



A G E N D A
ORMOND BEACH PLANNING BOARD
Regular Meeting

February 12, 2015

7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

- I. ROLL CALL**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. NOTICE REGARDING ADJOURNMENT**

THE PLANNING BOARD WILL NOT HEAR NEW ITEMS AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

- V. APPROVAL OF THE MINUTES: January 8, 2015**
- VI. PLANNING DIRECTOR'S REPORT**
- VII. PUBLIC HEARINGS**

A. RZ 15-027: N. US 1 ISBA – Zoning Map Amendment

This is an administrative request to amend the City's Official Zoning Map, to include the North US 1 Highway Municipal Service Area as a result of the amendments to the City of Ormond Beach Comprehensive Plan that implemented the provisions of the Interlocal Service Boundary Agreement (ISBA) between the City of Ormond Beach and Volusia County.

B. LDC 15-058: Instructional Activity, Land Development Code Amendment

This is a request by Krista Goodrich, President of Masterpiece Mixers, to amend the Ormond Beach Land Development Code to separate the school of art use into two uses titled "Instructional Artistic activity" and "Instructional Physical Activity". The Land Development Code amendments propose to allow customers to bring and consume beer and/or wine into the business premises for the customer's own personal consumption within the instructional artistic activity use category under certain conditions within the B-4 (Central Business) zoning district. The Land Development Code amendment proposes the following changes:

1. Amend Chapter 1, General Administration, Article III, Definition and Acronyms, Section 1-22, Definitions of terms and words, to delete the School of Arts definition and add definitions for Instructional Artistic Activity and Instructional Physical Activity uses; and
2. Amend Chapter 2, District and General Regulations, Article II, District Regulations, Sections 2-22(C), B-1, Professional Office/Hospital zoning district, 2-25(C), B-4, Central Business zoning district, 2-26(C), B-5, Service Commercial zoning district, 2-28(C), B-7, Highway Tourist Commercial zoning district, and 2-29(C), B-8, Commercial zoning, and 2-32(C), I-1, Light industrial zoning district, district to delete the school of art use and add Instructional Physical Activity as a permitted use,
3. Amend Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-25(D), B-4, Central Business zoning district to allow Instructional Artistic Activity as a conditional use; and
4. Amend Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57, Conditional Uses and Special Exceptions, to establish criteria for the Instructional Artistic Activity use.

C. LDC 14-134: Non-conforming pool screen enclosures, Land Development Code Amendment

This is an administrative request to amend Chapter 2, District and General Regulations, Article III, General Regulations, Sections 2-50 (x) and (aa) of the Land Development Code to allow existing non-conforming screen enclosures to be replaced as they exist today, based upon a request from the Board of Adjustment and Appeals.

D. LDC 15-048: Implement ROR (Residential, Office, Retail) land use , Land Development Code Amendment

This is an administrative request to amend to allow retail uses within the office zoning districts (B-1, B-9, and B-10) with a maximum floor area ratio of 0.20. Specific amendments to the Ormond Beach Land Development Code include

1. Amend Chapter 1, General Administration, Article III, Definition and Acronyms, Section 1-22, Definition of terms and words to delete the Retail Sales and Service, Specialty definition; and
2. Amend Chapter 2, District and General Regulations, Article I, Establishment of zoning districts and official zoning map, Section 2-02, Future land use map designations and zoning districts to delete the Professional Office/Hospital land use title and add the ROR, Residential, Office, Retail land use title; and
3. Amend Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-22, B-1, Professional Office/Hospital Zoning District, Section 2-30, B-9, Boulevard Zoning District and Section 2-31, B-10, Suburban Boulevard Zoning District to delete the Retail Sales and Service, Specialty and add retail oriented uses such a Restaurants, Personal Services, and Retail Sales as conditional and Special Exception uses; and
4. Amend Chapter 2, District and General Regulations, Article II, District Regulations, B-9, Boulevard Zoning District and Section 2-31, B-10, Suburban Boulevard Zoning District to add the Instructional Physical Activity use as a permitted use; and
5. Amend Chapter 2, District and General Regulations, Article II, District Regulations, B-10, Suburban Boulevard Zoning District to add Financial Institution and Child Care Facilities as permitted and conditional uses; and
6. Amend Chapter 2, District and General Regulations, Chapter IV, Conditional and Special Exception Regulations, Section 2-57, Criteria for review of specific conditional and special exception to delete the conditions of the Retail Sales and Service, Specialty use and add conditions for Retail Sales and Service use.

VIII. OTHER BUSINESS

IX. MEMBER COMMENTS

X. ADJOURNMENT

M I N U T E S
ORMOND BEACH PLANNING BOARD
Regular Meeting

January 8, 2015

7:00 PM

City Commission Chambers

22 South Beach Street
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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I. ROLL CALL

Members Present

Pat Behnke
Harold Briley, Vice Chair
Lewis Heaster
Al Jorczak
Rita Press
Lisa Tolland
Doug Thomas, Chair

Staff Present

Ric Goss, Planning Director
Steven Spraker, AICP, Senior Planner
Melanie Nagel, Recording Technician

II. ADMINISTRATIVE ITEMS

A. Election of Chairperson and Vice Chairperson

Mr. Heaster moved to appoint Doug Thomas as Chair. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.

Mr. Jorczak moved to appoint Harold Briley as Vice Chair. Ms. Behnke seconded the motion. Vote was called, and the motion unanimously approved.

B. Adoption of 2015 Rules of Procedure

Mr. Briley moved to adopt the 2015 Rules of Procedure. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.

C. Adoption of 2015 Planning Board Calendar

Mr. Jorczak moved to adopt the 2015 Planning Board Calendar. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.

III. INVOCATION

Mr. Briley led the invocation.

IV. PLEDGE OF ALLEGIANCE

V. NOTICE REGARDING ADJOURNMENT

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VI. MINUTES

December 11, 2014

Mr. Briley moved to approve the December 11, 2014 Minutes. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.

VII. PLANNING DIRECTOR'S REPORT

Mr. Goss, Planning Director, updated the Board on the non-conforming determination that Mr. Goss received on the Oceanshore Condos. Minutes had indicated that there was going to be an appeal, but there is not going to be an appeal. The Land Use and Zoning applications that they have before the Planning Board will be withdrawn. They are asking for an extension until April, because they have to have membership from all four HOA boards take a vote, and then officially withdraw. Mr. Goss requested the Board add to their agenda, under Other Business, the extension of the Land Use and Zoning until April.

Mr. Goss updated the Board concerning the Interlocal Service Boundary Agreement. Comments have been received back from the State, the City Commission had a first reading of the Future Land Use Amendment, and by January 20, should have everything done from a Land Use perspective. Next month the Planning Board will be getting the Zoning Amendments, and Staff is working on the Itinerant Merchant License. Everything is moving very swiftly, and will possibly be completed by April or May.

Mr. Briley stated that he was surprised that the Life Village Mobile Home Park is in the county and not the city. Are there other pockets within Ormond Beach that are still in the county? Mr. Goss stated that we do have a map, and we can provide it to the Board electronically. Mr. Goss further explained that in February and March we will have Destination Daytona Phase I and II coming in for annexation.

Ms. Press stated that as she understands, the number of acreage that can be taken in per year is 120 acres, and Ms. Press wondered if the City came anywhere near that

number as far as what was taken in last year. Mr. Goss replied that the City can annex in as much acreage as it wants; it is up to 120 with regards to small acreage, or small scale land use plan amendments. Mr. Goss further explained that acreage for annexation, the City can annex as much as it wants. The City has annexed in quite a bit of acreage in the last two years.

Chairman Thomas took a moment to introduce the newest member of the Planning Board, Lori Tolland. He stated that she has been on several other boards, including Leisure Services, and he hopes everyone will take time after the meeting to welcome Ms. Tolland to the Board. Ms. Tolland stated that she is happy to be part of the Board.

VIII. PUBLIC HEARINGS

A. LUPA 15-032: 240 Williamson Boulevard – Small-Scale Land Use Map Amendment

Mr. Steven Spraker, Senior Planner, City of Ormond Beach, stated that this was a request for a Land Use Plan Amendment, as a result of annexation at 240 Williamson Blvd. Mr. Spraker explained the background for changing the land use category, and presented the staff report. Mr. Spraker stated staff is recommending approval of the amendment.

Ms. Press asked if the Takeya Steak House was annexed into the city. Mr. Spraker replied no. Ms. Press then asked why all of the properties along Williamson weren't annexed in at the same time. Mr. Spraker explained that the properties weren't contiguous, but as each property gets annexed, the next one has been following soon afterwards.

Mr. Heaster asked Mr. Spraker to name a few more uses for the land being annexed in. Mr. Spraker stated that it provides a wide variety of uses from retail offices to restaurant, but it would not allow automotive or heavy commercial.

Mr. Briley moved to approve LUPA 15-032, 240 Williamson Boulevard Small-Scale Land Use Map Amendment. Mr. Heaster seconded the motion. Vote was taken and the motion carried unanimously (7-0).

B. LUPA 15-033: 240 Williamson Boulevard – Zoning Map Amendment

Mr. Spraker stated that once the Land Use is assigned, then the property needs to have a corresponding zoning. Low Intensity Commercial has a variety of zoning options. The area at I-95 & Granada is presently zoned B-7, Highway Tourist Commercial. The east side of Williamson has been developed as B-8, which is General Commercial and Planned Business Development. Staff believes B-7 is more appropriate, and similar to what is in the area.

Ms. Behnke asked if anyone has specific plans for this piece of property. Mr. Spraker explained that there has been a conceptual plan for a bank submitted, but it could be anything within the B-7 district.

Mr. Heaster moved to approve LUPA 15-033: 240 Williamson Boulevard – Zoning Map Amendment. Mr. Jorczak seconded the motion. The motion carried unanimously (7-0).

OTHER BUSINESS

Chairman Thomas called for a motion to extend the Land Use and Zoning Amendments for the Oceanshore Condos to the April Planning Board meeting, as requested by Mr. Goss.

Ms. Tolland moved to continue LUPA 14-079 and RZ 14-080 to the April, 2015 Planning Board meeting. Mr. Briley seconded the motion. The motion carried unanimously (7-0).

Ms. Press stated that Mayor Kelly had mentioned that the Board would be working on the Land Development rewrite, and asked Mr. Goss if he had an update on this. Mr. Goss replied no, that he doesn't know what the Mayor has in mind.

Ms. Tolland questioned that once a property is annexed, how much time does the city have before the county expects work to be done on the property? Mr. Goss replied that, by statute, once the property is annexed it must move forward for land use and zoning, or it will still be under the jurisdiction of the county, with regard to regulation. Typically the city moves forward right away on these properties.

Ms. Press commented that the three parcels on Williamson are owned by the same person, and she would have thought the person would want to annex all three parcels together. Mr. Goss stated that they would save money if all three were annexed.

Ms. Tolland asked when the city annexes a piece of property, does the city fiscally increase their revenues? Mr. Goss stated that if it is in our water and sewer district, it makes sense for the property owner. The property tax in the city is lower than in the county. They will also save money on the water and sewer rates, because they pay a 50% surcharge when in the county. The city loses money in regard to sewer and water, but the net is still a positive for the city.

Mr. Briley asked Mr. Goss if the city has any long range plans for annexing pockets of unincorporated areas. Mr. Goss stated that the city has determined what it would cost to extend water and sewer lines to these areas, called enclaves, which are subdivisions that are on septic or have wells, but the property owners would have to pay for it, and they don't want to. They would like to annex in, but have the city pay for it. There are positives to annexing in, but there are also negatives, because the city is much more pro-active in regards to code enforcement.

Mr. Briley asked if this would be something to look at in long-range planning. Mr. Goss stated that it could be looked at, but the biggest part of this is the cost. And it would cost a lot of money to annex sub-standard development into the city. Recently the state approved the millage rate for conservation land, and part of this will go toward trying to get people off of septic. If we could access some of those funds, it might reduce the cost.

Mr. Jorczak questioned if there is anything going on in regards to cell phone coverage in the city, and micro-antennas, and moving to the new technology. Mr. Goss stated he and the City Attorney have been looking into an ordinance that would start moving the city toward new technology, and having no more macro

towers, but moving toward the Lucite technology. Mr. Goss would like to do a study that would bring in an expert in wireless communication to help us move forward with an ordinance that would move us away from the tall towers.

Mr. Briley asked Mr. Goss if anything new was happening with the Texaco station at the corner of Nova and Granada. Mr. Goss stated no.

Chairman Thomas commented that the city doesn't want to annex certain areas because of the cost to update the infrastructure, and yet we are concerned about the quality of life in Ormond Beach, and when we don't annex we allow the septic tanks to be in these neighborhoods. In the big picture, the city may put up the money to update the infrastructure to begin with, and it will recuperate the money through taxes that we aren't getting now. Chairman Thomas would like to look at this a little more and see some numbers associated with the costs to improve these areas.

Mr. Goss stated that a cost impact was done for Tanglewood and Tomoka View, when Aquawater was raising their rates. The city looked at the possibility of taking over subdivisions, paying for the infrastructure up front and letting people pay it back over 20 years. The capital cost would exceed the revenue that the homes would generate. The taxes on the homes are not that high, so there would be a huge cost impact on the city. The only way to lessen the impact is through grants or some type of assistance from the state.

Chairman Thomas would like to put an asterisk by this item for future discussion. Maybe there is a way for EPA to get involved since some of these areas might qualify since they are on an outstanding waterway.

Mr. Jorczak asked Mr. Goss if he has heard about any development at the corner of Nova and U.S. 1. Mr. Goss stated that nothing has come through for that property. Mr. Jorczak then asked about the enclaved development out by Tymber Creek and Airport Road. Mr. Goss stated they are coming in for the extension. Mr. Jorczak asked about the property on Orchard Street where the mini storage facility was going. That property is now for sale.

Ms. Press asked if Panera is moving from The Trails. Mr. Goss had not heard anything about it. Mr. Briley stated that he heard they are going in the new development by Lowes.

IX. MEMBER COMMENTS

Mr. Heaster welcomed Ms Tolland to the Board. Ms. Tolland stated that she was happy to be part of the Board. She knows she has a huge learning curve, and will meet with Mr. Goss to get some further knowledge and information.

Ms. Press welcomed Ms. Tolland as the third woman on the Board.

Mr. Briley wished everyone a Happy New Year, welcomed Ms. Tolland, and thanked everyone for the vote of confidence in electing him vice chairperson again.

Mr. Jorczak wanted to mention getting the national baseball tournament that will be coming to Ormond Beach. The condition of the facilities was very instrumental in terms of getting the tournament here, and it can have a huge economic effect on the area. Mr. Doug Wigley is to be commended on his part in getting the facility to the point that it could host an event like this.

Ms. Behnke wished everyone a Happy New Year.

Chairman Thomas stated that Mr. Doug Wigley started serving on the Planning Board in 1995, is still on the Leisure Services Board and was a great asset with his insight and comments. As Mr. Jorczak mentioned, there is a national baseball tournament coming to Ormond Beach, which is expected to generate revenue over \$2,000,000. It will be a two week event, which they are hoping to turn into a three week event next year, and Mr. Wigley was a huge part, in making this happen.

Chairman Thomas has called and spoken to each commissioner and asked them what their vision was for Ormond Beach for the coming years. But he can't call the Planning Board members and ask them. Chairman Thomas would like to have on the agenda a time for each member to tell what their thoughts are for coming years, and what their visions are for Ormond Beach. Chairman Thomas would also like to have a joint work session with the City Commission sometime in the future.

X. ADJOURNMENT

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Ric Goss, AICP, Planning Director

ATTEST:

Doug Thomas, Chairman

Minutes transcribed by Melanie Nagel.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: February 12, 2015

SUBJECT: North US 1 MSA
Amendment to Official Zoning Map

APPLICANT: City Initiated

NUMBER: RZ 15-027

PROJECT PLANNER: Becky Weedo, AICP, CFM, Senior Planner

INTRODUCTION:

This is an administrative request to amend the City's Official Zoning Map (Exhibit 1), to include the North US 1 Highway Municipal Service Area (MSA) allowed per Chapter 171, Part II, Florida Statutes. The proposed zoning amendment is a result of the amendments to the City of Ormond Beach Comprehensive Plan that implemented the provisions of the Interlocal Service Boundary Agreement (ISBA) between the City of Ormond Beach and Volusia County.

There are four planned developments included in the MSA which were previously approved by Volusia County. Since the advertising requirements are different for properties associated with development agreements versus rezoning for all other properties, there will be two separate ordinances provided to the City Commission. One will be for the planned developments being rezoned to PBD and the other will be for the rezoning of the remaining properties in the North US 1 MSA.

Approximately 231 properties were analyzed for existing nonconforming uses in coordination with Volusia County staff (See Table 2). It was determined that there are about 31 existing sites that currently have nonconforming uses. It appears that the change from Volusia County zoning to City zoning will result in only two additional properties having a nonconforming use. Overall, the proposed amendments to the City's Official Zoning Map will have no significant impact to the previously developed sites.

BACKGROUND:

The City Commission adopted the North US 1 Interlocal Service Boundary Agreement on August 19, 2014 per Ordinance 2014-27. Concurrently, the Volusia County Council adopted the Interlocal Service Boundary Agreement on August 21, 2014 by Volusia County Ordinance 2014-12. The ISBA became effective on August 28, 2014 and started the clock for the City to amend its Comprehensive Plan by February 28, 2015. On January 20, 2015, the amendments to the Future Land Use and the Intergovernmental

Coordination Elements, and the Future Land Use Map were adopted by the City Commission.

The purpose of this map amendment is to assign appropriate zoning classifications to the North US 1 Interlocal Service Boundary Agreement area as the result of the Comprehensive Plan amendments. The North US 1 Interlocal Service Boundary Agreement Area includes approximately 231 individual unincorporated properties, also known as the Municipal Service Area (MSA) or Joint Planning Area (JPA) (Exhibit 2). A wide variety of Volusia County zoning designations exist in the North US 1 MSA that range from agricultural uses to commercial. In addition, there are four planned developments: Destination Daytona Phase I, a Business Planned Unit Development (BPUD) ± 51.9 acres (Exhibit 3); Destination Daytona Phase II, a Mixed Use Planned Unit Development (MPUD) ± 112.76 acres (Exhibit 4); a ± 34.83 -acre vacant site located at 1851 N US 1 designated as a Business Planned Unit Development (BPUD) (Exhibit 5); and a ± 5.19 -acre vacant site located at 1405 N US 1 designated as a Business Planned Unit Development (BPUD) (Exhibit 6).

This amendment to the City's Official Zoning Map does not include any plans for new development. Any further site development will require site plan review coordinated between the County and the City. Until a City zoning classification is adopted, the property maintains its County zoning classification.

ANALYSIS:

The City initiated zoning application is required by Florida Statutes and the City's Land Development Code to be consistent with the Future Land Use designation of the property. The Zoning Map amendment for the North US 1 ISBA area proposes to change ± 786.50 acres of unincorporated property from the existing County zoning classifications to the City of Ormond Beach designations. The most similar City zoning classifications were chosen for compatibility and consistency with the adopted City Future Land Use map. Also, current uses approved in the County were considered in selection of the zoning district. Table 1 below is a general summary of the North US 1 MSA City adopted Future Land Use categories, compatible City Zoning Districts, existing uses, and the proposed zoning district.

Table 1 North US 1 MSA Zoning Analysis Summary			
Adopted City Future Land Use	Corresponding Compatible City Zoning Districts	Current County Use	Proposed City Zoning District
Light Industrial/ Utilities (LI/U)	I-1, Light Industrial	Manufacturing, Warehousing, House of Worship,	I-1
	PID, Planned Industrial Development (N/A)	No existing County planned industrial developments	
Rural Estate/ Agriculture (REA)	REA, Rural Estate Agriculture	Vacant	REA
Low Intensity Commercial (LIC)	B-1, Professional Office – Hospital (N/A)	Mixed Planned Developments, Transient Lodging, Restaurants, Bars, Retail Sales, RV Park and Campgrounds, Vehicle Maintenance, and Professional Business Offices.	B-5-for all existing vehicle maintenance and servicing uses. B-7 for properties with existing county transient lodging and other tourist oriented businesses near the I-95 and US 1 interchange. B-8-for all other properties that are not tourist oriented, vehicle maintenance type businesses or planned developments. PBD for the four existing planned developments
	B-4, Central Business (N/A)		
	B-5, Service Commercial		
	B-6, Oceanfront Tourist Commercial (N/A)		
	B-7, Highway Tourist Commercial		
	B-8, Commercial		
	B-9, Boulevard (N/A)		
	B-10, Suburban Boulevard (N/A)		
	PBD, Planned Business Development		

Table 2 below is a detailed description of the proposed rezoning by Property Alternative (Alt) Key.

Table 2 – Proposed Rezoning by Property Alternative Key							
REF #	Property Alt Key	Site Address	Prior Volusia County Future Land Use	Volusia County Existing Zoning	Volusia County Existing Use	Adopted City Future Land Use	Proposed City Zoning
1	4781919	1899 N US HWY 1 ORMOND BEACH 32174	I	I-1	(Formerly US Foods) Food processing plant	I	I-1
2a	6467871	N US HWY 1 ORMOND BEACH 32174	MXZ	MH-4	Vacant	LIC	B-8
2b	6469954	N US HWY 1 ORMOND BEACH 32174	MXZ	MH-4	Vacant	LIC	B-8

Table 2 – Proposed Rezoning by Property Alternative Key

REF #	Property Alt Key	Site Address	Prior Volusia County Future Land Use	Volusia County Existing Zoning	Volusia County Existing Use	Adopted City Future Land Use	Proposed City Zoning
2c	6619328	N US HWY 1 ORMOND BEACH 32174	MXZ	MH-4	Vacant	LIC	B-8
3a	2469650	1845 N US HWY 1 ORMOND BEACH 32174	MXZ	I-1	Nonconforming Storage Building	LIC	B-8
3b	2469650	1845 N US HWY 1 ORMOND BEACH 32174	MXZ	MH-4	SFR (allowed now, will become nonconforming)	LIC	B-8
4c	2469765	N US HWY 1 ORMOND BEACH 32174	I	I-1	Vacant	I	I-1
4a	5016293	1800/1810 N US HWY 1 ORMOND BEACH 32174	I	I-1	Microflex (Manufacturing)	I	I-1
4b	5170799	N US HWY 1 ORMOND BEACH 32174	I	I-1	Vacant	I	I-1
5	2469781	N US HWY 1 ORMOND BEACH 32174	AR	A-1	Vacant	REA	REA
6	2469757	1760 N US HWY 1 ORMOND BEACH 32174	I	I-1	Daytona Marine (Welding Svc.)	I	I-1
7	2469668	1815 N US HWY 1 ORMOND BEACH 32174	I	I-1	Daytona Marine (Manufacturing)	I	I-1
8	2469676	1805 N US HWY 1 ORMOND BEACH 32174	I	I-1	Legal Nonconforming House of Worship by Special Exception in 2001	I	I-1
9	2469641	1851 N US HWY 1 ORMOND BEACH 32174	ULI	A-2	Vacant	LIC	B-7
10	7642018	1851 N US HWY 1 ORMOND BEACH 32174	ULI	<u>BPUD</u>	Communication towers & overflow parking for DD special events	LIC	PBD
11	2469773	1755 N US HWY 1 ORMOND BEACH 32174	ULI	A-2	Vacant	LIC	B-7
12	2469706	N US HWY 1 ORMOND BEACH 32174	C	A-2	Vacant	LIC	B-7
13	6154368	PROPERTY LOCATION IS NOT AVAIL 32174	ULI	A-2	Vacant	LIC	B-7
14a	2469692	1701 N US HWY 1 ORMOND BEACH 32174	ULI	B-6	Nonconforming RV/Mobile Home Park	LIC	B-7
14b	2469692	1701 N US HWY 1 ORMOND BEACH 32174	ULI	A-2	Nonconforming RV/Mobile Home Park	LIC	B-7
14c	6412961	DEST DAYTONA CIR ORMOND BEACH 32174	ULI	<u>MPUD</u>	Vacant – Temporary Campground. Not a year round use.	LIC	PBD

Table 2 – Proposed Rezoning by Property Alternative Key

REF #	Property Alt Key	Site Address	Prior Volusia County Future Land Use	Volusia County Existing Zoning	Volusia County Existing Use	Adopted City Future Land Use	Proposed City Zoning
15	2469714	1725 N US HWY 1 ORMOND BEACH 32174	C	A-2	Vacant	LIC	B-7
16	2469722	N US HWY 1 ORMOND BEACH 32174	LIU	B-6	Vacant	LIC	B-7
17	MULTI- PLE	DESTINATION DAYTONA PHASE II (MULTIPLE ADDRESSES)	ULI	<u>MPUD</u>	Destination Daytona Ph II (Wyotech, Retail/Warehouses)	LIC	PBD
18	MULTI- PLE	DESTINATION DAYTONA PHASE I (MULTIPLE ADDRESSES)	C	<u>BPUD</u>	Destination Daytona Ph I (Condos/Motel and Suites, Harley Davidson, JP Cycles, Travel Plaza, Houligans, Hotel, Restaurants, Giant Recreation World, Specialty Retail)	LIC	PBD
19a	6053391	PROPERTY LOCATION IS NOT AVAIL 32174	C	B-6	Vacant	LIC	B-7
19b	6097470	PROPERTY LOCATION IS NOT AVAIL 32174	C	B-6	Vacant	LIC	B-7
20	2470496	N US HWY 1 ORMOND BEACH 32174	C	B-6	Vacant	LIC	B-7
21	2470411	1644 N US HWY 1 ORMOND BEACH 32174	C	B-6	AA Acurate Truck & Tire Repair	LIC	B-5
22	5956873	BENTON ST ORMOND BEACH 32174	C	B-6	Vacant	LIC	B-7
23	6437351	N US HWY 1 ORMOND BEACH 32174	C	B-6	Vacant	LIC	B-7
24	2469871	BENTON ST ORMOND BEACH 32174	C	B-6	Vacant	LIC	B-7
25	2470364	1544 N US HWY 1 ORMOND BEACH 32174	C	B-6	Vacant	LIC	B-7
26a	6700443	N US HWY 1 ORMOND BEACH 32174	C	B-6	Vacant	LIC	B-7
26b	7075971	NOT AVAILABLE	C	B-6	Vacant	LIC	B-7
27	6437351	N US HWY 1 ORMOND BEACH 32174	C	B-6	Vacant	LIC	B-7
28	2470101	1121 BROADWAY AV ORMOND BEACH 32174	C	B-4	Nonconforming SFR	LIC	B-8
29	2470071	1122 GOWERS ST ORMOND BEACH 32174	C	B-4	Nonconforming SFR	LIC	B-8

Table 2 – Proposed Rezoning by Property Alternative Key

REF #	Property Alt Key	Site Address	Prior Volusia County Future Land Use	Volusia County Existing Zoning	Volusia County Existing Use	Adopted City Future Land Use	Proposed City Zoning
30	2470097	1496 ATLANTIC RD ORMOND BEACH 32174	C	B-4	Nonconforming SFR	LIC	B-8
31a	2470089	1488 ATLANTIC RD ORMOND BEACH 32174	C	B-4	Nonconforming SFR	LIC	B-8
31b	6762538	GOWERS ST ORMOND BEACH 32174	C	B-3	Nonconforming SFR	LIC	B-8
32	2470054	1489 ATLANTIC RD ORMOND BEACH 32174	C	B-4	Nonconforming SFR	LIC	B-8
33	6435537	N US HWY 1 ORMOND BEACH 32174	C	B-4	Vacant	LIC	B-8
34	2470062	GOWERS ST ORMOND BEACH 32174	C	B-4	Vacant	LIC	B-8
35	2470127	1481 N US HWY 1 ORMOND BEACH 32174	C	B-4	Annie Oakley's Bar (Allowed now, will become legal nonconforming as a bar. Restaurants are allowed)	LIC	B-8
36	6436045	1475 N US HWY 1 ORMOND BEACH 32174	C	B-3 & B-4	Vacant	LIC	B-8
37	4962841	1510 N US HWY 1 ORMOND BEACH 32174	C	B-6	Tee Time Golf Carts	LIC	B-7
38	2470569	1082 BROADWAY AV ORMOND BEACH 32174	C	B-6	Vacant	LIC	B-7
39	2470348	1082 GOWERS ST ORMOND BEACH 32174	C	B-4	Legal nonconforming SFR (permitted in 1999)	LIC	B-8
40	2470216	1460 N US HWY 1 ORMOND BEACH 32174	C	B-4	Ormond Quality Mower Center	LIC	B-8
41	2470305	MAGNOLIA ST ORMOND BEACH 32174	C	B-4	Vacant	LIC	B-8
42	2470119	1405 N US HWY 1 ORMOND BEACH 32174	C	<u>BPUD</u>	Vacant	LIC	PBD
43	4505318	PINE TREE DR ORMOND BEACH 32174	UMI	B-9	Vacant	LIC	B-8
44	4083928	50 PINE TREE DR ORMOND BEACH 32174	UMI	B-9	Vacant	LIC	B-8
45	5166180	1385 N US HWY 1 ORMOND BEACH 32174	UMI	B-4	Giant Recreation World	LIC	B-5
46a	2975580	SOUTHLAND RD ORMOND BEACH 32174	I	I-1	Allstar Building Materials	I	I-1

Table 2 – Proposed Rezoning by Property Alternative Key

REF #	Property Alt Key	Site Address	Prior Volusia County Future Land Use	Volusia County Existing Zoning	Volusia County Existing Use	Adopted City Future Land Use	Proposed City Zoning
46b	2975598	N US HWY 1 ORMOND BEACH 32174	I	I-1	Allstar Building Materials	I	I-1
46c	2975601	1361 N US HWY 1 ORMOND BEACH 32174	I	I-1	Allstar Building Materials	I	I-1
47	3033612	1281 N US HWY 1 ORMOND BEACH 32174	I	I-1	WKL Roofing	I	I-1
48	3145933	1195 ROBERT ST ORMOND BEACH 32174	I	I-1	Vacant	I	I-1
48	3145933	1195 ROBERT ST ORMOND BEACH 32174	ULI	R-3	Vacant	LIC	B-8
49	3141768	1212 ROBERTS ST ORMOND BEACH 32174	I	I-1	Nonconforming SFR (Built in 1962)	I	I-1
50a	3141725	N US HWY 1 ORMOND BEACH 32174	I	I-1	Vacant	I	I-1
50b	3141733	1221 N US HWY 1 ORMOND BEACH 32174	I	I-1	Vacant	I	I-1
51	3141717	1203 N US HWY 1 ORMOND BEACH 32174	I	I-1	Multiple Businesses all permitted	I	I-1
52	3141709	1189 N US HWY 1 ORMOND BEACH 32174	I	I-1	Central FL Street Signs & K&L Lawns	I	I-1
53	3141695	1183 N US HWY 1 ORMOND BEACH 32174	I	I-1	Letter Memorial Studio (Manufacturing & Wholesale sales)	I	I-1
54	3141687	1175 N US HWY 1 ORMOND BEACH 32174	C	B-4	Vacant	LIC	B-8
55	3141989	1169 N US HWY 1 ORMOND BEACH 32174	C	B-4	Vacant	LIC	B-8
56	3141971	1165 N US HWY 1 ORMOND BEACH 32174	C	B-4	Vacant	LIC	B-8
57	3141962	1161 N US HWY 1 ORMOND BEACH 32174	C	B-4	Smiley's Tap & Canine Creations	LIC	B-8
58	3141610	1170 N US HWY 1 ORMOND BEACH 32174	I	I-1	Danny's Wrecker Svc.	I	I-1
59	3141601	1160 N US HWY 1 ORMOND BEACH 32174	I	I-1	Vacant	I	I-1
60	3141598	1154 N US HWY 1 ORMOND BEACH 32174	I	I-1	Lawn Statuary/Ornament Manufacturing.	I	I-1
61	3141571	1150 N US HWY 1 ORMOND BEACH 32174	I	I-1	Vacant	I	I-1

Table 2 – Proposed Rezoning by Property Alternative Key

REF #	Property Alt Key	Site Address	Prior Volusia County Future Land Use	Volusia County Existing Zoning	Volusia County Existing Use	Adopted City Future Land Use	Proposed City Zoning
62	3141580	1148 N US HWY 1 ORMOND BEACH 32174	I	I-1	Barney's Leathers (Manufacturing)	I	I-1
63	3141946	1151 N US HWY 1 ORMOND BEACH 32174	C	B-4	Broken Spoke Saloon & bike event including campground (campground not permitted)	LIC	B-8
64	3141938	1141 N US HWY 1 ORMOND BEACH 32174	I	I-1	Nonconforming Mobile Home Park (Built in 1950s)	I	I-1
65	3141920	1133 N US HWY 1 ORMOND BEACH 32174	I	I-1	Motorcycle Repair	I	I-1
66	3141911	1129 N US HWY 1 ORMOND BEACH 32174	UMI	MH-5	Nonconforming SFR	LIC	B-8
67	3141903	1125 N US HWY 1 ORMOND BEACH 32174	UMI	MH-5	Nonconforming SFR plus warehouse	LIC	B-8
68	3141890	1121 N US HWY 1 ORMOND BEACH 32174	UMI	B-4	Vacant	LIC	B-8
69	3141881	1117 N US HWY 1 ORMOND BEACH 32174	C	B-4	Vacant	LIC	B-8
70	3141873	1113 N US HWY 1 ORMOND BEACH 32174	C	B-4	Nonconforming SFR	LIC	B-8
71a	3141865	1109 N US HWY 1 ORMOND BEACH 32174	C	B-4	Advance Satellite (Retail & Wholesale Sales)	LIC	B-8
71b	3141865	1109 N US HWY 1 ORMOND BEACH 32174	ULI	R-3	Outside the ISBA boundary	LIC	B-8
72	3141857	1105 N US HWY 1 ORMOND BEACH 32174	C	B-4	Restaurant/Bar & Bike events	LIC	B-8
73	3141539	1112 & 1116 N US HWY 1 ORMOND BEACH 32174	I	I-1	Robbins Campers – Service is allowed, sales is legal nonconforming	I	I-1
74	3141504	1106 N US HWY 1 ORMOND BEACH 32174	I	I-1	Hitch City is permitted plus MH is legal nonconforming	I	I-1
75	3141491	1098 N US HWY 1 ORMOND BEACH 32174	I	I-1	Hitch City	I	I-1
76a	5153916	1096 N US HWY 1 0101 ORMOND BEACH 32174	I	I-1	Best Marketing Systems Water Treatment	I	I-1

Table 2 – Proposed Rezoning by Property Alternative Key

REF #	Property Alt Key	Site Address	Prior Volusia County Future Land Use	Volusia County Existing Zoning	Volusia County Existing Use	Adopted City Future Land Use	Proposed City Zoning
76b	5153924	1096 N US HWY 1 ORMOND BEACH 32174	I	I-1	Gamma High Voltage Research	I	I-1
76c	5153932	1096 N US HWY 1 0103 ORMOND BEACH 32174	I	I-1	Condo warehouse	I	I-1
76d	5153941	1096 N US HWY 1 0104 ORMOND BEACH 32174	I	I-1	Condo warehouse	I	I-1
76e	5153959	1096 N US HWY 1 0105 ORMOND BEACH 32174	I	I-1	Condo warehouse	I	I-1
76f	5153967	1096 N US HWY 1 0106 ORMOND BEACH 32174	I	I-1	Shepherd Wholesale Tackle	I	I-1
76g	5153983	1096 N US HWY 1 0107 ORMOND BEACH 32174	I	I-1	R&B Construction	I	I-1
76h	5153991	1096 N US HWY 1 0108 ORMOND BEACH 32174	I	I-1	JNR Computers	I	I-1
76i	5154009	1096 N US HWY 1 0109 ORMOND BEACH 32174	I	I-1	Condo warehouse	I	I-1
76j	5154033	1096 N US HWY 1 0112 ORMOND BEACH 32174	I	I-1	Condo warehouse	I	I-1
76k	5154041	1096 N US HWY 1 0113 ORMOND BEACH 32174	I	I-1	Condo warehouse	I	I-1
76l	5154050	1096 N US HWY 1 0114 ORMOND BEACH 32174	I	I-1	Condo warehouse	I	I-1
77	3142322	1095 N US HWY 1 ORMOND BEACH 32174 (1097 in rear)	I	B-4	Tomoka Center Shopping Center	LIC	B-8
78	3142292	1081, 1087 & 1089 N US HWY 1 ORMOND BEACH 32174	C	B-4	Boot Hill – Bike Events, Automotive manufacturing, & engine repair	LIC	B-5
79	3142284	1077 N US HWY 1 ORMOND BEACH 32174	C	B-4	Nonconforming Mobile Home Park	LIC	B-8
80	3142268	1069 N US HWY 1 ORMOND BEACH 32174	C	I-1	Nonconforming Bar	LIC	B-8
81	3142250	1065 N US HWY 1 ORMOND BEACH 32174	C	I-1	Standard Cycle Parts	LIC	B-5
82	3142241	1059 N US HWY 1 ORMOND BEACH 32174	C	I-1 & B-4	Vacant	LIC	B-8
83	3142233	1049 N US HWY 1 ORMOND BEACH 32174	C	B-4	Vacant	LIC	B-8

Table 2 – Proposed Rezoning by Property Alternative Key

REF #	Property Alt Key	Site Address	Prior Volusia County Future Land Use	Volusia County Existing Zoning	Volusia County Existing Use	Adopted City Future Land Use	Proposed City Zoning
84	3141474	1090 N US HWY 1 ORMOND BEACH 32174	C	I-1	Nonconforming Wild Bill's & Kurras Mobile Village	I	I-1
85	3141466	1082 N US HWY 1 ORMOND BEACH 32174	I	I-1	Nonconforming Harris Village RV Park	I	I-1
86	3141458	1074 N US HWY 1 ORMOND BEACH 32174	I	I-1	Nonconforming Ocean Club (Biker Events, Retail Sales, Business Svc)	I	I-1
87	3141440	1068 N US HWY 1 ORMOND BEACH 32174	I	I-1	Nonconforming Iron Horse Saloon	I	I-1
88	3141270	130 GAMBLE AV ORMOND BEACH 32174	I	I-1	Nonconforming SFR	LIC	B-8
89	3142225	1041 N US HWY 1 ORMOND BEACH 32174	C	B-4	Convenience Store	LIC	B-8
90	3144261	125 GAMBLE AV ORMOND BEACH 32174	C	B-4	Nonconforming SFR	LIC	B-8
91	3144252	115 GAMBLE AV ORMOND BEACH 32174	C	B-4	Nonconforming SFR	LIC	B-8
92	3141407	1046 N US HWY 1 ORMOND BEACH 32174	C	I-1	Nonconforming SFR plus Service Shop	I	I-1
93	3141334	1019 N US HWY 1 ORMOND BEACH 32174	I	B-4	Nonconforming 3 SFRs	LIC	B-8
94a	3141326	1009 N US HWY 1 ORMOND BEACH 32174	C	B-4	Insight Unlimited Outdoor Chal & SFR	LIC	B-8
94b	3141326	1009 N US HWY 1 ORMOND BEACH 32174	C	R-4	Nonconforming SFR	LIC	B-8
95a	3141296	1005 N US HWY 1 ORMOND BEACH 32174	ULI	B-4	Vacant	LIC	B-8
95b	3141296	N US HWY 1 ORMOND BEACH 32174	C	R-4	Vacant	LIC	B-8
96	3141300	1003 N US HWY 1 ORMOND BEACH 32174	C	B-4	Tomoka Boat Club - Retail/Wholesale Sales, Marina and Boat Storage	LIC	B-8
97	3141288	1001 N US HWY 1 ORMOND BEACH 32174	C	B-4	Vacant	LIC	B-5
98	6500037	N US HWY 1 ORMOND BEACH 32174	C	B-3	Vacant	LIC	B-8

Table 2 – Proposed Rezoning by Property Alternative Key

REF #	Property Alt Key	Site Address	Prior Volusia County Future Land Use	Volusia County Existing Zoning	Volusia County Existing Use	Adopted City Future Land Use	Proposed City Zoning
99	3141261	150 GAMBLE AV ORMOND BEACH 32174	C	I-1 & R-3	Nonconforming SFR (1/2 in I-1 and 1/2 in R-3)	LIC	B-8
100	6762538	GOWERS ST ORMOND BEACH 32174	C	B-3	Vacant	LIC	B-8

Approximately 231 individual privately owned properties were reviewed. Around 48 parcels are undeveloped leaving 183 with various uses as described and summarized in Table 2. In analyzing to determine appropriate City zoning districts, a review of the compatibility with the City future land use designations was made. It was noted that 26 parcels with Volusia County’s prior future land use designations were conditionally compatible with County zoning districts and nine parcels actually had incompatible future land use and zoning districts. Those parcels have now been corrected for compatibility between City future land use and City zoning.

Also, in coordination with Volusia County staff, it was found that approximately 31 of the developed sites currently have nonconforming uses as described in Table 2. Many of the uses became nonconforming due to the major update of the Volusia County Zoning Ordinance in 2004.

The change from Volusia County zoning to City zoning will result in only two additional properties having a nonconforming use. Potentially, some nonconforming uses in the County will actually become allowed such as the House of Worship. Houses of Worship became legal nonconforming uses after the County 2004 update but are allowed as a conditional use in the City’s I-1 Zoning District. Overall, the proposed amendments to the City’s Official Zoning Map are not expected to have a significant impact on allowable uses of the previously developed sites.

CONCLUSION/CRITERIA FOR APPROVAL:

Section 1-18 D.3. of the Land Development Code states that the Planning Board shall review rezoning based on the Development Order criteria in Section 1-18.E. of the Land Development Code which are analyzed below:

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The request is based on a need to assign City zoning classifications to the properties within the North US 1 MSA as the result of amendments to the City Comprehensive Plan implementing the terms of the Interlocal Service Boundary

Agreement. The zoning map amendment will not adversely affect public health, safety, welfare or the quality of life. The City Site Plan Review Committee is required to review any proposed future site development.

2. The proposed development is consistent with the Comprehensive Plan.

Section 2-02 of the Land Development Code establishes consistent zoning designations with the future land use map designations. The proposed zoning districts are consistent with the City's Comprehensive Plan.

3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.

The zoning amendment application does not propose further site development beyond what has been approved. Any future site development would be required to comply with all applicable regulations regarding environmentally sensitive lands and protected animal species.

4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.

This proposed zoning map amendment is not anticipated to have a significant impact on adjacent properties. The purpose of the zoning map amendment is to assign districts consistent with the adopted City Future Land Use that implemented the terms of the Interlocal Service Boundary Agreement (ISBA). Future development will be a coordinated review between the County and the City and likely improve property values and aesthetics along the north US 1 corridor.

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

The zoning map amendment is for the North US 1 unincorporated properties (MSA) within the Interlocal Service Boundary Agreement area. Public facilities are part of the agreement and will not be impacted. Public facilities will be required with any future site development.

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.

The zoning map amendment does not propose any additional site development beyond what has been approved; therefore there will be no additional impacts to traffic. Traffic impacts and patterns will be reviewed with any future site development or redevelopment.

7. The proposed development is functional in the use of space and aesthetically acceptable.

The zoning map amendment does not propose any additional site development beyond what has been approved. Any future site development or redevelopment would require review by the City's Site Plan Review Committee.

8. The proposed development provides for the safety of occupants and visitors.

The zoning map amendment does not propose any additional site development beyond what has been approved. Any future development or redevelopment would require review by the City's Site Plan Review Committee.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

The zoning map amendment does not propose any additional site development beyond what has been approved. Any future development or redevelopment would require review by the City's Site Plan Review Committee.

10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

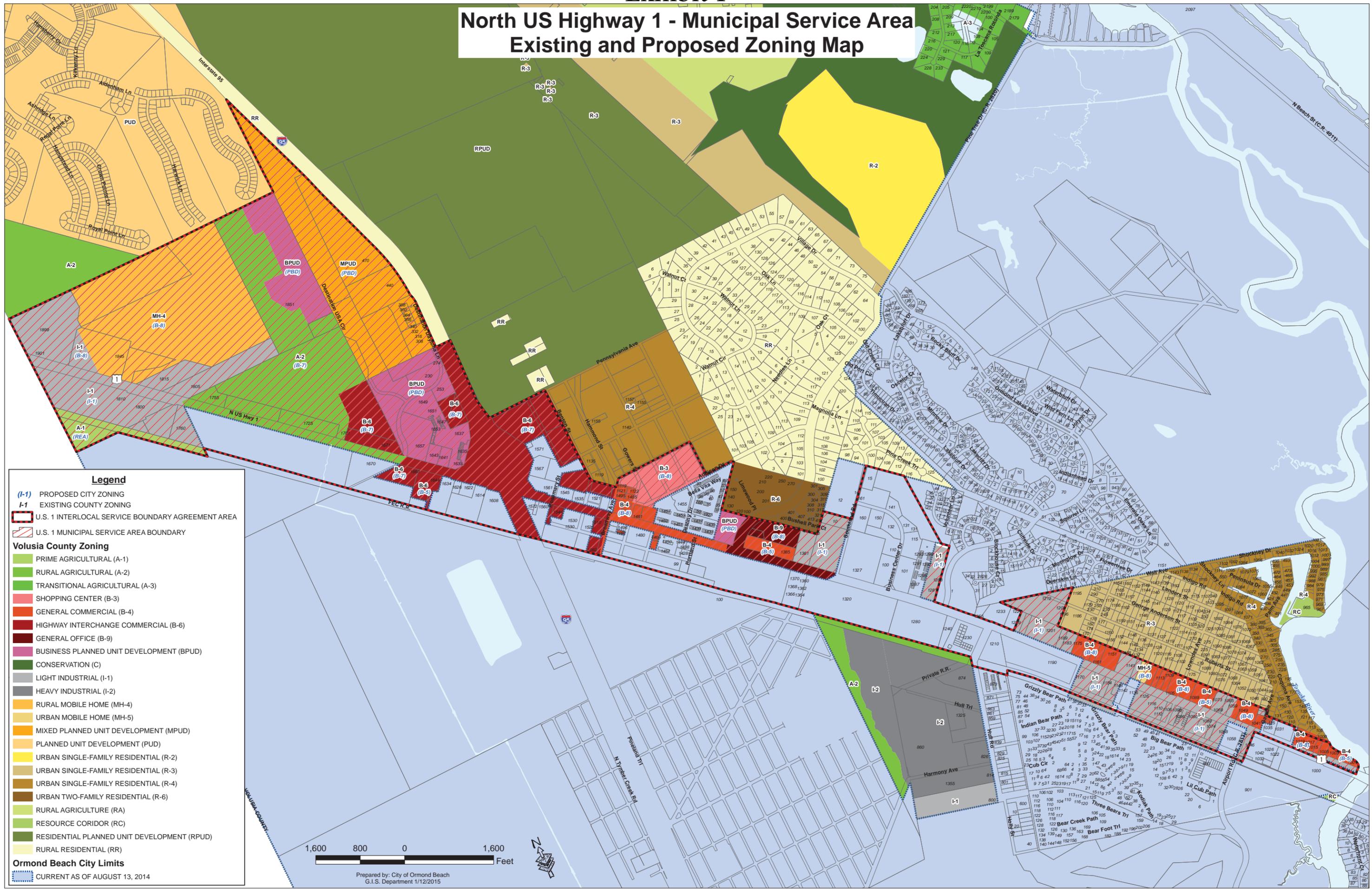
Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of the zoning map amendment for the North US 1 Municipal Service Area as a result of the adoption of the amendments to the City Comprehensive Plan which implemented the terms of the North US 1 ISBA.

Attachments:

- Exhibit 1: Proposed Zoning Map
- Exhibit 2: North US Highway 1 ISBA and Municipal Service Area Map
- Exhibit 3: Volusia County Adopted BPUD Res #2004-100, Destination Daytona, Ph. I
- Exhibit 4: Volusia County Adopted MPUD Res #2006-91, Destination Daytona, Ph. II
- Exhibit 5: Volusia County Adopted BPUD Res #2006-96, 1851 N US Highway 1
- Exhibit 6: Volusia County Adopted BPUD Res #2010-223, 1405 N US Highway 1

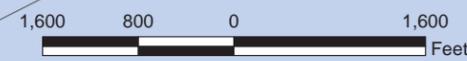
Exhibit 1

North US Highway 1 - Municipal Service Area Existing and Proposed Zoning Map



Legend

- (I-1) PROPOSED CITY ZONING
- I-1 EXISTING COUNTY ZONING
- U.S. 1 INTERLOCAL SERVICE BOUNDARY AGREEMENT AREA
- U.S. 1 MUNICIPAL SERVICE AREA BOUNDARY
- Volusia County Zoning**
- PRIME AGRICULTURAL (A-1)
- RURAL AGRICULTURAL (A-2)
- TRANSITIONAL AGRICULTURAL (A-3)
- SHOPPING CENTER (B-3)
- GENERAL COMMERCIAL (B-4)
- HIGHWAY INTERCHANGE COMMERCIAL (B-6)
- GENERAL OFFICE (B-9)
- BUSINESS PLANNED UNIT DEVELOPMENT (BPUD)
- CONSERVATION (C)
- LIGHT INDUSTRIAL (I-1)
- HEAVY INDUSTRIAL (I-2)
- RURAL MOBILE HOME (MH-4)
- URBAN MOBILE HOME (MH-5)
- MIXED PLANNED UNIT DEVELOPMENT (MPUD)
- PLANNED UNIT DEVELOPMENT (PUD)
- URBAN SINGLE-FAMILY RESIDENTIAL (R-2)
- URBAN SINGLE-FAMILY RESIDENTIAL (R-3)
- URBAN SINGLE-FAMILY RESIDENTIAL (R-4)
- URBAN TWO-FAMILY RESIDENTIAL (R-6)
- RURAL AGRICULTURE (RA)
- RESOURCE CORRIDOR (RC)
- RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)
- RURAL RESIDENTIAL (RR)
- Ormond Beach City Limits**
- CURRENT AS OF AUGUST 13, 2014

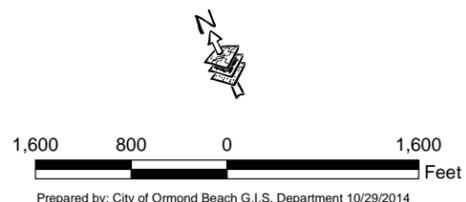
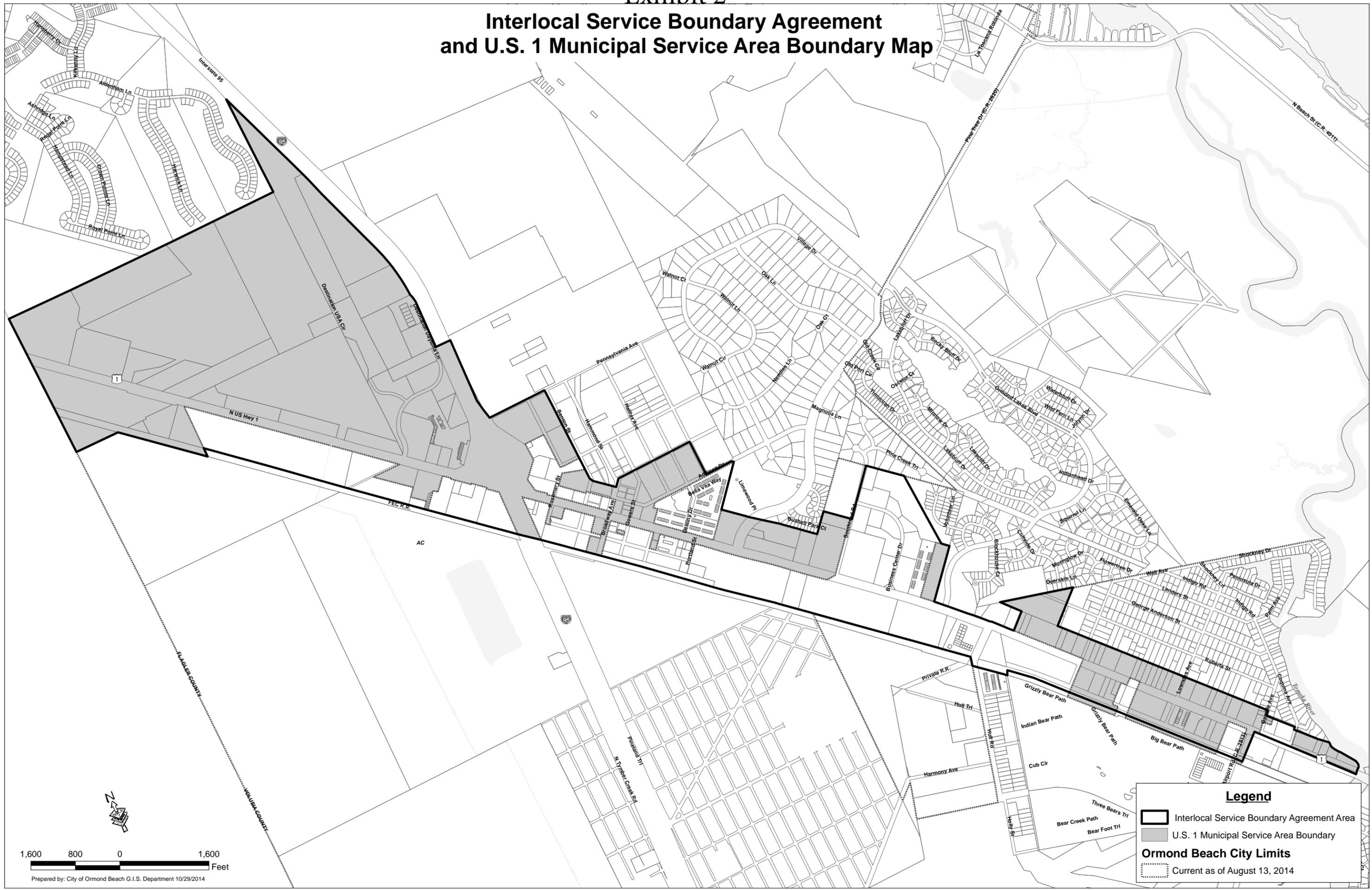


Prepared by: City of Ormond Beach
G.I.S. Department 1/12/2015



Exhibit 2

Interlocal Service Boundary Agreement and U.S. 1 Municipal Service Area Boundary Map



Legend

- Interlocal Service Boundary Agreement Area
- U.S. 1 Municipal Service Area Boundary
- Ormond Beach City Limits
- Current as of August 13, 2014

Exhibit 3

IN THE COUNTY COUNCIL OF THE
COUNTY OF VOLUSIA, FLORIDA

IN RE: Application # PUD-04-030

Having Fun LLC, Having Fun II, LLC, and
Love's Travel Stops & Country Stores, Inc.

RESOLUTION # 2004-100

ORDER AND RESOLUTION GRANTING A REQUEST FOR CHANGE OF ZONING

FROM **B-6** (Highway Commercial)

TO **Love's / Having Fun BPUD** (Business Planned Unit Development)

The application, of Having Fun, LLC., a Florida Limited Liability Company, Having Fun II, LLC., a Florida Limited Liability Company, and Love's Travel Stops & Country Stores, Inc., an Oklahoma corporation, hereinafter "Applicant", for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on May 20, 2004. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth & Resource Management Department, Legal Services, and other service groups and agencies of Volusia County and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on April 13, 2004, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

GENERAL FINDINGS

A. That the application of Having Fun, LLC, Having Fun II, LLC, and Love's Travel Stops & Country Stores, Inc. (Applicant), was duly and properly filed herein on February 27, 2004, as required by law.

B. That all fees and costs, which are by law, regulation or Ordinance required to be borne and paid by the Applicant have been paid.

C. That the Applicant is the owner of a 51.897-acre parcel of land which is situated in Volusia County. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".

D. That the Applicant has held a pre-application meeting as required by the Volusia County Zoning Ordinance No. 80-8, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the Volusia County Zoning Ordinance No. 80-8, as amended.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from B-6 (Highway Commercial) to BPUD (Business Planned Unit Development).

B. That the said rezoning to a BPUD is consistent with both the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended, the intent and purpose of the Volusia County Zoning Ordinance No. 80-8, the City of Ormond Beach Zoning Ordinance addressing gateway standards, and it does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

C. That the architecture, landscaping and signage for the BPUD are as compliant as practicable with the terms and provisions of Volusia County Ordinance 2004-01 regarding Non-Residential Development Design Standards;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY ADMINISTRATION CENTER, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 20th DAY OF MAY, A.D., 2004, AS FOLLOWS:

A. That the Application of Having Fun, LLC, Having Fun II, LLC, and Love's Travel Stops & Country Stores, Inc., the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from B-6 to BPUD as described in Article VII of the Volusia County Zoning Ordinance No. 80-8, as amended.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to **Love's / Having Fun BPUD**.

D. That Volusia County Zoning Ordinance No. 80-8, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Order and Resolution and with respect to any conflict between Ordinance No. 80-8, as amended, or other local ordinances and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The Volusia County Zoning Enforcement Official will ensure overall compliance with this Order and Resolution.

E. Unless otherwise provided for herein, Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the BPUD in the same manner as the B-6 (Highway Commercial) zoning classification.

F. Nothing in this Order and Resolution shall abridge the requirements of any Volusia County Ordinance other than Zoning Ordinance 80-8, as amended and other ordinances as noted herein. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Further, nothing in the Development Agreement, except as noted herein, is intended to abridge the requirements of Ordinance No. 88-3, as amended, and any other County Ordinances.

DEVELOPMENT AGREEMENT

A. Development Concept. The property shall be developed as a BPUD substantially in accordance with the Master Development Plan for the property. The Master Development Plan shall govern the development of the property as a BPUD and shall regulate the present and future land use of the property.

1. Master Development Plan. The Master Development Plan shall consist of the Master Plan prepared by Mark S. Dowst, P.E., dated 02/26/04, which is attached hereto and this Development Agreement with exhibits. The Master Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B" which is attached hereto. The Master Plan shall be filed and retained for public inspection in the Growth & Resource Management Department and it shall constitute a supplement to the Official Zoning Map of Volusia County. Off site conservation and drainage easements associated with the BPUD are illustrated on Exhibit "B-1" which is attached.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official to be minor amendments as set out by Section 813.06 of Ordinance No. 80-8, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article III of the Volusia County Land Development Code, Ordinance No. 88-3, as amended. The Final Site Plan may be prepared for individual buildings or lots as depicted on the Master Plan. In that event, the site plan for an individual building and related land, shall demonstrate consistency with the balance of the development depicted in the Master Plan. Nothing herein shall be construed to prevent the County from granting site plan approval for any portion of the property prior to approval of the Master Development Plan.

4. Subdivision Approval. The preliminary and final plat for subdivision of the property shall be submitted for review and approval in the manner required by Article II of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

B. Unified Ownership. The Applicant or their successors shall maintain unified ownership of the subject parcel until after the approval and recording of a plat based on the Master Plan.

C. Phases of Development. The parties intend to develop the infrastructure for the BPUD simultaneously and jointly. Individual buildings and signage within the BPUD may be developed at individual rates. The parties agree that prior to the issuance of a certificate of occupancy for any of the buildings within the BPUD infrastructure (e.g., ingress, egress, parking, landscaping, water and sewer) for the BPUD shall be complete or bonded for completion so as to allow the safe operation and occupancy of the buildings within the BPUD.

D. Land Uses Within the BPUD. The following uses shall be permitted within the BPUD:

- Automotive service stations, Type A
- Bars as accessory uses to hotels and restaurants,
- Barber and beauty shops,
- Condominium Hotel,
- Communication towers,
- Convenience stores, with or without fuel dispensers,
- Cultural art centers,
- Essential utility services,
- Exempt excavations (refer to section 817.00(o) Ord. #80-8/article VIII Ord. #88-3),
- Exempt landfills (refer to section 817.00(p) Ord. #80-8),
- Fire stations,
- General Offices
- General retail sales,
- Hotels/motels,
- Laundry and dry cleaning establishments, (drop-off/pick-up only; no chemical cleaning plant on site)

- Itinerant Merchants ¹,
- Libraries,
- Motorcycle sales and service, excluding outdoor paint of bodywork, rebuilding or reconditioning of engines.
- Museums,
- Nightclubs,
- Outdoor entertainment ²,
- Publicly owned or regulated water supply wells,
- Restaurants, (restaurants with drive through facilities are permitted provided they oriented and screened from the public right-of-way) ³,
- Retail specialty shops,
- Theaters,
- Truck Stop.

E. Development Standards.

- | | |
|--|-------------|
| 1. Minimum lot size | One Acre |
| 2. Minimum yard size (building) ⁴ : | |
| a. Front yard: | 40 ft. |
| b. Rear yard: | 25 ft. |
| c. Side yard (east): | 10 ft. |
| d. Side yard (west): | 10 ft. |
| 3. Maximum lot coverage: | 40 percent. |
| 4. Maximum building height: | 70 ft. |

¹ Itinerant Merchants shall be permitted as allowed by Composite Exhibit "D" which is attached hereto and incorporated herein by reference.

² Outdoor Entertainment shall be permitted as allowed by Composite Exhibit "E" which is attached hereto and incorporated herein by reference.

³ Restaurants shall include or be allowed drive-through facilities.

⁴ The setbacks listed are for general purposes. In the event of a conflict between a setback listed above or a lesser setback or buffer shown by the Master Plan, the Master Plan shall control. The listed setbacks may be diminished by the Master Plan and the setbacks illustrated by the Master Plan.

F. Landscape buffer requirements. Landscape buffers are conceptually depicted on the Master Plan. Landscaping buffers shall comply with the City of Ormond Beach Greenbelt and Gateway Standards, as approved by Ormond Beach. Lots internal to the development shall not be required to maintain landscape buffers except as depicted by the Master Plan. Landscape Buffers along US-1 and I-95 shall conform to the following minimum dimensions: US-1 buffer - 36 feet; and I-95 buffer without frontage road - 60 feet and I-95 buffer with frontage road - 25 feet, with the exception of the Lot 3 (existing motel and proposed Harley Davidson site). All other buffers internal to the project shall not be less than 10 feet along common parcel boundaries. A representative sample of the Project Landscape Plan is attached hereto and incorporated herein as Exhibit "C."

G. Off-street parking requirements. The applicable requirements of Section 810.00 of the Volusia County Zoning Ordinance shall be met with the exception that up to twenty (20%) of the required parking for the Harley Davidson site, as located on the Preliminary Plan Exhibit "B", may be motorcycle parking spaces. Also, the total number parking of spaces dedicated to the Harley Davidson site may be further reduced upon presentation and acceptance of a parking study, which justifies a further reduction in the required number of parking spaces. The Zoning Official shall have the authority to render a decision as to the acceptability and justification of the study and allow the reduction. The reduction in parking may be processed as a Minor Amendment as set forth in Section 813.06 of the Volusia County Zoning Ordinance 80-8 as amended. The Applicant agrees to revise and record the Revised Master Plan, which reflects any such

changes with the Clerk of the Court. A copy of the Revised Master Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth & Resource Management Department.

H. Itinerant Merchants. The current terms, provisions and interpretation of Volusia County Code, Article III, Itinerant Merchants, Sections 26-51 through 26-55 of the Code of Ordinances shall be the governing provisions and interpretations for the allowance or prohibition of itinerant merchants and/or sales, display or activity at the subject property. A copy of the ordinance, terms and provisions that shall control Itinerant Merchants are attached hereto and incorporated herein as Exhibit "D." Interpretation of the ordinance shall be established by correspondence and practices of Volusia County. Itinerant vendor and merchants spaces shall be located no closer than 150 feet to the perimeter boundary of the PUD along US 1 and the I-95 right-of-way adjacent to Lot 3.

I. Outdoor Entertainment. The current terms, provision and current interpretation of Volusia County Code, Article II, *Outdoor Entertainment Events*, Sections 10-31 through 10-68 of the Code of Ordinances, shall be the governing provisions and interpretations for allowance or prohibition of outdoor entertainment at the subject property. A copy of the ordinance, terms and provisions that shall control are attached hereto and incorporated herein as Composite Exhibit "E." Interpretation of the Ordinance shall be established by correspondence and practices of Volusia County.

J. Signage requirements. Signage shall be permitted in accordance with the Sign Plan, which is attached hereto and incorporated herein as Composite Exhibit "F" showing the location, configuration and size of the signage allowed for the property. Additional signage shall meet the provisions of the Volusia County Ordinance No. 80-8, as amended, or the City of Ormond Beach sign regulations, whichever is more stringent. Interchange signs (125 sq. ft./50 ft high), not to exceed three signs, shall be permitted for each lot abutting the interstate, except for Harley-Davidson building on Lot 3 and Lot 4. Love Travel Stop and Stores, Inc. and its successors may erect only one off-premises sign within the BPUD as located on the Master Plan and Composite Exhibit F. The Love Travel Stop and Stores, Inc. off-premises sign shall be no larger than 650 sq. ft. in copy area, no higher than 50 feet above grade and shall be supported by a single pole, shown as Sign Type 7. Two existing off-premise signs situated within the BPUD project and in the abutting IPUD zoned development shall be removed to offset the new abovementioned sign.

K. Environmental Considerations. All of the development shall meet the applicable environmental standards of the Land Development Code, Ordinance No. 88-3, as amended. Offsite conservation and drainage easements associated with the BPUD are illustrated on Exhibit B-1, which is attached hereto. The conservation wetland mitigation plans shall be finalized prior to submitting for final site plan review and approval.

L. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the BPUD will be provided in accordance with the

Comprehensive Plan, Ordinance No. 90-10, as amended, the Land Development Code Ordinance No. 88-3, as amended, and State of Florida Administrative Code 64E-6. Provision and sewage disposal will be provided by the City of Ormond Beach pursuant to the terms of the Interlocal Agreement between the County of Volusia and the City of Ormond Beach.

M. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Code, Article VIII, Ordinance No. 88-3, as amended.

N. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Code, as amended. The parcel shall be developed in substantial accordance with the access provisions noted on the Master Plan.

O. Reverter Provision. Within five (5) years from the effective date of this Order and Resolution, the Applicant shall have submitted a Final Site Plan as described in Section A, 3. of this "Development Agreement". In the event that the Final Site Plan is not submitted on or before the date indicated, this agreement shall expire, unless the Zoning Enforcement Official, for good cause shown, shall approve a minor amendment to extend the time period indicated in this paragraph. Any subsequent proposed development of this property will be processed as a major amendment of the Master Development Plan in accordance with paragraph A, 2 of this Agreement.

P. Binding Effect of Plans; Recording; and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Master Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The BPUD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended.

This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth & Resource Management Department. The date of receipt of this document by the Growth & Resource Management Department shall constitute the effective date of the BPUD or its subsequent amendments. The Applicant shall pay all filing costs for recording documents.

Q. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may not comply with the Volusia County Land Development Code Ordinance No. 88-3, as amended as modified by this agreement and the Master Development Plan. Upon determination of the Zoning Enforcement Official, that a revision such as the ones contemplated above are proposed by or acceptable to the

C:\Documents and Settings\Mandy Ellen Space\My Documents\WP51\Harley North\Harley-Love PUD2 sent 1-28-05.doc

applicant, these revisions may be processed as minor amendments as set forth in Section 813.06 of the Volusia County Zoning Ordinance No. 80-8, as amended. The Applicant agrees to revise and record the Revised Master Plan, which reflects any such changes with the Clerk of the Court immediately following the 10-day review time frame for minor amendments. A copy of the Revised Master Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth & Resource Management Department.

R. Bilateral Agreement. The parties agree that this agreement is a bilateral agreement and that its terms, provisions and requirements inure to the benefit of all the parties as both consideration and benefit. To that end, the parties agree that the terms, provisions and requirements set out herein and in the attached exhibits may not be modified, excused or deleted without the written agreement of the entity or its successors or assigns holding an interest in the real property that will be directly affected by and subject to the proposed modification, excuse or deletion and that the terms of the written agreement modifying this agreement or its exhibits shall be agreed to, approved and memorialized and recorded with the same dignity as this Master Development Agreement. It is specifically agreed, however, that Love's may independently seek a modification for its property without the consent of Having Fun or Having Fun II or their successors. It is specifically agreed that Having Fun and Having Fun II may independently seek a modification for its property without the consent of Love's or its successors.

S. Project Architecture. The applicant proposes to build the buildings with a mixture of architectural styles that will allow a pleasing appearance that is complimentary from building to building and visibly interesting. The predominant architectural style within the BPUD shall be "Spanish Eclectic" as illustrated by the renderings of the Harley building, Love's building and hotel building shown as part of Composite Exhibit "G" attached hereto and by reference incorporated herein. One of the restaurant buildings proposed to be located in the BPUD shall exhibit the elements of Southern Rural Vernacular style building illustrated on page 7 of Exhibit "G." One of the restaurants proposed to be located in the PBUD shall exhibit the elements of the 50's era, Art Deco style building illustrated on page 8 of Exhibit "G". The acceptable architectural styles for "themed" buildings whose appearance will be compatible with but may be in contrast to the balance of the buildings within the BPUD shall all be Spanish Eclectic, old Florida Vernacular and Art Deco. These architectural styles are acceptable to the City of Ormond Beach Greenbelt and Gateway Standards as approved by the City of Ormond Beach.

T. Others

1. UTILITIES DISTRIBUTION LINES. All distributions lines within the BPUD shall be located underground; however, those appurtenances requiring above ground installations by local utility companies may be exempted during the final site plan / subdivision approval process.

2. SCREENING OF MECHANICAL EQUIPMENT. Air conditioning and mechanical equipment shall be screened from public view and/or landscaped to a minimum height of six (6) feet to limit visibility.

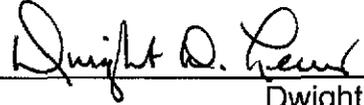
DONE and ORDERED by the County Council of Volusia County, Florida,
this 14th day of September 2004.

ATTEST:



Ray W. Pennebaker
Deputy County Manager

VOLUSIA COUNTY COUNCIL



Dwight D. Lewis
Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 14th day of September, 2004, by Ray W. Pennebaker and Dwight D. Lewis, as Deputy County Manager and Chair, Volusia County Council, respectively, on behalf of the County of Volusia, and who are personally known to me.



NOTARY PUBLIC, STATE OF FLORIDA

 Susan M Whittaker
My Commission DD112645
Expires August 08, 2006

Type or Print Name:

SUSAN M. WHITTAKER

Commission & Expiration Date

No.: _____

WITNESSES:

Jacqueline S. Berry
Signature

Alice A. Hensler
Signature

HAVING FUN, LLC
By: [Signature]

CHARLES D HOOD JR, MANAGER
(Printed Name & Title) MEMBER

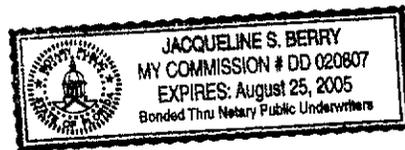
The foregoing instrument was acknowledged before me this 7th day of December, 2004, by Charles D. Hood, Jr. who is personally known to me or whose identity I proved on the basis of _____

Jacqueline S. Berry
NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission & Expiration Date

No.: _____



WITNESSES:

HAVING FUN II, LLC

Jacqueline S. Berry
Signature

By: _____

Sue A. Hensler
Signature

Charles D. Hood, Jr.
(Printed Name & Title) Member

The foregoing instrument was acknowledged before me this 7th day of December, 2004, by Charles D. Hood, Jr., who is personally known to me or whose identity I proved on the basis of _____.

Jacqueline S. Berry
NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission & Expiration Date

No.: _____



Revised Sept. 13, 2004

EXHIBIT "A"

DESCRIPTION

A PORTION OF SECTIONS 25, 26 AND 36, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 25 AS THE POINT OF REFERENCE, RUN NORTH 04 DEGREES 32 MINUTES 54 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2.54 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (S.R. NO. 5) AND THE POINT OF BEGINNING; THENCE NORTH 49 DEGREES 54 MINUTES 01 SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 183.94 FEET TO A POINT ON THE ARC OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 91 DEGREES 22 MINUTES 05 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 84 DEGREES 24 MINUTES 57 SECONDS EAST, 35.77 FEET; THENCE DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE, RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.87 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 350.00 FEET, A CENTRAL ANGLE OF 41 DEGREES 29 MINUTES 29 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 17 DEGREES 59 MINUTES 10 SECONDS EAST, 247.95 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 253.46 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 625.00 FEET, A CENTRAL ANGLE OF 00 DEGREES 11 MINUTES 34 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 02 DEGREES 39 MINUTES 47 SECONDS WEST, 2.10 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 2.10 FEET TO THE WEST LINE OF SAID SECTION 25; THENCE NORTH 04 DEGREES 32 MINUTES 54 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 1233.32 FEET; THENCE DEPARTING SAID WEST LINE, RUN NORTH 88 DEGREES 18 MINUTES 15 SECONDS EAST, A DISTANCE OF 1378.33 FEET TO THE WESTERLY LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE NO. 95 (S.R. NO. 9) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 79002; THENCE SOUTH 01 DEGREES 08 MINUTES 35 SECONDS WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 900.09 FEET TO THE NORTHEAST CORNER OF A FLORIDA DEPARTMENT OF TRANSPORTATION WATER RETENTION AREA AS SHOWN ON SAID RIGHT OF WAY MAP AND RECORDED IN OFFICIAL RECORDS BOOK 4878, PAGE 1191 AND OFFICIAL RECORDS BOOK 4779, PAGE 1032 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN ALONG THE BOUNDARY OF SAID WATER RETENTION AREA THE FOLLOWING COURSES AND DISTANCES: NORTH 88 DEGREES 51 MINUTES 25 SECONDS WEST, A DISTANCE OF 384.10 FEET; THENCE SOUTH 01 DEGREES 39 MINUTES 54 SECONDS EAST, A DISTANCE OF 580.95 FEET; THENCE SOUTH 88 DEGREES 51 MINUTES 25 SECONDS EAST, A DISTANCE OF 355.64 FEET TO SAID WESTERLY LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE NO. 95; THENCE RUN SOUTHWESTERLY ALONG SAID WESTERLY LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 17 DEGREES 50 MINUTES 32 SECONDS WEST, A DISTANCE OF 123.50 FEET TO THE SOUTH LINE OF SAID SECTION 25; THENCE CONTINUE SOUTH 17 DEGREES 50 MINUTES 32 SECONDS WEST, A DISTANCE OF 189.71 FEET; THENCE SOUTH 39 DEGREES 42 MINUTES 07 SECONDS WEST, A DISTANCE OF 490.90 FEET; THENCE SOUTH 88 DEGREES 14 MINUTES 59 SECONDS WEST, A DISTANCE OF 180.66 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 1; THENCE NORTH 49 DEGREES 55 MINUTES 58 SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 821.55 FEET TO THE SOUTH LINE OF SAID SECTION 25; THENCE CONTINUE NORTH 49 DEGREES 55 MINUTES 58 SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 3.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 51.897 ACRES, MORE OR LESS.

EXHIBIT "B"

EXHIBIT "B-1"

EXHIBIT "C"

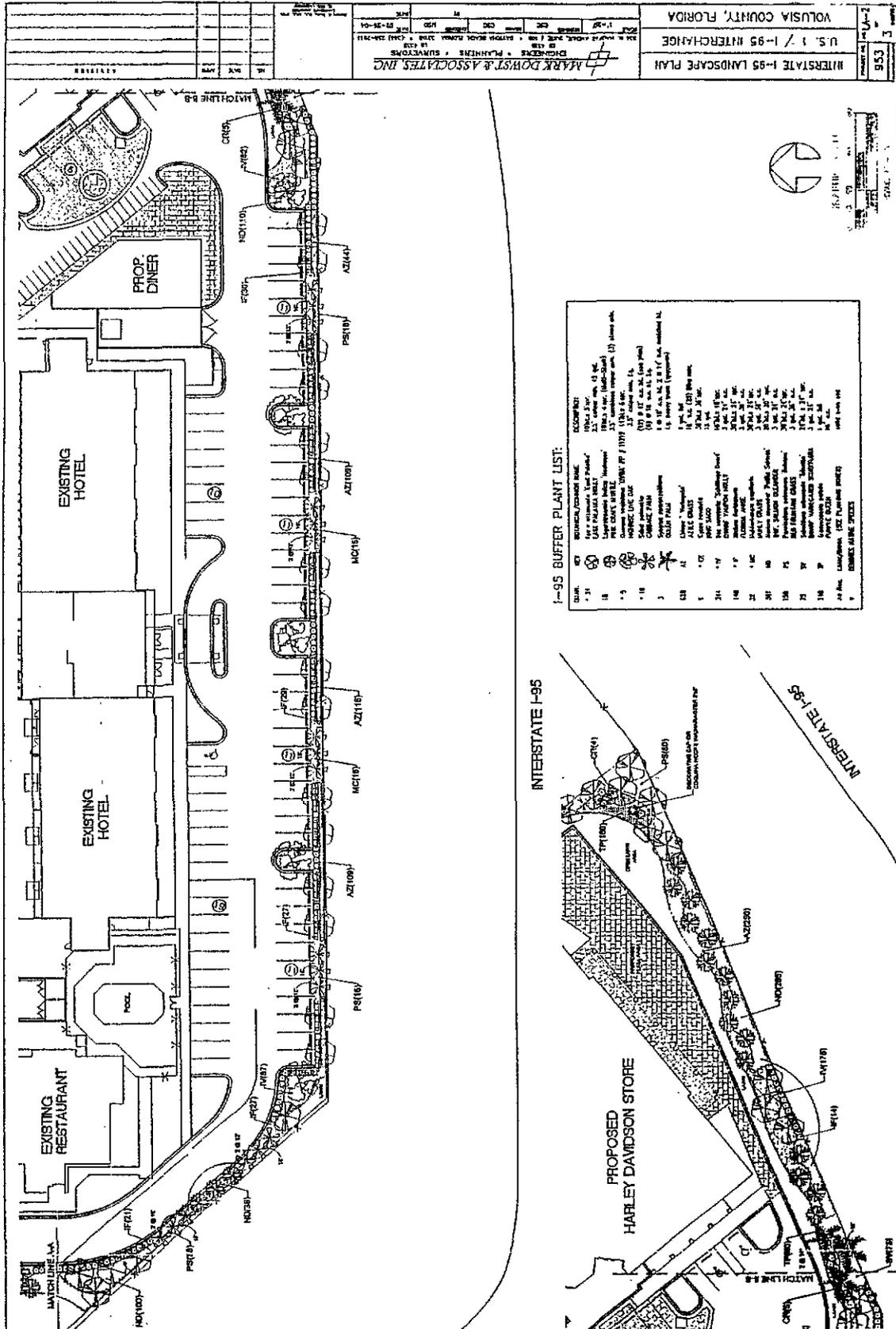
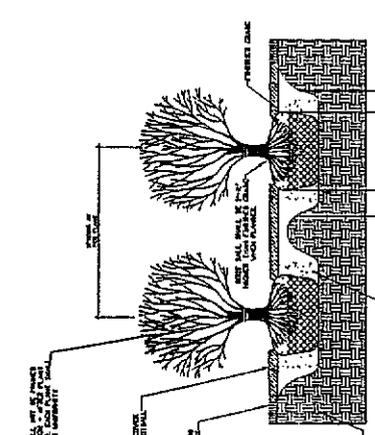
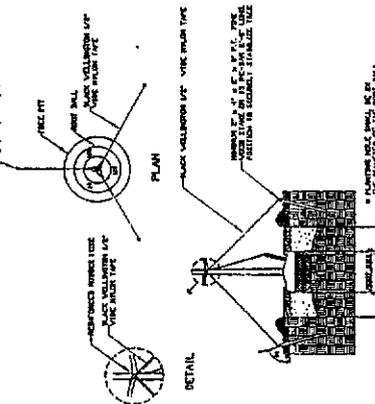


Exhibit "C" 2 of 3

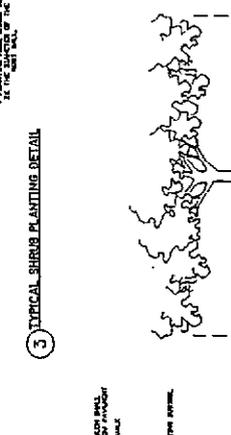
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PROJECT NAME LANDSCAPE DETAILS		SHEET NO. 02-24-04		DATE 02-24-04		DRAWN BY [Signature]		CHECKED BY [Signature]	
U.S. 1 / I-95 INTERCHANGE VOLUSIA COUNTY, FLORIDA ENGINEERS • PLANNERS • SURVEYORS MARK DORSET & ASSOCIATES, INC. 1200 N. WINDY HAVEN BLVD. SUITE 100 WEST PALM BEACH, FLORIDA 33411-3278									



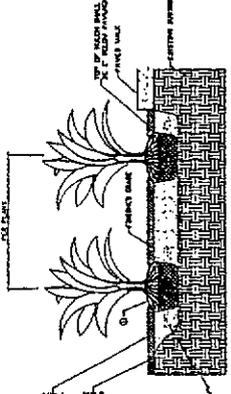
1 LARGE TREE PLANTING DETAIL



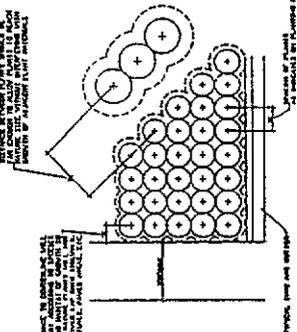
2 TYPICAL TREE SIDING DETAIL



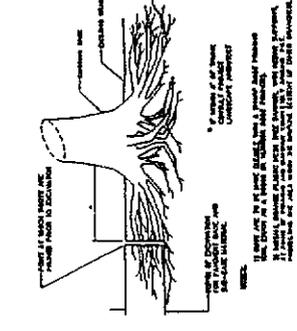
3 TYPICAL SHRUB PLANTING DETAIL



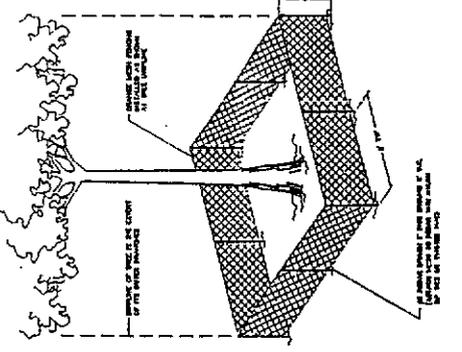
4 STRAIGHT TRUNK PALM DETAIL



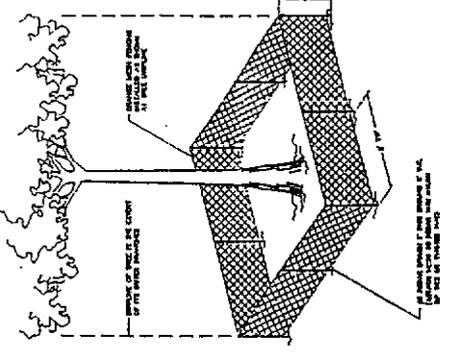
5 TYPICAL GROUND COVER PLANTING DETAIL



6 TYPICAL CONTAINER SPACING



7 ROOT PRUNING DETAIL



8 TREE BARRICADE DETAIL

EXHIBIT "D"

be maintained in proper working order at all times by the owner of the late-night business, store or operation, and shall be subject to periodic inspection by the department of public safety. In the event of a crime occurring at a late-night business, store or operation, the sheriff's department, or appropriate police department, shall be contacted and be responsible for retrieval, care and custody of the security camera film. A height measuring device shall be placed either on the door of the business, store or operation, or at any convenient place at which it can be easily seen by the employees, for purposes of describing the criminal suspect.

- (7) All owners, managers and employees who work at a late-night business, store or operation shall, within 30 days after the start of employment, complete a comprehensive course of instruction relating to robbery prevention and to sound safety practices in the event of a robbery. The course shall be certified and approved by the department of public safety or its designee. The county and the department of public safety assume no liability for the contents of said course or for the methodology used in teaching said course or for any injuries or damages resulting therefrom. The purpose of this provision and other provisions of this article is to promote the safety of employees of late-night businesses, stores or operations; and the provisions of this article are not intended, nor shall they be deemed, to vest any person with any law enforcement powers.

(Ord. No. 90-25, § VI, 7-5-90)

Secs. 26-37—26-50. Reserved.

ARTICLE III. ITINERANT MERCHANTS

Sec. 26-51. Purpose and intent.

The county has an economy that is strongly dependent on tourism. Four regularly scheduled racing events are held during Speed Weeks, Bikas

Week, the Pepsi 400, and Biketoberfest at the Daytona Beach International Speedway or any other event approved pursuant to section 10-81, et seq, of this code, which draw many visitors and itinerant merchants to Volusia County. This article is applicable to the above described events only.

Volusia County is charged with the protection of the public health, safety and welfare. Therefore, it is the county's responsibility to regulate where itinerant merchants may locate and to require itinerant merchants to be licensed as provided in this chapter.

The intent of these requirements is for the owner to secure a permit for the itinerant merchants that may be authorized to operate from approved business locations on said owner's private property and at approved temporary campgrounds.

(Ord. No. 96-25, § I, 12-19-96; Ord. No. 01-86, § 1, 12-13-01)

Sec. 26-52. Jurisdiction.

This chapter shall only be applicable throughout the unincorporated areas of the county.

(Ord. No. 96-25, § II, 12-19-96)

Sec. 26-53. Definitions.

[The following words, terms and phrases, as used in this article, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:]

Itinerant merchant (IM) means any person, firm, corporation, organization, or other entity selling, displaying, promoting, or giving away merchandise, products or services at a location external to a regularly licensed business on a temporary basis. The term "itinerant merchant" also includes a business operator, on said operator's own property, when said operator engages in outside sales/display of goods/services that are not part of the normal business activities covered by said business occupational license.

Owner means any person, group of persons, firm or firms, joint venture, corporation or corporations, or any other legal entity having legal title to the land where the IM is located.

Sales, display or activity area means the area used for the sales, display, or activities used by the itinerant merchant or other products, materials, services, etc.

(Ord. No. 86-25, § III, 12-19-96; Ord. No. 01-86, § 2, 12-13-01)

Sec. 26-54. License requirements.

Notwithstanding anything to the contrary in the Volusia County Zoning Ordinance No. 80-8, as amended, itinerant merchants shall be permitted in all zoning classifications, as provided in said zoning ordinance, where there are approved businesses in operation with a valid county occupational license, or where there are temporary campgrounds, approved by special exception pursuant to the zoning ordinance, in accordance with all other applicable laws and ordinances and under the following conditions:

- (1) The owner shall obtain an itinerant merchant license (IML) from the financial and administrative services department for each IM located on said owner's property. No two or more vendors may share or operate under the same IML. Each separate itinerant merchant must have an IML. Any person who claims to be an employee of an itinerant merchant but appears to be operating as an independent merchant must be able to demonstrate to the satisfaction of the department that said person is in fact an employee and not an independent contractor, otherwise that person will be classified as a separate itinerant merchant. The owner where the itinerant merchant is located shall be held responsible for obtaining the IML and meeting the requirements of this article, including payment of the administrative fee. Provided, however, if the itinerant merchant is operating on publicly owned property, the person, firm or corporation sponsoring or promoting the event on said property shall obtain the IML, and shall be authorized to obtain a master permit for an amount to be set by resolution.
- (2) Food vendors must meet all the requirements of the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation. Food vendors must be able to show proof that they have been properly licensed by these agencies.
- (3) Tattoo services must operate in compliance with the provisions set forth in F.S. § 877.04 and any other applicable state laws.
- (4) Vacant lots adjacent to and owned by established businesses, which are classified as business, commercial or industrial pursuant to the Volusia County Zoning Ordinance No. 80-8, as amended, may be used for itinerant merchants during the period authorized in subsection (6) below. Vacant lots adjacent to established businesses, which are classified as business, commercial or industrial pursuant to the Volusia County Zoning Ordinance No. 80-8, as amended, may be used for parking during the period authorized in subsection (6) below. However, vehicular access to said parking shall meet the requirements of Article VI of the Volusia County Land Development Code Ordinance 88-3, as amended. Otherwise, itinerant merchants shall not operate from vacant lots or road rights-of-way.
- (5) The IML must be posted in a conspicuous location for verification purposes on the owner's property.
- (6) Itinerant merchant sales, display or activities that are conducted during Speed Weeks, Bike Week, the Pepsi 400, and Biketoberfest shall only be operated five days before, during, and three days after any regularly scheduled racing event held at the Daytona Beach International Speedway. In addition, said license shall also apply to approved special events. Said time limits imposed herein shall include set-up and take-down of sales, displays or activities.
- (7) In addition to the IML fee, the owner shall pay to the financial and administrative services department an administrative fee of \$170.00 for each and every IML issued.

BUSINESSES

§ 26-71

- (8) Said license shall expire on September 30 of each year, regardless of the date of issuance of the license.
 - (9) Said license shall be limited to one site or parcel of property during any one of the above described events. However, a valid IML may be transferred to other sites or parcels of property at other events held throughout the year.
- (Ord. No. 96-25, § IV, 12-19-96; Ord. No. 01-36, § 8, 12-13-01)

~~require an accounting as to the disposition of the automobile or its proceeds to the purchasers in the event of a default. However, § 538.17 permits political subdivisions of the State of Florida to~~

Sec. 26-55. Enforcement.

The provisions of this chapter may be enforced by the following agencies: the Volusia County Growth and Resource Management Department, the Volusia County Sheriff's Office, the Volusia County Financial and Administrative Services, and the Volusia County Traffic Engineering Division. The sheriff is responsible for issuing "notices to appear" to the owner or itinerant merchants for violations of the provisions of this article. In addition, the owners or itinerant merchants may be subject to code enforcement board action as is otherwise provided for in this Code.
(Ord. No. 96-25, § V, 12-19-96; Ord. No. 01-36, § 4, 12-13-01)

Secs. 26-56—26-70. Reserved.

**ARTICLE IV. MOTOR VEHICLE TITLE
LOANS**

Sec. 26-71. Purpose, findings, applicability.

The county council finds that title loan businesses in Volusia County are currently regulated by F.S. pt. I, ch. 538. However the statute allows title loan lenders to charge annual interest rates of 264 percent for title loans. Further, the county council finds that there is a risk of financial devastation that faces customers of the motor vehicle title loan business in Volusia County who enter into title loans with extraordinarily high interest rates. The likelihood that persons of limited means will be unable to repay the title loans with interest, especially because of the excessive rates of interest, is great. Florida law allows this excessive interest rate but does not

EXHIBIT "E"

AMUSEMENTS AND ENTERTAINMENTS

§ 10-34

ARTICLE I. IN GENERAL

Secs. 10-1—10-30. Reserved.

ARTICLE II. OUTDOOR
ENTERTAINMENT EVENTS*

DIVISION 1. GENERALLY

Sec. 10-31. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Applicant means any person that applies for a permit issued pursuant to this article.

Annual outdoor entertainment event means more than one outdoor entertainment event, which occurs on the same site, more than one time during a calendar year, and which contains outdoor entertainment events similar in nature, with infrequent changes in detail.

Building means any structure with an imperious roof built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has completely enclosed walls around its perimeter.

Entertainment means any public performance, musical rendition, concert, contest, rally, play, dance, song, or comedic presentation, or any combination thereof, performed by one or more persons, whether or not those persons are compensated for said performance.

Outdoor musical entertainment event means any activity designed to attract 500 or more persons per day, for one or more days, for the purpose of listening to, viewing, and/or participating in outdoor entertainment conducted in open spaces, outside of an enclosed building.

*Editor's note—Ord. No. 03-12, § I, adopted Aug. 15, 2002, amended the title of Art. II to read as herein set out. Prior to inclusion of said ordinance, Art. II was entitled, "Music or Entertainment Festivals." See the Code Comparative Table.

Cross reference—Noise, § 50-491 et seq.

Permittee means any person that has been issued a permit pursuant to this article.

Person means any natural person, individual, owner, operator, public or private corporation, firm, association, joint venture, partnership, or any other entity whatsoever, or combination thereof, of whatever kind.

Single outdoor entertainment event means an outdoor entertainment event that occurs one time during a calendar year, over a period of consecutive days.

Zoning Enforcement Official means the building and zoning director of the county or his/her duly authorized representative.

(b) Webster's New Collegiate Dictionary (G & C Merriam Co. 10th Ed.) shall be used for the definition of any words not defined in this ordinance.

(Ord. No. 94-3, § III, 3-24-94; Ord. No. 02-12, § II, 8-15-02)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 10-32. Penalty.

Violations of this article are punishable as provided in Chapter I, section 1-7 of the Code. (Ord. No. 94-3, § XIV, 3-24-94; Ord. No. 02-12, § III, 8-15-02)

Sec. 10-33. Purpose; jurisdiction; provisions of article supplemental.

This article is enacted in the interest of the public health, safety and welfare of the citizens and inhabitants of the county and to provide necessary regulation of outdoor entertainment events as defined herein. This article shall apply to and be enforced in the unincorporated areas of the county. This article shall be considered supplementary to any other ordinance now existing in the county.

(Ord. No. 94-3, § II, 3-24-94; Ord. No. 02-12, § IV, 8-15-02)

Sec. 10-34. Article not to affect land development or building regulations.

This article shall not be construed to amend the Volusia County Zoning Ordinance (appendix

§ 10-34

COUNTY OF VOLUSIA CODE

B to this Code), the Volusia County Land Development Code (appendix A to this Code), the Volusia County Beach Code (chapter 20), or any other land development regulation or article in effect in the county.

(Ord. No. 94-3, § XVI, 3-24-94; Ord. No. 02-12, § V, 8-15-02)

Sec. 10-95. Exemptions; notice to Sheriff of amplified sound.

(1) Specifically exempted from the terms of this article is any outdoor entertainment event which occurs on property commonly known as the Volusia County Fairgrounds during the period of the Volusia County Fair.

(2) This article is not intended to regulate outdoor entertainment events approved as part of a temporary campground that has received a special exception, regulated by Chapter 20 of this Code, or those activities which occur in permanent grandstand structures such as football stadiums, racetracks or arenas.

(3) Notwithstanding these exemptions, all exempted facilities shall deliver written notice to the Sheriff's office, at minimum, 10 working days prior to commencement of any amplified sound emanating from the site.

(Ord. No. 94-3, § IV, 3-24-94; Ord. No. 02-12, § VI, 8-15-02)

Sec. 10-36. Authority of Sheriff to close certain outdoor entertainment events.

Notwithstanding anything to the contrary in this article, pursuant to the powers vested in the Sheriff by Florida Statute Chapter 30, the sheriff may enter the site of any outdoor entertainment event and may close said outdoor entertainment event if the operation is dangerous to the public safety or is conducted in a disorderly manner, whether or not said outdoor entertainment event is permitted under this article.

(Ord. No. 94-3, § XV, 3-24-94; Ord. No. 02-12, § VII, 8-15-02)

Sec. 10-37. Prohibited acts.

It shall be unlawful for any person to do any of the following:

(1) To promote, conduct, operate or stage an outdoor entertainment event without first obtaining all required permits.

(2) To promote, conduct, operate or stage an outdoor entertainment event in violation of the requirements of this article or permit conditions.

(3) To promote, operate, conduct or stage any outdoor entertainment event in such a manner as to create a public or private nuisance.

(4) To allow any person to remain on the premises of the permitted outdoor entertainment event if said person has caused or created a disturbance, or engaged in illegal activities on said premises.

(Ord. No. 94-3, § XIII, 3-24-94; Ord. No. 02-12, § VIII, 8-15-02)

Secs. 10-98—10-60. Reserved.

DIVISION 2. PERMIT

Sec. 10-61. Permit required; eligibility.

(a) No person shall stage, promote, conduct or operate any outdoor entertainment event in the unincorporated areas of the county without first obtaining an outdoor entertainment event permit from the appropriate county representative.

(b) To be eligible for the issuance of an outdoor entertainment event permit, there shall be located on the subject lot or parcel, an existing lawful permitted use with a principal building.

(c) A permit may be issued on an annual or single event basis. An annual permit application may be amended from time to time, as circumstances require, not less than one month prior to an outdoor entertainment event.

AMUSEMENTS AND ENTERTAINMENTS

§ 10-62

(d) An annual outdoor entertainment event permit shall not apply to any single outdoor entertainment event which does not comply with the requirements of this article or the conditions of the permit.

(Ord. No. 94-3, § V, 3-24-94; Ord. No. 02-12, § IX, 8-15-02)

Sec. 10-62. Permit application requirements; prerequisites to issuance; fees.

(a) An outdoor entertainment event permit as required by this article shall not be issued unless a complete application, accompanied by proof of compliance with the following requirements is submitted to the county no later than 60 days prior to the commencement of the outdoor entertainment event:

- (1) A state approved plan approved by the Volusia County Health Department which provides for adequate sanitation facilities and sewage disposal. Said plan must provide an adequate number of solid waste containers placed in appropriate locations on the site. These containers shall be emptied and cleaned on an as-needed basis. The outdoor entertainment event site shall be cleared of all litter and other refuse on a daily basis. The applicant shall submit to the county, at least 30 days prior to the outdoor entertainment event a signed, written contract providing for adequate sanitation and sewage disposal facilities.
- (2) A provision providing for vehicular parking. Patron parking may be located on-site or off-site. Off-site parking must include a plan for the transportation of the patrons from said parking facilities to the outdoor entertainment event site.
- (3) A provision for emergency medical services.
- (4) A provision for adequate security, traffic control and parking in and around the outdoor entertainment event area. Said security and traffic control plan shall include, but is not limited to, providing off-duty law enforcement officers during the outdoor entertainment event. The num-

ber of said officers to be retained shall be determined by the Sheriff's Office. The applicant shall submit to the county and the Sheriff's Office, at least 30 days prior to commencement of the outdoor entertainment event, a signed, written contract for this service. The contract shall include the name, telephone number and address of the person in charge of security.

- (5) Adequate illumination of the premises is required if the outdoor entertainment event is to occur or continue during darkness. On-site lighting must be designed to eliminate any lighting spillover onto adjoining properties.
- (6) A provision for fire protection and emergency services.
- (7) Copies of a site plan, drawn to a scale no less than one inch equals 100 feet, showing the location and layout of all buildings and structures, parking facilities, sanitation facilities, medical facilities, security gates, ingress and egress points, and lighting poles. The number of copies to be submitted will be determined by the county staff.
- (8) Full disclosure regarding the financial backing of the outdoor entertainment event and the names of all persons or groups who will perform at said outdoor entertainment event.
- (9) Disclosure of the dates and hours of operation of the outdoor entertainment event is required. Acceptable hours of operation of any outdoor entertainment event are between 8:00 a.m. and 2:00 a.m., daily.
- (10) The name, age, residence, telephone number and mailing address of the person making said application. Partnership, joint venture and corporate information must be submitted, if applicable.
- (11) A statement of the kind, character, type and elements of the outdoor entertainment event.
- (12) The address and legal description of the outdoor entertainment event site. Addi-

tionally, the applicant must provide evidence of property ownership for the outdoor entertainment event site, accompanied by a notarized consent from said property owner allowing use of the site for the proposed outdoor entertainment event.

- (13) An estimate of the number of customers, spectators, participants and other persons expected to attend the outdoor entertainment event on a daily basis.
- (14) Identification of how adjacent properties would be protected from the impacts of the outdoor entertainment event (including, but not limited to, the impacts of noise, lighting, traffic and other related impacts).
- (15) Written authorization for unlimited and unconditional 24-hour access without notice or entry fee to the outdoor entertainment event site for inspection purposes by the following agencies: Volusia County Sheriff's Office, State Health Department, Volusia County Financial and Administrative Services Department, Volusia County Fire Services Division, and Volusia County Growth and Resource Management Department.
- (16) Demonstration, by all food and beverage concession operations, of compliance with the Department of Business and Professional Regulation permit conditions prior to operating on the outdoor entertainment event site.
- (17) Demonstration that all outdoor entertainment event vendors possess a Volusia County occupational license. Vendors shall not sell any item prohibited by local, state or federal law.
- (18) The applicant shall comply with the above-described conditions and meet any other reasonable conditions set by county staff or county council discretion.

(b) Fees: The license application must be accompanied by payment of the following non refundable, non-transferable fees:

- (1) Five hundred dollars (\$500.00) for an annual outdoor entertainment event permit;

- (2) Two hundred fifty dollars (\$250.00) for a single outdoor entertainment event permit.

- (3) Any not-for-profit organizations, exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, are required to pay the application fee.

(Ord. No. 94-3, § VI, 3-24-94; Ord. No. 02-12, § X, 8-15-02)

Sec. 10-63. Processing of application.

Upon receipt of a complete application and the application fee for a permit the zoning enforcement official shall promptly distribute copies of the application to the Volusia County Sheriff's office, the Volusia County Fire Services Department, the Volusia County Growth and Resource Management Department, the Volusia County Public Works Department, and the state department of health. Each agency shall thoroughly review and investigate the application and submit, to the zoning enforcement official, written comments and recommendations related to each agency's field of expertise.

(Ord. No. 94-3, § VII, 3-24-94; Ord. No. 02-12, § XI, 8-15-02)

Sec. 10-64. Action by zoning enforcement official.

Upon review of the application and receipt of the recommendations from the aforementioned agencies, the zoning enforcement official may grant the permit, deny the permit, or grant the permit subject to special permit conditions.

(Ord. No. 94-3, § VIII, 3-24-94; Ord. No. 02-12, § XII, 8-15-02)

Sec. 10-65. Issuance; transfer.

Upon approval by the zoning enforcement official, the zoning enforcement official shall issue a permit for the outdoor entertainment event. Permits are not transferable.

(Ord. No. 94-3, § IX, 3-24-94; Ord. No. 02-12, § XIII, 8-15-02)

Sec. 10-66. Grounds for permit denial.

The zoning enforcement official may deny issuance of a permit if:

- (1) The applicant fails to meet the requirements of this article, any conditions im-

posed upon the applicant, or the requirements of any other ordinance of the county.

- (2) The proposed outdoor entertainment event will be conducted in a manner or in a location which fails to meet the health, zoning, fire or building and safety standards established by ordinance or the laws of the state.
- (3) The applicant has knowingly made a false, misleading or fraudulent statement of material fact in the application for permit or in any other document required pursuant to this article.
- (4) The applicant, its employee, agent or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager has previously conducted the type of outdoor entertainment event being applied for, which resulted in the creation of a public or private nuisance.

(Ord. No. 94-3, § X, 3-24-94; Ord. No. 02-12, § XIV, 8-15-02)

Sec. 10-67. Grounds for revocation; notice of revocation.

(a) The zoning enforcement official shall have the power to revoke any permit, or to revoke and reinstate any permit upon suitable conditions, when the following causes exist:

- (1) The permittee fails, neglects or refuses to remit the required permit fee.
- (2) The permittee fails, neglects or refuses to fulfill any or all permit conditions imposed pursuant to this article.
- (3) The permittee allows or causes the outdoor entertainment event to be conducted in a manner which violates any law or regulation established by county ordinance or state law.
- (4) The permittee denies site entry as required by section 10-62(a)(15) of this Code.

(b) Upon revocation of the permit, the zoning enforcement official shall provide to the permittee, notice of revocation setting forth the reasons for the revocation.

(Ord. No. 94-3, § XI, 3-24-94; Ord. No. 02-12, § XV, 8-15-02)

Sec. 10-68. Appeal.

A permittee who is aggrieved by the decision of the zoning enforcement official may file a written appeal of that decision to the county council within ten working days of the zoning enforcement official's decision. The appeal shall state fully the specific grounds for the appeal and all facts relied on by the permittee. The council shall consider only those items specified in the appeal. Said appeal shall stay the revocation of the outdoor entertainment event permit until the county council has acted upon said appeal. The county council may approve, reject or modify any previous decision of the zoning enforcement official.

(Ord. No. 94-3, § XII, 3-24-94; Ord. No. 02-12, § XVI, 8-15-02)

Secs. 10-69—10-100. Reserved.

Sec. 10-101. Definitions.

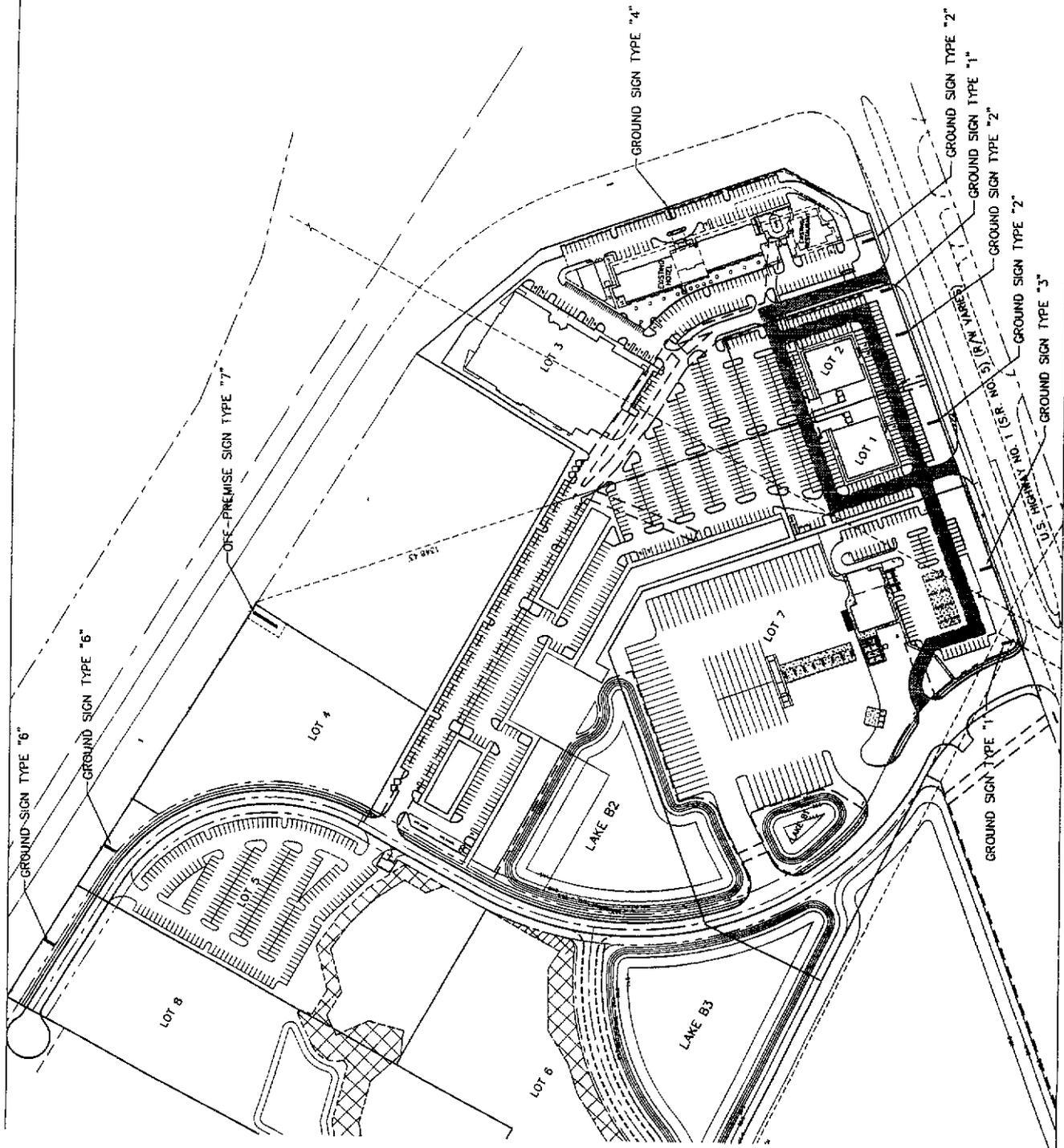
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages means all beverages containing more than one percent of alcohol by weight.

Establishment dealing in alcoholic beverages means any business or commercial establishment (whether open to the public at large or where entrance is limited by cover charge or membership requirement) including those licensed by the state for sale and/or service of alcoholic beverages, and any bottle club; hotel; motel; restaurant; nightclub; country club; cabaret; meeting facility utilized by any religious, social, fraternal

*Cross reference—Alcoholic beverages, ch. 6.
Special acts reference—Alcoholic beverages, ch. 206.

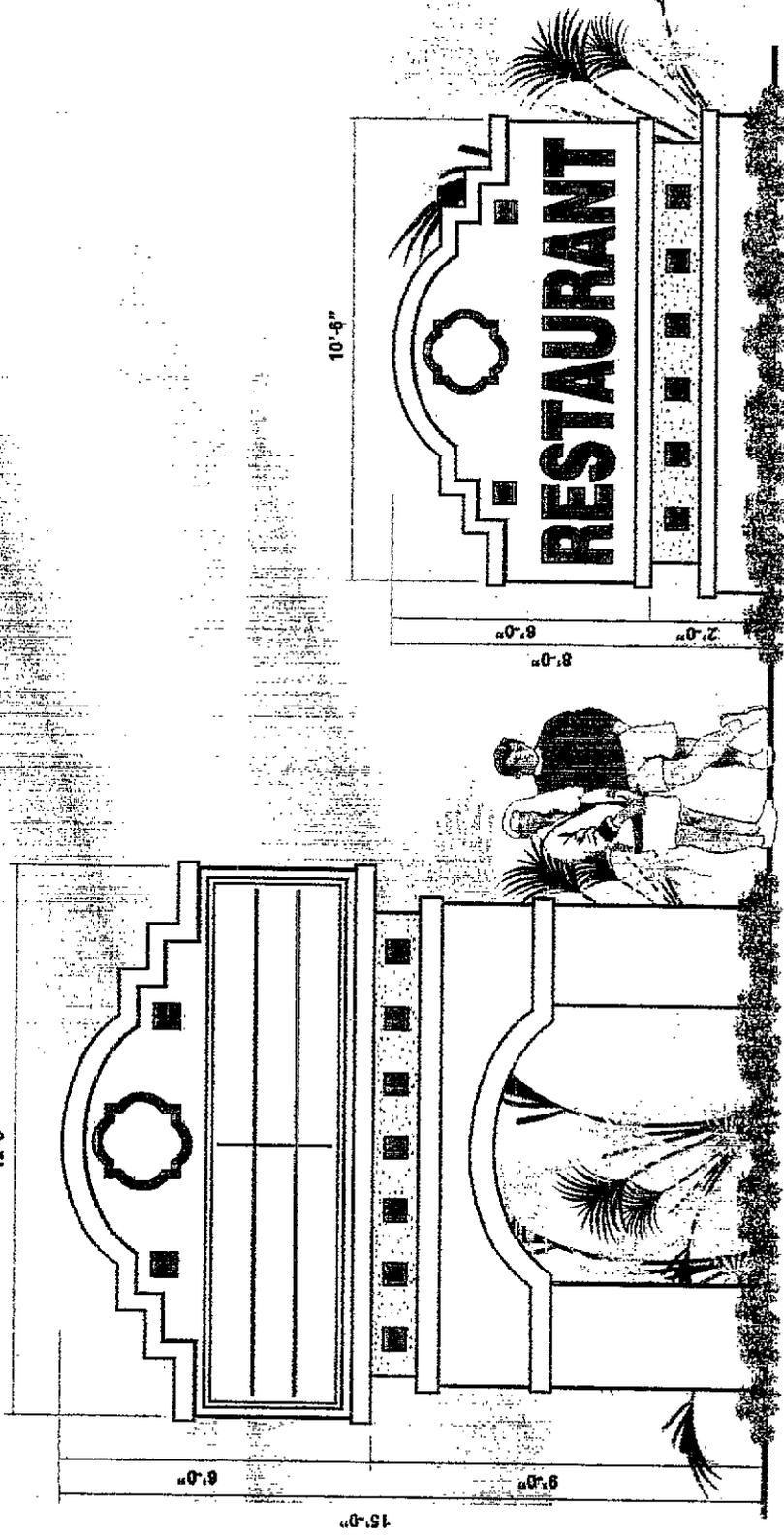
COMPOSITE EXHIBIT "F"



GROUND SIGN [REDACTED] NS

Composite Exhibit "F" 1 of 12

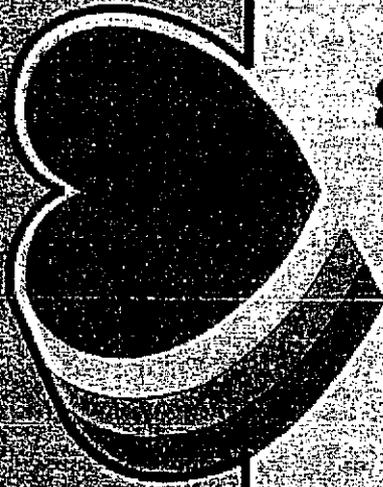
DES.#4250 F-6
DAYTONA
HARLEY-DAVIDSON



DOUBLE FACE ILLUMINATED MONUMENT SIGNS SCALE: 1/2" = 1'-0"

SIGN TYPE "1"

SIGN TYPE "2"

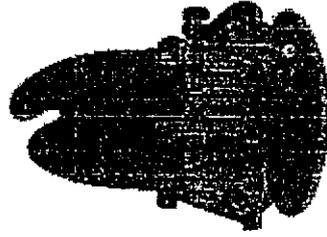


Love's

Unleaded

Diesel

1.23⁹ 1.23⁹



Arby's

**Welcome to Ormond Beach
Volusia County Florida**

SIGN TYPE "3"

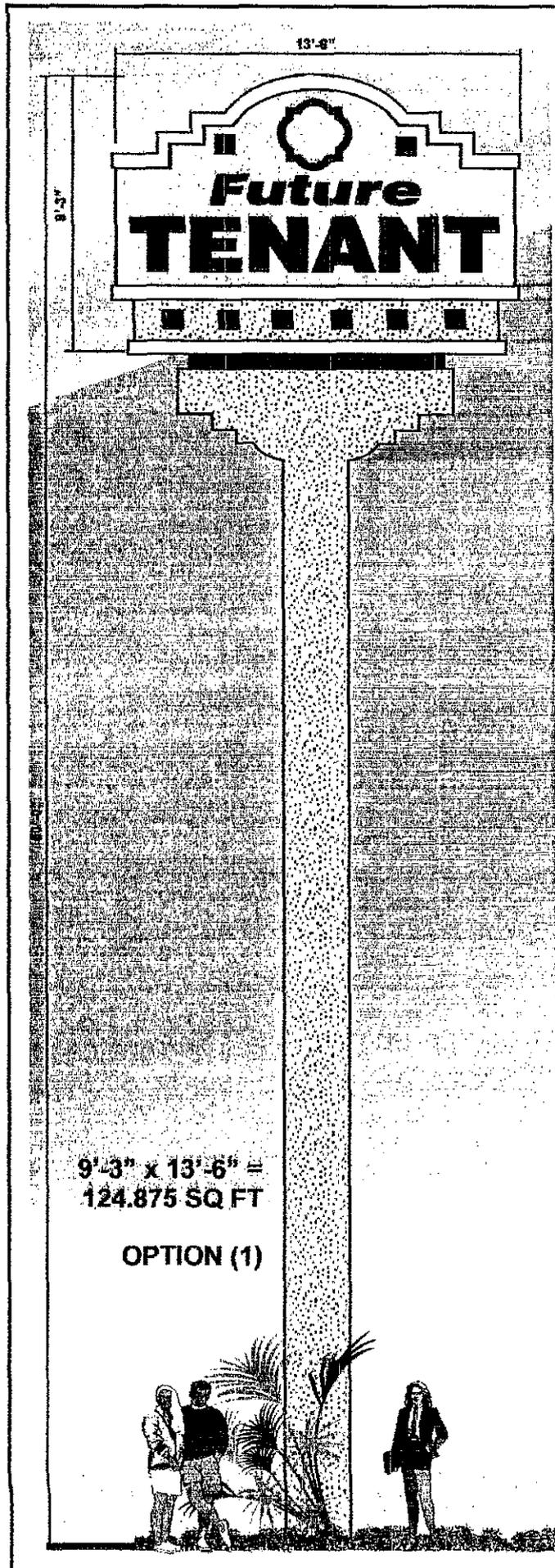
Preliminary Monument sign for Ormond Beach, FL

Total Sign Area Excluding bottom and end monument supports is 125 SF

Love's = 82" x 7'6"

Price Sign = 3' x 7'6"

ILLUSTRATION OMITTED
INTENTIONALLY. THERE
IS NOT TYPE "5" SIGN



SIGN TYPE "6"

DES.#4250 F-1

DATE: 02/17/04

DESIGNER: RICK Z

CHECKED BY:

- 1)
- 2)
- 3)
- 4)

SHEET 1 OF 1

DAYTONA HARLEY DAVIDSON

1-96 / U.S. 1 LOCATION

ORMOND BEACH FL

4280 NOTED

RAYMOND WEBB

PROGRAM: CORELS

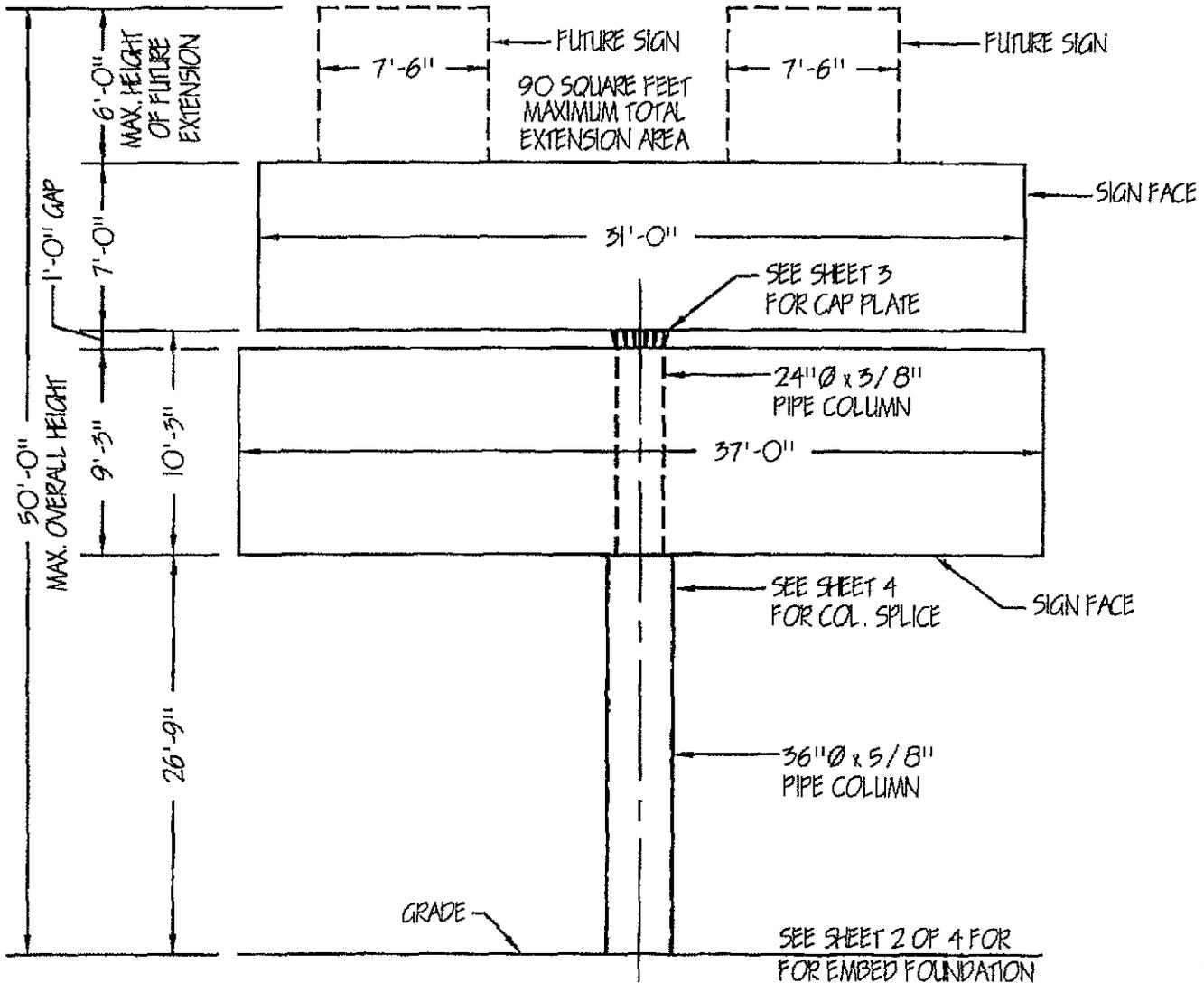
This design (except registered or existing trademarks) is the property of KENCO SIGN, INC. and shall not be reproduced or copied in whole or in part without the permission of the above named entity.

**KENCO
SIGN & AWNING**

1509 GARDEN W. ENUE
HOLLY HILL, FLORIDA 32117
PHONE 386-777-1555

NOTES:

1. ALL BOLTS 3/4" Ø A-325 UNLESS NOTED.
2. CONCRETE STANDARD WEIGHT 3000 P.S.I. @ 28 DAYS COMPRESSIVE STRENGTH.
3. ALL REINFORCING SHALL BE A.S.T.M. A-615 GRADE 60.
4. DESIGN WIND LOAD = 46 P.S.F. (130 M.P.H. PER IBC-2000).
5. ALL STEEL SHALL BE A.S.T.M. A-36 UNLESS NOTED.
6. MAXIMUM SIGN FACE AREA 650 SQ. FEET.
7. ALL WELDS SHALL BE MADE BY AN A.W.S. CERTIFIED WELDER USING E70 FILLER MATERIAL.
8. FOUNDATION DESIGN IS BASED ON SOIL BORING DATED JUNE 12, 2002 BY "UNIVERSAL ENGINEERING SERVICES" (PROJECT NO. ██████████).



B4P JOB NO. 03051.04

ELEVATION

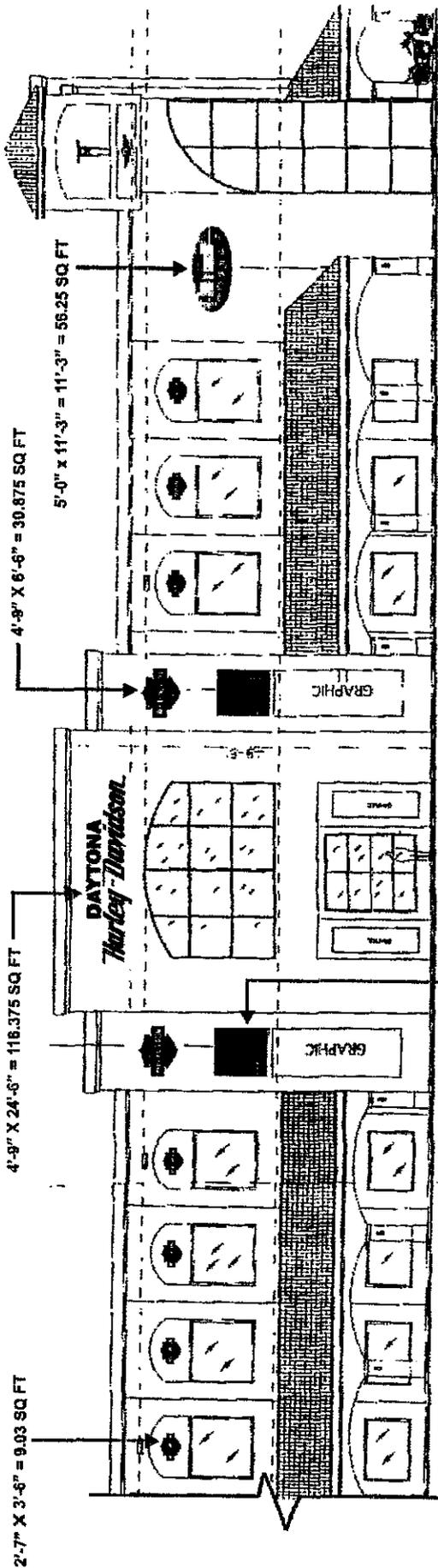
BENNETT & PLESS, INC.
Consulting Structural Engineers

830 McCalls Avenue
Chattanooga, TN 37403
423 758-7443 FAX 423 758-7044

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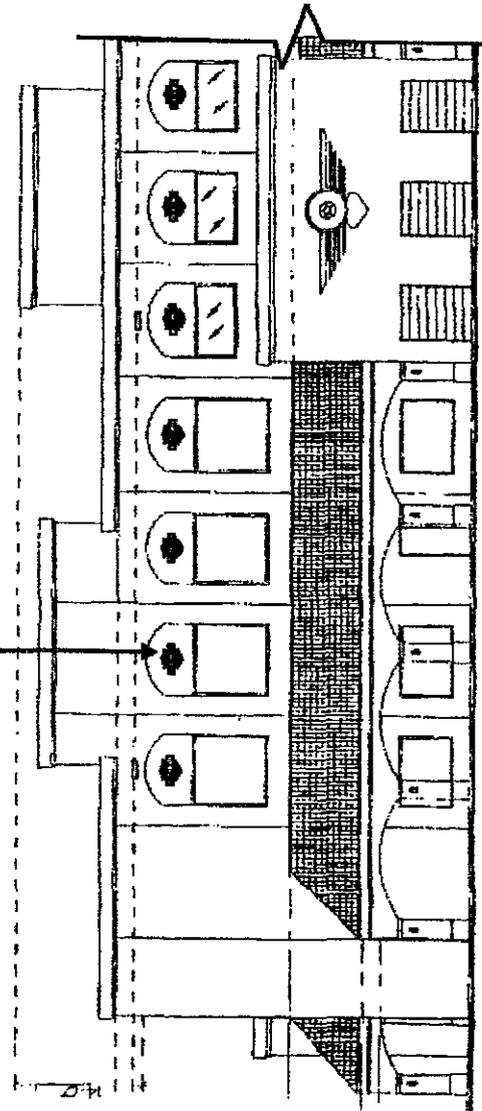
job name	ESCO ELECTRIC SIGNS	date	5-25-04	sheet #	
	BILLBOARD SIGN	by	TED		1
	ORMOND BEACH, FL	chk'd.	T.F.I.		4



NEW AWNINGS

$2'-7'' \times 3'-6'' = 9.03 \text{ SQ FT}$

FRONT (SOUTH) ELEVATION SCALE: $3/32'' = 1'-0''$



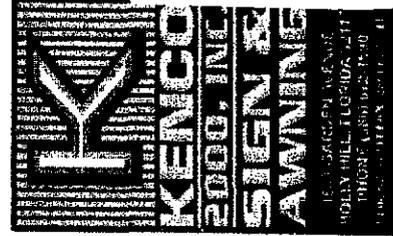
FRONT (SOUTH) ELEVATION SCALE: $3/32'' = 1'-0''$

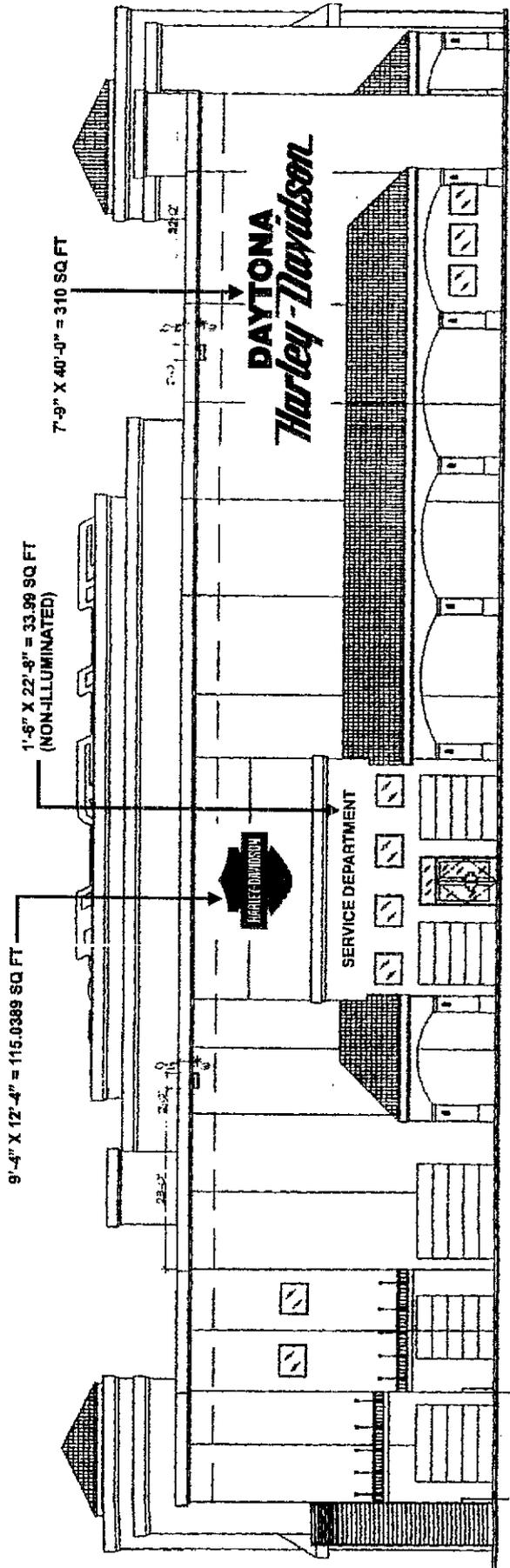
SPECIFICATIONS:

- (1) ONE NEW SET ILLUMINATED CHANNEL LETTERS.
- CHANNEL LETTERS TO BE ALL ALUMINUM CONSTRUCTION W/ ACRYLIC FACES & 2" JEWELITE TRIM CAR RETAINERS.
- INTERNAL NEON ILLUMINATION W/ SELF-CONTAINED TRANSFORMERS.
- LETTERS TO BE INSTALLED ON BUILDING AS SHOWN.
- (17) SEVENTEEN NEW SINGLE FACE ILLUMINATED WALL LOGO SIGNS.
- ALUMINUM CABINETS W/ ACRYLIC FACES & VINYL COPY APPLIED FIRST SURFACE.
- INTERNAL FLUORESCENT ILLUMINATION.
- LOGOS TO BE INSTALLED ON BUILDING WALL AS SHOWN.

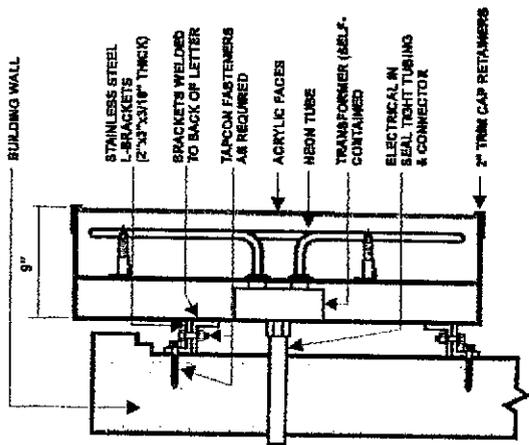
DES.#4250 F-8

DAYTONA
HARLEY-DAVIDSON





CHANNEL LETTERS SECTION DETAIL
END VIEW NOT TO SCALE



SPECIFICATIONS:

- (1) ONE NEW SET ILLUMINATED CHANNEL LETTERS.
CHANNEL LETTERS TO BE ALL ALUMINUM CONSTRUCTION W/ ACRYLIC FACES & 2" JEWELITE TRIM CAP RETAINERS.
INTERNAL NEON ILLUMINATION W/ SELF-CONTAINED TRANSFORMERS.
LETTERS TO BE INSTALLED ON BUILDING AS SHOWN.
- (1) ONE NEW SINGLE FACE ILLUMINATED WALL LOGO SIGN.
CABINET TO BE ALL ALUMINUM W/PANAFLEX FLEXIBLE FACE & VINYL GRAPHICS APPLIED FIRST SURFACE.
INTERNAL ILLUMINATION BY CW/RO FLUORESCENT LAMPS.
INSTALL ON BUILDING WALL AS SHOWN.
- (2) TWO NEW SETS NON-ILLUMINATED INJECTION MOLDED GEMINI LETTERS.
LETTERS TO BE PAINTED & STUD MOUNTED TO BUILDING WALL AS SHOWN.

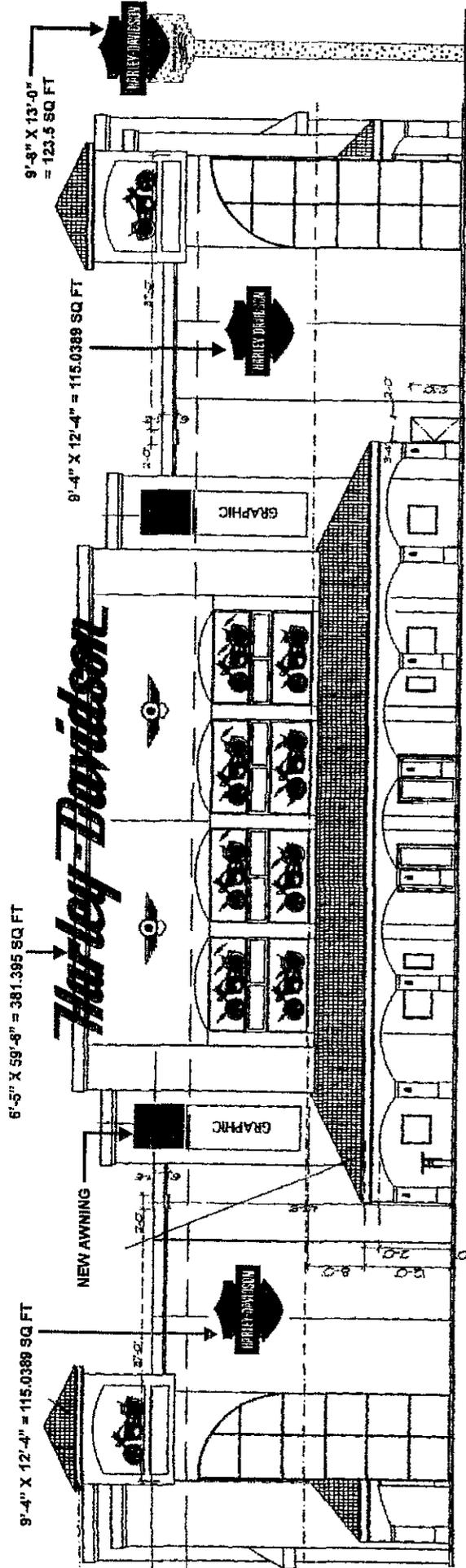
LEFT (WEST) SIDE ELEVATION SCALE: 3/32" = 1'-0"

DES.#4250 F-7
DAYTONA
HARLEY-DAVIDSON



- CONTRACTOR- KENCO SIGNS
- 2001 FBC
- 130 MPH WIND SPEED (ASCE 7-98)
- CF = 1.2
- SEE FASTENER CHART

FASTENER CHART	
FASTENER TYPE	TYPE OF WALL
1/4" BOLTS THRU WALL	MASONRY, WOOD, METAL
1/4" LAGS W/ SHIELDS	MASONRY ONLY
1/4" LAGS BOLTS	WOOD ONLY (3" MIN. EMBED)
1/4" TOGGLE BOLTS	METAL ONLY



RIGHT (EAST) SIDE ELEVATION SCALE: 3/32" = 1'-0"

SPECIFICATIONS:

(1) ONE NEW SET ILLUMINATED CHANNEL LETTERS.

CHANNEL LETTERS TO BE ALL ALUMINUM CONSTRUCTION W/ ACRYLIC FACES & 2" JEWELITE TRIM CAP RETAINERS.

INTERNAL NEON ILLUMINATION W/ SELF-CONTAINED TRANSFORMERS.

LETTERS TO BE INSTALLED ON BUILDING AS SHOWN.

(2) TWO NEW SINGLE FACE ILLUMINATED WALL LOGO SIGNS.

CABINETS TO BE ALL ALUMINUM W/ PANAFLEX FLEXIBLE FACES & VINYL GRAPHICS APPLIED FIRST SURFACE.

INTERNAL ILLUMINATION BY C/WING FLUORESCENT LAMPS.

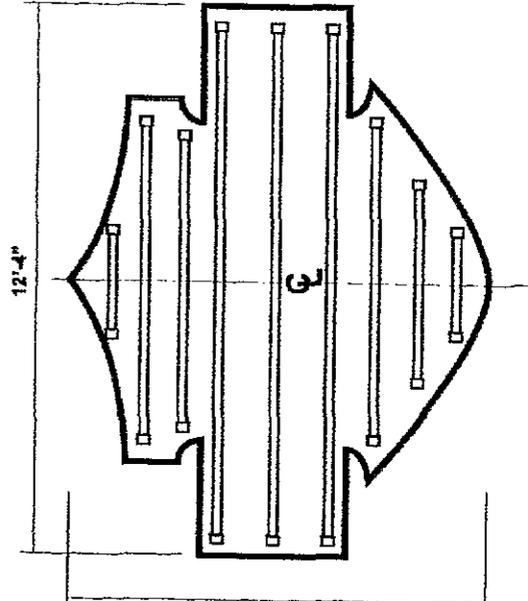
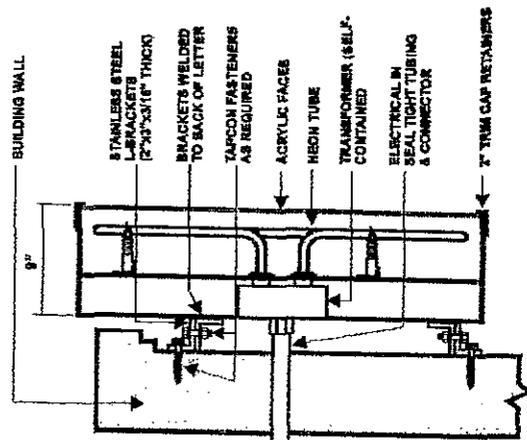
INSTALL ON BUILDING WALL AS SHOWN.

(3) TWO NEW NON-ILLUMINATED AWNINGS.

AWNINGS TO HAVE SQUARE TUBE ALUMINUM FRAMES W/ AWNING FABRIC STRETCHED & FASTENED TO FRAMEWORK.

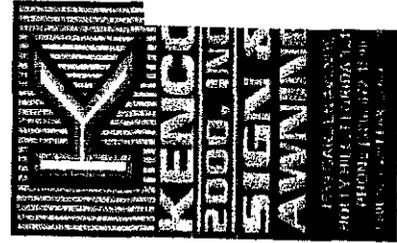
(1) ONE NEW DOUBLE FACE ILLUMINATED PYLON SIGN. (SEE ATTACHED DRAWING FOR SPECIFICATIONS)

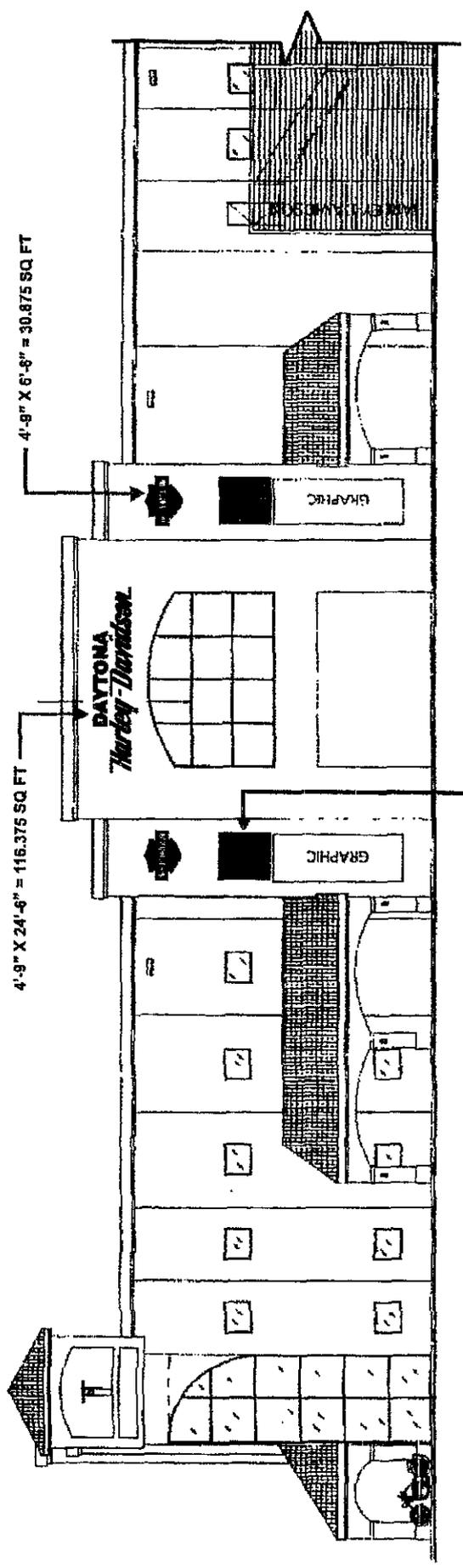
CHANNEL LETTERS SECTION DETAIL
END VIEW NOT TO SCALE



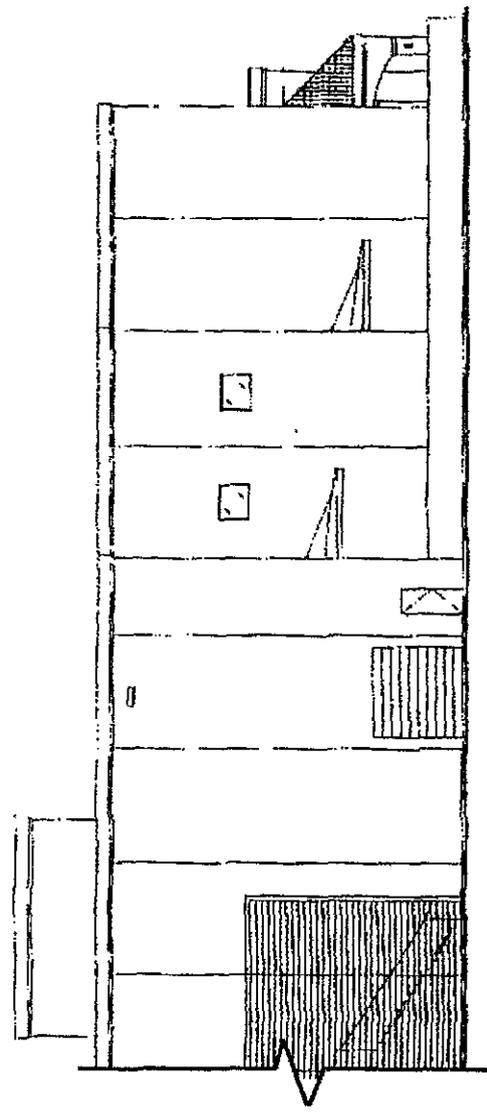
FLUORESCENT LAMP PLACEMENT - WALL LOGO SIGNS

DES.#4250 F-4
DAYTONA
HARLEY-DAVIDSON





REAR (NORTH) ELEVATION SCALE: 3/32" = 1'-0"



REAR (NORTH) ELEVATION SCALE: 3/32" = 1'-0"

DES.#4250 F-9
DAYTONA
HARLEY-DAVIDSON



- SPECIFICATIONS:
- (1) ONE NEW SET ILLUMINATED CHANNEL LETTERS. CHANNEL LETTERS TO BE ALL ALUMINUM CONSTRUCTION W/ ACRYLIC FACES & 2" JEWELITE TRIM CAP RETAINERS. INTERNAL NEON ILLUMINATION W/ SELF-CONTAINED TRANSFORMERS.
 - LETTERS TO BE INSTALLED ON BUILDING AS SHOWN.
 - (2) TWO NEW SINGLE FACE ILLUMINATED WALL LOGO SIGNS.
 - ALUMINUM CABINETS W/ ACRYLIC FACES & VINYL COPY APPLIED FIRST SURFACE.
 - INTERNAL FLUORESCENT ILLUMINATION.
 - LOGOS TO BE INSTALLED ON BUILDING WALL AS SHOWN.

UL LISTED
KENCO CORPORATION VOL. 20000

DES.#4250 F-5

DATE: 02/10/04
DESIGNER: RICK Z
CHECKED BY: [Signature]

SHEET 1 OF 1
DAYTONA HARLEY
PROJECT: 4250 NOTED
BY: RAYMOND WEBB
DRAWN BY: CORELS

KENCO
KODD, INC.
SIGN & AWNING

1333 GARDEN AVENUE
HOLLY HILL, FLORIDA 32111
PHONE: 386.877.1199
FAX: 386.877.1197

(LENGTH TO BE DETERMINED)

TENANT NAME

(HEIGHT TO BE DETERMINED)

ILLUMINATED CHANNEL LETTERS ON RACEWAY - LETTER HEIGHT, LENGTH, COLORS & STYLE TO BE DETERMINED.

CHANNEL LETTERS FOR RETAIL SHOPS

SPECIFICATIONS:

MANUFACTURE & INSTALL (I) NEW SET ILLUMINATED CHANNEL LETTERS.

ALL ALUMINUM CONSTRUCTION W/ ACRYLIC FACES, 4-1/2" RETURNS & 1" JEWELITE TRIM CAP.

INTERNAL DOUBLE STROKE NEON ILLUMINATION.

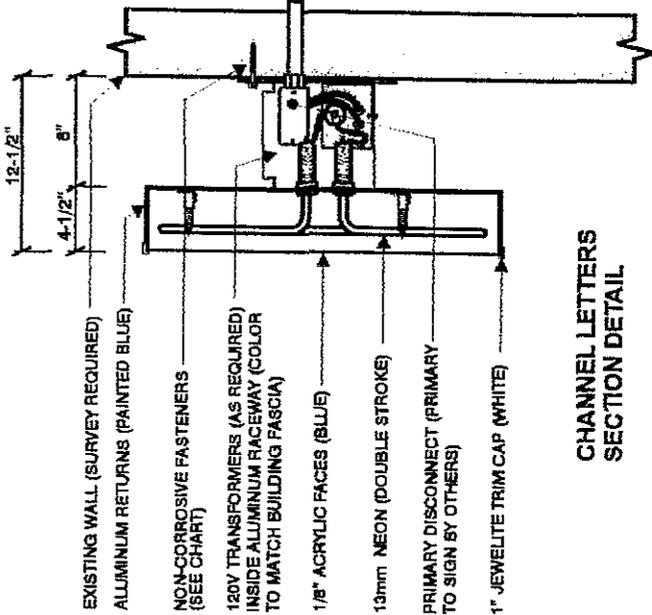
LETTERS TO BE MOUNTED ON ALUMINUM RACEWAY FINISH TO MATCH BUILDING.

INSTALL LETTERS & RACEWAY ON BUILDING WALL AS SHOWN.

FASTENER CHART

FASTENER TYPE	TYPE OF WALL
1/4" BOLTS THRU WALL	MASONRY, WOOD, METAL
1/4" LAGS W/ SHIELDS	MASONRY ONLY
1/4" LAGS BOLTS	WOOD ONLY (3" MIN. EMBED)
1/4" TOGGLE BOLTS	METAL ONLY

- CONTRACTOR- KENCO SIGNS
- 2001 FBC
- 130 MPH WIND SPEED (ASCE 7-99)
- CF = 1.2
- SEE FASTENER CHART



CHANNEL LETTERS SECTION DETAIL

EXHIBIT "G"

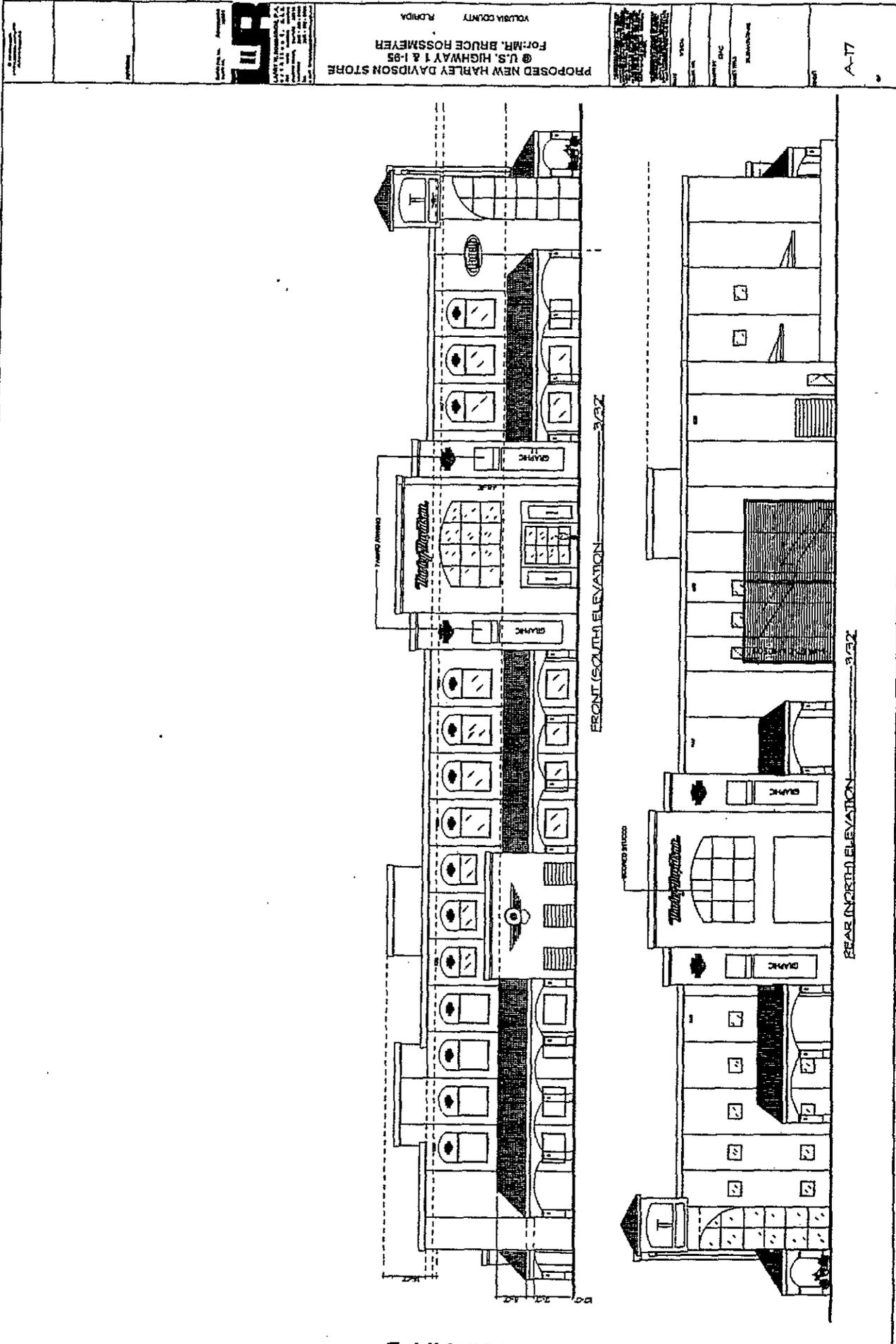


Exhibit "G" 1 of 8

PROPOSED NEW HARLEY DAVIDSON STORE
@ U.S. HIGHWAY 1 & I-95
FOR MR. BRUCE ROSSMEYER
VOLusia COUNTY FLORIDA

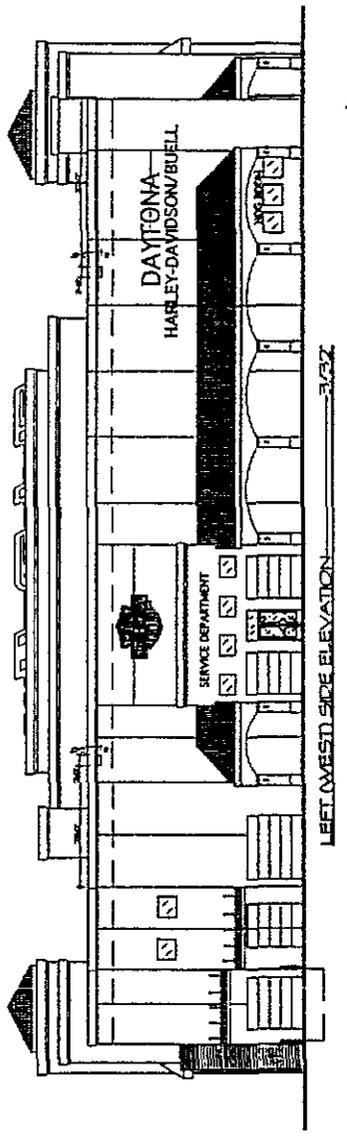
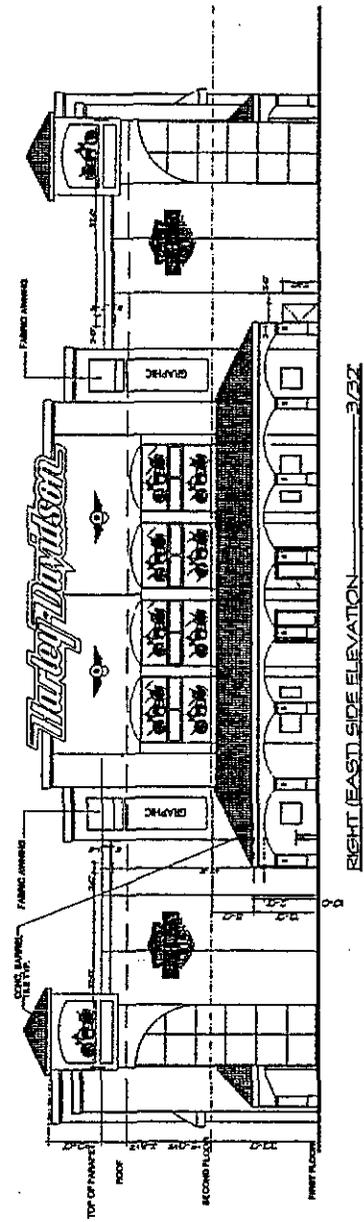


A-17

PROPOSED NEW HARLEY DAVIDSON STORE
@ U.S. HIGHWAY 1 & I-95
FOR MR. BRUCE ROSSMEYER
VOLUSIA COUNTY
FLORIDA

DATE: 11/11/03
DRAWN BY: JAC
CHECKED BY: JAC
SUBMITTED BY: JAC

A-16



DATE	NOV 1982
SCALE	AS SHOWN
PROJECT NO.	82-107
DESIGNER	HALL ARCHITECTURAL ASSOCIATES, INC.
CLIENT	DESTINATION USA
NO. OF SHEETS	8
SHEET NO.	1

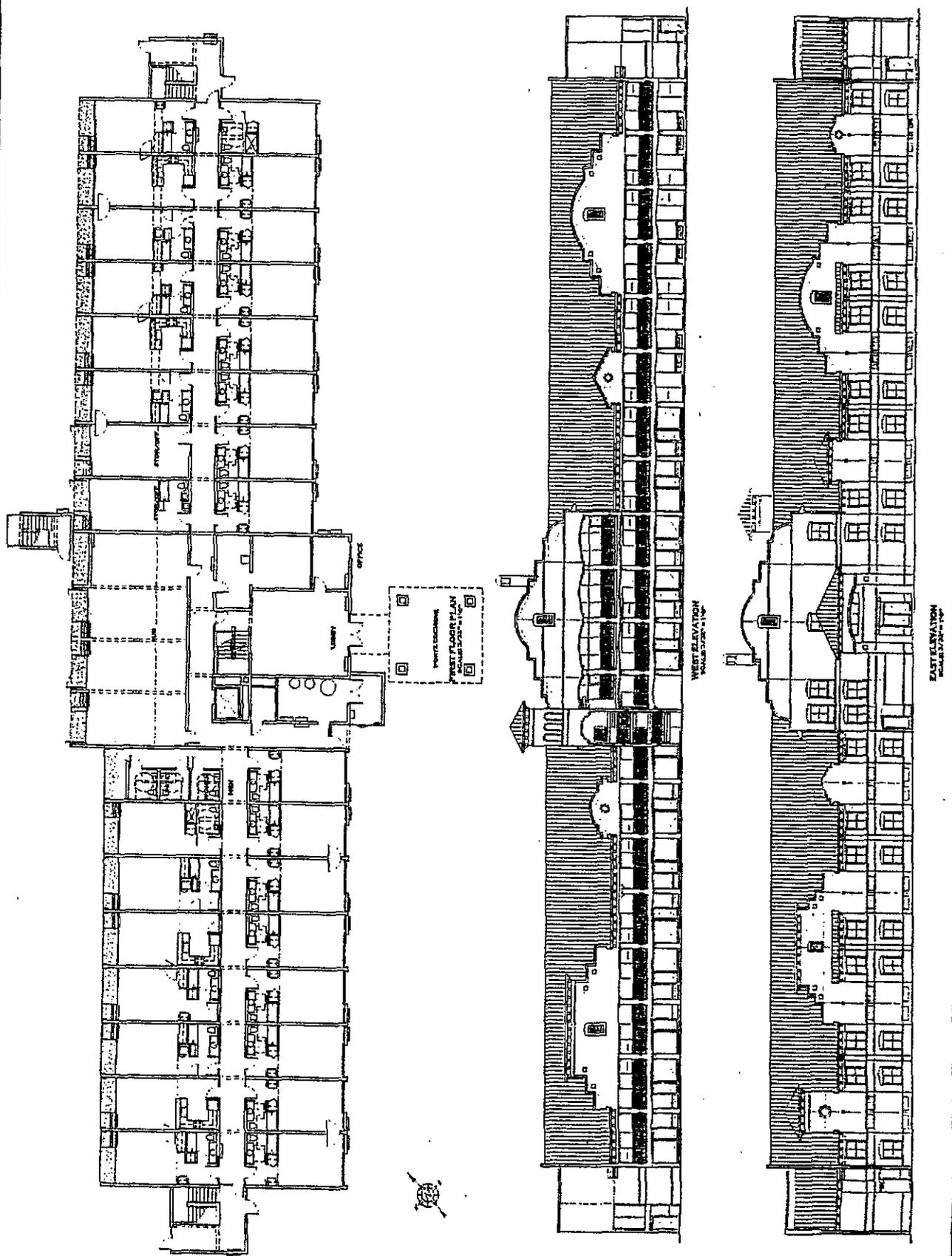


Exhibit "G" 3 of 8

HALL ARCHITECTURAL ASSOCIATES, INC.
ARCHITECTURE & PLANNING DESIGN
1000 N. W. 10th St., Suite 1000, Ft. Lauderdale, FL 33304
TEL: 561-531-1111 FAX: 561-531-1112

DESTINATION USA
U.S. 1 AT 195
RETAIL & CONDO UNITS
ORMOND BEACH, FL

DATE: 10/18/01
PACKAGE NO. 10/18/01
SHEET NO. 1

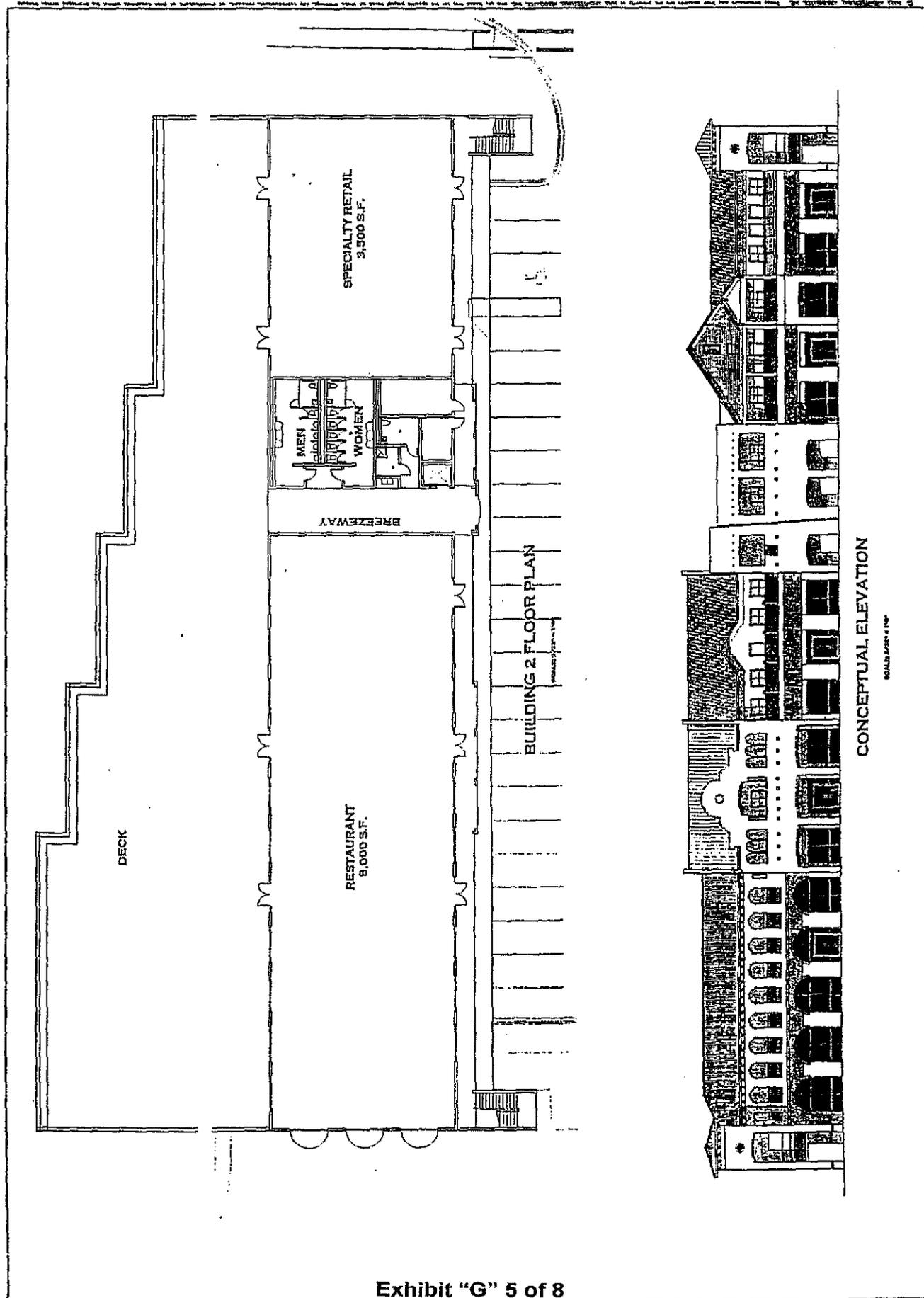
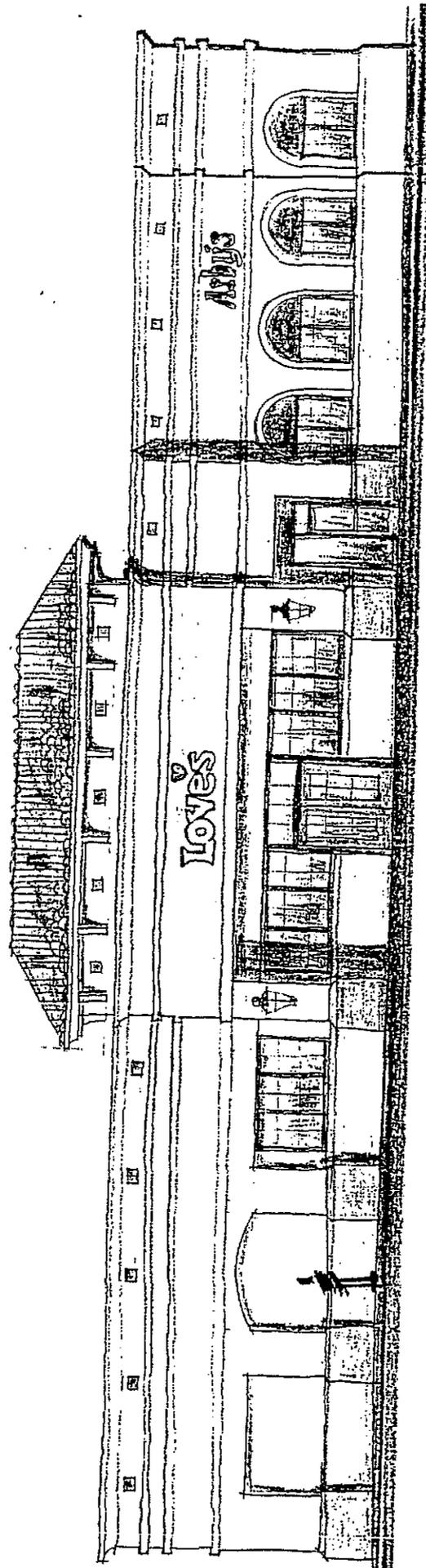


Exhibit "G" 5 of 8



ELEVATION STUDY - ORMAND BEACH, FL

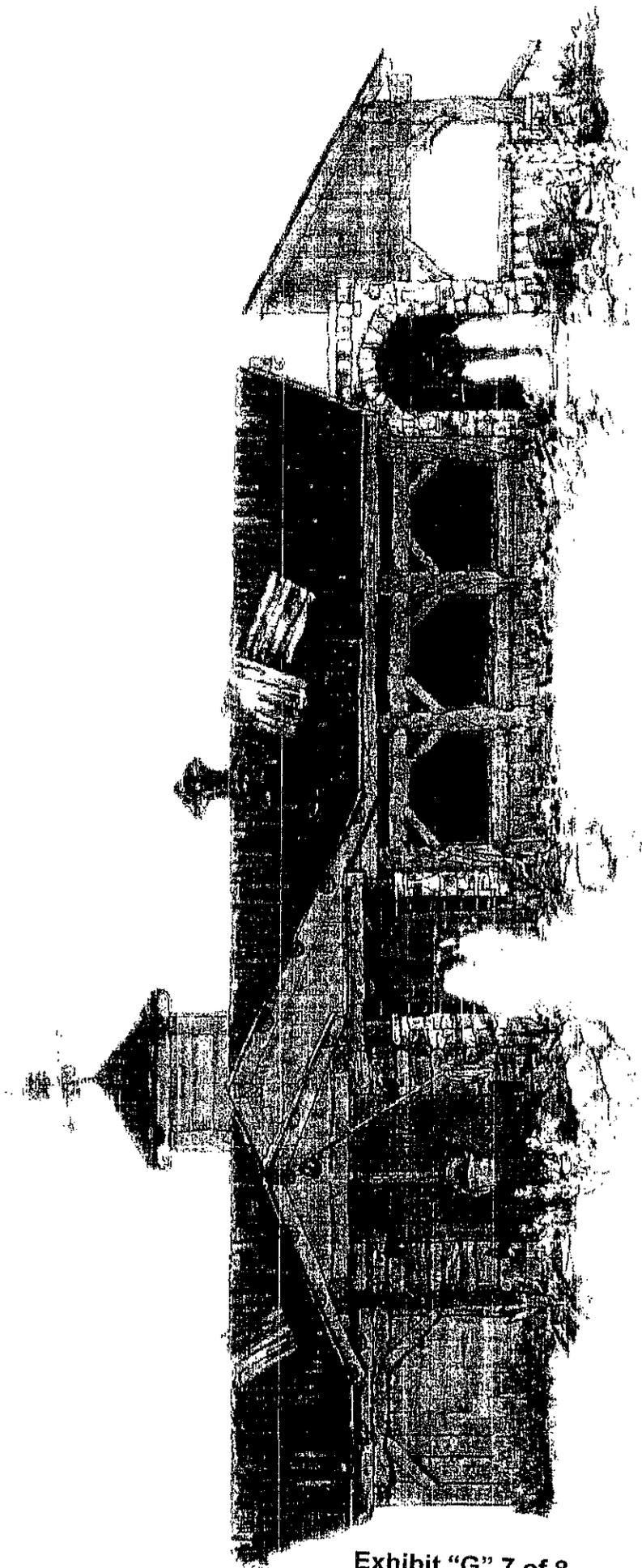


Exhibit "G" 7 of 8

Handwritten notes:
1/16/12
1/16/12

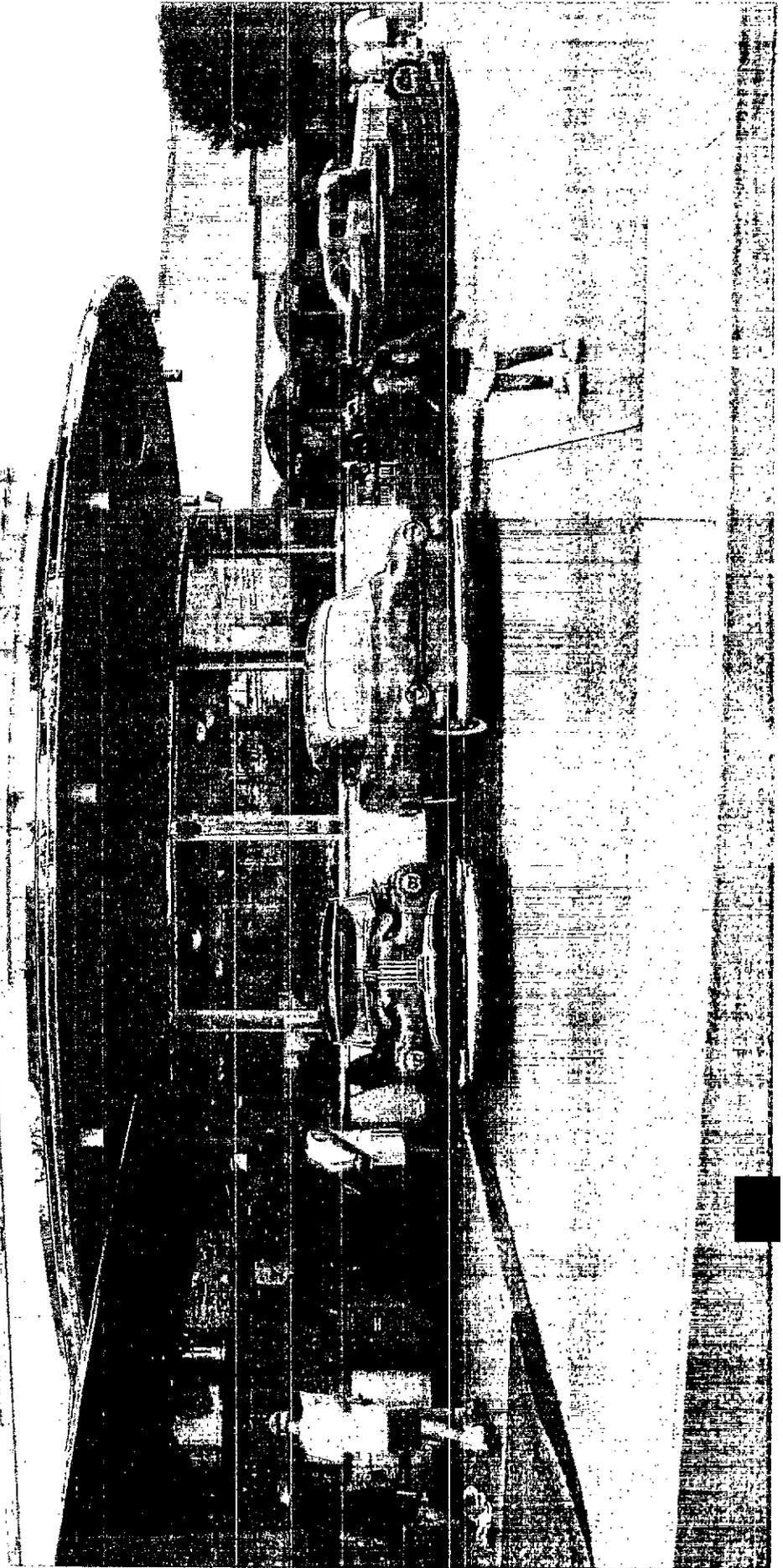


Exhibit "G" 8 of 8

Exhibit 4

10/17/2006 10:30 AM
Instrument# 2006-260219 # 1
Book : 5934
Page : 3459

COUNTY OF VOLUSIA, FLORIDA

IN RE: Case No. PUD-05-075, Application of:

Strasser Development Parcel D, LLC

A Florida Limited Liability Company, Owner

RESOLUTION #2006-91

**ORDER AND RESOLUTION
GRANTING A REQUEST FOR
AMENDMENT TO AN ADOPTED
IPUD (INDUSTRIAL PLANNED UNIT DEVELOPMENT)
KNOWN AS, "THE KNAP FAMILY 1987 REVOCABLE TRUST,
JACK KNAP TRUSTEE IPUD (INDUSTRIAL PLANNED UNIT DEVELOPMENT)"
RECORDED AT BOOK 5076 PAGE 3467, ET. SEQ.,
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA TO THE
STRASSER MIXED USE PLANNED UNIT DEVELOPMENT**

The application of, Strasser Development Parcel D, LLC, a Florida Limited Liability Company, hereinafter, "Applicant", for amendment to the referenced, adopted IPUD to become the Strasser Mixed Use Planned Unit Development was heard by and before the Volusia County Council, Volusia County, Florida, on April 27, 2006. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth and Resource Management, Legal Department, and other Departments and agencies of Volusia County; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on December 13, 2005, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

GENERAL FINDINGS

- A. That the applicant has duly and properly filed the application herein on October 21, 2005 as required by law.
- B. That all fees and costs which are by law, regulation, or Ordinance required to be borne and paid by the applicant have been paid.
- C. That the applicant, Florida Motorcycle School, LLC, and The Daytona RV Center,

LLC are the owners of a 112.76 acre parcel of land, which is situated in Volusia County. This parcel of land is described more particularly in the sketch and legal description, a true copy of which is attached hereto as Exhibit "A"

D. That the Applicant has held a pre-application meeting as required by the Volusia County Zoning Ordinance No. 80-8, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the Volusia County Zoning Ordinance No. 80-8, as amended.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for an amendment to an adopted IPUD (Industrial Planned Unit Development) formerly known as, "THE KNAP FAMILY 1987 REVOCABLE TRUST, JACK KNAP TRUSTEE IPUD (INDUSTRIAL PLANNED UNIT DEVELOPMENT)." The Amended IPUD shall be known as the "STRASSER MPUD."

B. That the said amendment to the adopted IPUD results in a MPUD that is no more intense than the former IPUD and therefore the MPUD, with review by extra governmental agency is consistent with both the Volusia County Comprehensive Plan Ordinance No. 90-10, as amended and the intent and purpose of the Volusia County Zoning Ordinance No. 80-8, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY COUNTY ADMINISTRATION BUILDING, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 27TH DAY OF APRIL 2006, AS FOLLOWS:

A. That the Application of Strasser Development Parcel D, LLC, a Florida Limited Liability Company, for amendment to the adopted IPUD applicable to the subject parcels the Strasser MPUD is hereby granted.

B. That the MPUD zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended MPUD as set out in the "Development Agreement" set out below.

C. That Volusia County Zoning Ordinance No. 80-8, as amended, is consistent with the provisions of the "Mixed Use Planned Unit Development Agreement" as hereinafter set forth in this Order and Resolution and with respect to any conflict between Ordinance No. 80-8, as amended, and the "Amended Development Agreement", the provisions of the "Amended Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The Volusia County

Zoning Enforcement Official will ensure overall compliance with this Order and Resolution.

D. Unless otherwise provided for herein, Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the Mixed Use Planned Unit Development Agreement in the same manner as the I-1 zoning classification.

E. Nothing in this Order and Resolution shall abridge the requirements of any Volusia County Ordinance other than Zoning Ordinance 80-8, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 88-3, as amended, and any other County Ordinances.

DEVELOPMENT AGREEMENT

A. Development Concept. The property shall be developed as an MPUD substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as an MPUD and shall regulate the future land use of this parcel.

1. **Master Development Plan.** The Master Development Plan shall consist of the Preliminary Plan prepared by Mark Dowst and Associates, Inc. and dated April 28, 2005, revised October 13, 2005, and this Development Agreement. The Preliminary Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection in the Growth and Resource Management Department and it shall constitute a supplement to the Official Zoning Map of Volusia County.

2. **Amendments.** All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official to be minor amendments as set out by Section 813.06 of Ordinance No. 80-8, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. **Subdivision Approval.** After the Master Development Plan is recorded, and prior to any construction, an application for exemption; or a preliminary and/or a final plat of the area to be subdivided shall be submitted for review and approval in the manner required by Article II of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

4. **Final Site Plan Approval.** After the Master Development Plan is recorded, and prior to any construction, final site plans shall be submitted for review and approval in the manner required by Article III of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Development Order Plat(s) or Exemptions for areas to be subdivided.

C. Phases of Development. The infrastructure shall be developed in either a single phase or in phases consistent with the subdivision overall development plan and/or final site plan.

D. Land Uses within the MPUD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed MPUD. The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures. If a use or structure is not listed as permitted, the Zoning Enforcement Official may permit said use or structure upon a determination that said use or structure is similar to the uses or structures otherwise permitted by the MPUD.

1. The following uses are permitted on lots adjacent to Interstate 95 (eastern side) of the MPUD:

Administrative and executive offices.

Corporate offices.

Data Processing.

Distribution centers.

Electrical component manufacturers.

Essential utility services.

Exempt excavations (refer to section 817.00(0) and/or those which Comply with article VIII of the Land Development Code of Volusia County [appendix A] and/or final site plan review procedures of this ordinance.

Recreational Vehicle uses and stormwater ponds

Financial institutions.

Flex Office/Showroom/Warehouse

Food products manufacturers.

Hotel/Motel

Industrial vocational training school

Laboratories, research and/or testing.

Light industrial uses and wholesale, distribution and offices for:

Computer and office equipment.

Durable and non-durable goods distribution.

Electronic equipment.

Instruments (measuring, analyzing and controlling).

Optical equipment.

Photographic equipment and supplies.

Precision instruments and machinery.

Recreational Vehicle production

- Machinery and machine shops
- Off site parking¹
- Printing, publishing and engraving
- Recreational Vehicle sales and service
- Restaurants
- Retail Sales²
- Sheet metal products manufacturers and sales.
- Tool, die and gauge shops
- Trailer, carriage and wagon manufacturers
- Vocational training school
- Warehouses
- Welding or soldering shops
- Wholesale houses and distributors
- Wood product manufacturers

¹ Off-site, shared or exclusive parking pursuant to use or easement agreement between property owners within the MPUD or the adjacent Love's/Having Fun BPUD shall be a permitted land use on the property subject to the MPUD.

² Retail sales shall be allowed as a permitted use on the property. The allowable square footage permitted to be placed on the property shall be based upon the traffic generation which shall comply with memorandum of Jon E. Cheney dated February 27, 2003 and attached hereto and incorporated as Exhibit C.

2. The following uses are permitted on lots along the western side of the MPUD:

- Administrative and executive offices.
- Communication towers not exceeding 70 feet in height above ground level.
- Corporate offices
- Data processing
- Off site parking¹
- Printing, publishing and engraving.
- Recreational Vehicle sales and service
- Recreational Vehicle Sites²

¹ Off-site, shared or exclusive parking pursuant to use or easement agreement between property owners within the MPUD or the adjacent Love's/Having Fun BPUD shall be a permitted land use on the property subject to the MPUD.

² Conforming to state and local requirements for size and waste management.

E. Development Standards.

Minimum lot area	10 acres
Minimum lot width	150 ft.

Minimum yard size (building)	
a. Front yard:	35 ft.
b. Rear yard:	20 ft.
c. Side yard abutting any lot:	10ft.
d. Side yard abutting any street:	35 ft.
e. Side yard abutting any residentially zoned property	35ft.
Maximum lot coverage	50%
Maximum building height	55 ft., (35 ft. abutting residential zoning).
Landscape buffer requirements	10 ft. on the western perimeter for all off site parking, R.V. uses and stormwater ponds and 25 ft. on the western perimeter for all uses and associated required parking; 25 ft. on the eastern perimeter. Fencing shall not be required in the in the eastern or western buffer. All landscaping and other fencing shall be consistent with the exception that tree caliper shall be 2 inches in diameter at breast height.
Project Perimeter building setbacks	25 ft.
Minimum building separation	25 ft.
Off-street parking requirements	Lots 1-4: Off-street parking other than the off-site parking allowed by this Development Agreement as a permitted use shall comply with Article VIII, Section 810.00 of Ordinance NO.80-8 as amended. Lot 5: Off-street parking provided on Lot 5 shall be allowed by the approved site plan for Lot 5 as a school site. The maximum parking number established by the presently adopted LDC shall not apply to Lot 5. The only restrictions on parking area shall be those established by required buffer, setbacks, landscape or stormwater requirements.

F. Signage Requirements. There will only be interchange interstate signage allowed for three lots, excluding the northernmost site currently stated for development of the Wyotech Center. These signs will comply with the currently adopted City of Ormond Beach Land Development Code for Exhibit "E - Interstate Interchange Signs." A monument sign for "Wyotech" shall not be higher than 20 feet and shall not exceed 96 square feet. All other applicable sign requirements of Ordinance No. 80-8, as amended shall apply, except for Section 822.09. Existing billboards on the parcel shall be removed within 5 years of commencement of project or 50% completion whichever occurs first.

G. Appearance Standards. It is the purpose of these appearance standards to ensure that development within the MPUD is designed to promote a high quality appearance. It is hereby determined that the appearance of the Wyotech/Corinthian building on Lot 5, attached as Exhibit D, meets the required general appearance standard stated above and it is also consistent with the quality of construction required by the Love's/Having Fun BPUD which abuts the southern boundary of the MPUD. In addition to the general standards stated above, buildings on MPUD Lots 1-4 shall comply with the following appearance standards.

1. Building similarities. The property will be developed using architectural standards established by the Harley-Davidson dealership and the pending J&P Cycles building in the adjacent Love's/Having Fun BPUD located to the south of this MPUD. This will not be applicable to the Wyotech project, since that has proceeded ahead of the MPUD request and in accordance with the former Knapp IPUD Development Agreement. Determination of building materials and color conformance to this standard and the requirements of paragraph #3 below shall be determined during the site plan review and approval process.
2. Building orientation. Buildings shall be orientated such that service areas and outdoor storage or work areas are placed out of view from street rights-of way. Where, because of site constraints or other factors, service areas cannot be located in accordance with this requirement, such areas shall be screened from view by vegetative or structural means, to include, but not be limited to a masonry block wall. Structural screening shall be architecturally compatible with the building in terms of colors, construction materials, and finish.
3. Building exterior materials and colors. Building materials and colors shall conform to the following requirements:
 - a. All buildings shall be faced with materials that exhibit a durable, high quality appearance.
 - b. Materials shall be of a low maintenance type, retaining a consistent, clean appearance.
 - c. Generally accepted exterior facing materials, on all facades exposed to

the public view from the street right-of-way, including I-95, shall include brick, finished block, tinted and textured or split-faced concrete masonry blocks, exposed aggregate, stone, architectural concrete and cellulose fiber-reinforced cement building boards. Vinyl siding and wood shall not be permitted, except as an architectural detail or ornamentation. Metal and/or stucco buildings may be permitted provided the facade of metal or stucco buildings that fronts on a street shall not have an exposed metal or stucco surface.

- d. Exterior building colors shall be limited to earth tones, pastels, and natural shades of green, brown, beige, sand and gray typical of materials such as wood, stone, brick and concrete. Pastel colors shall mean any color in pale or light tones, generally consisting of ninety percent white and ten percent color tint, as measured by photometric content. Accent colors other than earth tones and natural colors may be used such that they do not exceed 20% of the building area.
4. Fences and Walls. Fences and walls, whether required for project approval or whether incorporated into overall project design shall be designed as an integral part of the principal building and shall meet the following requirements:
 - a. Fences and walls shall be designed to include the use of similar materials, colors, and finishes as the principal building, except wood.
 - b. Fences and walls shall be architecturally designed with offsets, raised elements and landscape pockets to avoid an expansive monolithic or monotonous appearance.
 - c. Landscaped earth berms may be utilized in lieu of a fence or wall where approved during the site plan review and approval process.
 5. Perimeter building landscaping. All projects shall incorporate perimeter building landscaping in accordance with the following requirements:
 - a. Perimeter landscape plant materials shall be located adjacent to any building wall that will be visible from any street.
 - b. Perimeter landscape plant materials shall consist of a combination of trees, palms, shrubs and ground covers. Landscape plant material type and size shall, at a minimum, be consistent with the requirements Ordinance No. 80-8 as amended. The minimum depth of the landscape areas shall be 5 ft. Trees shall be placed in the perimeter building landscape area at the corners of the building and along the building facade so that there is at least one tree per building side and no more than 50 lineal feet of wall between trees.

- c. Architectural planters may be permitted during the site plan review and approval process in fulfillment of the perimeter landscape requirement. Such architectural planters shall contain a surface area of not less than 10 square feet and shall have a minimum dimension of 15 inches.
6. Screening of mechanical equipment. All mechanical equipment shall be screened in accordance with the following requirements:
 - a. Mechanical equipment located on the ground, such as air conditioning units, heating units, satellite dishes, irrigation pumps, propane tank displays and refilling areas, utility lift stations and the like shall be screened from view of any street right-of-way. Screening shall, at a minimum, be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principle building. Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen within 2 years from the time of planting.
 - b. Equipment and appurtenances mounted on rooftops shall be kept to a minimum. All exposed rooftop mounted equipment and appurtenances shall be screened from view of any street right-of-way, including I-95. All screening shall, at a minimum, be at the same height as the equipment and appurtenances. Screening shall be an integral part of the design of the principal building and shall be architecturally consistent with the style, colors, construction materials and finish of the principle building. Where utilization of approved roof designs preclude full screening of exposed equipment and appurtenances, painting of the exposed equipment and appurtenances to blend with the color of the roof and adjacent materials of the principal building may be approved during the site plan review and approval process.
7. Utilities. Utility construction and placement shall comply with the following requirements:
 - a. All utility lines, whether new or relocated, shall be installed underground unless otherwise approved during the site plan review and approval process.
 - b. Utility conduit and utility panels/boxes shall be painted to match the color of the building on which they are placed.
 - c. Water and sewer lift stations, pump houses and similar features shall be fully screened from view at street rights-at-way by structural means or vegetative. Where screening is accomplished by structural means, such

screening shall be compatible in design and color with the principal building.

8. Accessory uses and structures. Accessory uses and/or structures are only permitted with a principle building and/or use. Accessory uses and/or structures shall be designed and constructed to be compatible with the architectural design of the principle building. Exterior finishes, colors and materials on accessory structures shall be similar to those used on the principle building.
9. Modifications to Appearance Standards. When, in the judgment of the Development Review Committee (DRC), strict application of the appearance standards would result in an inequitable or unreasonable result, stifle innovative or creative design, or create undue hardship when applied to a specific development within the MPUD, the DRC may modify such standards to the extent necessary to achieve equity, reasonableness, relieve the undue hardship, and accomplish the appearance standards provisions of Paragraph G of this Agreement. Provided however, no such modification shall be contrary to requirements of law or the goals, objectives and policies of the Comprehensive Plan; nor shall any such modification as applied to one development, establish precedent with regard to any other development subject to review.

H. Environmental Considerations. Wetlands will be preserved in a manner that is consistent with the requirements of the permit issued by the Saint Johns River Water Management District (SJRWMD) and Volusia County's Code of Ordinances, Appendix A, Article XI and will be incorporated, to the maximum extent possible, in the design of the MPUD as buffer and/or preservation areas. Wetland impacts may be allowed with appropriate permitting and mitigation. The upland preservation and wetland areas are intended to be managed as an interconnected system. These areas will remain in their natural state. Prior to site plan review, the site will be surveyed for listed species and other wildlife to ensure that development of the site will not adversely affect listed species/wildlife habitat. A copy of the wildlife listed species report, and if deemed appropriate, listed species management plan shall be submitted to the County at the initiation of site plan review. The handling and storage of hazardous materials by each industrial user shall be in compliance with all applicable Federal, State and County regulations.

I. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water will be provided by the City of Ormond Beach, FL.

J. Stormwater Drainage. Provision for stormwater retention shall be consistent with the requirements of the permit issued by the Saint Johns River Water Management District and Volusia County's Code of Ordinances, Appendix A, Article VIII.

K. Access and Transportation System Improvements. All access and transportation system improvements to ensure safe ingress and egress to the proposed development shall be contingent upon the following conditions:

1. Access to the property will be via a private roadway known as Destination Daytona Lane running from U.S. Highway 1 through the Love's/Having Fun BPUD to the southern terminus of the Property, as shown on Exhibit "B", attached hereto.
2. Compliance with level of service standards for the private roadway system shall be demonstrated and maintained through site plan approvals.
3. Compliance with concurrency standards shall be demonstrated at the time of site plan application and approvals.
4. Uses proposed for Lots 1, 2 and 3 shall be subject to evaluation of the number of trips available pursuant to the traffic memorandum attached here to as Exhibit C.
5. Application and approvals shall adequately address FDOT operation criteria.
6. A roadway stub out may be provided to the western portion of the Property as shown on the attached Exhibit "B."

L. Shared Parking. Each use on each lot within the MPUD shall individually meet the parking requirements for the use located thereon. The Applicant has elected to create additional, common parking area, subject to private agreements between the parties, which may provide additional parking for the uses located in the adjacent Love's/Having Fun BPUD or be dedicated to providing required parking for a remote use that may be located in or out of the MPUD. As a common facility for the MPUD, the common parking area will be allowed to be built and located as shown on the attached Exhibit "B" (e.g. landscape buffers at lot lines, between Lots 2 and 3, and Lots 3 and 4, will not be required in order to allow maximum utility for the area dedicated to shared parking). However, internal landscaping shall be provided in compliance with applicable County requirements.

M. Internal Roadways. The preliminary plan illustrates the location of all proposed streets or drives within the MPUD. The streets shall be privately owned and maintained.

N. Building or Property Owners Association. The Applicant shall create a property owner's association for maintenance of the common area in the event a common stormwater system or other common areas is created. Upon creation of the association, the articles of incorporation and by-laws of said association and any other agreements, covenants, easements or restrictions shall be furnished to the County of Volusia at the time of creation. The Applicant shall be responsible for recording said Information in the Public Records of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the Applicant and the owners or occupiers of property within the MPUD, the County of Volusia shall only enforce the provisions of the "Development Agreement" and Volusia County Zoning Ordinance No. 80-8, as amended,

whichever is applicable, and not the private agreements entered into between the aforementioned parties.

O. Binding Effect of Plans: Recording: and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The MPUD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended.

This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department. The date of receipt of this document by the Growth and Resource Management Department shall constitute the effective date of the MPUD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

P. Conceptual Approval. The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Upon determination of the Zoning Enforcement Official, these revisions may be processed as minor amendments as set forth in Section 813.06 of the Volusia County Zoning Ordinance No. 80-8, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30-day period for appealing Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department.

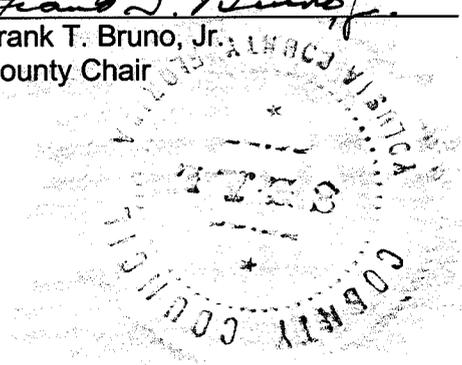
Q. Expiration of Agreement. Within five (5) years from the effective date of this Amended Order and Resolution, the Applicant shall submit a Subdivision and/or Final Site Plan as described in Section A, subsections (3) and (4) of this Development Agreement, covering at a minimum, the first phase of the MPUD. In the event that the Subdivision or Final Site Plan is not submitted on or before the above referenced date, this Agreement shall expire. Any subsequent proposed development of this property will be processed as a major amendment of the Master Development Plan in accordance with paragraph A(2) of this Agreement.

Attest:

VOLUSIA COUNTY COUNCIL

Mary A. Zimmerman
James T. Dinneen
County Manager

Frank T. Bruno, Jr.
Frank T. Bruno, Jr.
County Chair

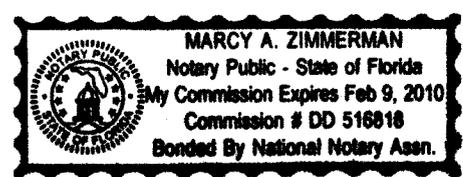


STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 14 day of August 2006, by James T. Dinneen and Frank T, Bruno, Jr., as County Manager and County Chair, Volusia County Council, respectively, on behalf of the County of Volusia, and who are personally known to me.

Marcy A. Zimmerman
Notary Public, State of Florida

Printed Name
My Commission Expires:



Strasser Development Parcel D, LLC,
a Florida Limited Liability Company

By: Charles L. Strasser

Its: managing member

The Daytona RV Center, LLC,
a Florida Limited Liability Company

By: signed separately

Its: _____

Florida Motorcycle School, LLC
a Florida Limited Liability Company

By: signed separately

Its: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 4th day
of October 2006, by Charles L. Strasser as Managing Member of
Strasser Development Parcel D, LLC and who is personally known to me or produced
_____ as identification.

Mary Diane Dowdee

Notary Public, State of Florida

Mary Diane Dowdee

Printed Name

My Commission Expires:



Instrument# 2006-260219 # 15
Book : 5934
Page : 3473

Strasser Development Parcel D, LLC,
a Florida Limited Liability Company

By: signed separately
Its: _____

The Daytona RV Center, LLC,
a Florida Limited Liability Company

By: Sonya Buerger
Its: _____

Florida Motorcycle School, LLC
a Florida Limited Liability Company

By: signed separately
Its: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 27th day
of Sept 2006, by Katelyn Edwards as Sonya Buerger of
The Daytona RV Center, LLC and who is personally known to me or produced
Driver's License as identification.

Katelyn M. Edwards
Notary Public, State of Florida

Katelyn M. Edwards
Printed Name
My Commission Expires: My Commission Expires
May 18, 2010



Instrument# 2006-260219 # 16
Book : 5934
Page : 3474

Strasser Development Parcel D, LLC,
a Florida Limited Liability Company

By: signed separately

Its: _____

The Daytona RV Center, LLC,
a Florida Limited Liability Company

By: signed separately

Its: _____

Florida Motorcycle School, LLC
a Florida Limited Liability Company

By: [Signature]

Its: MANAGER

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 22nd day of September 2006, by A. Brant Bryan as Manager of Florida Motorcycle School, LLC and who is personally known to me or produced personally known as identification.

Julie Wakefield
Notary Public, State of Florida Texas

Julie Wakefield
Printed Name

My Commission Expires: July 2, 2007

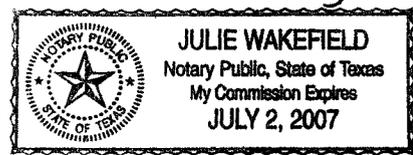


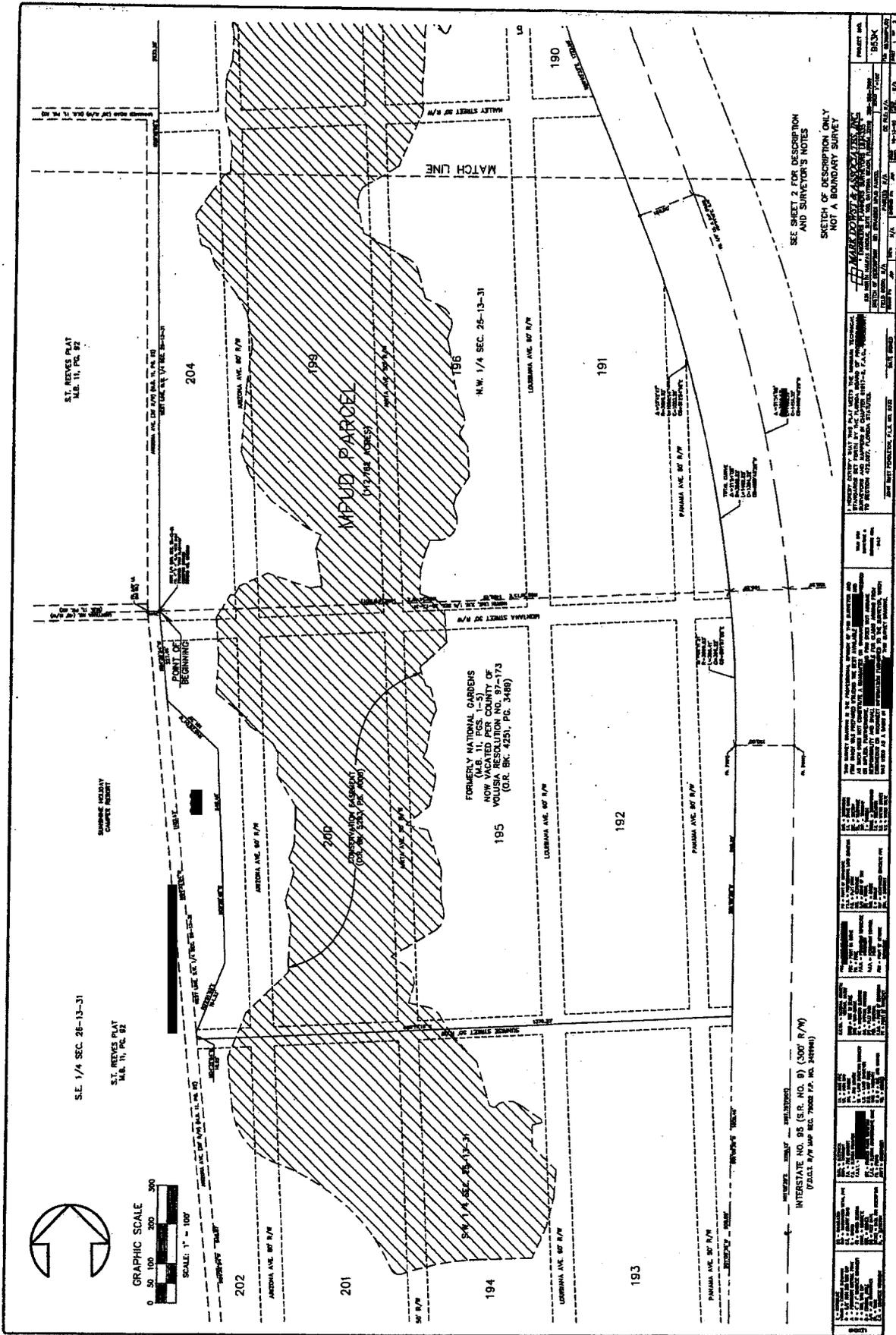
EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION - MPUD PARCEL

A PORTION OF SECTIONS 25 AND 24, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

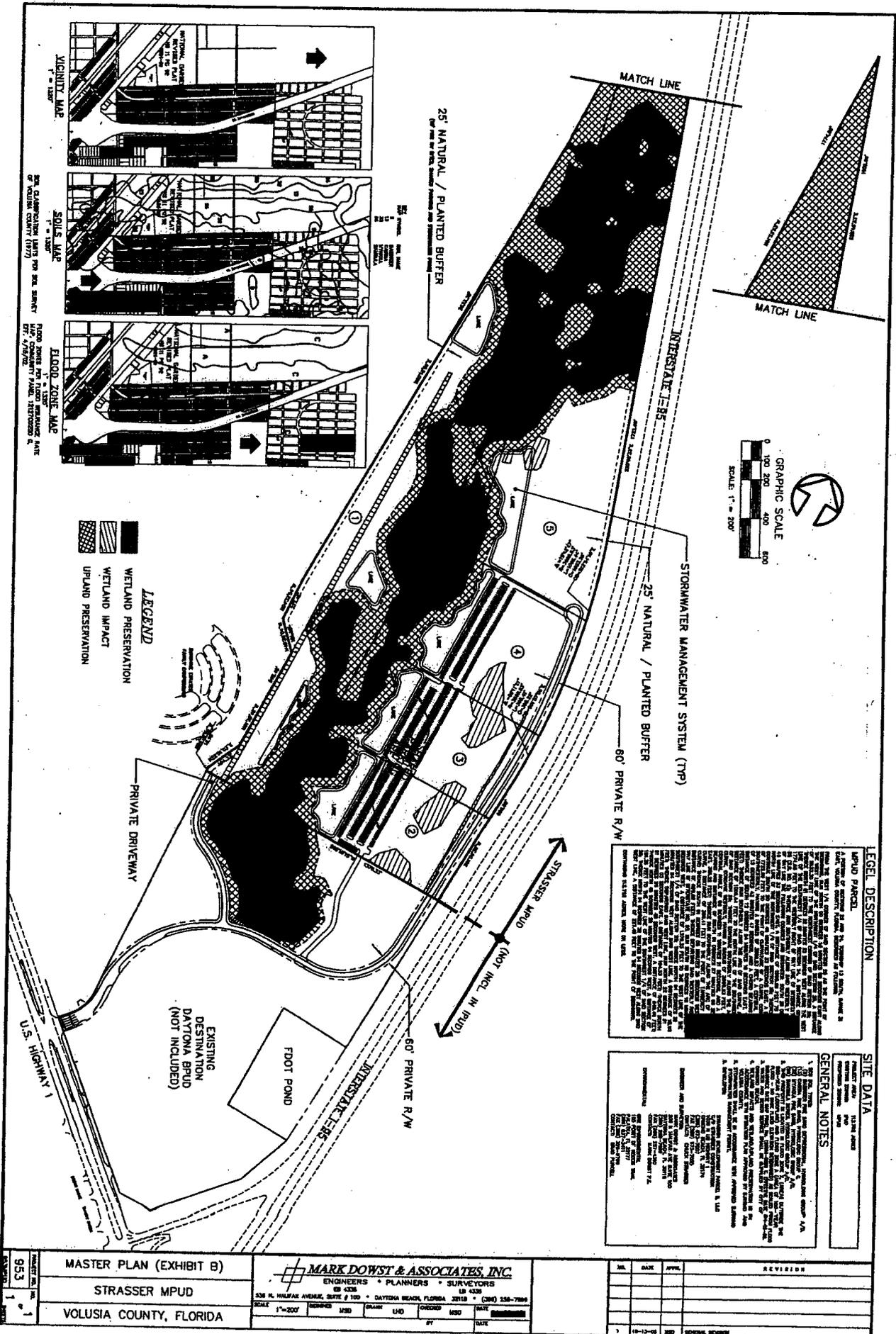
FROM THE WEST 1/4 CORNER OF SAID SECTION 25 AS THE POINT OF BEGINNING, RUN NORTH 00 DEGREES 18 MINUTES 06 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 2633.30 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 01 DEGREES 52 MINUTES 53 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24, A DISTANCE OF 1774.68 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 95 (S.R. NO. 9); THENCE RUN SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 20 DEGREES 45 MINUTES 33 SECONDS EAST, A DISTANCE OF 1905.86 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25; THENCE CONTINUE SOUTH 20 DEGREES 45 MINUTES 33 SECONDS EAST, A DISTANCE OF 1722.60 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 3669.83 FEET, A CENTRAL ANGLE OF 15 DEGREES 42 MINUTES 47 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 12 DEGREES 54 MINUTES 10 SECONDS EAST, 1003.28 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1006.44 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE CONTINUE SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 3669.83 FEET, A CENTRAL ANGLE OF 06 DEGREES 11 MINUTES 21 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 01 DEGREES 57 MINUTES 06 SECONDS EAST, 396.22 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 396.41 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 01 DEGREES 08 MINUTES 35 SECONDS WEST, A DISTANCE OF 699.69 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 95, RUN SOUTH 88 DEGREES 18 MINUTES 15 SECONDS WEST, A DISTANCE OF 1378.33 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE NORTH 04 DEGREES 32 MINUTES 54 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 18.95 FEET; THENCE DEPARTING SAID WEST LINE, RUN NORTH 22 DEGREES 51 MINUTES 03 SECONDS EAST, A DISTANCE OF 194.33 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 48 SECONDS WEST, A DISTANCE OF 548.48 FEET; THENCE NORTH 45 DEGREES 28 MINUTES 04 SECONDS WEST, A DISTANCE OF 181.35 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE NORTH 04 DEGREES 32 MINUTES 54 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 227.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 112.762 ACRES, MORE OR LESS.



SEE SHEET 2 FOR DESCRIPTION AND SURVEYOR'S NOTES
 SKETCH OF DESCRIPTION ONLY
 NOT A BOUNDARY SURVEY

<p>PROJECT NO. 19334</p> <p>DATE OF SURVEY: 05/14/07</p> <p>DATE OF PLOTTING: 05/14/07</p> <p>SCALE: 1" = 100'</p>	
<p>PREPARED BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>DATE: 05/14/07</p>	
<p>APPROVED BY: [Name]</p> <p>DATE: 05/14/07</p>	
<p>INTERSTATE NO. 95 (S.R. NO. 9) (2007 R/W)</p> <p>(FOLIAGE R/W MAP NO. 70003 P.A. NO. 34984)</p>	
<p>PROPERTY OWNER: [Name]</p> <p>ADDRESS: [Address]</p>	
<p>ADJACENT PARCELS:</p> <p>194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204</p>	
<p>REMARKS:</p> <p>[Detailed notes regarding the survey and parcels]</p>	



LEGAL DESCRIPTION

UPUD PARCEL: [Detailed legal description text]

SITE DATA

PROJECT NO: []
 SHEET NO: []

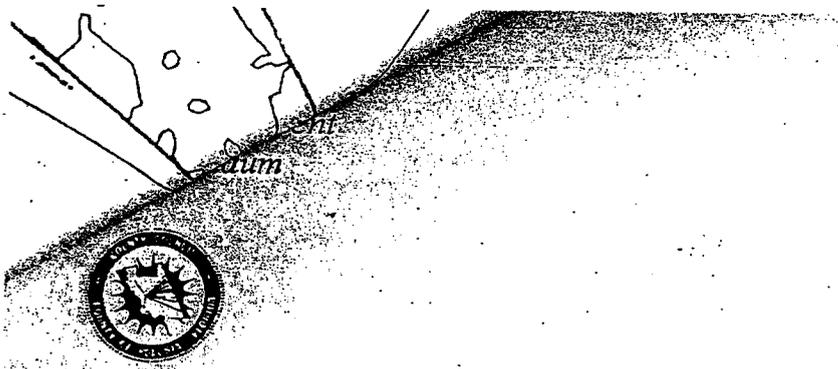
GENERAL NOTES

1. THE INFORMATION CONTAINED HEREIN IS BASED ON THE RECORDS OF THE PUBLIC RECORDS OFFICE OF VOLUSIA COUNTY, FLORIDA.
2. THE INFORMATION CONTAINED HEREIN IS BASED ON THE RECORDS OF THE PUBLIC RECORDS OFFICE OF VOLUSIA COUNTY, FLORIDA.
3. THE INFORMATION CONTAINED HEREIN IS BASED ON THE RECORDS OF THE PUBLIC RECORDS OFFICE OF VOLUSIA COUNTY, FLORIDA.
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9. THE INFORMATION CONTAINED HEREIN IS BASED ON THE RECORDS OF THE PUBLIC RECORDS OFFICE OF VOLUSIA COUNTY, FLORIDA.
10. THE INFORMATION CONTAINED HEREIN IS BASED ON THE RECORDS OF THE PUBLIC RECORDS OFFICE OF VOLUSIA COUNTY, FLORIDA.

MASTER PLAN (EXHIBIT B)
 STRASSER MPUD
 VOLUSIA COUNTY, FLORIDA

MARK DOWST & ASSOCIATES, INC.
 ENGINEERS • PLANNERS • SURVEYORS
 538 N. HALFAK AVENUE, SUITE # 100 • DAYTONA BEACH, FLORIDA 32119 • (386) 256-7800
 SCALE: 1"=200' (SHEET) 1/8"=100' (GENERAL)

NO.	DATE	APPROVAL	REVISION



TO: Scott Ashley
Current Planning Manager
Building & Zoning

DATE: February 27, 2003

FROM: Jon E. Cheney
Traffic Engineer

FILE: pud-02-137.doc

SUBJECT: JK Industrial Park Rezoning Case #PUD-02-137

LOCATION: On the north side of US-1/SR-5 adjacent of I-95/SR-9

The proposed rezoning is for 122.12 acres with an existing zoning of Rural Residential (RR) to a proposed zoning of Industrial Planned Unit Development (IPUD). The existing RR zoning could produce 122 single-family residential dwelling units based upon a maximum density of one single-family residential dwelling unit per acre. The proposed IPUD zoning would produce 122.12 acres of industrial park based upon the proposed site plan.

Development from the proposed use could generate approximately 6,539 trip ends per weekday more than the existing zoning. The existing RR zoning could generate approximately 1,168 trip ends per weekday based on a trip generation rate of 9.57 trip ends per single-family residential dwelling unit. The proposed IPUD zoning could generate approximately 7,707 trip ends per weekday based on a trip generation rate of 63.11 trip ends per acre of industrial park.

The 2001 Average Daily Traffic (ADT), on US-1, 0.019 miles south of the Flagler County line was 10,300. This equates to a Level of Service (LOS), "A" for a four-lane principle arterial. This type of facility can serve 60,100 trip ends per day at a LOS "D". The 2001 ADT on I-95, between US-1 and Flagler County was 45,500. This equates to a LOS "D" for a four-lane restricted access principle arterial. This type of facility can serve 49,200 trip ends per day at a LOS "C". Our records indicate that this facility is currently backlogged and is scheduled to be increased to six lanes in Fiscal Year 2004/2005. Given the scheduled improvements for I-95, addition of the proposed 7,707 trips will not cause LOS problems for the thoroughfares in the vicinity of this development.

An evaluation of the revised traffic impact analysis provided by the developer indicates that there are several items of concern. However, on February 26, 2003, the developer Mr. Jack Knap, agreed to address all of our concerns after approval of the rezoning request for this project. Specifically, the developer has agreed to have his traffic engineer monitor the southbound left turn lanes on US-1 for the entering southbound ramp on I-95 in order for this office to determine if dual left turn lanes are needed and determine before Phase 2 of this development if more than 15% of the development traffic will be heavy vehicles (trucks) through monitoring of the project entrance. The developer is aware that these items may require additional offsite improvements. Therefore, this office does not oppose approval of the rezoning request. Additional comments may be provided at the Overall Development Plan and/or Final Site Plan stage of this development.

JEC/acc

C: Jay D. Preston, County Development Engineer
Mr. Jack Knap, Trustee, Knapp Family Revocable Trust, 1995 Northeast 118th Road, North Miami, Florida 33181
Richard Wiskeman, FDOT Permits Engineer, 1650, North Kepler Road, DeLand, FL 32720

The gross residential density after the effective date of the Comprehensive Plan shall not exceed 1 dwelling unit per acre, however, net density may be greater than 1 dwelling unit per acre.

Non-residential development shall be designed to protect the environmental resources included inside the NRMA. In addition to the minimum standards above, non-residential development proposals shall be reviewed using the following criteria:

1. reduced lot coverage for buildings or impervious surfaces if needed to protect any environmental resources.
2. increased landscaped buffers that would be added to the protection of any environmental resources on site (i.e., 10% of required buffer);
3. reduced parking areas (if documented through the development review analysis);
4. limitations on the type of industrial uses to insure neighborhood compatibility, and
5. commercial would primarily be office, neighborhood convenience or an ancillary use. More intensive commercial uses may be appropriate if not adjacent to existing residential uses.

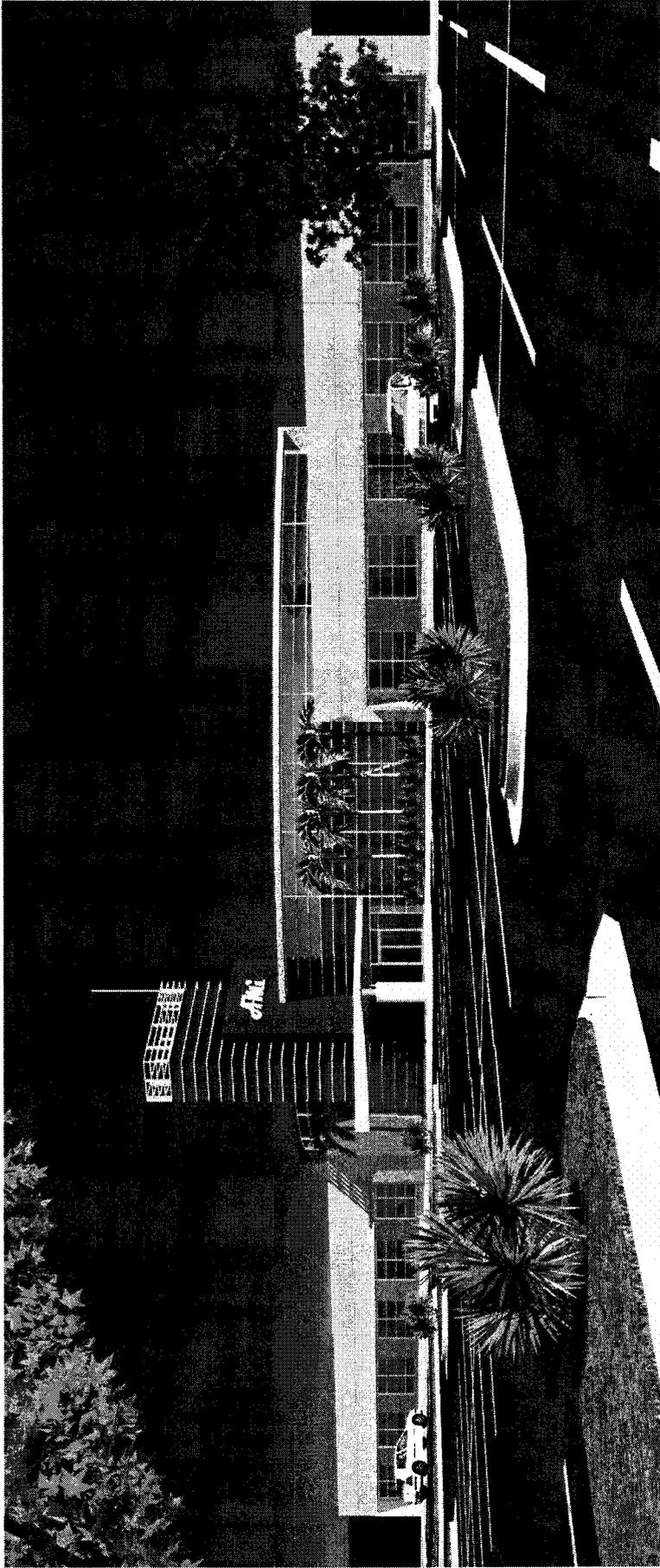
All requests for more intensive commercial uses (retail) on parcels greater than 8 acres shall be submitted as a Planned Unit Development (PUD). The PUD shall be submitted to the VGMC for review to determine if a Comprehensive Plan amendment is required or the project can proceed through the County's Zoning review process.

If a development or subdivision located inside a Low Impact Urban designation has been determined to be vested, then that development or subdivision shall be considered consistent with the Comprehensive Plan.

This subcategory will be defined as an urban classification and all development which occurs in this classification shall meet all appropriate urban policies.

3. Agricultural Resource (AR) - Areas representing land that is suited for intensive cultivation, ranching, aquaculture, and timber farming. The criteria used to identify these areas include the soil quality, existing or potential value of production, existing agricultural uses, parcel size, ownership patterns, and investment in farming. In order to protect the agricultural industry, it is important that uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed. The residential density after the effective date of the Comprehensive Plan shall not exceed 1 dwelling unit per 10 acres.
4. Rural (R) - Areas which are a mixture of agriculture and low density residential development. The density shall be determined as follows. Vacant parcels or tracts of land in the vicinity to existing subdivisions (exempt or approved under Volusia County Ordinance 72-2 or 83-3, as amended, at the time of the effective date of this Comprehensive Plan) with lot sizes from 1 unit per acre to 1 unit per 5 acres or is immediately adjacent to an urban category to allow for a transition between the

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Elevation - Option A

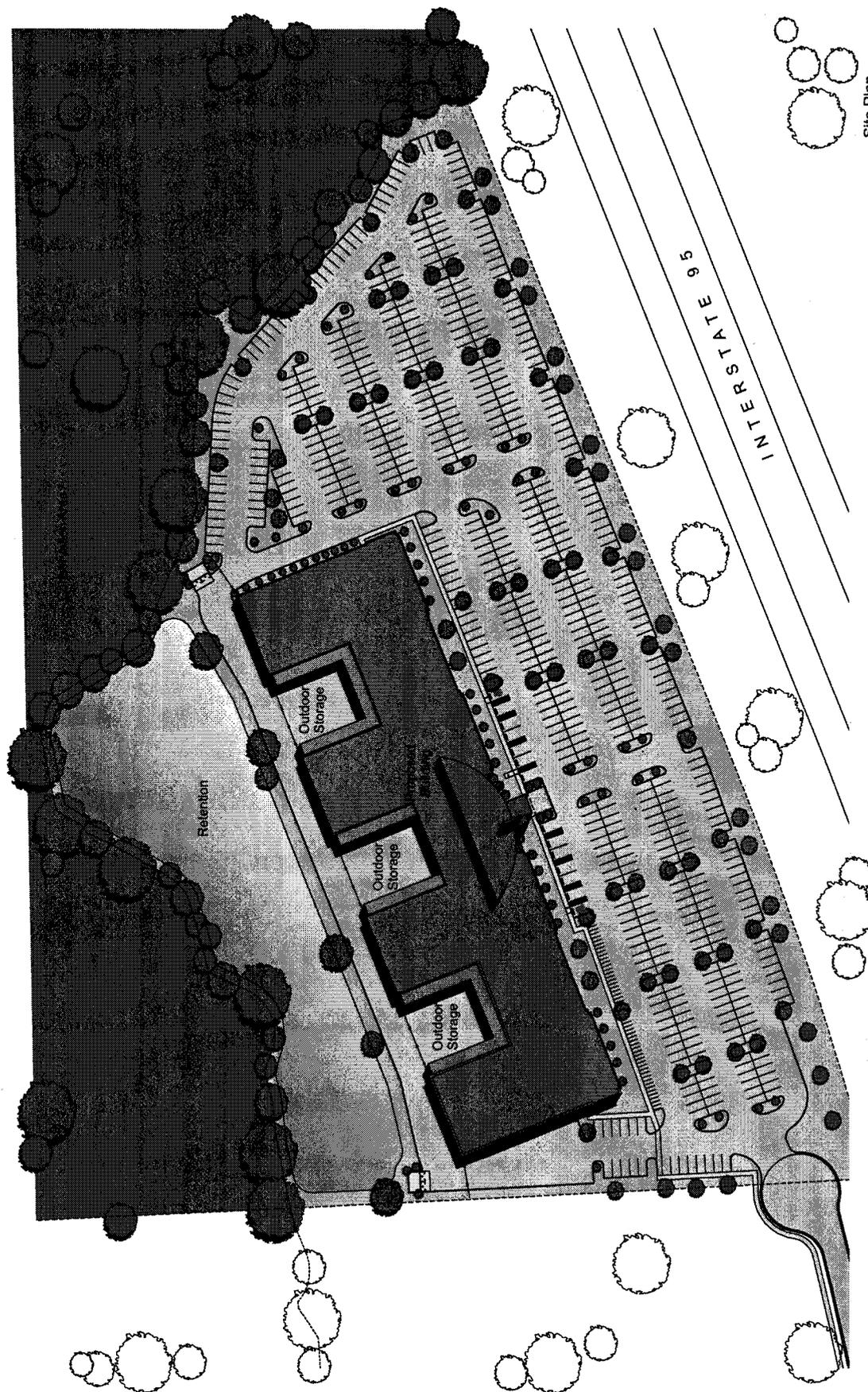


CORINTHIAN COLLEGES - AMI TRAINING/EDUCATION FACILITY

Daytona Beach, Florida
June 3, 2006

EXHIBIT D

Instrument# 2006-260219 # 25
Book: 5934
Page: 3483

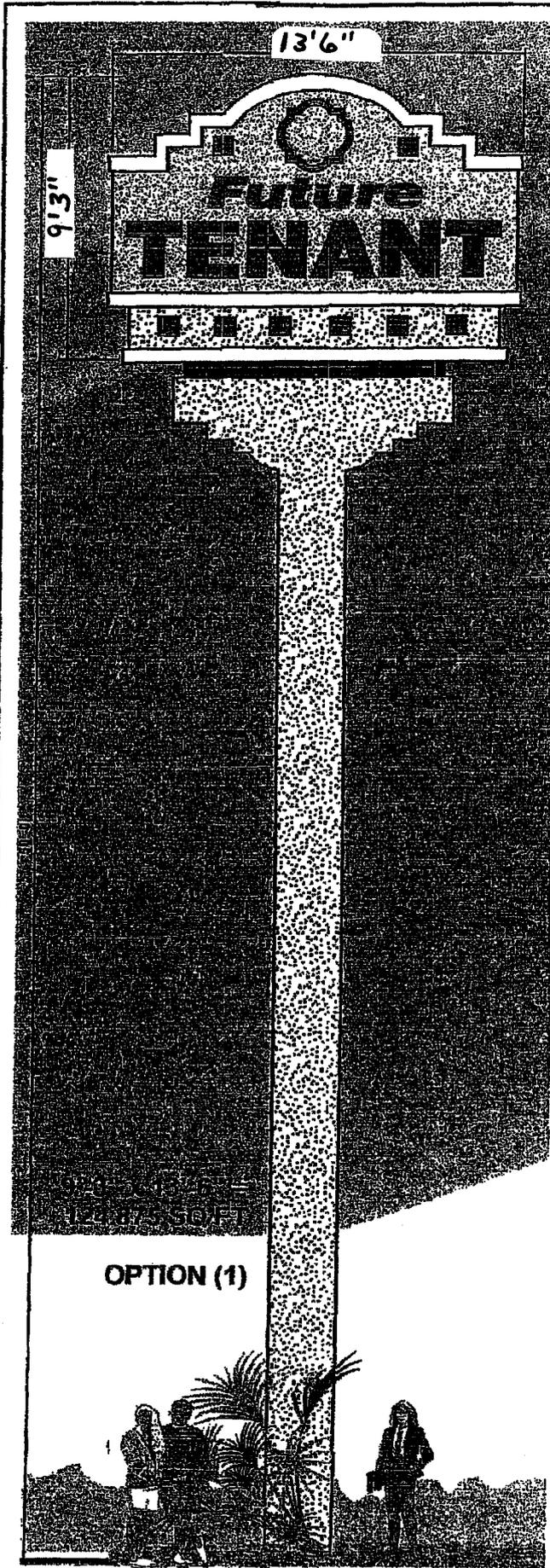


CORINTHIAN COLLEGES - AMI TRAINING/EDUCATION FACILITY

Daytona Beach, Florida
August 23, 2005

EXHIBIT D

EXHIBIT "E"
INTERSTATE INTERCHANGE SIGN



Instrument# 2006-260219 # 26
 Book : 5934
 Page : 3484
 Diane M. Matousek
 Volusia County, Clerk of Court

DE [REDACTED]-1

DATE: 02/17/04
 DESIGNER: RICK Z
 CHECKED BY:
 [REDACTED]
 1)
 2)
 3)
 4)

SHEET 1 OF 1
 DAYTONA HARLEY DAVIDSON
 ORMOND BEACH
 4226 NOTED
 RAYMOND WEBB
 GORELS

K
 KENCOR
 2000, INC.
 1507 GARDEN AVENUE
 HOLLY HILL, FLORIDA 32117
 PHONE (352) 572-1525
 1500 GARDEN AVENUE, SUITE 100, HOLLY HILL, FL 32117

Exhibit 5

**IN THE COUNTY COUNCIL OF THE
COUNTY OF VOLUSIA, FLORIDA**

IN RE: PUD-07-021, application of

WSF, LLC

RESOLUTION # 2007-96

**ORDER AND RESOLUTION GRANTING A REQUEST FOR CHANGE OF ZONING
FROM A-2 (Rural Agricultural Classification)
TO WSF BPUD (Business Planned Unit Development)**

The application, of WSF, LLC, a Florida Limited Liability Company, hereinafter "Applicant", for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on May 24, 2007. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth & Resource Management Department, Legal Services, and other service groups and agencies of Volusia County and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on April 10, 2007, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

GENERAL FINDINGS

A. That the application of WSF, LLC, (Applicant), was duly and properly filed herein on January 26, 2007 as required by law.

B. That all fees and costs, which are by law, regulation or Ordinance required to be borne and paid by the Applicant have been paid.

C. That the Applicant is the owner of a 34.83 acre parcel of land which is situated in Volusia County. This parcel of land is described more particularly in the legal description, which is attached hereto as Exhibit "A".

D. That the Applicant has held a pre-application meeting as required by the Volusia County Zoning Ordinance No. 80-8, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the Volusia County Zoning Ordinance No. 80-8, as amended.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from A-2 (Rural Agricultural Classification) to BPUD (Business Planned Unit Development).

B. That the said rezoning to a BPUD is consistent with both the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended and the intent and purpose of the Volusia County Zoning Ordinance No. 80-8 and it does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY ADMINISTRATION CENTER, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 24TH DAY OF MAY, A.D., 2007, AS FOLLOWS:

A. That the Application of WSF, LLC a Florida Limited Liability Company, for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from A-2 to BPUD as described in Article VII of the Volusia County Zoning Ordinance No. 80-8, as amended.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel WSF BPUD.

D. That Volusia County Zoning Ordinance No. 80-8, as amended, is consistent with the provisions of the "Business Planned Unit Development Agreement" as hereinafter set forth in this Order and Resolution and with respect to any conflict between Ordinance No. 80-8, as amended, or other local ordinances and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The Volusia County Zoning Enforcement Official will ensure overall compliance with this Order and Resolution.

E. Unless otherwise provided for herein, Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the BPUD in the same manner as the A-2 (Rural Agricultural Classification) zoning classification.

F. Nothing in this Order and Resolution shall abridge the requirements of any Volusia County Ordinance other than Zoning Ordinance 80-8, as amended and other ordinances as noted herein. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Further, nothing in the Development Agreement, except as noted herein, is intended to abridge the requirements of Ordinance No. 88-3, as amended, and any other County Ordinances.

DEVELOPMENT AGREEMENT

A. Development Concept. The property shall be developed as a BPUD substantially in accordance with the Master Development Plan for the property. The Master Development Plan shall govern the development of the property as a BPUD and shall regulate the present and future land use of the property.

1. Master Development Plan. The Master Development Plan shall consist of the Master Plan prepared by Mark S. Dowst, P.E., dated April 5, 2007, which is attached hereto and this Development Agreement with exhibits. The Master Development Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B" which is attached hereto. The Master Development Plan shall be filed and retained for public inspection in the Growth & Resource Management Department and it shall constitute a supplement to the Official Zoning Map of Volusia County.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official to be minor amendments as set out by Section 813.06 of Ordinance No. 80-8, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the

manner required by Article III of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

B. Unified Ownership. The Applicant or their successors shall maintain unified ownership of the subject parcel until after the approval and recording of a plat based on the Master Plan.

C. Phases of Development. The infrastructure shall be developed in either a single phase or in phases consistent with the Master Development Plan and/or Final site Plan.

D. Land Uses Within the BPUD. The following uses shall be permitted within the BPUD:

Communication Towers,

Off-site Parking¹,

Essential utility services,

Exempt excavations (refer to Section 817.00(o) Ordinance 80-8, as amended),

Exempt landfills (refer to Section 817.00(p) Ordinance 80-8, as amended), In no

event shall there be disposal or burial of debris within the boundaries of the

BPUD.

¹ Off-site shared or exclusive parking pursuant to Use or Easement Agreement written between property owners within the Strasser MPUD or the Love's/Having Fun BPUD should be a permitted use on the WSF BPUD.

E. Development Standards/Parking Area.

1. Minimum Development Area 12 acres (excluding wetlands)
2. Minimum Buffer Yards:
 - a. Front yard (east): 10 ft.
 - b. Rear yard (west): 10 ft.
 - c. Side yard (north): 30 ft.
 - d. Side yard (south): 30 ft.
3. Maximum impervious lot coverage: 40% net (11.87 acres after wetland acres are subtracted)
4. Development Standards for Existing Communication Tower: Comply with Special Exception approval [REDACTED]

F. Landscape buffer requirements. Landscape buffers shall be as depicted on the Master Plan and as described in the Development Standards above. In the event of a conflict between any applicable ordinances adopted by Volusia County, the Master Development Plan shall control. Interior landscaped areas shall be required for only the paved off-street parking areas per Section 808.03 of the Zoning Ordinance 80-8, as amended.

G. Off-street parking requirements: The applicable requirements of Section 810.00 of the Zoning Ordinance shall be met.

H. Signage requirements. Signage shall be permitted in accordance with the provisions of the Volusia County Zoning Ordinance No. 80-8, as amended.

I. Environmental Considerations. Wetlands will be preserved in a manner that is consistent with the requirements of the Saint Johns River Water Management District (SJRWMD) and Volusia County's Code of Ordinances, Appendix A, Article XI and will be incorporated, in the design of the BPUD as wetland buffer and/or conservation easement areas. Wetland impacts may be allowed with appropriate permitting and mitigation. The upland preservation and wetland areas are intended to be managed as an interconnected system. These areas will remain in their natural state.

J. Stormwater Drainage. Provision for stormwater retention shall be consistent with the requirements of the Saint Johns River Water Management District and Volusia County's code of Ordinances, Appendix A, Article VIII.

K. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Code, as amended. The parcel shall be developed in substantial accordance with the access provisions noted on the Master Development Plan.

All access and transportation system improvements to ensure safe ingress and egress to the proposed development shall be contingent upon the following conditions:

1. Access to the property will be primarily via a private roadway running from U.S. Highway 1 through the Love's/having Fun BPUD and the Strasser MPUD to the east property line of the Property, as shown on

Exhibit "B", attached hereto. However, the existing access to the existing communication tower shall be permitted to remain in its current location.

L. Shared Parking. The proposed additional common parking areas, may serve as additional overflow parking for uses located in the Strasser MPUD or Love's/Having Fun BPUD.

M. Reverter Provision. Within five (5) years from the effective date of this Order and Resolution, the Applicant shall have submitted a Final Site Plan as described in Section A, 3. of this "Development Agreement". In the event that the Final Site Plan is not submitted on or before the date indicated, this agreement shall expire and the parcel shall revert to the prior zoning classification(s), unless the Zoning Enforcement Official, for good cause shown, shall approve a minor amendment to extend the time period indicated in this paragraph. Any subsequent proposed development of this property will be processed as a major amendment of the Master Development Plan in accordance with paragraph A. 2 of this Agreement.

N. Binding Effect of Plans; Recording; and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Master Development Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The BPUD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in

a manner consistent with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended.

This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth & Resource Management Department. The date of receipt of this document by the Growth & Resource Management Department shall constitute the effective date of the BPUD or its subsequent amendments. The Applicant shall pay all filing costs for recording documents.

O. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location of structures, actual location of parking spaces, and locations and design of stormwater storage, landscape buffers and upland buffers shall comply with the Volusia County Land Development Code Ordinance No. 88-3, as amended and the Master Development Plan. Upon determination of the Zoning Enforcement Official, that a revision such as the ones contemplated above are proposed by the applicant, these revisions may be processed as minor amendments as set forth in Section 813.06 of the Volusia County Zoning Ordinance No. 80-8, as amended. The Applicant agrees to revise and record the Revised Master Plan, which reflects any changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing

Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Master Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth & Resource Management Department.

DONE and ORDERED by the County Council of Volusia County, Florida, this 24TH day of MAY, 2007.

ATTEST
COUNTY CLERK
James T. Dinneen
County Manager

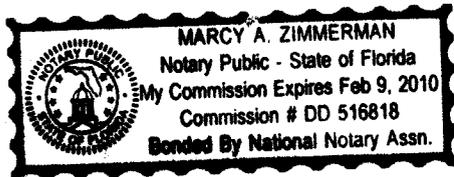
VOLUSIA COUNTY COUNCIL

Frank T. Bruno, Jr.
Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 21st day of June, 2007 (mo/yr), by James T. Dinneen and Frank T. Bruno, Jr, as County Manager and Chair, Volusia County Council, respectively, on behalf of the County of Volusia, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

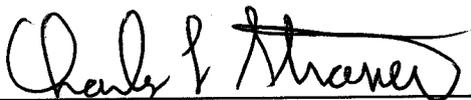


Commission & Expiration Date
No.:

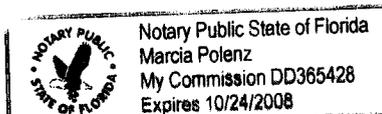
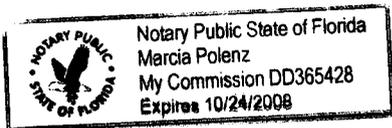
WITNESSES:

WSF, LLC


Signature


Charles L. Strasser, Mgr
WSF, LLC, Owner

The foregoing instrument was acknowledged before me this 2nd day of July, 2007, by Charles L. Strasser, Mgr of WSF, LLC, who is personally known to me or whose identity I proved on the basis of _____.



NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Marcia Polenz

Commission No.: DD 365,428

My Commission Expires: 10/24/2008

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA; THENCE NORTH 00 DEGREES 18 MINUTES 06 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 26 A DISTANCE OF 261.39 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 28 MINUTES 15 SECONDS WEST A DISTANCE OF 500.00 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 06 SECONDS EAST A DISTANCE OF 340.00 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 35 SECONDS WEST A DISTANCE OF 170.00 FEET; THENCE NORTH 33 DEGREES 04 MINUTES 55 SECONDS WEST A DISTANCE OF 418.02 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 06 SECONDS EAST A DISTANCE OF 335.00 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 35 SECONDS EAST A DISTANCE OF 385.00 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 06 SECONDS EAST A DISTANCE OF 837.77 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 35 SECONDS WEST A DISTANCE OF 150.00 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 06 SECONDS EAST A DISTANCE OF 510.00 FEET TO THE NORTH LINE OF SAID SECTION 26; THENCE NORTH 89 DEGREES 43 MINUTES 35 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 26 A DISTANCE OF 665.00 FEET TO THE NORTH EAST CORNER OF SAID SECTION 26; THENCE SOUTH 00 DEGREES 18 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 26 A DISTANCE OF 2371.91 FEET TO THE POINT OF BEGINNING.

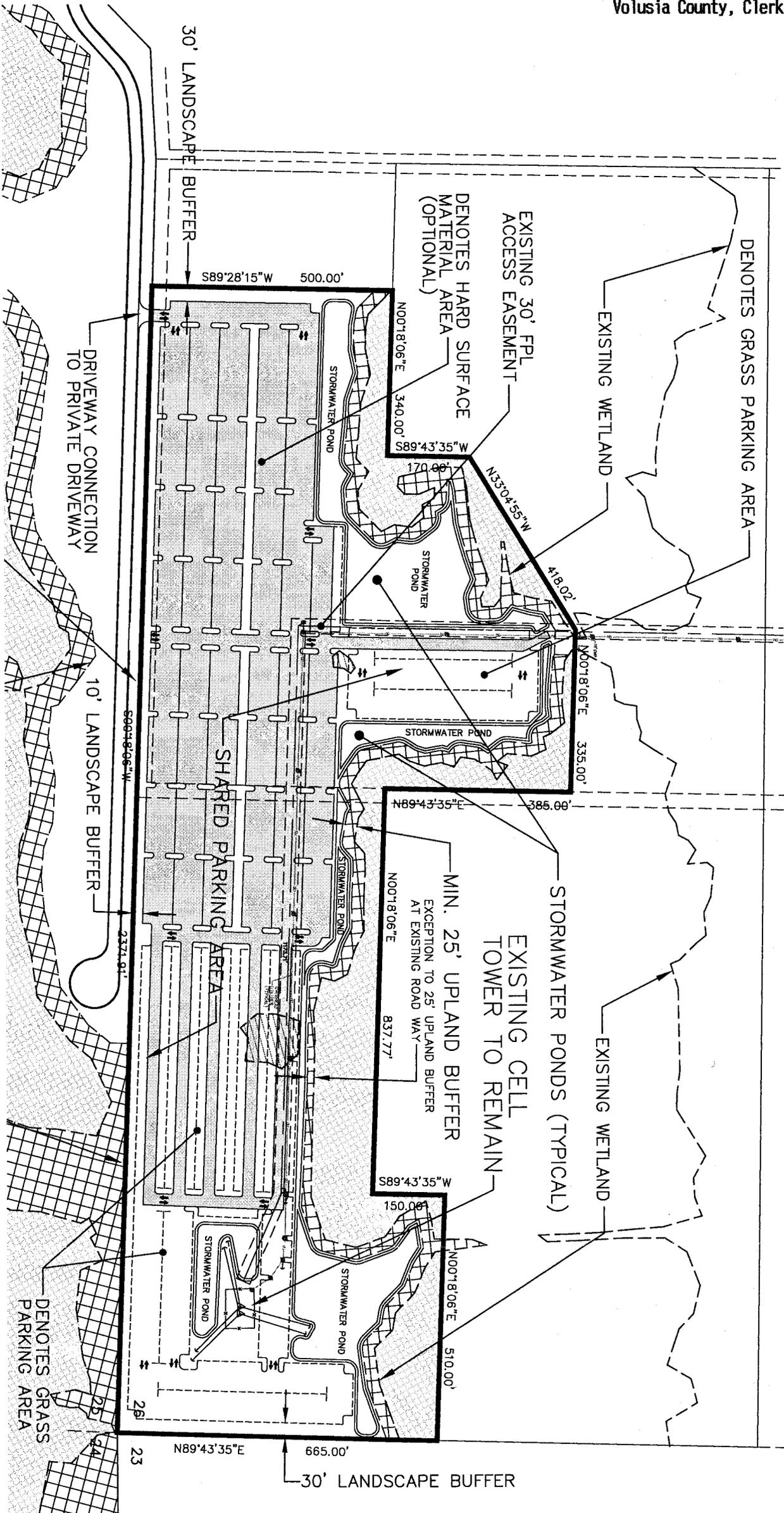


Exhibit 6

IN THE COUNTY COUNCIL OF THE
COUNTY OF VOLUSIA, FLORIDA

IN RE: *PUD-10-044* Application of Vanacore Commercial Properties, LLC.

RESOLUTION # 2010-223

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM B-2
TO BPUD (BUSINESS PLANNED UNIT DEVELOPMENT)

The application of Vanacore Commercial Properties, LLC hereinafter, "Applicant", for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on December 9, 2010. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth and Resource Management, Legal Department, and other Departments and agencies of Volusia County; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on October 12, 2010, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

GENERAL FINDINGS

- A. That the application of Vanacore Commercial Properties, LLC was duly and properly filed herein on July 16, 2010 as required by law.
- B. That all fees and costs which are by law, regulation, or Ordinance required to be borne and paid by the applicant have been paid.
- C. That the applicant is the owner of a 5.26 acre parcel of land, which is situated in Volusia County. This parcel of land is described more particularly in the property survey and legal description, a true copy of which is attached hereto as Exhibit "A".
- D. That the Applicant has held a pre-application meeting as required by Chapter 72, Volusia County Code of Ordinances, as amended.
- E. That the Applicant has complied with the "Due Public Notice" requirements of Chapter 72, Code of Ordinances, as amended.
- F. That the owner(s) of the property, Vanacore Commercial Properties, LLC, agree with the provisions of this Order and Resolution.

FINDINGS REGARDING REZONING

- A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from B-2 to BPUD (Business Planned Unit Development).
- B. That the said rezoning to a BPUD is consistent with both the Volusia County Comprehensive Plan ("comprehensive plan") and the intent and purpose of the Zoning Ordinance of Volusia County, Florida ("zoning code"), as codified in article II of chapter 72,

Code of Ordinances, County of Volusia, and does promote the public health, safety, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY COUNTY ADMINISTRATION BUILDING, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 9TH DAY OF DECEMBER, A.D., 2010, AS FOLLOWS:

A. That the Application of Vanacore Commercial Properties, LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from the B-2 classification to BPUD as described in zoning code, as amended.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to BPUD.

D. With respect to any conflict between the zoning code, as amended, and this Order and resolution, the provisions of this Order and Resolution shall govern. The zoning code, as amended, shall govern with respect to any matter not covered by this Order and Resolution. The Volusia County Zoning Enforcement Official will ensure overall compliance with this Order and Resolution.

E. Unless otherwise provided in paragraph D, nothing in this Order and Resolution shall abridge the requirements of the Code of Ordinances, County of Volusia. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Land Development Code of Volusia County, Florida, as codified in article III of chapter 72, Code of Ordinances, County of Volusia ("land development code").

DEVELOPMENT AGREEMENT

A. Development Concept. The property shall be developed as a BPUD substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as a BPUD and shall regulate the future land use of this parcel.

1. Master Development Plan. The Master Development Plan shall consist of the Preliminary Plan prepared by Zev Cohen & Associates (ZCA) and dated July 9, 2010 and this Order and Resolution. The Preliminary Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection in the Growth and Resource Management Department and shall constitute a supplement to the Official Zoning Map of Volusia County.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official to be minor amendments, in accordance with section 72-289 of the zoning code, shall require the review and recommendation of the Planning and Land Development Regulation Commission (PLDRC) and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Final Site Plan Approval. After the Order and Resolution is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by the land development code. The Preliminary Plan, attached as Exhibit "B", shall substitute for the requirement of Conceptual site plan application as required by the land development code, and the applicant is authorized to proceed with submittal of a final site plan application once this Order and Resolution has been recorded.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after the issuance date of Final Site Plan Development Order.

C. Phases of Development. Construction of the project may be completed in two phases and commence upon approval of all required permits for each individual phase.

D. Land Uses within the BPUD. The development of the parcel shall be consistent with the land uses prescribed for each area within the proposed BPUD. The locations and sizes of said land use areas are shown on the Preliminary Plan, Exhibit "B".

The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

1. Permitted Uses:

Convenience stores with or without fuel sales, not to exceed 4 fuel dispensing islands

Day Care center

Financial Institutions

Fire Stations

General Offices

Health Clubs or spas

Houses of worship (refer to section 72-290, zoning code)

Medical and Dental Clinics

Pharmacies

Restaurants, types A and B (with or without drive-thru)

Retail specialty stores

Travel Agencies

Requests for uses not specifically listed may be allowed if the Zoning Enforcement Official

determines that the proposed use is substantially similar to a listed permitted use and may process such request as a minor amendment. Any proposed use that is not substantially similar to a listed permitted use shall be processed as major amendment.

E. Development Standards.

- 1. Minimum lot area: 5.26 acres
- 2. Minimum lot width: 150 feet
- 3. Minimum yard size (building):
 - a. Front yard: 40 feet, along U.S. Hwy 1; 35 feet along Pine Tree Drive
 - b. Rear yard: 20 feet
 - c. Side yard: 10 feet, abutting commercial uses; 30 feet abutting residential uses
 - d. Waterfront yard: 25 feet
- 4. Maximum lot coverage: 35%
- 5. Maximum Floor Area Ratio (FAR): 0.5
- 6. Maximum Gross Leasable Area (GLA): 50,000 sf
- 7. Maximum Single Use GLA: 15,000 sf
- 8. Maximum building height: 35 feet
- 9. Design Standards: The project shall comply with the City of Ormond

Beach's adopted Greenbelt and Gateway Corridor Overlay standards, which regulate architecture, signage and landscaping. Compliance with the city's gateway standards shall be reviewed during site plan application.

- 10. Minimum building separation distance 25 feet
- 11. Off-street parking and loading requirements: Off street parking and

loading requirements shall be in accordance with Section 72-286 of the zoning code, as

amended. A cross parking reduction of 20% will be permitted if the project is developed with two (2) complimentary uses.

12. Illumination: The project shall comply with the City of Ormond Beach's illumination standards, or to minimize obtrusive aspects of excessive and/or nuisance outdoor light usage, while preserving safety, security and the nighttime use and enjoyment of the property, the following apply, whichever is most restrictive.

- a. A signed and sealed illumination plan shall be submitted with the Final Site Plan application.
- b. In no case shall illumination from the property increase the level of illumination at the property lines by more than half (0.5) fc.
- c. All light fixture including wall and surface mounted luminaries shall be installed and maintained in such a manner that is fully-shielded down.
- d. Curfew: all external lighting shall be reduced by 50% after 11pm until sunrise.
- e. The illumination plan shall not exceed 70,000 lumens per acre (average 1.6 fc).
- f. Light fixtures shall be decorative in appearance and compliment the architectural style of the building. Light poles shall not exceed twenty (20) feet in height.

F. Environmental Considerations. The minimum environmental requirements of Chapter 72 of the Code of Ordinances, County of Volusia, as amended, shall be met.

1. Tree Protection Area: A minimum of 20% of the square footage of the development shall be designated for the protection of trees. This area shall also be designated as a Natural Vegetation Retention Area (NVRA).

2. Wetland Improvements: Proposed activities shall include Planting of native herbaceous vegetation including, but not limited to, pickerelweed, alligator flag, arrowhead, and similar to enhance the ecological value, aesthetics and water quality of the wetland remnants. Perpetual maintenance will occur to ensure wetland health and aesthetics. All work within the wetland remnants shall be completed by hand; no vehicular access, tractors, etc. will be allowed in the wetland.

G. Sewage Disposal and Potable Water Facilities. Provisions for sewage disposal and potable water needs of the BPUD will be provided in accordance with the comprehensive plan, the land development code and Fla. Administrative Code 64E-6 and 64E-8. Potable water shall be provided by the City of Ormond Beach. Sanitary sewer treatment/waste disposal shall be provided by the City of Ormond Beach. A utility agreement between the Applicant and the City of Ormond Beach shall be executed before any final site plan development order is issued.

H. Stormwater Drainage. Provision for storm water retention shall be in accordance with the land development code. A conceptual stormwater management plan is included as part of Exhibit "B". The Applicant shall assume responsibility for maintenance of the stormwater system upon completion.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the land development code. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access to the project site shall be limited to one (1) access driveway on US Hwy 1 (subject to FDOT permitting); and one (1) access driveway on Pine Tree Drive.

2. Transportation System Improvements. Transportation system improvements shall be provided as required by the land development code, as determined during final site plan review.

J. Fire Protection. The applicant is responsible for providing adequate on site water supply and other fire protection improvements to serve the BPUD project. The design, capacity, and location of the required water supply and other fire protection improvements shall be as required by the Volusia County Fire Marshall's office.

K. Building or Property Owners Association. The charter and by-laws of the Building or Property Owners Association, and any other agreements, covenants, easements or restrictions shall be furnished to the County of Volusia at the time of creation. The Applicant shall be responsible for recording said information in the Public Records of Volusia County, Florida. In addition, the Applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the Applicant and the owners or occupiers of property within the BPUD, the County of Volusia shall only enforce the provisions of the "Development Agreement" and Volusia County Zoning Ordinance, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

L. Effective Date; Binding Effect. This Order and Resolution shall take effect only if the Applicant completes the following within forty-five (45) days of execution by the County Council: 1) executes the document; 2) records the document in the public records of Volusia County, as maintained by the Clerk of Court of Volusia County; and 3) files one copy of the recorded document bearing the book and page number with the Growth and Resource Management Department. The Applicant is responsible for all recording costs.

The Order and Resolution, including subsequent amendments, shall bind and inure to the benefit of the Applicant and his successor in title or interest and run with the land.

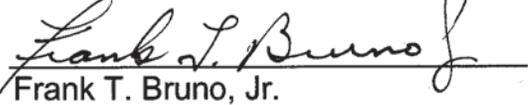
M. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the land development code. A request for such an amendment shall be reviewed by the zoning enforcement official and may be processed as a minor amendment in accordance with section 72-289 of the zoning code. The Applicant agrees to revise and record the Revised Preliminary Plan which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department.

DONE and ORDERED by the County Council of Volusia County, Florida, this 9TH day of DECEMBER, 2010.

ATTEST:


James T. Dinneen
County Manager

VOLUSIA COUNTY COUNCIL


Frank T. Bruno, Jr.
County Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

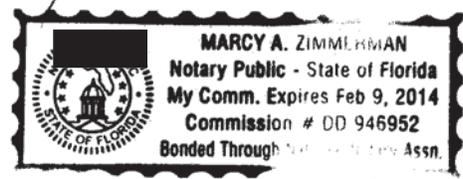
The foregoing instrument was acknowledged before me this 16 day of December, 2010, by James T. Dinneen and Frank T. Bruno, Jr., as County Manager/Clerk and County Chair, Volusia County Council, respectively, on behalf of the County of Volusia, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name: _____

Commission No.: _____

My Commission Expires: _____



WITNESSES:

Nancy Collins
Scott Vanacore

OWNER(S):

Scott Vanacore
Scott Vanacore, Managing Member
Vanacore Commercial Properties, LLC

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 31st day of
January, 2011 by Scott Vanacore, Managing Member of
Vanacore Commercial Properties, LLC, who is personally known to me or
who have produced personally known as identification.

Barbara A Grau
NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
Barbara A GRAU
Commission No.: DD989435
My Commission Expires: June 11, 2014

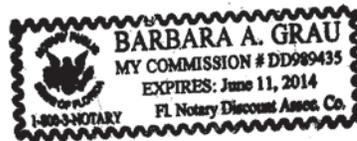


Exhibit "A"

LEGAL DESCRIPTION:

A PORTION OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF SAID SECTION 36, RUN N 0°22'25"E ALONG THE EAST LINE OF SAID SECTION 36 A DISTANCE OF 654.31 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, A 160 FOOT RIGHT-OF-WAY, THENCE N 47°22'44"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 100.38 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF PINE TREE DRIVE, A 170 FOOT RIGHT-OF-WAY PER MAP BOOK 35, PAGES 40 THROUGH 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE N 47°22'44"W, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 327.19 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN N 42°37'16"E A DISTANCE OF 580.00 FEET, THENCE S 47°22'44"E A DISTANCE OF 516.05 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID PINE TREE DRIVE, SAID POINT BEING ON THE ARC OF A CURVE CONCAVE SOUTHEAST AND HAVING A RADIUS OF 785.00 FEET, THENCE FROM A TANGENT BEARING OF S 80°19'00"W, RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 37°41'44", A DISTANCE OF 516.46 FEET TO THE P.T. OF SAID CURVE, THENCE S 42°37'16"W, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 75.00 FEET TO THE P.C. OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 25.00 FEET, THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: January 30, 2015

SUBJECT: LDC Amendment, Instructional Activity

APPLICANT: Krista Goodrich, President of Masterpiece Mixers

NUMBER: LDC 2015-058

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request by Krista Goodrich, President of Masterpiece Mixers, to amend the Ormond Beach Land Development Code to separate the School of Arts use into two uses titled "Instructional Artistic Activity" and "Instructional Physical Activity". The Land Development Code amendments propose to allow customers to bring and consume beer and/or wine into the business premises for the customer's own personal consumption within the Instructional Artistic Activity use category under certain conditions within the B-4 (Central Business) zoning district. Specific Land Development Code amendments are as follows:

Portion of Land Development Code (LDC)	Amendment
Chapter 1, General Administration, Article III, Definition and Acronyms, Section 1-22 , Definition of terms and words.	Delete School of Arts definition and add definitions for Instructional Artistic Activity and Instructional Physical Activity.
Chapter 2, District and General Regulations, Article II, District Regulations: Section 2-22 , B-1, Professional Office/Hospital Zoning District. Section 2-26 , B-5, Service Commercial Zoning District. Section 2-28 , B-7, Highway Tourist Zoning District. Section 2-29 , B-8, Commercial Zoning District. Section 2-32 , I-1, Light Industrial Zoning District.	<ol style="list-style-type: none"> 1. Delete School of Arts as a permitted use. 2. Add Instructional Physical Activity as a permitted use.

Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-25 , B-4, Central Business Zoning District.	<ol style="list-style-type: none"> 1. Delete School of Arts as a permitted use. 2. Add Instructional Physical Activity as a permitted use. 3. Add Instructional Artistic Activity as a conditional use.
Chapter 2, District and General Regulations, Chapter IV, Conditional and Special Exception Regulations, Section 2-57 , Criteria for review of specific conditional and special exception.	Add conditions for Instructional Artistic Activity.

BACKGROUND:

On November 19, 2013, City staff was first approach with a new use concept that proposed to allow individuals to create paintings with direction from an artist instructor. As part of the experience of this use, it was proposed to allow customers to bring along snacks, prepared dishes and wine or beer for consumption on premise as part of the social atmosphere of the use. City staff responded that the painting use without customers bringing in wine and beer on-site would be a permitted use, but once the wine and beer were introduced the use could not be permitted. City staff stated that a Land Development Code amendment would be required to allow the instructional painting use with customers bringing in their own alcohol.

The City Commission conducted a discussion item on the use at the February 4, 2014 meeting. The discussion item was at the request of the individual seeking the use to determine if the City would initiate the Land Development Code amendment or if the applicant would be responsible for the amendment. The City Commission stated that the use was desired by an applicant and not an error or omission in the Land Development Code and the applicant should be responsible for the application cost associated with the amendment. City staff offered to prepare the text language for the Land Development Code amendment. The applicant from 2014 never submitted a Land Development Code amendment and the issue was never acted upon.

In January 2015, City staff was contacted by the current applicant with the same concept and the past history was presented to the business owner. After a series of discussions, the applicant applied for a Land Development Code amendment. The applicant has narrowed the proposed business location to the Downtown Community Redevelopment Area.

ANALYSIS:

There are four components of the Land Development Code proposed for amendment and each is analyzed below:

Component 1: Section 1-22, Definition of terms and words

This component would delete School of Arts definition and add definitions for Instructional Artistic Activity and Instructional Physical Activity as follows:

Instructional artistic activity means to teach or impart knowledge or skill through creativity and imagination to create beautiful works in paint, drawing, or sculpting.

Instructional physical activity means to teach or impart knowledge or skill in various forms of dance (including but not limited to, ballroom, ballet, country and western, folk, swing, line, latin, tango, flamenco, and modern); in various forms of martial arts or self defense; and in various forms of music (including musical instruments or voice).

~~School of arts means a business establishment that provides indoor instruction of activities including, but not limited to, art, dance, ballet, music and karate.~~

The Instructional Physical Activity is very similar to the existing School of Arts definition and the Instructional Artistic Activity describes the painting instruction desired by the applicant.

Component 2: Section 2-22 (B-1), Section 2-25 (B-4), Section 2-26 (B-5), Section 2-28 (B-7), Section 2-29 (B-8), Section 2-32 (I-1)

The School of Arts use is a permitted use in Section 2-22 (B-1), Section 2-25 (B-4), Section 2-26 (B-5), Section 2-28 (B-7), Section 2-29 (B-8), and Section 2-32 (I-1) of the Land Development Code. This component would delete the School of Arts use and add the Instructional Physical Activity as a permitted use (allowed use with no additional staff review). The amendment is a neutral action that does not impact what is currently allowed and what would be allowed after the amendment. It is interesting that School of Arts was not a permitted use in the B-9 and B-10 zoning districts. Staff is proposing to add Instructional Physical Activity as a permitted use in a separate Land Development Code amendment associated with the ROR, Residential, Office, Retail land use implementation.

Component 3: Section 2-25, B-4, Central Business Zoning District.

Within this component, the Instructional Artistic Activity use is introduced as a conditional use (allowed provided that certain conditions are satisfied as verified by City staff) within the B-4 zoning district. The Instructional Artistic Activity is a new use and the only zoning district where the use is proposed to be allowed is the B-4 zoning district.

Component 4: Section 2-57, Criteria for review of specific conditional and special exception.

Within this component, the conditions of Instructional Artistic Activity are established. The conditions seek to provide parameters for the use to ensure that there are negative impacts to the use. Several conditions are established to further refine the use, such as:

1. Limiting the geographic area to the Downtown Community Redevelopment Area with the B-4 zoning district.
2. Limiting occupancy.
3. Limiting hours of operation.

The impacts or lack of impacts of this use is unknown at this time. If no impacts are experienced, some of the conditions below may need to be amended in the future. Below are the proposed text amendments of the required conditions:

(1) A conditional use authorizing instructional artistic activity may also allow customers to bring and consume beer and/or wine into the business premises for the customer's own personal consumption, but only under the following conditions:

- (a) Shall be located within the Downtown Community Redevelopment Area.
- (b) The applicant must obtain and display a bottle club license from the state of Florida in accordance with the requirements of section 561.14, Florida Statutes, and other applicable laws and regulations.
- (b) Beer and/or wine only shall be allowed; no other alcoholic beverage shall be allowed.
- (c) Consumption of beer and/or wine to be allowed only by the customer bringing the alcoholic beverage to the business premises.
- (d) Consumption of beer and/or wine must occur inside the place of business where the artistic activity occurs, and shall only be allowed in conjunction with the instructional artistic activity.
- (e) The sale of alcoholic beverages and food items are prohibited.
- (f) Live entertainment, including but not limited to live music performances, is prohibited.
- (g) Sexually oriented or adult-themed activities are prohibited.
- (h) Occupancy shall be limited to no more than fifty people at any one time.
- (i) Hours of operation shall be limited to, between:
 - (i) 10:00 a.m. and 10:00 p.m., Sunday through Thursday, and
 - (ii) 10:00 a.m. and 11:00 p.m., Friday through Saturday

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC); the Planning Board must consider the following criteria when making their recommendation.

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed amendment does not propose any site specific development. The amendment established the regulatory framework to maintain the School of Arts use, now defined as Instructional Physical Activity and introduce a new use, Instructional Artistic Activity as a conditional use. It is not expected that the proposed Land Development Code amendments would create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.

2. The proposed development is consistent with the Comprehensive Plan.

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.

The proposed Land Development Code amendments do not approve any site specific development and will not have an adverse impact on environmentally sensitive lands. It is expected that the proposed use will likely occupy existing buildings and there would be no environmental impacts.

4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.

The proposed Land Development Code amendments do not approve any site specific development and will not have any impacts on surrounding properties. It is believed that the conditions proposed shall limit any impacts to surrounding properties. Staff further believes that this use would be an asset to the Downtown Overlay District in creating a unique use that would bring individuals to the redevelopment area.

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

The proposed Land Development Code amendments are not applicable to public facilities.

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.

There is no development proposed as part of the proposed amendments. The application pertains to a Land Development Code amendment.

7. The proposed development is functional in the use of space and aesthetically acceptable.

There is no development proposed as part of the proposed amendments. The application pertains to a Land Development Code amendment.

8. The proposed development provides for the safety of occupants and visitors.

There is no development proposed as part of the proposed amendments. The application pertains to a Land Development Code amendment.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

There is no development proposed as part of the proposed amendments. The application pertains to a Land Development Code amendment.

10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

It is recommended that the Planning Board **APPROVE** amendments to Land Development Code as described within this report and detailed within Attachment 1 of this report.

Attachments:

Attachment 1: Instructional activity Land Development Code amendments

Attachment 2: Map of Downtown Community Redevelopment Area

Chapter 1 – General Administration
Article III – Definitions and Acronyms
Section 1-22 - Definitions of terms and words.

Inoperable motor vehicle ...(no change to existing text)...

Instructional artistic activity means to teach or impart knowledge or skill through creativity and imagination to create beautiful works in paint, drawing, or sculpting.

Instructional physical activity means to teach or impart knowledge or skill in various forms of dance (including but not limited to, ballroom, ballet, country and western, folk, swing, line, latin, tango, flamenco, and modern); in various forms of martial arts or self defense; and in various forms of music (including musical instruments or voice).

Integrated management practice (IMP) ...(no change to existing text)...

School, nursery ...(no change to existing text)...

~~*School of arts* means a business establishment that provides indoor instruction of activities including, but not limited to, art, dance, ballet, music and karate.~~

School, preschool ...(no change to existing text)...

Chapter 2, District and General Regulations

Article II – District Regulations

Sec. 2-22. - B-1, Professional Office/Hospital Zoning District.

C. PERMITTED USES

- 1.- 6. ... (No change to existing text)
7. ~~Medical Research Laboratory~~ Instructional physical activity
8. ~~Medical Supply/Rental~~ Medical Research Laboratory
9. ~~Nursing Home~~ Medical Supply/Rental
10. ~~Pharmacy-Nursing Home~~
11. ~~School of Art~~ Pharmacy
- 12.-13. ... (No change to existing text)

Chapter 2, District and General Regulations

Article II – District Regulations

Sec. 2-25. - B-4, Central Business Zoning District.

C. PERMITTED USES

- 1.-7. (No change to existing text)
8. ~~Medical Supply and Rental~~ Instructional physical activity
9. ~~Mixed Use Development~~ Medical Supply and Rental
10. ~~Nursing Home~~ Mixed Use Development
11. ~~Retail Sales and Services~~ Nursing Home
12. ~~School of Art~~ Retail Sales and Services
- 13.-15. (No change to existing text)

D. CONDITIONAL USES

- 1.-12. (No change to existing text)
13. ~~Nightclub~~ Instructional artistic activity
14. ~~Parking Lot~~ Nightclub
15. ~~Parking Garage~~ Parking Lot
16. ~~Parks and Recreation Facilities, Private~~ Parking Garage
17. ~~Parks and Recreation Facilities, Public~~ Parks and Recreation Facilities, Private
18. ~~Personal Services~~ Parks and Recreation Facilities, Public

19. ~~Public Facilities~~ Personal Services
20. ~~Public Utilities~~ Public Facilities
21. ~~Recreational Facilities, Indoor~~ Public Utilities
22. ~~Restaurant, Type “A”~~ Recreational Facilities, Indoor
23. ~~Restaurant, Type “B”~~ Restaurant, Type “A”
24. ~~Restaurant, Type “C”~~ Restaurant, Type “B”
25. ~~Restaurant, Type “D”~~ Restaurant, Type “C”
26. ~~School, Private~~ Restaurant, Type “D”
27. ~~Shopping Center~~ School, Private
28. ~~Theater~~ Shopping Center
29. ~~Vehicle Repair, Type “A”~~ Theater
30. ~~Wind Energy System~~ Vehicle Repair, Type “A”
31. ~~Wine, Beer or Liquor Store~~ Wind Energy System
32. Wine, Beer or Liquor Store

Chapter 2, District and General Regulations

Article II – District Regulations

Sec. 2-26. - B-5, Service Commercial Zoning District.

C. PERMITTED USES

- 1.-8. (No change to existing text)
9. ~~Medical Supply and Rental~~ Instructional physical activity
10. ~~Nursing Home~~ Medical Supply and Rental
11. ~~Retail Sales and Service~~ Nursing Home
12. ~~School of Art~~ Retail Sales and Service
- 13.-16. (No change to existing text)

Chapter 2, District and General Regulations

Article II – District Regulations

Sec. 2-28. - B-7, Highway Tourist Zoning District.

C. PERMITTED USES

- 1.-8. (No change to existing text)
9. ~~Retail Sales and Service~~ Instructional physical activity
10. ~~School of Art~~ Retail Sales and Service

11.-13. (No change to existing text)

Chapter 2, District and General Regulations
Article II – District Regulations
Sec. 2-29. - B-8, Commercial Zoning District.

C. PERMITTED USES

1.-7. (No change to existing text)

8. ~~Nursing Home~~ Instructional physical activity

9. ~~Retail Sales and Services~~ Nursing Home

10. ~~School of Art~~ Retail Sales and Services

11.-13. (No change to existing text)

Chapter 2, District and General Regulations
Article II – District Regulations
Sec. 2-32. – I-1, Light Industrial Zoning District.

C. PERMITTED USES

1.-4. (No change to existing text)

5. ~~Research Activities~~ Instructional physical activity

6. ~~School of Art~~ Research Activities

7.-9. (No change to existing text)

Chapter 2, District and General Regulations

Article IV – Conditional and Special Exception Regulations

Section 2-57, Criteria for review of specific conditional and special exceptions.

(1)-(40) ...(No change in existing text)

(41) ~~Kennels.~~ Instructional artistic activity.

(1) A conditional use authorizing instructional artistic activity may also allow customers to bring and consume beer and/or wine into the business premises for the customer's own personal consumption, but only under the following conditions:

(a) Shall be located within the Downtown Community Redevelopment Area.

(b) The applicant must obtain and display a bottle club license from the state of Florida in accordance with the requirements of section 561.14, Florida Statutes, and other applicable laws and regulations.

(b) Beer and/or wine only shall be allowed; no other alcoholic beverage shall be allowed.

(c) Consumption of beer and/or wine to be allowed only by the customer bringing the alcoholic beverage to the business premises.

(d) Consumption of beer and/or wine must occur inside the place of business where the artistic activity occurs, and shall only be allowed in conjunction with the instructional artistic activity.

(e) The sale of alcoholic beverages and food items are prohibited.

(f) Live entertainment, including but not limited to live music performances, is prohibited.

(g) Sexually oriented or adult-themed activities are prohibited.

(h) Occupancy shall be limited to no more than fifty people at any one time.

(i) Hours of operation shall be limited to, between:

(i) 10:00 a.m. and 10:00 p.m., Sunday through Thursday, and

(ii) 10:00 a.m. and 11:00 p.m., Friday through Saturday

(42) ~~Malted Beverage Producer Kennels.~~ ...(No change in existing text)...

(43) Manufactured home community (MAHC). Malted Beverage Producer. ...(No change in existing text)...

(44) ~~Marinas and multislip docking.~~ Manufactured home community (MAHC). ...(No change

in existing text)...

(45) ~~Message Parlors~~: Marinas and multislip docking. ...(No change in existing text)...

(46) ~~Mausoleums~~: Message parlors. ...(No change in existing text)...

(47) ~~Mining and excavation~~: Mausoleums. ...(No change in existing text)...

(48) ~~Mobile home community (HOMC)~~: Mining and excavation. ...(No change in existing text)...

(49) ~~Nightclubs~~: Mobile home community (HOMC). ...(No change in existing text)...

(50) ~~Nonemergency medical transport services~~: Nightclubs. ... (No change in existing text)...

(51) ~~Nursing homes~~: Nonemergency medical transport services. ...(No change in existing text)...

(52) ~~Outdoor activity~~: Nursing homes. ...(No change in existing text)...

(53) ~~Outdoor storage~~: Outdoor activity. ...(No change in existing text)...

(54) ~~Parking lots~~: Outdoor storage. ...(No change in existing text)...

(55) ~~Parking garage~~: Parking lots. ...(No change in existing text)...

(56) ~~Parks and recreation facilities, private~~: Parking garage. ...(No change in existing text)...

(57) ~~Parks and recreation facilities, public~~: Parks and recreation facilities, private. ...(No change in existing text)...

(58) ~~Patio home subdivisions, single-family~~: Parks and recreation facilities, public. ...(No change in existing text)...

(59) ~~Pawn Shop~~: Patio home subdivisions, single-family. ...(No change in existing text)...

(60) ~~Petroleum products storage~~: Pawn Shop. ...(No change in existing text)...

(61) ~~Pool halls/billiards~~: Petroleum products storage. ...(No change in existing text)...

(62) ~~Public facilities/utilities~~: Pool halls/billiards. ...(No change in existing text)...

(63) ~~Recreation facilities, indoor~~: Public facilities/utilities. ...(No change in existing text)...

(64) ~~Recreation facilities, outdoor~~: Recreation facilities, indoor. ...(No change in existing text)...

(65) ~~Recreational vehicles/boat storage~~: Recreation facilities, outdoor. ...(No change in existing text)...

(66) ~~Riding stables, horse~~: Recreational vehicles/boat storage. ...(No change in existing text)...

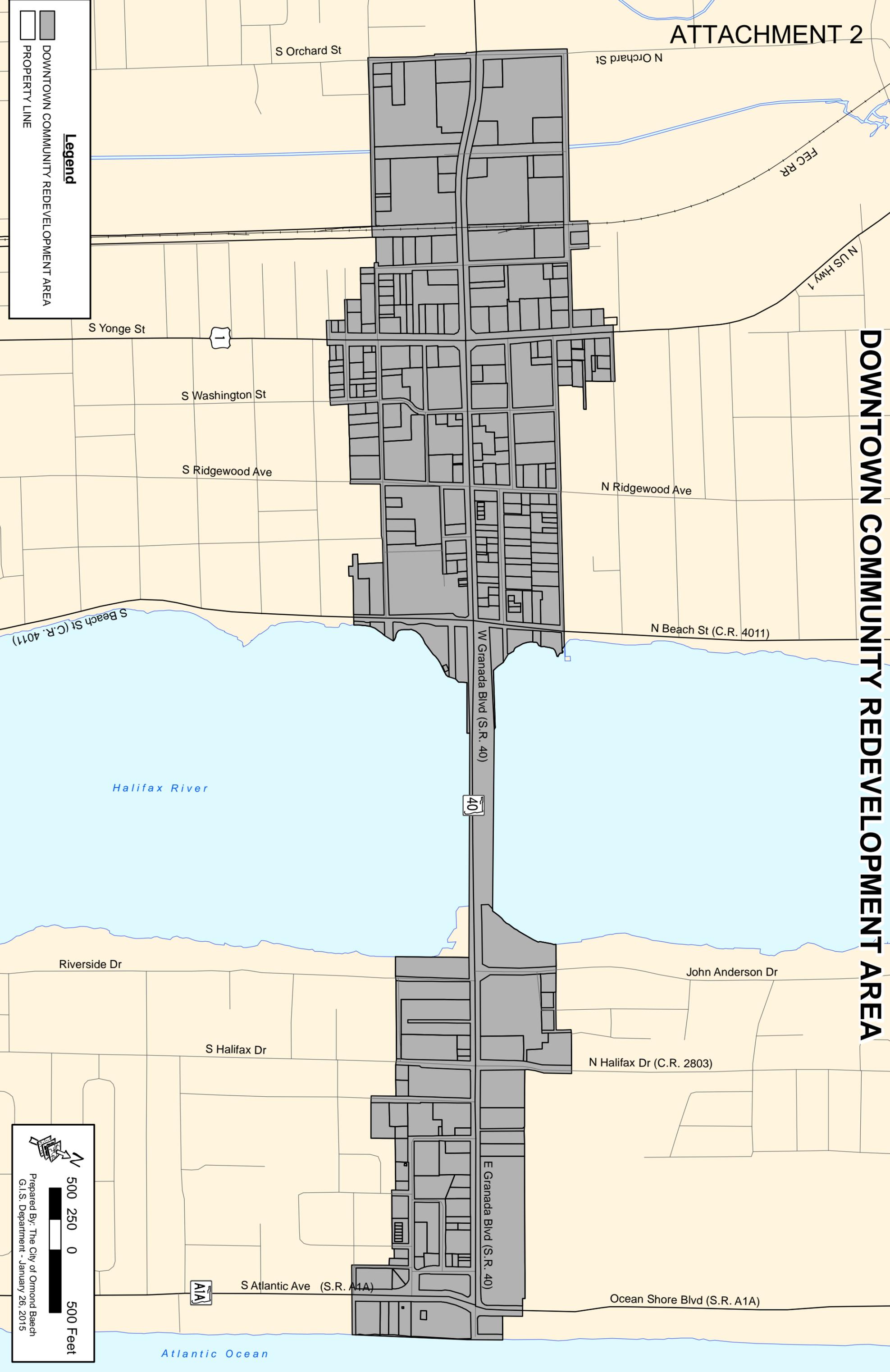
(67) ~~Restaurant types~~: Riding stables, horse. ...(No change in existing text)...

(68) ~~Reserved~~: Restaurant types. ...(No change in existing text)...

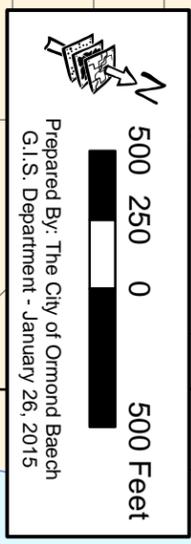
DOWNTOWN COMMUNITY REDEVELOPMENT AREA

Legend

-  DOWNTOWN COMMUNITY REDEVELOPMENT AREA
-  PROPERTY LINE



Prepared By: The City of Ormond Beach
 G.I.S. Department - January 26, 2015



500 250 0 500 Feet

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: January 30, 2015

SUBJECT: LDC Amendment, non-conforming pool screen enclosure amendments

APPLICANT: Administrative

NUMBER: LDC 2014-134

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is an administrative request to amend Chapter 2, District and General Regulations, Article III, General Regulations, Sections 2-50 (x) and (aa) of the Land Development Code to allow existing non-conforming screen enclosures to be replaced as they exist today, based upon a request from the Board of Adjustment and Appeals.

BACKGROUND:

At the September 3, 2014, Board of Adjustment and Appeals meeting there was a variance case where a homeowner sought to enclose an existing pool that was within the pool screen enclosure setback. During this meeting, Board of Adjustment and Appeals members requested that staff investigate and prepare amendments that would allow the setbacks for pools without screen enclosures and pools with screen enclosure to be the same setback. Additionally, the Board expressed interest in allowing homeowners to construct pool screen enclosures over existing pools or re-construct existing pool screen enclosures in the same footprint, even if they exist closer to the setbacks than allowed by the current Land Development Code regulations.

Additional discussions with the Board of Adjustment and Appeals in October and December led to four potential options regarding pools and pool screen enclosures:

1. Reduce the existing pool screen enclosure setbacks from 10' to 5' in the rear yard and 7.5' to 5' in the side yard; or
2. Allow existing non-conforming screen enclosures to be replaced as they exist today; 2); or
3. Combine options 1 & 2; or
4. Do nothing.

ANALYSIS:

The current Land Development Code states the following regarding pools and pool screen enclosures:

Setbacks.

- a. *Front yard.* Swimming pools or appurtenances thereto shall be prohibited in any required principal front yard building setback.
- b. *Side corner yard.* Swimming pools or appurtenances thereto shall be prohibited in any required side yard building setback.
- c. *Rear yard.*
 1. No screen enclosure. The edge of water for swimming pools with no screen enclosure shall not be closer than seven and one-half feet (7½') from the rear property line. The edge of deck for swimming pools with no screen enclosure shall not be closer than five feet (5') from rear property line.
 2. Screen enclosure. Screen enclosures for pools shall not be closer than ten feet (10') from the rear property line. Screen pool enclosures shall be located no closer than five feet (5') from the rear property line of a single-family residence in situations where the rear yard abuts a dedicated open space in private ownership, a conservation easement held in private ownership or common area owned by a homeowners' association measuring a distance of at least ten feet (10') from the closest point to the rear property line.
- d. *Interior side yard.*
 1. The edge of water for swimming pools with no screen enclosure shall not be closer than seven and one-half feet (7½') from the required interior side yard property line. The edge of deck for swimming pools with no screen enclosure shall not be closer than five feet (5') from the required interior side yard property line.
 2. Screen pool enclosures shall be located no closer than seven and one-half feet (7½') from the required interior side yard property line.

A key distinction is that pools without screen enclosures are allowed to have rear and side interior setback of 5'. However, if a pool screen enclosure is proposed, the rear yard setback becomes 10' and the side yard setback is 7.5'. Note that if there is a conservation area or common area behind the rear property line (no other house behind the property) the pool screen enclosure setback is 5'. There have been multiple property owners who have installed or purchased pools with no screen enclosures and later desire to install a pool screen enclosure. These property owners are forced into the variance process to allow pool screen enclosures at a setback less than the required rear (10') and/or side interior yard (7.5'). The Board of Adjustment and Appeals has experienced a surge in variance applications with a number of applications related to pools and screen enclosures. Below is an analysis of the options listed above:

OPTION 1: The first option discussed was the reduction of the side and rear yard setbacks to 5' in order to combine the setback regulations for pools with and without screen enclosures. The primary concern with this option is the impacts to abutting property owners. By allowing reduced setbacks in the Land Development Code, abutting property owners that once had a 10' setback would now have a 5' setback for a screen enclosure. With the variance process, the abutting property owner would have the ability to object if there was a concern with a 5' setback.

Below are statistics regarding variances regarding pool screen enclosures:

Number of variance cases, 2006 to present:	85
Number of variance cases related to pools:	10
Number of variance cases related to pools where a 5' rear and side yard setback would have not required a variance:	3
Number of variance cases related to pools where the applicant requesting a setback of closer than 5' to the rear or side yard:	5
Number of variance cases related to pools that did not relate to the rear or side yard setbacks:	2

Of the ten variance cases related to pool setbacks, 9 of the 10 cases were approved with the lone case being denied was related to a pool constructed without permits in a waterfront yard.

OPTION 2: Ordinance 2004-24 allowed existing screen enclosures to be replaced as they exist today regardless of the existing setback encroachment. This Ordinance was replaced with Ordinance 2005-038 and the replacement provision was deleted. It is unclear why the language within Ordinance 2004-24 was deleted. In reviewing the variance case list, there is one application where a property owner had an existing screen enclosure damaged and required a variance.

OPTION 3: This option combines 1 & 2 to address new construction and existing screen enclosures. As shown by the case review within Option 1, this option would not solve all the issues related to screen enclosures. No matter where the standard is set, there will be cases that will seek to vary the standard based on site specific conditions.

OPTION 4: This option makes no amendments to the existing standards.

At the December meeting, the Board of Adjustment and Appeals elected option 2 to allow existing non-conforming screen enclosures to be reconstructed in the exact same footprint without requiring a variance. The Board members were concerned with Option 1 and taking away the ability of an abutting property owner to object to a lesser setback compared to what exists today for back to back lots. In summary, the amendment would only allow a property to build back

an existing non-conforming screen enclosure. All other situations would require a variance.

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC); the Planning Board must consider the following criteria when making their recommendation.

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed amendment would allow existing non-conforming screen enclosures to be replaced as they exist today if damaged or replaced. Pool screen enclosures are different than a number of non-conforming structures because of the location of the pool in relationship to the screen enclosure. If the screen enclosure is damaged, the property owner cannot set the screen enclosure back further because in many cases it would be located inside the pool. It is not expected that the proposed Land Development Code amendments would create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The proposed Land Development Code amendments will not have an adverse impact on environmentally sensitive lands.

- 4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The proposed amendments would allow existing pool screen enclosures to be replaced in the exact same location if damaged or destroyed. This amendment does not change the standards for new pool screen enclosures. The existing screen enclosures have likely been in place for a number of years and would have no more impact on abutting property owners than the existing structures.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The proposed Land Development Code amendments are not applicable to public facilities.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

7. **The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

8. **The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

9. **The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

10. **The testimony provided at public hearings.**

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

It is recommended that the Planning Board **APPROVE** amendments to Chapter 2, District and General Regulations, Article III, General Regulations, Sections 2-50 (x) and (aa) of the Land Development Code to allow existing non-conforming screen enclosures to be replaced as they exist today, based upon a request from the Board of Adjustment and Appeals.

Attachments:

Attachment 1: Pool Screen Enclosure Land Development Code Amendment

Chapter 2, District and General Regulations

Article III – General Regulations

Sec. 2-50. – Accessory Uses.

(x) **Pools.** In addition to the requirements of this article, swimming pools, whether public or private, shall comply with chapter 3, articles I and II of this Code, the state building code, all applicable regulations of the state department of health and rehabilitative services and other state agencies, and to the following:

(1) Setbacks. ...~~(No change in existing text)~~...

(2) Location in relationship to the principal structure. ...~~(No change in existing text)~~...

(3) Waterfront lots. ...~~(No change in existing text)~~...

(4) Oceanfront lots. ...~~(No change in existing text)~~...

(5) Existing non-conforming screen enclosures. Existing non-conforming screen enclosures shall be allowed to be removed and reconstructed in the same footprint as existed provided that the non-conforming screen enclosure footprint is not enlarged.

(aa) Screen porches/enclosures

(1) Location. ...~~(No change in existing text)~~...

(2) Townhouse/multifamily. ...~~(No change in existing text)~~...

(3) Existing developments. ...~~(No change in existing text)~~...

(4) Existing non-conforming screen enclosures. Existing non-conforming screen enclosures shall be allowed to be removed and reconstructed in the same footprint as existed provided that the non-conforming screen enclosure footprint is not enlarged.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: January 30, 2015

SUBJECT: LDC Amendment, Implement ROR (Residential, Office, Retail) land use

APPLICANT: Administrative

NUMBER: LDC 2015-048

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is an administrative request to amend the Land Development Code to implement ROR (Residential, Office, Retail) land use as follows:

Portion of Land Development Code (LDC)	Amendment
Chapter 1, General Administration, Article III, Definition and Acronyms, Section 1-22 , Definition of terms and words.	Delete Retail Sales and Service, Specialty definition.
Chapter 2, District and General Regulations, Article I, Establishment of zoning districts and official zoning map, Section 2-02 , Future land use map designations and zoning districts.	Delete Professional Office/Hospital land use title and add ROR, Residential, Office, Retail land use title.
Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-22 , B-1, Professional Office/Hospital Zoning District.	<ol style="list-style-type: none"> 1. Delete Retail Sales and Service, Specialty as a permitted use. 2. Add Personal Services, Restaurant, Type A, Restaurant Type B, and Retail Sales and Service as conditional uses. 3. Add Restaurant, Type C as an allowed Special Exception Use.
Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-30 , B-9, Boulevard Zoning District.	<ol style="list-style-type: none"> 1. Delete Retail Sales and Service, Specialty as a permitted use. 2. Add Instructional Physical Activity as a permitted use. 3. Add Personal Services, Restaurant Type B, and Retail Sales and Service as conditional uses. 4. Add Restaurant, Type C as an allowed Special Exception Use.

<p>Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-31, B-10, Suburban Boulevard Zoning District.</p>	<ol style="list-style-type: none"> 1. Delete Retail Sales and Service, Specialty as a permitted use. 2. Add Financial Institution and Instructional Physical Activity as a permitted use. 3. Add Child Care Facilities, Personal Services, Restaurant Type B, and Retail Sales and Service as conditional uses. 4. Add Restaurant, Type C as an allowed Special Exception Use.
<p>Chapter 2, District and General Regulations, Chapter IV, Conditional and Special Exception Regulations, Section 2-57, Criteria for review of specific conditional and special exception.</p>	<p>Delete the conditions of the Retail sales and service, specialty and add conditions for Retail Sales and service.</p>

BACKGROUND:

Recent land development applications and inquiries have sought to allow restaurants, retail sales, and personal services as principal uses and not in association with an office use within the office land use and zoning district categories. With the previously adopted land use applications at 1287 and 1301 West Granada Boulevard, the City Commission amended the “Office/Professional” land use to “Low Intensity Commercial” with a floor area ratio limitation of 0.12. The purpose of this Land Development Code is to allow retail uses within the office zoning districts (B-1, B-9, and B-10) with a maximum floor area ratio of 0.20.

On January 6, 2015, the City Commission approved the first reading of Ordinance 2015-01, that amended various parts of the Comprehensive Plan to rename the existing “Office Professional (O/P)” land use category to the “Residential, Office, Retail (ROR)” land use category within the Future Land Use Element and allow restaurants, retail sales, and personal services as principal uses within the “Residential, Office, Retail” land use category with a maximum floor area ratio of 0.2. The proposed amendments were transmitted to state agencies and the Volusia Growth Management Commission. It is anticipated that the second reading of the Comprehensive Plan amendments would be March 3, 2015. The proposed Land Development Code amendments to implement the “Residential, Office, Retail (ROR)” land use category would be scheduled for City Commission review on March 17, 2015 and April 7, 2015.

The current Land Development Code allows limited retail uses within the office zoning districts (B-1, B-9, and B-10) in association with an office use. The conditional use criteria allow up to 20% of the overall square footage to be use for retail uses or up to 49% with a Planned Business Development rezoning. For example a 20,000 square foot building would be allowed up to 4,000 square feet of retail uses as a conditional use or 9,800 square feet as a Planned Business Development rezoning. The proposed Land Development Code amendment

would remove the percentage limitation for retail uses within the office zoning districts. The amendment shall impact the allowed uses and allow additional personal services, restaurant, and retail opportunities within existing office buildings and on vacant land.

ANALYSIS:

This report shall use several terms repeatedly and it is important to have a clear understanding of the terms, so they are defined per the Land Development Code below:

Permitted Use: means the specific purposes for which lands or buildings are maintained in accordance with the land use district regulations of this Code. These uses are allowed with no conditions.

Conditional Use: means the need for staff approval for a use permitted in a particular zoning district that may be compatible within part of a district but not throughout the district and is permitted only upon successful demonstration by an applicant that the use as proposed on a specific site will comply with all the conditional use criteria and standards for location, design and/or operation.

Special Exception: means a use permitted in a particular zoning district that generally may have an impact that transcends an area, neighborhood, or subdivision. Such use may be compatible within part of a district but not throughout the district and is permitted only after a public hearing and only upon demonstration by the applicant that the use as proposed on a specific site will comply with all the special use criteria and standards for location, design and/or operation.

Personal services: means beauty parlor, shop or salon, barbershop, tanning salon and similar uses.

Restaurant, Type A: Type A means restaurants that have minimum requirements to serve at least one hundred-fifty (150) persons full course meals at tables at one time, and derives at least fifty-one percent (51%) of its gross revenue from the sale of food and nonalcoholic beverages. Any type A restaurant may apply for a special restaurant license to serve alcohol.

Restaurant, Type B: Type B means restaurants that have less than one hundred-fifty (150) seats that serve customers attracted from their immediate area and not generally dependent on exposure to heavy automotive traffic. Type B establishments are permitted to offer beer and wine only.

Restaurant, Type C: Type C means restaurants that are specializing in short-order foods and beverages to be consumed on or off the premises, or providing service at walk-up windows or drive-up windows. Characteristically, such establishments are heavily dependent on high levels of automotive traffic to attract customers. Such establishments are the only types permitted to have a drive-through window. Type C establishments are permitted to offer beer and wine only.

Retail sales and services: means those business activities customarily providing retail goods and household services. Such uses shall include daily needs retail sales and services, department stores, variety stores, convenience food stores (type A), drug and sundry stores, laundromats, dry cleaning (pickup only), pharmacies, grocers and markets, gift shops, wearing apparel, home and

auto supply, hardware stores, furniture and stationery stores, shoe repair shops, printing shops (limited to copying and duplicating), luggage shops, bakeries and candy shops (provided that all products made on the premises are sold on the premises), camera and photo supply shops, radio and television sales and services, floor coverings, sporting goods, florists, jewelers, music and piano sales and services, art shops, electrical and lighting fixtures; and wine, beer and liquor stores (when included as an integral part of a supermarket or located within a shopping center) and similar uses. Intensive retail activities include: supermarkets, convenience stores, hardware stores, drug stores, laundromats, department stores, personal services, shopping centers (not including out-parcels or isolated structures designed for restaurant use) and similar uses.

There are six sections of the Land Development Code proposed for amendment and each is analyzed below:

Section 1: Section 1-22, Definition of terms and words

This amendment would delete the following definition for *Retail sales and services, specialty* and replaced with the retail sales and services use:

Existing definition to be deleted: ~~*Retail sales and services, specialty* means a retail or personal service use which specializes in unique or unusual market segments by offering a wide assortment of choices within a single or limited number of product lines. Such uses can be identified by the principal item of merchandise offered for sale. Typical uses may include, but shall not be limited to book stores, luggage shops, florists, confectioneries, gourmet food shops, custom clothing shops, art galleries, jewelry shops, specialty import shops, personal services, antique shops, wine shops, cosmetic shops, pharmacies (no food, hardware, or sundries sold), custom furniture shops, interior decorator shop, hosiery shops, craft shops or studios, gift shops, and the like.~~

Section 2: Section 2-02, Future land use map designations and zoning districts.

This amendment deletes the existing Professional Office/Hospital land use and adds the ROR, Residential, Office, Retail land use per Ordinance 2015-01. There are no other amendments in this Section, other than the land use title.

Section 3: Section 2-22, B-1, Professional Office/Hospital Zoning District.

The B-1 zoning district land area is scattered throughout the City and is approximately a total of 230 acres. The B-1 zoning district consists of smaller overall lot sizes with the district minimum lot size being 20,000 square feet. The map on the next page shows the location of the B-1 zoning district that includes:

1. South Atlantic Avenue: Florida Hospital property
2. North New Britain Avenue within the Downtown Community Redevelopment Area.
3. Area of Sterthaus Drive and Nova Road, including the former hospital property. The former hospital property of approximately 28 acres is vacant and proposed for multi-family redevelopment.
4. Booth Road: Halifax hospital offices and hospice facility.
5. North Nova Road.

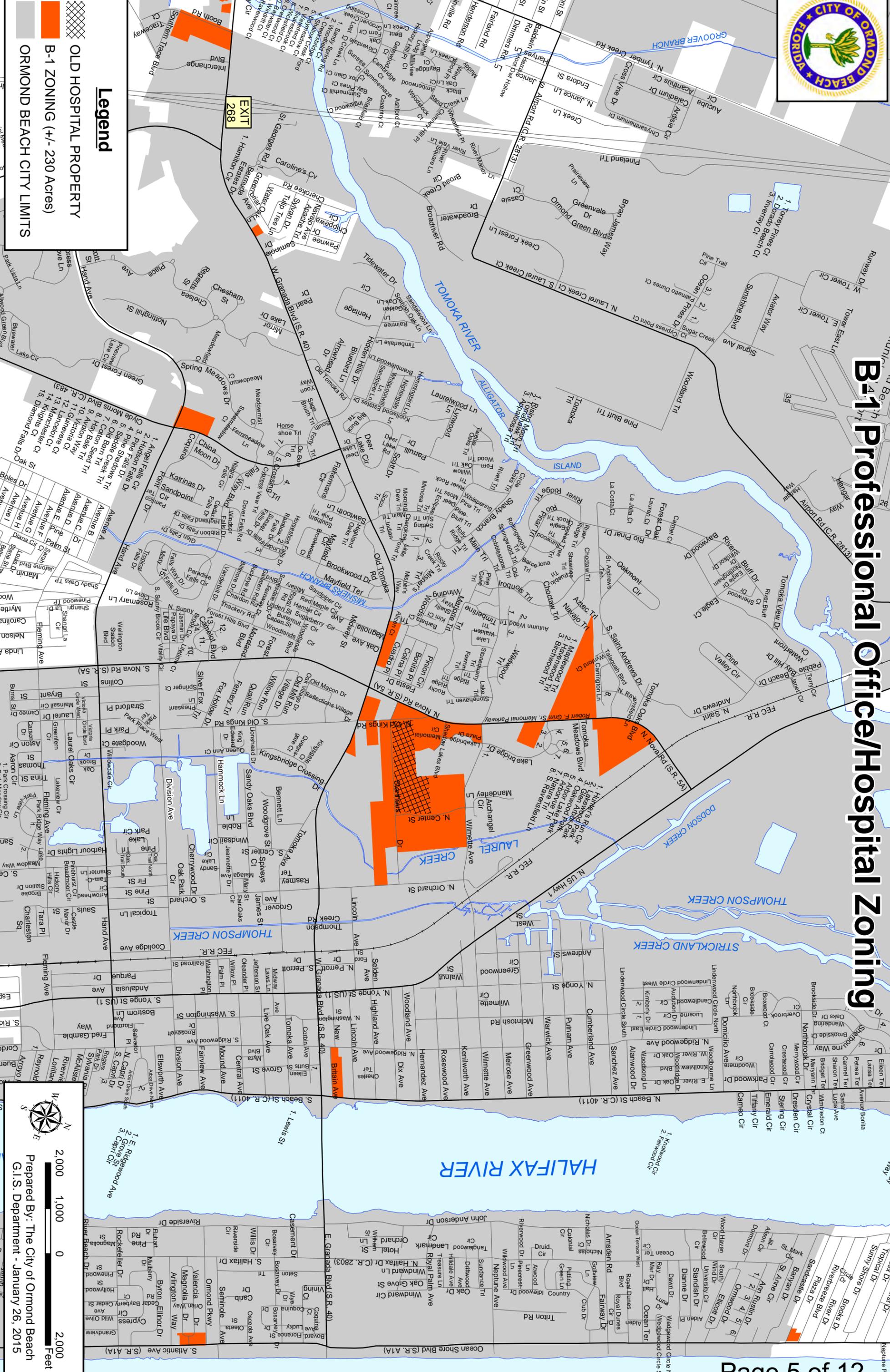
There are approximately 73 acres of vacant land within the B-1 zoning district.



B-1 Professional Office/Hospital Zoning

Legend

- OLD HOSPITAL PROPERTY
- B-1 ZONING (+/- 230 Acres)
- ORMOND BEACH CITY LIMITS



Prepared By: The City of Ormond Beach
 G.I.S. Department - January 26, 2015

Scale: 0 to 2,000 Feet

North Arrow

The amendment proposes the following changes within the B-1 zoning district:

1. Amend the purpose to clarify retail and restaurant uses are part of the purpose/intent for this zoning district.
2. Delete Retail Sales and Service, Specialty use from the conditional uses. This use currently allows a portion of building to be used for accessory retail uses.
3. Add Personal Services, Restaurant, Type A, Restaurant, Type B and Retail Sales and Services as conditional uses.
4. Add Restaurant, Type C as a Special Exception use. At the Planning Board meeting where the ROR land use was considered, there was concern expressed that a drive-thru restaurant may not be appropriate in all locations within the zoning district. The Special Exception would require additional review and allow review by the Planning Board and City Commission.

Section 4: Section 2-30, B-9, Boulevard Zoning District.

The B-9 zoning district is located along Granada Boulevard from Orchard Street to just east of Nova Road and is approximately a total of 85 acres. The B-9 zoning district total acreage size has been reduced with Planned Business Development rezonings, such as the Olive Grove Planned Business Development. The B-9 zoning district consists of larger property sizes with the minimum lot size being 1.5 acres. Many of the district's properties are located in the Greenbelt Overlay District that requires larger landscape and building setbacks. The map on the next page shows the location of the B-9 zoning district that includes:

1. Reflections village office complex at 770 and 780 West Granada Boulevard.
2. Vacant land on the south side of Granada Boulevard between South Old Kings Road and Kingsbridge Crossings.
3. Vacant land along Tomoka Ave with frontage on Granada Boulevard.
4. Vacant land along the north side of Granada Boulevard, some of which is in state ownership and some held by private property owners.
5. A variety of existing medical and office buildings, including Boulevard Executive Park (555 West Granada Boulevard) and Granada Professional Center (725 West Granada Boulevard).

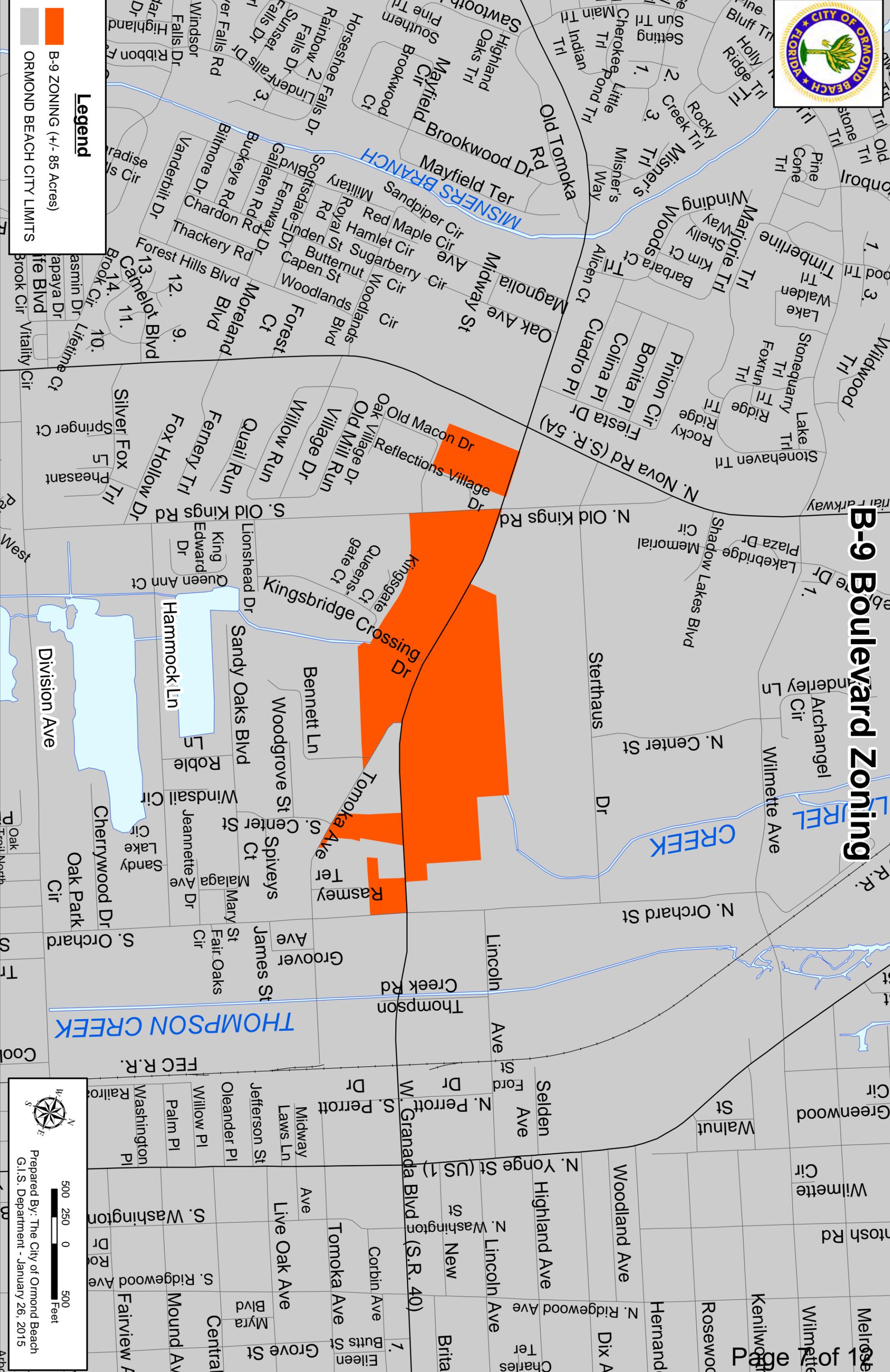
There are approximately 43 acres of vacant land within the B-9 zoning district.



B-9 Boulevard Zoning

Legend

- B-9 ZONING (+/- 85 Acres)
- ORMOND BEACH CITY LIMITS



Prepared By: The City of Ormond Beach
 G.I.S. Department - January 26, 2015

The amendment proposes the following changes within the B-9 zoning district:

1. Delete Retail Sales and Service, Specialty use from the conditional uses. This use currently allows a portion of building to be used for accessory retail uses.
2. Add Instructional Physical Activity, formerly called School of Arts, as a permitted use. It is unclear why this use was allowed in the B-1, B-4, B-5, B-7, and B-8 zoning district, but not within the B-9 zoning district.
3. Add Personal Services, Restaurant, Type B and Retail Sales and Services as conditional uses. Note that a Restaurant, Type A is already allowed as a conditional use in the B-9 zoning district.
4. Add Restaurant, Type C as a Special Exception use. At the Planning Board meeting where the ROR land use was considered, there was concern expressed that a drive-thru restaurant may not be appropriate in all locations within the zoning district. The Special Exception would require additional review and allow review by the Planning Board and City Commission.

Section 5: Section 2-31, B-10, Suburban Boulevard Zoning District.

The B-10 zoning district is located along Granada Boulevard from Nova Road to Williamson Boulevard and the general area of Hand Avenue and Clyde Morris Boulevard and is approximately a total of 158 acres. The B-10 zoning district consists of larger property sizes with the minimum lot size being 1.5 acres. Many of the district's properties are located in the Greenbelt Overlay District that requires larger landscape and building setbacks. The map on the next page shows the location of the B-10 zoning district that includes:

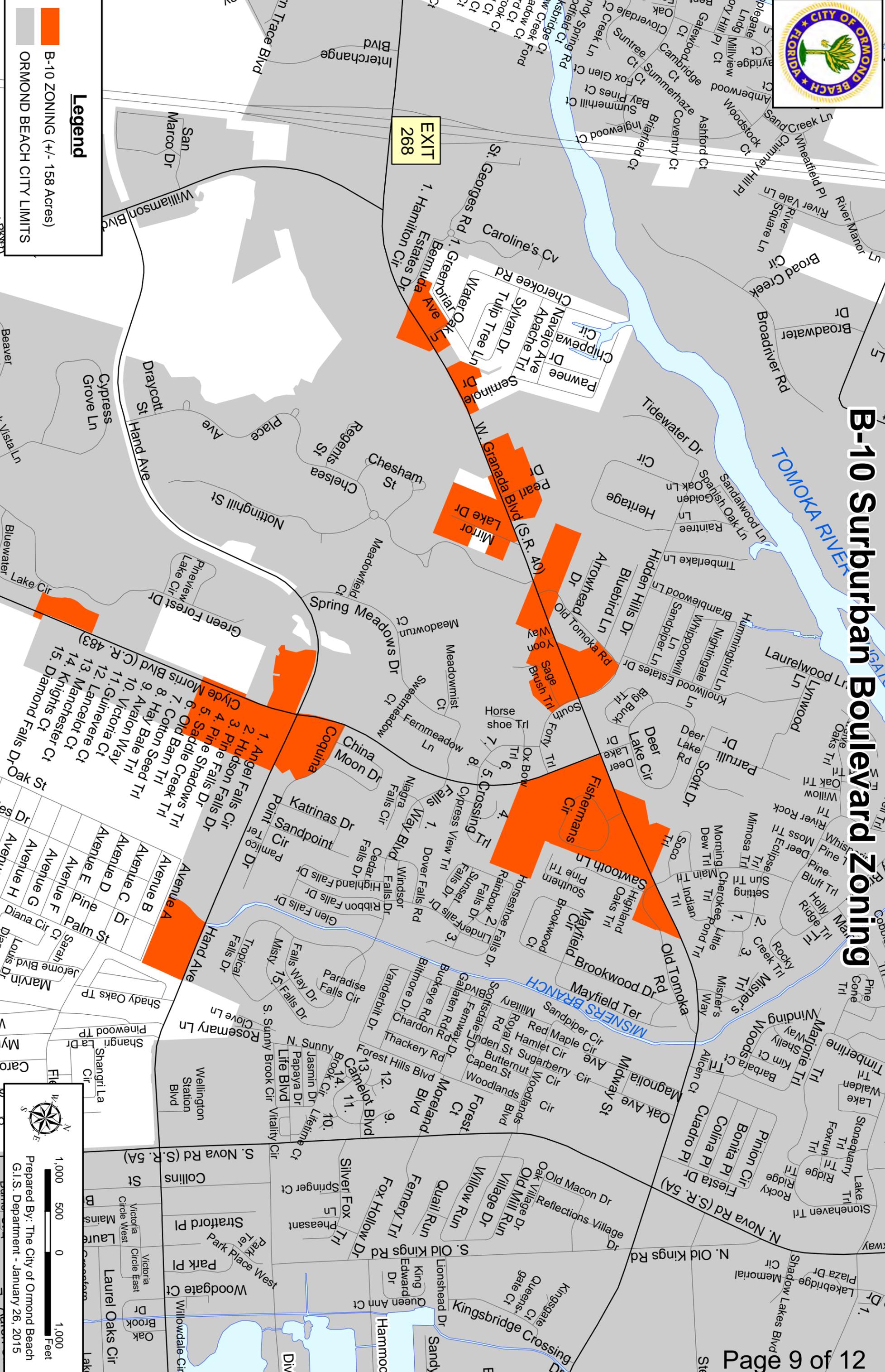
1. Hand Avenue Center at 1400 Hand Avenue.
2. Properties at the intersection of Clyde Morris Boulevard and Hand Avenue, including Florida Urology, the Root complex and the medical center at Hand and Clyde Morris Boulevard.
3. Fisherman's Landing multi-family at 1088 West Granada Boulevard.
4. Properties along Mirror Lake and Pearl Drive.
5. Seminole Center at 1345 West Granada Boulevard and the former Blockbuster plaza at 1425 West Granada Boulevard.
6. Several of the developments have Planned Business Development overlays, approved prior to 2004 that provide a limitation on the amount of retail and personal services within the Development Order. In order to use the proposed amendments, the existing Developer Order would need to be amended to remove the specialty retail restrictions.



B-10 Suburban Boulevard Zoning

Legend

- B-10 ZONING (+/- 158 Acres)
- ORMOND BEACH CITY LIMITS



1. Angel Falls Cir
2. Hudson Falls Dr
3. Pine Falls Dr
4. Pine Falls Dr
5. Saddle Creek Trl
6. Old Barn Trl
7. Cotton Seed Trl
8. Hay Bale Trl
9. Avalon Way
10. Victoria Ct
11. Guinivere Ct
12. Lancelot Ct
13. Manchester Ct
14. Knights Ct
15. Diamond Falls Dr, Oak St

Prepared By: The City of Ormond Beach
 G.I.S. Department - January 26, 2015

Scale: 0 to 1,000 Feet

North Arrow

The amendment proposes the following changes within the B-10 zoning district:

1. Delete Retail Sales and Service, Specialty from the conditional uses. This use currently allows a portion of building to be used for accessory retail uses.
2. Add Financial Institutional as a permitted use, similar to other business zoning districts.
3. Add Instructional Physical Activity, formerly called School of Arts, as a permitted use. It is unclear why this use was allowed in the B-1, B-4, B-5, B-7, and B-8 zoning district, but not within the B-9 zoning district.
4. Move Child Care Facilities from a Special Exception use to a conditional use, similar to all the other business zoning districts.
5. Add Personal Services, Restaurant, Type B and Retail Sales and Services as conditional uses. Note that a Restaurant, Type A is already allowed as a conditional use in the B-10 zoning district.
6. Add Restaurant, Type C as a Special Exception use. At the Planning Board meeting where the ROR land use was considered, there was concern expressed that a drive-thru restaurant may not be appropriate in all locations within the zoning district. The Special Exception would require additional review and allow review by the Planning Board and City Commission.

Section 6: **Section 2-57**, Criteria for review of specific conditional and special exception.

This Section proposes to delete the criteria for Retail Sales and Service, Specialty as the use is being deleted from the Land Development Code. The amendment will add conditional use criteria for property within the B-1, B-9, and B-10 zoning districts that is consistent with the land use amendment. The criteria states that restaurants, retail sales, and personal services shall not exceed a 0.2 Floor Area Ratio (FAR). The 0.2 FAR was established so that the restaurants, retail sales, and personal services would have equal or less impacts in terms of traffic on major roadways in considering the theoretical maximum impacts for land use planning.

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC); the Planning Board must consider the following criteria when making their recommendation.

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed amendment does not propose any site specific development. The amendment established the regulatory framework to remove the existing

limitations on restaurants, retail sales, and personal services. Each individual site shall have a development review through the business tax receipt (existing developed sites) or through the Site Plan Review Committee (SPRC) process (development of vacant land). It is not expected that the proposed Land Development Code amendments would create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.

2. The proposed development is consistent with the Comprehensive Plan.

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.

The proposed Land Development Code amendments do not approve any site specific development and will not have an adverse impact on environmentally sensitive lands. Each project must meet all applicable environmentally criteria of the Land Development Code.

4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.

The proposed Land Development Code amendments do not approve any site specific development and will not have any impacts on surrounding properties. Development projects would be required to meet all development standards, including landscape buffers, setback, and fence/wall regulations.

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

The proposed Land Development Code amendments are not applicable to public facilities.

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.

There is no development proposed as part of the proposed amendments.
The application pertains to a Land Development Code amendment.

7. The proposed development is functional in the use of space and aesthetically acceptable.

There is no development proposed as part of the proposed amendments.
The application pertains to a Land Development Code amendment.

8. The proposed development provides for the safety of occupants and visitors.

There is no development proposed as part of the proposed amendments.
The application pertains to a Land Development Code amendment.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

There is no development proposed as part of the proposed amendments.
The application pertains to a Land Development Code amendment.

10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

It is recommended that the Planning Board **APPROVE** amendments to Land Development Code as described within this report and detailed within Attachment 1 of this report.

Attachments:

Attachment 1: ROR implementation Land Development Code amendments

Attachment 2: List of uses in the business zoning districts

Chapter 1, General Administration

Article III, Definition and Acronyms

Section 1-22, Definition of terms and words.

Retail sales and services, daily needs ...(No change in existing text)...

~~Retail sales and services, specialty means a retail or personal service use which specializes in unique or unusual market segments by offering a wide assortment of choices within a single or limited number of product lines. Such uses can be identified by the principal item of merchandise offered for sale. Typical uses may include, but shall not be limited to book stores, luggage shops, florists, confectioneries, gourmet food shops, custom clothing shops, art galleries, jewelry shops, specialty import shops, personal services, antique shops, wine shops, cosmetic shops, pharmacies (no food, hardware, or sundries sold), custom furniture shops, interior decorator shop, hosiery shops, craft shops or studios, gift shops, and the like.~~

Retail, showroom ...(No change in existing text)...

Chapter 2, District and General Regulations

Article 1, Establishment of zoning districts and official zoning map

Section 2-02, Future land use map designations and zoning districts

HDR, High Density Residential	T-1, Manufactured/Mobile Home
	R-6, Multifamily Medium-High Density
	PRD, Planned Residential Development
Professional Office/Hospital	B-1, Professional Office/Hospital
<u>ROR, Residential, Office, Retail</u>	B-9, Boulevard
	B-10, Suburban Boulevard
	PBD, Planned Business Development
General Commercial	B-2, Neighborhood Commercial
	B-3, Reserved
	B-4, Central Business
	B-8, Commercial
	PBD, Planned Business Development

[Underlined text is proposed new language, and strikethrough text is proposed to be deleted]

Chapter 2, District and General Regulations

Article II, District Regulations

Section 2-22. - B-1, Professional Office/Hospital Zoning District.

A. **PURPOSE:** The purpose of the Professional Office/Hospital (B-1) Zoning District is to provide areas primarily for professional, ~~medical and business~~ offices, and institutional uses, also allowing multifamily residential, and retail uses with special emphasis given to sound architectural design practices, site planning, landscaping and sign location.

D. CONDITIONAL USES

1.-8. ...(No change in existing text)...

9. ~~Public Facilities~~ Personal Services

10. ~~Public Utilities~~ Public Facilities

11. ~~Recreation Facilities, Indoor~~ Public Utilities

12. ~~Retail Sales and Service, Specialty Recreation Facilities~~

13. ~~School, Private~~ Restaurant, Type A

14. ~~Telecommunication Tower/Antennas, Camouflaged~~ Restaurant, Type B

15. ~~Wind Energy System~~ Retail Sales and Service

16. School, Private

17. Telecommunication Tower/Antennas, Camouflaged

18. Wind Energy System

E. SPECIAL EXCEPTION USES

1.-5. ...(No change in existing text)...

6. Restaurant Type C

Chapter 2, District and General Regulations
Article II, District Regulations
Section 2-30. - B-9, Boulevard Zoning District.

E. PERMITTED USES

- 1.-6. ...(No change in existing text)...
7. ~~Nursing Home~~ **Instructional Physical Activity**
8. ~~School, Public~~ Nursing Home
9. ~~Veterinarian~~ School, Public
10. Veterinarian

D. CONDITIONAL USES

- 1.-7. ...(No change in existing text)...
8. ~~Public Facilities~~ **Personal Services**
9. ~~Public Utilities~~ Public Facilities
10. ~~Recreational Facilities, Indoor~~ Public Utilities
11. ~~Restaurant, Type A,~~ Recreational Facilities, Indoor
12. ~~Retail Sales and Service, Specialty~~ Restaurant, Type A
13. ~~School, Private~~ **Restaurant, Type B**
14. ~~Telecommunication Tower/Antennas, Camouflaged~~ **Retail Sales and Service**
15. ~~Wind Energy System~~ School, Private
16. Telecommunication Tower/Antennas, Camouflaged
17. Wind Energy System

Chapter 2, District and General Regulations
Sec. 2-30. - B-9, Boulevard Zoning District.

E. SPECIAL EXCEPTION USES:

- 1.-5. ...(No change in existing text)...
6. **Restaurant Type "C"**

Chapter 2, District and General Regulations

Article II, District Regulations

Sec. 2-31. - B-10, Suburban Boulevard Zoning District.

E. PERMITTED USES

1.-5. ... (No change in existing text)...

6. ~~Nursing Home~~ Financial Institution

7. ~~School, Public~~ Instructional Physical Activity

8. ~~Veterinarian~~ Nursing Home

9. School, Public

10. Veterinarian

D. CONDITIONAL USES

1. ~~Community Residential Home~~ Child Care Facilities

2. ~~Dwelling, Multifamily~~ Community Residential Home

3. ~~Family Day Care Home~~ Dwelling, Multifamily

4. ~~House of Worship~~ Family Day Care Home

5. ~~Parks and Recreation Facilities, Private~~ House of Worship

6. ~~Parks and Recreation Facilities, Public~~ Parks and Recreation Facilities, Private

7. ~~Public Facilities~~ Parks and Recreation Facilities, Public

8. ~~Public Utilities~~ Personal Services

9. ~~Recreational Facilities, Indoor~~ Public Facilities

10. ~~Restaurant, Type A~~ Public Utilities

11. ~~Retail Sales and Service, Specialty~~ Recreational Facilities, Indoor

12. ~~School, Private~~ Restaurant, Type A

13. ~~Telecommunication Tower/Antennas, Camouflaged~~ Restaurant, Type B

14. ~~Wind Energy System~~ Retail Sales and Service

15. School, Private

16. Telecommunication Tower/Antennas, Camouflaged

17. Wind Energy System

Chapter 2, District and General Regulations

Article II, District Regulations

Sec. 2-31. - B-10, Suburban Boulevard Zoning District.

E. SPECIAL EXCEPTION USES:

1. ~~Child Care Facilities~~ Funeral Home

2. ~~Funeral Home~~ Outdoor Activity

3. ~~Outdoor Activity~~ Outdoor Storage
4. ~~Outdoor Storage~~ Recreation Facilities, Outdoor
5. ~~Recreation Facilities, Outdoor~~ Restaurant Type "C"

Chapter 2, District and General Regulations

Chapter IV, Conditional and Special Exception Regulations

Sec. 2-57. - Criteria for review of specific conditional and special exception.

(70) Reserved.

(71) *Retail sales and service.* Within the B-1, B-9, and B-10 zoning districts no combination of restaurants, retail sales, and personal services shall exceed a 0.2 FAR on any parcel of land.

~~(742)~~ *Retail sales and service, daily needs.* Neighborhood commercial uses shall meet the following minimum standards:

- a. A maximum land area of five (5) acres.
- b. Are located at the intersection of an arterial road and another arterial road or major collector.
- c. The use is designed, in terms of architecture, site arrangement, lighting and signing, to be compatible with conforming residential development in the surrounding area.
- d. Use occupancy is limited to those uses which serve the daily needs of residents in the immediate area.
- e. Business site identification signs shall conform to the standards for monument signs, except where the use is located at the intersection of two (2) arterial roads. In such cases, the citywide regulations shall apply.

~~(723)~~ *Retail sales and service, showroom.* Daily needs retail sales and services are permitted within the I-1, Light Industrial Zoning District, subject to:

- a. In conjunction with the application for a business tax receipt, the applicant shall submit for site plan review committee approval, floor plans showing the location of all uses within the development and the specialty retail use being applied for.
- b. Maximum floor area shall be two thousand (2,000) square feet for any single use.
- c. The total of all daily needs retail sales and service uses shall not exceed 20 percent of the total gross floor area of all buildings in the development.
- d. Daily needs retail sales and service uses are not permitted as a freestanding use in the I-1 zoning district.

~~(73) *Retail sales and service, specialty.*~~

- ~~a. Specialty retail sales and services are permitted, subject to:~~

- ~~1. In conjunction with the application for a business tax receipt, the applicant shall submit for site plan review committee approval, floor plans showing the location of all uses within the development and the specialty retail use being applied for.~~
 - ~~2. Maximum floor area shall be two thousand (2,000) square feet for any single use.~~
 - ~~3. The total of all daily specialty retail uses shall not exceed twenty percent (20%) of the total gross floor area of all buildings in the development.~~
- ~~b. Specialty retail sales and services are permitted by a planned business development provided that:~~
- ~~1. The maximum gross floor area dedicated to such uses shall not exceed forty-nine percent (49%) of the gross floor area of all buildings in the development and may be restricted to a lesser percentage as established by the city commission based on: site conditions, including configuration of the development; availability of parking; ease of pedestrian and vehicular access; egress and on site circulation; conformance to current codes; and area wide stormwater drainage and traffic circulation conditions.~~
 - ~~2. These maximums may be reduced, as appropriate, in order to preserve the office/professional character of the development and the neighborhood.~~
 - ~~3. In conjunction with the application for a business tax receipt, the applicant shall submit for site plan review committee approval, floor plans showing the location of all uses within the development and the specialty retail use being applied for.~~

(74) School, private ... (No change in existing text)...

ATTACHMENT 2

List of uses with
business districts

List of Zoning District Uses - Business Districts

Use	B-1	B-2	B-3	B-4	B-5	B-6	B-7	B-8	B-9	B-10	
Adult Day Care Center	P		R E S E R V E D	P	P	P	P	P	P	P	
Adult Family Care Home							C				
Airport											
Agricultural Use, Major											
Agricultural Use, Minor											
Assisted Living Facility	P				P	P		P	P	P	P
Auction Business					C						
Automatic Amusement Center					SE			SE	SE		
Bar					C	C		C			
Bed and Breakfast											
Bingo Parlor						C					
Bowling Center						C			C		
Business/Professional Office	P				P	P		P	P	P	P
Business Services	P				P	P		P	P	P	P
Campground											
Cemetery	SE									SE	
Child Care Facility	C				C	C			C	C	SE to C
Club and Fraternal Organization					P	P	P	P	P	P	P
Cluster Subdivision, Single-Family											
Community Residential Home	C				C	C	P/C	C	C	C	C
Construction and Home Improvement											
Convenience Store, Type "A"					P	P		P	P		
Convenience Store, Type "B"		C			C	C		C	C		
Convenience Store, Type "C"					C	C		C	C		
Dry Cleaning Plant and Systems											
Dwelling, Duplex							P				
Dwelling, Multi-family	C				C	C	C	C	C	C	C
Dwelling, Quadraplex											
Dwelling, Single Family – Detached						P					
Dwelling, Triplex											
Family Day Care Home	C			C	C	C	C	C	C	C	

Notes: P = Permitted, C = Conditional Use, SE = Special Exception
 Use/districts proposed to be amended Use proposed to be deleted

List of Zoning District Uses - Business Districts

Use	B-1	B-2	B-3	B-4	B-5	B-6	B-7	B-8	B-9	B-10
Flea Market										
Farmer's market				C						
Financial Institution	P			P	P		P	P	P	P
Foster Home						C				
Funeral Home	SE				P		P			SE
Garden Center/Nursery				C						
Golf Course, Contoured							C			
Golf Course/Country Club										
Greenhouse										
Group Home						C				
Historic Preservation Mixed Use	C			C						
Hobby Breeder										
Hospital	P						C			
House of Worship	C			C	C		C	C	C	C
Hunting Dog										
Hunting Lodge										
Industrial Use, Light					SE					
Instructional artistic activity				C						
Instructional physical activity	P			P	P		P	P	P	P
Kennel					SE					
Manufactured Housing, Mobile Home										
Medical Research Laboratory	P									
Medical Supply/Rental	P			P	P					
Mining and Excavation										
Mixed Use Development				P						
Non-Emergency Medical Transportation Services										
Nightclub				C/SE		C	C/SE			
Nursing Home	P			P	P			P	P	P
Outdoor Activity	SE	SE		SE	SE	SE	SE	SE	SE	SE
Outdoor Storage	SE	SE		SE	C/SE	SE	SE	SE	SE	SE

Notes: P = Permitted, C = Conditional Use, SE = Special Exception

Use/districts proposed to be amended

Use proposed to be deleted

List of Zoning District Uses - Business Districts

Use	B-1	B-2	B-3	B-4	B-5	B-6	B-7	B-8	B-9	B-10
Parking Lot				C	C		C			
Parking Garage				C	C		C			
Parks and Recreation Facilities, Private	C	C		C	C	C	C	C	C	C
Parks and Recreation Facilities, Public	C	C		C	C	C	C	C	C	C
Patio Home Subdivision										
Pawn Shop					SE					
Personal Services	C			C	C		C	C	C	C
Petroleum Product Storage					SE					
Pharmacy	P									
Pool Hall/Billiards					C					
Public Facilities	C	C		C	C	C	C	C	C	C
Public Utilities	C	C		C	C	C	C	C	C	C
Recreation Facilities, Indoor	C			C	C	C	C	C	C	C
Recreation Facilities, Outdoor	SE			SE	SE	SE	SE	SE	SE	SE
Research Activities										
Restaurant Type "A"	C			C	C	SE	C	C	C	C
Restaurant Type "B"	C			C	C		C	C	C	C
Restaurant Type "C"	SE			C	C		C	C	C	C
Restaurant Type "D"				C						
Retail Sales and Service	C			P	P		P	P	C	C
Retail Sales and Service, Daily Needs		P								
Retail Sales and Service, Showroom										
Retail Sales and Service, Specialty	Delete								Delete	Delete
Riding Stables, Horse										
RV and Boat Storage										
School of Art	P			P	P		P	P		
School, Private	C			C			C	C	C	C
School, Public	P	P		P	P	P	P	P	P	P
Sexually Oriented Business							P			
Silviculture										
Shopping Center				C	C		C	C		

**R
E
S
E
R
V
E
D**

Notes: P = Permitted, C = Conditional Use, SE = Special Exception

Use/districts proposed to be amended

Use proposed to be deleted

List of Zoning District Uses - Business Districts

Use	B-1	B-2	B-3	B-4	B-5	B-6	B-7	B-8	B-9	B-10	
Skating Center					C						
Tattoo Parlor					C						
Taxi Barn					SE						
Telecommunication Tower					SE		SE				
Telecommunication Tower/Antennae, Camouflaged	C	C			C	C	C	C	C	C	
Terminal, Bus			R E S E R V E D	SE	SE						
Terminal, Truck											
Theater					C			C	C		
Townhouses											
Transient Lodging					P		P	P			
Vehicle Rental						C		SE			
Vehicle Repair, Type "A"					C	C					
Vehicle Repair, Type "B"						SE					
Vehicle Sales						C					
Vehicle Sales, Heavy						SE					
Vehicle Washing/ Detailing						C					
Veterinarian	P				P	P		P	P	P	P
Warehouse, Business						P					
Warehouse, Mini-Rental						C			SE		
Warehouse, Storage						P					
Wetland Preservation Area											
Wildlife Management Area, Fishing and Hunting											
Wind Energy Systems	C	C			C	C	C	C	C	C	C
Wine, Beer or Liquor Store					C	C					
Zero-lot Line Subdivision											
Notes:	P = Permitted, C = Conditional Use, SE = Special Exception										
	Use/districts proposed to be amended 				Use proposed to be deleted 						