

ORDINANCE #04-283 (cont.)

SECTION 6 (of 7)

SPECIAL USE REGULATIONS

6.100 TEMPORARY USES

Provisions authorizing temporary uses are intended to permit occasional, temporary uses and activities when consistent with the purposes of the zoning regulations and when compatible with other nearby uses.

6.110 Temporary Use Types

The following types of temporary uses may be authorized in the proper zoning district, subject to specific limitations herein and such additional conditions as may be established by the Building Official:

- A. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
- B. New subdivision sales offices located within the subdivision but not closer than two hundred (200) feet to an existing dwelling not part of the new subdivision.
- C. A temporary sales office for use in development of a new subdivision may be established and operated within the subdivision for a period not to exceed four (4) years from the date of the first construction permit issued in the subdivision or until ninety five percent (95%) of the lots therein are sold, whichever occurs first, provided that an extension of time may be granted by the City Council on application duly made for a special exception or temporary permit to continue such temporary use.
- D. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities located closer than two hundred (200) feet to an existing dwelling shall require any use district classification other than residential.

- E. Outdoor art and craft shows and exhibits shall require a use district classification other than residential.
- F. Christmas tree sales lots shall require any use district classification other than residential.
- G. One (1) house trailer or mobile home to serve as a dwelling may be permitted on a construction site during construction, upon application to the Building Official setting out the need therefore, to provide security against theft or vandalism of materials or equipment or other property left on the site during night time. This permit shall allow no more than one (1) such dwelling per construction site, shall be effective for no more than twelve (12) months, and shall be renewable, upon application, for no more than one (1) additional six (6) month period. Denial of such a permit may be appealed to the City Council.
- H. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, are limited to locations in commercial or industrial districts, and shall not be operated for more than three (3) days in the same week or more than five (5) days in the same month.
- I. Temporary use of mobile trailer units or similar portable structures for non-residential uses, located in districts where the use is a permitted use, and limited to a maximum period of six (6) months.
- J. Seasonal retail sale of agricultural or horticultural products raised or produced off the premises.

6.200 ACCESSORY USE REGULATIONS

The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses.

6.210 Principal Use Including Accessory Use

Principal uses specified as permitted uses or conditional uses for a district by the Zoning District Regulations shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations that apply to principal uses in each district, except as otherwise provided in these regulations.

6.220 Accessory Uses in Residential Districts

The following accessory uses are allowed on the same site or lot as a single family or multiple family dwelling that also meet the required yard setbacks:

- A. Private garages and parking for the principal use.
- B. Recreational activities and facilities for use by residents.
- C. Playhouses, patios, cabanas, porches, gazebos, and swimming pools.
- D. Storage buildings.
- E. Radio, television, and dish-type receiving antennas of satellite signals.
- F. Solar collectors.
- G. Guest houses, when the principal use is single family residential area. The area of the guest house must be less than one-half of the square footage of the main house including an attached garage.
- H. Other necessary and customary buildings determined by the Building Official to be appropriate, incidental, and subordinate to a principal use.

6.230 Accessory Uses in Non-Residential Districts

The following accessory use is allowed on the same site or lot as a non-residential use that also meet the required yard setbacks:

- A. Service operated for the convenience of employees, clients, or customers of the principal use.
 - 1. Occupies less than twenty-five percent (25%) of the total floor area of the use.
 - 2. Is located and operated as an integral part of the principal use and does not comprise a separate business use or activity.

6.240 Accessory Uses in Public Facilities or Open Space Districts

The public facility or open space districts allow these accessory uses on the same site or lot:

- A. Refreshment stands and food and beverage sales of a convenience nature in uses involving public assembly.
- B. Cafeterias, dining halls, and similar eating and beverage services operated incidental to principal uses and primarily for the convenience of employees, residents, clients, patients, or visitors thereof.
- C. Gift shops, newsstands, and similar commercial activities operated incidental to principal uses and primarily for the convenience of employees, residents, clients, patients, or visitors thereof.

6.300 HOME OCCUPATIONS

Home occupations accessory to a residential use shall be subject to the following limitations:

- A. The home occupation shall be conducted entirely on the premises of the bona fide residence of the practitioner.
- B. The residential character of the lot and dwelling shall be maintained. The occupation shall not employ more than one person who is not a member of the household where the home occupation takes place.

- C. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
- D. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit.
- E. One sign shall be allowed that is less than four (4) square feet per location.

6.400 SIGN REGULATIONS

The purposes of these rules and regulations are to provide uniform sign standards and regulations in order to promote a positive City image reflecting order, harmony and pride, and thereby strengthening the economic stability of Mason business, cultural, historical, and residential areas.

The responsible party for a sign shall be:

1. The person whose business is being advertised on the sign, and
2. The owner of the property on which the sign is located.

6.410 Permit Required

- A. No person shall erect, construct, enlarge, or relocate a permanent sign without first obtaining a permit from the Building Official.
 1. Each application for a sign permit shall be accompanied by such drawings, descriptions, and specifications as are determined by the Building Official.
 2. After the Building Official issues a sign permit, it shall be unlawful to change the terms and conditions of said sign permit without prior approval by the Building Official.
- B. Whenever the Building Official finds or is notified of a sign which was erected after the effective date of this Sign Ordinance, and which was erected,

constructed, enlarged, or relocated in violation hereof, the Building Official or officer shall require the party responsible for such sign to remove same.

1. If the party responsible fails to remove said sign within fourteen (14) days after being notified to do so, or if it appears to the Building Official that the illegal sign placement poses an immediate danger to the public as defined by the Building Codes adopted by the City of Mason, then the City may remove said sign at the party responsible expense.
2. Any sign so removed shall be stored or impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within the thirty (30) day period, the City may destroy, sell, or otherwise dispose of the sign.

6.420 Exempted Signs

The signs described below are exempt from the regulations provided for in this Section. These shall remain subject to construction and electrical standards of City codes:

- A. Realty signs advertising the sale, lease or rental of the premises upon which the sign is located, provided such signs do not exceed thirty-two (32) square feet in area in non-residential districts, and six (6) square feet in area in residential districts.
- B. Garage sale or similar signs in residential districts.
- C. Professional name plates or "shingle signs", and signs denoting the name and address of occupants of the premises, provided that such signs do not exceed four (4) square feet in area.
- D. Signs or bulletin boards associated with places of worship, libraries, museums, or charitable organizations and located on the premises of such institution, provided that such signs do not exceed thirty-two (32) square feet in area.

- E. One (1) sign per street frontage of a building which is under construction, structural alteration or repair announcing the character of the building, enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, owners, and others, provided the area of such sign does not exceed thirty-two (32) square feet in non-residential districts, and sixteen (16) square feet in residential districts. Individual contractor signs, not exceeding three (3) square feet in area, are allowed in addition to the construction sign listed above. All such contractor or construction signs shall not be erected until the day construction begins and shall be removed within thirty (30) days after the completion of the construction project.
- F. Official flags of governmental jurisdictions and flags carrying the emblems of business firms and other organizations.
- G. Commemorative plaques placed by governmental or civic organizations and integral signs.
- H. Rearrangement or replacement of letters, numbers, characters, or pictures on existing signs, provided that the sign area is not enlarged and the height of the sign is not increased.
- I. Political election signs, providing that such signs do not exceed thirty-two (32) square feet in area in non-residential districts and six (6) square feet in area in residential districts, and provided that such signs not be erected earlier than the date the person officially becomes a candidate or the date of the order calling the election, and provided that such signs shall be removed within ten (10) days after the election, and provided that such signs shall not be placed in, on or over any public street right-of-way.
- J. Public service signs indicating time and temperature.

- K. Auxiliary signs. (Not exceeding two square feet).
- L. Window signs, either painted or attached to inside of a window.
- M. Banners, used temporarily, thirty (30) consecutive days in a ninety (90) day period of time, for grand opening or special events.

6.430 Prohibited Signs

The construction, placement, existence, use of or advertisements on signs of the following nature are prohibited unless specifically authorized by this Ordinance:

- A. Signs or billboards in the C-1 District, located off premises from the location of the subject of the advertising content except extended temporary signs (Reference Section 6.435)
- B. Signs which move mechanically or contain mechanically moving parts.
- C. Signs which contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs greater than C-7 voltage, spinners or other similar devices. Flags and banners exempted in Subsection 6.420 are not included in these prohibited signs.
- D. Signs which contain statements, words or pictures of an obscene, indecent or immoral character which offend public morals or decency.
- E. Signs (other than canopy signs or projecting signs on existing buildings built up to the public right-of-way or portions thereof) which is located on or extends over any public sidewalk, street, alley or other public property. Signs required or authorized by governmental authorities are exempted from this provision.
- F. Signs which constitute a hazard to pedestrian or vehicular traffic, or interfere with, obstruct the view of, may be confused with or may be construed as a traffic sign, signal or device.
- G. Signs which make use of any word, phrase, symbol or character in such manner as to interfere with mislead or confuse vehicular or pedestrian traffic.

- H. Damaged signs.
- I. Lighted signs placed on the side or rear of any building or property that directly faces a residential district or a residential dwelling when not separated by a developed street.
- K. Signs made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles, stakes, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located. These signs do not include political election signs or garage sale signs (garage sale signs must be removed within twenty-four hours after the end of the sale).
- L. Signs that do not meet the requirements listed in Subsection 6.410 or Subsection 6.420.

6.435 Extended Temporary Signs

In Zones C-1, C-2, M-1 and M-2, the following temporary signs (banners) shall be permitted for a period not to exceed ninety (90) consecutive days within a twelve (12) month period provided they meet the following criteria:

1. Total combined area shall not exceed fifty (50) square feet.
2. A Sign Permit is required for an Extended Temporary Sign.
3. All signs prohibited by this ordinance are also prohibited as Extended Temporary Sign(s) unless otherwise stated above.
4. Upon completion of an additional sign permit application, one additional ninety (90) day extension may be granted by the Building Official.

6.440 Permanent Signs Permitted by District

All the signs listed in this Subsection shall meet the standards as listed herein and the property owner shall be required to obtain a permit from the building official:

A. The following signs shall be permitted in the R-1, R-2 and MHP Districts:

Permanent Subdivision Identification Ground Sign at each major entrance	50 square feet maximum area Ground = 8 foot maximum height Wall = flush mounted
Permanent Multi-family or Manufactured Home Park Identification at each major entrance	32 square feet maximum area Ground = 8 foot maximum height Wall = flush mounted
Home Occupation	4 square feet maximum area Ground = 4 foot maximum height Wall = flush mounted

B. The following signs shall be permitted in the C-1 District with a maximum total of 120 square feet:

Wall Sign(s)	Greater of 80 square feet maximum area or 1.5 square feet per building frontage with 2 feet maximum extended from building
Ground Sign(s)	32 square feet maximum area with 8 feet maximum height
Canopy Sign (s)	Not exceed width of canopy Not extend more than two (2) feet below the horizontal underside of the canopy, provided that in no case shall a sign attached to a canopy provide less than six feet eight inches (6'8") ground clearance on existing canopies.
Off-Premises Sign	Prohibited

C. The following signs shall be permitted in the Commercial C-2, the Industrial M-1 and M-2 Districts with a maximum total of 300 square feet:

Wall Sign (s)	Greater of 80 square feet maximum or 1.5 square feet per linear foot building frontage, 2 feet maximum extended from building
Ground Sign (s)	Greater of 80 square feet maximum or 1.5 square feet per linear foot building frontage, 8 feet maximum height
Projecting Sign (s)	40 square feet maximum 8 feet max extension from wall, 6 feet maximum width]
Free Standing Sign	Greater of 100 square feet maximum area or 1.0 square feet per linear foot lot frontage, 18 feet maximum height
Off – Premises Sign	Counts as part of total square footage allowed for the property on which it is located

6.450 Jurisdiction

The provisions of this Section shall apply within the City limits, and within the Extraterritorial Jurisdiction (ETJ) of the City as defined by the Municipal Annexation Act (Article 970a, Revised Civil Statutes of Texas).