

City of Wildwood

Land Development Regulations



WILDWOOD
FLORIDA

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**City of Wildwood Land Development Regulations
City of Wildwood, Florida**

PREFACE

Key Officials

City Commissioners:

Ed Wolf.....Mayor

Pamala Harrison-Bivins.....Mayor Pro Tem

Julian Greene.....Commissioner

Joe Elliott.....Commissioner

Marcos Flores.....Commissioner

Staff:

City Manager.....Jason McHugh

City Attorney.....Ashley Hunt

City Clerk.....Susan Patterson

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1.1. Statement of Intent.

(A) The regulations and requirements contained herein have been made in accordance with the City of Wildwood comprehensive plan, with reasonable consideration, among other things, to the prevailing land uses, natural and historic resources, growth characteristics, and the character of the respective districts and their peculiar suitability for particular uses, and to encourage the most appropriate use of land throughout the City.

(B) In their interpretation and application, the provisions of this Code shall be the requirements to:

- (1) Promote the public health, safety and general welfare;
- (2) Protect the character and maintain the stability of residential, commercial, industrial, agricultural, educational, cultural, recreational, historical and environmental areas within the City;
- (3) Provide densities needed to accommodate the projected population and to provide nonresidential uses at intensities which meet the needs of City residents;
- (4) Protect natural and environmentally significant resources;
- (5) Provide adequate open spaces and recreation facilities which meet the needs of the residents;
- (6) Promote transportation choices to reduce traffic congestion and to improve mobility;
- (7) Define the powers and duties of the boards and appointed administrative officers;

- (8) Provide adequate public facilities and services, and ensure that new development is served with necessary services and improvements without being a burden on the taxpayers of the City;
 - (9) Ensure that all future development approvals and permits for both new and existing projects comply with this Code.
- (C) It is not intended by this Code to interfere with or annul any existing lawful easements, covenants or other agreements between parties.

1.2. General Code Provisions.

- (A) *Effective date.* This Code shall take effect upon adoption by the City Commission.
- (B) *Enforcement and Penalties.*
 - (1) A violation of this chapter shall, in addition to other legal remedies or appropriate sanctions, be enforced in accordance with the code enforcement procedures as set forth in Chapter 2 of the Code of Ordinances.
 - (2) Penalties shall be in accordance with the requirements set forth in Section 1-7 and Chapter 2 of the Code of Ordinances.
- (C) *Vested rights.* Notwithstanding any provision of this Code to the contrary, in order to be considered vested, a project must have been issued a development order. Projects which have received approval prior to the effective date may be developed and completed according to the preexisting requirements; however, the approved development order shall not be substantially amended after the effective date except to conform to the regulations established herein. In cases where a Planned Unit Development approval has expired and has not been granted an extension by the City Commission, the project shall be required to conform to the regulations established herein. Any applicant or developer claiming vested rights must do so on a form provided by the Development Services Department. Failure to claim such vested rights at the time of any application wherein vesting might be an issue shall cause any vested rights which might otherwise be in existence to be waived.
- (D) *Unlawful alteration.* It shall be unlawful for any person to change or amend, by addition or deletion, or to insert or delete pages or portions thereof, or to alter or tamper with any part or portion of this Code in any manner whatsoever, which will cause the law of the City to be misrepresented thereby.
- (E) *Amendments.* This Code may be amended provided, however, that no amendments shall become effective until a public hearing has been held. Each proposed amendment shall be submitted to the Development Services Director for review by the Planning and Zoning Board. Amendments are subject to approval by City Commission. Public notice regarding the time, place and date of the hearing shall be published per the Florida Statutes.
- (F) *Supplemental documents.* Supplemental documents and manuals to this Code may be amended by City staff from time to time. Such amendments may occur without adhering to section 1.2 (D) above to allow for innovations in construction and land development practices and new technologies provided that the intent of the regulation, restriction or allowance does not contradict the intentions of this Code.
- (G) *Saving clause.* If any part or provision of this Code or application thereof to any person or circumstances are adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Code or the application thereof to other persons or circumstances. The City Commission hereby declares that it would have enacted the remainder of this Code even without any such part, provision or application.

- (H) *Officers', employees' liability.* No provision of this Code designating the duties of any City officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty for failure to perform such duty.
- (I) *Statutory references.* Any statutory references, herein this Code, are the 2010 Florida Statutes, as amended.

1.3. General Development Provisions.

(A) *Conformity with regulations.* Following, and upon adoption of, this Code:

- (1) The regulations contained within this Code shall be adhered to be all lands contained within the municipal limits of the City of Wildwood.
- (2) No building, structure, or land shall be used or occupied except in conformity with all of the regulations specified by this Code for the districts in which said building, structure, or land is located or is to be located.
- (3) No building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified by this Code for the district in which it is located.
- (4) No building or other structure shall be erected or altered in such a manner as to:
 - (a) Exceed the permitted density or intensity provisions;
 - (b) Occupy a greater portion of the lot area than allowed; or
 - (c) Otherwise is contrary to the provisions of this Code.
- (5) In all development activities, the applicant is required to take measures to preserve all natural, archeological, and historic features which will add attractiveness and value to the remainder of the property and the City in general. These features include trees, water resources, environmentally significant lands, archeological and historic areas and structures, and similar community assets.

(B) *Permit required.*

- (1) No site plan or subdivision shall be approved, no plat shall be recorded, nor shall any building permit, certificate of occupancy, or any other type of development order or permit be executed, unless the project meets all the requirements of, and has been approved in accordance with, this Code. The City Commission or any aggrieved person may have recourse to the remedies in law and equity necessary to ensure compliance with the provisions of this Code. The City shall have the authority to conduct inspections of any project undertaken under this Code.
- (2) Subdivisions and site plan review and approval shall be as specified in the individual Chapters of this Code.
- (3) A building permit is required as specified in section 1.4 of this Chapter.

(C) *Certificate of occupancy required.*

- (1) *Building occupancy.* No new building or addition shall be used or occupied in whole or in part, nor there be any change of occupancy, change in use, or change in nature of a use, until after the Building Services Director or the City designated building official issues an appropriate certificate of occupancy.
- (2) *Contents of certificate of occupancy.* A certificate of occupancy shall contain the recognized street address of the subject property and the common name of the property. A certificate of occupancy shall also contain the nature of the occupancy, the number of occupants permitted, and the maximum floor loading when it is limited, if applicable.

(3) *Issuance.* Prior to issuance of a certificate of occupancy, the City shall require copies of all applicable permits from outside agencies such as the Florida Department of Environmental Protection, the Southwest Florida Water Management District, Florida Department of Transportation and Sumter County. A certificate of occupancy shall be issued by the Building Services Director or the City designated building official.

(D) *Concurrency review required.* Certain applications may be subject to concurrency reviews pursuant to Chapter 7. A determination will be made as to the environmental, technological and fiscal impacts of the proposal on public services and facilities and the measures necessary to offset any adverse impacts and to promote positive impacts as required by state law. The assessment of positive and negative impacts will use the best available information. The applicant is encouraged, and in some cases required, to provide information that will assist in accurately assessing impacts. The City may require additional analyses as needed.

1.4. Building and Demolition Permits.

(A) *Permit requirements.* No building or other structure shall be erected, moved, added to, structurally altered, demolished or otherwise significantly changed without a building permit which was lawfully issued by the Building Services Director or City designated building official.

(B) *Requirements for issuance of building permits.*

(1) No building shall be erected on a lot or parcel of land subject to regulation of this Code, nor shall any building permit be issued, unless one or more of the following conditions exists:

(a) The lot or parcel is within a subdivision for which a final plat has been approved by the City Commission, and the required improvements have been installed and accepted by the City;

(b) The lot or parcel is within a subdivision for which a final plat has been approved by the City Commission, a surety for construction improvements has been posted to guarantee performance and maintenance, and there is ongoing construction of the required improvements;

(c) The lot or parcel abuts a public street which has been dedicated to the City and accepted by the City Commission, or the street is shown on a legally recorded subdivision plat, or unless a waiver has been obtained by the Development Services Director allowing such construction and the parcel otherwise meets City Codes; or

(d) A variance has been granted pursuant to the provisions within this Code.

(2) The following requirements must be met prior to issuance of a building, demolition, or renovation permit for building, moving, adding to, structurally altering or otherwise significantly changing any building:

(a) Necessary improvements must be provided and paid for by applicant;

(b) All exaction and impact fees for water, sewer, etc. must be paid and appropriate agreements must be approved. Proof of payment of all applicable County impact fees shall be provided;

(c) Building permits shall be refused if stormwater management site characteristics or other standards are not met; and

(d) Any surety to guarantee performance or other bonds required by law must be posted.

(C) *Application for a building, renovation or demolition permit.* All applications for building, renovation or demolition permits, along with the appropriate fee shall contain plans drawn to scale showing the following:

(1) Actual dimensions and shape(s) of the lot(s) to be built upon.

- (2) The exact sizes, dimensions, shapes, and locations of buildings already located on the lot.
 - (3) The locations, shapes, sizes, and dimensions of the proposed buildings or alterations to be furnished in duplicate at 1/4" = 1-foot scale.
 - (4) Other information which the Building Department deems necessary to determine conformance with, and provide for the enforcement of, this Code, the City Building Code(s) and Florida Statutes.
- (D) *Permits from other agencies.* All owners of buildings or structures, both public and private, shall comply with any and all federal, state, and local ordinance, laws regulation, rules or other requirements.
- (E) *Asbestos abatement.*
- (1) No person may conduct an asbestos survey, develop an operation maintenance plan, or monitor and evaluate the asbestos abatement unless trained and licensed as an asbestos consultant as required by state law. All contractors or owners applying for demolition or renovation permits of public or private buildings or structures shall comply with all applicable codes and ordinances, to include asbestos regulations as required by F.S. Chapter 469.
 - (2) No person may prepare an asbestos abatement specification unless trained and licensed as an asbestos consultant as required by Florida statute.
 - (3) No person may conduct asbestos abatement work unless licensed by the Department of Business and Professional Regulation or such other agency as designated by Florida statute as the licensing agency for asbestos contractors.

1.5. Development Services Director and Buildings Services Director.

- (A) The manager of the Development Services Department is hereby appointed as the Development Services Director and shall be responsible for the coordination and enforcement of certain provisions of this Code.
- (B) The duties and responsibilities of the Development Services Director shall include:
- (1) Receiving development applications, reviewing the same for completeness and presenting them to applicable members of the review boards or committees;
 - (2) Processing all development applications to ensure compliance with the Code and acting on all applications that do not require approval of a review committee or the City Commission. The approvals are limited to minor site plans, minor lot splits, and temporary use permits;
 - (3) Issuing those development permits that have been approved by the City Commission, Planning and Zoning Board, or Board of Adjustment;
 - (4) Present staff recommendations and act as the liaison between the City Commission and the Planning and Zoning Board; and
 - (5) Serve as the Project Review Committee Coordinator.
- (C) The manager of the Building Services Department is hereby appointed as the Building Services Director and shall be responsible for the coordination and enforcement of certain provisions of this Code. However, the City Commission may designate the powers of the Building Services Director to another building official or department such as the Sumter County Building Department.
- (D) The duties and responsibilities of the Building Services Director shall include:
- (1) Receiving permit applications, reviewing the same for completeness and presenting them to applicable members of the review boards or committees;
 - (2) Issue building permits and certificates of occupancy;
 - (3) Receiving, investigating and processing any complaints submitted regarding violations of this Code;

- (4) Giving notice, in writing, to such violators and the owners of the parcel of land on which the violation occurred, indicating the nature of the violation, stating what action needs to be taken to remedy the violation, and informing the violator of the penalties for continuing to violate the Code;
 - (5) Notifying the Board of Adjustment and the City Commission of any violation and providing the members with copies of any pertinent correspondence; and
 - (6) Act as the liaison between the Board of Adjustment and the City Commission.
- (E) Should the City Commission designate the powers of the Building Services Director to another building official or department, the City Commission may delegate some or all of the responsibilities listed in section 1.5(D) to the Development Services Director.

1.6. Project Review Committee (PRC)

- (A) *Purpose.* The purpose of the Project Review Committee (PRC) is to gather information to aid staff in presenting projects, to serve in an advisory capacity to the Planning and Zoning Board regarding certain proposed projects, to approve certain proposed projects, and grant waivers of certain technical requirements of the LDRs subject to the approval authority outlined in subsection 1.6(B), below. Meetings of the PRC are not public hearings but are open to the public and are held for the purpose of reviewing a proposed project's compliance with the technical requirements of the Code and granting relief where appropriate.
- (B) *Duties and responsibilities.* The Project Review Committee shall be responsible for reviewing certain applications with respect to their conformance to the rules and regulations as established in this Code. After review, the PRC may determine substantial changes are necessary to meet the regulations of this Code. In such cases the applicant shall resubmit the application to the office of Development Services Director. Upon determination the project is in conformance with this Code, the PRC shall recommend the Planning and Zoning Board hear the project, along with conditions if necessary. Recommendations, conditions and plans will be forwarded to the Planning and Zoning Board. The PRC shall review and make recommendations to the Planning and Zoning Board on the following applications:
- (1) Planned developments;
 - (2) Site plans;
 - (3) Improvement plans; and
 - (4) Final plats.

The PRC shall have the authority to approve minor lot splits, subdivision preliminary plans, and minor site plans in conformance with section 1.14 of this Code.

From time to time, the Project Review Committee (PRC) shall have the authority (but not the obligation) under this section to waive certain technical requirements of the Land Development Regulations (LDRs).

Waivers shall not constitute a revision to the LDRs. The burden shall be on the applicant to provide documentation and substantial support in favor of a waiver request for their project.

Any such waiver shall be made by motion and majority vote of the PRC voting membership and noted in the minutes of the meeting. All waivers shall be put into writing for execution by the PRC Coordinator.

Decisions of the Project Review Committee may be appealed to the Board of Adjustment in accordance with section 1.11 of the LDRs.

(C) *Project Review Committee Coordinator.* The Development Services Director shall be the liaison between the PRC and the Planning and Zoning Board and shall act as the Project Review Committee Coordinator. The PRC Coordinator shall have the following duties:

- (1) Receive all applicable applications and review each application for completeness. The applicant shall be notified of the PRC meeting within seven (7) days of the application being deemed sufficient;
- (2) Process all applicable applications to ensure compliance with this Code. The application shall be forwarded to the appropriate members of the PRC for their review;
- (3) Record and make available to the public meeting minutes of the PRC;
- (4) Present the recommendations of the PRC to the Planning and Zoning Board; and
- (5) Approve, approve with conditions, or deny minor lot splits, subdivision preliminary plans, and minor site plans.

Decisions of the Project Review Committee Coordinator may be appealed to the Board of Adjustment in accordance with section 1.11.

(D) *Membership.*

- (1) *Voting Members.* Voting members review, comment, recommend, and vote. The following positions comprise the voting membership of the PRC:
 - (a) City Manager
 - (b) Development Services Director – PRC Coordinator
 - (c) Police Chief
 - (d) Public Works Director
 - (e) Utilities Director
- (2) *Advisory Members.* Advisory members may provide input and recommendations but do not vote. Attendance of advisory members at PRC meetings is on an as-needed basis as determined by the PRC Coordinator. The following positions and entities comprise the advisory membership of the PRC:
 - (a) City consulting engineer;
 - (b) City Attorney;
 - (c) Building Services Director;
 - (d) Sumter County Fire Chief / Villages Public Safety;
 - (e) Representative of the applicable utility providers (electric, gas, etc.);
 - (f) Representative from Sumter County; and
 - (g) Representative from the Sumter County School Board.
- (3) *Other members.* The PRC Coordinator may request the attendance of other entities to represent areas of expertise and concern not represented by voting or advisory members. This may include, but not be limited to, the following:
 - (a) Lake-Sumter Metropolitan Planning Organization (LSMPO)
 - (b) Southwest Florida Water Management District (SWFWMD)
 - (c) Florida Department of Transportation (FDOT)
 - (d) Florida Department of Environmental Protection (FDEP)

- (4) The PRC shall meet at least once a month provided the need is present to hold such meetings. An attempt should be made to have those persons present who have expertise necessary to determine issues concerning the project.
- (5) *Quorum.* A quorum of the PRC shall consist of three voting members.
- (6) Members of the PRC are required provide review comments in writing to the Project Review Committee Coordinator five days in advance of the meeting.

1.7. Planning and Zoning Board.

- (A) *Establishment.* A Planning and Zoning Board is hereby established for the City of Wildwood. The Planning and Zoning Board shall be appointed by the City Commission. No member of the Planning and Zoning Board shall be a paid or elected official or an employee of the City of Wildwood.
- (B) *Duties.* The Planning and Zoning Board shall be responsible for the following duties and responsibilities:
 - (1) Hear and make recommendations to the City Commission on site plans, improvement plans, and final plats in accordance with the standards and procedures required by this Code;
 - (2) Hear and make recommendations to the City Commission on all proposed zoning amendments and conditional use permits;
 - (3) Make the final determination on requests for variances and special exceptions; and
 - (4) The City Commission may, by resolution, designate members of the Planning and Zoning Board to perform the functions of the Board of Adjustment. If the City Commission so elects, the term of office of the member of the Planning and Zoning Board shall run concurrently with said member's term of office on the Board of Adjustment.
- (C) *Local Planning Agency.* In addition to its other duties listed above, the Planning and Zoning Board shall serve as the Local Planning Agency for comprehensive planning and other land use issues as required by Florida statute.
- (D) *Comprehensive plan amendments.* The Local Planning Agency shall review all proposed comprehensive plan amendments and make recommendations to the City Commission based on the following being presented at the hearing:
 - (1) Justification of the proposed amendment has been adequately presented;
 - (2) The proposed amendment is not inconsistent with the goals, objectives and policies of the comprehensive plan;
 - (3) The proposed amendment should not be considered urban sprawl or exemplify an energy inefficient land use pattern;
 - (4) The proposed amendment will not have an adverse effect on environmentally sensitive systems; and
 - (5) The proposed amendment will not adversely affect transportation, potable water, sewer, schools or other public facilities without providing remedies to correct the system or facility.
- (E) *Special Magistrate.* In lieu of a Planning and Zoning Board, the duties of the Planning and Zoning Board may be conferred by the City Commission to a Special Magistrate.

1.8. Board of Adjustment.

- (A) *Establishment and purpose.* A Board of Adjustment is hereby established for the City of Wildwood for the purpose of acting as a board to review and decide appeals and Code Enforcement cases. This Board shall be appointed by the City Commission. The Board shall be appointed for three (3) years.
- (B) *Powers and duties.* The Board of Adjustment shall have the following duties and responsibilities:

- (1) To hear and decide appeals in cases where it is alleged that there is an error in any order, requirement, decision, or determination made by an authorized City official while enforcing the City development codes and standards. Appeals shall be made in accordance with the provisions of this Code. The Board may modify, affirm, or reverse the official's action; and
 - (2) To hear and take action on Code Enforcement cases.
- (C) *Hearing schedule.* Board of Adjustment hearings will be held as needed.
- (D) *Special Magistrate.* In lieu of a Board of Adjustment, the duties of the Board of Adjustment may be conferred by the City Commission to a Special Magistrate.

1.9. Annexation.

- (A) *Purpose and intent.* The intent of this section is to provide for proper procedures to be adhered to for property owners desiring to be incorporated into the jurisdictional limits of the City of Wildwood.
- (B) *Application procedure.* Petitioners seeking to be annexed shall submit an application to the office of the Development Services Director. The Development Services Director shall review the application and make a recommendation to the City Commission in the form of a staff report.
- (C) *Voluntary Annexation.* The City shall follow the procedures for voluntary annexations set forth by Chapter 171 Florida Statutes.
- (D) *Involuntary annexation.* Should the City determine to initiate the annexation of a parcel of land that is contiguous and compact without a submitted application from the property owner, the City shall follow the procedures set forth by Chapter 171 Florida Statutes.

1.10. Plat or Lot Vacation and Right-of-Way Abandonment.

- (A) *Purpose and intent.* The intent of this section is to provide formal procedures for proper abandonment of land dedicated to the public or recorded as official plats in the public records of Sumter County.
- (B) *Application procedure.*
 - (1) The appropriate application shall be submitted to the office of the Development Services Director. Petitions shall be accepted only if required information has been submitted and appropriate fees paid. In the case of a right-of-way abandonment, each adjoining property owner must submit a petition and fee, unless the abandonment is initiated by the City. Should any adjoining property owner not agree with the abandonment request, the other petitioners may still request it from the City Commission, which has sole authority to decide on abandonment. If the request is for the vacating of a plat or lot, a title opinion of an attorney at law licensed in Florida or a certification by an abstractor or a title company that the property is owned fee simple by the person(s) making application and certificates showing that all state and local taxes have been paid must be submitted.
 - (2) The Development Services Director shall review the application to verify the request is within the City's jurisdiction as outlined in applicable state law or interlocal agreements and schedule it for consideration by the City Commission.
 - (3) Public notice shall be given prior to the hearing and the immediate adjoining property owners as shown on the latest Sumter County tax roll shall be given notice by mail. Public notice shall also be placed in the legal section of the local newspaper as required in F.S. § 177.101(4).
 - (a) The City Commission will conduct a public hearing on the request to determine the advisability of said vacation or abandonment. If approved, the Commission shall adopt a resolution stating such approval.

- (b) The City shall file the resolution with the Clerk of the Court in Sumter County for recording in the Official Records of Sumter County. The proof of publication of public notice shall also be recorded. A certified copy of said resolution shall be forwarded to the Sumter County Board of County Commissioners as required by F.S. § 177.101.

1.11. Appeals.

- (A) Any decision of the Development Services Director, Building Services Director, a Building Inspector, a Code Inspector, or the Project Review Committee may be appealed to the Board of Adjustment within 30 days of the date of the decision.
- (B) Any person, department, board, or bureau of the City, City taxpayer, business, or other body or individual aggrieved by any decision of the Board of Adjustment, Planning and Zoning Board, or City Commission, which was made pursuant to this Code, may seek review and relief from a court of record in the manner provided by the laws of the State of Florida and the United States government. Such an appeal must set forth that the subject decision of the board or Commission (whichever is applicable) is illegal, in whole or in part, specify the grounds of the illegality, and be filed in the appropriate court within 30 days after the board's or Commission's decision which is being appealed.

1.12. Fees, Charges and Expenses.

The City Commission shall establish a fee schedule, charges and expenses and a collection procedure for development applications, appeals, variances, conditional uses, special exceptions, and other permits and matters pertaining to these Land Development Regulations. This fee schedule, charges, and expenses shall be included as an Appendix of this Code and posted in the offices of the Development Services Director and Building Services Director. The schedule may be altered or amended, only by resolution of the City Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. All fees and charges are non-refundable, and such statement shall be placed on any and all applicants for action submitted to the City.

1.13. Quasi-Judicial Proceedings.

- (A) The following rules for conduct shall be utilized for all quasi-judicial proceedings within the City of Wildwood:
 - (1) Oral and written communications between staff and members of the public shall be permitted and encouraged.
 - (2) The following standards shall apply:
 - (a) All oral and written communications concerning the case, between Board members on the one hand, and the applicant or the public on the other hand, are prohibited by Florida law, unless made at the hearing on the case.
 - (b) The staff report on the case shall be sent to the Board members and be available to the general public at least five (5) days prior to the hearing on the case;
 - (c) Workshop meetings at which staff and the board discuss quasi-judicial cases shall be prohibited.
 - (d) All oral or written communications between staff and the Board members, other than the written staff report, are prohibited. Attorneys for the Board may render legal opinions when requested by the Board members but shall not engage in factual

determinations or advocate one party's position over another, except to the extent necessary to respond fully to a purely legal question.

- (e) All written communications received by Board members concerning a pending case shall be immediately turned over to staff and should not be read further once identified as pertaining to a pending case. All such communications shall be included in the file maintained by staff and available for public inspection but shall not be included in the staff report. The staff report, any petitions or other submissions from the public, and all other documents pertaining to the case shall also be kept in the file and available for public inspection. During its presentation, staff shall offer all such written communications into evidence, and they shall be received by the board as evidence, subject to any objections interposed by participants in the hearing.
- (f) All decisions by the Board shall be based on the evidence actually presented to the board at the hearing on the case, which shall include the staff report, testimony of all witnesses, and other evidence presented. Strict rules of evidence shall not apply, but evidence must be relevant to the issues before the Board, and hearsay should be avoided whenever possible.
- (g) All testimony shall be taken under oath or affirmation. Each witness may be cross examined after testifying by the applicant, staff, or other interested parties. Board members may interpose questions at any time during the examination or cross-examination of the witness. At the conclusion of all testimony and legal argument, the case is closed to the public and discussion is reserved to the board.
- (h) Any motion upon which the Board votes in deciding the case shall contain specific findings of fact and conclusions of law indicating the factual and legal basis for the motion. These findings of fact and conclusions of law shall thereafter be incorporated into a written document stating the decision of the board on the case.
- (i) All evidence admitted at the hearing, and the original document setting forth the decision of the board, shall be maintained in a separate file constituting the record of the case. Upon approval thereof by the Board, the minutes of that portion of the meeting concerning the case shall be placed in the record. The record shall be kept in the custody of the clerk of the board at all times during the pendency of the case, and where there are multiple hearings on a single case, custody of the record should not be given to any board member, party or member of the public, until the case is fully concluded, except that any member of the public may examine the file in the office of the clerk at all reasonable times. Board members should not view the record until their particular board has issued a final decision on the case. Any member of the public may receive copies of the file upon payment of the appropriate fee.
- (j) These rules shall apply to all quasi-judicial proceedings.

1.14. Project Approval Process.

- (A) *Pre-application conference.* Pre-application conferences with City staff may be required. However, instances in which pre-application conferences are not required, they are strongly recommended to familiarize applicants with the development process and this Code. Any applicant seeking a pre-application conference shall notify the office of the Development Services Director.
- (B) *General approval process.* The general approval processes for various types of project approvals are as follows:
 - (1) Annexation (Chapter 1):

- (i) City Commission (First Reading)
 - (ii) City Commission (Public Hearing)
- (2) Comprehensive Plan Amendment (CPA) (Chapter 1):
 - (i) Local Planning Agency (Planning & Zoning Board).
 - (ii) City Commission (Transmittal Hearing for Large Scale, First Reading for Small Scale)
 - (iii) State agency review (30 Days Required for the State to Review).
 - (iv) City Commission (Adoption Hearing)
- (3) Rezoning (Chapter 3):
 - (i) Project Review Committee (Planned Developments only).
 - (ii) Planning & Zoning Board.
 - (iii) City Commission (First Reading)
 - (iv) City Commission (Adoption Hearing)
- (4) Conditional Use permit (Chapter 3):
 - (i) Project Review Committee
 - (ii) Planning & Zoning Board
 - (iii) City Commission
- (5) Temporary Use Permit (Chapter 3)
 - (i) Development Services Director
- (6) Variance or special exception use (Chapter 3):
 - (i) Planning & Zoning Board
- (7) Site Plans (Chapter 4):
 - (i) Project Review Committee (Minor Site Plans may only require PRC).
 - (ii) Planning and Zoning Board
 - (iii) City Commission
- (8) Subdivisions (Chapter 5):
 - (i) Preliminary Plan (may be combined with (b) Improvement Plan at applicant's risk):
 - (i) Project Review Committee
 - (ii) Improvement Plan:
 - (i) Project Review Committee
 - (ii) Planning & Zoning Board
 - (iii) City Commission
 - (iii) Final Plat:
 - (i) Project Review Committee
 - (ii) Planning & Zoning Board
 - (iii) City Commission
 - (iv) Re-Plat:
 - (i) Project Review Committee
 - (ii) City Commission
 - (v) Minor Lot Split:
 - (i) Project Review Committee
- (9) Planned Development (Chapter 8):
 - (i) Project Review Committee
 - (ii) Planning & Zoning Board
 - (iii) City Commission (First Reading)
 - (iv) City Commission (Adoption Hearing)

(C) *Chapter 163 Agreement.* Projects which are subject to an executed 163 Agreement pursuant to and consistent with the procedure outlined in F.S. § 163.3220-163.33243 and which have obtained master development plan approval may only require Project Review Committee review and approval, unless otherwise required by law or statute.

1.15. Application Review.

The Development Services Department shall review all applications for sufficiency within seven (7) days of receipt and schedule the same for the next available public hearings based on the type of application and the requirements of Section 1.14. Applications requiring the approval of the Development Services Director shall be processed and reviewed as expeditiously as possible.

1.16. Supplemental Regulations.

(A) In addition to the requirements in this Code, all development shall meet all applicable requirements of other regulatory agencies and of other City ordinances.

(B) *Water, sewer and reuse services.* The developer shall be required to connect to the City of Wildwood water, sewer and reuse system, when deemed available by the City Manager. All such lines shall be of the size and other specifications as required by the City.

(C) *Closeout procedures.*

(1) Prior to the acceptance of any privately or publicly maintained improvements, a registered professional engineer must certify in writing that the improvements were completed in accordance with the approved Improvement Plans and construction specifications. The City will provide the required forms and closeout checklists through the PRC Coordinator.

(2) The developer shall submit the required engineer's certification and all items on the closeout checklist prior to acceptance of the improvements by the City. The City's representative will, at the City's option, perform a site inspection, review all record survey drawings and test reports, and verify that all other development approval requirements, fees, etc. have been satisfied. If deficiencies are noted in the closeout documents, the City will provide a written letter listing items that need to be corrected. Once all items have been satisfied the City will accept the constructed improvements.

(3) The closeout procedures outlined above are required to be completed prior to the issuance of any certificate of occupancy for buildings associated with a development plan approval, the use of any constructed improvements by the general public, or the commencement of any warranty period required by the City.

1.17. Traffic Impact Statement/Analysis.

(A) *Introduction and purpose.* A traffic impact statement/analysis is an important tool in the overall development planning process. It provides information which allows the City to evaluate the impact of a development, with respect to the need for roadway/intersection capacity, operational and safety improvements. It also helps establish mitigation measures for the impacts of a proposed development.

(B) *Traffic impact statement/analysis required.* The City of Wildwood eliminated transportation concurrency as a requirement for development approval, in accordance with Chapter 163.3180(1) F.S. However, the City recognizes the need to evaluate the impacts of proposed development to be able to demonstrate that the levels of service adopted can be reasonably met as required by the law.

Accordingly, the City has chosen to continue to require a traffic impact statement or analysis as part of the development application process. The document must be prepared by a certified planner, licensed engineer or a qualified individual who has demonstrable knowledge and experience in transportation planning and engineering. A traffic impact statement (TIS) is required, pursuant to the requirements of this section, for comprehensive plan amendment applications and rezoning applications. A traffic impact analysis (TIA) is required for planned development applications, site plan applications and improvement plan applications.

- (C) *Levels*. The level of analysis is determined by the application. The traffic impact statement is a one-page statement that shows details of the trip generation analysis. The traffic impact analysis is a full study that follows the requirements of the [Sumter County Traffic Impact Analysis Guidelines](#).

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Chapter 2 – Definitions and Interpretations

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2.1. Interpretations.

(A) The terminology and words within this Code shall be interpreted as follows:

- (1) The singular includes the plural and vice versa.
- (2) The masculine includes the feminine and neuter and vice versa.
- (3) The present tense includes the future.
- (4) The word "shall" is mandatory and the word "may" is permissive.
- (5) The word "person" includes an individual, child, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, and all other groups or combinations.
- (6) The word "writing" includes handwriting, printing, word processed and all other methods and means of forming letters and characters upon paper.
- (7) The word "land" includes the words water, marsh, swamp, gross land area, and gross acre of land.
- (8) All words defined in this Code shall carry their customary meaning as found in Merriam-Webster's latest published edition unabridged dictionary.

(B) Unless otherwise specified at the outset of a Chapter, the definitions listed in section 2.2 shall apply within this Code.

(C) Any abbreviations or acronyms used within this Code are identified after the definition in parenthesis after the term below.

2.2. Definitions.

Abandoned sign means a sign that is not operated or maintained for a period of ninety (90) calendar days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An abandoned sign includes a sign on which is advertised a business that no longer has a certificate of occupancy or that is no longer doing business on the parcel where the sign is located. An abandoned sign includes a sign for a purpose for which the purpose has lapsed.

Accessory structure or use: means a structure or use that is located on the same parcel of property as the principal structure or use and the use of which is incidental to the use of the principal structure. Accessory structures may not be used for human habitation. Examples of accessory structures include detached garages, carports, or storage sheds.

Administrator: Means the City Manager or his designee.

Addition (to an existing building): Means any walled and/or roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and/or roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adult congregate care facility: See: " assisted living facility."

Adult day care: Any place, operated by a person, society, agency, corporation, institution, organization or any other group, which is compensated for housing adults over 18 years of age for group care, without a transfer of legal custody, and such care is for less than 24 hours per day and is provided on a regularly scheduled basis.

Age Restricted Development: A community/development project where the land is planned and developed to provide a community for persons 55 years or older and Community Support Districts. Community Support Districts are distinct mixed use areas with non-age restricted dwelling units within close proximity to age restricted dwelling units.

Alley: A private or public paved passageway between buildings or a passageway permitting access from a street to a garage or storage area.

Alteration of building: Any change in the supporting members of a building (such as load bearing walls, beams, columns and girders), any addition to a building or any change in a building resulting from the movement of the building from one location to another.

Alternative support structure: shall mean any manmade structure, except towers, including but not limited to buildings, power poles, light poles, clock towers, bell towers, steeples, water towers and the like, which allow for the attachment of antennas.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.

Antenna: shall mean a device for radiating or receiving radio waves, including but not limited to all antennas integrated and used as a single unit, such as an antenna array.

Apartment or condominium building (ACB): means a structure containing multiple dwelling units in which other dwelling units are located above or below it, and which any architectural feature integral to its design is connected with at least two or more adjacent similar dwelling units. Units within apartment or condominium buildings are considered attached dwelling units.

Appeal: Means a request for a review of any decision or of the interpretation of any provision of this Code.

Applicant: A person who has submitted an application to the City.

Archaeological site: means a property or location within the City which has yielded or may yield information on the City's history or prehistory. Archaeological sites are evidenced by the presence of artifacts and features below the ground surface indicating the past use of a location by people.

Architect: Means an architect licensed to do business by the State of Florida.

Area of shallow flooding: means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: means the land in the floodplain within the City subject to a one-percent (1%) or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area."

Arterial street: A street or roadway which is used primarily for fast or heavy volume traffic.

As-built plans: The final plans amended to include all locations, dimensions, elevations, capacities, capabilities and materials, as actually constructed and installed.

Assessed value: means the dollar value of an asset assigned by the Sumter County Property Appraiser for the purposes of taxation.

Assisted living facility (ALF): A facility where residents live in private units and receive assistance with limited aspects of personal care, such as: taking medication, bathing, or dressing. Units do not contain private kitchens, and meals are provided from a common dining area. Staff is on duty 24 hours per day. This definition does not include nursing homes, convalescent centers, community residential homes, or independent living facilities.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

Average finished grade means the lower of (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected, or (c) the grade of the land at the principal entrance to the lot on which the sign is located.

Awning means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.

Awning sign or *canopy sign* means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Bandit sign means the same as a snipe sign. See *Snipe sign*.

Banner shall mean a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

Base flood: means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood” and the “regulatory flood”).

Base flood elevation: means the water-surface elevation associated with the base flood.

Basement: means any portion of a building having its floor sub-grade (below ground level) on all sides.

Beacon sign means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar governmental agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Big box: means a retail store in which the building footprint exceeds 50,000 square feet on a single story.

Billboard: means an off-site commercial sign that directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the lot where such sign is displayed.

Block: A piece or parcel of land which is usually surrounded by streets or possibly easements.

Block perimeter: means the distance in feet around a block. Block perimeters are measured by the amount (in feet) of parcel frontage on a street or easement.

Board of Adjustment: The City of Wildwood Board of Adjustment as provided for within this Code.

Buffer: A natural or landscaped area which acts as a separation area between two or more land uses, parcels, buildings, stormwater management areas or paved areas. Existing trees located within the required buffer area may not be removed unless approved by a certified arborist due to disease or natural disaster. Required buffers must be maintained.

Building: Any structure having a roof supported by columns or walls that is used or intended to be used for the enclosure, housing or shelter of animals, persons or property.

Building, alteration of: See "alteration of building."

Building, front line of: See "front line of building."

Building height: The vertical distance from the mean elevation of the finished grade of a building to the highest point of the roof surface. Building height shall be stated in feet.

Building Inspector: The Official designated by the Wildwood City Commission responsible for enforcing the City building Code.

Building, main or principal: See "main or principal building."

Building permit: A formal notice of authorization required to be obtained from the City of Wildwood before any new construction or major alteration or expansion of existing structures is allowed.

Building separation: The distance maintained between two principal buildings on a particular site.

Building Services Director means the manager of the building services department, the City building official, or the designated City building official by the City Commission.

Building setback: The distance between a given lot line, normal water line, right-of-way line and any portion or part of any structure. This setback distance will vary depending upon the zoning district and the particular side (front, rear or side) of the structure relative to the lot line, water body, or right-of-way line.

Building setback line: A line which represents the required building setback for a given building on a given lot in a given zoning district.

Building site: A parcel of land upon which a building or structure has been, or is intended to be, constructed.

Business park: A parcel, multiple parcel site, or area of land designed to accommodate businesses and light industry in which different companies and businesses are grouped together and may include support uses such as hotels, restaurants, and convention centers.

Cabinet sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Canopy means an overhead roof or structure that is able to provide shade or shelter.

Cemetery: An area or parcel of ground set aside for, and/or used for, burial of tombs or graves.

Center line: An imaginary or real line which represents the middle of a street, road, highway or alley and is parallel to the edges of said street, road, highway or alley.

Changeable copy sign means a sign with the capability of content change by means of manual or remote input, including the following types:

(1) Manually activated. Changeable sign whose message copy can be changed manually on a display surface.

(2) Electronically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message sign*; *LED display sign*; and *Animated sign*.

Child care facilities: Any place, operated by a person, society, agency, corporation, institution, organization or any other group, which is compensated for housing children under 18 years of age for group care, without a transfer of legal custody, and such care is for less than 24 hours per day and is provided on a regularly scheduled basis.

City: The City of Wildwood, Florida.

City Commission: The governing body of the City of Wildwood officially known as the Wildwood City Commission, including the mayor and other Commission members.

Clinic: A health facility or portion of a health facility where patients are not lodged overnight but are examined and/or treated by licensed dentists, physicians and/or other health care personnel.

Club, private: See "private club."

Code: The City of Wildwood Land Development Regulations (LDRs).

Code of Ordinances: The Code of Ordinances of the City Wildwood, Florida.

Collector street: A street which carries traffic from local streets to the arterial streets in residential and business areas. Such streets serve as linkages between land access and mobility. Traffic volumes and speeds are usually moderate.

Commercial message means any sign wording, copy, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, commodity, service, sale, sales event, activity, entertainment or other commercial activity.

Commission, City: See "City Commission."

Community residential home: A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 or more unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents.

Comprehensive plan: The City of Wildwood comprehensive plan adopted by the City Commission and amendments thereto in compliance with the requirements of Florida statute.

Concurrency: A finding that the public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impact of development.

Condominium: See "Apartment or condominium building."

Conforming lot: Any lawful lot which complies with the provisions of this Code and other applicable City ordinances.

Conservation easement: A right or interest in real property which is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition, retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses; and which prohibits or limits the activities as described in Florida statute.

Construction: Shall mean the building, assembling, expansion, modification, or alteration of the existing contours of the site, the erection of buildings or other structures, or any part thereof, or land clearing.

Construction, significant: means the installation of infrastructure on a project site such as roads, utility lines, or stormwater management areas which requires an approved site plan or preliminary plan pursuant to the requirements of this Code.

Construction, start of: The placing of construction materials in permanent position and fastened in a permanent manner, except that when demolition, excavation, or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition, or removal shall be deemed to be the start of construction provided that work shall be continuously carried on until the completion of the new construction involved. Start of construction shall include only work begun under a valid development permit. The phrase start of construction shall include the term erected.

Convenience store: A one-story retail store containing less than five thousand (5,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, gasoline and other personal and household supplies.

Copy means the linguistic or graphic content of a sign.

Corner lot: A lot or parcel of land which is located at the intersection of, and abutting on, at least two (2) streets.

County: Sumter County, Florida.

Cultural facility: means a building or structure that is used for programs or activities involving arts or other endeavors that encourage the refinement or development of the mind.

Cul-de-sac: A local, dead-end street which has a turn-around at the closed end and is used primarily for access to the abutting properties.

Day care: see “adult day care” and “child care facilities.”

Datum: A reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum of 1988.

Density: means the maximum amount of dwelling units allowed on a project site. This relationship is identified on a unit per gross developable acre basis.

Developable land: means all lands not designated as Conservation on the Future Land Use Map of the Comprehensive Plan.

Developer: Any person who engages in or proposes to engage in development either as the owner or as the agent of an owner of property.

Development: means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials and other equipment.

Development of Regional Impact (DRI): A large development which meets the criteria set forth in Florida statute.

Development order: Means any order, permit or other official action of the City granting, or granting with conditions, an application for development.

Discontinued sign means a sign that is not operated or maintained for a period of ninety (90) calendar days or longer, and the intent of the owner of the sign shall not be a consideration in whether or not the sign is a discontinued sign. The following conditions shall be conclusively considered as the failure to operate or maintain a sign: (1) a sign displays advertising for a product or service which is no longer available, or (2) a sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. A discontinued sign includes a sign advertising a business that no longer has a certificate of occupancy or that no longer does business at the location at which the sign is located.

District: A territorial division of the City for which the zoning regulations administered by the City (as established by this Code) governing the use of buildings and land.

Ditch: An artificial waterway for irrigation or stormwater conveyance.

Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.

Double frontage lot: An interior lot having frontage on more than one street or a corner lot having frontage on more than two streets. Upon development of the lot, the front lot line shall be defined as the lot line the lot’s driveway faces.

Drainage facility: Any component of the stormwater management system.

Drive-through lane sign shall mean a sign oriented to vehicles utilizing a drive-through lane at an establishment

Drought tolerant: Various plant species that survive on natural rainfall without the need for supplemental irrigation after establishment.

Dwelling: Any building, or portion thereof, which is designed to be used, or is actually used, as living quarters for one or more persons, families, or households. Such a building must be supported by, at a minimum, walls which are complete from the bottom floor to roof.

Dwelling, group: See "group home."

Dwelling, single family detached: See "single family detached dwelling."

Dwelling, single family attached: See "single family attached dwelling."

Dwelling, mobile home: See "mobile home."

Dwelling, apartment or condominium: See "apartment/condominium building."

Dwelling unit: A room or group of rooms which is equipped for independent housekeeping and is occupied, or is intended to be occupied, by not more than one person, household or family.

Easement: A grant by the property owner to the public, a corporation, person or other legal entity, of the use of a specific portion of land for a specific purpose.

Electronic message sign means an electronically activated changeable copy sign whose variable message capability can be electronically programmed.

Elevated building: means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

Enclosed use: A use which is located entirely within a structure.

Endangered and threatened species: Flora and fauna as identified by the United States Fish and Wildlife Service's "List of Endangered and Threatened Wildlife and Plants" in 50 CFR 17.11-12; and fauna identified by the state game and fresh water fish Commission in section 39-27.003-004, Florida Administrative Code. Endangered species are so designated due to manmade or natural factors which have placed them in imminent danger of extinction while threatened species are so designated due to a rapid decline in number and/or habitat such that they may likely become endangered without corrective action.

Engineer or registered professional engineer: A professional engineer who is licensed to practice in the State of Florida.

Excavation: The reducing or lowering of the natural level of ground through removal of dirt, sand, peat or clay, for purposes other than that incidental to and on the same parcel as approved construction of any amount of dirt, sand, peat or clay and of less than 50,000 cubic yards of limerock or other minerals as long as blasting and lowering of groundwater in order to extract limerock are not involved.

Family: Any number of individuals living and cooking together as a single housekeeping unit whether related to each other or not.

Family cottage: An accessory use in accordance with section 3.7(B)(2)(a).

Flag means a sign consisting of a piece of cloth, fabric or other non-rigid material mounted on a flagpole.

Flagpole means a pole on which to raise a flag.

Flashing sign means any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

Flood or flooding: means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (b) The overflow of inland or tidal waters;
 - (c) The unusual and rapid accumulation or runoff of surface waters from any source; or
 - (d) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on

the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- (2) The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood Boundary and Floodway Map (FBFM): means the official map of the City on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.

Flood Hazard Boundary Map (FHBM): means an official map of the City, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as only Approximate Zone A.

Flood insurance rate map (FIRM): Means an official map of the City on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the City.

Flood Insurance Study (FIS): means the official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

Floodplain: means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain management: means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Administrator: the individual appointed to administer and enforce the floodplain management regulations of the City. The Floodplain Administrator of the City of Wildwood is the Development Services Director.

Floodproofing: means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floodway fringe: means that area of the one percent (base or 100-year) floodplain on either side of the regulatory floodway.

Floor: Means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area: The gross horizontal area of all the floors in a building (including attics, basements and penthouses). It is measured from the exterior faces or columns of the exterior walls of a building.

Floor area ratio (FAR): means the ratio of a building's gross floor area to the area of the lot on which the building is located. For example, a floor area ratio of 1.0 applied to a 20,000 square foot piece

of property would permit a single-story building of 20,000 square feet (20K/20K=1) or a building of any number of floors whose cumulative square footage does not exceed 20,000 square feet.

Freeboard: means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights, calculated for a selected frequency flood and floodway conditions.

Freestanding commercial canopy means an overhead canopy not supported by another structure or building which has been constructed for the purpose of permitting a commercial business' customers to use or obtain the services of the business while under the shelter of the canopy.

Frontage or building frontage: means the maximum width of a building measured in a straight line parallel with the abutting street, public parking lot, or pedestrian walkway.

Front of a building: The side of building that faces the primary street and contains the principal entrance.

Future Land Use Map (FLUM): The map within the future land use element of the comprehensive plan that delineates the City's future land use designations pursuant to Florida statute.

Garage: an accessory building primarily used for the parking of one or more motor vehicle.

Garage apartment: See "family cottages."

Geographic information system (GIS): is a system of hardware and software used for storage, retrieval, mapping, and analysis of geographic data.

Governing authority: The mayor and City Commission of Wildwood, Florida.

Government sign shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed rezoning, or any other government speech.

Grade: The elevation of the ground surface.

Guest house: See "family cottages."

Hardship or unnecessary hardship: Special and unique conditions of a property that distinguishes it from other properties in the City.

Handicapped person: Any person who, due to physical or severe mental disabilities, has difficulty in obtaining access to a building.

Hazard mitigation: Any activity which reduces the potential damage to a structure, property or person resulting from a man-made or natural disaster (for example, fire or hurricane).

Heritage tree: Any tree, except undesirable, noxious or invasive, with a diameter breast height (DBH) of thirty-six inches or larger.

Highest adjacent grade: Means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure: means any structure that is:

- (3) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (4) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (5) Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or
- (6) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By the approved Florida program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior.

Home, mobile: See "mobile home."

Homeowner's association or property owner's association (HOA)(POA): An organization in a subdivision, condominium, or other similar development that makes and enforces rules for the properties in its jurisdiction.

Hotel: a commercial establishment providing lodging and, usually, meals and other services for the public, especially for travelers. This definition also includes motels.

Household: One or more persons, not necessarily related by blood, marriage or other legal action, who occupy a single dwelling unit and live as a single non-profit housekeeping unit.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Independent living facility (ILF): A living arrangement in which people with special needs, especially seniors with disabilities, reside in independent living units which contain a private kitchen. The facility may provide help with everyday tasks such as bathing, dressing, and taking medication. This definition does not include assisted living facilities, nursing homes, or community residential homes.

Institution: The structure or land occupied by a group, cooperative, board, agency, or organization created for the purpose of carrying on functions of a public or semi-public nature. Examples of an institution include a hospital, health clinic, school, church, fraternal order, civic club and orphanage.

Intensity: means the maximum amount of building square footage allowed on a project site. This relationship is identified in FAR.

Interior lot: A lot bounded by a street on only one side.

Internally illuminated sign means any sign which has the source of light not visible to the eye and entirely enclosed within the sign.

Junk: Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged, and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

Junk yard: Place, structure or tract where junk, waste, discarded, salvaged or similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house-wrecking yards and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase or storage of usable second-hand cars, stoves, refrigerators or similar household goods and appliances, nor shall it apply to the processing of used, discarded or salvaged materials as part of manufacturing operations.

Karst features: means physical features in limestone such as sinkholes, depressions, and solution tubes that act as conduits reducing the travel time of water through limestone as compared to soil or to limestone lacking karst features.

Landscaping: Living plant material and non-living durable material used in outdoor environmental design that enhances the appearance of land.

LED display sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.

Legal Description: A courses and distances legal description, often referred to as a metes and bounds legal description, which maps the desired property when transferred to GIS mapping software.

Level of Service (LOS) standards: The number of units of capacity per unit of demand adopted by the City in the comprehensive plan.

Loading area or loading zone: A space logically and conveniently located for bulk pickups and deliveries. Such areas may be off-street or on-street depending upon the City ordinances and the requirements of this Code.

Local Planning Agency: The City board designated by the City Commission as being responsible for preparing and administering the City's comprehensive plan.

Local street: A street which connects properties to collector streets. These roads provide service which is of low average traffic volume and of high land access for abutting properties.

Lodges: See "private club."

Lot: Any tract or parcel being the least fractional part of a subdivision having limited fixed boundaries. A lot may be identified by an assigned number. Furthermore, a lot is capable of being lawfully occupied and utilized for a structure and/or use as defined in this Code.

Lot, corner: See "corner lot."

Lot depth: The horizontal distance (excluding surface or ground depressions) between the front lot line and the rear lot line. In some zoning districts this will be measured as the shortest such distance while in other districts it may be measured as the average such distance.

Lot, double frontage: See "double frontage lot."

Lot frontage: That linear measurement of the lot line of a lot abutting on a street.

Lot, interior: See "interior lot."

Lot lines: The lines bounding a lot as defined in this Code.

Lot, nonconforming: See "nonconforming lot."

Lot of record: A lot which has been recorded in the office of the Sumter County clerk. This includes lots which are part of a subdivision which has been so recorded. Lots created after July 25, 2011 that are not part of an approved development are not considered lots of record for the enforcement of this Code.

Lot width: The distance between the side lot lines, measured at point where the front setback is taken.

Main or principal building: The building in which the principal use of the lot is conducted.

Maintenance: The action taken to restore or preserve the functional design or intent of any facility, system, or structure.

Major Collector Roadway: A roadway that collects and distributes traffic between local roadways, minor collector roadways, and arterial roadways. A major collector roadway has a moderate average traffic volume and trip length.

Manufactured home: See "Mobile home."

Manufactured home park or subdivision: See "Mobile home park" or "Mobile home subdivision."

Market value: means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based

on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Master plan: means a drawing or a set of drawings prepared by a registered professional engineer associated with site plan or subdivision approval in conformance with this Code.

Maximum buildout potential: means the maximum amount of residential units and/or nonresidential square footage allowed within a development.

Mean sea level: Means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations.

Medical office: A building used, or designed to be used, principally to provide health care treatment and services to the public.

Memorandum of Understanding or Agreement (MOU)(MOA): A project specific agreement between a developer or institution and the City Commission.

Mine: An area of land on which mining activities have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

Mining: The reducing or lowering the natural level of ground through removal of limerock and overburden or minerals with the exception of dirt, sand, peat or clay, for purposes other than that incidental to and on the same parcel as approved construction of in excess of 50,000 cubic yards of limerock or other minerals. Blasting and lowering of ground water in order to extract limerock are mining activities.

Mining activities: means the extraction of minerals, ore, or other naturally occurring materials from the earth by whatever method, including the removal of overburden for the purpose of extracting and removing from site such underlying deposits, and all associated clearing, grading, construction, processing, transportation, and reclamation on the mine property, and includes the term "pre-mining activity", but shall not be deemed to include activity associated with site surveying, environmental monitoring, mineral exploration, or the sinking or operation of test wells and similar activities.

Minor Collector Roadway: A roadway that connects local roadways with the collector and arterial roadway network and provides interconnection between neighborhoods. A minor collector roadway has a moderate average traffic volume and trip length.

Mixed use building: means a building which includes two or more use categories, one of which should be residential.

Mobile food dispensing vehicle: As defined by Florida Statute Section 509.102.

Mobile home: A movable dwelling unit constructed in a manufacturing facility designed and constructed to be towed on its own chassis and readily connected to utilities and is designed to be occupied year-round. It may contain one or more components that can be retracted or separated for towing on their own chassis and subsequently expanded or reconnected to provide additional capacity. When used in this Code, the term mobile home shall also include manufactured homes. Mobile homes constructed prior to 1981 are not permitted in any zoning district in the City.

Mobile home pad or stand: A foundation or fixed area for locating a single mobile home.

Mobile home park: A parcel of land under single ownership which has been planned, designed and developed for the placement of two or more mobile homes, appurtenant structures (or fixtures), and/or additions.

Mobile home subdivision: A parcel of land which has been planned as a subdivision exclusively for mobile homes or similar types of dwelling units (such as modular homes). Each dwelling unit's lot is designed to be individually owned.

Modular home: A dwelling which is similar to a mobile home but is designed to be transported from the manufacturing facility to a permanent site and occupied as a conventional single-family dwelling unit. New construction of Modular homes requires permanent foundation with stem wall.

Monument sign means a type of sign that is not supported by a pole structure. A monument sign is placed upon the ground independent of support from the face of a building, is constructed of a solid material such as wood or masonry and is supported by an integrated, solid base greater than the width of the sign.

Motel: see "hotel".

Multi-family unit: Refers to an individual dwelling unit contained within either a single-family attached, apartment or condominium, or mixed use building.

Multi-modal infrastructure: Transportation infrastructure that accommodates multiple modes such as sidewalks, bicycle lanes, bicycle parking facilities, path, streets, transit stops, transit lanes, and other similar features.

Multi-prism or tri-vision sign means a sign made with a series of triangular sections that rotate and stop, or index, to show multiple images or messages in the same area at different times.

Mural means a painting, graphic, mosaic, fresco, or other artwork attached or applied directly to the exterior of a structure. Murals are prohibited from the front of buildings. Murals containing commercial messages of any kind (e.g., brands, names, trademarks, logos, slogans, corporate mascots or advertising messages) are considered signs and will be subject to regulation as such.

Native vegetation: Self-supporting, indigenous species of plants, reasonably capable of growing and surviving in the climatological areas of the City.

Net density: shall be calculated by excluding right-of-way, wetlands, stormwater management areas, environmental preservation areas, and common areas. Environmental preservation areas shall only be excluded if the land is designated as Conservation of the Future Land Use Map or dedicated to the City or other public agency through a conservation easement. Common areas such as parks, buffers, and landscaped areas shall only be excluded if publicly owned or committed to a Homeowner's Association formed pursuant to Chapter 720, Florida Statutes.

New construction: Means structures for which the "start of construction" commenced on or after the effective date of this Code.

Non-commercial message means any message which is not a commercial message.

Nonconforming lot: A lot which does not conform to the provisions of this Code and/or other applicable City ordinances.

Nonconforming sign means any sign that was validly installed under laws or ordinances in effect prior to the effective date of the LDR or subsequent amendments, but which is in conflict with the current provisions of the LDR.

Nonconforming use: The use of any building, group of buildings, lot, or group of lots which was lawful at the time this Code was passed but does not conform with the regulations of the district in which it is located.

Nonresidential building (NRB): means any structure not containing a residential dwelling unit or residential use.

Nursery: an establishment or area for the propagation, breeding, and early cultivation of plants which may be sold commercially.

Nursing home: A facility for patients who are recovering health and strength after illness or injury, or receiving long-term care for chronic conditions, disabilities, or terminal illnesses. Facilities provide 24-hour supervised nursing care and feature extended treatment that is administered by a skilled nursing staff. The residents do not live in private units and the residents typically do not leave the facility until well enough to do so. The facilities provide personal care, room, board, laundry service, and organized activities. This definition does not include community residential homes, assisted living facilities, or independent living facilities. This definition does include convalescent centers and skilled nursing facilities.

Office: A building, room or space where clerical, professional or administrative activities are performed. Such a building, room or space may be the principal structure, a portion of the principal structure, an accessory structure or a portion of an accessory structure on a lot.

Off-site commercial sign means a billboard or sign that directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the lot where such sign is displayed.

Open space: shall include wetlands, preservation areas, greenspace, and landscape buffers. Open space may include areas such as trails, plazas, courtyards, and other similar public areas. Open space may also include recreation areas and amenities provided said amenities or area is not enclosed with conditioned space. For purposes of meeting open space requirements of this Code, up to 50% of the drainage retention areas may be included in the open space calculation; however, the amount of open space credit from drainage retention areas shall not exceed 50% of the total open space requirement. Open space shall not include areas within a right-of-way.

Owner: The person in who is vested the fee ownership, dominion, or title of property (i.e., the proprietor). This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

Parcel or parcel of land: A contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant person in the public records of Sumter County, Florida, as of July 25, 2011 or as may be subsequently recorded pursuant to the Code.

Parking area or parking lot: means an area used for the temporary storage of vehicles. The owners or users of said vehicles may be charged fees for permitting their storage, but no vehicles are to be equipped, repaired, rented or sold in this area.

Parking space: A portion of a parking area which is clearly marked as being intended for the storage of one vehicle.

Pennant means any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, which will flutter or swing in the wind.

Permanent sign means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. Unless otherwise provided for herein, a sign other than a temporary sign shall be deemed a permanent sign unless otherwise indicated elsewhere in these Land Development Regulations.

Permitted use: means a use which is lawful under the terms of this Code.

Person: Any and all persons including any individual, firm, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Place of worship: A building or property used for conducting the services of a generally recognized church organization.

Planned development or planned unit development (PD)(PUD): A development project where the land is planned and developed as a single unit or series of programmed stages rather than individual parcels. Portions of the final development product may be retained by the owner or sold to individual purchasers.

Planning and Zoning Board: The City of Wildwood Planning and Zoning Board as provided for in this Code.

Pole sign means a ground sign that is supported by one or more poles and otherwise separated from the ground by air. A pole sign is not a monument sign, another type of ground sign.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-Frame sign or a T-frame sign. For purposes of this division, a natural or man-made air, inflatable sign shall be considered to be a portable sign.

Premises: A parcel of land and any structures occupying the parcel of land.

Principal building: See "main or principal building."

Principal use: The actual primary function for which a lot and buildings upon it are used.

Private club: A building or portion thereof, owned and/or operated by a corporation, association, person, or group for a civic, educational, recreational, social or other public or semi-public purpose.

Project: means improvements related to existing residential or nonresidential sites in which this Code requires a permit or application approval.

Projecting sign means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.

Recreational vehicle (RV): A vehicle similar to, but smaller than, a mobile home designed to serve as a temporary dwelling. It may be equipped with restroom facilities. These vehicles may be towed or may have the necessary automotive equipment to operate independent of another vehicle. Generally, this classification includes "campers," "travel trailers," and similar vehicles.

Recreational vehicle (RV) park: An area set aside primarily for temporary travel trailers, campers and other recreational vehicles. This facility is intended to provide temporary, non-permanent water, sewer, and electrical hook-ups for such vehicles in exchange for a specified rate of compensation.

Registered land surveyor: Means a registered land surveyor licensed by the State of Florida.

Regulatory floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Residential facility: Any residential facility licensed by HRS providing a family living environment including supervision and care necessary to meet the physical, emotional and social life needs of clients.

Rezoning: An official reclassification of the zoning district of a parcel of land in accordance with the procedures set forth in this Code.

Right-of-way (ROW): An area of land over which people and goods have the right to pass or travel. A public right-of-way grants passage to all and may grant the right to park registered vehicles in accordance with City parking restrictions. Public right-of-way is a form of easement dedicated to the City during subdivision or site plan for public use. Right-of-way is not part of the adjacent parcels; the right-of-way boundary usually coincides with adjacent parcel property lines.

Roadway: See "street."

Roof sign means any sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, the eave line of a building with a hip, gambrel, or gable roof.

Rotating sign or *revolving sign* means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

School: A building and/or property utilized for the purpose of providing formal primary, secondary and/or post-secondary education/training.

Service street: A local street or alley used to provide rear-yard access to businesses, institutions and residences for the purpose of providing services (for example, garbage collection or delivery services).

Shallow flooding: see "area of shallow flooding."

Shipping Container: Steel intermodal container used to carry goods on trains, trucks or ships.

Sidewalk: A concrete path constructed at a minimum of five (5) feet in width that is intended for pedestrians and non-motorized vehicles. Sidewalks may be located on private property or within a right-of-way.

Side yard: The yard between the side of the principal building and the side lot line of the lot on which the building is situated.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.

Sign area means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only provided the sign is parallel and no greater than 24" apart or angled more than 30 degrees. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

Sign height means the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The base or structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height.

Significant construction: means the installation of infrastructure on an approved project site such as roads, utility lines, or stormwater management areas. Surety posted to guarantee performance, as deemed appropriate by the City Attorney, is required in cases where infrastructure improvements have not been fully completed.

Sight triangle: A triangle formed by measuring a distance of 25 feet from the point of intersection of the ingress/egress pavement line and the public right-of-way pavement line and connecting the points so established to form a triangle on the area of the lot adjacent to said intersections.

Single family attached (SFA): means a dwelling unit connected to at least one adjacent dwelling unit by any architectural feature integral to its design or the design of its garage, excluding fences, posts, utility screen walls, stoops, driveways, walkways and air conditioning pads.

Single family detached (SF): means a traditional stand-alone dwelling unit that houses a single family and shares no connection to another dwelling unit.

Site plan: The drawing(s) which put forth an applicant's proposal for the development of a particular piece of land that is certified by a registered professional engineer.

Sketch: means a rough drawing or set of drawings which illustrates features of a site.

Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Regulations

Special exception: A use that would not be appropriate generally or without restriction throughout a zoning district but may be permissible in a zoning district as a special exception if specific provisions for such special exception are made in this Code.

Special flood hazard area: see "area of special flood hazard."

Spring: means a point where underground water emerges onto the Earth's surface.

Springshed: means those areas within ground and surface water basins that contribute to the discharge of a spring.

Start of construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation for this definition, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Statutory sign means a sign the city is required to erect by any statute of the State of Florida or the United States for safety, directional, or traffic control purposes.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it. In the event there is not a floor above the former, then the story is that portion of a building between the top floor and the ceiling above it. Generally, a story is no more than 15 feet high from bottom to top.

Street: A public or private thoroughfare which affords the principal means of access to abutting property. Alleys shall not be considered streets.

Street, arterial: See "arterial street."

Street, collector: See "major or minor collector street."

Street line: The public right-of-way line of a street.

Street, local: See "local street."

Street, service: See "service street."

Street trees: Trees, shrubs, bushes, and all other woody vegetation on rights-of-way on either side of all lanes, streets, avenues, or ways within the City.

Structure: A man-made object having a relatively stationary location on or in land or water whether or not it is affixed to the land or on a permanent foundation.

Subdivider: Any firm, corporation, partnership, person or other legal entity who, acting as a unit, voluntarily engages in or proposes to engage in, the division of a parcel (or parcels) of land into smaller parcels of land.

Subdivision:

- (a) The division of any parcel of land into three (3) or more contiguous lots for the purpose of building, development or transfer of ownership; or any division of a parcel of land requiring a new street or modification to an existing public street, or the provision of other public facilities or improvements, including but not limited to, drainage facilities and utilities. This term includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided.
- (b) Subdivision shall not mean:

- (i) The transfer of property by sale, gift, or testate or intestate succession from the property owner to his or her spouse or lineal descendants, provided that all required utilities are in place prior to the issuance of a development permit,
- (ii) The transfer of property between tenants in common or joint tenants for the purpose of dissolving the tenancy in common or joint tenancy,
- (iii) The sale or exchange of parcels of land between owners of adjoining properties provided that additional lots are not thereby created and that the parcels remaining are not reduced below the minimum sizes required by the Code.

Substantial damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also includes “repetitive loss” structures as stated in section 6.8.

Substantial improvement: Means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure in which the cumulative costs equals or exceeds 50 percent of the market value of the structure.

The market value of the structure should be:

- (a) The appraised value of the structure prior to the start of the initial repair or improvement, or;
- (b) In the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety Code specifications which are solely necessary to assure safe living conditions.

Temporary sign means a sign intended for a use not permanent in nature. Unless otherwise provided for in these Regulations, a sign with an intended use for a period of time related to an event shall be deemed a temporary sign. A flag shall be deemed a temporary sign.

Tiny House shall be defined as a principal, permanent residential dwelling unit in a Tiny House Community that has a total square footage (inclusive of any additional stories) of between 170 square feet and 1,100 square feet. The minimum width of a Tiny House in a Tiny House Community shall be 8.5 feet, with a maximum width of 25 feet. Tiny houses shall follow and comply with all other applicable building codes.

Tiny House on Wheels (THOW) shall be defined as a tiny house which is either built on a trailer or is towable by a bumper hitch, frame-towing hitch, or fifth wheel connection, and cannot move under its own power. Tiny House on Wheels shall not be permitted in the City of Wildwood.

Tiny House Pocket Neighborhood shall be defined as a neighborhood of tiny houses that has a minimum square footage of 100 square feet and a maximum square footage of 550 square feet. Each pocket neighborhood shall have a minimum of 4 tiny houses and a maximum of 12 tiny houses and be located on a maximum of 5 acres.

Tower: shall mean a structure, greater than thirty-five feet (35') in height (including any antennas attached thereto), which supports one or more antennas, not including however any amateur radio operator's antenna as licensed for that purpose by the Federal Communications Commission.

Transit ready: means a built environment that encourages and can accommodate transit and multi-modal opportunities.

Travel Center: A one-story retail store containing greater than five thousand (5,000) square feet of gross floor area that is designed and stocked to sell food, beverages, gasoline and other items. Travel centers shall not include overnight parking facilities for semi-trucks or semi-trailers.

Travel trailer: See "recreational vehicle (RV)."

Truck stop: An establishment primarily for fueling, servicing, repair, and short-term parking of semi-trucks, semi-trailers or similar heavy commercial vehicles, including but not limited to the sale of accessories and equipment for such vehicles. It may also include overnight accommodations, showers, and restaurant facilities primarily for the use of semi-truck or semi-trailer crews.

Unenclosed use: A use which is not enclosed by a roof and at least three walls.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.

Variance: A grant of relief from the requirements of this Code, in the manner provided for variances in this Code (see section 3.12).

Vehicle sign means a sign which covers more than twenty (20) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

Vertical mix: means the percentage of a development's square footage devoted to multi-story buildings.

Wall wrap sign means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

Wall sign means any sign attached parallel to, but within twelve (12) inches of a wall; painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warning sign or *safety sign* means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Watercourse: means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation: means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wetlands: Lands which are identified by being inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and noncontiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hybrid hammocks, riverine cypress, cypress ponds, bogs, wet prairies, and freshwater marshes.

Wind sign means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include flags.

Wireless communications services: shall refer to pagers, cellular telephones, personal communication services, two-way radio, broadcast and similar technologies, which use antennas or towers to facilitate the transmission of signals from one (1) location to another for the purpose of allowing

one-or two-way communication of voice or electronic messages where either the sending or receiving units, or both, are free standing and not connected to any system of wires or cables used to transmit such messages.

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3.1. General.

(A) *Establishment of zoning districts.* For the purpose of promoting the health, safety, morals, and general welfare of the citizens, residents, and businesses of the City of Wildwood, the following zoning districts are hereby established in TABLE 3-1.

(B) *Permitted zoning districts.* TABLE 3-2 identifies the zoning districts which shall be allowed within the land use designations provided on the Future Land Use Map of the Comprehensive Plan. Planned developments are permitted pursuant to the regulations set forth in Chapter 8 of this Code.

3.2. Official Zoning Map.

(A) *Zoning map.* The boundaries of the various zoning districts are shown on the official Zoning Map. The zoning map shall be maintained by the City through a GIS database and shall be made available to the public. All proposed changes to the district boundaries shall be heard by the Planning and Zoning Board and approved by the City Commission.

(B) *Interpretation of zoning district boundaries.* Except as otherwise specifically provided, the abbreviations shown within district boundaries on the official Zoning Map indicates that district's regulations pertaining to the district extent throughout the whole area surrounded by the boundary line. Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the provisions and rules below shall apply.

(1) Boundaries indicated as approximately following the center line of a street, highway, or alley shall be construed to follow such center line.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following the City limits line shall be construed as following such a line.

(4) Boundaries indicated as following shorelines shall be construed as following the mean high-water line.

(5) Distances concerning boundary lines not relative to street center lines or lot lines specifically indicated on the official zoning map, shall be determined by the Board of Adjustment.

(C) *Boundary line disputes.* In any instance where the boundary line of a zoning district is in dispute, the Development Services Director shall notify the Board of Adjustment. When notifying the Board, the Director shall request a public meeting to resolve the dispute and shall inform the Board of the reason they are unable to resolve the dispute. Upon receipt of a notice from the board of the day, time, and place of the meeting, the director shall notify the parties to the dispute, in writing, of the day, time, place and purpose of the public meeting. At this meeting, all parties will be given a proper amount of time to present their point of view on the dispute.

(D) *Zoning overlay map.* A zoning overlay map is hereby established. The zoning overlay map shall be maintained by the City and shall delineate existing planned unit developments at time the Code was adopted. The zoning overlay map shall be amended to include all planned developments approved after the adoption of this Code as well delineate all mixed use centers pursuant to section 3.5(D). The zoning overlay map shall be made available to the public.

3.3. Rezoning.

The regulations, restrictions, procedures, official zoning maps, and other material set out in these zoning regulations may from time to time be amended, supplemented, changed, or repealed.

(A) *Application.*

(1) A zoning amendment may be proposed by the City Commission, the Planning and Zoning Board, the Board of Adjustment, any other department or board of the City of Wildwood, or any other person provided, however, that no such person shall propose an amendment for

the rezoning of property which they do not own fee simple, except as agent, petitioner or attorney for an owner. Proof of such shall be in the form of a notarized authorization letter.

- (2) All proposals for zoning amendments shall be made by submitting an application for rezoning to the office of the Development Services Director. If the application is from anyone other than a City Official or Board, the payment of such fees as have been established by the City Commission shall be submitted.
- (B) *Hearing notice.* All public notices shall adhere to Florida State Statutes procedures for adoption of ordinances and resolutions (F.S. 166.041). Public notice must be provided at least ten (10) calendar days prior to the public hearing date. Public notice shall consist of advertisement in a local newspaper, mailing notices to adjoining property owners, as designated on the Sumter County tax roll and posting an 8.5" x 11" placard supplied by the City along the public roadway adjacent to the subject property in a location visible to the general public.
- (C) *Review process.*
- (1) *Project Review Committee.* The Project Review Committee shall review all planned development applications in accordance with Chapter 1, section 1.6 prior to the zoning amendment be heard by the Planning and Zoning Board. All other zoning amendments are exempt from mandatory review by the Project Review Committee.
 - (2) *Development Services Director review.* The Development Services Director shall review all proposed rezonings and make recommendations to the Planning and Zoning Board in the form of a staff report. For planned developments, the findings of the Project Review Committee shall be included in the staff report. A copy of this report shall be available at the Development Services Department of the City of Wildwood five (5) days before the public hearing.
 - (3) *Planning and Zoning Board.* All proposed zoning amendments shall be heard by the Planning and Zoning Board. Before making a recommendation concerning the proposed zoning amendment, the Planning and Zoning Board shall hold a public hearing to consider the proposed zoning amendment. The Planning and Zoning Board shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to parties involved. Public notice shall adhere to Florida statute. At the hearing, any party may appear in person or by agent or attorney. Within a reasonable time after a proposed zoning amendment is officially received by the Planning and Zoning Board, the Board shall submit its report and recommendation concerning the proposed amendment to the City Commission. The report and recommendations shall make note of staff's recommendation. The Board's report and recommendations are advisory only and shall not be binding upon the City Commission.
 - (4) *Report requirements--rezoning.* When pertaining to the rezoning of land, the report and recommendations shall show that the Board has studied and considered the proposed amendment in relation to the following, where applicable:
 - (a) Whether the proposed change is consistent with the comprehensive plan;
 - (b) The existing land use pattern of the surrounding area;
 - (c) The possibility of adversely affecting public facilities such as schools, utilities, streets, etc;
 - (d) Whether changed or changing conditions make the passage of the proposed amendment necessary;
 - (e) Whether the proposed change will create or excessively increase traffic congestion or otherwise be a detriment to public safety; and
 - (f) Whether the proposed change will be a deterrent to the improvement or development of adjacent property.

- (5) *City Commission.* The City Commission shall hold a public hearing to consider the proposed zoning amendment. The City Commission shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to the parties involved. At the hearing any person may appear in person or by agent or attorney. The City Commission shall take final action on the proposed zoning amendment by either approving or denying the proposed amendment. The zoning amendment shall be adopted by ordinance. Appeals from the decision of the City Commission shall be filed in the court having jurisdiction over such matters.

3.4. Zoning District Standards.

- (A) *Applicability.* Unless otherwise specified in this Code, the rules outlined below shall be used in applying the zoning district regulations. Upon annexation of a parcel of land into the City, the City shall begin the process of amending the Comprehensive Plan in accordance with Florida statute and include the annexed parcel on the Future Land Use Map and official Zoning Map. However, in the interim between the time when the area is annexed, and the City Commission completes the comprehensive plan amendment and rezoning process the annexed parcel will retain the County land use and zoning designations until otherwise classified by the City.
- (B) *Mix of housing types.* All developments are encouraged to contain a mix of housing types to provide a variety of housing options within the City of Wildwood. All developments containing 500 or more single-family detached residential units are required to contain one (1) or more additional housing types. Housing types are inclusive of the following four categories:
- (1) Single family detached;
 - (2) Single family attached;
 - (3) Apartment or condominium building; or
 - (4) Dwelling units within a mixed use building.
- (C) *Blending.* Within a development's internal boundary, the amalgamation of land uses (i.e., commercial, residential, etc.), densities or intensities may be allowed regardless of where the geographic zoning boundary line is located provided that the development's overall maximum buildout potential pursuant to section 3.5(C) are not exceeded. This provision may be allowed only within developments that proceed through the zoning process as planned developments.
- (D) *Density, intensity, and lot standards.* TABLE 3-4A through TABLE 3-4D identifies district densities, intensities, and standards per zoning district.

3.5. Mixed Use Zoning District Criteria.

- (A) *General.* Properties contained in a mixed use zoning district may be subject to the standards listed within this section. Developments greater than 10 acres in a mixed use zoning district, with the exception of Residential/Institutional/Office and Residential Mixed Use, are required to proceed through the development process as a planned development pursuant to Chapter 8 of this Code.
- (B) *Use percentages.* Developments greater than 10 acres in a mixed use zoning district shall adhere to the requirements contained in TABLE 3-5. The percentages depicted in TABLE 3-5 relate to the percentage of the development's acreage devoted to each use category. Developments less than 10 acres in a mixed use zoning district may develop as a mixed use or single use project which do not meet the requirements of TABLE 3-5.
- (C) *Determination of maximum buildout scenario.* The City shall review mixed use developments in accordance with this section. The maximum buildout scenario is determined by first deducting the intended acreage devoted to residential. The applicable density is then applied to the residential

acreage to determine the amount of dwelling units allowed. The acreage devoted to residential is deducted prior to assessing the amount of nonresidential square footage. Applying the applicable intensity from the resulting remaining acreage will provide the maximum amount of nonresidential square footage allowed. While the intended percentages may vary, the percentage of residential and nonresidential uses must equal 100%. The amount of residential square footage contained within mixed use buildings does not count against the maximum allowable nonresidential building square footage.

For example:

100 acres of Oxford Neighborhood Mixed Use in which 35% residential is sought

$$\begin{array}{ll} (100) \times (.35) \times (7) = & \underline{245 \text{ dwelling units}} \\ (100) \times (.65) \times (.3) \times (43560) = & \underline{849,420 \text{ square feet of nonresidential uses}} \end{array}$$

3.6. Principal Uses.

(A) *Uses established.* The principal or main use(s) and associated structures of a property shall be allowed as one of the following:

(1) *Permitted use.* This use is hereby established as the general use(s) in the various zoning districts, as specified in TABLE 3-6, and is a use of right when in compliance with the requirements of this Code. For instances where the intended use of the property is not specifically listed in TABLE 3-6, the Development Services Director may make a determination as to whether or not the intended use is permitted in a particular zoning district.

(2) *Conditional use.* This use is hereby established to conditionally allow specified uses as specified in TABLE 3-6. Because of their unique characteristics, these uses are not permitted as a matter of right, special use or otherwise allowed by this Code. Process information and regulations are contained in section 3.8 of this Chapter.

(3) *Special exception use.* This use is hereby established to allow uses not normally permitted in the various zoning districts. A special use is not a use of right and there is no presumption that it will be granted. Process information and regulations are contained in section 3.9 of this Chapter.

(B) The use regulations specified in this Code shall be considered as specific regulations governing the use of parcels and structures located on the parcels.

3.7. Accessory Uses and Structures.

(A) *General.* This use is hereby established to allow activities which are customarily incidental to the principal use, provided it meets the following general requirements:

(1) An accessory use is a use of right after a principal use is established on the property. Unless otherwise provided, no accessory use or structure is permitted on a parcel that does not contain the principal use or structure;

(2) Accessory uses must comply with standards pertaining to the principal use unless specified otherwise in this Chapter;

(3) Unless specified otherwise herein, accessory uses are intended to be for the principal use of residents, occupants, guests and employees of the parcel on which they are located and not for use by the general public.

- (4) Accessory uses may encroach into the side and rear setbacks established in TABLE 3-4. However, a minimum of five (5) feet shall be provided between the accessory structure and the property line, unless the accessory use is located along property lines adjacent to a roadway. If the accessory use is located along property lines adjacent to a roadway, then the setbacks shall conform to those established in TABLE 3-4.
- (B) *Specified accessory uses and structures.* The following uses and structures, provided they satisfy the general criteria set forth above, are specifically presumed to be accessory:
- (1) *All zoning districts.* The following accessory uses are allowable in all zoning districts:
- (i) Detached or attached storage or utility buildings such as garages and sheds; such a shed less than 100 square feet shall not require a building permit on a lot less than one acre; such a shed less than 200 square feet shall not require a building permit on a lot greater than one acre;
 - (ii) In-ground and above ground swimming pools/spas and screen enclosures for the same;
 - (iii) Greenhouses (noncommercial);
 - (iv) On site utilities which serve only the development which they are located;
 - (v) Photovoltaic systems and solar thermal arrays provided they are intended to serve the principal structure solely;
 - (vi) Satellite dishes or antenna for private use; and
- (2) *Residential zoning districts.* The following uses are allowable in all residential zoning districts:
- (a) Family cottages provided the following are met:
 - (i) No more than one family cottage may be allowed as an accessory dwelling unit to a lot containing a single family detached dwelling;
 - (ii) Accessory family cottage may be attached to the principal structure or may be detached;
 - (iii) The living area of a family cottage shall be at least 400 square feet in size. 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;
 - (iv) Both the principal structure and the accessory family cottage must be conventionally constructed (site built) structures each with individual full bathrooms;
 - (v) The accessory family cottage must be designed and located to be compatible with the appearance of the principal structure;
 - (vi) The construction of an accessory family cottage must not create a parking or drainage problem, and must conform to all setback provisions of this Code;
 - (vii) The principal structure and the accessory family cottage shall share the same access point or drive;
 - (viii) The accessory family cottages shall not be sold, transferred, or conveyed as a residential unit separate and apart from the principal dwelling unit;
 - (ix) There shall be one address to the main structure only; and
 - (x) There shall be one electric utility service meter; one water meter; one sewer connection and one trash pickup account for the site.
 - (b) Temporary real estate offices associated with subdivisions.
 - (c) Private laundry, maintenance and mail distribution facilities; private community recreational and business office facilities associated with residential developments.
- (3) *Institutional, commercial, or industrial zoning districts.* The following uses are allowable in all institutional, commercial and industrial zoning districts:

- (a) One residential unit (conventional construction or Class A or Class B mobile home) for caretaker, security or maintenance facilities; and
- (b) Dining rooms, cafeterias, snack shops, day care and employee fitness centers for the exclusive use of employees, clients and guests, and not open to the general public.

3.8. Conditional Uses.

- (A) *In general.* This use conditionally allows specified uses that, because of their unique characteristics, are not permitted as a matter of right, special exception or otherwise allowed by this Code. Such conditional uses, unless properly controlled, pose potentially serious health, safety or welfare concerns to the community. Therefore, it is the intent of the City Commission to ensure, through available and reasonable methods, that the location, construction, operation, and maintenance of a conditional use produces minimal adverse effect on the environment and public health, safety, and welfare, and to fully balance the need for such conditional use with the broad interests of the public. A conditional use is not a use of right and there is no presumption that such a use will be granted. Principal uses only allowed as conditional uses are specified in TABLE 3-6 and may be approved for a period of time as specified by the City Commission.
- (B) *Application procedure.* Written application shall be made to the City for a conditional use permit. In addition, the applicant shall provide the following information:
 - (1) A site plan in accordance with Chapter 4; and
 - (2) A written statement specifically addressing the general requirements set forth in subsection 3.8(e) below.
- (C) *Hearing notice.* All public notices shall adhere to Florida State Statutes procedures for adoption of ordinances and resolutions (F.S. 166.041). Public notice must be provided at least ten (10) calendar days prior to the public hearing date. Public notice shall consist of advertisement in a local newspaper, mailing notices to adjoining property owners, as designated on the Sumter County tax roll and posting an 8.5" x 11" placard supplied by the City along the public roadway adjacent to the subject property in a location visible to the general public.
- (D) *Hearing procedure.* The procedure for review and approval of a conditional use permit request shall be in accordance with section 4.2 of this Code.
- (E) *General requirements and conditions.*
 - (1) *Conditions and safeguards.* In granting any conditional use permit, the Planning and Zoning Board may recommend, and the City Commission may prescribe appropriate conditions and safeguards to ensure the public health, safety and welfare as well as compliance with the requirements of this Chapter and the Code in general. Such conditions may include time limits for the initiation and duration of the conditional use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Code.
 - (2) *Review criteria.* When reviewing an application for a conditional use permit, the Planning and Zoning Board and City Commission shall consider the following requirements and criteria:
 - (a) The proposed use must comply with the Comprehensive Plan;
 - (b) Allowance of the conditional use will not be detrimental to the public health, safety or general welfare;
 - (c) The uses of other property in the neighborhood for purposes already established will not be substantially impaired or diminished;

- (d) The site plan illustrates environmental safeguards, adequate parking, loading and services areas which are located such that there is no adverse impact on adjoining properties;
- (e) Significant measures such as increased buffering, screening, or landscaping have been incorporated into the site plan to protect the adjoining property owners from adverse impacts such as visual, noise, odor, dust, and particulates; and
- (f) Alternative properties are not available in which a conditional use permit would not be necessary.

(E) *Transfer or abandonment of a conditional use.*

- (1) Conditional use permits may run with the owner or with the property. The City Commission shall, at the time of approval, specify whether the conditional use runs with the owner or the property. If it runs with the owner, ownership of a conditional use cannot be transferred to another party.
- (2) A conditional use permit that is not initiated within one (1) year of being granted shall not be established without a new application and public hearing in accordance with the procedures for such. A conditional use that is abandoned for a period of six (6) months or more shall not be reestablished without filing a new application with subsequent public hearing in accordance with the procedures for such.

3.9. Special Exceptions.

(A) *General.* A special exception is a use that would not be appropriate without restriction, but which, if controlled as to number, area, location or relation to the surrounding area, would promote the public health, safety and general welfare. Principal uses only allowed as special exceptions are specified in TABLE 3-6.

(B) *Procedure.* The following actions must be taken before the Planning and Zoning Board may grant a special exception:

- (1) *Application.* A completed application form must be submitted to the Development Services Department. Before the application is processed the Development Services Department must verify the application is complete. Non-refundable fees are to be submitted with the completed application.
- (2) *Narrative.* A narrative and site plan or sketch shall be included with the application describing and detailing the following:
 - (a) Explanation of the proposed use on the property
 - (b) Explanation of proposed structures and their location
 - (c) Provision for ingress and egress
 - (d) Provision for off-street parking and loading areas
 - (e) Provision for refuse and service areas
 - (f) Provision for utilities
 - (g) Provision for screening and buffering of dissimilar uses
 - (h) Provision for signs and exterior lighting
 - (i) Provision for required yards and green space
 - (j) Provision for compatibility with adjacent properties
 - (k) Provision for meeting any special requirements

(3) *Parking of Semi-Trailers.* An application for parking of semi-trailers shall provide the following information:

- (a) The number of trailers expected
 - (b) The length of time the trailers will be expected to remain on the property
 - (c) The hours at which the trailer(s) may be taken to and from the property
 - (d) Other supplementary information as deemed appropriate
- (4) *Hearing notice.* Public notice must be provided at least ten (10) calendar days prior to the public hearing date. Public notice shall consist of advertisement in a local newspaper, mailing notices to adjoining property owners, as designated on the Sumter County tax roll and posting an 8.5" x 11" placard supplied by the City along the public roadway adjacent to the subject property in a location visible to the general public.
- (5) *Review process.* The Planning and Zoning Board shall have the power to hear and approve special exceptions as specifically authorized under the terms of these zoning regulations, to grant special exceptions with appropriate conditions and safeguards, or to deny special exceptions when not in harmony with the purpose and intent of these zoning regulations. In granting any special exception, the Board may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and the Code in general. Such conditions may include time limits for the initiation of the special exception use, specific minimum or maximum limits, or any other conditions reasonably related to the requirements and criteria of this Code.
- (C) *Review criteria.* When reviewing an application for a special exception, the board shall consider the following requirements and criteria:
- (1) The proposed use must comply with the Comprehensive Plan;
 - (2) The overall character of the neighboring properties must be maintained;
 - (3) Justification has been presented as to why the special exception should be granted;
 - (4) The uses of other property in the neighborhood for purposes already established will not be substantially impaired or diminished; and
 - (5) Consideration has been given to surrounding property values.
- (D) *Expiration or revocation of special exceptions.*
- (1) Special exceptions may run with the property or may be granted to a specific owner of the property as determined by the Development Services Director.
 - (2) A special exception use that is not initiated within one (1) year of being granted shall not be established without a new public hearing in accordance with requirements of this Chapter.
 - (3) A special exception use that is abandoned for a period of six (6) months or more shall not be reestablished without a new public hearing in accordance with the requirements of this Chapter.
 - (4) A reasonable time limit may be recommended and imposed for the special exception. A time limit may dictate when the special exception should be initiated and/or discontinued, or may set forth a specific time period for termination.
 - (5) A special exception approval may be revoked by the Board upon non-compliance and/or violation of any condition attached to the special exception, after notice and a public hearing.
- (E) *Special requirements.* For those special exception uses listed below, the following additional special requirements shall apply:
- (1) *Assisted living facility.* (Allowed in R-1, R-2, R-3, R-4, R-5, RMU, RMU-10, C-1, C-2, C-2A, C-3). A special exception may be granted under the following conditions:
 - (i) The proposed site shall front an arterial or collector road.
 - (ii) The proposed site shall utilize the lot requirements for the IN zoning district.

- (iii) Proof of licensing by the appropriate jurisdictional agency will be required.
 - (iv) The facility shall be compatible with the adjacent area.
 - (v) Additional buffering or screening may be required.
 - (vi) A traffic impact study shall be required for justification that the project will not result in a reduction of Level of Service (LOS) on roadways serving the project.
 - (vii) A preliminary concurrency application shall be required for justification that the project will not create additional impacts to City utilities exceeding what would normally be permitted.
- (2) *Auto Dealership, golf cart and similar sales.* (Allowed in C-2A, NMU-4, NMU-7, ECNMU-7, CMU, CC, CDT, SWCMU). A special exception may be granted under the following conditions:
- (i) The use and all associated activities must be in completely enclosed buildings.
 - (ii) Additional buffering and screening may be required.
- (3) *Car wash and auto detailing facilities, full or self-service.* (Allowed in C-1, C-2A, NMU-7, CMU, SWCMU). A special exception may be granted under the following conditions:
- (i) The proposed facility must use an approved oil/water separator.
 - (ii) The proposed facility must use the recycled water system established within the facility.
 - (iii) The proposed facility shall be compatible with adjacent development.
 - (iv) Additional buffering and screening may be required.
- (4) *Cemeteries and mausoleums.* (Allowed in AG-5, AG-10, RR, ER, R-1, R-2, R-3, R-4, R-5, MHP, RMU, RMU-10, RIO) A special exception may be granted under the following conditions:
- (i) The proposed site shall be a minimum of one acre.
 - (ii) Additional buffering or screening may be required.
- (5) *Childcare facility, day care, or adult day care.* (Allowed in R-1, R-2, R-3, R-4, R-5, MHP, CDT). A special exception may be granted under the following conditions:
- (i) The proposed site shall be a minimum of 15,000 square feet with a minimum lot width of 100 feet.
 - (ii) Proof of licensing by the appropriate jurisdictional agency will be required.
 - (iii) Additional buffering and screening may be required.
- (6) *Churches and places of worship.* (Allowed in AG-10, AG-5, RR, ER, R-1, R-2, R-3, R-4, R-5, MHP, RMU, RMU-10) A special exception may be granted provided the proposed site utilize the lot details for the IN zoning district.
- (7) *Community residential home.* (Allowed in IN, C-1, C-2, C-2A, C-3, CDT) A special exception for a community residential home with 7 or more unrelated residents may be granted under the following conditions:
- (i) The proposed site shall not be located within a radius of 1,000 feet of another existing community residential home.
 - (ii) The requirements of F.S. 419.001 shall be met, if applicable.
- (8) *Golf courses and driving ranges.* (Allowed in RR, ER, R-1, R-2, R-3, R-4, R-5). A special exception may be granted provided the golf course or driving range is a component of a residential subdivision.
- (9) *Independent living facility.* (Allowed in R-1, R-2, R-3, R-4, R-5, RMU, RMU-10, C-1, C-2, C-2A, C-3). A special exception may be granted under the following conditions:
- (i) The proposed site shall front an arterial or collector road.
 - (ii) The proposed site shall utilize the lot requirements for the IN zoning district.
 - (iii) Proof of licensing by the appropriate jurisdictional agency will be required.
 - (iv) The facility shall be compatible with the adjacent area.

- (v) Additional buffering or screening may be required.
 - (vi) A traffic impact study shall be required for justification that the project will not result in a reduction of Level of Service (LOS) on roadways serving the project.
 - (vii) A preliminary concurrency application shall be required for justification that the project will not create additional impacts to City utilities exceeding what would normally be permitted.
- (10) *Kennels, animal rescue facilities.* (Allowed in AG-10 and AG-5). A special exception may be granted provided the proposed site shall not abut a residential or mixed use zoning district.
- (11) *Nursing home.* (Allowed in C-1, C-2, C-2A, C-3, CDT). A special exception may be granted under the following conditions:
- (i) The proposed site shall front an arterial or collector road.
 - (ii) The proposed site shall be developed in accordance with the lot details for the IN zoning district.
 - (iii) Proof of licensing by the appropriate jurisdictional agency will be required.
 - (iv) The facility shall be compatible with the adjacent area.
 - (v) A traffic impact study shall be required for justification that the project will not result in a reduction of Level of Service (LOS) on roadways serving the project.
 - (vi) A preliminary concurrency application shall be required for justification that the project will not create additional impacts to City utilities exceeding what would normally be permitted.
- (12) *Outdoor storage facilities for RVs, boats, campers, vehicles, machinery, equipment, or other similar items.* (Allowed in AG-5, C-2, C-3, 466-301). A special exception may be granted under the following conditions:
- (i) The area of the property utilized for outdoor storage must be enclosed by a wall, fence, or opaque landscape buffer so that the items in storage are not visible from any street or surrounding property.
 - (ii) Additional buffering and screening may be required.
- (13) *Parking of Semi-Trailers.* (Allowed in AG-5, AG-10, C-3).
- (i) A special exception may be granted under the following conditions:
 - (a) The semi-trailer must be a donation trailer;
 - (b) The property shall not be adjacent to a residential or institutional property;
 - (c) Minimum parking standards shall be maintained;
 - (d) The area where semi-trailer parking is to occur must be paved;
 - (e) The area where the semi parking is to occur must be buffered through a combination of the use of landscaping, screening, and fencing as required by the City; and
 - (f) The applicant can demonstrate that the semi-trailer parking will not create a nuisance or otherwise be a threat the public's health, safety, and welfare.
- (14) *Private and nonprofit organizations providing schooling and/or training programs with associated facilities and dormitories.* (Allowed in IN, C-1, C-2, C-2A, C-3, CDT). A special exception may be granted under the following conditions:
- (i) The proposed site shall not be located within a radius of 1,000 feet of another existing facility providing similar services.
 - (ii) Additional buffering and screening may be required.

- (15) *Private clubs and lodges.* (Allowed in RR, ER, R-1, R-2, R-3, R-4, R-5, MHP, RMU, RMU-10, RIO)
A special exception may be granted under the following conditions:
- (i) The proposed site shall utilize the lot details for the CN zoning district.
 - (ii) The facility shall be compatible with adjacent neighborhoods.
- (16) *Public buildings owned, operated, and used by a government entity.* (Allowed in AG-10, AG-5, RR, ER, R-1, R-2, R-3, R-4, R-5, MHP, RMU, RMU-10, C-1, C-2, C-2A, C-3) A special exception may be granted under the following conditions:
- (i) The facility shall be compatible with adjacent development.
 - (ii) The proposed site shall be developed in accordance with the lot details for the PEU zoning district.
- (17) *Recreational Vehicle Park (Allowed in C-3).* A special exception may be granted under the following conditions:
- (i) The proposed site shall front an arterial or collector road.
 - (ii) The RV Park shall be compatible with adjacent development.
 - (iii) A traffic impact study shall be required for justification that the project will not result in a reduction of Level of Service (LOS) on roadways serving the project.
 - (iv) Additional buffering and screening may be required.
 - (v) Additional requirements are listed in Section 3.17.
- (18) *Retail and wholesale commercial establishments for, lumber, building and landscaping supplies, equipment, and other similar uses with potential outside storage.* (Allowed in C-2, C-2A, NMU-4, NMU-7, ECNMU-7, CMU, CC, SWCMU). A special exception may be granted under the following conditions:
- (i) Any outdoor storage of goods must be:
 - 1. Located contiguous either behind or flanking the principal structure;
 - 2. Be enclosed by a screen or other similar material;
 - 3. Be architecturally compatible with the principal structure.
 - (ii) Additional buffering and screening may be required.
- (19) *Service and repair shops for automobiles, small engines, and other similar uses.* (Allowed in C-1, C-2, C-2A, NMU-4, NMU-7, ECNMU-7, CMU, CC, CDT, SWCMU). A special exception may be granted under the following conditions:
- (i) The use and all associated activities must be in completely enclosed buildings.
 - (ii) Additional buffering and screening may be required.
- (20) *Storage facilities (indoor).* (Allowed in NMU-4, NMU-7, ECNMU-7, CMU, CC, CDT, SWCMU).
A special exception may be granted under the following conditions:
- (i) The use and all associated activities must be in completely enclosed buildings.
 - (ii) Additional buffering and screening may be required.
- (21) *Street and highway department garage or maintenance facility.* (Allowed in AG-10, AG-5, RIO, C-1, C-2, C-2A, C-3) A special exception may be granted. However, additional buffering and screening may be required.
- (22) *Tower or wireless communication services.* (Allowed in AG-10, AG-5, PEU, C-3, M-1, M-2, ARD)
A special exception use may be granted under the following conditions:
- (i) A chain link fence, concrete wall or other fence or wall not less than six (6) feet in height from finished grade, shall be constructed around each tower.
 - (ii) Towers shall be set back from any residential zoning district a minimum of three (3) times the height of the installed tower.
 - (iii) Adequate buffering shall be required.

- (iv) Any tower visible from a residential or mixed use zoning district should be disguised so as to not be recognizable as a telecommunications tower when viewed from the residential district.
 - (v) Towers shall be so situated upon the site upon which they are erected to be no closer than the height of the tower from any boundary of the site. For example, a 100-foot tower must be surrounded by at least 100 feet of property in all directions, as measured from the base of the tower, which property shall be owned by the same owner as the property upon which the tower situated.
 - (vi) Any tower upon which use has been abandoned for more than 180 days shall be removed upon 60 days' notice by the City unless usage resumes within the 60-day period.
 - (vii) No signage of any type shall be allowed upon any tower erected, unless required by the Federal Aviation Administration.
 - (viii) Any lighting must be shielded to fall within the confines of the property, unless otherwise required by the Federal Aviation Administration.
 - (ix) All towers shall be designed and constructed in such a way as to permit and accommodate at least one (1) other provider of wireless communications services. Providers are required, before filing for a special exception for a tower or placement of an antenna on an alternative support structure, to investigate the possibility of co-locating such facility on a tower or alternative support structure already in use by one (1) or more other providers of service. Each applicant for a tower or placement of an antenna on an alternative support structure, shall be required to certify in writing, as part of the application process, that it has investigated the possibility of co-location and that there are no towers or alternative support structures reasonably available on which the applicant could co-locate its antenna and reasonably meet its technical and service requirements.
- (23) *Truck Stop.* (Allowed in M-2) A special exception use may be granted under the following conditions:
- (i) Must be located with 0.5 miles of an I-75 interstate interchange.
 - (ii) The proposed site shall front an arterial road.
 - (iii) The facility shall be compatible with the adjacent area.
 - (iv) A traffic impact study shall be required for justification that the project will not result in a reduction of Level of Service (LOS) on roadways serving the project.

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) *Decision.* Staff shall review a temporary use permit request and the Development Services Director shall approve, approve with conditions or deny the request.
- (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. Multiple renewals of the temporary residence for additional terms not to exceed three years each may be approved, approved with conditions or denied by the Development Services Director. 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.
 - (b) 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.
 - (c) 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.
 - (d) The caregiver's residence shall be connected to City water, wastewater, and reuse where available.
 - (e) 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 be approved, approved with conditions or denied by the Development Services Director.
 - (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.
- (3) *Emergency situations.* A temporary second principal residence (such as an RV or mobile home) on one (1) parcel of record may be allowed in cases where the primary principal residence is determined to be uninhabitable due to excessive damage, destruction, or health conditions. Due to the extreme nature of these cases, the review and approval process for the temporary use permit may be waived by the Development Services Director.
 - (a) The maximum period for which approval may be given is six (6) months. Each renewal be approved, approved with conditions or denied by the Development Services Director. In order to be eligible for an extension of the temporary use, the resident shall provide documentation and irrefutable proof that steps are being taken to improve the conditions on the primary principal residence.
 - (b) The residence shall be required to connect to City water, wastewater, and reuse where available.

- (c) The temporary use permit shall only be issued under these circumstances if the conditions of the primary principal residence are determined to result in an unnecessary and undue hardship upon the owner and the conditions are not determined to be self-created.
- (4) *Temporary structures or facilities due to construction or reconstruction.* Temporary structures or facilities to be used as a residence, or office for public use, during construction, repair or renovation of principal structure, including the use of mobile homes.
 - (a) No temporary use shall commence unless and until a valid building permit has been obtained to construct, repair or renovate the principal structure on the property where the temporary structure is to be placed.
 - (b) The maximum period for which approval may be given is one (1) year. Renewals shall only be approved as is reasonably necessary to allow the proposed occupants of the principal structure to complete the construction, repair or renovation work necessary to make such building habitable.
 - (c) The temporary structure or facility must be located on the same parcel as the structure under construction and occupied by the residents of the primary structure.
 - (d) The temporary structure shall be required to connect to City water, wastewater, and reuse where available.
 - (e) Any permits required for the installation of temporary structures or facilities shall be obtained prior to commencement of the use.
 - (f) The temporary structure or facility must be removed from the property within thirty (30) days of the expiration of the temporary use permit, or not later than thirty (30) days after occupancy of the principal structure. A temporary use permit will be considered terminated if at any time the principal structure building permit becomes invalid.
 - (g) Temporary use permits for the temporary use of mobile homes, trailers or recreational vehicles utilized due to construction activities shall be approved by the Development Services Director.

3.11. RESERVED.

3.12. Variances.

(A) *Conditions.* A variance may only be granted where, owing to special conditions as outlined below in this section, a strict literal enforcement of the provisions will, in an individual case, result in unnecessary and undue hardship upon the owner of the subject property or structure or upon the applicant for the variance. To warrant a variance, the specific property or building must exhibit one or more of the special features identified below which are not generally characteristic of properties or structures in the zoning district:

- (1) Substantial and exceptional narrowness, shallowness, geometry or small size of the property or buildings on said parcel of property inhibits the property from meeting the specifications set forth in this Code.
- (2) Substantial and exceptional topographical conditions.

- (3) Other substantial, extraordinary or exceptional situation(s) or condition(s) which are not generally prevalent in the zoning district as deemed appropriate by the Planning and Zoning Board.
- (B) *Procedure.* Before the Planning and Zoning Board may grant a variance, the following actions must be taken.
- (1) *Application.* A completed application must be submitted to the Development Services Department. Before the application is processed, the Development Services Department must verify that the application is complete. This application must also provide a discussion of why a variance is necessary and appropriate.
 - (2) *Hearing notice.* Public notice must be provided at least ten (10) calendar days prior to the public hearing date. Public notice shall consist of advertisement in a local newspaper, mailing notices to adjoining property owners, as designated on the Sumter County tax roll and posting an 8.5" x 11" placard supplied by the City along the public roadway adjacent to the subject property in a location visible to the general public.
 - (3) *Review process.*
 - (a) A written staff report is to be prepared by the Development Services Director and submitted to the Planning and Zoning Board. This report shall contain a determination regarding the completeness of the application and any recommendation regarding the variance. A copy of this report shall be available at the Development Services Department of the City of Wildwood within five (5) days of the public hearing.
 - (b) The Planning and Zoning Board is to conduct a public hearing on the variance application in a public place as specified by the Board. Any person may attend this hearing and provide reasonable and pertinent comments pertaining to the variance.
 - (c) The Planning and Zoning Board must make a determination that a variance is appropriate and that the granting of the variance will not adversely affect the public interest. If the board determines that a variance is not appropriate, it must state its reasons.
 - (d) The Planning and Zoning Board must provide written findings certifying that the board has complied with the specific rules governing individual variances and that satisfactory provisions and arrangements have been made concerning the following items (where applicable):
 - (i) Egress and ingress to the property and proposed structures thereon, including automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (ii) Parking and loading areas with particular reference to the factors mentioned above.
 - (iii) The location, availability, and compatibility of utilities (i.e., sewer, water, reuse, electricity, gas, and telephone).
 - (iv) Screening, buffering, open space and landscaping with reference to the type, dimensions, and character of the proposed lot(s), structure(s), and use(s).
 - (v) The economic, fiscal, noise, odor, pollution, erosion, drainage, and public safety impacts of the variance upon adjoining properties, properties generally in the same zoning district, the community as a whole, and historic resources.

- (vi) General compatibility with adjacent properties and structures, other properties and structures in the district, and other properties and structures in the surrounding area and community at large.

3.13. Density Bonuses.

- (A) *General.* Density bonuses, at the discretion of the City Commission, may be awarded as incentives for developers to provide certain aspects that benefit the community. Applicants seeking a density bonus shall notify the Development Services Director.
- (B) *Affordable housing density bonus.* Developments may achieve up to a 25% increase in the maximum allowable density in the respective zoning district in exchange for the construction of affordable housing units. Affordable housing is defined as housing meeting the needs of households with very low, low or moderate income where the monthly mortgage or rent expenses do not exceed thirty percent (30%) of the household's monthly income. The City Commission may award a density bonus provided the following criteria are met:
 - (1) The development proceeds as a planned development;
 - (2) The planned development agreement shall reserve at least 20% of the total housing units, not including the bonus units, for affordable housing;
 - (3) The site plan clearly identifies the location of those units accounting for the affordable housing bonus;
 - (4) The development is located within a zoning district which allows a density of four (4) units per acre or greater;
 - (5) Building size and massing, site layout and design, architectural characteristics, and landscaping features of the development are compatible with or enhance the surrounding land use character; and
 - (6) The development is not considered a Development of Regional Impact.
- (C) *LEED Silver rating.* Developments may achieve up to a 25% increase in the maximum allowable density or intensity in the respective zoning district in exchange for the development of Green Buildings. Green Buildings shall achieve LEED Silver rating or higher as defined by the United States Green Building Council (USGBC). The City Commission may award a density bonus provided the following criteria are met:
 - (1) The developer has submitted a letter of intent that communicates their commitment to achieve a LEED Silver rating or higher;
 - (2) The development must provide documentation demonstrating the achievement of the rating prior to issuance of a certificate of occupancy;
 - (3) Building size and massing, site layout and design, architectural characteristics, and landscaping features of the development are compatible with or enhance the surrounding land use character; and
 - (4) The development is not considered a Development of Regional Impact.

3.14. Community Residential Homes.

- (A) *State requirements.* The requirements and standards of F.S. 419.001 shall be met, if applicable.
- (B) *Permitted.* Community residential homes shall be allowed in zoning districts pursuant to TABLE 3-6.
- (C) *Distance requirements.* Community residential homes of six or fewer residents shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents or within a radius of 1,200 feet of another existing community residential home with 7 or more residents as

measured from the nearest point of the existing home to the nearest point of the proposed home. Any community residential home that is located within a planned development is not subject to these proximity requirements.

3.15. Home-based Businesses.

- (A) *Purpose.* It is the purpose of this section to provide for the orderly conduct of a limited commercial activity on property otherwise zoned for residential purposes.
- (B) Unless otherwise expressly permitted by applicable statutes or residential zoning regulations, including, but not limited to, mixed-used development plans and agreements for planned unit development, only commercial activity meeting the definition of a home-based businesses, as defined in § 559.955, Florida Statutes, is permitted on property zoned for residential use.
- (C) All home-based businesses located on property zoned for residential purposes must operate subject to the following provisions, conditions and restrictions:
 - (1) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may reside at the business. The business may have additional remote employees that do not work at the residential dwelling.
 - (2) Parking related to the business activities of the home-based business must comply with the zoning requirements applicable to other residential properties within the same zoning classification, and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Home-based businesses must comply with any regulations pertaining to the operation or parking of vehicles and trailers to residences where no home business is conducted. Any vehicles or trailers used in connection with the home-based business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces of the residence.
 - (3) As viewed from the street, the use of the residential property must be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.
 - (4) No heavy equipment, defined herein as commercial, industrial, or agricultural vehicles, equipment, or machinery, may be parked or stored such that it is visible from the street or a neighboring residential property.
 - (5) The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
 - (6) The activities of the home-based business must be secondary to the property's use as a residential dwelling.
 - (7) The business activities conducted at the residence must comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors as such regulations apply to other residences where no business is conducted.

(8) All business activities conducted at the residence must comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids as such regulations would apply to a residence where no business is conducted.

- (D) *Code Enforcement.* The City's Code Inspector shall enforce the requirements and standards of F.S. 559.955 and this Section 3.15. Anyone or any entity operating a home-based business in a manner inconsistent with F.S. 559.955 and this section is in violation of this code, and the city may enforce these provisions by any legal remedy available or as otherwise directed by general law, including, but not limited to, code enforcement proceedings or an action to enjoin any violations of this section.
- (E) Nothing herein may be deemed to excuse or exempt the owner or operator of a home-based business from paying any taxes, including business tax receipts, that may be due and owing in connection with the operation or establishment of any such business or complying with any federal or state occupational or licensure requirements.
- (F) *Intent.* It is the intent of this code provision to be interpreted in harmony with general law pertaining to home-based businesses, and in the event of any conflict with such general law, general law will govern and control the interpretation and application of this Section 3.15.

3.16. Mobile Home Parks.

- (A) In addition to standards and requirements set forth elsewhere in this Code, no mobile home park shall be permitted unless the project conforms to the standards provided in this section. Mobile home park subdivisions shall follow the approval process outlined in the Chapter 5, while rental parks will follow the procedures for site plan approval outlined in Chapter 4.
- (B) Any mobile home park subdivision developer who desires to sell lots within a park's confines shall construct all streets and utilities to City specifications and shall in all other respects, comply fully with the City subdivision regulations while being allowed to follow lot sizes, setbacks, etc., as set forth in this Chapter. Mobile home rental parks that wish for the City to take over and maintain their streets, drainage system, etc. must also follow the requirements within the subdivision regulations.
- (C) The following requirements are for mobile home parks having a common real property ownership and renting lots to individual tenants. Mobile home parks that execute private ownership agreements must also follow these requirements.
- (1) *Mobile home stand.*
 - (a) Each mobile home shall be located on a stand that will permit each unit to be sufficiently supported and anchored as in compliance with the state standards for anchoring mobile homes.
 - (b) Each approved mobile home stand shall be clearly defined by stakes or other markers which physically delineate the location of each stand within the mobile home park.
 - (c) A skirt or apron shall surround each mobile home between the bottom of the unit and the ground. This skirt or apron shall be continually and properly maintained.
 - (2) *Street or driveway improvements.* All street or driveway improvements shall meet the requirements stipulated in the section of this Code addressing such improvements.
 - (3) *Street lighting.* All streets shall be lighted at night or other periods of darkness in accordance with City standards.
 - (4) *Open space.* A minimum of 15 percent of the land area within the mobile home park shall be designed for recreation and open space purposes.

- (5) *Drainage.* All mobile home parks must meet the drainage design and construction provisions specified in Chapter 6 of this Code.
- (6) *Mobile Home Park Perimeter Setbacks.* In addition to the individual lot setbacks required in Table 3-4: Density, Intensity, and Lot Standards, Mobile home parks shall have the following park perimeter setbacks:
 - (a) Front: 35 feet.
 - (b) Side: 25 feet each side.
 - (c) Rear: 25 feet.
- (7) *Parking and signs.*
 - (a) No parking areas or signs shall be permitted except in accordance with this Code.
 - (b) No parking shall be allowed on any mobile home park access or circulation driveway.
- (8) *Expansion of existing mobile home parks.* Whenever the owner or operator of a mobile home park proposes to expand the existing mobile home park, the plans for such expansion shall be submitted and approved in the same manner as plans for a new mobile home park.
- (9) *Replacement mobile homes.* Any mobile home constructed prior to 1981 shall not be allowed as a replacement home.

3.17. Recreational Vehicle (RV) Parks.

- (A) *Purpose.* The purpose of this section, applying to recreational vehicle parks, travel trailer parks, and campgrounds, is to provide an environment in which recreational vehicles may be located to enhance the enjoyment of leisure time activities on a temporary basis, and to provide a means whereby the use occurring upon the land will be made more compatible with surrounding properties. The following provisions shall apply to RV parks permitted by this Code.
- (B) A campground or RV park shall include a parcel of land under unified management which has been planned, designed and constructed for the placement of recreational vehicles for temporary occupancy of spaces for recreational purposes. In no case shall a recreational vehicle be occupied as a living quarter for more than six months out of any 12-month period. During the time that the recreational vehicle is not occupied as temporary or seasonal quarters, it may be stored and tied down on the recreational vehicle site. The affixing of a recreational vehicle to the ground by way of tie downs or other removable fasteners, and the attachment of additions by way of removable attaching devices, shall not render the recreational vehicle a permanent part of the recreational vehicle site.
- (C) A recreational vehicle shall include:
 - (1) *Travel trailer.* A vehicular, portable structure built on a chassis, designed as temporary living quarters for travel, recreation and vacation, having a body width of no more than 8 ½ feet and an overall body length not exceeding 40 feet when factory equipped for the road.
 - (2) *Pickup coach.* A structure designed to be mounted on a truck chassis for use as temporary living quarters for travel, recreation and vacation.
 - (3) *Motor home.* Portable temporary living quarters to be used for travel, recreation and vacation constructed as an integral part of the self-propelled vehicle.
 - (4) *Camping trailer.* A canvas or other collapsible folding structure, mounted on wheels, designed as temporary living quarters for travel, recreation and vacation use.
 - (5) *Park trailer.* A transportable unit which has a body width not exceeding 14 feet which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. Units constructed to ANAI A-19.5 shall not exceed 400 square feet. Units constructed to the U.S.

Department of Housing and Urban Development standard shall not exceed 500 square feet. All measurements are to be taken along the exterior when in a setup mode. All "park trailers" must be set up and anchored as established by the Florida Building Codes.

(D) *Master park plan permit.*

- (1) A master park plan permit is required prior to any construction, extension, alteration or disturbance of the land or its natural features and vegetation. All proposed master park plans shall be reviewed in accordance with the Chapter 4.
- (2) Prior to the issuance of a master park plan permit, the plan must be approved by the City Commission.
- (3) No building permit shall be issued prior to the review and approval of the master park plan.

(E) *General provisions.*

- (1) RV parks shall be a permitted use in MHP and a special exception in C-3 pursuant to TABLE 3-6.
- (2) As a condition of the master park plan approval, the following accessory uses may be permitted: Commercial and non-commercial, low intensity recreation facilities, park offices, maintenance facilities, dumping stations, toilets, showers, laundry facilities, tourist oriented retail developments, such as retail sales establishments, personal service establishments, food service establishments, child care centers, RV model units, or sales and service establishments, mobile home, single family detached dwelling or single family attached dwelling, with a limit of two dwelling units maximum, for the exclusive use of the park management or caretaker, enclosed storage structures and storage garage facilities, with use limited to park residents only. No such structures shall be located within any required yard setback, any required perimeter buffer of the RV park, or any utility or drainage easement.
- (3) All permitted accessory uses are subject to the following limitations:
 - (a) Such uses shall be conducted solely for the convenience of the occupants and guests of the park, if the park is not zoned C-3;
 - (b) Such retail establishments shall be oriented to the interior of the park unless the park is located in C-3; and
 - (c) Such uses and the parking areas primarily related to their operations shall not occupy more than five percent (5%) of the acreage of the park, except for non-commercial, outdoor recreation facilities, unless the park is located in a commercial district.

(F) *Specific provisions.* All campgrounds and RV parks are subject to the following additional provisions:

- (1) All such parks shall contain a minimum of ten (10) acres;
- (2) There shall be a building setback of 150 feet from any road right-of-way for any commercial building or accessory building, unless the park is located in a commercial district;
- (3) Property adjacent to federal, state, or County highways shall maintain a minimum building setback of 50 feet from the highway right-of-way for any structure or RV. The minimum building setback for property adjacent to interior roads shall be 20 feet;
- (4) All RVs and additions must maintain a five (5) foot side setback and an eight (8) foot setback rear setback;
- (5) In parks allowing the use of "park trailers" or "park models" that were established prior to 1990, there shall be an area established for such "park trailers" or "park models" and for other trailers, RV's, and motor homes that are not used in a transient manner, but are placed in the RV park or campground for a period of three (3) months or more, separate from the area established for recreational units that are to remain placed in the park for less than three (3) months, so as to prevent intermingling of transient and non-transient structures and vehicles;

- (6) In parks allowing the use of "park trailers" or "park models" that were established after 1990, there shall be an area established for such "park trailers" or "park models" separate from the area established for other types of recreational units so as to prevent intermingling;
- (7) A well-maintained, landscaped buffer of a least five (5) feet is required around the perimeter of the park;
- (8) Each space shall contain a minimum of 2,400 square feet in area. The density of existing and future RV parks will not exceed ten (10) spaces per acre of land;
- (9) Each space shall abut at least 20 feet on a paved roadway or street, which shall have an unobstructed width of 20 feet for two-way drives and 12 feet for one-way drives;
- (10) Adequate trash disposal facilities shall be provided with easy access from each site.
- (11) Each space shall be identified by a marker clearly visible at a minimum distance of 20 feet;
- (12) All additions and attachments located on individual spaces must be constructed to meet standard building codes. Such additions or attachments shall include carports, storage sheds, cabanas, screen rooms, pull-out or tip-out units, skirting and awnings, and shall be permitted in accordance with the requirements applicable to mobile home dwellings, except as qualified below:
 - (a) No such structure shall be attached to any RV having a vehicular body length less than 21 feet;
 - (b) Such structures shall be designed to be removable. They may be attached to the RV and parking or patio pad;
 - (c) No such structure shall be located within any required yard setback, any required perimeter buffer of the RV park, or any utility or drainage easement, and shall have no sewer or water connections;
 - (d) No such structure shall be more than 10 feet wide, nor extended lengthwise beyond the front or rear of the RV. However, attachments may extend beyond the RV on units with a rear opening or irregular shaped lot where the placement of the attachment alongside the RV would result in an encroachment into the setback area;
 - (e) In parks established prior to 1990, no such structure shall be allowed in the area of the park designated for transient vehicles; and
 - (f) All structures in any park shall be properly permitted as required by state and local law.
- (13) All "park trailers" or "park models" shall be required to obtain permits prior to set-up or connection to utilities.

3.18. Nonconforming Lots, Structures, and Uses.

- (A) Nonconforming lot size or structure size alone, when same was in lawful existence prior to the adoption of this Code, shall not constitute such a nonconforming use as to cause any of the provisions set forth herein to apply.
- (B) A nonconforming structure may be maintained, and repairs and alterations may be made; however, in a building which is nonconforming as to use, no structural alterations shall be made except those required by law. Repairs, such as plumbing, the changing of partitions or other interior alterations, are permitted. The expense of any such work shall not exceed 50 percent of the assessed value of the building or structure.
- (C) Nothing in this Code shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming structure which existed before the adoption date of this Code and was damaged by

fire, collapse, explosion, or acts of God wherein the expense of such work does not exceed 50 percent of the assessed value of the structure at the time such damage occurred.

- (D) A nonconforming use of land or structure shall not be extended or enlarged to occupy a greater area of land or structure than was occupied as of the date of adoption of this Code.
- (E) When a nonconforming use of land or structure has been abandoned for 180 days or longer, its future use shall revert to the uses permitted in the district in which said land is located. A nonconforming use shall be considered abandoned:
 - (1) When the intent of the owner to discontinue the use is apparent, or
 - (2) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment, unless other facts show intention to resume the nonconforming use, or
 - (3) When it has been replaced by a conforming use.
- (F) No nonconforming structure or land use shall be changed to another nonconforming use.

3.19. The Villages of Wildwood DRI Zoning District.

- (A) *Intent.* The purpose and intent of the Villages of Wildwood DRI zoning district (referred to in this section as “Zoning District”) is to create a customized district to reflect the unique characteristics of the Villages of Wildwood DRI. The Zoning District applies only to the Villages of Wildwood DRI, which is only a portion of and supports the larger Villages of Sumter DRI within Sumter County. The Zoning District is planned for a town center, office, commercial, institutional and other uses providing mostly nonresidential land uses which support the larger residential portion of the Villages of Sumter DRI. The Villages is a mature project with most of the residential units, street system, parks, recreation and amenities in place to serve its residents. For these reasons, the Wildwood portion needs to maintain continuity with the remainder of The Villages of Sumter DRI while also recognizing the Zoning District is a support to the much larger portions within Sumter County. Thus, any requirements must consider the Villages as a whole and not simply the portion within the City. For these reasons, these specified zoning provisions are needed to provide clarity and continuity for the future development of The Villages of Wildwood DRI. This Zoning District implements The Villages of Wildwood DRI future land use map category on the Comprehensive Plan Future Land Use Map. This Zoning District also supports the coherent, flexible and creative concepts of site planning displayed within The Villages which:
 - (1) Accomplish a more desirable community and environment than would be possible through the strict application of traditional zoning requirements.
 - (2) Provide a stable community and environmental character compatible with surrounding areas and the character of the site.
 - (3) Create functional and attractive developments.
 - (4) Preserve the natural amenities of the land by providing scenic, functional and interconnected open areas.
 - (5) Provide for an efficient use of land resulting in an optimum network of utilities and streets and thereby minimizing infrastructure, development and costs.
- (B) *Design standards.* The Villages of Wildwood DRI will be developed consistent with the design standards contained in The Villages of Wildwood DRI Development Order adopted by resolution on November 10, 2008 (the DRI Development Order), the Memorandum of Agreement between the City of Wildwood, The Villages of Lake-Sumter, Inc., and Acorn Investments, LLC, (MOA) and/or the Conceptual Master plan. The density, intensity, land uses, and land use mix are provided in the DRI Development Order and Master plan. Lot size, setback requirements, right-of-way widths and other design standards are contained in the MOA with the City. These design standards provide the

parameters that assure this development promotes compatibility with surrounding land uses, assure appropriate supporting infrastructure while minimizing public infrastructure costs, preserve and enhance the natural amenities of the land, conserve natural resources, and provide open spaces appropriate to the type of development proposed. It is the intent of this section to allow dialogue and flexibility of design standards within the master planning process between the developer and the approving authorities.

(C) *Code of ordinances.* The Villages of Wildwood DRI will be developed and operate consistent with the general and permanent Ordinances of the City of Wildwood adopted on October 12, 1992 and effective on October 12, 1992. The following City of Wildwood Codes will not apply to The Villages of Wildwood DRI:

ARTICLE VII.	PLANNING AND ZONING.
Section 7-3.	Plats required for subdivisions.
Chapter 3	Advertising
ARTICLE I.	IN GENERAL
Section 3-1.	Sound trucks and sound amplifying devices.
Section 3-2.	Posting bills, etc.
Section 3-3.	Placing banners, etc., across streets.
Section 3-4.	Sign placement; visual standards.
Chapter 4	ALCOHOLIC BEVERAGES
ARTICLE I.	IN GENERAL
Section 4-2(a)	Consumption and use in public places and on private property.
Sec. 4-5. (a)	Sale prohibited near church or school.
Sec. 4-8. (b)	Business hours.
Chapter 9	HEALTH AND SANITATION
Sec. 9-13.	Location of trailers used for human occupation, entertainment or preparing meals.
Chapter 11	LICENSES AND BUSINESS REGULATIONS
ARTICLE VI.	PEDDLERS AND SOLICITORS
Sec. 11-218.	Transient merchants prohibited.
Sec. 11-223.	Time limitation for stops for vending.
Chapter 12	MOTOR VEHICLES AND TRAFFIC
ARTICLE III.	OPERATION OF VEHICLES
Sec. 12-57.	Parades, processions; permits required; exception.
Chapter 13	OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE IV.	PUBLIC NUISANCES INFRINGING UPON RIGHT OF OTHERS TO QUIET ENJOYMENT OF HOMES, BUSINESSES, OR OTHER PROPERTY
Sec. 13-102. (4) a.	DEFINITIONS
Chapter 15	SOLID WASTE AND WEEDS
ARTICLE II.	REFUSE SERVICES
Chapter 16	STREETS AND SIDEWALKS
Sec. 16-1.	Excavations in streets - - Permit required.
Sec. 16-10.	Prohibited uses within road right-of-way; permits; temporary road closings. (a)(1), (a)(2), (a)(5), (b), (c)
Chapter 18	TREES
ARTICLE II.	TREES ON PUBLIC PROPERTY
DIVISION I.	GENERALLY

Sec. 18-27.	Street tree species to be planted.
Sec. 18-28.	Spacing.
Sec. 18-29.	Distance from curb and sidewalk.
Sec. 18-32.	Public tree care.
Sec. 18-37.	Arborist's permit and insurance.
Chapter 19	UTILITIES
ARTICLE II.	USE OF WATER AND SEWER SERVICES GENERALLY
Sec. 19-26.	Connections with waterworks system required.
Sec. 19-27.	Connections with sewer required.
ARTICLE III.	WATER
DIVISION 3.	RECLAIMED WATER
Together with such amendments thereto or subsequent adopted codes addressing the same or substantially similar issues.	

- (D) *Layout.* The Villages of Wildwood MOA will establish the minimum lot widths and size, building setbacks, impervious surface ratios and other design details consistent with the conceptual master plan. The design of The Villages of Wildwood DRI as adopted by the DRI Development Order provides for the needed roadway connections to both the remainder of The Villages of Sumter DRI and the City of Wildwood.
- (E) *Implementation, maintenance, and enforcement.* The Villages of Wildwood DRI shall be developed consistent with the following requirements:
- (1) An approved conceptual master plan and design standards as specified in the MOA detailing specific layout and design features that deviate from the standards contained in the City's Land Development Regulations.
 - (2) A MOA between the developer and the City specifying the details of the responsibility for the provision of infrastructure and its maintenance.
 - (3) Any areas within The Villages of Wildwood DRI designated as preservation areas for habitat enhancement, wetland enhancement, or as an expansion of an existing wildlife corridor, must be subject to a conservation easement as defined in F.S. § 704.06 and, if applicable, as required by a Water Management District Environmental Resource Permit or as required by a Wildlife Habitat Management Plan for a DRI with a third party entity approved by the City Commission. The third party entity may be a public entity or a non-profit agency with long term experience in maintenance of conservation areas.
 - (4) Plans for habitat enhancement, wildlife management programs, and wetlands enhancements must be designed by a certified biologist, must use best management practices, and meet the approval of the state agency with general or specific authority, jurisdiction and permitting over the usage.
 - (5) A Community Development District (CDD) may be established and maintained with the duty and authority to implement and maintain the common areas, infrastructure, easements, contracts and agreements as required to comply with the approved master plan of development. Until the CDD is established, the developer/owner or property owner's association established to assure such responsibilities shall be responsible for all implementation and maintenance necessary to comply with the approved master plan of development.
 - (6) Failure of such parties to maintain the provisions of the approved master plan of development shall be a violation of this section and subject to Code compliance action.
- (F) *Open space.* Open space requirements are waived within The Villages of Wildwood DRI Zoning District due to the project envisioned within the Zoning District and the level of open space provided overall

within the larger The Villages of Sumter DRI. However, the Zoning District will include open space and public gathering areas consistent with the character of the other town centers within The Villages. While open space may be used for stormwater management, the primary goal is to foster natural areas, provide an opportunity to maintain or restore native habitats and to enhance the experience visitors and residents have of the area.

- (G) *Design standards.* The design standards for the Zoning District will be as established within the MOA with the City. The MOA may include a description of all design features that deviate from the standards contained in the City's land development regulations and/or an alternate design manual that may be used in lieu of the City's land development regulations for this project. Should the development requirements of a particular phase deviate from the standards in the MOA, then the developer may submit a request to modify the development standards for that particular phase. If approved, these design standard modifications shall be incorporated into the MOA approved with the site plan and/or plat for that phase of development as directed in the MOA. All of the design and development standards that deviate from the City's land development regulations shall be incorporated into the MOA between the City and the developer that must be submitted and approved with the approval of the site plan and/or plat approval as directed in the MOA.

3.20. Excavation and Mining.

- (A) *Purpose and intent.* Excavation and mining are permissible pursuant to TABLE 3-6. It is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community. As such, the City shall limit the potential location of such uses to the lands south of the Florida Turnpike
- (B) *Permittee.* Excavation and mining permits are issued jointly to the property owner and excavator designated therein. A change in owner or excavator shall be reported to the City Commission, in writing, by certified mail, within 30 days of such change by the new owner or excavator. For mining projects that require blasting, the property owner must own a minimum of 1,000 contiguous acres where the proposed mining is to occur. The permitting process for mining will follow the site plan process.
- (C) *Improper activity.*
- a. *Circumvention.* Subdivision of property for the purpose of circumventing the intent of the excavation limit requirements of this Chapter is specifically prohibited.
 - b. *Dumping.* Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation not permitted for such under local and state laws and said dumping shall be cause for suspension or revocation of the conditional use permit.
- (D) *Blasting.* Blasting shall be regulated by the Florida Department of Financial Services, Division of State Fire Marshal and Chapter 69A-2, Florida Administrative Code.
- (E) *Pumping.* Pumping shall be regulated by FDEP and or SWFWMD as applicable.
- (F) *Development standards for excavation. The development standards for excavation are as follows:*
- (1) *Buffers and screening.* No excavation shall occur within 100 feet of adjoining property owned by others or the right-of-way of any public road or street, except no setback is required where a hill or elevation is removed to bring the level of the property into conformity with the natural elevations of the surrounding area.
 - (2) *Side slopes.* The area being lowered shall be sloped at a rate of not more than 1 foot vertically to 3 feet horizontally (1':3') above the water table. The area being lowered may be sloped at a rate of 1 foot vertically to 1 foot horizontally (1'1') below the water table.

- (3) *Reclamation.* Upon completion each excavation shall be reclaimed so as to permit use of the land in conformity with the existing land use zone and usage of the surrounding area.
- (a) At a minimum, excavation activities, including location of pits, depths, cubic yards excavated, and time constraints shall conform with any applicable FDEP Reclamation Plan.
- (G) *Development standards for mining.* The development standards for excavation are as follows:
- (1) *Buffers and screening.* The development standards for buffers and screening are as follows:
- (a) Except for monitoring wells and wildlife relocation activities, all mining activities shall maintain an activity separation as follows:
- (i) For limerock mining 100 feet from any public right-of-way or public or private easement for drainage, utility or road purposes; 200 feet from churches, schools, parks, hospitals, and/or similar public uses; and 100 feet from all other property lines.
- (ii) For other materials 100 feet from any public right-of-way, or public or private easement for drainage, utility or road purposes, 200 feet from churches, schools, parks, hospitals, and/or similar public uses; and 50 feet from all other property lines.
- (b) Separations established by the approved site plan shall be marked in a manner acceptable to the City prior to initiation of any active phase of mining. Such markers shall remain until mining activities are concluded.
- (c) Mining activities conducted within 1,000 feet of a public road shall be screened from view from that road by an earth berm or other suitable device, installed by the mine operator, sufficient to provide 100 percent opacity to a minimum height of ten (10) feet.
- (d) When earth berms are used, the toe of slope nearest the public road shall be at least 25 feet from the edge of said road right-of-way.
- (e) Earth berms within 300 feet of a public road shall be constructed with slopes gentle enough to permanently support ground cover without any noticeable erosion. Promptly after construction, berms shall be permanently vegetated to present an attractive appearance and prevent soil erosion. Berms will be maintained in such condition for the duration of the mining activity.
- (2) *Aquifer drawdown.* When dewatering is proposed it shall be regulated by SWFWMD as applicable
- (3) *Surface water management.* Surface water management shall be regulated by FDEP and/or SWFWMD as applicable.
- (4) *Traffic circulation.* Traffic circulation shall adhere to the following:
- (a) Adequate ingress and egress areas shall be provided on-site so that loading operations, etc. do not require standing or stopping on public road rights-of-way;
- (b) Any haul road connection to any public road is to be constructed and maintained to the satisfaction of the applicable governing agency.
- (c) Interior devices or procedures shall be used to reduce the accumulation of limerock material and water on public roads, to the satisfaction of the applicable governing agency. Whenever, upon notice from the applicable governing agency, an accumulation of material or water from the mining operation renders the condition of a public road unacceptable, the operator shall promptly correct such condition, at his expense, in a manner acceptable to the applicable governing agency.

- (5) *Air pollution.* Mining equipment shall be properly maintained and operated, and mining operations shall be conducted, to minimize air pollution.
- (6) *Reclamation.* Reclamation shall be regulated by FDEP and/or SWFWMD as applicable.

3.21. Mixed Use Centers.

- (A) *Intent.* Mixed use centers are intended to promote and allow for compact and walkable development and redevelopment in suitable locations throughout the City. Developments within a mixed use center are permitted to, but are not required to, exceed the maximum density and intensity of the underlying zoning district. Developments which exceed the maximum density or intensity shall proceed through the planned development approval pursuant to Chapter 8 of this Code.
- (B) *Boundary and expansion.* Mixed use centers shall be delineated on the zoning overlay map. The City may allow a development containing a parcel that encroaches within a mixed use center to expand the boundary of the mixed use center within said development site.
- (C) *Types.*
 - (1) *Employment mixed use centers.* Developments within employment mixed use centers are encouraged to contain minimum densities of 12 units per acre and minimum nonresidential intensities of 0.5 FAR. The planned development agreement shall establish the maximum allowable dwelling units and nonresidential square footage permissible within the development.
 - (2) *Neighborhood mixed use centers.* Developments within neighborhood mixed use centers are encouraged to contain minimum densities of 10 units per acre and minimum nonresidential intensities of 0.25 FAR. The planned development agreement shall establish the maximum allowable dwelling units and nonresidential square footage permissible within the development.
- (D) *Performance standards within mixed use centers.* Developments within mixed use centers which opt to exceed the maximum density or intensity of the underlying zoning district are intended to be transit ready, contain multi-modal infrastructure, and utilize land, energy, and resources efficiently. The planned development agreement shall outline specific performance standards for developments contained within a mixed use center. At a minimum these standards shall include the following:
 - (1) Streets are to be designed in a grid network with walkable block perimeters;
 - (2) Incorporation of pedestrian and bicycle facilities
 - (3) Demonstration that the development is transit ready;
 - (4) Unified architectural design;
 - (5) Utilization of shared infrastructure including parking, loading and stormwater facilities;
 - (6) Urban design features which create a vibrant civic and social environment such as trails, paths, parks, pedestrian plazas, public art, social gathering areas and other similar features; and
 - (7) Methods to reduce water and energy consumption.

3.22. Parking of Semi-Trucks and Semi-Trailers.

- (A) *Purpose.* The purpose of this Section is to regulate the parking of semi-trucks and semi-trailers anywhere within the City limits, including any parking upon streets, rights-of-way, public property, and private property.
- (B) *Definitions.* The following terms shall be defined for purposes of this Section as follows:
 - (1) *Donation trailers* shall mean semi-trailers that are owned and operated by registered non-profit organizations and are intended for the collection of donated goods.

- (2) *Property owner* shall mean the owner of real property.
 - (3) *Semi-trailer* shall mean a trailer without motor power with a set or sets of wheels and/or axles at the rear only, designed to be supported by a truck, tractor, or towing vehicle.
 - (4) *Semi-truck* shall mean any heavy automotive vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more, used for transporting loads of any kind, including, but not limited to, gravel trucks, dump trucks, log trucks, all trucks, tractors, or automotive towing vehicles that tow semi-trailers.
 - (5) *Semi-truck owner* shall mean the person who is the owner of a semi-truck and/or semi-trailer.
- (C) *Parking of semi-trucks and semi-trailers on private property.* Parking of semi-trucks and semi-trailers on private property is prohibited in the City unless the property is located within the PEU, M-1, or M-2 zoning district, or a Special Exception has been granted allowing such parking in accordance with Section 3.9.
- (D) *Parking of semi-trucks and semi-trailers upon public streets, rights-of-way, and other public property.*
- (1) Semi-trucks shall not be parked upon public streets, rights-of-way, or any other publicly owned property in the City, except for purposes of pick-up or delivery, unless the property is located within the PEU, M-1, or M-2 zoning district.
 - (2) Semi-trucks or semi-trailers may be parked for up to 30 minutes for pick-up or delivery in all circumstances except where the pick-up or delivery involves complete relocation of the contents of a building such as when a person, family, or entity is relocating to a new home or office.
 - (3) When a person is relocating the contents of a building, pick-up or delivery by a semi-truck may continue for up to twenty-four (24) hours.
 - (4) Semi-trailers not connected to semi-trucks shall not be parked on public streets, rights-of-way, or other publicly owned property for any purpose within the City unless the property is zoned PEU, M-1, or M-2 or a Special Exception has been granted.
 - (5) The parking or placement of donation trailers is prohibited on public streets or any other public property.
 - (6) Enforcement against semi-truck drivers and semi-truck owners shall be in accordance with subsection (G) of this Section.
- (E) *Permit Required for Donation Trailers.*
- (1) Any person or entity wishing to place a donation trailer on private property must obtain a permit from the Development Services Department.
 - (2) Only entities or organizations that have a tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, as amended, may apply for and obtain a permit. Proof of such tax status must accompany an application for a permit.
 - (3) A donation trailer that is subject to the provisions of this Section must have clearly identified, in writing, on its face the entity or organization that is maintaining the donation trailer. A phone number and address for such entity must also be written on the donation trailer.
 - (4) The donation trailer shall be located in an area on the property that will not impede traffic circulation, loading areas, or occupy parking spaces necessary to meet the minimum parking standards on the subject property.
 - (5) The donation trailer must be ancillary to the principal use of the property. The application for the permit must be signed by the property owner.
- (F) *Enforcement procedures against property owners.*

- (1) Violation of this Section by property owners shall be as in any Code Enforcement action. All provisions in the City's ordinances and statutes related to Code Enforcement shall apply. Fines shall be determined in the same manner as in any Code Enforcement action.
- (2) In any Code Enforcement action brought against a property owner who has had in place and in use in a semi-truck trailer on property owned prior to November 25, 2013, and used as part of a business, a period of six (6) months from the date of the notice of violation shall be provided for the removal of such semi-truck trailer.
- (3) One extension of no more than 90 days shall be allowed upon a written request being submitted to the Development Services Department.

(G) *Enforcement procedures against semi-truck and semi-trailer owners and drivers.*

- (1) Failure to park semi-trucks or semi-trailers in compliance with this Section may result in enforcement against either or both the semi-truck or semi-trailer owner and driver.
- (2) Enforcement shall be by any City Code Inspector.
- (3) A police officer may take up, or cause to be taken up or removed to a place designated, any semi-truck or semi-trailer parked in violation of any of the provisions of the parking ordinances of the City, including this section, and is authorized and empowered to keep same in such place so designated until all fines and charges assessed for moving and storage against the owner and the semi-truck or semi-trailer have been paid or satisfactory bond arranged. If a police officer is required, in order to enforce the ordinances of the City to impound an illegally parked semi-truck or semi-trailer, all costs of impoundment shall be paid by the semi-truck owner and/or semi-truck driver before the vehicle is released to any person.
- (4) Any person, firm, or corporation violating any provision of this Section shall be fined according to a schedule set by separate resolution.

3.23. Dog Friendly Dining

(A) *Local exemption authorized.* There is hereby established a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the state division of hotels and restaurants, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(B) *Limitations on exemption; permit requirements.*

- (1) This exemption shall only provide a variance to those portions of the currently adopted Food and Drug Administration Food Code in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.
- (2) In order to protect the health, safety, and general welfare of the public, participating public food service establishments shall apply for and receive a permit from the City's Development Services Department (the "department") before allowing patrons' dogs on their premises. The department may establish a fee schedule for such permits. The application for the permit shall include the following information:
 - (a) The name, location, and mailing address of the public food service establishment.
 - (b) The name, mailing address, and telephone contact information of the permit applicant.
 - (c) A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the

designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the City. The diagram or plan should be accurate and to scale but need not be prepared by a licensed design professional.

- (d) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
- (3) In order to protect the health, safety, and general welfare of the public, the following regulations and limitations shall apply to establishments which obtain such a permit:
- (a) Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs.
 - (b) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
 - (c) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
 - (d) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control. All dogs shall have all required licensing.
 - (e) Dogs shall not be allowed on chairs, tables, or other furnishings.
 - (f) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
 - (g) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product in accordance with section 4-501.114 of the 2005 FDA Food Code. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
 - (h) A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.
 - (i) A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.
 - (j) A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patron's dogs.
 - (k) Dogs shall not be permitted to travel through indoor or nondesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.
- (4) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

- (B) *Violations.* A violation of any of the permit requirements may result in suspension or revocation of the permit.
- (C) *Location.*
 - (1) Dog Friendly Dining may be permitted in the following areas:
 - (a) Private property; privately owned and maintained sidewalks and rights-of-way.
 - (b) County or State maintained sidewalks or rights-of-way with proof of authorization of the appropriate jurisdiction.
 - (2) Dog Friendly Dining may not be permitted in the following areas:
 - (a) City-maintained sidewalks or rights-of-way.
- (D) *Indemnification Required.* All applicants shall be required to acknowledge, at the time of application, that approval is conditioned on the applicant indemnifying and holding the City harmless for any loss or damage as a result of offering Dog Friendly Dining to their patrons. Such statement shall appear on the face of the Dog Friendly Dining application in bold, 14 pt. font.

3.24. Sign Standards

- (A) *Purpose and Intent.* It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards and to protect the character of the City. Therefore, the display of signs should be appropriate to the land, building or use to which they are applied. It is intended that signs placed on land or on a building for the purpose of message display, identification or for advertising a use shall be deemed accessory and incidental to the land, building or use where the sign is located.
- (B) *Exemptions.* The following are exempt from this section:
 - (1) A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
 - (2) A sign on a car, other than a prohibited vehicle sign or signs.
 - (3) A statutory sign.
 - (4) A government sign.
 - (5) A traffic control device sign.
 - (6) A sign lawfully erected that is repainted or is having ordinary and customary repairs performed, including replacement of plastic or glass panels.
 - (7) Any sign not visible from a public street, sidewalk or right-of-way or from a navigable waterway or body of water; except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential use.
 - (8) A Master Planned Community or Project subject to a Developer's Agreement or Planned Development Agreement which has entered into an agreement with the City exempting such Community or Project from the provisions of this section. Such agreements shall provide sign standards for the Project as a whole, maintaining or improving upon minimum standards as required by this ordinance. Any provisions of this ordinance not covered in any such agreement shall remain enforceable.

(C) *Prohibited Signs.* The signs and sign types listed below are prohibited within the city limits unless specified and shall not be erected, operated or placed on any property. Any lawfully existing permanent sign structure or sign type that is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign.

- (1) Abandoned or discontinued signs.
- (2) Animated signs within the Downtown Design District.
- (3) Attached signs that are taller than the wall of the building to which the sign is attached.
- (4) Attached signs that exceed two hundred fifty (250) square feet in sign area.
- (5) Bandit signs and snipe signs.
- (6) Billboards and off-site commercial signs.
- (7) Bus bench and bus shelter advertising signs.
- (8) Flashing signs.
- (9) Floodlights and beacon signs, except when required by the Federal Aviation Administration.
- (10) Flutter signs, streamers, balloons, wind signs, wind activated banners, natural or man-made air inflatables, pennants and other fixed aerial signage used for commercial advertising.
- (11) Freestanding or ground signs which are higher than (16) feet including any ground mounted monument signs, which are higher than sixteen (16) feet.
- (12) Freestanding or ground signs that exceed two hundred (200) square feet in sign area.
- (13) Holographic display signs.
- (14) Moving, twirling, or swinging signs, including multi-prism and tri-vision signs.
- (15) Murals containing commercial messages.
- (16) Neon signs.
- (17) Parking space signs that carry a commercial message.
- (18) Pavement markings, except for official traffic control markings and building address markings required by law.
- (19) Permanent pole signs.
- (20) Portable signs, except for A-Frame and T-Frame signs as allowed herein.
- (21) Revolving signs and rotating signs.
- (22) Roof signs.
- (23) Signs within a sight visibility triangle, obstructing a clear view of pedestrian or vehicular traffic, as defined in Design District Standards, Chapter 1, Section (G)(6).
- (24) Signs attached to a seawall, dock, buoy, tie pole or pier; other than warning signs and safety signs.
- (25) Signs in, on, or over the public right-of-way; other than fixed projecting signs in the Central Mixed Use (CMU), Downtown Mixed Use (CDT), and Community Commercial Mixed Use (CC) districts, traffic control device signs, bus stop informational signs, warning signs; safety signs, vertical streetlight banners, A-Frame signs, T-Frame signs, and awning or attached canopy signs over a public right-of-way as allowed in this division.
- (26) Signs in or upon any body of water, whether natural or man-made, within the limits of the city; except government regulatory signs, warning signs, and safety signs.

- (27) Signs located on real property without the permission of the property owner.
- (28) Signs nailed, fastened, affixed to, or painted on any tree or part thereof (living or dead), or other vegetation.
- (29) Signs, other than traffic control device signs, that use the word "stop" or "danger," or present or imply the need or requirement of stopping or the existence of danger, or which are a copy or imitation of traffic control device signs and which are adjacent to the right-of-way of any road, street, or highway.
- (30) Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- (31) Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign or create a health or sanitary nuisance.
- (32) Signs that emit sound, vapor, smoke, odor, or gaseous matter.
- (33) Signs that obstruct, conceal, hide or otherwise obscure from view any traffic control device sign or official traffic signal.
- (34) Signs that obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
- (35) Signs that interfere with any opening required for ventilation.
- (36) Signs that are attached to standpipes, gutters, drains, fire escapes or impair access to a roof.
- (37) Vehicle sign or signs with a total sign area in excess of twenty (20) square feet on any vehicle, and
 - (a) The vehicle is not "regularly used in the conduct of the business," and
 - (b) The vehicle is visible from a street right-of-way within fifty (50) feet of the vehicle, and
 - (c) The vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within fifty (50) feet of any street right-of-way, and
 - (d) A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, and
 - (e) This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business; and which is currently licensed, insured and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.
- (38) Wall wrap signs.

(D) *General Requirements.* The following general requirements shall apply unless otherwise indicated.

- (1) *Support Requirements.* The supporting members of all signs shall be free of any external bracing such as guy wires or cables. All supporting columns shall be designed as integral or architectural features of the sign.
- (2) *Materials.* Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event as provided herein. However, paper or cardboard signs may be used for indoor window or temporary signs, when such are allowed.
- (3) *Construction Standards.* All signs shall be installed and constructed in a professional and workmanlike manner; and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust inhibitive material.
- (4) *Manufactured Signs.* All manufactured signs shall have a permanent and visible weatherproof identification plate affixed to the sign exterior. The plate shall identify (1) the name of the manufacturer, (2) the date of installation, (3) the sign permit number, and (4) the electric permit number (if any) with the input VA (Volt Amperes) at full load for electric.
- (5) *Change of use or change of occupancy.* Any business undergoing a change of use or change of occupancy must submit a sign permit application.
- (6) *Message Neutrality.* Notwithstanding anything in this section to the contrary, no sign or sign structure shall be subject to any limitation based upon the message contained on such sign or displayed on such sign structure.
- (7) *Substitution of Noncommercial Speech for Commercial Speech.* Notwithstanding anything contained in this section to the contrary, any sign erected pursuant to the provisions of this division may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this section.
- (8) *Consent of Legal Owner of Property.* No sign may be displayed without the signed and notarized consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.
- (9) *Signs on Public Property.* Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign. The foregoing shall not apply to

temporary A-Frame signs and T-Frame signs as allowed pursuant to the conditions and limitations set forth herein.

(10) *Clearance from Utilities, Interference with Surface and Underground Water or Drainage.*

Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.

(11) *Nuisance Signs or Signs Presenting Immediate Peril to Public Health or Safety.*

The building official, code inspector, or special magistrate may order the repair of signs declared a nuisance, and with or without notice may cause any structurally unsafe or structurally insecure sign to be immediately removed if in his or her professional judgment and professional opinion the sign presents an immediate peril to the public health or safety.

(E) *Permanent Signs*

(1) *Permanent Signs Allowed in Zoning Districts.* A permanent sign shall require a sign permit. Within all zoning districts, the City shall allow permanent signs that meet the criteria and limitations set forth in the subsections below and in Table 3-9.

- (a) Permanent sign on a parcel in residential use. A permanent sign located on a parcel in residential use in any zone may not be separately or specially illuminated, unless otherwise specified in this division.
- (b) Permanent sign on a parcel in nonresidential use. A permanent sign on a parcel in nonresidential use may be illuminated by internal illumination, or lit by external indirect illumination, unless otherwise specified in this division. However, a permanent sign may not be illuminated in a manner that leaves the illumination device exposed to public view.
- (c) Internal illumination. Outdoor internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), or changeable copy panels, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.
- (d) Indirect illumination. Indirectly lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes used for illuminating a sign, shall not be visible from the adjacent public rights-of-way or residential properties.
- (e) Illumination of signs adjacent to single-family residential uses. No sign located within 50 feet of a property with a single-family use or zoned for a single-family use shall be internally illuminated.
- (f) Any portion of the sign face or sign structure that is illuminated shall count as part of the total square footage of allowable sign area.

- (g) Changeable copy signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the following formula:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign} \times 100}$$

The measurement distance can be rounded to the nearest whole number.

- (h) Changeable copy signs shall be sited in a manner that the intensity or brilliance does not interfere with the effectiveness of an official traffic sign, device or signal.

(F) Sign Permit Requirements

- (1) *Application.* A sign permit application shall be prepared and submitted on forms available at the Development Services department.
- (2) *Site Plan.* A site plan shall be submitted as indicated on the sign permit application.
- (3) *Fees.* Fees shall be submitted as indicated on the sign permit application.

(G) Sign Types Requiring a Permit

(1) Monument Signs.

- (1) Monument signs for single-use developments, inclusive of one single occupant building, one tenant building, or one single use development with multiple buildings. One monument sign is allowed for each single-use development. The maximum size of a monument sign shall be the lesser of:

- (1) two hundred (200) square feet; or
- (2) one and one half (1 ½) square feet of sign area for each one (1) linear foot of road frontage along the street toward which the monument sign is oriented. For purposes of this subsection, the frontage of only one (1) street shall be used in making the calculation described above.

The maximum height of the monument sign shall be ten (10) feet. Up to fifty (50) percent of the sign surface of the monument sign may consist of a changeable copy sign; provided, however, that the sign copy cannot be changed more frequently than once every eight (8) seconds. The monument sign may be illuminated. Landscaping to complement the single-use development should be located at the base of the sign. Neither the monument sign nor landscaping shall encroach into any corner sight visibility triangle required pursuant to Design District Standards, Chapter 1, Section (G)(6).

- (2) Monument signs for multi-use developments, inclusive of multiple-building occupant developments, multiple-building tenant developments, and multiple-building shopping centers. One monument sign is allowed for each multi-use development or each single building within a multi-use development. The maximum size of the monument sign shall be the lesser of:

- (1) two hundred (200) square feet; or
- (2) one (1) square foot of sign area for each one (1) linear foot of road frontage along the street toward which the monument sign is oriented for the first one

hundred (100) feet of frontage plus one-fourth (1/4) square foot of sign area for each additional linear foot over 100 feet of the aforesaid road frontage.

The maximum height of the monument sign shall be sixteen (16) feet. The monument sign may be illuminated. All tenant panels in a monument sign, including those added to an existing sign structure, shall be constructed of similar materials and illuminated by a similar method. Landscaping to complement the multi-use development should be located at the base of the sign. Neither the monument sign nor landscaping shall encroach into any corner sight visibility triangle required pursuant to Design District Standards, Chapter 1, Section (G)(6).

- (3) Monument signs at entrances to residential developments. Two monument signs are allowed on opposite sides of each point of ingress or egress from or to a residential development. Neither sign shall encroach into any corner sight visibility triangle required pursuant to Design District Standards, Chapter 1, Section (G)(6). The maximum size of a monument sign shall not exceed twenty-four (24) square feet in size and shall not exceed eight (8) feet in height. The twenty-four (24) square feet of sign area may be split equally between two monument signs located on each side of the entry or exit street. The monument sign shall be located on a landscaped island or lawn area protected from vehicular contact and shall not encroach into any corner sight visibility triangle required pursuant to Design District Standards, Chapter 1, Section (G)(6). The sign may be internally or indirectly illuminated.
 - (4) Monument sign for a parcel in educational, religious or public use. In addition to any monument sign allowed above, one (1) additional permanent monument sign may be allowed for a parcel in educational, religious or public use. The sign shall not exceed thirty-two (32) square feet in sign area and shall not exceed eight (8) feet in height. Landscaping to complement the use should be located at the base of the sign. Neither the monument sign nor landscaping shall encroach into any corner sight visibility triangle required pursuant to Design District Standards, Chapter 1, Section (G)(6). The sign may be illuminated. However, this additional monument sign shall not be allowed if there is an additional permanent wall sign on the same parcel.
- (2) *Wall Signs.* One (1) wall sign is allowed for each face of a building or part of a building that is occupied by a permitted or conditional non-residential use.
- (1) The size (area) of the wall sign for an occupant or a tenant shall be the lesser of the following:
 - (1) two hundred fifty (250) square feet; or
 - (2) one and one half (1 ½) square feet per one (1) linear foot of building frontage for a single occupant building; or

- (3) one and one half (1 ½) square feet per one (1) linear foot of building frontage for the occupant or tenant space in a multi-tenant development, each as measured on the street toward which the wall sign is oriented.
 - (2) A wall sign shall not extend higher than the building wall to which it is attached.
 - (3) Up to fifty percent (50%) of the wall sign surface may consist of a changeable copy sign; provided, however, that the sign copy of the changeable copy sign shall not change more than once every eight (8) seconds.
 - (4) The wall sign shall not project more than twelve (12) inches from the wall. If the wall sign projects more than two and one-half (2 and 1/2) inches from the wall, the wall sign shall be mounted so that the bottom of the wall sign is at least nine (9) feet above ground at finished grade below the wall sign.
 - (5) The wall sign may be illuminated.
 - (6) In addition to any wall sign allowed above, one (1) additional permanent wall sign may be allowed for a parcel in educational, religious or public use, where a permissible secondary use is occurring on the same parcel. The wall sign shall not exceed thirty-two (32) square feet in sign area and shall not exceed eight (8) feet in height. The wall sign may be illuminated. However, this additional permanent wall sign shall not be allowed if there is an additional monument sign on the same parcel.
 - (7) Large-scale anchors, which exceed seventy-five thousand (75,000) square feet in gross leasable area, may display one (1) major wall sign, not exceed the maximum square footage allowed in this section, and two (2) secondary signs on the main facade. The secondary signs shall not exceed thirty-two (32) square feet each.
 - (8) Wall signs shall not be installed to cover windows, doors, or other types of fenestration.
- (3) *Wall Signs for Walk-up Window or Entrance.* In addition to any other wall sign allowance, a business shall be allowed one (1) wall sign installed within thirty (30) feet of its main entrance if the business uses a separate window or entrance designed to allow customers to be served without entering the building. The wall sign shall be located near the walk-up window or entrance and shall not exceed six (6) square feet in area and shall not exceed six (6) feet in height. The wall sign may be illuminated.
- (4) *Drive-Through Lane Signs.* For a drive-through establishment, an additional display sign is allowed for each drive through lane provided that such sign does not exceed forty (40) square feet in size and does not exceed eight (8) feet in height. The additional display sign may be internally illuminated and may emit sound only as part of a business transaction. Any sounds emitted must comply with Chapter 13, Article IV of the Code of Ordinances of the City of Wildwood.
- (5) *Umbrella Signs.* For each table in an outside seating area for a licensed business establishment, one (1) umbrella sign per umbrella is allowed. An umbrella sign shall not

exceed three (3) square feet in area and shall not exceed eight (8) feet in height. An umbrella having an umbrella sign shall be mounted on or in the table or in an umbrella holder adjacent to the table. A sign permit is not required for an umbrella sign.

- (6) *Awning Signs.* For each awning, one sign is allowed. The awning sign shall not exceed an area greater than twenty (20) percent of the surface area of the awning or canopy. The total square footage of the awning sign shall count toward the maximum square footage of the wall sign area allowed for a parcel or a tenant. An awning sign may be internally illuminated.
- (7) *Canopy Signs.* For each canopy, one sign is allowed. Except for the sign area limitation for canopy signs at service station islands, a canopy sign shall not exceed an area greater than twenty (20) percent of the surface area of the canopy. The total square footage of the canopy sign shall count toward the maximum square footage of the wall sign area allowed for a parcel or a tenant. A canopy sign may be internally illuminated.
- (8) *Signs for Freestanding Commercial Canopies.* For freestanding commercial canopies, one (1) double-sided sign or two (2) single-sided signs are allowed per commercial canopy. Such signs shall not exceed four (4) square feet per side and shall not be mounted higher than eight (8) feet. Such signs shall not be mounted on any bollard or barrier designed to protect equipment from damage. Such signs may not be illuminated. For freestanding commercial canopies, one (1) canopy sign may be installed for each canopy side facing a public street or driveway. A canopy sign shall not exceed ten (10) square feet and shall not be mounted higher than the top of the canopy itself. A canopy sign may be internally illuminated. The square footage of all canopy signs on a canopy shall be counted against the maximum square footage of allowed wall signage for any building wall sign on the same parcel.
- (9) *Changeable Copy Signs.* As part of a permitted monument sign or wall sign, a changeable copy sign, manual or electronic (LED), may be installed. The changeable copy sign shall not exceed fifty (50) percent of allowable area of the monument sign or wall sign. The changeable copy sign shall not exceed ten (10) feet in height when installed as a part of a monument sign for a single occupant or tenant building. The changeable copy sign shall not exceed sixteen (16) feet in height if part of the monument sign is for a multiple occupant or tenant building. A changeable copy sign that is a part of wall sign shall not be installed higher than the wall of the building. The sign copy on a changeable copy sign shall not be changed more than once every eight (8) seconds. Changeable copy signs may be internally illuminated.
- (10) *Projecting Signs.* For buildings in the Central Mixed Use (CMU), Downtown Mixed Use (CDT), and Community Commercial Mixed Use (CC) districts, one (1) projecting sign is allowed for each ground floor occupant or tenant space. The projecting sign shall be

attached to the building frontage on the street or driveway on which the sign is located. The maximum size of the projecting sign shall be the lesser of sixteen (16) square feet OR one (1) square foot per linear foot of occupant or tenant building frontage on the street or private driveway on which it is located; however, the square footage of a projecting sign shall count toward the maximum square footage of wall signage allowed for the building. The maximum thickness of the sign face of a projecting sign shall not exceed twenty-four (24) inches when such sign is of solid construction. A projecting sign shall have a minimum vertical clearance of nine (9) feet and shall not be mounted higher than the wall of the building. A projecting sign that extends over a sidewalk in the public right-of-way shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk. A projecting sign may be illuminated.

(11)*Window Signs.* Window signs are permitted provided that the window sign may not cover more than twenty-five percent (25%) of the area of any window. Window signs may be internally illuminated. A sign permit is not required for a window sign.

(12)*Door Signs.* Door signs are permitted provided that the door sign may not cover more than twenty-five percent (25%) of the area of any door. Door signs shall not be illuminated. A sign permit is not required for a door sign.

(13)*Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.*

(1) Flagpoles and Flags. For each parcel and development site in residential use with one principal structure, one flagpole may be installed and two (2) flags may be displayed per flagpole. For each parcel and development site that is over one-half (1/2) acre in size and is in nonresidential use, up to three flagpoles may be installed and up to two (2) flags may be displayed per flagpole. A flag shall not exceed twenty-four (24) square feet in size.

(2) Flag Brackets, Flag Stanchions, and Flags. For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags. A flag displayed from a flag bracket or a flag stanchion shall not exceed twenty-four (24) square feet in size.

(3) For the purpose of determining the size of a flag, only one side of the flag shall be counted as the display surface.

(4) Flags on parcels in non-residential use may be externally illuminated.

(14)Any lawfully erected sign that is structurally altered in any manner, including height, size or location.

(H) *Measurement of Sign Area.* The area of a sign is measured or calculated as follows:

(1) *Background panel signs.* Sign copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles,

squares, triangles, parallelograms, circles or ellipses that will enclose both the sign copy and the background.

- (2) *Background surface signs.* The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose each word, graphic or discrete visual element in the total sign.
 - (3) *Illuminated background signs.* The area of a sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 - (4) *Double-faced signs.* If a sign has two display faces, and the interior angle between the two faces is thirty (30) degrees or less or parallel and 24" apart or less, then the sign area is considered one sign face only, for purposes of calculation; however, if the two faces are of different sizes or shapes, then the larger is used. If the sign has two display faces, and the interior angle between the two faces is greater than thirty (30) degrees or parallel and more than 24" apart, then the sign area is the sum of the areas of the two faces.
 - (5) *Multi-faced signs.* If a sign has three or more faces, then the sign area is equal to fifty (50) percent of the aggregate area of all sign faces. The area of each face shall be determined according to subsection (a) or (b) of this section, as applicable.
 - (6) *Sculptural and nonplanar signs.* The area of a spherical, free form, sculptural or other nonplanar sign is fifty (50) percent of the sum of the areas, using only the four vertical sides of the smallest four-sided polyhedron which will completely enclose the entire sign structure.
 - (7) *Measurement of Sign Height.* The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. Monument sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of architecturally embellishing and enhancing the appearance of the sign structure. Such extensions shall not exceed thirty-six (36) inches for the base, eighteen (18) inches at the top of the sign, or twelve (12) inches for each vertical side of the sign .
 - (8) *Sign Setbacks.* All signs shall be set back at a minimum of ten (10) feet from the property line, except otherwise stated in this Section. Monument signs may be allowed in the C-1 Zoning District only if the ten foot sign setback can be met.
- (I) *Temporary Signs*
- (1) Temporary signs shall require a Temporary Sign Permit through Code Enforcement.
 - (2) The City shall allow temporary signs that meet the criteria and limitations set forth in Table 3-7 and Table 3-8. In a residential zoning district where a nonresidential use is

allowed, the nonresidential use shall be treated as if it was located in a nonresidential zoning district.

- (3) In a nonresidential zoning district where a residential use is allowed, the residential use shall be treated as if it was located in a residential zoning district.
 - (4) A temporary sign displayed on a window surface must be displayed on the inside of the window surface, shall cover no more than twenty-five (25%) of the window surface, and shall not be illuminated.
 - (5) Temporary off-site signage shall only be permissible for subdivisions under construction. A temporary off-site sign shall be allowed in all zoning districts. Pole signs and monument signs shall be the only permissible sign types for an off-site temporary sign. The maximum allowable area (including copy area and base/ supports of the sign) shall be as follows:
 - (a) 1 square foot per linear foot of lot frontage on the major right of way
 - (b) 100 square foot maximum
 - (c) Eight (8) foot maximum height
 - (6) Temporary off-site signs must be set back fifteen (15) feet from the right-of-way. No other signage is permitted on the property associated with the temporary off-site sign permit. A temporary off-site sign permit shall only be valid for one (1) year. The applicant may seek up to two (2) extensions lasting no longer than six (6) months each. Under no condition shall the sign remain erect for more than two (2) years. It shall be the responsibility of the property owner, not the developer, to remove the sign. The City reserves the right to seek action against the property owner for any off-site sign which remains erect after the expiration of the permit.
- (J) *Nonconforming Signs.* All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this division are declared nonconforming signs. It is the intent of this division to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this division. It is also the intent of this division that any elimination of nonconforming signs shall be affected so as to avoid any unreasonable invasion of established property rights. Existing billboards shall be governed by Section (J).
- (1) Legal nonconforming signs:
 - (a) A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this division that does not conform to the regulations as specified in this division.
 - (b) A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this division or any amendment thereof.
 - (c) A legal nonconforming sign may not be altered in any manner not in conformance with this division and shall not be structurally altered to prolong the life of the sign. This does not apply to reasonable repair and maintenance of the sign. Reasonable repair and maintenance of nonconforming signs, including change of copy, is permitted, as provided for herein. Reasonable repair and maintenance means the

work necessary to keep the sign, including the sign structure, in a good state of repair, but does not include replacement of materials in the sign structure. Reasonable repair does not include:

- i. Any modification that changes the structure, or type of structure, such as conversion of a wooden sign structure to a metal sign structure;
 - ii. Any modification, including the addition of embellishments, that changes the sign area or the height above ground level;
 - iii. Any modification that enhances the visibility of the sign's copy, or the period of time that the copy is visible;
 - iv. Any modification that adds changeable faces or electronic message signs; or
 - v. Any modification that adds artificial lighting or changes the existing lighting such that illumination is increased.
- (d) Should a nonconforming sign become damaged, destroyed or deteriorated by any means to the extent that it requires more than reasonable repair and maintenance, as defined in subsection (c) above, then the sign shall not be reconstructed except in compliance with the sign code. In the event that a nonconforming sign was approved as part of a site plan zoning approval, then the nonconforming sign may be reconstructed in accordance with the site plan zoning approval.
- (e) Any building permit for an addition, alteration, or improvement valued at more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists shall specify and require that such nonconforming signs located within the boundaries of the development site, and within the limits of the applicant's control, shall be brought into conformance with the provisions of this division, provided that if the nonconforming sign is a type of sign that is prohibited under section 3.24(D), Prohibited Signs in All Zoning Districts, it shall be removed.
- (f) Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:
- i. Is not increased in area or height to exceed the limits of the zoning district in which it is located;
 - ii. Remains structurally unchanged except for reasonable repairs or alterations;
 - iii. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and
 - iv. Is relocated in a manner so as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this section in its new location.

(2) Signs rendered nonconforming:

- (a) Except as provided in this section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the division that rendered the sign nonconforming. This section shall not prohibit reasonable repairs and alterations to nonconforming signs.
 - (b) A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this division. An existing monument sign that conforms to the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.
- (3) Signs for a legal nonconforming use:
 - (a) New or additional signs for a nonconforming use shall not be permitted.
 - (b) A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.
- (4) Signs discontinued:
 - (a) The right to use a nonconforming sign shall be prohibited upon the occurrence of one or more of the following:
 - (i) A change of use of the parcel or structure;
 - (ii) A change in occupancy of the parcel or structure;
 - (iii) A change in business type at the location of the parcel or structure; or
 - (iv) The vacancy of a sign structure.
 - (b) Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies, for a period of ninety (90) days, shall be deemed to be discontinued.
 - (c) A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.
 - (d) After a sign structure has been deemed discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.
 - (e) Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign that are not currently in use or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.
- (5) Unsafe signs:
 - (a) If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.
 - (b) If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any

necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

(K) *Billboard signs.*

(1) Billboard signs are prohibited. After February 13, 2017 (the effective date of City of Wildwood Ordinance No. 2017-03), the erection of billboard signs is prohibited for the purposes and reasons set forth in City of Wildwood Ordinance No. 2017-03.

(2) Definitions.

(a) Legally existing billboard signs defined. For purposes of this section, nonconforming billboard signs, defined as follows, are legally existing billboard signs.

(b) A nonconforming billboard sign is defined as:

- i. Any billboard sign that was legally erected prior to February 13, 2017 (the effective date of City of Wildwood Ordinance No. 2017-03), pursuant to a permit issued by the City of Wildwood; or
- ii. Any billboard sign that was legally erected before a permit was required by the city for off-site signs; but which billboard sign complies completely with the City of Wildwood's off-site sign regulations; or
- iii. Any billboard sign erected after February 13, 2017 (the effective date of City of Wildwood Ordinance No. 2017-03), that is the subject of, and is erected in strict accordance with an active permit issued by the city prior to February 13, 2017. No permits shall be issued for the erection of billboard signs after February 13, 2017 (the effective date of City of Wildwood Ordinance No. 2017-03), except as otherwise provided for in this section.

Any billboard sign which does not constitute a nonconforming billboard sign, as described above, shall be deemed either a prohibited sign or an abandoned sign and shall be removed on or before February 16, 2020. Nonconforming billboard signs shall be allowed to remain so long as such signs conform with the regulations set forth in this section.

(3) Standards pertaining to legally existing billboard signs. Any legally existing billboard sign as described above shall be subject to the following standards:

(a) A legally existing billboard sign is allowed to contain noncommercial speech in lieu of any other speech.

(b) Substitution or interchange of letters, poster panels, painted boards, animation, changeable copy or demountable materials shall be permitted; provided that any such substitution or interchange shall not increase the size, shape, height or the number of sign faces of the sign, except as otherwise provided for in this section.

(c) Maintenance and Repair of Monopole and Non-Monopole Billboards.

- i. Monopole Billboards: Nonconforming billboard signs which are constructed as monopole billboards may be maintained and repaired, but shall not be structurally or mechanically extended or altered except as required by the building official of the city in cases where it has been determined by said building official that there exists an imminent danger to the public safety; provided, however, no structural change shall be permitted which would

increase the height, size, shape or intensity of lighting of a nonconforming billboard sign except as provided for in this section. For the purposes of this section, a monopole billboard is defined as a billboard constructed with a steel pole, I-beam or equivalent as primary support, with a catwalk, and a single display panel.

- ii. Non-Monopole Billboards: Nonconforming billboard signs which are not monopole billboards may be maintained and repaired, but shall not be structurally or mechanically extended or altered, except as provided below, or as required by the building official of the city in cases where it has been determined by said building official that there exists an imminent danger to the public safety; provided, however, no structural change shall be permitted which would increase the height, size, shape or intensity of lighting of a nonconforming billboard sign except as provided for in this section. A non-monopole billboard may be upgraded to and replaced with a monopole billboard; provided, however, that the upgrade to a monopole billboard shall not increase the overall size of the single display panel of the non-monopole billboard.

(d) Any nonconforming billboard sign which is destroyed to the extent of seventy-five (75) percent of its current assessed value (based on the records of the Sumter County Property Appraiser) shall not be rebuilt or repaired, unless:

- i. Within thirty (30) calendar days after the destruction of the nonconforming billboard sign, the owner of the sign files an application with the city clerk petitioning city council to allow the reconstruction and maintenance of the nonconforming billboard sign for a period not to exceed seven (7) years; and
- ii. The owner of the nonconforming billboard signs provides substantial and competent evidence to city council that: (i) the billboard sign was originally erected less than seven (7) years prior to the date on which the sign was destroyed; and (ii) the sign owner has failed to recoup the sign owner's investment in the nonconforming billboard sign as of the date of the sign's destruction. If such evidence is presented, the city Commission may allow the sign owner to rebuild or repair the nonconforming billboard sign and to maintain said sign for an additional period of time as determined by the city council in order to allow the sign owner time to recoup his or her investment; provided, however, such a period of time shall not exceed seven (7) years. At the conclusion of said period, the billboard sign shall be removed.
- iii. If the nonconforming billboard sign cannot be rebuilt or repaired, then the owner of the sign shall be responsible for removing all remaining portions of the sign structure within sixty (60) calendar days after the date of destruction of the billboard sign.
- iv. Any nonconforming billboard sign which is removed or destroyed, either: (1) criminally or accidentally (e.g., vandalism, other criminal or tortious act) or

(2) by a natural disaster (e.g., hurricane, tornado, or earthquake) may be repaired or replaced at its original location. Notwithstanding the foregoing, a nonconforming billboard sign may still be deemed an abandoned sign subject to section (e), below, where the owner takes no action to repair or replace the nonconforming billboard sign.

- (e) Any nonconforming billboard sign which becomes an abandoned sign shall be removed.
 - (f) No nonconforming billboard sign shall be relocated except as provided in subsection (4). In the event a legally existing, nonconforming billboard sign is relocated, the relocation of the sign shall not result in any increase in the size, height or number of sign faces of the nonconforming billboard sign.
 - (g) All nonconforming billboard signs shall be the subject of an operating permit issued in accordance with subsection (d). Any nonconforming billboard sign which does not possess an annual operating permit in accordance with (d) shall be deemed to constitute an abandoned sign.
- (4) Relocation of nonconforming billboard signs. No nonconforming billboard sign may be relocated unless one (1) of the following conditions exist or will occur as a result of the relocation:
- (a) The relocation of the nonconforming billboard sign is expressly allowed by, and is made in accordance with, the terms of a variance granted by the city prior to the effective date of City of Wildwood Ordinance No. 2017-03; or
 - (b) The nonconforming billboard sign is located on land which is being acquired for public right-of-way purposes as a part of a federal or state road, including, without limitation, the "federal-aid primary highway system," the "interstate highway system," and the "state highway system" as those terms are defined in Fla. Stat. § 479.01; and further provided that the sign owner, property owner, and the condemning authority elect in writing to relocate the nonconforming billboard sign in accordance with Fla. Stat. § 479.15, (2016). In such an event, the nonconforming billboard sign may be relocated in accordance with standards and requirements of Fla. Stat. § 479.15, (2016); provided, however, the applicant shall demonstrate to the city that the proposed relocation conforms completely with the requirements and standards contained in Fla. Stat. § 479.15, (2016). In the event that Fla. Stat. § 479.15, (2016), is later amended, revised, superseded or revoked, then the relocation of nonconforming billboard signs shall only be allowed or permitted in accordance with such amendments, revisions or superseding statutes enacted by the Florida Legislature.

In addition to satisfying one (1) of the foregoing conditions, no relocation shall occur until the nonconforming billboard sign being relocated has been removed.

(L) *Penalties.* Penalties for violation of this Section 3.24 shall be as provided in Section 1-7 of the Code of Ordinances of the City of Wildwood; however, notwithstanding anything in the LDR or in the City of Wildwood Ordinance Code to the contrary, a penalty for a violation of this Section 3.24 shall be limited to civil penalties only and shall not extend to any criminal penalty including but not limited to incarceration. Upon observation of any violation of this Section 3.24, a City of Wildwood Code Inspector, as defined in Chapter 2 of the Code of Ordinances, reserves the right to enforce penalties including but not limited to the physical removal of any nonconforming or prohibited signs, in addition to the code enforcement procedures as set forth in Chapter 2 of the Code of Ordinances.

(M) *Severability.*

- (1) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 3.24 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section.
- (2) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this Section 3.24, the City of Wildwood Code of Ordinances, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (3) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this Section 3.24, the City of Wildwood Code of Ordinance, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 3.24 that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under section 3.24(D), Prohibited Signs, of this Section 3.24. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 3.24(D) is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 3.24(D) thereby ensuring that as many prohibited sign types as may be constitutionally prohibited continue to be prohibited.

- (4) Severability of prohibition on billboards. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this Section 3.24 or in the City of Wildwood Code of Ordinances.

3.25. Tiny House Planned Developments

- (A) *Purpose.* The purpose of this Section is to establish regulations relating to the development of Tiny House Communities and Tiny House Pocket Neighborhoods within the City limits.
- (B) *Planned Development Required.* Each proposed tiny house community or pocket neighborhood shall be required to obtain a Planned Development overlay consistent with the requirements of Chapter 8 and its subsections. Tiny House Planned Development overlays shall be permitted in the following zoning districts: ARD, MHP, RMU, RMU-10, RIO, NMU-4, NMU-7, CMU, R-1, R-2, R-3, R-4, and R-5. Lot requirements should follow Table 3-4: Density, Intensity, and Lot Standards for the zoning district in which the Planned Development is proposed; however, due to the unique nature of tiny house communities and pocket neighborhoods, some requirements within Table 3-4, including minimum living area requirements, may not apply. Additional deviations from Table 3-4 may be approved at the sole discretion of the Development Services Director.
- (C) *Applicability of the Design District Standards.* Tiny House Planned Developments shall adhere to the Design District Standards. After the tiny house is delivered to the site, the trailer or bumper hitch, frame-towing hitch, and wheels shall be removed and the base of the house shall be permanently affixed to a foundation.

TABLE 3-1: Zoning Districts

District Abbreviation	District Title
CON	Conservation
AG-5	Agricultural- 5
AG-10	Agricultural-10
ARD	Age Restricted Development Mixed Use
RR	Rural Residential
ER	Estate Residential
R-1	Low Density Residential
R-2	Low-Medium Density Residential
R-3	Medium Density Residential
R-4	Medium-High Density Residential
R-5	High Density Residential
MHP	Mobile Home Park
RMU	Residential Mixed Use
RMU-10	Residential Mixed Use - 10
RIO	Residential/Institutional/Office
IN	Institutional
PEU	Public, Educational, Utilities
C-1	General Commercial - Downtown
C-2	General Commercial - Neighborhood
C-2A	Commercial - Mixed Use
C-3	General Commercial - Highway
NMU-4	Neighborhood Mixed Use - 4
NMU-7	Neighborhood Mixed Use - 7
ECNMU-7	Employment Center Neighborhood Mixed Use - 7
CMU	Central Mixed Use
CC	Community Commercial Mixed Use
CDT	Downtown Mixed Use
SWCMU	South Wildwood Commercial Mixed Use
466-301	466-301 Mixed Use
M-1	Industrial
M-2	Heavy Industrial
VIL-WW	The Villages of Wildwood DRI

Notes:

The Villages of Wildwood DRI zoning district is subject to unique standards (see section 3.19)

Wildwood Springs DRI will contain a PUD zoning consistent with their respective FLUM designation, Amended and Restated Development Order, and other agreements.

PUDs in existence prior to July 25, 2011 will retain their PUD zoning classification

TABLE 3-2: Permitted Zoning Districts

FLUM Designation	Permitted Zoning Districts (Abbreviation)
Conservation	CON
Agriculture -5	CON, AG-10, AG-5
Agriculture -10	CON, AG-10
Recreation	CON, AG-10, AG-5, PEU
Public Facilities	CON, AG-10, AG-5, PEU, IN
Rural Residential	CON, AG-10, AG-5, RR
Estate Residential	CON, AG-10, AG-5, RR, ER
Low Density Residential	CON, AG-10, AG-5, R-1
Low-Medium Density Residential	CON, AG-10, AG-5, R-1, R-2
Medium Density Residential	CON, AG-10, AG-5, R-1, R-2, R-3
Medium-High Density Residential	CON, AG-10, AG-5, R-2, R-3, R-4
High Density Residential	CON, AG-10, AG-5, R-3, R-4, R-5
Mobile Home Park	CON, AG-10, AG-5, MHP
Residential Mixed Use	CON, AG-10, AG-5, RMU
Residential/Institutional/Office	CON, AG-10, AG-5, RIO
General Commercial	CON, AG-10, AG-5, C-1, C-2, C-3
Industrial	CON, AG-10, AG-5, M-1, M-2
Oxford Neighborhood Commercial	CON, AG-10, AG-5, C-2A
Oxford Neighborhood Mixed Use	CON, AG-10, AG-5, NMU-7
Oxford Residential Mixed Use	CON, AG-10, AG-5, RMU-10
Downtown Commercial	CON, AG-10, AG-5, CDT
High Density Residential Mixed Use	CON, AG-10, AG-5, R-5, CMU
Central Mixed Use	CON, AG-10, AG-5, CMU
Employment Center Neighborhood Mixed Use	CON, AG-10, AG-5, ECNMU-7, NMU-7, NMU-4
Commercial Center Mixed Use	CON, AG-10, AG-5, CC
South Wildwood Commercial Mixed Use	CON, AG-10, AG-5, SWCMU
466-301 Mixed Use	CON, AG-10, AG-5, 466-301
South Wildwood Neighborhood Mixed Use	CON, AG-10, AG-5, NMU-4
Age Restricted Development Mixed Use	CON, AG-10, AG-5, ARD
Wildwood Springs DRI	CON, AG-10, Wildwood Springs PD
The Villages of Wildwood DRI	The Villages of Wildwood DRI

Notes:

CON, AG-10, AG-5 districts allowed in all FLUM designations

The Villages of Wildwood DRI zoning district is subject to unique standards (see section 3.19)

Planned developments permitted in all zoning districts pursuant to Chapter 8

TABLE 3-4: Density, Intensity, and Lot Standards

A

Residential Zoning Districts																		
Zoning District:	AG -5	AG- 10	RR	ER	R-1		R-2		R-3			R-4			R-5		MHP	
Maximum Density (units per acre)	1/ 5	1/ 10	1	2	4		6		9			12			15		10	
Minimum Open Space (%)	40	40	DDS	DDS	DDS		DDS		DDS			DDS			DDS		15	
Dwelling Unit Type:	SFD	SFD	SFD	SFD	SFD	SFA	SFD	SFA	SFD	SFA	ACB	SFD	SFA	ACB	SFA	ACB	MH	SFD
Minimum Living Area (Sq. ft)	750	750	750	750	750	750	750	750	750	600	600	750	600	600	600	600		750
Maximum Lot Coverage (%)																	50	50
Minimum Lot Width (ft)			50	50	50		50		45			40					50 ²	50
Minimum Setbacks (ft):																		
Front	35	35	30	30	30		30		30			30					8	30
Rear	25	25	15	15	15		15		15			15					8	15
Side	20	20															8	10
Minimum Building Separation (ft) ¹					10	25	10	25	10	10	25	10	10	25	10	25	16	20

Abbreviations:

SFD - Single Family Detached

SFA - Single Family Attached

ACB - Apartment/Condominium Building

MH - Mobile Home

DDS - Design District Standards (Residential)

Notes:

1. Minimum building separation between two different unit types is 25 feet

2. This requirement shall not apply to existing mobile home parks.

Accessory uses may encroach into the side and rear setbacks. However, a minimum of five (5) feet shall be provided between the accessory structure and the property line.

TABLE 3-4: Density, Intensity, and Lot Standards

B

Nonresidential Zoning Districts								
Zoning District:	C-1	C-2	C-3	IN	PEU	M-1	M-2	CON
Maximum FAR	0.5	0.5	0.5	0.6	0.6	0.5	0.5	
Maximum ISR (%)	75	75	75	60	see Comprehensive Plan	70	70	see Comprehensive Plan
Minimum Open Space (%)	15	20	20	20	20	20	20	
Minimum Setbacks (ft):								
Front		25	25	25	25	25	25	
Rear		15	15	15	15	15	15	
Side		15	15	10	10	15	15	
Maximum Setbacks (ft):								
Front	10							
Rear								
Side	12							
Maximum Building Separation (ft):	24							

Notes:

- 1) No side or rear setback required if abutting a railroad right-of-way
- 2) Maximum front setback within C-1 district may be extended to 20 feet if a café, public courtyard, quasi-public or similar social gathering area is provided
- 3) Side setbacks within C-1 district may be modified if a public courtyard or similar gathering area is provided, vehicular access from main street is needed to access rear or side parking, or where right-of-way or alley exists
- 4) Setback requirements waived if developing under section 3.21
- 5) Accessory uses may encroach into the side and rear setbacks. However, a minimum of five (5) feet shall be provided between the accessory structure and the property line.

TABLE 3-4: Density, Intensity, and Lot Standards

C

Mixed Use Zoning Districts																																						
Zoning District:	RMU					RMU -10*					RIO				NMU-4					ECNMU-7					NMU-7					ARD								
Maximum Density (units per acre)	5					10					15				4					7					7					15								
Minimum Open Space (%)	25					25					25				see Comprehensive Plan					25					25					20								
Maximum FAR						0.3					0.6				see Comprehensive Plan					0.5					see Comprehensive Plan					0.5**								
Maximum ISR (%)						60					80				see Comprehensive Plan					60					60					80								
Building Type:	SFD	SFA	MH	NRB	SFD	SFA	ACB	MUB	NRB	SFD	SFA	ACB	NRB	SFD	SFA	ACB	MUB	NRB	SFD	SFA	ACB	MUB	NRB	SFD	SFA	ACB	MUB	NRB	SFD	SFA	ACB	MUB	NRB	SFD	SFA	ACB	MUB	NRB
Minimum Living Area (Sq. ft)	750	750	750		750	750	600			750	750	600		750	750	600			750	750	600			750	750	600			750	750	600			750	750	600		
Minimum Lot Width (ft)	75	75	75		40					75	75			40					40					40					40					40				
Maximum Lot Coverage (%)	40	40	40	40						40	40	40	40																					80	80	80		
Minimum Setbacks (ft):																																						
Front	25	25	25	25	30					25	20	30	25	30					30					30					30					7.5	10	10		10
Rear	15	15	15	15	15					15	15	20	15	15					15					15					15					0	10	10		0
Side	10	10	10	10	5					10	10	15	10	5					5					5					5					0	0	0		0
Minimum Building Separation (ft)														10					10					10					10					10	10	10		10

Abbreviations:

- SFD - Single Family Detached
- SFA - Single Family Attached
- ACB - Apartment/Condominium Building
- MH - Mobile Home
- MUB - Mixed Use Building
- NRB - Nonresidential Building
- MUC - Mixed Use Center

Notes:

- 1) Setback requirements waived if developing under section 3.21
- 2) * - Density dependent upon distance to MUC- Extent of project within a 1/4 mile - 10 du/acre; within 1/2 mile - 7 du/acre; further than 1/2 mile - 5 du/acre
- 3) Minimum building separation between two different building types is 25 feet
- 4) **up to a 3.0 FAR may be used in a town center or similar use.
- 5) Accessory uses may encroach into the side and rear setbacks. However, a minimum of five (5) feet shall be provided between the accessory structure and the property line.

TABLE 3-4: Density, Intensity, and Lot Standards

D

Mixed Use Zoning Districts

Zoning District:	C2-A					CC				CMU					CDT				SWCMU					466-301									
Maximum Density (units per acre)	4					10				14 24 with HDRMU FLU					15				7					15									
Minimum Density (units per acre)																																	
Minimum Open Space %	25					25				15					10				20														
Maximum FAR	0.3					0.75				0.5					2.0				0.75					1.0									
Maximum ISR (%)	60					70				80					90				70					80									
Building Type:	SFD	SFA	ACB	MUB	NRB	SFA	ACB	MUB	NRB	SFD	SFA	ACB	MUB	NRB	SFA	ACB	MUB	NRB	SFD	SFA	ACB	MUB	NRB	SFD	SFA	ACB	MUB	NRB					
Minimum Living Area (Sq. ft)	750	750	600			750	600			750	750	600			750	600			750	750	600			750	750	600			750	750	600		
Minimum Lot Width (ft)	40									40														40					40				
Minimum Setbacks (ft):																																	
Front	30	30								30														30					30				
Rear	15	15								15														15					15				
Side	5	10								5														5					5				
Maximum Front Setback (ft)															15	15	15	15															
Minimum Building Separation (ft)	10									10														10					10				

Abbreviations:
 SFD - Single Family Detached
 SFA - Single Family Attached
 ACB - Apartment/Condominium Building
 MUB - Mixed-use Building
 NRB - Nonresidential Building
 MUC - Mixed Use Center

Notes:
 1) Setback requirements waived if developing under section 3.21
 2) Minimum building separation between two different building types is 25 feet
 3) Maximum front setback may be extended if a café, public courtyard, quasi-public or similar social gathering area is provided
 4) Accessory uses may encroach into the side and rear setbacks. However, a minimum of five (5) feet shall be provided between the accessory structure and the property line.

TABLE 3-5: Mixed Use Zoning District – Use Percentages

Zoning District:	NMU-4	NMU-7	ECNMU-7	CMU	CC	SWCMU	ARD
<i>Use Category:</i>							
<i>Residential:</i>							
Minimum Percentage	35	35	35	20	20	10	20
Maximum Percentage	80	80	80	75	30	30	80
<i>Institutional, Government, and Tourism, Civic, and Recreational:</i>							
Minimum Percentage	5	5	5	5	5	0	5
Maximum Percentage	30	30	30	10	30	20	30
<i>Commercial Office and Business Park:</i>							
Minimum Percentage	0	0	0	0	25	20	2
Maximum Percentage	40	40	40	50	60	60	25
<i>Commercial Retail:</i>							
Minimum Percentage	5	5	5	15	10	20	2
Maximum Percentage	40	40	40	50	30	70	25
<i>Medical Campus:</i>							
Minimum Percentage							0
Maximum Percentage							30

Notes:

- 1) Developments less than 10 acres may proceed as a single use and are not required to adhere to this Table
- 2) Residential square footage within the CDT designation shall not exceed 30% of the total built square footage
- 3) Nonresidential uses are permitted in RMU-10, but total acreage devoted to nonresidential uses shall not exceed 10% of the total acreage.
- 4) There is no mixed use requirement within the C-2A district.
- 5) There is no mixed use requirement for individual parcels in the 466-301 mixed use district. While mixed use is encouraged, it is the City’s responsibility to ensure mixed use is achieved over the aggregate.

TABLE 3- 6: Allowable Principal Use Matrix

*P: Permitted Use
C: Conditional Use
S: Special Exception Use*

Conservation Uses	CON	AG-5	AG-10	R-R	E-R	R-1	R-2	R-3	R-4	R-5	MHP	RMU	RMU-10	RIO	IN	PEU	C-1	C-2	C-2A	C-3	NMU-4	NMU-7	ECNMU-7	CMU	ARD	CC	CDT	SWCMU	466-301	M-1	M-2
Wetlands, forested lands, pastures, environmental habitat, karst areas, open water, and lands set aside to be protected	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Uses	CON	AG-5	AG-10	R-R	E-R	R-1	R-2	R-3	R-4	R-5	MHP	RMU	RMU-10	RIO	IN	PEU	C-1	C-2	C-2A	C-3	NMU-4	NMU-7	ECNMU-7	CMU	ARD	CC	CDT	SWCMU	466-301	M-1	M-2
Citrus/ field crop production		P	P																						P						
Keeping and/ or grazing of livestock		P	P																						P						
Agricultural product transfer station		P	P																						P						
Silviculture		P	P																						P						
Aquiculture		P	P																												
Horticulture, greenhouses and nurseries (commercial)		P	P														P	P	P	P	P	P	P	P		P	P	P	P		
Muck farms		P	P																												
Commercial hog farm, chicken ranches, cattle feed lots, fish farms, bait farms and other AG related commercial type uses		P	P																												
Kennels for breeding purposes		S	S																												
Animal rescue facility		S	S																												
Exotic animals such as poisonous snakes, reptiles, primates, lions, tigers, bears, alligators and other potentially dangerous animals		C	C																												

Residential Uses	CON	AG-5	AG-10	R R	E R	R-1	R-2	R-3	R-4	R-5	MHP	RMU	RMU-10	RIO	IN	PEU	C-1	C-2	C-2A	C-3	NMU-4	NMU-7	ECNMU-7	CMU	ARD	CC	CDT	SWCMU	466-301	M-1	M-2	
Single family detached (SFD)		P	P	P	P	P	P	P	P		P	P	P	P							P	P	P	P	P			P	P			
Single family attached (SFA)						P	P	P	P	P		P	P	P							P	P	P	P	P		P	P	P			
Apartment or condominium building (ACB)								P	P	P			P	P					P		P	P	P	P	P	P	P	P	P			
Dwelling unit located above the ground floor in a mixed use building (MUB)													P						P		P	P	P	P	P	P	P	P	P			
Community club house, pool or other amenities associated with residential projects				P	P	P	P	P	P	P	P	P	P	P					P		P	P	P	P	P	P	P	P	P			
Independent living facility (ILF)						S	S	S	S	S		S	S	P	P		S	S	S	S	P	P	P	P	P	P	P	P	P			
Mobile home (MH)		P	P								P	P																				
Recreational vehicle park (RV)											P									S					P							
Shipping container home											P																					
Tiny House Planned Developments						P	P	P	P	P	P	P	P	P							P	P		P	P							
Institutional, Governmental, Tourism, Civic and Recreational Uses	CON	AG-5	AG-10	E E	E R	R-1	R-2	R-3	R-4	R-5	MHP	RMU	RMU-10	RIO	IN	PEU	C-1	C-2	C-2A	C-3	NMU-4	NMU-7	ECNMU-7	CMU	ARD	CC	CDT	SWCMU	466-301	M-1	M-2	
Public recreation facility or park		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Bed and breakfast		C	C	C	C	C	C	C	C	C		C	C	C			P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Hotels and motels																	P			P	P	P	P	P	P	P	P	P	P			
Golf courses and driving ranges				S	S	S	S	S	S	S							P	P	P	P	P	P	P	P	P	P	P	P	P			
Commercial recreation facility such as skating rinks, movie theatres and other similar uses																	P	P	P	P	P	P	P	P	P	P	P	P	P			
Health clubs and fitness centers												P	P				P	P	P	P	P	P	P	P	P	P	P	P	P			
Community residential home with 6 or fewer residents		P	P	P	P	P	P	P	P	P	P	P	P	P					P		P	P	P	P	P	P	P	P	P			
Community residential home with 7 or more residents															S		S	S	S	S							S					

<i>Institutional, Governmental, Tourism, Civic and Recreational Uses (cont'd)</i>	CON	AG-5	AG-10	E E	R-1	R-2	R-3	R-4	R-5	M H P	R M U	RMU-10	RIO	IN	PE U	C-1	C-2	C-2 A	C-3	NMU-4	NMU-7	ECNMU-7	C M U	A R D	CC	CD T	SW CM U	466 - 301	M-1	M-2
Assisted living facility (ALF)					S	S	S	S	S		S	S	P	P		S	S	S	S	P	P	P	P	P	P	P	P	P		
Nursing home													P	P		S	S	S	S	P	P	P	P	P	P	S	P	P		
Childcare facilities/ Day care					S	S	S	S	S	S	P	P	P	P		P	P	P		P	P	P	P	P	P	S	P	P		
Professional, business and technical schools													P	P						P	P	P	P	P	P	P	P			
Public schools and private schools offering curricula similar to that of public schools			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Private or nonprofit organizations providing schooling and/or training programs with associated facilities and dormitories														S		S	S	S	S							S				
Colleges and universities containing dormitories													P	P							P	P	P	P	P	P	P	P		
Churches and places of worship		S	S	S	S	S	S	S	S	S	S	S	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P		
Museums and other cultural facilities											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Hospitals														C		C			C	C	C	C	C	C	P	C	C	C		
Veterinary clinic or temporary pet boarding		P	P								P	P	P			P	P	P	P	P	P	P	P	P	P	P	P			
Cemeteries and mausoleums		S	S	S	S	S	S	S	S	S	S	S	S	P	P															
Funeral homes, crematories and other similar service establishments											P		P	P		P	P	P	P	P	P	P	P	P	P	P	P	P		
Private clubs and lodges				S	S	S	S	S	S	S	S	S	S			P	P	P	P	P	P	P	P	P	P	P	P	P		
<i>Institutional, Governmental, Tourism, Civic and Recreational Uses (cont'd)</i>	CON	AG-5	AG-10	E E	R-1	R-2	R-3	R-4	R-5	M H P	R M U	RMU-10	RIO	IN	PE U	C-1	C-2	C-2 A	C-3	NMU-4	NMU-7	ECNMU-7	C M U	A R D	CC	CD T	SW CM U	466 - 301	M-1	M-2

Public buildings owned, operated, and used by a government entity such as city hall, city hall annexes, police and fire stations, libraries, post office, and other similar uses		S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S	P	P	P	P	P	P	P	P					
Street and highway department garage or maintenance facility		S	S											S		P	S	S	S	S							P	P					
Utility facilities such as electric sub stations, wastewater treatment plants, well sites, and other similar uses		P	P													P											P	P					
Commercial Office and Business Park Uses	CON	AG-5	AG-10	R	E	R-1	R-2	R-3	R-4	R-5	MHP	RMU	RMU-10	RIO	IN	PEU	C-1	C-2	C-2A	C-3	NMU-4	NMU-7	ECNMU-7	CMU	ARD	CC	CDT	SWCMU	466-301	M-1	M-2		
Business or technology park																	P	P	P	P			P		P	P	P	P	P	P	P		
Medical or dental office												P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Professional service establishments and offices												P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Banks, credit unions, and financial institutions												P	P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Commercial Retail Uses	CON	AG-5	AG-10	R	E	R-1	R-2	R-3	R-4	R-5	MHP	RMU	RMU-10	RIO	IN	PEU	C-1	C-2	C-2A	C-3	NMU-4	NMU-7	ECNMU-7	CMU	ARD	CC	CDT	SWCMU	466-301	M-1	M-2		
Retail sales establishments such as department, electronic, office supply, grocery and other similar stores												P	P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Restaurants and cafés (without alcohol consumption or sales)												P	P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mobile food dispensing vehicle																	P	P		P													
Bar, tavern, restaurants or cafés serving alcohol (on site consumption)													P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Liquor Store (sales of hard alcohol for off-site consumption)																	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Copy centers												P	P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Commercial Retail Uses (continued)	CON	AG-5	AG-10	R _R	E _R	R-1	R-2	R-3	R-4	R-5	MHP	RMU	RMU-10	RIO	IN	PEU	C-1	C-2	C-2A	C-3	NMU-4	NMU-7	ECNMU-7	CMU	ARD	CC	CDT	SWCMU	466-301	M-1	M-2	
Beauty shop, dry cleaning, pet grooming, and other similar personal service establishments												P	P				P	P	P	P	P	P	P	P	P	P	P	P	P			
Specialty shops such as antique shops, art showrooms, boutiques, and other similar shops												P	P				P	P	P	P	P	P	P	P	P	P	P	P	P			
Car wash and auto detailing facilities																	S		S	P		S		S	P			S	P			
Service and repair shops for automobiles, small engines, and other similar uses																	S	S	S	P	S	S	S	S	P	S	S	S	P	P		
Retail and wholesale commercial establishments for lumber, building and landscaping supplies, farm equipment and other similar uses with potential outside storage of products																		S	S	P	S	S	S	S	P	S		S	P	P		
Auto dealership, golf cart, and similar sales																	P	P	S	P	S	S	S	S	P	S	S	S	P			
Convenience store												P	P				P	P	P	P	P	P	P	P	P	P	P	P	P			
Travel Center																				P												
Storage facilities (indoor)												P					P	P	P	P	S	S	S	S	P	S	S	S	P	P		
Outdoor storage facilities for RVs, boats, campers, vehicles, machinery, equipment, or other similar items		S																S		S					P			S	P	P		
Industrial Uses	CON	AG-5	AG-10	R _R	E _R	R-1	R-2	R-3	R-4	R-5	MHP	RMU	RMU-10	RIO	IN	PEU	C-1	C-2	C-2A	C-3	NMU-4	NMU-7	ECNMU-7	CMU	ARD	CC	CDT	SWCMU	466-301	M-1	M-2	
Wholesaling, warehousing, bulk storage, or distribution establishments and similar uses																															P	
Research laboratories and associated activities																									P						P	

Maximum Number of Signs	1 per business
Maximum Width	3 feet
Maximum Height	3.5 feet
Minimum Setback/Distance from Curb	1 foot
Maximum Width of Public Sidewalk that the Sign May Obstruct	No more than one-third of width of public sidewalk
Maximum Distance of Sign from Main Entrance to Business	10 feet
Duration Allowed	Only during hours while business is open
Allowed on Public Property and Right-of-Way	Yes
Allowed in a sight visibility triangle described in Design District Standards, Chapter 1, Section (G)(6).	No
Illumination Allowed	No

ZONING DISTRICT CATEGORY*	Agricultural	Residential	Mixed Use	Commercial	Industrial	Institutional
Maximum Number of Temporary Signs Per Parcel ¹	8	2	4	4	4	4
Maximum Sign Size (Area) for a Temporary Sign ²	4 sf.	4 sf.	16 sf.	16 sf.	16 sf.	16 sf.
Maximum Sign Height for a Temporary Freestanding Sign ³	6 ft.	6ft.	6ft.	6 ft.	6 ft.	6 ft.
Maximum Sign Height for a Temporary Wall Sign (inclusive of a Window Sign)	15 ft.	15ft.	15ft.	15 ft.	15 ft.	15 ft.
Minimum Sign Setback required to be maintained by a Temporary Ground Sign from any property line ⁴	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Minimum Sign Setback required to be maintained by a Temporary Ground Sign from the edge of any paved street or road	3 ft.	3ft.	3 ft.	3 ft.	3 ft.	3 ft.
Minimum Spacing that is required to be maintained by a Temporary Ground Sign from any other Temporary Ground Sign ⁵	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Maximum Aggregate Surface Area Allocated for All Temporary Signs on a Parcel ⁶	64 sf.	64 sf.	128 sf.	128 sf.	128 sf.	128 sf.
Whether Temporary Sign is Allowed on Public Property or Public Right-of-Way	No	No	No	No	No	No
Allowed in a sight visibility triangle described in Design District Standards, Chapter 1, Section (G)(6)	No	No	No	No	No	No
Direct Illumination of Surface of Temporary Sign Allowed	No	No	No	No	No	No
Duration Allowed After Event Ends	7 Calendar Days	7 Calendar Days	7 Calendar Days	7 Calendar Days	7 Calendar Days	7 Calendar Days

*Zoning District Categories shall be defined as follows:

Agricultural – AG-5, AG-10, CON
 Residential – RR, ER, R-1, R-2, R-3, R-4, R-5, MHP
 Mixed Use - RMU, RMU-10, RIO, C-2A, NMU-4, NMU-7, ECNMU-7, CMU, CC, CDT, SWCMU, 466-301
 Commercial – C-1, C-2, C-3
 Industrial – M-1, M-2
 Institutional – PEU, IN

¹ The number of temporary commercial signs per parcel shall be no more than four (4) signs; however, no more than one temporary commercial sign per parcel may be a banner sign and a temporary commercial banner sign is limited to a maximum duration of display of no more than thirty (30) days per calendar year per parcel, unless otherwise noted in a Temporary Sign Permit. Feather signs are limited to a maximum duration of display of no more than thirty (30) days per calendar year per parcel, unless otherwise noted in a Temporary Sign Permit.
² The square footage limitation is per side for a back-to-back sign. For example, a four (4) square foot limitation means that there is a limit of Four (4) square feet of surface area per side of a back-to-back sign, and an aggregate limit of eight (8) square feet is allowed if the sign is a back-to-back temporary sign.
³ Not applicable to signs displayed on flagpoles.
⁴ Minimum sign setbacks do not apply to wall signs. Except as set forth in Sec. 34-447.1 a for A-Frame Signs and T- Frame Signs, all Temporary Signs are prohibited on public property and from public rights-of-way.
⁵ Not applicable to signs displayed on flagpoles.
⁶ There is no limit to the number of separate messages that may appear on the allowable surface(s) of any Temporary Sign. The maximum aggregate surface area allowed is subject to circumstances that may reduce the maximum aggregate surface area allowable on some parcels.

TABLE 3-9: PERMANENT SIGNS ALLOWED IN ALL ZONING DISTRICTS

ZONING DISTRICT CATEGORY*	Agricultural	Residential	Mixed Use	Commercial	Industrial	Institutional
Flagpoles	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Flag Brackets and Stanchions	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Signs at Service Station Islands	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Monument Signs	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Wall Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Restaurant Wall Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Drive-Through Lane Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Umbrella Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Awning Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Canopy Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Changeable Copy Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Projecting Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Not Allowed	Not Allowed	Not Allowed
Window Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24
Door Signs	Not Allowed	Not Allowed	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24	Allowed per Sec. 3.24

*Zoning District Categories shall be defined as follows:
 Agricultural – AG-5, AG-10, CON
 Residential – RR, ER, R-1, R-2, R-3, R-4, R-5, MHP
 Mixed Use - RMU, RMU-10, RIO, C-2A, NMU-4, NMU-7, ECNMU-7, CMU, CC, CDT, SWCMU, 466-301
 Commercial – C-1, C-2, C-3
 Industrial – M-1, M-2
 Institutional – PEU, IN

Abbreviations:

P: Sign Permit Required

N/A: Sign Type Not Allowed in Zoning District

TABLE 3-10: SIGN PERMIT REQUIREMENTS						
ZONING DISTRICT CATEGORY*	Agricultural	Residential	Mixed Use	Commercial	Industrial	Institutional
Flagpoles	P	P	P	P	P	P
Signs at Service Station Islands	N/A	N/A	P	P	P	P
Monument Signs	N/A		P	P	P	P
Wall Signs	N/A	N/A	P	P	P	P
Restaurant Wall Signs	N/A	N/A	P	P	P	P
Drive-Through Lane Signs	N/A	N/A	P	P	P	P
Awning Signs	N/A	N/A	P	P	P	P
Canopy Signs	N/A	N/A	P	P	P	P
Changeable Copy Signs	N/A	N/A	P	P	P	P
Projecting Signs	N/A	N/A	P	N/A	N/A	N/A

*Zoning District Categories shall be defined as follows:

Agricultural – AG-5, AG-10, CON

Residential – RR, ER, R-1, R-2, R-3, R-4, R-5, MHP

Mixed Use - RMU, RMU-10, RIO, C-2A, NMU-4, NMU-7, ECNMU-7, CMU, CC, CDT, SWCMU, 466-301

Commercial – C-1, C-2, C-3

Industrial – M-1, M-2

Institutional – PEU, IN

- (5) Circulation and access;
- (6) Neighborhood design;
- (7) Requirements for energy efficiency;
- (8) Sidewalks and streetscape;
- (9) Multi-modal provisions;
- (10) Landscaping; and
- (11) Maintenance standards.

(D) Code Enforcement. The City's Code Inspector shall have jurisdiction to provide enforcement for all aspects of the Design District Standards. All violations of the Design District Standards shall, in addition to other legal remedies or appropriate sanctions, be enforced in accordance with the code enforcement procedures as set forth in Chapter 2 of the Code of Ordinances. Penalties shall be in accordance with the requirements set forth in Section 1-7 and Chapter 2 of the Code of Ordinances.

6.13. Wellhead Protection.

(A) *Intent*. The intent of this section is to protect existing and proposed public wellfields from the possibility of contamination by controlling the type of uses within the vicinity of such wellfields.

(B) *Wellhead protection zone (WPZ)*. The area within a 500-foot radius of any public well utilized for public potable water wells is hereby defined as a wellhead protection zone (WPZ). The City shall protect WPZs through the following measures:

(1) *Regulated uses*. The following uses will not be permitted within a WPZ unless adequate measures are implemented to ensure wellhead protection to the satisfaction of the City Engineer, FDEP, SWFWMD and other appropriate City officials:

- (a) Sanitary or industrial landfills or other surface impoundments;
- (b) Wastewater treatment plants, percolation ponds and similar facilities, except for single-family residential on-site wastewater disposal facilities (septic systems);
- (c) Facilities that produce, use, or store hazardous materials at or above established threshold amounts listed in Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. a. 11001 et seq. (SARA) and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, F.S. Chapter 252, Part II (Florida Substance List);
- (d) Junkyards or salvage operations;
- (e) Borrow pits or mines;
- (f) Activities that require the storage, use, or transportation of restricted substances, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste, etc.;
- (g) Excavation of waterways or drainage facilities that intersect the water table. Stormwater management systems constructed under SWFWMD permits and not discharging contaminants are exempt.
- (h) Feedlots or other commercial animal facilities.

(2) Within 200 feet of any public well the following criteria shall apply:

- (a) *Existing wells*.
 - (i) No septic systems shall be installed;
 - (ii) All existing development not currently connected to central water and sewer shall be required to connect within one (1) year after being notified that such facilities are available.

- (b) *Future wells.* There shall be no development within the radius.
- (3) Sewer mains and surface water treatment systems shall not be located within 100 feet of any public well per FDEP requirements.
- (4) *New well fields.* To avoid possible contamination, the City shall not permit new well fields without conducting environmental analyses which consider known and potential pollution sources within the area of influence of the proposed well.