

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS
GRANTING A WAIVER AND VARIANCE TO CERTAIN SETBACK
REQUIREMENTS AT 9828 KARSTEN BLVD.; WITH RELATED
PROVISIONS**

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

SECTION 1. Findings of Fact

- a.** The Planning and Zoning Commission has made a report to the City Council concerning this variance.
- b.** The City Council has determined that a waiver or variance should be granted as herein provided, because the criteria in Section 1.3.4.3 of the Unified Development Code have been satisfied.
- c.** All requirements of law concerning this ordinance and the waiver and variance herein granted have been satisfied.

SECTION 2. Legal Requirements

Section 3.5.3.1(a)(3) of the Iowa Colony Unified Development Code provides:

If both (i) property frontage is on a designated major arterial; and (ii) either (a) the tract size is less than two (2) acres, or (b) the proposed building size is limited to a maximum of twenty-five thousand (25,000) square feet of Gross Leasable Area (GLA); then the front wall of the building shall be located on a build-to building setback line of fifty-three (53) feet from the ultimate right-of-way line of the street along the front of the property.

SECTION 3. Background

The City has received an application for a variance from the above provision for the construction of a new Early Childhood Development center for Primrose Schools to be located at 9828 Karsten Blvd. The background is more fully stated in the Staff Report attached hereto and incorporated herein in full.

SECTION 4. Grant of Waiver and Variance

Accordingly, the City Council hereby grants a waiver and variance to the requirements of the above-cited section of the Uniform Development Code concerning setbacks for the proposed structure at the location provided; however, that this variance is granted:

- a. only to the extent shown in the **attached drawing(s)**;
- b. but only to the extent stated in the **Staff Report attached hereto**;
- c. in reliance upon the statements of fact in the **attached Application for Variance Request or Appeal** filed in this matter; and
- d. subject to any conditions or limitations stated in the Staff Report.

SECTION 5. Savings Clause

The Unified Development Code and all other ordinances of the City shall remain in full force and effect except as specifically provided herein.

SECTION 6. 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.

SECTION 7. Effective Date

This ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED ON AUGUST 18, 2025.

CITY OF IOWA COLONY

By: _____
WIL KENNEDY, MAYOR

ATTEST:

KAYLEEN ROSSER, CITY SECRETARY

APPLICATION
AND
STAFF REPORT

ATTACHMENTS TO ORDINANCE GRANTING
VARIANCE TO CERTAIN PROVISIONS OF
UNIFIED DEVELOPMENT CODE FOR
PRIMROSE SCHOOLS