



A G E N D A

ORMOND BEACH PLANNING BOARD

Regular Meeting

June 10, 2010

7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

THE PLANNING BOARD WILL NOT HEAR NEW ITEMS AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. APPROVAL OF THE MINUTES

A. May 13, 2010

VI. PLANNING DIRECTOR'S REPORT

VII. PUBLIC HEARINGS

Land Development Code Amendment, 10-114: Electronic Changeable Copy (ECC) Signage, Section 3-47: This is a request to amend the Chapter 3: Performance Standards, Article IV-Sign Regulations, Section 3-47, Site Identification Signs of the Land Development Code to allow electronic changeable copy (ECC) signage under certain conditions.

VIII. OTHER BUSINESS

IX. MEMBER COMMENTS

X. ADJOURNMENT

M I N U T E S
ORMOND BEACH PLANNING BOARD
Regular Meeting

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7:00 PM

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Ormond Beach, FL 32174

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I. ROLL CALL

Members Present

John Adams
Patricia Behnke
Al Jorzak
Patrick Opalewski
Rita Press
Doug Thomas

Staff Present

Randal Hayes, City Attorney
Ric Goss, AICP, Planning Director
Steven S. Spraker, AICP, Senior Planner
Chris Jarrell, Recording Technician

Members Absent

Doug Wigley

II. INVOCATION

Mr. Jorzak led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

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V. APPROVAL OF THE MINUTES

The minutes of the April 8, 2010 Planning Board meeting were unanimously approved, as presented.

VI. PLANNING DIRECTOR'S REPORT

Mr. Goss stated that there were no new issues on which to report.

VII. PUBLIC HEARINGS

A. PBD 10-95: 500 West Granada Boulevard (Ormond Park Plaza) PBD Amendment

Mr. Spraker stated that this was a request for a PBD (Planned Business Development) amendment for the property at 500 W. Granada, located just west of Orchard Street. He pointed out the nearby constructed in 2006. He recalled that in 2008, the owner applied for and was granted a rezoning to PBD to allow a greater percentage of retail, not allowed by right within the B-9 zoning district. He said that their approval included Type A & B restaurants with less than 15 seats, as well as retail and offices, already allowed under the B-9 zoning district.

Mr. Spraker advised that the applicant had reported some limited success in leasing the center. He said that since the rezoning to PBD, the owner has been approached by potential tenants for uses not specified in the prior approval. He said that the applicant would like to:

- Be permitted the uses that were allowed by the B-9 (original) zoning district.
- Be permitted a retail wine store (similar to the Vino 100, previously approved for Nova Shoppes), which would be included as part of the overall retail space allocation (57%) approved for the center.
- Eliminate the seating maximum for the center and let the parking spaces determine the number of allowable seats.

Mr. Spraker said that staff had reviewed the uses, had no objections and recommended approval. He confirmed for Mr. Jorczak that the prior Board approval was for a sandwich shop operation, but explained that it had limited the seating to 15. He recalled that it had been limited based on what Dr. Gonzalez thought the use would require, but that he had later realized that the development order prohibited a larger restaurant, even though it might have met the parking calculations. He pointed out that the request would not waive parking or any of the other standards.

Mr. Jorczak questioned the number of units currently vacant.

Mr. Spraker responded that there were currently three unoccupied units of 1,200 square feet each, but pointed out that tenants come and go. He said that the applicant was not requesting a restaurant of a certain type, but was instead requesting to let the parking calculations in the Land Development Code (LDC) dictate the number of seats allowed in a particular restaurant in the center.

Mr. Jorczak inquired as to the number of seats that would be allowed based on the parking requirements in the Code.

Mr. Spraker explained that it would depend upon the mixture of uses. He said that the calculation for retail components was 1:250, i.e., one space for every 250 square feet of retail space); for restaurants, the calculation was 1: 3 (one space for every three seats), plus one space for each two employees). He said there would have to be a parking analysis for every new tenant in order to make sure that the center complied with the parking regulations. The applicant also had the ability to secure a shared parking agreement with the adjacent bank for off-peak hour parking, Mr. Spraker said, and pointed out that the bank had additional parking at their South Orchard Street lot.

Mr. Jorczak clarified that the applicant simply wanted the capability of utilizing the space for the restaurant use if he could secure a tenant.

Mr. Spraker concurred and said that if he could, staff would do a parking analysis based on what was proposed in order to determine if he already had sufficient parking spaces or if he needed to pursue a shared parking agreement.

Mr. Jorczak questioned the difference between a 2COP and a 4COP alcohol license.

Mr. Spraker explained that a 4COP allows full alcohol, whereas a 2COP allows only beer and wine.

Mrs. Press commiserated with Dr. Gonzalez, who she said had been before the Board several times, and she hoped that the current application would take care of his issues. She thought that the city should perhaps revisit the Type A restaurant classification for a sit-down restaurant, noting that 15 seats, or four tables, would not be financially feasible.

Mr. Spraker explained that the LDC definition requires a minimum of 150 seats for a Type A, typically a larger restaurant or a bar. He said that a Type B restaurant was required for anything less than 150 seats and that the 150-seat threshold reflected the State's threshold for full alcohol licensure. He stated that the applicant was requesting to be permitted a small sit-down type of restaurant.

Mrs. Press said she had no problem recommending approval.

Dr. Gonzalez, 355 Oceanshore Boulevard, said he appreciated the opportunity to try to improve the situation at the center and approved of Mr. Spraker's presentation. He agreed that the 15-

seat maximum requirement was a problem; he said that they needed more than 15 seats to attract a viable tenant.

Mr. Adams made a motion to approve PBD 10-95, as recommended by staff.

Mrs. Behnke seconded the motion, which was approved by unanimous (6-0) vote.

Chair Thomas, on behalf of the Board, declared the public hearing to be closed.

B. SE 10-100: Murals at 45-49 West Granada Boulevard (Caffeine's)

Mr. Spraker said that the item was a request for a Special Exception to allow existing murals located at Caffeine's restaurant on West Granada Boulevard. He advised that the property was unique, because their building at 15 New Britain Avenue (and their north and south parking areas) blocks visibility of the murals on the rear of the restaurant building.

Mr. Spraker explained that the applicants had made some improvements, including the mural series, without pulling any permits. He said that the applicant subsequently received a determination from the planning director that the mural was not signage, but pointed out that the Code is silent on murals. He said that the city of Ormond Beach had some history concerning murals, but that the Special Exception process allowed for uses not identified by the Code.

Staff had received letters of support, Mr. Spraker stated, from Brian Hanson and from Dr. Rodriguez (Granada Arts), as well as a telephone call from Mr. Chris Quarles in support of the application. He further reported that on Monday night, the Ormond Beach Design Committee discussed murals and considered the scope of the existing murals at Caffeine's. He said that the president of the Design Committee had provided the Board members with a letter summarizing their deliberations at that meeting and advised that the Committee members had been very supportive of the murals, since they felt that the murals provided interest, encouraged outdoor seating and allowed for a "cool" environment for their patrons, so that they would not have to stare at a blank wall, all things that had been identified as good for the Downtown. He added that the Design Committee had expressed interest not only in allowing the existing mural, but in additional studies to allow other murals in the future that could not readily be seen from the rights-of-way.

Mr. Spraker explained that city staff was not necessarily opposed to murals, but was concerned that they would not be able to guarantee the result if every mural request was simply reviewed as a Special Exception without standards having been established. He said that staff would recommend establishing evaluation criteria and amending the Land Development Code if the Board members wanted to allow murals. He further explained that if the Planning Board and the City Commission, in review of the application before them, could:

- deny the application
- deny the application and recommend an LDC amendment prohibiting all murals
- approve the application and require any subsequent requests for murals to go through the Special Exception process

- approve the application and amend the LDC to allow murals, or
- recommend that the current application be put on hold until the LDC amendment process is completed and then make the current application comply to whatever regulations are adopted.

Mr. Jorczak asked Mr. Spraker to provide the Board with some insight as to why the city had elected not to proceed with standards for murals when they had addressed the issue a few years ago.

Mr. Spraker replied that the concern had been that by attempting to regulate art, the city would lose some of its control. He recalled a quote from one of the then-planning board members, who had stated that it was just one more thing that had to be regulated and that the city might still not get what it wanted. He advised that the Design Committee thought that murals could provide interest, if done right and done well, and that the question was how to do so while consistently applying the standards. He said that staff's concerns had been 1) that either way, there would be no standards for the next person if the Land Development Code (LDC) was not amended, and 2) if the current application was approved, a guideline had already been established. He summarized that the concern had essentially been one of regulating art.

Mr. Spraker said that the City Commission had asked for an ordinance to be prepared and remembered that staff had taken the issue to the Quality of Life Board, Ormond Beach MainStreet and the Planning Board. He recalled that all of those entities recommended not approving the use of murals at that time, and the City Commission acquiesced; the Commission did not indicate a dislike for murals, but rather decided not to pursue any further action.

Chair Thomas asked if the Board would be setting a legal precedent if they approved the current application and then subsequently decided to address murals in the Land Development Code.

Mr. Spraker responded that if the Board wanted to approve the current application, the Board could defend it based on the fact that it was not visible from a right-of-way and that it is located in an interior corridor. He reasoned that if another application had the same set of circumstances, the Board could simply outline the criteria and reasoning, but advised that staff would recommend that they begin the process of establishing conditions for murals if they decided to approve the application before them.

Chair Thomas asked what the ramifications would be if the Planning Board approved the application before them and worked out murals criteria at a later time.

Mr. Spraker reiterated that staff believed that the application was a unique situation with unique characteristics. He pointed out that anyone could apply for a Special Exception and reported that he was not aware of a great demand for murals. He thought that there was sufficient time to establish conditions afterwards if the Board was inclined to approve the application, noting that if approved, the property owners would have the right to keep the existing murals regardless of subsequent regulations. He said that an alternative would be to table the application until the standards were established and then require the applicants to adhere to the new regulations.

City Attorney Hayes stated that he was not concerned that approving the application would set a legal precedent. He recalled that the current process for dealing with murals was by means of a Special Exception application, which he referred to as a negotiating tool, and felt that the standards mentioned by Mr. Spraker were good principles by which the current application could be evaluated. He explained that regardless of the action taken by the Board on the current application, any subsequent Special Exception application for a mural would have to be evaluated on the merits of that particular application and that the Board could use their experiences in determining whether or not to grant the Special Exception.

Mr. Hayes advised the board members that the application before them was a separate issue from whether or not to recommend amending the LDC to establish objective criteria for murals. He added that they might or might not want to continue to use the Special Exception process as the vehicle for review. He agreed that the difficulty in dealing with art was that it was very difficult to establish objective criteria or standards because evaluating artistic work could lead to many other ancillary issues and was the reason that the Code did not currently address the issue. He acknowledged that the issue had been reviewed in the past, but thought the complexity of the subject matter and the lack of high demand was the reason that the Commission and/or the Planning Board had not felt the need to amend the Code to include standards for murals. He reiterated that approval of the item before the board would not establish a precedent, since each application was evaluated on its own merits.

Mr. Spraker confirmed for Mrs. Press that the only other request for a mural had come from the owner of Julian's restaurant.

Mrs. Press opined that the reason that there had not been applications for the use of murals was that it was well known throughout the community that murals were not permitted. She said that as soon as one mural was allowed, other requests would follow.

Ms. Dorian Burt, 203 Pine Cone Trail, stated that she was the project coordinator for the Highlander Corporation, owner of the subject property. She asked the Board to approve the Special Exception, noting that the mural was not visible from any roadway. She pointed out that the Land Development Code addressed colors for building exteriors, but did not address the exterior wall of an interior courtyard, and informed the Board that the Highlander Corporation would eventually apply for a Special Exception to enclose their courtyard area. She said that as part of the re-design of the carriage house, which blocks the view, the courtyard area would become accessible only from the restaurant or carriage house. She added that the Special Exception would also include a request for two additional apartments downstairs.

Ms. Burt apologized profusely and advised the Board that they would never again do work without a valid city permit, adding that their general contractor would refuse to work without those permits. She confirmed that the neighbors who had written letters of support, Brian Hanson and Michael Rodriguez, were both adjoining property owners who, along with their tenants, could see the murals and were fine with them.

Mrs. Press asked if Highlander Corp. anticipated painting any other murals in any of the other properties they owned in the MainStreet area.

Ms. Burt said that they did not at present. She said that the 31 On The Boulevard restaurant was being constructed with an already-approved courtyard, which she thought would be decorated in a tropical outdoor theme. She noted that although she did not foresee the décor with a mural, she could not speak for the creative ideas of the owner, but promised to apply to the city before doing any work if he decided he wanted a mural. She pointed out to the Board members that Ormond MainStreet supported murals and said that murals were a large part of Main Streets throughout Florida. She acknowledged that it was separate issue, but advised that she had researched city ordinances governing murals and would be assembling a packet of information for Ormond MainStreet, remarking that the Downtown needed all the help it could get. She felt that except for Mr. Jones, the downtown area would already be blighted.

Mr. Jorzak asked if a mural would require permitting if it were in a screened (enclosed) courtyard under hard roof.

Mr. Spraker replied that they could, but said that they would have other issues to deal with since they could not meet setbacks and other standards. He confirmed that it would be considered an internal structure once screened with a hard roof.

Mr. Bill Partington, 1284 Fernway Drive, spoke in favor of murals in the Downtown. He likened Fountain Square to the subject property in that it has two buildings with a space in between and as a good example of where murals could be located. He pointed out the two existing murals at Ormond Elementary and stated that even though the city has no jurisdiction over those murals, the public had obviously accepted them. He recalled wondering at the time of the previous murals discussions why people in Ormond Beach were not smart enough to regulate murals as were the people in St. Petersburg, DeLand, Eustis, or New Port Richey, all of which have wonderful murals. He thought that Ormond could find a Board willing to act as the authority to regulate murals.

Ms. Margaret Hodge, 36 North Ridgewood Avenue, said that she frequented Caffeine's and liked the fact that the mural was hidden from the street, since artwork was so subjective. She stated that she had been one of the proponents of "back door" MainStreet and that it was important; she said that people entered the businesses through the rear doors and the rear entrances needed to be more attractive. She pointed out that people who smoke often sat outside because of the regulations and thought the murals helped to make those people feel more a part of the festivities happening inside the buildings. She encouraged the Board to approve the Special Exception.

Mrs. Behnke said that regardless of whether or not she liked the murals or whether or not the neighbors liked the murals, the fact was that two violations of city regulations had occurred in the process: the murals were done without permits and the murals utilized colors that were not permitted. She pointed out that the applicants were not novice business people, but rather people who knew the business regulations. She stated that the city had codes and laws for a reason, which was to give everyone an opportunity to discuss the request, look at the facts and then try to make a qualified decision. She therefore thought that the violations were unacceptable.

Mrs. Press said she was unhappy to be in the position of either saying that the applicants should paint over the mural, or accepting the mural because there were people who enjoyed it. She

thought it would reflect badly on the city if the citizens wanted the murals and the Board felt compelled to recommend denial. She said the issue went beyond the murals at Caffeine's. She also recalled the many discussions regarding murals and remembered that the consensus for not allowing them was because the city would be opening a Pandora's Box.

Mrs. Press said an internet search indicated that every jurisdiction that had allowed outdoor paintings had experienced controversy and in many cases, costly lawsuits. She said that the right for artistic expression becomes impossible to deny to anyone and that the terminology "regulated art" was an oxymoron because art and artistic expression could not be regulated. She cited the expression, "Art is in the eye of the beholder" and questioned the group in the city that would be the arbiters of subjective standards such as good taste, pornography, obscenity and questioned who would be the group to judge an artist's talent or ability. She questioned who would decide whether or not to allow religious depictions, historic depictions or political expressions. She cited the example of a very large mural of General Robert E. Lee in Richmond, Virginia that had to be removed because some people in that city said he represented a period of oppression. She also cited the case of a mural in Fresno, California; she said vandals struck a controversial mural that pitted neighbors against neighbors because some called it art, others said the designs were evil. In Chicago, she said, an immigration-themed mural being painted by Latino youths, was vandalized amidst the controversy of immigration reform and in St. Louis, a property owner, angry against the city and its regulations, had an "End Eminent Domain Abuse" painting put on his building. She stated that in Plant City, Florida, residents thought they saw an objectionable likeness to a man's anatomy in Norman Rockwell-style mural.

Mrs. Press reminded the board members that the Planning Board was a quasi-judicial branch of city government and that they were tasked with the responsibility of examining the ramifications of their actions on the city's look, character and future. She said that she had suggestions to offer if the Board decided to discuss restrictions on murals.

Mr. Jorczak echoed some of Mrs. Press' comments regarding the subjective nature of art, including the subject matter, context, colors, style, text, size, location, and who would be responsible for determining the appropriateness of murals. He agreed that if it was decided to allow murals, the city would have to establish objective standards as a way to determine what is, and is not, acceptable. He thought that, in spite of the city attorney's opinion that it would not set a precedent, any time something new is allowed, a base line is established. He also thought that if staff wanted to set such murals standards, they should be established prior to allowing any murals by Special Exception.

Mr. Adams pointed out that the board was dealing with two separate issues that should not be mixed. He said that the first was the application specific to 45-49 West Granada Boulevard and the second was the bigger question of whether or not to allow murals in the city. He felt that Mr. Partington had expressed some great points and remarked that he also thought that having the murals in downtown DeLand did not entitle everyone in DeLand else to have murals.

Mr. Adams said that the Board needed to focus on the application at hand, i.e., Caffeine's. He stated that 1) the situation was unique because it was a mural painted on interior walls not visible by passersby from either Granada Boulevard or New Britain Avenue and could only be seen if someone specifically wanted to see it, and 2) the business would only be harming itself if the

patrons did not like the mural or found it objectionable, and 3) everyone seemed to be in favor of allow the murals to remain. He said that the few people who could see the murals, other than patrons, had expressed their support. In fact, he said, he had never before received the number of positive telephone calls, letters and e-mails that he had gotten regarding Caffeine's application.

Mr. Opalewski agreed that the issue before the Board was the Caffeine's application. He said that he had no problem with the request, given that the view of the murals was blocked by the house on New Britain and, more importantly, the business people with a vested interest in the downtown had voiced support for it. He said that Attorney Hanson, Dr. Rodriguez, Ormond MainStreet and La's Bistro were all in favor of allowing the Special Exception.

Chair Thomas commented that as a business person whose business pulls 10-100 permits per week, he found it reasonable that the applicants could have easily and inadvertently neglected to get the necessary permits. He added that the reason he was willing to accept that it was just a mistake and rely on the old adage of "Do it once shame on you; do it twice, shame on me" was that no one in the last 35+ years has had a more positive effect on, or has invested more in, the Downtown than the applicant.

Chair Thomas said he drove along New Britain Avenue from both directions and although he had to really look for it, he could see the mural. He stated, however, that during the foray, he found many things on New Britain that were a lot more offensive, such as dilapidated buildings, carports and awnings. He said that the mural was not his style, but acknowledged that he would prefer the mural to looking at a blank wall if he was sitting outside. He said his reason for inquiring about setting a precedent was because he had no intention of punishing the applicant for what he assumed was an innocent mistake, given that the applicant had invested so much in the Downtown. He agreed with Mr. Adams and Mr. Opalewski that he would not tell them to paint over the mural. He suggested listening to Mrs. Press' solutions and moving forward with the item before the Board.

Mrs. Press agreed that everyone felt that what Mr. Jones had done was fantastic. She said she also thought that the city had been quite flexible in allowing the Art Deco style, not one of the stated architectural styles. She took exception to the use of the word "entitlement" used by Mr. Hanson in his letter of support, saying that no one was entitled to anything when going before the Planning Board; she said everyone had to be treated equally.

Chair Thomas pointed out that the word had not been used by either Mr. Jones or anyone connected with his organization. He stated that the applicants had no control over what someone else expressed.

Mrs. Press said it would be a mistake if the city did not create [review] criteria before they had another request. She suggested criteria such as: murals cannot be seen from the street, murals are applicable for the [Downtown] Overlay District only, murals must adhere to the District's rules and regulations, no murals allowed on historic buildings. She also thought there should be color standards for murals.

Mr. Adams thought that Mrs. Press had some valuable suggestions and thought that the Board should coordinate such efforts with the Quality of Life Board, planning staff, and others. He agreed that standards were needed and a process should be established, but pointed out that in the case at hand, an approval would not mean that the Board had to approve all future Special Exception applications for murals. He reiterated that they were two different issues.

Chair Thomas restated Mr. Adams comments that the Board should make a recommendation on the item before them and then staff to present some mural review recommendations at another time, i.e., whether to amend the Land Development Code or retain the current Special Exception process.

Mrs. Press said that murals had been discussed by Planning Board several times in years past, but that it was time to establish some standards and regulations before someone applied for something that they thought inappropriate. She remarked that the applicants knew the rules and should be ashamed.

Mr. Opalewski made a motion to accept SE 10-100 (Caffeine's Special Exception for Murals at 45-49 West Granada Boulevard).

Mr. Adams seconded the motion.

City Attorney Hayes clarified with Mr. Opalewski that the motion was for the murals currently in existence. Mr. Hayes said that he did not know if the property owner was contemplating any additional murals, so wanted to ensure that the motion was only for the existing murals.

Mrs. Press wanted the record to reflect that she was voting to approve on the condition that the courtyard would be enclosed.

Ms. Burt pointed out that they would apply for that, but could not guarantee that the city would grant their request.

City Attorney Hayes asked that the motion include the reasons for the approval (as indicated by Mrs. Press), in order to have a complete written record.

Mr. Opalewski restated the motion, saying that his reason for his making the motion was that the mural could not be seen from the street right-of-way, there was no written objection from adjoining residents or businesses, and that the applicants had plans to enclose the courtyard area.

Chair Thomas pointed out that the Board could not dictate that the applicants would have to paint over the murals if the applicants were denied their request to enclose the area in question. He stated for the record that the Planning Board was under the impression that the applicants would ask for that, but that there was no guarantee that it would happen.

Mrs. Press did not think the language needed to be in the motion, but did want to minutes to reflect her reasoning for her vote to approve.

Mr. Adams seconded the motion, as amended.

Ms. Jarrell called the vote.

Pat Behnke	No
Al Jorczak	No, because the issue of standards and regulations for murals should first be established, heard by the Planning Board and approved by the City Commission.
Patrick Opalewski	Yes
John Adams	Yes
Chair Thomas	Yes
Rita Press	Yes

The motion was approved by a 4-2 vote.

Chair Thomas declared the public hearing to be closed.

VIII. OTHER BUSINESS

There was no other business to be discussed.

IX. MEMBER COMMENTS

Ms. Behnke said she wanted to make clear that she voted to deny the murals application because of the lack of existing standards. She thought that without some guidance there was the potential for things the city did not want.

Mrs. Press said that she believed the applicants had known that they needed permits, but was not punishing them for the violations. She thought that establishing standards for murals would prevent unwanted problems.

Mr. Jorczak thought that the consensus of the Board was that they would like the planning department, on behalf of the city, to take action on the murals issue.

Mr. Goss responded that staff was already working on it, since they had another person interested in a mural.

Mrs. Press questioned the electronic sign at the Performing Arts Center that had a changing message and different colors; she asked how it was allowed.

Mr. Goss explained that the sign had been approved under the provisions of the previous code, which allowed government buildings to have those signs. He said that the changeable copy language was subsequently deleted from the Code when the City Commission heard the request to allow churches to have such signs. He said that staff had then scheduled a workshop (to occur the following Tuesday night) and would have a sign set up as a way to show everyone what it is. He advised that the PAC sign was being tested by city staff and that they were trying out

different variables with the accompanying software. He also responded to Mr. Jorczak that they were not required to turn the sign off at night, but noted that it could be a criterion.

Mr. Opalewski felt it important to establish standards for murals.

Mrs. Behnke stated that she thought the sign at the PAC to be a distraction and that driving by, she only saw a portion of the information on the sign.

Mr. Goss reiterated that city staff was trying to learn the software and the system, and were also testing the look and timing increments. He asked for patience with staff while they learned to program the sign.

Chair Thomas said that the Leisure Services Board (of which he is Vice Chairman) was comprised of 12 people, all of whom considered having such a sign a very high priority. He said it would be a great help in disseminating information for parents and participants regarding registration dates, schedules and deadlines. He informed the board members that there was currently a request for another such sign for the Airport Sports Complex for informational purposes. He acknowledged that it could be distracting and that some had concerns with the signs, but thought that the benefit outweighed the negative and stated that the Leisure Services Board felt strongly about the use of those signs for the benefit of the community. He pointed out that Port Orange had utilized a changeable copy sign for years to inform the public. He also stated that he was not opposed to murals if they were hidden.

Mrs. Press remarked that given the current trend, Ormond Beach could become a city of signs.

Mr. Thomas commented that it was now the electronic age.

Mr. Jorczak thought that from an informational standpoint, the sign at the PAC seemed small and asked how size was determined.

Mr. Spraker explained that the size was based on the linear frontage of the property. He said that the city could have utilized a larger sign at that location.

Chair Thomas recalled that the sign cost \$45,000 and confirmed that it had come out of the Leisure Services budget. He said the PAC sign was 43" off the ground, the maximum height allowed. He responded to Mrs. Behnke that even though it was the responsibility of the parents to stay informed, they sometimes needed help in getting the information they needed. He foresaw controversy with the electronic signs, saying that he was in favor of it and thought it was long overdue.

X. ADJOURNMENT

The meeting was adjourned 8:10 p.m.

Respectfully submitted,

Ric Goss, AICP, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Betty Ruger

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: June 3, 2010

SUBJECT: Land Development Code Amendment: Electronic Changeable Copy (ECC) Signage, Section 3-47

APPLICANT: Administrative

NUMBER: LDC 01-114

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request to amend the Chapter 3: Performance Standards, Article IV-Sign Regulations, Section 3-47, Site Identification Signs of the Land Development Code to allow electronic changeable copy (ECC) signage under certain conditions.

BACKGROUND:

Planning staff drafted Land Development Code amendments related to signage based on past discussions with sign company representatives, property and business owners, and the Planning Board members at their December 2008 meeting regarding electronic changeable copy signage. On December 2, 2009, city staff met with various sign companies, members of the Ormond Beach Chamber, the Volusia County Association for Responsible Development (VCARD), and property and business owners to gather initial input on the signage amendments.

On January 14, 2010, the Planning Board recommended approval of revisions to the signage article that included the use of electronic changeable copy signage. The version approved by the Planning Board allowed electronic changeable copy signage in traditionally commercial areas such as SR A1A, Nova Road, US1, and Williamson Boulevard. The professional and office areas (Granada Boulevard, Hand Avenue, B-1, B-9, and B-10 zoned properties, and the Downtown Community Redevelopment Area) were prohibited from having electronic changeable copy signage.

When the signage amendments went before the City Commission, staff received a request from a house of worship along Granada Boulevard to be permitted to utilize ECC signs. At the March 16, 2010 City Commission meeting, the Commission deleted the Section of the signage amendments regarding ECC and approved the remainder of the sign article amendments and requested additional information regarding ECC signs.

On May 18, 2010, the City Commission discussed electronic signage and provided City staff the following direction (see Exhibit B for the City Commission memorandum, minutes and PowerPoint):

1. ECC signs shall be all text only – no other animation or movement shall be allowed.

2. The screen resolution will require a pixel spacing of 20 millimeters or less.
3. ECC sign text shall not change more than every hour for churches and no more than every 12 hours for all other uses.
4. ECC signs shall not be allowed in the Downtown Community Redevelopment Area, within 200' of residential uses, or in office zoning corridors, except for churches on Granada.
5. ECC signs to be allowed for businesses in commercial zoning areas such as on US1, A1A and Nova.
6. The spacing and number of ECC signs are to be as currently allowed for signage.
7. The copy area for ECC signs shall be limited to 50% of sign size for all uses except for governmental which may have a 100% ECC sign area.
8. The measurement of light for code enforcement purposes should be measured by specific light 0.3 light candles above ambient light, not NITS.
9. All ECC should be required to include auto dimmers to control sign brightness.

ANALYSIS:

The May 18th City Commission discussion item provided the basis for the attached LDC amendment. In the preparation of the Ordinance it was noted that commercially zoned properties or houses of worships with I-95 frontage would be permitted an ECC sign on both the primary street frontage, such as Williamson or Granada Boulevard or US1 and the I-95 frontage. Interstate signs are based on the lot frontage along I-95 and can be a maximum of 125 square feet, or 62.5 square feet for an ECC sign display area. Staff is seeking direction on one of the following options:

- a. Allow ECC signs on I-95.
- b. Prohibit ECC signs on I-95.
- c. Limit properties to one ECC sign per parcel and allow the property owner to determine which sign can be the ECC sign.

The Ordinance has been draft to:

1. Allow commercially zoned property (B-4, B-5, B-6, B-7, B-8 and PBD with a commercial land use) to have ECC signs. Exhibit C provides a detail discussion of where ECC signs could be located, including the location restrictions.
2. Governmental signage may be located in any non-single family zoning district, including the Downtown Community Redevelopment Area.
3. Houses of worships along Granada Boulevard, from Orchard Street to the west City limits, Nova Road and US1 are allowed to utilize ECC signs.
4. Where commercially zoned properties intersect Granada Boulevard, the ordinance proposes a 200' distance from Granada Boulevard for any ECC sign. One example would in the Ormond Town Square at Williamson Boulevard and Granada Boulevard.

Input received since the May 18th City Commission meeting:

1. Staff has received an e-mail from resident Marsha LaHue who stated: "I'm totally opposed to any change in signage along Granada or anyplace else in OB! Churches are well enough defined as they are. Mark Lane calls it cheesy; I call it tacky to increase & embellish signs."
2. Staff received correspondence from Todd Duplantis, Sr. Engineering Project Manager for RaceTrac Petroleum, Inc. who stated that he believed that the area west of I-95 along Granada Boulevard was commercial and should be permitted ECC signage. At the May 18th City Commission meeting, Mr. Duplantis, requested that the Commission allowed gas stations to have electronic static display of gas prices, including the Granada Boulevard corridor.
3. Robert Skelton of Fantastic Design Group, noted the disproportionate amount of message changes allowed to houses of worship vs. everyone else. At the City Commission meeting, Mr. Skelton suggested a 5 minute hold time and believed it would not negatively impact motorists or the community aesthetics.

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment. According to the LDC, the Planning Board must consider the following criteria when making their recommendation.

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed Land Development Code amendment will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The purpose of the amendments is to recognize a new technology and provide regulations for the use of it within the City.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The Comprehensive Plan does not provide any direct Goals, Objectives, or Policies regarding signage. The Comprehensive Plan does address the need to maintain the aesthetics and character of the City. The original intent of the sign amendments was to provide a balance between the residential nature of the City and the desire for non-residential development to have adequate signage to provide advertising necessary to maintain their businesses.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

There is no project-specific development application and the proposed Land Development Code amendment will not have an adverse impact on environmentally sensitive lands.

- 4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

There is no project-specific development application and the proposed Land Development Code amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties.

- 5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The proposed Land Development Code amendments are not applicable to public facilities.

- 6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

- 7. The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

- 8. The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

- 9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

- 10. The testimony provided at public hearings.**

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

It is recommended that the Planning Board **APPROVE** the amendments attached in Exhibit “A” amending Chapter 3: Performance Standards, Article IV-Sign Regulations, Section 3-47, Site Identification Signs of the Land Development Code.

EXHIBIT A

Draft Electronic
Changeable Copy
Signage Land
Development Code
Amendment

<p><u>F.</u> Electronic Changeable Copy Signage</p>	<p><u>1. Maximum Size Limit:</u> a. <u>Per requirements listed in Section B and C above.</u></p>	<p><u>2. Maximum Height Limit:</u> a. <u>Per requirements listed in Section B and C, above.</u></p>	<p><u>3. General Requirements:</u> a. <u>Allowable areas for electronic changeable copy signage:</u> Electronic changeable copy signage shall be allowed in the following areas, unless specifically prohibited in condition b below: (1) <u>B-4, B-5, B-6, B-7, B-8, PBD (with commercial land use designation) zoning districts.</u> (2) <u>Government agencies shall be permitted electronic changeable copy signage in any non single-family zoning district zoning district (REA, RR, SR, R-1, R-2, R-2.5, R-3, NP, T-1, or T-2).</u> (3) <u>Houses of Worships along Granada Boulevard (SR40) from Orchard Street to the west city limits, Nova Road, and US1.</u> b. <u>Electronic changeable copy signage prohibited areas: Any property within the following areas of the City shall be prohibited from installing electronic changeable copy signage:</u> (1) <u>Where the sign is 200’ or closer to single family residential zoning district (REA, RR, SR, R-1, R-2, R-2.5, R-3, NP, T-1, or T-2) or an existing single-family structure as measured from the sign to any property line of the single family home lot.</u> (2) <u>Along Granada Boulevard (except for Houses of Worships per Condition A.3 above).</u> (3) <u>Within the Downtown Community Redevelopment Area.</u> (4) <u>Within 200’ of the intersection of Granada Boulevard.</u> c. <u>All electronic changeable copy signage shall be for text only. No electronic changeable copy signage shall be permitted to perform the following actions (including, but not limited to): flashing, blinking, pulsing, spinning, rotating, scrolling, video or animation.</u> d. <u>The text of electronic changeable copy signage shall be permitted to change as follows:</u> (1) <u>Houses of Worships: Once per every 60 minutes.</u> (2) <u>All other uses: Once per every 12 hours.</u> e. <u>Maximum Display Area: The electronic changeable copy signage display screen must be integral to the design of the sign structure and shall not be the dominant element. The display area for the electronic changeable copy signage shall be as follows:</u> (1) <u>Governmental Agencies: 100% or less of the permitted total sign area.</u> (2) <u>All other uses: 50% or less of the permitted total sign area.</u> f. <u>The pixel spacing of the electronic changeable copy signage display screen shall be 20 millimeter or less.</u> g. <u>The maximum light emanation from an electronic changeable copy sign shall be no greater than 0.3 foot-candles, measured 200 feet from the sign.</u> h. <u>Every electronic changeable copy sign shall be equipped with an automatic dimmer device.</u> i. <u>An information sheet shall be submitted as part of the sign permit application which includes the manufacturing specifications of the electronic changeable copy signage display screen being installed, along with contact information of the property owner, sign contractor and the display screen maintenance provider.</u></p>
<p><u>FG.</u> Historic District/Bed & Breakfast Signs</p>	<p><u>1. Maximum Size Limit:</u> No change to existing text.</p>	<p><u>2. Maximum Height Limit:</u> No change to existing text.</p>	<p><u>3. General Design Standards:</u> No change to existing text.</p>
<p><u>GH.</u> Interstate 95 Interchange Signs</p>	<p><u>1. Maximum Size Limit:</u> No change to existing text.</p>	<p><u>2. Maximum Height Limit:</u> No change to existing text.</p>	<p><u>3. General Requirements:</u> No change to existing text.</p>
<p><u>HI.</u> Residential Development Identification Sign</p>	<p><u>1. Maximum Size Limit:</u> No change to existing text.</p>	<p><u>2. Maximum Height Limit:</u> No change to existing text.</p>	<p><u>3. General Requirements:</u> No change to existing text.</p>

EXHIBIT B

May 18, 2010 City
Commission:

- Discussion Item Memorandum
 - Meeting Minutes
- Presentation PowerPoint from Daktronics

**CITY MANAGER
MEMORANDUM**

To: Honorable Mayor Costello and City Commissioners
Through: Joyce A. Shanahan, City Manager
From: Ric Goss, AICP, Planning Director 
Date: May 13, 2010
Subject: Electronic Changeable Copy Signage

Introduction: This is a discussion item regarding electronic changeable copy (ECC) signage to obtain policy direction from the City Commission to determine if the Land Development Code should be amended to allow this type of signage and if so, under what conditions.

Background: The City has allowed electronic changeable copy signage in a very limited manner. The City allowed ECC signage for shopping centers over 120,000 square feet that only changed the text twice per day (Trails Shopping Center) as a Planned Business Development and for governmental signage such as the Performing Arts Center sign at 399 North US1. On March 16, 2010, the City Commission approved signage related Land Development Code amendments and removed the ECC section for further discussion and analysis. After the March 16th City Commission meeting, Daktronics offered to provide a mobile screening of ECC sign capabilities during the City Commission meeting on May 18.

Electronic Changeable Copy Issues:

1. Capabilities of ECC Signs.

The technology of ECC signage has increased each year, and the ECC signs have become more sophisticated and offer a wider range of abilities. The technology originally started with mono-chromo text, typically red, and has evolved into an ability to have multiple colors and incorporate animation. Within any ECC sign ordinance, the capabilities of the sign that would be permitted must be addressed. The software for ECC signs, whether the City approves a particular type of operation, can perform the following:

- | | |
|-----------------------|--------------|
| 1. Flashing & pulsing | 5. Text only |
| 2. Spinning | 6. Animation |
| 3. Rotating | 7. Video |
| 4. Scrolling | |

If ECC signs are desired, staff is seeking direction regarding what capabilities should be allowed.

Option 1: Text only. This option would only allow the display of text and no other features of the ECC sign. As discussed in issue two below, the City can establish the desired hold time for text only ECC signs.

Option 2: Text and animation. This option would allow the text portion of option 1 and incorporate other movement as listed above. Any attributes that the City did not want to permit in the sign, such as flashing and pulsing, would need to be specifically prohibited.

Option 3: Reward for responsible operation. One option is to start by only allowing text only ECC signs for a one year period (tier 1) with each ECC sign permit. If an applicant has no record of violations before the Special Master during the first year of operation, the sign would be permitted to perform the next level of options (tier 2) as determined by the City Commission. The options could include animation, scrolling, or rotating. If an applicant has code violations over a year period with the tier 2 ECC signage options, then the ECC sign would be permitted only text (tier 1).

Option 4: Location of Sign. The City Commission could decide that text only ECC signs are appropriate for some corridors, such as for houses of worships or in the Downtown area, while text and animation are appropriate for the commercial corridors of the City.

2. Characteristics of ECC signs.

As stated earlier, ECC signs are developing and improving at a rapid rate. If the City Commission elects to permit these types of signs, several characteristic of the sign will need some clarity in the ordinance:

- A. Screen Resolution. The screen resolution is determined by the number of pixels contained in the area of the electronic display. The general standard today is a pixel spacing of 20 millimeters or less. The draft ordinance proposed a pixel spacing of 16 millimeters or less. The lower the pixel spacing, the higher the resolution of the ECC sign will be. A sign contractor stated that an ECC sign with pixel spacing of 16 millimeters or less is 30% more expensive than a sign with a pixel spacing of 20 millimeters or less. If animation is allowed as an option, staff would recommend requiring the higher resolution of the pixel spacing of 16 millimeters or less.
- B. Hold Time. The hold time is the amount of time between the transition of one screen (text only or animation) and the next screen. The hold time can vary greatly from 2 text changes per day that exists today at the Trails shopping center down to 6 seconds. In general, businesses and shopping centers would prefer a quicker change between displays to allow more users and messages to be presented.
- C. Quiet Time. In staff's meeting with Daktronics, the sign representatives stated that some ordinances require a 2 second blank screen between messages to assist in toning down the ECC signs. The messages could contain multiple frames and the quiet time between messages.

3. Where to allow ECC signs.

Staff is seeking direction on where ECC signs should be allowed. The previous draft prohibited ECC signs as follows:

- A. Downtown Community Redevelopment area.
- B. Within 200' of a residential area as measured from the ECC sign and the property line.
- C. Office corridors: Granada Boulevard, Hand Avenue and the B-1, B-9, and B-10 zoning districts.
- D. Industrial and residential (apartments, duplexes, single-family) uses.

The draft ordinance sought to allow ECC signs within the traditional commercial corridors of the City and prohibit them in the office corridors, industrial/residential areas and the Downtown Redevelopment area.

4. Enforcement:

The previous draft ordinance stated: "Dimmers shall be installed and operated to eliminate glare. At night the sign face display shall not exceed a brightness of 2500 NITS (unit of light intensity, as measured by candelas per square meter), as certified by the manufacture." Any ordinance should include a requirement for an automatic dimmer and a measurable standard for the maximum brightness of a sign.

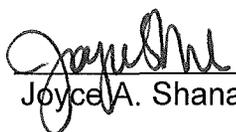
Any Ordinance that allows ECC signs will place additional burdens on the City's code enforcement officers to investigate, document, and justify if a violation did or did not occur. Given the nature and the capabilities of these signs, if violations do occur it will require significant staff time to prove these violations.

5. Other Items

- A. Square footage allowed. The previous draft allowed ECC signs at 50% of the allowable square footage of site signs and 100% for governmental ECC signs. The square footage of site signage is directly related to the linear frontage of a parcel. The maximum size for site sign is 64 square feet for a monument sign and 120 square feet for a pole sign.
- B. Maximum per parcel: Is there a desire to establish a maximum number of ECC signs per parcel or a distance requirement between ECC signs on the same parcel?
- C. Distance between ECC signs. Some ECC sign ordinances require a minimum distance between ECC signs, such as 700 feet. In this scenario, it is a "first come" basis for which property and business owner is permitted to have this type of sign. Some property and business owners would state that there is the possibility for inequity that one site is allowed to have this type of sign while the other is not solely based on when they applied for a sign.

Recommendation: This item is presented as a discussion item to obtain additional policy direction regarding electronic changeable copy signs. There will be an outside presentation during the May 18 City Commission meeting by Daktronics with a mobile electronic changeable copy sign to demonstrate the capability of these signs and to provide examples of the information listed above.

Reviewed by:  _____ 5/11/10 _____
Theodore S. MacLeod, P.E. Date
Assistant City Manager

Approved by:  _____ 5/11/10 _____
Joyce A. Shanahan, City Manager Date

Prepared by: Steven Spraker, AICP, Senior Planner

Mayor Costello stated the key was that this was discussed three years ago and was still recommended.

Commissioner Gillooly stated, from a customers point of view. it would be a smooth process, and it would be a value to staff by being more efficient. She expressed her support.

Commissioner Partington moved; seconded by Commissioner Gillooly, to support a Joint Permit Counter at a cost of \$121,125.00.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #11B – Electronic Sign Display

Greg Breyfogle, Daktonics, explained a PowerPoint presentation. He explained an Electronic Message Center (ECC) was an LED display and showed examples of signs. He recommended not allowing flashing display in the code, which was not effective anyway. He stated almost all ECCs had an automatic dimmer to avoid too bright displays at night. He stated animation was appropriate in some situations, but the Commission could restrict it to specific areas. He suggested that ECC not be permitted in residential areas, but in heavy commercial corridors, fewer restrictions might be appropriate, such as light animation or slightly brighter lights.

Mayor Costello recessed the City Commission meeting at 8:31 p.m. for an outside demonstration of an electronic sign.

Mayor Costello reconvened the City Commission meeting at 8:46 p.m.

Commissioner Gillooly requested a copy of the PowerPoint presentation. She stated there had been some interest from churches on Granada. She stated she had envisioned a permanent sign with changeable display area.

Robert Skelton, Fantastic Design Group, stated often an encapsulated message center was used within a cabinet, such as a monument sign.

City Manager Shanahan asked Mr. Skelton to display the slide with the before and after photo of a church sign as an example.

Pat Behnke, 15 Malayan Sun Bear Path, expressed concern that the reason for discussion of this issue was a request to approve these signs for houses of worship and now it was being discussed to open it to everyone citywide.

Mayor Costello stated churches on Granada were being considered and businesses in the commercial corridor; not in the Downtown and only churches on Granada Boulevard.

Ms. Behnke stated the ordinance before the Commission was specifically for houses of worship, which was on hold until the demonstration. She stated she understood advertising was important, but Ormond Beach was an elegant, genteel city, not “flash and trash.” She pointed out that the Performing Arts Center sign was ineffective, because you did not get all the information; and drivers should not be looking away from driving. She stated Orlando allowed changeable signs, but four billboard signs had to be eliminated for each ECC. She stated these signs were not appropriate at the City’s gateway. She stated they were not appropriate when presented to the Planning Board, and not appropriate now.

Todd Duplantis, RaceTrac, expressed excitement about being part of Ormond Beach, and as a business owner, he felt the LED sign was the future. He stated a couple of the advantages were less maintenance was required, and the ECCs were more durable. He expressed support for the fixed text, not blinking or flashing; and location of the signs was very important and should be determined by the landscaping and surrounding businesses. He stated the size of the RaceTrac sign in Ormond Beach was conforming at 64 square feet, but he showed a typical RaceTrac LED sign, which was 100 square feet with the LED display at 40% of the sign area. He stated the proposal was to allow 100% LED display for government signs, while allowing businesses 40% of display area for LED display, when businesses stimulated the economy. He suggested the allowance should be equal for all ECC. He stated the maximum number of signs per location should be determined on a case-by-case basis, dependent upon the landscaping

and surrounding businesses. He challenged the Commission on the proposed limit of the distance between signs, and the designated “first come, first serve” gave an advantage to the first business owner while penalizing any businesses opening later within 700 feet of the business with an ECC.

Mayor Costello stated the proposed LED display area of 50% per business and 100% for government was due to the government sign advertising community events to inform residents of activities, rather than for commercial purposes.

Matt Reardon, 1687 West Granada Boulevard, Calvary Christian Center, stated they had an old, grandfathered sign, but wanted to put in a board that was modern, clean, and did not break down frequently. He stated Calvary Christian Center made several suggestions to the Planning staff on how to include them in the sign ordinance, such as on Granada Boulevard west of I95. He stated they had a beautiful new facility with an ugly sign, and would like to make the front of the property look as good as the rest with an ECC that was environmentally friendly. He urged support of ECCs for churches.

Commissioner Kent agreed that an ECC helped get the message across, particularly for businesses, but he personally loathed ECCs and regretted voting for the Performing Arts Center sign. He stated he had not heard any support from residents for ECCs but had heard objections. He stated Ormond Beach had a classy, elegant feel, and ECCs would diminish that. He stated it was not a new idea, but the City had not had any because the ECC did not fit the look and feel of the City. He stated the proposal started with a few churches, and now included businesses throughout the City.

Commissioner Kelley stated he voted against the sign at the Performing Arts Center because it was too small and could not be read. He stated he had yet to get the entire message driving by the sign; and therefore, if ECCs were approved, 100% of the sign should be allowable for the LED display. He stated the original concept was to allow three houses of worship to replace their signs, but it had mushroomed from there. He stated the LED signs were not the future but the present. He stated it was a matter of how much the City wanted to be involved. He stated he was not in favor of a seven second change because that was too quick, but he liked Holly Hill's sign because it's was large enough to get the message across.

City Manager Shanahan stated staff had not been trained on the Performing Arts Center sign, but training was in the works; and she reassured the Commission the situation would be resolved.

Commissioner Partington suggested a fixed text only sign with no flashing, no blinking and two text changes a day.

Mr. Goss requested the Commission go through each portion of the memo to determine what the Commission would allow, such as locations and characteristics. He commented that allowing 18mm characters, but not allowing animation, would be a waste of money for the sign owner, suggesting 20mm instead. He stated it would be important to know hold time between messages; and if there should be an option to reward good behavior, he suggested it would be to increase what would be allowed. He stated staff needed direction on all aspects of ECCs before an ordinance could be crafted. He suggested a conservative approach, which would allow for broadening later.

Commissioner Kelley suggested static messages would not require a 700 foot distance between signs.

Mayor Costello summarized that Commissioner Kelley and Commissioner Partington seemed to favor text only; Commissioner Kent was not in favor of ECC signs; and he suggested hearing from Commissioner Gillooly.

Commissioner Gillooly stated that although the Performing Arts Center sign caused her blood pressure to spike, she reminded all that the sign was still being tested. She stated she had envisioned static text that was changed twice a day. She was concerned that allowing animation would be disastrous. She stated the proposal started with three churches with large land size, progressed to other churches, and then, allowing businesses, which was the start of a problem. She pointed out the Trails Shopping Center sign was tasteful.

Mr. Goss stated the Commission could take a conservative approach with only static text messages for a long time, which could be opened up later. He pointed out that all the capabilities were part of the ECC.

Commissioner Gillooly referenced the sentence in the memo, “any ordinance that allows ECC signs will place additional burdens on the City’s code enforcement officers to investigate, document, and justify if a violation did or did not occur,” which would require a lot of staff time to monitor. She inquired if businesses were requesting ECCs before choosing the City to locate their business.

Mr. Goss stated he believed it was not a deciding factor for businesses in their decision to locate in the City.

Mayor Costello summarized three members had already supported static text only, with a change every 12 hours, with no limit as to the distance between signs.

Commissioner Gillooly stated she favored static text; but she was concerned that should someone purchase an ECC at three times the cost of a stationary sign and had all the other capabilities, they would later request to fully utilize all those capabilities.

Mayor Costello stated Mr. Goss pointed out that an ECC that displayed animation would require 16mm, instead of 20mm, which would be more costly.

Commissioner Kent stated he understood what Commissioner Gillooly was saying, and this was a big change for the City that could lead to other things. He stated one of the best signs in the City was at the Casements, a static sign costing approximately \$2,000.

Mayor Costello confirmed the signs would not be in the Downtown area or residential areas. The Mayor asked if anyone had an issue with the spacing of signs.

Commissioner Kelley stated if someone currently had a sign, it should make no difference that they change to a readable electronic sign.

Mr. Goss inquired as to the percentage of a sign that would be allowable for LED display.

Mayor Costello stated he was comfortable with allowing 50% of the sign to be LED display.

Mr. Breyfoyle stated a lot of cities were allowing ECC, but were not overrun with ECCs because they were cost prohibitive. He stated cost was the main issue in determining how many requests the City would have.

Mayor Costello stated the consensus was for text only, with a minimum screen resolution of 20; no quiet time; changeable every 12 hours; not in Downtown; not in residential areas; not in B1, B9 or B10, except for churches; only in the commercial corridors and for churches; 50% of allowable square footage of signage for LED display; requiring automatic dimmers; no maximum per parcel; no spacing requirement between signs; and a specific light source required.

Mr. Skelton suggested an inexpensive light gun for use by code enforcement; consideration of a five minute change time for message changes; and he offered his company’s services at no charge to assist with the Performing Arts Sign.

City Manager Shanahan stated the assistance would be welcomed.

Commissioner Kelley stated he understood Mr. Skelton’s suggestion regarding the five minute change time, but objected to the possibility that motorists driving long a street would see a continuing change in signs as they drove.

Mr. Goss stated staff had sufficient direction to craft the ordinance.

Matt Reardon suggested churches be allowed changes more than twice a day to be able to promote all the services offered to the community.

Commissioner Kelley stated he would be amenable to allowing churches to change every hour or every two hours.

Mayor Costello confirmed that churches could change the message every hour, and businesses could change their messages every 12 hours. He stated he liked the signs in Port Orange and Holly Hill. He stated if someone was willing to purchase the Performing Arts Center sign, he would be willing to purchase a bigger sign.

Commissioner Kelley suggested letting it be known the Performing Arts Center sign could be purchased at a discount and purchase one that worked.

Electronic Message Centers

What is an EMC?

A sign within a community that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.



What isn't an EMC?

- ▣ It is not a video display.
- ▣ It is not Times Square
- ▣ It is not what you will see at the Dolphins or Magic games.
- ▣ It will not be too bright



The following are
examples of a EMCs



Example 1



Example 2



Will displays be too bright?

- ▣ No
 - Requiring automatic dimming using a photocell is key
 - Specific Brightness Limitations
 - ▣ USE: 0.3 foot candles above ambient light
 - Lewin Lighting Report
 - ▣ DO NOT USE: Nits
 - NEMA Study



Other Common Concerns

- ▣ Flashing
 - Should never be allowed on an EMC
- ▣ Animation in inappropriate areas
 - Animation is good for some areas not for others
 - How to prevent animation in unwanted areas:
 - ▣ Hold-times with instantaneous transitions
- ▣ Aesthetics
 - Visually clearer, crisp picture for years
 - Reduces clutter

Sample Code Language

- ▣ Residential Zones
 - Static images with minimum three second hold-times
- ▣ Well-Traveled Areas
 - Static images with one second hold-times, frame effects, No Animation, Flashing or Video
- ▣ Commercial Corridors
 - Animation and Frame Effects, No Flashing or Video
- ▣ Automatic dimming technology in all areas
- ▣ 0.3 fc above ambient light
 - Lewin Lighting Report

Tax Base Benefits

▣ **Small Business Administration**

- EMCs increase revenues anywhere from 15 to 150%
- **Example**
 - ▣ A small business generating \$1,000.00 a day in revenue adds an electronic message center. The business soon increases by 15%, adding another \$150 per day in total revenue. That translates into an additional \$1,050.00 a week in revenue, or \$54,600.00 per year.
- **Increased revenues mean increased tax base!**

Liability Concerns

- ▣ EMCs compared to Manual Changeable Copy
 - Manual Changeable Copy
 - ▣ Yellow and Cracked in Months
 - ▣ Require Employees to Manually Change Messages Outside in all Weather Conditions
 - ▣ Risk of Letters Flying Off and Hitting People and Property
 - EMCs
 - ▣ Appear Brand New for Years
 - ▣ Changed with a Click of a Button From the Comfort of a Computer

Overall Aesthetic Improvement



Before



After

What other communities have embraced digital?

- ▣ Clay County, FL
- ▣ Sioux Falls, SD
- ▣ Bemidji, MN
- ▣ Simpsonville, SC
- ▣ Lakeland, FL
- ▣ Spokane, WA
- ▣ Abilene, TX
- ▣ Lebanon, TN



QUESTIONS??

EXHIBIT C –LOCATION ANALYSIS

The following areas have areas zoned as B-4, B-5, B-6, B-7, B-8, and PBD (with a commercial land use) and are proposed to be allowed ECC signs, under certain conditions. No sign, even if properly zoned, would be allowed if one of the conditions occurs:

1. Where the sign is 200' or closer to single family residential zoning district (REA, RR, SR, R-1, R-2, R-2.5, R-3, NP, T-1, or T-2) or an existing single-family structure as measured from the sign to any property line of the single family home lot.
2. Along Granada Boulevard (except for Houses of Worships per Condition A.3 above).
3. Downtown Community Redevelopment Area (CRA).
4. Within 200' of the intersection of Granada Boulevard.

Analysis of potential ECC areas:

SR A1A (Ocean Shore Boulevard), north of Granada Boulevard:

This area is predominately residential and ECC would not be allowed with the exception of 1000 block of Oceanshore Boulevard that are zoned B-6 and B-7, including the Coral Sands transient lodging facility.

SRA1A, south of Granada Boulevard: While there are large areas zoned as B-6 and B-7, there are several restrictions that would limit the use of ECC on South Atlantic Avenue as follows:

- The Downtown CRA extends approximately 1,000 south of Granada Boulevard eliminating sites such as the Royal Floridian and Julian's.
- There are multiple commercially zoned properties along the west side of SR A1A that are less than 200 feet in depth and would not be permitted ECC based on the fact that the sign would be within 200 of a residential lot line.
- There is a residentially zoned area from Magnolia Drive (hospital site) to the Rockefeller Beach approach on the east side of SR A1A. The residential area would limit ECC on the west side of SR A1A based on the proximity to residential zoning and uses.

US1, south of Granada Boulevard:

- The Downtown CRA extends approximately 1,000 south of US1 and would not permit ECC signs.

- There are multiple commercially zoned properties along the 200 block of US1 that are less than 200 feet in depth and would not be permitted ECC based on the fact that the sign would be within 200 of a residential lot line.
- There is a large area of B-5 zoning between Division Avenue, Hand Avenue and US1 that ECC would be permitted.
- From Division Avenue to the south City limits along US, the parcel sizes would permit ECC signs.

US1, north of Granada Boulevard:

- The Downtown CRA extends approximately 1,100 north of US1 and would not permit ECC signs.
- There are multiple commercially zoned properties along the 200 block of US1 that are less than 200 feet in depth and would not be permitted ECC based on the fact that the sign would be within 200 of a residential lot line.
- There are a number of parcels along US1 that would be permitted ECC signs, including areas of B-5 and B-8 zoning. The area along US1 from Hull Road to the northern City limits would be allowed ECC signs.

Nova Road:

- From the south City limits to the Trails Shopping Center, there are multiple properties that would be permitted ECC. Nova Road is primarily zoned as B-8 with large retail areas such as the Trail Shopping Center, Rivergate Plaza, Nova Shoppes, Capital Plaza, and the Tomoka Plaza. The parcels along Nova Road do not have the same depth limitations as seen along SR A1A and south US1.

Williamson Boulevard:

- There are properties on the east and west side of Williamson Boulevard that would be permitted to have ECC, including the Ormond Town Square, movie theater, and restaurants such as Chili's, Applebee's, Sleep Inn.

Interchange Boulevard:

- There are properties on the east and west side of Interchange Boulevard that would be permitted to have ECC.

Tymer Creek Road:

- There is a parcel at the corner of Granada Boulevard and Tymer Creek Road that is zoned as B-8 which already has a Walgreen's store. There is sufficient depth of the property for it to have an ECC sign on the Tymer Creek frontage, set back a minimum of 200' from Granada Boulevard.

Houses of Worship:

The following Houses of Worship are located along Granada Boulevard.

House of Worship	Site Address
Christ Presbyterian Church	1035 W. Granada Boulevard
Tomoka United Methodist Church	1000 Old Tomoka Road
Chabad-Lubavitch of Greater Daytona	1079 W. Granada Boulevard
Grace Community Church	1060 W. Granada Boulevard
Tomoka Christian Church	1151 W. Granada Boulevard
Church of the Holy Child	1225 W. Granada Boulevard
Calvary Christian Church	1687 W. Granada Boulevard
Faith Lutheran Church	2010 W. Granada Boulevard
Coquina Presbyterian Church	2085 W. Granada Blvd.
Riverbend Church	2080 W. Granada Blvd.

The following Houses of Worship are located along US1 (Yonge Street) and Nova Road.

House of Worship	Site Address
Church of God by Faith	239 S. Yonge Street
Church of God in Christ of AME	212 S. Yonge Street
Ormond Beach Conservative Jewish Association	401 N. Nova Road
Alliance Community Church	55 N. Nova Road
Prince of Peace Catholic Church	600 South Nova

Under the proposed Ordinance, houses of worships along Granada Boulevard, Orchard Street to the west City limits, Nova Road, and US1 would be permitted to use ECC signs.

I-95:

- Staff is seeking direction to determine whether or not ECC signs should be permitted on I-95. Commercially zoned properties or houses of worships with I-95 frontage would be permitted an ECC sign on both the primary street frontage, such as Williamson or Granada Boulevard or US1 and the I-95 frontage. Interstate signs are based on the lot frontage along I-95 and can be a maximum of 125 square feet, or 62.5 square feet for an ECC sign display area.