

ORDINANCE NO. 11-318

AN ORDINANCE OF THE CITY OF MASON, TEXAS, TO AMEND THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MASON, TEXAS, AS HEREOF AMENDED, BY ADDING A NEW SECTION 6.225, PROHIBITED ACCESSORY USES IN RESIDENTIAL DISTRICTS, BY ADDING A NEW SUBSECTION 6.230 (B) ADDITIONAL ACCESSORY USES IN NON-RESIDENTIAL DISTRICTS, BY ADDING A NEW SECTION 6.235 PROHIBITED ACCESSORY USES IN NON-RESIDENTIAL DISTRICTS, BY ADDING A NEW SECTION 6.245 PROHIBITED ACCESSORY USES IN PUBLIC FACILITIES AND OPEN SPACE, AND BY ADDING A DEFINITION OF SEA CONTAINERS TO SECTION 7, DEFINITIONS; CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Mason Planning and Zoning Commission and the governing body of the City of Mason, in compliance with the laws of the State of Texas and the ordinances of the City of Mason, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance should be amended by adding the following new sections and definition;

6.225 Prohibited Accessory Uses in Residential Districts

The following accessory uses are prohibited in all Residential Districts

- A. Metal shipping containers also known as “Sea Containers” are prohibited to be located within a Residential Zoning District

6.230 Additional Accessory Uses in Non-Residential Districts

- B. Metal shipping containers also known as “Sea Containers” are allowed in the C-2, M-1, & M-2 Districts with the following conditions:

1. They shall not be allowed to occupy required parking spaces
2. They shall not be located in front of the primary building
3. Shall be screened from view from a public street by either:
 - a. Minimum six (6) foot tall solid fence
 - b. Minimum six (6) foot tall evergreen landscaping
 - c. By other means deemed appropriate by the Building Official

4. They shall be painted in an “earth tone” color as approved by the building official

6.235 Prohibited Accessory Uses in Certain Non-Residential Districts

The following accessory uses are prohibited in the C-1 District

- A. Metal shipping containers also known as “Sea Containers” are prohibited within the C-1 District

6.245 Prohibited Accessory Uses in Public Facilities or Open Space Districts

The following accessory uses are prohibited in Public Facilities or Open Space Districts

- A. Metal shipping containers also known as “Sea Containers” are prohibited within a Public Facilities or Open Space Districts

Section 7 Definitions

Sea Container – A metal standardized re-sealable transportation box for unitized freight handling with standardized equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MASON, TEXAS:

SECTION 1.

The Comprehensive Zoning Ordinance of the City of Mason, Texas, duly passed by the governing body of the City of Mason, as amended from time to time, be the same is hereby amended by adding new Sections 6.225 Prohibited Accessory Uses in Residential Districts, 6.230 (b) Additional Accessory Uses in Non-Residential Districts, 6.235 Prohibited Accessory Uses in Certain Non-Residential Districts, 6.245 Prohibited Accessory Uses in Public Facilities or Open Space Districts, and a new definition of “Sea Container”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Mason, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Commission that the phrases, clauses, sentences, paragraphs and sections of this ordinance are 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, clause, sentences, paragraphs and section of this ordinance, since the same would have been enacted by the City Commission without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm, corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense

SECTION 5.

All rights and remedies of the City of Mason are expressly saved as to any and all violations of the provisions of the Mason Municipal Code, or any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 6.

This ordinance shall be in full force from and after its passage and publication as provided by law, and it is so ordained.

DULY PASSED AND APPROVED by the City Commission of the City of Mason, on this the 22nd day of August, 2011.

Brent Hinckley, Mayor

ATTEST:

Pattie Grote, City Secretary