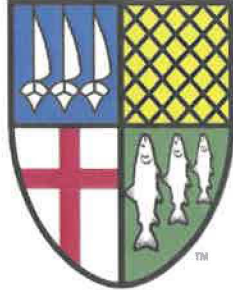


THE TOWN OF  
**Windermere**



**ORDINANCE NO. 2019-03**

**AN ORDINANCE BY THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO A SMALL SCALE FUTURE LAND USE MAP AMENDMENT PURSUANT TO SECTION 163.3187 OF THE FLORIDA STATUTES; AMENDING THE TOWN OF WINDERMERE'S FUTURE LAND USE MAP TO REMOVE TWO PARCELS FROM THE TOWN OF WINDERMERE'S TOWN CENTER OVERLAY DISTRICT BOUNDARY, ACCOUNTING FOR 0.61 ACRES MORE OR LESS OF REAL PROPERTY LOCATED AT 111 W 5TH AVENUE AND 119 W 5TH AVENUE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR APPLICABILITY; SEVERABILITY; CONFLICTS; CODIFICATION; AND AN EFFECTIVE DATE.**

*Whereas*, the Town Council of the Town of Windermere, Florida, recognizes the need to plan for orderly growth and development;

*Whereas*, the Town Council of the Town of Windermere adopted the Town's comprehensive plan on October 9, 2018, which includes the Town of Windermere's Existing Land Use Map and 2035 Future Land Use Map;

*Whereas*, the Town Council considered a small scale future land use amendment amending the Town of Windermere's comprehensive plan 2035 Future Land Use Map to remove two parcels located at 111 W 5<sup>th</sup> Avenue and 119 W 5<sup>th</sup> Avenue from the Town Center Overlay District;

*Whereas*, the Town Council has determined that the amendment to the Town's 2035 Future Land Use Map is compatible with the Future Land Use Element goals, objectives, and policies, and other affected elements and policies of the Town's comprehensive plan;

*Whereas*, the proposed 2035 Future Land Use Map amendment meets the criteria of a small scale amendment as defined by Section 163.3187, Florida Statutes. The statutory public hearing requirement requires only a public hearing by the Town Council.

**BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:**

**Section 1. Legislative Findings.** The foregoing recitals are incorporated herein by reference as the legislative findings of the Town Council of the Town of Windermere.

**Section 2. Amendment to the 2035 Future Land Use Map.** The Town of Windermere's 2035 Future Land Use Map is amended to remove two parcels accounting for 0.614 acres of real property located at 111 W 5th Avenue and 119 W 5th Avenue as more specifically described in Attachments A and B of this ordinance from the Town of Windermere's Town Center Overlay District.

**Section 3. Design Requirements.** The site plan and development of 111 W 5th Avenue and 119 W 5th Avenue must comply with the design guidelines set forth in the July 2004 Town Center Design Guidelines, including the building types and site disposition, architectural guidelines, and landscape and streetscape elements. Prior to issuance of a building permit, review is required by the Development Review Board and approval is required by the Town Council to insure the building design conforms to the requirements.

**Section 4. Severability.** If a provision of this ordinance is held invalid or unconstitutional in judicial proceedings, the holding shall not affect other provisions that can be given effect. To that end, this ordinance is declared to be severable.

**Section 5. Conflicts.** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

**Section 6. Codification.** The amendments to the 2035 Future Land Use Map in Section 2 of this Ordinance shall be codified and made part of the official comprehensive plan for the Town of Windermere.

**Section 7. Effective Date.** This Ordinance shall become effective 31 days after its passage as a non-emergency ordinance at two regular meetings of the Town Council. If challenged pursuant to Section 163.3187(5), Florida Statutes, within 30 days after adoption, this small-scale amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining this small-scale amendment is in compliance with applicable state law.

**ENACTED** by ordinance this 10<sup>th</sup> day of September 2019, at a meeting of the Town Council of the Town of Windermere, Florida.

**TOWN OF WINDERMERE, FLORIDA**

by: its Town Council

by: 

Jim O'Brien, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Dorothy Burkhalter, MMC, FCRM

First Reading: August 13, 2019  
Second Reading: September 10, 2019

Approved as to form:

  
\_\_\_\_\_  
Town Attorney



**Attachment  
A to the  
Town of Windermere  
Ordinance No. 2019-03**

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**Map of the Small-Scale Amendment Area**



**Attachment B**  
**to the Town of Windermere**  
**Ordinance No. 2019-03**

**Legal Description of the Small-Scale Amendment Area**

**111 W 5<sup>th</sup> Avenue Windermere, Florida 34786**

**Property Description**

PLAT OF WINDERMERE G/36 THE E 80 FT OF LOT 289 & E 80 FT OF LOT 290

**119 W 5<sup>th</sup> Avenue Windermere, Florida 34786**

**Property Description**

PLAT OF WINDERMERE G/36 LOTS 289 & 290 (LESS E 80 FT THEREOF)