

**ORDINANCE NO. 1527-01-2023**

**AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM COMMERCIAL TWO DISTRICT (C-2) ZONING TO A LOW DENSITY MULTI-FAMILY (MF-1) ZONING OF PLUS OR MINUS 0.1322 ACRES LOCATED AT 1509 N COMMERCE, PARCEL ID 3925; 0.7317 ACRES LOCATED AT 1521 N COMMERCE, PARCEL ID 31764; AND, 0.2789 ACRES LOCATED AT 206 THOMAS, PARCEL ID 5656; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE; AND MAKING AN OPEN MEETING FINDING.**

**WHEREAS**, the plus or minus 0.1322 acres located at 1509 N Commerce, the 0.7317 acres located at 1521 N Commerce and the 0.2789 acres located at 206 Thomas are currently zoned Commercial Two District (C-2); and,

**WHEREAS**, owners Tom Borrego and Mike Stolle of Patriot Holdings, LLC request rezoning the properties to a Low Density Multi-Family (MF-1) zoning district; and,

**WHEREAS**, the Planning and Zoning Commission of the City of Gainesville, Texas, held an open public hearing on December 13, 2022, following notices as required by law, on the request for the zoning district change, at which time all persons interested were given an opportunity to be heard; and the Planning and Zoning Commission of the City of Gainesville filed its report of the findings; and

**WHEREAS**, the Planning and Zoning Commission unanimously voted in favor of recommending to City Council approval of the zoning district change; and

**WHEREAS**, public notice, as required by law, was given of the public hearing before the City Council of the City of Gainesville on this date for the rezoning, at which time all persons present were given an opportunity to be heard; and

**WHEREAS**, the City Council of the City of Gainesville has duly considered the Planning and Zoning Commission report, findings, and recommendations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS:**

That the City Council of the City of Gainesville has approved the zoning district change for the properties as follows:

**SECTION ONE: REZONING 0.1322 ACRES, PARCEL ID 3925 AND 0.7317 ACRES, PARCEL ID 31764 AND 0.2789 ACRES, PARCEL ID 5656**

The properties, identified as Parcel ID 3925 located at 1509 N Commerce, Parcel ID 31764 located at 1521 N Commerce and Parcel ID 5656 located at 206 Thomas have been rezoned from a commercial two (C-2) zoning district to a low density multi-family (MF-1) zoning district.

**SECTION TWO: AMENDMENT OF THE ZONING MAP**

The official zoning map of the City of Gainesville, Cooke County, Texas, shall hereby be amended to reflect the rezoning to a low density multi-family zoning district (MF-1) in Section One of this Ordinance.

**SECTION THREE: SEVERABILITY**

If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstance, if for any reason held to be unconstitutional, void, or invalid ( or for any reason unenforceable), the validity of the remaining portion of this Ordinance or its application to other person or sets of circumstances shall not be affected thereby, it being the intention of the City Council and of the Mayor of the City of Gainesville in adopting and approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by any reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

**SECTION FOUR: EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication.

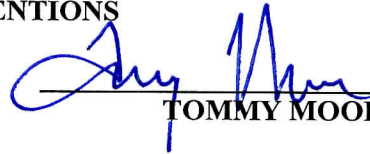
**SECTION FIVE: OPEN MEETING FINDING**

That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

**INTRODUCTION, FIRST READING, CHARTER SUSPENSION**

**INTRODUCED AND READ FOR THE FIRST TIME BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 3<sup>RD</sup> DAY OF JANUARY 2023, AT WHICH THE CHARTER PROVISION OF THE CITY OF GAINESVILLE REQUIRING THE READING OF THE ORDINANCE ON THREE SEPARATE OCCASIONS WAS SUSPENDED BY A VOTE:**

7 AYES, 0 NAYS, 0 ABSENT, 0 ABSTENTIONS

  
\_\_\_\_\_  
TOMMY MOORE, MAYOR

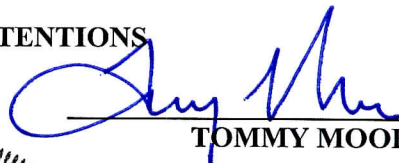
ATTEST:

  
\_\_\_\_\_  
DIANA ALCALA, CITY SECRETARY

**ADOPTION**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 3<sup>RD</sup> DAY OF JANUARY 2023.**

7 AYES, 0 NAYS, 0 ABSENT, 0 ABSTENTIONS

  
\_\_\_\_\_  
TOMMY MOORE, MAYOR

ATTEST:

  
\_\_\_\_\_  
DIANA ALCALA, CITY SECRETARY

