

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 all owners, the question often arises about how to maintain harmonious development and sustain quality as the community matures. This document offers a meeting ground between the private interests of homeowners and the broader interests of our community. These standards aim 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 referred to as the Covenants) is a binding legal document provided to each homeowner during the closing in The Heights of Kerrville. Under these Covenants, the homeowner assumes the rights and agrees to fulfill the obligations of membership in The Heights of Kerrville Homeowners Association (hereafter referred to as the Association).

This document, the Property Standards & Architectural Guidelines (hereafter Standards & Guidelines), presents the legal language and the intent of the Covenants in layman's 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 prevail. Each homeowner is expected to understand and adhere to 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. ensure the architectural integrity of the neighborhood

D. What is the difference between Standards and Guidelines?

The Standards consist of 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 minimum expectations. They govern matters such as the physical appearance of properties, the maintenance of homes and yards, the parking of vehicles, and the control of nuisances.

The Guidelines, also derived from the Covenants, describe the process for approval that governs any proposed new construction or 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 consists of 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 modifications to the home's exterior or landscape
2. to ensure the proposed project complies with the architectural provisions of both the covenants and standards and guidelines, and
3. to rule on these requests and submit their decision to the Board of Directors as a recommendation for final determination.

As conditions and materials change, the ACC may recommend a new or revised requirement or specification to the Board that, if approved, will be published to owners as a Bulletin, will supplement the Covenants, and will be incorporated into the Standards & Guidelines through 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, 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 occur 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 based on its individual merits and the criteria listed below¹:

1. Validity of concept: The basic idea of the exterior change must be rational and appropriate to its surroundings.
2. Compatibility² of design: The proposed change must align with the design characteristics of the applicant's home and the broader neighborhood setting.

3. Scale: The three-dimensional size of the proposed change must satisfactorily relate to adjacent structures and their surroundings.
4. Materials: Continuity is established by using the same materials and colors present in the existing structure. Both materials and roofing must match the existing structure.
5. Color may be used to either soften or intensify the visual impact.
6. Landscape and environment: The exterior changes must not unnecessarily destroy the natural landscape or the established man-made environment.
7. Relationship of structure and adjoining property: The proposed change should relate harmoniously to its surroundings, as well as to existing neighboring buildings and terrain that visually connect to the change.
8. Protection of neighbors: The interests of neighboring residents should be safeguarded by establishing provisions for matters such as surface water drainage, sound and sight buffers, preservation of views, light, air, and other aspects of design that may significantly impact neighboring properties. The ACC will consider various appropriate criteria and exercise discretion in determining which of these criteria will govern each specific application.
9. Workmanship: The quality of the 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 municipal, 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 or restrictive than those established by the Association, the more rigorous or restrictive requirements prevail.

² Compatibility is the harmony of 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, along 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 review period if the application is complete.
2. The ACC reviews the Architectural Request at its earliest convenience and renders a decision within sixty (60) calendar days of receiving a complete Architectural Request⁴.

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.

⁴ An ACC approval does not substitute for approval by the City of Kerrville. The homeowner is responsible for acquiring appropriate approvals, permits, and other necessary documentation from the City.

3. The ACC will forward its decision to the Board of Directors, who will make the final official determination regarding 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 has been approved as submitted.
 - B. APPROVAL WITH CONDITIONS: The overall proposal is accepted, but specific changes, limitations, or requirements must be adhered to.
 - C. DISAPPROVAL: The application has been denied. The owner may appeal this decision to the Board of Directors within fifteen (15) business days. Please refer to item F.
 - D. ADDITIONAL INFORMATION REQUIRED: The ACC has determined that the application is incomplete and requires more information. In this case, the entire process restarts once the Association receives the requested information. The owner should follow the same submission procedure. The ACC will act promptly on all resubmissions.
4. An approved Architectural Request is valid for one (1) year from the date of the approval letter.
5. Once work has commenced 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 may be requested prior to the deadline.
6. 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, note any problems encountered, or gather "pointers" which might help other residents contemplating similar projects. Construction not following the approved plans will require the Builder and Homeowner to remedy the discrepancies. Should the Owner fail to rectify 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 occur during this appeal process.

The appeal process is as follows:

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

1. Upon receiving the appeal, the Board will reach out to the homeowner and arrange a formal hearing.
2. Members from both the Board of Directors and the Architectural Control Committee will attend the hearing.
3. This is the sole process allowed 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 located 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 receive prior approval.
- 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 an existing single-family dwelling, intended for temporary use by guests of the primary home (not to exceed 30 days). 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 such as re-grading, the addition or removal of plantings, retaining walls, and drainage channels.

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

2. Animals

- a. No animals (including livestock and poultry) 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 and Guidelines.
- c. Refer to Appendix C for further 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 allowed, but limited to one per house.
- b. Basketball goals should be positioned in the rear third of the driveway. They are not allowed on the street.
- c. Basketball goals should not be mounted directly on the residence.

6. Boats, Waterborne Vehicles

Storing boats or waterborne vehicles on any part of the owner's property is prohibited unless they are fully enclosed in a closed garage.

7. Building materials

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

8. Burning

- a. The burning of wood, leaves, trash, garbage, or household refuse is restricted within Kerr County. Refer to Appendix E 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 the rear third of the driveway.
- c. Portable units must be stored overnight in the garage, backyard, or rear yard.

9. Clotheslines

Outdoor clotheslines are not allowed 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, and 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 or displayed on the exterior of the vehicle, van, bus, or truck.

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

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

- a. The construction of any new deck, patio, gazebo, pergola, fire pit, screened porch, playhouse, etc., requires prior approval.
- b. Decks, patios, gazebos, and screened porches should generally be situated at the back of the main structure. All structures must be at least twenty (20) feet from the property line.
- c. It must be architecturally compatible with the residential dwelling and constructed of the same or substantially similar materials.
- d. Pre-constructed structures are prohibited.

12. Driveways, parking pads

- a. Proposed changes to residential driveways, including the addition of a driveway extension, must be submitted for approval. A minimum clearance of 20 feet is required between the paved driveway or parking pads and the property line.
- b. Primary driveways and parking pads must be paved with asphalt or concrete, while gravel or stone is only permitted for secondary driveways and parking pads.
- c. Driveways and driveway extensions must be kept in good repair.

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

- a. Owners are responsible for maintaining the natural areas, grass, foliage, mulch, and ground cover of their property in good condition. Natural areas around structures, which are visible and no more than 75 feet from the road, must be kept up. Wildflowers and native grass should be trimmed to a height no greater than 24 inches.
 - 1. See Appendix D for additional rules and regulations regarding exterior maintenance.
- b. Owners are expected to maintain their homes, driveways, and other exterior structures in good condition by repairing damage, removing mold, and repainting as necessary.
- c. Proposed changes to exterior building materials or colors must receive prior approval.

14. Exterior painting

- a. All exterior repainting of the residence must use the existing color unless the ACC has approved a color change beforehand.
- b. All exterior paint and stain must be kept 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 kept in good condition and have 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 permitted with ACC approval. Flagpoles must have a maximum height of 25 feet from the ground. The color of the poles 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 kept in good condition and should not be displayed if they are 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 when viewed from the front of the house.
- 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 or doors to garages or barns should not face the street (main street if on a corner lot).

20. Gardens

Vegetable gardens are allowed and must be situated at the side or rear of the property, staying within the established easements.

21. Garden Equipment

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

22. Gas meters

No gas meters shall be installed in 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 allowed in The Heights.

26. Heating & Air Conditioning Equipment

Above-ground exterior air conditioning, heating, and other mechanical equipment must be situated in an area that is properly screened from view of the street. Window units are not allowed.

27. Hedges

- a. With ACC approval, hedges of shrubs may be planted to conceal utility boxes, trash containers, or rain barrels, or to soften the impact of an approved wall or fence.
- b. Hedges should not 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 alterations to the grounds at an owner's residence, must be approved in advance.

30. Land Use

- a. Each owner's property may be used solely 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, and similar structures.

31. Landscaping

- a. Any general alterations to the property's undisturbed natural state or areas covered with mulch, stone, or other ground cover require approval. Please see Appendix H for considerations for managing Ashe Junipers (Cedars) and for managing Oak Wilt.
- b. Plants, shrubs, and flowers no taller than 24 inches must be planted at least ten (10) feet from the street in front of the owner's house to preserve sight lines and vehicle visibility. Please see Appendix H for recommended native plants for Kerrville.
- c. Changes to the property drainage plan (e.g., French Drain System, pop-up drains, River Rock Drainage, etc.) require prior approval. Please see Appendix H for recommended practices for managing runoff and mitigating erosion in natural areas.
- d. Buffer landscaping may be necessary for any additions or changes, such as pools, hot tubs, sheds, etc.
- e. Natural areas, grass, foliage, mulch, and ground cover must be maintained neatly. Natural areas located around structures, visible, and no more than 75 feet from the road must be maintained. Wildflowers and native grass should be kept at a height of no more than 24 inches tall.
 - 1. Please see Appendix D for additional rules and regulations regarding exterior maintenance.

32. Lawn Furniture

Folding or inflatable lawn furniture should not be left overnight on front or side lawns.

33. Lighting-Exterior

City Ordinance 2023-03 now requires the use of Dark Sky-type fixtures to minimize light pollution and reduce disruption to wildlife.

- a. Security lights on poles using mercury, sodium vapor, or LED are prohibited.
- b. Exterior lighting should be shielded so that the light source is not visible from neighboring properties or roads.
- c. Lighting from dusk to dawn is not permitted for fixtures that are not Dark Sky-rated.
- d. The color temperature (CCT) of luminaries must not exceed 3000 Kelvins.
- e. Winter holiday season lighting may only be displayed between Thanksgiving week and January 10th.
- f. Refer to 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 from the property.
- b. No unsightly materials of any kind may be stored, placed regularly, or allowed to remain in view on any part of the visible property. (See Appendix D for additional rules and regulations regarding exterior maintenance.)

35. Moving existing structures onto the property

No existing or pre-constructed building, mobile home, modular home, or similar structure may be relocated to a residential property for the purpose of remodeling or conversion into a dwelling house.

36. New Construction

- a. All construction of new structures, as well as alterations and additions to existing structures on residential property, will be allowed only with prior written approval.
- b. Construction activities are limited to the hours of 7:00 a.m. to 6:00 p.m. from Monday to Friday, and from 7:00 a.m. to 2:00 p.m. on Saturday. Furthermore, construction is not permitted on Sundays and on the following holidays: New Year's, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.
- c. Parking for all construction vehicles is limited to the physical lot and must never obstruct traffic flow, especially for emergency vehicles. Construction parking is prohibited on the street for any reason at any time; no part 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 debris must be contained within the construction site. The construction firm and lot owner are responsible for any debris blown, dumped, or transported onto adjacent lots or common areas. (See Appendix D for additional rules and regulations regarding construction materials.)

37. Parking

- a. All authorized vehicles belonging to the owners of the residence and others must be parked in the main driveway, parking pads, or the garage.
- b. No vehicles may be parked regularly 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 the storage of house trailers, recreational vehicles, campers, watercraft, and boats on the property is prohibited unless they are fully enclosed in a closed garage. Utility trailers, if not enclosed, must not be visible from any road.
- e. Short-term temporary parking of house trailers, recreational vehicles, campers, watercraft, boats, and utility trailers in the driveway is permitted for a maximum period of twenty-four (24) hours.
- f. No inoperable vehicles may be parked in the driveway or on the resident's property unless they are stored in a fully enclosed garage with the doors shut.
- g. Commercial vehicles may only be parked at residences 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 for providing buffer landscaping that softens the view for neighbors.

42. Pools/Hot Tubs

- a. The construction or installation of an in-ground swimming pool or hot tub is only allowed with prior written approval.
- b. Temporary or inflatable pools are allowed, provided 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 for pools and hot tubs may include instructions to provide buffer landscaping that softens the view for neighbors.

43. Fuel tanks

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

44. Rain Barrels

Rain barrels are allowed in The Heights of Kerrville. They must be installed out of view from the street, and landscaping will be required to obscure 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, jet skis, and trailers is prohibited on any portion of the property unless fully enclosed in a closed garage. Trailers that are not enclosed must remain out of sight from the street.
- b. Short-term parking of recreational vehicles in the driveway is allowed for up to twenty-four (24) hours.

46. Rentals

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

47. Repairs (to house and property)

Owners are responsible for maintaining and repairing their property at their own expense and for 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. The roofing on all structures (primary residence, guest house, garage, outbuildings, etc.) must be the same material, color, and pitch.
- c. Flat or horizontal roofs are not permitted.
- d. Roofing that appears "shiny" or highly reflective is not allowed.

49. Satellite Dishes

According to the federal Telecommunications Act of 1996, the installation of a satellite dish does not require prior approval, as long as the dish:

- a. is no more than one meter (39.37 inches) in diameter,
- b. A dish is only placed in front of or beside a home if the installation company provides a letter stating that a signal cannot be obtained in any other location. If the dish must be positioned in front of the home, all cables must be concealed from view. Screening materials may also be necessary. Prior ACC approval is required if any of these conditions apply.
- c. Roof installation is allowed 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 feet from the front property line or 50 feet 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 within an integral manufacturer-supplied sound attenuating enclosure;
- c. Permanently linked to the home's main electrical panel through 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 occur after 7:00 a.m. and no later than 6:00 p.m., Monday through Saturday.

A generator shall not produce all or nearly all of the electric power for a home unless utility-generated electricity is interrupted due to reasons other than nonpayment of electricity bills.

Any generator visible from the street may need 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 located at least 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

Storing miscellaneous materials is allowed if kept in an enclosed area or not visible from the street. Debris or trash piles are prohibited. (See Appendix D for additional rules and regulations regarding storage of materials.)

57. Temporary Structure

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

58. Trampolines

Trampolines are permitted only in the rear yard and cannot be visible from the street. They 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 maintaining trees on their property, including pruning and removing dead, diseased, or damaged trees.

Large-scale clearing of existing native trees for purposes other than dwelling placement must receive prior approval.

- 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 must be underground, including services to guest houses, storage, the pool, or other approved structures.
- b. Utility connection boxes, including meters, irrigation control panels, lighting fixtures, and equipment for pools or hot tubs, cannot be located on the front of the house or be visible from the street.

62. Walls / Retaining Walls

- a. No wall or landscape retaining wall shall be constructed at any residence without prior approval from the ACC.
- b. Retaining walls must be made of stone, brick, or other masonry materials. Landscape timbers, railroad ties, or other wood products are not permitted.
- c. See Appendix B for more information.

IV. Non-Compliance with the Standards & Guidelines

Similarly to the conditions and stipulations presented in the By-Laws and Covenants, the Association is responsible for enforcing the terms of this document.

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 necessitate removal or modification of the work at the property owner's expense or resolution within a specified timeframe.
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 will be assessed per the Fines Policy, available on the HOA website.

V. Contact Information

Whom Should I Contact if I Have Questions?

Our website: **heightsofkerrville.com**

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

VII. Appendix

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 3 of the Code of Ordinances). New construction, additions, or remodeling require the submission of a lighting plan to the City for review and approval.

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

The following five principles help facilitate both beautiful and functional lighting while also minimizing 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/>

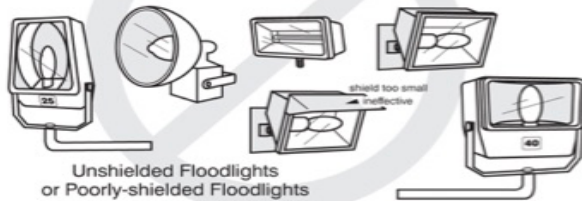
<https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/fsa-products/#!/Residential/c/12499367>

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

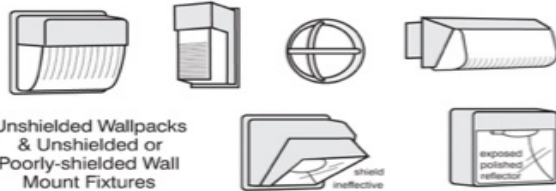
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

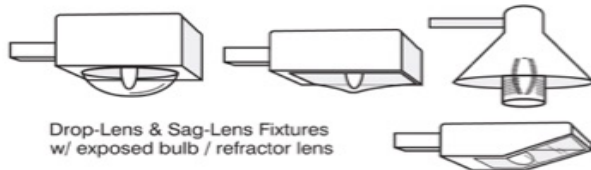
Fixtures that produce glare and light trespass



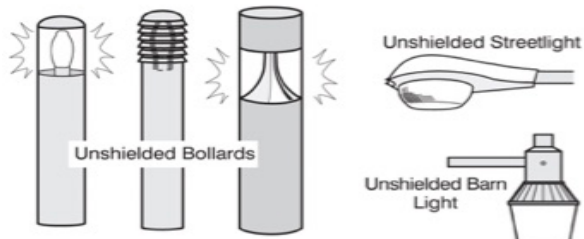
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



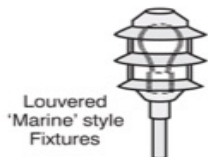
Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens



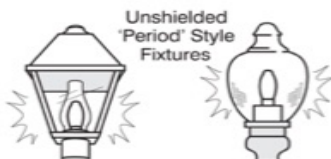
Unshielded Bollards

Unshielded Streetlight

Unshielded Barn Light



Louvered 'Marine' style Fixtures



Unshielded 'Period' Style Fixtures



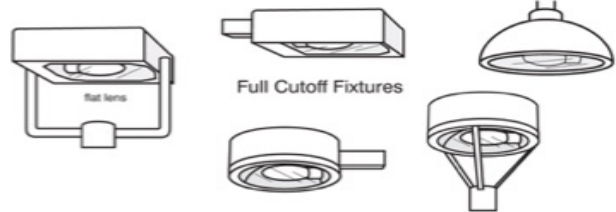
Unshielded PAR Floodlights



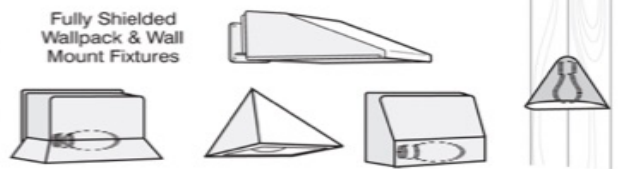
Drop-Lens Canopy Fixtures

Acceptable

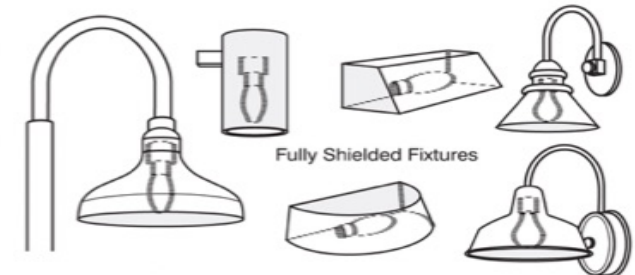
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



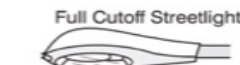
Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



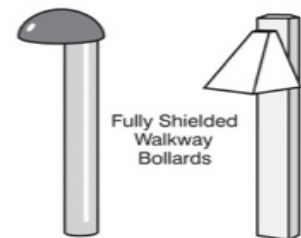
Fully Shielded Fixtures



Full Cutoff Streetlight



Fully Shielded Barn Light



Fully Shielded Walkway Bollards



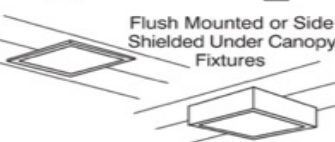
Fully Shielded Decorative Fixtures
bulb shielded in opaque top



Fully Shielded 'Period' Style Fixtures
bulb shielded in opaque top



Shielded / Properly-aimed PAR Floodlights



Flush Mounted or Side Shielded Under Canopy Fixtures

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

G. Contractor Deposit/Agreement

CONTRACTOR AGREEMENT

Revised December 10, 2024

Part I. The Heights of Kerrville community is a “Clean Site”. All Contractors are expected to follow these job-site standards for all work conducted within The Heights of Kerrville community:

- No construction or landscaping work before approval from The Heights of Kerrville HOA.
- At the beginning of the project, on-site portable restrooms are required. They must not be placed on the roadway, common areas, or adjacent lots.
- Construction waste, debris, and trash must be contained on-site and removed promptly.
 - The Contractor is responsible for promptly removing such materials that migrate to adjacent lots and common areas.
 - A dumpster is required at the beginning of major projects (home, guest house, garage, pool) and must be emptied as necessary.
- Cement/Cement clean-out will not be dumped onto an empty lot or common area.
- Mud tracked onto the street must be removed. A temporary gravel driveway is suggested to prevent mud from tracking onto the road.
- Multiple (five or more) deliveries of cement or gravel in a single day must be coordinated in advance with the HOA so that the entrance gates can be opened/remain open.
- Parking for all construction vehicles is restricted to the project lot (entirely off the roadway) and must never impede traffic flow, especially emergency vehicles.
- Access to the job-site area through an adjoining property is permitted only with that owner’s prior permission.
- 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, New Year’s Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.
- All Contractor personnel will adhere to the posted speed limit of **29 mph** throughout the community.
- **Violations of the above may result in fines.** The fines assessed will be independent of the Contractor Deposit and directly payable by the Contractor. Fines not paid within the established timeline will be assessed against the Lot Owner.

Part II. Contractor Deposit

A one thousand five hundred dollars (\$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, the Lot Owner, and the HOA.
 - b. When all construction/contractor activity is complete, the Contractor must request a final inspection by the HOA. If necessary, the HOA will send the contractor a letter detailing any damage to the Common Areas determined to be a direct result of their work during the project.
 - c. The Contractor may repair the identified damage and then have it inspected again. If the Contractor does not make the repairs, the HOA will perform them and deduct the expense from the Contractor's Deposit. If the Deposit amount is insufficient 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. Fines that are not paid will be assessed against the Lot Owner.
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.

Property Owner(s):

Print Owner(s) Name(s)

Print Property Address

Lot Number

Owner(s) Signature(s)

CONTRACTOR:

Print Name of Company

Print Name of Owner of Company

Print all Contact Phone Numbers

Print Email Address

Print Physical Address of Company

Print Mailing Address, if different

License Number, if applicable

Contractor Signature

H. Native Landscape Plants, Runoff and Erosion Mitigation, Managing Ashe Juniper (Cedar) Trees

Note: This appendix provides considerations and recommendations which are provided as information for homeowners. Use of and adherence to these recommendations is optional.

- **Managing Oak Wilt:** The following is excerpted from the Hill Country Alliance Landscape Guidelines document: "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" Link: <https://www.fs.usda.gov/nrs/pubs/na/NA-FR-01-95-Rev-2012.pdf>) 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." Also, please note that Texas A&M has an available Oak Wilt treatment program. Link: <https://tfsweb.tamu.edu/grants-financial-assistance/community-grants-and-programs/oak-wilt-cost-share/>
- **Managing Ashe Juniper (Cedar):** Ashe Juniper (Cedar) trees are a native and natural part of the Texas Hill Country environment. They provide numerous services such as recolonization of damaged landscapes, erosion mitigation, shade, as well as, food, shelter, and nesting sites to wildlife. Please consider these trees in your overall landscape plan. The Frequently Asked Questions document from the Hill Country Land Trust provides useful information regarding the management of Ashe Juniper (Cedar) trees. Link: https://hillcountryalliance.org/archive/wp-content/uploads/2016/09/FAQ-Managing-Ashe-Juniper_v2.pdf
- **Hillside Stewardship:** A very substantial portion of the land in the Heights of Kerrville is comprised of hillsides. All hillsides in the Texas Hill Country are subject to significant erosion in our typically heavy rains. For homeowners who have erosion problems in the natural areas of their property, the Hill Country Alliance Hillside Stewardship booklet provides clear examples of proven methods to address a variety of typical situations ranging from moderate to steeper slopes. Link: https://hillcountryalliance.org/wp-content/uploads/Hillside-Stewardship-Guide_2023.pdf
- **Recommended Native Plants for Kerrville:** The Kerrville chapter of the Native Plant Society of Texas has published an illustrated list of native perennials, vines, grasses, shrubs, ornamental/small trees, and shade trees. These options can help to inform a landscape plan that will minimize watering requirements, provide an attractive year-round landscape, and provide food, shelter, and nesting sites for wildlife. Most are somewhat or very deer resistant. Link: <http://www.ugra.org/assets/pdfs/recommended-native-plants-for-kerrville-v2.pdf>