

ORDINANCE NO. O-2020-013

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MAGNOLIA, TEXAS, AMENDING CHAPTER 2 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 a certain section in Chapter 2 Zoning Districts and Land Uses.

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, Table 2-2-1.06.1 Temporary Uses is amended as shown in the attached Exhibit “A” and incorporated herein for all purposes.

Section 3. 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 All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other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 4. 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 5. 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 14th day of April 2020.



CITY OF MAGNOLIA, TEXAS

A handwritten signature in black ink, appearing to read "Todd Kana".

Todd Kana, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Lynne George".
Lynne George, CPM, TRMC
City Secretary

EXHIBIT "A"

CHAPTER 2 ZONING DISTRICTS AND LAND USES

ARTICLE 2-2 LAND USES

Division 2-2-1 Land Use Types

Sec. 2-2-1.06 Temporary Uses

- A. **Generally.** Set out in Table 2-2-1.06.1, **Temporary Uses**, is the temporary uses that are allowed by right (permitted), allowed subject to special processes (conditional), and not allowed (prohibited) in each zoning district.

Table 2-2-1.06.1 Temporary Uses													
Land Use	Zoning Districts												
	Residential					Nonresidential							
	RU	RE	SR	SU	NC	SU	AC	TC	UP	PU	BP	IN	TS
Public and Commercial Events													
<i>Commercial Outdoor Sales Event</i>	-	-	-	-	-	-	P	P	P	L	-	-	-
Roadside Stand	C	-	-	-	-	-	-	-	-	-	-	-	-
Seasonal Sales	-	-	-	-	-	C	P	P	P	-	-	-	-
Sidewalk Sales	-	-	-	-	-	C	P	P	P	-	-	-	P
Public Exhibit or Transient Events/Shows	-	-	-	-	-	-	P	C	C	-	-	-	-
Truckload Sales	-	-	-	-	-	-	P	-	-	-	-	-	-
Food Service Trucks	-	-	-	-	-	-	P	-	-	P	-	-	P
Construction, Storage, and Refuse Collection Facilities													
Asphalt or Concrete Batch Plant	C	-	-	-	-	-	-	-	-	-	C	C	-
Temporary Construction Offices	€ P	€ P	€ P	€ P	-	-	€ P	€ P	€ P	€ P	€ P	€ P	-
Temporary Construction Yard	-	-	-	-	-	-	-	-	-	-	-	C	-
Model Homes	€ P	€ P	€ P	€ P	-	-	-	-	-	-	-	-	-
On-Site Real Estate Office	C	C	C	C	-	P	P	-	-	-	-	-	-
Portable Storage Unit	-	-	-	-	-	-	C	C	-	C	C	P	-
Food Service Trucks	-	-	-	-	-	-	-	-	-	-	-	-	-

- B. **Public and Commercial Events.** Commercial Outdoor Sales Event shall be allowed in Public Use areas on a case-by-case basis as a limited ("L") use. The standards of this remaining Section