

ORDINANCE NO. 2021-O-099

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 THE SITE PLAN FOR TRITON ATHENS I, LLC, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 9th day of July 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 amended site plan amendment located within a Planned Development – 1 zoning district for the below described property, owned by Triton Athens I, LLC, for the use of quick service restaurants with drive throughs and office and retail space with the following stipulations: the “La Ventana” arrow sign shall be lowered to not extend beyond the top of the roof line, and the “Taqueria” sign shall not emit light to the rear of the building.

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 12th day of July 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 approval of the attached site plan for the above-described property located within the Planned Development – 1 zoning district with the following stipulations:

1. Murals shall not be allowed on the south facades of the buildings.
2. The murals on the east and west facades shall not be allowed to be painted higher than 18 feet as measured from the finished floor elevation.
3. The “Taqueria” sign shall not emit light to the rear of the building (south).
4. The “La Ventana” sign shall not be lighted on the side facing the rear of the building (south).

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 **August 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, Mayor Pro Tem	Aye
SyTanna Freeman, Councilmember	Aye
Voted in favor of the motion	3
Voted against the motion	0
Motion carried	3-0

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary