

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND THE UNIFIED DEVELOPMENT CODE OF THIS CITY CONCERNING THE ZONING BOARD OF ADJUSTMENT; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR CONFLICTS IN TERMS; AND PROVIDING A SAVINGS CLAUSE, A SEVERANCE CLAUSE, AND AN EFFECTIVE DATE.

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

SECTION 1.

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

- a. After giving due regard to the nature and consideration of uses, structures, and the nature and condition of the City as a whole, and after considering all proper factors under applicable law, the City Council is of the opinion that this ordinance conforms to the requirements and intent of the City and the Comprehensive Plan of the City, and that this amendment will not constitute a nuisance or be detrimental to the public health, safety, morals, or welfare of the community.
- b. 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.
- c. The Planning and Zoning Commission and the City Council each held a public hearing on this ordinance, and at least sixteen (16) days prior to the dates of those hearings, public notice of each such 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 those hearings.

d. Notice of those public hearings and of the meeting at which this ordinance was passed was given in compliance with the Texas Open Meetings Act and all applicable law.

e. All requirements of law have been satisfied concerning the passage and adoption of this ordinance.

SECTION 2.

The City Council hereby ratifies and confirms any and all actions taken by the Mayor, Mayor Pro-Tem, City Manager, City Attorney, City Secretary, or any other personnel or representatives of the City in connection with this ordinance, any public hearings hereon, the notice of any public hearings or meeting concerning this ordinance, and any procedures concerning this Ordinance.

SECTION 3.

Sections 91 through 93 of the Iowa Colony Zoning Ordinance, as previously amended (“the Zoning Ordinance”) are hereby amended to read as follows:

“Sec. 90 Creation

“See Division 1.1.5 of the Unified Development Code, which is incorporated herein in full by reference.

“Sec. 91 Membership

“See Division 1.1.5 of the Unified Development Code, which is incorporated herein in full by reference.

“Sec. 92 Officers

“See Division 1.1.5 of the Unified Development Code, which is incorporated herein in full by reference.

“Sec. 93 Meetings

“See Division 1.1.5 of the Unified Development Code, which is incorporated herein in full by reference.”

SECTION 4.

Section 1.1.5.1 of the Iowa Colony Unified Development Code, as previously amended (“the Unified Development Code” or “UDC”) is hereby amended to read as follows:

“Section 1.1.5.1. Structure of the Board

“(a) Establishment and Members

“(1) A Zoning Board of Adjustment (“ZBA”) is hereby established in accordance with section 211.009 of the Texas Local Government Code.

“(2) The ZBA shall consist of five (5) members, each to be appointed by the City Council. Members shall be appointed for terms of two (2) years, which terms shall run concurrently with that of the Mayor. Vacancies shall be filled by the same procedures as for original appointments, and shall be for the unexpired term of the position vacated. The City Council, may remove a ZBA member for cause, as found by the City Council, on a written charge after a public hearing, unless the ZBA member waives those procedures.

“(3) The ZBA shall have four (4) alternate members, appointed in the same manner and for the same terms as regular members. Alternate members shall serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager. Any reference herein to members of the ZBA shall also include alternate members when acting as members.

“(b) Officers. At the first meeting after the appointment of members of the ZBA for a new term, the members shall elect one of the members as the Chairperson and one of the members as the Vice-Chairperson. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson and shall have all powers of the Chairperson. The members of the ZBA may select as additional person to preside over meetings in the absence of the Chairperson and the vice-Chairperson.

“(c) Meetings. Meetings of the ZBA shall be held at the call of the Chairperson or Vice-Chairperson and at such times as the ZBA may determine. All meetings of the ZBA shall be open to the public, except that the ZBA may hold closed meetings as allowed by state law. Four (4) members of the ZBA shall be necessary to constitute a quorum.

“(d) Minutes and Rules. The ZBA shall keep minutes of its proceedings, showing the vote of each member upon each question and noting the absence or

failure of a member to vote. The ZBA shall keep records of its examinations and other official actions, all of which shall be filed immediately with the City Secretary and shall be a public record. The ZBA shall from time to time adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance, and shall furnish a copy of those rules to the Zoning Administrator and Building Official.

“(e) Quorum. Each case before the ZBA must be heard by at least 75 percent of the members. The numerator of that fraction shall include the regular members participating in that case and any alternate members serving on that case in the absence of regular members. The denominator of that fraction shall be the number of regular members on the ZBA, whether participating in that case or not.”

SECTION 5.

The Tables of Contents of the Iowa Colony Zoning Ordinance and Unified Development Code, each as previously amended, are hereby amended to reflect the headings, captions, and subsections enacted herein, and to correct any page numbers that change as a result of this amendment.

SECTION 6.

Subject to the amendments herein stated, the Comprehensive Zoning Ordinance, the Unified Development Code, and all prior amendments to either of those ordinances shall remain in full force and effect. Subject to the amendments herein stated, 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.

SECTION 7.

If any clause, phrase, provision, sentence, or part of this Ordinance, of whatever size, or the application of the same to any person or circumstance is ever for any reason adjudged invalid by a court of competent jurisdiction, then such invalidity shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be

invalid; and the City Council declares that it would have passed each and every part of this ordinance, notwithstanding the omission of any one or more such part or parts thus declared to be invalid.

SECTION 8.

This ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on JANUARY 25, 2021.

CITY OF IOWA COLONY, TEXAS

By: 
MICHAEL BYRUM-BRATSEN,
MAYOR

ATTEST:


KAYLEEN ROSSER, CITY SECRETARY

Iowa/Ordinance/Zoning/Amendment of Zoning Ordinance and UDC on Zoning Board of Adjustment (12-21-20)

