

ORDINANCE NO. 2012-06

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5 AN ORDINANCE OF THE TOWN OF WINDERMERE,
6 FLORIDA PERTAINING TO PUBLIC HEALTH, SAFETY
7 AND WELFARE; DECLARING THAT ORANGE COUNTY
8 ORDINANCES 2012-11 AND 2012-12, RELATING TO THE
9 REGULATION OF PAIN MANAGEMENT CLINICS,
10 INCLUDING REGULATION OF THE USE OF LAND FOR
11 PAIN MANAGEMENT CLINICS, GOVERN WITHIN THE
12 TOWN OF WINDERMERE; ADDING A NEW SECTION
13 6-20 TO CHAPTER 6 OF THE CODE OF ORDINANCES;
14 INCLUDING OTHER RELATED PROVISIONS;
15 PROVIDING FOR INCLUSION IN THE CODE,
16 SEVERABILITY AND AN EFFECTIVE DATE.
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18 WHEREAS, Orange County adopted zoning Ordinance 2012-11 and regulatory
19 Ordinance 2012-12 (the “Orange County Pain Management Clinic Ordinances”) in order to
20 impose zoning and other regulations on pain management clinics and pharmacies in the
21 unincorporated areas of Orange County, Florida.

22 WHEREAS, Section 704 of the Orange County Charter provides that if a municipality
23 does not maintain an ordinance on a particular subject matter, activity or conduct, a county
24 ordinance pertaining to the subject matter, activity or conduct is effective within a municipality.

25 WHEREAS, the Town Council of the Town of Windermere hereby expressly declares
26 that it does not have an ordinance on the subject matter addressed in the Orange County Pain
27 Management Clinic Ordinances, and therefore that the Orange County Ordinances 2012-11 and
28 2012-12 govern within the town’s boundaries.

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

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31 Section 1. **Creation.** A new Section 6-20 is hereby added to Chapter 6 of the Code of
32 Ordinances of the Town of Windermere:
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34 **Sec. 6-20. Pain Management Clinics.**

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36 (a) Definition. The term “pain management clinics” is defined the same as
37 that term is defined in Orange County Ordinance 2012-11 and in Section 38-1 of the
38 Orange County Code, as those definitions may be amended, revised, superseded, or
39 replaced from time to time.

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41 (b) No Town Ordinance on Pain Management Clinics. For purposes of
42 Section 704 of the Orange County Charter, the town maintains no ordinance covering the
43 subject matter, activity, or conduct of or relating to pain management clinics. Therefore,
44 in the absence of a town ordinance on that subject, Orange County ordinances regulating,
45 restricting, and otherwise addressing pain management clinics shall govern within the
46 town’s boundaries.

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48 (c) Land-Use Regulation of Pain Management Clinics. For purposes of
49 Section 2.02.02 of the Land Development Code, the terms “medical and dental clinics,”
50 “medical offices or clinics,” “retail drug businesses,” and all other similar terms do not
51 include pain management clinics. Pain management clinics are permitted uses within the
52 town only if and to the extent land within the town is zoned such that, if Section 38-77 of
53 the Orange County Code (as amended) governed its uses, pain management clinics would
54 be permitted. Furthermore, all conditions imposed on pain management clinics under
55 Section 38-79 of the Orange County Code shall likewise apply to pain management
56 clinics within the town.

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58 (d) Enforcement. Orange County has jurisdiction within the town boundaries
59 to enforce its ordinances pertaining to pain management clinics. The town reserves
60 concurrent jurisdiction to enforce all county ordinances pertaining to pain management
61 clinics within the town.

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63 **Section 2. Inclusion in the Code.** It is the intent of the Town Council that the
64 provisions of this Ordinance shall become and be made a part of the Town Code and that the
65 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
66 changed to “section,” “article,” or such other appropriate word or phrase to accomplish such
67 intentions.

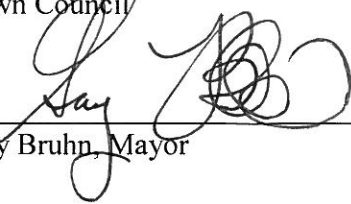
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69 **Section 3. Severability.** If any section, sentence, clause or phrase of the Ordinance is
70 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
71 shall in no way affect the validity of the remaining portions of this Ordinance.

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73 **Section 4. Effective Date.** This Ordinance shall become effective immediately upon its
74 enactment.

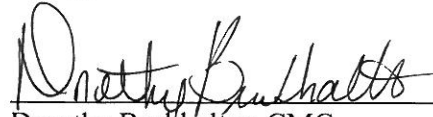
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76 **APPROVED AND ADOPTED** by the Town Council of the Town of Windermere on
77 the 28th day of August, 2012.

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Town of Windermere, Florida
by: Town Council

by: 
Gary Bruhn, Mayor

Attest:


Dorothy Burkhalter, CMC
Town Clerk

First reading: July 10, 2012
Second reading: August 28, 2012

