

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS
GRANTING A WAIVER AND VARIANCE TO CERTAIN SUBDIVISION
REQUIREMENTS AT 8315 COUNTY ROAD 79; 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 8. Offenses 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 8 of the Iowa Colony Subdivision Ordinance provides:

“A. It shall be unlawful to construct two (2) single family dwellings which shall be occupied on a continual basis on a single lot, parcel or tract of land.”

SECTION 3. Background

The City has received an application for a variance from the above provision to allow for construction of a second single-family dwelling on a lot that is zoned within the Single-Family Residential District. The second dwelling would be occupied by her mother to be located at 8315 County Road 79. 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 8 of the Iowa Colony Subdivision Ordinance concerning the allowance of two (2) single family dwellings which shall be occupied on a continual basis on a single lot, parcel or tract of land located at 8315 County Road 79; 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 8315 COUNTY ROAD 79