

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.**  
5           **BENTLEY ST., EAST OF N. PARRAMORE AVE., SOUTH**  
6           **OF W. AMELIA ST., AND WEST OF N. TERRY AVE., AD-**  
7           **DRESSED AS 649 W. BENTLEY ST. AND COMPRISING**  
8           **THE DAVIS ARMORY, AS AN ORLANDO HISTORIC**  
9           **LANDMARK; PROVIDING FINDINGS, PERMIT DIS-**  
10           **CLAIMER, FOR SEVERABILITY, CORRECTION OF**  
11           **SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

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

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

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28           **WHEREAS**, based upon the evidence presented to the City of Orlando Historic  
29 Preservation Board (the “HPB”) at its regular meeting of August 3, 2016, including the  
30 information and analysis contained in the “Staff Report” to the HPB for application case  
31 number HPB2016-00149 (entitled “649 Bentley Street – Armory (Rec Ctr)”), the HPB  
32 found that the real property located at 649 Bentley St. (hereinafter referred to as the “Da-  
33 vis Armory”) was eligible for designation as an Orlando Historic Landmark under subsec-  
34 tion 65.720(a), Orlando City Code, because the property “is associated with events that  
35 have made a significant contribution to the broad patterns of our history,” and under sub-  
36 section 65.720(c), Orlando City Code, because the property “embodies the distinctive  
37 characteristics of a type, period or method of construction, or that represents the work of  
38 a master, or that possesses high artistic values”; 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 Davis Armory as an Orlando Historic Land-  
43 mark; 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

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47 Report” to the MPB for application case number HPB2016-00149 (entitled “649 Bentley  
48 Street – Armory (Rec Ctr)”), the MPB found that the Davis Armory was eligible for desig-  
49 nation as an Orlando Historic Landmark under subsection 65.720(a), Orlando City Code,  
50 because the property “is associated with events that have made a significant contribution  
51 to the broad patterns of our history,” and under subsection 65.720(c), Orlando City  
52 Code, because the property “embodies the distinctive characteristics of a type, period or  
53 method of construction, or that represents the work of a master, or that possesses high  
54 artistic values”; and

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56 **WHEREAS**, based upon these findings, the MPB recommended that the Orlando  
57 City Council designate the Davis Armory as an Orlando Historic Landmark; and

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59 **WHEREAS**, the Davis Armory is currently in use by the City of Orlando as the  
60 Downtown Recreation Center and is generally located in the Creative Village neighbor-  
61 hood of Downtown Orlando, north of W. Bentley Street, east of N. Parramore Avenue,  
62 south of W. Amelia Street, and west of N. Terry Avenue, being more particularly de-  
63 scribed by the legal description of the property by metes and bounds attached to this or-  
64 dinance as **Exhibit A** (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 “embodies the distinctive characteristics of” Works Progress Art Deco/Moderne architec-  
75 ture; and

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

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

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

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93       **SECTION 1. DESIGNATION OF ORLANDO HISTORIC LANDMARK.** In ac-  
94 cordance with section 65.720, Orlando City Code, the property (including the 1938 Davis  
95 Armory located thereon and the 1950 and 1988 additions to the Davis Armory) is hereby  
96 designated an Orlando Historic Landmark, and is henceforth subject to all the laws and  
97 benefits applicable to said designation. The 1938 Davis Armory is hereby designated a  
98 “contributing resource” to the property’s landmark status, and the 1950 and 1988 addi-  
99 tions to the Davis Armory are hereby designated as “non-contributing resources” to the  
100 property’s landmark status. As of the effective date of this ordinance, the City is under-  
101 taking the substantial redevelopment of the surrounding Creative Village neighborhood.  
102 As part of this redevelopment, land currently owned by the City and comprising the Cre-  
103 ative Village redevelopment site (including the land under and around the Davis Armory)  
104 is subject to subdivision by plat. Therefore, the legal description of the property attached  
105 to this ordinance as **Exhibit A** is subject to change and may be changed by amendment  
106 to this ordinance without further review by the Historic Preservation Board and the Mu-  
107 nicipal Planning Board as long as the contributing resources of the Davis Armory are  
108 maintained wholly within one lot of record.

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110       **SECTION 2. OTHER STATE AND FEDERAL PERMITS.** As provided by sub-  
111 section 166.033(5), Florida Statutes, issuance of a development permit by a municipality  
112 does not in any way create any right on the part of an applicant to obtain a permit from a  
113 state or federal agency and does not create any liability on the part of the municipality for  
114 issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obli-  
115 gations imposed by a state or federal agency or undertakes actions that result in a viola-  
116 tion of state or federal law. In accordance with subsection 166.033(5), Florida Statutes, it  
117 is hereby made a condition of this ordinance that all other applicable state or federal per-  
118 mits be obtained before commencement of development work on the property.

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120       **SECTION 3. SEVERABILITY.** If any provision of this ordinance or its applica-  
121 tion to any person or circumstance is held invalid, the invalidity does not affect other pro-  
122 visions or applications of this ordinance which can be given effect without the invalid pro-  
123 vision or application, and to this end the provisions of this ordinance are severable.

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125       **SECTION 4. SCRIVENER’S ERROR.** The city attorney may correct scrivener’s  
126 errors found in this ordinance by filing a corrected copy of this ordinance with the city  
127 clerk.

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

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131       **DONE, THE FIRST READING,** by the City Council of the City of Orlando, Flor-  
132 ida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

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**DONE, THE SECOND READING AND A 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, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2017.

BY THE MAYOR OF THE CITY OF OR-  
LANDO, 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

\*\*[Remainder of page intentionally left blank.]\*\*