

## **ORDINANCE NO. 2022-O-011**

**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 AL & CHARLOTTE MOELLENBECK REVOCABLE TRUST, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on the 3<sup>rd</sup> day of January 2022, 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 – 2 zoning district for the below described property, owned by Al & Charlotte Moellenbeck Revocable Trust, for the use of multi-family apartments.

Flat Creek Apartments Tract  
S. D. Graham Survey, Abstract 1002  
also known as 2969 FM 2495

**WHEREAS**, on the 10<sup>th</sup> day of January 2022, the City Council of the City of Athens, Texas after due notice as required by law, held a public hearing for said 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.

**WHEREAS**, in accordance with Chapter 22, Article II, Section 22-10(g)(4) of the Code of Ordinances of the City of Athens, a favorable vote of three-fourths of all members of the city council is required to approve the zoning change due to the fact that written objections were received by more than twenty percent of the area of the adjacent landowners within two hundred feet of the above-described property.

**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 use of multi-family apartments for the above-described property located within the Planned Development – 2 zoning district with the stipulation that a 5 ft ornamental metal picket fence shall be installed along the east, west and south boundaries and a smooth strand wire fence shall be installed along the north boundary of the project as indicated on the attached site plan. Barbed wire fencing shall not be allowed.

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 **24<sup>th</sup>** day of **January 2022** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, Councilmember	Aye
Mark Carroll, Councilmember	Aye

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

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Aaron Smith, Mayor Pro Tem

ATTEST:

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Bonnie Hambrick, City Secretary