

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS
GRANTING A VARIANCE TO CERTAIN REQUIREMENTS OF THE
SIGN ORDINANCE FOR A SIGN LOCATED AT 2942 MERIDIANA
PARKWAY; FINDING FACTS; PROVIDING CONDITIONS AND
EXCEPTIONS, AND CONTAINING RELATED PROVISIONS**

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

Section 1. Background

The request is stated on the Application for Variance Request for a taller sign and a larger square footage to ensure the success of tenants occupying space, attached plans and drawings, and the Letter of Recommendation dated May 24, 2024, recommending against the variance, all of which are attached hereto and incorporated herein in full.

Section 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.

Section 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.

Section 4. Conditions and Exceptions

This variance is granted strictly upon the following conditions:

- a.** The total height of the structure must not exceed 22 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 9. Open Meetings Act

That it is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 10. Effective Date

This ordinance shall be effective from its passage and adoption.

READ, PASSED AND ADOPTED ON 10TH DAY OF JUNE 2024.

**WIL KENNEDY, MAYOR
CITY OF IOWA COLONY, TEXAS**

ATTEST:

**KAYLEEN ROSSER, CITY SECRETARY
CITY OF IOWA COLONY, TEXAS**