

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS
GRANTING A WAIVER AND VARIANCE TO CERTAIN ZONING
SETBACK REQUIREMENTS AT 5002 MAGNOLIA BEND DR.; 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 recommendation 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 Article VII., Sec.70, (d). (2) and (3) of the City of Iowa Colony Zoning Ordinance 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

The City of Iowa Colony Zoning Ordinance Article VII – Zoning District Regulations, Sec. 70 (Single-Family Residential Dwelling District) provides:

“(d) Yard Requirements. (2) Required side yard: 25 feet for interior side lots. Side yards adjacent to side streets shall be not less than 50 feet, except that side yards adjacent to the turn-around portion of a cul-de-sac street shall be not less than 25 feet. (3) Required rear yard: 50 feet; provided, however, a rear yard of at least 100 feet shall be maintained where adjacent to a street.”

SECTION 3. Background

The City has received an application for a variance from the above provision for a structure to be located at 5002 Magnolia Bend Dr. 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 Article VII., Sec.70, (d). (2) and (3) of the City of Iowa Colony Zoning Ordinance concerning setback requirements for the proposed structure at 5002 Magnolia Bend Dr.; 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 City of Iowa Colony Zoning Ordinance 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 MARCH 10, 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
CITY OF IOWA COLONY ZONING ORDINANCE FOR
5002 MAGNOLIA BEND DR.