

ORDINANCE NO. 2022-O-084

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 SINGLE-FAMILY – 5 TO SINGLE-FAMILY – 5 WITH A SPECIFIC USE PERMIT FOR DAY CARE USE FOR KIMBERLY WALKER, 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 zoning change from Single-Family – 5 to Single-Family – 5 with a specific use permit for day care use for the below described property owned by Kimberly Walker.

A portion of Lot 4A and all of Lots 5 & 6B, Block 17 of Large Lots
T. Parmer Survey, Abstract 782
also known as 226 S Prairieville St

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 zoning change 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 the zoning change from Single-Family – 5 to Single-Family – 5 with a specific use permit for day care use for the above-described property with the following stipulations: that student drop-off and pick-up shall be split between the parking area along South Prairieville Street and the parking area along Larue Street; that “right turn only” signs shall be added at the egress points of both said parking areas; and that the dumpster shall be relocated from the right-of-way onto the property in a location approved by City staff.

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 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 |

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| Voted in favor of the motion | 5 |
| Voted against the motion | 0 |
| Motion carried | 5-0 |

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary