

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, DESIGNATING CERTAIN**
3 **LAND GENERALLY LOCATED SOUTH AND EAST OF**
4 **INTERNATIONAL DRIVE, NORTH OF CARRIER DRIVE,**
5 **AND WEST OF KIRKMAN ROAD, AND COMPRISED OF**
6 **64.716 ACRES OF LAND, MORE OR LESS, AS THE**
7 **PLANNED DEVELOPMENT DISTRICT; PROVIDING A**
8 **DEVELOPMENT PLAN AND SPECIAL LAND**
9 **DEVELOPMENT REGULATIONS OF THE PLANNED**
10 **DEVELOPMENT DISTRICT; PROVIDING FOR**
11 **SEVERABILITY, CORRECTION OF SCRIVENER'S**
12 **ERRORS, PERMIT DISCLAIMER, AND AN EFFECTIVE**
13 **DATE.**

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15 **WHEREAS**, at its regularly scheduled meeting of June 20, 2017, the Municipal
16 Planning Board (hereinafter referred to as the "MPB") of the City of Orlando, Florida
17 (hereinafter referred to as the "City"), considered zoning application case number
18 ZON2017-00017, requesting the Planned Development zoning district designation for
19 approximately 64.716 acres of land generally located south and east of International
20 Drive, north of Carrier Drive, and west of Kirkman Road, and being more precisely
21 described by the legal description attached to this ordinance as **Exhibit A** (hereinafter
22 referred to as the "Property"); and
23

24 **WHEREAS**, based upon the evidence presented to the MPB, including the
25 information and analysis contained in the "Staff Report to the Municipal Planning Board"
26 for application case number ZON2017-00017 and ABN2017-00001 (entitled "Item #1 –
27 "Project 566" and hereinafter referred to as the "staff report"), and subject to certain
28 conditions contained within the staff report, the MPB recommended that the City Council
29 of the City of Orlando, Florida (the "Orlando City Council"), approve said zoning
30 application and adopt an ordinance in accordance therewith; and
31

32 **WHEREAS**, application case number ABN2017-00001 is requesting the
33 abandonment of a portion of Precision Drive; and
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35 **WHEREAS**, application case number ZON2017-00017 is requesting the Planned
36 Development zoning district for the purpose of permitting a phased multi-building
37 development on the Property consisting of up to 4,000 hotel rooms, attraction, and resort
38 uses within the North International Drive Special Plan; (hereinafter referred to as the
39 "Project"); and
40

41 **WHEREAS**, the MPB found that the Project is consistent with:

- 42
43 1. The *City of Orlando Growth Management Plan*, adopted as the City's
44 "comprehensive plan" for purposes of the Florida Community Planning Act,
45 sections 163.3164 through 163.3217, Florida Statutes (hereinafter referred to
46 as the "GMP").

- 47
48 2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code
49 of the City of Orlando, Florida (the “Orlando City Code”); and
50

51 **WHEREAS**, the Orlando City Council hereby finds that the Project and this
52 ordinance is in the best interest of the public health, safety, and welfare, and is
53 consistent with the applicable provisions of the GMP, including the applicable goals,
54 objectives, and policies associated with the Property’s Future Land Use Map designation
55 of Metropolitan Activity Center.
56

57 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
58 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
59

60 **SECTION 1. ZONING DESIGNATION.** After due notice and public hearing, and
61 pursuant to part 2Q, Chapter 58, Orlando City Code, and other relevant portions of the
62 Orlando City Code, the Property is hereby rezoned from the AC-3/SP Metropolitan
63 Activity Center district with the North International Drive Special Plan zoning overlay
64 district to the Planned Development district on the City’s official zoning maps (to be
65 denoted as “PD” on the official maps of the City), as depicted in **Exhibit B** to this
66 ordinance. This planned development zoning district may be known as the “Project 566
67 Planned Development.”
68

69 **SECTION 2. OTHER DEVELOPMENT LAWS.** In accordance with section
70 58.367, Orlando City Code, except as expressly provided in this ordinance, the Project
71 566 Planned Development zoning district remains subject to all applicable federal, state,
72 and local laws, and nothing in this ordinance shall be construed to exempt the Property
73 from the lawful authority or jurisdiction of any federal, state, or local agency.
74

75 **SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided
76 otherwise by this ordinance, the Property shall be governed by the land development
77 regulations of the AC-3/SP Metropolitan Activity Center district as amended by the North
78 International Drive Special Plan. Anything not specifically addressed in this ordinance is
79 governed by the Orlando City Code and the North International Drive Special Plan.
80

81 **SECTION 4. SPECIAL LAND DEVELOPMENT REGULATIONS.** The Planned
82 Development zoning district for the Property is subject to the following special land
83 development regulations:
84

85 **1. Land Development**
86

- 87 a) *Development Plan.* Subject to any modifications expressly contained in the text
88 of this ordinance, development and maintenance of the Property must be
89 consistent with the development plan attached to this ordinance as **Exhibit C**
90 (hereinafter the “Development Plan”). In the event of a conflict between the text

of this ordinance and the Development Plan, the text of this ordinance shall control.

- b) *Variances and modifications.* Zoning variances and modification of standards may be approved pursuant to the procedures set forth in Part 2J and Part 2F, Chapter 65, Orlando City Code, respectively. The planning official may also approve minor modifications and design modifications. Recognizing that development plans can change in small ways between the planning and permitting stages of development, the planning official may approve up to a 10% modification of any applicable numerical development standard if the planning official finds that the proposed modification is consistent with the applicable goals, objectives, and policies of the GMP, is compatible with nearby existing land uses, would not result in inadequate public facilities, and is otherwise consistent with the public health, safety, and welfare. When approving such a modification of a development standard, the planning official may impose one or more of the conditions of development provided at section 65.334, Orlando City Code, but such condition or conditions must be reasonably calculated to mitigate the identifiable land use impacts of the modified standard.
- c) *Phasing.* If a phasing plan develops, the phases will be reviewed as separate Administrative Master Plan applications and must stand alone regarding FAR, ISR, and other zoning requirements, except for parking as described below.
- d) *Parking.* If the project is phased, the required number of parking spaces for each phase of construction in accordance with Orlando City Code must be provided; however, the total parking requirement can be satisfied, for the Project or phase, across both sites with a shared parking agreement or other mechanism approved by the city attorney.
- e) *Framework PD.* The Project may be developed in phases, and each phase will be reviewed as a separate Administrative Master Plan application prior to submitting for building permits, and must stand alone regarding FAR, ISR, and other zoning requirements. For each phase of development of the Project, an Administrative Master Plan and final site plan will be required prior to submitting for building permits. The planning official will determine if the proposed plans for any Administrative Master Plan application meet the intent of this Ordinance including the Development Plan and the North International Drive Special Plan. Each plan submitted as part of such process for the Property shall be defined as an Administrative Master Plan, per Chapter 65, Part 2, Orlando City Code.
- f) *Planned Development Expiration.* Pursuant to section 58.365, Orlando City Code, the Project must be commenced within 5 years of the effective date of this ordinance. If the Project has not commenced within 5 years then the zoning designation on the Property will revert to the AC-3/SP Metropolitan Activity Center district with the North International Drive Special Plan zoning overlay district. The zoning official is hereby directed to amend the City's official zoning maps in accordance with this section, if necessary. For the purpose of this

section, the word “commenced” means that a building permit for at least one principal building has been issued by the authority having jurisdiction.

2. Urban Design

a) *Waivers.* :

- 1) *40 foot maximum front and side yard setbacks.* The maximum 40 foot setback is intended to ensure buildings are oriented towards the street creating an active pedestrian friendly public realm. In lieu of this setback requirement, the owner may use alternative standards that meet the intent of activating the street and creating a comfortable and interesting walking environment. This can be achieved through interactive art displays, kiosks, water features, hardscaped public open spaces or other means that further the intent of the North International Drive Special Plan. The lush landscaped berm alone is not deemed sufficient to meet this requirement. The proposed alternative standards will be reviewed at the time of Administrative Master Plan review.
- 2) *Activation of the street.* The transit shelter proposed on the east parcel located along International Drive must be accessible from International Drive. Although the transit system may be internal, the shelter must be open to the public with the front façade facing Universal Boulevard. Appearance review is required for this structure at the time of Administrative Master Plan review.
- 3) *Maximum 3.5 feet height for fences and wall located within the front yard between the building and the street.* The maximum height of 3.5 feet was established in the North International Drive Special Plan to provide public visibility both into and out of the Property. Pedestrians tend to feel safer when they have open lines of visibility. The proposed maximum 6 feet high fence will be permitted as long as there are intermittent opportunities for visibility both into and out of the Property. This will provide an increased level of visual interest for the pedestrian, as well as site lines for security and Crime Prevention Through Environmental Design purposes.
- 4) *Prohibition of chain link fences, unpainted wood fences, and unpainted concrete block walls between a building and the front or street side right-of-way line.* A vinyl coated chain link fence may be permitted within the landscaped berms. However there must be intermittent opportunities for visibility to and from the property. At these locations, a maximum 6 foot high CPTED type decorative fence must be used in lieu of the chain link fence.
- 5) *Limiting parking to the rear and side of principal buildings.* The parking garage on the west parcel fronting International Drive must be

183 architecturally treated to appear more like a conventional building and less
184 like a garage to meet the intent of the North International Drive Special
185 Plan. Screening the garage with landscaping alone does not meet this
186 requirement. The proposed transit shelter must be integrated into the
187 landscape berm and be located between the surface parking lot and
188 International Drive. The surface parking lot must be screened from view
189 from the public sidewalk with significant landscaping.

190
191 6) *Transparency.* Minimum ground floor building transparency for buildings
192 abutting a pedestrian street must be 15%. The only buildings proposed to
193 abut the street are the parking structure along International Drive and the
194 proposed internal transit stop at the corner of International Drive and
195 Universal Boulevard. The minimum 15% transparency must be met for
196 both structures.
197

198 b) *Streetscape.* Street tree planting is necessary and must be completed along
199 International Drive and Universal Boulevard. The street trees must be installed in
200 accordance with the Orlando City Code. In locations where installation of street
201 trees within the street right-of-way or a City services easement is not feasible:

202
203 1) Street frontage along International Drive must consist of street tree grates
204 (5 foot x 5 foot). Tree grates must occur adjacent to street curbs. Sidewalk
205 depth from the curb must be a minimum of 12 feet. Street trees are planted
206 generally 25 feet on center (this spacing may vary depending upon tree)
207 and are provided with tree grates and guards. High-rise live oaks (or
208 similar) are preferred.

209
210 2) Street frontage requirements along Universal Boulevard must consist of a
211 planting strip (minimum 7 feet), made up of trees and shrubs, located
212 between the abutting edge of the minimum 10 foot wide sidewalk.

213
214 3) Street trees must be 12 feet to 14 feet in overall height with a 3.5 inch
215 minimum caliper and must be planted using suitable design techniques,
216 such as the use of structural soil, soil cells, root tunnels, and root barriers,
217 as required by Chapter 60, Orlando City Code.

218
219 c) *Landscape-Perimeter of the Project.* An enhanced and intensive tropical
220 landscape plan with palm trees, upper and lower-story trees, as well as shrubbery
221 and ground cover is required. Plants must be abundant and tropical. A mix of
222 different size plants to create textured layers. To make the space more visually
223 interesting, various shades of green are to be used to create texture with mixing
224 leaves in different sizes and shapes, such as low-lying, fernlike palms and large
225 broad leaf philodendrons. Flowers are not the only source of color in a tropical
226 landscape.
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- 1) Berms must be undulating and/or meandering with a maximum height of 3 feet.
 - 2) Landscaping on berms must be evergreen or deciduous materials mixed with native plantings, capable of providing a substantially opaque, hedge-like barrier.
 - 3) Landscaping or screening installed in any landscaped area must not obstruct the view along the entire perimeter of the Property. Berms and landscaping must be staggered at key locations to allow visibility.
 - 4) Berm slopes must be protected from erosion by providing grass and knee walls at intermittent locations. Curvilinear knee wall locations must be designed to create interactive pedestrian spaces with a minimum depth at its widest dimension of 8 feet.
- d) Architecture. Design guidelines are listed below. Appearance review of hotels and other structures onsite will be subject to further review in forthcoming Administrative Master Plan applications.
- 1) A base, middle, and top must be expressed on all primary buildings with finishes wrapped on all facades. The base of the building must consist of stone, brick or a similar product. Stucco alone will not be acceptable. Buildings must be finished with durable, high quality materials that are authentic to the style of architecture for which the buildings are proposed. Incorporate different textures, colors, materials, and distinctive architectural features that add visual interest.
 - 2) All facades must be finished with the same materials and architectural details. Side and rear building façades that are visible from a street must contain architectural detail comparable in appearance and complexity to the front of the building.
 - 3) Scale and interest to the building façade must be achieved by articulated massing.
 - 4) The architectural style of the two sites must be differentiated, as shown in the concept drawings provided in **Exhibit C**.
 - 5) Roofs and roofing materials are critical visual elements in creating successful buildings and must be considered as a 5th façade, integrated into the building's overall designs.
 - i) The roof should include volumes and surfaces varying in form, massing and height, as well as design components that are attractive from both street level and adjacent buildings.

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ii) Mechanical units on flat roofs must either be set back or screened so as not to be visible from the ground. Mechanical equipment enclosures, mechanical and elevator enclosures, exit stair enclosures and other roofscape elements should be considered as sculptural forms that can add to the overall composition and visual interest of the building when viewed from a distance.

e) Lighting. Outdoor and exterior architectural lighting will play a large role with how pedestrians interact with the Project at night. Therefore, special attention must be given to landscape lighting and the illumination of trees, shrubs, or other streetscapes and artwork in the perimeter of the Project. Likewise, lighting is critical to creating an interesting and safe resort experience.

f) Public Open Space. A hardscaped public plaza, which may include a transit shelter, must be provided on both corners at the intersection of International Drive and Universal Boulevard. These plazas must be of sufficient size to activate the corners, provide visual interest at the intersection, and act as a gathering spots for pedestrian activity along the International Drive corridor. The size and design of these plazas will be reviewed and approved at the time of Administrative Master Plan review.

3. Transportation

a) Details on parking, access points, and other transportation related code requirements and standards will be addressed as Administrative Master Plans are submitted for review.

b) The final location and configuration of the access points to the Project along International Drive and Universal Boulevard will be determined when additional site layout detail is submitted to the City. The approved access points will be based on the available frontages, the roadway classifications, Orlando City Code, and engineering standards.

c) The median on Universal Boulevard along the frontage of the Property must be reconstructed to a raised, landscaped median meeting all City standards at the time of development on either parcel. Twenty-six feet of pavement is required on either side of the median in the final configuration. Additional space for widened pavement will be taken from the existing median width and the outside curb lines will not be required to be relocated for these changes.

d) Median openings, existing curb-cuts, and drop-off/pick-up areas on Universal Boulevard and International Drive that will not serve the final Project access locations must be removed and restored by the owner at the time of construction on either parcel. Additional space for widened pavement will be taken from the existing median width and the outside curb lines will not be required to be relocated for these changes.

- 321
322 e) Pedestrian and bicycle access paths must be provided between the Project
323 entrances and the perimeter sidewalks along Universal Boulevard and
324 International Drive. These paths must provide reasonably direct connections to
325 transit stops, crosswalks and other pedestrian or cyclist destinations outside the
326 resort properties.
327
328 f) The final location and configuration of entrances into the Project on Universal
329 Boulevard will require a traffic signal warrant analysis unless a traffic signal
330 warrant analysis is already approved. This analysis will also need to determine
331 the need for left or right turn lanes and the length of any turn lanes deemed
332 necessary. If a signal is warranted at the entrances, the owner will be
333 responsible for bearing the full design and construction costs to have this signal
334 installed to City standards. This will include the cost of removal of the pedestrian
335 crossing signal immediately south of the Property. Mid-block, beacon protected
336 crosswalks may also be required if the final spacing of signals is determined to
337 be unreasonably far for pedestrian movements.
338

339 **4. Engineering**

- 340
341 a) Construction activities including clearing, grading and excavating activities shall
342 obtain an Environmental Protection Agency (EPA) National Pollution Discharge
343 Elimination System (NPDES) permit, except: operations that result in the
344 disturbance of one acre total land area which are not part of a larger common
345 plan of development or sale.
346
347 b) This Project may require a Florida Department of Environmental Protection
348 (FDEP) permit for the sanitary sewer system.
349
350 c) All plans must conform to the Engineering Standards Manual (ESM), Fifth Edition
351 adopted on April 18, 2016. All plans must conform to the ESM and all
352 construction must be accomplished in accordance to the ESM.
353
354 d) All future elevation shown on a boundary/topographic survey must use the North
355 American Vertical Datum of 1988 (NAVD 88).
356
357 e) All new construction, change in use, additions, or redevelopments are required to
358 submit a Concurrency Management application as a part of the building plan
359 review process or provide a Concurrency Vested Rights letter.
360
361 f) At the time of development, the owner/developer is required to apply an on-site
362 inspection fee that is a percentage of the cost of the on-site improvements,
363 excluding the building, in accordance with section 65.604, Orlando City Code.
364
365 g) Platting of the Property is required in accordance with section 65.401, Orlando
366 City Code prior to obtaining certificate of occupancy for the principal building(s).
367
368 h) Part of the Property is located within a floodplain AE Zone. The finished floor
369 elevation must be 1 foot above the 100-year flood elevation.
370

- 371 i) In accordance with Federal Emergency Management Act (FEMA) requirements;
372 a letter of map revision may be required by the owner or engineer as part of this
373 application review.
374
- 375 j) The owner/developer is required to design and construct all necessary storm
376 water retention in accordance with City requirements and approval from South
377 Florida Water Management District. The system is to be privately owned and
378 maintained.
379
- 380 k) In accordance with section 28.6(f)1-3, Orlando City Code, the Office of Permitting
381 Services is authorized to make a determination of approval/disapproval of refuse
382 container sites. The dumpster must have a minimum opening of 12 feet wide
383 and a clear depth of 10 feet forward of any bollards within the enclosure.
384
- 385 l) Approval/disapproval of the use of commercial hand pick-up of refuse from any
386 non-residential entity is determined solely by the Refuse Collection Bureau Staff.
387
- 388 m) The owner/developer is required to pay the Sewer Benefit Fee in accordance
389 with the Sewer Service Policy and Chapter 30, Orlando City Code.
390
- 391 n) The Orlando City Council approved a Resolution at the January 27, 1997, City
392 Council Meeting. Section 61.226, Orlando City Code, provides for a Street Tree
393 Trust Fund. Unless approved by the planning official, the owner is responsible
394 for the installation of street trees prior to finalization of the building permit. The
395 Street Tree specifications are 12 feet to 14 feet height of canopy.
396

397 **5. Police**

398 The owner/developer is encouraged to incorporate CPTED strategies into the
399 Project.
400

401 **6. Fire**

402 Fire review will be conducted as part of the Administrative Master Plan review
403 process.
404

405 **7. Sewer**

- 406
- 407 a) The Architectural Site Plan contained in **Exhibit C** depicts a proposed parking
408 garage in conflict with existing City sewer mains to remain. New buildings shall
409 not be constructed over existing sanitary sewer mains, unless approved by the
410 Wastewater Division Manager.
411
- 412 b) Unless approved by the Wastewater Division Manager, the location of existing
413 buildings shall be such that, upon completion, the buildings will lie outside of
414 existing and proposed utility easements. Easement location must be based on
415 actual location of the sewer main with the sewer pipe within 1 foot. of center of
416 the easement.
417
- 418 c) Trees placed within the limits of utility easements for sanitary sewers, or within
419 10 feet of sewer mains and laterals, are subject to review of the Wastewater
420 Division Manager. Trees must be selected for appropriateness to site-specific
421 conditions and protection of infrastructure, including utilities, sidewalks, curbs,

- 422 and streets. Special design techniques, including structural soils, soil cells, and
423 root barriers may be required.
424
- 425 d) Owner must provide certification of abandonment and removal of sewer mains
426 and laterals deemed not in service prior to the issuance of a certificate of
427 occupancy.
428
- 429 e) A sewer capacity analysis must be prepared for review by the Water Reclamation
430 Division. The analysis must include the capacity of gravity mains, Lift Station 29,
431 and the force main network originating from the Lift Station.
432
- 433 f) Landscape berms, "Dune" landscaping or other proposed adjustments to the
434 finished grade must be coordinated with the Water Reclamation Division. Under
435 no circumstances can sanitary sewer mains, sewer laterals or sewer force mains
436 be out of compliance with City Standards as a result of landscape berms, "Dune"
437 landscaping or other regrading, unless approved by the Waste Water Division
438 Manager.
439
- 440 g) This Framework PD ordinance assumes part of Precision Drive will be
441 abandoned as part of ABN2017-00001. Administrative Master Plan must show
442 how perpetual City access to Lift Station 29 will be provided and maintained for
443 the future.
444
- 445 h) The owner/developer must show how wastewater will be collected onsite and
446 where it will be discharged to the City's collection system.
447
- 448 i) A pre-application meeting is required to discuss sewer capacity analysis to be
449 prepared for review by the Water Reclamation Division. The analysis must
450 determine the impacts of the proposed development on the downstream
451 collection system.
452
- 453 **8. Public Works**
454
- 455 a) For portions of the Property within floodplain AE zone, floodplain compensation
456 must be provided. A Conditional Letter of Map Revision will also have to be
457 issued prior to obtaining a certificate of occupancy.
458
- 459 b) A proposed stormwater report that shows required and provided treatment
460 volumes must be provided as part of the Administrative Master Plan process.
461
- 462 c) Since the site is over 1 acre, a NPDES permit must be submitted to the City of
463 Orlando before a City of Orlando permit can be submitted.
464
- 465 d) A permit must be submitted to the water management district. When the permit
466 has been approved, please submit the water management district permit to the
467 City.
468
- 469 e) If piping is being proposed on the Project, stormwater tabulations that use the 10
470 year-6 hour storm as the design storm and the 25 year-6 hour storm must be
471 submitted as a check.
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f) When submitting plans, please submit a signed and sealed survey that uses the City of Orlando benchmark and elevations in NAVD88. A grading is also required.

SECTION 5. DISCLAIMER. In accordance with Section 166.033(5), Florida Statutes, the issuance of this development permit does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency, and does not create any liability on the part of the City for issuance of this permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development authorized by this development permit.

SECTION 6. 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 7. 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 8. 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 _____, 2017.

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 _____, 2017.

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 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2017.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor/Mayor Pro Tempore

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

ORDINANCE NO. 2017-44

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523

524 City Clerk

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527 Print Name

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530 APPROVED AS TO FORM AND LEGALITY

531 FOR THE USE AND RELIANCE OF THE

532 CITY OF ORLANDO, FLORIDA:

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535 Assistant City Attorney

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538 Print Name

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

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