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City of Daytona Beach Records Clerk
P.O. Box 2451
Daytona Beach, FL 32115-2451

FIRST AMENDMENT TO BAYBERRY COVE PLANNED DISTRICT AGREEMENT

THIS FIRST AMENDMENT TO BAYBERRY COVE PLANNED DISTRICT AGREEMENT (First Amendment) made and entered into by and between the CITY OF DAYTONA BEACH, FLORIDA, a Florida municipal corporation located in Volusia County, Florida ("City"), and BII VOLUSIA HOLDINGS, LLC, a Florida limited liability company, ("Owner"), whose address is 2379 Beville Road, Daytona Beach, FL 32119, shall constitute the First Amendment to the Bayberry Cove Planned District Agreement.

WHEREAS, the City and Owner and Developer entered into the Bayberry Cove Planned District Agreement, recorded in Official Records Book 7341, Page 4068, Public Records of Volusia County, Florida (the PD Agreement); and

WHEREAS, the Owner proposed to amend the PD Agreement as set forth herein; and

WHEREAS, the City is willing to grant the Owner's request, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and the Owner hereby agree to amend the PD Agreement as follows:

1. Section 3.D. LOT DEVELOPMENT CRITERIA

SINGLE FAMILY

- d) Specialty Setbacks:
 - i. Air Conditioning/Heating Units: 1.5 ft.
 - ii. Patio: 5 ft.
 - iii. Swimming Pool Shell: 6 ft.
 - iv. Pool Enclosure: 5 ft.
 - v. Pool Pumps: 1.5 ft.
 - vi. Accessory Structure: 5 ft.
 - vii. Generators/Other Mech. Equip.: 5 ft.
 - viii. Eaves: 3 ft.

TOWNHOMES

- d) Specialty Setbacks:
- i. Air Conditioning/Heating Units: 1.5 ft.
 - ii. Patio: 5 ft.
 - iii. Swimming Pool Shell: 6 ft.
 - iv. Pool Enclosure: 5 ft.
 - v. Pool Pumps: 1.5 ft.
 - vi. Accessory Structure: 5 ft.
 - vii. Generators/Other Mech. Equip.: 5 ft.
 - viii. Eaves: 3 ft.

NO OTHER MODIFICATIONS

Except as otherwise expressly provided for herein, the Original PD Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands, this 21st day of November, 2017.

(Remainder of Page Intentionally Left Blank)

Signed, sealed and delivered in the presence
of:

**THE CITY OF DAYTONA BEACH,
FLORIDA, a Florida municipal
corporation**

Witness 1

By: _____
Derrick L. Henry, Mayor

Print Name of Witness 1

Attest:

Witness 2

By: _____
Letitia LaMagna, City Clerk

Print Name of Witness 2

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____,
2017 by _____ and _____, Mayor and City Clerk,
respectively, of The City of Daytona Beach, Florida, a chartered municipal corporation, on behalf
of the City. They are personally known to me and did not take an oath.

Notary Public

Commission No: _____

Signed, sealed and delivered in the presence of:

BII VOLUSIA HOLDINGS, LLC, a Florida limited liability company,
By: **ICI HOMES RESIDENTIAL HOLDINGS, LLC** a Florida limited liability company, ("Owner")

Teri L. Hansen

Witness 1

TERI L. HANSEN

Print Name of Witness 1

By: *Morteza Hosseini-Kargar*
Name: Morteza Hosseini-Kargar
Title: President

Beth Miller

Witness 2

BETH MILLER

Print Name of Witness 2

Date: Nov. 21, 2017

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 21st day of Nov., 2017, by Morteza Hosseini-Kargar as President of ICI Homes Residential Holdings, LLC. He is personally known to me and did not take an oath.



Teri L. Hansen
Notary Public **TERI L. HANSEN**
Commission No: FF964698

Approved as to legal form:

By: _____
Bob Jagger, City Attorney