

# **Sunset Prairie Plan of Development**

Submitted to:

**The City of Iowa Colony**

February 2025

Prepared for:

**Majestic Development**

Prepared by:



## Plan of Development

**TABLE OF CONTENTS****I. INTRODUCTION**

A. Summary	5
B. Purpose of the Project	5
C. Project Location	5
D. Surrounding Land Use	5
E. Existing Site Conditions	5

**II. DEVELOPMENT PLAN**

A. Purpose & Intent	8
B. Goals & Objectives	8
1. Establish a Strong Community Character & Sense of Place	8
2. Provide a Variety of Housing Types	8
3. Ensure Quality Development	8
4. Optimized Site Layout	9
5. Enhanced Open Space Utilization	9
C. Zoning/Land Use Plan	9
1. Proposed Uses & Densities	9
D. Benefits to the Iowa Colony	10
E. Transportation	12
1. Existing Access	12
2. Street Hierarchy	12
3. Minimum Right-of-Way & Paving Sections	12
4. Street Design Criteria	12
5. Street Sidewalks	15
6. Traffic Signalization	15
F. Parks, Open Space & Trails	15
1. Parks & Open Space	15
2. Trails	16
3. Tree Preservation	16
G. Infrastructure	18
1. Water and Wastewater	18
2. Storm Drainage & Detention System	18
3. Flood Plain Management	18
4. Other Utilities	18
5. Schools	18
6. Homeowner's Association	18

## Plan of Development

**III. DEVELOPMENT REGULATIONS**

A. Purpose & Intent	21
B. General Provisions	21
1. Applicability	21
2. Additional Uses	21
3. Non-Conforming Land Uses	21
4. Non-Conforming Structures	22
5. Existing Utilities	22
6. Pipeline	22
7. General Development Plan	22
8. Mass Grading & Construction of Detention	23
9. Temporary Uses	23
10. Design Guidelines	24
11. Lighting	24
12. Screening and Fencing	24
13. Architectural Standards	24
C. Development Standards	25
1. Traditional Single Family- Type I	25
2. Commercial	26
3. Parks & Open Space	30
4. Parking	32
D. Definitions	34

**IV. GENERAL ADMINISTRATION & AMENDMENTS**

A. Purpose	39
B. Changes to Subdivision Ordinance	39
C. Variances to the Zoning Ordinance	39
D. Variances from the Design Manual	39
E. Interpretation	47
F. Administrative Approval	47
G. Substantial Change	48
H. Fees	48
I. Sales Tax Sourcing	48
J. Noncompliance	48
K. Expiration	48

**EXHIBITS**

Exhibit 1 Ownership Map	6
Exhibit 2 Jurisdictional Map	7
Exhibit 3 Preliminary Land Use Plan	11
Exhibit 4 Parks and Open Space Plan	18

## Plan of Development

**TABLES**

Table 1 Minimum Right-of-Way Width & Paving Section	12
Table 2 Sidewalk Requirements	15
Table 3 Parking Requirements	32
Table 4 Shared Parking Table	33
Table 5 Subdivision Ordinance Variances	40
Table 6 Unified Development Code Variances	43
Table 7 Zoning Ordinance Variance	44
Table 8 Design Manual Variances	46

## Plan of Development

**I. INTRODUCTION****A. Summary**

The Planned Unit Development District establishes comprehensive guidance and regulations for the 39.83 Ac. Sunset Prairie Development (the “Project”). The Project is comprised of approximately 39.83 acres of privately owned land that is within unincorporated Brazoria County and the extraterritorial jurisdiction (ETJ) of the City of Iowa Colony.

The intent of this document is to provide a means by which development may occur in an orderly and responsible manner by establishing guidelines that ensure quality development and specifically address the goals of both the city and the developer.

**B. Purpose of the Project**

The Project will create a cohesive community atmosphere that will compliment and bring to life the City of Iowa Colony’s vision for the future of Iowa Colony. In planning this development, the developer reached out to the City for its goals for Iowa Colony and regionalization. The guidelines within this document will create regulations that will ensure the quality and character desired by both the City and the developer.

**C. Project Location**

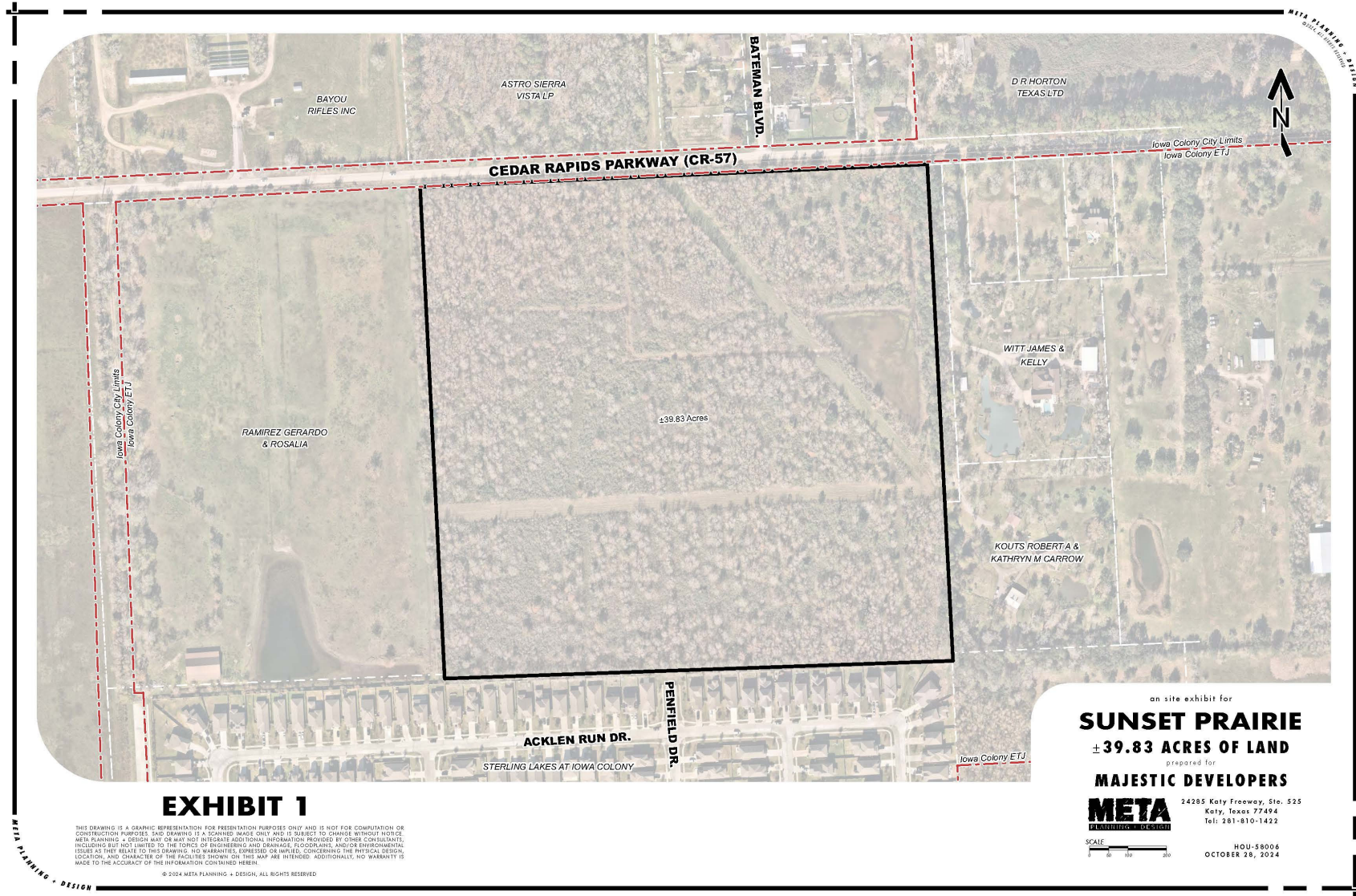
The Project is located south of Cedar Rapids Parkway in Brazoria County, north of County Road 56, between State Highway 288 on the east and FM 521 on the west.

**D. Surrounding Land Use**

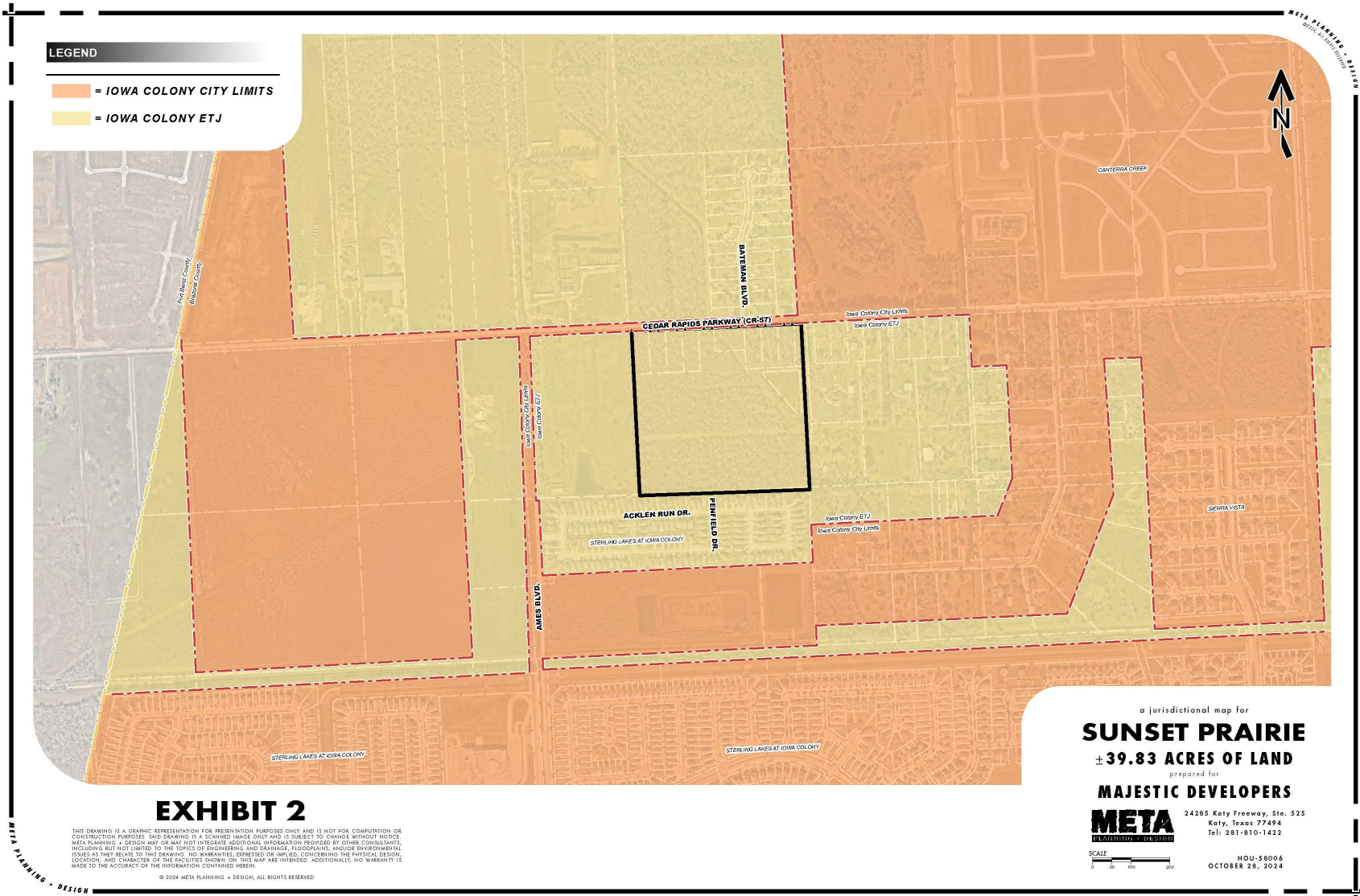
The majority of properties surrounding the Project are undeveloped with some existing single-family development in nearby areas.

**E. Existing Site Conditions**

The existing character of the Project is primarily agricultural land and open pastureland. A significant amount of the tract will be retained for open space, drainage, and mitigation areas as the Project is developed.







## Plan of Development

**II. DEVELOPMENT PLAN****A. Purpose & Intent**

The purpose of the Development Plan is to clarify planning considerations within the plan area and guide the implementation of the vision for the community. It will also establish a framework for the Project by identifying the type, general location, and projected density of the various land uses proposed within the development.

This document describes the goals, objectives, and policies of the Plan of Development, and it clearly illustrates the design principles of the community.

**B. Goals & Objectives**

The main goal of the Planned Unit Development District is to create a master planned community that features a mixture of uses that will encourage an attractive and sustainable neighborhood and attract investment to the area while preserving the existing natural environment.

Key objectives have been established in order to guide development and provide direction for the overall vision of the community. These objectives are as follows:

**1. Establish a Strong Community Character**

A strong community character will be created by the extensive open space system which will offer neighborhood connectivity within the community as well as access to daily activities, thus reducing dependency on vehicular travel and preserving the rural character of the area.

Strategically located public gathering areas will encourage community activities and enhance the City Council's vision for Iowa Colony's quality of life. A focus on the concept of wellness will be a guiding principle for development.

In addition, the implementation of a community theming plan will establish a strong sense of place by assuring design and visual continuity throughout the community.

**2. Increase Availability of Housing**

Increasing the availability of affordable housing throughout the region can stimulate economic growth and promote a diverse community with residents from various socioeconomic backgrounds. Establishing a well-balanced population is essential for the long-term sustainability of the Project, enhancing both the social and economic fabric of the community. This diversity will not only strengthen Iowa Colony but also contribute to a vibrant and inclusive environment that benefits all residents.

**3. Ensure Quality Development**

The Project will ensure the quality of development through the establishment of design guidelines for the community that regulate architectural standards, landscaping, signage, and other common elements of the development.



## Plan of Development

**4. Optimized Site Layout**

The goal is to design a highly efficient and well-organized site layout that maximizes the use of each residential lot while also integrating strategically placed commercial spaces within the development. This strategic planning to enhance the functionality and visual appeal of the development, ensuring that residential areas are harmoniously situated with any commercial components. The layout should facilitate convenient access to commercial amenities, such as local shops or services, without disrupting the residential character. By utilizing flexible zoning and design standards, the development can offer a balanced mix of residential and commercial uses that serve the needs of the community while maintaining aesthetic and functional cohesion.

**5. Enhanced Open Space Utilization**

A key objective is to incorporate and optimize open spaces within the development to benefit both residential and commercial areas. The PUD should allocate areas for parks and green spaces that are accessible to all residents and complement any commercial spaces. These open areas should be designed to enhance the overall quality of life, provide opportunities for leisure and social interaction, and support a vibrant community atmosphere. Thoughtful integration of open space around commercial areas can create inviting environments for both residents and visitors, contributing to a more dynamic and appealing development.

In addition, the Project will help the City achieve a highly efficient and cohesive public infrastructure system to better serve Iowa Colony.

**C. Zoning/Land Use Plan****1. Proposed Uses & Densities**

Successful communities offer a diverse range of housing stock options that meet the needs of the market. Greater access to open space, combined with the variety of uses and housing type attracts residents from all stages of life. The proposed land uses will help to achieve a variety of land uses in order to create a sustainable community while allowing for a reasonable amount of flexibility to accommodate ever-changing market demands.

To implement the conceptual land use plan, the Project will be designated a Planned Unit Development. The land uses within the Planned Unit Development will consist of Traditional Single-Family Residential (TSFR), Commercial (C), and Parks & Open Space (P-OS). The various land uses will follow the development requirements for their assigned zoning districts as described in the Zoning Ordinance as of the Effective Date unless otherwise noted throughout this Plan of Development. The land uses may be relocated within the boundaries of the Plan of Development as necessary to address economic and market conditions or future modifications of roadway and drainage alignments. The following is a brief description of these proposed uses.

## Plan of Development

*Traditional Single Family Residential* - The Traditional Single-Family Residential category (TSFR) is intended for the development of detached, single family dwelling units. The lot size within the Traditional Single-Family Residential category must have a minimum lot width of 50-feet and a minimum square footage of 6,000.

*Commercial* – The Commercial category (C) is designed to meet the demand for commercial development along Cedar Rapids Parkway

*Parks & Open Space* – The Parks & Open Space category (P-OS) is intended to provide for the development of recreation and open space areas within the community.

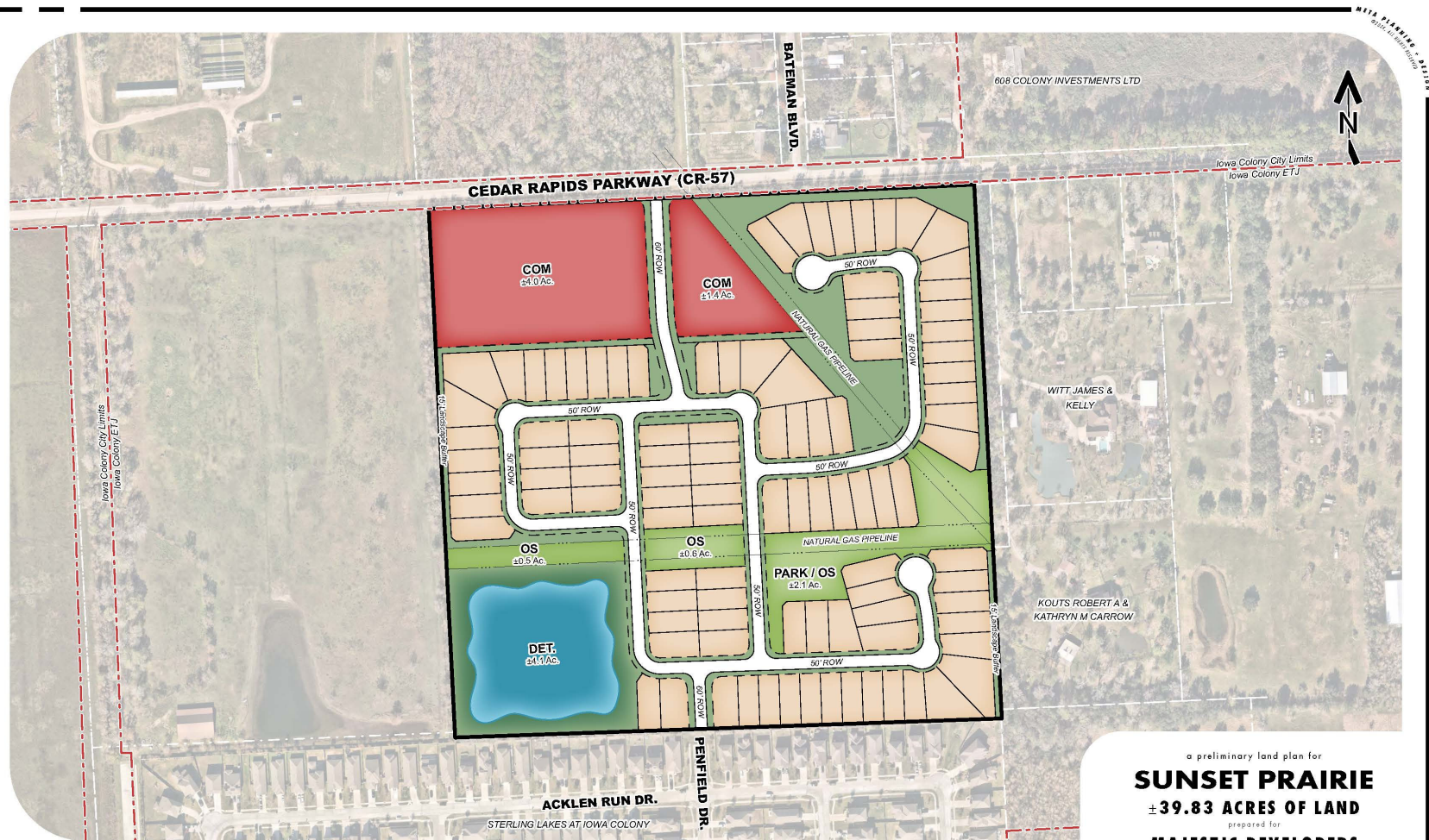
Land uses may be relocated within the boundaries of the Plan of Development, provided they are in compliance with the overall Plan of Development. The city will be notified of any changes to the Preliminary Land Use Plan. However, the total Parks and Open Space may not decrease more than ten (10) percent without approval of the Planning Commission and City Council. The Parks and Open Space Exhibit shall be the basis for establishing and calculating any changes to the parks and open space land use by future administrative approvals as described in the administrative section of this Plan of Development.

**D. Benefits to the City of Iowa Colony**

The Plan of Development will help meet the demand for quality residential and commercial development as the City of Iowa Colony continues to grow and will enable the City to achieve its vision for the future.

Master planned communities provide tremendous benefits for cities over traditional “piecemeal” development. Property values in master planned communities tend to be greater and more stable than property values outside of master planned communities, providing cities with a greater ability to plan and fund services. Additionally, residents of master planned communities typically call upon public services, including public safety, at a lower rate than in other areas that are not master planned, deed restricted, and managed by strong homeowner’s associations. Most importantly, master planned communities bring stability and predictability that facilitate a city’s long-range planning and financial objectives.

In addition, the Project will help create the “rooftops” necessary to drive the commercial development planned in Iowa Colony, which will generate sales tax and personal property tax revenue for the City.



### EXHIBIT 3

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR CONSTRUCTION OR CONSTRUCTION PURPOSES. THIS DRAWING IS A SCANNED IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING + DESIGN MAY OR MAY NOT INTEGRATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE TOPICS OF ENGINEERING AND DRAINAGE, FLOODPLAIN, AND/OR ENVIRONMENTAL, ISSUES AS THEY RELATE TO THIS DRAWING. NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

© 2024 META PLANNING + DESIGN, ALL RIGHTS RESERVED

#### LOT SUMMARY

50'x120'	102 LOTS	100%
----------	----------	------

**TOTAL 102 LOTS**

a preliminary land plan for

### SUNSET PRAIRIE

±39.83 ACRES OF LAND

prepared for

**MAJESTIC DEVELOPERS**

**META**  
PLANNING + DESIGN

24285 Katy Freeway, Ste. 525  
Katy, Texas 77494  
Tel: 281-810-1422

SCALE  
0 50 100 200

HOU-58006  
OCTOBER 26, 2024

## Plan of Development

**E. Transportation**

The Project will establish a transportation network consisting of streets and other forms of transportation designed to meet the mobility needs of the community and to compliment the development of Iowa Colony.

**1. Existing Access Circle**

The Project lies along Cedar Rapids Parkway as its northern boundary. The project will take primary access from Cedar Rapids Parkway and will have a back door connection to accommodate emergency services that will take access from an existing subdivision road, Penfield Drive, along the southern boundary.

**2. Street Hierarchy**

The street system within the 39.83-acre Sunset Prairie Development will consist exclusively of local streets. The primary objective of this design is to create a network of streets that are appropriately scaled for the land uses they support, while effectively channeling vehicular traffic to Cedar Rapids Parkway, which is a major thoroughfare within Brazoria County. This approach aims to minimize any potential negative impact on the residential neighborhood and adjacent properties. Below is an overview of the local streets anticipated for implementation within the Sunset Prairie Development:

*Local Streets-* Local Streets are designed to provide direct access to residential lots. Each Local Street will feature a 10-foot public utility easement on both sides of the right-of-way, with the right-of-way itself being 50 feet wide.

**3. Minimum Right-of-Way Widths & Paving Sections**

Streets within the Project shall conform to the City of Iowa Colony Engineering Design Criteria Manual (EDCM) except as identified in the following standards:

<b>TABLE 1</b>		
<b>Section 6.3.1: Minimum Right-of-Way Width &amp; Paving Sections</b>		
	<b>Minimum Right-of- Way Width</b>	<b>Standard Paving Section (Measured from back of curb to back of curb)</b>
Local Street	50 feet	28 feet
Neighborhood Collector	60 feet	28 feet

- 1) Where the local street right-of-way is fifty feet (50') in width there shall be a 10' public utility easement on both sides of the right-of-way.

**4. Street Design Criteria**

Streets within the project shall conform to the EDCM and Iowa Colony Subdivision Ordinance except as identified in the following standards:

## Plan of Development

*Cul-de-sacs:* Cul-de-sac streets within residential areas shall be measured along the centerline of the street from the nearest intersecting street to the center of the terminus bulb. The maximum length of cul-de-sacs in residential areas shall be determined by the number of vehicle trips generated per day, which shall not exceed 350. For the purposes of this requirement, the following standard shall apply:

Detached Units – 10 vehicle trips per day per unit (35 units)

In no case shall cul-de-sacs exceed 1,050 feet in length.

Landscape “islands” having a maximum radius of sixteen (16) feet shall be permitted within cul-de-sac bulbs.

*Intersections:* Streets and alleys shall be designed to intersect as nearly as possible to right angles.

Right-of-way lines at intersections of major thoroughfares and collector streets shall transition with a minimum 30-foot radius curve. Right-of-way lines at intersections of neighborhood collector streets, local streets, and private streets shall transition with a minimum 25-foot radius curve.

*Curves:* Curves along major thoroughfares shall be designed to meet or exceed minimum AASHTO standards. International Transportation Engineers (ITE) Context Sensitive Solutions shall be allowed.

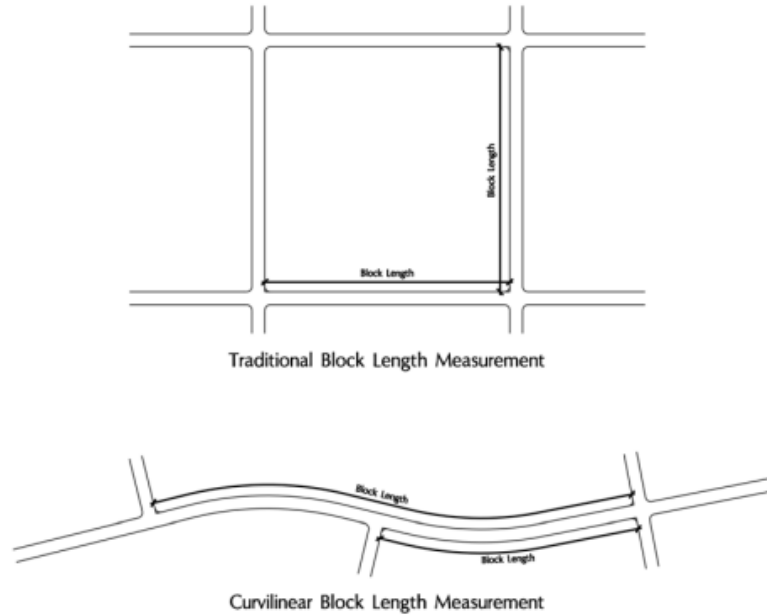
Curves along local streets shall have a minimum centerline radius of 100 feet, with the exception of corner or L-Type turns, which shall have a minimum radius of 50 feet. Reverse curves shall be separated by a tangent distance of not less than 50 feet.

*Block Length:* The maximum block length along pipeline easements or drainage features having a minimum width of 50 feet shall be 2,000 feet.

The maximum block length along pipeline easements or drainage features having a minimum width of 225 feet shall be 4,000 feet.

Block length shall be measured between intersections from edge of right-of-way to edge of right-of-way.

## Plan of Development



In cases where multiple blocks may exceed 1,200 feet, a pedestrian crossing will be provided having a minimum width of twenty (20) feet, as such a connection would significantly improve overall pedestrian circulation within the development.

*Points of Access:* The development as a whole will consist of two points of access. One point is access from major throughfare Cedar Rapids Parkway. Parking along the entry street shall be prohibited.

The Project, regardless of the number of lots, will require a maximum of two points of access for emergency protection access as illustrated in the Preliminary Land Plan.

*Lot Frontage:* Each single-family residential unit shall have frontage on a local street and or common area.

Lots that front on a commonly landscaped area must have vehicular access provided by a local street, or an alley from the side or rear. In addition, the common landscaped area must have a minimum dimension of twenty (20) feet.

Lots may not have direct vehicular access to a major thoroughfare or collector street unless the lot is one acre or greater in size and provides a turnaround that prohibits vehicles from backing onto the major thoroughfare or collector.

## 5. Street Sidewalks



## Plan of Development

Sidewalks shall be provided in accordance with the following schedule:

<b>TABLE 2</b>	
<b>Sidewalk Requirements</b>	
<b>Street Type</b>	<b>Minimum Requirement</b>
<b>Major Thoroughfare</b>	5-foot sidewalks are required and shall be provided in or near the southern right-of-way of the major thoroughfare by developer.
<b>Local Street</b>	5-foot sidewalks shall be provided on both sides of the street

Generally, sidewalks should be constructed within the right-of-way. Sidewalks adjacent to open space areas and pipeline corridors may meander between the right-of-way and open space when desired. When separate trails exist or are proposed on an adjacent reserve of open space area, parallel sidewalks shall not be required provided that the trail is constructed of concrete. If a sidewalk is provided on only one side of the street and it meanders outside the right-of-way, it must return to the right-of-way at least every 1,400 feet.

Deviations from the above schedule will be considered on a case-by-case basis, subject to approval by City's Designated Official.

#### **6. Traffic Signalization**

A Traffic Impact Analysis will be required to determine if traffic signals are warranted. If it is determined that a signalized intersection is warranted according to the Engineering Design Criteria Manual, the Developer shall contribute their pro-rata share of the cost for the traffic signals at the affected intersection, with the City covering the remaining portion. If a traffic signal is not warranted, the Developer shall have no obligation to fund, design, or construct for that intersection.

### **F. Parks, Open Space & Trails**

#### **1. Parks & Open Space**

The City of Iowa Colony Zoning Ordinance for planned unit development regulations require that one acre per each 54 dwelling units be dedicated to parkland and 150 square feet of compensating open space (COS) be provided per single-family residential lot between 6,000-6,599 square feet. Based on a total unit count of 102 units, the projected requirement for the Project is 1.899 acres of parkland and 15,300 square feet of compensating open space (COS).

Approximately 3.30 acres of land within the Project is planned to be designated as parkland open space, as shown in Exhibit 3, and will include a neighborhood park, pipeline easements corridors, detention basins, and landscape and open space networks. The parks requirement will be fulfilled with the implementation of the Parks and Open Space Plan (Exhibit 4). All land which is dedicated for the purpose of fulfilling

## Plan of Development

the parkland/ compensating open space requirements will be credited at 100%, except for drainage/detention, creeks, and detention areas, which will be credited at 50%.

The drainage and detention system within the Plan of Development will be amenitized by providing open space and trail connectivity between the different land uses and neighboring developments. The drainage and detention areas will not only enhance the aesthetic quality of the environment, but they will also provide connectivity through the development and provide numerous opportunities for enjoyment by the residents.

The recreation and open space areas will also provide separation, buffer zones, and transitions between areas and types of development.

Parks will be owned and maintained by the Homeowner's Association. All parks and open space areas will allow general public use. The trail system around and through the community will be accessible to the public along with any improvements to detention areas or other open space. Open space areas shall include pipeline and utility easements, drainage ways, and wet and dry detention areas.

The Parks, Open Space, & Trails Plan is preliminary in nature. The specific location of individual parks or open spaces may be moved or combined as the design and development of the Project moves forward. The parkland and compensating open space requirements won't apply to individual sections, provided the overall project meets the Parks and Open Space plan.

## 2. Trails

In addition to the required street sidewalks, the Project will feature a trail system that will extend throughout the community providing access through the park and open space. This system may be comprised of both paved and unpaved trails and will be linked to the required sidewalks throughout the community. The trail system within the Project will be maintained by the Homeowner's Association.

## 3. Tree Preservation

The subject property is largely agricultural fields with few areas being partially wooded. Of these wooded areas, the majority of the vegetation appears to be new growth trees and brushes, with none appearing to be significantly sized shade trees or being of any cultural significance that would cause any existing trees on the property to be designated as protected trees under the City's tree preservation guidelines.

As part of the development's landscape design, the developer will implement an overall landscape plan to promote increased biodiversity, habitat creation, and naturalistic planting areas throughout the development for the added benefit and use of future residents and fauna. These plantings along with the Parks, Open Space, and Trails Plan will create strong pedestrian connections throughout the development and promote the creation of greenways and other trail systems similar to the idea of the Green Corridors as described in the City's UDC.

LEGEND - PARK SPACE



-  = NEIGHBORHOOD PARK
-  SIDEWALKS (5' WIDE)
-  NATURE TRAILS (5' WIDE)
-  1/4 MILE RADIUS SERVICE AREA



EXHIBIT 4

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR CONSTRUCTION OR CONSTRUCTION PURPOSES. SAID DRAWING IS A SCANNED IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING + DESIGN MAY OR MAY NOT INCORPORATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE TOPICS OF ENGINEERING AND DRAINAGE, FLOOD PLANS, AND/OR ENVIRONMENTAL ISSUES AS THEY RELATE TO THE DRAWING. NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

© 2024 META PLANNING + DESIGN, ALL RIGHTS RESERVED

a parks & open space plan for  
**SUNSET PRAIRIE**  
± 39.83 ACRES OF LAND  
prepared for  
**MAJESTIC DEVELOPERS**

**META**  
PLANNING + DESIGN

24285 Katy Freeway, Ste. 525  
Katy, Texas 77494  
Tel: 281-810-1422

SCALE  
0 50 100 200

HOU-58006  
OCTOBER 28, 2024

## Plan of Development

**G. Infrastructure****1. Water and Wastewater**

Water and wastewater services will be provided by the City of Iowa Colony.

**2. Storm Drainage & Detention System**

The storm drainage system will consist of a network of closed conduit storm sewers draining to surface swales, conveyance channels, and detention ponds. The detention ponds will outfall to an existing Iowa Colony Drainage District ditch. The drainage system will be designed in accordance with the City of Iowa Colony's Engineering Design Criteria Manual and Brazoria County Drainage District No. 5.

**3. Flood Plain Management**

No portion of the tract lies within a defined floodplain by the FEMA FIRM maps. Any development proposed in the floodplain will meet FEMA and the Floodplain Administrator's design criteria for development within the floodplain.

**4. Other Utilities**

Electrical service for the community will be provided by CenterPoint. Gas service will be provided in the community. High speed internet service will be provided in the community.

**5. Schools**

The Project is located within the Alvin Independent School District.

**6. Homeowner's Association & Architectural Review Committee**

A master Homeowner's Association (HOA) will be created to promote community involvement, maintain common areas, and to enforce deed restrictions and covenants. Copies of these restrictions and covenants will be provided to the City. The City of Iowa Colony will in no way be responsible for the enforcement of these private covenants.

In addition to the HOA, an Architectural Review Committee (ARC) will be established to ensure conformance to the development standards contained within the Plan of Development and enforce any additional design guidelines which shall be established separately.

There may be additional sub-homeowner associations and Property Owner's Associations (POA) may be established for non-residential property owners for the same purposes as Homeowner's Associations.

## Plan of Development

**III. DEVELOPMENT REGULATIONS****A. Purpose & Intent**

The purpose of the development regulations is to serve as the primary means of achieving the goals and objectives of the Development Plan.

They are designed to establish clear minimum development standards while providing a reasonable amount of flexibility in order to accommodate future needs.

**B. General Provisions****1. Applicability**

The regulations contained herein shall apply to all property located within the boundaries of the Plan of Development. Appendix 1 contains the legal description of the Property. All construction and development within the Plan of Development area shall comply with applicable provisions of the City of Iowa Colony codes and ordinances as they exist on the date of adoption of this Plan of Development and the laws of the State of Texas, except as modified within this document or within any mutually agreed amendments to this Plan of Development. Any future amendments by the City to their UDC, Zoning Ordinance, PUD Ordinance or any other applicable ordinance governing the development of property will not be applicable to this development with the exception of updates to the Engineering Design Criteria Manual or any applicable codes related to public safety. Where conflicts or differences exist between this Plan of Development and other City Ordinances, the Plan of Development shall be the governing document.

If specific development standards are not established or if an issue, condition, or situation arises or occurs that is not clearly addressed, silent, or understandable in the Plan of Development, then those regulations and standards of the City of Iowa Colony codes and ordinances that are applicable for the most similar issue, condition, or situation shall apply as determined by the City's Designated Official. Appeal of any determination regarding applicability may be made to City Council.

This Plan of Development may be amended by the same procedure as it was adopted, by ordinance, if the change is deemed substantial. Changes to the Plan of Development that are not substantial do not need City Council approval, and the City's Designated Official is hereby authorized to approve changes to or approval by the Planning and Zoning commission. Each amendment shall include all sections or portions of the Plan of Development that are affected by the change.

**2. Additional Uses**

In the event that a proposed use has not specifically been listed as a permitted use in a particular land use category within the Plan of Development, it shall be the duty of the City's Designated Official to determine if said use is: 1) consistent with the intent of the land use category; and 2) compatible with other listed permitted uses.

**3. Non-Conforming Land Uses**

### Plan of Development

Where, at the adoption of this Plan of Development, a lawful use of land exists which would not be permitted by the regulations imposed by this Plan of Development, such use may continue so long as it remains otherwise lawful, provided:

- No non-conforming use shall be enlarged, increased, or extended to occupy a greater area of land than was originally occupied at the date of adoption of this Plan of Development.
- No non-conforming use shall be moved, in whole or in part, to any lot or parcel within the Plan of Development.
- If any non-conforming use ceases for a period of more than 180 days, any subsequent use of the land shall conform to the regulations established by this Plan of Development.
- No additional structures shall be erected in connection with any non-conforming use that does not conform to the regulations established by this Plan of Development.

#### **4. Non-Conforming Structures**

Where, at the adoption of this Plan of Development, a lawful structure exists which would not be permitted by the regulations imposed by this Plan of Development, such structure may continue to exist so long as it remains otherwise lawful, provided:

- No non-conforming structure shall be enlarged, increased or extended beyond its size at the date of adoption of this Plan of Development.
- In the event that any non-conforming structure or non-conforming portion of a structure is destroyed by any means to an extent of more than 50 percent of its replacement cost, based on the current assessed value, at the time of destruction it shall not be reconstructed except in conformity with the regulations established by this Plan of Development.
- No non-conforming structure shall be moved, in whole or in part, to any lot or parcel within the Plan of Development.

#### **5. Existing Utilities**

Existing utilities and all uses allowed by existing easements shall continue to be permitted in all designations within the Plan of Development.

#### **6. Pipelines**

Pipeline safety and environmental regulation have generally focused on (a) the design, operation, and maintenance of pipelines and (b) incident response.

#### **7. General Development Plan**

A general development plan illustrating all contiguous property under one ownership or under common control or legal interest shall be submitted for approval of the Planning



### Plan of Development

Commission prior to or simultaneously with the application for the first preliminary subdivision plat. The General Development Plan shall show the following:

- The alignment of any major thoroughfares and collector streets in accordance with the City's Thoroughfare Plan.
- All recorded easements
- Other proposed streets that are necessary to demonstrate an overall circulation system for the development
- Proposed land uses and public facilities

The General Development Plan shall eliminate the requirement of a master preliminary plat set forth in the City of Iowa Colony Subdivision Ordinance. At a minimum, a new general development plan will be submitted to the City for review with each phase. Preliminary plats shall be required for each section of development with the exception of minor plats as defined by state law.

Preliminary plats should generally conform to the General Development Plan. Any significant change, as determined by the City's Designated Official, shall require the submittal of a revised general development plan for approval by the Planning Commission.

### **8. Mass Grading & Construction of Detention**

The developer shall be permitted to commence clearing and grubbing without platting but must have approved plans and permits. Detention and mass grading will be commenced upon approval of drainage study, construction plans, and permits. For road construction, grading may commence upon the approval of construction drawings and permits. Preliminary plat approval will be required to commence roadway construction. However, prior to any grading activity a Storm Water Pollution Plan must be submitted, and any required City of Iowa Colony grading permits must be obtained. The City may issue the necessary permits prior to the approval of construction plans and plat recordation with the understanding that any grading performed under these circumstances shall be at the risk of the developer.

### **9. Temporary Uses**

Temporary uses conducted in connection with the development of the property shall not require zoning permits from the city, but will require health and safety permits (electrical, plumbing, structural, HVAC, etc.). All temporary uses must be approved by the developer or the Architectural Review Committee. These uses may include, but are not limited to:

- Sales office
- Construction office
- Construction/storage yards

## Plan of Development

- Construction roads
- Fencing
- Water pumps and ponds

Notwithstanding the foregoing, manufactured or mobile homes may be placed on the Property for the following uses only: (1) for use by residents who intend to vote in a confirmation election (which may include other ballot initiatives), or (2) for use as a construction office or trailer in connection with the construction of improvements to serve the Property.

### **10. Design Guidelines**

Design guidelines will be created which will address site and building design within the Project. The purpose of these guidelines will be to preserve the character of Project by establishing high quality design standards for development. Copies of these guidelines may be provided to the City prior to the preliminary plat submittal of any single-family residential sections.

### **11. Lighting**

All lighting within the Project will be subject to standards established in the project design guidelines. These standards will help to ensure that attractive, high-quality lighting is provided throughout the community.

### **12. Screening and Fencing**

All screening and fencing within the Project will be subject to standards established in the project design guidelines. The screening and fencing standards will help to establish and maintain tasteful screening and fencing throughout the community that will withstand the pressures of time and nature.

### **13. Architectural Standards**

The architectural standards within the Project will be subject to standards established in the project design guidelines. The architectural standards will help to assure that buildings within the community are of a high quality and are aesthetically appealing.

## **C. Development Standards**

### **1. Traditional Single Family Residential (TSFR)**

Purpose: The Traditional Single-Family Residential category is intended for the development of detached, single family dwelling units and compatible uses. This district is designed to allow a variety of housing choices in order to create a viable community while allowing for a reasonable amount of flexibility to accommodate ever-changing market demands.

Permitted uses:                      Accessory structures

## Plan of Development

Community centers  
 Drill sites  
 Entry features & monuments  
 Institutional uses  
 Minor utilities  
 Open space  
 Parks  
 Recreational facilities  
 Religious assembly  
 Single family homes  
 Temporary uses  
 Home Occupations

Minimum Lot Area: 6,000 square feet

Minimum Lot width: 50 feet at the building setback line

## Minimum Setbacks:

Front: 20 feet\*

20 feet on cul-de-sacs and knuckles, regardless of lot width

5 feet for lots that front on a common area

Rear: 10 feet\*\*

Side: 5 feet\*\*

Corner: 10 feet\*

\*Porches (if provided) may encroach into the front setback up to five (5) feet provided they have a minimum depth of six (6) feet. On corner lots, porches may encroach into the side setback up to five (5) feet provided they have a minimum depth of six (6) feet. Where garages face directly onto a street with the garage door parallel to the street, the garage must meet the minimum setback requirement. Side-entry garages where the garage door is perpendicular to the street may be set back a minimum of ten (10) feet.

\*\*One Story accessory structures may be set back three (3) feet from the rear or side property lines provided that they do not encroach into any utility easement. Accessory structures greater than one story in height must comply with the minimum setback requirements.

**Plan of Development**

Architectural features may encroach into the setback area a maximum of three (3) feet and may not extend more than five (5) feet above the principal structure.

*Maximum Building Height:* Two (2) stories or 35-feet.

*Parking Requirement:* Shall comply with the parking standards established in this section.

**Minimum Pipeline\* Setbacks:**

Measured from Pipeline: 20 feet

Measured from Easement: 0 feet

\*This applies to all pipelines as defined in Chapter 28-2 Iowa Colony Code of Ordinances

**2. Commercial (C)**

*Purpose:* The Commercial District is intended for the development of service- oriented retail that meets the daily needs of the community.

Permitted uses:

- Abstract or title company
- Advertising agency
- Antique store
- Art gallery
- Arts and crafts store
- Automobile repair, minor, no outside work or storage
- Bakery
- Banks and financial institutions, including drive-through and outdoor ATM facilities
- Barber or beauty shop
- Bookstore
- Cafeteria
- Candy store
- Catering
- Cellular phone sales and repair store
- Childcare facilities
- Clothing store (no re-used clothing)
- Collection agency

Plan of Development

Computer sales and repair store

Community centers

Convenience store with or without gasoline, liquor or beer and wine sales

Dance studio

Delivery service

Dental clinic

Department store

Drafting service

Drug store, with or without liquor or beer and wine sales

Dry cleaning storefront, but not dry-cleaning plant

Electronic sales and repair store

Entry features & monuments

Filling station or service station, including oil change and inspection services

Florist shop

Furniture store

Gift shop

Gun shop

Grocery store

Hardware store

Home appliance store

Hotels

House wares and linens store

Ice retail distributing, but not manufacturing

Institutional uses

Insurance agency

Jewelry store

Laundry storefront, but not laundry plant

Plan of Development

Locksmith  
Medical clinic  
Medical supply store  
Minor utilities  
Mixed uses  
Mortgage company  
Motion picture theater, with or without food service, but not drive-in theater  
Musical instrument store  
Office supply and machinery store and repairs  
Open space  
Optician or optometrist  
Parks  
Personal services  
Pharmacy  
Professional office  
Public Facilities  
Public safety site  
Radio sales and repair  
Radio studio (excluding tower)  
Record and tape store  
Recreational Facilities  
Religious assembly  
Restaurants and taverns, with or without drive-through facilities  
Shoe store and repair shop  
Sporting goods store  
Studio (art, music or photo)  
Taxidermist  
Tailor



## Plan of Development

## Temporary uses

Toy store

Travel agency

Tree farms

Video arcade

## Non-Permitted uses:

Auction

Billboards

Cemeteries

Feed store

Kennel (commercial)

Massage parlors

Pawn shop

Self-service car wash (automated car washes are allowed as accessory uses)

Sexually oriented businesses

Storage warehouse

Swap meet

Tattoo shop

Taxidermist

Upholstery shop

Minimum Lot Area: 8,000 square feet

Minimum Lot width: 80 feet

Max. Lot coverage: 85 percent

## Minimum Setbacks:

Front: 25 feet

Rear: 10 feet

Side: 10 feet

Corner: 10 feet

Architectural features may encroach into the setback area a maximum of three (3) feet.

**Plan of Development**

Setbacks for commercial land uses will be considered minimum setbacks and allow for the siting of commercial structures anywhere within the unbounded, developable area of said tract.

*Maximum Building Height:* Thirty-eight (38) feet unless otherwise approved by City Council. All building area above two (2) stories shall be non-habitable and built with non-combustible material unless approved by the Fire Marshal.

*Parking Requirement:* Shall comply with the parking standards established in this section.

Commercial building materials and transparency/materials coverage requirements will be dictated through separate commercial guidelines as developed and enforced by Developer and any Architectural Review Committee they or the HOA may establish to govern and enforce said guidelines.

*Additional Conditions:* Outdoor Display of Merchandise shall be allowed within ten (10) feet of the primary building but shall be limited to merchandise that is customarily sold inside the establishment.

**3. Parks & Open Space (P-OS)**

*Purpose:* The Parks & Open Space category is intended to provide for the development of recreation and open space areas within the community.

Permitted uses:	Community centers
	Drainage ponds and channels
	Drill site
	Entry features & monuments
	Institutional uses
	Landscape reserves
	Minor utilities
	Open space
	Parks
	Pipeline easements
	Public facilities, excluding major utilities
	Recreational facilities
	Temporary uses
	Tree farms
Minimum Lot Area:	None
Minimum Lot width:	None

## Plan of Development

Minimum Lot depth: None

## Minimum Setbacks:

Along Major Thoroughfares:	25 feet
Along other streets:	10 feet
Rear:	10 feet
Side:	10 feet

Architectural features may encroach into the setback area a maximum of thirty-six (36) inches.

*Max. Building Height:* 35 feet. Maximum height may exceed 35 feet if approved by the Fire Chief.

*Parking Requirement:* Shall comply with the parking standards established in this section.

*Additional Requirements:* Telecommunication towers may not exceed eighty (80) feet in height and shall be set back from property lines a distance equal to or greater than the height of the tower.

## Plan of Development

**6. Parking**

Parking within the Project shall be provided according to the following schedule:

<b>TABLE 3</b>	
<b>Parking Requirements</b>	
Land Use	Maximum Requirement
Single family residential	2 enclosed spaces per unit
Office (non-medical)	1 space per 250 square feet of gross floor area
Medical office	4 spaces per 1000 square feet of gross floor area
Retail	Under 400,000 sf: 4 spaces per 1000 square feet of gross floor area
Restaurant	400,000 sf and over: 5 spaces per 1000 square feet
Tavern	1 space per 45 square feet of gross floor area
Hotel/Motel	1 space per room
Theater/Auditorium/Church/Assembly Hall	0.25 spaces per seat

Deviations from the above requirements shall be considered by the City's Designated Official on a case-by-case basis. Appeals to the Official's interpretation may be made to City Council within thirty (30) days of the date of the determination.

The City's Designated Official shall determine the minimum number of parking spaces required for any use not specified above. Appeals to the Official's interpretation may be made to City Council within thirty (30) days of the date of the determination.

Shared parking should be encouraged where appropriate. Adjustment of the minimum number of parking spaces required to serve a combination of occupancies shall be determined according to the following formula:

- 1) Determine the parking requirement for each occupancy as though it were a separate use;
- 2) Multiply each amount by the corresponding percentage for each applicable time period shown in the following schedule:

## Plan of Development

<b>TABLE 4</b>					
<b>Shared Parking Table</b>					
	<b>Weekdays</b>			<b>Weekends</b>	
<b>Use</b>	<b>Night Midnight – 6 a.m.</b>	<b>Day 9 a.m. – 4 p.m.</b>	<b>Evening 6 p.m. - Midnight</b>	<b>Day 9 a.m. – 4 p.m.</b>	<b>Evening 6 p.m. - Midnight</b>
<b>Retail</b>	5%	50%	90%	100%	70%
<b>Hotel/Motel</b>	80%	80%	100%	80%	100%
<b>Office</b>	5%	100%	10%	10%	5%
<b>Restaurant / Tavern</b>	10%	50%	100%	50%	100%
<b>Entertainment / Recreation</b>	10%	40%	100%	80%	100%
<b>All Others</b>	100%	100%	100%	100%	100%

3) Calculate the column total for each time period; and

4) The column with the highest value shall be the parking requirement.

## Plan of Development

**D. Definitions**

*Accessory structure* – any above ground structure that is (1) incidental to and customarily associated with the main structure on the site, and (2) located on the same lot as the principal building. Accessory structures may include, but are not limited to, detached garages and gazebos, but does not include utility or storage sheds.

*Alley* – a public or private right-of-way that provides vehicular access to buildings or properties that front on an adjacent street.

*Architectural feature* – an ornamentation or decorative feature attached to or protruding from the exterior wall of a building. Architectural features may include, but are not limited to, windows (e.g., bay windows), chimneys, columns, awnings, marquees, facades, or facia.

*Banking or financial institution* – a chartered financial institution that engages in deposit banking and closely related functions such as making loans, investments, and other fiduciary activities. Drive-up windows and drive-thru automated teller machines (ATM) are permitted as an accessory use.

*Block length* – the distance measured along a street between two intersecting streets.

*Building* – a structure used for or supporting any use or occupancy that requires a building permit.

*Child care facility* – a commercial or non-profit facility that provides shelter, care, activity, and supervision of children for periods of less than 24 hours a day and is licensed by the state.

*Community center* – a meeting place used by the community in which community members may gather for social, educational, recreational, or cultural activities. Uses include recreation, fitness center, meeting areas, and restaurants with or without alcohol sales. Community center use may be restricted to dues paying members.

*Convenience store* – Any retail establishment offering for sale gasoline and a limited line of groceries and household items intended for the convenience of the neighborhood. Automotive washing is permitted as an accessory use. The sale of alcohol is permitted as an accessory use.

*Council* – Shall mean the City Council of the City of Iowa Colony.

*Cul-de-sac* - Any street with only one outlet that terminates in a vehicular turnaround.

*Designated Official* – The individual authorized by the City of Iowa Colony to provide direction and oversight and personally perform duties related to a comprehensive program to protect the health and safety of citizens and the quality of life by ensuring that planning activities meet appropriate codes, standards and city ordinances.

*Detached housing* – A site-built building containing only one dwelling unit.

*Drill site* – A tract of land designated for the purpose of extracting oil or gas comprising a “spacing unit” or “proration unit” as determined by the State Railroad Commission.



## Plan of Development

*District* – One or more special water districts to be created on the Property which will operate under the authority of Article III, Section 52 and Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code, and/or chapter 375 of the Local Government Code, together with all amendments and additions thereto. The term specifically shall include a municipal utility district or a municipal management district.

*Dwelling unit* - Any building or portion thereof which is designed or used exclusively for residential purposes.

*Entry features* – Are located at primary points of vehicular entry into the Property that are enhanced with landscaping, water features, architectural treatments, and lighting.

*Front loaded* – Any dwelling unit that takes vehicular access from the street on which it fronts.

*Frontage* – Frontage shall mean that portion of any lot or tract that abuts a street or approved common area. A lot or tract abutting more than one street shall have frontage on only one street which shall be deemed to be the side having the shortest dimension unless otherwise indicated on the subdivision plat.

*General development plan* – A plan illustrating all contiguous property under one ownership, legal interest, or common control that identifies the major thoroughfares and collector streets that are necessary to demonstrate an overall circulation system for the property, any recorded easements that affect the property and proposed land use.

*Grocery store* – A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods. The sale of alcohol is permitted as an accessory use.

*Gross density* – A measurement of density based on the calculation of the total gross acres within a subdivided area divided by the total number of dwelling units within that area.

*Home occupation* – An occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a member of the family who resides on the premises. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements. A home occupation may not display signage on the property. No more than one (1) employee may reside off-premises.

*Homeowner's association (HOA)* – A non-profit corporation, established for the purpose of managing and maintaining community property and services within a subdivision. All residential property owners within the subdivision shall be a member of the HOA for that subdivision.

*Institutional use* – A use designated for public facilities including, but not limited to major and minor utilities, public safety sites, libraries, schools (both public and private), hospitals, churches or other places of worship, and other civic uses.

*Knuckle* – The projection toward the outside corner of a bend in the right-of-way of that allows for adequate turning movements for emergency and other vehicles.

## Plan of Development

*Landscaping* – Planting and related improvements for the purpose of beautifying and enhancing a portion of land and for the control of erosion and the reduction of glare, dust and noise. Rocks and/or gravel, by itself shall not constitute landscaping.

*Laundry services (including dry cleaning)* – A facility that launders or dry cleans articles dropped off on the premises directly by the customers or where articles are dropped off, sorted, and picked up, but where laundering is done elsewhere.

*Local street* - A public street that is not a major thoroughfare or a mapped or designated collector and that conforms to the criteria established in this Plan of Development.

*Lot* – An undivided tract of land having frontage on a public, private street, or approved common area which is designated as a separate and distinct tract and identified by numerical identification on a duly and properly recorded subdivision plat.

*Major arterial* – A public street designated as a Major Arterial on the City's Thoroughfare Plan.

*Major collector* – A public street designated as a Major Collector Street on the City's Thoroughfare Plan.

*Major utility* – Uses or structures providing utility services that have a potential major impact by virtue of appearance, noise, size, traffic generation or other operational characteristics, which include, but are not limited to, transmission substations, wastewater treatment facilities, water reservoirs and pump stations, wastewater lift stations, and power plants. This use does not include private individual water supplies or septic tanks. See Minor Utilities.

*Minor utility* – Small scale facilities that are necessary to support development and that involve only minor structures. Minor utilities include, but are not limited to facilities such as power lines, water and sewer lines, storm drainage facilities, transformers, hydrants, switching boxes and similar structures.

*Mixed-use* – A tract of land, building, or structure developed for two or more different uses such as, but not limited to, residential, office, retail, public, or entertainment. The mix of uses may occur either on the same tract of land, but compartmentalized into separate buildings, or located within the same building (e.g., retail on the first floor and office or residential on the floors above the retail).

*Minor collector* – A public street that is not a major arterial, or major collector street and is designed to help distribute traffic within residential areas.

*Neighborhood* – A collection of compatible subdivisions.

*Neighborhood collector* – A public street that is neither a major arterial nor a major collector road; however is designed to facilitate traffic distribution within residential areas. This type of street is not designated on the City's Thoroughfare Plan.

*Open space* – A portion of land designated as open space on the Preliminary Land Use Plan. Open space areas shall include pipeline and utility easements, drainage ways, and wet and dry detention areas, and any other undeveloped areas.

## Plan of Development

*Personal services* – Establishments providing non-medical related services generally related to personal needs, including beauty and barber shops, day spas, garment and shoe repair shops, laundry services (including dry cleaning), photographic studios, dance studios, and health clubs. These uses may include the accessory retail sales of products related to the services provided.

*Personal storage* – An area used or intended for the storage of materials, vehicles or equipment not in service.

*Private* – Elements of the development that are not intended for public use and are operated and maintained by a private entity.

*Private street* - A street that is privately owned and maintained. Private streets may be gated.

*Private utilities* – Utilities other than water and wastewater. Other utilities may be public and/or private in nature and may include, but are not limited to electrical power, gas, telephone, wireless communication, internet and cable television.

*Professional office* - A room or group of rooms used for conducting the affairs of a business, medical, professional, or service industry.

*Project* – The development that is planned for the Project Property and is governed this Plan of Development.

*Project Property/Property* – The approximately 900 acres of land that constitutes the entire Project which is the subject of this Plan of Development.

*Property owner's association (POA)* – A non-profit corporation, established for the purpose of managing and maintaining community property and services within a commercial development.

*Public facilities* – Any non-commercial land use (whether publicly or privately owned) which is to be used and/or allocated for the general good of the public. These uses include, but are not limited to, governmental offices, libraries, parks, and major and minor utilities.

*Public safety site* – A tract of land containing a building or structure that is designated for police, fire, or emergency services.

*Public utilities* – Any utilities that are provided by the city, county, or municipal utility district which may include, but are not limited to water and wastewater.

*Recreational facilities* – Any structure or building intended for active recreational use. Recreational uses may include, but are not limited to clubhouses, tennis courts, basketball courts, sports fields, pools, playground equipment, bleachers, spray-grounds, dog parks, yard games, etc.

*Religious assembly* – A building or group of buildings used or proposed to be used for conducting organized religious services and accessory uses directly associated with the use.

*Restaurant (including carry-out and drive-thru)* – A commercial establishment where food and beverages are prepared for consumption either on or off the premises. The sale of alcohol is permitted.

## Plan of Development

*Retail* – Retail sales of any article, substance, or commodity within a building or structure.

*School (public or private)* – An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, art schools, trade schools, and similar facilities.

*Shared parking* – The use of the same off-street parking stall or stalls to satisfy the off- street parking requirements for two or more individual land uses without significant conflict or encroachment.

*Subdivision* – The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose of residential, industrial, office and business development or other uses.

*Temporary use* – Any use allowed for a specific period of time. A use that is not of a permanent nature.

*Theater* – An outdoor or indoor area or building used for dramatic, operatic, motion pictures, or other performances.

*Wastewater treatment facilities* – Any facility used for the treatment of commercial and residential wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such wastes.

*Water plant facilities* – Any facility used for the collection, treatment, testing, storage, pumping, or distribution of water for a public water system.

## Plan of Development

**IV. GENERAL ADMINISTRATION & AMENDMENTS****A. Purpose**

This section establishes guidelines regarding the administration and future amendments to the Plan of Development.

**B. Changes to the Code of Ordinance**

The Development Regulations section of the Plan of Development addresses only those areas that differ from the existing City of Iowa Colony Code of Ordinances. If an issue, condition, or situation arises that is not specifically addressed or is silent in the Plan of Development, the City's Designated Official shall refer to the existing City of Iowa Colony Code of Ordinances in effect at the time of this document's adoption to resolve the issue.

**C. Variances from the Subdivision Ordinance**

The criteria established in this Plan of Development require variances from the City of Iowa Colony Subdivision Ordinance. These variances are necessary to achieve the community vision established for the Project. Table 5 describes the requested variances and their corresponding section of the subdivision ordinance. These variances shall apply to all property within the Plan of Development.

**D. Variances from the Design Manual**

The criteria established in this Plan of Development require variances from the City of Iowa Colony Engineering Design Criteria Manual (EDCM). These variances are necessary to achieve the community vision established for the Project. Table 8 describes the requested variances and their corresponding section of the design manual. These variances shall apply to all property within the Plan of Development.

TABLE 5  
Subdivision Ordinance Variances

Ordinance Reference	Requirement	Proposed	Difference	Justification
Sec. 27 Planned Unit Developments (D)	The minimum size of a Plan of Development shall be 20 acres and not less than 5 percent of the total area shall be set aside as common landscaped areas. Utility easements, drainage easements, and detention basins shall not be included in calculating the 5 percent requirement.	A maximum of 4 percent of the total area shall be set aside for Open spaces areas, which shall include pipeline and utility easements, drainage ways and wet and dry detention areas.	1 percent reduction in the total area percentage. Open space areas shall include pipeline and utility easements, drainage ways and wet and dry detention areas.	Open space is a central theme of the Project. Drainage ways, detention areas and easements will be utilized as greenbelts that connect the entire community and therefore, should be considered as an amenity.
Sec. 27 Planned Unit Developments (E)	The minimum lot width of all residential lots to be located within a Plan of Development shall be 60 feet.	The minimum lot width for traditional single family lots shall be 50 feet.	10-foot reduction in width for traditional single-family dwellings.	Allowing reductions in minimum lot width and area is necessary in order to achieve a variety of housing products which is an essential component of healthy and sustainable communities.
Sec. 33 Streets, Minimum right-of-way	The minimum right-of-way for local streets shall be 50 feet.	Neighborhood collector shall have a minimum right-of-way of 60 feet.  Residential (local) streets providing access to lots may have a right-of-way width of 50 feet.	A 10-foot reduction in local right-of-way width will be implemented. Utility easements of 10 feet will be provided on both sides of the right-of-way. The paving section shall be 26 feet wide for local streets, while the neighborhood collector shall remain 28 feet in paving width.	The street paving section shall be 26 feet wide and will have no effect on traffic circulation. Ten-foot utility easements will be provided where necessary for utility maintenance. The reduction in right-of-way width allows for the preservation of more open space.
Sec. 33 Right-of-way widths (K)	All street rights-of-way widths shall be not less than 60 feet.	50-foot local streets	10 feet R.O.W. reduction, no reduction in paving	Project will feature local streets and neighborhood collectors that are designed to serve the variety of land uses and product types within the Project.
Sec. 36 Blocks (D)	No block shall exceed 1,200 feet in length in residential or commercial developments.	The maximum block length for major thoroughfares shall be 2,600 feet except where the thoroughfare runs parallel to a drainage feature having a minimum width of 50 feet which may have a maximum block length of 4,000 feet. The maximum block length for collectors and neighborhood collectors shall be 1,800 feet and the maximum block length for local streets shall be 1,200 feet. Crossings of bayous or canals shall only be required by streets that are identified as major corridors on the City’s Thoroughfare Plan. The maximum block length along pipeline easements and drainage features having a minimum width of 50 feet shall be 2,000 feet.	1,400 additional feet on major thoroughfares.  2,800 additional feet for major thoroughfares that run parallel to drainage features with a minimum width of 50 feet.  600 additional feet for collectors and neighborhood collectors.  800 additional feet along pipelines and drainage features.	Generally, intersections along major thoroughfares and collectors should be spaced farther apart than along local streets. This allows for more efficient traffic flow and limits pedestrian/auto conflicts. Pipelines and drainage features represent physical encumbrances that warrant additional spacing standards.

Sec. 37 Lots (B) Lots Smaller Than One Acre #1	Minimum front setback lines shall be at least twenty-five (25) feet. Each corner lot shall have at least the minimum front residential setback line on both streets.	The minimum front setback for all single-family lots and all cul-de-sacs and knuckles shall be 20 feet. Corner lots shall have a minimum side setback of 10 feet. Porches may encroach into the front setback up to 5 feet provided they have a minimum depth of 6 feet. On corner lots, porches may encroach into the side setback up to 5 feet provided they have a minimum depth of 6 feet. Where garages face directly onto a street, the garage must be setback a minimum of 20 feet. Side-entry garages must be set back a minimum of 10 feet.	5-foot reduction for front setbacks for lots.  5-foot reduction for porches having a minimum depth of 6 feet.  15-foot reduction for side-entry garages.  15-foot reduction for side setbacks on corner lots.	Reduced setbacks foster a pedestrian friendly environment and encourage neighbor interaction. Porches and varying building lines create interest along the street and help to achieve a more attractive street scene.
Sec. 37 (B) Lots Smaller Than One Acre #2	Lot Dimensions. Regardless of any other provisions of this Ordinance, lot dimensions shall be a minimum of sixty (60) feet in width at the building setback line and of a depth so as to provide an area of not less than six thousand three hundred (6,300) square feet.	The minimum lot width for traditional single family lots shall be 50 feet with a minimum area of 6,000 s.f.	10-foot reduction in width and 300 s.f. reduction in area (traditional single family)	Allowing reductions in minimum lot width and area is necessary in order to achieve a variety of housing products which is an essential component of healthy and sustainable communities.

TABLE 6

Unified Development Code Variances

Unified Development Code Reference	Requirement	Proposed	Difference	Justification
Section 3.1.2.6.C	The planting scheme for street trees shall be such that no street tree is planted closer than twenty feet (20') to any other street tree (whether an existing tree or a tree planted hereunder) with the trees being spaced without extreme variation in distance across each block face frontage taking into account existing site conditions and driveway locations.	The proposed distance may be less than 20 feet between existing or planned trees, as long as there is now extreme variation in spacing.	N/A	By diversity of street trees an increased biodiversity, habitat creation, and naturalistic planting areas will be created throughout the development for the added benefit and use of future residents and fauna.

Section 3.2.1.3.E	Identification of the required amount of parkland is to be indicated on an approved subdivision plat.	Identification of the required amount of parkland is to be indicated in this document.	Identification of the required amount of parkland is to be indicated in this document.	The parks, open space and trails plan will define the required parkland for the Project.
Section 3.5.3.1.A.1	If the property frontage is not on a designated super arterial or major arterial, the front wall of the building shall be located on a build-to building setback line located ten (10) feet from the ultimate right-of-way line of the street along the front of the property	Commercial buildings shall be subject to setback lines only.	Commercial buildings shall be subject to setback lines only.	Allows for higher flexibility and more varying uses of commercial properties.
Section 3.5.3.1.A.2	If property frontage is on a designated super arterial, the front wall of the building shall be located on a build-to building setback line of seventy-one (71) feet from the ultimate right-of-way line of the street along the front of the property.	Commercial buildings shall be subject to setback lines only.	Commercial buildings shall be subject to setback lines only.	Allows for higher flexibility and more varying uses of commercial properties.
Section 28-3.A.1	No residential, commercial, or industrial structure, other than structures necessary to operate the facility or pipeline, shall be erected at or moved to a location nearer than 50 feet to any facility or pipeline other than a low-pressure distribution system pipeline as defined herein.	A 20-foot setback from a residential, commercial, or industrial structure is allowed from a pipeline.	A reduction of 30 feet	Allows for higher flexibility and more buildable acreage.



TABLE 7  
Zoning Ordinance Variances

Ordinance Reference	Requirement	Proposed	Difference	Justification
Section 56.B.7 Table 5	A minimum of 6 parking spaces per 1,000 s.f. (medical office)	A minimum of 4 parking spaces per 1,000 s.f. (medical office)	A reduction in 2 parking spaces per 1,000 s.f. (medical office)	Allows for higher flexibility and more varying uses of commercial properties.
Section 74.d.iii.A.1	Compensating open space must be reasonably dry and flat with no more than twenty-five (25) percent of the total required compensating open space to be located within the one hundred (100) year floodplain and/or within a non-permanent wet location of a drainage detention area	Compensating open space must be reasonably dry and flat with no more than fifty (50) percent of the total required compensating open space to be located within the one hundred (100) year floodplain and/or within a non-permanent wet location of a drainage detention area	Increase total compensating open space allowed within one hundred (100) year flood plain to fifty (50) percent.	Allows for greater use of natural elements to be used to full potential. Utilizing natural floodways will allow residential sections to access trail network and greenway.
Section 74.d.iii.A.vii	Any area with single-family residential lots less than sixty-six hundred(6,600) square feet in lot area shall have the primary residential structure constructed with the following minimum and maximum building floor area: Single-family lots, within a single-family residential lot area with lots less than sixty-six hundred (6,600) square feet in lot area, with a lot area between five thousand (5,000) square feet and sixty-six hundred (6,600) square feet require a minimum building floor area of twenty-four hundred (2,400) square feet (not including the attached garage area) and a maximum first floor building coverage of fifty (50) percent of the single-family residential lot area.	Traditional single family residential lots may have a maximum lot coverage of 60%.	Traditional single family residential lots may have a maximum lot coverage of 60%.	Allowing a greater variety of housing products and variation in maximum lot coverage is a necessary component to achieve a healthy and sustainable community.

Section 74.d.iii.2.a	Any single-family residential lot, within a single-family residential lot area with less than sixty-six hundred (6,600) square feet in lot area, with a lot area less than sixty-six hundred (6,600) square feet in lot area but at least thirty-five hundred (3,500) square feet in lot area shall have a minimum twenty (20) feet building setback from the rear lot line unless the lot has rear alley access which shall require a minimum of twenty-four (24) feet between the face of the garage door and the opposing alley paving edge line or any other fence or structure and a minimum of three (3) feet rear building line for any other structure. If the driveway connection between the rear-loaded garage and the alley is to provide required on-site parking, the minimum rear building setback line for the garage is twenty (20) feet.	A traditional single-family residential lot shall have a minimum 10-foot rear building setback.	A traditional single-family residential lot shall have a minimum 10-foot rear building setback.	Allowing reductions in minimum lot setbacks is necessary in order to achieve a variety of housing products which is an essential component of healthy and sustainable communities.
Section 74.d.iii.l.1	The perimeter boundary of a single-family residential development having single-family residential lots less than sixty-six hundred (6,600) square feet in area shall be located no closer than thirteen hundred and twenty (1,320) feet to the perimeter boundary of another single-family residential development having single-family residential lots less than sixty-six hundred (6,600) square feet in area. No Plan of Development area may contain more than five hundred (500) single-family residential lots with a lot area less than sixty-six hundred (6,600) square feet in lot area.	The Plan of Development area may have a lot area less than sixty-six hundred (6,600) square feet in lot area and be located closer than thirteen hundred and twenty (1,320) feet to the perimeter boundary of another single-family residential development with lots less that sixty-six hundred (6,600) square feet in area.	The Plan of Development area may contain more than five hundred (500) single-family residential lots with a lot area less than sixty-six hundred (6,600) square feet in lot area.	Allowing an increase in maximum lots will allow for a greater variety of housing products which is a necessary component in achieving a healthy and sustainable community. This will also allow for a greater ad valorem tax base.

TABLE 8  
Engineering Design Criteria Manual Variances

Design Manual Reference	Requirement	Proposed	Difference	Justification
Chapter 6.3.1.D	Minimum width requirements for a right-of-way: Local streets: 60 feet.	Minimum width requirements for a right-of-way: Local streets: 50 feet with a 10-foot utility easement on each side.	A reduction of 10 feet of ROW width, but an overall increase in area available for the street and utilities from 60 feet to 70 feet.	The pavement width would remain unchanged at 28 feet, so there is no impact on vehicular accessibility. The ROW reduction allows additional property to be on the tax rolls rather than in non-taxable ROW.
Chapter 6.3.1.E	Pavement width on local streets is 28' B-B for "low density" residential developments and 32' for "medium density" residential streets.	Paving width shall be 28' B-B for all residential streets.	Consistent paving width of 28' regardless of housing density.	Consistent paving width provides a predictable street design standard. Housing density in single-family residential neighborhoods is of a consistent character regardless of numerical density and does not affect street usage.
Chapter 6.3.1.J.m	Preferred cul-de-sac length of 600' or less; if exceeding 600' length the cul-de-sac increases to 45' paving radius in 50' ROW radius.	Maximum cul-de-sac length shall does not exceed 1,050 feet, with no increase to the paving radius within a 50-foot ROW radius.	Maximum length increased by 450' without increasing the paving radius.	Standard suburban curvilinear street design is meant to encourage cul-de-sac designs, but the 600' length is arbitrarily short and limits the practical ability to provide culs-de-sac for the community.

## Plan of Development

**E. Interpretation**

The City's Designated Official shall be responsible for interpreting the provisions of Plan of Development. Appeals to the Designated Official's interpretation may be made to City Council within thirty (30) days of the date of the interpretation.

**F. Administrative Approval**

Certain changes to the provisions may be made administratively by the City of Iowa Colony Designated Official, provided such changes are consistent with the intent and general purpose of the Plan of Development and do not result in the reduction of open space by more than ten (10) percent within the project or exceed the maximum number of dwelling units permitted on the preliminary land plan.

Decisions by the Designated Official regarding administrative changes shall be subject to appeal by the City Council. The following categories shall be considered administrative changes, but are not limited to:

- The addition of new information to the Plan of Development, including maps or text that does not change or affect any of the regulations or guidelines contained therein. May include copies of the Developer's residential and commercial guidelines as applicable or any overall landscape plan and related tree/plant lists as may be developed through the course of this development, as well as any additional appendices that may be necessary to include and would not constitute a substantial change to the development as outlined below.
- Changes to the community infrastructure phasing and alignment, such as roads, drainage, water, and sewer systems.
- Changes of land uses shown in the Land Use Plan within the Plan of Development, division of areas or combinations of areas provided there is not a net loss of open space and no net increase in the total of units allowed. Updated versions of the Land Use Plan may be provided over the course of this project in order to show current progress or developed areas.
- Changes or modifications in lot sizes and/or configuration, provided that the lots meet the minimum requirements established in within this Plan of Development for their respective land use.
- Changes to development regulations that are in the interest of the community and do not affect health or safety issues.
- Placement and/or construction of community identity or character features such as entry monuments, neighborhood signage, community art, mailboxes, etc.
- Relocation or modification of school, park sites, trails, or any other community feature.
- The creation of gated neighborhoods, private residential streets, or other modifications in common area assets to be maintained by a group of residential homeowners, provided the overall circulation of the project is maintained.
- The determination that a use may be allowed which is not specifically listed as a permitted use but may be determined to be analogous and/or accessory to a permitted use as determined by the City's Designated Official.

**Plan of Development**

The City's Designated Official shall have the authority to make a determination whether an administrative approval is appropriate regarding any situations or circumstances that are not specifically listed here.

**G. Substantial Change**

The Plan of Development may be substantially amended by submitting a Plan of Development Amendment to the City of Iowa Colony. A modification shall be considered a substantial change if the open space is reduced by more than 10% or there is a net increase in the total of units allowed.

**H. Fees**

This Plan of Development will be the governing document for any future development ordinances passed that impact this Project. The developer acknowledges that the fee schedule may increase and will comply with increases in fees. All fees shall be fair and reasonable.

**I. Sales Tax Sourcing**

The Developers shall utilize, or cause its contractors to utilize, Separated Building Materials and Labor Contracts for all taxable building material contracts related to the Development in the amount of One Thousand Dollars (\$1,000.00) or more, to site payment of the sales tax on building materials for the Development to the Property.

**J. Noncompliance**

Noncompliance of the Plan of Development will result in withholding of building permits within the boundaries of the Plan of Development.

**K. Expiration**

The terms and regulations as outlined within this Plan of Development are intended to ensure adequate and predictable development regulations for the life of this project for the benefit of the City and the Developers. The terms of this Plan of Development shall constitute covenants running with the land comprising the Tract and shall be binding on all future developers and owners of any portion of the Tract, other than Ultimate Consumers. To that effect, this Plan of Development have an expiration date of fifteen years from the effective date of this Agreement and will be the primary governing document for this property except as amended by necessity over the course of the project.