



19-0009M2

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances Regarding the Timing and Process to Receive a Determination on Certain Development Applications to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 3167, and Accompanying Ordinance

COUNCIL GOAL: Operational Excellence
(2C: Identify opportunities for internal efficiencies and continuous improvement to effect a high performing organizational culture)

MEETING DATE: August 20, 2019

DEPARTMENT: Planning

CONTACT: Jennifer Arnold, AICP, Director of Planning
Samantha Pickett, AICP, Planning Manager
David Soto, Planner I

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the proposed amendments.

ITEM SUMMARY: Given the recent changes to state law that will take effect on September 1, 2019, Staff has proposed several modifications to the Zoning Ordinance to ensure compliance. More specifically, these changes are in reference to House Bill 3167, which affects the processing and approval procedures for plats and plans. While this House Bill mainly concerns the Subdivision Ordinance, a few minor changes were needed for clarification in the Zoning Ordinance.

In order to clarify whether or not site plans are affected by these changes, Staff has provided additional language and definitions to denote that site plans, as they are processed by the City of McKinney, are reviewed to ensure conformance with zoning, and as such derive their authority from Texas Local Government Code Chap. 211 (Municipal Zoning Authority).

BACKGROUND INFORMATION: Following the closing of the 86th Legislature, several

changes to Texas Local Government Code were adopted on June 16, 2019 and take effect on September 1, 2019, including:

- HB No. 3167 which requires “the municipal authority responsible for approval plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed”.
 - Requires that upon “filing” (established as having submitted the required documents and paid), the plat or plan must be acted on by Staff or brought the appropriate board (Planning and Zoning Commission or City Council) within 30 calendar days.
 - Action includes approval, approval with conditions, or disapproval; it does not allow for tabling.
 - After action by the City, the applicant has an unlimited time to submit a response, after which the City has 15 calendar days to take final action (approve or deny).

PROPOSED AMENDMENTS:

- Proposed Changes to Sec. 146-45 (Site plan approval) and Sec. 146-46 (Definitions): The proposed amendments are intended to clarify from which section of the Texas Local Government Code site plans derive their authority. Site plans processed by the City of McKinney are reviewed to ensure conformance with zoning, and as such are authorized by Chap. 211 (Municipal Zoning Authority), not Chap. 212 (Municipal Regulation of Subdivisions). These changes to state law only affect Chap. 212, therefore it is important to distinguish that site plans are not affected by this. Additionally, in order to assist with the new timeframes within which Staff must review and take action on plats and constructions plans, further language has been added to establish the order in which plans should be reviewed. This is intended to assist applicants through the process and reduce potential issues stemming from the state law changes.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has not received any letters in support of or in opposition to the proposed amendments.

BOARD OR COMMISSION RECOMMENDATION: On August 13, 2019 the Planning and Zoning Commission voted 6-0-0 to recommend approval of the proposed Zoning Ordinance amendments.

SUPPORTING MATERIALS:

[PZ Minutes DRAFT](#)

[HB 3167](#)

[Chap. 146 Redlines HB 3167](#)

Proposed Ordinance
Proposed Exhibit A