

ORDINANCE NO. 2023-09

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS,
AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO
REZONE CERTAIN PROPERTY ON COUNTY ROAD 81 FROM
SINGLE FAMILY RESIDENTIAL TO BUSINESS AND RETAIL; AND
CONTAINING 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:

- a. The Owner of the premises subject to this zoning action or the Owner's duly authorized agent has timely filed with the City Secretary a request for this action, containing all necessary information.
- b. The Planning and Zoning Commission and the City Council of the City have each held a public hearing on this zoning action in compliance with the Zoning Enabling Act of the State of Texas, codified as Section 211.001, et seq., Texas Local Government Code, and the Zoning Ordinance.
- c. More than fifteen (15) days before the date of each of those hearings, public notice thereof was published once in the Alvin Sun, a newspaper of general circulation in and the official newspaper of the City, stating the date, time, and place of each of those hearings.
- d. More than ten (10) days before the date of each of those hearings, and more than thirty (30) days prior to the passage of this ordinance, written notice of each of those hearings and of the application for this zoning action was sent to the owners of the herein described property subject to this zoning action and to all owners of property located within two hundred (200') feet of that property.
- e. At least 10 days before each of those hearings, notice of those hearings was posted on the property subject to this zoning action, in compliance with the Unified Development Code of the City.
- f. Before the City Council hearing on this zoning action, the Planning and Zoning Commission made a written recommendation to the City Council on this zoning action.

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 is of the opinion that this zoning action conforms to the requirements and intent of the City and the Comprehensive Plan of the City, and that such rezoning 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 will best be served by the adoption of this ordinance and the passage of this ordinance.

i. All requirements of law concerning this zoning action have been satisfied.

Section 2. Rezoning

The Comprehensive Zoning Ordinance of the City is hereby amended, and the following described real property (herein called "the premises") located within the corporate limits of the City is hereby rezoned from **Single Family Residential to Business and Retail**:

Approximately 28.28 acres of land, which is Property ID Nos. 176404, 176446, and 176395 in the records of the Brazoria County Appraisal District, generally located east of Highway 288, south of CR 81/Bullard Parkway, and west of W. Colony Loop Road, and generally north and east of Southview Baptist Church.

Section 3. Ratification of Actions of Agents

The City Council of the City of Iowa Colony hereby ratifies and confirms any and all actions taken by the Mayor, Mayor Pro-Tem, City Secretary, City Attorney, City Manager, or any other officer or agent thereof, in connection with the granting of the zoning action evidenced by this ordinance, in giving the public notice of the above described hearings, in giving notice of those hearings, and in conducting those hearings.

Section 4. Zoning Map

The City Secretary shall amend the zoning map of the City of Iowa Colony to reflect this zoning action.

Section 5. 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 provisions of any such other ordinance conflict with or overlap the provisions of this ordinance, whichever imposes the more stringent regulation shall control, except as may be specifically stated otherwise herein. The Zoning Ordinance shall remain in full force and effect, subject to the changes herein specified.

Section 6. Severance Clause

In the event any section or provision, of whatever size, of this ordinance 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 7. Effective Date

This ordinance shall take effect and be in force from and after its passage and adoption.

READ, PASSED AND ADOPTED ON THIS DATE: **APRIL 17, 2023**

CITY OF IOWA COLONY, TEXAS

By: 
MICHAEL BYRUM-BRATSEN,

MAYOR

ATTEST:


KAYLEEN ROSSER, CITY SECRETARY

