

ORDINANCE 2020-O-035

AN ORDINANCE AMENDING THE ZONING MAP DESCRIBED IN CHAPTER I, SECTION 3 OF THE ZONING ORDINANCE OF CITY OF ATHENS, TEXAS, BY APPROVING AN AMENDED SITE PLAN FOR TRITON ATHENS I, LLC, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 2nd day of March 2020, the Planning and Zoning Commission of the City of Athens, Texas after due notice and hearing did hereby vote to recommend approval of the amended site plan for the Planned Development of quick service restaurants with drive throughs and office and retail space, located on the below described property owned by Triton Athens I, LLC and with the stipulations that wall signs shall not be allowed on the east and west building facades, the screening wall shall tie into the screening wall on the neighboring property (Burger King) and the top of the wall shall be at the minimum elevation of 516 feet, and temporary fencing shall be allowed during construction, but the permanent wall shall be completed prior to the issuance of any certificate of occupancy for the property:

Lots 1-5, Block 1
Triton Athens Subdivision
R. A. Clark Survey, Abstract 171
also known as 1006, 1010 and 1012 East Tyler Street

WHEREAS, on the 9th day of March 2020, 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 Map described in Chapter I, Section 3 of the City of Athens Zoning Ordinance is hereby amended to grant the site plan approval for Triton Athens I, LLC as presented, with the added stipulations that wall signs shall not be allowed on the east and west building facades, the screening wall shall tie into the screening wall on the neighboring property (Burger King) and the top of the entire wall shall be at the minimum elevation of 516 feet. All openings are to be filled with permanent blocks. Temporary fencing may be used on top of the wall to maintain the 416.00 wall height for privacy, however, when blocks are available the fence must be completed. The permanent wall shall be completed prior to the issuance of any certificate of occupancy for the 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.

PASSED, APPROVED and ADOPTED this the **23rd** day of **March 2020** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Aye

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

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary