



# **SECTION 2:**

# **ZONING**

- Zoning Types and Procedures
- Rezoning
- Planned Development Districts
- Conditional Use Permits
- Conversion Table from Legacy SIC Manual to Permitted Uses and Parking Schedule (refer to active link on website)
- Flow Chart: Zoning Process



# ZONING TYPES AND PROCEDURES

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The City of Sugar Land regulates land use through zoning, which was adopted soon after the City's incorporation in 1959. Current zoning regulations are included as Chapter 2 of the City's Development Code which was adopted in 1997 and has been amended from time to time since then. A copy of the City's Development Code is available on the City's website at [www.sugarlandtx.gov](http://www.sugarlandtx.gov).

## **Zoning**

Zoning is the division of a community into districts, or zones, with different regulations for different districts. Within each district, local governments typically regulate the use of land or buildings, the intensity of that use (regulated by lot size, height limits, and, in some cases, direct regulation of intensity through floor-area ratios or limits on the number of dwelling units per area), as well as height and bulk—or extent—of that use (regulated both directly and indirectly, through requirements that portions of the lot be maintained for yards or setbacks).<sup>1</sup> The City is divided into several standard districts and multiple customized planned development (PD) districts. Details can be found via the Development Code link provided above.

## **Land Use Matrix**

The Land Use Matrix defines which uses are permitted in each zoning district. Land and structures in each zoning district may only be used for the listed uses specified as a permitted use in that district as shown in the Land Use Matrix. Land and structures in each zoning district may not be used for a use that is shown as a prohibited use in that district in the Land Use Matrix. Wherever the Land Use Matrix shows that a use is allowed in a district with a conditional use permit, land and structures in that district may not be devoted to that use unless a conditional use permit for the use has been granted by City Council. A copy of the entire Land Use Matrix or a copy of the portion applicable in the commercial zoning districts is available in the Development Code link provided above.

## **Rezoning**

A rezone involves a change from one official zoning district to another. When a property within the city limits of Sugar Land is rezoned, an ordinance is passed by City Council effecting a change in zoning designation for that property. The Official Zoning District Map is also updated to reflect the zoning change. A recommendation to the Council is given by the Planning and Zoning Commission (P&Z). Council has the authority to approve or deny rezonings. A property owner or the City can initiate rezoning a piece of property. A planned development district (PD) is a type

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<sup>1</sup> Eric Damian Kelly and Barbara Becker, *Community Planning: An Introduction to the Comprehensive Plan* (Washington, D.C.: Island Press, 2000), 203.

of zoning category with custom regulations. Additional details on planned development district rezonings are contained in Section 3 of this Handbook.

### **Planned Development Districts**

#### *Introduction*

The planned development district (PD) allows for a development containing uses or a combination of uses in a design that would not otherwise comply with the regulations of the primary zoning districts, but does provide an overall design, increased Open Space, or other features or amenities that results in high quality development or offer special benefits to the community. A PD may not be used for the primary purpose of avoiding the zoning regulations applicable to the primary zoning districts.

A district containing only Residential Uses will not be created unless it contains at least 10 acres. A district containing both Residential and Nonresidential Uses will not be created unless it contains at least 25 acres of land. A district containing Nonresidential Uses only must contain at least 5 acres of land. The Commission may recommend approval and the Council may approve a district with less land than specified in this section if the developer clearly demonstrates that a smaller district would achieve the intent of the district.

#### *Land Uses*

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](#)) can be found as part of the Development Application Handbook and is located here: <http://www.sugarlandtx.gov/492/Development-Application-Handbook>

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.

### **Conditional Use Permit (CUP)**

A conditional use permit (CUP) is a zoning permit that is granted to operate a certain type of business in a specific zoning district. The Land Use Matrix identifies which uses require a CUP in each zoning district. A recommendation to the Council is given by the Planning and Zoning Commission; Council has the authority to approve or deny conditional use permits. A CUP must be approved by City Council before a use requiring a CUP can legally operate at the proposed location. The following are the conditional use permit standards required for approval:

1. Conditional uses are not permitted by right, but shall be considered on a case by case basis for the proposed lot(s) or parcel(s). Application approvals are subject to the discretion of the Council.
2. No application will be approved unless the applicant establishes that the use is appropriate at the proposed location by showing the following:
  - a) The proposed use shall be in harmony with the purpose, goals, objectives and standards of the City of Sugar Land's Comprehensive Plan and Future Land Use Plan;
  - b) The proposed use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and
  - c) The proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden

### **Zoning Process**

When a rezoning, planned development district, or conditional use permit application is submitted, Staff will review the request and send comments after the initial 3 week DRC review. Due to the detail contained in CUP and PD applications, additional review time may be required for the initial review for more complicated cases. The applicant may be directed to resubmit the corrected materials and/or additional materials for the Planning and Zoning Commission and City Council, and staff will review them for clearance.

When staff comments have been addressed, the request will be scheduled for a public hearing at a Planning and Zoning Commission meeting. The public hearing typically takes place approximately one month after staff issues have been addressed to comply with public hearing notification requirements of the state and city regulations.

A public hearing will be held by the Planning and Zoning Commission at 6:30 p.m. in the City Council Chambers, unless otherwise noted. P&Z meetings are held on the second Tuesday and fourth Thursday of each month except for November and December, when there is one Tuesday meeting due to the holidays. The purpose of the public hearing is to allow P&Z to conduct a fact finding process. Staff will present the request to the Commission. The Chair will then open the public hearing, and the applicant will have ten minutes to present the request. The Chair will then allow anyone present from the public to speak on the request. The Commission may ask questions to staff and any project representatives. The Commission may elect to take action and Recommend Approval or Denial to City Council.

The Commission can also choose not to take action and instead give Direction to staff and/or the applicant. When that occurs, at a subsequent P&Z meeting the request will be presented by staff with a recommendation. P&Z will then hold consideration and action and make a recommendation to City Council. Only staff will present at this meeting; however, the

Commission may direct questions to both staff and the applicant.

A second public hearing will be scheduled for a regular City Council meeting once the item is ready for Council review. The public hearing typically takes place approximately one month after P&Z makes a recommendation. Meetings are held on the first and third Tuesdays of each month. Again, in accordance with state regulations, property owners will be notified and the notice will be published in a City paper and on the City's website. Council will conduct a public hearing in the same manner as P&Z. At the same meeting, Council will have the first reading of the ordinance and vote, unless the item is tabled. If the ordinance was approved at the first reading, at a subsequent meeting the Council will hear the second reading of the ordinance and vote again. Following the second reading of the ordinance, the Mayor and City Secretary will sign the ordinance and a copy will be sent to the applicant.

### **Submittal Procedures**

As of June 14, 2022 the plan submittal processes will be online intake only through Citizen Self Service (CSS). You will be able to apply and pay for a DRC plan submittal online, available to you at any time. The Citizen Self Service (CSS) online web portal can be accessed via the City's webpage, and also via this link: [www.sugarlandtx.gov/CSS](http://www.sugarlandtx.gov/CSS)

All development related submittals and payments shall be submitted online via the CSS web portal on Monday by 3 pm. The submittals will then be routed for processing to the appropriate departments. The Development Planning Office can be contacted at 281-275-2218 or at [planning@sugarlandtx.gov](mailto:planning@sugarlandtx.gov) and the Engineering Department at 281-275-2780.

### **Standard Rezoning Submittal Requirements:**

- Completed application online through the CSS online portal
  - Legal description of property
  - Letter stating the applicant's request
  - Traffic Impact Analysis, if necessary
- Submittal Fee (\$1,292.75) paid through CSS online portal

### **Planned Development (PD) District Submittal Requirements:**

- Completed application online through the CSS online portal
  - Legal description of property
  - PD must be designated as "Urban" or "Suburban" per requirements within the Development Code, Chapter 2, Article II
  - Letter stating applicant's request
  - PD submittal package, including detailed use list, PD development plan with lots/reserves, traffic circulation, landscaping, pedestrian features, building information, and other pertinent information.
    - Proposed Exhibits relating to above
  - Traffic Impact Analysis, if necessary
- Submittal Fee paid through CSS online portal

- General or Final Development Plan: \$1, 965.25 + \$22.00/per acre or portion (max. \$3,244.50)
- PD Amendment: \$1, 965.25 + \$22.00/per acre or portion (max. \$3,244.50)
- PD Administrative Amendment: \$232.50

**Conditional Use Permit (CUP) Submittal Requirements:**

- Completed application online through the CSS online portal
  - Legal description of property
  - Letter stating the applicant's request
  - CUP layout plan, and other pertinent information as determined through discussions with Development Planning staff
  - Traffic Impact Analysis, if necessary
- Submittal Fee (\$1,925.00) paid through CSS online portal

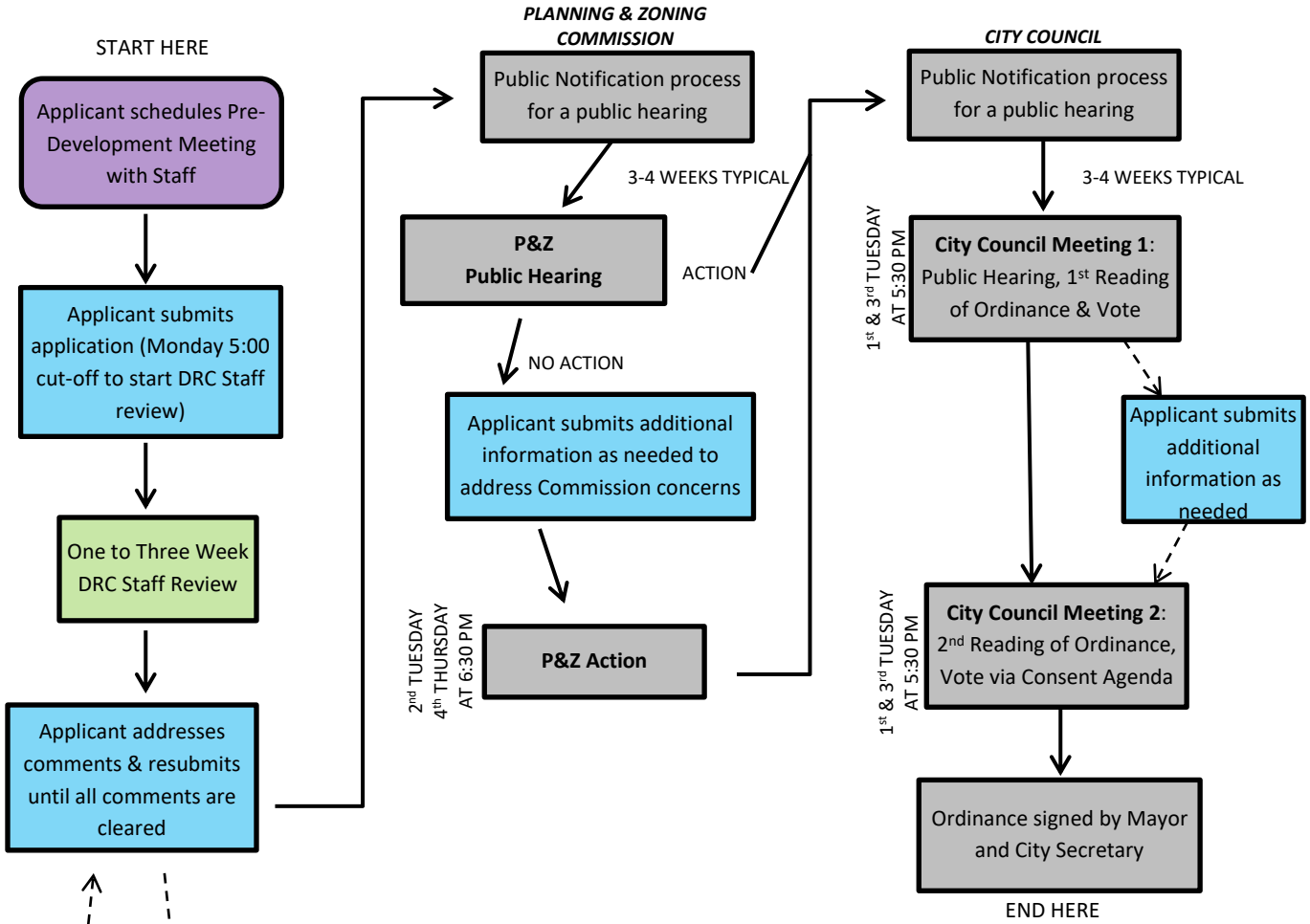
**Conditional Use Permit (CUP) Telecommunication Towers & Antennas Submittal Requirements:**

- Completed application online through the CSS online portal
  - Legal description of property
  - Letter stating the applicant's request and addressing issues relating to a Cell Tower CUP, including Chapter 2, Article VII, Sec. 2-234 (tower inventory and co-location and lease opportunities)
  - CUP layout plan of tower
  - Note – Additional information may be requested by staff for evaluation and determination of the application and potential impact of a proposed cell tower
- Submittal Fee (\$1,925.00) paid through CSS online portal



# FLOW CHART: ZONING PROCESS

## REVIEW AND APPROVAL PROCESS FOR REZONING, CONDITIONAL USE PERMITS, AND PLANNED DEVELOPMENTS



**LEGEND**

- Applicant Action
- Staff Action
- Statutory Process

NOTE: 4-6 Month Process Typical