

CITY OF KAUFMAN SUBDIVISION ORDINANCE

City of Kaufman, Texas

**ADOPTED
June 28, 1999
AMENDED
March 4, 2021**

Prepared by

**DUNKIN, SEFKO & ASSOCIATES, INC.
Urban Planning Consultants
Dallas, Texas**

*FINANCED THROUGH THE DEPARTMENT OF HOUSING
AND COMMUNITY AFFAIRS OF THE STATE OF TEXAS.
The preparation of this document was financed through provisions
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U.S. Department of Housing and Urban Development.*

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**ORDINANCE NO. O-24-99
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- O-18-00 Replat of one or more lots fronting on an existing street.
- O-18-00 Plats that may be approved by the City Manager or his designee.
- O-27-00 Proposing amendments to the Subdivision Regulations.
- O-03-01 Development Permits.
- O-17-19 Based State legislation relating to procedures for approving plats, replat and related site plans (see pages 14-18)
- O-04-21 Article IX Parkland Dedication and Development
- O-08-21 Section 5.12 Tree Preservation Requirements

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City of Kaufman, Texas

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SUBDIVISION ORDINANCE

City of Kaufman, Texas

I. GENERAL PROVISIONS

Section 1.1: Authority

- 1.1 The following rules and regulations are hereby adopted as the Subdivision Ordinance of the City of Kaufman, Texas, also known and cited as the "Kaufman Subdivision Ordinance," and shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in Chapter 212 of the Texas Local Government Code, within the corporate City limits of the City of Kaufman, as they may be from time to time adjusted by annexation or disannexation, and within all the areas of the extraterritorial jurisdiction of the City of Kaufman, as that area may exist from time to time as provided by Chapter 42 of the Texas Local Government Code. The City shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions and plats both within the City and within its extraterritorial jurisdiction.

Section 1.2: Interpretation and Purpose

- 1.2 In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within the City of Kaufman and its extraterritorial jurisdiction, and superseding the previous Subdivision Ordinance (Ordinance No. 0-05-85).

The subdivision of land is the first step in the process of urban development. The distribution and relationship of residential, commercial, industrial and agricultural uses throughout the community, along with the system of improvements for thoroughfares, utilities, public facilities and community amenities, determine, in large measure, the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and overall character. A community's quality of life is of the public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those public and private parties, both present and future, having interest in property affected by these regulations, are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this Ordinance further the possibility that land will be developed for its most beneficial use in accordance with existing social, economic, and environmental conditions.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the City of Kaufman, Texas are intended to:

- a. Promote the development and the utilization of land in a manner that assures the best possible community environment in accordance with the Comprehensive Plan and the Comprehensive Zoning Ordinance of the City of Kaufman;
- b. Guide and assist the developers in the correct procedures to be followed, and to inform them of the standards which shall be required;
- c. Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required;
- d. Assist orderly, efficient and coordinated development within the City limits and extraterritorial jurisdiction;
- e. Provide neighborhood conservation and prevent the development of slums and blight;
- f. Harmoniously relate the development of various tracts of land to the existing community, and facilitate the future development of adjoining tracts;
- g. Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community as contained in this Ordinance;
- h. Provide the best possible design for each tract being subdivided;
- i. Provide the most attractive relationship between the uses of land and buildings; provide for the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways; provide for pedestrian circulation that is appropriate for the various uses of land and buildings; and provide the proper location and width of streets;
- j. Prevent pollution of the air, streams and ponds; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;
- k. Preserve the natural beauty and topography of the municipality, and ensure development that is appropriate with regard to these natural features;
- l. Establish adequate and accurate records of land subdivision;
- m. Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future subdivisions and developments within the City and its extraterritorial jurisdiction;
- n. Protect and provide for the public health, safety and general welfare of the community;
- o. Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;

- p. Protect the character and the social and economic stability of all parts of the community, and encourage the orderly and beneficial development of all parts of the community;
- q. Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize conflicts among the uses of land and buildings;
- r. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities; and
- s. Encourage the development of a stable, prospering economic environment.

Minimum standards for development are contained in the City's Technical Construction Standards and Specifications (TCSS), related technical standards, the Zoning Ordinance, the Building Code and in this Ordinance. However, the Comprehensive Plan and Future Land Use Plan express policies designed to achieve an optimum quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design shall be of a quality that will carry out the purpose and spirit of the policies expressed within the Comprehensive Plan and within this Ordinance, and shall be encouraged to exceed the minimum standards required herein.

Section 1.3: Application of Regulations

- 1.3 No subdivision plat shall be recorded until a final plat, accurately describing the property to be conveyed, has been approved in accordance with the Subdivision Ordinance. Furthermore, no building permit, certificate of occupancy, plumbing permit, electrical permit, flood plain permit, utility tap, or certificate of acceptance for required public improvements shall be issued by the City for any parcel of land or plat until:
 - a. A final plat has been approved in accordance with these regulations; and
 - b. All improvements, as required by these regulations, have been constructed and accepted by the City of Kaufman, or
 - c. Assurances for completion of improvements have been provided in accordance with Section 6.

Section 1.4: Jurisdiction

- 1.4 The provisions of this Subdivision Ordinance, as authorized by Subchapters A and B of Chapter 212 of the Texas Local Government Code, including the Technical Construction Standards and Specifications (TCSS), shall apply to the following forms of land subdivision and development activity within the City's limits or its extraterritorial jurisdiction:
 - a. The division of land into two or more tracts, lots, sites or parcels; or

- b. All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the City's subdivision regulations in Kaufman County, Texas and which subsequently came within the jurisdiction of the City's subdivision regulations through:
 - 1. Annexation; or
 - 2. Extension of the City's extraterritorial jurisdiction.
- c. The division of land previously subdivided or platted into tracts, lots, sites or parcels subject to and not in accordance with adopted City subdivision regulations in effect at the time of such subdividing or platting, and having occurred on or after April 9, 1985; or
- d. The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site except as otherwise provided herein; or
- e. When a building permit is required for the following uses:
 - 1. Residential single-family and duplex
 - (a) New construction
 - (b) Moving of a primary structure onto vacant property
 - 2. Nonresidential and multi-family
 - (a) New construction
 - (b) Additions (increasing square footage of existing building by more than twenty percent [20%] of the gross floor area); or
 - (c) Moving a primary structure onto vacant property
- f. For tracts where any public improvements are proposed; or
- g. Whenever a property owner proposes to divide land lying within the City or its extraterritorial jurisdiction into two or more tracts, and claims exemption from Subchapter A of Chapter 212 of the Texas Local Government Code for purposes of development, that results in parcels or lots all greater than five (5) acres in size; or in the event that development of any such tract is intended, and where no public improvement is proposed to be dedicated, he shall first obtain approval of a development plat that meets the requirements of Texas Local Government Code Chapter 212, Subchapter B, Regulation of Property Development, Sections 212.041 through 212.050. (See Section 2.7 of this Ordinance for requirements for development plats.)

Section 1.5: Exemptions

- 1.5 The provisions of this Subdivision Ordinance shall not apply to:
 - a. Development of land legally platted and approved prior to the effective date of this Ordinance, except as otherwise provided for herein (construction of facilities shall conform to construction standards in effect at the time of construction) and for which no resubdivision is sought; or

- b. Development of land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot, site or parcel was filed of record in the Deed Records of Kaufman County, Texas on or before April 9, 1985.
- c. Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, subdivision or alteration is occurring; or
- d. Existing cemeteries complying with all State and local laws and regulations (does not apply to new cemeteries or expansion of existing cemeteries); or
- e. Divisions of land created by order of a court of competent jurisdiction; or
- f. When a building permit is requested for unplatted or already platted parcels for the following activities:
 - 1. Replacement or reconstruction of an existing primary single-family or duplex structure, but not to exceed the square footage of the original structure
 - 2. Additions (increasing square footage of structure) of not over fifty percent (50%) of the existing structure's value, and of not over twenty percent (20%) of the gross floor area
 - 3. Accessory buildings
 - 4. Remodeling or repair (no expansion of square footage)
 - 5. Moving a structure off a lot or parcel, or for demolition permits.

Section 1.6: Applicable Law

- 1.6 All applications for plat approval, including final plats, that are pending on the effective date of this Ordinance and which have not lapsed shall be reviewed under regulations in effect immediately preceding the effective date of this Ordinance.

Section 1.7: Interpretation; Conflict; Severability

- 1.7 a. Interpretation. In their interpretation and application, the provisions of the regulations contained in the Subdivision Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- b. Conflict With Other Laws. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. To the extent that the Subdivision Ordinance promulgates standards or imposes restrictions or duties which differ from those imposed by other City ordinances, rules or regulations, the regulations contained within the Subdivision Ordinance shall supersede such other provisions to the extent of any conflict or inconsistency.
- c. Severability. If any part or provision of the Subdivision Ordinance, or the application of these regulations to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the

remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

Section 1.8: Saving Provision

- 1.8 This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of the Subdivision Ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City except as shall be expressly provided in these regulations.

Section 1.9: Superseding Regulations

- 1.9 Upon adoption of the Subdivision Ordinance according to law, all other subdivision regulations of the City of Kaufman previously in effect are hereby superseded, except as provided in Sections 1.6 and 1.7.

Section 1.10: Amendments

- 1.10 For the purpose of protecting the public health, safety and general welfare, the Planning and Zoning Commission and/or City Council may, from time to time, propose amendments to these regulations which shall then be approved or disapproved by the City Council at a public meeting, and which shall then be amended through adoption of an amending ordinance following due process and public hearing.

Section 1.11: Variances

- 1.11 a. General. Where the City Council finds that unreasonable hardships or difficulties may result from strict compliance with the Subdivision Ordinance, and/or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a variance to portions of these regulations so that substantial justice may be done and the public interest is secured, provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the City Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
1. Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property;
 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property;
 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

4. The variance will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, and other adopted plans, except that those documents may be amended in the manner prescribed by law;
 5. An alternate design will achieve the same result or intent as the standards and regulations prescribed herein.
- b. Criteria for Variances From Development Exactions. Where the City Council finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner, or is so excessive as to constitute confiscation of the tract to be platted, it may approve variances to such requirements, so as to prevent such excess.
 - c. Conditions. In approving variances, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.2.
 - d. Procedures:
 1. A petition for a variance shall be submitted in writing by the property owner at the time when the development plat, preliminary plat or final plat is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application, and all of the facts relied upon by the petitioner.
 2. Where a hardship is identified in a land study which will result in a request for a variance, the Planning and Zoning Commission may recommend a conditional variance. A conditional variance shall receive final approval along with a preliminary plat provided that the preliminary plat conforms to the land study and that no new information or reasonable alternative plan exists which, at the determination of the City Council, voids the need for a variance. All variances shall have final approval or disapproval by the City Council.
 - e. Criteria for Variances for Street Exactions. Where the City Council finds that the imposition of any dedication or construction requirement for streets pursuant to these regulations exceeds reasonable benefit to the property to be platted, it may approve variances for such requirements so as to prevent such excess. In order to qualify for a variance under this Section, the property owner shall demonstrate that the costs of right-of-way dedication and/or construction for non-local streets imposed pursuant to these regulations substantially exceeds the incremental costs of providing land and transportation improvements necessary to offset the additional traffic impacts generated by, or attributable to, the development upon the transportation network serving the property, including that which may be generated by or attributed to other phases to be platted.

Section 1.12: Enforcement; Violations; Penalties

- 1.12 a. Violations and Penalties. Any person who violates any of these regulations for lands within the corporate boundaries of the City shall be subject to a fine of not more than two thousand dollars (\$2,000.00) per day, with each day constituting a separate violation, pursuant to the Texas Local Government Code, Chapter 54, as amended.

- b. Civil Enforcement. Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate boundaries of the City or within the City's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.

Section 1.13: Payment of All Indebtedness Attributable to a Specific Property

- 1.13 No person who owes delinquent taxes, delinquent paving assessments, or any other delinquent debts or obligations to the City of Kaufman, and which are directly attributable to a piece of property, shall be allowed to record an approved plat or replat until the taxes, assessments, debts and/or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City Manager has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts and/or obligations have been paid.

Section 1.14: Right to Deny Hearing

- 1.14 The City shall have the right to deny a hearing if the person or applicant proposing a subdivision of land does not submit the information required to be shown on a plat and the required application fees as prescribed by this and other ordinances.

Section 1.15: Misrepresentation of Facts Unlawful

- 1.15 a. Misrepresentation of Facts. It shall be unlawful for any person to knowingly or willfully misrepresent, or fail to include, any information required by this Ordinance on any application for annexation, zoning, development, or subdivision of property.
- b. Penalties and Exceptions. If any applicant for such hearing, or any owner of property subject to such hearing, shall allow such hearing before the Planning and Zoning Commission and/or the City Council to be heard in violation of any of the provisions of the Ordinance, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty as per Section 1.12.

Section 1.16: Definitions

- 1.16 For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory.
 - a. Addition. A lot, tract or parcel of land lying within the corporate boundaries of the City which is intended for the purpose of development.

- b. Administrative Officers. Any office referred to in this Ordinance by title (i.e., City Manager, City Attorney, City Secretary, City Planner, City Engineer, Director of Public Works, etc.), shall be the person so retained in this position by the City, or his duly authorized representative. This definition shall also include engineering, planning and other consultants retained by the City to supplement or support existing City staff, as deemed appropriate by the City.
- c. Alley. A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
- d. Amended Plat. A revised plat correcting errors or making minor changes to the original recorded final plat. Also termed “amending plat”.
- e. Amenity. An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this Ordinance.
- f. Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- g. Block Length. For a residential subdivision, that distance of a block face measured along the centerline of the street from the intersection center point of one through street (i.e., not a cul-de-sac or dead-end/looped street) to the intersecting center point of another; or to the midpoint of a cul-de-sac. Also termed “street length”.
- h. Bond. Any form of a surety bond in an amount and form satisfactory to the City.
- i. Building Setback Line. The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street (or property) line.
- j. Capital Improvements Program (CIP). The official proposed schedule of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by City Council.
- k. City. The City of Kaufman, Texas, together with all its governing and operating bodies.
- l. City Engineer. "City Engineer" shall apply only to such registered professional engineer, or firm of registered professional consulting engineers, that has been specifically employed by the City.
- m. City Manager. The person holding the position of City Manager, as appointed by the City Council and according to the City Charter.
- n. Commission. The Planning and Zoning Commission of the City.
- o. Comprehensive Plan. The phrase "Comprehensive Plan" shall mean the Comprehensive Plan of the City and adjoining areas as adopted by the City Council and the City Planning and Zoning Commission, including all its revisions. This Plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water/wastewater facilities, and other public and private developments and improvements.

- p. Concept Plan. A sketch drawing of initial development ideas superimposed upon a topographic map to indicate generally the plan of development, and to serve as a working base for noting and incorporating suggestions of the City Manager, Planning and Zoning Commission, City Engineer, or others who are consulted prior to the preparation of the preliminary plat.
- q. Construction Plans or Drawings. The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the City as a condition of approval of the plat.
- r. Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line, or lines, of another lot.
- s. Council. The duly elected governing body of the City of Kaufman, Texas.
- t. Cul-De-Sac. A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround (“bulb”).
- u. Dead-End Street. A street, other than a cul-de-sac, with only one outlet.
- v. Easement. The word "easement" shall mean an area for restricted use on private property upon which the City and/or a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within said easements. Public utilities shall, at all times, have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of their respective systems without the necessity at any time of procuring the permission of anyone.
- w. Escrow. A deposit of cash with the City in accordance with City policies.
- x. Filing Date. The filing date is when all necessary forms, fees, and copies are submitted and accepted for filing by action of issuance of a fee receipt by the City.
- y. Final Plat (also “Record Plat” or “File Plat”). The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract or parcel of land shall be recorded in the records of Kaufman County, Texas. An amended plat is also a final plat.
- z. *(Reserved)*
- aa. Land Study. A general plan for an area proposed for partial or complete subdivision. The land study shall show the proposed locations of land uses, streets, phasing of development, important physical features, and other applicable information for the entire area to be subdivided.
- bb. Land Planner. Persons, including surveyors or engineers, who possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum, and/or by actual experience and practice in the field of land planning, and may be a member of the American Institute of Certified Planners (AICP).

- cc. Lot (also Lot of Record). A divided or undivided tract or parcel of land having frontage on a public street, and which is, or which may in the future be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.
- dd. Major Plat. All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat that requires the construction of a new street (or portion thereof) or the extension of a municipal facility as required by this or any other City Ordinance.
- ee. Minor Plat. A subdivision resulting in four (4) or fewer lots, provided that the plat is for conveyance purposes only (i.e., sale of the property with no development/construction proposed), that the plat does not create any new easements for public facilities, or that the construction/development of said subdivision will not require the construction of any new street (or portion thereof) or the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required City utilities and services. If the development of any lot within the proposed subdivision will require the construction of a new street (or portion thereof) or a public improvement (e.g., water or sewer line, drainage facility, required screening wall, etc.), the plat shall be classified as a major plat.
- ff. On-Site Facilities or Improvements. “On-site” shall mean those existing or proposed facilities or improvements constructed within the property boundaries of the plat. “On-site” shall also mean those existing or proposed facilities required to be constructed or improved immediately adjacent to the property and which are required to serve the development. These include streets, water lines, sewer lines, storm drainage facilities, curbs and gutters, and any other construction or reconstruction needed to serve the property.
- gg. Off-Site Facilities or Improvements. “Off-site” facilities shall mean those facilities or improvements that are required to serve the site but that are not located within the boundaries of the plat. These include over sizing for streets, sewer lines, water lines and storm drainage facilities, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.
- hh. Pavement Width. The portion of a street that is available for vehicular traffic. Where curbs are laid, it is the portion from the face of one curb to the face of the opposite curb.
- ii. Perimeter Street. Any existing or planned street which abuts the subdivision or addition to be platted.
- jj. Person. Any individual, association, firm, corporation, governmental agency, or political subdivision.
- kk. Planning and Zoning Commission. Same as “Commission”.
- ll. Preliminary Plat. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract, shown by superimposing a scale drawing of the proposed land division upon a topographic map and showing in plan view all existing and proposed drainage features and facilities, street layout, direction of curb flow and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the proposed development.

- mm. Private Street. A private vehicular access way that is shared by and that serves two or more lots, which is not dedicated to the public, and which is not publicly maintained. Subdivisions having private streets may be established only under the terms set forth in Section 3 of the Subdivision Ordinance, and pursuant to any other guidelines for private street developments as may be adopted for use by the City (either as part of this Ordinance or as separate guidelines/policies). The term “private street” shall be inclusive of alleys where they are provided.
- nn. Replating. "Replating" (or to “replat”) is the resubdivision of any part or all of a block or blocks of a previously platted subdivision, additional lot or tract.
- oo. Right-of-Way. A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, “right-of-way” may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and/or gas facilities; water or sanitary/storm sewer facilities; or for any other special use. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and shall not be included within the dimensions or areas of such lots or parcels.
- pp. Street. A right-of-way (public or private), however designated, which provides vehicular access to adjacent land. Streets may be of the following categories:
1. Major thoroughfares (arterial streets, primary thoroughfares, etc.) provide vehicular movement from one neighborhood to another, to distant points within the urban area, and/or to freeways or highways leading to other communities.
 2. Collector streets (“feeder” streets, secondary thoroughfares, etc.) provide vehicular circulation within neighborhoods, and from local streets to major thoroughfares.
 3. Local residential streets (minor thoroughfares or streets, etc.) are primarily for providing direct vehicular access to abutting residential property.
 4. Private streets (owned and maintained by a property/homeowners association, and not dedicated to the public).
- qq. Street Improvement. For the purpose of this Ordinance "street improvements" mean any street or thoroughfare, together with all appurtenances required by City regulations to be provided with such street or thoroughfare, and including but not limited to sidewalks, drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic control devices, street lights and street signs, for which facilities the City will ultimately assume the responsibility for maintenance and operation.
- rr. Street Right-of-Way. The width of the right-of-way for any roadway is the shortest distance between the lines which delineate the rights-of-way of the street.
- ss. Subdivider. Any person, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, such as a developer, of land sought to be subdivided.

- tt. Subdivision (also “Addition”). A division or redivision of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of such limits, for the purpose of transfer of ownership; layout of any subdivision of any tract of land or addition; or for the layout of building lots or streets, alleys or other components for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

- uu. Substandard Street. An existing street or road that does not meet the minimum specifications in the Standard Street Specifications, and which is not constructed to the ultimate configuration for the type of roadway it is designated for on the City’s Thoroughfare Plan. A standard street is a street or road that meets or exceeds said standard specifications and its designation on the City’s Thoroughfare Plan.

- vv. Surveyor. A licensed land surveyor or a registered public surveyor, as authorized by State statutes to practice the profession of surveying.

- ww. Technical Construction Standards and Specifications (TCSS). Those standards and specifications established by the City to ensure proper installation of the improvements required by this Ordinance. The TCSS manual shall be collectively the following documents, and shall be available for review or purchase at the City of Kaufman during normal business hours:
 - 1. Standard Specifications for Public Works Construction, Including Standard Drawings, Latest Edition, published by the North Central Texas Council of Governments
 - 2. City of Kaufman Storm Drainage Design Manual

II. PROCEDURES

Effective September 1, 2019 -The State of Texas enacted House Bill 3167 Development “Shot Clock” Bill and House Bill 3314 Replats, which were signed by the Governor on June 14, 2019, with an effective date of September 1, 2019. Ordinance O-17-19, as adopted by the Kaufman City Council on August 26, 2019, revises the procedures for approval of subdivision plats and related site plans and procedures for approval of replats. Some of the adopted language conflicts with the existing Subdivision Ordinance language, but because of the insufficient time between when the House Bills were adopted and when they took effect, the following language was adopted to supersede the procedures for approval of plats, replats and related site plans set forth in the Kaufman Subdivision Ordinance.

Section 2. Definitions. The following definitions apply to the provision of Ordinance O-17-19:

(a) “Administrative Official” or “Official” means the administrative official(s) designated by the Subdivision Ordinance, or otherwise designated by the City, as the person(s) responsible for reviewing and evaluating Plats, Subdivision Plans, and Subdivision Applications under this Article, the City’s Subdivision Ordinance, and other applicable City ordinances and state law, including such person(s) authorized designee.

(b) “City” means the City of Kaufman, Texas

(c) “City Council” means the City Council of the City of Kaufman, Texas.

(d) “Design Standards” means the Design Criteria and Construction Standards” adopted as part of Ordinance No. O-24-99, or other Ordinance.

(e) “Planning Commission” means the Planning and Zoning Commission of the City of Kaufman as designated by the City Charter and is also referred to herein as “Commission”.

(f) “Plat” means a preliminary plat, general plan (including a master plan or plat), final plat, and replat. The terms preliminary plat, general plan, final plat and replat may be referred to individually, and each shall have the meaning set forth in the Subdivision Ordinance.

(g) “Subdivision Application” means a request for approval of a Plat or Subdivision Plan required to initiate the division or development of land pursuant to Tex. Loc. Gov’t Code Ch. 212, Subchapters A and/or B, as amended.

(h) “Subdivision Plan” means a subdivision development plan, subdivision plan, subdivision construction plan, land development application, site development plan or site plan required for approval of a Plat, which is authorized under Tex. Loc. Gov’t Code Ch. 212, Subchapters A and/or B. A Subdivision Plan excludes a Zoning Plan. A Subdivision Plan does not include a site plan required for a Zoning Plan or for building permit approval.

(i) “Subdivision Ordinance” or “Subdivision Regulations” means the Kaufman Subdivision Ordinance duly adopted by the Kaufman City Council, Ordinance No. O-24-99, as amended, prior to the effective date of this Ordinance.

(j) “Zoning Plan” means a concept plan, site plan or similar document required to determine compliance with land use regulations which are authorized under Tex. Loc. Gov’t Code, Ch. 211, as amended.

Section 3. Applicability. This Ordinance is applicable as follows:

(a) This Ordinance applies to the procedures for approval of Plats and Subdivision Plans for the division or development of property pursuant to Tex. Loc. Gov't Code Ch. 212, Subchapters A and/or B.

(b) This Ordinance does not apply to the procedures for approval of Zoning Plans or plans required to accompany applications for building permits.

(c) This Ordinance does not apply to any Subdivision Application, as defined herein, that is filed before September 1, 2019.

Section 4. Stages of Plat Approval. Notwithstanding any other provision of the Subdivision Ordinance to the contrary, the stages of plat approval shall be as follows:

(a) Except for minor plats, as allowed, replats and amending plats, all applications for Plat approval shall consist of an application for preliminary plat approval, followed by an application for final plat approval. Applications for preliminary plat approval and final plat approval shall not be submitted nor processed simultaneously. Each plat application shall require the approval of the Planning Commission and the City Council, as hereinafter provided.

(b) Any procedure in the Subdivision Ordinance that provides for a different time period or process for approval of a Subdivision Application than that required for approval of a Subdivision Application under this Ordinance is superseded by the procedures of this Ordinance, and all other provisions not superseded by this Ordinance shall remain in full force and effect, shall be interpreted as complimentary to, and shall work in concert with the provisions adopted in this Ordinance.

(c) Except as hereinafter provided, the procedure for any appeal from a Planning Commission decision on a Subdivision Application to the City Council is superseded by the procedures of this Ordinance.

(d) Procedures for review of a Subdivision Application for completeness authorized by the Subdivision Ordinance or to be undertaken pursuant to Tex. Loc. Gov't Code sec 245.002(e) are superseded by the procedures in Sections 5 and 6 of this Ordinance, except as otherwise provided in Section 7 of this Ordinance.

(e) A Subdivision Plan must be submitted for approval with an application for preliminary or final Plat approval, unless approval of the Subdivision Plan is required prior to submittal of a Plat application. Any procedure for approval of a Subdivision Plan before the Commission or City Council approves or disapproves a Plat application is superseded by the procedures of this Ordinance, and all other provisions not superseded by this Ordinance shall remain in full force and effect, shall be interpreted as complimentary to, and shall work in concert with the provisions adopted in this Ordinance.

(f) Conditional approval of a preliminary Plat application shall mean that each such condition must be satisfied prior to final Plat approval. Such conditions are not subject to the procedures in Section 6 of this Ordinance.

(g) Because the technical requirements for submittal of a Plat or Subdivision Plan application are essential for determining whether the application should be approved, conditionally approved, or disapproved, any deficiency in the submittal requirements for such application shall be grounds for disapproval of the application, unless the Plat or Subdivision Plan application is to be reviewed under the alternative review procedures in Section 7.

Section 5. Procedures for approval of Plats and Subdivision Plans.

(a) Initial Approval by Commission. The Planning Commission shall approve, approve with conditions, or disapprove a preliminary plat, final plat or Subdivision Plan application within thirty (30) days after the date the Plat or Subdivision Plan application is filed. A Plat or Subdivision Plan application is deemed approved by the Commission unless it is conditionally approved or disapproved within that period in the manner provided in subsection (e).

(b) Initial Approval by Council. The City Council shall approve, approve with conditions, or disapprove a preliminary plat, final plat or Subdivision Plan application within 30 days after the date the Commission approves the Plat or Subdivision Plan application. A Plat or Subdivision Plan application is deemed approved by the City Council unless it is conditionally approved or disapproved within that period and in the manner provided in this Subsection and documented pursuant to Subsection (e) of this Section.

(c) Extension by Agreement. The applicant may request in writing and the Planning Commission or the City Council, as applicable, may approve the request for an extension of the time for Plat or Subdivision Plan approval required by subsections (a) or (b) for a period not to exceed thirty (30) days. The written request must be made within fifteen (15) days of the date the application is filed and approved by the Commission or City Council prior to the time for a decision on the application required by subsections (a) or (b).

(d) Limitation on Submittals. Following the filing of the Plat or Subdivision Plan application, the applicant may not submit additional materials in support of the application during the initial thirty (30) day period during which the Commission or the City Council must decide the application, unless the applicant withdraws the original application and submits a new application with the additional materials. If an extension is sought and granted under subsection (c), the applicant may submit additional materials in support of the application no later than fifteen (15) days from the date the Commission or City Council is scheduled to review the application without filing a new application.

(e) Documentation for Conditional Approval or Disapproval. The Planning Commission or the City Council, as applicable, shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each such condition or reason shall be directly related to the requirements of the Subdivision Regulations, Zoning Regulations, and/or Design Standards and shall include a citation to the applicable law, including a state law or City ordinance, that serves as the basis for the conditional approval or disapproval. The conditions or reasons shall be consistent with this Section and may not be arbitrary.

Section 6. Post-Decision Procedures.

(a) Applicant's Response. After the conditional approval or disapproval of a Plat or Subdivision Plan under Section 5, the applicant may submit to the Commission or the City Council, as applicable, that conditionally approved or disapproved the Plat or Subdivision Plan, a written response that satisfies each condition for the conditional approval or that remedies each reason for disapproval provided. Neither the Commission nor the City Council may establish a deadline for an applicant to submit the response authorized by this Subsection.

(b) Reply to Applicant's Response. The Commission or City Council, as applicable, that receives an applicant's response in accordance with Subsection (a) of this Section shall determine whether to approve, conditionally approve or disapprove the applicant's previously conditionally

approved or disapproved Plat or Subdivision Plan not later than the fifteenth (15th) day after the date the response was submitted by the applicant. The Commission or City Council, as applicable, may further conditionally approve or disapprove the application for a specific condition or reason that is provided to the applicant in the manner prescribed in Section 5(e) of this Article. The Commission or City Council, as applicable, shall approve the Plat or Subdivision Plan application if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(c) Delegation to Administrative Official. The Administrative Official(s) is hereby delegated the authority to reply to an applicant's response in the manner provided in section 5(e). The applicant may appeal the administrative official's decision within 15 days thereof to the Planning Commission or the City Council, as the case may be, which shall hear the appeal at its next scheduled regular meeting. The applicant may also request a delay in the reply in order to have the response considered and decided by the Planning Commission or City Council, as the case may be, at its next scheduled regular meeting.

(d) Failure to Timely Reply. If the response meets the criteria in subsection (a) and the administrative official, or the Planning Commission or City Council, as the case may be, fails to act upon the response within the time provided in subsections (b) or (c), the plat or Subdivision Plan application shall be deemed approved.

(e) New Application Required. In the event that the administrative official, or the Planning Commission or City Council, as the case may be, timely disapproves the Plat or Subdivision Plan application, a new application and fees shall be required.

Section 7. Alternative Review Procedures. In lieu of the procedures set forth above, every applicant for approval of a Subdivision Application may request in writing to follow the procedures in this Section if the request is made at the time such Subdivision Application is first submitted for filing. Election of approval under this Section does not waive the procedures in Sections 5 and 6 as noted above, which shall commence as provided in subsection (c).

(a) Within ten (10) business days of the time the Subdivision Application is submitted for filing, the Administrative Official shall make a determination whether such Application meets the technical requirements for submittal. The Administrative Official shall notify the applicant in writing not later than the tenth (10th) business day after the Subdivision Application is submitted whether the Application is complete or incomplete. If the Subdivision Application is incomplete, the notice shall specify the documents or information that are necessary to complete the Application and shall also state that the application is subject to expiration, as provided in subsection (b).

(b) Following the receipt of written notice, the applicant shall have forty-five (45) days from the time the Subdivision Application was submitted for filing to submit the necessary documents or information to render such Application complete. If the applicant fails to do so, the Subdivision Application shall expire on the forty-fifth (45th) day after such Application was submitted for filing. An applicant may request a conference with the Administrative Official to assist in completing the Application. If the Subdivision Application expires, the applicant may submit a new Subdivision Application without prejudice. If the new Application is submitted within ten (10) days after the expiration of the original application, review fees will be waived.

(c) The procedures for review of an application for Plat or Subdivision Plan approval in Sections 5 and 6 of this Article shall commence on one of the following dates:

- (1) The date of the notice required by subsection (a) if the application is determined to be complete.
- (2) The date the applicant submits documents or information necessary to complete the application within the forty-five (45) day period specified in subsection (b).

- (3) The date the applicant submits a new application in the event the original application has expired.

Section 8. Procedures for Approval of Replats. Notwithstanding any other provision of the Subdivision Ordinance to the contrary, the procedures for replats as set forth in the Subdivision Ordinance are hereby amended as follows:

(a) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding Plat without vacation of the Plat if the replat is (1) signed and acknowledged by only the owner of the property being replatted, (2) is approved by the Planning Commission and (3) does not attempt to amend or remove any covenants or restrictions. A public hearing is not required before approval of the replat.

(b) A replat without vacation of the preceding plat must conform to the requirements of Tex. Loc. Gov't Code section 212.015(a), in addition to the provisions of section 212.014, as amended. If such replat requires a variance or exception, a public hearing must be held by the Planning Commission or the City Council. If such replat does not require a variance or exception, the City shall, not later than the fifteenth (15th) day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within two hundred (200) feet of the lots to be replatted according to the most recent municipal or county tax roll. The notice must include (1) the zoning designation of the property after the replat; and (2) a telephone number and e-mail address that an owner of a lot may use to contact the City about the replat. This requirement does not apply to a proposed replat if the City holds a public hearing and gives notice of the hearing pursuant to Tex. Loc. Gov't Code section 212.015(b).

Section 2.1: Pre-Application Procedures

- 2.1 The subdivider(s) should avail themselves of the advice and assistance of the City officials, and should consult early and informally with the City Manager, City Planner, or other designated administrative officers before preparing a land study, a preliminary plat or a final plat, and before formal application for approval of same in order to save time, money and to avoid unnecessary delays.

Section 2.2: Statutory Procedures

- 2.2 a. Classification of Subdivisions and Additions. Before any land is platted, the property owner shall apply for and secure approval of the proposed subdivision plat, in accordance with the following procedures, unless otherwise provided within this Ordinance. Subdivisions are classified as major or minor, depending upon the number of lots to be created and upon whether or not any public improvements will be required to develop the property.
 1. Minor subdivisions shall create no more than four (4) lots, and every lot within a minor subdivision shall already be served by all required City utilities and services pursuant to this and other applicable City ordinances. If the development of any lot within the proposed subdivision will require the construction of a new street (or portion thereof) or a public improvement (e.g., water or sewer line, drainage facility, required screening wall, etc.), or if an easement(s) for any public facility(s) must be established on the plat, then the subdivision (and its corresponding plat) shall be classified as a major subdivision (and plat) and shall be processed/approved as such. Minor subdivisions may be approved for residential or non-residential properties. Minor plat approval requires the submission of a final plat as described under Sections 2.5 and 2.6, except that the final authority of approval for minor plats is with the Planning and Zoning Commission. In the event that the Planning and Zoning Commission

disapproves a minor plat application, the applicant may appeal the decision to City Council.

2. Major subdivisions involve the creation of new streets, the construction/extension of a municipal facility(s), and/or the creation of more than four (4) lots. Major subdivisions may be approved for residential or non-residential properties. The procedure for approval of a major plat typically requires three steps: land study, preliminary plat and final plat (see Sections 2.3 through 2.6 for applicability and requirements for each). A concept plan that includes sufficient information to provide for the proper coordination of the development may be required for non-residential property. Major plat approval shall be in accordance with Sections 2.5 and 2.6. The plat and the associated engineering plans for development of the property may be amended during construction. Upon completion of the required public improvements, the property owner may submit a corrected final plat for the subdivision. If major changes have occurred on the plat (i.e., changes that would not allow the plat to be approved as an amended plat under Section 2.9), then the revised final plat shall be processed in the same manner as a final plat, per Sections 2.5 and 2.6. Lots may be sold only when the final plat has been approved and the plat has been filed at Kaufman County.
- b. Official Submission Date. For the purpose of these regulations, the date on which an application for approval of a final plat, that contains all required elements mandated by the Texas Local Government Code, Section 212.004(b), is first filed with the City Planner shall constitute the official submission date for the plat, after which the statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed filed until the City Planner determines that the application is complete. Failure by the City Planner to make a determination of completeness within ten (10) working days of the submission date shall result in the application being deemed complete.
 - c. Action by Planning and Zoning Commission or City Council. The Planning and Zoning Commission shall approve or disapprove the final plat application, or shall identify requirements which must be satisfied prior to approval of such application, within thirty (30) days of the official submission date. For purposes of this Section, identification of requirements which must be satisfied prior to approval of the application shall be considered denial of the application. The Planning and Zoning Commission shall act on the plat application within thirty (30) days of the official submission date, or the application shall be deemed approved. If the Commission approves the plat application, or if such application is deemed approved pursuant to this Section, then the City Council shall act to approve or deny the application for final plat approval within thirty (30) days of the Commission's approval (or approval by Commission inaction), or the application shall be deemed approved.
 - d. Simultaneous Submission of Plats. In the event that an applicant submits preliminary and final plat applications simultaneously, as provided in Section 2.4 (d), the City Planner shall schedule the final plat application for action by the Planning and Zoning Commission within thirty (30) days of the official submission date, unless the applicant has executed a waiver of the 30-day review period. If the preliminary plat has not received approval prior to such consideration by the Commission, then the Commission shall deny the application for final plat.

Section 2.3: Procedures and Submission Requirements for Land Study Approval

- 2.3 a. Applicability. A land study shall be submitted to the Planning and Zoning Commission and the City Council for review, evaluation and approval in the following circumstances:
 1. In conjunction with an application for preliminary plat approval for any tract of land over twenty-five (25) acres in size, or for a smaller tract, where the land is part of a larger parcel over twenty-five (25) acres in size, which is ultimately to be developed under the City's

Subdivision Ordinance;

2. In conjunction with a development plat; or
 3. In any case where a road is to be realigned.
- b. Purpose. The purpose of the land study is to allow the Planning and Zoning Commission and City Council to review the proposed major thoroughfare and collector street patterns, land use, environmental issues, conformance to the Comprehensive Plan, Zoning Ordinance, Future Land Use Plan, Thoroughfare Plan and other applicable plans, and the property's relationship to adjoining subdivisions or properties (also see Section 3.1[e]), and to assist in evaluating the impacts of developing the land to be platted on provision of supporting public facilities and services, the environment, provision of open space and recreational opportunities and the general health, safety and general welfare of the community.
- c. Extent of Area Required for Land Study. When the preliminary plat or development plat designates the land to be developed in phases, the land study area shall include the entire property from which the phase is being subdivided and an approximate development schedule. Where the applicant can demonstrate that natural or manmade features, such as thoroughfares and creeks, make inclusion in the land study of the entire property unnecessary to adequately review the items listed in the preceding paragraph, he may request approval from the City Manager or City Planner for a smaller land study area. Boundaries such as thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or manmade features may be used to delineate the smaller study area.
- d. The land study shall be prepared at a scale no smaller than of 1" = 200' and shall show the following:
1. A title block within the lower right hand corner of the land study with the proposed name of the addition, the name and address of the developer and the land planner, engineer or surveyor responsible for the design or survey, the scale of the drawing, the date the drawing was prepared, and the location of the tract according to the abstract and survey records of Kaufman County, Texas;
 2. The limits of the tract and scale distances with north clearly indicated;
 3. The names of adjacent additions or subdivisions or the name of the owners of record of adjoining parcels on unplatted land. The land study shall include a depiction of all contiguous holdings of the property owners, the uses of adjacent property, a general arrangement of future land uses, including the approximate number of lots and any non-residential uses anticipated, and a generalized circulation plan;
 4. The existing zoning and proposed uses on adjoining land, the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and topography with existing drainage channels or creeks, and other important natural features, all substantial natural vegetation, adjacent political subdivisions or corporate limits, and school district boundaries;
 5. The layout and width of proposed thoroughfares, collector streets and intersections, and a general configuration of proposed non-residential and residential streets;
 6. A general arrangement of land uses, including but not limited to park and school sites, public facilities, private open space, flood plains and drainage ways, phasing plan, and proposed

non-residential and residential densities and building heights; and

7. The phasing of development or the order of platting.
- e. Procedures and Conditions. The Planning and Zoning Commission and the City Council shall review and evaluate the land study to determine whether the proposed development conforms to the Comprehensive Plan and applicable development regulations of the City. The City Council or the Planning and Zoning Commission may require additional information to be submitted to supplement the initial study. Based upon the land study, the Planning and Zoning Commission may recommend, and the City Council may require as a condition of preliminary plat or development plat approval, that the land to be platted be developed in phases, that the proposed phases be developed in a different sequence or include more or less land, or that all phases designated be accompanied by a schedule of public improvements to adequately serve the development under the development standards of the City's Subdivision Ordinance.

A land study may be submitted for review concurrently with a preliminary plat. If the preliminary plat cannot be reviewed by the City Planner in time to schedule it on the same agenda as the land study, the preliminary plat shall be delayed and scheduled on the next agenda after appropriate review has occurred.

- f. Effect of Review. The land study shall be used only as an aid to determine the sufficiency of the preliminary plat or development plat proposed. Any proposed use or development depicted in the land study shall not be deemed authorized or approved unless the development is part of the approved preliminary plat or development plat. If the applicant chooses to plat only the initial phase or phases of a multi-phase project designated in the land study, a new land study may be required for plat approval of subsequent phases, if proposed development or conditions affecting the development have substantially changed. The land study shall be valid for two (2) years unless specifically extended by the City Council.

Section 2.4: Procedures and Submission Requirements for Preliminary Plat Approval

- 2.4 a. Upon reaching conclusions at the pre-application conference (informally as recommended in Section 2.1 above) regarding a general development program and objectives, the subdivider shall prepare a preliminary plat together with general utility plans and other supplementary materials as specified. The preliminary plat shall be submitted to the City of Kaufman with the filing fee, as provided by separate ordinance, and with a written application for conditional approval at least twenty-one (21) days prior to the Commission meeting at which it is to be considered. The preliminary plat shall be in accordance with the Comprehensive Plan including all adopted Water, Sewer, Future Land Use, Park and Open Space, and Thoroughfare Plans. The preliminary plat shall be prepared by a registered/certified engineer, land planner or surveyor.
- b. Copies of prints of the proposed subdivision drawn on sheets at a size of twenty-two inches by thirty-four inches (22" x 34") or twenty-four inches by thirty-six inches (24" x 36"), and drawn to a scale of one hundred feet or fifty feet to the inch (1"=100' or 1"=50'), shall be submitted in the number of copies specified by the City. The required number of copies and any reductions shall be specified by City staff on the application form. In cases of large developments which would exceed the dimensions of the sheet of one hundred foot (100') scale, preliminary plats may be two hundred feet to the inch (1"=200') or another scale as approved by the City Planner.

Preliminary plats which do not include the required data, number of copies and information will be considered incomplete, shall not be accepted for submission by the City, and shall not be scheduled until the proper information is provided to City staff. Additional copies of the

preliminary plat may be required if revisions or corrections are necessary. A preliminary plat, if not preceded by a land study, shall include all contiguous property under the ownership or control of the applicant. It may contain more than one phase which, if so, shall be clearly identified.

- c. The subdivider may choose to submit a final plat for review concurrently with the preliminary plat. In such case, the City may schedule concurrent review of both plats, provided adequate review can be achieved by the City. If the City cannot review both plats within twenty-one (21) days, then only the preliminary plat shall be accepted and the final plat shall be denied unless the thirty (30) day review requirement is waived in writing by the applicant.
- d. Following review of the preliminary plat and other materials submitted in conformity to these regulations, and following discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be installed, the Planning and Zoning Commission shall act thereon as submitted, or as modified. If approved, the Commission shall state the conditions of such approval, if any, or if disapproved, it shall state such disapproval and reasons therefore.
- e. Conditional approval of a preliminary plat by the Planning and Zoning Commission shall be deemed an expression of approval to the layouts submitted on the preliminary plat as a guide for the future installation of streets, water, sewer and other required improvements and utilities, and to the preparation of the final or record plat. Except as provided for herein, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted as provided in this Section have been met.
- f. If the Planning and Zoning Commission denies a preliminary plat application, then the applicant or property owner may appeal such decision to City Council by filing a Notice of Appeal in the office of the City Manager, or his designee, no later than ten (10) days after the date upon which the Commission denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The City Council shall consider the appeal at a public meeting no later than forty-five (45) days after the date upon which the Notice of Appeal was filed. The City Council may affirm, modify or reverse the decision of the Commission, or it may, where appropriate, remand the preliminary plat back to the Commission for further proceedings consistent with the City Council's decision.
- g. Standards for Approval. No preliminary plat shall be approved by the Planning and Zoning Commission (or by the City Council upon appeal) unless the following standards have been met:
 1. The plat substantially conforms with the approved land study or other studies and plans, as applicable.
 2. The preliminary layouts of City utilities have been approved by the City Engineer.
 3. The plat conforms to applicable zoning and other regulations.
- h. No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat by the Planning and Zoning Commission and City Council. The applicant shall also provide copies of letters from applicable local utility companies stating that the utility company(s) has reviewed the plat and stating any requirements they may have. This requirement may be deferred until the final plat is submitted if such deferral is approved by the Director of Public Works, or his designee. No excavation, except preliminary grading and clearing for streets, shall occur prior to approval of the final plat.
- i. The required copies or prints of the proposed preliminary plat shall show the following:

1. A vicinity or location map that delineates the location of the proposed preliminary plat in the City;
2. Boundary lines, abstract lines, corporate boundaries, existing or proposed highways and streets, bearings, and distances sufficient to locate the exact area proposed for the subdivision;
3. The name and location of all adjoining subdivisions or property owners of unplatted property shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines and owners of record;
4. The location and widths of all streets, alleys and easements, existing or proposed, within the subdivision limits; a list of proposed street names shall be submitted for all new streets (approved street names are required at the time the final plat is approved);
5. The location of all existing property lines, existing lot and block numbers and date recorded, buildings, existing sewer or water mains, gas mains or other underground structures, easements of record or other existing features within the area proposed for subdivision;
6. Proposed arrangement and square footage of lots (including lot and block numbers) and proposed use of same; for nonresidential uses, the location and size of buildings (this information may be provided on separate sheets);
7. The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the planner, engineer or registered public surveyor preparing the drawing; the subdivision name shall not be duplicated, but phasing identification is allowed; the City shall determine if the proposed subdivision identification will be in conflict with existing plats;
8. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses;
9. Scale, north arrow, date and other pertinent data oriented to the top or left side of the sheet;
10. Contours with intervals of two feet (2') or less shown for the area, with all elevations on the contour map referenced to the latest U.S.C. and G.S. data;
11. Areas contributing drainage to the proposed subdivision shall be shown on the preliminary plat or on a separate map, if necessary; the information may be shown on a smaller scale supplemental drawing; locations proposed for drainage discharge from the site shall be shown by directional arrows;
12. All physical features of the property to be subdivided including location and size of all water courses, 100-year flood plain according to Federal Emergency Management Agency (FEMA) information, Corps of Engineers flowage easement requirements, ravines, bridges, culverts, existing structures, drainage area in acres or area draining into subdivisions, the outline of major wooded areas or the location of major or important individual trees, and other features pertinent to subdivision;
13. A proposed general plan of water and sewer lines and infrastructure (including sizes) to be constructed in the subdivision shall be shown on a separate map; the proposed connections to distribution mains shall be indicated;
14. Where a subdivision is proposed to occur in phases, the subdivider, in conjunction with submission of the preliminary plat, shall provide a schedule of development; the dedication

of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision; the City Council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or for such phases as the Council determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares;

15. All preliminary plats shall be submitted in a legible format on a good grade blue line or black line paper;
16. Proposed or existing zoning;
17. The following notice shall be placed in the lower right-hand corner of the page of each preliminary plat by the developer:

Preliminary Plat

Approved by the Planning and Zoning Commission

Date

- j. Effect of Approval. Approval of a preliminary plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval.
- k. Extension and Reinstatement Procedure.
 1. Approval of a preliminary plat shall be effective for two (2) years unless reviewed by the Commission and City Council in the light of new or significant information which would necessitate the revision of the preliminary plat. If no development or change in requirements has occurred which would affect the proposed plat at the end of the two year period, the City Council may, at the request of the applicant, extend its approval another year without the submission of a new preliminary plat by reapproving the original preliminary plat. No filing fee is required for such reapproval.
 2. Sixty (60) days prior to or following the lapse of approval for a land study or preliminary plat, as provided in these regulations, the property owner may petition the City to extend or reinstate the approval. Such petition shall be considered at a public meeting before the Planning and Zoning Commission and City Council.
 3. In determining whether to grant such request, the City Council shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations shall apply to the plat or land study. The Commission and City Council shall extend or reinstate the preliminary plat or land study, or deny the request, in which instance the property owner must submit a new application for approval.
 4. The Commission and City Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to ensure compliance with the original conditions of approval. The Commission and City Council may also specify a shorter time for lapse of the extended or reinstated plat or study than is applicable to original approvals.

Section 2.5: Procedures and Submission Requirements for Final Plat Approval

- 2.5 a. The final plat shall be in accordance with the preliminary plat as approved and incorporate all conditions, changes, directions and additions imposed by the Planning and Zoning Commission and City Council. The final plat shall not be approved by the City until detailed engineering and construction plans have been approved by the City Engineer. The final plat shall not be submitted prior to approval of the preliminary plat (see Section 2.4 [d] and [g] for exceptions). At the time the developer files the final plat with the City Planner, he shall also file a certificate showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property in accordance with Section 1.13.
- b. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and then develop provided, however, that such portion conforms to all the requirements of these regulations. The final plat shall also include construction plans and cost estimates for construction of improvements.
- c. The required number of copies of the proposed final plat and construction plans shall be submitted no later than twenty-one (21) calendar days before the meeting at which they shall be considered, accompanied by a filing fee as prescribed by the City Council by separate ordinance. The City Planner shall check the plat to ascertain its compliance with these regulations and shall report to the applicant. If revisions are necessary, the applicant, developer or his engineer shall submit additional corrected copies of the properly completed final plat to the City Planner for final action no later than seven (7) days prior to the Commission meeting. Failure to submit corrected copies shall be reason to determine the submittal as incomplete and as reason to not schedule the plat on the Commission's agenda.

The Planning and Zoning Commission shall recommend approval or denial of the final plat within thirty (30) days of the official submission date. The City Council shall take action within thirty (30) days of the Planning and Zoning Commission action. After the final plat has been scheduled on an agenda, the applicant or subdivider may request in writing a waiver of the thirty (30) day approval requirement. After receipt of the request, the City may delay approval of the final plat beyond thirty (30) days of the submission date. A certificate of approval of the City Council, attested by the Mayor or Mayor Pro Tem and City Secretary, as provided herein, shall be attached to the plat when such final plat has been approved.

The developer and/or applicant shall return copies of the final plat, as approved, with any other required documents and necessary fees attached thereto to the City Planner within thirty (30) days, in accordance with requirements established by the City. All easements shall be included as required by utility companies or the City of Kaufman prior to filing, and a copy of letters from each applicable utility company shall be submitted to the City Planner stating that the plat contains the proper easements. Mylars, reductions and blueline copies as required by the County Clerk of Kaufman County, in addition to mylar copies required by the City, shall be returned to the City Secretary with the required fees. If the required copies are not returned to the City within the specified time, the City approval of the final plat shall be null and void unless an extension is granted by the City Council. The City Secretary shall file the final plat within thirty (30) working days at the office of the County Clerk of Kaufman County.

- d. The final plat (and any replats) shall be prepared by a registered public surveyor or licensed land surveyor. Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Texas, as required by State law governing such professions and in accordance with this Ordinance and the Technical Construction Standards and Specifications (TCSS). Construction plans submitted for review by the City shall be dated and

shall bear the responsible engineer's registration number, and the designation of "professional engineer," or "P.E." and an appropriate stamp or statement near the engineer's identification, stating that the documents are for preliminary review and are not intended for construction. Construction plans shall be approved by the City Engineer when such plans meet all of the requirements of this Ordinance and the TCSS manual.

- e. Before approval of any final plat by the City Council and the Planning and Zoning Commission, the developer shall prepare, or have prepared, and submit the required copies of the complete engineering construction plans of streets, alleys, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the final plat. Prior to approval of the final plat, a set of construction plans marked "approved" must be on file at the City. A drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be submitted with the construction plan. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan. The developer shall have these plans prepared by their own professional engineers subject to approval of the plans by the City of Kaufman. The City Planner shall review or cause to be reviewed, the plans and specifications and if approved, shall mark them approved and return one set to the developer. If not approved, two (2) sets shall be marked with the objections noted and returned to the applicant or developer for correction. The subdivider shall provide additional sets of corrected engineering plans as specified by the City Engineer for use during construction. After approval of the plat, plans, and specifications by the City of Kaufman, the developer shall cause a contractor to install the facilities in accordance with the approved plans and standard specifications of the City and at the developer's expense (also see Section 6). The developer shall employ engineers, surveyors, and other professionals as necessary to design, stake and supervise the construction of such improvements, and shall cause his contractor to construct the said improvements in accordance with these regulations. The City shall inspect the installation of the improvements.

When all of the improvements are found to be installed in accordance with the approved plans and specifications, and after the improvements have been completed, and upon receipt by the City of Kaufman of a maintenance bond or certificate of deposit in accordance with Section 6 of this Ordinance from each contractor, three (3) sets of "AS BUILT" (or "Record Drawing") plans and one (1) set of "As-Built" or "Record Drawing" sepias shall be submitted with a letter stating the contractor's compliance with these regulations. After such letter is received, the City Manager or his designee shall receive and accept for the City of Kaufman the title, use and maintenance of the improvements according to Section 6.7.

- f. The engineering construction plans shall be valid for a period of twelve (12) months after approval by the City. The City Manager, or his designee, may grant a one (1) year extension after which they are subject to reapproval by the City if no construction has occurred.
- g. Timing of Public Improvements.
 - 1. The Commission and City Council may require that all public improvements be installed, offered for dedication and accepted by the City prior to the approval of the final plat by the City. Also see Section 6.

The City Council may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to

the public or would offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. Any required public improvement(s) approved for deferred construction must be provided for as required in Section 6.2(d) prior to the approval of the final plat.

2. If the Commission and City Council do not require that all public improvements be installed, offered for dedication and accepted by the City prior to signing of the final plat, it shall require that the applicant execute an agreement and provide security for the agreement as provided in Sections 6.2 and 6.3.

*h. There is hereby established a twenty-four (24) month time limit on starting development after approval of the Final Plat. The twenty-four (24) month time frame begins the day after city Council approves the Final Plat. If development has not started within this timeframe, the Final Plat shall become null and void and any subsequent development activity shall require a new Final Plat.

Section 2.6: Final Plats (Information and Format Requirements)

- 2.6 a. All final plats shall be submitted on sheets no larger than twenty-four inches by thirty-six inches (24" x 36") or twenty-two inches by thirty-four inches (22" x 34"), and to a scale of not less than one hundred feet to the inch (1"=100') or larger. Kaufman County requires that no plat be larger than twenty-four by thirty-six inches (24" x 36") for filing. Where more than one sheet is required to encompass the subdivision, an index sheet, twenty-two inches by thirty-four inches (22" x 24") or twenty-four inches by thirty-six inches (24" x 36"), shall be filed showing the entire subdivision together with the complete dedication, attests, dates, titles and seals, on one (1) sheet.

Engineering and construction plans shall also be submitted according to the Technical Construction Standards and Specifications (TCSS) and the requirements set forth herein. Engineering construction plans showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, perimeter sidewalks, landscape plans (if appropriate), and other engineering details of the proposed subdivision at a scale of one inch equals 40 or 50 feet (1" = 40' or 50') horizontally and one inch equals 4, 5, or 10 feet (1" = 4', 5' or 10') vertically shall be submitted to the City Planner along with the final plat of the subdivision.

The number of copies as specified on the application form shall be submitted with the final plat submittal. Such plans shall be prepared by a registered professional engineer and shall conform to the Technical Construction Standards and Specifications (TCSS).

- b. The exterior boundary of the subdivision shall be indicated by a distinct bold solid line and corner markers by individual symbols.
- c. The length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves shall be indicated along the lines of each lot in addition to lot and block numbers. The curve data pertaining to block or lot boundary may be placed in a curve table.
- d. The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers and accurate reference ties to courses and distances of at least one recognized abstract line or existing subdivision corner shall be shown. A location map drawn to scale shall also be shown. A listing of the lots and their correlating area in square feet shall be provided separately.
- e. The names and accurate location of all adjacent streets.

- f. The location and dimension of any utility easement adjoining or abutting the subdivision or proposed within the subdivision shall be shown. It shall be the applicant's responsibility to coordinate with appropriate utility companies for placement of utility easements.
- g. The description and location of all survey monuments placed in the addition or subdivision shall be shown (see Section 5.1 for specifications).
- h. The final plat shall show a title block in the lower right corner of the page, the words "Final Plat", the names of the addition or subdivision, the name of the owner and engineer or surveyor, the scale and location of the subdivision, north point and reference to original land grant or survey and abstract number. The final plat shall provide a place for the County Clerk of Kaufman County to stamp the number of the cabinet, drawer or area where the plat will be filed and a place for the date in the lower left-hand corner at least 2" x 2" in size.
- i. Finished floor elevations of building foundations shall be shown for lots adjacent to a floodway or area susceptible to flooding.
- j. Certificates shall be attached to and be a part of the final subdivision plat and shall contain a minimum of the following information:
 - 1. A statement that the subdivided area is legally owned by the applicant.
 - 2. An accurate legal description by the line deflection, necessary curve data, and line distance of all lines bounding the property with descriptions correlated to a permanent survey monument.
 - 3. A statement signed by the owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the owner adopts the plat as shown, described and named, and that they do dedicate to the public use forever the streets and alleys shown on the plat. The owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.
 - 4. A registered public surveyor's certificate, with a place for signatures.
 - 5. A place for plat approval signature of the Mayor or Mayor Pro Tem of the City Council, a place for the City Secretary to attest such signature, and the approval dates by the Planning and Zoning Commission and City Council.
 - 6. Following are examples of the information required on the final plat which meet the above requirements:

(a) Owner's Certificate (Example):

STATE OF TEXAS §
 COUNTY OF KAUFMAN §

WHEREAS, John Doe and Jane Doe are the Owners of a tract of land situated in the WXYZ Survey, Abstract No. 000, Kaufman County, Texas and being out of a 000.00

acre tract conveyed to them by Joe Smith and Tom Smith, and a 000.00 acre tract conveyed to them by John Smith and being more particularly described as follows:

(Enter accurate metes and bounds property description here)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____ acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as _____, an addition to the City of Kaufman, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Kaufman. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Kaufman's use thereof. The City of Kaufman and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Kaufman and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Kaufman, Texas

WITNESS, my hand, this the ____ day of _____, 19 ____.

BY:

Authorized Signature of Owner

Printed Name and Title

STATE OF TEXAS §
COUNTY OF KAUFMAN §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared John Doe and Jane Doe, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 20 ____.

Notary Public in and for the State of Texas

My Commission Expires On:

(b) Surveyor's Certificate (Example):

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Kaufman.

Registered Public Surveyor

APPROVED BY: Planning and Zoning Commission
City of Kaufman

By: _____
Chairman Date

APPROVED BY: City Council
City of Kaufman

By: _____
Mayor

City Secretary Date

(c) Visibility, Access and Maintenance Easements (Example):

The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easement(s) are hereby given and granted to the City, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM Easement. The City shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the City exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The City may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM Easement. The City shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement and to remove any obstruction thereon. The City, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

(d) Fire Lanes (Example):

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

(e) Access Easements (Example):

The undersigned does covenant and agree that the Access Easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Kaufman, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

Section 2.7: Development Plats

- 2.7 a. Authority. This section is adopted pursuant to Texas Local Government Code, Chapter 212, Subchapter B, Sections 212.041 through 212.050, as amended.
- b. Applicability. For purposes of this section, the term "development" means the construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This section shall apply to any land lying within the City or within its extraterritorial jurisdiction in the following circumstances:
1. The development of any tract of land which has not been platted or replatted prior to the effective date of this Ordinance, unless expressly exempted herein;
 2. The development of any tract of land for which the property owner claims an exemption from the City's Subdivision Ordinance, including requirements to replat, which exemption is not expressly provided for in such regulations;
 3. The development of any tract of land for which the only access is a private easement/street;
 4. The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated.
- c. Exceptions. No development plat shall be required, where the land to be developed has received final plat or replat approval prior to the effective date of this Ordinance. The City Council may, from time to time, exempt other development or land divisions from the requirements of this section.
- d. Prohibition on Development. No development shall commence, nor shall any building permit,

utility connection permit, electrical connection permit or similar permit be issued, for any development or land division subject to this section, until a development plat has been approved by the Planning and Zoning Commission and City Council and filed with the City Secretary.

- e. Standards of Approval. The development plat shall not be approved until the following standards have been satisfied:
 - 1. The proposed development conforms to all City plans, including but not limited to, the Comprehensive Plan, Thoroughfare Plan, Land Use Plan, Park and Open Space Master Plan, utility plans and applicable capital improvements plans;
 - 2. The proposed development conforms to the requirements of the Zoning Ordinance;
 - 3. The proposed development is adequately served by public facilities and services, parks and open space in conformance with City regulations;
 - 4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and
 - 5. The proposed development conforms to the design and improvement standards contained in this Ordinance and in the TCSS manuals.

- f. Conditions. The City may impose such conditions on the approval of the development plat as are necessary to assure compliance with the standards in subsection (e) above.

- g. Land Study Requirement. Whenever a property owner proposes to divide land into tracts or lots each of which is greater than five (5) acres, and for which no public improvements are proposed, he shall submit a land study together with his application for approval of a development plat in accordance with Section 2.3 of this Ordinance.

- h. Approval Procedure. The application for a development plat shall be approved, conditionally approved, or denied by the City Council following review and recommendation by the Planning and Zoning Commission. Upon approval, the development plat shall be filed with the County by the City Secretary.

- i. Submittal requirements - Each development plat shall:
 - 1. Be prepared by a registered professional land surveyor;
 - 2. Clearly show the boundary of the development plat;
 - 3. Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein; and
 - 4. Show all easements and rights-of-way within or adjacent to the development plat.

Section 2.8: Replatting

- 2.8 a. Replat Required. Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by these regulations. The City Manager may waive or modify requirements for a land study and preliminary plat under circumstances where the previously approved land study or preliminary plat is sufficient to achieve the purposes set forth in this Ordinance.
- b. Replatting Without Vacating Preceding Plat. A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
1. Is signed and acknowledged by only the owners of the property being replatted;
 2. Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the City Council (no public hearing is required by the Planning and Zoning Commission); and
 3. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.
- c. Previous Requirements or Conditions of Approval Which Are Still Valid. In addition to compliance with (b) above, a replat without vacation of the preceding plat must conform to the requirements of this section if:
1. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 2. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
- d. Notice of the public hearing required under (b) above shall be given before the fifteenth (15th) day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in Kaufman County. Notice of the public hearing shall also be given by written notice, with a copy of any requested variances, sent to the owners, as documented on the most recently approved ad valorem tax roll of the City, of lots that are in the original subdivision and that are within two hundred (200) feet of the lot(s) to be replatted. In the case of a subdivision in the extraterritorial jurisdiction, the most recently approved County tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
- e. If the owners of twenty percent (20%) or more of the owners of the area of lots to whom notice is required to be given under Subsection (b) above file with the City a written protest of the replatting before or at the public hearing, and if the replat requires a variance as defined in Section 1.11, then approval of the replat will require the affirmative vote of at least three-fourths (3/4) of the City Council members present. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the City prior to the close of the public hearing. In computing the percentage of land area subject to the "20% rule" described above, the area of streets and alleys shall be included.

- f. Compliance with Subsection (e) above is not required for approval of a replat or part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- g. Any replat which adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed.
- h. If the previous plat is vacated as prescribed in Section 212.013 of the Texas Local Government Code, a public hearing is not required for a replat of the area vacated.
- i. The replat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein.
- j. The title shall identify the document as “_____ Addition, Block ____, Lot(s) ____, Being a Replat of Block _____, Lot(s) _____ of the _____ Addition, an addition to the City of Kaufman, Texas, as recorded in Volume/Cabinet _____, Page/Slide _____ of the Plat Records of Kaufman County, Texas”.
- k. All taxes due and other applicable fees due on replatted lots shall be paid and cleared before final approval of the replat by the City Council.
- l. The replat shall be filed at the County in the same manner as prescribed for a final plat.

Section 2.9: Amending Plats

- 2.9
- a. An amended plat shall meet all of the informational and procedural requirements set forth for a final plat.
 - b. The Planning and Zoning Commission and City Council may approve and issue an amending plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and if the amending plat is for one or more of the purposes set forth in this Section. The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:
 - 1. Correct an error in a course or distance shown on the preceding plat;
 - 2. Add a course or distance that was omitted on the preceding plat;
 - 3. Correct an error in a real property description shown on the preceding plat;
 - 4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - 5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 7. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - (a) Both lot owners join in the application for amending the plat;
 - (b) Neither lot is abolished;
 - (c) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (d) The amendment does not have a material adverse effect on the property rights of the owners in the plat;
 8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 9. Relocate one or more lot lines between one or more adjacent lots if:
 - (a) The owners of all those lots join in the application for amending the plat;
 - (b) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (c) The amendment does not increase the number of lots; or
 10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - (a) The changes do not affect applicable zoning and other regulations of the City;
 - (b) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (c) The area covered by the changes is located in an area that the City has approved, after a public hearing, as a residential improvement area.
 - *11. To replat one or more lots fronting on an existing street:
 - (a) The owner of all those lots joins in the application for amending the plat;
 - (b) The amendment does not attempt to remove recorded covenants or restrictions;
 - (c) The amendment does not increase the number of lots; and,
 - (d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities. *Amended 8-14-00, Ordinance O-18-00.
- c. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
- d. The amended plat shall be entitled and clearly state that it is an "amended plat." It shall also state the specific lots affected or changed as a result of the amended plat, and shall include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.

- e. Other than noted above, the procedure for approval of plat amendment(s) shall be the same as in Section 2.8.
- f. The amended plat shall be filed at the County in the same manner as prescribed for a final plat.

Section 2.10: Plat Vacation

- 2.10 a. By Property Owner. The property owner of the tract covered by a plat may vacate, upon the approval of the Planning and Zoning Commission and City Council, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- b. By All Lot Owners. If some or all of the lots covered by the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- c. Criteria. The Planning and Zoning Commission and City Council shall approve the petition for vacation on such terms and conditions as are in accordance with Section 212.013 of the Texas Local Government Code, and as are reasonable to protect public health, safety and welfare. As a condition of vacation of the plat, the City Council may direct the petitioners to prepare a revised final plat in accordance with these regulations such that the property does not become “unplatted”.
- d. Effect of Action. On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the Planning and Zoning Commission's and City Council's action on the petition, the property owner or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the Planning and Zoning Commission and City Council.
- e. City-Initiated Plat Vacation.
1. General Conditions. The Planning and Zoning Commission and City Council, on its motion, may vacate the plat of an approved subdivision or addition when:
 - (a) No lots within the approved plat have been sold within five (5) years from the date that the plat was signed by the City;
 - (b) The property owner has breached an improvement agreement and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by property owner or its successor; or
 - (c) The plat has been of record for more than five (5) years and the City determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and/or welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
 2. Procedure. Upon any motion of the Planning and Zoning Commission or City Council to vacate the plat of any previously approved subdivision or addition, in whole or in part, the Commission shall publish notice in a newspaper of general circulation in the County. The Commission shall also provide personal notice to all property owners within the subdivision or addition and to the City Council. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision or addition plat. The Commission shall recommend approval and the City Council shall approve the vacation only if the criteria and conditions cited above are satisfied.

3. Record of Notice. If the Commission and City Council approve vacating a plat, the City Secretary shall record a copy of the resolution or ordinance in the office of the County Clerk of Kaufman County with a copy of the area or plat vacated. The County Clerk shall write legibly on the vacated plat the word “vacated” and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. If the Commission and City Council adopt a resolution or ordinance vacating a plat in part, it shall cause a revised final plat to be recorded which shows that portion of the original plat that has been vacated and that portion that has not been vacated. On the execution and recording of the vacating instrument the vacated plat has no effect.

***Section 2.11: Administrative Approval**

- 2.11 a. The following plats may be approved by the City Manager or his designee:
1. Amending plats described in Section 212.016 of the Texas Local Government Code and Section 2.9 above;
 2. Minor Plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities;
 3. Replats under Section 212.0145 of the Local Government Code that do not require the creation of any new street or extension of municipal facilities;
- b. The City Manager or his designee may, for any reason, elect to present the plat for approval to the Planning & Zoning Commission and the City Council;
- c. The City Manager or his designee shall not disapprove the plat and shall be required to refer any plat which he refuses to approve to the Planning & Zoning Commission and the City Council within the time period specified in Section 212.009 of the TLGC and Sections 2.2 and 2.5 of the Kaufman Subdivision Ordinance. *Amended 8-14-00, Ordinance O-18-00.

III. SUBDIVISION DESIGN STANDARDS

Section 3.1: Streets

- 3.1 a. The arrangement, character, extent, width, grade, and location of all streets shall conform to the City of Kaufman Thoroughfare Plan, the TCSS manual, and shall be considered in their relation to existing and planned streets or driveways, to topographical conditions, to public safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision. All streets shall be constructed in accordance with Section 5.
- b. Proposed streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation and shall be properly related to the Thoroughfare Plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. All streets shall be open and unobstructed at all times.
- c. Adequacy of Streets and Thoroughfares.
1. Responsibility for Adequacy of Streets and Thoroughfares. The property owner shall assure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the following policies and standards, and subject to the City's participation in the costs of oversize facilities.
 2. General Adequacy Policy. Every subdivision shall be served by streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation, and shall be properly related to the City's Thoroughfare Plan, road classification system, Comprehensive Plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each development.
 3. Road Network. New subdivisions shall be supported by a road network having adequate capacity, and safe and efficient traffic circulation. The adequacy of the road network for developments of 50 or more dwelling units, or for developments generating 500 or more "one-way" trips per day, or for developments involving collector and/or arterial streets not appearing on the City's adopted Thoroughfare Plan, shall be demonstrated by preparation of a traffic impact analysis prepared in accordance with "F" (Traffic Impact Analysis) which takes into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. In the event that the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the City Council may require a demonstration of adequacy pursuant to this section for additional phases or portions of the property as a condition of approval for the proposed plat. In the event that the applicant submits a traffic impact analysis for an entire phased development project, the City may require an update of the study for later phases of the development. If the plat is in conformance with the Thoroughfare Plan a Traffic Impact Analysis is not required.
 4. Approach Roads and Access. All subdivisions must be connected to the City's improved thoroughfare and street system by one or more approach roads of such dimensions and

approved to such standards as are hereinafter set forth. Requirements for dedication of right-of-way and improvement of approach roads may be increased depending on the density or intensity of the proposed development, if such need is demonstrated by traffic impact analysis.

- (a) The subdivision shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision shall have a minimum frontage on a dedicated street as required by applicable zoning (or if no such requirement exists, minimum frontage of 35'), unless other provisions have been authorized through planned development approval.
5. Off-Site Improvements. Where traffic impact analysis demonstrates the need for such facilities, the property owner shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or related developments. The City may participate in the costs of oversize improvements with the subdivider as set out herein.
6. Street Dedications.
 - (a) **Dedication of Right-of-Way**. The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Thoroughfare Plan or other valid development plans approved by City Council. In the case of perimeter streets, half of the total required right-of-way for such streets shall be provided. However, in some instances more than half shall be required when a half street is impractical or unsafe and depending on the actual or proposed alignment of the street, as may be required by the City Council.
 - (b) **Perimeter Streets**. Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated and improved by the developer of the subdivision or addition.
 - (c) **Slope Easements**. The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be in excess of three feet (3') horizontal to one foot (1') vertical.
7. Street Construction. All streets and thoroughfares shall be constructed of Portland cement concrete to City standards and in rights-of-way as required by the Thoroughfare Plan, in accordance with City standards from time to time adopted.
8. Intersection improvements and traffic control devices shall be installed as warranted in accordance with the traffic impact analysis required by subsection "F." Construction and design standards shall be in accordance with City standards and the TCSS manual.
9. Phased Development. Where a subdivision is proposed to occur in phases, the subdivider, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The schedule shall set forth the intended plan of development and dedication

of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The Council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established and may require that a traffic impact analysis be submitted for the entire project or such phases as the Council determined to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares.

10. **Private Streets.** All private streets shall be designed and constructed in accordance with the City's standards for publicly dedicated streets. The term "private street" shall be inclusive of alleys, if such are to be provided within the subdivision.
 - (a) **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 fifty (50) residential lots;
 - (2) The streets to be restricted to private use are not intended for regional or local through traffic circulation (see subsection 3.1c.10.(b) 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 barriers (e.g., creeks and flood plains) or similar barriers (e.g., golf course or linear park) created by man (non-qualifying barriers include screening walls, roadways, man-made drainage ditches or berms, utility easements and rights-of-way);
 - (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;
 - (5) A mandatory property (homeowners) association, which includes all property to be served by the private streets, will be formed (see subsection 3.1c.10.(e) below); and
 - (6) The subdivision conforms to any other special guidelines for private street developments as may be approved separately by the City Council.
 - (b) **Streets Excluded.** Streets that are shown on the City's Thoroughfare Plan as collectors (Type "C" or "D") or arterials (Type "AA", "A" or "B") 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. Also, the Planning and Zoning Commission and City Council may deny the creation of any other private street if, in their sole judgment, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would cause possible delays in the response time of emergency vehicles.
 - (c) **Access Onto Public Thoroughfare.** A private street subdivision shall provide a minimum of seventy feet (70') of access frontage on a public collector or arterial street for subdivision entrances -- primary access into a private street subdivision shall be from a major collector (Type "C") or larger roadway, as shown on the City's

Thoroughfare Plan. Restricted access entrances shall not be allowed from minor collectors (Type “D”), minor residential/local streets (Type “E”), or from alleys. No more than two (2) gated street entrances may intersect a thoroughfare (Type “D” or larger) within any one (1) mile segment.

- (d) **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 of Kaufman’s Parks, Recreation & Open Space Master Plan.
- (e) **Property (Homeowners) Association Required.** Subdivisions developed with private streets shall have a mandatory property owners association which includes all property served by the 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 rules and regulations. The documents shall be filed of record prior to final plat approval. Lot deeds must convey membership in the association, and must 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 Council. No portion of the association documents pertaining to the maintenance of private streets and alleys, and assessments therefore, may be amended without the written consent of the City Council.
- (f) **Private Street Lot.** Private streets 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 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 all 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.
- (g) **Construction and Maintenance Cost.** The City shall not pay for any portion of the cost of constructing or maintaining a private street.
- (h) **Infrastructure/Utilities.** All water, sewer and drainage facilities, street lights, and traffic control devices (e.g., signs) placed within the private street lot shall be installed to City standards, and shall be dedicated to the City prior to filing the record plat for the subdivision. All private traffic control devices and regulatory signs shall conform to the “Texas Manual of Uniform Traffic Control Devices”. 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.

The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in a single (or multiple) centralized location (i.e., no centralized “gang-box” style metering stations).

- (i) **Plans and Inspections.** Development applications for subdivisions with private streets must include the same plans and engineering information required for public streets and utilities. City requirements pertaining to inspection and approval of

improvements shall apply, and fees charged for these services shall also apply. The City may periodically inspect private streets, and may require any repairs necessary to ensure efficient emergency access and/or to protect the public health, safety, convenience and welfare.

- (j) **Restricted Access.** The entrances to all private streets 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 (k) 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 (preferably with an Opticom-type system for emergency access) by the City and other utility or public service providers (e.g., postal carriers, utility companies, etc.) with appropriate identification. If the association 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 association. The association documents shall contain provisions in conformity with this Section which may not be amended without the written consent of the City Council.
- (k) **Access Restricted Entrance Design Standards.** Any private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-two feet (22') at the location of the access control device. If an overhead barrier is used, it must 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 must be of a break-away design. A turn-around space must 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 turn-around 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 typically 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.).

City staff, the Planning and Zoning Commission, and/or City Council may require submission of additional drawings, plans and/or exhibits demonstrating that the proposed turn-around will work and that vehicle turn-around 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 must be submitted for review by the City Engineer along with the construction plans for the subdivision, and must be approved by the Planning and Zoning Commission along with approval of the final plat.

- (l) **Waiver of Services.** The subdivision final plat, property deeds and property owner's association documents shall note that certain City services shall 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.
- (m) **Petition to Convert to Public Streets.** The property owner's association documents shall allow the association to petition the City to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of a majority of the membership. However, in no event shall the City be obligated to accept said streets as public. Should the City elect to accept the streets as public, then the City has the right to inspect the private streets and to assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets. The City shall be the sole judge of whether repairs are needed. The City may also require, at the association's expense, the removal of any guard houses, access control devices, landscaping and/or other aesthetic amenities located within the street lot. The association documents shall provide for the City's right to such removal and assessment. Those portions of the association documents pertaining to the subject matter contained in this Section shall not be amended without the written consent of the City.
- (n) **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 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.

d. Escrow Policies and Procedures.

- 1. Request for Escrow. Whenever these regulations require a property owner to construct a street or thoroughfare, the property owner may petition the City to construct the street or thoroughfare in exchange for deposit of escrow as established in this section. If more than one street or thoroughfare must be constructed in order to meet adequacy requirements for roadways, as demonstrated by a traffic impact analysis, the City may prioritize roadways for which escrow is to be accepted and require the deposit of all funds attributable to the development in escrow accounts for one or more of such affected roadways. The City Council shall determine whether escrow is to be accepted in lieu of the obligation to construct the street or thoroughfare.
- 2. Deposit With the City. Whenever the City agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the costs of design and construction in escrow with the City. Such amount shall be paid prior to release of construction plans by the City. The obligations and responsibilities of the property owner shall become those of property owner's transferees, successors and assigns; and the liability therefore shall be joint and several.

3. Determination of Escrow Amount. The amount of the escrow shall be determined by using the average of several comparable bids that were awarded by the City in the preceding six (6) months or, if none exist, then in the preceding year or, if none exist, by using current costs of construction as determined by an estimate by the City. Such determination shall be made as of the time the escrow is due hereunder.
 4. Termination of Escrow. Escrows which have been placed with the City under this section which have been held for a period of ten (10) years from the date of such payment or agreement, in the event that the City has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall upon written request be returned to the property owner, with accrued interest. Such return does not remove any obligations of the owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.
 5. Refund. If any street or highway for which escrow is deposited is constructed by a party other than the City, or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the property owner or developer who originally paid the escrow amount after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another party or governmental authority, the difference between the owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.
 6. Interest Limitation. If money is refunded within six (6) months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued, calculated at one percent (1%) less than the rate of actual earnings.
- e. Any land study or plat involving a significant change to a proposed roadway alignment from that shown on the City of Kaufman's Thoroughfare Plan must be preceded by submission and approval of a traffic impact analysis as specified in subsection "f" below. Failure to provide for such approval prior to submission of a land study or plan shall be grounds for automatic denial.
 - f. Traffic Impact Analysis. Whenever these regulations require a traffic impact analysis, the following elements shall be included:
 1. General Site Description. The traffic impact analysis shall include a detailed description of the roadway network within one (1) mile of the site, a description of the proposed land uses, the anticipated states of construction, and the anticipated completion date of the proposed land development shall be provided. This description which may be in the form of a map, shall include the following items: (1) all major intersections; (2) all proposed and existing ingress and egress locations; (3) all existing roadway widths and rights-of-way; (4) all existing traffic signals and traffic-control devices; and (5) all existing and proposed public transportation services and facilities within a one (1) mile radius of the site.
 2. Proposed Capital Improvements. The traffic impact analysis shall identify any changes to the roadway network within one (1) mile of the site that are proposed by any government agency or other developer. This description shall include the above items as well as any proposed construction project that would alter the width and/or alignment of roadways affected by the proposed development.

3. Roadway Impact Analysis.

(a) **Transportation Impacts:**

- (1) *Trip Generation.* The average weekday trip generation rates (trip ends), the average weekend trip generation rates (uses other than residential or institutional), the highest average a.m. and p.m. hourly weekday trip generation rates, and the highest hourly weekend generation rates (uses other than residential or institutional) for the proposed use shall be determined based upon the trip generation rates contained in the most recent edition of the Institute of Transportation Engineers, Trip Generation Manual; or shall be based upon data generated by actual field surveys of area uses compatible to the proposed use and approved by the City Engineer of the City of Kaufman.
- (2) *Trip Distribution.* The distribution of trips to arterial and collector roadways within the study area identified in subsection 3.1f.1 (General Site Description) above shall be in conformity with accepted traffic engineering principles, taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding existing and anticipated land uses, population and employment; existing and projected daily traffic volumes; and existing traffic conditions identified pursuant to subsection 3.1f.1 above.

- (b) **Adequacy Determination.** The roadway network included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing roadways identified as arterials and collectors can accommodate the existing service volume, and the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at a level of service "C" or above.

4. Intersection Analysis.

- (a) **Level of Service Analysis.** For intersections within the roadway traffic impact analysis area described in subsection 3.1f.1 herein, a level of service analysis shall be performed for all arterial/arterial, arterial/collector, collector/collector intersections and other intersections identified by City staff. Also, level of service analyses will be required on all proposed site driveway locations for all non-residential developments. The City may waive analysis of minor intersections and site driveway locations within the one-mile radius. The level of service analysis shall be based upon the highest hourly average a.m. or p.m. peak weekday volume or highest average hourly peak weekend volume as determined from a two-day survey of weekday volumes and, where necessary, a one-day survey of weekend volumes. The level of service analysis shall take into consideration the lane geometry, traffic volume, percentage of right-hand turns, percentage of left-hand turns, percentage of trucks, intersection width, number of lanes, signal timing and progression, roadway grades, pedestrian and bicycle flows, school routes, number of accidents, and peak hour factor.
- (b) **Adequacy Analysis.** The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the

proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service “C” or above.

5. Effect of Adequacy Determination. If the adequacy determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the study area identified in subsection 3.1f.1 herein that would cause the roadway to fall below the level of service required hereto, the proposed development shall be denied unless the developer agrees to one of the following conditions:
 - (a) The deferral of building permits until the improvements necessary to upgrade the substandard facilities are constructed;
 - (b) A reduction in the density or intensity of development;
 - (c) The dedication or construction of facilities needed to achieve the level of service required herein; or
 - (d) Any combination of techniques identified herein that would ensure that development will not occur unless the levels of service for all roadways and intersections within the traffic impact analysis study are adequate to accommodate the impacts of such development.

- g. Arrangement of Streets Not Shown on the Thoroughfare Plan. For streets that are not shown on the City’s Thoroughfare Plan (e.g., local residential streets), the arrangement of such streets within a subdivision shall:
 1. Provide for the continuation or appropriate projection of existing streets from or into surrounding areas;
 2. Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
 3. Provide for future access (i.e., provide stubbed streets for future extension) to adjacent vacant areas which will likely develop under a similar zoning classification;
 4. Not conflict in any way with existing or proposed driveway openings.

- h. Minor residential streets shall be so laid out that their use by through traffic will be discouraged, but access is provided to adjacent subdivisions.

- i. Where a subdivision abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage (lots which back onto the arterial), deep lots with 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.

- j. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed by the City under conditions approved by the Planning and Zoning Commission and City Council.

- k. Intersecting undivided streets with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. Intersecting streets onto a divided roadway must be configured such that the centerline offset will accommodate the appropriate left-turn lanes (with required transition and stacking distances) onto each of the two intersecting streets.
- l. Major thoroughfare intersections shall be at ninety degree (90°) angles and tangent to the intersecting street for at least fifty (50) feet. Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect at less than eighty degrees (80°).
- m. Street right-of-way widths shall be as shown on the Thoroughfare Plan, and where not shown therein shall be not less than as follows:
 - 1. Major Arterial, divided (Type “A”): one hundred twenty feet (120') of right-of-way, 6 lanes total.
 - 2. Minor Arterial (Type “B”): one hundred feet (100') of right-of-way.
 - 3. Major Collector (Type “C”): eighty feet (80') of right-of-way.
 - 4. Minor Collector (Type “D”): sixty feet (60') of right-of-way.
 - 5. Local or minor residential streets: fifty feet (50') of right-of-way.
- n. Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of these regulations and the Thoroughfare Plan, and where the City makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The City may also find that it would be more practical (and/or cost effective) to delay construction of the other half of a street when the adjoining property is developed.

If the owner or subdivider is responsible for one-half (½) of the street, then the owner or subdivider shall provide escrow for the construction cost of the facility unless the City participates in the construction of the facility. Whenever a partial street has been previously platted along a common property line, the other portion of the street (i.e., whatever amount of right-of-way that will bring the street up to its standard width) shall be dedicated. Improvements shall be made to all on-site facilities as defined herein (see Definitions, Section 1.16).

- o. The maximum length of any block or street segment shall be one thousand eight hundred feet (1,800'), as measured along the street centerline and between the point(s) of intersection with other through (i.e., not dead-end or cul-de-sac) streets.
- p. A cul-de-sac street shall not be longer than six hundred feet (600'), and at the closed end shall have a turn-around bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb.
- q. Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land. In the case of dead-end streets which will eventually be extended into the adjacent subdivision, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turn-around bulb (with an off-site easement, if necessary) is provided at the end. A dead-end street shall not exceed six hundred feet (600') in

length, and the temporary turn-around bulb must be constructed like a cul-de-sac, as provided in subsection (p) above (the City Engineer may authorize the use of asphalt or other durable paving material than concrete for the arc portions of the temporary turn-around bulb in order to minimize the cost of removing those portions later on).

- r. New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets.
- s. Construction of New Streets. All new streets dedicated within a subdivision shall be constructed in accordance with paving widths and specifications as set forth in the TCSS manuals of the City of Kaufman at the time at which the final plat is approved.
- t. Points of Access. All subdivisions shall have at least two (2) points of access from improved public roadways. 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 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.
- u. Streets will be constructed in accordance to the TCSS manuals that are in effect at the time of subdivision construction.

Section 3.2: Alleys

- 3.2 a. Alleys shall be optional in commercial and industrial districts. Service alleys in commercial and industrial districts shall be a minimum right-of-way of twenty-five feet (25') and a pavement width of fifteen feet (15').
- b. Residential alleys shall not be required except 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 frontage of the street. Alleys in residential districts shall provide a minimum of eighteen feet (18') of right-of-way and twelve feet (12') of pavement.
 - 2. Alleys shall be paved in accordance with the City of Kaufman TCSS manuals that are in effect at the time of subdivision construction.
 - 3. Where the deflection of alley alignment occurs, the design of the paving and property line shall be as established by the TCSS Manuals.
 - 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 turn-around 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 feet (1,000'), as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets. The Planning and Zoning Commission and/or City Council may approve variances for over length alleys upon consideration of the following:
 - (a) Alternative designs which would reduce alley length;
 - (b) The effect of over length 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.

Section 3.3: Easements

- 3.3 a. Easements across lots or centered along rear or side lot lines shall be provided for utilities where necessary, and shall be of such widths as may be reasonably necessary for the utility or utilities using same. A minimum utility easement fifteen feet (15') wide or wider, as determined by the City Engineer, or any applicable utility company on both sides of the street adjacent to all street rights-of-way shall be provided for gas, electric, and other utilities approved by the City. It shall be the subdivider's responsibility to determine appropriate easement widths as required by other utility companies. (Also see Section 3.8)
- b. Where a subdivision is traversed by a watercourse, drainage way, or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the City Engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA). Parallel streets or parkways may be required adjacent to certain portions of creek or drainage ways to provide maintenance access or access to recreation areas (see Section 4). City approved utilities are permitted within the drainage easement.
- c. A lot area shall be computed inclusive of all easements. There shall be a minimum buildable area, exclusive of easements, for each lot. The minimum buildable area shall be an area one-half ($\frac{1}{2}$) of the required minimum lot size. If the City disputes the buildable area of any lot, the subdivider shall submit in writing that the buildable area is adequate.
- d. Where alleys are not provided in a residential subdivision, a minimum seven and one-half foot (7.5') utility easement shall be provided along the rear of all lots where utilities are to be located along the rear of the lots. Where there are not adjoining easements existing, a minimum of fifteen feet (15') will be required. This requirement applies only when (and in the appropriate locations where) proposed utilities are to be located along the rear of lots.

Section 3.4: Blocks

- 3.4 a. The length, width and shapes of blocks shall be determined with due regard to:
1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 2. Zoning requirements as to lot sizes, setbacks and dimensions.
 3. Needs for convenient access, circulation, control and safety of street traffic.
- b. In general, intersecting streets, determining the blocks' lengths and widths, shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to meet existing streets or customary subdivision practices. Where no existing subdivision controls, the block lengths shall not exceed one thousand two hundred feet (1,200') in length. Where no existing subdivision controls, the blocks shall not be less than five hundred feet (500') in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

Section 3.5: Sidewalks

- 3.5 a. Pedestrian concrete sidewalks not less than four feet (4') wide shall be provided within all residential subdivisions, and sidewalks not less than five feet (5') wide shall be provided within all non-residential developments and along all perimeter roadways (for both residential and non-residential developments) as set forth in the City of Kaufman TCSS manuals. Sidewalks shall be constructed within the street right-of-way, two and one-half feet (2.5') away from the right-of-way line, and shall be installed before the final building inspection by the City. A Certificate of Occupancy will not be issued until the sidewalk is in place. Sidewalks along perimeter streets shall be installed prior to subdivision acceptance.
- b. The cost and provision of any perimeter sidewalks (i.e., along major thoroughfares) may be escrowed as a part of a developers agreement, if approved by the City Engineer. The City has the right, but not the obligation, to refuse escrow and to require paving of the sidewalks if, in its sole opinion, immediate provision of the sidewalks is necessary for safe pedestrian circulation or if it would otherwise protect the public health, safety or welfare.

Section 3.6: Lots

- 3.6 a. Lots shall conform to the minimum requirements of the established zoning district.
- b. Each lot shall front onto a dedicated, improved public street. Lot width and access shall conform with the provisions of the City of Kaufman's Thoroughfare Plan. Lot access onto arterial and collector streets is subject to approval by the City Planner and/or the City Engineer, either of whom may require a traffic study or other data/information prior to approval of the preliminary plat in order to fully study all access issues. In all cases, lots shall have a minimum of twenty-five (25) feet of frontage along a dedicated, improved street.

- c. Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all necessary utilities, including garbage collection when alleys are present.
- d. Side lot lines shall be generally at right angles or radial to street lines.
- e. Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from traffic arterials as defined in Section 3.1 or to overcome specific disadvantage to topography and orientation. Where lots have double frontage, building setback lines shall be established for each street side. Screening shall be provided in accordance with Section 5.7.
- f. Double frontage lots in residential subdivisions will not be allowed without providing appropriate screening, in accordance with Section 5.7.

Section 3.7: Building Lines

- 3.7 Front and street side building lines shall be shown on the final plat for all lots having street frontage, and shall be consistent with the Zoning Ordinance requirements for the district in which the development is located.

Section 3.8: Utility Services (not provided by the City of Kaufman)

- 3.8 a. For purposes of this section, the following meanings shall apply:
- 1. "Utility services" - The facilities of any person, firm or corporation providing electric, telephone, TV cable, or any other such item or service for public use approved but not provided by the City of Kaufman.
 - 2. "Feeder or feeder/lateral line" - High voltage supply electric lines carrying more than 69,000 volts that emanate from substations used to distribute power through an area to an unspecified number of customers.
 - 3. "Lateral lines" - Those electric or telephone lines used to distribute power from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.
 - 4. "Service lines" - Those electric lines used to connect between the utilities' supply system or lateral lines and the end users meter box.
- b. All subdivision plats and construction plans filed with and submitted to the City of Kaufman for approval shall provide for utility services such as electrical, gas, telephone and cable TV utility (lateral and/or service distribution) lines and wires to be placed underground. Feeder and other major transmission lines may remain overhead within the appropriate easements. However, a subdivider shall endeavor and, whenever practical, the City shall require that feeder lines are placed away from traffic arterials (Thoroughfare Types "A" and "B", Section 3.1). Whenever practical, feeder lines which are to be placed overhead shall not be placed along both sides of the

street right-of-way. Verification of acceptance of easement locations and widths by the public utilities shall be provided prior to final plat approval by the City Council, and all easements shall be reviewed by the utility companies and City Engineer for the City prior to granting final approval for all residential subdivisions affected by this section.

- c. Each of the utility companies shall be responsible for developing administrative policies, criteria for easement size, and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing herein shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground utilities from the owner or developer in accordance with the provisions of such utility's approved tariff. No utility company shall be required or permitted to begin construction of underground facilities unless and until the owner or developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities.
- d. All electrical and telephone support equipment, including transformers, amplifiers, and switching devices necessary for underground installations, shall be pad-mounted or mounted underground, but not overhead (unless the subdivision is served from perimeter overhead electrical facilities).
- e. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.
- f. Nothing in this section shall be construed to require any existing facilities in place prior to the effective date of this Ordinance to be placed underground.

Section 3.9: Water and Wastewater Facility Design

- 3.9
- a. All new subdivisions shall be connected with an approved water system designed and constructed in accordance with the TCSS manuals, as amended, and shall be capable of providing water for health and emergency purposes, including fire protection. All subdivisions must be served by an 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. It shall be the subdivider's responsibility to extend utility lines to provide water or sanitary sewer service.
 - b. It shall be the subdivider's responsibility to design all improvements according to the latest edition of the Comprehensive Plan, Water Distribution System Master Plan, or Wastewater System Master Plan, whichever is applicable. The City may require that the subdivider oversize the water system and/or the sanitary sewer system where necessary to serve land other than the tract or lots to be platted, including the over sizing of off-site water or sewer mains necessary to extend service to the property to be platted. The cost to be borne by the subdivider and any reimbursement from subsequent users of the facility shall be in accordance with the provisions of the City's policy(s) regarding same.
 - c. Extension of water and wastewater lines adjacent to any subdivision shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connection to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the City Engineer may waive the requirement for adjacent utility line construction.

- d. Installation of utilities not specifically referenced herein shall comply with Kaufman County Health Department and the Texas Department of Health rules and regulations.

Section 3.10: Stormwater Collection/Conveyance Systems

3.10 a. System Design Requirements. Drainage improvements shall accommodate runoff from the entire upstream drainage area, and shall be designed to prevent overloading the capacity of the downstream drainage system. 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 impact of the proposed development. No stormwater collection system shall be constructed within the City unless it is designed in accordance with the City of Kaufman's Drainage Specification Manual by a registered professional engineer and approved by the City Engineer and City Council. All developed areas shall have concrete curb and gutter drainage systems unless the development has an average lot size of at least twenty thousand (20,000) square feet. These lower density developments can utilize drainage ditch systems or swales according to Subsection "b" below. All plans submitted to the City Engineer for approval shall include a layout of the system together with supporting calculations for the design of the system. In addition to any others, the plans shall conform to the City of Kaufman's Drainage Specification Manual and the TCSS manual, and shall conform to the following standards and minimums:

1. All drainage systems must be designed for a one hundred (100) year base storm intensity.
2. Run-off conveyed in roadway drainage ditches shall be confined to the ditch. The flow velocity in the ditch shall not exceed six feet (6') per second, and the ditch side slopes shall not exceed three feet (3') horizontal to one foot (1') vertical (3:1). The center of the ditch shall be at least ten feet (10') from the road edge.
3. No cross-street (i.e., perpendicular to traffic flow) flow of run-off shall be permitted unless approved by the City Engineer. When such drainage is allowed, it must be across a concrete street (i.e. valley gutter) and as approved by the City Engineer.
4. For drainage in creeks or streams, or if the natural condition is altered by the developer, for any excavated channels, if the flow is greater than six feet (6') per second or the slope exceeds 3:1, limestone or similar acceptable rock, a reinforced concrete pilot channel or a concrete channel lining shall be required by the City to prevent erosion. Location and type of construction of the open channel must be approved by the City Engineer. These drainage facilities must be within a common space or within an easement to ensure protection of the area and access for maintenance.
5. If the flow is less than six feet (6') per second and if the slope does not exceed 3:1, the creek or excavated channel may be platted as part of the individual lots. The owners of these lots will be responsible for maintenance. Sufficient access shall be provided to provide for protection of these areas and for maintenance purposes.
6. For erosion and sedimentation control, the City has adopted the "Storm Water Quality Best Management Practices for Construction Activities in North Central Texas", a copy of which is filed in the City Planner's office.

IV. PUBLIC SITES AND OPEN SPACES

Section 4.1: Areas for Public Use

- 4.1 a. The subdivider shall give consideration to suitable and adequate sites for schools, parks, playgrounds, and other areas for public use or service so as to conform with the recommendations contained in the City's Comprehensive Plan, Parks, Recreation & Open Space Master Plan, and other applicable plans. Any provision for schools, parks and/or other public facilities shall be indicated on the preliminary plat and shall be subject to approval by the Planning and Zoning Commission and City Council.
- b. No individual, partnership, firm, or corporation shall deepen, widen, fill, reroute or change the course or location of any existing ditch, channel, stream, or drainage way, without first obtaining written permission of the City or other agency having jurisdiction.

Section 4.2: Protection of Drainage and Creek Areas

- 4.2 a. Definitions and Methodology for Determining the Floodway Management Area (FMA). The definitions for "floodway" and "floodway fringe" shall correspond to those set forth by the Federal Emergency Management Agency (FEMA). For purposes of the National Flood Insurance Program, the concept of a floodway is used as a tool to assist the local community in the aspect of flood plain management. Under this concept, the area of the 100-year flood is divided into a floodway and floodway fringe. The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights as defined by FEMA. The area between the floodway and boundary of the 100-year flood is termed the floodway fringe. The floodway fringe is the area which can be used for development by means of fill according to FEMA and City engineering criteria.

For the purposes of this Ordinance, the Floodway Management Area (FMA) will correspond to the floodway, as defined by FEMA.

- b. Areas Where an FMA is Required. All drainage areas or regulated floodways as referenced by panel numbers 480411 0125 B and 48041 0200 B (or current panel) on the Floodway and Flood Boundary Map (FIRM Maps) shall be included in the FMA. If FEMA does not specify a floodway zone in any of the creeks or their tributaries, it shall be the developer's responsibility to establish and identify the FMA. The determination shall be made by a registered professional engineer and approved by the City Engineer. Where improvements to a drainage area are required by other ordinances of the City for the purpose of safety or other reasons related to drainage, those ordinances shall also be observed. The FMA is intended to apply to a creek or channel which is to remain open or in its natural condition. The creek shall remain in its natural state unless improvements are permitted by the City due to the pending development of properties adjacent to or upstream of the required improvements.
- c. Ownership and Maintenance of the FMA. The area determined to be the FMA shall be designated on and part of the final plat. Approximate locations shall be shown on zoning change requests and preliminary plats. At the City's option, the FMA shall be protected by one of the following methods:

1. Dedicated to the City of Kaufman; or
2. Easement(s). Creeks or drainage ways in tracts which have private maintenance provisions, other than single- or two-family platted lots, can be designated as the FMAs by an easement to the City on the final plat. Subdivisions with platted single-family or two-family lots may designate the FMA by easement provided there is adequate maintenance provisions, but no lots or portions of lots may be platted in the easement unless specifically allowed by the City. The area designated as FMA may be identified by a tract number; or
3. Certain recreational uses normally associated with or adjacent to flood prone areas (no structures allowed in the FMA), such as golf courses. The uses allowed shall be in conformance with the Zoning Ordinance and approved by the Planning and Zoning Commission and City Council.

Prior to acceptance of any drainage way as an FMA by the City, the area shall be cleared of all debris. Floodway management areas dedicated to the City shall be left in a natural state except those areas designated for recreational purposes.

- d. Design Criteria. The following design criteria shall be required for development adjacent to the FMA:
 1. Adequate access must be provided along the FMA for public or private maintenance. An unobstructed area a minimum of twenty feet (20') wide with a maximum 5:1 slope (five feet horizontal to one foot vertical), the length of the floodway shall be provided adjacent to or within the FMA. On the opposite side of the drainage area, an unobstructed area having a minimum width of five feet (5') shall be provided.
 2. Lots in a single-family, PD single-family or duplex residential zoning district shall not be platted within the FMA. If lots back to an FMA, at least two reasonable points of access to the FMA, each a minimum of twenty feet (20') in width, shall be provided. Streets and alleys may qualify as access points if designed such that they are navigable by maintenance vehicles. All areas of the FMA must be accessible from the access points. Lots used for multi-family may be platted in the FMA if the FMA is identified as an easement and is maintained as open space for use by the residents.
 3. Public streets may be approved in the FMA by the Planning and Zoning Commission and City Council (if they conform to applicable engineering standards).
 4. Public streets may be required to be constructed adjacent to some portions of the FMA to allow access for maintenance or recreational opportunities.
 5. Alternate designs to facilitate equal or better access may be permitted if approved by the City Engineer.
- e. Drainage areas which have been altered and are not in a natural condition can be exempted from an FMA and this Section at the discretion of the City Council and upon recommendation by the City Engineer.

Section 4.3: Property/Homeowners Associations

- 4.3 a. Applicability. When a subdivision contains either common open space or other improvements which are not intended to be dedicated to the City of Kaufman for public use, a property/homeowner's association agreement consistent with State and other appropriate laws, must be submitted to and approved by the City Council, and made a part of the final plat documents.
- b. Membership. A property/homeowners association shall be an incorporated non-profit organization operating under recorded land agreements through which:
1. Each lot owner within the described land area is automatically a member (i.e., membership in the association is mandatory); and
 2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the property/homeowners association's activities, such as maintenance of common open spaces or the provision and upkeep of common recreational facilities.
- c. Legal Requirements. In order to assure the establishment of a proper property/homeowners association, including its financing, and the rights and responsibilities of the property/homeowners in relation to the use, management and ownership of common property, the subdivision plat, dedication documents, covenants, and other recorded legal agreements must:
1. Legally create an automatic membership, non-profit property/homeowners association;
 2. Place title to the common property in the property/homeowners association, or give definite assurance that it automatically will be so placed within a reasonable, definite time;
 3. Appropriately limit the uses of the common property;
 4. Give each lot owner the right to the use and enjoyment of the common property;
 5. Place responsibility for operation and maintenance of the common property in the property/homeowners association;
 6. Place an association charge on each lot in a manner which will both assure sufficient association funds and which will provide adequate safeguards for the lot owners against undesirable high charges;
 7. Give each lot owner voting rights in the association; and
 8. Must identify land area within the association's jurisdiction including but not limited to the following:
 - (a) Property to be transferred to public agencies;
 - (b) The individual residential lots;
 - (c) The common properties to be transferred by the developer to the property/homeowners association; and
 - (d) Other parcels.

9. Any governmental authority or agency, including, but not limited to, the City and the County, their agents, and employees, shall have the right of immediate access to the common elements at all times if necessary for the preservation of public health, safety and welfare. Should the property/homeowners association fail to maintain the common elements to City specifications for an unreasonable time, not to exceed ninety (90) days after written request to do so, then the City shall have the same right, power and authority to enforce the association's rules and to levy assessments necessary to maintain the common elements. The City may elect to exercise the rights and powers of the property/homeowners association or its Board, or to take any action required and levy any assessment that the property/homeowners association might have taken, either in the name of the property/homeowners association or otherwise, to cover the cost of maintenance of any common elements.
- d. Protective Covenants. Protective covenants shall be developed which, among other things, shall make the property/homeowners association responsible for:
1. The maintenance and operation of all common property;
 2. The enforcement of all other covenants;
 3. The administration of architectural controls (optional); and
 4. Certain specified exterior maintenance of exterior improvements of individual properties (optional).

V. IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF THE SUBDIVISION BY THE CITY

Section 5.1: Improvements

- 5.1 a. The requirements of the Subdivision Ordinance as set forth below are designed and intended to ensure that, for all subdivisions of land within the scope of the Subdivision Ordinance, all improvements as required herein are installed properly and:
1. The City can provide for the orderly and economical extension of public facilities and services;
 2. All purchasers of property within the subdivision shall have a usable, buildable parcel of land; and
 3. All required improvements are constructed in accordance with City standards.
- b. Adequate Public Facilities Policy. The land to be divided or developed must be served adequately by essential public facilities and services. No subdivision shall be approved unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, electricity and street facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or off-site. This policy may be defined further and supplemented by other ordinances adopted by the City. Utilities shall be extended to all adjacent property lines to allow connection of these utilities by adjacent property owners when such property is platted.
- c. The public improvements required by the City of Kaufman for the acceptance of the subdivision by the City shall include, but are not limited to, the following:
1. Water and wastewater facilities;
 2. Drainage facilities;
 3. Streets;
 4. Street lights;
 5. Street signs;
 6. Sidewalks;
 7. Traffic control devices required as part of the project; and
 8. Appurtenances to the above, and any other public facilities required as part of the proposed subdivision.

- d. All aspects of the design and implementation of public improvements shall comply with the City's current design standards and any other applicable City codes and ordinances, including preparation and submittal of construction plans and construction inspection. The construction of all of the improvements required in this Ordinance shall conform to the latest edition of the TCSS manuals.
- e. Changes or Amendments to the TCSS Manual and Other Construction/Design Documents. The Technical Construction Standards and Specifications (TCSS) manuals will, from time to time, require revisions and updates to allow for changing construction technology. When changes are required, the TCSS manuals may be amended separately from this document. The TCSS manuals referenced by the Subdivision Ordinance shall be amended as a separate resolution.

Section 5.12: Tree Preservation Requirements

5.12

- a. Purpose. Trees provide vital benefits by cleaning the air, conserving energy, preventing soil erosion and providing shade, thus, the City has determined that trees, both within its corporate limits and in its extraterritorial jurisdiction, should be protected as vital assets of the community as they serve the public health, safety and welfare by protecting the environment and providing aesthetic beauty. This section establishes rules and regulations to protect and preserve trees within the City and its extraterritorial jurisdiction.
- b. Definitions.
 1. **Buildable Area:** The portion of a lot exclusive of required yard areas on which a structure or building improvements may be erected.
 2. **Building Pad:** The actual foundation area of a building and a ten (10) foot clear area around the foundation necessary for construction and grade transitions.
 3. **Caliper Inch:** Method of measuring the trunk diameter of a nursery grown tree. The point of measurement is approximately six (6) inches above the top of the root ball.
 4. **Clear-Cutting:** The random cutting, plowing, or Grubbing of trees without regard to type or size for the purpose of clearing the land.
 5. **Development:** Any manmade change to improved or unimproved real estate including, but not limited to, buildings and other structures, paving, drainage, or utilities, and agricultural activities.
 6. **Diameter at Breast Height (DBH):** The diameter of the tree trunk diameter measured in inches at a height of four (4) feet above the soil line. For multiple-trunk trees, the diameter of the tree trunk shall be the sum of the diameter of the individual trunks for purpose of measuring DBH.
 7. **Drip Line:** A vertical line run through the outermost portion of the crown of a tree and extending to the ground.
 8. **Floodplain:** The area designated as being within the 100-year flood plain on the Federal Emergency Management Agency flood insurance map.
 9. **Grubbing:** Excavating or removing a significant part of the root system.
 10. **Protective Fencing:** Chain link, orange vinyl construction fence or other fencing at least four (4) feet in height.

11. Replacement Trees: Trees planted to mitigate the loss of protected trees during Development.
 12. Tree: Any self-supporting woody plant which will attain a trunk Caliper of three (3) inches or more DBH and which normally attains a height of at least fifteen (15) feet at maturity, with one (1) or more main stems or trunks and many branches.
 13. Tree Mitigation Fee. The Tree Mitigation Fee shall be the amount deemed necessary to purchase, plant, and irrigate a new tree, as provided in this section.
 14. Tree Preservation Plan: A plan or drawing that illustrates which trees are to be preserved, which trees are to be removed, and the manner in which trees will be protected during the construction process.
 15. Tree Survey: A plan or drawing that identifies the size, location and species of trees eighteen (18) Caliper Inches DBH on a property, as well as smaller trees that will be used to qualify for incentives under subsection (i) below.
- c. Applicability. The provisions of this section apply to:
1. All vacant and undeveloped property, and
 2. All property to be redeveloped, including additions and/or alterations.
- d. Exemptions.
1. This section does not apply to individual single-family, duplex, and townhouse lots after initial Development and final inspection of the dwelling units by the Development Services Department. Individual single-family and duplex lots ten (10) acres or less in size created through a minor plat in accordance with the City's Subdivision Regulations are also exempt. However, Clear-Cutting is prohibited on all individual single-family, duplex and townhouse lots ten (10) acres or larger in size.
 2. For all new single-family developments, the Buildable Area, as defined above, plus the area needed to establish proper drainage, detention and retention areas, sidewalks, septic systems and lateral lines, fences, screening walls, swimming pools and decking, driveways, public street rights-of-way, private street lots and utility easements are exempt. Sufficient area to allow the normal operation of construction equipment for these improvements is also exempt.
 3. For all nonresidential and multifamily developments, the Building Pads, proposed public street rights-of-way, utility easements, areas needed to establish property drainage, detention and retention areas, drive aisles, sidewalks and fire lanes are exempt. Sufficient area to allow the normal operation of construction equipment for these improvements is also exempt.
 4. During the period of an emergency such as a tornado, severe thunderstorm, ice storm, flood, or other natural disaster, the requirements of this section may be waived as deemed necessary by the City Manager or designee.—
 5. In addition to rights granted by easement, utility companies franchised by the City may remove trees during the period of an emergency that are determined by the company to be a danger to public safety and welfare by interfering with utility service.

6. Any plant nursery (growing for commercial sales) shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises for the sale or intended sale to the public.
7. Utility and drainage easements required by the City and utility companies to install and maintain infrastructure.
8. Trees that are diseased or dead unless the tree was required to be planted as part of an approved landscape plan or tree mitigation plan.
9. The City may approve selective thinning of trees protected by this section, upon the recommendation of a certified arborist engaged by the developer, that will enhance the likelihood of survival of a larger tree or trees.
10. Exempt Tree Species: the following tree species are exempt from the provisions of this section if less than eight (8) Caliper Inches in DBH, or if located in a Floodplain, or as otherwise determined in writing by the City Manager or designee:

SCIENTIFIC NAME	COMMON NAME
<i>Acer saccherinum</i>	Silver Maple
<i>Celtis occidentalis</i>	Common Hackberry
<i>Maclura Pomifera</i>	Bois d' Arc
<i>Melia azedearach</i>	Chinaberry
<i>Morus alba</i>	Mulberry
<i>Populus spp.</i>	Cottonwood

- e. Tree Preservation Requirements. The following requirements must be met:
 1. In all zoning districts, no Clear-Cutting of land is allowed without a permit. An approved Tree Preservation Plan or approved site plan is the permit that allows the removal of trees subject to this section.
 2. Removal and clearing of underbrush (but not Grubbing) is allowed and does not require a permit.
 3. No tree eighteen (18) Caliper Inches in DBH may be removed unless located in areas specifically exempted by this section, the City has approved removal based on the tree's health and condition, or the City has approved removal after assessment of a Tree Mitigation Fee.
- f. Tree Survey and Preservation Plan Requirements.
 1. Tree Survey: A Tree Survey must be submitted with all site plan and preliminary plat applications. A Tree Preservation Plan, if applicable, shall be submitted with all final plat applications. The Planning Department is authorized to maintain a list of required information for tree surveys and tree preservation plans. The Tree Survey shall include the exact location, size, condition if damaged or diseased, and common name of each tree protected by this section, including those located in a Floodplain. Trees that will be used to qualify for tree preservation incentives in accordance with subsection (i) below must also be shown on the Tree Survey. The Tree Survey for properties with ten (10) or fewer protected trees may be shown on the site plan or preliminary plat instead of a separate plan.

- (a) For property containing large heavily wooded areas, the City may, in lieu of a Tree Survey, authorize the submittal of an aerial photograph indicating all areas of tree cover that will not be disturbed or critically altered, provided that a Tree Survey and Tree Preservation Plan of all other areas is submitted prior to any grading or construction. Trees within the non-disturbance area do not need to be individually identified unless they will be used for tree preservation incentives.
 - (b) In lieu of a Tree Survey, the applicant may submit a statement from a certified arborist certifying that there are no protected trees on a property.
- 2. Tree Preservation Plan: The Tree Preservation Plan shall indicate which trees are to be preserved, which are to be removed and the manner in which they will be protected during the construction period. A tree mitigation plan, if required, must be included as part of the Tree Preservation Plan.
- g. Requirements for Tree Preservation. Developers shall adhere to the following tree protection measures on all construction sites:
 - 1. Prior to grading, brush removal, or construction, the developer shall clearly tag or mark all trees to be preserved.
 - 2. The developer shall erect Protective Fencing around each tree or group of trees to prevent the placement of debris or fill within the root protection zone. The fence shall be installed prior to the release of any permit. If the protection fence is found removed, down, or altered at any time during construction prior to final inspection or landscape installation, a stop work order may be issued.
 - 3. During the construction phase of Development, the developer shall prohibit cleaning, parking, or storage of equipment or materials under the canopy of any tree or group of trees being preserved. The developer shall not allow the disposal of any waste material such as, but not limited to, paint, oil solvents, asphalt, concrete, mortar, etc. in the canopy area.
 - 4. No attachments or wires of any kind, other than those of a protective nature shall be attached to any tree.
 - 5. No fill or excavation may occur within the Drip Line of a tree to be preserved unless there is a specific approved plan for use of tree wells or retaining walls. Major changes of grade (six (6) inches or greater) will require additional measures to maintain proper oxygen and water exchange with the roots.
- h. Tree Replacement and Mitigation.
 - 1. If protected trees eighteen (18) Caliper Inches and larger DBH are removed from a property, Replacement Trees a minimum of three (3) Caliper Inches must be planted to equal three (3) times the aggregate diameter of the tree(s) removed. If trees protected by this section less than eighteen (18) Caliper Inches in DBH are removed from a property, Replacement Trees a minimum of three (3) Caliper Inches must be planted to equal the aggregate diameter of such tree(s) removed. Replacement Trees are a credit towards the trees removed from the property and shall be in addition to trees required by other landscape requirements of the City's Code of Ordinances.

2. Replacement Trees planted to mitigate tree removal may be located on the property being developed or in a location mutually agreed upon by the City and developer.
 3. If all Replacement Trees cannot be properly located, the developer may pay a Tree Mitigation Fee to the City in lieu of tree replacement. All fees shall be paid prior to the issuance of any building permits associated with the Development or project.
- i. Incentives for preservation of protected trees: These incentives are designed to maintain a more natural and less manicured aesthetic through the preservation of existing trees. These incentives shall not be used to reduce the landscaping requirements in the City’s Code of Ordinances.
1. Tree Preservation. The following incentives are applicable for existing trees that are protected by this section and that are preserved:
 - (a) Reduction in parking. For developments requiring fifty (50) parking spaces or more, the number of parking spaces may be reduced by two (2) spaces for every one (1) protected tree preserved. However, in no case shall the parking requirement be reduced by more than twenty (20) percent.
 - (b) Tree credits. Credit toward the total number of trees required as outlined in the following:

DBH OF EXISTING TREE	CREDIT AGAINST TREE REQUIREMENT
4” to 6”	1.5 trees
Over 6” to 8”	2 trees
Over 8” to 10”	2.5 trees
Over 10” to 12”	3 trees
Over 12” to 15”	4 trees
Over 15”	5 trees

- j. Tree Mitigation Fee. The Tree Mitigation Fee shall be in the amount deemed necessary to purchase, plant, and irrigate a new tree, as provided below. The fee shall be reviewed on an annual basis to ensure its adequacy for its designated uses by the Development Services Director. The fee shall be assessed and collected from the owner of the property to be developed as provided for in these Subdivision Regulations. The Director of Development Services, or designee, shall collect the fee and deposit the fee into the Tree Mitigation Fund.

Tree Mitigation	In City	Out City
Tree Mitigation Fee (per Caliper Inch of a protected tree that is removed)	\$125.00	\$125.00

- k. Penalty; Enforcement. In addition to the penalties provided by Section 1.12 of Article I of the City’s Subdivision Regulations, no building permit(s), certificate of occupancy, or acceptance of public improvements shall be issued or authorized by the City until any and all violation(s) have been mitigated by replacement of the protected tree or payment of the Tree Mitigation Fee in accordance with this section. Unless otherwise specifically set forth herein, or in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section. Each tree removed or transplanted without a permit shall constitute a separate offence. Violation of this Section shall not constitute an exemption to the replacement requirements of this Section.

Section 5.2: Monuments

- 5.2 In all subdivisions and additions, corners shall be established at the corner of each block in the subdivision consisting of an iron rod or pipe not less than one-half inch (½") in diameter and eighteen inches (18") deep, and set flush with the top of the ground. Lot corner monuments shall be placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half inch (½") and eighteen inches (18") deep, and set flush with the top of the ground. In addition, curve point markers shall be established of the same specifications as lot corners. Each block corner monument shall include a cap with the surveyor's name and registration number attached to it. All block corners shall be installed prior to the final inspection of the subdivision by the City. Lot corners shall be installed prior to issuance of a building permit.

Section 5.3: Street Lights

- 5.3 a. Before final acceptance of streets, alleys, sewers and other utilities, street light locations and installations shall be coordinated by the developer with the power company and the City of Kaufman. It shall be the subdivider's responsibility to install street lights with metal poles (or approved similar material) at street intersections and at a maximum distance of four hundred feet (400') apart, except where curb grades or terrain requires additional lighting, and at the terminus of cul-de-sacs.
- b. Street lighting shall be installed to provide an average of 0.4 foot-candle per square foot on the roadway between curbs. The lowest intensity at any point shall not be less than 0.1 foot-candle per square foot. Street lighting materials shall be approved by the City Manager, or his designee. Any costs associated with upgrading street lighting fixtures shall be borne by the developer/property owner.

Section 5.4: Street Names and Signs

- 5.4 a. Street names must be submitted to the City for review and approval in accordance with the City's guidelines for the naming of streets. Proposed street names shall be submitted for review along with the preliminary plat application, and shall become fixed at the time of approval of the preliminary plat. On the final plat, street names shall not be changed from those that were approved on the preliminary plat unless special circumstances have caused the major realignment of streets. If additional street names are needed for the final plat, then they must be submitted for City staff review and approval along with the final plat application. A fee may be established by the City for the changing of street names after approval of the preliminary plat.
- b. Surnames or the names of corporations or businesses shall not be used as street names. The City will maintain a list of existing street names, and will update the list as new streets are platted.
- c. New street names shall not duplicate existing street names either literally or in a subtle manner (e.g., Smith Street vs. Smythe Street; Oak Drive vs. Oak Place vs. Oak Court vs. Oak Circle), shall not be so similar as to cause confusion between names (e.g., Lakeside Drive vs. Lake Side Drive vs. Lake Siding Drive), and shall not sound like existing street names when spoken (e.g., Oak Drive vs. Doak Drive; Lantern Way vs. Land Tern Way).
- d. New streets which extend existing streets shall bear the names of the existing streets.
- e. The property owner shall provide payment for street name signs for the development. The cost of each street name sign installation shall include the cost of the sign assembly, pole and the time for installation. Payment by the property owner will be due prior to approval of the engineering plans

by the City Engineer.

- f. Street name signs shall be installed in accordance with the City's guidelines before issuance of a building permit for any structure on the streets approved within the subdivision.

Section 5.5: Street and Alley Improvements

- 5.5 a. All on-site streets and alleys shall be constructed by the developer at the developer's expense, unless otherwise allowed by this Ordinance.
- b. All streets and alleys shall be constructed using Portland cement concrete, unless otherwise approved by the City Council.
- c. The minimum street and alley curb and gutter standards for which the construction shall be made by the developer are shown in the TCSS manuals.
- d. In addition to the above mentioned minimum standards, barrier-free ramps for the handicapped shall be constructed at all street corners, driveway approaches, appropriate mid-block crosswalks, and in locations where accessible parking spaces are provided. All barrier-free ramps and other accessibility considerations shall comply with Section 228 of the Highway Safety Act, as currently amended, and with the Americans With Disabilities Act (ADA) of 1991, as amended.
- e. All signs and barricades shall be in conformity with the TCSS manuals or with ADA specifications for uniform traffic control devices, as adopted by the Texas Department of Transportation and/or the Texas Department of Public Safety.
- f. Approval is required prior to the installation of any driveway connecting to a public street. The City Engineer shall approve all driveway cuts.

Section 5.6: Retaining Wall Requirements, Construction Regulations, and Design Criteria

- 5.6 a. Retaining Wall Requirements. When property within or directly adjacent to a subdivision contains changes in elevation exceeding two and one-half feet (2.5') and the slope exceeds one unit vertical in two units horizontal, a retaining wall shall be required at the locations specified herein prior to the acceptance of the subdivision:
 1. Location A. The grade change roughly follows a side or rear lot line.
 2. Location B. The grade change is adjacent to a proposed building site boundary.
 3. Location C. The grade change is adjacent to a water course or drainage easement.
- b. Retaining Wall Design and Construction. All retaining wall design and construction shall be in compliance with the provisions of the Building Code of the City of Kaufman, and shall be approved by the City Engineer.
- c. Retaining Wall Maintenance. Retaining walls shall be maintained by the owner of the property where such retaining wall is located.
- d. Retaining walls shall not be constructed parallel to and within any portion of a utility easement.

Section 5.7: Screening and Landscaping Construction Regulations, Requirements and Design Criteria

5.7 a. Screening.

1. Where subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to an arterial thoroughfare (greater than sixty feet (60') in right-of-way width on the Thoroughfare Plan); a four (4) lane collector street; are separated from a thoroughfare by an alley; or back up to a collector or residential street, the developer shall provide, at his sole expense, screening according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line. All forms of screening shall conform to the requirements of other ordinances in the City governing sight distance for traffic safety.
2. Screening Alternatives. Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's TCSS manual and/or other related code(s)/policy(s).
3. A maintenance easement five feet (5') in width shall be dedicated to the City on the private lot side and adjacent to the screening wall.
4. The screening wall shall be installed prior to the final acceptance of the subdivision. Landscape materials may be installed after the subdivision is accepted, upon approval of the City Manager, but in no case later than six (6) months.
5. All plants (e.g., trees, shrubs, ground cover) shall be living and in sound, healthy, vigorous and growing condition, and they shall be of a size, fullness and height that is customary for their container/ball size.
6. All masonry, steel and/or aluminum screening wall plans and details must be approved and sealed by a registered engineer or other qualified professional, and must be approved by the City Engineer.
7. Required wall heights, including spans between columns, shall be from six feet (6') to eight feet (8').
8. Screening fences/walls shall not be constructed parallel to and within any portion of a utility easement.

b. Entryway Features (neighborhood identification).

1. Subdivisions in excess of ten (10) platted lots may provide a low maintenance landscaped entryway feature at access points from streets and thoroughfares into the subdivision. The entryway feature shall be placed within an easement identified for such use adjacent to or in the right-of-way, and shall observe sight visibility requirements.
2. Design Requirements. The entryway feature shall include living landscaped materials as specified in Appendix "A-4" of the City's Zoning Ordinance. The design of the entryway feature shall also include an irrigation system, and may also include subdivision identification (signage located on the wall). All plants shall be living and in a sound, healthy, vigorous and growing condition, and they shall be of a size, fullness and height that is customary for their container/ball size.

3. The design of the entryway shall be in accordance with design policies as provided by City staff. The design of the entry shall be reflected on the engineering plans submitted with the final plat.
4. The maintenance of the entryway shall be the responsibility of the developer for a period of two (2) years or when building permits are issued for eighty percent (80%) of the lots in the subdivision, whichever is sooner.

Section 5.8: Water and Sewer Requirements

- 5.8
- a. The installation of all water and wastewater lines shall be in conformance with the TCSS manuals.
 - b. No final plat shall be approved for any subdivision within the City or its extraterritorial jurisdiction until the subdivider has made adequate provision for a water system and a sanitary sewer system of sufficient capacity to adequately provide service to all tracts and lots within the area to be subdivided. The design and construction of the water system and of the sanitary sewer system to serve the subdivision shall be in substantial conformance with the City's master plans for water and wastewater facilities, and shall be approved by the City Engineer.
 - c. Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate domestic water supply and to furnish fire protection to all lots shall be provided. Water lines shall extend to the property line and a box for the water meter shall be installed.
 - d. Services for utilities shall be made available to the property line of each lot in such a manner as will minimize the necessity for disturbing the street pavement and drainage structure when connections are made.
 - e. Fire hydrants shall be installed in residential areas every five hundred feet (500') of laying distance, and in nonresidential areas every three hundred feet (300') of laying distance.

Section 5.9: Improvement of Adjacent Existing Streets and Utilities

- 5.9
- a. When a proposed subdivision of land, whether residential or nonresidential, abuts on both sides of an existing substandard street, or on one side of said road, being substandard according to the then existing current Thoroughfare Plan, the developer may be required to improve the existing on-site facility as that term is defined herein, including on-site sidewalks, landscaping, storm sewers and other utilities as defined in Section 1.16, to bring the same to City standards, or to replace it with a standard City street as determined by the Traffic Impact Analysis, if required (see Section 3) at no cost to the City.
 - b. The subdivider shall be responsible for construction of a minimum of one-half (or all, as the case may be, according to Subsections "a" through "d") of the width of a residential street adjacent to the site. For the purposes of this Ordinance, residential properties shall be responsible for twenty-six feet (26'), or fifteen and one-half feet (15.5') if adjacent to only one side, of paving. All other uses shall be responsible for thirty-seven feet (37') of paving, or eighteen and one-half feet (18.5') if adjacent to only one side. In lieu of construction, a proportionate fee for curbs, gutters, sidewalks, storm drainage, street lights, and street signs may be assessed against any perimeter road. The perimeter and off-site streets required for improvement shall be determined by the Traffic Impact Analysis outlined in Section 3.
 - c. Streets which dead-end at power lines or similar rights-of-way or easements, and which are intended for future extension across these rights-of-way or easements, shall be constructed in the right-of-way or easement for half the distance across the right-of-way or easement.

Section 5.10: Storm Drainage

- 5.10 a. An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions as established by the City will not be considered for development until adequate drainage has been provided.
- b. The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to the City of Kaufman's drainage criteria in the TCSS Manuals. In no case shall drainage areas be diverted artificially to adjacent properties.
- c. The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance bond. The developer shall be responsible for removing any significant build-up of sediment and/or trash from drainage improvements, with the exception of back lot and side lot drainage swales, at the eleventh month of the second year for the required two-year maintenance bond for the applicable facilities. The City shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.

***Section 5.11: Development Permit**

- 5.11 Development Permit: A Development Permit shall be required prior to the clearing, grading, filling, dredging or construction of public streets, utilities, or drainage, or other improvements which may affect adjacent or surrounding properties. See Section 37.4 of the Kaufman Zoning Ordinance for landscape plan requirements relating to clearing of trees.

Such permit shall describe the property and the nature of the development, and shall be accompanied by construction plans adequate to describe the improvements. All plans accompanying permits for any work within the Flood Plain shall be certified by a Registered Civil Engineer. The City Engineer or his designees shall approve such Development Permits when all conditions of this Ordinance have been satisfied, but not until a Final Plat has been approved by the City Council. In special circumstances, when a project is large and lead-time is required for the project, a Development Permit may be approved prior to final approval of the plats, but only in limited circumstances and for specific reasons spelled out and approved in the application. The fee for such permit shall be fifty dollars (\$50.00).

VI. REQUIREMENTS FOR ACCEPTANCE OF SUBDIVISIONS BY THE CITY OF KAUFMAN

Section 6.1: Withholding Improvements Until Approved

- 6.1 a. The City hereby defines its policy to be that the City will withhold all City services and improvements of whatsoever nature, including the maintenance of streets, the furnishing of sewage facilities, water service and electric service from all additions until the subdivision is accepted by the City.

Section 6.2: Guarantee of Public Improvements

- 6.2 a. Subdivider's Guarantee. Before approving the final plat of a subdivision located all or partially within the City and/or the City's extraterritorial jurisdiction, the City Council must be satisfied that all public improvements required will be constructed in accordance with the requirements of this Ordinance. The subdivider shall, unless the City Council has determined otherwise, guarantee these public improvements will be constructed in one of the following ways:
1. Deposit a certified check with, and payable to, the City in an amount equal to the cost to complete such public improvements, including the cost of remaining engineering and inspection services; or
 2. Furnish the City with a performance bond executed by a surety company authorized to do business in the State of Texas in an amount equal to the cost to complete such public improvements. The performance bond shall be subject to the approval of the City Attorney, and must be executed by a corporate surety in conformance to Article 5160 V.A.C.S.; or
 3. The subdivider shall furnish the City with a letter of credit payable by an acceptable financial institution to the City in a form approved by the City Attorney, guaranteeing the payment of an amount equal to the cost to complete such public improvements. The letter of credit shall be irrevocable and shall be for a term sufficient to cover the twelve (12) month period plus an additional thirty (30) calendar days, and require only that the City present the issuer a letter signed by an authorized representative of the City certifying to the City's right to draw or collect funds under the specific terms of the letter of credit.
- b. Upon the requirements of this section being satisfied, the final plat shall be considered fully approved, except as otherwise provided for in these regulations, and the original copy of the final plat shall be signed by the appropriate City officials. The City Secretary shall cause said final plat to be filed in the plat records of Kaufman County, Texas, or forwarded to Kaufman County for final approval and recordation.
- c. In the event that a performance bond or a letter of credit is the method selected by the subdivider for guaranteeing such improvements, such document shall be subject to the condition that the public improvements will be completed within eighteen (18) months after approval of the final plat by the City Council, unless a longer time (up to one year longer) is approved by the City Manager or his designee, upon the determination that such longer time period would not be unreasonable. In the event that the required public improvements guaranteed by such performance and/or such letter of credit are not or will not be completed within the time

specified by the City Council, the City Council shall have the authority to extend the time period within which the subdivider shall complete the public improvements, subject to the extension of the expiration date of the approval of the plat, performance bond or letter of credit.

If a letter of credit or performance bond is selected as a method of insuring the improvements are properly installed, the City may require, at its discretion, that five percent (5%) of the cost of the improvement(s) or \$25,000, whichever is less, be deposited in an escrow account at the City. The escrow is in addition to the letter of credit or performance bond. The City will notify the developer/applicant prior to approval of the final plat if this requirement will apply. Should the City be required to finish the improvements, then the cash escrow will be used first. If the developer satisfactorily installs the improvements, the cash escrow shall be returned when the subdivision is accepted by the City.

Section 6.3: Security

- 6.3 a. Waiver of Security. The City Council may waive all or a portion of the security requirements of this section if it finds that the public health, safety and general welfare will not be harmed by such waiver. The Council shall take into consideration the extent of public improvements to be installed, and the likelihood that such improvements will be installed by the subdivider within the twelve (12) month period, the impact, that may result, if such improvements are not timely installed, and the hardship to the subdivider if the security requirements are imposed.
- b. Release of Security. As portions of the public improvements are completed in accordance with the applicable construction standards, the subdivider may make application to the City Manager, or his designee, to reduce the amount of the original letter of credit, performance bond or certified check. If the City Council is satisfied that such portion of the public improvements has been completed in accordance with City standards, the City Council may cause the amount of the letter of credit, performance bond or certified check to be reduced by such amount that the Council deems appropriate, so that the remaining amount of the letter of credit, performance bond or certified check adequately ensures the completion of the remaining public improvements.
- c. Determination of Amount. A professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of engineering and construction of all required improvements to the City Planner or City Engineer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities.

Section 6.4: Construction Plan Expiration

- 6.4 Approval of the construction plans for final plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have been completed within the period of one (1) year. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the City shall declare the surety to be in default and require that all the improvements be installed, unless extended under the provisions of this section.

Section 6.5: Maintenance Bond Required

- 6.5 a. No construction improvements shall be approved or accepted by the City until a maintenance bond in the sum of ten percent (10%) of the improvement costs is presented to the City. The maintenance bond shall be in effect for a period of two (2) years from the date of acceptance of the construction improvements by the City. The maintenance bond shall be written by a surety company, or companies, duly and legally authorized to act as sureties in the State of Texas.
- b. All contractors on construction contracts with the City, in addition to payment and performance bonds, shall submit to the City a maintenance bond in an amount equal to one hundred percent (100%) of the construction contract, to be in effect for a period of one (1) year after completion and acceptance of the project by the City.
- c. The City of Kaufman shall withhold issuance of a building permit for any building in the City of Kaufman on a newly subdivided parcel of land until all the requirements of this Subdivision Ordinance have been complied with, including installation and acceptance by the City of all water works, sewage and paving improvements for the area designated, except as herein provided.

The City Manager, or his designee, may release up to ten percent (10%) of the newly subdivided parcel or parcels of land for building permit certification, provided that all street paving and utilities relating to said land are complete. Final certificates of occupancy or inspections shall not be issued until final acceptance of the subdivision and its improvements by the City per Section 6.6.

Section 6.6: Final Acceptance -- New Subdivisions

- 6.6 a. When the street, alley, drainage, water and sanitary sewer improvements provided by the developer have been completely performed on the part of the contractor, the contractor shall notify the City of Kaufman that the improvements are ready for final inspection. The City of Kaufman will then make such final inspections, and if the work is satisfactory and in accordance with the approved engineering plans, and the specifications included herein, then the City of Kaufman will issue a letter of acceptance to the developer or owner with a copy to the contractor. The City Manager, or his designee, shall write the letter of acceptance.

The City shall inspect all required improvements to ensure compliance with all City requirements and with the approved construction plans. When all required improvements have been satisfactorily completed, the City shall either accept, in writing, the improvements as having been satisfactorily completed, or shall issue a punch list to the developer denoting items remaining to be completed. The City shall not accept dedications of required improvements nor release or reduce a performance bond or other assurance, until such time as it determined that:

1. All improvements have been satisfactorily completed; and
2. The required number of "as built" or "record drawing" plans have been submitted to and accepted by the City; and
3. The required maintenance guarantee has been provided; and
4. Any and all other requirements identified in this Ordinance or other City codes and ordinances have been satisfied.

VII. FILING FEES

Section 7.1: Schedule of Fees

- 7.1 Fees and charges for the filing of preliminary plats, final plats and replats shall be as established by separate ordinance of the City Council from time to time.

Such fees and charges shall be imposed and collected on all preliminary plats, final plats, development plats, amended plats and replats, regardless of the action taken by the City Planning and Zoning Commission and City Council thereon. Such fees shall be collected for the purpose of defraying the costs of administrative clerical and inspection services necessary to properly review and investigate plats and subdivision construction.

All required fees (applicable fees, taxes, street signs, etc.), unless specifically stated otherwise herein, shall be paid as required in other sections of this Ordinance. Inspection fees may be paid at the time the actual inspection is made of the project.

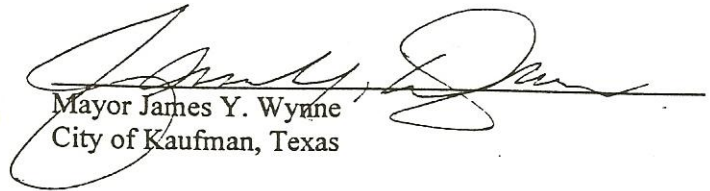
VIII. ADOPTION

Section 8.1: Adoption of Ordinance


- 8.1 Adoption of this Ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance, as the law in such case provides.

Passed and approved by the City Council of the City of Kaufman, Texas, this 14th day of June, 1999.

Passed and adopted by the City Council of the City of Kaufman, Texas, this 28th day of June, 1999.


Mayor James Y. Wynne
City of Kaufman, Texas

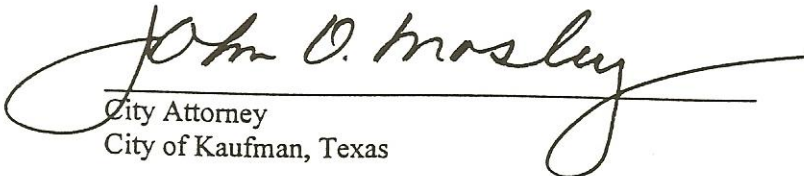
ATTEST:



City Secretary
City of Kaufman, Texas

(Seal)

APPROVED AS TO FORM:



City Attorney
City of Kaufman, Texas

IX. PARKLAND DEDICATION AND DEVELOPMENT

Section 9.1: Purpose

- 9.1 This Article is adopted to provide open space and recreational areas in the form of parks as a function of subdivision and site development in the City of Kaufman and its extra-territorial jurisdiction (ETJ). This Article is enacted in accordance with the home rule powers of the City of Kaufman granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code Chapter 212 as may be amended from time to time.

It is hereby declared by the City Council that open space and recreational areas in the form of trails, parks, and preserves are necessary for the health and welfare of the residents of Kaufman, and that the only adequate procedure to provide for parks is by integrating such requirements into the procedure for planning and developing property or subdivisions in the city and its ETJ to accommodate the associated and proportionate impact on the Parks and Recreation System, whether such development consists of subdivision, new construction on vacant land, or rebuilding and remodeling of structures on previously developed property.

Parks provide for a variety of indoor and outdoor recreational and healthy living opportunities and are located in various locations throughout the city. The land area of the City of Kaufman being less than 9 square miles shall be prima facie evidence that any park located therein is within a convenient distance from any residence located therein. The primary cost of purchasing or acquiring, developing, and improving parks shall be borne by the landowners of residential property or projects who, by reason of the proximity of their property to such parks, are the primary beneficiaries of such facilities.

Due to Kaufman's small size, a typical park in Kaufman is designed to serve the needs of residents from the entire community no matter where the park is or will be located in Kaufman. Parks serve both active and passive leisure and recreation needs of residents and their visitors, in addition to serving the essential purposes of providing open space to maintain the rural character of Kaufman as desired by the community. The purchase, acquisition, development, and improvement of the basic infrastructure and facilities for parks in Kaufman are based upon the demand from the residents they are intended to serve.

Recognizing that there are different sizes, scales, and types of park facilities, the required level of service contained herein has been designed based on the smallest of park facilities at existing level of service, a neighborhood park of five (5) to ten (10) acres, to meet the "basic" infrastructure and facilities standard. Any fees collected per these requirements can, however, be utilized in the purchase or acquisition of parkland, development, and/or improvement of any size or scale park facility in Kaufman as planned for or recommended in the Parks, Recreation, and Trails Master Plan (expressly or via intent), as may be amended from time to time, which is hereby adopted by reference and incorporated herein for all purposes.

Therefore, the following requirements are adopted to affect the purposes stated above.

Section 9.2: Definitions.

- 9.2 For the purpose of this Article, the following definitions shall apply.

DEVELOPER. Landowner(s) of the subject property containing a proposed development or project.

DWELLING UNIT. Any building, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family. Dwelling units include temporary or quasi-dwelling units such as: suites within hotel or motel-

type uses, suites within senior care or assisted care-type facilities, accessory dwelling units, and mobile or semi-mobile living facilities since they all house people who will impact the Parks and Recreation System.

PARK. Includes a variety of parks, trails, open spaces, natural preserves, gathering spaces, and recreational opportunities and facilities that are open and accessible to the general public and are located within a convenient distance of the residences to be served thereby.

SINGLE FAMILY RESIDENTIAL. Structure(s) with one dwelling unit on one lot, not to include mixed-use or live-work structures. Any one proposed lot containing only one proposed dwelling unit shall be assessed parkland fees and pay parkland fees of this Article prior to filing an associated plat for record.

MULTI-FAMILY RESIDENTIAL. Structure(s) or projects with more than one dwelling unit on one lot or mixed-use structures containing at least one dwelling unit. Includes two-family or duplex residential. Includes group or community home-type uses. For purposes of this Article structures that have restricted usage of one person per room (documentation must be provided with building permit application), dwelling unit count shall be assessed based on the number of rooms available for residential living, divided by the persons per household number stipulated in **Appendix II**, to ascertain number of dwelling units to be utilized in determining dedication and/or fees required. Multi-family residential projects shall be assessed parkland fees and pay parkland fees of this Article prior to the issuance of a building permit.

CITY REQUIRED PERCENTAGE. The percentage of land and park fees the City of Kaufman, Texas requires to be paid in order to satisfy parkland dedication requirements of the City.

RESIDENTIAL USES. Includes single family residential and multi-family residential uses.

Section 9.3: Applicability.

9.3 This Article applies to a Developer who subdivides or develops land for residential uses located within the city or within its extra-territorial jurisdiction (ETJ).

Section 9.4: Requirements.

9.4 a. General.

The City Manager or his designee shall administer this Article with certain review, recommendation and approval authorities being assigned to the Planning and Zoning Commission, the Park Board, and various City departments as specified herein. Unless provided otherwise herein, action by the City shall be by the City Council after consideration by the Park Board. Any proposal considered by the Planning and Zoning Commission under this Article shall have been reviewed by the Park Board and its recommendation given to the Commission.

Generally, the Developer of property with residential uses must address the following requirements: dedication of land for park use or payment of a Fee-In-Lieu thereof and payment of a park development fee for parks or construction of the park improvements to which such fee relates. Requirements herein are based on actual or approved dwelling units for an entire development or project. Increases or decreases in final dwelling unit count may require an adjustment in fees paid or land dedicated. If the actual number of dwelling units exceeds the original estimate, additional parkland and additional park development fees may be required in accordance with the requirements in this Section.

b. Parks, Recreation, and Open Space Master Plan. The City of Kaufman Parks, Recreation, and Open Space Master Plan, as may be amended by City Council, is the park planning basis for this

Article. The City of Kaufman shall consider the need to regularly update the Parks, Recreation, and Open Space Master Plan to ensure that the Plan remains current and provides an equitable, effective framework from which to pursue the acquisition and development of public parks throughout the city.

c. Fee Calculations and Updates.

The schedule of fees and required land dedications, along with the associated methodology and level of service standard, are attached hereto as **Appendix I**, **Appendix II**, and **Appendix III** respectively and are incorporated and made a part of this Article for all purposes.

A quantifiable and reasonable methodology was established to base the parkland dedication requirements, fees-in-lieu of dedication, and parkland development fees contained herein on data and levels of service relevant to Kaufman that are based on density, as well as best practices. The park development fee is calculated utilizing empirical details of how much the average neighborhood park costs in Kaufman based on the community feedback gathered in the Parks, Recreation, and Open Space Master Plan and its associated analysis. The methodology and fees shall be reviewed every three (3) years and updated in appendices contained herein.

City Staff shall submit, as directed by the Park Board or the City Council, a fee derived from a parkland dedication requirement per person. The parkland dedication requirement per person will be calculated from the variables and formula(s) reflected in **Appendix II**. City Staff shall submit, as directed by the Park Board or the City Council, a fee derived from a land cost per person. The land cost per person will be calculated from the variables and formula(s) reflected in **Appendix II**. City Staff shall submit, as directed by the Park Board or the City Council, a fee derived from a park development cost per person. The park development cost per person will be calculated from the variables and formula(s) reflected in **Appendix II**. The updated fees and dedication will be presented for adoption by City Council with the City's Fee Schedule.

d. Land Dedication.

1. The amount of land to be dedicated for parkland purposes shall be as set forth in **Appendix I**. The required dedication may be met by payment of cash in lieu of land when permitted or required by other provisions of this Article. The total amount of land dedicated for a development or project shall be dedicated to the City in fee simple:
 - (a) Prior to the issuance of any building permits for multi-family development on an associated plat or via a deed or record or separate instrument;
 - (b) Concurrently with the final plat for a single-phase single-family residential development, clearly labeled and dedicated as City parkland (or with applicable notes as stipulated in this Section for the ETJ);
 - (c) For a multi-phased single family residential development, the entire park(s) shall be either platted concurrently with the plat of the first phase of the development, clearly labeled and dedicated as City parkland (or with applicable notes as stipulated in this Section for the ETJ); or
 - (d) The Developer may provide the City with financial security against the future dedication by providing a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit in the amount equal to the number of acres parkland required and, in a form, acceptable to the City. The amount of the financial guarantee shall be the amount of Fee-In-Lieu of Land Dedication as set forth in **Appendix I**. The financial guarantee will be released to the Developer, without interest, upon the filing of the final plat for the phase that dedicates the required parkland.

2. For development located within the ETJ of the city, the dedication requirements of this Section may be met through the creation of private parkland in the same amount required as set forth in **Appendix I** provided the Developer enters into a written agreement that all such private parkland be dedicated to the City at the time of full purpose annexation into the City and provided that any plat related to such development, is inscribed with a notation regarding same.
 3. The obligation of an applicant/Developer to dedicate parkland or make payments or improvements in lieu thereof shall be in addition to/independent of the requirements of the applicant/Developer to provide open space in accordance with a Planned Development (PD) zoning application. If the open space in the proposed Planned Development (PD) exceeds 30,000 square feet and is dedicated and accepted by the City as public parkland, the required dedication or payment may be reduced in applicable proportion.
- e. Fee-In-Lieu of Land. In lieu of dedicating parkland for parks, a Developer may request to meet some or all of the parkland dedication requirements through payment of a Fee-In-Lieu thereof in the amounts set forth in **Appendix I**. Such fees shall be due prior to filing an associated plat for record for single family residential uses and prior to the issuance of a building permit for multi-family residential uses.
 - f. City Approval. The City Council shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required land dedication. The City Council may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in **Appendix I**. Likewise, the City Council may, from time to time, require that land be dedicated in amounts as set forth in **Appendix I** and that no Fee-In-Lieu of land will be accepted.
 - g. Approval Process for Parkland Dedication.
 1. Land Dedications equal or exceeding two acres, and Dedications of Floodplains and Greenways: For any proposed required parkland dedication equaling or exceeding two acres of land or equaling or exceeding payment of a Fee-In-Lieu thereof or for any proposed land dedication containing floodplain or greenway, the Developer must:
 - (a) Obtain a recommendation from the Park Board, and
 - (b) Obtain approval from the City Council.
 - (c) Should a proposed dedication go before the Planning and Zoning Commission as part of a required project approval, the Planning and Zoning Commission shall consider the recommendation from the Park Board and both recommendations shall be forwarded to the City Council for consideration.
 2. Criteria for consideration. For any proposed required parkland dedication equaling or exceeding two acres of land or equaling or exceeding payment of a Fee-In-Lieu thereof or for any proposed land dedication containing floodplain or greenway, the Park Board and City Council shall utilize the following criteria for considering approval of the proposed parkland dedication:
 - (a) The proposed plat shall clearly identify the proposed public parkland to be dedicated.
 - (b) The proposed dedication or fee shall provide a sufficient amount of parkland in the area of the proposed development for required parkland dedication;

- (c) Where the proposed dedication is insufficient for a park site under existing park design standards, some or all of the dedication requirements may be in the form of a fee in amounts as set forth in **Appendix I**;
 - (d) Determination of acceptability of a proposed parkland dedication is based upon the City of Kaufman's Parks, Recreation, and Open Space Master Plan, as may be amended from time to time and the criteria contained herein;
 - (e) The proposed development of the park is at a minimum consistent with Kaufman's level of service for neighborhood parks as set forth in **Appendix III** and in the City of Kaufman's Parks, Recreation, and Open Space Master Plan, as may be amended from time to time.
 - (f) Land is usable and compatible with the Comprehensive Plan, Parks, Recreation, and Open Space Master Plan, and other approved public plans.
 - (g) There is a level of service need in the immediate vicinity of the proposed park area.
 - (h) There is no nearby existing park that would be served with the funds better or more by expansion or improvement.
 - (i) Public access considerations.
3. Development and maintenance of a park less than two acres in size for public park purposes is impractical and does not allow for appropriate improvements consistent with necessary level of service. Therefore, if fewer than 100 dwelling units as specified in **Appendix I** under Land Dedication are proposed by a plat for single family residential or a building permit for multi-family residential, the Developer shall pay the applicable cash in lieu of land dedication. An exception may be considered if the dedication is voluntarily greater than two acres or will increase the size of an existing park adjacent to the proposed parkland dedication or will provide a beneficial trail connection or right- of-way or will provide a synergistic benefit not otherwise listed, at the discretion of the City Council.
4. Park Development Fee. In addition to the land dedication requirements for parks, there is a park development fee established herein sufficient to develop parks in ways that meet the City of Kaufman's level of service as determined in the City of Kaufman's Parks, Recreation, and Open Space Master Plan.
- (a) The park development fee assessed to a Developer, subject to this Article, is as shown in **Appendix I**. The process for the approval and collection of park development fees shall be the same as for the parkland dedication requirements to which the development relates and shall be processed simultaneously with the parkland dedication requirements.
 - (b) The City shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required park development. The City may, from time to time, require that a fee be submitted in lieu of park development in amounts as set forth in **Appendix I**. Likewise, the City may, from time to time, require that parks be developed to a level of service as reflected in **Appendix II** and that no Fee-In- Lieu of park development will be accepted.
5. Construction of Park Improvements in Lieu of Park Development Fee. A Developer may elect to construct required park improvements in lieu of paying the associated Park Development Fee as set forth herein. In such event:

- (a) A park site plan, developed in cooperation with the City staff, must be reviewed and approved by the Park Board and City Council upon submission of final plat for single family residential uses or upon application for a building permit for multi-family residential uses, whichever is applicable.
- (b) Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permits issuance, whichever is applicable.
- (c) All plans and specifications shall meet or exceed the City's level of service standards and/or scale- specific intent as specified in the City of Kaufman Parks, Recreation, and Open Space Master Plan and in **Appendix II**, as may be amended from time to time, and the criteria contained herein, in effect at the time of the submission.
- (d) If the improvements are constructed on land that has already been dedicated to and/or is owned by the City, then the Developer must post payment and performance bonds to guarantee the payment to subcontractors and suppliers and to guarantee the Developer completes the work in accordance with the approved plans, specifications, ordinances, other applicable laws.
- (e) The construction of all improvements, including any required trails, must be completed in accordance with the requirements relating to the construction of public improvements for final plats and issuance of building permits, whichever is applicable. This includes the guaranteeing performance in lieu of completing the park improvements prior to final plat approval. Notwithstanding any other applicable ordinances, park improvements should be completed within two years from the date of the approval.
- (f) Park development will be considered complete upon City Council acceptance after the following requirements are met:
 - i. Improvements have been constructed in accordance with the approved plans and as-built drawings provided to City;
 - ii. All parkland upon which the improvements have been constructed has been dedicated as required under this Article; and
 - iii. All warranties as specified herein have been provided for any equipment installed in the park as part of these improvements.
- (g) Prior to acceptance by the City Council, the Developer shall warrant the improvements for a period of two years by providing a maintenance bond in a form acceptable to the City and City Attorney covering the total cost of improvements.
- (h) The Developer shall be liable for any costs required to complete park development if:
 - i. Developer fails to complete the improvements in accordance with the approved plans;
 - ii. Developer fails to complete the improvements within the required timeframe; and/or
 - iii. Developer fails to complete any warranty work.

6. Standards for Private Parkland.

- (a) Developer may submit an application to satisfy up to 100 percent of the parkland dedication and development required for a development or project by providing a Public Access and Recreational Easement rather than deeding the land to the City in fee simple.

In order to earn credit for private parkland, the park shall:

- i. Provide signage visible from a right-of-way frontage to be reviewed and approved through the application and consideration process, and the sign shall state that the area, including any recreational amenities, is open and available for public use, the park hours, and City contact information, and it must be posted at the park entrance or in a location visible to the public; and
 - ii. Provide language in the Public Access and Recreational Easement document or associated plat that specifies maintenance, capital replacement, the right of the City to conduct safety inspections, future construction rights, and penalties and arrangements for lack of compliance, and language that specifies that re-payment of the credits will be required via alternate land or compensation for release of the easement.
 - iii. Provide a design and features consistent with the guidelines and requirements contained herein.
- (b) The required dedication and development shall be calculated per the requirements in **Appendix I** and then the proposal shall be evaluated to determine the amount of parkland dedication and/or development credit to be given using the following factors:
- i. The presence of active recreational amenities including, but not limited to, playscapes, sport courts, table game recreation, and climbing or exercise structures or trails.
 - ii. The ability of the public to access and use the land for recreation purposes in perpetuity.
 - iii. The presence of group gathering spaces, such as open lawns, seating, picnic areas, plazas or pavilions.
 - iv. Landscaping that enhances Kaufman and the park by providing shade, educational opportunities, trees, and/or wildlife habitat.
 - v. The ability of the City to provide programming in the space.
- (c) If park development fees are credited, recreational amenities and other improvements must be constructed onsite and approved by the City during site plan or subdivision review at a specific time concurrent or prior to residential uses, as stipulated in the associated development agreement. Amenities must be shown on the site plan and/or construction plan as determined by the City.
- (d) A Developer must post cash escrow or irrevocable line of credit in a form approved by the City for amenities included on private parkland during site plan or subdivision review.
- (e) If credited acreage does not satisfy the entire parkland requirement, the City will calculate the remaining fee using the same requirements in **Appendix I**, proportionally assessed.
7. Submitting Fee. Any fees required to be paid pursuant to this Section shall be remitted:
- (a) Prior to the issuance of any building permits for multi-family use or development; or
 - (b) Prior to filing an associated plat for record for single family residential use or development.

8. Use of Fees.

- (a) Fees may be used only for the purchase, acquisition, development, and/or improvement of park facilities in the City of Kaufman. Potential parkland in underserved areas within one mile of developments that have paid parkland dedication fees, which have not yet been refunded, shall be a top consideration (but not the only consideration) when evaluating potential land for purchase or acquisition for future parks.
- (b) Unimproved parkland or parks in need of additional improvements within one mile of developments that have paid park development fees, that have not yet been refunded, will be a top consideration (but not the only consideration) when evaluating parks for potential development and/or improvements. Parks may be purchased, acquired, developed, or improved with parkland fees in any portion of the City of Kaufman due to its small size since any existing or future resident in Kaufman is and will be within a convenient distance to any existing or future park in Kaufman.

9. Reimbursement for City-Acquired Parkland. The City may from time to time acquire and/or develop land for parks in or near an area of actual or potential development. If the City does acquire and/or develop parkland in a particular area near a development or subdivision that should come forward for consideration, the City may require subsequent dedications to be in Fee-In-Lieu-of Land and Parkland Development Fees instead of dedication and development. This will be to reimburse the City for the cost(s) of acquisition and/or development.

Section 9.5: Prior Dedication or Absence of Prior Dedication.

- 9.5 a Depending on the circumstances, additional proportionate dedication may be required for the increase in dwelling units from what was originally proposed and may be either land dedication or money in lieu of land or development, at the discretion of the City Council. At the discretion of the City Council, any former gift of land or cash to the City may be credited toward eventual land dedication or development requirements imposed on the Developer.
- b The City Council shall consider recommendations of the Park Board in exercising its discretion under this section.

Section 9.6: Planning Considerations.

- 9.6 The City's approved plans, including the Comprehensive Plan and the Parks, Recreation, and Open Space Master Plan, are intended to provide the Park Board with a guide upon which to base its recommendations and for the City to take action. Because of the need to consider specific characteristics in the site selection process, the park locations and sizes indicated in the plans are general. The actual locations, sizes, and number of parks will be determined when development occurs or when sites are acquired by the City, including by donations.

Section 9.7: Special Fund; Right to Refund.

- 9.7 a All parkland dedication fees will be deposited in a fund specifically dedicated to the purchase and/or acquisition of parks in Kaufman. All park development fees will be deposited in a fund specifically dedicated to the improvement and/or development of parks in Kaufman.
- b The City shall account for all fees in lieu of land dedication and all park development fees paid under this Article with reference to the individual plat(s) involved. Any fees paid for such purposes must be encumbered or expended by the City within 10 years from the date received by the City for purchase, acquisition, development, and/or improvement of a park as required herein. Such

funds shall be considered to be spent on a first-in, first-out basis.

- c. The Developer of the property on the last day of the 10-year period shall be entitled to a pro rata refund, that includes the original contribution, computed on a per dwelling unit basis, if the fees are not encumbered by contract or purchase order or expended or if the property under which fees were paid has not received benefit from a park acquired or developed within the City of Kaufman with the fees paid. The property owner of the property must request the refund in writing, within one year of entitlement, or the right shall be deemed permanently waived. Any interest earned with these funds shall remain in these funds and be used for the fund's intent.

Section 9.8: Parkland Guidelines and Requirements.

- 9.8 a. Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the City, protect public safety, and minimize conflict with adjacent land uses. The following guidelines and requirements shall be used in designing and accepting parks and adjacent development:
 - b. Any land dedicated to the City under this Subchapter must be suitable for park and recreation uses. The dedication shall be free and clear of any and all liens and encumbrances that interfere with its use for park purposes. The City Manager or his designee shall determine whether any encumbrances interfere with park use. Minerals may be reserved from the conveyance provided that there is a complete waiver of the surface use by all mineral owners and lessees. A current title report must be provided with the land dedication. The Developer shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from Kaufman County Tax Assessor, whichever is applicable, shall be submitted with the dedication or plat.
 - c. Land in floodplains or designated greenways is not preferred but can be considered on a 50 percent per acre basis, at the discretion of the City Council (i.e. four acres of floodplain or greenway will be equal to two acres of potential parkland). The following factors shall be considered for potential parkland in the floodplain or in designated greenways:
 - 1. Sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities or for improvements. At least 50 percent of a parkland site shall be less than 10% grade, well drained, and suitable for active play, unless the intent of the dedication is to provide a beneficial connection or to preserve an environmental, natural, or cultural resource/asset.
 - 2. Placement of recreational or parkland support amenities, including paths or access for maintenance purposes, can be placed in the area in compliance with applicable watershed requirements.
 - 3. It is preferred that the floodplain area provide suitable passive recreation, scenic views, wildlife habitat protection, water quality protection, tree protection, and/or trail connectivity to the more intensive uses in non-floodplain areas.
 - (a) Park sites shall have access to water, sewer, and electric lines prior to or upon acceptance of the park improvements. Site plans and subdivision applications must demonstrate sufficient water and wastewater capacity to serve the park.
 - (b) Park sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize users having to cross arterial roadways to access them.

- (c) Where appropriate, sites with existing trees or other scenic elements or natural assets are preferred.
- (d) Detention/retention areas shall not be utilized to meet dedication requirements unless they are designed in an innovative manner so as to provide for suitable recreational purposes, but they may be accepted in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet the standards as specified in all City of Kaufman codes and regulations.
- (e) Where park sites are adjacent to greenways, schools, or existing or proposed subdivisions, access ways may be required to facilitate public access to provide public access to parks.
- (f) It is preferred that a minimum 50 percent of the perimeter of a park should abut a public street. Parks shall have at least a portion of the property adjacent to a public street or shall have associated public access easements and improvements to allow for ready access. Public view of the park from a public street is desirable to facilitate community connections and provide for crime prevention through environmental design.
- (g) Community-scale parks should be accessible from major arterial streets so as to be accessible by large numbers of people.
- (h) Areas for potential parkland that are encumbered by overhead utility lines or easements of any type which would limit the opportunity for recreational and park development are not preferred.
- (i) All rubbish, trash, junk and other offensive materials shall be removed from all dedicated lands and the property returned to its natural condition except as to approved construction and improvement thereon.
- (i) For dedications of more than two acres of land and upon the request of the City, a Developer-funded environmental or engineering study, audit, or assessment may be required in some cases demonstrating that the property is: in a condition that would allow the City to utilize the property for public park purposes without expenditures to remove or mitigate environmental or hazardous materials or conditions; suitable and safe for use as a public park; and free from environmental or engineering-related problems.

Section 9.9: Warranty Required.

- 9.9 a. All materials and equipment provided to the City shall be new unless otherwise approved in advance by the City Manager or his designee and all work will be of good quality, free from faults and defects, and in conformance with the designs, plans, specifications, and drawings, and recognized industry standards. This warranty, any other warranties express or implied, and any other consumer rights, shall inure to the benefit of the City only and are not made for the benefit of any party other than the City.
- b. All work by the Developer not conforming to these requirements, including, but not limited to, unapproved substitutions, may be considered defective.
- c. This warranty is in addition to any rights or warranties expressed or implied by law.
- d. Where more than a two-year warranty is specified in the applicable plans, specifications, or submittals for individual products, work, or materials, the longer warranty shall govern.
- e. This warranty obligation may be covered by any maintenance bond tendered in compliance with this Ordinance.
- f. If any of the work performed by the Developer is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this Ordinance, the designs, plans, drawings or specifications within two years after the date of the issuance of a certificate of Final Completion of the work or a designated portion thereof, whichever is longer, or within two years after acceptance by the City of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this ordinance, Developer shall promptly correct the defective work at no cost to the City, as set out in the maintenance bond required before City Council acceptance.
- g. The failure, including cracking or other indication of failure, of an improvement shall be deemed conclusive that the workmanship or product is defective.
- h. During the applicable warranty period and after receipt of written notice from the City to begin corrective work, Developer shall promptly begin the corrective work. The obligation to correct any defective work shall be enforceable under this Code of Ordinances. The guarantee to correct the defective work shall not constitute the exclusive remedy of the City, nor shall other remedies be limited to the terms of either the warranty or the guarantee.
- i. If within 20 calendar days after the City has notified Developer of a defect, failure, or abnormality in the work, Developer has not started to make, and continuously worked to complete, the necessary corrections or adjustments, the City is hereby authorized to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by Developer.
- j.. The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects shall be paid by Developer, its contractors, or subcontractors or by the surety.
- k. The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be two years after the installation or completion. The two-year warranty shall cover all work, equipment, and materials that are part of the improvements made under this Article.

APPENDICES:

APPENDIX I. PARKLAND DEDICATION AND PARK DEVELOPMENT FEES

A. Dedication Requirements for Parks.

1. Land Dedication.

Single-family: one (1) acre per 6.6 dwelling units

Multi-family: one (1) acre per 7.14 dwelling units

2. Fee-In-Lieu of Land Dedication.

Single-family: $\$2,455.50 \times 28\%$ (City Required Percentage) = \$687.54 per dwelling unit

Multi-family: $\$2,291.80 \times 12\%$ (City Required Percentage) = \$275.02 per dwelling unit

3. Park Development Fee.

Single-family: $\$2,862.93 \times 28\%$ (City Required Percentage) = \$801.62 per dwelling unit

Multi-family: $\$2,672.07 \times 12\%$ (City Required Percentage) = \$320.65 per dwelling unit

4. Total Park Fees.

Single-family: $\$5,318.43 \times 28\%$ (City Required Percentage) = **\$1,489.16** per dwelling unit

Multi-family: $\$4,963.87 \times 12\%$ (City Required Percentage) = **\$595.67** per dwelling unit

The City of Kaufman only requires twenty-eight percent (28%) of its single-family land and park fees and twelve percent (12%) of its multi-family land and park fees to be paid to satisfy the parkland dedication requirements under this Chapter.

**APPENDIX II.
PARKLAND DEDICATION AND PARK DEVELOPMENT METHODOLOGY**

Variable	Calculation Factor	Description
Parkland Dedication Inputs		
Existing City Population	7,788	2019 City population estimate (US Census Bureau)
Existing City Park Acres	398.047	Acres of dedicated, City-owned parkland
Parkland Level of Service	20 people per 1 acre (rounded up from 19.56)	Existing City population/ existing City park acres
City Persons per Household --		2014-2018 Persons per Household per most recently available US Census data
Single-family:	3	
Multi-family:	2.8	
Fee-in-Lieu of Land Inputs		
Existing City Population	7,788	2019 City population estimate (US Census Bureau)
Existing City Park Acres	398.047	Acres of dedicated, City-owned parkland
Parkland Level of Service	20 people per 1 acre (rounded up from 19.56)	Existing City population/ existing City park acres
Existing City Market Value – Kaufman County	\$16,370.00	October 22, 2020 value of vacant land purchased by the City of Kaufman
Existing City Acres	1,860	City of Kaufman land area, excluding ETJ
Parkland Cost Factor	\$825,481.44 per 1 acre	Certified City market value/ existing city acres
City Persons per Household --		2014-2018 Persons per Household per most recently available US Census data
Single-family:	3	
Multi-family:	2.8	
Park Development Fee Inputs		
Existing City Population	7,788	2019 City population estimate (US Census Bureau)
Number of Developed City Parks	9	Count of all City-owned, developed parks
Facilities Level of Service	865 people per developed City park (rounded down from 865.33)	Population/ number of developed City parks
Park Development Cost Factor	\$825,481.44	Cost estimate of developing one Neighborhood Park to desired level of service
City Persons per Household --		City of Kaufman 2014-2018 Persons per Household per most recently available US Census data
Single-family:	3	
Multi-family:	2.8	

A. Parkland Dedication Formula:

Parkland Level of Service/ City Persons per Household = Parkland Dedication Requirement

Single-family: $20 / 3 =$ one acre per 6.6 dwelling units

Multi-family: $20 / 2.8 =$ one acre per 7.14 dwelling units

B. Fee In-Lieu of Land Formula:

STEP 1. Parkland Cost Factor/ Parkland Level of Service = Land Cost per Person

$\$16,370$ per acre / 20 people per acre = $\$818.50$ per person

STEP 2. (City Persons per Household X Land Cost per Person) X City Required Percentage = Fee In-Lieu of Land

Single-family: 3 PPH X $\$818.50$ per person = $\$2,455.50$ X 28% = $\$687.54$ per unit

Multi-family: 2.8 PPH X $\$818.50$ per person = $\$2,291.80$ X 12% = $\$275.02$ per unit

C. Park Development Fee Formula:

STEP 1: Parkland Development Cost Factor/ Facilities Level of Service = Park Development Cost Per Person

$\$825,481.44$ neighborhood park cost / 865 people per developed park = $\$954.31$ per person

STEP 2: (City Persons per Household X Park Development Cost Per Person) X City Required Percentage = Parkland Development Fee by Density

Single-family: 3 PPH X $\$954.31$ per person = $\$2,862.93$ X 28% = $\$801.62$ per unit

Multi-family: 2.8 PPH X $\$954.31$ per person = $\$2,672.07$ X 12% = $\$320.65$ per unit

D. Total Parkland Fee per Unit:

(Fee In-Lieu of Land by Density + Parkland Development Fee by Density) X City Required Percentage = Total Parkland Fee per Unit

Single-family: $\$2,455.50 + \$2,862.93 = \$5,318.43$ X 28% = **$\$1,489.16$ per unit**

Multi-family: $\$2,291.80 + \$2,672.07 = \$4,963.87$ X 12% = **$\$595.67$ per unit**

Appendix III.
Parkland Development: Neighborhood Park Level of Service Estimate



Opinion of Probable Cost
KAUFMAN PARK
Kaufman, Texas
January 19, 2021

ITEM	UNIT	QUANTITY	PER EACH	TOTAL
Earthwork / Site Preparation	L.S.	1	\$ 5,500.00	\$ 5,500.00
8' Concrete Sidewalk (1/2 mile)	S.F.	21,120	\$ 7.00	\$ 147,840.00
Picnic Unit (Slab, Table, Trash Receptacle, Grill)	Each	3	\$ 4,500.00	\$ 13,500.00
Shade Pavilion (Slab and Shelter)	L.S.	1	\$ 60,000.00	\$ 60,000.00
Benches	Each	5	\$ 1,000.00	\$ 5,000.00
Trash Receptacles	Each	3	\$ 700.00	\$ 2,100.00
Drinking Fountain	Each	1	\$ 5,000.00	\$ 5,000.00
Playground (Equipment, Surfacing, and Drainage)	L.S.	1	\$ 175,000.00	\$ 175,000.00
Parking Lot (8 Spaces)	Each	8	\$ 2,500.00	\$ 20,000.00
Site Utilities (Water Meter, Electrical Service, Etc.)	L.S.	1	\$ 10,000.00	\$ 10,000.00
Area Lighting (12' Height)	Each	3	\$ 7,000.00	\$ 21,000.00
Shade Trees	Each	10	\$ 700.00	\$ 7,000.00
Finish Sodding, Grading and Seeding	L.S.	1	\$ 30,000.00	\$ 30,000.00
Irrigation	L.S.	1	\$ 200,000.00	\$ 200,000.00
Subtotal:				\$ 701,940.00
Contingency 5%:				\$ 35,097.00
Construction Total:				\$ 737,037.00
Soft Costs (Design, Surveying, Geotechnical, Engineering) 12%:				\$ 88,444.44
Typical Neighborhood Park Total:				\$ 825,481.44