

AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA, AMENDING AND RESTATING THE PLANNED DEVELOPMENT ZONING DISTRICT REGULATIONS FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF VIRGINIA DR., SOUTH OF E. PRINCETON ST., EAST OF HAVEN DR., AND WEST OF N. MILLS AVE., AND COMPRISED OF 14.22 ACRES, MORE OR LESS; AMENDING AND RESTATING THE PLANNED DEVELOPMENT DISTRICT'S DEVELOPMENT PROGRAM, SITE PLAN, BOUNDARIES, AND CONDITIONS OF DEVELOPMENT; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP SERIES; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of June 19, 2012, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered zoning application case number ZON2012-6, requesting that the special land development regulations associated with the previously adopted planned development ordinances for approximately 14.22 acres of land generally located north of Virginia Dr., south of E. Princeton St., east of Haven Dr., and west of N. Mills Ave., and more precisely described by the legal description attached to this ordinance as Exhibit "A" (the "Property"), be amended and restated to allow the development of approximately 310 multifamily units and related parking structure, 177,350 square feet of office use with related structured parking, approximately 72,000 square feet of retail use with related surface parking, and park use with related retail use (the "Project"); and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the staff report for application case number ZON2012-6 (entitled "Mills Park PD" and hereinafter referred to as the "Staff Report"), and subject to certain conditions, 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, after the MPB hearing, an adversely affected party timely filed a request for a quasi-judicial hearing pursuant to Article XXXII, Chapter 2, Code of the City of Orlando, Florida (the "Orlando City Code"); and

WHEREAS, on September 6, 2012, the parties to the quasi-judicial hearing executed a Stipulated Settlement Agreement and Notice of Voluntary Dismissal, the relevant land development terms of which are included within this ordinance; and

WHEREAS, the MPB has found that the Project is consistent with the City's adopted Growth Management Plan (the "GMP"); and

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Item: 12-4. Ex. 1210221284

45 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent with the
46 intent and purpose of the Planned Development District zoning designation as established by
47 Part 2Q, Chapter 58, Orlando City Code; and
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49 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the best
50 interest of the public health, safety, and welfare, and is consistent with the applicable provisions
51 of the City's GMP; and
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53 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE**
54 **CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**
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56 **SECTION 1. ZONING AMENDMENT.** After due notice and public hearing, and
57 pursuant to Chapter 58, Orlando City Code, and other relevant portions of the Orlando City
58 Code, the land development regulations established by the planned development zoning
59 ordinances adopted by the Orlando City Council on November 14, 2005 (City documentary
60 #051114908), and December 3, 2007 (City documentary #0712031004) (hereinafter, the "Prior
61 Mills Park Planned Development Ordinances"), are hereby amended and restated, as follows:
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64 **A) Development Plan**
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- 66 1) The Property shall be developed in a manner substantially similar to the
67 Development Plan attached hereto as Exhibit "B" (hereinafter the "**Development**
68 **Plan**"). As indicated on the Development Plan, the Mills Park PD may include up
69 to:
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- 71 a) 310 multifamily residential units plus accessory leasing and activity
72 spaces in Building 1.
 - 73 b) 177,350 square feet of office space or hotel space in Buildings 5 and 6.
 - 74 c) 66,000 square feet of commercial space in Buildings 2, 3, 4, and 7.
 - 75 d) A 0.5-acre park.
 - 76 e) 6,000 square feet of commercial space in up to three buildings in the park.
- 77
- 78 2) The City shall notify the Lake Formosa Neighborhood Association
79 President of any proposed substantial changes to the Development Plan or other
80 provisions of this ordinance; however failure to provide such notification shall not
81 invalidate any duly enacted change to the Development Plan or ordinance so long
82 as all other legal notice requirements are met.
83
- 84 3) The Property may be developed in multiple phases, but each phase must
85 be able to function without reliance on future phases. The purpose of this
86 requirement is to ensure that the first phase, and each subsequent phase, can fully
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91 function and operate as intended by the Development Plan in the event that
92 subsequent phases are delayed or abandoned.

- 93
94 4) After a certificate of occupancy is issued to a building, zoning variances
95 and modification of standards for subsequent improvements to that building may
96 be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter
97 65, Orlando City Code, respectively.
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99 **B) Review Process**

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101 1) Prior to building permit submittal, the applicant shall submit a request for
102 a Planning Official Determination including a site plan, building elevations, and landscaping
103 plan, for review and approval consistent with City Code and this ordinance.
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105 2) As part of the Planning Official review, the Planning Official may approve
106 minor modifications, such as minor alterations to fences, signage, landscaping, architectural
107 design, whether buildings may be built above or below grade, and a deviation of less than five
108 percent (5%) to parking space requirements, without further review by the Municipal
109 Planning Board or City Council.
110

111 **C) Transportation and Parking**

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113 Development of the Property shall include the following transportation conditions:
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- 115 1) The Property shall include up to four access points: one at Virginia Drive,
116 two at Mills Avenue and one at Haven Drive.
117
118 2) The access point on Haven Drive shall be right-in/left-out only (which
119 shall only allow south bound (left) turning from Nebraska Street onto Haven
120 Drive). The throat of this driveway shall be 24 ft wide. Appropriate physical
121 barriers, as mutually agreed upon by the Owner/Developer and the City, to
122 prevent other traffic shall be installed.
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124 3) No commercial trucks/delivery vehicles serving the commercial
125 businesses of the project shall be allowed to utilize Haven Drive. Furthermore,
126 construction vehicle traffic shall be minimized on Haven Drive by the
127 Owner/Developer and their contractor to the maximum extent practicable.
128
129 4) The access point onto Mills Avenue across from McCamy Street shall be
130 right-in/right-out only and shall be constructed with a concrete diverter and proper
131 signage on the Property so as to allow only these movements. The need for a
132 raised medina device within the right-of-way at this location shall be determined
133 by City of Orlando and FDOT staff. If such a device is determined to be needed,
134 the Owner/Developer shall be responsible for the design, permitting, and
135 construction costs.

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- 136 5) The access point onto Mills Avenue across from Nebraska Street shall
137 include a two-lane approach to Mills Avenue. Both approach lanes shall be
138 carried back to the first on-site intersection. A traffic study shall be performed by
139 the owner's representative and submitted to the City to help determine the lane
140 configuration for the eastbound approach to this intersection.
141
- 142 6) Restriping and resurfacing shall be conducted at Owner/Developer's sole
143 cost and expense for 180 feet east of the stop bar along the westbound Nebraska
144 Street approach to Mills Avenue in order to provide a 150 foot long through/left
145 lane and an exclusive right turn lane. The westbound lanes on Nebraska Street
146 shall be 10 feet wide. These improvements shall be implemented prior to issuance
147 of a certificate of occupancy for any development south of the Nebraska Street
148 extension.
149
- 150 7) The owner shall be responsible for costs associated with repositioning,
151 retiming, or recalibrating the signal and associated ancillary equipment
152 necessitated by the addition of the eastbound and westbound right turn lanes at the
153 Mills Avenue and Nebraska Street intersection. This includes, but is not limited
154 to, changes to video detection equipment.
155
- 156 8) Construction of the curb line, sidewalks, streetscape, and drainage
157 structures adjacent to the Property; along Virginia Drive shall be completed and
158 accepted by the City's Traffic Engineer prior to issuance of any certificate of
159 occupancy for any development south of the Nebraska Street extension. The
160 Virginia Drive improvements shall include removal of the existing sidewalk and
161 construction of sidewalk and streetscape compliant to City Code and to
162 requirements for urban design contained elsewhere in this ordinance. The
163 Owner/Developer shall be responsible at their sole expense, and shall not receive
164 transportation impact fee credits, for these improvements.
165
- 166 9) The intersection of the main internal roads shall be a two-way stop
167 controlled intersection with the north and south approaches receiving the stop
168 condition. The north approach at this intersection shall align with the south
169 approach to form 90° angles between all four approaches. Crosswalks shall be
170 clearly demarked on all four approaches with pavement treatments or
171 thermoplastic application meeting the Manual on Uniform Traffic Control
172 Devices (MUTCD) standards.
173
- 174 10) Two driveways to the south parking lot shall be allowed from the
175 Nebraska Street extension. The location of the first of these is described above in
176 Section 12. The second driveway may be up to 36 ft wide and located to
177 accommodate truck movement into and out of the parking lot. A properly marked
178 crosswalk shall be provided across this driveway but need not be raised above the
179 pavement grade.
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- 11) A raised crosswalk meeting City of Orlando standards shall be included on the west side of the western driveway to the south parking lot. This crosswalk shall provide a logical pedestrian path to the sidewalk on the north side of the Nebraska Street extension.
- 12) The island constituting the southern edge of the Nebraska Street extension between the two driveways to the south parking lot shall be of sufficient width to accommodate a 5 foot wide sidewalk, 5 foot wide park strip with street trees on the north side of the sidewalk and appropriate curbs and gutters. The drive aisle immediately south of this island shall be one-way westbound, or shall be otherwise revised to avoid impacting the flow of traffic through the adjacent intersection to the north.
- 13) Any existing curb cuts which are not proposed for use in the Development Plan shall be removed.
- 14) All internal roads shall be perpetually maintained by the Property owners or their successors and/or assigns.
- 15) Upon provision from the City of documentation regarding the mutually agreed upon form and location of the easement, Owner/Developer shall grant a perpetual public access easement over the internal roadway extending from the Nebraska/Mills intersection to Haven Drive. Owner/Developer shall be permitted to temporarily close off said access easement to allow for special events as permitted by the City.
- 16) Upon provision from the City of documentation regarding the mutually agreed upon form and location of the easement, Owner/Developer shall dedicate to the City a City Services/Sidewalk Easement immediately adjacent to the Virginia Drive right-of-way measured from back of curb to a width of 15 feet.
- 17) Upon provision from the City of documentation regarding the mutually agreed upon form and location of the easement, Owner/Developer shall dedicate a seven (7) foot City Services/Sidewalk Easement to the City along the entire length of the Property immediately adjacent to Mills Avenue.
- 18) A bicycle parking plan shall be provided to and approved by the City's planning official prior to the permitting of the hardscape/streetscape improvements associated with the project. Short-term and long term bicycle parking shall be provided consistent with Chapter 61, Orlando City Code, for each of the individual uses on the property. In addition to the required minimum number of short-term bicycle spaces needed for individual uses, a minimum of 10 short-term spaces shall be provided at a location that is accessible from Building 2 and from the Orlando Urban Trail and that does not require crossing a vehicular use area.

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227 19) Vehicular parking shall be provided consistent with Chapter 61, Orlando
228 City Code, including any reductions that the property may be eligible for based on
229 the underlying AC-N/T/SP zoning. Parallel parking spaces are required along at
230 least one side of the Nebraska Street extension and may be counted toward the
231 minimum parking requirement for the Project. However, no such parking shall be
232 located between Mills Avenue and the first intersection of internal drive aisles on
233 the property. If a land use intends to provide valet parking, such facilities shall be
234 indicated on the final site plan for that phase of the PD.
235

236 20) Prior to issuance of building permits for any parking garages on site, the
237 owner shall submit a truck turning movement analysis that includes movement to
238 and from all loading bays, including those intended for use by solid waste
239 collection. Conflicts with other traffic using the garages shall be mitigated in the
240 final design, which must be approved by the designee of the City Public Works
241 Director. Final design and operation of the parking garages must be approved by
242 the designee of the Public Works Director and shall comply with the following
243 requirements:
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245 a. The following areas of the parking garages shall be architecturally
246 treated to screen the vehicles from surrounding properties and to render the garages in
247 appearance similar to the commercial or residential structures:
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249 (i) Areas which extend or protrude above the height of on-site
250 principal structures; and
251

252 (ii) All entrances and exits.
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254 b. Office garage entrances shall have a minimum height of 14.5 feet.
255 Residential garage entrances shall have a minimum height of 8.5 feet and shall be separate
256 from the loading entrance.
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258 c. All loading dock doors shall be recessed at least two feet from the
259 principal building façade.
260

261 d. Delivery truck berths may be combined with parking garages but
262 shall be reserved and marked exclusively for loading purposes. Access aisles may serve both
263 parking and loading facilities.
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265 e. Solid waste vehicles shall not be required to back up distances
266 greater than 50 feet and shall not be required to make repeated "back-and-forth" movements
267 to maneuver to or from compactor/dumpster locations.
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269 f. Loading berths shall not be located so that typical moving
270 company vehicles would block access to or from the garage for other users during loading or
271 unloading.
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- 21) Streetscape, including hardscape and landscape, shall be designed, constructed and maintained adjacent to Mills Avenue. Such streetscape must be approved in writing by the designee of the City Public Works Director, in consultation with the Florida Department of Transportation. The owner shall also enter into an agreement with the City to accept the responsibility and costs of maintaining this streetscape to FDOT and City standards.
- 22) The Owner/Developer shall design and construct a bus shelter meeting minimum City Code requirements on the Property along Mills Avenue. The design and location of the bus shelter must be given written approval from the City and LYNX prior to construction. The City shall afford the Owner/Developer flexibility in the design of the bus shelter in order to promote a structure which is harmonious with the aesthetic nature of the development. The Property owners or their successors and/or assigns shall maintain the shelter including, but not limited to, trash removal at least twice per week, unless such owner enters into an agreement with LYNX to subsequently maintain said shelter.
- 23) No structure, fence, wall, or landscaping shall obstruct the vehicular line of sight between three feet and eight feet above street level at intersections of driveways with City or FDOT roadways. All vehicular lines of sight shall be indicated on the construction and site plans.
- 24) Pavement markings or signage shall provide directional information to assist traffic flow, provide traffic control, and shall conform to MUTCD requirements.
- 25) When the Property has achieved an eighty-percent 80% occupancy level of the full build-out of the entire project, traffic on Haven Drive and S. Lake Formosa Drive shall be monitored by the Property Owner/Developer at its sole cost and expense. The monitoring shall consist of two 24-hour machine traffic counts on Haven Drive between Virginia Drive and Nebraska Street, and on South Lake Formosa Drive west of Asher Lane. The resulting traffic volumes shall be compared to the traffic volumes at these locations for pre-development conditions. If the post-development traffic volumes are more than 100 daily vehicles at the S. Lake Formosa Drive location, the City Transportation Engineering Division shall investigate potential mitigation strategies. The City Transportation Engineer shall have ninety (90) days to review the count results and determine what neighborhood transportation improvements may be prudent to install or implement. If a workable mitigation plan is found that is acceptable to the impacted area property owners, the Property Owner/Developer shall contribute up to \$25,000 for means to mitigate the additional traffic. In no case will the Property Owner/Developer be required to contribute for mitigation in excess of the \$25,000, although the money contributed may be used for mitigation that exceeds that cost, in which case, other funding sources will make up the difference.

D) Residential Component

1) The ground floor of all residential development along Haven Drive shall have entryways facing Haven Drive, and shall include pedestrian access from the public sidewalk to the doorways via an improved surface internal to the site. These entryways shall be enhanced with pavers, low walls and/or other techniques to create territorial re-enforcement such that there is distinction between the public and the private areas of the Property.

2) A wall shall be located between the Orlando Urban Trail and adjacent buildings. The wall may also include a decorative metal fence above the wall cap of up to an additional 24 to 36 inches in height. In no event shall this wall be located closer than 4 feet from the Orlando Urban Trail. Landscape breaks shall be permitted for landscape features or integrated into the wall design to provide for a repetitive wall/landscape barrier. Wall breaks shall be located in such a manner to reinforce the appearance of front doors along Haven Drive. Design of the wall shall be reviewed with the final site plan.

3) The following architectural standards shall apply:

a. The architectural design of Building 1 shall generally comport with the renderings attached hereto as Exhibit "C." Minor revisions that are consistent with these architectural standards may be approved as part of the City's Planning Official Determination.

b. All residential buildings along Haven Avenue shall include architectural styles and facade treatment to resemble single-family homes, residential duplexes or townhouses.

c. The massing of residential buildings along Haven Drive shall employ solid and void design rhythm to mimic the residential block face on the western side of Haven Drive by creating architectural recesses and projections.

d. The scale of residential buildings along Haven Drive shall further mimic the residential structures on the western side of Haven Drive by providing architectural detailing to emphasize the second floor.

e. Any external portion of a garage visible from streets, walkways or public areas shall incorporate architectural facade treatments of adjoining residential structures to foster aesthetic compatibility.

f. Street-facing exterior walls shall each contain a minimum of 15% of transparent or translucent materials on each story below the roof line. A minimum 30% transparency is required on the ground floor adjacent to Nebraska Street and facing the Park. Ground floor transparency is calculated between grade and 10 feet above finish floor, and upper floor transparency is calculated at an 8-foot floor height. Clear glass (or Low-E with minimum 60% transmittance) shall be required to count toward transparency.

365
366 g. Where the garage entrance is exposed to Mills Ave. above the vehicular
367 entrance, permanent architectural treatment shall be installed along the façade that match the
368 residential building, such as brick, siding, paint color, or similar.
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370 h. In the event that a building permit for the office phase has not been issued
371 within 180 days of the date the building permit for the residential phase was issued, the
372 applicant shall amend the residential building permit prior to certificate of occupancy to
373 include architectural treatments, such as change in color, materials, decorative details, and/or
374 green screens along the portion of the garage north of the vehicular entry. Screening elements
375 shall be made of durable materials but may be removable in the event that Buildings 5 and 6
376 are constructed.
377

378 **E) Commercial and Office Components**
379

380 1) The office use allowance may be converted from office use to hotel use
381 upon approval by the Planning Official so long as transportation impacts and
382 appearance are not substantially changed, and the hotel use is consistent with the
383 terms of this ordinance and City Codes.
384

385 2) The architectural design of Buildings 2, 5 and 6 shall generally comport
386 with the renderings attached hereto as Exhibits “D,” “E,” and “F” respectively.
387 Minor revisions that are consistent with the architectural standards in this
388 ordinance may be approved as part of the City’s Planning Official Determination.
389 Elevations for Buildings 3, 4 and 7 shall be consistent with the design criteria in
390 this ordinance and the City’s Land Development Code.
391

392 3) Outdoor seating for restaurants shall be permitted only along sidewalks
393 that are greater than 15 ft. or are within a terrace or arcade. In all cases, a
394 minimum 5 ft. unobstructed clear pedestrian path shall be provided parallel to the
395 roadway at all times.
396

397 4) The ground floor building facades of all principal structures shall contain a
398 minimum of 15% transparency where adjacent to a public or internal street, or
399 pedestrian walkway. If the ground floor contains retail, a minimum 30%
400 transparency is required for the primary façade, and a minimum 15% transparency
401 is required for secondary facades. For secondary retail facades, second floor
402 transparency may be included in the total area required. For Building 2, the north
403 façade is exempt from transparency requirements. Ground floor transparency is
404 calculated between grade and 10 feet above finish floor. Clear glass (or Low-E
405 with minimum 60% transmittance) shall be required to count toward
406 transparency.
407

408 5) At least one public entrance of all principal structures shall be oriented
409 toward the street, and shall include pedestrian access from the public sidewalk to
410 the doorway via an improved surface. The office portion of Building 2 shall

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411 include an entrance oriented to the Orlando Urban Trail. At least one building
412 within the park shall be located to anchor the corner intersection of Nebraska and
413 Mills. Building 5 shall include active uses facing the park.
414

- 415 6) Where stairs or ramps may be required to access the public entrance of a
416 building, due to a grade change, such structures may encroach into the sidewalk
417 easement along Mills Ave., but an 8 foot clear pedestrian path shall be maintained
418 from back of curb to any stair, ramp or landscape area.
419

- 420 7) Primary and secondary façades shall be articulated as follows:
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422 a. All façades shall express a base, middle, and top, and contain a minimum of
423 two architectural treatments, such as changes in texture, material and color
424 changes, varying widths of wall projections, or green screens.
425

426 b. Pedestrian scale features, such as awnings, canopies, arcades, trellises or
427 similar features shall be incorporated into the primary façade to emphasize
428 the entrances.
429

430 c. Materials and façade articulation shall be continuous and consistent along
431 all sides of the building.
432

433 d. Corner features are encouraged to frame the vehicular entrance between
434 Buildings 5 and 6, and adjacent to the park.
435

436 e. Buildings 4 and 7 shall incorporate increased height at the corners of the
437 buildings at each intersection. Building 4 is encouraged to have the massing
438 greater than one story.
439

440 f. All four sides of the park buildings shall be treated as primary façades.
441

442 g. In general, the elevations attached in Exhibits D, E, and F meet the
443 articulation requirements. However, any changes to the elevations shall be
444 reviewed by the Appearance Review Officer, and shall be generally
445 consistent in degree of detail, materials, and façade articulation.
446

- 447 8) Roofs shall be articulated and treated as follows:
448

449 a. Parapets are encouraged to vary in height to emphasize different elements
450 within the façade. Parapets should not be taller than 2/3 of a floor height.
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452 b. Trellis elements should not project above the principal building roof line.
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454 c. Roof lines are encouraged to be emphasized at the corners and at entrances.
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- 9) Green building strategies and sustainable building practices are strongly encouraged. Green roofs are also encouraged on the park buildings to help mitigate the impervious surface area of the park.
- 10) The entrance to the parking garage behind Buildings 5 & 6 shall be architecturally treated to blend in with the adjacent buildings. The ramping of the structure shall not be expressed on the exterior, or shall be screened by other architectural detail.
- 11) Loading areas shall be screened or treated similarly to the rest of the building. The loading dock area for Building 2 shall include decorative gates to screen the loading area when not in use. The Building 2 loading dock area shall also be screened from above to reduce visibility from residential units across the street. Loading areas for the park buildings shall be minimal and accommodated by one of the other building sites, if possible.
- 12) A street wall shall be installed adjacent to Mills Ave. and Virginia Dr., to screen the parking lot from the street. The street wall shall be a minimum of 3' and a maximum of 5' in height. Walls greater than 3' in height above grade shall be no more than 50% solid. The street wall shall be located within the required maximum setback from the street, or no more than 5 feet from the back of the required sidewalk. Pedestrian access shall be provided periodically along the wall to allow for circulation. A pergola or trellis element may be incorporated, and shall be designed to emphasize the pedestrian connections. In lieu of a street wall, a hedge or screen panels meeting these conditions may also be incorporated.
- 13) The owner or tenant for Building 2 may apply for temporary outdoor storage, not to exceed 45 days per calendar year, subject to the requirements of LDC Chapter 58, Part 4N. In addition, the following design criteria apply:
 - a. Generators and lighting are prohibited.
 - b. Banners or other temporary advertising may not be placed on the storage units.
 - c. Merchandise shall be entirely contained within enclosed storage units. If an outdoor merchandise display is proposed, it shall be separately reviewed according to the requirements of LDC Section 58.914.
 - d. Storage units may be located in a maximum of three parallel parking spaces adjacent to the loading area of Building 2.
 - e. Storage units shall not be stacked vertically.

F) Landscape Plan

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- 502 1) No permits shall be issued for the Property until a Landscape Plan for the
503 area affected by the permit is submitted to and approved by the Zoning Official
504 and Appearance Review Officer. Such Landscape Plan shall include landscaping
505 around the Orlando Urban Trail and description of the methods for continued
506 maintenance of the landscaping on said trail. In particular, landscaping shall be
507 provided in the northwest corner of the site as shown in Exhibit "H."
508
- 509 2) At a minimum, street trees shall be provided in 5 ft. by 5 ft. tree wells
510 located adjacent to the internal and external street curbs. Due to the power lines
511 on Mills Avenue, understory trees may be acceptable as street trees. Coordination
512 with the Appearance Review Officer and Transportation Engineering Division
513 shall be required to review final streetscape design and plant selection.
514
- 515 3) Sidewalks, with a minimum five-foot clear pedestrian path, shall be
516 provided on all public rights of way, the Nebraska Street extension, and the
517 driveway between the park and the residential building. Sidewalks shall also be
518 provided from the right of way to building entrances and as needed to provide
519 internal pedestrian circulation.
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- 521 4) Chain link fencing is prohibited.
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- 523 5) The Owner-Developer must install, at its cost, a six-foot tall decorative
524 wrought-iron-style, black-painted aluminum fence on its property along the
525 western boundary of the adjacent property to the north of the Property, as depicted
526 on Exhibit "H" to this ordinance. The fence shall be designed and constructed in
527 a manner so as to allow stormwater to flow under or through the fence in a
528 manner to accommodate existing stormwater flow rates from the adjacent
529 property to the City's drainage system and so as not to compromise the
530 foundation of the fence.
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532 **G) Open Space**
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- 534 1) Private courtyards shall be provided around the residential buildings as
535 indicated on the Development Plan. A park shall be provided at the northwest
536 corner of the Mills Avenue/Nebraska Street intersection. Landscaping for the
537 Orlando Urban Trail shall be provided along Haven Drive.
538
- 539 2) At a minimum, canopy trees shall be planted every 40-50 feet on center
540 within the existing parkstrip located between Haven Drive and the Orlando Urban
541 Trail. Alternatively, such trees may be alternated on each side of the trail,
542 provided that the total number of canopy trees remains the same. Additional
543 landscaping may also be included. All landscaping along the Orlando Urban Trail
544 adjacent to the Property boundary shall be maintained by the adjacent Mills Park
545 property owner, or as designated to a property maintenance association.
546

- 547 3) The park shall be privately owned and maintained, but publicly accessible.
548 The park may be developed in phases, with the first phase consisting of grass,
549 groundcover or other landscaping. The park must be surrounded on the south, east
550 and west sides by a minimum 5-foot clear sidewalk. The park must meet ADA
551 standards for accessibility. The park may include hardscape and urban plaza
552 areas, fountains, pergolas or other structures, as well as up to three buildings
553 containing uses that complement the park.
554

555 **H) Pedestrian and Bicycle Circulation**
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- 557 1) A bikepath maintained by the City of Orlando abuts the property along the
558 western boundary. The owner shall be responsible for providing landscaping as
559 outlined in the Mills Virginia Biketrail Agreement (City Council Doc
560 #051114B12 and #101018I05). The owner shall also be responsible for
561 maintaining all landscaping on both sides of the Biketrail for the entire length of
562 the property. Any remaining sidewalk that existed prior to installation of the
563 Orlando Urban Trail along Haven Drive adjacent to the Property shall be
564 removed.
565
- 566 2) There shall be an ADA-compliant sidewalk connection extending from the
567 Orlando Urban Trail to the South Lake Formosa Drive/Haven Drive Intersection.
568
- 569 3) Wherever sidewalks cross over driveways, colored or stamped concrete or
570 other treatment shall be provided to indicate the pedestrian crossing zone.
571
- 572 4) A direct pedestrian path from Mills Avenue to the entrance of Building 2
573 shall be provided through the parking lot.
574
- 575 5) Sidewalks shall be provided on both sides of the Nebraska Street
576 extension.
577

578 **J) Setbacks and Buffers**
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- 580 1) The northern side of the Property shall have a minimum building setback
581 of 20 ft. and a minimum landscape buffer of 20 ft from the property line.
582
- 583 2) The southern side of the Property shall have a minimum building setback
584 of 5 ft. and a maximum setback of 25 ft. from the property line.
585
- 586 3) The eastern side of the Property shall have a minimum building setback of
587 10 ft. and maximum setback of 20 ft. from the property line.
588
- 589 4) The western side of the Property shall have a minimum building setback
590 of 40 ft. from the right-of-way line and a minimum landscape buffer, including
591 the Orlando Urban Trail, of 35 feet from the right-of-way line. Stoops may

592 encroach into setbacks along Haven Drive, up to 4.0 feet, provided that no
593 encroachment occurs into the Orlando Urban Trail parcels.

594
595 **K) Utilities**

- 596
597 1) The Owner will design and construct a privately owned and operated on-
598 site storm water system in accordance with the Orlando Engineering Standards
599 Manual.
600
601 2) The Owner/Developer will coordinate with the City in the construction of
602 sewage, stormwater and drainage pipes that may impact the Orlando Urban Trail.
603
604 3) Any remaining above-ground utility poles on the Property shall be
605 repainted. To the extent practical, utility lines such as cable, fiber optic or
606 telephone lines shall be moved underground.
607
608 4) Fire hydrants, power poles, signal boxes or similar shall be located within
609 the furniture zone of the streetscape, and not be located within the pedestrian path.
610
611 5) All utilities, air conditioning units and other mechanical equipment shall
612 be screened from the view at the right of way. At-grade utilities shall be screened
613 by a low-wall or hedge at least 36 inches high at the time of planting. Rooftop
614 mechanical equipment shall be screened or treated architecturally so as not to be
615 visible from any right of way.
616

617 **L) Signs**

- 618
619 1) Signage shall be permitted on the Property pursuant to the signage
620 regulations of the AC-N/T/SP Zoning District. A unified sign package shall be
621 submitted for final approval by the Planning Official prior to any permitting for
622 signs.
623
624 2) Signs shall be designed at a pedestrian scale.
625
626 3) Backlit awning signs are prohibited.
627
628 4) Construction signs and fence signage shall meet the requirements of
629 determination #LDC2004-00429.
630
631 5) High rise signs may only face Mills Avenue, and are required to be
632 approved by a Planning Official Determination, rather than a conditional use.
633 High rise signs shall meet the standards of LDC Section 64.246.
634

635 **M) Safety Features**
636

ORDINANCE NO. 2012-41

- 637 1) Buildings 1, 5 and 6 shall provide, at no charge to the City, space to locate
638 equipment to ensure an adequate level of radio coverage for the City radio
639 communication system (to be used by police, firefighters, and other
640 emergency responders). Adequate level of radio coverage shall include:
641
642 a. Inbound into the buildings: a minimum average in building field
643 strength of 10 dbm above the noise floor throughout ninety-five
644 percent (95%) of the area on each floor of the building when
645 transmitted from the appropriate emergency service dispatch center(s).
646
647 b. Outbound from the building: a minimum average outbound field
648 strength of 10 dbm above the noise floor throughout ninety-five-
649 percent (95%) of the area on each floor of the building when
650 transmitted from the field units portable radio to the appropriate
651 emergency service dispatch centers.
652
653 c. The City's communications unit, with consideration of the
654 appropriate police, fire and emergency medical department services,
655 shall determine the frequency range or ranges that must be supported.
656 For the purpose of this section, adequate radio coverage shall
657 constitute a successful communications test between the equipment in
658 the building and the communications centers for all appropriate
659 emergency service providers for the building.
660
661 d. If any part of the installed system or systems contains an
662 electrically powered component, the system shall be capable of an
663 independent battery or generator system for a period of at least twelve
664 hours without external power input or maintenance. The battery
665 system shall automatically charge in the presence of external power.
666
667 e. All amplification equipment must be FCC accepted.
668

669 **N) Impervious Surface**
670

671 The project may have a maximum overall impervious surface ratio of 0.84.
672

673 **O) Lighting**
674

- 675 1) A signed and sealed lighting plan consistent with Orange County's lighting
676 ordinance (Ord. No. 2003-08, §1,6-3-03) or photometric plan shall be submitted with
677 permitting drawings for each building and parking garage and approved by the
678 Planning Official. Such plan shall include architectural lights and fixtures
679 incorporated into building design.
680
681 2) All public and private streets shall incorporate street lighting adequate to provide
682 sufficient lighting for the safety of vehicular and pedestrian uses. Such lighting

683 fixtures shall be located in the furniture zone which shall not obstruct pedestrian
684 movements by allowing a minimum five (5) foot clear sidewalk. Such light fixtures
685 shall not exceed 18 feet and be decorative in appearance. Street lights adjacent to
686 Mills Avenue, Haven Drive and Virginia Drive shall be coordinated with
687 Transportation Engineering staff, the Appearance Review Officer, OUC, and FDOT
688 (for Mills Avenue only) to address style, location, color, height and lamp type.
689

690 3) Garage light fixtures shall not extend more than twenty (20) feet above the upper
691 parking deck. Nor shall garage light fixtures be closer than 20 feet to the edge of the
692 garage. Illumination of garage light fixtures shall be contained within the Property by
693 houseside (full cut-off) shields and reflectors. For color renditions and security
694 purposes, all parking garages shall have interior lighting that is metal halide or better
695 (color rendition range).
696

697 4) Security lighting shall be allowed in storage and loading areas. Illumination from
698 security lighting shall not extend beyond the fascia or roofline of any building.
699 Shields for security lighting shall be similar in color to the surface attached.
700

701 **P) Solid Waste**

702
703 1) The location and size of on-site solid waste compactors and dumpsters
704 with concrete pads and enclosures with doors shall be included on the site plan.
705

706 2) Solid waste containers shall be integrated into the architecture of the
707 building, or incorporate walls, pergolas or other architectural features to screen
708 the containers from view from the right of way. Decorative gates shall be installed
709 to screen the dumpsters when not in use. Commercial dumpsters are prohibited in
710 the park.
711

712 **Q) Building Heights**

713
714 Building heights shall comport with the Sketch of Building Heights attached hereto as
715 Exhibit "G," as specified below:
716

717 1) The northern 1/3 portion of Building 1 shall be subject to the following height
718 restrictions:
719

720 a. Height of up to 35 feet shall be allowed for a depth of one unit; and

721
722 b. For the remainder, a height of up to 50 feet shall be allowed.
723

724 2) The southern 2/3 portion of Building 1 shall be subject to the following height
725 restrictions:
726

727 a. Height of up to 45 feet shall be allowed for a depth of one unit; and
728

ORDINANCE NO. 2012-41

b. For the remainder, a height of up to 55 feet shall be allowed.

- 3) Building 2 shall have a maximum height of up to 45 feet.
- 4) Buildings 3 & 4 and 7 shall be limited in height to 75 feet.
- 5) Building 5 shall be limited in height to 90 feet.
- 6) Building 6 may have a height of up to 77 feet.
- 7) Buildings in the park shall be limited to a single story, not to exceed 30 feet.
- 8) The building heights shall comply with Exhibit "G."
- 9) All building heights shall be measured from the finished grade elevation within two feet of the building to the flat portion of the roof or the mean height of sloped roofs.
- 10) Notwithstanding the foregoing, architectural adornments and mechanical equipment may be permitted at a greater height pursuant to Section 58.203 of the City Code.

R) DEFAULT ZONING REGULATIONS

Except as provided otherwise herein, the Property shall be subject to all applicable provisions of the Growth Management Plan and Codes of the City of Orlando. Any zoning matters not addressed by this ordinance shall default to the AC-N/T/SP (Neighborhood Activity Center with Traditional City Overlay and Special Planned Area Overlay) zoning district. Uses which are not permitted in the AC-N/T/SP Zoning District or stated in this ordinance shall not be permitted.

SECTION 2. PRIOR ORDINANCES. This ordinance supersedes all previous planned development zoning ordinances applicable to the Property.

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. AMENDMENT OF OFFICIAL ZONING MAP. The City Zoning Official, or designee, is hereby authorized and directed to amend and correct the City's official zoning map in accordance with the provisions of this ordinance.

SECTION 5. 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.

775 **SECTION 6. PENALTIES.** Failure to comply with the requirements of this ordinance
776 constitutes a violation of the Orlando City Code and shall be punishable as provided therein.
777

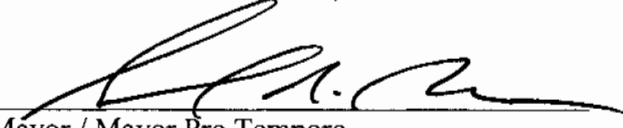
778 **SECTION 7. EFFECTIVE DATE.** This ordinance takes effect immediately upon its
779 final passage.
780

781 **DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at
782 a regular meeting, this 1 day of October, 2012.
783

784 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of
785 Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 11 day of
786 October, 2012.
787

788 **DONE, THE SECOND READING AND HEARING, AND ENACTED ON FINAL**
789 **PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the
790 City of Orlando, Florida, at a regular meeting, this 22 day of October,
791 2012.
792

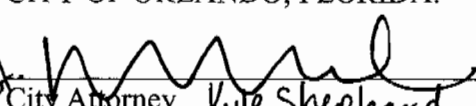
793 BY THE MAYOR/MAYOR PRO TEMPORE OF
794 THE CITY OF ORLANDO, FLORIDA:
795

796 
797
798 Mayor / Mayor Pro Tempore
799 Samuel B. Ings

800 ATTEST, BY THE CLERK OF THE
801 CITY COUNCIL OF THE CITY OF
802 ORLANDO, FLORIDA:
803

804 
805 _____
806 City Clerk

807 APPROVED AS TO FORM AND LEGALITY
808 FOR THE USE AND RELIANCE OF THE
809 CITY OF ORLANDO, FLORIDA:
810

811 
812 City Attorney Kyle Shephard
813

[Remainder of page intentionally left blank.]

EXHIBIT A Ord. no. 2012-41



VERIFIED LEGAL DESCRIPTION FORM

(APPENDIX C)

The following legal description has been prepared by
SHANNON SURVEYING, INC.
and submitted to the City Planning Bureau for verification.

[Handwritten Signature]
Signature James R. Shannon, Jr., P.L.S. #4671

Date
4-18-12

"This description has been reviewed by the Bureau of Engineering and is acceptable based on a comparison with:

RECORD PLAT, ORB
166, RAW TRAVERSE
AND CALCULATIONS.

By *[Handwritten Signature]* Date 6-1-2012

Application Request (Office Use Only)

Mills Park PD

File No. 2012012-00006

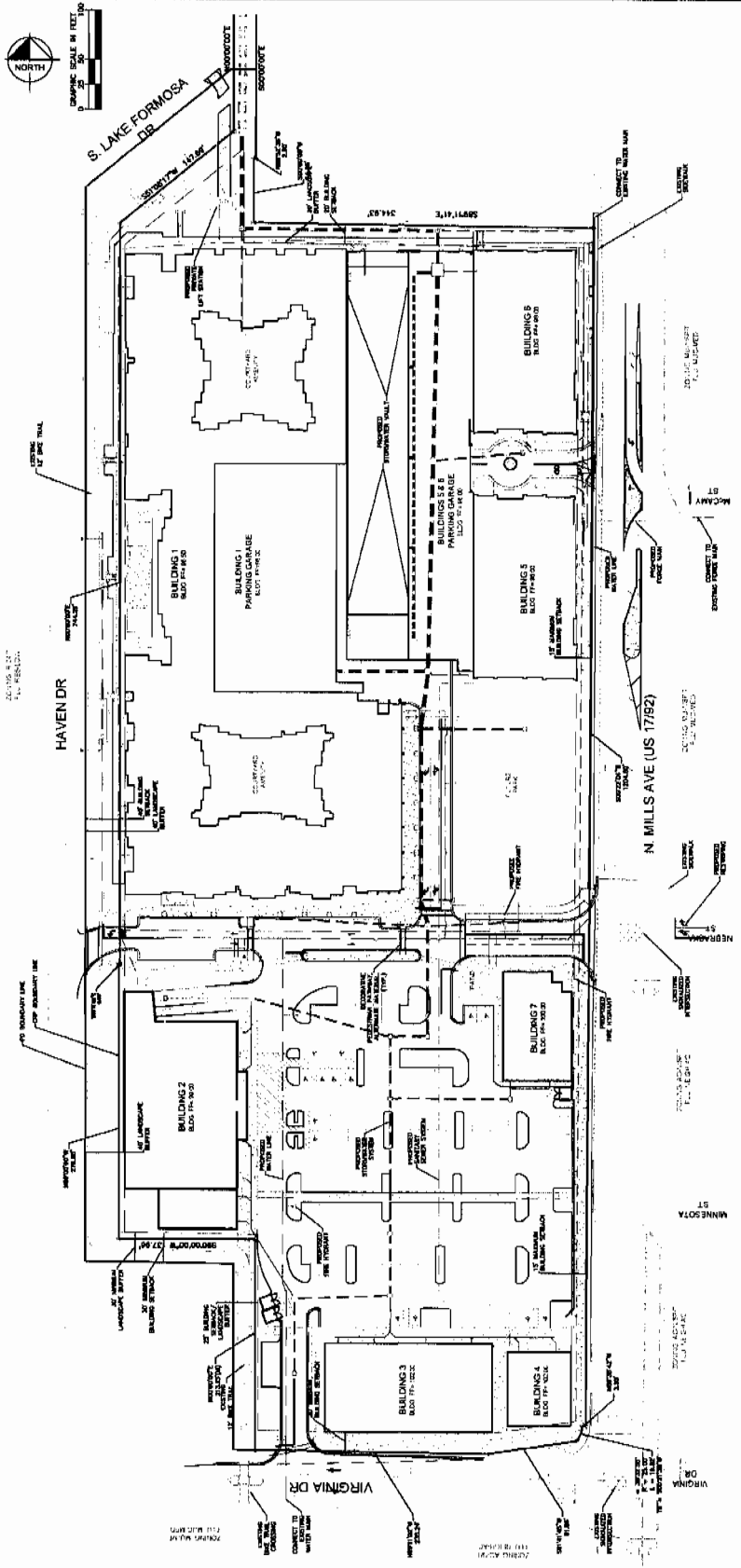
Legal Description including Acreage (To be typed by Applicant):

BEGIN AT THE SOUTHEAST CORNER OF LOT 25, BLOCK B, BROOKHAVEN, PER THE PLAT THEREOF, RECORDED IN PLAT BOOK H, PAGE 18, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE R N00°00'00"E. ALONG THE EAST LINE OF SAID BLOCK B. A DISTANCE OF 188.01 FEET TO THE NORTHEA CORNER OF LOT 24 OF SAID PLAT; THENCE DEPARTING SAID EAST LINE OF SAID BLOCK B, R N89°11'02"W ALONG THE NORTH LINE OF SAID LOT 24, A DISTANCE OF 150.02 FEET TO THE EAST RIG OF WAY LINE OF BROOKHAVEN DRIVE; THENCE RUN N00°00'00"E ALONG SAID EAST RIGHT OF WAY LI A DISTANCE OF 1079.83 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF FORMOSA DRIVE; THENCE R N51°08'17"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 189.43 FEET; THEN DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE RUN N90°00'00"E, A DISTANCE OF 25.00 FEET; THEN RUN S00°00'00"E, A DISTANCE OF 89.28 FEET; THENCE RUN N88°52'38"W, A DISTANCE OF 2.50 FE THENCE RUN S00°00'00"W, A DISTANCE OF 64.85 FEET; THENCE RUN S89°11'41"E ALONG THE LAN DESCRIBED IN QUIT CLAIM DEED RECORDED IN DEED BOOK 10145, PAGE 3069, A DISTANCE OF 344 FEET TO A POINT ON THE CURRENT WEST RIGHT OF WAY LINE OF NORTH MILLS AVENUE; THENCE R S00°22'04"W ALONG SAID WEST RIGHT OF WAY LINE, SAID LINE BEING A LINE 10.00 FEET WEST OF A PARALLEL TO THE EAST LINE AND ITS NORTHERLY PROJECTION OF ROWENA HILLS, ACCORDING TO T PLAT THEREOF, AS RECORDED IN PLAT BOOK E, PAGE 96, PUBLIC RECORDS OF ORANGE COUN FLORIDA, A DISTANCE OF 1204.80 FEET; THE NEXT 3 BEARINGS AND DISTANCES RUN ALONG THE NOR LINE OF THE LANDS DESCRIBED IN WARRANTY DEED AS RECORDED IN OFFICIAL RECORDS BOOK 98 PAGE 8267: RUN N89°38'42"W, A DISTANCE OF 3.50 FEET TO A POINT ON A NONTANGENT CUR CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET; THENCE FROM A TANGE BEARING OF S00°21'38"W, RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTR ANGLE OF 38°32'55", AN ARC DISTANCE OF 16.82 FEET; THENCE RUN S81°41'45"W, A DISTANCE OF 91 FEET; THENCE RUN N89°11'02"W ALONG THE AFORESAID NORTH RIGHT OF WAY LINE OF VIRGINIA DRI A DISTANCE OF 257.24 FEET TO THE POINT OF BEGINNING.

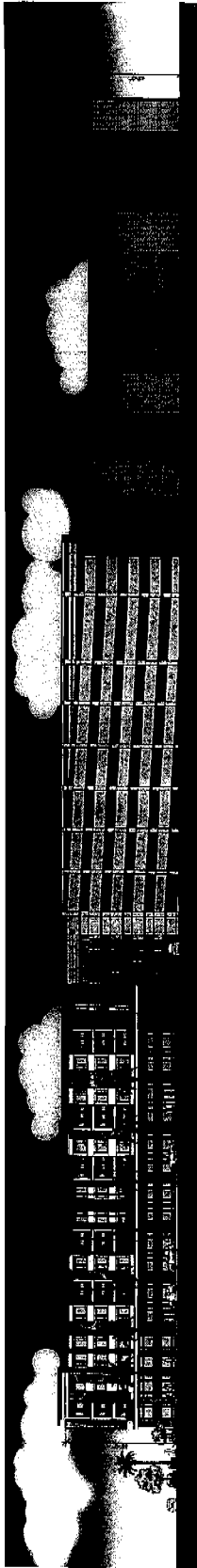
CONTAINING 14.219 ACRES, MORE OR LESS.

EXHIBIT B
1/1 Ord. no. 2012-41

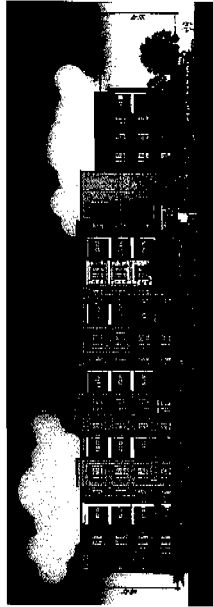
WA
**Mills Park PD
Site Plan
May 31, 2012**



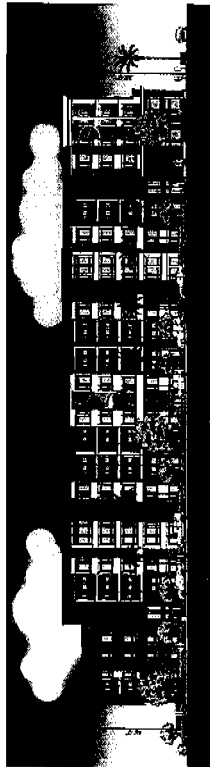
RESIDENTIAL ELEVATIONS—BUILDING 1



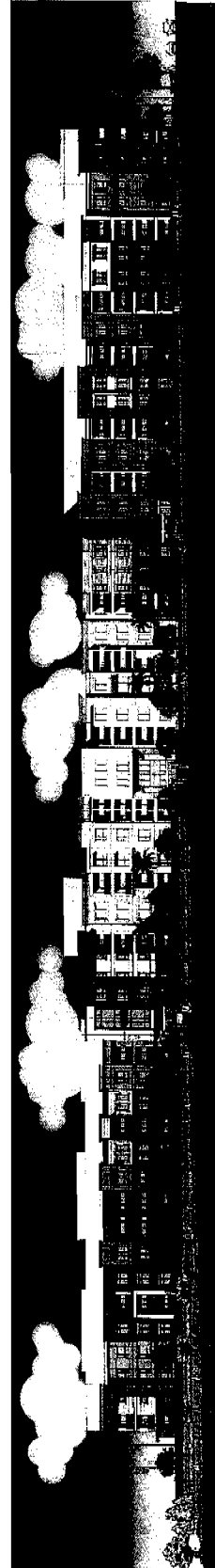
Mills Avenue | 17-92 Elevation



North Property Line Elevation



Nebraska Street Elevation



Haven Drive Elevation

EXHIBIT D Ord. no. 2012-41

1/1

ITA

OFFICE ELEVATION—BUILDING 5



EXHIBIT E Ord. no. 2012-41

11

(m)

OFFICE ELEVATION—BUILDING 6

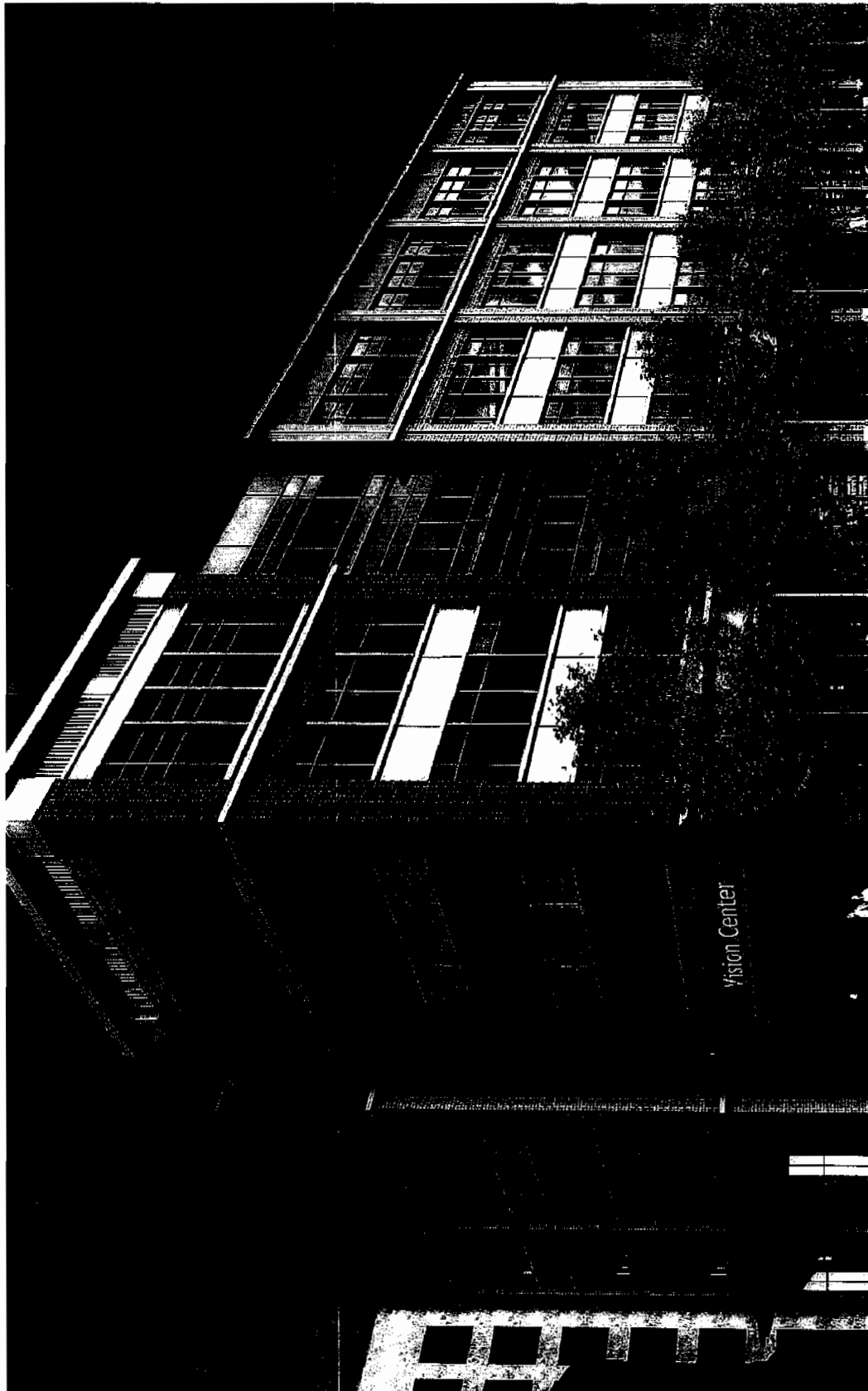


EXHIBIT F Ord. no. 2012-41

1/1

(12)

RETAIL ELEVATIONS—BUILDING 2



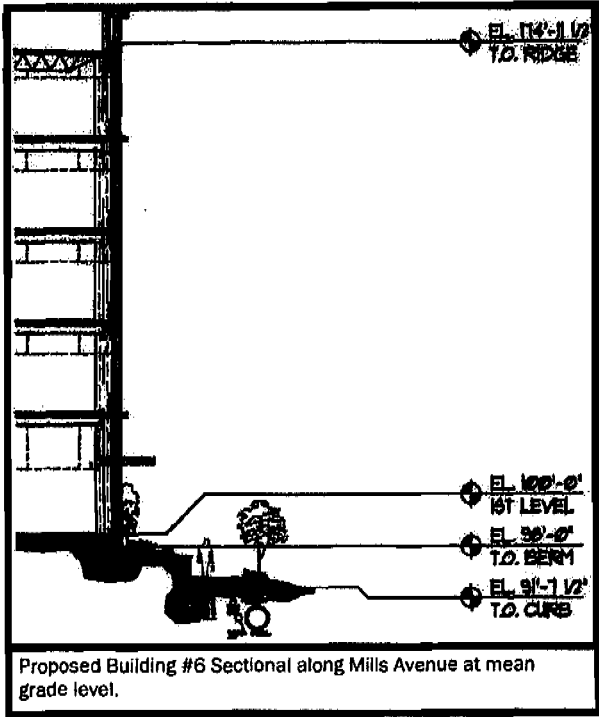
M
MILLS PARK
 Mills Ave (US Hwy 17-92) & Virginia Drive - Orlando FL

D
DEBARTOLO
 DEVELOPMENT

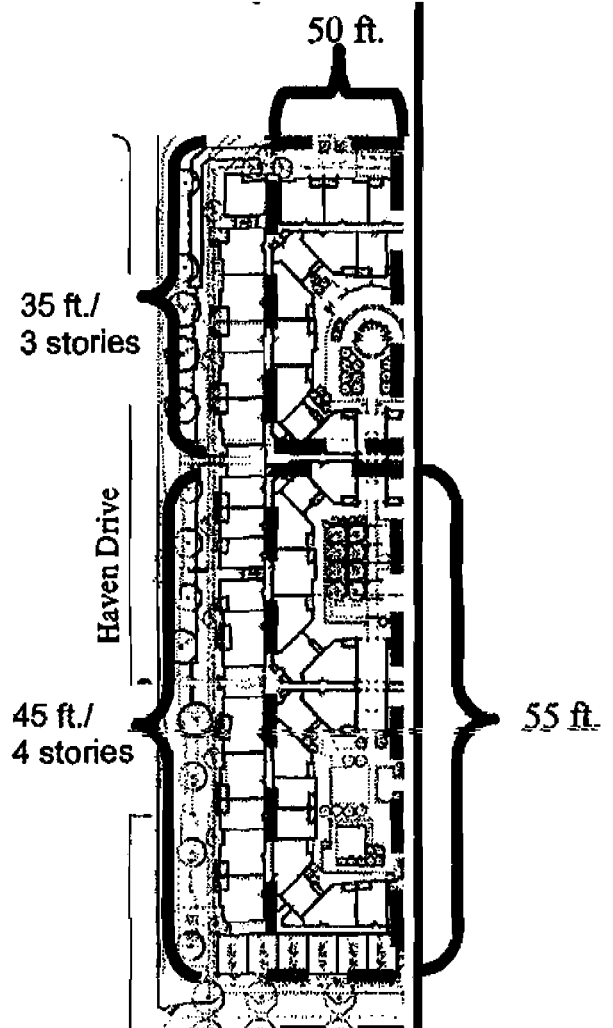
FORGE
CAPITAL
PARTNERS

BUILDING HEIGHTS SKETCH

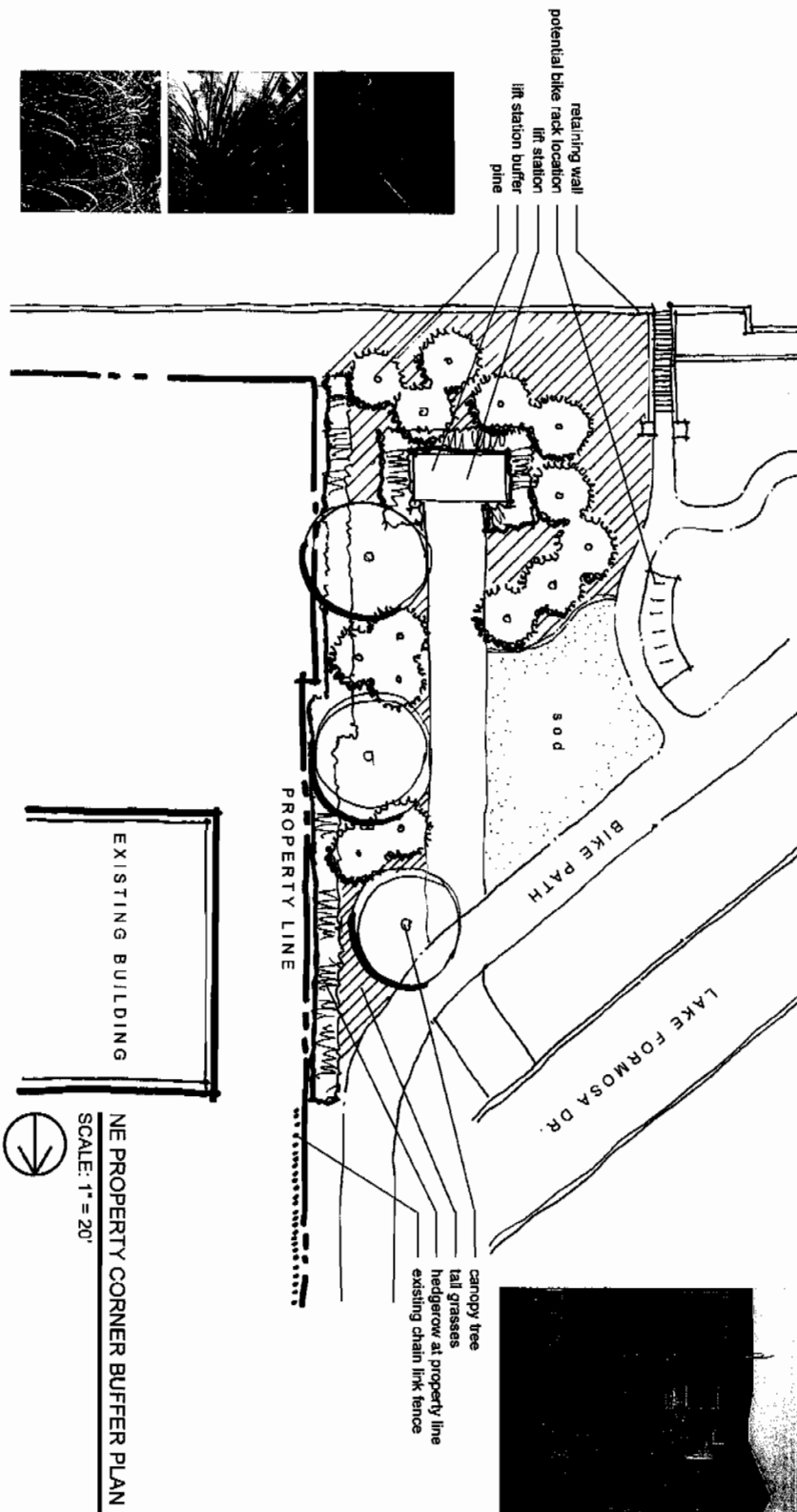
Building 6 Grade Change



Building 1 Height Limit



lw



THE GALLERY AT MILLS PARK
NE PROPERTY BUFFER EXHIBIT
DEBARTOLO DEVELOPMENT

NE PROPERTY CORNER BUFFER PLAN
SCALE: 1" = 20'



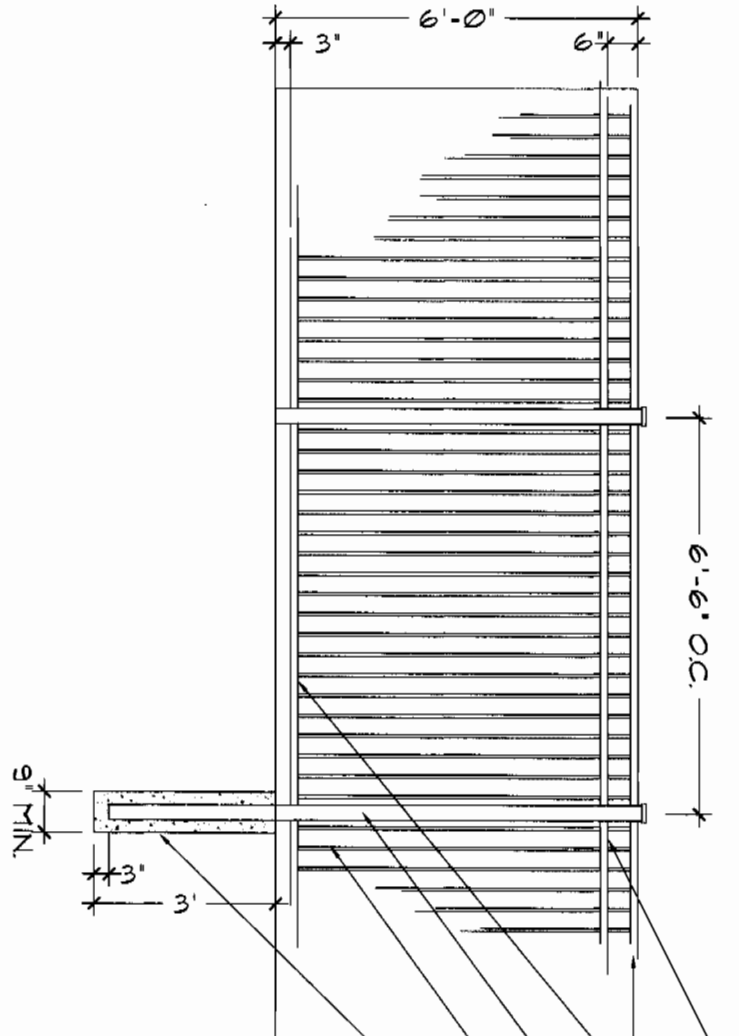
DIX LATTROP
LANDSCAPE ARCHITECTURE
INCORPORATED
6.18.12



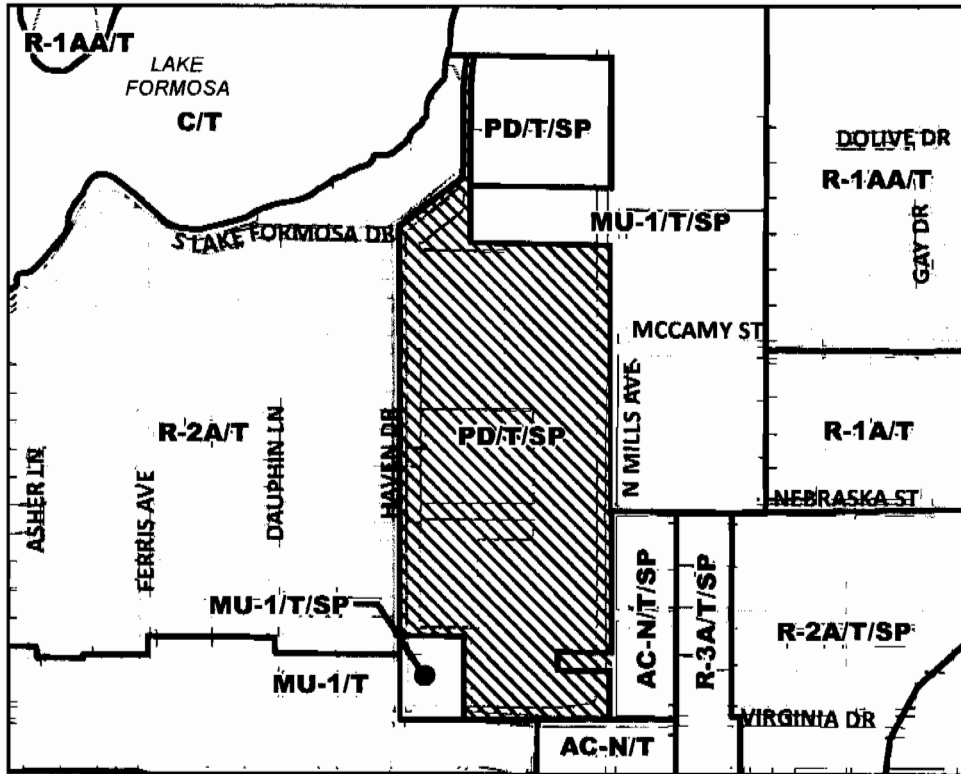
Ex. H
2/2

Ord. no. 2012-41

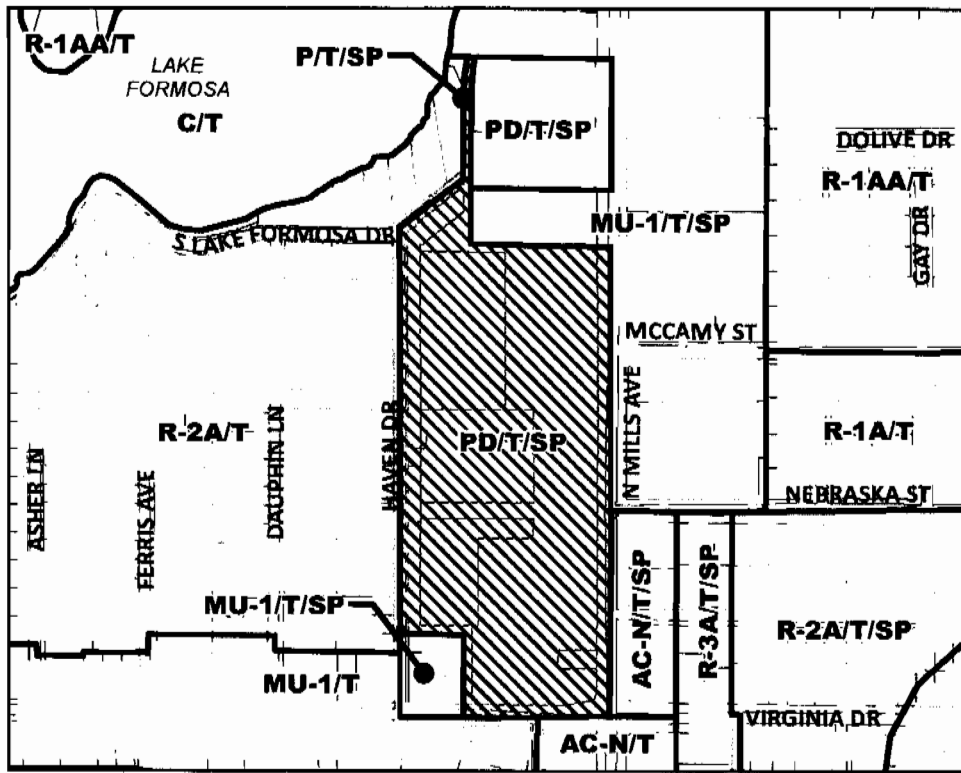
(Handwritten mark)



- 1" X 1-1/2" ALUMINUM CHANNEL, (1-1/2" DIM. IS VERTICAL DIM.)
 - 1-1/2" SQUARE ALUMINUM TUBE, TOP AND BOTTOM RAIL
 - 3" SQUARE ALUMINUM POSTS, 6'-6" O.C.
 - 3/4" PICKETS, 6' O.C.
 - CONCRETE FOOTER FOR POSTS
- NOTES:
+ ALL METAL FENCES TO BE PRIMED AND PAINTED BLACK
+ GATE AND GATE POSTS TO BE CONSTRUCTED OF HEAVY DUTY GALVANIZED STEEL. ALL OTHER FENCING TO BE CONSTRUCTED OF ALUMINUM.



Zoning - Existing ZON2012-0006



Zoning - Proposed ZON2012-0006



Orlando Sentinel

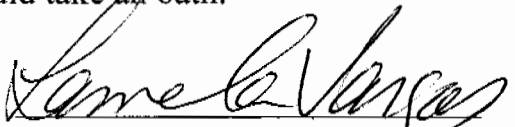
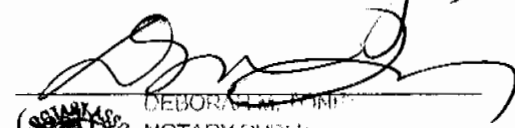
City Of Orlando
400 S ORANGE AVE
CITY OF ORLANDO
ORLANDO, FL 32801-3360

Before the undersigned authority personally appeared Pam L. Davis/Tamela Vargas/Deborah M. Toney, who on oath says that s/he is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published in Orange County, Florida; that the attached copy of advertisement, being a Public Hearing in the matter of Ordinance #2012-41 in the Orange County, was published in said newspaper in the issue(s); of

10/11/12

Affiant further says that the said Orlando Sentinel is a newspaper published in said Orange County, Florida, and that the said newspaper has heretofore been continuously published in said Orange County, Florida, each week day and has been entered as second-class mail matter at the post office in said Orange County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that s/he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledged before me this 12 day of October, 2012, Pam L. Davis/Tamela Vargas/Deborah M. Toney, who is personally known to me and who did take an oath.



DEBORAH M. TONEY
NOTARY PUBLIC
STATE OF FLORIDA
Commission #033052
Expires 11/1/12



NOTICE OF PROPOSED ENACTMENT

On Monday, October 22, 2012, the Orlando City Council will consider proposed ordinance #2012-41, entitled AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA, AMENDING AND RESTATING THE PLANNED DEVELOPMENT ZONING DISTRICT REGULATIONS FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF VIRGINIA DR., SOUTH OF E. PRINCETON ST., EAST OF HAVEN DR., AND WEST OF N. MILLS AVE., AND COMPRISED OF 14.22 ACRES, MORE OR LESS; AMENDING AND RESTATING THE PLANNED DEVELOPMENT DISTRICTS DEVELOPMENT PROGRAM, SITE PLAN, BOUNDARIES, AND CONDITIONS OF DEVELOPMENT; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP SERIES; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by Council with respect to any matter considered at the hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The proposed ordinance may be inspected by the public at the Office of the City Clerk located on the 2nd floor of Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Qualified persons with disabilities needing auxiliary aid or service, or other assistance, so they can participate equally in this meeting should contact the Office of the City Clerk at (407) 246-2251 as soon as possible, but no later than 48 hours before the meeting.

COR1207599

10/11/2012