

ORDINANCE NO. 2021-O-098

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 ZONING CHANGE FROM MULTI-FAMILY – 5 TO PLANNED DEVELOPMENT WITH MULTI-FAMILY – 5 BASE ZONING AND THE SITE PLAN FOR CUMMINGS PROPERTY GROUP, LLC, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 2nd day of August 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 Multi-Family – 5 to Planned Development with Multi-Family – 5 base zoning and the accompanying site plan for the below described property, owned by Cummings Property Group, LLC, for the use of a multi-family apartment complex consisting of duplex and single-family detached units and a community center.

Tract 102A
R. A. Clark Survey, Abstract 171
located on North Wood Street
also known as Property ID C122349

WHEREAS, on the 9th day of August 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 site plan application 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 zoning change from Multi-Family – 5 to Planned Development with Multi-Family – 5 base zoning and the attached site plan 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conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.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 **23rd** day of **August 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, Mayor Pro Tem	Aye
SyTanna Freeman, Councilmember	Aye

Voted in favor of the motion	3
Voted against the motion	0
Motion carried	3-0

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary