

# MEMORANDUM



**To:** Planning and Zoning Commission

**Through:** Brian Lockley, AICP, Director of Planning

**From:** Matt Robinson, AICP, Planning Manager

**Date:** July 12, 2016

**Subject:** P&Z Commission Training Series  
[Topic 4: Subdivision Ordinance & Platting Process](#)

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## WHAT IS PLATTING?

Platting is a tool that is used by local governments to regulate the subdivision of land, implement the City's Comprehensive Plan and to encourage sound growth and development within the community. Chapter 212 of the Texas Local Government Code sets forth subdivision enabling legislation for Texas cities and the City of McKinney governs platting through its Subdivision Regulations, which are located in Section 142 of the McKinney Code of Ordinances.

As defined in the City's Subdivision Regulations, a Subdivision is defined as:

*"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"*

A Plat is generally required when any of the following occur:

- The division of land (for any purpose) into two or more parcels;
- Development on a parcel not previously legally platted; or
- Development that involves the construction of any public improvements that are to be dedicated to the City.

## WHAT IS THE PURPOSE OF A PLAT

The City of McKinney has adopted minimum standards for the subdivision of property with the intent to provide for the safe, efficient, and orderly development of the city, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the comprehensive plan for the city.

For properties located within the corporate limits of the City of McKinney, the city's Zoning Ordinance is used in conjunction with the Subdivision Regulations to ensure that the minimum standards for the zoning district (i.e. lot size, lot area, density etc.) are being met. Properties located within the extra-territorial jurisdiction of the City of

McKinney are only subject to the requirements established in the City's Subdivision Regulations.

### **WHAT ARE THE DIFFERENT TYPES OF PLATS**

The Texas Local Government Code, gives each municipality the discretion to define and classify what constitutes the type of subdivisions that they recognize within their ordinance. The City of McKinney has established seven (7) plat types and the characteristics of each are described below:

<u>Amending Plat</u>	A plat which modifies or corrects an error on an existing plat. An amending plat cannot create a new lot.
<u>Conveyance Plat</u>	A plat which maps out property approved by the City for the purpose of sale or conveyance of ownership and rights. Does not constitute approval for any type of development on the property.
<u>Minor Plat</u>	A plat which involves four or fewer lots, does not require the extension of municipal facilities, fronts on an existing street, and does not create a new street. Up to four lots may be created with a minor plat.
<u>Minor Replat</u>	A replat which involves four or fewer lots, does not require the extension of municipal facilities, fronts on an existing street, and does not create a new street. Up to four lots may be created with a minor replat.
<u>Preliminary-Final Plat</u>	A plat which involves more than four lots, requires the creation of a new street, requires the extension of a public street, or requires the extension of municipal facilities. Since preliminary-final plats are not filed for record with the County Clerk, the plat cannot create a new lot and is for review purposes only.
<u>Preliminary-Final Replat</u>	A replat which involves more than four lots, requires the creation of a new street, requires the extension of a public street, or requires the extension of municipal facilities. Since preliminary-final replats are not filed for record with the County Clerk, the replat cannot create a new lot.
<u>Record Plat</u>	A plat that creates the lot(s) as reflected on an associated preliminary-final plat or preliminary final replat.

## **ADMINISTRATION OF THE SUBDIVISION ORDINANCE**

The City of McKinney's Subdivision Regulations are administered by the Development Services Division of the City and are generally acted upon by the Planning Department's staff and/or Planning and Zoning Commission. All properties located within the corporate limits of the City and its established extra-territorial jurisdiction (ETJ) are subject to the provisions of the City's Subdivision Regulations.

## **THE COMMISSION'S ROLE IN RELATION TO THE SUBDIVISION ORDINANCE**

Platting is considered a ministerial process and the Planning and Zoning Commission's role is limited to acting/approving conveyance plats, minor replats, preliminary-final plats, and preliminary-final replats. Typically, amending plats, minor plats, and record plats are approved by the Planning Department's staff.

As a general rule, the discretionary authority in platting matters is severely circumscribed by state law. Plats are not discretionary items and as such new standards, conditions or regulations beyond what is provided for in the Texas Local Government Code and the City's Subdivision Regulations cannot be applied as a condition of plat approval. The approval of plats is mandatory provided the conditions and requirements specified in the Texas Local Government Code and City's Subdivision Regulations are satisfied. Any deviations or variances from the requirements of the City's Subdivision Ordinance may only be granted by the City Council. In those instances, the subject plat is only heard by the City Council.