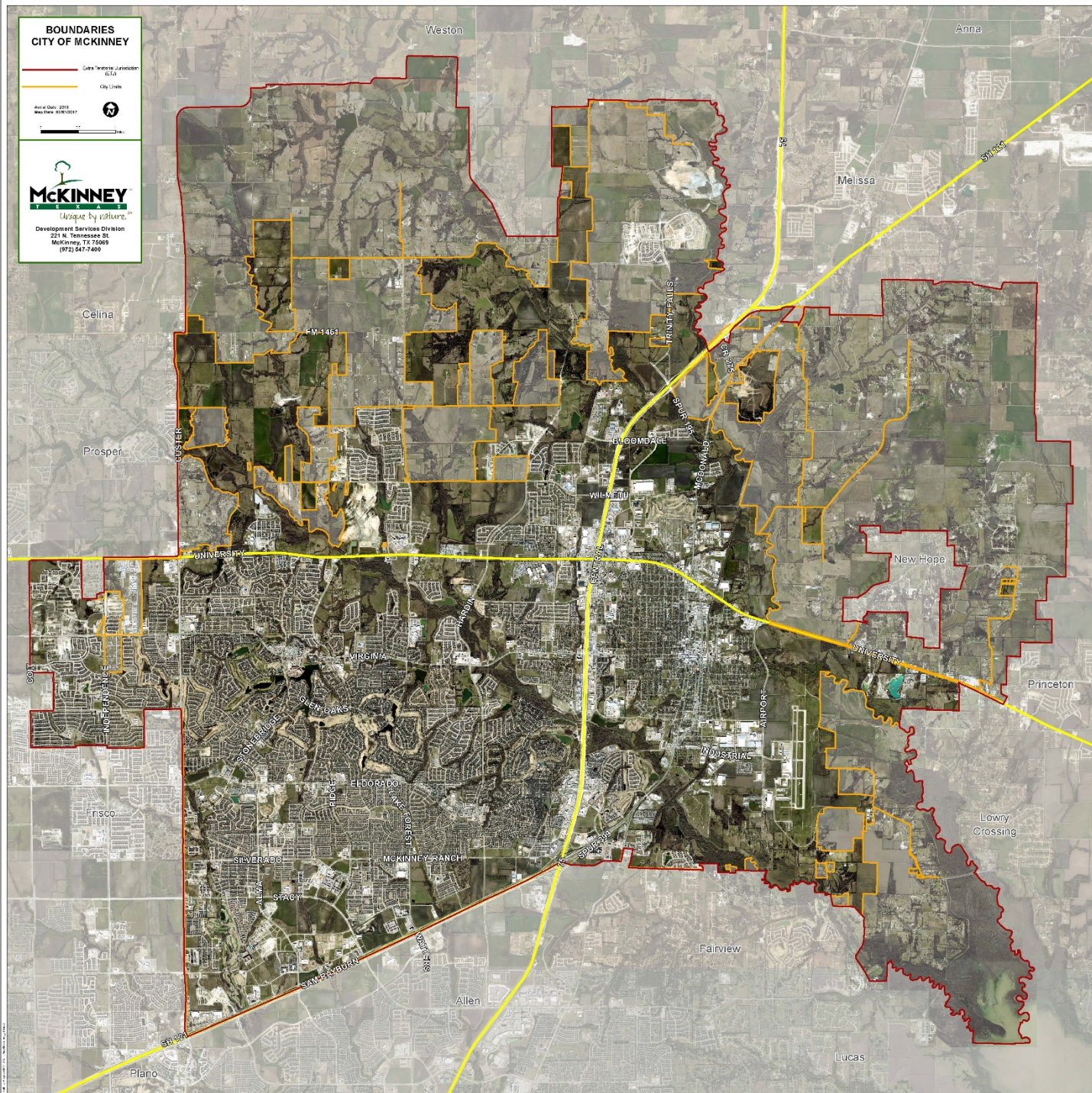


Work Session Discussion: McKinney's Subdivision Regulations & McKinney's ETJ

Monday, April 17, 2017



**BOUNDARIES
CITY OF MCKINNEY**



Timeline

- **1968 (Ord. 691):** McKinney adopts Subdivision Regulations applying to the City and its Extraterritorial Jurisdiction (ETJ)
- **1982 (Ord. 1290):** McKinney updates its Subdivision Regulations to include a provision requiring platting prior to constructing streets, utilities, buildings, etc.
- **2002 (Ord. 2002-03-019):** McKinney enters into a City-County Plat Approval Agreement granting McKinney exclusive control over subdivision plats and related permits in its ETJ (also known as a “1445 Agreement”)
- **2015 (Ord. 2015-03-015):** McKinney reaffirms its authority to enforce building codes in its ETJ
- **Present Day:** McKinney is enforcing Section 142-5 of the Code of Ordinances (Subdivision Regulations) which states, as it did in 1982, that a plat is required prior to constructing streets, utilities, buildings, etc.



Section 142-5 of the Subdivision Regulations (current)

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 1.05 of the Subdivision Regulations (1982)

1.05 Approval Required: 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 it shall be unlawful for any official of said City to 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. No building permits will be issued for the construction of any building on any unplatted land within the City of McKinney, Minor repair permits may be issued. When additions, alteration, or repairs within any 12 month period exceed fifty percent (50%) 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 provisions of this Ordinance.

FAQs

Why does McKinney require platting?

- To ensure that growth occurs in an orderly manner via the dedication of easements for utilities and right-of-way (ROW) for streets. This orderly growth is aimed at promoting the health safety, morals, or general welfare of the public.
- To subdivide property, to consolidate properties, to create platted lots of record, and to dedicate easements and ROW.

Where does McKinney derive its authority to require platting?

- Chapter 212 of the Texas Local Government Code authorizes municipalities to adopt rules governing plats and subdivisions of land in its corporate limits and its ETJ.

Does the “Subdivision” Ordinance apply to property that’s not being subdivided?

- The Subdivision Ordinance (Chapter 142 of McKinney’s Code of Ordinances) applies to all properties in McKinney’s City Limits and its ETJ. The Subdivision Ordinance contains requirements applying to more than just the subdivision of land.

What are the options available to property owners in McKinney and its ETJ if they’re required to plat but do not want to dedicate right-of-way or easements or construct public improvements?

- Plat the property in accordance with McKinney’s Subdivision Ordinance but request the City Council’s approval of variances to not dedicate all necessary ROW and easements or construct required public improvements.
- Plat the ETJ property in accordance with McKinney’s Subdivision Ordinance and enter into a development agreement with the City (ETJ only). This agreement could temporarily suspend the Subdivision Ordinance’s requirements to dedicate ROW and easements or construct public improvements so long as the property is used for an agreed upon use.
- Do not plat the property in accordance with McKinney’s Subdivision Ordinance and thereby elect not to develop the project.