



AGENDA
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, JUNE 1, 2021 - 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS 75142

**This meeting will be held using
videoconferencing/teleconferencing
technology with public access via:
WWW.ZOOM.US/JOIN OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 890 0513 4280
PASSWORD: 636705**

PLEDGE OF ALLEGIANCE US FLAG

TEXAS FLAG

**"HONOR THE TEXAS FLAG. I PLEDGE ALLEGIANCE TO THEE, TEXAS ONE STATE UNDER
GOD, ONE AND INDIVISIBLE".**

INVOCATION

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and time, states members present, and declares a quorum present.**

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the P&Z Commission on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the P&Z Commission as a whole. **When addressing the P&Z Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and P&Z Commission.**

CONSENT AGENDA "All matters listed under the Consent Agenda, are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a request must be submitted to the Planning and Zoning Commission Secretary."

1. Consider and take appropriate action on the Preliminary Plat of Lot 1, Block 1, Kelly Addition. The 1.264 acre tract (PID# 5365) is generally located 2212 Tabor Parkway (AKA CR 151). The property is zoned Commercial. (Case No. PP-02-21)
2. Consider and take appropriate action on the minutes of May 4, 2021, Planning and Zoning Commission Meeting.

END OF CONSENT AGENDA

PUBLIC HEARING

3. Hold a public hearing, discuss and make a recommendation to City Council for a text amendment to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning" of the City of Kaufman's Code of Ordinances, to add the use "Pet Shop With No Grooming" either as a permitted use or as a specific use permit to the Central Business District (CBD) Zoning District by amending Chart 6, "Retail and Service Uses" of Section 33.4, "Use Regulations" (Case No. Z-12-21)
4. Hold a public hearing, discuss, and make a recommendation to City Council on a request by Jason Warren of Kaufman Lumber to rezone 5.192 acres from Agriculture-Open (A-O) to Commercial (C). The property is generally located at 3222 East Highway 175 (PID# 382) in the Charles Askins Survey, Abstract No. 2, Kaufman County, Kaufman, TX. (Case No. Z-13-21)
5. Hold a public hearing, discuss, and make a recommendation to City Council for text amendments to Chapter 118, "Zoning" of the Code of Ordinances, specifically to Section 33.4 Use Chart Regulations relative to Chart 3, Accessory & Incidental Uses to delete commercial accessory buildings in the Central Business District (CBD). (Case No. Z-10-21)

DISCUSSION/ACTION ITEMS

6. Consider and take appropriate action on the Site Plan of proposed Plat of Lot 1, Block 1, Kelly Addition for the development of three commercial, retail and/or office buildings. The 1.264 acre tract (PID# 5365) is generally located 2212 Tabor Parkway (AKA CR 151). The property is zoned Commercial. (Case No. SP-01-21)

WORKSHOP/DISCUSSION ITEMS

7. Review and discuss rules and parliamentary procedures for public boards.
8. Discuss the amendments approved by Ordinance O-20-21 to Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

9. City Council awarded the bid and contract on May 24, 2022 to Axis Contracting for the construction of paving and drainage improvements for Hillcrest Street, Melody Circle, and Priscilla Lane.

BOARD INQUIRY If a member of the board makes a spontaneous inquiry about a subject not on this agenda, then the board or an appropriate staff member may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Planning and Zoning Commission cannot discuss issues raised or make any decisions on that subject at that time. Issues raised may be referred to Staff for research and possible future action.

ADJOURNMENT

I, MARCY RATCLIFF, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 5:00 P.M. ON FRIDAY, MAY 28, 2021 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.



MARCY RATCLIFF
DEVELOPMENT SERVICES DIRECTOR

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC BY ACCESSING WWW.ZOOM.US/JOIN OR (888)788-0099 (TOLL FREE) MEETING/WEBINAR ID: 890 0513 4280 PASSWORD: 636705**

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE.

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



Planning and Zoning Commission Report

Meeting Date: June 1, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and take appropriate action on the **Preliminary Plat of Kelly Addition, Lot 1, Block 1**. The 1.264-acre tract (PID # 5365) located at 2212 Tabor Parkway). A commercial subdivision is proposed for the development of three commercial, retail, and/or office uses. (Case No. PP-02-21)

BACKGROUND/PURPOSE:

A preliminary plat for the development of a single lot containing 1.264-acres. The property is zoned Commercial (C). The minimum lots size is 10,000 square feet. The proposed development is for three building commercial, retail and/or office uses. Preliminary plats expire after two years. The final plat will be coming in the coming months. The subdivision will have one driveway entrance that aligns with Kaufman Family Dentistry across the street.

Oncor Electric will provide electrical service to the subdivision. The City of Kaufman will provide water and sanitary sewer service. An existing 6-inch water line is located on the east side of Tabor Parkway. An existing 10-inch sanitary sewer line exists partway down Tabor Parkway.

THOROUGHFARE PLAN: Tabor Parkway is designated as a Type "B" Minor Arterial with a minimum right-of-way requirement of 100 feet for of development of 3-4 lanes. Additional right-of-way is not needed for this property

RECOMMENDATIONS:

Staff recommends approval of the Preliminary Plat of Kelly Addition, Lot 1, Block 1, (Case No. PP-02-21)

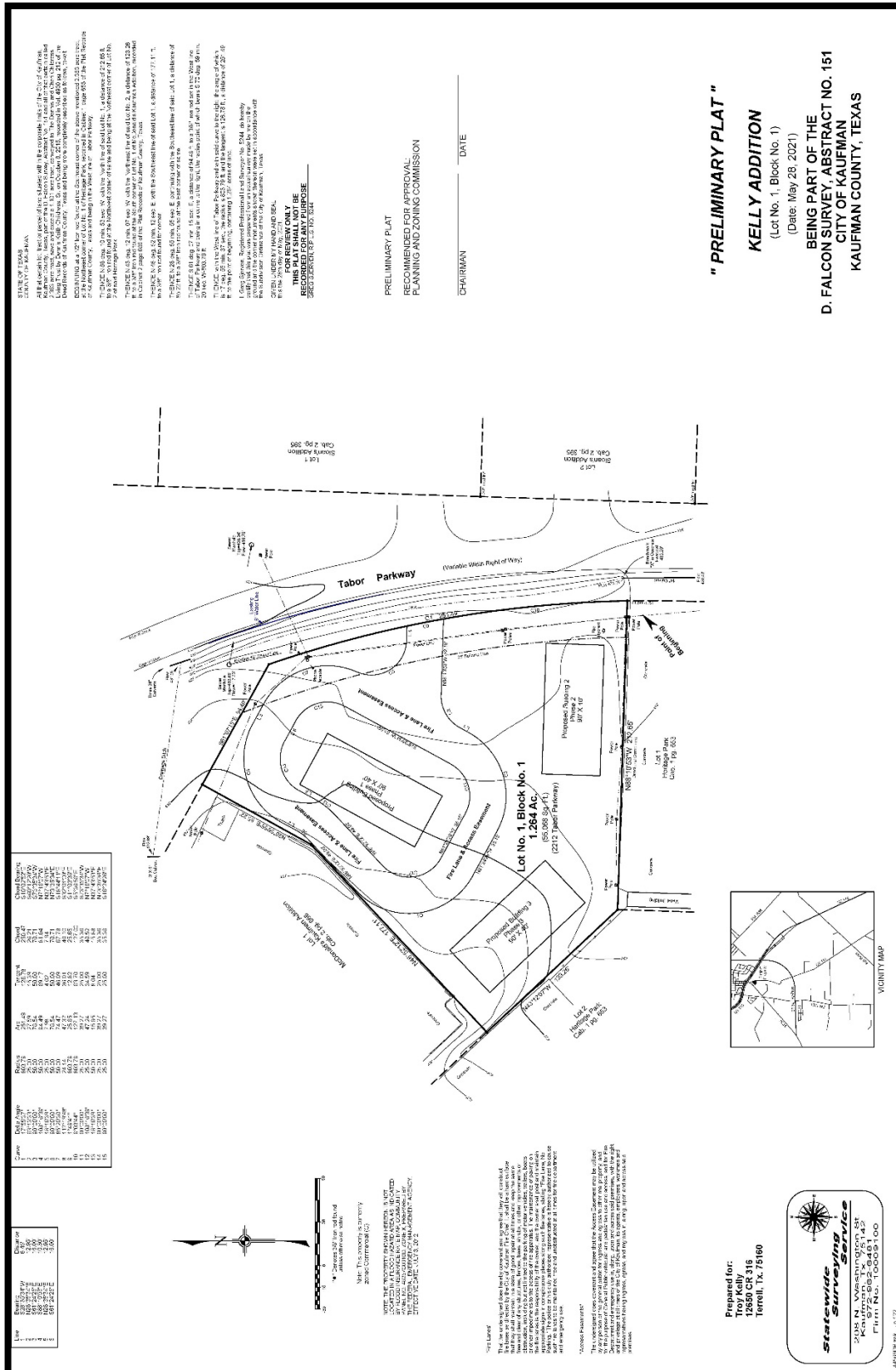
ATTACHMENTS:

1. Location Map
2. Preliminary Plat of Kelly Addition, Lot 1, Block 1

Marcy Ratcliff
Development Services Director
972-932-2216 ext. 117 Kaufmanplanning@kaufmantx.org

Location Map







**MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, MAY 4, 2021 - 5:30 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET, KAUFMAN, TEXAS 75142**

**This meeting will be held using
videoconferencing/teleconferencing technology with
public access via: [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 890 0513 4280
PASSWORD: 636705**

DINNER

PLEDGE OF ALLEGIANCE US FLAG and TEXAS FLAG "HONOR THE TEXAS FLAG. I PLEDGE ALLEGIANCE TO THEE, TEXAS ONE STATE UNDER GOD, ONE AND INDIVISIBLE"

INVOCATION

CALL MEETING TO ORDER CHAIRMAN CALLS THE MEETING TO ORDER, STATES THE DATE AND TIME, STATES MEMBERS PRESENT, AND DECLARES A QUORUM PRESENT.

Chairman Brown called the meeting to order at 5:30 p.m. Tuesday, May 4, 2021. Commissioners present were Chairman Burton Brown, Vice-Chairman Patrick Cardoza, Commissioner Richard Dunn, Commissioner Porfilo Lopez, and Commissioner Gladis Saldana. Commissioner Darril Deaton arrived at 6:06 p.m. Director of Development Services Marcy Ratcliff, Planning Technician Joy Henderson and Customer Service Clerk Myra Manriquez were present. Present in the audience were Sandy Watson, Konrad Rudnicki, Juan Guerrero, Matthew Loos, Michael Tacci, Remika, John Dumas, Jim Moore, and Satish.

CITIZENS COMMENTS/ REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the P&Z Commission on any subject but must first complete a Request to Speak Form so

that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the P&Z Commission as a whole. **When addressing the P&Z Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and P&Z Commission.**

CONSENT AGENDA "All matters listed under the Consent Agenda, are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a request must be submitted to the Planning and Zoning Commission Secretary."

1. **CONSIDER AND TAKE APPROPRIATE ACTION ON THE MINUTES OF THE APRIL 6, 2021 PLANNING ANDZONING COMMISSION MEETING.**
2. **CONSIDER AND TAKE APPROPRIATE ACTION ON THE MINUTES OF THE APRIL 20, 2021 PLANNING ANDZONING COMMISSION MEETING.**
3. **CONSIDER AND TAKE APPROPRIATE ACTION ON THE FINAL PLAT OF LOT 2, BLOCK E, KINGS FORT ADDITION, PHASE IV. THE 0.9848 ACRE TRACT IS GENERALLY LOCATED ON THE SOUTH SIDE OF EAST HIGHWAY 175 AND EAST OF CENTER DRIVE. THE PROPERTY WILL BE ADDRESSED AS 710 EAST HIGHWAY 175. THE PROPERTY IS ZONED PLANNED DEVELOPMENT - 15 FOR HIGHWAY COMMERCIAL (PD-15-HC). A SUBDIVISION OF ONE COMMERCIAL LOT IS PROPOSED. (CASE #FP-05-21)**

END OF CONSENT AGENDA

Commissioner Saldana made a motion to approve the consent agenda for items 1 through 3. The motion was seconded by Commissioner Lopez. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5 -0

PUBLIC HEARING

4. **HOLD A PUBLIC HEARING, DISCUSS AND TAKE APPROPRIATE ACTION ON A REQUEST BY ZP JUNIPER POINTE APARTMENTS, LP – JUSTIN ZIMMERMAN TO REZONE 5.366 ACRES FROM COMMERCIAL (C) TO MULTI-FAMILY -2 (MF-2). THE PROPERTY IS GENERALLY LOCATED IN THE 2600 BLOCK OF TABOR PARKWAY (AKA CR 151) (REAR PORTION OF PID# 5377) IN THE D. FALCON SURVEY, ABSTRACT NO. 151, KAUFMAN COUNTY, KAUFMAN, TX.(CASE #Z-03-21)**

- a. The Public Hearing is opened at 6:04 p.m.
- b. Marcy Ratcliff, Director of Development Services, stated the request by Juniper Pointe Apartments is to rezone 5.366 acres of a 7.60-acre parcel from Commercial (C) to Multi-Family-2 (MF-2). The parcel (PID #5377) is zoned both Commercial (C) and Multi-Family-2 (MF-2) and the applicant would like to have the same zoning for the entire parcel. The MF-2 district allows a maximum density of 24 units per acre. Juniper Pointe Apartments is planning to combine parcels PID #5373 and PID# 5377 to create an approximate 9.11-acre lot for the development of 72 apartment units (a density of 7.9 units per acre). The complex will participate in the federal tax credit program. A percentage of the units will be leased at a restricted rent value and the remaining units will be leased at market value.

Sandi Watson stated the apartments will have a tot-lot for the playground area and possibly a basketball court for the older kids. These amenities will be for the residents of the apartments. Since there is only one way in to the complex, the driveway will be made 24' wide, which will also allow the school buses to enter onto the property. They are currently working with the engineers on the layout design.

Matthew Loos stated that Sandi has answered all the questions.

Commissioner Brown asked if the play grounds will be open to the public and will the entrance work being across the street from Wal-Mart?

Vice-Chairman Cardoza asked if the road will be large enough to allow the school buses.

- c. The Public Hearing is closed at 6:11 p.m.
- d. Commissioner Dunn made a motion to approve to rezone 5.366 acres from Commercial (C) to Multi-Family -2 (MF-2). The motion was seconded by Lopez. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

5. HOLD A PUBLIC HEARING, DISCUSS, AND TAKE APPROPRIATE ACTION ON A REQUEST BY KONRAD RUDNICKI FOR A SPECIFIC USE PERMIT ON A 0.985 ACRE TRACT (A PORTION OF PID# 202752) FOR AN ATTENDED CAR WASH ON PROPERTY ZONED PLANNED DEVELOPMENT – 15 (HIGHWAY COMMERCIAL). THE PROPERTY IS LOCATED AT 710 EAST HIGHWAY 175 PROPOSED TO BE PLATTED AS LOT 2, BLOCK E, KINGS FORT ADDITION, PHASE IV AND LOCATED IN THE D. FALCON SURVEY, ABSTRACT NO. 151, KAUFMAN COUNTY, KAUFMAN, TX. (CASE #Z-04-21)

- a. The Public Hearing is opened at 6:16 p.m.
- b. Marcy Ratcliff, Director of Development Services, stated the applicant, Konrad Rudnicki, is requesting a Specific Use Permit to allow an attended car wash on a 0.985-acre tract which is a portion of PID# 202752 containing a total of 5.94 acres. The tract is proposed to be platted as Lot 2, Block E, Kings Fort Addition, Phase IV. The proposed building area of the car wash is 3,170 square feet. The required number of off-street parking spaces is 10 and 21 spaces. Access to the car wash will be from Kings Fort Parkway. Drivers will enter a 24-foot wide queuing lane to pay for the type of car wash desired. A canopy will be located over the point of sales area. The cars will progress along the driveway to either enter the car wash building or exit the waiting line. There are 26 spaces on the western side driving lane that will have a canopy covering the parking spaces to provide shade for those using the vacuum system. There are 10 uncovered spaces close to Kings Fort Parkway that can be used by employees and patrons if desired. Cross access will be provided to the Burger King property at the front and rear of the property. Cross access will also be provided to the future development to the east at the front and rear of the property. A pole sign is proposed in the front along East Highway 175 and a monument sign is proposed along Kings Fort Parkway.

Konrad Rudnicki stated this business will provide clean and courteous service carwash with a two minute wash and free covered vacuum areas. There will be 8 employees that will keep the area clean and to assist the customers. The business will be open from sun rise to sun set.

Juan Guerrero stated this is the 1st carwash tunnel in the City of Kaufman and there will be extra parking spaces for customers and employees.

Commissioner Lopez asked if this was similar to the carwash in Rockwall and will there be anyone to clean the parking lot and the vacuum area?

Vice-Chairman Cardoza asked where the employees will be parking.

- c. The Public Hearing is closed at 6:24 p.m.
- d. Vice-Chairman Cardoza made a motion to approve a Specific Use Permit for an attended car wash on property zoned Planned Development – 15 (Highway Commercial) and located at 710 East Highway 175. The motion was seconded by Dunn. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

6. HOLD A PUBLIC HEARING AND RECONSIDER THE PROPOSED AMENDMENTS TO THE CITY OF KAUFMAN COMPREHENSIVE ZONING ORDINANCE O-02-07, AS AMENDED, AND CHAPTER 118, "ZONING", OF THE CITY OF KAUFMAN'S CODE OF ORDINANCES, TO ADD "PRIVATE MEMBERSHIP SOCIAL GAME HOUSE" AS A USE PERMITTED ONLY WHEN A

SPECIFIC USE PERMIT IS APPROVED AND ONLY IN THE COMMERCIAL (C) AND HIGHWAY COMMERCIAL (HC) ZONING DISTRICTS BY AMENDING CHART 4, "RECREATIONAL AND ENTERTAINMENT USES" OF SECTION 33.4, "USE REGULATIONS", AND SECTION 33.5, "DEFINITIONS". (CASE #Z-02-21). (THIS ITEM WAS RETURNED FROM CITY COUNCIL FOR THE PLANNING AND ZONING COMMISSION'S RECONSIDERATION DUE TO TECHNICAL DIFFICULTIES AT THE PLANNING AND ZONING COMMISSION MEETING ON APRIL 6, 2021.)

- a. The Public Hearing is opened at 6:25 p.m.
- b. Marcy Ratcliff, Director of Development Services, stated City Council wanted the Planning and Zoning Commissioners to review the application again due to poor internet reception.

John Dumas presented a slide show to the Planning and Zoning Commissioners detailing information about Social Game Houses. He stated the business will be a responsible and safe place for players to practice their poker skills. Currently there is a lot of money going to Louisiana and Oklahoma that would stay in the community.

If the business host tournaments, there could be customers coming to the community as far away as from Dallas, Tyler, Athens, and more. They will be spending their time and money here. Currently there are 2 hotels in Kaufman, hotels in Canton and in Terrell, where they can stay. Since there will be a limited number of seats available, the players will be scheduled to come in at staggering times. There are a lot of players that want to be in the first round of the tournament and they end up blowing their money and leaving early.

Membership fees would anywhere from \$10 to \$20 for a single day, or \$35 to \$40 for a monthly membership. Plus there will be an hourly chair rental fee, food sales from the restaurant and alcoholic beverage sales.

The business would start off with 8 tables and eventually expand to 16 tables. Each table will hold up to nine people per table. There will not be any money on the table and there will not be any online players.

When the house keeps a portion of the winnings, it is called "a rake", which is what is illegal and will not be done here. They will take their money to the cage and exchange it for poker chips so they can play poker at the tables.

There are 3 professional poker dealers that would be brought in to the business. These individuals were dealers at the Shreveport casinos, before the casinos closed their poker room due to the "profit per square foot" theory, which is "machines make more money per square foot than the card playing does". The dealers will get an hourly wage, but they will also be allowed to accept tips.

There will be 3 security cameras per table, plus one outside, one inside the office, and one in the cash cage. Armored trucks will pick up and deliver the money. There will also be security guards on site during hours of operation.

The closing time will fluctuate some, but during the week the business will be open until midnight or 1:00 am, and on weekends it will be open until 2:00 or 3:00 am.

Mr. Dumas stated he is from this area and resides in Terrell. He has met a variety of interesting people while playing poker. He is looking at going into the location that is at the corner of Highway 175 and South Houston Street, which is owned by the Rubios. This will be in the same building as Pizza Paisan is located at. Even if he doesn't get to open a game room, he would still like to open a restaurant at that location.

This community needs entertainment and new restaurants and this will provide both.

Chairman Brown asked if any of the player will be participating online? How will the business advertise? Will you allow people with concealed hand guns? How will scheduling work for tournaments?

Vice-Chairman Cardoza asked if there was a specific place that they are considering.

Commissioner Deaton asked why the Shreveport casinos closed their poker room? Does this type of use increase the gambling addictions? What will the closing times be? If they have tournaments, where will all of the player stay?

Commissioner Dunn asked where his passion for poker came from? How many tables for this business?

Commissioner Lopez asked why Kaufman?

- c. The Public Hearing is closed at 7:02 p.m.
- d. Commissioner Lopez made a motion to approve the change to the Ordinance to allow "Private Membership Social Game House". The motion was seconded by Saldana. Chairman Brown called for a vote. Vice-Chairman Cardoza, Commissioner Saldana and Commissioner Lopez voting AYE; Chairman Brown, Commissioner Dunn and Commissioner Deaton voting NAY. The motion failed by a vote of 3-3.

Vice-Chairman Cardoza made a motion to take out the language of definition 172 - Private Membership Social Game House - "Uses may include but not limited to pinball, pool table, shuffleboard and other similar amusement devices. The motion was seconded by Commissioner Lopez. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

7. HOLD A PUBLIC HEARING, DISCUSS, AND TAKE APPROPRIATE ACTION ON A CITY INITIATED ZONING OF A NEWLY ANNEXED PROPERTY TO HIGHWAY COMMERCIAL (HC) AND OWNED BY KAUFMAN COUNTY. THE PROPERTY IS A 7.9-ACRE PORTION (A PORTION OF PID# 56874) OF LAND GENERALLY LOCATED AT 1900 EAST HIGHWAY 175 AND BEING PLATTED AS LOT 1, KAUFMAN COUNTY LAW ENFORCEMENT CENTER ADDITION, SITUATED IN THE D. FALCON SURVEY, ABSTRACT NO. 151, KAUFMAN COUNTY, KAUFMAN, TEXAS. (CASE #Z-06-21)

- a. The Public Hearing is opened at 7:12 p.m.
- b. Marcy Ratcliff, Director of Development Services, stated City Council, on March 22, 2021, approved Ordinance O-10-21 for the voluntary annexation as petitioned by Kaufman County. The 7.9 acres in the back portion of the 45-acre Kaufman County Law Enforcement Center Addition is located at 1900 East Highway 175. Annexed property is required to be zoned within 90 days of annexation. The City of Kaufman initiated a zoning case to zone the 7.9 acres to Highway Commercial (HC). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, but because the existing 45-acre lot is already partially zoned HC it made sense to match the zoning districts. Kaufman County is looking to add a juvenile detention center on their campus.
- c. The Public Hearing is closed at 7:18 p.m.
- d. Commissioner Dunn made a motion to approve the zoning of a newly annexed property to Highway Commercial (HC) and owned by Kaufman County. The motion was seconded by Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

8. HOLD A PUBLIC HEARING, DISCUSS, AND TAKE APPROPRIATE ACTION ON A CITY INITIATED ZONING OF A NEWLY ANNEXED PROPERTY TO HIGHWAY COMMERCIAL (HC) AND OWNED BY THE CITY OF KAUFMAN. THE PROPERTY IS APPROXIMATELY 16.72 ACRES OF LAND (PID # 5438 & 5525) GENERALLY LOCATED DIRECTLY WEST OF THE KAUFMAN COUNTY LAW ENFORCEMENT CENTER ADDITION, SITUATED IN THE D. FALCON SURVEY, ABSTRACT NO. 151, KAUFMAN COUNTY, KAUFMAN, TEXAS. (CASE #Z-07-21)

- a. The Public Hearing is opened at 7:20 p.m.
- b. Marcy Ratcliff, Director of Development Services, stated City Council, on March 22, 2021, approved Ordinance O-11-21 for the voluntary annexation as petitioned by the City of Kaufman. The 16.72-acres is generally located directly

west of the Kaufman County Law Enforcement Center Addition. The property currently has no frontage on a public street. Annexed property is required to be zoned within 90 days of annexation. The City of Kaufman initiated a zoning case to zone the 16.72-acres to Highway Commercial (HC). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, but it made sense to match the surrounding HC zoning. The City of Kaufman and Kaufman County plan to work together for funding and development of a new thoroughfare extending south from the SH 34 Bypass and eventually to Fair Road generally aligning along with the abandoned Texas & New Orleans Railroad property. The thoroughfare will provide a second access to the Kaufman County Law Enforcement, Juvenile Detention, and Justice Center's campus.

- c. The Public Hearing is closed at 7:24 p.m.
- d. Vice-Chairman Cardoza made a motion to approve the zoning of a newly annexed property to Highway Commercial (HC) and owned by the City of Kaufman. The motion was seconded by Lopez. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

9. HOLD A PUBLIC HEARING, DISCUSS, AND TAKE APPROPRIATE ACTION ON A CITY INITIATED ZONING OF A NEWLY ANNEXED PROPERTY TO AGRICULTURE/OPEN (A/O) AND OWNED BY THE CITY OF KAUFMAN. THE PROPERTY IS APPROXIMATELY 73.491 ACRES OF LAND GENERALLY LOCATED AT 2121 OLA ROAD AND EAST STATE HIGHWAY 243, (PID# 213307) SITUATED IN THE WILLIAM PETERS SURVEY, ABSTRACT NO. 407, KAUFMAN COUNTY, KAUFMAN, TEXAS.(CASE #Z-08-21)

- a. The Public Hearing is opened at 7:26 p.m.
- b. Marcy Ratcliff, Director of Development Services, stated City Council, on March 22, 2021, approved Ordinance O-12-21 for the voluntary annexation as petitioned by the City of Kaufman. The 73.491 acres is generally located at 2121 Ola Road and East State Highway 243. The property has frontage on Ferrell Road, located off of East State Highway 243. Annexed property is required to be zoned within 90 days of annexation. The City of Kaufman initiated a zoning case to zone the 73.491 acres to Agriculture/Open (A/O). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, unless the property owner requested a different zoning district to match or compliment the surrounding areas.
- c. The Public Hearing is closed at 7:31 p.m.
- d. Commissioner Saldana made a motion to approve the zoning of a newly annexed property to Agriculture/Open (A/O) and owned by the City of Kaufman. The motion was seconded by Dunn. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

10. HOLD A PUBLIC HEARING, DISCUSS, AND TAKE APPROPRIATE ACTION ON A CITY INITIATED ZONING OF THE NEWLY ANNEXED PROPERTY TO AGRICULTURE/OPEN (A/O) AND OWNED BY KAUFMAN INDEPENDENT SCHOOL DISTRICT. THE PROPERTY BEING APPROXIMATELY 85.234 ACRES OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF EAST STATE HIGHWAY 243 AND FARM TO MARKET ROAD NO. 2727, (PIDS 187223 & 51233), SITUATED IN THE WILLIAM PETERS SURVEY, ABSTRACT NO. 407, KAUFMAN COUNTY, KAUFMAN, TEXAS. (CASE #Z-09-21)

- a. The Public Hearing is opened at 7:31 p.m.
- b. Marcy Ratcliff, Director of Development Services, stated City Council, on March 22, 2021, approved Ordinance O-13-21 for the voluntary annexation as petitioned by the City of Kaufman. The 85.234 acres are located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727. PID 187223 has frontage on East State Highway 243 and Farm to Market Road No. 2727, while PID 51233 only has frontage on Farm to Market Road No. 2727. Annexed property is required to be zoned within 90 days of annexation. The City of Kaufman initiated a zoning case to zone the 85.234 acres to Agriculture/Open (A/O). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, unless the property owner requested a different zoning district to match or compliment the surrounding areas.
- c. The Public Hearing is closed at 7:34 p.m.
- d. Commissioner Dunn made a motion to approve the zoning of the newly annexed property to Agriculture/Open (A/O) and owned by Kaufman Independent School District. The motion was seconded by Vice-Chairman Cardoza. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

11. RETIREMENT OF PUBLIC WORKS DIRECTOR RICHARD UNDERWOOD MAY 2021.

Marcy Ratcliff stated the retirement party for Richard Underwood will be held on Wednesday, May 26th at 2:00 p.m. at the Kaufman Civic Center.

BOARD INQUIRY If a member of the board makes a spontaneous inquiry about a subject not on this agenda, then the board or an appropriate staff member may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Planning and Zoning Commission cannot discuss issues raised or make any decisions on that subject at that time. Issues raised may be referred to Staff for research and possible future action.

ADJOURNMENT

Vice-Chairman Cardoza made a motion to adjourn at 7:39 p.m., seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6 -0.

BURTON BROWN
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN



Planning and Zoning Commission Report

Meeting Date: June 1, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Hold a public hearing, discuss and make a recommendation to City Council for a text amendment to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning" of the City of Kaufman's Code of Ordinances, to delete the use "Accessory Buildings-Commercial" from the Central Business District (CBD) Zoning District by amending Chart 3, "Accessory & Incidental Uses" of Section 33.4, "Use Regulations" (Case No. Z-10-21)

BACKGROUND/SUMMARY:

Recently staff received a request to construct a one story metal accessory storage, building less than 240 square feet, in the Central Business District (CBD). While reviewing the request, a text conflict between three different sections was discovered in the Zoning Ordinance. Staff denied the permit because it did not meet the criteria set forth in the CBD. This zoning text amendment case is to correct the conflict.

Staff proposes to delete the use "Accessory Buildings-Commercial" from the CBD Zoning District by amending Chart 3, "Accessory & Incidental Uses" of Section 33.4, "Use Regulations" (See the attached Chart 3 with the language struck out). A good majority of the lots in the CBD are fully developed with a structure. Some of the lots have small minimal areas for off-street parking mainly used by employees. Most lots have no room for any type of accessory building. Allowing any type of small accessory building in the CBD, conflicts with the preservation of the historic and architectural qualities which make the CBD a unique place.

Below is an outline of the review steps used to base the denial of the permit and the reasoning for the text amendment request.

First, staff reviewed **Section 34.4 Use Chart 3 "Accessory & Incidental Use"** to determine what accessory uses were allowed and not allowed. The use "Accessory buildings-commercial (business or industry)" is listed as an allowable use in every commercial or industrial type zoning district. This means an accessory storage building is allowed in the CBD.

Secondly, staff reviewed **Section 37 "Accessory Building and Use Regulations"** to determine the regulations for nonresidential accessory buildings. Only one paragraph addresses accessory buildings in nonresidential districts (includes all the commercial and industrial zoning districts listed). There are no regulations regarding the setbacks or general appearance. Section 37.1. B "General Standards and Requirements" states:

“In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, whenever possible, be located toward the rear portion of the property.”

Thirdly, staff reviewed **Section 25, “Central Business District (CBD)”** zoning district regulations to determine the appearance requirements (see the attached Section 25). Section 25.4.F “Central Business District Development and Design Standards” states all new development and exterior renovations to existing buildings must meet the requirements for Site Design and Architectural Standards. Section 25.4.F.2 and F.2.b “Purpose of the Central Business District Design Standards” states:

The purpose of these design standards is to ensure the preservation of the historic and architectural qualities which make the CBD a unique place by **permitting new development compatible with existing historic buildings and by maintaining the historic and architectural qualities of existing buildings.**”

“The purpose of the Architectural Standard is to provide for the preservation of existing historic and architectural qualities of downtown Kaufman, ensure new construction and all exterior renovations to existing buildings are compatible with these qualities, and to protect and promote the uniqueness of downtown as a commercial area.”

The CBD does not distinguish whether the regulations apply to a principal structure or an accessory storage building. Below is a summary of the CBD’s required architectural design standards and how we applied to an accessory metal storage building:

Section 25.4.F.5		Architectural Design Standards	Applicable
1.	Primary Street Façade requirements	Cornice at top of façade, transom windows, pilasters, second floor window requirements	NO
2	Architectural Elements	Doors, windows, awnings, canopies and architectural details shall be compatible with existing historic buildings	YES
3	Paint Colors	Used to highlight architectural elements	YES
4	Required number of design features	Minimum of two design features for all commercial structures	YES
5	Preserve essential form & integrity of the original structure	New additions or alterations constructed in a manner to preserve the essential form and integrity of the original structure	NO
6	Preserve distinctive architectural features	Preserve and maintain distinguishing qualities of existing building	NO
7	Deteriorated features	Repair deteriorated architectural features to match existing building	No
8	Preserve windows and recessed doors	Preserve plate glass or divided display windows and recessed doorways with substantial wooden doors	No

9.	Building Proportions	Limit height to between 18 and 26 feet, proportions of height & width between pilasters, <u>ground floor façade at least 45% of its area transparent windows or doors</u>	Partially
10	Building Materials	Base material shall be brick or stone	YES
11	Fencing	Located only in the rear of building	NO

RECOMMENDATIONS:

Staff recommends approval of case Z-10-21, for a text amendment to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning" of the City of Kaufman Code of Ordinances, to delete the use "Accessory Buildings-Commercial" from the uses allowed in the Central Business District (CBD) as shown in Section 33.4 "Use Regulations", Chart 3, "Accessory & Incidental Uses" for the following reason:

1. To ensure the preservation of existing historic and architectural qualities of downtown Kaufman. That all new construction and exterior renovations to existing buildings are compatible with the qualities outlined in the CBD. This will assist in protecting and promoting the uniqueness of downtown as a commercial area.

ATTACHMENTS:

1. Proposed amendment to Section 34.4, Chart 3 "Accessory & Incidental Uses "
2. Section 25, "Central Business District"

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Kaufman Zoning Ordinance Chart 3, "Accessory & Incidental Uses"
With Proposed Deletion in the CBD

CHART - 3
CITY OF KAUFMAN, TEXAS
ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses			
			Designates use prohibited in District indicated
P			Designates use permitted in District indicated
S			Designates use requires a Specific Use Permit
TU			Designates use requires a Temporary Use Permit

ACCESSORY & INCIDENTAL USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Accessory bldg. - commercial (business or industry)	2										P	P	P	P	P	P	P	
Accessory building - residential	1	P	P	P	P	P	P	P	P	P								P
Caretaker's or guard's residence	31	P	P					P	P	P	S	S	S	S	P	P	P	
* Festivals, carnivals or special events	32										TU	TU	TU	TU	TU	TU	TU	
Garage/accessory dwelling	81	P	S															
Home occupation	90	P	P	P	P	P	P	P	P	P								
Off-street parking ►►	147	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
On-street parking (subject to no parking ordinances)	149	P	P	P	P	P	P	P	P	P				P				
Outside display of retail goods (no overnight display)	150											S	P	S	P	P	P	P
Outside sidewalk displays of retail goods, merchandise or materials (with no overnight display) ►►►	151													S				
Seasonal and temporary uses	198 143	TU										TU	TU		TU	TU	TU	
Seasonal and temporary uses (CBD only) ►	198													TU				
Temporary classrooms for church or school	226	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	
Temporary field office or construction yard or office	225	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	
Wedding receptions in residential districts	249	TU	TU	TU	TU	TU	TU	TU	TU	TU								

- Amended May 18, 2009 by Ordinance O-05-09
- Amended May 24, 2010 by Ordinance O-09-10
- Amended July 20, 2020 by Ordinance O-16-20

SECTION 25 CENTRAL BUSINESS DISTRICT (CBD)

25.1 GENERAL PURPOSE AND DESCRIPTION:

The development standards in the CBD, Central Business District, are designed to maintain and encourage development and redevelopment within the central section (old downtown) of the City. Standards for vehicle parking, building setbacks, and building height are similar to those existing on developed properties in this section of the City.

25.2 PERMITTED USES:

A. Uses permitted in the CBD district are outlined in Section 33 (Use Charts).

25.3 AREA REGULATIONS:

A. Size of Yards:

1. **Minimum Front Yard** - none specified
2. **Minimum Side Yard** - none specified
3. **Minimum Rear Yard** - none specified

B. Size of Lot:

1. **Minimum Lot Area** - none specified
2. **Minimum Lot Width** - none specified
3. **Minimum Lot Depth** - none specified

C. Height Regulations:

1. **Maximum Height:**
 1. Three (3) stories or forty-five feet (45') for the main building.
 2. One (1) story for accessory buildings.
 3. Other (Section 40).

D. Maximum Lot Coverage - none specified

E. Parking Regulations:

1. **For existing structures/uses (in existence prior to the effective date of this Ordinance)** - Any existing parking, or lack of same, for any existing structure/use within the CBD district shall be considered a conforming parking arrangement. Additional parking, in accordance with Section 35.6, shall only be required for additions to an existing building or for significant expansion of an existing use (as determined by the City Planner or his designee). In the event of destruction of an existing structure within the CBD district, said structure may be rebuilt to its pre-destruction size with no requirements for additional parking provided that reconstruction commences (i.e., a building permit is applied for and issued) within one (1) year of the date of destruction. If reconstruction does not commence within the one-year time frame, or if the structure is rebuilt to exceed its pre-destruction size, then the structure's nonconforming parking status is deemed to expire and any reconstruction of the structure must provide additional parking in accordance with this Ordinance.

Section 25, "Central Business District"

2. **For new structures/uses** - One (1) space per three hundred (300) square feet of gross floor area, and each use shall provide a minimum of two (2) spaces. In order to preserve the character of the square, in which existing buildings were joined together with a common wall, required parking for new structures may be restricted to the rear of the building or to offsite parking on private property to be located not more than 1,500 feet from the site, in accordance with Section 35.8 of this Ordinance.

F. Other Regulations:

1. Open storage is prohibited in the CBD district.
2. As established in the Development Standards, Sections 34 through 44.
3. Trash receptacles must be enclosed and not visible from the front of the building. Those buildings not having alley or rear access may place a portable trash receptacle curbside on a side street to the rear of the building that is located on the square on trash pickup days only.
4. **Outside Sidewalk Display.** Outside sidewalk displays of retail goods, merchandise or materials shall be allowed only in the Central Business District (See Use Charts 3 and 6) in conjunction with all of the following requirements:
 - a) The display is for showcasing of finished goods, merchandise, or materials that are sold in the same retail business that occupies the main building on the lot and is not intended for additional sales space or as outside storage;
 - b) Display location shall be limited to designated sidewalk areas adjacent to the front or side of the main building;
 - c) No display shall be allowed to be located in the public right-of-way adjacent to the rear of the main building;
 - d) After approval of a Specific Use Permit by the City and subject to compliance with the conditions of the Specific Use Permit, outside sidewalk display shall be allowed in accordance with the requirements of this section provided that all of the following conditions are met:
 - i. The property owner and/or tenant enters into an encroachment agreement with the City of Kaufman;
 - ii. The property owner and/or tenant shall provide proof of insurance coverage meeting requirements specified by the City of Kaufman, including without limitation, an additional insured endorsement naming the City of Kaufman and its officials, officers, and employees as additional insured and providing a waiver of subrogation in favor of the City;
 - iii. That the display shall not extend a distance greater than five (5') feet from the front of the wall of the principal building;
 - iv. That the display shall not be permitted to block windows, entrances or exits, delivery and service doors, nor impair the ability of pedestrians to have unobstructed ingress to and egress from a building or buildings;
 - v. That the display shall not occupy any designated parking space or be placed in any street or alley right-of-way or thoroughfare;
 - vi. That all times displays shall not interfere with pedestrian circulation in or along the sidewalk or right of way and shall comply with the American Disabilities Act (ADA), as amended;
 - vii. That the display shall not be allowed on a sidewalk, which has a width that is five (5') feet or less;
 - viii. That the display shall not occupy an area that is larger than thirty percent (30%) of the linear distance of the wall adjacent to the location of the sidewalk display. The distance shall be measured along the applicable front or sidewall of the main building or suite for the retail space providing the display. Each exterior wall equivalency is a standalone area and may not be combined;
 - ix. That the display shall not extend to a height above seven (7') feet as measured from the sidewalk;
 - x. That all displayed retail goods shall be actively for sale by the retail establishment providing the display and shall have a visible price tag;

Section 25, "Central Business District"

- xi. That the display area shall be established and delineated on an approved sidewalk plan;
 - xii. That prohibited items in sidewalk displays include anything expressly prohibited in the approved specific use permit. Including but not limited to vending machines, propane tank sales or rental, ice machines and other similar apparatus; and
 - xiii. That no display is left out on a day that the retail establishment is closed or at any time after the retail establishment has closed on a regular business day of the retail establishment.
- e) Exempted from the location requirement of Section 25.F.4.d.viii are any accessible public seating, including table and chair sets, benches, chairs, stools, rocking chairs, etc., and that are manufactured for outdoor use and exterior decorative planters."

25.4 DESIGN CRITERIA

A. Purpose

Kaufman's downtown Central Business District (CBD) has been identified by the Comprehensive Plan as a valuable resource worthy of preservation as a unique district. This district provides development and design standards that preserve the historic and architectural character of existing development, provides for adaptive reuse of existing buildings and the compatibility of new structures and uses with the historic nature of the CBD.

B. Goals

1. Historic preservation, economic development, and maintaining the pedestrian friendly character of the Central Business District shall be the primary consideration in the development design review.
2. The preservation and restoration of historically or architecturally significant buildings as well as buildings that contribute to the unique character of the CBD shall be considered as a high priority in the future development of the CBD.
3. Preservation, restoration, renovation and redevelopment should encourage and promote economic vitality, professional and business activities, tourism, and effective adaptive reuse of structures, upper floors and vacant spaces.
4. The preservation, restoration, renovation and redevelopment should encourage and promote the concept of the traditional downtown area as the origin and heart of the community as a place for people to gather as well as patronize the businesses located there.

C. District Boundaries

1. The Central Business District (CBD) is generally bounded by Oak Street on the north, Cherry Street on the south, Jefferson Street on the west, and Madison Street on the east. These boundaries are shown on the map in Figure 25-1 for informational purposes.
2. The precise boundaries of the Central Business District (CBD) shall be shown on the official zoning map of the City of Kaufman. The boundaries of the CBD may be amended from time to time based on a request from area property owners, a request of the staff, the Downtown Steering Committee, the Planning and Zoning Commission, or at the pleasure of the Council. In considering a request for a change in district boundaries, the Council shall require:
 - a. Any additions to the district shall be contiguous to the existing boundaries of the district;

Section 25, “Central Business District”

- b. Any reductions in the district shall be located on the edge of the district such that a hole is not left inside the district; and
- c. If requested by a property owner, a petition shall be presented showing owners of more than 50 percent of the land within the district, excluding streets, and owners of more than 50 percent of the building sites in the district are in support of the requested change in boundaries.

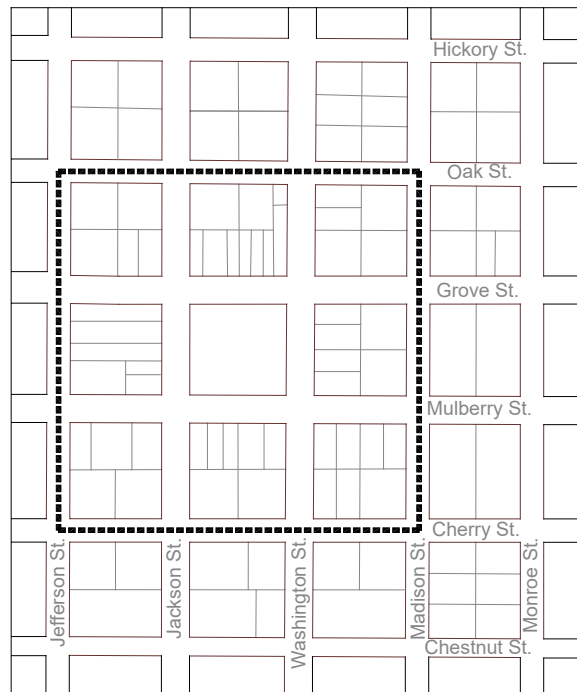


Figure 25-1 Downtown Central Business District Boundaries

D. General Provisions

1. Site plan and design review is required for new construction and substantial renovation of existing buildings within the Central Business District. Substantial renovation means:
 - a. Alterations to the exterior of existing buildings that change the placement or design of windows, doors or other exterior features of the building such as coping or pilasters;
 - b. An increase in the floor area of the building greater than 10 percent.
2. Interior renovation of existing buildings that do not alter the exterior appearance of the building do not require site plan and design review under the provisions of this section. (e.g., a drop ceiling that covers part of an existing window would alter the exterior appearance and require review)
3. Physical properties of an existing building such as setbacks, foot prints, height, or other similar characteristics that cannot be altered without substantial hardship are not required to meet the development or design standards within this section. All other provisions shall apply.
4. Site Plan applications submitted for review will first be considered by the Downtown Design Review Committee and a Certificate of Appropriateness issued within ten (10) days to accompany the application to the Planning and Zoning Commission and City Council for approval. If the Downtown Design Review Committee recommends denial of the application or approval with stipulations the Planning and Zoning Commission must render a three-fourths affirmative vote to

Section 25, "Central Business District"

overturn the recommendations of the Committee in order to recommend approval to the City Council.

5. All new development, exterior renovations to any existing buildings, maintenance and/or preservation of any structure, shall require an exterior paint permit to be approved by the Development Services Director.
 - (a) Request to appeal the requirements of Sections 25.4.F.5.a.(3) or 25.5.B.1.h shall be heard by the Planning and Zoning Commission. The Planning and Zoning Commission shall determine what appeals shall be approved, if any.
 - (1) An appeal request submittal shall include a proposed paint color combination scheme for the body, trim and accent features of the building.
 - (2) Notice of the appeal request shall be mailed ten (10) days prior to the meeting, to all property owners as listed at the Kaufman County Appraisal District, and to all the building addresses, located within the boundaries of the Central Business District.
 - (3) All appeal requests shall be placed on the next available Planning and Zoning Commission agenda.

E. **Mixed Use Criteria**

1. The Central Business District may contain any combination of uses shown in the Use Chart in Section 33 (Use Charts).
2. Within the CBD there are both residential and nonresidential uses which may be located in either residential structures or commercial structures. To maintain the architectural and historic character of existing blocks where one type of structure predominates, the following regulations shall apply.
 - a. Residential uses may be in residential structures or commercial structures. Residential uses in commercial structures are only allowed if they occupy no more than 50 percent of the floor area of the building; and do not occupy the area adjacent to the street front.
 - b. Nonresidential uses may be in residential or commercial structures. Nonresidential uses in residential structures must be in those blocks where existing residential structures predominate.
 - c. In block faces within the District that are currently developed with residential structures, new construction shall be compatible residential structures. Either residential or nonresidential uses may be located in the residential structures.
 - d. In block faces within the Central Business District that are currently developed with commercial structures, new construction shall be compatible commercial structures.

F. **Central Business District Development and Design Standards**

1. All new development and exterior renovations to existing buildings must meet requirements provided in this section for Site Design, and Architectural Standards.
2. **Purpose of Central Business District Design Standards.** The purpose of these design standards is to ensure the preservation of the historic and architectural qualities which make the CBD a unique place by permitting new development compatible with existing historic buildings and by maintaining the historic and architectural qualities of existing buildings.
 - a. Site Design Standards. The purpose of the Site Design Standards is to provide for building and parking placement compatible with existing development.
 - b. Architectural Standards. The purpose of the Architectural Standards is to provide for the preservation of existing historic and architectural qualities of downtown Kaufman, ensure new

Section 25, "Central Business District"

construction and all exterior renovations to existing buildings are compatible with these qualities, and to protect and promote the uniqueness of downtown as a commercial area.

3. **Design Standards Review.** All new development and all exterior renovations to existing buildings shall comply with the Site Design Standards included in Subsection 4, and the Architectural Standards in Subsection 5.

4. Site Design Standards

a. Building Placement - Commercial Structures

- (1) Buildings shall be placed on the front property line. Building may be moved back from the front property line to provide for a wider sidewalks and entries, or pedestrian oriented streetscapes if: The buildings takes up an entire block face; or is located on a corner; or has a total frontage of more than 50 percent of the block face.
- (2) New commercial structures shall be allowed only in block faces which are predominately developed with existing commercial structures, or are predominately vacant land.
- (3) Buildings shall be placed on the side property line except when adjacent to a residential type structure in which a fifteen (15') feet minimum side yard shall be observed. Buildings may be moved back from the side property line a total of four feet to provide for wider sidewalks and entries when the side property line is along a street.
- (4) Buildings that go through a block so that they have frontage on two parallel streets, shall treat each frontage as a main façade.
- (5) All service areas, dumpsters and loading shall be from the rear of the building or alley.

5. Architectural Design Standards

a. Street Facade – Commercial Structures

- (1) Primary street facades for nonresidential buildings in the Central Business District shall have the following basic features of existing historic buildings:
 - (a) Cornice at top of facade;
 - (b) Display windows with transom windows above and lower window panels below.
 - (c) Pilasters that divide the facade vertically and separate the display windows units into discrete visual elements.
 - (d) Second floor windows, recessed with multiple lights, lintels, and sills.
- (2) Architectural elements such as doors, windows, awnings, canopies and architectural details shall be compatible with the overall visual qualities existing within the historic buildings downtown.
- (3) Choice of Paint Colors for the Primary facades, various architectural elements, and/or details.
 - (a) Paint colors should highlight architectural details based on historic tradition for the building's type and style.
 - (b) Keep colors compatible with the building style and design.
 - (c) Loud, garish, or harsh colors and bright hues are prohibited.
 - (d) Generally no more than three colors are applied per building.
 - (e) Brick, stone or other naturally unpainted materials shall not be painted unless the material has been painted previously.

Section 25, "Central Business District"

- (f) A variety of approved paint color combinations are available for reference in the Development Services Department. The approved combinations specify paint colors for the body, trim and accent areas of the building. An exterior paint permit shall be approved prior to painting any exterior portion of any building.
 - (g) Exterior grade paints shall be used for exterior siding.
- (4) In addition to the above, all commercial structures shall have at least two of the following desirable design features as appropriate:
 - (a) Street facades on side streets that meet the requirements for primary facades; or
 - (b) Buildings on corners which create a diagonal corner cut with the entrance on the corner; or
 - (c) Pediments added to the top of the facade; or
 - (d) Decorative brickwork and architectural detailing on or around the cornice, fascia, pilasters, or around windows; or
 - (e) Use of natural wooden doors with glass windows; or
 - (f) Projecting canopies and or awnings placed over the ground floor windows and doors.
 - (5) Whenever possible, new additions or alterations to existing structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.
 - (6) The distinguishing original qualities or character of a building should be preserved and the maintenance, repair, replacement, renovation or alteration of such structures should avoid removing or destroying any distinctive architectural features whenever possible.
 - (7) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the original material being replaced in composition, design, color, texture and other visual qualities. Plastic or vinyl architectural features or siding shall not be approved.
 - (8) Plate glass or divided display windows should always be preserved and not covered, painted or filled in. Traditional recessed doorways with substantial wooden doors should be retained or re-installed if significant restoration is undertaken.

Section 25, "Central Business District"

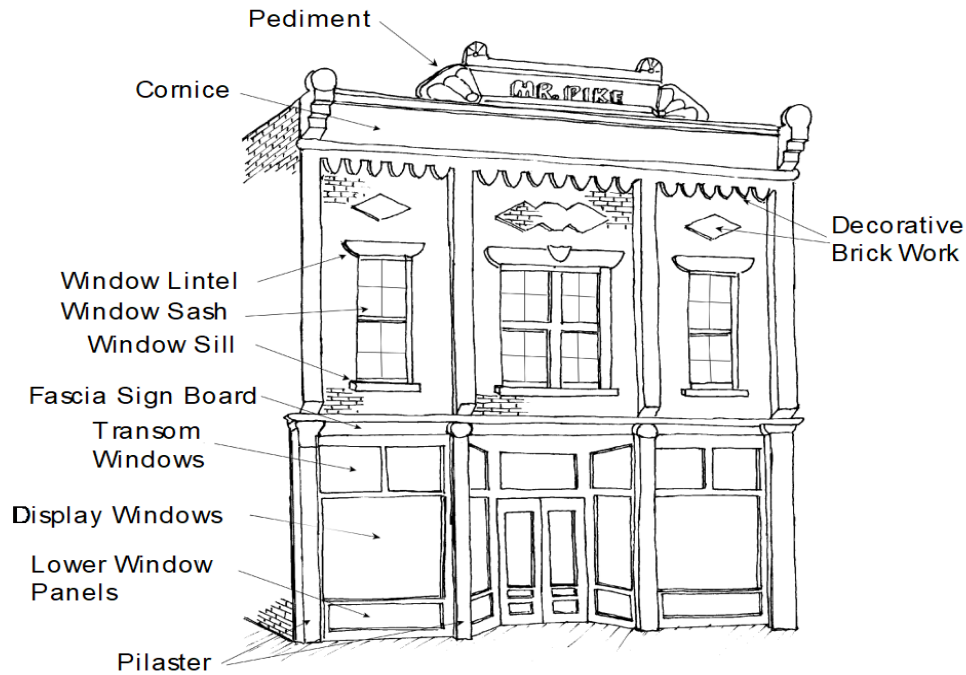


Figure 25-2 Typical Features of Commercial Structures in the Central Business District

b. Building Proportions – Commercial Structures

- (1) Overall height of single story commercial buildings in the Central Business District shall be between 18 and 26 feet.
- (2) The proportion of the height to width of the facade between pilasters shall be in the range of 2.5 to 1 to 3 to 1. The basic window units shall be between 2 to 2.5 times the remaining height to the top of the cornice.
- (3) The ground floor facade shall have at least 45 percent of its area in transparent windows, or doors. The second floor facade shall have at least 20 percent of its area in windows. The area of windows includes any mullions framing individual lights within the window frame.

c. Building Materials - Commercial Structures

- (1) The base facade materials for commercial structures within the Central Business District shall be brick or stone. Architectural details, trim, window or door framing may be wood, stone, cast stone, cast iron, or other materials compatible with the historic and architectural character of the Central Business District.

6. Fencing – Commercial Structures

- a. Any fencing for commercial structures within the Central Business District shall be in the rear of the building not visible from the street.

Section 25, "Central Business District"

25.5 MAINTENANCE AND PRESERVATION

A. Purpose

Existing buildings in the Central Business District collectively create an image that is vital to the character and attractiveness of the city that must be properly maintained and preserved in order to sustain the appearance and economic vitality of the CBD.

B. Preservation of Architectural Features and Materials

1. Facades

- a. Original doors, entrances, windows, cornices, friezes, parapets and wall treatments should be preserved or restored to the original design in as much as possible using proper maintenance, painting, cleaning and established restoration methods and techniques.
- b. Wood siding materials and architectural details are such an important feature of an historic building it should be restored and repaired using materials that resemble the original texture and character of the original material as much as possible, aluminum, plastic or vinyl siding or materials shall not be used.
- c. Wood materials should be painted at least every five years to prevent deterioration.
- d. Wood materials should not be sand blasted or stripped using wet or dry abrasives or power wire brushes that will damage the wood. Wood surfaces should be hand scraped and sanded before painting.
- e. Masonry materials usually do not require cleaning as aging produces a patina or color changes that creates a desirable appearance. Cleaning should only be done to halt deterioration or to remove heavy soiling and should be done with the gentlest method possible, such as low pressure water and detergents.
- f. Masonry walls built prior to 1860 were customarily painted and after this date were usually left unpainted. Surfaces that were previously painted should remain painted and unpainted surfaces should remain unpainted.
- g. Waterproofing materials may actually change the color, appearance or damage the materials and should be used with caution and tested on a small area prior to application.
- h. Choice of Paint Colors for the Primary facades, various architectural elements, and/or details.
 - 1) Paint colors should highlight architectural details based on historic tradition for the building's type and style.
 - 2) Keep colors compatible with the building style and design.
 - 3) Loud, garish, or harsh colors and bright hues are prohibited.
 - 4) Generally, no more than three colors are applied per building.
 - 5) Brick, stone or other naturally unpainted materials shall not be painted unless the material

Section 25, "Central Business District"

has been painted previously.

- 6) A variety of approved paint color combinations are available for reference in the Development Services Department. The approved combinations specify paint colors for the body, trim and accent areas of the building. An exterior paint permit shall be approved prior to painting any exterior portion of any building.
- 7) Exterior grade paints shall be used for exterior siding.

2. Demolition

- a. Demolition of an existing building should only be considered as a last resort and only if the building is structurally unsafe and determined it cannot be repaired or rendered safe upon inspection by a qualified registered structural engineer or architect.
- b. If demolition reveals the side of an adjacent building that was designed never to be exposed the wall should be painted a neutral or brick color compatible with surrounding buildings. Stucco or stucco panels should only be used if the wall is too unattractive to paint.



Planning and Zoning Commission Report

Meeting Date: June 1, 2021

SUBJECT: Hold a public hearing, discuss and make a recommendation to City Council on a request by Jason Warren of Kaufman Lumber to rezone 5.192 acres from Agriculture-Open (A-O) to Commercial (C). The property is generally located at 3222 East Highway 175 (PID# 382) in the Charles Askins Survey, Abstract No. 2, Kaufman County, Kaufman, TX. (Case #Z-13-21)

BACKGROUND/SUMMARY:

The request by Jason Warren is to rezone 5.192-acres from Agriculture-Open District to Commercial (C). The property was annexed and zoned in 2012 by the City of Kaufman to Agriculture-Open (A-O). The property was originally developed in 1998 as Kaufman Lumber. The applicant wants the Commercial zoning district designation so retail propane gas sales can be added as an accessory use to the retail lumber sales.

The Agriculture-Open District is used as an interim zoning district for any newly annexed property until the property owner applies to rezone the property in compliance with the Future Land Use Plan (FLUP). The proposed application request for the Commercial District complies with the Future Land Use Plan.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	Retail, & Light Industrial	Undeveloped
South:	A-O & Comm.	Dance Factory & Steve's Diesel and Automotive Repair
East:	HC & A-O	Cold Tex Refrigeration & Car Sales (Former NAPA)
West:	Outside City Limits	Single Family Residential Homes



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Commercial. The proposed Commercial District complies with the 2014 Future Land Use Plan because it allows a variety of commercial, retail, and office uses.

Thoroughfare Plan:

The Thoroughfare Plan designates E. Highway 175 as a "Type AA", Major Regional Arterial, requiring a future right-of-way width of 240 feet, and Fair Road as a "Type C", Major Collector, requiring a future right-of-way width of 80 feet. Any additional necessary right-of-way dedication is done during the platting process. A plat is not required during the rezoning process.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 13 property owners within 300 feet of the 5.192 acres. The State requires a 200-foot notification and the City of Kaufman notifies an extra 100-foot radius, for every notification required in the Comprehensive Zoning Ordinance. The results are as follow:

- Number of property owners who returned letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 13

If 20% of the area within 200 feet of the request objects to the application, then a favorable vote of $\frac{3}{4}$ of all members of the City Council (which is 6 members) shall be required to approve any change in zoning. The 20% rule is a State law.

RECOMMENDATIONS:

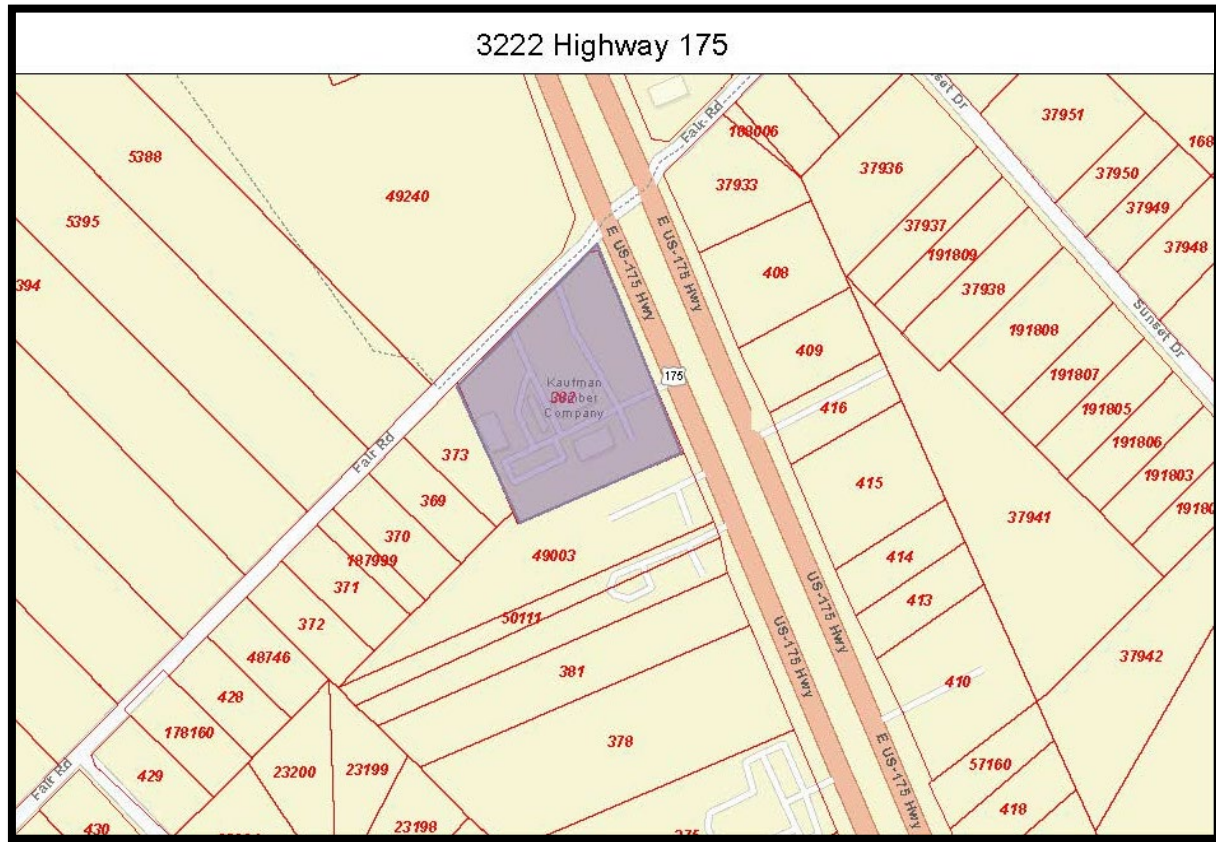
Staff recommends approval of Z-13-21 to rezone 5.192-acres of land from Agriculture-Open (A-O) to Commercial (C) generally located at 3222 East Highway 175 (PID# 382) in the Charles Askins Survey, Abstract No. 2, Kaufman County, Kaufman, TX.

ATTACHMENTS:

1. Location Map
2. Metes & Bounds Description

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



Metes & Bounds Description of
Z-13-21
3222 East Highway 175

FIELD NOTES

All that certain lot, tract, or parcel of land situated in the CHARLES ASKINS SURVEY A-2, Kaufman County, Texas, same being all of that certain Tract Two, called 5.192 acres conveyed to Legacy Construction, Ltd. by Rhode Construction Company on September 28, 2000, recorded in Vol. 1572, page 90 of the Deed Records of Kaufman County, Texas, and being more fully described as follows:

BEGINNING at a 3/8" Iron Rod found at the East corner of the above mentioned 5.192 acre tract, at the Easterly North corner of the Legacy Construction, Ltd. 4.088 acre tract, recorded in Vol. 1572, page 90 of the Deed Records of Kaufman County, Texas, and being in the Southwest right-of-way line of U.S. Highway No. 175;

THENCE: South 67 deg. 05 min. 31 sec. West 450.05 feet with the Southeast line of said 5.192 acre tract to a 3/8" Iron Rod found for the South corner of same, and being at an ell corner of said 4.088 acre tract;

THENCE: North 23 deg. 17 min. 30 sec. West 34.62 feet with the Southwest line of said 5.192 acre tract to a 3/8" Iron Rod found for a corner of said 4.088 acre tract;

THENCE: North 22 deg. 51 min. 09 sec. West 382.61 feet with the Southwest line of said 5.192 acre tract to a point in the center of Fair Road, and in the Northwest survey line of said Askins Survey for the West corner of said 5.192 acre tract, from which a 3/8" Iron Rod reference was found bears South 22 deg. 51 min. 09 sec. East 21.06 feet;

THENCE: North 45 deg. 10 min. 44 sec. East 427.54 feet with the Northwest survey line of said Askins Survey, and with the center of Fair Road to a point at the intersection of same with the Southwest right-of-way line of U.S. Highway No. 175 for the most Northerly North corner of said 5.192 acre tract, from which a 3/8" Iron Rod was found and used for a reference bears South 45 deg. 03 min. 26 sec. East 19.25 feet;

THENCE: South 45 deg. 03 min. 26 sec. East 19.25 feet with the Southwest right-of-way line of U.S. Highway No. 175 to a 3/8" Iron Rod found at an angle corner in same, and being in the Southeast right-of-way line of Fair Road;

THENCE: South 77 deg. 48 min. 49 sec. East 56.50 feet with the Southwest right-of-way line of U.S. Highway No. 175 to a 3/8" Iron Rod found at an angle corner in same;

THENCE: South 22 deg. 52 min. 58 sec. East 526.48 feet with the Southwest right-of-way line of U.S. Highway No. 175 to the place of beginning containing 5.20 acres of land, of which 0.19 of an acre lies within the above mentioned Fair Road.



Planning and Zoning Commission Report

Meeting Date: June 1, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Hold a public hearing, discuss and make a recommendation to City Council for a text amendment to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning" of the City of Kaufman's Code of Ordinances, to delete the use "Accessory Buildings-Commercial" from the Central Business District (CBD) Zoning District by amending Chart 3, "Accessory & Incidental Uses" of Section 33.4, "Use Regulations" (Case No. Z-10-21)

BACKGROUND/SUMMARY:

Recently staff received a request to construct a one story metal accessory storage, building less than 240 square feet, in the Central Business District (CBD). While reviewing the request, a text conflict between three different sections was discovered in the Zoning Ordinance. Staff denied the permit because it did not meet the criteria set forth in the CBD. This zoning text amendment case is to correct the conflict.

Staff proposes to delete the use "Accessory Buildings-Commercial" from the CBD Zoning District by amending Chart 3, "Accessory & Incidental Uses" of Section 33.4, "Use Regulations" (See the attached Chart 3 with the language struck out). A good majority of the lots in the CBD are fully developed with a structure. Some of the lots have small minimal areas for off-street parking mainly used by employees. Most lots have no room for any type of accessory building. Allowing any type of small accessory building in the CBD, conflicts with the preservation of the historic and architectural qualities which make the CBD a unique place.

Below is an outline of the review steps used to base the denial of the permit and the reasoning for the text amendment request.

First, staff reviewed **Section 34.4 Use Chart 3 "Accessory & Incidental Use"** to determine what accessory uses were allowed and not allowed. The use "Accessory buildings-commercial (business or industry)" is listed as an allowable use in every commercial or industrial type zoning district. This means an accessory storage building is allowed in the CBD.

Secondly, staff reviewed **Section 37 "Accessory Building and Use Regulations"** to determine the regulations for nonresidential accessory buildings. Only one paragraph addresses accessory buildings in nonresidential districts (includes all the commercial and industrial zoning districts listed). There are no regulations regarding the setbacks or general appearance. Section 37.1. B "General Standards and Requirements" states:

“In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, whenever possible, be located toward the rear portion of the property.”

Thirdly, staff reviewed **Section 25, “Central Business District (CBD)”** zoning district regulations to determine the appearance requirements (see the attached Section 25). Section 25.4.F “Central Business District Development and Design Standards” states all new development and exterior renovations to existing buildings must meet the requirements for Site Design and Architectural Standards. Section 25.4.F.2 and F.2.b “Purpose of the Central Business District Design Standards” states:

The purpose of these design standards is to ensure the preservation of the historic and architectural qualities which make the CBD a unique place by **permitting new development compatible with existing historic buildings and by maintaining the historic and architectural qualities of existing buildings.**”

“The purpose of the Architectural Standard is to provide for the preservation of existing historic and architectural qualities of downtown Kaufman, ensure new construction and all exterior renovations to existing buildings are compatible with these qualities, and to protect and promote the uniqueness of downtown as a commercial area.”

The CBD does not distinguish whether the regulations apply to a principal structure or an accessory storage building. Below is a summary of the CBD’s required architectural design standards and how we applied to an accessory metal storage building:

Section 25.4.F.5		Architectural Design Standards	Applicable
1.	Primary Street Façade requirements	Cornice at top of façade, transom windows, pilasters, second floor window requirements	NO
2	Architectural Elements	Doors, windows, awnings, canopies and architectural details shall be compatible with existing historic buildings	YES
3	Paint Colors	Used to highlight architectural elements	YES
4	Required number of design features	Minimum of two design features for all commercial structures	YES
5	Preserve essential form & integrity of the original structure	New additions or alterations constructed in a manner to preserve the essential form and integrity of the original structure	NO
6	Preserve distinctive architectural features	Preserve and maintain distinguishing qualities of existing building	NO
7	Deteriorated features	Repair deteriorated architectural features to match existing building	No
8	Preserve windows and recessed doors	Preserve plate glass or divided display windows and recessed doorways with substantial wooden doors	No

9.	Building Proportions	Limit height to between 18 and 26 feet, proportions of height & width between pilasters, <u>ground floor façade at least 45% of its area transparent windows or doors</u>	Partially
10	Building Materials	Base material shall be brick or stone	YES
11	Fencing	Located only in the rear of building	NO

RECOMMENDATIONS:

Staff recommends approval of case Z-10-21, for a text amendment to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning" of the City of Kaufman Code of Ordinances, to delete the use "Accessory Buildings-Commercial" from the uses allowed in the Central Business District (CBD) as shown in Section 33.4 "Use Regulations", Chart 3, "Accessory & Incidental Uses" for the following reason:

1. To ensure the preservation of existing historic and architectural qualities of downtown Kaufman. That all new construction and exterior renovations to existing buildings are compatible with the qualities outlined in the CBD. This will assist in protecting and promoting the uniqueness of downtown as a commercial area.

ATTACHMENTS:

1. Proposed amendment to Section 34.4, Chart 3 "Accessory & Incidental Uses "
2. Section 25, "Central Business District"

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Kaufman Zoning Ordinance Chart 3, "Accessory & Incidental Uses"
With Proposed Deletion in the CBD

CHART - 3
CITY OF KAUFMAN, TEXAS
ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses			
			Designates use prohibited in District indicated
P			Designates use permitted in District indicated
S			Designates use requires a Specific Use Permit
TU			Designates use requires a Temporary Use Permit

ACCESSORY & INCIDENTAL USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Accessory bldg. - commercial (business or industry)	2										P	P	P	P	P	P	P	
Accessory building - residential	1	P	P	P	P	P	P	P	P	P								P
Caretaker's or guard's residence	31	P	P					P	P	P	S	S	S	S	P	P	P	
* Festivals, carnivals or special events	32										TU	TU	TU	TU	TU	TU	TU	
Garage/accessory dwelling	81	P	S															
Home occupation	90	P	P	P	P	P	P	P	P	P								
Off-street parking ►►	147	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
On-street parking (subject to no parking ordinances)	149	P	P	P	P	P	P	P	P	P				P				
Outside display of retail goods (no overnight display)	150											S	P	S	P	P	P	P
Outside sidewalk displays of retail goods, merchandise or materials (with no overnight display) ►►►	151													S				
Seasonal and temporary uses	198 143	TU										TU	TU		TU	TU	TU	
Seasonal and temporary uses (CBD only) ►	198													TU				
Temporary classrooms for church or school	226	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	
Temporary field office or construction yard or office	225	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	TU	
Wedding receptions in residential districts	249	TU	TU	TU	TU	TU	TU	TU	TU	TU								

- Amended May 18, 2009 by Ordinance O-05-09
- Amended May 24, 2010 by Ordinance O-09-10
- Amended July 20, 2020 by Ordinance O-16-20

SECTION 25 CENTRAL BUSINESS DISTRICT (CBD)

25.1 GENERAL PURPOSE AND DESCRIPTION:

The development standards in the CBD, Central Business District, are designed to maintain and encourage development and redevelopment within the central section (old downtown) of the City. Standards for vehicle parking, building setbacks, and building height are similar to those existing on developed properties in this section of the City.

25.2 PERMITTED USES:

A. Uses permitted in the CBD district are outlined in Section 33 (Use Charts).

25.3 AREA REGULATIONS:

A. Size of Yards:

1. **Minimum Front Yard** - none specified
2. **Minimum Side Yard** - none specified
3. **Minimum Rear Yard** - none specified

B. Size of Lot:

1. **Minimum Lot Area** - none specified
2. **Minimum Lot Width** - none specified
3. **Minimum Lot Depth** - none specified

C. Height Regulations:

1. **Maximum Height:**
 1. Three (3) stories or forty-five feet (45') for the main building.
 2. One (1) story for accessory buildings.
 3. Other (Section 40).

D. Maximum Lot Coverage - none specified

E. Parking Regulations:

1. **For existing structures/uses (in existence prior to the effective date of this Ordinance)** - Any existing parking, or lack of same, for any existing structure/use within the CBD district shall be considered a conforming parking arrangement. Additional parking, in accordance with Section 35.6, shall only be required for additions to an existing building or for significant expansion of an existing use (as determined by the City Planner or his designee). In the event of destruction of an existing structure within the CBD district, said structure may be rebuilt to its pre-destruction size with no requirements for additional parking provided that reconstruction commences (i.e., a building permit is applied for and issued) within one (1) year of the date of destruction. If reconstruction does not commence within the one-year time frame, or if the structure is rebuilt to exceed its pre-destruction size, then the structure's nonconforming parking status is deemed to expire and any reconstruction of the structure must provide additional parking in accordance with this Ordinance.

Section 25, "Central Business District"

2. **For new structures/uses** - One (1) space per three hundred (300) square feet of gross floor area, and each use shall provide a minimum of two (2) spaces. In order to preserve the character of the square, in which existing buildings were joined together with a common wall, required parking for new structures may be restricted to the rear of the building or to offsite parking on private property to be located not more than 1,500 feet from the site, in accordance with Section 35.8 of this Ordinance.

F. Other Regulations:

1. Open storage is prohibited in the CBD district.
2. As established in the Development Standards, Sections 34 through 44.
3. Trash receptacles must be enclosed and not visible from the front of the building. Those buildings not having alley or rear access may place a portable trash receptacle curbside on a side street to the rear of the building that is located on the square on trash pickup days only.
4. **Outside Sidewalk Display.** Outside sidewalk displays of retail goods, merchandise or materials shall be allowed only in the Central Business District (See Use Charts 3 and 6) in conjunction with all of the following requirements:
 - a) The display is for showcasing of finished goods, merchandise, or materials that are sold in the same retail business that occupies the main building on the lot and is not intended for additional sales space or as outside storage;
 - b) Display location shall be limited to designated sidewalk areas adjacent to the front or side of the main building;
 - c) No display shall be allowed to be located in the public right-of-way adjacent to the rear of the main building;
 - d) After approval of a Specific Use Permit by the City and subject to compliance with the conditions of the Specific Use Permit, outside sidewalk display shall be allowed in accordance with the requirements of this section provided that all of the following conditions are met:
 - i. The property owner and/or tenant enters into an encroachment agreement with the City of Kaufman;
 - ii. The property owner and/or tenant shall provide proof of insurance coverage meeting requirements specified by the City of Kaufman, including without limitation, an additional insured endorsement naming the City of Kaufman and its officials, officers, and employees as additional insured and providing a waiver of subrogation in favor of the City;
 - iii. That the display shall not extend a distance greater than five (5') feet from the front of the wall of the principal building;
 - iv. That the display shall not be permitted to block windows, entrances or exits, delivery and service doors, nor impair the ability of pedestrians to have unobstructed ingress to and egress from a building or buildings;
 - v. That the display shall not occupy any designated parking space or be placed in any street or alley right-of-way or thoroughfare;
 - vi. That all times displays shall not interfere with pedestrian circulation in or along the sidewalk or right of way and shall comply with the American Disabilities Act (ADA), as amended;
 - vii. That the display shall not be allowed on a sidewalk, which has a width that is five (5') feet or less;
 - viii. That the display shall not occupy an area that is larger than thirty percent (30%) of the linear distance of the wall adjacent to the location of the sidewalk display. The distance shall be measured along the applicable front or sidewall of the main building or suite for the retail space providing the display. Each exterior wall equivalency is a standalone area and may not be combined;
 - ix. That the display shall not extend to a height above seven (7') feet as measured from the sidewalk;
 - x. That all displayed retail goods shall be actively for sale by the retail establishment providing the display and shall have a visible price tag;

Section 25, "Central Business District"

- xi. That the display area shall be established and delineated on an approved sidewalk plan;
 - xii. That prohibited items in sidewalk displays include anything expressly prohibited in the approved specific use permit. Including but not limited to vending machines, propane tank sales or rental, ice machines and other similar apparatus; and
 - xiii. That no display is left out on a day that the retail establishment is closed or at any time after the retail establishment has closed on a regular business day of the retail establishment.
- e) Exempted from the location requirement of Section 25.F.4.d.viii are any accessible public seating, including table and chair sets, benches, chairs, stools, rocking chairs, etc., and that are manufactured for outdoor use and exterior decorative planters."

25.4 DESIGN CRITERIA

A. Purpose

Kaufman's downtown Central Business District (CBD) has been identified by the Comprehensive Plan as a valuable resource worthy of preservation as a unique district. This district provides development and design standards that preserve the historic and architectural character of existing development, provides for adaptive reuse of existing buildings and the compatibility of new structures and uses with the historic nature of the CBD.

B. Goals

1. Historic preservation, economic development, and maintaining the pedestrian friendly character of the Central Business District shall be the primary consideration in the development design review.
2. The preservation and restoration of historically or architecturally significant buildings as well as buildings that contribute to the unique character of the CBD shall be considered as a high priority in the future development of the CBD.
3. Preservation, restoration, renovation and redevelopment should encourage and promote economic vitality, professional and business activities, tourism, and effective adaptive reuse of structures, upper floors and vacant spaces.
4. The preservation, restoration, renovation and redevelopment should encourage and promote the concept of the traditional downtown area as the origin and heart of the community as a place for people to gather as well as patronize the businesses located there.

C. District Boundaries

1. The Central Business District (CBD) is generally bounded by Oak Street on the north, Cherry Street on the south, Jefferson Street on the west, and Madison Street on the east. These boundaries are shown on the map in Figure 25-1 for informational purposes.
2. The precise boundaries of the Central Business District (CBD) shall be shown on the official zoning map of the City of Kaufman. The boundaries of the CBD may be amended from time to time based on a request from area property owners, a request of the staff, the Downtown Steering Committee, the Planning and Zoning Commission, or at the pleasure of the Council. In considering a request for a change in district boundaries, the Council shall require:
 - a. Any additions to the district shall be contiguous to the existing boundaries of the district;

Section 25, “Central Business District”

- b. Any reductions in the district shall be located on the edge of the district such that a hole is not left inside the district; and
- c. If requested by a property owner, a petition shall be presented showing owners of more than 50 percent of the land within the district, excluding streets, and owners of more than 50 percent of the building sites in the district are in support of the requested change in boundaries.

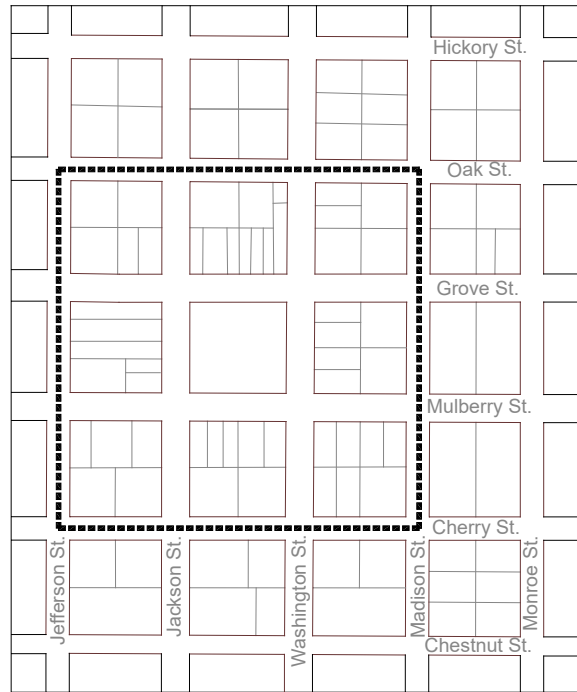


Figure 25-1 Downtown Central Business District Boundaries

D. General Provisions

1. Site plan and design review is required for new construction and substantial renovation of existing buildings within the Central Business District. Substantial renovation means:
 - a. Alterations to the exterior of existing buildings that change the placement or design of windows, doors or other exterior features of the building such as coping or pilasters;
 - b. An increase in the floor area of the building greater than 10 percent.
2. Interior renovation of existing buildings that do not alter the exterior appearance of the building do not require site plan and design review under the provisions of this section. (e.g., a drop ceiling that covers part of an existing window would alter the exterior appearance and require review)
3. Physical properties of an existing building such as setbacks, foot prints, height, or other similar characteristics that cannot be altered without substantial hardship are not required to meet the development or design standards within this section. All other provisions shall apply.
4. Site Plan applications submitted for review will first be considered by the Downtown Design Review Committee and a Certificate of Appropriateness issued within ten (10) days to accompany the application to the Planning and Zoning Commission and City Council for approval. If the Downtown Design Review Committee recommends denial of the application or approval with stipulations the Planning and Zoning Commission must render a three-fourths affirmative vote to

Section 25, "Central Business District"

overturn the recommendations of the Committee in order to recommend approval to the City Council.

5. All new development, exterior renovations to any existing buildings, maintenance and/or preservation of any structure, shall require an exterior paint permit to be approved by the Development Services Director.
 - (a) Request to appeal the requirements of Sections 25.4.F.5.a.(3) or 25.5.B.1.h shall be heard by the Planning and Zoning Commission. The Planning and Zoning Commission shall determine what appeals shall be approved, if any.
 - (1) An appeal request submittal shall include a proposed paint color combination scheme for the body, trim and accent features of the building.
 - (2) Notice of the appeal request shall be mailed ten (10) days prior to the meeting, to all property owners as listed at the Kaufman County Appraisal District, and to all the building addresses, located within the boundaries of the Central Business District.
 - (3) All appeal requests shall be placed on the next available Planning and Zoning Commission agenda.

E. Mixed Use Criteria

1. The Central Business District may contain any combination of uses shown in the Use Chart in Section 33 (Use Charts).
2. Within the CBD there are both residential and nonresidential uses which may be located in either residential structures or commercial structures. To maintain the architectural and historic character of existing blocks where one type of structure predominates, the following regulations shall apply.
 - a. Residential uses may be in residential structures or commercial structures. Residential uses in commercial structures are only allowed if they occupy no more than 50 percent of the floor area of the building; and do not occupy the area adjacent to the street front.
 - b. Nonresidential uses may be in residential or commercial structures. Nonresidential uses in residential structures must be in those blocks where existing residential structures predominate.
 - c. In block faces within the District that are currently developed with residential structures, new construction shall be compatible residential structures. Either residential or nonresidential uses may be located in the residential structures.
 - d. In block faces within the Central Business District that are currently developed with commercial structures, new construction shall be compatible commercial structures.

F. Central Business District Development and Design Standards

1. All new development and exterior renovations to existing buildings must meet requirements provided in this section for Site Design, and Architectural Standards.
2. **Purpose of Central Business District Design Standards.** The purpose of these design standards is to ensure the preservation of the historic and architectural qualities which make the CBD a unique place by permitting new development compatible with existing historic buildings and by maintaining the historic and architectural qualities of existing buildings.
 - a. Site Design Standards. The purpose of the Site Design Standards is to provide for building and parking placement compatible with existing development.
 - b. Architectural Standards. The purpose of the Architectural Standards is to provide for the preservation of existing historic and architectural qualities of downtown Kaufman, ensure new

Section 25, "Central Business District"

construction and all exterior renovations to existing buildings are compatible with these qualities, and to protect and promote the uniqueness of downtown as a commercial area.

3. **Design Standards Review.** All new development and all exterior renovations to existing buildings shall comply with the Site Design Standards included in Subsection 4, and the Architectural Standards in Subsection 5.

4. Site Design Standards

a. Building Placement - Commercial Structures

- (1) Buildings shall be placed on the front property line. Building may be moved back from the front property line to provide for a wider sidewalks and entries, or pedestrian oriented streetscapes if: The buildings takes up an entire block face; or is located on a corner; or has a total frontage of more than 50 percent of the block face.
- (2) New commercial structures shall be allowed only in block faces which are predominately developed with existing commercial structures, or are predominately vacant land.
- (3) Buildings shall be placed on the side property line except when adjacent to a residential type structure in which a fifteen (15') feet minimum side yard shall be observed. Buildings may be moved back from the side property line a total of four feet to provide for wider sidewalks and entries when the side property line is along a street.
- (4) Buildings that go through a block so that they have frontage on two parallel streets, shall treat each frontage as a main façade.
- (5) All service areas, dumpsters and loading shall be from the rear of the building or alley.

5. Architectural Design Standards

a. Street Facade – Commercial Structures

- (1) Primary street facades for nonresidential buildings in the Central Business District shall have the following basic features of existing historic buildings:
 - (a) Cornice at top of facade;
 - (b) Display windows with transom windows above and lower window panels below.
 - (c) Pilasters that divide the facade vertically and separate the display windows units into discrete visual elements.
 - (d) Second floor windows, recessed with multiple lights, lintels, and sills.
- (2) Architectural elements such as doors, windows, awnings, canopies and architectural details shall be compatible with the overall visual qualities existing within the historic buildings downtown.
- (3) Choice of Paint Colors for the Primary facades, various architectural elements, and/or details.
 - (a) Paint colors should highlight architectural details based on historic tradition for the building's type and style.
 - (b) Keep colors compatible with the building style and design.
 - (c) Loud, garish, or harsh colors and bright hues are prohibited.
 - (d) Generally no more than three colors are applied per building.
 - (e) Brick, stone or other naturally unpainted materials shall not be painted unless the material has been painted previously.

Section 25, "Central Business District"

- (f) A variety of approved paint color combinations are available for reference in the Development Services Department. The approved combinations specify paint colors for the body, trim and accent areas of the building. An exterior paint permit shall be approved prior to painting any exterior portion of any building.
 - (g) Exterior grade paints shall be used for exterior siding.
- (4) In addition to the above, all commercial structures shall have at least two of the following desirable design features as appropriate:
 - (a) Street facades on side streets that meet the requirements for primary facades; or
 - (b) Buildings on corners which create a diagonal corner cut with the entrance on the corner; or
 - (c) Pediments added to the top of the facade; or
 - (d) Decorative brickwork and architectural detailing on or around the cornice, fascia, pilasters, or around windows; or
 - (e) Use of natural wooden doors with glass windows; or
 - (f) Projecting canopies and or awnings placed over the ground floor windows and doors.
 - (5) Whenever possible, new additions or alterations to existing structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.
 - (6) The distinguishing original qualities or character of a building should be preserved and the maintenance, repair, replacement, renovation or alteration of such structures should avoid removing or destroying any distinctive architectural features whenever possible.
 - (7) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the original material being replaced in composition, design, color, texture and other visual qualities. Plastic or vinyl architectural features or siding shall not be approved.
 - (8) Plate glass or divided display windows should always be preserved and not covered, painted or filled in. Traditional recessed doorways with substantial wooden doors should be retained or re-installed if significant restoration is undertaken.

Section 25, "Central Business District"

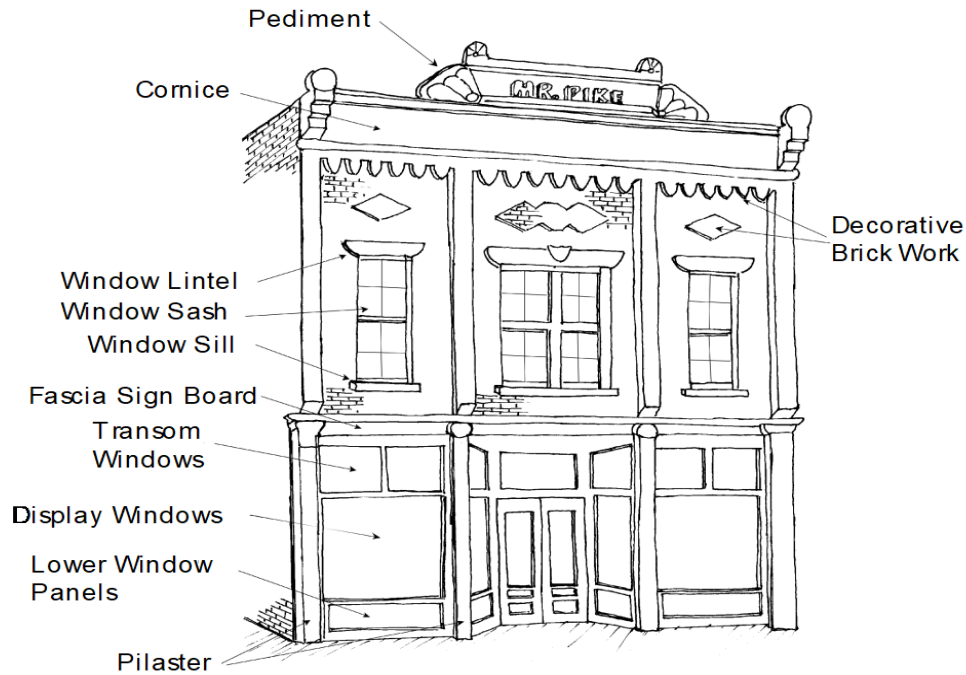


Figure 25-2 Typical Features of Commercial Structures in the Central Business District

b. Building Proportions – Commercial Structures

- (1) Overall height of single story commercial buildings in the Central Business District shall be between 18 and 26 feet.
- (2) The proportion of the height to width of the facade between pilasters shall be in the range of 2.5 to 1 to 3 to 1. The basic window units shall be between 2 to 2.5 times the remaining height to the top of the cornice.
- (3) The ground floor facade shall have at least 45 percent of its area in transparent windows, or doors. The second floor facade shall have at least 20 percent of its area in windows. The area of windows includes any mullions framing individual lights within the window frame.

c. Building Materials - Commercial Structures

- (1) The base facade materials for commercial structures within the Central Business District shall be brick or stone. Architectural details, trim, window or door framing may be wood, stone, cast stone, cast iron, or other materials compatible with the historic and architectural character of the Central Business District.

6. Fencing – Commercial Structures

- a. Any fencing for commercial structures within the Central Business District shall be in the rear of the building not visible from the street.

Section 25, "Central Business District"

25.5 MAINTENANCE AND PRESERVATION

A. Purpose

Existing buildings in the Central Business District collectively create an image that is vital to the character and attractiveness of the city that must be properly maintained and preserved in order to sustain the appearance and economic vitality of the CBD.

B. Preservation of Architectural Features and Materials

1. Facades

- a. Original doors, entrances, windows, cornices, friezes, parapets and wall treatments should be preserved or restored to the original design in as much as possible using proper maintenance, painting, cleaning and established restoration methods and techniques.
- b. Wood siding materials and architectural details are such an important feature of an historic building it should be restored and repaired using materials that resemble the original texture and character of the original material as much as possible, aluminum, plastic or vinyl siding or materials shall not be used.
- c. Wood materials should be painted at least every five years to prevent deterioration.
- d. Wood materials should not be sand blasted or stripped using wet or dry abrasives or power wire brushes that will damage the wood. Wood surfaces should be hand scraped and sanded before painting.
- e. Masonry materials usually do not require cleaning as aging produces a patina or color changes that creates a desirable appearance. Cleaning should only be done to halt deterioration or to remove heavy soiling and should be done with the gentlest method possible, such as low pressure water and detergents.
- f. Masonry walls built prior to 1860 were customarily painted and after this date were usually left unpainted. Surfaces that were previously painted should remain painted and unpainted surfaces should remain unpainted.
- g. Waterproofing materials may actually change the color, appearance or damage the materials and should be used with caution and tested on a small area prior to application.
- h. Choice of Paint Colors for the Primary facades, various architectural elements, and/or details.
 - 1) Paint colors should highlight architectural details based on historic tradition for the building's type and style.
 - 2) Keep colors compatible with the building style and design.
 - 3) Loud, garish, or harsh colors and bright hues are prohibited.
 - 4) Generally, no more than three colors are applied per building.
 - 5) Brick, stone or other naturally unpainted materials shall not be painted unless the material

Section 25, "Central Business District"

has been painted previously.

- 6) A variety of approved paint color combinations are available for reference in the Development Services Department. The approved combinations specify paint colors for the body, trim and accent areas of the building. An exterior paint permit shall be approved prior to painting any exterior portion of any building.
- 7) Exterior grade paints shall be used for exterior siding.

2. Demolition

- a. Demolition of an existing building should only be considered as a last resort and only if the building is structurally unsafe and determined it cannot be repaired or rendered safe upon inspection by a qualified registered structural engineer or architect.
- b. If demolition reveals the side of an adjacent building that was designed never to be exposed the wall should be painted a neutral or brick color compatible with surrounding buildings. Stucco or stucco panels should only be used if the wall is too unattractive to paint.



Planning and Zoning Commission Report

Meeting Date: June 1, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and make a recommendation to City Council on the Site Plan of proposed Plat of Lot 1, Block 1, Kelly Addition for the development of three commercial, retail and/or office buildings. The 1.264-acre tract (PID#5365) is generally located at 2212 Tabor Parkway (ALA CR 151). The property is zoned Commercial.

BACKGROUND/SUMMARY:

Mr. Troy is proposed to develop 3 separate building on proposed Lot 1, Block 1, Kelly Addition, located behind McDonald's at 2212 Tabor Parkway. The 1.264-acre lot is undeveloped. Each building will contain 3,600 square feet and will be built in three phases. Phase 1 - Building 1 is proposed to be pharmacy (40 feet x 90 feet) with a drive-through. Phase 2 – Building 2 and Phase 3 – Building 3 do not have any specific users at this time.

The total building area of the completed development will be 10, 800 square feet. The one story buildings are proposed to have a stone and brick veneer. The site is providing 27% landscaped area.

The proposed development has one 25-foot-wide driveway entrance from Tabor Parkway, which aligns with the Kaufman Family Dentistry across the street. A 24-foot fire lane and mutual access easement is proposed within the parking lot. The medical office building will require 37 off-street parking spaces and 52 off-street parking spaces are provided.

SURROUNDING ZONING AND EXISTING LAND USES:

Zoning Map

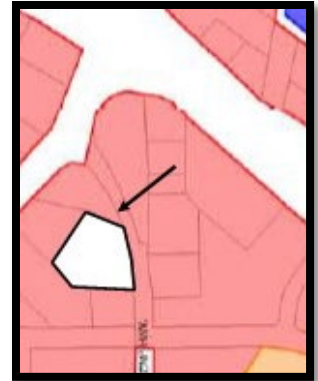
	Zoning	Existing Land Use
North:	C	Moon's Restaurant, Circle K
East:	C	Kaufman Family Dentistry, & Fresenius Kidney Care
South	SF-8	Printing Business & Mini Warehouses
West:	C	McDonalds& Parker-Ashworth Funeral Home, BBVA Compass Bank



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as a Future Commercial. The Commercial District allows office, commercial, and retail use which complies with the 2014 Future Land Use Plan because it allows a variety of commercial/retail uses. Remember future land use areas are generally located on a map and are not like zoning districts. Future land use plan maps are typically for planning at least 20 years out into the future.



Thoroughfare Plan:

Tabor Parkway is not a designated thoroughfare. The City of Kaufman controls all the driveway accesses.

PROPERTY OWNER RESPONSES:

Property owner notification is not a requirement of the site plan review process.

RECOMMENDATIONS:

Staff recommends approval of the Site Plan SP-01-21 for the development of three commercial, retail, and/or office buildings at 2212 Tabor Parkway, proposed to be platted as Lot 1, Block 1, Kelly Addition ((PID# 5365) with the condition that the signage notes shown on the site plan be removed because they reflect the signage requirements of the Washington Street Corridor District and not the Commercial District.

ATTACHMENTS:

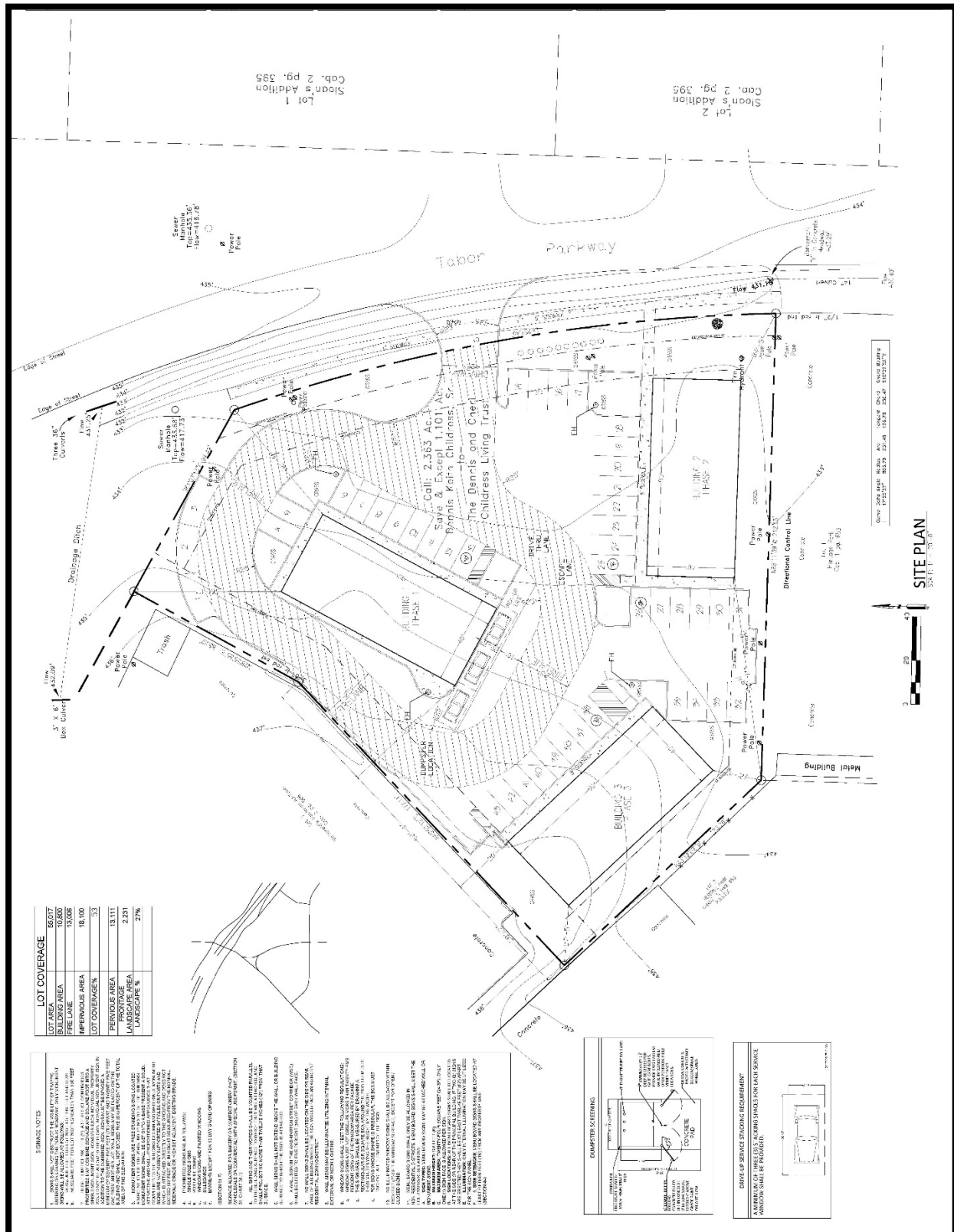
1. Location map
2. Site Plan

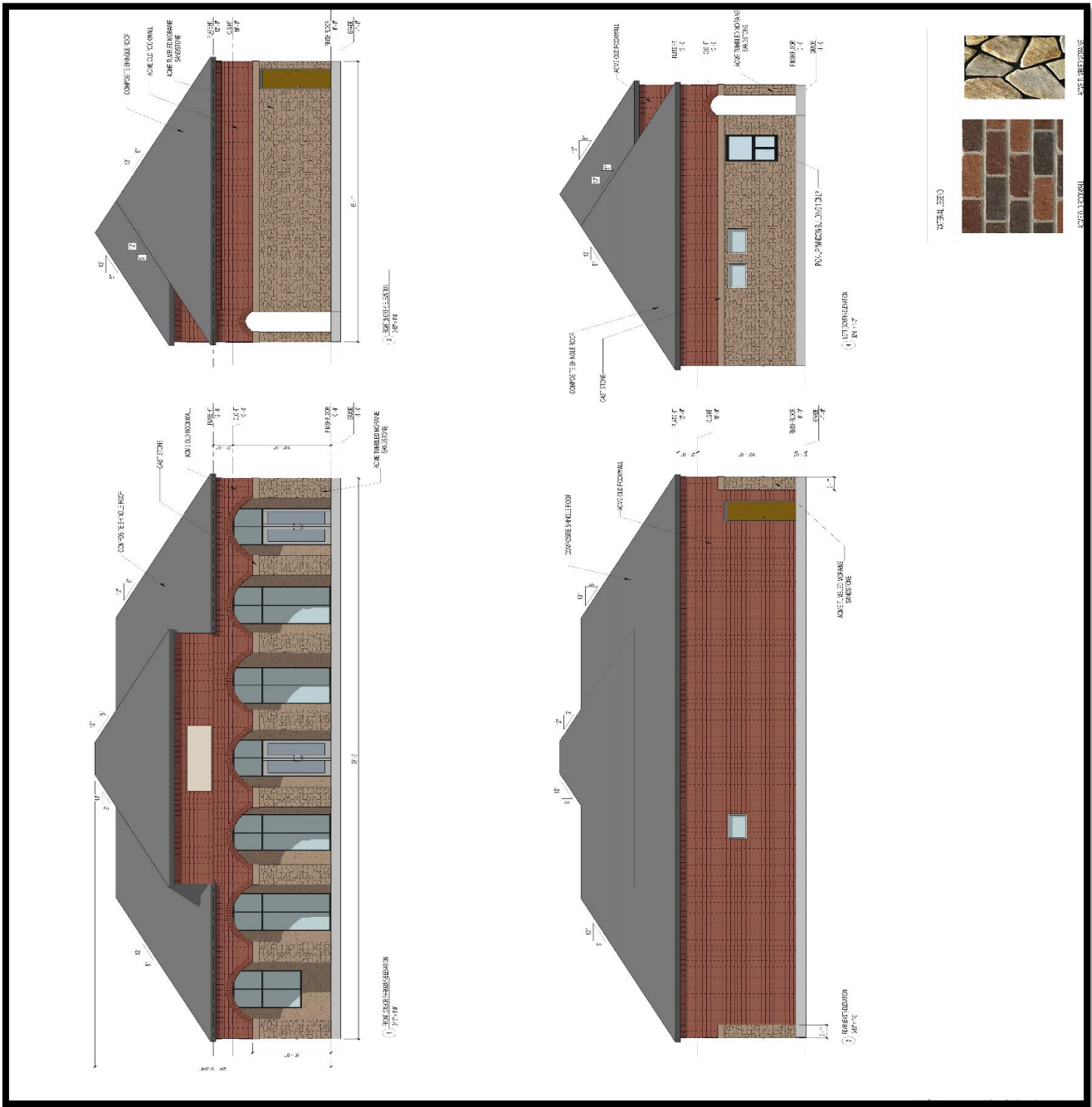
Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



Site Plan





ORDINANCE NO. O-04-21

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, DECLARING THE PUBLIC NECESSITY FOR THE PROVISION OF ADEQUATE NEIGHBORHOOD AND COMMUNITY PARKS AND RECREATION FACILITIES; AMENDING CHAPTER 94, "SUBDIVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN, THE SAME BEING THE KAUFMAN SUBDIVISION ORDINANCE (ORDINANCE NO. O-24-99), AS AMENDED, BY ADDING A NEW ARTICLE, ARTICLE IX, TO BE ENTITLED "PARKLAND DEDICATION AND DEVELOPMENT", TO ADOPT PARKLAND DEDICATION REQUIREMENTS FOR THE CITY OF KAUFMAN; AMENDING THE CITY'S FEE SCHEDULE TO ADOPT PARK DEVELOPMENT FEES FOR THE DEVELOPMENT OR REDEVELOPMENT OF PROPERTY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A PENALTY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Kaufman has determined that the provision of adequate neighborhood and community parks are a necessary part of a healthy community and are in the best interest of the City of Kaufman and will promote the health safety and welfare of the citizens of the City of Kaufman and the general public; and

WHEREAS, trails, open space and preservation areas are considered essential components of a high-quality park and recreation system; and

WHEREAS, land development increases demand upon the City's parks and recreation system; and

WHEREAS, the Park Board will review and make a recommendation on of the requirement for parkland dedication and park development fees; and

WHEREAS, the City Council conducted a public hearing on January 25, 2021, heard public input, and considered all comments received regarding this Ordinance; and

WHEREAS, to be developmentally competitive with neighboring communities, the City Council has determined it appropriate to only require twenty-eight percent (28%) of any single-family land and park fee, and twelve percent (12%) of any multi-family land and park fee, ("City Required Percentage"), as required by this Ordinance, to satisfy the City's parkland dedication requirements; and

WHEREAS, implementation of the City Required Percentage makes the City's land and park fees proportionate with those of neighboring communities; and

WHEREAS, the City Council has determined that the approval and adoption of the amendments to the Subdivision Regulations and approval and adoption of new Parkland Dedication

requirements are in the best interest of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, THAT:

Section 1. Findings Incorporated/Amendments.

(a) Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

(b) Amendments. The following amendments to Chapter 94, "Subdivisions" of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance (Ordinance No. O-24-99), as amended, are hereby adopted to provide for the adoption of parkland dedication requirements for the City of Kaufman. Chapter 94 is hereby amended by adding a new Article, Article IX, to be entitled "Parkland Dedication and Development", and all other portions of Chapter 94 not herein amended shall remain in full force and effect without amendment:

Article IX. Parkland Dedication and Development.

Section 9.1: Parkland Dedication and Development - Purpose.

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

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

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

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

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

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

Section 9.2: Definitions.

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

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

DWELLING UNIT. Any building, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family. Dwelling units include temporary or quasi-dwelling units such as: suites within hotel or motel- type uses, suites within senior care or assisted care-type facilities, accessory dwelling units, and mobile or semi-mobile living facilities since they all house people who will impact the Parks and Recreation System.

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

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

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

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

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

Section 9.3: Applicability.

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

Section 9.4: Requirements.

A. General.

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

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

B. Parks, Recreation, and Open Space Master Plan.

The City of Kaufman Parks, Recreation, and Open Space Master Plan, as may be amended by City Council, is the park planning basis for this Article. The City of Kaufman shall consider the need to regularly update the Parks, Recreation, and Open Space Master Plan to ensure that the Plan remains current and provides an equitable, effective framework from which to pursue the acquisition and development of public parks throughout the city.

C. Fee Calculations and Updates.

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

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

City Staff shall submit, as directed by the Park Board or the City Council, a fee derived from a

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

D. Land Dedication.

(1) The amount of land to be dedicated for parkland purposes shall be as set forth in Appendix I. The required dedication may be met by payment of cash in lieu of land when permitted or required by other provisions of this Article. The total amount of land dedicated for a development or project shall be dedicated to the City in fee simple:

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

(2) For development located within the ETJ of the city, the dedication requirements of this Section may be met through the creation of private parkland in the same amount required as set forth in Appendix I provided the Developer enters into a written agreement that all such private parkland be dedicated to the City at the time of full purpose annexation into the City and provided that any plat related to such development, is inscribed with a notation regarding same.

(3) The obligation of an applicant/Developer to dedicate parkland or make payments or improvements in lieu thereof shall be in addition to/independent of the requirements of the applicant/Developer to provide open space in accordance with a Planned Development (PD) zoning application. If the open space in the proposed Planned Development (PD) exceeds 30,000 square feet and is dedicated and accepted by the City as public parkland, the required dedication or payment may be reduced in applicable proportion.

E. Fee-In-Lieu of Land.

In lieu of dedicating parkland for parks, a Developer may request to meet some or all of the parkland dedication requirements through payment of a Fee-In-Lieu thereof in the amounts set forth in Appendix I. Such fees shall be due prior to filing an associated plat for record for single family residential uses and prior to the issuance of a building permit for multi-family residential uses.

F. City Approval.

The City Council shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required land dedication. The City Council may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix I. Likewise, the City Council may, from time to time, require that land be dedicated in amounts as set forth in Appendix I and that no Fee-In-Lieu of land will be accepted.

G. Approval Process for Parkland Dedication.

(1) Land Dedications equal or exceeding two acres, and Dedications of Floodplains and Greenways:

For any proposed required parkland dedication equaling or exceeding two acres of land or equaling or exceeding payment of a Fee-In-Lieu thereof or for any proposed land dedication containing floodplain or greenway, the Developer must:

- a) Obtain a recommendation from the Park Board, and
- b) Obtain approval from the City Council.

Should a proposed dedication go before the Planning and Zoning Commission as part of a required project approval, the Planning and Zoning Commission shall consider the recommendation from the Park Board and both recommendations shall be forwarded to the City Council for consideration.

(2) Criteria for consideration.

For any proposed required parkland dedication equaling or exceeding two acres of land or equaling or exceeding payment of a Fee-In-Lieu thereof or for any proposed land dedication containing floodplain or greenway, the Park Board and City Council shall utilize the following criteria for considering approval of the proposed parkland dedication:

- a) The proposed plat shall clearly identify the proposed public parkland to be dedicated.
- b) The proposed dedication or fee shall provide a sufficient amount of parkland in the area of the proposed development for required parkland dedication;
- c) Where the proposed dedication is insufficient for a park site under existing park design standards, some or all of the dedication requirements may be in the form of a fee in amounts as set forth in Appendix I;
- d) Determination of acceptability of a proposed parkland dedication is based upon the City of Kaufman's Parks, Recreation, and Open Space Master Plan, as may be amended from time to time and the criteria contained herein;
- e) The proposed development of the park is at a minimum consistent with Kaufman's level of service for neighborhood parks as set forth in Appendix III and in the City of Kaufman's Parks,

Recreation, and Open Space Master Plan, as may be amended from time to time.

- f) Land is usable and compatible with the Comprehensive Plan, Parks, Recreation, and Open Space Master Plan, and other approved public plans.
- g) There is a level of service need in the immediate vicinity of the proposed park area.
- h) There is no nearby existing park that would be served with the funds better or more by expansion or improvement.
- i) Public access considerations.

(3) Development and maintenance of a park less than two acres in size for public park purposes is impractical and does not allow for appropriate improvements consistent with necessary level of service. Therefore, if fewer than 100 dwelling units as specified in Appendix I under Land Dedication are proposed by a plat for single family residential or a building permit for multi-family residential, the Developer shall pay the applicable cash in lieu of land dedication. An exception may be considered if the dedication is voluntarily greater than two acres or will increase the size of an existing park adjacent to the proposed parkland dedication or will provide a beneficial trail connection or right-of-way or will provide a synergistic benefit not otherwise listed, at the discretion of the City Council.

(4) Park Development Fee.

In addition to the land dedication requirements for parks, there is a park development fee established herein sufficient to develop parks in ways that meet the City of Kaufman's level of service as determined in the City of Kaufman's Parks, Recreation, and Open Space Master Plan.

- a) The park development fee assessed to a Developer, subject to this Article, is as shown in Appendix I. The process for the approval and collection of park development fees shall be the same as for the parkland dedication requirements to which the development relates and shall be processed simultaneously with the parkland dedication requirements.
- b) The City shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required park development. The City may, from time to time, require that a fee be submitted in lieu of park development in amounts as set forth in Appendix I. Likewise, the City may, from time to time, require that parks be developed to a level of service as reflected in Appendix II and that no Fee-In- Lieu of park development will be accepted.

(5) Construction of Park Improvements in Lieu of Park Development Fee.

A Developer may elect to construct required park improvements in lieu of paying the associated Park Development Fee as set forth herein. In such event:

- a) A park site plan, developed in cooperation with the City staff, must be reviewed and approved by the Park Board and City Council upon submission of final plat for single family residential uses or upon application for a building permit for multi-family residential uses, whichever is applicable.
- b) Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permits issuance, whichever is applicable.

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

(6) Standards for Private Parkland.

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

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

- i. Provide signage visible from a right-of-way frontage to be reviewed and approved through the

application and consideration process, and the sign shall state that the area, including any recreational amenities, is open and available for public use, the park hours, and City contact information, and it must be posted at the park entrance or in a location visible to the public; and

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

(7) Submitting Fee.

Any fees required to be paid pursuant to this Section shall be remitted:

- a) Prior to the issuance of any building permits for multi-family use or development; or
- b) Prior to filing an associated plat for record for single family residential use or development.

(8) Use of Fees.

Fees may be used only for the purchase, acquisition, development, and/or improvement of park facilities in the City of Kaufman. Potential parkland in underserved areas within one mile of developments that have paid parkland dedication fees, which have not yet been refunded, shall be a top consideration (but not the only consideration) when evaluating potential land for purchase or acquisition for future parks.

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

(9) Reimbursement for City-Acquired Parkland.

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

Section 9.5: Prior Dedication or Absence of Prior Dedication.

Depending on the circumstances, additional proportionate dedication may be required for the increase in dwelling units from what was originally proposed and may be either land dedication or money in lieu of land or development, at the discretion of the City Council. At the discretion of the City Council, any former gift of land or cash to the City may be credited toward eventual land dedication or development requirements imposed on the Developer.

The City Council shall consider recommendations of the Park Board in exercising its discretion under this section.

Section 9.6: Planning Considerations.

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

Section 9.7: Special Fund; Right to Refund.

A) All parkland dedication fees will be deposited in a fund specifically dedicated to the purchase and/or acquisition of parks in Kaufman. All park development fees will be deposited in a fund specifically dedicated to the improvement and/or development of parks in Kaufman.

B) The City shall account for all fees in lieu of land dedication and all park development fees paid under this Article with reference to the individual plat(s) involved. Any fees paid for such purposes must be encumbered or expended by the City within 10 years from the date received by the City for purchase, acquisition, development, and/or improvement of a park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis.

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

Section 9.8: Parkland Guidelines and Requirements.

Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the City, protect public safety, and minimize conflict with adjacent land uses. The following guidelines and requirements shall be used in designing and accepting parks and adjacent development:

A) Any land dedicated to the City under this Subchapter must be suitable for park and recreation uses. The dedication shall be free and clear of any and all liens and encumbrances that interfere with its use for park purposes. The City Manager or his designee shall determine whether any encumbrances interfere with park use. Minerals may be reserved from the conveyance provided that there is a complete waiver of the surface use by all mineral owners and lessees. A current title report must be provided with the land dedication. The Developer shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from Kaufman County Tax Assessor, whichever is applicable, shall be submitted with the dedication or plat.

B) Land in floodplains or designated greenways is not preferred but can be considered on a 50 percent per acre basis, at the discretion of the City Council (i.e. four acres of floodplain or greenway will be equal to two acres of potential parkland). The following factors shall be considered for potential parkland in the floodplain or in designated greenways:

- (1) Sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities or for improvements. At least 50 percent of a parkland site shall be less than 10% grade, well drained, and suitable for active play, unless the intent of the dedication is to provide a beneficial connection or to preserve an environmental, natural, or cultural resource/asset.

- (2) Placement of recreational or parkland support amenities, including paths or access for maintenance purposes, can be placed in the area in compliance with applicable watershed requirements.
- (3) It is preferred that the floodplain area provide suitable passive recreation, scenic views, wildlife habitat protection, water quality protection, tree protection, and/or trail connectivity to the more intensive uses in non-floodplain areas.
- a) Park sites shall have access to water, sewer, and electric lines prior to or upon acceptance of the park improvements. Site plans and subdivision applications must demonstrate sufficient water and wastewater capacity to serve the park.
 - b) Park sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize users having to cross arterial roadways to access them.
 - c) Where appropriate, sites with existing trees or other scenic elements or natural assets are preferred.
 - d) Detention/retention areas shall not be utilized to meet dedication requirements unless they are designed in an innovative manner so as to provide for suitable recreational purposes, but they may be accepted in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet the standards as specified in all City of Kaufman codes and regulations.
 - e) Where park sites are adjacent to greenways, schools, or existing or proposed subdivisions, access ways may be required to facilitate public access to provide public access to parks.
 - f) It is preferred that a minimum 50 percent of the perimeter of a park should abut a public street. Parks shall have at least a portion of the property adjacent to a public street or shall have associated public access easements and improvements to allow for ready access. Public view of the park from a public street is desirable to facilitate community connections and provide for crime prevention through environmental design.
 - g) Community-scale parks should be accessible from major arterial streets so as to be accessible by large numbers of people.
 - h) Areas for potential parkland that are encumbered by overhead utility lines or easements of any type which would limit the opportunity for recreational and park development are not preferred.
 - i) All rubbish, trash, junk and other offensive materials shall be removed from all dedicated lands and the property returned to its natural condition except as to approved construction and improvement thereon.
 - j) For dedications of more than two acres of land and upon the request of the City, a Developer-funded environmental or engineering study, audit, or assessment may be required in some cases demonstrating that the property is: in a condition that would allow the City to utilize the

property for public park purposes without expenditures to remove or mitigate environmental or hazardous materials or conditions; suitable and safe for use as a public park; and free from environmental or engineering-related problems.

Section 9.9: Warranty Required.

- A) All materials and equipment provided to the City shall be new unless otherwise approved in advance by the City Manager or his designee and all work will be of good quality, free from faults and defects, and in conformance with the designs, plans, specifications, and drawings, and recognized industry standards. This warranty, any other warranties express or implied, and any other consumer rights, shall inure to the benefit of the City only and are not made for the benefit of any party other than the City.
- B) All work by the Developer not conforming to these requirements, including, but not limited to, unapproved substitutions, may be considered defective.
- C) This warranty is in addition to any rights or warranties expressed or implied by law.
- D) Where more than a two-year warranty is specified in the applicable plans, specifications, or submittals for individual products, work, or materials, the longer warranty shall govern.
- E) This warranty obligation may be covered by any maintenance bond tendered in compliance with this Ordinance.
- F) If any of the work performed by the Developer is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this Ordinance, the designs, plans, drawings or specifications within two years after the date of the issuance of a certificate of Final Completion of the work or a designated portion thereof, whichever is longer, or within two years after acceptance by the City of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this ordinance, Developer shall promptly correct the defective work at no cost to the City, as set out in the maintenance bond required before City Council acceptance.
- G) The failure, including cracking or other indication of failure, of an improvement shall be deemed conclusive that the workmanship or product is defective.
- H) During the applicable warranty period and after receipt of written notice from the City to begin corrective work, Developer shall promptly begin the corrective work. The obligation to correct any defective work shall be enforceable under this Code of Ordinances. The guarantee to correct the defective work shall not constitute the exclusive remedy of the City, nor shall other remedies be limited to the terms of either the warranty or the guarantee.
- I) If within 20 calendar days after the City has notified Developer of a defect, failure, or abnormality in the work, Developer has not started to make, and continuously worked to complete, the necessary corrections or adjustments, the City is hereby authorized to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by Developer.

- J) The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects shall be paid by Developer, its contractors, or subcontractors or by the surety.
- K) The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be two years after the installation or completion. The two-year warranty shall cover all work, equipment, and materials that are part of the improvements made under this Article.

APPENDIX I.

PARKLAND DEDICATION AND PARK DEVELOPMENT FEES

A. Dedication Requirements for Parks.

1. Land Dedication.

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

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

2. Fee-In-Lieu of Land Dedication.

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

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

3. Park Development Fee.

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

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

4. Total Park Fees.

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

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

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

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

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

		service
City Persons per Household --		City of Kaufman 2014-2018 Persons per Household per most recently available US Census data
Single-family:	3	
Multi-family:	2.8	

A. Parkland Dedication Formula:

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

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

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

B. Fee In-Lieu of Land Formula:

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

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

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

Single-family: $3 \text{ PPH} \times \$818.50 \text{ per person} = \$2,455.50 \times 28\% = \$687.54$ per unit

Multi-family: $2.8 \text{ PPH} \times \$818.50 \text{ per person} = \$2,291.80 \times 12\% = \$275.02$ per unit

C. Park Development Fee Formula:

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

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

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

Single-family: $3 \text{ PPH} \times \$954.31 \text{ per person} = \$2,862.93 \times 28\% = \$801.62$ per unit

Multi-family: $2.8 \text{ PPH} \times \$954.31 \text{ per person} = \$2,672.07 \times 12\% = \$320.65$ per unit

D. Total Parkland Fee per Unit:

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

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

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

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



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

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

Section 3. Amendment to Fee Schedule.

The City Fee Schedule is amended to add the Park Development fees as set forth in Appendix I.

Section 4. Penalty.

Any person, firm, entity or corporation who violates any provision of this Ordinance or the City's Subdivisions Ordinance Chapter 94, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined in accordance with 106.153 of the Code of Ordinances. Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 5. Cumulative Clause.

This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Kaufman, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such other ordinances are hereby repealed.

Section 6. Severability Clause.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7. Repealer Clause.

Any provisions of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 8. Effective Date.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Kaufman, Texas, on this the 22 day of February, 2021.



Jeff Jordan, Mayor

ATTEST:

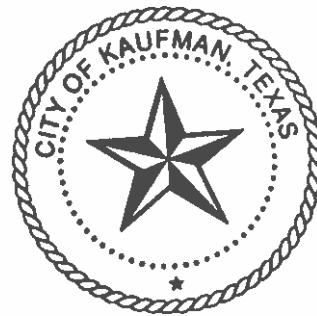


Jessie Hanks, City Secretary

APPROVED AS TO FORM:



Patricia Adams, City Attorney





Meeting
Date: 5/24/2021

Date: 4/23/2021

Item #: 5.

Dept.: Development
Services

Ordinance

SUBJECT:

Hold a Public Hearing, consider, and take appropriate action on Ordinance O-20-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman to provide a City required percentage of land dedication, to provide for alternate methods of satisfying the land dedication requirement, and to provide for Council discretion to accept parks less than (2) two acres; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date.

BACKGROUND:

Staff discovered several items were not fully addressed after the parkland dedication ordinance (Ordinance O-04-21) was approved on February 22, 2021. Below is a summary of the additions and changes proposed in draft Ordinance O-20-21.

1. The land dedication numbers of 1 acre for every 6.6 single-family dwelling units and 1 acre per 7.14 multi-family dwelling units was excessive. The proposed change is now 1 acre for every 26 single-family dwelling units and 1 acre for every 64.3 multi-family dwelling units.
2. The ordinance did not give credit if a development had open space area such as greenbelts, trails, landscaped pedestrian paths, bicycle path, natural or landscaped streams, natural, or artificial lakes and other water features in the development. The proposed ordinance allows dedication of open space in lieu of dedicating parkland.
3. The ordinance now includes an Open Space Development Fee:
Single-family \$1,488.72 per unit
Multi-family \$587.86 per unit
4. The Total Parkland Development Fee did not change:
Single-family \$1,489.16 per unit
Multi-family \$595.67
5. Council will have the final authority in determining how much open space or fee may be accepted in lieu of required parkland dedication.
6. An exception to the fee in lieu of land may be considered if the dedication is voluntarily greater than 2 acres or will increase the size of an existing park adjacent to the proposed parkland dedication or will provide a beneficial trail connection or right-of-way or will provide a synergistic benefit not otherwise listed at the Council's discretion.

7. Additionally, Council, in its sole discretion may accept park land dedications of less than 2 acres if it is determined the proposed park will meet all other requirements of the parkland dedication ordinance and upon any additional conditions and/or requirements as approved by Council.

Author: Reviewed:
Marcy Ratcliff, Development Services Director Mike Slye, City Manager
Cost: N/A **Funds Available:** N/A **Source:** N/A
Recommendation: Staff recommends approval of Ordinance O-20-21.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☒	☒	☒	☒	☐

ORDINANCE NO. O-20-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, AMENDING SECTION 9.2, "DEFINITIONS", SECTION 9.4, "REQUIREMENTS", APPENDIX I, "PARKLAND DEDICATION AND PARK DEVELOPMENT FEES", AND APPENDIX II, "PARKLAND DEDICATION AND PARK DEVELOPMENT METHODOLOGY", OF ARTICLE IX, "PARKLAND DEDICATION AND DEVELOPMENT", OF CHAPTER 94, "SUBDIVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN, THE SAME BEING THE KAUFMAN SUBDIVISION ORDINANCE, (ORDINANCE NO. O-24-99), AS AMENDED, TO PROVIDE A CITY REQUIRED PERCENTAGE OF LAND DEDICATION, TO PROVIDE FOR ALTERNATIVE METHODS OF SATISFYING THE LAND DEDICATION REQUIREMENT, AND TO PROVIDE FOR COUNCIL DISCRETION TO ACCEPT PARKS LESS THAN TWO (2) ACRES AS PROVIDED WITHIN; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A PENALTY FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING ON OR WHICH A VIOLATIONS OCCURS OR CONTINUES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman, (the "City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council adopted parkland dedication requirements for the City and its extraterritorial jurisdiction via Ordinance No. O-04-21 on February 22, 2021; and

WHEREAS, to be developmentally competitive with neighboring communities, the City Council has determined it appropriate to now only require a portion of any required land dedication, ("City Required Percentage"), to satisfy the land dedication requirements of Article IX; and

WHEREAS, the City Council now wishes to provide alternative methods of satisfying the land dedication requirement; and

WHEREAS, additionally, the City Council wishes to provide authorization for Council to consider and accept proposed parks less than two (2) acres upon satisfying any other conditions and/or requirements as approved by the Council; and

WHEREAS, the City Council conducted a public hearing on April 29, 2021, heard public input, and considered all comments received regarding this Ordinance; and

WHEREAS, the City Council has determined that the approval and adoption of the amendments herein to the City's parkland dedication requirements are in the best interest of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, THAT:

Section 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendments.

2.01. That Section 9.2, "Definitions", of Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance, (Ordinance No. O-24-99), as amended, is hereby amended by amending the definition of "City Required Percentage" and by adding a new definition for "Open Space", to be and read in their entireties as set forth below with all other provisions of Section 9.2 not herein amended to remain in full force and effect:

Section 9.2: Definitions.

...

CITY REQUIRED PERCENTAGE. The percentage of land dedication as well as the percentage of fees the City of Kaufman requires to be dedicated and/or paid in order to satisfy the requirements of this Article.

...

OPEN SPACE. Includes, but is not limited to, greenbelts, trails, landscaped pedestrian paths, bicycle paths, natural or landscaped streams, natural or artificial lakes and other water features. Open Space does not include streets, alleys, utility easements, public parks or required building setbacks.

...

2.02. That Subsections d-g of Section 9.4, "Requirements", of Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance (Ordinance No. O-24-99), as amended, are hereby amended to be and read in their entirety as set forth below with all other provisions of Section 9.4 not herein amended to remain in full force and effect:

Section 9.4: Requirements.

. . .

d. Land Dedication.

1. The amount of land to be dedicated for parkland purposes shall be as set forth in Appendix I. The required dedication may be met by payment of cash in lieu of land, or dedication of open space, when permitted or required by other provisions of this Article. The total amount of land dedicated for a development or project shall be dedicated to the City in fee simple:

. . .

e. In Lieu of Land.

1. Fee In Lieu of Land. In lieu of dedicating parkland, a Developer may request to meet some or all of the parkland dedication requirements through payment of a Fee In Lieu thereof in the amounts set forth in Appendix I. Such fees shall be due prior to filing an associated plat for record for single family residential uses and prior to the issuance of a building permit for multi-family residential uses.

2. Open Space In Lieu of Land. In lieu of dedicating parkland, a Developer may request to meet some or all of the parkland dedication requirements through dedication of open space in the amounts set forth in Appendix I.

f. City Approval.

The City Council shall have the final authority in determining how much, if any, open space or fee may be accepted in lieu of required parkland dedication.

1. The City Council may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix I.

2. The City Council may, from time to time, require that open space be dedicated in lieu of parkland dedication in amounts as set forth in Appendix I.

. . .

g. Approval Process for Parkland Dedication.

. . .

3. Development and maintenance of a park less than two acres in size for public park purposes is impractical and does not allow for appropriate improvements consistent with necessary level of service. Therefore, if fewer than 100 dwelling units as specified in

Appendix I under Land Dedication are proposed by a plat for single family residential or a building permit for multi-family residential, the Developer shall pay the applicable cash in lieu of land dedication.

- (a) An exception may be considered if the dedication is voluntarily greater than two acres or will increase the size of an existing park adjacent to the proposed parkland dedication or will provide a beneficial trail connection or right- of-way or will provide a synergistic benefit not otherwise listed, at the discretion of the City Council.
- (b) Additionally, the City Council, in its sole discretion, may accept park land dedications of less than two (2) acres upon a determination by the City Council that the proposed park will meet all other requirements of this Article and upon satisfaction of any additional conditions and/or requirements as approved by the City Council.

. . .

2.03. That Appendix I, "Parkland Dedication and Park Development Fees", of Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance, (Ordinance No. O-24-99), as amended, is hereby amended to be and read in its entirety as set forth below with all other provisions of Article IX not herein amended to remain in full force and effect:

APPENDIX I.

PARKLAND DEDICATION AND DEVELOPMENT FEES

A. Dedication Requirements.

1. Parkland Dedication.

Single-family: one (1) acre per 26 dwelling units

Multi-family: one (1) acre per 64.3 dwelling units

OR

2. Open Space in Lieu of Parkland Dedication.

Single-family: one (1) acre per 104 dwelling units

Multi-family: one (1) acre per 257.2 dwelling units

OR

3. Fee In Lieu of Parkland Dedication.

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

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

B. Park Development Fees.

1. Residential Park Development Fees.

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

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

OR

2. Open Space Development Fees.

Single-family: $\$2,862.93 \times 52\%$ = \$1,488.72 per unit

Multi-family: $\$2,672.07 \times 22\%$ = \$587.86 per unit

C. Total Parkland Fees (for fees in lieu of parkland dedication).

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

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

2.04. The Appendix II, "Parkland Dedication and Park Development Methodology", of Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance, (Ordinance No. O-24-99), as amended, is hereby amended to be and read in its entirety as set forth below with all other portions of Appendix II not herein amended to remain in full force and effect:

APPENDIX II. PARKLAND DEDICATION AND DEVELOPMENT METHODOLOGY

...

A. Parkland Dedication Formula:

1. $\text{Parkland Level of Service} / \text{City Persons per Household} \times \text{City Required Percentage} = \text{Parkland Dedication Requirement}$

Single-family: $20 / 3 \times 390\% = \text{one acre per 26 dwelling units}$

Multi-family: $20 / 2.8 \times 900\% = \text{one acre per 64.3 dwelling units}$

OR

2. ***Open Space In Lieu of Parkland Dedication Formula:***

$\text{Dwelling Units per One Acre of Required Parkland Dedication} \times \text{City Required Percentage} = \text{Open Space Dedication Requirement}$

Single-family: $26 \times 400\% = \text{one acre per 104 dwelling units}$

Multi-family: $64.3 \times 400\% = \text{one acre per 257.2 dwelling units}$

OR

3. ***Fee In Lieu of Parkland Dedication Formula:***

STEP 1. $\text{Parkland Cost Factor} / \text{Parkland Level of Service} = \text{Land Cost per Person}$

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

STEP 2. $(\text{City Persons per Household} \times \text{Land Cost per Person}) \times \text{City Required Percentage} = \text{Fee In Lieu of Land}$

Single-family: $3 \text{ PPH} \times \$818.50 \text{ per person} = \$2,455.50 \times 28\% = \$687.54 \text{ per unit}$

Multi-family: $2.8 \text{ PPH} \times \$818.50 \text{ per person} = \$2,291.80 \times 12\% = \$275.02 \text{ per unit}$

B. Park Development Fee Formula:

1. ***Parkland Development Fee Formula:***

STEP 1: $\text{Parkland Development Cost Factor} / \text{Facilities Level of Service} = \text{Park Development Cost Per Person}$

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

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

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

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

OR

2. Open Space Development Fee Formula:

Parkland Development Fee by Density X City Required Percentage = Open Space in Lieu of Land Park Development Fee by Density

Single-family: $\$2,862.93$ X 52% = $\$1,488.72$ per unit

Multi-family: $\$2,672.07$ X 22% = $\$587.86$ per unit

(The City requires a greater City Required Percentage of development fees when open space is accepted in lieu of parkland as the Developer contributes less open space than parkland to satisfy this Article.)

C. Total Parkland Fees Formula:

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

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

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

(To satisfy this requirements of this Article, a developer shall dedicate the required parkland and pay the required park development fee. If the City Council excepts a developer from dedicating parkland, the developer may dedicate open space or pay a fee in lieu, as approved by the City Council. Then, the developer shall pay the City a park development fee to develop the parkland into a park. If a developer is dedicating open space, such developer shall abide by the open space development fees provided herein. If a developer is providing a fee in lieu of parkland, such developer shall pay the fee in lieu and the parkland development fee).

Section 3. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the City's Subdivisions Ordinance Chapter 94, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined in accordance with 106.153 of the Code of Ordinances. Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Cumulative Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Kaufman, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such other ordinances are hereby repealed.

Section 5. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Repealer Clause. Any provisions of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Kaufman, Texas, on this the 24th day of May, 2021.

Jeff Jordan, Mayor

ATTEST:

Jessie Hanks, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney
Ordinance O-20-21