

ORDINANCE NO. 2021-O-085

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 THE SITE PLAN FOR KENNETH JONES, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 9th day of July 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 site plan located within a Planned Development – 1 zoning district for the below described property, owned by Kenneth Jones, for the use of a restaurant with drive through service with the following stipulations: the monument sign shall not exceed seven feet in height, the “Hwy 55” signage shall be removed from the monolith, the screening along the south and west property lines shall be a ten-foot wood privacy fence, and existing trees located along the west property line and in the south landscaped area of the lot shall be preserved where possible

Lot 1C, Block 120
Athens Original Town
T. Parmer Survey, Abstract 782
also known as 908 East Tyler Street

WHEREAS, on the 12th day of July 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 approval of the attached site plan for the above described property located within the Planned Development – 1 zoning district with the following stipulations:

1. The height of the monument sign shall not exceed seven feet.
2. The “Hwy 55” signage on the monolith shall be lowered to a height below the roof line.
3. The “YN” signage shall not be allowed on the east and west facades of the building.
4. The screening along the south property line shall be an eight-foot wood privacy fence with galvanized metal posts.
5. The screening along the west property line shall be a six-foot wood privacy fence with galvanized metal posts and shall not extend beyond the 25-foot front yard setback.

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 **July 2021** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, Councilmember	Aye
Mark Carroll, Councilmember	Aye

Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary