

ORDINANCE NO. 2021-O-071

**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 SPECIFIC USE PERMIT FOR OPEN STORAGE AND DISPLAY OF STEEL PRODUCTS IN A COMMERCIAL ZONING DISTRICT FOR ATHENS REAL ESTATE INVESTMENT, LLC, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on the 7<sup>th</sup> day of June 2021, the Planning and Zoning Commission of the City of Athens, Texas after due notice and hearing did hereby vote to recommend approval of the specific use permit for open storage and display of steel products for the below described property owned by Athens Real Estate Investment, LLC, with the stipulation that a wood privacy fence eight feet in height be installed along the portion of the north property line located in between the drive approach and the northeast property corner and be installed along the east property line.

Lot 27-N  
Key Mobile Home Park Addition  
B. C. Walters Survey, Abstract 797  
also known as 1200 US Highway 175 West

**WHEREAS**, on the 14<sup>th</sup> day of June 2021, 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 specific use permit for open storage and display of steel products for the above described property with the stipulation that a wood privacy fence eight feet in height be installed along the portion of the north property line located in between the drive approach and the northeast property corner and be installed along the east property line. In addition, the height of any stored materials shall not exceed eight feet.

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 **28<sup>th</sup>** day of **June 2021** 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, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, Councilmember	Aye
Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

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Toni Clay, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary