

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, AMENDING SECTION 73 “DISTRICT BR (BUSINESS AND RETAIL USE)” OF THE IOWA COLONY ZONING ORDINANCE TO ALLOW CERTAIN COMMERCIAL USES TO OPERATE TWENTY-FOUR HOURS PER DAY WITHOUT A SPECIFIC USE PERMIT; PRESERVING ALL OTHER REGULATIONS IN SECTION 73; PROVIDING A PENALTY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the City Council of the City of Iowa Colony, Texas, finds that the amendment of Section 73 of the Zoning Ordinance is necessary to promote economic development and to accommodate businesses that provide substantial value and essential services to the community;

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

SECTION 1. That the Iowa Colony City Code Appendix A – Zoning Ordinance”, Article VII. “Zoning District Regulations” is hereby amended as follows:

Sec. 73. - District BR (Business and Retail Use).

AMENDING TO READ AS FOLLOW:

The paragraph under Section 73(a) regulating hours of operation is amended to read as follows:

Except as otherwise provided in this section, no store or use shall be open for business between the hours of midnight and 5:00 a.m. on any day of the week unless approved by the City Council through a Specific Use Permit. The City Council shall have discretion to grant or deny any Specific Use Permit under this ordinance.

ADDING PARAGRAPH

The following uses are the only uses exempt from this restriction and may operate twenty-four (24) hours per day without obtaining a Specific Use Permit:

- Hotels and motels offering daily or extended room rentals
- Freestanding restaurants, including sit-down dining and/or drive-thru service
- Bars, taverns, and restaurants serving alcoholic beverages for on-site consumption
- Gas stations and convenience stores
- Medical clinics, urgent care centers, and pharmacies with 24-hour operations
- Any other use the City Council determines provides substantial value or essential services to the community, provided the use is not otherwise prohibited

This section does not override operating hour regulations imposed by the Texas Alcoholic Beverage Commission (TABC) or other applicable state laws.

All remaining provisions of the Zoning Ordinance not expressly amended hereby shall remain in full force and effect.

SECTION 2. Any person, firm, or corporation who violates this Ordinance shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) for each offense. Each day any such violation continues shall constitute a separate offense.

SECTION 3. 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 4. This ordinance shall be effective immediately upon its passage and approval.

SECTION 5. That it is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED ON THE FIRST READING ON THE 16TH DAY OF JUNE 2025.

PASSED AND APPROVED ON THE SECOND READING ON THE _____ DAY OF JULY 2025.

CITY OF IOWA COLONY, TEXAS

By: _____
WIL KENNEDY, MAYOR

ATTEST:

KAYLEEN ROSSER, CITY SECRETARY