

ORDINANCE NO. 2020-O-085

**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 COMMERCIAL (C) TO INDUSTRIAL (I) WITH A SPECIFIC USE PERMIT FOR THE SALVAGE, RECLAMATION AND RECYCLING OF MATERIALS, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on the 1<sup>st</sup> day of September 2020, the Planning and Zoning Commission of the City of Athens, Texas after due notice and hearing did hereby vote to recommend approval of a zoning change from Commercial (C) to Industrial (I) with a Specific Use Permit for the salvage, reclamation and recycling of materials for the below described property owned by Windsor Iron & Metal LLC with the stipulation that the existing chain link fencing on Lot 1 running along Old Kaufman Road shall be replaced with screening fencing within one year.

Lot 1  
of the Windsor Subdivision  
B. C. Walters Survey, Abstract 797  
also known as 951 US Highway 175 W

**WHEREAS**, on the 14<sup>th</sup> day of September 2020, the City Council of the City of Athens, Texas after due notice as required by law, held a public hearing for said specific use permit 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 Specific Use Permit for the salvage, reclamation and recycling of materials for the above described property with the stipulation that the existing chain link fencing on Lot 1 running along Old Kaufman Road shall be replaced with a screening fence within one year. It was also stipulated that upon the sale of Lot 2 of the Windsor Subdivision, B. C. Walters Survey, A-797, a screening fence shall be installed along the south property line of Lot 1 within 90 days of the closing. It was also stipulated that upon the sale of Tract 126 of the B. C. Walters Survey, A-797, a screening fence shall be installed along the north property line of Lot 1 within 90 days of the closing. It was also stipulated that upon the sale of Lot 1, a screening fence shall be installed along both the north and south property lines of Lot 1 within 90 days of the closing.

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 **28<sup>th</sup>** day of **September 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

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary