

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, DESIGNATING CERTAIN
3 LAND GENERALLY LOCATED NORTH OF W.
4 ROBINSON ST., EAST OF N. GARLAND AVE., SOUTH
5 OF W. LIVINGSTON ST., AND WEST OF STATE LN.,
6 AND COMPRISED OF 2.94 ACRES OF LAND, MORE
7 OR LESS, AS PLANNED DEVELOPMENT DISTRICT
8 WITH THE TRADITIONAL CITY ZONING OVERLAY
9 DISTRICT ON THE CITY'S OFFICIAL ZONING MAPS;
10 PROVIDING SPECIAL LAND DEVELOPMENT
11 REGULATIONS OF THE ACE CAFÉ ORLANDO
12 PLANNED DEVELOPMENT DISTRICT; PROVIDING
13 FOR SEVERABILITY, CORRECTION OF SCRIVENER'S
14 ERRORS, AND AN EFFECTIVE DATE.
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16 **WHEREAS**, at its regularly scheduled meeting of October 21, 2014, the
17 Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"),
18 considered zoning application case number ZON2014-00019, requesting the Planned
19 Development zoning district designation, along with the Traditional City zoning overlay
20 district, for approximately 2.94 acres of land, generally located north of W. Robinson
21 Street, east of N. Garland Avenue, south of W. Livingston Street, and west of State
22 Lane, and more precisely described by the legal description attached to this ordinance
23 as **Exhibit "A"** (hereinafter the "Property"); and
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25 **WHEREAS**, based upon the evidence presented to the MPB, including the
26 information and analysis contained in the "Staff Report to the Municipal Planning Board"
27 for application case number ZON2014-00019 (entitled "Item #22 – Ace Café Orlando
28 PD" and hereinafter referred to as the "Staff Report"), and subject to certain conditions
29 contained within the Staff Report, the MPB recommended that the City Council of the
30 City of Orlando, Florida (the "Orlando City Council"), approve said zoning application and
31 adopt an ordinance in accordance therewith; and
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33 **WHEREAS**, zoning application case number ZON2014-00019 is requesting the
34 Planned Development zoning district designation for the purpose of permitting the
35 development of a phased entertainment complex including up to approximately 21,700
36 square feet of office and retail use, up to approximately 22,600 square feet of eating and
37 drinking establishment use, and outdoor recreation use (the "Project"); and
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39 **WHEREAS**, the MPB found that the Project is consistent with the City's adopted
40 Growth Management Plan (the "GMP") including the applicable goals, objectives, and
41 policies associated with the Property's Future Land Use Map designation of Downtown
42 Activity Center; and
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44 **WHEREAS**, the Orlando City Council hereby finds that the Project is consistent
45 with the intent and purpose of the planned development district zoning designation as

46 established by Part 2Q, Chapter 58, Code of the City of Orlando, Florida (the “Orlando
47 City Code”); and

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49 **WHEREAS**, the Orlando City Council hereby finds that the Project and this
50 ordinance is in the best interest of the public health, safety, and welfare, and is
51 consistent with the applicable provisions of the City’s GMP, including the applicable
52 goals, objectives, and policies associated with the Property’s Future Land Use Map
53 designation of Downtown Activity Center; and

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

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58 **SECTION 1. ZONING.** After due notice and public hearing, and pursuant to part
59 2Q, Chapter 58, Orlando City Code, and other relevant portions of the Orlando City
60 Code, the Property is hereby designated as Planned Development district with the
61 Traditional City zoning overlay district on the City’s official zoning maps (to be denoted
62 as “PD/T” on the official maps of the City), as depicted in **Exhibit “B”** to this ordinance.
63 This planned development zoning district may be known as the “Ace Café Orlando
64 Planned Development.”

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66 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
67 58.367, Orlando City Code, except as expressly provided in this ordinance, Ace Café
68 Orlando Planned Development zoning district remains subject to all applicable federal,
69 state, and local laws, and nothing in this ordinance shall be construed to exempt the
70 Property from the lawful authority or jurisdiction of any federal, state, or local agency.

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72 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
73 otherwise by this ordinance, the Property shall be governed by the land development
74 regulations of the AC-3A Downtown Metropolitan Activity Center District along with the
75 Traditional City zoning overlay district (denoted as “AC-3A/T” on the official maps of the
76 City).

77
78 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
79 Development zoning district for the Property is subject to the following special land
80 development regulations:

81
82 **1) Land Development**

- 83
84 a) *Development Plan.* Subject to any modifications expressly contained in the text
85 of this ordinance, development and maintenance of the Property must be
86 substantially consistent with the phased development plan attached to this
87 ordinance as **Exhibit “C”** (hereinafter the “Development Plan”). In the event of a
88 conflict between the text of this ordinance and the Development Plan, the text of
89 this ordinance shall control. References in this ordinance to lots, parcels,

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90 buildings, phases, and other development features refer to such features as
91 identified on the Development Plan.

- 92
- 93 b) *Variances and modifications.* Zoning variances and modification of standards
94 may be approved pursuant to the procedures set forth in Part 2J and Part 2F,
95 Chapter 65, Orlando City Code, respectively. The planning official may also
96 approve minor modifications and design modifications to fences, walls,
97 landscaping, accessory structures, signs, and bufferyard requirements.
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- 99 c) *Phasing.* The Property may be developed in multiple phases, but if developed in
100 multiple phases, each phase must be developed in a manner that allows the
101 individual phases to function independently of each other. The purpose of this
102 requirement is to ensure that the first phase, and each subsequent phase, can
103 fully function and operate as intended by the Development Plan in the event that
104 subsequent phases are delayed or abandoned.
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- 106 d) *Historic preservation.* Prior to the issuance of the final certificate of occupancy or
107 completion for the Project, the owner of the Property must install a City-approved
108 bronze historic plaque on the exterior facade of the historic Harry P. Leu building.
109 The location and message on the plaque is subject to review and approval by the
110 City's historic preservation officer. The plaque must be maintained as approved
111 on final site plans.
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- 113 e) *Outdoor vehicle display areas.* The Project is an indoor and outdoor
114 entertainment complex associated with car culture. The Development Plan
115 shows a number of outdoor "vehicle exhibit" areas. These areas must be
116 constructed and maintained with a surface material that clearly distinguishes the
117 display areas from nearby drive aisles. The surface material used in the drive
118 aisles and the vehicle display areas is subject to review and approval by the City
119 Engineer and the certificate of appearance approval pursuant to Chapter 65,
120 Orlando City Code.
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- 122 f) *Setbacks.* Development on the Property must conform to the applicable setback
123 regulations of the AC-3A/T zoning district, except that:
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- 125 i) For the rear yard, a setback of at least 3' is required, while the maximum
126 setback allowed is 215'.
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- 128 ii) For purposes of the street-side-yard, the Property is hereby made exempt
129 from section 62.620(c), Orlando City Code.
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- 131 g) *Uses.* Land uses on the Property must comply with the list of permitted,
132 conditional, and prohibited land uses for the AC-3/T zoning district as provided by
133 section 3 of this ordinance, except as follows:

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- i) Retail sales of new, vintage and/or custom motorcycles and cars are hereby made a permitted use if associated with onsite retail, office, and restaurant uses. Automobile and motorcycle sales are hereby prohibited as a standalone use on the Property. Signs associated with automobile and motorcycle sales and leasing are hereby prohibited in the outdoor vehicle display areas.
- ii) Outdoor automobile and motorcycle service uses are hereby prohibited.
- iii) Outdoor automobile and motorcycle events are hereby made a permitted use on the Property.
- h) *Existing uses and structures.* Lawfully established uses and lawfully constructed structures on the Property as of the effective date of this ordinance are hereby made lawful and conforming to this ordinance.

2) Urban Design

- a) *Signs.* A master sign plan shall be submitted for review and approval by the planning official prior to obtaining a building permit for any new signs. The sign plan shall be approved, denied, or approved with conditions by planning official letter of determination. The sign plan must include, at a minimum, the locations, dimensions, areas, and types of each sign, and must conform to applicable provisions of the Orlando City Code and this ordinance. The Property must be built and maintained in accordance with the approved sign plan. The master sign plan must conform to the architectural elevations attached to this ordinance as Exhibit "D", and the following:
 - i) The proposed tower sign shown in the architectural elevations attached to this ordinance as Exhibit "D" are hereby approved as depicted except signage on the east elevation of the sign tower is hereby prohibited.
 - ii) Flags are allowed on the roof of the proposed café building, as depicted in Exhibit "D", but are hereby limited to 6 flags per west, and south elevation of the building.
 - iii) The bottom of the circular Ace Café logo signs shall be located no higher than 30 ft. above finished grade.
- b) *Service areas, mechanical equipment, utilities, venting.* Final site plans depicting service areas, mechanical equipment, utilities, venting, and other similar development infrastructure, both private and public, must conform to the following minimum regulations:

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- i) Utilities, dumpsters, compactors, and other "back-of-house" facilities must be located on the interior of the lot or buildings to the maximum extent reasonably feasible, and should not be adjacent to sidewalks and other pedestrian areas if reasonably possible.
 - ii) All ground and roof-mounted mechanical equipment (both private and public) must be screened in accordance with the Orlando City Code and the conditions of the ARB.
 - iii) All venting and exhaust associated with food preparation must be directed to the roof of the building and may not be visible from the public right-of-way or the sidewalk. Such venting and exhaust pipes are prohibited on the facade of buildings. All other venting and exhaust equipment must be internal to the building to at least 10' above-ground and above that must be integrated into the architecture of the building. Vents and exhaust equipment may not discharge into pedestrian areas.
 - iv) Backflow preventers must be hidden from the public right-of-way and sidewalks where reasonably feasible and otherwise screened from view with complimentary architectural treatment or approved landscaping.
 - v) All fencing on the Property must be open-style fencing consistent with generally accepted Crime Prevention Through Environmental Design (CPTED) principles, such as aluminum or wrought-iron picket fencing. For purposes of this ordinance, chain-link fences are not consistent with CPTED principles, but may be used for temporary construction fencing consistent with this ordinance.
- c) *Architecture.* Architectural elevations for each building are subject to review and approval for consistency with this ordinance and applicable Orlando City Code as part of each final site plan application. The Property must be developed and maintained in accordance with the final approved architectural elevations. All approved elevations must conform to the following minimum requirements:
- i) Architecture of the Project must be substantially consistent with the elevations attached to this ordinance as **Exhibit "D."**
- d) *Landscaping.* A landscaping plan for all development is subject to the review and approval by the planning official, or designee, prior to the issuance of any building permit for the proposed work. The Property must be developed and maintained in accordance with the final approved landscaping plans. Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the following:

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- i) Perimeter vehicular use area landscaping shall be a minimum of 4 ft. in depth.
- ii) All landscaping must meet or exceed the minimum landscaping requirements of Orlando City Code.
- iii) To the extent practicable, existing native trees should be preserved. Underground utilities located within the drip-lines of preserved existing trees must be installed with non-trenching techniques such as directional boring and tunneling. Melaleuca, chinaberry, Chinese tallow, Brazilian pepper, camphor, and Australian pine are all prohibited on the Property and if existing, must be removed during development.
- iv) Landscaping in vehicular use areas must be provided in accordance with Chapter 60 and the following additional requirements:
 - (1) Landscape parking islands must contain a minimum of one canopy tree with 3" caliper, a minimum overall height of 12 feet, and a minimum clear-trunk height of 6 feet.
 - (2) Perimeter landscape areas required for vehicular use areas adjacent to property lines and public rights-of-way must contain at least one tree for every 50 lineal feet or fraction thereof. Required trees must have a minimum caliper of 3", a minimum overall height of 12 feet, and a minimum clear-trunk height of 6 feet. Perimeter landscape areas must also contain a continuous row of evergreen groundcovers and plants not to exceed 4 feet in height. Required plants must be a minimum height of 18" at time of planting. At least 60% of the required plants must have a natural mature height of 3 feet.

3) Transportation

- a) *Walkability and streetscape.* The Project must provide sidewalks and streetscape (along the Property's boundaries abutting N. Garland Avenue and W. Livingston Street) consistent with applicable City plans and regulations, certificate of appearance approval, and the following:
 - i) The pedestrian zone [sidewalk] shall be clear to the sky and unobstructed by vertical impediments in the sidewalk or architectural projections overhead. Awnings and canopies with at least 14' of clearance may be permitted to overhang the pedestrian zone. The pedestrian zone may occupy both public and private property.

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- ii) It is recommended that the hardscape paving pattern along W. Livingston Street be preserved. A minimum of 15-feet from the back of curb shall be reserved for the streetscape along W. Livingston.
- iii) The sycamore street trees along W. Livingston shall be removed and replaced with Pheonix dactylifera [date palm] to match the date palms on the north side of W. Livingston Street.
- iv) Prior to the issuance of a certificate of occupancy for phase one of the Project the N. Garland streetscape shall be constructed by the applicant from the south property line to the W. Livingston intersection. The streetscape shall meet the requirements of Streetscape Treatment 4 [window pane] and shall be constructed consistent with the Downtown Streetscape Design Guidelines.
- v) Structural soil or an approved equivalent and root shields shall be used for planting new street trees to reduce long term impacts to the hardscape and utilities.
- vi) The applicant must provide a 10'-wide City services and sidewalk easement wherever such easement or equivalent right-of-way does not already exist.
- vii) The N. Garland streetscape shall include an 18-foot sidewalk from back-of-curb. A 6-foot wide furniture zone with 6-foot by 9-foot tree wells and double acorn street lights shall be included in the 18-feet. A 2-foot wide landscape buffer shall be provided between the sidewalk and the Garland Avenue streetwall. A cross section is attached to this ordinance as **Exhibit "E"**.
- viii) All vertical obstructions and utility poles including street light poles, shall be located in the streetscape furniture zone and shall not impact or impede the pedestrian clear path/sidewalk.
- ix) A final streetscape plan shall be submitted for an ARB Major Review prior to issuance of building permits.

b) Parking

- i) Display/Exhibit Parking Area
 - (1) Design – The primary purpose of the Display/Exhibit Parking Area [Display Area] is for the staging and exhibition of motor vehicles for automobile, truck, and motorcycle shows [Automotive Shows]. As such the Display Area shall be designed with a high level of detail that includes specialty paving, theming, grading, decorative lighting, durable, high quality display accessories, and staging fixtures that establish its identity

310 on the site as a “showcase area.” Untreated asphalt or untreated
311 concrete shall not be permitted in the Display Area. Concrete banding,
312 vertical, or mountable curbing that defines specific portions or details of
313 the Display Area shall be permitted.
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315 (2) Secondary Use – When not being utilized as a an exhibit area for
316 Automotive Shows and events, the Display Area may be used as a self-
317 parking area for patrons of the Ace Café and its on-site operations and
318 vendors only. Paid parking shall be prohibited. Ace Café shall monitor
319 the Display Area to ensure this condition is enforced.
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321 (3) Parking Space Design – Since self-parking for patrons will be permitted in
322 the Display Area for the periods of non-event times during the Ace Café
323 operating hours, the showcase area design of the Display Area shall also
324 incorporate parking space and parking aisle designs that comply with the
325 requirements of the Land Development Code. “Striping” of the parking
326 spaces and the defining of the parking bay separators shall be decorative
327 in nature thru the utilization of durable materials or other methods that
328 define the parking spaces. The use of paint or thermoplastic striping is not
329 permitted.
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331 (4) Landscaping – Row end landscape areas shall be incorporated into the
332 design of the Display Area. Contrary to the landscape code in the LDC,
333 trees will not be required in these landscaped areas though the use of
334 understory trees, palm trees, or plant materials that provide verticality to
335 the row end landscape zones is encouraged. The use of Florida native
336 plant materials and/or creation of low impact design areas such as rain
337 gardens is also encouraged and preferred over understory and palm trees
338 in the row end landscape areas.
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340 ii) *Perimeter Parking Areas.* During the Ace Café hours of operation, self-
341 parking for patrons of the Ace Café site shall be permitted during both event
342 and non-event periods in the parking spaces along the outside of the internal
343 driveway loop. The perimeter driveway loop parking spaces shall be paved
344 with asphalt or concrete. Paint or thermoplastic striping is also permitted in
345 the perimeter parking bays, though the use of decorative paving and striping
346 in the perimeter bays is encouraged.
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348 iii) *Valet Parking*

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350 (1) An Ace Café managed or independent contractor valet parking service
351 shall be permitted to operate on-site for the off-site parking of patrons.
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- 353 (2) Parking of automobiles utilizing the valet car service shall occur off-site.
354 No on-site valet parking shall be permitted.
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356 (3) Staging of automobiles to be valet parked shall be permitted to occur
357 along the internal loop driveway of the Ace Café site however
358 automobiles utilizing valet parking services shall not be permitted to be
359 parked on-site.
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361 (4) The Ace Café property may operate a valet parking service during Ace
362 Café business hours. After hours valet parking operations shall not be
363 permitted.
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365 *iv) Additional Parking Operation Requirements*

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367 (1) Hours of Operation – The Display Area and perimeter parking areas shall
368 be maintained and secured in a way that does not allow on-site public
369 parking or non-patron parking during Ace Café non-business hours.
370 However, display and show vehicles shall be allowed to remain on-site
371 overnight and/or during Ace Café non-business hours.
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373 (2) Accessible Parking – Accessible parking spaces at a ratio of 1 accessible
374 space per 25 standard spaces shall be required for the project. The
375 accessible parking spaces shall meet ADA requirements and shall be
376 located outside of the Display Area.
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378 (3) Employee Parking – Employee and management parking shall occur off-
379 site. Parking accommodations for permanently or temporarily disabled
380 employees shall be allowed on-site.
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382 (4) Maintenance – The Display Area and additional parking areas shall be
383 regularly maintained and pressured cleaned to avoid staining and the
384 build-up of automotive waste and fluid on the Display Area and parking
385 area surfaces. Ace Café shall be responsible for the Maintenance of the
386 Display Area.
387

388 *v) Modification or Termination of Permissions and/or Conditions of Parking*
389 *Operations.* Prior to commencement of its third year of operations Ace Café
390 must schedule a minimum of 150 events per year. Ace Café may request a
391 one-year extension of this deadline with the approval of the Planning Official
392 30-days prior to the end of Ace Café's second year of operations. Such
393 events may include the following:

- 394 (1) Hot Rod Nights
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- 396 (2) Specific Model Meets [Mustangs, Volkswagen, Camaro, Mini Cooper,
397 etc.]
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- 399 (3) Bike [Motorcycle] Night and Meets
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- 401 (4) Car and Motorcycle Club Meets
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- 403 (5) Motorcycle Meets [Honda, Indian, Harley, etc.]
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- 405 (6) Streetfighter Meets [High Performance Motorcycles]
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- 407 (7) Classic Car Meets [Antique and Show Cars]
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- 409 (8) Exotic Car Meets [Porsche, Lamborghini, Ferrari]
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- 411 (9) Manufacturer or Nationality Meets [Ford, German, BMW, Italian,
412 Chevrolet]
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- 414 (10) Vendor Shows or displays [Motoring Accessories, Motor Fashion]
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416 If this requirement of Ace Café is not met prior to the commencement of
417 Ace Café's third year of operations the permissions and/or operational
418 conditions above may be modified or terminated at the discretion of the
419 Planning Official. The Planning Official must provide 30-days notice to the
420 operators of the Ace Café prior to modification or termination of the
421 permissions and/or conditions above. These parking permissions and
422 conditions of operation shall apply exclusively to the operation of an Ace Café
423 on the subject property. If in the future Ace Café ceases business operations
424 on the subject site the conditions and permissions above shall expire and be
425 terminated.

- 426
- 427 vi) *Design Approval.* The design and materials of the Display Area, internal
428 driveway loop, and perimeter parking spaces must be approved as part of a
429 major certificate of appearance approval prior to submission for building
430 permits for exterior improvements on the Property.
- 431
- 432 c) *Parking.* No vehicle may be parked outside on the Property for more than 7
433 consecutive days. Trailer parking is hereby prohibited.
- 434
- 435 d) *Dumpsters and compactors.* Final site plans must depict the location and size of
436 dumpsters and trash compactors, including concrete pads and enclosures with
437 doors. Dumpsters and compactors may not be located directly adjacent to a
438 public street. Dumpsters and trash compactors must be screened with solid
439 walls. Walls and gates must match nearby principal buildings. If located outside,

440 screening walls must be softened from the perspective of the public rights-of-way
441 and neighboring properties with approved low hedges, groundcover, and
442 understory landscaping. Dumpsters and compactors must be located to provide
443 at least 50' of clear back-up space and must be constructed and maintained in
444 accordance with the current City of Orlando Engineering Standards Manual.
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- 446 e) *Pedestrian ramps at intersections.* Sidewalks at street intersections and street
447 intersections with driveways must provide disability access ramps consistent with
448 the standards of the Americans with Disability Act. At street intersections, such
449 ramps must be provided for each direction of pedestrian crossing.
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451 **SECTION 6. EXPIRATION.** Pursuant to section 58.365, Orlando City Code, the
452 Project must be commenced within 5 years of the effective date of this ordinance. If the
453 Project has not commenced within 5 years then the zoning designation on the Property
454 shall revert to the AC-3A/T district. The zoning official is hereby directed to amend the
455 City's official zoning maps in accordance with this section, if necessary. For the purpose
456 of this section, the word "commenced" means that a building permit for at least one
457 principal building has been issued by the authority having jurisdiction.
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459 **SECTION 6. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
460 errors found in this ordinance by filing a corrected copy of this ordinance with the City
461 Clerk.
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463 **SECTION 7. SEVERABILITY.** If any provision of this ordinance or its
464 application to any person or circumstance is held invalid, the invalidity does not affect
465 other provisions or applications of this ordinance which can be given effect without the
466 invalid provision or application, and to this end the provisions of this ordinance are
467 severable.
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469 **SECTION 8. EFFECTIVE DATE.** This ordinance takes effect upon adoption.
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471 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
472 Florida, at a regular meeting, this _____ day of _____, 2014.
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474 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
475 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
476 of _____, 2014.
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478 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
479 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City
480 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
481 _____, 2014.
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483 BY THE MAYOR/MAYOR PRO TEMPORE
484 OF THE CITY OF ORLANDO, FLORIDA:
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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:

City Attorney

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