



**AGENDA**  
**PLANNING COMMISSION**  
**CITY OF PORT ORANGE**

**Meeting Date:** Thursday, July 31, 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: VARIANCE/5784 TAYLOR BRANCH ROAD  
CASE NO.: VARC-25-0003  
APPLICANT: Robert Ziegenfuss, Z Development  
STAFF CONTACT: Penelope Cruz, Planning Manager (386) [506-5671](tel:506-5671)/[pcruz@port-orange.org](mailto:pcruz@port-orange.org)

A request for variances from the Land Development Code to allow the redevelopment of 5784 Taylor Branch Road into a Dutch Bros Coffee shop. Due to site constraints, the applicant is requesting the following variances: a reduction in parking space width from 10 feet to 9 feet; and a reduction of the landscape buffer along Dunlawton Avenue and Taylor Branch Road to allow a variable-width buffer, ranging from a minimum of 5 feet to a maximum of 12 feet.

5. 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](mailto:tburman@port-orange.org)

A request by Lamar Advertising Company to amend the Land Development Code (LDC) to allow billboard owners to submit a reconstruction agreement for approval. The amendment would allow for the conversion of an existing static billboard sign face to a digital sign face, in exchange for the removal of other billboard sign faces within the City of Port Orange. The amendment also establishes criteria and standards for the placement and operation of reconstructed digital billboard sign faces.

6. APPLICATION: ADMINISTRATIVE REZONING  
CASE NO.: REZONING-25-0004  
APPLICANT: City of Port Orange  
STAFF CONTACT: Penelope Cruz, Planning Manager (386) [506-5671](tel:3865065671)/[pcruz@port-orange.org](mailto:pcruz@port-orange.org)

An administrative rezoning for 12 properties located on the east side of the City of Port Orange, generally east of Spruce Creek Road. The proposed rezonings are to resolve zoning inconsistencies, bring the properties into compliance with the City's Comprehensive Plan, and ensure consistency with the surrounding zoning patterns as well as the historic and/or current use of the property.

7. APPLICATION: LDC TEXT AMENDMENT/ CHAPTERS 3, 5, 12, 15, and 16  
CASE NO.: DCAM-25-0003  
APPLICANT: City of Port Orange  
STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675/[tburman@port-orange.org](mailto:tburman@port-orange.org)

An administrative amendment to the Land Development Code (LDC) to improve and update the content of the LDC, as part of an ongoing maintenance effort. The proposed amendments include clarifications and minor changes that make the code more efficient to use, support the City's redevelopment efforts, and compliance with recently adopted state legislation regarding the administrative approval of subdivision plats.

### **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](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2

Planning Commission Meeting

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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  
JUNE 26, 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

DISCUSSION/ACTION

3. Consideration of Minutes - May 22, 2025

Motion to approve the May 22, 2025 minutes as presented was made by Vice Chair Bo Bofamy and Seconded by Commissioner Maria Mills-Benat. Motion carried unanimously by voice vote.

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.

Motion to approve the LDC Text Amendment/Chapter 16 Case No. DCAM-25-0001 was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Stan Schmidt.

Penelope Cruz, Planning Manager, introduced the item and mentioned it is a clean-up item to comply with Florida Statutes.

Robert Reinhausen, spoke on homeowner's association regulations and asked if a local neighborhood would be permitted to create a homeowner's association and drive someone out of their neighborhood.

Tim Burman, Community Development Director, mentioned the City cannot enforce the homeowner association's rules, nor can they tell them what rules they should have. This

would be a private matter between the HOA and the property owner.

Motion carried unanimously by roll call vote.

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.

Motion to approve the LDC Text Amendment/Chapter 20 Case No. DCAM-25-0002 was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Scott Steger.

Mr. Burman introduced the item and answered the Commissioner's questions.

Motion carried unanimously by roll call vote.

OTHER BUSINESS

6. Commissioner Comments

Great job to City staff.

7. Staff Comments

Mr. Burman, advised the Planning Commission meeting for the month of July will be on July 31, 2025.

PUBLIC COMMENTS

There were none.

ADJOURNMENT - 5:44 p.m.

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Chair Maria Mills-Benat



# STAFF REPORT

## CASE NO. VARC-25-0003

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**REQUEST:** Variances from Chapter 12, Section 6(b) and Chapter 13, Section 3(d) of the Land Development Code (LDC) to reduce the parking space width and right-of-way landscape buffer width requirements.

**LOCATION:** 5784 Taylor Branch Road (Figure 1)

**OWNER:** Arkagas LLC

**APPLICANT:** Robert Ziegenfuss, Z Development Services

**STAFF RECOMMENDATION:** Approval

**STAFF CONTACT:** Penelope Cruz, Planning Manager (386) 506-5671

**PLANNING COMMISSION DATE:** July 31, 2025

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### PROPERTY OVERVIEW

The subject property is  $\pm 0.58$  acres ( $\pm 25,382$  square feet) and located between Dunlawton Avenue, Taylor Branch Road, and Journey's End Way. The site was previously developed as a gas station with a convenience store. The gas station is no longer open and the site is currently abandoned.

**Figure 1. Location Map**



**Figure 2. Current Conditions**



**DISCUSSION**

The applicant has indicated that the requested variances are necessary to accommodate the redevelopment of the site with a ±986 square-foot Dutch Bros Coffee shop with a drive-thru, along with associated site improvements. The subject property is zoned Interchange Commercial Development (ICD), and the proposed coffee shop with drive-thru is a permitted use within this zoning district.

As the site is being redeveloped, the Land Development Code (LDC) requires the property to be brought into compliance with current development standards. These required upgrades include, but are not limited to, improvements to parking, stormwater retention, landscaping and buffer areas, irrigation systems, signage, and architectural design.

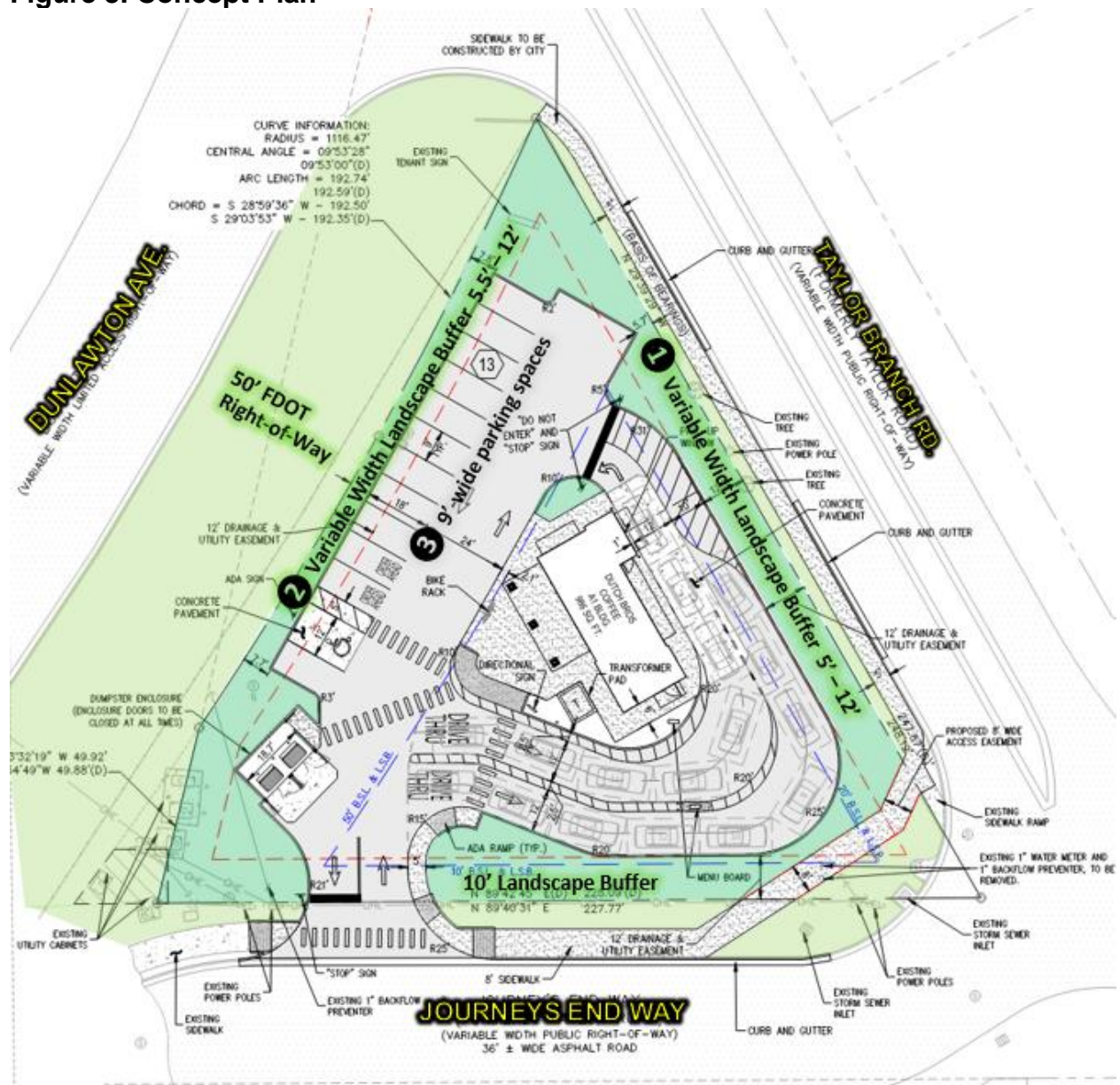
The property is uniquely configured as a triangle and is bounded on all three sides by public rights-of-way. According to the applicant, the lot's size and configuration present significant challenges in meeting all LDC site design requirements. City staff has worked closely with the applicant to identify the necessary site improvements while minimizing both the number and extent of requested variances.

To support the redevelopment of this infill site, the following variances are being requested:

1. A variable width landscape buffer with a maximum width of 12' and a minimum width of 5' along Taylor Branch Road in lieu of a 20' landscape buffer [Ch. 13, Sec. 3 of the LDC];
2. A variable width buffer with a maximum width of 12' and a minimum width of 5.5' along Dunlawton Avenue in lieu of a 50-foot landscape buffer [Ch. 13, Sec. 3 of the LDC]; and
3. A parking space width of 9' in lieu of 10-feet [Ch. 12, Sec. 6(d) of the LDC].

The variances, if granted, will assist in redeveloping a site, along the Dunlawton Avenue corridor, at the entry into Port Orange, located off I-95, to be redeveloped in a manner that would improve the overall appearance of the site and this area of Port Orange.

**Figure 3. Concept Plan**



### Roadway Landscape Buffers

The LDC requires all commercial developments adjacent to a roadway to provide a landscape buffer. These buffers must include trees, shrubs, and groundcover to help screen commercial development from public rights-of-way and to support the City's goal of promoting attractive, well-vegetated corridors along major roadways.

According to the LDC, the following landscape buffers are required adjacent to the subject property:

- A 50-foot-wide landscape buffer along Dunlawton Avenue
- A 20-foot-wide buffer along Taylor Branch Road
- A 10-foot-wide buffer along Journeys End Way

Due to site constraints caused by the size and triangular configuration of the property, the applicant is requesting to reduce the buffer widths along Dunlawton Avenue and Taylor Branch Road to create space on the lot for parking and the drive-thru for the coffee shop. The applicant is proposing to install the following buffers in lieu of the required buffers widths:

- A variable-width buffer along Dunlawton Avenue, ranging from a maximum of 12 feet to a minimum of 5.5 feet, in lieu of the required 50 feet.
- A variable-width buffer along Taylor Branch Road, ranging from a maximum of 12 feet to a minimum of 5 feet, in lieu of the required 20 feet.

Currently, a few existing trees are located within the adjacent rights-of-way, but there are no defined landscape buffers along the three road frontages. However, along the western property line (adjacent to Dunlawton Avenue), there is an approximately 50-foot-wide grassed area within the Dunlawton Avenue right-of-way. This area will remain in place and will continue to provide visual separation between the property and the roadway.

The applicant has indicated that every effort will be made to maximize the installation of landscape materials (shade trees, understory trees, and shrubs) within the modified Dunlawton Avenue and Taylor Branch Road landscape buffers. While the proposed buffer widths are reduced, the addition of landscape buffers on the site will represent a significant enhancement over existing conditions. These improvements will enhance the visual appeal of the site from adjacent roadways, particularly along Dunlawton Avenue, one of the City's primary corridors.

### Parking Space Width

The LDC currently requires a minimum width of 10 feet for standard parking spaces. The applicant is requesting approval to allow 9-foot-wide spaces to accommodate the number of parking spaces required for the proposed use and to meet the operational needs of the end user, Dutch Bros Coffee.

According to the applicant, reducing the parking space width to 9 feet for the redevelopment of this site is necessary to:

- Satisfy the parking requirements for the proposed use,
- Maintain adequate circulation and maneuverability within the site, and
- Ensure efficient vehicle access to and from the property.

The requested 9-foot-wide parking space dimension is consistent with parking standards adopted by other cities in the region (see Table 1) and has been approved by the city through several Master Development Agreements (MDAs) and variances for other infill redevelopment projects. Based on the use of developed 9-foot-wide parking spaces within commercial developments in Port Orange via approvals in MDAs or variances over the last 15 years, the 9-foot-wide spaces provide sufficient accommodation for standard passenger vehicles and align with accepted engineering standards.

**Table 1. Standard Parking Space Width Comparison**

	Standard Parking Space Width Requirements
<b>Requested Parking Space With for this Variance</b>	<b>9'</b>
Port Orange	10'
New Smyrna Beach	10'
Daytona Beach	9'
Ormond Beach	9'
Deland	9'
South Daytona	9'
Daytona Beach Shores	9'

**REVIEW OF VARIANCE CRITERIA**

Chapter 19, Section 1, of the LDC, lists the review criteria that are used to determine whether the variances requested should be granted. These criteria, accompanied by staff's responses, are listed below.

- a) *Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structure or buildings in the same zoning district.*

The subject property is 25,382 square-feet in size and is a non-conforming lot that does not meet the minimum lot size (30,000 square-feet) for a property zoned Interchange Commercial district (ICD). The current configuration of the subject property was created in 1981 but the building on the property was built in the mid-1970's. According to the applicant, the size and configuration of the subject property create unique circumstances that make redevelopment under current codes more challenging compared to other lots in the ICD zoning district, which typically have a minimum lot size of over 30,000 square feet.

The applicant also cites that the size and configuration of subject property, along with it be bound by three roadways which require three landscape buffers, are a special conditions and circumstances specific to the subject property on a smaller and uniquely configured property. If the three required landscape buffers where met, the remaining area available for development would only be ±9,790

square-feet (0.22 acres) rendering the property undevelopable for most commercial uses.

Currently, there are 17 properties in Port Orange zoned Industrial/Commercial District (ICD), with an average lot size of 83,341 square feet, approximately three times larger than the subject property (25,381 square-feet). The applicant cites that the significantly smaller size of the subject property compared to other ICD-zoned properties is a unique condition or circumstance that is not common among other ICD-zoned properties. The limited lot size substantially reduces the area available for development and presents challenges specific to this site.

- b) *The special conditions and circumstances are not result of actions of the property owner.*

The special conditions and circumstances are not actions of the current owner. The subject property was established in its current configuration in 1981, and the current owner acquired the property in 2022.

- c) *Literal interpretation and enforcement of the land development code regulation would deprive the property owner of rights commonly enjoyed by other properties in the same zoning district under terms of the development code, and would work unnecessary and undue hardship on the property owner.*

As part of the development approval process, all properties are required to be brought into compliance with the current development requirements of the LDC when a site is being redeveloped.

The intent of the roadway landscape buffer requirements is to improve aesthetics along corridor, screen development from roadways, and to maintain and enhance an attractive environment within the city. The proposed landscape buffers will enhance the proposed site design and represent an improvement to the appearance of this part of the city.

The applicant acknowledges that the landscape buffer requirement along Dunlawton Avenue and Taylor Branch Road is not met with the site layout for the proposed development. However, the applicant states that every effort has been made to provide as much landscaping as possible to enhance this site from the adjacent rights-of-way while still providing the necessary site infrastructure (parking lot, drive aisle, drive thru, building, stormwater, etc.) for the proposed coffee shop. The applicant has also stated that every effort will be made to install as much landscape materials (shade and understory trees and shrubs) as possible within the modified north landscape buffer.

According to the applicant, the proposed landscape buffers, even at reduced widths, still met the intent of the LDC by creating separation between the adjacent roadways and commercial development, enhance the adjacent roadway

corridors adjacent to the subject property, and improve to the appearance of this part of the City.

The intent of the parking space width is to ensure adequate parking spaces and a safe logical traffic pattern. According to the applicant, the design of the proposed parking lot with 9-foot-wide parking spaces will still provide sufficient room for safe maneuverability for vehicles and pedestrians.

- d) *The variances, if granted, are the minimum variances necessary to make possible the reasonable use of the land, building or structure.*

The site could be redeveloped to comply with the requirements of the LDC; however, this would require changes to the proposed site design and building.

Staff has worked with the applicant on the proposed site plan to reduce the overall number of variances needed and to minimize the variances requested. The applicant has stated that to redevelop the site in a manner that functions effectively, the coffee shop must be a certain square footage, a minimum number of 13 parking spaces, and a dual drive-thru and the variances requested are the minimum variances needed to redevelop the infill site as proposed.

- e) *Granting of the variances requested will not confer on the property owner any special privilege that is denied by the development code to other lands, buildings or structures in the same zoning district.*

All properties developed or redeveloped within the City are required to meet the development requirements of the LDC or secure variances from said requirements.

According to the applicant, the variances, if granted, will assist in redeveloping a site, along the Dunlawton Avenue corridor to be redeveloped in a manner that would improve the overall appearance of the site and this area of Port Orange.

- f) *The granting of the variances will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.*

The LDC is intended to implement the City's Comprehensive Plan, to protect the health, safety and general welfare of the citizens of the city, and to enhance the appearance, function and livability of the city, to the end of improving the overall quality of life within the community. However, the LDC is generally focused on regulating new "green field" development rather than infill redevelopment. Typically infill redevelopment projects require variances or flexibility in development regulations to allow underutilized properties to redevelop.

Overall, the proposed redevelopment of this abandoned commercial site with a new coffee shop with drive thru and associated site improvements will improve the existing conditions in this area of the City. Although the proposed project does not bring the site into full compliance with the current code, the proposed redevelopment will improve the existing conditions. The variances, if granted, would enable a site at the entry into Port Orange, located off I-95, to be redeveloped in a manner that would enhance the appearance of the site and this area and would not be injurious to the surrounding properties or detrimental to the public welfare.

- g) *The variances represent a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has unreasonably burdened the applicant's property, based upon the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act.*

The variances requested is not based upon a claim brought under the Bert J. Harris Private Property Rights Protection Act.

#### **PUBLIC NOTICE**

Public Notices regarding the variance were posted in the *News-Journal* and mailed to adjacent property owners and the property was posted with a public notice sign, as required by the LDC. As of March 25, 2025, staff has received one (1) phone call regarding the proposed variance with no objection noted.

#### **RECOMMENDATION**

Based on the findings of this report, staff recommends **approval** of the variances requested to:

1. Reduce the required east roadway landscape buffer (Taylor Branch Road) from 20' to a variable width buffer with a maximum width of 12' and a minimum width of 5' [Ch. 13, Sec. 3 of the LDC];
2. Reduce the required west roadway landscape buffer (Dunlawton Avenue) from 50' to a variable width buffer with a maximum width of 12' and a minimum width of 5.5' [Ch. 13, Sec. 3 of the LDC]; and
3. Reduce the required width for the parking spaces from 10' to 9' [Ch. 12, Sec. 6(d) of the LDC].



# STAFF REPORT

**REVISED - CASE NO. DCAM-24-0002**  
**LDC TEXT AMENDMENT / CHAPTER 15**

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**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 to be reconstructed with a digital sign face in exchange for removing billboard sign faces within Port Orange and establishes criteria for a reconstructed digital sign face.

**APPLICANT:** Lamar Outdoor Advertising

**STAFF CONTACT:** Tim Burman, Community Development Director (386) 506-5675

**PLANNING COMMISSION DATE:** July 31, 2025

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At the December 2024 Planning Commission meeting, the Planning Commission considered and approved a proposed text amendment allowing a billboard owner to request approval of a reconstruction agreement to replace an existing billboard along I-95 with a digital sign face. In exchange, the owner would be required to remove other billboard sign faces within the City of Port Orange. The amendment also established criteria for digital sign face reconstruction with the goal of reducing the overall number of billboard sign faces and improving visual aesthetics within the city.

Before the City Council reviewed the proposed amendment, the applicant submitted a request to modify their proposal. The revised text amendment expands the eligibility to allow a billboard owner to request reconstruction of a billboard with a digital sign face at the current location of any existing billboard along I-95 or Ridgewood Avenue, still in exchange for the removal of billboard sign faces within Port Orange.

The current version of the applicant's text amendment (July 2025) would permit the reconstruction of any existing billboard within the city, including those along I-95 and Ridgewood Avenue, with a digital sign face (Figure 1). While it still references the removal of billboard sign faces within the city at a ratio of 2 faces for one digital face, it does not further the goal of removing billboards within the city.

Staff supported the December 2024 text amendment due to its clear benefit in reducing billboards, specially within the city, and enhancing the city's aesthetics. As proposed, the current proposed amendment (July 2025) could allow the reconstruction of a new billboard with digital sign face within the city.



Figure 1. Rendering of a billboard with a LED sign face.

### **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 within the City of Port Orange with a digital sign face in exchange for removing other existing billboard sign faces within Port Orange to reduce the number of billboard sign faces within Port Orange. The proposed amendment (Exhibit A) would allow a billboard owner to replace an existing billboard with a digital sign face if at least two static sign faces are removed.

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 has requested this amendment to allow billboard companies to be able to reconstruct some existing billboards with a digital sign face in exchange for eliminating the number of billboard sign faces within the city. According to the applicant, Daytona Beach has a similar code to incentivize the removal of billboard sign faces 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 billboard sign faces or billboards by allowing existing billboards or billboard sign faces in their city to be reconstructed with a digital sign face.

There are 13 billboards or a total of 17 billboard sign faces within Port Orange, and the applicant owns 6 billboards or a total of 10 sign faces (Exhibit B). According to the applicant, if the LDC text amendment is approved, the applicant will submit an agreement for City Council review to allow the removal of four (4) billboard sign faces located north of the

intersection of Ridgewood Avenue and Nova Road and the reconstruction of a billboard structure with a digital sign face along I-95 (See Figure 2) and at the intersection of Ridgewood Avenue and Nova Road (See Figure 3) According to the applicant, the proposed billboard along Ridgewood Avenue will feature an LED sign face directed toward northbound traffic. Southbound drivers will see the blank rear side of the sign. Landscaping will be installed at the base and on the north side of the sign to eventually screen the back and enhance the surrounding area (See Figure 4 and Exhibit C).



Figure 2. Billboard along I-95 southbound, at the Dunlawton Avenue/Taylor Road interchange proposed to be rebuilt with a digital sign face.



Figure 3. Existing billboard sign with four sign faces on the east side Ridgewood Avenue, north of Nova Road within Port Orange proposed to be rebuilt with a digital sign face toward northbound traffic.



Figure 4. Proposed billboard structure with one LED sign face toward northbound traffic and landscaping and blank panel toward southbound traffic to be rebuilt on the east side of Ridgewood Avenue, north of Nova Road.

The requirements in the applicant's 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.

If approved, 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 under a reconstruction agreement between the billboard owner and the City of Port Orange.

If the LDC text amendment proposed by the applicant is approved, it will allow for a billboard owner to request an agreement with the city to replace a billboard 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 and Ridgewood Avenue, 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 face **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 changeable copy. If electronic or digital (See - Figure 3 on Page 4), 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 3. A billboard along I-95 in Daytona Beach with a digital sign face

In addition to the text proposed by the applicant, city staff also included 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 is not recommending approval of the text amendment to Chapter 15 of the Land Development Code as the revised text amendment may not lead to the ultimate removal of billboards within the City of Port Orange.

#### **ATTACHMENTS:**

1. Exhibit A - *DRAFT* text changes to Chapter 15 of the Land Development Code
2. Exhibit B – Billboard locations within Port Orange
3. Exhibit C – Renderings of the proposed Billboard to be rebuilt on the east side of Ridgewood Avenue, north of Nova Road.

**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, 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.

**Exhibit A – DRAFT Text Changes Proposed by Applicant – July 2025**

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- (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) 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) Structural components surrounding the sign face shall not exceed a size of ten percent of the sign face.
- ~~(j) 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, and the maximum transition time between messages shall not exceed one second.~~
- ~~(k) 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-~~

## Exhibit A – DRAFT Text Changes Proposed by Applicant – July 2025

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~~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 =  $\sqrt{\text{Area of sign square feet} \times 100}$ .~~

- ~~(l)~~ (l) The tallest portion of the reconstructed sign, including appurtenances, shall not exceed the permitted building height in the commercial district.
  - ~~(m)~~ (m) 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)~~ (n) 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 may be reconstructed pursuant to the authority set forth in F.S. § 70.20, provided that the number of reconstructed sign faces result in a net reduction in the number of sign faces greater than 200 square feet nonconforming signs within the city and the reconstruction agreement complies with all of the requirements set forth as follows:
- (1) A new sign face may be reconstructed on a new sign structure in exchange for the removal of at least two (2) sign faces located within the city so long as each sign face to be removed is greater than 200 square-feet. The reconstruction of a nonconforming sign with a new sign face (s) may be in the same location as the removed nonconforming sign and sign face(s). This exchange shall comply with all of the requirements set forth as follows:
    - (a) Only an existing non-conforming sign with a sign face greater than 200 square-feet located along Ridgewood Avenue or the I-95 corridor can be reconstructed with a new sign face. The reconstructed sign structure and sign face(s) shall be reconstructed in the same location on the same property where the existing sign structure and sign face(s) is located .
    - (b) A reconstructed sign can only be located on property that abuts Ridgewood Avenue or the I-95 right-of-way, or is within the I-95 right-of-way. A reconstructed sign cannot be located on property within a residential zoning district.

**Exhibit A – DRAFT Text Changes Proposed by Applicant – July 2025**

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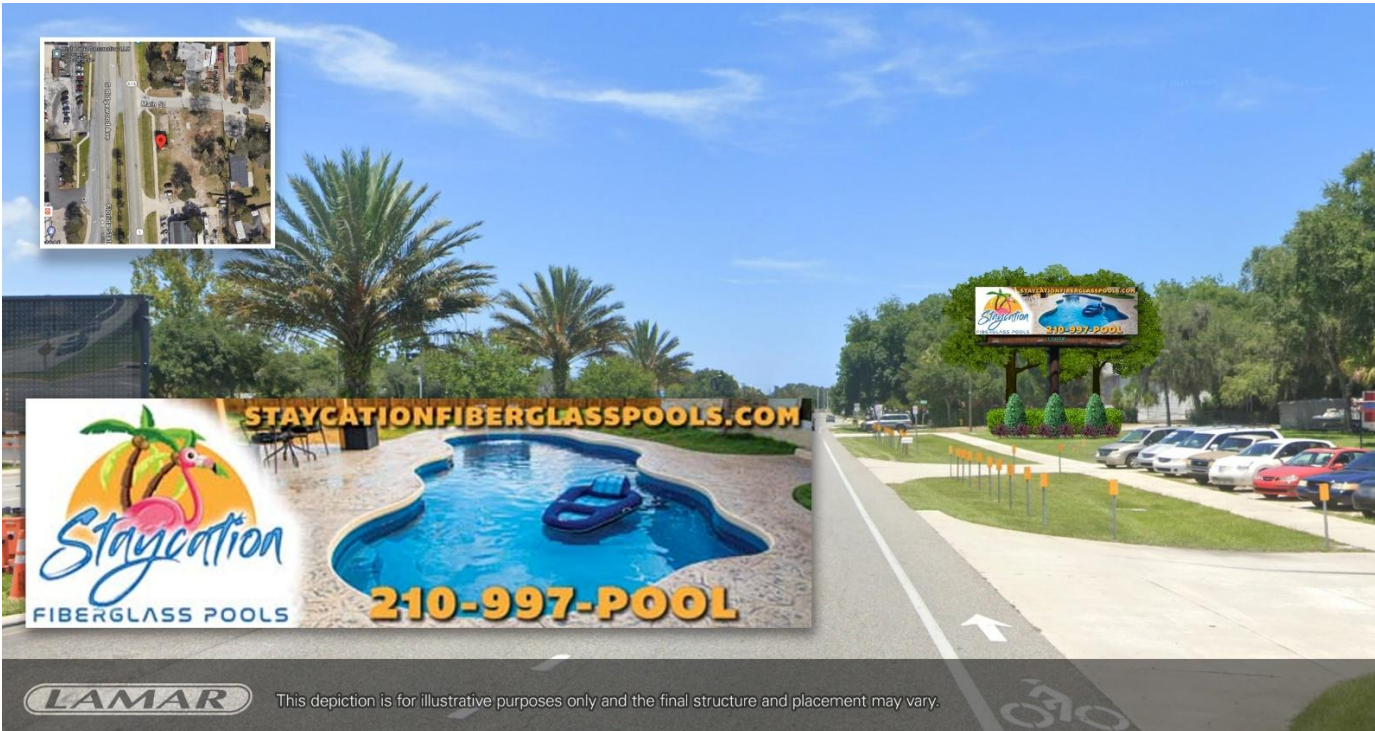
- (c) The sign owner shall submit a proposed reconstruction agreement to reconstruct a sign for the city for review.
  - (d) City Council shall determine whether to approve or deny the proposed reconstruction agreement submitted in accordance with this section; The reconstructed sign shall continue to 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) If electronic or digital, the reconstructed sign face, 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 sign on the same property and same location as the sign being removed.
  - (j) All new utilities to the reconstructed sign shall be undergrounded.
  - (k) The non-conforming sign and its sign face(s) being removed as part of the exchange shall be removed prior to the issuance of the building permit to reconstruct a non-conforming sign and its sign face(s), 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.

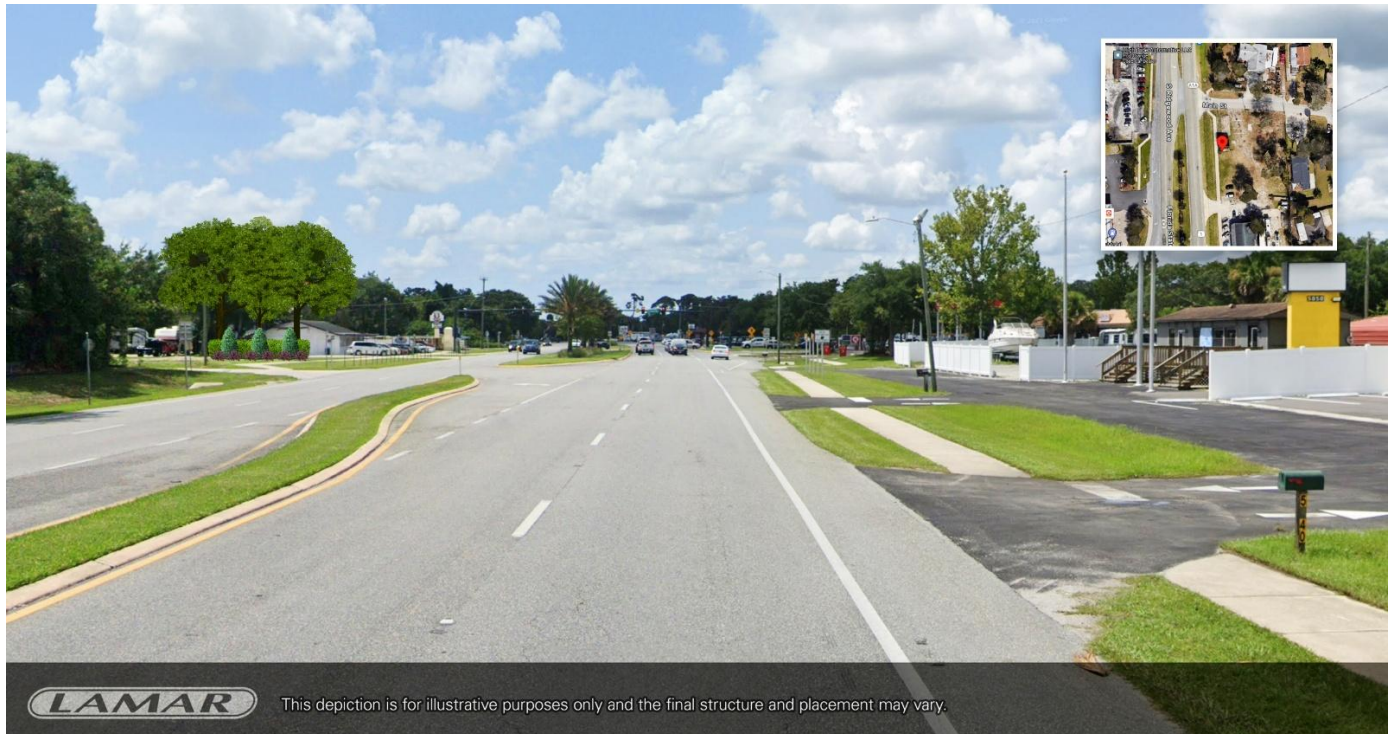
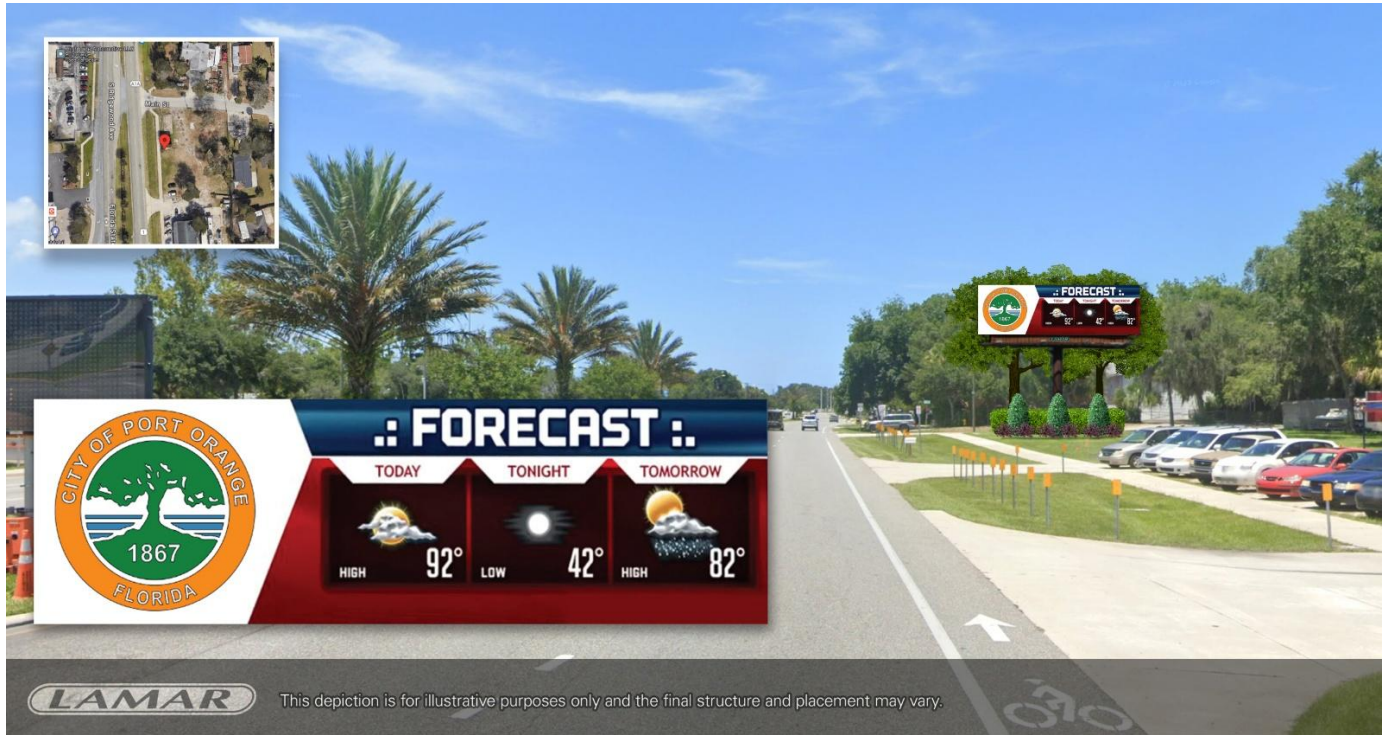
# Exhibit B

## Existing Billboard Locations with Port Orange



# EXHIBIT C







# STAFF REPORT

## ADMINISTRATIVE REZONING

### CASE NO. REZONING-25-0004

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<b>REQUEST:</b>	An administrative rezoning for 12 properties located on the east side of the City of Port Orange to resolve zoning inconsistencies and bring the properties into compliance with the City's Comprehensive Plan.
<b>LOCATIONS:</b>	Various Location (see Exhibit 1 and 2)
<b>OWNERS:</b>	See Exhibit 1
<b>APPLICANT:</b>	City of Port Orange
<b>STAFF CONTACT:</b>	Penelope Cruz, Planning Manager (386) 506-5671
<b>STAFF RECOMMENDATION:</b>	Approval
<b>PLANNING COMMISSION:</b>	July 31, 2025

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#### PROPERTY OVERVIEW

The proposed administrative rezoning is to change the zoning of 12 properties generally located on the east side of the City of Port Orange, east of Spruce Creek Road, as follows:

1. ±0.46 acres of privately owned properties from Community Commercial (CC) and ±0.18 acres from Ridgewood Development (RD) to Neighborhood Preservation (NP) to allow for the existing single-family home on each property to be a conforming use.
2. ±0.77 acres of privately owned properties from Neighborhood Preservation (NP) to Office/Residential Transition (ORT)
3. ±0.24 acres of city-owned properties from Neighborhood Preservation (NP) to Government Public Use (GPU)
4. ±1.07 acres of city-owned properties from Planned Commercial Development (PCD) to Government Public Use (GPU)
5. ±1.66 acres of city-owned properties from Multi-Family Residential (R-3M) to Government Public Use (GPU)
6. ±0.31 acres of city-owned properties from Single-Family Residential (R-10SF) to Government Public Use (GPU)

#### DISCUSSION

The four properties proposed to be rezoned to Neighborhood Preservation (NP) have each been historically occupied by a single-family residence. Although currently designated as commercial on the City's Zoning Map, they have been developed and continuously used for residential purposes since the 1950s. The current Future Land Use designation for these properties is a Residential designation. Given the established residential character of the area, the long-term presence of single-family homes on adjacent parcels, and the consistent residential use of the subject properties, staff recommends rezoning these properties to a residential district to ensure alignment with surrounding land uses, zoning patterns, and existing development. The rezoning of these properties *from Commercial (CC) to Neighborhood Preservation (NP)* was forecasted in

the prior administrative rezoning for 422 Jefferson Avenue that was approved in May/June 2025. The Neighborhood Preservation (NP) zoning district is intended to maintain the character, housing mix, and density of established older mixed-use neighborhoods by allowing for compatible infill development and the redevelopment of single-family detached homes.

<b>Address</b>	<b>Current Future Land Use</b>	<b>Current Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
412 Jefferson Avenue 414 Jefferson Avenue 416 Jefferson Avenue	<i>Suburban Residential (2-4 units/acre)</i>	Single-Family House	Community Commercial (CC)	Neighborhood Preservation (NP)
117 Fleming Avenue	<i>Urban Medium Density Residential (4-8 units/acre)</i>	Single-Family House	Ridgewood Development (RD)	Neighborhood Preservation (NP)

The two subject properties proposed to be rezoned to Office/Residential Transition (ORT) are currently vacant and have been designated Office/Residential Transition on the City’s Future Land Use (FLU) map since 1985. However, these properties are currently zoned Neighborhood Preservation (NP) on the City’s Zoning Map, which is inconsistent with their FLU designation and location along Dunlawton Avenue. The NP zoning district only permits the development of single-family detached homes, making it incompatible with the intended land use and development potential along this segment of the Dunlawton Avenue corridor.

The ORT Zoning District is a flexible, mixed-use classification that allows the development of commercial, office, and residential uses as part of a mixed-use development. Given the properties’ location along Dunlawton Avenue, the proposed ORT zoning is more appropriate, aligns with the existing FLU designation, and better supports land use pattern along Dunlawton Avenue.

<b>Address</b>	<b>Current Future Land Use</b>	<b>Current Use</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
608 Roselle Street	<i>Office/Residential Transition</i>	Vacant	Neighborhood Preservation (NP)	Office/Residential Transition (ORT)
PID: 630407000760	<i>Office/Residential Transition</i>	Vacant	Neighborhood Preservation (NP)	Office/Residential Transition (ORT)

The six properties proposed to be rezoned to Government Public Use (GPU) are all owned by the City of Port Orange and are either currently developed with a stormwater retention facility, the Devon Street lift station, or intended for the future expansion of the Train Depot Park. The proposed GPU zoning designation is consistent with the existing Future Land Use (FLU) designations for these properties. These properties serve a public function, and their current and planned uses are consistent with the intent of the GPU zoning classification.

The properties identified with parcel numbers are located south of Dunlawton Avenue and east of Spruce Creek Road were acquired by the City between 1998 and 2010; however, their zoning designations were not updated at that time. The properties at 413 Herbert Street and 5797 Devon Street were recently purchased by the City.

Address	Current Future Land Use	Current Use	Current Zoning	Proposed Zoning
413 Herbert Street	<i>Warehouse/Industrial</i>	City Park	Neighborhood Preservation (NP)	Government Public Use (GPU)
Parcel ID: 630407001820 & 630407001401	<i>Office/Residential Transition</i>	City Drainage Pond	Planned Commercial Development (PCD)	Government Public Use (GPU)
Parcel ID: 634105000010 & 634104030142	<i>Urban Medium Density Residential (4-8 units/acre)</i>	City Drainage Pond	Multi-Family Residential (R-3M)	Government Public Use (GPU)
5797 Devon Street	<i>Suburban Residential (2-4 units/acre)</i>	City Lift Station	Single Family Residential (R-10SF)	Government Public Use (GPU)

To address the zoning inconsistencies, staff has prepared an administrative rezoning application for the subject properties. The proposed rezoning will bring the properties into compliance with the City’s Comprehensive Plan and ensure consistency with the surrounding area, as well as the historic and/or intended use of the sites (see Exhibit 3).

The proposed rezoning of the subject properties has been reviewed in accordance with the criteria outlined in Chapter 3, Section 7 of the Land Development Code (LDC), with consideration given to consistency with the Comprehensive Plan and compatibility with surrounding land uses and zoning.

**COMPATIBILITY WITH SURROUNDING USES AND ZONING DISTRICTS**

The proposed zoning districts are appropriate for the subject properties and compatible with the surrounding development. The Zoning designations of adjacent properties, along with the current and proposed zoning designations for the subject properties, are illustrated on the attached maps (Exhibit 3).

**CONSISTENCY WITH COMPREHENSIVE PLAN**

The proposed rezonings are consistent with the pertinent Goals, Objectives, and Policies of the City’s Comprehensive Plan and are 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.

The properties proposed to be rezoned to the NP zoning district have either historically been developed with a single-family home, the properties proposed to be rezoned to ORT would allow for a consistent FLU and zoning, and the properties proposed to be rezoned to the GPU zoning district are owned by the city and are developed or will be developed for public purposes.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the request to rezone:

1. ±0.46 acres of privately owned properties from Community Commercial (CC) and ±0.18 acres from Ridgewood Development (RD) to Neighborhood Preservation

(NP) to allow for the existing single-family home on each property to be a conforming use

2. ±0.77 acres of privately owned properties from Neighborhood Preservation (NP) to Office/Residential Transition (ORT)
3. ±0.24 acres of city-owned properties from Neighborhood Preservation (NP) to Government Public Use (GPU)
4. ±1.07 acres of city-owned properties from Planned Commercial Development (PCD) to Government Public Use (GPU)
5. ±1.66 acres of city-owned properties from Multi-Family Residential (R-3M) to Government Public Use (GPU)
6. ±0.31 acres of city-owned properties from Single-Family Residential (R-10SF) to Government Public Use (GPU)

**ATTACHMENTS**

Exhibit 1: Ownership Information

Exhibit 2: Location Map

Exhibit 3: Current and Proposed Zoning

### Exhibit 1: Ownership Information

<b>Address</b>	<b>Owner</b>
412 Jefferson Avenue	Brenda McMillian
414 Jefferson Avenue	Natalie Cappiello & John Labosco
416 Jefferson Avenue	Anthony McDermott
117 Fleming Avenue	Thomas Appelfeller & Lorna Linke
608 Roselle Street	Roselle Capital Holding LLC
Parcel ID: 630407000760	Eric V. Gill
413 Herbert Street	City of Port Orane
Parcel ID: 630407001820 & 630407001401	City of Port Orane
Parcel ID: 634105000010 & 634104030142	City of Port Orane
5797 Devon Street	City of Port Orane

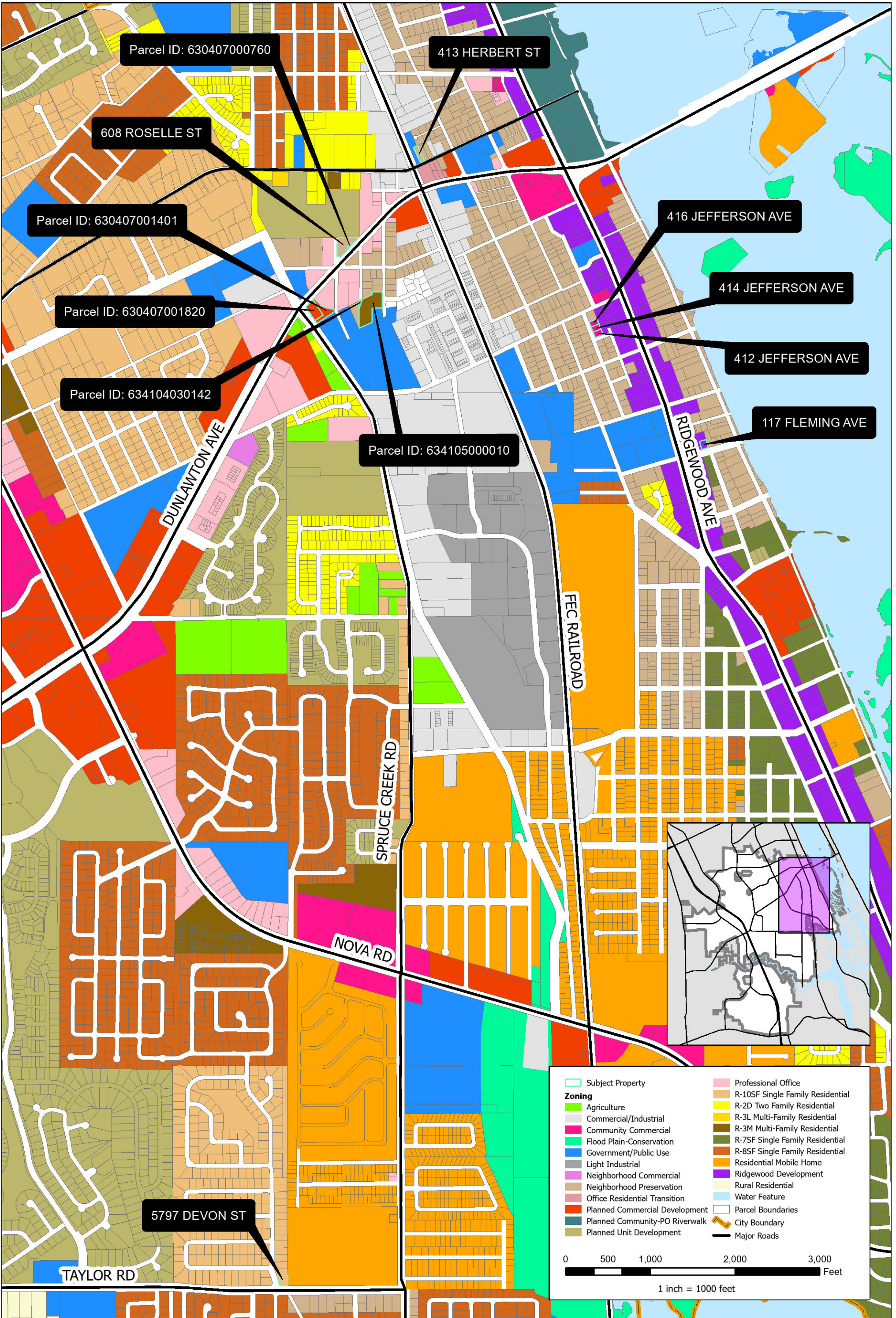
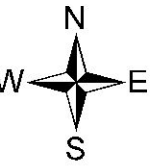
# Exhibit 2 Location Map





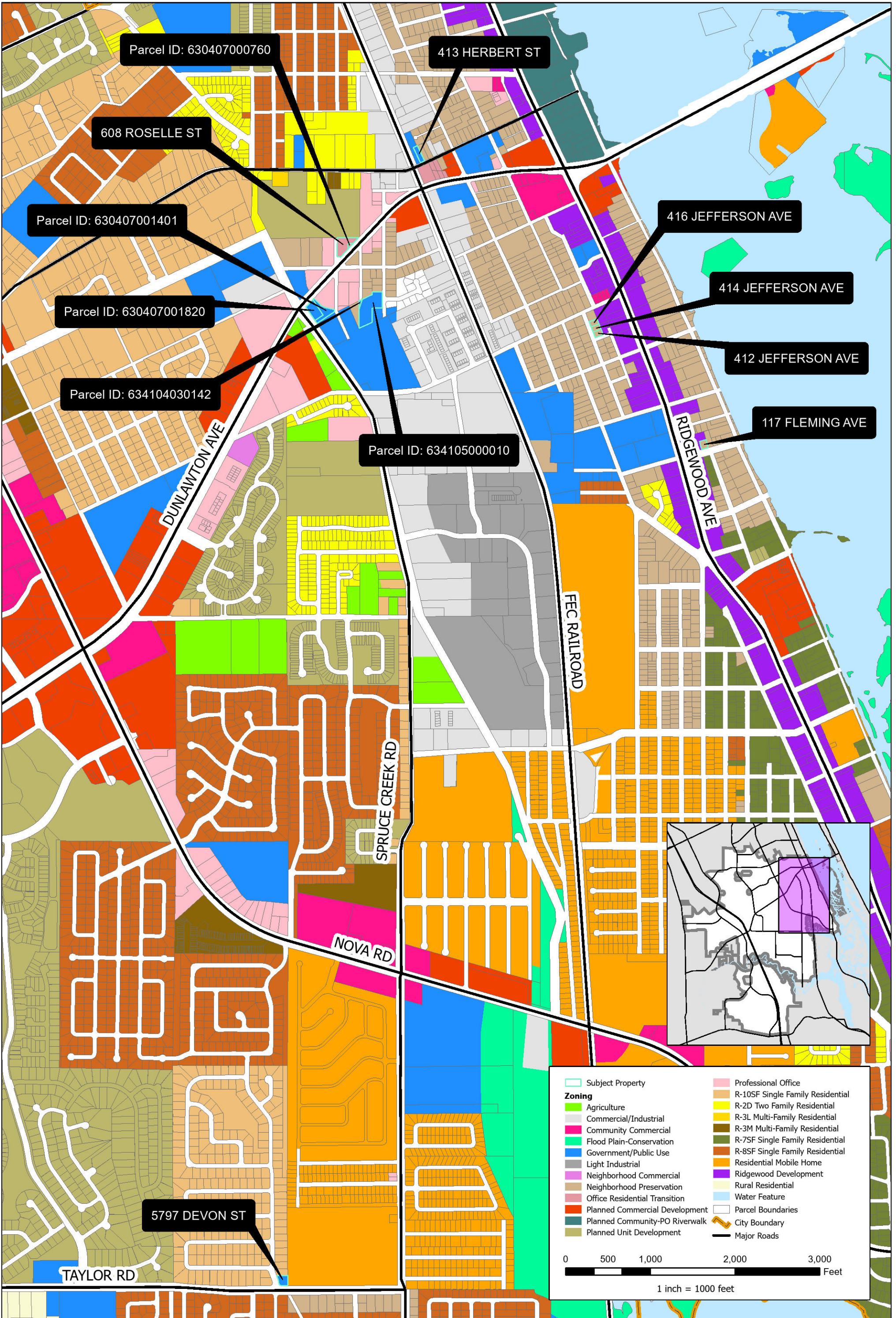
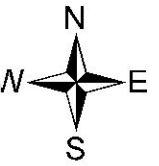
# Existing Zoning

# Exhibit 3





# Proposed Zoning Exhibit 3





# STAFF REPORT

CASE NO. DCAM-25-0003

LDC TEXT AMENDMENT / CHAPTERS 3, 5, 12, 15,  
and 16

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REQUEST: To amend Chapter 3, 5, 12, 15, and 16 of the Land Development Code (LDC), as part of an effort to update the LDC.

APPLICANT: City of Port Orange

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675

PLANNING COMMISSION DATE: July 31, 2025

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## INTRODUCTION:

Staff has been updating the Code in phases over the past several years. Prior amendments included updates to sign regulations, the “green” building initiative, erosion control, updates to Building Code references, county-wide Traffic Impact Analysis standards, school concurrency, Construction Standards modifications, impact fees, site plan and subdivision regulations, removal of select uses from the Ridgewood Corridor zoning district, zero lot line homes in the R-2D zoning district, microbreweries, architecture requirements, economic development, Ridgewood targeted businesses, tree preservation, entertainment districts, home based businesses and others

## SUMMARY OF PROPOSED AMENDMENT

The proposed amendments in this package are intended to improve the content of the existing Code, as part of this on-going maintenance effort. The proposed amendments include clarifications, procedural and minor changes that are simple clean-up items that make the Code and the development review process more efficient and consistent, or amendments to address problems or issues encountered when applying the Code.

**CHAPTER 15 – SIGNS:** The current requirement in the LDC requires that messages displayed on an electronic message center (LED sign) remain static for a minimum of 60 seconds before changing. Over the past few years, staff have received inquiries and feedback from businesses and property owner associations regarding the 60-second minimum message display time requirement being too restrictive, particularly from those with existing electronic message signs or those looking to install one.

The proposed amendment would reduce the minimum message display time for electronic message sign from 60 seconds to 10 seconds. This change allows for greater flexibility in message rotation, enabling businesses to advertise or communicate more effectively while maintaining important safeguards, such as prohibiting rapid flashing or

distracting animations that could impact traffic safety or alter the visual character of surrounding neighborhoods.

This proposed 10-second message display time is consistent with standards adopted by other municipalities in Volusia County, where most jurisdictions, including neighboring communities, allow message display to change every 5 to 15 seconds. Aligning with these minimum message display times ensures that Port Orange remains current with sign regulations (Table 1).

**Table 1. Minimum Message Display Time for Electronic Message Sign**

Jurisdiction	Minimum Message Display Time
<i>Proposed - Port Orange</i>	<b>10 seconds</b>
<b>Jurisdiction</b>	
<i>Current - Port Orange</i>	60 seconds
Daytona Beach	60 seconds
Ormond Beach	15 seconds
New Smyrna Beach	8 seconds
Volusia County	8 seconds
South Daytona	5 seconds

Studies conducted by the Federal Highway Administration (FHWA) and the International Sign Association (ISA) have found that message changes at intervals of 8 to 10 seconds do not pose a significant distraction to drivers when signs are properly designed, regulated, and do not flash, scroll, animate, and have excessive brightness. The proposed amendment does **not** change any of the existing LDC requirements that prohibit animation, flashing, or brightness limits as these safeguards will remain fully in effect.

Allowing a 10-second message display time will enable content to be displayed and updated more frequently, enhancing businesses’ ability to communicate effectively with the public. The proposed change will allow a sign with an electronic message center (see Figure 1) to be used as a communication and marketing tool while maintaining visual and safety standards.



*Figure 1. Photos of signs in Port Orange featuring electronic message signs  
From left to right: a multi-tenant sign, a gas station sign, and an individual commercial sign.*

For a multi-tenant commercial center in Port Orange that uses electronic message centers (LED signs) to advertise multiple businesses within a single complex, reducing the message duration allows more tenants to be featured within a given time period, improving visibility for all tenants. For individual businesses with an electronic message sign, a shorter message display time offers the opportunity to display various aspects of their operations, such as promotions, operating hours, events, and prices.

**CHAPTER 12 – ROADS AND VEHICULAR USE AREAS:** The current requirement in the LDC requires standard off-street parking spaces to be a minimum of 10 feet in width by 20 feet in length. Over the past several years, multiple variances and Master Development Agreements have been approved allowing parking spaces sized at 9' x 20' to be developed. The proposed amendment to the code would establish the size of a parking space to be 9' X 20' and reduce the need for recurring variance requests, streamlining the development review process. To date, there have been no documented operational or safety issues within the parking lots that have been developed with 9' x 20' spaces.

A 9' x 20' parking space is a common standard size across Florida and nationwide. Professional engineering organizations such as the Institute of Transportation Engineers (ITE), a professional association of transportation engineers, planners, consultants, educators, and public agency officials focused on the planning, design, operation, and management of transportation systems, have studied and documented that the 9' x 20' parking space accommodates the majority of passenger vehicles, including SUVs and light trucks. The proposed parking space size is also consistent with standards adopted by other municipalities in Volusia County (Table 2), where most jurisdictions, including neighboring communities, allowing 9' wide parking spaces.

**Table 2. Parking Space Width Comparison**

	Proposed Parking Space Width Requirement
<i>Proposed - Port Orange</i>	<b>9'</b>
	Parking Space Width Requirements
<i>Current - Port Orange</i>	10'
New Smyrna Beach	10'
Daytona Beach	9'
Ormond Beach	9'
Deland	9'
South Daytona	9'
Daytona Beach Shores	9'

Reducing the minimum parking space size width from 10' to 9' will provide greater flexibility in site planning, particularly for infill or constrained sites. This allows for more efficient use of developable land, enhanced opportunities for landscaping and stormwater management, and potential reduction in impervious surface area.

**CHAPTER 16 - MISCELLANEOUS REGULATIONS:** In this Chapter of the LDC, setbacks are provided for various types of accessory structures, including sheds, carports, pools, pool enclosures, concrete or paver patio, and elevated decks. For most of these accessory structures, the side and rear setbacks typically range between 5 feet to 10 feet. However, for elevated wood deck, the required side and rear setbacks are determined by the height of the deck, using the following formula: 5 feet + 2 feet for every 1 foot above grade.

Over the past several years, a number of elevated wood decks have been proposed, but due to the large setbacks required under this setback formula, many residents have either chosen not to move forward with their projects or have revised them to be structural additions to the home with rooftop decks instead of the open deck concept.

The proposed amendment would revise the side and rear setback requirements for elevated decks to align with either the setbacks currently required in the LDC for elevated decks or the side and rear yard setbacks for the principal structure based on the property's zoning, whichever is less. For example, on a property zoned Neighborhood Preservation (NP), the setbacks for the principal structure are Side: 7.5 feet and Rear: 25 feet. The LDC currently only allowed elevated decks to be located within the rear and side yards only and outside of any recorded easement. This requirement is not being revised as part of this amendment.

Under the current LDC standard for elevated decks, a deck elevated 10 feet above grade would require both side and rear setbacks of 23 feet (based on the formula: 5 feet from the property line + 2 feet for every 1 foot above 1 foot above grade). If the proposed amendment is adopted, the required side setback would be reduced to 7.5 feet, while the rear setback would remain 23 feet, since it is less than the zoning-required 25 feet.

The proposed amendment will allow homeowners more options for placing elevated decks by using the smaller of two setback requirements and aligns elevated deck setbacks more closely with principal structure, promoting uniformity within neighborhoods. The modified setback addresses real-world development needs, while continuing to protect neighboring properties and uphold community character.

**CHAPTER 3 – ADMINISTRATION and CHAPTER 5 – SUBDIVISIONS:** This proposed amendment to the LDC is to align the plat approval procedures with recent changes to Florida Statutes, effective July 1, 2025, following the enactment of Senate Bill 784 (SB 784). SB 784 mandates that plats and replats submitted pursuant to Section 177.091, Florida Statutes, be reviewed and approved administratively, removing the requirement for public hearings before the Planning Commission or City Council. Under the new law, local governments must designate an administrative official to act as the approval authority for such applications.

This proposed amendment will revise the current requirements or add new requirements to the LDC based on the passing of SB 784: 1) designates the applicable administrative official (e.g., Community Development Director) as the authority to approve or deny plats and replats; and 2) removes references to taking a plat or replat to a public hearing for review and approval.

The proposed amendment does not change any current subdivision design or standard construction details required by the LDC or change the staff review process, requirement for a plat to be reviewed by a third-party surveyor, Planning Commission review for a variance related to a subdivision requirement in Chapter 5 of the LDC, and recording requirements that all plats must meet. The proposed text amendment revises the approval process for a plat or replat, shifting it from City Council at public hearing, to an administrative approval, similar to the process used for site plans

**RECOMMENDATION:**

Staff is recommending approval to amend Chapter 3, 5, 12, 15, and 16 of the Land Development Code as discussed in this staff report.