

ORDINANCE NO. 2149

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE SUGAR LAND DEVELOPMENT CODE BY TRANSITIONING FROM AN SIC-CODE BASED ZONING FORMAT TO A LAND USE BASED ZONING FORMAT BY AMENDING CHAPTERS 1, 2, 9 AND 10; BY UPDATING THE PARKING SCHEDULES IN CHAPTER 2; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, these revisions reflect the transition from an SIC-Code based zoning format to a land use based zoning format; and

WHEREAS, the notable revisions include the update to the land use matrix; and

WHEREAS, the Planning and Zoning Commission held a public hearing on these revisions on October 25, 2018, for which notice was given as required by law; and

WHEREAS, after the public hearing, the Planning and Zoning Commission reviewed and unanimously recommended approval to City Council for the adoption of these revisions; and

WHEREAS, after receiving the final report of the Planning and Zoning Commission, the City Council held a public hearing on these revisions, for which notice was given as required by law; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That Article I of Chapter I (General Provisions) is revised by amending section 1-6 to read as follows:

Sec. 1-6. Technical Studies. After accepting an application as filed, the Director, Commission, or the City Council may require an applicant to submit 1 or more technical studies, including, but not limited to, traffic studies (such as traffic impact analysis and/or onsite/offsite traffic queuing analysis), engineering studies, environmental impact assessments, noise studies, market studies or economic impact reports, to adequately evaluate the impact of the request. The Director's requirement that the applicant submit a technical study may be appealed to the Commission.

Section 2. That Article II of Chapter I (General Provisions) is revised by amending section 1-23 to read as follows:

Sec. 1-23. Traffic Studies.

The applicant of a proposed development must submit to the City Engineer an internal site vehicle generation report, by time of day, for the development utilizing trip generation rates set forth in the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE), unless said Manual does not adequately address the type or intensity of the proposed land use. In this event the applicant or his agent shall submit

projected vehicle trips to the City Engineer. For land uses adequately represented in said Manual, alternate trip generation rates shall not be accepted.

Any proposed development which is expected to generate at least 100 vehicle trips during any peak hour period requires a traffic impact analysis (TIA). Prior to completing a TIA, applicants must submit a completed TIA Worksheet to the City for review. All required TIAs shall be performed by a professional engineer licensed in the State of Texas and qualified to perform such analyses. All TIAs shall be completed in accordance with the latest edition of the City's Traffic Impact Analysis Guidelines.

Any proposed development which has the potential to create vehicle traffic queuing impacts to public right-of-way or onto adjacent private property will require a traffic queueing analysis to be submitted to the City Engineer to prove safe and adequate access to the project. All traffic queueing analysis shall be performed by a professional engineer licensed in the State of Texas and qualified to perform such work. Any required onsite/offsite modifications, improvements, or mitigation measures needed to provide safe and adequate access shall be solely burdened by the applicant.

Section 3. That Article II, Part 1 of Chapter 2 (Zoning Regulations) is revised by amending sections 2 – 54 through 2-56 and adding new sections 2-57 and 2-58 to read as follows:

Sec. 2-54. Use of Land and/or Buildings

- A. The use of land and/or buildings shall be in accordance with those listed in this Article for each zoning district. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located or for activities consistent with the nonconforming provisions of Article VI. – Nonconforming Uses.
- B. An Accessory Use may not be established on any Lot prior to the establishment of the Principal Use.

Sec. 2-55. Key to Permitted Uses and Parking Schedule Tables.

The key for determining uses in the Permitted Uses and Parking Schedule Tables established in Section 2-71 and Section 2-91 is as follows:

- A. Permitted Use: [P]. Designates uses permitted by right in the district indicated.
- B. Permitted Use with Supplemental Regulations: [P(N)]. Designates uses permitted by right in the district indicated, so long as they comply with the Supplemental Regulations found at the end of the table.
- C. Conditional Use: [C]. Designates a use that may be permitted in the district by an approved conditional use permit.
- D. Conditional Use with Supplemental Regulations: [C(N)]. Designates uses that may be permitted in the district by an approved conditional use permit and must also comply with the Supplemental Regulations found at the end of the table.

E. Ancillary Use: [An]. Designates uses that are permitted under the requirements specified in the zoning regulations for ancillary uses.

F. Prohibited Uses: []. Indicates a use that is not permitted in the district.

G. Residential Proximity Conditional Use: [*]. Indicates a district wherein a conditional use permit is required for uses in specified circumstances, as follows:

1. A conditional use permit is required for the establishment or expansion of a nonresidential use located on property that abuts a single-family residential lot located in a single-family residential district, except as provided below.

2. A conditional use permit is not required in the following circumstances:

- a. Remodeling an existing building (with no expansion of the building);
- b. Expanding a use within an existing building (with no expansion of the building);
- c. Adding to an existing building when:
 - (1) The closest exterior building wall of the new expansion is at least 100 feet from the abutting single-family residential property line; and
 - (2) The total height of the addition does not exceed 35 feet, from ground level to the top of highest portion of the building (inclusive of parapets); and
 - (3) The area of the expansion is not greater than 25% of the square footage of the floor area of the existing building;
- d. Exterior facade repair or replacement to existing structures in accordance with the particular district regulations and that do not increase the height of the existing building by more than 6 inches;
- e. Addition, repair, or replacement of architectural screening for rooftop equipment to an existing building;
- f. Addition, repair, or replacement of fencing or landscaping;
- g. Addition, repair, or replacement of internal sidewalks or fire lanes;
- h. Repair or replacement of existing parking lot paving; or,
- i. Addition of new parking lot paving that is at least 50 feet from the abutting single-family residential property line.

Sec. 2-56. – Use Chart Organization

The Permitted Uses and Parking Schedule tables are subdivided into the following use categories:

A. Residential

B. Institutional

- C. Office
- D. Retail
- E. Services
- F. Vehicle-Related
- G. Industrial

Sec. 2-57. - New and Unlisted Uses.

- A. If the Director determines that a proposed use is not a listed use or there is some ambiguity of its proper classification under the Land Use Matrix, the Director will consider the proposed use and its compatibility with the other uses permitted in the various districts and make a determination as to the district or districts within which the use should be located. In making a determination on the proposed use and appropriate district or districts where the use should be located, the Director will take into account elements such as:
 - 1. The intensity of the use;
 - 2. Uses that are similar to the proposed use and districts allowing those uses; and
 - 3. Operations of the proposed use and its impacts on surrounding areas.
- B. An applicant may appeal the Director's determination to the Zoning Board of Adjustment.

Sec. 2-58. – Land Uses in Planned Development Districts

- A. *Proposed Land Uses in Planned Development Districts.* Requests for Planned Development district (PD) zoning shall include a list of permitted uses, which should be based on the most recently adopted uses listed in the Residential and Nonresidential Districts Permitted Uses and Parking Schedule. Amendments to existing PD districts, or submittal of Final Development Plans for properties whereon General Development Plans were approved prior to February 19, 2019, may utilize the most recently adopted land use list in lieu of the previously utilized Standard Industrial Classification (SIC) system. A table converting the SIC system to the Permitted Uses and Parking Schedule Tables (Section 2-71 and Section 2-91) may be found in the Development Application Handbook.
- B. *Legacy use of SIC Manual.* Planned Development Districts created between 1997 and February 19, 2019 contain permitted use lists which are based on activities as contained in the 1987 edition of the Standard Industrial Classification (SIC) Manual, published

by the Executive Office of the President, Office of Management and Budget. The SIC codes included in the Use Matrix are references to the SIC Manual so that the text description of the listed use may be located.

Section 4. That Article II, Part 2 of Chapter 2 (Zoning Regulations) is revised by amending the Permitted Uses and Parking Schedule for Residential Districts found in section 2-71 to read as shown in **Exhibit A**.

Section 5. That Article II, Part 3 of Chapter 2 (Zoning Regulations) is revised by amending the Permitted Uses and Parking Schedule for Nonresidential Districts found in section 2-91 to read as shown in **Exhibit B**.

Section 6. That Article II, Part 4 of Chapter 2 (Zoning Regulations) is revised by amending section 2-112 to read as follows:

Sec. 2-112. Permitted Uses

A. The following uses are permitted by right in the MUC District: The following uses are permitted by right in the MUC District. Except where specified below, Definitions and Parking requirements shall be in the Residential Districts Permitted Uses and Parking Schedule (Sec. 2-71) and the Nonresidential Districts Permitted Uses and Parking Schedule (Sec. 2-91):

1. Antique and Book Stores

a. Definition: An establishment selling books and antiques (collectible items, such as a furniture or works of art, that have high value because of their considerable age); does not include Pawnshops.

b. Parking requirement - 1:200 square feet

2. Counseling and Therapy Services

3. Dwelling, Accessory

4. Dwelling, Single-Family Detached

5. Professional Office, Neighborhood

6. Salon, Spa, or Barber Shop

7. Studio, Photography

B. Supplemental Regulations - The following are prohibited in the MUC district:

1. Drive-thrus;

2. Fleet vehicle storage;

3. Outside storage and/ or display of merchandise;

4. Outside sales.

C. Accessory Dwelling

A Single-Family Detached Dwelling located in the MUC zoning district may provide for

an additional Dwelling Unit as accessory quarters located in the Principal Building or as part of a Detached garage, if:

1. The accessory quarters does not contain more than 600 square feet of Living Space, and
2. The occupant or occupants do not pay compensation for the use of the accessory quarters.

D. Home Occupations

A Home Occupation is only permitted as an Accessory Use in a residential Dwelling Unit if it meets the following conditions:

1. It is conducted wholly within the Principal Building;
2. It is not conducted within a Private Garage, whether attached or Detached;
3. It does not depend on the employment of a person who does not reside in the residence;
4. A separate entrance is not provided for the conduct of the occupation;
5. An alteration is not made in the Dwelling Unit that changes its character as a Dwelling Unit;
6. It does not use outdoor storage;
7. It does not involve more than 300 square feet of the area of the Dwelling Unit;
8. A Sign Advertising the Home Occupation is not located on the Premises;
9. It does not require the delivery or shipment of merchandise, goods, or equipment by other than passenger motor vehicles, $\frac{3}{4}$ ton step-up van or similar sized trucks;
10. It does not create or cause any perceptible noise, odor, smoke, electrical interference or vibrations to emanate from the Premises; and
11. It is conducted so that it does not create parking or traffic congestion or otherwise place an undue burden on the abutting or adjoining neighbors or the immediate neighborhood.

Section 7. That Article IV of Chapter 2 (Zoning Regulations) is revised by amending the name of the Article to “Supplemental Regulations: Satellite Dish Antennas, Fences, Accessory Buildings, and Dwelling Units” and by deleting subsection 2-192.F.6.

Section 8. That Article IV of Chapter 2 (Zoning Regulations) is revised by deleting section 2-194.

Section 9. That Article V of Chapter 2 (Zoning Regulations) is revised by amending section 2-210 by adding new subsections H and I to read as follows:

Sec. 2-210. - General Requirements.

- H. Parking Spaces must be constructed, maintained, and operated in accordance with City standards and must be maintained in good condition, free of obstructions and readily available for vehicular parking.

- I. In all zoning districts, parking and loading areas shall not be used for refuse containers, for the repair, storage, dismantling, or servicing of vehicles or equipment, for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas.

Section 10. That Article V of Chapter 2 (Zoning Regulations) is revised by amending section 2-213 by deleting subparagraph “F” and renumbering existing subparagraph “G” as “F”.

Section 11. That Article V of Chapter 2 (Zoning Regulations) is revised by deleting Table 2-220.1 and amending subsection 2-220.A to read as follows:

Sec. 2-220. – Off-Street Parking Schedule.

- A. The minimum number of Parking Spaces required for various land uses are as set forth in the Residential Districts Permitted Uses and Parking Schedule and the Nonresidential Districts and Parking Schedule found in Article II.

Section 12. That Article V of Chapter 2 (Zoning Regulations) is revised by amending section 2-222A to read as follows:

Sec. 2-222. - Bicycle Parking Requirements.

A. Application.

1. Bicycle parking shall be provided for nonresidential, townhome, and multi-family developments where the submittal of a Site Plan Package is required and when the intensity or use of any Building, Structure or premises is increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement that requires additional automobile parking spaces.
2. The following nonresidential uses are exempt from this Section:
 - a. Agriculture
 - b. Manufacturing
 - c. Railroad Freight Yard
 - d. Utilities
 - e. Wholesale
 - f. Adult Day-Care
 - g. Heliport
 - h. Helipad
 - i. Mini-Warehouse and Self-Storage

Section 13. That Article XIV of Chapter 2 (Zoning Regulations) is retitled “Reserved” and sections 2-370 through 2-372 are deleted.

Section 14. That Article III of Chapter 9 (Sugar Land Regional Airport Zoning Regulations) is revised by amending Sec. 9-17 to read as shown in the attached **Exhibit C** and by amending section 9-17.A to read as follows:

- A. The Permitted Uses Table is based on the land uses and definitions listed and described in Sec. 2-71 and 2-91 of this Code.

Section 15. That Chapter 10 (Definitions) is revised by amending section 10-3 by deleting the following definitions:

Adult Day Care

Child Care Home

Child Care Center

Hotel, Full Service

Hotel, Limited Service

Hotel, Select Service

Recreational Vehicle Park

Recreational Vehicle Storage Lot

Section 16. That Chapter 10 (Definitions) is revised by amending the definition of *Park* in section 10-3 to read as follows:

Park means an area developed for active play and recreation that may include, but is not limited to, open space, sports courts, play equipment, trails, restrooms, and maintenance structures. The area may be owned by a public entity and used to provide recreational activities to the general public; or the area may be owned by a private, nonprofit, or homeowner's association and used to provide recreational activities to the members of the association.

Section 17. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 18. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance does not affect the validity of the remainder of the ordinance.

Section 19. That this ordinance is effective on second reading.

APPROVED on first consideration on _____.

ADOPTED on second consideration on _____.

Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:

Meredith Riedel

Attachments:

Exhibit A – Section 2-71 Residential Districts Permitted Uses and Parking
Schedule

Exhibit B – Section 2-91 Non Residential Districts Permitted Uses and Parking
Schedule

Exhibit C – Section 9-17 Airport Zoning Permitted Uses Schedule