

**KENDALL COUNTY ORDER NO. 11-8-2010**

**KENDALL COUNTY, TEXAS**

**DEVELOPMENT**

**RULES**

**AND REGULATIONS**

**Adopted and Effective November 8, 2010**

# KENDALL COUNTY DEVELOPMENT RULES AND REGULATIONS

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## **100 PURPOSE AND COURT FINDING**

- 100.1000 The purpose of these rules is to promote the health, safety, morals, and general welfare of Kendall County and to provide for the safe, orderly, and healthful development of the unincorporated area of the County. The Commissioners Court, in adopting these rules, finds that such rules are necessary to promote the health, safety, morals, and general welfare of Kendall County and further finds that such rules are essential to provide for the safe, orderly, and healthful development of the unincorporated area of Kendall County.

## **101 GENERAL PROVISIONS**

- 101.1000 The owner of a tract of land, located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out a subdivision of the tract, including an addition, lots, or 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.
- 101.1100 A division of a tract 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.
- 101.1200 In accordance with the procedures set out in these Rules and Regulations, the plat must be submitted to the Commissioners Court for approval. The Commissioners Court may refuse to approve a plat that does not meet the requirements prescribed by these Rules and Regulations.
- 101.1300 Following approval by the Commissioners Court, the plat shall be filed and recorded with the County Clerk.
- 101.1400 The Rules and Regulations to which a particular development must comply are those in effect on the date the preliminary plat application for the development is submitted to the County, provided the applicant timely submits required documents and information in accordance with section 206.
- 101.1500 The limitations and restrictions prescribed in these Rules and Regulations concerning lot size, minimum road frontage and building set back lines shall not apply to platted lots in subdivisions recorded and in existence prior to the effective date of these Rules and Regulations. However, any future alterations of the boundaries of such lots, whether through division or combination, shall be subject to the procedures set out in these Rules and Regulations.

## **102 EXCEPTIONS**

- 102.1000 The following divisions of real property are not subject to the requirement that a plat be submitted to Commissioners Court for approval:

- 102.1000.1     AGRICULTURAL, FARM, RANCH, WILDLIFE, TIMBER PRODUCTION  
The owner does not lay out a part of the tract described by Section 232.001(a)(3), Local Government Code; and  
(1) the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution; or  
(2) for farm, ranch, wildlife management, or timber production use within the meaning of Section 1(d)(1), Article VIII, Texas Constitution.  
If the tract ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements apply.
- 102.1000.2     FAMILY DIVISION  
The owner divides the tract into four or fewer parts; and  
(1) does not lay out a part of the tract described by Section 232.001(a)(3), Local Government Code; and  
(2) 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.  
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 apply.
- 102.1000.3     LOTS LARGER THAN 10 ACRES  
The owner divides the tract into two or more parts; and  
(1) does not lay out a part of the tract described by Section 232.001(a)(3), Local Government Code;  
(2) all of the lots of the subdivision are more than 10 acres in area; and  
(3) each lot has at least 60 feet of fee simple road frontage on a state highway county, road or a road constructed to county specifications.
- 102.1000.4     VETERANS' LAND BOARD PROGRAM  
The owner divides the tract into two or more parts; and  
(1) does not lay out a part of the tract described by Section 232.001(a)(3), Local Government Code; and  
(2) all the lots are sold to veterans through the Veterans' Land Board Program.  
If any lot is sold, given, or otherwise transferred to an individual who is not a veteran, the platting requirements apply.
- 102.1000.5     STATE, STATE AGENCY BOARD OR COMMISSION  
The platting requirements do 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 232.001(a)(3), Local Government Code. If any part of the subdivision is sold, given, or otherwise transferred to an entity that is not the state, a state agency, board, or commission, the platting requirements apply.
- 102.1000.6     FLOODPLAIN  
The owner divides the tract into two or more parts and:  
(1) the owner of the land is a political subdivision of the state; and

- (2) the land is situated in a floodplain; and  
(3) the lots are sold to adjoining landowners.
- 102.1000.7 FURTHER DIVISION  
The owner divides the tract into two parts and;  
(1) the owner does not lay out a part of the tract described by Section 232.001(a)(3), Local Government Code; and  
(2) one new part is to be retained by the owner; and  
(3) the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements.
- 102.1000.8 UNDIVIDED INTEREST  
The owner divides the tract into two or more parts; and  
(1) the owner does not lay out a part of the tract described by Section 232.001(a)(3), Local Government Code; and  
(2) all parts are transferred to persons who owned an undivided interest in the original tract; and  
(3) a plat is filed before any further development of any part of the tract occurs.
- 102.1000.9 DIVISION REQUIRED BY LENDER  
The owner of a tract of land with a total contiguous area of at least 12 acres divides the tract into no more than two parts in order to obtain a loan and comply with requirements of the lender; and  
(1) the smaller part consists of at least three acres; and  
(2) each part has a minimum of 60 feet of fee simple road frontage on a state highway, county road or a road constructed to county specifications; and  
(3) no part is conveyed to a third party.  
If any part is sold, given, or otherwise transferred to a third party, the platting requirements apply.
- 102.1000.10 LOTS LARGER THAN 6 ACRES  
The owner divides the tract into two or more parts; and  
(1) does not lay out a part of the tract described by Section 232.001(a)(3), Local Government Code; and  
(2) all of the lots are more than six (6) acres in area; and  
(3) each lot has a minimum of 250 feet of fee simple road frontage on a state highway, county road or a road constructed to county specifications.
- 102.1100 AFFIDAVIT OF LAND LOCATION  
In all instances in which a division of property is exempt from the requirement that the plat be approved by the Commissioners Court, the owner shall prepare and submit to the Development Management Office an affidavit of fact establishing that the division complies with the requirements of one of the exceptions. The affidavit is also required in order to comply with Kendall County Geographic Information System, rural addressing, 911 emergency response requirements, and ad valorem taxing provisions. The affidavit shall comply with requirements established by the Commissioners Court, and following approval by the designated representative as set out in the County Order, shall be filed for record in the County Clerk's Office. (Refer to County Order on Affidavit of Land Location.)

103.1000 These Rules and Regulations have been adopted by the Commissioners Court after notice and public hearing in accordance with applicable law to promote the health, safety, morals or general welfare of Kendall County and to promote the safe, orderly, and healthful development of the unincorporated area of the County. In addition, these Rules and Regulations have been adopted based on authority granted to the Commissioners Court by the following:

- (1) The Commissioners Court has the authority to regulate the subdivision process pursuant to Local Government Code, Chapter 232, Subchapters A and E, including the authority to adopt rules and regulations governing plats and subdivisions of land within the unincorporated area of the County 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 pursuant to Section 232.101, Local Government Code.
- (2) The Commissioners Court has been designated by the Texas Commission on Environmental Quality (TCEQ) as the authorized agent for the licensing and regulation of on-site sewage disposal systems within Kendall County and these Rules and Regulations are a necessary and reasonable exercise of the authority granted in the Health and Safety Code, Chapter 366.
- (3) Kendall County has been designated by the Texas Water Development Board as a county within a Priority Groundwater Management Area and the Commissioners Court has determined pursuant to Water Code, Section 35.019 that these Rules and Regulations are necessary to prevent current or projected water use in the County from exceeding the safe sustainable yield of the County's water supply; (NOTE: The Cow Creek Groundwater Conservation District (CCGCD) has the authority pursuant to chapter 36, Texas Water Code, to make and enforce rules limiting groundwater production based on tract size or the spacing of wells, by requiring water wells to be spaced a certain distance from property lines or adjoining wells, by limiting the amount of water produced based on acreage or tract size, and imposing other limitations. CCGCD has adopted rules, which specify minimum lot sizes and maximum density of subdivisions using groundwater. These Rules and Regulations are consistent with the rules adopted by CCGCD.
- (4) The Commissioners Court has been granted the authority and has the responsibility under the Federal Emergency Management Act to administer floodplain development regulations in Kendall County and has the authority pursuant to Water Code, Section 16.315 to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program including, but not limited to, making appropriate land use adjustments to restrict development of land which is exposed to flood damage and minimize damage caused by flood losses and to adopt comprehensive floodplain management rules that the Commissioners Court determines are necessary for planning and appropriate to protect public health and safety.
- (5) The Commissioners Court has the authority and responsibility pursuant to the Transportation Code, Chapters 251, 252, 253, 254, 255 and 256 to exercise general control over the roads, bridges and related drainage facilities in the County,

including the authority to exercise general control over all roads, bridges, and highways in the County pursuant to Section 251.016, Transportation Code and to adopt uniform standards for naming public roads and for assigning addresses to property located in the unincorporated areas of the County pursuant to Section 251.013, Transportation Code.

- (6) As authorized by Section 232.0095, Local Government Code, Kendall County adopts the provisions in Sections 212.013, 212.014, 212.015, and 212.016, Local Government Code, governing plat vacations, and replatting and plat amendments.
- (7) Pursuant to Section 232.106, Local Government Code, Kendall County imposes the requirements of Sections 232.029 and 232.0291, Local Government Code, concerning utility connections.
- (8) Pursuant to Section 232.108, Local Government Code, the Commissioners Court imposes the requirements prescribed by Section 232.023, Local Government Code, including the requirement that plats include or have attached a statement in English of the water and sewer facilities that will be constructed or installed to serve the subdivision, a statement specifying the date the facilities will be fully operable, and a statement by an engineer certifying that the water and sewer facilities proposed are in accordance with the model rules adopted under Section 16.343, Water Code.
- (9) Pursuant to Sections 17.43 and 17.48, Business and Commerce Code (Deceptive Trade Practices - Consumer Protection Act), Kendall County has the authority to regulate and prohibit deceptive trade practices, including any representations that goods (including real property) have characteristics that they do not have and the failure to disclose information concerning goods (including real property) offered for sale.
- (10) Section 12.002, Texas Property Code, prohibits the County Clerk from recording a subdivision plat or replat unless it is approved by the proper authority. A person may not file for record or have recorded in the County Clerk's Office a plat or replat of a subdivision unless it is approved by the proper authority and has attachments required by law. A person who subdivides real property may not use the subdivision's description in a deed of conveyance, a contract for deed or other executory contract to convey that is delivered to a purchaser unless the plat or replat of the subdivision is approved as required by law and recorded with the County Clerk. A person may not file for recording a subdivision plat or replat without having attached to it an original tax certificate indicating that no delinquent ad valorem taxes are owed on the property.
- (11) Chapter 245, Local Government Code establishes criteria for the approval, disapproval, or conditional approval of an application for a permit, including a plat application. Chapter 245 also authorizes the County to provide that a permit application expires on or after the 45th day after the date the application is filed if the applicant fails to provide documents or other information requested by the County and permits the County to place an expiration date on permits and projects.

(12) In addition, the Commissioners Court has authority to regulate and enforce its orders and applicable law pursuant to the following statutes:

- (a) Health and Safety Code, Chapters 121 and 122 (authority to enforce laws and appropriate funds necessary to protect the public health); Chapters 341 and 343 (nuisance abatement, including authority over disposal of human excreta, ensuring safe drinking water and sanitation of public facilities); Chapters 361, 363, 364, 365 and 368 (handling and disposal of waste and litter abatement);
- (b) Local Government Code, Section 233.061 et seq. (authority to adopt and enforce a fire code); Chapter 242 (authority to regulate subdivisions in the extraterritorial jurisdiction of a municipality); and
- (c) Property Code, Chapters 81 and 82 (authority to adopt regulations concerning condominiums); and
- (d) Water Code, Chapter 26 (authority to regulate water quality); and
- (e) powers granted to Counties and to the Commissioners Court by the Constitution and general laws of the State of Texas

**NOTE: Rules and Regulations adopted solely pursuant to the authority granted to the County by Chapter 232, Subchapter E, Local Government Code are not intended and should not be interpreted to regulate the use of any building or property for business, industrial, residential or other purposes; the bulk, height, or number of buildings constructed on a particular tract of land, including without limitation, any restriction on the ratio of building floor space to the land square footage; or the number of residential units that can be built on a lot or per acre of land.**

## **104                      DEFINITIONS**

104.1000            For the purpose of these Rules and Regulations, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section:

- (1) **Affidavit of land location:** A document depicting a survey of subdivided property prepared for recording, not requiring approval by the Commissioners Court but that must be submitted to the Development Manager in compliance with requirements established by the Commissioners Court. (Refer to County Order on Affidavit of Land Location.)
- (2) **Alley:** An alternate access to property, commercial or residential buildings, usually to the rear of the property, intended for restricted access by property owners, and/or for commercial deliveries and/or trash pick-up, etc.
- (3) **Building set back line:** A line located within a lot or tract of land defining the required minimum horizontal distance between a building or other structure and an adjacent road or street or property boundary. Such setbacks can be front, side, or



rear. Front set back lines shall be measured from the roadway right of way line. Rear and side set back lines shall be measured from the property line.

- (4) **Business Days:** Exclusive of all weekends and legal holidays.
- (5) **Calendar Days:** Consecutive Gregorian calendar days inclusive of weekends and all legal holidays.
- (6) **City:** An incorporated municipality of the State of Texas.
- (7) **Commercial:** Engaged in activity intended to make a profit.
- (8) **Commercial development:** Any lot, parcel, or tract of land intended to be used, and/or used for commercial or business activities and not intended to be used and/or not being used for residential, recreational or open space purposes.
- (9) **County:** Kendall County, Texas.
- (10) **County road:** A public road that has been accepted by the County for maintenance
- (11) **Cow Creek Groundwater Conservation District (CCGCD):** District with the authority and responsibility to regulate groundwater production in Kendall County
- (12) **Cul-de-sac:** A street having a minimum length so as to allow for lot frontages in multiples of 250 feet and having but one outlet to another street and terminated on the opposite end by a vehicular turnaround. (See Figure 650 for Standard Cul-De-Sac.)
- (13) **Cul-de-sac corner:** Enlargement of a 90° street intersection by a 50-foot radius from the intersection of the centerlines of the two streets. (See Figure 660.)
- (14) **Dead-end street:** A street with only one outlet and no vehicular turnaround.
- (15) **Deed restrictions:** A restrictive covenant contained in a contract between the buyer and the seller of real property that imposes duties on the buyer or restricts the buyer's use of the land. These restrictions may be set out in the deed conveying the property or may be contained in a separate document filed for record with the County Clerk.
- (16) **Detention:** The temporary storage of storm-water runoff, with controlled peak discharge rates.
- (17) **Detention time:** The amount of time a body of water is actually present in a storm-water detention facility.
- (18) **Developer (subdivider):** Any person or entity, including the owner of real property, who divides a tract of land into two or more parts.
- (19) **Development:** Any man-made change to improved and unimproved real-estate, including but not limited to buildings or other structures, mining, dredging, filling,

grading, paving, excavation or drilling operations or storage of equipment or material.

(20) **Driveway:** An entrance to property from a road or street intended for motor vehicular ingress and egress to the property and further defined as follows:

- (a) **Commercial:** An entrance to, and/or, an exit from any commercial, business, or similar type establishment to a road or street.
- (b) **Private:** An entrance to, and/or, an exit from private property to a road or street for the exclusive use and benefit of the owner of the property.
- (c) **Public access:** An entrance to, and/or, an exit from schools, churches, cemeteries, and other public places or buildings of a like character to a road or street for the use of the public generally.

(21) **Easement:** A grant of one or more property rights by the property owner to and/or for the use by a specific person, persons, or the public generally. An easement may be granted in a document executed by the owner of the property or may result through operation of law. Types of easements include the following:

- (a) **Drainage easement:** The right for the passage of water drainage across private land, together with the right to enter thereon for the purpose of maintaining drainage structures and the free flow of drainage.
- (b) **Ingress and egress easement:** The right to enter upon and proceed across real property in order to enter or exit real property that is owned, leased, or otherwise under the control of the person, persons or entity granted the easement (such easements may be described by metes and bounds or by general reference and may be recorded or unrecorded).
- (c) **Non-access easement:** An easement dedicated to the county prohibiting any access.
- (d) **Roadway easement:** See roadway right-of-way.
- (e) **Sanitary control easement:** An easement located around a water well to prevent activities that could result in the contamination of the well or the underlying aquifer.
- (f) **Utility easement:** An easement intended for and/or used for the location of utilities, including the right of access, to, over, and/or enter the property with machinery and other vehicles necessary for the installation and maintenance of utilities.

(21) **Engineer:** A person duly authorized and properly licensed under the provisions of the Texas Engineering Practice Act, to practice the profession of engineering.

- (22) **Equivalent single-family connection (ESFC):** As defined by CCGCD, potable water usage of a typical single family dwelling using an average of 360 gallons of water per day.
- (23) **Floodplain:** Any land area (normally dry) susceptible to being inundated by water from any source, including both the usual and unusual accumulation or run-off of storm water.
- (24) **FIRM:** Flood Insurance Rate Map.
- (25) **GAR:** Groundwater Availability Report – See section 301.
- (26) **GIS:** Geographic Information System.
- (27) **GPS:** Global Positioning System.
- (28) **Groundwater:** Any water that is located beneath the surface of the ground.
- (29) **Highway:** A public road maintained by the Texas Department of Transportation.
- (30) **Improvements:** Roads, streets, curbs, sidewalks, drainage structures, water systems, sewage disposal systems, etc., the construction of which may be required by the County; but may also include structures not required by the County such as houses, barns, garages, etc.
- (31) **Lot:** An undivided tract or parcel of real property that is designated as a distinct and separate tract, and which is usually identified by a tract or lot number or symbol in a subdivision plat.
- (32) **Low-water crossing:** A roadway crossing of a dry or intermittent flowing creek, drainage easement or other low lying area that may or may not have a bridge, culvert, or culverts, and which may be inundated by water during storm events .
- (33) **Manufactured home:** A portable building, usually designed and constructed to be towed on its own chassis by a motor vehicle, that may consist of one or more units which can be towed separately but that are designed to be joined into one integral unit.
- (34) **Manufactured home rental community:** Any facility or area developed or used as a rental site for two or more manufactured homes. (Also includes any real property where two or more manufactured homes, trailers, motor homes or any other type of movable housing is located and used by someone other than the owner of the real property as a dwelling, whether or not monetary compensation is exchanged between the parties, and whether or not occupancy is temporary or of longer duration.) (Refer to County Order on Manufactured Home Rental Community.)
- (35) **Master plan (Plan for Development):** A conceptual plan for development of all of the real property to be included in a proposed subdivision that may be completed in different units or phases over time. (See section 202 for requirements.)

- (36) **Multi-family housing:** A duplex, triplex, quadraplex, apartments, or condominiums, as those structures are commonly defined, and which are used or intended to be used to provide housing for more than one family in one or more buildings
- (37) **Other parts:** As used in Local Government Code, Section 232.001(a)(3) and referred to in section 102 of these Rules and Regulations, any improvement or area of a tract of land, including an easement, intended to be dedicated to the public or for the use of owners of property fronting on or adjacent to such improvement, area, or easement, including a part of the tract that provides less than 60 feet of fee simple road frontage for each lot or tract on a state highway, county road or a road constructed to county specifications.
- (38) **Owner:** The person or persons possessing fee simple title to real property.
- (39) **On-Site Sewage Facility (OSSF):** Sometimes referred to as a “septic system”, a sewage treatment and disposal system, designed and constructed in accordance with applicable law and regulations that is intended and used to treat and safely dispose of wastewater and sewage generated only on the site where the system is located.
- (40) **Owner’s representative:** Any person or entity, including a surveyor, engineer, lawyer, architect, or planner who has been given authority to represent the owner.
- (41) **Pavement width:** The portion of a road or street that is paved and available for use by vehicular traffic including shoulders. For roads and streets where curbs are laid, it is the portion of the roadway located between the face of the curbs.
- (42) **Plat, amended:** A plat that is prepared and submitted to correct inaccuracies in a recorded plat in order to correctly reflect existing conditions or that is prepared and submitted in order to make minor changes to the subject subdivision such as the relocation of one or more lot lines. An amended plat shall not change the character of the subdivision. (See section 209.)
- (43) **Plat, final:** A plat that is prepared and submitted in accordance with the requirements contained in these Rules and Regulations for the division of a tract of real property subject to final approval by the Commissioners Court. (See section 204.)
- (44) **Plat, preliminary:** A plat that is prepared and submitted in accordance with the requirements contained in these Rules and Regulations for the proposed division of a tract of real property subject to preliminary approval by the Commissioners Court. (See section 203.)
- (45) **Plat, revised:** A plat prepared and submitted in order to incorporate revisions or make substantive changes to the subject subdivision, including changes that increase the number of lots in the subdivision. (See section 209.)
- (46) **Private (gated) subdivision:** A limited-access subdivision with privately maintained infrastructure.

- (47) **Private road (or street):** A road located on private property or in a private (gated) subdivision and maintained by some entity other than the County).
- (48) **Public road (or street):** A road that has been dedicated for public use or to which the public has obtained the right of use under applicable law, but which is not maintained by the County.
- (49) **Recreational Vehicle (RV):** A vehicle built on a single chassis, designed and constructed to be self-propelled or to be towed on its own chassis by a motor vehicle, not intended for use as a permanent dwelling, but sometimes used for that purpose.
- (50) **Roadway right-of-way:** Real property over which a roadway is intended to be located or is located, including necessary drainage areas, storm sewers, and culverts, that may also be used for the placement of utilities such as electricity, water, sanitary sewer, telecommunications, etc. (Also known as a roadway easement or easement for roadway purposes.)
- (51) **Road frontage:** That part of a tract of real property that is adjacent to and has access to a street or road. When a minimum road frontage is required in these Rules and Regulations, no part of the lot or tract contiguous to the road frontage shall be less than 60 feet in width.
- (52) **Road or street:** Any public or private way for the passage of vehicles and people.
- (53) **Sanitary control easement:** (See easements above)
- (54) **Shall, will, may:** The words "shall" and "will" are mandatory and not permissive. The word "may" is permissive and not mandatory.
- (55) **Single-family residence:** A single structure or building intended to be occupied and /or occupied by one family.
- (56) **Street, collector:** A road or street designed and constructed with the primary function of collecting and distributing traffic between residential streets and county roads and State highways.
- (57) **Street, residential:** A road or street designed and constructed for the purpose of providing access to real property located within a residential subdivision and not intended for through traffic.
- (58) **Subdivide:** The act of dividing a tract of land into two or more parts.
- (59) **Subdivider:** The person or entity that subdivides or seeks to subdivide real property; may be the owner of the property and may also be called the developer. In these Rules and Regulations, the terms developer or subdivider may be used interchangeably.
- (60) **Subdivision:** The result of subdividing a tract of land into two or more parts.

- (61) **Surveyor:** A Licensed State Land Surveyor or Registered Professional Land Surveyor authorized by applicable law to practice the profession of surveying in Texas.
- (62) **TCEQ:** The Texas Commission on Environmental Quality.
- (63) **Traffic Impact Analysis (TIA):** An analysis of projected vehicular traffic resulting from a proposed subdivision that is based on data and procedures approved by the Texas Department of Transportation and is prepared by a registered engineer who is qualified to perform such analysis. (See section 304.)
- (64) **TxDOT:** The Texas Department of Transportation.
- (65) **TxDOT specifications:** The standard specifications for construction and maintenance of highways, streets, and bridges adopted by TxDOT.
- (66) **Utility (utilities):** Electricity, gas, water, telephone service, sewage treatment service and other similar services transmitted over lines or through piping located on or in utility easements; may also refer to the entities that provide such services.
- (67) **Zero lot line:** The location of a building on a lot or tract of land in such a manner that one or more of the building's exterior walls rests directly on or immediately adjacent to the lot line.

104.1100 Definitions not expressly prescribed herein shall be construed in accordance with customary usage in subdivision planning and engineering practices.

## 105 ENFORCEMENT

105.1000 CIVIL REMEDIES. At the request of the Commissioners Court, the County Attorney or other attorney representing the County, shall file an action in court of competent jurisdiction to:

- (1) Enjoin the violation or threatened violation of these Rules and Regulations;
- (2) Recover damages in an amount adequate for the County to undertake any construction or other activity to bring about compliance with these Rules and Regulations.

105.1100 CRIMINAL PENALTIES. A person commits an offense if the person knowingly or intentionally violates a requirement contained in these Rules and Regulations. An offense is a Class B misdemeanor punishable by confinement in the county jail for up to 180 days and a fine not to exceed \$2000.00 or both imprisonment and fine. A person who violates Section 12.002, Property Code, concerning provisions for recording a subdivision plat or replat or for selling or conveying lots in a subdivision plat or replat before approval and recording of the plat or replat is guilty of a misdemeanor punishable by a fine of up to \$1000.00 and confinement in the county jail for 90 days or both the fine and confinement. Violation of the provisions of Section 12.002 Property Code is also prima facie evidence of an attempt to defraud.

105.1200 OTHER SANCTIONS.

- (1) The Commissioners Court may refuse to approve the plat of any subdivision unless such plat complies with all applicable provisions of these Rules and Regulations and approved financial security is provided in a timely manner to the County by the developer.
- (2) No lot in a subdivision may be sold or otherwise conveyed or transferred until the final plat of the subdivision is approved and recorded in compliance with these Rules and Regulations.
- (3) Unless exempted by Section 232.029, Local Government Code, a utility may not serve or connect any subdivided land with water or sewer services unless the utility receives a copy of the development permit issued by Kendall County Development Office.
- (4) Unless exempted by Section 232.029, Local Government Code, a utility may not serve or connect any subdivided land with electricity or gas unless the entity receives a determination from the Commissioners Court that adequate provisions have been made for water and sewer services in the subdivision.
- (5) Until improvements in a subdivision have been completed in accordance with the final plat and these Rules and Regulations, the Commissioners Court shall not accept the improvements for county maintenance or release any financial security posted to ensure timely and proper completion of such improvements. In the event the improvements are not completed in accordance with the final plat and these Rules and Regulations and the financial security is expiring, the Commissioners Court may take action pursuant to section 205 to collect the financial security.

**106 RELIEF BY COUNTY COMMISSIONERS COURT**

106.1000 The Commissioners Court may grant relief from some provisions in these Rules and Regulations in accordance with the following requirements.

106.1100 No relief shall be granted unless the Commissioners Court finds:

- (1) that there are special circumstances or conditions affecting the real property involved such that the strict application of the provisions of these Rules and Regulations would deprive the applicant of the reasonable use of their property; and
- (2) that the relief is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) that the granting of the relief will not be detrimental to the public, health, safety, morals or general welfare; or injurious to other property in the area; and
- (4) that the granting of the relief will not have the effect of preventing the safe, orderly and healthful development of the real property in accordance with the remaining provisions of these Rules and Regulations.

106.1200 Financial hardship alone shall not be a basis for the Commissioners Court granting relief from these Rules and Regulations.

- 106.1300 The owner/subdivider/developer (or agent representing the owner/developer) shall submit a written request for relief form (available at the Development Management Office) prior to or at the same time that the preliminary plat and/or plan for development for the proposed subdivision is submitted.
- 106.1400 No request for relief for submission of a GAR or from any of the requirements concerning a GAR shall be granted unless prior approval is granted by CCGCD.

## **200 DEVELOPER'S RESPONSIBILITIES**

- 200.1000 The responsibility for all costs required by these Rules and Regulations shall be borne by the developer.
- 200.1100 In order to obtain approval by the Commissioners Court of a plat, the developer shall take the following actions as appropriate:
- (1) Attend preliminary conference with County representatives. (See section 201.)
  - (2) Submit a request for the subdivision name and all proposed street names. (Include a location map of the proposed subdivision – see paragraph 203.1300(1) and 203.1300(7).)
  - (3) Submit an approved ground water availability report. (Must be submitted prior to or with the preliminary plat - see section 301.)
  - (4) Submit traffic impact analysis. (See section 305.)
  - (5) Submit preliminary plat and data. (See section 203.)
  - (6) Obtain approval of preliminary plat by Commissioners Court.
  - (7) Prepare FEMA submittal (as required).
  - (8) Permits as required by any federal, state or local agency and/or evidence of compliance with any applicable federal, state or local laws, regulations or orders.
  - (9) Submit final plat and data; pay all applicable fees. (See section 204 and Appendix.)
  - (10) Provide letter of credit or other financial guarantee insuring completion of required site improvements roads and drainage. (See section 205.)
  - (11) Obtain approval of final plat.
  - (12) Record final plat. (See paragraph 204.1200(14).)
  - (13) Attend preconstruction conference with County representatives. (See section 207.)
  - (14) Construct required site improvements as approved.



(15) Obtain approval and/or acceptance of site improvements by Commissioners Court.

(16) If applicable, provide maintenance bond for improvements.

200.1200 The exact procedure to be followed and the specific actions required by the developer will depend on the size, nature, and complexity of the proposed development.

## **201 PRELIMINARY CONFERENCE**

Prior to presentation of a preliminary plat to the County, the developer shall contact the County Development Management Office. A meeting between the developer, the engineer or surveyor representing the developer, and other interested parties will be scheduled with the Development Manager, County Engineer, the respective precinct Commissioner, CCGCD and if necessary, the County Attorney, to discuss procedures, specifications, and standards required by Kendall County for the subdivision of land.

## **202 PLAN FOR DEVELOPMENT (MASTER PLAN)**

202.1000 Kendall County does not require submission of a Plan for Development (hereinafter in this section "Master Plan"). Any developer who desires to submit a Master Plan of a proposed subdivision may do so in accordance with the following requirements:

202.1000.1 Prior to presentation of a Master Plan to the County, the developer shall contact the County Development Management Office. A meeting between the developer, the engineer or surveyor representing the developer, and other interested parties will be scheduled with the Development Manager, County Engineer, the respective precinct Commissioner, CCGCD, and if necessary, the County Attorney, to discuss procedures, specifications, and standards required by Kendall County for the subdivision of land.

202.1000.2 The Master Plan shall be submitted prior to, or at the same time that the preliminary plat of the proposed subdivision or any unit or phase of the subdivision is submitted.

202.1000.3 Eight (8) black or blue line copies of the Master Plan shown at a scale of not more than 400 feet per inch and on a sheet, or sheets, no larger than 24" x 36" of Mylar, or equivalent shall be submitted to the Development Manager's Office. When more than one sheet is required to show the entire proposed subdivision, a separate index sheet showing the entire proposed subdivision at an appropriate scale with the sheet numbers on it shall accompany the Master Plan. The following information shall be indicated on the Master Plan:

(1) The proposed name of the subdivision – refer to paragraph 203.1300(1) for specific requirements concerning proposed subdivision names.

- (2) The names of contiguous subdivisions and/or a note that contiguous properties are not platted.
- (3) Subdivision boundary lines shall be indicated by heavy lines and described accurately by metes and bounds or by bearings and distances with respect to an original corner of the original survey of which the proposed subdivision is a part. The approximate acreage of the subdivision shall be indicated to the nearest one-tenth (0.1) acre. The total number of proposed lots and the proposed density (total number of acres in the proposed subdivision divided by the total number of proposed lots) shall be indicated.
- (4) Each phase or unit of the proposed subdivision shall be identified by boundaries or color coding, shall be numbered or named, and contain a note indicating whether the proposed use is residential or commercial. Although individual lots do not have to be shown, the proposed density (total number of acres divided by number of proposed lots) shall be shown for each phase or unit.
- (5) The proposed access to the subdivision from a State highway, county road, or a road constructed to county specifications shall be shown on the Master Plan. Proposed roads within the subdivision may be shown or postponed until a preliminary plat of a phase or unit is submitted.
- (6) The location of school district boundaries and, if applicable, county lines and/or city limits and/or boundaries of the extra-territorial jurisdiction of any city located within the boundaries of the proposed subdivision shall be shown.
- (7) If any part of the proposed subdivision is subject to flooding, such area shall be indicated. (Refer to section 203 for specific requirements concerning areas located in the 100-year floodplain.)
- (8) Existing facilities shall be shown in accordance with section 203.
- (9) The date of preparation of the Master Plan shall be indicated, North direction shall be indicated by an arrow either at the top or on the right side of the Master Plan, the names and addresses of the developer, and name of the engineer, surveyor or firm preparing the Master plan shall be indicated with a current address and telephone contact number.
- (10) A note on the Master Plan shall indicate the proposed source of potable water and the proposed method of disposal of sewage and wastewater for the subdivision. The names of the utility companies to provide electricity, telephone service, and if applicable, potable water, sewage disposal, natural gas, and solid waste disposal to the proposed subdivision shall be shown.

202.1000.4 The following documents shall be submitted with the Master Plan:

- (1) Proof of ownership of real property located in the proposed subdivision in accordance with section 203.
- (2) A traffic impact analysis shall be prepared in accordance with section 305 and submitted with the Master Plan.

- (3) A GAR shall be prepared in accordance with section 301 and submitted with the Master Plan.

202.1000.5 Approval of a Master Plan by the Commissioners Court shall be effective for five (5) years from the date of filing. If no progress has been made toward completion of the project within five (5) years of the filing of the Master Plan, the Master Plan shall expire and any fees paid to Kendall County shall be forfeited to the County.

202.1000.6 Approval of the Master Plan shall not constitute or imply approval of the preliminary plat, final plat or any permit required for completion of the project.

### **203 PRELIMINARY PLAT**

203.1000 The developer shall submit 15 black or blue-line copies of the preliminary plat to the Development Management Office. The preliminary plat shall comply with the following requirements:

203.1100 The required documentation and all documentation shall be in accordance with standards regulated and enforced by the Texas Board of Professional Land Surveying. The plat shall be prepared with ink on Mylar or equivalent on sheets 18 inches wide and 24 inches long, with margins of not less than 3/8 inch on the sides. The plat shall be drawn to a scale of not more than 200 feet per inch and preferably to a scale of 100 feet to the inch. When more than one sheet is required to accommodate the entire area, a separate index sheet showing the entire subdivision at an appropriate scale shall accompany the plat.

203.1200 Upon submitting the preliminary plat, the developer shall obtain a development permit from the Development Management Office and pay all applicable fees based on the fee schedule in effect at the time of filing of the plat.

203.1300 The following information shall be indicated in the preliminary plat:

- (1) Proposed name of the subdivision (Note: The name of the subdivision shall not have the same spelling as, or be pronounced similar to the name of any other subdivision located in the County, any incorporated city located wholly or partially in the County or located in the same postal zip code.).
- (2) Names of contiguous subdivisions and/or a note that contiguous properties are not platted.
- (3) Subdivision boundaries indicated by heavy lines and described accurately by metes and bounds or by bearings and distances with respect to an original corner of the original survey of which the proposed subdivision is a part.
- (4) The approximate acreage of the subdivision to the nearest one-tenth (0.1) acre.
- (5) Blocks, lots, monuments and other sites within the proposed subdivision; a number to identify each block and each lot or site (Note: Lot and block numbers shall be

systematic.); the total number of proposed lots and the proposed density (number of total acres in the subdivision divided by the number of proposed lots); the area of each lot or tract to the nearest one – tenth (0.1) acre; the road frontage of each lot to the nearest foot; and all building and set-back lines.

- (6) The location and dimensions of all proposed streets and/or roads, alleys, parks, other public areas, drainage structures, reservations, easements, or other rights-of-way, the lineal feet of proposed streets and/or roads; and area of each street and/or road right-of-way and other public use areas to the nearest one-tenth (0.1) acre; with accurate dimensions bearing or deflecting angles and length of all curves where appropriate.
- (7) Proposed streets and/or roads in the subdivisions shall be named on the plat. (Note: In some instances, alleys, ingress and egress easements, and driveways may be named for rural addressing, 911 and emergency response purposes subject to Commissioners Court Order.) Names of streets, and/or roads, (and if applicable, alleys, driveways, and easements) must be approved by the Commissioners Court, subject to the following requirements and restrictions:
  - (a) No name shall be similar in spelling or pronunciation to another street, road, alley, driveway or easement in the county and surrounding areas; and
  - (b) Only one street/road name can be used from a point of origin of another street/road; and
  - (c) East, West, North, or South designations shall not be used in street, road, alley, and driveway and/or easement names unless the use is approved by Commissioners Court.
- (8) Existing facilities as follows:
  - (a) The location, dimensions, name and description of all existing or recorded streets, roads, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries; and
  - (b) The location, description, dimensions and names (if applicable) of all existing or recorded residential lots, parks, public areas, and other sites within the subdivision; and
  - (c) The location of any man-made structures of any type; and
  - (d) Location of existing water wells with well number assigned by CCGCD.
- (9) The date of preparation and date revised, if applicable; North direction by an arrow either at the top or on the right side; the scale, original survey lines and sanitary control easements, if any.

- (10) The name(s) and address(es) of the developer, record owner of the property and engineer or surveyor with a contact telephone number for the engineer or surveyor and e-mail address, if any, of the engineer or surveyor.
- (11) Topographical information including contour lines to a contour interval of two (2) feet for slopes five percent (5%) or less, or ten (10) feet for slopes over five percent (5%) and extending 100 feet into the area adjacent to the subdivision. Elevations must be based on NAVD 88 datum and provide a conversion factor to NGVD 1929 datum.
- (12) Location map at a scale of not more than 2,000 feet to an inch, which shall show existing adjacent subdivisions and major streets. Where adjacent subdivisions have dead end streets adjoining the boundaries of the proposed subdivision and traffic circulation through the existing subdivision is being proposed, a note to this effect shall be included on the plat.
- (13) Areas subject to flooding in accordance with the Federal Flood Insurance Program or there shall be a statement that there is no such area. (Note: FEMA maps may not show all special flood areas in the community.) All special flood hazards, to include those areas identified through the current drainage analysis.(Note: If all or part of the subdivision is located in the 100 year floodplain, the floodplain as shown on a FIRM or as verified by the floodplain study shall be shown.) Cross sections with Base Flood Elevations shall be shown with one or more cross sections per lot. Location and elevation of a benchmark (monument) shall be described in a note. For all lots located wholly or partially in the floodplain, the net acreage of the area, if any, outside of the flood plain shall be indicated to the nearest one-tenth (0.1) acre
- (14) Caption setting forth the original grantee, survey number, and abstract number and a deed reference to the parent tract.
- (15) A note on the plat shall indicate the planned source of potable water and the planned method of sewage disposal. The note shall include, if applicable, a statement describing the potable water and sewage disposal facilities that will be constructed or installed to serve the subdivision, a statement certifying the date the facilities will be fully operable, and a statement by a qualified person (engineer or hydrologist) certifying that the proposed water supply and sewage disposal facilities proposed for the subdivision are in compliance with the Model Rules adopted under Section 16.643, Texas Water Code. If a water supply system and/or sewage disposal is to be constructed or developed within the subdivision, the proposed location of the site for the facilities, including, if applicable, water wells, storage tanks, and other facilities shall be indicated and proposed alternate site(s), if any, shall be shown.
- (16) A note on the plat shall indicate the providers of electrical power, telephone and any other utility services.
- (17) A note on the plat shall indicate whether or not commercial waste collection and disposal services are available to the subdivision.

203.1400      The following shall be submitted with the preliminary plat:

- (1) Proof of ownership of the real property where the proposed subdivision will be located as follows:
  - (a) Individual(s) - copy of recorded deed.
  - (b) Partnership - copy of recorded deed and copy of Partnership Agreement.
  - (c) Corporation - copy of recorded deed, certificate of good standing or certificate to do business in the State of Texas and letter from corporation authorizing individual to act on behalf of corporation.
- (2) The general drainage plan, showing existing water courses, existing and proposed drainage structures for the proposed subdivision at not more than 1"=400' scale and indicating the one-hundred-year floodplain limits for all proposed drainage courses with more than a 100 acre drainage area. (Note: Submittals in the appropriate FEMA format must be prepared for any changes to latest Flood Insurance Rate Map.)
- (3) A drainage study, which shall provide the following information for both existing (pre-development) and fully developed conditions for the entire watershed drainage area upstream of the lowest point(s) in the subdivision:
  - (a) The entire watershed drainage area(s) depicted on a 7.5 minute series U.S.G.S. map.
  - (b) The drainage area(s) within the subdivision depicted on a topographic map with two-foot (2 ft.) contours on a scale of one inch (1") equals 200 feet.
  - (c) Composite runoff coefficients.
  - (d) One-hundred-year-storm event flow rates with the floodplain limits for the existing and fully developed conditions shown on the preliminary plat.
  - (e) Proposed location of storm sewers and/or culverts.
  - (f) Proposed routing of drainage ways.
  - (g) Calculations to determine the volume of the detention pond(s) if required.
- (4) Draft copy of subdivision deed restrictions, if any are proposed by the developer. (Note: Any provision in the deed restrictions concerning further division of lots or the combining of lots should include the requirement to comply with these Rules and Regulations.)

- (5) If applicable, a letter of agency authorization from the owner of the affected property authorizing another person to represent the owner before the Commissioners Court.
- (6) Letter from the developer's engineer stating that the engineer has been retained by the developer to design roads, drainage and, when applicable, sewage disposal, water systems, and other infrastructure for the proposed subdivision.
- (7) If all or part of the subdivision is in the ETJ of a city and the interlocal agreement between the County and such city provides that the County will be responsible for subdivision platting, but requires approval of certain items by the subject city a document indicating the city's approval of such items shall be submitted.
- (8) If the subdivision has a proposed entrance from, or if lots in the proposed subdivision front on a U.S. or state highway, a letter of authorization or an access permit from the appropriate highway official shall be submitted.
- (9) If a proposed subdivision drainage system joins or connects to the Texas Highway System, a permit issued by the authorized representative of TxDOT shall be submitted.
- (10) If the proposed subdivision lies wholly or in part within the 100-year floodplain, a separate and detailed 100-year floodplain study prepared by a licensed professional engineer for all water courses with 100 acres or more drainage shall be submitted to provide theoretical verification of the maximum floodwater elevations that may be expected so that the potential effect on subdivision lots may be evaluated. This study shall also be submitted to FEMA.

**Note: Land located within special flood hazard areas is designated as floodplain. Since the floodplain is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions shall apply in the floodplain:**

- (a) **Encroachments are prohibited, including fill, new construction, substantial improvements, and other developments, unless certification by a licensed professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of base flood discharge.**
  - (b) **If subparagraph (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.**
- (11) If the subdivision is to be served by public water and/or wastewater treatment system, letters from the appropriate city, district or regulatory agency having jurisdiction shall be submitted containing the information required by sections 300, 301 and 303. In addition, certification as required by sections 301 and 303 shall be submitted.

- (12) An Affidavit of Ad Valorem Tax Payment with Tax Certificates from each affected taxing entity showing that all ad valorem taxes have been paid on all land included in the subdivision.
  - (13) Unless an exception is granted by the County Engineer, a Traffic Impact Analysis (TIA) to determine the impact on proposed or existing roads and streets based on current and future average daily traffic (ADT) shall be prepared by a qualified engineer and submitted to the County Engineer in accordance with section 305.
  - (14) If applicable, a GAR shall be submitted in accordance with section 301.
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- 203.1500 A preliminary plat that does not comply with these Rules and Regulations shall be considered administratively incomplete and will not be presented to Commissioners Court until it is determined by the Development Manager to be administratively complete. (Note: If the developer wants to seek relief from any of the requirements set out herein, a written request for relief shall be submitted in accordance with section 106. See form in APPENDIX.)
  - 203.1600 When the Development Manager determines that a preliminary plat is administratively complete, he shall place consideration of the preliminary plat on the agenda of the next regular meeting of the Commissioners Court. (See section 206 for time requirement.)
  - 203.1700 If the Commissioners Court disapproves the preliminary plat, or conditionally approves the preliminary plat with directed modifications, the Development Manager shall inform the developer, in writing, of such action and any action required by the developer.
  - 203.1800 Approval of a preliminary plat by the Commissioners Court shall be deemed approval to proceed with the preparation of the final plat. Conditional approval by the Court of a preliminary plat shall not constitute approval to proceed with preparation of the final plat.
  - 203.1900 Approval of a preliminary plat by the Commissioners Court shall be effective for two (2) years from the date of approval. If no progress has been made toward completion of the project within two (2) years of approval of the preliminary plat, approval of the preliminary plat shall expire and any fees paid to Kendall County shall be forfeited to the County.
  - 203.2000 Approval of the preliminary plat shall not constitute or imply approval of the final plat, nor shall approval of the preliminary plat constitute permission to record the final plat or initiate any site preparation work. Site preparation may be initiated by the developer only after the Commissioners Court has approved the final plat. A developer who begins construction prior to approval of the final plat and posting of the financial guarantee required herein will be subject to enforcement actions by the County Attorney. (See section 105.)



- 204.1000 The developer shall submit 6 black or blue line copies of the final plat and accompanying site improvement data to the Development Manager.
- 204.1100 Form and content of Final Plat: The final plat shall be in the same form and contain the same information as the preliminary plat with the following additional requirements:
- (1) The final plat shall incorporate any changes required by the Commissioners Court as a condition of approval of the preliminary plat.
  - (2) The final plat shall contain an appropriate statement of dedication of easements for utilities and be supported by a letter of approval by affected utility companies.
- 204.1200 The following documents shall be submitted with the final plat:  
Note: If items have been previously submitted with the preliminary plat, such do not have to be submitted with the final plat unless there have been changes or alterations.)
- (1) Site improvement data with all drawings and calculations bearing the seal of a licensed professional engineer.
  - (2) Certification required by any federal, state, district, or local entity concerning protection of the environment or preservation of historical or cultural areas.
  - (3) If applicable, letters of approval of wastewater treatment systems and/or of public water systems from the appropriate regulatory agencies having jurisdiction and certification as required by sections 301 and 303.
  - (4) If applicable, letter of approval from the appropriate district or city if the area is within a district, or is to be connected to a city system for disposal of sewage and certification as required by sections 301 and 303.
  - (5) If applicable, approval of the location of fire hydrants on the water distribution lines (including hose connections) by the County Fire Marshall (See section 302.).
  - (6) If applicable, a Certificate of Convenience and Necessity issued by the appropriate regulatory agency.
  - (7) If required, letter of approval from the Texas State Department of Health or from any other federal, state, or local regulatory agency
  - (8) If applicable, one copy of all plans as approved by the appropriate regulatory agency for public water or public sewage disposal systems.
  - (9) Two copies of finished, checked, ready for construction plans and profiles of all streets and drainage improvements with construction specifications including general and special conditions.
  - (10) If required, a copy of the submittal to FEMA (See section 203.)

- (11) For control of drainage, the following information shall be submitted:
- (12) A general location map showing exact relation of the subdivision to the entire watershed (U.S.G.S. quadrangle 1:24,000 is satisfactory).
- (13) Two copies of the storm drainage plan, prepared to a scale of 200 feet to an inch and with the same contours and lot sizes as shown on the plat which shall comply with the following requirements:
  - (a) All street widths and grades shall be indicated, and runoff figures shall be indicated at the inlet side of all drainage ditches and storm sewers, and if required by the County Engineer, all points in the streets at changes of grade or where the water enters another street or storm sewer or drainage ditch.
  - (b) Drainage easements shall be indicated.
  - (c) Construction details shall be shown for drainage ditches, channels, or storm sewer.
  - (d) Hydraulic calculations based on anticipated storm water flow from consideration of rainfall intensity, watershed area, percent runoff, time of concentration, and nature of terrain and cover shall be submitted for each storm sewer, drainage ditch, culvert, or bridge.
  - (e) Culvert center-line profiles shall accompany the hydraulic calculations to verify the length of culvert needed for the height of fill and width of right-of-way (See subsection 408.1000).
  - (f) If a "French Drain System" is proposed, a statement as to the need must be furnished by the developer/ subdivider's engineer, together with two (2) copies of construction drawings.
- (14) A letter signed by the subdivision developer authorizing the plat to be filed for record by the County and a check payable to the County Clerk in the amount required for recording the plat. In addition, the Developer shall provide 2 copies of the subdivision digital drawing file. The format of the digital drawing file shall be the DWG file submitted on compact disc (CD). The digital file shall be projected to fit within the parameters of the Projected Coordinate System NAD 1983 Stateplane Texas South Central, in survey feet. A minimum of two GPS ground control point coordinates of said points shall be identified in the digital file. Additional information may be required by the GIS Manager/9-1-1 Coordinator. (Note: The Development Management Office will submit the final plat to the County Clerk for recording. After the plat is recorded, the developer is responsible for providing 12 copies of the recorded plat to the Development Management office.)
- (15) If applicable, a final version of Deed Restrictions to be recorded by the developer following approval of the final plat by the Commissioners Court.

- (16) For subdivisions where potable water is to be supplied by a public water supply system, evidence of the satisfactory quality of the water must be furnished in the form of a bacteriological analysis of the water, approved by TCEQ. The entity providing water must certify that the quantity of water available is adequate to supply the number of customers that the system will serve and other requirements as set out in section 301.

204.1300 Approval of a final plat expires five (5) years from the date of approval if no progress has been made towards completion of the project. In such event, all fees paid to the County, including any financial guarantee, shall be forfeited to the County.

## **205 FINANCIAL GUARANTEE**

205.1000 Bond Requirements: The owner of a tract shall execute a bond before subdividing the tract unless an alternative financial guarantee is provided as permitted by subsection 205.1100. The bond must:

- (1) be payable to the County Judge or to the Judge's successors in office; and
- (2) be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads and streets in and drainage requirements for the subdivision based on an estimate submitted by the developer's engineer and approved by the County Engineer; and
- (3) be executed with sureties as may be approved by the Court; and
- (4) be executed by a company authorized to do business as a surety in this state; and
- (5) be conditioned that the roads and streets and the drainage requirements for the subdivision will be constructed:
  - (a) in accordance with the specifications (approved by the Commissioners Court; and
  - (b) within the time set by the Court, but not to exceed two years (from the date of approval of the final plat.

205.1100 Financial Guarantee in Lieu of Bond: In lieu of the bond, an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee.

205.1200 Procedure and Requirements for Letter of Credit: If a Letter of Credit is used, it must:

- (1) list as the sole beneficiary the County Judge; and
- (2) be conditioned that the owner of the tract of land to be subdivided will construct any roads or streets and drainage requirements in the subdivision:
  - (a) in accordance with the specifications approved by the Commissioners Court; and

- (b) within the time set by the Court, but not to exceed two years from the date of approval of the final plat; and
- (3) comply with the following requirements and procedures:
  - (a) The Letter of Credit shall be an irrevocable letter of credit issued by a state or federally chartered bank or savings and loan association in a form approved by the County.
  - (b) The initial Letter of Credit shall be for a period of one year or such other length of time as approved by the Commissioners Court.
  - (c) The term of the renewal Letter of Credit shall be for a period of one year or such other length of time as approved by the Commissioners Court. A Letter of Credit shall remain in full force and effect until the subdivision improvements are accepted or approved by the Commissioners Court.
  - (d) Renewal, default, and failure to timely renew: The Letter of Credit shall be renewed no later than 45 days prior to its expiration date in an amount equal to the amount of the original Letter of Credit or such other amount as approved by the Commissioners Court. In the event the developer fails to renew the letter of credit at least 45 days prior to the expiration date, the County will begin procedures to collect on the letter of credit as follows:
    - (i) Give written notice by certified mail to the developer and financial institution issuing the Letter of Credit that the developer is in default; and
    - (ii) Fourteen (14) calendar days after such notice is given, if the Letter of Credit has not been renewed or is otherwise not in compliance with these Rules and Regulations, the County shall make demand pursuant to the terms of the Letter of Credit for collection of the amount of the Letter of Credit and proceed to collect the amount of the financial guarantee.

205.1300      Procedures and Requirements for Cash Deposit: In the event the developer deposits cash as a financial guarantee, it shall be:

- (1) in an amount determined by the Commissioners Court to be adequate to ensure the proper construction of the roads and streets in and drainage requirements for the subdivision; and
- (2) be submitted to the County Treasurer for deposit in an interest bearing account; and
- (3) submitted with an agreement signed by the developer acknowledging that the funds will be forfeited to the County in the event that the developer fails to complete the roads and drainage improvements in the subject subdivision in accordance with the final plat and construction drawings and specifications

approved by the County and within the time set by the County, but not to exceed two years from the date of approval of the final plat, and that any interest earned on the cash while deposited shall accrue to the County.

## **206 PROCESSING OF PLATS**

- 206.1000 Within ten (10) business days of the date that a plat or plat revision is submitted to the County for approval by the Commissioners Court, the Development Manager will notify the applicant of any missing documents or other information. The applicant will be allowed 45 days to submit the missing documents or other information. The plat application will expire at 5:00 p.m. on the 45th day after the date the application is filed if the applicant fails to provide documents or other information required by these Rules and Regulations. In such event, the plat application fee paid to the County shall be forfeited to the County.
- 206.1100 An application shall be considered administratively complete when all requirements of these Rules and Regulations are satisfied.
- 206.1200 Receipt by the County of a plat application determined by the Development Manager to be administratively complete does not imply and should not be construed as approval of the plat by the Commissioners Court.
- 206.1300 Upon receipt of the administratively complete plat application, the Development Manager shall place consideration of the plat application on the agenda of the next regularly scheduled meeting of the Commissioners Court, provided that sufficient time exists to complete review of the plat application and comply with requirements of the County Judge's Office for submission of items to be placed on the agenda (ten calendar days prior to the scheduled court meeting). Otherwise, consideration of the plat application will be placed on the agenda for the following regular meeting of the Commissioners Court. In any event, final action by the Commissioners Court on the plat application shall be taken within sixty (60) calendar days of the date that the administratively complete plat application is received by the County.
- 206.1400 If the Commissioners Court disapproves a plat application, the Development Manager shall provide the applicant with written notification of the Court's decision with a list of the reasons for the disapproval.
- 206.1500 The sixty (60) days period for the Court to take final action on a plat application may only be extended in compliance with Section 232.0025, Local Government Code.
- 206.1600 In the event the Commissioners Court fails to take timely final action on a plat application in accordance with this section, the County shall:
- (1) refund the greater of the unexpended portion of the plat application fee or 50 percent of the plat application fee; and
  - (2) the plat application is granted by operation of law; and

- (3) the applicant may seek additional relief in accordance with Section 232.0025, Local Government Code.

## **207 PRECONSTRUCTION CONFERENCE**

- 207.1000 Subsequent to approval of a final plat and prior to initiation of construction, the developer and/or his engineer and/or contractor(s) shall request a preconstruction conference through the County Engineer. The County Engineer will schedule the conference as soon as possible. The developer, engineer, and contractor(s) shall attend the conference, which may also be attended by the Precinct Commissioner, County Development Manager, CCGCD, County Engineer and Road Superintendent, or their representative as appropriate.
- 207.1100 The purpose of the conference is to establish lines of communication during construction for visits to the site and observation of construction, clarifications and interpretations, inspections and tests, and construction sequence. At the conference, the contractor shall provide the county with an estimated completion date of the project.

## **208 CONSTRUCTION PHASE REQUIREMENTS**

- 208.1000 After construction of infrastructure commences, any deviation from the final plat as approved by the Commissioners Court, including the plans, drawings and specifications for construction of roads, drainage, and other improvements must have prior approval by the County Engineer. The engineer of record for the developer must request approval of any changes in writing addressed to the County Engineer. The County Engineer will timely evaluate the request and decide whether or not to approve the changes. The County Engineer shall notify the engineer for the developer of his decision in writing.
- 208.1100 Upon completion of construction of the roads and drainage in a subdivision, the engineer of record for the developer shall send a letter to the County Engineer stating that the roads and drainage have been completed in accordance with the final plat and the construction plans, drawings and specifications and any relief items granted by Commissioners Court, and request either approval of the construction -in a private (gated) community- or approval and acceptance in a public subdivision for maintenance by the County. If test reports were not provided to the County Engineer during the course of construction, such must be submitted with the engineer's letter.
- 208.1200 The County Engineer and Road Superintendent (and in most cases the County Commissioner for the precinct) will conduct an inspection of the improvements and provide the engineer of record for the developer with notice of approval or a punch list of items to be completed or corrected if necessary.
- 208.1300 A condition of approval and acceptance by the County of road and drainage infrastructure is the receipt by the County of two sets of "Record Drawings" (and a compact disc in PDF format and a compact disc in dwg format) showing the improvements as actually constructed. The drawings shall be stamped, or designated "Record Drawings."

- 208.1400 A further condition of acceptance by the County of road and drainage infrastructure is the transfer of all vendor warranties from the contractor to the County. (Note: This condition is not applicable to roads and drainage infrastructure that are to be privately maintained.)
- 208.1500 Before the County will release the financial guarantee required under section 205, and to ensure that the roads and drainage improvements are maintained to the satisfaction of the County, the developer shall provide the County with a maintenance bond, executed by a surety company holding a license to do business in the State of Texas, made payable to the County Judge, or his successor in office, and acceptable to the County, in an amount equal to fifteen percent (15%) of the total cost of the roads and drainage improvements constructed in the subdivision, as estimated by the design engineer and approved by the County Engineer, conditioned that upon completion of the improvements and approval of the improvements by the Commissioners Court, the developer will maintain the streets and drainage improvements in good condition at the developer's expense for a period of at least one (1) year after the date of approval of the improvements by the Commissioners Court. (Note: A maintenance bond is not required of private streets or roads not to be maintained by the County.)

## **209 PLAT REVISION WITHIN A PLATTED SUBDIVISION**

- 209.1000 This section shall apply to all proposed revisions to platted subdivisions located in the unincorporated areas of the County.
- 209.1100 The proposed plat revision shall be prepared with ink on Mylar or equivalent on sheets 18 inches wide and 24 inches long, with margins of not less than 3/8 inch on the sides. The plat shall be drawn to a scale of not more than 200 feet per inch and preferably to a scale of 100 feet to the inch. When more than one sheet is required to accommodate the entire area, a separate index sheet showing the entire subdivision at an appropriate scale shall accompany the plat.
- 209.1200 The proposed plat revision shall comply with the requirements set out in Subsections 203.1100 and 203.1300 for a preliminary plat.
- 209.1300 The developer or his surveyor or engineer as appropriate shall submit six (6) copies of the proposed plat revision to the Development Manager's Office.
- 209.1400 If the affected subdivision has recorded deed restrictions, then the more stringent restrictions will apply; those of the deed restrictions or those contained in these Rules and Regulations.
- 209.1500 The following procedure shall be accomplished as appropriate prior to a plat revision being considered for approval. Approval by the County is required before a revised plat may be filed with the County Clerk's Office.
- 209.1600 VACATING PLAT: (Note: Applies when 100% of the owners of the property located in the plat apply to vacate the plat.) The owners of a tract

covered by a plat may vacate the plat at anytime before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved by the Commissioners Court and recorded in the manner prescribed for the original plat.

209.1600.1 If lots in the platted subdivision have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the platted subdivision with approval of the Commissioners Court obtained in the manner prescribed for the original plat.

209.1600.2 After approval by the Commissioners Court, the County Clerk shall write legibly on the vacated plat (the original plat previously filed for record) the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

209.1600.3 On the execution and recording of the vacating instrument, the vacated plat has no effect.

209.1700 **REPLATTING WITHOUT VACATING PRECEDING PLAT**

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) is signed and acknowledged by only the owners of the property being replatted; and
- (2) is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Commissioners Court; and
- (3) does not attempt to amend or remove any covenants or restrictions of record.

209.1800 **ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS**

In addition to compliance with subsection 209.1700, a replat without vacation of the preceding plat must conform to the requirements of this section if any lot in the preceding plat was limited by deed restrictions to residential use.

209.1800.1 Notice of the hearing required under paragraph 209.1700(2) shall be given before the 15th day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the County; and by written notice (with a copy of paragraphs 209.1800.2 and 209.1800.3 below attached) to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted as indicated on the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the County.

209.1800.2 If the proposed replat requires a variance and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members of the Commissioners Court present and voting.



209.1800.3 For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Development Manager, prior to the close of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.

209.1900 Compliance with subsection 209.1800 is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

209.2000 **AMENDING PLAT:** The Commissioners Court may approve an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

- (1) To correct an error in a course or distance shown on the preceding plat; and
- (2) To add a course or distance that was omitted on the preceding plat; and
- (4) To correct an error in a real property description shown on the preceding plat; and
- (5) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments; and
- (6) 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; and
- (7) To correct any other type of scrivener or clerical error or omission previously approved, including lot numbers, acreage, street names, and identification of adjacent recorded plats; and
- (8) 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; and
  - (b) neither lot is abolished; and
  - (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 in the plat; and
- (9) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; and
- (10) To relocate one or more lot lines between one or more adjacent lots if:

- (a) the owners of all those lots join in the application for amending the plat; and
- (b) the amendment does not attempt to remove recorded covenants or restrictions; and
- (c) the amendment does not increase the number of lots; and

(11) To replat one or more lots fronting on an existing street if:

- (a) the owners of all those lots join in the application for amending the plat; and
- (b) the amendment does not attempt to remove recorded covenants or restrictions; and
- (c) the amendment does not increase the number of lots; and
- (d) the amendment does not create or require the creation of a new street or make necessary the extension of county facilities.

209.2100 Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

## 210 CANCELLATION OF SUBDIVISION OR PART THEREOF

210.1000 A person owning real property in Kendall County that has been subdivided may apply to 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.

210.1100 If only part of the subdivision is cancelled, the following provisions apply:

210.1100.1 A plat of the subdivision shall be prepared by the applicant showing the subdivision as it exists before cancellation of any part and showing the subdivision with the cancelled part removed. The plat shall be prepared in accordance with the following requirements:

- (1) The plat shall be prepared with ink on Mylar or equivalent on sheets 18 inches wide and 24 inches long, with margins of not less than 3/8 inch on the sides.
- (2) The plat shall be drawn to a scale of not more than 200 feet per inch and preferably to a scale of 100 feet to the inch.
- (3) When more than one sheet is required to accommodate the entire area, a separate index sheet showing the entire subdivision at an appropriate scale shall accompany the plat.

210.1100.2 The proposed plat of cancellation shall comply with the requirements set out in subsection 203.1100 and subsection 203.1300 for a preliminary plat.

- 210.1100.3 The developer or his surveyor or engineer as appropriate shall submit six (6) copies of the proposed plat of cancellation to the Development Manager's Office.
- 210.1200 The following provisions apply to all applications for cancellation of all or part of a subdivision.
- 210.1200.1 The Commissioners Court shall publish notice of the application for cancellation. The notice must be published in a newspaper, published in the English language, in the County once each week for at least three weeks before the date on which action is taken on the application. The published notice will direct any person who is interested in the property in the subdivision where the cancellation is proposed and who wishes to protest the proposed cancellation to appear at the time specified in the notice.
- 210.1200.2 If, at the public hearing on the application for cancellation, it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any person who owns any part of the subdivision or it is shown that all persons who own any part of the subdivision agree to the cancellation, the Commissioners Court will authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part. The instrument must describe the subdivision or the part of it that is canceled. The Court will enter the order in its minutes. (Note: For cancellation of an entire subdivision, the instrument is the Court's order. For cancellation of a part of the subdivision, the instrument is the revised plat prepared in compliance with subsection 210.1100.)
- 210.1200.3 The Commissioners Court may deny a cancellation under this section if the Commissioners Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.
- 210.1200.4 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 by order will authorize the cancellation in the manner and after notice and a hearing as provided herein. 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 Commissioners Court prior to the public hearing required herein, the grant of an order of cancellation is at the discretion of the Commissioners Court.
- 210.1200.5 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.

210.1200.6 A person who appears before 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. The person must bring the action within one year after the date of the entry of the Commissioners Court's order granting the cancellation.

210.1200.7 After approval of cancellation of an entire subdivision by the Commissioners Court, the County Clerk shall write legibly on the cancelled plat (the original recorded plat) the word "Cancelled" and enter on the plat a reference to the volume and page at which the instrument of cancellation is recorded.

210.1200.8 After the cancellation instrument is filed and recorded in the official records of the County, the County Tax Assessor Collector shall assess the property that is no longer a subdivision or a part of a subdivision as if it had never been subdivided

210.1200.9 If the application for cancellation is granted and delinquent taxes are owed on the subdivided tract affected by the cancellation for any preceding year, the owner of the affected tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided. For the purpose of assessing taxes on the tract affected by the cancellation for a preceding year, the County Tax Assessor Collector shall assess taxes on the affected tract on an acreage basis.

### **300 SUBDIVISION STANDARDS**

#### **300.1000 GENERAL PROVISIONS:**

300.1000.1 The entrances and/or exits to a subdivision shall be by state highway, county road, or a road or street constructed to county specifications. Each lot in the subdivision shall front on a state highway, county road, or a road or street constructed to county specifications. Each lot or tract of land shall normally be allowed one entrance to a state highway, county road or a road constructed to county specifications (driveway entrance). The location and number of entrances to a county road is subject to approval by the County Engineer or his designated representative. The location and number of driveway entrances to a state highways is subject to approval by TxDOT.

300.1000.2 When a proposed subdivision fronts on a county road, the developer shall dedicate for public use an appropriate width on the developer's side(s) of the center line of such road to allow for future improvements to the county road.

300.1000.3 There shall be no reserve (or spite) strips controlling the only access to land adjacent to roads dedicated or intended to be dedicated for public use.

- 300.1000.4 All streets and roads to be owned and maintained by a homeowners' association or similar organization, and all roads or streets located in subdivisions and dedicated to public use shall be constructed in accordance with county standards and inspected during construction by the County Engineer and/or Road Superintendent
- 300.1000.5 Developers of proposed subdivisions with no direct access to a state highway may be required to enter into an agreement with the County providing that the developer will pay all or a part of the cost to improve and/or expand the county road that provides access from the subdivision to a state highway.
- 300.1000.6 Unless part of a plan for development (Master Plan), development of a subdivision using the roads of an existing subdivision is prohibited unless a Traffic Impact Analysis (TIA) prepared at the cost of the developer indicates, in the opinion of the County Engineer, that such development will not adversely impact the health, safety or general welfare of the occupants of the existing subdivision and provided further that the developer of the proposed subdivision agrees to restore roads in the existing subdivision to the same condition as such existed prior to construction of improvements in the proposed subdivision. The County will not approve improvements in the proposed subdivision and the financial guarantee posted by the developer of the proposed subdivision will not be released until the developer satisfies this requirement.

(NOTE: With certain exceptions, commercial truck traffic is prohibited on subdivision roads, see Kendall County Order No. 08-14-2006 or any succeeding County Order.)

**300.1100 LOT SIZE/ ROAD FRONTAGE/ DENSITY/ SET BACKS**

- 300.1100.1 Individual lots served by a water well and an individual on-site sewage facility (OSSF) shall have a minimum lot size of three (3) acres. Lots must have a minimum road frontage of 250 feet on a state highway, county road or a road constructed to county specifications. The total number of lots in the subdivision shall not be more than the total number of acres in the subdivision divided by six (6) (See Table 300.1100.9). NOTE: Owners of lots served by individual water well must comply with Cow Creek Groundwater Conservation District (CCGCD) requirements to obtain a well permit. (See Note #1.) .
- 300.1100.2 Subdivisions served by a public water system using groundwater but using individual OSSF shall contain no lots smaller than one (1) acre. Each lot shall have minimum road frontage of 150 feet on a state highway, county road, or a road constructed to county specifications. The total number of lots in such subdivision shall not be more than the total number of acres in the subdivision divided by four (4) (See Table 300.1100.9).Infrastructure (roads, drainage and other public improvements) in such subdivisions shall be maintained by an entity other than Kendall County. (See Note # 1.)
- 300.1100.3 Subdivisions served by a public water system using groundwater in whole or in part and served by a wastewater treatment system shall be exempt from

minimum lot size requirements contained in these Rules and Regulations provided that the number of lots in the subdivision shall not be more than the total number of acres in the subdivision (including all phases if more than one) divided by four (4). (See Table 300.1100.9 ). Each lot shall have minimum road frontage on a state highway, county road or a road constructed to county specifications of at least 100 feet with front and rear building set backs of at least 50 feet and side building set backs of at least 10 feet. The infrastructure in such subdivisions shall be maintained by an entity other than Kendall County. (See Note # 2.)

300.1100.4 Subdivisions served by a public water system using only water transported from outside of Kendall County or solely dependent on rainwater catchments for potable water and using individual OSSF shall contain no lots smaller than one (1) acre. Each lot shall have minimum road frontage of 150 feet on a state highway, county road, or a road constructed to country specifications. The total number of lots in such subdivisions shall not be more than the total number of acres in the subdivision divided by three (3) (See Table 300.1100.9). The infrastructure in such subdivisions shall be maintained by an entity other than Kendall County. (See Notes #3 and #4.)

300.1100.5 Subdivisions served by a public water system using only water transported from outside of Kendall County or solely dependent on rainwater catchments for potable water and served by a wastewater treatment system shall be exempt from minimum lot size requirements contained in these Rules and Regulations provided that the number of lots in the subdivision shall not be more than the total number of acres in the subdivision (including all phases if more than one) divided by three (3) (See Table 300.1100.9). Each lot shall have minimum road frontage on a state highway, county road or road constructed to county specifications of at least 100 feet with front and rear building set backs of at least 50 feet and side building set backs of at least 10 feet. Infrastructure in such subdivisions shall be maintained by an entity other than Kendall County. (See Notes #2 and #3).

300.1100.6 The minimum road frontage for lots on the turnaround of a cul-de-sac or cul-de-sac corner shall be 50 feet chord length at the right-of-way on a county road or a road constructed to county specifications.

300.1100.7 For vehicular traffic and pedestrian safety purposes, all building sites fronting on a state highway, county road or other roads subject to regulation by the Commissioners Court shall have a minimum front building set back line of fifty (50) feet. For fire prevention, protection and fire-fighting purposes, all residential building sites shall have side and rear building set back lines of not less than ten (10) feet. (A developer may impose larger set backs through restrictive covenants. If larger setbacks are imposed, they shall be shown on the plat.)

300.1100.8 At all intersections, there shall be a sufficient sight distance setback to insure proper stopping distance at the posted speed limit.

300.1100.9 Maximum density and corresponding lot sizes and road frontage depending on the source/type of water and sewage disposal system is summarized in the following table:

Source of Water and Type of Waste Disposal	Minimum Lot Size (Acres) (outside of Flood Plain)	Minimum Road Frontage (feet)	Maximum Density Total Acres ÷ number of Lots
Individual Water Well and On-Site Sewage Facility (OSSF)	3.0	250	6.0
Public Water (PW) System (ground water) and OSSF	1.0	150	4.0
PW (ground water) and Wastewater Treatment System	--	100	4.0
PW (out of county water) or rainwater catchments and OSSF	1.0	150	3.0
PW (out of county water) or rainwater catchments and Wastewater Treatment System	--	100	3.0

NOTES FOR SECTION 300:

NOTE #1: Subdivisions using groundwater as a source of potable water to any degree, whether provided by individual wells or private or public water systems, shall comply with all applicable rules of the CCGCD, including, but not limited to, rules related to permits for the drilling, equipping or completing of wells; rules related to fees; rules related to the spacing of wells from property lines or adjoining wells; and rules related to limiting groundwater production based on acreage or tract size. Developers of such subdivisions shall provide documentation evidencing approval from CCGCD and the entity providing water (if any) and any other appropriate regulatory agency that adequate water is available to serve the residents of the proposed subdivision at full build out in a safe and healthful manner and without adverse impact on the groundwater resources of Kendall County. (See section 301 for minimum potable water requirements.)

NOTE #2: Subdivisions served by a wastewater treatment system shall provide certification from the provider of wastewater treatment services and any appropriate regulatory agency that adequate capacity is or will be available to serve the residents of the proposed subdivision at full build out without any adverse impact on the health, safety or general welfare of the citizens of the County.

NOTE #3: Subdivisions served by a public water system using any water transported from outside of Kendall County shall provide documentation from the supplier of water and any appropriate regulatory agency that the developer has complied with all of the requirements of the supplier and/or regulatory agency and that the subdivision is contractually entitled to receive a sufficient supply of water on a daily and continuous basis to adequately serve the residents of the proposed subdivision at full build out in a safe and healthful manner and with no dependence on groundwater. Such subdivisions shall have restrictive covenants of record prohibiting the drilling or use of water wells as a source of potable water. The drilling and use of water wells for fire protection and/or aquifer monitoring purposes may be allowed subject to regulation by CCGCD. (See section 301 for minimum potable water requirements.)

NOTE # 4: Each building in a subdivision depending on rainwater catchments systems as the sole source for potable water shall have catchments area and sufficient storage capacity based on sound engineering practices to provide the residents of the building with adequate potable water on a daily and continuous basis and with no dependence on groundwater. Such subdivisions shall have restrictive covenants of record prohibiting the drilling or use of water wells as a source of potable water. The drilling and use of water wells for fire protection, emergency water supply, and/or aquifer monitoring purposes may be allowed subject to regulation by CCGCD. (See section 301 for minimum potable water requirements.)

## **301 POTABLE WATER SUPPLY AND FACILITIES**

**301.1000 ADEQUATE WATER SUPPLY.** The developer of a proposed development shall provide evidence that an adequate supply of potable water of sufficient quantity and quality is available to supply the proposed development in accordance with the following requirements.

- (1) If water wells are the source of potable water, in whole or part, the developer shall comply with all requirements of CCGCD.
- (2) If potable water is provided from an out of county source, the developer must provide documentation from the supplier confirming that water will be provided on a permanent daily and continual basis to supply each proposed ESFC in the proposed development with at least 0.4 acre-feet of water per year (360 gallons per day).
- (3) If expansion of an existing public water supply system or installation of a new public water supply system is the proposed method of water supply and distribution for the proposed development, site-specific groundwater data shall be developed under the requirements of Texas Administrative Code (TAC), Title 30, Part I, Chapter 290, Subchapter D (relating to rules and regulations for Public Water Systems) and the information developed in meeting these requirements shall be attached to the form required und TAC, Title 30, Part I, Chapter 230.3 (relating to Certification of Groundwater Availability for Platting).

## **301.1100 GROUNDWATER AVAILABILITY AND GROUNDWATER AVAILABILITY REPORT (GAR):**

**301.1100.1** Applicability: This subsection is applicable only to proposed developments where the proposed source of potable water is based, in whole or in part, on groundwater supplied by individual water wells, or on groundwater supplied by expansion of an existing public water supply system, or on groundwater based on creation of a new public water system.



301.1100.2 Definition: Groundwater availability shall be defined as the amount of groundwater available to a proposed development.

301.1100.3 Submission of the GAR: Prior to, or at the same time as submission of any application for relief, preliminary plat or plan for development, the developer of a proposed development shall submit a GAR prepared and certified by a Professional Engineer or a Professional Geoscientist with a current license through the Texas Board of Professional Engineers or Geoscientists as appropriate in accordance with requirements for professional practice in the State of Texas.

301.1100.4 Requirements of the GAR: The GAR shall include the following information:

- (1) Name of proposed development.
- (2) Any previous subdivision name or other name that identifies the tract of land where the proposed development will be located.
- (3) Legal description of the property where the proposed development will be located, including the area in acres to 0.1 acre.
- (4) Number of proposed lots in the proposed development.
- (5) Average size of the proposed lots, in acres to 0.1 acre.
- (6) Description of the purpose of the proposed development (For example, single family residential, multi-family residential, commercial, industrial, etc.).
- (7) Name, address, telephone number and facsimile transmission (fax) number (if any) and e-mail address (if any) of the property owner and of the person or authorized agent of the person or entity proposing to develop the proposed development.
- (8) Name, address, telephone number, fax number (if any) and e-mail address (if any) of the person preparing the GAR.
- (9) The proposed method of supply and distribution of potable water to the proposed development, including, but not limited to:
  - (a) expansion of an existing public water supply system;
  - (b) a new public water supply system;
  - (c) individual water wells;
  - (d) rainwater catchments; or

(e) a combination of methods (describe).

- (10) The number of test wells drilled, including dry holes.
- (11) The number of wells pump tested and all test results.
- (12) Test well locations by physical address/description and by latitude and longitude.
- (13) The lithologic and geophysical logs (electrical logs) for each test well.
- (14) The State Well Report for each test well, including static water levels.
- (15) The elevation above mean sea level at each test well site.
- (16) A geological cross section of the studied area at a scale of one inch per 400 feet horizontal and one inch per hundred feet vertical.
- (17) Water production from each test well in gallons per minute from the 36 hour pump test.
- (18) Average water production from all test wells in gallons per minute from the 36 hour pump test.
- (19) The water quality results from a test conducted by a Texas Department of Health approved laboratory, using the criteria defined in TAC, Title 30, Chapter 230, Rule 230.9.
- (20) The conclusion statement based in TAC, Title 30, Part 1, Chapter 230, Section 230.11 (b) (c).

301.1100.5 The data used to prepare the GAR shall be obtained from test wells, or a series of test wells in accordance with the following requirements:

- (1) The number of test wells required shall be determined as follows:
  - (a) Developments up to and including 75 acres shall require a single (one) test well.
  - (b) Developments greater than 75 acres and up to and including 250 acres shall require a minimum of two test wells.
  - (c) An additional test well shall be required for each additional 250 acres, or part thereof.
  - (d) In order to provide uniformity of test data, additional test wells shall be required for developments requiring two or more test wells, if the thirty six hour pump test, (detailed below), indicates a variance in

production of 50% or greater between any two wells. In this case, an additional test well shall be required for each 125 acres, or part thereof instead of the 250 acres, or part thereof, specified above.

- (2) The locations and well numbers of the test wells shall be shown on the plats and shall be located by latitude and longitude.
- (3) All known existing, abandoned, and inoperative wells within the proposed development shall be identified, located, and mapped by on-site surveys and shown on the plats with the CCGCD registration number indicated. (Note: All wells within the proposed development shall be registered with CCGCD and in compliance with CCGCD rules.)
- (4) An existing well may be used as a test well if sufficient data is available, or can be obtained, for that well to demonstrate that it meets the requirements for test wells. A previous well test may be accepted in lieu of a new test if:
  - (a) the well is located within the proposed development; and
  - (b) the previous test fully meets all the requirements stated herein; and
  - (c) the previous test was conducted in an aquifer which is being considered as the source of water supply for the proposed development; and
  - (d) aquifer conditions (e.g., water levels, gradients, etc.) during the previous test were approximately the same as present conditions.
- (5) The test wells shall be pumped with a pump capable of varying its discharge rate up to sixteen (16) gallons per minute. Public Water Supply wells may be equipped to pump more than sixteen (16) gallons per minute. During the testing period the discharge rate shall be adjusted until the water level in the well stabilizes and remains constant for a pumping period of thirty six (36) hours.

After the well is pumped, water levels shall be taken every hour for thirty six (36) hours after the test to determine the recovery rate of the well. If the water level recovers to within one (1) foot of the pre-test level before the thirty six (36) hour period following the test, the test can be concluded.

The wells shall be properly equipped with a meter properly sized for the flow rate of the well. Meter readings and water levels shall be taken prior to and at the conclusion of each test, and at least every hour during the test (pumping and recovery).

- (6) Water pumped out of the well during well development shall not be allowed to influence initial well performance results.

- (7) Well testing required by this section shall be performed before any acidization or other flow-capacity enhancement procedures are applied to the test well.

301.1100.6 Protection of groundwater: All necessary precautions shall be taken during construction of test wells to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other waters) if encountered, is sealed off and confined to the zone(s) of origin. Test wells shall be cased and cemented in accordance with CCGCD requirements.

301.1100.7 Processing of GAR and Approval Criteria:

- (1) Within four working days of receipt of a GAR, the County shall deliver the GAR to the CCGCD. Within four working days of receipt, CCGCD shall determine whether the GAR is administratively complete. If any deficiencies exist in the GAR, CCGCD shall notify the County of such deficiencies in writing within four working days of receipt so the County can provide the list of deficiencies to the developer within ten working days of receipt by the County. Once the GAR is determined by CCGCD to be administratively complete, CCGCD shall complete its review of the GAR and provide the results of the review to the County in sufficient time for the County to comply with the time limitations of section 206.
- (2) The following aquifer parameters shall be determined in the GAR:
  - (a) Rate of yield and drawdown; and
  - (b) Specific capacity; and
  - (c) Efficiency of the pumped (test) well; and
  - (d) Transmissivity; and
  - (e) Coefficient of storage; and
  - (f) Hydraulic conductivity; and
  - (g) Recharge of barrier boundaries, if any are present; and
  - (h) Thickness of the aquifer(s).
- (3) To be approved by the CCGCD, the GAR must conclusively establish that there is an adequate supply of groundwater of suitable quality to provide the proposed development with potable water in the amount of at least 0.4 acre-feet per year (360

gallons per day) per ESFC on a permanent daily and continual basis in accordance with the parameters set out in this section. The Commissioners Court will not approve a final plat for a subdivision subject to this section unless the GAR is approved by CCGCD.

301.1200 Test Well Continuing Requirements:

- (1) Test wells shall remain available for County and CCGCD for inspection.
- (2) Test wells may be offered for sale in conjunction with tract sales within the platted subdivision.
- (3) If test wells are to be used for any purpose other than domestic or livestock uses, the owner of the well shall comply with all applicable CCGCD requirements.
- (4) Either the developer, a homeowner's association or a designated property owner in the development shall be responsible for maintaining and keeping each test well accessible.

301.1300 Additional Requirements: Developers of proposed developments with potable water supplied by a public water system shall comply with the following requirements:

- (1) Each plat shall include, or have attached, a document containing a description of the water facilities to be available in the development, identify easements dedicated for the provision of facilities and the date by which the water facilities will be fully operable.
- (2) Each plat shall have attached a document prepared by an engineer registered to practice in the State of Texas certifying that the water facilities proposed for the development are in compliance with the model rules adopted under Section 16.343, Texas Water Code, a certified estimate of the cost to install the water facilities, and a certification that the water quality and connections to the lots meet, or will meet, the minimum state standards.
- (3) The developer shall have available for inspection by the County and any interested person, a letter from the potable water provider stating that water is available to the development sufficient in quality and quantity to meet minimum state standards required by Section 16.343 Texas Water Code and that water of that quality and quantity will be made available to the point of delivery of all lots in the development.

301.1300.2 Developers of proposed developments without a public water system or water from an approved source to each lot shall notify every purchaser of any

property located in the development, in writing, prior to conveyance of any property that there is no approved water supply and shall provide prospective purchasers with full disclosure of anticipated water availability and water quality. Copies of such written notices and disclosures shall be retained by the developer for inspection by the County, CCGCD and other appropriate authorities.

- 301.1300.3 Developments which are to be provided with potable water by a new or existing public or community water system shall, by a note on the plats and by deed restrictions or other legal means, prohibit the drilling or operation of individual water wells within such development. (Note: Subject to approval by the County and CCGCD, test wells, monitoring wells or fire-fighting wells may be located in the development.)
- 301.1300.4 Public water systems, including fire hydrants, shall conform to American Water Works Associations (AWWA) specifications as to design materials, construction, and testing and comply with the rules and regulations of TCEQ.
- 301.1300.5 At the time of submission of the final plat to the County, the developer shall also submit a letter from the County Fire Marshal approving proposed fire hydrant installation in the development.

## **302 FIRE SUPPRESSION SYSTEMS**

- 302.1000 DEVELOPMENTS WITH FIRE HYDRANTS. The developer shall obtain approval of fire hydrants from the County Fire Marshall. Fire hydrants shall conform to AWWA specifications.
- 302.1100 WATER WELL, STORAGE TANK & FITTING REQUIREMENTS:
  - 302.1100.1 In developments that are not served by fire hydrants and with fewer than fifty (50) lots, one well for fire protection shall be maintained and kept operational and accessible by the developer, the homeowners' association or a designated property owner. A 2,500 gallon or larger storage tank shall be provided near this well. In developments consisting of more than fifty (50) lots that are not served by fire hydrants and have no centralized water system, one or more wells for fire protection, as determined by the County Fire Marshall, shall be maintained by the developer, the homeowners' association or a designated property owner. A 5,000 gallon storage tank shall be provided near this well or wells.
  - 302.1100.2 Each storage tank shall be fitted with a four-inch (4") discharge connection from the tank connected to four inch (4") piping terminating into a four inch

(4") riser with a four feet (4') NST fire department connection. This connection shall have a cap on it to protect the threads when not in use. A quarter turn valve shall be located at the base of the riser to control the flow of water to this connection. If the riser is located within twenty feet (20') or less of the tank, the valve may be located on the tank.

- 302.1100.3 Access to the well and tank shall be by a dedicated roadway easement or road shown on the recorded plat of the development. The access shall be easily accessible year round with an all weather road or pad capable of supporting heavy fire-fighting equipment. The riser shall be located within eight feet (8') or less of the road or pad. Fire departments shall have access to the well and tank for training and/or fire-fighting purposes at any time. The County, County Fire Departments and CCGCD shall have access to the well for monitoring and regulation purposes at any time.

### **303 SEWAGE AND WASTE WATER DISPOSAL**

#### **303.1000 GENERAL PROVISIONS:**

- 303.1000.1 Every tract of land in the County that has a residential dwelling or any activity that generates any sewage or wastewater shall have an adequate system for treating and disposing of sewage and wastewater either by: (1) Connection to an approved community sewage disposal system; or (2) A properly located, designed, approved, and operating OSSF.

- 303.1000.2 OSSFs can be sources of pollution to ground water, soil surface, and the environment if not properly located, sized, designed, constructed, operated and maintained.

- 303.1000.3 Connection to a community sewage disposal facility and system is preferred and shall be required where possible.

#### **303.1100 COMMUNITY SEWAGE DISPOSAL FACILITIES:**

- 303.1100.1 Community sewage disposal facilities (wastewater treatment systems) shall conform to the rules and regulations of TCEQ as to design, materials, and construction. The developer of a subdivision or development shall present documentation in a form acceptable to the County indicating approval by TCEQ of the facility and wastewater discharge permit and that of any other agency responsible for regulation of sewage disposal facilities prior to approval of the final plat.

303.1100.2 If a new community sewage disposal facility (wastewater treatment system) is proposed for the subdivision or development, the plans for such facility and a wastewater discharge permit must be approved by TCEQ any other appropriate regulatory agency prior to approval of the final plat by the County.

303.1100.3 If it is proposed that sewage and wastewater from the development be treated and disposed of by an existing community sewage disposal system, documentation acceptable to the County must be submitted by the developer prior to approval of the final plat: (1) confirming that the sewage disposal system has previously received required approval by TCEQ or any other agency with jurisdiction; (2) confirming that the proposed facility has sufficient available capacity to adequately handle the sewage and wastewater from the proposed development at full build out; and (3) certification by an engineer that operation of the facility is in accordance with the model rules adopted under Section 16.343, Texas Water Code.

303.1200 **ON-SITE SEWAGE DISPOSAL FACILITIES (OSSF):**

303.1200.1 If individual OSSFs are proposed to dispose of sewage and wastewater in a subdivision, the developer shall prominently indicate by note on both the preliminary and final plat that purchasers of lots in the subdivision are responsible for obtaining approval from the County and constructing an OSSF on the lots prior to occupancy.

303.1200.2 Kendall County has been designated by TCEQ as the authorized agent for the licensing and regulation of OSSF's. Before any person begins construction of an OSSF, a permit must be obtained from the Development Management Office.

303.1200.3 Any OSSF installed on any lot or parcel of land in Kendall County must comply with the provisions of Chapter 285, Title 30, Texas Administrative Code, On-Site Sewage Facilities and the Kendall County Order concerning OSSF's.

**304 COMMERCIAL AND PUBLIC ACCESS  
DEVELOPMENT**

304.1000 Commercial developments which include developments for the location of facilities for the sale or rental of goods and services as well as public access developments such as schools, churches, and other public places or buildings of a like character shall comply with these Rules and Regulations unless specifically addressed otherwise.



- 304.1100 For public health, safety, and welfare purposes, building set backs for commercial and public access developments shall be at least 50 feet from the front, sides and rear of the subject property.
- 304.1200 Refer to subsection 405.1600 for possible onsite storm water detention requirements.
- 304.1300 Refer to section 409, Driveways, for driveway requirements.

### **305 TRAFFIC IMPACT ANALYSIS (TIA)**

- 305.1000 A traffic impact analysis, when required by these Rules and Regulations, shall be conducted by a qualified engineer in accordance with procedures and requirements of TxDOT. The TIA shall be submitted to the County Engineer for review and is subject to approval by the County Engineer, both as to form and content. A decision as to whether the traffic resulting from a proposed subdivision will have an adverse impact on the health, safety, or general welfare of residents of the County, or will adversely affect county roads shall be made by the County Engineer.

### **400 ROADS AND STREETS – GENERAL REQUIREMENTS**

(NOTE: The words “street” and “road” are used interchangeably in these Rules and Regulations, with “street” usually being located in urban developments and “road” usually being located in a rural area.)

- 400.1000 Newly constructed roads in the County shall satisfy the requirements and specifications contained in these Rules and Regulations and shall be classified as first class roads upon approval and/or acceptance by the Commissioners Court.
- 400.1100 Right-of-way requirements :
- (1) Minimum right-of-way for new roads is defined in table 400.
  - (2) Right-of-way width shall be such that there is a minimum of five (5) feet beyond the toe of slope or top of cut.
- 400.1200 All roads shall be paved and constructed in compliance with the specifications set out in these Rules and Regulations. (See Figure 610 for Standard Street Sections).
- 400.1300 No obstructions, including mailboxes, will be allowed within clear zone of the road causeway. Cluster mailboxes approved by the U.S. Postal Service are preferred and in some situations, will be required. Cluster mailboxes shall be located on easements dedicated by the owner or developer of the subdivision or in areas designated by the County, subject to approval by the Postal Service. Individual mailboxes, when allowed, shall be mounted on a break-a-way support or wooden post and shall be offset from the edge of pavement. If the right-of-way for a street or road is not wide enough for individual mailboxes to be located outside of clear zone, cluster mailboxes may be required.

- 400.1400 Dead-end streets shall be prohibited except when stubs are approved or required by the County Engineer in order to permit future development. No lot shall front on a dead-end expansion street.
- 400.1500 Streets intended to be continued in a future subdivision or continued in an expansion of an existing subdivision shall end in a cul-de-sac unless a stub is approved or required pursuant to subsection 400.1400.
- 400.1600 Cul-de-sacs shall have a turnaround right-of-way of not less than 132 feet in diameter with a paved area not less than 100 feet in diameter (See Figure 650 for Standard Cul-De-Sac). The minimum length of a road with a cul-de-sac is 250 feet from the beginning of the road or the point of intersection with another road to the beginning of the turnaround.
- 400.1700 Street jogs with centerline offsets of less than 150 feet are prohibited.
- 400.1800 No squares, "islands," or other obstructions to traffic shall be constructed within the right-of-way of a road unless the road will be maintained by some entity other than the County.
- 400.1900 A divided road will not be permitted unless the road will be maintained by some entity other than the County.
- 400.2000 The installation of security gates or guard stations is permissible only in private gated subdivisions. Provisions shall be made by the developer of such subdivisions for entry into the subdivision by County, school district, law enforcement, emergency and other public service vehicles. Security gates shall be set back behind the right-of-way of any connecting road.
- 400.2100 Curbs, where installed, shall conform to Figure 640. Curbs may be machine laid, and shall be reinforced with #4 reinforcing steel bar. Curbs shall be backfilled on the back side with tamped topsoil prior to placement of the HMA CP.
- 400.2200 All crossing roads should intersect at 90° angles. Where this is not possible, the right-of-way area located on the acute angle side of the intersection shall be cleared of all trees, brush and other obstructions for a distance of at least 25 feet from both intersecting roadways. The fillet between intersecting roads shall be paved to a minimum radius of 35 feet.
- 400.2300 When a new subdivision is located adjacent to an existing subdivision such that a road in the new subdivision is adjacent to and parallel to a road in the existing subdivision sufficient right-of-way must be dedicated in the new subdivision to provide the minimum width specified herein, and sufficient causeway shall be paved in order to make the full pavement width comply with Figure 610. Before any pavement is laid to widen an existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate sub-grade and pavement joint.
- 400.2400 Widened street sections (semi-cul-de-sacs or bulges) are prohibited.

- 400.2500 Specifications for TxDOT items referred to in these Rules and Regulations may be found on the TxDOT website.
- 400.2600 The owner or owner's representative shall notify the County Road Superintendent at least 24 hours prior to material delivery for a road, laying of the base course of a road, and before paving of a road is to be started, so that the County representative will have an opportunity to visit the site to verify that specifications for the road are being met. Failure to do so may result in the road not being approved by the County.

TABLE 400 MINIMUM REQUIREMENTS FOR NEW ROADS				
	(County) Residential Class A <sup>1</sup>	(Private) Residential Class B <sup>2</sup>	(Private) Residential Class C <sup>3</sup>	Collector
Minimum ROW	60'	60'	50'	80'
Design speed (Min.)	30 mph	30 mph	30 mph	50 mph
Maximum grade	12%	12%	12%	9%
Minimum gradient	0.3%	0.3%	0.3%	0.3%
Travel way (Min.)	24'	22'	20'	36'
Paved width (Min.)	28'	26'	20'	42'
Vertical Curve "K"	40 sag	40 sag	40 sag	100 sag
Minimum	20 crest	20 crest	15 crest	85 crest
Stopping sight distance	200'	200'	165'	425'
Minimum horizontal curve radius	15° 382'	25° 229'	200'	10° 573'
Subgrade width (Min.)	32'	30'	24'	48'
Base width	30'	28'	22'	46'

- (1) Road may be County maintained if accepted by Commissioners Court for maintenance.
- (2) Road will be allowed in any private (gated) subdivision and shall be maintained by an entity other than the County.
- (3) Road will be allowed only in private (gated) subdivisions with low volume traffic of 400 ADT or less, and an overall density of 50 acres per lot with a minimum lot size of 25 acres and shall be maintained by an entity other than the County.

#### **401 PREPARING AND CLEARING RIGHT-OF-WAY**

- 401.1000 The developer shall clear the right-of-way for construction operations by removing and disposing of all obstructions within the required horizontal clearance for obstructions per the TxDOT Roadway Design Manual, latest edition. However, pursuant to Section 251.016, Transportation Code, the County may remove or order removal of objects in any County road right-of-way that create a safety hazard to the public.
- 401.1100 Trees located on private property that interfere with a clear right-of way by encroachment or over hanging branches may be removed, pruned or trimmed as necessary in order to provide adequate clearance for vehicular traffic. Whenever a tree susceptible to oak wilt is trimmed, pruned or otherwise cut or

damaged, the person responsible for the cut or damage shall immediately dress the cut or damaged area with paint or compound to protect the tree and adjacent trees against oak wilt.

- 401.1200 All unstable subgrade or objectionable material in the roadway shall be removed and replaced with material acceptable to the County.

## **402 ROADWAY EXCAVATION AND EMBANKMENT**

- 402.1000 Any roadway excavation necessary to attain conformance with proposed road grades and typical cross sections shall be done in conformity with Item 110 of TxDOT's specifications.
- 402.1100 When the proposed road grades and cross sections require the placing of fill material to raise the roadway, such embankment fill shall be constructed in conformity with Item 132 of TxDOT's specifications. Completed side slopes shall not be steeper than three-to-one (3-to-1).
- 402.1200 Completed cuts shall have side slopes no steeper than three-to-one (3-to-1) unless a different slope is approved by the County Engineer consistent with the provisions of subsection 402.1300.
- 402.1300 Requirements for slopes in cuts and on fills may be modified if the developer presents plans designed, signed and sealed by a licensed engineer demonstrating that cuts are in a material of adequate stability to permit a different slope, or using retaining walls to stabilize the slope or fill.
- 402.1400 If blasting is required, TxDOT current specifications, Item 7.10 shall be followed.

## **403 SUBGRADE AND BASE COURSES**

- 403.1000 The embankment, subgrade, and base-course materials shall be compacted by suitable type rollers in all cases to consolidate fill materials or to attain adequate stability of subgrade materials and base courses. "Density control" method of compaction shall be used to attain 90 percent compaction of subgrade and 95 percent compaction of base courses.
- 403.1100 Rolling equipment and construction methods shall conform to TxDOT's current specifications, Items 210 and 216.
- 403.1200 Pavement shall be full width, including shoulders.
- 403.1300 Prior to placing the base course, the roadbed shall be shaped to conform to the subgrade section (See Figure 610, Standard Street Section) and shall be tested (See paragraph 407.1100.1). The roadbed shall be to the line and grade specified in the drawings and shall be free of holes, ruts and depressions.
- 403.1400 Materials used for the base course shall meet the requirements specified in subsection 403.1600. Samples for testing the materials shall be taken with the frequency specified in section 407.

- 403.1500      Testing tolerances: Subgrade and base material will be acceptable provided not more than two (2) out of ten (10) consecutive gradation tests performed are outside the specified limit on any individual or combination of sieves by more than five (5) percent and where no two (2) consecutive tests are outside the specified limit. Subgrade and base material will be acceptable provided not more than two (2) out of ten (10) consecutive plasticity index samples tested are outside the specified limit by no more than two (2) points and where no two (2) consecutive tests are outside the specified limit.
- 403.1600      Base materials used for roads shall conform to the requirements of Item 247 of TxDOT's specifications for Flexible Base materials, Type A, Grade 2 (crushed stone or broken aggregate, excluding gravel aggregate). Pit run base materials and caliche are not allowed.
- 403.1700      Before placing any material, the contractor shall provide the Road Superintendent with reports of analysis of the proposed materials made by an approved laboratory. Preliminary approval of a source does not guarantee acceptability or evidence of conformity with these specifications.
- 403.1800      At least 48 hours before placing the base material, the subgrade shall be checked as to conformity with grade and section (See Figure 610 Standard Street Section) and shall be tested for density in accordance with section 407.). It shall be the responsibility of the contractor to provide the required amount of specified material. Material deposited upon the subgrade shall be spread and shaped the same day unless otherwise directed by the Road Superintendent. In the event inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first 24-hour period, the material shall be scarified and spread as directed by the Road Superintendent. The material shall be sprinkled, if directed, and shall then be bladed, dragged and shaped to conform to typical sections as shown on the drawings. All areas and "nests" of segregated course or fine materials shall be corrected or removed and replaced with well graded material, as directed by the Road Superintendent. Such binder material shall be carefully and evenly incorporated with the material in place by scarifying, harrowing, brooming or by other approved methods.
- 403.1900      The base course shall be placed, mixed, blended, and compacted by the contractor in two (2), four (4)-inch lifts, unless otherwise authorized by the Road Superintendent. Total compacted base material placed shall be not less than eight (8) inches in thickness, unless a different thickness is supported by a total road section design by a licensed geotechnical engineer and approved by the County Engineer.
- 403.2000      The course shall be sprinkled as required and compacted to the extent necessary to provide not less than the 95 percent density specified and within moisture content limits defined in the geotechnical report. In addition to the requirements specified for density, the full depth of flexible base shown on the drawings shall be compacted to the extent necessary to remain firm and stable under loading by construction equipment. (Note: Construction equipment shall be limited to units not exceeding legal loads.) If the base material fails to meet

the density requirements, it shall be reworked as necessary to meet these requirements. Throughout this entire operation, the shape of the base course shall be maintained by blading, and the surface upon completion shall be smooth and in conformity with the typical sections shown on the drawings and to the established lines and grades. In the area on which pavement is to be placed, any deviation in excess of one-quarter ( $\frac{1}{4}$ ) inch in cross section and in length of 16 feet measured longitudinally shall be corrected by loosening, adding or removing material, reshaping and recompact by sprinkling and rolling. All irregularities, depressions or weak spots which develop shall be corrected immediately by scarifying the areas affected, adding suitable material as required, reshaping and recompact by sprinkling and rolling. Should the base course, due to any reason or cause, lose the required density and moisture content or finish before the surfacing is complete, it shall be recompact refinished and tested at the sole expense of the contractor. Prime oil shall be applied seven days from date of testing. Fine blading shall be completed during that seven day period. Oil shall be applied at the rate of 0.20 gallons per square yard.

- 403.2100      Stabilized Subgrade Requirements for Concrete Pavement:  
A licensed geotechnical engineer shall provide subgrade treatment recommendations, including the type of stabilizer and anticipated application rate (lb/yd<sup>2</sup>), to develop a modulus of subgrade reaction of no less than 200 pci.

#### **404                      PAVEMENT**

- 404.1000      Where a road section (without curbs) is constructed, the flexible base shall be as shown on "Standard Street Section" (See Figure 610). The pavement shall be a "Two Course Surface Treatment" or a minimum of one and one-half ( $1\frac{1}{2}$ ) inches of Hot Mix Asphaltic Concrete Pavement (HMACP) compacted with a prime coat or Portland cement concrete under the HMACP. The prime coat shall be applied at the rate of 0.20 gallons per square yard.
- 404.1100      The Two Course Surface Treatment shall conform to TxDOT's specification, Item 316.
- 404.1200      No surface treatment shall be applied when the air temperature is below 60<sup>0</sup> F and falling, or when the roadway surface temperature is below 60<sup>0</sup> F. Surface treatment may be applied when the air temperature is above 50<sup>0</sup> F and rising, provided the roadway surface temperature is 60<sup>0</sup> F or above.
- 404.1300      Aggregates for use on the Two Course Surface Treatment shall conform to TxDOT's current specifications, Item 302.2. Aggregate may be either Type B or Type PB in accordance with subsection 404.2000.

- 404.1400 Aggregates for use on the Two Course Surface Treatments shall conform to the following grades:

Percent Retained on Sieve			
Sieve	Grade 3 Non-lightweight	Grade 4	Grade 5
3/4"	0	---	---
5/8"	0 - 2	0	---
1/2"	20 - 40	0 - 5	0
3/8"	80 - 100	20 - 40	0 - 5
1/4"	95 - 100	---	---
No. 4	---	95 - 100	50 - 80
No. 8	99 - 100	98 - 100	98 - 100

- 404.1500 Roads with curbs or headers shall have a minimum of one and one-half (1½) inch HMAC pavement.
- 404.1600 For Two Course Surface Treatment, the asphaltic material shall be Type AC-5 with two (2) percent latex, or Type AC-10 with two (2) percent latex, CRS-2 or HFRS-2 or equivalent materials used by TxDOT for such use, and approved by the Road Superintendent.
- 404.1700 Since asphaltic materials are very flammable, utmost care must be taken to prevent open flames from coming in contact with the asphaltic material or the gasses from the material. The contractor shall be responsible for damage from fires or other causes which may result from heating asphaltic materials.
- 404.1800 For estimating purposes, the rate of application for asphaltic materials (AC) shall be 0.30 gallons per square yard for the first course and 0.35 gallons per square yard for the second course of a Two Course Surface Treatment. The actual rate used shall be approved by the Road Superintendent.
- 404.1900 For estimating purposes, the rate of application for emulsified asphalt product shall be 0.35 gallons per square yard for the first course and 0.40 gallons per square yard for the second course of a Two Course Surface Treatment. The actual rate shall be approved by the Road Superintendent.
- 404.2000 For Two Course Surface Treatment, the aggregate for the first course may be Grade 3 or 4, Type B; the second course aggregate may be Grade 4 or 5, Type PB, or Type B with a fog seal, TxDOT Item 315.
- 404.2100 Aggregate rock will be applied at the rate of one (1) cubic yard per 90 square yards for the first course, and at the rate of one (1) cubic yard per 100 square yards for the second course. Rolling is required to achieve a uniform embedment. The contractor shall broom-off loose aggregate. If bleeding occurs, the contractor shall apply sand or Grade 5 material to the finished surface for whatever period is required to absorb the excess asphalt.

- 404.2200 Compacted HMA CP shall conform to TxDOT's current specifications, Item 340.4 for Hot Mix, Type D (Fine Surface) and the percent aggregate passing by weight or volume shall be as follows:

SIEVE SIZE	PERCENT PASSING
English	
1/2"	98 – 100
3/8"	85 – 100
No. 4	50 – 70
No. 8	35 – 46
No. 30	15 – 29
No. 50	7 – 20
No. 200	2 – 7
Design VMA Percent Minimum	15

- 404.2300 The asphaltic material shall be from 3.5 to 6.5 percent of the mixture by weight, or from 8 to 15 percent of the mixture by volume.
- 404.2400 The asphaltic materials for the tack coat, or prime coat, shall be cut back asphalt MC-30, or equal, used by TxDOT for that purpose with the approval of the Road Superintendent.
- 404.2500 The HMA CP material shall be discharged from a mixer at a temperature not to exceed 375<sup>0</sup> F and applied to the roadway at a temperature of not less than 275<sup>0</sup> F.
- 404.2600 MC-30 should be applied within a temperature range of 70<sup>0</sup> F to 150<sup>0</sup> F, and the maximum allowable temperature for application shall be 175<sup>0</sup> F.
- 404.2700 Construction methods used to produce, transport, place and compact HMA CP materials shall correspond to Item 340.4 of TxDOT's specifications.
- 404.2800 Concrete pavement thickness requirements:
- 404.2800.1 Concrete – The requirements presented in the Table below shall be the minimum allowable residential and, collector thicknesses using Portland cement concrete. These thicknesses were developed considering both the Portland Cement Association (PCA) design method ("Design of Concrete Pavement for City Streets", latest edition) and the American Association of State Highway and Transportation Officials (AASHTO) method ("AASHTO Guide for Design of Pavement Structures", latest edition) for a 30 year design life.

Roadway Classification	Concrete Pavement Thickness, in.	28-day Compressive Strength, fc', psi	Minimum Required Depth of Stabilization
Residential	6	3000	6
Collector	6	3000	6



- 404.2900 The concrete mix design shall be either of the following options:
- 404.2900.1 A mix design containing five (5) sacks of cement per cubic yard with no Fly Ash allowed; or
- 404.2900.2 A mix design containing Fly Ash and cement that has cementitious content of not less than five and one half (5 ½) sacks per cubic yard. The Fly Ash content shall not exceed twenty-five percent (25%) by weight.
- 404.3000 All concrete pavement shall have a minimum design compressive strength of 3000 psi at twenty-eight (28) days.
- 404.3100 Reinforcing for Residential and Collector roads shall meet the size, strength, and spacing shown in the Table below as a minimum:

i) **TABLE 404 - REINFORCING STEEL BAR SIZES AND SPACING  
FOR VARIOUS PAVEMENT THICKNESS (D) AND WIDTH (W)  
WITH EXPANSION JOINT SPACING = 80 FT (MAXIMUM)  
fc' = 3,000 PSI and fy = 60,000 PSI**

		LONGITUDINAL STEEL		TRANSVERSE STEEL	
		# 4 BARS		# 4 BARS	
PAVEMENT THICKNESS D (IN)	PAVEMENT WIDTH (FT)	NUMBER OF BARS	SPACING (IN)	END BAR SPACING (IN)	SPACING (IN)
6	28	17	20.50	4	36
6	26	17	20.50	4	36

- 404.3100.1 Minimum lap length for #4 reinforcing steel shall be twenty-two inches (22"). For all cold construction joints, use four foot (4'), Grade 40 L-bars spaced at 24-inch centers through the deformed metal strip.
- 404.3100.2 Expansion joints in cul-de-sacs and cul-de-sac corners shall be placed as shown in Figure 670.

## **405 DRAINAGE**

- 405.1000 Runoff calculations shall be based on rainfall intensity, drainage area, time of concentration and nature of terrain. Drainage structures shall be designed on the basis of a ten (10) year rainfall frequency for bridges and culverts and storm sewers, and on a five (5) year rainfall frequency for roadside ditches and roads using design methods as outlined in subsections 405.1100 and 405.1200. For drainage areas 20 acres or less, the minimum Time of Concentration shall be 5 minutes and maximum Time of Concentration shall be 20 minutes for overland flow. Overland flow usually becomes shallow concentrated flow after 300 feet.
- 405.1100 Design discharge for hydraulic facilities should be calculated for natural rural areas in excess of six hundred forty (640) acres (but not for urban areas, areas

with significant hydraulic controls, nor for major river main stream locations), based on the regression equation for Texas Region 5, or by a computer program such as HEC-HMS or other programs incorporating a unit hydrograph method similar to the Natural Resource Conservation Services

### Regional Regression Equations for Natural Basins

The following equation applies to rural, uncontrolled watersheds. The following figure presents the geographic extents of each region. Kendall County is in Region 5. Generally, use this equation to compare with the results of other methods, check existing structures, or where it is not practicable to use any other method, keeping in mind the importance of the facility being designed.

*Equation 5-38:*  $Q_T = aA^b SH^c SL^d$

where:

$Q_T$  = T-year discharge (cfs).

$A$  = contributing drainage area (sq. mi.).

$SH$  = basin-shape factor defined as the ratio of main channel length square to contributing drainage area (sq. mil/sq. mi.).

$SL$  = mean channel slope defined as the ratio of headwater elevation of longest channel minus main channel elevation at site to main channel length (ft./mi.). Note: This differs from previous rural regression equations in which slope was defined between points 10 and 85 percent of the distance along the main channel from the outfall to the basin divide.

$a, b, c, d$  = multiple linear regression coefficients dependent on region number and frequency.

Region 5 has two set of coefficients. For this region, if the drainage area is between 10 and 100 sq. mi., determine a weighted discharge ( $Q_w$ ) as shown in the following equation.

*Equation 5-39:*  $Q_w = (2 - \log(A/z))Q_1 = (\log(A/z) - 1)Q_2$

where:

$Q_w$  = weighted discharge (cfs).

$A$  = contributing drainage area (sq. mi.).

$z = 1.0$  for English measurements units.

$Q_1$  = discharge based on regression coefficients for  $A < 32$  sq. mi. (cfs).

$Q_2$  = discharge based on regression coefficients for  $A \geq 32$  sq. mi. (cfs).

**TABLE 405A - Regression Coefficients and Limits for Hydrologic Region 5 (English)**

Region	Freq. (yrs)	a	b	c	Limits			Wt % Error
5	2	159	0.68	0	0	A lower:	0.18	75
A<32 sq. mi.	5	396	0.773	0	0	A upper:	22.30	63
	10	624	0.82	0	0	SH lower;	0.50	66
	25	997	0.866	0	0	SH upper:	84.90	69
	50	278	0.973	0	0.36	SL lower:	20.9	72
	100	295	1.01	0	0.405	SL upper:	224	78
5	2	377	0.498	0	0	A lower:	45.0	43
A>=32 sq.mi.	5	1270	0.534	-0.145	0	A upper:	1861	28
	10	2310	0.552	-0.221	0	SH lower:	3.140	28
	25	4330	0.571	-0.307	0	SH upper:	20.800	31
	50	6450	0.583	-0.366	0	SL lower:	9.86	36
	100	9180	0.594	-0.42	0	SL upper:	48.8	41

405.1200 Runoff rates for drainage areas of less than six hundred forty (640) acres shall be calculated by the Rational Method ( $Q = CIA$ ) and runoff percentages shall not be less than the following values:

TABLE 405B - MINIMUM RUNOFF PERCENTAGES (C)				
Character of Area	Slope			
	Up to 1 %	Over 1 % up to 3%	Over 3% up to 5%	Slope over 5%
Business or commercial areas (90% or more impervious), Existing Pavement/Buildings	95	96	97	97
Densely developed areas (80 to 90% impervious)	85	88	91	95
Closely built residential areas (multi-family) and school sites	75	77	80	84
Undeveloped areas * -- Present land is undeveloped and ultimate land use is unknown.	68	70	72	75
C values for use in ultimate development calculations.				
Average residential area	65	67	69	72
Cultivated or Range (Grass Cover < 50% of Area)	44	47	53	55
Range (Grass Cover 50 – 75% of Area)	37	41	49	53
Forest or Range (Grass Cover >75% of Area)	35	39	47	52

\* This condition usually occurs in upper extremity of watershed prior to the overland flow accumulating in a watercourse.

405.1300 Calculation of runoff velocities shall be based upon the following NRCS equations for shallow flow:

For unpaved surfaces use  $v = 16.1345$  times the square root of  $S$ , and for paved surfaces use  $v = 20.3282$  times the square root of  $S$ , where  $v$  = velocity in ft per sec &  $S$  = slope in ft. per ft.

405.1400 Calculations of runoff velocities for channel flow shall be obtained from Manning's Channel formula.

TABLE 405C - RAINFALL INTENSITIES (I) FOR KENDALL COUNTY, TEXAS  
INCHES PER HOUR  
INTENSITY VALUES BY FREQUENCY

Time (minutes)	2yr	5yr	10yr	25yr	50yr	100yr
1	8.857	11.468	13.201	15.288	17.185	18.517
2	8.190	10.599	12.199	14.141	15.898	17.168
3	7.626	9.869	11.355	13.174	14.814	16.027
4	7.143	9.244	10.635	12.348	13.887	15.047
5	6.724	8.703	10.011	11.632	13.084	14.195
6	6.357	8.230	9.466	11.005	12.381	13.447
7	6.033	7.812	8.984	10.451	11.760	12.784
8	5.743	7.440	8.555	9.958	11.206	12.192
9	5.484	7.106	8.170	9.515	10.709	11.660
10	5.249	6.805	7.823	9.115	10.260	11.179
11	5.036	6.532	7.508	8.752	9.852	10.741
12	4.842	6.282	7.220	8.421	9.480	10.341
13	4.664	6.053	6.957	8.117	9.139	9.973
14	4.500	5.843	6.714	7.837	8.825	9.635
15	4.348	5.649	6.490	7.579	8.535	9.322
16	4.208	5.469	6.283	7.340	8.266	9.031
17	4.077	5.301	6.090	7.117	8.016	8.761
18	3.955	5.145	5.910	6.909	7.783	8.508
19	3.842	4.999	5.742	6.715	7.564	8.272
20	3.735	4.862	5.585	6.533	7.360	8.051
21	3.635	4.734	5.437	6.362	7.168	7.842
22	3.541	4.613	5.298	6.201	6.987	7.646
23	3.452	4.499	5.166	6.049	6.816	7.461
24	3.368	4.391	5.042	5.905	6.655	7.285
25	3.288	4.289	4.925	5.769	6.502	7.119
26	3.213	4.192	4.813	5.640	6.357	6.962
27	3.141	4.101	4.708	5.518	6.219	6.812
28	3.073	4.013	4.607	5.401	6.088	6.670
29	3.008	3.930	4.511	5.290	5.963	6.534
30	2.946	3.851	4.420	5.185	5.844	6.404
31	2.887	3.775	4.333	5.084	5.731	6.280
32	2.831	3.702	4.249	4.987	5.622	6.162
33	2.777	3.633	4.170	4.894	5.518	6.049
34	2.725	3.567	4.093	4.806	5.418	5.940
35	2.676	3.503	4.020	4.721	5.323	5.836
36	2.628	3.442	3.950	4.639	5.231	5.736
37	2.582	3.383	3.882	4.561	5.143	5.640
38	2.539	3.327	3.817	4.485	5.058	5.547
39	2.496	3.272	3.755	4.413	4.976	5.458
40	2.456	3.220	3.694	4.343	4.897	5.372
41	2.416	3.170	3.636	4.275	4.821	5.289
42	2.378	3.121	3.580	4.210	4.748	5.209
43	2.342	3.074	3.526	4.147	4.678	5.132
44	2.307	3.028	3.474	4.086	4.609	5.057
45	2.273	2.985	3.424	4.028	4.543	4.985
46	2.240	2.942	3.375	3.971	4.479	4.915
47	2.208	2.901	3.327	3.916	4.417	4.848
48	2.177	2.861	3.282	3.863	4.358	4.782

	49	2.147	2.823	3.237	3.811	4.299	4.719
	50	2.118	2.785	3.194	3.761	4.243	4.657
	51	2.090	2.749	3.153	3.712	4.189	4.597
	52	2.062	2.714	3.112	3.665	4.135	4.539
	53	2.036	2.679	3.073	3.620	4.084	4.483
	54	2.010	2.646	3.035	3.575	4.034	4.428
	55	1.985	2.614	2.997	3.532	3.985	4.375
	56	1.961	2.583	2.961	3.490	3.938	4.323
	57	1.937	2.552	2.926	3.449	3.892	4.273
	58	1.914	2.522	2.892	3.409	3.847	4.224
	59	1.891	2.493	2.859	3.370	3.803	4.176
1 hour	60	1.870	2.465	2.826	3.333	3.761	4.130
	65	1.768	2.334	2.676	3.157	3.564	3.914
	70	1.679	2.219	2.543	3.002	3.389	3.722
	75	1.599	2.115	2.424	2.864	3.233	3.551
	80	1.527	2.022	2.317	2.739	3.092	3.397
	85	1.462	1.938	2.221	2.626	2.965	3.258
	90	1.403	1.862	2.133	2.523	2.850	3.131
	100	1.300	1.728	1.979	2.343	2.647	2.909
	110	1.212	1.614	1.848	2.190	2.475	2.720
2 hour	120	1.137	1.516	1.736	2.059	2.326	2.557
3 hour	180	0.840	1.128	1.291	1.536	1.737	1.909
4 hour	240	0.675	0.911	1.042	1.243	1.407	1.546
5 hour	300	0.569	0.771	0.882	1.054	1.193	1.311
6 hour	360	0.494	0.672	0.768	0.920	1.042	1.145
7 hour	420	0.439	0.599	0.684	0.820	0.928	1.020
8 hour	480	0.396	0.541	0.618	0.742	0.840	0.923
9 hour	540	0.361	0.495	0.565	0.679	0.769	0.845
10 hour	600	0.333	0.457	0.521	0.627	0.711	0.781
11 hour	660	0.309	0.425	0.485	0.583	0.661	0.727
12 hour	720	0.288	0.398	0.454	0.546	0.620	0.681
13 hour	780	0.271	0.374	0.427	0.514	0.583	0.641
14 hour	840	0.256	0.353	0.403	0.486	0.552	0.606
15 hour	900	0.242	0.335	0.382	0.462	0.524	0.575
16 hour	960	0.230	0.319	0.364	0.440	0.499	0.548
17 hour	1020	0.220	0.305	0.347	0.420	0.479	0.523
18 hour	1080	0.210	0.292	0.333	0.402	0.456	0.501
19 hour	1140	0.201	0.280	0.319	0.386	0.438	0.481
20 hour	1200	0.193	0.269	0.307	0.371	0.421	0.463
21 hour	1260	0.186	0.259	0.295	0.358	0.406	0.446
22 hour	1320	0.179	0.250	0.285	0.345	0.392	0.430
23 hour	1380	0.173	0.242	0.275	0.334	0.379	0.416
24 hour	1440	0.167	0.234	0.267	0.323	0.367	0.403

**TABLE 405D - Constants for rainfall intensity formulas:**

$$I = \frac{B}{(T_c + d)^e} \quad \text{where } T_c = \text{time of concentration}$$

Frequency	e	B	d
2 year	0.791	53	8.6
5 year	0.771	64	8.3
10 year	0.773	74	8.3
25 year	0.764	84	8.3
50 year	0.762	94	8.3
100 year	0.763	104	8.6

- 405.1500 Streets may be used to convey storm water drainage if the calculated storm water flow does not exceed the carrying capacity of a curbed street or the velocity does not exceed ten (10) feet per second where curbed, six (6) feet per second in sodded ditches. Street drainage shall be designed on a basis of a five (5)-year frequency. Where curbed streets are not capable of carrying storm waters as outlined above, a storm sewer designed on a ten (10)-year frequency shall be provided. Maximum street grade shall be 12 percent for private and residential streets and nine (9) percent for collector streets.
- 405.1600 All new developments resulting from a division of property and subject to regulation by the County under Chapter 232, Local Government Code and/or that have the potential to affect drainage on county roads and/or county drainage facilities, including any increase in water runoff on county roads or drainage facilities, may require on-site detention to prevent post-development peak discharge runoff rate from exceeding the pre-development peak discharge runoff rate for the 2-, 5-, 10-, 25-, 50-, 100-year event. If detention is required, the developer shall provide design documentation by a licensed professional engineer as part of the County's development permitting process. If the engineer determines for a commercial development that the difference between the peak discharge runoff rate is 0.85 cubic feet per second or less for the 100-year event, then detention is not required. If the engineer determines for a residential development that the post-development peak discharge rate for the 2-, 5-, 10-, 25-, 50-, and 100-year events exceeds the pre-development peak discharge rate, he must design the drainage system in the development to mitigate the excess peak discharge flow rate to the satisfaction of the County Engineer. If a detention pond is required, drawings and specifications shall be submitted by the engineer of record to the County Engineer for review and approval. Upon completion of construction of the detention pond, the engineer of record shall direct correspondence to the County Engineer stating that the detention pond has been completed in accordance with these Rules and Regulations and in accordance with the engineer's drawings and specifications and request that the County Engineer conduct a final inspection of the detention pond. On-site detention will be discussed at the preliminary conference required in section 201 of these regulations.
- 405.1700 The design of concrete-lined channels or ditches shall be based on a five (5)-year frequency. The following requirements are subject to the approval of the County Engineer:
- 405.1700.1 The concrete lining shall extend at least 6 inches above the height of the design flow depth of the channel or ditch. From the top of the concrete lining to the top of the ditch, a side slope, not steeper than three (3) horizontal to one (1) vertical with mulch sodding will be allowed. See section 600 for additional right-of-way requirements. Vertical walls will not be permissible in depths exceeding two (2) feet unless properly fenced or enclosed.
- 405.1700.2 Easements for channels shall extend a minimum of two (2) feet on one side and 15 feet on the opposite side of the extreme limits of the channel, when such channel does not abut a roadway. When such channels abut a roadway, the easement shall extend a minimum of two (2) feet on both sides of the extreme limits of the channel.

- 405.1800 The design of earth-sodded channels or ditches shall be based on a five (5)-year frequency, and shall comply with the following general requirements:
- 405.1800.1 Mulch sodding shall be placed and established as growing over the entire surface area of the channel bottom and side slopes, or ditch side slopes.
- 405.1800.2 The side slopes shall be not steeper than three (3) horizontal to one (1) vertical.
- 405.1800.3 Easements shall be as stated in paragraph 405.1700.3.
- 405.1900 Culverts and bridges shall be designed to pass the total calculated flow. Low-water crossings are prohibited on constantly flowing creeks. Dip sections (swales), when authorized, must have a calculated design-flow depth not to exceed six (6) inches at a velocity not to exceed six (6) feet per second based on a five (5)-year frequency flow rate. The roadway section will be Class B concrete riprap reinforced with six-inch by six-inch (6"x 6") No. 6 wire fabric, or equal, and will extend along the roadway for 25 feet beyond the limits of the calculated depth of flow and for a width of ten (10) feet beyond the edge of pavement on each side. Where flow across the road or street is allowed, low-water crossing signs and a depth gauge shall be provided by the developer.
- 405.2000 At locations where a proposed drainage ditch or channel has a gradient equal to or exceeding five (5) percent or with flow velocities that equal or exceed four (4) feet per second, the drainage ditch or channel shall be concrete lined to prevent erosion. Class B concrete may be used for channel lining and for stabilized dip sections and shall be placed not less than four (4) inches in thickness in ditches or channels and not less than eight (8) inches in thickness in roadway sections. Approved erosion control blankets may be used in lieu of concrete lining. The County Engineer has a list of approved erosion control blankets.
- 405.2100 Retards constructed in roadway ditches shall be Class B concrete, with a rough wood float finish. They shall be of a length to extend 12 inches into the embankment on each side of the ditch and shall rest on a compacted base three (3) inches below the flow-line of the ditch. The height of the trapezoidal section shall be determined by the Road Superintendent. Base width normally shall be eight (8) inches. Retards normally will be placed at right angles to the flow-line of the roadway ditch. Grass retards are recommended to be placed across the full width of earthen ditches.
- 405.2200 Open Channels – Channel design involves the determination of the channel cross-section required to accommodate a given design discharge based on the Manning Formula:

$$Q = \frac{1.486}{n} A R^{\frac{2}{3}} S^{\frac{1}{2}}$$

where

Q= Discharge, cfs

A= Cross-sectional area of flow, sq. ft.  
R= Hydraulic Radius (area/wetted perimeter)  
S= Slope of water surface, usually assumed to be parallel to the stream bed slope (feet/foot)  
n= Manning's Roughness Coefficient

Open channel hydraulic calculations may be performed by a computer program such as HEC-2 or HEC-RAS.

**TABLE 405E - TYPICAL MANNING'S ROUGHNESS COEFFICIENTS**

<b>I. Minor Streams</b>			
<b>A. Fairly regular section</b>		<b>Min.</b>	<b>Max.</b>
1.	Some grass and weeds; little or no brush.....	0.030	0.035
2.	Dense growth of weeds, depth of flow materially greater than weed height.....	0.035	0.050
3.	Some weeds, light brush on banks.....	0.035	0.050
4.	Some weeds, heavy brush on banks.....	0.050	0.070
5.	Some weeds, dense willows on banks.....	0.060	0.080
6.	For trees within channels with branches submerged at high stage, increase all values above by.....	0.010	0.020
<b>II Floodplain (adjacent to natural streams)</b>			
<b>A. Pasture, no brush</b>			
1.	Short grass.....	0.030	0.035
2.	Tall grass.....	0.035	0.050
<b>B. Cultivated areas</b>			
1.	No crop.....	0.030	0.040
	Mature row crops.....	0.035	0.045
	Mature fields crops.....	0.040	0.050
<b>C. Heavy weeds, scattered brush.....</b>		0.050	0.070
<b>D. Wooded.....</b>		0.075	0.150
<b>III. Major Streams</b>			
The roughness coefficient for major streams is usually less than for minor streams of similar description on account of less effective resistance offered by irregular banks or vegetation on banks. Values of "n" for larger streams of mostly regular sections, with no boulders or brush may be in the range of 0.028 to 0.033.			
<b>LINED CHANNELS</b>		<b>Min.</b>	<b>Max.</b>
1.	Concrete riprap.....	0.012	0.018
2.	Concrete rubble.....	0.017	0.030
<b>GRASS-COVERED SODDED CHANNELS, SHALLOW DEPTH</b>			
1.	No Rank Growth.....	0.035	0.045
2.	Rank Growth.....	0.040	0.050



## UNLINED CHANNELS

1.	Earth, straight and uniform.....	0.017	0.025
2	Dredged.....	0.025	0.033
3.	Winding and sluggish.....	0.022	0.030
4.	Stony beds, weeds on bank.....	0.025	0.040
5.	Earth bottom, rubble sides.....	0.028	0.035
6.	Rock cuts, smooth and uniform.....	0.025	0.035
7.	Rock cuts, rugged and irregular.....	0.035	0.045

## **406 CULVERTS, BRIDGES AND STRUCTURES**

- 406.1000 Unless noted otherwise, concrete required in these regulations shall be Class A concrete as defined in Item 421 of TxDOT's specifications, except for machine-laid curb, which shall be Class C concrete. Concrete materials, placement methods, placement temperatures, curing, etc., shall be in accordance with Items 420 and 421 of TxDOT's specifications.
- 406.1100 Drainage culverts shall be of corrugated metal pipe or reinforced concrete pipe and shall conform to Items 460, 461, 462, or 464 of TxDOT's specifications.
- 406.1200 Manholes and inlets shall conform to Item 465, and frames, grates, rings and covers shall conform to Item 471 of TxDOT's specifications.
- 406.1300 When concrete box culverts are constructed, materials and installation shall be in accordance with Item 462 of TxDOT's specifications. Headwalls and wing walls shall conform to Item 466, and Safety End Treatments where required shall conform to Item 467 of TxDOT's specifications respectively.
- 406.1400 Where metal or concrete pipe culverts are installed in roadways, concrete headwalls shall be built at the inlet and outlet, and shall conform to the drawing entitled, "Headwalls for Culverts" (See Figure 630). Headwalls shall have a slope corresponding to the embankment, but not exceeding a 3-to-1 slope. Minimum pipe culvert size shall be 18 inches. For specifications for driveway culverts, see subsection 409.1300.
- 406.1500 In high embankments, structures need not be carried to toe of slope if wing walls and adequate parapet headwalls are provided with an adequate apron. For outlet velocities exceeding 8 feet per second, an energy dissipater must be installed. Designs of wing walls and parapets must be submitted for approval and bear signature and seal of the designing engineer, and the date signed.
- 406.1600 The Road Superintendent shall be advised at least 24 hours before culverts are placed or concrete headwalls or wing walls are poured so that necessary inspections may be made by the County.

## **407 TESTING AND INSPECTIONS**

- 407.1000 The developer is responsible for coordinating and paying for all inspections, on-site sample collections and delivery of samples to an authorized laboratory, and for on-site and off-site testing done by the laboratory. Nuclear testing

methods acceptable to TxDOT are acceptable to the County. The cost for retesting of failed tests are to be borne by the developer.

- 407.1100 Street, road and structures testing by an authorized laboratory is required as follows:
- 407.1100.1 Street subgrade – Proctor determination required on each class of soil to be encountered. Density test – (1) each per 500 feet of street with retest as necessary (minimum of three (3) tests).
- 407.1100.2 Base course – Proctor test shall be required to establish quality and moisture density relationship. Density test: One (1) each per 500 feet of street or road, with retest as necessary (minimum of three (3) tests).
- 407.1100.3 Concrete structures – Inspection by County prior to concrete placement. Class A concrete compressive strength (minimum of three (3) tests per structure) shall be 3000 PSI. Class B concrete compressive strength shall be 2000 PSI. Testing will not be required for Class C concrete curbs.
- 407.1100.4 HMA CP – Proctor determination shall be required to verify 96 percent Proctor density per 207-F and 227-F of TxDOT's specifications.
- 407.1100.5 Road section – Prior to substantial completion, borings every 500 feet shall be taken to verify depths of pavement and base.
- 407.1200 The developer shall provide the County with a minimum of 24-hours notice prior to any inspection that the County is to perform. Laboratory testing companies to be used by the developer must be approved by the County.

#### **408 REQUIREMENTS FOR ROAD AND DRAINAGE DRAWINGS**

- 408.1000 The following drawings shall be submitted by the developer's engineer of record to the County Engineer for review and approval:
- 408.1000.1 For each of the different types of roads in a subdivision, typical cross sections showing the proposed pavement width, type, thickness, and crown; the proposed curb type (if any); the proposed sidewalk (if any), and the relationship to curbs, edge of pavement and property lines.
- 408.1000.2 Construction details for all drainage structures, showing all dimensions, reinforcing, and components (such as grates, manhole covers, etc.).
- 408.1000.3 The alignment of each road and drainage easement, showing a beginning and ending station, each deflection angle of the centerline, and the station of the point of intersection, the station of the point of curvature, and the point of tangency of each curve, the station and angle of each intersection of a road with another road or drainage easement, the station and radius of each curb return, the location of adjacent right-of-way lines, the location and limits of sidewalks and curbs of each road, and the location of each drainage structure.

- 408.1000.3 The location and size of all storm sewers. The location, description, and elevation of permanent Bench Marks, the top of curb grade at each curb return, the center line grade at each end and at grade changes along drainage ditches, the gradient of each tangent grade, and the location and length of each vertical curve, the direction of storm drainage flow at each intersection, and the flow line elevation of each storm sewer at each point of change of grade, at each end, and the intervening gradients.
- 408.1100 The profile of roads and drainage ditches shall show the natural ground at adjacent property lines and the proposed centerline.
- 408.1200 All drawings shall show the scale, north arrow and date prepared. Plan and profile shall be drawn to scales of one (1) inch equals 50 feet (1"= 50') horizontally and one (1) inch equals five (5) feet (1"= 5') vertically. North shall be up or to the right on all drawings.
- 408.1300 All street plans and profiles shall bear the signature and seal of a licensed professional engineer and the date signed.

#### **409 DRIVEWAYS**

- 409.1000 No obstructions or obstacles in the form of decorative rock, concrete, metal or wood facings, fences, gates or other such structures shall be located within the roadway right-of-way at the entrances of driveways to highways, roads or streets. (Note: Existing facings, fences and/or gates will be permitted to remain unless such facings, fences, or gates pose a threat to vehicular or pedestrian traffic or interfere with county maintenance.)
- 409.1100 Prior to constructing a private, public access, or commercial driveway entering a County road, the property owner shall obtain a permit from the Development Management Office. The portion of the driveway within the right-of-way shall be constructed in accordance with the instructions contained in the permit. Maintenance of any portion of a private, public access, or commercial driveway in the roadway right-of-way shall be the responsibility of the owner of the driveway or access route.
- 409.1200 When a property owner obtains a permit from the Development Management Office for a driveway location, if no address has been previously assigned to the location, the property owner shall also be assigned an address for the location. In order to comply with GIS and 911 requirements, and to protect the health, safety and welfare of the residents of the County, all property owners shall prominently display the address for their property at a location within ten feet (10') of the driveway entrance to the roadway, facing the roadway, in reflectorized block letters at least four (4") in height, so that the address can be easily read by law enforcement, fire-fighting, emergency services and other public service personnel. Failure to prominently display the address for property may result in delay of provision of law enforcement, fire fighting, EMS, or other services.
- 409.1300 If driveway culverts are used in construction of driveways, they shall meet the following minimum specifications:

- 409.1300.1 Size of the culverts shall be determined by the developer's or owner's engineer subject to approval by the County Engineer. Minimum culvert size is 15 inches for private driveways and eighteen (18) inches for public access and commercial driveways. Concrete headwalls shall be installed (See Figure 630).
- 409.1300.2 Material shall be either corrugated galvanized metal pipe or reinforced concrete pipe for private driveways. Commercial or public access driveways may use these materials or concrete box culvert(s).
- 409.1400 Driveway width at the right-of-way for a private driveway shall be 10 feet minimum to 24 feet maximum. Driveway width at the right-of-way for commercial and public access driveways shall be 30 feet minimum to 45 feet maximum. A minimum 5-foot radius shall be used to connect the driveway to the edge of the roadway. (For example, a 10-foot driveway would be 20 feet wide at the roadway with the minimum radius required on each side of the driveway entrance to the roadway.)
- 409.1500 The angle of the driveway at the intersection with the roadway shall be from 60° to 90° with 90° being preferred. Circular driveways with two entrances to the roadway may be allowed if approved by the County Engineer.
- 409.1600 The location of driveway access to the roadway shall be selected so as to provide maximum safety for roadway traffic and for users of the driveway.

#### **410 ROAD MARKINGS AND SIGNS**

- 410.1000 All roads and streets shall be provided with a double centerline marking, using yellow paint, and shall have edge-line markings with white paint. The above paint shall be Type 2 reflectorized pavement markings per Item 666 of TxDOT's specifications.
- 410.1100 All roads shall have standard road safety and directional signs as required by the County Engineer.. Signs shall be of aluminum, of one-piece construction, and shall conform to Item 636 of TxDOT's specifications.
- 410.1200 Street name signs shall be installed by the developer at all intersections within the subdivision. Signs shall be of aluminum, of one-piece construction, and shall be of uniform six (6)-inch height. Signs shall be mounted on two (2)-inch galvanized pipe, seven (7) feet above pavement to the bottom of sign, and shall be placed in a uniform manner in accordance with state standards and the Manual on Uniform Traffic Control Devices. Naming of streets shall comply with paragraph 203.1300(7).
- 410.1300 Street name signs shall have white letters on green background for county roads and state highways and have white letters on brown background for private roads.

- 410.1400      Reflectorized yellow object markers shall be placed by the developer on each side of all hazards at the location designated by the County Road Superintendent, and shall conform to Item 658 of TxDOT's specifications.
- 410.1500      Markings, barricades and safety devices: All subdivision streets and drainage structures shall be marked and protected in accordance with the provisions of the Manual on Uniform Traffic Control Devices as published by TxDOT..
- 410.1600      All signs for street names and for vehicular traffic safety and pedestrian safety shall be in place upon completion of construction of the roads and prior to approval and/or acceptance of the roads by the County.

## **500                      NO COUNTY OBLIGATION**

In no event is the County required to complete the work proposed by a developer and approved by the County or to otherwise assume any obligation of the developer

## **600                      FIGURES FOR SUBDIVISION ROADS AND DRAINAGE**

Following are figures for subdivision roads and drainage:

- (1) Figure 610 - Standard Road Section
- (2) Figure 620 – Collector Street Section and Optional Curbed Section
- (3) Figure 630 - Headwalls for Culverts (Note: In cases where the culvert with typical headwalls would extend outside the normal right-of-way, the developer shall either:
  - a. dedicate such additional drainage easement as necessary to provide normal access and egress for drainage flow; or
  - b. propose vertical headwalls and wing walls subject to approval by the County Engineer.)
- (4) Figure 640 - Standard Curb Section
- (5) Figure 650 - Standard Cul-De-Sac
- (6) Figure 660 – Cul-De-Sac Corner
- (7) Figure 670 – Joint Detail for Cul-De-Sac Corner and for Typical Cul-De-Sac

## **700                      SEVERABILITY**

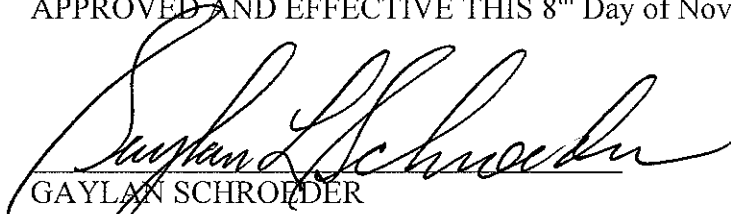
- 700.1000      The provisions of these Rules and Regulations are separable, in accordance with the following:
- (1) If any part of these Rules and Regulations is declared invalid, unenforceable, or unconstitutional, for any cause or reason, such invalidity, unenforceability, or unconstitutionality shall not affect, invalidate, or impair the validity, force, or effect of any other part of these Rules and Regulations.

- (2) If any court of competent jurisdiction shall judge invalid the application of any provision of these Rules and Regulations to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

**800 REPEAL**

800.1000 All prior orders adopted by the Commissioners Court of Kendall County, Texas that are in conflict with this Order are hereby repealed.

APPROVED AND EFFECTIVE THIS 8<sup>th</sup> Day of November, 2010.

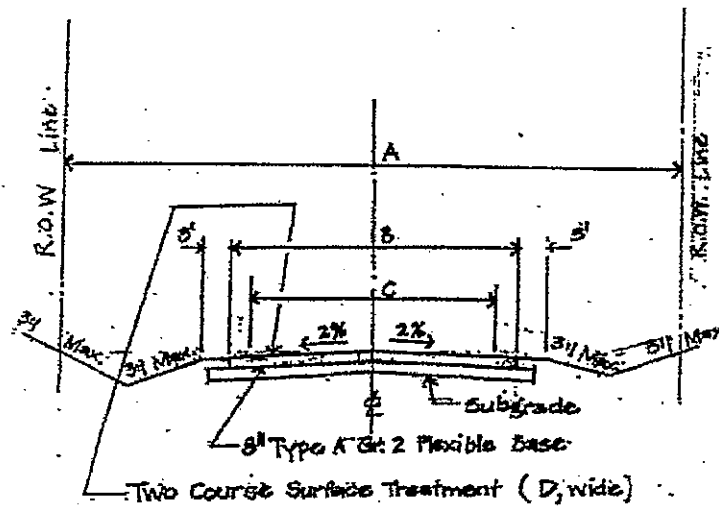
  
GAYLAN SCHROEDER  
County Judge

Attest:

  
DARLENE HERRIN  
County Clerk

Figure 610

	<u>Residential Street or Road</u>		
	<u>Class A</u>	<u>Class B</u>	<u>Class C</u>
A, R.O.W.	60'	60'	50'
B, Base	30'	28'	22'
C, Driving Surface	24'	22'	20'
D, Paved Width	28'	26'	20'



STANDARD STREET SECTION:

Scale: None

Figure 620

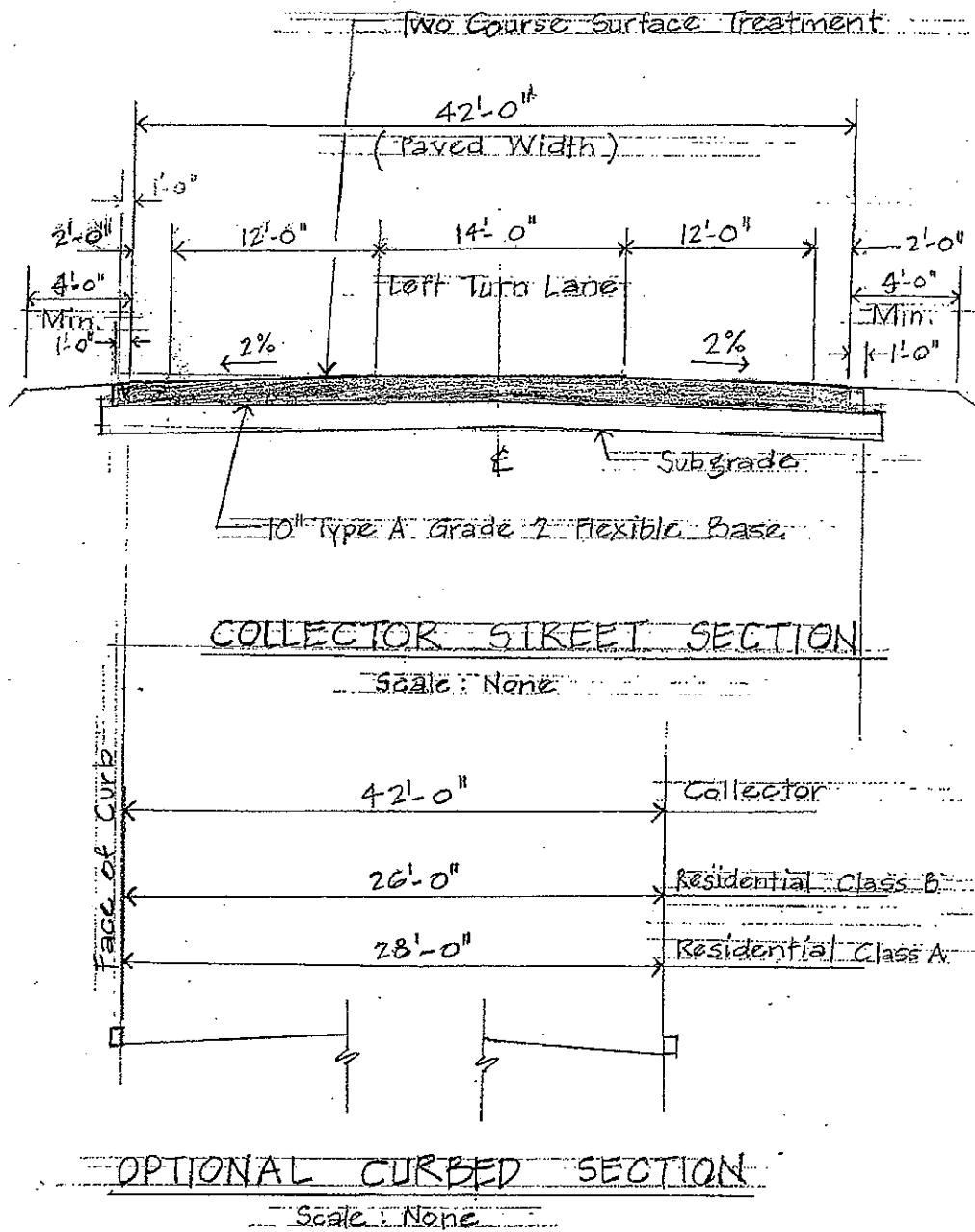
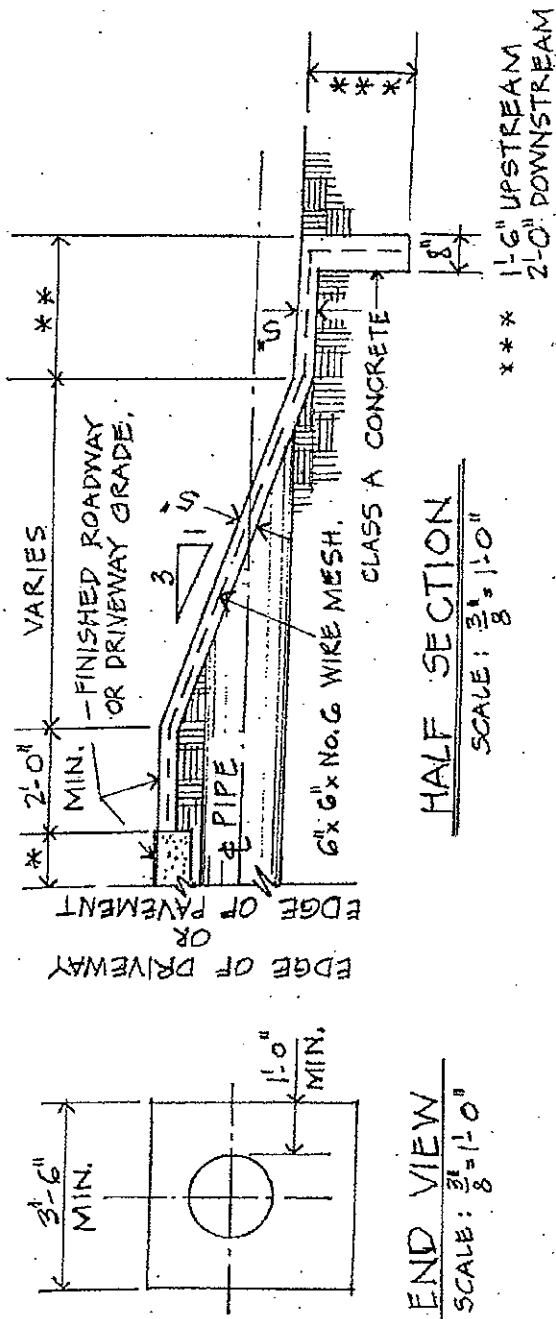




Figure 630

# HEADWALLS FOR CULVERTS

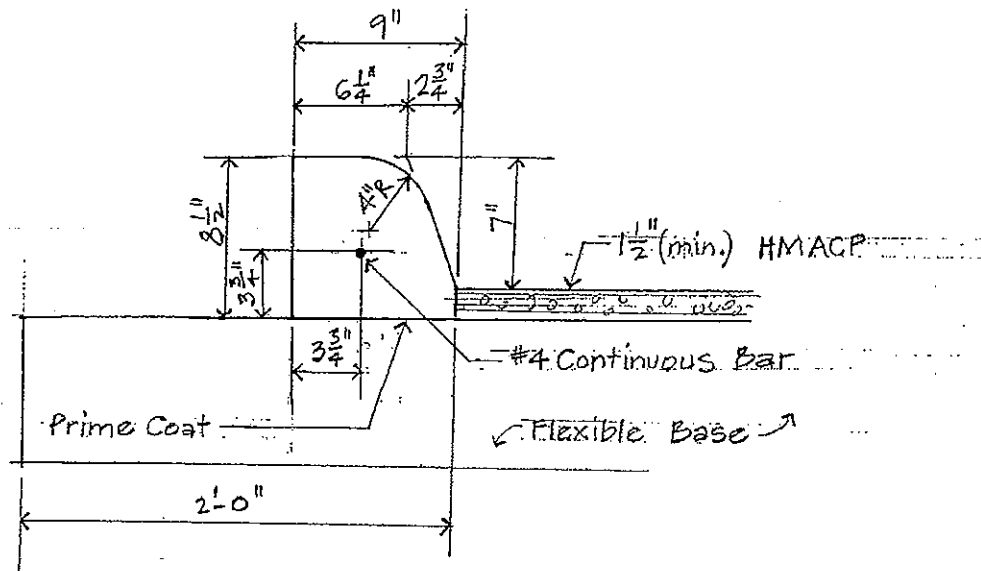
- \* (1) 6' FROM EDGE OF ROADWAY SHOULDER.
- (2) 1' FROM EDGE OF DRIVEWAY. \*\* DIA. OF PIPE + 1'-0"



## NOTES:

1. Where there are three or more pipes in a culvert #3 bars @ 18" each way may be substituted for wire mesh.
2. In cases where a culvert with its headwalls would extend outside the right-of-way, the subdivider shall dedicate such additional drainage easement or right-of-way as required to provide normal access and egress.

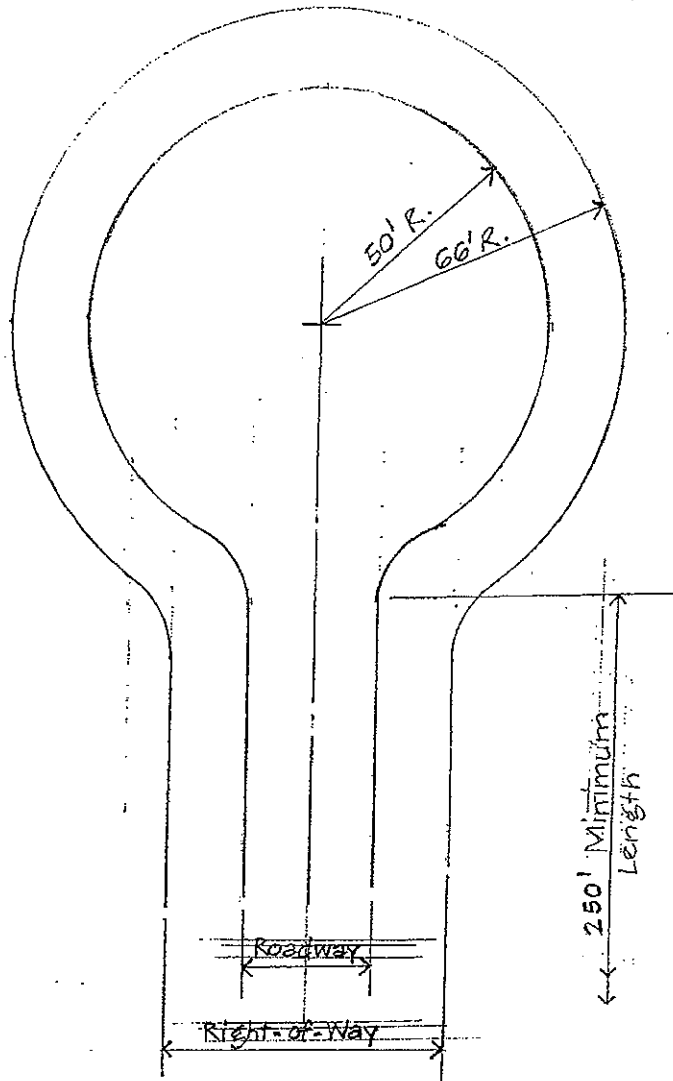
Figure 640



STANDARD CURB SECTION

Scale: 1  $\frac{1}{2}$ " = 1'-0"

Figure 650



STANDARD CUL-DE-SAC

Scale: None

Figure 660

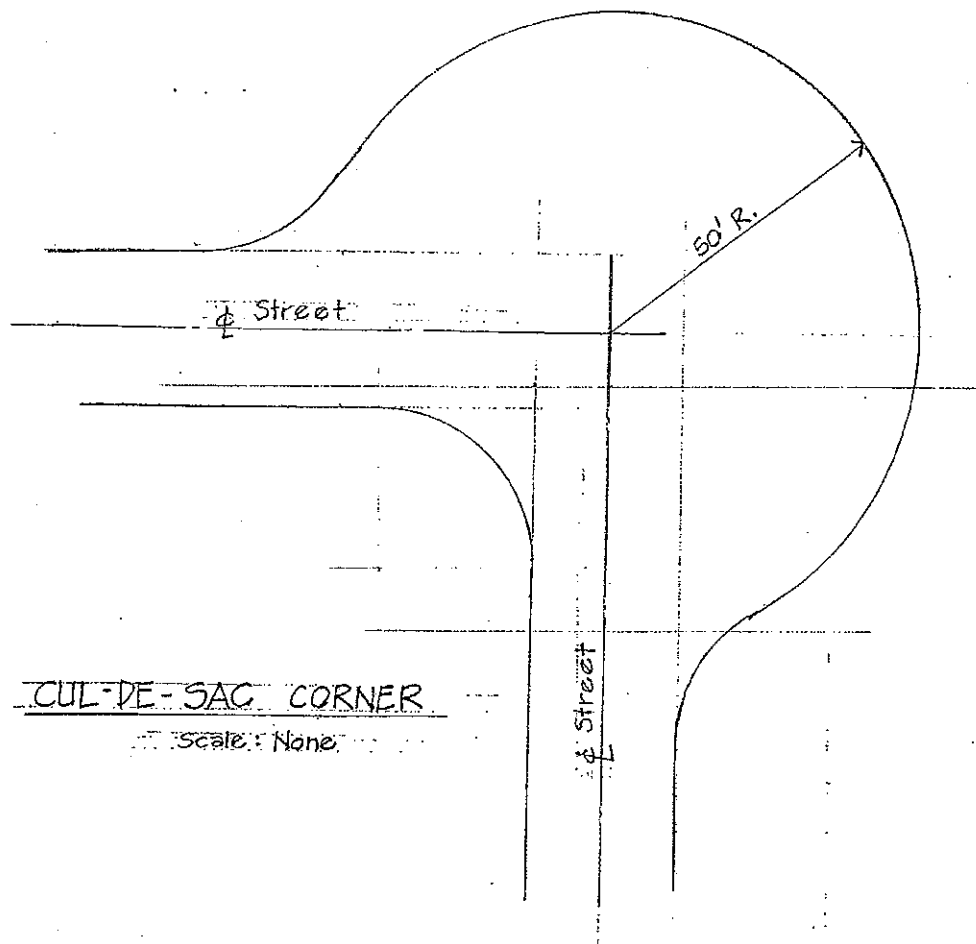
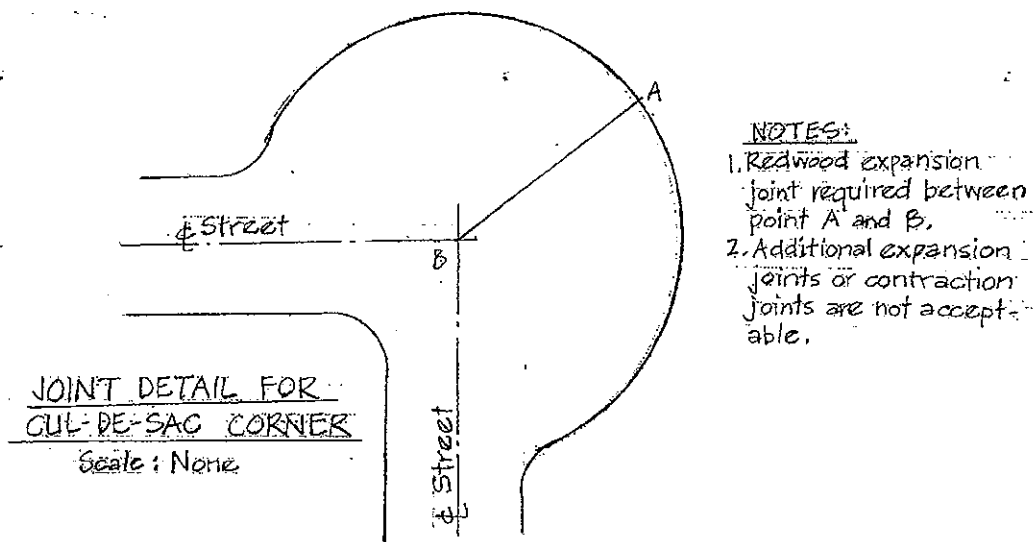
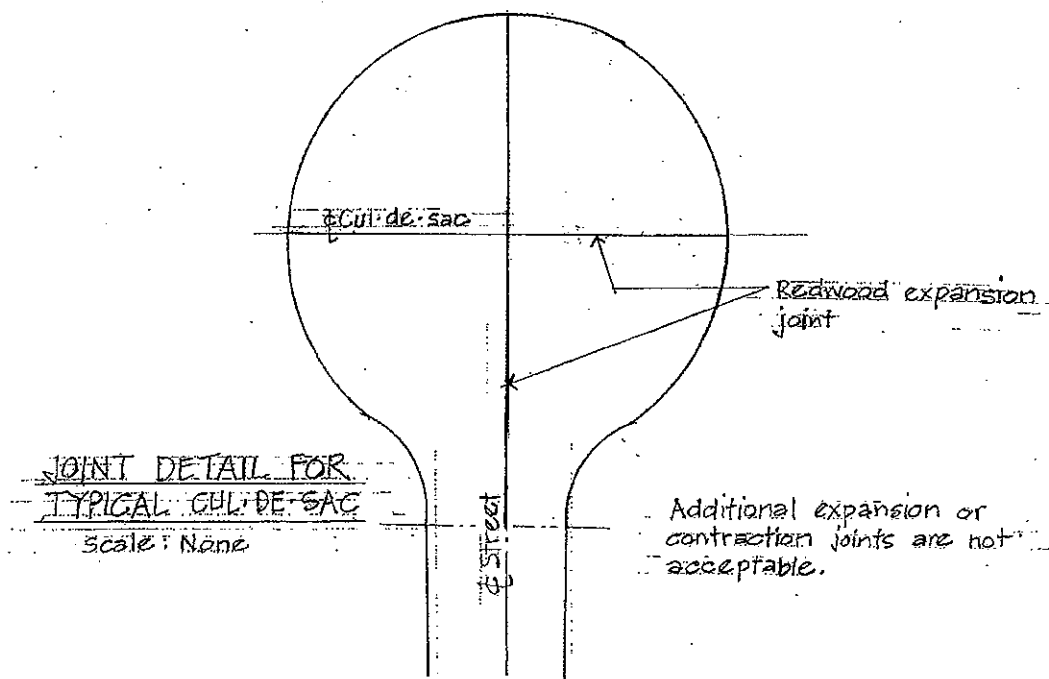


Figure 670



- NOTES:
1. Redwood expansion joint required between point A and B.
  2. Additional expansion joints or contraction joints are not acceptable.



# APPENDIX

**KENDALL COUNTY DEVELOPMENT FEES**

Effective: November 8, 2010

<b><u>Application/Description</u></b>	<b><u>Fee Schedule</u></b>
Access (Driveway) Permit	
State Highway-Issued by TxDOT	No fee to County
Not on State Highway	\$100.00
On-Site Sewage Facility (OSSF)	
Application and Review Fee	\$200.00
OSSF Re-inspection Fee per inspection	\$100.00
FEMA Development Application & Review Fee	
Residential	\$100.00
Commercial	\$500.00
Plat Application and Review Fee	\$3000.00
Commercial and Residential	Plus \$100.00/Lot
Additional Re-Review Fee	\$1000.00
(each occurrence after two (2) submissions)	
Residential without improvements	\$100.00/Lot
Amending Plat	\$300.00 plus Recording Fee
Correction Plat Amendments	Recording Fee
Vacating Plat	
Partial Subdivision	\$250.00 plus \$100.00/Lot
Entire Subdivision	\$250.00
Cancellation of Subdivision	
Partial Subdivision	\$250.00 plus \$100.00/Lot
Entire Subdivision	\$250.00
Plat Revision Review fee	\$250.00 plus \$100.00/Lot
Copy of Kendall County Development Rules and Regulations	\$15.00 per Copy

=====

Owner's acknowledgement in the following form:

=====

STATE OF TEXAS            )  
COUNTY OF KENDALL    )(

The owner of the land identified by abstract numbers recorded in the volume and page numbers shown on the plat, and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledge that this plat was made from actual surveys on the ground (and dedicate to the use of the public forever all streets, alleys, parks, water courses, drain easements, and public places shown thereon for the purpose and consideration therein expressed).

\_\_\_\_\_  
Owner

STATE OF TEXAS            )  
COUNTY OF KENDALL    )(

BEFORE ME, the under signed authority, on this day personally appeared, \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed, and in the capacity therein stated. GIVEN under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
State of Texas

(Seal)



=====

Certification of the surveyor responsible for surveying the subdivision area,  
attesting to its accuracy in the following form:

=====

STATE OF TEXAS            )  
COUNTY OF KENDALL    )(

I hereby certify that this plat is true and correct and was prepared from an actual survey of the  
property made under my supervision on the ground

\_\_\_\_\_  
Registered Professional Land Surveyor

(Surveyor's Seal)

STATE OF TEXAS            )  
COUNTY OF KENDALL    )(

BEFORE ME, the under signed authority, on this day personally appeared,  
\_\_\_\_\_,  
known to me to be the person whose name is subscribed to the foregoing instrument, and  
acknowledged to me that he/she executed the same for the purposes and considerations  
therein expressed, and in the capacity therein stated. GIVEN under my hand and seal of  
office this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
(Seal)

Notary Public  
State of Texas

=====  
Certification by the engineer responsible for assembling the supporting data,  
attesting to its accuracy, in the following form:  
=====

STATE OF TEXAS            )  
COUNTY OF KENDALL    )(

I hereby certify that recognized engineering practices and standards were used in the preparation of this final plat and in the design of site improvement structures and were accomplished under my direct supervision to conform to all requirements of the Kendall County Development Rules and Regulations.

\_\_\_\_\_  
Licensed Professional Engineer

(Engineer's Seal)

STATE OF TEXAS            )  
COUNTY OF KENDALL    )(

BEFORE ME, the under signed authority, on this day personally appeared,  
\_\_\_\_\_,  
known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed, and in the capacity therein stated. GIVEN under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
State of Texas

(Seal)

=====  
Certification by the county's engineer, engineering consultant or project  
engineer in the following form:  
=====

The engineering consultant, County Engineer or project engineer of Kendall County, Texas has reviewed this subdivision plat for conformance to all requirements of the Kendall County Development Rules and Regulations.

\_\_\_\_\_  
Engineer

Approval of the Commissioners Court in the following form:  
(To be left blank for signatures upon approval).

This final plat of \_\_\_\_\_ has been  
submitted to and considered by the Commissioners Court of Kendall County, Texas and is  
hereby approved by such Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

By:

\_\_\_\_\_  
County Judge  
Kendall County, Texas

\_\_\_\_\_  
Commissioner, Precinct # 1

\_\_\_\_\_  
Commissioner, Precinct #2

\_\_\_\_\_  
Commissioner, Precinct # 3

\_\_\_\_\_  
Commissioner, Precinct #4

County Clerk's recording acknowledgment in following form:  
(To be blank for signature upon recording)

STATE OF TEXAS            )  
COUNTY OF KENDALL    )(

I, \_\_\_\_\_ County Clerk of said county, do hereby certify that the following instrument of writing with its certificate of authentication was filed for record in my office, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_ at \_\_\_\_\_, \_\_\_\_ M., in the Records of Deeds and plats of said county, in Volume \_\_\_\_\_, on Page(s) \_\_\_\_\_. In testimony whereof, witness by hand and official seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_.

TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN VOLUME \_\_\_\_\_,  
PAGE \_\_\_\_\_, KENDALL COUNTY OFFICIAL RECORDS.

\_\_\_\_\_  
County Clerk  
Kendall County, Texas

BY:

\_\_\_\_\_  
Deputy

## **REQUEST FOR RELIEF (Variance)**

From the Kendall County (KC) Development Rules and Regulations  
(Section 106)

1. Date \_\_\_\_\_
2. Location of Property: \_\_\_\_\_  
\_\_\_\_\_
3. Name of Subdivision (If Applicable): \_\_\_\_\_  
\_\_\_\_\_
4. Property Owner/Developer Name: \_\_\_\_\_  
\_\_\_\_\_
5. Relief Requested (Reference the specific Section/Paragraph of the current KC Development Rules and Regulations and state the relief requested):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Reason(s) for Requesting Relief: (Please refer to Section 106, Relief by County Commissioners Court in answering these questions)
  - a. Are there special circumstances or conditions affecting the land involved such that the strict interpretation of the provisions of these regulations would deprive you of the reasonable use of this land: \_\_\_\_\_ (if "yes" please state the special circumstances or conditions)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - b. Is relief necessary for the preservation and enjoyment of a substantial property right of yours? \_\_\_\_\_ (if "yes", please state the substantial property right involved)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Print Owner Name

Phone Number \_\_\_\_\_

Date \_\_\_\_\_

**TAX CERTIFICATE  
AFFIDAVIT**

of  
Ad Valorem Tax Payment

(ii) THE STATE OF TEXAS

COUNTY OF KENDALL

BEFORE ME, the undersigned authority, on this day personally appeared:

\_\_\_\_\_ and \_\_\_\_\_  
who being duly sworn, deposes and says:

**I certify that all Ad Valorem Taxes due on the following:** (describe real property)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

have been paid as evidenced by the attached Tax Certificates from all taxing entities having jurisdiction over the property.

I further attest that the above information is true and correct.

_____ Owner Name	_____ Owner Name
_____ Signature	_____ Signature
_____ Owner Name	_____ Owner Name
_____ Signature	_____ Signature

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

(Seal)

COPY

COMMISSIONERS' COURT ORDER NO. 96-0550

In order to ensure that septic systems and wells (including sanitary easements) can be located, and in order to comply with Federal Emergency Management Act and Texas Water Code requirements governing flood plains, and further to assure that a division of real estate does not come under the requirements of Chapter 232 of the Local Government Code, by order of the Kendall County Commissioners' Court dated the 13th day of May, 1996, it is hereafter ORDERED that:

1) From this date forward, all divisions of real estate in Kendall County, outside the limits of an incorporated municipality, will require that an Affidavit of Land Location be filed with the County Clerk, to be recorded in the Official Records of Kendall County, Texas.

2) The required affidavit will be sufficient if it locates and identifies accurately the division/divisions of land contemplated, including fee simple frontage on an existing county, public, or public easement road for each such division of land. The affidavit must be approved in accordance with requirements attached hereto as Exhibit "A", and which are incorporated into this order by reference for all purposes.

3) This requirement is based upon the authority granted counties as set forth in the following statutes:

a) TEX. WATER CODE ANN. § 16.315 - authority granted to counties to take necessary actions to comply with the requirements of National Flood Insurance Program, Title 42, Section 4022, U.S. Code Ann.;

b) TEX. REV. CIV. STAT. ANN., art. 4477-7e and TEX. HEALTH & SAFETY CODE ANN. § 368.011 - may adopt standards for on-site sewage disposal (septic tanks);

c) TEX. WATER CODE ANN. § 26.032 - authority granted to counties to control private sewage facilities;

d) TEX. WATER QUALITY BOARD, Resolution No. 73-R-4, amended 02/26/76, approving Kendall County Commissioners' Court order pertaining to the regulation of private sewage facilities;

e) Kendall County Commissioner's Court Order dated December 27, 1974, regarding regulation and permitting of water wells in Kendall County and amendments thereto;

f) TEX. REV. CIV. STAT. ANN. art 2351 - general control over all roads, highways, and bridges;

g) TEX. REV. CIV. STAT. ANN., art. 6702-1, § 3002 - adopt a system for laying out, draining, and repairing public roads

h) TEX. REV. CIV. STAT. ANN., art. 6702-1, § 2.002 - order that public roads be laid out, opened, discontinued, or altered when necessary;

i) TEX. REV. CIV. STAT. ANN., art. 6702-1, § 4.302 - may direct condemnation proceedings within municipalities for land necessary to county road system or link to state highway;

j) TEX. REV. CIV. STATE. ANN., art. 6702-1, § 3.105 - may authorize any person to make drain along public road for drainage of land;

k) TEX. REV. CIV. STAT. ANN., art. 6702-1, § 2.101, et seq. - may provide for construction and maintenance of adequate drainage for public roads;



l) TEX. LOC. GOV'T CODE ANN. § 232.001, et seq., - may adopt and enforce platting and road construction regulations;

m) TEX. REV. CIV. STAT. ANN., arts. 1433, 1433a - may designate where water corporation should place line along right-of-way on county roads;

n) TEX. REV. CIV. STAT. ANN., art. 1436b - may designate where lines should be placed in right-of-way on county roads;

o) TEX. REV. CIV. STAT. ANN., art. 1436b - may designate where lines should be placed in right-of-way on county roads for gas distribution;

p) TEX. REV. CIV. STAT. ANN., art. 4477-9a, § 3.04 - may prohibit refuse or junk accumulating near public highways.

As of the effective date of this order, the Office of Development Management must approve or disapprove an Affidavit of Land Location required to be filed pursuant to this order within three (3) working days of its receipt. An approved affidavit must be filed with the County Clerk's Office within three (3) working days of its approval and prior to the issuance of septic and well permits by the Office of Development Management. Tracts previously divided will not be required to file said affidavit under this Court Order.

Tracts of land divided by will or descent or by courts of competent jurisdiction will not be required to comply with this order (optional).

It is further intended that fence line or boundary adjustments between neighbors will be excluded from this requirement.

The above court order is passed this 13 day of May, 1996.

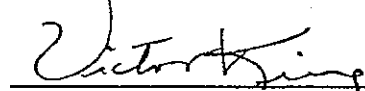
COMMISSIONERS' COURT of KENDALL COUNTY, TEXAS

  
James W. Gooden, County Judge

  
Charles Goodman, Commissioner Prct. 1

  
L. M. Holman, Commissioner Prct. 2

  
Sue Whitworth, Commissioner Prct. 3

  
Vic King, Commissioner Prct. 4

## Exhibit A – Affidavit of Land Location Requirements

### Preliminary Determination

An individual wishing to divide a tract of land to lay out streets, alleys, squares, or 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 must have a plat of the division prepared that will be subject to the Kendall County Subdivision Rules and Regulations, pursuant to Chapter 232 of the Local Government Code.

### Requirements for Division of Land not covered by Chapter 232 of the Local Government Code

The documents to be approved by the Office of Development Management and subsequently filed within three (3) working days in the Official Records of Kendall County, Texas, must meet the following criteria and will contain the following information:

- 1) The documents must be titled "Affidavit of Land Location" and indicate the property owner as shown on the deed records:
- 2) The affidavit and attendant plat must be documents prepared on 8 ½ x 14 paper;
- 3) The plat must show property boundaries drawn to scale (with bearings and distances shown for tracts under 100 acres) and be prepared to the largest scale possible to show the entire property. Areas of tracts should be established to the nearest 1/10 acre or less if under 25 acres, or to the nearest acre, or less, for larger tracts. It is not necessary that the parent tract be shown.
- 4) The plat must show the location of existing roads and road name, if named, abutting or within the property to be divided. The type of road needs to be designated (country, public, or public easement road) with statement of maintenance responsibility.
- 5) The plat must show the anticipated or existing location of water well, septic systems, and sanitary easements, if known.
- 6) A second sheet must show a location map which will identify the location of the subject property related to the nearest known points, such as road intersections, high power lines, creeks, etc.
- 7) The second sheet must contain the following statement with originals signatures:

*"I (name of owner or agent of record), hereby affirm that this plat is a true and correct copy of the plat prepared by a registered public surveyor or licensed professional engineer, and that it depicts the \_\_\_\_\_ acre tract to be divided as illustrated, such tract being out of the \_\_\_\_\_ Survey, Kendall County, Texas.*

*\*Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.*

\_\_\_\_\_  
*Notary Public, State of Texas*

- 8) The second sheet must bear an original signature of approval of the duly appointed representative of the Office of Development Management and the affected property's respective precinct Commissioner, as authorized by Commissioners' Court.

### CAVEAT:

If the property in question falls within the extra-territorial jurisdiction of any incorporated municipality, approval in addition to this Affidavit of Land Location requirement may be necessary, and should be sought through that entity.

Rev. 11/13/01

KENDALL COUNTY AMENDED ORDER NO. 02-27-2006  
(AMENDED 09-24-2007)

AN ORDER GRANTING AN EXEMPTION TO CERTAIN EXISTING  
SITUATIONS AND AUTHORIZING THE COUNTY DEVELOPMENT  
MANAGER/COUNTY ENGINEER TO APPROVE AMENDED PLATS

WHEREAS, applicable law and the Kendall County Development Rules and Regulations provide that a division or combination of property in a platted subdivision must be accomplished by plat revision or plat amendment; and

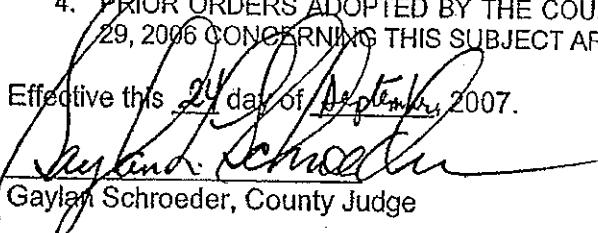
WHEREAS, in the past, deeds have been recorded with the County Clerk's office that affect a division or combination of property in a platted subdivision without amending or revising the plat for the subdivision, resulting in incorrect and inaccurate information being reflected in County records; and

WHEREAS, the Commissioners Court desires to provide an expedited process for approval of plat amendments which merely reflect such existing situations in order to ensure that County records correctly indicate existing situations and to save the citizens of Kendall County unnecessary delay and expense;

NOW THEREFORE, the following ORDER is adopted, effective immediately, concerning existing situations where deeds have been recorded with the County Clerk's office that show a division or combination of property in a platted subdivision without amending or revising the plat:

1. A BLANKET EXEMPTION IS GRANTED TO EXISTING SITUATIONS AS OF FEBRUARY 27, 2006, WHERE DEEDS HAVE BEEN RECORDED WITH THE COUNTY CLERK'S OFFICE THAT SHOW A DIVISION OR COMBINATION OF PROPERTY IN A PLATTED SUBDIVISION WITHOUT AMENDING OR REVISING THE SUBDIVISION PLAT
2. THE DEVELOPMENT MANAGER OF KENDALL COUNTY, AND IN HIS ABSENCE OR UNAVAILABILITY, THE COUNTY ENGINEER OF KENDALL COUNTY ARE AUTHORIZED TO APPROVE PLAT AMENDMENTS AND WAIVE THE PLAT REVIEW FEE CONCERNING EXISTING SITUATIONS WHERE DEEDS HAVE BEEN RECORDED WITH THE COUNTY CLERK'S OFFICE THAT SHOW A DIVISION OR COMBINATION OF PROPERTY IN A PLATTED SUBDIVISION WITHOUT PRIOR COMPLIANCE WITH PLAT REVISION OR PLAT AMENDMENT PROCEDURES.
3. SUCH PLATS SHALL OTHERWISE COMPLY WITH THE REQUIREMENTS CONTAINED IN THE KENDALL COUNTY DEVELOPMENT RULES AND REGULATIONS AND BE RECORDED IN THE PLAT RECORDS OF THE COUNTY CLERK'S OFFICE.
4. PRIOR ORDERS ADOPTED BY THE COURT ON FEBRUARY 27, 2006 AND MARCH 29, 2006 CONCERNING THIS SUBJECT ARE HEREBY REPEALED.

Effective this 24 day of September, 2007.

  
Gaylan Schroeder, County Judge

Attest:   
Darlene Herrin, County Clerk

**COPY**

KENDALL COUNTY ORDER NO. 03-13-2006-B

**ORDER ADOPTING RULES OF KENDALL COUNTY, TEXAS  
FOR ON-SITE SEWAGE FACILITIES**

**PREAMBLE**

WHEREAS, the Texas Commission on Environmental Quality has established Rules for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as Texas Health and Safety Code, Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction in order to abate or prevent pollution or injury to public health arising out of the use of on-site sewage facilities; and

WHEREAS, due notice was given of a public meeting to determine whether the Commissioners Court of Kendall County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of Kendall, Texas; and

WHEREAS, the Commissioners Court of Kendall County, Texas finds that the use of on-site sewage facilities in Kendall County, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Commissioners Court of Kendall County, Texas has considered the matter and deems it appropriate to enact an Order adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in Kendall County, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS:

SECTION 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct;

SECTION 2. THAT the use of on-site sewage facilities in Kendall County Texas is causing or may cause pollution or is injuring or may injure the public health.

SECTION 3. THAT an Order for Kendall County, Texas be adopted entitled "On-Site Sewage Facilities", which shall read as follows:

"ORDER ADOPTING RULES OF KENDALL COUNTY TEXAS FOR ON-SITE SEWAGE FACILITIES"

SECTION 4. CONFLICTS.

This Order repeals and replaces any other On-Site Sewage Facility order for Kendall County.

## SECTION 5. CHAPTER 366.

The County of Kendall, Texas clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce chapter 366 of the Texas Health and Safety Code (H&SC) and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in Section 8 of this Order.

## SECTION 6. AREA OF JURISDICTION.

(A) The Rules shall apply to all the area lying Kendall County, Texas, except for the area regulated under an existing Rule and the areas within incorporated cities.

(B) These Rules shall apply to those incorporated cities or towns that have executed intergovernmental contracts with Kendall County, Texas.

## SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of Kendall County, Texas must comply with the Rules adopted in Section 8 of this Order.

## SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules, Title 30 Texas Administrative Code (TAC) Chapter 285 and Chapter 30, attached hereto, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities are hereby adopted, and all officials and employees of Kendall County, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

## SECTION 9. INCORPORATION BY REFERENCE.

The Rules, 30 TAC Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules. A copy of the current Rules are attached to these Rules as Appendix I.

## SECTION 10. AMENDMENTS

The County of Kendall, Texas wishing to adopt more stringent Rules for its On-Site Sewage Facility Order understands that the more stringent conflicting local Rule shall take precedence over the corresponding Texas Commission on Environmental Quality requirement. Listed below are the more stringent Rules adopted by Kendall County, Texas for the purpose of providing greater public health and safety protection:

- (A) Residential Lot Sizing [30-TAC 285.4(a)(1)(A)]: Platted or unplatted subdivisions served by a public water supply: Subdivisions of land created after March 13, 2006, and served by a public water supply but utilizing individual OSSF methods of sewage disposal, shall provide for individual lots having

surface areas of at least 1 acre: Subdivision plats approved by the Kendall County Commissioners Court prior to the adoption of this order are exempt from this lot size requirement. The location of an OSSF under this paragraph shall be in accordance with 285.91(10).

- (B) Residential Lot Sizing [30-TAC 285.4(a)(1)(B)]: Platted or unplatted subdivisions served by individual water systems: In subdivisions of land created after March 13, 2006 and where each lot is not served by a public water supply but utilizing individual OSSF methods for sewage disposal, shall provide for individual lots having surface areas of at least 3.00 acres. Subdivision plats approved by the Kendall County Commissioners Court prior to the adoption of this order are exempt from this lot size requirement. The location of an OSSF under this paragraph shall be in accordance with 285.91(10).
- (C) Tracts Greater Than Ten (10) Acres [30-TAC 285.3(f)(2)]: A permit shall be required for all On-Site Sewage Facilities within Kendall County's area of jurisdiction regardless of acreage.
- (D) Preparation of Planning Materials [30-TAC 285.5(a)(1)(2)]: Planning materials prepared by a professional engineer or professional sanitarian. All OSSF planning materials shall be prepared by a professional engineer or professional sanitarian (with appropriate seal, date, and signature) including those systems excluded in 30-TAC 285 Appendix B, Table IX.

#### SECTION 11. DUTIES AND POWERS

The OSSF Inspector Kendall County, Texas, must be certified by the Texas Commission on Environmental Quality before assuming the duties and responsibilities.

#### SECTION 12. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to Kendall County, Texas.

#### SECTION 13. APPEALS.

Person aggrieved by an action or decision of the designated representative may appeal such action or decision to the Commissioners Court of Kendall County, Texas.

#### SECTION 14. PENALTIES.

This Order adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in chapters 341 and 366 of the Texas Health and Safety Code, Chapters 7, 26, and 37 of the Texas Water Code and 30 TAC Chapters 30 and 285.

SECTION 15. SEVERABILITY

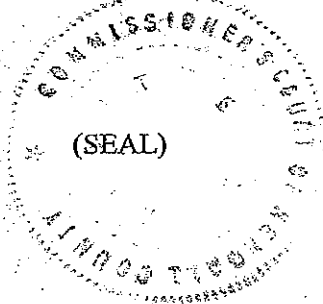
It is hereby declared to be the intention of the Commissioners Court of Kendall County, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Order should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order, since the same would have been enacted by the Commissioners Court without incorporation in this Order of such unconstitutional phrases, clause, sentence, paragraph, or section.

SECTION 16. EFFECTIVE DATE.

This Order shall be in full force and effect from and after its date of approval as required by law and upon the approval of the Texas Commission on Environmental Quality.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 13 DATE OF March, 2006



APPROVED:

[Signature]  
County Judge

ATTEST:

[Signature]  
County Clerk

KENDALL COUNTY ORDER NO. 11-13-2006

**MINIMUM INFRASTRUCTURE STANDARDS AND RULES  
FOR MANUFACTURED HOME RENTAL COMMUNITIES**

WHEREAS, Texas Local Government Code, Section 232.007 authorizes the Commissioners Court to establish minimum infrastructure standards for manufactured home rental communities located in the County outside the limits of a municipality; and

WHEREAS, Texas Local Government Code, Sections 232.101 et seq authorizes the Commissioners Court to adopt rules governing plats and subdivisions of land within the unincorporated area of the county 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;

WHEREAS, the Commissioners Court finds that the minimum infrastructure standards established in this Order and the Rules adopted herein are necessary to promote the health, safety, morals, or general welfare of Kendall County and the safe, orderly, and healthful development of the unincorporated area of the county;

NOW, THEREFORE, the following Order is adopted effective immediately establishing minimum infrastructure standards and adopting rules for manufactured home rental communities in the unincorporated areas of Kendall County:

**SECTION 1. DEFINITIONS**

- (1) "Business day" means a day other than a Saturday, Sunday, or holiday recognized by this state.
- (2) "Certificate of Compliance" means a Certificate signed by the designated representative of Kendall County stating that infrastructure for a manufactured home rental community has been constructed in compliance with the approved Development Plan for such manufactured home rental community.
- (3) "County Development Manager" means the supervisor of the Development Management Department as designated by Commissioners Court.
- (4) "County Engineer" means the individual appointed by the Commissioners Court as the County Engineer of Kendall County.
- (5) "Cow Creek Groundwater Conservation District (CCGCD)" means the district with the authority and responsibility to regulate groundwater production in Kendall County.
- (6) "Development Plan" means a complete and exact plan for the infrastructure of a manufactured home rental community including, without limitation, the survey and all drawings and specifications required herein.



- (7) **"Development Rules and Regulations"** means the Kendall County Development Rules and Regulations adopted by the Commissioners Court to regulate subdivision platting in the unincorporated areas of Kendall County.
- (8) **"Kendall County OSSF Order"** means the order adopted by the Commissioners Court to regulate On-Site Sewage Facilities in Kendall County.
- (9) **"Manufactured Home"** means a movable portable building, usually connected to utilities and constructed to be towed on its own chassis by a motor vehicle. It may consist of one or more units, which are separately towable but designed to be joined into one integral unit.
- (10) **"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
- (11) **"Recreational Vehicle (RV)"** means a vehicle built on a single chassis, designed to be self-propelled or constructed to be towed on its own chassis by a motor vehicle; not intended for use as a permanent dwelling, but sometimes used for that purpose.
- (12) **"Spaces"** means the areas designated on the Development Plan for the location of one manufactured home. Spaces shall be numbered consecutively on the plan to facilitate addressing and to assist law enforcement, fire-fighting and emergency service units in responding to emergencies.
- (13) **"TCEQ"** means the Texas Commission on Environmental Quality.

(NOTE: Words not defined herein shall have the meaning as defined in (1) the Development Rules and Regulations, or (2) applicable state or federal statutes or regulations, or (3) other applicable County orders.)

## **SECTION 2. EXCLUSIONS**

This Order is not applicable to subdivisions of property in the unincorporated areas of Kendall County where manufactured homes or other structures of a permanent or temporary nature are allowed to be placed or located on spaces or lots owned or to be sold or offered for sale to the owners of the manufactured homes or other structures placed or located on such spaces or lots; or to a plot or tract of land in the unincorporated area of Kendall County that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease for a term of 60 months or more or that are rented, leased, or offered for rent or lease with a purchase option. Such subdivisions and/or plots and/or tracts are subject to and shall comply with all applicable requirements of the Development Rules and Regulations.

## **SECTION 3. GENERAL REQUIREMENTS**

The owner of land located in Kendall County outside the city limits of a municipality who intends to use the land for a manufactured home rental community must have a Development Plan prepared that complies with the minimum infrastructure standards set forth below.

**3.1 Requirements of the Development Plan:** The development Plan shall include written documentation to satisfy all items set forth under the Minimum Infrastructure Standards, Rules, and the survey as set forth herein. The Development Plan shall contain the following components:

- 3.1.1** A drainage plan that complies with the provisions set forth in Subsection 5.1 herein; and
- 3.1.2** A road and driveway plan that complies with the standards set forth in Subsection 5.2 herein; and
- 3.1.3** Documentation of approval of water supply system and/or agreement to be provided water as set forth in Subsection 5.4 herein; and
- 3.1.4** Provision for the safe, effective and sanitary treatment of wastewater as set forth in Subsection 5.5 herein;
- 3.1.5** Evidence of satisfaction of other infrastructure requirements as set forth in Section 5 herein and compliance with the Rules set forth in Section 6 herein.
- 3.1.6** Survey of the manufactured home rental community that complies with the provisions set forth in Section 7 herein.

**3.2 Processing of the Development Plan:** Not later than the sixtieth (60th) day after the date the owner of a proposed manufactured home rental community submits a Development Plan to the County for approval, the Commissioners Court shall approve or reject the Development Plan. If the Development Plan is rejected, the County shall provide the applicant with written notice of rejection specifying the reasons for the rejection and the actions required for approval of the Development Plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the Development Plan, provided that such sixty day period shall begin on the date that the administratively complete plan is submitted to the County. When corrections to the plan are required by the Commissioners Court, another sixty day period shall commence upon submission to the County of the corrected plan.

**3.3 Certificate of Compliance:** Construction of a proposed manufactured home rental community shall not begin before the Commissioners Court approves the Development Plan. The Commissioners Court may require inspection of the infrastructure during construction and shall require a final inspection of the infrastructure by the County Engineer. The final inspection must be completed not later than the second business day after the date the County Engineer receives an affidavit from the owner of the manufactured home rental community that construction of the infrastructure has been completed in accordance with the approved Development Plan. If the County Engineer determines that the infrastructure complies with the Development Plan, the Commissioners Court through its designated agent will issue a Certificate of Compliance not later than the fifth business day after the date the final inspection is completed.

## **SECTION 4. ENFORCEMENT**

This Order may be enforced in the same manner as other orders of the Commissioners Court including applicable provisions contained in Section 105 of the Development Rules and Regulations. In addition, the following restrictions apply to utility connections in a manufactured home rental community: A utility may not provide utility services, including water, sewer, gas,

and electric services, to a manufactured home rental community subject to a Development Plan, or to a manufactured home or recreational vehicle in such community unless the owner provides the utility with a copy of the Certificate of Compliance issued under Section 3. This subsection applies only to: (1) a municipality that provides utility services; (2) a municipally owned or municipally operated utility that provides utility services; (3) a public utility that provides utility services; (4) a nonprofit water supply or sewer service corporation organized and operating under chapter 67, Texas Water Code, that provides utility services; (5) a county that provides utility services; and (6) a special district or authority created by state law that provides utility services.

## **SECTION 5. MINIMUM INFRASTRUCTURE STANDARDS**

Following are minimum infrastructure standards for a manufactured home rental community:

**5.1 Drainage:** The Development Plan shall include provisions for adequate drainage. To satisfy this requirement, the Development Plan shall comply with all applicable requirements of Section 405 of the Development Rules and Regulations as modified and set forth below:

**5.1.1** Drainage facilities shall be provided and constructed as required in Section 405 of the Development Rules and Regulations. Drainage plans shall be prepared by a licensed professional engineer experienced in hydrology analysis, and shall be signed and sealed by the engineer.

**5.1.2** Drainage facilities shall be designed to minimize any adverse impact to private property or public right-of-way either within or outside the proposed manufactured home rental community. The post development peak discharge at the point of flow leaving the new site shall not exceed the pre-development peak discharge rate for the 2, 5, 10, 25, 50 and 100 year storms, respectively, by more than 0.85 cfs.

**5.1.3** When a drainage channel or storm sewer is to be constructed, three (3) copies of the design complete with construction plans, profiles, and specifications shall be submitted with the Development Plan. The plans shall show construction details and calculations showing the anticipated storm water runoff, including watershed area, velocity of runoff, and time of concentration. The drainage plan shall be prepared to a scale of 100 feet to one (1) inch and with the same contours and scaled lot sizes as shown on the survey and shall comply with the following requirements:

- (a) No pipe less than 18 inches in diameter or comparable flow area shall be used for a culvert, including driveway crossings.
- (b) All road or driveway widths and grades shall be indicated, runoff flow rates shall be indicated on the outlet and inlet side of all drainage ditches and culverts, and at the request of the County Engineer, at all points in the road at changes of grade or where the water enters another road, culvert or drainage ditch. Drainage easements shall be provided as necessary.

(NOTE: Drainage areas and/or easements shall not be used for any purpose detrimental to their intended purpose. No structures or objects, including but not limited to, buildings, fences, or landscaping shall be located in a drainage easement unless specifically approved by the County Engineer.)

**5.2 Roads and Driveways:** Roads and/or driveways in the manufactured home rental community shall be designed and constructed to meet the minimum infrastructure standards contained herein to provide ingress and egress for fire and emergency vehicles. To satisfy this requirement, the roads shall comply with the specifications set forth in the Development Rules and Regulations with modifications as follows:

**5.2.1** A county road as defined in the Development Rules and Regulations is a public road maintained by Kendall County. Minimum requirements for road design and construction for a county road in a manufactured home rental community shall be in accordance with Subsection 302.2500 of the Development Rules and Regulations for a Residential Class A road, Collector road or Arterial road as appropriate.

**5.2.2** A private road as defined in the Development Rules and Regulations is a road maintained by some entity other than Kendall County. Minimum requirements for road design and construction of a private road in a manufactured home rental community shall be in accordance with Subsection 302.2500 of the Development Rules and Regulations for a Residential Class B road.

**5.2.3** A driveway as defined in the Development Rules and Regulations may be commercial, private or public and provides access from the property or a portion of the property to a highway, road, or street. A driveway shall not be used for public circulation. Minimum requirements for driveway design and construction shall be in accordance with Section 409 of the Development Rules and Regulations except that driveway width shall be 18 feet minimum to 22 feet maximum and minimum culvert size shall be 18 inches.

**5.2.4** Right-of-Way: All roadway right-of-way in a manufactured home rental community shall be reasonably cleared of all impediments including boulders, stumps, trees, or any other debris. Selective clearing may be approved by the County Engineer.

**5.2.5** Cul-de-sacs: Any cul-de-sac, which is part of a road in a manufactured home rental community, shall comply with provisions of Subsection 302.1700 of the Development Rules and Regulations.

**5.3 Road Signage:** The developer of a proposed manufactured home rental community shall present a sign placement plan for the community and obtain approval of the plan by the County Engineer prior to construction of any roads in the community. No sign placement plan is required for driveways. The sign placement plan shall comply with the following requirements:

5.3.1 All road signs shall be furnished and installed by the owner in accordance with the "Texas Manual on Uniform Traffic Control Devices" (MUTCD) issued by the Texas Department of Transportation.

5.3.2 A reflection road name sign shall be placed at each road entrance to the manufactured home rental community and at all intersections within or abutting to the manufactured home rental community. Road name signs shall be seven (7) feet above road surface measured to the bottom of the sign. Private road name signs shall have the road name in white on a brown background. County road name signs shall have the road name in white on a green background.

**5.4 Water Supply Specifications:** The Development Plan shall include specifications and provisions for an adequate public or community water supply in accordance with Subchapter C, Chapter 341, Texas Health and Safety Code and applicable provisions of the water availability requirements as set forth in Section 303 of the Development Rules and Regulations subject to the following requirements:

5.4.1 If the developer proposes to use a new public or community water system, regardless of the number of planned connections, such system shall be developed in accordance with Subchapter C., Chapter 341, Texas Health and Safety Code and in accordance with current rules and regulations of TCEQ (30 TAC Chapter 290). The developer shall submit with the Development Plan a letter or other document from TCEQ's Rate Analysis and Plan Review Team, Water Utilities Division approving the business plan and the plans and specifications of the proposed water system.

5.4.2 If the developer proposes to use an existing public or community water system, the developer shall submit with the Development Plan a copy of the executed agreement between the developer and the owner of such existing system for such water.

5.4.3 If the developer proposes to use groundwater as a source of potable water to any degree, whether provided by individual water wells or new or existing public or community water systems, the developer shall comply with all applicable rules of the CCGCD, including, but not limited to, rules related to permits for the drilling, equipping or completing of wells; rules related to fees; rules related to the spacing of wells from property lines or adjoining wells; and rules related to limiting groundwater production based on acreage or tract size. Developers shall provide evidence of approval from CCGCD and any other appropriate regulatory agency that adequate water is available to serve the occupants of the proposed community at full occupancy in a safe and healthful manner and without adverse impact on the groundwater resources of Kendall County.

5.4.4 If the developer proposes to use water transported from outside of Kendall County as a source of potable water to any degree, the developer

shall provide documentation from the supplier of water and any appropriate regulatory agency that the developer has complied with all of the requirements of the supplier and/or regulatory agency and that the community is contractually entitled to receive a sufficient supply of water on a daily and continuous basis to adequately serve the occupants of the community at full occupancy in a safe and healthful manner and without adverse impact on the groundwater resources of Kendall County.

5.4.5 Any existing wells located in the proposed community not owned and used by the public or community water system or not used for fire fighting or monitoring purposes shall be plugged in accordance with the requirements of the CCGCD.

5.4.6 In communities with potable water provided by individual water wells, regardless of the number of proposed spaces, the requirements of Subsection 303.1200 of the Development Rules and Regulations shall be complied with unless modified or waived by the County Fire Marshall.

5.4.7 In communities with potable water provided by a public or community water system, water wells, storage tanks, and/or plumbing connections, including fire hydrants, and other facilities as determined by the County Fire Marshall shall be provided to permit fire trucks to obtain an adequate supply of water at a sufficient pressure to fight fires in all areas of the community.

**5.5 Wastewater Disposal Specifications:** The Development Plan shall include provisions for the safe, effective and sanitary treatment of wastewater. To satisfy this requirement, the Development Plan shall comply with the requirements in the Development Rules and Regulations as set forth below.

5.5.1 Communities served by OSSF shall comply with the Kendall County OSSF Order and the Development Rules and Regulations, Section 301 concerning minimum lot size (rental space) and Section 304 concerning design and construction requirements.

5.5.2 Communities served by community or public sewage collection and treatment facilities shall comply with Section 304 of the Development Rules and Regulations.

## **SECTION 6. RULES**

**6.1 Open Areas and Recreational Facilities:** Sufficient open areas and recreational facilities shall be provided by the developer in the manufactured home rental community to serve the occupants of the community at full occupancy as determined by the Commissioners Court or its designee. At least one acre of open space/recreational area, not including streets, roads, alleys or utility or drainage easements shall be set aside for each ten acres or part thereof developed as a manufactured home rental community.

**6.2 Fencing and Landscaping:** The perimeter of the manufactured home rental community shall be enclosed in privacy fencing and/or landscaping (plants, shrubs,

trees etc.) to a minimum height from the ground of six feet. No chain link or wire fencing will be permitted.

**6.3 Lighting:** Sufficient lighting shall be provided within the community to illuminate all areas of the community for safety, security, law enforcement and emergency services purposes. Such lighting shall be designed and installed so that light is directed downward and outward with minimal light directed upward ("dark sky" fixtures).

**6.4 Trash and Waste Collection and Disposal:** All manufactured home rental communities 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. 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. 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 of the community or citizens of Kendall County.

**6.5 Parking:** No on-street parking of motor vehicles will be permitted in manufactured home rental communities. Parking lots shall be provided within the community for over flow and guest parking.

## **SECTION 7. SURVEY REQUIREMENTS**

The Development Plan shall include a survey of the proposed manufactured home rental community prepared by a registered professional surveyor licensed in the State of Texas and shall comply with the following requirements:

**7.1** Be an accurate survey of the property, with reference to a patent survey line and adjoining established subdivisions. The approximate acreage of the manufactured home rental community shall be shown to the nearest 0.1 acre.

**7.2** Show the location, dimensions, names and description of all existing or recorded:

(a) Roads, streets, alleys, reservations, easements or other rights-of-way, including storm water collection and drainage areas, within the area of the proposed manufactured home rental community and intersecting or contiguous with its boundaries or forming such boundaries or that are proposed to serve the proposed community; and

(b) All structures, including buildings, fences, wells (water, oil or monitor), storage tanks, fire hydrants or other fire-fighting connections, electric and other utility systems including water supply and septic collection and treatment systems located within the area of the proposed manufactured home rental community or that are proposed to serve the proposed community.

**7.3** Show the location, dimensions, names and description of all proposed:

- (a) Roads, streets, alleys, driveways, easements or other rights-of-way for any purpose, street and/or road names shall be indicated, (street and /or road names shall be approved by the Commissioners Court, addresses will be assigned by Kendall County Rural Addressing); and
- (b) Structures, buildings, wells, electric and other utility systems, including water lines and sewage collection and/or treatment facilities, storage tanks, fire hydrants and other fire-fighting facilities, common areas including recreational facilities and parking areas, fencing, landscaping, signage and lighting; and
- (c) Rental spaces consecutively numbered. (NOTE: Subject to the additional requirements imposed by Subsection 5.5.1, each rental space shall be at least one-quarter acre in size with front, side, and rear dimensions large enough to accommodate the manufactured home/RV to be placed on it and provide at least twenty five feet of setback between the manufactured home/RV and any property line or street, road or alley, at least fifty feet of open space between the manufactured home/RV located on the rental space and any adjacent manufactured home/RV or other adjacent structure, and large enough to provide adequate parking for at least two motor vehicles on the rental space without obstructing any setback from a private or public road. No more than one manufactured home or RV and one storage shed shall be located on a rental space.)

7.4 Indicate the date of preparation, scale of survey and north arrow.

7.5 Topographical information shall be shown to include the following:

- (a) Contour lines at ten (10) foot intervals based on NGVD 1929 datum for slopes over 5%, and 2-foot intervals for slopes of 5% or less; and
- (b) All Special Flood Hazard areas as identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

(NOTE: Manufactured home rental communities that lie within, all or part, of the flood plain are subject to additional requirements imposed by applicable laws and regulations.)

7.6 The survey shall be on permanent reproducible paper, 18 inches vertical and 24 inches horizontal, with margins of not less than one inch. The survey shall be drawn at a scale of not more than 200 feet to one (1) inch. Where more than one sheet is necessary to accommodate the entire manufactured home rental community, an index sheet showing the entire community at an



appropriate scale shall be attached to the survey. Six (6) copies of the survey shall be submitted, together with one (1) reproducible copy of the original

#### SECTION 8. APPLICABILITY TO RECREATIONAL VEHICLES

Tracts of land located in the unincorporated areas of Kendall County containing two or more spaces that are rented, leased, or offered for rent or lease, for the location of recreational vehicles used as residential dwellings (housing for one or more persons) shall comply with the terms of this Order.

#### SECTION 9. AUTHORITY TO ENTER PREMISES

Upon exhibiting proper identification, any law enforcement personnel or any County official, agent or employee charged with the enforcement of health, environmental, safety, or fire laws may enter any premises in the unincorporated area of the County at any reasonable time to inspect, investigate, or to enforce the provisions of this order and applicable law.

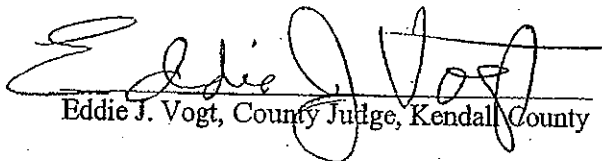
#### SECTION 10. REPEAL

All prior orders adopted by the Commissioners Court of Kendall County, Texas concerning manufactured home rental communities are hereby repealed.

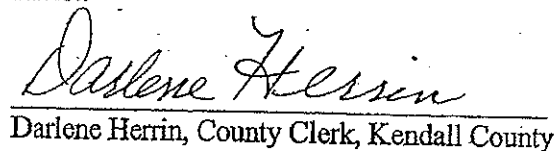
#### SECTION 11. SEVERABILITY

Should any provisions of this Order be held invalid, void or unenforceable by a court of competent jurisdiction, such invalid, void or unenforceable provision shall be severed from this Order and the remaining and unaffected provisions of this Order shall remain in full force and effect.

APPROVED AND EFFECTIVE this 13th day of November, 2006.

  
Eddie J. Vogt, County Judge, Kendall County

Attest:

  
Darlene Herrin, County Clerk, Kendall County

KENDALL COUNTY ORDER NO. 09-24-2007

AN ORDER AUTHORIZING THE DEVELOPMENT MANAGER  
AND/OR COUNTY ENGINEER TO GRANT RELIEF  
AND APPROVE PLATS IN CERTAIN INSTANCES

WHEREAS, applicable law and the Kendall County Development Rules and Regulations provide that a division of property subject to regulation pursuant to Local Government Code, Chapter 232 must comply with all statutory requirements and the Kendall County Development Rules and Regulations; and

WHEREAS, any person proposing to divide property that does not fully comply with the Development Rules and Regulations must request relief from the Commissioners Court in accordance with the Development Rules and Regulations; and

WHEREAS, in many instances, an owner of real property in the unincorporated area of the County agrees to purchase a small tract of property from an adjoining property owner and combine the purchased tract with the existing tract for various purposes, including but not limited to, increasing road frontage, eliminating encroachments, providing greater setbacks from buildings or other structures and/or providing more area for the location of water wells, OSSF, buildings or other structures; and

WHEREAS, the division and conveyance of such small tracts would usually require relief from road frontage, lot size and platting requirements; and

WHEREAS, the Commissioners Court desires to provide an expedited process for approval of relief in such instances in order to save the citizens of Kendall County unnecessary delay and expense;

NOW THEREFORE, the following ORDER is adopted, effective immediately, concerning situations where a landowner agrees to purchase a tract of land from an adjoining property owner so that the tract purchased can be combined to an existing tract of land and there is no detrimental effect on the public health, public safety, general welfare, or injurious to other property in the area and the granting of relief will not have the effect of preventing the safe, orderly and healthful development of the land in accordance with the Development Rules and Regulations:

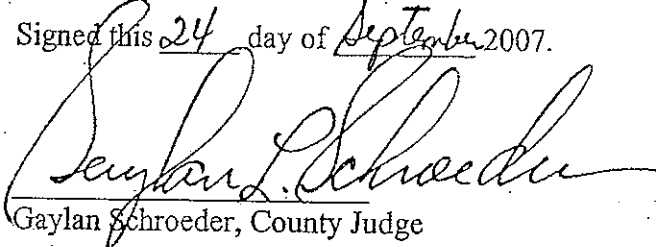
1. THE DEVELOPMENT MANAGER, AND IN HIS ABSENCE OR UNAVAILABILITY, THE COUNTY ENGINEER IS AUTHORIZED TO GRANT RELIEF FOR MINIMUM LOT SIZE, ROAD FRONTAGE AND PLATTING REQUIREMENTS IN SITUATIONS WHERE A LAND OWNER AGREES TO PURCHASE A TRACT OF LAND FROM AN ADJOINING LAND OWNER TO BE COMBINED WITH AN EXISTING TRACT OF LAND. THE DEVELOPMENT MANAGER AND/OR COUNTY ENGINEER IS FURTHER AUTHORIZED TO APPROVE AN AFFIDAVIT OF LAND LOCATION CONCERNING SUCH SITUATIONS.

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2. A NOTE MUST BE PLACED ON THE AFFIDAVIT OF LAND LOCATION AND THE DEED OF CONVEYANCE THAT THE TRACT OF LAND PURCHASED MAY NOT BE SEPARATELY CONVEYED FROM THE TRACT TO WHICH IT IS COMBINED, OR ALTERNATIVELY, BOTH TRACTS MUST BE COMBINED INTO ONE TRACT, EITHER BY SURVEY CONTAINED IN THE AFFIDAVIT OF LAND LOCATION AND/OR BY A SURVEY DESCRIBED IN AN INSTRUMENT FILED WITH THE OFFICIAL RECORDS IN THE COUNTY CLERKS OFFICE.

Signed this 24 day of September 2007.

  
Gaylan Schroeder, County Judge

Attest:   
Darlene Herrin, County Clerk

**STATE OF TEXAS  
KENDALL COUNTY**

**KENDALL COUNTY ORDER NO. 08-10-2009A**

**ORDER AUTHORIZING THE NAMING OF ALLEYS,  
INGRESS AND EGRESS EASEMENTS,  
MULTI-USE DRIVEWAYS AND CERTAIN PRIVATE ROADS  
IN THE UNINCORPORATED AREAS OF KENDALL COUNTY**

**WHEREAS**, THE COMMISSIONERS COURT OF KENDALL COUNTY HAS THE AUTHORITY TO ADOPT UNIFORM STANDARDS FOR NAMING PUBLIC ROADS AND FOR ASSIGNING ADDRESS NUMBERS TO PROPERTY LOCATED IN THE UNINCORPORATED AREA OF THE COUNTY PURSUANT TO SECTION 251.013, TRANSPORTATION CODE; AND

**WHEREAS**, KENDALL COUNTY HAS ADOPTED UNIFORM STANDARDS FOR NAMING PUBLIC ROADS AND ASSIGNING ADDRESS NUMBERS TO PROPERTY FRONTING ON STATE HIGHWAYS, COUNTY ROADS, PUBLIC ROADS AND SOME PRIVATE ROADS, BUT BY ORDER HAS PROHIBITED THE NAMING OF ALLEYS, INGRESS AND EGRESS EASEMENTS, OTHER TYPES OF PRIVATE ROADS, AND DRIVEWAYS THAT PROVIDE ACCESS TO MORE THAN ONE LOCATION; AND

**WHEREAS**, CURRENT COUNTY POLICY PROVIDES THAT PROPERTY WITH FRONTAGE ON ALLEYS, INGRESS AND EGRESS EASEMENTS, CERTAIN PRIVATE ROADS AND MULTI-USE DRIVEWAYS BE ASSIGNED A NUMERICAL ADDRESS ON THE NEAREST NAMED ROAD OR STREET WITH THE LETTERS "A", "B", "C", AND SUCCESSIVE LETTERS IN THE ALPHABET DESIGNATING DIFFERENT LOCATIONS, FOR EXAMPLE 113A APPLE WAY, 113B APPLE WAY, ETC.; AND

**WHEREAS**, IT IS DIFFICULT FOR EMERGENCY RESPONDERS AND LAW ENFORCEMENT PERSONNEL TO LOCATE THE PROPERTY SO DESIGNATED;

**NOW THEREFORE**, THE FOLLOWING ORDER AUTHORIZING THE NAMING OF ALLEYS, INGRESS AND EGRESS EASEMENTS, PRIVATE ROADS NOT PREVIOUSLY NAMED AND MULTI-USE DRIVEWAYS, AND THE ASSIGNING OF ADDRESS NUMBERS TO SUCH NAMES, IN THE UNINCORPORATED AREA OF KENDALL COUNTY, IS ADOPTED AND EFFECTIVE ON THE DATE INDICATED:

**SECTION 1. PUBLIC NOTICE AND HEARING:** PRIOR TO ADOPTING THIS ORDER, THE COMMISSIONERS COURT PUBLISHED NOTICE AND CONDUCTED A PUBLIC HEARING IN ACCORDANCE WITH SECTION 251.013, TRANSPORTATION CODE.

**SECTION 2. FINDINGS:** THE COMMISSIONERS COURT FINDS THAT THE ADOPTION OF THE FOLLOWING ORDER IS NECESSARY TO PROTECT THE PUBLIC HEALTH AND SAFETY.

**SECTION 3. ORDER:** THE ASSIGNMENT OF NAMES TO ALLEYS, INGRESS AND EGRESS EASEMENTS, PRIVATE ROADS AND DRIVEWAYS AND THE ASSIGNMENT OF ADDRESS NUMBERS TO SUCH NAMES IS AUTHORIZED WHEN SUCH ALLEYS, INGRESS AND EGRESS EASEMENTS, PRIVATE ROADS AND DRIVEWAYS PROVIDE THE ONLY

VEHICULAR ACCESS TO ONE OR MORE PROPERTIES OR SUCH PROPERTIES DO NOT HAVE SAFE VEHICULAR ACCESS FROM A NAMED STREET OR ROAD.

**SECTION 4. COMPLIANCE WITH COUNTY ORDERS, RULES AND REGULATIONS CONCERNING THE NAMING OF STREETS AND ASSIGNMENT OF ADDRESS NUMBERS:** THE NAMING OF ALLEYS, INGRESS AND EGRESS EASEMENTS, PRIVATE ROADS AND DRIVEWAYS SHALL BE IN COMPLIANCE WITH COUNTY ORDERS, RULES AND REGULATIONS CONCERNING THE NAMING OF STREETS AND THE ASSIGNMENT OF ADDRESS NUMBERS.

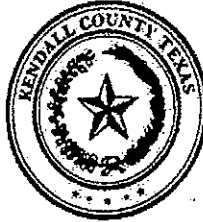
**SECTION 5. REPEAL OF CONFLICTING ORDERS:** ANY PRIOR ORDERS ADOPTED BY THE COMMISSIONERS COURT OF KENDALL COUNTY WHICH PROHIBIT THE NAMING OF ALLEYS, INGRESS AND EGRESS EASEMENTS, PRIVATE ROADS AND DRIVEWAYS AND THE ASSIGNMENT OF ADDRESS NUMBERS TO SUCH NAMES ARE HEREBY REPEALED.

**SECTION 5. SEVERABILITY:** SHOULD ANY PROVISION OF THIS ORDER BE HELD INVALID, VOID OR UNENFORCEABLE BY A COURT OF COMPETENT JURISDICTION, SUCH INVALID, VOID OR UNENFORCEABLE PROVISION SHALL BE SEVERED FROM THIS ORDER AND THE REMAINING AND UNAFFECTED PROVISIONS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT.

**SECTION 6. EFFECTIVE DATE:** THIS ORDER SHALL BECOME EFFECTIVE AT 5:00 P.M. ON SEPTEMBER 24, 2009.

  
\_\_\_\_\_  
GAYLAN L. SCHROEDER  
COUNTY JUDGE, KENDALL COUNTY, TEXAS

ATTEST:  
  
\_\_\_\_\_  
DARLENE HERRIN  
COUNTY CLERK, KENDALL COUNTY, TEXAS



**STATE OF TEXAS  
KENDALL COUNTY**

**KENDALL COUNTY ORDER NO. 08-10-2009B  
REGULATION OF OUTDOOR LIGHTING IN THE  
UNINCORPORATED AREAS OF KENDALL COUNTY, TEXAS  
WITHIN FIVE MILES OF THE CAMP BULLIS BOUNDARY**

**WHEREAS**, Camp Bullis is a critical training facility for the United States military, where medical personnel of all branches of the service are trained to function at night, under simulated combat conditions; and

**WHEREAS**, the continued viability of Camp Bullis for such training purposes is essential to the readiness of the United States military, the utility of Fort Sam Houston, and the vitality of the surrounding communities' economy; and

**WHEREAS**, the Texas Legislature passed and Governor Rick Perry signed into law on 19 June 2009, House Bill 1013, providing that on the request of a United States military installation, base, or camp commanding officer, the Commissioners Court of a county, adjacent to a county that has a population of over one-million and that has five military bases, and is within five miles of one of those bases, may adopt orders regulating the installation and use of outdoor lighting within five miles of the installation, base, or camp in any unincorporated territory of the county; and

**WHEREAS**, Major General Russell J. Czerw, Commanding General, US Army Medical Department Center and School and Fort Sam Houston, by letter dated July 27, 2009 and addressed to Kendall County Judge Gaylan L. Schroeder, requested that Kendall County issue an order regulating outdoor night-time lighting for new construction within five miles of the boundaries of Camp Bullis in order to protect military night training activities;

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF  
KENDALL COUNTY, TEXAS:**

**Article I  
DEFINITIONS**

**1.1 In this Order:**

- a) **Camp Bullis:** US Military training base located near the southeastern portion of Kendall County.
- b) **Camp Bullis Dark Skies Zone:** An area that extends five miles in all directions from the Camp Bullis boundary.

- c) **IDA Product:** IDA-Approved™ outdoor lighting products that are certified by the International Dark-Sky Association for luminaires that minimize glare, reduce light trespass, and do not pollute the night sky.
- d) **Luminaire:** A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.
- e) **Outdoor Lighting:** Any type of fixed or movable lighting equipment that is designed or used for illumination out of doors. The term includes billboard lighting, street lights, searchlights and other lighting-used for advertising purposes, and area lighting. The term does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft.
- f) **Temporary outdoor lighting:** Luminaires used or installed for a specific short-term unconventional purpose of illuminating an outside area or object for a period of less than fourteen days, with at least thirty days passing before being used again.

## Article II LIGHTING REQUIREMENTS

- 2.1 Generally.** All public and private outdoor lighting installed after the effective date of this order in the Camp Bullis Dark Skies Zone shall be in conformance with the requirements established by this Article.
- 2.2 Outdoor Lighting Specifications.** All regulated outdoor lighting shall be IDA Products installed and maintained according to the manufactures' specifications and/or IDA's specifications with the intent to avoid interference with the night training of Camp Bullis.
- 2.3 Maintenance and Repair of Pre-Existing or Otherwise Exempted Lighting.** Voluntary compliance with the following maintenance, repair, and modified and/or upgrade provisions of the Order is expected of the citizens of Kendall County in an effort to enhance the military operations at Camp Bullis:
- a) Except for lamp replacement, no luminaire should be repaired and/or modified to perpetuate its non-complaint existence.
  - b) If a lamp is available that makes a luminaire conform or progress towards conformance with this Order's required illuminance level, then such a lamp should be used when the lamp is replaced.
- 2.4 Usage of Luminaires that do not conform with Article II.** Voluntary compliance with the following provisions of the Order is expected of the citizens of Kendall County in an effort to enhance the military operations at Camp Bullis.
- a) **Outdoor Recreational Facilities:** No outdoor recreational facility should be illuminated by nonconforming means from 11 p.m. local time to sunrise except to conclude a specific recreational activity already in progress.
  - b) **Outdoor Display Lighting:** Display lighting using nonconforming outdoor luminaires with metal halide bulbs should not be used for security lighting after 11 p.m. local time to sunrise (or after closing hours if before 11 p.m. local time to sunrise).

### **Article III EXEMPTIONS**

**3.1** The following types of outdoor lighting are exempt from the requirements of Article II:

- a) Outdoor lighting in place prior to the effective date of this Order;
- b) Temporary outdoor lighting as defined herein;
- c) Internally illuminated outdoor advertising signs constructed of translucent materials (dark backgrounds with light lettering or symbols preferred);
- d) Tower and structure lighting in compliance with Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) requirements;
- e) Decorative holiday lighting from November 15 through the following January 15;
- f) A correctional facility operated by or under a contract with the Texas Department of Criminal Justice;
- g) Flagpole illumination that only illuminates the area in which the flag flies; and
- h) Outdoor lighting that is owned or maintained for the purpose of illuminating:
  - 1) A tract of land that is maintained as a single-family residence and that is located outside the boundaries of a platted subdivision;
  - 2) A tract of land maintained for agricultural use;
  - 3) An activity that takes place on a tract of land maintained for agricultural use;
  - 4) Structures or related improvements located on a tract of land maintained for agricultural use.

### **Article IV ADMINISTRATION**

- 4.1** The Kendall County Development Management office shall administer the provisions adopted in this Order.
- 4.2** Persons wishing to obtain a permit for a proposed installation of outdoor lighting shall submit a completed permit application to the County Development Management office.
- 4.3** The Commissioners Court hereby delegates to the Development Manager the authority to review permit applications and approve permits for installations that are in compliance with the terms of this Order and disapprove permits for installations that are not in compliance with the terms of this Order.
- 4.4** Continual proper maintenance of any permitted outdoor lighting is a condition of the approved permit.



- 4.5 The fee for obtaining a permit under this Order shall be as set by the Commissioners Court. The Development Management office shall collect the fee at the time that a permit application is submitted to that office. Fees shall be processed and deposited in accordance with County procedures and are non-refundable.

**Article V  
VIOLATIONS; ENFORCEMENT**

- 5.1 It shall be a violation of this Order to install outdoor lighting without an approved permit from the County Development Manager.
- 5.2 It shall be a violation of this Order to improperly operate permitted outdoor lighting.
- 5.3 The County Attorney is authorized to enforce this Order in accordance with Section 240.035, Texas Local Government Code.

**Article VI  
VARIANCES**

- 6.1 The Commissioners Court may grant a variance to the requirements of this Order in accordance with the procedures and requirements set out in the Kendall County Development Rules and Regulations. A request for variance using forms provided by the Development Management office shall be completed and submitted by the applicant in order for the Commissioners Court to consider a request for variance.

**Article VII  
VALIDITY AND SEVERABILITY**

- 7.1 In the event that any provision of another order of the Commissioners Court conflicts with any provision of this Order, the more restrictive provision will govern.
- 7.2 If any portion of this Order is held to be invalid or unconstitutional by a court of competent jurisdiction, that decree or decision shall be limited to the particular portion of this Order determined to be invalid or unconstitutional and the remainder of the Order shall continue in full force and effect.

**Article VIII  
EFFECTIVE DATE**

APPROVED AND EFFECTIVE this 10<sup>th</sup> day of August 2009.

  
GAYLAN L. SCHROEDER  
County Judge, Kendall County, Texas

Attest:   
DARLENE HERRIN  
County Clerk, Kendall County, Texas