

ORDINANCE NO. O2015-6

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA; CORRECTING SCRIVENER'S ERRORS IN O2014-24 AFFECTING SECTIONS 3.10 AND 3.11; CORRECTING SCRIVENER'S ERRORS IN SECTIONS 1.15, 3.4, AND SUBSECTIONS 3.7(B)(2), 6.6(A)(4) AND 6.6(A)(5); OF THE LAND DEVELOPMENT REGULATIONS (LDRS) OF THE CITY OF WILDWOOD, FLORIDA; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance O2014-24 was enacted to amend section 11-14 of the Code of Ordinances titled "Issuance of permits for temporary uses and special events," and which repealed Section 3.10 of the LDRs by reference in the ordinance title; and

WHEREAS, repealing section 3.10 of the LDRs was a scrivener's error; and,

WHEREAS, the City wishes to correct the title in Ordinance O2014-22 to restore section 3.10 and reflect that section 3.11 of the LDRs is the section which should be repealed, being in conflict with section 11-14 of the Code of Ordinances; and,

WHEREAS, the City wishes to correct sections 1.15, 3.4, and subsections 6.6(A)(4) and 6.6(A)(5) in the Land Development Regulations containing minor scrivener's errors; and,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. The amendments to Ordinance O2014-24 are shown with ~~strikethrough~~ for deletions and underline for additions and include:

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~~ 3.11 OF THE LAND DEVELOPMENT REGULATIONS AS FOLLOWS, REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

SECTION 2. Section 3.10 *Temporary Uses* of the Land Development Regulations are hereby restored in their previous form as shown with ~~strikethrough~~ for deletions and underline for additions and include:

3.10. Temporary uses.

(A) General. Use established to allow temporary uses and activities not normally permitted in the various zoning categories or activities for which a permanent use is not desired. A temporary use is not a use of right and there is no presumption that it will be granted. No temporary use shall commence prior to the issuance of a temporary use permit.

(B) Application procedure. Written application shall be made to the Development Services Department for a temporary use permit. In addition, the applicant may be required to provide a concurrency determination. All applicable fees shall be paid.

(C) Hearing procedure. The review and approval of a temporary use permit request shall be in accordance with section 3.3.

(D) Uses allowed and requirements.

(1) Medical hardship. A second principal residence on one (1) parcel of record may be allowed in cases of extreme medical hardship, such as where a temporary residence, which may be an RV or mobile home, is needed to house a caregiver or care receiver for a relatively short period of time.

(a) The maximum period for which approval may be given is three (3) years. The City Commission may approve multiple renewals of the temporary residence for additional terms not to exceed three years each. However, each renewal shall require a public hearing before the Planning and Zoning Board.

(b) The second principal residence must be removed from the property within the time set forth in the temporary use permit as approved, but in no event later than ninety days of the expiration of the temporary use permit, or not later than ninety days after recovery or relocation of the person receiving care, whichever occurs first.

(c) The caregiver and care receiver must reside on the property on a full-time basis during the period prescribed herein. Occupants of the second principal residence shall be restricted to the caregiver or care receiver, the caregiver's or care receiver's spouse or partner, and the minor children of the caregiver or care receiver's spouse or partner.

(d) A signed letter from a Florida licensed medical doctor or doctor of osteopathy, which shall include his or her license number, stating the requirement for continuous necessary medical care and oversight of the care receiver must accompany the application for recognition of hardship under this section.

(e) The caregiver's residence shall be connected to City water, wastewater, and reuse where available.

(f) A site plan including existing and proposed improvements shall be submitted along with a completed application and concurrency determination/reservation application.

(2) On-site security. An accessory residence on a nonresidential property in need of on-site security or after hours monitoring may be allowed.

(a) The maximum period for which approval may be given is two (2) years. Each renewal shall require a new public hearing before the Planning and Zoning Board.

(b) The residence shall be required to connect to City water, wastewater, and reuse where available.

(c) A written statement from the applicant stating the requirement for after hours monitoring must accompany the application for temporary use.

SECTION 3. The amendments to section 3.11 *Special Events* of the Land Development Regulations are shown with ~~strikethrough~~ for deletions and underline for additions and include:

3.11. RESERVED. ~~Special events.~~

~~(A) General. Use established to allow special events and public gatherings in a manner that protects the health, safety and welfare of the general public. Special events shall include the following:~~

~~(1) Temporary sales events— Sales events including RV, auto and boat sales which are typically held in a tent or outdoors.~~

~~(2) Seasonal sales events— Sales of items that are seasonal in nature such as Christmas trees, pumpkins, fireworks, etc.~~

~~(3) Community events— Events that benefit the community including but not limited to carnivals, circuses, concerts, sporting events and city sponsored events. Religious and non-profit community events shall also be included.~~

~~(4) Non-profit events— Fundraising events for non-profit organizations (i.e., bake sales, car washes, etc.).~~

~~(B) Application procedure. Written application shall be made to the Development Services Department for a special event permit. Application fee shall be required as listed in the fee schedule.~~

~~(1) Temporary sales events. Application shall include a sketch demonstrating adequate off-street parking and loading and no undue disruption to or interference with normal traffic flow or rights of adjacent and surrounding properties. Site sketch shall show the placement of all items such as chairs, electrical cords, restroom locations, provisions for trash and any other information, as necessary. In addition to the application and site sketch, the following shall be submitted:~~

~~(a) If a tent will be used for the event, a copy of the flame retardant seal on the tent shall be provided. The applicant can obtain this information from the rental company or make a copy of the certification from the tent.~~

~~(b) A notarized permission from the property owner stating dates, times and location of the event shall be submitted.~~

~~(c) Copy of the State of Florida Department of Highway Safety and Motor Vehicles license.~~

~~(d) Copy of State of Florida Department of Highway Safety and Motor Vehicles temporary "supplemental" application and permit for an off-premises sale by a motor vehicle dealer (Form HSMV 86042).~~

~~(2) Seasonal sales events. Application shall include a sketch demonstrating adequate parking and loading and no undue disruption to or interference with normal traffic flow or rights of adjacent and surrounding properties. Site sketch shall show the placement of all items such as chairs, electrical cords, restroom locations, provisions for trash and any other information, as necessary. In addition to the application and site sketch, the following shall be submitted:~~

~~(a) If a tent will be used for the event, a copy of the flame retardant seal on the tent shall be provided. The applicant can obtain this information from the rental company or make a copy of the certification from the tent.~~

~~(b) A notarized permission from the property owner stating dates, times and location of the event shall be submitted.~~

~~(c) A copy of any applicable license required by the State of Florida.~~

~~(3) Community events. Application shall include a site sketch demonstrating adequate parking and loading and no undue disruption to or interference with normal traffic flow or rights of adjacent and surrounding properties. Site sketch shall show the placement of all items such as chairs, electrical cords, restroom locations, provisions for trash and any other information, as necessary. In addition to the application and site sketch, the following shall be submitted:~~

~~(a) If a tent will be used for the event, a copy of the flame retardant seal on the tent shall be provided. The applicant can obtain this information from the rental company or make a copy of the certification from the tent.~~

~~(b) A notarized permission from the property owner stating dates, times and~~

~~location of the event shall be submitted.~~

~~(c) A copy of any applicable license required by the State of Florida.~~

~~(d) Non-profit organizations shall provide a copy of the 501(C)(3) exemption form.~~

~~(4) Non-profit events. Applicant shall submit a notarized permission letter from the property owner stating the dates, times and location of the event along with a copy of the non-profit 501(c)(3) exemption form.~~

~~(C) Restrictions and requirements. The maximum period for which approval may be given is 14 consecutive days. No special event shall be conducted for more than 28 out of any 365 days. The permit for a special event may be revoked immediately upon notice by the City, if the use creates a nuisance to the community or does not comply with these requirements. The Development Services Director may approve any application meeting the requirements and upon payment of any appropriate fees.~~

~~(1) Temporary sales events. Allowed in C-3, AG-5, AG-10, and I.~~

~~(a) Shall only occur on vacant property which is not part of a development or shopping center.~~

~~(b) Site shall be a minimum of one (1) acre.~~

~~(c) Site shall be adjacent to ingress and egress. Ingress and egress shall be clearly posted and marked on a 2'x 3' sign in contrasting colors.~~

~~(d) Temporary sales events shall not occur more than twice in a 12 month period and shall not exceed 14 days within a 12 month period.~~

~~(e) All temporary sales events may operate from 7:00 a.m. to 11:59 p.m. daily.~~

~~(2) Seasonal sales events. Allowed in C-3, AG-5, AG-10, and I.~~

~~(a) Shall only occur on vacant property which is not part of a development or shopping center.~~

~~(b) Site shall be a minimum of one (1) acre.~~

~~(c) Site shall be adjacent to ingress and egress. Ingress and egress shall be clearly posted and marked on a 2'x 3' sign in contrasting colors.~~

~~(d) Seasonal sales events shall not occur more than twice in a 12 month period and shall not exceed 14 days within a 12 month period.~~

~~(e) Seasonal sales events included in a community event such as a farmer's market shall not be counted toward the maximum allowed.~~

~~(f) All seasonal sales events may operate from 7:00 a.m. to 11:59 p.m. daily.~~

~~(3) Community events. Allowed in all zoning categories.~~

~~(a) All community events, in residential areas, shall be limited to operation between 8:00 a.m. and 10:00 p.m., Sunday, Monday, Tuesday, Wednesday and Thursday and between 8:00 a.m. and 11:59 p.m. Friday and Saturday.~~

~~(b) All community events in nonresidential areas may operate from 7:00 a.m. to 11:59 p.m. daily.~~

~~(4) Non-profit events. Allowed in all zoning categories.~~

~~(a) All non-profit events may operate from 7:00 a.m. to 11:59 p.m. daily.~~

SECTION 4. The amendments to section 1.15 *Annexation and rezoning review schedule* of the Land Development Regulations are shown with ~~strikethrough~~ for deletions and underline for additions and include:

1.15. Annexation and rezoning review schedule.

(A) *General.* The Development Services Director shall maintain general review schedules for applications. This general review schedule shall be accessible to interested applicants. Applications requiring the approval of the Development Services Director or Building Services Director shall be processed and reviewed as expeditiously as possible.

(B) *Specific application review.* The City shall maintain the following schedule for annexations and rezonings not related to planned developments:

Annexation

1 st of the month -	Submittal cut-off date
Within seven (7) days -	Sufficiency letter - If deemed sufficient, applicant is notified of hearing schedule
2 nd Monday of <u>the next</u> month-	City Commission hearing - First reading of ordinance
4 th Monday of <u>the next</u> month-	City Commission hearing - Public hearing on ordinance

Rezoning (Not applicable to planned developments)

1 st of the month -	Submittal cut-off date
Within seven (7) days -	Sufficiency letter- If deemed sufficient, applicant is notified of hearing schedule
1 st Tuesday of <u>the next</u> month -	Planning and Zoning Board public hearing
2 nd Monday of <u>the next</u> month -	City Commission hearing - First reading of ordinance
4 th Monday of <u>the next</u> month -	City Commission hearing - Public hearing on ordinance

SECTION 5. The amendments to section 3.4 *Zoning district standards* of the Land Development Regulations are shown with ~~strikethrough~~ for deletions and underline for additions and include:

(~~ED~~) *Density, intensity, and lot standards.* TABLE 3-4A through TABLE 3-4D identifies district densities, intensities, and standards per zoning district.

SECTION 6. The amendments to subsection 3.7(B)(2) *Residential zoning districts* of the Land Development Regulations are shown with ~~strikethrough~~ for deletions and underline for additions and include:

(2) *Residential zoning districts.* The following uses are allowable in all residential zoning districts:

(a) Family cottages provided the following are met:

....
(iii) The living area of an ~~accessory structure~~ a family cottage shall be at least 400 square feet in size, ~~and. A family cottage may be a maximum of 40% of the gross floor area of the principal structure not to exceed 1,200 square feet;~~

SECTION 7. The amendments to subsection 6.6(A)(4) *Residential developments* of the Land Development Regulations are shown with ~~strikethrough~~ for deletions and underline for additions and include:

(4) *Residential developments.* Off-street parking shall be provided as set forth in TABLE ~~6-3~~ 6-10.

SECTION 8. The amendments to subsection 6.6(A)(5) *Nonresidential developments* of the Land Development Regulations are shown with ~~strikethrough~~ for deletions and underline for additions and include:

(5) *Nonresidential developments.* Off-street parking shall be provided as set forth in TABLE ~~6-4~~ 6-11.

SECTION 9. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

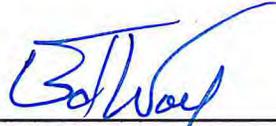
SECTION 10. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 11. This Ordinance shall be effective upon adoption during the second and final reading by the City of Wildwood City Commission.

DONE AND ORDAINED this 27th day of April, 2015, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL



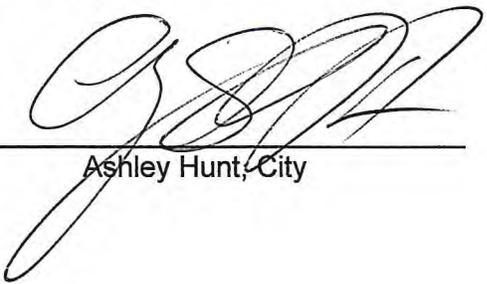
Ed Wolf, Mayor

ATTEST: 
Cassandra Lippincott, City Clerk

First Reading: April, 13, 2015

Second Reading: April 27, 2015

Approved as to form:



Ashley Hunt, City