

City of Cedar Hill

Gated Community, Private Street Development Guide

Definitions:

Private Street - A private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term “private street” shall be inclusive of alleys.

Private Subdivision, Private Streets, Gated Communities shall meet the following requirements;

- 1) The general provisions of the City Subdivision Ordinance, and other City Codes as they relate to development, streets, and utilities will apply to all such development. A vehicular turn around shall be provided at entry gates to allow vehicles that have been denied entry the ability to exit without having to backup. All plans concerning private subdivisions are subject to review and approval by the Fire Department.
- 2) The definition of a “subdivision” and “street”, as contained in the Subdivision Ordinance, will apply to all subdivisions or streets, whether public or private.
- 3) Design and Construction Standards - Private streets shall conform to the same standards regulating the design and construction of public streets. These standards shall include, but are not limited to the following:
 - a. Transportation Element of the Comprehensive Plan;
 - b. Thoroughfare Standards Ordinance;
 - c. Engineering Design Guidelines and Construction Standards and Details.
 - d. Street Naming and Addressing Policy.
 - e. Streets Excluded - Streets shown on the Thoroughfare Plan of the Transportation Element of the Comprehensive Plan shall not be used, maintained or constructed as private streets. Also, the Planning & Zoning Commission may deny the creation of any other private street if in the Commission’s judgment the private street would negatively affect traffic circulation on public streets or impair access to property either on-site or off-site to the subdivision, impair access to or from public facilities including schools, parks and libraries, or delay the response time of emergency vehicles.

- 4) Any gate installation must conform to the following provisions;
- a. *Fire Marshal Approval Required* - All gate installations must be approved by the Fire Marshal prior to installation. The installation must be completed and tested prior to the City's acceptance of the subdivision.
 - b. *Gate Openings and Clearances* - Gate designs may incorporate one or two gate sections to meet the required minimum gate width of twenty four feet. If the entrance will incorporate a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the Fire Marshal, but in no case shall any single gate or street pavement have a clear opening of less than eighteen feet.
 - 1. If a gate design incorporates any overhead obstruction, said obstruction must be a minimum of fourteen feet (14") above the finished road surface.
 - c. *Setback Required* - Approach and departure areas on both sides of a gated entrance must provide adequate set backs and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
 - d. *Gates to be per Fire Department Guidelines* - Automatic gate installations must conform to the design and performance guidelines established by the Fire Department.
 - e. *Good Working Order Required* - All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to insure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times.
 - f. *Failure to Meet Requirements* - Each security gate regulated under this section will be subject to a performance test on a regular basis as determined by the Fire Marshal. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the Fire Marshal.
 - g. *Authority Maintained by City* - All streets, gates, and other fire protection features, signage, and equipment are subject to periodic inspection by the City and must be repaired immediately if found to be in a condition of disrepair. The City shall have the right to enter the subdivision and disable,

open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the homeowner's association.

- h. *Owners Responsibility* - The person or corporation in control of the property is responsible for, and liable for, any violations of this section. This includes, but is not limited to, the developer, property owner, the Homeowners Association and its officers, if applicable, or others who may own or exercise control over the property.
- 5) *Property Owners Associations Required* - Subdivisions developed with private streets and alleys must have a mandatory property owners association which includes all property served by private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the City Attorney to ensure that they conform to this and other applicable City ordinances. The documents shall be filed of record prior to the approval of the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the City. No portion of the association documents pertaining to the maintenance of the private streets and alleys and assessments therefore may be amended without the written consent of the City.
- 6) *Private Street Lot* - Private streets and alleys must be constructed within a separate lot owned by the property owners association. This lot must conform to the City's standards for public street and alley right-of-way. An easement covering the street lot shall be granted to the City providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers including telecable companies, operating within the City. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access.
- 7) *Construction and Maintenance Cost* - The City shall not pay for any portion of the cost of constructing or maintaining a private street.

- 8) *City Utilities* - Water, sewer, drainage facilities, street lights and signs placed within the private street and alley lot shall be installed to city standards and dedicated to the city prior to approval of the final plat. All city regulations relating to infrastructure financing, developer cost participation and capital cost recovery shall apply to developments with private streets with the exception of those applying to street construction.
- 9) *Plans & Inspections* - Developments proposed with private streets must submit to the City the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to final plat approval shall apply. Fees charged for these services shall also apply. The City may periodically inspect private streets and require repairs necessary to insure emergency access.
- 10) *Waiver of Services* - The subdivision final plat, property deeds and property owner association documents shall note that certain City services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports. All private traffic regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices. Depending on the characteristics of the proposed development other services may not be provided.
- 11) *Petition to Convert to Public Streets* - The Property Association documents shall allow the association to request the City accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of 51% of the membership. However, in no event shall the City be obligated to accept said streets and alleys as public. Should the City elect to accept the streets and alleys as public, the City may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets and alleys. The City will be the sole judge of whether repairs are needed. The City may also require, at the association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. The association documents shall provide for the City's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the City.
- 12) *Hold Harmless* - On the subdivision final plat shall be language whereby the Property Owners Association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the City, governmental entity or public utility; for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the City,

governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the City, government entity or public utility. Further, such language shall provide that all lot owners shall release the City, governmental entities and public utilities for such damages and injuries. The indemnification's contained in this paragraph 10 apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entity or public utility, or their representative officers, employees or agents.

13) *Sidewalks and Bikeways*

- a. *Sidewalks.* Sidewalks shall be constricted in accordance with the Thoroughfare Standards Ordinance of the City of Cedar Hill for all lots adjoining dedicated streets, along major thoroughfares where lots do not adjoin the street, along power line easements and in other areas where pedestrian walkways are necessary. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision or addition.
- b. *Pedestrian Accesses.* The Commission may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least fifteen (15) feet in width. Easements shall be indicated on the plat.
- c. *Bikeways.* Hike and bike sidewalks, designed and located according to city standards, shall be constructed along streets designated for hike and bike trails. Such sidewalks shall be built by the owner at the time of site development, or, the owner may petition for the City to construct such facilities, subject to escrow policies stated in Article VI of these regulations.

16) *Drainage and Storm Sewers*

- a. *General Requirements.* All plats shall conform to the City's Design Manual drainage facilities.
- b. *Design of Facilities -* Design of storm sewer systems shall be in accordance with the Storm Drainage Design Manual. Materials and construction shall conform to the Standard Specifications.