

ORDINANCE NO. O-2019-013

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MAGNOLIA, TEXAS, AMENDING CHAPTER 2 OF THE UNIFIED
DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR OTHER
PROVISIONS.**

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WHEREAS, the City Council of the City of Magnolia, Texas has adopted a “Unified Development Code” (“UDC”) by ordinance No O-2015-018; and

WHEREAS, the City Council of the City of Magnolia Texas has studied the present provisions of the UDC regarding Jurisdiction and Enforcement, Design Standards and Definitions; and

WHEREAS, the City Council finds it necessary to amend certain sections in Chapter: (i) Chapter 2 “Zoning Districts and Land Uses”; and

WHEREAS, the City Council hereby finds and determines that the all public notification and comment procedures and any required hearings under Texas State Law have been followed pertaining to the proposed amendments to the UDC.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.

Section 2. Chapter 2 of the Unified Development Code, Sec. 2-2-1.02, Land Use Tables, is amended by adding C for Conditional Use Permit for food trucks, permanent, in an Auto Urban Commercial (AC) as shown in the attached Exhibit “A” and incorporated herein for all purposes.

Section 3. Chapter 2 of the Unified Development Code, Sec. 2-3-3.05, Accessory Building, is hereby amended, as shown in the attached Exhibit “B” and incorporated herein for all purposes.

Section 4. Repealing Clause. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

Section 6. Compliance Clause and Effective Date. The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code, at which time this Ordinance takes effect.

PASSED, APPROVED and ADOPTED by the City Council of the City of Magnolia, Montgomery County, Texas on this the 11th day of June 2019.



CITY OF MAGNOLIA, TEXAS

A handwritten signature in blue ink, appearing to read "Todd Kana", written over a horizontal line.

Todd Kana, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Lynne George", written over a horizontal line.

Lynne George, CPM, TRMC
City Secretary



UNIFIED DEVELOPMENT CODE

Table 2-2-1.02

Land Uses

Land Use	Residential					Nonresidential							
	RU	RE	SR	SU	NC	SV	AC	TC	UP	PU	BP	IN	TS
dance hall; lodge)													
Farmers' Market, Permanent	-	-	C	C	C	P	P	C	C	P	-	-	-
Fueling/Charging Stations	-	-	-	-	-	P	P	-	C	-	-	C	-
General Professional/ Medical Office	-	-	-	-	-	P	P	-	P	-	P	-	C
Heavy Retail/Home Center	-	-	-	-	-	C	P	-	-	-	-	-	-
Manufactured/Modular Home Sales	-	-	-	-	-	C	P	-	-	-	-	-	-
Mobile Food Truck, Permanent	-	-	-	-	-	-	C	P	-	-	-	-	P
Mixed Use	-	-	-	C	C	P	-	-	P	-	-	-	-
Nursery, Retail	-	-	-	-	-	C	P	-	C	-	-	-	-
Office	-	-	-	-	-	P	P	-	P	-	P	-	-
Overnight Accommodations (hotels; motels; commercial inns)	-	-	-	-	-	P	P	-	C	-	-	-	-
Restaurant (no drive- through or drive-in)	-	-	-	-	-	P	P	P	P	-	-	-	P
Restaurant (with drive- through or drive-in)	-	-	-	-	-	P	P	-	C	-	-	-	-
Truck Stop/Truck Wash	-	-	-	-	-	-	C	-	-	-	-	C	-
Vending Kiosks/ATMs	-	-	-	-	-	C	P	-	C	-	-	-	-
Wholesale	-	-	-	-	-	-	-	-	-	-	-	P	-
Agricultural Uses													
Agriculture, General	P	-	-	-	-	-	-	-	-	-	-	-	-
Animal Production	P	-	-	-	-	-	-	-	-	-	-	-	-
Agricultural Sales	P	-	-	-	-	-	-	-	-	-	-	-	-
Nursery or Greenhouse, Wholesale; Agricultural Production	P	-	-	-	-	-	-	-	-	-	-	P	-
Stable or Riding Academy	P	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Uses													
Automotive Wrecking / Salvage Yard (junkyard; recycling business)	-	-	-	-	-	-	-	-	-	-	-	P	-
Broadcasting Center (satellite farm; server farm; switching facility)	-	-	-	-	-	-	C	-	-	-	-	P	-
Composting Drop-Off / Collection / Processing Facility	-	-	-	-	-	-	-	-	-	-	-	P	-

EXHIBIT B

CHAPTER 2 ZONING DISTRICTS AND LAND USES

ARTICLE 2-2 LAND USES

Division 2-3-3 Residential Uses

Sec. 2-3-3.05 Accessory Buildings and Structures

E. Other Detached Accessory Buildings or Structures.

1. *Height.* Height shall not exceed one-story or 17 feet, whichever is less.
2. *Footprint.* No detached accessory building or buildings shall cover an area that is larger than that covered by 75% the principal building, ~~nor cover more than 25 percent of the required rear yard or 600 square feet, whichever is less.~~