

IN RE: APPLICATION OF Tien Shaw-Fen Tang and Shaw-Ying Tien

**MINOR AMENDMENT
TO RESOLUTION 2014-111**

Known as Tien BPUD
As recorded in Official Records Book 7031, Page 3043
Public Records of Volusia County, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

THIS MINOR AMENDMENT is made and entered into by and between the COUNTY OF VOLUSIA, a political subdivision of the State of Florida, (the "County") and Tien Shaw-Fen Tang and Shaw Ying Tien (the "Property Owners").

WHEREAS, the County and the developer entered into a PUD Development Agreement recorded in Official Records Book 7031, Pages 3043 through 3061; and

WHEREAS, Section 72-289(6) of Zoning Ordinance of Volusia County, Florida, as amended, and Section A.2 of PUD 2014-001 provides for amendments to the Resolution; and

WHEREAS, the Applicant has duly filed a request for a minor amendment to the Development Order incorporated in Resolution 2014-111, to make certain changes and corrections; and

WHEREAS, the Zoning Enforcement Official has determined that the requested minor amendment does not alter the intent and purpose of the above referenced PUD; and

NOW, THEREFORE, the County of Volusia hereby approves as a minor amendment the following provisions of the Tien BPUD, Resolution 014-111. The Agreement is amended as follows: (Words in ~~strike-through~~ are deletions and words in double underline are additions):

EXHIBIT "1"

**Tien BPUD
DEVELOPMENT AGREEMENT
Case No. MA-22-097**

.....

1. The Master Development Plan (MDP) shall consist of the Preliminary Plan prepared by ~~Tien and Associates, Inc., dated April 16, 2014,~~ MetaWorld Civil Consulting, dated October 4, 2022, and this Development Agreement (hereinafter "Agreement"). The Preliminary Plan is hereby approved and incorporated in this Agreement by reference as Exhibit "~~B~~" "2." 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.

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EXHIBIT "~~B~~" "2"
Revised Master Development Plan

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Except as otherwise expressly provided for herein, this amendment to Tien BPUD Planned Unit Development, Order and Resolution 2014-111, recorded in Official Records Book 7031, Pages 3043 through 3061 Public Records of Volusia County, Florida, and remains in full force and effect by reference.

IN WITNESS WHEREOF, the parties have set their hands this 8th day of November, 2022.

ZONING ENFORCEMENT OFFICIAL

By: Carol McFarlane
Carol McFarlane, AICP
Planning and Development Services Director

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 8th day of November, 2022 by Carol McFarlane, who is personally known to me of has produced _____ as identification and who did (did not) take an oath, and who executed the foregoing instrument in his/her capacity as the Zoning Enforcement Official of Volusia County and acknowledged to and before me that he/she executed said instrument.



KRISTEN RAY
Notary Public
State of Florida
Comm# HH289688
Expires 7/19/2026

Kristen Ray
NOTARY PUBLIC, STATE OF FLORIDA AT
LARGE

Print Name:

Kristen Ray

Commission and Expiration Date No:

HH289688 7/19/2026

WITNESSES:

Nicole Rieger
Print Name

Jeremy Agliome
Print Name

OWNERS:

By: [Signature] P.O.A.
Tien Shaw-Fen Tang

By: [Signature] P.O.A.
Shaw Ying Tien

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 9th day of Nov,
2022 by Tien Shaw-Fen Tang and Shaw Ying Tien, who are personally known to me
or have produced _____ as identification and who did (did not) take
an oath.

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA AT
LARGE

Print Name:

OLGA COSTA

Commission and Expiration Date No:



OLGA COSTA
Commission # HH 236292
Expires March 9, 2026



RESOLUTION 2014-111

**ORDER AND RESOLUTION
GRANTING A REQUEST FOR AMENDMENT TO RESOLUTION 92-8
TIEN BPUD
(PRVC BOOK 3728 PAGE 0255)**

THIS AMENDMENT TO THE BUSINESS PLANNED UNIT DEVELOPMENT AGREEMENT (this "Amendment") is entered into by and between Volusia County (Hereinafter referred to as "County"), and Shaw-Ying and Shaw-Fen Tang Tien (hereinafter referred to as "Applicant").

WHEREAS, the Volusia County Council approved the Business Planned Unit Development Agreement for the property on January 16, 1992, pursuant to Ordinance 80-8 (n.k.a. Article II. Chapter 72, Code of Ordinances). Applicant has duly filed a request for "Amendment" to the Business Planned Unit Development, as recorded in PRVC Book 3728 Page 0255,

Whereas, Applicant has filed a request for an amendment to said order, to make certain modifications to the PUD as illustrated on the attached Exhibit "B" and by references incorporated herein; and

NOW, THEREFORE, Resolution 92-8 is hereby further amended, as follows:

GENERAL FINDINGS

A. That the application of Shaw-Ying Tien and Shaw-Fen Tang Tien was duly and properly filed, as required by law.

B. That all fees and costs that 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/Developer of a 0.86 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 Article II of Chapter 72, Volusia County Code of Ordinances (hereinafter referred to as Zoning Code, as amended").

E. That the Applicant has complied with the "Due Public Notice" requirements of the Zoning Code, as amended.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for an amendment of Resolution 92-8, Business Planned Unit Development (BPUD) recorded in Book 3728 Page 0255 Public Records of Volusia County.

B. That the said amendment is consistent with both the Volusia County Comprehensive Plan, Ordinance 90-10, as amended, and the intent and purpose of the Zoning Code, 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 BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN AN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY COUNTY ADMINISTRATION BUILDING, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 17TH DAY OF JULY, A.D., 2014, AS FOLLOWS:

A. That the Application of Shaw-Ying Tien and Shaw-Fen Tang Tien for amendment of the subject BPUD Resolution 92-8 is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto will remain BPUD as described in Division 7 of the Zoning Ordinance, as amended.

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

D. That Volusia County Zoning Ordinance, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in the Order and Resolution and with respect to any conflict between the Zoning Ordinance, as amended, and the "Development Agreement", the provisions of this Resolution and "Development Agreement" shall govern. The Zoning Ordinance, as amended, shall govern with respect to any matter not covered by this Resolution or the "Development Agreement". The Volusia County Zoning Enforcement Official will ensure compliance with this Order and Resolution.

E. Nothing in this Order and Resolution shall abridge the requirements of any Volusia County Ordinances, other than Zoning Ordinance, as amended. 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, as amended").

EFFECTIVE DATE. This resolution shall take effect immediately upon adoption by the council.

DONE AND ORDERED IN OPEN MEETING.

ATTEST

James Tablinden,
County Manager

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

Jason P. Davis,
County Chair

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Please return recorded document to:

Volusia County
Growth and Resource Management
123 W. Indiana Ave., Room 202
Deland, FL 32720

EXHIBIT "1"

DEVELOPMENT AGREEMENT **(PUD-14-001)**

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

1. Master Development Plan. The Master Development Plan (MDP) shall consist of the Preliminary Plan prepared by Tien & Associates, Inc., dated April 16, 2014 and this Development Agreement (hereinafter "Agreement"). The Preliminary Plan is hereby approved and incorporated in this Agreement 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's reasonable opinion 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 and action by the Volusia County Council in the same manner as a rezoning of the parcel. Outparcels and/or phased development beyond those specified

in 4(C) shall require minor amendment. Addition of new land uses, or the transfer of permitted uses between phases one and two shall require a major amendment to this agreement.

3. Subdivision Approval. After the Master Development Plan is recorded, and prior to any construction, including clearing and landfill, applications for Overall Development Plan and subsequently Preliminary Plats and Final Plat(s) of the area to be subdivided shall be submitted for review and approval in the manner required by Division 2 of the Land Development Code, as amended.

4. Final Site Plan Approval. After the MDP 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 Division 3 of the Land Development Code, as amended. The MDP, attached as Exhibit B, meets the minimum submittal requirements of a Conceptual Site Plan application in accordance with the land development code. Therefore, the MDP shall be in-lieu of a Conceptual Site Plan application, and the owner/developer 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 has and shall maintain unified ownership of the subject parcel until after the issuance date of Final Site Plan Development Order, or until after issuance date of the Final Subdivision Plat Development Order.

C. Phases of Development. The development of the BPUD, as shown on the Preliminary Plan, shall occur in 2 phase(s).

Phase 1: Old Kings Road development.

**Mobile Recreational Vehicles and Boat storage (north), and
Self-storage mini-warehouse (south)**

Phase 2: Clyde Morris Blvd development.

D. Land Uses within the PUD. The development of the parcel shall be consistent with the 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, consistent with the Master Development Plan.

The subject parcel shall be used only for the following uses and their customary accessory uses or structures:

1. Permitted Uses:

- a) Phase 1 – Mobile recreational vehicle, boat, trailer and vehicle storage, self-storage mini-warehouses. All boats, vehicles, trailers and trucks stored or parked on the property shall be in operable condition and shall have a current license tag. All wastewater line caps shall be secured at all times in a manner to preclude any leakage from such vehicles, shelters, or watercraft onto a lot or street. Grounds shall be kept free from debris, including excessive weed growth.**
- b) Phase 2 - Retail sales and services, retail specialty shops, restaurant type A/lounge/bar accessory to a restaurant, general offices, financial institutions, medical and dental clinics, barber and beauty shops, book and stationary stores, pharmacies, house of worship, schools, travel agencies, veterinary clinics, pet grooming and boarding (indoor only),**

game rooms and video arcades, exercise and health club spas. For a stand-alone house of worship, the requirements of section 72-290(11) of the zoning code shall apply. No one use shall exceed 15,000' square feet.

2. All uses not specifically permitted are prohibited, including but not limited to:

- Phase 1 - Sale, salvage, servicing or repair of motor vehicles, watercraft, trailers, lawn mowers and other similar equipment. The vehicles shall not be parked or stored within a street or public right-of-way. The vehicles shall not be connected to water, sewer, or electric lines or be used for residential purpose.
- Phase 2 - Drive-thru service.

E. Development Standards.

1. Minimum lot area: 2.0 acres
2. Minimum lot width: 170 feet
3. Minimum yard size (building):

A) Phase 1:

- | | |
|-------------|---------|
| Front yard: | 30 feet |
| Rear yard: | 75 feet |
| South yard: | 20 feet |
| North yard: | 20 feet |

B) Phase 2:

- | | |
|-------------|---------|
| Front yard: | 75 feet |
| Rear yard: | 50 feet |

Side yard: 35 feet

4. Maximum lot coverage:

Phase 1 – 88,232 s.f. 39%

Phase 2 – 49,900 s.f. 24%

Total – 138,132 s.f. 32%

5. Maximum building height: 35 feet, with the leasable area limited to single-story.

7. Landscape Buffer requirements:

A) Phase 1:

Front yard: 20 feet, to be established outside of any stormwater management area per the MDP.

Rear yard: 20 feet

Side yard: 10 feet

B) Phase 2:

Front yard: 25 feet

Rear yard: 20 feet

Side yard: 10 feet

Required landscaping shall comply with the minimum requirements of Section 72-284 of the zoning code, as amended, except as otherwise stated in this document. At least 50% of required landscaping shall be native species that is drought tolerant.

8. Minimum building separation distance 5 feet

9. 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.

10. Signage requirements: Signs shall comply with applicable requirements of the zoning code, as amended, including Section 72-303(j) *Nonresidential development design standards* unless otherwise stated by this document.

11. Nonresidential Development Design Standards: The requirements of Section 72-303, *Nonresidential Development Design Standards*, of the zoning code as amended apply as stated by said Section 72-303, unless otherwise stated by this document. The leasable area of both phases shall be limited to single-story design in order to match the scale and scope of the predominantly residential neighborhood.

12. Illumination: 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:

- 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.

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. Admin. Code Ann. r. 64E-6. Phase 1 potable water may be provided by a deep well system and sanitary sewer treatment/waste disposal may be provided by an on-site septic system, but phase one shall connect to central utilities when services become available or if the list of permitted uses is amended. Phase 2 potable water and sanitary sewer treatment/waste disposal shall be provided by the City of Daytona Beach per Resolution 89-423.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the land development code.

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: Phase 1: Old Kings Rd.; Phase 2: Clyde Morris Blvd. Site access, pedestrian, bicycle and traffic circulation improvements and access points shall be determined during final site plan review and/or subdivision application review, in accordance with the requirements of the land development code as may be modified by the Development Review Committee and/or the Volusia County Traffic Engineer as may be necessary to provide required pedestrian, bicycle, and traffic safety improvements on and adjacent to the site.
2. Cross-access between Phase 1 and Phase 2, and off-site cross-access is not required.
3. Transportation System Improvements. Transportation system improvements shall be provided as required by the land development code, as determined during final site plan review and/or subdivision review, as may be modified by the Development Review Committee and/or the Volusia County Traffic Engineer. A Traffic Impact Analysis (TIA) for phase two shall be required at the time of site plan review for phase two.

J. Internal Roadways. Internal roadway(s)/driveways shall be constructed in accordance with the applicable requirements and standards of the land development code.

K. 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.

L. Building or Property Owners Association. The charter and by-laws of a Property Owners Association (if applicable) 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 code, as amended, whichever is applicable, and not the private agreements entered into between the aforementioned parties.

M. Other Requirements.

1. Underground Utilities: All utility distribution lines shall be installed and maintained underground.
2. Screening of Mobile Recreational Vehicles/Boat, and self-storage

areas: All screening shall be vinyl-coated black chain-link or aluminum pressed-point picket top fence with a maximum height of eight feet and a minimum height of six feet, to comply with Section 72-282. Said screening shall be installed on the interior side of all applicable landscape buffer areas.

N. Expiration of Development Agreement. The Applicant shall file an overall development plan in accordance with Section A.3 or a final site plan in accordance with Section A.4 within five (5) years for Phase 1, and ten (10) years for Phase 2, from the effective date of this Order and Resolution. Failure to timely file said overall development plan or final site plan shall immediately render the development agreement null and void, unless the zoning enforcement official, for good cause shown, approves a minor amendment to the extend the time period indicated in this paragraph.

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 amended BPUD Order and Resolution and all approved plans shall run with the land.

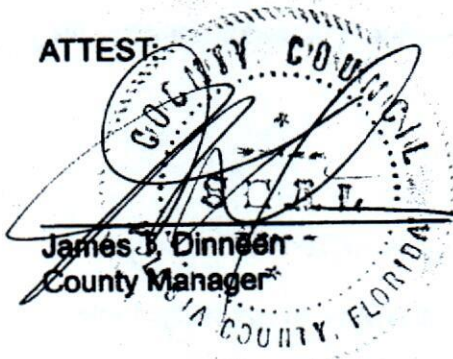
This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County, Florida. One copy of the document, bearing 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 this Order and Resolution and 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 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
17TH day of JULY, 2014.

ATTEST:



James T. Dinneen
County Manager

VOLUSIA COUNTY COUNCIL

A handwritten signature of Jason P. Davis is written over a horizontal line.

Jason P. Davis
County Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

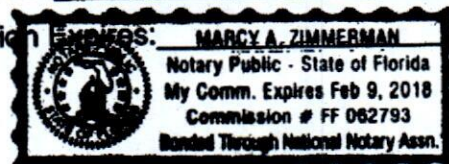
The foregoing instrument was acknowledged before me this 5th day
of September, 2014, by James T. Dinneen and Jason P. Davis, as
County Manager and Chair, Volusia County Council, respectively, on
behalf of the County of Volusia, and who are personally known to me.

A handwritten signature of the Notary Public is written over a horizontal line.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.:

My Commission Expires:



WITNESSES:

Choke Cynthia Krohn
Janett Timmer

Choke Cynthia Krohn
Janett Timmer

OWNER(S):

Shaw-Fen Tang Tien
Shaw-Fen Tang Tien, owner

Shaw-Ying Tien
Shaw-Ying Tien, owner

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 27 day
of August, 2014 by Shaw-Fen Tang and Shaw-Ying
Tien who is (are) personally known to me or who have produced
FLDL as identification(s).

Elizabeth K. Hotz
NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Elizabeth K. Hotz

Commission No.: FF 046740

My Commission Expires: 8/19/2017



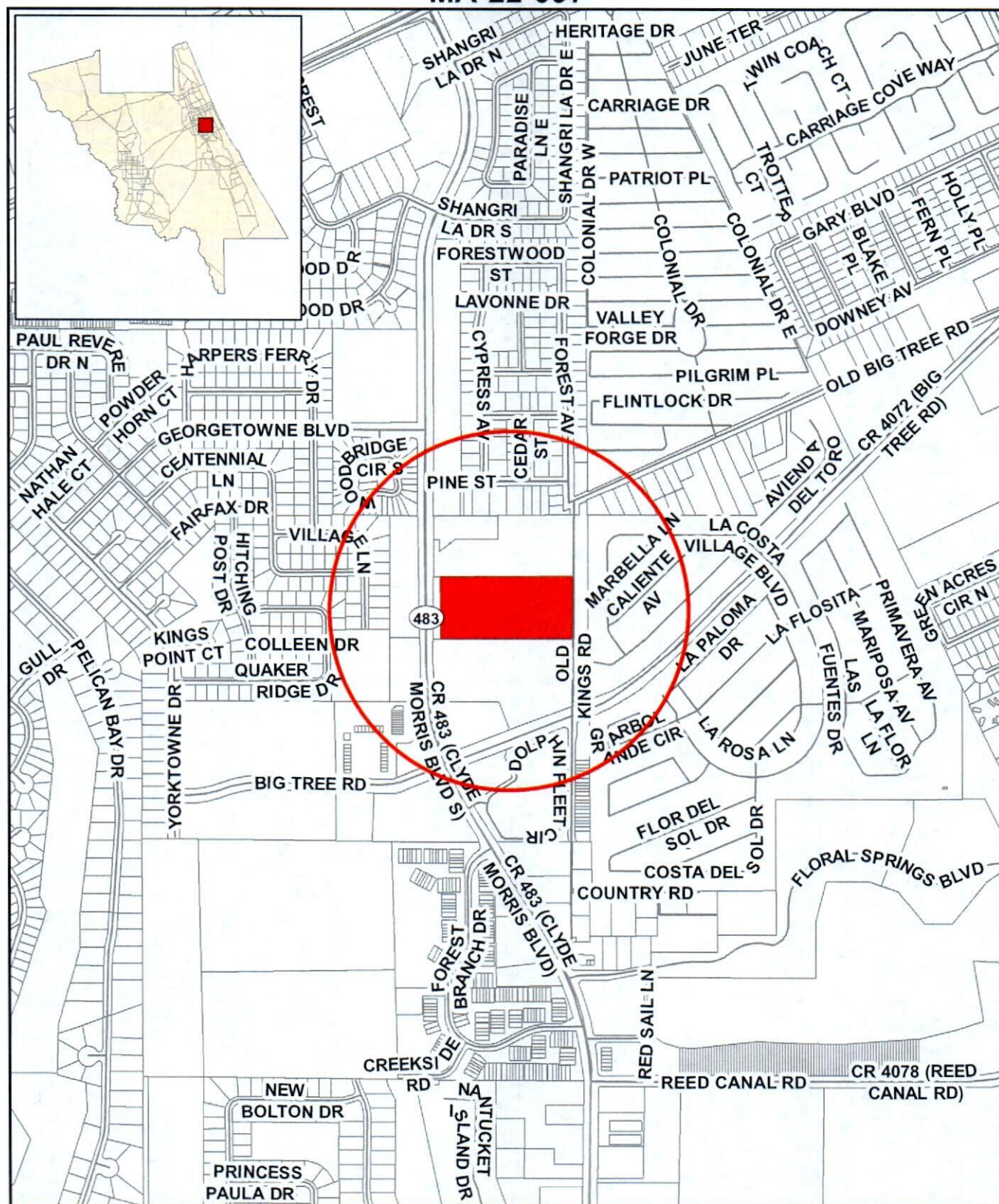
EXHIBIT "A"
Legal Description

THE SOUTHERLY 442 FEET OF THE NORTH 2/3 OF THE SOUTH 1/2 OF LOT 3, LYING WESTERLY OF OLD KING'S ROAD, A 50 FEET OCCUPIED RIGHT-OF-WAY AND EASTERLY OF THE WESTERLY 7 ACRES OF THE NORTH 2/3 OF THE SOUTH 1/2 OF GOVERNMENT LOT 3, AND THE SOUTHERLY 442 FEET OF THAT PORTION LYING ON THE EASTERLY RIGHT OF WAY OF THE WEST 7 ACRES OF THE NORTH 2/3 OF THE SOUTH 1/2 OF LOT 3, SECTION 31, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY.

Master Development Plan

[illegible]

PROPERTY LOCATION
MA-22-097



SUBJECT PROPERTY


$$1'' = 1,000'$$

5/13/2022

AERIAL
MA-22-097



 SUBJECT PROPERTY

IMAGE DATE 2021



1" = 400'
5/13/2022