CITY OF EVERMAN

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF EVERMAN, TEXAS, THE ZONING ORDINANCE, APPENDIX B, SECTION 4.13, PRINCIPAL PERMITTED USE TABLE, ENTERTAINMENT – AMUSEMENTS, AND PROVIDING FOR FINDINGS OF FACT, AMENDMENT, REPEALER, SEVERABILITY, AN EFFECTIVE DATE, AND PROPER NOTICE.

WHEREAS, the City of Everman ("City"), is a home rule municipality located in Tarrant County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and its City Charter; and

WHEREAS, the City Council of the City of Everman, Texas ("Council") seeks to protect the health, safety and general welfare of the public by enforcing zoning regulations; and

WHEREAS, the Council finds that these changes are in conformance with the City's Comprehensive Plan; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the Council has authority to amend its zoning ordinances; and

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, the Council has determined that the authority granted through this Ordinance is reasonable and necessary; and

WHEREAS, the Planning and Zoning Commission of the City of Everman, Texas held a public hearing on this amendment on _____.

WHEREAS, the Planning and Zoning Commission of the City of Everman, Texas recommended approval of this amendment on _____.

WHEREAS, the City posted notice in the newspaper on _____ regarding this amendment, which is at least fifteen (15) days before the adoption of zoning ordinance amendment; and

WHEREAS, the City Council of the City of Everman finds that the adoption of this ordinance serves a public purpose, and protects the health, safety, and welfare of the citizens of the City of Everman, Texas by limiting the pollution created from unnecessary idling of motor vehicles within the City;

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

1. **FINDINGS OF FACT.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. **AMENDMENT.** Appendix B, Section 4.13, Principal Permitted Use Table, Entertainment – Amusements of the City of Everman Code of Ordinances is hereby amended and replaced so as to read in accordance with Exhibit A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. **REPEALER.** All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. **SEVERABILITY.** Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. **EFFECTIVE DATE.** This Ordinance shall be effective immediately upon passage and publication.

6. **PROPER NOTICE & MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the ___ day of _____ 2022, by a vote of ___ (*ayes*) to ___ (*nays*) to ___ (*abstentions*) of the City Council of Everman, Texas.

CITY OF EVERMAN:

by: _____

Ray Richardson, Mayor

ATTEST:

_____

Mindi Parks, City Secretary

EXHIBIT A

	AG	A-1	A-2	M-1	M-2	MH	C-1	C-2	D	E
AMUSEMENT, COMMERCIAL INDOOR							P	P	P	P
AMUSEMENT, COMMERCIAL (OUTDOOR)							S	S	P	P