

ORDINANCE NO. 2021-O-139

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 ZONING CHANGE FROM INDUSTRIAL TO PLANNED DEVELOPMENT WITH MULTI-FAMILY – 5 BASE ZONING AND THE SITE PLAN FOR MULTI-FAMILY USE FOR GVD DEER PARK, LLC, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 4th day of October 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 request from GVD Deer Park, LLC for the zoning change from Industrial to Planned Development with Multi-Family – 5 base zoning and the site plan for multi-family use for the below described property owned by Athens Economic Development Corporation.

Lot 1, Block 1 of the Deer Park Addition
J. B. Atwood Survey, Abstract 19
also known as 610 Wood Street

WHEREAS, on the 11th day of October 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 site plan request 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 zoning change from Industrial to Planned Development with Multi-Family – 5 base zoning and the site plan for multi-family use with the stipulations that fencing shall not have sharp points and that any plant shown on the approved landscaping plan that dies, shall be replaced with another living plant that complies with the approved landscaping plan within 30 days.

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.

First reading on the 11th day of October 2021.

PASSED, APPROVED and ADOPTED this the **25th** day of **October 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
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye

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

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary