

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2022-020A (“Site Plan Lite,” Pt. 1)

Summary of Proposed Amendment: This proposed amendment to the Land Development Code (“LDC”), codified in Title 25 of the City Code, establishes that development of up to four residential units on a site will be permitted without a site plan, in a manner comparable to how the City reviews one to two residential units. The amendment responds to one of the directives provided in Resolution No. 20221201-048, which seeks to facilitate the construction of “missing middle” housing through a streamlined permitting process.

Summary of Proposed Code Amendment:

Amend 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;

Background:

Non-zoning regulations, including the LDC’s drainage and water quality requirements, can limit the feasibility of constructing triplexes, fourplexes, row houses, cottage courts, and similar “missing middle” housing types that consist of multiple residential units on a single site. To facilitate construction of missing middle housing, the City Council approved Resolution No. 20221201-048 initiating LDC amendments aimed at better tailoring the permitting process to the challenges these projects often confront.

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.

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:

[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, which would continue to require site plan approval.

It should be noted that some additional review beyond what applies to one and two-family residential will be required to capture requirements applicable to multi-family development that do not apply to one and two-family residential construction. However, the additional review will be achieved through the site plan exemption process and, in most cases, will result in an overall level of review quite comparable to residential building plan review.

Should the City change regulations applicable to missing middle housing, further streamlining of the review process may be possible. However, the amendments initiated by Resolution No. 20221201-048 are directed to be “non-zoning in nature” and focused on “site plan review requirements.” The staff recommendation reflects these limitations, but will nonetheless result in a significantly more streamlined process for projects of up to four units.

Board and Commission Actions:

July 11, 2023: A public hearing will be held by Planning Commission.

Council Action:

July 20, 2023: A public hearing will be held.

Ordinance Number:

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