



PLANNING AND ZONING COMMISSION MEETING

Monday, October 07, 2024 at 6:00 PM
213 North Race Street Everman, TX 76140

AGENDA

1. MEETING CALLED TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CITIZEN'S COMMENTS

- 1. PUBLIC HEARING** - Public hearing to receive sworn testimony and citizen's comments concerning a proposed ordinance amending the Comprehensive Zoning Ordinance of the City of Everman as previously amended, at Article 3 "Administration", Section 3.2 "Board of Adjustment" by amending section 3.2.2 "Members; Terms of Office". This ordinance would essentially appoint the City of Everman Planning and Zoning Commission to serve as the Board of Adjustments.

5. CONSIDERATION AND POSSIBLE ACTION

- 1.** ORDINANCE # 823 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF EVERMAN, AS PREVIOUSLY AMENDED, AT ARTICLE 3 "ADMINISTRATION", SECTION 3.2 "BOARD OF ADJUSTMENT" BY AMENDING SECTION 3.2.2 "MEMBERS; TERMS OF OFFICE"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

6. DISCUSSION ITEMS

1. Discussion and Review of the Capital Improvement Plan Update Process

7. EXECUTIVE SESSION

8. ADJOURN

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday October 4, 2024.

/s/ Mindi Parks
City Secretary

Citizens may watch meetings live on YouTube. A link to the City of Everman YouTube channel is provided on the city website at: www.evermantx.us/government/citycouncil/

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members, including the presiding officer, will be physically present at the location noted above on this Agenda.

Pursuant to Section 551.071, Chapter 551 of the Texas Government Code, Boards & Commissions reserve the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting, to receive advice from its attorney on any posted agenda item, as permitted by Law. Additionally, Boards & Commissions may convene into Executive Session to discuss the following:

- A. Section 551.071 - Pending or Contemplated Litigation or to Seek Advice of the City Attorney.
- B. Section 551.072 - Purchase, Sale, Exchange, Lease, or Value of Real Property.
- C. Section 551.073 - Deliberation Regarding Prospective Gift.
- D. Section 551.074 - Personnel Matters.
- E. Section 551.087- Deliberation Regarding Economic Development Negotiations.
- F. Section 551.089 - Deliberations Regarding Security Devices or Security Audits.

According to the City of Everman Policy on Governance Process, individual citizen comments will be restricted to three (3) minutes unless otherwise determined by a majority vote of the Council. The Presiding Officer of the Board or Commission is responsible to enforce the time limit. Citizens may address the Board or Commission either during the Citizen Comments portion of the meeting or during deliberation of a listed agenda item. Members of the Board or Commission are only permitted by Law to discuss items that are listed on the agenda. Citizens wishing to make comments should notify the City Secretary as soon as possible.

City Hall is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpretative services must be made 48 hours prior to the meeting. To make arrangements, call 817.293.0525 or TDD 1.800.RELAY TX, 1.800.735.2989.

**CITY OF EVERMAN, TEXAS
ORDINANCE NO. 823**

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF EVERMAN, AS PREVIOUSLY AMENDED, AT ARTICLE 3 “ADMINISTRATION”, SECTION 3.2 “BOARD OF ADJUSTMENT” BY AMENDING SECTION 3.2.2 “MEMBERS; TERMS OF OFFICE”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Everman and the governing body of the City of Everman, in compliance with the laws of the State of Texas, and the Ordinances of the City of Everman, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested, in the exercise of its legislative discretion the City Council has concluded that the Code of Ordinances of the City of Everman, as previously amended, should be further amended as set forth herein below.

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

SECTION 1. The Comprehensive Zoning Ordinance of the City of Everman, as heretofore amended, is hereby amended by amending Article 3, “Administration”, Section 3.2 “Board of Adjustment” at Section 3.2.2 “Members; Terms of Office” to read as follows:

“APPENDIX B – ZONING ORDINANCE

...

ARTICLE 3. – ADMINISTRATION

...

Sec. 3.2. – Board of adjustment

...

Section 3.2.2 Members; terms of office

...

- C. The members of the City Planning and Zoning Commission will serve as the members of the City Board of Adjustment. Each Board of Adjustment member shall serve a term which shall terminate on the two-year anniversary of such member’s appointment or the date upon which such member is removed from the City Planning and Zoning Commission, whichever is earlier. Members may be

appointed to and/or may serve multiple two-year terms. Members may be removed, with or without cause, by the City Council at any time.

- D. The Chairman and Vice-Chairman of the City Planning and Zoning Commission shall serve as the Chairman and Vice-Chairman, respectively, of the City Board of Adjustment.”

SECTION 2. All provisions of the Ordinances of the City of Everman, Texas in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. Should any article, paragraph, subdivision, clause or provision of this ordinance, or the Everman Municipal Code as hereby amended be adjudged or held invalid or unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so declared to be invalid or unconstitutional.

SECTION 4. This Ordinance shall take effect on September 1, 2023, from and after its passage and the publication of the caption as the law and Charter in such cases provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, ON THE ____ DAY OF _____ 2024.

APPROVED:

Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

APPROVED AS TO FORM:

Kyle Barry, Asst. City Attorney
4860-1932-1226, v. 1