



19-0008M

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 142 (Subdivision 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
Kaitlin Gibbon, 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.

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:

- The proposed amendments to Chapter 142 (Subdivision Regulations) address a few key areas. Specifically, those areas include submittal timing, submittal requirements, and information that’s required to be shown on plats. Again, these amendments are necessary to address changes in state law.
- Timing. The amendments pertaining to timing relate to the incorporation of state mandated review and processing periods. As previously mentioned, H.B. 3167 mandates that cities have 30 days to act on a plat after it’s filed and the subdivision ordinance is being amended to state the same. Additionally, H.B. 3167 also states that a revised submittal can be made addressing any comments made by staff and it must be processed and acted upon in 15 calendar days. Likewise, the subdivision ordinance is being amended to incorporate this new state law.
- Submittal Requirements. In order to act on a plat within the newly specified timeframes, there is information that must be submitted and approved prior to the submittal of a plat. This information might include, but not be limited to a site plan, civil engineering plans, traffic impact analysis, a flood study, or some other technical analysis that might impact the layout or configuration of a proposed subdivision. Additionally, provisions were added to the subdivision ordinance to allow staff the ability to turn away plats that have not received approval of applicable documents before submitting the plat for review. Again, these amendments are necessary because the time frames allotted by the new legislation does not grant staff enough time to review this information while concurrently reviewing the plat and these items cannot be conditioned because after the second review period of 15 days, a plat must either be approved or disapproved (no conditions are permitted per state law).
- Necessary Plat Info. The last area of ordinance amendments focus on what information must be shown on a plat document in order to be approved. Currently, staff has adopted ‘best practices’ which are relayed to applicants as comment which need to be addressed. These comments may be County requirements or other lessons learned that make reviewing, processing and filing

a plat easier. Per the new state law, if these requirements are not codified or otherwise incorporated into an ordinance, they cannot be required. To this end, several amendments to address this issue have been proposed.

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: N/A

SUPPORTING MATERIALS:

[Ch. 142 Redlines](#)
[Proposed Ordinance](#)
[Proposed Exhibit A](#)
[HB 3167](#)