

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE ZONING ORDINANCE BY REZONING THE SOUTHERN STAR DEVELOPMENT TO PLANNED UNIT DEVELOPMENT, WITH RELATED PROVISIONS.

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

**Section 1. Findings.**

The City Council of the City of Iowa Colony, Texas (“the City”), makes the following findings of fact and conclusions of law:

a. The Owner of the premises subject to this ordinance, or the Owner's duly authorized agent, timely filed with the City Secretary a request for this action, containing all necessary information.

b. The Planning and Zoning Commission held a public hearing in the manner and at the time required by the Zoning Enabling Act of the State of Texas, codified as Section 211.001, et seq., Texas Local Government Code, the Zoning Ordinance, and all applicable law.

c. More than ten (10) days prior to the date of that hearing by the Planning and Zoning Commission, written notice of the application for this ordinance was sent to the owners of the property subject to this zoning action and to all owners of property located within two hundred (200') feet of that property.

d. The Planning and Zoning Commission made a final report to the City Council before the Council held its public hearing on this matter.

e. More than fifteen (15) days prior to the date of that hearing by the City Council, public notice of that hearing was published once in the Alvin Sun, a newspaper of general circulation in and the official newspaper of the City, stating the date, time, place, and subject of that hearing.

f. The City Council then held a public hearing in the manner and at the time required by the Zoning Enabling Act of the State of Texas, codified as Section 211.001, et seq., Texas Local Government Code, the Zoning Ordinance, and all applicable law.

g. After giving due regard to the nature and consideration of all adjacent uses and structures and of the nature and condition of the City as a whole, the City Council of the City is of the opinion that the zoning action herein conforms to the requirements and intent of the City and the Comprehensive Plan of the City, and that such zoning action will not constitute a nuisance or be detrimental to the public health, safety, morals, or welfare of the community.

h. The health, safety, morals, and general welfare of the people of the City of Iowa Colony will best be served by the adoption of this ordinance.

i. All requirements of law have been satisfied concerning the passage of this ordinance.

**Section 2. Property or Premises.**

The property or premises subject to this ordinance is the following:

A 132.15 acre tract of land generally located in the northeast quadrant of the intersection of Dubuque Parkway (C.R. 63) and State Highway 288, which is the property currently in Brazoria County Appraisal District Property ID No. 166982 and Geographic ID No. 0259-0001-000.

**Section 3. Amendment of PUD**

a. The Southern Star Planned Unit Development District attached hereto as Exhibit “B” and incorporated herein in full is hereby approved, but only to the extent, on the terms, and with the conditions stated in the Staff Memorandum attached hereto as Exhibit “C” and incorporated herein in full.

b. This ordinance amends the Zoning Ordinance, which shall remain in full force and effect, subject to this amendment.

c. As a strict condition of this ordinance and of all zoning amendments herein, no person shall cause or perform any development or construction on the premises, without first obtaining approval from the City for all matters that the City would have the right to approve or disapprove in considering a subdivision plat. Even if no subdivision is being created so as to invoke the subdivision ordinance or to require plat approval, this ordinance shall nevertheless require the City’s approval to be obtained concerning the same subjects that the City would have the right to regulate or approve if plat approval were required. Thus, this ordinance is not sufficient to authorize any development or construction without further approval by the City. **Regardless of any other provision, no plat or building permit in the premises shall be approved until the City and the drainage district with jurisdiction of the premises have approved the drainage.**

d. Nothing in any portion of this ordinance shall restrict or impair the City’s authority or discretion to approve or disapprove any development, construction, subdivision, or any other matter.

**Section 4. Ratification of Actions of Officers.**

The City Council hereby ratifies and confirms any and all actions taken by its personnel in connection with the zoning action evidenced by this ordinance, in publishing

notice of the public hearing required by the Zoning Enabling Act and the Zoning Ordinance, in giving notice of such hearing to the owner of the premises and to the owners of all property within 200 feet thereof, and in conducting that public hearing.

**Section 5. Zoning Map.**

The City Secretary shall amend the zoning map of the City of Iowa Colony to the extent, if any, necessary to reflect any changed district boundaries or classifications enacted by this ordinance.

**Section 6. Other Ordinances.**

This ordinance is cumulative of and in addition to all other ordinances of the City of Iowa Colony on the same subject, and all such other ordinances are hereby expressly saved from repeal. In the event any provision of any such other ordinance conflicts with or overlaps the provisions of this ordinance, then whichever provision imposes the more stringent regulation shall control, except as may be specifically stated otherwise herein.

**Section 7. Severance Clause.**

In the event any section or provision of this ordinance of whatever size is found to be unconstitutional, void, or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance, and such remaining sections and provisions shall remain in full force and effect.

**Section 8. Effective Date.**

This ordinance shall take effect as of its passage and adoption on the first reading, as public hearings on this matter were required by law and were held.

READ, PASSED, AND ADOPTED on JUNE 27, 2022.



MICHAEL BYRUM-BRATSEN, MAYOR  
CITY OF IOWA COLONY, TEXAS

ATTEST:

  
KAYLEEN ROSSER, CITY SECRETARY  
CITY OF IOWA COLONY, TEXAS

Iowa/Ordinance/Mud 87/Southern Star PUD (06/27/22)



## EXHIBIT "A"

METES AND BOUNDS DESCRIPTION BRAZORIA COUNTY M.U.D. NO. 57 ANNEXATION TRACT 11 BEING 132.15 ACRES SITUATED IN THE H. T. & B. R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259 BRAZORIA COUNTY, TEXAS

DESCRIPTION OF A 132.15 ACRE TRACT OF LAND SITUATED IN THE H. T. & B. R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259, BRAZORIA COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 132.1854 ACRE TRACT OF LAND CONVEYED TO RALLY 288 WEST, LLC BY DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. No.) 2013040084, SAID 132.15 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at the northerly right-of-way line of County Road 64 (based on a width of 40 feet) being the southeasterly corner of said 132.1854 acre tract having state plane (grid) coordinates of X = 3,108,427.36 and Y = 13,714,172.16;

1) THENCE, South 87°16'27" West, along the southerly line of said 132.1854 acre tract and the northerly right-of-way line of said County Road 64 for a distance of 1,900.12 feet to a point for corner in the easterly right-of-way line of State Highway 288 (based on 2018 Alignment Maps);

THENCE, along the easterly line of said State Highway 288 the following twelve (12) courses and distances:

2) North 48°10'58" East, for a distance of 102.36 feet to a point for corner;

3) In a northeasterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°16'19", an arc length of 354.25 feet, and a chord bearing of North 26°02'33" East, for a distance of 345.49 feet to a point for corner;

4) North 47°14'28" East, for a distance of 70.53 feet to a point for corner;

5) North 87°39'11" East, for a distance of 149.95 feet to a point for corner;

6) North 02°20'49" West, for a distance of 120.00 feet to a point for corner;

7) South 87°39'11" West, for a distance of 150.00 feet to a point for corner;

8) North 50°26'06" West, for a distance of 69.60 feet to a point for corner;

9) In a northwesterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°12'07", an arc length of 353.62 feet, and a chord bearing of North 30°49'08" West, for a distance of 344.91 feet to a point for corner;

10) North  $52^{\circ}55'12''$  West, for a distance of 52.06 feet to a point for corner;

11) In a northwesterly direction along the arc of said curve to the right having a radius of 1,273.24 feet, a central angle of  $40^{\circ}34'29''$ , an arc length of 901.66 feet, and a chord bearing of North  $32^{\circ}37'57''$  West, for a distance of 882.94 feet to a point for corner;

12) North  $12^{\circ}20'42''$  West, for a distance of 581.22 feet to a point for corner;

13) North  $02^{\circ}18'54''$  West, for a distance of 517.42 feet to the westerly common corner of said 132.1854 acre tract and that certain tract called 206.73 acres conveyed to Alvin Independent School District by deed recorded under B.C.C.F. NO. 2018061880;

14) THENCE, North  $87^{\circ}19'08''$  East, along the common line between said 132.1854 acre tract and said 206.73 acre tract for a distance of 2,389.63 feet to the easterly common corner of said 132.1854 acre tract and said 206.73 acre tract of land;

15) THENCE, South  $02^{\circ}40'32''$  East, along the easterly line of said 132.1854 acre tract for a distance of 2,771.16 feet to the POINT OF BEGINNING and containing 132.15 acres of land.

**EXHIBIT "B"**  
**SOUTHERN STAR PLANNED UNIT**  
**DEVELOPMENT DISTRICT**



# **Southern Star Planned Unit Development District**

## **The City of Iowa Colony**

Prepared for:  
**CastleRock Communities, LP**  
2401 Fountain View, Suite 215  
Houston, Texas 77057

Prepared by:



10011 Meadowglen Ln.  
Houston, Texas 77042  
EHRAinc.com | 713.784.4500  
TBPE No. F-726 | TBPLS No. 10092300

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**APPENDIX**

Appendix A - City of Iowa Colony Ordinance 2021-37

## **I. INTRODUCTION**

### **A. Summary**

The Planned Unit Development District (PUD) establishes comprehensive guidance and regulations for Southern Star. Southern Star is comprised of 132.2 acres of privately owned land to be developed for single family and commercial uses.

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.

While the project is currently known as “Southern Star”, this name may change in the future as a result of marketing strategy or other factors. However, once the first preliminary plat is submitted, the project name may not be changed without City Council approval.

### **B. Project Location**

The Project is located east of State Highway 288 and north of Dubuque Parkway (previously known as C.R. 63) in the northern portion of Brazoria County, just south of the metro Houston area. The Project is located within Iowa Colony City Limits.

### **C. Existing Zoning**

The property is currently zoned as District SFR, Single-Family Residential. This PUD shall replace and supersede zoning and other city regulations in conflict with the PUD. See Appendix B for the relevant annexation ordinance.

### **D. Surrounding Land Use**

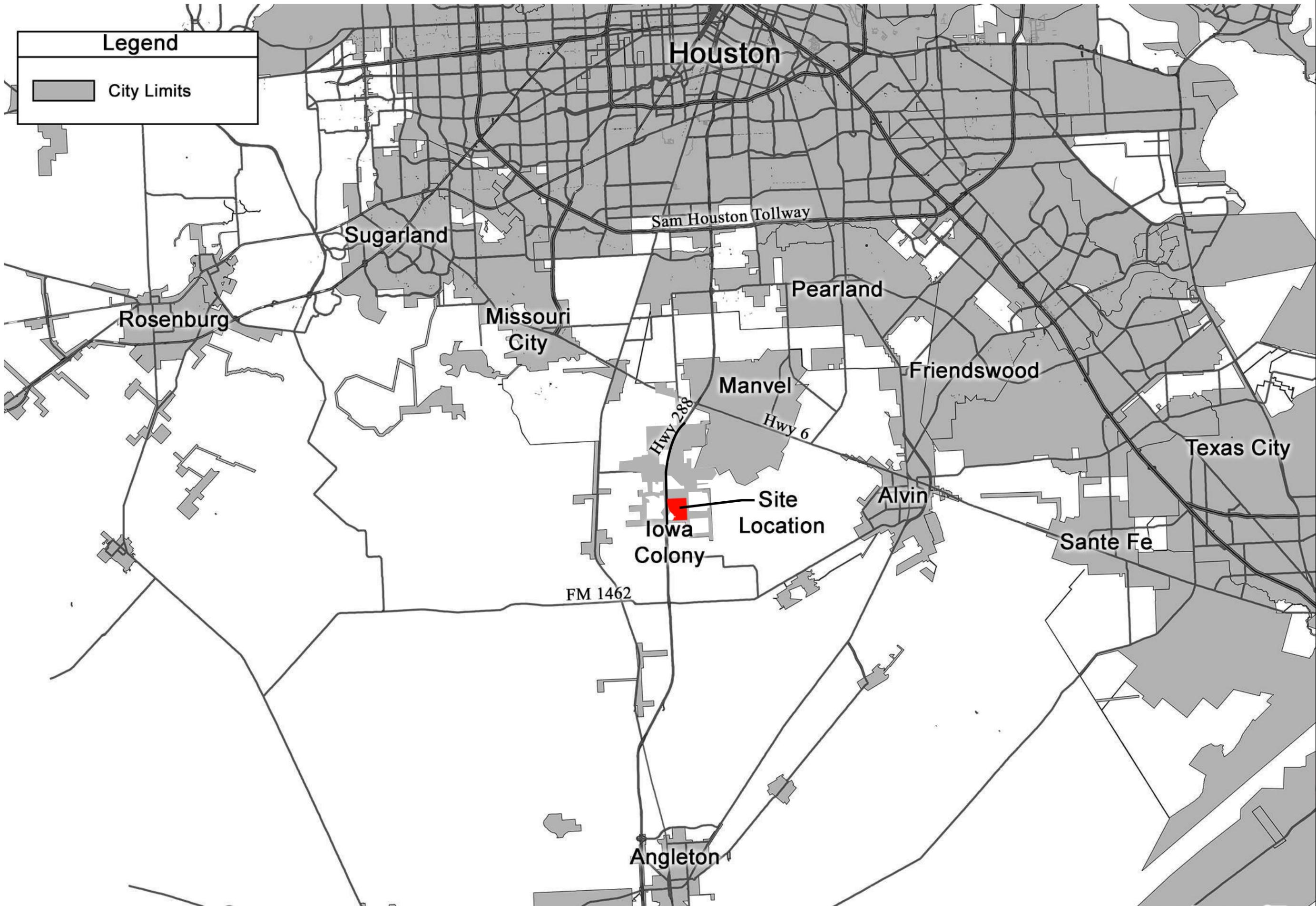
Most properties surrounding the Project are undeveloped. To the west and south of the Project are pockets of large lot single family development. Iowa Colony High School is located to the north.

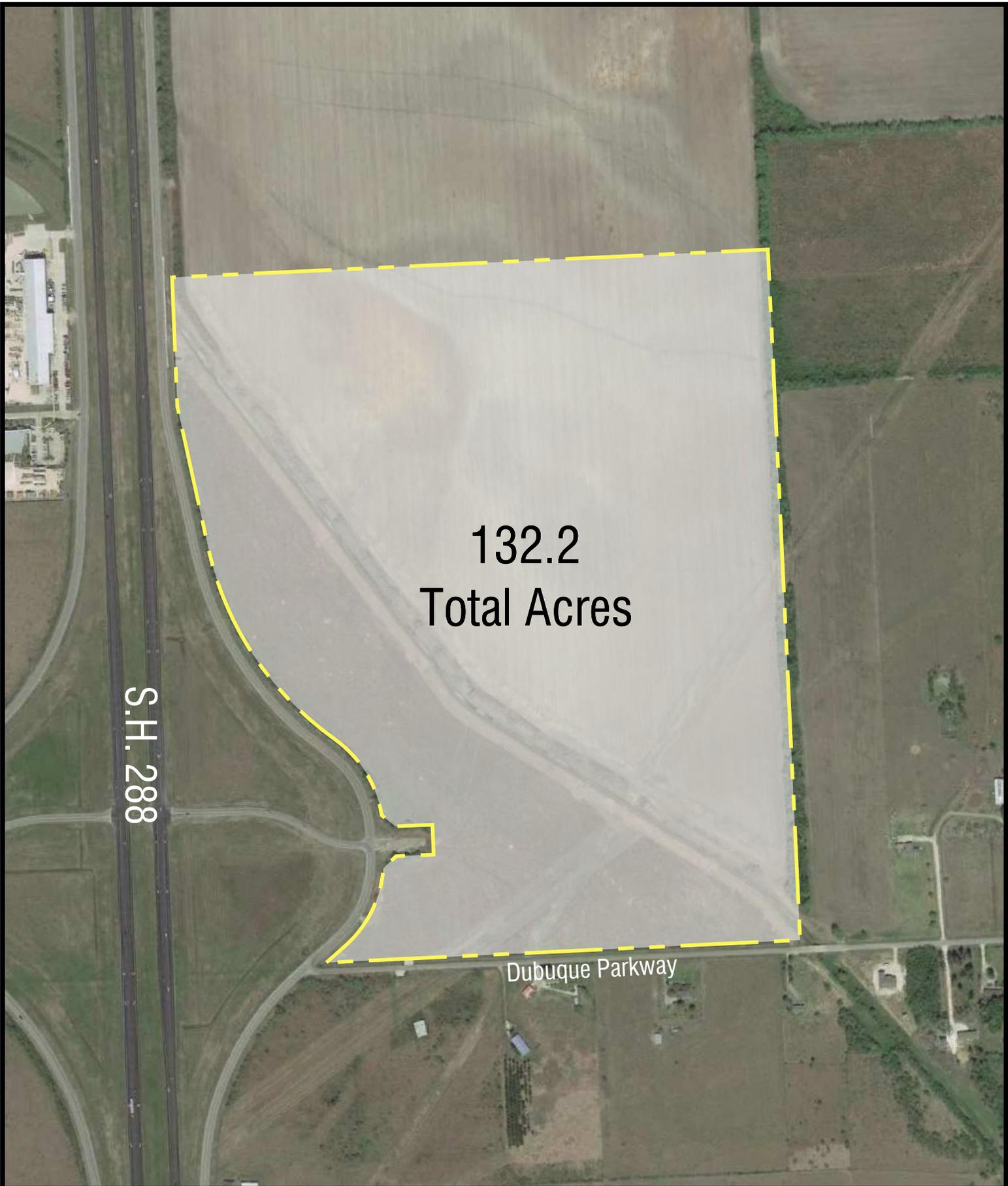
### **E. Existing Site Conditions**

The most notable natural feature of the site is North Hayes Creek, which traverses the property from northwest to southeast. The remainder of the site is mostly open pasture. The property is generally flat with little topography. In addition to North Hayes Creek, there are pipeline easements that cross the property in the southeast corner.

**Legend**

 City Limits





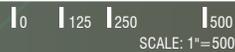
132.2  
Total Acres

S.H. 288

Dubuque Parkway

**Southern Star**

Exhibit 2: Ownership Map



10011 MEADOWGLEN LANE  
HOUSTON, TEXAS 77042  
713.784.4500  
EHRAINCO.COM  
TBPE No. F-726  
TBPLS No. 10092300

EHRA JOB NO.  
221-034-00

No warranty or representation of intended use, design or proposed improvements are made herein. All Plans for land or facilities are subject to change without notice.



IOWA  
COLONY

S.H. 288

Dubuque Parkway

**Southern Star**

Exhibit 3: Jurisdictional Map

0 125 250 500  
SCALE: 1"=500'



10011 MEADOWGLEN LANE  
HOUSTON, TEXAS 77042  
713.784.4500  
EHRINC.COM  
TBPE No. F-726  
TBPLS No. 10092300

EHRA JOB NO.  
221-034-00

No warranty or representation of intended use, design or proposed improvements are made herein. All Plans for land or facilities are subject to change without notice.

## **II. DEVELOPMENT PLAN**

### **A. Purpose & Intent**

The purpose of the Development Plan is to clarify planning considerations and guide implementation of the vision for the community. In addition, it will establish a framework for Southern Star by identifying the type, location, and projected density of the land uses proposed within the development.

This section contains a description of the goals, objectives, and policies of the PUD combined with various plan components intended to guide the design principles of the community.

### **B. Goals & Objectives**

The primary goal of the Southern Star Planned Unit Development District is to create a close-knit community which builds upon the legacy of the nearby master planned communities and highlights the natural features of the site.

To achieve this goal, key objectives have been established to guide development and provide direction for the overall vision of the community. These objectives are as follows:

#### **1. Establish a Strong Community Character & Sense of Place**

Neighborhood parks will create a strong community character by providing residents with areas for recreation. Parks will also enhance the sense of place by enriching the visual appeal of the property.

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. Provide Multiple Housing Types**

Providing multiple housing types will create distinction and character among the neighborhoods within the community. It will also provide different options to homebuyers, which will enhance the community's and City's long-term viability.

#### **3. Ensure Quality Development**

Southern Star 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. Copies of the residential guidelines and the non-residential design guidelines will be provided to the City when finalized.

#### **4. Provide for Orderly Growth**

Southern Star will provide for orderly growth by being sensitive to the natural features of the site and selecting land uses that are appropriate based on-site characteristics. Buffering between incompatible land uses will be achieved by parks, greenbelts, landscaping, streets, open space, or drainage features.

Because of the proximity to SH 288, traffic impacts to other roads with less improvements will be minimized. Additionally, Southern Star will help the City achieve a highly efficient and cohesive public infrastructure system.

### **C. Preliminary Land Use Plan**

#### **1. Proposed Uses & Densities**

Successful master planned communities provide a variety of uses and housing options in to attract residents from all stages of life. The proposed land uses will help to achieve a variety of housing choices to create a sustainable community while allowing for a reasonable amount of flexibility to accommodate ever-changing market demands.

Land uses proposed for Southern Star consist of Single Family-50's (SF - 50's), Patio (PH), Commercial (C), Parks & Open Space (POS) and Institutional (I). The following is a brief description of these proposed uses.

*Single Family - 50's* – The Single Family - 50's category (SF - 50's) provides for the development of detached, single family dwelling units. SF - 50's homes shall have a minimum lot width of 50 feet (as measured at the lesser of the front or rear setback), a minimum lot area of 6,000 square feet, and a minimum building floor area of 1,400 square feet (not including the attached garage area). All SF - 50's homes must provide a minimum of 300 square feet of permeable land surface.

*Patio Home* – The Patio Home category (PH) provides for the development of detached, single family dwelling units. Patio Homes shall have five (5) foot side setbacks. Patio Homes shall have a minimum lot width of 40 feet (as measured at the lesser of the front or rear setback), a minimum lot area of 4,800 square feet, and a minimum building floor area of 1,400 square feet (not including the attached

garage area). All Patio Homes must provide a minimum of 300 square feet of permeable land surface.

*Commercial* – The Commercial category (C) is designed to meet the demand for commercial development along State Highway 288.

*Institutional* – The Institutional category (I) is intended to provide for the development of public and private uses that serve the community. Private uses may include, but are not limited to private schools, day care facilities, hospitals, utilities, etc.

*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.

<b>TABLE 1</b>		
<b>Land Use</b>		
<b>Land Use</b>	<b>Gross Acres</b>	<b>%</b>
<b>Single Family - 50's (SF - 50's)</b>	20.3	15.3%
<b>Patio Home (PH)</b>	39.5	29.9%
<b>Commercial (C)</b>	4.5	3.4%
<b>Institutional (I)</b>	0.1	0.1%
<b>Rights-of-Way (Arterials &amp; Collectors)</b>	12.5	9.5%
<b>Parks &amp; Open Space (P-OS)</b>	55.3	41.8%
<b>Totals</b>	<b>132.2</b>	<b>100%</b>

Land uses may be relocated within the boundaries of the PUD, provided they comply with the acreage restrictions referred to in this section. The city will be notified of any changes to the Preliminary Land Use Plan.

Land use categories shall be regulated on a total gross acreage basis. The gross acreage of individual land uses may increase or decrease by up to ten (10) percent without further approval of the Planning and Zoning Commission or City Council.

This shall not apply to land within the Parks and Open Space category which may be increased by any amount without further approval. However, the Parks and Open Space category may not decrease more than fifteen (15) percent without approval of the Planning Commission and City Council. Of the combined Single Family - 50's and Patio Home areas, not more than sixty-six (66) percent of that total may be Patio Home. Table 1 shall be the basis for calculating any and all land use changes by future administrative approvals as described in the administrative section of this PUD.

The project density shall not exceed 2.2 units per gross acre. At a gross acreage of 132.2, this would result in a maximum of 290 allowed units. A maximum of 34% of the total allowed units, or 98 Patio Home lots, may be less than 45 feet in width, but not less than 40 feet in width

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

Southern Star 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, in general, provide tremendous benefits for cities over traditional "piece-meal" development. Historically, property values in master planned communities are 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. Master planned communities bring stability and predictability that facilitate a city's long-range planning and financial objectives.

Open Space within Southern Star will be augmented by preserving and protecting North Hayes Creek and creating a system of trails that connect the neighborhoods to the creek, detention ponds, and one another. By creating an environment that encourages people to form bonds and share experiences, Southern Star will establish a cohesive community of people that blends with and preserves Iowa Colony's small town values.

In addition, Southern Star will help create the "rooftops" necessary to drive the commercial development planned along State Highway 288 which will generate sales tax revenue for Iowa Colony.



**Southern Star**

Exhibit 4: Preliminary Land Use Plan



10011 MEADOWGLEN LANE  
HOUSTON, TEXAS 77042  
713.784.4500  
EHRAINCO.COM  
TBPE No. F-726  
TBPLS No. 10092300

No warranty or representation of intended use, design or proposed improvements are made herein. All Plans for land or facilities are subject to change without notice.

EHRA JOB NO.  
211-034-00

## **E. Transportation**

Southern Star will establish a transportation network consisting of streets and other forms of transportation designed to meet the mobility needs of the community.

### **1. Existing Access**

Southern Star currently has access to State Highway 288 to the west, Dubuque Parkway to the south, and Discovery Drive to the north. To the south, Dubuque Parkway is proposed to extend through the property to connect to State Highway 288. Discovery Drive is proposed to extend through the property in a north-south fashion to connect with Dubuque Parkway. In the northeast portion of the project, a Neighborhood Collector is proposed to extend through the property to ultimately provide a secondary connection from Discovery Drive to Iowa Colony Boulevard.

### **2. Street Hierarchy**

The street system in Southern Star will consist of a hierarchy of streets ranging from major arterials to local streets. The intent of the system is to establish a series of streets that are sized appropriately for the land uses that they serve and to direct traffic within the community to the collector streets and major arterials while discouraging any negative impact on residential neighborhoods and surrounding properties. The following is a brief description of street types that may be implemented within Southern Star:

*Major Arterials* – Major arterials are intended to serve as principal thoroughfares identified as Major Arterial Streets on the City’s Thoroughfare Plan.

*Major Collector Streets* – Major Collector streets are intended to help distribute traffic between major thoroughfares and other collector streets and are identified as Major Collector Streets on the City’s Thoroughfare Plan.

*Minor Collector Streets* – Minor Collector Streets are intended to effectively distribute traffic from Major Collectors and provide access to Local Streets. Minor Collector Streets shall adhere to the City’s Design Criteria and feature 80 feet of right of way, two lanes undivided without a median and maintain a speed limit of thirty miles per hour.

*Local Streets* – Local streets are designed to provide access to residential lots.

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

Streets within Southern Star shall conform to the following standards:

<b>TABLE 2</b>		
<b>Minimum Right-of-Way Width &amp; Paving Sections</b>		
	<b>Minimum Right-of-Way Width</b>	<b>Standard Paving Section</b> (Measured from back of curb to back of curb)
Major Arterial	120 feet	Two (2) 25 foot divided sections <sup>1</sup>
Major Collector	80 feet	Two (2) 24 foot divided sections <sup>1</sup>
Minor Collector	80 feet	38 feet
Local Street	50 feet	28 feet

1) All bridge crossings may have a reduced median width.

### 4. Vehicular Circulation Plan

The Vehicular Circulation Plan illustrates the proposed circulation system for Southern Star. The plan is designed to meet the mobility needs of the development in a safe and efficient manner as well as provide adequate circulation for the overall area.

### 5. Discovery Drive

Discovery Drive is proposed to extend through Southern Star, running north to south through the center of the Project, and will connect to Dubuque Parkway. It will be a Major Arterial at the northern and southern ends of the property, but will transition down to a Major Collector at the center of the property. Esplanade openings will be strategically placed along Discovery Drive, which the circulation plan will illustrate. The specific locations of esplanade openings will be proposed via a note on the preliminary plat and must be approved by the City’s Designated Official. Requests for additional esplanade openings not shown on the exhibit will be considered on a case by case basis, subject to approval by City’s Designated Official.

Extending Discovery Drive through the Project will help improve the circulation within Iowa Colony. It will connect Davenport Parkway to Dubuque Parkway and will

Extending Discovery Drive through the Project will help improve the circulation within Iowa Colony. It will connect Davenport Parkway to Dubuque Parkway and will serve as an important alternate route if an accident occurs on S.H. 288. It will also significantly reduce the traffic demand along Davenport Parkway since it will serve as a secondary access point to the future Iowa Colony High School just north of this project.

Where Discovery intersects with Dubuque, the developer shall dedicate 65 feet of right-of-way which will allow for temporary left and right turn lanes in addition to providing the full west side of the ultimate lane configuration for Discovery Drive. The remaining 35 feet necessary to bring the right of way width to 100 feet (east of the project boundary) shall be dedicated by others at a later date.

Alternatively, the developer may choose to reroute Discovery Drive east of North Hayes Creek to completely avoid crossing the creek with the roadway. In this scenario, the developer will work with the City's assistance to acquire the right-of-way for the segment of Discovery Drive that is proposed to be built outside of the project. It is in the City's interest to assist with the acquisition of this portion of the right-of-way to promote adequate circulation for the project and the surrounding community. The developer shall be responsible for funding the purchase of said right-of-way should the city assist with acquisition of the property.

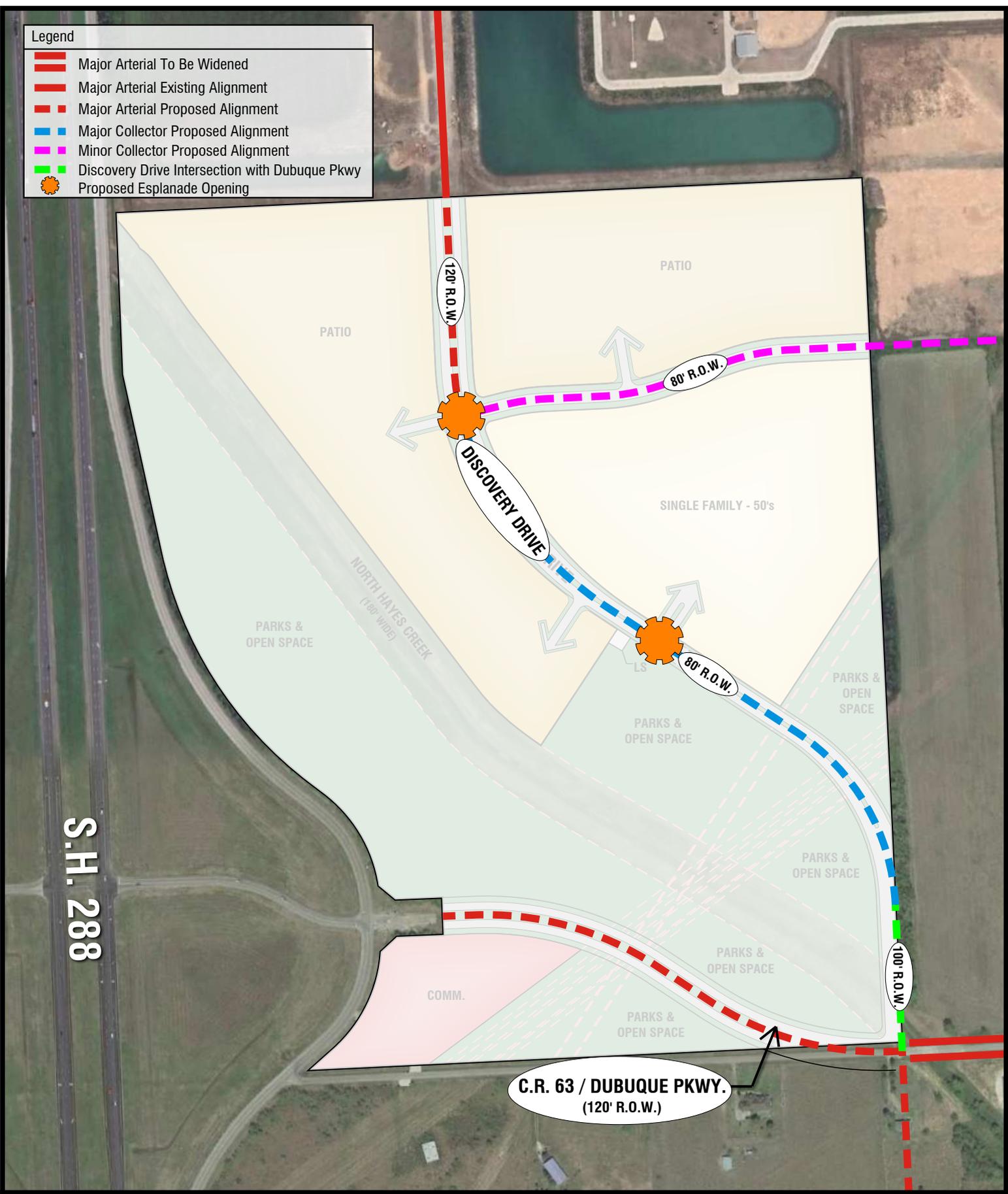
## **6. Dubuque Parkway**

Dubuque Parkway (designated as a major arterial on the City's major thoroughfare plan) will extend through the southern portion of the Project to connect with State Highway 288. An S.H. 288 access ramp and overpass is also planned for Dubuque Parkway.

The necessary right-of-way will be dedicated for Dubuque Parkway and the road will be constructed where the proposed alignment is located wholly within the Project boundary. Where the road alignment is bisected by the project boundary, the necessary right-of-way will be dedicated, and the developer shall construct one half of the road (where feasible).

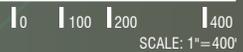
**Legend**

-  Major Arterial To Be Widened
-  Major Arterial Existing Alignment
-  Major Arterial Proposed Alignment
-  Major Collector Proposed Alignment
-  Minor Collector Proposed Alignment
-  Discovery Drive Intersection with Dubuque Pkwy
-  Proposed Esplanade Opening



# Southern Star

## Exhibit 5: Circulation Plan

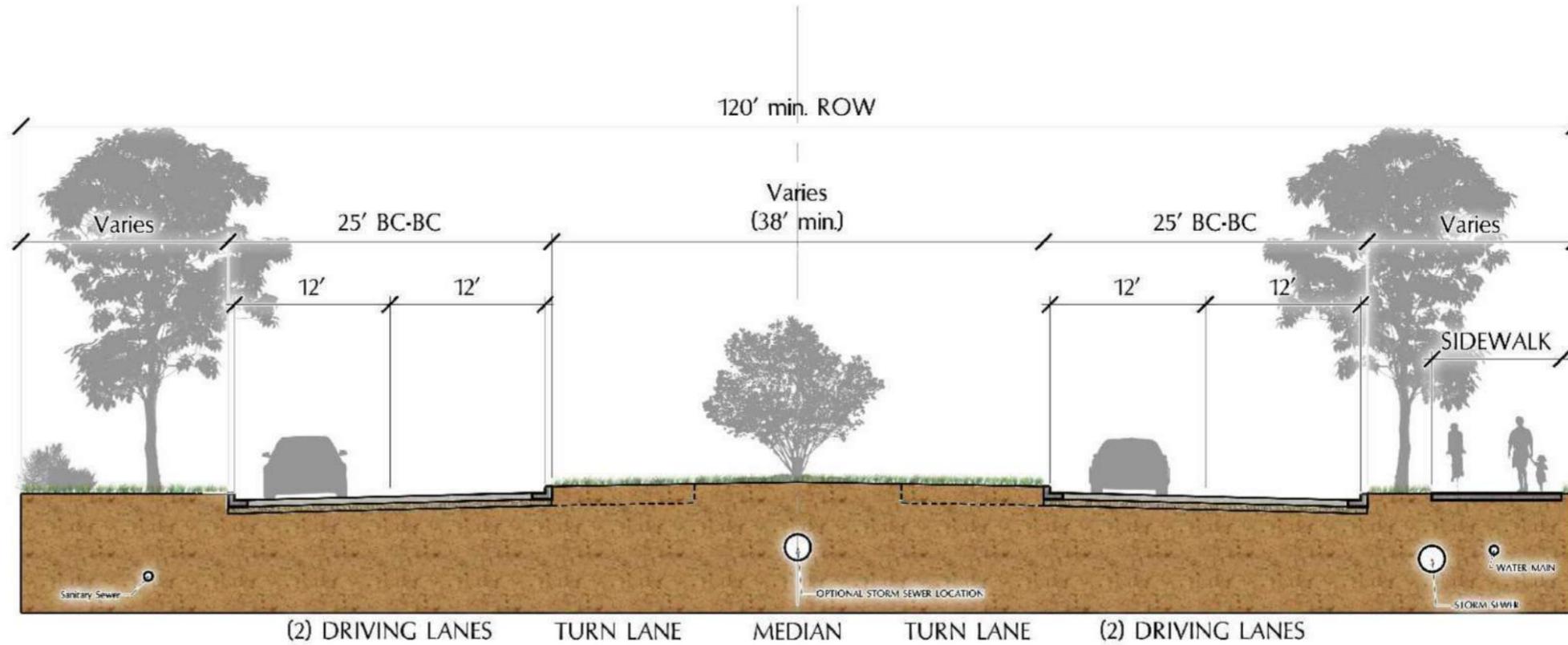


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 TBPLS No. 10092300

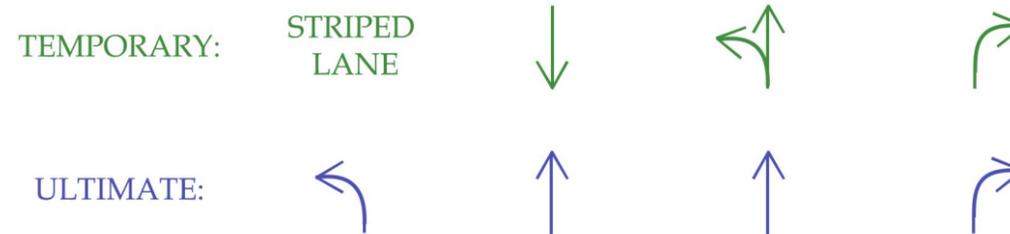
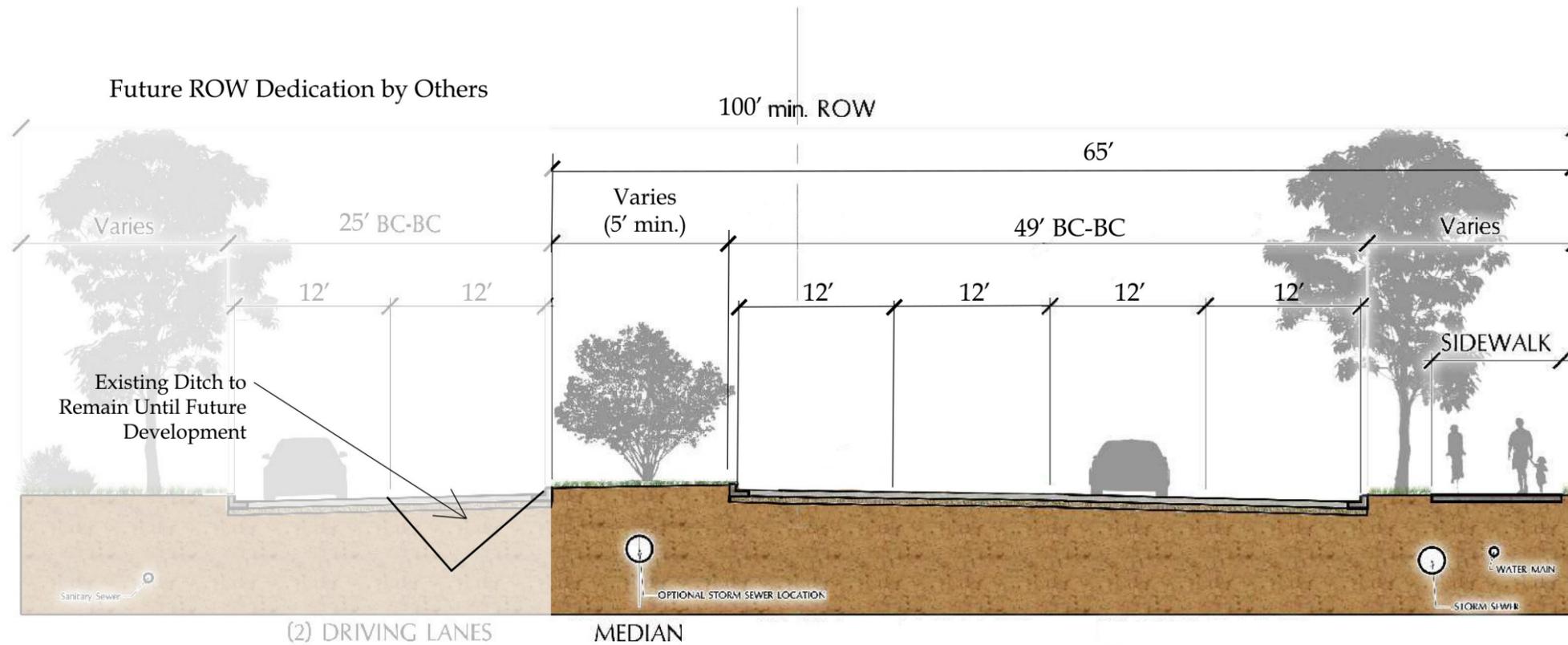
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**Notes:**

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. Sidewalk may be located as 6' sidewalk on both sides of ROW or as 8' sidewalk on one side of ROW. A single sidewalk must be 10' along all major arterials if adjacent to non-single family residential areas or within 300' of an intersection with another major arterial.
3. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
4. Median openings shall be located in conformance with the Circulation Plan.
5. Median width may be reduced to 16 feet to accommodate left turn lanes.
6. Driving lanes may meander within the right-of-way as right-of-way widens greater than 120' minimum.
7. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.
8. Proposed trees within median will be planted a minimum of 5' from utility lines.



**Notes:**

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. Sidewalk may be located as 6' sidewalk on both sides of ROW or as 8' sidewalk on one side of ROW.
3. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
4. Median openings shall be located in conformance with the Circulation Plan.
5. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.
6. Proposed trees within median will be planted a minimum of 5' from utility lines.
7. A 10' P.U.E. shall be located outside of the R.O.W. on the west side of Discovery Drive.



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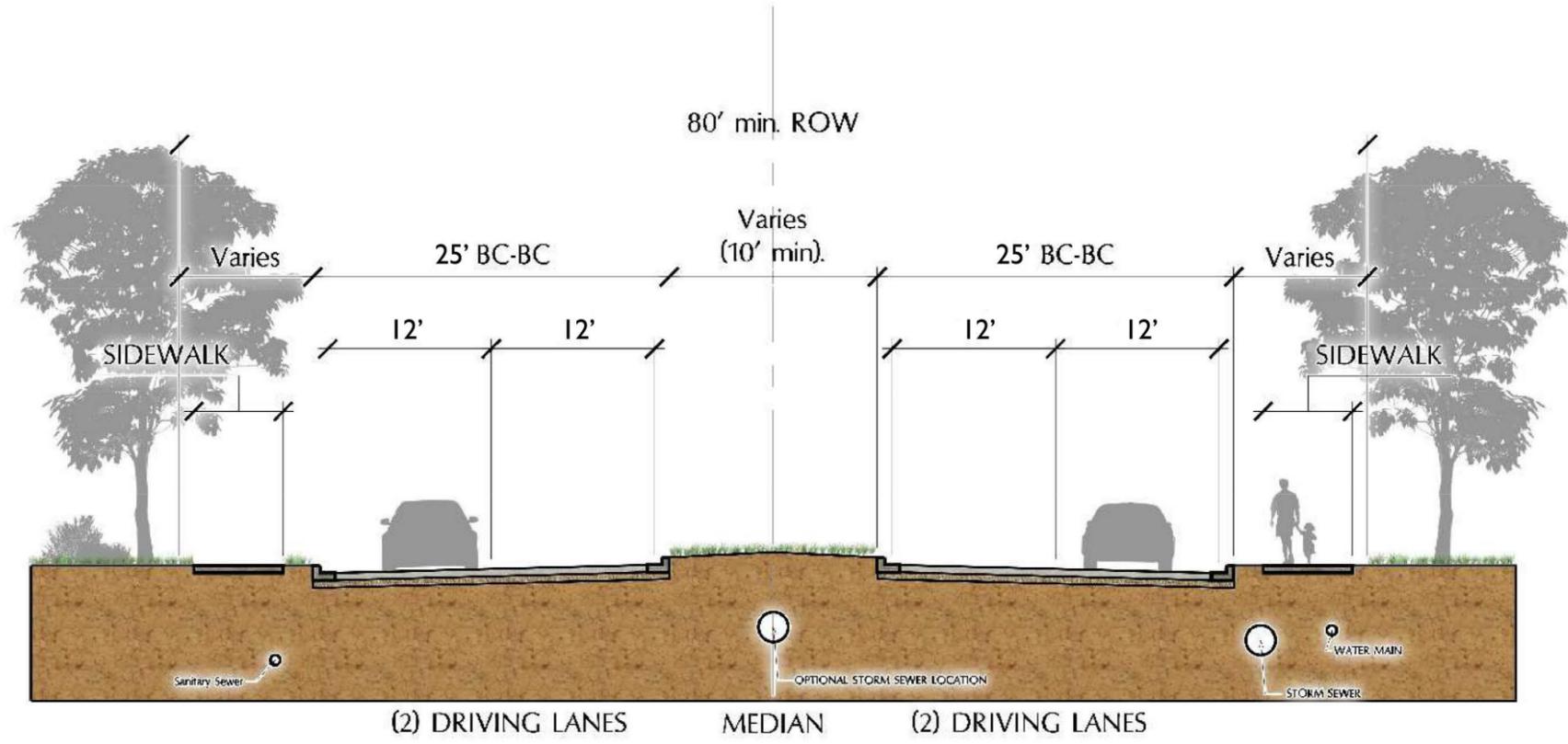
NOT TO SCALE

**Southern Star**

Exhibit 7: Street Section -

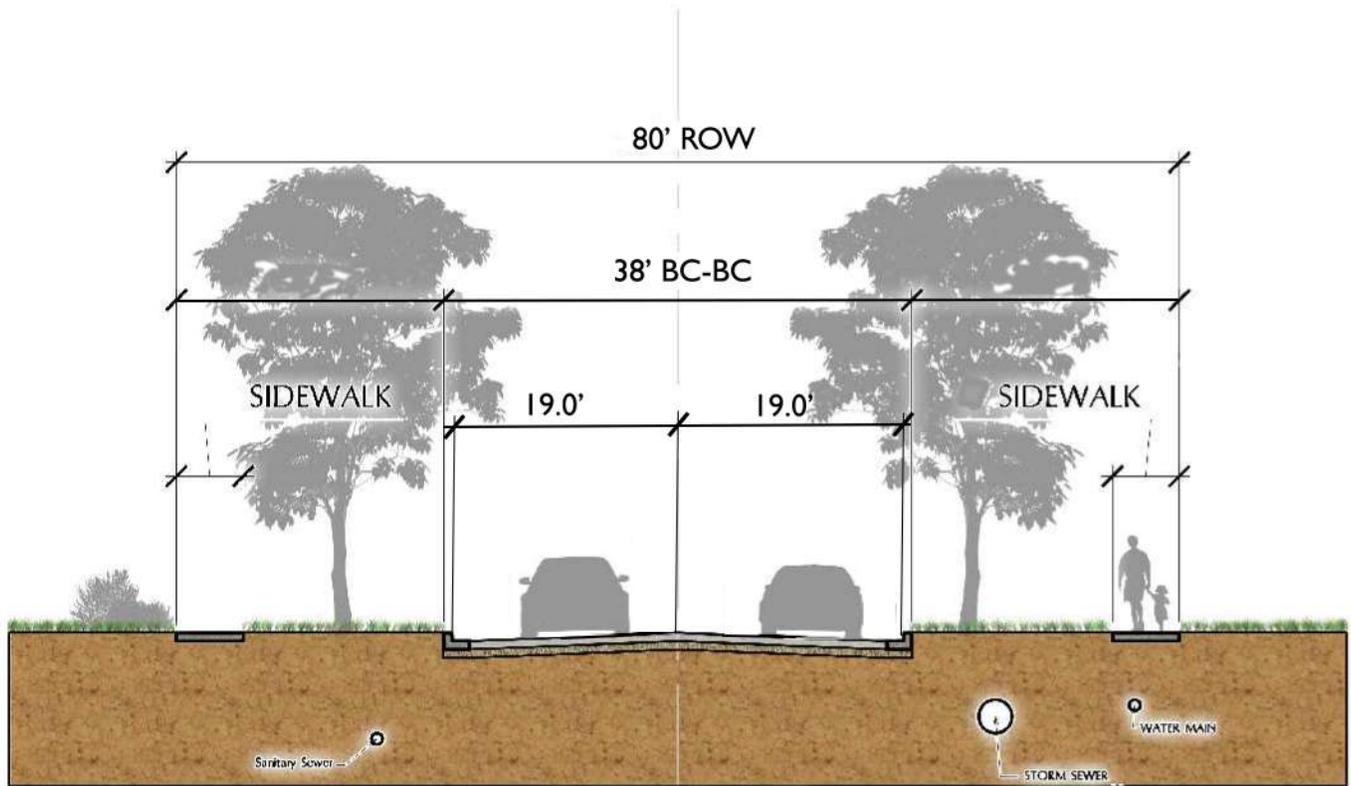
Discovery Dr. Intersection with Dubuque Pkwy.

P:\221-034-00\LandPlan\PU\Exhibits\For Exhibit\Prep\Street Sections.dwg, Jun 01, 2022-2:09pm Edited by: plipetska



**Notes:**

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
3. Median openings shall be located in conformance with the Circulation Plan.
4. Median width may be increased to accommodate left turn lanes.
5. Right turn lanes will be provided, if necessary, at intersections with Major Arterials or Village Center Major Arterials. Right-of-way may be widened to accommodate 11' right turn lane.
6. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.



(2) DRIVING LANES

Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
3. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.

**Southern Star**

Exhibit 9: Street Section - Minor Collector

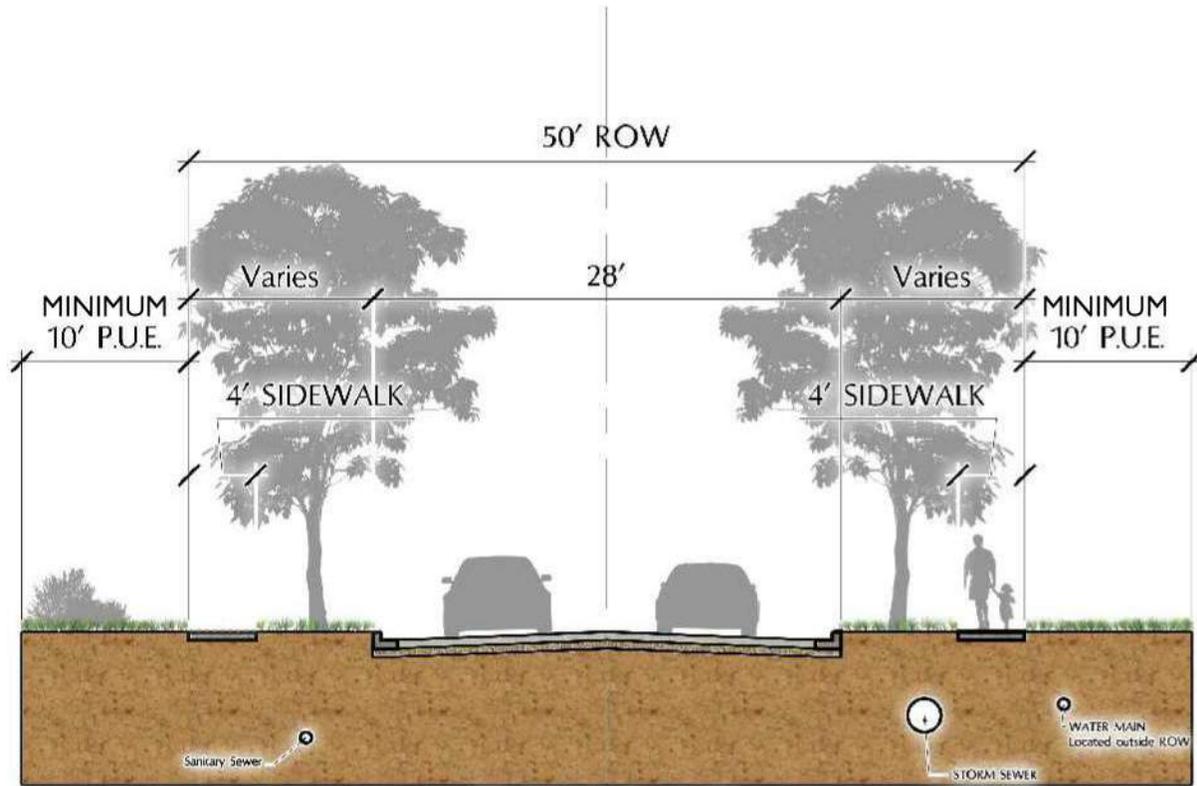
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(2) DRIVING LANES

Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
3. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.
4. P.U.E. shall mean public utility easement.
5. Where 4 foot sidewalks are provided, the sidewalk must conform to ADA standards regarding 5 foot passing space requirements at regular intervals.
6. P.U.E.'s in excess of 10' may be required depending on final engineering design.

## 7. Street Design Criteria

Streets within Southern Star shall conform to the following standards:

*Cul-de-sacs:* Cul-de-sacs 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)

Attached units – 8 vehicle trips per day per unit (44 units)

In no case shall cul-de-sacs exceed 800 feet in length.

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

Cul-de-sacs in non-residential areas shall be considered on a case-by-case basis by the City’s Designated Official.

*Intersections:* Intersections of local streets shall be spaced at a minimum of 125’ apart, as measured from centerline to centerline.

Streets shall be designed to intersect as nearly as possible to right angles.

No street shall intersect any other street at less than 70 degrees.

Property lines at intersections of major arterials and major collectors shall transition with a 25 foot minimum radius curve. Property lines at intersections of local streets shall transition with a 25-foot minimum radius curve. Property lines that intersect at less than 90 degrees shall transition with a 25-foot minimum radius curve.

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

Curves along major collector streets shall have a minimum centerline radius of 300 feet. Reverse curves shall be separated by a tangent distance of not less than 100 feet.

Curves along local streets shall have a minimum centerline radius of 100 feet. Reverse curves shall be separated by a tangent distance of not less than 50 feet. This standard shall not apply to "L type" intersections. These types of intersections shall have a minimum centerline radius of 50 feet.

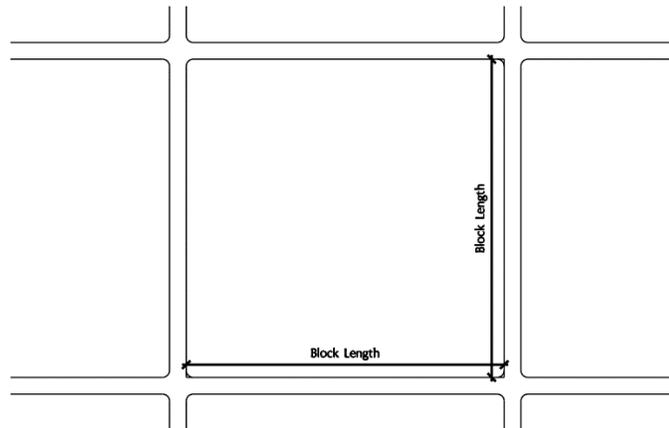
*Block Length:* Major arterials shall have a maximum block length of 2,600 feet with the following exception:

- Major arterials that run parallel to drainage features having a minimum width of fifty (50) feet shall have a maximum block length of 4,000 feet.

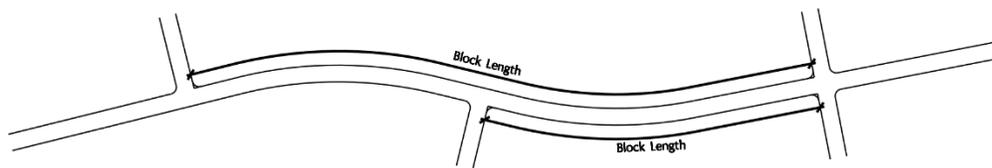
Major collectors shall have a maximum block length of 1,800 feet and local streets shall have a maximum block length of 1,200 feet with the following exceptions:

- Crossings of creeks 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 or drainage features having a minimum width of 50 feet shall be 2,000 feet.

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



Traditional Block Length Measurement



Curvilinear Block Length Measurement

In cases where multiple blocks may exceed 2,400 feet and pedestrian connections are not provided, the City's Designated Official may require that a reserve, having a minimum width of twenty (20) feet, be provided to accommodate such a connection if it would significantly improve overall pedestrian circulation within the development. Where physically possible, a minimum thirty (30) feet wide emergency access reserve that connects the Southern Star boundary with a public street must be provided a minimum of every 2,400 feet along the Southern Star boundary unless determined to be unnecessary by the City's Designated Official.

*Points of Access:* All subdivision sections containing more than thirty-five (35) lots shall have a minimum of two points of access. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of fifteen (15) feet shall be acceptable in all circumstances and shall be considered two points of access for these purposes provided that

the divided paving section extends to the first intersecting street that is not a cul-de-sac and continues to provide two points of access to all other parts of the subdivision except cul-de-sac streets. Parking along the divided entry shall be prohibited. A divided or boulevard entry with a loop shall be considered two points of access. If the loop is not completed and there are over thirty-five (35) lots, a temporary emergency access easement shall be provided until such point that the loop has been completed.

All subdivision sections, regardless of the number of lots, will require a minimum of two points for emergency protection access. One of the points may be gated with a 911 emergency gate/KNOX lock box system for emergency protection personnel use only.

*Lot Frontage:* Each Single Family – 50's and Patio Home lot shall have frontage on a local street.

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

## **8. Traffic Signalization**

A Traffic Impact Analysis will be required to determine if traffic signals are warranted.

If it is determined a signalized intersection is warranted per Engineering Design Criteria Manual, the Developer shall fully fund the traffic signal at this intersection. If a traffic signal is not warranted, the developer shall escrow 25% of costs for design and construction for each intersection. Escrowed funds for traffic signal improvements shall be due prior to platting phase two per Exhibit 14.

**9. Street Sidewalks**

Sidewalks shall be provided in accordance with the following schedule:

<b>TABLE 3</b>			
<b>Sidewalk Requirements</b>			
<b>Street Type</b>	<b>Minimum Requirement</b>		
<b>Major Arterial</b>	6 foot sidewalks shall be provided on both sides of the street	<b>OR</b>	An 8 foot sidewalk shall be provided on one side of the street
<b>Major Collector</b>	6 foot sidewalks shall be provided on both sides of the street	<b>OR</b>	A 8 foot sidewalk shall be provided on one side of the street
<b>Minor Collector</b>	5 foot sidewalks shall be provided on both sides of the street		
<b>Local Street</b>	5 foot sidewalks shall be provided on both sides of the street		

\* 6 foot sidewalks shall be provided at bridge crossings

Generally, sidewalks should be constructed within the right-of-way. Sidewalks adjacent to open space areas may meander between the right-of-way and open space when desired. When trails exist or are proposed on an adjacent reserve of open space area, 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.

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

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

Parks and Open Space will be a central feature of the community and its identity. Southern Star will celebrate and draw upon the natural beauty of North Hayes Creek by preserving it to the greatest extent possible. There will be no clear cutting and the introduction of concrete structures will be minimized. In addition to North Hayes Creek, man-made detention basins will be created that will extend out into the community from the Creek. These detention basins will be contoured and landscaped and they will form the backbone of the open space system.

Additionally, active recreational facilities will be developed and built within Southern Star, ranging from small pocket parks to the larger neighborhood parks, which will be connected through a pedestrian trail system. This will be the backdrop for many leisure activities. The Parks, Open Space, & Trails Plan illustrates the proposed parks and open space areas within Southern Star.

The Iowa Colony Unified Development Code regulations require that not less than 1 acre for each 54 proposed dwelling units be set aside for neighborhood park purposes. Based on the 290 maximum dwelling units possible within this PUD, the parkland dedication requirement for Southern Star is 5.4 acres. Parkland shall comply with the City's Planned Unit Development Ordinance (O-2019-14).

The City of Iowa Colony planned unit development regulations require that not less than 5% of the total area of development be set aside for open space. Based on a total area of 132.2 acres, the open space requirement for Southern Star is 6.6 acres. Approximately 55.3 acres of land within Southern Star (approximately 42% of the total area) is planned to be designated as neighborhood parkland and open space. A minimum of 5.4 acres will be solely dedicated to neighborhood parkland purposes. The following table indicates the amount of parks and open space to be provided.

<b>TABLE 4</b>				
<b>Parks and Open Space</b>				
	<b>Required</b>		<b>Provided</b>	
<b>Land Use</b>	<b>% of gross acreage</b>	<b>Acreage</b>	<b>% of gross acreage</b>	<b>Acreage</b>
<b>Parks and Open Space (POS)</b>	5%	6.6	42%	55.3

The recreation and open space areas, besides providing areas for neighbor interaction, will provide physical separation, buffer zones, and transitions between areas of development. The undeveloped open space portion of the project is preserved to provide the communities with “passive” recreational opportunities and to maintain a visual barrier between adjacent uses.

Of the 5.4 acres of parkland dedication required, a minimum of 50% shall be dedicated to the public. Private parks will be owned and maintained by a Municipal Utility District or the Home Owner’s Association and will allow general public use. Land which is encumbered by easements, detention areas, lakes, and drainage channel borders shall qualify at a 50% credit if it complies with the following criteria: includes hike, bike, and all-weather paths, landscaping and sodding installed according to the construction standards of the City; paths must also be connected to recreational areas as part of an open space system; an average minimum width of thirty feet (30’) and a minimum width of twenty feet (20’); and side slopes for areas used in the credit not to exceed five to one (5:1) ratio, unless otherwise approved by the City.

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 Southern Star moves forward. However, all lots shall be within a quarter-mile radius of a dedicated neighborhood park. The city will be notified of any changes to the Parks, Open Space, & Trails Plan. The city’s regional parkland fee shall apply to all lots within this PUD.

All amenities shown on the parks, open space, and trails plan exhibit will be constructed with phase 1 of the development. However, the precise locations of these amenities are subject to change.

## 2. Compensating Open Space

Lots less than 6,600 square feet shall provide compensating open space in the minimum amount required by the City’s planned unit development ordinance (O-2019-14). The compensating open space shall be in accordance with the following schedule and in conformance with additional performance standards as follows.

<b>TABLE 5</b>	
<b>Compensating Open Space</b>	
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

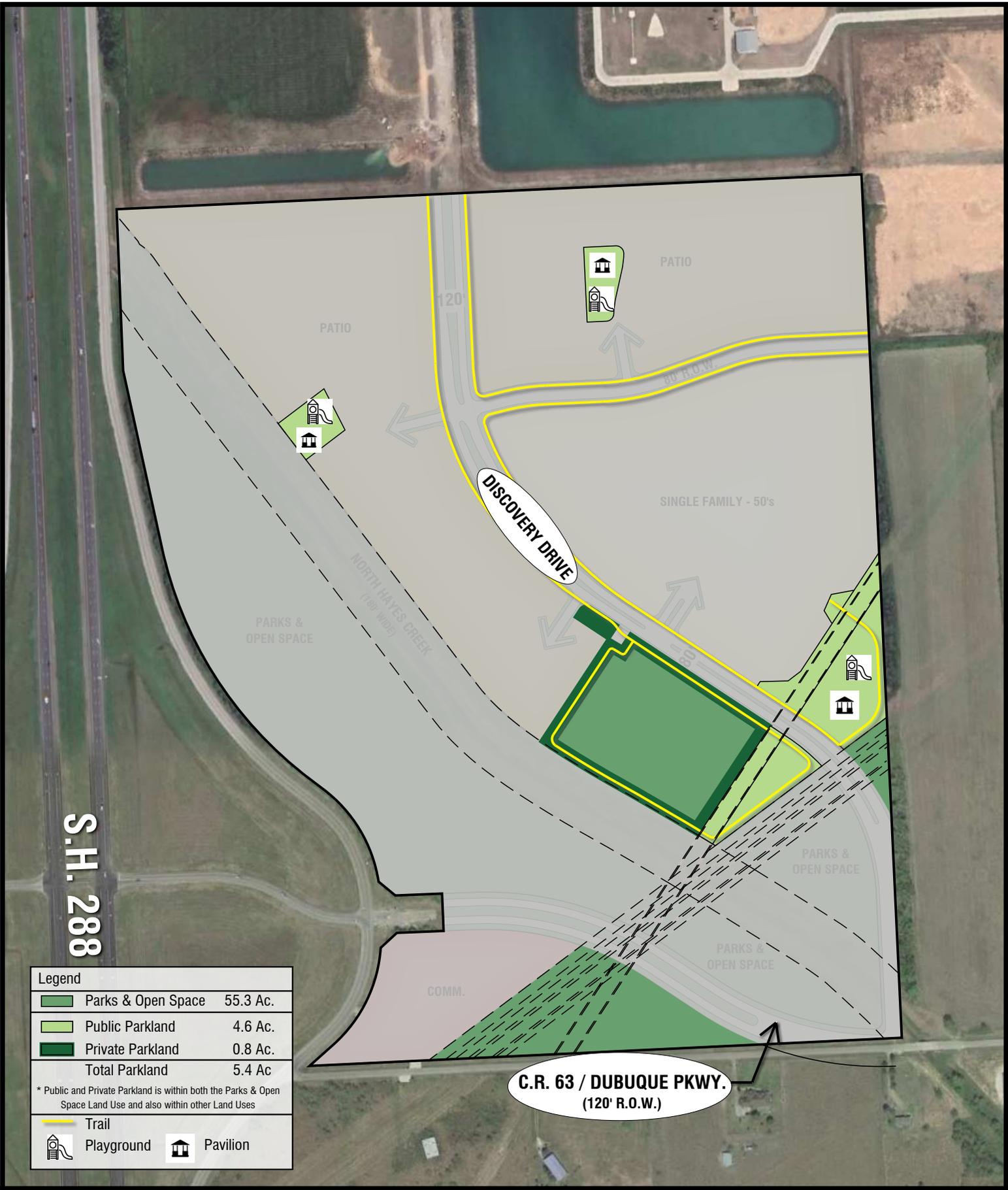
No more than twenty-five (25%) percent of the total required compensating open space may be located within the one hundred (100) year floodplain. The minimum size of any area used for compensating open space shall be one thousand (1,000) square feet, with a minimum width of twenty (20) feet.

## 3. Trails

In addition to the required street sidewalks, Southern Star will provide an extensive trail system that will extend throughout the community offering access to parks and between neighborhoods. The trail system within Southern Star will be maintained by the Municipal Utility District or Home Owner’s Association, except where trails are included in public parkland dedication, in which case the responsibility of maintenance shall transfer to the City of Iowa Colony.

The Parks, Open Space, & Trails Plan identifies the proposed location of trails within Southern Star. Trails may be paved or unpaved and constructed of materials that are appropriate for the specific application. The Parks, Open Space, & Trails Plan is preliminary in nature. The specific location of individual trails may be moved or combined as the design and development of Southern Star moves forward. The city will be notified of any such changes.

All trails along roadways shall follow the guidelines as set forth in Table 3. All other trails not along roadways shall be a minimum of 4 feet in width.



S.H. 288

Legend	
	Parks & Open Space 55.3 Ac.
	Public Parkland 4.6 Ac.
	Private Parkland 0.8 Ac.
	Total Parkland 5.4 Ac
* Public and Private Parkland is within both the Parks & Open Space Land Use and also within other Land Uses	
	Trail
	Playground
	Pavilion

C.R. 63 / DUBUQUE PKWY.  
(120' R.O.W.)

# Southern Star

## Exhibit 11: Parks, Open Space, & Trails Plan

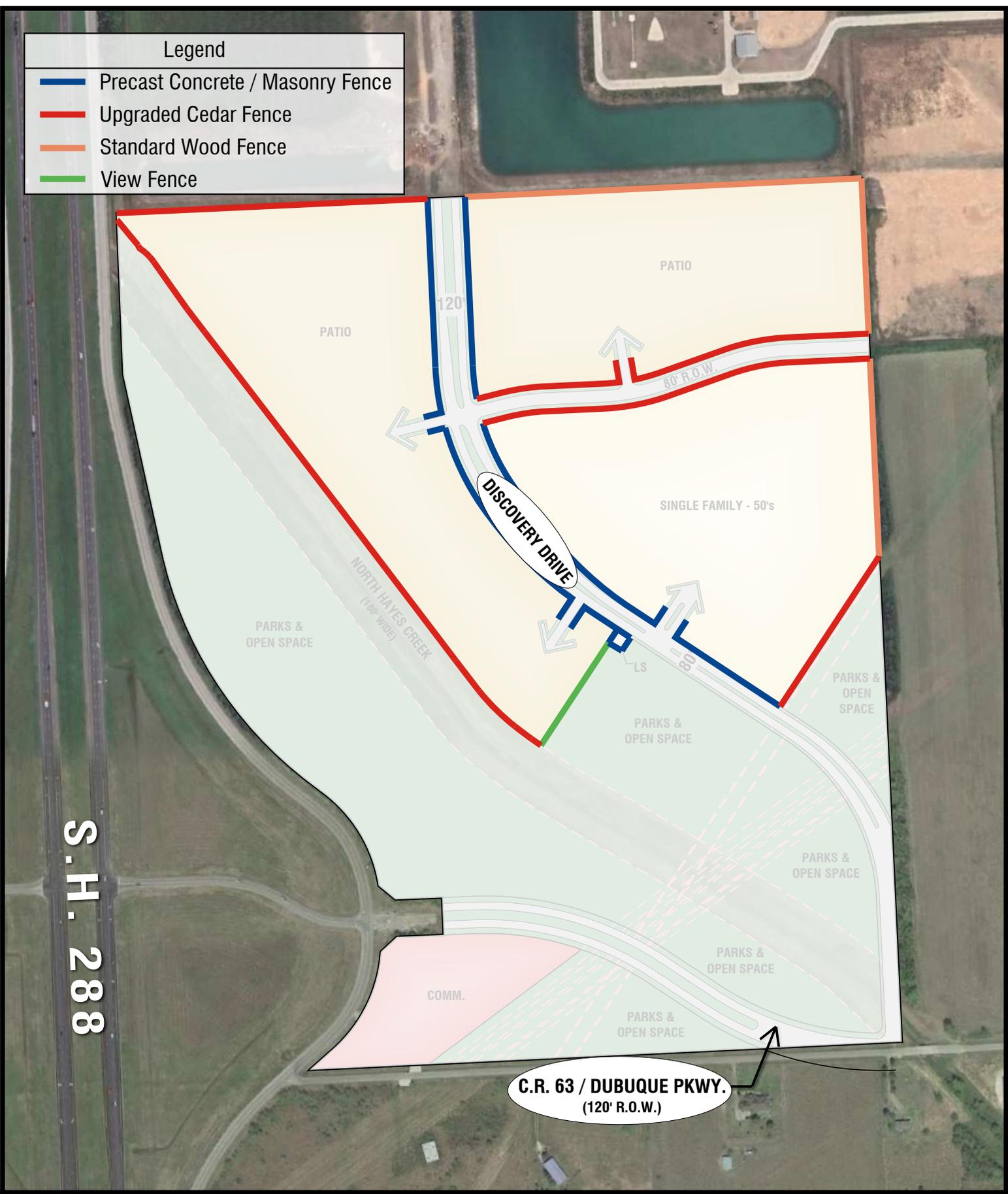


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Legend	
	Precast Concrete / Masonry Fence
	Upgraded Cedar Fence
	Standard Wood Fence
	View Fence

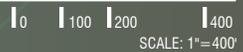


S.H. 288

**C.R. 63 / DUBUQUE PKWY.**  
(120' R.O.W.)

**Southern Star**

Exhibit 12: Fencing Plan



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## **G. Infrastructure**

### **1. Municipal Utility Districts**

Southern Star is served by Brazoria County Municipal Utility District #57, which will be responsible for providing public utility service to the project. The City of Iowa Colony shall have the option to assume the maintenance and operation of MUD constructed facilities. The specific terms, conditions, and timing of any transfer of MUD facilities to the City will be the subject of a separate utility agreement to be executed between the appropriate MUD and the City.

### **2. Water**

The water distribution system within Southern Star will be designed to meet or exceed the City of Iowa Colony and TCEQ requirements. Water wells, ground storage tanks, pressure tanks, and booster pumps will be constructed as necessary to meet demand.

The size of water distribution lines will vary based on the ultimate needs of the community. The City of Iowa Colony may choose to participate in the cost of facilities to be oversized to serve other areas outside of the boundaries Southern Star.

### **3. Wastewater**

The wastewater collection and distribution system within Project Name will be designed to meet or exceed the City of Iowa Colony and TCEQ requirements. Wastewater generated within the development will be collected by an internal network of gravity flow lines and lift stations and treated at the wastewater treatment plant in Meridiana.

The size of wastewater collection lines will vary based on the ultimate needs of the community. The City of Iowa Colony may choose to participate in the cost of facilities to be oversized to serve other areas outside of the boundaries of Project Name.

A force main and waterline, each with a maximum size of 16", will be placed in a shared 25' utility easement along the northwestern boundary of the project. The force main and waterline will have a minimum 9' horizontal clearance between pipes or 4' horizontal clearance with 2' vertical clearance in accordance with TCEQ

requirements. The shared easement and pipes will at times run fully under the maintenance berm or detention ponds

#### **4. Storm Drainage & Detention System**

The drainage plan and storm sewer system will be designed in accordance with City of Iowa Colony and Drainage District # 5 regulations. The storm water runoff within Southern Star will be routed through a curb and gutter street system to storm sewer lines that will outfall into detention basins contoured and landscaped to resemble natural lakes throughout the community. The internal detention basins will provide storage volume for the increased storm water runoff resulting from development of the property, but will also be incorporated as amenity features and open space integrated into the theme of the community. The storm water from the detention basins will outfall in a controlled fashion to North Hayes Creek at a rate no greater than the pre-development rate of storm water runoff.

The drainage collection systems will be designed to convey the 100-year sheet flow either in the collection system near the outfall point or by sheet flow drainage through the curb and gutter streets with maximum ponding per agency requirements. The proposed internal detention basin system will be sized to contain the excess run-off resulting from a 24 hour 100-year frequency rainfall event for developed and undeveloped conditions with a minimum freeboard of one foot before out falling into the receiving stream. The storm sewer system will consist of reinforced concrete pipe and box culverts sized per agency requirements. Concrete channelization will be minimized.

#### **5. Flood Plain Management**

City, county, and FEMA regulations require the elevations of building slabs to be at or above certain minimum elevations to protect people and structures and to reduce the probability of flooding. When Southern Star is developed, portions of the property, including portions of the flood plain, will be filled with soil to meet those minimum elevation requirements. When a flood plain area is filled, the volume of storm water storage displaced from the flood plain by the new fill must be replaced. This replacement volume is known as "flood plain mitigation". Flood plain mitigation is accomplished by excavating a nearby area within the same watershed as the area of fill with a volume equal to the volume of fill placed in the flood plain. This requirement ensures that the available flood plain storage volume is not decreased and that surrounding properties are not adversely affected. Southern Star

will construct the required floodplain mitigation volume in accordance with city, county, and FEMA requirements and will prepare a LOMR-F (Letter of Map Revision – Based on Fill) to reflect the adjusted flood plain areas that will occur internal to the property as a result of development. No habitable structures shall be constructed within the floodway.

The Southern Star drainage system, including storm water detention and flood plain mitigation, will comply with applicable agency requirements to ensure no adverse impacts will result upstream or downstream due to development of Southern Star.

#### **6. Homeowner’s Association & Architectural Review Committee**

A 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 for their review and comment prior to being recorded with the county clerk. 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 PUD and enforce design guidelines which shall be established separately.

Property Owner’s Associations (POA) may be established for non-residential property owners for the same purposes as Homeowner’ Associations.

#### **H. Project Phasing**

The phasing strategy for Southern Star provides a balanced approach relative to anticipated market demands. The Project Phasing Plan illustrates the proposed phasing plan for Southern Star and indicates the estimated construction timing of each phase. This plan is subject to change based on market demands, availability of infrastructure, physical encumbrances, or legal limitations. The city will be notified of any changes to the Phasing Plan.



MUD #57

S.H. 288

Dubuque Parkway

**Southern Star**

Exhibit 13: MUD Map

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SCALE: 1"=400'



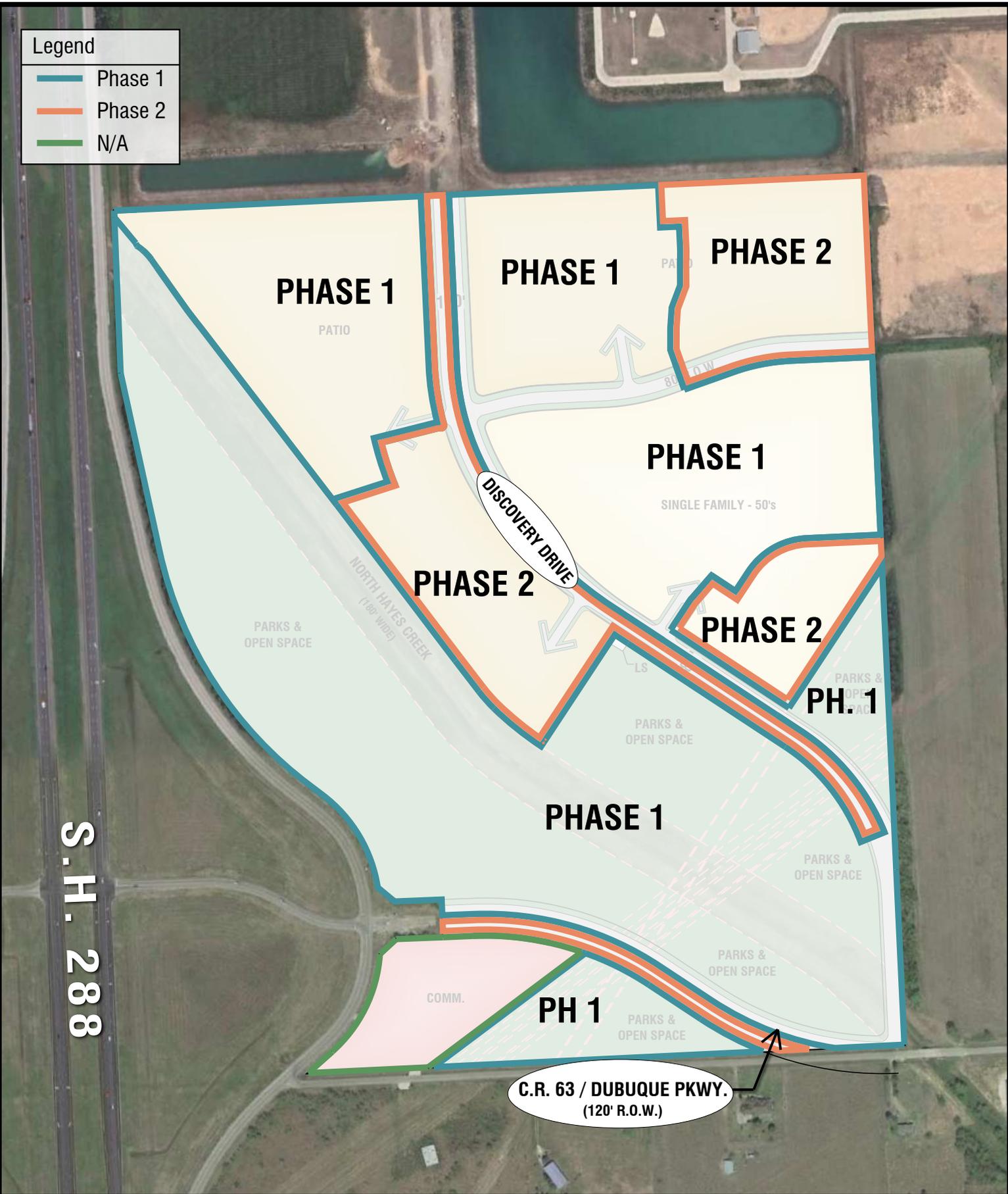
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Legend

- Phase 1
- Phase 2
- N/A



**Southern Star**

Exhibit 14: Phasing Plan



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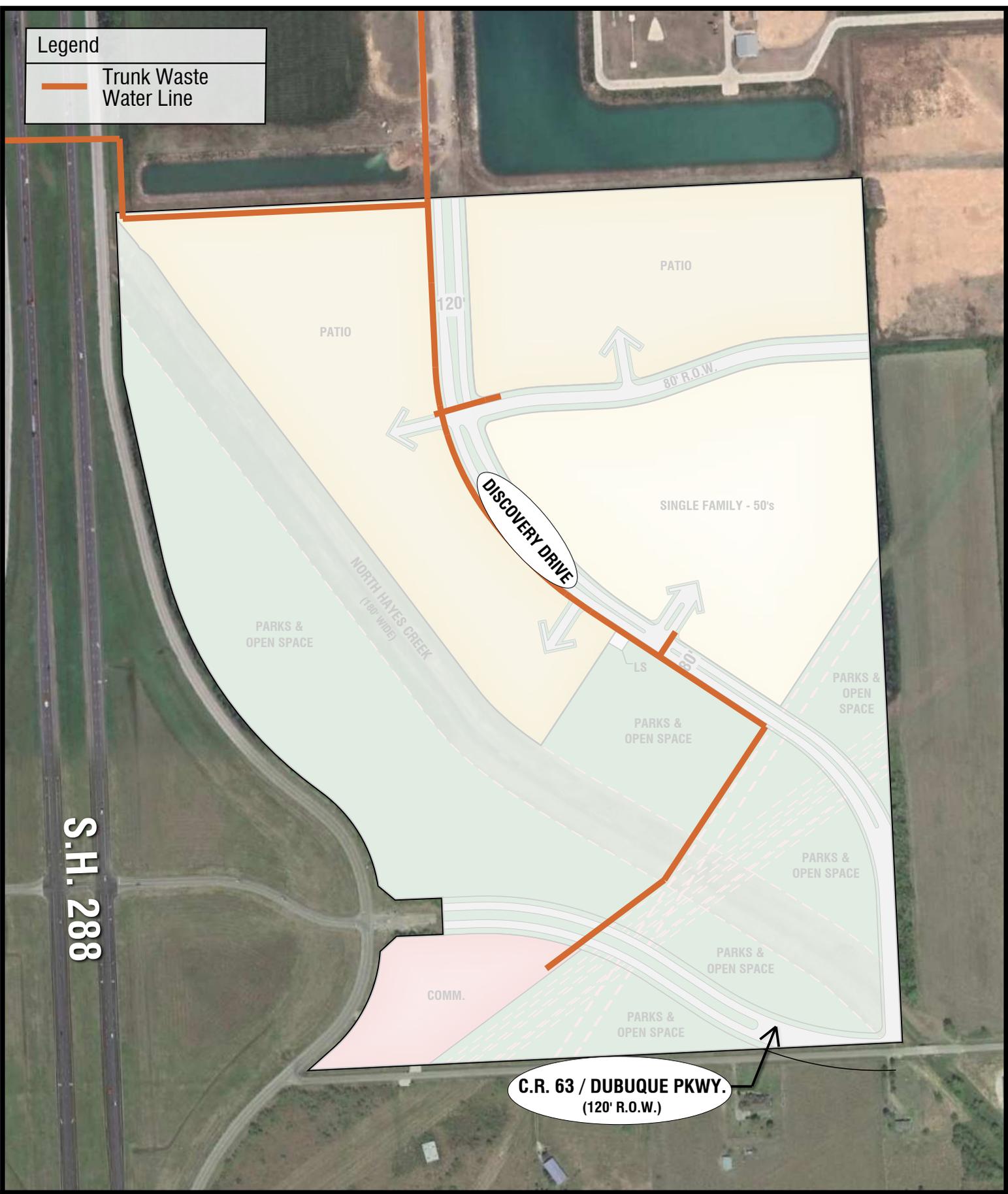
EHRA JOB NO.  
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Legend

Trunk Waste Water Line



S.H. 288

COMM.

C.R. 63 / DUBUQUE PKWY.  
(120' R.O.W.)

Southern Star

Exhibit 16: Sanitary Sewer Collection and Treatment Plan

0 100 200 400  
SCALE: 1"=400'



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**Legend**

- Detention/  
Floodplain Mitigation
- Existing Floodplain



**Southern Star**

**Exhibit 17: Storm Water Detention and Floodplain Mitigation Plan**



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### **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 accommodate future needs.

#### **B. General Provisions**

##### **1. Applicability**

The regulations contained herein shall apply to all property located within the boundaries of Southern Star PUD. Appendix 1 contains the legal description of the property.

All construction and development within the PUD 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 PUD and the laws of the State of Texas, except as modified within the amended PUD.

If specific development standards are not established or if an issue, condition, or situation arises or occurs that is not clearly addressed or understandable in the PUD, 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 PUD may be amended by the same procedure as it was adopted, by ordinance. Each amendment shall include all sections or portions of the PUD that are affected by the change.

##### **2. Additional Uses**

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

### **3. Non-Conforming Land Uses**

Where, at the adoption of this PUD, a lawful use of land exists which would not be permitted by the regulations imposed by this PUD, 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 PUD.
- No non-conforming use shall be moved, in whole or in part, to any lot or parcel within the PUD.
- 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 PUD.
- No additional structures shall be erected in connection with any non-conforming use that does not conform to the regulations established by this PUD.

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

Where, at the adoption of this PUD, a lawful structure exists which would not be permitted by the regulations imposed by this PUD, 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 PUD.
- 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 at the time of destruction, it shall not be reconstructed except in conformity with the regulations established by this PUD.
- No non-conforming structure shall be moved, in whole or in part, to any lot or parcel within the PUD.

### **5. Existing Utilities**

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

## **6. General Development Plan**

A general development plan illustrating all contiguous property under one ownership shall be submitted for approval of the Planning 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 Vehicular Circulation Plan.
- All recorded easements
- Other proposed streets that will stub out (temporarily terminate) to the boundary of the project
- Proposed land uses and major utilities

The General Development Plan shall eliminate the requirement of a master preliminary plat set forth in Section 20 of the City of Iowa Colony Subdivision Ordinance. Preliminary plats shall be required for each section of development except for 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.

## **7. Grading**

The developer shall be permitted to commence topographic grading of the property, including clearing and grubbing, in preparation of development upon preliminary plat approval. For road construction, grading may commence upon the submittal of construction drawings. 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.

## **8. 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
- Construction roads
- Fencing
- Water pumps and ponds
- Concrete batch plants or rock crushing operations and equipment for the processing of on-site materials provided such operations:
  - a.) Maintain a 1,000 foot separation between all operations or storage and the nearest occupied residence;
  - b.) Limit hours of operation to between 7:00 a.m. and dusk, Monday through Friday;
  - c.) Do not include the import or export of materials except as to be used on the property or for off-site improvements related to the project.
  - d.) Are enclosed by a solid fence having a minimum height of six (6) feet.

## **9. Design Guidelines**

Design guidelines will be created which will address site and building design within Southern Star. The purpose of these guidelines will be to preserve the character of Southern Star by establishing high quality design standards for development. Copies of these guidelines will be provided to the City.

## **10. Lighting**

All lighting within Southern Star will be subject to standards established in the Iowa Colony Unified Development Code. These standards will help to ensure that attractive, high-quality lighting is provided throughout the community.

## 11. Site Development Standards

The exhibits contained in this PUD satisfy the requirements of Section 74 (e) of the City of Iowa Colony Zoning Ordinance regarding a “Preliminary Site Plan”. The “Final Site Plan” required by Section 74 (f) of the City of Iowa Colony Zoning Ordinance shall be the same “Final Plan” to be submitted with the final subdivision plat as referenced below.

Development standards will be created for all residential and commercial development within Southern Star. The developer shall submit an “outline development plan” containing to the degree practical the items required by Section 27 (B) of the City of Iowa Colony Subdivision Ordinance with the preliminary plat. A “final plan” containing to the degree practical, the items required by Section 27 (G), (H) and (I) of the subdivision ordinance with each final plat.

### C. Development Standards

#### 1. Single Family - 50's (SF - 50's)

*Purpose:* The Single Family - 50's (SF - 50's) category is intended for the development of detached, single family dwelling units. There will be no private/gated Single Family - 50's sections.

*Permitted uses:*

- Accessory structures
- Community centers
- Drill sites
- Entry features & monuments
- Institutional uses
- Minor utilities
- Open space
- Parks
- Recreational facilities
- Religious assembly
- Single Family Homes

Temporary uses

*Minimum Lot Area:* 6,000 square feet

*Minimum Lot Width:* 50 feet at the lesser of the front or rear building setback line

*Minimum Building Floor Area:* 1,400 square feet

*Minimum Setbacks:*

Front: 20 feet\*

5 feet for lots that front on a common area

Rear: 20 feet\*\*

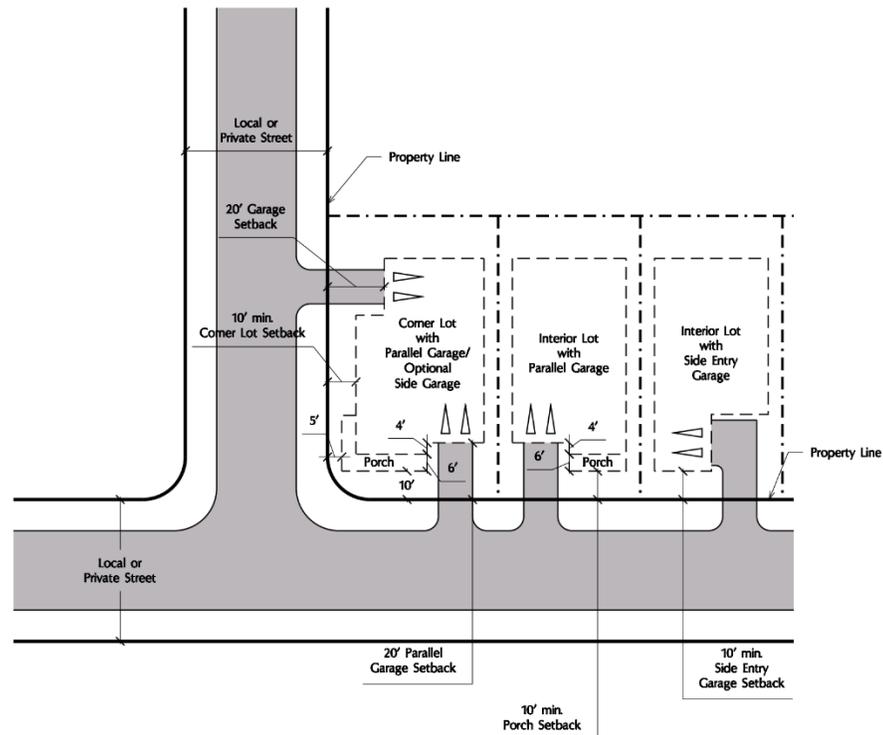
Side: 5 feet\*\*

Corner: 10 feet\*

\*Porches (if provided) may encroach into the front setback up to ten (10) 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. (See lot diagram)

\*\*Accessory structures may be setback three (3) feet from the rear or side property lines provided that they do not encroach into any utility easement.

### SINGLE FAMILY - 50's LOT DIAGRAM



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. Three (3) stories may be allowed with fire marshal approval.

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

For one (1) story primary structures in any Single Family - 50's residential area, a minimum of seventy five (75) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining twenty five (25) percent wall surface being cementitious fiber board (also known as fiber cement board) material, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.

For two (2) story primary structures in any Single Family - 50's residential area, a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining forty (40) percent wall surface being cementitious fiber board (also known as fiber cement board) material, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.

## **2. Patio Home (PH)**

*Purpose:* The Patio Home category is intended for the development of detached, single family dwelling units. Patio homes shall have five (5) foot side setbacks. There will be no private/gated Patio Home sections.

*Permitted uses:*

- Accessory structures
- Community centers
- Drill sites
- Entry features & monuments
- Institutional uses
- Minor utilities
- Open space
- Parks
- Recreational facilities
- Religious assembly
- Single Family homes
- Temporary uses

*Minimum Lot Area:* 4,800 square feet

*Minimum Lot Width:* 40 feet at the lesser of the front or rear building setback line

*Minimum Building Floor Area:* 1,400 square feet

*Minimum Setbacks:*

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Front:	20 feet*
	5 feet for lots that front on a common area
Rear:	20 feet**
Side:	5 feet**
Corner:	10 feet*

\*Porches (if provided) may encroach into the front setback up to ten (10) 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. (See lot diagram)

\*\*Accessory structures may be setback three (3) feet from the rear or side property lines provided that they do not encroach into any utility easement.

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. Three (3) stories may be allowed with fire marshal approval.

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

*Additional Requirements:*

The Homeowner's Association (HOA) shall provide landscape maintenance for the front yards of all Patio Homes.

Single Family - 50's homes shall comply with the standards established in Single Family - 50's category.

For one (1) story primary structures in any Patio Home residential area, a minimum of seventy five (75) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining twenty

five (25) percent wall surface being cementitious fiber board (also known as fiber cement board) material, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.

For two (2) story primary structures in any Patio Home residential area, a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining forty (40) percent wall surface being cementitious fiber board (also known as fiber cement board) material, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.

### **3. Commercial (C)**

*Purpose:* The Commercial District is intended for the development of service-oriented retail that meets the daily needs of the community and shall conform to the zoning ordinance

*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

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

House wares and linens store

Ice retail distributing, but not manufacturing

Institutional uses

Insurance agency

Jewelry store

Laundry storefront, but not laundry plant

Locksmith

Medical clinic

Medical supply store

Minor utilities

Mixed use

Mortgage company

Motels and hotels

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

Telecommunication towers

Temporary uses

Toy store

Travel agency

Tree farms

Video arcade

*Non-Permitted uses:* Auction

Auto repair

Billboards

Cemeteries

Feed store

Kennel (commercial)

Massage parlors

Patio homes

Pawn shop

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

Sexually oriented businesses

Single-family residential

Swap meet

Tattoo shop

Taxidermist

Upholstery shop

*Minimum Lot Area:* 8,000 square feet

*Minimum Lot width:* 85 feet

*Max. Lot coverage:* 85 percent

*Minimum Setbacks:*

Build-to: 71 feet (for buildings with gross leasable area over 25,000 square feet)

53 feet (for buildings with gross leasable area under 25,000 square feet)

Front: 25 feet

Rear: 20 feet

Side: 10 feet

Corner: 20 feet

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

*Maximum Building Height:* Thirty-five (35) 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 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.

#### **4. Institutional (I)**

*Purpose:* The Institutional category is intended to provide for the development of public and private uses that serve the community.

*Permitted uses:*

- Major utilities
- Minor utilities
- Open space
- Parks
- Public facilities
- Public safety site
- Recreational facilities
- Religious assembly
- Schools (public & private)
- Telecommunication towers
- Temporary uses

Tree farms

*Minimum Lot Area:* 5,000 square feet

*Minimum Lot width:* 50 feet

*Minimum Setbacks:*

Front: 25 feet

Rear: 10 feet

Side: 5 feet

Corner: 5 feet

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

*Maximum Building Height:* 60 feet. All building area above two (2) stories shall be non-habitable and built with non-combustible material unless 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.

**5. 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
- Drill site
- Entry features & monuments
- Institutional uses
- Minor utilities

Open space

Parks

Public facilities, excluding major utilities

Recreational facilities

Telecommunication towers

Temporary uses

Tree farms

*Minimum Lot Area:* None

*Minimum Lot width:* None

*Minimum Lot depth:* None

*Minimum Setbacks:*

Along Major Arterials: 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:* 34 feet. Maximum height may exceed 34 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.

**6. Parking**

Parking within Southern Star shall be provided according to the following schedule:

<b>TABLE 6</b>	
<b>Parking Requirements</b>	
<b>Land Use</b>	<b>Minimum Requirement</b>
Single Family - 50's	2 enclosed spaces per unit
Patio Home	2 enclosed spaces per unit 0.25 guest parking spaces per unit
Office (non-medical)*	1 space per 200 square feet of gross floor area
Medical office*	1 space per 300 square feet of gross floor area
Retail*	1 space per 250 square feet of gross floor area Maximum 1.5 spaces per 250 square feet of gross floor area
Restaurant*	2 spaces per 250 square feet of gross floor area
Tavern*	2 spaces per 200 square feet of gross floor area
Hotel/Motel*	0.5 spaces per room and 1 space per 200 square feet of gross floor area
Theater/Auditorium/Church/Assembly hall	0.25 spaces per seat

\* At least one electric vehicle charging station shall be installed for each development.

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:

<b>TABLE 7</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>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;
- 4) The column with the highest value shall be the parking requirement.

**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, façade, or fascia.

*Attached housing* – a building containing three or more dwelling units.

*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.

*Build-to-Line* – identifies the precise horizontal distance from a street right-of-way that the building must be built to, in order to create a uniform line of buildings along the street.

*Childcare 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.

*Condominium* – A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

*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.

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

*Entry features* – 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 alignment of any major thoroughfares and collector streets in accordance with the Vehicular Circulation Plan, all recorded easements, other proposed streets that will stub out to the boundary of the project, and proposed land uses and major utilities.

*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 acreage* – Gross acreage shall mean the total area of land inclusive of all encumbrances, including, but not limited to rights-of-way, drainage ways, pipeline and utility easements, detention facilities, parks and open space areas.

*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) 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.

*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 arterial, major collector, or neighborhood collector street and conforms to the criteria established in this PUD.

*Lodging facilities* – A building in which lodging is offered for compensation for a period of less than seven (7) days. This use includes hotels, motels, inns, and bed and breakfast residences, but does not include group homes and boarding houses.

*Lot* – An undivided tract of land having frontage on a public or private street 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, 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, wastewater lift stations, 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).

*Neighborhood* – A collection of compatible subdivisions.

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

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

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

*Overall project* - The approximately 132.2 acres of land that constitutes the entire Southern Star project.

*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 approximately 132.2 acres of land which is the subject of this PUD, the legal description of which is contained in the appendix of this document.

*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 shall include, but are not limited to clubhouses, tennis courts, basketball courts, sports fields, pools, playground equipment, bleachers, 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.

*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.

*Telecommunication tower* – A structure on which there are electronic facilities for receiving or transmitting communication signals.

*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.

## **IV. GENERAL ADMINISTRATION & AMENDMENTS**

### **A. Purpose**

This section establishes guidelines regarding the administration and future amendments to the PUD.

### **B. Changes to the Zoning Ordinance**

The Development Regulations section of the PUD addresses only those areas that differ from the City of Iowa Colony Zoning Ordinance. In the event that an issue, condition or situation arises that is not specifically addressed in the PUD, the City of Iowa Colony Zoning Ordinance in place at the time of the adoption of this document shall be used by the City's Designated Official as the basis to resolve the issue.

### **C. Variances from the Subdivision Ordinance**

The criteria established in this PUD require variances from the City of Iowa Colony Subdivision Ordinance. These variances are necessary to achieve the community vision established for Southern Star. Table 7 describes the requested variances and their corresponding section of the subdivision ordinance. These variances shall apply to all property within the PUD.

### **D. Variances from the Design Manual**

The criteria established in this PUD require variances from the City of Iowa Colony Design Manual. These variances are necessary to achieve the community vision. Table 8 describes the requested variances and their corresponding section of the design manual. These variances shall apply to all property within the PUD.

**TABLE 8  
Southern Star Subdivision, Zoning, and Unified Development Code Ordinance Variances**

Ordinance Reference	Requirement	Proposed	Difference	Justification
<b>Subdivision Ordinance Sec. 20 Master Preliminary Plat Procedure for a Large Tract (A)</b>	Where the proposed subdivision constitutes a unit of a larger tract of land which is intended to be subsequently subdivided as additional units of the same subdivision, the subdivision plat shall be accompanied by a master preliminary plat showing the tentative proposed layout of the streets, blocks and drainage of the entire area. The over-all layout, if approved by the council, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City. Thereafter, fractional final plats of subsequent units of each subdivision may be submitted without additional preliminary plat approval, provided no significant changes are made to the master preliminary plat. Any request to change the over-all layout must be submitted according to the procedures prescribed in Section 19, Preliminary Plat Process.	A general development plan illustrating all contiguous property under one ownership shall be submitted for approval of the Planning Commission prior to or simultaneously with the application for the first preliminary subdivision plat. The General Development Plan shall show the alignment of any major thoroughfares and collector streets in accordance with the City's Land Use and Thoroughfare Plan, all recorded easements, other proposed streets that are necessary to demonstrate an overall circulation system for the development and proposed land uses and public facilities. This approval shall eliminate the requirement of a master preliminary plat set forth in Section 20 of the City of Iowa Colony Subdivision Ordinance. 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 shall require the submittal of a revised general development plan.	Rather than submit one "master" preliminary plat, a general development plan will be submitted which will establish the general framework for the development. Preliminary plats will be submitted for each section of development.	It is not feasible to provide the level of detail necessary to submit a preliminary plat for tract of land of this size at the onset of the project. The proposed General Development Plan meets the intent and general purpose of the requirement and by submitting preliminary plats for each section of the development, the city will be provided with the same level of detail with less chance for error. Submittal of preliminary plats throughout the development life of the project will ensure the developer can respond to market conditions without being required to continuously alter an outdated overall lotting plan.
<b>Subdivision Ordinance Sec. 22 Final Plat Procedure (B) #31</b>	In the event the tract of land being subdivided fronts on a street or road that does not meet the city's design specifications, the subdivider shall be required to improve the street or road to meet those specifications from a street or road that does meet the city's requirements, to the farthestmost boundary of the subdivision.	The developer would dedicate any additional right-of-way required for adjacent streets or roads, but shall not be required to make any paving, drainage, or utility improvements along said roads.	Additional right-of-way will be dedicated for these facilities, but no improvements will be made at this time.	The cost to bring these roads up the city's specifications would not be proportionate to the impact that this development will have on these facilities. In addition, it is not practical to only improve a small segment of a road. The necessary right-of-way will be dedicated so that these facilities may be improved at the appropriate time.
<b>Subdivision Ordinance Sec. 27 Planned Unit Developments (D)</b>	The minimum size of a PUD 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.	Open space areas shall include pipeline and utility easements, drainage ways and wet and dry detention areas.	Open space areas shall include pipeline and utility easements, drainage ways and wet and dry detention areas.	This is not a requirement in the Planned Unit Developments (Sec. 74) of the Zoning Ordinance.
<b>Subdivision Ordinance Sec. 27 Planned Unit Developments (E)</b>	The minimum lot width of all residential lots to be located within a PUD shall be 60 feet.	The minimum lot width of all the residential lots to be located within a PUD shall be shall be 40 feet.	20 foot reduction in width	This is not a requirement in the Planned Unit Developments (Sec. 74) of the Zoning Ordinance.

**TABLE 8**  
**Southern Star Subdivision, Zoning, and Unified Development Code Ordinance Variances**

Ordinance Reference	Requirement	Proposed	Difference	Justification
<b>Subdivision Ordinance Sec. 33 Streets, Minimum right-of-way</b>	The minimum right-of-way for local streets shall be 60 feet.	Local streets may have a right-of-way width of 50 feet.	10 foot reduction in right-of-way width. 10 foot utility easements will be provided where necessary for utility purposes. Paving section shall remain 28 feet	The street paving section shall remain 28 feet and thus will have no affect on traffic circulation. 10 foot utility easements will be provided where necessary for utility maintenance. Reduction in right-of-way width allows for the preservation of more open space.
<b>Subdivision Ordinance Sec. 33 Multiple Access Points (E) (clarification)</b>	All subdivisions except single dead-end streets shall have a minimum of two access points to existing proposed public streets. This may be a boulevard where a second access is not available.	All subdivisions shall provide a minimum of two points of access. A divided or boulevard entry shall be considered two points of access for these purposes provided that the divided paving section extends to the first intersecting street.	Clarification that a boulevard entry shall be considered two points of access in all cases.	N/A
<b>Subdivision Ordinance Sec. 33 Right-of-way widths (K)</b>	All street rights-of-way widths shall be not less than 60 feet.	Local streets may have a right-of-way width of 50 feet.	10 foot reduction in right-of-way width. 10 foot utility easements will be provided where necessary for utility purposes. Paving section shall remain 28 feet	The street paving section shall remain 28 feet and thus will have no affect on traffic circulation. 10 foot utility easements will be provided where necessary for utility maintenance. Reduction in right-of-way width allows for the preservation of more open space.
<b>Subdivision Ordinance Sec. 35 Easements (A)</b>	Generally, easements for utilities shall be provided across lots or centered on rear or side lot lines where necessary and shall be at least eight (8) feet wide so as to create a sixteen (16) foot total width. Where easements are all on one side lot, a minimum of ten (10) feet may be used if only one line is proposed to be installed. Where easements are to be used for multiple purposes the minimum width shall be sixteen (16) feet.	Generally, easements for utilities shall be provided across lots or centered on rear or side lot lines where necessary and shall be at least seven feet wide so as to create a 14 foot total width. Where easements are all on one side lot, a minimum of ten feet may be used if only one line is proposed to be installed. Where easements are to be used for multiple purposes the minimum width shall be 14 feet. This shall not apply to public water, sewer, or drainage facilities	The utility easement minimum width is reduced by two feet.	This is the standard width for Centerpoint utility easements.
<b>Subdivision Ordinance Sec. 36 Blocks (D)</b>	No block shall exceed one thousand two hundred (1,200) feet in length in residential or commercial developments.	The maximum block length for major arterials 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 major 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 feet on major arterials.  2,800 feet for major arterials that run parallel to drainage features with a minimum width of 50 feet.  600 feet for major collectors.  800 feet along pipelines and drainage features	Generally, intersections along major arterials and major 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.

**TABLE 8**  
**Southern Star Subdivision, Zoning, and Unified Development Code Ordinance Variances**

Ordinance Reference	Requirement	Proposed	Difference	Justification
<b>Subdivision Ordinance Sec. 37 Lots (B) Lots Smaller Than One Acre #1</b>	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 Single Family - 50's and Patio 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 10 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 10 foot reduction for porches having a minimum 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.
<b>Subdivision Ordinance Sec. 37 (B) Lots Smaller Than One Acre #2</b>	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 shall be 40 feet with a minimum area of 4,800 square feet.	20 foot reduction in width and 1,500 square feet reduction in area	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.
<b>Subdivision Ordinance Sec. 40 Additional Street Requirements (B)</b>	The developer shall be responsible for construction of all roadways within the development according to minor street standards. Where the major Thoroughfare Plan requires street widths over and above the local street requirements, the developer shall dedicate the right-of-way required for the larger street and construct up to a thirty eight (38) foot wide pavement. If the City requires a pavement wider than the thirty eight (38) feet, the City shall provide funding for the increased width subject to the availability of funds and within legal limitations.	The developer shall bear the cost of all streets within Southern Star. The entire cost of major arterials and major collectors shall be eligible for reimbursement by the MUD.	The developer will build all necessary streets within Southern Star and the city will not have to fund any street improvements.	The MUD allows for the construction of infrastructure that will benefit areas outside of Southern Star without any out-of-pocket expense by the city.
<b>Subdivision Ordinance Sec. 40 Additional Street Requirements (C)</b>	The developer shall be responsible for the construction of necessary improvements on perimeter streets to bring the pavement and curbing to minor street standards for the street abutting the development.	The developer shall dedicate the necessary right-of-way for perimeter streets and coordinate any improvements with the City and/or County.	The developer will not be responsible for the construction of necessary improvements on the entire width of perimeter streets, but only to the Project boundary.	The developer will only be responsible for street improvements within Southern Star. This is common practice.

**TABLE 8  
Southern Star Subdivision, Zoning, and Unified Development Code Ordinance Variances**

Ordinance Reference	Requirement	Proposed	Difference	Justification
<b>Subdivision Ordinance Sec. 42 Sidewalks</b>	In large subdivisions, four (4) foot wide sidewalks shall be required and shall be constructed in accordance with the City's design criteria. If not constructed prior to issuance of a building permit, any sidewalks required by this article must be constructed as part of the issuance of a building permit for each tract.	Sidewalks adjacent to reserves or open space areas shall be constructed prior to the release of the construction maintenance bond for the appropriate section.	Sidewalks will be constructed prior to acceptance by the city rather than the issuance of building permits.	Sidewalks are frequently damaged during the home construction process. Allowing sidewalks to be put in after permitting is more efficient, avoids unnecessary damage and achieves the desired result.
<b>Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.A.1.v) Single-family residential lot area</b>	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	For one (1) story primary structures in any Single Family - 50's or Patio Homes residential area, a minimum of seventy five (75) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining twenty five (25) percent wall surface being cementitious fiber board (also known as fiber cement board) material, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.	Twenty five percent reductions in minimum exterior wall surface required to be brick or masonry veneer for one story and two story structures. Siding accents allowed on gables for one story structures.  There is no difference for two story Single Family 50's or Patio Homes.	Reductions in minimum exterior wall surface required to be brick or masonry veneer for one story and two story structures and allowing siding accents on gables for one story structures allows for a greater variety of products.
<b>Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.A.1.vii) Single-family residential lot area</b>	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.	SF - 50's lots require a minimum building floor area of fourteen hundred (1,400) square feet (not including the attached garage area) and a maximum first floor building coverage of sixty (60) percent of the single-family residential lot area.	A 1,000 square foot reduction in minimum building floor area and a ten (10) percent increase in maximum first floor building coverage for SF - 50's lots.	A smaller minimum building floor area and a larger first floor building coverage allows for a greater variety of floor plans to be built, providing different options to homebuyers and enhancing the community's long-term viability. Floor plans of all sizes will be high-quality and preserve the character of the community.
<b>Unified Development Code Ordinance Article 3 Screening and Fencing (3.3.1.3 (e)) Installation</b>	The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with other Divisions of this article and other Chapters of the Uniform Development Code. Failure to properly install all components of a required screening wall or device within the prescribed timeframe, shall constitute a violation of this Unified Development Code, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.	Necessary perimeter fencing shall be installed prior to the issuance of the first Certificate of Occupancy.	Perimeter fencing shall not be required prior to final acceptance of the subdivision public improvements.	Perimeter fencing is typically installed along with landscaping, not with streets and public infrastructure. There is no benefit to installing fencing prior to the issuance of the first Certificate of Occupancy.

**TABLE 9  
Southern Star Engineering Design Criteria Manual Variances**

<b>Design Manual reference</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Difference</b>	<b>Justification</b>
<b>General Statement</b>	References throughout the document refer to approval by "the city".	Conditions which require specific approval or deviations from the standards in the criteria manual are approved by the City Engineer. Appeals of City Engineer rulings are made to the City Council.	Specifies the specific individual responsible for technical decisions related to administration of the Criteria Manual.	Technical decisions should be made by a person with expertise in that area. This procedure relieves the City Council of a routine task and provides more certainty as to the individual within the city organization responsible for ruling on these items.
<b>Graphic Requirements 2.6.4.B</b>	Where existing or proposed bridges have sufficient space and structural capacity for installing water mains or conduits (twelve inches (12") or smaller) under the bridge, but above the top of the bent cap elevation, such installation will be permitted upon specific approval of the construction plans.	Where existing or proposed bridges have sufficient space and structural capacity for installing water mains or conduits under the bridge, but above the top of the bent cap elevation, such installation will be permitted upon specific approval of the construction plans.	Allow water lines of all sizes to be attached to bridges.	Bridges within Southern Star can be designed to accommodate the weight of the water line. Eliminating a separate pipe bridge is more economical and more esthetically pleasing.
<b>Storm Water Drainage Design 5.3.6.E.f.1</b>	New Requirement	On-grade inlets are allowed.	NA	With large grade changes as are planned on Karsten Boulevard, interim "on-grade" inlets will be required instead of inlets at the low point of the road only.
<b>Storm Water Drainage Design 5.3.6.J.e.1.e</b>	The maintenance berms shall be at least 20 feet wide surrounding the top of bank of the detention area.	The maintenance berm shall be 30 feet in width at a slope not to exceed a 10:1 (10%) slope, or 20 feet in width when adjacent to right-of-way. No back slope swales are required for areas of the detention basin where there are 5:1 or flatter side slopes and no more than 1/2 of the adjacent lot depth (or a maximum of 50 feet in nonresidential areas) draining over the side slope. Areas with side slopes steeper than 5:1, or areas draining more than 1/2 of the adjacent lot (or more than 50 feet in nonresidential) must have back slope swales.	Clarification of maintenance berm requirements.	This criteria preserves the maintenance berm requirements, but creates a more aesthetic look. In areas where the side slopes are very flat (as proposed in the standard) erosion is not an issue, so the backslope drains can be eliminated. Maintenance bonds will be in place to ensure maintenance does occur if problems develop.
<b>Paving 6.3.1.D.b</b>	Minimum width requirements for a right-of-way: Local streets: 60 feet right-of-way	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.

### **E. Interpretation**

The City's Designated Official shall be responsible for interpreting the provisions of the PUD. Appeals to the Designated Official's interpretation shall 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 PUD and do not result in the reduction of open space by more than fifteen (15) percent within the project or exceed the maximum number of dwelling units permitted.

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 PUD, including maps or text that does not change or affect any of the regulations or guidelines contained therein.
- Changes to the community infrastructure phasing and alignment, such as roads, drainage, water and sewer systems, excluding water and sewer plant locations.
- Changes in land use plan boundaries within the PUD, 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.
- Changes or modifications in lot sizes and/or configuration, provided that the lots meet the minimum requirements established in the development standards 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 or park sites.

- 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.

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 PUD may be substantially amended by the procedure outlined in Article VIII of the City of Iowa Colony Zoning Ordinance.

#### **H. Fees**

All fees associated with the entitlement process shall be assessed as indicated by the City's adopted fee schedule. All fees shall be fair and reasonable.

#### **I. Additional Requirements**

The developer 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.

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

Regardless of any other provision, no plat or building permit in the premises shall be approved until the City and the drainage district with jurisdiction of the premises have approved the drainage.

# Appendix A

**ORDINANCE NO. 2021-37**

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CONTAINING FINDINGS OF FACT; ANNEXING PARTS OF MUD 57 AND HIGHWAY 288, AS MORE FULLY DESCRIBED HEREIN; ADOPTING MUNICIPAL SERVICES AGREEMENTS, AND PROVIDING A SEVERANCE CLAUSE AND AN EFFECTIVE DATE.

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

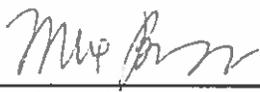
1. The City Council of the City of Iowa Colony, Texas (“the City”) hereby finds that all statements in any part of this ordinance are true.
2. This annexation is authorized by Subchapter 43, C-3 and Section 43.1056 of the Texas Local Government Code and all other applicable law.
3. The owners of the land annexed by this ordinance are Rally 288 West, LLC, Rally 288 East, LLC, and the Texas Department of Transportation (herein jointly called “Owners”). Rally 288 West, LLC and Rally 288 East, LLC have requested this annexation. The Texas Department of Transportation (“TxDOT”) has been deemed by law to consent to this annexation, because the City notified TxDOT of the intent to annex TxDOT’s portion of the property herein described at least 61 days before passing the ordinance annexing that property, and TxDOT has not objected in writing to that annexation.
4. This entire ordinance is in the public interest.
5. The procedures and requirements of the Texas Local Government Code and any other applicable law have been duly followed and satisfied concerning this annexation.
6. The property (herein called “the Annexed Area”) described on Exhibit “A,” which is attached hereto and incorporated herein in full, is hereby annexed into the City of Iowa Colony, Texas, and the boundary limits of the City of Iowa Colony are hereby extended to include the Annexed Area within the territorial limits of the City of Iowa Colony. The inhabitants of the Annexed Area shall hereafter be entitled to all the rights and privileges of citizens of the City of Iowa Colony and shall be bound by the acts, ordinances, resolutions, and regulations of this City.
7. The City of Iowa Colony hereby adopts and enacts the Municipal Services Agreements attached hereto as Exhibit “B” and incorporated herein in full.
8. The City Secretary is hereby directed to file certified copies of this ordinance with the Brazoria County Clerk and the Texas Comptroller of Public Accounts.
9. If any portion of this ordinance, of whatever size, is ever held to be invalid for any reason, the remainder of this ordinance shall remain in full force and effect. Without limiting the generality of the foregoing, if this annexation is ever held invalid as to any portion, of whatever

size, of the territory described on Exhibit "A" hereto, then this annexation shall remain valid as to the remainder of such territory.

10. This ordinance shall be effective immediately upon its passage and approval. The Home Rule Charter of the City requires only one reading of this ordinance, because state law required public hearings before the passage of this ordinance.

**READ, PASSED AND APPROVED on the 20<sup>th</sup> day of December, 2021.**

**CITY OF IOWA COLONY, TEXAS**

By:   
**MICHAEL BYRUM-BRATSEN,**  
**MAYOR**

**ATTEST:**

  
**KAYLEEN ROSSER, CITY SECRETARY**



Iowa Colony/Ordinance/Annexation/Ord Annexing Parts of MUD 57 and Highway 288

**EXHIBIT "A"**  
**ANNEXED AREA**

CURVE TABLE			
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	458.37	44°16'48"	354.25
C2	458.37	44°12'07"	353.62
C3	1273.24	40°34'28"	901.66

LINE	BEARING	DISTANCE
L1	S 87°16'27" W	1900.12
L2	N 48°10'58" E	102.36
L3	N 47°14'28" E	70.53
L4	N 87°38'11" E	149.85
L5	N 02°20'49" W	120.00
L6	S 87°39'11" W	150.00
L7	N 50°26'08" W	69.60
L8	N 32°56'12" W	32.06
L9	N 12°20'42" W	581.22
L10	N 02°18'54" W	517.42
L11	N 87°19'08" E	2389.83
L12	S 02°40'32" E	2771.19

THIS DOCUMENT WAS PREPARED UNDER THE TAG 483.291, DOES NOT REFLECT THE RESULTS OF ANY SURVEY OR INVESTIGATION AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.



*Robert Boelsche*

ROBERT L. BOELSCH  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 4448



10011 MEADOWGLEN LN  
HOUSTON, TEXAS 77042  
713-784-4600  
WWW.EHRAINCO.COM  
TYPE NO. F-728  
TBPELS No. 10092300

BRAZORIA COUNTY M.U.D. NO. 57  
ANNEXATION TRACT 11  
BRAZORIA COUNTY, TEXAS

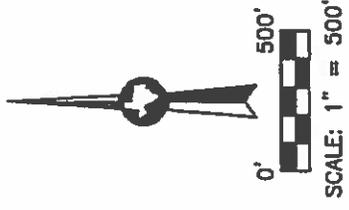
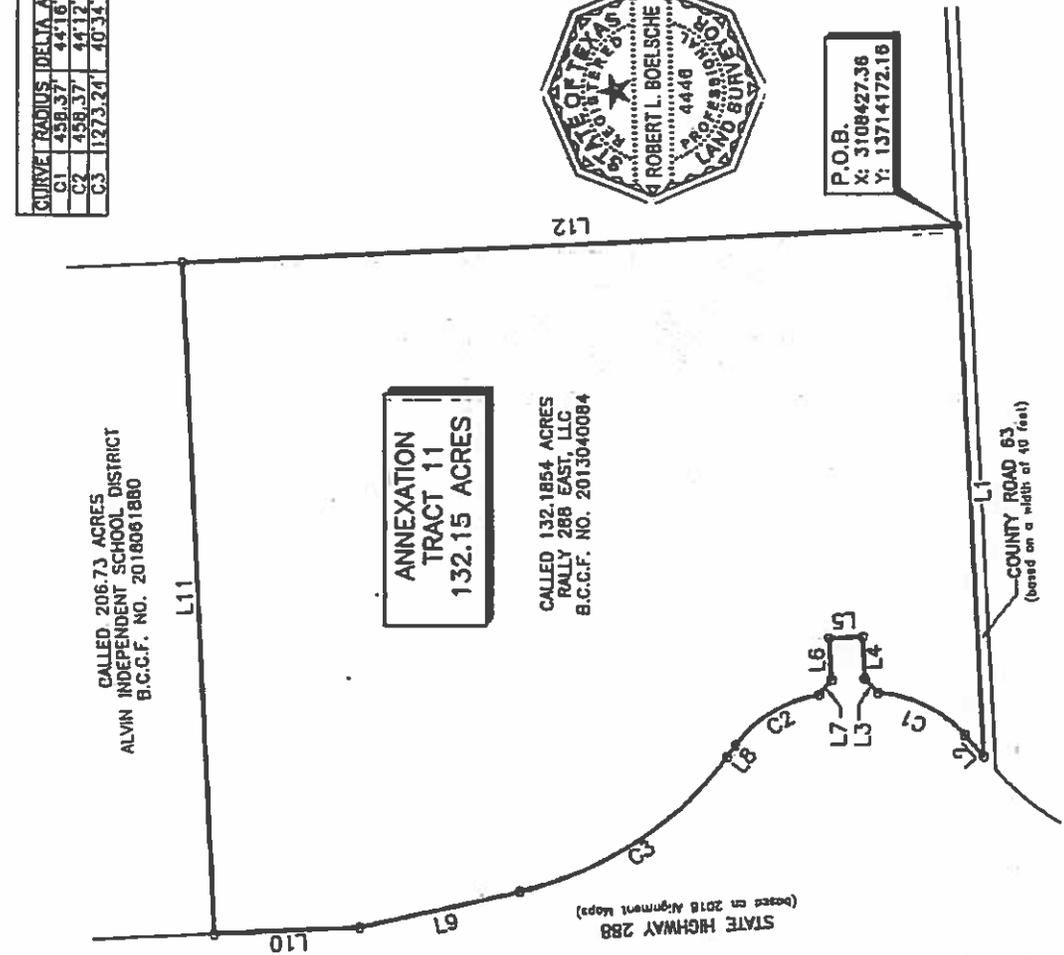
DATE: 08/08/2021  
SCALE: 1" = 500'  
JOB NO: 071-045-00  
BY: 1645007-BOE037-AMER-TL-11.dwg  
DRAWING NO.:

CALLLED 206.73 ACRES  
ALVIN INDEPENDENT SCHOOL DISTRICT  
B.C.C.F. NO. 2018061880

ANNEXATION  
TRACT 11  
132.15 ACRES

CALLED 132.1854 ACRES  
RALLY 288 EAST, LLC  
B.C.C.F. NO. 2013040084

P.O.B.  
X: 3108427.36  
Y: 13714172.16



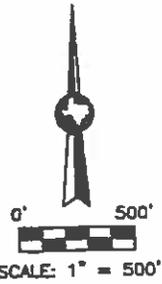
LEGEND  
P.O.B. Point of Beginning  
B.C.C.F. Brazoria County Clerk's File No.

NOTES:  
1. FOR ADDITIONAL INFORMATION ABOUT THIS TRACT, SEE THE METES AND BOUNDS DESCRIPTION PREPARED SEPARATELY.  
2. BEARING ORIENTATION IS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS.

H. T. & B. R.R. CO. SURVEY  
ABSTRACT 259  
SECTION 49

STATE HIGHWAY 288  
(bases on 2018 Alignment Maps)

COUNTY ROAD 63  
(based on a width of 40 feet)



**LEGEND**  
 P.O.B. Point Of Beginning  
 B.C.C.F. Brazoria County Clerk's File No.

P.O.B.  
 X: 3103231.98  
 Y: 13719190.01

COUNTY ROAD 64  
 (based on a width of 40 feet)

STATE HIGHWAY 288  
 (based on 2018 Alignment Maps)

H. T. & B. R.R. COMPANY  
 SECTION 50, ABSTRACT 512

**ANNEXATION  
 TRACT 12  
 259.43 ACRES**

ENCROACHMENT LAND  
 VOL. 2, P. 113  
 B.C.C.F. No. 2014050852

CALLER  
 18.00 AC.  
 B.C.C.F. No. 2007010789

STATE HIGHWAY 288  
 (based on 2018 Alignment Maps)

CALLER 285.913 AC.  
 B.C.C.F. No. 2006042423  
 CALLER 285.913 AC. 5&E  
 18.000 AC.  
 B.C.C.F. No. 2013040085  
 LESS CALLED 8.439 AC.  
 B.C.C.F. No. 2018032177

LINE	BEARING	DISTANCE
L1	N 87°20'14"	E 1213.12'
L2	S 02°29'27"	E 64.86'
L3	N 87°21'16"	E 197.25'
L4	S 62°13'23"	E 115.58'
L5	S 02°18'54"	E 1060.58'
L6	N 41°51'11"	W 107.39'
L7	N 75°57'26"	W 272.19'
L8	S 02°52'23"	E 1490.35'
L9	N 87°40'47"	E 545.96'
L10	S 01°32'17"	W 137.55'
L11	S 46°10'45"	W 231.16'
L12	S 46°37'52"	W 53.92'
L13	S 87°40'04"	W 150.00'
L14	S 02°19'14"	E 120.00'
L15	N 87°40'04"	E 150.00'
L16	S 51°18'00"	E 69.92'
L17	S 52°49'14"	E 52.06'
L18	S 87°18'12"	W 1980.12'
L19	N 02°45'05"	W 880.70'
L20	S 87°18'25"	E 660.21'
L21	N 02°45'05"	W 880.16'
L22	N 87°18'25"	E 660.21'
L23	N 02°45'05"	W 879.62'
L24	S 87°20'14"	W 165.00'
L25	N 02°45'05"	W 880.01'
L26	S 87°20'14"	W 494.70'
L27	N 02°40'08"	W 879.08'
L28	N 87°15'40"	E 495.97'
L29	S 01°37'35"	E 879.74'
L30	N 87°20'14"	E 497.33'
L31	S 02°34'34"	E 861.57'
L32	N 87°03'07"	E 247.48'
L33	N 02°54'07"	W 880.34'
L34	S 87°20'14"	W 247.60'
L35	N 02°45'50"	W 1760.00'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	724.00'	54°11'43"	684.82'	S 150°07'31" E	659.38'
C2	596.00'	54°09'25"	563.35'	S 150°08'40" E	542.61'
C3	510.00'	34°08'15"	303.57'	N 58°34'19" W	289.11'
C4	1041.74'	46°38'25"	848.02'	S 24°51'32" W	824.80'
C5	458.37'	24°14'55"	354.00'	S 24°03'17" W	345.27'
C6	458.37'	44°14'55"	354.00'	S 30°41'45" E	345.27'
C7	1273.24'	4°18'08"	95.61'	S 50°40'10" E	95.58'

**EHRA**  
 ENGINEERING THE FUTURE SINCE 1898

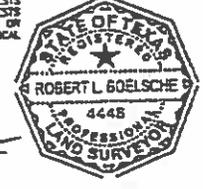
10011 MEADOWGLEN LN  
 HOUSTON, TEXAS 77042  
 713-784-4500  
 WWW.EHRAINING.COM  
 TBPE No. F-728  
 TBPELS No. 10082300

BRAZORIA COUNTY M.U.D. NO. 57  
 ANNEXATION TRACT 12  
 BRAZORIA COUNTY, TEXAS

DATE: October 8, 2021    SCALE: 1" = 500'    JOB NO.: 071-045-00  
 Dwg. NAME: 07104500-PRJ027-ADDX-TR-12.dwg    DRAWING NO.: NONE

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATOR OR RECONSTRUCTION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

*Robert L. Goelsche*  
 ROBERT L. GOELSCH  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 4448



- NOTES:
- FOR ADDITIONAL INFORMATION ABOUT THIS TRACT, SEE THE METES AND BOUNDS DESCRIPTION PREPARED SEPARATELY.
  - BEARING ORIENTATION IS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1883 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS.

HIGHWAY 288 ANNEXATION TRACT  
December 2021

The entire width of the segment of the right-of-way of State Highway 288 that begins at the north edge of the right-of-way of Brazoria County Road 63/Dubuque Parkway and continues north along the right-of-way of State Highway 288 to where the existing city limits of the City of Iowa Colony cross Highway 288.



DAVENPORT PKWY (FCR64)

(SH-288)

PROPOSED TxDOT  
R.O.W. ANNEXATION

DASHED  
LINE LABELS  
CITY LIMITS

DUBUQUE PKWY (FCR63)

DUBUQUE PKWY (FCR63)

DASHED  
LINE LABELS  
CITY LIMITS

NOLAN RYAN EXPRESS WAY

**EXHIBIT “B”**  
**MUNICIPAL SERVICES AGREEMENTS**

**MUNICIPAL SERVICES AGREEMENT  
BETWEEN THE CITY OF IOWA COLONY, TEXAS AND  
RALLY 288 WEST, LLC**

This Municipal Services Agreement ("Agreement") is entered into by the City of Iowa Colony, Texas ("City") and Rally 288 West, LLC ("Owner").

**RECITALS**

The parties agree that the following recitals are true and form the basis upon which the parties have entered into this Agreement.

Section 43.0671 of the Texas Local Government Code ("LGC") permits the City to annex an area if each owner of land in an area requests the annexation

When the City elects to annex such an area, the City is required to enter into a written agreement with the property owner that sets forth the City services to be provided for the Property on or after the effective date of the annexation (the "Effective Date").

Owner owns approximately 259.43 acres of land ("Property") generally located in the northwest quadrant of the intersection of Dubuque Parkway (C.R. 63) and State Highway 288, which is the property in Brazoria County Appraisal District Property ID No. 176233 and Geographic ID No. 0512-0032-000, and which is situated in Brazoria County, Texas and in the City's extraterritorial jurisdiction, and the Property is described on Exhibit "A", which is attached and incorporated herein by reference.

Owner has filed a written request with the City for full-purpose annexation of the Property.

City and Owner desire to set out the City services to be provided for the Property on or after the effective date of annexation.

**NOW THEREFORE**, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. **PROPERTY.** This Agreement is only applicable to the Property.

2. **METHODS OF PROVIDING SERVICES.**

a. This Agreement provides for the delivery of services to the Property as herein provided, in accordance with state law and applicable city ordinances, rules, regulations, and policies. The City may accomplish the delivery of any services required by this Agreement through any means permitted by law. Without limiting the generality of the foregoing, whenever this Agreement requires the City to provide a service, the City may do so either directly or by arranging for delivery of that service through another governmental entity, a private entity, or any other person and in any lawful manner.

b. Nothing herein shall impair any rights of any party under the contract by which Owner purchased the Property from the City or the documents executed pursuant to that contract.

- c. Fees and charges for public services of any nature are beyond the scope of this Agreement and shall be determined in compliance with applicable law.

### 3. MUNICIPAL SERVICES.

- a. Commencing on the Effective Date, the City will provide for the Property the municipal services set forth in this subsection.
  - i. Police. The City's Police Department will provide law enforcement services.
  - ii. Building Inspection and Code Enforcement. The City will provide code enforcement services. This includes issuing building, electrical, plumbing, and other permits and providing inspection services for new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City. These include zoning enforcement, animal control, subdivision regulation, and junk vehicle compliance, among other City codes and ordinances.
  - iii. Planning and Zoning. The City will provide comprehensive planning, land development, land use, and building review and inspection services.
  - iv. Parks and Recreational Facilities. The Property will have the same rights as other, similar property in the City concerning publicly-owned parks and recreational facilities throughout the City. Any private parks, facilities, and buildings will be unaffected by the annexation.
- b. The City does not provide the following services to the Property and does not contract to do so:
  - i. Fire Protection. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide fire protection services to the Property.
  - ii. Emergency Medical Services. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide emergency medical services to the Property.
  - iii. Stormwater Drainage. At this time, stormwater drainage is provided by a municipal utility district.
  - iv. Roads and Streets. The City will maintain any adjoining city streets, streetlights, and regulatory signs over which the City has jurisdiction, except to the extent that another public entity or homeowners' association is obligated to provide those services.
  - v. Water and Wastewater. At this time, water and wastewater services are provided by a municipal utility district.
  - vi. Solid Waste Services. At this time, the City does not provide solid waste services.
- c. The City shall not be required to provide a service except as expressly provided by this Agreement.

- d. Owner understands and acknowledges that the City departments listed above may change names or be re-organized by the City. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.
4. **SERVICE LEVEL.** Where this Agreement requires the City to provide a service, the City will provide the Property with a level of that service, related infrastructure, and related infrastructure maintenance that are comparable to the level of services, infrastructure, and infrastructure maintenance provided by the City in other parts of the City with topography, land use, population density, and other pertinent factors similar to those of the Property.
5. **AUTHORITY.** City and Owner represent that they have full power, authority, and legal right to execute, deliver, and perform their respective obligations pursuant to this Agreement. Owner acknowledges that approval of the annexation is within the sole jurisdiction of the City Council. Nothing in this Agreement guarantees favorable decisions by the City Council.
6. **SEVERABILITY.** If any part, term, or provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.
7. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
8. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by Texas Law. Venue of any litigation concerning this Agreement or the subject matter hereof shall be only in the state courts located in Brazoria County, Texas or the United States District Court for the Southern District of Texas, Houston or Galveston Division.
9. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
10. **GOVERNMENTAL POWERS AND IMMUNITIES.** The parties agree that neither the execution of this Agreement nor any act, omission, or condition relating to this Agreement shall ever be a waiver of governmental or official powers or immunities of any nature.
11. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

**13. AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND. NOT A THIRD PARTY CONTRACT.**

a. This Agreement is binding on and inures to the benefit of the parties and their respective successors and assigns. The terms of this Agreement constitute covenants running with the land comprising the Property. This Agreement shall be recorded in the Official Records of the Brazoria County Clerk.

b. This is not a third party contract and does not create any rights of any person except the parties and their respective successors and assigns, as provided in the preceding subsection.

**14. REMEDIES.** No party shall be liable for monetary damages for the breach of this Agreement. The sole remedy for a breach of this Agreement by the City shall be disannexation as provided in Section 43.141 of the Texas Local Government Code.

**15. ENTIRE AGREEMENT.**

a. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties concerning the subject matter hereof, except that nothing herein shall impair any rights under the contract by which City sold the Property to Owner or the documents executed pursuant to that contract.

b. This Agreement shall not be amended unless executed in writing by both parties.

**16. EFFECTIVE DATE:** This Agreement shall be effective upon the annexation of the Property by the City.

**SIGNATURE PAGES FOLLOW.**

CITY OF IOWA COLONY, TEXAS

By: Michael Byrum-Bratsen  
Michael Byrum-Bratsen,  
Mayor

ATTEST:

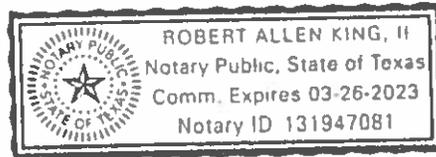
Kayleen Rosser  
Kayleen Rosser,  
City Secretary

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Michael Byrum-Bratsen, as Mayor of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: Robert Allen King, II  
Notary Public, State of Texas

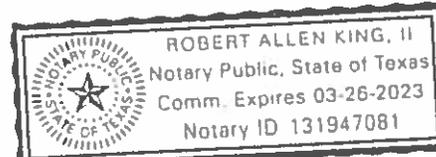


STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Kayleen Rosser, as City Secretary of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: Robert Allen King, II  
Notary Public, State of Texas



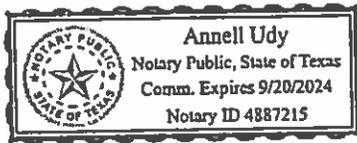
RALLY 288 WEST, LLC

By:   
Mathew Lawson,  
Authorized Agent

STATE OF TEXAS §  
COUNTY OF ~~BRAZORIA~~ <sup>Harris</sup> §

This instrument was acknowledged before me on the 20<sup>th</sup> day of December, 2021, by Mathew Lawson, as the Authorized Agent, on behalf of Rally 288 West, LLC.

By:   
Notary Public, State of Texas



**EXHIBIT "A-1"**

**METES AND BOUNDS DESCRIPTION  
BRAZORIA COUNTY M.U.D. NO. 57 ANNEXATION TRACT 12  
BEING 259.43 ACRES  
SITUATED IN THE  
W.H. DENNIS (H. T. & B. R.R. COMPANY SURVEY, SECTION 50), ABSTRACT 512  
BRAZORIA COUNTY, TEXAS**

DESCRIPTION OF A 259.43 ACRE TRACT OF LAND SITUATED IN THE W.H. DENNIS (H. T. & B. R.R. COMPANY SURVEY, SECTION 50), ABSTRACT 512, BRAZORIA COUNTY, TEXAS, BEING THE RESIDUE OF THAT CERTAIN 285.913 ACRE TRACT OF LAND CONVEYED TO RALLY 288 WEST, LLC BY DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. No.) 2013040085, SAID 259.43 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at the northwesterly corner of the said 285.913 acre tract, same being in the common line of the W.H. Dennis (H.T. & B.R.R. Company Survey, Section 50), Abstract 512, and the H.T. & B.R.R. Company Survey, Section 51, Abstract 288, also being within County Road 64 (based on a width of 40 feet) having state plane (grid) coordinates of X = 3,103,231.96 and Y = 13,719,190.01;

- 1) THENCE, North 87°20'14" East, along the northerly line of said 285.913 acre tract with County Road 64 for a distance of 1,213.12 feet to the northeasterly corner of the herein described tract being in the westerly right-of-way line of State Highway 288 (based on 2018 Alignment Maps);  
  
THENCE, along the westerly line of said State Highway 288 the following six (6) courses and distances:
  - 2) South 02°29'27" East, for a distance of 64.66 feet to a point for corner;
  - 3) North 87°21'16" East, for a distance of 197.25 feet to a point in the arc of a non-tangent curve;
  - 4) In a southeasterly direction along the arc of said non-tangent curve to the left having a radius of 724.00 feet, a central angle of 54°11'43", an arc length of 684.82 feet, and a chord bearing of South 35°07'31" East, for a distance of 659.58 feet to a point of tangency;
  - 5) South 62°13'23" East, for a distance of 115.58 feet to a point for non-tangent curve to the right;
  - 6) In a southeasterly direction along the arc of said non-tangent curve to the right having a radius of 596.00 feet, a central angle of 54°09'25", an arc length of 563.35 feet, and a chord bearing of South 35°08'40" East, for a distance of 542.61 feet to a point for corner;
  - 7) South 02°18'54" East, for a distance of 1,060.58 feet to the northeasterly corner of that certain 18.00 acre tract recorded under B.C.C.F. NO. 2007010789;
- 8) THENCE, North 41°51'11" West, along the northerly line of the said 18.00 acre tract for a distance of 107.39 feet to a point of curvature;
- 9) THENCE, continuing along the northerly line of the said 18.00 acre tract in a northwesterly direction along the arc of said curve to the left having a radius of 510.00 feet, a central angle of 34°06'15", an arc length of 303.57 feet, and a chord bearing of North 58°54'19" West, for a distance of 299.11 feet to a point of tangency;
- 10) THENCE, North 75°57'26" West, continuing along the said northerly line for a distance of 272.19 feet to the northwesterly corner of said 18.00 acre tract;
- 11) THENCE, South 02°32'23" East, along the westerly line of said 18.00 acre tract for a distance of 1,480.35 feet to the southwest corner of said 18.00 acre tract;

- 12) THENCE, North 87°40'47" East, along the southerly line of said 18.00 tract for a distance of 545.96 feet to the southeasterly corner of said 18.00 acre tract being in the westerly right-of-way line of said State Highway 288;

THENCE, continuing along the westerly right-of-way line of said State Highway 288 the following twelve (12) courses and distances:

- 13) South 01°32'17" West, for a distance of 137.59 feet to a point for non-tangent curve to the right;
- 14) In a southwesterly direction along the arc of said non-tangent curve to the right having a radius of 1,041.74 feet, a central angle of 46°38'29", an arc length of 848.02 feet, and a chord bearing of South 24°51'32" West, for a distance of 824.80 feet to a point of tangency;
- 15) South 48°10'46" West, for a distance of 221.16 feet to a point of curvature;
- 16) In a southwesterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°14'59", an arc length of 354.00 feet, and a chord bearing of South 26°03'17" West, for a distance of 345.27 feet to a point for corner;
- 17) South 46°37'32" West, for a distance of 69.92 feet to a point for corner;
- 18) South 87°40'04" West, for a distance of 150.00 feet to a point for corner;
- 19) South 02°19'14" East, for a distance of 120.00 feet to a point for corner;
- 20) North 87°40'04" East, for a distance of 150.00 feet to a point for corner;
- 21) South 51°16'00" East, for a distance of 69.92 feet to a point in the arc of a non-tangent curve to the left;
- 22) In a southeasterly direction along the arc of said non-tangent curve to the left having a radius of 458.37 feet, a central angle of 44°14'59", an arc length of 354.00 feet, and a chord bearing of South 30°41'45" East, for a distance of 345.27 feet to a point of tangency;
- 23) South 52°49'14" East, for a distance of 52.06 feet to a point of curvature;
- 24) In a southeasterly direction along the arc of said curve to the right having a radius of 1,273.24 feet, a central angle of 04°18'08", an arc length of 95.61 feet, and a chord bearing of South 50°40'10" East, for a distance of 95.58 feet to the southeasterly corner of the herein described tract and being in County Road 63 (based on a width of 40 feet);
- 25) THENCE, South 87°18'36" West, along the southerly line of said 285.913 acre tract with said County Road 63 and for a distance of 1,980.12 feet to the southwesterly corner of the herein described tract;

THENCE, along the westerly line of said 285.913 acre tract the following seventeen (17) courses and distances:

- 26) North 02°45'05" West, for a distance of 880.20 feet to a point for corner;
- 27) South 87°18'25" West, for a distance of 660.21 feet to a point for corner;
- 28) North 02°45'05" West, for a distance of 880.16 feet to a point for corner;
- 29) North 87°18'25" East, for a distance of 660.21 feet to a point for corner;
- 30) North 02°45'05" West, for a distance of 879.62 feet to a point for corner;
- 31) South 87°20'14" West, for a distance of 165.00 feet to a point for corner;

- 32) North 02°53'05" West, for a distance of 880.01 feet to a point for corner;
- 33) South 87°20'14" West, for a distance of 494.70 feet to a point for corner;
- 34) North 02°40'06" West, for a distance of 879.08 feet to a point for corner;
- 35) North 87°15'40" East, for a distance of 495.97 feet to a point for corner;
- 36) South 02°37'35" East, for a distance of 879.74 feet to a point for corner;
- 37) North 87°20'14" East, for a distance of 497.33 feet to a point for corner;
- 38) South 02°54'34" East, for a distance of 881.57 feet to a point for corner;
- 39) North 87°03'07" East, for a distance of 247.48 feet to a point for corner;
- 40) North 02°54'07" West, for a distance of 880.34 feet to a point for corner;
- 41) South 87°20'14" West, for a distance of 247.60 feet to a point for corner;
- 42) North 02°45'50" West, for a distance of 1,760.00 feet to the POINT OF BEGINNING and containing 259.43 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPELS No. 10092300

*Robert L. Boelsche*  
Robert L. Boelsche, R.P.L.S.  
Texas Registration No. 4446  
10011 Meadowglen Lane  
Houston, Texas 77042  
713-784-4500



Date: October 6, 2021  
Job No: 071-045-00  
File No: R:\2007\071-045-00\documents\technical\2021\07104500-MUD 57 ANNEX-TRACT-12.doc

**MUNICIPAL SERVICES AGREEMENT  
BETWEEN THE CITY OF IOWA COLONY, TEXAS AND  
RALLY 288 EAST, LLC**

This Municipal Services Agreement ("Agreement") is entered into by the City of Iowa Colony, Texas ("City") and Rally 288 East, LLC ("Owner").

**RECITALS**

The parties agree that the following recitals are true and form the basis upon which the parties have entered into this Agreement.

Section 43.0671 of the Texas Local Government Code ("LGC") permits the City to annex an area if each owner of land in an area requests the annexation

When the City elects to annex such an area, the City is required to enter into a written agreement with the property owner that sets forth the City services to be provided for the Property on or after the effective date of the annexation (the "Effective Date").

Owner owns approximately 132.15 acres of land ("Property") generally located in the northeast quadrant of the intersection of Dubuque Parkway (C.R. 63) and State Highway 288, which is the property in Brazoria County Appraisal District Property ID No. 116982 and Geographic ID No. 0259-0001-000 and which is situated in Brazoria County, Texas and in the City's extraterritorial jurisdiction, and the Property is described on Exhibit "A", which is attached and incorporated herein by reference.

Owner has filed a written request with the City for full-purpose annexation of the Property.

City and Owner desire to set out the City services to be provided for the Property on or after the effective date of annexation.

**NOW THEREFORE**, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. **PROPERTY.** This Agreement is only applicable to the Property.

2. **METHODS OF PROVIDING SERVICES.**

a. This Agreement provides for the delivery of services to the Property as herein provided, in accordance with state law and applicable city ordinances, rules, regulations, and policies. The City may accomplish the delivery of any services required by this Agreement through any means permitted by law. Without limiting the generality of the foregoing, whenever this Agreement requires the City to provide a service, the City may do so either directly or by arranging for delivery of that service through another governmental entity, a private entity, or any other person and in any lawful manner.

b. Nothing herein shall impair any rights of any party under the contract by which Owner purchased the Property from the City or the documents executed pursuant to that contract.

c. Fees and charges for public services of any nature are beyond the scope of this Agreement and shall be determined in compliance with applicable law.

### 3. MUNICIPAL SERVICES.

a. Commencing on the Effective Date, the City will provide for the Property the municipal services set forth in this subsection.

- i. Police. The City's Police Department will provide law enforcement services.
- ii. Building Inspection and Code Enforcement. The City will provide code enforcement services. This includes issuing building, electrical, plumbing, and other permits and providing inspection services for new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City. These include zoning enforcement, animal control, subdivision regulation, and junk vehicle compliance, among other City codes and ordinances.
- iii. Planning and Zoning. The City will provide comprehensive planning, land development, land use, and building review and inspection services.
- iv. Parks and Recreational Facilities. The Property will have the same rights as other, similar property in the City concerning publicly-owned parks and recreational facilities throughout the City. Any private parks, facilities, and buildings will be unaffected by the annexation.

b. The City does not provide the following services to the Property and does not contract to do so:

- i. Fire Protection. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide fire protection services to the Property.
- ii. Emergency Medical Services. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide emergency medical services to the Property.
- iii. Stormwater Drainage. At this time, stormwater drainage is provided by a municipal utility district.
- iv. Roads and Streets. The City will maintain any adjoining city streets, streetlights, and regulatory signs over which the City has jurisdiction, except to the extent that another public entity or homeowners' association is obligated to provide those services.
- v. Water and Wastewater. At this time, water and wastewater services are provided by a municipal utility district.
- vi. Solid Waste Services. At this time, the City does not provide solid waste services.

c. The City shall not be required to provide a service except as expressly provided by this Agreement.

- d. Owner understands and acknowledges that the City departments listed above may change names or be re-organized by the City. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.
4. **SERVICE LEVEL.** Where this Agreement requires the City to provide a service, the City will provide the Property with a level of that service, related infrastructure, and related infrastructure maintenance that are comparable to the level of services, infrastructure, and infrastructure maintenance provided by the City in other parts of the City with topography, land use, population density, and other pertinent factors similar to those of the Property.
5. **AUTHORITY.** City and Owner represent that they have full power, authority, and legal right to execute, deliver, and perform their respective obligations pursuant to this Agreement. Owner acknowledges that approval of the annexation is within the sole jurisdiction of the City Council. Nothing in this Agreement guarantees favorable decisions by the City Council.
6. **SEVERABILITY.** If any part, term, or provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.
7. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
8. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by Texas Law. Venue of any litigation concerning this Agreement or the subject matter hereof shall be only in the state courts located in Brazoria County, Texas or the United States District Court for the Southern District of Texas, Houston or Galveston Division.
9. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
10. **GOVERNMENTAL POWERS AND IMMUNITIES.** The parties agree that neither the execution of this Agreement nor any act, omission, or condition relating to this Agreement shall ever be a waiver of governmental or official powers or immunities of any nature.
11. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

**13. AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND. NOT A THIRD PARTY CONTRACT.**

a. This Agreement is binding on and inures to the benefit of the parties and their respective successors and assigns. The terms of this Agreement constitute covenants running with the land comprising the Property. This Agreement shall be recorded in the Official Records of the Brazoria County Clerk.

b. This is not a third party contract and does not create any rights of any person except the parties and their respective successors and assigns, as provided in the preceding subsection.

**14. REMEDIES.** No party shall be liable for monetary damages for the breach of this Agreement. The sole remedy for a breach of this Agreement by the City shall be disannexation as provided in Section 43.141 of the Texas Local Government Code.

**15. ENTIRE AGREEMENT.**

a. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties concerning the subject matter hereof, except that nothing herein shall impair any rights under the contract by which City sold the Property to Owner or the documents executed pursuant to that contract.

b. This Agreement shall not be amended unless executed in writing by both parties.

**16. EFFECTIVE DATE:** This Agreement shall be effective upon the annexation of the Property by the City.

**SIGNATURE PAGES FOLLOW.**

CITY OF IOWA COLONY, TEXAS

By: *Michael Byrum-Bratsen*  
Michael Byrum-Bratsen,  
Mayor

ATTEST:

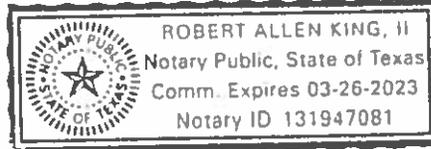
*Kayleen Rosser*  
Kayleen Rosser,  
City Secretary

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Michael Byrum-Bratsen, as Mayor of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: *Robert Allen King, II*  
Notary Public, State of Texas

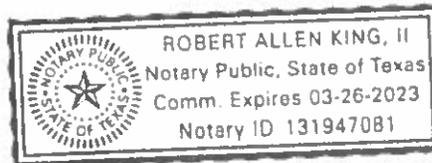


STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Kayleen Rosser, as City Secretary of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: *Robert Allen King, II*  
Notary Public, State of Texas

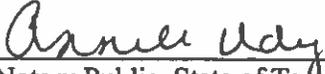


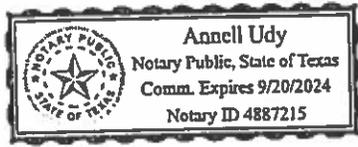
RALLY 288 EAST, LLC

By:   
Mathew Lawson,  
Authorized Agent

STATE OF TEXAS §  
Harris  
COUNTY OF ~~BRAZORIA~~ §

This instrument was acknowledged before me on the 20<sup>th</sup> day of December, 2021, by Mathew Lawson, as the Authorized Agent, on behalf of Rally 288 East, LLC.

By:   
Notary Public, State of Texas



**EXHIBIT "A-2"**

**METES AND BOUNDS DESCRIPTION  
BRAZORIA COUNTY M.U.D. NO. 57 ANNEXATION TRACT 11  
BEING 132.15 ACRES  
SITUATED IN THE  
H. T. & B. R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259  
BRAZORIA COUNTY, TEXAS**

DESCRIPTION OF A 132.15 ACRE TRACT OF LAND SITUATED IN THE H. T. & B. R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259, BRAZORIA COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 132.1854 ACRE TRACT OF LAND CONVEYED TO RALLY 288 WEST, LLC BY DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. No.) 2013040084, SAID 132.15 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at the northerly right-of-way line of County Road 64 (based on a width of 40 feet) being the southeasterly corner of said 132.1854 acre tract having state plane (grid) coordinates of X = 3,108,427.36 and Y = 13,714,172.16;

- 1) THENCE, South 87°16'27" West, along the southerly line of said 132.1854 acre tract and the northerly right-of-way line of said County Road 64 for a distance of 1,900.12 feet to a point for corner in the easterly right-of-way line of State Highway 288 (based on 2018 Alignment Maps);

THENCE, along the easterly line of said State Highway 288 the following twelve (12) courses and distances:

- 2) North 48°10'58" East, for a distance of 102.36 feet to a point for corner;
- 3) In a northeasterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°16'19", an arc length of 354.25 feet, and a chord bearing of North 26°02'33" East, for a distance of 345.49 feet to a point for corner;
- 4) North 47°14'28" East, for a distance of 70.53 feet to a point for corner;
- 5) North 87°39'11" East, for a distance of 149.95 feet to a point for corner;
- 6) North 02°20'49" West, for a distance of 120.00 feet to a point for corner;
- 7) South 87°39'11" West, for a distance of 150.00 feet to a point for corner;
- 8) North 50°26'06" West, for a distance of 69.60 feet to a point for corner;
- 9) In a northwesterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°12'07", an arc length of 353.62 feet, and a chord bearing of North 30°49'08" West, for a distance of 344.91 feet to a point for corner;
- 10) North 52°55'12" West, for a distance of 52.06 feet to a point for corner;
- 11) In a northwesterly direction along the arc of said curve to the right having a radius of 1,273.24 feet, a central angle of 40°34'29", an arc length of 901.66 feet, and a chord bearing of North 32°37'57" West, for a distance of 882.94 feet to a point for corner;
- 12) North 12°20'42" West, for a distance of 581.22 feet to a point for corner;
- 13) North 02°18'54" West, for a distance of 517.42 feet to the westerly common corner of said 132.1854 acre tract and that certain tract called 206.73 acres conveyed to Alvin Independent School District by deed recorded under B.C.C.F. NO. 2018061880;
- 14) THENCE, North 87°19'08" East, along the common line between said 132.1854 acre tract and said 206.73 acre tract for a distance of 2,389.63 feet to the easterly common corner of said 132.1854 acre tract and said 206.73 acre tract of land;

- 15) THENCE, South 02°40'32" East, along the easterly line of said 132.1854 acre tract for a distance of 2,771.16 feet to the POINT OF BEGINNING and containing 132.15 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPELS No. 10092300

*Robert L. Boelsche*

Robert L. Boelsche, R.P.L.S.  
Texas Registration No. 4446  
10011 Meadowglen Lane  
Houston, Texas 77042  
713-784-4500



Date: October 6, 2021

Job No: 071-045-00

File No: R:\2007\071-045-00\documents\technical\2021\07104500-MUD 57 ANNEX-TRACT-11.doc



12003 Iowa Colony Blvd.  
Iowa Colony Tx. 77583  
Phone: 281-369-2471  
Fax: 281-369-0005  
[www.iowacolonytx.gov](http://www.iowacolonytx.gov)

## CERTIFICATION

STATE OF TEXAS  
COUNTY OF BRAZORIA  
CITY OF IOWA COLONY

I, Kayleen Rosser, City Secretary of the City of Iowa Colony, Texas being the person charged with the care, custody, and control of the records, do hereby certify that the foregoing is a true, correct, and complete copy of Ordinance No. 2021-37 approved by the City Council on the 20th day of December, 2021, in the City of Iowa Colony, Texas, and I further certify that the same has not been repealed, amended, altered, or changed in any way since its enactment.

IN TESTIMONY WHEREOF witness my hand and the seal of the City of Iowa Colony, Texas, on the 21st day of December, 2021.



*Kayleen Rosser*

KAYLEEN ROSSER, CITY SECRETARY  
CITY OF IOWA COLONY

# FILED and RECORDED

Instrument Number: 2021083573

Filing and Recording Date: 12/21/2021 11:30:50 AM Pages: 27 Recording Fee: \$126.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink that reads "Joyce Hudman".

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Joyce Hudman, County Clerk  
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

***DO NOT DESTROY - Warning, this document is part of the Official Public Record.***

cclerk-clare