

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
2 **ORLANDO, FLORIDA REGARDING DRIVE THROUGH**
3 **FACILITIES; REPLACING ALL REFERENCES TO “DRIVE IN**
4 **FACILITIES” WITH “DRIVE THROUGH” FACILITIES AND**
5 **UPDATING THE USE REGULATIONS FOR SUCH**
6 **FACILITIES; PROVIDING LEGISLATIVE FINDINGS, AND FOR**
7 **SEVERABILITY, CODIFICATION, CORRECTION OF**
8 **SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**
9

10 **WHEREAS**, Section 163.3202(1), Florida Statutes, requires that the City of
11 Orlando, Florida (the “City”), adopt or amend and enforce land development
12 regulations that are consistent with and implement the City’s adopted comprehensive
13 plan; and
14

15 **WHEREAS**, Section 163.3202(3), Florida Statutes, encourages the use of
16 innovative land development regulations and requires that all land development
17 regulations be combined into a single land development code for the City; and
18

19 **WHEREAS**, from time to time, amendments and revisions to the City’s adopted
20 comprehensive plan (the “Growth Management Plan”), progress in the field of
21 planning and zoning, or changes to state law make it necessary or desirable to amend
22 the land development regulations of the City; and
23

24 **WHEREAS**, at its regularly scheduled meeting of February 20, 2024, the
25 Municipal Planning Board recommended to the Orlando City Council that the
26 provisions of this ordinance are consistent with the applicable provisions of the City’s
27 adopted Growth Management Plan and the State Comprehensive Plan; and
28

29 **WHEREAS**, the Orlando City Council hereby finds and determines that this
30 ordinance is consistent with the applicable provisions of the City’s adopted Growth
31 Management Plan, is in the best interest of the public health, safety, and welfare, is in
32 harmony with the purpose and intent of the City’s Land Development Code, will not
33 result in disorderly and illogical development patterns, and will not result in
34 incompatible land uses; and
35

36 **WHEREAS**, the City seeks to update the use regulations for drive-through
37 facilities and to align the regulations for drive-through facilities with the multimodal
38 travel goals in the GMP; and
39

40 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
41 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
42

43 **SECTION 1. FIGURE 2B.LDC, CHAPTER 58, AMENDED.** Figure 2B, Chapter
44 58, Code of the City of Orlando, Florida, is hereby amended as follows:

45 ****
46

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

49 **4E. – DRIVE-IN THROUGH FACILITIES.**

50 **Sec. 58.740. – General Requirements.**

51 In addition to any applicable Zoning District and Use Regulations of Figures
52 ~~1–3~~, the following requirements shall apply to all Drive-in Facilities.

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

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

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

59 (c) Automated/unstaffed.

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

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

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

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

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

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

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

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

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

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

81 (c) Church or Religious Institution: 5 spaces.

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

83 (e) Drive-In Theater: 20 spaces.

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

85 **Section 58.742. – Unified Access and Circulation Requirements.**

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

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

92 All speaker boxes used in connection with any Drive-~~in~~ through Ffacility shall
93 be operated in conformance with the Class A noise standards of Chapter 63, Part
94 2F. All speaker boxes located within 300 ft. of any residential use(s) shall be oriented
95 away from the residential use(s).

96 **Section 58.744. – Traffic Hazards.**

97 All Drive-~~in~~ through Ffacilities and accessory drive-through car washes shall
98 be so located and designed that they will not create a traffic hazard or nuisance
99 because of their location in relation to similar uses, buildings or proposed buildings
100 on or adjacent to the building site and the traffic patterns from such uses or buildings.
101 In addition, Drive-~~in~~ through Ffacilities and accessory drive-through car washes shall
102 be so located and designed as to minimize turning movements in relation to their
103 driveway access to streets and intersections, and to minimize turning movements
104 across sidewalks and pedestrian access ways which may disrupt pedestrian
105 circulation within activity centers.

106

107

Section 58.746. – Accessory Drive-Through Car Washes.

108

109

110

111

112

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.

113

114

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

115

4R(2) – MEDICAL MARIJUANA DISPENSARIES.

116

117

Sec. 58.875. – Special Operational Regulations.

118

119

120

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

121

122

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

123

5B. – SPECIFIC ACCESSORY USES AND STRUCTURES.

124

125

5B(20). – WALK-UP WINDOWS.

126

Sec. 58.991. – Walk-Up Windows.

127

128

129

130

131

132

133

134

(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.

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

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

140 ****

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

143 **Sec. 58.1118. – Availability of Reductions.**

144 ****

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

158 ****

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

161 1. Maximum number of parking spaces permitted is 12:1000 sf
162 GFA;

163 2. Cross-access easements and/or shared parking agreements
164 are required where the City deems them necessary;

165 3. All Traditional City design standards are incorporated into the
166 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 **Sec. 61.251. – Classification of Pedestrian Streets.**
181

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 ****

203 **SITE DESIGN.**

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

208 ****

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

213 (a) Retail sales of vehicular fuels or Automobile service stations,
214 Drive-in through facilities, and hotels are permitted a choice of
215 one of the following within the front yard or street side yard
216 between the principal building and the Pedestrian Street right-of-
217 way line: a one-way drive aisle with angled parking or drop-off, or
218 a two-way drive aisle with drop-off and no parking. Maximum width
219 - 35 ft.

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

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

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

230 ****

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

233 **Sec. 62.606. – General Requirements.**

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

237 Maximum Floor Area. A neighborhood convenience store shall not exceed
238 1200 sq. feet gross floor area nor exceed the maximum FAR permitted in the
239 zoning district in which the neighborhood convenience store is located.

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

245 Location. Neighborhood convenience stores shall be allowable only on a
246 collector street. No such convenience store shall be located closer than $\frac{1}{3}$
247 mile to any existing activity center or any other neighborhood convenience
248 store, including those located outside the Orlando City limits.

249 Parking. There shall be a maximum of 2 parking spaces for the neighborhood
250 convenience store plus any parking which may be required for residential use.
251 Employee parking may be stacked on a driveway and shall not be required to
252 be independently accessible. Parking shall be located only at the rear or on
253 the side of the convenience store. Parking for the residential use shall conform
254 with the requirements of Chapter 61. For corner lots, parking shall not be
255 allowed in the area extending from the property line to a line which is parallel
256 to the front facade of the principal structures on the abutting lots, not to exceed
257 25 feet in depth (See Figure 52). Drive-~~in~~ through facilities shall be prohibited.

258 ****

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

261 **Sec. 62.616. – Drive-~~in~~ through Facilities.**

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

263 **MIDBLOCK SITES.**

264 (a) Drive-~~in~~ through curbcuts and driveways shall be a maximum width of
265 12 feet for one-way with exit to rear access drive except where the
266 block face across the street is zoned as a residential zoning district. In
267 such cases, two-way access to the frontage street with no rear access
268 shall be permitted, with a maximum driveway width of 24 feet.

269 **CORNER SITES.**

270 (a) Drive-~~in~~ through curbcuts and driveways shall be a maximum width of
271 12 feet one way in.

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

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

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

276 ****

277 Commercial Use. Any one of the following uses:

278 ****

279 Drive-~~in~~ through facility

280 ****

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

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

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

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

293 ****

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

296 ****

300

CH. 58, ZONING DISTRICTS AND USES		

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

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

303
304
305
306
307
308
309
310
311
312
313
314

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

315
316
317
318
319
320
321
322
323
324

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.

325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369

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

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

373

374

375 _____
Assistant City Attorney

376

377

378 _____
Print Name

379

380

[Remainder of page intentionally left blank.]