



18-0012M

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on an Ordinance Amending Chapter 42, "Fire Prevention and Protection," and Chapter 122, "Construction Regulations" of the Code of Ordinances, City of McKinney, Texas, Relating to Platting and Permitting in the City's Extraterritorial Jurisdiction

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

**MEETING DATE:** December 4, 2018

**DEPARTMENT:** Planning Department

**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
Aaron Bloxham, Planner II

**RECOMMENDED CITY COUNCIL ACTION:**

- Staff recommends approval of the proposed amendments to the Subdivision Ordinance.

**ITEM SUMMARY:**

- This Ordinance amends Chapter 42 - "Fire Prevention and Protection" and Chapter 122 - "Construction Regulations," of the City of McKinney Code of Ordinances, to comply with the recent court ruling regarding the "Custer Storage Case."
- Specifically, the Court ruling affirmed the City's authority to require plat for landowners that subdivide or develop property in the City or within the City's Extraterritorial Jurisdiction (ETJ) per Section 212 of the Texas Local Government Code (LGC). However, the Court found that the City does not have the authority to enforce its building and fire codes, building and fire inspections, and pay related fees within the ETJ.
- The proposed amendments modify language related to platting and permitting

within the City's ETJ.

**BACKGROUND INFORMATION:**

- Chapter 212 of the Texas Local Government Code (LGC) specifies the laws and procedures for municipalities to regulate subdivisions and property development.
- On May 10, 2018, the Fifth District Court of Appeals for the State of Texas rendered judgement in the Collin County v. City of McKinney v. Custer Storage court case relating to platting and permitting in the ETJ.

**FINANCIAL SUMMARY:**

- N/A

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Ordinance](#)

[Proposed Section 42-24 Changes](#)

[Proposed Section 122-4 Changes](#)