

ORDINANCE #04-283

AN ORDINANCE ESTABLISHING PROPERTY ZONING REQUIREMENTS, DESCRIPTIONS AND PROCESSES FOR THE CITY.

WHEREAS, the **City of Mason** wishes to provide a proper and orderly means of property use for the City,

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

SECTION 1 (of 7)

PURPOSE, AUTHORITY, AND SCOPE OF ZONING ORDINANCE

1.100 ENACTING CLAUSE

The zoning standards contained herein, together with all amendments, shall officially constitute the zoning regulations of the **City of Mason** as adopted.

1.200 STATUTORY AUTHORITY

This ordinance is adopted pursuant to authority set forth in Article 1011a of the Revised Civil Statutes of Texas, and shall be applicable to all property within the corporate limits of Mason, Texas; herein referred to as the "**City**."

1.300 PURPOSE

The Zoning Regulations and Districts as herein established have been made in accordance with the Comprehensive Land Use Plan (of 1990, revised in 2001, 2003, and 2004) for the purpose of promoting the health, safety, morals, and general welfare of the **City**. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools,

parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the **City** consistent with the Comprehensive Land Use Plan.

1.400 SCOPE

1.410 Minimum Requirements

In interpreting and applying the provisions of this Ordinance, such provisions shall be considered the minimum requirements for the promotion of the public health, safety and general welfare.

1.420 Replacement of Other Ordinances

The provisions of this Ordinance repeals Ordinance #261, these provisions shall not be deemed or construed to repeal, amend, modify, alter or change any other Ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters where this Ordinance is more restrictive than such other Ordinances or parts thereof; and if this Ordinance is found to be less restrictive, each such other Ordinance shall remain in full force and effect and shall prevail.

1.430 Compliance with Other Ordinances and Laws

Nothing in this Ordinance shall be construed to authorize the use of lands, buildings and/or structures in violation of this Ordinance or any other applicable statutes, ordinances or laws.

1.440 Reference to any Portion of This Ordinance

Whenever reference is made to any portion of this Ordinance, or of any other law or ordinances, the reference shall apply to all amendments and additions now or hereafter made.

1.500 SEVERABILITY

If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

1.600 INTERPRETATION

1.610 Gender

When consistent with the context, words in the masculine gender include the feminine and neuter gender.

1.620 May

The word "may" is permissive.

1.630 Plural

When consistent with the context, words in the plural include the singular.

1.640 Shall

The word "shall" is mandatory.

1.650 Singular

When consistent with the context, words in the singular number shall include the plural.

1.660 Tenses

When consistent with the context, words in the present tense include the future, and words in the future tense include the present tense.

1.700 COMPLIANCE REQUIRED

All land, and buildings, structures or appurtenances located thereon within the city of Mason, Texas, which are hereafter occupied, used, erected or converted shall be used, placed and erected in conformance with the zoning regulations prescribed for the zoning district in which such land, or buildings, structures and appurtenances are located, except as hereinafter provided.

1.800 ESTABLISHMENT OF OFFICIAL ZONING DISTRICTS, BOUNDARIES AND MAP

1.810 Zoning Districts Established

The city of Mason, Texas, is hereby divided into nine (9) zoning districts. The use, height and area regulations as set out herein are uniform within each district. The nine (9) districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
R-1	Single Family Residential
R-2	Mixed Residential
MHP	Manufactured Home Park
C-1	Light Commercial
C-2	Commercial
M-1	Light Manufacturing
M-2	Medium Manufacturing
PF	Public Facilities
OS	Open Space

1.820 Comprehensive Land Use Map

The boundaries of the zoning districts set out herein are delineated and shown on the Comprehensive Land Use Map of the **City**, said map being part of this Ordinance as fully as if the same were set forth herein in detail.

Two (2) original, official and identical copies of the Comprehensive Land Use Map are hereby adopted, bearing the signature of the Mayor and the attestation of the City Secretary, and shall be filed and maintained as follows:

- A. One (1) copy shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner.
- B. One (1) copy shall be filed with the Building Official and shall be maintained up to date by posting thereon all changes and subsequent amendments for observation in issuing Building Permits and enforcing the Zoning Ordinance.
- C. Reproductions of the official Comprehensive Land Use Map, as amended, may be made from time-to-time for information purposes.

1.830 Zoning District Boundaries

The district boundary lines shown on the Comprehensive Land Use Map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official Comprehensive Land Use Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following City platted lot lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following City limits.
- D. Boundaries indicated as following the centerline of creeks, drainage courses or rivers shall be construed as following such centerlines.
- E. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the original Comprehensive Land Use Map shall be determined by the scale of the map.

- F. Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
- G. Where physical features on the ground are at variance with information shown on the official Comprehensive Land Use Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of the above rules, the property shall be considered as classified R-1, Single-Family Dwelling District.

1.900 EFFECTIVE DATE

PASSED and APPROVED this the 3rd the day of May, A.D. 2004

APPROVED:

/s/ Pattie Allen, Mayor

ATTEST:

APPROVED AS TO FORM

/s/ Pattie Grote, City Secretary

/s/ David Young, City Attorney