

ORDINANCE 26-07

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE TOWN OF DUNDEE LAND DEVELOPMENT CODE; SPECIFICALLY AMENDING SECTION 3.06.07, "UNDERGROUND SEEPAGE SYSTEMS," TO PERMIT THE UTILIZATION OF UNDERGROUND SEEPAGE SYSTEMS SUBJECT TO SPECIFIED CRITERIA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution; and

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, the Town is vested with governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, commonly referred to as the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and mandates the Town of Dundee, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements, or portions thereof, to guide the future growth and development of the Town; and

WHEREAS, in accordance with the procedures required by Sections 166.041 (3)(c)2, Florida Statutes, and other applicable law, the regulations contained within this ordinance were considered by the Town's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) as designated by the Town, at a duly advertised public meeting on May 21, 2026, at which time interested parties and citizens had the opportunity to be heard and such amendments were recommended to the Town Commission for adoption; and

WHEREAS, the Town Commission of the Town of Dundee recognizes the need to update its Land Development Code to reflect modern engineering standards and stormwater management practices; and

WHEREAS, underground seepage systems can provide effective solutions for drainage and groundwater recharge when properly designed and maintained; and

WHEREAS, the Town Commission finds that allowing such systems, where appropriate, serves the health, safety, and welfare of the residents of Dundee.

WHEREAS, the Town of Dundee, Florida, has complied with all requirements and procedures in processing and adopting this Ordinance No. 26-07; and

WHEREAS, in accordance with the Expedited State Review procedures required by Section 163.3184(3), the Town of Dundee transmitted the proposed amendment and supporting data and analysis to the applicable review agencies; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the enactment and adoption of this Ordinance No. 26-07 is intended and necessary to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the public interest and preserves, enhances, and encourages the most appropriate use of land; and this Ordinance No. 26-07 is intended to promote, protect, and improve the public health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals. The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements which form a factual and material basis for the adoption of this Ordinance, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this Ordinance.

Section 2. Commission Support. The Town Commission of the Town of Dundee, Florida, hereby authorizes, directs, and supports the recommended Text Amendment (see **Exhibit "A"**) which will amend the Town of Dundee 2030 Comprehensive Plan, the Code of Ordinances of the Town of Dundee, Florida, and the Land Development Code of Dundee, which is attached hereto and made part hereof by reference (stricken words are deleted).

Section 3. Conflicts. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the 2030 Comprehensive Plan of the Town of Dundee, unless such repeal is explicitly set forth herein.

Section 4. Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase of this Ordinance, or the application thereof shall be held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The Town Commission of the Town of Dundee, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared invalid, unenforceable, or unconstitutional. If any word, sentence, clause, phrase, or provision of this Ordinance for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, unconstitutional, then all remaining provisions and portions of this Ordinance shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. Administrative Correction of Scrivener's Errors and Codification. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the 2030 Comprehensive Plan of the Town of Dundee, Florida; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the 2030 Comprehensive Plan of the Town of Dundee is accomplished, sections of this Ordinance may be renumbered or re lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or his or her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk. A certified copy of this enacting Ordinance and certified copy of the Town of Dundee Future Land Use Map and Comprehensive Plan shall be located in the Office of the Town Clerk of Dundee. The Town Clerk shall also make copies available to the public for a reasonable publication charge.

Section 6. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged by an affected party, shall be 31 days after adoption. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

INTRODUCED AND PASSED, on First Reading and public hearing this 2nd day of June, 2026.

PASSED AND DULY ADOPTED at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the _____ day of _____, 2026.

TOWN OF DUNDEE, FLORIDA

Joseph Garrison, Mayor

ATTEST WITH SEAL:

Erica Anderson, Town Clerk

Approved as to form:

Markeishia Smith, Town Attorney

Ordinance 26-07
Exhibit A

~~**3.06.07. Underground seepage systems.**~~

3.06.07 Underground Stormwater Systems

~~Underground seepage systems are not allowed.~~

- A. Permitted Use: underground stormwater systems, including but not limited to exfiltration pipes, chambers, and vaults, may be permitted for the management of stormwater runoff, provided they meet the design and performance standards set forth in this Code, the Town's engineering manual, and the requirements of the Southwest Florida Water Management District (SWFWMD).
- B. Design Requirements: All underground stormwater systems must be designed by a Florida Licensed Professional Engineer. The design must account for:
1. Soil Suitability: A geotechnical report prepared by a Florida Licensed Professional Engineer must be submitted supporting that the soil conditions and seasonal high-water table (SHWT) levels are suitable for the proposed system including but not limited to soil characteristics, infiltration rates, and confining layers.
 2. Debris Removal: To prevent clogging and system failure, all systems must include a mechanism for debris removal up stream of any underground storage or infiltration components.
 3. Vertical Clearance: If infiltration is utilized by the proposed underground stormwater system, a minimum of one (1) foot of separation is required between the bottom of the system and the seasonal high-water table.
- C. Maintenance: The property owner shall be responsible for the perpetual maintenance of the underground stormwater tank system. An Operation and Maintenance (O&M) plan must be approved by the Town. Every five years, or more frequently if required by SWFWMD, a civil engineer or Qualified Inspector as defined by the Florida Department of Environmental Protection (FDEP) must inspect the system to ensure conformance with the approved O&M plan that it is working as permitted, a copy of the inspection report must be sent to the Public Works Director.
- D. Additional Requirements: The Town Engineer may require additional analysis, inspection access, maintenance provisions, or monitoring where site conditions warrant.