

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2023-045 Site Plan Lite, Phase 2 & Infill Plats

Description:

These proposed amendments to respond to separate council initiatives: Resolution No. [20221201-048](#) (“Site Plan Lite”) and Resolution No. [20230504-023](#) (“Infill Plats”). The amendments, which will be included in a single ordinance, facilitate development of missing middle housing.

Background:

— ***Site Plan Lite Phase 2***

On December 1, 2022, City Council approved Resolution No. 20221201-048 initiating Land Development Code (“LDC”) amendments to facilitate the creation of missing middle housing by scaling site plan review requirements for residential projects of three to sixteen units. As Phase 1 of the project, Council adopted Ordinance No. [20230720-158](#) on July 20, 2023, creating a site plan exemption for projects having four or fewer residential units.

For a few months following passage of the ordinance, DSD required projects utilizing the new process to obtain formal “site plan exemptions,” which is an added step beyond obtaining a residential building permit. Following passage of the initial HOME amendments, which modified the definition of “multi-family,” DSD now routes projects of one to three units directly to residential review without requiring a site plan exemption.

These proposed amendments would complete Council’s direction from Resolution No. 20221201-048 by establishing a more streamlined review process for projects of 5 to 16 units located on a single lot.

— ***Infill Plats***

On May 4, 2023, Council approved Resolution No. 20230504-023 initiating LDC amendments to facilitate the creation of infill lots within existing residential subdivisions, with the goal of expanding opportunities for “fee simple” ownership and easing the impact of non-zoning regulations on residential re-subdivisions. The proposed amendments would achieve this objective by modifying non-zoning regulations for infill development, thereby establishing a more streamlined review process.

Summary of Proposed Code Amendment:

Below is a general summary of amendments proposed to implement the Infill Plat and Site Plan Lite resolutions.

I. Modified Drainage Regulations

— Background

LDC Sec. 25-8-211(B)(3) exempts development with up to 8,000 square feet of impervious cover from the requirement to provide water quality controls on sites located outside of the Barton Springs Zone. However, the code provides no similar exemption for drainage regulations. This means that infill re-subdivisions and small-scale site plans are required to meet detention standards similar to those required for large-scale multi-family and commercial projects.

The proposed amendments would tailor drainage regulations more closely to the scale and intensity of residential infill projects.

— Summary of proposed amendments

The proposed amendments remain under review and may be further refined prior to Planning Commission. That said, the core of the proposal is to allow development without onsite detention facilities or drainage studies if the following requirements are met:

A. The development:

1. Is limited to:

- a. 5 to 16 residential units on a site; or
- b. The resubdivision of lots in a platted residential subdivision, provided that no plat vacation or environmental variances are required; and

2. Does not exceed:

- a. 8,000 square feet of impervious cover; or
- b. A gross site area of more than 0.5 acres; and

B. The applicant provides a drainage plan that demonstrates runoff from new impervious cover is discharged to:

1. An existing storm drain system;
2. Right-of-way; or
3. A dedicated drainage easement sufficient to convey flows from a 100-year storm consistent with applicable requirements of the Drainage Criteria Manual.

II. Modified Impervious Cover Assumptions

— Background

[LDC Sec. 25-8-64 \(Impervious Cover Assumptions\)](#) sets forth assumptions about how much impervious cover is likely to be developed based on lot size. The assumptions play a critical role in applying water quality and drainage regulations to proposed subdivisions, since the creation of lots does not generate actual impervious cover the way that building permits or site plans do.

Under LDC Sec. 25-8-64, all lots of up to 10,000 square feet in size are assumed to have 2,500 square feet of impervious cover. This assumption is unrealistically high for residential lots under 5,750 square feet, which are limited by zoning to 40-45 percent impervious cover. It also has the effect of triggering water quality controls for most residential re-subdivisions of more than three lots, since the exemption in Sec. 25-8-211(B)(3) is capped at 8,000 square feet of assumed impervious cover.

— Summary of proposed amendments

To provide a more realistic and workable assumption for infill development, the proposed amendments would tie assumed impervious cover for lots not exceeding 5,750 square feet to the impervious cover allowed under applicable zoning regulations. When resubdividing into smaller lot sizes, this change will allow applicants to create more lots without exceeding the 8,000 square feet of assumed impervious cover that triggers water quality and detention requirements.

Tying the assumed impervious cover to the zoning impervious cover will ensure that, while more lots will be feasible, the impervious cover assumed at subdivision will appropriately account for the anticipated development. For example, under the proposed amendments, a resubdivision could create up to seven SF-3-zoned lots of 2,500 square feet without triggering water quality or detention requirements, but only three under current assumptions.

III. Small Project Site Plan

— Background

[LDC Sec. 25-5-3 \(Small Projects\)](#) establishes an intermediate review path well-suited for projects that can't feasibly be reviewed as site plan exemptions but aren't subject to the full range of regulations typically reviewed for at site plan. "Small-Project Site Plans," as they're commonly referred to, are subject to reduced fees, streamlined submittal requirements, and quicker review times. Applications for small projects, unlike standard site plans, are not subject to notification requirements.

— Summary of proposed amendments

The proposed amendments would establish a new small-project category for developments of 5 to 16 units that are exempt from onsite detention requirements under the standards discussed in Part I (Modified Drainage Regulations), above. This is appropriate to the level of review required for this tier of “Site Plan Lite,” which will not require drainage or water quality review but may trigger zoning and Building Code regulations that cannot be reviewed for through the standard site plan exemption or residential review process.

Proposed Text Amendment(s):

The text of these amendments remains under development.

Staff Recommendation:

Staff supports the proposed revisions to the Land Development Code.

Board and Commission Action:

April 1, 2024: To be reviewed by the Codes and Ordinances Joint Committee.

May 14, 2024: A public hearing will be held by the Planning Commission.

Council Action:

May 30, 2024: A public hearing will be held.

Sponsor Department: Development Services Department

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