

ORDINANCE NO. 2017-08-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 122-4 OF THE CODE OF ORDINANCES PERTAINING TO THE PERMITTING OF SINGLE FAMILY RESIDENTIAL STRUCTURES IN THE EXTRATERRITORIAL JURISDICTION (ETJ); 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, in some cases, its extraterritorial jurisdiction (ETJ); and

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

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

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

Section 1. Section 122-4 of the Code of Ordinances, City of McKinney, Texas, is hereby amended and shall read as follows:

“Sec. 122-4. - Permits within city limits and extraterritorial jurisdiction.

(a) It shall be unlawful for any person to erect, move, add to, or structurally alter, or to cause to be erected, moved, added to, or structurally altered, or to permit any person to erect, move, add to, or structurally alter, any building or other structure within the city limits or within the city's extraterritorial jurisdiction without first having procured a permit to do so from the city, except as provided in (b) below.

(b) From and after August 15, 2017, permits otherwise required by (a) above shall not be required prior to the constructing, repair, renovating or remodeling of one (1) existing or new single family residential dwelling unit, private utility service lines, or any accessory residential structures, such as a barn, residential storage shed, arbor, gazebo, or swimming pool on a single, undivided tract of land in the ETJ that is not being conveyed or created from a larger tract and that is not a platted lot of record.

(c) Building permits, development permits and all other construction-related permits required by this chapter are required within the city limits and on all property within the city's extraterritorial jurisdiction, except as provided in (b) above.

(d) No building permit, development permit or other construction-related permit shall be issued except in conformity with the provisions of this chapter and all applicable construction codes of the city, except as provided in (b) above.”

Section 2. 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 3. 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 4. 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 15TH DAY OF AUGUST, 2017.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney