



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 8/18/09

**SUBJECT: SECOND AMENDMENT - PAVILION AT PORT ORANGE PCD MDA
CASE NO. 09-40000002**

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

Approve Ordinance No. 2009-16 approving the Second Amendment to the Pavilion at Port Orange PCD Master Development Agreement, as recommended by the Planning Commission per the meeting on July 23, 2009, incorporating the staff report dated August 3, 2009.

SUMMARY:

On July 23, 2009, the Planning Commission recommended approval, 6-0 (Commissioner Booth excused), of the Second Amendment to the Pavilion at Port Orange PCD Master Development Agreement.

This amendment provides for an additional permitted use within the PCD and minor changes to the Master Sign Plan (MSP). The staff report is attached for your review.

ATTACHMENTS: Ordinance Resolution Budget Resolution
 Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD

Wayne Clark, AICP
Community Development Director

Date 8/3/09

FINANCE DEPARTMENT N/A

Approved as to Budget Requirements

Date

CITY ATTORNEY

Approved as to Form and Legality

Date 8.6.09

CITY MANAGER

Approved Agenda Item For:

08.18.09

COUNCIL ACTION:

Approved as Recommended

Disapproved

Tabled Indefinitely

Continued to Date Certain

Approved with Modification

ORDINANCE NO. 2009-16

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE PAVILION AT PORT ORANGE PLANNED COMMERCIAL DEVELOPMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City and Developer desire to enter into the Second Amendment to the Master Development Agreement for The Pavilion at Port Orange Planned Commercial Development; and

WHEREAS, the developer submitted a request to the Planning Commission to approve the Second Amendment to the Master Development Agreement for The Pavilion at Port Orange Planned Commercial Development; and

WHEREAS, a public hearing was held following public notice as prescribed by ordinance; and

WHEREAS, the Planning Commission has by unanimous vote recommended approval of the proposed Second Amendment to the Master Development Agreement subject to resolution of outstanding staff comments; and

WHEREAS, the City Council has approved by a majority vote of the members present the approval of the Second Amendment to the Master Development Agreement for The Pavilion at Port Orange Planned Commercial Development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange does hereby approve the Second Amendment to the Master Development Agreement for The Pavilion at Port

Orange Planned Commercial Development (attached hereto as Exhibit 1).

Section 2. The Mayor and City Manager are hereby authorized to execute said Second Amendment to the Master Development Agreement for The Pavilion at Port Orange Planned Commercial Development on behalf of the City of Port Orange.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption by the City Council.

Mayor Allen Green

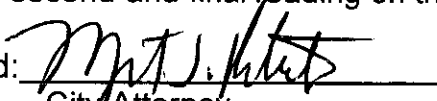
ATTEST:

Kenneth W. Parker, City Manager

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

Reviewed and Approved:



City Attorney

This Instrument Prepared By:
Robert A. Merrell III, Esquire
Cobb Cole
150 Magnolia Avenue
Daytona Beach, FL 32114

STATE OF FLORIDA

**SECOND AMENDMENT TO THE
MASTER DEVELOPMENT AGREEMENT FOR
THE PAVILION AT PORT ORANGE
PLANNED COMMERCIAL DEVELOPMENT (PCD)**

COUNTY OF VOLUSIA

THIS SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE PAVILION AT PORT ORANGE PLANNED COMMERCIAL DEVELOPMENT (PCD) (this "Second Amendment") is entered into by and between THE CITY OF PORT ORANGE FLORIDA, a chartered municipal corporation located in Volusia County, Florida (the "City") and PORT ORANGE TOWN CENTER, LLC (the "Owner") and THE PAVILION AT PORT ORANGE, LLC (the "Developer").

WHEREAS, the City, Owner and Developer entered into the "Master Development Agreement for The Pavilion at Port Orange Planned Commercial Development (PCD) Agreement (the "Agreement"), recorded in Official Records Book 6173, Page 1611, Public Records of Volusia County, Florida; and

WHEREAS, the City, Owner and Developer entered into the "First Amendment to the Master Development Agreement for The Pavilion at Port Orange Planned Commercial Development (PCD) Agreement" (the "First Amendment"), recorded in Official Records Book 6250, Page 2994, Public Records of Volusia County, Florida; and

WHEREAS, the property subject to the Second Amendment remains unchanged from that of the Agreement and First Amendment and consists of approximately 73.082+/- acres of real property located within the municipal limits of the City of Port Orange, Florida (the "Property"), as more particularly described on attached Exhibit "A";

WHEREAS, the City, Owner and Developer agree that the Agreement and First Amendment did not include certain language which they have determined should be included and which is set forth herein; and

WHEREAS, the City, Owner and Developer agree to certain minor changes to **Exhibit "E"** (Master Sign Plan) of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City, Owner and Developer hereto covenant and bind themselves as follows:

1. The recitals provided above are recognized as true and correct representations and are incorporated herein.

2. The parties hereto hereby restate all recitals, terms and conditions of the First Amendment to the Master Development Agreement for the Pavilion at Port Orange Planned Commercial Development (PCD) recorded in Official Records Book 6250, Page 2994, Public Records of Volusia County, Florida, and agree to be bound thereby.

3. Paragraph 5 of the First Amendment, which is Section 8 of the Agreement is amended as follows:

"8. PCD Permitted Uses

A. Permitted Principal Uses:

Banks with Drive Thru Lanes (limited to Lots 1A, 1B, 2, 3 and 4)

Bars/Lounges/Nightclubs/Liquor Stores¹

Business Services

Communication Towers

One Convenience Store with Gasoline Pumps or one Motor Vehicle Service Center (Limited to Lots 1A, 1B, or 2 3 and 4)

Financial Services

Furniture and Appliance Stores

Game/Recreation Facilities

Health/Exercise Clubs

Hotels/motels

Medical Offices/Clinics

Motion Picture and Performing Arts Theaters

Newsstands/Bookstores

¹ Article 1, Sec. 6-1 - Port Orange Code of Ordinances - It shall be unlawful for any person in the city on business premises to sell, consume, serve, permit to be served or consumed, barter, exchange or in any way deal in alcoholic beverages containing more than one-half of one percent of alcohol by volume between the hours of 2:00 a.m. and 7:00 a.m. each day.

Office Supplies

Professional Offices

Personal Services, including, but not limited to: Beauty/Barber Shops

Pet Stores w/Veterinary Clinics and In-House Training Services

Restaurants, Including Food and Alcoholic Beverage Sales in Outdoor Area²

Retail Home Improvement Centers with Outdoor Sales Center (Screened in Accordance with the LDC)

Retail Sales, including but not limited to:

Department Stores

Electronic Sales

Resale Stores

Resales

Rental and Services

Retail, Grocery and Drug Stores

Specialty Retail Sales

Video Rentals

Retail Nurseries and Garden Supplies with Outdoor Garden Sales Center (Screened in accordance with LDC)

Stormwater retention facilities, including a standalone stormwater pond on the County Pond Property, if necessary, in accordance with Section 6 herein

Xerographic and Offset Printing"

² Article 1, Sec. 6-1 - Port Orange Code of Ordinances - It shall be unlawful for any person in the city on business premises to sell, consume, serve, permit to be served or consumed, barter, exchange or in any way deal in alcoholic beverages containing more than one-half of one percent of alcohol by volume between the hours of 2:00 a.m. and 7:00 a.m. each day.

3. Paragraph 6 of the First Amendment, which is Section 22 of the Agreement, entitled "Complete Agreement", is amended in its entirety as follows:

"22. Complete Agreement

This Agreement and the DRI DO, the First Amendment, including all exhibits, and the Second Amendment represent the complete understanding by and between the parties with respect to the development and use of the subject PCD Property. Any and all prior agreements between the parties with respect to any subject comprehended by this Agreement and the DRI DO, as amended by the First Amendment and this Second Amendment, is hereby voided and superseded by this Agreement and the DRI DO, as amended by the First Amendment and this Second Amendment. Any amendment to this Agreement or the DRI DO shall be in writing and signed by the City and the Property Owner."

4. The textual portions of Amended Exhibit "E" to the First Amendment are hereby amended as shown on the attached "Second Amended Exhibit "E"", and the remainder of said Exhibit contained in the Agreement and the First Amendment remain unchanged.

5. The remainder of said Agreement and First Amendment remain unchanged.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto attached their hands and seals on the dates set forth below:

Signed, sealed and delivered
in the presence of:

**THE CITY OF PORT ORANGE,
FLORIDA, a Florida municipal
Corporation**

By: _____
Allen Green, Mayor

Witness 1

Print Name of Witness 1

Witness 2

Print Name of Witness 2

Attest: _____
Kenneth W. Parker, City
Manager

Witness 1

Print Name of Witness 1

Date: _____

Witness 2

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by Allen Green and Kenneth W. Parker, Mayor and City Manager, respectively, of The City of Port Orange, Florida, a chartered municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

Notary Public
Commission No: _____

Signed, sealed and delivered in the presence of:

OWNER:
PORT ORANGE TOWN CENTER, LLC, a Delaware limited liability company,
By: PORT ORANGE I, LLC, a Florida limited liability company, its sole member and chief manager,
By: THE PAVILION AT PORT ORANGE LLC, a Florida Limited Liability Company, its managing member,
By: CBL & ASSOCIATES LIMITED PARTNERSHIP, a Delaware limited partnership, its chief manager,
By: CBL HOLDINGS I, INC., a Delaware corporation, its sole general partner

Witness 1

Print Name of Witness 1

Witness 2

Print Name of Witness 2

By: _____
Victoria S. Berghel
Its Senior Vice President and
General Counsel

Date: _____

STATE OF TENNESSEE
COUNTY OF HAMILTON

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by Victoria S. Berghel, Senior Vice President and General Counsel of Port Orange Town Center, LLC, a Delaware limited liability company, by Port Orange I, LLC, a Florida limited liability company, its sole member and chief manager, by The Pavilion at Port Orange, LLC, a Florida limited liability company, its managing member, by CBL & Associates Limited Partnership, a Delaware limited partnership, its chief manager, by CBL Holdings I, Inc., a Delaware corporation, its sole general partner. She is personally known to me or produced _____ as identification and did not take an oath.

Notary Public
Commission No.: _____

Signed, sealed and delivered in the presence of:

DEVELOPER:
THE PAVILION AT PORT ORANGE LLC, a Florida Limited Liability Company,
By: CBL & ASSOCIATES LIMITED PARTNERSHIP, a Delaware limited partnership, its manager,
By: CBL HOLDINGS I, INC., a Delaware corporation, its sole general partner

Witness 1

Print Name of Witness 1

By: _____
Victoria S. Berghel
Its Senior Vice President and
General Counsel

Witness 2

Print Name of Witness 2

Date: _____

STATE OF TENNESSEE
COUNTY OF HAMILTON

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Victoria S. Berghel, Senior Vice President and General Counsel of The Pavilion at Port Orange, LLC, a Florida limited liability company, by CBL & Associates Limited Partnership, a Delaware limited partnership, its manager, by CBL Holdings I, Inc., a Delaware corporation, its sole general partner. She is personally known to me or produced _____ as identification and did not take an oath.

Notary Public
Commission No.: _____

EXHIBIT "A"

LEGAL DESCRIPTION OF PCD PROPERTY

THAT PORTION OF SECTION 18, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, LYING NORTHERLY AND EASTERLY OF WILLIAMSON BOULEVARD (EAST COAST BELTLINE) AS RECORDED IN OFFICIAL RECORDS BOOK 3773, PAGES 0770, 0771 AND 0772 AND LYING SOUTHERLY AND WESTERLY OF INTERSTATE 95 AS SHOWN ON STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP SECTION 79002-2407, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 18, THENCE S89°57'21"E ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 886.76 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID WILLIAMSON BOULEVARD AND THE POINT OF BEGINNING, SAID POINT BEING ON A CURVE TO THE LEFT, HAVING A RADIUS OF 2965.00 FEET, A CENTRAL ANGLE OF 150°3'12" AND A CHORD BEARING OF N47°17'26"W; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, A DISTANCE OF 779.00 FEET; THENCE N54°49'02" W, A DISTANCE OF 1441.19 FEET; THENCE N35°10'58" E, A DISTANCE OF 983.91 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET, A CENTRAL ANGLE OF 104°5'11" AND A CHORD BEARING OF S56°50'06" E; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 197.06 FEET; THENCE N41°01'13" E, A DISTANCE OF 602.49 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID INTERSTATE 95 AND A POINT ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 3644.83 FEET, A CENTRAL ANGLE OF 27°26'06" AND A CHORD BEARING OF S37°04'44" E; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1728.63 FEET; THENCE S23°21'41" E, A DISTANCE OF 29.97 FEET; THENCE S17°10'42" E, A DISTANCE OF 603.51 FEET; THENCE S14°23'24" E, A DISTANCE OF 542.73 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 18, THENCE DEPARTING THE RIGHT OF WAY LINE OF SAID INTERSTATE 95, ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, N89°57'21" W, A DISTANCE OF 745.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 73.082 ACRES, MORE OR LESS.

Exhibit "E"
Master Sign Plan

**MASTER DEVELOPMENT AGREEMENT FOR
THE PAVILION AT PORT ORANGE
PLANNED COMMERCIAL DEVELOPMENT**

*Date: September 12, 2007
First Amendment: April 16, 2008
Second Amendment: July 23, 2009*

*Submitted by:
CBL & Associates Properties, Inc.
The Benchmark Group*

*Contact:
Bob Elliott
Development Manager
CBL Center, Suite 500
2030 Hamilton Place Boulevard
Chattanooga, TN. 37421-6000
(423) 490-8674 (office)
(423) 490-8626 (fax)
(423) 280-4700 (mobile)
bob_elliott@cblproperties.com*

MASTER SIGN PLAN FOR THE PAVILION AT PORT ORANGE

1.0 Purpose and Intent

1.1 The purpose and intent of The Pavilion at Port Orange Master Sign Plan is to establish requirements for the placement of on-premises signs, in order to preserve and protect the health, safety, welfare and general well being of the community's citizens, to ensure adequate means of communication through signage while maintaining the attractive visual appearance within the city, encourage signs which help to visually organize the activities of the community, lend order and meaning to business identification, and make it easier for the public and business delivery systems to locate and identify their destinations.

1.2 The purpose and intent of The Pavilion at Port Orange Master Sign Plan is the same as that set forth in Chapter 15 of the Land Development Code (LDC) City of Port Orange, Florida. The following criteria apply:

- (a) Maintain the established suburban character of the city by regulating all exterior signage in a manner which promotes signage of high quality design;
- (b) Protect and maintain the visual integrity of roadway corridors within the city by establishing a maximum amount of signage on any one site to reduce visual clutter;
- (c) Establish locations and setbacks for signage which are designed to protect motorists from visual distractions, obstructions and hazards;
- (d) Enhance the appearance of the physical environment by requiring that signage be designed as an integral architectural feature of the site and structure to which such signage is intended to identify, and sited in a manner which is sensitive to the existing natural environment;
- (e) Provide for signage which satisfies the needs of the local business community for visibility, identification and communication;
- (f) Foster civic pride and community spirit by maximizing the positive impact of development;
- (g) Establish alternative provisions for structures within The Pavilion at Port Orange where demonstrated unique dimensional circumstances do not easily permit compliance with the general requirements.

2.0 The Pavilion at Port Orange Master Sign Plan Justification

2.1 The Pavilion at Port Orange overlays the I-95 and Dunlawton Corridor Districts and meets the approved intent of the conditions outlined in LDC City of Port Orange, Florida Ordinance no. 2006-12.

2.2 The location of this project needs appropriate signage not only for the safe routing of internal and neighborhood traffic, but also for the traveling public using I-95 and Williamson Boulevard. Appropriate signage within the development will also encourage the desired internal capture of vehicular traffic. Buildings within this multiple-occupancy complex may be situated so that they are not visible from exterior roadways, and in order to provide the public traveling on I-95 and Williamson Boulevard, safe and efficient signage, it will be necessary to allow signage on any side of any building facing the main perimeter roadways/highway.

2.3 All of the above stated situations speak to the need for a creative and unified signage plan. The following plan provides cohesiveness and aesthetic relief to the site.

3.0 Compliance

3.1 This Master Sign Plan for The Pavilion at Port Orange identifies specific sign treatments which meet the intent of Chapter 15 of the LDC City of Port Orange, Florida Ordinance no. 2006-12. Any signage not specifically addressed in this Master Sign Plan shall default to the requirements of the underlying LDC Chapter 15.

3.2 This comprehensive sign plan will regulate signage for The Pavilion at Port Orange. The Master Sign Plan will apply to The Pavilion at Port Orange unless specifically referenced herein.

4.0 Future Administrative Deviations

4.1 Deviations from this signage plan may only be approved through an amendment to the Master Development Agreement (MDA) and Conceptual Development Plan. The Pavilion at Port Orange Case No. 07-65000004, with the city of Port Orange and written authorization from CBL & Associates Properties, Inc. and The Benchmark Group.

5.0 Permit Required

- 5.1 It shall be unlawful to erect, construct, alter, or display any sign within The Pavilion at Port Orange, without first obtaining a permit indicating compliance with the provisions and regulations of this Signage Plan, except as defined below.
- 5.2 A permit shall not be required for the repair or maintenance of a sign for which a permit has previously been issued, so long as the sign is not modified in any way and is consistent with the requirements of this Master Sign Plan.
- 5.3 Exempt signs: Signs exempt from the permitting requirements are identified in Chapter 15 Sec. 3(a), of the LDC.

6.0 Fees

- 6.1 Fees for permits under this plan shall be in accordance with the LDC (Land Development Code) permit fees in the City of Port Orange Community Development Department.

7.0 General Limitations

- 7.1 Sight Distance Triangle
All signs located within the sight distance triangle shall be ground mounted with a maximum height of 35 inches.
- 7.2 Changes to Signs
A permit will be required for a new business changing sign content, including text, per City of Port Orange regulations.
- 7.3 Off-Premise Signs
Off-premise sign are not permitted as per LDC Chapter 15. No signs included within the boundaries of this project as shown on Figure A shall be considered off-premise signs.
- 7.4 On-Premise Signs
On-Premise Identification Signs are signs or any future signs with-in the PCD Property shown in Figure A.
- 7.5 Construction and Installation Requirements
 - No exposed conduit, raceways (except small shops) ballast boxes or transformers will be permitted

- No labels will be permitted on visible surfaces, except those required by ordinances. Where necessary, labels will be placed in inconspicuous locations.
- All metal surfaces shall be uniform and free from dents, warps and other defects. Painted surfaces shall be free of particles, drips and runs.
- Exposed screws, rivets or other fastening devices shall be flush with the surrounding surface and finished so as to be unnoticeable.
- Individual businesses, anchors, offices or institutional establishments located within the PCD Property shall not be allowed individual ground-mounted identification signs with the exception of: Outparcel ground-mounted signs on Williamson Boulevard. Each outparcel may have an individual ground-mounted identification sign.

8.0 General Definitions of All Sign Types

- Anchor Tenant: Any tenant that occupies an area of 20,000 s.f. or greater.
- Architectural Element: Refers to a signage area incorporated into a freestanding building or structure designed to be of character similar to the surrounding area.
- Awning Sign: Any information painted on, or imprinted on, awnings. An Awning is roof like cover, securely fastened on one side or end to a building, and the balance of which extends over or before a place (as over walkway or before a window) as a shelter and whose bottom edge is at least seven feet above the highest grade level beneath it.
- Banner: Any sign with characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material. A flag shall not be considered a banner.
- Blade Sign: See Projecting Signs
- Construction sign: A sign announcing and identifying the construction project scheduled or underway on the site where the sign is located.
- Construction, Real Estate sign: A construction sign, as described above, which also advertises the real property where the sign is located for sale, lease or rent.
- Design Element: Graphic portion of logo not including letters

- **Directional signage:** Any sign used to indicate the direction to entrances, exits, parking areas, restrooms, drive-through facilities or other non business related facilities on the site. Such signs may contain the The Pavilion at Port Orange logo, building names, major tenant names and parking destinations but shall not include advertising of any kind.
- **Directory:** A sign which gives the names of the businesses or individuals located in the building or complex where it is located. A directory sign shall be of a unified design and common material, and shall allow for a uniform size sign for each business or unit of space in the development. Directory signs shall be limited to the name and type of business and its location within the building or complex. Directories may be freestanding having a permanent below ground foundation or wall mounted and include the The Pavilion at Port Orange logo. Maps may also be included.
- **Double-faced sign:** A sign with two faces which are no more than three feet apart at their closest point, and which describe an internal angle between face planes extended of no more than 30 degrees.
- **Fascia sign:** A sign located on the fascia of a roof or canopy, or affixed to the front plane of a mansard roof that is a maximum of 30 degrees from vertical, including signs that extend the plane of the structural fascia such that the vertical dimension of the sign is no more than one-third the distance from the ground to the bottom of the fascia, and no lateral supports are used.
- **Flag:** A rectangular piece of fabric of distinctive design that is used as a symbol (as of a nation, state or city), or is displayed to show affiliation with a specific recognized organization (such as fraternal, religious or charitable organizations).
- **Freestanding sign:** Any sign supported by uprights or braces placed upon or in or supported by the ground, a fence or non structural wall. This shall include signs attached to buildings but supported in whole or in part as described above. A flagpole shall not be considered a freestanding sign.
- **Front-foot, building:** Each lineal foot, or major portion thereof, measured along the main entry side of a building. Where buildings form an L or U, all main entry sides are measured.
- **Front-foot, property:** Each lineal foot, or major portion thereof, measured along the public right-of-way where the subject property abuts said right-of-way.
- **Front-foot, tenant:** Each lineal foot, or major portion thereof, measured along the main entry side of a tenant space.
- **Graphic Panel:** An artistic or illustrative panel that reflects the character of the PCD property and does not include a tenant name or logo.
- **Ground sign:** A sign which is in contact with or in close proximity, to the ground for a minimum of 80 percent of its greatest horizontal dimension.
- **Height of sign:** The distance between the top of a sign and the average grade elevation below it, or center line grade of the adjacent roadway, whichever is less. The height of sign shall be measured to surface roads only and shall not apply to bridges, overpasses or similar elevated roads.
- **High-Rise signage:** A wall sign placed higher than thirty (30) feet above ground level.
- **Identification sign:** A sign that indicates the name and type of business or service, or the name of the development located on the site where the sign is located including street address, phone number, and graphic of business logo.
- **Illuminated sign:** A sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.
- **In Line Premises:** Any tenant that shares a wall with another tenant or is placed within a larger building and has an exterior entrance.
- **Marquee:** A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
- **Marquee Sign:** Any sign attached to and made a part of a marquee.
- **Menu Board:** Any free standing sign which carries only the name of a restaurant or retail business and the current list and prices of foods, food preparations, or products available in that restaurant or retail business.
- **Monument signage:** See Ground sign.
- **On-site sign:** Any signs located on the PCD Property that identify or advertise only goods, services, facilities, events or attractions available on the premises where the sign is located.
- **Pennant:** Any flag-like piece of cloth, plastic or paper attached to any staff, cord, building or other structure that hangs loosely for the purpose of attracting attention to its site.
- **Poster frame sign:** A frame or similar structurally delineated area on the exterior wall of a building designed to accept pre-printed signs that are generally displayed for weeks or months at a time.
- **Project Identification Logo:** A symbol that represents the Pavilion at Port Orange project as a whole and is repeatedly used on signage throughout the development. The project identification logo may not be one that represents a single tenant or brand.
- **Project Identification Sign:** See Identification sign.

*Refer to sign matrix (Figure Q) for sign specifications

- **Projecting Signs (Blade Signs):** A sign supported by a wall of a building, projecting away from that wall 12 inches or more, and designed with a face or faces reading at an angle to that wall. This term shall include the term "blade sign."
- **Raceway:** A channel for protecting and holding electrical wires and cables, esp. a metal rectangular tube used for such purposes.
- **Roof sign:** A sign painted on or affixed to the roof of a building and primarily supported by that roof structure, except fascia signs as defined in this sign code.
- **Sandwich Board & Menu Board signs:** Any sign consisting of two faces that are partially joined together and is free of structure or support and not secured to the ground.
- **Sign:** Any letters, numbers, symbols, graphics, pictures, three-dimensional objects, figures or combination thereof which is erected, constructed, placed, attached or painted on a structure or the ground, which identifies, advertises or directs attention to a product, business, institution, place, person or event, and which can be seen from the public right-of-way. When not modified by the terms "structure" or "face," the term "sign" shall include all parts of the sign and its supporting structure.
- **Sight Distance Triangle:** See Visual Clearance
- **Sign Face:** Any plane, surface, curve or other area containing a sign. The total surface of a sign including the background and frame but not structural supporting elements outside of its frame. Where a sign is composed of skeleton letters, characters or symbols applied to a background which is not a structural part of the sign, the face of the sign shall be the smallest rectangle, triangle or circle which will include the display.
- **Sign Structure:** The uprights, supports, braces and framework supporting a sign.
- **Street Banner:** Any banner sign which is stretched across and/or hung over a public right-of-way or private drive or parking aisle.
- **Supplementary Wall sign:** A non-permanent sign installed within a poster frame, window, door, clip frame, or other similar display fixture or area. Temporary window signs are considered supplementary wall signs.
- **Under-Canopy sign:** A sign painted on or attached to the underside of a canopy or marquee.

- **Wall Sign:** A sign painted on or affixed to the structural wall of a building, with a sign face approximately parallel to the wall perpendicular to the ground and projecting no more than 12 inches from the wall. The general term "wall sign" shall also include window signs and fascia signs.
- **Real Estate:** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- **Visual Clearance (Sight Distance Triangle):**
As per the LDC Chapter 16, Section 6(a) (2), (3) and (4) the visual clearance required is as follows:
Intersection of a private driveway and a public right-of-way
A triangle described by the intersection of the edge of the driveway and the right-of-way line, and a line joining points on those lines ten feet from said intersection.
Visual Clearance Zones — Private Driveways
In the area along all public rights-of-way measured five feet perpendicular from said right-of-way.
Visual Clearance Zones — Along Public Rights-of-Way
In the area along all access driveways measured three feet perpendicular to the edge of the drive.
- **Wall sign:** A sign painted on or affixed to the structural wall of a building, with a sign face approximately parallel to the wall perpendicular to the ground and projecting no more than 12 inches from the wall. The general term "wall sign" shall also include window signs and fascia signs.
- **Window Signs / Attached and Unattached:** A permanent sign affixed to, suspended within three feet behind, or painted on either face of a window or glass door that leads to the exterior of the building.

9.0 General Regulations for Project Identification Signs

9.1 Style

Project identification signs must be designed to be of similar character.

9.2 Sight Distance Triangle

All signs located within the sight distance triangle shall be ground mounted with a maximum height of 35 inches.

9.3 Changeable Copy Signs

Changeable copy signs are not allowed on Project Identification Signage or on any other signs except in locations not visible from the right of way for office directory signs at building entrance, bus shelters, and advertising panels.

Changeable copy signs may include digital reader boards, interactive advertising panels, rotating (tri-vision) or scrolling graphic panels. Message change interval: message/image to remain lived for at least 10 seconds, with a message change time of 3 seconds or less. Changeable copy signs will be of character similar to the sign elevations shown on Figure 1-1 and 1-2. Refer to sign matrix on page 42 for size specifications

9.4 Tenant Sign Panels

Tenant sign panels shall be allowed on the same structure as the project identification signs for directional signs only. Tenant sign panels will not be allowed on the project identification signs. No more than 8 (eight) tenant sign panels will be allowed on any one Vehicular Directional sign in addition to the project logo.

9.5 Sign Illumination

All light sources shall be shielded to prevent glare and must be directed at building elements or signage. To keep light rays and glare from encroaching adjacent properties, illumination shall be installed with house side (full cut-off) shields and reflectors to confine the light rays to the premises. No lights will be allowed to be directed into the open sky.

9.6 Signage Maintenance

All project identification signs and their associated landscaping will be constructed and maintained by the Landlord.

9.7 Type "A" Project Identification Signs - Freeway

One (1) "The Pavilion at Port Orange" Type "A" project identification sign will be located along I-95 and will be set back 5 feet from the right-of-way - no part of sign shall overhang the right-of-way. Type "A" sign will be similar in type and size to the sign elevation shown on Figure B. See Figure A-1 for proposed sign location. Final sign location to be established based on the above and interstate visibility upon completion of approved tree clearing and grading.

9.8.1 Type "A" Project Identification Sign - Freeway Maximum Allowed Height

Type "A" Project Identification Sign height shall not exceed 15'-0". Sign height is to be measured as the distance between the top of a sign and the center line grade or crown of the adjacent roadway. The design element lettering of the The Pavilion at Port Orange logo attached to the sign must be below the height limit.

9.8.2 Type "A" Project Identification Sign - Freeway Maximum Allowed Area

Type "A" Project Identification Sign area shall not exceed 200 s.f. per face. Signage area shall be calculated by forming a rectangle around the logo lettering only. Structure and design elements are not counted towards maximum allowed sign area. The project identification logo is not included in sign area.

9.9 Type "B" Project Identification Signs - Primary

Type "B" One (1) "The Pavilion at Port Orange" Type "B" project identification sign will be located on Williamson Boulevard and will be set back 5 feet from the right-of-way. No part of sign shall overhang the right-of-way. Type "B" signs will be of character similar to the sign elevation shown on Figure C-1 and C-2. See Figure A-1 for proposed sign locations.

9.9.1 Type "B" Project Identification Sign Maximum Allowed Height

Project Identification Sign height shall not exceed 15'-0". Sign height is to be measured as the distance between the top of a sign and the center line grade or crown of the adjacent roadway. The design element lettering of the The Pavilion at Port Orange logo attached to the sign must be below the height limit.

9.9.2 Type "B" Project Identification Sign Maximum Allowed Area

Type "B" Project Identification Sign area shall not exceed 112 s.f. per face. Signage area shall be calculated by forming a rectangle around the logo lettering only. Structure and design elements are not counted towards maximum allowed sign area. The project identification logo is not included in sign area.

9.10 Type "C" Freestanding Signs - Secondary

Two (2) Type "C" identification signs will be located on Williamson Boulevard to identify alternate entries. Signs will be set back 5 feet from the right-of-way with a minimum of 700 linear feet required between Type "C" signs and there will be a minimum of 400 linear feet between Type "C" and Type "B" signs, based on 2,300 lineal frontage. Type "C" signs will be of character similar to the sign elevation shown on Figure D. See Figure A-1 for proposed sign locations.

9.10.1 Type "C" Sign Maximum Allowed Height

Freestanding Sign-Secondary height shall not exceed 15' - 0". Sign height is to be measured from as the distance between the top of a sign and the center line grade or crown of the adjacent roadway. The design element lettering of The Pavilion at Port Orange logo attached to the sign may not extend above the top panel of the sign.

9.10.2 Type "C" Sign Maximum Allowed Area

Type "C" Freestanding Sign-Secondary area shall not exceed 112 s.f. per face. Signage area shall be calculated by forming a rectangle around the logo lettering only. Structure and design elements are not counted towards maximum allowed sign area. The project identification logo is not included in sign area.

9.11 Type "S" Freestanding Signs — Outparcel

One (1) Freestanding Outparcel sign will be located per Outparcel Lot on Williamson Boulevard and will be set back 5 feet from the right-of-way. Type "S" signs will be of character similar to the sign elevation shown on Figure E. See Figure A-1 for proposed sign locations.

9.11.1 Type "S" Sign Maximum Height

Freestanding Sign — Outparcel height shall not exceed 8'-0". Sign height is to be measured from as the distance between the top of a sign and the center line grade or crown of the adjacent roadway.

9.11.2 Type "S" Sign Maximum Allowed Area

Freestanding Sign — Outparcel sign area shall not exceed 48 s.f. per face. Signage area shall be calculated by forming a rectangle around the logo lettering only. Structure and design elements are not counted towards maximum allowed sign area.

9.12 Type "D" Ground Sign-Vehicular Directional

Two (2) Type "D" vehicular directional signs will be located along internal drives at main entrances as shown on Figure A-1 and will be set back 5 feet from the right-of-way. Type "D" signs will be of character similar to the sign elevation shown on Figure F.

9.12.1 Type "D" Sign Maximum Allowed Height

Ground Sign-Vehicular Directional height shall not exceed 6'-8". Sign height is to be measured from as the distance between the top of a sign and the adjacent roadway. The project identification logo attached to the sign may extend above the top panel of the sign.

9.12.2 Type "D" Sign Maximum Allowed Area

Type "D" Ground Sign-Vehicular Directional information panel area shall not exceed 54 s.f. per face. Signage area shall be calculated by forming a rectangle around the information panel lettering only. Each tenant panel to be a maximum of 3 s.f. Structure and design elements are not counted towards maximum allowed sign area. The project identification logo is not included in sign area.

9.13 Tenant Sign panels on Project Identification Signs

Tenant Sign panels are not allowed on Project Identification Signs with the exception of Vehicular Directional signs.

9.14 Type "E" Vehicular Directional - Vertical

Vehicular Directional Signs will be used to indicate the office building entrance location and may not exceed 6 s.f. per sign face or each grouping of sign faces in the same plane. The height shall not exceed 10'-0". Vehicular Directional - Vertical Signs will be located at key decision making points along the boundary of The Pavilion at Port Orange and internally as needed. Type "E" signs will be of character similar to the sign elevation shown on Figure L-1. See Figure A-1 for proposed sign locations.

9.15 Type "F" Traffic and Street Name Signs

Traffic and street name signs shall be similar in character to the overall signage design package. Design and colors may vary in accordance with the signage design package. Street name signs will be of character similar to the sign elevation shown on Figure L-2. The street name panel shall not exceed 2 s.f. per panel face. Panels shall be mounted to dedicated posts with a 9'-6" clearance. The post height shall not exceed 12'-0".

9.16 Type "G" Regulatory Signs

Specially themed regulatory signs oriented to motorists will be used throughout the The Pavilion at Port Orange. These include all standard MUTCD signs that can fit within the overall design theme. Regulatory signs will be placed on decorative poles throughout The Pavilion at Port Orange as shown on the approved site plan. Reference Civil plans by Miller-McCoy, Inc. for regulatory sign locations. Regulatory signs will be of character similar to the sign elevation shown on Figure L-3.

9.17 Real Estate Signs

Real estate signs shall be designed and submitted to the Landlord for review and approval. Real estate signs shall be permitted as per the City of Port Orange's Land Development Code.

9.18 Type "AA" & "BB" Construction, Real Estate Signs

Three (3) Temporary Construction Real Estate Signs will be located along I-95 and Williamson Boulevard: one (1) Construction Sign on Williamson Boulevard and two (2) Real Estate Signs along I-95. The Real Estate sign height shall not exceed 15'-0" and the area for each sign shall not exceed 200 s.f. The Construction sign height shall not exceed 10'-0" and the area for this sign shall not exceed 50 s.f. The Temporary Construction, Real Estate and leasing signage shall be reviewed by zoning officer, and permitted by the City of Port Orange. Renderings, murals, and images are permitted on the construction fence. A maximum of Three (3) signs shall be allowed. See Figure A-3 for proposed sign locations. See Figure Q for visual reference. See figure A-3 for proposed sign locations.

9.19 Type "V" Sponsor Signs

Maximum height shall not exceed 15 feet. Maximum copy area shall not exceed 30 s.f. Additional sign area of one and one half square feet per lineal foot of common area shall be permitted for Sponsor Identification Signage. Sponsor Identification sign area is exempt from being counted in overall project maximum allowed signage area. Sponsor signs will be of character similar to the examples shown on Figure L-1. Sponsor Signs will only be permitted in the Sponsor Sign and Play Location Area. See Figures A-1 and A-2 for proposed areas for sign locations.

9.20 Advertising Panels

Additional sign area of one and one half square feet per lineal foot of tenant/building front shall be permitted for miscellaneous advertising and signage to include window signs, poster frames and similar signs supplementary to identification signs. Advertising signs cannot be visible from the right-of-way. Advertising sign area is exempt from being counted in overall project maximum square footage. See Figure K for directory ad panel sign example and A-2, for proposed advertising at sign type H locations.

- (a) Type "H" Ad panel on Directory
Maximum height not to exceed 12'-0". Maximum copy area not to exceed 40 s.f.
- 9.21 Type "Y" Bus Shelters
Bus Shelters will be permitted per LDC, Ch. 15, Sec. 7(f). Bus Shelter ad panels will be of character similar to the sign elevation shown on Figure K. Maximum height not to exceed 8 feet. Maximum copy area not to exceed 40 s.f.
- 9.22 Type "M" Service Directional Blade
Maximum sign height not to exceed 14 feet above the finished floor. Maximum copy area not to exceed 8 s.f. Refer to L-7 for visual reference.
- 9.23 Type "N" Restroom ADA Plaque Signs
Maximum height 5 feet on center. Maximum copy area .6 s.f. Refer to L-8 for visual reference.
- 9.24 Type "O" Loading Dock Signs
Loading Dock identification signage will include one (1) building wall mounted sign and one (1) vehicular entry sign per loading dock. Maximum height of sign not to exceed 20 feet to bottom of sign above the finished floor. Maximum copy area not to exceed 12 s.f. each. Refer to L-9 for visual reference.
- 9.25 Type "Q" Play Area Identification
Maximum height 6 feet. Maximum copy area 30 s.f. Refer to L-11 for visual reference.
- 9.26 Type "R" Play Area Rules Sign
Maximum height 4 feet. Maximum copy area 16 s.f. Refer to L-11 for visual reference.
- 9.27 Type "I" Pedestrian Directional Signage
Maximum height 14 feet. Maximum copy area 12 s.f. Directional panels shall have a clearance of 8' - 6". Refer to Figure G for visual reference.
- 9.28 Type "W" Project Identification Signage - Waterfront
One (1) "The Pavilion at Port Orange" Type "W" project identification sign will be located on the retaining wall along the water in front of the Central Park area. Maximum sign height may not exceed 5 feet. Maximum sign area may not exceed 250 square feet. Signage shall be calculated by forming a rectangle around the lettering only. Structure and design elements are not counted towards maximum allowed sign area. The project identification logo is not included in sign area. The sign may be internally or externally illuminated.

10.0 Sign Shape and Area Computation

- 10.1 The total surface of a sign excluding the background, frame but not structural supporting elements outside of its frame. Where a sign is composed of skeleton letters, characters, or symbols applied to a background which is not a structural part of the sign, the area of the sign shall be the smallest rectangle (measured perpendicular to a horizontal grade), triangle or circle which will include the display. Where a sign is built with two faces back to back, the area of the sign shall be the larger of the areas of the two faces computed as herein before specified. In the case of three-faced signs forming an equilateral triangle, sign area shall be calculated as 1 1/2 times the largest face. In the case of four-faced signs forming a square or cube, sign area shall be calculated as two times the largest face.
- For all retail tenants, other than anchors shown in the attached figures or future anchors to be submitted individually for review, a total sign area of two square feet shall be allowed for each building front foot along the primary street frontage of the building. If the building has frontage on more than one street, additional sign area shall be allowed, based on one and one half square foot of sign area for each front foot of building frontage along the secondary street(s) frontage of the building site. Additional signage may be allowed if determined by the Administrative Official to be consistent with the overall intent of the Master Sign Plan, including but not limited to the sign shape and area computation.
 - Measurement of Building Front Foot. For purposes of sign area computation, a building front foot equals each lineal foot, or major portion thereof, measured along the main entry side of a building. Where buildings form an L or U, all main entry sides are measured. Sign Shape and Area Computation. In computing sign area in square feet, standard mathematical forms for common shapes will be used. Common shapes shall include squares, rectangles, trapezoids and triangles. The total sign area will be the area of the smallest common shape that encompasses the several components of the sign. All words and components of a sign or related message shall be included as one sign.
 - Individual words or components may be considered separate signs only if they express a complete independent message and are separated so as to be obviously disassociated from other message or components.
 - When signs are enclosed in a border or highlighted by background graphics, the perimeter of such border or background will be used to compute area.
- 10.2 When a single sign structure is used to support two or more signs, or unconnected elements of a single sign, the surface area shall comprise the square footage within the perimeter of a rectangle enclosing the outer edges of all the separate signs or sign elements.

10.3 Where signs are installed back-to-back, one face only is considered as the sign area. If unequal in size, the larger face will be counted.

10.4 Tenant or project logos used to create decorative patterns, wall art, medallions, sculptures, or other architectural design elements will not be designated as signage. Tenant graphic panels, decorative patterns, wall art, medallions, sculptures, or other architectural design elements will be allowed.

11.0 Tenant Signs

Tenant signs are permitted in the Sponsor Sign and Play Location Area and Artistic Pedestrian Sign Location Area. See Figure A-1 for area locations.

11.1 Prohibited Signs are listed in the LDC, Ch. 15 Sec. 3(b) 1-31, with the exception of the following:

Note: All tenant signs are located at tenant storefront. Refer to figure A1-A2 for typical locations.

- Lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color. Refer to M-1 for visual reference.
- Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means. Refer to M-1 for visual reference.
- Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy. Refer to M-2 for visual reference.
- Signs, commonly referred to as wind signs, consisting of one or more pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by the wind. Refer to M-2 for visual reference.
- Signs that incorporate projected images, emit any sound that is intended to attract attention. Refer to M-2 for visual reference.
- Signs that emit audible sound, odor, or visible matter such as smoke or steam as long as it is not harmful for the health, safety, welfare and general well being of the community's citizens

11.2 Approved Wall Sign Types

Option 1 Face Illuminated Channel Letters: Individual channel letters and logos shall be formed of welded aluminum, .036 minimum on sides and .080 minimum on backs with no exposed mounting hardware. Letter and logo faces shall be a minimum of 1/8" thick acrylic, non-yellowing material. Letters shall be interior illuminated. Transformers that ensure uniform lighting in cold temperatures shall be utilized.

Option 2 Standard Halo Illuminated individual letters and logos: Also, cast acrylic letters with embedded L.E.D. lighting may be used if approved on an individual basis by the Landlord.

Option 3 F.C.O. (flat cut out) letters with gooseneck down or up lights. Up lights must be shielded from glare and must be directed at building elements or signage. No lights will be allowed to be directed into the open sky. F.C.O. letters must have a minimum depth of 1/4" and be pegged off of the surface a minimum of 3/4".

Option 4 Exposed neon signage will be strictly scrutinized and might be approved only when presented with a high level of quality and style. All neon signage must be reviewed and approved on a case by case basis by the Landlord.

Option 5 Raceways are for small shops only. Raceways are to be painted to match the architectural facade to which they are attached and shall not project more than 6 inches.

Option 6 Creative wall mounted identification signs at tenant storefronts that capture the unique tenant's identity through the innovative use of materials and lighting will be encouraged. Signs to be compatible with the "neighborhood shopping center" project character. Refer to N-1 for visual reference.

11.3 Allowable Sign Area – Anchors

Anchors will be permitted to have wall mounted identification signage with a total sign area not exceed ten percent of the total front wall area of each establishment with no one sign to exceed 350 s.f.

Height shall not exceed 25% of total wall height as per code.

Corner anchor establishments with frontage to secondary streets, will be allowed additional wall mounted identification signage on walls visible to the additional street frontage and oriented toward non-residential use. The total sign area for additional wall mounted identification signage shall not exceed seven percent of the total wall area and no one sign shall exceed 250 s.f. Belk, or the Anchor of 75,000 s.f. or more facing I-95 frontage will be allowed wall mounted

identification signage on the East or North-East wall elevation oriented toward I-95. The total wall mounted identification sign area facing I-95 shall not exceed ten percent of the wall area, with no one sign to exceed 350 s.f.

11.3.1 Allowable Sign Area – Theater

The freestanding Theater building will be permitted to have wall mounted identification signage on the primary front wall and the east facing back wall oriented toward I-95.

The Theater building front wall sign area is not to exceed ten percent of the total front wall area, with no one sign to exceed 350 s.f. Maximum sign height not to exceed 25% of wall height. Additional signage elements such as decorative towers, murals, poster cases, lighted canopy and spires will not contribute to the total identification signage square foot total.

Two (2) large-scale wall mounted poster cases will be permitted on the Theater building front wall elevation adjacent to Theater main entrance. Each large-scale poster case area is not to exceed 155 s.f. with a combined area not to exceed 310 s.f. Large-scale poster cases are to be located on front wall elevation above 13'-6" and below 29'-0" with a minimum horizontal distance of 2'-6" maintained between vertical case sides and from any vertical case side to vertical edge of wall façade. These large-scale poster cases shall be screened by palm trees or other tall trees in the landscaping in front of the Theater building.

The east-facing Theater building wall elevation oriented toward I-95 frontage will be permitted to have wall mounted identification signage with total sign area not to exceed ten percent of the wall area, with no one sign to exceed 350 s.f. Maximum sign height not to exceed 25% of wall height.

Additional marquis identification vertical signage will be permitted on the Theater building tower element oriented perpendicular to the front wall elevation. The allowable vertical Marquis sign area may not to exceed 175 s.f per tower wall side with the combined total vertical Marquis sign area not exceed 350 s.f. The vertical sign element may not extend vertically or horizontally beyond the tower wall face.

11.4 Allowable Sign Area – In Line Premises

Note: Freestanding Anchor Tenants, Offices above retail, and outparcels are not in-line tenants, except if an outparcel is developed as multiple and abutting tenant spaces, then this section shall apply. Refer to Section 10.0 Sign Shape and Area Computation of this Master Sign Plan.

Projecting Tenant signs are subject to the sign area limitations set forth in Section 11.10 of this Master Sign Plan.

The total allowable sign area for project identification will not include tenant signage.

A retailer that occupies a two story space shall be permitted to have a sign in-line with other signs on the first floor where the principal entrance is located.

Product or service descriptions are not allowed.

In-line restaurants must comply with the requirements of this section of the Master Sign Plan.

Maximum sign height shall not exceed 25% of the building level height on which the tenant space is located.

A tenant that occupies a tenant space in the two-story office building shall center their sign within the facade segment in which it would occur in closest proximity to actual demised tenant space along the secondary frontage facing I-95.

11.4.1 Type "T" Office Building ID

One wall or canopy mounted Office Building ID Type "T" sign per Office Building entrance shall be permitted. The sign shall not be illuminated and shall match the architectural style of the building. Maximum height not to exceed 25% of wall height. Maximum copy area not to exceed 30 s.f. Type "T" sign will be similar in type and size to the sign elevation shown on Figure L-13. See Figure A-1 for proposed sign location.

11.5 Allowable Sign Area – Office Tenants

Upper level wall mounted signs will be permitted for office tenants of 10,000 s.f. or greater. Sign Area of Maximum: 30 s.f. – Height Maximum: 25% of the upper level building. Refer to Section 10.0 sign shape and area of this master sign plan.

Maximum sign height shall not exceed 25% of the building level height on which the tenant space is located.

A tenant that occupies a tenant space in the two-story office building may be allowed a sign along the secondary frontage facing I-95. Maximum sign width shall not exceed 80% of the tenant's demised front foot. The sign shall be centered within the facade of facade segment in closest proximity to tenant's interior space

11.6 Type "U" Office Directory

One wall mounted or freestanding office tenant directory will be permitted for each building. Tenant ID panels on directory to be 2 s.f. maximum or 24 s.f. total area, whichever is less.

11.7 Allowable Sign Area – Outparcel Premises

Refer to Section 10.0 Sign Shape and Area Computation of this Master Sign Plan. Allowable sign area calculation as per Chapter 15, Sec.4 (b)(3) (b.1) of the LDC.

The maximum allowable area of signage for Outparcel premises shall include premises primary signage at front façade, secondary signage at rear or service entrance, and secondary signage on the sides of the building. Glazing copy is counted as part of the calculable area of allowed signage.

Outparcel building mounted signs may be installed on a maximum of three (3) signgable walls that adjoin the portion of the building occupied by the business or use with which the sign is associated. A signgable wall is a wall of premises that is visible from a street, parking area or other public or private way and oriented toward non-residential use. A working entrance is not requirement for a signgable wall.

Sign Content. No sign shall contain any advertising message concerning any business, goods, product, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained, however; logos alone are permitted when designed in accordance with wayfinding, designs and symbols.

Projecting Tenant signs are subject to the sign area limitation set forth in Section 11.10 herein.

11.8 General Tenant-Proposed Signage Requirements

The Landlord shall review all tenant-proposed signage in writing, and reserve the right to approve or reject any tenant-proposed signage at their sole discretion. As a prerequisite to submission of a City of Port Orange Application for Sign Permits, a tenant must obtain Certificates of Approval from the Landlord. A Certificate of Approval shall be a letter from the Landlord stating that the tenant's proposed signage is acceptable to the Landlord and authorizing the tenant to then proceed with a City of Port Orange Application for Sign Permits for such signage. A Certificate of Approval shall not indicate or imply that the proposed signage is in compliance with City of Port Orange requirements.

11.9 Method of Calculating Tenant-Proposed Signage Area

Refer to Section 10.0 Sign Shape and Area Computation of this Master Sign Plan. Exclusions are itemized in section 5.3 herein.

11.10 Awning Signs

No internally illuminated awnings will be allowed. Where awnings are used, no vinyl coated or plastic type material will be allowed. Acceptable awning materials include high quality fire treated marine fabric, canvas, metal or glass. Signage may be placed on the edge of awnings and custom graphics and logos may be incorporated into fabric awnings.

11.11 Type "J" Projecting Tenant Signs

In-line premises of less than fifteen thousand (15,000) square feet are allowed to have one (1) Projecting/blade or under canopy sign.

Premises located on ends of buildings may have two (2) hanging identification signs, one (1) per primary façade.

Outparcel premises and premises of more than fifteen thousand (15,000) square feet may have one (1) projecting tenant sign per primary façade.

11.11.1 Type "J" Projecting/Blade and Under Canopy Signs

Projecting/Blade and Under Canopy Signs shall be permitted. Projecting/Blade or Under Canopy Signs of four (4) square feet or less shall be permitted at public entrance of tenant premise and shall not be deducted from premises' total allowable sign area as calculated by building footage on primary and secondary streets. Projecting/Blade signs will be of character similar to the sign elevation shown on Figure L-5.

Projecting/Blade and Under Canopy signs shall be mounted at a right angle to the building face or underneath a colonnade or canopy and may be rigidly attached, hung from a decorative bracket, or wall mounted.

Projecting/Blade and Under Canopy signs are required to be non-illuminated.

Hours of operation and phone numbers shall not be permitted text on Projecting/Blade and Under Canopy signs.

The lowest part of the sign shall not be located lower than seven (7) feet above ground level.

This sign shall depict the name, logo or pictograph of the product or the business.

It shall be attached to the bottom of the marquee, awning or overhang and located over the entrance of the business perpendicular to the sidewalk. The use of interior illuminated signs is prohibited. The use of pictographic signs, such as eyeglasses for an optometrist's office, is encouraged. Hanging signs incorporating the above-listed information will not be counted as allowable sign area.

11.12 Construction and installation of tenant signage

- No labels will be permitted on visible surfaces, except those required by ordinances.
- Where necessary, labels will be placed in inconspicuous locations.
- All metal surfaces shall be uniform and free from dents, warps and other defects. Painted surfaces shall be free of particles, drips and runs.
- Exposed screws, rivets or other fastening devices shall be flush with the surrounding surface and finished so as to be unnoticeable.
- Switches on sign cabinets or letters are not allowed.
- Tenants are required to provide timer controls on tenant's signage. Landlord will dictate hours of signage operation.

*Refer to sign matrix (figure Q) for sign specifications

11.13 Building Entry Information

Each business shall be allowed to post building or occupant names and hours of operation on glass or side door panels. Maximum letter height shall be one inch for hours of operation. Name of the building or occupant may be four (4) inches tall. Logos shall be a maximum of 6 inches tall. All type must fit within a maximum 2 feet by 2 feet area. Type style shall be consistent with style of identification signs. The address or suite number of the premises shall be four (4) inches tall and be located directly above entry door.

11.13.1 Type "L" Tenant Back of House Vinyl/Exterior

Rear entrance address signage is to identify the premises address from the rear service entrance and will include store name and address numbers only. Rear entrance address signage shall meet the requirements of the City of Port Orange Emergency Services with regard to text size, style and color.

One rear entrance address sign will be allowed per tenant to include with an address number maximum size of twelve (12) inches wide by four (4) inches tall and a store name identification maximum size of twenty (20) inches wide by nine (9) inches tall. Signs to be mounted so that the sign base is 5'-0" above grade. Rear entrance signs will be of character similar to the sign elevations shown on Figure L-6.

11.14 Window Signs

Window painting is not allowed. No neon or alternative illuminated signs are allowed in windows or within 10 feet of the storefront. With the exception of building entry information as described in

11.14.1 Decals, signs, decorations or names may be installed in doorways, retail windows or other areas visible to the public view from the exterior of the premises. Window displays are excluded.

11.15 Menu Boards

Menu boards for food service tenants will be allowed as follows:

Menu boards must be framed and presented in a professional format. No photocopied menus taped to a window or storefront will be accepted.

A maximum of two menu boards or price lists for drive through facilities of no more than 24 square feet each located adjacent to and oriented toward the drive through area will be allowed and are exempt from permitting.

Menus of less than two square feet mounted at the entrances to restaurants will be allowed and exempt from permitting.

Menu Board signs are allowed on the sidewalk in front of a building, provided that a minimum width of five (5) feet of sidewalk is still left for pedestrian travel. Menu Board sign must be removed from the sidewalk at the close of business each day.

The minimum size for sidewalk menu boards shall be thirty-six (36) inches tall by twenty-four (24) inches wide. Maximum area of each face shall be 12 square feet. Maximum height shall be five (5) feet.

11.15.1 Sandwich Boards

The minimum size for sidewalk sandwich boards shall be thirty-six (36) inches tall by twenty-four (24) inches wide. Maximum area of each face shall be 12 square feet. Maximum height shall be five (5) feet.

Sandwich Board signs are allowed on the sidewalk in front of a building, provided that a minimum width of five (5) feet of sidewalk is still left for pedestrian travel. Sandwich Board sign must be removed from the sidewalk at the close of business each day.

11.16 Flags and Banners

Flags and banners may only be used by the landlord for the overall center. ~~Tenants are not allowed the use of flags or banners. Tenants shall be permitted to install temporary banners of maximum area of 32 square feet at the front of the tenant space for the following occasions in addition to those allowed by the LDC: "Store Closing", "Now Hiring", and holiday or sidewalk sales events.~~



STAFF REPORT - REVISED

CASE NO. 09-4000002

2ND MDA AMENDMENT - PAVILION AT PORT ORANGE PCD

Robert A. Merrell, III, Esq., Cobb & Cole, applicant

5501 S. Williamson Blvd.

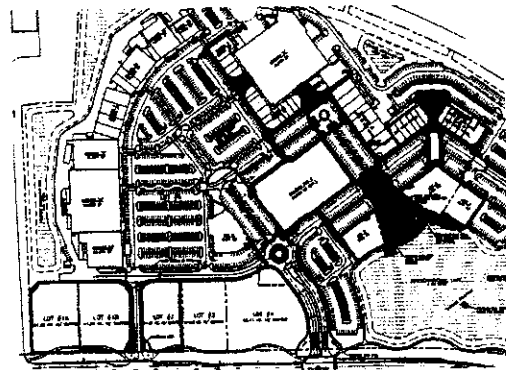
August 3, 2009

INTRODUCTION

Robert A. Merrell of Cobb & Cole, applicant, on behalf of Port Orange Town Center, LLC, owner and Pavilion at Port Orange, LLC, developer, requests approval of the Second Amendment to the Master Development Agreement (MDA) for the Pavilion at Port Orange Planned Commercial Development (PCD)¹. If approved, the amendment will provide for an additional permitted use within the PCD and minor changes to the Master Sign Plan (MSP). The PCD property is located in the northwest quadrant of the City, on the west side of I-95, east of S. Williamson Boulevard, north of Taylor Road and south of Town West Boulevard (Exhibit A).

DISCUSSION

The existing MDA allows for one convenience store with gasoline pumps to be located on one of the outparcel lots that front on Williamson Boulevard. This amendment would add a motor vehicle service center as a permitted use, and allow for either the convenience store or a motor vehicle service center to be developed, but not both. The amendment also limits the location of these uses to lots 1a, 1b, or 2 (outlined in green). Although a motor vehicle service center is an appropriate use within a shopping center, the



location of this use will be limited so as not to be a primary focus near the main entrance or near the "pedestrian town center zone" at the core of the development (shown in pink).

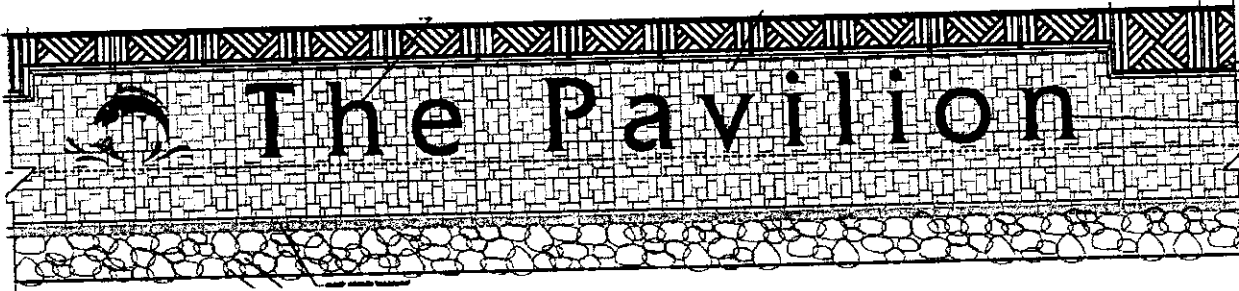
The second revision is to Exhibit "E" relating to the MSP. The intent of the MSP is to establish alternative provisions for structures within the PCD where demonstrated unique circumstances do not easily allow compliance with the general sign requirements, and to provide cohesiveness and aesthetic interest to the site. An example of these unique circumstances is a building that is situated so that it is not visible from exterior roadways. The MSP helps ensure the success of this project by providing for appropriate signage for the safe routing of internal traffic, for the traveling public using I-95 and Williamson Boulevard, and to encourage the desired internal capture of vehicular traffic.

The intent of the MSP was accurately translated in specific sections of the plan with regards to most of the anticipated tenants. However, the applicant and staff have come to recognize the requirements pertaining to second story office tenants could be improved to better meet this intent. The proposed revisions to the MSP will ensure that appropriate signage is provided throughout the development and allow for increased visibility of signage for second story office tenants situated so that they are not visible from exterior roadways.

¹ The original MDA for the Pavilion at Port Orange PCD was approved in December 2007, with the First Amendment approved in June 2008.

In addition, temporary banners are frequently requested by tenants on occasions such as "Now Hiring", "Store Closing", and holiday sale events. If approved, the proposed revisions to the MSP will allow a tenant to install a permitted banner across the front of the tenant space (not to exceed 32 square feet) for these purposes.

The proposed revisions to the MSP also include permitting requirements for the project identification sign to be located on the retaining wall along the water in front of the central park area. This signage was always part of the proposed development and was reviewed with the site plan; however, the signage requirements were inadvertently omitted from the MSP.



Finally, the proposed revisions to the MSP will also provide for flexibility in the symbol ultimately used as the project identification logo. The logo is the symbol that represents the Pavilion at Port Orange project as a whole (e.g. fish) and will be repeatedly used on signage throughout the development.

Consistency with Comprehensive Plan – Update '98

The subject property is designated *Commercial* on the City's Future Land Use Map. The MDA was found to be consistent with the City's Comprehensive Plan and the goals and objectives therein, specifically with regards to growth management, land use and transportation planning, when it was approved in December 2007. The proposed amendment does not change anything in the MDA that would create any inconsistency; therefore, it is staff's determination that the subject amended MDA is consistent with the City Comprehensive Plan.

RECOMMENDATION

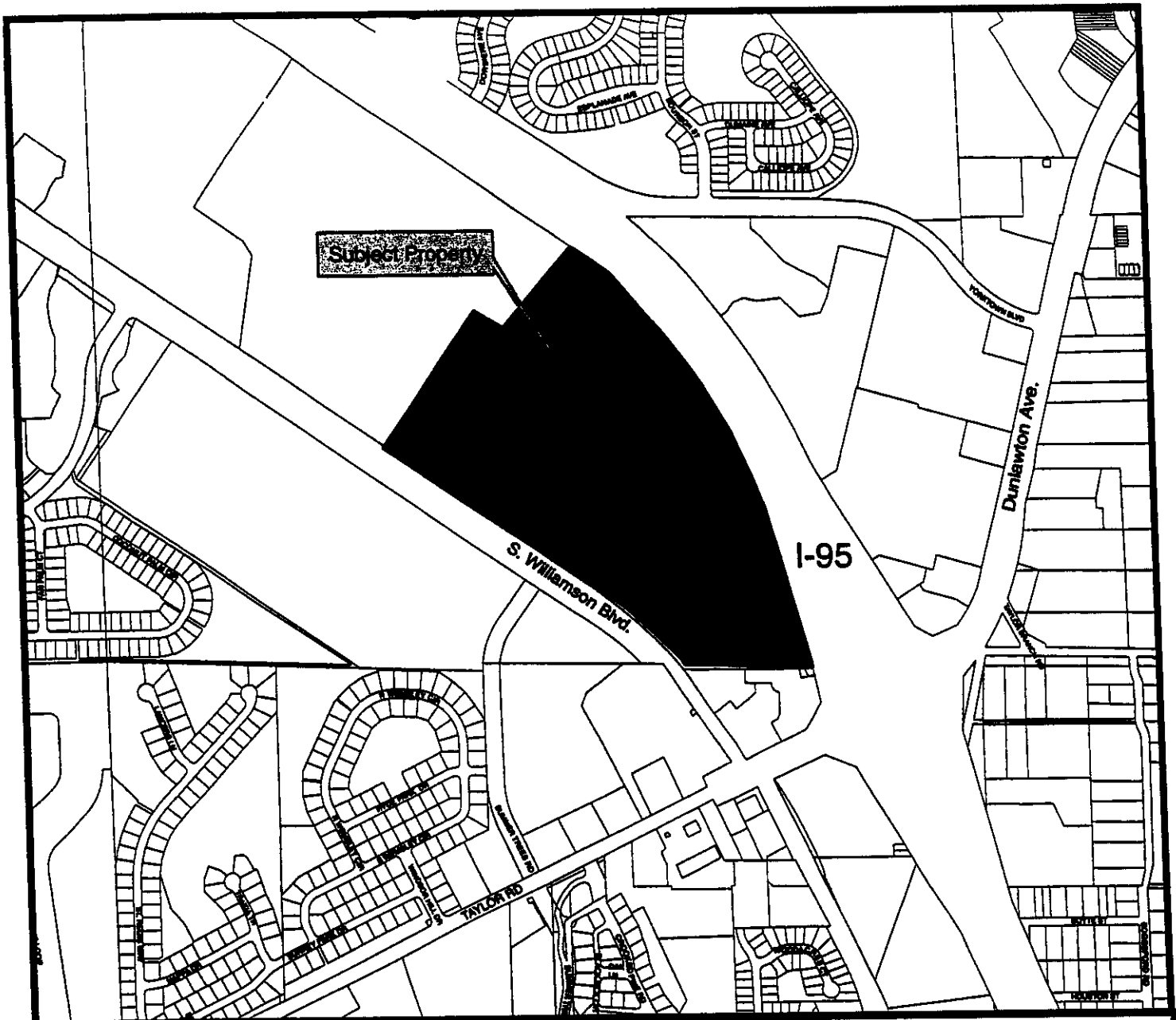
Staff recommends **approval** of the Second Amendment to the Pavilion at Port Orange PCD Master Development Agreement, subject to review by the City Attorney as to legal form and content.

Prepared by: Penelope Cruz, Principal Planner
City of Port Orange Department of Community Development

(386) 506-5671
(386) 506-5600

PLANNING COMMISSION DATE:
CITY COUNCIL DATE:

July 23, 2009
August 18, 2009



Case No.: 09-4000002

Applicant: Robert A. Merrell, III, Esq., Cobb & Cole

Location: Northwest quadrant of the City, west of I-95, north of Taylor Rd.

Requested Action:

Robert A. Merrell of Cobb & Cole, applicant for Port Orange Town Center, LLC, owner, and the Pavilion at Port Orange, LLC, developer, request approval of the Second Amendment to the Master Development Agreement for the Pavilion at Port Orange PCD. If approved, the amendment will provide for an additional permitted use within the PCD and minor changes to the Master Sign Plan. The subject property is approximately 73.1 acres in size.



LOCATION MAP - EXHIBIT A
CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

