

Town of Dundee Evaluation & Appraisal Report (EAR) Summary

Executive Summary

This report summarizes the Evaluation and Appraisal Report (EAR) information for the Town of Dundee, prepared by Ameé Bailey of GeoPlanning Solutions. The primary agenda of this review covers the Comprehensive Plan, the EAR Process, Current Conditions, Statutory Requirements, and Next Steps.

Comprehensive Plan Overview

The Comprehensive Plan is required by Florida Statutes and provides a long-term vision for the town. Its primary purposes include:

- It identifies long-term needs and community resources.
- It guides future growth and public infrastructure investment.
- It creates Goals, Objectives, and Policies.
- It serves as the basis for the Land Development Code.

The 2030 Comprehensive Plan for the Town of Dundee was originally adopted on October 26, 2010, and later updated on June 28, 2022. The plan consists of an Administrative Section along with multiple specific elements, including Future Land Use, Transportation, Housing, Infrastructure, Conservation, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, Public School Facility, and Property Rights, as well as Definitions, Acronyms, and the Evaluation & Appraisal Report.

Twenty-four Comprehensive Plan Amendments have been processed between 2018 to 2024. Fifteen of the amendments were related to Future Land Use Map Amendments, six (6) were Site Specific amendments and three (3) were text amendments. Additional Town

ordinances have been adopted that will need to be incorporated into the Comprehensive Plan. Such ordinances are associated with the studies listed below.

Evaluation and Appraisal Report

- Required by Florida Statutes
- Completed every 7 years
- Update minimum 10-year planning period
- Reflect changes in state requirements
- Opportunity to address new community concerns
- Single amendment to address all changes

The timeline for addressing the Evaluation and Appraisal Report is established by statutes. The seven (7) year period identifies when each community must report to the state. The Letter was due to the Florida Commerce by October 1, 2024. After which the Town has eighteen (18) months after the Letter to address the required amendments.

The Town will proceed with the EAR process through the following stages:

- Draft Amendments.
- Staff Review.
- Planning and Zoning Board review.
- Town Commission review.

Current Conditions & Town Profile

The Town of Dundee encompasses approximately 12 square miles and is located in Southwest Polk County, nestled between US 27 and US 17. Born from the citrus industry,

the town was initially incorporated in 1921 and then incorporated as the Town of Dundee in 1924.

The presentation outlined the following demographic and socioeconomic data for the town:

- **Population:** As of 2020, the total population is 5,235, with a median age of 33. The population demographics show 25.1% are under 18 years old, and 16.5% are over 65.
- **Language:** The primary languages are English (54.5%) and Spanish (45.4%).
- **Housing:** There are 2,242 total housing units, with 1,853 occupied, yielding an average of 3.25 individuals per unit. The median rent is \$1,600, and the home ownership rate is 67%.
- **Employment:** The town has an employment rate of 56%. Commuting statistics indicate 35.8% commute, with the breakdown being 76.2% driving alone, 11.5% carpooling, 1.9% walking/biking, and 7.7% working from home.
- **Income:** The median income is \$41,550, while the poverty rate sits at 28%.
- **Education:** Educational attainment rates show 39% hold a High School diploma, 7.5% hold an Associate's degree, and 9.3% hold a Bachelor's degree or higher. The K-12 enrollment rate is 71.7%.

Recent Studies and Infrastructure Analysis

Several recent studies have been completed or are underway to analyze current data and infrastructure facilities:

- **Potable Water & Wastewater:** Infrastructure planning is supported by the 2023 Water Supply Plan, the 2023 Wastewater Study, the 2024 Polk County Utility Rate and Connection Fee Study, and the 2024 Riner Water Treatment Plant Capacity Evaluation. These analyses focus on updating the Level of Service (LOS), projected demands, capital improvements, and reclaimed water feasibility.

- **Transportation:** The 2024 Transportation Impact Fee Study and Fee Schedule Update assess roadway classifications and capacity, as well as proposed roadway improvements.

Additional data and analysis cover Parks, Recreation & Cultural resources (such as parks, the community center, the library, and amenities), Public Safety (the fire station and PCSO), Utilities/Administration (stormwater), and Facilities (encompassing budget, finance, and the Capital Improvement Plan).

Each of the studies also include population projections for the Town. The studies provide a range of projections for 2030 to 2063. This information provides sufficient projects to support the comprehensive planning requirements to reflect the mandatory 10- and 20-year statutory planning parameters from 2030 to 2040 and 2060.

The 2023 Wastewater Study provides for a growth rate of 5.02% from 2016-2023. The projections for 2022-2033 were based on functional population growth and the 2034-2063 projections were based on development build-out. The 2024 Transportation Impact Fee Study and Fee Schedule Update – Technical Report provides for a growth rate of 4.2% between 2023-2045. The studies provide a projection for 2040 of between 10,000 to 25,000 people. The Town's Low Density Residential (LDR) Future Land Use allows for a maximum of 5 residential dwellings per acre. The LDR accounts for 4,681 acres within the Town, which holds the possibility of 23,405 units. Therefore, the Town already has sufficient land use allocations to support the projected population.

- **Existing Land Use:** The majority of existing land use is designated as Agricultural (AGR), which represents 3,973 units or 57% of the total.
- **Future Land Use:** Looking ahead, the predominant future land use is designated as Low Density Residential (LDR), projected at 4,681 units or 75%.

Next Steps

Based on the legislative shifts provided in the statutory requirements table attached, the EAR amendment should address updated definitions and references, Administrative Procedures and Concurrency (CMS), site specific policies and definitions, updated planning horizons with related maps, and incorporate Study details and updated Levels of Service (LOS). A breakdown of the specific sections and elements of the Town of Dundee 2030 Comprehensive Plan that require updates, modifications, or reviews are as follows:

1. Global Updates (Applicable to All Elements)

- **Planning Horizons:** Update all planning periods and horizons across every element to reflect the mandatory 10- and 20-year statutory planning parameters (F.S. 163.3177 & 163.3191).
- **Agency Nomenclature:** Update statutory references and definitions across all elements to match updated agency titles: change "Department of Economic Opportunity" to "Department of Commerce" (F.S. 163.3164).
- **City and County Nomenclature:** Updates references and definitions across all elements to match updated agency titles.
- **Provide for updated Level of Service Standards:** Incorporate updated levels of service based on adopted studies for the Town.

2. Future Land Use Element

- **Alternative Transportation & Mobility Systems:** Incorporate administrative and policy changes to allow alternative mobility-plan and fee-based systems, ensuring that single applicants satisfying proportionate-share requirements are not blocked from proceeding (F.S. 163.3180).
- **Accessory Dwelling Units (ADUs):** Conduct an optional review of Housing Policy 1.10 to evaluate options for permitting ADUs in any single-family residential zone without needing to prove a local shortage of affordable rentals (F.S. 163.31771).
- **Solar Generation Facilities:** Review site-specific policies to formally establish allowances for traditional solar facilities in all agricultural land use categories (F.S. 163.3205).
- **Floating Solar Facilities:** Review site-specific policies to ensure floating solar facilities are classified as a permitted use in appropriate land use categories (F.S. 163.32051).

- **Electrical Substations:** Review and update site-specific policies to accommodate approval processes for changes to existing distribution electric substations (F.S. 163.3208).
- **Sanitary Sewer and Basin Management Planning:** Update element features if the Town is subject to a Basin Management Action Plan and integrate a requirement for wastewater plans to directly address sanitary systems for developments exceeding 50 lots (F.S. 163.3177).
- **Natural Gas Resiliency Infrastructure:** Review land use categories to ensure natural gas resiliency facilities are classified as a permitted/allowable use within all commercial, industrial, and manufacturing designations (F.S. 163.3210).
- **Site Specific Policies:** Review information regarding the Towns' goals for these projects and determine if the goals and policies should be kept as is and leave current 2030 references, update, or removed.

3. Transportation Element

- **Administrative Procedures & Mobility Compliance:** Modify language regarding compliance requirements for funding systems, transitioning to mobility fee-based and mobility plan-based transportation models (F.S. 163.3180).
- **Deficiency Funding Restrictions:** Ensure policies prohibit alternative transportation systems from assigning the financial responsibility of clearing existing transportation deficiencies onto new developments (F.S. 163.3180).

4. Housing Element

- **Housing Policy 1.10 Evaluation:** Review Policy 1.10 regarding accessory dwelling units and evaluate affordable housing incentives (F.S. 163.31771).
- **Impact Fees Mitigation:** Note where impact fee updates align with statutory changes, keeping in mind that Capital Improvements Element (CIE) Policy 3.1 defers directly to the local Impact Fee Ordinance (F.S. 163.31801).

5. Infrastructure Element / Capital Improvements Element (CIE)

- **CIE Policy 3.1 Alignment:** Update or cross-reference policies to reinforce that CIE Policy 3.1 defers directly to the local Impact Fee Ordinance regarding minimum conditions, credit transfers, and calculating impact fees using localized data less than 4 years old (F.S. 163.31801).

- **Pollutant Load Projects:** Incorporate a schedule of required infrastructure projects geared toward achieving pollutant load reductions if the Town falls under a basin management action plan (F.S. 163.3177).
- **Mobility Infrastructure Fees:** Update administrative funding procedures to recognize mobility-plan and fee-based alternative transportation options (F.S. 163.3164 & 163.3180).

6. Conservation Element

- **Onsite Sewage & Septic System Approvals:** Update reference terminology within environmental policies to clarify that the Department of Environmental Protection (FDEP) rather than the Department of Health (DOH)—now regulates and approves onsite sewage treatment and disposal systems (F.S. 163.3180).

7. Recreation and Open Space Element

- **Administrative Mobility Frameworks:** Adjust administrative language to maintain consistency with the updated mobility fee frameworks and concurrency system modifications across the broader plan (F.S. 163.3180).

8. Intergovernmental Coordination Element (ICE)

- **County Interlocal Agreements:** Establish and confirm administrative procedures to execute interlocal agreements with Polk County regarding joint transportation impact fees and shared mobility frameworks (F.S. 163.3180).
- **Multijurisdictional Mobility Systems:** Address intergovernmental coordination workflows to seamlessly handle alternative mobility-plan models across overlapping municipal or county boundaries (F.S. 163.3180).

9. Public School Facilities Element

- **School Concurrency & Clearances:** Update administrative procedures requiring the district school board to notify the local government regarding available development capacity within 30 days of receiving a developer's binding commitment (F.S. 163.3180).
- **Mitigation Set-Asides:** Incorporate strict rules requiring any proportionate-share mitigation funds directed toward school capacity enhancements outside the active 5-year educational facilities plan to be safely set aside and held unspent until the project is formally identified (F.S. 163.3180).

10. Definitions and Acronyms Section

Update the section to append or refine definitions for the following state-mandated terms:

- **Development:** Revise definition parameters under subsection (4)(b) (F.S. 163.3221).
- **Sector Plans:** Introduce standard terminology definitions (F.S. 163.3245).
- **Master Development Plan / Master Plan:** Add statutory definitions (F.S. 163.3164).
- **Farm Operation:** Update to align with uniform agricultural land definitions (F.S. 163.3162 & 163.3163).
- **Solar Facility & Floating Solar Facility:** Integrate precise facility definitions (F.S. 163.3205 & 163.32051).
- **Distribution Electric Substation:** Clarify parameters for utility changes (F.S. 163.3208).
- **Resiliency Facility:** Define under new natural gas infrastructure protocols (F.S. 163.3210).
- **Mobility Fee & Mobility Plan:** Define explicitly to support alternative transportation systems (F.S. 163.3164).
- **State Land Planning Agency / Department / Office:** Formal update to signify the Department of Commerce (F.S. 163.3164).

11. Administrative Section

- **Small-Scale Amendments Limit:** Update the standard small-scale development amendment land limitations to a maximum of 50 acres or fewer, altering the administrative approval rules accordingly (F.S. 163.3187).
- **Legal Challenges & Cost Recovery:** Revise procedural text to address updated summary court rules and clarify that prevailing parties in plan compliance challenges are legally entitled to recover attorney fees and associated costs (F.S. 163.3215 & 163.3184).
- **Plan Transmission Deadlines:** Insert explicit compliance timelines requiring the Town to transmit finalized, adopted comprehensive plan amendments to the state land planning agency within 10 working days of the final adoption hearing to prevent them from being automatically deemed withdrawn (F.S. 163.3184).

Town of Dundee
Evaluation and Appraisal Report
Amea Bailey

Last EAR update

1. Ordinance 18-07
2. Updated Definitions
3. 1/22/19

Amendments since EAR

1. 13 FLUM amendments
 - a. Ordinance 19-05
 - b. Ordinance 19-13
 - c. Ordinance 20-08
 - d. 20-10
 - e. 20-12
 - f. 21-02
 - g. 21-09
 - h. 21-17
 - i. 21-31
 - j. 21-33
 - k. 22-08
 - l. 22-13
 - m. 22-19
2. Removal of Site Specific Amendments – FLU Element
 - a. Ordinance 19-12 - Condition 2.14(C)
 - b. Ordinance 21-01 - Condition 2.14(B)
 - c. Ordinance 21-15 - Condition 2.14(L)
 - d. Ordinance 21-16 - Condition 2.14(N)
 - e. Ordinance 22-09 - Condition 2.14(F)
3. Property Rights Element
 - a. Added
 - b. 11/09/21
4. Last Amendment
 - a. Incorporated
 - i. Ordinance 22-19 06/28/22
 - b. Outstanding
 - i. Ordinance 23-02 – 04/11/23
 1. Water LOS – 115 gpcd
 - ii. Ordinance 23-10 – 05/14/24

Com Plan Observations

1. Chapter 9J-5 repealed in 2011
 - a. Remove measurable targets
 - b. Update definitions
2. Similar pattern since 2010 EAR
 - a. Update to 2030 Plan
 - b. FLUM
 - c. Removal of Site Specific Conditions
 - d. Update CIP
 - e. Water Supply Plan update
3. Administrative Section should be removed and used as administrative policies
4. Plans and required studies search
5. Update goals with year for attainment
6. Site Specific conditions through the 2030 Planning Horizon
7. Defer to School Board plans rather than have outdated info

Other Studies

1. 2005 Water, Wastewater and Reclaimed water Master Plan
2. 2025 WUP 2045
3. 2024 Polk County Utility Rate and Connection Fee Study
 - a. LOS
 - i. Water 250 GPD
 - ii. Wastewater 200 GPD
4. 2024 Transportation Impact Fee Study and Fee Schedule Update – Technical Report
 - a. September 2024
 - b. ESRP
 - c. Population
 - i. 2000-2022
 - ii. 2023-2045 estimate Growth rate of 4.2%
 - d. Proposed roadway improvements
 - e. Roadway classifications and capacity
5. 2024 Riner Water Treatment Plant Capacity Evaluation
 - a. Capacity to Serve Woodland Ranch Estates
6. 2023 Water Supply Plan
 - a. 10-year study
 - b. Population projections 2040
 - c. Projected Water Demand
 - d. Amendments to Comprehensive Plan
 - e. LOS – 115 gdc/d

- 7. 2023? Wastewater Study
 - a. Chapter 6 of CHA
 - b. Population projections
 - i. Sources
 - 1. Another study
 - 2. Public Supply Annual Report
 - 3. SWFWMD calculator
 - 4. Buildout of FLU and know developments
 - ii. 2016-2023 Historic growth rate of 5.02%
 - iii. 2022-2033 Functional population growth
 - iv. 2034-2063 Development build out
 - c. Wastewater flow projections
 - d. Reclaimed water use feasibility
 - i.

F.S. 163	Chapter law Changes Since 2017	Description	Related Comp Plan Element	Comment
163.3221	2018-34, section 1	Florida Local Government Development Agreement Act, Amends the definition of “development” within subsection (4)(b)	Definitions and Acronyms Section	Update definitions
163.3245	2018-158, section 7,	Sector Plans, - Updates statutory cross references within subsection (3)(e) and subsection (12). - Revises subsection (6) to amend the requirements associated with a master development approval.	N/A Definitions and Acronyms Section	No Sector Plans adopted Add definition
163.3246	2018-158, section 8,	Local Government Comprehensive Planning Certification Program, Updates the Local Government Comprehensive Planning Certification Program to modify language of subsections (11), (12), and (14) referencing Developments of Regional Impact.	N/A	The City is not Certified
163.3164	2018-158, section 21	Community Planning Act; Definitions, Renumbers existing subsections (31) through (51) as (32) through (52) and adds a new subsection (31) to define “master development plan” or “master plan”.	Definitions and Acronyms Section	Add definition
163.3177	2019-3, section 31	Required and Optional Elements of Comprehensive Plan; Studies and Surveys, Updates statutory reference related to affordable workforce housing within subsection (6)(f).	Housing Element	No changes needed
163.31801	2019-106, section 1	Impact Fees; Short Title; Intent; Minimum Requirements; Audits; Challenges Revises the section’s title.	Housing Element, Capital Improvement Element, Public School Element	Later revisions supersede

		• Amends language of paragraphs (a) through (d) of subsection (3) to clarify the local government responsibilities related to impact fees. • Adds new paragraphs (e) through (i) to subsection (3) to amend the minimum requirements for the adoption of impact fees by specified local governments and note restrictions to the allowable uses of those impact fees. • Adds a new subsection (6), which exempts water and sewer connection fees from the Florida Impact Fee Act.		
163.3175	2019-144, section 1	Legislative Findings on Compatibility of Development with Military Installations; Exchange of Information Between Local Governments and Military Installations, • Redesignates existing paragraphs (i) through (n) of subsection (2) as paragraphs (j) through (o). • Adds new paragraphs (i) and (p) to subsection (2) to specify additional local governments that must coordinate with certain military installations regarding the compatibility of land development.	N/A	
163.3209	2019-155, section 2	Electric Transmission and Distribution Line Right-of-way Maintenance, • Removes language the requiring local government approval of a property owner's request for electric utilities to perform certain right-of-way vegetation and tree maintenance.	Definitions and Acronyms Section	No changes needed
163.3187	2019-157, section 1	Process for Adoption of Small-Scale Comprehensive Plan Amendment, • Removes subsection (1)(b), which specified the cumulative annual acreage maximum of adopted small-scale comprehensive plan amendments.	Administrative Section	No Changes needed
163.3167	2019-165, section 3	Scope of Act,	N/A	

		• Amends subsection (3) to require local governments that have adopted comprehensive plans after January 1, 2019 to incorporate into their comprehensive plans development orders that existed before the comprehensive plan's effective date.		
163.3180	2019-165, section 4	Concurrency (Chapter 2019-165, section 4, Laws of Florida) • Amends subsection (5)(i) to clarify compliance requirements for a mobility fee-based funding system. • Revises subsection (6)(h)2.b. to require a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities and provides the requirements for the basis of that credit.	Future Land Use Element, Transportation Element, Recreation and Open Space Element, Intergovernmental Coordination Element, Capitol Improvement Element, Public School Facilities Element, Administrative Section	Address Administrative Procedures
163.31801	2019-165, section 5	Impact Fees; Short Title; Minimum Requirements; Audits; • Amends subsection (3) to add minimum conditions that certain impact fees must satisfy. • Renumbers existing subsections (4) and (5) as subsections (6) and (7). • Adds a new subsection (4) to require local governments to credit against the collection of an impact fee any contribution related to public education facilities.	Housing Element, Capital Improvement Element, Public School Element	CIE Policy 3.1 Defers to impact Fee Ordinance

		• Adds subsection (5) so that if a local government increases its impact fee rates then the holder of impact fee credits is entitled to the full benefit of the intensity or density of the credit balance as of the date it was established and renumbers subsequent subsections. • Amends renumbered subsection (7) to provide that in certain actions, the local government has the burden of proving by a preponderance of the evidence that the imposition or amount of certain required dollar-for-dollar credits for the payment of impact fees meets certain requirements and prohibits the court from using a deferential standard for the benefit of the government. • Adds subsection (8) to authorize a local government to provide an exception or waiver for an impact fee for the development or construction of affordable housing, and in doing such is not required to use any revenues to offset the impact. • Adds subsection (9) to clarify that this section does not apply to water and sewer connection fees.		
163.3202	2019-165, section 6	Land Development Regulations • Adds paragraph (j) to subsection (2) to require preexisting development orders to be incorporated into local land development regulations.	N/A	
163.3215	2019-165, section 7	Standing to Enforce Local Comprehensive Plans Through • Amends subsection (8)(a) to provide that either party is entitled to a certain summary procedure in certain court proceedings. • Adds subsection (8)(b) clarifying how a court may find a summary procedure does not apply.	Administrative Section	Address Administrative Procedures

		• Adds subsection (8)(c), which provides that a prevailing party in a challenge to certain development orders can be entitled to recover certain fees and costs.		
163.3178	2020-2, section 27	Coastal Management • Amends subsection (2)(k) to update statutory references. • Revises paragraphs (b) and (c) within subsection (8) to remove outdated deadlines.	N/A	
163.31771	2020-27, section 4	Accessory Dwelling Units • Amends subsections (3) and (4) to allow a local government to adopt an ordinance allowing accessory dwelling units to be located in any area zoned for single family residential use and removes the requirement that the ordinance be conditioned upon a finding that there is a shortage of affordable rentals within the jurisdiction.	Future land Use Element, Housing Element	Optional: Review Housing Policy 1.10, add definition, evaluate options
163.31801	2020-27, section 5	Impact Fees; Short Title; Intent; Minimum Requirements; Audits; Challenges • Adds subsection (10) and supporting paragraphs (a) through (e) to address the data on impact fee charges that must be reported in an annual financial report by a county, municipality, or special district. • Amends subsection (3)(d) to specify that a new or increased impact fee may not be charged to current or pending permit applications submitted before the effective date of an ordinance or resolution imposing such an impact fee unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant. • Amends subsection (4) to clarify that a local government must provide credit against the collection of an impact fee of any contribution related to public education facilities	Housing Element, Capital Improvement Element, Public School Element	CIE Policy 3.1 Defers to impact Fee Ordinance

		regardless of any charter provision, comprehensive plan policy, ordinance, or resolution. • Renumbers existing subsections (8) and (9) as subsections (9) and (10). • Adds a new subsection (8) that sets forth the provisions by which impact fee credits are assignable and transferable and renumbers subsequent subsections.		
163.3168	2020-122, section 2	Planning Innovations and Technical Assistance • Adds subsection (4) providing guidance to the state land planning agency when selecting applications for technical assistance funding to give preference to counties with a population of 200,000 or less, and to municipalities located within such counties, in determining whether the area in and around a proposed multiuse corridor interchange as described in section 338.2278, F.S., contains appropriate land uses and protections and aiding in amending a comprehensive plan to provide such appropriate land uses and protections.	N/A	
163.3180	2020-150, section 28	Concurrency (Chapter 2020-150, section 28, Laws of Florida) • Amends subsection (2) to alter the governmental entity that approves onsite sewage treatment and disposal systems from the Department of Health to the Department of Environmental Protection.	Conservation Element, Definitions and Acronyms Section	Update references
163.3162	2021-7, section 6	Agricultural Lands and Practices, • Reenacts subsection (2)(b) to provide a definition for “Farm operation.”	Definitions and Acronyms Section	Update definition
163.3163	2021-7, section 7	Applications for Development Permits; Disclosure and Acknowledgement of Contiguous Sustainable Agricultural Land,	Definitions and Acronyms Section	Update definition

		• Reenacts subsection (3)(b) to provide a definition for “Farm operation.”		
163.31801	2021-63, section 1	Impact Fees; Short Title; Intent; Minimum Requirements; Audits; Challenges, • Adds a new subsection (3) to define “Infrastructure” and “Public facilities.” • Renumbers existing subsections (3) through (11) and rewords existing subsections (3), (5), (6), (8), and (11) for clarity. • Amends existing subsection (4) to provide additional regulations pertaining to impact fee credits. • Adds a new subsection (6), which prescribes the circumstances under which impact fees may be increased, sets forth limitations on those fee increases, and notes that this section applies retroactively to January 1, 2021.	Housing Element, Capital Improvement Element, Public School Element	CIE Policy 3.1 Defers to impact Fee Ordinance
163.3168	2021-161, section 1 and 2021-186, section 1	Planning Innovations and Technical Assistance • Repeals existing subsection (4) that directed the state land planning agency to give preference when selecting applications for funding for technical assistance to counties with a population of 200,000 or less, and to municipalities within those counties, for assistance in determining whether the area in and around a proposed multiuse corridor interchange contains appropriate land uses and natural resource protections and amending a comprehensive plan to provide for such land uses and protections.	N/A	
163.3205	2021-178, section 1	Solar Facility Approval Process, • Creates section 163.3205, F.S., which applies to sites that are subject to an application to construct a solar facility submitted to a local government on, or after, July 1, 2021, to encourage renewable solar electrical generation, define	Future land Use Element, Definitions and Acronyms Section	Review site specific policies and definition

		“solar facility”, and set forth an allowance for solar facilities in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts in an unincorporated area.		
163.3167	2021-195, section 1	Scope of Act Amends subsection (3) to clarify that requirements pertaining to development orders and their incorporation and interaction with comprehensive plans are specifically related to plans for municipalities incorporated after January 1, 2016.	N/A	
163.3177	2021-195, section 2	Required and Optional Elements of Comprehensive Plan; Studies and Surveys Adds subsection (6)(i) which requires each local government to include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making. The statute also provides a statement of rights local governments may adopt in order to meet these requirements.	Property Rights Element	No Changes needed
163.3237	2021-195, section 3	Amendment or Cancellation of a Development Agreement Amends this section to allow a party to a development agreement and a local government to amend or cancel a development agreement without consent of other affected property owners unless the amendment or cancellation will modify the allowable uses or entitlements on such owner’s property.	N/A	
163.3202	2021-201, section 1	Land Development Regulations Adds new subsection (5) to specify that land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling except under certain listed conditions.	Future Land Use Element	No changes needed

163.3167	2021-206, section 1	Scope of Act • Revises subsection (5) to allow landowners with a development order approved before the municipality was incorporated to abandon said development order and develop the order's vested density and intensity as long as the vested uses, density, and intensity are consistent with the municipality's comprehensive plan and all existing concurrency obligations in the development order remain in effect.	N/A	
163.3187	2021-206, section 3	Process for Adoption of Small-Scale Comprehensive Plan Amendment • Amends subsection (1)(a) to increase the small-scale development amendment limit to 50 acres or fewer. • Revises subsection (3) pertaining to small-scale development amendments for sites within a rural area of opportunity to allow a 100 percent increase to the 50-acre acreage limit now included in subsection (1)(a).	Administrative Section	Address Administrative Procedures
163.32051	2022-83, section 1	Floating Solar Facilities, • Creates 163.32051, which provides legislative findings regarding floating solar facilities. • Defines the term "floating solar facility." • Requires a floating solar facility to be a permitted use in the appropriate land use categories and requires local governments to amend their land development regulations to promote expanded uses of floating solar facilities. • Authorizes a county or municipality to specify buffer and landscaping requirements, which may not exceed the requirements for similar uses involving the construction of other solar facilities permitted in agricultural land use categories and zoning districts.	Future land Use Element, Definitions and Acronyms Section	Review site specific policies and definition

		• Provides exceptions to the construction of floating solar facilities in an Everglades Agricultural Area reservoir project if it is determined to have negative impacts on the project.		
163.3180	2022-122, section 1	Amending Concurrency, • Amends subsection (6)(h)2. to revise provisions specifying when school concurrency is deemed satisfied. • Requires the district school board to notify the local government that capacity is available for development within 30 days after receipt of the developer's legally binding commitment. • Specifies that any proportionate-share mitigation directed toward a school capacity improvement not identified in the 5-year school board educational facilities plan must be set aside and not spent until such an improvement has been identified.	Future Land Use Element, Transportation Element, Recreation and Open Space Element, Intergovernmental Coordination Element, Capitol Improvement Element, Public School Facilities Element, Administrative Section	Address Administrative Procedures and Public School Facilities Element
163.3175	2022-183, section 5	Updating Military Base Names, • Amends paragraph (n) subsection (2) to update two military base names to Patrick Space Force Base and Cape Canaveral Space Force Station, associated with Brevard County and Satellite Beach.	N/A	
163.3178	2022-204, section 2	Coastal Management, • Reenacts Subsections (2)(k), (5), and (6) to incorporate the amendment made to Section 311.09 by Chapter 2022-204, Laws of Florida, adding Putnam County to the Florida Seaport Transportation and Economic Development Council.	N/A	

163.3177	2023-31, section 1	Required and optional elements of comprehensive plan; studies and surveys • Revision to Paragraph (a) of subsection (5) the planning periods that must be included in a comprehensive plan (10 and 20 years)	All Elements	Update Planning Horizons
163.3191	2023-31, section 2	Evaluation and appraisal of comprehensive plan • Revision to Subsection (1) the planning periods that must be included in a comprehensive plan (10 and 20 years), requiring affidavit attesting compliance and 10 year planning period. • Amending Subsection (1), (2), (3), language requiring, rather than encouraging. • Amending Subsection (3) requiring elements must be processed in the same plan amendment cycle • Amending Subsection (4) setting one-year deadline from affidavit for amendments, otherwise prohibiting a local government from initiating or adopting any publicly initiated plan amendments to its comprehensive plan under certain circumstances • Creates Subsection (5) requiring the state land planning agency to provide population projections if a local government fails to update its comprehensive plan; requiring the local government to update its comprehensive plan within 3 months after receiving the population projections and to transmit the update within a 12 months; and authorizing the local government to provide certain alternative population projections under certain circumstances;	All Elements	Update Planning Horizons
163.3202	2023-31, section 3	Land development regulations • Amending Subsection (5)(a) items (6) and (7) revising exceptions to add dates for applicability of land	N/A	No Arc Board

		development regulations by 07/01/2023 and an Arc Board prior to 01/01/2020		
163.3208	2023-31,	Substation approval process • Amends Subsection (2) definitions “distribution electric substation”; • Amends Subsection (3), (4), (5), (6), (7) and (8) revising the substation approval process to include applications for changes to existing electric substations;	Future Land Use Element, Definitions and Acronyms Section	Review site specific policies and definition
163.3184	2023-115; Section 1	Process for adoption of comprehensive plan or plan amendment • Amends Subsection (5)(g) providing that the prevailing party in a challenge to a plan or plan amendment is entitled to recover attorney fees and costs;	N/A	
163.3187	2023-115; Section 2	Process for adoption of small scale comprehensive plan amendment • Amends Subsection (5)(a) providing that the prevailing party in a challenge to the compliance of a small scale development order is entitled to recover attorney fees and costs;	N/A	
163.3202	2023-115; Section 3	Land development regulations • Amends Subsection (6) applicability of regulations land development regulations relating to any characteristic of development other than use, or intensity or density of use, do not apply to Florida College System institutions as defined in s. 1000.21(3).	N/A	
163.3215	2023-115; Section 4	Standing to enforce local comprehensive plans through development orders • Amends Subsection (3) and (4) making technical changes; Removes consistency with comp plan for appeals requirement	N/A	

163.3177	2023-169, Section 1	Required and optional elements of comprehensive plan; studies and surveys • Amends Subsection (3)(a) revising the schedule to include a list of projects necessary to achieve the pollutant load reductions attributable to the local government, as established in a basin management action plan pursuant to s. 403.067(7) • Amends Subsection (6)(c) prioritize advances waste treatment and address sewer treatment plans for development over 50 lots with on-site treatment by 07/01/24 unless a rural area of opportunity under s. 288.0656	Capital Improvement Element Future Land Use Element,	Update if Town has a Basin Management Plan Add requirement for Waste Water Plan to addresses sanitary system requirements
163.2517	2023-309, Section 8	Designation of urban infill and redevelopment area. • Amends cross reference in Subsection (5)	N/A	
163.3181	2023-309, Section 9	Public participation in the comprehensive planning process; intent; alternative dispute resolution • Amends cross reference in Subsection (3)(a)	N/A	
163.321	2023-309, Section 10	Standing to enforce local comprehensive plans through development orders • Amends cross reference in Subsection (4)(a)	N/A	
163.3167	2023-305	Scope of act • Creating Subsection (8) prohibiting an initiative or referendum process in regard to any land development regulation	N/A	
163.11	2024-2	Biscayne Bay • Amends Subsection (7) to remove initial report date • Amends cross reference in Subsection (6) • Remove Subsection (6)	N/A	

163.3164 163.3756 163.503 163.5055 163.506 163.508 163.511 163.512	2024-6, Section 26 - 35	Community Planning Act; definitions • Amends definitions • “State land planning agency” means the Department of Commerce • “Department” means the Department of Commerce Economic Opportunity. Economic Opportunity. • “Office” means the Office of Urban Opportunity within the Department of Commerce Economic Opportunity.	All Elements	Update references and definitions
163.3175	2024-22, Section 1	Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations and ranges. • Amends Subsection (2) adding ranges to the requirement for local governments to cooperate with certain major military installations <u>and ranges</u> to encourage compatible land use in associated areas	N/A	
163.3756	2024-136 Section 1	Inactive community redevelopment agencies • Section 163.3756 repealed	N/A	
163.504	2024-136 Section 2	Safe neighborhood improvement districts; formation authorized by ordinance; jurisdictional boundaries; prohibition on future creation. • Creating Subsection (2) A safe neighborhood improvement district may not be created on or after July 1, 2024. A safe neighborhood improvement district in existence before July 1, 2024, may continue to operate as provided in this part.	N/A	No designated areas
165.0615	2024-136 Section 3	Municipal conversion of independent special districts upon elector-initiated and approved referendum • Section 165.0615 repealed	N/A	

163.3210	2024-186, Section 1	Natural gas resiliency and reliability infrastructure. • Creating Section • Creating Definitions, natural gas, natural gas reserve, public utility, and resiliency facility. • Creating Subsection (3) A resiliency facility is a permitted use in all commercial, industrial, and manufacturing land use categories in a local government comprehensive plan and all commercial, industrial, and manufacturing districts. Limited buffering • Creating Subsection (4) After July 1, 2024, a local government may not amend its comprehensive plan, land use map, zoning districts, or land development regulations in a manner that would conflict with a resiliency facility's classification as a permitted and allowable use.	Future land Use Element, Definitions and Acronyms Section	Review site specific policies and definition
163.211	2024-212 Section 1	Licensing of occupations preempted to state. • Amends Subsection (2)(a) extending the preemption of occupational licenses to the state to July 1, 2025	N/A	
163.3167	2024-234 Section 1	Scope of act • Creating Subsection (8)(d) A citizen-led county charter amendment that is not required to be approved by the board of county commissioners preempting any development order, land development regulation, comprehensive plan, or voluntary annexation is prohibited unless expressly authorized in a county charter that was lawful and in effect on January 1, 2024.	N/A	
163.3175	2024-234 Section 2	Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations. • Amends Subsection (3) redefine Florida Defense Support Task Force as direct-support organization created in s. 288.987	N/A	

163.3184	2024-234 Section 3	Process for adoption of comprehensive plan or plan amendment Amends Subsection (3)(c) and (4)(e) providing that amendments are deemed withdrawn if the local government fails to transmit the comprehensive plan amendments to the department, within 10 working days after the final adoption hearing, the amendments are deemed withdrawn	Administrative Section	Address Administrative Procedures
163.3164	2024-266 Section 1	Community Planning Act; definitions Creating Definitions, mobility fee, mobility plan	Future Land Use Element, Transportation Element, Intergovernmental Coordination Element, Capitol Improvement Element, Definitions and Acronyms Section Administrative Section	Address Administrative Procedures and add definitions
163.3180	2024-266 Section 2	Concurrency Amends Subsection (5)(h) and (i) revising requirements relating to agreements to pay for or construct certain improvements; authorizing certain local governments to adopt an alternative transportation system that is mobility-plan and fee-based in certain circumstances; A local government may not prevent a single applicant from proceeding after the applicant has satisfied its proportionate-share requirement if the applicant has satisfied all other local government development	Future Land Use Element, Transportation Element, Intergovernmental Coordination Element, Capitol Improvement Element, Definitions and	Address Administrative Procedures and add definitions Confirm adoption of Interlocal with Polk County

		requirements for the project. prohibiting an alternative transportation system from imposing responsibility for funding an existing transportation deficiency upon new development; • Creating Subsection (5)(j) requiring counties and municipalities to create and execute interlocal agreements if a developer is charged a fee for transportation impacts for a new development or redevelopment; providing requirements for such agreements; providing requirements for when such interlocal agreements are not executed by a specified date; authorizing a local government that issues the building permit to collect a fee for transportation impacts under certain circumstances unless otherwise agreed; Update Interlocal with county by 10/1/25	Acronyms Section Administrative Section	
163.31801	2024-266 Section 3	Impact fees; short title; intent; minimum requirements; audits; challenges • Amends Subsection (4)(a) Ensure that the calculation of the impact fee is based on a study using the most recent and localized data available within 4 years of the current impact fee update. The new study must be adopted by the local government within 12 months of the initiation of the new impact fee study if the local government increases the impact fee • Amends Subsection (5)(a) requiring local governments transitioning to alternative transportation systems to provide holders of impact fee credits with full benefit of intensity and density of prepaid credit balances as of a specified date in certain circumstances	Housing Element, Capital Improvement Element, Public School Element	CIE Policy 3.1 Defers to impact Fee Ordinance

September 30, 2024

RESPONSE VIA E-MAIL ONLY

Ms. Lorraine Peterson
Assistant Town Manager
Town of Dundee
555 East Church Street
Bartow, Florida 33830

Subject: Evaluation and Appraisal Notification Acknowledgement Letter

Dear Ms. Peterson:

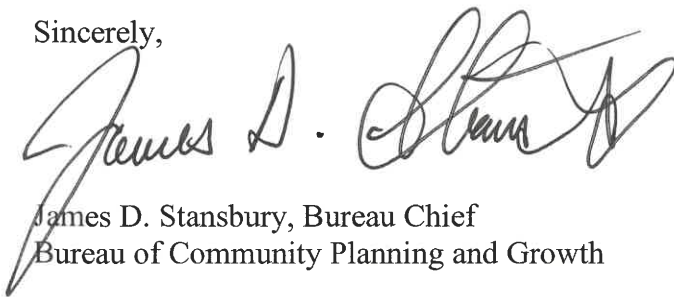
This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter, which was due on October 1, 2024 and received by FloridaCommerce on September 24, 2024.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to FloridaCommerce by September 24, 2025, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes (F.S.). The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), F.S. Please also be aware that Section 163.3191, F.S., was amended to read in part "updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle."

Scott Rogers of FloridaCommerce's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (850)717-8510.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendment, please contact Donna Harris, Plan Processor, at (850)717-8491 or by email at Donna.Harris@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Bureau Chief
Bureau of Community Planning and Growth

JDS/dh

September 24, 2024

Via Upload and Email

Donna Harris
Plan Review and Processing
Florida Commerce
The Caldwell Building
107 E. Madison Street – MSC 160
Tallahassee, Florida 32399-4120

RE: Town of Dundee 2024 Evaluation and Appraisal Report (EAR) Notification Letter

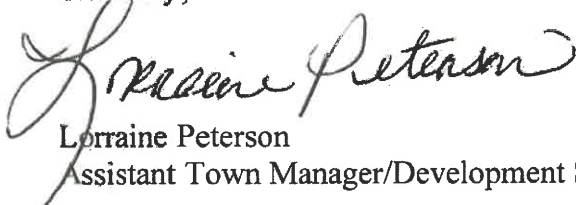
Dear Ms.Harris:

Per the Evaluation and Appraisal Notification Schedule posted on the Florida Commerce's website, the Town of Dundee must make a determination as to whether the need exists to amend the Comprehensive Plan to reflect changes in state requirements since the last time the Town's Comprehensive Plan was updated by October 1, 2024.

Based upon thorough evaluation of the Town's Comprehensive Plan, it has been determined that comprehensive plan amendments are necessary to address changes to state planning requirements which have occurred since the update of the Town's Comprehensive Plan, to extend the Comprehensive Plan to the required minimum planning periods, and to update the population projections as required through Florida Statutes. The Town is working to complete amendments by October 1, 2025.

Should you have any questions, please contact me at (863) 438-8330 ext 233 or at lpeterson@townofdundee.com.

Sincerely,



Lorraine Peterson
Assistant Town Manager/Development Services Director

Attachment: 2024 Town of Dundee Evaluation and Appraisal Report Affidavit

cc: Sam Pennant, Mayor Town of Dundee



TOWN OF DUNDEE EVALUATION AND APPRAISAL AFFIDAVIT

I, Sam Pennant, Mayor of the Town of Dundee, Polk County, Florida and do hereby certify, swear, or affirm under the penalty of perjury that I am competent to give the following declaration based on my personal knowledge, and that the following statement is true and correct to the best of my knowledge:

1. This affidavit is provided consistent with the requirements of Florida Statute 163.3191(1).
2. The Town of Dundee Comprehensive Plan must be updated to address changes to state planning requirements which have occurred since the update of the Town's Comprehensive Plan, to extend the Comprehensive Plan to the required minimum planning periods, and to update the population projections as required through Florida Statutes.
3. As Part of the Evaluation and Appraisal Report based amendments, all elements of the Town of Dundee Comprehensive Plan will comply with Florida Statute 163.3191(1).
4. As Part of the Evaluation and Appraisal Report based amendments, the adopted Comprehensive Plan will cover a planning period of 10 years occurring after the plan's adoption and an additional 20-year period, as provided in required by s. 163.3177(5)(a), F.S.
5. The Evaluation and Appraisal Report based amendments will cite the source and date of the population projections used in establishing the 10-year planning period.

Further the affiant saith naught.

Samuel Pennant

(Print Name)

[Signature]

(Sign Name)

9-24-2024

(Date)

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 24 day of September, 2024, by, as, on its behalf, who is personally known to me or who has produced _____ as identification.



Notary Public, State of Florida

Melissa Glogowski

Printed Name

My commission expires: 12/13/2024



**TOWN OF DUNDEE
EVALUATION AND APPRAISAL REPORT (EAR) OF THE TOWN'S COMPREHENSIVE PLAN
EAR LETTER AND AFFIDAVIT**

TO: Town of Dundee, Town Commission

AGENDA DATE: September 24, 2024

REQUESTED ACTION: **APPROVE THE EAR AFFIDAVIT AND AUTHORIZE THE MAYOR TO SIGN**

Evaluation and Appraisal Report (EAR):

Pursuant to Chapter 73C-49, Florida Administrative Code, at least every seven years, local governments shall determine whether the need exists to amend their Comprehensive Plan to reflect changes in state requirements and local trends since the last time the Comprehensive Plan was updated.

In addition, the EAR evaluates how successful the Town has been in addressing identified major land use planning issues through the implementation of its Comprehensive Plan. Based on this evaluation, the EAR recommends how the plan should be updated to further address objectives, changing conditions and trends affecting the community and changes in state requirements.

Submittal of EAR Notification Letter:

According to Florida Commerce Evaluation and Appraisal Report Notification Schedule, Dundee's Evaluation and Appraisal Affidavit is due October 1, 2024. The Town will submit an Evaluation and Appraisal notification letter to the State consistent with Florida Statutes 163.3191(1) to keep the Town in compliance with this due date. The notification letter package will include:

- Notification that amendments are necessary to reflect a minimum planning period of at least 10 years and to reflect changes in state requirements.
- An affidavit, signed by the mayor, attesting that all elements of the comprehensive plan will comply, will certify that the adopted comprehensive plan contains the minimum planning period of 10 years, and will cite the source and date of the population projections used in establishing the 10-year planning period.

Attachments:

Evaluation and Appraisal Affidavit
Section 163.3191, Florida Statutes