

ORDINANCE NO. 2237

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE SUGAR LAND DEVELOPMENT CODE BY CREATING NEW, AND AMENDING EXISTING, DEVELOPMENT REGULATIONS FOR THE HILL RESIDENTIAL DISTRICT (HR-1) BY AMENDING CHAPTER 2, SECTIONS 2-155, 2-158, 2-159, 2-171, 2-191, 2-310, 2-311, 2-312, 2-313, 2-315, 2-316, 2-317, 2-381, 2-384, 2-388, AND 2-389; ADDING NEW SECTIONS 2-156 AND 2-160; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 18-30, the City Council authorized a project based on community feedback to engage with The Hill neighborhood to determine whether additional development regulations should be established to preserve the character of the neighborhood, and established The Hill Neighborhood Steering Committee (“Committee”) to develop the vision for redevelopment of the neighborhood and to make recommendations to the City Council; and

WHEREAS, the Committee completed their initial charge in creating a vision and recommendations for the future character of The Hill, and determined that The Hill community is in favor of additional development regulations to protect the current character of The Hill; and

WHEREAS, by Resolution No. 19-37, the City Council reinstated the Committee to help provide guidance in drafting development regulations that will protect the character of The Hill; and

WHEREAS, the Committee provided guidance for an initial round of new, and amendments to existing, development regulations for The Hill, which were adopted by Ordinance No. 2201 on July 1, 2020; and

WHEREAS, since adoption of Ordinance No. 2201 City staff has been working on implementing additional recommendations related to the development regulations for the design and character of The Hill; and

WHEREAS, the Planning and Zoning Commission held a public hearing on these revisions on May 27, 2021, for which notice was given as required by law; and

WHEREAS, after the public hearing and further discussion at its June 8, 2021 meeting, 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 II, Part 7 of Chapter 2 (Zoning Regulations) is revised by amending section 2-155 to add new definitions for Building-to-Lot Width Ratio, Roof Pitch, and Stoop, to read as follows:

Building-to-Lot Width Ratio (BTLW) means a ratio used to calculate allowable building width and is calculated by multiplying the identified ratio in Table 2-158.1 by the Lot Width.

Roof Pitch means the steepness of a roof quantified as a ratio between rise and run.

Stoop means steps ending in a platform, covered or uncovered, and leading to the front entrance of the Principal Building. As used herein, Stoop includes the platform.

Section 2. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by adding new section 2-156 to read as follows:

Sec. 2-156. – Site Development Permit

A. The Planning and Zoning Commission may grant a Site Development Permit for a proposed Building that does not comply with one or more of the regulations listed in Subsection B of this Section, if the Commission determines that the proposed Building is compatible with the existing character of the district. The Commission will consider granting a Site Development Permit if the proposed Building includes character features that are prevalent in The Hill such as:

1. Height of one-story
2. One-story Detached Garage
3. Preservation of original façade
4. Preservation of Protected Trees

B. Non-compliance with the following regulations, established in the District Regulations located in Section 2-158 and the Building Finish Standards located in Chapter 2, Article X, may qualify for a Site Development Permit:

1. Minimum Private Garage and Carport Setback from front façade of Principal Building, not including Porch
2. Maximum Building Width
3. Maximum Lot Coverage
4. Maximum Porch Height
5. Maximum F.A.R.
6. Maximum percentage of Secondary Building Finishes - refer to Chapter 2, Article X Building Finish Standards

C. If the Commission denies a Site Development Permit, an applicant may appeal the denial to City Council by submitting a written request to the Director within 30 days of the date of denial. The City Council may approve or deny the request, return it to the Commission for further consideration, or take whatever other action the Council deems appropriate.

Section 3. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by amending section 2-158 by separating the existing, first two sentences into new sections A and B, to read as follows:

A. Due to the historic character of The Hill, there are unique regulations in this area. The following regulations are subject to review and field verification to ensure structures are not built in existing easements.

B. The following regulations apply in the Hill Area Residential District.

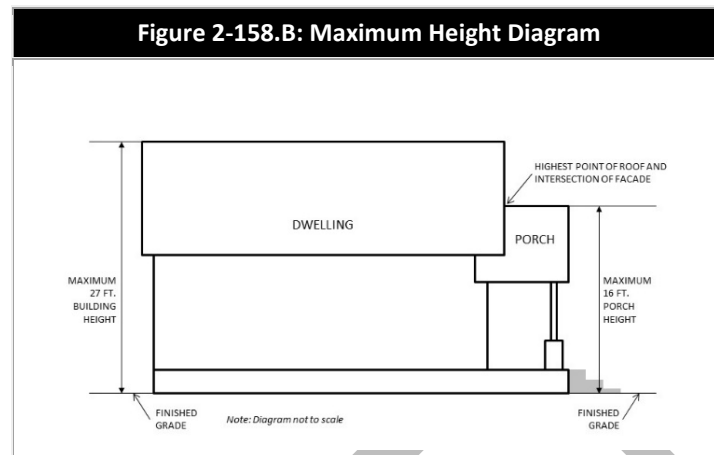
Section 4. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by amending Table 2-158.1: The Hill Area Residential District found in section 2-158 to read as shown in the attached Exhibit A.

Section 5. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by amending section 2-158 to add new subsection C, to read as follows:

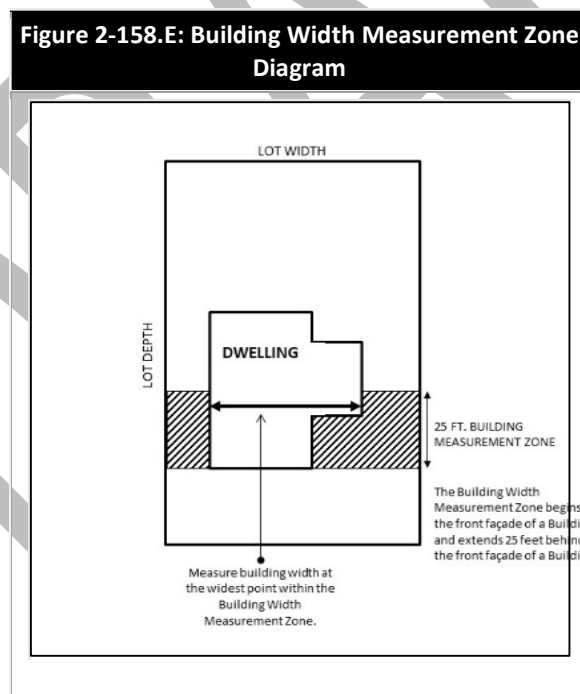
B. Entry Features and Walkways

1. Residential Dwellings in the HR-1 District must provide:
 - a. A front walkway that is a minimum of 4 feet in width from the front entrance or Porch to the sidewalk or curb; and
 - b. One of the following entry features:
 1. Covered front Porch with a minimum depth of 6 feet; or
 2. Stoop with a minimum size platform of at least 3 feet wide by 3 feet long.
2. For Residential Dwellings built prior to the effective date _____ of this regulation:
 - a. A nonconforming covered front Porch may be replaced with another covered front Porch identical to the original Porch in footprint area, width, length, and height.
 - b. A front walkway is required when replacing or repairing more than 50% of the Residential Dwelling.

Section 6. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by amending Figure 2-158.B, found in section 2-158, and to read as follows:



Section 7. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by adding new Figure 2-158.E, to be located in section 2-158, and to read as follows:



Section 8. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by renumbering existing Figures "2-158.E" as "2-158.F" and "2-158.F" as "2-158.G".

Section 9. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by amending section 2-159, subsection B, to read as follows:

B. Accessory Structures are subject to the same regulations as apply to Principal Buildings, except as otherwise specified in this Article.

Section 10. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by amending section 2-159, subsection E, to read as follows:

E. The total square footage of all Accessory Structures located in a required Rear Yard shall not be larger than 225 square feet or 25% of the required Rear Yard, whichever is greater;

Section 11. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by amending section 2-159, subsection F.5., to read as follows:

5. Minimum Setback from front façade of Principal Building, not including Porch– 25 feet.

Section 12. That Article II, Part 7 of Chapter 2 (Zoning Regulations) is revised by adding new section 2-160, to read as follows:

Sec. 2-160. Tree Regulations

A. The regulations in this section apply to Residential uses in the HR-1 District. For Nonresidential Use requirements and additional regulations see Article XV. Landscaping and Screening Regulations.

B. The landscape plan required by Article XV Landscaping and Screening Regulations must show the location of all Protected Trees identified for preservation or removal.

C. Tree Specifications

1. Any Trees used to meet the requirements of this Section or Article XV must be one of the approved Trees or plants listed in Sec. 2-390, unless otherwise approved by the Director.
2. Trees must be a minimum of 7 feet overall Height and must have a minimum of 4-inch caliper immediately after planting. Tree caliper is measured 6 inches from natural ground level.
3. Trees planted adjacent to a sidewalk shall be planted a minimum of 6 feet from the edge of sidewalk pavement, unless an approved root barrier system is provided.
4. Protected Tree means a hardwood tree having a minimum caliper size of 8 inches or greater, as measured 4½ feet above ground level. Hardwood trees include elms, oaks, maples, pecan, and sycamore, as well as any trees listed as Shade Trees in Table 2-390.1 or identified as hardwoods by the Texas A&M Forest Service.

D. Tree Planting and Preservation

1. All premises with a Residential use must have 1 Shade Tree, within the area between the Principal Building and front Property Line, for each 50 feet of Lot Width or portion thereof, measured along the Front Lot Line.
 - a. Protected Trees that are preserved in the front half of the lot may count toward this requirement (even if not located between the Principal Building and front Property Line).
 - b. Trees may be clustered or spaced linearly and need not be placed evenly at 50 foot intervals.
2. A minimum of one Protected Tree in the front half of the lot must be preserved when constructing, demolishing or expanding a Single-Family Dwelling or Two-Family Dwelling. Improvements must be designed whenever reasonably possible to preserve a Protected Tree. When constructing a new Single-Family Dwelling, if a Protected Tree does not exist on the premises, trees must be planted according to tree planting requirements in this section.
 - a. The Director may approve a landscape plan that provides for the removal of a Protected Tree where the Director determines that the development cannot reasonably preserve the Protected Tree. The Director may approve the removal of a Protected Tree if the supporting documentation, specified by the Development Application Handbook, shows that the tree is injured, dying, diseased or infested with harmful insects to the extent that it is not likely to survive, or; in danger of falling or creating a hazardous or dangerous condition.
 - b. If the Director approved the removal of the Protected Tree, the landscape plan must provide for the planting of 2 replacement Shade Trees.
3. For a Protected Tree that is preserved in the front half of the lot, in addition to the minimum requirement, the maximum building width may be increased within the Building Width Measurement Zone when constructing or expanding a Single-Family Dwelling according to the following:
 - a. Lots less than 60 feet wide may have a maximum building width of 35 feet; and
 - b. Lots equal to or greater than 60 feet wide may have a maximum building width of 0.50 Building-to-Lot Width Ratio.

Section 13. That Article III Part 2 of Chapter 2 (Zoning Regulations) is revised by amending section 2-171, subsection A.2.f., to read as follows:

- f. Roof gables, except in the HR-1 district,

Section 14. That Article IV of Chapter 2 (Zoning Regulations) is revised by amending section 2-191 to delete “HR-1” from subsection A.

Section 15. That Article IV of Chapter 2 (Zoning Regulations) is revised by amending section 2-191, subsection C., to read as follows:

C. In the HR-1 zoning district, Fences must be aligned with or behind the front façade of the Principal Building.

Section 16. That Article IV of Chapter 2 (Zoning Regulations) is revised by amending section 2-191 to renumber existing subsection “C” as “D” and “D” as “E”.

Section 17. That Article X of Chapter 2 (Zoning Regulations) is revised by amending section 2-310 by deleting “nonresidential” from the first sentence.

Section 18. That Article X of Chapter 2 (Zoning Regulations) is revised by amending section 2-311, subsection A, to read as follows:

A. This Article applies to:

1. All nonresidential Buildings constructed in the B-O, B-1, B-2 and residential districts, except the M-1 and M-2 district; and
2. All Buildings in the MUC District; and
3. All Buildings in the HR-1 District.

Section 19. That Article X of Chapter 2 (Zoning Regulations) is revised by amending section 2-311 to add new subsections B and C, to read as follows:

B. Existing Buildings may continue to utilize materials other than those Exterior Finishes listed in this Article, provided that any Exterior Finish replacement is for maintenance purposes only and the existing Finish material is continued. Any material change or replacement of more than fifty (50) percent of the total area of a façade, including on a cumulative basis, shall require that all Exterior Finishes be brought into compliance on that façade.

C. Additions to Buildings erected legally of materials other than those listed in this Article may be constructed of the same materials as the original Building, provided the addition or additions do not exceed 50% of the area of the original Building.

Section 20. That Article X of Chapter 2 (Zoning Regulations) is revised by amending section 2-312 to read as follows:

Sec. 2-312. – Administration

A. Each exterior façade of a Building, not including Interior Courtyards, shall meet the finish standards established in this Article. For the purposes of calculating building finishes, doors and roofs are excluded from the square footage of the façade.

B. Site Plan packages shall include Elevations for each Exterior Façade of the Building, showing compliance with this Article.

C. Screen walls, wing walls, columns and similar Building extensions and supports, and columns on carports or other similar freestanding structures, must comply with the provisions of this Article pertaining to Primary Finishes.

Section 21. That Article X of Chapter 2 (Zoning Regulations) is revised by renumbering existing sections “2-312” as “2-313”, “2-313” as “2-314”, “2-314” as “2-316”, “2-315” as “2-317”, and “2-316” as “2-318”.

Section 22. That Article X of Chapter 2 (Zoning Regulations) is revised by amending renumbered section 2-313, subsection A, to add the following sentence to the end of the definition of “Brick”:

Brick also includes Thin Brick.

Section 23. That Article X of Chapter 2 (Zoning Regulations) is revised by amending renumbered section 2-313, subsection A, to add new definitions for Cementitious Stucco, Elevation, Exterior Façade, and Vertical Board and Batten Siding, to read as follows:

Cementitious Stucco means unpainted upon, integrally colored and textured in its initial application, exterior Portland Cement, often mixed with lime, fiberglass, sand mud, and brick dust, applied with three coats on a metal lath or wire fabric lath.

Elevation means a geometrical drawing depicting the Exterior Facade of a building.

Exterior Façade means any of the exterior faces of a Building and shall include all Exterior Walls facing the same direction that are viewable together from a vantage point.

Vertical Board and Batten Siding means an exterior treatment of vertical boards with battens covering the seams.

Section 24. That Article X of Chapter 2 (Zoning Regulations) is revised by amending renumbered section 2-313, subsection A, to revise the definition of Exterior Finish to read as follows:

Exterior Finish means the material or product that is visible from or used as the exterior surface of an Exterior Facade.

Section 25. That Article X of Chapter 2 (Zoning Regulations) is revised by amending renumbered section 2-313, subsection A, to revise the definition of Primary Finish to read as follows:

Primary Finish means an Exterior Finish as defined in this Article for each zoning district.

Section 26. That Article X of Chapter 2 (Zoning Regulations) is revised by amending renumbered section 2-313, subsection A, to revise the definition of Secondary Finish to read as follows:

Secondary Finish means an Exterior Finish as defined in this Article for each zoning district that makes up the remaining portion of an Exterior Wall that is not covered by a Primary Finish.

Section 27. That Article X of Chapter 2 (Zoning Regulations) is revised by amending renumbered section 2-313, subsection A, to revise the definition of Stone to read as follows:

Stone or Stone Material means hard and durable naturally occurring all weather stone, cut stone, dimensioned stone, and manufactured stone products.

Section 28. That Article X of Chapter 2 (Zoning Regulations) is revised by amending section 2-315 to read as follows:

Sec. 2-315. - Finish Requirements for Residential Buildings in the Hill Area Residential (HR-1) District

A. Buildings in the HR-1 District, except small Accessory Buildings described in this Section, must be constructed with the following Primary and/or Secondary Exterior Finishes:

Table 2-314.1: Finish Requirements for The Hill Area Residential (HR-1) District		
	Minimum or Maximum %	Materials – a maximum of two of the following Exterior Finishes may be used to meet the finish requirements
Primary Finish Requirements	Minimum 85%	<ul style="list-style-type: none"> • Brick or Thin Brick • Horizontal Siding (wood or fiber reinforced cement)
Secondary Finish Requirements	Maximum 15%	<ul style="list-style-type: none"> • Vertical Board and Batten Siding (wood or fiber reinforced cement) • Cementitious Stucco (on gable only) • Stone or Stone Material • Decorative Shingle Siding (wood or fiber reinforced cement)
<i>Finish requirements for small Accessory Buildings.</i> Accessory buildings that are 200 square feet or less and which are located to the rear of the Principal Building are exempt from exterior finish requirements.		

Section 29. That Article X of Chapter 2 (Zoning Regulations) is revised by amending renumbered section 2-316 by adding the following clause to the end of subsection A:

, except for Residential Buildings in the HR-1 District.

Section 30. That Article X of Chapter 2 (Zoning Regulations) is revised by amending renumbered section 2-316, subsection E, to capitalize the term “Cementitious Stucco”.

Section 31. That Article X of Chapter 2 (Zoning Regulations) is revised by amending the heading of renumbered section 2-317 to read as follows:

Sec. 2-317. – Prohibited Exterior Finishes.

Section 32. That Article XV of Chapter 2 (Zoning Regulations) is revised by amending section 2-381, subsection A, to read as follows:

A. The landscaping requirements of this Article apply to:

1. In all zoning districts, except the HR-1: Any premises on which construction occurs for which a building permit is required, except as follows:
 - a. The restoration of a Building with a historic designation;
 - b. The remodeling of the interior of a Building or the facade of a Building that does not alter the location of exterior walls; or
 - c. The expansion of a Single-Family or Two-Family Dwelling.
2. In the HR-1 zoning district: Any premises with a Nonresidential Use or a Residential Use, except where stated, on which construction occurs for which a building permit is required, including the expansion of a Single-Family or Two-Family Dwelling, or on which demolition of an entire Single-Family Dwelling occurs for which a demolition permit is required, except as follows:
 - a. The restoration of a Building with a historic designation; or
 - b. The remodeling of the interior of a Building or the facade of Building that does not alter the location of exterior walls.

Section 33. That Article XV of Chapter 2 (Zoning Regulations) is revised by amending section 2-384, subsection A, to read as follows:

A. For all premises with Residential uses, not including those in the HR-1 district or multifamily uses, the premises must have 1 Shade Tree within the area between the Principal Building and front Property Line for each 50 feet of Lot Width or portion thereof, measured along the Front Lot Line. Trees may be clustered or spaced linearly and need not be placed evenly at 50 foot intervals. For HR-1 residential front yard landscaping requirements, see Section 2-160 Tree Regulations.

Section 34. That Article XV of Chapter 2 (Zoning Regulations) is revised by amending section 2-388, subsection A, to read as follows:

A. This section does not apply to Residential Uses in the HR-1 District. See Section 2-160 Tree Regulations.

Section 35. That Article XV of Chapter 2 (Zoning Regulations) is revised by amending section 2-388 to renumber existing subsections “A” as “B”, “B” as “C”, “C” as “D”, and “D” as “E”.

Section 36. That Article XV of Chapter 2 (Zoning Regulations) is revised by amending section 2-389, subsection A, to read as follows:

A. This section does not apply to Residential Uses in the HR-1 District. See Section 2-160 Tree Regulations.

Section 37. That Article XV of Chapter 2 (Zoning Regulations) is revised by amending section s-389 to renumber existing subsections “A” as “B”, “B” as “C”, and “C” as “D”

Section 38. 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 39. 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 40. That this ordinance is effective on second reading.

APPROVED on first consideration on _____, 2021.

ADOPTED on second consideration on _____, 2021.

Joe R. Zimmerman, Mayor

ATTEST:

Thomas Harris, III, City Secretary

APPROVED AS TO FORM:

Dan Shea Smith

Attachments:

Exhibit A – Table 2-158.1: The Hill Area Residential

EXHIBIT A

Table 2-158.1: The Hill Area Residential

Table 2-158.1: The Hill Area Residential District		
REGULATION		
LOT STANDARDS		
Minimum Lot Area		6,600 sq. ft.
Minimum Lot Width	Corner Lots	70 ft.
	All Other Lots	60 ft.
Maximum Lot Width		120 ft.
Minimum Lot Depth		110 ft.
FRONT YARD SETBACKS		
Minimum Front Yard (Setback)		25 ft. (a)
Minimum Porch Front Yard (Setback) (applies to unenclosed front porches up to 16 feet in height) (See Figures 2-158.A & 2-158.B) <i>Glass enclosed or screened porches, and porches greater than 16 feet in height must meet Principal Structure front yard setback. Maximum height is measured from finished grade to the intersection of the highest point of the porch roof and the facade. A porch roof eave or porch step must be at least 13 feet from the front lot line. Porches must meet minimum rear, side, and street side yard setbacks.</i>		15 ft.
SIDE YARD SETBACKS		
Minimum Side Yard (Setback)	Residential Use (See Figures 2-158.C & 2-158.D)	10 ft.
	Nonresidential Use	25 ft.
Minimum Street Side Yard (Setback)		15 ft.
REAR YARD SETBACKS		
Minimum Rear Yard (Setback)		15 ft.
BUILDING RESTRICTIONS		
Maximum Lot Coverage		40%
Maximum Height of Principal Building (See Figure 2-158.B)		27 ft. (b)
Maximum F.A.R.		0.45
Maximum Building Width (See Figure 2-158.E) <i>Refer to Section 2-160 for a building width incentive.</i>	Lot width less than 60 ft.	30 ft. (c)
	Lot width equal to or greater than 60 ft.	0.46 BTLW (c)

Minimum Roof Pitch of Principal Building		4/12
Refer to Article X. Building Finish Standards for building finishes that apply in HR-1.		
PRIVATE GARAGE AND CARPORT RESTRICTIONS (Attached and Detached)		
Minimum Private Garage and Carport Setback from front façade of Principal Building, not including Porch (See Figures 2-158.F & 2-158.G)		25 ft.
Minimum Street Side Yard (Setback)	Front Load (garage doors and carport entrance facing front lot line)	15 ft.
	Side Load (garage doors and carport entrance facing street side lot line)	20 ft.
Maximum of one Private Garage and one Carport permitted per lot.		
ATTACHED PRIVATE GARAGES AND CARPORTS		
Attached Private Garages and Carports are considered part of the Principal Building and must comply with the Principal Building regulations.		
DETACHED PRIVATE GARAGES AND CARPORTS		
Maximum Garage and Carport Size	Lots Less than or equal to 6,000 sq. ft.	600 sq. ft. (d)
	Lots Greater than 6,000 sq. ft.	10% of Lot Area (d)
Detached Garage and Carport Minimum Distance from Principal Building <i>For purposes of defining Attached vs Detached Garage or Carport, a Private Garage or Carport connected to a Principal Building by a covered breezeway shall not be considered part of the Principal Building provided that the Private Garage or Carport is at least five (5) feet from the Principal Building. The breezeway must be no more than six (6) feet wide as measured from edge-of-eave to edge-of-eave, must be unenclosed and must be free of any obstacles at ground level, excluding structural posts of the breezeway.</i>		5 ft.
Detached 1-Story Garage and Carport	Maximum Height	16 ft. (b)
	Minimum Side Yard (Setback)	1.5 ft.
	Minimum Rear Yard (Setback)	1.5 ft.
<i>For 1-Story Detached Garages or Carports, eaves must be a minimum of 6 inches from side or rear lot line. This requirement supersedes regulations found in Sec. 2-176 Allowed Yard Obstructions.</i>		
Detached 2-Story Garage and Carport	Maximum Height	27 ft. (b)
	Minimum Side Yard (Setback)	10 ft.
	Minimum Rear Yard (Setback)	15 ft.
REFERENCES		

- a. *For Cul-de-sac Lots, the Front Yard Setback is reduced by 5 feet.*
- b. *Maximum Height as measured from finished grade to the highest point of the Structure.*
- c. *Measured at the widest point within the Building Width Measurement Zone. See Figure 2-158.E.*
- d. *Maximum Garage and Carport Size is the cumulative square footage of the Detached Private Garage and Carport.*

Additional Regulations:

See also Article III: Height and Area Regulations, Article IV: Supplemental Regulations, and Article X: Building Finish Standards for additional regulations.

Note: Parking setback requirements are detailed in Chapter 2, Article V: Off-Street Parking and Loading Regulations.

DRAFT