

**ORDINANCE NO. 2020-O-109**

**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 CENTRAL BUSINESS DISTRICT TO RETAIL, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on the 2<sup>nd</sup> day of November 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 Central Business District (CBD) to Retail for the below described property owned by John Charles Cain GST Nonexempt Trust:

Lots 5B, 6 & 7, Block 12  
of Athens Original Town  
T. Parmer Survey, Abstract 782  
also known as 119 South Palestine Street

**WHEREAS**, on the 9<sup>th</sup> day of November 2020, the City Council of the City of Athens, Texas after due notice as required by law, held a public hearing for said zoning change 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 Central Business District (CBD) to Retail (R) 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conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.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 **23<sup>rd</sup>** day of **November 2020** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Monte Montgomery, Mayor	Aye
Toni Clay, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, 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

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary