

**ORDINANCE NO. 2021-692**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**  
**WILLISTON, FLORIDA AMENDING THE CITY'S LAND**  
**DEVELOPMENT REGULATIONS PERTAINING TO SPECIAL**  
**PERMITS FOR TEMPORARY USES WITHIN THE CITY;**  
**PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION,**  
**AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to petition LDR 2021-01, initiated by the City Planner of the City of Williston (hereinafter "City"), the Planning and Zoning Commission has recommended an amendment to section 46-97, of the Code of Ordinances; and

**WHEREAS**, the City Council finds that an amendment to section 46-97, of the Code of Ordinances, would provide for a more orderly execution of special use permits for temporary uses; and

**WHEREAS**, the City Council finds that an amendment to section 46-97, of the Code of Ordinances, is in the best interests of the citizens of the City.

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLISTON, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The above recitals are true and accurate and are adopted and incorporated herein.

**SECTION 2.** Pursuant to LDR 2021-01, section 46-97, of the Code of Ordinances, City of Williston, Florida, is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

**Sec. 46-97. - Special permits for temporary uses.**

(a)*Generally.* Certain uses are temporary in character. These temporary uses vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in these land development regulations, the following regulations shall govern temporary uses.

(b)*Temporary use permits issued by city council.* The city council may issue a temporary use permit for the following uses: In agricultural, commercial, and industrial districts: commercial circuses, carnivals, outdoor concerts, and similar uses. Requests for such a permit shall be submitted in writing to the land development regulations administrator together with such reasonable fees as the city council may determine

through action in setting fees as set out in chapter 44. The city council shall take final action on the request by either approving, approving with conditions, or denying the request. Prior to granting a temporary use permit, the city council shall determine that:

(1)Any nuisance or hazardous feature involved is suitably separate from adjacent uses.

(2)Excessive vehicular traffic will not be generated on minor residential streets.

(3)A vehicular parking problem will not be created.

The temporary use permit, if granted, shall be granted for a specific time period, at the end of which, if the use permitted has not been discontinued, it shall be deemed a violation of these land development regulations and shall be punished as set out in article VII of this chapter. Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which temporary use permit is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the temporary use permit is granted, shall be deemed a violation of these land development regulations and punishable as provided in these land development regulations.

(c)*Temporary use permits issued by the land development regulations administrator.* Certain uses are of short duration and do not create excessive incompatibility during the course of the use. Therefore, the land development regulations administrator is authorized to issue temporary use permits for the following activities, after a showing that any nuisance or hazardous feature involved is suitably separated from adjacent uses; excessive vehicular traffic will not be generated on minor residential streets; a vehicular parking problem will not be created; and, if appropriate, restroom facilities will be provided:

(1)In any zoning district: special events operated by nonprofit, eleemosynary organizations.

(2)In any zoning district: Christmas tree sales lots operated by nonprofit, charitable organizations.

(3)In any zoning district: other uses which are similar to subsections (c)(1) and (2) of this section and which are of a temporary nature where the period of use will not extend beyond 30 days.

(4)In any zoning district: mobile homes or travel trailers used for temporary purposes by any agency of municipal, county, state, or federal government; provided such uses shall not be or include a residential use.

(5)In any zoning district: mobile homes or travel trailers used as a residence, temporary office, security shelter, or shelter for materials of goods incident to construction on or development of the premises upon which the mobile home or travel trailer is located. Such use shall be strictly limited to the time construction or development is actively underway. The land development regulations administrator shall require posting of sufficient bond to ensure removal of the temporary structure within two weeks after issuance of the certificate of occupancy on the permanent structure. In no event shall the use continue more than 12 months without the approval of the city council and the city council shall give such approval only upon finding that actual construction has begun and is continuing.

(6)In agricultural, commercial, and industrial districts: temporary religious or revival activities in tents which are of a temporary nature where the period of use will not extend beyond 30 days.

(7)In commercial districts: retail sales which are of a temporary nature where the period of use will not extend beyond one period of three consecutive days within a seven-day period.

(8)In commercial districts: automobile tent sales or fireworks tent sales located on approved parking lots, which are of a temporary nature where the period of use will not extend beyond one period of ten consecutive days within a 90-day period.

(9)In commercial districts: mobile recycling collection units. These units shall be subject to the review of the land development regulations administrator. Application for permits shall include written confirmation of the permission of the property owner and a site plan which includes distances between the mobile recycling collection units and buildings, roads, and property lines.

(10)On residential properties in any zoning district: mobile homes or travel trailers used as an accessory residence in the case of an established medical need for assistance. Such use shall be strictly limited to the time that the medical condition exists. In no event shall the use continue more than 12 months without an extension by the city council and the city council shall give such approval only upon finding that actual medical need is continuing.

(11)An occupied property in a residential zoning district: the harboring of livestock for 4-H/FFA purposes. This permit shall be issued by the land development regulations administrator. The application shall contain the following information:

- a. Detailed site plan showing the proposed location of the containment facility.
- b. Applicable building setbacks for the zoning district where located.
- c. Name and mailing address of all adjacent property owners.

The following requirements shall apply to this temporary use:

- a. Maximum 120-day permit period (available once per calendar year).
- b. Maximum of one head of livestock per parcel.
- c. The containment facility shall be located in the rear yard only.
- d. Containment facility placement must adhere to ten-foot minimum rear and side yard setbacks.
- e. The use shall not violate the city noise ordinance.
- f. The use shall not create a sanitary nuisance.
- g. The containment facility shall be regularly cleaned so as not to create hazardous waste or hazardous lands (as defined in section 44-10 of this Code).

The temporary use shall be periodically inspected by the animal control officer. Failure to comply with the requirements outlined above shall result in the written revocation of permit and two days to remove livestock from the property. Failure to remove the livestock from the property within two days shall result in a fine of \$50.00 per day until compliance is achieved.

Requests for such a permit shall be submitted in writing to the land development regulations administrator. Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which temporary use permit is requested shall be begun or completed, or both. Violation of such conditions and

safeguards, when made a part of the terms under which the temporary use permit is granted, shall be deemed a violation of these land development regulations and punishable as provided in article VII of this chapter.

**SECTION 3.** Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

**SECTION 4.** It is the intention of the City Council of the City, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City, as applicable, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

**SECTION 5.** This ordinance shall take effect immediately upon its adoption.

**PASSED** upon first on the 8 day of June, 2021.

**NOTICE PUBLISHED** on the 20<sup>th</sup> day of May, 2021.

**PASSED AND ADOPTED** on second and final reading the 22<sup>nd</sup> day of June, 2021.

**CITY OF WILLISTON, FLORIDA**

By: Debra J. Jones  
Debra Jones, President

ATTEST:

By: Laticia Wright  
Laticia Wright, City Clerk

APPROVED AS TO FORM AND  
LEGALITY:

By: Frederick L. Koberlein, Jr.  
Frederick L. Koberlein, Jr.,  
City Attorney