ORDINANCE NO. 2011-16

An ordinance amending Ordinance No. 2010-14, the MidTowne Planned Development Ordinance (PD-41), to allow independent senior living uses located at the intersection of George Hopper Road and the southern extension of Abigail Way. Providing a clause relating to severability; determining that the public interests, morals, and general welfare demand a zoning change and amendment therein made; providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense, and a separate offense shall be deemed committed each day during or on which an offense occurs or continues; and providing an effective date.

WHEREAS, an application was made to amend the Official Zoning Map of the City of Midlothian, Texas by making applications for same with the Planning and Zoning Commission of the City of Midlothian, Texas as required by State statutes and the zoning ordinances of the City of Midlothian, Texas and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Midlothian, Texas after all legal notices, requirements, conditions and prerequisites having been complied with; 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