

ORDINANCE NO. 2022-46

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, RELATING TO THE
3 MANAGEMENT OF LATE NIGHT USES, SOUND
4 ATTENUATION, AND PARKING FACILITIES WITHIN
5 DOWNTOWN ORLANDO; AMENDING CHAPTER 5 OF
6 THE ORLANDO CITY CODE, ENTITLED CODE
7 ENFORCEMENT; AMENDING CHAPTER 33 OF THE
8 ORLANDO CITY CODE, ENTITLED ALCOHOLIC
9 BEVERAGES; AMENDING CHAPTER 42 OF THE
10 ORLANDO CITY CODE, ENTITLED NOISE; AMENDING
11 CHAPTER 61, PART 3, OF THE LAND DEVELOPMENT
12 CODE, ENTITLED PARKING AND LOADING;
13 AMENDING CHAPTER 62, PART 5, OF THE LAND
14 DEVELOPMENT CODE, ENTITLED DESIGN
15 STANDARDS IN AC-3A DISTRICT; AMENDING
16 CHAPTER 65, PART 5A, OF THE LAND DEVELOPMENT
17 CODE, ENTITLED GENERAL REQUIREMENTS;
18 PROVIDING COMPLIANCE SCHEDULE FOR PARKING
19 FACILITIES; PROVIDING LEGISLATIVE FINDINGS, AND
20 FOR CODIFICATION, CORRECTION OF SCRIVENER'S
21 ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
22

23 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of
24 Orlando, Florida (the "city"), adopt or amend and enforce land development regulations
25 that are consistent with and implement the city's adopted comprehensive plan; and
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27 **WHEREAS**, section 163.3202(3), Florida Statutes, encourages the use of
28 innovative land development regulations and requires that all land development
29 regulations be combined into a single land development code for the city; and
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31 **WHEREAS**, at its regularly scheduled meeting of May 17, 2022, the city's
32 Municipal Planning Board (the "MPB") considered application case numbers LDC2022-
33 10010, LDC2022-10011, and LDC2022-10012, requesting amendments to the city's Land
34 Development Code (the "LDC") to regulate surface parking lots, address sound
35 attenuation and outdoor speakers, and provide a special permit process for late night
36 uses, all within the Downtown Entertainment Area; and
37

38 **WHEREAS**, while the operation of principal use parking facilities is currently
39 prohibited under Orlando City Code, the Orlando City Council hereby finds that authorizing
40 operation of surface parking lots for use by the general public in the Downtown
41 Entertainment Area, under specified conditions to better ensure public safety and facilitate
42 vehicular access to downtown, constitutes a public purpose; and
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44 **WHEREAS**, concurrently with the LDC amendments, amendments to Chapter 33
45 and Chapter 42 of the Orlando City Code are necessary to manage the noise and alcohol
46 uses in the Downtown Entertainment Area; and

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(t) Land Development Regulations of the City of Orlando, more particularly:

Chapter 65—Officers, Boards, and Procedures

Sec. 5.04. - Enforcement Procedure.

(2) For the purposes of this Chapter, "violator" means any owner, operator, or legally responsible ~~individual person~~ or business entity, who owns, leases, or maintains property that is alleged to have violated City codes and ordinances. Owners are ultimately responsible for controlling conditions and uses on their property. "Violator" also refers to the individual or business entity that actually committed the alleged code violation. "Violator" also refers to the Responsible Person as provided in Sec. 33.02(p).

ARTICLE II. - CODE ENFORCEMENT CITATIONS

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

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

Code/Ordinance Chapter or Section	Description	Class
***	***	***
CH. 33, ALCOHOLIC BEVERAGES		
***	***	***
<u>Sec. 33.07</u>	<u>Late Night Alcohol Uses in the Downtown Entertainment Area</u>	<u>IV</u>

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CH. 61, ROADWAY DESIGN AND ACCESS MANAGEMENT		
***	***	***
<u>Sec. 61.371</u>	<u>General Requirements</u>	<u>IV</u>
***	***	***
CH. 62, HISTORIC PRESERVATION & ARCHITECTURAL DESIGN		
***	***	***
<u>Sec. 62.506</u>	<u>Sound Attenuation in the Downtown Entertainment Area</u>	<u>IV</u>
***	***	***
CH. 65, OFFICERS, BOARDS AND PROCEDURES		
***	***	***
<u>Sec. 65.544</u>	<u>Late Night Uses in the Downtown Entertainment Area</u>	<u>IV</u>

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SECTION 2. CHAPTER 33, AMENDED. Chapter 33, Orlando City Code, entitled Alcoholic Beverages, is hereby amended as follows:

Chapter 33 - ALCOHOLIC BEVERAGES

Sec. 33.02. - Classifications and Definitions.

The classifications and definitions contained in the Beverage Law are hereby adopted as the classifications and definitions for this Chapter. Additional definitions for this Chapter are set forth as follows:

(p) *Responsible Person.* Responsible Person means the permittee, owner, proprietor, manager, assistant manager, employee, or other person exercising control over the operation of an establishment.

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Sec. 33.07.- Late Night Alcohol Uses in the Downtown Entertainment Area.

All proposed and existing establishments serving or selling alcoholic beverages for onsite consumption after midnight within the Downtown Entertainment Area, as described in section 42.07(6), Orlando City Code, shall comply with the following by October 1, 2022:

(1) Responsible Person. Each establishment selling alcohol after midnight within the Downtown Entertainment Area shall identify a Responsible Person for operating the establishment at any time that alcohol is sold or provided on the site. Each Responsible Person shall register with the Code Enforcement Division. The Responsible Person must remain on-site during all operations of the establishment until closing.

(2) Promoters Required to Obtain BTR. Any person involved in promoting the establishment shall be an employee of the establishment or register separately for a Business Tax Receipt from the City of Orlando pursuant to Section 36.03, Orlando City Code.

(3) Trash and Litter. All litter shall be removed from the exterior of the property in the immediate public rights-of-way prior to 4:00 AM each operating night.

(4) Permit Documents. All local licenses and permit requirements for the establishment, including a list of the Responsible Persons registered with the Code Enforcement Division, shall be kept on the premises of the establishment and provided upon demand to any agent of the City, including and not limited to Code Enforcement, Police, and Fire or Building inspectors.

SECTION 3. CHAPTER 42, AMENDED. Chapter 42, Orlando City Code, entitled Noise, is hereby amended as follows:

Sec. 42.04. - Prohibited Acts.

(1) No person shall produce, cause to be produced, or allow to be produced, by any means, any noise which exceeds the applicable sound level limits as set forth in Chart 1 and section 42.03(2) within any private property ~~which, when measured 50 feet from the source of the noise or from at or beyond the real property line of the property generating said noise, exceeds the applicable sound level limits set forth in Chart 1 and as measured as set forth in section 42.03(2).~~

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189 (2) No person shall produce, cause to be produced, or allow to be produced, by any
190 means, any noise which exceeds the applicable sound level limits as set forth in
191 Chart 1 and section 42.03(2) within any public property ~~which~~, when measured 50
192 ~~feet from the source of the noise or from~~ at or beyond the real property line of the
193 property generating said noise, or for noises created out of doors, at or beyond 50
194 feet from the source of the noise, ~~exceeds the applicable sound level limits set~~
195 ~~forth in Chart 1 and as measured as set forth in section 42.03(2).~~

196
197 **Sec. 42.05. - Additional Prohibited Acts.**

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201 (3) *In the Downtown Entertainment Area:*

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205 b. Any such machine, instrument, speaker, or device being used inside of a
206 building, structure, room, chamber, or other similarly defined area ~~shall not in~~
207 ~~any way face or direct the sound toward any~~ that is located within 20 feet from
208 an open entrance or exit, or any window or other similar opening in the building,
209 structure, room, chamber, or other similarly defined area shall be oriented
210 toward the interior and pointed opposite and away from such openings.

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214 **Sec. 42.07. - Use of Mechanical Loud Speakers or Amplifiers Out of Doors.**

215
216 (1) Unless exempt pursuant to subsection 42.07(6), it is hereby made unlawful to use
217 any mechanical loud speaker or other sound amplification device on a truck or
218 other moving vehicle or out of doors on public or private property except under a
219 permit issued by the City of Orlando Chief of Police or the City's Permitting Services
220 Division. For purposes of this section, "out of doors" shall mean the loud speaker
221 or other sound amplification device is located outside and not wholly enclosed
222 within a building or structure. Sound amplification devices located wholly within
223 automobiles and handheld mobile electronic devices are hereby made exempt
224 from this subsection, except that it is hereby made unlawful for any person to make,
225 maintain, create, or allow to be created any unreasonably disturbing noise from
226 any car sound amplification device (whether wholly or partially contained within the
227 automobile or not) or handheld mobile electronic device that is of such character,
228 intensity, or duration as to be detrimental to the life, health, comfort, or repose of
229 any individual of ordinary sensibilities residing in or occupying the area.

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231 (2) Except as provided in subsections (6), (7), and (8) below, no person shall use a
232 loud speaker or other sound amplification device on a truck or other moving vehicle
233 or out of doors on a public or private property between the hours of 10:00 p.m. and
234 7:00 a.m.

235
236 (3) No person shall use a loud speaker or other sound amplification device out of doors
237 within 1,000 feet of any school, physical place of worship at which a religious
238 organization regularly conducts religious services, hospital, court of law, or public
239 transportation facility as defined in § 496.425(1)(b), Florida Statutes, during normal
240 business hours of operation of that entity without the permission from that property
241 owner.

242
243 (4) Each permit application shall include the name, address, and telephone number
244 of the permit applicant. The applicant shall submit a plan showing the proposed
245 location and orientation of the loud speaker(s) or sound amplification device(s) to
246 be used, the street address and specific location at that address for the proposed
247 use, the hours of operation of the loud speaker(s) or sound amplification device(s),
248 ~~and~~ a description of the loud speaker(s) or sound amplification device(s) including
249 its decibel level, and such other information pursuant to City Code section 62.506,
250 as applicable. The applicant shall certify that such speaker(s) and device(s) will be
251 monitored to ensure that it is operated within the decibel levels prescribed in Chart
252 1 set forth in section 42.03 herein.

253
254 If the loud speaker(s) or sound amplification device(s) is being used out of doors
255 temporarily for a ~~particular~~special event, the permit application must be submitted
256 to the Chief of Police at least three business days, excluding holidays, in advance
257 of the installation of the equipment and must be accompanied by a ~~\$20.00~~
258 processing permit fee set by resolution of the City Council. Such usage must
259 comply with this Chapter. If the use of such speaker or device out of doors will be
260 continual, the permit application must be submitted to the ~~Permitting Services~~
261 Division Planning Official pursuant to City Code section 62.506 prior to the
262 installation of the equipment ~~and must be accompanied by a fee which shall be set~~
263 ~~forth by resolution of City Council.~~

264
265 (5) The Chief of Police or ~~the Permitting Services Division~~ Planning Official shall ~~issue~~
266 approve a permit application provided that the proposed use and speaker or
267 device:

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271 (b) Will not interfere with any governmental function or with any event previously
272 permitted pursuant to Chapter 18A, Orlando City Code, or with any event
273 scheduled through the Families, Parks and Recreation Department if the

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274 proposed use of the speaker or device is temporary for a ~~particular~~special
275 event; and

276
277 (c) Is not for a location within 1,000 feet of an activity or another location previously
278 permitted under this section for the same date and time if the proposed use of
279 the speaker or device is temporary for a ~~particular~~special event; and

280
281 (d) Is not for an individual, entity or organization that has been found guilty of
282 violating Chapter 42 of the City Code or s. 316.3045, Fla. Stat. at least three
283 times within a twelve-month period or at least four or more times within a
284 twenty-four month period prior to the date of the permit application; and

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286 ~~(de)~~ Is not for a fully enclosed restaurant, bar, or other similar establishment that
287 does not have a permitted sidewalk café or other approved designated outdoor
288 space for patrons.

289
290 If the use of the loud speaker sound amplification device is not temporary for a
291 ~~particular~~special event, but instead is continual, the permit shall be valid for a
292 period of 12 months from the date of issuance, at which time the City may renew
293 the permit for the next 12-month period under the same conditions provided the
294 renewal fee is paid and the number, type, and location of the speaker(s) or
295 device(s) has not changed. The City may also consider the number of citations
296 that had been issued, if any, to the applicant for violations under this Chapter
297 during the prior 12-month period when determining renewal of the permit. If, at the
298 time of renewal, the number of speakers or devices has increased or the type or
299 location of the speakers or devices has changed, the permit application process
300 shall begin anew. Annual renewal of the permit is the responsibility of each permit
301 holder.

302
303 If the loud speaker or sound amplification device is being used continually at a
304 fixed location on a daily basis, the permit must be posted in a conspicuous place
305 upon the premises at which the speaker or device is being used.

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309 (6) For the purpose of providing an exemption from the prohibitions contained in
310 subsections (2), and (3) above, there is hereby created a Downtown
311 Entertainment Area which is described in Figure 1. Within said Area, loud
312 speakers or other sound amplification devices for non-continual use may be used
313 out of doors, upon obtaining a permit pursuant to subsection (5) above, between
314 7:00 ~~p~~a.m. and 102:00 ~~a~~p.m. on weekdays and 7:00 ~~p~~a.m. and 12:00 a.m.
315 (midnight) on weekends and without regard to the other prohibitions set forth in
316 subsections (2) and (3) above. However, sections 42.02 through 42.05 set forth

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herein shall still apply. The Chief of Police is authorized to extend the loudspeaker use by two additional hours for the following five holidays and special occasions: St. Patrick’s Day, Cinco de Mayo, Fourth of July, Halloween, and New Year’s Eve.

(8) Except for loud speakers and sound amplification devices installed by the City, such speakers and devices that are permitted for continual use out of doors under subsection (1) shall not be located within the public rights-of-way, including the air space above such public rights-of-way, unless such use is for a permitted sidewalk café or for space that is part of an encroachment agreement with the City. In that instance, such speakers and devices shall comply with the standards set forth in City Code section 62.506 and shall not face or direct the sound upward toward airspace or toward any adjacent businesses, streets, alleys, rights-of-way, or property. Instead, such speakers and devices, whether permanently mounted or affixed to the exterior of the building or structure or freestanding, shall be set in such a way that the sound is directed downward and inward toward patrons and complies with the sound levels and standards set forth in sections 42.02 through 42.05 herein. ~~If the speakers or devices are free standing, they shall not be elevated more than five feet off of the ground.~~

[**Drafter’s Note-Insert new Figure 1 at the end of the Chapter**]

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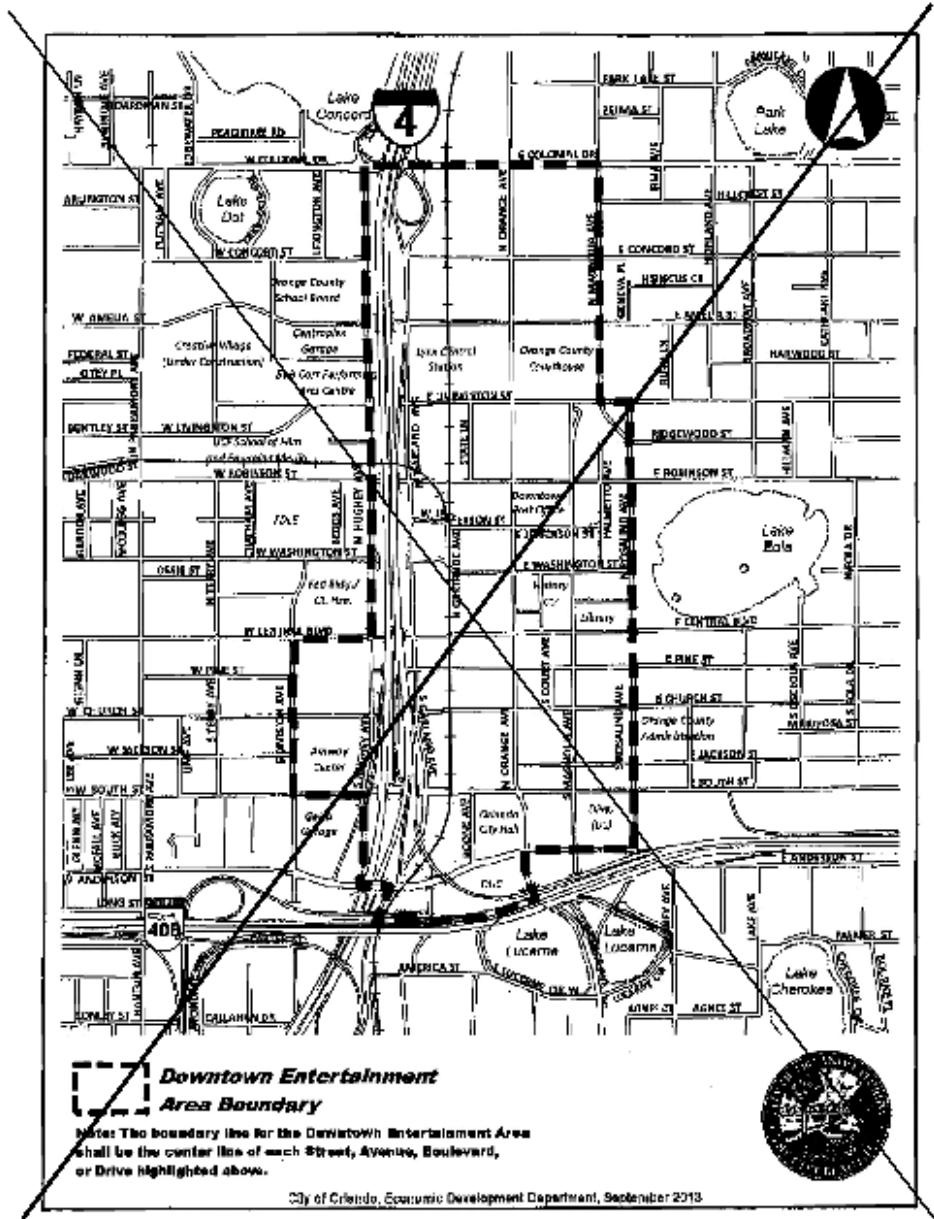
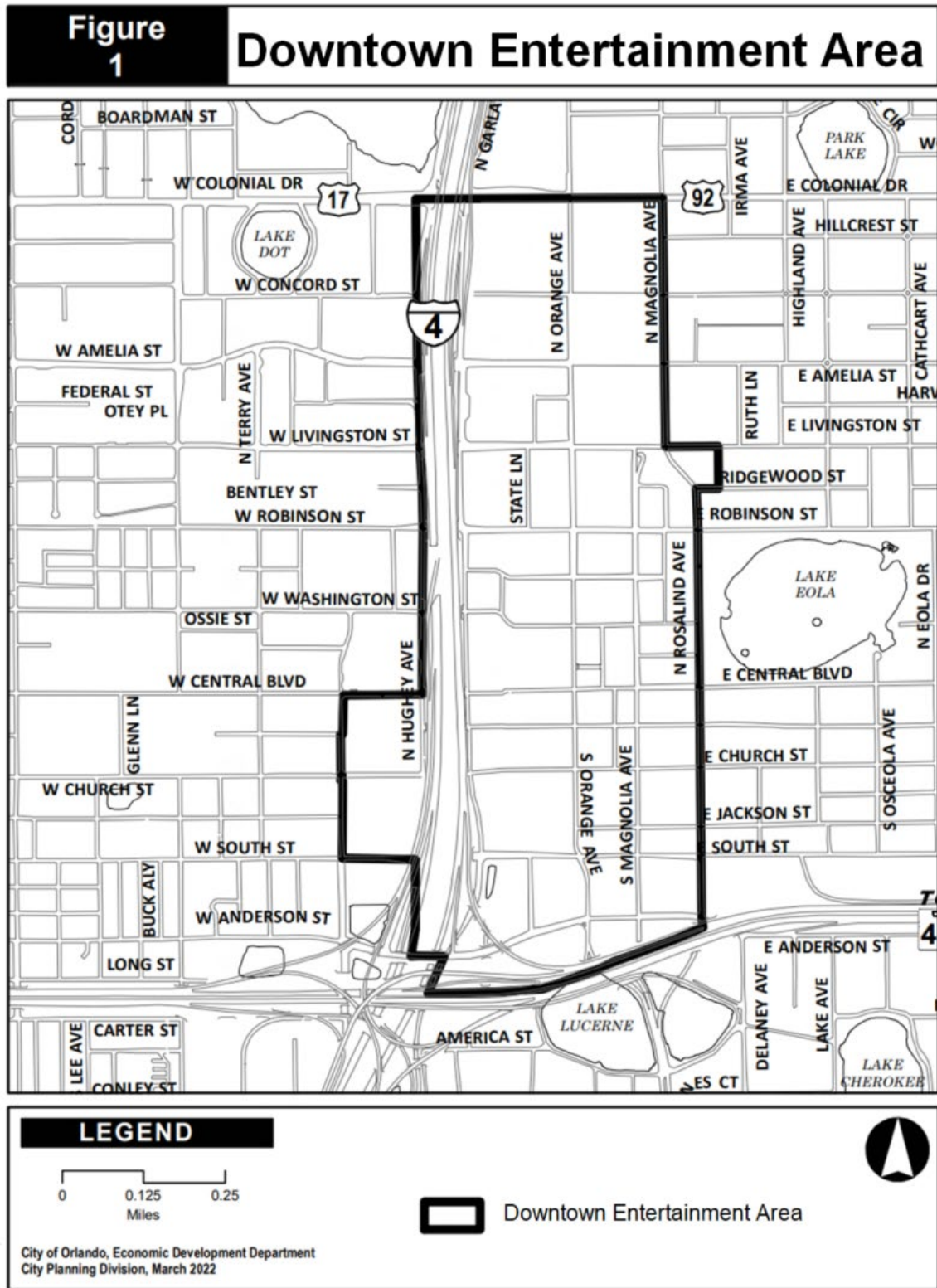


Figure 1



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343 **SECTION 4. CHAPTER 61, PART 3, AMENDED.** Chapter 61, Part 3, Land
344 Development Code, entitled Parking and Loading, is hereby amended as follows:

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346 **PART 3. - PARKING AND LOADING**

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350 **3E. - CITY OF ORLANDO DOWNTOWN PARKING PROGRAM**

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354 **Sec. 61.345. - Location Requirements for Principal Use Parking Facilities.**

355 There shall be no Principal Use parking facilities located within the Downtown Parking
356 Area, or outside the Downtown Parking Area which provide parking for uses located within
357 the Downtown Parking Area, whether as a single use or as part of a mixed use
358 development, unless owned by the City, or approved as a Surface Parking Lot pursuant
359 to Part 3H of this Chapter. For the purposes of this section, City-owned parking facilities
360 shall include any form of ownership interest held by the City including, but not limited to,
361 fee simple interest, lease-option, lease-public-private arrangement, or shared or equity
362 ownership.

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366 **3H. - SURFACE PARKING LOTS WITHIN THE DOWNTOWN ENTERTAINMENT AREA**

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368 **Sec. 61.370. Purpose.**

369 The requirements of this Part are intended to implement the Growth Management Plan,
370 Future Land Use Policy 5.1.2, to promote the public health, safety and general welfare
371 within the Downtown Entertainment Area (See Chapter 42, Figure 1). The prohibition on
372 principal use parking facilities in section 61.345 applies to parking facilities in the
373 Downtown Entertainment Area, and this Part does not authorize principal use parking
374 facilities except as specifically provided herein.

375
376 **Sec. 61.371. General Requirements.**

- 377
378 (a) For purposes of this section, Surface Parking Lot means a parking facility operating
379 within the Downtown Entertainment Area, whether on an improved surface or on
380 gravel or other materials, and which is not located within a parking garage. Parking
381 within public rights-of-way is excluded from this definition.
382
383 (b) All Surface Parking Lots that allow general public parking, including those existing
384 on the effective date of this section and those put into use after the effective date,
385 are subject to the following:

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- 1) Surface Parking Lots that allow general public parking must obtain a Planning Official determination. An application for a Planning Official determination must contain the submittal requirements in subsection (c) below.
- 2) Surface Parking Lots closed between 10 PM and 6 AM are exempt from the requirement to obtain a Planning Official determination, if the property owner provides an affidavit certifying that the Surface Parking Lot is closed between 10 PM and 6 AM, and includes supporting documentation, such as a posted sign identifying hours of operation for the Surface Parking Lot and physical barriers that prevent use of the Surface Parking Lot when it is closed.
- 3) Surface Parking Lots designed and permitted as accessory to a primary use, such as offices, residential buildings, religious institutions, hotels or governmental offices, are exempt from the requirement to obtain a Planning Official determination, unless the Surface Parking Lot allows general public parking.

(c) An application for a Planning Official determination must include the following:

- 1) A site plan demonstrating compliance with Chapter 61, Sections 61.303 to 61.309.
- 2) If the Surface Parking Lot is open after dark, a lighting plan demonstrating compliance with Chapter 63, Part 2M.
- 3) A landscaping plan demonstrating compliance with Chapter 61, Part 3B.
- 4) Location of fences or walls (if proposed) on the site plan, which demonstrate compliance with Chapter 58, Part 5B(5).
- 5) An operations plan identifying the following:
 - i. Contact information for property owner, the operator, and the security company;
 - ii. Hours of operation;
 - iii. If the Surface Parking Lot is open after 10 PM, the provision of security cameras; and
 - iv. Existing or proposed signage that includes hours of operation, contact information to report a problem, and towing rules (if applicable).

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430 (d) The Planning Official shall consider the following during review:

- 431
- 432 1) Conformance with the City code standards referenced in this Part.
- 433
- 434 2) Conformance with the principles of Crime Prevention Through Environmental
- 435 Design (CPTED), in consultation with the Orlando Police Department.
- 436
- 437 3) Any physical site constraints that make it reasonably impractical and cost
- 438 prohibitive to retrofit a site to provide required landscaping or parking lot
- 439 circulation.

440

441 (e) If the Planning Official determination is approved, the Planning Official may impose

442 the following operational standards as conditions of approval, in addition to any

443 other appropriate conditions:

- 444
- 445 1) If the Surface Parking Lot is open after 10 PM, an attendant or security guard
- 446 must be on site until 3 AM or until the last vehicle leaves the lot, whichever
- 447 occurs earlier. All security guards must be licensed by the State of Florida and
- 448 bonded.
- 449
- 450 2) Surface Parking Lots that are closed to entry after 10 PM must be posted as
- 451 such and provide physical barriers to entry.
- 452
- 453 3) Lighting must be on during operating hours after dark.
- 454
- 455 4) Maintenance of a durable parking surface and striping is required.
- 456
- 457 5) The property owner must update its submittal requirements in (c) above if any
- 458 operational changes are made after approval of the Planning Official
- 459 determination, subject to review for Crime Prevention Through Environmental
- 460 Design by the Police Department.

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464 **SECTION 5. CHAPTER 62, PART 5, AMENDED.** Chapter 62, Part 5, Land

465 Development Code, entitled Design Standards in AC-3A District, is hereby amended as

466 follows:

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468 **PART 5. - DESIGN STANDARDS IN AC-3A DISTRICT**

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472 **Sec. 62.506. - Sound Attenuation in the Downtown Entertainment Area.**

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473 In order to control noise within the Downtown Entertainment Area, as described in section
474 42.07(6), Orlando City Code, the following requirements regarding sound attenuation shall
475 be enforced.

476
477 (a) Determination Required for Outdoor Speakers. All continual use outdoor speakers
478 require a Planning Official determination approving their use within the Downtown
479 Entertainment Area. The Planning Official shall review the application for outdoor
480 speakers and consider the following:

481
482 1) Each application for an outdoor speaker on private property shall be
483 accompanied by a noise report prepared by a qualified independent acoustical
484 engineer. The noise report shall test, or model, the outdoor speakers for
485 compliance with the noise ordinance, including any noise attenuation or other
486 mitigation needed to comply with the ordinance. This may include reorienting
487 the speakers, limiting their output, installation of an array of smaller speakers,
488 installation of acoustical treatments which absorb or block the noise, and other
489 appropriate measures that comply with the limits established by the noise
490 ordinance.

491
492 2) All outdoor speakers approved by the City as part of an Encroachment
493 Agreement on the public rights-of-way shall also submit a noise report similar
494 to the above.

495
496 3) If the Planning Official approves the application, he or she may impose
497 appropriate conditions and safeguards to limit the manner in which an outdoor
498 speaker is used, including restricting the time and activity that may take place
499 to minimize noise and vibration effects. Any conditions must be reasonably
500 calculated to mitigate for ambient noise to meet acceptable residential
501 standards.

502
503 4) All existing outdoor speakers as of July 1, 2022 must notify the Planning Official
504 by October 1, 2022 of their intent to keep operating by making an application
505 for the above. Any existing outdoor speakers that are not part of an application
506 under this Section must cease operations on October 1, 2022.

507
508 5) All conditions and mitigation measures required under a Planning Official
509 determination must be completed within sixty (60) days after issuance.

510
511 (b) All speakers within approved Sidewalk Café areas shall not operate between the
512 hours of midnight and 7:00 AM. Sidewalk Café speakers shall be less than 4",
513 ambient-type speakers, and shall only be permanently installed through the
514 appropriate Historic Preservation or Appearance Review process.

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516 (c) New Development. For new residential and hotel development within the
517 Downtown Entertainment Area, the Planning Official is authorized to approve or
518 require acoustical treatments to mitigate for ambient noise to meet acceptable
519 residential standards. An application for new development may provide a noise
520 report with suggested improvements, such as double paned windows and other
521 acoustical treatments, to mitigate for ambient noise and create a code-compliant
522 environment for such development.

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526 **SECTION 6. CHAPTER 65, PART 5A, AMENDED.** Chapter 65, Part 5A, Land
527 Development Code, entitled General Requirements, is hereby amended as follows:

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529 **5A. - GENERAL REQUIREMENTS**

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532
533 **Sec. 65.544. - Late Night Uses in the Downtown Entertainment Area.**

534 All uses open between the hours of midnight and 6:00 AM within the Downtown
535 Entertainment Area, as described in section 42.07(6), Orlando City Code, are considered
536 a Late Night use and must obtain a Special Use Permit from the Planning Official prior to
537 receiving a certificate of use, permits for any improvement, or operating during these
538 hours.

539
540 (a) *General Requirements.* A Special Use Permit is required for new Late Night uses
541 and when there is a change in ownership for an existing Late Night use. An
542 applicant shall submit a Special Use Permit application as provided by the
543 Planning Official.

544
545 (b) *Review Considerations.* In reviewing an application, the Planning Official shall
546 consider the following as part of the Special Use Permit review:

- 547
548 1) *Description of the Operations.* The description shall be accompanied by floor
549 and site plans of the establishment. The description and plans shall clearly
550 indicate locations for any dancing, live music, DJ's, (assembly areas), identify
551 all seating and bar areas, and identify any proposed tenant improvements. The
552 site plan shall include exterior improvements (whether permanent or
553 temporary), including the use of the public rights-of-way (proposed sidewalk
554 cafes, queuing lines, barriers, podiums, or any other appurtenances used). The
555 description shall include whether any persons under the age of 21 will be
556 allowed within the premises, and the proposed plans for checking ID's.
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- 2) Alcohol Licensing. The type of alcohol license, and any paperwork being submitted to the State of Florida (site plans defining the premises). A catering license shall not be utilized for a bar or nightclub operation.

- 3) Security Plan. A security plan must be maintained by the establishment, though it is not required to be submitted as part of the application. The security plan should include the location and operation of doormen, in-house security and any third-party security guards for the establishment (including any off-duty police officers). The plan should also include details, at minimum, for weekend and weekday operations based on the anticipated attendance.

- 4) Outdoor Speakers. Any outdoor speakers shall be identified on a separate site plan, and be accompanied by a noise report detailing compliance with the Noise Ordinance (see Chapter 62.507)

- 5) Crime Prevention. The site and floor plans shall apply the principles of Crime Prevention Through Environmental Design (CPTED), including but not limited to, provision of exterior lighting improvements, security cameras, and other physical improvements.

(c) Standards of Review. The Planning Official shall review and approve, approve with conditions, or deny an application for a Special Use Permit based on the purpose and intent and all other requirements of the Land Development Code, whether the use is consistent with all applicable policies of the City’s adopted Growth Management Plan, compatibility of the use with surrounding land uses and the general character of the area, including such factors as height, bulk, scale, intensity, traffic, noise, drainage, dust, lighting, and appearance.

(d) Conditions of Approval. The Planning Official may impose reasonable conditions of approval for the Special Use Permit such as sound attenuation, buffering, CPTED improvements, or other condition to prevent negative impacts to nearby property, increase safety, ensure compatibility of uses, and reduce public nuisances.

(e) Appeals. If an applicant disagrees with the Planning Official’s decision on a Special Use Permit or any condition thereof, the applicant may appeal to the Municipal Planning Board in accordance with Part 2G herein.

SECTION 7. COMPLIANCE SCHEDULE FOR PARKING FACILITIES. Parking facilities subject to the requirements of Chapter 61, Part 3H, shall comply with the requirements of that part in accordance with the following schedule:

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- A. Any required affidavit and supporting documents must be submitted to the Planning Official by November 1, 2022.
- B. Any required application for a Planning Official determination must be submitted to the Planning Official by November 1, 2022.
- C. Permits associated with any improvements required by a Planning Official determination must be applied for by February 1, 2023.
- D. All required improvements associated with permits must be completed by August 1, 2023.
- E. A certificate of use and business tax receipt are required by August 1, 2023.

Any parking facility, as applicable, that fails to meet this compliance schedule must cease operation until compliance is reached. Continued operation without meeting the compliance schedule is considered an illegal use and may result in code enforcement action.

SECTION 8. 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 9. 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 10. 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 11. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2022.

DONE, THE 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 _____, 2022.

DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City

ORDINANCE NO. 2022-46

645 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
646 _____, 2022.

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BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

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Mayor

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654 ATTEST, BY THE CLERK OF THE

655 CITY COUNCIL OF THE CITY OF

656 ORLANDO, FLORIDA:

657

658

659 _____
City Clerk

660

661

662 _____
Print Name

663

664 APPROVED AS TO FORM AND LEGALITY

665 FOR THE USE AND RELIANCE OF THE

666 CITY OF ORLANDO, FLORIDA:

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669 _____
Assistant City Attorney

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672 _____
Print Name