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ORDINANCE 2014-05

AN ORDINANCE OF THE TOWN COUNCIL OF WINDERMERE, ORANGE COUNTY, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; AMENDING THE ADOPTED TOWN OF WINDERMERE COMPREHENSIVE PLAN, FUTURE LAND USE MAP DESIGNATION FOR 36 ACRES OF REAL PROPERTY LOCATED AT 1800 AND 2042 MAGUIRE ROAD IN WINDERMERE (PROPERTY APPRAISER PARCEL IDENTIFICATION NUMBERS 06-23-28-0000-00-004, 06-23-28-0000-00-030, AND 06-23-28-0000-00-061) FROM ORANGE COUNTY RURAL/AGRICULTURE TO TOWN OF WINDERMERE PLANNED UNIT DEVELOPMENT (PUD) PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING TRANSMITTAL; PROVIDING FOR SEVERABILITY; SUPERSEDING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Whereas, the Town Council of the Town of Windermere, Florida recognizes the need to plan for orderly growth and development.

Whereas, the Town Council has adopted a Comprehensive Plan in compliance with the provisions of Part II of Chapter 163 of the Florida Statutes, and Rule 9J-5 of the Florida Administrative Code.

Whereas, large scale amendments to the Town of Windermere's Comprehensive Plan processed through the expedited state review process may be requested at any time, subject to the limitations set forth in subsections 163.3184(3) and (5) of the Florida Statutes.

Whereas, section 163.3184 of the Florida Statutes further provides an opportunity for individuals to participate in the comprehensive plan amendment public hearing process.

Whereas, as the result of annexation into the Town, the property owners for the subject property have requested that the Comprehensive Plan Future Land Use Map designation on three parcels of real property totaling 36 acres located at 1800 and 2042 Maguire Road (property appraiser parcel identification numbers 06-23-28-0000-00-004, 06-23-28-0000-00-030 and 06-23-28-0000-00-061) be changed from Orange County Rural/Agriculture to Town of Windermere planned unit development.

Whereas, the Town's consideration and approval of the future land use map designation of planned unit development for the 36 acres of real property includes, at this time, residential uses only. Uses other than residential, including commercial, are not approved as part of this planned unit development future land use map designation, there is no right, express or implied, to uses other than residential, and, the specific uses within the planned unit development are to be reviewed and assigned at the time of zoning to the planned unit development through the preliminary development plan process. The portion of the property where the applicant had

46 proposed non-residential uses is not prejudiced to apply in the future for such non-residential
47 uses.

48
49 *Whereas*, the requested Comprehensive Plan amendment involves more than ten acres of
50 property, proposes a land use change to the Future Land Use Map for large scale development
51 activity, does not involve a text change to the goals, policies, and objectives of the Town's
52 Comprehensive Plan, and is not located within an area of critical state concern.

53
54 *Whereas*, the Town has complied with the requirements in subsection 163.3184(11), of
55 the Florida Statutes.

56
57 *Whereas*, the local planning agency, being the Town Council, duly held a public hearing,
58 with due public notice, on the requested Comprehensive Plan amendment, and has recommended
59 approval thereof.

60
61 *Whereas*, the Town Council has conducted a transmittal public hearing on the requested
62 Comprehensive Plan amendment, as described in subsection 163.3184(11)(b)1 of the Florida
63 Statutes and shall conduct the adoption public hearing as described in the subsection
64 163.3184(11)(b)2 of the Florida Statutes.

65
66 *Whereas*, the Town Council finds that approval of the requested Comprehensive Plan
67 amendment will preserve the internal consistency of the Town's Comprehensive Plan.

68
69 **BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:**

70
71 **Section 1. Legislative Findings.** The foregoing recitals are incorporated herein by reference as
72 the legislative findings of the Town Council of the Town of Windermere.

73
74 **Section 2. Amendment to the Future Land Use Map in the Comprehensive Plan.** The
75 Future Land Use designation of the real property totaling 36 acres as described in **Attachment**
76 **A**, and as shown on the Future Land Use Map incorporated into the Future Land Use Element of
77 the Town of Windermere's Comprehensive Plan, as depicted in **Attachment B**, attached hereto,
78 located at 1800 and 2042 Maguire Road (property appraiser parcel identification numbers 06-23-
79 28-0000-00-004 and 06-23-28-0000-00-030) is hereby changed from Orange County
80 Rural/Agriculture to Town of Windermere planned unit development (PUD).

81
82 **Section 3. Transmittal Stage Public Hearing and Transmittal.** The Town Manager or his
83 designee is hereby authorized and directed to transmit the appropriate number of copies of the
84 land use map amendment within 10 working days after the first reading of this Ordinance to the
85 State Land Planning Agency, the East Central Florida Regional Planning Council, the South
86 Florida Water Management District, the Department of Environmental Protection, the
87 Department of State, the Department of Transportation, Orange County, and to any other local
88 government or governmental agency in the State of Florida which has filed a written request with
89 the Town Council.

90

91 **Section 4. Adoption Stage Public Hearing.** Pursuant to subsection 163.3184(3)(c)1 of the
92 Florida Statutes, the town shall hold its second public hearing which shall be a hearing on
93 whether to adopt the comprehensive plan amendment within 180 days after receipt of agency
94 comments.
95

96 **Section 5. Adoption Stage Transmittal.** The Town Manager or his designee is hereby
97 authorized and directed to transmit the appropriate number of copies of the notice and the
98 adopted comprehensive plan amendment within 10 working days after the adoption of this
99 Ordinance to the State Land Planning Agency, to any other agency or local government that
100 provided timely comments after the proposed phase transmittal public hearing, and to any other
101 local government or governmental agency in the State of Florida which has filed a written
102 request with the Town Council.
103

104 **Section 6. Severability.** If any provision or portion of this ordinance is declared by a court of
105 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
106 provisions and portions of this ordinance shall remain in full effect.
107

108 **Section 7. Conflicts.** In the event of a conflict or conflicts between this ordinance and other
109 ordinances, this ordinance shall control and supersede.
110

111 **Section 8. Codification.** The amendments to the Future Land Use Map in Section 2 of this
112 Ordinance shall be codified and made part of the official Comprehensive Plan for the Town of
113 Windermere.
114

115 **Section 9. Effective Date.** The comprehensive plan amendment becomes effective 31 days after
116 its passage and approval as a non-emergency ordinance at two regular meetings of the Town
117 Council. If the Comprehensive Plan amendment is challenged within 30 days after adoption of
118 the amendment, this Comprehensive Plan amendment shall not become effective until the
119 Department of Economic Opportunity or the Division of Administrative Hearing of the
120 Department of Management Services, if applicable, issues a final order determining that the
121 adopted large scale development amendment is in compliance with the Local Government
122 Comprehensive Planning and Land Development Regulation Act.
123

124
125 **ENACTED** this 9th day of December 2014, at a regular meeting of the Town Council of
126 the Town of Windermere, Florida.
127

128
129 Town of Windermere, Florida
130 by: Town Council

131
132
133 by: 
134 Gary Bruhn, Mayor

135 Attest:
136



137

138



139 Dorothy Burkhalter, CMC

140 Town Clerk

141

142 First reading: June 10, 2014

143 Second reading: *December 9, 2014*

144