

ORDINANCE NO. 2012-34

AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13, AS AMENDED, AMENDING SECTION 7.4-2, POLITICAL SIGNS, AND SECTION 7.4-20, DEFINITIONS, INCORPORATING CHANGES TO VARIOUS ARTICLES, SECTIONS AND SUBSECTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Midlothian ("City") is a Home Rule City with a Charter approved by the voters of the City pursuant to Article II, Section 5 of the Texas Constitution; and,

WHEREAS, the City Council of the City of Midlothian, Texas at a Public Hearing called by the City Council did consider the following factors in making a determination as to whether these requested changes should be granted or denied; safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the site; safety from fire hazards and measures for fire control, protection of adjacent property from flood or water damages, noise producing elements and glare of the vehicular and stationary light and effect of such lights on established character of the neighborhood, location, lighting and types of signs and relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated by the proposed uses around the site and in the immediate neighborhood, adequacy of parking as determined by requirements of this ordinance for off-street parking facilities, location of ingress and egress points for parking and off-street locating spaces, and protection of public health by surfacing on all parking areas to control dust, effect on the promotion of health and the general welfare, effect on light and air, the effect on the transportation, water, sewerage, schools, parks and other facilities; and

WHEREAS, the City Council of the City of Midlothian, Texas at a Public Hearing called by the City Council of the City of Midlothian, Texas did consider the following factors in making determination as to whether this requested change should be granted or denied; effect on the congestion of the streets, the fire hazards, panics and other dangers possibly present in the securing of safety from same, the effect on the promotion of health and the general welfare, the effect of adequate light and air, the effect on the overcrowding of the land, the effect on the concentration of population; and

WHEREAS, the City Council further considered among other things the character of the district and its peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this city; and

WHEREAS, the City desires to ensure that the community develops in a manner which reflects the objectives and values of the community's citizenry, property owners and decision makers; and,

WHEREAS, the City Council finds and concludes that amending the Zoning Ordinance is in the best interest of the public and in support of the health, safety, morals and general welfare of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS:

Section 1. Recitals. The above premises are found to be true and correct, and shall be incorporated into the body of this ordinance as if fully set forth.

Section 2. Amendments. The Zoning Ordinance is hereby further amended as follows by amending Section 7.4, as follows, while keeping the rest of this Article in full force and effect:

Section 7.4-2 Political Signs:

- a) Political signs may be placed in all zoning districts located within the City of Midlothian. The City shall NOT require a sign permit for any political sign that meets all of the following criteria:
 - 1) eight (8) feet in height or less
 - 2) 36 square feet in area or less
 - 3) is not illuminated internally or externally
 - 4) does not have any moving elements
- b) Any political sign failing to match any of the above criteria may apply for a Temporary Sign Permit and meet other requirements listed within Section 7.4 and the zoning district in which said political sign is located.
- c) No sign shall be erected on private property without the expressed written or verbal permission of the owner of the property.
- d) No political signs shall be located on any public or City-owned property, with the following exception:
 - 1) Political signs on City-owned property designated as a polling place shall only be placed within a designated area, determined in advance by the manager of the affected property (e.g., Conference Center Manager, etc.). Political signs placed within this designated area shall be limited to a maximum two (2) per candidate or Political Action Committee (PAC) official statement regarding a referendum. Political signs shall only be placed one (1) week prior to the start of the early voting period and be picked up no later than five (5) days after the election day. Signs placed outside this designated area, designated time, or having more than the maximum allowable may be picked up by the City without notice.
- e) Overnight parking of vehicles displaying political signs on City-owned property shall be prohibited. Any vehicle left overnight is subject to towing at the owner's expense.
- f) Any sign found to be in violation may be removed by the Code Enforcement Department immediately.

Section 7.4-20 Definitions:

Political Signs:

A temporary unlit sign pertaining to any national, state, county, or local election supporting or opposing an announced candidate, a party affiliation, a particular issue or referendum and/or primarily contains a political message.

Section 3. Text Amended. The changes to the zoning ordinance affected by Sections 2 of this ordinance shall be incorporated into the text of the Zoning Ordinance, Ordinance No. 89-13, as amended.

Section 4. Cumulative Effect. This Ordinance shall be cumulative of all other ordinances of the City of Midlothian, Texas affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are

in direct conflict with the provisions of this ordinance.

Section 5. Conflicts. This ordinance shall be cumulative of all provisions of ordinances and the Code of the City of Midlothian, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances or Code provisions, in which event the conflicting provisions of such ordinances are hereby superseded.

Section 6. Severability Clause. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

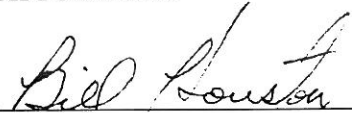
Section 7. Penalty. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 8. Effective Date. This ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS ON THIS THE 23RD DAY OF OCTOBER, 2012.



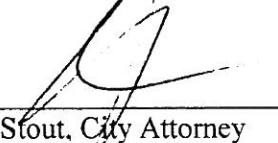
APPROVED:


Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary

APPROVED AS TO FORM:


Don Stout, City Attorney