

ORDINANCE NO. 2021-13

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, AMENDING THE **ZONING ORDINANCE CONCERNING BUSINESSES IN MOBILE UNITS**; PROVIDING REGULATIONS AND RELATED PROVISIONS; AND PROVIDING, THROUGH THE ZONING ORDINANCE, A FINE OF UP TO \$500 PER DAY PER VIOLATION.

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 Chapter 211 of the Texas Local Government Code and all applicable law, the City Council finds that this ordinance conforms to the requirements and intent of the City and the Comprehensive Plan of the City.
- b. The health, safety, morals, and general welfare of the people of the City will best be served by the adoption of this ordinance.
- c. All requirements of law have been satisfied concerning the adoption of this ordinance.

**SECTION 2.** Subsection 5(70.5) of the Iowa Colony Zoning Ordinance, Ordinance No. 2000-08, as previously enacted and amended ("the Zoning Ordinance") is hereby amended to read as follows:

"70.5. "Mobile Unit" or "Mobile Business Unit" shall mean any of the following: a HUD-code manufactured home, manufactured home, or mobile home, regardless whether such item is used as a home, and any travel trailer, motor vehicle, trailer, or other equipment that either is mobile or was designed or adapted to be mobile, regardless whether it is actually mobile at the time in question."

**SECTION 3.** Section 59 of the Zoning Ordinance is hereby enacted to read as follows:

**“Sec. 59 Businesses in Mobile Units**

“No person shall conduct any business, in whole or in part, in or from a mobile unit in any district, except:

- “a. In compliance with the Food Truck Ordinance, Ordinance No. 2021-02, as it may be amended from time to time;
- “b. In compliance with a permit or authorization under any ordinance specifically authorizing that business in or from a mobile unit;
- “c. As a lawful accessory use, home occupation, home-based business, or home office, but in any of those cases only within a mobile unit lawfully used as the main structure of a residence; or
- “d. In compliance with a specific use permit for that use.”

**SECTION 4.** Section 71(d), Mobile Units, is hereby amended to read as follows:

“(d) **Reserved.**”

**SECTION 5.** Section 73(c), Mobile Units, is hereby amended to read as follows:

“(c) **Reserved.**”

**SECTION 6.**

a. The Table of Contents of the Zoning Ordinance is hereby amended by adding the following after Section 58:

“Sec. 59 Businesses in Mobile Units V-\_\_\_\_.”

The City Secretary is hereby authorized to fill in the correct page number in the Table of Contents.

b. The City Secretary is further authorized to correct the Table of Contents of the Zoning Ordinance for any changes in pagination resulting from the amendments in this ordinance.

**SECTION 7.**

a. Subject to the amendments herein stated, the Comprehensive Zoning Ordinance, Ordinance No. 2000-08, and all prior amendments thereto 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.

b. The Zoning Ordinance, as it existed immediately before the passage of this amendment, shall remain in full force and effect as to violations that accrued before this ordinance takes effect.

c. In the event any provisions of the Zoning Ordinance or any other ordinance of the City conflict with or overlap the provisions of this ordinance, then the more restrictive provision shall govern and control.

#### SECTION 8.

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

#### SECTION 9.

This ordinance shall become effective immediately upon its passage by the City Council of the City of Iowa Colony, Texas.

PASSED AND ADOPTED ON FIRST AND FINAL READING this 19th day of APRIL, 2021.

CITY OF IOWA COLONY, TEXAS



MICHAEL BYRUM-BRATSEN, MAYOR

ATTEST:



KAYLEEN ROSSER, CITY SECRETARY

