

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS,
CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF
LAW; AMENDING THE COMPREHENSIVE ZONING
ORDINANCE BY AMENDING THE ELLWOOD PLANNED UNIT
DEVELOPMENT, WITH RELATED PROVISIONS**

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

Section 1. Findings.

The City Council of the City of Iowa Colony, Texas (“the City”), makes the following findings of fact and conclusions of law:

a. The Owner of the premises subject to this ordinance, or the Owner's duly authorized agent, timely filed with the City Secretary a request for this action, containing all necessary information.

b. The Planning and Zoning Commission held a public hearing in the manner and at the time required by the Zoning Enabling Act of the State of Texas, codified as Section 211.001, et seq., Texas Local Government Code, the Zoning Ordinance, and all applicable law.

c. More than ten (10) days prior to the date of that hearing by the Planning and Zoning Commission, written notice of the application for this ordinance was sent to the owners of the property subject to this zoning action and to all owners of property located within two hundred (200') feet of that property.

d. The Planning and Zoning Commission made a final report to the City Council before the Council held its public hearing on this matter.

e. More than fifteen (15) days prior to the date of that hearing by the City Council, public notice of that hearing was published once in the Alvin Sun, a newspaper of general circulation in and the official newspaper of the City, stating the date, time, place, and subject of that hearing.

f. The City Council then held a public hearing in the manner and at the time required by the Zoning Enabling Act of the State of Texas, codified as Section 211.001, et seq., Texas Local Government Code, the Zoning Ordinance, and all applicable law.

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 of the City is of the opinion that the zoning action herein conforms to the requirements and intent of the City and the Comprehensive Plan of the City, and that such zoning action 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 of Iowa Colony will best be served by the adoption of this ordinance.

i. All requirements of law have been satisfied concerning the passage of this ordinance.

Section 2. Property or Premises.

The property or premises subject to this ordinance is the Ellwood Planned Unit Development (“PUD”) (formally called Rally 288 West Planned Unit Development District), as described in Ordinance 2022-09 of the City.

Section 3. Amendment of PUD

a. The attached application to amend the Ellwood Planned Unit Development is hereby granted, but only to the extent, on the terms, and with the conditions stated in the attached memorandum of recommendation by the City Engineer.

b. This ordinance amends the Zoning Ordinance, Ellwood PUD, Ordinance No. 2022-09, and all other ordinances enacting or amending the Ellwood PUD, all of which shall remain in full force and effect, subject to this amendment, except as may be specifically provided otherwise herein or in those ordinances.

c. As a strict condition of this ordinance and of all zoning amendments herein, no person shall cause or perform any development or construction on the premises, without first obtaining approval from the City for all matters that the City would have the right to approve or disapprove in considering a subdivision plat. Even if no subdivision is being created so as to invoke the subdivision ordinance or to require plat approval, this ordinance shall nevertheless require the City's approval to be obtained concerning the same subjects that the City would have the right to regulate or approve if plat approval were required. Thus, this ordinance is not sufficient to authorize any development or construction without further approval by the City.

d. Nothing in any portion of this ordinance shall restrict or impair the City's authority or discretion to approve or disapprove any development, construction, subdivision, or any other matter.

Section 4. Ratification of Actions of Officers.

The City Council hereby ratifies and confirms any and all actions taken by its personnel in connection with the zoning action evidenced by this ordinance, in publishing notice of the public hearing required by the Zoning Enabling Act and the Zoning

Ordinance, in giving notice of such hearing to the owner of the premises and to the owners of all property within 200 feet thereof, and in conducting that public hearing.

Section 5. Zoning Map.

The City Secretary shall amend the zoning map of the City of Iowa Colony to the extent, if any, necessary to reflect any changed district boundaries or classifications enacted by this ordinance.

Section 6. 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 provision of any such other ordinance conflicts with or overlaps the provisions of this ordinance, then whichever provision imposes the more stringent regulation shall control, except as may be specifically stated otherwise herein.

Section 7. Severance Clause.

In the event any section or provision of this ordinance of whatever size 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 8. Effective Date.

This ordinance shall take effect as of its passage and adoption on the first reading, as public hearings on this matter were required by law and were held.

READ, PASSED AND ADOPTED ON THE 13TH DAY OF MAY 2024.

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

ATTEST:

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