

§ 25-5-2 SITE PLAN EXEMPTIONS.

(A) The director shall determine whether a project is exempt under this section from the site plan requirement of Section [25-5-1](#) (*Site Plan Required*). The director may require that the applicant submit information necessary to make a determination under this subsection. The director may require an applicant to revise a previously approved site plan under Section [25-5-61](#) (*Revisions To Released Site Plans*).

(B) A site plan is not required for the following development:

(1) construction or alteration of 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) not more than one principal residential structure is constructed on a legal lot or tract; 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;

(2) removal of a tree not protected by this title;

(3) interior alteration of an existing building that does not increase the square footage, area, or height of the building;

(4) construction of a fence that does not obstruct the flow of water;

(5) clearing an area up to 15 feet wide for surveying and testing, unless a tree more than eight inches in diameter is to be removed;

(6) restoration of a damaged building that begins within 12 months of the date of the damage;

(7) relocation or demolition of a structure or foundation covering not more than 10,000 square feet of site area under a City demolition permit, if trees larger than eight inches in diameter are not disturbed and the site is not cleared;

(8) development in the extraterritorial jurisdiction that is exempt from all water quality requirements of this title; or

(9) placement of a commercial portable building on existing impervious cover if the building does not impede or divert drainage and the site complies with the landscaping requirements of this title; and

(10) construction or alteration of a townhouse in the Mueller Planned Unit Development or the area identified in Section 1.2.5.B (*Conflicting Provisions*) of the Regulating Plan for the Lamar Blvd./Justin Lane Transit Oriented Development.

(C) Except for a change of use to an adult oriented business, a site plan is not required for a change of use if the new use complies with the off-street parking requirements of this title.

(D) Except for an adult oriented business, a site plan is not required for construction that complies with the requirements of this subsection.

(1) The construction may not exceed 1,000 square feet, and the limits of construction may not exceed 3,000 square feet, except for the following:

(a) enclosure of an existing staircase or porch;

(b) a carport for fewer than ten cars placed over existing parking spaces;

(c) a wooden ground level deck up to 5,000 square feet in size that is for open space use;

(d) replacement of a roof that does not increase the building height by more than six feet;

(e) remodeling of an exterior facade if construction is limited to the addition of columns or awnings for windows or entrance ways;

(f) a canopy over an existing gas pump or paved driveway;

(g) a sidewalk constructed on existing impervious cover;

(h) replacement of up to 3,000 square feet of building or parking area lost through condemnation, if the director determines that there is an insignificant effect on drainage or a waterway; or

(i) modification of up to 3,000 square feet of a building or impervious cover on a developed site if the modification provides accessible facilities for persons with disabilities.

(2) The construction may not increase the extent to which the development is noncomplying.

(3) The construction may not be for a new drive-in service or additional lanes for an existing drive-in service, unless the director determines that it will have an insignificant effect on traffic circulation and surrounding land uses.

(4) A tree larger than eight inches in diameter may not be removed.

(5) The construction may not be located in the 100 year flood plain, unless the director determines that it would have an insignificant effect on the waterway.

(E) A site plan is not required for minor site development, minor construction, or a change of use that the director determines is similar to that described in Subsections (B), (C), and (D) of this section.

(F) A site plan is not required for construction of additional facilities at an existing public primary educational facility or public secondary educational facility in the zoning jurisdiction or in a municipal utility district in which City building permits are required.

(G) A site plan is not required for construction of a new public primary educational facility or public secondary educational facility in the zoning jurisdiction.

(H) A site plan is not required for the construction of subdivision infrastructure in accordance with approved subdivision construction plans.

(I) The exemptions provided by Subsections (C) and (D) do not apply to a bed and breakfast residential use established after October 1, 1994.

(J) The exemptions provided by this section do not apply to a telecommunications tower described in Subsection [25-2-839](#)(F) or (G) (*Telecommunication Towers*).

(K) A site plan is not required for development of a site solely for a community garden use if the director determines that the overall plan does not exceed the exceptions described in subsections (B), (C) or (D).

(L) The exemptions provided by this section do not apply to the construction of a dock, bulkhead, or shoreline access as described in [Chapter 25-2, Article 13](#).

(M) A site plan is not required to repair, reinforce, or maintain a dock, bulkhead, or shoreline access, or to modify a dock under the following conditions:

(1) the existing dock, bulkhead, or shoreline access was legally constructed; provided that simple re-decking will be allowed for all docks;

(2) no variance from City Code is required;

(3) no city board or commission approval is required;

(4) there will be no increase in the existing footprint of the dock, bulkhead, or shoreline access; and

(5) the work is authorized under Section [25-2-963](#) (*Modification and Maintenance of Noncomplying Structures*) or Section [25-2-964](#) (*Restoration and Use of Damaged or Destroyed Noncomplying Structures*).