

ORDINANCE NO. 2013-06-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTIONS 142-5 (APPROVAL REQUIRED), 142-9 (DEFINITIONS), 142-81 (CONVEYANCE PLAT) OF THE SUBDIVISION ORDINANCE; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney adopted the Code of Ordinances for the protection of the public health and general welfare of the people of the City of McKinney; and

WHEREAS, the City Council has recognized that certain provisions of the Code of Ordinances should be reviewed and updated; and

WHEREAS, amendments to these provisions have been proposed and the City Council of the City of McKinney is of the opinion that this chapter should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. That the Code of Ordinances, City of McKinney, Texas, Section 142-5 of the Code of Ordinances, is hereby amended and shall read as follows:

“Sec. 142-5. - Approval required.

- (a) Unless and until any plat, plan or replat shall have been first approved in the manner provided by law, it shall be unlawful for any person, firm, corporation, or organization to construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land; and any official of the city, shall not issue any permit for such improvements or to serve or connect said land, or any part thereof, or for the use of the owners or purchasers of said land, or any part thereof, with any public utilities such as water, sewers, lights, gas, etc., which may be owned, controlled, distributed, franchised, or supplied by such city.
- (b) No building permits will be issued for the construction of any building on any unplatted land within the city. Minor repair permits may be issued. When additions, alterations, or repairs within any 12-month period exceed 50 percent of the value of an existing building or structure on previously unplatted property, the land upon which such building or structure is located shall be platted in accordance with the provisions of this chapter.”

Section 2. That the Code of Ordinances, City of McKinney, Texas, Section 142-9 (Definition number 28 (Subdivision)) of the Code of Ordinances, is hereby amended and shall read as follows:

- “(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 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 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. *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 facilities.
- 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.
- 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 facilities.
- 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.”

Section 3. That the Code of Ordinances, City of McKinney, Texas, Section 142-81(b) of the Code of Ordinances, is hereby amended and shall read as follows:

“(b) Applicability. A conveyance plat may be used in lieu of a record plat or minor plat to record the subdivision of a property into parcels that are five acres in area or less, 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 or deep, 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. The construction of public improvements is not required prior to the filing of a conveyance plat.”

Section 4. That the Code of Ordinances, City of McKinney, Texas, Section 142-81(d) of the Code of Ordinances, is hereby amended and shall read as follows:

“(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:

i. CONVEYANCE PLAT ONLY: NOT FOR DEVELOPMENT

ii. 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 or minor 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 or minor plat 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, record plat in total or in part, or minor plat 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 City’s Street 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.”

Section 5. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such

decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 6. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 7. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 4TH DAY OF JUNE, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney