

ORDINANCE NO. 2020-O-076

AN ORDINANCE AMENDING THE ZONING MAP DESCRIBED IN CHAPTER I, SECTION 3 OF THE ZONING ORDINANCE OF CITY OF ATHENS, TEXAS, BY APPROVING A ZONING CHANGE FROM PLANNED DEVELOPMENT – 2 TO AGRICULTURE, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 3rd day of August 2020, the Planning and Zoning Commission of the City of Athens, Texas after due notice and hearing did hereby vote to recommend approval of the zoning change from Planned Development – 2 (PD-2) to Agriculture (A) for the below described property owned by Virginia Metcalf:

8.0 acres of the T. Parmer League, A-782, and being part of the called 45.325 acre tract conveyed to the Creek Estates, LLC by J. P. Morgan Chase Bank, N. A. as Trustee of the Dolores Mooers Trust FBO Valentina Heater, DMTKAHM, LLC, Skycliff, LLC, Claudia Kruber, Independent Co-Executor and Michele Sturtevant, Independent Co-Executor for the Estate of Maria Mooers, by Warranty Deed with Vendor’s Lien dated August 8, 2019, and recorded under Instrument No. 2019-11368 of the Henderson County Official Records, also known as 2103 Patterson Road.

WHEREAS, on the 10th day of August 2020, the City Council of the City of Athens, Texas after due notice as required by law, held a public hearing for said site plan and heard from those opposed to said modification and those in favor of same. After the close of the public hearing, the ordinance amendment was read aloud for the first time as required by Article III, Section 3.11 of the City of Athens Charter.

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

Section 1. The Zoning Map described in Chapter I, Section 3 of the City of Athens Zoning Ordinance is hereby amended to grant the zoning change from Planned Development – 2 (PD-2) to Agriculture (A) for the above described property.

Section 2. Should any clause, phrase, sentence section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

Section 3. Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

PASSED, APPROVED and ADOPTED this the **24th** day of **August 2020** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Robert Gross, Councilmember	Aye

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary