

## **ORDINANCE NO. 2022-O-152**

**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 IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR A COFFEE SHOP WITH DRIVE THROUGH USE FOR PAUL CORDER PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on the 3<sup>rd</sup> day of October 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 in the Planned Development – 1 zoning district for coffee shop with drive through use for the below described property owned by Paul Corder, with the stipulations that a the southern screening fence shall be CMU of at least 6 ft in height, shall tie into the adjacent screening fences and shall be erected prior to vertical construction begins on the site. In addition, it was stipulated that the two trees to be removed along the southern property line shall be replaced and that the lighting design for the site shall comply with the City's lighting ordinance.

Block 119, Lot 2 of Athens O. T.  
R. A. Clark Survey, Abstract 171  
also known as 1002 E Tyler Street

**WHEREAS**, on the 10<sup>th</sup> day of October 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 for coffee shop with drive through use for the above-described property with the same stipulations as outlined above. In addition, it is stipulated that the developer shall provide a cross access easement as shown on the attached site plan.

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 10<sup>th</sup> day of October 2022.

**PASSED, APPROVED and ADOPTED** this the **24<sup>th</sup>** day of **October 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 |

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Toni Clay, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary