

ORDINANCE AMENDMENT REVIEW SHEET

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

Amendment Overview:

This report summarizes proposed code amendments and related administrative actions that seek to better calibrate non-zoning regulations and review procedures to the scale of missing middle housing. The amendments respond to two separate council initiatives, Resolution No. [20221201-048](#) (“Site Plan Lite”) and Resolution No. [20230504-023](#) (“Infill Plats”), both of which address regulatory challenges to construction of small-scale infill development under current regulations.

The code amendments focus primarily on drainage regulations, which are a significant cost-driver for smaller residential projects, while the administrative items focus on additional department-level efforts that will help to improve the regulatory landscape for missing middle housing.

Planning Commission Action and Staff Response:

For detailed background on the original staff proposal, see the [staff report](#) and accompanying [presentation](#) previously considered by the Planning Commission at its public hearing on August 27, 2024, and at subsequent deliberations on October 22 and November 12, 2024.

The Planning Commission voted at its November 12 meeting to recommend an amended version of the staff proposal that would relax drainage regulations more significantly and for larger developments than recommended by staff. See Attachment A (Planning Commission Recommendations). An ordinance reflecting the Planning Commission’s primary recommendation is posted in backup for this item.

In response to the Planning Commission’s recommendation, staff has revised its original proposal to include a wider range of project types while also ensuring a greater level of protection from drainage impacts associated with infill development than the Planning Commission proposal. The revised staff proposal is also posted in backup for this item and is recommended for adoption on all three readings.

Comparison of Staff and Planning Commission Proposals

1. *Drainage Regulations*

The proposed code amendments focus primarily on drainage regulations, which can account for as much as 30-40% of project costs for infill development. The following table summarizes modifications to drainage regulations included in the original staff proposal, the Planning Commission recommendation, and the revised staff proposal.

Comparison of Drainage Regulations in Planning Commission & Staff Proposals			
Project Type	Original Staff Proposal	Planning Commission Proposal	Revised (Current) Staff Proposal
Site Plans (5-16 units)	<ul style="list-style-type: none"> For projects not exceeding 0.50 acres, no drainage studies or onsite detention required if applicant demonstrates that stormwater runoff flows to public right-of-way or storm drain system without altering natural topography. If the drainage plan proposes altering the topography of the site requiring a grading plan, current regulations and review processes would apply to the project, including participation in the Regional Stormwater Management Program. 	<ul style="list-style-type: none"> For projects not exceeding 1.5 acres, no drainage or onsite detention required if impervious cover does not exceed the amount allowed by applicable zoning regulations on the date of ordinance adoption. For projects that exceed impervious cover allowed on the date of ordinance adoption, applicant would be required to demonstrate that stormwater runoff flows to the public right-of-way or storm drain system (with or without grading) and to pay fees towards drainage and water quality infrastructure for portion of development exceeding the impervious cover cutoff. 	<ul style="list-style-type: none"> For projects not exceeding 1.0 acres, no drainage studies or onsite detention required if applicant demonstrates that stormwater runoff flows to public right-of-way or storm drain system with or without grading. If the drainage plan proposes altering the topography of the site requiring a grading plan, it would be reviewed & inspected by DSD with no payment required for drainage infrastructure.
Infill Resubdivision	<ul style="list-style-type: none"> For resubs that do not exceed 11,500 sf, no drainage review required. For resubs over 11,500 sf, but no more than 1.0 acres, applicant would be required to provide drainage plan per site plan requirements (above). 	<ul style="list-style-type: none"> For resubs that do not exceed 1.5 acres, same requirements as for site plan projects (above). 	<ul style="list-style-type: none"> For resubs that do not exceed 1.0 acres, same requirements as for site plan projects (above), except that no drainage review is required if site area does not exceed 11,500 sf.

2. **Additional Background**

Benefits of Revised Staff Proposal:

In addition to amending applicable drainage regulations, the original staff proposal modified review procedures for site plans of 5-16 units, revised impervious cover assumptions to accommodate small-lot resubdivisions, and highlighted several administrative changes (see Attachment B | Department-Level Improvements) that will improve the review process for infill development across multiple city departments. All of these non-drainage changes are carried forward in the revised staff proposal.

Additionally, while the revised staff proposal does not relax drainage regulations as significantly as Planning Commission recommended, it would greatly expand the number of projects that could develop without providing onsite detention facilities or participating in the Regional Stormwater Management Program (“RSMP”). These changes, which are summarized in the above table (3rd column), would improve the development process for infill development in the following ways:

- *Doubles the maximum area for site plans of 5-16 units, from 0.5 acres (original) to 1.0 acres (revised).* This will permit more sites to achieve higher unit yields without developing stacked units, which stakeholders believe are too challenging to build and market.
- *For both site plans and resubdivisions, allows grading of property to achieve required stormwater flows without participation in RSMP.* Depending on project details, eliminating the RSMP requirement may reduce costs by anywhere from \$10,000 to \$100,000 beyond cost savings associated with not having to provide onsite detention.

While these changes are significant, staff believes the proposal also retains sufficient protection from drainage impacts associated with infill development by requiring all projects other than 11,500 sf or smaller resubdivisions to direct runoff to public right-of-way or a storm drain system. These requirements provide a roughly comparable level of drainage protection to other Texas cities and are better calibrated to small-scale infill projects for which onsite detention is not the best solution.

Staff Concerns Regarding Planning Commission Proposal:

As summarized in Attachment A and the above table, the Planning Commission recommended that no drainage review be required for infill projects of up to 1.5 acres provided that development does not exceed the amount of impervious cover allowed by applicable zoning regulations on the date Council adopts the proposed ordinance. (In most cases, this would amount to maximum impervious cover of 45% for infill resubdivisions and 65% for site plans.)

Staff does not recommend eliminating all drainage review for such a broad category of development because the resulting runoff could negatively impact surrounding residents by increasing instances of lot-to-lot flooding and, for projects exceeding one acre, strain the

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capacity of local drainage systems. Additionally, staff believes the Planning Commission proposal would result in a lower level of drainage protection in Austin than any other major Texas city.

Among the three Texas cities closest to Austin in size and susceptibility to flash flooding—San Antonio, Dallas, and Fort Worth—none exempt development of more than one acre from applicable drainage regulations. While the particular requirements vary among cities, in most cases projects that do not naturally drain to public right-of-way or a storm drain system are required to provide an engineered grading plan and onsite detention if needed to manage peak flows. This is comparable to staff’s revised proposal and, for projects of four or fewer units, generally more restrictive than the City of Austin’s current regulations.

In an effort to increase housing supply and improve affordability, the City of San Antonio also lowered its threshold for drainage requirements to encourage development of small-scale infill housing projects. Initially, projects of up to 20,000 square feet were exempted from drainage review and onsite detention or payment in-lieu of detention. However, the cutoff for these reduced standards was subsequently recalibrated to 10,000 square feet to better manage drainage outcomes.

Staff Recommendation:

Staff supports the proposed revisions to the Land Development Code and requests a 90-day delayed implementation to provide the time necessary for departmental process updates and staff training.

Board and Commission Action:

April 1, 2024: Codes and Ordinances Joint Committee supported the staff recommendation.
May 1, 2024 & August 21, 2024: Environmental Commission supported the staff recommendation.
August 27, 2024: Planning Commission held a public hearing and took public comments.
October 22, 2024: Planning Commission held a public hearing and took public comments.
November 12, 2024: Planning Commission held a public hearing and voted in favor, subject to several amendments to the staff recommendation.

Council Action:

December 12, 2024: A public hearing will be held.

Sponsor Department: Development Services Department (DSD)

City Staff: Brent Lloyd, DSD, Development Officer
brent.lloyd@austintexas.gov; 512-974-2974

Matt Hollon, Watershed Protection Dept, Regulatory Policy Analyst
matt.hollon@austintexas.gov; 512-974-2238