

**ORDINANCE NO. 2020-O-123**

**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 IN A PLANNED DEVELOPMENT ZONING DISTRICT, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on the 7<sup>th</sup> day of December 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 site plan for a single-family residential subdivision with the stipulation that the proposed deed restrictions be filed as submitted for the below described property owned by R & B Agency:

Lots 1-18 of Fiddler's Square  
Park Highlands Addition No. II  
T. Parmer Survey, Abstract 782  
also known as 405 Lindsey Lane

**WHEREAS**, on the 14<sup>th</sup> day of December 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 site plan for R & B Agency as presented and with the following stipulations:

- The minimum square footage of the living area of each dwelling unit (exclusive of porches, patios, terraces or driveways) on each lot shall not be less than 1,400 square feet.
- The front exterior wall facing the street (exclusive of doors, windows and gable areas) shall not be less than seventy-five percent (75%) brick, brick veneer, stone, stone veneer or stucco, with all exterior construction materials to be of standard grade and quality.
- All other walls (side and rear facing) shall not be less than fifty percent (50%) brick, brick veneer, stone, stone veneer or stucco, with all exterior construction materials to be of standard grade and quality.

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 21<sup>st</sup> day of December 2020 at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Monte Montgomery, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Voted in favor of the motion	3
Voted against the motion	0
Motion carried	3-0

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary