

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO HISTORIC PRESERVATION; AMENDING SECTION 65.720, ORLANDO CITY CODE, TO UPDATE THE CRITERIA FOR EVALUATION AND CRITERIA CONSIDERATIONS CONSISTENT WITH THE STANDARDS OF THE NATIONAL REGISTER; FURTHER AMENDING SECTION 65.720, ORLANDO CITY CODE, TO REVISE LANDMARK NOMINATION PROCEDURES; PROVIDING TECHNICAL, GRAMMATICAL, AND ORGANIZATIONAL AMENDMENTS; PROVIDING LEGISLATIVE FINDINGS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

**WHEREAS**, from time to time, amendments and revisions to the city's adopted comprehensive plan (the "Growth Management Plan"), progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the land development regulations of the city; and

**WHEREAS**, at its regularly scheduled meeting of November 15, 2016, the Municipal Planning Board recommended to the City Council of the City of Orlando, Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent with the applicable provisions of the city's adopted Growth Management Plan, are in the best interest of the public health, safety, and welfare, are in harmony with the purpose and intent of the Land Development Code of the City of Orlando, Florida (the "Land Development Code"), will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

**WHEREAS**, the Orlando City Council hereby finds and determines that this ordinance is consistent with the applicable provisions of the city's adopted Growth Management Plan, is in the best interest of the public health, safety, and welfare, is in harmony with the purpose and intent of the city's Land Development Code, will not result in disorderly and illogical development patterns, and will not result in incompatible land uses; and

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

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**

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

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

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

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

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

- (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- (b) A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- (c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or
- (d) A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, of from association with historic events; or

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

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

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

*Nomination.* Proposals to nominate a site, building, structure, or object must be made to the Historic Preservation Board and may be made by any person. The Historic Preservation Board shall hold a public hearing on the proposal and then recommend to the Orlando City Council whether the site, building, structure, or object should be nominated. In making this recommendation, the Historic Preservation Board must consider whether, based on then-existing information, the site, building, structure, or object is reasonably likely to meet the criteria for evaluation and criteria considerations of this section. Based on this recommendation, the Orlando City Council may then nominate the site, building, structure, or object for designation as an Orlando Historic Landmark if it finds that, based on then-existing information, the site, building, structure, or object is reasonably likely to meet the criteria for evaluation and criteria considerations of this section.

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

*Designation.* Upon recommendation of the Historic Preservation Board, Council shall consider the appropriateness of such recommendation and may then adopt an ordinance designating the site, building, structure, or object as an Orlando Historic Landmark based on the criteria for evaluation and criteria considerations of this section. Unless all owners of the proposed landmark provide express written consent to the designation before the ordinance is heard by Council, the Council may adopt a landmark designation ordinance pursuant to this section only if approved by at least a two-thirds vote and upon a finding that, in addition to satisfying the criteria for

evaluation and criteria considerations of this section, the designation is supported by clear and convincing evidence that a substantial public interest is advanced by the designation. Landmark ordinances may designate individual elements or features of a site, building, structure, or object as either contributing or non-contributing historic resources.

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

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

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

**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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