




Interoffice Memorandum

DATE: May 21, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Lonnie C. Bell, Jr., Director 
Family Services Department

CONTACT: Jason Reynolds, AICP, Administrator
Neighborhood Preservation and Revitalization Office
(407) 836-5547

SUBJECT: Public Hearing – June 5, 2018
Orange County Code Chapter 38 Update
Creating the Pine Hills Neighborhood Improvement District (NID)
Overlay Zone

On June 5, 2018, the Board will hold the first of two public hearings to amend Orange County Code Chapter 38 to create the Pine Hills Neighborhood Improvement District (NID) Overlay Zone.

Affected Orange County Code includes Division 14 of Article VII of Chapter 38, creating the Pine Hills Neighborhood Improvement District (NID) Overlay Zone. More specifically, the primary purpose of this effort is to restrict certain uses and place additional standards on uses in the Pine Hills NID.

At a public hearing on April 19, 2018, the Planning and Zoning Commission (PZC) determined that the Ordinance was consistent with the CP and unanimously recommended approval. Please find the attached draft of the ordinance creating the Pine Hills NID Overlay Zone dated March 30, 2018. A second public hearing is scheduled for June 19, 2018.

ACTION REQUESTED: No action is required until June 19, 2018. Districts 2 and 6

JR/kdj:jam

Attachment

ORDINANCE NO. 2018-_____

AN ORDINANCE AFFECTING THE USE OF LAND IN
ORANGE COUNTY, FLORIDA; CREATING THE PINE
HILLS NEIGHBORHOOD IMPROVEMENT DISTRICT
OVERLAY ZONE AT DIVISION 14 OF ARTICLE VII OF
CHAPTER 38; AND PROVIDING FOR AN EFFECTIVE
DATE.

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

Section 1. Creation of the Pine Hills Neighborhood Improvement District Overlay

Zone. Division 14 of Article VII of Chapter 38 of the Orange County Code, entitled the "Pine
Hills Neighborhood Improvement District Overlay Zone," is hereby created to read as follows,
with additions being shown by underlined text and deletions being shown as struck:

**DIVISION 14. – RESERVED PINE HILLS
NEIGHBORHOOD IMPROVEMENT DISTRICT
OVERLAY ZONE.**

~~Sees. 38-1066 – 38.1079. Reserved~~

Sec. 38-1066. Intent and purpose.

(1) This division creates a zoning overlay district, to
be known as the "Pine Hills Neighborhood Improvement District
Overlay Zone" or the "Pine Hills NID Overlay Zone," for the
purpose of prohibiting certain non-residential uses that may
adversely impact the development or redevelopment of the North
Pine Hills Road/Silver Star Road corridors, and promoting and
facilitating the vision of Pine Hills as a safe, business-friendly and
family-oriented environment.

(2) The county recognizes that it is in the best interest
of its residents and businesses in the unincorporated areas along
the North Pine Hills Road/Silver Star Road corridors to utilize the
county's home-rule authority to promote the enhancement of the

corridors.

(3) The overlay district created by this division is consistent with the Orange County Comprehensive Plan, which provides in OBJ FLU8.3 that overlays shall be implemented and managed consistent with the goals of the Comprehensive Plan, including the use of techniques to promote compatibility objectives.

(4) 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. 38-1067. Findings.

(1) Pine Hills is a community located in an unincorporated area of Orange County generally bounded by Apopka-Vineland Road to the west, Clarcona-Ocoee Road to the north, the City of Orlando to the east and the East-West Expressway to the south (the "Pine Hills Area"); and

(2) In 2011, Orange County established the Pine Hills Local Government Neighborhood Improvement District (the "Pine Hills NID"), which is located within a limited portion of the Pine Hills Area along segments of Silver Star Road and North Pine Hills Road, and which is codified at Sections 33-206 through 33-213, Orange County Code; and

(3) The Board finds that neighborhood revitalization and improvement of the Silver Star Road and North Pine Hills Road corridors is the primary focus of the Pine Hills NID and the Pine Hills Neighborhood Improvement Plan, and that such goals will be furthered by the adoption of an overlay zone to prohibit certain non-residential land uses.

Sec. 38-1068. Location and area.

The Pine Hills NID Overlay Zone is hereby established, and shall be comprised of all parcels and lots lying within the Pine Hills NID, as currently represented on the Official Zoning Maps of Orange County and more particularly described in Section 33-206, Orange County Code.

Sec. 38-1069. Applicability; conflicts; responsibility of applicant.

(1) *Lands subject to district regulations.* This division applies only to unincorporated parcels or lots lying in whole or in part within the Pine Hills NID Overlay Zone. 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 (2017), as it may be amended from time to time.

(2) *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.

(3) *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 within the Pine Hills NID Overlay Zone after _____, 2018, where the applicant seeks to construct, reconstruct, renovate, alter, or enlarge a land use, building or structure.

(4) *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 within the Pine Hills NID Overlay Zone 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 PINE HILLS NID OVERLAY ZONE, WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2018-_____, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON _____, 2018."

Sec. 38-1070. Prohibited land uses.

The following uses shall be prohibited in the Pine Hills NID Overlay Zone:

(1) 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;

(2) 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 that provide a check cashing service as an incidental part of their business and financial institutions such as banks, credit unions, and trust companies; includes future employment wages or other compensation (often known as "payday loans," or "pay day advances"), but not including retail businesses that provide a check cashing service as an incidental part of their business and financial institutions such as banks, credit unions, and trust companies;

(3) Pawnshops, as defined by F.S. § 539.001 (2017), as it may be amended from time to time;

(4) Package sale vendors, as defined in Section 38-1414(a), Orange County Code, operating package sale businesses;

(5) Bail bond agencies, as defined by F.S. § 648.25(1) (2017), as it may be amended from time to time;

(6) Open air markets, as defined in Section 38-79(110)a., Orange County Code;

(7) Bottle clubs, as defined by F.S. § 561.01(15) (2017), as it may be amended from time to time;

(8) New and used automobile sales;

(9) Outdoor display or storage; and

(10) Portable food vendors (reference Section 38-79(87), Orange County Code).

Sec. 38-1071. Additional standards for labor pools and labor halls.

Labor pools and labor halls, as defined by F.S. §§

448.22(1) and (3) (2017), respectively, as those sections may be amended from time to time, are permitted within the Pine Hills NID Overlay Zone, provided that the business provides an interior room or rooms for workers and day laborers waiting for work assignments or waiting to be picked up on site and requires such room or rooms to be utilized at all times by workers and day laborers when they are present at the business.

Sec. 38-1072. Nonconforming uses.

Nonconforming uses, buildings, structures, and signs, including those that result from the creation of this division, shall be subject to the provisions of Section 38-46 through Section 38-55, Orange County Code, regarding nonconforming uses.

Secs. 38-1073 – 38-1079. Reserved.

Section 2. Effective date. This ordinance shall become effective as provided by general

law.

ADOPTED THIS ____ DAY OF _____, 2018.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

S:\EHartigan\2018\ORDINANCES\Ordinance 2018-____ Pine Hills NID Overlay Zone\Ordinance Creating Pine Hills NID Overlay Zone_CAO
draft 3.30.18.docx