



**KAUFMAN COUNTY**  
**SUBDIVISION AND LAND DEVELOPMENT**  
**REGULATIONS**

APPROVED BY COMMISSIONERS COURT ON DECEMBER 23, 2019



# Amendments to Regulations

Amended Section:	Date of Approval:
Section 4.03 (F)(2)	Commissioners Court Meeting July 28, 2020
Section 11.04	Commissioners Court Meeting August 11, 2020
Section 1.06 (A)(5)	Commissioners Court Meeting April 27, 2021
Section 2.02 (A)(1)	Commissioners Court Meeting April 27, 2021
Section 4.03 (J)(7 & 8)	Commissioners Court Meeting April 27, 2021
Section 5.01 (A)(5 & 6)	Commissioners Court Meeting April 27, 2021
Section 5.02 (A)	Commissioners Court Meeting April 27, 2021
Section 5.03 (10)(A)(I) & (10)(B)(I)	Commissioners Court Meeting April 27, 2021
Section 5.04 (D)(3)	Commissioners Court Meeting April 27, 2021
Section 6.02 (A)(2)(C) & (A)(3)(C)	Commissioners Court Meeting April 27, 2021
Section 9.02 (D)(3)(A), (4)(A & B) & (5)	Commissioners Court Meeting April 27, 2021
Section 10.05 (A)(7)	Commissioners Court Meeting April 27, 2021
Section 11.4 (D)	Commissioners Court Meeting March 22, 2022
Section 4.01 (C)	Commissioners Court Meeting August 2, 2022
Section 4.02 (E)(3)(e)	Commissioners Court Meeting August 2, 2022
Section 4.02 (E)(3)(k)	Commissioners Court Meeting August 2, 2022
Section 4.03 (F)(3)(i)	Commissioners Court Meeting August 2, 2022
Section 4.03 (F)(3)(m)	Commissioners Court Meeting August 2, 2022
Section 5.05 (C)	Commissioners Court Meeting August 2, 2022
Section 5.07 (A)(4)	Commissioners Court Meeting August 2, 2022
Section 7.07 (A)	Commissioners Court Meeting August 2, 2022
Section 9.04 (D)(1)	Commissioners Court Meeting August 2, 2022
Section 10	Commissioners Court Meeting August 2, 2022
Section 13.01 (C)	Commissioners Court Meeting August 2, 2022
Section 16.01	Commissioners Court Meeting August 2, 2022
Section 17	Commissioners Court Meeting August 2, 2022
Section 4.02	Commissioners Court Meeting December 20, 2022
Section 3.02.E.	Commissioners Court Meeting December 20, 2022
Section 3.05.B.	Commissioners Court Meeting December 20, 2022
Section 1.09.A.	Commissioners Court Meeting August 8, 2023
Section 4.02.C.	Commissioners Court Meeting August 8, 2023
Section 5.01.A.	Commissioners Court Meeting August 8, 2023
Section 5.03.	Commissioners Court Meeting August 8, 2023
Section 5.04.	Commissioners Court Meeting August 8, 2023



Amended Section:	Date of Approval:
Section 6.01.	Commissioners Court Meeting August 8, 2023
Section 6.02.A.2.	Commissioners Court Meeting August 8, 2023
Section 7.03.A.	Commissioners Court Meeting August 8, 2023
Section 7.04.	Commissioners Court Meeting August 8, 2023
Section 7.05.	Commissioners Court Meeting August 8, 2023
Section 7.07.	Commissioners Court Meeting August 8, 2023
Section 7.08.	Commissioners Court Meeting August 8, 2023
Section 8.01.	Commissioners Court Meeting August 8, 2023
Section 9.02.E.	Commissioners Court Meeting August 8, 2023
Section 9.03.D.	Commissioners Court Meeting August 8, 2023
Section 11.03.	Commissioners Court Meeting August 8, 2023
Section 13.01.	Commissioners Court Meeting August 8, 2023
Section 14.02.B.	Commissioners Court Meeting August 8, 2023
Section 17.02.	Commissioners Court Meeting September 5, 2023
Section 1.04.E.	Commissioners Court Meeting June 18, 2024
Section 1.07.A.	Commissioners Court Meeting June 18, 2024
Section 4.02.	Commissioners Court Meeting June 18, 2024
Section 4.03.	Commissioners Court Meeting June 18, 2024
Section 5.07.	Commissioners Court Meeting June 18, 2024
Section 6.03.A.	Commissioners Court Meeting June 18, 2024
Section 7.04.A.	Commissioners Court Meeting June 18, 2024
Section 7.07.B.3.	Commissioners Court Meeting June 18, 2024
Section 9.02.D.3.	Commissioners Court Meeting June 18, 2024
Section 10.03.3.j.	Commissioners Court Meeting June 18, 2024
Section 10.04.C.	Commissioners Court Meeting June 18, 2024
Section 12.06.	Commissioners Court Meeting June 18, 2024
Section 13.01.B.	Commissioners Court Meeting June 18, 2024
Section 14.04.	Commissioners Court Meeting June 18, 2024
Section 17.01.	Commissioners Court Meeting June 18, 2024
Section 5.03.C.1	Commissioners Court Meeting December 9,2025
Section 5.03.C.4	Commissioners Court Meeting December 9,2025
Section 5.03.D	Commissioners Court Meeting December 9,2025
Section 5.03.G	Commissioners Court Meeting December 9,2025
Section 5.03.H.11	Commissioners Court Meeting December 9,2025
Section 5.03.J	Commissioners Court Meeting December 9,2025
Section 5.03.L	Commissioners Court Meeting December 9,2025
Section 5.04.B	Commissioners Court Meeting December 9,2025
Section 5.07.A	Commissioners Court Meeting December 9,2025
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## Section 1. General Provisions

### 1.01. Title

These regulations of Kaufman County, Texas, shall be known as, and may be cited and referred to as the “Subdivision Regulations”.

### 1.02. Authority

These [Subdivision Regulations](#) are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including Chapter 232 of the Texas Local Government Code (LGC), as amended.

### 1.03. Purpose

These regulations shall be administered to achieve the following specific purposes:

#### A. Specific Purposes of the Subdivision Regulations

1. Promote the health, safety and general welfare of the community within the county;
2. Ensure the adequacy of drainage facilities; and encourage the wise use and management of natural resources throughout the [County](#) in order to preserve the integrity, stability, and beauty of the community;
3. Ensure proper legal descriptions and documentation of subdivided land;
4. Establish orderly policies and procedures to guide development;
5. Establish reasonable design standards for development;
6. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the [County](#) for correction of inadequate facilities that are designed to serve the public;
7. Provide the most beneficial circulation of vehicle traffic throughout the [County](#), and to provide for the proper location and width of streets;
8. Ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site, and to provide public facilities for future development;
9. Preserve the topography of the [County](#) and ensure appropriate development with regard to natural features; and
10. Ensure that new development adequately and fairly participates in the dedication and construction of [Public Improvements](#) (Page [150](#)) and infrastructure that are necessitated by or attributable to the development.



## 1.04. Applicability

### A. General

It is hereby declared to be the policy of the [County](#) to consider the subdivision and development of land as subject to the control of the [County](#) in order to promote the orderly, planned, efficient and economical development of the [County](#).

### B. Subdivision and Development of Land Policies

1. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation and other facilities required by these regulations.
2. All public and private facilities and improvements shall be of at least the capacity necessary to adequately serve the development and shall conform to these [Subdivision Regulations](#).
3. These regulations shall supplement, and facilitate the enforcement of, provisions and standards for land uses requiring development authorization (see [Section 14 Site Development Authorization](#)) and building codes adopted by the [County](#) where applicable.

### C. Purpose of Platting

Platting is required for the following purposes unless otherwise stated per [Section 1.04.E Exemptions to the Requirement to Plat for the Subdivision of Land](#):

1. To divide a lot or tract into two or more parcels;
2. To combine lots or tracts;
3. To amend a [Plat](#); or
4. To correct errors on an approved and recorded [Plat](#).

### D. Requirement to Plat for the Subdivision of Land

1. As per [Texas Local Government Code Section 232.001](#), the owner or owners of any tract of land outside the limits of a municipality in the [County](#), other than the [ETJ](#) of a municipality who has entered into a resolution with the [Commissioners Court](#) granting full authority to the municipality for regulating subdivisions within the municipality's [ETJ](#), must have a plat of the subdivision prepared and filed as provided in these regulations if the owner or owners divides or divide the tract of land into two (2) or more parts to lay out:
  - a. A subdivision of the tract of land, including addition;
  - b. Lots; or
  - c. Streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
2. A division of a tract of land under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.



E. Exemptions to the Requirement to Plat for the Subdivision of Land

As per [Texas Local Government Code Section 232.0015](#) (Exceptions to Plat Requirement), the following exemptions to the platting requirement shall exist.

1. Subdivision Exemption Scenario 1

- a. Per [TLGC Section 232.0015\(c\)](#), the **County** may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
  - i. the owner does not lay out a part of the tract described by [Section 1.04.D.1.c \[TLGC Section 232.001\(a\)\(3\)\]](#); and
  - ii. the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.
- b. Per [TLGC Section 232.0015\(d\)](#), if a tract described by [Subdivision Exemption Scenario 1](#) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of these [Subdivision Regulations](#) apply.

2. Subdivision Exemption Scenario 2

- a. Per [TLGC Section 232.0015\(e\)](#), the **County** may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by [Section 1.04.D.1.c \[TLGC Section 232.001\(a\)\(3\)\]](#) to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code.
- b. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of these [Subdivision Regulations](#) apply.

3. Subdivision Exemption Scenario 3

- a. Per [TLGC Section 232.0015\(f\)](#), the **County** may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
  - i. all of the lots of the subdivision are more than 10 acres in area; and
  - ii. the owner does not lay out a part of the tract described by [Section 1.04.D.1.c \[TLGC Section 232.001\(a\)\(3\)\]](#).

4. Subdivision Exemption Scenario 4

- a. Per [TLGC Section 232.0015\(g\)](#), the **County** may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by [Section 1.04.D.1.c \[TLGC Section 232.001\(a\)\(3\)\]](#) to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.



5. Subdivision Exemption Scenario 5
  - a. Per [TLGC Section 232.0015\(h\)](#), the provisions of these [Subdivision Regulations](#) shall not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract described by [Section 1.04.D.1.c \[TLGC Section 232.001\(a\)\(3\)\]](#).
6. Subdivision Exemption Scenario 6
  - a. Per [TLGC Section 232.0015\(i\)](#), the [County](#) may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
    - i. the owner of the land is a political subdivision of the state;
    - ii. the land is situated in a floodplain; and
    - iii. the lots are sold to adjoining landowners.
7. Subdivision Exemption Scenario 7
  - a. Per [TLGC Section 232.0015\(j\)](#), the [County](#) may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if:
    - i. the owner does not lay out a part of the tract described by [Section 1.04.D.1.c \[TLGC Section 232.001\(a\)\(3\)\]](#); and
    - ii. one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these [Subdivision Regulations](#).
8. Subdivision Exemption Scenario 8
  - a. Per [TLGC Section 232.0015\(k\)](#), the [County](#) may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
    - i. the owner does not lay out a part of the tract described by [Section 1.04.D.1.c \[TLGC Section 232.001\(a\)\(3\)\]](#); and
    - ii. all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.
9. Record of Exemption
  - a. A property owner claiming an exemption under this section must file an affidavit with field notes attached, that identifies and attests to the exemption with the County Clerk's office and return a copy of the recorded document to Development Services.

### **1.05. Documents Comprising Subdivision Rules**

The provisions of these [Subdivision Regulations](#), the standards governing constructed facilities applicable to [Plats](#), and the technical standards contained within constitute the subdivision rules of the [County](#), which apply to [Applications](#) for [Plat](#) approval.



### 1.06. Compliance Required with County Plans and Ordinances

Compliance with all [County](#) regulations pertaining to the subdivision and development of land and the [Kaufman County Thoroughfare Plan](#) shall be required prior to approval of any [Application](#) pursuant to these [Subdivision Regulations](#). All such [County](#) regulations and plans shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with [County](#) regulations and the provisions of these [Subdivision Regulations](#).

#### A. Applicable County Codes, Ordinances, and Plans

Applicable [County](#) codes, ordinances, and plans with which all [Applications](#) must comply include, but are not limited to, the following.

1. [Kaufman County Thoroughfare Plan](#);
2. Other development-related engineering standards;
3. Other Applicable portions of the [County's](#) Regulations; and
4. Federal, State, and local environmental regulations provided however that the [County](#) shall not be liable for the non-enforcement of the same.
5. The Kaufman County Fire Code.

### 1.07. Public Improvements for Road and Drainage Required

#### A. Subdivider's Responsibility

1. As per [Texas Local Government Code Section 232](#), the Subdivider shall furnish, install and/or construct road and drainage [Public Improvements](#) necessary for the proper development of the [Subdivision](#).
2. All such [Public Improvements](#) shall be designed and constructed in accordance with these [Subdivision Regulations](#) and any other standards, specifications, and drawings as may be hereafter adopted, approved by the [Commissioners Court](#) and placed on file in the office of the [County Clerk](#).
3. Subdivider is responsible for constructing all drainage improvements needed to ensure there is no lot-to-lot drainage for compliance with these Subdivision Regulations. Drainage improvements include (but are not limited to) drainage ditches, swales, and channels. Subdividers shall not be permitted to file a plat where lot-to-lot drainage is present on any of the lots included in the plat.

#### B. Sizing of Public Improvements

Where considered necessary by the [Commissioners Court](#), the [Public Improvements](#) required for a development that will be constructed in phases shall be sized in excess of that required for the development of a single phase to ensure the necessary public improvements are provided for the entire development.

#### C. Drainage for Phased Development

If provisions are necessary for drainage facilities in the unplatted future phases of the development, then the Plat shall include separate instruments for off-site drainage needs and shall include appropriate notes and descriptions providing the County the appropriate permissions and approvals needed for access and for maintaining and improving the drainage system.



## 1.08. Special Provisions, Enforcement, and Violations

### A. Provisions

#### 1. Selling or Transferring Lots Prohibited Until Completion

No lot in any [Subdivision](#) shall be sold or transferred until the [Subdivision Plat](#) is approved and recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full.

#### 2. Platting Within the Extraterritorial Jurisdiction ([ETJ](#)) Boundaries of an Adjacent Municipality

A [Plat](#) for property within the [ETJ](#) of a municipality who has entered into a resolution with the [Commissioners Court](#) to regulate subdivisions within the municipality's [ETJ](#) shall comply with the subdivision regulations and engineering standards of the municipality, unless otherwise specified by agreement.

#### 3. Services Prohibited to Subdivision Until Completion

No person or entity shall sell or supply any utility service such as water, gas, electricity, telephone, cable, communication or wastewater service within a [Subdivision](#) for which a [Plat](#) has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

#### 4. Compliance with Standards Required

The [County](#) shall not authorize any other person nor shall the [County](#) itself be required to repair, maintain, install or provide any streets or public utility services in any [Subdivision](#) for which the standards contained herein or referred to herein have not been complied with in full.

#### 5. Dedications

Approval of a [Plat](#) shall not impose any duty upon the [County](#) concerning maintenance or any improvement. The County shall formally accept maintenance of [Public Improvements](#) through a Court Order approved by the [Commissioners Court](#) after public improvements have been constructed in accordance with the procedures listed in [Section 6.05.D \(Timing of When Public Improvements are Constructed\)](#) and received a letter of acceptance by the [Commissioners Court Engineering Representative](#).

### B. Enforcement

The [Commissioners Court](#) shall have the authority to refuse to approve and authorize any map or [Plat](#) of any such [Subdivision](#), unless such map or [Plat](#) meets the requirements as set forth in these land development rules and regulations; and there is submitted at the time of approval of such map or plat financial security as may be required by these rules.

#### 1. Pursuant to [232.005 of Texas Local Government Code](#), at the request of the [Commissioners Court](#), the [County Attorney](#) or other prosecuting attorney representing the county may file an action in a court of competent jurisdiction to:

- a. Enjoin the [Violation](#) or threatened violation of a requirement established by or adopted by the [Commissioners Court](#) under [Chapter 232](#) of the V.T.C.A., Local Government Code; or
- b. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by the [Commissioners Court](#) under [Chapter 232](#) of the V.T.C.A., Local Government Code.



2. Pursuant to [Chapter 232.005 of Texas Local Government Code](#), a person who commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the [Commissioners Court](#) under [Chapter 232 of the V.T.C.A., Local Government Code](#). An offense under this Section is a Class B Misdemeanor.
3. Pursuant to [Chapter 232.005 of Texas Local Government Code](#), a requirement that was established by or adopted under Chapter 436, Acts of the 55th Legislature, Regular Session 1957, as amended (Article 6626a, Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52nd Legislature, Regular Session 1951 (Article 2372k Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply for subdivision of land is enforceable under [Section 1.08.B.2](#). A knowing or intentional [Violation](#) of the requirement is an offense.

### **1.09. Summary of the General Subdivision Procedure**

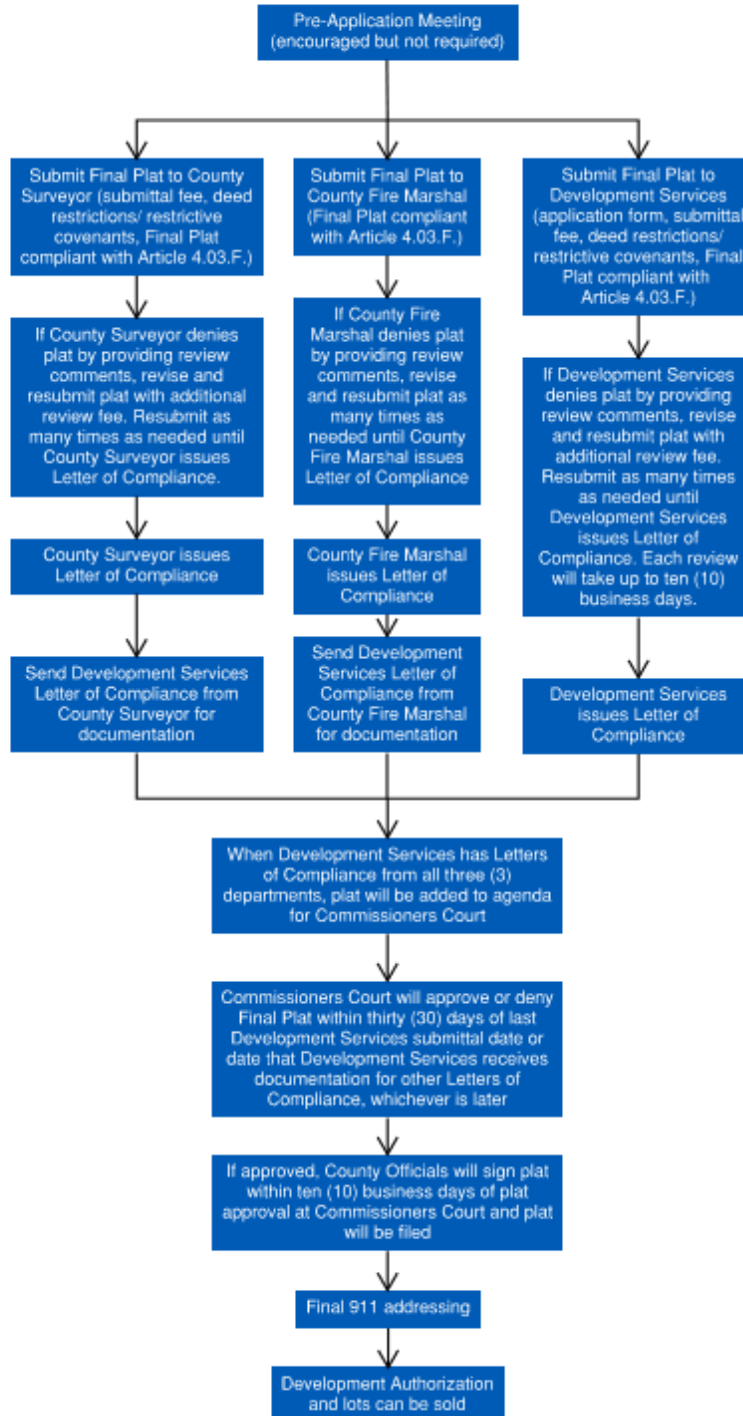
Any owner or [Developer](#) of any lot, tract, or parcel of land located within the [County](#) who wishes to subdivide such land shall conform to the following procedures.

A. General Overview of the Platting Process –Timing of When Public Improvements are Constructed (refer to [Section 6.05.D](#))

Completion of all required [Public Improvements](#) occur before the [Final Plat](#) is recorded with the County Clerk. Please refer to Figures 1a and 1b for graphic overview.

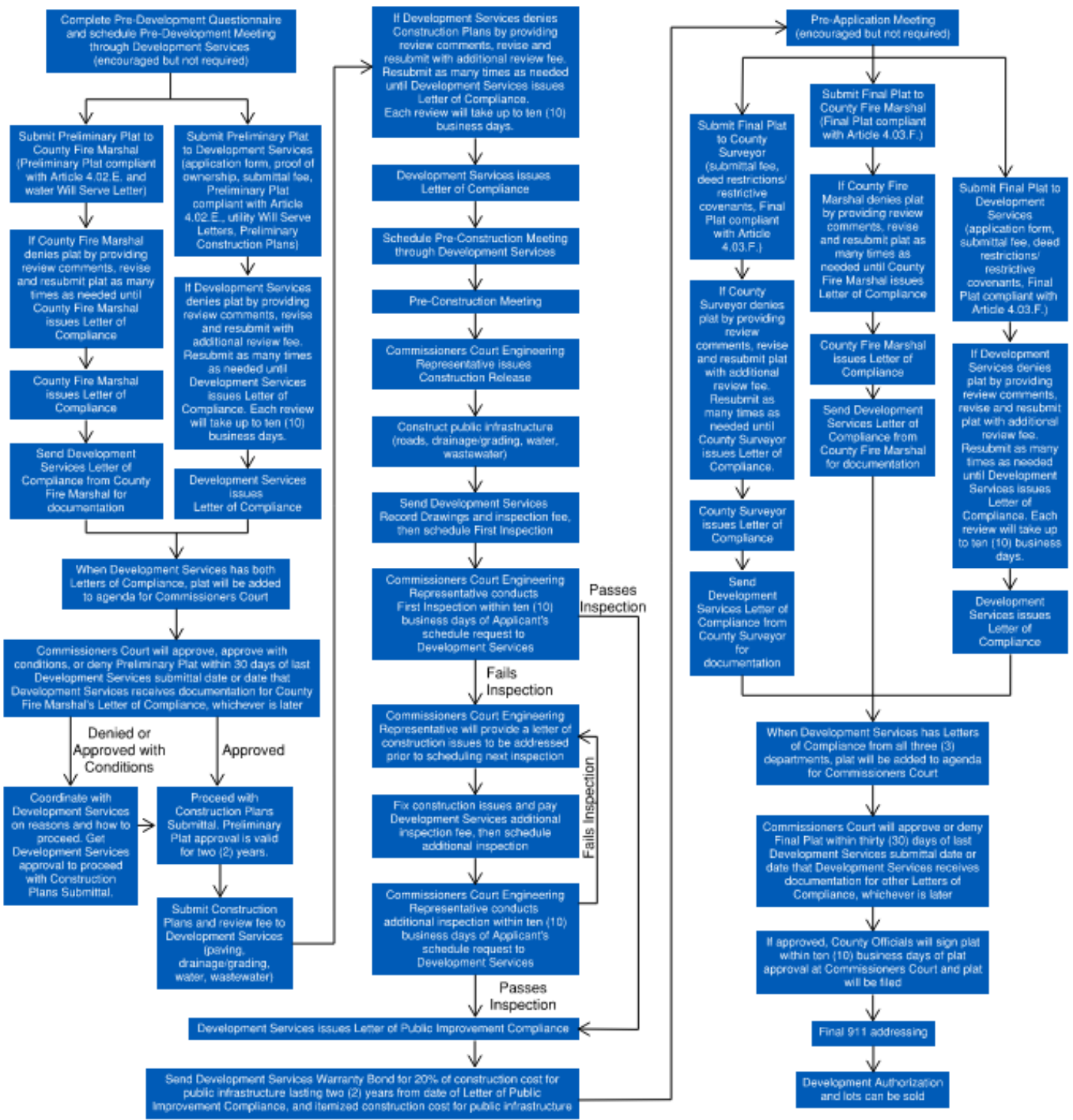


Figure 1a: Development Process **without** Public Infrastructure Improvements  
 (Final Plat submittal)





**Figure 1b: Development Process *with* Public Infrastructure Improvements (Preliminary Plat, Construction Plans, and Final Plat submittals)**





**B. Detailed Steps**

The detailed steps within each phase of the [Subdivision](#) development procedure is shown in below and covered in, [Section 4 General Subdivision and Platting Procedures](#), [Section 5 Subdivision Design Standards](#), and [Section 6 Subdivision Development Procedures](#).

## **Section 2. Decision-Maker Authority**

### **2.01. Commissioners Court**

**A. Responsibilities**

[Table 1](#) is a summary of the [Commissioners Court](#) key responsibilities within the [Subdivision Regulations](#).

<b>Table 1: Commissioners Court Responsibilities</b>	
<a href="#">Section 3.03.B</a>	Approving/Denying a <a href="#">Waiver of Right to 30-Day Action</a>
<a href="#">Section 4.02.F</a>	Approving/Denying a <a href="#">Preliminary Plat</a> with Preliminary Construction Plans
<a href="#">Section 4.02.L</a>	Approving/Denying a <a href="#">Preliminary Plat Extension</a>
<a href="#">Section 4.03.I</a>	Approving/Denying a <a href="#">Final Plat</a>
<a href="#">Section 4.02.H.1</a>	Approving/Denying an <a href="#">Amending Plat</a>
<a href="#">Section 4.05.L</a>	Approving/Denying a <a href="#">Cancellation of a Subdivision</a>
<a href="#">Section 4.06.H</a>	Approving/Denying a <a href="#">Revision of a Plat (Replat)</a>
<a href="#">Section 6.07.F</a>	Approving/Denying a <a href="#">Warranty Bond Release</a>
<a href="#">Section 6.08.A.2</a>	Issuing an <a href="#">Order of the Commissioners Court for Final Acceptance</a>
<a href="#">Section 6.09</a>	Approving/Denying the <a href="#">Acceptance Process of Public and Private Roads</a>
<a href="#">Section 6.10</a>	Approving/Denying the <a href="#">Abandonment Process for County Roads</a>



## 2.02. Development Support Committee

### A. Membership

1. The [Development Support Committee](#) shall be composed of the [Development Services Director](#), [Commissioners Court Engineering Representative](#), the County Environmental Health Officer, OSSF Inspector and the County Fire Marshal.
2. The [Development Services Director](#) shall act as the presiding officer at all meetings of the Committee.
3. Any other County official or employee may be requested to serve on the [Development Support Committee](#) by the [Commissioners Court](#).

### B. Roles

1. The [Development Support Committee](#) reviews and identifies any deficiencies and makes recommendations to [Commissioners Court](#) for approval of the plat and plans, after all corrections are addressed and required information is submitted.
2. The [Development Services Director](#) will determine whether a plat application is complete, and will forward all completed applications to the Development Support Committee for formal review.
3. The Development Support Committee shall provide a formal recommendation for approval or denial to the Commissioners Court, for a [Preliminary Plat](#), [Final Plat](#), [Amending Plat](#), [Cancellation of a Subdivision](#), [Revision of a Plat \(Replat\)](#), [Subdivision Variance](#), and additional responsibilities noted in [Table 2](#).

### C. Responsibilities

[Table 2](#) is a summary of the [Development Support Committee](#) key responsibilities within the [Subdivision Regulations](#).

Table 2: Development Support Committee Responsibilities	
<a href="#">Section 4.02.G</a>	Recommending Approval/Denial of a <a href="#">Preliminary Plat</a> with Preliminary Construction Plans
<a href="#">Section 4.02.I</a>	Recommending Approval/Denial of a <a href="#">Preliminary Plat Extension</a>
<a href="#">Section 4.03.H</a>	Recommending Approval/Denial of a <a href="#">Final Plat</a>
<a href="#">Section 4.04.F</a>	Recommending Approval/Denial of a <a href="#">Amending Plat</a>
<a href="#">Section 4.05.K</a>	Recommending Approval/Denial of a <a href="#">Cancellation of a Subdivision</a>
<a href="#">Section 4.06.G</a>	Recommending Approval/Denial of a <a href="#">Revision of a Plat (Replat)</a>
<a href="#">Section 6.07.F</a>	Recommending Approval/Denial of a <a href="#">Warranty Bond Release</a>
<a href="#">Section 6.08.A.2</a>	Recommending Approval/Denial of an <a href="#">Order of the Commissioners Court for Final Acceptance</a>
<a href="#">Section 6.09</a>	Recommending Approval/Denial of <a href="#">Acceptance Process of Public and Private Roads</a>
<a href="#">Section 6.10</a>	Recommending Approval/Denial of <a href="#">Abandonment Process for County Roads</a>



## 2.03. Development Services Director

### A. Responsibilities

[Table 3](#) is a summary of the [Development Services Director](#) key responsibilities within the [Subdivision Regulations](#).

Table 3: Development Services Director Responsibilities	
<a href="#">Section 3.01</a>	Scheduling and Holding a <a href="#">Pre-Application Meeting</a>
<a href="#">Section 3.02.B</a>	Creating and Maintaining <a href="#">Application Forms</a>
<a href="#">Section 3.02.E</a>	Notifying Applicants of Incomplete Applications
<a href="#">Section 4.02.F</a>	Reviewing a complete application submittal for a <a href="#">Preliminary Plat</a>
<a href="#">Section 4.02.M.3</a>	<a href="#">Determination of Minor or Major Preliminary Plat Amendments</a>
<a href="#">Section 4.03.G</a>	Reviewing a complete application submittal for a <a href="#">Final Plat</a>
<a href="#">Section 1.01</a>	Developing and Maintaining
<a href="#">Section 4.04.E</a>	Reviewing a complete application submittal for an <a href="#">Amending Plat</a>
<a href="#">Section 4.05.J</a>	Reviewing a complete application submittal for the <a href="#">Cancellation of a Subdivision</a>
<a href="#">Section 4.06.F</a>	Reviewing a complete application submittal for the <a href="#">Revision of a Plat (Replat)</a>
<a href="#">Section 6.03</a>	Scheduling and Holding a Pre-Construction Meeting



## 2.04. Commissioners Court Engineering Representative

### A. Responsibilities

[Table 4](#) is a summary of the [Commissioners Court Engineering Representative](#) key responsibilities within the [Subdivision Regulations](#).

Table 4: Commissioners Court Engineering Representative Responsibilities	
<a href="#">Section 4.02.E</a>	Reviewing the <a href="#">Preliminary Plat</a> for conformance to <a href="#">Preliminary Plat Requirements</a>
<a href="#">Section 4.03.F</a>	Reviewing the <a href="#">Final Plat</a> for conformance to <a href="#">Final Plat Requirements</a>
<a href="#">Section 4.04.D</a>	Reviewing the <a href="#">Amending Plat</a> for conformance to <a href="#">Application Requirements</a>
<a href="#">Section 4.05</a>	Reviewing the <a href="#">Cancellation of a Subdivision</a>
<a href="#">Section 4.06.F</a>	Reviewing the <a href="#">Revision of a Plat (Replat)</a>
<a href="#">Section 6.01.D</a>	Approval or Denial of final <a href="#">Construction Plans</a> to ensure compliance with Preliminary Construction Plans approved by the Commissioners Court
<a href="#">Section 6.01.I.2</a>	Reviewing/Recommending Approval or Denial of an <a href="#">Extension of Construction Plans beyond Expiration Date</a>
<a href="#">Section 6.03.A</a>	Attending a <a href="#">Pre-Construction Meeting</a>
<a href="#">Section 6.04.A</a>	Reviewing/Recommending Approval of <a href="#">Construction Release</a>
<a href="#">Section 6.06.B.1</a>	Conducting a <a href="#">Preliminary Inspection</a> of Public Improvements
<a href="#">Section 6.06.B.2</a>	Conducting a <a href="#">Final Inspection</a> of Public Improvements
<a href="#">Section 6.06.C.2</a>	Reviewing the <a href="#">Cost for Construction</a>



## Section 3. Application Submittal and Processing

### 3.01. Pre-Application Meeting

#### A. Purpose

1. The [Pre-Application Meeting](#) is intended to allow for the exchange of non-binding information between the [Applicant](#) and [County](#) Staff to ensure that the [Applicant](#) is informed of pertinent development regulations and processes.
2. The [Pre-Application Meeting](#) provides an opportunity for the [Applicant](#) and [County](#) Staff to discuss major development considerations such as utilities, roadways, and drainage concerns.
3. This exchange of information is intended to promote an efficient and orderly review process.

#### B. Pre-Application Meeting occurs before the Submission of Plans and Applications

1. Prior to formal submittal of any required plan or [Application](#) the [Applicant](#) is encouraged to consult with the [Development Services Director](#) and any other pertinent [County](#) Staff in order for the [Applicant](#) to become familiar with the [County's](#) development regulations and the development process.
2. At the [Pre-Application Meeting](#) the [Applicant](#) may be represented by his/her agent, engineer, surveyor, or other qualified professional.
3. [Pre-Application Meetings](#) are encouraged for all [Plat Applications](#).
4. [Pre-Application Meetings](#) do not vest a permit, [Application](#) or other type of development approval, pursuant to [Chapter 245](#) of the Texas Local Government Code.

#### C. Sketch Plan

##### 1. Purpose

The purpose of a [Sketch Plan](#) shall be to serve as an informal visual aid to the [Applicant](#) and the [Development Services Director](#) during the [Pre-Application Meeting](#). The [Sketch Plan](#) shall be used to identify major development considerations such as utilities, roadways, drainage concerns, specific neighborhood characteristics, historic information, and possible phasing of development.

##### 2. Sketch Plan for the Pre-Application Meeting

The [Applicant](#) shall provide a [Sketch Plan](#) during a scheduled [Pre-Application Meeting](#).

##### 3. Sketch Plan Design

The [Sketch Plan](#) may be either an informal freehand pencil sketch or computer-drawn concept designed to show the following elements:

- a. Road layouts,
- b. Lots,
- c. The boundaries of the original property in its entirety,
- d. Proposed improvements/permanent, and
- e. Other significant features.



### 3.02. General Application Processing

#### A. Initiation of Application

1. Initiation by Owner or Owner's Agent
  - a. Unless provided by these Subdivision Regulations any petition or **Application** may be initiated only by the property owner, owner of interest in the land, or by the owner's designated agent.
  - b. If the **Applicant** is a designated agent, the **Application** shall include a written statement from the property owner authorizing the agent to file the **Application** on the owner's behalf.
  - c. The **Application** shall provide evidence of ownership, such as an affidavit from the owner.

#### B. Application Form

1. Application Forms Generally

The **County** is hereby authorized to provide **Application Forms** that include checklists, architectural or engineering drawing sizes, **Applicant** contact information, and any other information necessary to show compliance with **County** standards.
2. All **Application Forms** are available from the **Development Services Director**.
3. The **Development Services Director** shall create, manage, and update all **Application Forms**.

#### C. Application Fees

1. Every **Application** shall be accompanied by the prescribed fees set forth in the adopted **Fee Schedule**.
2. The prescribed fee shall not be refundable.
3. The **Fee Schedule** may be amended from time to time by the **Commissioners Court**.
4. Per **TLGC 233.153(f)**, the County may not charge a fee to a person subject to the **Residential Building Notice and Inspection Requirement**.

#### D. Payment of all Indebtedness Attributable to the Subject Property

1. No **Application** shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the **County** for the subject property until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
2. It shall be the **Applicant's** responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.

#### E. Complete Applications

1. An **Application** is considered complete when all documentation or other information required by the County is received.
2. The Applicant shall also be responsible for submitting a copy of the plat to the County Surveyor Department and the Fire Marshal's Department. However, the **Applicant** is not required to submit a **Preliminary Plat** to the County Surveyor Department. Development Services will **NOT** submit to the County Surveyor Department or the Fire Marshal's Department on behalf of the **Applicant**. The **Applicant** is responsible for submitting directly to both departments for their review and approval.



3. If an [Applicant](#) submits a [Plat Application](#) to the [Development Services Director](#) that does not include all of the documentation or other information required by the [County](#), the [Development Services Director](#) shall, not later than the tenth (10<sup>th</sup>) business day after the date the [Application](#) is received, notify the [Applicant](#) of the missing documents or other information.
4. The [Applicant](#) shall submit the missing documents or other information not later than the tenth (10<sup>th</sup>) business day after the [Applicant](#) receives the notice or twelfth (12<sup>th</sup>) business day after the [Development Services Director](#) issued the notice, whichever date occurs first.
5. Acceptance by the [Development Services Director](#) of a completed [Plat Application](#) with the documentation or other information required by the [County](#) shall not be construed as approval of the documentation or other information.

**F. Modification of Applications**

**1. Modifications Requested by the County**

If the modification is for revisions requested by the [County](#) and the modification is received not later than the tenth (10<sup>th</sup>) business day prior to the time scheduled for decision on the [Application](#) then the [Application](#) shall be decided within the period for decision prescribed by these Subdivision Regulations.

**2. Modifications not Requested by the County**

In all other instances (i.e., when the [Applicant](#) chooses to submit a revised [Application](#) of his/her own accord because of a change in development decisions), submittal of a modified [Application](#) shall be treated as a new [Application](#) with regards to review time periods.

**G. Action by the Development Services Director**

**1. Circulate and Compile Comments**

After an [Application](#) has been determined to be complete, the [Development Services Director](#) may circulate all applicable application materials to all other administrative officials, such as the [Development Support Committee](#), and departments whose review is required for a decision on the [Application](#) and shall compile the comments and recommendations of the [County](#) officials.

**2. Forward Application and Provide Notification**

- a. When applicable, the [Development Services Director](#) shall forward the [Application](#) to the [Development Support Committee](#) for review and recommendation.
- b. The [Development Services Director](#) shall forward the [Application](#) for review and any recommendation from the [Development Support Committee](#) to the [Commissioners Court](#) and shall prepare a report to the [Commissioners Court](#) including the compilation of any comments and recommendations by other administrative officials.
- c. The [Development Services Director](#) shall prepare required notices and schedule the [Application](#) for decision within the time and in the manner required by these Subdivision Regulations and as otherwise may be required by law.

**H. Action by the Commissioners Court**

The [Commissioners Court](#) shall approve or deny the [Application](#).



### 3.03. 30-Day Time Frame for Plat Approvals

#### A. Right to 30-Day Action for Plat Applications Begins on the Official Submission Date

The statutory 30-day time frame for [Plat](#) approvals, established by [TLGC 232](#), shall commence on the [Official Submission Date](#).

#### B. Waiver of Right to 30-Day Action

The [Commissioners Court](#) may approve a [Waiver of Right to 30-Day Action](#).

##### 1. Request

An [Applicant](#) may submit in writing a [Waiver of Right to 30-Day Action](#) at any time prior to a final decision on an [Application](#).

##### 2. Received

a. If the [Applicant](#) requests a [Waiver of Right to 30-Day Action](#), the [Waiver of Right to 30-Day Action](#) must be received by the [Commissioners Court](#) not later than the 5<sup>th</sup> business day prior to the [Commissioners Court](#) meeting at which action would have to be taken (based on the 30-day requirement in State law) on the [Application](#).

b. Waiver requests that are not received by the time for final decision shall not be considered properly submitted, and action shall be taken on the [Application](#) at such meeting as scheduled.

##### 3. Requirements Maintained

Action pursuant to a [Waiver of Right to 30-Day Action](#) shall not be deemed in any way a waiver to any requirement within these Subdivision Regulations.

### 3.04. Notification Following Subdivision Application Decision

#### A. Notification of Decision

If the [Commissioners Court](#) disapproves a [Plat Application](#) the [Applicant](#) shall be given a complete list of the reasons for the disapproval.

#### B. Type of Notice

Notice may be given by electronic mail (email) or by postal service.



### 3.05. Amendments and Expiration to Approved Subdivision Applications

#### A. Amendments/Revisions to an Approved Subdivision Application

Unless another method is expressly provided by these [Subdivision Regulations](#) any request to amend or revise an approved [Application](#) shall be considered a new [Application](#) which must be decided in accordance with the procedures governing the original [Application](#) and the standards in effect at the time such new [Application](#) is filed with the [County](#).

#### B. Expiration of an Approved Subdivision Application

##### 1. Subdivision Application Expiration – Two (2) Years

Unless otherwise expressly provided by these Subdivision Regulations an approved [Application](#) shall automatically expire two (2) years following the approval date of the [Application](#) (See [Section 6.02.H Expiration Date for Construction Plans](#) for expiration of [Construction Plans](#)), and shall become null and void.

##### 2. Applications with No Time Limit

If no time limit for satisfaction of conditions is specified in the decision on the [Application](#) or in the regulations governing, the time shall be presumed to be two (2) years following the date the [Application](#) was approved.

##### 3. Applications with Vested Right

Unless a different date is determined, an [Application](#) approved prior to the effective date of these Subdivision Regulations shall expire in accordance with the terms of the regulations in effect at the time the [Application](#) was filed.

##### 4. Effect of Expiration

A new [Application](#) must be submitted for consideration and approval subject to regulations in effect at the time the new [Application](#) is filed.

##### 5. Phased Developments

Phased developments with an approved Preliminary Plat Application for all phases (i.e., full build out) do not need to submit separate Preliminary Plat Applications for each individual phase. However, if major changes to the infrastructure design or subdivision layout have occurred after receiving approval of a Preliminary Plat Application for all phases, then a new Preliminary Plat Application is required. Determining if changes are classified as major and will require a new Application is at the discretion of the Commissioners Court Engineering Representative or other Commissioners Court designee.



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## Section 4. Platting Requirements

### 4.01. General Subdivision and Platting Procedures

#### A. Plats Required for Land Subdivision

Per [TLGC Chapter 232](#), a Final Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.

#### B. Amending Plats

In the case of minor revisions to recorded Plats or lots, an [Amending Plat](#) may also be utilized if in accordance with [Section 4.04 Amending Plat](#).

#### C. Plat Submittal Type Required

A Preliminary Plat submittal is required if the proposed development includes any public infrastructure improvements. Public infrastructure improvements include, but are not limited to, construction of new roads, surface improvements to existing roads, grading and drainage improvements requiring drainage [easements](#), construction of cross culverts, and construction of detention/retention ponds. Public infrastructure improvements may also involve the expansion of water systems necessary for additional capacity in the system to serve the development. These improvements include, but are not limited to, additional pipes, upsizing pipes, replacing pipes, new fire hydrants, etc. that are not constructed by the water utility provider.

If no public infrastructure improvements are needed, then no Preliminary Plat is required, and the Applicant may proceed with a Final Plat submittal.

### 4.02. Preliminary Plat

#### A. Purpose

The purpose of a [Preliminary Plat](#) shall be to determine the general layout of the [Subdivision](#), the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of these [Subdivision Regulations](#).

#### B. Applicability

1. No Subdivision of land shall be allowed without proper submittal and approval of a [Preliminary Plat](#), unless the installation and/or construction of road and drainage Public Improvements is not necessary.
2. In cases where road and drainage [Public Improvements](#) are not need or will not be installed, the Applicant may proceed to the Final Plat process outlined in [Section 4.03 Final Plat](#).

#### C. Accompanying Documents

Additional Plans Required:

1. A [Preliminary Plat Application Form](#), which can be obtained from the County;
2. Traffic Impact Analysis (TIA) if development includes twenty (20) or more lots and/or Lodging Development Units;



3. If there are any existing easements on the property/properties dedicated to a particular entity such as a City or utility provider, documentation must be provided proving that said entity approves of the proposed development within their easement limits.
4. If the property/properties have gone through the municipal deannexation process, documentation must be provided showing the deannexation is approved and finalized accompanying the first submittal of a preliminary plat. Failure to provide documentation will result in a rejection of the submittal.
5. Preliminary [Construction Plans](#); and
  - a. Preliminary Paving Plans in accordance with Section 5.04.
  - b. Preliminary Drainage Plans in accordance with Section 7.08.
  - c. Preliminary Utility Plan(s) in accordance with Section 9.02.E. and Section 9.03.D.
6. Other plans, if deemed necessary, for thorough review by the [Development Services Director](#).

**D. Proof of Ownership**

The Applicant shall furnish one of the following with the Application to the County:

1. A current title commitment issued by a title insurance company authorized to do business in Texas,
2. A title opinion letter from an attorney licensed to practice in Texas,
3. Warranty Deed; or
4. Some other acceptable proof of ownership, identifying all persons or entities having an ownership interest in the property subject to the [Preliminary Plat](#), including all lienholders.

**E. Preliminary Plat Requirements**

1. [Preliminary Plats](#) shall be drawn on a 18" x 24" sheet at a scale of 1" = 200'.
2. [Preliminary Plats](#) are required in digital PDF format and hard copies are optional.
3. The following items shall be shown on a [Preliminary Plat](#):
  - a. The name, address and telephone number of the developer, surveyor and/or engineer.
  - b. The proposed name of the subdivision, and the names, locations, width and dimensions of all proposed and existing roads within the property.
  - c. The number of all lots and blocks arranged in systematic order, and clearly shown on the Plat in distinct and legible figures.
  - d. The size of each lot shall be indicated on the Plat in square feet and in acreage.
  - e. The location of the setback line on plan-view for each lot (building setbacks should meet the minimum standards noted in [Table 9: Building Setbacks from Roadways](#) on page 58). A note with typical setback distances does not satisfy this requirement, and the setbacks must be shown graphically on the plan-view for each lot.
  - f. The date the plat was prepared.
  - g. A north arrow and the scale of the plat.
  - h. A location or vicinity map showing the location of the proposed subdivision within the county and to the nearest incorporated areas with a north arrow.



- i. The location of existing boundary lines with bearings and distances to accurately locate the property.
  - j. The accurate location, material and approximately size of all monuments and benchmarks; and
  - k. The description, location, and width of any visible and apparent [easements](#) within the property shown on plan-view for each lot. A note with typical lot [easements](#) does not satisfy this requirement, and the [easements](#) must be shown graphically on the plan-view for each lot.
  - l. The name and location of all adjacent subdivisions and roads. Where there are no adjacent subdivisions, the preliminary plat shall show:
    - i. The name of all adjacent property owners with property deed recording information.
    - ii. The dimensions of the Right-of-Way width abutting the property.
    - iii. The location and distance to the nearest subdivisions, and how the roads in the proposed subdivision may connect with those in the nearest subdivisions or other roads in the area.
  - m. The location of the 100-year flood plain and all lots, or any part of a lot, that lies within the 100-year floodplain.
  - n. Subdivisions that are located in a flood zone, as shown on the current [Flood Insurance Rate Map \(FIRM\)](#), must show the following on the Plat, if available:
    - i. Provide a floodplain note, "According to flood insurance rate map (firm) map no. XXXXX dated XXXXXXXX prepared by the Federal Emergency Management Agency (FEMA) for Kaufman County, Texas, this property is within zone A, AE, X>."
    - ii. Permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the Plat. The elevation of the benchmark shall be tied to a benchmark shown on the FIRM panel or sea level if not found.
    - iii. The finished base flood elevation must be shown for each lot located in and adjacent to the base floodplain elevation.
    - iv. The County may require that the owner provide, at the owner's expense, a floodplain study of the proposed development if within a flood hazard area delineated by the current Flood Insurance Rate Maps as provided by FEMA.
    - v. If the development is situated within a FEMA designated floodway a Floodplain Development Permit will be required (refer to [Section 8](#) of the Kaufman County Subdivision Regulations).
  - o. Since the preliminary plat is not recorded in the Kaufman County Public Records the seal and signature of the surveyor responsible for surveying the subdivision and/or the preparation of the Plat is not required. An official seal and signature from the Surveyor will be required with the Final Plat as noted in [Section 4.03.F Final Plat Requirements](#) on page [27](#).
- F. Review by the Development Services Director
- The [Development Services Director](#) shall:
- 1. Initiate review of the plat and materials submitted;
  - 2. Make available Plats and reports to the [Commissioners Court](#) for review; and
  - 3. Upon determination that the [Application](#) is ready to be acted upon, schedule the [Preliminary Plat](#) for consideration on the agenda of the next available meeting of the Development Support Committee and the [Commissioners Court](#).



G. Action by the Development Support Committee:

1. The [Development Support Committee](#) shall review the [Preliminary Plat Application](#) and the findings of the [Development Services Director](#) to determine whether the Preliminary Plat conforms to these Subdivision Regulations, and either provide a recommendation of approval or denial to the [Commissioners Court](#).
2. The [Development Support Committee](#) must forward their recommendation of approval or denial to the Commissioners Court with sufficient time for the [Commissioners Court](#) to act within thirty (30) calendar days following the [Official Submission Date](#), unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) as outlined in [Section 3.03.B](#).

H. Action by the Commissioners Court

The Commissioners Court shall:

1. Review the [Preliminary Plat Application](#), the findings of the [Development Services Director](#) and recommendation of the Development Support Committee.
2. Act within thirty (30) calendar days following the [Official Submission Date](#), unless the Applicant submits a [Waiver of Right to 30-Day Action](#) as outlined in [Section 3.03.B](#).
  - a. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period described above, then the following may occur according to [Chapter 232.0025, TLGC](#).
    - i. The [Commissioners Court](#) shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid;
    - ii. The application is granted by operation of law; and
    - iii. The applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the [Commissioners Court](#) to issue documents recognizing the plat application's approval.
3. Take one of the following actions and provide the reason(s) for their decision to either:
  - a. Approve the [Preliminary Plat](#);
  - b. Approve the [Preliminary Plat](#) with conditions; or
  - c. Deny the [Preliminary Plat](#).

I. Criteria for Approval

The following criteria shall be used by the Development Support Committee and the Commissioners Court to determine whether the Preliminary Plat shall be approved or denied:

1. The proposed provision and configuration of Public Improvements and Right-of-Way that are adequate to serve the development, meet applicable standards of these Subdivision Regulations and conform to the County's adopted master plans for those facilities;
2. The [Preliminary Plat](#) has been duly reviewed by applicable [County](#) staff;
3. The [Applicant](#) has submitted directly to the Fire Marshal's Department and provided documentation of their approval to Development Services;
4. The [Preliminary Plat](#) conforms to design requirements and construction standards as set forth in these Subdivision Regulations and other development-related engineering standards;



5. The proposed development represented on the [Preliminary Plat](#) does not endanger public health, safety or welfare; and
6. The [Preliminary Plat](#) conforms to the [Preliminary Plat Requirements](#) ([Section 4.02.E](#)).

J. Effect of Approval

1. Approval of a [Preliminary Plat](#) shall allow the [Applicant](#) to proceed with the development and platting process by submitting [Construction Plans](#) ([Section 6.01](#)) and a subsequent [Final Plat](#) ([Section 4.03](#)).
2. Approval of the [Preliminary Plat](#) shall be deemed general approval of the Subdivision's layout only, and
3. Shall not constitute approval or acceptance of [Construction Plans](#) or a [Final Plat](#).

K. Expiration

1. Two-Year Validity
  - a. The approval of a [Preliminary Plat](#) shall remain in effect for a period of two (2) years following the date of approval, during which period the [Applicant](#) shall submit and receive approval for [Construction Plans](#) for the land area shown on the [Preliminary Plat](#).
  - b. If [Construction Plans](#) have not been approved within the two (2) year period, the [Preliminary Plat](#) shall expire.

2. Remain Valid for Construction Plans

If [Construction Plans](#) have been approved, a [Preliminary Plat](#) shall remain valid for the period of time in which the approved [Construction Plans](#) are valid ([Section 6.01.H Expiration Date for Construction Plans](#)).

3. Portion of Preliminary Plat

All portions of the [Preliminary Plat](#) that do not have approved [Construction Plans](#) prior to expiration or any extension shall become void. A new [Preliminary Plat Application](#) shall be submitted and processed.

An [Applicant](#) may request an extension for portions of the [Preliminary Plat](#) that do not have approved [Construction Plans](#) based on the requirements and procedures provided in [Section 4.02.L Preliminary Plat Extension](#).

4. Void If Not Extended

If the [Preliminary Plat](#) is not extended as provided in [Section 4.02.L Preliminary Plat Extension](#) it shall expire and shall become null and void.

L. Preliminary Plat Extension

A [Preliminary Plat](#) may be extended for a period not to exceed one (1) year beyond the [Preliminary Plat's](#) initial expiration date, unless the development consists of multiple phases. A request for extension shall be submitted to the [Development Support Committee](#) and the [Commissioners Court](#) in writing at least thirty (30) calendar days prior to expiration of the [Preliminary Plat](#) and shall include reasons why the [Preliminary Plat](#) should be extended.



A [Preliminary Plat](#) for a development with multiple phases may be extended for a period of five (5) years if progress towards completion of the project has been demonstrated by the [Applicant](#) in writing at least thirty (30) calendar days prior to expiration of the [Preliminary Plat](#). Determining if there is an acceptable demonstration of progress shall be at the discretion of the [Commissioners Court Engineering Representative](#) or other Commissioners Court designee. After the County approves the extension, subsequent progress made towards the completion of the project, if documented prior to new [Preliminary Plat](#) expiration date and approved by the County, will extend the life of the project for an additional five (5) years. If a new Preliminary Plat Application is submitted for the project, any previously approved extensions shall become null and void.

1. Progress towards the completion of the project shall include at least one (1) of the following:
  - a. A Final Plat Application compliant with these Subdivision Regulations has been submitted to the County.
  - b. A good-faith attempt has been made to the County or other regulatory agency for a permit necessary to begin or continue towards completion of the project.
  - c. Costs have been incurred for developing the project, including costs associated with roadway, utility, and other public infrastructure facilities designed to serve the project in the aggregate amount of 5% of the most recent appraised market value of the real property of the project.
2. Decision by the Development Support Committee and the Commissioners Court
  - a. The Development Support Committee and the [Commissioners Court](#) will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the request.
  - b. Should the Development Support Committee fail to forward their formal recommendation to the [Commissioners Court](#) to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
3. Considerations

In considering an extension, the Development Support Committee and the [Commissioners Court](#) shall consider whether the following conditions exist:

  - a. A [Final Plat](#) has been submitted and/or approved for any portion of the property shown on the [Preliminary Plat](#);
  - b. [Construction Plans](#) have been submitted and/or approved for any portion of the property shown on the [Preliminary Plat](#);
  - c. Construction, which includes the installation of public improvements, is occurring on the subject property; and/or
  - d. The [Preliminary Plat](#) complies with new regulations that impact the health, safety and general welfare of the [County](#).
4. Conditions
  - a. In granting an extension, the Development Support Committee and the [Commissioners Court](#) may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.



- b. Any extension may be predicated upon compliance with new development regulations and/or the [Applicant](#) waiving any vested rights.

**M. Amendments to an Approved Preliminary Plat**

**1. Minor Amendments to Preliminary Plats**

- a. Minor amendments to the design of the [Subdivision](#) may be incorporated into an [Application](#) for [Final Plat](#) approval without the necessity of filing a new [Application](#) for re-approval of a [Preliminary Plat](#).
- b. Minor amendments may only include minor adjustments in road, street or alley alignments, lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots.
- c. Any increase to the size of a property shown on a [Preliminary Plat](#) or increase to the density of single-family residential lots shown on a [Preliminary Plat](#) shall not be considered minor amendments.

**2. Major Amendments to Preliminary Plats**

All other proposed changes to the design of the [Subdivision](#) subject to an approved [Preliminary Plat](#) shall be deemed major amendments that require submittal and approval of a new [Application](#) for approval of a [Preliminary Plat](#) (including new fees, new reviews, etc.) before approval of [Construction Plans](#) and/or a [Final Plat](#).

**3. Determination of Minor or Major Preliminary Plat Amendments**

The [Development Services Director](#) and/or the [Commissioners Court Engineering Representative](#) or other Commissioners Court designee shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a [Preliminary Plat](#).

**4.03. Final Plat**

**A. Purpose**

The purpose of a [Final Plat](#) is to ensure that:

- 1. The proposed [Subdivision](#) and development of the land is consistent with all standards of these Subdivision Regulations pertaining to the adequacy of public facilities,
- 2. [Public Improvements](#) to serve the Subdivision or development have been approved by [Construction Plans](#) and built before the Final Plat is recorded with the County , and
- 3. All other County requirements and conditions have been satisfied or provided for to allow the [Final Plat](#) to be recorded.

**B. Applicability**

No subdivision of land shall be allowed without proper submittal and approval of a Final Plat.

**C. Proof of Ownership**

- 1. The [Applicant](#) shall furnish with the Application to the County a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the [Final Plat](#).



2. The [Final Plat](#) shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the [Final Plat](#), see [Section 4.02.B Applicability](#) for reference.

D. Accompanying Documents

1. A [Final Plat Application Form](#), which can be obtained from the County.
2. An Application for a [Final Plat](#) shall be accompanied by approved [Construction Plans](#) that have been approved by the County separately in accordance with [Construction Plans](#).
3. A copy of the deed restrictions/restrictive covenants imposed within the Subdivision must accompany the [Final Plat](#).
4. If there are any existing easements on the property/properties dedicated to a particular entity such as a City or utility provider, documentation must be provided proving that said entity approves of the proposed development within their easement limits.
5. If the property/properties have gone through the municipal deannexation process, documentation must be provided showing the deannexation is approved and finalized accompanying the first submittal of a final plat. Failure to provide documentation will result in a rejection of the submittal.
6. A copy of the Final Plat shall also be submitted to the County Surveyor Department by the Applicant.

E. Previously Approved Preliminary Plat

1. The [Final Plat](#) and all accompanying data shall conform to the approved [Preliminary Plat](#), or as the [Preliminary Plat](#) may have been amended per [Section 4.02.M Amendments to an Approved Preliminary Plat](#), if applicable, incorporating all conditions imposed or required.
2. A [Final Plat](#) may not need to conform to a [Preliminary Plat](#), if a [Preliminary Plat](#) was not required due to fact that the installation and/or construction of road and drainage [Public Improvements](#) is not necessary for the development.

F. Final Plat Requirements

1. [Final Plats](#) shall be drawn on an 18" x 24" sheet at a scale of 1" = 200'.
2. [Final Plats](#) are required in digital PDF format as well as one 18" x 24" Mylar or Vellum copy and two 18" x 24" paper copies.
3. The following items will be shown on the Final Plat:
  - a. The name, address and telephone number of the developer, surveyor and/or engineer.
  - b. The date the plat was prepared.
  - c. A north arrow and the scale of the plat.
  - d. A location or vicinity map showing the location of the proposed subdivision within the county and to the nearest incorporated areas with a north arrow.
  - e. The name, address and telephone number of the developer, surveyor and/or engineer
  - f. The name, location, width, and dimensions of all proposed and existing roads within the property.



- g. The number of all lots and blocks arranged in systematic order, and clearly shown on the Plat in distinct and legible figures.
- h. The size of each lot shall be indicated on the Plat in square feet and in acreage.
- i. The location of the setback line on plan-view for each lot (building setbacks should meet the minimum standards noted in [Table 9: Building Setbacks from Roadways](#) on page 58). A note with typical setback distances does not satisfy this requirement, and the setbacks must be shown graphically on the plan-view for each lot.
- j. The proposed name of the subdivision
- k. The location of existing boundary lines with bearings and distances to accurately locate the property.
- l. The accurate location, material and approximately size of all monuments and benchmarks; and
- m. The description, location, and width of any visible and apparent easements within the property shown on plan-view for each lot. A note with typical lot easements does not satisfy this requirement, and the easements must be shown graphically on the plan-view for each lot.
- n. The accurate location of adjacent subdivision roads, blocks, lots and platted [easements](#). Where there are no adjacent subdivisions, the final plat shall show:
  - i. The name of all adjacent property owners with the property deed recording information.
  - ii. The dimensions of the Right-of-Way abutting the property.
  - iii. The location and distance to adjoining subdivisions, and how the roads in the proposed subdivision may connect with those in the nearest subdivisions or other roads in the area.
- o. The location of the 100-year floodplain and all lots, or any part of a lot, that lies within the 100-year flood plain.
- p. Subdivisions that are located in a flood zone, as shown on the current [Flood Insurance Rate Map \(FIRM\)](#), must show the following on the Plat, if available:
  - i. Provide a floodplain note, "According to flood insurance rate map (firm) map no. XXXXX dated XXXXXXXX prepared by the Federal Emergency Management Agency (FEMA) for Kaufman County, Texas, this property is within zone A, AE, X>."
  - ii. Permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the Plat. The elevation of the benchmark shall be tied to a benchmark shown on the FIRM panel or sea level if not found.
  - iii. The finished base flood elevation must be shown for each lot located in and adjacent to the base floodplain elevation.
  - iv. The County may require that the owner provide, at the owner's expense, a floodplain study of the proposed development if within a flood hazard area delineated by the current Flood Insurance Rate Maps as provided by FEMA.
  - v. If the development is situated within a FEMA designated floodway a Floodplain Development Permit will be required (refer to [Section 8](#) of the Kaufman County Subdivision Regulations).
- q. A legal description of the property and locate the same with respect to an original corner of the original tract of which it is a part, and the number of acres being subdivided.



- i. All blocks, corners and angles shall be marked in accordance with minimum standards set forth by the Texas Board of Professional Land Surveyors.
  - ii. All corners shall be marked with caps, unless existing irons.
  - iii. A dedication, by the developer, of all streets, roadways, alleys, and utility **easements** intended for public use, and the developer's certifications that all parties with any interest in the title to the subject property have joined in such dedication, duly executed, acknowledged and sworn to by said developer before a Notary Public.
  - r. The seal and signature of the surveyor responsible for surveying the subdivision and/or the preparation of the Plat.
  - s. A space for the signature of the **County Judge** and **County Clerk**.
4. The following statements shall be noted on the face of the Plat:
- a. Blocking the flow of water or construction improvements in drainage **easements**, and filling or obstruction of the **Floodway** is prohibited.
  - b. The existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
  - c. County will not be responsible for the maintenance and operation of said drainage ways for the control of erosion.
  - d. County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.
  - e. County will not be responsible for the availability or delivery of any private well water in a subdivision.
  - f. All culverts within any Right-of-Way shall require County permit approval and meet minimum County standards.
  - g. No road, street, or public improvement dedicated by this Plat shall be maintained by Kaufman County in the absence of an express Order of the Commissioners Court, entered of record in the minutes of the Commissioners Court of Kaufman County, specifically identifying any such road, street, or public improvement and specifically accepting such for County maintenance.
  - h. The Kaufman County Thoroughfare Plan indicates that \_\_(state the name of abutting roadway reflected on the MTP)\_\_ is a \_\_(state thoroughfare type as identified on the MTP)\_\_ arterial road.
    - i. If no road classification exists on the Kaufman County Thoroughfare Plan, then the following note shall be used, "According to the Kaufman County Thoroughfare, there is no classification for \_\_(name of road)\_\_."



- i. Easements: Any public utility, including the county, shall have the right to remove and keep clear all or part of any building, fences, trees, overgrown shrubs or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easement or right-of-way shown on the plat (or filed by separate instrument that is associated with said property); and any public utility, including the county, shall have the right at all times an ingress and egress to and from upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of it its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The county can remove trees or any other improvement(s) and does not have the responsibility to replace them.
5. If the Plat contains [Private Streets](#), and private emergency access easements:
  - a. The following statement shall be included:

“All private streets (drives and roads) will be signed in a manner that indicates its private status: County shall not be responsible for maintenance of [Private Streets](#), drives, emergency access easements, recreation areas and open spaces, and the owners shall be responsible for the maintenance of private streets, drives, emergency access easements, recreation areas and open spaces and said owners agree to indemnify and save harmless Kaufman County from all claims, damages, and losses arising out of or resulting from performance of the obligations of said owners set forth in this paragraph.”
  - b. The title block shall include the following wording before the name “Private Road Subdivision” to clearly indicate [Private Streets](#) are used.
6. A property within or adjacent to a FEMA designated floodplain shall include the following statements on the face of the plat:

100-Year Floodplain Easement Restriction:

Construction within the floodplain may not occur until approved by the County. (A request for construction within the floodplain easement must be accompanied with detailed engineering plans and studies indicating that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners or the property affected by such construction becoming a party to the request.) Where construction is approved, all finished floor elevations shall be a minimum of two (2) feet above the 100-year base flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.

Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing his/her property clean and free of debris, silt, or any substance that would result in unsanitary conditions. The County shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions, which may occur. The County is not obligated to maintain or assistance with maintenance of the area.

The natural drainage channel, as in the case of all-natural drainage channels, are subject to stormwater overflow and natural bank erosion. The County shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the Floodway easement line as shown on the plat. If a Subdivision alters the horizontal or vertical floodplain, a FEMA Floodway map revision may be required.



G. Review by Development Services Director

The [Development Services Director](#) shall:

1. Initiate review of the Plat and materials submitted,
2. Make available Plats and reports to the Development Support Committee and the [Commissioners Court](#) for review, and
3. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Development Support Committee and the Commissioners Court.
4. Shall ensure that the Applicant has received a letter of acceptance by the County Surveyor Department prior to being considered by the Development Support Committee and the Commissioners Court for action.

H. Action by the Development Support Committee:

1. The Development Support Committee shall review the [Final Plat](#) and the findings of the [Development Services Director](#) to determine whether the [Final Plat](#) conforms to these [Subdivision Regulations](#), and either provide a recommendation of approval or denial to the [Commissioners Court](#).
2. The Development Support Committee must forward their recommendation of approval or denial to the Commissioners Court with sufficient time for the Commissioners Court to act within thirty (30) calendar days following [Official Submission Date](#) unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) as outlined in [Section 3.03.B](#).

I. Action by the Commissioners Court

The [Commissioners Court](#) shall:

1. Review the [Final Plat Application](#) the findings of the [Development Services Director](#) and the recommendation of the Development Support Committee.
2. Act within thirty (30) calendar days following the [Official Submission Date](#) unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) as outlined in [Section 3.03.B](#).
  - a. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period described above, then the following may occur according to [Chapter 232.0025](#), TLGC.
    - i. The [Commissioners Court](#) shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid;
    - ii. The application is granted by operation of law; and
    - iii. The applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the [Commissioners Court](#) to issue documents recognizing the plat application's approval.
3. Take one of the following actions and provide reason(s) for their decision to either:
  - a. Approve the [Final Plat](#) or
  - b. Deny the [Final Plat](#).
4. A motion to approve a [Final Plat](#) shall be subject to the following conditions, regardless of whether stated in the motion to approve:



- a. All required fees shall be paid.
- b. All covenants required by ordinances have been reviewed and approved by the County.
- c. On-site easements and Right-of-Way have been dedicated and filed of record and properly described and noted on the proposed plat.
- d. All required abandonments of public Right-of-Way or easements that must be approved by the [Commissioners Court](#) and are required to be noted on the [Plat](#) are shown on the [Plat](#).
- e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.

**J. Criteria for Approval**

The following criteria shall be used by the Development Support Committee and the [Commissioners Court](#) to determine whether the [Final Plat](#) shall be approved or denied.

1. The [Final Plat](#) conforms to the approved [Preliminary Plat](#) except for minor amendments that are authorized under [Section 4.02.M Amendments to an Approved Preliminary Plat](#) and that may be approved without the necessity of revising the approved [Preliminary Plat](#);
2. All conditions imposed at the time of approval of the [Preliminary Plat](#), as applicable, have been satisfied;
3. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in these Subdivision Regulations;
4. The [Plat](#) conforms to design requirements and construction standards as set forth in these Subdivision Regulations and other development-related engineering standards; and
5. The plat conforms to the [Final Plat Requirements \(Section 4.03.F\)](#).
6. The Applicant has received a Letter of Acceptance from the County Surveyor Department.
7. The Applicant has received a letter of Approval from the Fire Marshal.
8. The Applicant has received a letter of Approval from the County Engineer.

**K. Plat Recordation**

Once the [Final Plat](#) is approved by [Commissioners Court](#), the [Developer](#) or the [Applicant](#) shall follow the recording procedures listed below for the [Final Plat](#).

1. The [Final Plat](#) shall not be approved for recordation until the completion of the subdivision roads and other required improvements have been constructed and have been confirmed complete during the final inspection by the [Commissioners Court Engineering Representative](#). Refer to [Section 6.06.B.2 Final Inspection](#) to review the final inspection process.
2. The [Development Services Director](#) shall issue a [Letter of Public Improvement Compliance](#) after the final inspection has been conducted to confirm that the public improvements were constructed to the County's specifications.
  - a. The subdivision improvements will not be accepted until two years from the date the Compliance is issued. Additionally, Public improvements must be accepted by court order. The court order shall be considered by the Development Support Committee and approved by the [Commissioners Court](#).



3. The developer shall be required to submit a [Warranty Bond](#), as prescribed in [Section 6.07 Warranty Bond](#), to insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the County for two (2) years from the date of [Letter of Public Improvement Compliance](#) is issued. The [Warranty Bond](#) shall be provided to the County after the [Letter of Public Improvement Compliance](#) is issued and prior to the plat being recorded with the [County Clerk](#).
4. The [County Judge](#) shall sign the [Final Plat](#) once the construction of required improvements have been completed (as noted in [Section 4.03.K.1](#)), a Letter of Public Improvement Compliance has been issued (as noted in [Section 4.03.K.2](#)), and a warranty bond has been submitted to the County (as noted in [Section 4.03.K.3](#)). The developer will be authorized to record the plat after the [County Judge](#) (with the [County Clerk](#) attesting) has signed the final plat. The [Final Plat](#) will be recorded in accordance with [Section 4.03.L Procedures for Final Plat Recordation](#) (refer to ).

L. Procedures for Final Plat Recordation

1. Number of Copies of the Final Plat and Applicant Signatures

Contained within the [Final Plat Application](#), the [Applicant](#) shall provide the required number of signed and executed copies of the [Final Plat](#) for filing with the County, as required by the [Development Services Director](#).

2. County Signatures

After approval of the Final Plat by the [Commissioners Court](#), the [Development Services Director](#) shall procure the appropriate County signatures on the Final Plat within ten (10) business days from the date at which the Commissioners Court approved the [Final Plat](#).

M. Effect of Recordation

The recordation of a [Final Plat](#):

1. Supersedes any prior approved [Preliminary Plat](#) for the same land.
2. Authorizes the [Applicant](#) to start construction of [Public Improvements](#) and sell or transfer lots.

N. Amendments Following Recordation

Revisions may only be processed and approved as an [Amending Plat](#), and [Revision of a Plat \(Replat\)](#).

O. Signature Blocks

The [Development Services Director](#) shall develop and maintain wording for [Final Plat](#) signature blocks. This wording shall be made available to the general public via the [County's](#) development handbook or similar type document.

#### 4.04. **Amending Plat**

A. Purpose

As authorized by [Texas Local Government Code 232.011](#), the purpose of an [Amending Plat](#) shall be to provide an expeditious means of making minor revisions to a recorded Plat.

B. Applicability



The Commissioners Court may approve and issue an Amending Plat, if the Amending Plat is signed by the Applicants and filed for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding Plat;
2. To add a course or distance that was omitted on the preceding Plat;
3. To correct an error in a real property description shown on the preceding Plat;
4. To 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;
5. To correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, road names, and identification of adjacent recorded Plats; or
6. To 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 other owners of the property that is the subject of the Plat.

**C. Notice, Public Hearing, and Approval of Other Lot Owners Not Required**

Per [TLGC 232.011\(c\)](#), notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an [Amending Plat](#).

**D. Application Requirements**

1. The [Amending Plat Application Form](#) can be obtained from the County.
2. The Amending Plat shall also show the list of items required for a Final Plat (refer to [Section. 4.03.F](#)).
3. A copy of the Amending Plat shall also be submitted to the County Surveyor Department by the Applicant.

**E. Review by Development Services Director**

1. The [Development Services Director](#) shall initiate review of the [Amending Plat](#) and materials submitted.
2. Shall ensure that the Applicant has received a letter of acceptance by the County Surveyor Department prior to being considered for action by the Development Support Committee and the Commissioners Court.

**F. Action by the Development Support Committee:**

1. The Development Support Committee shall review the [Amending Plat](#) and the findings of the [Development Services Director](#) to determine whether the [Amending Plat](#) conforms to these [Subdivision Regulations](#), and either provide a recommendation of approval or denial to the [Commissioners Court](#).
2. The Development Support Committee must forward their recommendation of approval or denial to the Commissioners Court with sufficient time for the Commissioners Court to act within thirty (30) calendar days following the [Official Submission Date](#), unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) as outlined in [Section 3.03.B](#).

**G. Action by the Commissioners Court**



The [Commissioners Court](#) shall:

1. Review the [Amending Plat Application](#) and the findings of the [Development Services Director](#) and the recommendation of the Development Support Committee.
2. Act within thirty (30) calendar days following the [Official Submission Date](#), unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) as outlined in [Section 3.03.B](#).
  - a. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period described above, then the following may occur according to [Chapter 232.0025](#), TLGC.
    - i. The [Commissioners Court](#) shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid;
    - ii. The application is granted by operation of law; and
    - iii. The applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the [Commissioners Court](#) to issue documents recognizing the plat application's approval.
3. Take one of the following actions with the reason(s) to either:
  - a. Approve the [Amending Plat](#), or
  - b. Deny the [Amending Plat](#).

#### H. Criteria for Approval

The following criteria shall be used by the Development Support Committee and the [Commissioners Court](#) to determine whether the [Amending Plat](#) shall be approved or denied.

1. The [Amending Plat](#) fulfills the requirements of [Applicability \(Section 4.04.B\)](#), and
2. The [Amending Plat](#) conforms to the [Amending Plat Application](#) checklists.

#### I. Effect of Approval

The [Amending Plat](#) controls over the preceding [Plat](#) without the vacation, revision, or cancellation of the preceding [Plat](#).

### 4.05. **Cancellation of a Subdivision**

#### A. Authority

The cancellation of a [Subdivision](#) shall be pursuant to [Texas Local Government Code Section 232.008](#). The following [Section 4.05](#) is written in agreement with [TLGC 232.008](#).

#### B. Applicability

Pursuant to [TLGC 232.008\(a\)](#), this [Section 4.05](#) applies only to real property located outside municipalities and the extraterritorial jurisdiction of municipalities, as determined under [TLGC Chapter 42](#).

#### C. Process



1. Pursuant to [TLGC 232.008\(b\)](#), a person owning real property that has been subdivided into lots and blocks or into small [Subdivisions](#) may apply to the Development Support Committee and the [Commissioners Court](#) for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the [Subdivision](#).
2. If, on the [Application](#), it is shown that the cancellation of all or part of the [Subdivision](#) does not interfere with the established rights of any purchaser who owns any part of the [Subdivision](#), or it is shown that the purchaser agrees to the cancellation, the Development Support Committee and the [Commissioners Court](#) by order shall authorize the owner of the [Subdivision](#) to file an instrument canceling the [Subdivision](#) in whole or in part.
3. The instrument must describe the [Subdivision](#) or the part of it that is canceled.
4. The Development Support Committee and the [Commissioners Court](#) shall enter the order in its minutes.
5. After the cancellation instrument is filed and recorded in the deed records of the County, the County tax assessor-collector shall assess the property as if it had never been subdivided.

**D. Notice of Cancellation**

1. Pursuant to [TLGC 232.008\(c\)](#), the [Development Services Director](#) shall publish notice of an [Application](#) for cancellation.
2. The notice must be published in a newspaper, published in the English language, in the County for at least three weeks before the date on which action is taken on the [Application](#).
3. The Development Support Committee and the [Commissioners Court](#) shall take action on an [Application](#) at a regular term.
4. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice.

**E. Delinquent Taxes**

1. Pursuant to [TLGC 232.008\(d\)](#), if delinquent taxes are owed on the subdivided tract for any preceding year, and if the [Application](#) to cancel the [Subdivision](#) is granted as provided by this section, the owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided.
2. For the purpose of assessing the tract for a preceding year, the County tax assessor-collector shall back assess the tract on an acreage basis.

**F. Public Hearing and Protest; Cases with Commissioners Court Discretion**

1. Pursuant to [TLGC 232.008\(e\)](#), on Application for cancellation of a Subdivision or any phase or identifiable part of a Subdivision, including a dedicated easement or roadway, by the owners of 75 percent of the property included in the subdivision, phase, or identifiable part, the Commissioners Court with recommendation of approval by the Development Support Committee shall authorize by court order the cancellation of the plat after notice and a hearing is provided by [Section 4.05.C \(Process\)](#) and [Section 4.05.D \(Notice of Cancellation\)](#).
2. However, if the owners of at least 10 percent of the property affected by the proposed cancellation file written objections to the cancellation with the Development Support Committee and the Commissioners Court, the grant of an order of cancellation is at the discretion of the Commissioners Court.

**G. Cancellation or Closing of a Roadway or Easement in a Subdivision**



Pursuant to [TLGC 232.008\(f\)](#), to maintain an action to enjoin the cancellation or closing of a roadway or easement in a [Subdivision](#), a person must own a lot or part of the [Subdivision](#) that:

1. Abuts directly on the part of the roadway or easement to be canceled or closed; or
2. Is connected by the part of the roadway or easement to be canceled or closed, by the most direct feasible route, to:
  - a. The nearest remaining public highway, county road, or access road to the public highway or County road; or
  - b. Any uncanceled common amenity of the [Subdivision](#).

**H. Damages for Protestors**

1. Pursuant to TLGC 232.008(g), a person who appears before the Development Support Committee and the Commissioners Court to protest the cancellation of all or part of a Subdivision may maintain an action for damages against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled Subdivision or part of the Subdivision.
2. The person must bring the action within one (1) year after the date of the entry of the [Commissioners Court's](#) order granting the cancellation.

**I. Cases Where the Commissioners Court may Deny Cancellation**

Pursuant to TLGC 232.008(h), regardless of the date land is subdivided or a plat is filed for a Subdivision, the Commissioners Court may deny a cancellation if the Development Support Committee and the Commissioners Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

**J. Review and Recommendation by the Development Services Director**

The [Development Services Director](#) shall:

1. Initiate review of the [Cancellation of a Subdivision Application](#) and materials submitted; and
2. Recommend action on the [Cancellation of a Subdivision](#) to the Development Support Committee and the [Commissioners Court](#).

**K. Action by the Development Support Committee**

1. The Development Support Committee shall review [Cancellation of a Subdivision](#) and the findings of the Development Services Director to determine whether the plat for the Cancellation of a Subdivision conforms to these Subdivision Regulations, and either provide a recommendation of approval or denial to the Commissioners Court.
2. The Development Support Committee must forward their recommendation of approval or denial to the Commissioners Court with sufficient time for the Commissioners Court to act within thirty (30) calendar days following the [Official Submission Date](#), unless the Applicant submits a [Waiver of Right to 30-Day Action](#) as outlined in [Section 3.03.B](#).

**L. Action by the Commissioners Court**

The [Commissioners Court](#) shall:



1. Review the [Cancellation of a Subdivision](#) Application, the findings of the [Development Services Director](#), and the recommendation of the Development Support Committee; and
2. Determine whether or not the plat for the [Cancellation of a Subdivision](#) should be vacated per criteria in [Section 4.05.I](#) or [Section 4.05.I](#).
3. Take one of the following actions with the reason(s) to either:
  - a. Approve the [Cancellation of a Subdivision](#); or
  - b. Deny the [Cancellation of a Subdivision](#).

#### **4.06. Revision of a Plat (Replat)**

##### **A. Purpose**

As authorized by [Texas Local Government Code 232.009](#) the purpose of a [Revision of a Plat \(Replat\)](#) shall be to revise a recorded plat.

##### **B. Applicability**

Per [TLGC 232.009.\(a\)](#), a person who own real property in a tract that has been subdivided and that is subject to the subdivision controls of the County in which the property is located may apply in writing to the Commissioners Court for permission to revise the subdivision plat that applies to the property and that is filed for record with the County Clerk.

##### **C. Notice and Public Hearing**

1. Per [TLGC 232.009.C](#) noticing shall be issue notice in the a newspaper of general circulation in the County, and must include the time and place at which the court will meet to consider the application and to hear protests to revision of the plat. The notice must be published at least three times during the period that begin on the 30<sup>th</sup> day and ends on the 7<sup>th</sup> day before the date of the meeting.
  - a. If all or part of the subdivided tract has been sold to non-developer owners, the court shall also give notice to each of those owner(s) by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.

##### **D. Notice Exceptions**

Noticing listed in [Section 4.06.C](#) is not required in the following circumstances listed below:

1. The [Revision of a Plat \(Replat\)](#) does not affect a public interest or public property of any type, including but not limited to a park, school or road, however the Commissioners Court shall:
  - a. Provide written notice of the application to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the central appraisal district of the county in which the lots are located; and
  - b. Post notice of the application continuously on the website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting.
2. The [Commissioners Court](#) and the [Development Services Director](#) is not required to give notice by mail if the revised plat or part of a plat only combines existing tracts.

##### **E. Application Requirements**



1. The [Application Form](#) can be obtained from the [County](#).
  2. The Revision of a Plat shall also show the list of items required for a Final Plat (refer to [Section 4.03.F](#)).
  3. A copy of the [Revision of a Plat \(Replat\)](#) shall also be submitted to the County Surveyor Department by the Applicant.
- F. Review by Development Services Director
1. The [Development Services Director](#) shall initiate review of the [Revision of a Plat](#) and materials submitted.
  2. Shall ensure that the Applicant has received a letter of acceptance by the County Surveyor Department prior to being considered for action by [Development Support Committee](#) and the Commissioners Court.
- G. Action by the Development Support Committee:
1. The Development Support Committee shall review the [Revision of a Plat](#) and the findings of the Development Services Director to determine whether the [Revision of a Plat](#) conforms to these Subdivision Regulations, and either provide a recommendation of approval or denial to the Commissioners Court.
  2. The Development Support Committee must forward their recommendation of approval or denial to the Commissioners Court with sufficient time for the Commissioners Court to act within thirty (30) calendar days following the [Official Submission Date](#), unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) as outlined in [Section 3.03.B](#).
- H. Action by the Commissioners Court
- The [Commissioners Court](#) shall:
1. Review the [Revision of a Plat Application](#) and the findings of the [Development Services Director](#) and the recommendation of the Development Support Committee.
  2. Act within thirty (30) calendar days following the [Official Submission Date](#), unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) as outlined in [Section 3.03.B](#).
    - a. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period described above, then the following may occur according to [Chapter 232.0025](#), TLGC.
      - i. The [Commissioners Court](#) shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid;
      - ii. The application is granted by operation of law; and
      - iii. The applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the [Commissioners Court](#) to issue documents recognizing the plat application's approval.
  3. Take one of the following actions with the reason(s) to either:
    - a. Approve the [Revision of a Plat](#), or
    - b. Deny the [Revision of a Plat](#).
- I. Criteria for Approval
- The following criteria shall be used by the Development Support Committee and the Commissioners Court to determine whether the [Revision of a Plat \(Replat\)](#) meets the following criteria:



1. The revision will not interfere with the established rights of any owner of a part of the subdivided land; or
2. Each owner whose right may be interfered with has agreed to the revisions.

J. Effect of Approval

The [Revision of a Plat \(Replat\)](#) controls over the preceding Plat with the vacation, revision or cancellation of the preceding plat. The [Revision of a Plat \(Replat\)](#) only effects the lots shown on the [Revision of a Plat \(Replat\)](#) and may leave other lots within the original plat unchanged.



## Section 5. Subdivision Design Standards

### 5.01. General Standards

#### A. Conformance to Plans and Codes

Design and construction of [Public Improvements](#) must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation:

1. Kaufman County Thoroughfare Plan, if applicable;
2. Federal, State and Local Environmental Regulations;
3. Texas Water Code;
4. Texas Commission on Environmental Quality;
5. Fire Code;
6. Texas Department of Transportation (TxDOT) Driveway Permitting Process;
7. Wetland Regulation under Section 404 of the Clean Water Act; and
8. All other codes and ordinances of the [County](#).

#### B. Observation of Construction Work for Public Improvements

1. All construction work, such as road grading, road paving, storm sewers, or curb and/or gutter performed by the owner, developer, or contractor, shall be subject to observation during construction by the proper authorities of the [County](#).
2. All construction work, as mentioned above, shall be constructed in accordance with the specifications approved by the [County](#).
3. The standards herein are minimum standards for safety and adequacy.

### 5.02. Adequate Public Facilities

#### A. Services Required

Land proposed for development in the [County](#) must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway facilities, drainage facilities and Fire Protection.

#### B. Approval Timing

Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for such facilities, whether the facilities are to be located within the property being developed or off-site.



### 5.03. Street Standards

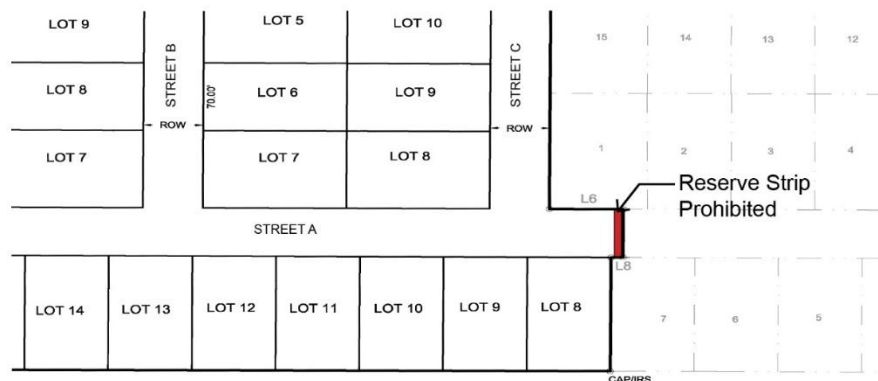
#### A. Adequate Roads

1. The property owner shall ensure that the Subdivision is served by adequate roads and shall be responsible for the costs of Right-of-Way and road improvements in accordance with the County street sections contained in [Section 5.03.D Street Specifications](#) following policies and standards of the [Kaufman County 2035 Thoroughfare Plan](#).
2. Additional Right-of-Way may be required at some road intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.

#### B. General Requirements

1. Existing and proposed roadways must be designed in accordance with the [Kaufman County 2035 Thoroughfare Plan](#) and [Street Specifications \(Section 5.03.D\)](#) contained herein.
  - a. The arrangement of roads must provide for the continuation of roads between adjacent properties when the continuation is necessary for the safe and efficient movement of traffic and for utility efficiency.
  - b. The arrangement, character, extent, pavement width, Right-of-Way width, grade and location of each road shall be considered in its relationship to the Kaufman County Thoroughfare Plan to existing and planned roads, topographical conditions, public safety and convenience, and its relationship to the proposed uses of land to be served by such road.
2. Whenever a tract to be subdivided abuts any part of any road so designated on the [Kaufman County 2035 Thoroughfare Plan](#), or where a road designated on the Kaufman County Thoroughfare Plan crosses any part of the tract to be subdivided, such part of the proposed public road shall be platted, the Right-of-Way shall be dedicated, and the road shall be constructed by the Developer, consistent with the location as indicated on the Kaufman County Thoroughfare Plan, and the requirements contained within these regulations; if required by the Commissioners Court.
3. The reservation of strips of land in private ownership (e.g., [Reserve Strip](#)) at the end of proposed or existing roads and intended solely or primarily for the purpose of controlling access to property not included in the [Subdivision](#) shall be prohibited. Refer to [Figure 1 Example of a Reserve Strip](#).

Figure 1: Example of a Reserve Strip





### C. Street Classification Descriptions

The [Kaufman County Thoroughfare Plan](#) (Order No. 06-82216) recommended five functional street classifications (Major, Principal Arterial, Major Arterial, Minor Arterial, Collector) each with a rural and urban cross section (Refer to ). The [Local Road](#) section was incorporated in the [Subdivision Regulations](#) in addition to the [County](#) Transportation Plan street sections to serve residential development and public facilities (such as schools, parks, etc.). Only the rural street sections are noted in .

#### 1. Majors (Highways and Freeways)

Highways and freeways are the highest capacity thoroughfare in the transportation system. This thoroughfare usually requires [Right-of-Way](#) width as per Section 5.03.D and provide no direct access to adjacent properties. Access is restricted to widely spaced interchange points, and land adjacent to the freeway is usually accessed by a parallel frontage road that are separated from the main freeway lanes.

- a. Roadways that are also on a State Highway System must conform to TxDOT (Texas Department of Transportation) standards which are disclosed in the TxDOT Access Management Manual. Any improvements to state highways shall require a TxDOT Permit. Approval of a TxDOT permit shall be required prior to construction plans being approved by the [Commissioners Court Engineering Representative](#).
- b. Existing and proposed major roads that are designated on the [Kaufman County 2035 Thoroughfare Plan](#) may need to be dedicated to the County as public Right-of-Way.

#### 2. Principal Arterial

The primary function of [Principal Arterials](#) is to provide continuous and high-volume traffic movement between major traffic centers. This thoroughfare is typically spaced 1-mile intervals. Since Principal Arterials carry high volumes of traffic it is essential to have direct and continuous alignment with highways and freeways.

- a. Existing and proposed Principal Arterials that are designated on the [Kaufman County 2035 Thoroughfare Plan](#) may need to be dedicated to the County as public Right-of-Way.

#### 3. Major Arterial

Like Principal Arterials, Major Arterials also carry high traffic volumes however they generally require less right-of-way width. These thoroughfares are typically spaced at 1-mile intervals.

- a. Existing and proposed arterial roads that are designated on the [Kaufman County 2035 Thoroughfare Plan](#) may need to be dedicated to the County as public Right-of-Way.

#### 4. Minor Arterial

The primary function of the [Minor Arterial](#) is to provide for continuity and high-volume traffic movement between major traffic centers. It also collects and distributes traffic from streets of lower classifications to the Principal Arterials and Major Arterials. These thoroughfares are typically spaced ½ mile intervals unless terrain or barriers create a major deviation. Minor Arterials range from 80 to 100 feet in Right-of-Way width.

- a. Existing and proposed Minor Arterials that are designated on the [Kaufman County 2035 Thoroughfare Plan](#) may be required to be dedicated to the County as public Right-of-Way.

#### 5. Collector Road



**Collector roads** carry traffic from **Local Roads** to arterial roads. Collector Roads require 80 to 100 feet of public Right-of-Way.

- a. Existing and proposed s that are designated on the **Kaufman County 2035 Thoroughfare Plan** may be required to be dedicated to the County as public Right-of-Way.

6. Local Road

**Local Roads** distributes traffic to and from residences and are 60 feet in right-of-way width. Local Roads are short in length and non-continuous to discourage through traffic. A Local Road is a road used primarily for access to abutting property, especially residential areas. Local Roads also provides secondary or minor access and circulation to community facilities (school, parks, etc.) and other traffic generators such as commercial and industrial areas.

D. **Street Specifications**

All Thoroughfares shall conform to the following specifications (refer to **Section 5.03**):

Table 5: Kaufman County Street Sections						
<i>Functional Classification</i>	Local Roads	Collector Roads	Minor Arterials	Major Arterials	Principal Arterials	Major Freeways/Highways
Design Speed	20 MPH	35 MPH	35 MPH	35 MPH	45 MPH	See Tx-DOT Roadway Design Manual or the jurisdiction responsible for that freeway/highway.
Number of Lanes	2	2 - 4	2 - 4	2 - 4	3-6	
Minimum Row Width	60'	80' - 100'	80' - 100'	80' - 100'	100' - 120'	
Minimum Pavement Width	27'	30' - 44'	30' - 44'	30' - 44'	36' - 48'	
Minimum Thickness	6"	7"	7"	7"	8"	
PSI	1. If slip form paver used: Concrete batch design with minimum 3,600 PSI comprehensive strength in 28 days. 2. If hand-poured: Concrete batch design with minimum 4,000 PSI comprehensive strength for 28 days.					
Minimum Width of Shoulders	0'	4'	4'	4'	4-10'	
Minimum Centerline Radius	150'	500'	500'	500'	1,000'	
Minimum Radius for Edge of Pavement at Intersections	28'	50'	50'	50'	75'	
Minimum Stopping Sight Distance	115'	250'	250'	250'	360'	
Minimum Ditch Side Slopes	4:1	4:1	4:1	4:1	4:1	



E. Minimum Driveway Spacing from Intersections

[Table 6](#) below shows the minimum distance requirements for driveways proposed along [County](#) Street Section (refer to Section [.](#) ).

Table 6: Minimum Driveway Spacing from Intersections			
Type of Street Driveway is On	Type of Street Intersected	Minimum Driveway Spacing from Intersection	
		Approach Side of Intersection	Departure Side of Intersection
Principal Arterial <b>Major Arterial</b>	Principal Arterial Major Arterial	150'	100'
Principal Arterial <b>Major Arterial</b>	Minor Arterial Collector	150'	75'
Minor Arterial <b>Collector</b>	Principal Arterial Major Arterial	100'	100'
Minor Arterial <b>Collector</b>	Minor Arterial Collector	100'	75'

**Notes:**

- 1.State standards shall apply for properties fronting along state or federal roads.
- 2.Residential driveways should generally be located on a local street section.
- 3.For curbed streets, the minimum corner clearance shall be defined as the distance between the intersection of the projected curb lines of the two streets and the point of tangency of the driveway curb returns at the street curb.
- 4.For rural streets, the minimum corner clearance shall be defined as the distance between the intersection of the projected edge of pavement lines of the two streets and the intersection of the edge of driveway pavement at edge of pavement of the street.

F. Driveway Spacing

[Table 7](#) below show the maximum number of driveways per lot and the minimum spacing between other driveways.

Table 7: Driveway Spacing			
Land Use	Frontage	Maximum Number of Driveways Per Property	Minimum Spacing Between Driveways
Single-Family	90' or greater	2	20'
Single-Family	Less than 90'	1	N/A
Single-Family Attached Multifamily	90' or greater	2	20'
Single-Family Attached Multifamily	Less than 90'	1	N/A
Commercial Industrial	250' or more <sup>1</sup>	2	100'
Commercial Industrial	Less than 250' <sup>1</sup>	1	N/A

<sup>1</sup> An additional driveway may be added for each additional 500 feet of lot width in excess of 250 feet. State standards shall apply for properties fronting along state or federal roads.



**G. Driveway Approach**

The table below shows the [driveway approach](#) for [County](#) Street Sections (refer to Section ).

Table 8: Driveway Approach				
Land Use	Driveway Approach			
	Approach Width <sup>1</sup>		Pavement Edge/Curb Radius	
	Minimum	Maximum	Minimum	Maximum
<b>Residential</b>				
Single Family	12	20	5	10
Single Family Attached & Multifamily	20	24	15	30
<b>Nonresidential</b>				
Retail & Office	24	30	15	30
Industrial	24	45	25	60

<sup>1</sup>The minimum and maximum approach widths are for the point where pavement edge/curb radii (from the public street) end or the approach width at the right of way line.

All access drives within County right-of-way located within the interior of subdivisions shall satisfy the following criteria:

1. Access drives shall have a minimum six (6) inches in thickness of concrete.
2. Only one (1) access point (i.e., driveway) shall be allowed per lot or tract of land along roads identified as 80 feet of right-of-way or more on the Master Thoroughfare Plan. If multiple access points are desired on the same lot, it shall meet Tx-DOT’s Access Management Standards, Table 2-2 and Section II (A) & (E).
3. Lots or tracts of land with direct driveway access to roads indicated on the Master Thoroughfare Plan shall not be allowed without meeting one of the following alternatives:
  - a. The lot or tract provides access via a parallel slip street.
  - b. Plat or filed instrument and built on-site shows shared access drive and shared access easements between multiple lots.
  - c. The lot or tract meets any other alternative that satisfies the Department of Development Director and/or County Engineer that significantly reduces the number of drive cuts.

**H. Street Design Criteria**

Streets shall conform to specifications included within these Subdivision Regulations ([Section 5.03.D Street Specifications](#)) and the [Kaufman County 2035 Thoroughfare Plan](#). Standard specifications for construction shall be in the accordance with the latest edition of the Standard Specifications for Public Works Construction as published by the North Central Texas Council of Governments (NCTCOG).

1. The arrangement and location of all proposed roads shall conform to the Kaufman County Thoroughfare Plan, to the extent required by the Commissioners Court.
  - a. Where roads are not shown within the [Kaufman County Thoroughfare Plan](#), the arrangements of roads in the Subdivision shall provide for the continuation or appropriate projection of existing [Principal Arterial](#) roads in surrounding areas.



2. Where a Subdivision is developed in phases, roads in all phases shall be designed to coordinate with the roads within the initial phase of the Subdivision.
3. Where adjoining areas are not subdivided, the arrangement of roads in the Subdivision shall make provision for the proper projection of roads into such unsubdivided area.
4. To ensure adequate access to each Subdivision, specifically for one and two family residential developments, the [Commissioners Court](#) may require at least two (2) points of ingress and egress for subdivisions with thirty (30) lots or more.
5. Minimum roadway slope of 0.5% required to provide adequate drainage.
6. All roads or roads more than one hundred (100) feet in length shall either be connected at both ends to a dedicated road, or be provided a cul-de-sac in conformance with [Section 5.03.H.11 Cul-de-Sacs and Dead-End Streets](#).
7. Driveway cuts to residential uses shall not be allowed on [Arterial Streets](#) or [Collector Street](#).
8. No decorative squares, trees, "islands", ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the Right-of-Way of any road and within public property maintained by the County (Refer to [Section 14 Site Development Authorization](#)).
9. Road Intersections
  - a. Intersections of [Arterial Streets](#) and Collector Streets shall not vary from a ninety (90) degree angle of intersection by more than five (5) degrees.
  - b. Intersections of Collector Streets and [Local Streets](#) shall not vary from ninety (90) degrees by more than fifteen (15) degrees.
10. Local Streets
  - a. [Local Streets](#) shall be designed and provided in accordance with these [Subdivision Regulations](#).
  - b. [Local Streets](#) shall be laid out so that their use by through-traffic shall be discouraged.
  - c. To encourage lower motor vehicle speeds through residential neighborhoods, [Local Streets](#) should be designed to avoid straight sections in excess of eight hundred (800) feet in length.
  - d. [Local Streets](#) shall be extended or stubbed out to the tract boundary to provide future connection with adjoining unplatted land. In instances where the street stubs out would traverse an adjacent 100-year floodplain the spacing of the street crossing shall not exceed one half mile. Subdivisions shall be designed to connect to adjacent existing stub out streets as provided on an approved [Preliminary Plat](#) or [Final Plat](#).
  - e. The Developer shall, at the Developer's cost and expense, pay for constructing all [Local Streets](#) and alleys within the Developer's Subdivision.
11. Cul-de-Sacs and Dead-End Streets
  - a. Cul-de-sacs
    - i. A cul-de-sac street shall be platted and constructed with a surfaced turnaround area of 120 feet in outside diameter and a street property line (ROW) diameter of at least 105 feet.
    - ii. A cul-de-sac street shall have an outside edge of pavement of at least 80-foot diameter.



- iii. A cul-de-sac shall not exceed one thousand five hundred (1,500) feet in length, measured from the intersection of the closest street intersection to the center of the cul-de-sac. Cul-de-sacs on roads not maintained by the County may be exempt from this length requirement. Both shall still meet [Kaufman County Fire Code](#) requirements.
  - iv. The maximum number of lots that a cul-de-sac shall serve is 15 residential lots. The total number of lots shall consider lots on both sides of the street.
- b. **Dead-End Streets**
- i. Dead-end streets are prohibited unless the street design meets the above cul-de-sac ([Section 5.03.H.11.a](#)) requirements or unless the street is intended to be extended in the future and the dead-end design is only temporary in nature and meets Fire Marshal approval.
  - ii. If a temporary dead-end street is permitted, turnaround pavement meeting the dimensions listed for cul-de-sacs in [Section 5.03.H.11.a \(Cul-de-sacs\)](#) and a temporary turnaround easement meeting the dimensions listed for the Right-of-Way in [Section 5.03.H.11.a \(Cul-de-sacs\)](#) shall be provided on the Plat.
    - a) The portion of the temporary turnaround easement lying outside of the Right-of-Way shall be designated on the Final Plat as a temporary easement.
    - b) In the event that the temporary dead-end street (as approved and shown on the Final Plat) is extended in the future, the portions of the temporary turnaround easement shall revert back to the lot(s) abutting the temporary turnaround easement.
- c. **Drainage Improvements**
- i. Provisions shall be made for adequate storm drainage at the ends of dead-end streets.
- d. **Barricades**
- i. Barricades and other traffic controls shall be installed by the [Developer](#) at dead-ends in accordance with [County](#) specifications.
  - ii. Barricades and other traffic control signs and markings shall be maintained by the [Developer](#) or [Homeowners' or Property Owners' Association](#).
- I. **Right-of-Way Dedications**
- Any Subdivider laying out and constructing new roads or whose Subdivision includes any portion of or is adjacent to an existing road shall dedicate sufficient Right-of-Way in accordance with the following conditions:
1. **New Roads**
    - a. shall be provided where there is not an existing road, roadway, or passage in accordance with .
  2. **Perimeter Roads**
    - a. When a proposed residential or nonresidential Subdivision is developed abutting an existing or planned [Arterial Streets](#) or Collector Streets the Developer shall dedicate sufficient Right-of-Way within the Subdivision in conformance with .
    - b. The Developer shall be responsible for their proportional share of the abutting road and shall construct the entire abutting road and its appurtenances to the County's design standards for that type of road.
  3. **Cases Where Existing Right-of-Way does not Meet Minimum County Standards**



Where Subdivisions are adjacent to existing roads and the Right-of-Way widths are less than the minimum Right-of-Way standards found in [Section 5.03.D Street Specifications](#), the Developer is required to dedicate on the plat the Right-of-Way width required adjacent to the land being platted to bring the existing road to the Right-of-Way width as set out in these Subdivision Regulations according to the following:

a. Both Sides of an Existing Road Abut a Subdivision:

One hundred (100) percent of the Right-of-Way necessary to bring the road into conformance with [Section 5.03.D Street Specifications](#) when the Subdivision abuts both sides of the existing road; or

b. One Side of an Existing Road Abuts a Subdivision:

Fifty (50) percent of the Right-of-Way necessary to bring the roads into conformance with [Section 5.03.D Street Specifications](#) when the Subdivision abuts only one side of the existing road.

4. Cases Where Additional Right-of-Way is Needed above the Minimum Standard

Roads may currently exist by reasons of Plat, metes and bounds description, general description or by prescription. If the existing geometrical configuration does not address safety, design, topography, and traffic management considerations, then the County may require the dedication of additional Right-of-Way to address such.

a. Adjacent to a platted Subdivision:

- i. The Right-of-Way dedication shall be based upon the distance from the platted Subdivision boundary.
- ii. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.

b. Along a Right-of-Way described by a metes and bounds or a general written description:

- i. The Right-of-Way dedication shall be based upon the geometric centerline of the Right-of-Way as described.
- ii. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
- iii. All existing Right-of-Way dedication within the Subdivision shall be converted from "separate instrument" to a platted right-of-way by being a part of the Final Plat.

c. Along a prescriptive Right-of-Way:

- i. The Right-of-Way dedication shall be based upon the apparent centerline of the existing pavement or of the travel way if unpaved.
- ii. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
- iii. The Developer shall indicate on the [Preliminary Plat](#) and [Final Plat](#) property lines and features that identify prescriptive Right-of-Way.
- iv. These features may include fences, borrow ditches, utility lines, drainage improvements, limits of plowed or improved fields, etc.
- v. All existing prescriptive Right-of-Way dedications within the Subdivision shall be converted from prescriptive to a platted Right-of-Way by being a part of the Final Plat.



d. Cases Where a Feeder Road Needs Improvement

- i. A [Feeder Road](#) is an existing road serving the function of a collector road that residents of a new subdivision will utilize to access another [Arterial Street](#) or [Collector Street](#). In these cases, the existing Feeder Road may need to be improved to accommodate the increase of traffic from the new subdivision.
- ii. If no improvements occur, the existing [Feeder Road](#) may deteriorate with the new traffic from the subdivision and have a negative result for other users of the road. Therefore, the Commissioners Court may require the Developer of a new Subdivision with a Feeder Road within 3,000' of the Subdivision to enter into a [Development Agreement](#) to improve the Feeder Road to accommodate the increase in traffic and to prevent the deterioration of the Feeder Road.
- iii. It is acknowledged that the new residents of the subdivision will not be the only user of the Feeder Road as others will have access and utilize the Feeder Road. Therefore, the Developer shall submit a Traffic Impact Analysis (TIA) for the subdivision to determine the amount of new traffic added to the Feeder Road.
- iv. A proposed development that contains twenty (20) or more lots and/or Lodging Development Units must submit a Traffic Impact Analysis (TIA). TIA should be submitted to Development Services as part of the first plat submittal. The Commissioners Court Engineering Representative will review the TIA and will determine if revisions and an additional submittal are needed. The Applicant is responsible for paying the associated fee set forth in the adopted Fee Schedule for each submittal of the TIA.

J. Road Construction Standards

1. General Provisions

All Subdivision streets shall be constructed in accordance with [Section 5.03.D Street Specifications](#) and the construction specification within the Public Works Construction Standards by NCTCOG, and as noted below.

2. Local Roads

- a. Subgrade: The subgrade shall be lime stabilized with hydrated lime at an application rate of thirty-six (36) pounds of lime per square yard (8% by weight) of six (6) inch compacted thickness. Subgrade shall be three (3) feet wider than the pavement width. The [Commissioners Court Engineering Representative](#) shall consider other types of and percentages of lime based on geotechnical laboratory tests, evaluations, and recommendations described in engineering reports provided and paid for by the [Developer](#).
- b. Base: The base shall be three (3) feet wider than the pavement width and shall be constructed of compacted cement stabilized flexible base as specified in the Standard Specifications for Public Works Construction in North Central Texas to a depth of six (6) inches at 4% and compacted to ninety-five (95%) percent Standard Proctor Density.
- c. Surface: The surface course shall be six (6) inches in thickness of 3,600 psi or greater of Portland Cement concrete.

3. Collector Roads, Minor Arterials, and Major Arterials

- a. Subgrade: The subgrade shall be per the specifications in [Section 5.03.J.2.a](#)



- b. Base: The base shall be per the specifications in [Section 5.03.J.2.b.](#)
  - c. Surface: The surface course shall be seven (7) inches in thickness of 3,600 psi or greater of Portland Cement concrete.
4. Principal Arterial Streets
- a. Subgrade: The subgrade shall be per the specifications in [Section 5.03.J.2.a](#)
  - b. Base: The base shall be per the specifications in [Section 5.03.J.2.b.](#)
  - c. Surface: The surface course shall be eight (8) inches in thickness of 3,600 psi or greater of Portland Cement concrete.

5. Materials

Materials shall be as specified in the Standard Specifications for Public Works Construction by NCTCOG.

K. Street Names

1. Roads shall be named to provide continuity with existing roads.
2. Names of new roads shall not duplicate or cause confusion with the names of existing roads.
3. Names of public roads shall begin with the designation of "C.R."
4. Names for Private Streets shall begin with the designation of "P.S."
5. A list of street names chosen by the developer shall be submitted to the county with the initial submittal of the Final Plat Application that will be subject to review and approval by the [Development Services Director](#). Street names shall be approved by the Development Services Director prior to the plat being recorded with the County.

L. Street and Traffic Control Signs

1. Street signs and all required traffic control signs shall be furnished and installed by the Developer for all areas within the Subdivision.
2. Signage shall be delineated on the included with construction plan set and shall be reviewed and approved by the Development Services Director.
3. Traffic control signs shall be installed in accordance with the prescribed type currently in use by the [Texas Manual on Uniform Traffic Control Devices \(TMUTCD\)](#).
4. The developer shall pay for the costs of purchasing and installing street posts and signs at each street intersection and as necessary to provide sufficient wayfinding.
  - a. Street signs shall be comprised of nine (9) inch tall blades of six (6) inch high letters.
  - b. Posts and bases shall be perforated square metal tubing.
  - c. All new signs or traffic control devices shall be of a uniform color selected by the precinct commissioners and shall have a distinctive number to represent the precinct number.
  - d. Enhanced or upgraded signs or other traffic control devices above the required minimum shall be considered private decorative signs and be maintained by the homeowners' association or other private entity. The County does not bear responsibility or liability for these decorative signs. Any replacement by County shall be to the required minimum.



- e. All hazardous locations shall be marked by reflecting yellow object markers that conform to TxDOT, Item 658.
  - f. All subdivision streets and drainage structures shall be marked and protected in accordance with the provisions of the Manual on Uniform Traffic Control Devices. Posts and bases shall be perforated square metal tubing.
5. The installation of speed limit and weight limit signs is the responsibility of the developer and shall be placed at the entrance of each subdivision, neighborhood, or residential area as determined by the precinct commissioner or County Engineer.
  6. Each street sign shall be in place before final inspection of the subdivision and prior to acceptance of the subdivision by the Commissioners' Court.

#### **5.04. Paving Plan and Profile Sheets**

##### **A. Preliminary Paving Plan Sheets Requirements (included in Preliminary Plat submittal)**

1. Show the locations of existing and proposed features such as pavement, ditches, buildings, and drainage structures.
2. Show the location and right-of-way width for proposed roads, which will be required to provide adequate access to the lots specified on the preliminary plat.
3. Show proposed lots with lot and block numbers.
4. Show all existing and proposed easements, creeks, and designated wetlands and floodplain areas.
5. Typical cross section(s) showing width and type of pavement, base, and subgrade for proposed streets, alleys, and sidewalks within the right-of-way.
6. North arrow and scale on each plan sheet.
7. The plans shall be prepared as noted in the [County's Application Forms](#).
8. The seal and signature of the Engineer responsible for the design on all sheets.
9. Paving profiles are not required for Preliminary Paving Plan.

##### **B. Paving Plan and Profile Sheets Requirements (included in Construction Plans submittal)**

1. Show all required information for Preliminary Paving Plan Sheets outlined in Section 5.04.A.
2. Plan view showing centerline horizontal curve information and radii for all pavement edges.
3. Plan and profile sheets shall show the right-of-way of the street and a portion of the right-of-way of all intersecting streets in the plan portion.
4. The plan portion shall show existing ground at left and right, right-of-way, proposed centerline or elevations, drainage ditch elevations, culverts and sizings, and other drainage structures.
5. Paving profiles of each street showing existing and proposed elevations (top of curb, center of pavement, or edge of pavement), proposed slopes, vertical curve information, and existing and proposed utility and drainage structures at crossing locations.
6. Minimum roadway slope is 0.5% for adequate drainage.
7. Street plan and profiles should use a 1" = 50' scale horizontally and 1" = 5' scale vertically.



8. Show the location of proposed Street and Traffic Control Signs as described in [Section 5.03.K.5](#).
9. The plans shall be prepared as noted in the [County's Application Forms](#).
10. The seal and signature of the Engineer responsible for the design on all sheets.

## **5.05. Subdivisions with Gated Entries and Private Streets**

### **A. General**

Subdivisions with Private Street and gated entries shall meet the following requirements:

1. The general provisions of these Subdivision Regulations and other County regulations as they relate to development, roads, and utilities will apply.
2. A vehicular turn around shall be provided at entry gates to allow vehicles that have been denied entry the ability to exit without having to backup.
3. All plans consisting of Private Streets shall be subject to review and approval by the County.
4. The definition of a "subdivision" and "road", as contained in the Subdivision Regulations will apply to all subdivisions or roads, whether public or private.
5. All streets within a gated community shall be Private Streets.

### **B. Authority Maintained by County**

1. All roads, gates, and other fire protection features, signage, and equipment must be repaired immediately if found to be in a condition of disrepair or inadequate for public access.
  - a. The County shall have the right to enter Private Streets and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the Developer or Homeowners' or Property Owners' Association.

### **C. Owner's Responsibility**

The person or corporation in control of the property is responsible for, and liable for, any Violations of this [Private Street](#) requirement. This includes, but is not limited to, the [Developer](#), property owner, the [Homeowners' or Property Owners' Association](#) and its officers, if applicable, or others who may own or exercise control over the property.

1. Private Streets to be Designated as a Separate Lot

Each [Private Street](#) and alley must be constructed within a separate lot owned by the Homeowners' or Property Owners' Association.

- a. Each lot must conform to the County's standards for design of a public road and alley Right-of-Way. An easement covering the road lot shall be granted to the County providing unrestricted use of the property for utilities and the maintenance of the same. This right shall extend to all utility providers including telephone and cable companies, operating within the County.
  - b. The easement shall also provide the County with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the County to remove any vehicle or obstacle within the road lot that impairs emergency access.
2. Construction and Maintenance Costs



The County shall not pay for any portion of the cost of constructing or maintaining a [Private Street](#).

3. Plans and Inspections

An Applicant for a proposed subdivision with Private Streets must submit to the County the same plans and engineering information required to construct public roads and utilities. Requirements pertaining to inspection and approval of improvements prior to Final Plat approval shall apply. Fees charged for these services shall also apply. The County may periodically inspect private streets and require repairs necessary to ensure emergency access.

4. Waiver of Services

The [Final Plat](#), property deeds and [Homeowners' or Property Owners' Association](#) documents shall note that certain County services may not be provided on Private Streets. Among the services that may not be provided are the following:

- a. Routine sheriff patrols,
- b. Enforcement of traffic and parking regulations and preparation of accident reports, or
- c. Depending on the characteristics of the proposed development, other services may not be provided.

5. Signs

- a. All private traffic regulatory signs shall conform to the [Manual on Uniform Traffic Control Devices](#) and the standards contained in [Section 1.01.A.1](#).
- b. Subdivisions containing a [Private Street](#) shall place an appropriate sign, approved by the [Commissioners Court](#) designating such private street and the person or persons responsible for the maintenance thereof.

6. Indemnification Language for the Final Plat

The [Final Plat](#) shall contain the following language:

- a. Whereby the [Homeowners' or Property Owners' Association](#) as owner of the [Private Streets](#) and appurtenances, agrees to release, indemnify, defend and hold harmless the County, any governmental entity and public utility:
  - i. For damages to the private street occasioned by the reasonable use of the Private Street by the County, governmental entity or public utility;
  - ii. For damages and injury (including death) arising from the condition of said [Private Street](#);
  - iii. For damages and injury (including death) arising out of the use by the County, governmental entity or public utility of any restricted access gate or entrance; and
  - iv. For damages and injury (including death) arising out of any use of the [Subdivision](#) by the County, governmental entity or public utility. Further, such language shall provide that all lot owners shall release the County, governmental entities and public utilities for such damages and injuries.
  - v. The indemnifications contained in the above language apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the County, governmental entity or public utility, or their representative officers, employees, or agents.



D. Gates

1. Each gate installation in a gated Subdivision must conform to the following provisions:
  - a. Fire Marshal Approval Required
    - i. Each gate installation must be approved by the County prior to installation.
    - ii. The installation must be completed and tested prior to the County's acceptance of the Subdivision.
  - b. Gate Openings and Clearances
    - i. Gate design may incorporate one or two gate sections to meet the required minimum gate width of twenty-four (24) feet.
    - ii. If the entrance will incorporate a median, guard booth, or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the Fire Marshal, but in no case shall any gate or road pavement have a clear opening of less than eighteen (18) feet.
  - c. If a gate design incorporates any overhead obstruction, the obstruction must be a minimum of fourteen (14) feet above the finished road surface.
2. Setback Required

Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
3. Gates to be constructed in agreement with Kaufman County Fire Marshal. An automatic gate installation must conform to the design and performance guidelines established by the [County](#).
4. Good Working Order Required
  - a. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation.
  - b. A proper power supply shall always be maintained to all electrical and electronic components.

E. Homeowners' or Property Owners' Association Required

1. [Homeowners' or Property Owners' Association](#) Required
2. Subdivisions developed with private streets and alleys must have a mandatory [Homeowners' or Property Owners' Association](#) that includes all property to be served by Private Streets. The association shall own and be responsible for the maintenance of private streets and appurtenances.
3. The [Homeowners' or Property Owners' Association](#) documents must establish a reserve fund for the maintenance of roads and other improvements. The association documents shall be reviewed and approved by the County to ensure that they conform to this and other applicable County standards. The documents shall be filed and recorded prior to the approval of the [Final Plat](#). Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the County. No portion of the association documents pertaining to the maintenance of the [Private Streets](#) and alleys and assessment therefore may be amended without the written consent of the County.

F. Construction and Utilities



Water, sewer, drainage facilities, road lights and signs placed within the [Private Street](#) and alley lot shall be installed to County standards prior to the plat being recorded with the County Clerk. All County regulations relating to infrastructure financing and [Developer](#) cost participation shall apply to Subdivisions with private streets.

**G. Entrance Design Standards**

**1. Visitor Entrance Design Standards**

- a. At least one entrance to a subdivision with Private Streets shall be equipped for visitor access.
- b. In addition to meeting the above design standards, the visitor entrance shall be equipped with a call or code box located at least fifty (50) feet from the boundary of the Subdivision to provide for visitors calling in and automobile queuing.
- c. A turn-around space with a minimum outside radius of thirty (30) feet shall be located between any call or code box and the access control device to allow vehicles denied access to safely exit onto public roads in a "head out" position.
- d. A sign shall be erected next to the edge or such turn around space to prohibit vehicle parking in such space.
- e. A resident entrance used in combination with a visitor entrance shall comply with the requirements of this section.

**2. Resident-Only Entrance Design Standards**

- a. In addition to meeting the above design standards, an access control device that requires residents to use a key, card, code, or other method to gain access shall be set back internally a minimum of fifty (50) feet from the boundary of the Subdivision to provide for automobile queuing; except that resident entrances equipped with an electronic opener that allows residents to remotely open the access control device and enter the Subdivision without having to stop are exempted from this requirement.
- b. A sign shall be erected next to any resident entrance that does not meet the fifty (50) foot setback requirement and does not provide a turn-around space with a minimum outside radius of thirty (30) feet to indicate that it is for resident use only and not for visitors.

**H. Converting Private streets to Public Streets**

1. The [Homeowners' or Property Owners' Association](#) documents shall allow the association to request the County accept private streets and alleys and the associated property as public streets and Right-of-Way upon written notice to all association members and to convey the same to the County upon the consent by written signatures of the owners of seventy-five (75%) percent of the affected lots on the road. However, in no event shall the County be obligated to accept said [Private Street](#) and alleys as public.
2. Should the County elect to accept the roads and alleys as public, the County may inspect the private streets and assess the [Homeowners' or Property Owners' Association](#) or lot owners for the expense of needed repairs concurrent with the County's acceptance of the roads and alleys. The County will be the sole judge of whether repairs are needed.
3. The County may also require, at the [Homeowners' or Property Owners' Association's](#) expense, the removal of guard booths, access control devices, landscaping or other aesthetic amenities located within the road. The association documents shall provide for the County's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the County.



**5.06. Lots**

**A. Lot Design**

Lot design shall provide adequate width, depth, and shape to provide open area, to eliminate overcrowding, and to be appropriate for the location of the [Subdivision](#) for the type of use and development planned, and shall meet all requirements of the County.

**B. Lot Frontage Requirement**

1. Except as noted below, every lot shall have frontage on, and access to a public street.
2. Pursuant to the authority of [TLGC 232.103](#), all properties including those that have not been platted, shall have a minimum seventy-five (75) feet of frontage along [County](#) roads (refer to [Figure 2](#)).
3. It is recognized that certain nonresidential developments may contain lots that cannot achieve access to a public street. The [Commissioners Court](#) may grant a variance if adequate access including required fire lanes are provided through dedicated public access easements from a public street.
4. The minimum lot frontage must be maintained for a minimum depth equal to the front setback (refer to [Figure 2](#)).

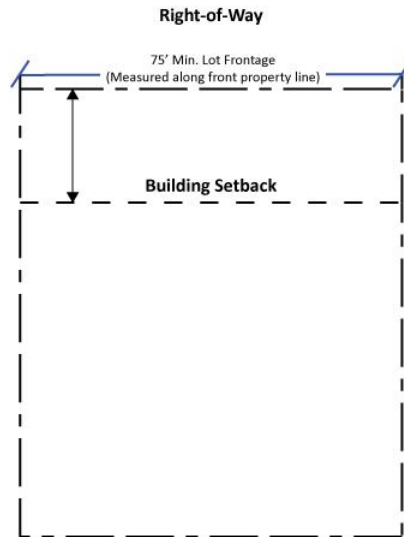


Figure 2: Lot Frontage

**C. Lot Area Related to Private Sewer Facilities**

Per [TAC Title 30, Chapter 285](#), all lots or tracts in any new [Subdivision](#) using On-Site Sewage Facilities (OSSF) shall be a minimum of one (1) net acre (or useable open space) and in conformance with [Section 9.04 On-Site Sewage Facilities](#) and [Section 14 Site Development Authorization](#). Useable open space does not include Right-of-Way, ponds, drainage easements, or utility easements (refer to [Figure 4](#)).

**D. Prohibition of Reserve Strips**

No Subdivision or addition showing a [Reserve Strip](#) of land controlling the access to public ways or adjoining properties shall be prohibited. Refer to [Figure 1: Example of a Reserve Strip](#).

**E. Flag Lots**

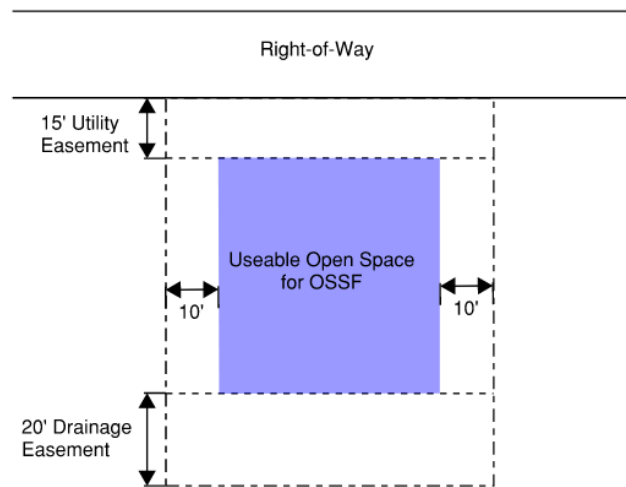


Figure 3: Useable Open Space



1. Platting a flag lot, smaller than 2 acres, is prohibited unless a variance is approved by the Commissioners Court and meets the following conditions:
  - a. The proposed lot configuration is needed to abate an unusual property accessibility constraint, not created by the [Applicant](#),
  - b. The property has acute topographical conditions and constraints, or
  - c. The unusual adjacent property boundary configuration constraints the arrangement of an otherwise standard lot configuration.
2. The Commissioners Court may grant a variance to allow a flag lot provided the following conditions are met:
  - a. The variance does not circumvent the normal platting of streets for public and emergency access;
  - b. The variance does not prevent the extensions of streets to adjacent unsubdivided property;
  - c. The lot frontage is no less than seventy-five (75) feet in width along the frontage of an existing county road or curves in a road; and
  - d. The tracts of land included in the subdivision or adjoining properties are not landlocked or limited in access to public right-of-way.

**5.07. Building Setbacks**

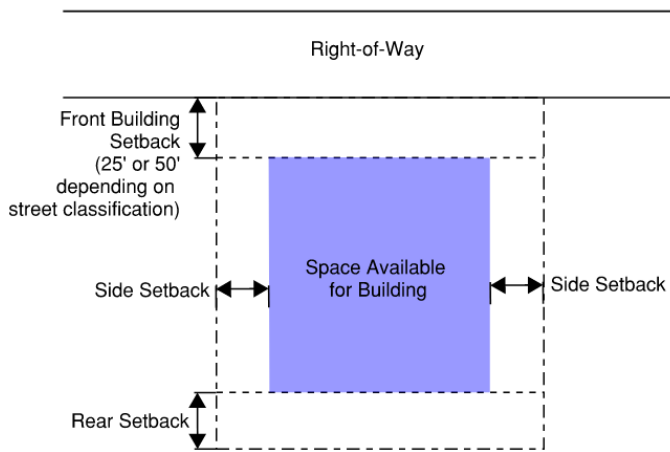
Pursuant to the authority granted in [TLGC 232.104](#) and [TLGC 233.032](#), building setback lines shall be fifty (50) feet from the edge of the [Right-of-Way](#) on all major highways and roads, and twenty-five (25) feet on all public streets other than major highways and roads in accordance with [Table 9: Building Setbacks from Roadways](#).

Table 9: Building Setbacks from Roadways	
Street Classification	Building Setback
Major Roads	50' Min.
Principal Arterial	50' Min.
Major Arterial	50' Min.
Minor Arterial	50' Min.
Collector Road	50' Min.
Local Road	25' Min.



**A. Side and Rear Setbacks**

A minimum ten-foot (10') building setback from all side and rear lot lines shall apply to all lots.



*Figure 4: Setback Locations*

**5.08. Easements and Dedications**

Easements and dedications of property needed for the construction of roads, alleys, sidewalks, trails, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the platted area and to implement the requirements of the [Subdivision Regulations](#) shall be provided on [Plats](#) and maintained by the property owner.

**A. Utility Easements**

1. Utilities shall be placed within an easement at least fifteen (15) feet wide for utility construction, service, and maintenance and within private property (specifically property not maintained by the County).
2. Utilities (such as water mains, wastewater mains and other utilities) may only be placed within the public right-of-way with approval of the [Commissioners Court](#).
3. Easements having greater width dimensions may also be required by the Commissioners Court Engineering Representative along or across lots where engineering design or special conditions make it necessary for the installation of utilities and drainage facilities outside public Right-of-Way.
4. The following full statement of restrictions shall be placed in the dedication instrument:

Easements: Any public utility, including the County, shall have the right to remove and keep clear all or part of any building, fences, trees, overgrown shrubs or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easement or Right-of-Way shown on the Plat (or filed by separate instrument that is associated with said property); and any public utility, including the County, shall have the right at all times an ingress and egress to and from upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The County can remove trees or any other improvement(s) and does not have the responsibility to replace them.

**B. Nonresidential Fire Lane Easement**



1. Emergency access and fire lane easements for nonresidential property shall be provided in locations required by the [Kaufman County Fire Code](#).
2. These easements shall have a minimum width of twenty-four (24) feet and a minimum height clearance of fourteen (14) feet.
3. All turns shall have a minimum inside radius of twenty-five (25) feet and a minimum outside radius of fifty (50) feet.
4. Any emergency access and fire lane easement more than one-hundred and fifty (150) feet in length shall either connect at each end to a dedicated public road or private way or be provided with a cul-de-sac having one-hundred (100) feet diameter of paving. A ten (10) foot pathways around permanent structures shall be free and clear of any obstructions.
5. These easements shall be maintained by the owner or the Homeowners' or Property Owners' Association and a statement shall appear on the face of the Plat indicating maintenance responsibility.

**C. Triangular Sight Visibility Easements**

1. Triangular sight visibility easements shall based on the classification of the intersecting thoroughfares types (refer for thoroughfare types).
  - a. A Local Street intersecting with an Alley shall provide a 5' x 15' sight visibility easement.



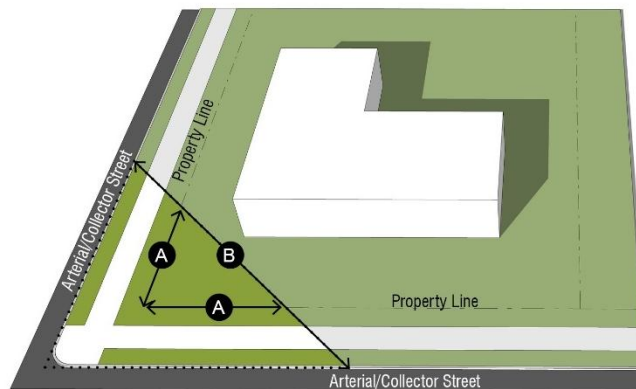
- A** 15 feet from property line
- B** 5 feet from property line
- C** Sight visibility line

- b. A Local Street intersecting with either a Local or a Collector shall provide a 15' x 15' sight visibility easement.



- A 15 feet from property line
- B Sight visibility line

- c. An Arterial or Collector intersecting with either an Arterial or Collector shall provide a 30' x 30' sight visibility easement.



- A 30 feet from property line
- B Sight visibility line



2. The following full statement of restrictions shall be placed in the dedication instrument or on the face of the [Plat](#):

Sight Visibility Restriction: No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of ten (10) feet above the top of the curb or edge of pavement, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., within the sight visibility easement.

## 5.09. Homeowners' or Property Owners' Associations

### A. Applicability

1. When a [Subdivision](#) contains common areas, common property, [Useable Open Space](#) or improvements not intended to be owned and maintained by the County (e.g. [Private Streets](#)), a [Homeowners' or Property Owners' Association](#) shall be created, and the duties and responsibilities shall be established in a declaration consistent with State laws.
2. As a substitute for creating a [Homeowners' or Property Owners' Association](#), a special district may be created to accept the dedication and maintenance responsibilities of any roads or common areas.

### B. Dedication

The common areas shall be shown on the [Preliminary Plat](#) or [Final Plat](#) along with an adequate form for dedication thereof. This dedication form shall:

1. Save the title to common area properties for the benefit of the Homeowners' or Property Owners' Association; and
2. Express a definite undertaking by the Subdivider to convey the common properties to the Homeowners' or Property Owners' Association.

### C. Membership

A [Homeowners' or Property Owners' Association](#) shall be an incorporated organization operating under recorded land declarations through which:

1. Each lot owner in a described land area is automatically a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the Homeowners' or Property Owners' Association's activities, such as maintenance of common areas, common open spaces or the provision and upkeep of Useable Open Space and common recreational facilities.

### D. Legal Requirements

To ensure the establishment of a permanent [Homeowners' or Property Owners' Association](#), including its financing and the rights and responsibilities of the homeowners in relation to the use, management and ownership of common areas or common property, the Subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

1. Legally create an automatic membership into a Homeowners' or Property Owners' Association;
2. Place title to the common property in the Homeowners' or Property Owners' Association or give definite assurance that it automatically will be so placed within a reasonable, definite time;



3. Place responsibility for operation and maintenance of the common property in with the Homeowners' or Property Owners' Association;
4. Provide for or place an association charge or assessment on each lot in a manner that will ensure sufficient association funds to maintain the common property or improvements;
5. Identify the land area within the association's jurisdiction including, but not limited to, the following:
  - a. The property to be transferred to public agencies;
  - b. The individual residential lots;
  - c. The common properties to be transferred by the Developer to the Homeowners' or Property Owners' Association; and
  - d. Other parcels.

**E. Protective Covenants**

Protective covenants shall be developed that shall make [Homeowners' or Property Owners' Association](#) responsible for, including, but not limited to, the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien.

**F. Procedure**

Prior to filing the plat, the subdivider shall:

1. Draft the articles of incorporation of the Homeowners' or Property Owners' Association, its bylaws, and the restrictive covenants;
2. Submit draft articles, bylaws, and covenants to the Development Services Director;
3. Create the appropriate legal entity following approval;
4. Record approved covenants, at the County Clerk's office, which automatically make every lot owner a member of the association, give him/her the right to use the common property, and establish his/her voting rights and his/her obligations to pay assessments; and
5. Provide evidence of the recorded articles, bylaws, and the restrictive covenants prior to Final Plat approval.



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## Section 6. Subdivision Development Procedures

### 6.01. Construction Plans

#### A. Purpose

To require that [Public Improvements](#) be installed to serve a development in accordance with all [Subdivision Regulations](#).

#### B. Plans to be Included in Construction Plan Set

The following plans shall constitute a complete set of Construction Plans:

1. [Paving Plan and Profile Sheets](#) in accordance with Section 5.04.
2. [Drainage Plan and Profile Sheets](#) in accordance with Section 7.08.
3. [Water Utility Plan](#) in accordance with Section 9.02.E.
4. [Wastewater Utility Plan](#) in accordance with Section 9.03.D.

#### C. Submitting Plans

1. Plans shall be submitted in accordance with County requirements.
2. Plans shall be prepared by a licensed Professional Engineer at the Developer's expense.
3. Incomplete Construction Plans shall not be accepted and such plans shall be returned to the Applicant.

#### D. Decision Authority for Construction Plans

The [Commissioners Court Engineering Representative](#) shall be responsible for the review and approval of [Construction Plans](#).

#### E. Criteria for Approval

The [Commissioners Court Engineering Representative](#) shall approve [Construction Plans](#) if:

1. The [Construction Plans](#) are consistent with the approved Preliminary Plat.
2. The [Construction Plans](#) conform to the standards for adequate public facilities, contained in these Subdivision Regulations and all other applicable County codes.
3. Documentation has been provided confirming compliance, and all necessary permits have been obtained from approving authorities and entities other than the County. Permit types include, but are not limited to, TxDOT driveway access permits and permits from the United States Corps of Engineers for development within established wetlands. The County will not approve or provide permits required by other entities and it is ultimately the responsibility of the Developer to confirm that all required permits from all entities have been secured prior to construction.

#### F. Effect

Approval of [Construction Plans](#) authorizes the [Applicant](#) to schedule [Pre-Construction Meeting](#).

#### G. Notice

The [Applicant](#) shall receive written or electronic notice from the [Commissioners Court Engineering Representative](#) that [Construction Plans](#) have been approved.



**H. Expiration Date for Construction Plans**

Unless [Construction Plans](#) are extended in accordance with [Section 6.01.I Extension of Construction Plans beyond Expiration Date](#), the approval of [Construction Plans](#) shall remain in effect for a period of two (2) years from the date of Final Plat approval or for the duration of construction of the project, provided that progress or development of the project continues to be demonstrated.

**I. Extension of Construction Plans beyond Expiration Date**

**1. General**

- a. [Construction Plans](#) may be extended for a period of six (6) additional months beyond the expiration date.
- b. A request must be made in writing to the [Commissioners Court Engineering Representative](#) for such extension prior to expiration of the plans, and shall include reasons why the plans should be extended.

**2. Decision by the Commissioners Court Engineering Representative**

- a. The [Commissioners Court Engineering Representative](#) will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the extension request.
- b. Should the [Commissioners Court Engineering Representative](#) fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

**3. Consideration**

The [Commissioners Court Engineering Representative](#) may extend approval of [Construction Plans](#) for a period of six (6) additional months beyond the expiration date if:

- a. The [Construction Plans](#) comply with new regulations (i.e., regulations that have been adopted after approval of the original Construction Plans) that impact the health, safety and general welfare of the [County](#); or
- b. Demonstrable forward progress has been made to proceed with construction or required improvements.

**4. Conditions**

In granting an extension, the [Commissioners Court Engineering Representative](#) may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the [Applicant](#) waiving any vested rights.

**5. Total Extension**

A second six (6) month extension may be requested using the same process outlined above.

**6.02. Compliance Required with County Plans and Ordinances**

Compliance with all [County](#) regulations pertaining to the subdivision and development of land and the [Kaufman County Thoroughfare Plan](#) shall be required prior to approval of construction plans. All such [County](#) regulations and plans shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with [County](#) regulations and the provisions of these [Subdivision Regulations](#).



A. Applicable County Codes, Ordinances, and Plans

Applicable [County](#) codes, regulations, orders, and plans with which all [Applications](#) must comply include, but are not limited to, the following:

1. [Kaufman County Thoroughfare Plan](#);
2. Other development-related standards:
  - a. Texas Department of Transportation (TxDOT) Access Management Manual, as amended,
  - b. Latest edition of the International Building Code, as amended,
  - c. Latest adopted edition of the: International Fire Code (IFC); National Fire Protection Association Life Safety Code (NFPA); and Insurance Services Office (ISO).
  - d. Texas Administrative Code, Title 30 (Texas Commission of Environmental Quality), [Chapter 285](#) (On-Site Sewage Facilities), as amended,
  - e. Latest edition of the Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices, as amended,
  - f. North Central Texas Council of Governments (NCTCOG) Integrated Stormwater Management Criteria Manual for Site Development and Construction, as amended,
  - g. North Central Texas Council of Governments (NCTCOG) Public Works Construction Standards, as amended;
  - h. Section 404 of the Clean Water Act (CWA) regulating development within established waters of the United States, including wetlands.
3. Other Applicable portions of the [County](#) Regulations:
  - a. Kaufman County Fire Code, as amended,
  - b. Kaufman County [Floodplain Management Court Order](#), as amended, and
  - c. Kaufman County On-Site Sewage Facilities Order, as amended
4. Federal, State, and local environmental regulations provided however that the [County](#) shall not be liable for the non-enforcement of the same.

### 6.03. Pre-Construction Meeting

A. Requirement

1. The [Applicant](#) shall attend a [Pre-Construction Meeting](#) with the [Development Services Director](#) and [Commissioners Court Engineering Representative](#) if public improvements will be constructed on the property or if requested by the [Commissioners Court](#).
2. The [Pre-Construction Meeting](#) shall be scheduled following the approval of the [Construction Plans](#) and prior to commencement of any construction on the property.
3. The [Applicant](#) shall be responsible for preparing a Stormwater Pollution Prevention Plan (SWPPP) if the development will be disturbing at least five (5) acres, as it is required by the Texas Commission on Environmental Quality (TCEQ). The Applicant is required to bring the completed SWPPP to the Pre-Construction Meeting.



4. The [Applicant](#) shall be responsible for contacting the [Development Services Director](#), requesting a meeting time, and notifying all participants of the meeting. If a SWPPP will be required for the development per TCEQ current standards, the Applicant must prepare the SWPPP prior to contacting the Development Services Director to request a meeting time. If the Applicant shows up to a Pre-Construction Meeting without the complete SWPPP, then the meeting will be cancelled and must be rescheduled. The Applicant must pay another Pre-Construction Meeting fee (see fee schedule) for the rescheduled meeting if the reason for rescheduling is due to lack of a complete SWPPP at the previous meeting.
5. After receiving a meeting request from the [Applicant](#) and collecting the fee (see fee schedule) the [Development Services Director](#) shall promptly schedule a [Pre-Construction Meeting](#) within ten (10) business days.

**B. Purpose**

1. Discussion of Procedures

The purpose of the [Pre-Construction Meeting](#) is to discuss administrative, communication, and operating procedures for project construction prior to [Construction Release](#).

2. Review of Criteria

A list of typical inspection items, procedures, and acceptance criteria for items in public [Right-of-Way](#) and easements will also be furnished to the [Applicant](#).

**C. Effect**

Following the [Pre-Construction Meeting](#) and full compliance with all pre-construction requirements, the [Commissioners Court Engineering Representative](#) shall authorize a [Construction Release](#).

**6.04. Construction Release**

**A. Requirements for a Construction Release**

1. Upon approval of the Construction Plans, receipt of all required documentation, fees (if applicable), and after the Pre-Construction Meeting with County staff, the Commissioners Court Engineering Representative shall release the plans for the construction of Public Improvements if all County requirements pertaining to construction have been met.
2. The Construction Release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress or development of the project continues to be demonstrated.

**B. Construction Release Expiration and Extension**

Expiration, and possible extension, of the [Construction Release](#) shall be the same as for the [Construction Plans](#) (Refer to [Sections 6.01.H](#) and [6.01.I](#)).

**6.05. Construction of Public Improvements**

**A. Phased Development**

If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed.



B. Easements for Utility Providers

The [Applicant](#) is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to [Final Plat](#) approval and recordation.

C. Off-Site Easements

1. All necessary off-site easements required for installation of required off-site [Public Improvements](#) to serve the development shall be acquired by the [Applicant](#).
2. Off-site easements shall be conveyed and recorded by an instrument approved by the [County](#).
3. If the property on which the off-site easement is required has been platted, a separate instrument shall be required to dedicate the easement.
4. The [Applicant](#) shall be responsible for the acquisition of all required off-site easements. If the [Applicant](#) is unable to acquire the necessary off-site easements, the [Applicant](#) may request assistance from the [County](#). The [Applicant](#) shall provide the [County](#) with easements or [Right-of-Way](#) survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the [County](#) may, at its option, acquire these easements either through negotiations, or in appropriate situations through eminent domain proceedings.
5. The [Applicant](#) shall reimburse the [County](#) for the costs of acquiring the necessary easements including but not limited to attorney fees and costs.

D. Timing of When Public Improvements are Constructed

1. The [Applicant](#) or [Developer](#) shall be able to record the [Final Plat](#) after public improvements have been constructed. Refer to [Section 4.03.K Plat Recordation](#) and .
2. The [Final Plat](#) will be recorded when the [Applicant](#) or Developer has completed the following items:
  - a. Received a letter of acceptance by the [Commissioners Court Engineering Representative](#) confirming that [Public Improvements](#) have been constructed to the satisfaction of the [Commissioners Court](#), and
  - b. Submitted a [Warranty Bond](#) to ensure roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction will be maintained to the satisfaction of the [Commissioners Court](#).

## 6.06. Inspection of Public Improvements

A. Conformance with Construction Plans and County Standards

1. Construction shall be in accordance with the approved [Construction Plans](#) and [County](#) standards.
2. Any significant change in design required during construction shall be made by the [Applicant's](#) engineer, funded by the [Developer](#) and shall be subject to approval by the [Commissioners Court Engineering Representative](#).

B. Inspection of Public Improvements

1. Preliminary Inspection
  - a. The [Developer](#), upon completion of drainage, roads, streets, and other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request from the [County](#) a preliminary inspection.



- b. The [Commissioners Court Engineering Representative](#) will inspect the completed work jointly or separately for compliance.
  - c. After preliminary inspection, the [County](#) will notify and provide the [Applicant](#) with a written punch list of any issues the [Developer](#) must rectify in order for the [Public Improvements](#) to be in accordance with the approved [Construction Plans](#) and [County](#) standards.
2. Final Inspection
- a. The [Developer](#), upon rectifying the issues identified in the preliminary inspection punch list, shall request from the [County](#) a final inspection.
  - b. The [Commissioners Court Engineering Representative](#) will inspect the completed work jointly or separately for compliance.
  - c. After final inspection, the [County](#) will provide written notification (i.e., [Letter of Public Improvement Compliance](#)) to the Applicant regarding if the issues identified in the preliminary inspection punch list have been properly addressed and are now in accordance with the approved [Construction Plans](#) and [County](#) standards.
3. Submission of [Record Drawings](#)
- a. The purpose of the County requiring [Record Drawings](#) is to have a record of how [Public Improvements](#) were constructed in the field.
  - b. In order to release the [Warranty Bond](#), an Applicant is required to submit Record Drawings for all Public Improvements.
  - c. All sheets for the [Record Drawings](#) shall show all changes made in the [Construction Plans](#) during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date.
  - d. Digital files of all the [Record Drawings](#) shall be submitted by the Applicant in AutoCAD and Adobe PDF formats, as required by the [County](#).
4. Contact
- The Applicant or Applicant's contractor, shall maintain contact with the [Commissioners Court Engineering Representative](#) during construction of improvements.
5. Hours of Inspections
- a. Inspections shall be conducted during normal business hours, Monday through Friday, except as noted below.
  - b. Inspection During Non-Business Hours
    - i. Inspections may be conducted at times other than normal working hours with prior approval from the Precinct Commissioner.
    - ii. After-hour inspections will require a minimum of forty-eight (48) hours' notice.
    - iii. No inspections will be conducted on Sundays, holidays, and long holiday weekends. Holiday weekends are weekends with a holiday that lands on Monday or Friday of a given weekend.
- C. [Inspection Fees](#)
1. Fee Standards



- a. The [Developer](#) will be charged an inspection fee for the cost of the [Public Improvements](#) to be dedicated to the [County](#).
  - b. The Developer may be charged an additional inspection fee to reimburse the [County](#) the actual inspection cost if the [County](#) is required to have third party inspections of the public infrastructure in each Subdivision or development.
2. Cost for Construction
- a. The [Developer](#) shall submit to the [County](#) an itemized cost for construction of the [Public Improvements](#) upon which the [Warranty Bond \(Section 6.07\)](#) will be based.
  - b. The cost of construction shall be reviewed and approved by the [Commissioners Court Engineering Representative](#).

## 6.07. Warranty Bond

A [Warranty Bond](#) will be required at the time a [Final Plat Application](#) is submitted.

### A. [Warranty Bond Purpose](#)

A [Warranty Bond](#) is required to ensure roads road signs, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the [Commissioners Court](#) for a certain period of time after public improvements have been constructed. A [Warranty Bond](#) shall be executed by a surety company authorized to do business in this state, and made payable to the [County Judge](#) or his or her successor in Auditor's Office / County Treasurer's Office.

### B. [Warranty Bond Duration](#)

The conditions of the [Warranty Bond](#) shall stipulate that the [Developer](#) shall guarantee to maintain, to the satisfaction the [County](#), all of the roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction is maintained to [County](#) specifications and is in a good state of repair for a period of two (2) years from the date of the [Letter of Public Improvement Compliance](#) (Refer to [Section 6.06.B.2 Final Inspection](#)).

### C. [Warranty Bond Amount](#)

The [Warranty Bond](#) amount shall be equal to twenty percent (20%) of the estimated cost of roads, road signs streets, street signs, underground utilities, required drainage structures and all other construction.

### D. [Periodic Inspections](#)

Periodic inspection of roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction for which the [Warranty Bond](#) is held, will be made by the [Commissioners Court Engineering Representative](#) during the period of liability covered by the [Warranty Bond](#).

### E. [County Redemption of the Warranty Bond](#)

In the event any or all of the roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the owner will be so advised in writing and, if after a reasonable time, he or she fails or refuses to repair said items, the maintenance and repair of [Public Improvements](#) shall be completed using the [Warranty Bond](#) provided.

### F. [Warranty Bond Release](#)



1. The release of the [Warranty Bond](#) shall be by order of the [Commissioners Court](#). The [Commissioners Court](#) may seek the recommendation of the [Development Support Committee](#).
2. To request a release the [Developer](#) who posted the bond in question shall present a written request to release said bond. The request shall include a copy of the [Order of the Commissioners Court for Final Acceptance](#) and a set of [Record Drawings](#) (Refer to [Section 6.06.B.3 Submission of Record Drawings](#)).
3. The [Developer](#) may request the release of the [Warranty Bond](#) two (2) years from the date of the [Letter of Public Improvement Compliance](#).



## 6.08. Acceptance of Public Improvements

### A. Acceptance or Rejection of Improvements

#### 1. Two-Year Maintenance Inspection

Two years from the date that the [Warranty Bond](#) became effective, a [Two-Year Maintenance Inspection](#) shall be performed by the [Commissioners Court Engineering Representative](#) to ensure all of the roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction have been maintained to [County](#) specifications and are in a good state of repair.

#### 2. Order of the Commissioners Court for Final Acceptance

If the [Two-Year Maintenance Inspection](#) finds that all improvements are completed, in good repair, and are determined by the County to be in conformance with County standards, the [Development Support Committee](#) shall issue a recommendation to accept public improvements and the Commissioners Court may issue an [Order of the Commissioners Court for Final Acceptance](#) to the Applicant/Developer/Owner, thereby notifying the Applicant of the County's acceptance of any dedications (including Right-of-Way and [Public Improvements](#)) offered on the Final Plat. The Court Order shall be recorded with a copy of the approved and recorded Final Plat.

#### 3. Meaning of Acceptance

Acceptance of the [Public Improvements](#) shall mean that the [Applicant](#) has transferred all rights to all the [Public Improvements](#) to the [County](#) for ownership and maintenance.

#### 4. Rejection

The [County](#) shall reject those [Public Improvements](#) that fail to comply with the [County's](#) standards and specifications. The [County](#) shall enforce the [Warranty Bond](#) to ensure [Public Improvements](#) are maintained.

### B. Acceptance Disclaimer

#### 1. Approval of a [Preliminary Plat](#), [Construction Plans](#), or [Final Plat](#) shall not constitute acceptance of any of the [Public Improvements](#).

a. A note shall be placed on each Final Plat stating that [Public Improvements](#) (such as roads) are owned and maintained by the Subdivision owner and transfer of ownership and maintenance responsibilities only occurs with formal acceptance by the County through the [Order of the Commissioners Court for Final Acceptance](#) and that if the County does not accept the ownership and maintenance responsibility remain with the Subdivision owner or owners.

#### 2. No [Public Improvements](#) shall be accepted for dedication by the [County](#) except in accordance with this section.



## **6.09. Acceptance Process of Public and Private Roads**

This section shall refer to the acceptance process of public (including roadways that are prescriptive) and private roads that were constructed prior to the adoption of these Subdivision Regulations. Any property owner wanting the County to accept maintenance of a public or private road shall meet the following conditions, and approved through a court order considered by the [Development Support Committee](#) and approved by the [Commissioners Court](#).

### **A. General Requirements**

1. A petition, signed by all property owners, who utilize the accessway, shall be submitted with the formal request to the County.
2. A legal description and survey boundary showing the entire limits of the roadway being requested to be accepted for maintenance by the County shall be submitted with the formal request to the County.
3. Private streets will need to conform to the standards noted in [Section 5.05.H \(Converting Private streets to Public Streets\)](#) and the provisions contained in this section.
4. Both public and private streets shall not be accepted by the County unless brought up to the construction standards noted in [Section 5.03.J \(Road Construction Standards\)](#) and meeting the minimum right-of-way width dimensions noted in .
5. The County shall have the authority to inspect and confirm the conditions of the roadways prior to the request being considered by the Development Support Committee and the Commissioners Court.

### **B. Dedication of a Roadway for Public Use**

1. Step 1: Applicant (Property Owner) Action
  - a. The applicant (property owner) shall formally dedicate the roadway for public use by separate instrument containing a legal description and survey boundary signed and sealed by a Registered Professional Land Surveyor and recorded with the County Clerk; or
  - b. Dedicate as shown on a plat that is recorded with the [County Clerk](#).
2. Step 2: Court Action
  - a. After formal dedication as described above, a court order may be approved by the Commissioners' Court to accept maintenance of a roadway.
3. The property owner is responsible for meeting with the [Development Services Director](#) to initiate the request. If the acceptance of roadway maintenance is being considered by the County, then the roadway must be formally dedicated by plat or separate instrument (as noted in [Section 6.09.B.1.a](#) and [Section 6.09.B.1.b](#)) prior to executing a court order to accept the road for maintenance.

### **C. Acceptance Criteria**

The Commissioners Court is not obligated to accept maintenance of a roadway. The Commissioners Court can also choose to accept maintenance of a roadway for a temporary or limited time period until such roadway is annexed into the incorporated areas of a City.



## 6.10. Abandonment Process for County Roads

The request to [Abandon](#), [Vacate](#), or close a County maintained roadway shall meet the regulations set forth in the [Transportation Code \(TAC\), Chapter 251](#) and shall be reviewed by the [Development Support Committee](#) and approved by the Commissioners Court.

### A. Authority of the Commissioners Court

1. Per [TAC, Subchapter B, Section 251.051](#), the Commissioners Court shall have the authority to:
  - a. Order that public roads be laid out, opened, discontinued, closed, abandoned, vacated, or altered; and
  - b. Assume control of streets and alleys in a municipality that does not have an active de facto municipal government.
2. A unanimous vote of the Commissioners Court is required to:
  - a. Close, abandon, or vacate a public road; or
  - b. Alter a public road, except to shorten it from end to end.
3. The commissioners court may not discontinue, close, or abandon an entire first-class or second-class road unless the road has been vacated or unused for at least three years.
  - a. [Per Section 251.007 \(Classification of County Roads\) of the Transportation Code](#) the Commissioners Court shall classify each public road in the County as a first, second- or third-class road.
    - i. **First- and Second-Class Roads**  
Are roadways between forty (40) and one-hundred (100) feet wide with at least a sixteen (16) foot causeway (the raised road bed).
    - ii. **Third Class Roads**  
Are roadways between twenty (20) and forty (40) feet wide with a causeway between twelve (12) and sixteen (16) feet.
    - iii. **Fourth Class Roads**  
Are neighborhood roadways that are between fifteen (15) to thirty (30) feet
4. Per [TAC, Chapter 251, Subchapter B, Section 251.058\(d\)](#), the Commissioners Court may close, abandon and vacate a public road or a portion of a public road by request of a property owner that abuts the portion of the road being closed, abandoned, and vacated. The commissioners court may require the owner to:
  - a. Pay all reasonable administrative costs incurred for processing the request and recording the court order signed by the [County Judge](#) (described in [Section 6.10.B](#)) to convey the tract of land vacated from the County to the owner of the abutting property. Refer to [TAC, Ch. 251, Sub. B, Sec. 251.058\(b\)](#).
  - b. Reimburse the county for the market value of any property interest conveyed to the owner.

### B. Conveyance of a Public Road Abandoned, Closed and Vacated

Title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the [County Judge](#) in the owner of the property that abuts the portion of the road being closed, abandoned, and vacated ([Refer to TAC, Ch. 251, Sub. B, Sec. 251.058\(b\)](#)). A copy of the order shall be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property. The order shall:



1. Include the name of each property owner who receives a conveyance under this section;
2. Include the dimensions of the property being conveyed to each property owner;
3. Be indexed in the deed records of the county in a manner that describes:
  - a. The county conveying the property as grantor; and
  - b. The property owner receiving the conveyance as grantee; and
4. If a public utility or common carrier that has the right of eminent domain is using the property being conveyed for a right-of-way or easement purpose, state that the title to the property is subject to the right-of-way or easement and the continued use by the public utility or common carrier of utility infrastructure in existence on the date the order is signed. No later than the 30th day before the date an order is signed the Commissioners Court shall:
  - a. Notify a public utility or common carrier the proposal to close, abandon, and vacate the public road or portion of the public road.

**C. General Requirements**

A property owner submitting a request to the County to abandon, vacate and close a public road shall submit the following items with the initial submittal of the request to the [Development Services Director](#):

1. A letter describing the purpose of the request along with a petition signed by the persons who own the properties abutting the public road or the portion of the road being closed, abandoned and vacated;
2. Signed waiver of Claims for abandonment by each person owning abutting property;
3. Legal description signed and sealed by a Registered Professional Land Surveyor;
4. A survey boundary exhibit signed and sealed by a Registered Professional Land Surveyor showing:
  - a. Abutting properties with the ownership whose names are also included in the request and application noted in [Section 6.10.C.1](#);
  - b. The location of existing utilities and associated easements located in the area being requested to be abandoned, vacated or closed; and
  - c. The center line and dimension of the road that will be conveyed to each property owner abutting the road or portion of the road being abandoned, vacated or closed.



## Section 7. Stormwater Management

### 7.01. Applicability

This Section shall govern the design and construction of drainage, flood control and stormwater management facilities for [Manufactured Home Park or Subdivisions](#) and [Subdivisions](#) within the [County](#) but outside the incorporated limits of any municipality in the [County](#).

### 7.02. Maintenance Responsibility

The [County](#) will not provide maintenance for drainage or stormwater facilities located on private property. Approval by the [Commissioners Court](#) is required for drainage, flood control or stormwater features situated within public [Right-of-Way](#) or properties maintained by the [County](#) (Refer to see [Section 14 Site Development Authorization](#)).

#### A. Detention and Retention Ponds

1. Detention and retention ponds shall be maintained by either the property owner or a [Homeowners' or Property Owners' Association](#), unless noted on the [Final Plat](#) and development authorization is granted by the [County](#) in accordance with this section and [Section 14 Site Development Authorization](#).
2. It is a [Violation](#) of these [Subdivision Regulations](#) for a detention/retention pond or a structural control to be unable to operate for its intended purpose due to lack of maintenance. All stormwater facilities whether public or private must be dedicated in a drainage easement. Public drainage easements are subject to review and approval by the [Commissioners Court](#).

### 7.03. Dedication of Public Facilities

Any dedication of stormwater management facilities to the public shall be approved by the [Commissioners Court](#) in accordance with [Section 14 Site Development Authorization](#). Stormwater facilities approved by the Commissioners Court to be situated on public property (maintained by the County), shall be situated within a dedicated public drainage easement (to be dedicated by the County). In no event shall any private lot extend into a dedicated public stormwater management feature or easement.

#### A. Public Drainage Easements

All drainage easements shall be private, unless reviewed and approved by the Commissioners Court. In circumstances in which stormwater or drainage facilities are approved and accepted by the [Commissioners Court](#) the following standards shall apply:

1. All public stormwater management facilities and other areas of concentrated stormwater flow shall be contained within a dedicated public easement.
2. All areas within the 100-year [Floodplain](#), including [Areas of Special Flood Hazard](#), shall not be contained within a dedicated public drainage easement, [Right-of-Way](#), or any property maintained by the County. Instead, they will be dedicated in a private floodplain easement maintained by the property owner.

#### B. Publicly Maintained Facilities

Stormwater management facilities dedicated to the public and approved [Commissioners Court](#) shall be designed and constructed in accordance this section. The [Applicant](#) or [Developer](#) shall identify on the plat all stormwater management facilities for which [County](#) acceptance of maintenance will be requested. [Applicants](#) or [Developers](#) requesting acceptance for maintenance of stormwater management facilities controlling runoff rate from within the development shall be required to enter into a [Development Agreement](#) with the [County](#) prior to acceptance of maintenance.



C. Construction of Public Stormwater Management Facilities

Public stormwater management facilities shall be considered public infrastructure and shall be subject to the requirements of [Section 6 Subdivision Development Procedures](#) specifically as it pertain to the construction and acceptance of public improvements by the County. The construction of public stormwater management facilities proposed on land owned or maintained by the [County](#) shall not commence until [Site Development Authorization](#) has been issued by the [County](#) in accordance with [Section 14 Site Development Authorization](#) and [Construction Plans](#) for public stormwater management facilities have been approved by [Commissioners Court Engineering Representative](#).

**7.04. Design Criteria**

A. Stormwater Management Facilities

Drainage must be designed in accordance with the [Integrated Stormwater Management Manual for Site Development and Construction](#) published by the North Central Texas Council of Government (NCTCOG) and prepared by professional civil engineer licensed to practice in the State of Texas. Subdivisions shall be designed so that no flooding of buildings will occur for the 100-year frequency storm.

1. Drainage calculations shall be based on fully developed conditions for the subdivision and contributing watershed.
2. Drainage systems shall be designed such that no adverse impacts to discharge and water surface elevation occur on property upstream or downstream of the proposed subdivision.
3. The 100-year storm must be contained within a private drainage easement as specified in Section 7.07.A.
4. Drainage easements should be added where needed to prevent any lot from draining onto another lot outside of a drainage easement. Lot-to-lot drainage outside of a drainage easement shall not be allowed.
5. For erosion and sedimentation control, Kaufman County utilizes the "Stormwater Quality Best Management Practices for Construction Activities in North Central Texas" contained in the NCTCOG iSWM Manual.
6. Streets should conform to the existing topography in order to promote suitable drainage.
7. Streets should follow natural drainage patterns to form a collection system for surface waters.
8. The [Developer](#) shall incur the cost of all drainage improvements connected with development of the [Subdivision](#) and acceptance of current upstream flows necessary to safely and adequately drain the [Subdivision](#) including any necessary off-site channels or storm sewers and acquisition of any required easements.
9. Required off-site channel or storm sewers easements shall be recorded by separate instrument and a copy of the recorded easement shall be submitted to the [County](#) before [Construction Plans](#) are approved and released for construction.
10. A Stormwater Pollution Prevention Plan (SWPPP) must be prepared if the development will be disturbing at least five (5) acres per the requirements of the Texas Commission on Environmental Quality (TCEQ). The Developer must provide a copy of the completed SWPPP to the Development Services Director at the Pre-Construction Meeting. The Developer does not need to provide the SWPPP prior to the Pre-Construction Meeting.



B. Detention and Retention Ponds

The [Commissioners Court](#) and the [Commissioners Court Engineering Representative](#) may require on-site detention, if the [Preliminary Drainage Plan](#) shows any significant change in runoff that could adversely impact the subject property and adjacent properties due to the proposed development.

C. Construction Specifications

Stormwater facilities shall be based on the design and construction methods used in the [Integrated Stormwater Management Manual for Site Development and Construction](#) published by the North Central Texas Council of Government (NCTCOG) and other commonly accepted engineering design specifications as approved by the [County](#). Conformance with the regulations contained in this section shall be reflected on a [Drainage Plan](#) as part of preliminary [Construction Plans](#) submitted with the [Preliminary Plat](#) application or [Construction Plans](#) submitted with the [Final Plat](#) application.

D. Sizing of Stormwater Management Facilities

1. Roadways with Side Ditches

- a. Side road ditches shall be designed to carry a 10-year frequency runoff;
- b. Cross road culverts shall be designed to carry a 25-year frequency runoff;
- c. Engineered drainage channels shall be designed to carry a 100-year frequency runoff;
- d. The entire subdivision shall be designed so that no flooding of building will occur with a 100-year frequency runoff.

2. Headwalls

- a. Headwalls shall be used to protect the embankment from erosion and the culvert from displacement.
- b. The headwalls shall be constructed in accordance with TxDOT standards or as approved by Commissioners Court Engineering Representative based on the physical condition of the particular installation.
- c. Rock rip-rap or other suitable erosion control may be required at each headwall location as supplemental protection at the corresponding Precinct Commissioner's discretion.

3. Culverts

- a. The culvert design on private streets shall be sized by a Registered Professional Civil Engineer and a map or list containing the size of each pipe shall be submitted alongside the plat.
- b. The developer will be held responsible for notifying builders and lot owners of this requirement and ensuring the properly sized culvert is installed.
- c. All culverts crossing public county roads shall be regulated by the corresponding Precinct Commissioner. Culvert size, material, installation location, installation elevations, and headwall requirements shall be determined by the Commissioner. The Developer must obtain approval of all culverts from the Commissioner before installation occurs.
- d. All cost of culverts and all cost of installation of culverts is the responsibility of the developer, subdivider and or owner of said lots.



**7.05. Identification of Special Flood Hazard Areas**

Any development with 150 acres or more of contributing drainage area shall require a Flood Study to demonstrate conformance with the County’s adverse impact criteria, to determine required floodplain easements and minimum finished floors for insurable structures, and to evaluate proposed modifications to existing 100-year floodplains or floodways. The Commissioners Court Engineering Representative or Floodplain Administrator, at their discretion, may require a Flood Study for any development regardless of size to evaluate potential floodplain impacts. Development within the 100-year floodplain, including [Areas of Special Flood Hazard](#) designated by FEMA, must conform to the regulations contained in [Section 8 \(Flood Damage Prevention\)](#). Only limited uses and development, as provided in the Flood Damage Prevention Ordinance, will be permitted in the 100-year floodplain.

Development within the 100-year floodplain, including [Areas of Special Flood Hazard](#) designated by FEMA, shall require a Floodplain Development Permit prior to the start of construction. If the development occurs within a FEMA-designated Area of Special Flood Hazard, it shall be subject to FEMA review and permitting requirements. The Developer is responsible for the payment of all fees associated with floodplain permitting review(s).

**7.06. Completion of Drainage Systems Prior to Acceptance of Roadways**

Roadways will not be accepted for maintenance by the [County](#) until all stormwater management facilities have been constructed per the specifications of the [Construction Plans](#) approved by the [Commissioners Court](#) and/or the [Commissioners Court Engineering Representative](#). Stormwater management facilities shall be subject to [Section 6 Subdivision Development Procedures](#).

**7.07. Easements**

**A. Drainage Easements**

Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways and shall be designated as private easements to be maintained by the property owner. Public drainage easements shall be subject to review and approval by the Commissioners Court.

1. Drainage easements shall include provisions for access ingress and egress by personnel and equipment for maintenance purposes.
2. Drainage easements of twenty (20) feet minimum width shall be provided for existing and proposed enclosed drainage systems. The drainage facility shall be centered within the easement, except in special circumstances approved by the Commissioners Court Engineering Representative.
3. Engineered open channels shall be contained within a drainage easement sufficient to encompass the flow from the 100-year storm. This easement shall also be of a sufficient width to provide maintenance access to the channel as follows:
  - a. Open channels with top widths fifty (50) feet or less require a minimum total easement width equal to the channel top width plus twenty-five (25) feet for maintenance access purposes. The twenty-five (25) feet portion of the easement outside of the channel shall be maintained at a maximum slope of 6:1 (horizontal to vertical).
  - b. Open channels with top widths greater than fifty (50) feet require a minimum total easement width equal to the channel top width plus twenty-five (25) feet on each side for maintenance access purposes. The twenty-five (25) feet portion of the easement outside of the channel shall be maintained at a maximum slope of 6:1 (horizontal to vertical).



4. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain, within the easement, stormwater resulting from a 100-year frequency storm less the amount of stormwater carried in the enclosed drainage system during the overflow event.
5. Where a [Subdivision](#) is bounded by a water-course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage [Right-of-Way](#) conforming substantially to the lines of such water course, and of such width to provide for increased drainage from anticipated future upstream developments, plus a minimum of ten (10) feet on each side.
6. Drainage easements shall include provisions for access ingress and egress by crews and equipment for maintenance purposes. Where there are open channels, provisions shall include the requirement for the portion of the drainage easement outside of the channel to be maintained at a maximum slope of 6:1 (horizontal to vertical).
7. Ponds that are on a definable water course or that outfall directly to a definable water course shall require a drainage easement. Any pond that crosses an existing or proposed property line shall be located completely within a drainage easement. If an existing stock pond is not connected to a definable water course and does not cross an existing or proposed property line, then the pond will not require a drainage easement. All ponds shall not be included in the useable open space for the use of On-Site Sewage Facilities regardless of if they are or are not within a drainage easement.

**B. Floodplain Easements**

1. The 100-year floodplain, designated by FEMA as an Area of Special Flood Hazard or as otherwise determined by a County approved engineering study, shall be entirely contained within a floodplain easement along all natural drainage ways, lakes, and reservoirs. Floodplain easements shall encompass all areas beneath the 100-year water surface elevation plus additional width as needed for ingress and egress for maintenance of the banks and protection of adjacent property/properties.
2. Floodplain easement locations shall be shown on all [Plats](#) and associated construction plans, if applicable.
3. If a property is impacted by the 100-year floodplain, then the following note shall be included on the Plat:

100-Year Floodplain Easement Restriction:

Construction within the floodplain may not occur until approved by the County. (A request for construction within the floodplain easement must be accompanied with detailed engineering plans and studies indicating that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners or the property affected by such construction becoming a party to the request.) Where construction is approved, all finished floor elevations shall be a minimum of two (2) feet above the 100-year base flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.

Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing his/her property clean and free of debris, silt, or any substance that would result in unsanitary conditions. The County shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions, which may occur. The County is not obligated to maintain or assistance with maintenance of the area.



The natural drainage channel, as in the case of all-natural drainage channels, are subject to stormwater overflow and natural bank erosion. The County shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the Floodway easement line as shown on the plat. If a Subdivision alters the horizontal or vertical floodplain, a FEMA Floodway map revision may be required.

**C. Easement Determination**

No dedication otherwise required by these Subdivision Regulations may be imposed upon a property owner unless the County determines that the dedication is:

1. Related to the impact of the proposed development;
2. Roughly proportional to the needs created by the proposed development; and
3. Provides a benefit to the development.

**7.08. Drainage Plan and Profile Sheets**

**A. Preliminary Drainage Plan Sheets Requirements (included in Preliminary Plat Submittal)**

1. Included as part of the preliminary construction plan set submitted with the initial submittal of the Preliminary Plat Application. The [Preliminary Drainage Plan](#) shall be labeled as "Preliminary".
2. Provide drainage area maps for both existing/pre-development conditions and proposed/post-development conditions. Include all off-site areas that drain to and/or through the property. Show drainage area basins, drainage areas, calculated run-off, and points of concentration for the 100-year frequency storm.
3. On-site detention will be required if the development creates any increase in the 100-year runoff downstream of the property. If detention is needed, show the location of the detention pond within a drainage easement. Detailed detention pond calculations are not required for the Preliminary Drainage Plan.
4. The 100-year storm (including detention and retention ponds) must be contained within a private drainage easement a minimum of twenty (20) feet wide.
  - a. A Preliminary Grading Plan is not required, however the Engineer responsible for the design should ensure that drainage easements shown will encompass the 100-year storm.
  - b. Lot-to-lot drainage is not allowed, and any drainage way conveying stormwater from two (2) or more lots must be within a drainage easement.
  - c. Lots with on site sewer facilities (OSSF) must have a minimum one (1) acre of useable space and drainage easements do not count as useable space. See Section 5.06.C. for additional information on what does and does not count as useable space.
5. Show proposed lots with lot and block numbers.
6. Show all existing and proposed easements, creeks, and designated wetlands and floodplains.
7. Show and label all existing and proposed utilities.
8. North arrow and scale on each plan sheet.
9. Show the location of existing and proposed drainage facilities and appurtenances for drainage such as pipes, inlets, culverts, and bridges.



10. The seal and signature of the Engineer responsible for the design on all sheets.
11. Profiles are not required for Preliminary Drainage Plan.

**B. Drainage Plan and Profile Sheets Requirements (included in Construction Plans Submittal)**

1. The **Drainage Plan** submitted with the formal **Construction Plans** to authorize construction of the proposed development shall be reviewed and approved by the **Commissioners Court** and/or **Commissioners Court Engineering Representative**.
2. **Drainage Plan** shall conform to the **Preliminary Drainage Plan** approved with preliminary **Construction Plans** submitted with the associated preliminary plat.
  - a. If the Commissioners Court Engineering Representative determines that the development layout is significantly different from the version approved with the preliminary plat, then the Applicant must submit a new preliminary plat first submittal and receive preliminary plat approval before Construction Plans will be reviewed. New first submittal of preliminary plat will require the first submittal fee according to the active fee schedule. If additional preliminary plat submittals are required, then additional submittal fees will be required with each submittal.
  - b. If the Drainage Plan shows more lots than the development layout approved with the preliminary plat, then the Applicant must submit a new preliminary plat first submittal and receive approval before Construction Plans will be reviewed. New first submittal of preliminary plat will require the first submittal fee according to the active fee schedule. If additional preliminary plat submittals are required, then additional submittal fees will be required with each submittal.
3. Show all required information for Preliminary Drainage Plan Sheets outlined in Section 7.08.A.
4. Show the size of all driveway culverts to carry the design flow of water at each lot in the subdivision when the driveway culvert is installed at the design ditch grade.
5. A profile is required for all culverts and storm sewer pipes under any road.
  - a. For all culverts show the design flow of water, headwater depth, tail water depth, and the tail water velocity.
  - b. For all storm sewer pipes show the design flow of water, velocity in the pipe, hydraulic grade line (HGL), and pipe capacity.
  - c. Profiles shall be no larger than a 1"=40' scale horizontal and a 1"=4' scale vertical.
6. Provide a grading plan with existing and proposed contours.
  - a. The contour interval shall be one (1) foot for both existing and proposed contours.
  - b. Grading plan shall include spot grade elevations where necessary to clearly show how drainage will be conveyed throughout the development.
  - c. Grading plan shall be no larger than a 1"=40' scale.
  - d. Clearly show all existing and proposed drainage facilities and drainage ways with elevations.
7. For all detention and retention ponds, show pond grading and design calculations used to determine capacity required.
  - a. Show pond water surface elevation for 100-year storm frequency.



- b. Storm pipes connected to detention/retention pond must be shown in profile view with the design flow of water, velocity in the pipe, hydraulic grade line (HGL), and pipe capacity.
    - c. Details and design calculations must be provided for all outfall structures.
8. All calculations shall be based on ultimate development (based on the zoning designation) of the contributing drainage area basins.
9. Provide an Erosion Control Plan or Stormwater Pollution Prevention Plan.
  - a. Show locations of any temporary or permanent BMPs (best management practices).
10. The seal and signature of the Engineer responsible for the design on all sheets.



## Section 8. Flood Damage Prevention

### 8.01. Incorporation by Reference and Compliance

#### A. Court Order

The latest version of the [Floodplain Management Court Order](#), adopted and as amended by the [Commissioners Court](#), shall be incorporated into these [Subdivision Regulations](#).

#### B. Compliance

All [Plats](#) and developments must conform to the guidelines contained within the [Floodplain Management Court Order](#). In the rare case that provisions of these Subdivision Regulations and the Floodplain Management Court Order conflict due to one document being updated before the other document has been updated, then the more restrictive provision shall apply.

#### C. Copies

Copies of the latest [Floodplain Management Court Order](#) can be obtained from the [Development Services Director](#).



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## Section 9. Water and Wastewater

### 9.01. General

This Section shall ensure that adequate water and wastewater is available to serve the proposed development. The [Developer](#) shall be required to submit water and wastewater plans and the necessary documentation from the utility service provider, such as a Will Serve Letter, to show that the development can be furnished with required water and wastewater utilities. The [County](#) will not provide maintenance for water or wastewater facilities located on private property. Approval by the [Commissioners Court](#) is required for water or wastewater utilities to be situated within public [Right-of-Way](#) or properties maintained by the [County](#) (refer to see [Section 14 Site Development Authorization](#)). All water and wastewater utilities shall be situated within a private easement to be maintained by the utility provider, except as otherwise approved by the [Commissioners Court](#).

### 9.02. Water Utility

#### A. General

1. All Subdivisions shall provide plans for water distribution system connected to either a rural water supply corporation, privately owned water system, or individual well in conformance with all applicable County regulations.
2. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current criteria included in the Texas Administrative Code, Chapter 290.
3. The County may reject a plat if it finds that the Subdivision will not have adequate water service or that the proposed system will negatively impact existing water supply or distribution.

#### B. Available Groundwater Certification Required

Per [Texas Administrative Code Title 30, Chapter 230.3](#), if water is not provided by a service provider (such as a city, water district, etc.) then groundwater certification is required.

##### 1. Certification

The certification required by [Texas Administrative Code Title 30, Chapter 230.3](#) must be prepared by a Texas licensed professional engineer or a Texas licensed professional geoscientist.

##### 2. Submission of Information

The Plat Applicant shall provide to the county, the executive administrator of the Texas Water Development Board, and the applicable groundwater conservation district or districts the certification of adequacy of groundwater under the subdivision required by [Texas Administrative Code Title 30, Chapter 230.3](#).

#### C. Use of Ground Water as Required by TLGC Section 232.0032

1. If a person submits a Plat for the Subdivision of a tract of land for which the source of the water supply intended for the Subdivision is groundwater under that land, the [Commissioners Court](#) may require the Plat Application to have attached to it a statement that:
  - a. Is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and
  - b. Certifies that adequate groundwater is available for the subdivision.



2. The Texas Commission on Environmental Quality by rule shall establish the appropriate form and content of a certification to be attached to a Plat Application under this section.
3. The Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule shall require a person who submits a Plat under Subsection 9.02.C to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the Subdivision information that would be useful in:
  - a. performing groundwater conservation district activities;
  - b. conducting regional water planning;
  - c. maintaining the state's groundwater database; or
  - d. conducting studies for the state related to groundwater.

**D. Basic Requirements**

1. Will Serve Letter
  - a. If serviced by a public utility provider, the Applicant shall provide the County a copy of the Will Serve Letter from the service provider
2. Water Main Construction
  - a. All water mains shall be constructed within private property and dedicated within a private easement dedicated to the public utility provider.
  - b. The County will not provide maintenance for water or wastewater facilities located on private property or owned and maintained by a public utility provider.
  - c. Approval by the Commissioners Court is required for water utilities to be situated within public Right-of-Way or properties maintained by the County (refer to see [Section 14 Site Development Authorization](#)).
3. Fire Code and Fire Suppression
  - a. All subdivisions must meet the Kaufman County Fire Code regarding Fire/Life Safety and Fire Suppression.
  - b. Fire hydrants are required at all intersections.
4. Subdivision not Served by Fire Hydrants

If a new road is to be constructed and it will serve residential lots but will not be served by fire hydrants, the Commissioners Court may require the Developer to construct a limited fire suppression system that provides adequate storage to pump 250 gallons per minute for a minimum of two (2) hours.

**E. Water Utility Plan Sheets**

1. Preliminary Water Utility Plan Sheets Requirements (included in Preliminary Plat submittal)
  - a. Included as part of the preliminary construction plan set submitted with the initial submittal of a [Preliminary Plat Application](#).



- b. When the subdivision is located in an area served by a utility provider, the Developer must provide a Will Serve Letter from the utility provider indicating adequate water supply and water quality. If the subdivision is not served by a water utility provider, the source of water utility shall be indicated on the preliminary plat.
  - c. Show proposed lots with lot and block numbers.
  - d. Show all existing and proposed easements, creeks, and designated wetlands and floodplains.
  - e. Show and label all existing and proposed utilities.
  - f. North arrow and scale on each plan sheet.
  - g. Show the location and size of water utility mains, which will be required to provide adequate service to the lots specified on the preliminary plat.
  - h. Show locations of all existing and proposed fire hydrants and valves.
  - i. The seal and signature of the Engineer responsible for the design on all sheets.
2. Water Utility Plan Sheets Requirements (included in Construction Plans submittal)
- a. Show all required information for Preliminary Water Utility Plan Sheets outlined in Section 9.02.E.1.
  - b. Plan view shall be no larger than a 1" = 40' scale, showing the location and size of all proposed water lines in relation to the right-of-way or easements in which the lines are to be located.
  - c. Water mains 12" and larger should be shown in profile view. The profile of the water line shall be no larger than a 1" = 40' scale horizontal and a 1" = 4' scale vertical.
  - d. Show the location of all appurtenances proposed to be installed.
  - e. Show the minimum depth to which the water lines are to be installed.
  - f. Show the location of electric utilities.
  - g. The seal and signature of the Engineer responsible for the design on all sheets.
  - h. In circumstances in which utilities are designed by the service provider the plans will have a seal or signature of approval by the utility service provider.
  - i. Plans and specifications for fire hydrant systems shall be submitted to the [Commissioners Court Engineering Representative](#) for review prior to construction and Kaufman County Fire Marshal's Office.
  - j. The plan shall be prepared as noted in the County's Construction Plan Checklist included in the Kaufman County Development Application Handbook.
3. Final Plat
- a. Development with proposed water utility infrastructure: Water plan shall be included as part of the [Construction Plans \(Section 6.01\)](#) set submitted with the initial submittal of a Final Plat application.
  - b. The Final Plat will not be filed until a Will Serve Letter has been provided from the utility provider stating that they have accepted the plans for construction and will provide service. Will Serve Letter is required for all developments, even if there is no new water utility infrastructure.
  - c. If the subdivision is not served by a water utility provider, the source of water utility shall be indicated on the final plat.



### 9.03. Wastewater Utility

#### A. General

An approved means of wastewater collection and treatment is required.

1. All lots, tracts or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment.
2. Lots served by septic tanks or On-Site Sewage Facilities (OSSF) shall conform to standards in [Section 9.04 On-Site Sewage Facilities](#) and [Section 14 Site Development Authorization](#).

#### B. Possible Phasing of Development Required

The [Commissioners Court Engineering Representative](#) or TCEQ may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity.

#### C. Basic Requirements (if Wastewater Infrastructure Installed)

1. Wastewater Disposal System Required
  - a. All Subdivisions shall provide an approved wastewater disposal system conforming to any applicable County regulations and the requirements of [Texas Health and Safety Code, Chapter 366](#).
2. Wastewater Main Construction
  - a. All wastewater facilities shall be constructed within private property and dedicated within a private easement. The private easement will either be maintained by the property owner or the public utility provider (if applicable).
  - b. The County will not provide maintenance for wastewater facilities located on private property or owned and maintained by a public utility provider.
  - c. Approval by the Commissioners Court is required for wastewater utilities to be situated within public Right-of-Way or properties maintained by the County (refer to see [Section 14 Site Development Authorization](#)).
3. Will Serve Letter
  - a. If serviced by a public utility provider, the Applicant shall provide the County a copy of the Will Serve Letter from the service provider
4. Wastewater Lines Extended to Subdivision Borders
  - a. All laterals and sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether such extensions are required for service within the subdivision.

#### D. Wastewater Utility Plan

1. Preliminary Wastewater Utility Plan Sheets Requirements (included in Preliminary Plat submittal)
  - a. Included as part of the preliminary construction plan set submitted with the initial submittal of a [Preliminary Plat Application](#).



- b. When the subdivision is located in an area served by a utility provider, the Developer must provide a Will Serve Letter from the utility provider indicating adequate wastewater collection and treatment.
  - c. Show proposed lots with lot and block numbers.
  - d. Show all existing and proposed easements, creeks, and designated wetlands and floodplains.
  - e. Show and label all existing and proposed utilities.
  - f. North arrow and scale on each plan sheet.
  - g. Show the locations and sizes of sewer mains, sewer laterals, sewer manholes, and sewer cleanouts.
  - h. The seal and signature of the Engineer responsible for the design on all sheets.
2. Wastewater Utility Plan Sheets Requirements (included in Construction Plans submittal)
- a. Show all required information for Preliminary Wastewater Utility Plan Sheets outlined in Section 9.03.D.1.
  - b. Plan view shall be no larger than a 1" = 40' scale, showing the location and size of all proposed sewer lines in relation to the right-of-way or easements in which the lines are to be located.
  - c. Profile view shall be no larger than a 1" = 40' scale horizontal and a 1" = 4' scale vertical.
  - d. Show the location of all appurtenances proposed to be installed.
  - e. Label the sewer line grades and elevations at all junction points.
  - f. Dimension location of all wastewater mains from other utilities.
  - g. Indicate type and size of encasement where needed.
  - h. Show the location of electric utilities.
  - i. The seal and signature of the Engineer responsible for the design on all sheets. In circumstances in which utilities are designed by the service provider the plans will have a seal or signature of approval by the utility service provider.
  - j. The plan shall be prepared as noted in the County's Construction Plan Checklist included in the Kaufman County Development Application Handbook. The Applicant shall also be responsible for coordinating with other utility providers.
3. Final Plat
- i. The [Wastewater Utility Plan](#) shall be included as part of the final [Construction Plans \(Section 6.01\)](#) submitted with the initial submittal of a Final Plat application.
  - ii. The Final Plat will not be filed until a letter has been provided from the utility provider stating that they have accepted the plans for construction and will provide service.

#### **9.04. On-Site Sewage Facilities**

Lots served by septic tanks or On-Site Sewage Facilities (OSSF) shall conform to standards contained in this Section and shall require On-Site Sewage Facility Permit as prescribed in [Section 14 Site Development Authorization](#). The construction and design of an OSSF facility shall meet the standards set forth by the [Texas Administrative Code \(TAC\), Title 30 \(Texas Commission of Environmental Quality\), Chapter 285 \(On-Site Sewage Facilities\)](#) and the Kaufman County On-Site Sewage Facilities Preamble.



**A. Authority**

Per the [Texas Administrative Code, Title 30, Subchapter B, Rule 285.10](#), the [County](#) may enforce more stringent standards than those required by TCEQ and contained in TAC, Title 30, Chapter 285. Listed in Section [9.04.C \(General Provisions\)](#) and [Section 9.04.D \(Minimum Land Area for an On-Site Sewage Facility\)](#) are the more stringent rules adopted by the County.

**B. Area of Jurisdiction**

1. The Rules shall apply to all the areas lying within Kaufman County, Texas, except for areas regulated under an existing Order, Ordinance or Resolution, and the areas within incorporated cities.
2. These Rules shall apply to those incorporated cities or towns that have executed intergovernmental contracts with Kaufman County, Texas.

**C. General Provisions**

1. All single family dwellings located on a tract, regardless of acreage size, requires a permit to construct, alter, or repair an on-site sewage facility.
2. Upon construction of an on-site sewage facility, if the on-site sewage facility fails the inspection, a re-inspection fee set by the Authorized Agent shall be assessed to the installer of record each time a re-inspection is required. Inspection process is noted in Section [9.04.G \(OSSF Initial Inspection by the Designated Representative\)](#) and Section [9.04.H \(OSSF Maintenance Inspection Procedures\)](#).
3. Only a registered professional engineer or registered professional sanitarian (with a current site-evaluator's certification) will perform site evaluations and complete any OSSF designs, as-builts, or system certifications.
4. Any on-site sewage disposal system using aerobic treatment shall have a maintenance contract on that system.
5. No construction or installation of any type of on-site sewage facility by a homeowner or property owner shall be allowed unless homeowner/property owner holds a current and proper TCEQ level of license to install any On-Site Sewage Facility within Kaufman County, Texas
6. The Authorized Agent may periodically inspect the on-site sewage disposal system using aerobic treatment for a single-family residence that is maintained directly by the owner of the system regardless of when the Authorized Agent conducted the last inspection.
7. No construction or installation of any type of onsite sewage facility by a homeowner or property owner will be permitted. Installer must hold a current and proper level of license to install any onsite Sewage Facility within all of Kaufman County.
8. All surface irrigation spray heads shall be subsurface (purple pop-up) heads and set on a spray-time schedule between the hours of 12am and 5am.
9. Platted or unplatted subdivisions of land served by a public water supply, but utilizing on-site sewage facility methods for sewage disposal, platted or subdivided after the effective date of the original order (effective January 1, 1988) shall provide for individual lots having a USEABLE surface area of at least one (1) acre.



10. All new lots for single family dwellings, platted or unplatted subdivisions of land, served by individual water systems shall provide for the individual lots having a USEABLE surface area of at least two (2) acres.
11. All maintenance of an OSSF disposal system using aerobic treatment shall be conducted by a TCEQ registered Maintenance Provider.
12. Maintenance Providers shall immediately provide home/property owners with a copy of their signed maintenance contract, any renewals, or terminations. Maintenance Providers must submit a copy to Kaufman County Development Services within seven (7) days of the document's signature date. A Maintenance Provider's failure to properly submit documentation will constitute a violation of this Order.
13. Maintenance inspections shall be performed every four (4) months.
14. Annual BOD/ TSS testing is required for any non-residential OSSF (or any residential OSSF that also receives wastewater from a non-residential source/use). BOD test results must be submitted to Kaufman County Development Services annually.

**D. Minimum Land Area for an On-Site Sewage Facility**

1. Lots served by septic tanks or On-Site Sewage Facilities (OSSF) shall have a minimum of one (1) acre of useable open space and shall be sufficiently large enough to accommodate adequate drainage fields and to meet the standards set forth by the Texas Administrative Code, Title 30 (Texas Commission of Environmental Quality), [Chapter 285 \(On-Site Sewage Facilities\)](#) and by ordinance of Kaufman County. Useable open space does not include Right-of-Way, ponds, drainage easements, or utility easements.
2. The construction or installation of an OSSF on a lot or tract that is smaller than one (1) acre shall not be allowed. However, on such smaller lots or tracts, recorded with the County in its official plat **recorded prior to January 1, 1988**, an on-site sewage facility may be permitted to be constructed and licensed to operate on a lot smaller than one (1) acre if it is demonstrated by a thorough investigation of a Registered Professional Engineer or Registered Professional Sanitarian (either having demonstrated expertise in on-site sewage facility design) that an on-site sewage facility on one of these lots can be operated without causing a threat or harm to an existing or proposed water supply system or to the public health, or creating the threat of pollution or nuisance conditions.
3. A soil evaluation and the OSSF size and type is required with the initial submittal of an OSSF application. The type of OSSF that is selected shall be determined on the basis of the soil and site information developed according to [TAC, Chapter 285, Subchapter D, Rule 285.30 \(Site Evaluation\)](#).
4. All private on- site sewage facilities will be constructed or installed in accordance with [TAC, Chapter 285](#) Rules and the Kaufman County OSSF Order.
5. Any potential OSSF site within a 100-year floodplain is subject to special planning requirements in accordance with [TAC, Chapter 285, Subchapter D, Rule 285.31\(c\)\(2\)](#). The OSSF shall be located so that a flood will not damage the OSSF during a flood event, resulting in contamination of the environment. Planning materials shall indicate how tank flotation is eliminated. Additionally, if the site is within the regulated floodway, a professional engineer shall demonstrate that:
  - a. the system shall not increase the height of the flood;
  - b. all components, with the exception of risers, chlorinators, cleanouts, sprinklers, and inspection ports, shall be completely buried without adding fill; and
  - c. non-buried components (e.g. alarms, junction boxes, and compressors) shall be elevated above the 100-year base flood elevation.



E. County OSSF Designated Representative

The OSSF Designated Representative of Kaufman County must be certified by the TCEQ as defined in the [Texas Administrative Code, Title 30, Chapter 285, Subchapter A, Rule 285.2\(17\)](#) before assuming the duties and responsibilities noted in the [Texas Administrative Code, Title 30, Chapter 285, Subchapter F, Rule 285.62 \(Duties and Responsibilities of Designated Representatives\)](#).

F.

G. OSSF Initial Inspection by the Designated Representative

1. The initial inspection of the OSSF system will be performed by the [Designated Representative](#) once construction of the OSSF is completed per the specification of the approved OSSF Permit.
  - a. A final inspection shall not be requested by the [Designated Representative](#) until the construction of the OSSF is completed. A final inspection fee will be charged for partial inspections.
  - b. If the applicant fails, the initial inspection he/she will be subject to paying a new inspection fee.

H. OSSF Maintenance Inspection Procedures

1. Prior to the issuance of an [On-Site Sewage Facility \(OSSF\) Permit \(Section 14.03.B\)](#) the applicant shall submit a two (2) year maintenance contract for a system using aerobic treatment.
  - a. A maintenance contract form shall be signed by the Applicant to confirm that he/she will comply with the following provisions:
    - i. The proposed OSSF System using aerobic treatment will be inspected by a Licensed Maintenance Provider on a quarterly basis and a copy of the report shall be submitted to the County within the specified timeframe on the contract.
    - ii. The maintenance contract shall be renewed annually.

I. Appeals

Persons aggrieved by an action or decision of the [Development Services Director](#) or County OSSF Designated Representative may appeal such action or decision to the [Development Support Committee](#). An appeal decision of the [Development Support Committee](#) may be appealed to the [Commissioners Court](#).

J. Enforcement and Penalties

1. Kaufman County understands that at a minimum, it must follow the requirements in [Texas Administrative Code, Title 30, Chapter 285, Subchapter G, Rule 285.71](#) Authorized Agent Enforcement of OSSFs.
2. These regulations adopt and incorporates all applicable provisions related to on-site sewage facilities which includes, but is not limited to, those found in Texas Health and Safety Code (THSC), [Chapters 341, 343](#), and [366](#), Texas Water Code (TWC), [Chapters 7, 26](#), and [37](#) and the Texas Administrative Code (TAC), Title 30, Chapter 285, Subchapters A and G.
3. All future amendments and revisions to the [Texas Administrative Code, Title 30, Chapter 285, Subchapters A and G](#) shall be incorporated by reference and are thus made a part of these rules.



## 9.05. Utility Connection Certificate

### A. Enforcement Tool to Ensure Compliance with the Subdivision Regulations

No entity that serves land with water, sewer, electricity, gas, or other utility service, may serve or connect with such service, any land within the County, unless the entity has been presented with or holds one of the following:

1. A [Utility Connection Certificate](#), applicable to such land, issued by the [Development Services Director](#), stating that such land, with any uses or buildings, is in conformance with the [Subdivision Regulations](#).
  - a. The primary purpose of the above provision is to prohibit the connection of utilities until the land is confirmed to be in agreement with the [Subdivision Regulations](#).
2. A [Utility Connection Certificate](#), applicable to such land, issued by the Development Services Director, stating the Commissioners Court has determined that a conformance is not required. This certificate is issued on request of an owner of land or a utility provider.

### B. Procedure for Plats

#### 1. Written Application

Written Application for a [Utility Connection Certificate](#) for a new Subdivision shall be made at the same time as the Application for a Final Plat.

#### 2. Timing of Certificate Issuance

Said [Utility Connection Certificate](#) shall be issued within fourteen (14) calendar days after the Final Plat is approved.

## 9.06. Utility Construction Standards

### A. Utility Lines

1. Utility lines crossing a road shall be installed a minimum of thirty-six (36) inches below the ditch line or a minimum of forty-two (42) inches below the crown line of the road, whichever is greater.
2. All lines carrying liquid products must be encased in metal or PVC schedule forty (40) and a minimum length of five (5) feet from ditch line to ditch line.
3. If new roads are constructed over existing petroleum pipeline crossings, the pipelines must meet the following requirements:
  - a. Encased pipe must be at least three (3) feet below the deepest proposed ditch grade and vented with a minimum length of the road right-of-way.
  - b. Non-cased pipe of extra wall thickness meeting Federal Regulations) must be at least four (4) feet below the deepest proposed ditch.
4. All petroleum pipeline shall be marked per State and Federal guidelines.



## Section 10. Manufactured Home Rental Communities, Lodging Developments, and Recreational Vehicle Parks

### 10.01. General

#### A. Purpose

The purpose of this Section is to achieve orderly Manufactured Home Rental Community, Lodging Development, and Recreational Vehicle Park development to promote the use of land to assure the best possible community environment and to protect and promote health, safety, and general welfare of the residents of Kaufman County. Per Section 232.007 of the Texas Local Government Code (TLGC), a Manufactured Home Rental Community, Lodging Development, or Recreational Vehicle Park shall not be required to plat, but shall be required to provide adequate infrastructure to serve the development. An Infrastructure Development Plan (IDP) shall be submitted to show that minimum infrastructure standards, as listed Section 10.03, are being provided with the development of the Manufactured Home Rental Community, Lodging Development, or Recreational Vehicle Park.

The Commissioners Court of Kaufman County, Texas, finds that Lodging Developments and Recreational Vehicle Park Developments, as defined herein, are subdivisions under Chapter 232, Texas Local Government Code. This position is upheld by Texas Attorney General Opinion GA-1007 dated May 13, 2013. The Commissioners Court further finds that the requirements herein are reasonable and necessary to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.

#### B. Authority

These regulations are and shall be deemed to be an exercise of power of the Commissioners Court, Kaufman County, Texas, over "county business" as conferred upon it by Article 6626a, Vernon's Annotated Codes and Statutes (V.A.C.S.), originally, and subsequently by Articles 60702-1, Article 6626aa, and Article 6626c-d, V.A.C.S., all as provided for in Article V, Section 18, Texas Constitution.

Kaufman County is defined as an urban county with authority granted under Subchapter A and E of Chapter 232 of the Texas Local Government Code. All authority specifically provided to Kaufman County by or agreed to between Kaufman County and other local, state, and/or federal agencies shall be applied to the fullest extent. Specific permitting requirements are subject to interlocal agreements relating to the extraterritorial jurisdictions (E.T.J.) between Kaufman County and the incorporated cities.

#### C. Enforcement and Penalties

Any violation of this policy will be enforced by available civil, criminal, or administrative remedies allowable under state law at the time that a violation occurs.

1. Texas Local Government Code §232.005, as amended, provides for the enforcement of State subdivision laws and of these regulations.
2. A person commits an offense if that person knowingly or intentionally violates a requirement of these regulations. Such offense is a Class B misdemeanor.
3. Under Texas law, a person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, any person who assists in violating these regulations may also face criminal penalties.



4. At the request of the [Commissioners Court](#), the [County Attorney](#) or other prosecuting attorney for the [county](#) shall have the power to enforce these regulations by filing an action in a court of competent jurisdiction.

#### D. Other Regulations

These requirements are not the exclusive law or regulation controlling [development](#) in Kaufman County. The following is only a partial list of other regulations that may apply:

1. [Lodging Developments](#) and [Recreational Vehicle Park Developments](#) are subject to the Kaufman County Subdivision and Land Development Regulations. All [subdivisions](#) within the Extra Territorial Jurisdiction (E.T.J.) of an incorporated city may also be subject to city [subdivision regulations](#) or County-City Interlocal Agreements. In such instances where subdivision platting authority is granted to the City under an Interlocal Agreement, but the City does not regulate [Lodging Developments and Recreational Vehicle Park Developments](#) in the E.T.J., the County Subdivision Regulations shall apply.
2. [Developments](#) are subject to laws and regulations of general applicability, including public health nuisances under Chapters 341 and 343 of the Texas Health and Safety Code. The [Operator](#) must address solid waste disposal, rodent/insect harboring, fly breeding, and improper water and wastewater disposal in accordance with these Chapters.
3. Other agencies with regulatory authority that may apply to [Developments](#) include, but are not limited to, Emergency Services Districts, Groundwater Districts, Texas Commission on Environmental Quality, Public Utilities Commission, United States Fish and Wildlife Service, Environmental Protection Agency, and U.S. Army Corp of Engineers.
4. Other Kaufman County regulations and standards including, but not limited to, the Kaufman County Flood Damage Prevention Order, Fire Code as adopted by Kaufman County, Onsite Sewage Facilities Ordinance, and Kaufman County Driveway Standards.
5. Issuance of a Certificate of Compliance under these requirements does not indicate compliance with regulations or requirements of other agencies or entities.

#### E. Kaufman County Permits Required

The following is only a partial list of other permits that may be required and is not the exclusive law or regulation controlling [development](#) in Kaufman County:

1. Kaufman County Development Permits will be required for all permanent [structures](#) in the [Development](#).
2. In the event that on-site sewage facilities (OSSF) are planned, an OSSF Permit from Kaufman County will be required.
3. If the [Development](#) is located off a [County](#) Road, a Kaufman County Driveway Permit is required.
4. If the [Development](#) is within [Areas of Special Flood Hazard](#), then a [Floodplain](#) Development Permit is required.
5. If any public [building](#) or commercial establishment is to be located on the property, a permit is required from the Kaufman County Fire Marshal's Office.



## 10.01 | General

F. Definitions and Acronyms

For the purpose of these [Subdivision Regulations](#), the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Section. All other words and terms shall have their usual force and meaning.

1. [GRANDFATHERED LODGING DEVELOPMENT](#) or [RECREATIONAL VEHICLE PARK](#) – A [Lodging Development](#) or [Recreational Vehicle Park](#) that was either in operation before the adoption of this section of the [Subdivision Regulations](#) on August 2, 2022, or for which a written [application](#) for a permit was filed with Kaufman County before the adoption of this section of the [Subdivision Regulations](#) on August 2, 2022.
2. [DEVELOPMENT, LODGING DEVELOPMENT, RECREATIONAL VEHICLE PARK, or COMBINED DEVELOPMENT](#) - Any [lot](#) or tract of land designed to accommodate more than two [Lodging Development Units](#) (as defined herein), [Recreational Vehicles](#) (as defined herein), [Tiny Houses](#) (as defined herein), or combination of [Lodging Development Units](#), [Recreational Vehicles](#), and [Tiny Houses](#); and which exists as a privately owned and operated enterprise, with or without charges, occupied or intended to be occupied for dwelling or sleeping purposes for any length of time.
3. [LODGING DEVELOPMENT UNIT](#) – Any [structure](#), temporary or permanent, including a [Tiny House](#) (as defined herein), intended, or adapted, for use as residential dwellings.
4. [OPERATOR](#) – The [person](#) in charge of operating any [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#), either under written or verbal (oral) lease, or any other arrangement whereby he or she exercises control over the premises.
5. [OWNER](#) – The [person](#) who holds title to the [lot](#) or tract of land on which a [Manufactured Home Rental Community](#), Lodging Development or [Recreational Vehicle Park](#) is constructed or operated, as shown in a deed recorded in the [County Clerk](#)'s official records.
6. [PERSON](#) - Person means an individual, firm, association, organization, partnership, trust, foundation, company, limited liability company, business trust, corporation, or other organization, estate, or a series of a domestic limited liability company or foreign entity.
7. [RECREATIONAL VEHICLE \(RV\)](#) - Includes any of the following:
  - a. [CAMPING TRAILER](#) - A folding [structure](#) mounted on wheels and designed for travel, recreation, and/or vacation use.
  - b. [MOTOR HOME](#) - A portable temporary dwelling to be used for travel, recreation, and/or vacation, constructed as an integral part of a self-propelled vehicle.
  - c. [PICKUP COACH](#) - A [structure](#) designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and/or vacation.
  - d. [TRAVEL TRAILER](#) - A vehicular [structure](#) built on a chassis with body width not to exceed eight and one-half feet (8.5') and body length less than 46 feet (46'), that [structure](#) designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.
  - e. [TINY HOUSE ON WHEELS](#) – See definition herein.



8. [RECREATIONAL VEHICLE PARK](#) (RV Park) – Any [lot](#) or tract of land designed to accommodate two or more [recreational vehicles](#), as defined herein, and which exists as a privately owned and operated enterprise with or without charges for the parking of [recreational vehicles](#) occupied or intended to be occupied for dwelling or sleeping purposes for any length of time.
9. [RECREATIONAL VEHICLE SPACE](#) – A plot of land within a [Recreational Vehicle Park](#) designed for the accommodation of one recreational vehicle.
10. [SPACE](#) - A plot or tract of land within a [Development](#) designed for the accommodation of [one Lodging Development Unit](#), Recreational Vehicle, or [Tiny House](#).
11. [STREETS AND ROADS](#) - A public road, a private drive, or any other avenue of ingress/egress intended to provide [access](#) to all or any part of a [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#) consisting of more than one space.
12. [TINY HOUSE](#) - Any residential [structure](#) under four hundred (400) square feet in floor areas, excluding Lofts.

#### G. [Administration](#)

The [Commissioners Court](#) of Kaufman County delegates the administration of these requirements and the review process to the Kaufman County Development Services department or designee.

1. The [Owner](#) of a [lot](#) or tract of land located in Kaufman County outside the city limits of a municipality who intends to use the land for a [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#) must prepare an Infrastructure Development Plan (IDP) that complies with the minimum [infrastructure](#) requirements in [Section 10.03](#).
2. The [Owner](#) of [Grandfathered Lodging Development](#) or [Recreational Vehicle Park](#) planning an expansion of the [Development](#) must prepare an Infrastructure Development Plan (IDP) for said expansion that complies with the minimum [infrastructure](#) requirements that are set out in [Section 10.03](#).
3. Prior to submitting a [Manufactured Home Rental Community](#), [Lodging Development](#), and [Recreational Vehicle Park](#) Development Application, a Pre-Application Meeting with Kaufman County Development Services Staff is REQUIRED. The [Owner](#) or his authorized agent will present a draft IDP for general discussion of the requirements.
4. Prior to beginning any construction, the [Owner](#) must submit one (1) digital copy, in PDF format, of the IDP along with a [Manufactured Home Rental Community](#), [Lodging Development](#), and [Recreational Vehicle Park](#) Development Application and required fees to Kaufman County Development Services. A [Manufactured Home Rental Community](#), [Lodging Development](#), and [Recreational Vehicle Park](#) Development Application MUST be filled out in its entirety prior to submission. Incomplete applications will not be processed and will be returned to the [Applicant](#).
5. Once a Complete [Application](#) has been received, Kaufman County or designee will conduct an Administrative Review for accuracy and completeness within ten (10) business days. An Administratively Complete Application will be reviewed for compliance with these [Subdivision Regulations](#) by Kaufman County Development Services and/or the [Commissioners Court Engineering Representative](#). Per Texas Local Government Code 232.0025, Kaufman County will complete the Compliance Review within thirty (30) calendar days. Any comments, revisions, questions, or alterations will be communicated to the [Applicant](#) during that review time.
6. Kaufman County Development Services will review and approve or disapprove the IDP. Construction may not begin before the IDP is approved by Kaufman County Development Services.



**10.01 | General**

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7. Upon completion of the Compliance Review a Certificate of IDP Approval, Certificate of IDP Approval with Conditions, or IDP Disapproval Letter will be issued to the **Owner** and/or his authorized agent. If the IDP is approved and there is no public **infrastructure** included in the **development**, construction may begin immediately. If public **infrastructure** is included in the **development**, then a Pre-Construction Meeting will be required before construction may begin. If the IDP is disapproved, the written IDP Disapproval Letter shall specify the reasons and the actions required for **approval**. The failure to disapprove an IDP within thirty (30) calendar days of receiving an Administratively Complete Application constitutes **approval** of the IDP.
8. Kaufman County Development Services Staff, as well as any other **person** designated by either Kaufman County Development Services or the **Commissioners Court**, may inspect the **infrastructure** at any reasonable time during construction. The **Owner** and his authorized agent(s) shall not hinder such inspections.
9. On completion of construction, the **Owner** shall confirm in email or writing to the **County** that the **infrastructure** is complete, and a final inspection must be completed no later than the tenth (10<sup>th</sup>) business day after the said notice is received. If the **County** determines that the **infrastructure** does not fully comply with the IDP, the **Owner** shall be given an opportunity to cure the defects. On completion of curative actions, the **Owner** must request another inspection and pay appropriate fees.
10. When the **County** determines that the **infrastructure** constructed complies with the IDP, a Certificate of Compliance will be issued.
11. A utility may not provide utility services, including water, sewer, gas, and electric services, to a **Development**, Lodging Unit, **Manufactured Home**, Recreational Vehicle, or **Tiny House** in a **Development** covered by these rules unless the **Owner** provides the utility with a copy of the Certificate of Compliance from Kaufman County Development Services.
12. Fees for permits and inspections required by these **Subdivision Regulations** will be set in the adopted schedule of fees as approved by the **Commissioners Court** of Kaufman County, Texas.
13. The provisions of these **Subdivision Regulations** are severable. If any word, phrase, clause, sentence, section, provision, or part of these **Subdivision Regulations** should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the **Commissioners Court** that these **Subdivision Regulations** would have been adopted as to the remaining portions, regardless of the invalidity of any part.
14. Forms are promulgated for use in the administration of these regulations. The Development Services Department, **Commissioners Court Engineering Representative**, or **Commissioners Court** may add to these forms or may promulgate additional forms as may be needed to administer these regulations.
15. Details (drawings) may be promulgated for use in the administration of these **Subdivision Regulations**. The Development Services Department, **Commissioners Court Engineering Representative**, or **Commissioners Court** may revise these details or may promulgate additional details as may be needed to administer these **Subdivision Regulations**.



## 10.02. Applicable Subdivision Regulations

### A. Sections

Per [Section 232.007 of the Texas Local Government Code \(TLGC\)](#), [Manufactured Home Rental Community, Lodging Development](#), or [Recreational Vehicle Park](#) Development shall be subject to the following sections contained in the [Subdivision Regulations](#):

1. [Section 5 Subdivision Design Standards](#)
2. [Section 6 Subdivision Development Procedures](#)
3. [Section 7 Stormwater Management](#)
4. [Section 8 Flood Damage Prevention](#)
5. [Section 9 Water and Wastewater](#)
6. [Section 14 Site Development Authorization](#)

## 10.03. Minimum Infrastructure Standards

### A. Infrastructure Development Plan (IDP) Required for Manufactured Home Rental Communities, Lodging Developments, and Recreational Vehicle Parks

1. The [Owner](#) and/or [Developer](#) of a [Manufactured Home Rental Community, Lodging Development](#), or [Recreational Vehicle Park](#) must have an Infrastructure Development Plan (IDP) prepared that complies with the minimum [infrastructure](#) in conformance with this Section and the [Subdivision Regulations](#) as adopted by the [Commissioners Court](#).
2. No later than thirty (30) calendar days after an Administratively Complete [Application](#) of an Infrastructure Development Plan is submitted by the [Owner](#) or [Developer](#) of a [Manufactured Home Rental Community, Lodging Development](#), or [Recreational Vehicle Park](#) shall the [Commissioners Court Engineering Representative](#) either disapprove or approve in writing. If the plan is disapproved, the written IDP Disapproval Letter must specify the reason for the rejection and the action required for [approval](#).
3. The Infrastructure Development Plan for a [Manufactured Home Rental Community, Lodging Development](#), or [Recreational Vehicle Park](#) shall consist of plans and specifications for [Construction Plans \(Section 6.01\)](#) prepared by a licensed Professional [Engineer](#) and/or Licensed [Surveyor](#) and shall include the following:
  - a. [Survey](#): Preparation of a survey by a licensed professional [surveyor](#) identifying the proposed [Manufactured Home Rental Community, Lodging Development](#), or [Recreational Vehicle Park](#) boundaries and any significant feature of the community including community spaces and dedications of rights-of-way.
  - b. [Road Frontage](#): Dimensions on plan showing the property has a minimum of seventy-five feet (75') of deeded [frontage](#).
  - c. [Entrances](#): Any [Manufactured Home Rental Community, Lodging Development](#), or [Recreational Vehicle Park](#) with thirty (30) or more spaces shall require a minimum of two (2) entrances.
  - d. [Site Plan](#): A site plan signed and sealed by a Professional [Engineer](#) or a Licensed [Surveyor](#) identifying the proposed [Development's](#) boundaries including any significant features and the proposed location of:



## 10.03 | Minimum Infrastructure Standards

- i. [Lodging Development Units](#) and [Recreational Vehicle Spaces](#), which shall be numbered sequentially,
- ii. utility [easements](#),
- iii. roads,
- iv. setback lines,
- v. parking spaces,
- vi. dumpsters,
- vii. public or common areas,
- viii. [buildings](#),
- ix. septic dump stations,
- x. septic systems, including drain fields (if applicable),
- xi. water wells (if applicable),
- xii. location of water supply lines,
- xiii. location of existing and proposed fire hydrants,
- xiv. location, dimensions, and details for fire lanes (fire apparatus [access](#) roads),
- xv. location of natural gas supply lines (if applicable),
- xvi. location of electric supply lines,
- xvii. the location, in Kaufman County, of the proposed [Development](#),
- xviii. a window insert depicting, to scale, the average Space, with its hard surface,
- xix. the Special Flood Hazard Area, if any, and
- xx. drainage features, if any.
- xxi. The site plan may also contain features to help provide additional information required by these requirements.

e. Drainage

Reasonable specifications and plans to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the Special Flood Hazard Area and/or one hundred (100) year [floodplain](#). The placement of any [structure](#) within the regulatory [floodplain](#) shall be in accordance with the Kaufman County Flood Damage Prevention Order. A drainage study is required as part of the [application](#). The requirements of the drainage study are set forth in [Subdivision Regulations](#) for Kaufman County.

- f. Water: Reasonable specifications for providing an adequate public or community water supply in accordance with [Chapter 341](#) of the Health and Safety Code.

Either:



- i. **Public Water:** Reasonably specific plans to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Texas Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the Units/Spaces must be submitted with the IDP; or
- ii. **Private Water:** Provide certification that adequate groundwater is available for the [Development](#). The [Operator](#) is required to provide a statement from the impacted groundwater district that certifies that adequate groundwater is available for the [subdivision](#) if water is not to be provided by a public or private provider. (Lack of certification that suitable and adequate groundwater is available is grounds for denial of IDP if groundwater is the proposed source of water). A note shall be placed on the IDP that groundwater is to be the source of water.

g. **Power**

A letter from the local electrical utility, and natural gas utility if natural gas connections will be furnished, stating that sufficient service for all Units/Spaces is available must be submitted with the IDP.

- h. **Sewage:** Reasonable specifications for providing access to sanitary sewer lines including specifying the location of sanitary sewer lines or providing adequate on-site sewage facilities in accordance with [Chapter 366](#) of the Health and Safety Code and Kaufman County OSSF Ordinance.

One of the following:

- i. **Public Sewage:** Reasonably specific plans to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility or municipality, a certification by the provider that service for each of the planned Units/Spaces is available must be submitted with the IDP; or
- ii. **On-Site Sewage Facilities (OSSF):** Reasonably specific plans for providing on-site sewage facilities in accordance with Chapter 366, Texas Health and Safety Code.
  - a) Estimated sewage flow does not exceed 5,000 gallons per day (gpd): The plans must meet minimum standards established under Title 30, Texas Administrative Code, Chapter 285.4 of the OSSF rules and the On-Site Sewage Facility Rules for Kaufman County and shall be permitted by Kaufman County; or
  - b) Estimated sewage flow exceeds 5,000 gallons per day (gpd): Provide reasonably specific plans for providing sewage treatment and disposal under Chapter 26 of the Texas Water Code. [Approval](#) by Texas Commission on Environmental Quality, or its designated agent for Kaufman County, must be submitted with the IDP.
  - c) Annual Biological Oxygen Demand (BOD) testing for commercial facilities as required by the Texas Commission on Environmental Quality.
- iii. If the sewage is to be treated in some other way, [approval](#) by the relevant government agency that is to license or inspect the treatment facilities must be submitted with the IDP.



## 10.03 | Minimum Infrastructure Standards

- i. Streets or Roads: Reasonable specifications for streets or roads in the Development to provide ingress and egress access for fire and emergency vehicles. If the property is adjacent to or crossed by a street or road designated on the Kaufman County Thoroughfare Plan, the Right-of-Way shall be dedicated. If required by the Commissioners Court, the designated street or road shall be constructed by the Developer, consistent with the location as indicated on the Kaufman County Thoroughfare Plan, and the requirements contained within these Subdivision Regulations.
  - i. Roads shall be designated and signed as either one-way or two-way.
  - ii. The improved surface of one-way roads shall be at least twelve feet (12') wide. One-way roads must be approved and allowed by the Kaufman County Fire Marshal.
  - iii. The improved surface of two-way roads shall be at least twenty-five feet (25') wide.
  - iv. Roads shall be looped and are not allowed to end in a cul-de-sac.
  - v. Road materials shall comply with standards in Section 5.03.K of these Subdivision Regulations.
  - vi. Roads shall be designed, constructed, and maintained to be passable by recreational vehicles and emergency vehicles at all times and in all weather. Roads must comply with the Fire Code standards as adopted by Kaufman County.
  - vii. The entrance to the Development shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
  - viii. If the Development is located off of a County Road, an application for a Culvert Permit, with the proper fee, must be submitted with the IDP.
  - ix. If the Development is located off of a State Highway, the approved Texas Department of Transportation (TxDOT) Driveway Permit must be submitted with the IDP. If the permit is not available at the time of application, written correspondence from TxDOT is required demonstrating that the proposed location has been coordinated with TxDOT and that it is agreeable and any contingent conditions for approval.
- j. Setbacks

Building Setbacks, including any part of a Lodging Development Unit, Manufactured Home, Recreational Vehicle, or Tiny House on a Space, shall be:

  - i. Not less than twenty-five feet (25') from a public right-of-way, and not less than fifty feet (50') on all major highways and roads as defined in Section 5.07 Building Setbacks,
  - ii. Not less than fifteen feet (15') from a property line,
  - iii. Not less than ten feet (10') from an internal road,
  - iv. Not less than twenty feet (20') between each Lodging Development Unit, Manufactured Home, or Recreational Vehicle, with slide-outs extended.
    - a) Developer is responsible for determining what size slide-outs shall be allowed within the Development. The Infrastructure Development Plan must show the restrictions that will be enforced by the Developer and/or Operator regarding maximum slide-outs permitted. Twenty feet (20') spacing between units with slide-outs extended shall be measured based on the maximum allowable slide-outs that the Developer will allow within the Development.
- k. Manufactured Home and Lodging Development Spaces



Each Space shall:

- i. Afford parking and maneuvering space sufficient so that the parking, loading, and the like, of vehicles shall not necessitate the use of any public right-of-way or privately owned property which may abut the [Development](#) or the unreasonable use of any interior road.
- ii. For purposes of this subsection, a [Tiny House](#) shall be considered to lie within a [Lodging Development](#) Space.

I. Recreational Vehicle Spaces

Each [Recreational Vehicle Space](#) shall:

- i. Afford parking and maneuvering space sufficient so that the parking, loading, and the like, of [Recreational Vehicles](#) shall not necessitate the use of any public right-of-way or privately owned property which may abut the [Development](#) or the unreasonable use of any interior road.
- ii. If provided with electrical service, be so served through an underground distribution system.
- iii. Include a hardened area of not less than twelve feet by forty feet (12' x 40'), improved with compacted crushed road base material, adequate to support the weight of the Recreational Vehicle, so as to not heave, shift, or settle unevenly under the weight of the Recreational Vehicle due to frost action, inadequate drainage, vibration or other forces.

m. Service Buildings, Laundry, and Sanitation Facilities

Each [Development](#) which has [Lodging Development Units](#) not equipped with integral toilet and bathing facilities, or which allows [Recreational Vehicles](#) not equipped with integral toilet and bathing facilities, shall provide one or more service [buildings](#) for the use of tenants.

- i. The service [buildings](#) shall provide for:
  - a) One flush toilet for women;
  - b) One flush toilet for men;
  - c) One lavatory for women;
  - d) One lavatory for men;
  - e) One shower and dressing accommodation for women, provided in an individual compartment or stall;
  - f) One shower and dressing accommodation for men, provided in an individual compartment or stall;
- ii. Lodging Developments: These amenities shall accommodate not more than ten (10) [Lodging Development Units](#). For each additional ten (10) [Lodging Development Units](#), or fraction thereof, one flush toilet, one lavatory, and one shower with individual dressing accommodations shall be provided for each gender as described above.
- iii. Recreational Vehicle Parks: These amenities shall accommodate not more than fifty (50) [Recreational Vehicle Spaces](#). For each additional thirty (30) [Recreational Vehicle Spaces](#), or fraction thereof, one flush toilet, one lavatory, and one shower with individual dressing accommodations shall be provided for each gender as described above.



## 10.03 | Minimum Infrastructure Standards

- iv. For the purposes of this section, only [Lodging Development Units](#) not equipped with self-contained toilet and bathing facilities shall be counted, and only [Recreational Vehicle Spaces](#) not equipped with self-contained toilet and bathing facilities shall be counted.
- v. All facilities shall comply with the Americans with Disabilities Act (ADA).
- vi. Service [buildings](#) housing sanitation or laundry facilities shall be permanent [structures](#) which comply with all applicable laws and ordinances regulating [buildings](#), electrical installation, plumbing, and sanitation systems, and shall comply with State, Federal, and [County](#) Regulatory Requirements.
- n. [Utilities](#)
  - i. All water, sewage, and gas lines servicing [Manufactured Homes](#), [Lodging Development Units](#), [Recreational Vehicle Spaces](#), and service [buildings](#) shall be buried.
  - ii. All electrical lines servicing [Recreational Vehicle Spaces](#) shall be buried and in conformance with applicable standards, including the technical requirements as listed in Texas Administrative Code §73.100.
  - iii. All electrical lines servicing [Manufactured Homes](#), [Lodging Development Units](#), or service buildings shall be installed in conformance with applicable standards, including the technical requirements as listed in Texas Administrative Code §73.100.
- o. [Emergency Services District](#)

If located in an Emergency Services District, a letter from the Emergency Services District stating that the proposed [Development](#) meets its regulations (if any) must be submitted with the IDP.
- p. [Identity of Operator](#)

The [Operator](#) will identify itself by name, address, telephone number, and e-mail address. The [Operator](#) has a continuing obligation to keep the [County](#) informed, in writing, of any changes in this information.
- q. [Fire Suppression](#)
  - i. Where a water line of six-inch (6") diameter or greater is along the road adjacent to or across from the proposed [Development](#), and is available for service to the proposed [Development](#), the [Operator](#) shall place fire hydrants to the specifications of the Fire Code as adopted by Kaufman County and any other applicable local standards. Fire hydrants placed in the [Development](#) shall have at least two (2) two and one-half inch (2.5") outlets with National Standard Treads (N.S.T.) and one (1) Large Diameter Hose (LDH) connection as specified by the local fire department.
  - ii. In a [Development](#) that is served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for water utility services, fire hydrants shall be located on or within ten feet (10') of a fire lane designated roadway, located within two hundred and fifty feet (250') of all portions of the fire apparatus access road (spacing of five hundred feet (500')), and no [structure](#), [Lodging Development Unit](#), or [Recreational Vehicle Space](#) shall be more than four hundred feet (400') from an approved fire hydrant. The fire hydrants shall be on a minimum six-inch (6") main. The fire protection system shall be designed and certified by a Professional [Engineer](#) ensuring that these requirements have been met. A signed statement by a registered Professional [Engineer](#) certifying that these requirements have been met shall be included with the IDP.



- iii. In a [Development](#) that IS NOT SERVED BY FIRE HYDRANTS, and IS NOT PART OF A CENTRALIZED WATER SYSTEM certified by TCEQ as meeting minimum standards for water utility services, the [Operator](#) shall provide water storage with a capacity greater than or equal to the amount specified by NFPA 1142. The minimum capacity is calculated based on the largest [structure](#) or expected recreational vehicle.
- iv. The water storage tank shall comply with NFPA 22.
- v. The location(s) of the water storage tank(s) and access [easement](#)(s) shall be shown on the IDP.
- vi. The [Operator](#) will, upon installing the water storage tank(s), fill it with water to demonstrate that it will hold water. The [Operator](#) may not remove the water, and has to keep the water storage tank(s) filled.
- vii. Kaufman County has no obligation to maintain, repair, replace, or fill the water storage tank(s).
- viii. The water storage tank(s) must be installed, filled, and pass inspection prior to any [structures](#), [Manufactured Homes](#), [Lodging Development Units](#), or [Recreational Vehicle Spaces](#) being occupied.

#### 10.04. Approval Required Prior to Construction

##### A. [Development Authorization](#)

[Development](#) for [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#) Development shall not begin before [development](#) authorization is issued in accordance with [Section 14 Site Development Authorization](#) and the regulations contained in this section. If the IDP is approved and there is no public infrastructure included in the [development](#), construction may begin immediately. If public [infrastructure](#) is included in the [development](#), then a Pre-Construction Meeting will be required before construction may begin.

##### B. [Submittal and Review](#)

The Infrastructure Development Plan shall be submitted in conformance to [Section 6.01 Construction Plans](#) and shall be reviewed and approved by the [Commissioners Court Engineering Representative](#).

##### C. [Variances](#)

The [Development Support Committee](#) may grant a [variance](#) when strict application of these requirements would work an unusual hardship. The [Development Support Committee](#) may attach such conditions to the granting of a [variance](#) as deemed necessary to further the purpose of these standards.

1. A [Developer](#) may, prior to submitting an IDP, request that Kaufman County grant a [variance](#) as to any rule, except for fees and those shown below. The [variance](#) request must be resolved prior to submission of the IDP. Kaufman County will not approve a [variance](#) request that is in opposition to any covenants or deed restrictions.
  - a. Variance requests on drainage requirements for the 100-year storm to be contained within a drainage easement a minimum of twenty (20) feet wide shall not be permitted and applications for such variances will not be considered or accepted.
2. An application for a [variance](#) shall be determined to be complete when the [Subdivision Variance](#) Request Form and all required materials and fees are received by Kaufman County Development Services.



**10.05 | General Development Standards**

3. The Commissioners Court Engineering Representative will consider the application for [variance](#) and make a recommendation to the [Development Support Committee](#).
4. The [Development Support Committee](#) will make the final decision about the [variance](#) application.
5. After the [Development Support Committee](#) makes its decision, the [Owner](#), [Developer](#), or [Operator](#) may, within one (1) calendar year after the date the [variance](#) is allowed, submit an IDP that includes the [variance](#) allowed by the [Development Support Committee](#).
6. The [Owner](#), [Developer](#), or [Operator](#) may not submit an IDP that is contingent upon the allowance of a [variance](#) that has not already been before the [Development Support Committee](#).
7. When a [variance](#) is approved by the [Development Support Committee](#), the [Owner](#), [Developer](#), or [Operator](#) must complete the action for which a [variance](#) was granted within one (1) calendar year from the date it is granted, or the [variance](#) will expire.
8. The [Commissioners Court](#) shall consider an appeal of a [Subdivision Variance](#) decision made by the [Development Support Committee](#) in accordance with [Section 13.01](#).

**D. Records**

All applications and file copies of permits issued pursuant to these Subdivision Regulations shall be maintained by Kaufman County as part of the permanent records of the Development Services Department.

**E. Utility Connection Certificate**

1. A utility may not provide utility services, including water, sewer, gas and electric services to a [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#) subject to an Infrastructure Development Plan unless the [Owner](#) provides the utility with a copy of a [Utility Connection Certificate](#). This section shall apply to:
  - a. A municipality that provides utility services,
  - b. A municipally owned and operated utility that provides utility services,
  - c. A public utility that provides utility services,
  - d. A nonprofit water supply or sewer service corporation organized in operating under [Chapter 67](#) of the Water Code that provides utility services,
  - e. A [County](#) that provides utility services, and
  - f. A special district or authority created by state law that provides utility services.
2. A [Utility Connection Certificate](#) (Refer to [Section 9.05](#)) shall be issued by the [County](#) within fourteen (14) calendar days after the [Developer](#) has complied with the minimum infrastructure standards ([Section 10.03 Minimum Infrastructure Standards](#)) and the [Development](#) has been inspected by the [Commissioners Court Engineering Representative](#) in accordance with [Section 6.06 Inspection of Public Improvements](#).

**10.05. General Development Standards**

**A. Development Guidelines**



1. There will be no direct ingress or egress to the County or State Right-of-Way or road from the [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#) except through interior roadways.
2. All interior streets inside the [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#) shall be private.
3. Entrance roads to a [Manufactured Home Rental Community](#) shall be at least eighty feet (80') in width and designed in conformance with the [Collector Street](#) standards within the Kaufman County [All access drives within County](#) right-of-way located within the interior of subdivisions shall satisfy the following criteria:
4. Access drives shall have a minimum six (6) inches in thickness of concrete.
5. Only one (1) access point (i.e., driveway) shall be allowed per lot or tract of land along roads identified as 80 feet of right-of-way or more on the Master Thoroughfare Plan. If multiple access points are desired on the same lot, it shall meet Tx-DOT's Access Management Standards, Table 2-2 and Section II (A) & (E).
6. Lots or tracts of land with direct driveway access to roads indicated on the Master Thoroughfare Plan shall not be allowed without meeting one of the following alternatives:
  - a. The lot or tract provides access via a parallel slip street.
  - b. Plat or filed instrument and built on-site shows shared access drive and shared access easements between multiple lots.
  - c. The lot or tract meets any other alternative that satisfies the Department of Development Director and/or County Engineer that significantly reduces the number of drive cuts.
7. Street Design Criteria ([Section 0](#)) to allow for sufficient turning radius for delivery and removal of [Manufactured Home](#) units.
8. [Cul-de-sacs](#) shall be prohibited.
9. Parking provided shall be off-street.
10. A [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#) shall be subject to stormwater management Design Criteria ([Section 7.04](#)) and dedicating the necessary Drainage Easements ([Section 7.07.A](#)).
11. A [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#) shall be subject to the [Kaufman County Fire Code](#) specifically as it pertains to the installation of fire hydrants.
12. An area for cluster mailboxes (U.S. Postal Service) shall be provided with the adequate off-street parking for the pick-up of mail and deliveries and property egress and ingress onto the road.
13. Front [building](#) setbacks shall be in conformance with [Section 5.07 Building Setbacks](#).
14. A [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#) with a density more than one house per acre shall have a TCEQ approved community wastewater treatment system (package plant). The community wastewater treatment system must meet the requirements of the Kaufman County OSSF Ordinances and TCEQ.
15. All sewer lines, yard lines, collector lines, and/or trunk lines shall be inspected as required by the utility provider.



10.05 | General Development Standards

16. A Manufactured Home Rental Community, Lodging Development, or Recreational Vehicle Park shall be subject to the development process outlined in Section 6 Subdivision Development Procedures.

B. Lodging Development and Recreational Vehicle Park Specific Requirements

The requirements described herein govern the development, operation, and maintenance of Lodging Developments and Recreational Vehicle Parks, as previously defined.

1. Development and Operation

- a. The Operator shall display the name of the Development with a sign at least twenty-four inches (24") high and plainly visible from the public road. The characters on the Development sign shall be reflective, at least three inches (3") high, and plainly visible from the public road. The Operator shall maintain the Development sign and shall not allow it to be obscured by weeds, vehicles, or anything else.
- b. The Operator shall mark with a sign each Unit and Space, with its number taken from the IDP. The characters on each Space sign shall be reflective, at least three inches (3") high, and plainly visible from the road. The Operator shall maintain each Space sign and shall not allow it to be obscured by weeds, vehicles, or anything else.
- c. The Operator shall keep all internal roads clear of obstructions, including parked vehicles, at all times.
- d. The Operator shall keep all service buildings required (if any) clean and in good repair at all times.
- e. The Operator shall require that water discharged in the Development by a Recreational Vehicle, Lodging Development Unit, or Tiny House, except air conditioning condensation, flow into the sewage system.
- f. The Operator shall not allow the waste tanks of a Recreational Vehicle to be flushed in the Development unless the flush water flows into the sewage system or into a holding tank the contents of which are removed in compliance with State and local law and regulations.
- g. All Spaces and common areas shall be kept mowed and free of high grass and weeds or other conditions that harbor insects, rodents, or other conditions that pose a threat to the health, safety, or welfare of the occupants or Kaufman County citizens.
- h. All rental spaces and all common areas shall be kept clear of all waste, trash, inoperative motor vehicles and other unsanitary, unhealthful, unsightly and nuisance conditions.

2. Trash and Waste Collection and Disposal

- a. The storage, collection, and disposal of refuse in the Development shall be so conducted as to create no health hazards.
- b. Refuse collection containers shall be provided in such a manner as to prevent containers from being tipped, to minimize spillage and container deterioration. The Operator shall keep the area around the refuse collection containers clean at all times.
- c. All Lodging Developments and Recreational Vehicle Parks shall be served by a public or commercial waste collection and disposal service that collects all trash and rubbish at least once weekly. It shall be a condition of occupancy that all tenants agree to be served by such service.



- d. If the minimum container capacity is insufficient to accept 100% of the solid waste generated by the tenants of the [Development](#), the [Operator](#) shall either increase the frequency of collection and disposal or increase the number of containers.
  - e. The [Operator](#) shall not allow any burning of garbage, or other disposal of garbage, except into the authorized containers. For the purposes of this section, dry materials that have been segregated and stored in a sanitary manner for recycling shall not be considered garbage.
3. Bottled Gas
- a. Bottled gas for cooking purposes shall not be used at individual [Lodging Development Units](#) or [Recreational Vehicles](#) unless the containers are properly connected by copper or other suitable metallic tubing.
  - b. Bottled gas cylinders shall be securely fastened in place.
  - c. State and local regulations applicable to the handling of bottled gas and fuel oil apply.
4. Fire Protection
- a. No open fires shall be permitted, except that this shall not be construed to prevent outdoor cooking in an approved pit or grill.
  - b. No part of a [Lodging Development Unit](#) or [Recreational Vehicle Space](#) shall exceed one hundred fifty feet (150') from the improved surface of an interior road.
  - c. No "flag tract" Space shall be allowed.
  - d. The [Operator](#) shall be responsible for maintaining the entire area of the [Development](#) free of dry brush, leaves, grass, and weeds.
5. Notice of Non-Compliance
- a. Kaufman County Development Services shall send written notice, by certified mail, to the [Owner](#) and/or [Operator](#) at the address(es) on file, or to the on-site office of the [Development](#), informing them of the non-compliance.
  - b. The [Owner](#) or [Operator](#) shall have ten (10) business days after mailing of the notice, to either bring the [Development](#) into compliance with these requirements or present a written plan to Kaufman County Development Services to bring the [Development](#) into compliance with these requirements.
  - c. If the [Owner](#) or [Operator](#) fails to bring the [Development](#) into compliance with these requirements or present a written plan to Kaufman County Development Services to bring the [Development](#) into compliance with these requirements within ten (10) business days after mailing of the notice, enforcement and penalties will be pursued per [Section 10.01.C](#).
  - d. If the [Owner](#) and/or [Operator](#) presents a written plan to Kaufman County Development Services within the time period specified above, Kaufman County Development Services may approve it (with or without changes made by the [Owner](#) or [Operator](#)) or refuse to approve it.



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## Section 11. Development or Use of County Property or Facility

### 11.01. General Provisions

Development authorization is required for any development activity proposed on designated [County](#) property or facility, including [Right-of-Way](#). No driveways, culverts, utility construction, mailboxes, landscaping or any other encroachment into public right-of-way or [easements](#) shall be allowed without first obtaining development authorization in the form of a [Development or Use of County Property or Facility \(DUCPF\) Permit](#) from the [County](#).

#### A. County Maintained Property

These regulations shall govern all real property owned or operated by the [County](#) or held in trust for the public including, but not limited to:

1. Real Property owned by the County or any subdivision of the County,
2. Public Roadways, Right-of-Way, [easements](#),
3. Facilities and [structures](#) that occupy real property and are owned or operated by the County.

### 11.02. County Property Excluded

#### A. Exceptions

1. These regulations do not apply to County-owned properties or facilities wholly under the operational control of the United States of America, the State of Texas, a political subdivision of the State of Texas or a special district or entity established by the Texas Legislature.
2. County [approval](#) is not required for used of designated County property for activities conducted by authorized law enforcement, public safety and emergency service agencies and officers operating within the scope of their duties during an emergency condition. Advance notice of such uses by authorized law enforcement, public safety and emergency services agencies and officers shall be provided to the County.

### 11.03. Applicability

The items listed in Section [11.03.A](#) are specifically recognized as requiring development authorization ([Section 14 Site Development Authorization](#)) in the form of a [Development or Use of County Property or Facility \(DUCPF\) Permit](#) from the [County](#). The development shall conform to the guidelines contained in this section and a permit shall be submitted to the [Development Services Director](#) in accordance with Section [14.05 Site Development Review Procedures](#).

#### A. Permit Required For

1. The installation of driveways and culverts within County Right-of-Way;
2. The installation of mailboxes, signs, and other related items in public collector-type roadways if such items projecting above the ground surface are not constructed of "break-away" or collapsible materials;
3. The installation of utility lines on in above or under public roadways;
4. The installation of communications equipment not fastened to [existing structure](#) or other related items located on County property that is not within a public roadway;
5. Any construction or land disturbance on, in, above, or under any designated County property;
6. The placement of permanent structure of facilities on, in above, or under any designated County property;



**B. Permit Fees**

1. For developments with implications to County Roadways, the Developer will be required to pay a fee for the review of the Construction Plans. This includes developments within Extra-Territorial Jurisdictions (ETJ) that will affect County Roadways. Regardless of the regulating authority responsible for plat approval, all developments that will affect County Roadways must receive County approval. The review fee shall be paid to Development Services and the amount will be determined by the number of hours required to review the Construction Plans at the most current hourly rates for the [Commissioners Court Engineering Representative](#).
2. After a review has been completed, Development Services will inform the Developer of the fee required for the review. Once the review fee has been paid, Development Services will release the review letter to the Developer. If the review letter shows that revisions are needed to the Construction Plans for compliance with the Subdivision Regulations, another submittal will be required for an additional review fee.

**C. Incorporation in Other Types of Permits**

The [County](#) may authorize the use of designated [County](#) properties or facilities in conjunction with other type of development authorization issued, provided that such other development authorization undergoes the same or more stringent review than required by [Section 14.05 Site Development Review Procedures](#).

**11.04. Driveway Culverts Processing and Standards**

**A. Driveway Culvert Required for all New County Road Construction**

1. All properties must install a driveway culvert, except when the Precinct Commissioner determines that no culvert is required.
2. The PROPERTY OWNER shall be responsible for purchase costs of any (new/replacement) culvert and the cost of installation.
3. At the discretion of the Precinct Commissioners, Kaufman County may provide the installation labor of setting the culvert, back fill with base material and covering with gravel or any other aggregate material the Precinct Commissioner has available.

**B. Permit Required for All Driveway Culverts**

A permit is required for all driveway culverts. No [person](#) shall enter upon land acquired, claimed, or maintained by Kaufman County for road and/or drainage for the purpose of laying, constructing, and/or installation of any driveway culvert involving the disturbance of the soil, until development authorization regarding (location/size/material/installation) of the culvert has been approved by the Precinct Commissioner. In the event that a replacement culvert is requested, due to work to be performed by the Precinct Commissioner either on the road or on the ditch, permit fees will be waived for any permit required.

**C. Water to Flow at Natural Rate**

Any driveway constructed on County-Right-of-Way shall have a culvert of sufficient size to allow water to flow at its natural rate at its normal peak level, from one side of the driveway to the other.

**D. Culvert Size and Materials**

The Property Owner will be contacted by the Precinct Commissioner once the permit has been submitted and all fees have been paid to Development Services. The Precinct Commissioner or member of the Precinct staff will determine standard appropriate size and diameter. Material types accepted by the County include



Corrugated Steel Pipe, Double walled HDPE (High Density Polyethylene), HP Dual Wall Pipe (high-performance polypropylene), and Concrete. Concrete culverts will need to be set by a professional. All culverts are to be inspected by a member of the Precinct staff for final approval. No other materials will be accepted.

E. Existing Culverts

1. Existing culverts in good condition and do not have any blockages or other restrictions will be allowed to remain “as-is” condition.
2. The property owner is solely responsible for any necessary/routine maintenance (obstruction of water flow) and repairs (including both culvert and driveway).
3. Existing culverts that are in poor condition shall be subject to corrective measures.

F. Corrective Culvert Measures by the County

1. The County reserves the right to remove and/or install any culverts in violation of these regulations.
2. The County further reserves the right to take any necessary measures within County-maintained [Right-of-Way](#) to address drainage or water flow or similar concerns.
3. The Precinct Commissioner shall inform the property owner (in writing) of any culvert violations and advise that if the maintenance issue isn’t addressed within 30 calendar days the County **may** perform corrective actions and the property owner will be billed for any and all costs and expenses.
4. If corrective actions are required, the Precinct Commissioner shall provide an itemized bill to property owner. Property owner will have 30 days to pay. If full payment cannot be made, the property owner may contact the Precinct Commissioner’s Office and request a payment plan (not to exceed 24 months). Overdue bills shall be subject to debt collection and lien proceedings.

G. Public Nuisance

Violations of this policy may be considered a “public nuisance” under County’s Public Nuisance Abatement Policy and are subject to all associated abatement procedures, criminal and civil penalties, injunctions, liens, and cost assessments therein.



## Section 12. Regulated Land Uses

### 12.01. Authority

Regulations contained in this Section are in conformance with Texas Local Government Code (TLGC) Chapters 234, 243 and 352 and with the Texas Water Code Chapters 26 and 35. Regulated land uses referenced in this section shall also develop in accordance with the Kaufman County Court Order regarding Sexually Oriented Businesses adopted August 24, 1992.

### 12.02. General Provisions

Development authorization by the [County](#) is required for development activity associated with the land uses listed in [Section 12.02.A](#). A permit shall be obtained in accordance with [Section 14 Site Development Authorization](#).

#### A. Regulated Land Uses

The following types of activities are regulated land uses that shall conform to the development guidelines contained in this section.

1. Uses regulated from TLGC [Chapter 234](#)
  - a. [Automotive Wrecking and Salvage Yard](#) Use
  - b. [Demolition Business](#) Use
  - c. [Flea Market](#) Use
  - d. [Junkyard](#) Use
  - e. [Outdoor Resale Business](#) Use
2. Uses regulated from [TLGC Chapter 243](#)
  - a. [Sexually Oriented Business](#) Use

### 12.03. Special Aesthetic Standards for Flea Markets

The [Development Services Director](#) shall ensure that [Flea Markets](#) comply with aesthetic site enhancements contained in this subsection. The owner or [Developer](#) shall be responsible for obtaining a [Regulated Land Use Permit \(Section 14 Site Development Authorization\)](#) from the [County](#) prior to developing, altering or expanding such uses.

#### A. Removal of Trash, Refuse and Garbage Required

All trash refuse and garbage must be removed from the site at the end of each day. The premises occupied by the [Flea Market](#) shall be kept clean and free of accumulated trash, refuse or garbage during and after the hours of operation. All discarded fresh, fruit, vegetables, product other items will be removed by vendors so that by the end of the day the property show no indication that outdoor [Flea Market](#) was at the site.

1. Refuse storage
  - a. All refuse shall be stored in watertight and rodentproof containers.
  - b. The containers may be placed at curbside for collection only on days of scheduled collection.
  - c. At other times, containers shall be located in a protected manner and restricted from general view.



2. Refuse collection stands
  - a. Where refuse collection stands are provided for common or joint use, such stands shall be located not more than 100 feet from a using [Flea Market](#) stand and shall be designed as to prevent containers from being tipped; minimize spillage and container deterioration; and facilitate cleaning around them.
  - b. Refuse collection containers shall be located throughout the [Flea Market](#) for the convenient use of patrons.
3. Bulk waste containers
  - a. Where bulk waste containers of at least three cubic yards are utilized, a suitable concrete pad shall be provided for parking the container.
  - b. Such pads shall be supplied with a drain connected to sewage disposal facilities, and available water connections convenient for washing the container.

#### 12.04. Screening Standards for TLGC 234 Uses

The [Development Services Director](#) shall ensure that an [Automotive Wrecking and Salvage Yard](#), [Demolition Business](#), [Flea Market](#), [Junkyard](#), [Outdoor Resale Business](#), and [Recycling Business](#) comply with the screening requirements contained in this section. The owner or developer shall be responsible for obtaining a development authorization permit ([Section 14 Site Development Authorization](#)) from the [County](#) prior to developing, altering or expanding such uses.

##### A. Screening Applicability

All [Automotive Wrecking and Salvage Yards](#), [Demolition Businesses](#), [Flea Markets](#), [Junkyards](#), [Outdoor Resale Businesses](#), and [Recycling Businesses](#) shall be screened on all sides from view from the [Right-of-Way](#) and from adjacent residential property.

##### B. Screening Criteria

A screening device shall be constructed and placed in the location in accordance with the provisions below:

1. Screening devices shall be a minimum eight (8) feet in height.
2. The screening device shall achieve a solid barrier consisting of the following materials:
  - a. Wrought iron fencing with masonry columns spaced at a maximum twenty (20) feet on center with structural support every ten (10) feet in conjunction with evergreen shrubs (six (6) feet at the time of planting) distributed closely enough to create a solid screening effect.
  - b. Brick, stone, other masonry exterior finishing material, or a wood fence.

##### C. Placement of Screening Devices

1. All required screening devices must be equally finished on both sides.
2. Screening devices must be constructed to the specifications approved in the development authorization permit prior to a certificate of occupancy being issued.
3. All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The certificate of occupancy may be revoked by the County for failure to adequately maintain such screening device.
4. Screening devices shall be placed along all side and rear property lines of the subject property in which the development is proposed.



5. Screening devices shall in no circumstance be placed in Right-of-Way or interfere with street visibility.
6. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening wall or visual barrier.

**D. Development Review**

1. Development authorization by the County as described in [Section 14 Site Development Authorization](#) shall be required for all [Automotive Wrecking and Salvage Yards](#), [Demolition Businesses](#), and [Junkyards](#).
2. The [Development Services Director](#) shall confirm that such uses are in conformance with the screening guidelines contained in this section.

**12.05. Sexually Oriented Businesses**

The [Development Services Director](#) shall ensure that a [Sexually Oriented Business](#) is developed in accordance with the location criteria contained in this Section. The owner of a [Sexually Oriented Business](#) shall be responsible for obtaining a [Regulated Land Use Permit \(Section 14 Site Development Authorization\)](#) from the [County](#) prior to developing, altering or expanding such use.

**A. Applicability**

A [Sexually Oriented Business](#) is subject to licensing by the Kaufman County Sheriff in accordance with the County's Sexually Oriented Business Court Order adopted August 24, 1992. The department shall assist the Kaufman County Sheriff in determining and enforcing the location criteria referenced in that ordinance and contained in this Section through the site development review process required as part of the [Regulated Land Use Permit](#).

**B. Location Restrictions for Sexually Oriented Businesses**

1. No [Sexually Oriented Business](#) may be located within fifteen-hundred (1,500) feet from a:
  - a. Child Care Facility,
  - b. A church or place of worship,
  - c. A dwelling,
  - d. A hospital,
  - e. A public park,
  - f. A public building,
  - g. A school, or
  - h. A building in which any type of alcoholic beverages is sold.
2. [Sexually Oriented Businesses](#) must be at least one (1) mile from a penal institution as defined by the Penal Code, including but not limited to a halfway house.
3. The [Applicant](#) must certify that there is no more than two (2) other enterprises within two-thousand (2,000) feet of the proposed enterprise.

**C. Distance Measurement**

Measurements shall be made in a straight line from the nearest portion of the building used by the [Sexually Oriented Business](#) to the nearest portion of the building or facility listed in [Section 12.05.B](#).



D. Expiration

The [Regulated Land Use Permit](#) for a [Sexually Oriented Business](#) shall be valid for one (1) year from the date the permit is issued unless one of the following options occur:

1. Revoked or suspended under the provisions of [Section 12.05.E](#),
2. The [Sexually Oriented Business](#) enterprise is sold or transferred, or
3. The permit is cancelled by written request of the [Applicant](#).

E. Suspension or Revocation

1. The County Sheriff shall have the authority to revoke a permit for any one or more of the following reasons:
  - a. The owner or [operator](#) of the enterprise knowingly allowed a [person](#) under eighteen (18) years of age to enter the establishment.
  - b. Three (3) or more violations listed in this Section and the Kaufman County Court Order regarding [Sexually Oriented Business](#) have occurred on the premises of the enterprise within a period of eight (8) months and the owner or [operator](#) failed to make reasonable effort to prevent the occurrence of such violations.
  - c. The [Application](#) provided materially false, fraudulent or untruthful information on the original or renewal [Application Form](#).
  - d. The enterprise has been closed for business for a period of thirty (30) consecutive days unless such closure is due to circumstances beyond the control of the owner and the owner is proceeding with due diligence to reopen the establishment.
2. Suspension or Revocation Determination
  - a. Prior to revocation or suspension of a [Sexually Oriented Business](#), the Sheriff shall issue a written notice of revocation or suspension to the owner or [operator](#) of the enterprise.
  - b. The [Commissioners Court](#) shall approve the revocation or suspension of the permit.

F. Permit Renewals

The [Development Services Director](#) shall have the authority to renew a permit for any one or more of the following reasons:

1. The location of the [Sexually Oriented Business](#) enterprise is the same land area and geographic location as that approved in the initial development authorization permit issued by the [County](#).
  - a. An increase in land area or transfer of ownership on the property shall require a new development authorization permit.
2. The permit has never been revoked or suspended or expired on the date of the renewal [Application](#) is submitted to the [County](#).
3. The [Sexually Oriented Business](#) is in conformance with the regulations contained in this Section and the Kaufman County Court Order regarding a [Sexually Oriented Business](#).



**G. Initial Approval of Permit**

The initial permit for a [Sexually Oriented Business](#) shall be issued by the [Commissioners Court](#) if the proposed development is in conformance with the regulations contained in this [Section 12.05.B](#) and the development procedures outlined in [Section 14 Site Development Authorization](#).

**H. Notice by Sign**

The [Applicant](#) of a [Sexually Oriented Business](#) permit for a location not currently licensed or permitted shall no later than the 60<sup>th</sup> day before the date the application filed prominently post an outdoor sign at the location stating that a [Sexually Oriented Business](#) is intended to be located on the premises and provide the name and business address of the applicant.

1. The sign must be at least twenty-four (24) by thirty-six (36) inches in size and must be written in lettering at least two (2) inches in size.

**12.06. Solar Farms**

**A. Applicability**

Any development of land intended to be used for a Solar Farm must comply with the standards in Section 12.06. Facilities for operation and maintenance of Solar Farms must comply with the County's Fire Code, which includes providing compliant access road(s) to all facilities requiring fire protection. Development must comply with County drainage standards and may not increase stormwater runoff from the property to downstream areas, as this would create negative impacts to the adjacent property owners and adjacent County infrastructure.

Development Services shall require an Infrastructure Development Plan (IDP) showing the location of all facilities for the Solar Farm development so that compliance with the County's Fire Code and drainage impact requirements can be confirmed.

**B. Infrastructure Development Plan (IDP)**

1. The Owner and/or Developer must have an Infrastructure Development Plan (IDP) prepared that shows the infrastructure required for compliance with County's Fire Code and drainage standards. Plan shall be prepared by a licensed Professional Engineer and/or Licensed Surveyor.
2. Infrastructure Development Plan (IDP) shall include the following:
  - a. Locations, dimensions, and radii for all roads required for fire protection of facilities per County's Fire Code.
  - b. Paving section showing width, thickness, and material to be used for roads complying with minimum standards of County's Fire Code.
  - c. Drainage Plan prepared by a licensed Professional Engineer showing the drainage design for the development. Stormwater flow from the property to downstream areas may not be increased due to the development, and detention pond(s) may be necessary to ensure there is no increase. Drainage Plan shall include existing drainage area map, proposed drainage area map, and design of any detention ponds and/or storm pipes. Drainage Plan shall comply with the requirements shown in Section 7.08.B.



- d. Screening shall be shown and must comply with the requirements in Section 12.04.
3. Infrastructure Development Plan (IDP) submittal shall include the required submittal fee per the active fee schedule. Submittal will not be accepted until the required fee has been paid to Development Services.
4. The Owner and/or Developer must submit to the County Fire Marshal in addition to Development Services and must receive approval from both entities prior to start of construction.
5. For all Solar Farms Reclamation Agreements will be required and Road Agreements may be necessary. The County Commissioner will determine when Road Agreements are necessary for Solar Farms developments.



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## Section 13. Subdivision Variance

### 13.01. Petition for Subdivision Variance

#### A. Purpose

1. The purpose of a petition for a [Subdivision Variance](#) of a particular standard or requirement of these [Subdivision Regulations](#), as such are applicable to [Plats](#) or [Construction Plans](#), is to determine whether such particular standard or requirement should be applied to an [Application](#) or modified.
2. The [Development Support Committee](#) shall be responsible for approving a [Subdivision Variance](#), with appeals of the [Development Support Committee's](#) decision being approved by the [Commissioners Court](#).

#### B. Subdivision Variance Applicability

1. An [Applicant](#) may request a [Subdivision Variance](#) of a particular standard or requirement applicable to a [Preliminary Plat](#), to [Construction Plans](#), to a [Final Plat](#), a [Cancellation of a Subdivision](#), [Revision of a Plat \(Replat\)](#), or any other development application in which a variance request is available.
2. A [Subdivision Variance](#) petition shall be specific in nature and shall only involve relief consideration for one particular standard or requirement.
3. An [Applicant](#) may submit more than one [Subdivision Variance](#) petition if there are several standards or requirements at issue.
4. Variances regarding fees and the drainage requirements for the 100-year storm to be contained within a drainage easement a minimum of twenty (20) feet wide shall not be permitted and applications for such variances will not be considered or accepted.

#### C. Subdivision Variance Submission Procedures

1. Subdivision Variance Request Form with Application
  - a. A [Subdivision Variance](#) Request Form and the corresponding fee shall be submitted by the [Applicant](#) with the filing of a [Preliminary Plat](#), [Construction Plans](#), [Final Plat](#), or [Cancellation of a Subdivision](#), as applicable. Any Authorized Agent submitting the Subdivision Variance Request Form on behalf of the Owner and/or Developer must provide notarized documentation that they have been authorized to do so by the Owner and/or Developer.
  - b. No [Subdivision Variance](#) may be considered or granted unless the [Applicant](#) has submitted the Subdivision Variance Request Form and the corresponding fee.
2. Grounds for Variance
  - a. The [Applicant's](#) request included on the Subdivision Variance Request Form shall state the grounds for the [Subdivision Variance](#) request, based upon the [Subdivision Variance Criteria \(Section 13.01.D\)](#) and all of the facts relied upon by the [Applicant](#). Failure to do so will result in denial of the [Application](#).
  - b. If the Applicant is seeking a Subdivision Variance related to roadway materials, the Application must include a letter or report signed by a licensed Professional Engineer stating that the proposed alternative roadway material can handle 75,000 lbs as required by the Fire Code adopted by Kaufman County. Failure to do so will result in denial of the [Application](#). Submitting the letter/report is required as part of the Application and does **not** guarantee that the variance request will be approved. Variance request will be evaluated based upon the [Subdivision Variance Criteria \(Section 13.01.D\)](#).



**D. Subdivision Variance Criteria**

**1. Consideration Factors**

The [Development Support Committee](#) or [Commissioners Court](#) shall consider the following factors:

- a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
- b. The number of persons who will reside or work in the proposed development; and
- c. The effect such [Subdivision Variance](#) might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

**2. No [Subdivision Variance](#) shall be granted unless the [Development Support Committee](#) or [Commissioners Court](#) finds:**

- a. That there are special circumstances or conditions affecting the land involved or other physical conditions of the property such that the strict application of the provisions of these [Subdivision Regulations](#) would deprive the [Applicant](#) of the reasonable use of his or her land; and
- b. That the [Subdivision Variance](#) is necessary for the preservation and enjoyment of a substantial property right of the [Applicant](#) and that the granting of the [Subdivision Variance](#) will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
- c. That the granting of the [Subdivision Variance](#) will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of these [Subdivision Regulations](#).

**3. The fact that the property may be utilized more profitably should a Subdivision Variance be granted is not considered grounds for a Subdivision Variance.**

**4. Intent of Subdivision Regulations**

- a. A Subdivision Variance may be granted only when waiving the requirement requested is in harmony with the general purpose and intent of these Subdivision Regulations so that the public health, safety and welfare may be secured and substantial justice done.

**5. Minimum Degree of Variation**

No [Subdivision Variance](#) shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the objective of the [Applicant](#) in requesting the variance.

**6. Violations and Conflicts**

The [Commissioners Court](#) shall not authorize a [Subdivision Variance](#) that would constitute a Violation of, or conflict with, any other valid regulations or plans of the [County](#).

**7. Falsification of Information**

- a. Any falsification of information by the [Applicant](#) shall be cause for the [Subdivision Variance](#) request to be denied.
- b. If the [Subdivision Variance](#) request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior [approval](#) of the [Subdivision Variance](#), and shall be grounds for reconsideration of the [Subdivision Variance](#) request.



E. Burden of Proof

The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Variance is requested imposes on the Applicant. The Applicant shall submit the proof with the Application.

F. Subdivision Variance Decision

1. The [Development Support Committee](#) or Commissioners Court, upon appeal, shall consider the Subdivision Variance petition and, based upon the criteria set forth in the Subdivision Variance Criteria ([Section 13.01.D](#)), shall take one of the following actions:
  - a. Deny the petition, and impose the standard or requirement as it is stated in these Subdivision Regulations; or
  - b. Grant the petition and waive, in whole or in part, or modify the standard or requirement as it is stated in these Subdivision Regulations.

G. Notification of Decision on Petition fourteen (14) Days

The Applicant shall be notified of the decision of the [Subdivision Variance](#) by the [Development Services Director](#), (as applicable), within fourteen (14) calendar days following the decision.

H. Effect of Approval

1. Submission and Processing

Following the granting of a [Subdivision Variance](#), the Applicant may submit or continue the processing of a Plat or [Construction Plans](#), as applicable.

2. Expirations

The [Subdivision Variance](#) granted shall remain in effect for the period the Plat or [Construction Plans](#) are in effect, and shall expire upon expiration of either or both of those Applications.

3. Extensions

The expiration of a [Subdivision Variance](#) shall also be extended with the [approval](#) of Plat or [Construction Plans Application](#) extension.

I. Appeal to the Commissioners Court of a Development Support Committee Variance Decision

1. The Commissioners Court shall consider an appeal of a Subdivision Variance decision made by the [Development Support Committee](#).
2. The Commissioners Court decision shall be based upon the criteria set forth in the Subdivision Variance Criteria ([Section 13.01.D](#)) and shall take one of the following actions:
  - a. Deny the petition, and impose the standard or requirement as it is stated in these Subdivision Regulations; or
  - b. Grant the petition and waive, in whole or in part, or modify the standard or requirement as it is stated in these Subdivision Regulations.



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## Section 14. Site Development Authorization

### 14.01. Authority

The site development standards are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including [Chapter 232](#) (County Regulation of Subdivisions), [233](#) (County regulation of Housing and Other [Structures](#)), [243](#) (Municipal and County Authority to Regulate Sexually Oriented Business) of the Texas Local Government Code (LGC), as amended and [Chapter 285](#) (On-Site Sewage Facilities) of the Texas Administrative Code.

### 14.02. General Standards

Development activities for the [Permit Types](#) and [Notification Types](#) below shall comply with the regulations contained in the Subdivision Regulations. [Permit Types](#) may be issued by the [Development Services Director](#) or [Commissioners Court](#) prior to conducting or constructing any of the development activities outlined in these regulations. However, a [Residential Building Notice and Inspection Requirement](#) is not a permit and does not require prior approval by the [County](#) before the beginning of new residential construction, as per TLGC 232.153.(d).

#### A. Summary of Permit Types:

1. [Floodplain Development Permit](#)
2. [On-Site Sewage Facility \(OSSF\) Permit](#)
3. [Manufactured Home Community and RV Park \(MHCRV\) Permit](#)
4. [Development or Use of County Property or Facility \(DUCPF\) Permit](#)
5. [Regulated Land Use Permit](#)
6. [Preliminary 911 Address Permit](#)
7. [Final 911 Address Permit](#)

#### B. Summary of Building Permit Notification Types:

1. [Residential Building Notice and Inspection Requirement](#)

### 14.03. Permit Types

#### A. Floodplain Development Permit

1. A Floodplain Development Permit (see [Section 8](#)) shall be required for all development activities within the [Areas of Special Flood Hazard](#) within the jurisdiction of Kaufman County.
2. A Floodplain Development Permit (see [Section 8](#)) shall be submitted concurrently with the initial submittal of a [Preliminary Plat \(Section 4.02\)](#) or [Final Plat \(Section 4.03\)](#) in accordance with this Section.

#### B. On-Site Sewage Facility (OSSF) Permit

[On-Site Sewage Facility \(OSSF\) Permits](#) shall conform to the regulations contained in [Section 9.04 On-Site Sewage Facilities](#) and in accordance with the Kaufman County On-Site Sewage Facilities Preamble, as adopted by the [Commissioners Court](#) and as it may be amended in the future.



C. Manufactured Home Community and RV Park (MHCRV) Permit

A [Manufactured Home Park or Subdivision](#) permit shall be subject to the standards contained in [Section 10 Manufactured Home Rental Communities, Lodging Developments, and Recreational Vehicle Parks](#) .

D. Development or Use of County Property or Facility (DUCPF) Permit

Permits issued for development within properties owned or maintained by the [County](#) shall be subject to the standards contained in [Section 11 Development or Use of County Property or Facility](#).

E. Regulated Land Use Permit

Permits issued for regulated lands uses shall conform to the standards contained in [Section 12 Regulated Land Uses](#).

F. Preliminary 911 Address Permit

1. A Preliminary 911 Addressing Permit shall be submitted after preliminary plat County approval.
2. The [Development Services Director](#) is responsible for reviewing and approving preliminary 911 addresses.

G. Final 911 Address Permit

1. A Final 911 Addressing Permit shall be submitted after final plat approval.
2. The [Development Services Director](#) is responsible for reviewing and approving final 911 addresses.

**14.04. Notification Types (Residential Building Permits)**

A. Residential Building Notice and Inspection Requirement

1. Per [TLGC 233.153.\(f\)](#), the County may not charge a fee to a person subject to the [Residential Building Notice and Inspection Requirement](#).
2. As adopted by the County through TLGC 233, Subchapter F, any new residential construction shall conform to the latest International Residential Code.
3. Per TLGC 233.154, before commencing new construction, the builder shall provide notice to the [Development Services Director](#) on a form prescribed by the county of:
  - a. The location of the new residential construction;
  - b. The approximate date by which the new residential construction will be commenced; and
  - c. The version of the International Residential Code that will be used to construct the new residential construction before commencing construction.
4. A person who builds new residential construction described by Section 233.153 shall have the construction inspected to ensure building code compliance in accordance with this section as follows:
  - a. For new residential construction on a vacant lot, a minimum of three inspections must be performed during the construction project to ensure code compliance, as applicable, at the following stages of construction:
    - i. the foundation stage, before the placement of concrete;
    - ii. the framing and mechanical systems stage, before covering with drywall or other interior wall covering; and



- iii. on completion of construction of the residence;
- b. for new residential construction of an addition to an existing residence as described by Section 233.151(a)(2), the inspections under Subdivision (1) must be performed as necessary based on the scope of work of the construction project; and
- c. for new residential construction on a vacant lot and for construction of an addition to an existing residence, the builder:
  - i. is responsible for contracting to perform the inspections required by this subsection with:
    - a) a licensed [engineer](#);
    - b) a registered architect;
    - c) a professional inspector licensed by the Texas Real Estate Commission;
    - d) a plumbing inspector employed by a municipality and licensed by the Texas State Board of Plumbing Examiners;
    - e) a building inspector employed by a political subdivision; or
    - f) an individual certified as a residential combination inspector by the International Code Council; and
  - ii. may use the same inspector for all the required inspections or a different inspector for each required inspection.

#### **14.05. Site Development Review Procedures**

Site Development Authorization [Application](#) shall be made available to the [County](#) accompanied with a checklist of required plans and fees.

##### **A. General Information Required**

1. The type of use or activity for which approval is being requested.
2. If applicable, the name, designation and type of designated [County](#) property for which use is being requested.
3. If applicable, the specific location on or within the designated [County](#) property for which use is being requested.
4. A concept plan or other supporting information providing enough detail to describe the location of the proposed activities such as:
  - a. the location of specific [improvements](#) (including screening devices) to be constructed,
  - b. existing site [improvements](#) and buildings,
  - c. proposed site [improvements](#) and buildings,
  - d. primary access to the site from a public street or roadway,
  - e. Distance measurements required for regulated land uses (refer to [Section 12](#))
5. Identify any associated permits undergoing formal plan review by [Development Services Director](#).



**B. Fees**

The [Commissioners Court](#) shall establish the fees. [Application](#) fees shall be paid at the time the [Application](#) is filed.

**C. Site Development Authorization Approval or Denial**

The [Development Services Director](#) shall review each [Application](#) submitted and issue written determination to the [Applicant](#) as to whether the activity or proposed development [improvement](#) is permitted. Written approval or denial shall be issued by [Development Services Director](#) and shall conform to the following provisions:

1. If the development activity is in conformance with the [Subdivision Regulations](#) and any pertinent Court Orders, the [County](#) shall approve the [Application](#) and issue written notice.
2. If the information provided with the [Application](#) is insufficient to approve the [Application](#) request, the [County](#) shall issue written notice of the development criteria that must be provided such as:
  - a. A reference to the specific section of these [Subdivision Regulations](#) with which the development must comply, and
  - b. Other [County Application Forms](#) and any supplemental instructions or guidance documents applicable to the type of activity or development being requested.
3. If the [Development Services Director](#) determines that a specific activity or component of the proposed development is prohibited under these regulations or any other pertinent Court Order, the written determination shall:
  - a. Identify the prohibited activity and indicated why it is prohibited; and
  - b. Reference the specific Section of the regulations and the legal authority by which the activity is prohibited.

**14.06. Permit Expiration**

The development authorization permit documentation shall identify the expiration date. Expired permits are null and void and require a new application including application fees after the permit has expired. Permits shall be valid two (2) years from the date the permit is issued, with the exception of [On-Site Sewage Facility \(OSSF\) Permits](#) which will be renewed annually per [Section 9.04.H OSSF Maintenance Inspection Procedures](#).

**A. Sexually Oriented Business**

A SOB permit shall conform to the expiration guidelines in [Section 12.05.D](#).



## Section 15. Economic Incentives

### 15.01. Authority

This section is in conformance with the Texas Local Government Code (TLGC) [Chapter 381](#) and Tax Code (TC) [Chapter 312](#) granting Commissioners' Court of Kaufman County the ability develop and administer a program for granting tax abatement and entering into a tax abatement agreement with an owner or lessee of a property interest subject to ad valorem taxation, the terms of a tax abatement agreement being governed by the provisions of Sections 312.204, 312.205, and 312.211 of the Tax Code.

### 15.02. Purpose

The Kaufman County Commissioners' Court is committed to the promotion of high-quality development in all parts of the County; and to an ongoing improvement in the quality of life for its citizens. The purpose of the program is to provide an incentive for current and future property owners and leaseholders to invest in Kaufman County and provide increased job opportunities in the county thereby contributing to responsible economic growth of the county.

The Kaufman County Commissioners' Court will, on a case-by-case basis, give consideration to providing tax abatement and rebates as stimulation for economic development in the County for development enhancements and expansions of local businesses. It is the policy of the Kaufman County Commissioners' Court that said consideration will be provided in accordance with the procedures and criteria outlined in this section and in conformance with the current Kaufman County Resolution (Resolution for adopting guidelines and criteria for Tax Abatements and Rebates).

Nothing herein shall imply or suggest that the Kaufman County Commissioners' Court is under any legal or equitable obligation to provide any incentive to any applicant. The Commissioners' Court of Kaufman County has final approval or disapproval of any application, at its discretion. Kaufman County has the option of having terms in any abatement agreement differ from the terms in an abatement agreement with the initiating city. Kaufman County will exercise that option at its discretion.

### 15.03. General Provisions

#### A. Qualifying Development Enhancements

Subject to acceptance by the [Commissioners Court](#) the following types of activities may qualify for economic incentives in conjunction with development authorization issued by the [Commissioners Court](#).

1. Water Conservation Features
2. Open Space Preservation
3. Low Intensity Residential Development
4. Boundary Street Improvements



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## Section 16. Reference Documents

### 16.01. Kaufman County 2035 Thoroughfare Plan

The current version of the Thoroughfare Plan may be accessed at

<https://www.kaufmancounty.net/development-services/about/county-engineer/>



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## Section 17. Definitions

For the purpose of these [Subdivision Regulations](#), certain terms or words herein shall be interpreted or defined as follows: words used in the present tense include the future tense; the singular includes the plural; the word "person" includes a corporation as well as an individual; the term "shall" is always mandatory; and the term "may" is discretionary. Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering. For the purpose of these [Subdivision Regulations](#), certain terms and words are herewith defined and shall have the meaning here applied; any word not defined herein shall be determined by the [Commissioners Court](#).

### 17.01. "A" through "E"

1. Abandon

Means to relinquish the public's right of way in and use of the road.

2. Abutting

Adjacent, adjoining and contiguous to. It may also mean having a [lot](#) line in common with a [right-of-way](#) or [easement](#), or with a physical [improvement](#) such as a [street](#), waterline, park, or open space.

3. Access

A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access [easement](#)").

4. Alley

A 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](#).

5. Alluvial Flooding

Flooding occurring on the surface of an alluvial fan or similar landform which originates at the [apex](#) and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

6. Amending Plat

An [Amending Plat](#) applies minor revisions to a recorded plat consistent with provisions of State law (See Sec. [4.04 Amending Plat](#))

7. Apex

A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

8. Appurtenant Structure

A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

9. Applicant

The [person](#) or entity responsible for the submission of an [Application](#). The [Applicant](#) must be the actual [owner](#) of the property for which an [Application](#) is submitted, or shall be a duly authorized representative of the property [owner](#). Also refer to [Developer](#).

10. Application

The package of materials, including but not limited to an [application form](#), plat, completed checklist, tax certificate, [Construction Plans](#), special drawings or studies, and other informational materials that are required by the [County](#) to initiate [County](#) review and [approval](#) of a [development](#) project.



**11. Application Form**

The written form (as provided by and as may be amended by the [Development Services Director](#)) that is filled out and executed by the [Applicant](#) and submitted to the [County](#) along with other required materials as a part of an [Application](#).

**12. Approval**

- a. Approval constitutes a determination by the official, board, commission or [Commissioners Court](#) responsible for such determination that the [Application](#) is in compliance with the minimum provisions of these [Subdivision Regulations](#).
- b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design [engineer](#) or [surveyor](#) that sealed the plans is responsible for the adequacy of such plans.

**13. Area of Future Conditions Flood Hazard**

The land area that would be inundated by the one percent annual chance (100 year) flood based on future conditions hydrology.

**14. Areas of Shallow Flooding**

A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's [Flood Insurance Rate Map \(FIRM\)](#) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**15. Areas of Special Flood Hazard**

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V.

**16. Arterial Street**

- a. A [street](#) designated as an Arterial Street within the [Kaufman County Thoroughfare Plan](#).
- b. A principal traffic-way more or less continuous across the [County](#) or areas adjacent thereto and shall act as a principal connecting street with highways as indicated in the [Kaufman County Thoroughfare Plan](#).

**17. Automotive Wrecking and Salvage Yard**

Per [TLGC 234.001.\(1\)](#), a business other than a business c classified as a salvage pool [operator](#) under [Chapter 2302](#), Occupations Code that store three or more wrecked vehicles outdoors for the purpose of:

- a. Selling the vehicles whole or
- b. Dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

**18. Basement**

Any area of the [building](#) having its floor subgrade (below ground level) on all sides.

**19. Base Flood**

The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.

**20. Breakaway Wall**

A wall that is not part of the structural support of the [building](#) and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the [building](#) or supporting foundation system.



**21. Building**

Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

**22. Business Days**

Business days shall be considered days that Kaufman County is officially open. All holidays recognized by Kaufman County where offices are closed shall not count as a business day. The Kaufman County website can be referenced for a list of County recognized and observed holidays.

**23. Camping Trailer**

A folding structure mounted on wheels and designed for travel, recreation, and/or vacation use.

**24. Collector Street**

A [street](#) designed or used to carry traffic from [Local Streets](#) to [Arterial Streets](#). (See [Kaufman County Thoroughfare Plan](#) for detailed Standards).

**25. Commissioners Court**

The duly elected governing body of Kaufman County, Texas.

**26. Commissioners Court Engineering Representative**

The [person](#)(s) or firm of licensed professional consulting engineers so designated by the [Commissioners Court](#) to serve as the [Engineer](#).

**27. Construction Plans**

A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the [County](#) for review in conjunction with a subdivision or a [development](#).

**28. County**

Kaufman County, Texas, together with all its governing and operating bodies.

**29. County Attorney**

The [person](#)(s) so designated by the [Commissioners Court](#) to provide oversight for and have legal responsibility for the [County](#). This term shall also include any licensed attorney designated by the [County Attorney](#).

**30. County Clerk**

The [person](#)(s) designated to provide clerical and official services for the [County](#).

**31. County Judge**

The constitutional County Judge of Kaufman County, Texas.

**32. Critical Feature**

An integral and readily identifiable part of a [Flood Protection System](#), without which the flood protection provided by the entire system would be compromised.

**33. Cul-de-Sac**

A short, residential [street](#) having only one vehicular access to another street and terminated on the opposite end with a vehicular turnaround.

**34. Date of Adoption**

The date of adoption of these [Subdivision Regulations](#) shall be the date this ordinance becomes effective.



35. Dead-End Street

A [street](#), other than a [cul-de-sac](#), with only one outlet.

36. Decision-Maker

The [County](#) official or group, such as the [Commissioners Court](#) or the [Development Services Director](#) responsible for deciding an [Application](#) authorized by these [Subdivision Regulations](#).

37. Demolition Business

Per [TLGC 234.001.\(2\)](#), a business that demolishes [structures](#), including houses and other buildings in order to salvage building materials and that stores those materials before disposing of them.

38. Designated Representative

An individual who holds a valid license issued by the permitting authority according to [Texas Administrative Code \(TAC\), Title 30, Part 1, Chapter 30, Subchapter G](#)), and who is designated by the authorized agent (Kaufman County) to review permit applications, site evaluations, or planning materials, or conduct inspections on on-site sewage facilities

39. Developer

- a. A [person](#) or entity, limited to the property [owner](#) or duly authorized representative thereof, who proposes to undertake or undertakes the division, [developments](#), or [improvement](#) of land and other activities covered by these [Subdivision Regulations](#).
- b. The word [Developer](#) is intended to include the terms [Subdivider](#), property [owner](#), and, when submitting platting documents, [Applicant](#).

40. Development, Lodging Development, Recreational Vehicle Park, or Combined Development

Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other [structures](#), paving, drainage, utilities, storage, and agricultural activities. Any [lot](#) or tract of land designed to accommodate more than two [Lodging Development Units](#) (as defined herein), [Recreational Vehicles](#) (as defined herein), [Tiny Houses](#) (as defined herein), or combination of Lodging Development Units, [Recreational Vehicles](#), and [Tiny Houses](#); and which exists as a privately owned and operated enterprise, with or without charges, occupied or intended to be occupied for dwelling or sleeping purposes for any length of time.

41. Development Agreement

Agreement between the [County](#) and a [Subdivider](#) or [Developer](#), which includes provisions for construction of [Public Improvements](#), [County](#) participation, pro rata agreements, escrow deposits, and other provisions for the [development](#) of land.

42. Development Services Director

The [person](#)(s) so designated by the [Commissioners Court](#) to provide oversight for and have responsibility of the [County's](#) Development Services Department. This term shall also include any designee of the [Development Services Director](#). Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the [Commissioners Court](#), such as "Director of Development Services Director" or "Planning Director."

43. Development Support Committee

The Development Support Committee is a committee that is responsible for reviewing [development](#) proposals and making recommendations to [Commissioners Court](#) for [approval](#) of plats and plans.

44. Discontinue

Means to discontinue the maintenance of the road.

45. Drainage Plan

A plan detailing requirements refer to Section [7.08 Drainage Plan and Profile Sheets](#) for details.



46. Driveway Approach

The area between the roadway of a public [street](#) and private property intended to provide access for vehicles from the roadway of a public street to a definite area of the private property (e.g., parking area or driveway) and used for ingress and egress of vehicles.

47. Dwelling Unit

One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single-family or group of persons living together as a family or by a single [person](#).

48. Easement

- a. Authorization by a property [owner](#) for another to use any designated part of the [owner's](#) property for a specified purpose or use and evidenced by an instrument or plat filed with the [County Clerk](#). Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other [County](#) or public services.
- b. An area established for public purposes on private property upon which the [County](#) 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 [County](#) systems.

49. Egress Roof Access Windows

A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2 of the International Residential Code.

50. Elevated Building

For insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

51. Engineer

A [person](#) duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare [Construction Plans](#) and specifications for public works [improvements](#).

52. Engineering Plans

See [Construction Plans](#).

53. ETJ

See [Extraterritorial Jurisdiction](#).

54. Existing Manufactured Home Park or Subdivision

A [Manufactured Home](#) park or subdivision for which the construction of facilities for serving the lots on which the [Manufactured Homes](#) are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the [Floodplain Management Regulations](#) adopted by a community.

55. Existing Structure

For the purposes of determining rates, structures for which the "[Start of Construction](#)" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also referred to as "existing structures."

56. Expansion to An Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the [Manufactured Homes](#) are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).



57. Extraterritorial Jurisdiction

The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of a City or Town, the outer limits of which are measured from the extremities of the corporate limits of the City or Town outward for the distance as stipulated in [Chapter 42](#) of the Texas Local Government Code, according to the inhabitants of the City or Town.

**17.02. “F” through “J”**

58. Fee Schedule

A listing of fees for various [County Applications](#), which is prepared by the [Development Services Director](#) and approved by the [Commissioners Court](#) and may be amended periodically. The [Fee Schedule](#) is approved separately from these [Subdivision Regulations](#).

59. Feeder Road

An existing [street](#) serving the function of a Business [Days](#)

[Business days](#) shall be considered days that Kaufman County is officially open. All holidays recognized by Kaufman County where offices are closed shall not count as a business day. The Kaufman County website can be referenced for a list of County recognized and observed holidays.

Camping Trailer

[A folding](#) structure mounted on wheels and designed for travel, recreation, and/or vacation use.

Collector Street that residents of a new subdivision will utilize to [access](#) another

Business [Days](#)

[Business days](#) shall be considered days that Kaufman County is officially open. All holidays recognized by Kaufman County where offices are closed shall not count as a business day. The Kaufman County website can be referenced for a list of County recognized and observed holidays.

Camping Trailer

[A folding](#) structure mounted on wheels and designed for travel, recreation, and/or vacation use.

Collector Street, an [Arterial Street](#) or Highway.

60. Filing Plat

See [Final Plat](#).

61. Final Acceptance

The acceptance by the [County](#) of all infrastructure [improvements](#) constructed by the [Developer](#) in conjunction with the [development](#) of land.



**62. Final Plat**

- a. 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 all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.
- b. The [Final Plat](#) of any lot, tract, or parcel of land shall be recorded in the Plat Records of Kaufman County, Texas.
- c. A [Final Plat](#) may also be referenced as a Record Plat or Filing Plat.

**63. Flea Market**

Per [TLGC 234.001.\(3\)](#), an outdoor market for selling secondhand articles or antiques.

**64. Floodplain Administrator**

The 9-1-1 Coordinator will serve as the [Floodplain Administrator](#) to administer and implement the provisions of the subdivision regulations as it pertains to [Floodplain Management](#) and enforce the [Floodplain Management Court Order](#), and other Sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management.

**65. Floodplain Management Court Order**

The court order, including any and all subsequent amendments or revisions, approved by the [Commissioners Court](#) adopting floodplain regulations in order to participate in the National Flood Insurance Program (NFIP) through the Federal Emergency Management Agency (FEMA) and govern the type of [development](#) that can occur with the [County's](#) unincorporated floodplain areas.

**66. Flood or Flooding**

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters.
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

**67. Flood Elevation Study**

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding [Water Surface Elevations](#), or an examination, evaluation and determination of mudslide (i.e., mudflow) and or flood related erosion hazards.

**68. Flood Insurance Rate Map (FIRM)**

An official map of a community, on which the Federal Emergency Management Agency has delineated both [the Areas of Special Flood Hazards](#) and the risk premium zones applicable to the community.

**69. Flood Insurance Study (FIS)**

See [Flood Elevation Study](#).

**70. Floodplain**

The area subject to be inundated by water from the [Base Flood](#).

**71. Floodplain Management**

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and [Floodplain Management Regulations](#).

**72. Floodplain Management Regulations**

Regulations will include zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.



**73. Flood Proofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**74. Floodway**

A natural drainage area that accommodates the **Base Flood** for existing creeks and open drainage ways without cumulatively increasing the **Water Surface Elevation** more than a designated height.

**75. Flood Protection System**

The physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**76. Frontage**

All the property **abutting** on one (1) side of the **street**, or between two (2) intersecting streets, measured along the street line.

**77. Functionally Dependent Use**

A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**78. Grandfathered Lodging Development or Recreational Vehicle Park**

A **Lodging Development** or **Recreational Vehicle Park** that was either in operation before the adoption of Section 10 of the **Subdivision Regulations** on August 2, 2022, or for which a written **application** for a permit was filed with Kaufman County before the adoption of this section of the Subdivision Regulations on August 2, 2022.

**79. Highest Adjacent Grade**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**80. Historic Structure**

A structure that is:

- a. Listed individually in the National Register of Historic places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - i. By an approved state program as determined by the Secretary of the Interior or;
  - ii. Directly by the Secretary of the Interior in states without approved programs.

**81. Homeowners’ or Property Owners’ Association**

A formal organization operating under recorded land agreements through which:



- a. Each [lot](#) and/or property [owner](#) in a specific area is automatically a member; and
- b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's [activities](#), such as the maintenance of common property; and
- c. The charge, if unpaid, becomes a lien against the nonpaying member's property.

**82. *HUD-Code Manufactured Home***

Per the [Texas Occupations Code Chapter 1201.003\(12\)](#), [HUD-Code Manufactured Home](#):

- a. Means a structure:
  - i. Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
  - ii. Built on a permanent chassis;
  - iii. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
  - iv. Transportable in one or more sections; and
  - v. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;
- b. Includes the plumbing, heating, air conditioning, and electrical systems of the home; and
- c. Does not include a [Recreational Vehicle \(RV\)](#) as defined by [24 C.F.R. Section 3282.8\(g\)](#).

**83. *Improvement***

Any man made fixed item that becomes part of or placed upon real property also refer to [Public Improvement](#).



**84. Industrialized Housing**

Per the [Texas Occupations Code Chapter 1202.002](#),

- a. Industrialized housing is a residential structure that is:
  - i. Designed for the occupancy of one or more families;
  - ii. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
  - iii. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- b. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
- c. Industrialized housing does not include:
  - i. A residential structure that exceeds four stories or 60 feet in height;
  - ii. Housing constructed of a sectional or panelized system that does not use a modular component; or (note: per [Texas Occupations Code Chapter 1202.001](#) "modular component" means a structural part of housing or a building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without: (A) damage; or (B) removal and reconstruction of a part of the housing or building.)
  - iii. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

**85. Industrial Solid Waste**

Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operation, which may include hazardous waste. An industrial solid waste must first meet the definition of solid waste provided by Title 30 of the Texas Administrative Code Rule 335.1.

An industrial solid waste is defined by its source being either (a) any process of industry or manufacturing, or (b) a mining or agricultural operation. An industrial solid waste may also be a hazardous waste if it meets the definition provided by Title 30 of the Texas Administrative Code Rule 335.1.

Examples of sources of industrial solid waste include, but are not limited to, the following:

- Power generation plants
- Manufacturing facilities
- Laboratories serving an industry

**86. Infrastructure**

All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other similar facilities.

**87. Integrated Stormwater Management Manual for Site Development and Construction**

A document published by the North Central Texas Council of Government (NCTCOG) establishing stormwater management related [development](#) regulations. The documents addresses how to manage the water quality, streambank protection, stormwater conveyance, and flood control issues associated with development and redevelopment.

**88. Junkyard**

Per [TLGC 234.001.\(4\)](#), a business that stores, buys, or sells materials that have been discarded or sold at a nominal price by a previous [owner](#) that keeps all or part of the materials outdoors until disposing of them.



### 17.03. "K" through "O"

#### 89. Kaufman County Fire Code

Kaufman County Fire Code will consist of the [County](#)'s fire guidelines adopted through a court order by the [Commissioners Court](#) and as amended.

#### 90. Kaufman County Thoroughfare Plan

The plan that guides the [development](#) of adequate circulation within the [County](#), and connects the [County](#) street system to regional traffic carriers. Also, referred to as the Thoroughfare Plan or Master Thoroughfare Plan.

#### 91. Land Planner

A [person](#)(s), other than a [surveyor](#) or [engineer](#), who also possesses and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related [development](#)s; such proficiency often having been acquired by education in the field of urban planning, landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning.

#### 92. Landing Platform

A landing provided as the top step of a stairway accessing a [loft](#).

#### 93. Letter of Public Improvement Compliance

A letter from the [Development Services Director](#) to a [Developer](#), [applicant](#), or property [owner](#) that is responsible for the construction of public improvements related to a [Plat](#). The letter indicates that the [County](#) has completed preliminary and final inspections of the public improvements and that the [public improvement](#) meet [County](#) standards.

#### 94. Levee

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water to provide protections from temporary flooding.

#### 95. Levee System

A [Flood Protection System](#) which consists of a [Levee](#), or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

#### 96. Local Street

A [Local Street](#) is a [street](#) used primarily for [access](#) to [abutting](#) property especially residential areas. Local streets also provide secondary or minor [access](#) and circulation to community facilities (school, parks, etc.) and other traffic generators such as commercial and industrial areas.

#### 97. Lodging Development Unit

Any structure, temporary or permanent, including a [Tiny House](#) (as defined herein), intended, or adapted, for use as residential dwellings.

#### 98. Lot

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under these [Subdivision Regulations](#), and having its principal [frontage](#) upon a street or officially approved place.

#### 99. Loft

A floor level located more than 30 inches above the main floor open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches and used as a living or sleeping space.



**100. Lot, Corner**

- a. A [lot](#) situated at the junction of two or more streets.
- b. A corner [lot](#) shall be deemed to front on the [street](#) on which it has its smallest dimensions.

**101. Lot, Depth**

The mean distance from the front [street](#) line to the rear line.

**102. Lot, Interior**

A lot, the side line of which does not abut on any [street](#).

**103. Lot, Key**

A corner [lot](#) that is designed such that the lots located directly behind it face the side [street](#) of the corner [lot](#) and are not separated by an [alley](#).

**104. Lot, Through**

An interior [lot](#) having [frontage](#) on two streets.

**105. Lot Lines**

The lines bounding a [lot](#) as defined herein.

**106. Lot of Record**

A [lot](#) that is part of a subdivision, a map of which has been recorded in the office of the [County Clerk](#).

**107. Lot Width**

The mean distance between side lines measured at right angles to the depth.

**108. Lowest Floor**

The lowest floor of the lowest enclosed area (including [Basement](#)). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building [access](#) or storage in an area other than an [Basement](#) area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**109. Major Road**

A Major Road is a [street](#) designation within the [Kaufman County Thoroughfare Plan](#) consisting of highways and freeways.

**110. Manual on Uniform Traffic Control Devices**

The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and [Private Street](#) open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

**111. Manufactured Home**

[Manufactured Home](#) or "manufactured housing" means a [HUD-Code Manufactured Home](#) or a [Mobile Home](#).

**112. Manufactured Home Park or Subdivision**

A parcel (or contiguous parcels) of land divided into two or more [Manufactured Home](#) lots for rent or sale.

**113. Manufactured Home Rental Community**

Per the [TLGC Section 232.007](#), "[Manufactured Home](#) rental community" means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.



114. Marginal Access Street

A [street](#) parallel to and adjacent to an [Arterial Street](#), and primarily provides [access](#) to abutting properties and protection from through traffic.

115. Mean Sea Level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which [Base Flood](#) elevations shown on a community's [Flood Insurance Rate Map \(FIRM\)](#) are referenced.

116. Mobile Home

Per the [Texas Occupations Code Chapter 1201.003\(20\)](#), [Mobile Home](#):

- a. Means a structure:
  - i. constructed before June 15, 1976;
  - ii. built on a permanent chassis;
  - iii. designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
  - iv. transportable in one or more sections; and
  - v. in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and
- b. includes the plumbing, heating, air conditioning, and electrical systems of the home.

117. Modular Home

See [Industrialized Housing](#).

118. Motor Home

A portable temporary dwelling to be used for travel, recreation, and/or vacation, constructed as an integral part of a self-propelled vehicle.

119. New Construction

For the purpose of determining insurance rates, structures for which the "[Start of Construction](#)" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent [improvements](#) to such structures. For [Floodplain Management](#) purposes, "[New Construction](#)" means structures for which the "[Start of Construction](#)" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

120. New Manufactured Home Park or Subdivision

A [Manufactured Home](#) park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of [Floodplain Management Regulations](#) adopted by a community.

121. New Road

Road Construction standards shall apply to all new roads. New roads are considered to be newly created roads where there is not any existing named roadway. New roads do not include the widening or repairing of existing named roads. Driveways without a name that would need to be accessed by fire trucks for fire protection of buildings must be compliant with current Fire Code standards adopted by Kaufman County.

122. Official Submission Date

The date a completed Plat [Application](#) is received by the [Commissioners Court](#) or the Development Services Director.



*123. Operator*

The [person](#) in charge of operating any [Manufactured Home Rental Community](#), [Lodging Development](#), or [Recreational Vehicle Park](#), either under written or verbal (oral) lease, or any other arrangement whereby he or she exercises control over the premises.

*124. Outdoor Resale Business*

Per [TLGC 234.001.\(5\)](#), a business that sells used merchandise other than automobiles, logging equipment, or other agricultural equipment and store or displays the merchandise outdoors.

*125. Order of the Commissioners Court for Final Acceptance*

An express order of the [Commissioners Court](#), entered of record into the minutes of the [Commissioners Court](#) of Kaufman County, Texas, which states that all [public improvement](#) are completed, inspected, tested (if applicable), and determined by the [County](#) to be in conformance with both these [Subdivision Regulations](#) and the [County's](#) design/engineering standards and therefore are accepted by the [County](#).

*126. Owner*

The [person](#) who holds title to the [lot](#) or tract of land on which a [Manufactured Home Rental Community](#), [Lodging Development](#) or [Recreational Vehicle Park](#) is constructed or operated, as shown in a deed recorded in the [County Clerk's](#) official records.



## 17.04. "P" through "T"

### 127. Pavement Width

The portion of a [street](#) available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs.

### 128. Paving Plan

A plan detailing road requirements refer to [Section 1.01.A](#).

### 129. Perimeter Street

A [street](#) that abuts a parcel of land to be subdivided on one side.

### 130. Person

Person means an individual, firm, association, organization, partnership, trust, foundation, company, limited liability company, business trust, corporation, or other organization, estate, or a series of a domestic limited liability company or foreign entity.

### 131. Pickup Coach

A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and/or vacation.

### 132. Plat

- a. A map or chart of the subdivision, lot or tract of land.
- b. It shall include the term plan, plat or re-plat, in both singular and plural.

### 133. Plat, Amending

See [Amending Plat](#).

### 134. Plat, Final

See [Final Plat](#).

### 135. Plat, Preliminary

See [Preliminary Plat](#).

### 136. Preliminary Drainage Plan

This plan shows the watershed affecting the [development](#) and how the runoff from the fully-developed watershed will be conveyed to, though, and from the [development](#) refer to [Section 6 Subdivision Development Procedures](#) for details.

### 137. Preliminary Plat

- a. 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 on a topographic map and showing in plan view existing and proposed drainage features and facilities, [street](#) layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed [Development](#).
- b. The [Preliminary Plat](#) shall serve as a means for the [County](#) to review and study the proposed division of land and/or [improvements](#) refer to Section [4.02 Preliminary Plat](#).

### 138. Private Street

See [Street, Private](#).

### 139. Proportionality/Proportional Share

The [Developer's](#) portion of the costs of an exaction or [Public Improvement](#).



140. Public Improvement

Any [Improvement](#), facility or service together with its associated public site, [Right-of-Way](#) or [easement](#) necessary to provide transportation or storm drainage for which the [County](#) ultimately assumes the responsibility, upon an [Order of the Commissioners Court for Final Acceptance](#) being issued, for maintenance, operation and/or ownership.

141. Record Drawings

A group of drawings or plans that depicts the final configuration of the installed or constructed [improvements](#) of a [development](#), improvements that have been verified by the contractor as their installation or construction occurs during [development](#). The [Record Drawings](#) shall reflect the [Construction Plans](#) (or working drawings) used, corrected, and/or clarified in the field.

142. Record Plat

See [Final Plat](#).

143. Recycling Business

A business that is primarily engaged in:

- a. Converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value;
- b. Using raw material products of that kind in the production of new products or
- c. Obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by lines [\(a\)](#) or [\(b\) above](#).

144. Recreational Vehicle (RV)

Per [24 C.F.R. Section 3282.8\(g\)](#), a vehicle that is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. Self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

145. Recreational Vehicle Park (RV Park)

Any [lot](#) or tract of land designed to accommodate two or more [recreational vehicles](#), as defined herein, and which exists as a privately owned and operated enterprise with or without charges for the parking of [recreational vehicles](#) occupied or intended to be occupied for dwelling or sleeping purposes for any length of time.

146. Recreational Vehicle Space

A plot of land within a [Recreational Vehicle Park](#) designed for the accommodation of one recreational vehicle.

147. Reserve Strip

Means a tract of land, adjacent to existing or future public [right-of-way](#), intended to control [access](#) to or egress from surrounding properties.

148. Regulatory Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the [Base Flood](#) without cumulatively increasing the [Water Surface Elevation](#) more than a designated height.

149. Residential Street

A [street](#) that is intended primarily to serve traffic within a neighborhood and which is used primarily for [access](#) to [abutting](#) properties.



150. Residential Use

Residential use means use of a structure as a residence.

151. Revision of a Plat (Replat)

A plat that re-subdivides or revises any part or all of a recorded Plat.

152. Right-of-Way

- a. A parcel of land occupied or intended to be occupied by a public [street](#) or [alley](#).
- b. A [Right-of-Way](#) may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
- c. The use of [Right-of-Way](#) shall also include parkways and medians outside of pavement.
- d. For platting purposes, the term "[Right-of-Way](#)" shall mean that every [Right-of-Way](#) shown on a [Final Plat](#) is to be separate and distinct from the lots or parcels adjoining such [Right-of-Way](#) and not included within the dimensions or areas of such lots or parcels.

153. Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

154. Security

The financial guarantee provided by an [Applicant](#) that secures the construction of [Public Improvements](#) and any other contractual obligations stated within a [Development Agreement](#).

155. Sexually Oriented Business

- a. A business enterprise meeting the requirements of Kaufman County's Sexually Oriented Business Court Order adopted August 24, 1992, and as amended.
- b. Per TLGC [Chapter 243](#), a "sexually oriented business" means a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

156. Sketch Plan

An informal plan prepared prior to the preparation of the [Preliminary Plat](#) describing the proposed design of the subdivision to be reviewed during the pre-application review process.

157. Space

A plot or tract of land within a Development designed for the accommodation of one [Lodging Development Unit](#), Recreational Vehicle, or [Tiny House](#).

158. Start of Construction

- a. Consists of the date the building permit was issued, provided the actual [Start of Construction](#), repair, reconstruction, rehabilitation, addition placement, or other [improvement](#) was within 180 days of the permit date. The start of construction shall mean:
  - i. Either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or
  - ii. Any work beyond the stage of excavation; or
  - iii. The placement of a [Manufactured Home](#) on a foundation.
- b. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for [Basement](#), footing, piers or foundations or the



erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as [dwelling units](#) or not part of the main structure.

- c. For a [Substantial Improvement](#), the actual [Start of Construction](#) means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*159. Street*

A public [Right-of-Way](#) that provides vehicular traffic [access](#) to adjacent lands.

*160. Street Plan*

A plan detailing street requirements, please refer to Section [5.03 Street Standards](#) for details.

*161. Street, Private*

A privately-owned [street](#) within a [Subdivision](#) for which the private [owners](#) assume full responsibility for maintenance and controls and that has not been dedicated to the use of the public.

*162. Street Right-of-Way Width*

The shortest distance between the property or [easement](#) lines that delineates the [Right-of-Way](#) of a [street](#).

*163. Structure*

Anything constructed or erected that requires location on the ground or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

- a. For [Floodplain Management](#) purposes, a walled and roofed building, including a gas or liquid storage tank, that is primarily above ground, as well as a [Manufactured Home](#).

*164. Subdivider*

- a. Any [person](#) or any agent thereof, dividing or proposing to divide land to constitute a subdivision.
- b. 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](#), of land to be subdivided.

*165. Subdivision*

The division of a tract or parcel of land into two or more parts or lots for the purpose of sale or building [development](#) or transfer of ownership with the exception of transfer to heirs of an estate and shall include re-subdivision.

- a. Any other subdivision or re-subdivision of land contemplated by the provisions of [Chapter 232](#), Local Government Code.

*166. Subdivision Regulations*

The adopted Subdivision Regulations of the [County](#), as may be amended in the future, and may be referred to as "these regulations."

*167. Subdivision Plat*

A [Plat](#) (i.e., [Preliminary Plat](#), [Final Plat](#), [Amending Plat](#), or [Revision of a Plat \(Replat\)](#)) established in [TLGC 232](#) involving the subdividing of land in two (2) or more parts or the amending of a recorded [Plat](#).

*168. Subdivision Variance*

A [variance](#) from a particular standard or requirement of the [Subdivision Regulations](#).

*169. Substantial Damage*

Damage of any origin sustained by a [Structure](#) whereby the cost of restoring the [Structure](#) to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.



***170. Substantial Improvement***

Any reconstruction, rehabilitation, addition, or other [improvement](#) of a [Structure](#), the cost of which equals or exceeds 50 percent of the market value of the structure before "[Start of Construction](#)" of the improvement. This term includes structures which have incurred "[Substantial Damage](#)", regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a [Structure](#) to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- b. Any alteration of a "[Historic Structure](#)", provided that the alteration will not preclude the structure's continued designation as a "[Historic Structure](#)."

***171. Surveyor***

A licensed State Land Surveyor or a Registered Public Land Surveyor, as authorized by the State to practice the profession of surveying.

***172. Tiny House***

Any residential structure under four hundred (400) square feet in floor areas, excluding [Lofts](#).

***173. Thoroughfare***

- a. A [street](#) designated as a [Thoroughfare](#) within the [Kaufman County Thoroughfare Plan](#).
- b. A principal traffic-way more or less continuous across the [County](#) or areas adjacent thereto and shall act as a principal connecting [street](#) with highways as indicated in the [Kaufman County Thoroughfare Plan](#).
- c. See the [Kaufman County Thoroughfare Plan](#) for detailed standards.

***174. Travel Trailer***

A vehicular structure built on a chassis with body width not to exceed eight and one-half feet (8.5') and body length less than 46 feet (46'), that structure designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.

***175. TxDOT Access Management Manual***

The TxDOT Access Management Manual is published by the Texas Department of Transportation that is applicable to state highways and outlines the criteria for general thoroughfare planning such as shared access, cross access, thoroughfare spacings, etc.



## 17.05. "U" through "Z"

### 176. Useable Open Space

An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation and is allowed to be used as spray area for On-Site Sewage Facilities (OSSF). [Useable Open Space](#) may include recreational facilities, required perimeter landscape areas, floodplain areas, and decorative objects such as artwork or fountains. Specifics on what counts as useable open space can be found in the [County](#) On-Site Sewage Facilities Ordinance.

[Useable Open Space](#) shall not include the following:

- a. Rooftops;
- b. Buildings, except those portions or any building designed specifically for recreation purposes;
- c. Landscaped parking requirements;
- d. Driveways;
- e. Turnarounds;
- f. [Right-of-Way](#) or [easements](#) for streets and [alleys](#);
- g. Stock ponds, detention ponds, retention ponds;
- h. Drainage easements; or
- i. Utility easements.

### 177. Utility Connection Certificate

An official certificate issued by the [County](#) that indicates conformance with the [County's](#) rules and regulations and that authorizes legal use of the premises.

### 178. Utility Easement

See [Easement](#).

### 179. Vacate

Means to terminate the existence of the road by direct action of the [Commissioners Court](#) of a County.

### 180. Variance

A grant of relief from the terms of the [Floodplain Management Regulations](#).

### 181. Violation

Failure to comply with standards of these [Subdivision Regulations](#).

### 182. Vested Right

A right of an [Applicant](#) requiring the [County](#) to review and decide the [Application](#) under standards in effect prior to the effective date of the standards of these [Subdivision Regulations](#) in accordance with [Chapter 245](#), TLGC.

### 183. Water Utility Plan

A plan detailing water utility requirements refer to Section [9.02 Water Utility](#) for details.

### 184. Wastewater Utility Plan

A plan detailing wastewater utility requirement refer to Section [9.03 Wastewater Utility](#) for details.



**185. Water Surface Elevation**

The height, in relation to the National Geodesic Vertical Datum (NGVD) or 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or [Riverine](#) areas.

**186. Yard**

- a. An open space other than a court, on the same [lot](#) with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

**187. Yard, Front**

A yard across the full width of a [lot](#) extending from the front line of the main building to the front [street](#) line of the lot.

**188. Yard, Rear**

A yard across the full width of the [lot](#) extending from the rear line of the main building to the rear line of the lot.

**189. Yard, Side**

A yard between the building and the side line of the [lot](#) and extending from the front yard to the required minimum rear yard.





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## Section 18. Frequently Asked Questions

### 18.01. What is the Difference Between Different Housing Types?

HOUSING TYPE	GENERAL DESCRIPTION
<p data-bbox="375 491 558 520"><b>MOBILE HOME</b></p> 	<ul data-bbox="857 478 1442 716" style="list-style-type: none"> <li>• Built before June 15, 1976.</li> <li>• Not built to a code.</li> <li>• No Certification Label from the US Department of Housing.</li> <li>• Design to be used with or without permanent foundation.</li> </ul>
<p data-bbox="250 1058 683 1087"><b>HUD CODE MANUFACTURED HOME</b></p> 	<ul data-bbox="857 858 1468 1520" style="list-style-type: none"> <li>• Built on or after June 15, 1976.</li> <li>• Per <a href="#">Texas Occupation Code, 1201.003(18)</a>, a “manufactured home” is defined as “a HUD-Code manufactured home or a mobile home.”</li> <li>• Per the <a href="#">Texas Occupation Code, 1201.003(12)</a>, MH homes are designed for use as a dwelling with or without permanent foundation.</li> <li>• Consists of <b>Red Certification Label</b> from the US Department of Housing.</li> <li>• HUD-Code manufactured homes are regulated by the Manufactured Housing Division of the Texas Department of Housing and Community Affairs. These manufactured homes are provided with a red label certifying the structure meets the standards specified by the Texas Department of Housing and Community Affairs. More information on HUD-Code manufactured homes is available at <a href="http://www.tdhca.state.tx.us">http://www.tdhca.state.tx.us</a>.</li> </ul>



HOUSING TYPE	GENERAL DESCRIPTION
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**INDUSTRIALIZED OR MODULAR HOME**  
 (meets the International residential Code)



- Built offsite.
- Installed on permanent foundation.
- Consists of a **Blue Decal** issued by Texas Department of Licensing and Regulation signifying that the home has been built to comply with the [International Residential Code, 1202.002](#). Industrialized homes are regulated by the Texas Department of Licensing and Regulation. This agency provides a modular home with the blue decal signifying that the home has been built to the model code standards required. More information on industrialized homes is available at <http://www.tdlr.state.tx.us/index.htm>.

**TINY HOUSE**  
 (meets the International Residential Code App. Q)



- If utilized as full-time residence, then considered a regular stick-built home; or modular home.
- A tiny house that is transported to the site with an oversize permit from the Motor Carrier Division will be considered as a modular home or a regular stick-built home. Per the [Transportation Code, Section 621.201 \(maximum width\)](#), the total width of a vehicle operated on a public highway may not be greater than 102 inches.

**RECREATIONAL VEHICLE**



- Built on a single chassis.
- 400 square feet or less when measured at the largest horizontal projections.
- Self-propelled or permanently towable by a light duty truck.
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use and has a license or appropriate registration from the County and state agencies.





**18.02. Will My Plat Require a Public Notice or Public Hearing?**

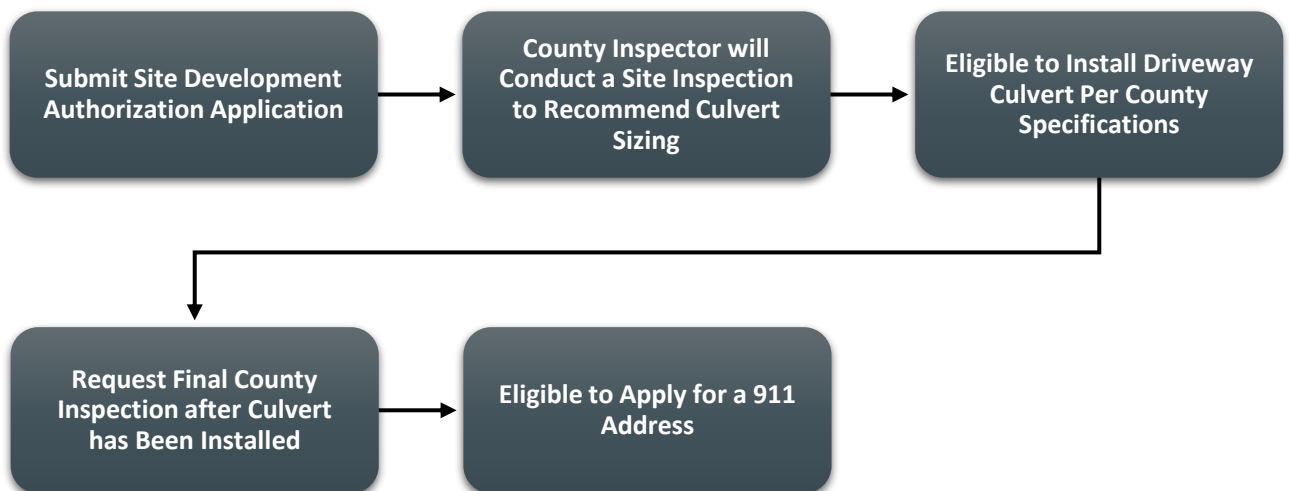
	Preliminary Plat	Final Plat	Amending Plat	Cancellation of a Subdivision	Revision of a Plat
Property Owner Notice (200' from Subject Property)					✓*
7-Day Legal Notice in the Newspaper					✓
15-Day Legal Notice in the Newspaper				✓	✓
30-Day Legal Notice in the Newspaper					✓

**Notes:**

\*Property owner notice is not required when legal noticing is required. Review [Section 4.06.D \(Notice Exceptions\)](#).

**18.03. What is the Process to Get a Driveway Culvert Permit?**

Driveway culverts shall not be installed until Development Authorization regarding location of the culvert has been approved by the Kaufman County Development Services Department (See [Section 14 Site Development Authorization](#) of the Kaufman County Subdivision Regulations for details). A [Development or Use of County Property or Facility Permit \(Section 11\)](#) of the Kaufman County Subdivision and Land Development Regulations shall be applied through the Site Development Authorization Application. Below is the process to obtain a [Development or Use of County Property or Facility Permit](#). In order to ensure that driveway culverts on county-maintained roads are constructed to the County's standards, a 911 address will not be issued until a culvert permit has been approved for the property.





#### 18.04. Are Residential Permits Required in the County?

Per [Section 233.153\(d\) of TLGC](#), the County may not require [approval](#) prior to the beginning of a new residential construction, however the County may require inspections for a “new residential construction” to ensure that it complies with the International Residential Building Code. Per [Section 233.154\(b\) of the TLGC](#), the property owner or builder must provide notice to the County on a form prescribed by the County (known as the Site Development Authorization Application) before commencing a new residential construction. Per [Section 233.153\(f\) of the TLGC](#), the County may not charge a fee for this permit. The Site Development Authorization Application for a new residential construction will request the following information:

- The location of the new residential construction;
- The approximate date by which the new residential construction will be commenced; and
- The version of the International Residential Code that will be used to construct the new residential construction before commencing construction.

The definition of the “new residential construction” and the inspection timeframe per the Texas Local Government Code are noted below.

##### The Definition of New Residential Construction

Per Section [233.151 of the TLGC](#), new residential construction includes:

- Residential construction of a single-family house or duplex on a vacant lot; and
- Construction of an addition to an existing single-family house or duplex, if the addition will increase the square footage or value of the existing residential building by more than 50 percent.

The term does not include a structure that is constructed in accordance with [Chapter 1201 \(Manufactured Housing\), Occupations Code](#), or a modular home constructed in accordance with [Chapter 1202 \(Industrialized Housing and Buildings\), Occupations Code](#).

##### County Inspections for New Residential Construction on a Vacant Lot

For new residential construction on a vacant lot, a minimum of three (3) County inspections may be performed during the construction project at the following stages of construction:

- The foundation stage, before the placement of concrete;
- The framing and mechanical systems stage, before drywall or other interior wall covering; and
- Upon completion of construction of the residence.

##### County Inspections for an Addition to an Existing Residence

For new construction of an addition to an existing residence, as described by [Section 233.151\(a\)\(2\) of the TLGC](#), a minimum of three (3) County inspections may be performed during the construction project, as seen necessary by the builder based on the scope of work of the construction project.



**Responsible Entity for Conducting County Inspections:**

The builder will be responsible for 1) contracting the building professional to perform the inspections and 2) submit the necessary documentation to the Development Services Department to prove compliance with the International Residential Building Code. The inspection may be performed by the following professionals:

- A licensed engineer;
- A registered architect;
- A professional inspector licensed by the Texas Real Estate Commission;
- A plumbing inspector employed by a municipality and licensed by the Texas State Board of Plumbing Examiners;
- A building inspector employed by a political subdivision; or
- An individual certified as a residential combination inspector by the International Code Council; and
- May use the same inspector for all the required inspections or a different inspector for each required inspection.