

ORDINANCE NO. 2020-O-078

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

WHEREAS, on the 24th day of February 2020, the City Council of the City of Athens, Texas after due notice and hearing and upon recommendation of the Planning and Zoning Commission did hereby vote to approve the site plan for the Winters Oil Partners gas station and convenience store, located on the below described property, pending the annexation of a 3.30 acre portion of the property and with the stipulation that the signage shall be posted on the property prohibiting overnight parking:

WHEREAS, on the 3rd day of February 2020, the Planning and Zoning Commission of the City of Athens, Texas after due notice and public hearing did hereby vote to recommend approval of the amended site plan for the Winters Oil Partner gas station and convenience store, located on the below described property owned by Winter Oil Partners, pending the annexation of an additional 2.60 acre portion of the property:

Lot 1
Wallace Addition
B. C. Walters League, Abstract 797
also known as 6096 US Highway 175 W

WHEREAS, on the 10th day of August 2020, the City Council of the City of Athens, Texas after due notice as required by law, held a public hearing for said amended 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 approval for the amended site plan for Winters Oil Partners as presented, with the added stipulation that signage shall be posted on the property prohibiting overnight parking.

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 **24th** day of **August 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