

**ORDINANCE NO. 2022-O-070**

**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 SITE PLAN FOR ROBINSON CONSTRUCTION ENTERPRISE LLC, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on the 2<sup>nd</sup> day of May 2022, 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 in the Planned Development – 2 zoning district for the below described property, owned by Robinson Construction Enterprise LLC, for the uses of office and auto storage, with the stipulation that only one drive approach shall be allowed per TXDOT requirements.

Tract 99  
C. M. Walters Survey, Abstract 800  
located at 3001 NW Loop 7

**WHEREAS**, on the 9<sup>th</sup> day of May 2022, the City Council of the City of Athens, Texas after due notice as required by law, held a public hearing for said site plan 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 a Planned Development – 2 zoning district with the stipulations that the screening fence shall be erected in its entirety prior to the storage of any vehicles or other outdoor items on the site, and that the temporary building shall be removed from the site within two years of the effective date of this ordinance.

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 **May 2022** 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 |
| Mark Carroll, Councilmember    | Aye |

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

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Toni Clay, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary