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**ORDINANCE NO. 2018-06**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA,  
AMENDING DIVISION 11.04.00 OF ARTICLE XI OF THE TOWN'S LAND  
DEVELOPMENT CODE ENTITLED "CITIZEN BOARDS"; PROVIDING  
FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

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

**Section 1.** Approval of Revisions to the Land Development Code. Division 11.04.00 of Article XI of the Town's Land Development Code is amended as follows (strike through indicates deleted text, underline indicates added text):

**DIVISION 11.04.00. - CITIZEN BOARDS**

**Sec. 11.04.01. - Generally.**

All citizen boards created to administer this Land Development Code shall be governed by the following provisions:

- (1) Board membership and officers.
  - a. Each board shall ~~have five or~~ not exceed seven members, as stated by the town council and appointed by the town council.
  - b. Each member shall reside in the town with the exception of the downtown business committee where each member shall ~~reside in town or have a major interest in a local business in town.~~ be required to hold a current local business tax license.
  - c. Each member shall be appointed to a three-year term, except that, depending on number of members, initially, two members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and two members shall be appointed for a term of three years. Members may be reappointed for subsequent three-year terms.
  - d. When a position becomes vacant before the end of the term, and if there are less than five members, the town council shall appoint a substitute member to fill the vacancy for the duration of the vacated term. If there are five or more members, the town council may appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
  - e. Members may be removed without notice and without assignment of cause by a majority vote of the town council.
  - f. The town council shall annually appoint the chairperson.
  - g. Each board shall create whatever subcommittees or ad hoc subcommittees it deems needed to carry out the purposes of the board.

- 40 h. The majority of the board shall annually appoint the membership of ~~each~~  
 41 ~~subcommittee from the members~~ of the board. The chairperson of the board shall  
 42 appoint the membership of each ad hoc subcommittee from members of the board,  
 43 other residents and other interested parties. A majority of the members of any ad hoc  
 44 subcommittee shall reside in the town.
- 45 i. ~~The town manager shall appoint a town employee to serve as secretary to the board,~~  
 46 ~~recorder and custodian of all board records. Other Ceitizen boards shall appoint a~~  
 47 member to serve as secretary to the board and recorder of all board records. This  
 48 member shall provide all records to the town clerk, custodian of all board records,  
 49 on a timely basis after their approval by the board.
- 50 j. Members shall not be compensated, but may be paid for travel and other expenses  
 51 incurred on board business under procedures prescribed in advance by the town  
 52 council.
- 53 k. The town council shall appropriate funds to permit each board to perform its  
 54 prescribed functions.
- 55 l. If any member fails to attend three successive meetings without cause or carry out  
 56 the requirements of their membership the board shall declare the member's office  
 57 vacant and notify the ~~town council~~ Town Manager.
- 58 m. The town shall keep a file of interested volunteers which shall be consulted at the  
 59 end of a member's term.

60 (2) Board procedures.

- 61 a. Each board shall adopt rules of procedure to carry out its purposes. All rules must  
 62 conform to this Land Development Code, other town ordinances, and state law.
- 63 b. Each board will establish their own meeting frequency but shall meet at least once  
 64 ~~each calendar month a quarter~~, unless cancelled by the board or its chairperson, and  
 65 more often at the call of the chairperson or the town council. ~~The historical~~  
 66 ~~preservation board is required to meet on a quarterly basis.~~
- 67 c. Each board shall keep minutes of its proceedings, indicating the attendance of each  
 68 member, and the decision on every question.
- 69 d. A simple majority shall constitute a quorum.
- 70 e. Each decision of a board must be approved by a majority vote of the members  
 71 present at a meeting in which a quorum is in attendance and voting.

72 (Ord. No. 91-6, 3(11.04.01), 2-11-1992; Ord. No. 2006-12, 1, 10-10-2006; Ord. No. 2006-12, §  
 73 1, 10-10-2006; Ord. No. 2012-11, 1(11.04.01), 12-11-2012; Ord. No. 2014-02, 4-22-2014)

74 Sec. 11.04.02. - Development review (zoning) board.

- 75 (a) Establishment. The development review (zoning) board is hereby created as a citizen board  
 76 to review and ~~approve or deny~~ make recommendations concerning development plans  
 77 submitted under this Land Development Code.

- 78 (b) Membership. Any interested citizen may be appointed to the board, but those with  
79 experience or interest in the field of land use regulation shall receive special consideration.  
80 Whenever possible, the board shall include at least one each of the following:
- 81 (1) An architect or landscape architect.
  - 82 (2) An engineer.
  - 83 (3) A person engaged in real estate sales or development.
  - 84 (4) A natural or environmental scientist.
- 85 (c) Legal representation. The town council shall appoint legal counsel to represent the board.
- 86 (d) General functions, powers and duties.
- 87 (1) The board shall review and act upon applications for development review pursuant to  
88 this Land Development Code.
  - 89 (2) The board shall conduct concept reviews of development plans and accept comments  
90 from the technical review committee and town council meetings concerning those  
91 plans.
  - 92 (3) The board shall conduct administrative hearings on major developments.
  - 93 (4) The board shall make recommendations to the Town Council regarding the issuance of  
94 issue-appropriate development orders.
  - 95 (5) The board shall prepare appropriate conditions to be incorporated into applicable  
96 development orders.
  - 97 (6) The board shall monitor and oversee the operation, effectiveness and status of this Land  
98 Development Code and recommend amendments to the town council that are consistent  
99 with the comprehensive plan.
  - 100 (7) The town council may ask the board for advice about specific land use issues and  
101 policies.
  - 102 (8) The board shall keep the town council and the general public informed and advised on  
103 the land use policies of the town.
  - 104 (9) The board shall conduct public hearings to gather information necessary for the  
105 drafting, establishment, amendment and maintenance of the various elements of the  
106 comprehensive plan and provisions of this Land Development Code.
  - 107 (10) ~~The board may make or obtain special studies on the location, condition and adequacy~~  
108 ~~of specific facilities of the town, including housing, commercial facilities, parks,~~  
109 ~~playgrounds, beaches and other recreational facilities, schools, public buildings, public~~  
110 ~~and private utilities, transportation and parking.~~
  - 111 (11) The board shall review redevelopment plans prepared under F.S. ch. 163, part III.
  - 112 (12) The board shall perform other lawfully assigned duties.
  - 113 (13) Each action of the board is advisory to the town council, and the board may not in any  
114 manner obligate the town.
  - 115 (14) The town council shall adopt by resolution a schedule of application fees for functions  
116 performed by the board in response to applications submitted by any person,  
117 corporation, organization or governmental entity.

118 (15) The board shall, on an ongoing basis, examine the Code and other regulations so that  
119 the involvement of the town as well as private and nonprofit sectors, in partnership if  
120 necessary, is conducted so that coordination can occur among all participants involved  
121 in housing production and make appropriate recommendations to the town council.

122 (Ord. No. 91-6, 3(1 1.04.02), 2-1 1-1992; Ord. No. 2012-1 1, 1(1 1.04.02), 12-1 1-2012)

123 Sec. 11.04.03. - Historic preservation board.

124 (a) Establishment. The historic preservation board is hereby established as a citizen board.

125 (b) Membership. ~~One member of the board shall be a registered architect. The remaining six~~  
126 ~~appointments shall be made on the basis of civic pride, integrity, experience and interest in~~  
127 ~~the field of historic preservation.~~ The town council should, whenever possible, appoint a  
128 representative from each of the following areas of expertise:

129 (1) History.

130 (2) Real estate; real property appraisal.

131 (3) Urban planning.

132 (4) Law.

133 (5) Engineering; building construction.

134 (c) General functions, powers and duties. It shall be the responsibility of the board to:

135 (1) Update official inventory of archeological sites, historically, culturally or architecturally  
136 significant buildings or districts, plan for their preservation and submit to the town  
137 council recommendations and documentation needed.

138 (2) Develop programs to stimulate public interest in urban neighborhood conservation, to  
139 participate in the adaptation of existing codes, ordinances, procedures and programs to  
140 reflect urban neighborhood conservation policies and goals.

141 (3) Explore funding and grant sources and advise property owners concerning which might  
142 be available for identification, protection, enhancement, perpetuation and use of historic,  
143 architectural, archeological and cultural resources.

144 (4) Cooperate with agencies of city, county, regional, state and federal governments in  
145 planning proposed and future projects to reflect historic preservation concerns and  
146 policies, and assist in the development of proposed and future land use plans.

147 (5) Advise property owners and local governmental agencies concerning the proper  
148 protection, maintenance, enhancement and preservation of cultural resources.

149 (6) Advise the town council concerning the effects of local government actions on cultural  
150 resources.

151 (7) Review and recommend sites, buildings, structures, objects and districts, both public  
152 and private, for listing on the local register of historic places.

153 (8) Make a recommendation to the Town Council whether to approve ~~Approve~~ or deny  
154 petitions for certificates of appropriateness required under the historic preservation  
155 regulations in this Land Development Code.

156 (9) Notify the town manager who shall take appropriate action when it appears that there  
157 has not been compliance with the historic preservation regulations of this Land  
158 Development Code.

159 (Ord. No. 91-6, 3(1 1.04.03), 2-11-1992; Ord. No. 2012-1 1, 1(1 1.04.03), 12-1 1-2012)

160 Sec. 11.04.04. - Parks and recreation board.

161 (a) Establishment. The parks and recreation board is hereby established as a citizen board.

162 (b) Membership. The members of the board shall be residents and persons interested in or  
163 experienced in the recreation area. ~~A member of the development review board shall be a~~  
164 ~~member.~~

165 (c) General functions and duties. The board shall coordinate public (county commission and  
166 school board) and private efforts to provide and improve recreational opportunities by every  
167 appropriate means. Grants and donations should be solicited.

168 (Ord. No. 91-6, 3(11.04.05), 2-11-1992; Ord. No. 2012-1 1, 1(1 1.04.05), 12-1 1-2012)

169 Sec. 11.05.00. - Reserved.

170 Sec. 11.06.00. - Special magistrate.

171 (a) Definitions. The following words, terms and phrases, when used in this section, shall have  
172 the meanings ascribed to them in this subsection, except where the context clearly indicates  
173 a different meaning:

174 Code inspector means authorized agents or employees of the town whose duty it is to ensure  
175 code compliance with the codes which are subject to this article.

176 Special magistrate means the individual appointed by the town council from time to time as  
177 contemplated by F.S. S 162.03(2).

178 (b) Function. The special magistrate shall conduct hearings relating to the enforcement and  
179 violation of the business tax receipt, fire, building, zoning, sign and other related codes in  
180 force in the town. It is not the function of the special magistrate to initiate enforcement  
181 proceedings or to inspect for code violations. The special magistrate shall sit as an impartial  
182 hearing officer to determine, based on evidence presented during the hearing, if a violation  
183 exists.

184 (c) Creation, appointment, powers and duties of the special magistrate.

185 (1) There is hereby created within the town pursuant to F.S. S 162.03(2), an alternate code  
186 enforcement system which gives a special magistrate designated by the town council the  
187 authority to conduct hearings and impose and authorize the collection of fines and costs  
188 against pending or repeat violators of town codes and ordinances.

189 (2) The special magistrate shall be a member of the Florida Bar who possesses an  
190 outstanding reputation for civic pride, interest, responsibility, and business or  
191 professional ability. The appointment shall be made by the town council on the basis of  
192 experience or interest in the fields of zoning, building control and code enforcement.

- 193 (3) The special magistrate shall serve at the pleasure of the town council, and shall not be  
194 deemed a town employee.
- 195 (4) The special magistrate shall be compensated for performing said service.
- 196 (5) The town shall provide such clerical, administrative personnel and legal services  
197 deemed reasonably necessary to support the special magistrate's activities and assist in  
198 the proper performance of duties. The special magistrate shall not be authorized to  
199 engage, hire or use any person, except those provided by the town to assist in the  
200 performance of duties.
- 201 (6) The special magistrate shall have the jurisdiction and authority to affirm or modify  
202 penalties imposed by the town's enforcement board whose jurisdiction was repealed the  
203 date Ordinance No. 2012-1 1 was adopted.
- 204 (7) The special magistrate has the jurisdiction and authority to determine the amount of  
205 reasonable expenses incurred by the town as a result of orders issued pursuant to the  
206 authority granted herein.
- 207 (8) The jurisdiction of the special magistrate is not exclusive. An alleged violation of a code  
208 provision may be pursued by appropriate remedy in court at the option of the town and  
209 nothing shall prevent the town from taking such other lawful action, including but not  
210 limited to resorting to equitable action, as is necessary to enforce the provisions of  
211 respective town codes or ordinances.
- 212 (d) Enforcement procedures. Except where the code inspector has reason to believe that a code  
213 violation presents serious threat to the public health, safety and welfare, the code  
214 enforcement procedure under this subsection shall be as follows:
- 215 (1) It shall be the duty of the code inspector to initiate enforcement proceedings with respect  
216 to each code; the special magistrate shall not have the power to initiate enforcement  
217 proceedings.
- 218 (2) Where the code inspector finds a code violation, he shall provide in writing a reasonable  
219 time within which to correct the violation. Should the violation continue beyond the  
220 time specified in the correction notice, then the code inspector may file an affidavit of  
221 violation with the special magistrate. The special magistrate shall assign a case number  
222 and mail a copy of affidavit of violation and notification of the date, time and place of  
223 the hearing to the violator. Reasonable time shall be ten days; however, where a different  
224 time period in which to correct the violation is provided for by the ordinance being  
225 enforced, that time period shall constitute reasonable time for that particular violation  
226 or in cases of more complexity a greater time period may be granted by the special  
227 magistrate.
- 228 (3) If the code inspector has reason to believe a violation presents a serious threat to the  
229 public health, safety or welfare, the code inspector may proceed to request an emergency  
230 hearing before the special magistrate, notifying the violator, if practical, by any available  
231 means. Failure to give notice shall not invalidate emergency action.
- 232 (e) Additional powers. The special magistrate shall have the power to:
- 233 (1) Adopt rules for the conduct of meetings and hearings.
- 234 (2) Serve respondents and subpoena witnesses to hearings. Subpoenas may be served by the  
235 town police department.

- 236 (3) Subpoena records, surveys, plats and other documents or materials for its hearings.
- 237 (4) Take testimony under oath.
- 238 (5) Issue orders having the force and effect of law which can command whatever steps are  
239 necessary to bring a violation into compliance, such decision to be made at the hearing  
240 and reduced to writing and mailed to the respondents within ten days thereafter.
- 241 (6) Establish fines.
- 242 (7) Issue emergency orders when a violation presents a serious threat to the public health,  
243 safety or welfare.
- 244 (f) Hearing procedures.
- 245 (1) Each case before the special magistrate shall be initiated and presented by the code  
246 inspector or his designee. The burden of proof shall be upon the code inspector to show,  
247 by a preponderance of the evidence, a violation does exist. In the event multiple  
248 violations are alleged, the respondent shall not be entitled to separate hearings thereon,  
249 unless ordered by the special magistrate.
- 250 (2) The town manager or his designee shall represent the town by presenting cases before  
251 the special magistrate.
- 252 (3) All hearings shall be held in a designated town facility accessible to the general public.
- 253 (4) All hearings before the special magistrate shall be conducted so as to ensure  
254 fundamental due process.
- 255 (5) The case on behalf of the town shall be presented first, and the respondent or his duly  
256 designated representative shall then be provided an opportunity to present his case.
- 257 (6) The special magistrate shall take testimony from any witness having knowledge  
258 concerning a hearing on a case. All testimony shall be under oath. The special magistrate  
259 shall have the power to administer on oath to any witness. Upon direction of the special  
260 magistrate, each party shall be permitted the opportunity to inquire of any hearing  
261 witness.
- 262 (7) The special magistrate shall not be bound by formal rules of evidence. Irrelevant,  
263 immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a  
264 type commonly relied upon by reasonably prudent persons in the conduct of their affairs  
265 shall be admissible, whether or not such evidence would be admissible in a trial in a  
266 court of law within the state.
- 267 (8) As soon as practicable after the conclusion of the hearing, the special magistrate shall  
268 issue findings of fact based on evidence of record, and conclusions of law, and shall  
269 issue an order affording the proper relief consistent with powers granted herein and  
270 consistent with F.S. ch. 162.
- 271 (9) The special magistrate shall be bound by the interpretations and decisions of duly  
272 authorized boards of the town concerning the provisions of the codes, ordinances and  
273 regulations within their respective jurisdictions.
- 274 (g) Rehearing of the special magistrate's decision.

- 275 (1) Either the code inspector or the violator may request a rehearing of the decision of the  
 276 special magistrate. A request for rehearing shall be made in writing, and shall be  
 277 delivered to the town clerk within ten days of the date of the special magistrate's order.  
 278 A request for a rehearing shall be based only on the grounds that the decision was  
 279 contrary to the evidence or that the hearing involved an error on a ruling of law, which  
 280 was fundamental to the decision of the special magistrate. The written request for  
 281 rehearing shall specify the precise reasons therefor.
- 282 (2) The special magistrate shall make a determination as to whether to rehear the matter. If  
 283 the special magistrate determines a rehearing should be granted, the special magistrate  
 284 may:
- 285 a. Schedule a hearing where the parties will be given the opportunity to present limited  
 286 evidence or argument as to the special reasons for which the rehearing was granted;  
 287 or
  - 288 b. Modify or reverse the prior order, without receiving further evidence, providing the  
 289 change is based on a finding the prior decision of the special magistrate resulted  
 290 from a ruling on a question of law which the special magistrate has determined to  
 291 be an erroneous ruling.
- 292 (3) Until the request for rehearing has been denied or otherwise disposed of, the order of  
 293 the special magistrate shall be stayed, and the time for taking an appeal, pursuant to this  
 294 section, shall not commence to run until the date upon which the special magistrate has  
 295 finally disposed of the request for rehearing by denying the same or otherwise.
- 296 (h) Administrative fines; costs of repair; liens.
- 297 (1) The special magistrate, upon notification by the code inspector that an order of the  
 298 special magistrate has not been complied with by the set time or, upon finding that a  
 299 repeat violation  
 300 has been committed, may order the violator to pay a fine in an amount specified in this  
 301 section for each day the violation continues past the date set by the special magistrate  
 302 for compliance or, in the case of a repeat violation, for each day the repeat violation  
 303 continues, beginning with the date the repeat violation is found to have occurred by the  
 304 code inspector. In addition, if the violation is a violation which presents a serious threat  
 305 to the public health, safety and welfare, the special magistrate shall notify the town  
 306 council, which may make all reasonable repairs which are required to bring the property  
 307 into compliance and charge the violator with the reasonable cost of the repairs along  
 308 with the fine imposed pursuant to this section. If a finding of a violation or a repeat  
 309 violation has been made, as provided in this section, a hearing shall not be necessary for  
 310 issuance of the order imposing the fine.
- 311 (2) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first  
 312 violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition,  
 313 may include all costs of repairs.
- 314 (3) In determining the amount of the fine, if any, the following factors shall be considered:
- 315 a. The gravity of the violation;
  - 316 b. Actions taken by the violator to correct the violation;
  - 317 c. Previous violations committed by the violator.



- 318 (4) The special magistrate may reduce a fine imposed pursuant to this section.
- 319 (5) A certified copy of an order imposing a fine may be recorded in the public records and  
320 thereafter shall constitute a lien against the land on which the violation exists and upon  
321 any other real or personal property owned by the violator. Upon petition to the circuit  
322 court, such order may be enforced in the same manner as a court judgment by the sheriffs  
323 of this state, including levy against the personal property, but such order shall not be  
324 deemed to be a court judgment except for enforcement purposes. A fine imposed  
325 pursuant to this section shall continue to accrue until the violator comes into compliance  
326 or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section,  
327 whichever occurs first. A lien arising from a fine imposed pursuant to this section runs  
328 in favor of the town, and the town council may execute a satisfaction or release of lien  
329 entered pursuant to this section. After three months from the filing of any such lien  
330 which remains unpaid, the town manager may authorize the town attorney to foreclose  
331 on the lien. No lien created pursuant the provisions of this section may be foreclosed on  
332 real property which is a homestead under section 4, article X of the state Constitution.
- 333 (6) No lien shall continue for a period longer than 20 years after the certified copy of an  
334 order imposing a fine has been recorded, unless within that time an action to foreclose  
335 on the lien is commenced in a court of competent jurisdiction. In an action to foreclose  
336 on a lien, the prevailing party is entitled to recover all costs, including a reasonable  
337 attorney's fee, that it incurs in the action. The town shall be entitled to collect all costs  
338 incurred in recording and satisfying a valid lien. The continuation of the lien effected by  
339 the commencement of the action shall not be good against creditors of subsequent  
340 purchasers of valuable consideration without notice, unless a notice of lis pendens is  
341 recorded.
- 342 (i) Appeal. Any aggrieved party, including the town, may appeal a ruling or order of the special  
343 magistrate to the circuit court of the county. The appeal provided for herein shall be filed  
344 within 30 days of the order to be appealed. The record shall be presented to the court on  
345 appeal.
- 346 (j) Notices.
- 347 (1) All notices required by this section must be provided to the alleged violator by:
- 348 a. Certified mail with return receipt requested or by registered mail if the notice is to  
349 be sent outside the continental United States, to the address listed in the tax  
350 collector's office for tax notices, or to any other address provided by the property  
351 owner, in writing, to the local government for the purpose of receiving notices. For  
352 property owned by a corporation, notices may be provided by certified mail with  
353 return receipt requested or by registered mail outside the continental United States,  
354 to the registered agent of the corporation. If any notice sent by certified mail or  
355 registered mail is not signed as received within 30 days after the date of mailing,  
356 notice may be provided by posting as described in subsection (j)(2)b.1 and b.2 of  
357 this section;
- 358 b. Hand delivery by the sheriff or other law enforcement officer, code inspector,  
359 delivery service (e.g., Federal Express, United Parcel Service, DHL and the like), or  
360 other person designated by the local governing body;

- 361 c. Leaving the notice at the violator’s usual place of residence with any person residing  
362 therein who is above 15 years of age and informing such person of the contents of  
363 the notice; or
- 364 d. In the case of commercial premises, leaving the notice with the manager or other  
365 person in charge.
- 366 (2) In addition to providing notice as set forth in subsection (j)(1) of this section, at the  
367 option of the special magistrate, notice may also be served by publication or posting, as  
368 follows:
- 369 a. 1. Such notice shall be published once during each week for four consecutive weeks  
370 (four publications being sufficient) in a newspaper of general circulation in the  
371 county. The newspaper shall meet such requirements as are prescribed under F.S.  
372 ch. 50 for legal and official advertisements.
- 373 2. Proof of publication shall be made as provided in F.S. SS 50.041 and 50.051 .
- 374 b. 1. In lieu of publication as described in subsection (j)(2)a of this section, such notice  
375 may be posted at least ten days prior to the hearing, or prior to the expiration of any  
376 deadline contained in the notice, in at least two locations, one of which shall be the  
377 property upon which the violation is alleged to exist and the other of which shall be  
378 at the primary office for the town business.
- 379 2. Proof of posting shall be by affidavit of the person posting the notice, which  
380 affidavit shall include a copy of the notice posted and the date and places of its  
381 posting.
- 382 c. Notice by publication or posting may run concurrently with, or may follow, an  
383 attempt or attempts to provide notice by hand delivery or by mail as required under  
384 subsection (j)(1 ) of this section.

385 Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection  
386 (j)(1) of this section, together with proof of publication or posting as provided in subsection (j)(2)  
387 of this section, shall be sufficient to show that the notice requirements of this section have been  
388 met, without regard to whether or not the alleged violator actually received such notice.

389 (Ord. No. 2012-11, 1(11.06.00), 12-11-2012; Ord. No. 2013-03, 1(11.06.00), 6-1 1-2013)

390  
391  
392 **Section 2. Inclusion in the Code.** It is the intent of the Town Council that the provisions of this  
393 Ordinance shall become and be made a part of the Town’s Land Development Code and that the  
394 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be  
395 changed to “section,” “article,” or such other appropriate word or phrase to accomplish such  
396 intentions.

397  
398 **Section 3. Severability.** If any section, sentence, clause or phrase of the Ordinance is held to be  
399 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
400 way affect the validity of the remaining portions of this Ordinance.


401  
402 **Section 4. Effective Date.** This Ordinance shall become effective immediately upon its  
403 enactment.

404  
405 **APPROVED AND ADOPTED** by the Town Council of the Town of Windermere on the 13<sup>th</sup>  
406 day of November, 2018.

407  
408  
409  
410 Town of Windermere, Florida  
411 By: Town Council

412  
413  
414  
415 By:   
416 Gary Bruhn, Mayor

417  
418  
419 Attest:

420  
421   
422  
423  
424 Dorothy Burkhalter, MMC, FCRM  
425 Town Clerk

426  
427 First Reading: October 9, 2018  
428 Second Reading: November 13, 2018  
429



Serial Number  
18-05480W

# WEST ORANGE Times

West Orange Times  
Published Weekly  
Winter Garden , Orange County, Florida

COUNTY OF ORANGE

S.S.

STATE OF FLORIDA

Before the undersigned authority personally appeared Lindsey Padgett who on oath says that he/she is Publisher's Representative of the West Orange Times a weekly newspaper published at Winter Garden , Orange County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of Public Hearing on November 13, 2018 Ordinance 2018-06

in the Court, was published in said newspaper in the

issues of 11/1/2018

Affiant further says that the said West Orange Times is a newspaper published at Winter Garden , Orange County, Florida, and that said newspaper has heretofore been continuously published and has been entered as periodicals matter at the Post Office in Winter Garden in said Orange County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

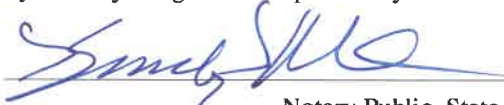
\*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

  
Lindsey Padgett

Sworn to and subscribed before me this

1st day of November, 2018 A.D.

by Lindsey Padgett who is personally known to me.

  
Notary Public, State of Florida  
(SEAL)



**Kimberly S. Martin**  
COMMISSION # GG232793  
EXPIRES: July 25, 2022  
Bonded Thru Aaron Notary

**NOTICE OF PUBLIC HEARING TO ADOPT ORDINANCE 2018-06**  
The Town of Windermere, Florida, proposes to adopt Ordinance 2018-06. The Town Council of Windermere, Florida, will hold a public hearing at the Town Hall located at 520 Main Street, Windermere, Florida, on Tuesday, November 13, 2018, at 6:00 P.M. (or as soon thereafter as the matter may be considered) to hold a public hearing on and to consider passage of the proposed Ordinance 2018-06, the title of which reads as follows:

**ORDINANCE NO. 2018-06**  
**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, AMENDING DIVISION 11.04.00 OF ARTICLE XI OF THE TOWN'S LAND DEVELOPMENT CODE ENTITLED "CITIZEN BOARDS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

Interested parties may appear at the meeting and be heard with respect to the proposed annexation.

This ordinance is available at the Town Clerk's Office, 614 Main Street, Windermere, Florida, for inspection during normal business hours of Mon-Fri 8:00 a.m. - 5:00 p.m. If any questions, please contact Dorothy Burkhalter, Town Clerk, Town of Windermere, at 407-876-2563, ext. 5323.

Persons with disabilities needing assistance to participate in this proceeding should contact the Town Clerk at least 48 hours before the meeting.

Persons are advised, pursuant to Section 286.0105 of the Florida Statutes, that, if they decide to appeal any decision made by the Town Council at this public hearing, they may need to ensure that a verbatim record of the proceeding is made, which record should include testimony and evidence upon which an appeal is based.

November 1, 2018 18-05480W