

ORDINANCE NO. 2022-78

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, RELATING TO NIGHTCLUBS
3 IN THE DOWNTOWN ORLANDO COMMUNITY
4 REDEVELOPMENT AREA; IMPOSING A TEMPORARY
5 MORATORIUM FOR SIX MONTHS ON THE
6 ACCEPTANCE, PROCESSING AND CONSIDERATION
7 OF APPLICATIONS FOR DEVELOPMENT ORDERS,
8 DEVELOPMENT PERMITS, BUILDING PERMITS AND
9 ZONING APPROVALS FOR NIGHTCLUBS IN THE
10 DOWNTOWN ORLANDO COMMUNITY
11 REDEVELOPMENT AREA; ADOPTING FINDINGS OF
12 FACT; PROVIDING FOR POSSIBLE EXTENSION OR
13 EARLY TERMINATION OF THE TEMPORARY
14 MORATORIUM; PROVIDING LEGISLATIVE FINDINGS,
15 AND FOR CORRECTION OF SCRIVENER'S ERRORS,
16 SEVERABILITY, AND AN EFFECTIVE DATE.
17

18 **WHEREAS**, as provided in section 2(b), Article VIII of the Constitution of the
19 State of Florida, and section 166.021(1), Florida Statutes, the City of Orlando, Florida, a
20 municipal corporation, enjoys all governmental, corporate, and proprietary powers
21 necessary to conduct municipal government, perform municipal functions, and render
22 municipal services, and may exercise any power for municipal purposes, except as
23 expressly prohibited by law; and
24

25 **WHEREAS**, as provided in section 166.021(3), Florida Statutes, the governing
26 body of each municipality in the state has the power to enact legislation concerning any
27 subject matter upon which the state legislature may act, except when expressly
28 prohibited by law; and
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30 **WHEREAS**, there has recently been an increase in criminal activity in the
31 Downtown Orlando Community Redevelopment Area as well as an increase in issues
32 related to public safety and crowd control; and
33

34 **WHEREAS**, the City Council is concerned about the impact of having an
35 excessive number of nightclubs within the Downtown Orlando Community
36 Redevelopment Area and desires for City staff to evaluate and potentially propose
37 changes to Chapter 33, City of Orlando Code of Ordinances regulating alcoholic
38 beverages, and to the City's Land Development Code to address these issues; and
39

40 **WHEREAS**, the high concentration of nightclubs in the Downtown Orlando
41 Community Redevelopment Area is a primary cause of negative secondary impacts,
42 particularly late at night, such as noise, cruising, loitering by non-patrons and underage
43 individuals in adjacent rights-of-way, and public intoxication; and
44

ORDINANCE NO. 2022-78

45 **WHEREAS**, nightclubs also have a negative impact on the City’s goal of
46 encouraging active daytime uses within the Downtown Orlando Community
47 Redevelopment Area because nightclubs typically are not open during daytime hours;
48 and

49
50 **WHEREAS**, the City Council finds that too many nightclubs in the Downtown
51 Orlando Community Redevelopment Area negatively impacts the overall goal of creating
52 a desirable urban neighborhood as expressed by the City's Growth Management Plan;
53 and

54
55 **WHEREAS**, the City wishes to place the public and all parties on notice that it is
56 considering potential code amendments and is creating a temporary moratorium on the
57 acceptance, processing and consideration of applications for development orders,
58 development permits, building permits and zoning approvals for any new (which includes
59 change of use and substantial improvement) nightclub use within the Downtown Orlando
60 Community Redevelopment Area; and

61
62 **WHEREAS**, pursuant to the pending legislation doctrine set forth in *Smith v. City*
63 *of Clearwater*, 383 So. 2d 681 (Fla. 2d DCA 1980), the City declares and implements the
64 pending ordinance doctrine concerning the zoning and land development regulations
65 governing properties located within the Downtown Orlando Community Redevelopment
66 Area; and

67
68 **WHEREAS**, the City Council of the City of Orlando (the “Orlando City Council”)
69 hereby finds that the temporary moratorium imposed by this ordinance is being imposed
70 for a reasonable duration intended to give the City the time reasonably necessary to
71 investigate the impacts of nightclubs in the Downtown Orlando Community
72 Redevelopment Area, and if necessary, to promulgate reasonable regulations relating to
73 such uses; and

74
75 **WHEREAS**, the Orlando City Council hereby finds and declares that this ordinance
76 is in the best interest of the public health, safety, and welfare.

77
78 **NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF**
79 **ORLANDO, FLORIDA, AS FOLLOWS:**

80
81 **SECTION 1. FINDINGS OF FACT.** The foregoing recitals are hereby ratified
82 and confirmed as being true and correct and are hereby made a part of this ordinance.

83
84 **SECTION 2. DEFINITIONS.** For the purposes of this ordinance, the following
85 terms are defined as follows:
86

ORDINANCE NO. 2022-78

87 *Development order* means the same as defined by Section 163.3164, Florida
88 Statutes.

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90 *Development permit* means the same as defined by Section 163.3164, Florida
91 Statutes.

92
93 *Building permit* means the same as defined by Section 66.200, City of Orlando
94 Land Development Code.

95
96 *Nightclub* means the same as defined by Section 66.200, City of Orlando Land
97 Development Code.

98
99 *Substantial permit plan submittal* means a completed permit application form
100 accompanied by a full set of plans signed and sealed by an authorized design
101 professional. The plan set shall include any relevant civil and site work plans if
102 needed to issue a building permit.

103
104 *Downtown Orlando Community Redevelopment Area* means the same area as
105 the jurisdictional boundaries of the City of Orlando Community Redevelopment
106 Agency's Downtown Orlando Community Redevelopment Area established and
107 amended from time to time pursuant to Part III, Chapter 163, Florida Statutes, as
108 shown in the map attached as Exhibit A.

109
110 **SECTION 3. TEMPORARY MORATORIUM.** Beginning on the effective date of
111 this ordinance and continuing for six (6) months, or as extended or terminated as
112 provided by section 4 of this ordinance, a temporary moratorium is hereby imposed on
113 the acceptance, processing and consideration of all applications for development orders,
114 development permits, building permits and zoning approvals, including certificates of
115 use, for all proposed nightclubs within the Downtown Orlando Community
116 Redevelopment Area.

- 117
118 a. This moratorium includes any request for the City to sign a zoning approval
119 as may be requested for application to the Florida Division of Alcoholic
120 Beverages and Tobacco for an alcoholic beverage license.
- 121 b. This moratorium does not impact the ability of existing nightclubs currently
122 operating within the Downtown Orlando Community Redevelopment Area
123 from obtaining a building permit provided such building permit is sought for
124 repair or maintenance of the existing premises.
- 125 c. This moratorium does not impact substantial permit plan submittals for
126 proposed nightclubs or similar uses within the Downtown Orlando Community
127 Redevelopment Area for development consistent with the Comprehensive
128 Plan and approved development orders pre-dating the adoption of this
129 ordinance.

ORDINANCE NO. 2022-78

- 130 d. This moratorium does not impact or prohibit city-initiated comprehensive plan
131 amendments, zoning map amendments and land development code
132 amendments.
133

134 **SECTION 4. EXTENSION OR EARLY TERMINATION OF THE TEMPORARY**
135 **MORATORIUM.** The temporary moratorium imposed by section 3 of this ordinance may
136 be extended or terminated early by adoption of an ordinance or resolution of the City
137 Council.
138

139 **SECTION 5. NON-CODIFICATION.** The provisions of this ordinance shall not be
140 included or incorporated within the Code of the City of Orlando, Florida.
141

142 **SECTION 6. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
143 errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.
144

145 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its application
146 to any person or circumstance is held invalid, the invalidity does not affect other provisions
147 or applications of this ordinance which can be given effect without the invalid provision or
148 application, and to this end the provisions of this ordinance are severable.
149

150 **SECTION 8. EFFECTIVE DATE.** This ordinance takes effect upon adoption.
151

152 **DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida,
153 at a regular meeting, this _____ day of _____, 2023.
154

155 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of
156 Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of
157 _____, 2023.
158

159 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
160 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City
161 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
162 _____, 2023.
163

164 **[**Signatures on the following page**]**

ORDINANCE NO. 2022-78

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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

EXHIBIT A

