

112.00 Rec
8.50 misc
120.50

ORDINANCE O2013-25

AN ORDINANCE OF THE CITY OF WILDWOOD GRANTING A REQUEST FOR A PLANNED DEVELOPMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS. FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY ONE HUNDRED OAKS, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The application filed by Cliff Wittman of Witcow Holdings, LLC (hereinafter referred as the, "Developer") for a Commercial/Industrial Planned Development was heard by and before the City Commission, Wildwood, Florida on this 22nd day of July 2013. Based upon the verified application and supporting documents, analyses, maps, charts, other evidence and instruments, the advice, report and recommendations of the Project Review Committee and the testimony adduced and evidence received at the Public Hearing by the Planning and Zoning Board on June 27th, 2013 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

SECTION 1: GENERAL FINDINGS

- A. That the Wildwood Entertainment Park Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed herein on May 31, 2013 by the Developer.
- B. That all fees required to be borne and paid by the Developer have been paid in accordance with the City of Wildwood Fee Schedule.
- C. That the Project was reviewed by the Project Review Committee and found to meet or exceed the minimum standards of the City's Comprehensive Plan, Land Development Regulations, Code of Ordinances, and all other applicable ordinances and regulations.
- D. That the Developer intends to develop an outdoor entertainment park consisting of 99.98 acres, more or less, which is situated in Wildwood, Florida. This land is legally described in "Exhibit A" attached hereto.
- E. That the Developer has entered into a lease agreement with the property owner, One Hundred Oaks, LLC, and wishes to develop the property in accordance with this Ordinance.

Re City of Wildwood

- F. That the Developer has complied with the conceptual development plan provision as required by Section 8.4 of the Land Development Regulations.
- G. That the City has complied with the due notice requirements of subsection 3.3(B)(3) of the Land Development Regulations.

SECTION 2: FINDINGS REGARDING PLANNED DEVELOPMENT OVERLAY

- A. That the Developer has applied for a Commercial/Industrial Planned Development (CIPD) of the lands described in "Exhibit A".
- B. That the zoning district of the subject land described in "Exhibit A" is classified as Industrial (M-1) and Conservation (C) on the City of Wildwood Zoning Map.
- C. That the Project is consistent with both the City of Wildwood Comprehensive Plan, the intent and purpose of the City of Wildwood Land Development Regulations, and does promote the public health, safety, morals, welfare, and orderly growth of the City of Wildwood.
- D. That the City of Wildwood Land Development Regulations are consistent with the provisions of the "Planned Development Agreement" as hereinafter set forth in Section 3 of this Ordinance. With respect to any conflict between the Land Development Regulations and the "Planned Development Agreement", the provisions of the "Planned Development Agreement" shall govern. Unless specific conditions are included in the "Planned Development Agreement" waiving or replacing the terms and conditions of the Land Development Regulations, the terms and conditions of the most current Land Development Regulations shall prevail.
- E. This Ordinance shall become effective immediately upon its approval and adoption by the City Commission.

SECTION 3: PLANNED DEVELOPMENT AGREEMENT: GENERAL PROVISIONS

- A. Development Concept. The Project is an outdoor and indoor sports and music entertainment park. The Project shall be developed as a Planned Development substantially in accordance with this Ordinance. This Planned Development Agreement shall govern the development of the Project.

B. Conceptual Development Plan. The Project includes a Conceptual Development Plan pursuant to Section 8.4 of the Land Development Regulations. The Conceptual Development Plan prepared by Farner Barley and Associates dated 6-19-13 (revision date) is incorporated into this Ordinance as "Exhibit B" attached hereto. The Conceptual Development Plan is substantially consistent with City of Wildwood Comprehensive Plan.

1) The Conceptual Development Plan illustrates the location of the following:

- a. Existing building (56,428 SF);
- b. Existing trailer;
- c. Existing well;
- d. Existing septic tank;
- e. Parking areas;
- f. Roads;
- g. Lights;
- h. Project activities (Mud Holes, Rock Crawl, ATV Trails, Truck Pull, volleyball, etc.);
- i. Security and First Aid stations;
- j. Jurisdictional wetlands;
- k. Buffers; and
- l. Other site features.

2) The Project shall be developed in three (3) phases in accordance with the Conceptual Development Plan and this subsection.

- a. Phase I. Phase I of the Project shall include installation of the following site improvements. No event shall occur on site before these improvements have been made to the property.
 1. A paved apron in accordance with City of Wildwood and Florida Department of Transportation standards;
 2. A 20' wide unpaved road which generally runs east-west through the Project;
 3. Buffers or berms in accordance with Section 3(I).
 4. Lighting in accordance with Section 3(N); and
 5. Grass parking areas.
- b. Phase II. Phase II may commence in accordance with the Conceptual Development Plan. However, additional site improvements may be required as stated in this Ordinance.

C. Uses and Hours of Operation.

1) Phase I Uses. The following uses/events may occur in Phase I.

- a. Mud bogging. "Mud bogging" is defined as an off-road motorsport in which participants drive a motor vehicle through a pit of mud. Mud bogging may occur in areas designated as "Mud Hole" on the Conceptual Development Plan;

- b. Truck Pull;
 - c. Vehicles. Vehicles coming into the park that may operate or participate in activities include: 4x4 trucks, 2 wheel drive trucks, cars, jeeps, All-Terrain Vehicles (ATVs), utility vehicles, golf carts, and off road vehicles. The use of open headers on vehicles is prohibited.
 - d. ATV trails;
 - e. Rock Crawl: "Rock Crawl" is defined as an obstacle course for vehicles consisting of the placement of rocks or other similar obstacles along a desired path.
 - f. Playground;
 - g. Volleyball;
 - h. Cornhole, horseshoes, and other similar games and activities;
- 2) Phase II Uses. The following uses/events may occur in Phase II.
- a. All uses listed in Phase I;
 - b. Utilization of the existing 56,428 square foot building for concerts, rodeos, races, shows, fairs, auctions, or other similar events. A building permit and/or site plan may be required for any improvements to this building.
- 3) Hours of Operation for Events.
- a. Friday: Events may begin at 12:00pm for spectators, participants, and operations.
 - b. Saturday: Events may begin at 8:00am for spectators, participants, and operations.
 - c. Sunday: Events may begin at 12:00pm for spectators, participants, and operations. If the following Monday is a state holiday, follow Saturday's schedule.
 - d. Monday (state holidays only): Follow Sunday's schedule.
 - e. Motorized vehicles associated with events shall cease operations at 11pm for Fridays and Saturday and at 9pm for Sunday and Mondays.
 - f. Monday (non-event days) through Thursday: Normal business days for staff.
 - g. Spectators will not be allowed to enter after 9:30 pm.
- 4) Alcohol. The Project shall adhere to the City's Code of Ordinances pertaining to the sale and consumption of alcohol.
- 5) Noise. The Project shall adhere to the City's Code of Ordinances pertaining to noise. The City has the right to require the Developer to make improvements to the site to mitigate noise impacts should the City find the activities of the Project significantly increase the level of noise that is normally experienced in the area.
- D. Amendments. The Development Services Director, or designee, shall have the authority to approve non-substantial changes to the conceptual development plan without a public hearing. Additional improvements such

as paving of parking areas and drive isles, stormwater retention, and connection to City potable water or wastewater shall require an amendment to the Project's site plan and may not require an amendment to this Planned Development Agreement. The determination of what constitutes a non-substantial change shall be at the Development Services Director's discretion. All modifications requiring an amendment to the Planned Development Agreement shall require review and recommendation of the Planning and Zoning Board and action by the City Commission in the same manner as an Application for Planned Development.

- E. Future Approvals. Prior to any construction occurring, a site plan shall be submitted for review and approval in the manner required by Chapter 4 of the Land Development Regulations.

- G. Site Plan Review Standards. The Project is required to undergo site plan approval in accordance with City regulations. Unless noted in this Ordinance, the Project's site plan shall adhere to the City's site plan and technical requirements as outlined in the Land Development Regulations. The following are not required for site plan submittal and approval.
 - 1) A Tree Survey is not required. The Project will preserve all healthy trees located on-site. Any tree removal will require a Tree Removal Permit by the City.
 - 2) A Preliminary Concurrency Determination application is not required unless the Project connects to the City's utility system.
 - 3) A Traffic Impact Study is not required for Phase I of the Project. A Traffic Impact Study may be required for Phase II in accordance with this Ordinance.

- H. Design District Standards. Unless otherwise noted, the Project shall adhere to the Industrial Design District Standards pursuant to section 6.12 of the Land Development Regulations.

- I. Recreation and Open Space. The Project is an indoor and outdoor commercial recreation facility that provides recreation and open space opportunities to the residents of Wildwood.
 - 1) Open Space. Minimum open space requirements within the project are waived.
 - 2) Natural Buffers. The Project shall maintain a 20' natural buffer along the Project's southern and eastern boundaries and along the northern boundary outside of the required landscape buffer or berm as stated in Section 3(l)(3). The Project shall maintain a 25' natural buffer along U.S. 301. The natural buffer is to remain substantially undisturbed.
 - 3) Landscape Buffers or Berms.

- a. Landscape buffers or berms are intended to mitigate noise impacts as a result of the mud bogging activities. The Project shall install either a landscape buffer or berm in the following locations:
 - i. Along the northern property line between the wetland upland buffers located in the northeast and northwest corners of the property; and
 - ii. Extending from the existing building to the north property line and south from the existing building to the road.
- b. Landscape buffers shall be accordance with the City's Design District Standards for the required trees and hedge.
- c. Berms shall have a minimum height of 5'.

J. Environmental Considerations.

- 1) Wetlands. The Project contains 20.52 acres of delineated jurisdictional wetlands as identified on the Conceptual Development Plan. The wetlands are classified as "Conservation" on the City's zoning map. A 15' minimum, 25' average buffer is required along wetlands. On site activities shall not occur within the wetland or buffer.
- 2) Gopher Tortoise. The Project's Environmental Assessment documented one (1) gopher tortoise burrow on site. The Developer is required to adhere to the Florida Fish and Wildlife Conservation Commission's rules and regulations pertaining to the relocation of the gopher tortoise.

K. Public Facilities.

- 1) Potable Water, Wastewater, and Reuse Water. The Project will not be connected to the City's utility system for Phase I. Portable restrooms will be provided for each event. The septic system which currently services the existing trailer as shown on the Conceptual Development Plan will remain. Should the Project utilize the existing building for concerts, rodeos, races, shows, fairs, auctions, or other similar events as stated in Phase II that may generate high water and wastewater volume, the Project will be required to connect to City utilities. A Developer's Agreement may be required if and when the Project connects to the City's utility system.
- 2) Solid Waste. Dumpsters will be provided on site. Trash cans will be provided on site and emptied when warranted. Solid waste services shall be provided by the City or the City's contracted refuse service provider.
- 3) Stormwater. Should the Developer be required to or chose to pave any parking areas or roads within the Project, the Project's Site

Plan will be amended to provide stormwater management areas in accordance with City standards.

L. Access, Parking, and Transportation.

- 1) The Project's main access is off of U.S. 301, a two-lane highway. The Developer will be required to obtain a Driveway Permit from the Florida Department of Transportation.
- 2) The Project shall contain a 20' wide road with a paved apron on U.S.301 in accordance with applicable standards.
- 3) Parking for Phase I may be grass parking. Should the Project utilize the existing building for concerts, rodeos, races, shows, fairs, auctions, or other similar events as stated in Phase II parking and the 20' wide road the City may require paved parking.
- 4) Due to the uncertainty of the amount of potential traffic generated by the proposed project, a Traffic Impact Study shall not be required for Phase I. In lieu of a Traffic Impact Study the Developer, at no expense to the City, shall provide monthly monitoring reports to the City for a period of (1) year after the first event is held. The report shall quantify the number and direction of automobile trips entering and leaving the Project on days in which an event is held. The reports shall be conducted by a certified transportation professional and will monitor and record traffic congestion on U.S. 301 before, during, and after each event. Prior to commencement of Phase II, the Project shall submit a Traffic Impact Study. Prior to completing the Traffic Impact Study, a pre-application conference is required. The Traffic Impact Study will be aided by the monthly monitoring reports and will determine if improvements are necessary to protect the public's health, safety, and welfare. The Project may hire, and may be required by the City to hire, Police Officers to help control traffic entering and leaving the site during events.

M. On Site Safety Controls. The Project is required to contain and employ adequate equipment and personnel to ensure the safety of the participants, spectators, and employees in the event of an accident. The Project shall employ the following safety features:

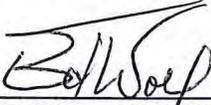
- 1) Emergency Management Procedures. The Developer shall coordinate with the Wildwood Police Department and Sumter County Fire and Emergency Medical Services in developing standard operating procedures and protocols in the occurrence an accident would exceed the capacity of on-site safety and medical resources. The Emergency Management Procedures will be established and on file with all three parties prior to an event taking place.

- 2) First Aid Station and Personnel. The Project will contain first aid stations and staff or hire trained medical and safety personnel during events. The personnel shall be trained and experienced in responding to potential hazards of the Project such as but not limited to extraction of trapped individuals within vehicles, extraction of trapped or disabled vehicles, first aid, and fire suppression.
 - 3) Off-duty police officer(s). The Project may hire off-duty police officers as needed.
 - 4) Equipment. Equipment such as fire suppression, tow trucks, and front end loaders will be available on site. Such equipment will be specified in the Emergency Management Procedures.
- N. Lighting. Lighting is required when an event take places at night. The Site Plan shall address how lighting will be provided on site. The lighting shall be configured to minimize off-site impacts.
- O. 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 shall provide guidelines to the City for approval, not to be reasonably withheld, conditioned or delayed, for the maintenance of common areas. The City will be granted the right to enforce the common areas maintenance obligations against the 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.
- P. Enforcement of Rules and Regulations. For the maintenance of the common areas referenced in Section 3(O) above, the applicable provisions in the Guidelines: (i) shall be made applicable to the Project; and (ii) shall be reviewed/approved by the City of Wildwood and 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.
- Q. Impact Fees. The Planned Development 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 Planned Development.

- P. Expiration of Planned Development Agreement. Actual construction must begin within the Planned Development within 24 months of the final adoption of the Planned Development Agreement. If no construction has started on the approved Planned Development within 24 months, the Planned Development shall lapse and be of no further effect. The City Commission may extend the Planned Development for periods of up to twelve (12) months provided the applicant can show good cause why said the Project was delayed under the originally approved Planned Development Agreement. However, the City Commission shall not allow extensions beyond 48 months after the effective date of this Ordinance.
- Q. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.
- R. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.
- S. This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

PASSED AND ORDAINED in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this 22nd day of July, 2013.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA


ED WOLF, MAYOR

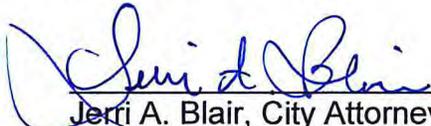



Joseph Jacobs, City Clerk

First Reading: 7.8.13

Second Reading: 7.22.13

Approved as to Form:


Jerri A. Blair, City Attorney

Inst:201360028015 Date:7/30/2013 Time:3:32 PM
DC,Gloria R. Hayward,Sumter County Page 9 of 13 B:2652 P:707

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Ordinance O2013-25

"Exhibit A"

Wildwood Entertainment Park

Legal Description

Wildwood Entertainment Park

Parcels G19=011 and G30=048

LEGAL DESCRIPTION

South 1/2 of the Southwest 1/4, less Right of Way for U.S. Highway No. 301, and less the South 136 feet of the East 1100 feet thereof, Section 19, Township 19 South, Range 23 East, Sumter County, Florida. AND

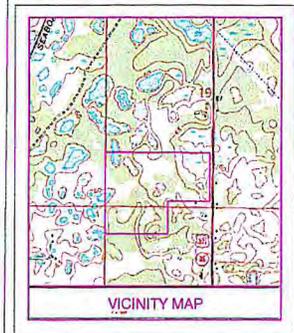
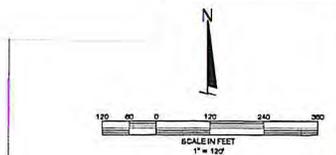
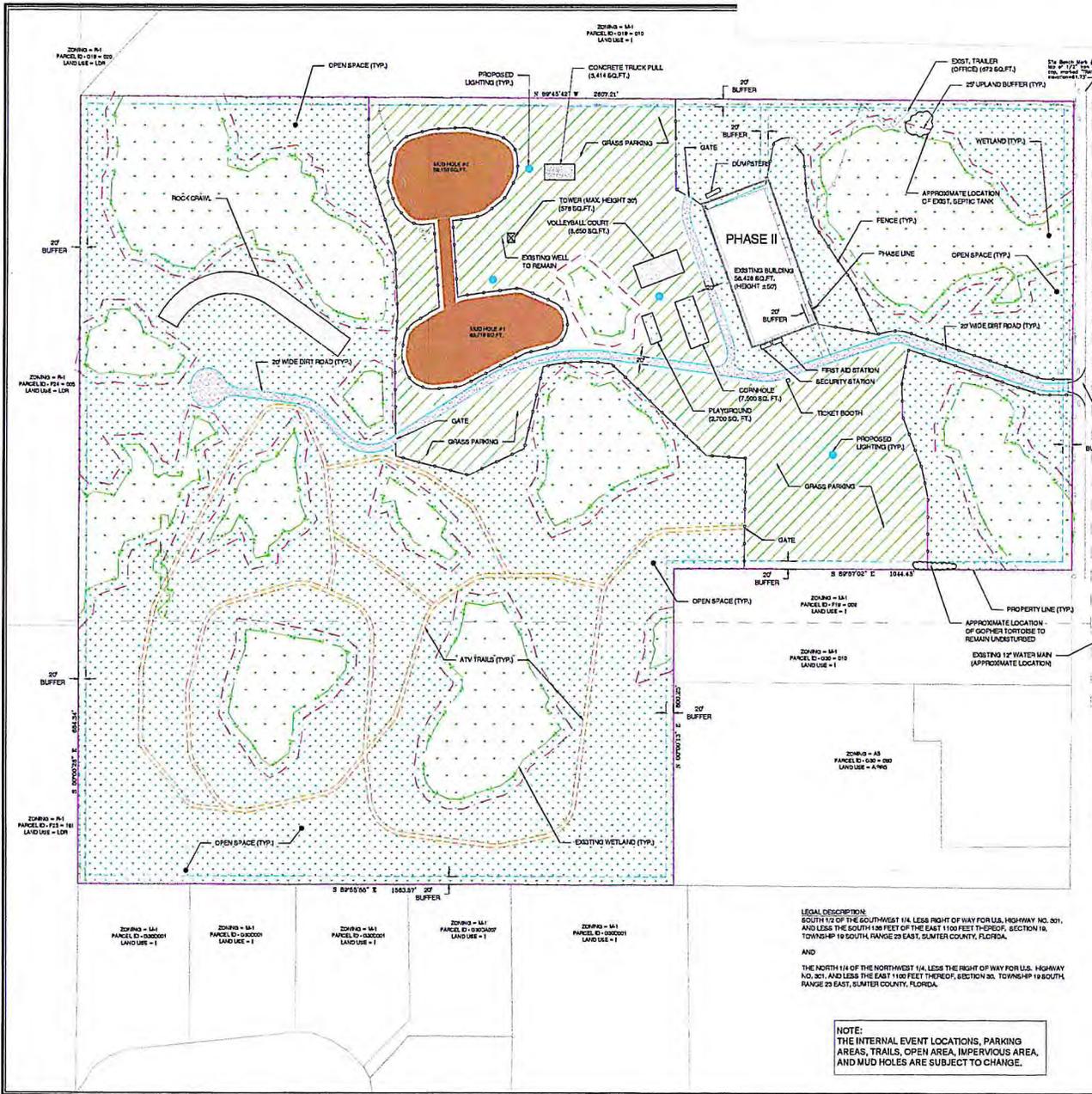
The North 1/4 of the Northwest 1/4, less the Right of Way for U.S. Highway No. 301, and less the East 1100 feet thereof, Section 30, Township 19 South, Range 23 East, Sumter County, Florida.

Ordinance O2013-24

“Exhibit B”

Wildwood Entertainment Park

Conceptual Development Plan



SITE DATA

1. SITE ACREAGE: 99.88 AC.
2. ZONING = M-1 CONSERVATION
3. PROPOSED BUILDING TYPE = WOOD/MASONRY
4. AREA CALCULATIONS:

IMPERVIOUS AREA:	AREA	% OF TOTAL
EXISTING IMPERVIOUS	1.20 AC.	1.20%
PROPOSED IMPERVIOUS	0.08 AC.	0.08%
TOTAL IMPERVIOUS AREA	1.28 AC.	1.28%
5. OPEN SPACE:

DRY ROAD	1.48 AC.	1.48%
PERFORMER EVENTS	1.14 AC.	1.14%
GRASS PARKING	13.83 AC.	13.83%
MUD HOLES	2.97 AC.	2.97%
PERFORMER BUFFERS	4.28 AC.	4.28%
UPLAND BUFFERS	8.50 AC.	8.50%
WETLANDS	20.52 AC.	20.52%
GENERAL OPEN SPACE	48.84 AC.	48.84%
TOTAL OPEN SPACE	68.22 AC.	68.21%

LEGEND

- PROPERTY LINE
- WETLAND LINE
- UPLAND BUFFER LINE
- PROPOSED FENCE
- EXISTING FENCE
- EXISTING OVERHEAD UTILITY
- ATV TRAIL
- BUFFER

6. ALL COMMON OPEN AREAS SHALL BE MAINTAINED BY PROPERTY MANAGEMENT.
7. THE PROJECT IS ANTICIPATED TO BE DEVELOPED IN A MINIMUM OF TWO PHASES. THE PROJECT WILL TENTATIVELY BEGIN THE PROCESS OF CONSTRUCTION AUGUST 2013 FOR PHASE I. THE PROJECT WILL TENTATIVELY BEGIN THE PROCESS OF CONSTRUCTION BETWEEN YEARS 2014 AND 2015 FOR PHASE II.
8. NO POTABLE WATER OR SANITARY SEWER IS REQUIRED FOR PHASE I AND MAY NOT BE REQUIRED FOR FUTURE PHASES.
9. DRAINAGE: ALL PROPOSED IMPERVIOUS AREAS ARE TO DRAIN TO PROPOSED MUD HOLE. THE PROPOSED IMPERVIOUS AREA IS ONLY 3,990 SF. THEREFORE NO DRAINAGE CALCULATIONS ARE PROVIDED.
10. CONTRACTOR SHALL SOO ALL DISTURBED AREAS STEEPER THAN 5:1. ALL OTHER DISTURBED AREAS TO BE SEED AND MULCH.
11. EXISTING TREES TO REMAIN ONSITE. THE REMOVAL OF ANY TREES SHALL REQUIRE A TREE REMOVAL PERMIT.
12. OPEN SPACE REQUIREMENTS WAIVED FOR THIS PROJECT.
13. ANTICIPATED NUMBER OF EMPLOYEES: 5
14. POWER FOR EVENTS AND SITE LIGHTING TO BE PROVIDED BY PORTABLE GENERATORS.
15. THIS PROJECT IS NOT LOCATED WITHIN A FEMA 100 YR FLOOD PLANN PER COMMUNITY PANEL # 122961208
16. NORTHERN BUFFER TO INCLUDE LANDSCAPING OR BERM GENERALLY BETWEEN WETLANDS.

LEGAL DESCRIPTION:
 SOUTH 1/2 OF THE SOUTHWEST 1/4, LESS THE RIGHT OF WAY FOR U.S. HIGHWAY NO. 201, AND LESS THE SOUTH 1/8 FEET OF THE EAST 1100 FEET THEREOF, SECTION 18, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND
 THE NORTH 1/4 OF THE NORTHWEST 1/4, LESS THE RIGHT OF WAY FOR U.S. HIGHWAY NO. 201, AND LESS THE EAST 1100 FEET THEREOF, SECTION 20, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

NOTE:
 THE INTERNAL EVENT LOCATIONS, PARKING AREAS, TRAILS, OPEN AREA, IMPERVIOUS AREA, AND MUD HOLES ARE SUBJECT TO CHANGE.

OWNER/DEVELOPER:
 WILDWOOD HOLDING, LLC
 P.O. BOX 419
 WILDWOOD, FL 34785
 CLIFF WATTMAN
 (352) 800-8990

ENGINEER/SURVEYOR:
 FARNER, BARLEY AND ASSOCIATES, INC.
 4450 N.E. BAY ROAD
 WILDWOOD, FL 34785
 (352) 746-1818
 LEE CLYMER, P.E. #67870

DATE	06-18-13
DRAWN BY	MUT
CHECKED BY	WLG
FILE NAME	PHD
JOB NO.	
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DATE	

**WILDWOOD ENTERTAINMENT PARK
 WILDWOOD, FLORIDA
 PUD CONCEPTUAL PLAN**

SHT. 1 OF 1