

ORDINANCE NO. 2024-879

An ordinance of the City of Gainesville, Florida, approving the nomination to the local register of historic places and amending the Zoning Map Atlas by imposing a historic preservation/conservation overlay on property commonly called "The Florida Theater" generally located at 233 West University Avenue, as more specifically described in this ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**WHEREAS**, the City of Gainesville, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and the Municipal Home Rule Powers Act; and

**WHEREAS**, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

**WHEREAS**, Sections 163.3167 and 163.3177(1), Florida Statutes, require the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the city; and

**WHEREAS**, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development

code for the city (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of Ordinances); and

**WHEREAS**, Section 30-4.28 of the Land Development Code provides for a historic preservation/conservation overlay as a means of identifying, classifying, and protecting various sites, buildings, structures, objects, and districts as historic or architecturally significant; and

**WHEREAS**, the owner of the property at 233 West University Avenue, Gainesville, Florida, as more specifically described in this ordinance, has initiated a petition and nominated the subject site and structure for placement on the local register of historic places and imposition of the historic preservation/conservation overlay pursuant to Section 30-4.28 of the Land Development Code; and

**WHEREAS**, on September 10, 2024, the Historic Preservation Board voted to find that the subject property meets the review criteria in Section 30-4.28 of the Land Development Code and thereby recommended that the subject property be added to the local register of historic places; and

**WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on December 12, 2024, and voted to find that the subject property meets all applicable review criteria of the Land Development Code and thereby recommended that the subject property be added to the local register of historic places; and

**WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in

a newspaper of general circulation and provided the public with at least seven days' advance notice of this ordinance's first public hearing to be held by the City Commission; and

**WHEREAS**, a second advertisement no less than two columns wide by ten inches long was placed in the aforesaid newspaper and provided the public with at least five days' advance notice of this ordinance's second public hearing to be held by the City Commission; and

**WHEREAS**, public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

**WHEREAS**, the City Commission finds that this ordinance is consistent with the City of Gainesville Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**SECTION 1.** The City Commission of the City of Gainesville finds that based on criteria provided in Section 30-4.28C.3. of the City of Gainesville Land Development Code, it is appropriate to impose the historic preservation/conservation overlay upon the property located at 233 West University Avenue, Gainesville, Florida, as more specifically described herein, which is commonly known as "The Florida Theater."

**SECTION 2.** The Zoning Map Atlas of the City of Gainesville is amended to overlay the historic preservation/conservation overlay on the following property:

See legal description attached as **Exhibit A** and made a part hereof as if set forth in full. The location of the property is shown on **Exhibit B** for visual reference. In the event of conflict or inconsistency, **Exhibit A** will prevail over **Exhibit B**.

**SECTION 3.** The underlying zoning district categories on the subject property are neither abandoned nor repealed, and the existing zoning regulations remain in effect and are modified only to the extent provided for in Section 30-4.28, as may be amended.

**SECTION 4.** The City Manager or designee is authorized and directed to make the necessary changes in the Zoning Map Atlas to comply with this ordinance.

**SECTION 5.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding will not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

**SECTION 7.** This ordinance will become effective immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
HARVEY L. WARD, JR.  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
KRISTEN J. BRYANT  
CITY CLERK

\_\_\_\_\_  
DANIEL M. NEE  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2025.

1 This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2025.

## EXHIBIT A

### **LEGAL DESCRIPTION:**

COM 120 FT E OF SE COR OF UNIVERSITY AVE & SW 3RD ST RUN S 166.8 FT E 60 FT N 67.8 FT E 20 FT N 99 FT W 80 FT TO POB OR 1589/255 ALSO 9 FT STRIP S OF ABOVE DESC & STRIP ADJ TO SELY 67.8 FT & PART OF ALLEY TO SW 2ND ST AKA PARCEL 4 MSD BK 2 PG 50 DEED APPE



Department of Sustainable Development

PO Box 490 Station 11

Gainesville, FL 32627

HISTORIC PRESERVATION BOARD

September 10, 2024

PUBLIC HEARING 3, Historic Designation of Florida Theater

EXHIBIT B

Map of 233 West University Avenue

Source: Department of Sustainable Development Interactive Map

