

## 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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## HOUSING & PLANNING

### Affordability Impact Statement

Site Plan Lite 1

Resolution No, 20221201-048

Department Sponsor: Development Services

6/29/2023

#### Proposed Regulation

*The proposed change would amend City Code Title 25-5 such that site plan review would not be required for developments of three or four residential units. Currently, only developments of two or fewer residential units are exempt from site plan review.*

#### Land Use/Zoning Impacts on Housing Costs

☒ Positive ☐ Negative ☐ Neutral

*The proposed changes may make it easier for residential zoning districts that allow three or four-units to develop to these entitlements.*

#### Impact on Development Cost

☒ Positive ☐ Negative ☐ Neutral

*The proposed changes would shorten development timelines for three or four-unit projects, thus lowering the overall development cost.*

#### Impact on Affordable Housing

☒ Positive ☐ Negative ☐ Neutral

*The proposal will lower the cost of building housing in Austin, for income-restricted and market-rate housing by shortening development timelines.*

#### City Policies Implemented

*(e.g. Imagine Austin,  
Housing Blueprint, SD23)*

The Strategic Housing Blueprint supports a variety of housing types.

*"At least 30% of new housing should be a range of housing types from small-lot single-family to eightplexes to help address Austin's need for multigenerational housing."*

*- Austin Strategic Housing Blueprint, p. 16*

Manager's Signature Marla Torrado

**RESOLUTION NO. 20221201-048**

**WHEREAS**, Austin must take action to address the local affordability and housing crises; and

**WHEREAS**, compact residential developments of three to sixteen homes, often referred to as “missing middle” housing, can provide greater affordability and be more easily attainable by moderate-income families and individuals compared to new single-family homes by spreading the cost of the land across more units; and

**WHEREAS**, missing middle housing facilitates walkability, transit, and community-building while fitting within residential neighborhoods; and

**WHEREAS**, diverse housing types and price points benefit and support community diversity, including young adults, families and children, adults aging in place, people with disabilities, and anyone else who may not want, need, or be able to afford a single-family home; and

**WHEREAS**, current City code allows a simpler residential review process for single-family or duplex projects, but small projects with three to sixteen residential units must adhere to the complex, expensive, and time-consuming site plan process required of large multifamily and commercial projects; and

**WHEREAS**, full site plan review can involve as many as ten to thirteen City departments; and

**WHEREAS**, a neighborhood-scale fourplex has more in common with a single-family house in terms of its impacts to surrounding areas than a large apartment, mixed-use, or commercial complex; and

**WHEREAS**, since construction of missing middle housing frequently occurs through the Affordability Unlocked Bonus Program, establishing an easier regulatory process for missing middle housing will increase the supply of affordable units and help to further housing goals adopted in the Austin Strategic Housing Blueprint; and

**WHEREAS**, Council first initiated revisions to the site plan process for missing middle projects as part of Affordability Unlocked, Resolution No. 20190221-027, with more recent direction provided through water quality code changes, Resolution No. 20220609-061; and

**WHEREAS**, as part of its actions on the amendments initiated by Resolution No. 20220609-061, Planning Commission recommended deferring amendments related to the site plan process to 2023 in order to allow development of a more comprehensive staff recommendation that addresses the broader range of regulatory challenges confronting missing middle housing; and

**WHEREAS**, in furtherance of the high priority Council and the Austin community places on simplifying City processes and reducing costs for housing, this resolution provides additional direction to guide development of previously initiated amendments related to missing middle housing; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

To facilitate the creation of missing middle housing, Council initiates amendments to City Code Title 25 (*Land Development Code*) to scale site plan review requirements appropriately for developments of three to sixteen residential units. These amendments shall be non-zoning in nature. To the greatest extent possible, these amendments should:



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.
2. **Create “Site Plan Lite” Review for Missing Middle Housing:** For developments of five to sixteen residential units, create a site plan review process that is tailored appropriately for missing middle housing, with fewer requirements than that of full site plan review.

**BE IT FURTHER RESOLVED:**

In developing Site Plan Lite, the City Manager shall holistically review all existing non-zoning development requirements for value and impact in application to missing middle projects, including but not limited to drainage and water quality, parking and street impact fees, parkland dedication, trees, and utilities. While zoning regulations are relevant to development of missing middle housing, this resolution is concerned solely with challenges presented by non-zoning regulations and does not initiate changes to impervious cover limits, compatibility, height, setbacks, and other zoning regulations. Informed by this holistic review, the City Manager should then craft Site Plan Lite to modify non-zoning requirements as appropriate for missing middle projects, with the goal of streamlining review in a manner scaled to the impacts of development.

**BE IT FURTHER RESOLVED:**

Prior to vetting through Boards and Commissions and soliciting broader public feedback, the City Manager shall seek input from market-rate and affordable housing stakeholders on the proposed changes, including testing/modeling for effectiveness in increasing housing capacity and yield, as well as any process changes needed to implement proposed regulatory changes.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to set a goal for average “Site-Plan Lite” review time as follows: In recommending what regulations should apply to missing middle projects, the Manager should ensure that applications can be reviewed within 90 business days. If the Manager determines that a 90-day target is not a feasible goal, the Manager will report back to council on why a 90-day goal is not feasible and develop a goal that is:

- 1) In line with development review times for five- to sixteen-unit projects in nearby and peer Texas cities; and
- 2) Closer to the City’s average time for residential review than average time for full site plan review.

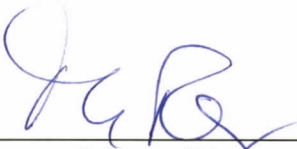
**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to bring back ordinances for Council consideration in the following manner:

1. Residential review for triplexes and fourplexes, no later than March 9, 2023; and
2. Site Plan Lite review for five to sixteen unit missing middle housing, no later than June 1, 2023.

**ADOPTED:** December 1, 2022

**ATTEST:**

  
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Myrna Rios  
City Clerk