

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
DEC 09 2003 *JW/SS*

ORDINANCE NO. 2003- 20

Effective date  
December 19, 2003

**AN ORDINANCE AFFECTING THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; CREATING A ZONING OVERLAY DISTRICT, TO BE ENTITLED THE "CONWAY ROAD CORRIDOR OVERLAY DISTRICT," BY CREATING A NEW DIVISION 13 UNDER ARTICLE VII ("COMMERCIAL DISTRICTS") OF CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE; ESTABLISHING THAT THE NEW DISTRICT SHALL BE COMPRISED OF ALL UNINCORPORATED PARCELS AND LOTS LYING IN WHOLE OR IN PART WITHIN FIVE HUNDRED FEET OF EITHER EDGE OF THE RIGHT OF WAY OF CONWAY ROAD, ALL BETWEEN THE NORTHERN BOUNDARY OF THE INTERSECTION OF CONWAY ROAD AND CURRY FORD ROAD ON THE NORTH AND THE NORTHERN BOUNDARY OF THE INTERSECTION OF CONWAY ROAD AND S.R. 528 (THE BEE LINE EXPRESSWAY) ON THE SOUTH; PROHIBITING CERTAIN LAND USES, SIGNAGE AND CERTAIN CHAIN LINK FENCING 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 38-1059 through 38-1065 (all being "Reserved"), are hereby redesignated as a new Division 13, to be entitled "Conway Road Corridor Overlay District," under Article VII ("Commercial Districts") of Chapter 38 ("Zoning") of the Orange County Code, with Sections 38-1059 through 38-1065 being created to read as provided under Section 2 of this Ordinance.

*Section 2. Creation of Division 13 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 13, to be entitled the "Conway Road Corridor Overlay District," as follows:

## DIVISION 13.

### CONWAY ROAD CORRIDOR OVERLAY DISTRICT

**Sec. 38-1059. Intent and purpose.** This division creates a zoning overlay district to be known as the “Conway Road 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 Conway Road 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 Conway Road 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 Conway Road 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. 38-1060. Location and area.** A special land-use overlay district is hereby established, to be known as the Conway

Road Corridor Overlay District (the “district”). The district shall be comprised of all unincorporated parcels or lots lying in whole or in part within five hundred feet (500') of either edge of the right-of-way for Conway Road, all between the northern boundary of the intersection of Conway Road and Curry Ford Road on the north and the northern boundary of the intersection of Conway Road and S.R. 528 (the Beeline Expressway) on the south. A map depicting the boundaries of the district is attached as Exhibit “A” to Ordinance No. 2003-20, which enacted this division on December 9, 2003, and shall be available for inspection in the office of the clerk to the board of county commissioners.

***Sec. 38-1061. Applicability; Conflicts; Responsibility of Applicant.***

(a) *Lands subject to district regulations.* This division applies only to unincorporated 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 December 9, 2003 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 CONWAY ROAD CORRIDOR OVERLAY DISTRICT, WHICH

WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2003-20, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON DECEMBER 9, 2003.”

**Sec. 38-1062. 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. 38-1063. Prohibited signage.** Notwithstanding anything to the contrary in the Sign Ordinance (Chapter 31.5 of the Orange County Code), pole signs shall be prohibited in the district.

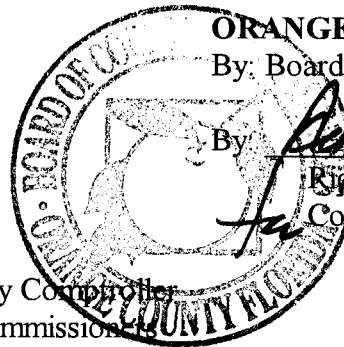
**Sec. 38-1064. Prohibited Chain Link Fencing.** Notwithstanding anything to the contrary in Section 38-1408, chain link fences shall be prohibited within the front yard setback of the properties located adjacent to the right-of-way of Conway Road.

**Sec. 38-1065. 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.

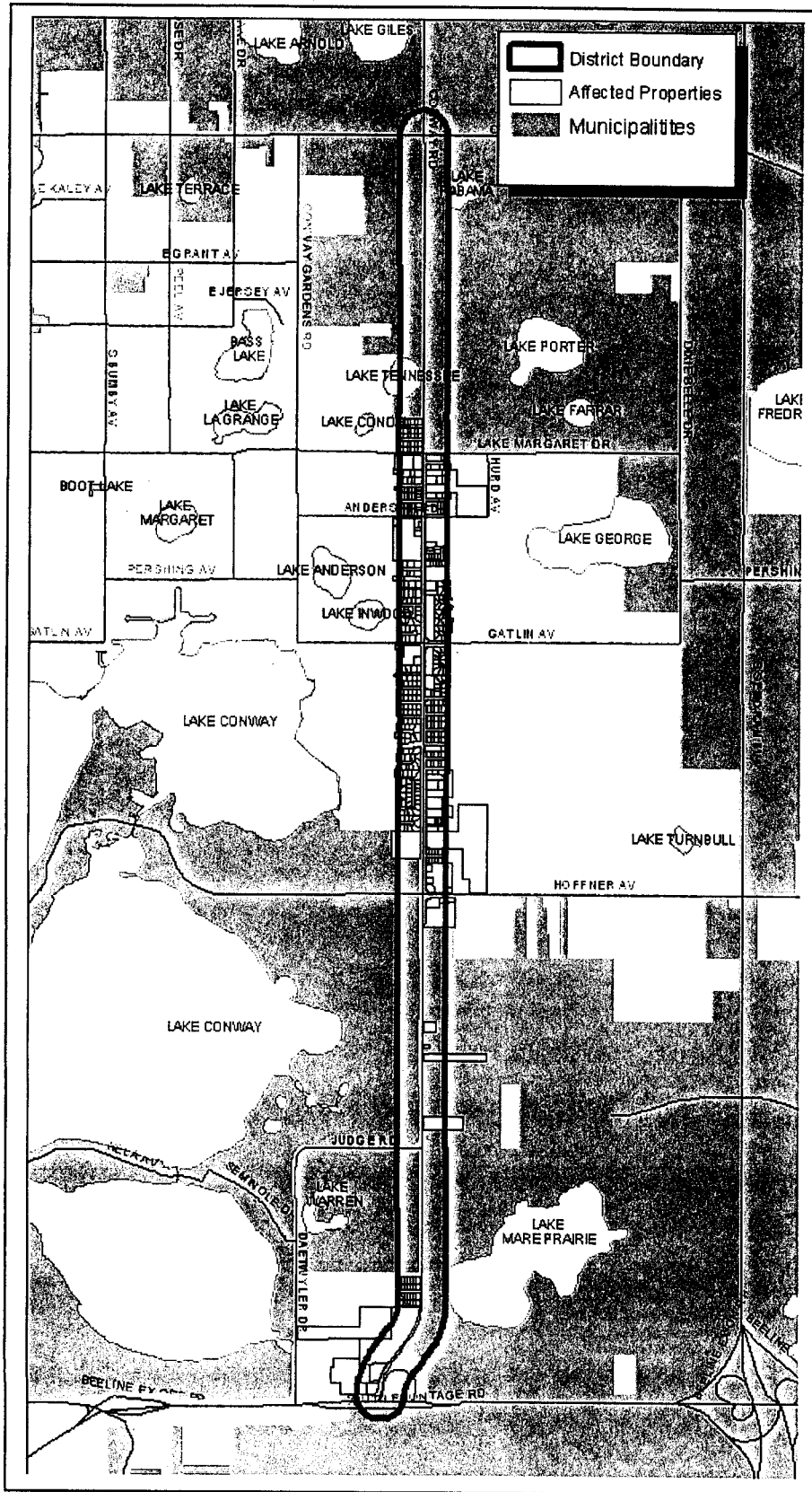
ADOPTED THIS 9 DAY OF December 2003.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners  
By:   
Richard T. Crotty  
County Chairman



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

By:   
Deputy Clerk



**CONWAY ROAD  
CORRIDOR OVERLAY  
DISTRICT**

**EXHIBIT A (12/9/03)**