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ORDINANCE NO. O2013-37

AN ORDINANCE OF THE CITY OF WILDWOOD GRANTING A REQUEST FOR A PLANNED DEVELOPMENT AMENDMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS. FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY POWER CORPORATION; 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 Power Corporation, (hereinafter referred as the, "Developer") for a Mixed Use Planned Development was heard by and before the City Commission, Wildwood, Florida on this 28th day of OCTOBER 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 October 1 2013 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

SECTION 1: GENERAL FINDINGS

- A. That the Lakeside Landings Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed by the Developer herein on December 17, 2012.
- 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 continues to develop a Project consisting of 169.93 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 complied with the conceptual development plan provision as required by Section 8.4 of the Land Development Regulations.
- F. That the City has complied with the due notice requirements of subsection 3.3(B)(3) of the Land Development Regulations.

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CITY OF WILDWOOD
100 N MAIN ST
WILDWOOD FL 34785

SECTION 2: FINDINGS REGARDING PLANNED DEVELOPMENT OVERLAY

- A. That the Project is an existing Planned Unit Development subdivision with developed lots and constructed homes on the property.
- B. That the Applicant has applied for a Mixed Use Planned Development (MUPD) of the lands described in "Exhibit A".
- C. That the zoning districts of the subject land described in "Exhibit A" are classified as PUD (Ordinance O2009-17) and (R-2: Low Medium Density Residential) on the City of Wildwood Zoning Map.
- D. That this Ordinance does not increase the amount of permitted development within the Project that was already granted by the City Commission through the adoption of Ordinance O2009-17 on September 15, 2009.
- E. 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.
- F. 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.
- G. 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 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 September 18th, 2013 (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.

The Conceptual Development Plan is conceptual in nature and may be affected or modified by final zoning approval and conditions, by compensating storage capacity in flood prone areas, final wetland or protected species locations and jurisdictional boundaries, final engineering, permitting, surveys, or conservation easements.

- C. Development Program. The Project consists of the following:
- 1) Residential Development. The residential component of the Project contains a mix of single family detached and single family attached dwelling units. The Project shall contain no more than 749 dwelling units.
 - 2) Commercial Development. The commercial component of the Project shall contain no more than 20,000 square feet of gross leasable 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. 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. Principal Uses. All residential unit types are permissible within the Project. For the commercial component of the Project, the principal uses listed in Chapter 3, Table 3-6 of the Land Development Regulations for the "C-2" zoning district shall be permitted within the commercial parcel of the Project.
- F. Design District Standards. The commercial component of the Project shall adhere to the Neighborhood Design District Standards pursuant to Section 6.12 of the Land Development Regulations. Residential design standards shall not be applicable because the majority of the development was approved prior to the City adopting the standards. The design of the

residential areas shall be substantially consistent with the portions of the Project that have already been constructed.

G. Setbacks. The Project shall maintain the following minimum setbacks:

- 1) Single Family Detached Dwellings:
 - 25' front setback
 - 10' separation between structures
 - 7.5' side setback on corner lots
- 2) Single Family Attached Dwellings:
 - 25' front setback
 - 20' separation between structures
- 3) Commercial parcel:
 - 35' front setback (from CR 472)
 - 25' side and rear

H. Recreation and Open Space.

- 1) Parks and Recreation. The Project contains a 6.3 acre recreation area which contains a clubhouse, swimming pools, tennis courts and other amenities and serves as the main recreational area for the residents. At least one additional recreation area is required within the Project. The additional recreation area shall be at least a half-acre in size and contain active amenities which may include a basketball court, exercise station, playground, or other similar use.
- 2) Buffers. The Project shall contain a 25' landscape buffer along CR 472 and a 20' landscape buffer along the western boundary of the Project. The landscape buffer along the western boundary may be substituted with a 6 foot high decorative wall.
- 3) Open Space.

The Project shall contain a minimum of 25% open space. The open space network shall be interconnected wherever possible to create a continuous network within and adjoining the site. Open space, as previously agreed upon in Ordinance O2009-17, may include greenspace, buffers, recreation areas, stormwater retention areas, and landscaped areas. For purposes of meeting the open space requirement, up to 50% of the stormwater retention areas may be included, but shall not exceed 50% of the total open space for the Project. For single family detached lots, 40% of the pervious surface may be used towards the open space requirement. Open space shall not include bodies of water, right-of-ways, driveways, off-street parking and loading areas or other impervious surface areas which do not meet the definition of open space.

I. Floodplains. The Special Flood Hazard Area shall be identified on all subdivision plans and plats. For lots within the Special Flood Hazard Area the Developer shall either:

- 1) Obtain a Letter of Map Revision (LOMR-F) from FEMA for lots filled or regraded to be above the base flood elevation, or
- 2) Identify the base flood elevation for each buildable lot within the Special Flood Hazard Area. A notice shall be placed on the deed stating that "This property is located within a Special Flood Hazard Area."

J. Public Facilities.

- 1) Potable Water, Wastewater, and Reuse Water. The Project is currently served by the City's potable water and wastewater services. Any additional connections to the systems will be deducted from capacities reserved through the Lakeside Landings Developer's Agreement. Should capacities outside the original reservation be necessary, the developer shall reserve capacities as needed at current rates.
- 2) Solid Waste. Solid waste services shall be provided by the City or the City's contracted refuse service provider.
- 3) Stormwater. The Project shall contain a stormwater management system which meets the requirements of the Southwest Florida Water Management District. Future stormwater management areas may be constructed similarly to those stormwater management areas that currently exist within the Project. The maintenance of the stormwater system shall be the responsibility of the Developer or the Project's Homeowner's Association.
- 4) Underground Utilities. All on site utilities shall be underground. Developer is responsible for running utilities underground for the Project.
- 5) Lighting. Decorative street lighting shall be provided throughout the Project. Exterior lighting of the commercial area shall be designed so that residential areas are not adversely impacted. Exterior light fixtures should be fully shielded or designed with light-angle cut-offs so as to eliminate spill light, trespass light, and glare.

K. Access and Transportation.

- 1) Residential Access. Permanent and emergency access points are shown on the Project's Conceptual Development Plan in "Exhibit B." Regatta Boulevard is a gated road that serves as the Project's main access to CR 472. A secondary access point for the residents is required at CR 114. All access points may be gated.
- 2) Commercial Parcel Access. The applicant may seek a driveway permit from Sumter County for access of the commercial parcel to CR 472. Access to the commercial parcel shall be provided from

Regatta Boulevard so that residents of the Project need not turn onto CR 472 to for access.

- 3) Sidewalks. At a minimum, sidewalks shall be constructed along one side of each roadway within the Project as previously constructed.
- 4) Right-of-Way Donation. The Developer has donated 25 feet along CR 114 for right-of-way as shown on the record plat of the existing subdivision. No other right-of-way dedication is required.
- 5) Maintenance. Maintenance of all transportation infrastructure shall be the responsibility of the Developer or the Project's Homeowner's Association.
- 6) Ingress and Egress Easement for Parcel D20=077. As shown on the Conceptual Development Plan, there is an existing 50' x 50' easement for ingress and egress that serves Parcel D20=077. The Developer shall not deprive the property owner of Parcel 20=077 of access to his/her property.

- L. 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 Association 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.
- M. Enforcement of Rules and Regulations. For the maintenance of the common areas referenced in Section 3(L) 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.
- N. 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.

SECTION 4: 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 5: EFFECTIVE DATE.

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 28th day of October, 2013.



Joseph Jacobs
Joseph Jacobs, City Clerk

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

Ed Wolf
ED WOLF, MAYOR

First Reading: October 14, 2013
Second Reading: October 28, 2013

Approved as to Form:

Ashley Hunt
Ashley Hunt, City Attorney

Ordinance O2013-37

“Exhibit A”

Lakeside Landings

Legal Description

LEGAL DESCRIPTION: LAKESIDE LANDINGS

GOVERNMENT LOT 3 , ALSO DESCRIBED AS THE FRACTIONAL EAST ½ OF THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 18, RANGE 23 EAST, LESS THE EAST 110 YARDS THEREOF; RESERVATION FOR FUTURE RIGHT OF WAY AS SHOWN ON "DAYSRING MEADOWS" PLAT BOOK 4, PAGE 22, OF THE PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA; A PORTION OF THE SOUTHWEST ¼ OF SAID SECTION 21, TOWNSHIP 18 SOUTH, RANGE 23 EAST AND A PORTION OF THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 18 SOUTH; RANGE 23 EAST, SUMTER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SOUTHWEST ¼ OF SECTION 21; THENCE, ALONG THE WEST LINE OF SAID SOUTHWEST ¼, N00°07'57" EAST, 16.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°28'08" EAST 992.11 FEET; THENCE SOUTH 00°31'52" WEST 4.00 FEET; THENCE SOUTH 89°28'08" EAST 100.00 FEET; THENCE SOUTH 00°31'52" WEST 12.50 FEET; THENCE SOUTH 89°28'08" EAST ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 21-18-23, A DISTANCE OF 1235.03 FEET; THENCE NORTH 00°25'54" EAST ALONG WEST LINE OF THE EAST 330' OF GOVERNMENT LOT 3, A DISTANCE OF 2605.04 FEET; THENCE NORTH 89°41'50" WEST ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 472, A DISTANCE OF 1005.37 FEET; THENCE SOUTH 00°16'53" WEST ALONG THE WEST LINE OF THE EAST ½ OF THE SOUTHWEST ¼ SECTION 21-18-23, A DISTANCE OF 450.38; THENCE NORTH 89°38'52" WEST 283.23 FEET; THENCE NORTH 00°11'59" EAST 450.14 FEET; THENCE NORTH 89°41'50" WEST ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 472, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°11'50" WEST 625.12 FEET; THENCE NORTH 89°38'56" WEST 332.84 FEET; THENCE NORTH 00°12'27" EAST 624.84 FEET; THENCE NORTH 84°41'50" WEST ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 472, A DISTANCE OF 667.62 FEET; THENCE NORTH 89°08'17" WEST ALONG THE AFORMENTIONED SOUTH RIGHT OF WAY, 659.20 FEET; THENCE SOUTH 00°13'48" WEST 625.00 FEET; THENCE NORTH 89°11'59" WEST 309.24 FEET; THENCE SOUTH 00°19'39" WEST ALONG THE EAST LINE OF "DAYSRING MEADOWS" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 22, OF THE PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, 534.06 FEET; THENCE NORTH 89°11'59" WEST ALONG THE SOUTH LINE OF LOT 4 AFORMENTIONED "DAYSRING MEADOWS", 326.00 FEET; THENCE SOUTH 00°19'39" WEST ALONG THE EAST RIGHT OF WAY LINE OF COUNTY ROAD NO. 117, A DISTANCE OF 66.00 FEET; THENCE SOUTH 89°11'59" EAST ALONG THE NORTH LINE OF LOT 5 AFOREMENTIONED "DAYSRING MEADOWS" 326.00 FEET; THENCE SOUTH 00°19'39" WEST 400.56 FEET; THENCE SOUTH 89°24'13" EAST 142.50 FEET; THENCE SOUTH 00°19'39" WEST 373.45 FEET; THENCE SOUTH 89°24'13" EAST 632.00 FEET; THENCE NORTH 00°08'00" EAST 189.56 FEET; THENCE SOUTH 89°21'04" EAST 163.74 FEET; THENCE SOUTH 00°07'57" WEST 164.02 FEET; THENCE SOUTH 89°20'44" EAST 36.00 FEET TO A POINT ON SAID SECTION LINE 21-18-13; THENCE SOUTH 00°07'57 WEST ALONG THE LINE BETWEEN SECTION 20-18-23 AND SECTION 21-18-13, A DISTANCE OF 608.90 FEET TO THE POINT OF BEGINNING.
CONTAINING 169.83 ACRES MORE OR LESS.

Ordinance O2013-37
“Exhibit B”
Lakeside Landings
Conceptual Development Plan

