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ORDINANCE NO. 2015-04

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO LAND DEVELOPMENT; REVISING SECTION 12.04.02 OF DIVISION 12.04.00 OF THE TOWN OF WINDERMERE'S LAND DEVELOPMENT CODE ENTITLED "PROCEDURE FOR OBTAINING DEVELOPMENT BUILDING PERMITS" TO REVISE THE PROCESS FOR THE REVIEW OF STORMWATER RETENTION IMPROVEMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE

Section 1. Amendments to the Town of Windermere's Land Development Code. Section 12.04.02 of the Town of Windermere's Land Development Code is hereby revised as indicated by the following strike-through and underlined language:

Sec. 12.04.02. - Review and issuance by the town.

- (a) *Issuance of building permits, collection of fees and inspection.* Issuance of building permits, collection of fees and inspection of construction shall be by the town. Occupancy is not permitted prior to issuance of a certificate of occupancy by the town after written approval of the town manager.
- (1) The town has the duty and responsibility of administering the applicable ordinances, laws, rules and regulations governing building permits and the design, construction, erection, alteration, modification, demolition, repair, remodeling and moving of structures within the town.
- (2) The town shall provide all services, as may be necessary or required for the enforcement and administration of the regulation of building construction, remodeling or moving of structures of any type within the town. As set forth in section 6-2 of the Code of Ordinances, the town may also choose to contract with:
- a. The county;
- b. Another local government agency; or
- c. A private company to administer and enforce its building regulations.
- (3) By resolution, the town council may adopt a schedule of fees and such schedule for the issuance of building permits and making required inspections.
- (4) If the town adopts a schedule of fees by resolution, as set forth in subsection (a)(3) of this section, the town shall collect and retain all fees required in the administration and enforcement of this article.

- 45 (5) All the rules, regulations and provisions set forth in such code are hereby declared to be
46 the rules, regulations and provisions for building and construction for the town as fully
47 and completely as if set forth in this section.
48
- 49 (6) Ocoee fire department will concurrently review all development permits except
50 residential and conduct such inspections as deemed necessary.
51
- 52 (b) *Permits for development in other than residential areas require approval of the town*
53 *council.*
54
- 55 (1) All persons who desire to build, erect, move, place, remodel, add to, remove, reroof or
56 remake substantial changes to any building, structure, well or septic system or pool or to
57 install a fence or to pave a portion of their property shall apply to the town for a
58 building permit.
59
- 60 (2) Upon the issuance of any building permit, work on the construction authorized under
61 such permit shall commence within 90 days from the issuance thereof and shall
62 continue until such work is completed. Ordinary and usual work stoppages and
63 stoppages over which the permittee has no control, and usual and customary delays in
64 construction shall be permissible provided that if work under the permit has not begun
65 within 90 days from the issuance thereof or if the work described in any permit has not
66 been substantially completed within one year from the date of issuance thereof, or if the
67 work having been commenced, shall not be continued until concluded, stoppages and
68 delays as set forth herein excluded, then such permit shall expire and be of no further
69 force and effect.
70
- 71 (3) Certified foundation survey.
72
- 73 a. The property owner or the general contractor, when acting as an agent for the
74 property owner, shall file with the town a certified foundation survey applicable to
75 the construction and/or alteration of every building for which a building permit has
76 been issued and the survey shall be approved by the appropriate agency prior to the
77 start of any permanent vertical construction other than the building foundation.
78
- 79 b. The certified foundation survey is not required where the application for a building
80 permit indicates that the estimated cost of construction and/or alterations will cost
81 less than \$500.00.
82
- 83 c. The certified foundation survey is not required when alterations will not add to or
84 change the original building foundation.
85
- 86 d. Each application for a land use and/or building permit shall be accompanied by a
87 site plan, drawn to scale and indicating:
88 1. Property lines;
89 2. Rights-of-way;
90 3. Public utilities;
4. Existing and proposed structures;
5. Accessory structures;
6. Proposed curb cuts;

- 91 7. Driveways;
92 8. Parking areas;
93 9. Protected trees (their location, DBH, common name, estimated height);
94 10. Trees proposed for removal (with data set forth in subsection (b)(3)d.9 of this
95 section and the reason for removal);
96 11. Landscape plans (with grade, spacing, size and names of proposed landscape
97 materials);
98 12. Irrigation plans;
99 13. The normal high-water line; and
100 14. Current waterfront line.

101
102 Extracts or copies of information contained in prior approved development orders
103 shall be attached or upgraded as required by the town manager.

104
105 e. Additional stormwater requirements were determined to be necessary within the
106 town for new, enlarged or expanded structures, unless otherwise exempted by sec.
107 6.05.03 of the Land Development Code. Changes where less than 125 square feet
108 of impervious area are increased are exempt from these additional requirements
109 (but still require a building permit) for the initial change made upon a property, but
110 owners shall be required to comply for any subsequent changes. These additional
111 requirements provide for retention of the runoff from the developed state generated
112 by the first inch of rainfall. Retention ponds, filtered recharge wells, grassed swales
113 along street rights-of-way (and in hardship cases with special approvals in unpaved
114 street rights-of-way), natural ponding areas, or grading and retention for street
115 frontage. The owner shall also provide means of retention so that the waters are not
116 moved to the adjoining property and special attention must be paid to the
117 prevention of runoff into canals and lakes by devices that are above the recorded
118 high-water levels experienced on the water body.

- 119
120 1. The owner shall provide a survey or certified engineering drawing indicating
121 the elevation of improvements, adjacent streets, canals and lakes with the
122 direction of flow of rain stormwater, any grading or fill information, the types
123 of soil and if less than three feet, the depth to the water table. Elevations above
124 97.5 feet MSL (mean sea level) on Lake Bessie and 99.5 feet MSL on other
125 water bodies shall be show in one-foot increments.
126 2. The owner will indicate on the survey or drawing his proposed means for
127 handling the stormwater runoff and provide a narrative description as to his
128 methods and quantities of water being retained. No work will be commenced
129 until approval by the town. Computations shall be included.
130 3. ~~Upon completion of construction on the property, a letter from a civil engineer,~~
131 ~~landscape architect, surveyor or architect, registered in the state, shall be~~
132 ~~submitted to the town indicating that the stormwater retention improvements~~
133 ~~have been completed and that they comply with the applicable ordinances of~~
134 ~~the town. Upon approval by the town, the county will be notified that a~~
135 ~~certificate of occupancy may be issued. Where compliance with this subsection~~
136 ~~(b) has not been completed and the property is occupied, the town manager is~~

137 directed to file a complaint with the special magistrate. Upon completion of
138 construction on (i) property located in a residential zoning district, or (ii) a lot
139 in a planned unit development used for single-family residential purposes, the
140 town shall inspect the stormwater retention improvements for compliance with
141 the approved stormwater plans developed in subsections (b)(3)e.1 and
142 (b)(3)e.2, immediately above. A certificate of occupancy may not be issued
143 until approval of the stormwater improvements by the town.

- 144 4. Upon completion of construction on all other property not included in
145 subsection (b)(3)e.3 immediately above, a letter from a civil engineer,
146 landscape architect, surveyor or architect, registered in the state, shall be
147 submitted to the town indicating that the stormwater retention improvements
148 have been completed and that they comply with the approved stormwater plans
149 developed in subsections (b)(3)e.1 and (b)(3)e.2 and in compliance with the
150 applicable ordinances of the town. A certificate of occupancy may not be
151 issued until approval of the stormwater improvements by the town.
- 152 4.5. Upon completion of the certifications required in subsections (b)(3)e.3 and
153 (b)(3)e.4 of this section, no changes will be made to the stormwater retention
154 improvements in any way, without resubmission of a request as required by
155 subsections (b)(3)e.1 and 2 of this section and subsequent recertification.
- 156 6. Where compliance with this subsection (b) has not been completed and the
157 property is occupied, the town manager is directed to file a complaint with the
158 special magistrate.

159
160 (c) *Building permit.*

- 161 (1) Applications for building permits shall be checked and approved by the town manager.
162 The ordinances and checklist shall be carefully followed. If a survey is not attached, the
163 builder/owner shall certify the plans on the plot plan as correct. In all stormwater
164 submissions, a survey shall be provided showing elevations. If the application concerns
165 a lakefront or canal lot, the elevations shall be verified from a properly certified survey.
- 166 (2) No vertical walls may be erected until a foundation survey is provided, which shall
167 include certification of the pad elevation, checked by the town manager and a copy
168 returned to the builder. A copy shall be filed with the application.

169
170 (d) *Flood hazard areas.* Any request for a development permit in flood hazard areas shall also
171 provide data required in section 5.05.01 of this Land Development Code and section 16-46
172 of the Code of Ordinances.

173
174 **Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of
175 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
176 provisions and portions of this ordinance shall remain in full effect.

177
178 **Section 3. Codification.** The provisions of this Ordinance shall become and be made a part of
179 the town's Code of Ordinances.

180
181 **Section 4. Effective Date.** This Ordinance takes effect immediately upon its enactment.

183 ENACTED this 14th day of April, 2015, at a regular meeting of the Town Council of
184 the Town of Windermere, Florida.
185

187 Town of Windermere, Florida

188 by: Town Council

189
190
191 by: _____

192 Gary Bruhn, Mayor

193 Attest:

194 Dorothy Burkhalter
195
196
197 Dorothy Burkhalter, CMC
198 Town Clerk

199 First reading: March 24, 2015

200 Second reading: April 14, 2015
201

