

**ORDINANCE NO. 2012-05**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, AMENDING CHAPTER VII SECTION 7.01.04 C PERTAINING TO SWIMMING POOLS, HOT TUBS, AND SIMILAR STRUCTURES; DELETING AND AMENDING LANGUAGE AS TO ENCLOSURE REQUIREMENTS OF SUCH AND ALLOWING ADJACENT WATERWAYS AS ALLOWABLE BARRIERS AS AUTHORIZED BY THE LOCAL JURISDICTION; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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

**Section 1. Amending section 7.01.05 C of Article VII of the Land Development Code.**

The Town Council hereby approves and adopts the following amendments and additions to section 7.01.05 C of Article VII of the Town of Windermere's Land Development Code as indicated by the underline and strikethrough language:

7.01.04 Swimming Pools, Hot Tubs, and Similar Structures.

- C. All pools etc. shall be completely enclosed with an approved wall, fence or other substantial structure not less than five feet in height. The enclosure shall completely surround (to include the water front) the pool shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.
1. Exception: Adjacent Waterway: Permanent natural or permanent man-made features such as bulk-heads, canals, lakes, navigable waterways, etc., adjacent to a public or private swimming pool or spa may be permitted as a barrier when reviewed by the Town of Windermere Development Review Board and approved by Town Council. When evaluating such barrier features, the Development Review Board and Town Council may perform on-site inspections and review evidence such as surveys, aerial photographs, water management agency standards and specifications, and any other similar documentation to verify the subject barrier features adequately restricts access to the pool, spa, or similar structure.

**Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full effect.

**Section 3. Codification.** The amendments in Section 1 of this Ordinance shall be codified and made part of the official Land Development Code of the Town of Windermere.

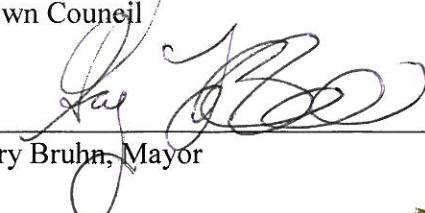
**Section 4. Effective Date.** This Ordinance takes effect immediately upon its enactment.

ENACTED this 10<sup>th</sup> day of July, 2012, at a regular meeting of the Town Council of the Town of Windermere, Florida.


Town of Windermere, Florida

by: Town Council

by:

  
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Gary Bruhn, Mayor

Attest:

  
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Dorothy Burkhalter, CMC  
Town Clerk

Dorothy Burkhalter, CMC  
Town Clerk

First reading: June 12, 2012

Second reading:

