

## **Sec. 146-45. - Site plan approval.**

### **(a) Site plans.**

(1) *Applicability.* Approval of a site plan through the City's Zoning Ordinance, in compliance with Chapter 211 of the Texas Local Government Code, shall be required prior to the submittal of any plats, construction plans, or permits for the development of any new non-residential or multiple family residential structure, a modification to a structure which affects its size, shape, or volume, a structure's change in use that will require modifications to existing parking or loading space requirements or configurations, or as otherwise determined by the Chief Building Official or Director of Planning. All building permits must conform to an approved site plan. Single family and two family residential developments shall be subject to the requirements of chapter 122 of the Code of Ordinances. Site plan approval for development in the MTC McKinney town center zoning district shall be subject to the requirements of appendix G of the city zoning regulations (chapter 146).

### **(2) Site plan approval process; appeals.**

a. The director of planning shall have the authority to approve or approve with conditions site plan applications. The director of planning shall not have the authority to disapprove a site plan application and shall forward any application which he/she cannot approve to the planning and zoning commission for action according to the procedures in subsection (a)(2)c.

1. If the applicant disagrees with the decision of the planning and zoning commission, the applicant may, within seven days of the planning and zoning commission action, request in writing addressed to the director of planning that the commission's action on the site plan be appealed to the city council.
2. If the director of planning disagrees with the decision of the planning and zoning commission, the director of planning may, within seven days of the planning and zoning commission action, notify the applicant in writing of the director of planning's appeal of the commission's action on the site plan to the city council.
3. Any appeal of the planning and zoning commission's action regarding a site plan to the city council shall automatically abate the commission's action until such time as the city council rules upon the appeal. No building or development permit shall be issued for any parcel or structure within a site plan that has been appealed from the planning and zoning commission to the city council until such time as a decision on the appeal is rendered by the city council.
4. The appeal of the planning and zoning commission's action regarding a site plan shall be governed by the following process:
  - i. The applicant's or the director of planning's written notice of appeal shall state, generally, the grounds for the appeal.
  - ii. The applicant and the director of planning shall be provided at least 21 days' notice of the city council meeting at which the appeal will be considered unless such notice is waived in writing by both the applicant and director of planning.
  - iii. The director of planning shall cause all of the documents and materials presented to the planning and zoning commission, together with any approved minutes of the planning and zoning commission regarding the appealed site plan, to be presented to the city council with the agenda packet for the city council meeting at which the appeal will be considered. The foregoing shall constitute the record of the action appealed. The director of planning shall provide a copy of such materials to the applicant at the same time as such materials are submitted for inclusion in the city council agenda packet.

- iv. The applicant and the director of planning may submit additional materials to be included in the city council's agenda packet for consideration by the city council at least seven days before the date of the city council meeting at which the appeal will be considered. The applicant and the director of planning shall simultaneously provide copies of such additional materials to each other upon submittal under this subsection.
    - v. At the hearing, the applicant and the director of planning may appear in person, by agent, or by attorney. The city council may reverse, affirm, wholly or partly, or modify the planning and zoning commission's action regarding the site plan. The city council shall be the final approval authority for site plans, and its decision shall be final.
  - b. Existing sites impacted by the acquisition of right-of-way for U.S. Highway 75.
    - 1. For properties for which a site plan has been previously approved or an occupancy permit exists, and from which right-of-way is subsequently acquired for U.S. Highway 75 which impacts the site, the following process shall apply:
      - i. The applicant may submit for approval of a combination site plan and landscape plan showing the proposed site with the proposed right-of-way acquisition area designated for approval. There is no fee required.
      - ii. The director of planning or her designee may approve the proposed plans based on the following factors: adequacy of parking; general access and circulation, including cross access; emergency access - fire lane location; parking space dimensions and backing distance; landscaping; sign location; and general conformance with the goals and objectives of the comprehensive plan.
    - c. Detailing report; written notice of public hearing. Prior to consideration of a proposed site plan that requires approval of a variance or design exception by the planning and zoning commission and/or city council, written notice of the public hearing shall be sent to all property owners in accordance with the procedures in subsection 146-164(2)(a). Before acting on said site plan, the planning and zoning commission and/or city council shall receive from the director of planning a report regarding the proposed site plan detailing its conformance or nonconformance with the zoning ordinance and other applicable regulations of the city, and a recommended action regarding the site plan.
- (3) Features to be shown on site plans. Site or development plans shall include the following information:
  - a. *General.* The following general information shall be included:
    - 1. The applicant's name, address, and phone number;
    - 2. The development location (include subdivision, lot number, and/or address);
    - 3. The proposed use (letter of intent required);
    - 4. The zoning district (attach copy of ordinance governing subject property);
    - 5. The lot area (net and gross);
    - 6. The lot coverage and floor area ratio;
    - 7. The location of all existing buildings or structures on the lot that are to remain subsequent to any proposed development;
    - 8. The building or structure size, height and total floor area (separated by use);
    - 9. The adjacent land uses and improvements within 200 feet of the subject property;
    - 10. The location of hazardous chemical storage;
    - 11. The sign locations;

12. A scale with the following dimensions: one inch equals 20 feet, 30 feet or 40 feet, or as determined by the director of planning;
  13. The location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);
  14. Any existing or proposed easements;
  15. The location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;
  16. The required landscape areas;
  17. Any additional information as deemed necessary to adequately evaluate the site or development plan; and
  18. The following standard notations:
    - i. The sanitation container screening walls shall be brick masonry, stone masonry, or other architectural masonry finish, including a metal gate, primed and painted, and the sanitation container screening walls, gate, and pad site shall be constructed in accordance with the city design specifications.
    - ii. Mechanical and heating and air conditioning equipment in non-residential uses shall be screened from view from the public right-of-way and from adjacent residential properties.
    - iii. The lighting for the subject property will be constructed and operated in conformance with chapter 58 of the City of McKinney Code of Ordinances.
- b. *Airport information.* The following information shall be provided on the site or development plans, if requested by the director of planning:
1. The site elevation above sea level;
  2. The height of the proposed building or structure above sea level; and
  3. The latitude and longitude coordinates of the location of the maximum building or structure height in NAD 83 format.
- c. *Site circulation and parking.* The following site circulation and parking information shall be included on the site or development plans:
1. The drive approach dimensions and radii;
  2. The delineation and width of internal circulation roadways;
  3. The distances between driveways and intersecting streets;
  4. The number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;
  5. The parking dimensions;
  6. The stacking spaces and drive-through lane location;
  7. The location of curb stops relative to front of parking stall. (Note: Wheel stops are not permitted in lieu of curbs);
  8. The handicapped ramps (required at all intersections);
  9. The building entrances;
  10. The sidewalk dimensions;
  11. The fire lanes meeting fire code standards;
  12. The location and dimension of delivery truck docks;
  13. The location and dimension of loading spaces;

14. The location of bay doors;
  15. The sanitation container locations;
  16. The medians, islands, barriers, and channelization;
  17. The width of adjacent streets, alleys, or other access abutting property;
  18. The length, width, and taper of turn bays; and
  19. The directional signage and directional arrows for one-way traffic driveways.
- d. *Utility plans.* Utility plans shall be included on a separate drawing from the site plan, and shall include the following information:
1. The existing and proposed water mains (include size and valve locations);
  2. The water meter size and location;
  3. The existing and proposed sewer mains (include size, manholes and cleanout);
  4. The sewer service size (provide cleanout at property line);
  5. The existing and proposed utility easements including the associated utility line (public or private) and its size;
  6. The existing and proposed fire hydrants (including any nearby off-site hydrants);
  7. The existing and proposed fire lines, fire sprinkler connections, and appurtenances;
  8. The location and size of irrigation meters;
  9. The location and size of grease and sand traps;
  10. The location and size of sampling pits; and
  11. The location and type of pretreatment.
- e. *Drainage plans.* Drainage plans shall be included on a separate drawing from the site plan, and shall include the following information:
1. The existing and proposed elevation at critical points;
  2. The drainage area map (if site is over one acre);
  3. The on-site collection system, including stormwater detention areas and detention ponds;
  4. The 100-year flood elevation (if in floodprone area), and erosion hazard setback easement;
  5. The existing and proposed contours at two-foot intervals;
  6. The existing and proposed drainage structures (include size and type);
  7. The existing and proposed culverts (use six-to-one sloped headwall); and
  8. The direction of surface drainage (must be discharged into existing waterway or public right-of-way).
- f. *Landscape plan.* A detailed landscape plan in conformance with section 146-135 shall be submitted along with the site plan. Landscape plans shall be prepared by a person knowledgeable in plant material usage and landscape design, such as a landscape architect, landscape contractor, or landscape designer. Landscape plans shall be submitted on a separate drawing from the site plan, and shall include the following information:
1. An engineering scale that is the same as the associated site plan; and
  2. All information as listed in section 146-135(d)(2).

- g. *Tree survey.* A tree survey that identifies the location of trees shall be submitted for all developments, except as detailed in section 146-136 of the zoning ordinance, and shall be prepared by an arborist, a licensed surveyor, a licensed landscape architect, or other qualified person approved by the landscape administrator. The landscape administrator may approve a plan that shows non-disturbance areas, exemption areas, or an aerial photograph that is prepared by a non-professional if adequate information is provided by such a plan, as determined by the landscape administrator. The tree survey submittal shall include that number of copies of the plans deemed necessary by the city to complete the required reviews and shall include all information as listed in section 146-136(e).
  - h. *Tree preservation plan.* A tree preservation plan shall be submitted for all proposed developments, except as detailed in section 146-136 of the zoning ordinance. The tree preservation plan submittal shall include that number of copies of the plans deemed necessary by the city to complete the required reviews and shall include all information as listed in section 146-136(e).
  - i. *Building plan.* In the MTC McKinney town center zoning district, a building plan with architectural color elevations (drawn to scale) shall be submitted with all site plan applications to demonstrate compliance with the building form and site development standards as well as with the building design standards of the MTC McKinney town center zoning district (see appendix G of the city zoning regulations).
- (b) *Attributes in consideration.* City council, planning and zoning commission and staff consideration shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, protective screening and open spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the city.
  - (c) *Additional information.* If, during the course of reviewing the site plan or landscape plan, the director of planning is of the opinion that a proper recommendation or action cannot be made without additional information, the director of planning is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the additional information for the director of planning's review.
  - (d) *Expiration.* A site plan shall expire two years after its approval, if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Site plans submitted for a planned development or specific use permit shall not expire.
  - (e) *Approval required.* A building permit shall not be issued prior to the approval of the site plan by the city council, planning and zoning commission, and/or director of planning, as appropriate. No building permit shall be issued except in compliance with the approved site plan, including all conditions of approval.
  - (f) *Inspections, revisions, and continued compliance.* During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed.
    - (1) In the event that changes to the approved site plan are proposed, the director of planning shall have the authority to require that a revised site plan be submitted to the city for review and approval.
    - (2) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The director of planning shall have the authority to interpret conformance to an approved site plan; provided that such interpretations do not materially affect the impact on adjacent properties, access, circulation, parking, loading, or general building orientation, configuration, or location on the site.
    - (3) If, in the judgment of the director of planning, the proposed revisions do not conform to the approved site plan, a new site plan application shall be submitted for review and approval by the director of planning or another approval body as appropriate.

- (4) A certificate of occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.
  - (5) The final site plan, landscape plan, tree survey, and tree preservation plan shall be accompanied by a digital copy for permanent record.
  - (6) Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid certificate of occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this chapter.
- (g) *Phasing plan.* To assist in the processing of site plans that are to be constructed in phases, the director of planning may request a phasing plan for the development, to ensure adequate site access, circulation, parking, sanitation containers, etc.

(Code 1982, § 41-39; Ord. No. 1270, § 2.09, 12-15-1981; Ord. No. 1761, § 1, 10-20-1987; Ord. No. 99-03-35, § 1A, 3-16-1999; Ord. No. 2000-01-03, §§ 1H, 1I, 1-4-2000; Ord. No. 2002-08-084, § I.15, 8-20-2002; Ord. No. 2003-05-054, § I, 5-20-2003; Ord. No. 2007-06-060, § 1, 6-5-2007; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 2, 11-4-2008; Ord. No. 2010-12-053, § 12, 12-7-2010; Ord. No. 2012-11-056, § 26, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2013-04-034, § 5, 4-2-2013; Ord. No. 2013-04-044, §§ 5, 6, 4-22-2013; Ord. No. 2015-03-014, § 1, 3-12-2015; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)