

ORDINANCE NO. O-2022-008

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA,
TEXAS, AMENDING CHAPTER 6 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 certain sections in Chapter: (i) Chapter 6 "Signs and Lighting"; and

WHEREAS, the City Council hereby finds and determines that all public notification and comment procedures 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. Chapter 6 of the Unified Development Code, Sec. 6-1-4.01 Freestanding Temporary Signs is hereby amended as shown in the attached Exhibit "A" and incorporated herein for all purposes.

Section 2. 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 All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other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 3. 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 4. 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 12th day of April, 2022.



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 blue ink, appearing to read "Kandice Garrett", written over a horizontal line.

Kandice Garrett
City Secretary



UNIFIED DEVELOPMENT CODE

Sec. 6-1-3.03 Freestanding Sign Setbacks

- A. **Generally.** *Freestanding signs* shall be set back from *property lines* and other uses as provided in this Section.
- B. **Setback from Property Lines.**
 1. **Front and Side Street Setbacks.** Along *street frontages*, *signs* shall be set back from street property lines the greater of:
 - a. 10 feet; or
 - b. Two feet for each foot of *sign height*.
 2. **Side and Rear Setbacks.** Signs shall be set back from side and *rear lot lines* according to the interior side and rear setback requirements that apply to *principal buildings*.
 3. **Line of Sight/Safety Requirements.** The *Administrator* or designated appointee shall review the line of sight from a safety perspective to ensure that signs do not obstruct views from travel lanes of *public streets* in a manner that would create an unsafe condition.
- C. **Additional Setbacks from Uses.**
 1. No permanent freestanding sign shall be constructed:
 - a. Within 200 feet of a public park, or a publically owned *parcel* that contains or could contain a public *building*, or public school facility;
 - b. Within 200 feet of a parcel that contains a private school;
 - c. Within 200 feet of any historical site; or
 - d. Within two times the *height* of the sign from the nearest point of entrance into any area used for residential purposes.
 2. This requirement may be waived for *development* on existing *lots* if:
 - a. The development cannot comply with the terms of the Subsection because of the existing geometry of the lot;
 - b. The existing building is set back more than 25 feet from the edge of pavement; and
 - c. The setback from the uses listed in Subsection B.1., above is as large as is practicable in order to give effect to other setback requirements of this Section.

Division 6-1-4 Temporary Signs

Sec. 6-1-4.01 Freestanding Temporary Signs

- A. **Generally.** There are many forms of *temporary signs*. This Section sets out which forms of temporary signs are allowed by use and the size and *height* standards that apply to them. *Sign*



UNIFIED DEVELOPMENT CODE

types that are not listed in Table 6-1-4.01, Permissible *Freestanding Sign Types*, are not permitted as freestanding signs.

- B. **Banners.** *Freestanding Banners* are permitted for use to inform the public of special events. Banners are permitted for use in residential and nonresidential districts provided that:
1. There is only one banner per site, or no more than one banner every 400 feet of frontage, whichever is less;
 2. The banner is firmly attached to supports to provide for safety of motorists and pedestrians;
 3. The banner complies with the standards of *Section 6-1-2.03 Prohibited Sign Locations* with the exception of fences; a temporary freestanding banner may be placed on a fence, with permission of the fence owner, to ensure line of sight/safety requirements if approved by the Administrator;
 4. The area of the banner is no larger than the sign area allowed for a monument sign, *Table 6-1-3.02 Permissible Freestanding Sign Types* for the same site.
 5. No banner is displayed for a period of more than 30 days every six months.
- C. **Setbacks.** All temporary signs shall be set back at least five feet from all property lines. Temporary signs that are not visible from public right-of-ways or abutting property are not restricted by this Section.

Table 6-1-4.01 Permissible Freestanding Sign Types								
Sign Type and Limitations	Use							
	RE, SR, SU, NC	RU	SV, AC, BP Single Site	SV, AC, PB Multi-Tenant	PU	TC, UP	IN	TS
Yard Sign	P	P	-	-	-	-	-	-
Number of Signs Allowed	No maximum number; see next row for maximum area							
Maximum Sign Area (per sign/total)	4 sf. / 24 sf.							
Maximum Sign Height (to top of structure)	3 ft.							
Maximum Days Signs May be Displayed	90 days							
Swing Sign	P	P	-	-	-	P	-	P
Number of Signs Allowed	1 per lot	1 per frontage				1 per business	-	1 per business
Maximum Sign Area	5 sf. (including up to 2 riders)					5 sf.	-	5 sf.
Maximum Sign Height	4 ft.					4 ft.	-	4 ft.
Maximum Days Signs May Be Displayed	9 months per year					9 months per year	-	6 months per year



UNIFIED DEVELOPMENT CODE

Table 6-1-4.01
Permissible Freestanding Sign Types

Sign Type and Limitations	Use							
	RE, SR,SU, NC	RU	SV, AC, BP Single Site	SV, AC, PB Multi-Tenant	PU	TC, UP	IN	TS
Site Sign	P	P	P	P	P	P	P	P
Number of Signs Allowed	1 per frontage							
Maximum Sign Area	12 sf.		16 sf.				12 sf.	
Maximum Sign Height	5 ft.		8ft.					
Other Requirements	Not allowed on lots with existing residential uses		-					
Maximum Days Sign May Be Displayed	On construction sites; duration of construction; all others: 4 months per year							
Temporary Flags ¹	-	-	-	L	L	-	-	-
Number of Signs Allowed	-			1 per 100 feet of frontage		-		
Maximum Sign Area	-			10 sf.		-		
Maximum Sign Height	-			9 ft.		-		
Other Requirements	-			Not allowed with site signs; subject to amortization per Subsection D., below		-		
Maximum Days Sign Type May Be Displayed	-			100 days per year		-		

Table Notes:

¹Does not include flags that are flown from permanently installed flagpoles, regardless of whether the flags are lowered or changed from time to time.

- D. Sidewalk Signs.** Sidewalk signs are permitted in areas where they are indicated with an "L" in Table 6-1-4.01, Permissible Freestanding Sign Types, if it is demonstrated that:

1. The sign is located within three feet of the *building* or the outside edge of the sidewalk; and
2. There is at least six feet of clear sidewalk area for pedestrian use;
3. The sign is located in front of the use to which it is associated.

Sec. 6-1-4.02 Attached Temporary Signs

- A. Generally.** Attached *temporary signs* are permitted subject to the standards in this Section.