

2010 15904

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**ORDINANCE O2010-03**

**AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, COUNTY OF SUMTER, STATE OF FLORIDA; RECLASSIFYING THE ZONING FROM GENERAL MIXED USE - GM AND COMMERCIAL TO PLANNED UNIT DEVELOPMENT FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA OWNED BY ACORN INVESTMENTS, LLC; PROVIDING FOR THE TERMS AND CONDITIONS OF THE PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP;; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

BE IT ORDAINED by the City Commission of the City of Wildwood, Florida, as follows:

**Section 1: Property Description and Zoning Classification.**

- a. The following described property, owned by Acorn Investments, LLC, is located in the City of Wildwood, Florida:

**LEGAL DESCRIPTION:**

THE EAST ½ OF THE WEST ½ OF THE SOUTH ¾ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY FLORIDA;

AND,

THE WEST ½ OF THE WEST ½ OF THE SOUTH ¾ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY FLORIDA;

AND,

THE NORTH ½ OF THE EAST ½ OF THE SOUTH ¾ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY FLORIDA;

AND,

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BEGIN 50.00 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY FLORIDA, RUN WEST 245.00 FEET, SOUTH 282.00 FEET, EAST 245 FEET, NORTH 282.00 FEET; LESS COUNTY ROAD RIGHT-OF-WAY ON EAST SIDE.

AND,

PARCEL "A"

BEGIN 50.00 FEET SOUTH AND 245.00 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, RUN WEST 417.00 FEET, RUN SOUTH 283.00 FEET, RUN EAST 417.00 FEET, NORTH 283.00 FEET TO THE POINT OF BEGINNING, LESS THE WEST 150.00 FEET THEREOF, ALSO LESS THE WEST 38.55 FEET OF THE ABOVE DESCRIBED PARCEL OF LAND.

- b. The above-described property shall be referred to in this ordinance as the PUD property.
- c. The PUD property consists of parcel numbers # G05=119, G05=120, G05=124, G05=140, G05=1156

**Section 2:** The PUD property is subject to the following terms and conditions:

**a. General.**

1. Development of this Project shall be governed by the contents of this ordinance and applicable sections of the City of Wildwood Land Development Regulations and Code of Ordinances and all other applicable rules, regulations and ordinances of the City.
2. Where in conflict, the terms of this ordinance shall take precedence over the City of Wildwood Land Development Regulations and Code of Ordinances, and all other applicable rules, regulations and ordinances of the City.
3. Unless otherwise noted, the definition of all terms shall be the same as the definitions set forth in the City of Wildwood Land Development Regulations.
4. The purpose of this PUD is to:
  - i. Meet the requirement, as set forth in City of Wildwood, Ordinance #431, that any parcel of property zoned General Mixed Use that is over ten acres must follow the PUD procedure;
  - ii. Provide for a multi-use development;
  - iii. Create an attractive and high-quality environment which is compatible with the scale and character of the local environment;

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- iv. Protect and enhance the environment, and promote sustainable development principles;
- v. Develop a residential area that includes pedestrian walkways;
- vi. Provide commercial facilities to serve the new development and to enhance existing provision in the area;
- vii. Provide drive aisles for use by residents and patrons that encourage pedestrian travel;
- viii. Provide allowance for open space in the development.

**b. Land Uses.**

The proposed Planned Unit Development conceptual plan, attached hereto as Exhibit "A", is incorporated into this ordinance. Elements in the proposed plan include residential and commercial uses. The approximate acreage devoted to each land use shall be as follows:

Total Project:	24.24 acres	
Residential:	19.48 acres:	292 units. (15 units per acre)
Commercial and/ or Institutional:	4.76 acres:	Approx. 42,500 square feet
Minimum Open Space:	6.06 acres	25% of the Project

Non-substantial deviations from the acreages shall be allowed provided there is no increase in density or intensity. Densities may be revised per the following matrix: 1000 Square feet of Retail = 4,836.51 Square feet of Office = 20.2 Beds for congregate care facility (such as assisted/independent living, nursing home, skilled nursing) = 8.20 Multi Family Units = 7.16 Hotel Rooms or 1 Multi Family Unit = 2.44 Beds for congregate care facilities (such as assisted/independent living, nursing home, skilled nursing) = 589.82 Square feet of Office = 121.95 Square feet of Retail = 0.87 Hotel Rooms. Further, utilization of the matrix provided here in shall be determined to be a non-substantial deviation.

**c. Residential.**

The residential component of the development consists of 292 units on approximately 19.48 acres. Non-substantial deviations from the acreages shall be allowed provided there is no increase in density or intensity based on the matrix in Section 2b above. The maximum density shall be 15 units per acre. The Project may contain a mix of residential uses.

The residential component of the Project shall adhere to the Residential Design Standards.

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Maximum Building Height: 3 stories or 35 feet, unless jointly approved by the Sumter County Fire Department and the City Commission.

**d. Commercial and/or Institutional .**

The commercial and/ or institutional component of the development consists of 42,500 square feet on approximately 4.76 acres. Non-substantial deviations from the acreages shall be allowed provided there is no increase in density or intensity based on the matrix in Section 2b of this ordinance. The commercial and institutional component shall adhere to the City's Commercial Design Standards and shall be considered Neighborhood Commercial.

Permitted Uses:

- Retail
- Office
- Banks and financial institutions
- Personal service establishment
- Restaurant
- Convenience store
- Gasoline station
- Drug store/pharmacy
- Hardware store provided there is not outside storage or distribution
- Drive-through establishments for retail and personal services
- Other similar commercial and office uses
- Institutional uses such as congregate care facilities, assisted living facilities, medical and dental offices and other similar uses.

Prohibited Commercial Uses:

- Retail and wholesale establishments for sale, repair, or service of automobiles, heavy machinery, farm equipment, and non-retail establishments for the distribution or outdoor storage of lumber, building and landscaping supplies and other similar uses.

**e. Recreation and Open Space.**

1. Recreation

The Project shall contain three (3) recreation amenities which by way of example only, may consist of a park area, a tot lot, a pool area, or a combination thereof, each of which shall be private in nature, all as determined by the Owner. Said amenities shall be determined during subdivision or site plan approval.

2. Open Space

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The minimum allocation of open space areas shall be the following: (i) 25% of the gross land area of Project site; or (ii) 6.06 acres.

The open space area shall be provided and calculated as specified in the Residential Design Standards and may include, but not be limited to, Project buffer areas, recreation area, landscaped areas, and portions of stormwater management system. The open space shall be calculated on an aggregate basis over the entire PUD Property, notwithstanding that the Project may be developed in phases.

**f. Public Facilities.**

1. Potable Water, Wastewater, and Reuse.

Each structure on the Project shall be connected to the City Potable Water and Sanitary Sewer system, prior to any certificates of occupancy being issued for such structure on the Project. The Project will connect to the City reuse system upon availability. Expansion of the City Potable Water and Sanitary Sewer systems, including necessary utility easements, shall be negotiated by separate Developer's Agreement between the City and the Owner/Developer. Said agreement shall specify cost and timetables for delivery of services.

2. Solid Waste.

Waste services shall be provided by the City of Wildwood.

3. Drainage.

The maintenance of the drainage system shall be the responsibility of the property owner or its successor or assign and shall meet the requirements of the Southwest Florida Water Management District (the "District") and the level of service standards set forth by the City.

4. Transportation.

- i. There shall be a maximum of two (2) and minimum of one (1) ingress and egress points on CR 139 for the Project. The location shall be determined by Sumter County and the City of Wildwood.
- ii. There shall be a maximum of two (2) ingress and one (1) egress point on CR 466A for the Project. The location shall be determined by Sumter County and the City of Wildwood.
- iii. The Project shall provide transportation connectivity between the residential and commercial land uses. The Project shall adhere to the Residential and Commercial

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Design Standard relating to internal and external interconnectivity for all modes of transportation for the Project.

5. Streets and Sidewalks.

- i. Sidewalks shall be required in accordance with the City's Residential Design Standards, as amended.
- ii. The City and the developer will enter into a written Developer's Agreement concerning maintenance of the streets and sidewalks.
- iii. Street and sidewalk interconnectivity between the residential and commercial uses on site shall be provided.
- iv. A five foot sidewalk shall be provided within the landscape buffer along CR 142.
- v. The sidewalks along CR-139 and CR 466A will be provided within the County right-of-way, by the County at no cost or expense to the Owner.

g. **Landscaping Requirements.**

All landscaping and buffer requirements shall be in accordance with the City's Design Standards.

1. All landscaped and common areas shall be irrigated in accordance with the City's Residential and Commercial Design Standards.
2. All landscaping shall have appropriate irrigation and shall utilize reclaimed water if utility lines and adequate capacity is made available to the boundary of the Project.
3. Any tree removal or replacement will be subject to the City's Tree Ordinance #594.

h. **Lighting.**

Decorative lighting shall be provided as required in the City's Commercial or Residential Design Standards, as amended.

i. **Utilities.**

All on site utilities shall be underground. Developer is responsible for running utilities underground for its development. The City shall insure that any utilities within any public utilities easement serving lands other than the Project shall be underground.

j. **Signage.**

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All signage shall comply with the City's Commercial Design Standards. If signage is installed within the twenty foot (20') wide City of Wildwood easement along the perimeter of the Project, the City shall not be responsible for any damage to signage as caused by the City's exercise of the easement.

**k. Maintenance of Common Areas.**

Maintenance and repair of structures, lawn mowing, and landscaping maintenance of all common areas within the Project shall be the responsibility of the property owner or its designee such as a property owners association, at no cost or obligation to the City. The developer/owner shall provide Guidelines for the maintenance of common areas, which Guidelines shall be submitted to the City for its approval, which approval shall not be unreasonably withheld, conditioned or delayed. The City will be granted the right, but not the obligations, to enforce the common areas maintenance obligations against the landlord/property owner/developer, as may be applicable, and to be reimbursed for the reasonable attorney's fees, costs and expenses, as may be reasonably incurred by the City. A failure by the City to enforce this right shall not constitute a waiver.

**l. Enforcement of Rules and Regulations.**

For the maintenance of the common areas referenced in Section 2.k of this ordinance, the applicable provisions in the Guidelines: (i) shall be made applicable to the commercial and the residential segments of the Project; and, (ii) shall be reviewed/approved by the City of Wildwood, with a certificate of occupancy being issued for completed improvements; and (iii) will provide that the City of Wildwood shall have the right, but not the obligation, to enforce such maintenance obligations against a violating party and that the City should be entitled to reasonable attorney's fees and costs for enforcement regardless of whether or not a suit has been filed. Guidelines shall be submitted to the City for its approval, which approval shall not be unreasonably withheld, conditioned or delayed. The City will be granted the right, but not the obligations, to enforce the common areas maintenance obligations against the landlord/property owner/developer, as may be applicable, and to be reimbursed for the reasonable attorney's fees, costs and expenses, as may be reasonably incurred by the City. A failure by the City to enforce this right shall not constitute a waiver.

**m. Impact Fees.**

The Project shall be subject to all impact fees applicable at the time of permitting. All impact fees are to be paid before issuance of any building permit. Proof of Sumter County impact fees paid shall be provided to the City of Wildwood. Any impact fees adopted by the City of Wildwood, Sumter County or the Sumter County School Board prior to issuance of building permits shall also be applicable to the Project.

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All impact fee credits for right-of-way donations and road construction completed by this Project will be subject to an appropriate agreement with the appropriate government agencies.

**n. Amendments.**

Any substantial deviation from the PUD Concept Plan, or deviation from the terms of this Ordinance, shall be approved by the City Commission in accordance with the legal procedures to amend zoning ordinances.

**o. Expiration of PUD.**

Actual construction must begin within the planned unit development within 24 months of the later of the final adoption of the PUD agreement or rezoning to PUD including the expiration of all appeal periods. If no construction has started on the approved PUD within the allotted time frame, the planned unit development shall lapse and be of no further effect. If the planned unit development lapses under the provisions of this code, the PUD site reverts to the original zoning classification. The City Commission may extend the PUD for periods of up to six months provided the applicant can show good cause why said development was delayed under the originally approved development plan. An extension may be granted for delays beyond the control of the owner such as market conditions.

**Section 3: Consistent with Comprehensive Plan.**

The zoning classification of the PUD property is consistent with the Comprehensive Plan of the City of Wildwood, Florida.

**Section 4: Official Zoning Map.**

The Development Services Director, or designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Wildwood, Florida, to include said designation.

**Section 5: Severability.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 6: Conflict.**

With regard to the PUD property, this ordinance shall prevail if there is a conflict with any other ordinance. However, to the extent there is no conflict, all other ordinances are applicable to the PUD property.

**Section 7: Effective Date.**

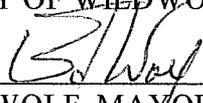
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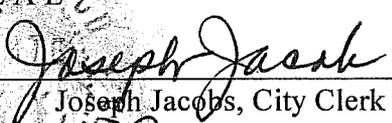


This Ordinance shall become effective immediately upon its approval and adoption by the City Commission.

PASSED AND ORDAINED in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this 12<sup>th</sup> day of April, 2010.

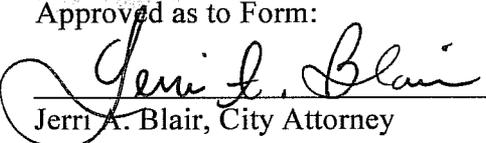
CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

  
ED WOLF, MAYOR

ATTEST:   
Joseph Jacobs, City Clerk

First Reading: March 22, 2010  
Second Reading: April 12, 2010

Approved as to Form:

  
Jerri A. Blair, City Attorney

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