



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, June 26, 2025

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 16
CASE NO.: DCAM-25-0001
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager, 386-506-5671

Amendment to Chapter 16 of the Land Development Code (LDC) regarding home-based businesses.

5. APPLICATION: LDC TEXT AMENDMENT/CHAPTER 20
CASE NO.: DCAM-25-0002
APPLICANT: City of Port Orange
STAFF CONTACT: Tim Burman, Community Development Director, 386-506-5675

Amendment to Chapter 20 of the Land Development Code (LDC) to add assistance with fees or mitigation costs required by County or State review agencies related to preparing a site for development.

C. OTHER BUSINESS

6. Commissioner Comments
7. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

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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
May 22, 2025

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chair Thomas Jordan at 5:30 p.m.

CALL TO ORDER

1. Pledge of Allegiance

2. Roll Call

Present: Chair Thomas Jordan
Vice Chair Bo Bofamy
Commissioner Stan Schmidt
Commissioner Maria Mills-Benat
Commissioner Scott Steger
Commissioner Mark Bowling
Commissioner Daniel Mallegol

Also Present: Shannon Balmer, City Attorney
Tim Burman, Community Development Director
Christine Clowes, Administrative Assistant

DISCUSSION/ACTION

3. Consideration of Minutes

Motion to approve the March 27, 2025 meeting minutes as presented was made by Vice Chair Bo Bofamy and Seconded by Member Maria Mills-Benat. Motion carried unanimously by voice vote.

4. APPLICATION: VARIANCE/1470 Bay Grove Drive
CASE NO.: VARC-25-0002
APPLICANT: Jason and Kim Milak
STAFF CONTACT: Suzette Cameron, Senior Planner, (386) 506-5676

A request for a variance from the Land Development Code (LDC) to reduce the side yard setback for a pool from 8 feet to 5 feet 8 inches.

Motion to approve Variance/1470 Bay Grove Drive Case No.: VARC-25-0002 was made by Member Stan Schmidt and Seconded by Member Maria Mills Benat.

Suzette Cameron, Senior Planner, presented the item and answered Commission Member's questions.

Jason Miller, applicant, provided further details regarding the variance and why he seeks approval.

Brian Larone with Artisian Pools 762 S. Nova Road offered to answer any questions regarding equipment to be used and how the work will be completed.

Member Mills-Benat asked if a screen enclosure would be installed. Mr. Miller advised that an enclosure would not be installed. There is a fence in place that meets all the code requirements.

Micheal Leonarda, resident, expressed his concern about runoff and possible flooding from the pool during storms, as their yards are close together.

Ms. Cameron provided information to Mr. Leonarda regarding the fence and the spacing of properties.

Chair Thomas Jordan explained that nothing could be constructed in the easement, so the drainage area would not be affected.

Motion carried unanimously by roll call vote.

5. APPLICATION: CONVENTIONAL REZONING/422 Jefferson Avenue
CASE NO.: REZONING-25-0003
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671

A request for an administrative rezoning to change the zoning of a ±0.26-acre property from Community Commercial (CC) to Neighborhood Preservation (NP).

Motion to approve Conventional Rezoning/422 Jefferson Avenue Case No.: REZONING-25-0003 was made by Member Stan Schmidt and Seconded by Member Maria Mills-Benat.

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Penelope Cruz, Planning Manager, presented the rezoning item and provided a brief history regarding Neighborhood Preservation and past zoning of this area.

Motion carried unanimously by roll call vote.

OTHER BUSINESS

6. Commissioner Comments

Chair Jordan commended City staff, saying they are doing a great job.

7. Staff Comments

Tim Burman, Community Development Director, answered the Commissioners' question regarding Aldi's opening.

PUBLIC COMMENTS

There were none.

ADJOURNMENT - 5:57p.m.

Chair Thomas Jordan



STAFF REPORT

CASE NO. DCAM-25-0001

LDC TEXT AMENDMENT

CHAPTER 16 – HOME-BASED BUSINESSES

REQUEST:	Amend Chapter 16 of the Land Development Code (LDC) regarding home-based businesses.
APPLICANT:	City of Port Orange
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Penelope Cruz, Planning Manager, 386-506-5671
PLANNING COMMISSION:	June 26, 2025

BACKGROUND

Recent legislation regulating home-based businesses became effective with the adoption of HB 403, amending 559.955, Florida Statutes. More specifically, HB 403 prohibits local governments from taking certain actions relating to the licensure and regulation of home-based businesses; specifies conditions under which a business is considered a home-based business; authorizes home-based businesses to operate in areas zoned for residential use; specifies that home-based businesses are subject to certain business taxes; and authorizes the prevailing party in a challenge to local regulations to recover reasonable attorney fees and costs incurred instituting or defending a legal action concerning the validity of a local government's home-based business regulations.

Currently, the city allows home-based businesses to operate in all residential zoning districts, but prohibits outside employees, prohibits certain occupations (e.g. beauty and barber shops, motor vehicle and boat repairs, and photography studios), limits the type of signage allowed, restricts storage of equipment or supplies associated with the home occupation outside the dwelling, and limits the floor area that may be dedicated to the business. Prior to the adoption of HB 403, amending 559.955, Florida Statutes, a home-based business that did not meet these criteria was not considered a home occupation and would not be permitted to operate in a residential zoning district.

HB 403 requires all municipal governments to allow a home-based business to operate in a residential zoning district and may not prohibit, restrict, regulate, or license it in a manner different from other businesses within the local government's jurisdiction. For a home-based business, per HB 403, a local government still has the ability to :

- require business taxes;
- restrict the number of employees who work in the business, but reside elsewhere to 2 persons on premises;
- regulate truck, trailer, or heavy equipment parking and storage;
- prohibit a home occupation with a greater volume of traffic than a residence where no business is conducted;
- require a property to maintain a residential character;

- prohibit business operations in an accessory structure;
- regulate signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors, more than would be expected in a residential neighborhood; and
- regulate the use of hazardous materials.

The language in section 559.955, Florida Statutes, regarding home-based business limits local regulation, and the City's current regulations for home-based businesses are no longer enforceable. Similar to what other local governments in Florida have done, the proposed amendment is to adopt the requirements from 559.955, Florida Statutes, into the Land Development Code (LDC) in order to comply with the state regulations.

PROPOSED AMENDMENT

A general description of the provisions included in section 559.955, F.S., and that are proposed to replace existing provisions in the LDC is as follows:

- A home-based business is allowed to operate on a lot in a residential zoning district, and may not be prohibited, restricted, regulated, or licensed in a manner different from other businesses within the local government's jurisdiction.
- A "home-based business" is defined as one that has employees that both work and dwell in the residence that is the site of the home-based business, but still allows up to two employees or independent contractors to work there in addition, as well as allowing additional remote employees that do not work at the physical site.
- The statute does not have a defined list of the types of businesses that qualify as home-based businesses. Instead, any business that can operate in compliance with the new criteria would qualify as a home-based business.
- A home-based business must conform visually with the rest of the neighborhood, and retail transactions may only occur in the dwelling.
- Local governments may regulate parking requirements for commercial vehicles and trailers parked at a home-based business. Commercial vehicles and trailers cannot be parked in the street right-of-way, on or over a sidewalk, or on any unimproved surfaces, similar to a home without a home-based business.
- The parking or storage of materials, equipment, and heavy equipment (commercial, industrial, or agricultural equipment/vehicles/machinery) shall not be visible from the street or neighboring property.
- A home-based business activity must comply with local government regulations concerning signage and equipment or processes that generate noise, heat, vibration, smoke, dust, glare, fumes, etc., provided also that such regulations may not be more stringent than those that apply to a residence where no business is conducted.

- Regulations concerning the storage of hazardous, flammable, corrosive, or combustible material may not be more stringent than those that affect a home without a business.

The provisions of section 559.955, Florida Statutes, regarding home-based businesses do not supersede Homeowner Association (HOA) or Condominium Owner Associations (COA) restrictions, or local government regulations on transient public lodging, and the collection of local business tax is still allowed. Approval of this amendment will ensure that the City maintains the ability to enforce the state-required minimum regulations for a home-based business.

RECOMMENDATION

Staff recommends approval of the text amendment to Chapter 16 of the Land Development Code.

ATTACHMENT

Exhibit 1 – Proposed Amendment

EXHIBIT 1

LAND DEVELOPMENT CODE

Chapter 16 - MISCELLANEOUS REGULATIONS

Section 1: - Accessory uses and structures.

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

(e) *Outside storage.* Outside storage of new and used equipment and materials shall be regulated as follows.

(1) *Residential uses.*

(a) Outside storage of materials and equipment shall be restricted to the rear or side yard area and screened by an opaque fence or hedge so that such materials and equipment are not visible from any public right-of-way or adjoining lot.

~~(b) Materials and equipment such as appliances, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. Additionally, u~~Unlicensed/unregistered, disabled, abandoned, or inoperable motor vehicles shall not be stored outside. Unlicensed/unregistered, disabled, abandoned or inoperable recreational vehicles or equipment (as defined in section 70-48 of this Code of Ordinances) shall not be stored outside unless awaiting repair and stored pursuant to section 70-48(h). This prohibition shall not apply to licensed/registered and operable motor vehicles, recreational vehicles and equipment and other such vehicles, which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on site.

(c) Unless otherwise stated, temporary storage containers (e.g. PODS) shall be restricted to the driveway for a period not to exceed 72 hours in any continuous 30-day period. However, if said container is placed as permitted and is related to an improvement that has been issued a building permit, said container will be permitted for the duration of the building permit and shall be removed prior to the city's issuance of a certificate of occupancy or completion.

[No changes to subsections (e)(2) through (4) and (f)]

Section 2: - Home-based businesses occupations.

(a) A home-based business that operates from a residential property may operate in an area zoned for residential use in compliance with this section and §559.955, Florida Statutes, as amended. A business is considered a home-based business if it operates, in whole or in part, from a residential property. All home-based businesses shall comply with the following criteria as conditions of a home-based business local business tax receipt: *intent.* The purpose of this section is to accomplish the following:

(1) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

- (2) Parking related to the business activities of the home-based business complies with local zoning requirements, and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.
- (3) The parking of commercial vehicles and trailers related to home-based businesses shall be regulated in the same manner as any other commercial vehicle or trailer parked or stored on residential property, and shall not be parked:
 - (a) Within the right-of-way;
 - (b) On or over a sidewalk; or,
 - (c) On any unimproved surfaces.
- (4) Outside storage of materials and equipment shall comply with Chapter 16, Section 1(e)(1)(a). Heavy Equipment, as defined in §559.955, Florida Statutes, shall be restricted to the rear or side yard area and screened by an opaque fence or hedge so that such heavy equipment is not visible from any public right-of-way or adjoining lot.
- (5) As viewed from the street, the use of the residential property must be visually consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a business must conform to the residential character and architectural aesthetics of the neighborhood.
- (6) The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
- (7) The activities of the home-based business are secondary to the property's use as a residential dwelling.
- (8) The home-based business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a home-based business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no home-based business is conducted.
- (9) All home-based business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a home-based business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no home-based business is conducted.
- (10) The application of this section does not supersede local laws, ordinances, or regulations related to transient public lodging establishments, as defined in Florida Statutes, that are not otherwise preempted under Florida Statutes.
- (11) Home-based businesses shall be subject to all other applicable ordinances and regulations.
- (12) Any business that does not meet the definition of a home-based business in Section 559.955, Florida Statutes, is not considered a home-based business, and is not permitted to operate in a residential zoning district.

~~(1) Permit residents of the city a broad choice in the use of their home as a place of livelihood and the production or supplementing of personal and family income:~~

(2) Protect residential areas from adverse impacts of activities associated with home occupations.

(3) Establish criteria and development standards for home occupations conducted in residential uses.

(b) *Permitted home occupations.*

(1) Office uses: Professional and business office activities that do not involve clients, customers or employees visiting the premises. Examples shall include but not be limited to; administrative offices for off-site commercial or industrial businesses; offices for businesses that provide off-site services to customers, such as bookkeepers or accountants; or professional offices, such as real-estate sales and brokerage, for which meetings or appointments with clients are held off-site.

(2) Off-site sales of customary hobby crafts produced at hobbyist volumes in the home by family members. Such hobby crafts may include, but are not limited to, needlework, woodwork, or visual artwork.

(3) Off-site provision of services to other homeowners that does not involve the use of tools or machinery in size or numbers beyond that customarily found in a residence of that size.

(4) Private instruction of no more than one student per session.

(c) *Prohibited home occupations.*

(1) Motor vehicle and boat repair.

(2) Beauty and barber shops.

(3) Child care center or nursery school (except for those specifically permitted by the State of Florida Department of Health and Rehabilitative Services).

(4) Amplified musical instrument instruction.

(5) Photography studio.

(6) Real estate sales and brokerage, for which meetings appointments with clients are held on-site.

(7) Retail sales (except garage sales).

(8) Painting of vehicles, trailers or boats.

(9) Upholstering.

(10) Welding.

(11) Taxidermy.

(12) Tattoo establishment.

(13) Any use not specifically permitted by [chapter 16](#), section 2(b) above.

(d) *Restrictions.* Home occupations are permitted accessory uses in all residential zones and subject to the following restrictions.

(1) No persons other than members of the family residing on the premises shall be engaged in the home occupation.

(2) The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its residential use, and there shall be no change in the appearance of the dwelling or outside evidence of nonresidential use, except for a maximum one square foot nonilluminated wall sign located adjacent to the main entrance of the structure.

(3) Any business that involves storage, processes, employees, equipment or any other activity not permitted by this section shall provide proof of a properly zoned and licensed business location housing those activities. The said nonpermitted storage, processes, employees, equipment or other activity shall not be permitted at the location of the home occupation.

(4) No home occupation shall occupy more than 20 percent of the air conditioned first floor area of the residence. New construction of additional air conditioned floor space shall not

be eligible for this definition for two years after its completion according to the date of the certificate of occupancy. No accessory structure shall be used as part of a home occupation, except for the storage of customary homeowner tools and equipment at normal levels typically found in a typical home:

(5) There shall be no display of products visible in any manner from the outside of the dwelling.

(6) No advertising shall carry the residential address of the home occupation.

(7) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

(8) There shall be no storage of equipment or supplies associated with the home occupation outside the dwelling.

(9) No home occupation shall generate traffic on a regular basis greater than that customarily generated by the type of residence involved.

(10) No equipment or process shall be used in a home occupation which creates excessive noise, vibration, glare, fumes, or odor detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing in the neighborhood.

(11) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the customary average for similar type residences within the city.

(12) Home occupations shall be subject to other limitations as provided in this code and all other applicable ordinances and regulations.



STAFF REPORT

CASE NO. DCAM-25-0002
LDC Amendment/Chapter 20

REQUEST:	Approve amendment to Chapter 20 of the Land Development Code (LDC) to add assistance with fees or mitigation costs required by County or State review agencies related to preparing a site for development.
APPLICANT:	City of Port Orange
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Tim Burman, Community Development Director (386) 506-5675
PLANNING COMMISSION:	June 26, 2025

INTRODUCTION

Over the last several years, staff has prepared amendments to the LDC support the City's redevelopment efforts. Those amendments included adding uses such as "Brewery" and "Farmers Market," incentives for the redevelopment of targeted businesses, establishing site development standards for the redevelopment of infill commercial properties, alternative signage options, and entrainment districts (Riverwalk and Down Under), and extending the time period after a Certificate of Occupancy is issued to request a refund of building permit and site development fees. Like the past amendments, the proposed amendment is intended to support the expansion of existing targeted businesses and encourage development of new targeted businesses.

SUMMARY OF PROPOSED AMENDMENT

The proposed amendment is part of an ongoing effort to improve and update the Land Development Code. It is specifically intended to support the City's development and redevelopment goals, specifically within the Port Orange Town Center Community Redevelopment Area (CRA) and Eastport Business Center CRA. The amendment would allow developers of targeted businesses to request assistance, through an Economic Incentive Agreement (EIA); with fees or mitigation costs required by outside County or State review agencies related to site preparation. These may include expenses such as tree mitigation payments and gopher tortoise mitigation contributions and relocation costs. This amendment does **not** alter the existing EIA request process. All EIA requests will continue to be reviewed by the City Council, which retains full discretion to approve or deny agreements for any business, including targeted businesses.

Over the last several years, the city has approved Economic Incentive Agreements (EIA) that waived or refunded building permit or side development (PUD/PCD, Site Plan, Future Land Use Amendment, Rezoning, etc.) fees for recent projects. The LDC currently allows the City Council to consider waiving or refunding building permit and site development fees for targeted businesses developed, but the request must be made within one year from when the Certificate of Occupancy was issued. The list of city-wide targeted

businesses is defined in the LDC and includes the following uses: marina; full-service hotel with multi-room conference center serving not less than 500 conference participants; college/university; aviation operations; professional sport operations; entertainment industry operations; regional distribution facility; Fortune 500 company; corporate headquarters; master developer(s) for the riverwalk, causeway or down under districts; master developer(s) for the Eastport Business Center redevelopment area; commercial or industrial venture(s) promising extensive value-added jobs; any other enterprise/project referenced within the City's vision statement.

RECOMMENDATION

Approval of the amendment to Chapter 20 of the Land Development Code.

ATTACHMENT

Exhibit 1 – Proposed Amendment to Chapter 20 of the Land Development Code

EXHIBIT 1

Words ~~stricken~~ are deletions; words underlined are additions.

City of Port Orange Land Development Code Chapter 20 - ECONOMIC DEVELOPMENT INCENTIVES

[No changes to Section 1]

Section 2: Overview of available city incentives.

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

- (k) *Targeted businesses program.* The targeted businesses program (TBP) is hereby created to provide assistance to unique business ventures which, from time to time, may be targeted by the city by virtue of the anticipated socio-economic benefits. Targeted businesses may be extended incentives to aid in retaining their operations within the city; to aid in enhancing/expanding their operations in the city, or to aid in relocating their operations to viable property within the city. If approved, an agreement shall be prepared outlining the given incentives, their allocation and the conditions applicable thereto. The agreement shall then be executed and carried out in accordance with its terms.
- (1) *Targeted businesses—City-wide.* The following businesses shall be targeted businesses city-wide and may be extended assistance by the city pursuant to review and approval by the city council: marina; full service hotel with multi-room conference center serving not less than 500 conference participants; college/university; aviation operations; professional sport operations; entertainment industry operations; regional distribution facility; Fortune 500 company; corporate headquarters; master developer(s) for the riverwalk, causeway or down under districts; master developer(s) for the Eastport Business Center redevelopment area; commercial or industrial venture(s) promising extensive value-added jobs; any other enterprise/project referenced within the city's vision statement; and any other enterprise/project proposed and supported by ordinance of council.
- (a) *City council approval.* The city council shall retain the sole discretion to award or decline incentives in whole or in part and shall be under no obligation to enter into an incentive agreement with any particular business whether or not listed in subsection (k)(1) as stated above. In arriving at a decision the council shall consider the critical factors, including but not limited to the following: number of jobs, number of value added jobs, average wage, type of business venture, how the business venture addresses the critical needs within the city, location of business venture, value of construction, significance of improvements, anticipated tax revenue, multiplier implications on the local economy, health of the economy, availability of city funds and other factors deemed essential by the city council. To be considered by council, a written request providing a detailed overview of the business/project and the circumstances surrounding the need for assistance, shall be submitted to the city.
- (b) *Possible incentives.* Possible city incentives which may be extended to a targeted business as defined herein include, but shall not be limited to, one or more of the following: waive fees for applications, permits and/or inspections; grants/loans; assistance with permit fees or mitigation for wetlands, trees, and gopher tortoises wetland mitigation; engineering, landscaping, surveying, architectural design services; pre-permitted sites; dollars for value-added jobs; utility cost-sharing; and expedited review and approval.

- (c) *Request.*
 - (1) For properties not located in the Port Orange Town Center CRA or Eastport Business Center CRA, requests shall be filed with the city within one year of the issuance of a certificate of occupancy (C/O).
 - (2) For properties located in the Port Orange Town Center CRA or Eastport Business Center CRA, requests shall be filed with the city within six years of the issuance of a certificate of occupancy (C/O) so long as the business for which the certificate of occupancy (C/O) was initially issued is still operating.
 - (d) *Accountability.* In situations where the city council elects to issue a grant based on the type, number and/or wages associated with jobs to be created then the required agreement shall specify; a) by what time (e.g. 18 months from commencement of construction) the targets must be met; b) the penalty specifics if the targets are not met, such as reimbursing the city to a prorated dollar amount based on the number/type/wage of jobs falling short of the respective targets, with interest; and c) when the city's grant shall be issued meaning at the time the certificate of occupancy is issued, half now/half later or when the targets are met. Incidentally, the city shall verify whether targets have been met by reviewing an audit of the business in question at their expense. In situations where the city council elects to issue a grant based on the size and/or value of the physical improvements to the property, then the agreement shall address similar specifics.
- (2) *Targeted businesses—Ridgewood Corridor.* The following businesses shall be targeted businesses along the Ridgewood Corridor and may be extended assistance by the city: restaurants; professional offices; adult/vocational education; appliance/electronic repair shops; business service; convenience stores without fuel operations; financial services; fleet-based services; health/exercise club; laboratory, research and development; personal services; developments that assemble land to create a connection from Ridgewood to the riverfront; water-based businesses (e.g. watersports sales and rentals, such as kayaks, jet skis, paddle boards, etc., water taxis, boat tours, fish markets, bait and tackle shops); eco-tourism (e.g. guided tours); grocery store; craft food and beverage producer; microbrewery; manufacturing (craftsman shop and limited); retail home building materials; and any other enterprise/project with an anticipated socio-economic benefit and supported by the city council.
- (a) *Approval.* The city manager is authorized to award or decline incentives in whole or in part and shall be under no obligation to enter into an incentive agreement with any particular business whether or not listed in subsection (k)(2) as stated above. In arriving at a decision, the city manager shall consider the following factors, including but not limited to: whether the proposed business may conceivably spur similar investment in surrounding properties, whether the proposed business is expected to have a positive socio-economic impact on the Ridgewood Corridor, availability of city funds and other factors deemed essential by the city manager. To be considered by the city manager, a written request providing a detailed overview of the business/project and the circumstances surrounding the need for assistance, shall be submitted to the city. Priority for redevelopment grants shall be as identified in subsection (j)(2).
 - (b) *Possible incentives.* Possible city incentives which may be extended to a targeted business as defined herein include, but shall not be limited to, one or more of the following: waive fees for planning and engineering applications, permits and/or inspections; grants/loans; **assistance with permit fees or mitigation for wetlands, trees, and gopher tortoises;** dollars for value-added jobs; utility cost-sharing; phased site improvements; and expedited review and approval.
 - (c) *Request.* Requests shall be filed with the city within one year of the issuance of a certificate of occupancy (C/O).
 - (d) *Accountability.* In situations where the city manager elects to issue a grant based on the type, number and/or wages associated with jobs to be created then the required agreement shall specify; a) by what time (e.g. 18 months from commencement of construction) the targets must

be met; b) the penalty specifics if the targets are not met, such as reimbursing the city to a prorated dollar amount based on the number/type/wage of jobs falling short of the respective targets, with interest; and c) when the city's grant shall be issued meaning at the time the certificate of occupancy is issued, half now/half later or when the targets are met. Incidentally, the city shall verify whether targets have been met by reviewing an audit of the business in question at their expense. In situations where the city manager elects to issue a grant based on the size and/or value of the physical improvements to the property, then the agreement shall address similar specifics.

- (e) *Rescinding approval.* If a request is approved, the construction of the improvements has not commenced and the applicant then decides to significantly revisit the conditions/circumstances as approved, then the city manager shall have the right to rescind said approval, and the applicant shall be required to re-apply based on the revised set of conditions and circumstances.
- (f) *Transfer of approvals.* Approvals run with the business and property. An approval may only be transferred to another individual, for that same business on that same property, subject to an appropriate amendment to the incentive agreement.
- (g) *Expiration of approval.* Incentives shall expire if within 12 months of the request being filed, the development order or the principal building permits as applicable have not been issued, or if at the discretion of the administrative official, are not imminent.