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ORDINANCE NO. 2016-02

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AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO SUBDIVIDING PROPERTY; REVISING SUBSECTION 3.02.02(4) OF THE TOWN'S LAND DEVELOPMENT CODE TO (1) CLARIFY THE LOT SPLIT PROCEDURE AND PROVIDE THAT THE TOWN MANAGER MAY ADMINISTRATIVELY APPROVE A REQUEST TO SUBDIVIDE PROPERTY WHEN SPECIFIC REQUIREMENTS ARE MET, (2) TO PROVIDE THAT TWO OR MORE CONTIGUOUS NONCONFORMING PLATTED OR CONVEYED OF RECORD LOTS ON WHICH A DWELLING UNIT OR OTHER PRINCIPAL STRUCTURE IS CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE AND CROSSES A LOT OR PARCEL LINE OF THE NONCONFORMING LOTS ARE NOT "GRANDFATHERED" AND ARE THEREAFTER DEEMED BOUND TOGETHER TO CREATE ONE SINGLE LOT WHICH SHALL NOT BE REDUCED IN WIDTH OR AREA TO CREATE OR INCREASE A NONCONFORMITY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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Whereas, the Town's Land Development Code requires "any request to subdivide property" to be treated as a variance, which requires among other things, a public hearing before the Development Review Board and the Town Council.

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Whereas, the Town Council wants to clarify, simplify, and streamline this process and to allow the Town Manager to administratively approve certain requests to subdivide property and to provide for the aggregation of contiguous non-conforming lots when a dwelling unit or other principal structure is constructed across the lot lines after the effective date of this Ordinance.

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BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE

Section 1. Amendments to the Town of Windermere's Land Development Code. Subsection 3.02.02(4) of the Town of Windermere's Land Development Code is hereby revised as indicated by the addition of the underlined language:

(4) Applicable development standards include those imposed upon the initial development except standards for development in a floodplain and standards for stormwater management. The following initial development standards shall be followed if contained in the original approval (pre-Code standards):

a. Minimum lot dimensions and area.

1. No real estate shall be subdivided in the town in such manner that there is hereby constituted, created or established a lot having less than the minimum frontage and areas hereinafter provided.

2. The location, minimum width and minimum area of lots or parcels in the town which can be used or subdivided shall be as follows:

- 46 (i) Each lot or parcel shall have a minimum width of 130 feet at the site where
 47 the building is or will be located. However, three or more lots: (i) that are
 48 contiguous; (ii) that each have a width, at the front yard setback of no less
 49 than 50 feet; (iii) that were all platted or conveyed of record before June 10,
 50 1975; (iv) that are under common ownership of one entity; and (v) that in
 51 the past have not had constructed upon any one or more of them, a dwelling
 52 unit or units or other principal structure or structures, may be subdivided or
 53 resubdivided and platted or replatted so as to create two or more lots, each
 54 with a width, at the front yard setback, of no less than 75 feet. Thereafter,
 55 those platted lots will each be deemed to have the minimum width required
 56 for construction of a single-family residence.
- 57 (ii) Each interior lot shall have a minimum area of not less than 32,670 square
 58 feet and each lakefront or canal lot shall have a minimum area of not less
 59 than 43,560 square feet.
- 60 (iii) Each lot or parcel must abut, be contiguous and be adjacent to road frontage
 61 of record for a contiguous distance of 25 feet where the lot or parcel abuts
 62 the road.
- 63 (iv) This section shall not be construed to prevent the use of any platted lot
 64 having less than the minimum frontage and area hereinabove provided if:
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- 66 (a) such lot was platted or conveyed of record prior to June 10, 1975, or,
 67
- 68 (b) in the case of property annexed into the town ~~since that date~~ on or after
 69 June 10, 1975, if such lot was platted or conveyed of record prior to such
 70 property being annexed into the town.
- 71
- 72 (c) However, the “grandfather” provisions in this subsection (iv) shall not
 73 apply to two or more contiguous nonconforming platted or conveyed of
 74 record lots as to width and/or area as set forth in subsections (i) and (ii)
 75 above, and on which a dwelling unit or other principal structure is
 76 constructed after the effective date of this Ordinance 2016-02, and crosses a
 77 lot or parcel line of such contiguous nonconforming lots. Such contiguous
 78 nonconforming platted or conveyed of record lots shall be deemed bound
 79 together to create one single lot that shall not thereafter be reduced in width
 80 or area in such a way as to create or increase a nonconformity.
- 81
- 82 3. All unplatted property annexed into the town shall be subject to the following
 83 requirements:
- 84 (i) Any plat approved by the town shall have a density no less than one unit per
 85 acre with each lot having a minimum width at the building site of 130 feet.
- 86 (ii) A developers’ agreement between the town and the owner and his
 87 successors shall require execution and recording of a restrictive covenant,
 88 which prohibits subdivision of any platted lot.
- 89 4. No parcel or lot shall be subdivided to reduce its area to less than that of similar
 90 neighboring properties.

91 5. Any request to subdivide property shall be treated as a variancee minor replat as
92 provided in Division 12.03.00 of this Land Development Code or as a
93 subdivision plat as provided in Division 12.02.00 of this Land Development
94 Code. in addition to any other requirement within this Land Development Code.
95 Notwithstanding the foregoing, the town manager may administratively approve
96 a request to subdivide property when:

97 (a) the resulting lots or parcels comply with the minimum requirements of
98 this Land Development Code and does not result in the creation of more than
99 two lots or parcels; and each lot or parcel abuts an existing public or private
100 street and does not require any shared infrastructure such as stormwater or
101 roadways; or

102 (b) the property was platted or conveyed of record before June 10, 1975 and
103 the resulting lots are the same as the originally platted lots or conveyed lots of
104 record.

105 6. No building permit shall be issued to any person to build, construct, erect or
106 place any building or structure on any lot or parcel which has less than the
107 minimum width; frontage or area hereinabove provided.

108 **Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of
109 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions
110 and portions of this ordinance shall remain in full effect.
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112 **Section 3. Codification.** The provisions of this Ordinance shall become and be made a part of the
113 Town of Windermere's Land Development Code.
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115 **Section 4. Effective Date.** This Ordinance takes effect immediately upon its enactment.
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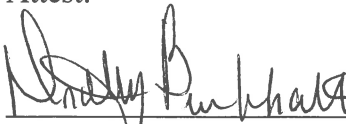
117 **ENACTED** this 25th day of October, 2016, at a regular meeting of the Town Council of
118 the Town of Windermere, Florida.
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122 Town of Windermere, Florida

123 by: Town Council

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126 by: 
127 Gary Bruhn, Mayor

128 Attest:

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131 Dorothy Burkhalter, CMC
132 Town Clerk
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135 First reading: September 13, 2015
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137 Second reading:
October 25, 2016