

**ORDINANCE NO. 11-316**

**AN ORDINANCE OF THE CITY OF MASON, TEXAS, TO AMEND THE ZONING MAP OF THE CITY OF MASON, TEXAS, AS HEREFOR AMENDED, BY GRANTING A CHANGE IN ZONING FROM THE R1 DISTRICT TO THE R2 DISTRICT FOR A 1.864 ACRE TRACT DESCRIBED IN THE PETER BIRK SURVEY, ABSTRACT A-0069 AND ALSO KNOWN AS 1331 KOOCKSVILLE ROAD , MASON, TEXAS 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 Zoning Map should be amended.

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

**SECTION 1.**

The Zoning Map 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 granting a change in use from the R1 District to the R2 District for a 1.864 acre tract of land described in the Peter Birk Survey, Abstract A-0069 and also know as 1331 Koocksville Road, Mason, Texas.

**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with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.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

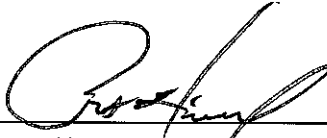
**SECTION 5.**

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.

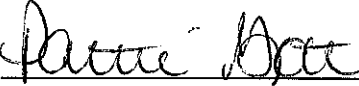
**SECTION 6.**

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 25<sup>th</sup> day of April, 2011.

  
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Brent Hinckley, Mayor

ATTEST:

  
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City Secretary