

ORDINANCE NO. 310

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING MINIMUM REQUIREMENTS FOR YARDS AND OPEN SPACES (BUILDING LINES); PROVIDING EXCEPTIONS FOR LOTS LOCATED WITHIN "OLD TOWN MAGNOLIA"; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. Definitions. For the purposes of this Ordinance the following words, terms and phrases shall have the meanings ascribed thereto:

- 1.01 **Building** shall mean a structure designed or built for the support, shelter, protection, housing, or enclosure of persons, animals, chattels, or property of any kind.
- 1.02 **Building line** shall mean an imaginary line, running parallel with applicable lot lines or street easement or roadway right-of-way lines, and beyond which no building or structure may be located other than fences, sidewalks, driveways, uncovered patios, or utility facilities placed by companies authorized to do so pursuant to franchise, license, or other authorization of the City or other governmental entity having jurisdiction thereover. Provided, however, no fence shall be authorized beyond a front building line except as specifically authorized herein. In measuring a building line adjacent to a street easement or roadway right-of-way, the nearest boundary of the street easement or roadway right-of-way shall be used.
- 1.03 **Commercial Tract** shall mean any lot, tract or parcel of land the main or primary use of which is other than a Residential Use as defined herein.
- 1.04 **Old Town Magnolia** shall mean the area bounded by 10th Street, Sanders Street, Commerce Street, and Magnolia Boulevard, and all lots fronting either side of Magnolia Boulevard within such area.
- 1.05 **Residential Tract** shall mean a lot, tract or parcel of land the main or primary use of which upon which is for a Residential Use as defined herein.
- 1.06 **Residential Use** shall mean the use of a lot, tract or parcel of land for single family residential dwelling or duplex dwelling purposes.

- 1.07 **Structure** shall mean anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, whether above, below, or at grade.

Section 2. Building Set-Back Requirements for Commercial Tracts. It shall be unlawful for any person to cause or permit the construction or placement of any building or structure on a Commercial Tract except in accordance with the minimum Building Lines set forth below:

- 2.01 **Front.** The front Building Line shall be not less than twenty-five feet (25').
- 2.02 **Side, generally.** There shall be no side Building Line except where a side property line abuts a Residential Tract, in which case the side Building Line shall be not less than ten feet (10').
- 2.03 **Side, corner lots.** The Building Line on the side of a corner lot adjacent to a side street shall be not less than ten feet (10').
- 2.04 **Rear, generally.** The rear building line shall be not less than twenty feet (20'), except where the rear property line abuts a street, the rear Building Line shall be not less than twenty five feet (25').

Section 3. Building Set-Back Requirements for Residential Tracts. It shall be unlawful for any person to cause or permit the construction or placement of any building or structure on a Residential Tract except in accordance with the minimum Building Lines set forth below:

- 3.01 **Front.** The front Building Line shall be not less than twenty-five feet (25').
- 3.02 **Side, generally.** The side Building Line shall be not less than five feet (5').
- 3.03 **Side, corner lots.** The Building Line on the side of a corner lot adjacent to a side street shall be not less than ten feet (10').
- 3.04 **Rear, generally.** The rear building line shall be not less than ten feet (10'), except where the rear property line abuts a street, the rear Building Line shall be not less than twenty five feet (25').

Section 4. Encroachment by Projections. Open and unenclosed building projections such as outside stairways, fire escapes, balconies, terraces, awnings, eaves and roof extensions, or ornamental features may project over a Building Line for a distance not to exceed

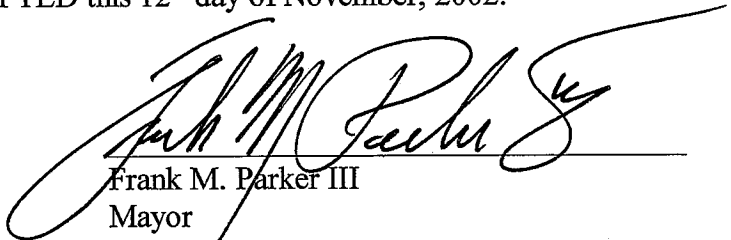
five feet (5'). Provided however, no such projection shall ever extend closer than five feet (5') from any lot line.

Section 5. **Exception for Old Town Magnolia.** Notwithstanding the provisions of Sections 2 through 4 above, there shall be no building set back requirements, or Building Lines, applicable to any lot, tract or parcel of land within Old Town Magnolia, as that term is defined in Section 1 above.


Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 7. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Magnolia, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 12th day of November, 2002.


Frank M. Parker III
Mayor

ATTEST:



Jane H. Miller
City Secretary