

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.**

12
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

18
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

27
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

39
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

44
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 HPB2016-00149 (entitled "649 Bentley
48 Street – Armory (Rec Ctr")", the MPB found that the Davis Armory was eligible for designation
49 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

58
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 neighborhood of
61 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 described
63 by the legal description of the property by metes and bounds attached to this ordinance as Exhibit A (the "property"); and

64
65 **WHEREAS**, based upon the findings of the City Historic Preservation Officer, the
66 Historic Preservation Board, the Municipal Planning Board, and the testimony and evidence provided by city staff and the public, the Orlando City Council hereby finds and
67 determines that, in accordance with the criteria provided in section 65.720, Orlando City
68 Code, appropriate documentation has been provided to demonstrate that the property is
69 "significan[t] in history, ...or culture and [] possesses integrity of location, design, setting...feeling[,] and association...", that the property is "associated with events that have
70 made a significant contribution to the broad patterns of our history," and that the property
71 "embodies the distinctive characteristics of" Works Progress Art Deco/Moderne architecture;
72 and

73
74 **WHEREAS**, based upon the findings of the City Historic Preservation Officer, the
75 Historic Preservation Board, the Municipal Planning Board, and the testimony and evidence provided by city staff and the public, the Orlando City Council hereby finds and
76 determines that, in accordance with the criteria provided in section 65.720, Orlando City
77 Code, the property is, in fact "significan[t] in history, ...or culture and [] possesses integrity of location, design, setting...feeling[,] and association...", that the property is "associated with events that have made a significant contribution to the broad patterns of our history," and that the property "embodies the distinctive characteristics of" Works Progress Art Deco/Moderne architecture; and

78
79 **WHEREAS**, the Orlando City Council hereby finds and determines that this ordinance
80 is in the best interest of the public health, safety, and welfare; and

81
82 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY
83 OF ORLANDO, FLORIDA:**

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

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

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

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

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

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

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

138 **DONE, THE SECOND READING AND A PUBLIC HEARING, AND ENACTED**
139 **ON FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the
140 City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
141 _____, 2017.

142
143 BY THE MAYOR OF THE CITY OF OR-
144 LANDO, FLORIDA:

145
146
147
148 _____
149 Mayor
150 ATTEST, BY THE CLERK OF THE
151 CITY COUNCIL OF THE CITY OF
152 ORLANDO, FLORIDA:
153
154 _____
155 City Clerk

156 THIS ORDINANCE WAS DRAFTED AND
157 IS APPROVED AS TO FORM AND LEGALITY
158 FOR THE USE AND RELIANCE OF THE
159 CITY OF ORLANDO, FLORIDA, BY:
160
161
162 _____
163 City Attorney

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