

ORDINANCE NO. 2022-O-113

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

WHEREAS, on the 1st day of August 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 zoning change from Agriculture to Planned Development with Multi-Family – 5 base zoning with a site plan for multi-family use for the below described property owned by Cummings Property Group LLC, with the stipulation that a drainage plan be submitted in accordance with the City Code of Ordinances.

Tract 102A
R. A. Clark Survey, Abstract 171
also known as 404 Wood Street

WHEREAS, on the 8th day of August 2022, 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 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 zoning change from Agriculture to Planned Development with Multi-Family – 5 base zoning with the attached site plan for multi-family use 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conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.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.

First reading on the 8th day of August 2022.

PASSED, APPROVED and ADOPTED this the **22nd** day of **August 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
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