

**ORDINANCE NO. O-2020-016**

**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.**

\* \* \* \* \*

**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 2-2-1.02 Land Uses is amended as shown in the attached Exhibit “A” by striking the term “Manufactured Home” 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 All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other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 9<sup>th</sup> day of June 2020.



CITY OF MAGNOLIA, TEXAS

A handwritten signature in blue ink, appearing to read "TK", positioned above a horizontal line.

Todd Kana, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Lynne George", positioned above a horizontal line.

Lynne George, CPM, TRMC  
City Secretary



7. *Vacation or Abandonment.* Where a *public street*, alley, or *parcel* of land is officially vacated or abandoned, the regulations applicable to the abutting property apply equally to the vacated or abandoned street or alley.
- E. **Annexed and Undesignated Lands.** For the purposes of ensuring that all land has a zoning designation, any land that is not assigned a zoning district on the Official Zoning Map or any land that is annexed into the City shall be zoned in accordance with the adopted version of the Future Land Use and Character Plan. Alternatively such lands shall be zoned Rural (RU).
- F. **Conflicts Resolved.** In the event of a conflict between the district boundaries on the Official Zoning Map and the zoning of property provided by a duly enacted rezoning ordinance adopted before the *effective date* of this UDC, the Zoning Map shall control.

## ARTICLE 2-2 LAND USES

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### Division 2-2-1 Land Use Types

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#### Sec. 2-2-1.01 Generally

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- A. **Permitted Uses.** Contained in this Article are tables that set out which uses are allowed by right (permitted), allowed subject to special processes (conditional), and not allowed (prohibited) in each zoning district.
- B. **Unlisted Uses.** Set out in *Section 2-2-1.04, Unlisted or Functionally Similar Uses*, is the standards and processes for determining the appropriate district(s) and/or standards for uses that are not listed in the use tables.

#### Sec. 2-2-1.02 Land Use Tables

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- A. **Using the Tables.** The tables in this Section list the applicable land uses in rows, organized by general use category. The zoning districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, conditional, or prohibited in the district.
- B. **Symbols.** The tables in this Section use the following symbols:
  1. "P" means that the land use is a *Permitted Use*, subject to the standards that apply to all permitted uses. The use is approved by the *Administrator*, or an appointee.
  2. "C" means that the use is allowed as a *Conditional Use*, which may be approved following a public hearing by the *Commission* and consideration of the *City Council*, subject to:
    - a. The standards for permitted uses that are set forth in this UDO;
    - b. The procedures set forth in *Section 11-2-3.04, Conditional Use Permit*.
- C. "-" means that the use is a *Prohibited Use* in the specified zoning district.
- D. P<sub>c</sub> means the use is permitted only in a *cluster development* in the respective district.



- E. P<sub>P</sub> means the use is permitted only in a planned development in the Semi-Urban Residential (SU) District.

Table 2-2-1.02 Land Uses													
Land Use	Residential					Nonresidential							
	RU	RE	SR	SU	NC	SV	AC	TC	UP	PU	BP	IN	TS
Residential													
Single-Family Detached	P	P	P	P	P	-	-	-	-	-	-	-	-
Single-Family Detached Patio or Zero Lot Line Home	-	P <sub>C</sub>	P <sub>C</sub>	P <sub>P</sub>	See Table 2-2- 1.03, NC Sub- district Land Uses	-	-	-	-	-	-	-	-
Single-Family Attached (duplex, condominium townhome)	-	P <sub>C</sub>	P <sub>C</sub>	P <sub>P</sub>		-	-	-	-	-	-	-	-
Manufactured Home/ Manufactured Home Park¹	-	-	-	C		-	-	-	-	-	-	-	-
Mobile Home	-	-	-	-		-	-	-	-	-	-	-	-
Multifamily Dwelling													
- Townhome	-	-	P <sub>C</sub>	P <sub>P</sub>		-	-	-	-	-	-	-	-
- Live-Work Townhome	-	-	P <sub>C</sub>	P <sub>P</sub>		-	-	-	-	-	-	-	-
- Multiplex	-	-	P <sub>C</sub>	P <sub>P</sub>		-	-	-	-	-	-	-	-
- Apartments	-	-	-	P <sub>P</sub>		-	-	-	-	-	-	-	-
Industrialized Housing/ Modular Home¹	-	-	C	C		-	-	-	-	-	-	-	-
Commercial Use of the Home													
Bed and Breakfast Home¹	C	C	C	C	-	-	-	-	-	-	-	C	
Bed and Breakfast Inns¹	-	-	-	C	C	C	C	C	-	-	-	C	
Family Home	P	P	C	C	-	-	-	-	-	-	-	-	
Foster Home	P	P	P	P	-	-	-	-	-	-	-	-	
General Residential Operation (children's homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps)	C	C	C	C	C	C	-	-	-	-	-	-	
Group Day Care Home	C	C	C	C	-	-	-	-	-	-	-	-	
Home Business¹	C	C	C	C	P	-	P	-	-	-	-	P	
Home Occupation¹	C	C	C	C	-	-	-	-	-	-	-	-	
Recreational Vehicle Park¹	-	-	C	C	-	C	-	-	-	-	-	-	
Institutional Uses													
Assisted Living / Congregate Care Facilities	-	-	C	C	C	P	P	C	C	-	-	-	-
College / University / Vocational School	-	-	C	C	C	P	P	-	-	P	P	-	-