



MEMORANDUM

TO: Ordinance Revisions Committee

FROM: Alexis DiLeo, Principal Planner and Julia Shake, Associate Planner

DATE: June 25, 2025

SUBJECT: Ordinance Revisions to Table 5.29-1 related to increasing dwelling units in existing buildings

Introduction

Staff presents ordinance revisions to Table 5.29-1 (Required Approvals for Development Activities by Land Use) in Section 5.29.6 Site Plans related to increasing dwelling units in existing buildings. An amendment is proposed to exempt this activity from site approval.

Proposed Amendments

The current table of required approvals for development activities by land use is proposed to be amended as noted here:

TABLE 5.29-1: REQUIRED APPROVALS FOR DEVELOPMENT ACTIVITIES BY LAND USE				
Required approval is determined by the land use and development activity. See bottom for key.				
DEVELOPMENT ACTIVITY	LAND USE			
	RESIDENTIAL 1-4 DWELLING UNITS	RESIDENTIAL 5 OR 6 DWELLING UNITS	RESIDENTIAL 7 OR MORE DWELLING UNITS	ALL OTHER USES [2]
ZONING/SPECIAL EXCEPTION USE ACTIONS				
Any site plan, area plan, or conceptual PUD plan accompanying a rezoning petition	C	C	C	C
Any site plan accompanying a special exception use petition				P
EXISTING BUILDING WORK/MODIFICATIONS				
Existing Buildings				
Additions more than 300 square feet up to 10,000 square feet and less than 10% of the existing <i>floor area</i>		M	M	M
Additions more than 10,000 square feet, or greater than 10% of the existing <i>floor area</i>		M	P	P
Interior construction that results in an increased number of dwelling units		M	P	P

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DEVELOPMENT ACTIVITY	LAND USE			
	RESIDENTIAL 1-4 DWELLING UNITS	RESIDENTIAL 5 OR 6 DWELLING UNITS	RESIDENTIAL 7 OR MORE DWELLING UNITS	ALL OTHER USES [2]
New Buildings (Principal) and Structures				
New residential <i>building(s)</i> in Residential Zoning Districts		M	P	
New residential <i>building(s)</i> in Mixed-Use or Special Purpose Zoning Districts	P	P	P	
New mixed-use or nonresidential <i>building(s)</i>				P
<i>Wireless communications tower</i> construction or replacement				P
Accessory Buildings and Structures				
Any <i>accessory building, structure, canopy</i> , equipment or similar <i>structure</i> great than 300 square feet not specifically listed below (2)		M	M	P
Deck, patio, plaza, or combinations of these, up to 1,000 square feet		M	M	M
Deck, patio, plaza, or combinations of these, greater than 1,000 square feet		M	P	P
<i>Outdoor storage area</i>				P
OTHER SITE IMPROVEMENTS				
Sidewalks				
Removal of installed sidewalks		M	P	P
Parking Spaces and Parking Lots				
Rearrangement or reconfiguration of <i>parking stalls</i> and aisles within the existing limits of <i>vehicular use area</i>		M	M	M
Paving an existing <i>parking lot</i> , increasing the area in square feet of <i>vehicular use area</i>		M	P	P
Construction of new, or relocation of existing, access road or <i>driveway</i>		M	P	P
Construction of new private street		M	P	P
Natural Features				
Removal or disturbance of any <i>natural feature</i>		M	M	M
Site Plan Revisions, Extensions, Administrative Actions				
Landscape Plan: Change of location or type of landscape or screening materials. Where more landscaping area or materials are shown than required by Section 5.20, these elements may be reduced by no more than 20% of the additional amount originally approved.		M	M	M
<i>Natural Features Mitigation</i> : Change in species or		M	M	M

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placement of plant materials included in an approved <i>natural features</i> mitigation plan, as long as there is no net reduction in plant material or area and the change meets the intent of the approved <i>natural features</i> mitigation plan				
<i>Natural Features</i> Protection: Substitution of areas to be preserved on a <i>natural features</i> protection plan, as long as there is no net loss of preserved area, the cumulative area to be changed does not exceed 250 square feet of the original preserved area on the approved protection plan		M	M	M
<i>Natural Features</i> Mitigation or Protection: Any other modification(s) to an approved <i>natural features</i> mitigation plan or protection plan not listed in this table.		M	P	P
Phase Lines: Adding or changing phase lines on a site plan		M	M	M
Extension: Extending a valid site plan approval for periods up to two years, if the approval is requested prior to the expiration of the site plan and if the plan is in compliance with current standards and regulations.		M	M	M
Revisions: Moving a <i>building</i> placement up to ten feet (before or during construction)		M	M	M
Revisions: Moving a <i>building</i> placement more than ten feet (before or during construction)		M	P	P
Revisions: Relocation or addition of up to 50% of the approved <i>stormwater management system</i>		M	M	M
Revisions: Relocation or addition of 50% or more of the approved <i>stormwater management system</i>		M	P	P
Revisions: Addition or reconfiguration of sidewalks (before or during construction)		M	M	M
<p>Key: M = Site Plan for Planning Manager approval required P = Site Plan for Planning Commission approval required C = Site Plan for City Council approval required Blank = Site Plan approval not required (all other development standards, requirements and procedures still applicable)[1]</p> <p>Footnotes: [1] No site plan required; however, this does not exempt the <i>development</i> activity from any required permits or corresponding code requirements. [2] All Other Uses: e.g. Group Housing, Mixed-Use, Nonresidential, Special Purpose [3] See Section 5.16.6N for requirements for <i>solar energy systems</i> as <i>accessory structures</i>.</p>				

Comments

1. A table for required site plan approvals was introduced into the UDC by adoption of Ordinance ORD-23-37, effective January 30, 2022. Before that, a list of activities that required site plan approval before any applicable permits could be issued was provided in Section 5.20.7.
2. “Construction solely on the interior of a building that does not increase floor area” did not require site plan approval prior to the table. Additional dwelling units could be developed inside of an existing building without site plan approval.
3. The table eased the approval standards for numerous development activities, such as construction of a third or fourth dwelling unit on a site (properly zoned for it) or multiple-family dwelling buildings with more than five units, but made increasing the number of dwelling units inside of an existing nonresidential building more difficult.
4. The proposed amendment will return the approval standard for work solely on the interior of a building to exempt from site plan review. It will remove the current penalty to adaptively reuse existing buildings for housing in mixed-use zoning districts where residential uses are among the permitted primary uses.