

ORDINANCE NO. 2021-O-041

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP DESCRIBED IN CHAPTER 22, ARTICLE I, SECTION 22-3 OF THE CODE OF ORDINANCES OF THE CITY OF ATHENS, TEXAS, BY APPROVING A ZONING CHANGE FROM COMMERCIAL TO PLANNED DEVELOPMENT FOR PALWASHA INC, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 5th day of April 2021, 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 Commercial to Planned Development for the conversion of the existing building for long-term efficiency apartment and restaurant use located on the below described property owned by Palwasha Inc.

Lots 12A, 13 & 14
C. H. Coleman Subdivision
J. B. Atwood Survey, Abstract 19
also known as 2050 State Highway 31 East

WHEREAS, on the 12th day of April 2021, 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 District Map described in Chapter 22, Article I, Section 22-3 of the Code of Ordinances of the City of Athens is hereby amended to grant the zoning change from Commercial to Planned Development for Palwasha Inc. The base zoning shall be Multi-Family – 5 (MF-5) and the performance requirements for the MF-5 district shall apply to this Planned Development with the exceptions that the minimum floor area per dwelling unit shall be 288 square feet and the building length may exceed 200 feet. The number of tenants allowed per efficiency dwelling unit shall not exceed two per Section 1208.4 the 2015 International Building Code. Short-term rental use, defined as temporary lodging accommodations or guest rooms provided on a daily rate to the general public and requiring the collection of hotel occupancy tax, is not allowed.

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 **26th** day of **April 2021** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

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

Voted in favor of the motion	4
Voted against the motion	1
Motion carried	4-0

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary