

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

SEP 17 2002 AA/BS

2 Effective Date:
September 20, 2002

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ORDINANCE NO. 2002- 12

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AN ORDINANCE AFFECTING THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; CREATING A SPECIAL DESIGN OVERLAY DISTRICT, TO BE KNOWN AS THE "WEST STATE ROAD 50 CORRIDOR OVERLAY DISTRICT" COMPRISED OF ALL LANDS WHICH, AS OF THE DATE OF ENACTMENT OF THIS DIVISION, ABUT WEST STATE ROAD 50, BETWEEN THE WESTERN BOUNDARY OF THE INTERSECTION OF STATE ROAD 50 AND GOOD HOMES ROAD AND THE WESTERN BOUNDARY OF THE COUNTY; AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE BY CREATING UNDER ARTICLE VII THEREOF (COMMERCIAL DISTRICTS) A DIVISION 11, TO BE ENTITLED "WEST STATE ROAD 50 CORRIDOR OVERLAY DISTRICT," WHICH DIVISION SHALL BE APPLICABLE ONLY TO PROPERTIES IN THE OVERLAY DISTRICT BUT NOT WITHIN THE BOUNDARIES OF ANY MUNICIPALITY; PROVIDING FOR UNIFORM STANDARDS IN THE WEST 50 OVERLAY DISTRICT, INCLUDING STANDARDS FOR THE USE OF LAND REGARDING PEDESTRIAN ACCESS, BUILDING ORIENTATION AND SETBACKS, ARCHITECTURAL DESIGN, LANDSCAPING, LIGHTING, FENCING, BUFFERING AND SCREENING, SIGNS, STORMWATER FACILITY DESIGN, AND OUTDOOR DISPLAY AND STORAGE; PROHIBITING ERECTION OF NEW BILLBOARDS, POLE SIGNS AND PYLON SIGNS; AND PROVIDING AN EFFECTIVE DATE.

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

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Section 1. Creation of Division 11. A Division 11, to be entitled "West State Road 50 Corridor Overlay District," is hereby created under Article VII, Chapter 38, of the Orange County Code, to read as follows:

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DIVISION 11

WEST STATE ROAD 50 CORRIDOR OVERLAY DISTRICT

Sec. 38-1026. In General.

Intent and Purpose. This division provides specific design standards for the West State Road 50 Corridor Overlay District with the purpose of promoting and facilitating intergovernmental coordination along west State Road 50.

1. At the time of enactment of this division, West State Road 50 is or was planned for major improvements, providing opportunities for aesthetic and functional enhancements in land use and traffic management.

2. The Orange County Intergovernmental Coordination Element and Chapter 163 of the Florida Statues require the coordination of land uses and roadway design between Orange County and affected cities through joint planning agreements; Orange County has previously entered into joint planning area agreements with the Town of Oakland, and the Cities of Ocoee and Winter Garden, located along West State Road 50.

3. There are unincorporated areas and enclaves along West State Road 50 in which the uses and designs may impact the important business areas of the surrounding municipality.

4. The County, in conjunction with the Town of Oakland and the Cities of Ocoee and Winter Garden, has developed coordinated and consistent design standards to enhance the appearance of the corridor.

5. Use of these standards will minimize regulatory confusion and protect the visual appearance of entryways to Ocoee, Winter Garden, and Oakland.

6. The overlay district created by this division is consistent with the Economic Element of the Orange County Comprehensive Policy Plan, which is designed to accommodate and promote economic growth, and which specifically calls for the use of such special zoning districts.

7. 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. 38-1027. Location and Area. A special design overlay district is established, to be known as the West State Road 50 Corridor

88 Overlay District (the “district”). The district is comprised of all lands which,
90 as of the date of enactment of this division, abut West State Road 50, between
92 the western boundary of the intersection of State Road 50 and Good Homes
94 Road and the western boundary of the county. A map depicting all properties
in the district is attached as Exhibit A to the ordinance which enacted this
division and is available for inspection in the office of the clerk to the Board of
County Commissioners.

96 ***Sec. 38-1028. Applicability.***

98 (a) *Lands subject to district regulations.* This division applies
only to lands lying within the district, but not within the boundaries of any
municipality. These properties are identified on Exhibit B, a copy of which
100 shall be kept permanently on file in the office of the Clerk to the Board of
County Commissioners and available for inspection during normal working
102 hours.

104 (b) *Conflict with other sections.* Development and use of all such
lands may occur only in compliance with both this division and with the
106 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
108 provisions applying to the underlying zoning district, this division governs.

110 (c) *Applicability.* This division applies to any rezoning,
subdivision, development, special exception, building or structure approval
112 permit.

114 (d) *Expansion of existing structures.* This division applies to all
development, redevelopment or expansion of existing development that
116 increases the building(s) cumulative gross floor area by more than 50 %.

118 (e) *Grandfather provision.* Any building or sign which exists on
the date of the enactment of this division, which conforms to the requirements
120 of this code as it exists immediately prior to the enactment of this division, and
which is damaged or destroyed due to fire, flood, storm damage or other acts
122 of God, may be reconstructed to the size and footprint of the building as it
existed on the date of the enactment of this division without complying with
124 this division.

126 ***Sec. 38-1029. Site Design and Development Standards.***

128 (a) *Architectural Design Requirements.* Commercial
130 Development shall conform to the design requirements of the Orange County
Commercial Design Standards, Ordinance number 2001-14, as codified in

132 sections 9-115 through 9-124, sections 24-2 through 24-4, section 38-833, and
134 section 38-1272.

136 (b) *Building Orientation.* Buildings in the district must provide a
138 main customer entrance facing the State Road 50 right-of-way. Automobile
140 service bays may not face the right-of-way.

142 (c) *Setbacks.* Setbacks for principal structures and accessory
144 buildings are as follows:

146 1. Front building setback shall be not less than 50 feet
148 from the State Road 50 right of way line.

150 2. Rear- and side-yard setbacks shall follow the
152 requirements of the underlying zoning district.

154 (d) *Landscaping treatment.*

156 1. The grounds adjacent to the right-of-way must be
158 landscaped as follows.

160 a. The landscaped yard must be a minimum of seven
162 feet for lots up to 150 feet in depth, and 5%
164 percent of the lot depth for those lots greater than
166 150 feet in depth, up to a maximum required
168 landscaped yard of 15 feet.

170 b. On those properties with multiple lot depths, the
172 depth of the landscaped yard must be the average
174 of the several lot depths, subject to the minimum
176 and maximum set forth in subparagraph a.

178 2. No parking spaces or loading docks are permitted
180 within the landscaped yard. Primary or joint access driveways among
182 adjoining properties are permitted within the buffer.

184 3. Landscaped yards may incorporate existing on-site
186 trees and shrubbery into the landscaping schemes, and all submitted plans
188 shall indicate such incorporation.

190 4. Landscaped yards along State Road 50 must have a
192 visual screen at least three feet in height, consisting of a landscaped berm,
194 shrubbery, a masonry wall, or any combination thereof, and shade trees (as
196 defined in section 24-2) must be placed at an average of one shade tree per 40
linear feet of frontage on State Road 50.

178 5. Non-fenced stormwater ponds (typically 5:1 slopes to
180 3 feet below the Normal High Water Line) may be placed within landscaped
 yards, providing the landscaping and berm requirements of this division are
 met.

182 (e) *Sidewalks and pedestrian connections.* Five-foot wide
184 sidewalks must be provided along State Road 50.

186 (f) *Fencing.* Chain-link fencing between any building and State
188 Road 50 is prohibited. Barbed-wire fencing may be installed only on
 industrial-zoned properties and only if not visible from the State Road 50
 right-of-way.

190 (g) *Signage.* In addition to the provisions in chapter 31.5
192 regarding signage, the following apply.

194 1. Pole signs, and pylon signs are prohibited on lands
 subject to this division.

196 2. So long as the city codes of the Town of Oakland, the
198 City of Ocoee and the City of Winter Garden prohibit erection of billboards on
 properties that are both within their respective municipal boundaries and
200 within the district, billboards are prohibited on lands subject to this division. If
 and when any one or more of those cities repeal its prohibition on erection of
202 billboards in the district, this section shall be sunsetted without further action
 of the board of county commissioners and shall have no further force or effect.

204 3. The street address number of the business or shopping
206 center must be displayed in a contrasting color on any business identification
 sign. The minimum height of the address must be six inches and the
208 maximum height of the address must be twelve inches. Multi-tenant signs
 must display the range of street address numbers within the business or
210 shopping center.

212 4. Copy area on monument signage, excluding the
 required street address numbers, may not exceed 100 square feet per allowable
214 sign.

216 5. Signs may not exceed 12 feet in height.

218 6. Electronic changeable-copy signs are prohibited,
 except that digital copy displaying time and temperature are permitted.

220 (h) *Signage sunset provisions.* The following sunset provisions
222 shall apply to subsection (g):

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1. Paragraph 1 of subsection (g) shall sunset and be deemed repealed on October 1, 2003, without any further action by the board of county commissioners if on that date the land-use regulations of the City of Winter Garden, the City of Ocoee, or the Town of Oakland allow new pole signs or pylon signs to be erected on lands within the district.

2. Paragraph 4 of subsection (g) shall sunset and be deemed repealed on October 1, 2003, without any further action by the board of county commissioners if on that date the land-use regulations of the City of Winter Garden, the City of Ocoee, or the Town of Oakland allow new signs to be erected on lands within the district with copy area that exceeds 100 square feet.

3. Paragraph 5 of subsection (g) shall sunset and be deemed repealed on October 1, 2003, without any further action by the board of county commissioners if on that date the land-use regulations of the City of Winter Garden, the City of Ocoee, or the Town of Oakland allow new signs in excess of 12 feet in height to be erected on lands within the district.

Sec. 38-1030. Nonconforming uses and structures. Nonconforming uses and structures in the district are subject to the provisions of sections 38-46 through 38-56, except as specified in sec. 38-1028(e).

Sec. 38-1031. Variances and Appeals. Variances and appeals from any portion of this division will be processed in accordance with procedures established in the referenced sections of this code as follows:

- (a) Zoning Performance Standards: Section 30-48.5
- (b) Signage: Section 31.5-8
- (c) Landscaping: Section 24-3(h)
- (d) Architectural Design Standards: Section 9-552(e).
- (e) Sidewalks: Section 34-27

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

ADOPTED THIS 17th DAY OF September, 2002.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: *Richard T. Crotty*

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Richard T. Crotty
County Chairman

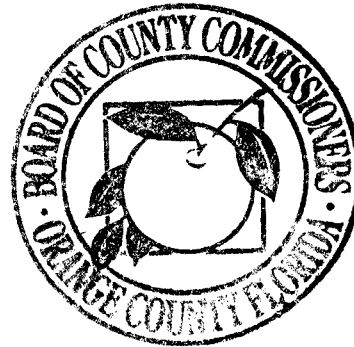
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280 ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

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By: *Martha O. Haynie*
Deputy Clerk

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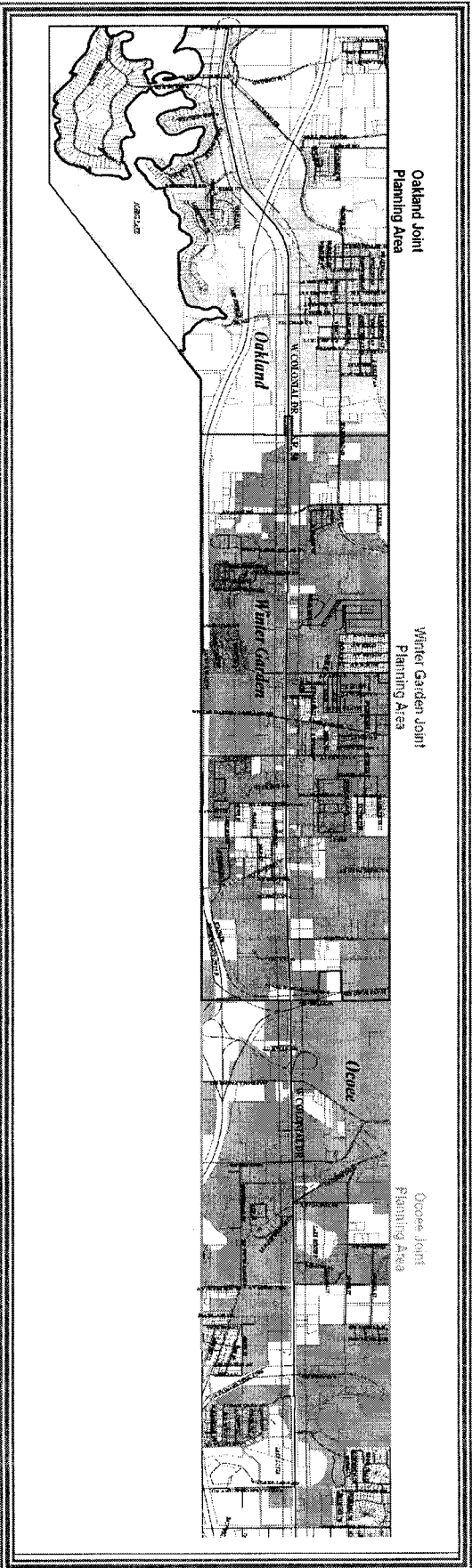


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Exhibit A





Orange County, Florida West SR 50 Overlay District



1 Inch = 3500 Feet



- Legend:**
- West 50 - 300' Buffer
 - Ocoee JPA
 - Winter Garden JPA
 - Oakland JPA
 - Streets
 - Lakes
 - Parcels
 - Oakland
 - Ocoee
 - Winter Garden

DISCLAIMER:
Data is provided "as is" without warranty of any representation of accuracy, timeliness, or completeness. The burden of determining accuracy, completeness, timeliness, marketability and fitness for use rests on the user. Orange County Government is not responsible for any errors or omissions in this data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of transmission, correction, and update. Not to be used: Data, maps or digital files may not be used without prior consent of the Orange County Board of County Commissioners. Prepared by Orange County Growth Management and Environmental Resources Department, Planning Division, GIS Section. Request Number: MR-01-101