

IMPORTANT HOMEOWNER DOCUMENT



THE HEIGHTS
OF KERRVILLE

Property Standards
&
Architectural Guidelines

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I. Introduction

A. What is this document?

In a residential community with restrictive covenants binding on all owners, the question often arises about maintaining harmonious development and sustaining quality as the community matures. This document is offered to provide a meeting ground between the private interests of homeowners and the broader interest of our community. These standards are intended to assist design professionals, builders, and homeowners in planning, designing, and implementing improvements to lots within The Heights.

B. How does this document, the Property Standards & Architectural Guidelines, relate to the Declaration of Covenants, Conditions, and Restrictions for The Heights of Kerrville?

The Declaration of Covenants, Conditions & Restrictions (hereafter, Covenants) is a binding, legal document conveyed to each homeowner in The Heights of Kerrville at closing. Under the Covenants, the homeowner assumes the rights and agrees to the obligations of membership in The Heights of Kerrville Homeowners Association (hereafter, the Association).

This document, the Property Standards & Architectural Guidelines (hereafter Standards & Guidelines), puts the legal language and the intent of the Covenants in lay terms and, like the Covenants, should be retained with the homeowner's permanent papers. This document supplements but does not supersede the Covenants in the event of a conflict between the Covenants and Guidelines, the Covenants control. Each homeowner is expected to understand and follow these Standards & Guidelines.

C. What is the purpose of the Standards & Guidelines?

The purpose of the Standards & Guidelines reflects the objectives of the HOA:

1. promote a peaceful and safe environment for the residents
2. protect and enhance property values, and
3. provide for the Architectural integrity of the neighborhood

D. What is the difference between Standards and Guidelines?

The Standards are the rules, regulations, and specifications for owners and families in The Heights of Kerrville community. Derived from the community's foundational document, the Covenants, and supplemented by occasional Bulletins issued by the Association, the Standards aim to protect the quality of life and property values by establishing some minimum expectations. They govern such matters as the physical appearance of properties, the maintenance of the home and yard, the parking of vehicles, and control of nuisances.

The Guidelines, also derived from the Covenants, describe the process for approval that governs any proposed new construction or any modifications to the exterior of an owner's home or property.

II. Architectural (Property) Guidelines

A. Who administers the Guidelines?

The Association has assigned the administration of the Guidelines to the Architectural Control Committee (hereafter, ACC).

The ACC is a Committee of the Association, as specified in the Covenants and the Bylaws of the Association.

The ACC comprises at least three (3) homeowners appointed by the Board who are generally familiar with residential and community development design matters.

The ACC's responsibility is:

1. to review the owner's requests for changes in the exterior of the home or landscape
2. to ensure that the proposed project complies with the Architectural provisions of both the Covenants and Standards & Guidelines, and
3. to rule on these requests and submit, as a recommendation, their decision to the Board of Directors for a final determination.

As conditions and materials change, the ACC may recommend to the Board a new or revised requirement or specification that, if approved, will be published to owners as a Bulletin, will supplement the Covenants, and will be incorporated within the Standards & Guidelines via periodic revisions.

B. What is an Architectural or landscaping change?

An Architectural or landscaping change is any proposed improvement on the owner's property, including additions to, or changes in, the existing structure, the construction of new designs, or changes in the grounds at an owner's residence.

Examples of Architectural or landscaping changes include the following construction projects or installations: all buildings, storage sheds or areas, roofed structures, decks, patios, parking areas, exterior recreational areas, recreational equipment and facilities, exterior antennae, dishes, or other apparatus to receive or transmit television or radio or other signals, fences, walls, hedges, mass plantings, poles, driveways, ponds, changes in grade or slope of the property, changes in property drainage/drainage plan (e.g., French Drain System, popup drains, River Rock Drainage, etc.) landscaping, swimming pools, tennis courts, signs, exterior illumination and changes in any exterior color.

Such change may be initiated once an Architectural Request has been submitted and approved.

C. What criteria does an Architectural Control Committee use for evaluating a property owner's request?

The Architectural Control Committee evaluates each application on the individual merits of the application and the criteria listed below¹:

1. Validity of concept: The basic idea of the exterior change must be sound and appropriate to its surroundings.

2. Compatibility² of design: The proposed change must be compatible with the design characteristics of the applicant's home and the general neighborhood setting.
3. Scale: The three-dimensional size of the proposed change must relate satisfactorily to adjacent structures and their surroundings.
4. Materials: Continuity is established using the same materials and colors used in the existing structure. Materials and roofing must match the existing structure.
5. Color: Color may be used to soften or intensify the visual impact.
6. Landscape and environment: The exterior change must not unnecessarily destroy the natural landscape or the achieved man-made environment.
7. Relationship of structure and adjoining property: The proposed change should relate harmoniously among its surroundings and to existing neighboring buildings and terrain that have a visual connection to the change.
8. Protection of neighbors: The interest of neighboring residents should be protected by making provisions for such matters as surface water drainage, sound, and sight buffers, preservation of views, light, air, and other aspects of design, which may have substantial effects on neighboring property. The ACC will consider the various and appropriate criteria and exercise discretion in determining which of these criteria will be governing in each specific application.
9. Workmanship: The quality of work must be equal to or exceed that of any existing structure.

¹ Disclaimer: The Architectural Control Committee reviews applications primarily based on aesthetic qualities, the Association's governing documents, and basic construction practices. Owners (and their contractors) are responsible for determining and ensuring that all applicable municipality, county, and state requirements are met and that all necessary permits, variances, etc., are obtained. Should the requirements set forth by the city, county, and state be more stringent/restrictive than those established by the Association, the more rigorous/restrictive requirements prevail.

² Compatibility is harmony in style, scale, materials, color, and construction details.

E. What is the approval process?

The general approval process for an Architectural or landscaping change is as follows:

The owner must submit a copy of a completed Architectural Request form, with the necessary documentation and signatures³, to the Association at least sixty (60) days before the anticipated start of the improvement project. A \$500 application fee and a \$1,500 contractor deposit must accompany the request. (See Appendix F).

1. The ACC confirms that all necessary information and documentation are included with the Architectural Request and will record the date as the official start of the official review period if the application is complete.
2. The Board of Directors is copied on the request.

³ If an owner cannot obtain a neighbor's signature on an Architectural Request form due to the neighbor's absence or a domestic dispute, the Board will send a written notification of the application to the neighbor's address of record.

3. The ACC reviews the Architectural Request at its earliest convenience, rendering a decision on the Architectural Request within sixty (60) calendar days from receipt of a complete Architectural Request.⁴

⁴ An ACC approval does not substitute for approval by the City of Kerrville. The homeowner's responsible for acquiring appropriate approvals, permits, etc., from the City.

4. The ACC will forward its decision to the Board of Directors, who will make the final official determination on the request. A written response will be sent via mail and email, which will include one of the following categories of decision:
 - A. APPROVAL: The application is approved as submitted.
 - B. APPROVAL WITH CONDITIONS: The overall proposal is accepted but with certain specified changes, limitations, or requirements that must be followed.
 - C. DISAPPROVAL: The application is denied. The owner may appeal the decision to the Board of Directors within fifteen (15) business days. See item F.
 - D. ADDITIONAL INFORMATION REQUIRED: The ACC has determined that the application is incomplete and requires additional information. In this case, the entire process begins again once the Association receives the requested information. The owner should follow the same submission procedure. The ACC will act swiftly on all re-submissions.
5. An approved Architectural Request is valid for one (1) year from the date of the approval letter.
6. Once work has begun on an approved Architectural Request, the project must be completed within one year for new construction and one hundred eighty days (180) for additions or modifications. Extensions can be requested before the deadline.
7. The ACC and Board reserve the right to visit the owner's property and inspect the requested improvement project to verify that the specifications described in the approved Architectural Request have been followed, to note problems encountered, or to gather "pointers" which might help other residents contemplating similar projects. Construction found not following the approved plans will require the Builder and Homeowner to remedy the discrepancies. Should the Owner fail to remedy such non-compliance within the notice period, the HOA will take action to remove the noncompliance and seek injunctive relief.

F. Is there an appeal process if my request is modified or denied?

If the applicant disagrees with the decision, the homeowner may file an appeal. No work on the requested change may take place during this appeal process.

The appeal process is as follows:

Within fifteen (15) business days after the date of the notice, the homeowner may file a written appeal to the Board of Directors.

1. Upon receipt of the appeal, the Board will contact the homeowner and schedule a formal hearing.
2. Members of both the Board of Directors and the Architectural Control Committee will attend the hearing.
3. This is the only process permitted for appeal within the Association.

III. Property Standards (in alphabetical order)

1. Accessory building or structure

It is defined as a subordinate structure not attached to the primary residence but on the same lot. Accessory buildings include garages, workshops, pool houses, and guest houses.

- a. The addition of any accessory building at any time must be approved in advance.
- b. Two structures may be built in addition to the main structure.
- c. All accessory buildings must be Architecturally compatible with the residential dwelling and be constructed of the same, or substantially the same, materials.
- d. A Guest House is a detached structure on the same lot as a preexisting single-family dwelling, intended for temporary (not to exceed 30 days) use by guests of the primary home. The structure may consist of a room or set of rooms, including a functioning bathroom but excluding a kitchen.

2. Alterations to structure or landscaping

Alterations to the exterior structure of a residence or the landscape on the owner's property must be approved before the alteration begins (See Guidelines, Section II). This includes building additions¹, changes in exterior colors and roofing or siding materials, and significant landscaping changes (re-grading, addition or removal of plantings, retaining walls, drainage channels, etc.)

¹Owners (and their contractors) are responsible for determining and ensuring all applicable municipalities, county, and state requirements are met and all necessary permits, variances, etc., are obtained.

2. Animals

- a. No animals (livestock, poultry, etc.) other than household pets may be kept or maintained at any residence at The Heights of Kerrville.
- b. Owners are responsible for ensuring that household pets comply with all laws and ordinances of the State of Texas, Kerr County, the City of Kerrville, and these Standards & Guidelines.
- c. See Appendix C for additional rules and regulations regarding animals.

3. Antennas (See also **Satellite dishes)**

No exterior antennae are allowed.

4. Automobiles (See also **Parking; Vehicle repairs)**

5. Basketball goals

- a. Basketball goals are permitted but are limited to one per house.
- b. Basketball goals should be placed in the rear third of the driveway. They are not permitted on the street.
- c. Basketball goals may NOT be mounted directly on the residence.

6. Boats, Waterborne Vehicles

Storage of boats or waterborne vehicles is prohibited on any portion of the owner's property unless fully enclosed in a closed garage.

7. Building materials

- a. Building materials used in new construction or residential renovations must conform and harmonize with the existing and neighboring structures.
- b. No trade materials or inventories (other than materials used for active construction of approved structures on the property) may be stored where they are visible.

8. Burning

- a. The burning of wood, leaves, trash, garbage, or household refuse is restricted within the city limits of Kerrville. See Appendix D for specific information.
- b. Freestanding or preapproved built-in/non-portable fireplaces, fire pits, etc., designed for residential use and fire-rated, may be used within the community. Their placement is limited to the back porch, backyard, or rear third of the driveway.
- c. Portable units must be stored overnight in the garage, back, or rear yard.

9. Clotheslines

Outdoor clotheslines are prohibited in The Heights of Kerrville.

10. Commercial vehicles (see also **Parking)**

As used herein, the term "commercial vehicle" shall refer to motorized trailers, hitches, vehicles, vans, buses or trucks, or eighteen-wheelers or tractors whose principal purpose is for use in a trade or business. It may contain pipes, ladders, tools, and other equipment hanging off of or shown on the exterior of the vehicle, van, bus, or truck.

The term "commercial vehicle" shall not refer to private non-commercial trucks, vans, mini-vans, and sport utility vehicles used for commuting to or from a place of business and which do not have commercial equipment on the vehicle itself.

11. Decks, Patios, Gazebos, Pergolas, Fire Pits, Screened Porches, Play Houses

- a. Construction of any new deck, patio, gazebo, pergola, fire pit, screened porch, playhouse, etc., requires prior approval.
- b. Decks, patios, gazebos, and screened porches must generally be located in the back of the main structure. All structures should be at least twenty (20) feet from the property line.
- c. It must be Architecturally compatible with the residential dwelling and be constructed of the same, or substantially the same, materials.
- d. Pre-constructed structures are not permitted.

12. Driveways, parking pads

- a. Proposed changes in residential driveways, including adding a driveway extension, must be submitted for approval. A minimum of 20-foot clearance is needed between the paved driveway and the property line.
- b. Primary driveways or parking pads must be paved with asphalt or concrete. Gravel/stone is limited to secondary driveways and parking pads.
- c. Driveways and driveway extensions must be maintained in good repair.

13. Exterior maintenance (See also **Lawn maintenance; Landscaping; Litter and unsightly materials)**

- a. Owners are responsible for keeping their property's natural areas, grass, foliage, mulch, and ground cover in good condition. Natural areas that are located around structures, visible and no more than 75' from the road must be maintained. Wildflowers and native grass should be kept to a height no more than 24" tall.
 1. See Appendix D for additional rules and regulations regarding exterior maintenance.
- b. Owners are expected to keep their homes, driveways, and other exterior structures in good condition, repairing damage, removing mold, and repainting as necessary.
- c. Proposed changes in exterior building materials or colors must be approved in advance.

14. Exterior painting

- a. All exterior repainting of the residence must use the existing color unless the ACC has approved a color change in advance.
- b. All exterior paint and stain must be maintained in uniform and good repair, with no peeling, chipping, cracking, or discoloration on the trim or siding.

15. Fences (Requires ACC Approval)

- a. The construction of a new fence must be approved in advance. Note: The City of Kerrville requires a permit for all fencing. See Appendix B for additional information.
- b. All fences must be maintained in good condition and with an attractive appearance.

16. Fireworks

The use of fireworks is NOT permitted in The Heights of Kerrville, as per local law.

17. Flags and Flagpoles

Flags and flagpoles are allowed with ACC approval. Flag poles must have a maximum height of 25 feet from the grade. Pole color must also be approved.

Flags on display are limited to 1) The U.S. Flag, 2) The State of Texas Flag, 3) a flag from one of the U.S. Armed Forces, or 4) a flag of one university or college only on a day of competition. Political flags shall not be displayed, even during an election.

Flags must be maintained in good condition and should not be displayed if torn, faded, soiled, or damaged in any way.

18. Garbage cans, trash receptacles, and recycling bins

- a. Garbage cans, trash receptacles, and recycling bins must be stored in the garage or a location not visible from the street.
- b. Garbage cans, trash receptacles, yard waste, and recycling bins may be placed at the curb the evening before the scheduled pick-up day and returned to the storage location the evening of the pickup.

19. Garages, Barns

Entrances/doors to garages or barns may not face the street (main street if a corner lot).

20. Gardens

Vegetable gardens are permitted and must be located on the side or rear of the property and inside the established easements.

21. Garden Equipment

Storage of garden equipment, including mowers, tractors, wheelbarrows, etc., is permitted only if fully enclosed in a closed garage or ACC-approved shed.

22. Gas meters

No gas meters shall be set in the front of a residence.

23. Gazebos (See Decks, Patios, Gazebos, Pergolas, Firepits, Screened Porches, and Play Houses)

24. Grading of property

- a. Changes to the topography of an owner's property must be approved. This includes the installation of catch basins, retaining walls, river rock drainage, and viaducts.
- b. Owners considering re-grading property are responsible for contacting and complying with all appropriate local, state, and federal agencies for buffer areas, wetlands, or floodplain changes.

25. Greenhouses

Greenhouses are not permitted within The Heights.

26. Heating & Air Conditioning Equipment

Above-ground exterior air conditioning, heating, and other mechanical equipment must be located within an area that is appropriately screened from view from the street. Window units are not permitted.

27. Hedges

- a. With ACC approval, hedges of shrubs may be planted to camouflage utility boxes, trash containers, or rain barrels or soften the effect of an approved wall or fence.
- b. Hedges may not be allowed to obstruct the line of sight for vehicles.
- c. Hedges may not be used in place of approved fencing.

28. Home-based business

- a. To the extent home occupations are permitted as accessory uses by the applicable provisions of the City of Kerrville Zoning Ordinance, such uses shall be allowed provided no signage, advertisement, display, or products shall be visible from the street and no objectionable effects shall be produced or created.
- b. Business activities to which the public is invited are not permitted.
- c. For this section, "objectionable effects" shall be determined at the sole discretion of the Association. However, they may include, without limitation, excessive noise, odor, traffic, and any other noxious effect inconsistent with a residential neighborhood.
- d. Bed & breakfast/AirB&B or vacation rentals are not permitted.

29. Improvements

All exterior improvements, including additions to, or changes in, the existing structure on a property, as well as the construction of new structures or significant changes in the grounds at an owner's residence, must be approved in advance.

30. Land Use

- a. Each owner's property may be used exclusively for single-family, non-transient, residential purposes.
- b. No building or other structure may be constructed, placed, or allowed to remain on the property except for one single-family dwelling, an attached or detached garage, an approved outbuilding, a storage building, a playhouse, etc.

31. Landscaping

- a. General changes in the property's undisturbed natural state or the areas covered with mulch, stone, or other ground cover require approval.
- b. Plants, shrubs, and flowers no higher than 24" may be planted no closer than ten (10) feet from the street along the front of the owner's house (to preserve sight lines/vehicle visibility).
- c. Changes in property drainage/drainage plan (e.g., French Drain System, popup drains, River Rock Drainage, etc.) require prior approval.
- d. Buffer landscaping may be required for any addition/change, pool/hot tub, shed, etc.
- e. Natural areas, grass, foliage, mulch, and ground cover must be neatly maintained. Natural areas that are located around structures, visible and no more than 75' from the road must be maintained. Wildflowers and native grass should be kept to a height no more than 24" tall.
 1. See Appendix D for additional rules and regulations regarding exterior maintenance.

32. Lawn Furniture

Folding or inflatable lawn furniture cannot be left overnight on front/side lawns.

33. Lighting-Exterior

The use of Dark Sky-type fixtures is now required, per City Ordinance 2023-03, to minimize light pollution and disruption to wildlife.

- a. All new construction or remodeling must include an approved lighting plan from the city.
 1. ACC applications must include evidence of City approval of a lighting plan.
- b. Replacement or repair of non-conforming light fixtures is restricted to the new Dark Sky standards. All existing non-conforming lighting is required to be brought into compliance with the City Ordinance by March 2033.
- c. Mercury, sodium vapor, or LED security lights on poles are prohibited.
- d. Exterior lighting must be shielded so the light source is not visible from adjacent properties or roads.
- e. Dusk until dawn lighting is not permitted for fixtures that are not Dark Sky-rated.
- f. The color temperature (CCT) of luminaries cannot exceed 3000 Kelvins.
- g. Winter holiday season lighting may be displayed only between Thanksgiving (week) and January 10th.
- h. See Appendix F for additional design parameters and information.

34. Litter and Unsightly Materials

- a. The owner is responsible for promptly removing all litter, trash, refuse, and waste on the property.
- b. No unsightly materials of any kind may be stored, regularly placed, or allowed to remain in view on any part of the visible property.

35. Moving existing structures onto the property

No existing/pre-constructed building, mobile home, modular home, or similar structure may be moved onto a residential property to remodel or convert into a dwelling house.

36. New Construction

- a. All construction of new structures or alterations and additions to existing structures on residential property will be permitted only with prior written approval.
- b. All construction activities are restricted to 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 2:00 p.m. Saturday. Construction activities are prohibited on Sundays and these holidays: New Year's, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.
- c. Parking for all construction vehicles is restricted to the physical lot and must never impede traffic flow, especially emergency vehicles. Construction parking is not permitted on the street for any reason at any time; no portion of any construction vehicle may touch or overhang the roadway. (Short-term deliveries of materials by oversized vehicles are permitted from the street.)
- d. Construction trash/debris must be contained within the construction site. The construction firm and lot owner are responsible for trash/debris blown, dumped, or transported onto adjoining lots or common areas.

37. Parking

- a. All authorized vehicles belonging to the residence's owners and others must be parked on the main driveway, parking pads, or in the garage.
- b. No vehicles may be regularly parked on the streets. Guest parking is limited to 48 hours.
- c. No vehicles may be parked on residential lawns or in the Common Areas.
- d. Parking for extended periods and storage of house trailers, recreational vehicles, campers, watercraft, and boats on the property is prohibited unless fully enclosed in a closed garage. Utility trailers, if not enclosed, must not be visible from any road.
- e. Short-term temporary parking in the driveway of house trailers, recreational vehicles, campers, watercraft, boats, and utility trailers is permitted for a period that may be at most twenty-four (24) hours.
- f. No inoperable vehicles may be parked in the driveway or on the resident's property unless stored in a fully enclosed garage with the doors shut.
- g. Commercial vehicles may only be parked at a residence if stored in a closed garage or out of view from all streets within the community. (See 13. Commercial Vehicles for the definition of "commercial")

38. Patios (See Decks, Patios, Gazebos, Pergolas, Firepits, Screened Porch, & Play Houses)

39. Pet Houses

- a. Pet houses may be constructed within a walled, fenced, or screened area.
- b. Pet houses may not be visible from the street

40. Plants, Shrubs, and Flowers (See Landscaping)

41. Play Houses

The addition of a playhouse must be approved in advance before construction can begin.

- a. Playhouses will be considered/evaluated as permanent structures.
 - b. Playhouses are limited to two (2) levels and must be of a color similar to the residence.
 - c. It must be situated behind the main residence and at least 20 feet from a property line.
- ACC-approved construction of a playhouse may include instructions to provide buffer landscaping to soften the view for neighbors.

42. Pools/Hot Tubs

- a. The construction/installation of an In-ground Swimming Pool or Hot Tub is only permitted with prior written approval.
- b. Temporary or inflatable pools are permitted, providing that they:
 - i) are of a size or depth that does not require a ladder to enter,
 - ii) do not have a filtration system & are maintained in a sanitary manner.
 - iii) must be removed by the end of the day if placed in front or side yards.

ACC approval of pools/hot tubs may include instructions to provide buffer landscaping to soften the view for neighbors.

43. Fuel tanks

Residential fuel storage (propane tanks) must be located underground.

44. Rain Barrels

Rain barrels are permitted within The Heights of Kerrville. The installation of rain barrels must be out of view from the street. Landscaping will be required to buffer their visibility to neighbors.

45. Recreational Vehicles

- a. Storage of recreational vehicles (RVs), including, but not limited to RVs, all-terrain vehicles (ATVs), utility vehicles (UTVs), boats, campers, dirt bikes, golf carts, and jet skis, and trailers are prohibited on any portion of the property unless fully enclosed in a closed garage. Trailers not enclosed must remain out of sight from the street.
- b. Short-term, temporary parking of recreational vehicles in the driveway is permitted for at most twenty-four (24) hours.

46. Rentals

The rental of any residence or guest house within The Heights is prohibited, including short-term rentals such as AirB&B and VRBO.

47. Repairs (to house and property)

Owners are responsible for maintaining and repairing their property at their own expense and making all necessary repairs in compliance with the Covenants and the Standards & Guidelines. When repairing "as is," no ACC filing is needed. Any change in structure/property, including changes in materials and colors, requires prior approval.

48. Roofing

- a. Roofing materials are limited to standing seam metal, slate, stone, concrete or clay tile, or any tile of a ceramic nature. Asphalt, wood, composite, and built-up roofs are prohibited.
- b. Roofing on all structures (primary residence, guest house, garage, outbuildings, etc.) must be of the same material, color, and pitch.
- c. Flat, horizontal roofs are not permitted.
- d. Roofing that appears "shiny" or highly reflective is not permitted.

49. Satellite Dishes

Per the federal Telecommunications Act of 1996, installation of a satellite dish does not require prior approval, provided that the dish:

- a. is no more than one (1) meter (39.37 inches) in diameter,
- b. is only placed in front or side of a home if the installation company provides a letter stating that a signal may not be obtained in any other location. If the dish must be placed in front of the home, all cables must be hidden from view. Screening materials may also be required. Prior ACC approval is required if any of these conditions exist.
- c. Roof installation is permitted only on the back of the house.

50. Screened Porches (See Decks, Patios, Gazebos, Pergolas, Firepits, Screened Porches, and Play Houses)

51. Seasonal Decorations and Lights (See also **Lighting, Exterior**)

52. Setbacks

Any structure, driveway, or outbuilding setback should be at least 20 feet from any property line. Primary dwellings should be at least 30' from the front property line or 50' from the curb, whichever is greater. (Accessory structures, such as a guest house, detached garage, workshop, etc., cannot be closer to the front property line than the main dwelling.)

53. Standby Generators

A homeowner may, upon ACC approval, install a standby electric generator that is:

- a. Powered by liquefied petroleum gas or hydrogen;
- b. Constructed as a single unit fully contained in an integral manufacturer's supplied sound attenuating enclosure;
- c. Permanently connected to the home's main electrical panel via a transfer switch approved by KPUB.

Gasoline, diesel, and compressed natural gas-powered generators shall not be approved.

As a noise abatement measure, operational testing should be performed after 7:00 a.m. and no later than 6:00 p.m. Monday-Saturday.

A generator shall not generate all or substantially all of the electric power to a home except when utility-generated electricity is interrupted due to causes other than nonpayment of electricity bills.

Any generator visible from the street may require screening with materials or landscaping.

54. Signs (contractor/home improvement, realtor, political)

See Appendix A.

55. Sightlines

- a. Foliage must be controlled to prevent the obstruction of sight lines for motorists.
- b. Fences, walls, hedges, and shrubs at all corner residences must be at most twenty (20) feet from the back edge of the curb on any street-facing side of the property.

55. Solar Panels

Solar panels must be placed on the rear roof of a home, out of sight from the street. Solar panel installation requires prior approval from the ACC.

56. Storage of Materials

Storage of miscellaneous materials is permitted if kept in an enclosed area or not visible from the street. Debris or trash piles are not allowed.

57. Temporary Structure

No structure other than the primary residence may be used at any time as a dwelling.

58. Trampolines

Trampolines are permitted in the rear yard only and are cannot visible from the street. It must also be kept in good repair.

59. Tree Houses

The proposed construction of a treehouse requires prior ACC approval. The proposed location MUST be in the rear of the property and at least 20 feet from any property line.

60. Trees

Owners are responsible for the maintenance of trees on their property, including pruning and removing dead, diseased, or damaged trees.

Large-scale clearing of existing native trees for any purpose other than dwelling placement must be approved in advance.

- a. Cedar trees (ashe junipers) are exempt from this restriction.
- b. Soil erosion must be mitigated on slopes that face neighboring properties.

61. Utility Connections

- a. All electric, telephone, cable TV, broadband, water, septic, and propane connections shall be underground, including service between/to guest houses, storage, pool, or other approved structures.
- b. Utility connection boxes, including meters, panels, control boxes for irrigation, lighting, pool or hot tub, etc., cannot be located on the front of the house or visible from the street.

62. Walls / Retaining Walls

- a. No wall or landscape retaining wall shall be constructed at any residence without prior ACC approval.
- b. Retaining walls must be constructed of stone, brick, or other masonry material. Landscape timbers, railroad ties, or other wood products are prohibited.
- c. See Appendix B for more information.

IV. Non-Compliance with the Standards & Guidelines

Similar to the conditions and stipulations presented within the By-Laws and Covenants, the Association is responsible for enforcing this document's terms.

What are the penalties for not complying with the Standards & Guidelines?

1. An exterior architectural or landscaping change made without the owner seeking and receiving the required prior written approval constitutes a violation of the Covenants and the Standards & Guidelines. A violation may require removal or modification of the work at the property owner's expense or resolution within a specified period.
2. When a violation is reported, the following steps shall be taken:
 - a. The Board and ACC will investigate the reported violation.
 - b. The Board will communicate with the owner in writing, detailing the violation and giving notice of a requirement for compliance and a timeline to comply.
 - c. The owner may request a hearing with the Board and ACC to explain the violation.
3. If the owner fails to correct the violation in the manner and timeline requested, the Board will proceed with the steps necessary to enforce compliance.
 - a. Fines up to \$100 per day may be imposed.
 - b. Fines, if assessed, will begin at least five (5) days after the deadline.

V. Contact Information

Whom Should I Contact if I Have Questions?

Our website: **heightsofkerrville.com**

Our email: **info@heightsofkerrville.com**

VII. Appendix

The Appendix contains a summary of Bulletins issued by the Board after the original Covenants.

A. Signs Guidelines

The Heights of Kerrville has established guidelines for signs.

- a. The maximum dimension of any sign may not be greater than twenty-four (24) by twenty-four (24) inches.
- b. Signs must be ground-mounted; no banners or flags may not be displayed from any structure (home, garage, recreational structure) or resident vehicle.
- c. Real Estate signage (Sale, Resale) is limited to one sign per residence.
- d. Vendor and home improvement signs are limited to one sign per residence and may be displayed for up to thirty (30) days.
 - 1) If new home construction, a vendor sign may be displayed until 30 days after completion.
- e. Business signs other than vendor/home improvement signage are not allowed.
- f. Political signs are permitted, with the following restrictions:
 - 1) One (1) sign is allowed for each candidate or ballot item at a residence
 - 2) The sign must be placed in the resident's front yard only
 - 3) The sign may not be installed earlier than ninety (90) days before the day of the election to which the sign relates, and not remain later than ten (10) days after the election.
- g. Temporary signs for an open house may be displayed on the day of the event and must be on the resident's property. Such signage is prohibited outside the entrances/gates or adjacent lots and roadways.
- h. Signs are not permitted on the right-of-way or in Common Areas.

B. Fencing Guidelines

- a. Installation of any fence must be approved in advance by the Architectural Committee.
 - o The City of Kerrville requires a permit to install any fencing. See below.
- b. All fencing shall not exceed six (6) feet in height; masonry fencing is restricted to a height of three (3) feet or less.
- b. Fencing shall be transparent/open in nature to preserve views of open space.
 - 1) Materials may not be chain link, barbed wire, or solid wood
 - 2) Hedgerows may not be used in place of fencing along property lines
- c. Fencing cannot be installed beyond the front of a residence¹.
- d. Fencing can enclose up to 20% of the lot.
- e. A request for approval of a planned fence must include the following:
 - 1) A plat map showing fence placement. It must also show existing/proposed structures.
 - 2) Details about the design of the fence, its height, the material to be used, and the paint or stain colors.

¹ Ornamental fencing, 30" or less in height, is excluded from this restriction.

City of Kerrville Fence Ordinance

ARTICLE II. – BUILDING CODES

Sec. 26-38. – Construction of Fences

It shall be unlawful for any person, firm, or corporation to erect, construct, or to place or to have erected, constructed, or placed or to make substantial repairs, suffer, or permit a fence or any part of a fence of permanent construction without first obtaining a fence permit from building officials. Such permit is subject to the submission of an application and the payment of a fee, and any fence constructed first being issued the required building permit will be subject to an additional fee. "Fence" is defined as any wall, berm, or structure more than two and one-half feet in height erected, constructed, placed, or maintained for the purpose of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structure, located entirely on private property.

(Ord.No. 2021-04, 1-26-2021)

C. City of Kerrville Dog/Cat Ordinance

Part II - Code of Ordinances, Chapter 18

Adopted: February 24, 2004

ARTICLE III. - CARE AND KEEPING OF ANIMALS

Sec. 18-71. - Noise.

It shall be unlawful for any person to own, keep, or be in control of any animal which causes unreasonably loud or unnecessary noise that causes a material disturbance, distress, or discomfort to persons of ordinary sensibilities in the immediate vicinity.

(Code 1968, art. 10-I-3(c)(1))

Sec. 18-72. - Restraining of animals.

Every person who owns, keeps or is in charge of a dog or other animal, shall restrain his dog or animal at all times, except this section shall not apply to cats.

(Code 1968, art. 10-I-3(c)(2))

Sec. 18-73. - Permitted animals.

- (a) No person shall harbor or keep more than four dogs or four cats, or any combination of four dogs and cats over the age of four months, except in an animal shelter, clinic, hospital or kennel as provided in the zoning ordinance.
- (b) No person shall keep, own or be in control of any animals of any kind which on account of their number, condition in which they are kept, noise or odor interferes with another's quiet use and enjoyment of his property within the immediate vicinity.

(Code 1968, art. 10-I-3(c)(3))

Sec. 18-74. - Fierce, dangerous, vicious dogs or cats.

The owner shall confine within a building or a secure enclosure a fierce, dangerous, or vicious dog or cat and not take such dog or cat out of such building or secure enclosure unless such dog or cat is securely muzzled. Proof of one prior bite, attack or attempted attack, shall constitute a prima facie evidence of a fierce, dangerous or vicious dog or cat.

D. City of Kerrville Property Maintenance

Part II - Code of Ordinances, Chapter 58

Adopted: September 28, 1999

Sec. 58-105. – Nuisances Prohibited

- (a) Weeds and brush. It shall be unlawful for any person owning or occupying property in the city to allow weeds or brush to grow on the property to a height exceeding 12 inches, or regardless of height, to remain on the property in an unsightly manner. It shall be a defense to a violation of this section if the plant matter in question constitutes:
- (1) Regularly cultivated ornamental, fruit-bearing, vegetable-bearing, or flowering plants, bushes, or trees;
 - (2) Regularly cultivated crops grown on property that is classified as agriculture exempt according to the tax rolls of the county;
 - (3) Pasture lands on property that is classified as agriculture exempt according to the tax rolls of the county;
 - (4) Heavily wooded property or property with steep slopes, on which mowing equipment cannot reasonably be used; or
 - (5) Property which the city health official determines should be exempted because of the lack of harm to the public health, safety, and welfare.
- (b) Other nuisances. It shall be unlawful for any person owning or occupying property in the city:
- (1) To allow holes or other places on the property to exist where water may accumulate and become stagnant;
 - (2) To allow stagnant water to accumulate and remain on the property;
 - (3) To allow filth, carrion, putrescible waste, or any impure or unwholesome matter to accumulate and remain on the property; or
 - (4) To allow rubbish, debris, trash, earth and construction materials, or any other unsightly, objectionable, or unsanitary matter to accumulate and remain on the property.

E. County of Kerr Outdoor Burning Guidelines

Section 105.6.32 Open burning.

- (a) *Adoption of Texas Administrative Code Regarding Outdoor Burning.* The City hereby adopts the outdoor burning rules as outlined in the Texas Administrative Code, Title 30, Part I, Chapter 111, Subchapter B, as may be amended ("TAC"). If a conflict occurs between TAC and this section, the most stringent provision shall prevail.
- (b) *Outdoor burning prohibited.* Outdoor burning of any kind is prohibited except where such burning is authorized pursuant to an exception as specified below or by a permit issued by the City. This prohibition includes the burning of household trash, furniture, electrical insulation, treated and untreated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, chemical wastes, natural or synthetic rubbers, garbage of any form, or municipal solid waste, including grass, leaves, and branch trimmings.
- (c) *Outdoor disposal or deposit of spontaneously ignitable material prohibited.* The outdoor disposal or disposition of organic materials, such as mulch, capable of igniting spontaneously, with the exception of solid fossil fuels, is prohibited.
- (d) *Exceptions and Permits.* Outdoor burning may be authorized under the following exceptions or pursuant to a permit issued by the City:
- (i) *Fire training - EXCEPTION.* Outdoor burning is authorized for training fire-fighting personnel. Facilities dedicated solely for fire-fighting training shall provide an annual written notification of intent as to such burning to the fire code official and the Texas Commission on Environmental Quality ("TCEQ") or its successor, and shall provide each with notice at least 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial notice includes the specific dates and times of all sessions.
- (ii) *Outdoor fires for non-commercial food preparation - EXCEPTION.* Outdoor fires are authorized for cooking, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barbeque pit or chimenea made of brick, stone, metal, or other fireproof material in such a manner as to prevent any fire from escaping. Outdoor fires for non-commercial food preparation do not require a burn permit. This exception does not permit or authorize the burning of waste or other matters not being prepared for consumption.
- (iii) *Fires used for recreation and ceremony - PERMIT.* The City may authorize outdoor burning for fires used solely for recreational or ceremonial purposes pursuant to the issuance of a City permit.
- EXCEPTION: for one and two family dwellings, such a fire may be used for recreation or any other purely domestic purpose without a permit. However, such fire must be built within an appropriate fire-resistant container made of brick, stone, metal, or other fire-resistant material, and must include an appropriate screen and be set in such a manner as to prevent the fire from escaping. The fire-resistant container must not exceed three (3) feet in diameter and must be located a minimum of 25 feet from any structure or combustible materials. This exception does not apply to the burning of leaves, trash, construction waste, yard debris, or vegetation, which remains strictly prohibited. In addition, no such fire may occur where a burn ban is in effect.*
- (iv) *Disposal fires - PERMIT.* The City may authorize outdoor burning for the following purposes, such activities subject to a City-issued permit:
- A. Diseased animal carcass burning where burning is the most effective means of controlling the spread of disease.
- B. On-site burning of trees, brush, and other plant growth for right-of-way maintenance, land clearing operations, and maintenance along water ways when a practical alternative to burning does not exist for any such purpose and when the materials are generated only from that property. Sensitive receptors, such as neighboring properties, persons, animals, must not be negatively affected by the burn. For a single project entailing multiple days of burning, an initial notice delineating the scope of the burn is sufficient if the scope does not constitute

circumvention of any other provision provided herein and with the understanding that the fire code official may revoke such permit after issuance for reasons such as where conditions change or a violation occurs.

C. Crop residue burning for agricultural maintenance purposes when no practical alternative exists. Structures containing sensitive receptors must not be negatively affected by the burn.

D. Brush, trees, and other plant growth causing a detrimental public health and safety condition may be burned by a local government at a site it owns upon receiving approval from the fire code official. Such a burn may only be authorized where there is no practical alternative and, it may be done no more frequently than once every two months. Such burning is prohibited at the City's landfill.

(v) *Prescribed burn - PERMIT.* The City may authorize outdoor burning for prescribed burning for forest, range, and wildland/wildlife management purposes pursuant to the issuance of a City permit. Such burning is prohibited where the fire code official determines that the burning will have an adverse effect on any building or structure. In addition, the fire code official may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of the permit, or causes a violation of any air quality standard.

(vi) *Hydrocarbon burning - PERMIT.* The City may authorize outdoor burning for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification to the TCEQ or the appropriate state agency, and after the fire code official has determined that the burning is necessary to protect the public health, safety, and welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.

(vii) *Other necessary burning - PERMIT.* If not otherwise authorized by this section, outdoor burning may be authorized by the City if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard, or violate any federal or state law. The fire code official may specify procedures or methods to control or abate emissions from outdoor burning as authorized. The fire code official may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision the permit, or causes a violation of any air quality law.

(e) *Revocation of permit or authority to burn.* The fire code official may revoke any person's or entity's right to conduct an outdoor burn and may pursue any legal recourse against the person or entity if the fire code official determines that federal or state law, this section, or a permit was violated.

(f) *Requirements and procedures for obtaining an outdoor burning permit.*

(i) The owner of the property upon which a burn is to occur must submit an application for a "Permit to Burn", as provided by City, to the fire code official (Fire Marshal).

(ii) The permit is effective for the specific period indicated on the permit.

(iii) The permit is effective only if the burn is conducted in strict compliance with and under the conditions specified in the permit.

(iv) The applicant shall obtain final approval to burn from the fire code official immediately prior to the start of burning and at the beginning of each day upon which burning is to take place to ensure that weather conditions are and will remain conducive to the type of burning authorized by the permit.

(v) The fire code official may void a permit in any instance where he or she determines, in his or her sole discretion, that conditions have changed to the extent that the burn is no longer safe and possesses a risk to the public health, safety, and welfare.

(g) *Fee for permit.* The fees for all permits under this section are established by City Council.

(h) *General requirements for burning.* Outdoor burning which is otherwise authorized will also be subject to the following requirements, though such requirements are not applicable to ceremonial or recreation fires:

- (i) Burning is permitted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip, navigable water, or have a negative effect on any building, structure, or sensory receptor.
- (ii) If at any time the burning causes or may tend to cause smoke to blow onto or across a public street, road, or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.
- (iii) Fires shall be maintained at least 300 feet from any neighboring structure or sensitive receptors unless prior written approval is obtained from the adjacent occupant with possessory control and such approval is submitted to the fire code official prior to the burn. "Sensitive receptors" means any natural or human-constructed feature which may be adversely affected by such activities.
- (iv) Burning shall be conducted in compliance with the following meteorological and timing considerations:
 - A. The burning may not commence earlier than 9:00 a.m. Burning shall be completed on the same day not later than one hour before sunset and shall be monitored by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.
 - B. In cases where fires will occur over more than one day pursuant to a permit, the permittee or designee shall contact the fire code official each day of continued burning prior to the fire being lit, to determine whether and under what conditions burning will be allowed on that day.
 - C. Burning shall not be commenced when surface wind speed is predicted to be less than 5 miles per hour or greater than 15 miles per hour during the burn period.
 - D. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions where such weather conditions may adversely impact such activities.
 - E. The permittee or designee shall be present at all times when a burn is active. Such person shall have a water hose connected to a reliable water supply or have other appropriate fire extinguishing equipment, such as a bulldozer or water tankers, readily available for use.
 - F. In order to allow time for the extinguishments of a fire, no new material shall be added to the burning pile after 3:00 p.m.
 - G. Any residual fires and/or smoldering objects that continue to emit smoke shall be extinguished each day at the end of the burn.
 - H. Only brush and vegetation generated and gathered from the burn site area shall be permitted. There shall be no importation of brush or any other material from another property for the purpose of burning.
- (i) *Responsibility for consequences of outdoor burning.* The authority to conduct outdoor burning under this section does not exempt or excuse any person responsible for the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this section. Further, each permittee assumes liability and responsibility for damages to persons or property caused by burning.

F. Lighting-Exterior Guidelines

All outdoor lighting is now regulated by the City of Kerrville (Chapter 26, Article X of the Code of Ordinances). New construction, additions, or remodeling now requires filing a lighting plan with the City for review and approval.

Existing outdoor lighting that does not conform with the new City standards will need to be replaced by March 2033 (ten years after the adoption of this ordinance). The City of Kerrville will assess fines for non-compliance.

Artificial lighting is essential for safety, security, and navigation. It is also desirable for aesthetic purposes in landscaping and architectural uses. Examples include low-voltage driveway or sidewalk markers, motion-sensing lighting, and water feature lighting.

The following five principles help facilitates both beautiful and functional lighting that also minimizes invasive light pollution and disruption to wildlife:

- All lighting should have a clear, helpful purpose. Before installing or replacing a light, determine if the light is needed. Consider how the light will impact the area; consider alternatives such as reflective markers for driveways and sidewalks.
- Lighting should be directed (pointed) only to where it is needed and never upward. Use shielding and careful aiming so the light points downward and does not spill beyond where it is required. Avoid lighting that is directly visible from any other property.
- Lighting should not be brighter than necessary. Total outdoor light output installed on any property cannot exceed 25,000 lumens per net acre.
- Lighting should be used only when it is functional. Controls such as timers or motion detectors ensure lighting is available, dimmed when possible, and turned off when not needed.
- Use warm-colored lighting where possible. Limit the amount of blue-violet light.
 - The color temperature (CCT) of luminaries cannot exceed 3000 Kelvins.
- Flagpole lighting is limited to a lumen output of 75 lumens per linear foot of pole height.

Resources:

<https://www.kerrvilletx.gov/1934/Code-of-Ordinances>

https://library.municode.com/tx/kerrville/codes/code_of_ordinances?nodeId=PTIICOR_CH26BUBURE

<https://hillcountryalliance.org/our-work/night-skies/>

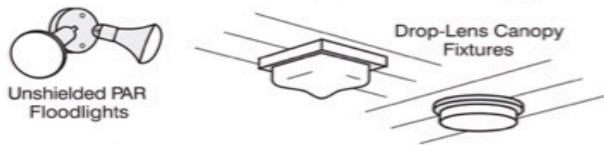
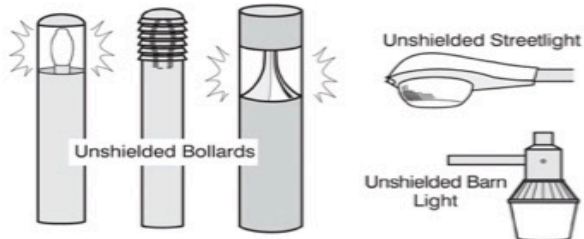
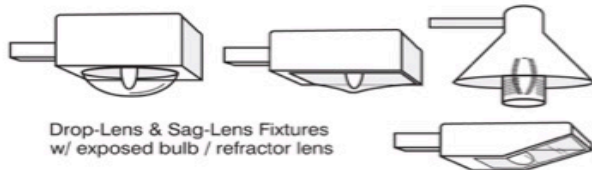
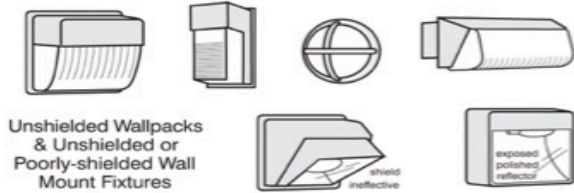
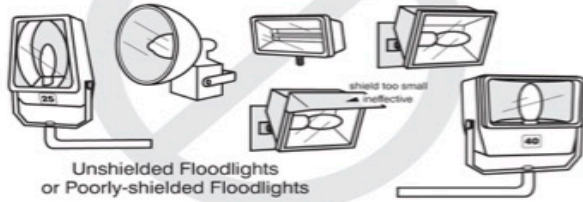
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<https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/fsa-products/#!/Search-by-Application/c/19306351>

Examples of Acceptable / Unacceptable Lighting Fixtures

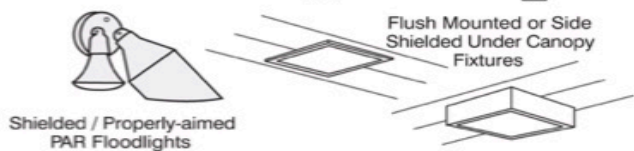
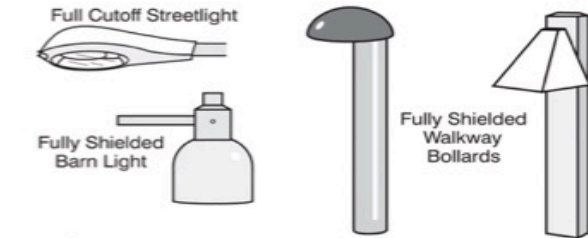
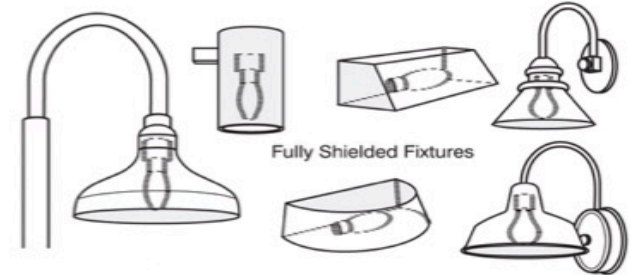
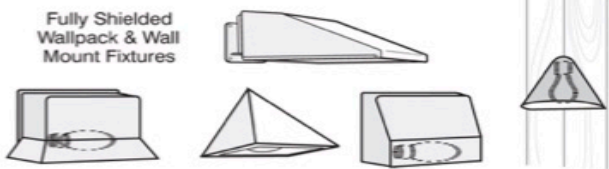
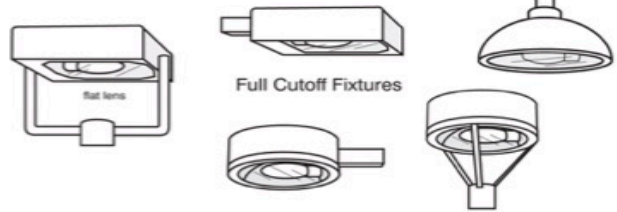
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

G. Contractor Deposit Policy

Contractor Deposit Policy (Adopted July 14, 2022)

A one thousand five hundred dollar (\$1,500) deposit is required from a Contractor by The Heights HOA to cover any damage that may be incurred to the Common Areas during construction, landscaping, or other major site work. The Common Areas include the roads, road shoulders, and islands; damage includes construction debris and trash.

1. The deposit will be placed in an account belonging to the HOA. Any interest accrued shall be the property of the Contractor and payable upon satisfactory completion of the project.
 - a. A pre-construction inspection of adjacent roads and common areas will be conducted with the existing conditions documented and agreed to by all parties, including the Contractor, Lot Owner, and the HOA.
 - b. When all construction/contractor activity is complete, the Contractor must request a final inspection by the HOA. The HOA will provide a letter to the Contractor detailing any damage to the Common Areas determined to be a direct result of their work during the project.
 - c. Damage that is identified may be repaired by the Contractor and then inspected again. Should the Contractor elect not to make the repairs, the HOA will perform the repairs and deduct the expense from the Contractor Deposit. Should the Deposit amount not be sufficient to cover the entire cost of such repair, the deficiency shall be charged to the Contractor.
2. The Contractor cannot transfer ownership of the Deposit to the Lot Owner.
3. The Deposit applies to all Builders, Landscapers, and Pool Companies.
4. Fines assessed by the HOA during the project will be independent of the Deposit and payable directly by the Contractor in the timeframe established.
5. This Contractor Deposit Policy supplements the Property Standards & Architectural Guidelines and the applicable Declaration and will remain in force until revoked, modified, or amended.

Received By:

Contractor Name & Signature

Date

H. Heights of Kerrville Community Map

