



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, March 24, 2022

Time: 5:30 PM

Location: Council Chambers, City Hall
1000 City Center Circle
Port Orange

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

B. DISCUSSION/ACTION

3. Consideration of Minutes
4. APPLICATION: Conventional Rezoning/5231 Nova Road
CASE NO.: 22-60000002
APPLICANT: Alliance Permitting Service
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/
pcruz@port-orange.org

A proposal by the applicant to rezone ± 1.8 acres from Planned Commercial Development (PCD) to Community Commercial (CC).

5. APPLICATION: Small-scale Future Land Use Map Amendment/3741 S. Nova Road
CASE NO.: 22-20000001
APPLICANT: Parmjit Singh
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676/gidsmith@port-orange.org

A proposal by the applicant to amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designation for ± 2.3 acres from Office/Residential Transition (ORT) to Commercial.

6. APPLICATION: Conventional Rezoning/3741 S. Nova Road
CASE NO.: 22-60000001
APPLICANT: Parmjit Singh
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676/gidsmith@port-orange.org

A proposal by the applicant to rezone ±2.3 acres from Professional Office (PO) to Community Commercial (CC).

7. APPLICATION: Land Development Code Amendment/Chapters 2 and 5
CASE NO.: 22-25000002
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/
pcruz@port-orange.org

Amendments to Chapters 2 and 15 of the Land Development Code (LDC) to address clean-up items to the new sign code and add criteria to allow roof signs in the Down Under and Riverwalk special character districts located within the Port Orange Town Center Community Redevelopment Area.

C. OTHER BUSINESS

8. Commissioner Comments
9. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

NOTICES — PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
FEBRUARY 24, 2022

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chairman Stan Schmidt at 5:30pm.

Pledge of Allegiance

Silent Invocation

Roll Call

Present: Stan Schmidt
Lance Green
Newton White
John Junco (arrived late)
Darrel “Bo” Bofamy
Thomas Jordan

Absent: Maria Mills-Benat (excused)

Also Present: Carly Meek, Assistant City Attorney
Shelby Field, Assistant City Clerk

B. DISCUSSION/ACTION

3. Consideration of Minutes

Motion to approve the minutes as presented from January 27, 2022, was made by Commissioner Jordan and Seconded by Commissioner Bofamy. Motion carried unanimously by voice vote.

4. APPLICATION: Conditional Use Extension/Christ The King Community Church
CASE NO.: 22-30000001
APPLICANT: Scott Kirschner, Christ the King Community Church
STAFF CONTACT: Gideon Smith, Senior Planner (386) 506-5676 gidsmith@port-orange.org

A request by the applicant for a Conditional Use extension to hold outdoor church services and other church related programs for an additional two years while site construction on the permanent facility is completed.

Gideon Smith, Senior Planner, discussed details of the Conditional Use Extension and answered questions from Commissioners.

Scott Kirshner, applicant, thanked the Commission for allowing them to hold outdoor services and he hopes to continue them while the church deals with construction delays.

Motion to approve Case No. 22-30000001 was made by Commissioner Bofamy and Seconded by Commissioner Jordan.

Commissioner Jordan sought clarification about allowing vendors on site.

Penelope Cruz, Planning Manager, answered the question and clarified that part of the request to allow one vendor.

Vendela Dollar, citizen, is a member of the church and supports the extension.

Cindy Polom, citizen, noted some issues she has had with noise, traffic, and flashing lights on the property in the past. She hopes to work out any future issues with the church.

Laurie Stevens, citizen, is a member of the church and enjoys the outdoor services.

Commissioner Green sought clarification on the conditions of the use. Mr. Gideon provided clarification and explained most conditions mimic the City ordinances, for example noise and light use.

Mr. Kirshner addressed the noise and light concerns raised. The flashing lights have been replaced with solid lights and they are on a timer to turn off. He was unaware of any noise complaints.

Motion carried unanimously by roll call vote.

5. APPLICATION: PUD Amendment/6th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development

CASE NO.: 21-40000002

APPLICANT: Roger Strcula, Upham, Inc.

STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request by the applicant to amend the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) to remove a requirement to install walk lights along the north side of Reed Canal Road.

Mrs. Cruz discussed details of the PUD Amendment and answered questions from Commissioners.

Roger Strcula, applicant, provided background information on the Crystal Lake Development when he helped design it. He believes the parking lot lights will be sufficient lighting.

The Commissioners expressed concerns with the lack of lighting in the area.

Motion to approve Case No. 21-40000002 was made by Commissioner Jordan and Seconded by Commissioner Green.

Robert Reinhausen, citizen, would like to see the developer create some sort of escrow account and put money in for when the City wants to put lights up in the future. Mr. Strcula responded there is a bond on the property currently for the lights.

Motion failed unanimously by roll call vote.

6. APPLICATION: LDC Amendment/Chapter 9, Article II, Section 19
CASE NO.: 22-25000001
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to amend Chapter 9, Article II, Section 19 of the Land Development Code to allow funds from the City's Tree Bank to be used for educational outreach programs and tree giveaways to residents and business owners of the City of Port Orange to plant on their property.

Mrs. Cruz discussed details of the LDC Amendment and answered questions from Commissioners.

Kris Cunningham, citizen, spoke about her experience as the chair of the Environmental Advisory Board and is in favor of the amendment. The Board is looking for more involvement in the City and she believes this will help.

Motion to approve Case No. 22-25000001 was made by Commissioner Jordan and Seconded by Commissioner White. Motion carried unanimously by roll call vote.

C. OTHER BUSINESS

7. Commissioner Comments

Commissioner White asked if the City is aware of proposed state legislation to regulate tree removal. Tim Burman, Community Development Director, responded that legislation is already in place and the City is working with citizens and HOA's to make them aware.

Commissioner Junco asked for an update on the Fysh Restaurant. Mr. Burman responded it is under construction currently with the main delay being labor shortage.

8. Staff Comments

There were none.

D. PUBLIC COMMENTS

There were none.

E. ADJOURNMENT – 6:35 p.m.

Chair Stan Schmidt



STAFF REPORT

CONVENTIONAL REZONING / 5231 NOVA ROAD
CASE NO. 22-60000002

REQUEST:	Rezone ±1.8 acres from Planned Commercial Development to Community Commercial (CC)
LOCATION:	5231 Nova Rd. (Figure 1 – Location Map)
PROPERTY OWNER:	New Life Church & Common Wealth Christian Academy Commonwealth Ministries Ins.
CONTRACT PURCHASER:	JMCG Corporate Building LLC (aka Chen Medical)
APPLICANT:	Alliance Permitting Service
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	March 24, 2022

Property Overview

The subject property is currently zoned Planned Commercial Development (PCD) and developed as a house of worship and pre-school. The current Master Development Agreement (MDA) for the PCD was approved in 2001 and restricts the use of the property to only a house of worship and accessory uses typically associated with a house of worship, such as office, recreation, community center, religious bookstore, and childcare facility. Although the current PCD restricts the use of the property to a house of worship and accessory uses, the subject property has been designated *Commercial* on the Future Land Use map since 1989. The applicant, Alliance Permitting Service, is requesting to rezone the subject property from PCD to Community Commercial (CC).

Figure 1. Location Map



If the rezoning is approved, the contract purchaser, JMCG Corporate Building LLC (aka Chen Medical), intends to redevelop the existing building into a medical office and clinic in accordance with the requirements of the CC zoning district and the development regulations provided in the Land Development Code (LDC). According to their website, Chen Medical is a family-owned primary and specialty care practice committed to delivering healthcare to Medicare-eligible seniors.

Discussion

According to the applicant, the contract purchaser does not anticipate deviating from the requirements in the LDC, therefore, the contract purchaser selected to use a standard zoning district and meet the requirements in the LDC including landscape buffers, parking, building setbacks, tree preservation, infrastructure, and traffic concurrency. The applicant believes that following the list of permitted uses in the CC zoning district and the development requirements in the LDC is a more efficient and transparent process to redevelop the site.

Access to the property is currently provided from Nova Road. Any proposed modifications to the current access drives off Nova Road would need to be reviewed and approved by FDOT. Water and sewer are available and currently service the property. As part of any future redevelopment, site plans and/or building permits will be required to verify all LDC and Florida Building Code requirements are met, such as landscape buffers, parking, building setbacks, tree preservation, and infrastructure, to ensure compatibility with adjoining properties, and that adequate public facilities and services are available.

The CC zoning district permits typical community-scale commercial uses commonly found at shopping centers and outparcels of this type such as: retail stores, restaurants, personal services (hair salon, barber shop, nail salon, retail dry cleaning, etc.) offices, breweries, health/exercise clubs, childcare centers, convenience store/gas station, banks, and similar uses. If the property is rezoned to CC and the contract purchaser does not redevelop the site as a medical office/clinic, the proposed use of the subject property will need to be a permitted use in the CC zoning district.

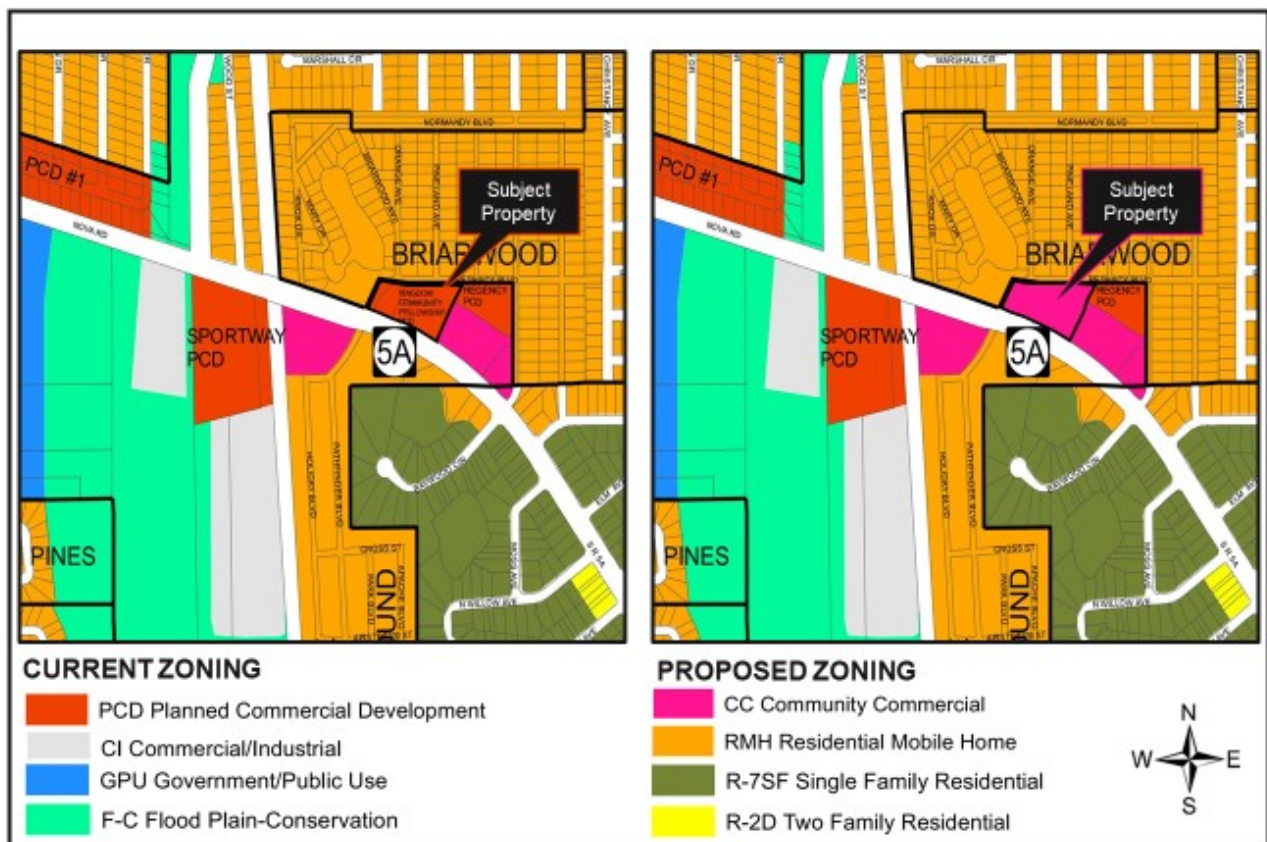
Compatibility with Surrounding Uses and Zoning

The rezoning request was reviewed according to the criteria established in Chapter 3, Section 7 of the Land Development Code (LDC) in terms of consistency with the Comprehensive Plan and the surrounding land uses and zoning.

The proposed CC zoning district is appropriate for this location and is compatible with the surrounding properties. Table 1 summarizes the land use and zoning of the adjacent properties. The subject property is located along a major arterial roadway (Nova Road) and adjacent to existing commercial properties currently zoned CC and the Briarwood mobile home park (Figure 2 – Current and Proposed Zoning Map).

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Regency Boulevard right-of-way; Residential Mobile Home	Urban Medium Density Residential (4-8 u/a)	Residential Mobile Home (RMH)
South	Stormwater pond; Recreation Vehicle Park	Urban Medium Density Residential (4-8 u/a)	Residential Mobile Home (RMH)
East	Commercial	Commercial	Community Commercial (CC)
West	Clubhouse for Residential Mobile Home	Urban Medium Density Residential (4-8 u/a)	Residential Mobile Home (RMH)

Figure 2. Current and Proposed Zoning Map

The current PCD zoning district is intended to provide a flexible approach for unique and innovative land development proposals, which would otherwise not be permitted by this code. Because the contract purchaser intends to redevelop the site in compliance with the LDC and does not anticipate deviating from the requirements in the LDC, the applicant selected to use the standard CC zoning district and meet the requirements in the LDC.

Consistency with Comprehensive Plan

The proposed rezoning is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan and is compatible with adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land

uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is negatively impacted by the other. As part of any future site redevelopment, site plans and/or building permits will be required to be submitted for staff review, to verify all LDC requirements are met, such as landscape buffers, parking, building setbacks, tree preservation, and infrastructure, to ensure compatibility with adjoining properties and that adequate public facilities and services are available.

The proposed CC zoning district is consistent with the subject property's current *Commercial* Future Land Use (FLU) designation. (Figure 3 – Future Land Use Map). The *Commercial* FLU designation is generally characterized by uses that provide for the retail sale of items and provision of services to the general public. Based on compatibility with adjacent uses and availability of infrastructure, the requested zoning is appropriate for this location, and it is consistent with existing FLU designation.

Figure 3. Current Future Land Use Map



Public Notice

On February 25, 2022, staff posted the property notifying the public of the proposed rezoning. As of the time this agenda item was prepared, there have been four (4) phone calls requesting general information regarding the proposed rezoning.

Staff Recommendation

Staff recommends **approval** of the request to rezone ±1.8 acres from Planned Commercial Development (PCD) to Community Commercial (CC).

Attachments:

Exhibit 1 – List of Permitted Uses for the Community Commercial (CC) zoning district

Exhibit 1

Community Commercial (LDC, Chapter 17, Section 21)

Permitted uses.

- (1) Adult/vocational education.
- (2) Appliance/electronic repair shops.
- (3) Banks.
- (4) Business services.
- (5) Clubs, lodges, and fraternal organizations.
- (6) Convenience stores with or without fuel operations.
- (7) Financial services.
- (8) Fleet-based services.
- (9) Funeral homes.
- (10) Furniture and appliance stores.
- (11) Health/exercise clubs.
- (12) Medical offices/clinics.
- (13) Motor vehicle service stations.
- (14) Offices.
- (15) Office supplies.
- (16) Personal services.
- (17) Restaurants.
- (18) Retail home building materials.
- (19) Retail nurseries and garden supplies.
- (20) Retail sales and services.
- (21) Veterinary clinics.

Permitted uses with special development requirements (chapter 18, section 4).

- (1) Athletic/sports facilities (subsection 2).
- (2) Brewery (subsection 3.7).
- (3) Child care centers (subsection 4).
- (4) Craft food and beverage producer (subsection 5.15).
- (5) Community gardens (subsection 5.1).
- (6) Microbrewery (subsection 9.57).
- (7) Theaters (subsection 17).

Special exception uses (chapter 18, section 3).

- (1) Bars, lounges, and night clubs (subsection 3).
- (2) Fortune tellers, astrologers, and palm readers (subsection 6).
- (3) Game/recreation facilities (subsection 7).
- (4) Marina, recreational (subsection 9.6).
- (5) Mini-warehouses (subsection 10).
- (6) Motor vehicle and boat storage facilities (subsection 12).



STAFF REPORT

SMALL-SCALE FUTURE LAND USE MAP AMENDMENT

3741 S. NOVA ROAD
CASE NO. 22-20000001

REQUEST:	Amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designation for ±2.3 acres from <i>Office/Residential Transition (ORT)</i> to <i>Commercial</i> .
LOCATION:	3741 S. Nova Road (see Figure 1)
OWNER:	Ashirwaad Properties, LLC
APPLICANT:	Parmjit Singh
STAFF CONTACT:	Gideon Smith, Senior Planner (386) 506-5676
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	March 24, 2022

INTRODUCTION

Parmjit Singh, applicant, requests approval to change the Future Land Use (FLU) designation of ±2.3 acres from *Office/Residential Transition (ORT)* to *Commercial*. The subject property is located on the east side of S. Nova Road, approximately 2,000 feet north of Dunlawton Avenue. The applicant's proposed FLU amendment is being processed concurrently with a rezoning application to rezone the subject property from Professional Office (PO) to Community Commercial (CC). The proposed Community Commercial (CC) zoning is consistent with the proposed *Commercial* FLU designation, which allows for development of community scale businesses along arterial or collector roads that consist of a variety of office, retail, and personal services. If approved, the applicant intends to redevelop the property as a multi-tenant building for professional office and retail uses under the CC zoning district and requirements in the Land Development Code.

Figure 1. Location Map



Map created by the City of Port Orange Community Development Department

DISCUSSION

The following discussion will examine the proposed amendment, the impacts of the proposed amendment, and the existing environmental conditions.

PROPERTY OVERVIEW

The subject property was previously developed as a bank and is currently vacant. Access to the property is provided by two driveways along South Nova Road. The southern access point is currently designed as a one-way drive and the northern access point is currently designed as a two-way drive. The subject site is located approximately 2,000 feet north of the intersection of S. Nova Road and Dunlawton Avenue.

Below: Subject Property Looking Northeast



Above: Southern Driveway Entrance to Subject Property Looking Northeast



Above: Northern Driveway Entrance to Subject Property Looking East

The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1.

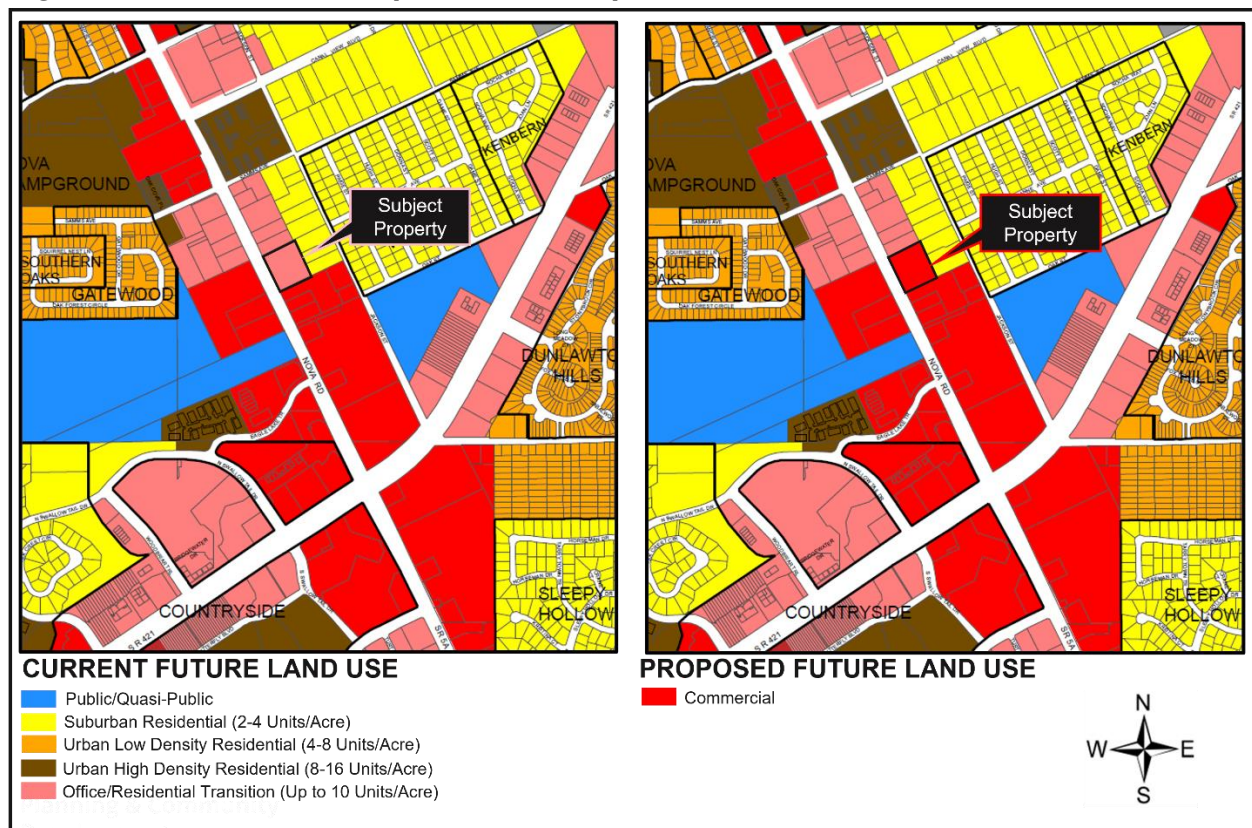
Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Commercial (Vacant)	<i>Office Residential Transition</i>	Professional Office (PO)
South	Commercial (Shopping Center)	<i>Commercial</i>	Community Commercial (CC)
East	Residential (Single-Family)	<i>Suburban Residential (2-4 u/a)</i>	R-8SF Single-Family Residential
West	Commercial (All Aboard Storage) and S. Nova Road Right-of-Way	<i>Commercial</i>	Community Commercial (CC)

The subject property is adjacent to an undeveloped commercial property to the north, developed commercial properties to the south and west, and three residential properties to the east.

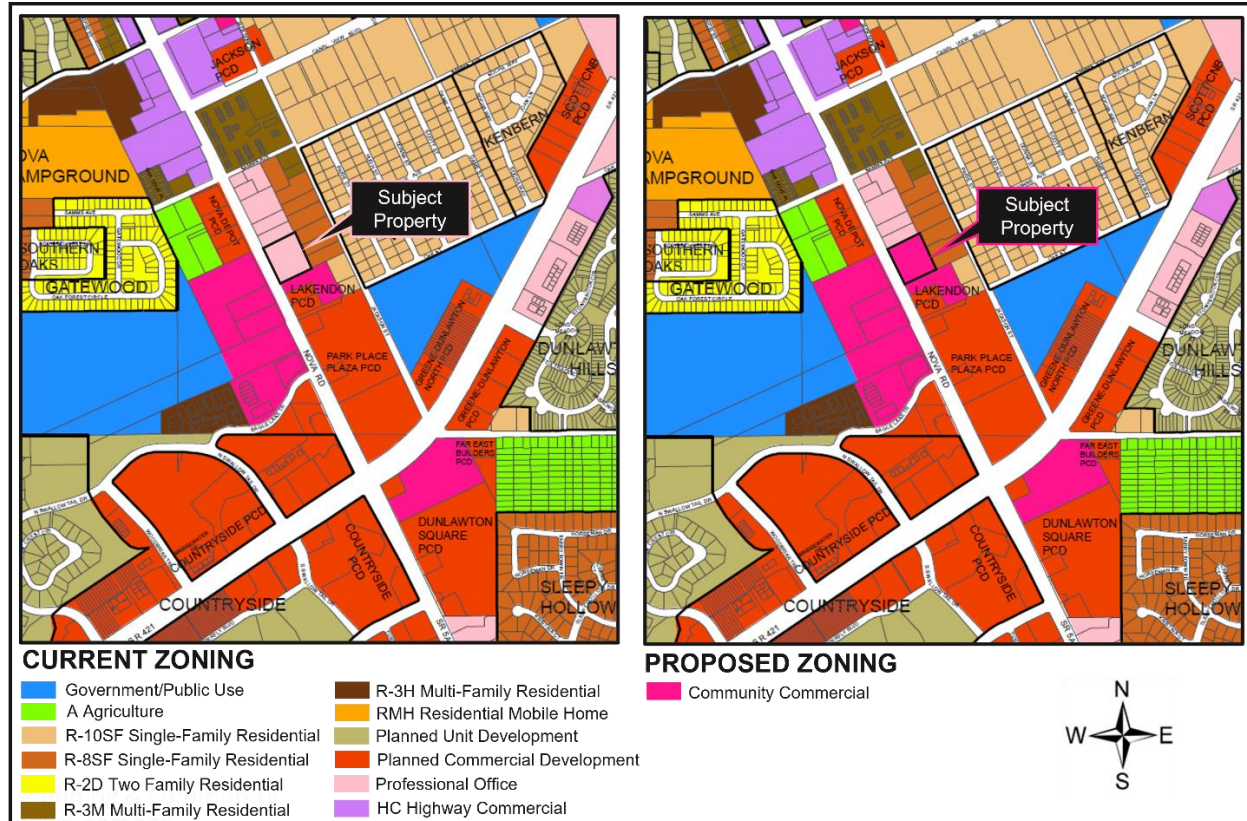
The current adopted and proposed FLU designation for the subject property and adjacent properties is identified in Figure 2.

Figure 2. Current and Proposed FLU Map



The current adopted and proposed zoning classification for the subject property and adjacent properties is identified in Figure 3. The applicant submitted a rezoning application that is being concurrently reviewed with the proposed FLU amendment to rezone the subject property from Professional Office (PO) to Community Commercial (CC) (Case No. 22-60000001).

Figure 3. Current and Proposed Zoning Map



PROPOSED AMENDMENT

The proposed amendment is to change the FLU designation for ±2.3-acres from *Office/Residential Transition (ORT)* to *Commercial*. The following table identifies the current adopted and proposed FLU designations by acreage (Table 2):

Table 2. Current & Proposed Future Land Uses – Acreage by Category

FLU Categories	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Office/Residential Transition (ORT)	2.3	0	-2.3
Commercial	0	2.3	+2.3
Total Acreage	2.3	2.3	0

The current *Office/Residential Transition (ORT)* FLU designation is a mixed-use category that allows for a distribution of uses on the subject property, with the cumulative mixture of uses totaling 100% based on the following theoretical maximum scenarios:

1. 25% residential (up to 10 units per acre) or 75% office; and
2. 25% commercial and 75% office

The proposed *Commercial* FLU category provides a similar variety of uses and intensities as the current *ORT* designation but does not require a specific ratio of office to commercial type uses on site. According to the applicant, removing the *ORT* designation mixed-use requirements (75% office uses; 25% commercial uses) will allow for greater flexibility and redevelopment opportunities for this location based on the market and shifting conditions. The proposed use of the subject property as a commercial multi-tenant building is consistent with the proposed FLU designation.

The maximum allowable density/intensity and net change in density/intensity between the proposed *Commercial* FLU designation and the current *Office/Residential Transition* FLU designation is shown in Table 3. The two theoretical maximum development scenarios for the current *ORT* FLU designation were compared to the proposed *Commercial* FLU designation. In both scenarios, the proposed amendment results in a decrease in density and intensity.

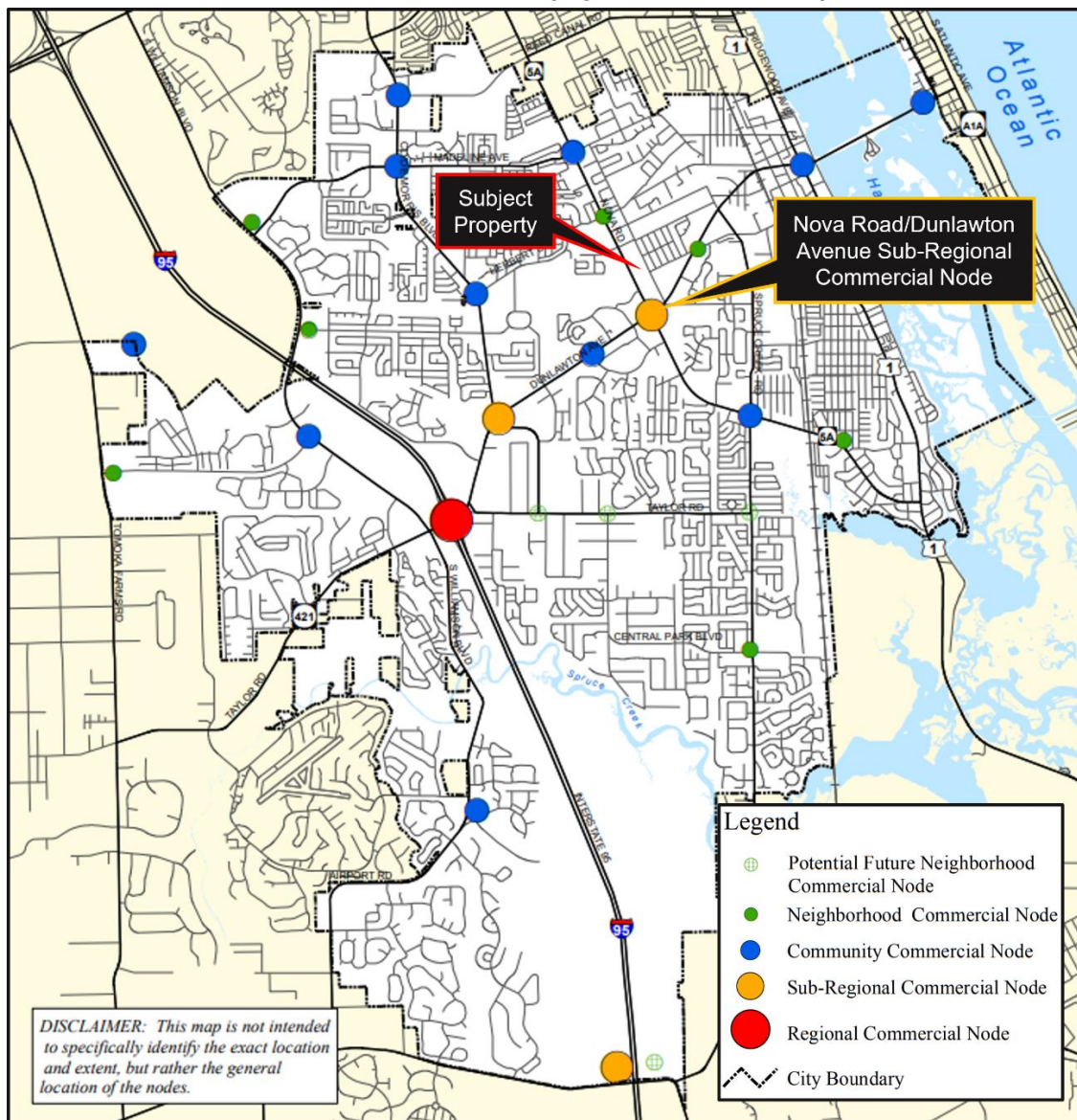
Table 3. Current & Proposed Future Land Uses – Density/Intensity by Category

	Current FLU	Proposed FLU	Net Change in FLU
	[Theoretical Maximum Density (units)/Intensity (sq. ft.)]		
Office/Residential Transition <i>Scenario #1</i> 25% Residential (10 units/acre)/75% Office (1.5 FAR*)	5 units 112,712 sq. ft. office	0	-5 units -112,712 sq. ft. office
Office/Residential Transition <i>Scenario #2</i> 25% commercial (1.5 FAR)/75% office (1.5 FAR)	37,571 sq. ft. commercial 112,712 sq. ft. office	0	-37,571 sq. ft. commercial -112,712 sq. ft. office
Commercial (0.75 FAR for sub-regional node)	0	75,141 sq. ft. commercial	+75,141 sq. ft. commercial
TOTAL	Scenario #1: 5 units 112,712 sq. ft.	Scenario #1: 0 units 75,141 sq. ft.	-5 units -37,571 sq. ft.
	Scenario #2: 150,283 sq. ft.	Scenario #2: 75,141 sq. ft.	-75,142 sq. ft.

* The floor area ratio (FAR) is the relationship between the total amount of building floor area and the total area of the lot on which the building stands.

According to the Port Orange Comprehensive Plan, the proposed *Commercial* FLU designation is to allow for the retail sale of items and services to the general public in areas that consist of shopping centers, retail stores, restaurants, automobile service facilities, personal services, offices, and similar uses. The Comprehensive Plan designates commercial nodes at intersections of roadways and uses the functional classification of the adjacent roadways and size of the surrounding neighborhoods to dictate the amount of commercial use designated within each node. The subject site is within the locational criteria of the S. Nova Road and Dunlawton Avenue sub-regional commercial node that is identified in the Comprehensive Plan for commercial uses intended to serve the general and specialized shopping needs of the general population and visitors. If approved, the proposed FLU designation will promote the utilization of an existing commercial property that has access to existing infrastructure such as water, sewer, and roads, and will promote the redevelopment of infill properties and reduce sprawl.

Figure 4. General Location of Commercial Nodes (Figure 1-9 of the Comprehensive Land Use Plan)



INFRASTRUCTURE IMPACT ASSESSMENT

In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the *theoretical maximum* development potential under the current Future Land Use designation versus the FLU designation proposed. The theoretical maximums used in the analysis are NOT the actual development potential proposed on the subject property. Development of the site will be required to comply with required setbacks, landscape buffers, stormwater retention, parking, and other site improvements that reduce the overall development potential of the site. The following seven public facilities and services were examined:

- | | |
|-------------------|------------------------|
| 1. Transportation | 5. Stormwater Drainage |
| 2. Sanitary Sewer | 6. Recreation |
| 3. Potable Water | 7. School |
| 4. Solid Waste | |

Table 4. Impact Analysis (Theoretical Max.)

Development Variable	Current Land Use		Proposed Land Use	Net Change	
	Scenario 1 (25% Residential/ 75% Office)	Scenario 2 (25% commercial/ 75% office)	100% Commercial (0.75 FAR)	Scenario 1 (25% Residential/ 75% Office)	Scenario 2 (25% commercial/ 75% office)
Residential Units	5	0	0	-5	0
Non-residential Buildable Sq. Ft.	112,712	150,283	75,141	-37,571	-75,142
Population ¹	12	0	0	-12	0
PM Peak Hour Trips/Daily Trips ²	484/4,106	621/5,677	279/3,209	-205/-897	-342/-2,468
Sanitary Sewer (gallons/ day) ³	12,071	15,028	7,514	-4,557	-7,514
Potable Water (gallons/ day) ⁴	12,171	15,028	7,514	-4,657	-7,514
Solid Waste (lbs./day) ⁵	1,165	1,503	751	-414	-752
Stormwater Drainage ⁶	n/a	n/a	n/a	n/a	n/a
Recreation/ Open Space (acres) ⁷	0.08	0	0	-0.08	0

Table 4 Notes:

1. Population: 2.39 persons per household (per 2019 Census American Community Survey ACS 5-Year Estimates)
2. Transportation: Multi-family Apartments (220) 0.62 PM peak hour trips per unit and 6.65 daily trips per unit; Shopping Center (820) trips per 1000 sq. ft. - 3.71 PM Peak Hour; 42.70 Average Daily; Medical Office (720) trips per 1000 sq. ft. - 4.27 PM Peak Hour, 36.13 Average Daily; ITE Trip Generation Manual, 10th Edition
3. Sanitary Sewer: 160 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development

4. Potable Water: 180 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
5. Solid Waste: 3.21 pounds per person per day; 10 lbs. per 1,000 square feet of non-residential development per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event; Drainage system must be designed to meet the requirements of the Land Development Code
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person)

According to the Infrastructure Impact Analysis, the proposed FLU designation would decrease the theoretical maximum square-footage of non-residential development allowed and decrease the theoretical maximum number of residential units allowed on the subject property. The actual development potential on the subject property will most likely be less than the theoretical maximum when redevelopment of the site occurs and site requirements in the LDC are applied. Overall, the amendment results in a net decrease in impacts to all public infrastructure.

All future development plans submitted will require detailed technical review by the Staff Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) are met. As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development requiring transportation facilities to be provided or for the developer to enter into a mitigation agreement for their impacts.

TRANSPORTATION

Based on the 10th Edition of the ITE Trip Generation Manual, the proposed *Commercial* FLU designation could generate 279 P.M. peak hour trips, and 3,209 daily trips based on theoretical maximum of 75,141 square feet of non-residential, which would be a decrease from the current *Office/Residential Transition* FLU designation.

As indicated in the Impact Analysis (Table 4), there is a decrease in the number of daily trips and P.M. peak hour trips from the current to the proposed FLU designation. According to the ITE Trip Generation Manual, the medical and professional office and residential uses allowed under the current FLU designation could generate more vehicular trips than general commercial uses allowed under the proposed FLU designation. The uses allowed in the current FLU designation typically attract new trips to an area and while the uses allowed in the *Commercial* FLU designation also attracts new trips, there is typically a portion of project trips that already exist on the adjacent roadways. Therefore, the proposed FLU designation reduces the buildable area (square-footage) and supports uses that typically attract a percentage of existing trips on the roadway network.

Volusia County Traffic Counts (2019)

Road	Location	Volume	Capacity	V/C	Remaining Capacity
Nova Road	Madeline Rd, to Dunlawton Ave.	27,000	39,800	0.68	32%

Volume/Capacity (V/C) Ratio compares roadway demand (vehicle volumes) with roadway supply (carrying capacity). A V/C ratio of 1.00 indicates the roadway is operating at its capacity and anything under 1.00 indicate there is unutilized capacity remaining for the roadway.

The extent of the anticipated impacts on the road network will not be known until the traffic concurrency review is conducted with the site plan for this site. Similar to other developments within this area of the city, the developer may be required to enter into a Transportation Fair-Share and Concurrency Agreement with the City, and possibly Volusia County, to pay for part of the scheduled improvements for the impacted areas. In addition to a possible fair-share payment, the developer of the property may be required to construct mobility improvements to improve capacity and provide alternative modes of transportation along this corridor such as, turn lanes, cross access driveway stub outs to adjacent properties, and sidewalks.

SANITARY SEWER

The City has available sewer capacity to accommodate the proposed FLU amendment and future redevelopment of the subject property. The City's adopted LOS standard for sanitary sewer is 160 gallons per day per Equivalent Residential Unit (ERU) and 1/10 gallon per square foot per day of non-residential development. Using these standards, the proposed FLU designation would theoretically generate approximately 7,500 gallons per day (gpd) of wastewater, which is a net decrease of over 4,557 gpd between the current and proposed FLU designations.

POTABLE WATER

The City has available potable water capacity (well and Consumptive Use Permit) to serve the proposed FLU amendment. The City's adopted LOS standard for potable water is 180 gallons per day per Equivalent Residential Unit and 1/10 gallon per square foot per day of non-residential development. Using these standards, the proposed FLU designation would demand approximately 7,500 gallons of potable water per day based on the theoretical maximum development analysis, which is a net decrease of over 4,657 gallons per day.

SOLID WASTE COLLECTION

There is available capacity at the landfill to address the City's solid waste disposal needs. Solid waste generated within the City of Port Orange is delivered to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050. The City's adopted LOS standard for solid waste is 3.21 pounds per person per day and 10 lbs. per 1,000 square feet of non-residential development per day. Using this standard, the proposed FLU designation would generate approximately 750 pounds per day of solid waste based on the theoretical maximum development analysis, which is a net decrease of over 414 pounds per day.

STORMWATER DRAINAGE

There is no anticipated impact to the City's drainage system from the proposed land use change. Stormwater management in the City of Port Orange deals with both quality and quantity. The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and

conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan and Land Development Code require that there be no net loss of stormwater retention function as a result of development. In other words, a given parcel must have the same ability to store and discharge water after development as it does before development occurs. Any future redevelopment of the property will be required to address stormwater retention on the property in accordance with these City standards.

RECREATION AND OPEN SPACE

The proposed FLU designation does not require additional parkland because it is a non-residential FLU designation that does not increase residential demand.

SCHOOLS

Pursuant to the Volusia County School District criteria, the proposed FLU amendment and any future redevelopment of this property is exempt from School Concurrency review because the request is to change to a non-residential FLU designation.

ENVIRONMENTAL CONDITIONS

The majority of the subject property is already developed with a non-residential structure and associated drive aisles, parking areas, and landscaping. The subject property is primarily categorized as hardwood hammocks uplands, with a potential of wetland presence towards the northern portion of the subject property. There are no surface waters on the subject property. Any subsequent redevelopment will be required to comply with all federal, state, regional and local regulations pertaining to the protection and preservation of valuable environmental resources.

REVIEW CRITERIA AND STAFF FINDINGS

1. *The land use proposal is consistent with the goals, objectives, and policies of the adopted Port Orange Comprehensive Plan.*

Staff finding: The proposed FLU amendment is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan. The proposed FLU designation is compatible with adjacent parcels. Adequate capacity exists for portable water, sewer, schools, recreation, and stormwater, and solid waste. As with all development, the specific site development proposals for the subject property will be subject to concurrency regulations requiring adequate public facilities to be provided to mitigate the impacts.

2. *Amendments shall not result in incompatible land use designations for adjacent parcels or a neighborhood. Compatibility shall be determined by scale of development, intensity, density, and type of use, and the juxtaposition of uses.*

Staff finding: The proposed FLU amendment is compatible with the adjacent properties (see Table 1 – page 2). Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is unduly negatively impacted by the other.

The subject property is within the locational criteria of the Dunlawton/Nova intersection sub-regional commercial node and is adjacent to an undeveloped commercial property to the north, developed commercial properties to the south and west, and residential properties to the east. Any future redevelopment will be required to comply with all LDC requirements, including those pertaining to buffers along S. Nova Road and buffer and screening between the subject property and the existing residential properties to the east.

3. *An amendment shall not result in negative economic, social, or other impacts to the City of Port Orange.*

Staff finding: All public facilities have adequate capacity to accommodate the proposed amendment and therefore there are no negative impacts. The detailed use-specific concurrency analysis will be conducted as part of any future redevelopment of the site requiring adequate public facilities to be provided to mitigate impacts.

4. *Whether the amendment increases the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above twelve hours.*

Staff finding: The subject property is located within the Hurricane Vulnerability Zone; however, the proposed *Commercial* FLU designation does not allow residential uses. Therefore, there will not be any impact to the clearance time for evacuation of the population in the Hurricane Vulnerability Zone.

5. *Whether the amendment discourages the proliferation of urban sprawl.*

Staff finding: The proposed amendment will not encourage sprawl. The proposed amendment will support the redevelopment of an infill property that has access to existing infrastructure such as water, sewer, and roads.

PUBLIC NOTICE

On February 18, 2022, staff posted the property notifying the public of the proposed amendment. The proposed amendment has also been advertised in the *News-Journal* pursuant to Florida Statutes. As of the time this agenda item was prepared, staff has not received any inquiries regarding the proposed amendment.

STAFF RECOMMENDATION

Staff recommends approval of the request to change the Future Land Use designation of ±2.3 acres from *Office/Residential Transition (ORT)* to *Commercial*, and authorization for staff to send the amendment to the required review agencies.



STAFF REPORT

CONVENTIONAL REZONING/3741 S. NOVA ROAD

CASE NO. 22-60000001

REQUEST:	Rezone ± 2.3 acres from Professional Office (PO) to Community Commercial (CC)
APPLICANT:	Parmjit Singh
PROPERTY OWNER:	Ashirwaad Properties, LLC
LOCATION:	3741 S. Nova Road (see Figure 1)
STAFF CONTACT:	Gideon Smith, Senior Planner (386) 506-5676
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	March 24, 2022

INTRODUCTION

The applicant is requesting to rezone the ± 2.3 -acre subject property from Professional Office (PO) to Community Commercial (CC). The subject property is located on the east side of S. Nova Road, approximately 2,000 feet north of Dunlawton Avenue (Figure 1 – Location Map). If approved, the applicant intends to redevelop the subject property as a multi-tenant commercial building in accordance with the requirements of the CC zoning district and development regulations in the Land Development Code (LDC).

Figure 1: Location Map



DISCUSSION

The subject property has been zoned Professional Office since the late 1970s and was originally developed in 1979 as a non-residential structure. The site was formerly used as a bank and is currently vacant. If the rezoning is approved, the applicant intends to redevelop the former bank site as a multi-tenant commercial building under the CC zoning district requirements in the Land Development Code (LDC).

Below: Subject Property Looking Northeast



Access to the property is currently available along Nova Road from the two existing driveways. Any proposed modifications to the access drives off Nova Road would need to be reviewed and approved by FDOT. Water and sewer are available to service the property.



Above: Southern Driveway Entrance to Subject Property Looking Northeast



Above: Northern Driveway Entrance to Subject Property Looking East

As part of any redevelopment on the subject property, a site plan will require detailed technical review by the Staff Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) and City's Comprehensive Plan are met. Specific site development requirements listed in the LDC, such as the width of the landscape buffers, location and size of the stormwater pipes, water lines, and sewer lines, parking lot design, architectural design, tree and wetland preservation/mitigation, screening (fence or wall) and other development requirements are finalized with the site plan. Site plans are typically a 20 to 50-page set of technical documents that are signed and sealed by a licensed engineer and contain extensive engineering, landscaping, and construction details.

As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development such as transportation concurrency. Concurrency review determines if the developer is required to construct facilities, or for the developer to enter into a mitigation agreement to pay for their impacts. As for traffic, the developer may need to enter into a Transportation Fair Share and Concurrency Agreement to pay for part of the scheduled improvements for impacts to the roadway network. Any subsequent development on the subject property will also be required to comply with all federal, state, regional and local regulations pertaining to the protection, relocation, mitigation, and preservation of trees, gopher tortoises, wetlands, and other environmental resources.

According to the applicant, the request to rezone the subject property to the Community Commercial (CC) zoning district is to assist with the redevelopment of the property. Prior to the current owner purchasing the property, the inquiries that staff received regarding redevelopment of the property were all for commercial uses not permitted by the current Professional Office (PO) zoning district.



Above: Existing Shopping Center Immediately South of the Subject Property

The CC zoning district permits typical community-scale commercial uses commonly found at shopping centers and outparcels of this type such as: retail stores, restaurants, personal services (hair salon, barber shop, nail salon, retail dry cleaning, etc.), offices, breweries, health/exercise clubs, childcare centers, convenience store/gas station, banks, and similar uses. If the property is rezoned to CC and the applicant does not redevelop the site as a multi-tenant commercial building, any future proposed use of the subject property will need to be a permitted use in the CC zoning district and comply with all requirements in the LDC.

COMPATIBILITY WITH SURROUNDING USES AND ZONING

The rezoning request was reviewed according to the criteria established in Chapter 3, Section 7 of the Land Development Code (LDC) in terms of consistency with the Comprehensive Plan and the surrounding land uses and zoning.

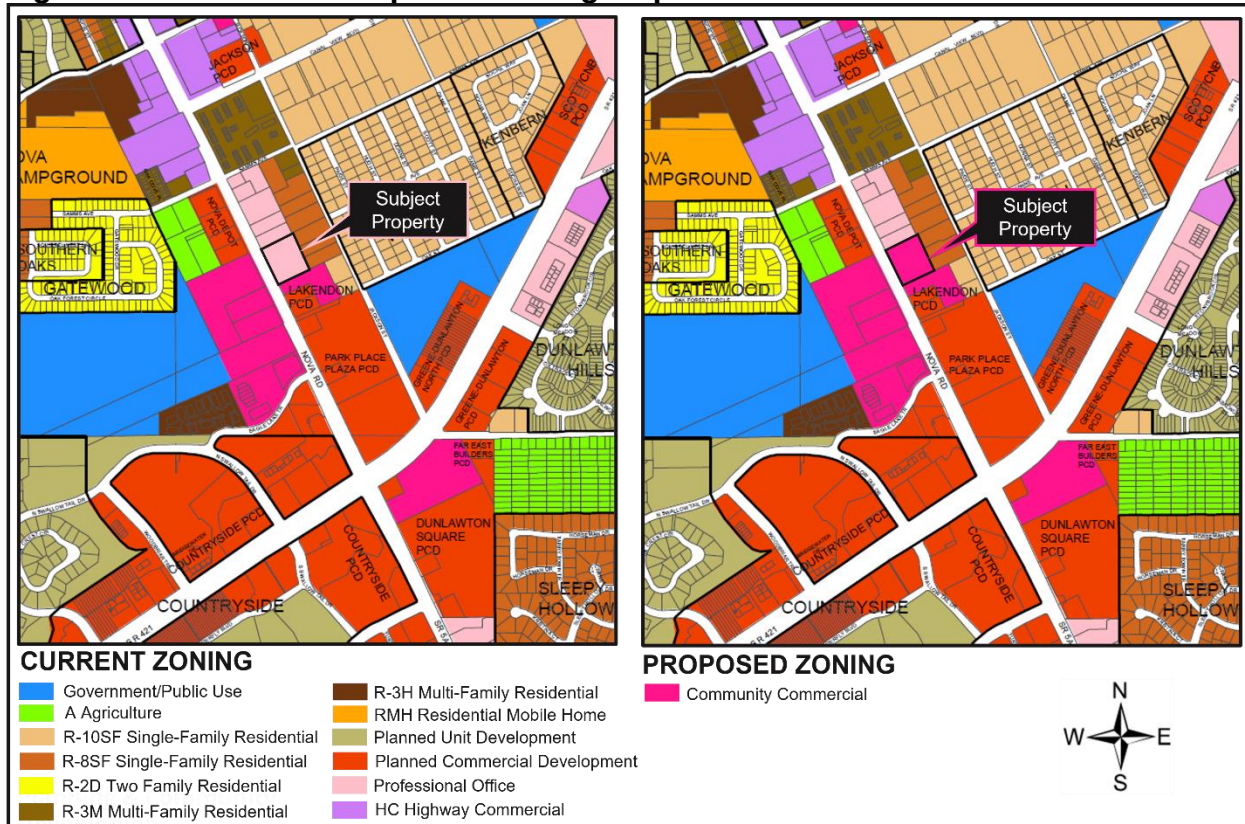
The proposed CC zoning district is compatible with the surrounding uses and zoning. Table 1 summarizes the land use and zoning of the adjacent properties. The subject property is currently developed with a commercial building that was formerly occupied by a bank and is adjacent to existing commercial properties zoned CC to the south and west. The adjacent property to the north is an undeveloped vacant parcel zoned Professional Office (PO). The subject property abuts three residential properties to the east that are zoned R-8SF Single-Family Residential. If approved, the LDC requires the installation of a minimum 6-foot-tall fence, wall, or living wall between the subject property and the adjacent residential zoned properties.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Commercial (Vacant)	<i>Office Residential Transition</i>	Professional Office (PO)
South	Commercial (Shopping Center)	<i>Commercial</i>	Community Commercial (CC)
East	Residential (Single-Family)	<i>Suburban Residential (2-4 u/a)</i>	R-8SF Single-Family Residential
West	Commercial (All Aboard Storage) and S. Nova Road Right-of-Way	<i>Commercial</i>	Community Commercial (CC)

The current adopted and proposed zoning classification for the subject property and adjacent properties is identified in Figure 2.

Figure 2. Current and Proposed Zoning Map



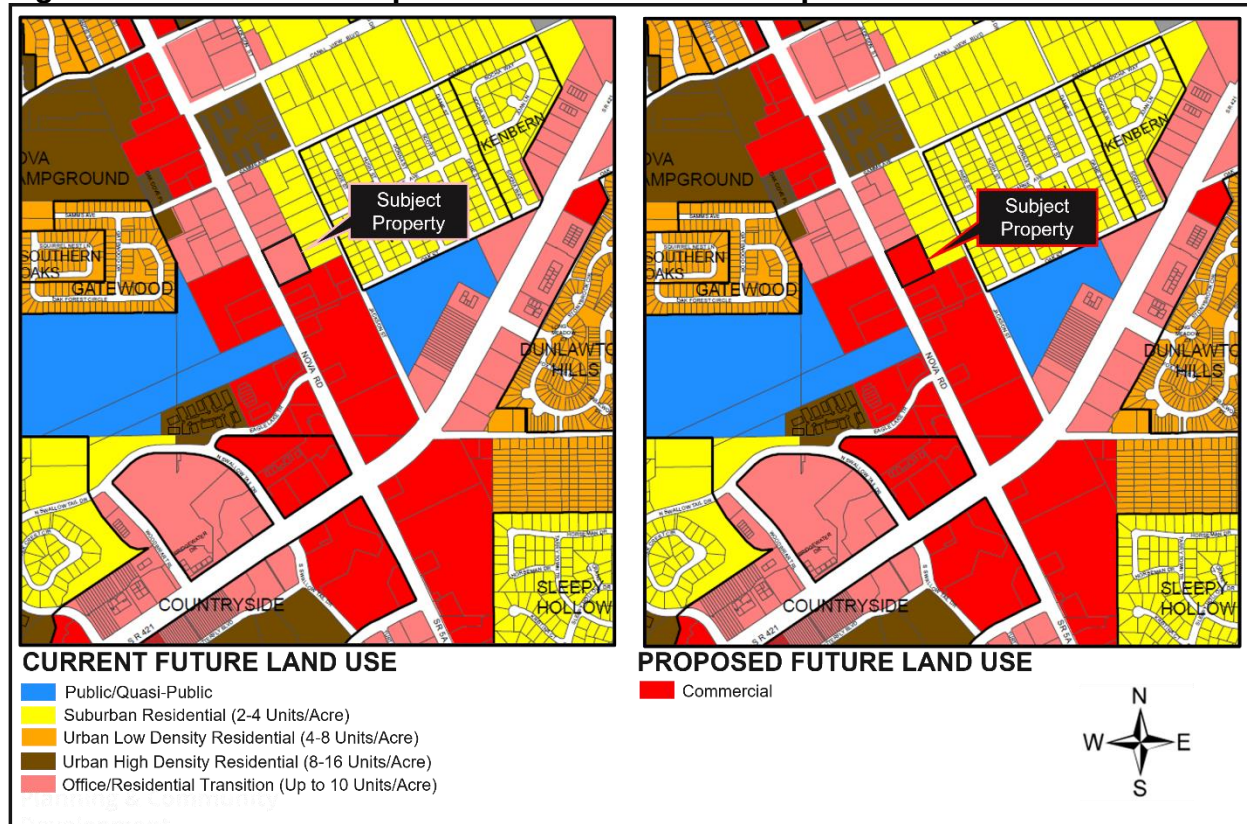
CONSISTENCY WITH COMPREHENSIVE PLAN

The subject property is currently designated *Office/Residential Transition* (ORT) on the Future Land Use (FLU) map. The applicant has submitted a FLU amendment application to be reviewed concurrently with the subject rezoning to change the FLU designation of the subject property from *Office/Residential Transition* (ORT) to *Commercial* (Case No. 22-20000001). If the FLU amendment is approved, the proposed CC zoning will be consistent with the proposed *Commercial* FLU designation as this designation allows for the retail sale of items and services to the general public.

The subject site is also located approximately 2,000 feet north of the intersection of S. Nova Road and Dunlawton Avenue, which is identified in the Comprehensive Plan as a sub-regional commercial node. The proposed rezoning promotes utilization of an existing commercial property that has access to existing infrastructure such as water, sewer, and roads, and promotes redevelopment of infill properties and reduces sprawl. Based on compatibility with adjacent uses, access to an arterial roadway, being located in a designated commercial node, and the availability of existing infrastructure, the proposed rezoning is appropriate for this location and is consistent with proposed FLU designation.

The current adopted and proposed FLU designation for the subject property and adjacent properties is identified in Figure 3.

Figure 3. Current and Proposed Future Land Use Map



PUBLIC NOTICE

On February 18, 2022, staff posted the property notifying the public of the proposed rezoning. As of the time this agenda item was prepared, there have been no phone calls or other inquiries on the proposed rezoning.

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone ± 2.3 acres from Professional Office (PO) to Community Commercial (CC) district subject to approval of the proposed Future Land Use amendment (Case No. 22-20000001) for the subject property.



STAFF REPORT

CASE NO. 22-25000002

LDC Amendment/ Chapters 2 and 15

REQUEST:	Amendments to Chapters 2 and 15 of the Land Development Code (LDC) to address clean-up items to the new sign code and add criteria to allow roof signs in the Down Under and Riverwalk special character districts located within the Port Orange Town Center Community Redevelopment Area.
APPLICANT:	City of Port Orange
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	March 24, 2022

INTRODUCTION

In October 2021, the City adopted a new sign code, primarily to conform to the United States Supreme Court ruling in *Reed v. Town of Gilbert* that signage regulations are to be content neutral. As staff has been working with the new code, amendments were identified to improve the new code, as part of an on-going maintenance effort. The proposed amendments include clarifications that are simple clean-up items and new requirements to allow roof signs in the Down Under and Riverwalk Special Character Districts of the Port Orange Town Center Community Redevelopment Area to further support the City's redevelopment efforts.

PROPOSED AMENDMENTS

The proposed amendments to Chapters 2 and 15 of the Land Development Code (LDC) include the following clarifications and minor changes that are simple clean-up items or further support the City's redevelopment efforts.

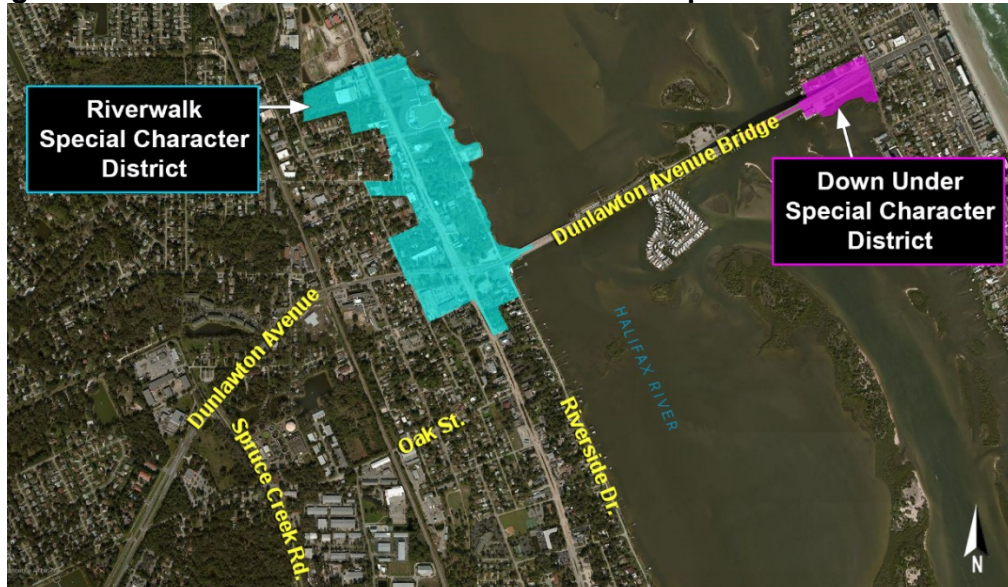
Clean-up items: As staff has been working with the new sign code minor clean-up items have been identified to correct formatting, typos and other inadvertent errors and omissions. None of these clean-up items change the content of the regulations.

Roof Signs: The current sign regulations do not allow roof signs within the City. The proposed amendment would allow roof signs for only developments located in the Down Under or Riverwalk Special Character Districts of the Port Orange Town Center Community Redevelopment Area (CRA) and create requirements for a roof sign. If the proposed amendment is approved and a tenant in the Down Under or Riverwalk Special Character District of the CRA installs a roof sign, the sign area of the roof sign would count toward the maximum wall sign area allowed for that building. Therefore, if a tenant would install of a roof sign, it would not allow for that tenant to have more signage than other commercial buildings withing the city.

The intent of the proposed amendment is to provide alternative signage options for properties in these Special Character Districts based on their unique location or designation as being a commercial/entertainment destination area. Providing more flexibility in signage design in

these areas further supports the City's redevelopment efforts to make these areas iconic placemaking designation.

Figure 1. Location of Down Under and Riverwalk Special Character Districts



Due to the location of the businesses in the Down Under district being under the Dunlawton Bridge, the visibility of a typical 8-foot-tall ground monument sign is significantly reduced to traffic going over the bridge. Therefore, most of the businesses in the Down Under have chosen not to install a monument sign. The proposed amendment would allow for these businesses to have adequate signage comparable to other commercial businesses in the city.

Mixed-use developments, such as those planned in the Riverwalk Special Character District rely on exterior signs to identify and attract visitors to the mixed-use development and create distinct identification features for the development. Providing signage alternatives, such as a roof sign, expands the signage options available for a development or business in the mixed-use development to advertise internally and externally to potential customers.

Figure 2: Examples of Roof Signs



Recommendation

Staff recommends approval of the amendments to Chapters 2 and 15 of the Land Development Code (LDC).

Attachments

Exhibit 1 - Proposed LDC Amendments to Chapters 2 and 15

EXHIBIT 1

~~Strikethrough~~ indicates text to be deleted; underline indicates text to be added.

Land Development Code

Chapter 2 - DEFINITIONS

Art sculpture. An artistic form in which materials are worked into three-dimensional art objects that do not contain a commercial message.

Sign, area. The entire sign face, including the display surface and any framing, trim, or molding, but not including the supporting structure. ~~The sign area shall be measured as a rectangle, encompassing the largest horizontal width and largest vertical height.~~

Chapter 15 – SIGNS

Section 5: - Prohibited signs.

(14) Any sign painted, erected, or constructed upon, above or over the roof or parapet of any building, unless permitted and installed in accordance with the standards set forth in subsection 11(c)(15) below.

Section 11: - Permanent signs.

[No changes to subsections (a) and (b)]

(c) Permanent sign types. Permanent signs include the following types:

(1) *Monument sign.* Monument signs are subject to the following standards:

[No changes to subsections (a) through (f)]

(g) The minimum dimensional requirements and number of signs allowed for each district shall be as follows:

Standard	Res	MF/I	Com	MXC	RDRC
Allowed	No, except as provided for in section 3 below	No, except as provided for in section 3 below	Yes	Yes	Yes
Permit required	N/A	N/A	Yes	Yes	Yes
Max. number of signs for a single tenant building	N/A	N/A	1 per primary frontage, 1 per secondary frontage, not to exceed 2 total signs on a frontage	1 per primary frontage, 1 per secondary frontage, not to exceed 2 total signs on a frontage	1 per primary frontage, 1 per secondary frontage, not to exceed 2 total signs on a frontage

EXHIBIT 1

~~Strikethrough~~ indicates text to be deleted; underline indicates text to be added.

Standard	Res	MF/I	Com	MXC	RDRC
Max. sign area for single tenant building	N/A	N/A	48 sq. ft.— Arterial or Collector Roadway 32 sq. ft.—All other roadways	48 sq. ft.— Arterial or Collector Roadway 32 sq. ft.—All other roadways	48 sq. ft.— Arterial or Collector Roadway 32 sq. ft.—All other roadways
Max. height for single tenant building sign	N/A	N/A	8 ft.	8 ft.	8 ft.
Max. number of signs for multi-tenant building	N/A	N/A	Sites with more than 300 feet of primary or secondary frontage shall be allowed to place an additional sign meeting these standards on the frontage the second sign is located	Sites with more than 300 feet of primary or secondary frontage shall be allowed to place an additional sign meeting these standards on the frontage the second sign is located	Sites with more than 300 feet of primary or secondary frontage shall be allowed to place an additional sign meeting these standards on the frontage the second sign is located
Max. number <u>sign area</u> for tenant in a multi-tenant building	N/A	N/A	56 sq. ft.—less than 10,000 sq. ft. of floor area 84 sq. ft.—10,000 sq. ft. to 75,000 sq. ft. of floor area 112 sq. ft.—greater than 75,000 sq. ft.	56 sq. ft.—less than 10,000 sq. ft. of floor area 84 sq. ft.—10,000 sq. ft. to 75,000 sq. ft. of floor area 112 sq. ft.—greater than 75,000 sq. ft.	56 sq. ft.—less than 10,000 sq. ft. of floor area 84 sq. ft.—10,000 sq. ft. to 75,000 sq. ft. of floor area 112 sq. ft.—greater than 75,000 sq. ft.
Min. size for tenant panel	N/A	N/A	10 sq. ft.	10 sq. ft.	10 sq. ft.

EXHIBIT 1

~~Strikethrough~~ indicates text to be deleted; underline indicates text to be added.

Standard	Res	MF/I	Com	MXC	RDRC
Max. sign height	N/A	N/A	12 ft.	12 ft.	12 ft.
Illumination	N/A	N/A	Internally, externally or halo lit	Internally, externally or halo lit	Internally, externally or halo lit
Changeable copy area	N/A	N/A	50% of the sign face	None	50% of the sign face
Digital sign	N/A	N/A	25% of the sign face	25% of the sign face	25% of the sign face

[No changes to subsections (2) – (8)]

(9) *Projecting signs*. Projecting signs are subject to the following standards:

(a) Projecting signs may be attached vertically or horizontally to any building frontage that abuts an arterial or collector roadway.

~~(b) Projecting signs shall be attached to any building frontage that abuts an arterial or collector roadway.~~

~~(b)~~ Projecting signs shall not extend four feet above the top of the building wall to which it is attached.

~~(c)~~ Projecting signs shall be spaced a minimum of ten feet apart on multi-tenant buildings, unless there is less than ten feet separating tenant entrances.

~~(d)~~ The minimum dimensional requirements and number of signs allowed for each district shall be as follows:

[No changes to subsections (10)]

(11) *Murals and art sculptures*. Murals and art sculptures are subject to the following standards:

(a) Murals may be located on a principal structure, accessory structure, fence or wall, or other structure on a lot.

(b) Art sculptures may be located on a lot outside of required buffers and yard setbacks.

(b) The minimum dimensional requirements and number of ~~signs~~ murals and art sculptures allowed for each district shall be as follows:

Standard	Res	MF/I	Comm	MXU	RC
Allowed	No	Yes	Yes	Yes	Yes

EXHIBIT 1

~~Strikethrough~~ indicates text to be deleted; underline indicates text to be added.

Standard	Res	MF/I	Comm	MXU	RC
Permit required	N/A	Yes	Yes	Yes	Yes
Max. number	N/A	Unlimited, subject to max. area	Unlimited, subject to max. area	Unlimited, subject to max. area	Unlimited, subject to max. area
Max. area <u>for murals</u>	N/A	25% of an eligible building facade or accessory structure area	75% of an eligible building facade or accessory structure area	75% of an eligible building facade or accessory structure area	100% of an eligible building facade or accessory structure area
Max. height	N/A	Roof line	Roof line	Roof line	Roof line
Illumination	N/A	External	External	External	External
Subject to max. wall sign area allowance	N/A	No	No	No	No

(12) *Wall signs.* The standards below apply to all wall signs:

[No changes to subsections (a) through (d)]

(e) Signage attached to a multi-story (greater than two stories) multi-tenant building shall be arranged so the signs share a common horizontal centerline along the façade, spaced evenly across the building facade, and are separated vertically from all other signs a minimum of twice the height of the ~~building height~~ largest sign on the building.

(f) The minimum dimensional requirements and number of signs allowed for each district shall be as follows:

[No change to table]

[No changes to subsections (13) and (14)]

(15) Roof sign. Roof signs are subject to the following standards:

(a) A roof sign may be erected on a building located in the Down Under Special Character District within the Commercial District (Comm) Area and the Riverwalk Special Character District within the Mixed-use (MXU) District Area. The boundaries of the Down Under and Riverwalk Special Character Districts are defined in the most current version of the Port Orange Town Center Community Redevelopment Area (CRA) Plan.

EXHIBIT 1

~~Strikethrough~~ indicates text to be deleted; underline indicates text to be added.

- (b) Roof signs shall not be oriented toward an adjacent residential use.
- (d) No portion of any roof sign structure shall project beyond an exterior wall.
- (e) A roof sign shall not extend higher than four (4) feet beyond the highest point of a parapet wall or the roof upon which it is placed.
- (f) The minimum dimensional requirements and number of signs allowed for each district shall be as follows:

Figure 15:31 Location of Down Under and Riverwalk Special Character Districts [Editor Note: Renumber all figures after this]



<u>Standard</u>	<u>Res</u>	<u>MF/I</u>	<u>Comm</u>	<u>MXU</u>	<u>RC</u>
<u>Permitted</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Permit required</u>	<u>N/A</u>	<u>N/A</u>	<u>Yes</u>	<u>Yes</u>	<u>N/A</u>
<u>Max. number for single tenant building</u>	<u>N/A</u>	<u>N/A</u>	<u>1 per building</u>	<u>1 per building</u>	<u>N/A</u>
<u>Max. number for tenant in a multi-tenant building</u>	<u>N/A</u>	<u>N/A</u>	<u>1 per building</u>	<u>1 per building</u>	<u>N/A</u>

EXHIBIT 1

~~Strikethrough~~ indicates text to be deleted; underline indicates text to be added.

<u>Standard</u>	<u>Res</u>	<u>MF/I</u>	<u>Comm</u>	<u>MXU</u>	<u>RC</u>
<u>Max. sign height for single tenant building</u>	<u>N/A</u>	<u>N/A</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>N/A</u>
<u>Max. sign height for tenant in a multi-tenant building</u>	<u>N/A</u>	<u>N/A</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>N/A</u>
<u>Illumination</u>	<u>N/A</u>	<u>N/A</u>	<u>External, Internal or Halo lit</u>	<u>External, Internal or Halo lit</u>	<u>N/A</u>
<u>Subject to max. wall sign allowance</u>	<u>N/A</u>	<u>N/A</u>	<u>Yes</u>	<u>Yes</u>	<u>N/A</u>
<u>Digital sign</u>	<u>N/A</u>	<u>N/A</u>	<u>No</u>	<u>No</u>	<u>N/A</u>
<u>Changeable copy</u>	<u>N/A</u>	<u>N/A</u>	<u>No</u>	<u>No</u>	<u>N/A</u>
<u>Channel letters</u>	<u>N/A</u>	<u>N/A</u>	<u>Yes</u>	<u>Yes</u>	<u>N/A</u>
<u>Cabinet & box sign</u>	<u>N/A</u>	<u>N/A</u>	<u>No</u>	<u>No</u>	<u>N/A</u>

Section 12: - Temporary signs.

[No changes to subsections (a) through (d)]

(e) *Temporary sign types.* Temporary signs include the following types:

[No changes to subsection (1)]

(2) *Sandwich board sign.* Sandwich board signs are subject to the standards below:

EXHIBIT 1

~~Strikethrough~~ indicates text to be deleted; underline indicates text to be added.

Figure 15:32 Examples of sandwich board signs



[Editor's note: delete 3rd and 4th picture and replace with new two new pictures]

(a) A sandwich board may convey changeable messages through the use of re-writable surfaces, such as chalkboards or dry-erase boards. Individual changeable copy plastic letters shall not be permitted, and paper signs shall not be attached to a sandwich board sign. Sandwich board signs with changeable copy shall not be composed of plastic.