

ZONING APPROVAL REQUIREMENTS

(Per the Town of Windermere Land Development Code (LDC) and Town Ordinances)



Site Plan (hardcopy and PDF electronic file) signed and sealed showing all proposed improvements and zoning compliance with the applicable ordinances listed below:

FLOOR AREA RATIO (Ordinance #2007-01)

Total floor area may not exceed 38% of total lot area. A tabulation showing all floor areas must be included on the Site Plan. (i.e., **1st Floor** sq. ft. + **2nd Floor** sq. ft. = **Total** sq. ft.)

IMPERVIOUS SURFACE RATIO (LDC Art. 6.01.02)

- a. A tabulation showing all impervious surfaces must be included on the Site Plan
- b. Maximum coverage 45%
- c. All buildings, accessory structures, swimming pools, patios, decks, driveways, and any other area covered with impervious materials must be included.
- d. Land area located across a street and separated from the building site shall not be included in any available land area calculation.

HEIGHT (Ordinance #2007-01)

Maximum building height shall be 35' or 2 ½ stories, whichever is less, as measured from the elevation of the average undisturbed existing lot grade at the front setback. The average undisturbed existing lot grade at the front setback is calculated by taking the average of the undisturbed existing lot grade at each point of intersection of the property line with the front setback line.

SETBACKS (Ordinance #2007-08) All setbacks are from the property line.

- a. **Non-corner lot**
 - i. **Front** - minimum of 25'
 - ii. **Rear** - minimum of 35'
 - iii. **Side** - 12.5% of the width of the lot with a minimum of 10' or a maximum of 15' (Width of the lot for determining the setback shall be measured at the widest portion of the structure, to include wing or other walls)
- b. **Contiguous corner lot** (i.e., corner lot which abuts another corner lot) has 2 options:
 - i. **Option A** - minimum of 25' for front yard, minimum of 15' for side yard, if applicable, minimum of 35' for rear yard
 - ii. **Option B** - minimum of 25' for front yard, except that a front yard that is contiguous with an adjacent corner lot shall have a front yard setback of 15'. The side yard setback for a side yard that is contiguous with an adjacent corner lot shall be 35'. All other side yard setbacks 12.5% of the width of the lot with a minimum of 10' or a maximum of 15'. Garage doors for vehicle access shall be located a minimum of 25' from the property line. If applicable, minimum 35' for rear yard.
- c. **Noncontiguous corner lot** (i.e., corner lot which does not abut another corner lot): minimum of 25' for front yard, minimum 15 feet for side yard, if applicable, minimum of 35' for rear yard.

MINIMUM BUILDING SIZE (Ordinance #2007-01)

- a. Waterfront - 1,500 sq. ft.
- b. 2 bedrooms or 50 ft. Lot - 1,000 sq. ft.
- c. 3 or more bedrooms - 1,500 sq. ft.

WATERFRONT PROPERTIES

- a. **Setback** - All structures must be at least 50' from the NHW elevation (LDC, Art. 5.05.03)
- b. **Septic System Setback** - minimum of 150' from NHW elevation (LDC, Art. 3.02.00)
- c. **Elevation** - Finished Floor Elevation no lower than 104' MSL on Lake Down and its canals, Lake Butler, and Wauseon Bay. Finished Floor Elevation no lower than 105' MSL on Lake Bessie. (LDC, Art. 5.05.03)
- d. **Fill** - No fill below the 101' MSL. No fill below the 100 yr. flood elevation without proper compensatory storage. (LDC, Art. 5.05.02)
- e. **Silt Screen** - required before lot clearing and construction (LDC, Art. 5.02.05)

ZONING APPROVAL REQUIREMENTS (Cont.)

ACCESSORY APARTMENTS (LDC, Art. 7.02.01)

- a. No more than one permitted on any residential lot
- b. Must be located within the principal structure
- c. Cannot be connected only by a breeze way, roofed passage, or similar structure. (i.e., Must have common wall.)
- d. Maximum 25% of the gross floor area of the principal structure

ACCESSORY BUILDINGS (LDC, Art. 7.01.03)

- a. Not permitted before a main structure
- b. Not allowed in the front yard
- c. **Setback** - Must meet minimum building setbacks, unless otherwise specified

ACCESSORY EQUIPMENT (Ordinance #2010-09; LDC, Art. 3.02.02) For example A/C units, pool equipment, etc.

- a. **NOT ALLOWED IN THE FRONT YARD**
- b. **Setback** - Minimum of 5' from the side property line c. **MUST be screened from view**

GUEST HOUSE (LDC, Art. 3.02.02)

- a. Permitted on lots exceeding 21,785 sq. ft.
- b. Must be in the rear yard
- c. Minimum of 10' to a side property line
- d. Minimum of 20' to any main or accessory building
- e. Minimum of 25' to the rear property line
- f. No wider than 50% of the lot where located
- g. Cannot exceed 45% of the total square footage of the primary structure

BOATHOUSE/DOCK (Ordinance #2014-09; LDC, Art. 7.01.06)

- a. **Setback** - Minimum 16' from side property lines
- b. **Height** - Maximum of 14.5' above the NHW elevation
- c. Requires an Orange County Environmental Permit and Florida Department of Environmental Protection Permit before zoning approval
- d. Requires Town Manager approval per Ordinance #2014-09

POOL (LDC, Art. 7.01.04)

- a. Permitted in side and rear yards.
- b. Minimum of 10' to a side or rear property line. (Includes pool deck and screen enclosure)
- c. Minimum of 50' to the NHW elevation on waterfront properties
- d. Must have a screen enclosure or be completely enclosed with a minimum 5' height fence (to include the waterfront). The enclosure or fence requires a separate permit approval

FENCE OR WALL (Ordinance #2010-09)

- a. Maximum 4' height within the portion of the parcel between the right-of-way and building (Corner lots have 2 front yards)
- b. Maximum 6' height in a side or rear yard.
- c. Maximum 2' height in the vision triangle on corner lots.

TREE REMOVAL (LDC, Art. 5.01.03)

- a. A permit is required for all trees with a DBH of 8" or more
- b. The permit must be approved by the Town before removal

STORMWATER RETENTION ORDINANCE (Ordinance #2015-04)

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

1. The owner shall provide a survey or certified engineering drawing indicating the elevation of improvements, adjacent streets, canals and lakes with the direction of flow of rain stormwater, any grading or fill information, the types of soil and if less than three feet, the depth to the water table. Elevations above 97.5 feet MSL (mean sea level) on Lake Bessie and 99.5 feet MSL on other water bodies shall be shown in one-foot increments.
2. The owner will indicate on the survey or drawing his proposed means for handling the stormwater runoff and provide a narrative description as to his methods and quantities of water being retained. No work will be commenced until approval by the town. Computations shall be included.
3. Upon completion of construction on (i) property located in a residential zoning district, or (ii) a lot in a planned unit development used for single-family residential purposes, the town shall inspect the stormwater retention improvements for compliance with the approved stormwater plans developed in subsections (b)(3)e.1 and (b)(3)e.2, immediately above. A certificate of occupancy may not be issued until approval of the stormwater improvements by the town.
4. Upon completion of construction on all other property not included in subsection (b)(3)e.3 immediately above, a letter from a civil engineer, landscape architect, surveyor or architect, registered in the state, shall be submitted to the town indicating that the stormwater retention improvements have been completed and that they comply with the approved stormwater plans developed in subsections (b)(3)e.1 and (b)(3)e.2 and in compliance with the applicable ordinances of the town. A certificate of occupancy may not be issued until approval of the stormwater improvements by the town.
5. Upon completion of the certifications required in subsections (b)(3)e.3 and (b)(3)e.4 of this section, no changes will be made to the stormwater retention improvements in any way, without resubmission of a request as required by subsections (b)(3)e.1 and 2 of this section and subsequent recertification.
6. Where compliance with this subsection (b) has not been completed and the property is occupied, the town manager is directed to file a complaint with the special magistrate.