



**ORDINANCE NO. 2014-24**

**AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, AMENDING AND/OR SUPPLEMENTING CHAPTER 11 LICENSES AND BUSINESS REGULATIONS OF THE CODE OF ORDINANCES SECTION 11-14 ISSUANCE OF PERMITS FOR TEMPORARY USES AND SPECIAL PERMITS BY AMENDING SUBSECTIONS (a)(2) THROUGH (a)(4) AND AMENDING SECTION 3.10 OF THE LAND DEVELOPMENT REGULATIONS AS FOLLOWS, REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF WILDWOOD, FLORIDA:**

**SECTION 1. The following section of the Code of Ordinances of the City of Wildwood, Florida Chapter 11 are hereby amended or replaced as follows:**

**Sec. 11-14. - Issuance of permits for temporary uses and special events.**

(a)

*Purpose.*

(1)

The purpose of this section is to provide for the issuance of permits for temporary uses and special events which would otherwise be required to obtain site plan approval if such uses were permanent.

(2)

Temporary use and special event permits shall only be issued for events which do not normally occur on a year round basis. ~~including but not limited to, traveling circuses, carnivals, sporting events, concerts, seasons sales events such as fireworks or Christmas trees, religious revivals, temporary sales events, or craft fairs.~~

(3)

Approved temporary uses.

a. The following uses are identified as seasonal temporary uses:

1. Fireworks sales.

2. Christmas tree sales.

3. Flower sales.

4. Other seasonal sales events similar and temporary in nature.

52-30

CITY OF WILDWOOD  
100 N Main Street  
Wildwood FL 34785

WILDWOOD

- b. The following uses are identified as temporary uses not seasonal in nature:
1. Outdoor product sales promotion for existing City of Wildwood operating businesses for their in store products (only on property of the business) with registration through the City.
  2. Outdoor product sales promotion for products which are not offered by current City of Wildwood operating businesses as their primary product sales. Business must obtain a Business Tax Receipt and may operate (with the appropriate permission and authorization of the landowner or leaseholder) on vacant property or at a public place such as strip mall, schools, college campus, churches, hospital, and in the Business District.
  3. Fair, carnival, traveling circuses, sporting events, concerts, religious revivals, craft fairs, performances, etc.
  4. Recreational vehicles for security in conjunction with an approved temporary use activity.

(4)(3)

Temporary use and special event permits shall not be issued for uses such as BBQ stands, restaurants, or flea markets. Anyone proposing these uses must seek appropriate permitting under city ordinances and Code.

(5)(4)

Special event sales such as automobile or recreational vehicle sales (tent or outdoor sales) for businesses specified in subsections (a)(3)(b)(1) & (2) of this section shall be permitted if they meet all of the following criteria:

a.

Site sketch shall be submitted to in house site approval no later than three weeks prior to the event.

b.

The event shall occur on vacant property which is not a part of a shopping center or commercial.

c.

Site shall be adjacent to egress and ingress and shall meet the requirements of the City of Wildwood Land Development Regulations for ingress and egress. Egress and ingress shall

be clearly posed and marked on a two-foot by three-foot sign in contrast colors.

d.

There shall be restroom facilities which meet Florida accessibility code. A minimum of no less than two for male and two for female shall be required. If the site exceeds one acre, then there shall be one more for male and one for female per each one-half-acre.

e.

Site sketch shall reflect customer parking area which shall be clearly roped off.

f.

This shall be in areas zoned commercial, industrial or agricultural only.

(b)

*Applicability.*

(1)

This section shall not apply to:

a.

Agricultural stands that sell produce raised or produced on the farmland of which they are a part.

b.

The sale of immediately consumable prepared food products, such as ice cream and non-alcoholic beverages, from a mobile vendor vehicle. Sales shall be oriented to pedestrians, not motorists, and the vehicle is to keep moving except for the purpose of making a sale and normal traffic operation considerations.

c.

Property that has an approved development or ordinance allowing temporary uses.

d.

Musical or entertainment festivals, events permitted on City property, and public forum uses.

(2)

The fact that this section does not apply in no way relieves any person from complying with any other applicable ordinance.

(c)

*Permit required.* The city shall issue a permit for a temporary use or special event allowable under this section if the following conditions and requirements are satisfied:

(1)

A completed application signed by all owners of the property along with any fee established for review by the City shall be submitted. The application shall contain the following information:

a.

The name and address of the property owner and the name and address of the operator/sponsor of the temporary use or special event, if different than the property owner.

b.

The legal description of the property upon which the temporary use or special event will occur (copy of recorded deed and tax receipt or property record card required).

c.

The date(s) on which the temporary use or special event will occur and the hours of operation.

d.

A general description of the activities to be conducted during the temporary use or special event together with the attendance estimates.

e.

Appropriate documentation that (i) all pyrotechnical items sold are consistent with state laws regulating same and all persons selling pyrotechnical merchandise are licensed by the state fire marshal; (ii) the county fire marshal has approved the location and sales of pyrotechnical items; and (3) electrical hook-up or fixtures meet the National Electrical Code as adopted by the State of Florida.

(2)

A sketch or site plan, drawn to an appropriate scale, shall be submitted demonstrating that adequate ingress, egress and parking exist for the site. Parking for the primary use shall not be effected by the proposed temporary vehicular ingress and egress and shall be from an approved driveway apron.

(3)

The sketch or site plan shall additionally show the location of all existing buildings on the property and the proposed structures, tents or other facilities that will be located on the property during the

temporary use or special event. Setbacks shall be established in conformance with the zoning district within which the property is located.

(4)

The applicant shall demonstrate that adequate sanitary facilities will be provided at the site. Such demonstration may require a permit.

(5)

The applicant shall demonstrate that all other necessary licenses and permits have been or will be obtained, including but not limited to an occupational license and building permit for any tent or temporary structure.

(6)

The applicant shall demonstrate that security will be provided for the temporary use or special event.

(d)

*Duration and frequency.* Any permit issued pursuant to this section shall be valid for no more than 21 days from the date of issuance. A permit under this section shall not be issued for any parcel of property more than twice in any 12-month period. No person or entity may apply more than two times per year.

(e)

*Commercial activity.* No commercial activity shall be permitted in a public right-of-way.

SECTION 2. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 3. 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.

SECTION 4. This ordinance shall take effect upon a Notice of Compliance determination by the Florida Department of Community Affairs, pursuant to Sections 163.3184, 163.3187 and 163.3189, Florida Statutes, as amended, and its final reading by the City Commission of the City of Wildwood.

DONE AND ORDAINED this 28<sup>th</sup> day of April, 2014, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA



Marena Roberts  
Marena Roberts, Asst. City Clerk

Ed Wolf  
Ed Wolf, Mayor

First Reading: April 14, 2014

Second Reading: April 28, 2014

Approved as to form:  
Ashley S. Hunt  
Ashley S. Hunt, City Attorney

Note:

Underlines new language

Strikethroughs deletions