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ORDINANCE NO. 2014-13

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 WALTER X. AND NORMA G. NOVILLO; 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 Walter X. & Norma G. Novillo (hereinafter referred to as the, "Developer") for a Mixed Use Commercial/Office and Multi-Family Residential Planned Development was heard by and before the City Commission, Wildwood, Florida on this 28th day of April 2014. 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 March 4, 2014 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

SECTION 1: GENERAL FINDINGS

- A. That the Novillo Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed herein on December 30, 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 a Project consisting of 6.9 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.

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- F. 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 Mixed Use Planned Development of the lands described in "Exhibit A".
- B. That the zoning district of the subject land described in "Exhibit A" is classified as Employment Center Neighborhood Mixed Use (ECNMU-7) 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 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 Wicks Engineering Services dated 12-26-13 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 general location of the following land uses:
 - a. Commercial Retail and Office;
 - b. Residential; and
 - c. Recreation: Clubhouse with pool and deck area

C. Development Program. The Project shall be developed in one (1) phase in accordance with the conceptual development plan and this Section. The Project is being developed under the provisions stated in Section 3.21 (Mixed Use Centers) of the Land Development Regulations. Projects less than 10 acres in size are not required to contain the mix of land uses in the ECNMU-7 zoning district as stated in Table 3-5 of the Land Development Regulations and Comprehensive Plan. Projects within Mixed Use Centers shall adhere to the maximum allowable dwelling units and non-residential square footage permissible as established in the planned development agreement. Therefore, the following shall apply:

- 1) Residential. All residential use types shall be allowed within the development, including mobile homes.
- 2) Land Use Breakdown. Acreages devoted to each land use within the Project shall be in accordance with the following table:

Land Use	Total (Acres)
Residential	3.69
Commercial Retail and Office	1.56
Open Space	1.73
Total	6.92

- 3) Maximum Development Potential. Residential and non-residential development shall not exceed the following:

Land Use	Square Feet	Units
Residential		96
Commercial	35,000	

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. After this Ordinance is recorded, and 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.
- F. Principal Uses. Principal uses listed in Chapter 3, Table 3-6 of the Land Development Regulations shall be permitted within the project. Mobile homes may also be considered a principal use for the Project.
- G. Development Standards. Unless otherwise noted, the Project shall adhere to the zoning district standard prescribed in Chapter 3 of the Land Development Regulations for the Employment Center Neighborhood Mixed Use (ECNMU-7) zoning district.
- H. Design District Standards. Unless otherwise noted, the Project shall adhere to the Design District Standards pursuant to section 6.12 of the Land Development Regulations.
- G. Recreation and Open Space. The Project shall maintain a minimum of 25% open space.
 - 1) Open Space. Open space shall include wetlands, preservation areas, greenspace, and landscape buffers. Open space may also include trails, plazas, courtyards, and other public similar public areas. Open space may also include recreation areas and amenities provided said amenities or area is not enclosed within conditioned space. For purposes of meeting open space requirements, up to 50% of the drainage retention areas (stormwater management areas) may be included in the open space calculation; however, the amount of open space credit from the drainage retention areas shall not exceed 50% of the open space requirement. Open space shall not include open bodies of water, right-of-ways, yards or lots of record per plat, driveways, off street parking areas or other impervious surface areas that do not meet the criteria.
 - 2) Buffers. The Project shall maintain a 25' buffer along the project's southern, eastern and western boundaries. The project will maintain a 25' buffer along SR 44. Buffers shall contain canopy and

understory trees as well as a 3' tall hedge in accordance with the Design District Standards. A 5' sidewalk shall also be incorporated into the buffer area along the northern boundary of the Project (SR 44).

- 3) Parks and Recreation. The Project shall contain a clubhouse with pool and deck area. No parks shall be required.

H. Environmental Considerations. Environmental Analysis has been waived as the Project has been previously developed.

I. Public Facilities.

- 1) Potable Water, Wastewater, and Reuse Water. The Project will connect to City Water and Wastewater prior to issuance of any Certificate of Occupancy. Reuse water is not currently available to the Project and shall not be required.
- 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 and Chapter 6, Section 6.4 of the City's Land Development Regulations.
- 4) Underground Utilities. All utilities on site shall be located underground. Developer is responsible for running utilities underground for the Project. The City shall insure that any utilities within any public utility easement, serving lands other than the Project, shall be underground.
- 5) Lighting. Exterior lighting of all building and parking lots shall be designed so that light is not directed off of the Project. Exterior light fixtures should be fully shielded or designed with light-angle cut-offs so as to eliminate spill light, trespass light and glare.

J. Access, Parking, and Transportation.

- 1) Access. The Project's main access is off of SR 44, a four lane highway. One access point shall be required for the development. However, location of access point shall be determined by the Florida Department of Transportation (FDOT).

2) Internal Roadways.

- a. The Project shall vacate the existing county road within the existing developed area.
- b. The Project shall provide roadway connection between the Commercial, Residential and Recreational areas. The roadway shall be constructed as per the typical road section shown on the conceptual plan.
- c. The Project shall provide a sidewalk network within the residential area to encourage walking and bicycling within the development. A 5' sidewalk shall be required along both sides of the access road and connect to the required sidewalk along SR 44 within the buffer area.

3) Transportation System Improvements. The Project shall be required to construct a right turn land on SR 44 at the proposed project entrance. The Project is not projected to cause affected roads or intersections to operate below the existing levels of service.

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.
- R. 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 six (6) 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.

PASSED AND ORDAINED in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this 28th day of April, 2014.



CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
[Signature]
ED WOLF, MAYOR

[Signature]
Marena Roberts, Assistant City Clerk

First-Reading: April 14, 2014

Second Reading: April 28, 2014

Approved as to Form:
[Signature]
Ashley Hunt, City Attorney

Inst:201460015652 Date:5/19/2014 Time:11:44 AM
DC,Gloria R. Hayward,Sumter County Page 7 of 11 B:2779 P:652

Ordinance O2014-13
“Exhibit A”
Parcel G17=008 (Novillo)
Legal Description

Development Application for Walter X. Novillo and Norma G. Novillo

Legal Description

(Taken from Warranty Deed recorded in Book 926 Pgs 403-404, Sumter County, FL)

PARCEL NO- 1:

Begin at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 17, Township 19 South, Range 23 East, Sumter County, Florida; run West 140 yards; South 105 yards; East 140 yards; North 105 yards to the Point of Beginning.

PARCEL NO. 2:

The East 20 feet of the East 1/2 of the Northeast 1/4 of the Northeast 1/4, Sumter County, Florida, South of S.R. #44, in Section 17, Township 19 South, Range 23 East.

PARCEL NO. 3:

Beginning at the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of Section 17, Township 19 South, Range 23 East, Sumter County, Florida; thence North 89°58'00" West along the South boundary of said Northeast 1/4 of the Northeast 1/4, 420 feet; thence North parallel to the East boundary of said Northeast 1/4 of the Northeast 1/4, 412.34 feet to the Southerly right of way line of said State Road, said point being 50.00 feet from and at right angle to the centerline of said State Road #44; thence South 69°43'30" East along said Southerly-right-of-way line 447.74 feet to the East boundary of said Northeast 1/4 of the Northeast 1/4; thence South along said East boundary 257.43 feet to the point of beginning. Less the East 20 feet thereof.

PARCEL No. 4:

Begin at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 17, Township 19 South, Range 23 East, Sumter County, Florida; run West along the North line of said Southeast 1/4 of the Northeast 1/4, 140 yards; South 105 yards to the point of beginning; thence south 22-1/2 yards; East 140 yards; North 22-1/2 yards; West 140 yards to the point of beginning.

Ordinance O2014-13
“Exhibit B”
Parcel G17=008 (Novillo)
Planned Development Conceptual Plan

