

Sec. 142-7. - Zoning.

- (a) If property located within the corporate limits is not zoned as required for the proposed subdivision, permanent zoning shall be requested. Application for zoning includes completion of required forms, payment of required fees, and performance of other requirements of the zoning ordinance and the rules and regulations of the city, as the same may be passed or amended from time to time.

Sec. 142-8. - Variances and appeals.

- (a) These rules and regulations are the standard requirements of the city. Suspension of any of these rules and regulations may be granted by the city council or, in some circumstances described below, the planning and zoning commission upon a good and sufficient showing by the owner that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this chapter will deprive the applicant of a substantial property right, and that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for variance shall be decided solely and entirely on its own merits; and the disposition of any prior or pending application for variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests standing alone shall not be justification for the granting of a variance.
- (b) If the suspension of any of the rules and regulations of this chapter is sought, said variance request will usually and primarily be considered by the city council. In the event, however, that a city council meeting will not occur within the timelines required pursuant to Texas Local Government Code chapter 212, the director of planning shall have the authority to send the variance request to the planning and zoning commission for its approval or disapproval.
- (c) The property owner or applicant of the tract of land under consideration who is aggrieved by the planning and zoning commission's final disapproval of a plat under Texas Local Government Code § 212.0095 for which plat the planning and zoning commission is the final decision maker may appeal such disapproval to the city council within 21 days of the date that the decision to disapprove was made by the planning and zoning commission. All requests for appeals must be made in writing, identify the specific basis for the appeal, and be submitted to the director of planning. Any appeal to city council under this provision shall not be considered a filing under Texas Local Government Code chapter 212, and thus shall not require council action within 30 days or 15 days, respectively. The director of planning shall prepare a report and place the plat on the agenda for consideration by the city council.

Sec. 142-9. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alley* means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. An alley is a right-of-way with an ultimate width of 20 feet or less.
- (2) *Applicant* means the owner of all the lots in the proposed subdivision or homeowners' association, as the context allows.
- (3) *City* means the municipal corporation of the City of McKinney, Texas.
 - a. *City council* or *Council* means the duly elected governing body of the City of McKinney, Texas.
 - b. *Director of engineering* means the engineer employed by the City of McKinney, Texas, or the engineers retained as consultants to the city, or their duly authorized representative.

- c. *City official or administrator* means any person, elective or appointive, or any employee, or any board or commission authorized or constituted by city ordinance or state law to act on behalf of the municipality.
 - d. *Commission* means the planning and zoning commission, as appointed by the city council to administer these regulations.
 - e. *Director of planning* means the city official designated to administer the provisions of these regulations, or their duly authorized representative.
- (4) *Collector streets* means a C2U roadway or larger, as indicated by the engineering design manual.
 - (5) *Community park* means a park of approximately 40 to 100 acres, serving an area two to three miles in diameter, serving a population of approximately 20,000 persons and encompassing the service areas of four or more neighborhood parks. Community parks may typically contain lighted athletic facilities for more active play purposes, such as ball fields for football, softball, baseball and soccer, and a recreation center or swimming pool. These parks may be located adjacent to existing or proposed greenbelt areas and proposed junior and senior high school sites.
 - (6) *Comprehensive plan* means the comprehensive plan of the city as adopted by the city council. The comprehensive plan shall consist of a land use plan, a transportation plan, a water system plan, a sanitary sewer plan, a storm drainage plan, a park system plan, and such other plans as may be adopted from time to time by the city council.
 - (7) *Dwelling unit* means any building, structure or mobile home, or part thereof, which is designed, used or intended to be used for human occupancy as the living quarters, of one housekeeping unit or family.
 - (8) *Easement* means a right in a particular area of real property that exists because of an express or implied agreement between the landowner and another party, that grants the right to use or access the land area.
 - (9) *Engineering design manual* or *City of McKinney engineering design manual* means the current engineering design manual adopted by the city, and as such engineering design manual is thereafter amended.
 - (10) *Entry turnaround* means an esplanade opening or other accommodation provided at the entrance to a private street development in order to allow vehicles denied access to reenter the public street with a forward motion without unduly disturbing other vehicles at the entrance.
 - (11) *Extraterritorial jurisdiction (ETJ)* means all land situated, as classified by Texas Local Government Code chs. 42, 43 and 212, in all directions from the corporate boundary of the city and its extensions, and which is not in conflict with the ETJ of another municipality, or with any duly executed boundary agreement with another incorporated municipality.
 - (12) *Filing Date* means the date on which the submittal is deemed administratively complete.
 - (13) *Green belt* means an open space area consisting primarily of natural features that may be located in a floodplain or along a creek channel or be used as a buffer between land uses or be used as an open space linkage between various land uses.
 - (14) *Hike and bike trail* means a hike and bike trail has a minimum ten-foot concrete surface width and is a trail that serves as a linkage for access to recreational and educational areas and facilities. Upon recommendation of the director of parks and recreation, the width of the hike and bike trail may be reduced to eight feet if:
 - a. Due to existing improvements or property lines, inadequate space is available;
 - b. The hike and bike trail section links two existing eight-foot sections in a single block; or
 - c. Other site limitations, including the opportunity for tree preservation, render a ten-foot wide trail undesirable.

- (15) *Infrastructure* means facilities and services needed to sustain industry, residential, commercial and all other land use activities. The term "infrastructure" includes water, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire houses, parks, schools, and such.
- (16) *Land planner* means any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system, and space appropriate to the efficient removal of stormwater and the provision of public services and utilities, all consistent with long range goals and the objectives of the comprehensive plan. A land planner may be trained in any of several specialties; and, where appropriate to his experience, the term includes architect, engineer, landscape architect, and surveyor.
- (17) *Mobile home park* means a tract of land designed, used or intended for the renting or leasing, but not sales, of sites for the location, occupancy, or accommodation of one or more mobile home dwellings. A mobile home park shall have filed with the city a certified land division approved by the commission according to the provisions of this chapter. A mobile home park shall be developed in conformance with the standards set out in chapter 138, article III, division 2.
- (18) *Neighborhood park* means a park of approximately ten to 20 acres, serving an area one to two miles in diameter and serving a population of approximately 5,000 persons. Neighborhood parks should be designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use. Whenever possible, neighborhood parks should be located adjacent to existing or proposed greenbelt areas and proposed elementary school sites.
- (19) *Park* means a tract of land, designated and used by the public (or homeowners in the case of private park area), for active and passive recreation.
- (20) *Private street* means a platted street providing limited local traffic circulation among adjacent lots, which is privately owned and maintained, contained within a private street lot, and constructed in accordance with the requirements of this chapter.
- (21) *Private street lot* means a separate tract, typically termed a common area, owned by the property owners' association whereupon a private street is constructed.
- (22) *Property owners' association* means an organization established for the ownership, care, and maintenance of private streets and other private facilities.
- (23) *Residential estate subdivision* means a subdivision of lots of no less than 1½ acres, or such greater area as may be indicated from soil percolation tests, intended for single family residential use, which may be determined by the city to be adequately developed and served by septic tanks, wells, and/or other facilities normally associated with rural development.
- (24) *Residential or residential development* means the actual or proposed use of land for one or more buildings, structures or mobile homes that are designed or intended to be used, in whole or in part, for one or more dwelling units, but which are not motels or hotels as defined in section 146-46.
- (25) *Security station* means the facility controlling vehicular access to private street developments, which may be a mechanical device or a manned structure.
- (26) *Stacking area* means a setback measured from the public street right-of-way to the security station.
- (27) *Street* means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. A street is a right-of-way with an ultimate width of more than 20 feet.
- (28) *Subdivider or developer* means an individual, firm, association, syndicate, partnership, corporation, or other organization dividing or proposing to divide land, or making improvements to such land, so as to effect a subdivision of land.

- (29) *Subdivision* means the division of any lot, tract, or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land into tracts where each resulting lot is more than five acres in size; does not involve or require any new street, alley or easement of access; and no public improvement is being dedicated. As part of a subdivision, if any lot is proposed to be five acres in area or smaller, the entire parent tract must be platted together with such other lots or tracts. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided. Subdivisions of mobile home spaces for sale, lease or rent shall comply with all provisions of chapter 138, article III, division 2, regulating mobile home parks, as it now exists or it may hereafter be amended.
- a. *Amending plat* means a map, drawing or chart that modifies a recorded final plat, record plat, or minor plat in accordance with the provisions of section 142-77.
 - b. *Certified land division* means a map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which:
 1. Is not required by state statute to be filed in the map and plat records of the county; and
 2. Does not involve or require the dedication of public streets or alleys; and
 3. Has been certified by the city council as having met the conditions of this chapter. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the city secretary rather than the county clerk. In addition, a plat of the property indicating legal boundaries and any public dedications and easements shall be prepared, reviewed by staff, approved by the city council, and filed with the county clerk.
 - c. *Conveyance plat* means a map of property approved by the city for the purpose of sale or conveyance. A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property.
 - d. *Minor plat* means a map, drawing or chart prepared according to the provisions of this chapter, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county, and meeting the criteria defined in section 142-76.
 - e. *Minor replat* means a map, drawing or chart drawn to scale that modifies a platted lot(s) of record that front onto an existing street and involves four lots or less, does not require the creation of a new public street, and does not require the extension of municipal infrastructure.
 - f. *Preliminary-final plat* means a map, drawing or chart drawn to scale, on which is shown the subdivider's proposed arrangement of streets, lots, easements and other public spaces in the subdivision that he intends to submit in form for recording via an associated record plat. This type of plat is required when property is being subdivided into more than four lots, a new public street is being created or when municipal infrastructure must be extended to serve any proposed lot.
 - g. *Preliminary-final replat* means a map, drawing or chart drawn to scale that modifies a platted lot(s) of record that may or may not front onto an existing street and involves more than four lots, the creation of a new public street, or requires the extension of municipal infrastructure to serve any proposed lot.
 - h. *Record plat* means a map, drawing or chart prepared according to the provisions of this chapter, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county. A record plat may also be referred to

as a final plat and is required subsequent to the approval of a preliminary-final plat or preliminary-final replat.

- (30) *Thoroughfare* means any planned or existing roadway within the city and its ETJ. A major thoroughfare is a planned or existing roadway with an ultimate right-of-way width of 60 feet or greater. A minor thoroughfare is a planned or existing roadway with an ultimate right-of-way width of less than 60 feet.
- (31) *Utility easement* means an easement dedicated to the public for access, construction, reconstruction, and maintenance to water lines, sanitary sewer lines, storm sewers, and those franchises granted permission by the city, utility district, or county to occupy the easement.
- (32) *Zoning ordinance* means the duly adopted ordinance of the city establishing certain districts within the city and regulating the use of land, size of lots, size and height of buildings, and other elements of development within those districts codified in chapter 146.

Unless otherwise defined herein, words contained in these regulations shall have the meanings found in chapter 146 and section 142-9, and as such provisions may be hereafter amended.

Sec. 142-10. - Changes and amendments.

Under the provisions of V.T.C.A., Local Government Code chapter 212, the city council may from time to time amend, supplement or change by ordinance the rules and regulations contained herein.

- (1) *City council hearing and public notice.* A public hearing shall be held by the city council before adopting any proposed amendment, supplement, or change to the ordinance. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the city, stating the time and place of such hearing, which time shall not be earlier than 15 days from the first date of publication.

(Ord. No. 2008-08-077, § 1, 8-5-2008)

Sec. 142-37. - Facilities agreement.

- (a) A subdivider shall be required to enter into an agreement with the city, which shall govern his subdivision if there are pro rata payments, city participation in cost, escrow deposits or other future considerations, other nonstandard development regulations or if all improvements required to be dedicated to the city will be not completed prior to filing the record plat, minor plat, minor replat, or final plat in the county records.
- (b) This agreement shall be based upon the requirements of this chapter, and shall provide the city with specific authority to complete the improvements required in the agreement in the event of default by the subdivider, and to recover the full legal costs of such measures. The city may subordinate its facilities agreement to the prime lender if provided for in said agreement.
- (c) The facilities agreement shall be a legally binding agreement between the city and the subdivider specifying the individual and joint responsibilities of both the city and the subdivider. Unusual circumstances relating to the subdivision shall be considered in the facilities agreements such that the purpose of this chapter is best served for each particular subdivision. The subdivider shall include in such an agreement a hold harmless and indemnity clause agreeing to hold the city harmless against any claim arising out of the subdivider's subdivision of the property or any actions taken therein.
- (d) The city delegates to the director of engineering the ability to approve standard facilities agreements. In the event of a disagreement between the subdivider and the director of planning or the director of engineering concerning stipulations of the facilities agreement, the city council shall review said stipulations and make recommendation for resolving the disagreement.

- (e) The subdivider shall have a continuing responsibility under this facilities agreement after the filing of the record plat, minor plat, minor replat, or final plat with the county until all facilities and improvements required under this facilities agreement have been completed. When the construction of required improvements has proceeded to the point that certain parts of the subdivision are adequately served, the director of engineering may release specified portions of the subdivision for use prior to the completion of all improvements, unless the release of such improvements will jeopardize or hinder the continued construction of required improvements. Any facilities agreement shall remain in force for all portions of the subdivision for which a release has not been executed.
- (f) The city shall impose a fee for filing facilities agreements with the county. The amount of the filing fee shall be an amount as specified in appendix A of the Code of Ordinances which may be amended from time to time by ordinance.

Sec. 142-38. - Permits.

- (a) *Required.* A permit shall be obtained from the city before commencing any construction including, but not limited to, grading, paving, utility installation or foundation work. Requirements for permits related to buildings and structures are further defined in chapter 122 of the Code of Ordinances. Permits may be issued in phases or groups depending on the applicant's development needs. All public improvements required by this chapter must be installed and accepted prior to filing a plat for record, unless otherwise specified in an approved facilities agreement or waived by approval of a variance.
- (b) *Types.*
 - (1) *Building permit.* This permit allows for the installation of all proposed improvements, including but not limited to grading, utility installation, paving, and vertical construction. This permit is further referenced in chapter 122 of the Code of Ordinances. This permit is often the final permit to be issued in the development process.
 - (2) *Development permit.* This permit allows for the installation of on-site and off-site public improvements. This permit is typically issued after a grading and erosion control permit and before a utility, paving, and/or foundation permit. This permit is typically issued to allow for the construction of required public improvements.
 - (3) *Grading and erosion control permit.* This permit allows the applicant to install erosion control measures and begin the earth-disturbing activities associated with the development of the subject property. This permit is often the first permit to be issued in the development process.
 - (4) *Utility, paving, and/or foundation permit.* This permit allows for the installation of on-site utilities, paving and building foundations. This permit may be issued as a single permit or may be issued individually depending on the applicant's development needs.
- (c) *Expiration.* All permits referenced herein shall expire two years after issuance. If construction has not been completed within the allotted two years, another permit shall be required and the required fees associated therewith shall be paid. If this provision conflicts with an expiration provision contained in another chapter, the more restrictive provision shall apply.

Sec. 142-41. - Floodplains.

- (a) Prior to the clearing, grading, filling, dredging, or other improvement within a designated floodplain, a permit shall be issued as provided herein. Plans accompanying such permit shall be certified by a professional engineer competent to make certification that such improvements shall not increase the elevation of the

100-year floodplain, as described in chapter 130, article IV, storm water management. A determination of other possible adverse environmental effects on adjacent properties will also be made by the director of engineering in approving or disapproving such permit.

- (b) Upon, and as a condition for approval of the permit, all lands remaining within the 100-year floodplain shall be dedicated as an easement; unless designated as open space under terms and conditions approved by the city council.

Sec. 142-42. - Dormancy and approval expirations.

(a) *General development plan.*

- (1) The approval of a general development plan shall remain in effect so long as progress is being made toward completion of the project on the subject property. If, however, a record plat for all or a part of the subject property has not been filed for recordation with the county clerk within a period of five years following the original approval of the general development plan, the general development plan's approval shall terminate and become void.
- (2) Following the expiration of the general development plan, the subdivider at any time thereafter may submit a new general development plan for commission approval following the procedures and regulations then in effect.

(b) *Preliminary-final plat (includes preliminary-final replat).*

- (1) When a preliminary-final plat has been approved by the commission or council or is otherwise deemed approved, a record plat for all or a part of the area shall be submitted within six months thereafter; otherwise the approval shall terminate and shall be void. However, prior to the expiration of said approval, the time for filing of the application for the record plat may be extended at the written request of the subdivider. The first filing extension (not to exceed 90 days) shall be granted by the director of planning. Any further requests for extensions shall be considered by the planning and zoning commission or city council.
- (2) If a record plat for any portion of the area shown on the preliminary-final plat has been filed for record with the county clerk, the preliminary-final plat's approval shall remain valid indefinitely.
- (3) If a preliminary-final plat expires, the general development plan, if one was approved, that underlies and forms the basis for the preliminary-final plat shall also expire contemporaneously with the expiration of the preliminary-final plat.
- (4) Following the expiration of the plat, the subdivider at any time thereafter may submit a new general development plan, if required, and/or preliminary-final plat for commission or council approval following the procedures and regulations then in effect.

(c) *Record plat.*

- (1) The approval of a record plat shall remain in effect for five years following the date of approval except that the plat's approval shall remain valid indefinitely as long as consistent progress toward the filing of the record plat is demonstrated. If after the five-year approval time period, progress toward the filing of the record plat has not been shown for a period of at least six months, the plat's approval shall immediately terminate and become void. Evidence of progress toward the filing of the record plat shall include, but not necessarily be limited to, the construction of public improvements, application for and receipt of permits, and request(s) for inspections.
- (2) If the record plat expires and no other record plat that is based on the same preliminary-final plat or preliminary-final replat which underlies and forms the basis for the expired or expiring record plat has been previously filed for recording with the county, the preliminary-final plat or preliminary-final replat of the property shall also expire contemporaneously with the expiration of the record plat. If such

underlying preliminary-final plat or preliminary-final replat expires, the general development plan shall also contemporaneously expire with the expiration of the record plat.

- (3) Following the expiration of the record plat the subdivider at any time thereafter may submit a new general development plan, if required, preliminary-final plat or preliminary-final replat, and/or record plat for commission or council approval following the procedures and regulations then in effect.
- (d) *Amending plat, conveyance plat, minor plat, and minor replat.*
- (1) The approval expiration provisions applicable to record plats in subsection (c) of this section shall also apply to amending plats, conveyance plats, minor plats, and minor replats.
- (e) *Exceptions.*
- (1) Notwithstanding the foregoing provisions in this section, approvals for all general development plans and plats of any kind or nature for properties for which a developer's agreement, annexation agreement, or facilities agreement has been approved and executed by the city prior to September 8, 2014, shall be valid indefinitely.
 - (2) If the executed developer's agreement, annexation agreement, or facilities agreement regarding the subject property is terminated, voided for any reason, or otherwise expires the approvals for affected general development plans and plats of any kind and nature shall be subject to the expiration timelines specified hereinabove.
 - (3) The approval expirations contained herein shall not apply to general development plans or plats approved prior to September 8, 2014. Approval expirations that existed within chapter 142 of the Code of Ordinances before September 8, 2014 shall apply to any general development plans or plats approved before September 8, 2014.

Sec. 142-71. - Pre-development meeting.

Prior to applying for a plat, the subdivider should consult with the director of planning, the fire marshal, and the director of engineering or their duly authorized representatives concerning the ultimate land use of the proposed development, the most advantageous subdivision plan, the suitability of the location of the proposed subdivision, the arrangement of streets, alleys, and lots, the layout of utility lines and availability of service from trunk mains and other regulations and policies of the city regarding development.

(Ord. No. 2008-08-077, § 1, 8-5-2008; Ord. No. 2018-04-028, § 12, 4-3-2018)

Sec. 142-72. - Letter of intent.

The subdivider shall submit a letter to the director of planning showing his name and address and that of his land planner, engineering consultant and/or surveyor and stating his intent to subdivide a particular property, briefly describing the location, amount of land, particulars as to the intended use of the property and any variances, if requested. Such letter of intent shall be accompanied by a completed application for plat approval, the appropriate fee and drawings of the plat, as indicated herein.

Sec. 142-73. - Reserved.

Sec. 142-74. - Preliminary-final plat.

- (a) The planning department shall be furnished with a drawing of the preliminary-final plat together with the number of copies of the plan deemed necessary by the director of planning to complete the required reviews

or staff reports, and any necessary supporting documents describing the type of development, provision of services, development procedure and timing, and engineering studies. In instances of non-residential and multiple family residential development within the city limits, a preliminary-final plat may not be submitted prior to the approval of a site plan in accordance with the provisions of the city's zoning ordinance adopted by the authority granted under chapter 211 of the Texas Local Government Code. No plat shall be considered submitted or filed with the city until it is determined to be administratively complete by the city.

- (b) The preliminary-final plat shall be delivered to the director of planning who shall check and verify the plat, prepare a report setting forth the findings of staff, and file the report and the plat with the commission or council at or before the meeting scheduled for review.
- (1) *Scale and drawing size.* The preliminary-final plat and all schematic plans shall be drawn to a scale of 20 feet to the inch to 100 feet to the inch, or as determined by the director of planning, on a drawing size of 24 inches by 36 inches. An 11-inch by 17-inch reduction of each drawing shall also be submitted. A digital copy of the preliminary-final plat shall accompany these drawings.
 - (2) *Existing features inside subdivision.* The following existing features inside the subdivision shall be identified:
 - a. The locations, widths, names and filing information of all existing or platted streets, alleys, easements, railroad rights-of-way, and other important features such as creeks, abstract lines; and
 - b. Existing easements, including sanitary sewer easements, water line easements, and storm sewer easements.
 - c. Additional information as deemed necessary by the director of planning to adequately review the proposed plat.
 - (3) *Existing features outside subdivision.* The existing features listed in subsection (b)(2) of this section that are situated outside the proposed subdivision and within 200 feet of the perimeter thereof shall also be identified. Property lines and the names of adjacent subdivisions and/or the names of record of adjoining parcels of unsubdivided land shall be identified, along with the existing filing information. Features situated outside the subdivision shall be appropriately distinguished from features situated within the subdivision with a lighter line weight or color.
 - (4) *New features inside subdivision.* The following new features inside the subdivision shall be identified:
 - a. The boundary line, accurate in scale, of the tract to be subdivided, with accurate distances and bearings indicated;
 - b. The layout, designations, names and widths of any and all proposed streets, alleys and easements;
 - c. The layout, lot numbers, blocks and approximate dimensions of proposed lots and blocks; and
 - d. A series of connected mutual access and fire lane easements must be shown for any lot(s) being created that does not have direct access to a public street by frontage on such street from the proposed lot(s) to a public street(s). It is understood that the final alignment of all mutual access and fire lane easements may not be known at the time of preliminary-final platting. As such, any mutual access and fire lane easements shown on a proposed preliminary-final plat may be revised as necessary on a subsequent associated record plat so long as adequate mutual access and fire lane access is provided from the proposed lot(s) to a public street(s), subject to the review and approval of the director of engineering and the fire marshal.
 - e. All parcels of land intended to be dedicated or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision (common areas), or reservations for other uses, together with the purpose or conditions and limitations of such reservations, if any.
 - (5) *Location map.* A location map of the proposed subdivision indicating major roadways or platted streets within 1,000 feet of the proposed subdivision shall be included.

- (6) *Title information.* The following title information shall be included:
- a. The proposed name of the subdivision with section or sequencing designation, as appropriate, followed by the lot(s) and block(s);
 - b. North indicator and scale;
 - c. Acreage of the proposed subdivision;
 - d. The names and addresses of the owner, developer and land planner, engineer, and/or surveyor, as appropriate;
 - e. The tract designation, abstract and other description according to the real estate records of the city or county; and
 - f. The total number of lots, and designation and amounts of land of the proposed uses within the subdivision.

(7) *Additional notes.*

- a. The subdivider shall place the following notation(s) on each page of a preliminary-final plat of land that is situated within the corporate limits of the city:
 - 1. PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY
 - 2. All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the subdivision ordinance.
- b. The subdivider shall place the following notation on each page of a preliminary-final plat containing land that is situated outside the city's corporate limits and within the extraterritorial jurisdiction of the city:
 - 1. PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY
 - 2. All proposed lots situated entirely outside the city's corporate limits and within the city's extraterritorial jurisdiction comply with the requirements of the subdivision ordinance.
- c. The official monuments shall be tied at two points into the plane coordinates for the Lambert Conformal Conic Projection for Texas, North Central Zone. Reference may be made to Special Publication, No. 252, Plane Coordinate Projection Tables for Texas, published and printed by United States Department of Commerce, Coast and Geodetic Survey. State plane coordinates tied to two points on the plat boundary shall be shown on the plat.
- d. *Approval Certificate*

The following certificate shall be placed on the plat in a manner that will allow the completion of the certificate by the proper party:

Approved

Presiding Officer
City of McKinney, Texas

Date

Attest

Board, Commission or City Secretary
City of McKinney, Texas

Date

The presiding officer identified on the certificate shall be determined as indicated below:

- i. For plats requiring administrative staff approval, the city manager shall be the presiding officer and the city secretary shall be the attesting signatory.
 - ii. For plats requiring planning and zoning commission approval, the chairman of the commission shall be the presiding officer. However, if the vice-chair presides over a meeting where a plat is approved, the vice-chair shall be authorized to serve as the presiding officer. The planning and zoning commission secretary shall be the attesting signatory.
 - iii. For plats requiring city council approval, the mayor, or mayor pro-tem in the mayor's absence, shall be the presiding officer and the city secretary shall be the attesting signatory.
- (8) *Schematic plans required.* To assist in a complete and thorough review of the proposed preliminary-final plat, the following schematic plan types may be required, as determined by the director of planning or director of engineering. Such required plans must be submitted on separate sheets at the same scale as the preliminary-final plat.
- a. A plan showing existing topography with contour lines of five feet, or less, with the proposed lot layout shown;
 - b. A plan at the same scale as the plat showing the proposed layout, lot numbers, setback lines, any existing or proposed easements and rights-of-way for single family and duplex residential subdivisions;
 - c. A plan of the proposed water and sanitary sewer lines and related facilities;
 - d. A plan showing the proposed drainage facilities including drainage areas, stormwater detention areas, preliminary estimated runoff, points of concentration, and the location of proposed lines, inlets, culverts, and bridges;
 - e. An exhibit showing the entire proposed subdivision layout on a single page will be required if a multiple page preliminary-final plat is submitted; and
 - f. A separate table of all lots' sizes for single family residential developments, including the mean and median lot size (excluding common areas).
- (9) *Additional Studies and/or Technical Analyses.* It is generally understood and accepted that additional studies or analyses may be necessary prior to the consideration of a plat, as determined by the director of engineering. This may include, but not be limited to flood studies, drainage analyses, and/or traffic impact analyses, the results of which may have significant impacts regarding the final layout of the plat. As a result, said studies and technical analyses shall be submitted and approved prior to the submittal of a plat.

(10) *Approval and variances.*

- a. A preliminary-final plat will be approved, approved with conditions, or disapproved in accordance with the provisions of section 142-89. Approval of the preliminary-final plat as such shall in no way constitute final acceptance or approval of the subdivision.
- b. Approval of the preliminary-final plat by the commission or city council shall include the condition that a record plat conforming with the approved preliminary-final plat be submitted for staff review and approval.
- c. Variances. A variance to the requirements of this section may be granted by the city council or the commission in accordance with the provisions of section 142-8.

(Ord. No. 2008-08-077, § 1, 8-5-2008; Ord. No. 2010-12-053, §§ 4, 5, 12-7-2010; Ord. No. 2012-11-056, §§ 7—9, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-09-062, §§ 2—4, 9-2-2014)

Sec. 142-75. - Preliminary-final replat.

- (a) The planning department shall be furnished with a drawing of the preliminary-final replat together with the number of copies of the plan deemed necessary by the director of planning to complete the required reviews or staff reports, and any necessary supporting documents describing the type of development, provision of services, development procedure and timing, and engineering studies. In instances of non-residential and multiple family residential development within the city limits, a preliminary-final replat may not be submitted prior to the approval of a site plan in accordance with the provisions of the city's zoning ordinance adopted by the authority granted under chapter 211 of the Texas Local Government Code. No plat shall be considered submitted or filed with the city until it is determined to be administratively complete by the city.
- (b) Documentation submitted for approval of preliminary-final replats shall meet the preliminary-final plat requirements of section 142-74, except as follows:
 - (1) Purpose statement. A purpose statement shall be provided on the proposed preliminary-final replat. This statement shall provide a brief synopsis of the reason for the proposed plat.
 - (2) *Title information.* The following title information shall be included:
 - a. The proposed name of the subdivision with section or sequencing designation, as appropriate, followed by the lot(s) and block(s);
 - b. The previous plat information;
 - c. North indicator and scale;
 - d. Acreage of the proposed subdivision;
 - e. The names and addresses of the owner, developer and land planner, engineer, and/or surveyor, as appropriate;
 - f. The tract designation, abstract and other description according to the real estate records of the city or county; and
 - g. The total number of lots, and designation and amounts of land of the proposed uses within the subdivision.
 - (3) The subdivider shall place the following notation on each page of a preliminary-final plat containing land that is situated within the corporate limits of the city:
 - a. PRELIMINARY-FINAL REPLAT FOR REVIEW PURPOSES ONLY

- b. All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the subdivision ordinance.
 - (4) The subdivider shall place the following notation on each page of a preliminary-final plat containing land that is situated outside the city's corporate limits and within the extraterritorial jurisdiction of the city:
 - a. PRELIMINARY-FINAL REPLAT FOR REVIEW PURPOSES ONLY
 - b. All proposed lots situated entirely outside the city's corporate limits and within the city's extraterritorial jurisdiction comply with the requirements of the subdivision ordinance.
- (c) *Schematic plans required.* To assist in a complete and thorough review of the proposed preliminary-final replat, the following schematic plan types may be required, as determined by the director of planning. Such required plans must be submitted on separate sheets at the same scale as the preliminary-final replat.
 - (1) A plan showing existing topography with contour lines of five feet, or less, with the proposed lot layout shown;
 - (2) A plan showing the proposed layout, lot numbers, and setback lines for single family and duplex residential subdivisions;
 - (3) A plan of the proposed water and sanitary sewer lines and related facilities;
 - (4) A plan showing the proposed drainage facilities including drainage areas, stormwater detention areas, preliminary estimated runoff, points of concentration, and the location of proposed lines, inlets, culverts, and bridges;
 - (5) An exhibit showing the entire proposed subdivision layout on a single page will be required if a multiple page preliminary-final replat is submitted;
 - (6) A separate table of all lots' sizes for single family residential developments, including the mean and median lot size (excluding common areas).
- (d) *Additional Studies and/or Technical Analyses.* It is generally understood and accepted that additional studies or analyses may be necessary prior to the consideration of a plat, as determined by the director of engineering. This may include, but not be limited to flood studies, drainage analyses, and/or traffic impact analyses, the results of which may have significant impacts regarding the final layout of the plat. As a result, said studies and technical analyses shall be submitted and approved prior to the submittal of a plat.
- (e) *Approval.*
 - (1) The approval and variance provisions applicable to preliminary-final plats (section 142-74) shall also apply to the approval of preliminary-final replats except as such process is modified herein-below with regard to a preliminary-final replat that requires a variance or exception.
 - (2) If a proposed preliminary-final replat for residentially zoned or deed restricted property as specified in Texas Local Government Code § 212.015 does not require a variance or exception and is approved by the council or commission, the city will deliver a written notice by mail regarding the approval of the replat no later than the 15th day after the date the replat is approved to each owner of a lot in the original subdivision that is within 200 feet of the lots that were replatted according to the most recent city tax roll. The notice will also include the zoning designation of the property after the replat as well as a telephone number and email address for the city.
- (f) *Variances.*

- (1) If a proposed preliminary-final replat requires a variance or exception, a public hearing must be held prior to taking action on the proposed preliminary-final replat.
- (2) If a proposed preliminary-final replat requires a variance or exception and includes (i) any property that was limited by an interim or permanent zoning classification to residential uses for not more than two residential units per lot at any time during the preceding five years, or (ii) any lot from the preceding plat that was limited by deed restrictions to residential uses for not more than two residential units per lot, a public hearing must be held regarding the replat by the commission or council. Notice of said public hearing must be given before the 15th day before the day of the hearing by: (a) publication in the city's official newspaper or a newspaper of general circulation in Collin County; and, (b) written notice, together with a copy of subsection (c) of Texas Local Government Code § 212.015, sent to all owners of lots that are within the original subdivision and located within 200 feet of the lots to be replatted. Such notice may be served by using the most recently approved city tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested, and depositing the notice, properly addressed and postage prepaid, in the United States mail.
- (3) If the proposed preliminary-final replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the planning and zoning commission or city council, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the planning and zoning commission or city council, or both, prior to the close of the public hearing. In computing the percentage of land area under this subsection (3), the area of streets and alleys shall be included.
- (4) Variances. A variance to the requirements of this section may be granted by the city council or the commission in accordance with the provisions of section 142-8.

Sec. 142-76. - Record plat.

- (a) Subsequent to a preliminary-final plat or preliminary-final replat being approved by the commission and/or council as provided in this chapter, the subdivider may submit a record plat for all or a portion of the area reflected on the approved preliminary-final plat or preliminary-final replat for approval.
- (b) The record plat shall be submitted to the director of planning who shall cause the same to be checked and verified as to its conformance with the preliminary-final plat or preliminary-final replat as approved by the commission and/or city council. A drawing of the record plat and the number of copies of the plan deemed necessary by the director of planning to complete the required review or staff reports, and any necessary supporting documents describing the type of provision of services, development procedure and timing, and any required engineering studies, shall be delivered to the director of planning. In instances of non-residential and multiple family residential development within the city limits, a record plat may not be submitted prior to the approval of a site plan in accordance with the provisions of the city's zoning ordinance authorized under chapter 211 of the Texas Local Government Code. No plat shall be considered submitted or filed with the city until it is determined to be administratively complete by the city.
 - (1) *Substantial conformation required.*
 - a. If the record plat is complete but does not substantially conform with the preliminary-final plat or preliminary-final replat as approved by the commission and/or city council, the record plat shall be deemed not to have been submitted or filed, and a conforming record plat shall be submitted, or an amended preliminary-final plat or preliminary-final replat shall be submitted for commission or city council consideration.

- b. The record plat may constitute all or only a portion of the approved preliminary-final plat or preliminary-final replat, but any portion thereof shall conform to all of the requirements of these regulations. If record plats are submitted for approval for portions or sections of the proposed subdivision, each portion or section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivisions might be finally approved in sections.
- (2) *Scale and drawing size.* The record plat shall be drawn on sheets measuring 24 inches by 36 inches, and shall be at a scale of 100 feet to the inch or as determined by the director of planning.
- (3) *Features to be shown.* All necessary data to locate and reproduce the record plat on the ground must be shown on the record plat, including:
- a. The boundary lines with accurate distances and bearings, a metes and bounds description of the boundary with an error of closure not to exceed one in 5,000, exact acreage, and the exact location and width of all existing or platted streets intersecting the boundary of the tract. One copy of the traverse closure sheet shall accompany the record plat;
 - b. Bearings and distances to the nearest established street lines, official monuments, or subdivision corner, which shall be found and accurately described on the record plat. Abstract lines and municipal and school district boundaries shall be shown;
 - c. An accurate location of the subdivision in reference to the deed records of the county which shall include the volume and page of the deed of the property to be subdivided;
 - d. Immediately adjacent properties, including lot and street layouts, and the county filing information. Features situated outside the subdivision shall be appropriately distinguished from features situated within the subdivision;
 - e. The layout, width, and names of all streets and/or alleys with the bearings and distances between points of curvature;
 - f. The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents. This data shall be provided on a table keyed to the curves on the record plat;
 - g. The location, width, and description of all easements for right-of-way provided for public services, utilities or fire lanes and any limitations on use of the easements;
 - h. All lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines to the nearest second;
 - i. For all lots located wholly or partially within or immediately adjacent to a floodplain area, as designated on maps provided by the Federal Insurance Administration, a designation of the minimum finish floor elevation allowed, which shall be at least two feet above the 100-year flood elevation at that point;
 - j. A continuous and sequential lettering and/or numbering of blocks and lots within the subdivision;
 - k. An accurate outline description and area to the nearest hundredth of an acre of all parcels of land that are offered for dedication or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision or reserved for other uses, together with the purpose and conditions or limitations of such reservations and/or dedications, if any;
 - l. The accurate location, material and approximate size of all monuments and benchmarks; and
 - m. The official monuments shall be tied at two points into the plane coordinates for the Lambert Conformal Conic Projection for Texas, North Central Zone. Reference may be made to Special Publication, No. 252, Plane Coordinate Projection Tables for Texas, published and printed by United States Department of Commerce, Coast and Geodetic Survey. State plane coordinates tied to two points on the plat boundary shall be shown on the plat.

- n. A separate table of all lots' sizes for single family residential developments, including the mean and median lot size (excluding common areas); and
 - o. Additional information as deemed necessary by the Director of Planning to adequately review the proposed plat.
- (4) Additional plans and exhibits required.
- a. A plan at the same scale as the plat showing the proposed layout, lot numbers, setback lines, and any existing or proposed easements and rights-of-way for single family and duplex residential subdivisions;
 - b. An exhibit showing the entire proposed subdivision layout on a single page will be required if a multiple page record plat is submitted; and
 - c. Any study or analysis detailing drainage, flood, traffic, or other miscellaneous impacts deemed necessary by the director of engineering shall be submitted and approved prior to the submittal of a record plat.
- (5) *Location map.* A location map of the proposed subdivision indicating major roadways or platted streets within 1,000 feet of the proposed subdivision shall be included.
- (6) *Title information.* The following title information shall be included:
- a. The proposed name of the subdivision with section or sequencing designation, as appropriate, followed by the lot(s) and block(s);
 - b. The previous plat information, when applicable for replats;
 - c. North indicator and scale;
 - d. Acreage of the proposed subdivision;
 - e. The names and addresses of the owner, developer and land planner, engineer, and/or surveyor responsible for actual design of the subdivision.
 - f. The tract designation, abstract and other description according to the real estate records of the city or county; and
 - g. The total number of lots, and designation and amounts of land of the proposed uses within the subdivision.
- (7) *Certificates required.* The following certificates shall be included:
- a. Certification by a public surveyor registered in the state, that the plat represents a survey made by him or under their direct supervision, and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown;
 - b. A certificate of ownership and dedication, on a form approved by the director of planning, of all streets, alleys, parks, open spaces and public ways to public use forever, signed and acknowledged before a notary public by the owner and any and all lienholders of the land, and a complete and accurate description of the land subdivided and dedications made;
 - c. An original certificate, signed by the county tax assessor-collector, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid;
 - d. Approval certificate.
 - 1. The following certificate shall be placed on the plat in a manner that will allow the completion of the certificate by the proper party:

Approved

Presiding Officer
City of McKinney, Texas

Date

Attest

Board, Commission or City Secretary
City of McKinney, Texas

Date

2. The presiding officer identified on the certificate shall be determined as indicated below:
 - i. For plats requiring administrative staff approval, the city manager shall be the presiding officer and the city secretary shall be the attesting signatory.
 - ii. For plats requiring planning and zoning commission approval, the chairman of the commission shall be the presiding officer. However, if the vice-chair presides over a meeting where a plat is approved, the vice-chair shall be authorized to serve as the presiding officer. The planning and zoning commission secretary shall be the attesting signatory.
 - iii. For plats requiring city council approval, the mayor, or mayor pro-tem in the mayor's absence, shall be the presiding officer and the city secretary shall be the attesting signatory.
 - e. The subdivider shall place the following notation on each page of a record plat containing land that is situated within the corporate limits of the city:
 1. All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the subdivision ordinance.
 - f. The subdivider shall place the following notation on each page of a record plat containing land that is situated outside the city's corporate limits and within the extraterritorial jurisdiction of the city:
 1. All proposed lots situated entirely outside the city's corporate limits and within the city's extraterritorial jurisdiction comply with the requirements of the subdivision ordinance.
 - g. The subdivider shall place an owner's dedication certificate in the format approved by the director of engineering on at least one page of the record plat.
- (8) *Construction plans.* Construction plans and profile sheets for all public improvements shall be submitted and approved prior to the submittal of the record plat. Construction plans and profiles shall be drawn on sheets measuring 24 inches by 36 inches and shall be the same size as the record plat. Each sheet shall include north indicator, scales, date and benchmark description to sea level datum. Each sheet shall show the seal and signature of the professional engineer who prepared the plans and shall include the following in accordance with the engineering design manual:

- a. A plan and profile of each street with top of curb grades shown. Scales shall be in one-inch equals 40 feet horizontally, and one-inch equals five or six feet vertically or such other scale approved by the director of engineering;
- b. The cross section of proposed streets, alleys and sidewalks showing the width and type of pavements, base and subgrade and location within the right-of-way;
- c. A plan and profile of proposed sanitary sewers with grades and pipe size indicated and showing locations of manholes, cleanouts and other appurtenances, with a section showing embedment;
- d. A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings and other appurtenances, with a section showing embedment;
- e. A plan to scale of all areas contributing stormwater runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, time of concentration and other data necessary to adequately design drainage facilities for the area; and
- f. A plan and profile of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges and other structures;
- g. Other drawings as necessary for a complete installation, including an erosion control plan and post construction stormwater quality plan.

(9) *Approval and variances.*

- a. A record plat will be approved, approved with conditions, or disapproved in accordance with the provisions of section 142-89 except as such process is modified herein-below.
- b. The city delegates to the director of planning the authority to approve record plats. The director of planning shall act upon the record plat within 30 days after submittal of the record plat to the city as herein provided. Failure to act within this time shall constitute approval of the record plat, and the city secretary shall be directed to certify to its acceptance.
 - 1. The record plat shall be reviewed for conformance with the approved preliminary-final plat and if the record plat is found to be in conformance, the director of planning shall approve the record plat, or approve the record plat with conditions.
 - 2. The director of planning may for any reason elect to present the record plat to the planning and zoning commission or city council for action in accordance with the provisions of section 142-89.
 - 3. The director of planning shall not approve any record plat that does not substantially conform to the approved preliminary-final plat or preliminary-final replat.
 - 4. The director of planning shall not disapprove the record plat and shall be required to refer any record plat which he does not find conforming to the planning and zoning commission or city council for action in accordance with the provisions of section 142-89.
 - 5. If the planning and zoning commission denies the record plat under Texas Local Government Code § 212.0095 for which plat the planning and zoning commission is the final decision maker, the subdivider may, within 14 days of the commission's disapproval, submit a letter to the director of planning appealing the decision of the commission to the city council. All requests for appeals must be made in writing and identify the specific basis for the appeal. Any appeal to city council shall not be considered a filing under Texas Local Government Code chapter 212, and thus shall not require council action within 30 days or 15 days, respectively.

The director of planning shall prepare a report and place the record plat on the agenda for consideration by the city council. This appeal procedure shall supersede and control over the appeal procedure described in section 142-8.

- b. Disapproval of a record plat by the planning and zoning commission or city council shall be deemed a refusal by the city to accept the offered dedications shown thereon. Approval of a record plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvement of any such dedication until the proper authorities of the city have both given their written acceptance of the improvements and have actually appropriated the same by entry, use, or improvement.
 - c. *Variances.* A variance to the requirements of this section may be granted by the city council or the commission in accordance with the provisions of section 142-8 contained herein.
- (10) *Facilities agreement.* A facilities agreement, if required as described in section 142-37, shall be approved by the city prior to issuance of a development permit. The executed facilities agreement shall be filed in the records of the county by the city secretary.
 - (11) *Screening and buffering.* If screening and buffering is required for a proposed subdivision as specified within section 142-106 of this chapter, plans shall be submitted concurrently with the submittal of a development permit. The screening and buffering plans shall be approved prior to the approval of the record plat.
 - (12) *Development permit.* A development permit, as described in section 142-38, shall be issued by the director of engineering prior to initiation of improvements. Before issuance of a development permit, the developer or their designated representative may be requested to meet with the director of engineering and/or project inspector in a pre-construction conference.
 - (13) *Recording of the record plat.* The record plat shall be recorded in the map and plat records of the county by the director of planning after the acceptance of public improvements in subdivisions not requiring a facilities agreement and after all conditions of approval are satisfied, as determined by the director of planning and the director of engineering. The director of planning shall provide prints of the record plat to the affected city offices as they may require. The record plat shall not be returned or released to the subdivider until recorded as provided above.
 - (14) *Release of covenants.* Upon satisfactory completion of the required improvements, the director of engineering shall issue a release of covenants to the subdivider.
 - (15) *Acceptance of improvements.* Following completion and final inspection of improvements, the developer shall provide the city with a statement or affidavit specifying the value of street, drainage, and other general fixed assets and the value of water, sewerage, and other utility assets being dedicated to the city. The director of engineering shall accept such improvements in writing and make payments to the developer as specified in the facilities agreement, if applicable.
 - (16) *Final plats.* The city recognizes that there may be plats in the process of being approved or designed that were submitted prior to the effective date of the ordinance from which this section is derived. These plats may have been submitted as preliminary plats, approved by the appropriate authority under the previous ordinance, and phases of these developments may still be undeveloped and in the design process. Such final plats shall be submitted in accordance with the procedures defined herein, and shall conform to this section defined herein for record plats, and submitted to the planning and zoning commission for final approval.

(Ord. No. 2008-08-077, § 1, 8-5-2008; Ord. No. 2010-12-053, §§ 8, 9, 12-7-2010; Ord. No. 2012-11-056, § 12, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-09-062, § 7, 9-2-2014; Ord. No. 2018-04-028, § 13—17, 4-3-2018)

Sec. 142-77. - Minor plat.

- (a) A minor plat will be approved, approved with conditions, or disapproved in accordance with the provisions of section 142-89 except as such process is modified herein-below.
- (b) In accordance with the Texas Local Government Code § 212.0065, the city delegates to the director of planning the authority to approve minor plats and amendments to minor plats, which:
 - (1) Involve four or fewer lots;
 - (2) Front onto an existing street; and
 - (3) Do not require the creation of any new street or the extension of municipal facilities.
- (c) No plat shall be considered submitted or filed with the city until it is determined to be administratively complete by the city.
- (d) The director of planning may, for any reason, elect to present the minor plat to the planning and zoning commission or city council for approval, approval with conditions, or disapproval in accordance with the provisions of section 142-89 except as such process is modified herein-below.
- (e) The director of planning shall not disapprove the minor plat and shall be required to refer any minor plat that he refuses to approve to the planning and zoning commission or city council for approval, approval with conditions, or disapproval in accordance with the provisions of section 142-89 except as such process is modified herein-below.
- (f) Documentation submitted for approval of minor plats shall meet the record plat requirements of section 142-76.
- (g) Schematic plans required. To assist in a complete and thorough review of the proposed minor plat, the following schematic plan types may be required, as determined by the director of planning. Such required plans must be submitted on separate sheets at the same scale as the minor plat.
 - (1) A plan showing existing topography with contour lines of five feet, or less, with the proposed lot layout shown;
 - (2) A plan at the same scale as the plat showing the proposed layout, lot numbers, setback lines, any existing or proposed easements and rights-of-way for single family and duplex residential subdivisions;
 - (3) An exhibit showing the entire proposed subdivision layout on a single page will be required if a multiple page minor plat is submitted; and
 - (4) Any study or analysis detailing drainage, flood, traffic, or other miscellaneous impacts deemed necessary by the director of engineering shall be submitted and approved prior to the submittal of a minor plat.
- (h) Screening and buffering. If screening and buffering is required for a proposed subdivision as specified within section 142-106 of this chapter, plans shall be submitted to the planning department concurrently with the submittal of a minor plat. The screening and buffering plans shall be approved by the director of planning, prior to the approval of the minor plat.
- (i) *Approval and variances.*
 - (1) The approval and variances provisions applicable to record plats (section 142-76) shall also apply to minor plats.

(Ord. No. 2008-08-077, § 1, 8-5-2008; Ord. No. 2012-11-056, § 13, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-09-062, § 8, 9-2-2014)

Sec. 142-78. - Minor replat.

- (a) No plat shall be considered submitted or filed with the city until it is determined to be administratively complete by the city.
- (b) Documentation submitted for approval of minor replats shall meet the minor plat requirements of section 142-77, except as follows:
 - (1) *Purpose statement.* A purpose statement shall be provided on the proposed minor replat. This statement shall provide a brief synopsis of the reason for the proposed replat.
- (c) *Screening and buffering.* If screening and buffering is required for a proposed subdivision as specified within section 142-106 of this chapter, plans shall be submitted to the planning department concurrently with the submittal of a minor replat. The screening and buffering plans shall be approved by the director of planning, prior to the approval of the minor replat.
- (d) *Additional Studies and/or Technical Analyses.* Any study or analysis detailing drainage, flood, traffic, or other miscellaneous impacts deemed necessary by the director of engineering shall be submitted and approved prior to the submittal of a minor plat.
- (e) *Approval.*
 - (1) The approval and variance provisions applicable to minor plats (section 142-77) shall also apply to the approval of minor replats except as such process is modified herein-below with regard to a minor replat that requires a variance or exception.
 - (2) If a proposed minor replat for residentially zoned or deed restricted property as specified in Texas Local Government Code § 212.015 does not require a variance or exception and is approved by the council or commission, the city will deliver a written notice by mail regarding the approval of the replat no later than the 15th day after the date the replat is approved to each owner of a lot in the original subdivision that is within 200 feet of the lots that were replatted according to the most recent city tax roll. The notice will also include the zoning designation of the property after the replat as well as a telephone number and email address for the city.
- (f) *Variances.*
 - (1) If a proposed minor replat requires a variance or exception, a public hearing must be held prior to taking action on the proposed minor replat.
 - (2) If a proposed minor replat requires a variance or exception and includes (i) any property that was limited by an interim or permanent zoning classification to residential uses for not more than two residential units per lot at any time during the preceding five years, or (ii) any lot from the preceding plat that was limited by deed restrictions to residential uses for not more than two residential units per lot, a public hearing must be held regarding the replat by the commission or council. Notice of said public hearing must be given before the 15th day before the day of the hearing by: (a) publication in the city's official newspaper or a newspaper of general circulation in Collin County; and, (b) written notice, together with a copy of subsection (c) of Texas Local Government Code § 212.015, sent to all owners of lots that are within the original subdivision and located within 200 feet of the lots to be replatted. Such notice may be served by using the most recently approved city tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested, and depositing the notice, properly addressed and postage prepaid, in the United States mail.
 - (3) If the proposed minor replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the planning and zoning commission or city council, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the planning and zoning commission or city

council, or both, prior to the close of the public hearing. In computing the percentage of land area under this subsection (3), the area of streets and alleys shall be included.

- (4) Variances. A variance to the requirements of this section may be granted by the city council or the commission in accordance with the provisions of section 142-8.

(Ord. No. 2008-08-077, § 1, 8-5-2008; Ord. No. 2012-11-056, § 14, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-09-062, § 9, 9-2-2014)

Sec. 142-79. - Amending plat.

- (a) No plat shall be considered submitted or filed with the city until it is determined to be administratively complete by the city.
- (b) An amending plat will be approved, approved with conditions, or disapproved in accordance with the provisions of section 142-89 except as such process is modified herein-below.
- (c) In accordance with Texas Local Government Code § 212.0065, the City delegates to the director of planning the authority to approve amending plats under the following conditions:
 - (1) The amending plat shall be signed by all persons owning property within the tracts for which the amending plat is submitted.
 - (2) The director of planning may, for any reason, elect to present the amending plat to the planning and zoning commission or city council for approval, approval with conditions, or disapproval in accordance with the provisions of section 142-89.
 - (3) The director of planning shall not disapprove the amending plat and shall be required to refer any amending plat which he refuses to approve to the planning and zoning commission or city council for approval, approval with conditions, or disapproval in accordance with the provisions of section 142-89.
 - (4) The amending plat shall be solely for one or more of the following purposes:
 - a. To correct an error in a course or distance shown on the preceding plat;
 - b. To add a course or distance that was omitted on the preceding plat;
 - c. To correct an error in a real property description shown on the preceding plat;
 - d. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - e. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - f. To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - g. To correct an error in courses and distances of lot lines between two adjacent lots if:
 - Both lot owners join in the application for amending the plat;
 - Neither lot is abolished;
 - The amendment does not attempt to remove recorded covenants or restrictions; and

The amendment does not have a material adverse effect on the property rights of the other owners in the plat;

h. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

i. To relocate one or more lot lines between one or more adjacent lots if:

The owners of all those lots join in the application for amending the plat;

The amendment does not attempt to remove recorded covenants or restrictions; and

The amendment does not increase the number of lots;

j. To replat one or more lots fronting on an existing street if:

The owners of all those lots join in the application for amending the plat;

The amendment does not attempt to remove recorded covenants or restrictions;

The amendment does not increase the number of lots; and

The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(d) A notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat. The documentation submitted for approval of amending plats shall meet the record plat requirements of section 142-76, in addition to the following items:

(1) *Purpose statement.* A purpose statement shall be provided on the proposed amending plat. This statement shall provide a brief synopsis of the reason for the proposed plat; and

(2) The subdivider shall place an owner's dedication certificate in the format approved by the director of engineering on at least one page of the plat.

(e) *Approval and variances.*

(1) The approval and variances provisions applicable to record plats (section 142-76) shall also apply to amending plats.

(Ord. No. 2008-08-077, § 1, 8-5-2008; Ord. No. 2012-11-056, § 15, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-09-062, § 10, 9-2-2014)

Sec. 142-80. - Right-of-way vacation or abandonment.

(a) *Purpose.* From time to time, as the city's vehicular circulation needs and traffic patterns change, rights-of-way previously dedicated to, or acquired by, the city for public travel may no longer be necessary. As such, in accordance with the Texas Transportation Code § 311.007, the city may choose to vacate, abandon, or close a street or alley, on its own accord or upon receipt of a petition from all owners of property adjacent to, abutting or directly served by the right-of-way sought to be closed and/or abandoned.

(b) *Public hearing and public notice.* Prior to the vacation of a public street or alley right-of-way, a public hearing shall be held at a city council meeting. Written notice for the public hearing shall be sent to all owners of

property, or to the person rendering the same for city taxes, located within 200 feet of the right-of-way in question, not less than ten days before such hearing is held. Such notice shall be served by using the most recently approved municipal tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail. Notice of the public hearing shall also be given by publication one time in a newspaper of general circulation in the city, stating the time and place of such hearing, which time shall not be earlier than 15 days from the first date of publication.

- (c) *Easements.* The applicant for a right-of-way vacation or alley abandonment shall verify with the appropriate entity that the right-of-way to be vacated is free of all public and private utilities including, but not limited to water, sanitary sewer, storm sewer, electricity, cable television, telephone, and gas. If public or private utilities are present within the right-of-way, a utility easement of an appropriate size and location, as determined by the director of engineering, will be retained. A drainage easement may also be retained over the right-of-way to be vacated, as determined by the director of engineering, to maintain adequate storm water drainage in the area.
- (d) *Ordinance adopted.* If the city council chooses to vacate or abandon a portion of the city's right-of-way, an ordinance shall be adopted and said ordinance shall be filed for record with the county clerk. A metes and bounds description and a visual depiction or exhibit showing the location and limits of the vacated right-of-way shall be attached to the adopted ordinance as exhibits.
- (e) *Submittal requirements.* If a property owner petitions the city to abandon a certain portion of its right-of-way, the information detailed below shall be submitted to the director of engineering by the property owner. This required information will allow the director of engineering to thoroughly review the property owner's right-of-way vacation request and draft a report of their findings to be submitted to the city council for consideration.
 - (1) An application;
 - (2) The appropriate application fee as specified in Appendix A of the Code of Ordinances, which fee may be amended from time to time by ordinance;
 - (3) A letter of intent detailing the reasons for the requested right-of-way vacation;
 - (4) A right-of-way vacation petition signed by all property owners whose property shares a boundary line with, or is directly served by, the right-of-way in question;
 - (5) An affidavit signed by the applicant identifying all private utilities situated within the right-of-way to be vacated;
 - (6) An exhibit, drawn to a scale of up to 100 feet to the inch, or as determined by the director of planning, showing the location of the right-of-way to be vacated;
 - (7) A metes and bounds description of the right-of-way to be vacated; and
 - (8) Any other relevant information as requested by the director of planning or director of engineering.

(Ord. No. 2010-12-053, § 10, 12-7-2010; Ord. No. 2018-04-028, § 18, 4-3-2018)

Sec. 142-81. - Conveyance plat.

- (a) *Purpose.* The purpose of a conveyance plat is to subdivide land and to provide for the recordation of the same, for the purpose of conveying the property to another owner without developing it. A conveyance plat may be used to sell the property or interests therein, but a conveyance plat does not constitute approval of any type of development on the property. A conveyance plat is merely a map of property approved by the city for the purpose of sale or conveyance. A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property. No plat shall be considered submitted or filed with the city until it is determined to be administratively complete by the city.

(b) *Applicability.* A conveyance plat may be used in lieu of a record plat to record the subdivision of property with the county clerk in the following instances:

- (1) To record the remainder of a parent tract that is larger than five acres, and that is created by the record platting of a portion of the parent tract, provided that the remainder has adequate access to an existing public right-of-way via frontage on said right-of-way or via the dedication of access easements; or
- (2) To record the subdivision of a property into parcels larger than five acres in area, provided that each parcel has adequate access to an existing public right-of-way via frontage on said right-of-way or via the dedication of access easements; or
- (3) To record the subdivision of a property into parcels, five acres or smaller in area, provided that each parcel has direct access to all required public improvements (water, sanitary sewer, storm sewer) via dedicated easements or direct adjacency to existing infrastructure, no portion of the lot is smaller than 45 feet wide, and each parcel has adequate access to an existing public right-of-way via frontage on said right-of-way or via the dedication of access easements.

(c) *Approval, variances, expiration, and recording.*

- (1) The conveyance plat shall be delivered to the director of planning who shall check and verify the plat, prepare a report to the planning and zoning commission or city council setting forth the findings of staff, and file the report and the plat with the planning and zoning commission or city council at or before the meeting where the conveyance plat is scheduled for consideration.
- (2) A conveyance plat will be approved, approved with conditions, or disapproved in accordance with the provisions of section 142-89 except as such process is modified herein-below.
- (3) The approval of a conveyance plat authorizes the conveyance of the parcel(s) created thereon, but does not authorize any type of development on the property. The applicant and future owner(s) of the property remain obligated to comply with all provisions of this chapter upon future development of the property including, but not limited to, all platting requirements, required public improvements, utility extensions, street improvements, right-of-way and easement dedications, and all other applicable requirements of this chapter.
- (4) The conveyance plat shall be recorded in the map and plat records of the county by the director of planning after the plat has received approval. The director of planning shall provide prints of the conveyance plat to the affected offices as they may require. The conveyance plat shall not be returned or released to the subdivider until it has been recorded as provided above.
- (5) Approval of a conveyance plat shall be valid for 12 months from the date of approval. If the conveyance plat has not been filed for record within the allotted 12 months, the plat's approval shall terminate and become void. However, the validity of a conveyance plat's approval may be extended once for a period not to exceed six additional months, subject to the approval of the director of planning.
- (6) A variance to the requirements of this section may be granted by the city council or commission in accordance with the provisions of section 142-8 of this chapter.

(d) *Special approval standards and requirements.*

- (1) The scale, drawing size, features and certificates to be shown, and all other related information that must be provided on a record plat in accordance with section 142-76 of this chapter, shall be provided on a conveyance plat. All conveyance plats shall also feature the following notations:
 - a. CONVEYANCE PLAT ONLY: NOT FOR DEVELOPMENT;
 - b. The subdivider shall place an owner's dedication certificate in the format approved by the director of engineering on at least one page of the plat; and
 - c. A conveyance plat is a map of property approved by the city for the purpose of sale or conveyance in its entirety or interests thereon defined. Lots created by a conveyance plat may not have all

necessary public utilities available for immediate use. No certificate of occupancy shall be issued nor permanent public utility service provided to any lot(s) created by a conveyance plat until all required public improvements have been constructed and accepted and a record plat is filed for record with the county clerk. Selling a portion of property by metes and bounds, except as shown on an approved, filed and accepted conveyance plat, record plat, minor plat or minor replat is a violation of the city's Code of Ordinances and State Law.

- (2) No permits for development shall be issued nor permanent utility service provided for land that has only been platted via the conveyance plat process. A record plat, minor plat, or minor replat must be approved subsequent to the filing of said conveyance plat prior to the issuance of permits for development.
- (3) A conveyance plat may be superseded by a revised conveyance plat or a record plat, minor plat, or minor replat, in total or in part, through compliance with the procedures and requirements of this chapter.
- (4) If a parcel is to be created adjacent to a right-of-way shown on the city's master thoroughfare plan or another existing roadway with insufficient right-of-way based on its classification type, the appropriate amount of right-of-way based on its roadway classification, as defined by the engineering design manual, shall be dedicated to the city via the proposed conveyance plat.
- (5) If a parcel is to be created adjacent to a hike and bike trail, water line, sewer line or some other public infrastructure as shown by the comprehensive plan, easements of adequate size to accommodate said infrastructure shall be dedicated to the city via the proposed conveyance plat.
- (6) A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property.
- (7) Any study or analysis detailing drainage, flood, traffic, or other miscellaneous impacts deemed necessary by the director of engineering shall be submitted and approved prior to the submittal of a conveyance plat.

Sec. 142-82. - Administratively complete.

The filing date of a full and complete plat submittal ("plat application") is the date on which the application for a preliminary-final plat, preliminary-final replat, minor plat, minor replat, amending plat, conveyance plat or record plat is considered administratively complete. An application for a preliminary-final plat, preliminary-final replat, minor plat, minor replat, amending plat, conveyance plat or record plat shall be considered administratively complete when the correct application has been submitted together with all of the supporting documents and information, which documents and information are generally set out in the submittal checklist published by the McKinney Planning Department, necessary for the director of planning and the director of engineering or their designee(s) to review the application for conformity with the requirements identified by and through the Code of Ordinances, City of McKinney, Texas, and all applicable statutes, ordinances, rules and regulations of the State of Texas and the United States.

Sec. 142-83. – Payment of fees.

All application fees as outlined in Appendix A (Schedule of Fees) of the Code of Ordinances, as may be amended from time to time, shall be paid prior to action being taken on the plat application. If any required fees are not paid as specified herein, future development applications for the project or property in question may be refused.

Sec. 142-84. – Incomplete plat application.

Submitted plat applications not deemed to be administratively complete shall be returned to the applicant without any further action by the city. The fact that a City employee reviewed a plat application to determine whether it is administratively complete shall not be binding on the City as the official acceptance of the application for filing.

Sec. 142-85. – Expiration of application.

An application for approval of a plat or plan for development shall be deemed to expire on the forty-fifth (45th) day after the application is submitted to the city for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Ordinance as specified in the determination provided to the applicant.

Sec. 142-86. – Denial of application.

No vested rights accrue solely from the filing of a plat application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

Sec. 142-87. – Right to refile application.

After it is determined that a plat application is not administratively complete and returned to the applicant, the applicant may make the changes to the defective plat application required to make it administratively complete and submit a new plat application.

Sec. 142-88. – Disagreement regarding administrative completeness.

If an applicant disagrees with the director of planning or the director of engineering or their designee(s) (the “directors”) that their plat application is not administratively complete, the applicant shall provide the directors with written notice of their challenge to administrative completeness, pay the applicable fees, and demand a technical review of the plat application with the understanding that the plat application will be reviewed in accordance with the requirements of Texas Local Government Code § 212.009, or any successor statute.

Sec. 142-89. - Approval Process

(a) At such time as the director of planning or the director of engineering or their respective designee(s) determine that a plat application is administratively complete, city staff will begin its technical review of the plat application for the preliminary-final plat, preliminary-final replat, minor plat, minor replat, amending plat, conveyance plat or record plat (collectively “Plat”), and shall submit the plat application together with the Plat to the director of planning, the planning and zoning commission or the city council, as appropriate, together with the Directors’ recommendation regarding the plat application and Plat so as to allow the director of planning, the planning and zoning commission or the city council to approve, approve with conditions, or disapprove the plat application and affiliated plat within 30 days in accordance with Section 212.009(a) of the Texas Local Government Code, as amended.

(b) Action on initial submittal.

1. By the director of planning. In the event the director of planning conditionally approves an amended plat or minor plat or minor replat, the director of planning shall provide the applicant a written statement of the conditions for the conditional approval in accordance with Section 212.0091 of the Texas Local Government Code, as amended.

(c) 2. By the commission or council. In the event the planning and zoning commission or city council conditionally approves a plat or disapproves a plat, the commission or council shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval in accordance with Section 212.0091 of the Texas Local Government Code, as amended. Action on written

response remedying conditions/reasons for disapproval. After the conditional approval of a plat or disapproval of a plat, an applicant may submit to the City a written response that satisfies each condition for the conditional approval or remedies each reason provided for the disapproval, in accordance with Section 212.0093 of the Texas Local Government Code, as amended.

1. By the planning director. In the event the City receives such a response from an applicant regarding an amended plat or minor plat or minor replat, the director of planning shall determine whether to approve the applicant's previously conditionally approved amended plat or minor plat or minor replat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended. If, however, the director of planning is unable to approve the same, the director of planning shall cause the applicant's previously conditionally approved amended plat or minor plat or minor replat to be considered and ruled upon by the commission or council either of which may also disapprove the applicant's previously conditionally approved amended plat or minor plat or minor replat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended.
2. By the commission or council. In the event the City receives such a response from an applicant, the commission, or council shall determine whether to approve the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended. The commission or council may also disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended."