

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS  
GRANTING A WAIVER AND VARIANCE TO CERTAIN SUBDIVISION  
REQUIREMENTS AT 4030 CEDAR RAPIDS PKWY; 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 written 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, pursuant to the criteria in Section 37A One Acre and Larger Lots of the Subdivision 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**

Section 37A (2) and (3) of the Iowa Colony Subdivision Ordinance provides:

“A. One Acre and Larger Lots.

2. Lot dimensions. Lot dimensions shall be a minimum of one hundred twenty (120) feet in width at the building setback line and of a depth so as to provide an area not less than one (1) acre or forty three thousand five hundred sixty (43,560) square feet.

3. Residential lots that are not served by public sewer shall be not less than one hundred twenty (120) feet in width at the building setback line and shall not have an area less than one (1) acre or forty three thousand five hundred sixty (43,560) square feet. Such lots shall be laid out with provision for the possibility of resubdivision at such time as sanitary sewers and/or water service becomes available.”

**SECTION 3. Background**

The City has received an application for a variance from the above provision to subdivide the existing 2.0795 acre tract which would result in two lots, one of which will have a lot width of

less than 120', for lots not served by public sewer at 4030 Cedar Rapids Pkwy. 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 Section 37A (2) and (3) of the Iowa Colony Subdivision Ordinance concerning the subdivision of the existing 2.0795 acre tract which would result in two lots, one of which will have a lot width of less than 120', for lots not served by public sewer at 4030 Cedar Rapids Pkwy.; 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 Subdivision 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 OCTOBER 16, 2023.

**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  
THE SUBDIVISION ORDINANCE  
FOR 4030 CEDAR RAPIDS PKWY