

EXHIBIT B

PUD Application, Ordinance NO. 22-17



Town of Dundee

00000 • 0202 E. Main Street • PO Box 1000 • Dundee, Florida 33838 • (863) 438-8330 • Fax (863) 438-8338

Application for Planned Unit Development (PUD) Zoning and Master Development Plan Approval (FORM 3204)

Applicant

The following information is required for submission of an application for a Planned Unit Development (PUD) zoning district and Master Development Plan for the Town limits of Dundee, Florida. **Please print or type the required information below. Attach three copies of the current survey of subject property along with an aerial photograph and location map and all requirements as outlined in the Land Development Regulations.**

Name of Property Owner: Thomas Thayer
Mailing Address: PO Box 970 Dundee, FL 33898 Phone: (863)439-3694
Name of Representative, if applicable: David Holden
Mailing Address: 6150 S Florida Ave St. 200 Lakeland, FL 33813 Phone: (863) 422-5517
Reason for Request: To allow single family home development through a PUD-R.

Property Identification

Property Address or General Location: 0 Scenic Hwy N Lake Wales, FL 33898
Present Use of the Property: Vacant/Grove
Existing Structures Located on the Site: 0
Total Acreage: 160+/- Number of Residents on Site: 0
Parcel I.D.#: See attached Parcel I.D. sheet.
Legal Description of the Property: See attached Property Appraiser Sheets

Range: 27 Township: 28 Section: 35
Subdivision: Valencia Ridge Reserve

Planning and Zoning Information

Current City Future Land Use Designation: Low Density Residential
Current City Zoning Classification: RSF-2

Note: An application fee will be assessed on all requests for land use and zoning changes in accordance with the most recent Resolution of the Dundee Town Council establishing such fees.

Date Received: _____ Received By: _____ File #: _____

Amount Paid: _____ Check #: _____ Receipt #: _____

OWNER'S SIGNATURE PAGE

(I) (We), Thomas Thayer being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the Town of Dundee to process this petition for Re-zoning and/or Comprehensive Plan Amendment, in accordance with all adopted Town rules and regulations, and in conformance with State law.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

OWNERS

Signature of Owner
Thomas Thayer

Printed Name of Owner

Thomas A. Thayer, Jr.

Signature of Owner

Printed Name of Owner

Signature of Owner

Printed Name of Owner

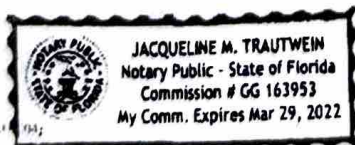
Signature of Owner

Printed Name of Owner

STATE OF FLORIDA
COUNTY OF POLK

OWNER'S NOTARIZATION

The foregoing instrument was acknowledged before me this 26th day of October, 2021, by Thomas A. Thayer, Jr. who is personally known to me or who has produced a driver's license as identification and who did not take an oath.



Jacqueline M. Trautwein
Notary Public
Notarial Seal and Commission
Expiration Date

AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), _____ being
duly sworn, depose and say that (I) (we) serve as _____ for the owner(s)
(agent or lessee)
in making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this
capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other
information attached hereto present the arguments in behalf of the petition herein requested to
the best of (my) (our) ability and that the statements and information above referred to are in all
respects true and correct to the best of (my) (our) knowledge and belief.

AGENT, LESSEE, OR BUYER(S)

Signature of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA

AGENT, LESSEE, OR BUYER(S) NOTARIZATION

COUNTY OF POLK

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____, who is personally known
to me or who has produced a driver's license as identification and who did not take an oath.

Notary Public
Notarial Seal and Commission
Expiration Date

Parcel I.D.s:

272835000000034020, 272835000000032040, 272835000000043030, 272835000000043010,
272835000000031020, 272835000000032010, 272835000000032020, 272835000000014020,
272835000000041010, 272835000000013000, 272835000000014010

ORDINANCE NO. 22-17

AN ORDINANCE OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF DUNDEE, FLORIDA; SPECIFICALLY, CHANGING THE ZONING DESIGNATION FROM MODERATE-DENSITY SINGLE-FAMILY RESIDENTIAL (RSF-2) TO PLANNED UNIT DEVELOPMENT-RESIDENTIAL (PUD-R) ON APPROXIMATELY 161.1 ACRES OF LAND, LOCATED EAST OF STATE ROAD 17 (SCENIC HIGHWAY), SOUTH OF LAKE MABEL LOOP ROAD, AND NORTH OF ALMBURG ROAD FURTHER DESCRIBED AS PARCELS: 272835-000000-034020, 272835-000000-032040, 272835-000000-043030, 272835-000000-043010, 272835-000000-031020, 272835-000000-032010, 272835-000000-032020, 272835-000000-014020, 272835-000000-041010, 272835-000000-013000, AND 272835-000000-014010; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Thomas Thayer (the "Applicant") requests a change of zoning from Moderate Density Single Family Residential (RSF-2) and lake to Planned Unit Development-Residential on approximately 161.1 acres of land, located east of State Road 17 (Scenic Highway), south of Lake Mabel Loop Road, and north of Almburg Road; and

WHEREAS, the Planned Unit Development Process (updated through Ordinance 13-09) establishes five Planned Unit Development Districts, including Planned Unit Development-Residential (PUD-R); and

WHEREAS, the proposed Master Development Plan, which is known as the Valencia Ridge Reserve, is consistent with the Future Land Use Element of the Dundee Comprehensive Plan; and

WHEREAS, the real property which is the subject of this Ordinance constitutes less than five percent (5%) of the municipally zoned area of the Town; and

WHEREAS, on April 21, 2021, in accordance with Section 163.3174, Florida Statutes, and applicable law, 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 considered the Applicant's request for rezoning as set forth in this Ordinance which included, but is not limited to, testimony and argument(s) from interested and/or aggrieved parties; and

WHEREAS, on April 21, 2022, the interested and/or aggrieved parties and citizens in attendance were provided with an opportunity to be heard and present testimony to the Town's Planning and Zoning Board; and

WHEREAS, on April 21, 2022, after considering all the facts and testimony presented by the Town, interested and/or aggrieved parties, and citizens in attendance, the Town's Planning and Zoning Board voted to recommend approval of the Applicant's request for the rezoning as set forth in this Ordinance to the Town Commission; and

WHEREAS, as a result of this Ordinance being initiated by the Applicant (not the municipality), the Town Commission of the Town of Dundee held duly noticed public hearings regarding the parcel shown on Exhibit "A" in accordance with Section 166.041 (3), Florida Statutes, to provide the public an opportunity to be heard, obtain public comment, and receive and consider all written and oral testimony presented during such public hearings, including supporting documentation; and

WHEREAS, in exercise of its authority, the Town Commission of the Town of Dundee has determined it necessary to amend the Official Zoning Map to change the Town zoning classifications assigned to this property, adopt the Master Development Plan and associated conditions.

NOW, THEREFORE, be it enacted by the Town Commission of the Town of Dundee, Florida:

Section 1. The official zoning map of the Town of Dundee is amended so as to change the Town zoning classifications from Moderate-Density Single-Family Residential (RSF-2) and lake to Planned Unit Development-Residential (PUD-R) on approximately 161.1 acres of land, located east of State Road 17 (Scenic Highway), south of Lake Mabel Loop Road, and north of Almburg Road further described as parcels: 272835-000000-034020, 272835-000000-032040, 272835-000000-043030, 272835-000000-043010, 272835-000000-031020, 272835-000000-032010, 272835-000000-032020, 272835-000000-014020, 272835-000000-041010, 272835-000000-013000, and 272835-000000-014010, as shown in Exhibit "A".

Section 2. All property located within the Valencia Ridge Reserve PUD property is hereby zoned Planned Unit Development-Residential (PUD-R) Zoning District and the provisions of the Land Development Code, and special conditions attached hereto shall govern further public review and development of the property within this District.

Section 3. The Master Development Plan (MDP) for this Planned Unit Development attached hereto as Exhibit "B" is approved in accordance with Article 7.09.03 of the Unified Land Development Code of the Town of Dundee for the total property known as the Valencia Ridge Reserve PUD, including development requirements attached hereto as Exhibit "C" and additional special conditions attached hereto as Exhibit "D" and made a part hereof.

Section 4. Repealing. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5. Severability. 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 6. Codification. This Ordinance shall not be codified in the Code of Ordinances of the Town of Dundee, Florida. A certified copy of this enacting ordinance 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 7. Administrative Correction of Scrivener's Errors. 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/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 8. Effective Date. The effective date of this ordinance shall be immediately upon passage on second reading.

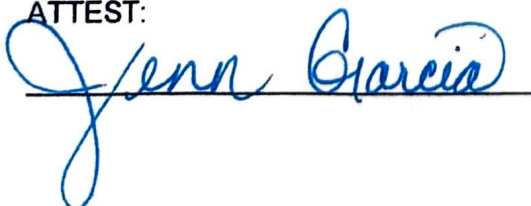
INTRODUCED on first reading this 28th day of June, 2022.

PASSED on second reading this 12th day of July, 2022.

TOWN OF DUNDEE, FLORIDA


Mayor- Sam Pennant

ATTEST:

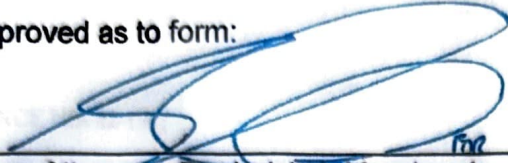


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Town Clerk – Jenn Garcia

Approved as to form:



A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, is written over a horizontal line.

Town Attorney - Frederick J. Murphy, Jr.

ORDINANCE NO. 22-17

Page 5

Composite Exhibit "A"

Ordinance No. 22-17

Legal Description and Excerpt from the Official Zoning Map

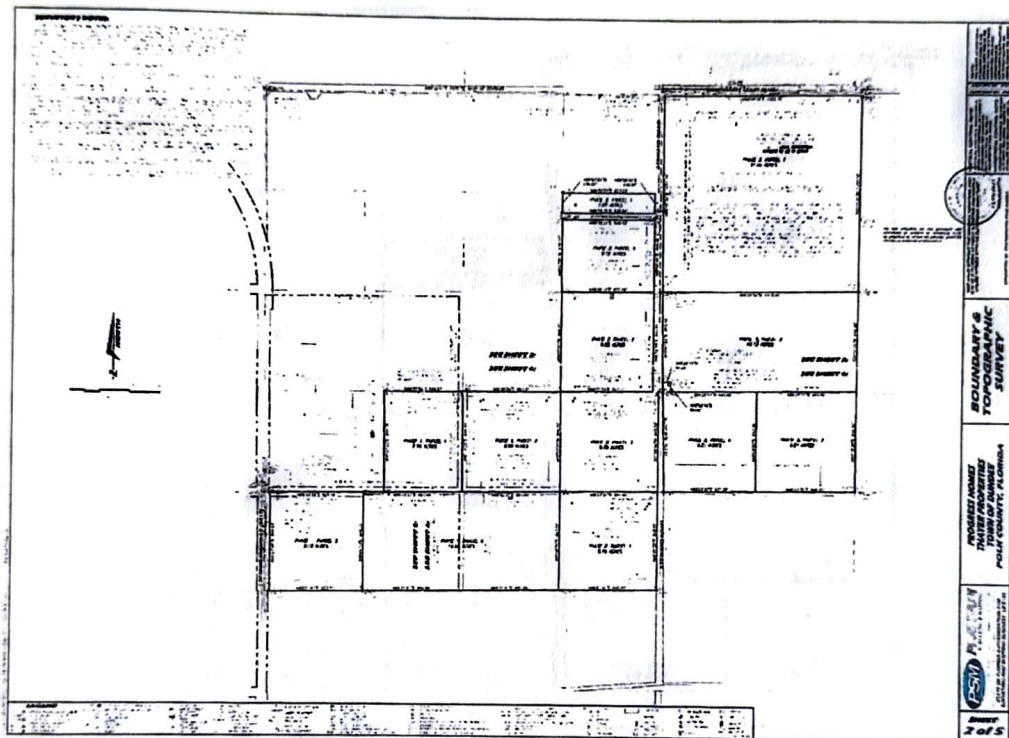
Page 1 of 6

The parcels listed below and illustrated on the map on the following five pages.

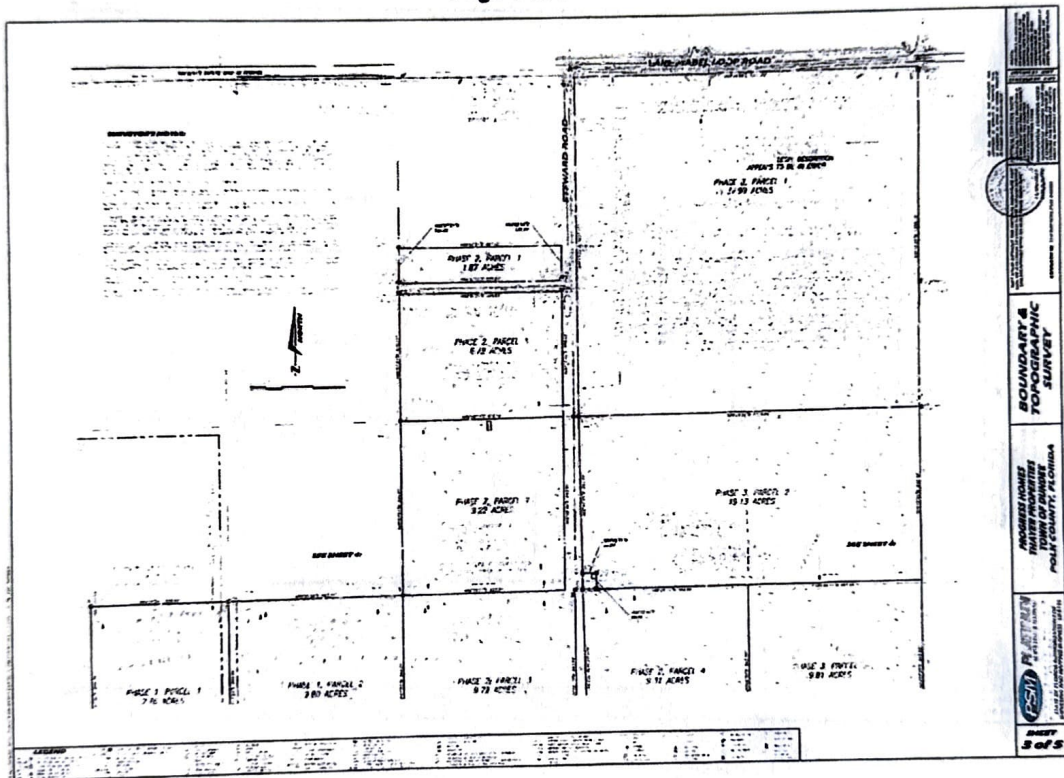
Parcels 272835-000000-034020, 272835-000000-032040, 272835-000000-043030, 272835-000000-043010, 272835-000000-031020, 272835-000000-032010, 272835-000000-032020, 272835-000000-014020, 272835-000000-041010, 272835-000000-013000, and 272835-000000-014010.

Legal Description and Excerpt from the Official Zoning Map
Page 2 of 6

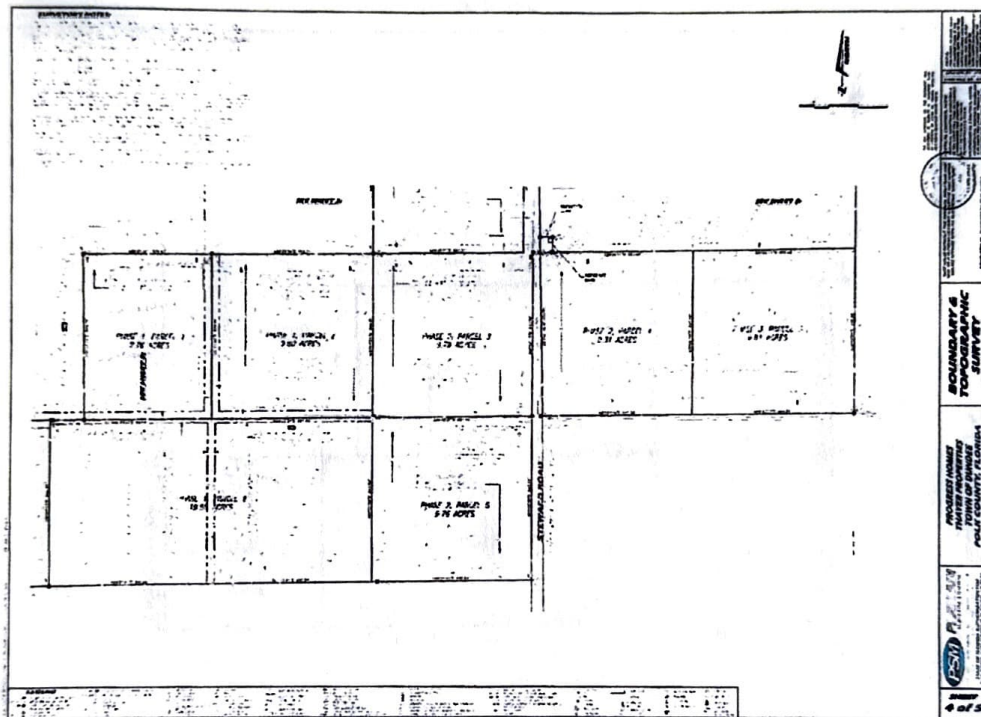
Composite Exhibit "A"
Ordinance No. 22-17
Legal Description and Excerpt from the Official Zoning Map
Page 3 of 6



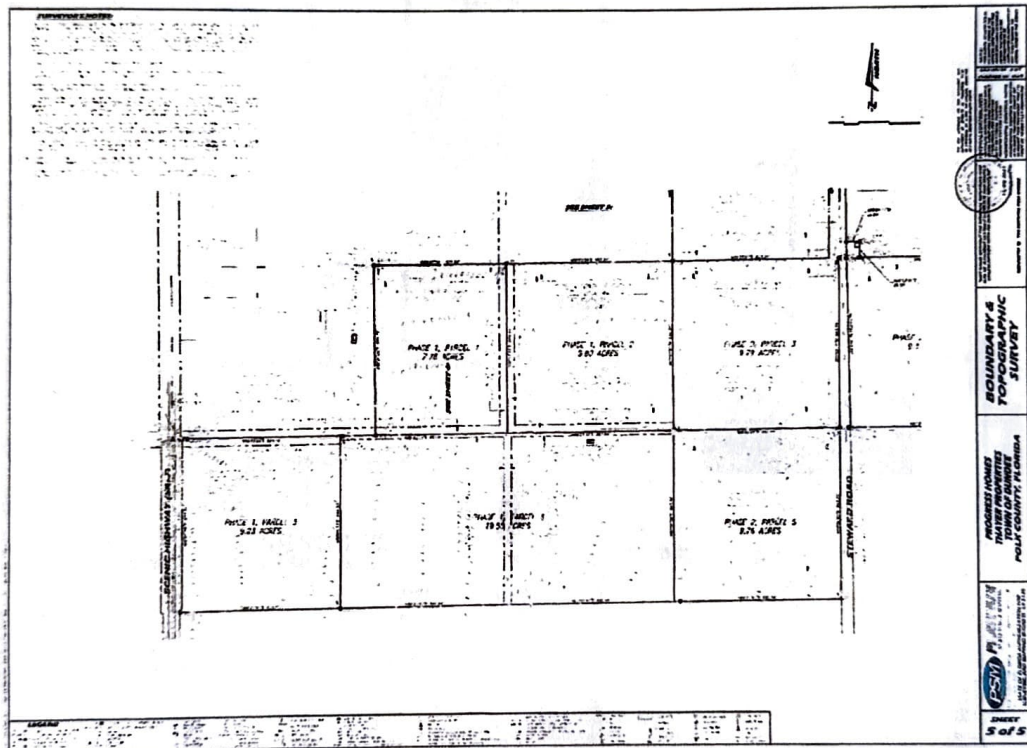
Composite Exhibit "A"
Ordinance No. 22-17
Legal Description and Excerpt from the Official Zoning Map
Page 4 of 6



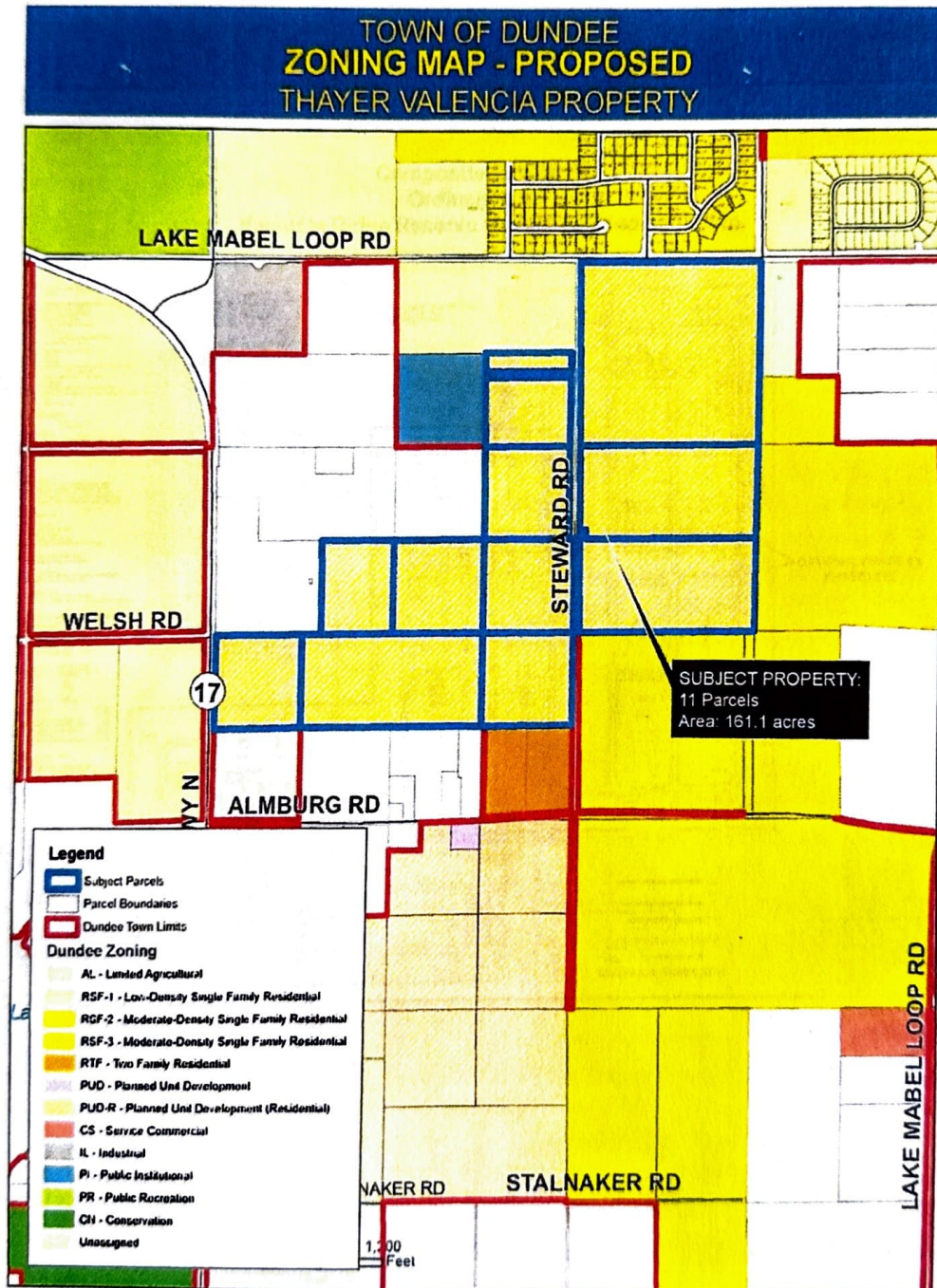
Composite Exhibit "A"
Ordinance No. 22-17
Legal Description and Excerpt from the Official Zoning Map
Page 5 of 6



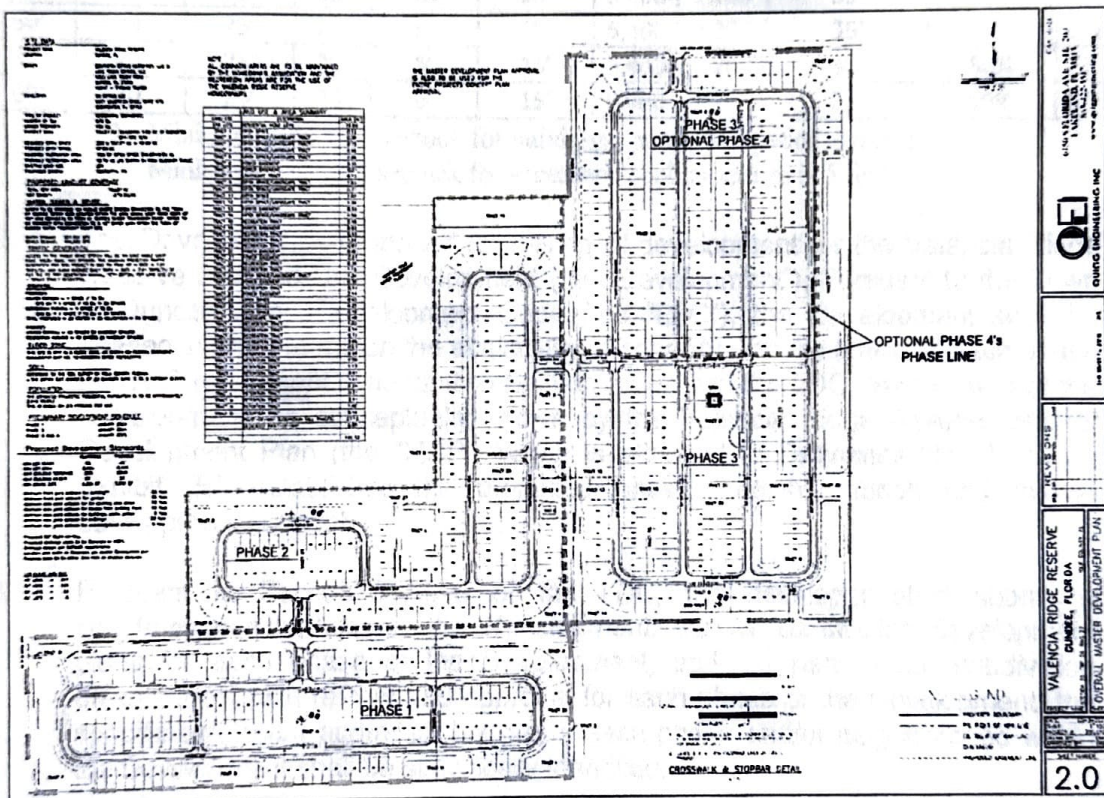
Composite Exhibit "A"
Ordinance No. 22-17
Legal Description and Excerpt from the Official Zoning Map
Page 6 of 6



Composite Exhibit "A"
Ordinance No. 22-17
Legal Description and Excerpt from the Official Zoning Map
Page 4 of 4



Composite Exhibit "B"
Ordinance 22-17
Valencia Ridge Reserve Master Development Plan



**Ordinance 22-17
Exhibit "C"
Valencia Ridge Reserve PUD Development Requirements
Page 1 of 3**

1. The Valencia Ridge Reserve Planned Unit Development shall consist of up to 576 dwelling units that meet the following requirements for single-family lots.

Lot Width	Setbacks*					Min. Lot Size	Min. Home Size	Max. Building Height	Max. Lot Coverage	Unit Mix
	Front	Garage	Rear	Side	Corner					
45'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	357
50'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	148
55'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	63
60'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	8

* Minimum side yard setback for buildings, pools, and patios is 6 feet
Minimum rear yard setback for accessory/pool structures is 5 feet

2. The Developer has proposed a phasing of development for the Valencia Ridge Reserve Planned Unit Development (the "Development"). Pursuant to the Town of Dundee Land Development Code (the "LDC"), the Development shall be phased in order to match the availability of capacity with the timing of each phase of the Development. Pursuant to Section 7.09.00 of the LDC, the phasing of the Development, as conceptually shown by the Valencia Ridge Reserve Master Development Plan (the "MDP") which is attached to Ordinance No. 22-17 as Exhibit "B", establishes the proposed phases, neighborhoods and overall development concept.
3. Pursuant to Section 7.09.05 of the LDC, the developer shall submit a construction schedule for the Development; submit subdivision development plans for each phase of the Development; and, as part of the subdivision development plan review and approval for each phase of the Development, the specific unit count and/or lot lay out of each phase and/or neighborhood within the Development shall be specifically identified.
4. The Development shall be subject to reasonable conditions which may include, but shall not be limited to, a recordable agreement which sets forth in detail the terms and conditions under which the Town of Dundee will provide utility service(s) to the Development if, in the opinion of the Town of Dundee, such an agreement is necessary to facilitate the construction and extension of the Town's utilities. Such reasonable conditions are necessary to ensure consistency and conformance with the Town of Dundee Comprehensive Plan and compliance with the regulations and development standards set forth by the LDC.

Ordinance 22-17

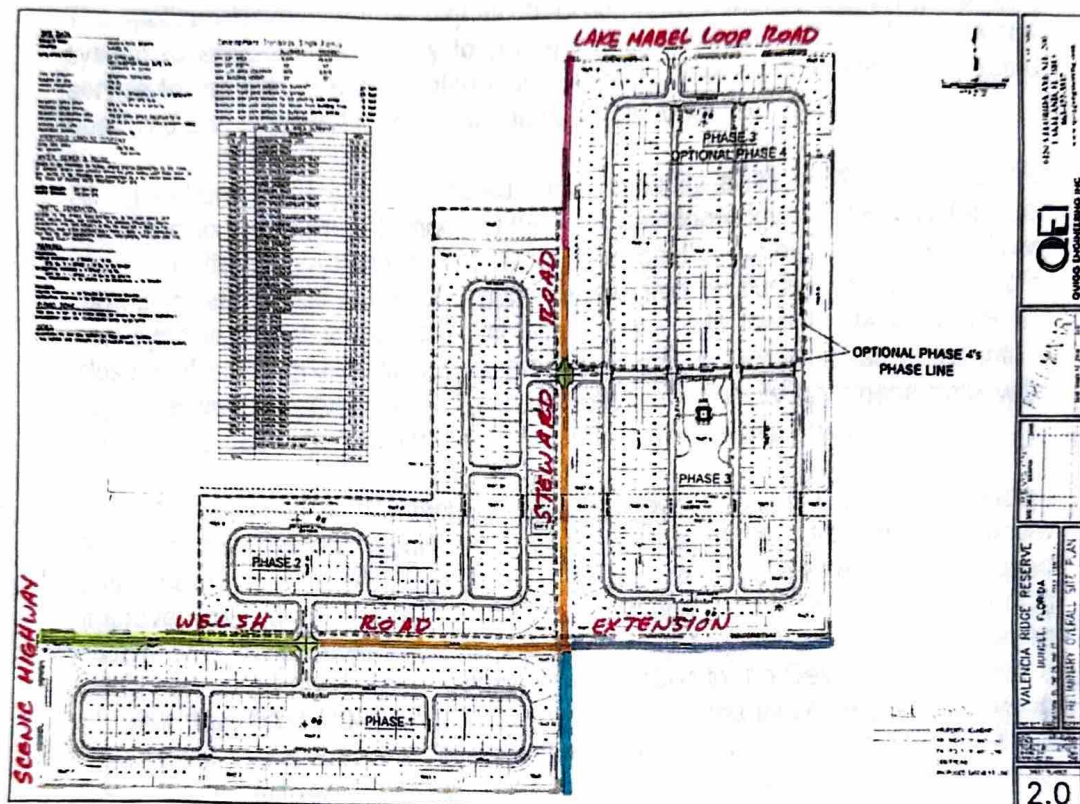
Exhibit "C"

Valencia Ridge Reserve PUD Development Requirements

Page 2 of 3

5. To avoid repetitive design, single-family homes shall not utilize the same building elevation, façade materials, or color scheme within three single-family lots of each other on the same side of the street.
6. Unless otherwise set forth in writing and agreed to by both the developer and Town of Dundee, in a recordable agreement binding upon all successors and assigns, all roads, drainage, and utility facilities needed to support all phases of the Development shall be completed and available for use prior to the issuance of any building permit(s).
7. No more than half the lots in a phase shall receive a Certificate of Occupancy prior to the Developer completing the construction of each amenity center and/or active recreation facility identified in each phase.
8. All internal and perimeter roads which includes, but shall not be limited to, Lake Mabel Loop Road, Steward Road, and the Welsh Road Extension shall be shown to have adequate rights-of-way and/or land shall be dedicated to meet the standards set forth by the Town of Dundee Land Development Code and/or Code of Ordinances; and all substandard roads shall be completed, inspected, approved and accepted in a manner as determined by the Town as part of the development of the project.

Ordinance 22-17
Exhibit "C"
Valencia Ridge Reserve PUD Development Requirements
Page 3 of 3



Ordinance 22-17

Exhibit "D"

Valencia Ridge Reserve PUD Special Conditions

1. The applicant/developer shall pay all costs associated with constructing the utility system extension(s) necessary to connect to and obtain water and wastewater service to the site. The completed improvements shall be completed, inspected, approved and accepted in a manner as determined by the Town.
2. All agricultural wells and associated water capacity shall be dedicated and/or conveyed to the Town of Dundee at the time development commences for each phase of the Development. The developer shall cooperate with the Town regarding any related regulatory approvals required by such a dedication and/or conveyance. In the event the Town receives a credit towards its WUP for the closure of said agricultural well(s), the Town and developer shall enter into a separate written agreement for the reservation of capacity commensurate with, but not to exceed, the amount of said credit received by the Town.
3. The MDP (see Exhibit "B" attached to the Ordinance) shall serve as the Concept Plan for the proposed subdivision. Upon approval of the MDP, the developer shall have twelve (12) months to begin construction of the required improvements. If construction does not commence within the initial twelve (12) month time period provided, the developer may request an extension for an additional six (6) months by providing written notice to the Development Director no later than thirty (30) days prior to the expiration the initial twelve (12) month time period. In the event the developer has attempted in good faith to commence construction activity(ies) and, due to circumstances beyond its control, construction activity(ies) related to the required improvements have not commenced within time period(s) provided for in this Paragraph, the developer may request and the Development Director may, in his or her sole discretion, grant an additional six (6) month extension of time. If the time set forth herein lapses, the MDP shall become subject to any changes in the Town's rules and/or regulations.
4. Any approval of the MDP, concept plan, preliminary subdivision plan, certified subdivision plan, and/or the Town's acceptance of an application for final plat or final site development plan approval shall not create any reservation of capacity or network capacity, shall not constitute a commitment on behalf of the Town to provide service(s), shall not constitute an acceptance of improvements or dedications, and shall not constitute an approval of the final site development plan.
5. At time of Preliminary Subdivision Plan, the applicant shall complete environmental studies which include, but shall not be limited to, studies specifically related to sand skinks and gopher tortises.

6. The Development shall include appropriate and compliant bus stop location(s) for each phase and/or neighborhood for school children.
7. Pursuant to Section 7.09.01(D)(5) of the LDC, the developer shall be required to complete a transportation analysis/study; and, for each successive phase of the Development, the developer shall be required to update the transportation analysis/study as determined by the Town. The developer shall implement project related transportation improvements consistent with the requirements of Florida Statutes, the LDC, and/or any other applicable laws, ordinances, and Town established adequacy determinations.
8. Subject to applicable Florida law and the LDC, the developer and Town may enter into an agreement in order to ensure: (i) the performance of the conditions set forth herein; (ii) the necessary public facilities and services will be in place with the impacts of each phase of the development; and (iii) the necessary improvements proportional to the share of additional capacity resulting from the development are constructed and funded.
9. All internal road rights-of-way shall be at a minimum 50' and shall be constructed in accordance with the requirements set forth by the LDC and/or any other applicable code and/or standards as determined by the Town.
10. In addition to any requirement set forth by the LDCs, Final Subdivision Plat approval shall be contingent upon the developer (a) filing with the Department of State the bylaws and articles of incorporation for the applicable Homeowners Association; (b) when the construction of the necessary infrastructure and/or improvements are not complete and accepted by the Town, a developer's agreement or development agreement has been approved by the Town Commission, executed by the parties, and recorded in the public records in and for Polk County, Florida; and (c) when approved by the Town, the developer has provided the Town with adequate performance security and adequate defect security pursuant to the terms and provisions of a developer's agreement or development agreement.
11. For purposes of this Ordinance, "adequate performance security" and "adequate defect security" shall mean, at a minimum, as follows:
 - (a) *Adequate performance security* shall be satisfactory in form to the Town Attorney and the Town Engineer and the Town's planning staff and be in an amount equal to one hundred and twenty-five (125%) percent of the developer's contract for the work that remains uncompleted and not accepted at the time of final plat or final site development plan approval, as certified in writing by the engineer of record, subject to the approval by the Town's planning staff and the Town Engineer. No more than fifty percent (50%) of the value of the total required improvements for each phase of the Development shall be considered for bonding and/or letter of credit given hereunder. Subject to the terms of the applicable agreement,

the performance security shall be released by the Town when all private improvements are installed, inspected and approved and when all public improvements are installed, inspected and accepted. When providing a bond for performance security, the bonding company shall have a B+ or better rating in accordance with "Best Bond Book." In the case of a letter of credit, provisions for drawdowns from the letter of credit as improvements are completed and accepted shall accompany the surety. The letter of credit shall have a duration of twenty-four (24) months; and

- (b) *Adequate defect security* shall warrant and guarantee the materials and workmanship of all infrastructure and infrastructure improvements within the Development that are dedicated to the public, including streets, curb and gutter, sidewalks, potable water distribution system, sanitary sewer collection and transmission system, reclaimed water system and stormwater management system. This guarantee shall be for an amount equal to ten (10) percent (%) of the actual construction costs of improvements and/or other adequate written assurances which are set forth in an applicable developer's agreement or development agreement for the purpose of correcting any construction, design or material defects or failures within public rights-of-way or easements in the development or required off-site improvements. The form and manner of execution of such securities shall be subject to the approval of the Town Attorney. The effective period for such security shall be one (1) year and thirty (30) days following the Town's acceptance of the installed improvements. Upon default, the Town may exercise its rights under the security instrument, upon ten (10) days' written notice by certified mail to the parties to the instrument or as otherwise set forth in an applicable agreement.
12. No lot may be sold by the developer until all contingencies have been fulfilled. Upon recordation of the final plat or final site development plan, the developer may submit application(s) for building permits.