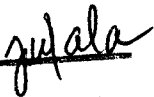


APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

OCT 12 2004



EFFECTIVE DATE

OCT 19 2004

ORDINANCE NO. 2004- 15

AN ORDINANCE AFFECTING THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; CREATING A ZONING OVERLAY DISTRICT, TO BE ENTITLED THE "STATE ROAD 436/STATE ROAD 50 CORRIDOR OVERLAY DISTRICT," BY CREATING A NEW DIVISION 15 UNDER ARTICLE VII ("COMMERCIAL DISTRICTS") OF CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE; ESTABLISHING THAT THE NEW DISTRICT SHALL BE COMPRISED OF ALL PARCELS AND LOTS SITUATED WITHIN UNINCORPORATED ORANGE COUNTY AND LYING IN WHOLE OR IN PART WITHIN FIVE HUNDRED FIFTY FEET OF EITHER EDGE OF THE RIGHT OF WAY OF STATE ROAD 436 (SEMORAN BOULEVARD), STATE ROAD 50 (COLONIAL DRIVE), AND OLD CHENEY HIGHWAY BETWEEN THE NORTHERN BOUNDARY OF THE INTERSECTION OF STATE ROAD 436 AND STATE ROAD 408 (THE EAST-WEST EXPRESSWAY) ON THE SOUTH, 1050 FEET NORTH OF THE INTERSECTION OF STATE ROAD 436 AND OLD CHENEY HIGHWAY ON THE NORTH, THE WESTERN BOUNDARY OF THE INTERSECTION OF STATE ROAD 50 AND GOLDENROD ROAD ON THE EAST, THE EASTERN BOUNDARY OF THE INTERSECTION OF STATE ROAD 50 AND HUMPHRIES AVENUE ON THE WEST, AND ALONG OLD CHENEY HIGHWAY FROM THE INTERSECTION AT STATE ROAD 50 WEST OF STATE ROAD 436 EASTERLY TO THE INTERSECTION AT STATE ROAD 50 WEST OF GOLDENROD ROAD; PROHIBITING CERTAIN LAND USES AND SIGNAGE WITHIN THE DISTRICT; PROVIDING DEFINITIONS FOR THE PROHIBITED USES; PROTECTING NONCONFORMING USES AND STRUCTURES; ADOPTING OTHER MISCELLANEOUS PROVISIONS REGARDING THE DISTRICT; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE

COUNTY:

Section 1. Amendments to Chapter 38, General. Sections 38-1080 through 38-1084 (all being “Reserved”), are hereby redesignated as a new Division 15, to be entitled “State Road 436/State Road 50 Corridor Overlay District,” under Article VII (“Commercial Districts”) of Chapter 38 (“Zoning”) of the Orange County Code, with Sections 38-1080 through 38-1084 being created to read as provided under Section 2 of this Ordinance.

Section 2. Creation of Division 15 of Article VII of Chapter 38. The Orange County Code, Article VII (“Commercial District”) of Chapter 38 (“Zoning”), is hereby amended in part by creating a new Division 15, to be entitled the “State Road 436/State Road 50,” as follows:

DIVISION 15.

STATE ROAD 436/STATE ROAD 50 CORRIDOR OVERLAY DISTRICT

Sec. 38-1080. Intent and purpose. This division creates a zoning overlay district to be known as the “State Road 436/State Road 50 Corridor Overlay District” for the purpose of promoting and facilitating an enhanced corridor along designated segments with certain zoning prohibitions and restrictions to ensure compatibility of land uses within and outside the district, especially as between areas within and outside of municipal boundaries.

(a) The County recognizes that it is in the best interests of its residents and businesses in both the incorporated and unincorporated areas along the State Road 436/State Road 50 corridor to utilize the county’s home-rule authority to promote the enhancement of the corridor.

(b) There are unincorporated areas and enclaves along the State Road 436/State Road 50 corridor in which current and potential future land uses may adversely impact the development or redevelopment of the eastern periphery of the County’s metropolitan core.

(c) Adopting and employing these standards will minimize regulatory confusion and help maintain land-use compatibility with the residential areas immediately adjacent to the State Road 436/State Road 50 corridor.

(d) The overlay district created by this division is consistent with the Orange County Comprehensive Policy Plan, including but not limited to its Economic Element, which is designed to accommodate and promote economic growth, and which specifically calls for the use of such special zoning districts, and its Intergovernmental Coordination Element, which require or encourage the coordination of land uses between the County and municipalities.

(e) The Constitution and laws of the State of Florida grant authority to the board of county commissioners to adopt and enforce land-development regulations within the unincorporated area of Orange County.

Sec. 38-1081. Location and area. A special land-use overlay district is hereby established, to be known as the State Road 436/State Road 50 Corridor Overlay District (the "district"). The district shall be comprised of all parcels and lots situated within unincorporated Orange County and lying in whole or in part within five hundred fifty feet of either edge of the right of way of State Road 436 Semoran Boulevard), State Road 50 (Colonial Drive), and Old Cheney Highway between the northern boundary of the intersection of State Road 436 and State Road 408 (the East-West Expressway) on the south, 1050 feet north of the intersection of State Road 436 and Old Cheney Highway on the north, the western boundary of the intersection of State Road 50 and Goldenrod Road on the east, the eastern boundary of the intersection of State Road 50 and Humphries Avenue on the west, and along Old Cheney Highway from the intersection at State Road 50 west of State Road 436 easterly to the intersection at State Road 50 west of Goldenrod Road. A map depicting the boundaries of the district is attached as **Exhibit "A"** to this Ordinance, and shall be available for inspection in the office of the clerk to the board of county commissioners.

Sec. 38-1082. Applicability; Conflicts; Responsibility of Applicant.

(a) *Lands subject to district regulations.* This division applies only to unincorporated non-residential parcels or lots lying

in whole or in part within the district. This division shall cease to govern the use and development of any such lands if and when they may be lawfully annexed by a municipality, as provided by and subject to Section 171.062(2), Florida Statutes.

(b) *Conflict with other sections.* Development and use of all such lands may occur only in compliance with both this division and with the provisions of this chapter that govern the underlying zoning district in which the land is located. When there is conflict between this division and the provisions applying to the underlying zoning district, this division governs.

(c) *Applicability.* This division applies to any rezoning, subdivision, special exception, building permit, use permit, or other development permit, as the term “development permit” is defined by general law, that is applied for after the date of enactment of this division where the applicant seeks to construct, reconstruct, renovate, alter, or enlarge a land use, building or structure.

(d) *Responsibility of Applicant for Development Permit.* Everyone who applies for a development permit to construct, reconstruct, renovate, alter, or enlarge a land use, building or structure shall print on the front page of the application or plans the following in capital letters that are at least two inches high: “THIS APPLICATION [OR THESE PLANS] RELATE TO THE STATE ROAD 436/STATE ROAD 50 CORRIDOR OVERLAY DISTRICT, WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2004-__, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON _____, 2004.”

Sec. 38-1083. Prohibited land uses. The following uses shall be prohibited in the district:

(a) labor pools and labor halls, as defined by Sections 448.22(1) and (3), Florida Statutes, respectively;

(b) any business in which a material part of its services includes loans secured by vehicle titles (often known as “car-title loans”), but not including financial institutions such as banks, credit unions, trust companies, consumer finance and retail installment lenders;

(c) any business commonly known as “check cashing,” or any business in which a material part of its services includes future employment wages or other compensation (often known as “payday loans,” or “pay day advances”), but not including retail businesses which provide a check cashing service as an incidental part of their business and financial institutions such as banks, credit unions, and trust companies;

(d) tattoo, body art, or body piercing businesses;

(e) pawnshops, as defined by Section 539.001(2)(l), Florida Statutes;

(f) bail bond agencies, as defined by Section 648.25(1), Florida Statutes;

(g) flea markets, except for those operating in conjunction with not-for-profit functions;

(h) fortune tellers, tarot card readers, palm readers, psychics, and similar businesses; and


(i) bottle clubs, as defined by this chapter.

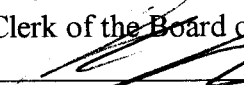
Sec. 38-1084. Nonconforming uses. Nonconforming uses, buildings, structures, and signs, including those which result from the creation of this division, shall be subject to the provisions of Section 38-46 through Section 38-56 regarding nonconforming uses.

Section 2. Effective date. This ordinance shall become effective pursuant to general law.

ADOPTED THIS 12th DAY OF OCTOBER 2004.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Richard T. Crotty
County Chairman

ATTEST: Martha O. Haynes, County Comptroller
As Clerk of the Board of County Commissioners
By: 
Deputy Clerk

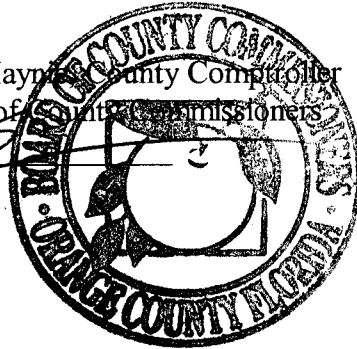


EXHIBIT A

