

1                   **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**  
2                   **OF ORLANDO, FLORIDA, AMENDING THE LAND**  
3                   **DEVELOPMENT REGULATIONS FOR THE NORTH**  
4                   **MILLS PLANNED DEVELOPMENT DISTRICT,**  
5                   **GENERALLY LOCATED WEST OF PINEGROVE**  
6                   **AVENUE, NORTH OF EAST MARKS STREET, AND**  
7                   **EAST OF NORTH MILLS AVENUE AND COMPRISED OF**  
8                   **1.83 ACRES OF LAND, MORE OR LESS; PROVIDING AN**  
9                   **AMENDED DEVELOPMENT PLAN; PROVIDING**  
10                   **AMENDED SPECIAL LAND DEVELOPMENT**  
11                   **REGULATIONS IN THE PLANNED DEVELOPMENT**  
12                   **DISTRICT; PROVIDING FOR SEVERABILITY, PERMIT**  
13                   **DISCLAIMER; CORRECTION OF SCRIVENER'S**  
14                   **ERRORS, AND AN EFFECTIVE DATE.**  
15

16                   **WHEREAS**, at its regularly scheduled meeting of February 16, 2016, the  
17 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),  
18 considered zoning application case number ZON2015-00051, requesting amendments  
19 to the land development regulations of the North Mills planned development zoning  
20 district, generally located west of Pinegrove Avenue, North of East Marks Street and  
21 East of North Mills Avenue, comprising approximately 1.83 acres of land, and being  
22 more precisely described by the legal description attached to this ordinance as **Exhibit**  
23 **"A"** (hereinafter the "Property"); and  
24

25                   **WHEREAS**, based upon the evidence presented to the MPB, including the  
26 information and analysis contained in the "Staff Report to the Municipal Planning Board"  
27 for application case number ZON2015-00051 (entitled "Item #6 – CFE Federal Credit  
28 Union PD Amendment" and hereinafter referred to as the "Staff Report"), and subject to  
29 certain conditions contained within the Staff Report, the MPB recommended that the City  
30 Council of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning  
31 application and adopt an ordinance in accordance therewith; and  
32

33                   **WHEREAS**, zoning application case number ZON2015-00051 is requesting an  
34 amendment to the land development regulations of the North Mills planned development  
35 zoning district to allow for the demolition of the current 32,200 square foot bank and  
36 office building and the reconstruction of a 6,886 square foot bank building with four  
37 drive- thru lanes (the "Project"); and  
38

39                   **WHEREAS**, the MPB found that the Project is consistent with the City's adopted  
40 Growth Management Plan (the "GMP") including the applicable goals, objectives, and  
41 policies associated with the Property's Future Land Use Map designation of Mixed Use  
42 Corridor Medium Intensity and Residential Low Intensity; and  
43

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

46 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando  
47 City Code”); and

48  
49 **WHEREAS**, the Orlando City Council hereby finds that the Project and this  
50 ordinance is in the best interest of the public health, safety, and welfare, and is  
51 consistent with the applicable provisions of the City’s GMP, including the applicable  
52 goals, objectives, and policies associated with the Property’s Future Land Use Map  
53 designation of Mixed Use Corridor Medium Intensity and Residential Low Intensity; and  
54

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

57  
58 **SECTION 1. PD AMENDMENT.** After due notice and public hearing, and  
59 pursuant to Part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the  
60 Orlando City Code, the land development regulations of the North Mills planned  
61 development zoning district, as established by that certain zoning ordinance adopted by  
62 the Orlando City Council on June 24, 2002, and bearing City of Orlando Documentary  
63 #020624707, (the “prior zoning ordinance”), is hereby amended as follows:  
64

- 65 a) *Development Plan.* Subject to any modifications expressly contained in the text of  
66 this ordinance, development and maintenance of the Property must be consistent  
67 with the amended development plan attached to this ordinance as **Exhibit “B”**  
68 (hereinafter the “Amended Development Plan”). In the event of a conflict between  
69 the text of this ordinance and the Amended Development Plan, the text of this  
70 ordinance shall control. In the event of a conflict between the Amended  
71 Development Plan and the development plan adopted by the prior zoning  
72 ordinance, the Amended Development Plan shall control. References in this  
73 ordinance to lots, parcels, buildings, phases, and other development features  
74 refer to such features as identified on the Amended Development Plan.  
75
- 76 b) *Phasing.* The Property may be developed in multiple phases, but if developed in  
77 multiple phases, each phase must be developed in a manner that allows the  
78 individual phases to function independently of each other. Each phase must not  
79 exceed the maximum ISR of 0.85 and the maximum FAR of 0.50.  
80
- 81 c) *Variances and modifications.* Zoning variances and modification of standards may  
82 be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter  
83 65, Orlando City Code, respectively. The planning official may also approve minor  
84 modifications and design modifications to fences, walls, landscaping, accessory  
85 structures, signs, and bufferyard requirements. Additionally, recognizing that  
86 development plans can change in small ways between the planning and permitting  
87 stages of development, the planning official may approve up to a 10% modification  
88 of any applicable numerical development standard if the planning official finds that  
89 the proposed modification is consistent with the applicable goals, objectives, and  
90 policies of the GMP, is compatible with nearby existing land uses, would not result  
91 in inadequate public facilities, and is otherwise consistent with the public health,

92 safety, and welfare. When approving such a modification of a development  
93 standard, the planning official may impose one or more of the conditions of  
94 development provided at section 65.334, Orlando City Code, but such condition or  
95 conditions must be reasonably calculated to mitigate the identifiable land use  
96 impacts of the modified standard.  
97

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

100  
101 **Urban Design**

- 102  
103 a) An appearance review is required prior to building permits being issued. All Urban  
104 Design conditions of approval must be addressed in revised drawings prior to the  
105 appearance review meeting.  
106  
107 b) Final exterior architectural elevations must be generally consistent with those  
108 provided in the Master Plan application. Final details, finishes, colors, and  
109 transparency specifications will receive an appearance review at the time of  
110 permitting. Minor changes may be requested by City staff at that time. Significant  
111 deviation from those elevations require a planning official's Letter of  
112 Determination.  
113  
114 c) Ground floor glass must be clear on all facades (minimum of 80% light  
115 transmittance), or low-e glass with a minimum light transmittance of 60%. All  
116 other glass must meet a minimum 60% transmittance. Darkly tinted or reflective  
117 glass is prohibited.  
118  
119 d) The building must have a primary façade public entrance oriented directly to the  
120 public or private street. The entrance must be architecturally highlighted.  
121  
122 e) Parking must generally be adjacent to or behind the building. Parking adjacent to  
123 any street must have a streetwall 3 to 4 feet in height between parking and the  
124 street. Finishes of the streetwall must incorporate materials, colors, details, and/  
125 or finishes of the principal building façade.  
126  
127 f) All utilities, including street light poles must be kept out of the pedestrian path.  
128  
129 g) Site lighting must comply with the City outdoor lighting code in Chapter 63, Part  
130 2M, Orlando City Code. Light-emitting diode (LED) lamps are encouraged.  
131  
132 h) All dumpsters and trash compactors must be screened with solid walls to match  
133 the principal structure. Decorative gates must be installed to coordinate with  
134 principal structure. A landscape screen including low hedge and groundcover is  
135 required to soften the view from the public right-of-way.  
136

ORDINANCE NO. 2016-93

- 137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181
- 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**

- 182  
183  
184 a) Five short term bike parking spaces must be provided. Bike racks must be  
185 installed near the entrance but not in a location that will create conflicts with  
186 pedestrians or other vehicles. Racks must meet the requirements of the Orlando  
187 City Code.
- 188  
189 b) A 5 foot wide, FDOT and City Sidewalk and Services Easement must be provided  
190 along the western boundary of this property adjacent to the North Mills Avenue  
191 right-of-way.
- 192  
193 c) A 10 foot by 6 foot easement must be provided abutting the sidewalk and services  
194 easement adjacent to North Mills Avenue to accommodate the installation of a  
195 transit shelter by LYNX. The City requests the easement at the northwest corner  
196 of the subject site, where the current flag stop exists, to maintain on-street parking  
197 along the Mills Avenue corridor. The exact location of this easement must be  
198 coordinated with LYNX planning and operation staff.
- 199  
200 d) A 10 foot wide City sidewalk and service easement must be provided along the  
201 northern boundary of the Property adjacent to the Weber Street right-of-way.
- 202  
203 e) The existing sidewalk along North Mills Avenue must be demolished and replaced  
204 with an eight foot wide sidewalk adjacent to the curb on Mills Avenue for the  
205 length of the Property. The sidewalk must be constructed to meet FDOT and City  
206 Standards. The owner or its agent is be responsible for obtaining all permits for  
207 construction within this right-of-way.
- 208  
209 f) Cross Access Driveway: The driveway on the southern property line of the  
210 Property serving 923 North Mills Avenue must be removed and the curb cut  
211 restored to the proper curb and gutter configuration. The proposed final  
212 configuration of the parking lot for the credit union must incorporate a drive aisle  
213 to serve 923 North Mills Avenue from the southern parking area of the proposed  
214 final design. Proper private cross access easements for the use of this access  
215 must be executed and recorded via plat or separate documents.
- 216  
217 g) Parking Lot Design: The final configuration of the parking lot must adhere to the  
218 Orlando City Code for dimensions of stalls aisles. The number of spaces provided  
219 must be between the minimum (17 spaces) and the maximum (48) required for a  
220 Bank land use in Chapter 61, Part 3, Orlando City Code. Any stalls above the  
221 minimum number required by Code may be leased to other nearby businesses or  
222 shared via properly executed Parking Agreement(s).
- 223  
224  
225  
226

**Transportation Engineering**

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

316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342

**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:

\_\_\_\_\_  
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

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