




To: Codes & Ordinances Joint Committee  
Chair Claire Hempel and Vice Chair Alejandra Flores

From: Brent D. Lloyd   
Development Officer, DSD

Date: June 14, 2023

Subject: **Case No. C20-2022-020A ("Site Plan Lite," Part 1)**

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This report describes staff's recommended code changes in response to one of the amendments initiated by [Resolution No. 20221201-048](#), which relates to site plan review for "missing middle" housing projects. Staff will present the recommendation at the Joint Committee's meeting on June 21, at Planning Commission on July 11, and at Council on July 20.

### **Background**

The Land Development Code's non-zoning regulations, including drainage and water quality requirements, can limit the feasibility of constructing triplexes, fourplexes, row houses, cottage courts, and similar missing middle housing types. To facilitate construction of these projects, Planning Commission and Council have provided direction for better tailoring the development review process to the scale and intensity of missing middle housing.

Resolution No. 20221201-048 initiated two amendments to help achieve this goal. The first amendment is to make the construction of up to four dwelling units subject to residential building plan review:

1. **Add Triplexes and Fourplexes to Residential Review:** Establish that the City will review developments of three or four residential units in the manner the City reviews developments of one or two residential units, where no site plan is required which would effectively limit the review process to just zoning regulations.

Staff's recommendation on this direction is discussed below.

Council's second directive is to develop a modified site plan process tailored to projects of 5 to 16 units, which will require compliance with a wider range of regulations than residential building plan review, but less than full site plan. The staff recommendation on this proposal remains under development.

### **Staff Recommendation**

#### **— Summary**

[LDC Sec. 25-5-2 \(Site Plan Exemptions\)](#) exempts numerous types of development from the requirement to obtain site plan approval. One of the exemptions, codified in Subsection (B)(1), covers various types of one

and two-family residential development. Staff recommends expanding this exemption to include development of up to four units, provided that no more than four units (existing or proposed) are located on the lot.

This proposal would make development of up to four units subject to the same level of review that currently applies to most one and two-family residential projects—i.e., zoning regulations and technical codes. The proposal carries forward the exclusion for development in the 100-year floodplain and includes additional language that precludes using the exemption to develop multi-family projects in excess of four units.

— **Code Text**

Staff recommends amending Subsection (B)(1) of LDC Sec. 25-5-2 (*Site Plan Exemptions*) to read as follows:

- (B) A site plan is not required for the following development:
  - (1) construction or alteration of no more than four residential units [~~a single-family residential, single-family attached residential, duplex residential, two-family residential, or secondary apartment special-use structure, or an accessory structure~~], if:
    - (a) the proposed construction is located [~~not more than one principal residential structure is constructed~~] on a legal lot or tract that contains no more than four residential units, including proposed and existing units; and
    - (b) a proposed improvement is not located in the 100 year flood plain, or the director determines that the proposed improvement will have an insignificant effect on the waterway;

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cc Keith Mars, Acting Assistant Director, Development Services Department  
Todd Wilcox, Acting Building Official  
Andrea Bates, Assistant Director, Planning Department  
Chad Shaw, Assistant City Attorney, Law Department