

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS,
AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO
REZONE CERTAIN PROPERTY ON COUNTY ROAD 62 FROM
SINGLE FAMILY RESIDENTIAL TO BUSINESS AND RETAIL;
AND CONTAINING RELATED PROVISIONS**

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

Section 1. Findings

That 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**:

Being a 5.34 acre tract of land out of Tract 465, of the Emigration Land Company's Subdivision, Section 3 of the Lavaca Navigation Co's Survey, Abstract 328, recorded in Volume 2, Page 113 of the Deed Records of Brazoria County, Texas, being the same called 5.34 acre tract conveyed to Dennis and Suzie Westerman recorded in County Clerk's File No. 1998-035115 of the Official Records of Brazoria County, Texas and being more fully described by metes and bounds as follows: (All bearings based on the North line of the 5.34 acre tract-being East.)

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 THE 11TH DAY OF MARCH 2024.

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

ATTEST:

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