping. CC&R restrictions on common area landscaping should be in keeping with the HOA's goal of preserving the development's natural resources.

Additionally, it's a good idea to encourage tracking and reporting on water use in common areas. This not only helps promote a conservation mindset, but also promotes transparency on how HOAs are spending money to maintain common areas.

Photo courtesy of Maas Verde Landscape Restoration



Example Language Requiring Common Areas to Showcase Best Practices

[insert name of development] shall implement water conservation and chemical reduction projects in all common areas. This includes minimizing the use of irrigation water and the need for chemical inputs by emphasizing native species in all common area landscape plans.

Species selection shall be based on recommendations from the State or Local Native Plant Society or from the Landscape Design Committee's (LDC) approved plant list. The LDC shall use currently available best practices for non-chemical fertilization and weed and pest management, relying on chemical treatments only when necessary and other non-chemical treatments have been exhausted. The LDC may place educational signage in appropriate locations to emphasize the benefits of the selected species on the local ecosystem.

The LDC may provide regular reports to the community on water consumption, water costs, and landscape maintenance expenses for all common areas within the community.

For irrigated ornamental common areas at entryways and intersections, landscaped area shall be limited as follows:

- a. Subdivision entryway landscaping shall not exceed 6,000 square feet.
- b. Landscaping at intersections within the subdivision shall not exceed 3,000 square feet.

Irrigation shall be performed in accordance with the water supplier's rules and water conservation plan. [Or, for developments on private wells: There shall be no irrigation allowed between 10 am and 7 pm to minimize evaporation and maximize irrigation efficiency, unless the HOA deems unusual circumstances (e.g. high fire risk, extreme heat), the irrigation of reclaimed water during the day is necessary to meet regulatory requirements, or additional irrigation is needed to fulfill a temporary grow-in period for newly planted landscape.]

Create a set of common definitions

As landscaping guidelines are established for the community, it is important to establish clear definitions for terms that will be used to review, approve, and oversee everything for which property owners will be held responsible. In drafting the CC&Rs and the Landscape Design Guidelines, be certain there is no ambiguity in the language/terminology used.

Definitions to include in CC&Rs

Architectural Control Committee (ACC) shall mean the committee created pursuant to this Declaration to review and approve plans for the construction of improvements upon the property.

Landscape Design Committee (LDC) shall mean the committee created pursuant to this Declaration (or created under the authority of the ACC or the Board of Directors) to review and approve plans for all landscaping on the property.

Improvement shall mean structures and appurtenances thereto of every type and kind; the demolition or destruction by voluntary action of any such structure or appurtenance thereto; any grading, excavation, filling, or similar disturbance of the surface of the land; landscaping, planting and clearing, or removing of trees, shrubs, grass, or foliage; and any change or alteration of any residence including change of material, exterior appearance, color or texture, e.g. pools, outbuildings, patios, decks, etc.

Impervious Cover shall mean a surface that prevents infiltration of water into the earth, e.g. asphalt, building, gravel surface, pools, highly compacted soils.

Irrigation System shall mean a system of pipes and emitters that delivers water from a potable or non-potable source to the landscape either from above or below the surface.

Native Plants and Trees shall mean plants, grasses, and trees that live or grow naturally in Central Texas without direct or indirect human intervention; they are adapted for Texas' drought and heat and are an essential food source and habitat for native animals.

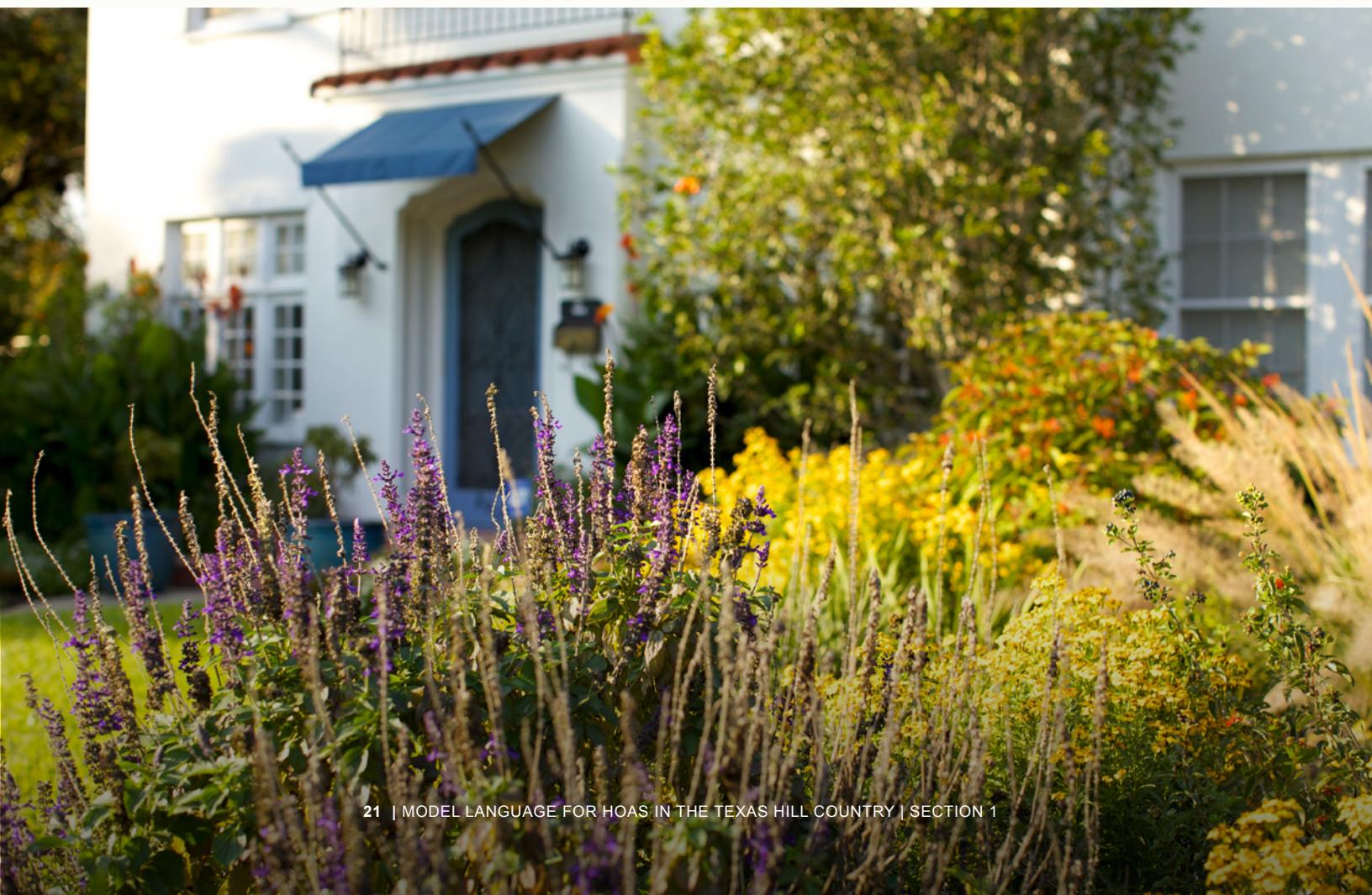
Turf shall mean grasses, either native, adaptive, or foreign, that are installed close together in large swaths so as to create a lawn or carpet-like appearance

A full list of landscape terms and their definitions should be provided by the Landscape Design Committee as part of the Landscape Guidelines.

Choose appropriate strength of language

When drafting or modifying CC&R language, using words such as “require”, “must” or “shall” indicates there will be enforcement of the rules and penalties for non-compliance. Conversely, using terms like “suggest” or “encourage” carries significantly less weight. Ideally, it would be great if every property owner voluntarily agreed to conserve water, install native landscapes, and protect night skies; however, there will always be those who do not see or understand the value. Therefore, the stronger the language, the better the results. In many circumstances, particularly within existing subdivisions, the first step might be the creation of suggested landscaping guidelines and a neighborhood campaign to educate the community on the benefits.

Photo courtesy of San Antonio Water System



SECTION 2

Landscape Guidelines for the Hill Country

Model language for new and existing developments

Homeowners Associations (HOAs) often have Landscape Guidelines in place to maintain uniformity, enhance property values, and ensure the aesthetic appeal of the community. These guidelines typically cover various aspects of landscaping, including plant selection, maintenance standards, tree preservation, and light pollution. It is also becoming more common for HOAs to include provisions for water-efficient landscaping practices, such as drip irrigation systems or drought-tolerant plantings.

Because residential landscapes have a large impact on both water consumption, wildlife, and regional night sky visibility, Landscape Guidelines are an important point of intervention. The following Model Landscape Guidelines have been developed with experts in water conservation, irrigation systems, native plants, and night skies to promote landscapes that are water-wise, night sky friendly, and supportive of native wildlife.

There are a wide-range of developments in the Hill Country, from dense single-family home subdivisions to 10-acre ranchettes. These guidelines may not be perfect for all developments, but they are a starting point. By borrowing from the model language in these Landscape Guidelines, the Architectural Control Committee (ACC) or Landscape Design Committee (LDC) can encourage attractive and well-maintained yards that conserve water and preserve the resources of the Hill Country that make it an attractive place to live.

Photo courtesy of Harvest Rain



Model Landscape Guidelines

Purpose

The goal of these Landscape Guidelines is to promote low-impact landscaping practices that reduce water usage while maintaining aesthetically pleasing and consistent environments. Homeowners are encouraged to use native or drought-tolerant plants, efficient irrigation systems, and water-conserving techniques such as mulching and proper soil management. Additionally, homeowners are encouraged to make landscape lighting choices that do not permit light escape into the night sky.

By implementing these guidelines, homeowners can conserve water resources, reduce water bills, and create landscapes that are resilient to drought conditions. Additionally, these guidelines may contribute to environmental conservation efforts by minimizing water runoff and promoting biodiversity. Overall, the goal is to strike a balance between beautiful landscapes and responsible water usage within our communities.

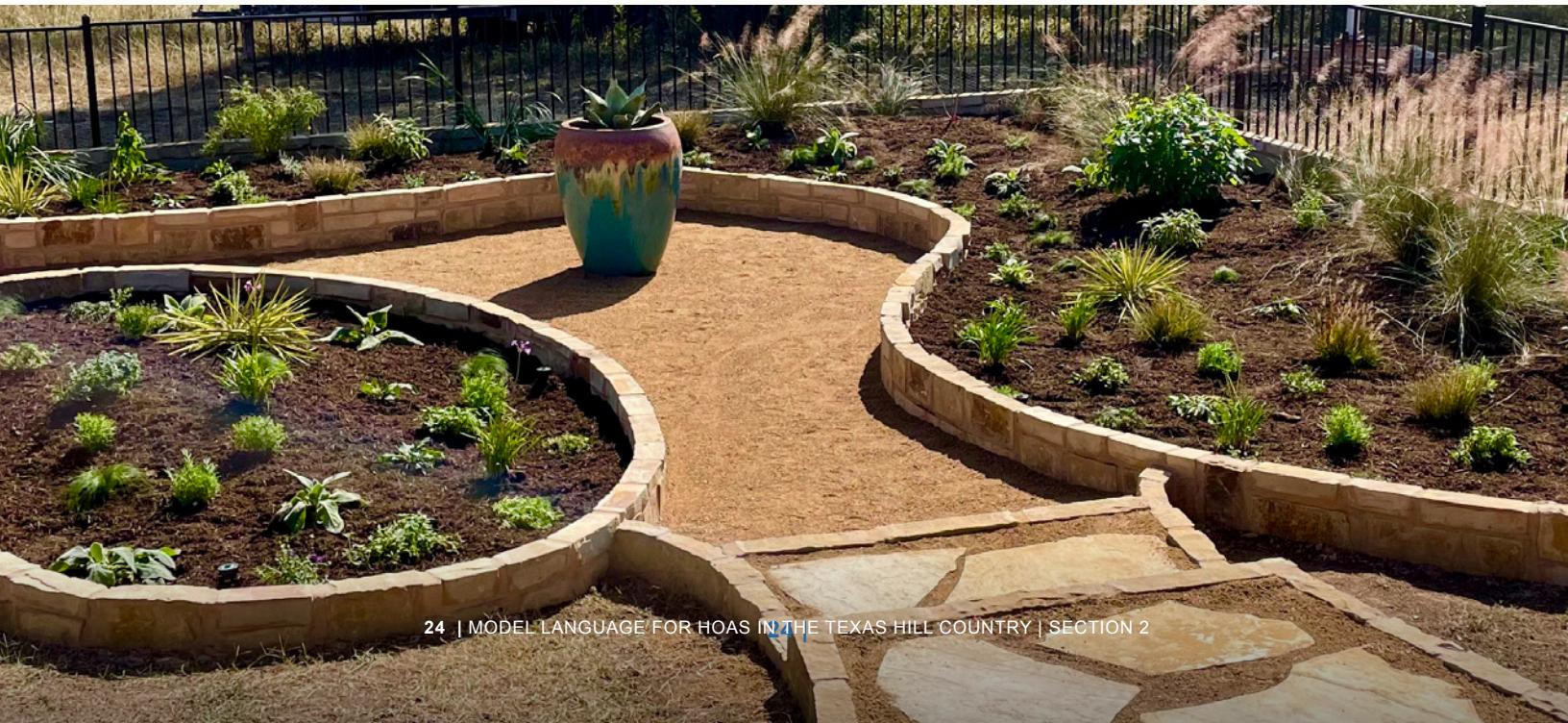
Definitions

To reduce the potential for misunderstanding, commonly used terms in the landscape guidelines are defined below:

- **Adaptive Plants.** Species or cultivars of a plant that, while not native, grow well in a given habitat with similar maintenance and water needs as plants that are native to the same area, and that do not pose an invasive risk.
- **Hydrozones.** Specific landscaped areas that are serviced by the same irrigation zone. The most efficient landscape designs will include plants with similar water needs planted within the same irrigation zones, or irrigation zones designed according to the plant needs in the landscape and allowing the least amount of water to be applied in each zone.
- **Invasive Species.** Aggressive and undesirable plants—whether native, naturalized, or exotic—which are detrimental to the health of native plant populations as they outcompete desired native plants and create monoculture systems that reduce biodiversity and local habitat.
- **Irrigation System.** A system of pipes and emitters that delivers water from a potable or non-potable source to the landscape either from above or below the surface.

- **Native Plants and Trees.** Plants, grasses, and trees that live or grow naturally in Central Texas without direct or indirect human intervention; they are adapted for Texas' drought and heat and are an essential food source and habitat for native animals.
- **Non-Potable Water.** Water not fit for human consumption, including untreated well water, recycled water, aerobic septic water, untreated captured rainwater, and raw water from reservoirs or community water systems.
- **Potable Water.** Treated water or water considered naturally safe for human consumption, such as filtered well water, treated municipal or community water from a permitted and managed community water system using groundwater sourced from wells.
- **Rainwater Harvesting System.** A system which connects gutters from buildings to a storage tank, either above or in the ground, and which collects rainwater from rooftop surfaces, for use in the home or landscape.
- **Turf.** Grasses, either native, adaptive, or foreign, that are installed close together in large swaths so as to create a lawn or carpet-like appearance
- **Xeriscaping.** A style of landscape design for greenspaces that requires low amounts of irrigation and maintenance, and which promotes biodiversity.
- **Water-wise landscape.** An attractive, functional, easily maintained landscape that uses native or drought-tolerant plants and requires minimal water to thrive.

Photo courtesy of Diana Kirby



1. Landscape Plan

Before any landscaping commences, owners must present a completed landscape plan and schematic drawings to the LDC for approval. Irrigation plans must be submitted to the LDC along with landscape designs. If the Owner wants to change landscaping or irrigation from the original proposal, the plan must be resubmitted. Any updates to landscaping must be in compliance with the landscape guidelines.

Within the landscape plan, consider creating low maintenance areas that support a variety of the Texas Hill Country's iconic plant populations and conserve resources. These areas can increase stormwater infiltration and groundwater recharge, eliminate the need for irrigation, reduce mowing operations, and increase the site's biodiversity.

2. Landscape Planting

Choosing native and drought-tolerant plants for your landscaping is one of the easiest ways to conserve water and support local wildlife. As such, the use of native or drought-tolerant plants, turfgrasses, and trees is required when planting the landscape. All plant species must be on a preferred plant list—several of which are provided in Appendix B herein—or from another credible source on native and adapted plants. Adapted plants that are invasive shall not be allowed. Care should be taken to hydrozone landscape areas to deliver the proper amount of water depending on species, cultivar, and density of planting.

It is recommended to preserve native plants on the predeveloped site to the extent possible, incorporating them into the final landscape design. [Note: Native plants that have been preserved should not require irrigation and, as is the case of the Ashe juniper tree (*Juniperus ashei*), could be harmed by installed irrigation systems or changes in grade.]

New landscape planting is best undertaken in the Spring or Fall to reduce water use during the establishment period.

3. Shade Trees

Trees play a big role in keeping our neighborhood cool, and native and established trees can be quite resilient to drought. Every effort should be taken to preserve pre-existing trees on a property, including protecting trees from damage to roots during construction. Trees that must be removed during construction should be marked on landscape plans, and caliper measurements noted, so that original caliper capacity can be maintained through the replacement of similar size

trees once construction is complete. (See Appendix B Resources for proper tree protection during construction.)

4. Turf Areas

Because non-native turfgrass requires regular water, it shall be limited to at most 50% of total landscaped areas, and species must be selected from the preferred plant list. Native grasses are excluded from this restriction. The use of St. Augustine grass is strictly prohibited. Artificial turf, which studies show contributes to the heat island effect, harbors bacteria, and produces microplastics, is not permitted. Turf areas should be allowed to have low-growing forbs as well. Groundcovers like Texas frogfruit should be allowed instead of lawn grass, if kept neat.

Mowing heights shall not be less than three inches and preferred heights are four inches or more. Letting your grass grow encourages roots to deepen, making for more resilient turfgrass.

It is recommended that four inches of clean topsoil be added under turf areas when native soil is less than two inches deep. Topsoil should be free of weed seed and ground construction materials and should include 25% of mature compost. Healthy soils absorb and hold more water, reducing the risk of runoff and erosion.

5. Irrigation

Irrigation should be thought of as a supplement and complement to natural rain patterns. A water-wise landscape should be designed so that once an area is grown in, typically a period of between one month to one year (depending on the project), watering is only needed on the hottest driest days or in drought conditions. This can be done through hand watering or through an irrigation system.

Most water-wise landscapes that use native and drought-tolerant plants do not need automatic irrigation. Automatic irrigation systems can be overutilized or misused, potentially wasting water or drowning native or drought-tolerant plants whose water needs are minimal once established. Therefore, it is encouraged that landscapes minimize or eliminate automatic irrigation, and instead use hand-watering as needed for extreme conditions.

However, if automatic irrigation is desired, the following guidelines should be followed to reduce waste:

- a. Irrigation systems must be hydrozoned, matching irrigation schedules to

plant needs in each zone to avoid overwatering. Irrigation controllers should be capable of multiple programs.

- b. Rain and freeze sensors are required to avoid watering plants when it's not needed.
- c. Use drip irrigation instead of overhead sprinklers in plant beds. Drip is often more efficient than overhead sprinklers, and well-suited for low-traffic areas. Be sure to work with a licensed irrigator experienced in drip installation to ensure the drip is installed according to industry best practices, including proper pressure regulation.
- d. Irrigation systems must be scheduled properly to avoid overwatering. Consult with an irrigation specialist to set up a schedule that minimizes water use. Once native and drought-resilient plants are established, the watering schedule can be as infrequent as once per month. At most, automatic irrigation should be set up to water plants no more than once per week after the grow-in period.
- e. Plants need different amounts of water in different times of the year. Homeowners should adjust their irrigation schedules seasonally to accommodate the growth and dormancy cycles of landscape plants. Consult with an irrigation specialist to create a good seasonal schedule.
- f. If you are using overhead emitters, nozzles must be appropriately sized to ensure consistent performance throughout the zone and to minimize water waste and overspray on hardscapes.
- g. Consider installing a second meter to track irrigation water use.
- h. Avoid planting in the summer, when new or young plants will need the most water to get established.
- i. Homeowners planning to irrigate, whether via automatic irrigation or hand watering, are encouraged to consider installing a rainwater harvesting system (see Rainwater Harvesting guideline).
- j. Irrigation plans must be submitted to the LDC along with landscape designs. If alternative watering schedules are needed for landscape grow-in periods, residents must include a water schedule variance request, which shall include how many zones are included in the variant schedule and how many days or weeks the variant schedule is needed.

A NOTE ON THE IRRIGATION GUIDELINE

Irrigation needs are complex and specific to your individual landscape, making it difficult to offer a one-size-fits-all guideline on irrigation. The most conservative irrigation approach is no irrigation, with limited hand-watering only under extreme conditions. However, this is not always practicable. When designed

and installed properly, and paired with native or drought-tolerant plants, automatic irrigation systems can be water-efficient. The guidelines provided in the irrigation section are intended to promote efficiency and conservation and should be discussed with your irrigation consultant.

A NOTE FOR ESTABLISHED DEVELOPMENTS

To maximize water savings in homes, the LDC can encourage homeowners to retrofit existing irrigation systems when updating their landscaping. Alternatively,

the LDC could encourage homeowners to cap or eliminate automatic irrigation during the landscape conversion.

6. Rainwater Harvesting

A professionally designed rainwater harvesting or catchment system is encouraged in place of a traditional irrigation system to help supplement the use of well water or public water supply to which the lot is connected. The system should be designed in accordance with the Texas Manual on Rainwater Harvesting, Third Edition (Texas Water Development Board), or in accordance with industry best management practices as provided by the American Rainwater Catchment Systems Association.

The installation should be neat and tidy, and the system maintained to ensure complete functionality. All downspouts from all buildings on the property should be tied into the rainwater storage tank(s) or other water swales or rain gardens designed into the landscape.

Harvested rainwater, rather than potable water, is preferred for irrigating landscaped areas. Owners wishing to irrigate landscapes primarily with rainwater

are encouraged to install a rainwater collection system of at least 5,000 gallons which can supplement the use of well water or a public water supply to which the lot is connected. However, the inclusion of a rainwater catchment system does not preclude the inclusion of another water source for irrigation, and it is permissible for a homeowner to utilize both systems to ensure landscapes stay healthy and thriving, especially in drought conditions.

For owners with minimal watering needs, smaller rainwater harvesting systems (less than 5,000 gallons) are highly encouraged to reduce demand on existing water supply and may be connected to individual downspouts.

7. Nonliving Groundcover

Nonliving ground cover should be permeable to encourage recharge. Areas can contain decomposed granite, ground hardwood mulch, crushed limestone, flagstone, loose stone material, or other appropriate ornamental material for a ground cover that is maintained to prevent weed growth without using toxic or environmentally harmful chemicals. Large areas may not be composed of a single nonliving material, i.e. bare mulch/rock is not allowed unless interspersed with plants. Additionally, loose rock in the front lawn must not wash out onto the public sidewalk or street. This may be prevented by ensuring that the rock level is lower than the curb or sidewalk. Concrete surfaces shall be limited to driveways and sidewalks.

8. Mulch

All beds and tree wells must be mulched. Mulch helps keep moisture in the ground, so that plants need less water during dry times. Mulch should be 2 to 3 inches in depth and turned and replenished regularly. Care should be taken to remove mulch from around the crown of plants, maintaining a three-inch buffer zone free of mulch to allow full transpiration by the plant. Organic mulch, which includes pine bark, newspaper, compost, sawdust, and straw, is preferred.

9. Pre-Existing or Native Property Rock Features

Landscapes composed of majority rock or boulders will not be allowed; however, boulders or rocky areas that are native to the building envelope can remain in place if they are incorporated into the greater landscape. Rock should be used as a complement or border or accent areas to landscape, not as a primary landscape material itself. Rocked areas should be designated on landscape plans, and native undeveloped rock areas should be distinguished from prepared, landscaped rock areas.

10. Outdoor Lighting

Outdoor light fixtures should serve a specific purpose while preserving a view of the night skies and minimizing impacts to neighbors, drivers, and pedestrians. To achieve this goal, any light fixture used for exterior illumination must be fully shielded, pointed downward, and placed in a manner so the light source is not directly visible from any other properties or public roadways. In order to reduce glare and light trespass into neighboring lands and to reduce negative impacts on wildlife, exterior illumination shall be restricted to light sources with a Correlated Color Temperature of 3,000 Kelvin or less. As used herein, “Fully Shielded” means no direct up light (i.e., no light emitted above the horizontal plane running through the lowest point on the fixture where light is emitted). Further, outdoor lighting must comply with local government regulations.

Properties with outdoor lighting that do not comply with these requirements must become compliant within five years from policy being adopted.

11. Outdoor Water Features

Outdoor water features are permissible subject to any setback provisions and in compliance with the water supplier’s drought contingency plan. Water features must be maintained regularly, kept clean and free of mosquito larvae, algae, and bacteria. Maximum size for water features is 500 gallons. All features shall have a recycling pump to reduce the amount of water needed to maintain the feature. Large pond-like features are not allowed, and all water features will be reviewed in planning and assessed by the LDC. If at any point a water feature becomes unkempt, or becomes a nuisance in smell, sight, or wildlife attraction which causes a problem for neighboring properties, the LDC reserves the right to require adjustment, decrease in size, cleaning, or permanent removal of the water feature.

12. Oak Wilt and Tree Maintenance

All tree pruning will be completed in accordance with the US Forest Service recommendations (Appendix B US Forest Service 2012 “How to Prune Trees”) and all oak tree cuts will be painted within 20 minutes year-round to prevent oak wilt disease. Tree-wound paint acts as a barrier which stops fungal spores carried by insects from entering the wound. According to the Texas A&M Forest Service, residents should avoid pruning between February and June when risk of infection is highest. If oak wilt is identified, then it becomes a community issue. The Texas Forest Service oak wilt specialist will be contacted for recommendations, which could include additional cost for the property owner to treat trees and/or ensure the infection is contained.

13. Chemical Pesticides and Fertilizers

Residents are encouraged to use Integrated Pest Management (IPM) to minimize the exposure of stormwater runoff to chemicals, which can harm waterways and water supplies. IPM restricts the broadcast application of chemical pesticides in the absence of active pests, and instead promotes mechanical or biological controls. Residents should consider chemical controls only if non-chemical treatment fails; always follow instructions on chemical labels exactly.

Due to the sensitive nature of Hill Country waters, fertilizers will be limited to those that are certified natural or organic and contain no more than 4% phosphorus. Additionally, care must be taken to ensure no more than one pound of Nitrogen, and ideally no more than ½ pound of Nitrogen, is applied per 1,000 square feet per year. Care should be taken to avoid applying pesticides or fertilizers before a rain event.

14. Other Maintenance

Non-native grasses or sodded areas must be mowed regularly. Homeowners with native grasses should not expect to mow as frequently and should refrain from mowing during critical flowering or seeding seasons. The taller the grass, the deeper the root, and the more resilient the plant to drought.

Beds must be free of weeds and all yards need to look neat and tidy. No plants may encroach on public sidewalks. Sickly and dying plants must be removed or replaced. Shrubs, trees and perennials need to be pruned according to what is appropriate for the plant and in accordance with plant maintenance recommendations.

PROTECT YOUR COMMUNITY FROM WILDFIRE

The expanding threat of wildfires to Texas communities is a result of the state's ever changing land use, climate, and population. Water-wise and fire-wise landscaping can go hand in hand. Fire hardening your property can include using at least minimum

clearances between landscape beds and the residential structure—and using landscape plants that don't combust easily. The Texas A&M Forest Service has a lot of good information on how to fire harden a property.

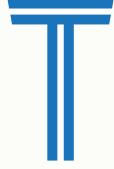


Photo courtesy of Jonathan Letz

SECTION 3

Implementation guide

(for new and established developments)

 The language for CC&R Best Practices and Model Landscape Guidelines in this document has been developed and reviewed by experts on Hill Country ecology and water conservation, irrigation and landscape design, rainwater harvesting, as well as developers, city staff, and HOA members. Having the proper language is just the first step; implementation is the critical part of this process.

Implementation will look quite different depending on whether a development is new and has yet to submit its CC&Rs to the city or county, or whether a development already has established CC&Rs, Architectural Control Guidelines, and Landscape Guidelines. This section provides implementation guidelines for both new and established developments, as well as city and county development staff.

New developments

The unincorporated and beautiful lands of the Hill Country are attractive to developers and new residents alike, but if left wholly unmanaged, rapid population growth will deplete the region of its most prized assets. To safeguard the land and water for families here now and those sure to come, these practical guidelines can be a significant tool for new developments.

Recommendations for developers

1. Preserve natives species

New development projects often involve “scraping” the land, which can destroy the biodiversity of a region by eliminating species of plants uniquely adapted to it. The Texas Native Plant Rescue organization is a project initiated by the Williamson County Chapter of the Native Plant Society of Texas (NPSOT) that offers assistance in harvesting native plants and seeds to save local plant genetics. Developers are encouraged to contact this organization, others like it, or their regional native plant society, before any bulldozing or land clearing efforts begin. Native plants and seeds harvested before development can be shared with master gardeners and native plant societies in the region. These harvested natives can also be replanted in common areas after the development work is completed.



Photo courtesy of Maas Verde Landscape Restoration

Beautiful lawns.

Water and cost savings.

Night sky views.

Wildlife sightings.



Photo courtesy of Jonathan Letz

2. Establish CC&Rs and landscape guidelines that align with regional geology and water supply

Most residential developers use a standard set of CC&Rs for their communities. Typically, these CC&Rs include a great deal of information about the type of buildings and improvements that may be constructed on a residential lot. However, most offer few regulations or restrictions as to the type of landscape design and irrigation systems permitted. Frequently, the CC&Rs used by developers are formulated for other regions of the state or country and include impractical or infeasible provisions for the Hill Country region. Buried utilities, inground pools, irrigation and septic systems, to name a few, all pose unique challenges in a region dominated by karst topography, thin soils, and alternating periods of drought and flood.

Using the CC&R Best Practices and Model Landscape Guidelines as a starting point and engaging experts familiar with the geology/geography of the region will result in a community that retains a Hill Country “look and feel,” while being more drought tolerant, environmentally friendly, and better adapted to the weather extremes of the region.

It is recommended that developers coordinate with the local water utility and groundwater conservation district, as applicable, so that their CC&Rs and Landscape Guidelines align with local regulations.

3. Protect regional view of the night sky

Restrictions on outdoor lighting is a simple, easy, and non-costly covenant restriction that provides enormous benefits to the community and area wildlife. Every development in the Hill Country should require outdoor lighting to be fully shielded, pointed downward, and placed in a manner so the light source is not directly visible from any other properties or public roadways. Importantly, exterior illumination should be restricted to light sources with a Correlated Color Temperature of 3,000 Kelvin or less.

4. Know the Texas property code

If a developer wishes to preserve the integrity of their community, it is important they be as detailed as possible in their CC&R restrictions

and make no assumptions about the existence of local codes or enforcement mechanisms. Title 11, Chapter 209 of the Texas Property Code is very specific about what provisions must be in the HOA Governing Documents (Covenants and Bylaws) for the CC&Rs to be legally binding and enforceable. This is particularly important in the Hill Country where so much of the land is unincorporated. To ensure property values are protected, find an attorney specializing in Texas Property Code and familiar with the county and district regulations.

DEVELOPER CONTROL OF HOA: AN IMPORTANT WINDOW OF OPPORTUNITY

Developer (Declarant) control of an HOA typically lasts until a certain percentage of lots (typically 75%) are sold and elections are held by the new property owners to establish an independent board and assume control of the HOA. The period of Declarant control, which may exist for years, offers an important opportunity for the developer to make changes and modifications to the CC&Rs without a membership (lot owner) vote. Generally, HOAs under Declarant control can easily amend and modify CC&Rs as they wield the majority votes or even specific authority to amend and modify without a vote while in control.

Developers, property owners, cities and counties are encouraged to carefully review and revise the CC&Rs BEFORE the period of declarant control ends. This window of opportunity allows the developer and community members to research and adopt any necessary changes to the CC&Rs to be in compliance with the Texas Property Code and address the unique ecological and water availability challenges of the Hill Country Region.

Recommendations for city and county staff

The role of cities

Incorporated areas, such as cities and townships, can play an invaluable role in encouraging new developments to adopt HOA language that promotes long-term community sustainability, and the resource protection values held in this guide.

Within its jurisdictional limits, cities have the ability to pass ordinances that encourage the preservation of water, land, and night skies, and can require HOAs to comply with those ordinances. Some examples of these ordinances include:

- Landscape Ordinances requiring new developments to use landscaping plants from an approved plant list.
- Outdoor Lighting Ordinances regulating the color temperature, shielding, and other aspects of new outdoor lighting to preserve the night sky, improve visibility and safety on their streets, reduce energy waste, encourage tourism, and protect the quality of life of their communities. Communities may pass outdoor lighting ordinances so long as they also approve a resolution to, at some undetermined point in the future, apply for and become designated as an International Dark Sky Community. (See Appendix B Resources for night sky ordinances.)

Cities can also:

- Create tax incentives and rebate programs for homeowners who implement low-impact features on their properties, like rainwater harvesting.
- Showcase low-impact landscaping practices in public spaces and outside of government buildings to serve as a model for new developments.
- Spotlight HOAs that are good examples for other HOAs.

When a new development is outside of city limits but connected to city water, the city can leverage the connection to city water to achieve some concessions from the new development. For example, the city can require the developer and HOA to comply with city ordinances in their development agreement and build in regular inspections to ensure compliance.

At a minimum, city staff and development services should, from the very first conversation about a new residential development, encourage the developer to consider adopting CC&Rs and Landscape Guidelines that protect the Hill Country's many natural resources. This guide is intended to be a helpful resource for these conversations.

The role of counties

As the entity that approves plats for new subdivisions within unincorporated areas, counties are uniquely positioned to share information with new developments early on in the development process. Counties can encourage developers to adopt HOA CC&Rs that are protective of the Hill Country natural resources and give the area its character and attraction. Fostering partnerships with environmental organizations and industry experts can enhance the availability of information and guidance for HOAs navigating the adoption of low-impact measures. This guide is one educational resource that can be shared.

Like cities, counties can demonstrate low-impact landscaping practices on county-owned properties, and they can spotlight existing HOAs with low-impact CC&Rs when engaging with developers.

Established developments: Recommendations for HOAs

Many of the CC&Rs for existing residential developments were written in a time when water resources were plentiful, drought was less extreme, and ranch and farmland were abundant. Many of these communities espoused an aesthetic requiring irrigated lawns, non-native trees and shrubs, and outdoor streetlights—while restricting native “unkept” yards, rain tanks, and solar panels. Although there has been legislation passed to prohibits HOAs from restricting the use of native landscaping, most of these communities still look the same as they did 40 years ago—a sea of large green lawns, irrigated flower gardens, and little effort made to encourage native landscaping and water conservation.

With increasing drought cycles, soaring temperatures, and threats to all of the region’s water sources, Hill Country residents increasingly find themselves under watering restrictions for the majority of summer months. If you live in an older subdivision and want to begin the transformation to a less green, more native, and more ecologically friendly neighborhood, here are some steps you can take.

1. Make sure you are in compliance with Texas Property Code 202.007, which requires HOAs to allow composting, rainwater harvesting, efficient irrigation, and drought-tolerant landscaping.

In 2013, the Texas legislature passed SB 198, making it unlawful for HOAs to “include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from: (1) implementing measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass; (2) installing rain barrels or a rainwater harvesting system; (3) implementing efficient irrigation systems, including underground drip or other drip systems; or (4) using drought-resistant landscaping or water-conserving natural turf.”

As a starting point to comply with the law, an HOA can simply not enforce any restrictions that violate 202.007, such as restrictions that ban rainwater harvesting or require turf lawns.

2. Create or update your Landscape Guidelines to provide guidance on water-wise and low-impact landscaping practices.

Beyond simply allowing drought-tolerant landscaping, efficient irrigation, and rainwater harvesting, the Association should provide guidance to members on how Texas Property Code 202.007 impacts the HOA’s landscaping policy. One way to provide this guidance is via new or updated Landscape Guidelines, which are filed with the county, and disseminated to members (see Appendix A). The Model Landscape Guidelines in Section 2 provide a starting point for HOAs considering this step.

To garner support for and gain input on new Landscape Guidelines, it is recommended residents have the opportunity to ask questions and discuss the proposed changes at a community meeting. It is helpful to communicate how the status of existing landscapes or irrigation systems already in place would be

affected by the new rules, such as what will be allowed to remain and the timeline required for retrofits. Utilize a local expert or legal advisor to discuss the importance of the changes, potential benefits, and process overview.

After educating residents, it is recommended that LDC, ACC, or Board, depending on how your CC&Rs are set up, call a standard meeting and include the changes as an agenda item. The Committee or Board can then meet, vote and make those changes. Following the passage of the vote, the policy should be updated and filed with a “notice of filing” into the real property records for the respective county for the HOA’s locale. The LDC, ACC, or Board should also send notice to all members of this policy change, with a copy of the new Landscape Guidelines. The filing of the document itself places all current, future and prospective purchasers of property on notice of the new policy.

3. Set up a Volunteer Landscape Committee to keep Landscape Guidelines up-to-date with best practices, support common area updates, and educate homeowners.

Most HOAs will not have a Landscape Design Committee already in place. In this case, the HOA Board can create a Volunteer Landscape Committee that is responsible for reviewing the Landscape Guidelines, and recommending updates to the Board in response to changing best practices.

This Volunteer Landscape Committee can also manage common area landscaping. Common areas provide a great opportunity to display new Landscape Guidelines in action and show that water-wise and low-impact landscape designs can be aesthetically pleasing and budget-friendly. By tracking and reporting on water and cost savings over time, this committee can inspire residents to make changes in their own yards.

Lastly, a Volunteer Landscape Committee can educate property owners on the benefits of drought-tolerant landscapes and the resources available to residents interested in transforming their yards. Your local water supplier, city, county or groundwater conservation district may be able to provide resources to help you educate homeowners or recommend a local group that can assist.

For example, the San Antonio Water System (SAWS) offers water-saving landscaping ideas and rebates to customers that adopt water saving practices in their homes and yards. Many other cities in the Hill Country—like Austin, New Braunfels and San Marcos—offer rebates for rainwater harvesting and drought-tolerant landscaping, so be sure to ask your city or county about these incentive programs. (See Appendix B Resources for rebates and incentives.)

4. Amend your CC&Rs, if necessary.

While updating CC&Rs can be an arduous process, it may be necessary if existing CC&Rs do not give the Board or committees the authority to promulgate new landscaping rules—or if there are restrictions that are preventing your HOA from implementing its desired Landscape Guidelines.

Any CC&R change needs to be done in accordance with the bylaws of the community and the Texas Property Code. Typically, a minimum threshold of residents must approve the changes (two thirds of lot owners per the Texas Property Code) and changes must be presented to residents well in advance of the vote. This threshold can be difficult to achieve and will require time to educate all voters on the benefits of making the change. This task should be considered a marathon, not a sprint, with homeowner education being at the center of all early action with the expectation that multiple or graduated attempts may be necessary to achieve the desired changes.

5. Lastly, track and celebrate your progress!

Wherever possible, celebrate beautiful lawn transformations, water and cost savings, and new wildlife sightings. These are the reward for water-wise and low-impact landscape designs, and they are worth sharing and celebrating!

Photo courtesy of Jonathan Letz



Conclusion

The Hill Country faces a myriad of challenges, from explosive growth and development, to recurring drought and increasing temperatures that put pressure on our water resources and landscapes. But, with the right guardrails in place, we can ensure development in the Hill Country contributes to its unique character, preserves wildlife and night skies, and helps protect our water resources into the future.

This guide is intended to help the hundreds of HOAs across the Hill Country to put in place CC&Rs and/or landscaping guidelines that will preserve what we love most about the Hill Country for generations to come. Every landscape has conservation value and collectively we can safeguard the distinct natural attributes, spring-fed waterways, breathtaking beauty, and rich heritage of the Texas Hill Country.

Photo courtesy of Diana Kirby





Photo courtesy of
Alisa Berezin

APPENDIX A

Landscaping policy change in response to Texas Property Code 202.007

The document below provides example language for existing HOAs to shift their landscaping policy to comply with section 202.007 of the Texas Property Code. Updates to an HOA's landscaping policy should be filed in consultation with your lawyer.

Photo courtesy of Maas Verde Landscape Restoration



The policy document
on the following page
can be easily downloaded for
customized use at:
[https://hillcountryalliance.org/
hoaguide](https://hillcountryalliance.org/hoaguide)

LANDSCAPING POLICY for the [insert name of HILL COUNTRY DEVELOPMENT]

STATE OF TEXAS §
COUNTY OF [COUNTY] §

WHEREAS, Section 202.007 of the Texas Property Code was amended effective September 1, 2013, regarding the regulation of xeriscaping; and

WHEREAS, the Board of the Association desires to hereby establish a Landscaping Policy consistent with the provisions of Section 202.007 and to provide clear and definitive guidance to its members.

NOW THEREFORE, the Board has duly adopted the following Landscaping Policy (the “Policy”):

LANDSCAPING POLICY

1. Background.

Pursuant to Section 202.007 of the Texas Property Code, Association's must not unreasonably restrict Owners who desire a landscape that saves water.

The advantages of native landscaping include: (a) Substantial cost savings on water bills; (b) Conservation of diminishing water resources; (c) Prevention of pollution from environmentally harmful run-off; (d) Reduced yard maintenance requirements; (e) Pride in knowing that you are protecting our fragile environment and limited resources; and (f) Aesthetic beauty and increased options for plant material.

2. Approval for Changes.

Prior to changing their landscape, a property owner must receive the advanced written approval of the ACC in accordance with the Declaration, subject to this Policy. When submitting the ACC request, the Owner must include the applicable processes and projected timelines. The request must include an outline of the project and a design plan, as well as details on the types of plants, the ground covers, border materials, and hardscape material to be used. Consideration of the Landscape Design Guidelines must be addressed as part of your submission. Installation of the new landscaping cannot begin until the request

has been approved. Once landscape installation has commenced, the project must be completed as approved.

3. Landscape Guidelines

The Association will allow variances to the requirement for full, properly maintained, green lawn (turf) areas, for a portion of available front yard space in view from the street so long as the following Landscape Guidelines are complied with:

[Insert Landscape Guidelines]

4. Miscellaneous.

- a. **Amendment.** This Policy may be revoked or amended from time to time by the Board. This Policy will remain effective until the Association records an amendment to this Policy in the Official Public Records of [County] County, Texas.
- b. **Conflict.** In the event of any conflict between this Policy and any Dedicatory Instrument of the Association, this Policy controls.
- c. **Effective Date.** This Policy is effective upon recordation in the Official Public Records of [County] County, Texas.



Photo courtesy of Maas Verde
Landscape Restoration

APPENDIX B

Helpful resources

Plant lists

Resource Name	Description
<u>Grow Green: Native and Adapted Landscape Plants, Texas AgriLife Extension</u>	A list of beautiful native and adapted plants for Central Texas which are naturally drought tolerant and resistant to pests and diseases. Invasive species to be avoided can also be found in this useful book.
<u>San Antonio River Authority Plant List</u>	A recommended plant list for the San Antonio River Basin.
<u>Native Plant Society of Texas Plant Lists by Ecoregion</u>	A website that lets you view recommended native plant lists based on where you live in Texas.
<u>Native Plant Society of Texas Plant List for Kerrville</u>	This list contains colored photos of native plants suitable for Kerrville and the surrounding area.
<u>GEAA Watershed Stewardship Manual, Appendix C</u>	A plant list for the Edwards Aquifer region with colored photos. Plant list can be found starting on page 78.
<u>Invasive Species to Avoid</u>	The City of Austin has a good guide on managing invasives species, including a list and photos of invasive plants to avoid or remove.

Rainwater harvesting resources

Resource Name	Description
<u>RainPlan</u>	A free app that will show you the available rebates or incentives for rainwater harvesting based on your home address. It will also estimate runoff and how much rain you can harvest based on the location and square footage of your house.
<u>The Texas Manual on Rainwater Harvesting, Third Edition</u>	A comprehensive guide for capturing rainwater in Texas, including components of a system, system sizing, and cost estimates.
<u>Harvest Rain FAQ</u>	How to calculate your potential rainfall capture, install gutters, and other handy tips.
Rainwater Harvesting Incentives & Rebates	Rebates vary by jurisdiction and are frequently updated. Be sure to ask your city, county, GCD, and river authority if they have rebates or incentives for your community.
<u>Texas A&M AgriLife Extension Rainwater Harvesting</u>	A robust website for rainwater harvesting and other water-related issues for a sustainable water supply.
<u>Yours, Mine and Ours</u>	Booklet from the Cow Creek Groundwater Conservation District with a specific section on rainwater harvesting—pages 70-77.
<u>HCA video: Wondrous Water-saving Wicking Gardens</u>	Learn about the wonders of wicking gardens and get some tips on how to spice up your own backyard garden while also saving time and water.

Irrigation & maintenance best practices

Resource Name	Description
<u>International Irrigation Association Best Management Practices</u>	A list of beautiful native and adapted plants for Central Texas which are naturally drought tolerant and resistant to pests and diseases. Invasive species to be avoided can also be found in this useful book.
<u>A Field Guide to Healthy Landscapes (English)</u>	Healthy landscapes can be attractive and in balance with the local climate and environment, requiring minimal resources.
<u>A Field Guide to Healthy Landscapes (Spanish)</u>	
<u>How to Prune Trees</u>	A good guide for pruning trees from the US Department of Agriculture and the US Forest Service.
<u>A Watering Guide for Texas Landscapes</u>	A watering guide to ensure that water is applied only where and when its needed, from the Texas Water Development Board.
<u>Integrated Pest Management (IPM) Website</u>	A guide to common sense management of outdoor pests that uses the least toxic controls. From the City of Austin.

Night sky

Resource Name	Description
<u>Hill Country Alliance Night Sky Friendly Lighting</u>	A good guide to properly designed and installed outdoor lighting, including shielding, color temperature, intensity and timing.
<u>Dark Sky Texas</u>	This website for the Texas Chapter of the International Dark Sky Association includes the five principles for outdoor lighting and numerous outdoor light fixture replacement options.
<u>Night Sky Ordinances, Resolutions, Designations</u>	Many examples of Texas cities and counties who have enacted ordinances, resolutions and proclamations, along with sample language from Hill Country Alliance
<u>HCA + Texan by Nature Resource: Hill Country</u>	This 2025 resource features before and after photo examples of residential, business, and commercial lighting improvements. It also shares several different regional, statewide, and international recognition programs, and teaches readers how to conduct their own outdoor lighting assessment at home.
<u>DarkSky Approved Lighting Products</u>	Search for certified lighting products, designs and installations that reduce light pollution, from DarkSky International

Texas HOA Laws

Resource Name	Description
<u>Texas Property Code, Title 11</u>	Chapters 201-215 govern property owners' associations in Texas.
<u>Texas Property Code, Chapter 202</u>	This chapter discusses restrictive covenants, their construction, and enforcement. It lists certain restrictions that are prohibited by law and contains a provision related to an association's duty to file dedicatory instruments with the county.
<u>Texas Business Organizations Code, Chapter 22</u>	This chapter of Texas law discusses the formation of nonprofit corporations. Because many property owners' associations incorporate as nonprofits, this chapter will provide guidance on how these associations must be formed and operated.
<u>Texas Property Code, Chapter 211</u>	Chapter 211 within the Texas Property code is the specific state statute describing the procedures required for modifying covenants.

Water resources & drought

Resource Name	Description
<u>U.S. Drought Monitor - Texas</u>	A view of current drought conditions in Texas, updated regularly.
<u>TAGD GCD Index</u>	A website that helps you find your local groundwater conservation district.
<u>TWDB Automated Groundwater Levels</u>	A website where you can see groundwater level changes over time at various groundwater monitoring wells in the Hill Country.
Water-Wise Landscape Rebates	Rebates for converting your lawn to a more water-wise landscape vary by jurisdiction. For example, as of 2024, the City of Austin offers up to \$3,000 for removing water-hungry turf and replacing it with drought-tolerant plants. Check your local city, county, GCD, or river authority to see if they offer rebates.

Other

Resource Name	Description
<u>Native Plant Rescue Project</u>	Group that collects native plants and seeds before land development occurs.
<u>Garden Style San Antonio Landscape Designs</u>	Landscape designs with native and adapted plants that can be implemented on Hill Country residences to conserve water.
<u>Preparing for Wildfires</u>	A guide to protecting communities from wildfire prepared by the Texas A&M Forest Service.



Photo courtesy of
Airon Mothershed



HillCountryAlliance.org

The mission of the Hill Country Alliance is to bring together a diverse coalition of partners to preserve the open spaces, starry night skies, clean and abundant waters, and unique character of the Texas Hill Country.