

Update for Planning and Zoning Agenda Packet for the September 19, 2017 meeting.

Agenda Item 2017-009

Sign amendment ordinance not included in packet posted on September 15th.

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS, AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE BY AMENDING SECTION 4.5841(D)(2) “SPECIAL PROVISIONS” AMENDING THE SIGN AREA OF AN ELECTRONIC MESSAGE CENTER AND THE MINIMUM DISTANCE BETWEEN ELECTRONIC MESSAGE CENTERS, AND ADDING SECTION 4.5859 “GOVERNMENTAL COMMUNITY SIGNS”; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Midlothian, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Midlothian, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested persons, and in the exercise of its legislative discretion, have concluded that the City of Midlothian Zoning Ordinance, as previously amended, should be further amended.

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

SECTION 1. The City of Midlothian Zoning Ordinance Section 4.5841 “Signs Located In General Professional (GP), Community Retail (CR), or Commercial (C) Districts-Special Provisions”, subsection (d) “Special Provisions” is amended by amending paragraphs 2) ii) and 2) iii) and paragraph 3) to read as follows:

- 2) If electronic message signs meet the following requirements listed below, it may be approved administratively by staff:

* * *

- ii) The electric message center makes up no more than 32 square feet of the total sign area.
 - iii) No more than one electronic message center visible anywhere on the exterior of the lot on which it is located may be installed on a legally subdivided lot or parcel.
- 3) An electronic message center to be located in a GP, CR, or C District that does not conform to the regulations set forth in paragraph d) 2) of this section may be located on a lot following the approval of a Specific Use Permit (SUP).

SECTION 2. The City of Midlothian Zoning Ordinance is amended by adding Section 4.5859 “Governmental Signs” to read in its entirety as follows:

4.5859 GOVERNMENTAL SIGNS

- a) “Governmental Sign” Defined. For purposes of this section, “governmental sign” means a temporary or permanent sign owned, leased, or operated by the City or other governmental entity, located on public or private property, and used solely to provide information, directions, or warnings to the public, including, but not limited to, information about public events sponsored by the governmental entity. A governmental sign is not a billboard even if located off-premises from property owned or leased by the governmental entity.
- b) Location. Governmental signs may be located in any zoning district in the City’s corporate limits or in the City’s extraterritorial jurisdiction.
- c) Sign Design and Placement Criteria. The design and location of a governmental sign on a specific property shall be subject to the regulations relating to location and design for the zoning district in which the governmental sign is located.
- d) Traffic Control Signs Exempt. Traffic control signs installed by a governmental entity, or by a contractor performing work in or adjacent to highways, streets, and alleys as authorized by a governmental entity, are exempt from this section.

SECTION 3. CONFLICTS.

To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Midlothian governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. SEVERABILITY CLAUSE.

Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the City of Midlothian Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the City of Midlothian Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its passage and final publication in accordance with the Charter of the City of Midlothian and/or applicable state law and it is accordingly so ordained.

PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS ON THIS THE 26TH DAY OF SEPTEMBER, 2017.

APPROVED:

Bill Houston, Mayor

ATTEST:

Tammy Varner, City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr., City Attorney
(kbl:9/13/17:90267)