

Anne Sundquist, Place 1, Chairman
Scott Shelburne, Place 2
LaRae Whorley, Place 3
Josh Jakubik, Place 4
Cathy Yowell, Place 5, Vice Chairman
Alternate:
Trevor Brown



Don Doering, City Administrator
Kandice Garrett, City Secretary
Leonard Schneider, City Attorney
Christian Gable, Planning Coordinator

NOTICE OF PUBLIC MEETING ZONING BOARD OF ADJUSTMENT

AGENDA
PUBLIC HEARING AND SPECIAL MEETING
WEDNESDAY, OCTOBER 5, 2022 - 4:30 P.M.
Sewall Smith Council Chambers
18111 Buddy Riley Blvd. Magnolia, Texas 77354

1. CALL TO ORDER

- a. INVOCATION
- b. PLEDGE OF ALLEGIANCE
- c. ROLL CALL AND CERTIFICATION OF QUORUM

2. CITIZENS COMMENTS, REQUESTS OR PETITIONS FROM THE PUBLIC

(This agenda item provides an opportunity for citizens to address the City Council on any matter not on the agenda).

Comments shall be limited to three (3) minutes per person. Comments by the governing body shall be limited to:

- a. Statements of specific factual information given in response to an inquiry;*
- b. A recitation of existing policy in response to an inquiry;*
- c. A proposal to place the subject on a future agenda.*

3. OPEN PUBLIC HEARING

NOTICE OF PUBLIC HEARING

On October 5, 2022 at 4:30 pm., the City of Magnolia Zoning Board of Adjustment will hold a public hearing in the City Council Chambers, 18111 Buddy Riley Blvd., Magnolia, Texas 77354, concerning an appeal to a Notice of Violation of City of Magnolia's Unified Development Code requested for 327 Magnolia Blvd, giving all interested persons the right to appear and be heard.

4. CLOSE PUBLIC HEARING AND CONVENE SPECIAL MEETING

5. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the meeting held July 25, 2022.

6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN APPEAL REQUESTED FOR A NOTICE OF VIOLATION OF THE CITY OF MAGNOLIA UNIFIED DEVELOPMENT CODE FOR 327 MAGNOLIA BLVD.

7. ADJOURN

The Zoning Board of Adjustment of the City of Magnolia, Texas, reserves the right to adjourn into Closed Executive Session at any time during the course of this meeting to discuss any of the matters listed above as authorized by Title 5, Chapter 551, of the Texas Government Code. 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations about competitive matters), and 551.087 (Deliberation about Economic Development Matters).

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office at (281-305-0550), two working days prior to the meeting for appropriate arrangements.

CERTIFICATE

I certify that a copy of the *Notice of Meeting* was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofmagnolia.com, in compliance with Chapter 551, Texas Government Code.

DATE _____
TIME _____
TAKEN DOWN _____

Kandice Garrett, City Secretary



Anne Sundquist, Place 1, Chairman
Scott Shelburne, Place 2
LaRae Whorley, Place 3
Josh Jakubik, Place 4
Cathy Yowell, Place 5, Vice Chairman
Alternate(s):
Trevor Brown



Don Doering, City Administrator
Kandice Garrett, City Secretary
Leonard Schneider, City Attorney
Tana Ross, Planning Consultant

MINUTES
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
WEDNESDAY, JULY 25, 2022 – 4:30 P.M.
Sewall Smith Council Chambers
18111 Buddy Riley Boulevard, Magnolia, Texas 77354

A meeting of the Zoning Board of Adjustment was held on July 25, 2022 beginning at 4:30 p.m. in the Sewall Smith City Council Chambers located at 18111 Buddy Riley Blvd., Magnolia, Texas 77354.

1. CALL TO ORDER

Vice Chairman Cathy Yowell called the meeting to order for the Zoning Board of Adjustment at 4:32 p.m.

a. INVOCATION

Scott Shelburne provided the invocation.

b. PLEDGE OF ALLEGIANCE

Vice Chairman Cathy Yowell led the pledge of allegiance to the United States and Texas flags.

c. ROLL CALL AND CERTIFICATION OF QUORUM

Vice Chairman Cathy Yowell called roll, certified that a quorum was present with the following Zoning Board of Adjustment members in attendance: Cathy Yowell, Trevor Brown, Scott Shelburne, LaRae Whorley, and Josh Jakubik.

Absent: Anne Sundquist

Officials/staff present: Planning Coordinator Christian Gable, City Administrator Don Doering, and City Secretary Kandice Garrett

2. OPEN PUBLIC HEARING

Vice Chairman Cathy Yowell opened the Public Hearing at 4:33 p.m., read the Notice aloud, asking for any public comments.

NOTICE OF PUBLIC HEARING

On July 25, 2022 at 4:30 pm., the City of Magnolia Zoning Board of Adjustment will hold a public hearing in the City Council Chambers, 18111

Buddy Riley Blvd., Magnolia, Texas 77354, concerning a landscaping variance requested for Magnolia Village Retail Center Reserve A, giving all interested persons the right to appear and be heard.

Planning Coordinator Christian Gable provided a staff report. Patrick Eagan, with Gulf Coast Developers, addressed the Board and gave a presentation along with Christina Miller, attorney for the developer.

3. CLOSE PUBLIC HEARING AND CONVENE SPECIAL MEETING

Vice Chairman Cathy Yowell adjourned the Public Hearing and convened the Special Meeting at 4:46 p.m.

4. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the meeting held June 21, 2022.

MOTION: Upon a motion to approve the minutes of the meeting held June 21, 2022 made by Scott Shelburne and seconded by Josh Jakubik, the Board members voted and the motion carried unanimously, 5-0.

5. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OF A LANDSCAPING VARIANCE FOR MAGNOLIA VILLAGE RETAIL CENTER RESERVE A

There was further discussion from the applicant and the Board.

MOTION: Upon a motion to approve a landscaping variance for Magnolia Village Retail Center Reserve A upon receipt and approval of a landscape plan that meets the City of Magnolia Unified Development Code requirements made by Scott Shelburne and seconded by Cathy Yowell, the Board members voted, and the motion carried unanimously, 5-0.

6. ADJOURN

MOTION: Upon a motion to adjourn the meeting made by Scott Shelburne and seconded by Cathy Yowell, the Board members voted, the motion carried unanimously, 5-0 and the meeting was adjourned at 5:00 p.m.



Cathy Yowell, Vice Chairman

CERTIFICATION

I certify that this is a true and correct copy of the minutes of the meeting of the City of Magnolia Zoning Board of Adjustment held July 25, 2022.

ATTEST:

Kandice Garrett, City Secretary

Sopheak Pich
327 Magnolia Blvd.
Appeal Request for – Notice of Violation
BOA Meeting Oct 5, 2022
Prepared by: Planning Coordinator Christian Gable

A request for appeal from Sopheak Pich, property owner and/or occupant at 327 Magnolia Blvd, regarding Notice of Violation issued for UDC violations by Code Enforcement Officer Clyde Hunt.

Staff Report:

The property is located in the Town Center (TC) zoning district with approximately 130 ft of frontage on FM 1774 and 120 ft of frontage on Betty Hall St. The property is in the Stroll Overlay District and shares property lines with LaRae Whorley - LaRae Whorley Realty Group. This property lines the Magnolia Stroll with 39 other properties that are all also zoned Town Center (TC).

The Notice of Violation was issued by Code Compliance authority to notify the following violations to City of Magnolia's Unified Development Code (UDC):

- *UDC Chapter 2, Table 2-1-1.03 Zoning Districts*
- *UDC Chapter 11, Table 11-2-1.02 Administrative Permits*
- *UDC Chapter 9, Section 9-1-2.02 Major and Minor Nonconforming Uses, Buildings, and Structures*

A written letter to appeal from the property owner/occupant was delivered within the Local Government Code requirements allowing a public hearing before the Board of Adjustments.

Staff Findings:

In reference to violations as listed on notice:

- *UDC Chapter 2, Table 2-1-1.03 Zoning Districts*
 1. The TC zoning district is considered nonresidential.
 2. The TC zoning district allowable use is "Retail" and functions as pedestrian and tourism-oriented retail uses.
 3. The purpose of the TC zoning district is intended as a walkable retail shopping and entertainment area with a unique character.
- *UDC Chapter 11, Table 11-2-1.02 Administrative Permits*
 1. The only Certificate of Occupancy that the City has filed is for 327 B Magnolia Blvd for proposed Single Family Residential Use dated January 7, 2011.
 - I have verified that 327 B Magnolia Blvd is not a legal 911 address through Montgomery County.
 - This CO was issued before Zoning was adopted in 2015.
 - There is no existing CO for 327 Magnolia Blvd alone.
 2. The City has 3 building permits on file for 327 Magnolia Blvd.
 - Commercial exterior remodel permit # 20140116 (7/10/2014 to 1/10/2015)
 - Commercial exterior remodel permit # 20150570 (8/19/2015 to 2/17/2016)
 - Commercial interior remodel permit # 20160428 (6/17/2016 to 12/18/2016)
 3. 327 Magnolia Blvd is charged commercial water/sewer rates through the City.

4. 327 B Magnolia Blvd is also charged commercial water/sewer rates through the City although it is not a legal address through Montgomery County. This means there are 2 water meters on one property which is not allowable through the City unless for irrigation purposes.
 5. 317 Magnolia Blvd was verified as a legal address through Montgomery County 911 Address Assignment. Montgomery County is unable to provide a date this became legal although the “points were edited 6/9/2022 but for unknown reason”. This address previously shared a property address of 327 Magnolia Blvd. The following permit was filed through the City for 317 Magnolia Blvd:
 - Commercial addition permit # 20211139 (10/05/2021 to 4/04/2022)
 6. Certificate of Occupancy for 317 A Magnolia Blvd was issued 4/6/2014 to Susan Sewing. We do not have documentation whether it was for commercial or residential. 317 A is not a legal address through Montgomery County.
 7. Water service is no longer available at 317 Magnolia Blvd as of 10/28/2020. This concludes that if 317 Magnolia Blvd is receiving water, it is due to illegal plumbing from existing meters at 327 Magnolia Blvd.
- *UDC Chapter 9, Section 9-1-2.02 Major and Minor Nonconforming Uses, Buildings, and Structures*
1. Nonconformities as described in Chapter 9 of the UDC are defined as uses that were lawfully established but are not currently listed as permitted or conditional uses.
 2. Major Nonconformities are those for which the nonconformity generates a nuisance per se or the nonconformity represents such incompatibility with adjacent uses and/or the Comprehensive Plan that they should be eliminated.
 - Residing within commercial property displays incompatibility with adjacent commercial uses.

Staff Recommendation:

Deny request to appeal Notice of Violation unless applicant agrees to abide by all City codes and regulations according to the UDC requirements for use at the properties mentioned in this report within a reasonable amount of time determined by the Board of Adjustments.

SOPHEAK PICH

327 Magnolia Boulevard
Magnolia City, TX 77355

Code Enje
Clyde Hunt
8/15/22
MS

August 11th, 2022

Delivered
8-3
9:49

TO whom It may concern:

This is to advise, I wish to appeal the attached notice
And Order.

Much appreciated for understanding.

Kindest regards.

[Signature]

Sopheak Pich

YANKEE DOODLE DONUT
Open 7 Days 4:30am-1:00pm
832 - 934 - 2661
CURBSIDE PICK UP
35427 State Highway 249, Pinehurst, TX, 77362

VIOLATION ATTACHMENT 1

CITY OF MAGNOLIA, MONTGOMERY COUNTY TEXAS,
NOTICE OF VIOLATION OF UNIFIED DEVELOPMENT CODE AND/ OR
CODE OF ORDINANCES OF THE CITY OF MAGNOLIA

TO: SAPHEAK PICH
327 MAGNOLIA BLVD
MAGNOLIA, TX 77355-17B

VIA CMRRR #7020 0070 0000 5803 1274
REGULAR MAIL

You are hereby notified that the property owned by you (and/or occupied by you, as the case may be) located at 327 MAGNOLIA BLVD in the City of Magnolia is not in compliance with the City of Magnolia's Unified Development Code (UDC) and/or the Code of Ordinances, Chapter 2-1-1.09, Section _____ states: _____

UDC - TABLE 2-1-1.03 ZONING DISTRICTS (COPY ENCLOSED)
- TABLE 11-2-1.02 ADMINISTRATIVE PERMITS (COPY ENCLOSED)
- CHAPTER 9, SECTION 9-1-2.02 NON CONFORMING USES (COPY ENCLOSED)

You are required and ordered to place the property in question into compliance with the City of Magnolia's UDC and/or the Code of Ordinances. The date to comply with this order is AUGUST 26, 2022.

If you wish to appeal this notice and order, then the appeal shall be made in writing and delivered to the City Hall within fifteen (15) days of service of this notice of violation. The address to make the written appeal is:

Code Enforcement Officer
Phone: (832) 349-1223
18111 Buddy Riley Blvd.
Magnolia, TX 77354-5864

If the required action to COMPLY WITH THE UDC is not completed by the date prescribed and/or if no request for hearing is made within the time prescribed, the City will take action to file in City of Magnolia Municipal Court to enforce the UNIFIED DEVELOPMENT CODE by the City by levy of a fine not to exceed \$500.00 for each day that the property is in violation of the UDC as provided by the UDC Chapter 13, Sec. 12-1-2.03(A) and Chapter 1, Section 1-10 of the Magnolia Code of Ordinances.

Dated this the 15th day of AUGUST 2022

Respectfully,

Clyde M. Hunt

(Printed name) Clyde M. Hunt
Title: Code Compliance Officer
City of Magnolia, TX 77354-5864

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

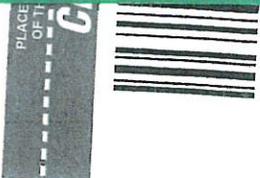
Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees

Sent to
Ms. SOPHEAK PICH
 Street and Apt. No., or PO Box No.
327 MAGNOLIA Blvd.
 City, State, ZIP+4®
MAGNOLIA, TX 77355-1713



VIOLATION ATTACHMENT 2

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees

Sent to
Ms. SOPHEAK PICH
 Street and Apt. No., or PO Box No.
327 MAGNOLIA Blvd.
 City, State, ZIP+4®
MAGNOLIA, TX 77355-1713

Postmark Here

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms SOPHEAK PICH
327 MAGNOLIA Blvd.
MAGNOLIA, TX 77355-1713



9590 9402 6387 0303 2630 85

2. Article Number (Transfer from service label)

7020 0090 0000 5803 1274

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

MONTGOMERY CENTRAL APPRAISAL DISTRICT

Property Owner Property Address Tax Year 2022 Assessed Value
 R122625 PICH, SOPHEAK 327 MAGNOLIA BLVD, MAGNOLIA, TX 77355 2022 \$326,010

2022 GENERAL INFORMATION

Property Status Active
 Property Type Real
 Legal Description MAGNOLIA MELTON, BLOCK 7, LOT 1-4, PT 5
 Neighborhood SMA CMA FRONT FM1774
 Account 7120-00-15600
 Related Properties P308402
 Map Number 212N

327 B
377

2022 VALUE INFORMATION

Improvement Homesite Value \$0
 Improvement Non-Homesite Value \$206,410
 Total Improvement Market Value \$206,410
 Land Homesite Value \$0
 Land Non-Homesite Value \$119,600
 Land Agricultural Market Value \$0
 Total Land Market Value \$119,600
 Total Market Value \$326,010
 Agricultural Use \$0
 Timber Use \$0
 Total Appraised Value \$326,010
 Homestead Cap Loss -\$0
 Total Assessed Value \$326,010

2022 OWNER INFORMATION

Owner Name PICH, SOPHEAK
 Owner ID O0575482
 Exemptions
 Percent Ownership 100%
 Mailing Address 327 MAGNOLIA BLVD MAGNOLIA, TX 77355-1713
 Agent -

Print Property Information

2022 ENTITIES & EXEMPTIONS

TAXING ENTITY	EXEMPTIONS	EXEMPTIONS AMOUNT	TAXABLE VALUE	TAX RATE PER 100	TAX CEILING
CAD- Appraisal District		\$0	\$326,010	0	0
CMA- City Of Magnolia		\$0	\$326,010	0.4051	0
F10- Emergency Ser Dist #10		\$0	\$326,010	0.0987	0
GMO- Montgomery Cnty		\$0	\$326,010	0.4083	0
HM1- Mont Co Hospital		\$0	\$326,010	0.0567	0
JNH- Lone Star College		\$0	\$326,010	0.1078	0
SMA- Magnolia ISD		\$0	\$326,010	1.1872	0
TOTALS				2.2638	

2022 IMPROVEMENTS

Expand/Collapse All

Improvement #1 State Code Homesite Total Main Area (Exterior Measured) Market Value
 - F1 - Commercial (real) No - \$22,120

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Retail Store	2002	288	\$22,120	Details

Improvement #2 State Code Homesite Total Main Area (Exterior Measured) Market Value
 - F1 - Commercial (real) No - \$104,490

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Restaurant	1998	1,104	\$102,310	Details
2	Canopy Roof & Slab - Comm	1998	301	\$2,180	Details

Improvement #3 State Code Homesite Total Main Area (Exterior Measured) Market Value
 - F1 - Commercial (real) No - \$60,840

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Group Home / Living Quarters	1998	1,040	\$58,860	Details

2	Commercial Porch Open	1998	128	\$1,980	Details
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Improvement #4	State Code	Homesite	Total Main Area (Exterior Measured)	Market Value
-	F1 - Commercial (real)	No	1,456 Sq. Ft	\$15,090

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Mobile Home Single	1990	1,456	\$13,480	Details
2	Open Frame Porch Dwelling Type/mh	2011	384	\$760	Details
3	Masonry Skirting	2011	164	\$850	Details

Improvement #5	State Code	Homesite	Total Main Area (Exterior Measured)	Market Value
-	F1 - Commercial (real)	No	-	\$830

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Utility Building,Frame	2002	160	\$830	Details

Improvement #6	State Code	Homesite	Total Main Area (Exterior Measured)	Market Value
-	F1 - Commercial (real)	No	-	\$3,040

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Paving - Concrete Average	1998	750	\$3,040	Details

2022 LAND SEGMENTS

LAND SEGMENT TYPE	STATE CODE	HOMESITE	MARKET VALUE	AG USE	TIM USE	LAND SIZE
1 - Primary Site	F1 - Commercial (real)	No	\$119,600	\$0	\$0	14,950 Sq. ft

TOTALS **14,950 Sq. ft / 0.343205 acres**

VALUE HISTORY

YEAR	IMPROVEMENT	LAND	MARKET	AG MARKET	AG USE	APPRAISED	HS CAP LOSS	ASSESSED
2021	\$176,570	\$89,700	\$266,270	\$0	\$0	\$266,270	\$0	\$266,270
2020	\$104,080	\$59,800	\$163,880	\$0	\$0	\$163,880	\$0	\$163,880
2019	\$98,970	\$59,800	\$158,770	\$0	\$0	\$158,770	\$0	\$158,770
2018	\$100,770	\$59,800	\$160,570	\$0	\$0	\$160,570	\$0	\$160,570
2017	\$115,790	\$29,900	\$145,690	\$0	\$0	\$145,690	\$0	\$145,690

SALES HISTORY

DEED DATE	SELLER	BUYER	INSTR #	VOLUME/PAGE
8/15/2020	HONG, STELLA	PICH, SOPHEAK	2020091034	
2/21/2019	SUTHERLAND, DAVID G & JUDY KAY DARINGTON	HONG, STELLA	2019013693	
10/11/2004	DARINGTON, JUDY KAY	SUTHERLAND, DAVID G & JUDY KAY DARINGTON	-	688.10/0408
4/11/1995	HETHERINGTON CHILDREN'S TR	DARINGTON, JUDY KAY	-	057.00/2373
12/1/1988	UNKNOWN	HETHERINGTON CHILDREN'S TR	8864777	

DISCLAIMER

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UNIFIED DEVELOPMENT CODE

**Table 2-1-1.03
Zoning Districts**

District		Lot or Neighborhood	Purpose
Name	Types/Use	Type or Function	
Suburban Village (SV)	Commercial and Professional	Neighborhood Center	This district provides for neighborhood convenience uses, with a building scale and site design that is compatible and cohesive with abutting and adjacent neighborhoods. It may also accommodate upper floor residential and live-work units, as well as multiplexes.
Auto-Urban Commercial (AC)	Office, Retail, and Services	General commercial uses arranged on individual sites or in multi-tenant centers.	This district is intended for a broad range of commercial uses with on-site, surface parking.
Town Center (TC)	Retail	Pedestrian and tourism-oriented retail uses	This district is for the area along and around The Stroll, which is intended as a walkable retail shopping and entertainment area with a unique character.
Unity Plaza (UP)	Office, Retail, and Services	Higher intensity retail, professional, service, civic, and institutional uses in a pedestrian-oriented environment.	This district is intended as a focal point for the community, which would be a mixed use, walkable environment in a traditional downtown setting where buildings are oriented to the street with no or limited setbacks and parking is on-street, off-site, or in structures.
Public Use (PU)	Institutional, Utility, and Assembly	Public service, institutional, utility, and assembly uses, e.g., governmental and school buildings and facilities, utility stations, semi-public places of assembly, etc.	This district is for public and semi-public uses that are unique in the nature and scale and thus, not appropriately placed within any other district.
Business Park (BP)	Office, Research, and Technology	Office Park	This district provides for a campus-like office, research, and technology park with improved site and building standards.
Industrial (IN)	Office, Warehousing, Assembly, and Manufacturing	Heavier commercial businesses and industrial uses	This district is intended for industrial uses that are primarily operated indoors. Outdoor activities, on-site storage, and truck traffic is subject to standards.
Corridor Overlay District			
The Stroll Overlay (TS)	Retail	Tourism-oriented specialty retail	This district is intended as a continuous specialty retail façade and portal into the TC zoning district. Its original town character serves as an attractive focal point for travelers along FM 1774. Broad front setbacks provide for pedestrian spaces and amenities (landscaping, lighting, and fountains). The design of buildings reflect a quality and charm of local significance.



Permit	Required For	Timing	Exceptions	Issued By	Standards ¹
Sign Permit	Installation of a new or replacement sign.	Prior to installation of sign or sign mount.	Signs that do not require a permit, as set out in Section 6-1-1.03, Application.	Administrator	See Chapter 6, Signs and Lighting.
Building Permit	Construction, reconstruction, improvement, or repair of any building or structure for which a permit is required by applicable building codes.	Prior to commencement of construction.	None	Building Official	See Section 11-2-2.11, Building Permit and applicable building codes.
Certificate of Occupancy Permit	Occupancy of a building or structure.	Upon completion of construction or before change in occupancy.	N/A	Administrator	Compliance with all applicable standards of this UDC; conditions of approval; and applicable building code requirements.

TABLE NOTE:
¹ Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this UDC.

Sec. 11-2-1.03 Public Meeting Approvals

- A. **Generally.** Public meeting permits are permits that are issued by the City after compliance with the requirements of this UDC is determined at a public meeting.
- B. **Public Meeting Approvals Established.** The public meeting permits approvals by this UDC are set out in Table 11-2-1.03, Public Meeting Approvals. Other development permits may also be required by State or Federal law, or the building code. Permits for activities in public rights-of-way are required by the City's Code of Ordinances.

VIOLATION ATTACHMENT 7

Division 9-1-1 Purpose of Article

Sec. 9-1-1.01 Purpose

This Chapter regulates nonconforming *uses, buildings or structures, lots, and signs*.

A. The purpose of this Chapter is to:

1. Ensure that nonconforming uses, buildings or structures, lots and signs **do not expand** in size or duration;

Sec. 9-1-2.02 Major and Minor Nonconforming Uses, Buildings, and Structures

Nonconforming uses and nonconforming *buildings or ~~and~~ structures, lots and signs* are classified as major or minor, as follows:

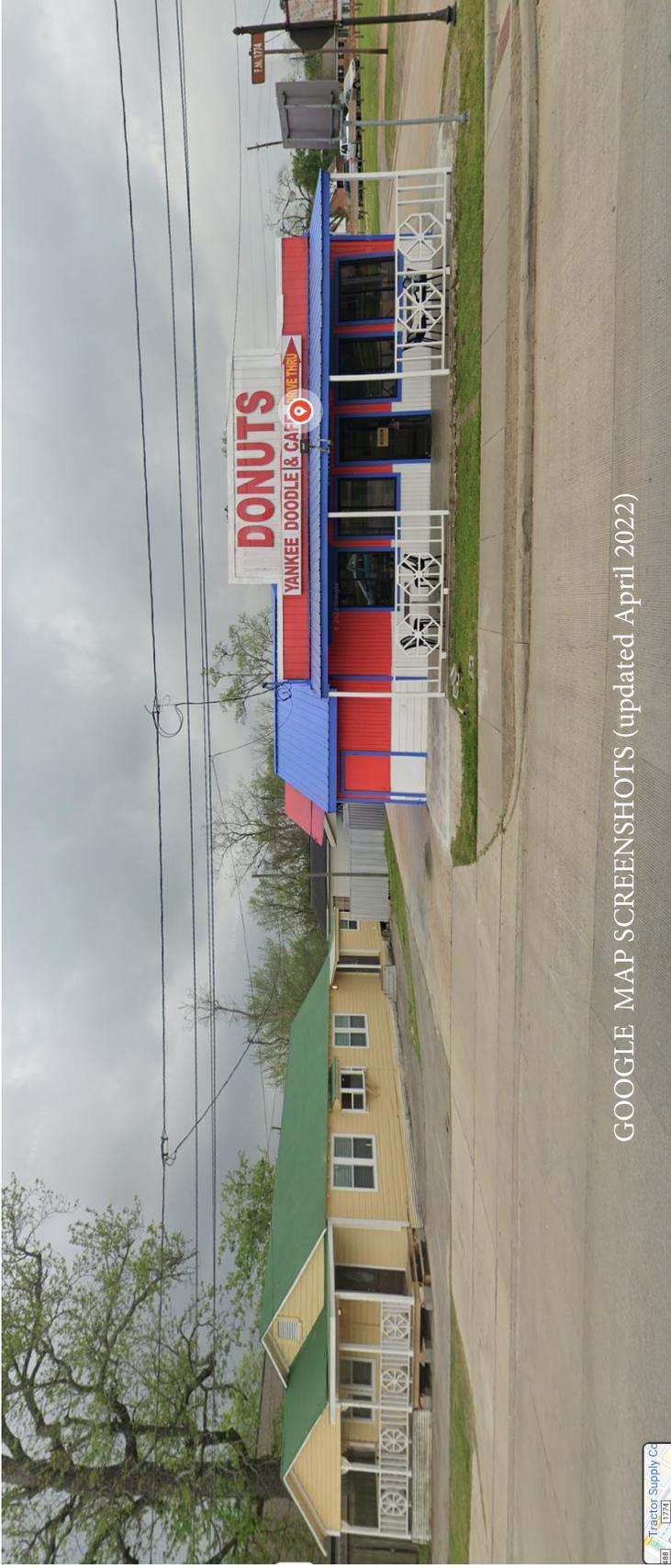
- B. **Major Nonconformities.** Major nonconformities are those for which the nonconformity generates a *nuisance per se* or represents such incompatibility with *adjacent* uses and/or the *Comprehensive Plan* that they should be eliminated.
- C. **Minor Nonconformities.** All nonconforming uses, buildings, ~~and~~—or structures, lots and signs that are not classified as major nonconformities are minor nonconformities.

Sec. 9-1-3.02 Abandonment or Discontinuance

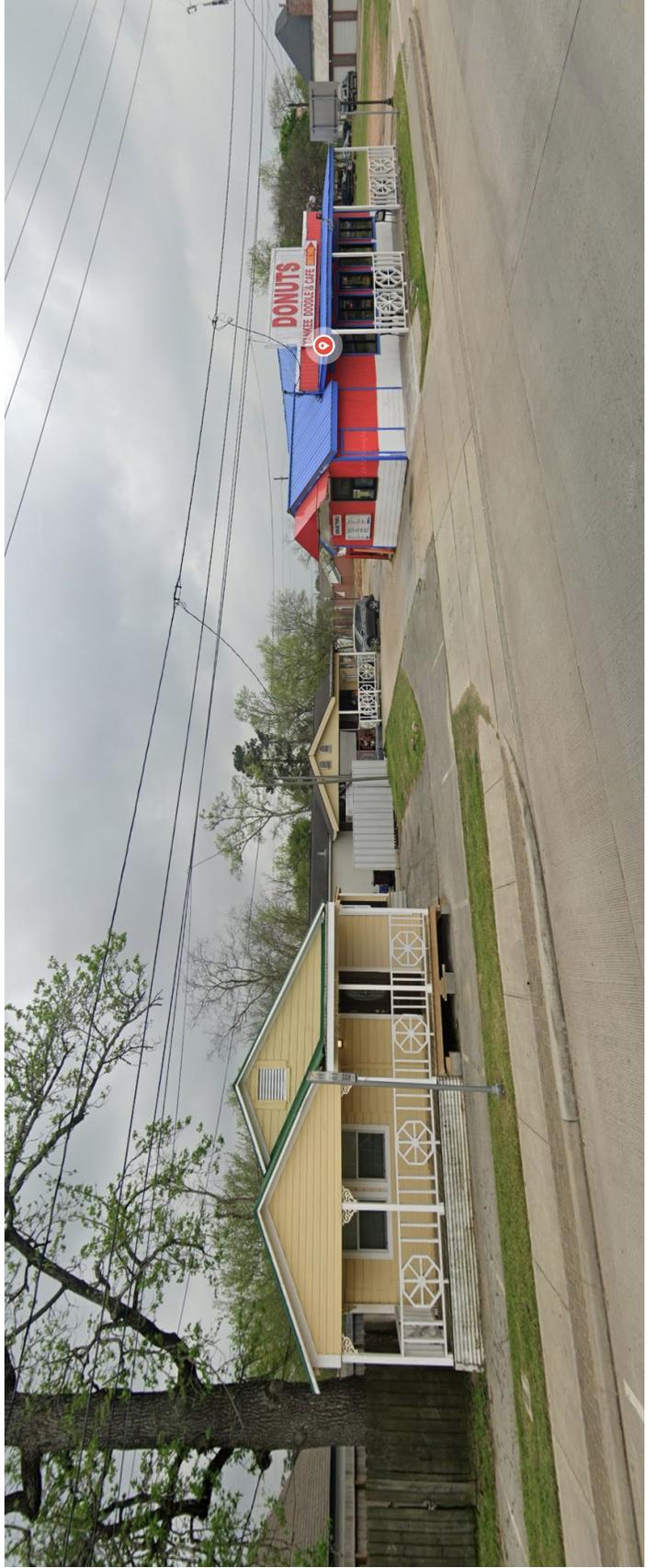
- A. **Minor Nonconforming Uses.** Whenever a minor nonconforming use is abandoned or discontinued for a period of 12 months, irrespective of the reasons and whether or not consecutive, such use shall not thereafter be re-established, and any future uses shall be in accordance with this Code.
- B. **Major Nonconforming Uses.** Discontinuance of a major nonconforming use for a period of six consecutive months constitutes *abandonment* of the use, regardless of the owner's intent, and the major nonconforming use shall not be thereafter re-established.
- C. **Signs.** Whenever a nonconforming sign is abandoned or discontinued for a period of 60 days, irrespective of the reason or whether or not consecutive. At the end of the 60 days, the City may require any nonconforming sign use to cease permanently and/or the sign to be removed by the property owner.
- D. **Abandoned signs** shall be subject to Abandonment as defined in Article 14-3 Definitions of this UDC, and for purpose of signs exclusively, shall be 60 days from the date of the action that caused the sign use to be considered abandoned. At the end of the 60 days, the City may require any nonconforming sign use to cease permanently and/or the sign to be removed by the property owner.

Sec. 9-1-3.03 Alteration, Enlargement, or Extension

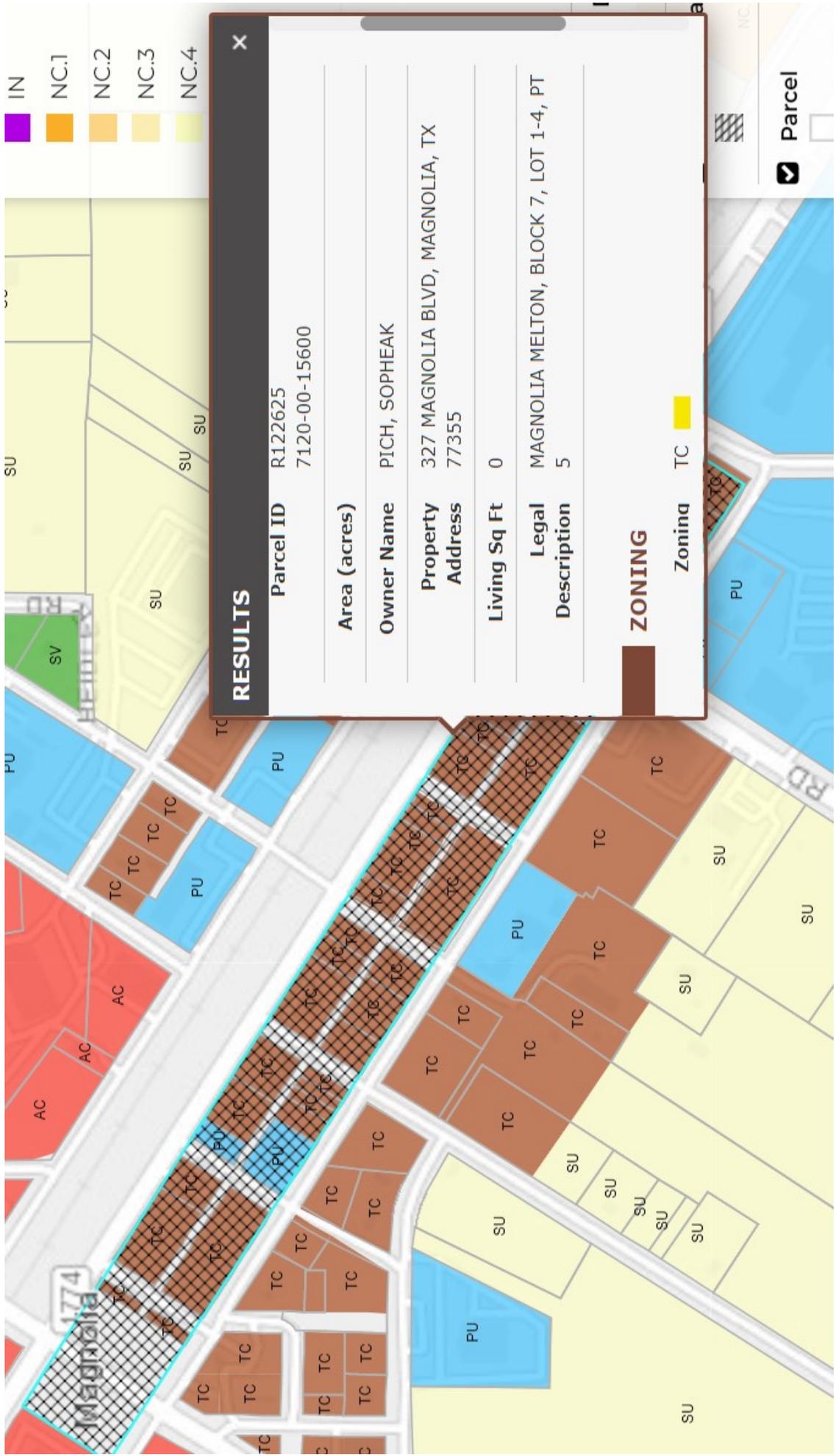
E. Nonconforming Signs.



GOOGLE MAP SCREENSHOTS (updated April 2022)



City of Magnolia Zoning Map



UNIFIED DEVELOPMENT CODE

Table 2-1-1.03
Zoning Districts

District		Lot or Neighborhood Type or Function	Purpose
Name	Type/Use		
		Mixed (NC.4)	multifamily units, and manufactured home on smaller lots and <i>parcels</i> . These uses are conforming.
		Manufactured Home (NC.5)	This sub-district provides for manufactured home parks and subdivisions. New single family attached dwellings may be permitted as a conditional use.
Non-Residential Zoning Districts			
Suburban Village (SV)	Commercial and Professional	Neighborhood Center	This district provides for neighborhood convenience uses, with a <i>building</i> scale and site design that is compatible and cohesive with <i>abutting</i> and <i>adjacent</i> neighborhoods. It may also accommodate upper floor residential and live-work units, as well as multiplexes.
Auto-Urban Commercial (AC)	Office, Retail, and Services	General commercial uses arranged on individual sites or in multi-tenant centers.	This district is intended for a broad range of commercial uses with on-site, surface parking.
Town Center (TC)	Retail	Pedestrian and tourism-oriented retail uses	This district is for the area along and around The Stroll, which is intended as a walkable retail shopping and entertainment area with a unique character.
Unity Plaza (UP)	Office, Retail, and Services	Higher intensity retail, professional, service, civic, and institutional uses in a pedestrian-oriented environment.	This district is intended as a focal point for the community, which would be a mixed use, walkable environment in a traditional downtown setting where buildings are oriented to the <i>street</i> with no or limited <i>setbacks</i> and parking is on-street, off-site, or in <i>structures</i> .
Public Use (PU)	Institutional, <i>Utility</i> , and Assembly	Public service, institutional, utility, and assembly uses, e.g., governmental and school buildings and facilities, utility stations, semi-public places of assembly, etc.	This district is for public and semi-public uses that are unique in the nature and scale and thus, not appropriately placed within any other district.
Business Park (BP)	Office, Research, and Technology	Office Park	This district provides for a campus-like office, research, and <i>technology park</i> with <i>improved</i> site and building standards.
Industrial (IN)	Office, Warehousing, Assembly, and Manufacturing	Heavier commercial businesses and industrial uses	This district is intended for industrial uses that are primarily operated indoors. Outdoor activities, on-site storage, and truck traffic is subject to standards.

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**Table 11-2-1.02
Administrative Permits**

Permit	Required For	Timing	Exceptions	Issued By	Standards ¹
<u>Drainage Plan</u>	of drainage system.	land disturbance activity or construction.	individual lots in an improved subdivision.	City Engineer	<i>Drainage Plan Required.</i>
Other Permits					
<u>Sign Permit</u>	Installation of a new or replacement sign.	Prior to installation of sign or sign mount.	Signs that do not require a permit, as set out in <i>Section 6-1-1.03, Application.</i>	Administrator	<i>See Chapter 6, Signs and Lighting.</i>
Building Permit	Construction, reconstruction, improvement, or repair of any building or structure for which a permit is required by applicable building codes.	Prior to <u>commencement of construction.</u>	None	Building Official	<i>See Section 11-2-2.11, Building Permit and applicable building codes.</i>
<u>Certificate of Occupancy Permit</u>	<u>Occupancy</u> of a building or structure.	Upon completion of construction or before change in occupancy.	N/A	Administrator	Compliance with all applicable standards of this UDC; conditions of approval; and applicable building code requirements.

TABLE NOTE:

¹ Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this UDC.

327 Magnolia Blvd Permits:

Project #	Type	Name	Exp. Date	Status	St No#	Street	
S19	N	SANTHA JACKSON	9/01/2002	Complete	327	MAGNOLIA BLVD	SIG
S00-003	N	YANKEE DOODLE DONUT	12/31/2005	Complete	327	MAGNOLIA BLVD	SIG
20100053	N	A-BARGAIN, INC.	11/18/2010	Open	327	MAGNOLIA BLVD	MOV *
20130804	N	YANKEE DOODLE DONUT	4/11/2015	Open	327	MAGNOLIA BLVD	SIG
20140116	N	YANKEE DOODLE	1/10/2015	Void	327	MAGNOLIA BLVD	BLD
20150570	N	YANKEE DOODLE DONUT	2/17/2016	Open	327	MAGNOLIA BLVD	BLD
20160428	N	YANKEE DOODLE DONUT	12/18/2016	Open	327	MAGNOLIA BLVD	BLD
20180111	N	YANKEE DOODLE DONUTS	4/30/2019	Open	327	MAGNOLIA BLVD	SIG
167	N	JUDY DARRINGTON	2/12/2003	Complete	327	MAGNOLIA BLVD	B MOV *
20000338	N	JUDY DARRINGTON	3/19/2003	Complete	327	MAGNOLIA BLVD	B BLD
04-192	N	LADY B'S	4/25/2005	Complete	327	MAGNOLIA BLVD	B BLD

317 Magnolia Blvd Permits:

Project #	Type	Name	Exp. Date	Status	St No#	Street	
20211139	R	HAN, TONY	4/04/2022	Open	317	MAGNOLIA BLVD	BLD
S44	N	DARINGTON JUDY KAY	12/08/2002	Complete	317	MAGNOLIA BLVD	A SIG
S00-024	R	DARINGTON, JUDY	12/31/2008	Complete	317	MAGNOLIA BLVD	A SIG
S09-038	R	DARINGTON, JUDY	12/31/2009	Open	317	MAGNOLIA BLVD	A SIG
S10-038	R	DARINGTON, JUDY	12/31/2010	Open	317	MAGNOLIA BLVD	A SIG
06-151	N	MAYA'S COSMETICS	11/14/2006	Complete	317	MAGNOLIA BLVD	A
S172	N	THE HAIR SHOPPE	10/30/2002	Complete	317 A	MAGNOLIA BLVD	SIG
04-130	N	SUSAN SEWING	10/06/2004	Complete	317 A	MAGNOLIA BLVD	BLD
S00-020	N	SWEET MAGNOLIA HOMES	12/31/2005	Complete	317	MAGNOLIA BLVD.	SIG
S00-105	N	LEONARDS AUTO TRIM	12/31/2005	Complete	317 A	MAGNOLIA BLVD.	SIG

UNIFIED DEVELOPMENT CODE

Division 9-1-2 Nonconformities

Sec. 9-1-2.01 Nonconformities

A. **General Types of Legal Nonconformity.** There are four general types of legal nonconformities within this Code.

1. *Nonconforming Uses.* The following uses are legally nonconforming uses:
 - a. Uses that were lawfully established but are not currently listed as permitted or conditional uses; and
 - b. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.
2. *Nonconforming Buildings or Structures.* The following are legally nonconforming buildings or structures:
 - a. Buildings or structures that fail to meet the *density*, intensity, *setback*, *bufferyard*, *height*, parking, or bulk requirements of this Code; and
 - b. Buildings or structures that were lawfully established within a floodplain or floodway, but are no longer permitted due to their location or elevation within the floodplain or floodway.
3. *Nonconforming Lots.* A lawfully established *lot*, not held in common with any other lot, that does not meet the area or other dimensional standards of this Code, is a legally nonconforming lot. Lots that are held in common, but which individually do not meet lot area or dimensional standards, are curable nonconformities. Where a *landowner* owns several nonconforming lots that abut each other, they shall be combined to create *conforming* lots or, if full conformity is not possible, they shall be combined to the extent that the combination increases the degree of conformity.
4. *Nonconforming Signs.* Lawfully established *signs* that fail to meet the applicable requirements of *Chapter 6, Signs and Lighting*.

B. **Unlawful Uses, Buildings, Structures, Signs, or Lots.** A use, building, structure, sign, or lot that did not comply with applicable laws at the time it was established, constructed, or created, is an unlawful use, building, structure, sign, or lot. Unlawful uses, buildings, structures, signs, and lots are violations of this Code and are not subject to this Article.

Sec. 9-1-2.02 Major and Minor Nonconforming Uses, Buildings, and Structures

Nonconforming uses and nonconforming *buildings* or *structures*, lots and signs are classified as major or minor, as follows:

- A. **Major Nonconformities.** Major nonconformities are those for which the nonconformity generates a *nuisance per se* or represents such incompatibility with *adjacent* uses and/or the *Comprehensive Plan* that they should be eliminated.
- B. **Minor Nonconformities.** All nonconforming uses, buildings or structures, lots and signs that are not classified as major nonconformities are minor nonconformities.

(Ord. No. O-2017-028, 11/14/2017)