

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, RELATING TO HISTORIC**
3 **PRESERVATION; DESIGNATING CERTAIN REAL**
4 **PROPERTY GENERALLY LOCATED NORTH OF W. LIV-**
5 **INGSTON ST., EAST OF N. TERRY AVE., SOUTH OF AL-**
6 **EXANDER PL., AND WEST OF N. HUGHEY AVE., AD-**
7 **DRESSED AS 401 W. LIVINGSTON ST. AND COMPRIS-**
8 **ING THE MAYOR BOB CARR PERFORMING ARTS CEN-**
9 **TER, AS AN ORLANDO HISTORIC LANDMARK;**
10 **PROVIDING FINDINGS, PERMIT DISCLAIMER, FOR**
11 **SEVERABILITY, CORRECTION OF SCRIVENER'S ER-**
12 **RORS, AND AN EFFECTIVE DATE.**

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14 **WHEREAS**, section 65.720, Code of the City of Orlando, Florida (“Orlando City
15 Code”), provides for the designation of a “site, building, structure[,] or object as an His-
16 toric Landmark [] when appropriate documentation demonstrates significance in history,
17 architecture, archeology, engineering[,] or culture and it possesses integrity of location,
18 design, setting, materials, workmanship, feeling[,] and association...”; and

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20 **WHEREAS**, section 65.720, Orlando City Code, further requires that a site, build-
21 ing, structure, or object proposed for designation as an Orlando Historic Landmark
22 demonstrate “[association] with events that have made a significant contribution to the
23 broad patterns of our history”, or “[association] with the lives of persons significant in our
24 past”, or “[t]hat embodies the distinctive characteristics of a type, period or method of
25 construction, or that represents the work of a master, or that possesses high artistic val-
26 ues”, or “[t]hat has yielded or may be likely to yield, information important in prehistory or
27 history”; and

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29 **WHEREAS**, based upon the evidence presented to the City of Orlando Historic
30 Preservation Board (the “HPB”) at its regular meeting of August 3, 2016, including the
31 information and analysis contained in the “Staff Report” to the HPB for application case
32 number HPB2016-00148 (entitled “401 West Livingston Street – Bob Carr”), the HPB
33 found that the real property located at 401 W. Livingston St. (hereinafter referred to as
34 the “Mayor Bob Carr Performing Arts Center”) was eligible for designation as an Orlando
35 Historic Landmark under subsection 65.720(a), Orlando City Code, because the property
36 “is associated with events that have made a significant contribution to the broad patterns
37 of our history,” and under subsection 65.720(b), Orlando City Code, because the prop-
38 erty “is associated with the lives of persons significant in our past”; and

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40 **WHEREAS**, based upon these findings, the HPB recommended to the City Mu-
41 nicipal Planning Board (the “MPB”) that the City Council of the City of Orlando, Florida
42 (the “Orlando City Council”), designate the Mayor Bob Carr Performing Arts Center as
43 an Orlando Historic Landmark; and

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45 **WHEREAS**, based upon the evidence presented to the MPB at its regular meet-
46 ing of October 18, 2016, including the information and analysis contained in the “Staff

47 Report” to the MPB for application case number HPB2016-00148 (entitled “401 West
48 Livingston Street – Bob Carr”), the MPB found that the Mayor Bob Carr Performing Arts
49 Center was eligible for designation as an Orlando Historic Landmark under subsection
50 65.720(a), Orlando City Code, because the property “is associated with events that have
51 made a significant contribution to the broad patterns of our history,” and under subsec-
52 tion 65.720(b), Orlando City Code, because the property “is associated with the lives of
53 persons significant in our past”; and

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55 **WHEREAS**, based upon these findings, the MPB recommended that the Orlando
56 City Council designate the Mayor Bob Carr Performing Arts Center as an Orlando His-
57 toric Landmark; and

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59 **WHEREAS**, the Mayor Bob Carr Performing Arts Center is a public performing
60 arts center and is generally located in the Creative Village neighborhood of Downtown
61 Orlando, north of W. Livingston Street, east of N. Terry Avenue, south of Alexander
62 Place, and west of N. Hughey Avenue, being more particularly described by the legal de-
63 scription of the property by metes and bounds attached to this ordinance as **Exhibit A**
64 (the “property”); and

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66 **WHEREAS**, based upon the findings of the City Historic Preservation Officer, the
67 Historic Preservation Board, the Municipal Planning Board, and the testimony and evi-
68 dence provided by city staff and the public, the Orlando City Council hereby finds and
69 determines that, in accordance with the criteria provided in section 65.720, Orlando City
70 Code, appropriate documentation has been provided to demonstrate that the property is
71 “significan[t] in history, ...or culture and [] possesses integrity of location, design, set-
72 ting...feeling[,] and association...”, that the property is “associated with events that have
73 made a significant contribution to the broad patterns of our history,” and that the property
74 is “associated with the lives of persons significant in our past”; and

75
76 **WHEREAS**, based upon the findings of the City Historic Preservation Officer, the
77 Historic Preservation Board, the Municipal Planning Board, and the testimony and evi-
78 dence provided by city staff and the public, the Orlando City Council hereby finds and
79 determines that, in accordance with the criteria provided in section 65.720, Orlando City
80 Code, the property is, in fact “significan[t] in history, ...or culture and [] possesses integ-
81 rity of location, design, setting...feeling[,] and association...”, that the property is “associ-
82 ated with events that have made a significant contribution to the broad patterns of our
83 history,” and that the property is “associated with the lives of persons significant in our
84 past”; and

85
86 **WHEREAS**, the Orlando City Council hereby finds and determines that this ordi-
87 nance is in the best interest of the public health, safety, and welfare; and

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89 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
90 **OF ORLANDO, FLORIDA:**

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92 **SECTION 1. DESIGNATION OF ORLANDO HISTORIC LANDMARK.** In ac-
93 cordance with section 65.720, Orlando City Code, the property (including the Mayor Bob
94 Carr Performing Arts Center located thereon) is hereby designated an Orlando Historic
95 Landmark, and is henceforth subject to all the laws and benefits applicable to said desig-
96 nation. As of the effective date of this ordinance, the City is undertaking the substantial
97 redevelopment of the surrounding Creative Village neighborhood. As part of this redevelop-
98 ment, land currently owned by the City and comprising the Creative Village redevelop-
99 ment site (including the land under and around the Mayor Bob Carr Performing Arts
100 Center) is subject to subdivision by plat. Therefore, the legal description of the property
101 attached to this ordinance as **Exhibit A** is subject to change and may be changed by
102 amendment to this ordinance without further review by the Historic Preservation Board
103 and the Municipal Planning Board as long as the Mayor Bob Carr Performing Arts Cen-
104 ter is maintained wholly within one lot of record.
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106 **SECTION 2. OTHER STATE AND FEDERAL PERMITS.** As provided by sub-
107 section 166.033(5), Florida Statutes, issuance of a development permit by a municipality
108 does not in any way create any right on the part of an applicant to obtain a permit from a
109 state or federal agency and does not create any liability on the part of the municipality for
110 issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obli-
111 gations imposed by a state or federal agency or undertakes actions that result in a viola-
112 tion of state or federal law. In accordance with subsection 166.033(5), Florida Statutes, it
113 is hereby made a condition of this ordinance that all other applicable state or federal per-
114 mits be obtained before commencement of development work on the property.
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116 **SECTION 3. SEVERABILITY.** If any provision of this ordinance or its applica-
117 tion to any person or circumstance is held invalid, the invalidity does not affect other pro-
118 visions or applications of this ordinance which can be given effect without the invalid pro-
119 vision or application, and to this end the provisions of this ordinance are severable.
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121 **SECTION 4. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
122 errors found in this ordinance by filing a corrected copy of this ordinance with the city
123 clerk.
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125 **SECTION 5. EFFECTIVE DATE.** This ordinance takes effect upon adoption.
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127 **DONE, THE FIRST READING,** by the City Council of the City of Orlando, Flor-
128 ida, at a regular meeting, this _____ day of _____, 2017.
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130 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
131 of Orlando, Florida, by the city clerk of the City of Orlando, Florida, this _____ day of
132 _____, 2017.
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134 **DONE, THE SECOND READING AND A PUBLIC HEARING, AND ENACTED**
135 **ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the
136 City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
137 _____, 2017.

ORDINANCE NO. 2017-6

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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

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

City Attorney

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