

ORDINANCE NO. 2024-O-076

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 ZONING CHANGE FROM COMMERCIAL TO PLANNED DEVELOPMENT WITH MULTI-FAMILY – 5 BASE ZONING AND A CONCEPT PLAN FOR APARTMENT USE, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 1st day of April 2024, the Planning and Zoning Commission of the City of Athens, Texas after due notice and hearing did hereby vote to recommend approval of a zoning change from Commercial to Planned Development with Multi-Family – 5 base zoning and a Concept Plan for apartment use for the below-described property owned by Athens Economic Development Corp.

Block 38, Lot 1-B
Athens O.T.
T. Parmer Survey, Abstract 782
located at 414 W College St

WHEREAS, on the 8th day of April 2024, 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 planned development concept 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 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 approve the zoning change from Commercial to Planned Development with Multi-Family – 5 base zoning and the concept plan for apartment use for the above-described property. The development shall follow the Multi-Family – 5 zoning district regulation except as noted below:

- Minimum lot area – One thousand eight hundred (1,800) square feet per dwelling unit, not to exceed twenty-three (23) dwelling units per acre.
- Maximum building length – Two hundred and ten (210) 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 **22nd** day of **April 2024** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

SyTanna Freeman, Mayor Pro Tem	Aye
Mark Carroll, Councilmember	Aye
Cody Craig, Councilmember	Aye
Bryan Barker, Councilmember	Aye
Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

SyTanna Freeman, Mayor Pro Tem

ATTEST:

Bonnie Hambrick, City Secretary