

ORDINANCE NO. 2019-26

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS GRANTING A **VARIANCE TO CERTAIN REQUIREMENTS OF THE SIGN ORDINANCE** FOR A SIGN LOCATED ON THE WEST SIDE OF SH 288 BETWEEN THE BNFS RAILWAY AND IOWA COLONY BOULEVARD, CURRENTLY ADVERTISING COASTAL BOAT & RV STORAGE; FINDING FACTS; PROVIDING FOR REVOCATION OF THIS VARIANCE; AND PROVIDING LIMITATIONS, CONDITIONS, A SAVINGS CLAUSE, A SEVERANCE CLAUSE, AND AN EFFECTIVE DATE.

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

1. **Background**

a. The prohibited sign is located on the west side of SH 288 between the BNSF railway and Iowa Colony Boulevard (CR 48) on a business land use. The existing sign structure is about 17 feet tall by approximately 12 feet wide (204 square feet) with the actual sign area being approximately 8 feet high by approximately 12 wide (96 square feet). A survey was furnished with the application indicating a frontage distance along SH 288 of approximately 791.62 feet. The existing sign is composed of a concrete base approximately 2 feet high, plus 2 rows of stone block totaling an additional approximately 3-feet high, a 4-feet high gap above the stone blocks, and 3 - 4 feet by 8 feet plywood panels (for a total of 12 feet wide by 8 feet high). The plywood panels are supported by a wood post at each end of the panel assembly. The concrete base seems to be at or near the property line at SH 288. The sign indicates the name of the business, Coastal Boat & RV Storage; a phone number; and a website address. No other permanent signs are visible on the site. A temporary banner (not permitted), approximately 3 feet high by approximately 6 feet wide is located on the front fence of the site at the entry with the text "NOW OPEN", and the variance granted by this ordinance does not apply to that banner.

b. This ordinance clarifies and replaces Ordinance No. 2019-23, passed on June 17, 2019. The terms of this ordinance state the true and correct intent of the Council in passing Ordinance 2019-23 and at all times from then through the passage of this ordinance.

2. **Findings of Fact**

The City Council has determined that a variance should be granted on the terms herein stated, because the facts and circumstances satisfy the criteria in Section 14,B,1 of the Sign Ordinance, No. 2016-19, as follows:

a. The granting of this variance will not in any way be materially detrimental to the subject property where the sign is located, to any other property or improvements, or to the integrity, soundness, or safeness of the sign.

- b. The granting of this variance will not be materially detrimental to the public health, safety, or well-being.
- c. The literal enforcement of the Sign Ordinance would create an undue hardship in the case in question.
- d. The granting of this variance will not in any way be contrary to the purpose or intent of the Sign Ordinance.

3. Grant of Variance

Accordingly, the City Council hereby grants a variance, on the terms herein stated, to only the above specified requirements of the Sign Ordinance and only as to the above specified violations by the above specified existing sign.

4. Conditions and Exceptions

This variance is granted strictly upon the following conditions:

- a. The bottom of the existing sign face must be lowered to a height of no more than six feet above the ground, and the total height of the structure must not exceed 14 feet.
- b. This variance does not apply to any future expansion, remodeling, or replacement of the sign described herein or to anything that increases the nonconformity of the sign in any way.
- c. No other monument sign shall be located on the premises where the existing sign is located.

5. Nonwaiver of Immunity

Nothing herein shall ever be construed as a full or partial waiver of governmental immunity, official immunity, or any other immunity of the City or its personnel or agents.

6. Nonwaiver by Nonenforcement

The failure or omission of the City, upon one or more occasions, to enforce any right, obligation, or remedy hereunder shall never be construed as a waiver of the City's right to strictly enforce such right, obligation, or remedy, and the City may resume such strict enforcement without advance notice.

7. Savings Clause

Except as specifically herein provided, all provisions of Ordinance No. 2016-19, and all other ordinances of the City shall remain in full force and effect.

8. Severance Clause


If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

9. Effective Date

This ordinance shall be effective from its passage and adoption.

PASSED AND ADOPTED ON THIS DATE: July 15, 2019.

CITY OF IOWA COLONY, TEXAS

By: 
Michael Byrum-Bratsen, Mayor

ADDRESS FOR NOTICE:

12003 Iowa Colony Boulevard
Iowa Colony, Texas 77583


Attention: City Secretary

ATTEST:


Kayleen Rosser, City Secretary

ACCEPTED:

MANVEL BOAT AND STORAGE, LLC

By: 
Richard A. Clark, General Manager

ADDRESS FOR NOTICE:

470-B This Way
Lake Jackson, Texas 77566

Date Signed: 7-24-19