

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
2 **ORLANDO, FLORIDA, RELATING TO THE DEVELOPMENT**
3 **AND USE OF LAND; AMENDING CHAPTER 62 OF THE**
4 **LAND DEVELOPMENT CODE TO ESTABLISH THE**
5 **SEMORAN GATEWAY SPECIAL PLAN ZONING OVERLAY**
6 **DISTRICT; PROHIBITING CERTAIN USES OF LAND WITHIN**
7 **THE OVERLAY DISTRICT; DESIGNATING CERTAIN LAND**
8 **ALONG THE SEMORAN BLVD. CORRIDOR AND**
9 **GENERALLY LOCATED NORTH OF STATE ROAD 528 AND**
10 **SOUTH OF CURRY FORD RD. AS WITHIN THE SEMORAN**
11 **GATEWAY SPECIAL PLAN ZONING OVERLAY DISTRICT;**
12 **PROVIDING FOR SEVERABILITY, CODIFICATION,**
13 **CORRECTION OF SCRIVENER'S ERRORS, AND AN**
14 **EFFECTIVE DATE.**

15
16 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the City of
17 Orlando, Florida (the "City"), adopt or amend and enforce land development regulations
18 that are consistent with and implement the City's adopted comprehensive plan; and
19

20 **WHEREAS**, section 163.3203(3), Florida Statutes, encourages the use of
21 innovative land development regulations and requires that all land development
22 regulations be combined into a single land development code for the City; and
23

24 **WHEREAS**, from time to time, amendments and revisions to the City's adopted
25 comprehensive plan (the "Growth Management Plan") and progress in the field of
26 planning and zoning make it necessary or desirable to amend the land development
27 regulations of the City; and
28

29 **WHEREAS**, at its regularly scheduled meeting of October 15, 2013, the
30 Municipal Planning Board recommended to the City Council of the City of Orlando,
31 Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent
32 with the applicable provisions of the City's adopted Growth Management Plan, are in the
33 best interest of the public health, safety, and welfare, are in harmony with the purpose
34 and intent of the City's Land Development Code, will not result in disorderly and illogical
35 development patterns, and will not result in incompatible land uses; and
36

37 **WHEREAS**, the Orlando City Council hereby finds and determines that this
38 ordinance is consistent with the applicable provisions of the City's adopted Growth
39 Management Plan, is in the best interest of the public health, safety, and welfare, is in
40 harmony with the purpose and intent of the City's Land Development Code, will not
41 result in disorderly and illogical development patterns, and will not result in incompatible
42 land uses; and
43

44 **WHEREAS**, the Orlando City Council hereby finds and declares that this
45 ordinance is in the best interest of the public health, safety, and welfare; and
46

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. SECTION 62.409, CREATED. Section 62.409, Orlando City Code, is hereby created to read as follows:

Sec. 62.409. Semoran Gateway Special Plan.

(a) Relationship to the Growth Management Plan. The GMP encourages incorporating the positive design elements of the Traditional City into existing commercial districts located outside of the Traditional City. (Urban Design Element Goal 2, Objectives 2.1 and 2.2, and Policy 2.2.1) The City adopted the Semoran Boulevard Vision Plan, dated July 2010, the Semoran Boulevard Special Plan at section 62.408 of this Code, and this Semoran Gateway Special Plan to implement these objectives and policies.

(b) Objectives. The primary purpose of the Semoran Gateway Special Plan is to preserve and strengthen commercial land uses and redevelopment opportunities within the Semoran Boulevard corridor, to enhance pedestrian safety and the “Main Street” character of the corridor, and to give the corridor a unified, consistent image so that it has a feel of a recognizable district, while also improving the visibility of businesses within the corridor.

(c) Application. The regulations of this special plan apply to land designated with the Semoran Gateway Special Plan overlay district. These regulations apply in addition to all other applicable regulations of the City’s Land Development Code. If a regulation of this special plan conflicts with another regulation of the Land Development Code, the provision of this special plan shall prevail. The Semoran Gateway Special Plan is depicted in Figure 62.409-1.

****[Drafter’s note: Please insert Figure 62.409-1 here.]****

(d) Prohibited uses. The following land uses are prohibited in the Semoran Gateway Special Plan overlay district:

1. Labor pools and labor halls as defined by Chapter 448, Florida Statutes.

2. Any business in which a material part of its service includes loaning money 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, and automobile sales uses occupying a site at least 15 acres in area.

3. Any business commonly known as "check cashing" establishment, or any business in which a material part of its service includes offering loans secured by 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.

4. Tattoo, body art, and body piercing establishments.

5. Pawnshops, as defined by the Florida Pawnbroking Act.

6. Bail bond agencies, as defined by Chapter 648, Florida Statutes.

7. Flea markets.

8. Automobile sales and rentals unless occupying a site at least 15 acres in area.

9. Fortune tellers, tarot card readers, palm readers, psychics, and like establishments.

10. Mobile food vending.

11. Bottle clubs, as defined by the Florida Beverage Law.

SECTION 2. REZONING. Pursuant to the City's Land Development Code, the land area depicted in Exhibit "A" to this ordinance is hereby designated as the Semoran Gateway Special Plan overlay district on the City's official zoning map, as depicted in Exhibit "B" to this ordinance.

SECTION 3. AMENDMENT OF OFFICIAL ZONING MAP. The City Zoning Official, or designee, is hereby directed to amend the City's official zoning maps in accordance with this ordinance.

SECTION 4. CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 5. 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 6. 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.

SECTION 7. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 201____.

DONE, THE FIRST READING AND FIRST PUBLIC HEARING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 201____.

DONE, THE SECOND PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 201____.

DONE, THE SECOND READING AND SECOND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2014.

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

Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

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

Assistant City Attorney

****[Remainder of page intentionally left blank.]****