

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
2 ORLANDO, FLORIDA, RELATING TO HISTORIC  
3 PRESERVATION; AMENDING SECTION 65.720, ORLANDO  
4 CITY CODE, TO UPDATE THE CRITERIA FOR EVALUATION  
5 AND CRITERIA CONSIDERATIONS CONSISTENT WITH THE  
6 STANDARDS OF THE NATIONAL REGISTER; FURTHER  
7 AMENDING SECTION 65.720, ORLANDO CITY CODE, TO  
8 REVISE LANDMARK NOMINATION PROCEDURES;  
9 PROVIDING TECHNICAL, GRAMMATICAL, AND  
10 ORGANIZATIONAL AMENDMENTS; PROVIDING  
11 LEGISLATIVE FINDINGS, AND FOR SEVERABILITY,  
12 CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS,  
13 AND AN EFFECTIVE DATE.  
14

15 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of  
16 Orlando, Florida (the "city"), adopt or amend and enforce land development regulations  
17 that are consistent with and implement the city's adopted comprehensive plan; and  
18

19 **WHEREAS**, section 163.3203(3), Florida Statutes, encourages the use of  
20 innovative land development regulations and requires that all land development  
21 regulations be combined into a single land development code for the city; and  
22

23 **WHEREAS**, from time to time, amendments and revisions to the city's adopted  
24 comprehensive plan (the "Growth Management Plan"), progress in the field of planning  
25 and zoning, or changes to state law make it necessary or desirable to amend the land  
26 development regulations of the city; and  
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28 **WHEREAS**, at its regularly scheduled meeting of November 15, 2016, the  
29 Municipal Planning Board recommended to the City Council of the City of Orlando,  
30 Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent  
31 with the applicable provisions of the city's adopted Growth Management Plan, are in the  
32 best interest of the public health, safety, and welfare, are in harmony with the purpose  
33 and intent of the Land Development Code of the City of Orlando, Florida (the "Land  
34 Development Code"), will not result in disorderly and illogical development patterns, and  
35 will not result in incompatible land uses; and  
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37 **WHEREAS**, the Orlando City Council hereby finds and determines that this  
38 ordinance is consistent with the applicable provisions of the city's adopted Growth  
39 Management Plan, is in the best interest of the public health, safety, and welfare, is in  
40 harmony with the purpose and intent of the city's Land Development Code, will not result  
41 in disorderly and illogical development patterns, and will not result in incompatible land  
42 uses; and  
43

44 **WHEREAS**, the Orlando City Council hereby finds and declares that this  
45 ordinance is in the best interest of the public health, safety, and welfare; and  
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47 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**  
48 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

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50 **SECTION 1. SEC. 65.720, AMENDED.** Section 65.720, Code of the City of  
51 Orlando, Florida, is hereby amended as follows:

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53 **Sec. 65.720. Designation of Orlando Historic Landmarks.**

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55 Criteria for evaluation. ~~The Historic Preservation Board~~Council may designate by  
56 ordinance any site, building, structure, or object as an Orlando Historic Landmark only  
57 when appropriate documentation demonstrates significance in history, architecture,  
58 archaeology, engineering, or culture and it possesses integrity of location, design,  
59 setting, materials, workmanship, feeling, and association and:

- 60  
61 (a) That is associated with events that have made a significant contribution to  
62 the broad patterns of our history; or  
63  
64 (b) That is associated with the lives of persons significant in our past; or  
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66 (c) That embodies the distinctive characteristics of a type, period, or method of  
67 construction, or that represents the work of a master, or that possesses high  
68 artistic values, or that represents a significant and distinguishable entity whose  
69 components may lack individual distinction; or  
70  
71 (d) That has yielded or may be likely to yield, information important in  
72 prehistory or history.

73  
74 Criteria considerations. Ordinarily cemeteries, birthplaces, graves of historical  
75 figures, properties owned by religious institutions or used for religious purposes,  
76 structures that have been moved from their original locations, reconstructed historic  
77 buildings, buildings primarily commemorative in nature, and properties that have  
78 achieved significance within the past 50 years should not be considered eligible for  
79 designation as an Orlando Historic Landmark. However, such properties may qualify if  
80 they are integral parts of a historic preservation zoning overlay district or if they fall  
81 within one of the following categories:

82  
83 (a) A religious property deriving primary significance from architectural or artistic  
84 distinction or historical importance; or

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86 (b) A building or structure removed from its original location but which is primarily  
87 significant for architectural value, or which is the surviving structure most importantly  
88 associated with a historic person or event; or

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90 (c) A birthplace or grave of a historical figure of outstanding importance if there is  
91 no appropriate site or building associated with his or her productive life; or

92  
93 (d) A cemetery that derives its primary importance from graves of persons of  
94 transcendent importance, from age, from distinctive design features, of from  
95 association with historic events; or  
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97 (e) A reconstructed building when accurately executed in a suitable environment  
98 and presented in a dignified manner as part of a restoration master plan, and when no  
99 other building or structure with the same association has survived; or

100  
101 (f) A property primarily commemorative in intent if design, age, tradition, or  
102 symbolic value has invested it with its own exceptional significance; or

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104 (g) A property achieving significance within the past 50 years if it is of exceptional  
105 importance.

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107 *Nomination.* Nominations for designation as an Orlando Historic Landmark may  
108 be made by any person but written consent must first be obtained from all owners of  
109 the landmark proposed for designation. For city-owned property, ownership consent  
110 must be obtained from the city's chief administrative officer.

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112 *Review Procedure.* Ordinarily, properties that are not at least 50 years old shall  
113 not be considered eligible for Historic Landmark designation. However, such properties  
114 may qualify if in the judgement of the Historic Preservation Board a property has  
115 achieved special historical, architectural, environmental or archeological significance  
116 as listed under Section 65.720. After nomination, the city historic preservation officer  
117 shall evaluate the proposed landmark against the criteria for evaluation in this section  
118 and make a report to the Historic Preservation Board. The report should include a  
119 recommendation on whether the proposed landmark should be designated pursuant to  
120 this section. The Historic Preservation Board shall then conduct a public hearing  
121 following written notice by mail posted no later than ten (10) days prior to such hearing  
122 to the last-known address of the owners of the affected property of the date, time, and  
123 place of said hearing. In addition, a sign containing the same information shall be  
124 placed on the affected property no later than ten (10) days prior to such hearing. Upon  
125 recommendation of the Historic Preservation Board, the Municipal Planning Board  
126 Council shall consider the appropriateness of such recommendations and may then  
127 recommend to the City Council adoption of adopt an ordinance designating one or  
128 more Orlando Historic Landmarks based on the same criteria considered by the  
129 Historic Preservation Board, which criteria are described in this section.

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131 *Nomination.* Historic Landmarks may be nominated by the Historic Preservation  
132 Board, a member of City Council, owner of the proposed landmark or an authorized  
133 agent, a government agency, any organization with vested interest in the property and  
134 a recognized interest in historic preservation, or any person.

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136 **SECTION 2. CODIFICATION.** The city clerk and the city attorney shall cause  
137 the Code of the City of Orlando, Florida, to be amended as provided by this ordinance  
138 and may renumber, re-letter, and rearrange the codified parts of this ordinance if  
139 necessary to facilitate the finding of the law.

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141 **SECTION 3. SCRIVENER'S ERROR.** The city attorney may correct scrivener's  
142 errors found in this ordinance by filing a corrected copy of this ordinance with the city  
143 clerk.

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**SECTION 4. SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**SECTION 5. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Print Name

THIS ORDINANCE DRAFTED BY AND APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Print Name

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