

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA REGARDING DRIVE THROUGH FACILITIES; REPLACING ALL REFERENCES TO “DRIVE IN FACILITIES” WITH “DRIVE THROUGH” FACILITIES AND UPDATING THE USE REGULATIONS FOR SUCH FACILITIES; PROVIDING LEGISLATIVE FINDINGS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202(1), Florida Statutes, requires that the City of Orlando, Florida (the “City”), adopt or amend and enforce land development regulations that are consistent with and implement the City’s adopted comprehensive plan; and

WHEREAS, Section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code for the City; and

WHEREAS, from time to time, amendments and revisions to the City’s adopted comprehensive plan (the “Growth Management Plan”), progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the land development regulations of the City; and

WHEREAS, at its regularly scheduled meeting of February 20, 2024, the Municipal Planning Board recommended to the Orlando City Council that the provisions of this ordinance are consistent with the applicable provisions of the City’s adopted Growth Management Plan and the State Comprehensive Plan; and

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

WHEREAS, the City seeks to update the use regulations for drive-through facilities and to align the regulations for drive-through facilities with the multimodal travel goals in the GMP; and

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

SECTION 1. FIGURE 2B.LDC, CHAPTER 58, AMENDED. Figure 2B, Chapter 58, Code of the City of Orlando, Florida, is hereby amended as follows:

SECTION 2. CHAPTER 58, PART 4E, AMENDED. Chapter 58, Part 4E, Code of the City of Orlando, Florida, is hereby amended as follows:

4E. – DRIVE-IN THROUGH FACILITIES.

Sec. 58.740. – General Requirements.

~~In addition to any applicable Zoning District and Use Regulations of Figures 1—3, the following requirements shall apply to all Drive-in Facilities.~~

1. Drive-through facilities are permitted uses in the MU-1, MU-2, AC-N, AC-1, AC-2, AC-3 and I-C zoning districts and Conditional Uses in the AC-3A/T zoning district. A Conditional Use Permit is required for any drive-through facility that is:

(a) Located within 300 ft. of a residential district as measured from the order station or menu board to a residential property line, or

(b) Open between 10pm and 6am, or

(c) Automated/unstaffed.

The City may add conditions of approval necessary to reduce potential negative offsite impacts. Such conditions may include limiting hours of operation, light shielding, and buffering with landscaping and/or screen walls.

2. A business that offers a drive-through service but does not have an indoor dining or service area must also provide walk-up window service, subject to the standards of Part 5B(20) – Walk-up Windows. Customers must not be required to stand or queue in a vehicle lane or the right of way.

Sec. 58.741. – Waiting Areas for Vehicles Awaiting Service.

All Drive-in through ~~F~~acilities shall provide on-site waiting areas for vehicles awaiting drive-inthrough service, in accordance with the following standards:

Location. The waiting areas shall provide convenient or continuous access to the Drive-in through facility. The waiting area shall be located at or before any ticket booth, speaker box or the like, if included in the Drive-inthrough ~~F~~acility.

~~By-Pass Aisle. Shall be required.~~

Design. All waiting spaces, aisles and other related vehicular use areas shall be designed in accordance with applicable off-street parking design requirements of Chapter 61, Part 3.

Minimum Number of Waiting Spaces. Shall be as follows (including the vehicle being served):

(a) Financial Institution: ~~6~~ 4 spaces for each teller or drive-up ATM.

(b) Car Wash: 5 spaces for each service bay.

(c) Church or Religious Institution: 5 spaces.

(d) Restaurant: 6 spaces ~~minimum.~~

(e) Drive-In Theater: 20 spaces.

(f) Other Uses: As determined by the Zoning Official.

Section 58.742. – Unified Access and Circulation Requirements.

Any Drive-in through ~~F~~facility located along an arterial street shall be subject to the unified access and circulation requirements of Chapter 61, Part 1. In the event that a ~~d~~Drive-inthrough facility is developed prior to an abutting known development, it shall be designed to ensure that its access and circulation system may be easily tied in to create a unified access and circulation system at a later date.

Section 58.743. – Speaker Boxes-Orientation and Noise Requirements.

All speaker boxes used in connection with any Drive-in through ~~F~~facility shall be operated in conformance with the Class A noise standards of Chapter 63, Part 2F. All speaker boxes located within 300 ft. of any residential use(s) shall be oriented away from the residential use(s).

Section 58.744. – Traffic Hazards.

All Drive-in through ~~F~~facilities and accessory drive-through car washes shall be so located and designed that they will not create a traffic hazard or nuisance because of their location in relation to similar uses, buildings or proposed buildings on or adjacent to the building site and the traffic patterns from such uses or buildings. In addition, Drive-in through ~~F~~facilities and accessory drive-through car washes shall be so located and designed as to minimize turning movements in relation to their driveway access to streets and intersections, and to minimize turning movements

across sidewalks and pedestrian access ways which may disrupt pedestrian circulation within activity centers.

Section 58.746. – Accessory Drive-Through Car Washes.

An accessory drive-through car wash shall not be considered a ~~Drive-in~~ through facility. An accessory drive-through car wash shall be clearly incidental to the principal use, shall be fully automated so the driver remains in the vehicle while the vehicle is being washed, shall have no speaker box, and a minimum of three (3) waiting spaces shall be provided.

SECTION 3. CHAPTER 58, PART 4R, AMENDED. Chapter 58, Part 4R, Code of the City of Orlando, Florida, is hereby amended as follows:

4R(2) – MEDICAL MARIJUANA DISPENSARIES.

Sec. 58.875. – Special Operational Regulations.

(e) ~~Drive-in~~ through facilities prohibited. ~~Drive-in~~ through facilities are prohibited at medical marijuana dispensaries.

SECTION 4. CHAPTER 58, PART 5B, AMENDED. Chapter 58, Part 5B, Code of the City of Orlando, Florida, is hereby amended as follows:

5B. – SPECIFIC ACCESSORY USES AND STRUCTURES.

5B(20). – WALK-UP WINDOWS.

Sec. 58.991. – Walk-Up Windows.

(d) Design. The walk-up window must be constructed with similar materials as the principal structure it is in. The walk-up window must be situated to allow for pedestrian access and queuing outside of any vehicle paths and must meet all accessibility requirements. The walk-up window must not be accessible by a person in a vehicle. Any take-out window

that has vehicular access shall not be considered a walk-up window and shall be regulated as a Drive-in through facility.

(e) Orientation. Walk-up windows must be visible from the street and oriented away from the residential zoning district.

(f) Noise. Walk-up windows shall not have a speaker box as commonly associated with Drive-in through facilities. Within 100 ft. of residential, no outdoor speakers are allowed.

SECTION 5. SECTION 58.1118, AMENDED. Section 58.1118, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 58.1118. – Availability of Reductions.

(d) Criteria for approval of a reduction in minimum intensity. The reduction in minimum intensity may be granted when an applicant presents clear and convincing evidence that the proposed design, intensity and use(s) will result in a superior development that is compatible with the surrounding neighborhood and achieves the criteria for approval provided in this section. The following design enhancements represent options for creating a superior development. While not a strict point-based system, a development that meets a greater number of these enhancements is eligible for a greater reduction than a development that meets only one or two enhancements. If improvements to the streetscape or other public property is part of a selected option, then such improvements must be maintained by the property owner or owners of the subject development unless appropriate maintenance obligations are accepted by the City.

ix. For eating and drinking establishments, the following site design standards must be met to qualify for the additional incentive:

1. Maximum number of parking spaces permitted is 12:1000 sf GFA;
2. Cross-access easements and/or shared parking agreements are required where the City deems them necessary;
3. All Traditional City design standards are incorporated into the site design;

- 167 4. Pole signs are prohibited;
- 168 5. Transit stops and/or shelters are required where determined
- 169 reasonably necessary by the City, in cooperation with Lynx;
- 170 6. If an eating and drinking establishment is abutting a Class I or II
- 171 use (shown in Figure 6: Land Use Intensity Table, Chapter 58)
- 172 and includes a ~~Drive-in~~ through facility, a 5 ft. minimum height
- 173 masonry wall, located 5 ft. from the property line, shall be
- 174 provided as part of the required buffer area; in addition, the
- 175 landscaping requirements of Chapter 60, Section 60.253, shall
- 176 be provided between the wall and the abutting property.

177 ****

178 **SECTION 6. SECTION 61.251, AMENDED.** Section 61.251, Code of the City

179 of Orlando, Florida, is hereby amended as follows:

180

181 **Sec. 61.251. – Classification of Pedestrian Streets.**

182 Pedestrian streets shall be divided into three categories as follows.

183 Designated streets in each category shall be as shown in Figures 7 and 8.

184 Primary Pedestrian Street. These streets, although they sometimes play an

185 important vehicular traffic role, are the ones which have been designated to receive

186 strong pedestrian emphasis, either because they carry heavy pedestrian flows or

187 because they play an important visual role or because they link important activities

188 or open spaces. Emphasis on the pedestrian requires wide sidewalks, frequently-

189 spaced street trees, and other amenities to make walking a pleasant experience.

190 Secondary Pedestrian Street. These streets are also important pedestrian

191 routes, but play a secondary role in the visual and functional design structure for the

192 streetscape.

193 Mall. The Mall is a pedestrian walkway which will include provision for minor

194 vehicular traffic required for emergency and service functions, surveillance, or

195 access essential to existing facilities such as ~~Drive-in~~ through banks or other

196 businesses.

197 ****

198 **SECTION 7. SECTION 62.496, AMENDED.** Section 62.496, Code of the City

199 of Orlando, Florida, is hereby amended as follows:

200

201 **Sec. 62.496. – North International Drive Special Plan.**

202 ****

SITE DESIGN.

The site design standards are intended to enhance the pedestrian atmosphere, while continuing to foster a unique identity for the district. Even in situations where there is likely to be less pedestrian activity, a people oriented scale and character will make properties more inviting and visually appealing.

2. Vehicular Use Areas and Stormwater Retention/Detention Areas. New developments must have stormwater retention/detention areas and vehicular use areas located to the side or to the rear of the principal building(s), except as permitted below:

(a) Retail sales of vehicular fuels or Automobile service stations, ~~Dr~~
rive-~~in~~ through facilities, and hotels are permitted a choice of one of the following within the front yard or street side yard between the principal building and the Pedestrian Street right-of-way line: a one-way drive aisle with angled parking or drop-off, or a two-way drive aisle with drop-off and no parking. Maximum width - 35 ft.

(b) Overhead awnings, canopies, or marquees may extend over a driveway or drop-off area between the principal building and a Pedestrian Street right-of-way line. All such extensions must have a minimum vertical clearance of 14 feet.

(c) The requirements of Section 61.312, Orlando City Code, Landscaping Adjacent to Street Right-of-Way, apply to any vehicular use area located between a building and the primary street frontage.

(d) All stormwater retention/detention areas must be designed as site amenities per Section 60.144.

SECTION 8. SECTION 62.606 AMENDED. Section 62.606, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 62.606. – General Requirements.

The following standards shall apply to all neighborhood convenience stores located in residential and office districts in the Traditional City. These standards shall not apply to neighborhood convenience stores in other districts.

Maximum Floor Area. A neighborhood convenience store shall not exceed 1200 sq. feet gross floor area nor exceed the maximum FAR permitted in the zoning district in which the neighborhood convenience store is located.

Mixed Use. Wherever a neighborhood convenience store is part of a residential-commercial mixed-use development, the mixture of uses shall occur on the same site or in the same building. The residential use shall not be more than the maximum number of dwelling units which would otherwise be permitted on the building site.

Location. Neighborhood convenience stores shall be allowable only on a collector street. No such convenience store shall be located closer than 1/3 mile to any existing activity center or any other neighborhood convenience store, including those located outside the Orlando City limits.

Parking. There shall be a maximum of 2 parking spaces for the neighborhood convenience store plus any parking which may be required for residential use. Employee parking may be stacked on a driveway and shall not be required to be independently accessible. Parking shall be located only at the rear or on the side of the convenience store. Parking for the residential use shall conform with the requirements of Chapter 61. For corner lots, parking shall not be allowed in the area extending from the property line to a line which is parallel to the front facade of the principal structures on the abutting lots, not to exceed 25 feet in depth (See Figure 52). Drive-in through facilities shall be prohibited.

SECTION 9. SECTION 62.616 AMENDED. Section 62.616, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 62.616. – Drive-in through Facilities.

For all lots, the take-out windows shall be located on side or rear of building.

MIDBLOCK SITES.

- (a) Drive-in through curbcuts and driveways shall be a maximum width of 12 feet for one-way with exit to rear access drive except where the block face across the street is zoned as a residential zoning district. In such cases, two-way access to the frontage street with no rear access shall be permitted, with a maximum driveway width of 24 feet.

CORNER SITES.

- (a) Drive-in through curbcuts and driveways shall be a maximum width of 12 feet one way in.

(b) Parking shall be accessed only via a side street/shared access drive.

(c) Take-out windows shall not face the street side.

SECTION 10. CHAPTER 66, DEFINITIONS AMENDED. Chapter 66, Code of the City of Orlando, Florida, is hereby amended as follows:

Commercial Use. Any one of the following uses:

~~Drive-in~~ through facility

~~Drive-in~~ through Facility. Any use which by design, physical facilities, service or procedure encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles. Such facilities typically include structures such as canopies and booths or windows for patrons to communicate from their vehicles. This term excludes those facilities used for dropping off goods to vehicles parked in a parking space. This term includes "drive-thru" and "drive-up" facilities.

SECTION 11. Section 5.19.AMENDMED. Section 5.19, Code of the City of Orlando is hereby amended as follows:

Sec. 5.19 – Classes of Violations and Reduced Civil Penalties.

(1) Violations of City codes and ordinances and the applicable reduced civil penalties, shall be as follows:

(2) Violations of City codes and ordinances which constitute civil infractions for which citations may be issued are as follows:

CH. 58, ZONING DISTRICTS AND USES		

Sec. 58.741	Drive-in <u>through</u> facilities—Waiting areas	II

Sec. 58.742	Drive- in <u>through</u> facilities—Access and circulation	II
Sec. 58.743	Drive- in <u>through</u> facilities—Speaker boxes	II
Sec. 58.744	Drive- in <u>through</u> facilities—Traffic hazards	II
Sec. 58.745	Drive- in <u>through</u> facilities—Specific uses	II
Sec. 58.746	Drive- in <u>through</u> facilities—Car washes	II

SECTION 12. CHAPTER 56, Part I. AMENDED. Chapter 58, Code of the City of Orlando, Florida, is hereby amended as follows:

PART I. – TRANSPORTATION IMPACT FEE.

**Exhibit-A Rate Schedule—Effective January 15, 2023
RATES REFLECT 15% POLICY DISCOUNT**

Retail			

Bank w/ drive thru <u>Drive-through</u>	/ 1000 sq. ft.	\$10,259	\$10,809
Bank w/ no drive thru <u>Drive-through</u> (retail)	/ 1000 sq. ft.	\$3,418	\$3,921
Fast Food Rest. w/ <u>Drive</u> drive-thru <u>through</u>	/ 1000 sq. ft.	\$35,075	\$36,887

SECTION 13. 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 14. 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 15. 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 16. 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 _____, 2024.

DONE, THE FIRST READING AND HEARING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2024.

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 _____, 2024.

DONE, THE SECOND READING AND 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 _____, 2024.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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

City Clerk

Print Name

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

Assistant City Attorney

Print Name

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