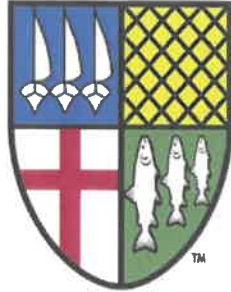


THE TOWN OF  
**Windermere**



**ORDINANCE NO. 2019-02**

**AN ORDINANCE BY THE TOWN OF WINDERMERE, FLORIDA, AMENDING THE TOWN OF WINDERMERE CODE OF ORDINANCES, LAND DEVELOPMENT CODE, TO ADD A NEW SUBSECTION (C) TO SECTION 3.05.00 TO EXCLUDE TWO PROPERTIES LOCATED AT 111 W 5TH AVENUE AND 119 W 5TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM THE TOWN CENTER DESIGN DISTRICT GUIDELINES MASTER PLAN AS ADOPTED IN THE LAND DEVELOPMENT CODE; PROVIDING FOR APPLICABILITY; SEVERABILITY; CONFLICTS; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in **Chapter 166**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, in 2004, by Ordinance 2004-09, the Town Council adopted, with revisions, the Town Center Design District Guidelines, which applies to certain properties within the downtown area as depicted on the Town Center Design District Guidelines Master Plan;

**WHEREAS**, the Town Center Design District Guidelines Master Plan includes the properties located at 111 W 5<sup>th</sup> Avenue and 119 W 5<sup>th</sup> Avenue and designates the properties as future parking areas;

**WHEREAS**, the Town developed 119 W 5<sup>th</sup> Avenue into a public parking area;

**WHEREAS**, the Town Council has determined the need for 111 W 5<sup>th</sup> Avenue to be used as a future parking area as shown in Town Center District Guidelines Master Plan is no longer applicable;

**WHEREAS**, the Town Council has determined that the removal of 111 W 5<sup>th</sup> Avenue and 119 W 5<sup>th</sup> Avenue from the Town Center Design District Guidelines Master Plan will not result in adverse impacts to the further implementation of the Town Center Design District Guidelines and

Master Plan in the remainder of the Town Center Design District Guidelines Master Plan area;

**WHEREAS**, the Town Council has considered the recommendation of the Development Review Board and testimony provided at the public hearings and has determined that it is in the public interest to remove 111 W 5<sup>th</sup> Avenue and 119 W 5<sup>th</sup> Avenue from the Town Center Design District Guidelines Master Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Windermere, Florida, that the following ordinance is hereby adopted.

**SECTION 1: AMENDMENT TO LAND DEVELOPMENT CODE SECTION. 3.05.00. TOWN CENTER DESIGN GUIDELINES.**

Section 3.05.00 of the Land Development Code is hereby amended to include a new sub- section (c) as shown below. Text additions are underlined and deletions are stricken.

(c) The Town Center Design District Master Plan excludes both 111 W 5<sup>th</sup> Avenue (PLAT OF WINDERMERE G/36 THE E 80 FT OF LOT 289 & E 80 FT OF LOT 290) and 119 W 5<sup>th</sup> Avenue (PLAT OF WINDERMERE G/36 LOTS 289 & 290 (LESS E 80 FT THEREOF)).

**SECTION 2. 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 3. MAP OF REVISED TOWN CENTER DESIGN DISTRICT MASTER PLAN BOUNDARY.**

See Exhibit A for a map illustrating the revised Town Center Design District Guidelines Master Plan boundary.

**SECTION 4. APPLICABILITY.**

For the purposes of jurisdictional applicability, this ordinance shall apply in the Town of Windermere, Florida.

**SECTION 5. INCLUSION INTO THE CODE OF ORDINANCES.**

It is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Town of Windermere's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 6. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

**SECTION 7. EFFECTIVE DATE.**


This ordinance shall take effect upon adoption by the Town Council.

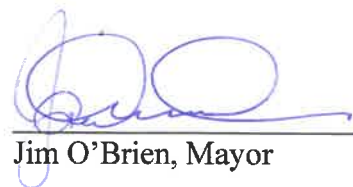
**PASSED** on first reading this 13<sup>th</sup> Day of August, 2019.

**PASSED and ADOPTED** in regular session, with a quorum present and voting, by the Town Council, upon second and final reading this 10<sup>th</sup> day of September, 2019.

ATTEST:

Town of Windermere, Florida  
By: Its Town Council

  
Dorothy Burkhalter, MMC, FCRM

  
Jim O'Brien, Mayor

APPROVED AS TO FORM:

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

  
Town Attorney



# EXHIBIT A AMENDED TOWN CENTER DESIGN DISTRICT GUIDELINES MASTER PLAN

