

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS FOR THE NORTH MILLS PLANNED DEVELOPMENT DISTRICT, GENERALLY LOCATED WEST OF PINEGROVE AVENUE, NORTH OF EAST MARKS STREET, AND EAST OF NORTH MILLS AVENUE AND COMPRISED OF 1.83 ACRES OF LAND, MORE OR LESS; PROVIDING AN AMENDED DEVELOPMENT PLAN; PROVIDING AMENDED SPECIAL LAND DEVELOPMENT REGULATIONS IN THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY, PERMIT DISCLAIMER; CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of February 16, 2016, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2015-00051, requesting amendments to the land development regulations of the North Mills planned development zoning district, generally located west of Pinegrove Avenue, North of East Marks Street and East of North Mills Avenue, comprising approximately 1.83 acres of land, and being more precisely described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for application case number ZON2015-00051 (entitled "Item #6 – CFE Federal Credit Union PD Amendment" and hereinafter referred to as the "Staff Report"), and subject to certain conditions contained within the Staff Report, the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and adopt an ordinance in accordance therewith; and

WHEREAS, zoning application case number ZON2015-00051 is requesting an amendment to the land development regulations of the North Mills planned development zoning district to allow for the demolition of the current 32,200 square foot bank and office building and the reconstruction of a 6,886 square foot bank building with four drive- thru lanes (the "Project"); and

WHEREAS, the MPB found that the Project is consistent with the City's adopted Growth Management Plan (the "GMP") including the applicable goals, objectives, and policies associated with the Property's Future Land Use Map designation of Mixed Use Corridor Medium Intensity and Residential Low Intensity; and

WHEREAS, the Orlando City Council hereby finds that the Project is consistent with the intent and purpose of the planned development district zoning designation as

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established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the "Orlando City Code"); and

WHEREAS, the Orlando City Council hereby finds that the Project and this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the applicable provisions of the City's GMP, including the applicable goals, objectives, and policies associated with the Property's Future Land Use Map designation of Mixed Use Corridor Medium Intensity and Residential Low Intensity; and

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

SECTION 1. PD AMENDMENT. After due notice and public hearing, and pursuant to Part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City Code, the land development regulations of the North Mills planned development zoning district, as established by that certain zoning ordinance adopted by the Orlando City Council on June 24, 2002, and bearing City of Orlando Documentary #020624707, (the "prior zoning ordinance"), is hereby amended as follows:

- a) *Development Plan.* Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the amended development plan attached to this ordinance as **Exhibit "B"** (hereinafter the "Amended Development Plan"). In the event of a conflict between the text of this ordinance and the Amended Development Plan, the text of this ordinance shall control. In the event of a conflict between the Amended Development Plan and the development plan adopted by the prior zoning ordinance, the Amended Development Plan shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Amended Development Plan.
- b) *Phasing.* The Property may be developed in multiple phases, but if developed in multiple phases, each phase must be developed in a manner that allows the individual phases to function independently of each other. Each phase must not exceed the maximum ISR of 0.85 and the maximum FAR of 0.50.
- c) *Variances and modifications.* Zoning variances and modification of standards may be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The planning official may also approve minor modifications and design modifications to fences, walls, landscaping, accessory structures, signs, and bufferyard requirements. Additionally, recognizing that development plans can change in small ways between the planning and permitting stages of development, the planning official may approve up to a 10% modification of any applicable numerical development standard if the planning official finds that the proposed modification is consistent with the applicable goals, objectives, and policies of the GMP, is compatible with nearby existing land uses, would not result in inadequate public facilities, and is otherwise consistent with the

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public health, safety, and welfare. When approving such a modification of a development standard, the planning official may impose one or more of the conditions of development provided at section 65.334, Orlando City Code, but such condition or conditions must be reasonably calculated to mitigate the identifiable land use impacts of the modified standard.

- d) *Maximum building height.* The maximum height allowed is 45 feet as measured from grade to mid-peak of roof.

Urban Design

- a) An appearance review is required prior to building permits being issued. All Urban Design conditions of approval must be addressed in revised drawings prior to the appearance review meeting.
- b) Final exterior architectural elevations must be generally consistent with those provided in the Master Plan application. Final details, finishes, colors, and transparency specifications will receive an appearance review at the time of permitting. Minor changes may be requested by City staff at that time. Significant deviation from those elevations require a planning official's Letter of Determination.
- c) Ground floor glass must be clear on all facades (minimum of 80% light transmittance), or low-e glass with a minimum light transmittance of 60%. All other glass must meet a minimum 60% transmittance. Darkly tinted or reflective glass is prohibited.
- d) The building must have a primary façade public entrance oriented directly to the public or private street. The entrance must be architecturally highlighted.
- e) Parking must generally be adjacent to or behind the building. Parking adjacent to any street must have a streetwall 3 to 4 feet in height between parking and the street. Finishes of the streetwall must incorporate materials, colors, details, and/or finishes of the principal building façade.
- f) All utilities, including street light poles must be kept out of the pedestrian path.
- g) Site lighting must comply with the City outdoor lighting code in Chapter 63, Part 2M, Orlando City Code. Light-emitting diode (LED) lamps are encouraged.
- h) All dumpsters and trash compactors must be screened with solid walls to match the principal structure. Decorative gates must be installed to coordinate with principal structure. A landscape screen including low hedge and groundcover is required to soften the view from the public right-of-way.

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- i) Any high-rise signs must be oriented toward Mills Avenue and away from the residential neighborhoods.
- j) Signs must be made of durable materials. Pole signs and plastic panel box signs are prohibited. Internally lit signs must be metal front-lit channel letters; halo-lit channel letters; front and back-lit channel letters; or metal panel faces with push through acrylic letters. Externally lit signs are allowed for metal or wood signs. Sign options of similar quality may be considered. Light-Enhancing Diode (LED) lamps are preferred.
- k) Fencing - Any fencing on the site must be open, CPTED-approved fence, such as aluminum or wrought-iron picket fencing.
- l) Sidewalk Connections - A complete pedestrian circulation plan must be provided that links all parcels with continuous pathways. A minimum 5 foot wide pedestrian pathway to connect the principal building entrances and exits to the sidewalks is required.
- m) Stamped concrete, pavers, or an alternative material treatment with a smooth surface is required for all pedestrian crosswalks.
- n) All landscaping must meet or exceed the minimum requirements of the Orlando City Code.
- o) The street trees required by the Orlando City Code may be installed in the yards between the building and the sidewalks if street parkway widths are inadequate. Chinese Fan palms must be planted along Mills Avenue to match the existing street trees. Any canopy trees installed in the public right-of-way in a planting area that is less than 10 feet in width (or on private property less than 5 feet from public sidewalks), must be installed with appropriate techniques to protect sidewalks, curbs, and infrastructure. Such techniques may include structural soil, pavement-supporting structures, root tunnels, and root barriers, and must be approved by the Appearance Review Official at time of permitting.
- p) Existing trees (not including those classified as invasive, exotic species) must be preserved to the extent practical. The placement of underground utilities, including irrigation, within the driplines of existing trees to be preserved shall be done by means of tunneling rather than trenching. Any melaleuca, chinaberry, Chinese tallow, Brazilian pepper, camphor, or Australian pines existing on the site must be removed.
- q) Tree clearing (excluding the clearing of invasive exotic species) cannot commence until full site and building development plans have been approved.

Transportation Planning

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- a) Five short term bike parking spaces must be provided. Bike racks must be installed near the entrance but not in a location that will create conflicts with pedestrians or other vehicles. Racks must meet the requirements of the Orlando City Code.
- b) A 5 foot wide, FDOT and City Sidewalk and Services Easement must be provided along the western boundary of this property adjacent to the North Mills Avenue right-of-way.
- c) A 10 foot by 6 foot easement must be provided abutting the sidewalk and services easement adjacent to North Mills Avenue to accommodate the installation of a transit shelter by LYNX. The City requests the easement at the northwest corner of the subject site, where the current flag stop exists, to maintain on-street parking along the Mills Avenue corridor. The exact location of this easement must be coordinated with LYNX planning and operation staff.
- d) A 10 foot wide City sidewalk and service easement must be provided along the northern boundary of the Property adjacent to the Weber Street right-of-way.
- e) The existing sidewalk along North Mills Avenue must be demolished and replaced with an eight foot wide sidewalk adjacent to the curb on Mills Avenue for the length of the Property. The sidewalk must be constructed to meet FDOT and City Standards. The owner or its agent is be responsible for obtaining all permits for construction within this right-of-way.
- f) Cross Access Driveway: The driveway on the southern property line of the Property serving 923 North Mills Avenue must be removed and the curb cut restored to the proper curb and gutter configuration. The proposed final configuration of the parking lot for the credit union must incorporate a drive aisle to serve 923 North Mills Avenue from the southern parking area of the proposed final design. Proper private cross access easements for the use of this access must be executed and recorded via plat or separate documents.
- g) Parking Lot Design: The final configuration of the parking lot must adhere to the Orlando City Code for dimensions of stalls aisles. The number of spaces provided must be between the minimum (17 spaces) and the maximum (48) required for a Bank land use in Chapter 61, Part 3, Orlando City Code. Any stalls above the minimum number required by Code may be leased to other nearby businesses or shared via properly executed Parking Agreement(s).

Transportation Engineering

- a) The location of the "temporary trailer" shown on plans must be approved in the permitting stage.

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- b) Existing cross access to the south must not be blocked by new construction. Cross access must be shown on the Plat.
- c) ADA ramp and crosswalks must be provided at the intersection of Pine Grove Avenue and Weber Street. The type of ramp used must approved by FDOT.
- d) Driveway lane widths on Pine Grove Avenue must have two 12 foot wide lanes separated by a median, providing a 30 foot maximum total width as required in Section 61.240, Orlando City Code.
- e) Driveway lane widths on Pine Grove Avenue must have two 12 foot wide lanes separated by a median, providing a 30 foot maximum total width as required in Section 61.240, Orlando City Code.
- f) The eastern most driveway entrance lane on Weber Street can remain at the proposed width of 16-20 feet but must be one lane only and one-way.

Transportation Impact Fees

- a) Any new construction, change in use, addition, or redevelopment of a site or structure is subject to a review for Transportation Impact Fees. Any applicable fee is due at the time of building issuance.
- b) Any exemptions or credits against the Transportation impact fee must be reviewed prior to permit issuance. All Transportation impact fee credits must be initiated and processed by the Transportation Impact Fee Coordinator. Credit is available for the previous use located on the subject site.
- c) The owner must comply with all applicable requirements of Chapter 59, Orlando City Code (Concurrency Management), to ensure that all public facilities and services are available concurrent with the proposed development, and that the potential impacts on public facilities and services are mitigated. All new construction, changes in use, additions or redevelopment are required to submit a Concurrency Management application as a part of the building plan review process.

Fire

- a) All new buildings exceeding 5,000 square feet in area and residential occupancies, except detached one- and two-family dwellings, must be protected by an approved automatic sprinkler system.
- b) All automatic sprinkler systems must be provided with supervising station facilities approved by the AHJ in accordance with NFPA 72, National Fire Alarm Code, to

assure they are in proper operative condition. The automatic sprinkler systems must give automatic notice of any closed water supply valve or other conditions that might interfere with the operation of the system, and notice of any flow of water in the system due to fire or other cause. Such facilities shall include provision for immediate alarm to the Fire Department in case of fire or suspected fire and for appropriate immediate action to restore the sprinkler system to operative condition in case of any impairment.

SECTION 2. DISCLAIMER. In accordance with Section 166.033(5), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the City for issuance of this permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

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, this _____ day of _____, 2016.

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, this _____ day of _____, 2016.

DONE, THE SECOND READING, 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 _____, 2016.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

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Mayor / Mayor Pro Tempore

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

City Clerk

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

City Attorney

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