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Instrument# 2005-041312
Book : 5494
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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.

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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

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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.

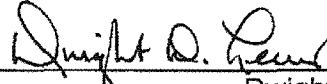
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DONE and ORDERED by the County Council of Volusia County, Florida,
this 14 day of September 2004.

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 14 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.



Susan M Whittaker
My Commission DD112645
Expires August 08, 2006


NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

SUSAN M. WHITTAKER

Commission & Expiration Date

No.: _____

WITNESSES:

LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.
AN OKLAHOMA CORPORATIONDaphne Brennan
SignatureBetsy Baustert
SignatureBy: [Signature]Douglas J. Stussi
Exec. V.P. & C.F.O.

(Printed Name & Title)

The foregoing instrument was acknowledged before me this 10 day of
January, 2005, by Douglas J. Stussi,
who is personally known to me or whose identity I proved on the basis of
Drivers License.

Wanda K. Balsano
NOTARY PUBLIC, STATE OF FLORIDA
OKlahoma

Type or Print Name:

Wanda K. Balsano

Commission & Expiration Date

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WITNESSES:

Jacqueline S. Berry
Signature

Sue A. Hensley
Signature

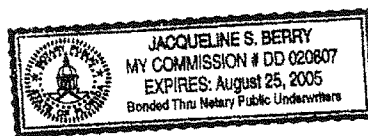
HAVING FUN, LLC
By: [Signature]
CHARLES D. HOOD, JR.
(Printed Name & Title) MANAGER

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.: _____



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WITNESSES:

Jacqueline S. Berry
Signature
Lue A. Hensley
Signature

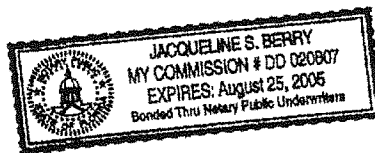
HAVING FUN II, LLC
By: _____
Charles D. Hood Jr.
(Printed Name & Title) MANAGING MEMBER

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

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EXHIBIT "A"

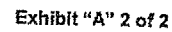
DESCRIPTION

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.

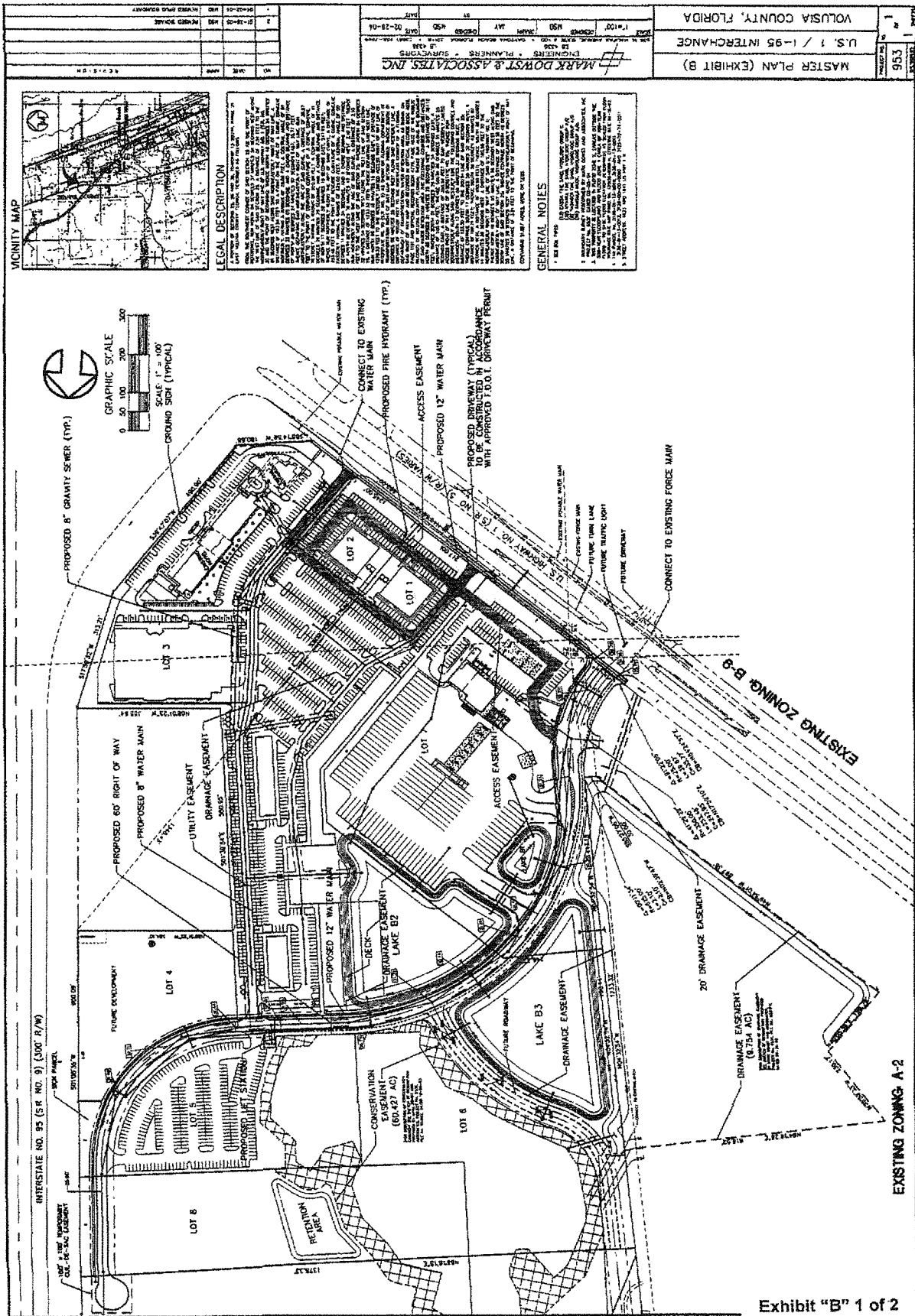
CONTAINING 51.897 ACRES, MORE OR LESS.

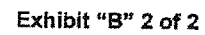
Exhibit "A" 1 of 2



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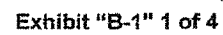
EXHIBIT "B"





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EXHIBIT "B-1"



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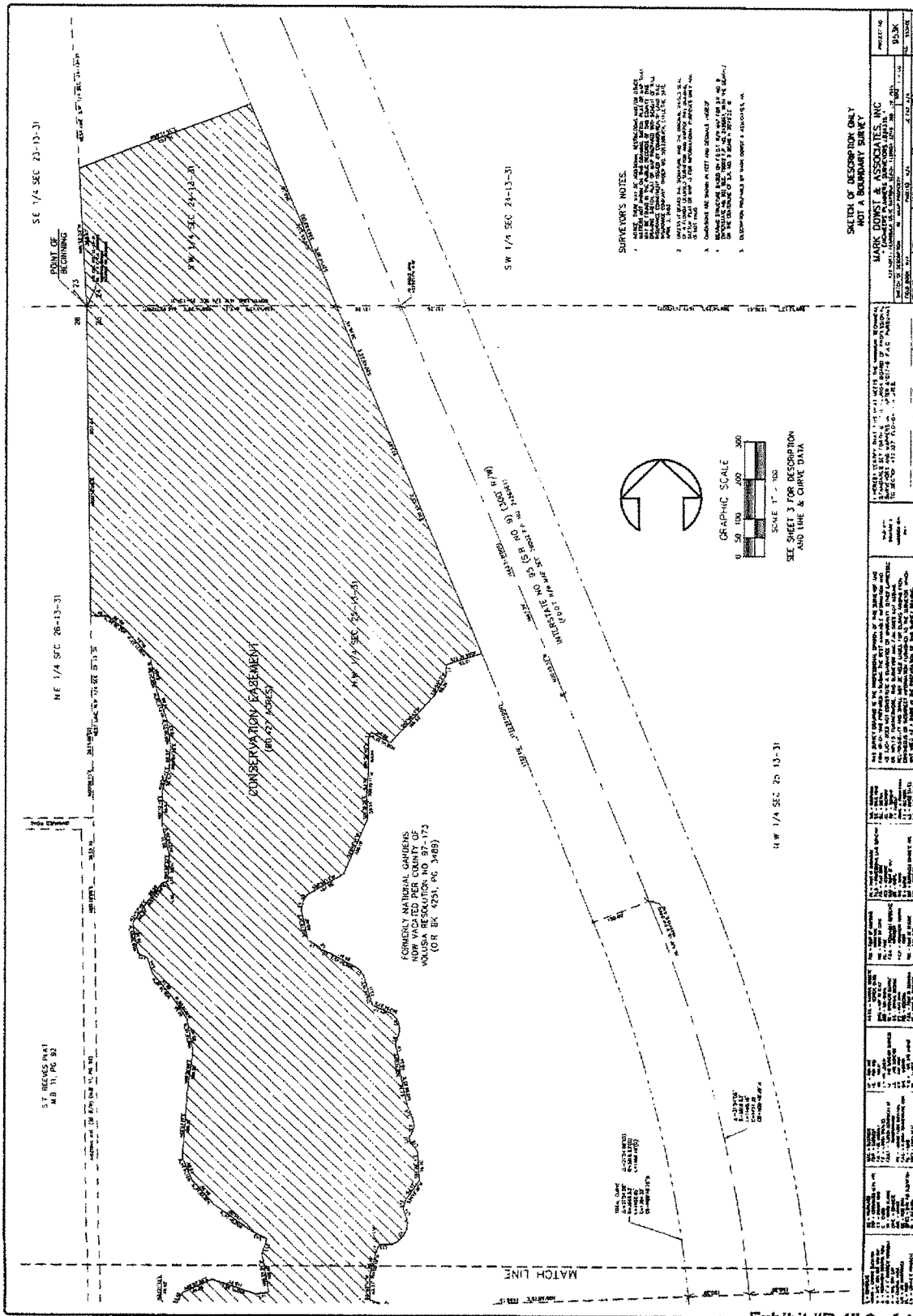
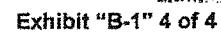


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EXHIBIT "C"

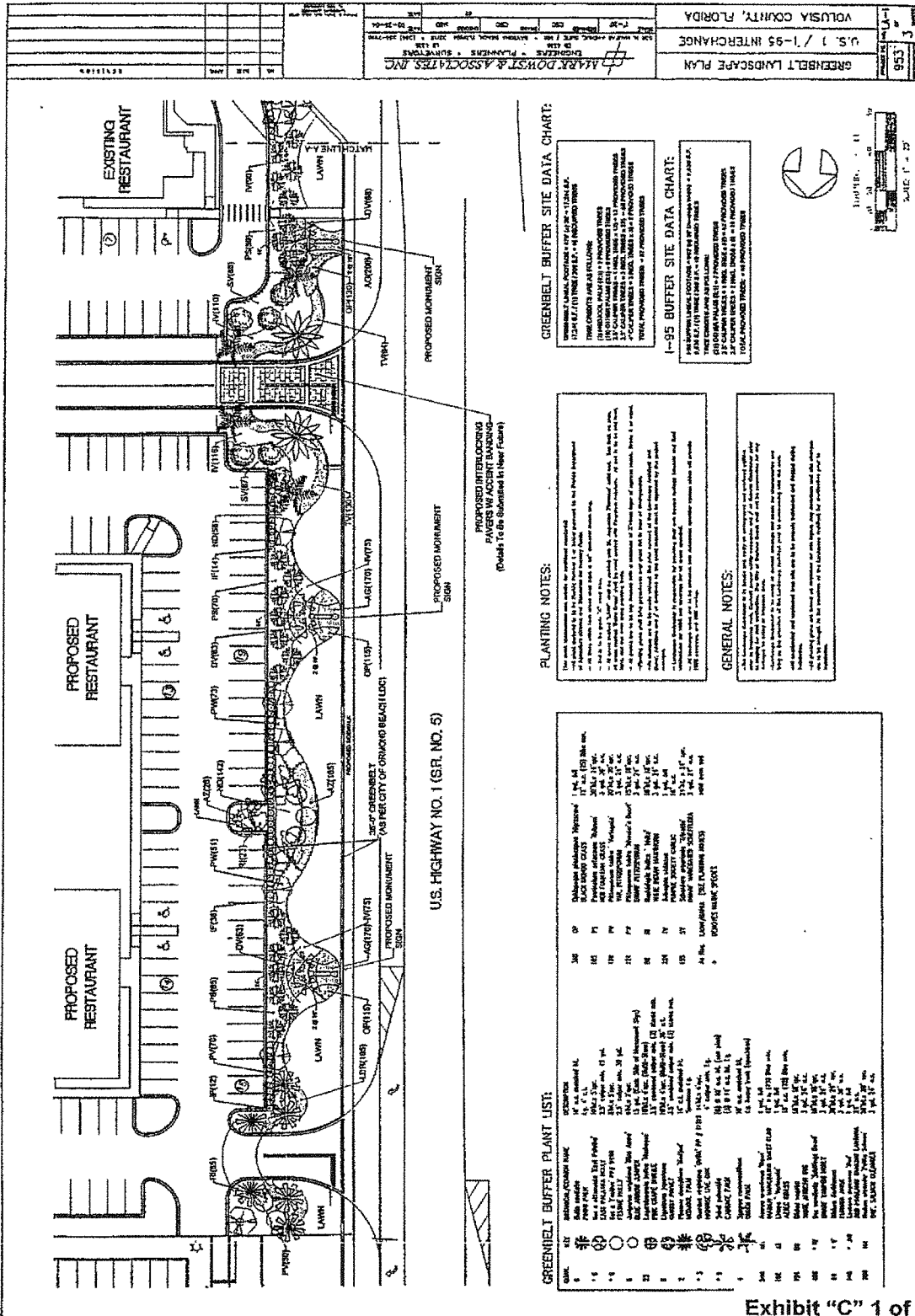


Exhibit "C" 1 of 3

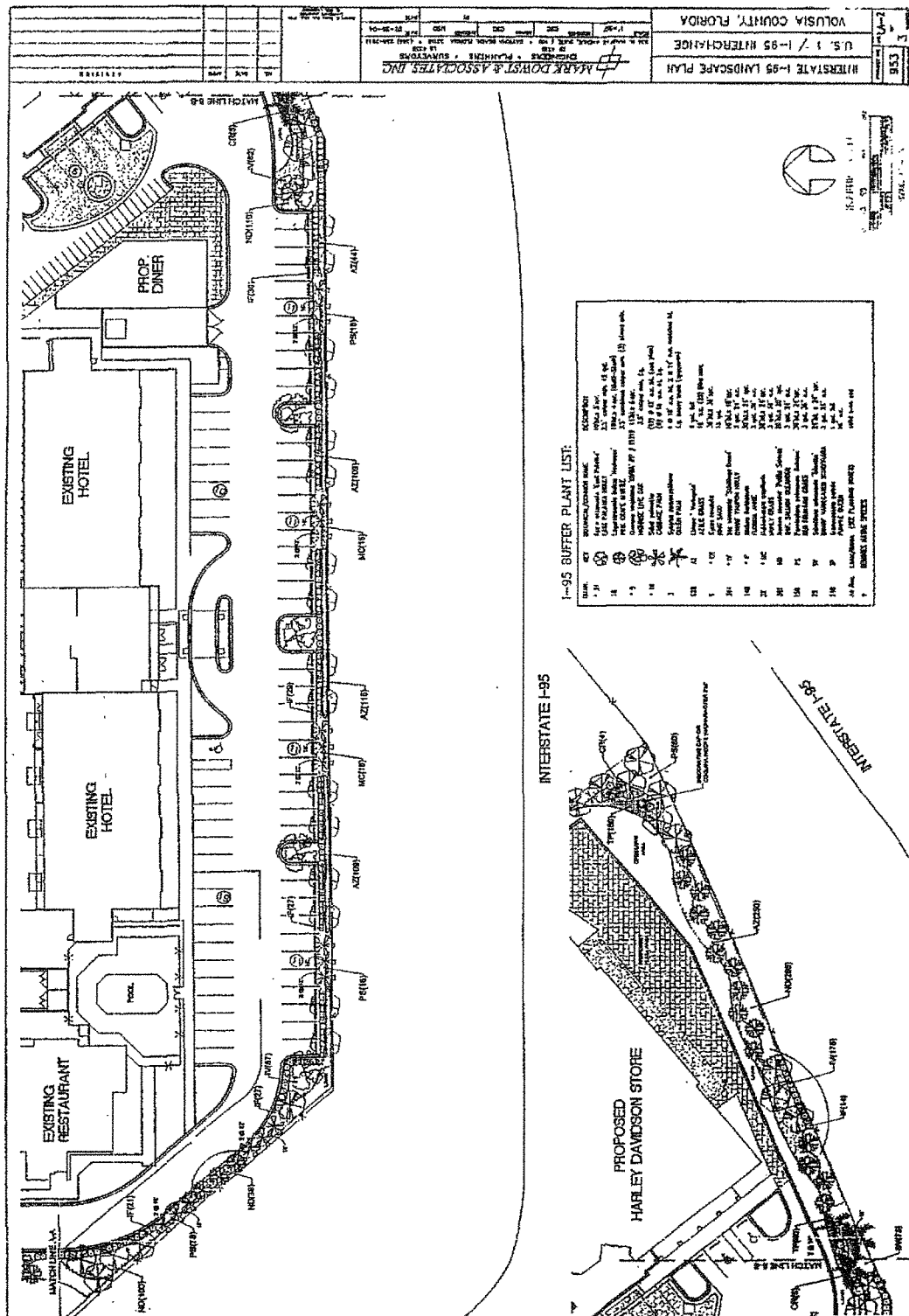


Exhibit "C" 2 of 3

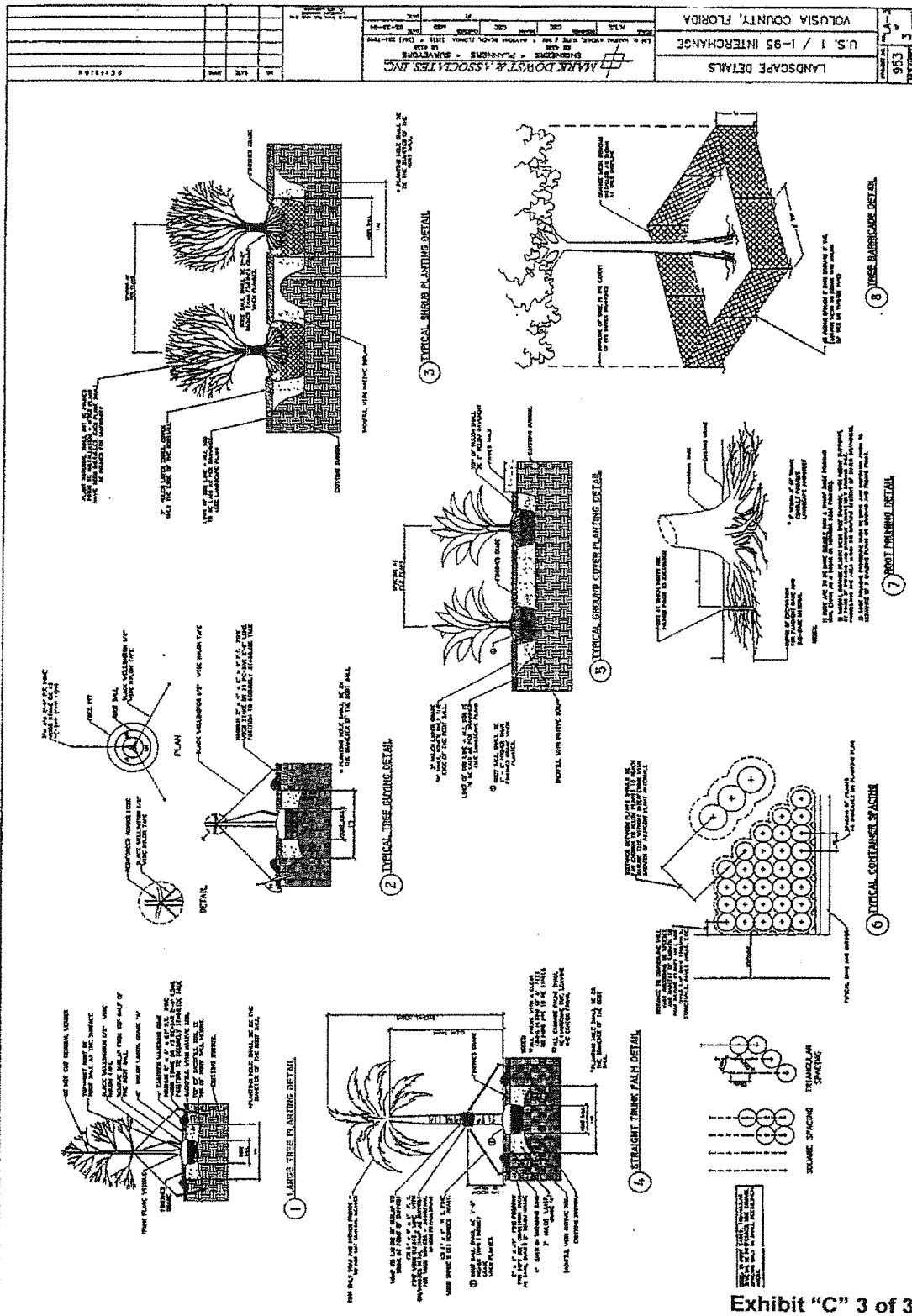


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EXHIBIT "D"

BUSINESSES

§ 26-55

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 or any governmental 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, Bike

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, § I, 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.

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COUNTY OF VOLUSIA CODE

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. 96-25, § 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.

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- (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 and its proceeds to the non-owners 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

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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

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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. 10-96. 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. 10-97. 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.

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(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. 94-8, § 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 number 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-

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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-

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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.

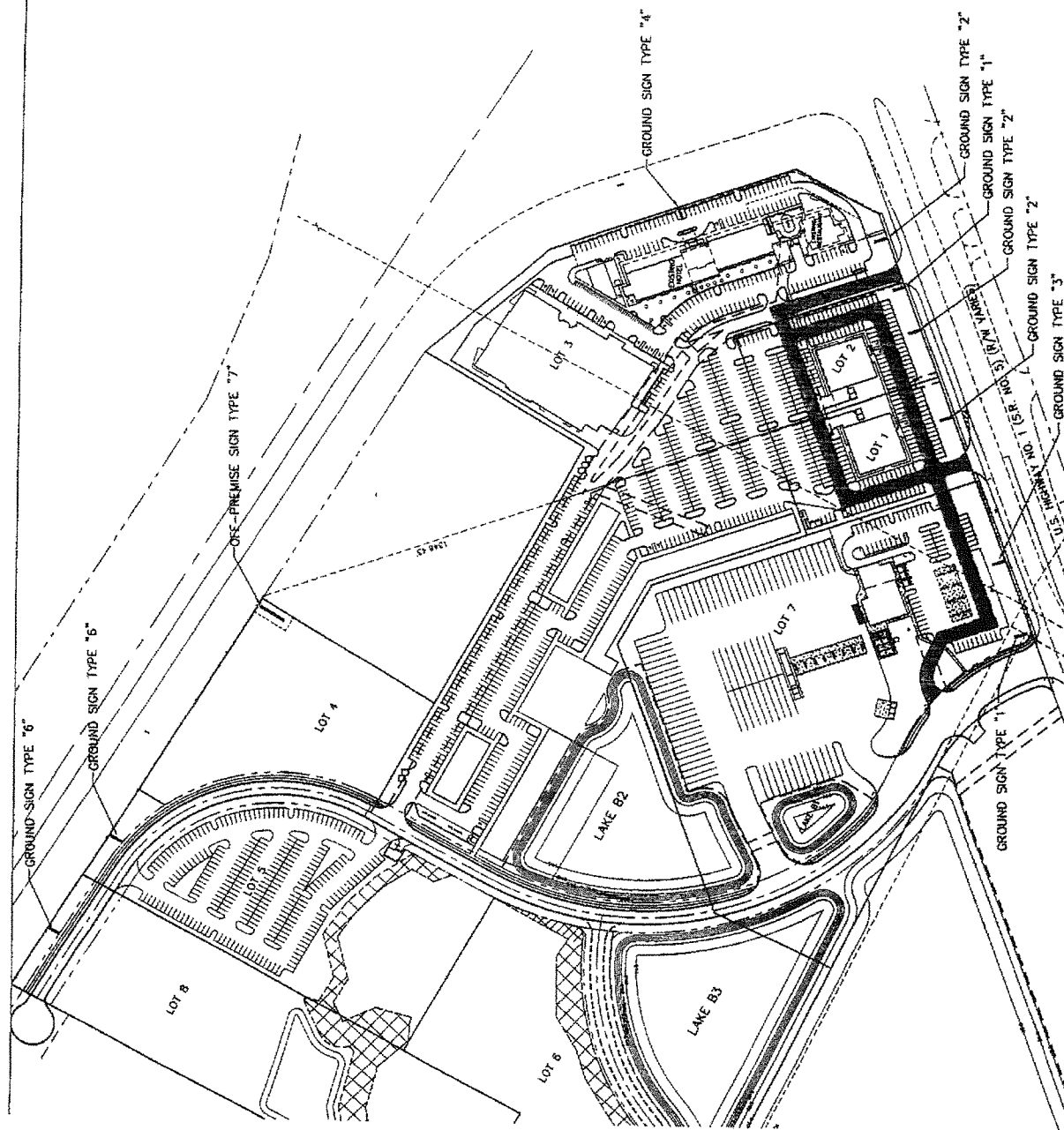
Alcoholic beverages means all beverages containing more than one percent of alcohol by weight.

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 requirements) 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

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

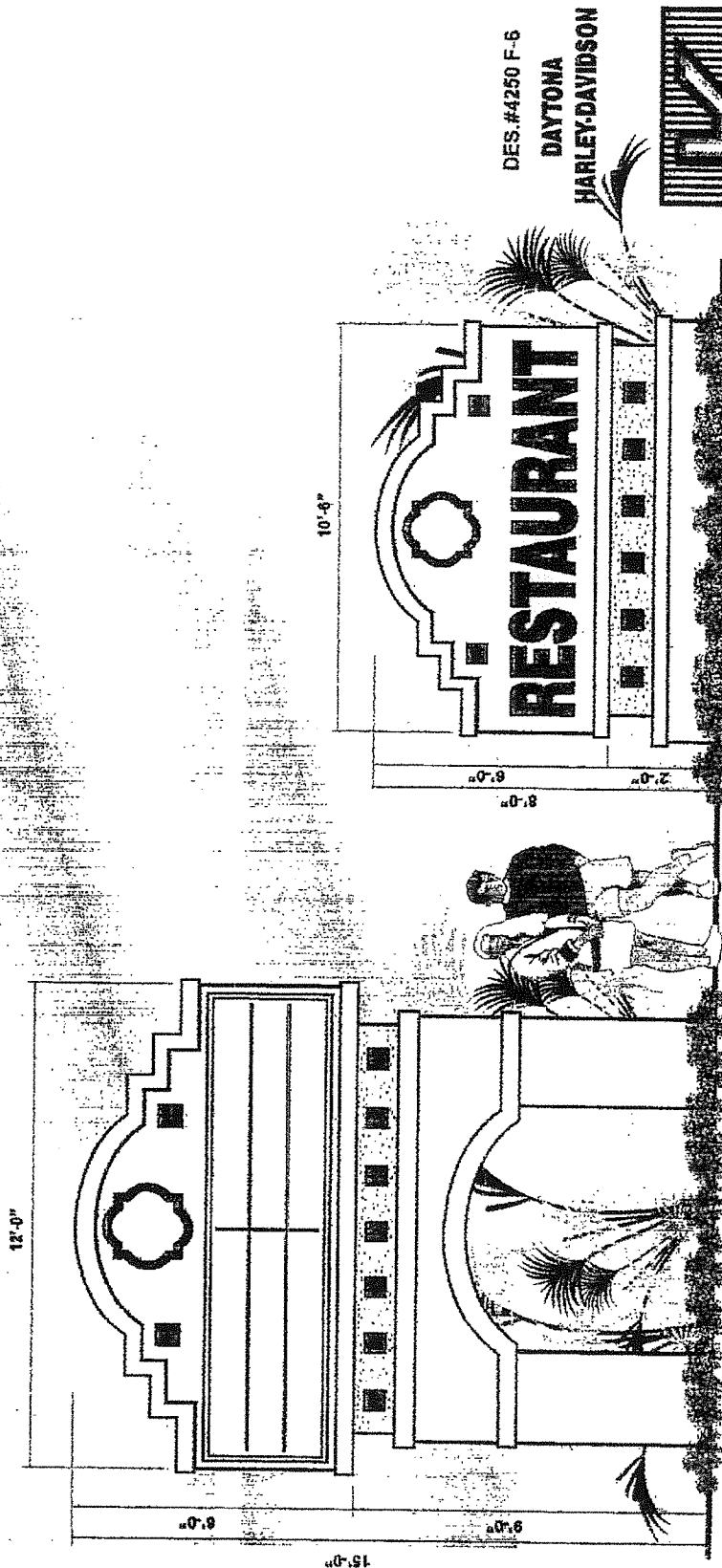
Book : 5494
Page : 2058

COMPOSITE EXHIBIT "F"

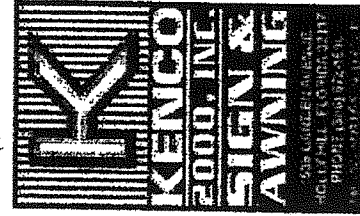


GROUND SIGN LOCATIONS

Composite Exhibit "F" 1 of 12



DES. #4250 F-6
DAYTONA
HARLEY-DAVIDSON

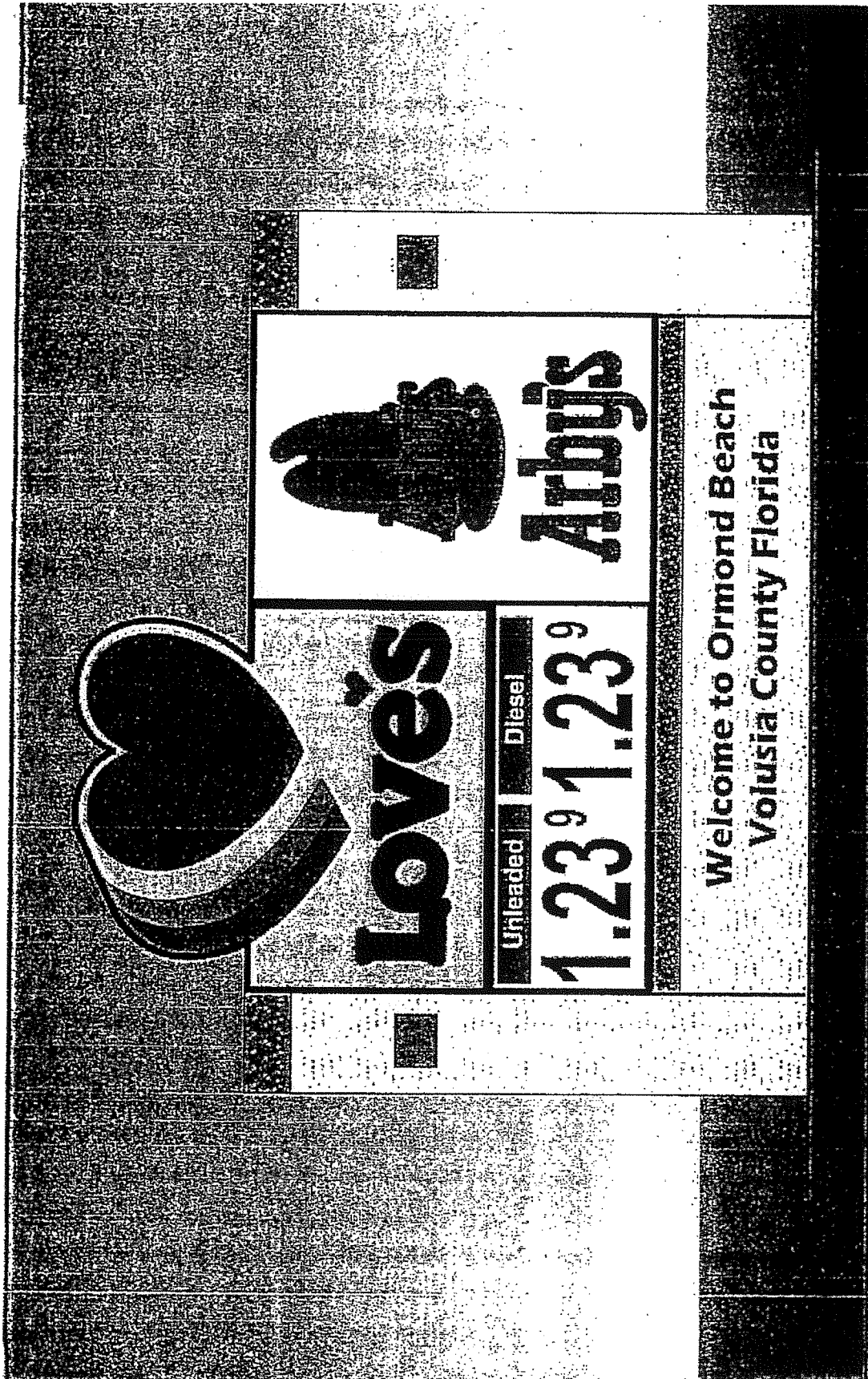


DOUBLE FACE ILLUMINATED MONUMENT SIGNS SCALE: 1/2" = 1'-0"

SIGN TYPE "1"

SIGN TYPE "2"

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Page: 2061



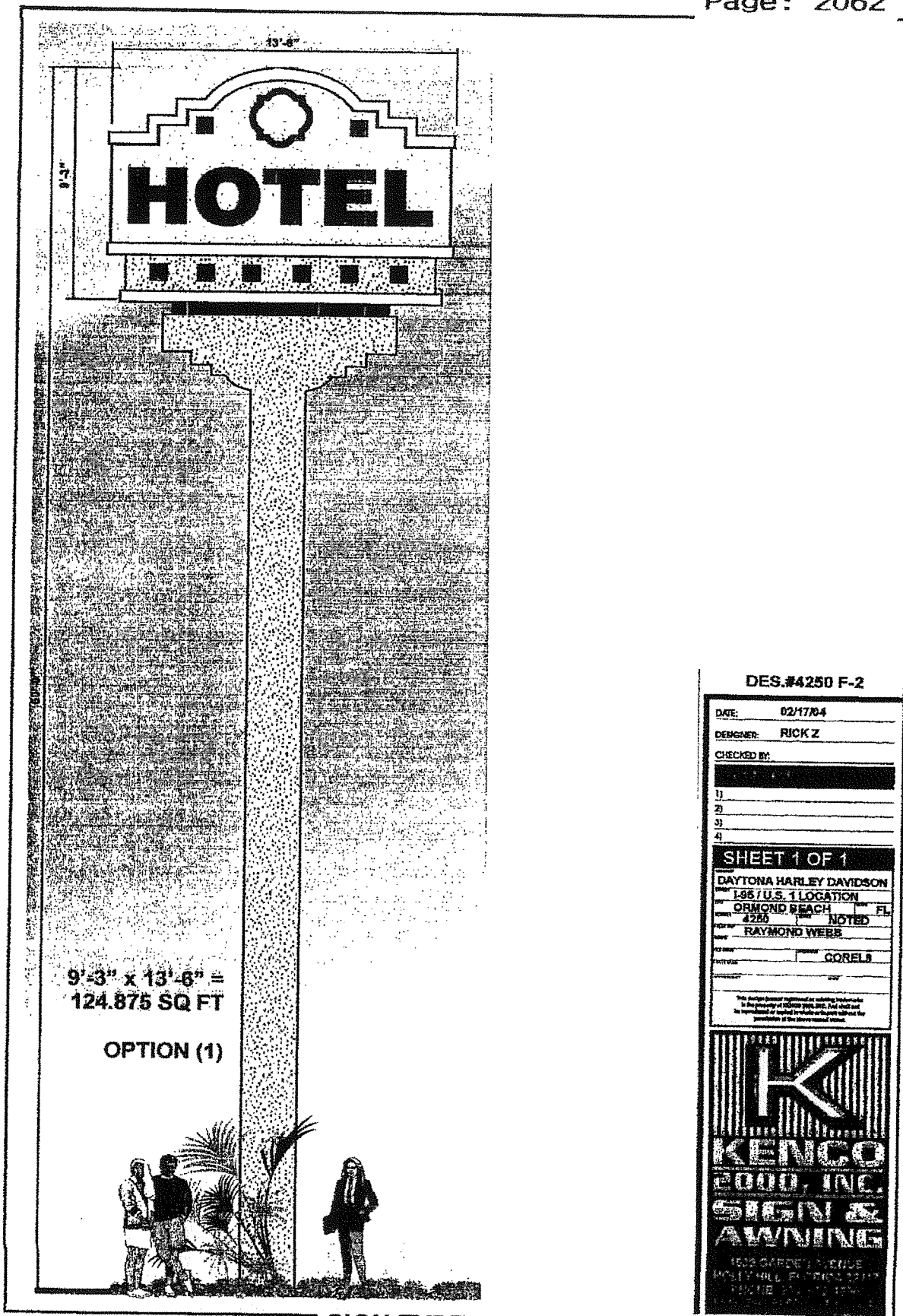
SIGN TYPE "3"

Preliminary Monument sign for Ormond Beach, FL

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

Love's = 8'2" x 7'6"

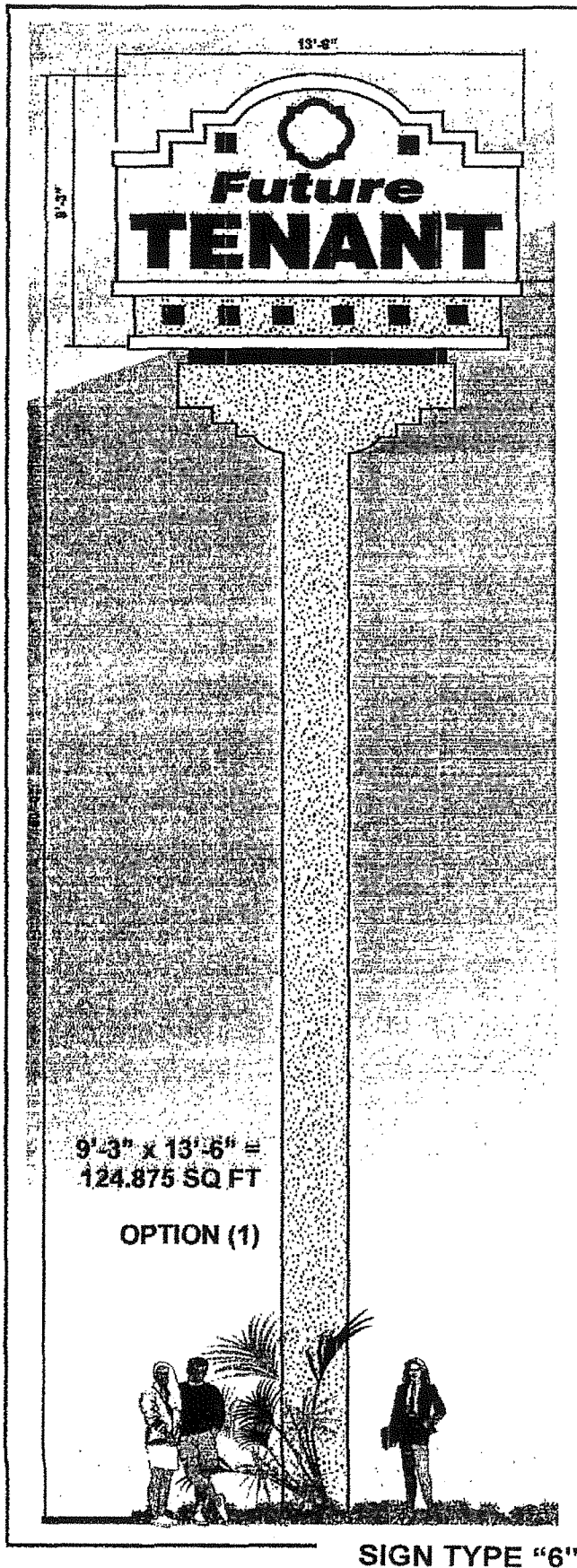
Price Sign = 3' x 7'6"



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Page : 2063

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

Composite Exhibit "F" 5 of 12

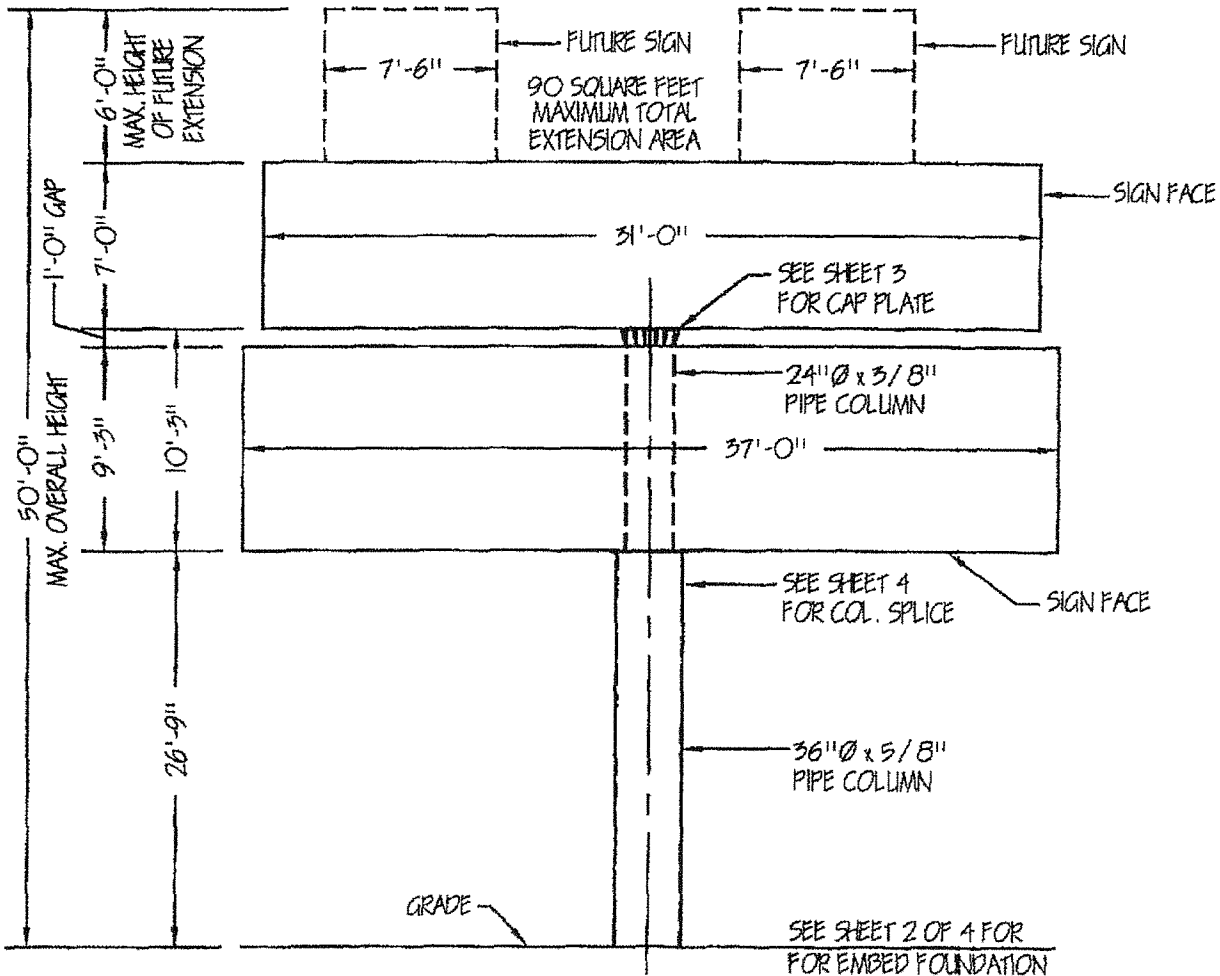


DES.#4250 F-1

DATE:	02/17/04
DESIGNER:	RICK Z
CHECKED BY:	
1)	
2)	
3)	
4)	
SHEET 1 OF 1	
DAYTONA HARLEY DAVIDSON	
1-86 / U.S. 1 LOCATION	
ORNDORF BEACH	FL
4280	NOTED
RAYMOND WEBB	
OWNER:	CORELS
This design is not to be used without the written permission of the designer.	
KENCO 2000, INC. SIGN & AWNING	
1500 GARDEN A. E. BLVD. HOLLY HILL, ALABAMA 35017 PHONE: 205/331-1111	

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. 45780-001-01).



B&P JOB NO. 0305104

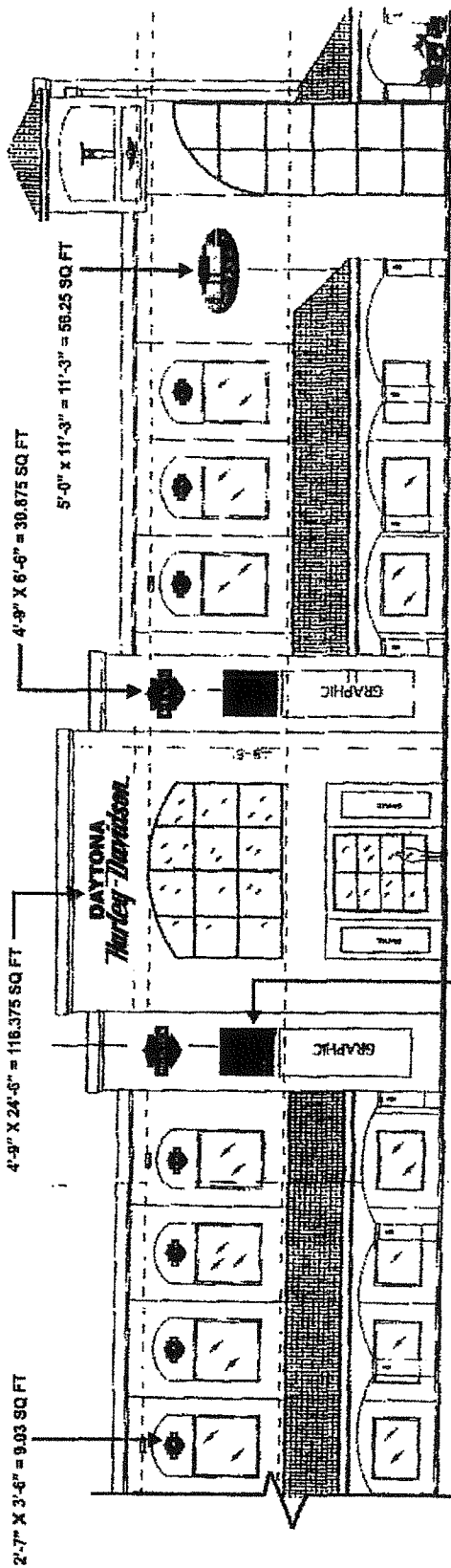
ELEVATION**BENNETT & PLESS, INC.**
Consulting Structural Engineers830 McCollie Avenue
Chattanooga, TN 37403
423 708-7943 FAX 423 708-7044Copyright 2004 Bennett & Pless, Inc.
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job name **ESCO ELECTRIC SIGNS**
BILLBOARD SIGN
ORMOND BEACH, FL

date **5-25-04**
by **TED**
chk'd **T.F.I.**

sheet # **1**
of **4**

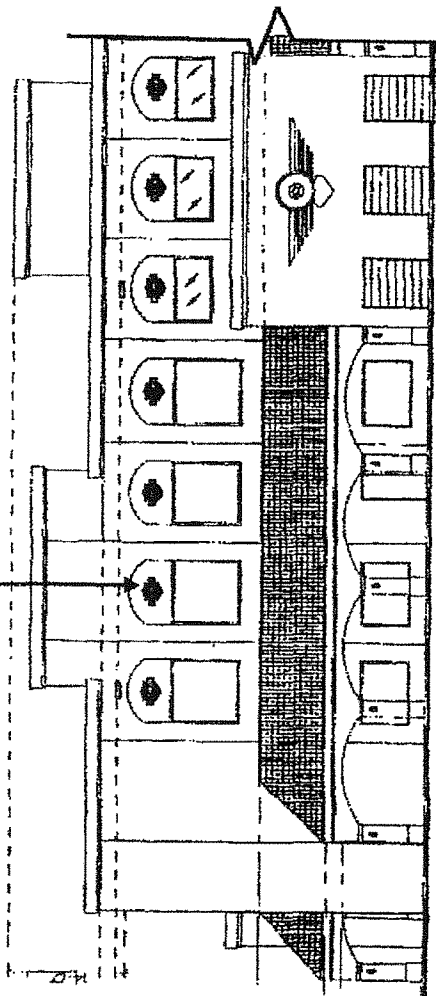
OFF-PREMISE SIGN TYPE "7"**Composite Exhibit "F" 7 of 12**



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

NEW AWNINGS

2'-7" X 3'-6" = 9.03 SQ FT



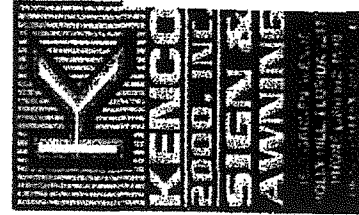
FRONT (SOUTH) ELEVATION SCALE: 3/32" = 1'-0"

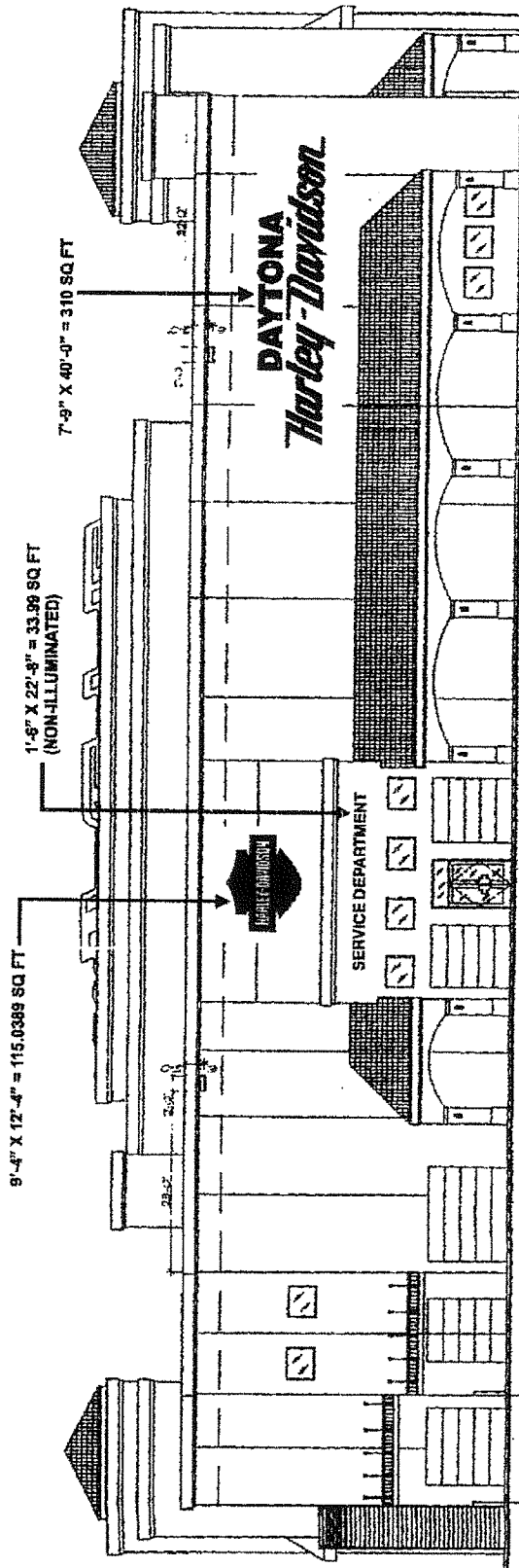
SPECIFICATIONS:

- (1) ONE NEW SET ILLUMINATED CHANNEL LETTERS, CHANNEL LETTERS TO BE ALL ALUMINUM CONSTRUCTION W/ ACRYLIC FACES & 2" JEWELITE TRIM CAP 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 WALLS AS SHOWN.

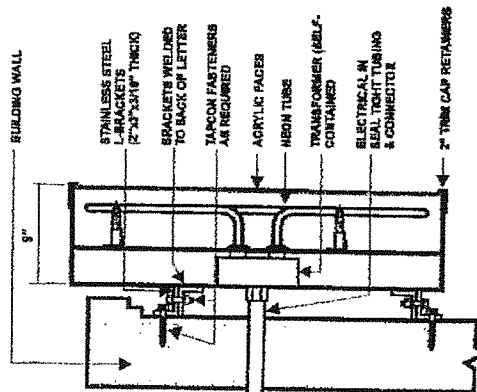
DES.#4250 F-8

DAYTONA
HARLEY-DAVIDSON





CHANNEL LETTERS SECTION DETAIL
END VIEW NOT TO SCALE



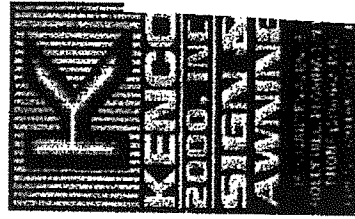
LEFT (WEST) SIDE ELEVATION SCALE: 3/32" = 1'-0"

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.
- (1) ONE NEW SINGLE FACE ILLUMINATED WALL LOGO SIGN.
CABINET TO BE ALL ALUMINUM W/ HARPLEX 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 GENIE LETTERS.
LETTERS TO BE PAINTED & STUD MOUNTED TO BUILDING WALL AS SHOWN.

DES.#4250 F-7

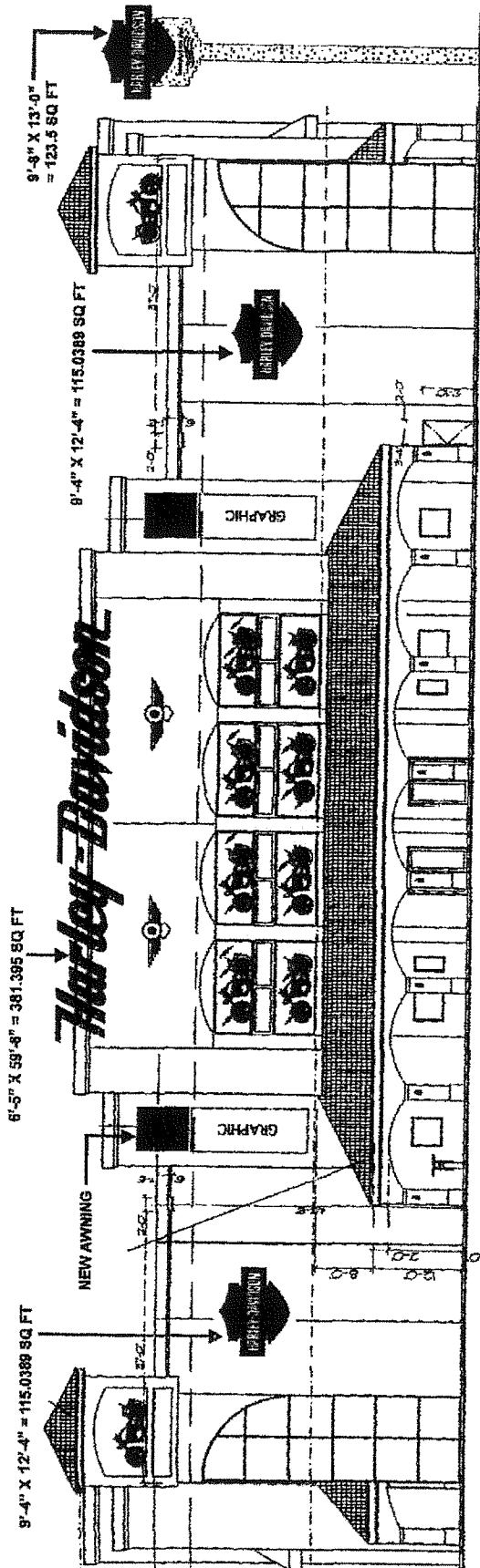
DAYTONA
HARLEY-DAVIDSON



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

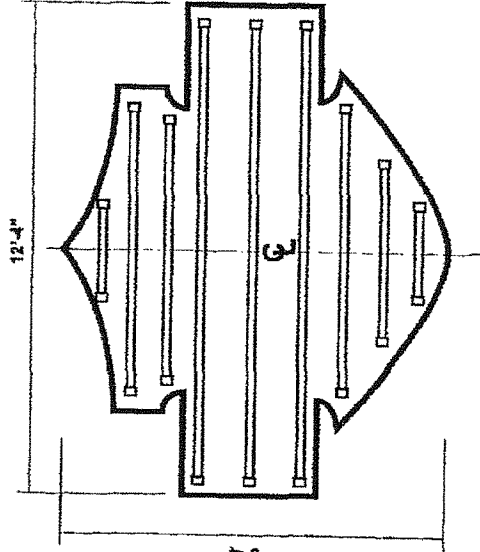
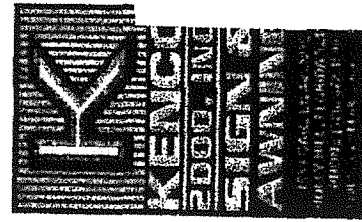
FASTENER CHART

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"

DES.#4250 F-4
DAYTONA
HARLEY-DAVIDSON

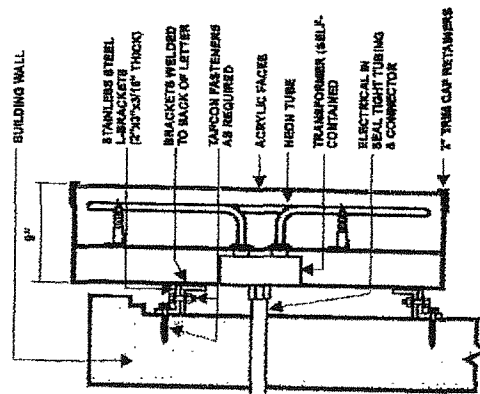


FLUORESCENT LAMP PLACEMENT - WALL LOGO SIGNS

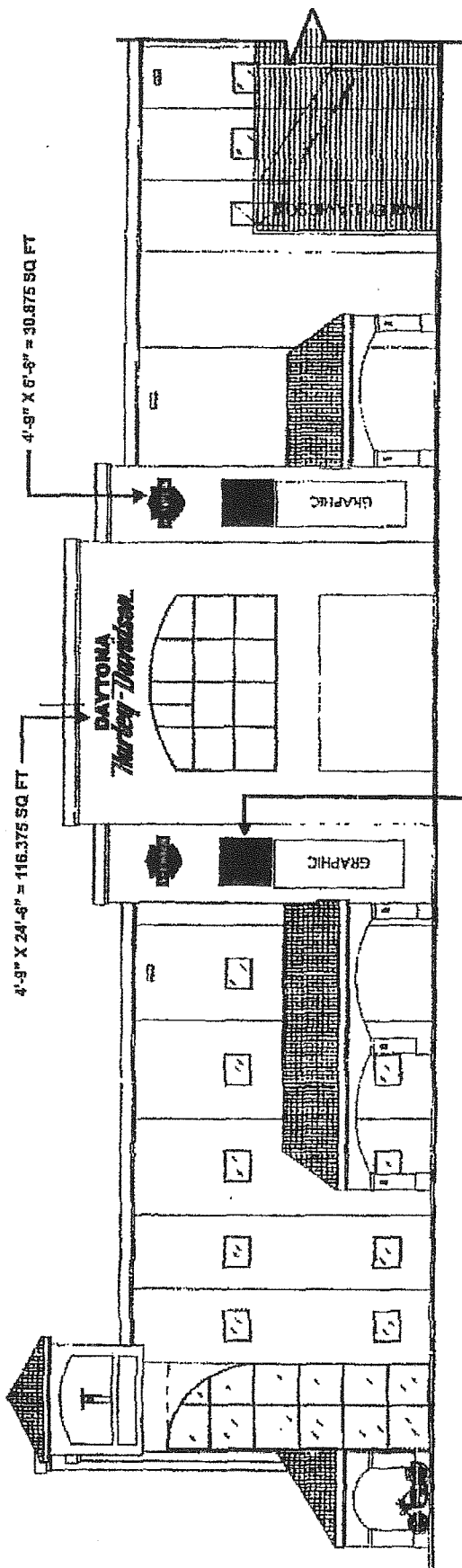
SPECIFICATIONS:

- (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 CHINO 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.
- (4) ONE NEW DOUBLE FACE ILLUMINATED PYLON SIGN.
(SEE ATTACHED DRAWING FOR SPECIFICATIONS)

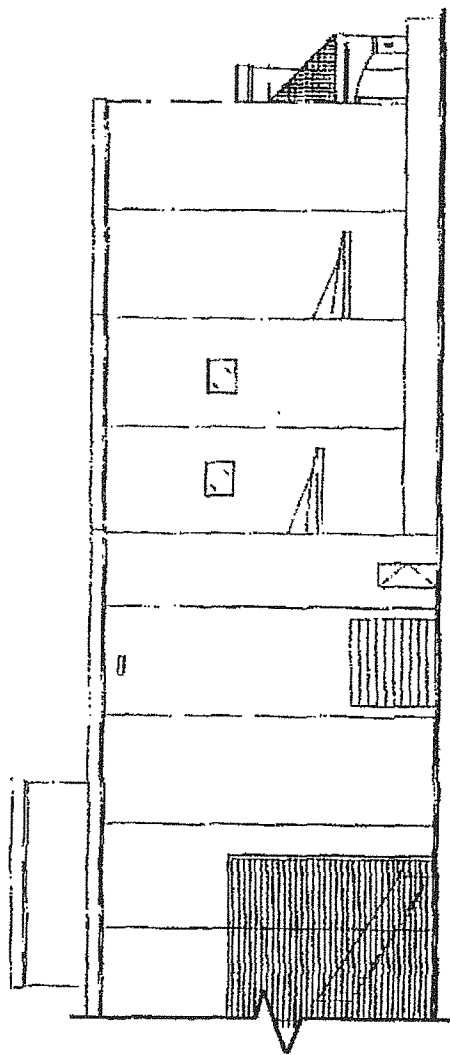
CHANNEL LETTERS SECTION DETAIL
END VIEW NOT TO SCALE



Book : 5494
Page : 2069



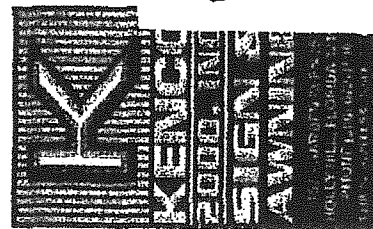
REAR (NORTH) ELEVATION SCALE: 3/32" = 1'-0"



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 CERTIFICATION NO. 123456

DES.#4250 F-5

DATE: 02/10/04

DESIGNED BY: RICK Z

CHECKED BY:

1)

2)

3)

SHEET 1 OF 1


DAYTONA HARLEY

4250

4250

RAYMOND WEBB

COREL 3



KENCO
2000, INC.
SIGN &
AWARE

555 WARDEN AVE.
HOLLY HILL, FLORIDA 32117
PHONE: 386.277.1190
FAX: 386.277.1191

(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 (1) NEW SET ILLUMINATED CHANNEL LETTERS.

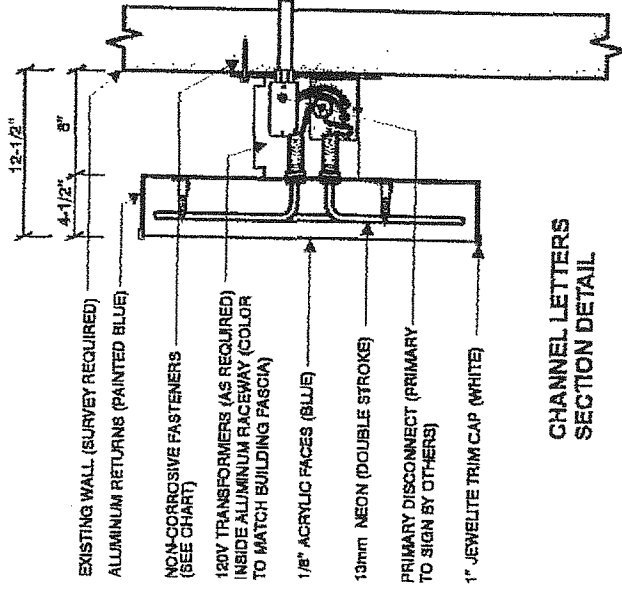
ALL ALUMINUM CONSTRUCTION W/ ACRYLIC FACES, 4-1/2" RETURNS & 1" JEWELITE TRIM CAP.

INTERNAL DOUBLE STROKE NEON ILLUMINATION.

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 7-02)
- CF = 1.2
- SEE FASTENER CHART



CHANNEL LETTERS
SECTION DETAIL

Book : 5494
Page : 2071

EXHIBIT "G"

Book: 5494
Page: 2072

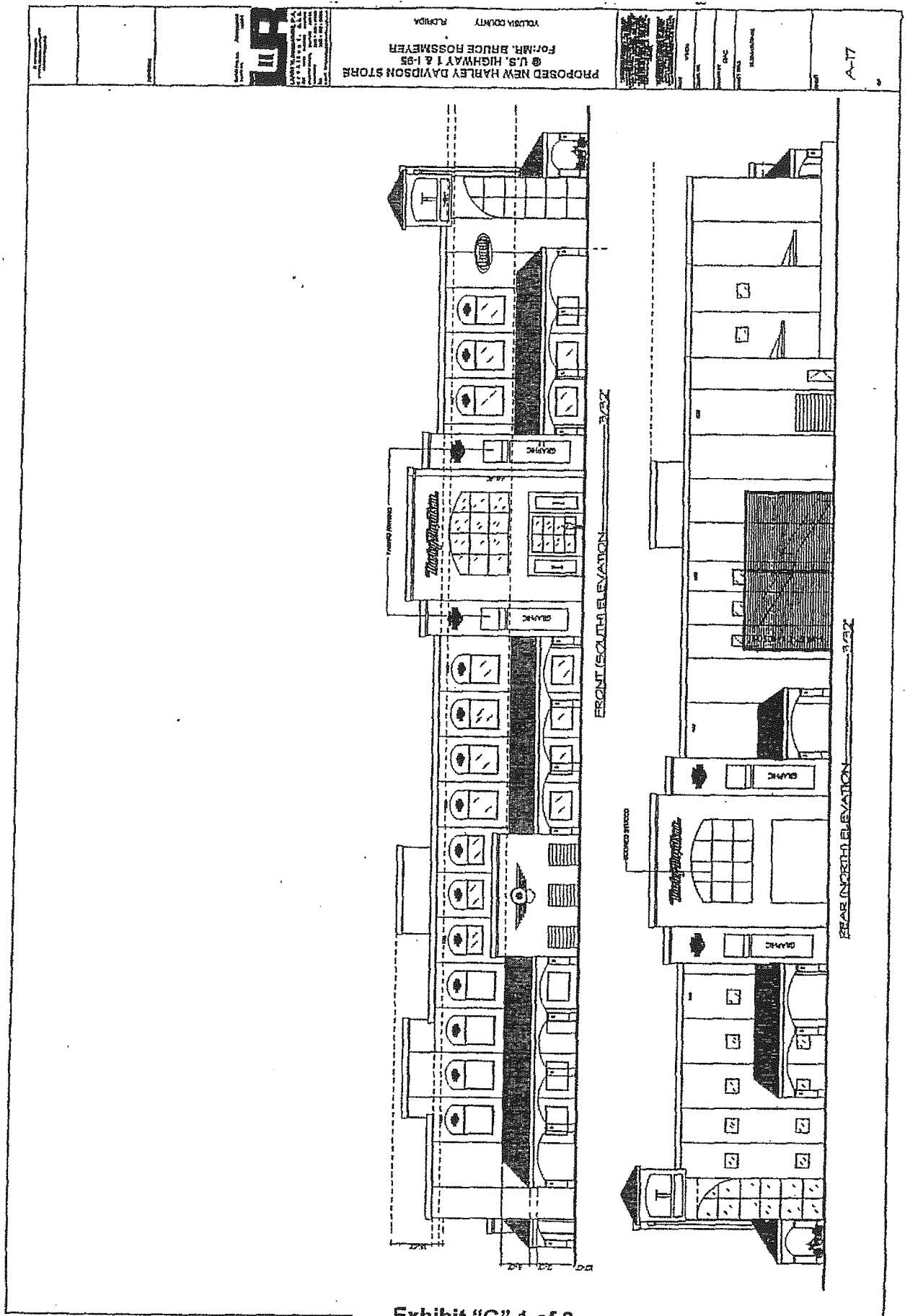


Exhibit "G" 1 of 8

Book: 5494
Page: 2073

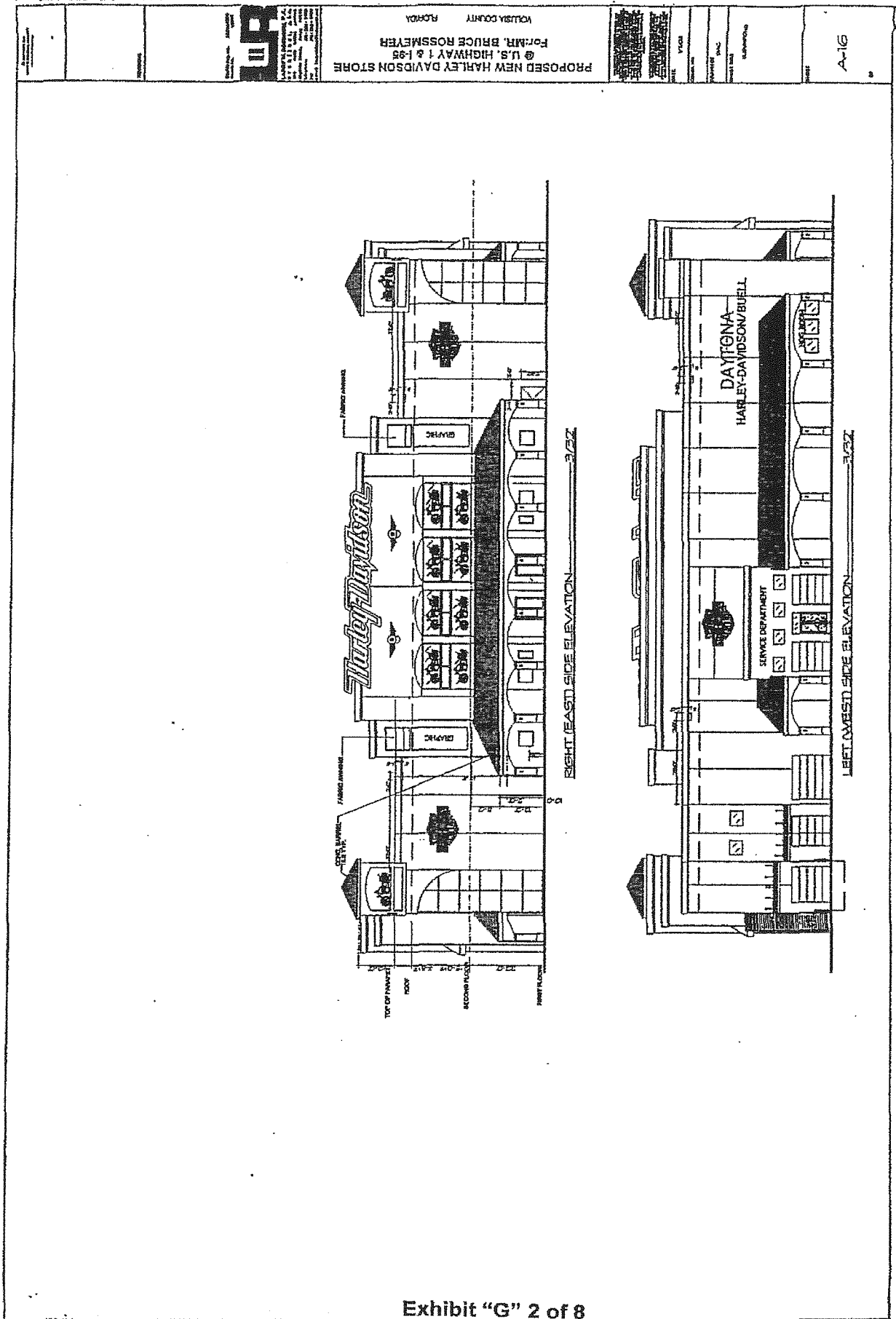


Exhibit "G" 2 of 8

Book: 5494
Page: 2074

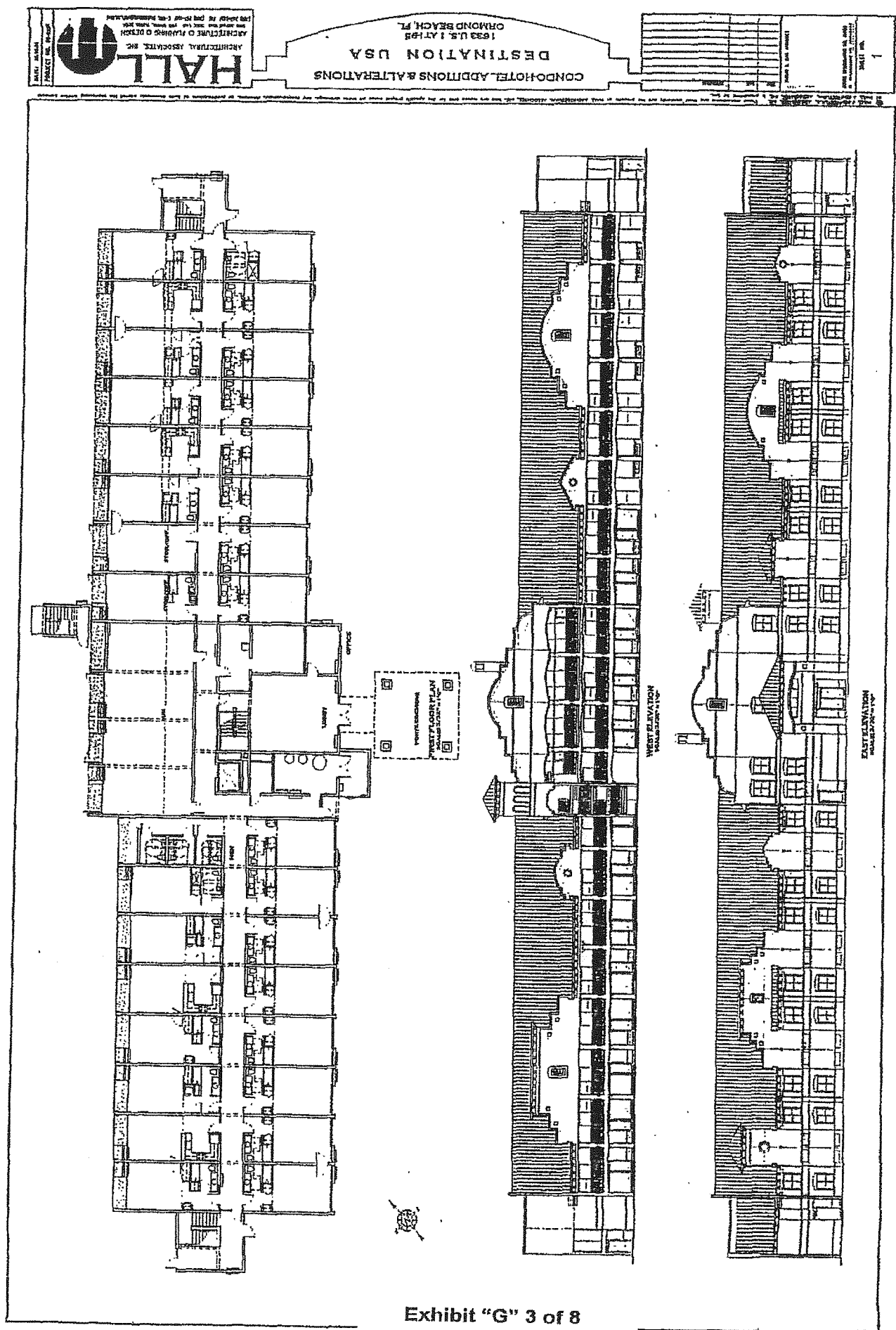
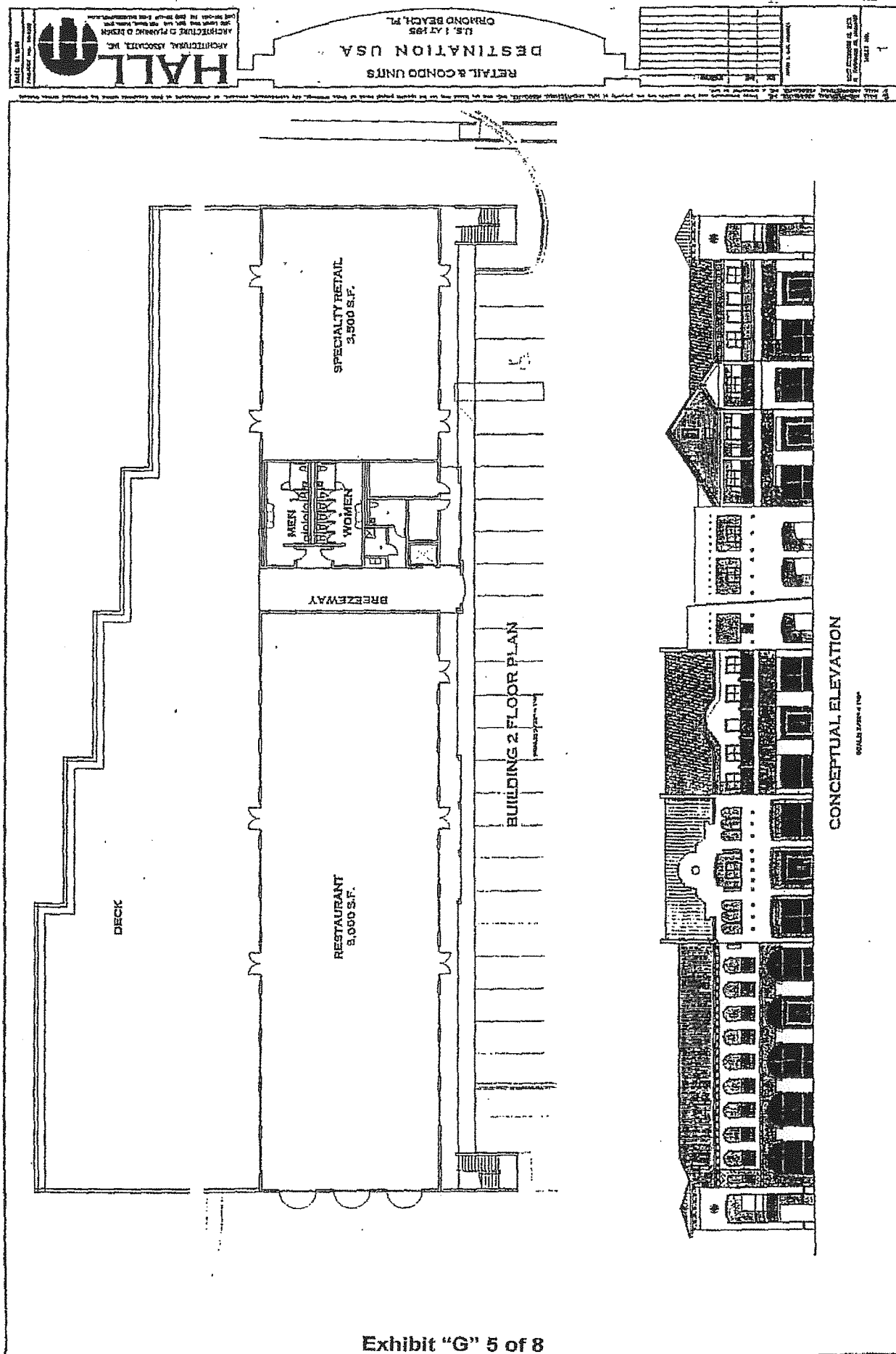
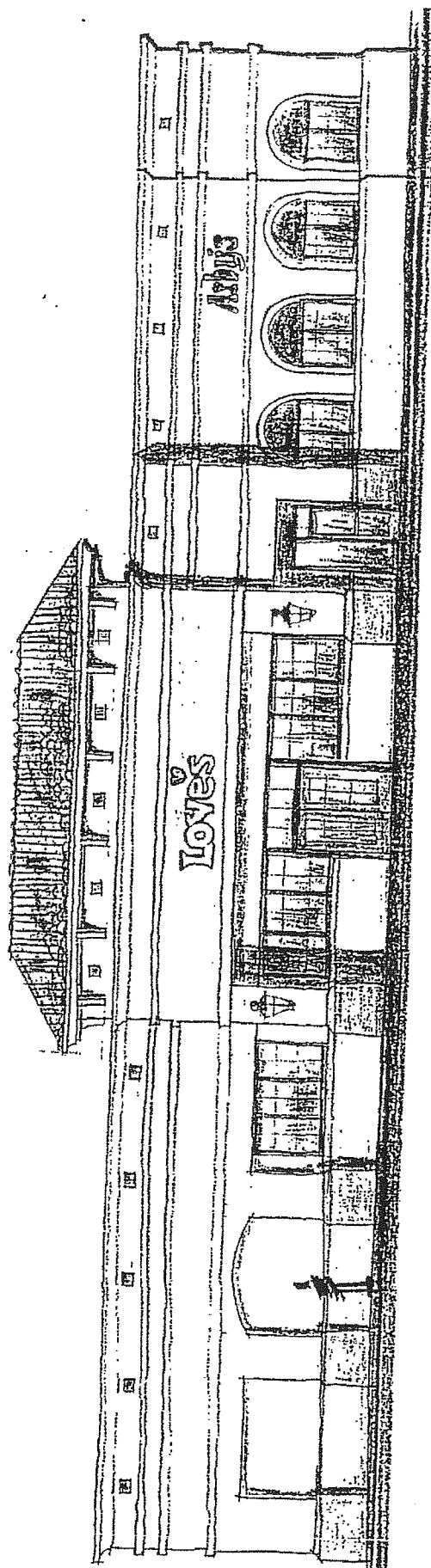


Exhibit "G" 3 of 8

Book: 5494
Page: 2076



Book: 5494
Page: 2077



ELLYA ZOO STUDY - ORLAND BEACH, FL

Exhibit "G" 6 of 8

Book: 5494
Page: 2078

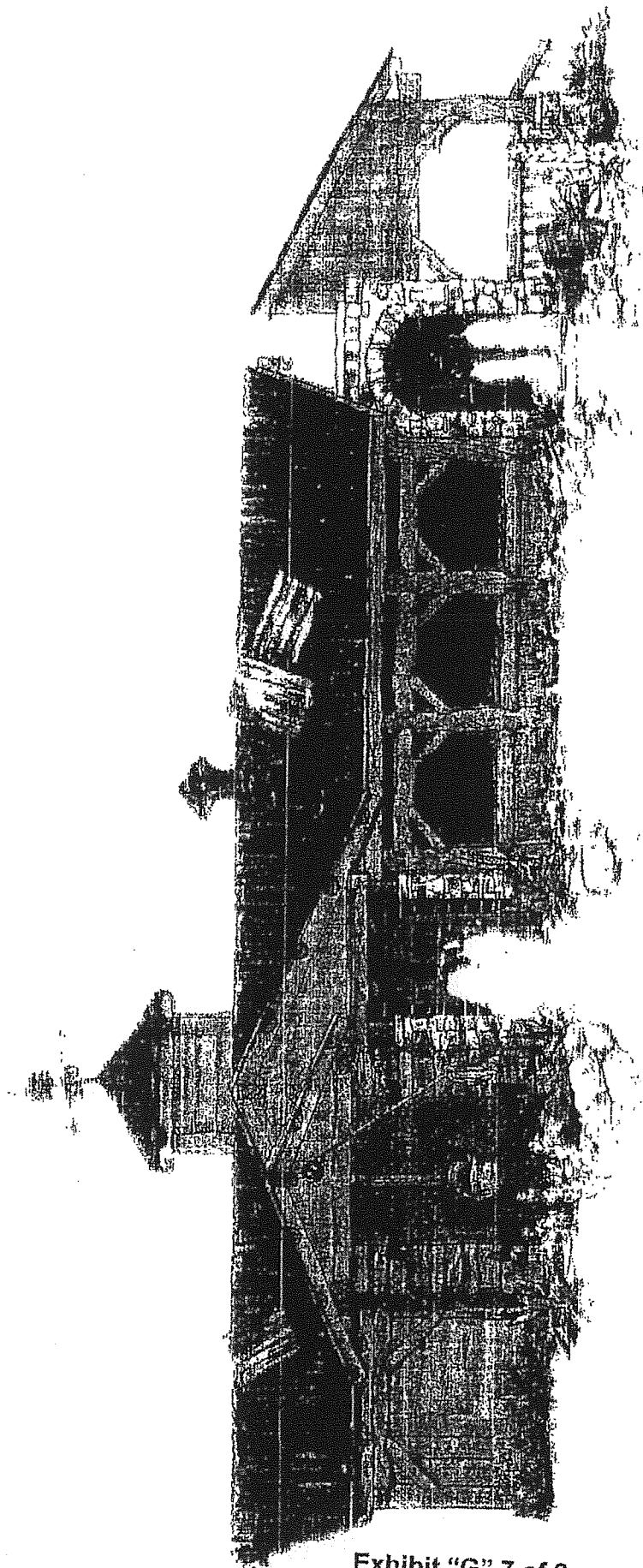


Exhibit "G" 7 of 8

Book: 5494
Page: 2079
Diane M. Matousek
Volusia County, Clerk of Court

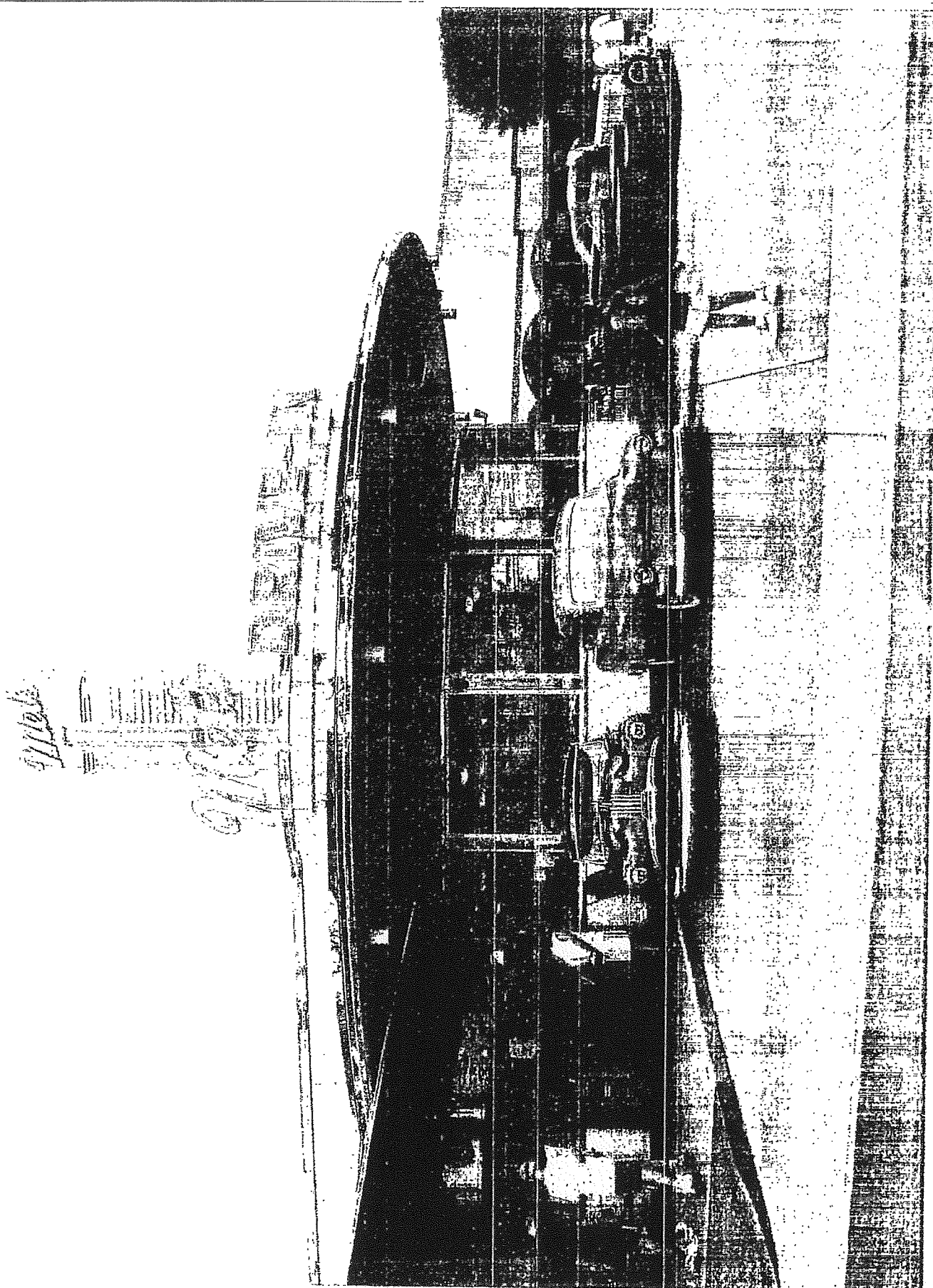


Exhibit "G" 8 of 8

Land Uses within the BPUD (DD Phase 1) allowed per Ordinance 2015-14:

Automotive service stations, Type A,
Bars as accessory uses to hotels and restaurants,
Barber and beauty shops,
Catering services,
Condominium Hotel,
Communication towers,
Convenience stores, with or without fuel dispensers,
Cultural art centers,
Employment agencies,
Essential utility services,
Exempt excavations,
Exempt landfills,
Farmer's Market (VC Resolution 2014-169 added as part of a major amendment to VC Resolution 2004-100. Allowed to operate on Lots 2, 3 or 5),
Financial Institutions
Fire stations,
Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements,
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,
Libraries,
Medical and dental clinics (including chiropractic),
Motorcycle sales and service, excluding outdoor paint of bodywork, rebuilding or reconditioning of engines,
Museums,
Nightclubs,
Outdoor entertainment and recreational uses and structures (VC Resolution 2014-169 added as part of a major amendment to VC Resolution 2004-100. Allowed to operate on Lot 5),
Publicly owned or regulated water supply wells,
Recreational Vehicle Sales and Service,
Restaurants, (restaurants with drive through facilities are permitted provided they are oriented and screened from the public right of way)³,
Retail specialty shops,
Tailors,
Theaters,
Travel agencies,
Truck stop.