AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, December 12, 2024 **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: LDC TEXT AMENDMENT / CHAPTER 15
   CASE NO.: DCAM-24-0002
   APPLICANT: Lamar Outdoor Advertising
   STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675/tburman@port-orange.org

   A request by the applicant to amend Chapter 15 of the Land Development Code (LDC) to allow a billboard owner to request approval of a reconstruction agreement to allow a billboard sign face along I-95 to be reconstructed with a digital sign face in exchange for removing billboards within Port Orange and establish criteria for reconstructing a billboard with a digital sign face.

C. OTHER BUSINESS

5. Commissioner Comments
6. 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
NOVEMBER 21, 2024

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chair Maria Mills-Benat at 5:30 p.m.

CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

Present:	Chair Maria Mills-Benat Vice Chair Thomas Jordan Commissioner Stan Schmidt Commissioner Scott Steger Commissioner Mark Bowling Commissioner Bo Bofamy
Also Present:	Matt Jones, City Attorney Tim Burman, Community Development Director Amanda Bonin, Deputy City Clerk

3. Election of Officers for 2025

The Planning Commission is to elect a chairperson and vice chairperson for 2025. The elected chairperson and vice chairperson terms will begin at the January 23, 2025, Planning Commission meeting.

> Motion to nominate Commissioner Stan Schmidt to Vice Chair and Vice Chair Thomas Jordan to Chair was made by Chair Maria Mills-Benat and seconded by Commissioner Bo Bofamy. Motion did not carry.

Commissioner Stan Schmidt declined the nomination.

Chair Maria Mills-Benat withdrew her nomination.

Commissioner Bo Bofamy withdrew his second.

> Motion to nominate Vice Chair Thomas Jordan as Chair and Commissioner Bo

Bofamy to Vice Chair was made by Commissioner Stan Schmidt and seconded by Commissioner Mark Bowling. Motion carried 6-0

DISCUSSION/ACTION

4. Consideration of Minutes

   Motion to approve was made by Vice Chair Thomas Jordan and Seconded by Commissioner Stan Schmidt. Motion carried unanimously by voice vote.

5. APPLICATION: Comprehensive Plan Capital Improvements Element - 2024 Annual Update
   CASE NO.: CPAM-24-0004
   APPLICANT: City of Port Orange
   STAFF CONTACT: Penelope Cruz, Planning Manager, (386) 506-5671

   Update and amendment to the Comprehensive Plan Capital Improvements Element (CIE) in accordance with Florida Statutes.

   Motion to approve the Comprehensive Plan Capital Improvements Element 2024 Annual Update was made by Commissioner Stan Schmidt and seconded by Vice Chair Thomas Jordan. Motion carried unanimously by roll call vote.

Penelope Cruz, Planning Manager, provided the 2024 Annual Comprehensive Plan Capital Improvements Element (CIE) update. This item takes the concurrency related items from the Capital Improvements Program that was previously approved during the budget process and copies them into the CIE.

Commissioner Mark Bowling asked if this is where specific questions could be answered, such as drainage. Ms. Cruz, suggested he reach out to the departments that oversee these projects.

Robert Reinhegan, resident, commented on the Williamson Boulevard and Yorktown Boulevard widening projects.

6. 2025 Proposed Public Hearing and Development Review Calendars

Motion to accept was made by Commissioner Scott Steger and Seconded by Commissioner Thomas Jordan. Motion carried unanimously by voice vote.

OTHER BUSINESS

7. Commissioner Comments

Happy Thanksgiving.

8. Staff Comments

Happy Thanksgiving.

PUBLIC COMMENTS
There were none.

ADJOURNMENT - 5:51 p.m.

_____
Chair Maria Mills-Benat

STAFF REPORT
CASE NO. DCAM-24-0002
LDC TEXT AMENDMENT / CHAPTER 15

REQUEST:	Amend Chapter 15 of the Land Development Code (LDC) to allow a billboard owner to request approval of a reconstruction agreement to allow an existing billboard sign face along I-95 to be reconstructed with a digital sign face in exchange for removing billboards within Port Orange and establishes criteria for the reconstructed digital sign face.
APPLICANT:	Lamar Outdoor Advertising
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Tim Burman, Community Development Director (386) 506-5675
PLANNING COMMISSION DATE:	December 12, 2024
CITY COUNCIL DATE:	January 21, 2025

PROPOSED TEXT AMENDMENT:
The applicant requests an amendment to the Land Development Code (LDC), allowing the static sign face on existing billboards to be replaced with a digital sign face. If approved, the amendment would allow the City Council the ability to choose to enter into an agreement with a billboard owner to allow the reconstruction of existing billboards along I-95 with a digital sign face in exchange for removing other existing billboards within Port Orange to reduce the number of billboards within Port Orange and improve aesthetics within the city. The proposed amendment would allow a billboard owner to replace the sign face for an existing billboard along I-95 with a digital sign face at a ratio of removing at least two sign faces for each reconstructed sign face.

Under the City's current sign regulations, a billboard is a prohibited sign. Furthermore, structural repairs or reconstruction of existing non-conforming signs is not permitted, requiring them to be removed as they become structurally unsound. The applicant requests this amendment to allow billboard companies to reconstruct some existing billboards with a digital sign face in exchange for eliminating billboards within the city. According to the applicant, Daytona Beach has a similar code to incentivize the removal of billboards within their city in exchange for allowing billboards with a digital sign face on I-95. In addition, cities such as Orlando and St. Petersburg have recently approved ordinances that reduce the number of billboards by allowing existing billboards along interstates in their city to be reconstructed with a digital sign face.

There are 13 billboards within Port Orange or along I-95, and the applicant owns 6. According to the applicant, if the LDC text amendment is approved, the applicant will submit an agreement for City Council review that, if approved, would allow the removal of four (4) billboard sign faces located north of the intersection of Ridgewood Avenue and Nova Road and the reconstruction of two (2) billboard sign faces located along I-95 with a digital sign face.

Figure 1. General Location of Billboards within Port Orange

The requirements in the proposed LDC text amendment would be the minimum that a billboard owner would need to meet to replace an existing billboard sign face with a digital sign face, along with criteria for the size, height, brightness, display time, and overall operation.

The proposed text to be added to Chapter 15 is similar to the LDC text amendment approved in 2009. The 2009 text amendment allowed a billboard owner to request city council approval of a reconstruction agreement to rebuild a billboard in exchange for

removing billboards destroyed by fire, flood, explosion, collapse, wind, war, or other catastrophe. The digital billboard located on the east side of the Dunlawton Bridge was built per a reconstruction agreement between the billboard owner and the City of Port Orange.

If the LDC text amendment is approved, it will allow for a billboard owner to request an agreement with the City to replace a billboard sign face along I-95 with a digital sign face at a ratio of removing at least two sign faces for each reconstructed sign face, and the reconstructed sign face will be subject to the following criteria:

1. Only an existing sign along the I-95 corridor can be reconstructed and located on the same property and in the exact location of the current sign.

2. A reconstructed sign can only be located on a property that abuts the I-95 right-of-way, within the I-95 right-of-way, and in no case can a reconstructed sign be located on the property with a residential zoning district.

3. The square footage of the sign face for a reconstructed sign shall not exceed that of the largest sign face removed as part of the exchange.

4. Structural components surrounding the reconstructed sign face shall not exceed a size of ten percent of the sign face.

5. The reconstructed sign may have a sign face with a change copy. If electronic or digital, the frequency of copy change shall be at intervals of eight seconds, and the maximum transition time between messages shall not exceed one second.

6. If a reconstructed sign is electronic or digital, it shall comply with the following: high-resolution picture quality with a pixel spacing of 20 millimeters or less.

    - The digital sign face shall be high-resolution picture quality with a pixel spacing of 20 millimeters or less.
    - Messages shall not display any illumination that moves, appears to move, flashes, scrolls, or changes in intensity during the static display period, but static graphic pictures may be displayed with no limitations on color.
    - Messages shall not operate at a brightness level of more than 5,000 foot-candles during the day and 500 foot-candles from dusk to dawn.
    - Each digital sign shall have a light-sensing device to adjust the brightness of the sign face as ambient light conditions change. A malfunctioning sign face must be turned off or display a blank screen.
    - The sign area shall display emergency announcements or alerts, including, but not limited to, Amber Alerts, Silver Alerts, and Evacuation Alerts on the sign at no charge on an as-needed basis as determined by the City.

7. The tallest portion of the reconstructed sign, including appurtenances, shall not exceed the height of the existing sign being replaced with the reconstructed sign.

8. All new utilities to the reconstructed sign shall be undergrounded.

9. A billboard to be removed as part of the exchange, per an approved reconstruction agreement, shall be removed before the building permit to reconstruct a sign is issued.

Figure 2. A billboard along I-95 in Daytona Beach with a Digital Sign Face

In addition to the text proposed to be added, the amendment includes clean-up items to Chapter 15, Section 14 to remove duplicate code requirements that inadvertently got added more than one time when the sign code was updated in 2021 and to make the existing digital sign face requirements in Section 14 consistent with the digital sign face requirements being proposed.

RECOMMENDATION:
Staff recommends approval of the text amendment to Chapter 15 of the Land Development Code.

ATTACHMENT:

1. *DRAFT* text changes to Chapter 15, Section 14 of the Land Development Code

Section [14]: Nonconforming signs.

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

(c) Use of a nonconforming sign may be continued, subject to the following regulations:

(1) No nonconforming sign shall be enlarged or increased in any way from its lawful size at the time it was installed or constructed, nor shall a nonconforming sign be relocated from its lawful location at the time it was installed or constructed.

(2) Nonconforming signs or sign structures that are considered abandoned signs under this chapter shall not be permitted for reuse.

(3) Except as authorized in subsections (e)(1) and (f)(1), hereinbelow, ~~U~~use of a nonconforming sign shall immediately terminate upon a change of business type, business ownership or business name, regardless of whether property ownership of the lot on which the nonconforming sign is located has been transferred.

[No changes to subsections (4) through (6)]

(d) Normal repairs, maintenance and improvements may be made to nonconforming signs or sign structures; however, the cost of such repairs, maintenance or improvements made during any two-year period shall not exceed 25 percent of the overall replacement cost of the sign or sign structure at the end of the two-year period.

(e) If any nonconforming sign is damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that the cost of repair and reconstruction will exceed 50 percent of the overall replacement cost of the sign at the time of damage, it shall not be repaired or reconstructed except in full conformity with the provisions of this code, except as follows:

(1) A nonconforming offsite sign damaged by catastrophe exceeding 50 percent of the overall replacement cost of the sign may be reconstructed pursuant to the authority set forth in F.S. § 70.20, if the reconstruction agreement complies with all of the requirements set forth as follows:

(a) The reconstructed sign shall be located on the same property as the damaged sign

(b) The reconstructed sign shall be located within a commercially zoned district, not including a planned commercial development or a planned unit development zoned district and shall comply with the requirements of this chapter regarding prohibited signs.

(c) The sign owner shall submit a proposed agreement for the reconstructed sign to the city for review.

(d) City council shall determine whether to approve or deny the proposed agreement submitted in accordance with this section; The reconstructed sign shall be a nonconforming sign.

(e) The sign owner agrees to remove or to abstain from rebuilding other damaged nonconforming signs within the city at a ratio of at least four sign faces for each reconstructed sign face

(f) The sign owner agrees to remove or to abstain from rebuilding other damaged nonconforming signs within the city at a ratio of at least four sign faces for each reconstructed sign face.

(g) The vertical dimension for the reconstructed sign face shall not exceed 25 percent of the permitted building height in the commercial district or 12 feet, whichever is greater in height.

~~(h) The vertical dimension for the reconstructed sign face shall not exceed 25 percent of the permitted building height in the commercial district or 12 feet, whichever is greater in height.~~

~~(i) The vertical dimension for the reconstructed sign face shall not exceed 25 percent of the permitted building height in the commercial district or 12 feet, whichever is greater in height.~~

(h~~i~~) The reconstructed sign face shall not exceed the square footage of the largest damaged sign face for any one sign display being removed or not rebuilt, notwithstanding the location within the city of the sign face removed or not rebuilt.

~~(k) The reconstructed sign face shall not exceed the square footage of the largest sign face for any one sign display being removed or not rebuilt, notwithstanding the location within the city of the sign face removed or not rebuilt.~~

(i~~l~~) Structural components surrounding the sign face shall not exceed a size of ten percent of the sign face.

(j~~m~~) The reconstructed sign face may change copy and if electronic or digital, the frequency of copy change shall not be less than ~~ten~~ eight second intervals.

(k~~n~~) The reconstructed sign, if electronic or digital, shall provide a high-resolution picture quality with pixel spacing of 20 millimeters or less. Messages shall not display any illumination that moves, appears to move, flashes, scrolls, or changes in intensity during the static display period, but static graphic pictures may be displayed with no limitations on color. Messages shall not operate at a brightness level of more than 5,000 foot-candles during the day and 500 foot-candles from dusk to dawn. Each digital sign shall have a light-sensing device to adjust the brightness of the sign face as ambient light conditions change. A malfunctioning sign face must be turned off or display a blank screen. Sign shall display emergency announcements or alerts, including, but not limited to Amber Alerts, Silver Alerts, and Evacuation Alerts on the sign at no charge on an as-needed basis as determined by the City.~~The reconstructed sign, if electronic or digital, shall provide a high-quality resolution for the display of not more than eight-millimeter pixel spacing, and shall include dimmers installed and operated to~~

~~eliminate glare, and at night the sign face display light shall not exceed a brightness levels of more than 0.3 foot-candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area. Illuminance measurement requires two steps: First—ambient light shall be measured with the sign turned off. Second—sign light output shall be measured with the sign turned on as a solid white display. The difference between the two measurements shall be 0.3 foot-candles or less. The distance at which to take measurements is calculated with the following formula and rounded to the next whole number: Measurement distance = √ (Area of sign square feet × 100).~~

(l~~o~~) The tallest portion of the reconstructed sign, including appurtenances, shall not exceed the permitted building height in the commercial district.

(m~~p~~) The sign agreement shall not contain any provision that would require the city shall not be required to pay compensation for any sign removed or not rebuilt pursuant to the agreement.

(n~~q~~) The reconstructed sign shall comply with setback, landscaping, and architectural standards consistent with the requirements for the construction of a building within the zoning district and applicable design manuals.

(f) In an effort to reduce the number of nonconforming signs located within the city that have a sign face greater than 200 square feet, an existing nonconforming sign with a sign face greater than 200 square feet can be reconstructed pursuant to the authority set forth in F.S. § 70.20, if the reconstruction agreement complies with all of the requirements set forth as follows:

(1) A sign face may be reconstructed in exchange for the removal of at least two (2) sign faces located within the city where each sign face to be removed is greater than 200 square-feet. This exchange shall comply with all of the requirements set forth as follows:

(a) Only an existing sign located along the I-95 corridor can be reconstructed to have a new sign face and the sign being reconstructed shall be located on the same property and same location as the existing sign.

(b) A reconstructed sign can only be located on property that abuts the I-95 right-of-way, or within the I-95 right-of-way. A reconstructed sign cannot be located on property with a residential zoning district.

(c) The sign owner shall submit a proposed reconstruction agreement to reconstruct a sign for the city for review.

(d) City Council shall determine whether to approve or deny the proposed reconstruction agreement submitted in accordance with this section; The reconstructed sign shall be a nonconforming sign.

(e) The sign face for a reconstructed sign shall not exceed the square footage of the largest sign face removed as part of the exchange.

(f) Structural components surrounding the reconstructed sign face shall not exceed a size of ten percent of the sign face.

(g) The reconstructed sign may have a sign face with a change copy, and if electronic or digital, the frequency of copy change shall not be less than eight-second intervals, and the maximum transition time between messages shall not exceed one second.

(h) The reconstructed sign, if electronic or digital, shall provide a high-resolution picture quality with pixel spacing of 20 millimeters or less. Messages shall not display any illumination that moves, appears to move, flashes, scrolls, or changes in intensity during the static display period, but static graphic pictures may be displayed with no limitations on color. Messages shall not operate at a brightness level of more than 5,000 foot-candles during the day and 500 foot-candles from dusk to dawn. Each digital sign shall have a light-sensing device to adjust the brightness of the sign face as ambient light conditions change. A malfunctioning sign face must be turned off or display a blank screen. Sign shall display emergency announcements or alerts, including, but not limited to Amber Alerts, Silver Alerts, and Evacuation Alerts on the sign at no charge on an as-needed basis as determined by the City.

(i) The tallest portion of the reconstructed sign, including appurtenances, shall not exceed the current height of the existing sign being reconstructed.

(j) All new utilities to the reconstructed sign shall be undergrounded

(k) The non-conforming sign being removed as part of the exchange shall be removed prior to the issuance of the building permit to reconstruct a non-conforming sign subject to an approved reconstruction agreement.

(~~6~~ g) The casual, temporary, or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.