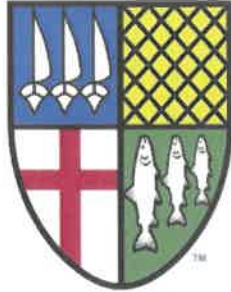


THE TOWN OF
Windermere



ORDINANCE NO. 2019-04

AN ORDINANCE BY THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO REZONING; AMENDING THE TOWN OF WINDERMERE'S ZONING MAP FOR 0.29 ACRES MORE OR LESS OF REAL PROPERTY LOCATED AT 111 W 5th AVENUE, AS MORE SPECIFICALLY DESCRIBED HEREIN, FROM RESIDENTIAL ZONING WITH TOWN CENTER DESIGN DISTRICT OVERLAY TO COMMERCIAL ZONING; 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, pursuant to a request by the property owner, 5th Ave LLC, is requesting a zoning map amendment for the 0.29 acres, located at 111 W 5th Avenue, from a Residential zoning with Town Center Design District Overlay to Commercial zoning;

Whereas, the Town Council is committed to the goal of enacting and implementing sound growth management practices within the Town and finds that this Ordinance is consistent with the goals, objectives, and policies of the Town's comprehensive plan and that it is in the best interests of the Town of Windermere.

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

Section 1. Amendment to the Zoning Map. The Town of Windermere's official Zoning Map for .29 acres of property described and depicted in Attachments A and B is hereby rezoned to Commercial zoning.

Section 2. Conditions of Approval. The Town Council has determined that the requested

zoning change is consistent with the public interest, encourages the appropriate use of land, is consistent with and further the goals and objectives of the Town of Windermere's comprehensive plan, and is in compliance with the Town of Windermere's land development code zoning designation of Commercial, with the following conditions:

- (1) The rezoning applies only to the property described in **Attachments A and B**.
- (2) Development shall be subject to the requirements contained in the Town of Windermere's comprehensive plan and land development code, and code of ordinances.
- (3) 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. 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 4. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.


Section 5. Codification. The amendments to the official Zoning Map in Section 1 of this Ordinance shall be codified and made part of the official land development code for the Town of Windermere.

Section 6. 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 the related small-scale future land use amendment adopted by Ordinance 2019-03 is challenged pursuant to Section 163.3187(5), Florida Statutes, within 30 days after adoption, this Ordinance shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the small-scale amendment adopted by Ordinance 2019-03 is in compliance with applicable state law.

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

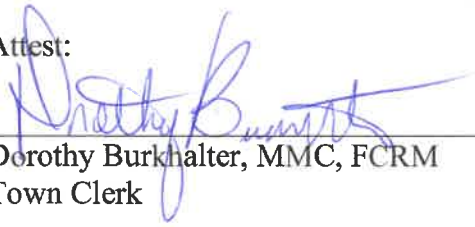
TOWN OF WINDERMERE, FLORIDA

by: its Town Council

by: 

Jim O'Brien, Mayor

Attest:



Dorothy Burkhalter, MMC, FCRM
Town Clerk

APPROVED AS TO FORM:



Town Attorney

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



**Attachment A
Town of Windermere
Ordinance No. 2019-04**

Map of the Rezoning Area



**Attachment B
Town of Windermere
Ordinance No. 2019-04**

**Metes and Bounds Legal Description of the
Rezoning Area**

111 W 5TH AVE WINDERMERE FL 34786 - 17-23-28-9336-02-891

Legal Description

**THE EAST 80 FEET OF LOT 289 AND THE EAST 80 FEET OF LOT
290, REPLAT OF WINDERMERE, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK G, PAGES 36-39 OF THE PUBLIC
RECORDS OF ORANGE COUNTY, FLORIDA**