

ORDINANCE NO. O2010-09

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; PROVIDING FOR EXEMPTIONS FROM SET BACKS, LOT SIZE AND SIGNAGE FOR LOTS REDUCED IN SIZE BY EMINENT DOMAIN; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR EMINENT DOMAIN LOTS; PROVIDING FOR DEVELOPMENT OF EMINENT DOMAIN LOTS; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Be it ordained by the City Commission of the City of Wildwood, Florida:

SECTION 1. Intent and purpose of ordinance.

- a) Pursuant to Chapters 73 and 74, Florida Statutes, the City and any other governmental or public agencies have the authority to acquire property in order to provide public improvements necessary to adequately serve the general public and citizens of the City. In certain cases, acquisition causes the parcel, structure or use on the property to become nonconforming under the city's land development regulations.
- b) It is the intent of this ordinance to provide exemptions from the City's land development regulations as to set back, lot size, signage, landscaping/buffering and other such regulations to lots that have been reduced in size due to condemnation action.
- c) Allowing exemptions for lots which have been subjected to the eminent domain process, either through acquisition or negotiation, is intended to prevent any adverse impact to the lot owner's property as a result of the acquisition process and to allow the continued use of the property in a manner similar to its preacquisition condition. By providing for such exemptions after condemnation, the cost of acquisition of real property needed for public facility improvements would be reduced, thus benefitting the public.

SECTION 2. Eminent domain lots.

- a) For purposes of this ordinance, any lot or parcel which has been reduced in size due to an eminent domain acquisition shall be designated as an eminent domain lot (EDL).
- b) An EDL shall continue to be recognized as a legal lot or parcel for all purposes of the city land development regulations except as otherwise provided herein and shall be considered a nonconforming use as defined in the City's Land Development Regulations with all rights and privileges as set forth in the City's Land Development Regulations.

SECTION 3. Development of EDLs.

- a) Unless it would create a safety hazard, an EDL may continue to be used as it was before its size was reduced by condemnation.

- b) Unless it would create a safety hazard, an EDL may be developed as it could have been legally developed prior to the reduction in size except as provided herein.
- c) Building permits may be issued for an EDL to allow the erection, expansion, alteration, or replacement of any legal use together with accessory buildings as permitted within the applicable zoning classification as follows:

(1) Single-family dwellings and their accessory buildings, constructed or to be constructed, upon an EDL shall not be required to comply with the minimum setback requirements applicable in the zoning district in which the EDL is located. Every effort shall be made to comply with the following minimum setback requirements: a minimum setback of fifteen (15) feet from any right-of-way line and five (5) feet from any side and rear lot line. No accessory structure in any residential district shall be permitted less than five (5) feet from a side or rear lot line and fifteen (15) feet from any front lot line unless approved by the Development Services Department. Existing single family dwellings shall be allowed to expand, be altered or replaced, provided that such improvements do not further encroach into the established setbacks, if less than the minimum for the district in which they are located.

(2) Undeveloped commercial or industrial zoned EDL parcels or lots shall not be required to meet minimum lot area and/or width requirements but shall conform with all other district regulations for the district in which the EDL is located.

(3) Developed commercial or industrial zoned EDL parcels or lots shall not be required to meet minimum lot area and/or width requirements and shall be allowed to expand, alter, or replace existing structures provided that such improvements do not further encroach into the established setbacks if less than the minimum for the district in which the EDL is located.

(4) Signage shall not be required to meet required setback provisions, provided, however, no sign shall be located so as to cause a safety hazard.

(5) An EDL's Landscaping and/or buffering shall not be required to meet the City's Land Development Regulations requirements but any side and rear requirements shall remain in effect.

(6) If the size of any parking area is reduced, or if the parking area must be relocated because the terms and conditions of the City Land Development Regulations cannot be met, a variance may be granted.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase of this ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5. It is the intention of the City Commission of the City of Wildwood that the provisions of this Ordinance shall become and be made part of the City of Wildwood Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article", or such other appropriate work or phrase to accomplish such intentions.

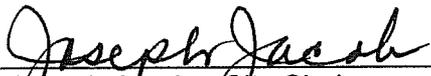
SECTION 6. This ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this 12<sup>th</sup> day of April, 2010, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

  
\_\_\_\_\_  
Ed Wolf, Mayor

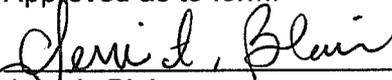
SEAL

ATTEST:   
\_\_\_\_\_  
Joseph Jacobs, City Clerk

First Reading: March 22, 2010

Second Reading: April 12, 2010

Approved as to form:

  
\_\_\_\_\_  
Jenni A. Blair  
City Attorney