

ORDINANCE NO. 2022-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 A SITE PLAN AMENDMENT IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR RESTAURANT WITH DRIVE-THRU USE FOR SAXTON GROUP LLC, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 6th day of June 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 request for the site plan amendment for restaurant with drive-thru use for the below described property owned by Saxton Group LLC, with the stipulation that the pecan tree located along the east property line be preserved.

Lot 2 of the SCC Athens Addition
R. A. Clark Survey, Abstract 171
also known as 904 E Tyler Street

WHEREAS, on the 13th day of June 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 request 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 package for restaurant with drive-thru use for the above-described property located within the Planned Development – 1 zoning district.

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conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.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.

First reading on the 13th day of June 2022.

PASSED, APPROVED and ADOPTED this the 27th day of **June 20212** 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
Robert Gross, Councilmember	Aye
SyTanna Freeman, 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