

## Kerrville Subdivision Regulations

### Division D. Subdivision Improvements and Design Standards

#### **Section 21. Adequate Public Facilities** (*rename to NOT sound like the Adequate Facilities Plan*)

##### 21.01 Policy

Land proposed for subdivision or development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or off-site.

- a. New development must be supported by adequate levels of public facilities and services.
- b. It is necessary and desirable to require dedication of rights-of-way and easements for public infrastructure improvements, and in some cases to require construction of such improvements to support new subdivisions.
- c. There is an essential nexus between the demand on public facilities systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.
- d. The City desires to assure both that development impacts are mitigated through contributions of rights-of-way, easements and construction of public infrastructure improvements, and that a subdivision contributes not more than its proportionate share of such costs.

##### 21.02 Conformance to Plans and Specifications

- a. Proposed public infrastructure improvements serving new subdivisions shall conform to and be properly related to the City's master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.
- b. The construction of improvements within all subdivisions and developments shall be in conformance with the City's Technical Construction Standards & Specifications (TCSS), as amended, and any component or portion of the TCSS may be further amended by the City Engineer from time to time. The TCSS includes technical design and construction standards, specifications, documents and regulations that apply to all

developments and redevelopments, together with all associated tables, drawings and other attachments and all such components of the TCSS may also be further amended from time to time. All City standards described or referred to in these regulations are adopted by reference and are a part of these regulations in the same way as if they were set forth at length herein, and they include (but are not be limited to) the most current versions of the following:

- (1) The “Standard Specifications for Subdivision Construction”;
- (2) The “Design Manual for Storm Drainage Facilities”;
- (4) (Geodetic Control Network/GCN?) ;
- (5) (thoroughfare design/traffic management standards?) ;
- (6) Fire Code;
- (7) Building Code;
- (8) (others?) .

### 21.03 Adequacy of Specific Facilities

- a. Water. All lots, tracts and parcels of a proposed subdivision shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection. The City may require the phasing of development and/or improvements in order to maintain adequate water capacity. Additional standards and requirements are defined in section 22.
- b. Wastewater. All lots, tracts and parcels of a proposed subdivision shall be served by an approved means of wastewater collection and treatment. The City Engineer shall be responsible for determining the approved means of wastewater collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. Additional standards and requirements are defined in section 23.
- c. Roads. Roads serving a proposed subdivision shall provide a safe, convenient and functional system for vehicular circulation, and shall be properly related to the applicable Thoroughfare Plan, and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision. New subdivisions shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network. The City may require the phasing of development and/or improvements in order to maintain adequate road capacity. Additional standards and requirements are defined in section 24.
- d. Drainage and Flood Control. Drainage improvements serving a proposed subdivision shall accommodate potential runoff from the entire upstream drainage area under fully developed conditions, and shall be designed to prevent overloading the capacity of the downstream drainage system or under-designed potentially causing flooding upstream.

The City may require the phasing of development, the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements in order to mitigate the impacts of the proposed subdivision. Additional standards and requirements are defined in sections 25.

- e. Parks. All lots, tracts and parcels of a proposed subdivision shall be served by public parks that provide a variety of outdoor recreational opportunities, and are located within convenient distances to a majority of the residences to be served thereby. This requirement shall be satisfied either by dedication of park land or by payment of fees in lieu thereof at the time of final plat approval.

#### 21.04 City Options

In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the City may require the dedication of easements and rights-of-way for or construction of on-site or off-site public infrastructure improvements for water, wastewater, road, drainage and/or park facilities to serve a proposed subdivision, or may require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the City may deny a plat or subdivision plan application until the public facilities and services can be provided, or may require that the development be phased so that the delivery of facilities and services coincides with the demands for the facilities created by the development.

#### 21.05 Property Owner's Obligation

- a. Dedication and Construction of Improvements. The developer shall dedicate all rights-of-way and easements for, and shall construct at developer's expense, capital improvements within the rights-of-way and easements for those water, wastewater, road and drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed.

All streets, utilities, and other public improvements within the City limits shall become the property of the City of Kerrville upon completion and acceptance. The developer, at developer's expense, shall extend all water mains, sewer lines, other utilities and streets across a property's full frontage and to the outer boundaries of the subdivision for future connections and use beyond the subdivision. The ability to tap into, and utilize, City water and sewer services will become available only when a public utility main exists or is constructed across the full property frontage, and future connection point(s) shall be located such that future extension(s) are easily made. If water and/or sewer main(s) are across developer's private property, an easement(s) shall be provided to abutting property line with no gaps such that the main can be easily extended.

- b. Adjacent Road Improvements. In the case of adjacent or abutting roads, the City may require that the entire right-of-way be dedicated and improved to City design standards, depending on factors such as the impact of the development on the road, the timing of

development in relation to need for the road, and the likelihood that adjoining property will develop in a timely manner. In the case of frontage or service roads for state and federally designated highways, the entire abutting right-of-way shall be dedicated and improved to applicable design standards.

- c. Substandard Road Improvements. Notwithstanding any other provision within these subdivision regulations, where an existing road that does not meet the City's right-of-way or design standards abuts a proposed subdivision, the City may require the property owner to dedicate part or all of the right-of-way for the improvement of the road to its ultimate planned width, and to improve the street according to the dimensions and specifications in the applicable thoroughfare plan, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to the need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.
- d. Facilities Impact Studies. (More like a capacity analysis. Required with te application or deferred to the next stage of platting?) The City may require that a property owner prepare a comprehensive traffic impact analysis (TIA) study, drainage study and/or other public facilities study(s) in order to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the subdivision. The study(s) shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the public infrastructure improvements that will be needed to meet the facilities' established levels of service assuming development at the intensity proposed in the subdivision application. The study(s) shall be subject to approval by the City Engineer.
- e. Proportionality. The requirements in this section 21 are subject to a proportionality determination by the City Engineer and subsequent appeal, as provided in Section 18.

#### 21.06 Timing of Dedication and Construction

- a. Initial Provision for Dedication or Construction. The City shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including but not limited to a petition for establishing a planned development zoning district, or other overlay zoning district; a petition for an annexation agreement or a development agreement; an application for a subdivision master plat, or an application for a preliminary or final subdivision plat. As a condition of approval of the development application, the City may require provision for dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.
- b. Deferral of Obligation. The obligation to dedicate rights-of-way for and/or to construct one or more public infrastructure improvements to serve a proposed subdivision may be deferred until approval of a subsequent stage of subdivision approval, or until approval of a subsequent phase of the subdivision, at the sole discretion of the City

Engineer, upon written request of the subdivider, or at the City's own initiative. As a condition of deferring the obligation, the City may require that the developer enter into a public infrastructure improvements agreement, specifying the time for dedication of rights-of-way for or construction of public infrastructure improvements serving the subdivision.

## **Section 22. Water Improvements**

### **22.01 Water Supply System**

- a. Water mains properly connected with the City water distribution system, or with an alternate supply approved by the City Engineer, shall be constructed to adequately serve all lots shown on the subdivision plat for both domestic use and shall meet Fire Code requirements for fire protection. The sizes of water mains, the location and types of valves, hydrants and appurtenances, the amount of soil cover over the pipes and other features of the installation shall be approved by the City Engineer and, and shall conform with the City's latest adopted edition Technical Standards & Specifications (TCSS), as amended.
- b. A proposed development or subdivision shall tie onto the City's public water system, at the developer's expense, if any part of the property or subdivision is located within two thousand (2,000) feet away from the nearest City-owned water main.
- c. When it is necessary to relocate, oversize, or replace an existing public water facility to accommodate a proposed subdivision, the developer is responsible for all costs associated therewith (unless the City agrees to participate in oversizing the facility).

## **Section 23. Wastewater Improvements**

### **23.01 Sanitary Sewer System**

- a. Sanitary sewers shall be installed in such a manner to adequately serve all lots with connection to the public system. The sizes of waste water mains, the location and types of manholes and appurtenances, the amount of soil cover over the pipes and other features of the installation shall be approved by the City Engineer and, and shall conform with the City's latest adopted edition Technical Standards & Specifications (TCSS), as amended.
- b. A proposed development or subdivision shall tie onto the City's public sanitary sewer system, at the developer's expense, if any part of it is located within two thousand (2,000) feet away from the nearest City-owned sewer line.
- c. When it is necessary to relocate, oversize, or replace an existing public wastewater facility to accommodate a proposed subdivision, the developer is responsible for all costs associated therewith (unless the City agrees to participate in oversizing the facility).

## Section 24. Thoroughfare and Street Improvements

24.01 Conformity to Thoroughfare Plans. The general location, connections, and width of all streets and roads shall conform to the City's Thoroughfare Plan.

### 24.02 Relation to Adjoining Street System

- a. A proposed street system shall extend existing stubbed streets from adjacent properties at the same or greater right-of-way and paving widths, but in no case less than the required minimum widths.

24.03 Additional Width of Existing Streets, Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street requirements shown in section 24.04 below.

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way measured from the centerline of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than fifty (50) feet.

24.04 Street Right-of-Way Widths. The minimum width of street rights-of-way, measured from lot line to lot line, shall be as shown on the Thoroughfare Plan.

### 24.05 Cul-De-Sacs

- a. City streets that are designed to have one end permanently closed shall be no more than six hundred (600) feet long unless longer length is necessitated by topography or other pre-existing natural feature (1,000-foot maximum length unless an exception is granted by City Council in accordance with **division C, section 17.01**). At the closed end, cul-de-sacs shall be provided with a permanent turn-around having an outside roadway pavement diameter that meets the City's Fire Code and a street right-of-way diameter that extends a minimum of ten (10) feet beyond the paving around the turnaround bulb.
- b. street access to adjoining property is required unless necessitated by topography or other pre-existing natural feature. Proposed cul-de-sac streets shall be extended by right of way dedication to the boundary of such property with abutting (i.e., contiguous) width of at least the same width of the street segment for future extension.
- c. Temporary dead-end streets (1,000-foot maximum length unless an exception is granted by City Council in accordance with **division C, section 17.01**) shall be provided with a paved temporary turn-around having an outside roadway pavement diameter that

- meets the City's Fire Code, which shall be placed within a recorded "temporary street easement" (typically by separate instrument for ease of abandonment when the street is extended). Paving type(s) that can be used for temporary turnarounds shall be as determined by the adopted Fire Code. Permanent dead-end streets without a permanent cul-de-sac bulb are prohibited.
- d. Streets which temporarily dead end at power lines, railroads or similar rights-of-way or easements shall be constructed for at least one-half the distance across these rights-of-way or easement or to the property boundary. Written permission from the utility, railroad or other entity that owns the easement or right-of-way being crossed shall be submitted to the City prior to preliminary plat approval.
  - e. For any temporary dead-end street, a note shall be clearly placed on the final plat stating that the street will be extended with future development, and such dead-end streets shall have a sign prominently posted at the terminus of the street to provide notice that the street will be extended in the future.
- 24.06 Topographic Restrictions. In cases where topography or other physical conditions make a street of the required minimum width, cul-de-sac length, and/or street grade impracticable, the Planning and Zoning Commission may modify the above requirements at the time of preliminary plat approval.
- 24.07 Restriction of Access. When a tract fronts on an arterial street or highway, the Planning and Zoning Commission may require such lots to be provided with frontage on a marginal access street having a minimum right-of-way and paving width as set forth in section 24..
- 24.08 Reserve Strips. There shall be no reserve strips (i.e., where a strip of property separates a development from another property to prevent street or utility extensions into or out of it) controlling access to streets or utility, except where the control of such strips is definitely placed with the City under conditions approved by the Planning and Zoning Commission.
- 24.09 Intersections. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than **degrees** for a principal or secondary arterial, or **degrees** for a collector or local street (unless a lesser angle is granted an exception by City Council in accordance with **division C, section 17.01**). Corner property line radii at street intersections shall not be less than twenty-five (25) feet or as required by Fire Code, and where the angle of street intersection is less than **seventy-five (75) degrees** the Planning and Zoning Commission may require a greater curb radius at the time of preliminary plat approval. Wherever it is necessary to allow the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to accommodate such construction.
- 24.10 Street Jogs. Street jogs with centerline offsets of less than **one hundred fifty (150) feet** shall only be allowed if approved by the City Engineer.

- 24.11 Minimum Pavement Widths. Minimum pavement widths from back of curb to back of curb for each type of street shall be as set forth in the City's Thoroughfare Plan and City's Technical Construction Standards & Specifications (TCSS), as amended, unless an exception is granted by City Council in accordance with **division C, section 17.01**.
- 24.12 Pavement. Excavation, embankment, compaction, preparation of sub-grade, flexible base, and surfacing shall be in compliance with the City's Technical Standards & Specifications (TCSS), as amended.
- 24.13 Curb and Gutters. The developer shall provide permanent reinforced concrete curbs and gutters which shall be in compliance with the City's Technical Standards & Specifications (TCSS), as amended.
- 24.14 Horizontal Curves. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets with rights-of-way of sixty (60) feet or more in width, the centerline radius of curvature shall be no less than four hundred (400) feet; on other streets the centerline radius of curvature shall be no less than two hundred (200) feet.
- 24.15 Street Grades. The grade of streets shall be as set forth in the City's Technical Standards & Specifications and adopted Fire Code unless otherwise approved by the City Engineer due to unusual topographic or other design constraints.
- 24.16 Tangents. A tangent of at least one hundred (100) feet long shall be provided between reverse curves on arterial and collector streets.
- 24.17 Private Streets
- a. Design and Construction. Private streets shall be designed and constructed by the developer to the City's standards for public streets, in accordance with the City's current Technical Standards & Specifications (TCSS). The term "private streets" shall also include alleys, if such are provided within the development.
  - b. City Council Approval Required. Private street subdivisions require approval as an exemption by City Council prior to submission of a preliminary plat. Previously dedicated streets and rights-of-way shall not be designated or used as private streets and such use is prohibited, except where specific approval is given by action of the City Council. The City Council may add any conditions as deemed appropriate as part of the approval of a private street development.
  - c. Homeowners' Association (HOA) Required. Private street developments require formation of a permanent HOA that meets all requirements of section 30 of these regulations.



- d. Subdivision Eligibility Criteria. Private streets shall be permitted only within a subdivision satisfying each of the following criteria:
- (1) The subdivision shall have no fewer than twenty (20) residential lots;
  - (2) The streets to be restricted to private use are not intended for regional or local through traffic circulation (see subsection 24.17.e below);
  - (3) The subdivision is located in an area that is surrounded on at least three sides (i.e., 75% of the perimeter) by natural or manmade barriers (e.g., creeks and flood plains, golf course, linear park, large utility easement or right-of-way, etc.) or by other private street subdivisions; and
  - (4) The subdivision is not located adjacent to an existing or approved public street subdivision that can be reasonably connected, even though the street connection would require construction of a bridge or culvert – the two subdivisions shall be connected as public street subdivisions.
- e. Streets Excluded. Streets that are shown on the City's Thoroughfare Plan as arterials or collectors shall not be used, maintained or constructed as private streets, and a private street subdivision shall not cross or interfere with an existing or future collector or arterial street. The City Council may deny the creation of a private street subdivision if, in their sole judgment, the private streets would negatively affect traffic circulation on public streets, or if they would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if they would cause possible delays in the response time of emergency vehicles.
- f. Points of Access. A private street subdivision shall have at least two points of access from a public street(s) as required per City's Fire Code. If the subdivision is to be secured/gated and will have fewer than one hundred (100) residential lots, then only one main entry point may be allowed, with the second (additional) point(s) of access being designated as emergency-only, if such arrangement is approved by the City Engineer and Fire Chief.
- g. Parks and Greenbelts Excluded. A private street subdivision shall not cross or interfere with an existing or future public pedestrian pathway, hike and bike trail, greenbelt or park as shown on the City's Kerrville 2050 Parks & Recreation System Plan.
- h. Private Street Lot. Private streets must be constructed within a separate lot owned by the HOA. This lot must conform to the City's standards for public street rights-of-way. An easement covering the street lot shall be granted to the City providing unrestricted access to and use of the property for any purpose deemed necessary by the City. This right shall also extend to utility providers operating within the City. The easement shall also permit the City to remove any vehicle or obstacle within the street lot that may impair emergency access.

- i. Restricted Access. The entrances to all private street subdivisions must be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained by the City. Guard houses, access control gates, and cross arms, if used, shall be constructed per subsection 24.17.j. below. All restricted access entrances must be manned twenty-four (24) hours every day, or they must provide an alternative means of ensuring access to the subdivision by City personnel and other utility or public service providers (e.g., postal carriers, utility companies, etc.) with appropriate identification. If the HOA fails to maintain reliable access as required herein, the City may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the HOA.
- j. Access Restricted Entrance Design Standards. A private street which has an access control gate or cross arm shall have a minimum uninterrupted pavement width of **twenty-two feet (22')** at the location of the access control device. If an overhead-lifting barrier is used, it shall be a minimum of **fourteen feet (14')** in height above the road surface, and this clearance height shall be extended for a minimum distance of fifty feet (50') in front of and behind the location of the access control device. All gates and cross arms shall be of a break-away design. A turnaround space shall be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets without having to back up into the street. The design and geometry of such turnaround shall be such that it will accommodate smooth, single-motion U-turn movements by the following types of vehicles:
- (1) Larger passenger vehicles (e.g., vans, pick-up trucks, etc.);
  - (2) Passenger vehicles with short trailers up to twenty-four feet (24') in length (e.g., small flatbed, camping or box-type trailers); and
  - (3) The types of service and utility trucks that commonly visit or make deliveries to neighborhoods that are similar to the proposed private street development (e.g., utility company vehicles, postal/UPS delivery trucks, two- to three-axle flatbed or box-type trucks used by contractors and moving companies, etc.).

The City Council and/or the City Engineer may require submission of additional drawings, plans and/or exhibits demonstrating that the proposed turnaround will work and that vehicle turnaround movements will not compromise public safety on the entry roadway or on the adjacent public street(s). The design of all proposed access restricted entrances shall be submitted for review and approval by the City Engineer along with the construction plans for the subdivision.

- k. Waiver of Services. The subdivision final plat, HOA documents and contracts for sale of each lot shall note that certain City services will not be provided for private street subdivisions. Among the services which will not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of the development and upon access limitations posed by the design of entrances into the subdivision, other services (such as sanitation) may not be provided.

- l. Hold Harmless. On the subdivision final plat shall be language whereby the HOA, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision by the City or governmental/utility entity.
  - m. Conversion of Private Streets to Public. The City Council may, but is not obligated to, accept private streets for public access and maintenance. Private alleys shall remain private. Requests to convert private streets to public streets shall be subject to the following provisions:
    - (1) The homeowners' association (HOA) shall submit a petition signed by at least seventy-five percent (75%) of its members/lot owners (or a greater number of signatures, if required by the HOA documents or Declaration).
    - (2) All of the infrastructure shall meet or exceed current TCSS (proven by road core sampling and plans as required) and approved by the City Engineer.
    - (3) All security stations and other structures not consistent with a public street development shall be removed by the HOA, at its cost, prior to acceptance of the streets and appurtenances by the City.
    - (4) All monies in the reserve fund for private street maintenance shall be delivered to the City. Money in the reserve fund in excess of what is needed to bring the streets and appurtenances up to City standards will be refunded to the HOA.
    - (5) The HOA shall prepare and submit a replat to the Planning Department for review and approval by the Planning & Zoning Commission, and for acceptance of the streets (excluding alleys) by the City Engineer. Upon approval, the replat shall be recorded at the County thereby dedicating the streets and appurtenances to the City.
    - (6) The HOA shall modify and re-file, at its cost, the HOA documents to remove requirements specific to private street developments. The City Attorney shall review the modified HOA documents prior to their filing. The HOA shall be responsible for the cost of review by the City Attorney.
- 24.18 Points of Access. All residential subdivisions shall have at least two (2) points of access from improved public roadways as required per City's Fire Code. The two points of access can be from a single entrance onto a public thoroughfare if the thoroughfare is divided, and if the entry into the subdivision is divided. Otherwise, the two points of access shall be from two different entrances either on a single public thoroughfare or on two public thoroughfares. All single- and two- residential developments shall provide no less than one (1) entrance for every seventy-five (75) lots, or portion thereof, including dead-end

stubbed streets that will eventually provide connections into adjacent future developments and thence to an existing arterial or collector street.

24.19 Traffic Impact Analysis.

TIA Required when:

- a. On street parking is requested in a commercial area.
- b. Traffic light is desired
- c. Access onto an arterial or collector
- d. Increase in projected traffic counts (to be compared with TxDOT standards)
- e. If driveways are within ##### feet of an intersection. (To be compared to TxDOT standards)

## **Section 25. Stormwater Management**

### **25.01 Drainage Improvements**

- a. Drainage facilities shall be designed to meet City of Kerrville Drainage Requirements the approval of the City Engineer, and shall be designed and constructed in accordance with the City's Technical Standards & Specifications and Drainage Design Manual.
- b. Stormwater management facilities such as retention/detention ponds shall be located on private property and maintained by the property owner (or an approved HOA/POA) unless otherwise approved by the City Engineer.
- c. Pre-Existing drainage ways shall not be dedicated to or maintained by the City unless approved by City Council.
- d. **Nimitz Lake Water Quality/Runoff...**

## **Section 26. Flood Hazard Standards**

- 26.01 The land subject to flooding as identified in the Federal Insurance FEMA Rate Maps report entitled "The Flood Insurance Study for the City of Kerrville" (latest version), with accompanying flood hazard maps, shall serve as the basis for identifying those lands susceptible to flood conditions.
- 26.02 At the pre-application conference stage and during preparation of the preliminary plat, the developer and/or his agent shall study and establish floodplain and floodway elevations if such elevations had not been established previously.
- 26.03 Lands that are to be platted for development, and which are susceptible to flooding, shall be in accordance with current City Code requirements in which finished floor elevations (FFE) shall be established a minimum of one (1) foot above the established flood criteria and/or in accordance with alternatives identified by the Federal Insurance Administration.
- 26.04 No structure shall be permitted/allowed in the Floodway.

## Section 27. Parks and Open Space Standards; Preservation of Natural Features

### 27.01 Purpose and Effect

- a. The purpose of this section 27 is to provide parks and park land to support residential development within the City and its ETJ. Public parks provide a variety of outdoor recreational opportunities to residents of new subdivisions and developments. It is the policy of the City to require residential developments to contribute park land or fees in lieu of land dedication in proportion to the needs of future residents and within close proximity to their homes.
- b. In order to accomplish the objectives of this section, all residential subdivisions within the City shall dedicate park land or pay fees in lieu of dedication. For multiple family projects that are not required to dedicate park land, payment of in lieu fees may be deferred until the time of building permit application.

### 27.02 Dedication of Park Land (to be updated and referenced by separate ordinance)

- a. ~~Except as provided in sections 27.03 or 27.04, a subdivider shall dedicate park land of one (1) acre for every 42 proposed dwelling units in the subdivision. No park land shall be less than an acre in size. The proposed dedication shall be shown on the preliminary and final plats, and on the adequate facilities plan, where required under section 21. No final plat shall be recorded unless the proposed dedication is shown on the plat with the City's dedication language.~~
- b. ~~Any land dedicated to the City under these regulations shall be suitable for recreational use, exclusive of encumbrances such as setback areas, bufferyards, rights of way, or other similar requirements of ordinances of the City. Area within the 100-year floodplain can be accepted as dedicated park land, but no area within the designated Floodway will count toward park land dedication. No property with excessive slopes, which make active recreation use impractical on the site, will count toward park land dedication. Any land dedicated shall have suitable means of access from a public street.~~
- c. ~~The Commission, after consideration of the recommendations of the Park Board, shall finally determine whether the proposed park land dedication is appropriate to serve the subdivision. If the Commission determines that sufficient park land is already in the public domain in the area to serve the proposed development, and that the recreation potential for the proposed development would be better served by expanding or improving existing park facilities, then the City shall require the payment of in lieu fees as provided by section 27.03 for the expansion or improvement of those existing park facilities and improvements.~~

~~27.03 Fees in Lieu of Park Land Dedication~~

- ~~a. Whenever a subdivision is required to pay fees in lieu of park land dedication, fees for single family and multi family residential subdivisions shall be paid for each unit at the time of approval of the final plat, unless fees for multi family projects are deferred until the time of building permit application for developments within the corporate limits of the City. Fees to be paid shall be in accordance with the annual schedule of in lieu fees established by the City Council.~~
- ~~b. Whenever fees are to be deferred until the time of building permit application, the plat shall contain a conveyance note stating the time of payment.~~

~~27.04 Exemptions~~

- ~~a. All subdivisions (or phases thereof) that have received approval for private recreational facilities or open space in lieu of park land fees under Ordinance No. 91.10 prior to the effective date of this section 27 shall be exempt from the duty to dedicate park land or to pay fees in lieu of dedication of park land, provided that subsequent phases of any such subdivision shall not be exempt and shall be subject to the requirements of this section.~~
- ~~b. Provisions for collection of in lieu park fees for lots within exempt subdivisions or for collection of deferred in lieu fees are contained in Chapter \_\_\_\_ of the Kerrville Code of Ordinances, as may be amended from time to time.~~

~~27.05 Additional Park Land Regulations~~

- ~~a. Provisions for the establishment of special funds and the right to a refund of fees in lieu of park land dedication are contained in Chapter \_\_\_\_ of the Kerrville Code of Ordinances, as may be amended from time to time.~~

~~27.06 Preservation of Natural Features~~

- ~~a. Natural features such as large trees, water courses, historic spots, and similar community assets which, if preserved, will add attractiveness and value to the property. Nature features shall be identified on a site plan prior to preliminary plat approval. If considered to be of significant value to the property, or the neighborhood, or the community, the Commission may require the preservation of some or all of these natural features.~~

## Section 28. Subdivision Design Standards

### 28.01 Technical Standards & Specifications (TCSS)

- a. The City's TCSS, defined in 21.02 of these regulations, is available on the City's website. Public review copies are also available at City Hall during normal business hours.

### 28.02 Monuments [Section IV-4.A.1.a]

- a. Concrete monuments shall be established to define public right-of-way in accordance with the City's Technical Standards & Specifications. Variances from these requirements may be allowed by written authorization of the City Engineer in cases where rock strata, unusual soil conditions, major trees, fences or other obstacles are encountered.

### 28.03 Blocks; Lots;

#### a. Blocks

- (1) Block length shall not exceed one thousand two hundred (1,200) feet, as measured from the centerline of one intersecting through street to the centerline of another intersecting through street.
- (2) All lots within each phase of a development shall be numbered consecutively within each block. Each block shall have an alpha or numeric designation (e.g., "Block A", "Block 6", etc.).
- (3) **Blocks shall align with adjacent blocks and not create offset street intersections. Subdivision shall connect to existing street stubs from previous subdivision.**

#### b. Lots

- (1) Arrangement. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot shall have direct frontage onto a public street or to an approved public way, private street or irrevocable access easement. Each lot shall have at least thirty (30) feet of abutting frontage on such street or easement.
- (2) Orientation. Single- and two-family lots shall not be "through lots" to a collector or thoroughfare (i.e., shall not back up to any type of roadway) unless fully screened a six foot solid wood or masonry fence.  
Single- and two-family lots shall not have direct (i.e., driveway) access onto any arterial or future collector roadway, as such are shown on the City's Thoroughfare Plan. Where a subdivision abuts or contains an existing or proposed arterial street, the City may require marginal access streets, rear service alleys, or such treatment



as may be necessary for adequate protection to residential properties and to afford separation of through and local traffic.

- (3) Minimum Size. The size, shape and orientation of lots shall be in accordance with the type of development and use contemplated and, for properties that are located within the City's limits, as established in the City's Comprehensive Zoning Ordinance. The minimum size of residential lots not served by both municipal water and wastewater services shall be as follows:
    - (a) Five (5) acres for lots where an individual water well is planned to be the source of potable water, and an on-site sewage facility (OSSF) will be used for wastewater disposal.
    - (b) One (1) acre for lots; served by a public water system and served by an on-site sewage facility (OSSF) if such OSSF is installed in compliance with the then existing rules of Kerr County for OSSFs;.
    - (c) Lot size shall be dictated by the zoning if served by a community, public or shared water system and also a municipal sewage collection system.
  - (4) Lot Shape, Configuration. The City shall have the right to disapprove any lot which, in its opinion, will not be suitable for the purpose intended or which is so oddly shaped as to create an irregular or difficult building envelope or that does not fully contain a building envelope that meets all applicable size and setback requirements. Sharp angles between lot lines and flag/"panhandle" lots shall be avoided unless some physical attribute of the property requires such angles or flag lot configuration. Flag lots shall have a minimum street frontage in compliance with the zoning code or fifty feet (50'), whichever is greater.
  - (5) Jurisdictional Boundaries. All lot line shall, to the greatest extent possible, align along City, County, School District and other jurisdictional boundary lines such that lots are fully within one jurisdiction or other.
  - (6) Structures. No structure shall be constructed across a tract boundary or lot line.
- c.

28.04 Driveways, Fire Lanes and Access Easements

- a. Driveways. Driveways shall be designed in accordance with Sections 90-80 through 90-82 in Chapter 90 of the Code of Ordinances, as amended, in accordance with applicable provisions in the City's Fire Code, and constructed in accordance with TCSS. Driveway approaches shall be designed in such a way that stormwater does not flow from the street onto private property.
- b. Fire Lanes. Fire lanes shall be designed and constructed in accordance with the City's Fire Code.
- c. Access Easements. Easements shall be required, when necessary, to allow convenient access to other adjacent property(s) due to such having minimal or inadequate public street access, location of median opening, etc. The City Engineer and the Planning Director have the authority to require such access easement(s) when needed.

28.05 Sidewalks

- a. Multi-Family and Nonresidential Developments and Public and private colleges and universities, hospitals and other campus-like facilities
  - (1) Unless they already exist, sidewalks shall be constructed within all street rights-of-way adjacent to all tracts or lots utilized or intended to be utilized for any development purposes, whether platted or unplatted, to the full length of the frontage of the lot or tract involved, said construction to be:
    - (a) Concurrent with construction of the first structure on any lot or tract of land, whether or not the tract of land is platted or being subdivided;
    - (b) Concurrent with the construction of the addition to an existing building or buildings, regardless of the amount of additional square footage; or
    - (c) Concurrent with the construction of an additional building(s) on a lot or tract regardless of the amount of additional square footage.
  - (2) Public and private colleges and universities, hospitals and other campus-like facilities are exempted from the requirements of this section subject to the following standards:
    - (a) Such uses existed prior to January 1, 1981; and
    - (b) Such uses have an existing or planned fully developed internal pedestrian circulation system that provides access points from the use's property to an existing or planned public sidewalk system. In the event of a planned or incomplete internal system, said planned or incomplete system shall be completed as part of the related building construction and/or expansion which

increases the total square footage of an existing facility, regardless of the amount of additional square footage or, the construction of a new building.

- b. Single- and Two-Family Residential Developments. Sidewalks shall be constructed prior to the acceptance of public utilities.
- c. Compliance With Subdivision Ordinance. All sidewalks must comply with subparagraphs (5), (6), (7), (8), and (9) of Article 10-IV-4(A)1.i. of the City Code with respect to width and location.
- d. Sidewalks Required Regardless of Exemption From Subdivision Regulations. Notwithstanding Article 10-IV-4(A)1.i., sidewalks shall be constructed in the rights-of-way of all streets, public or private, pursuant to these regulations.
- e. Utility Connections; Certificates of Occupancy. The chief building official shall not issue any final utility clearance or certificate of occupancy until all sidewalks required to be constructed have been finally completed or repaired and approved by the City Engineer/Engineering.
- f.
- g. Appeal to City Council. the City Council shall consider the following criteria for granting a waiver:
  - (1) Topographic restrictions such as slope, drainage structures, etc;
  - (2) Whether all property(s) adjacent to the subject property, whether or not the said property(s) is separated from the subject property by a public or private road, alley, or easement, is exempted from sidewalk construction by operation of this article;
  - (3) Whether all property(s) adjacent to the subject property is developed property, whether or not separated from said subject property by a public or private road, alley, or easement, and does not have existing sidewalks as of the effective date of this article; or
  - (4) If it is shown to the satisfaction of the City Council that any of the requirements of this section, if complied with, would work an undue hardship on the property owner, the requirements required herein would not be in the best interest and general welfare of the public and, that the intent of this article was being met by the granting of such waiver.
- h. Compliance With Other Laws. All sidewalks required in this section shall comply with all federal, state, and local laws, including those requiring certain accessibility

standards. Where there are instances of conflicting requirements, the most restrictive standards apply.

## 28.06 Alleys

- a. Alleys shall not be allowed except within certain zoning districts, or to connect to a subdivision with existing alleys for the purpose of providing continuity. If alleys are constructed or required, the following standards shall be met:
  - (1) In residential districts, alleys shall be parallel, or approximately parallel, to the streets.
  - (2) Alleys shall be designed and paved in accordance with the City's TCSS that is in effect at the time of subdivision construction, and shall be privately owned and maintained by an HOA that is formed in accordance with section 30 of these regulations.
  - (3) Where the deflection of alley alignment occurs, the design of the paving and property line shall be as established by the TCSS.
  - (4) Dead-end alleys shall not be allowed. Alleys must have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turnaround bulb or turnout onto a street (either of which will need a temporary easement for street/alley purposes) shall be provided as determined by the City Engineer.
  - (5) Alleys may not exceed a maximum length of one thousand two hundred feet (1,200'), as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets. The City Council may approve an exception for an overlength alley upon consideration of the following:
    - (a) Alternative design which would reduce alley length;
    - (b) The effect of overlength alleys upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in accessing rear driveways;
    - (c) Means of mitigation, including but not limited to additional mid-block alley turnouts, limitation on the number of lots to be served along a single alley segment, temporary points of access, and additional fire protection measures

## 28.07 Street Lights

- a. Street lights shall be installed and fully electrified/functional by the developer in accordance with standards **prescribed by the City of Kerrville.**
- b. Street lights shall be installed in the right of way unless approved by the City Engineer or Planning and Zoning Commission.

- c. Street light easements of ten (10) feet in width shall be provided for the purpose of service wire installation, if needed and when necessary for service.

28.08 Street Names; Street Name and Traffic Control Signs/Devices *(to be compared to previous street naming resolution)*

- a. Proposed streets which are in alignment with already existing (or approved) named streets, shall bear the same names of existing (or already approved) streets. In no case shall the names for proposed streets duplicate existing streets' names or like-sounding street names, irrespective of the use of the suffixes such as street, avenue, boulevard, driveway, place or court. Proposed street names (if applicable) must be submitted along with a preliminary plat, and are subject to the Planning Director's approval to avoid street naming conflicts.
- b. Street name signs and traffic control signs/devices shall be installed by the developer prior to acceptance of public infrastructure by City Engineer, final plat approval and recordation at the County. The design and placement of all signs shall be submitted to, and approved by, the City Engineer prior to installation, and all traffic control signs/devices shall be designed and placed in accordance with the latest edition of the Federal Highway Administration's (FHWA's) "Manual on Uniform Traffic Control Devices for Streets and Highways", as amended.

28.09 Addressing *(to be compared to previous addressing ordinance)*

- a. The Planning Director shall have the authority to assign street addresses for individual lots or building sites located within the City's limits. A person making application for approval of a subdivision must request and obtain a designation of street addresses by the Planning Director prior to approval of the final plat. To the extent feasible, the assignment of individual street addresses shall be in conformity with the addressing method used by the Kerr Emergency 9-1-1 District (or its successor entity).

28.10 Easements

- a. The City may require easements for access, poles, wires, conduits, storm and sanitary sewers, gas, water or other utility lines. The developer shall be responsible for acquisition of all necessary easements, on-site and off-site (if such are necessary to serve the proposed development).
- b. Easements shall be a minimum of twenty (20) feet in width. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities.
- c. The full width of all easements for City water and sewer facilities shall be fully upon one lot (i.e., not straddle a common lot line).
- d. Public water, wastewater and drainage easements shall be dedicated to the City and shown on the final plat for the specific use intended (i.e., not as generic "utility")

easements), and shall not be used by private utility providers unless approved by the City Engineer.

#### 28.11 Utility Placement

- a. All utilities shall be placed underground or if the developer so elects, they may be placed overhead only if located on pre-existing utility poles. If no pre-existing poles exist where the service needs to run, then utilities may be placed overhead only if located entirely behind the front face of the building on private property and within a recorded a general/franchise utility easement that is at least fifty (50) feet away from any single-family zoning district or dwelling.
- b. High-voltage and large gas distribution lines may be allowed overhead if an exception is granted by the City Council in accordance with division C, section 17.01.

#### 28.12 Large Scale Tracts; Large Scale Developments (to be defined)

- a. When the land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow for the extension of future streets and for logical re-subdivision in the future.
- b. Developments of a large scale nature under single ownership or condominium arrangement which would result in significant change to existing topographic and landscape features, traffic and drainage patterns, parking and other development changes that would impact the community shall be required to submit a plat of the proposed development for City Planning and Zoning Commission review and approval in the manner prescribed by these regulations.

### **Section 29. Rural Subdivision Standards or ETJ subdivisions...** *(Pending interlocal agreement with Kerr County)*

#### 29.01 Exception to Minimum Development Improvements

If the average size of all lots in a proposed residential subdivision is five (5) acres or greater, a developer may request, and the Planning and Zoning Commission may approve, a final plat that does not comply with the minimum development improvements standards required by sections 24 (streets), 28.05 (sidewalks), 22 (water), 23 (wastewater) and 28.11 (underground utilities) of these regulations, provided, however, said standards may only be modified as follows:

- a. Street Width and Construction. Streets must be constructed to the following minimum standards:
  - (1) Streets which are not identified on the City's Thoroughfare Plan and which provide direct access to not more than twenty (20) lots, otherwise known as Local

Streets, must be dedicated to the public with not less than sixty feet (60') of right-of-way and shall be constructed with:

- (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade not less than twenty-four feet (24') in width, and
  - (b) eight inches (8") of compacted flexible base not less than twenty-four (24') feet in width; and
  - (c) a two-course penetration of an asphalt and aggregate surface treatment, or a one and one-half inch (1.5") hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment, not less than twenty feet (20') in width;
- (2) Streets which are not identified on the City's Thoroughfare Plan and which provide direct access to more than twenty (20) lots, otherwise known as Collectors, must be dedicated to the public with not less than sixty feet (60') of right-of-way and shall be constructed with:
- (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade not less than twenty-eight feet (28') in width, and
  - (b) eight inches (8") of compacted flexible base not less than twenty-eight feet (28') in width; and
  - (c) a two-course penetration of an asphalt and aggregate surface treatment, or a one and one-half inch (1.5") hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment, not less than twenty-four (24') in width;
- (3) Streets which are identified as Principal and Secondary Arterial Streets on the City's Thoroughfare Plan, as amended, must be dedicated to the public with not less than eighty feet (80') of right-of-way and shall be constructed with:
- (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade not less than twenty-eight feet (28') in width, and
  - (b) ten inches (10") of compacted flexible base not less than twenty-eight feet (28') in width, and
  - (c) a one and one-half inch (1.5") hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment, not less than twenty-four feet (24') in width;
- (4) Streets which are identified as Collector Streets on the City's Thoroughfare Plan, as amended, must be dedicated to the public with not less than sixty feet (60') of right-of-way and shall be constructed with:
- (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade not less than twenty-eight feet (28') in width, and
  - (b) ten inches (10") of compacted flexible base not less than twenty-eight (28') in width;



- (c) a one and one-half inch (1.5”) hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment, not less than twenty-four feet (24’) in width;
- (5) Dead-end streets shall be platted and constructed so that the street can be extended into the next tract of land if and whenever that property is developed or for the purpose of allowing for an extension of a Collector Street or an Arterial Street identified on the City’s Thoroughfare Plan; provided, however, if it is determined that a street cannot reasonably be extended, such dead-end street shall not provide direct access to more than twenty (20) lots. Dead-end streets shall have a paved cul-de-sac bulb (permanent or temporary, as the case may be) having the right-of-way and pavement diameters as set forth in sections 24.05.a and 24.05.c of these regulations.
- b. Streets constructed pursuant to this Paragraph may be constructed without curbs and gutters if, and only if, an alternative method of street drainage (e.g. culverts and/or drainage channels) that is approved by the City Engineer is constructed as part of the street improvements.
- c. Sidewalks. The construction of sidewalks shall not be required.
- d. Water Supply Systems. If the proposed residential subdivision is located more than two thousand (2,000) feet away from the nearest City-owned water main, the subdivision may be served by:
  - (1) Individual water wells located on each residential lot; or
  - (2) A central water distribution system not connected to the City’s water system, provided such system is designed and constructed in accordance with the City’s Technical Standards & Specifications for its own water facilities.

In either case, such system(s) must be inspected and approved by the Kerr County Environmental Health Department, and, if required, by any agency or subdivision of the State of Texas or the United States Government having jurisdiction over such matters. At the time of plat application, the developer must indicate the method by which water service will be provided to the subdivision, and if using a central water distribution system, submit all plans for such system to the City Engineer for approval.

- e. Wastewater Disposal Systems. If the proposed residential subdivision is located more than two thousand (2,000) feet away from the nearest City-owned sewage disposal main, the subdivision may be served by:
  - (1) Individual on-site sewage disposal system (OSSF) located on each residential lot (cannot be shared); or
  - (2) A central wastewater disposal and treatment system not connected to the City’s sewage disposal system.

In either case, such system(s) must be inspected and approved by the Kerr County Environmental Health Department, and, if required, by any agency or subdivision of

the State of Texas or the United States Government having jurisdiction over such matters. If the developer proposes to use individual on-site sewage disposal systems within the proposed subdivision, no lot shall be less than five (5) acres in land area. At the time of plat application, the developer must indicate the method by which wastewater service will be provided to the subdivision, and, if using a central wastewater disposal and treatment system, submit all plans for such system to the City Engineer for approval.

- f. Underground Utilities. Underground installation of electric and telecommunications lines shall not be required for approval of a final plat. All other utilities must be installed underground in accordance with section 28.11 of these regulations.

#### 29.02 Determination of Five-Acre Average

- a. For purposes of this section, the area contained within all existing and proposed street and alley rights-of-way and other areas to be dedicated to the public, if any, shall be excluded from the total area when determining whether or not the proposed final plat complies with the five (5)-acre average described in subsection 29.01 above.

### **Section 30. Homeowners' Associations (HOAs)**

#### 30.01 Purpose

The purpose for the establishment of an HOA (also referred to as "Association") for residential developments is to create an organization that owns and is responsible for maintaining commonly owned properties, amenities, rights-of-way and riparian areas for the communal good of the development's property owners and residents.

#### 30.02 Applicability

An HOA shall be established for any development that contains any of the following: an amenity, private street(s), a floodplain or open space that will not be dedicated to the City as public park land, and/or thoroughfare screening. For purposes of this section, the terms "Homeowners' Association" and "Association" are interchangeable with the term "Property Owners' Association" for multi-family and non-residential developments.

#### 30.03 Descriptions of Elements Requiring an HOA

Any of the following elements created as part of a subdivision, and not dedicated to the City, shall require formation and continued operation of a mandatory HOA:

- a. Amenity center (e.g., private swimming pool, club house, tennis court, recreation center, playground, etc.);
- b. Entry features, signage and landscaping;
- c. Open space, walkways and trails that will not be dedicated to the City;
- d. Ponds (including those for detention/retention of stormwater);

- e. Water features and fountains;
- f. Private streets, alleys and internal sidewalks (including security stations and gates, perimeter security fencing, etc.);
- g. Thoroughfare screening walls, fences and landscaping; and
- h. Any other non-public and commonly owned facilities.

#### 30.04 Procedure for HOA Formation

The establishment of a required HOA shall occur prior to final plat approval and acceptance of the public improvements, and generally using the following procedure:

- a. Documents Submitted for Review. The Declaration, by-laws, covenants and other necessary documents establishing the Association shall be submitted to the City for review by the City Attorney for conformance with this and other applicable ordinances prior to submission of the final plat, and prior to issuance of a letter of final acceptance for the subdivision. Association documents shall include descriptions of all areas and amenities for which the Association is responsible for maintenance, and shall outline the organization and governance of the Association.
- b. Approval by City Attorney. All Association documents shall be reviewed by the City Attorney prior to recordation of the final plat, and the fee for such review is \$ \_\_\_\_.
- c. Recordation. All Association documents shall be recorded at the County prior to the recordation of the final plat. Two (2) copies of the recorded documents shall be submitted to the Planning Director prior to or simultaneously with the final plat application.
- d. Additional Phases. An additional phase to an existing subdivision is not required to establish a separate and distinct HOA, provided that the existing, recorded Association documents are amended to incorporate the area of the new subdivision phase and to adopt the responsibility of all areas and amenities for which the Association is responsible for maintenance. The procedure for review and recordation of the HOA amendment documents is as set forth above.

#### 30.05 Notice to Purchasers

For any subdivision that will have an HOA, notice shall be posted in a prominent place at all model homes and sales offices stating the following:

- a. That an Association has been established for the subdivision;
- b. That membership in the Association is mandatory for all lot owners; and

- c. That the developer is required to provide to any person, upon their request, a complete copy of the Association documents and a five (5)-year projection (at a minimum), of Association dues, income and expenses.

### 30.06 General Requirements

The following shall be set forth in the HOA documents:

- a. A statement that membership in the Association is mandatory for all owners of property within the subdivision;
- b. A listing of all areas and amenities that the Association will be responsible for (including legal descriptions for land parcels, if applicable), and such maintenance areas shall be clearly shown as dedicated to the Association on the final plat;
- c. By-laws related to the governance of the Association;
- d. Covenants for maintenance assessments, which shall run with the land;
- e. Responsibility for liability insurance and local taxes;
- f. Statement that the authority for enforcement of Association rules and regulations is solely the responsibility of the Association and is not, in any way, the responsibility of the City;
- g. Authority for the Association to secure funds from its members sufficient to meet its responsibilities, which shall include the ability to collect dues, to increase dues, to charge special assessments, and to place liens against property for failing to pay dues and assessments.
- h. Provision that no amendment of the Association documents relating to maintenance of Association areas or amenities, or related reserve funds (as applicable), shall occur without prior City approval;
- i. Written release of liability for maintenance to benefit the City; written indemnification of the City outlining that under no circumstances shall the City be liable to the Association or any property owner or their respective heirs, executors, administrators, devisees, personal representatives, successors or assigns for any damages, injuries (including death), and/or liability resulting from any amenity, on the private streets, within or adjacent to any Association area or amenity;
- j. Written assurance of funds based on an accredited cost projection analysis within a specific reserve account of the Association for the maintenance and removal of amenities as determined by the City;
- k. Written consent giving the City the authority to take the actions for violations as set forth in Section 30.07; and

- l. Other City requirements as applicable.

30.07 Violations, Revocations & Liens

- a. The City will notify the Association of violations of any of the regulations specified within this section.
- b. Failure to bring the subdivision into compliance with these regulations may cause the City to revoke the specific approval of the Association or take other remedies as outlined in this section.
- c. The City shall have all lien, assessment and enforcement rights granted therein to the Association, and the City shall have the ability to enforce the liens and assessments, and avail itself of any other enforcement actions available to the City pursuant to State law and/or City regulations.
- d. Should the Association fail to carry out its duties as specified in these regulations, the City shall have the right and ability, after due notice to the Association, to perform the duties required by this or any other ordinance, regulation or agreement with the City in order to bring the Association into compliance therewith. The City shall have the right and ability, after due notice to the Association to assess the Association, for the full amount owed and/or assess the property owners on a pro rata basis for all costs incurred by the City in performing said duties if the Association fails to do so. Said assessment shall constitute a lien, in favor of the City, upon the property for which the assessment is made.