

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* means the duly elected governing body of the City of McKinney, Texas.
 - b. *City engineer* 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.
- (4) *Collector streets* means a C2U roadway or larger, as indicated by the City of McKinney Street Design Manual or the North Central Texas Council of Governments Street Design Standards.
- (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) *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.
- (10) *Extraterritorial jurisdiction (ETJ)* means all land situated, as classified by V.T.C.A., 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.
- (11) *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.
- (12) *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.

- (13) *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.
- (14) *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.
- (15) *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.
- (16) *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.
- (17) *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.
- (18) *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.
- (19) *Private street lot* means a separate tract, typically termed a common area, owned by the property owners' association whereupon a private street is constructed.

- (20) *Property owners' association* means an organization established for the ownership, care, and maintenance of private streets and other private facilities.
- (21) *Public utility and storm sewer easement* means an easement upon a private street lot having the same width as the lot that is intended to contain a privately owned and maintained pavement as well as publicly owned and maintained water lines, sanitary sewer lines, storm sewers and such other utility or franchise infrastructure as can be reasonably accommodated.
- (22) *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.
- (23) *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.
- (24) *Security station* means the facility controlling vehicular access to private street developments, which may be a mechanical device or a manned structure.
- (25) *Stacking area* means a setback measured from the public street right-of-way to the security station.
- (26) *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.
- (27) *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.
- (28) *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 ~~for agricultural purposes, i.e., ranching, farming and dwelling pertaining to such uses, into~~ tracts where each resulting tract is of ten acres or more and does not involve or require any new street, alley or easement of access. As part of a subdivision, if any lot is

proposed to be smaller than ten acres in size, 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 street 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. ~~A conveyance plat is merely 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. *General development plan* means a map, drawing or chart drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easements, other public spaces, and general land uses on all contiguous properties owned or held under single ownership from which a proposed subdivision is intended to be made.
- e. *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

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in the map and plat records of the county, and meeting the criteria defined in section 142-76.

- f. *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 facilities.
 - g. *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.
 - h. *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 facilities.
 - i. *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.
- (29) *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.
- (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) *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.