

Revisions to the Planned Unit  
Developments (Sec 74) of the Zoning  
Ordinance

ORDINANCE NO. 2019-14

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING SECTION 74 (PLANNED UNIT DEVELOPMENTS) OF THE ZONING ORDINANCE OF THE CITY OF IOWA COLONY PROVIDING FOR CONDITIONS TO ALLOW SAID REDUCTION IN SINGLE-FAMILY RESIDENTIAL LOT SIZE AND LOT WIDTH; AND CONTAINING A SEVERANCE CLAUSE, SAVINGS CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

First, the City Council of the City of Iowa Colony, Brazoria County, Texas, makes the following findings of fact and conclusions of law:

1. The public hearing required by the Zoning Enabling Act of the State of Texas, codified as Section 211.001, et seq., Texas Local Government Code, and said Ordinance, has been conducted in the manner and the time required.
3. At least sixteen (16) days prior to the date of such hearing, public notice of such hearing was published once in the Alvin Sun, a newspaper of general circulation in and the official newspaper of said City, stating the date, time and place of such hearing.
5. The health, safety, morals, and general welfare of the citizens of the City will be best served by the adoption of this ordinance.

Second, the Comprehensive Zoning Ordinance is hereby amended as follows:

Section 74 (d)

Rules Applicable: The City Council, after public hearing and proper notice to all parties affected and after recommendation from the Commission, may attach a Planned Unit Development designation to any tract of land equal to or greater than twenty (20) acres for any Planned Unit Development composed of only non-single-family uses and equal to or greater than fifty (50) acres for any Planned Unit Development with any single-family lots. Under the Planned Unit Development designation, the following rules apply:

Section 74 (d) (iii) (A)

Lot size along with front, side and rear setbacks, provided however, that no modification will be allowed that would be inconsistent with the City's Subdivision Ordinance except as follows:

- (1) Single-family residential lot area
  - (a) The minimum lot area for a single-family residential lot with wastewater collection service shall be six-thousand, six-hundred (6,600) square feet, except that;

(b) The lot area for a single-family residential lot with wastewater collection service may be less than the minimum lot area provided by subsection (a) if the subdivision plat containing the reduced lot area meets all the following performance standards:

(i) Compensating open space – A subdivision may contain a single-family residential lot of less than minimum lot area required by subsection (a) of Section 74 of this Ordinance if compensating open space for lots less than six-thousand, six-hundred (6,600) square feet in area is provided within the boundaries of the subdivision plat that includes single-family residential lots less than six-thousand, six-hundred (6,600) square feet in area in accordance with the following schedule and in conformance with additional performance standards of this Section as follows:

Single-family residential lot area may be reduced to between:	Upon providing this amount of compensating open space per single-family residential lot (square feet)
6,000 – 6,599	150
5,500 – 5,999	300
5,000 – 5,499	450
4,500 – 4,999	600
4,000 – 4,499	750
3,500 – 3,999	900

SINGLE-FAMILY RESIDENTIAL LOTS LESS THAN THIRTY-FIVE HUNDRED (3,500) SQUARE FEET IN LOT AREA ARE NOT ALLOWED.

The provided compensating open space must conform to the all of the following minimum performance standards:

- (1) Compensating open space areas must be reasonably dry and flat with no more than twenty-five (25) percent of the total required compensating open space to located within the one-hundred (100) year floodplain and/or within a non-permanent wet location of a drainage detention area;
- (2) The minimum size of any area used for compensating open space shall be one-thousand (1,000) square feet, with minimum dimensions of twenty (20) feet with the aggregate total amount of open space being not less than one-fourth (1/4) acre or ten-thousand, eight-hundred, and ninety (10,890) square feet for the subdivision containing single-family residential lots less than six-thousand, six-hundred (6,600) square feet in lot area;
- (3) Any area used for compensating open space shall be restricted for the use of owners of property in and residents of the subdivision; shall be owned, managed and maintained under a binding agreement among the owners of the property in the

subdivision in the form of a property management association (i.e. Home Owners Association) or municipal utility district maintained; and shall be accessible to all of the residents of the subdivision.

The following areas shall NOT be used for or considered compensating open space:

- (1) Areas designated or used as lots or building sites for dwelling units, utility or storage purposes, carports, or garages;
  - (2) Driveways, private roadways, or streets;
  - (3) Street medians of any width within public or private street right-of-way;
  - (4) Detention ponds, drainage ways, water areas including floodplains and floodways, or ravines, except that, up to a maximum of twenty-five (25) percent of the required total compensating open space area may be designated for the portion of maintained detention ponds that do not contain permanent water areas.
  - (5) Any land dedicated as a public or private park that is used to satisfy the parkland dedication requirement of Sec. 3.2.1.3 of the Unified Development Code (UDC).
- (ii) Minimum required improvements within dedicated parkland:
- (1) Any private or public dedicated parkland area greater than one-fourth (1/4) acre in size but less than one (1) acre in size within the area containing single-family residential lots less than six-thousand, six-hundred (6,600) square feet in area shall be improved with a minimum one (1) bench capable of seating three (3) people side-by-side, and one (1) bicycle rack capable of securing a minimum of three (3) bicycles;
  - (2) Additionally, any private or public dedicated parkland area greater than one (1) acre in size but less than five (5) acres in size within the area containing single-family residential lots less than six-thousand, six-hundred (6,600) square feet in lot area, shall be improved with the requirements in (ii,1) and a permanent covered shade structure, a minimum size of six-hundred, twenty-five (625) square feet in area, at least one (1) public water drinking fountain, plus one (1) additional (for a minimum total of two (2)) benches with each bench capable of seating three (3) people side-by-side, plus one (1) additional (for a minimum total of two (2)) bicycle racks capable of securing a minimum of three (3) bicycles in each rack; and a connected

walking path also being connected to a street sidewalk or to the street curb if no street sidewalk is provided, a minimum width of five (5) feet wide;

- (3) Additionally, any private or public dedicated parkland area greater than five (5) acres but less than ten (10) acres in size within the area containing single-family residential lots less than six-thousand, six-hundred (6,600) square feet in lot area shall be improved with those improvements listed in (ii, 2) plus one (1) fully irrigated, regulation soccer practice field and one (1) fully irrigated, regulation youth baseball practice field with backstop and detachable bases, or two (2) fully irrigated, regulation soccer practice fields; plus an additional concrete on-site parking area with a minimum twenty (20) car capacity and one (1) additional (for a minimum total of three (3) bicycle racks capable of securing a minimum of three (3) bicycles each rack;
  - (4) Additionally, any private or public dedicated parkland area greater than ten (10) acres in size within the area containing single-family residential lots less than six-thousand, six-hundred (6,600) square feet in lot area shall be required to provide the improvements listed in (ii, 3) and shall be reviewed and approved by City Council regarding additional required improvements;
  - (5) When more than one (1) acre of private or public dedicated parkland area is required in a single-family residential area with lots less than sixty-six hundred (6,600) square feet in lot area, Section 3.2.1.4. (Money in Lieu of Land Dedication for Neighborhood Parks) is not applicable as an option to parkland dedication.
- (iii) Any single-family residential area with single-family residential lots less than sixty-six hundred (6,600) square feet in lot area shall provide a property or home owners association (HOA) to maintain the required compensating open space. Additionally, private deed restrictions that provide enforcement of design guidelines for sustainable, higher-quality development must be submitted to the City before final plat approval;
  - (iv) Any area with single-family residential lots less than five-thousand (5,000) square feet in lot area shall provide a property owners association to maintain the front yard between the face of the front of the house structure and the front property line of each lot for the area containing single-family residential lots less than five-thousand (5,000) square feet in lot area;

- (v) Any single-family residential area with single-family residential lots less than sixty-six hundred (6,600) square feet in lot area shall include primary structures constructed of brick or masonry veneer exterior walls for one-hundred (100) percent of the exterior wall surface (exclusive of windows and doors) for one (1) story structures and a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) for two (2) story structures with the remaining maximum forty (40) percent being cementitious fiber board (also known as fiber cement board) material, or equal, for two (2) story structures. Secondary and accessory structures shall be cementitious fiber board or equal;
- (vi) A PUD having any single-family residential lots less than sixty-six hundred (6,600) square feet in lot area shall have at least forty (40) percent of the total PUD area with single-family lots equal to or greater than sixty-six hundred (6,600) square feet in lot area. The remaining sixty (60) percent of the total PUD area may contain lots less than sixty-six hundred (6,600) square feet in lot area. However, no more than one-half (1/2) of the PUD area with single-family residential lots less than sixty-six hundred (6,600) square feet in area shall contain single-family residential lots with less than five thousand (5,000) square feet in lot area.
- (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; single-family residential lots, within a single-family residential lot area with lots less than sixty-six hundred (6,600) square feet in lot area, between four thousand (4,000) square feet and five thousand (5,000) square feet require a minimum building floor area of twenty-five hundred (2,500) 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; single-family residential 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 thirty-five hundred (3,500) square feet and four thousand (4,000) square feet require a minimum building floor area of twenty-five hundred (2,500) square feet and a maximum first floor building coverage of forty-five (45) percent.

- (viii) Any single-family residential lot, within a single-family residential lot area with lots less than sixty-six hundred (6,600) square feet in lot area, with less than sixty-six hundred (6,600) square feet in lot area with rear loaded garages (alley on the rear of the lot with garage access to the alley) may be allowed with an additional fifteen (15) percent of first floor building coverage.

**(2) Building setbacks**

**(a) Rear building setback**

- (i) 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.

**(b) Side building setback**

- (i) Any single-family residential lot, within a single-family residential lot area having lots 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 shall have a minimum six (6) feet between structures on adjacent lots. This six (6) feet can be any combination that adds up to six (6) feet from zero (0) feet on one side and a minimum six (6) feet side building setback between the adjacent structure and three (3) feet side building setback from any side lot line and an additional minimum three (3) feet side building setback between the adjacent structure on an adjacent lot (for a total minimum of six (6) feet between two (2) houses)).

**(c) Front building setback**

- (i) The minimum front building setback from either a public or private street right-of-way for any single-family residential lot, 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 less than sixty-six hundred (6,600) square feet with driveway access to the front public or private street, shall be twenty (20) feet.
- (ii) The minimum front building setback from either a public or private street right-of-way for any single family residential lot, within a single-

family residential lot area with lots less than sixty-six hundred square feet in lot area, with a lot area less than sixty-six hundred (6,600) square feet with driveway and garage access to a rear public or private alley, shall be ten (10). On-street parking for more than ten (10) minutes along the front public or private street shall be prohibited except delivery vehicles for drop-off or pick-up. Additionally, the public or private street width shall be a minimum of twenty-four (24) feet back-of-curb to back-of-curb. A minimum of one (1) off-street/off-alley parking space per lot must be provided from the alley at the rear of the lot for on-site guest parking.

- (iii) Single-family lots within a single-family lot area with lots less than sixty-six hundred (6,600) square feet in lot area will be allowed to have one-story covered porches encroach into the front building setback line, a maximum of ten (10) feet for lots with front public or private street driveway access but in any case, the minimum front building setback line will be ten (10) feet.

(3) Lot width

(a) The minimum lot width

- (i) The minimum lot width for single-family residential lots greater than sixty-six hundred (6,600) square feet in lot area, within a single-family residential lot area with lots less than sixty-six hundred (6,600) square feet in lot area, shall be sixty (60) feet.(ii) The minimum lot width for single-family residential lots less than sixty-six hundred (6,600) square feet in lot area shall be thirty-five hundred (3,500) square feet, within a single-family residential lot area with lots less than sixty-six hundred (6,600) square feet in lot area, shall be thirty-five (35) feet or a minimum lot width, in feet, of one (1) percent of the lot area, in square feet, whichever is less, up to a maximum required minimum lot width of sixty (60) feet.
- (iii) The minimum lot width shall be measured at all locations within the lot between the front building setback and the rear building setback with the location of the least lot width dimension being the minimum lot width.

Section 74 (d) (iii) (B) Maximum height

Any single-family residential lot, regardless of lot area shall not have any structures on the lot greater than two (2) stories or a maximum height of thirty-five (35) feet unless approved by the City of Iowa Colony Fire Marshall.

#### Section 74 (d) (iii) (C) Maximum lot coverage

Any single-family residential lot, within a single-family residential lot area with lots less than sixty-six hundred (6,600) square feet in lot area, less than sixty-six hundred (6,600) square feet in lot area shall provide a minimum of three hundred (300) square feet in permeable land surface on each lot below sixty-six hundred (6,600) square feet in lot area.

#### Section 74 (d) (iii) (G) Number of dwelling units per acre

Any single-family residential development area containing lots less than sixty-six hundred (6,600) square feet in lot area shall have a maximum gross density no greater than five (5) lots per acre. Single-family residential shall mean the use of a lot with one (1) building designed for and containing not more than two (2) separate units with facilities for living, sleeping, cooking and eating herein. A lot upon which is located a free-standing building containing one dwelling unit and a detached secondary dwelling unit of not more than nine-hundred (900) square feet also shall be considered single-family residential.

#### Section 74 (d) (iii) (I) Spacing between developments

- (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 single PUD 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.
- (2) A single-family residential development having single-family lots less than sixty-six hundred (6,600) square feet in area shall be located to provide a minimum of two (2) separate points of street access on a major thoroughfare or major collector as indicated by the latest adopted City of Iowa Colony Major Thoroughfare Plan and shall not take primary access for any adjacent single family residential development having lots greater than sixty-six hundred (6,600) square feet in lot area. The minimum two (2) separate points of street access shall have intersections with the adjacent major thoroughfare or major collector that are spaced a minimum of two-hundred, fifty (250) feet apart.

#### Section 74 (d) (iii) (L) Minimum age developments

Portions of total developments with single-family residential lots may be age-restricted if the following requirements are incorporated:

- (1) All of Section 74 (d); Sections 74 (d) (iii) (A), (B), (C), (G), and (I).

#### Savings Clause

All other ordinances and portions of ordinances of the City shall remain in full and effect.




### Severability

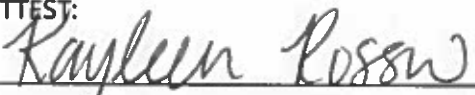
In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional, and the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

### Effective Date

This ordinance shall be effective upon its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE 30th  
DAY OF APRIL, 2019

  
\_\_\_\_\_  
Michael B. Holton, Mayor

ATTEST:  
  
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Kayleen Rosser, City Secretary

