

Summary of Draft Mixed-Use Zoning Code Comments After Joint Workshop #1 (Tues 5/9)

The list below uses the “Six Essential Elements for Mixed-Use Zoning” to thematically compile public comments staff has received since Joint Workshop #1. The questions below were paraphrased and organized based on topic, relevance, frequency, potential areas of confusion, and if the draft mixed-use zoning code was the appropriate mechanism to address the concern.

On Monday, May 1st, staff published to the project website a draft mixed-use code (“Public Draft #1”). Utilizing a new technology solution called Konveio, staff collected comments from the public on the draft code through an interactive portal. After registering for an account, residents, developers, City Council and Planning & Zoning Commission were able to read the code in its entirety and add comments. Frequently Asked Questions (“FAQs”) were drafted in response to comments and questions to received, and then made available on the project website to reach a wider audience.

At the close of the Konveio comment window on Friday 5/19, staff thanked respondents for their participation and directed them to the project website. Staff compiled a list of all comments and considered the feedback to inform any modifications to the draft.

1. PROVIDE A HOME NEARBY FOR FAMILY

Middle Housing

1. **Question:** How is Middle Housing discussed in the Land Use Plan?

***Answer:** The Land Use Plan envisions new, more compact neighborhoods in Goal 3 - Encouraging Residential Options. Additional housing options that were envisioned include townhomes, condos, small-lot homes, cottage style detached homes, accessory dwelling units, and live-work units that support local entrepreneurship and employment. These new types of housing are an essential first step to providing pathways to homeownership and driving demand for existing and new dining, retail, amenities, and attractions.*

While the Land Use Plan did not explicitly use the terms “Middle Housing” or “Missing Middle Housing,” the housing types proposed in the mixed-use code fulfill the intent of providing a mixture of residential options in a variety of settings to appeal to a wide range of people. Additionally, Middle Housing options like duplexes, triplexes and cottage courts are generally house-scale, which makes them complementary to and in scale with existing single-family neighborhoods. As a result, for the purposes of evaluating the Land Use Plan ratio of Sugar Land’s single-family dwellings to multi-family dwellings, all Middle Housing configurations would be classified as “single-family.”

2. **Question:** What is Middle Housing and how is it different from the existing housing supply in Sugar Land, like apartments or single-family homes?

Answer: These are new housing types introduced to Sugar Land that provide for more compact walkable development. "Middle Housing" options like duplexes, triplexes and cottage courts are absent from most communities in America because most zoning regulations only recognize the detached single-family home. Reintroducing these housing forms in the mixed-use code enables their construction and provides housing options to a wide range of people.

In general, Middle Housing is house-scale, making them compatible in height, bulk, and style with most of Sugar Land's development pattern and character. The modest scale of Middle Housing makes these options appealing to a variety of buyers and renters, including downsizing seniors and single-individual households. Larger Middle Housing types, like live-work or small multiplexes, fit well at the edge of commercial areas and provide an important transition between residential and business districts.

The predominant housing supply in Sugar Land is at either end of the housing spectrum: detached single-family homes or mid-rise tower apartments. Middle Housing helps fill in the gap through a variety of housing options.

Cottage Court Developments

3. **Question:** Would Cottage Court Developments be individually owned and a property management company maintain the common area around them, or would all the dwellings be owned by a single company and rent them out? Or a combination of both?

Answer: These units would have yards, the ownership and management of which depends on the developer. The cottage courts could be individually owned (with an HOA to manage and maintain communal space) or rented/leased (100% maintained by property management). Legally, the City cannot regulate ownership.

Multifamily

4. **Question:** What is the right quantity of by-right multifamily housing? What if I don't want any new mid- to high-rise apartments in Sugar Land at all?

Answer: Apartments, and Middle Housing configurations like duplexes, triplexes, and cottage courts, are essential elements of mixed-use districts because they provide the necessary foot traffic and density to support businesses and services in activity centers and implement the vision of the Land Use Plan. The draft mixed-

use code provides for more housing configurations than just mid- to high-rise towers, such as duplexes, triplexes, four- and six-plexes, and cottage courts.

Staff collaborated with the development community to determine the appropriate site acreage for administrative certification thresholds. Conditional Use Permits, which include public hearings and action by Planning and Zoning Commission and City Council, will be required for developments with multifamily unit counts above staff certification thresholds (150 and above for MU-N; 350 and above for MU-R; depending on the remaining number of units available in each activity center per the Comprehensive Plan).

As described in the Land Use Plan, any new apartments built in Sugar Land will be required to be multi-story, urban-style apartments that activate the streets. Standalone, garden-style apartments are not supported by the Land Use Plan.

Please see Note 2 at the end of **Table 2-123.4 Permitted Uses and Parking Schedule for Mixed-Use Zoning Districts** for more information.

5. **Question:** What is the correct allocation of multifamily amenity points when taking construction cost into consideration? Are amenities publicly available or only privately accessed? Is this approach realistic and market-driven?

Answer: Staff acknowledges the amenity point system will need to constantly be revisited. To address concerns about the flexibility and responsiveness of the code, staff inquired which amenities should be considered “baseline” construction for modern apartments and incorporated those baseline requirements throughout the code. In response, the required number of points remains in the mixed-use zoning code as **Table 2-121.1 Required Points for Multi-Family Development by Number of Units**. The various strategies to earn points and specific point allocations to each strategy have been moved to an administrative development application handbook to ensure market responsiveness.

Staff clarified language wherever possible to appropriately emphasize which standards and amenities are intended to be available to the public.

Please see **Additional Standards for Multi-Family Development in Section 122: Building Design – Middle Housing Development** for more information.

2. ENABLE WALKABLE PLACES FOR PEOPLE

Mix of Uses

1. **Question:** Is this the right mix of uses? How will it respond to the market as demands change?

Answer: Staff revised the required mix of uses after a spatial analysis of activity center parcel acreage and count. Staff referenced existing and proposed developments and evaluated the residential/nonresidential use mix contained therein to the proposed required mix of uses. As a result of the findings, staff revised the following:

- Revised site size breakdowns.
- Sites 5 acres or less are now exempt from a use mix.
- Each subsequent threshold was revised downwards based on developer feedback.
- Additionally, staff clarified the measurement calculation which received questions from the development community, and the mix requirements to better reflect the intent and scale of activity centers.

Please see **Table 2-117.1 Minimum Use Mix Requirements by Zoning District** for more information.

2. **Question:** What is the process to monitor what types of nonresidential uses are allowed? What happens if gradual space conversions occur such that the ratio of residential/nonresidential changes?

Answer: **Table 2-123.4 Permitted Uses and Parking Schedule for Mixed-Use Zoning Districts** outlines which residential and nonresidential uses are allowed by-right or through a Conditional Use Permit. Interior build-outs require a permit, which triggers staff evaluation of the use mix on a property.

Pedestrian Amenities

3. **Question:** Are pedestrian amenities publicly available or only privately accessed?

Answer: Staff clarified language wherever possible to appropriately emphasize which standards and amenities are intended to be available to the public. In general, amenities like plazas, squares, shade, benches, and other seating areas are intended for public use and access.

4. **Question:** Summers get really hot and our rains get pretty bad. What about shade in mixed-use areas?

Answer: Staff revised language throughout to emphasize shade provision.

5. **Question:** Is there a way in defining a requirement for the lot layout to incorporate natural resources such as Oyster Creek, and/or the creation of walking paths where retention ponds are required?

Answer: Staff revised building orientation and entrances to prioritize interaction with natural resources like waterfronts, trails, etc. Please see **Figure 2-121.B Orientation Toward Primary Street Frontage** for more information.

3. FACILITATE LESS DRIVING AND MORE LIVING THROUGH REDUCED PARKING

Structured Parking

1. **Question:** If the goal is to have local tourism, when people come from outside the city to the Regional Activity Center where will they park unless we require some level of public structured parking?

Answer: Structured parking is strongly encouraged in activity centers. Structured parking is offered as an option to reduce the minimum parking requirement.

2. **Question:** Will structured parking be required for multifamily developments?

Answer: Yes. Staff revised **Section 2-119 Site Design Regulations** to require on-site Structured Parking for developments over 50 units, and limited surface parking areas to 15% of the total lot area. While multifamily structures are eligible to pursue parking reduction options outlined in **Section 2-123: Mixed-Use Districts Permitted Uses and Parking Requirements**, it is industry standard to provide sufficient vehicle parking commensurate for the number of units and their floorplan configurations.

Parking Reductions

3. **Question:** Should tenants have to pay for parking because the City allowed developers to save money by reducing their required parking below what is needed?

Answer: Staff removed paid parking as an option to reduce the minimum parking requirement.

4. RESPECT ADJACENT NEIGHBORHOODS

Mixed-Use Development Proximity

1. **Question:** Does updating the code mean that mixed-use development can show up anywhere in Sugar Land? Even in existing single-family home neighborhoods?

Answer: No. Creating the Mixed-Use Code does not mean that mixed-use developments can show up on any corner in Sugar Land, nor does it mean that existing single-family neighborhoods will be replaced with mixed-use developments. The Land Use Plan, a component of the City's Comprehensive Plan, serves as a guide for rezoning, and state law requires that requests for rezoning must be consistent with the Comprehensive Plan. The new mixed-use zoning districts will be applied to the Regional Activity Centers and Neighborhood Activity Centers identified in the Land Use Plan, which are generally located along commercial corridors like Highway 6 and US-90, and at entrances to existing residential neighborhoods.

5. STREAMLINE AND REWARD INNOVATIVE DEVELOPMENT

Public Process

1. **Question:** Does this update to the Development Code remove public processes?

Answer: No. For any property to be zoned a mixed-use district, rezoning is required. Rezoning requests are a routine part of city business. All rezoning requests must go through a transparent, public, process that involves Planning & Zoning, and City Council approval. City Council cannot legally delegate rezoning authority to staff. Once the mixed-use zoning is on the property, staff administers the Code to ensure all proposed development meets the standards that City Council has established.

2. **Question:** What or who is the "Director?"

Answer: The term "Director" is a defined term in the city's existing Development Code in Chapter 10 - Definitions, and means "...the person designated or assigned by the City Manager to administer the zoning regulations or any other provisions of this Code. Director includes any person authorized to perform the duties of the Director." Other chapters of the Development Code also define the Director within the Chapter specifically such as Chapter 5 Subdivision Regulations and in some instances other "Directors" such as the "Parks and Recreation Director" and "Aviation Director" are specifically identified to carry out specific roles and duties.

3. **Question:** Does the update to the code eliminate City Council's authority over the zoning process?

Answer: No. On a fundamental level, the City Council legislates the Code, and the Director/Staff administers the Code.

In addition to the daily administration of the Code, there are 81 sections in the existing Development Code that include a reference to "Director" and outline responsibilities and duties this role performs, including: requiring and receiving applications, written requests and submittal of additional information; certifying complete applications; establishing regulations and deadlines; correcting errors in the Code; making additions to the Code; initiating rezoning and text amendments; granting extensions of approvals; scheduling public hearings; interpreting the zoning map; determining and approving deviations or alternatives based on parameters or criteria outlined in the Code; issuing permits and certificates for applications that conform to requirements; and keeping records.

Some of the instances included in the Mixed-Use Districts are the same as provisions in the existing Development Code.

4. **Question:** Will updating this code lower the quality of development in Sugar Land?

Answer: No. Adopting a mixed-use zoning code and creating process efficiencies for successful development does not mean loosening our development requirements. In fact, it means the code is frontloaded with high-quality standards that are currently only captured through Planned Development (PD) Districts, a cumbersome, inconsistent, and costly negotiated process. The current PD process requires a developer to work for many months through staff, the Planning and Zoning Commission, City Council, and the public to establish design standards. This process is unpredictable and deters good development from our community. Furthermore, PDs are expensive in terms of development financing costs and staff time.

In contrast, the new mixed-use zoning districts outlines development standards upfront to give added certainty to residents and developers. The city will still have high standards and quality development that distinguishes us from other cities.

6. ACCELERATE REDEVELOPMENT

1. **Question:** What parts of the city are going to be rezoned for Mixed-Use?

Answer: There may be opportunities for interested property owners in activity centers to initiate a rezoning of their property. At this time, the City is still working to identify a rezoning strategy moving forward.

In general, the Land Use Plan identifies:

- *Five (5) Regional Activity Centers (RACs) strategically located along regional highways to ensure intense commercial, retail and other high-traffic destinations are contained within designated areas and separated from single-family residential neighborhoods. Each RAC is intended to have its own unique identity providing different amenities for both residents and employees for entertainment, dining and shopping*
- *Nine (9) Neighborhood Activity Centers (NACs) located on arterial streets, which are envisioned to be small mixed-use centers that act as a "Main Street" for nearby neighborhoods. These will largely be created through the redevelopment of older commercial areas and will minimize impacts on adjacent single-family neighborhoods by providing buffers and smooth transitions*