

EXHIBIT A

DUNDEE TOWN COMMISSION MEETING SEPTEMBER 28, 2021

AGENDA ITEM 05: ORDINANCE 21-20: PUBLIC HEARING, RESERVE AT DUNDEE ZONING AMENDMENT

SUBJECT:

The Town Commission will consider the request by Wheeler Farms, Inc to amend the official zoning map.

STAFF ANALYSIS:

The property, which is located north and south of Lake Marie Drive, west of H. L. Smith Road, includes eight parcels, comprising approximately 302 acres of land. The land is presently vacant. The property related to the zoning map amendment request includes Low Density Residential (LDR) Future Land Use and lake. It is located adjacent to the shores of Lake Trask.

The applicant is requesting a Zoning Map amendment from 14.5 acres of Moderate-Density Single Family Residental-2 (RSF-2) to Planned Unit Development-Residential (PUD-R). The applicant wants to develop a single-family subdivision with a mixture of lot widths not available through straight zoning and an enhanced amenities component.

STAFF RECOMMENDATION:

Approval

ATTACHMENTS:

- CFRPC Staff Analysis
- Ordinance 21-20



**TOWN OF DUNDEE
ZONING AMENDMENT
STAFF REPORT & PROPOSED AMENDMENTS**

TO: Town of Dundee Town Commission

PREPARED BY: Central Florida Regional Planning Council

AGENDA DATE: September 28, 2021

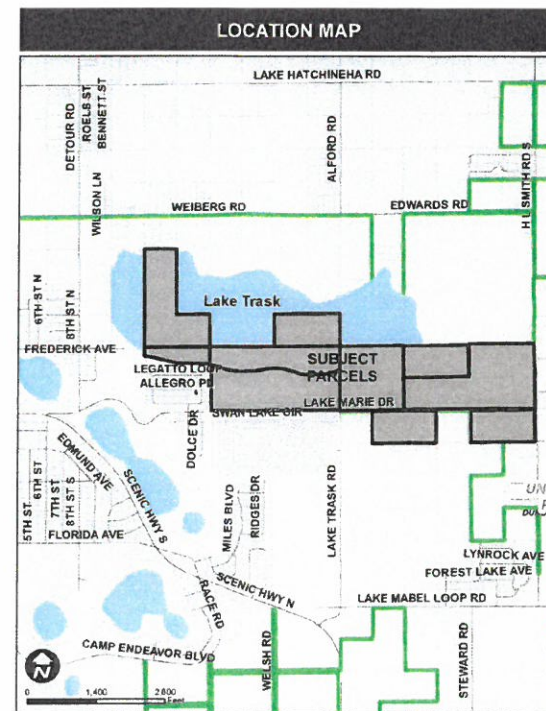
REQUESTED ACTION: **PUBLIC HEARING ORDINANCE 21-20:**

A request by Wheeler Farms, Inc. to amend the official zoning map designation for property from Moderate-Density Single-Family Residential (RSF-2) and lake to Planned Unit Development-Residential (PUD-R) on approximately 302 acres of land, located north and south of Lake Marie Drive, west of H. L. Smith Road, further described as parcels: 272827-000000-031010, 272822-000000-041050, 272827-000000-011000, 272822-000000-022010, 272827-835500-000010, 272826-000000-033000, 272826-000000-031030, AND 272826-000000-013010.

BACKGROUND:

The property, which is located north and south of Lake Marie Drive, west of H. L. Smith Road, includes eight parcels, comprising approximately 302 acres of land. The land is presently vacant.

The property related to the zoning map amendment request includes Low Density Residential (LDR) Future Land Use and lake. It is located adjacent to the shores of Lake Trask.



REQUEST

The applicant is requesting a Zoning Map amendment from 14.5 acres of Moderate-Density Single Family Residential-2 (RSF-2) to Planned Unit Development-Residential (PUD-R). A description for the existing Zoning category is provided below.

EXISTING ZONING

Town of Dundee, Policy 2.02.02.03(B): Moderate-Density Single Family Residential (RSF-2)

The purpose of the RSF2 single-family residential zoning district shall be to locate and establish areas within the Town of Dundee which are deemed to be suited for the development and maintenance of moderately low-density residential living of an urban character; to designate those uses and services appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development in a moderately low-density residential environment. It is intended that the maximum residential density within the district shall be 4.0 dwelling units per acre of land.

REASON FOR REQUEST:

The applicant wants to develop a single-family subdivision with a mixture of lot widths not available through straight zoning and an enhanced amenities component.

ANALYSIS:

Table 1 includes the density/intensity for the existing and proposed Zoning designations for the property.

**Table 1:
Analysis of Impacts from Proposed Zoning change**

	Existing Zoning: RSF-2 (201.7 acres) Lake (99.7 acres)	Proposed Zoning: PUD-R (301.4 acres)
Density/Intensity	RSF-2: 4 du/acre Lake: 0 du/acre	2.9 du/acre
Density Potential	807 DU	865 DU
Difference	Increase of 58 DU	

SURROUNDING PROPERTIES:

The property to the south includes single-family homes and citrus. The property to the east includes agriculture development. The property to the north includes Lake Trask. The property to the west includes single-family homes.

PUBLIC FACILITIES AND SERVICES ANALYSIS:

Potable Water

Town of Dundee potable water lines are located in the vicinity of the property. The maximum development potential for the property under the existing zoning designation generates a demand of 290,520 gpd. The maximum development potential for the property under the proposed zoning generates a demand of 311,400 gpd. The change in zoning increases the potential impact to the Town's potable water by 20,880 gpd. See calculations below. The Town has capacity to serve phases of the project but not the entire project at this time. Per Section 6.01.01, facilities and services needed to serve the development must be available concurrent with the impacts of development. The Town is working on expanding water services. The developer will be responsible for connecting to the Town's potable water system.

Estimated water consumption for residential based on 360 gallons per day (gpd) as established in the Code of Ordinances.

- Existing Zoning:
 - 807 dwelling units * 360 gpd = 290,520 gpd
- Proposed Zoning:
 - 865 dwelling units * 360 gpd = 311,400 gpd

Table 3a:
Impact on Town's Water Services – Existing Zoning

	Current Town Usage (gpcd)	Total Town Capacity (gpcd)	Remaining Town Capacity (gpcd)	Demand for Project (gpcd)	Town Capacity Remaining (gpcd)
Existing Zoning	705,685	917,500	211,815	290,520	-78,705

Table 3b:
Impact on Town's Water Services – Proposed Zoning

	Current Town Usage (gpcd)	Total Town Capacity (gpcd)	Remaining Town Capacity (gpcd)	Demand for Project (gpcd)	Town Capacity Remaining (gpcd)
Proposed Zoning	705,685	917,500	211,815	311,400	-99,585

Sanitary Sewer

Town of Dundee sanitary sewer lines are in the vicinity of the property. The maximum development potential for the property under the existing zoning designation generates a demand of 217,890 gpd. The maximum development potential for the property under the proposed zoning generates a demand of 233,550 gpd. The change in zoning increases the potential impact to the Town's sanitary sewer services by 15,660 gpd. See calculations below. The Town has capacity to serve the project.. The developer will be responsible for connecting to the Town's sanitary sewer system.

Estimated sanitary sewer consumption for residential is based on 270 gallons per day (gpd) as established in the Code of Ordinances.

- Existing Zoning:
 - 807 dwelling units * 270 gpd = 217,890 gpd
- Proposed Zoning:
 - 865 dwelling units * 270 gpd = 233,550 gpd

Table 4a:
Impact on Town's Sanitary Sewer Services – Existing Zoning

	Current Town Usage (gpcd)	Total Town Capacity (gpcd)	Remaining Town Capacity (gpcd)	Demand for Project (gpcd)	Capacity Remaining (gpcd)
Existing Zoning	120,000	700,000	580,000	217,890	362,110

Table 4b:
Impact on Town's Sanitary Sewer Services – Proposed Zoning

	Current Town Usage (gpcd)	Total Town Capacity (gpcd)	Remaining Town Capacity (gpcd)	Demand for Project (gpcd)	Capacity Remaining (gpcd)
Proposed Zoning	120,000	700,000	580,000	233,550	346,450

Solid Waste

Dundee transfer solid waste collected in the Town to the Polk County Landfill. As the operators of the landfill, the County plans for capacity for all municipalities in the county, as well as unincorporated areas. Polk County determined that there is sufficient landfill space for the county, including Dundee, to dispose of household garbage for approximately 65 years.

Traffic/Transportation

Access to the site is from Lake Marie Drive. The proposed Master Development Plan includes five access points on Lake Marie Drive. There is a Developer's Agreement for Swan Road (renamed to Lake Marie Drive) that includes all the property within this proposed subdivision. The applicant will have to coordinate with the Town as to the requirements of the agreement. A traffic study will be completed by the applicant to determine what impacts the currently proposed development will have on the Town's road system and what potential improvements will have to be made. The traffic impacts of the project will be addressed through the subdivision approval process.

Recreation

The Planned Unit Development zoning requires the incorporation of a minimum of 30 percent open space and recreation. The proposed Master Development plan meets this requirement. It includes an amenity center, which shall consist of a clubhouse, pool, pavilion, waterslide, playground, splash pad, recreational fields and courts, planting area, barbeque area, and dog park. Per the applicant, prior to issuance of the 216th Certificate of Occupancy, the Developer shall have completed construction of the pool, pavilion, and waterslide. Prior to issuance of the 432nd Certificate of Occupancy, the Developer shall have completed all of the Amenity Center improvements stated in this condition. The Master Development Plan includes walking trails and open space along Lake Trask. Per the developer, the Developer shall complete construction of all walking trails and open space along Lake Trask within Neighborhood 1 concurrent with the first neighborhood, and the Developer shall complete all walking trails and open space along Lake Trask within Neighborhood 2 concurrent with the second neighborhood. There are smaller isolated pocket parks and open spaces in each phase, which will be constructed during that phase.

Environmental Impacts

There are wetlands, floodplains, and a lake on the property. According to the Fish and Wildlife Service (FWS), the sand skink (endangered species) is endemic to the sandy ridges of central Florida, occurring in Highlands, Lake, Marion, Orange, Osceola, Polk, and Putnam counties. This site is also located in areas identified as potential habitat for the Gopher Tortoise, a threatened species. Since this site is located in an area identified as potential sand skink and gopher tortoise habitat, as the project continues through to site development plan approval stages, specific environmental studies will be completed and requirements will be addressed.

The proposed project includes potential impacts to the lakeshore and wetlands protection zones. If the PUD conditions include the development of a mitigation/enhancement plan to address the impacts to the secondary shoreline protection zone.

School Impacts:

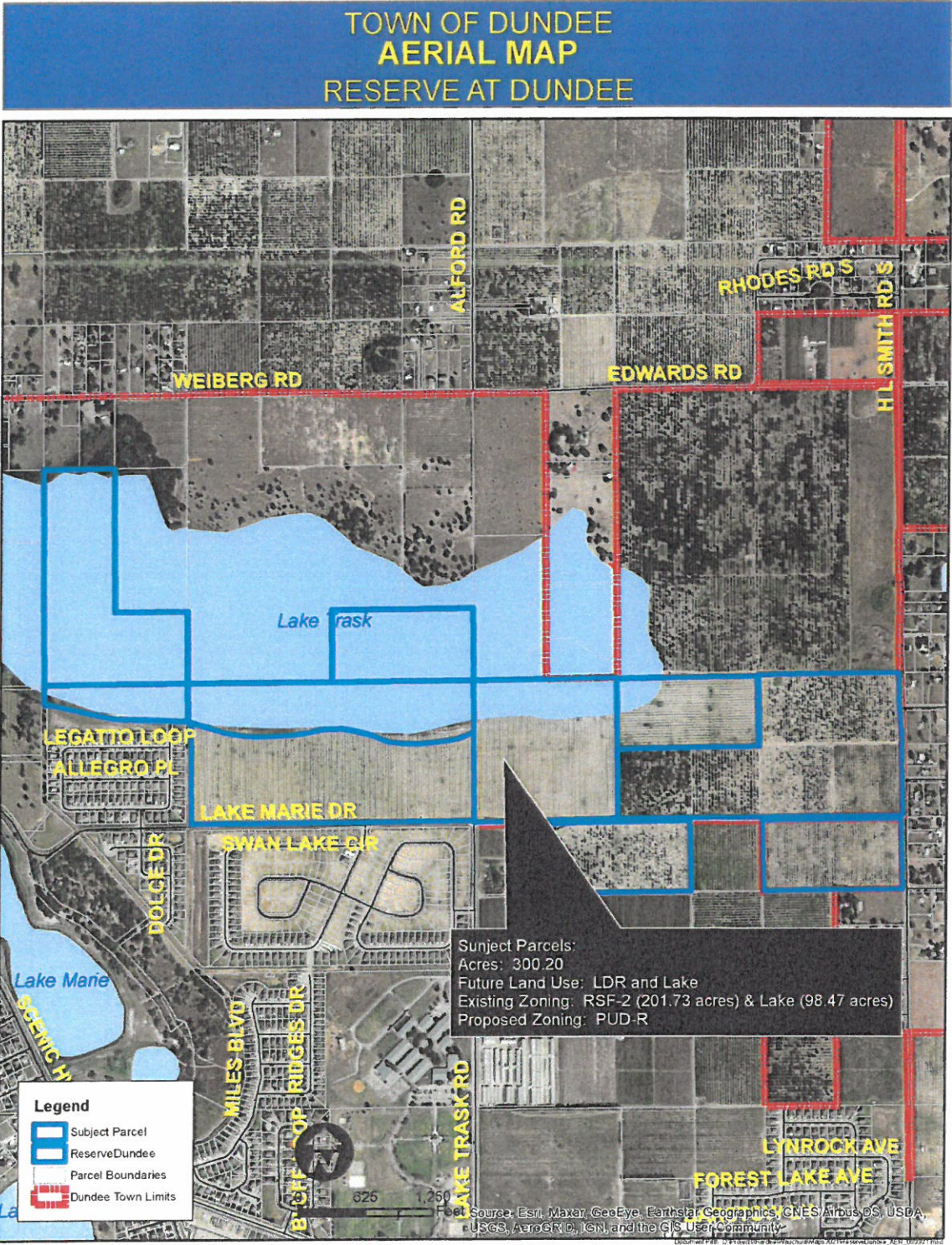
The project will have to coordinate with the Polk County School Board regarding concurrency for schools, which will occur with the development of each phase.

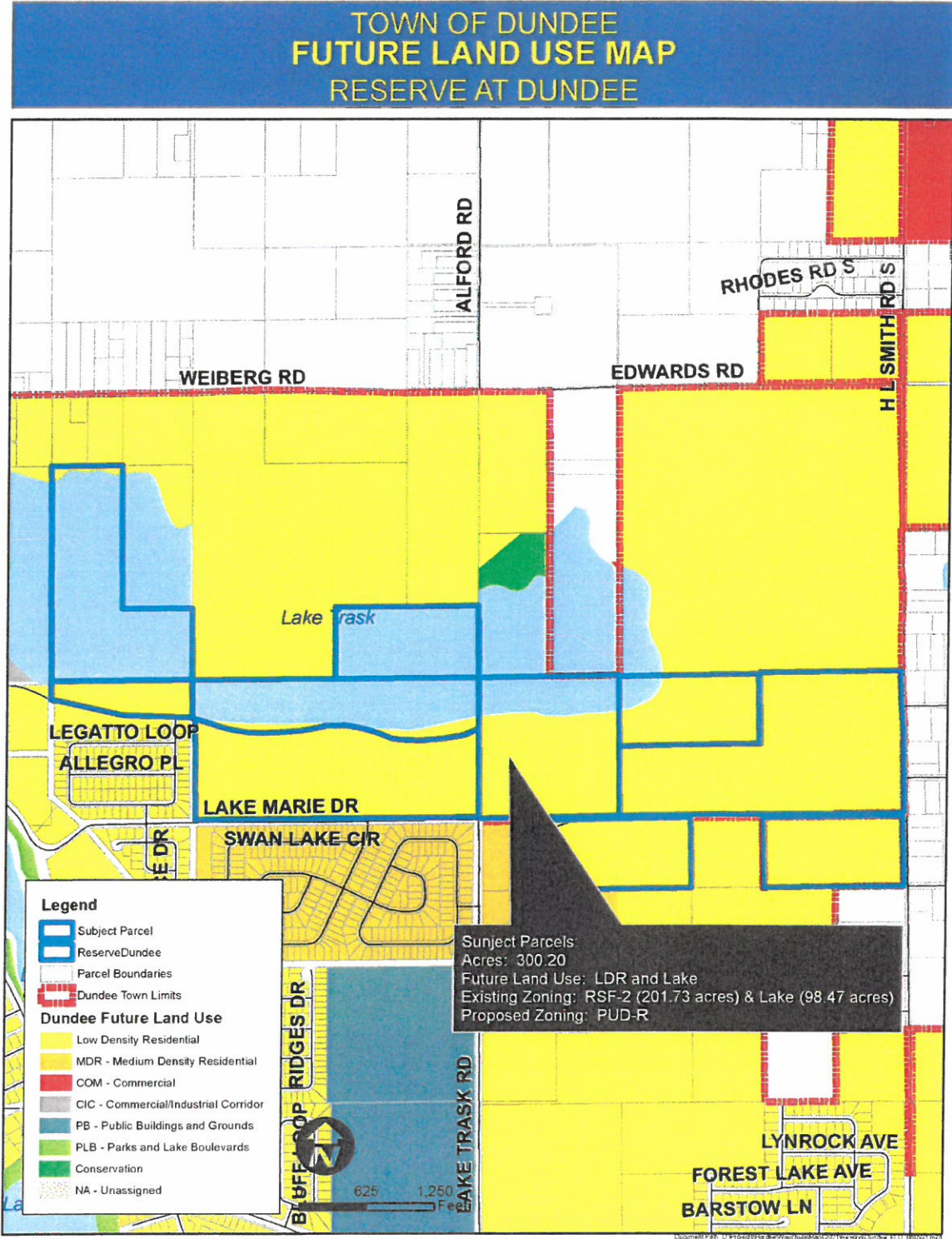
CONSISTENCY WITH THE COMPREHENSIVE PLAN:

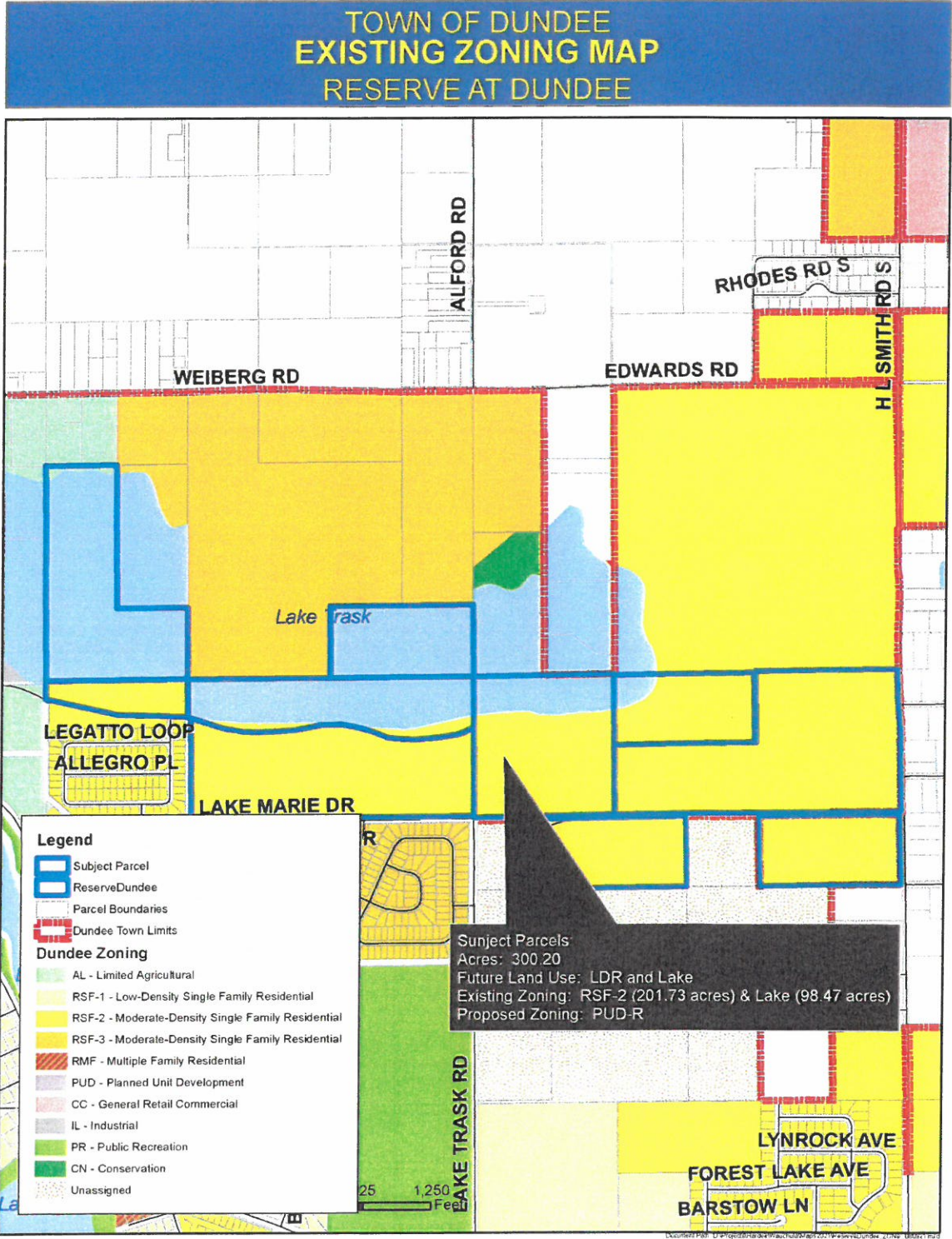
The following Town of Dundee Comprehensive Plan policies are relevant to the proposed request. The policy is provided with an analysis of how the request may or may not be consistent with the Town's Comprehensive Plan. Overall, the request is consistent with the Comprehensive Plan. The proposed change to PUD-R is consistent with the type of development and uses in the surrounding area.

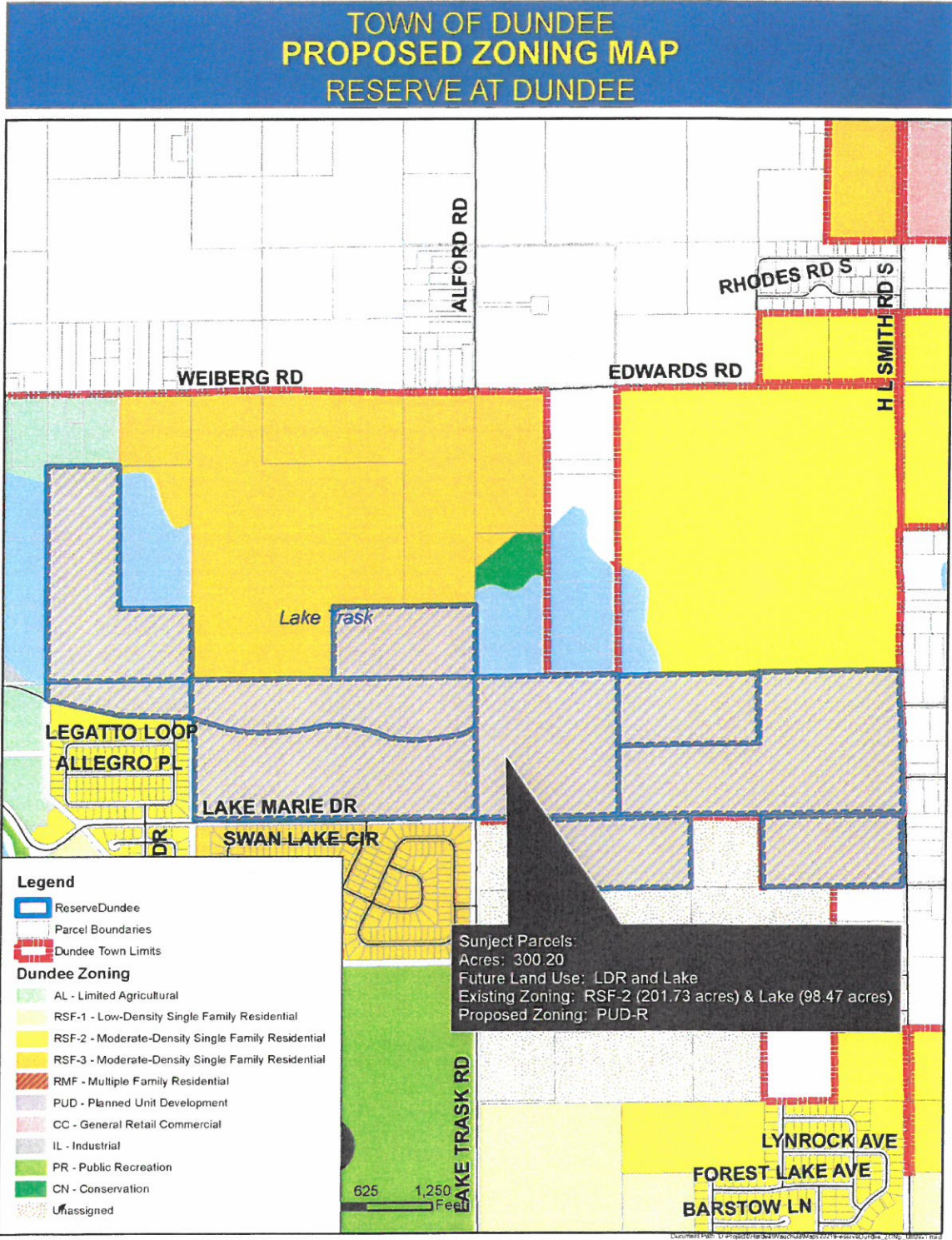
**Table 5:
Consistency with the Comprehensive Plan**

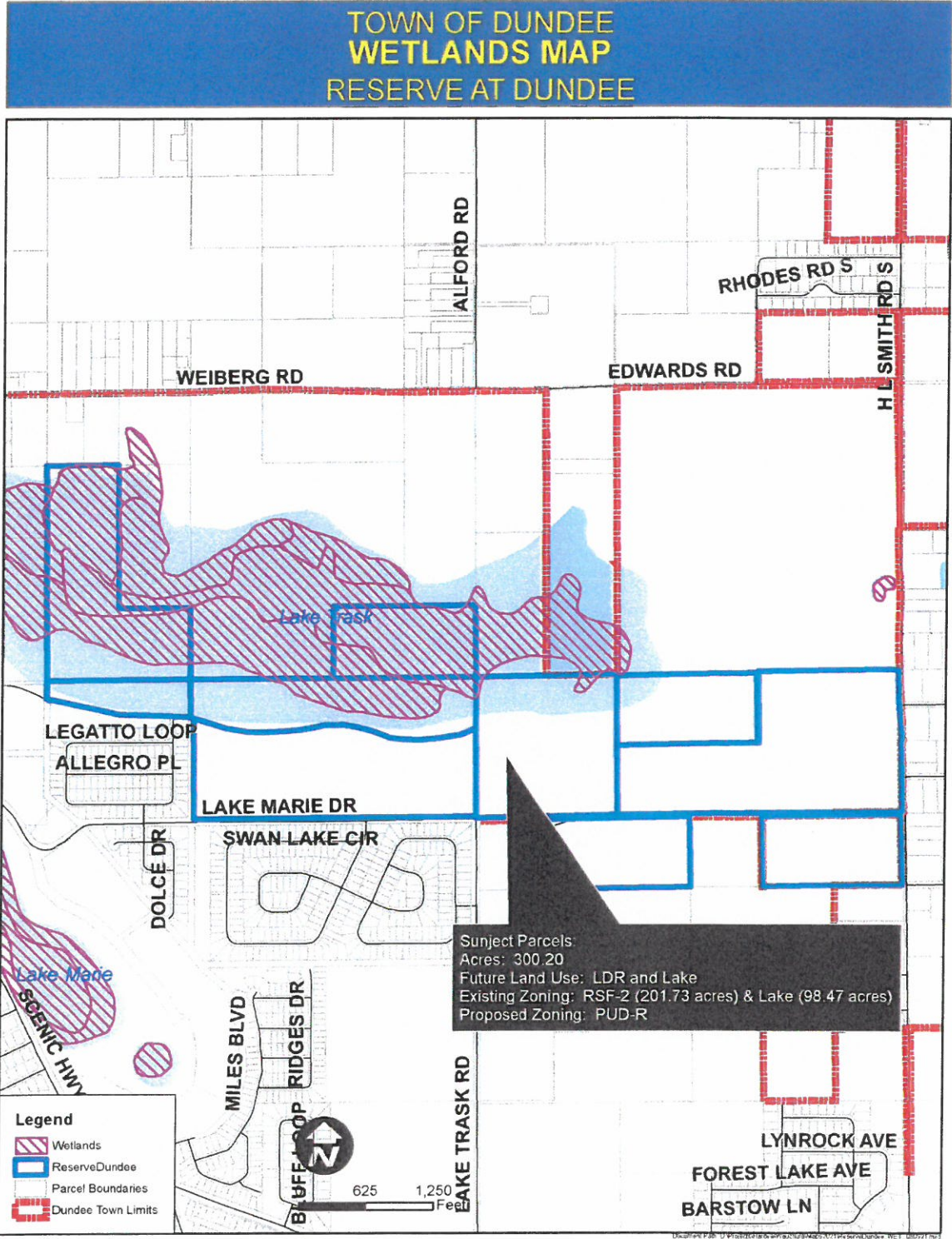
Comprehensive Plan Policy	Analysis
FLU Policy 5.1: Direct higher densities and intensity of use to areas where public facilities and services are available or are projected to be available. Limit the density and intensity of use in areas where public facilities and services are not available.	Water and wastewater lines exist in the area. They will be extended to the property for development.
FLU Policy 5.2: Ensure that development orders or permits for future development and redevelopment are issued only if the public facilities and services necessary to meet the adopted level of service standards are available concurrent with the impacts of the development as established within all Elements of the Town of Dundee Comprehensive Plan, including the level of service standards listed within the following Elements: 1. Infrastructure Element 2. Transportation Element 3. Capital Improvements Element 4. Public School Facilities Element	Most of the proposed impacts of the potential Zoning map amendment can be facilitated within the Town's existing services and the remainder will be developed as the Town expands its water system; therefore, the adopted levels of service will be maintained.
FLU Policy 5.4: Agricultural land uses shall not be converted to uses of higher	The Town has adequate public facilities to serve phases of the proposed future











density or intensity until adequate public facilities and services are available concurrent with the impacts of the proposed new development.	development. The developer will have to connect to the Town's systems and ensure concurrently Development of the property will coincide with connection to utilities.
FLU Policy 6.1: Locate Future Land Uses at densities and intensities that will reduce greenhouse gas emissions while encouraging energy efficiency and will discourage urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the Town.	The property is located near existing residential development, which may promote energy efficiency. The property is adjacent to existing development so the proposed development is not urban sprawl or leap frog development.
FLU Policy 6.2: Promote compact urban growth through the location of public facility expansions contiguous to existing developed areas	The area west and south of portions of this property is developed with single family homes.
CIE Policy 2.3: At the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.	Adequate public facilities will be available at the time of development of each phase.
PSFE Policy 2.4.1: Final subdivision and site plan approvals for residential development shall be conditioned upon the availability of adequate school capacity as per the adopted level of service standards (LOS) of this element and as required by Section 163.3180(13) F.S.	Coordination with the School Board will occur.

PROPOSED DEVELOPMENT REQUIREMENTS:

1. The Reserve at Dundee Lakes Planned Unit Development shall consist of 865 dwelling units that meet the following requirements for single-family lots.

Not 40

Lot Width	Setbacks*				Min Lot Depth	Min Lot Size	Unit Mix
	Front	Side	Rear	Garage			
45'	20'	7.5'	20'	20'	115'	5,175	Up to 428
50'	20'	6 (5')	20'	20'	115'	5,750	381
60'	20'	6 (5')	20'	20'	115'	6,900	At least 56

* A porch, lanai, portico, veranda, or other comparable entrance feature which may extend up to 5' from the front building line.

** Developer shall not exceed 428-45' lots. Developer shall have at least 56-60' lots. Developer may decrease the number of 45' lots and increase the number of 50' lots, on a lot-for-lot basis; in no event shall the total number of 45' lots and 50' lots collectively exceed 809 lots.

2. The Developer will complete the development in phases or neighborhoods, as generally shown on the MDP. The unit count and lot lay out of each neighborhood shall be specifically identified at site development plan for each neighborhood.
3. A single-family home, within three single-family lots on the same side of the street, shall not utilize a combination of two of the same following design characteristics: building elevation, façade materials or color scheme.
4. The Amenity Center shall consist of a clubhouse, pool, pavilion, waterslide, playground, splash pad, recreational fields and courts, planting area, barbeque area, and dog park. Prior to issuance of the 216th Certificate of Occupancy, the Developer shall have completed, at a minimum, construction of the pool and pavilion. Prior to issuance of the 432nd Certificate of Occupancy, the Developer shall have completed all of the Amenity Center improvements stated in this condition. Except for the pool, pavilion, and clubhouse, the Developer may be permitted to replace any amenity stated herein with a similar or substitute amenity which shall be considered for approval by the Town of Dundee at subdivision plan review.
5. Lake Front Amenities. Subject to applicable law, except for the Amenity Center, the Developer shall: (1) complete construction of all walking trails and open space along Lake Trask serving and within Neighborhood 1 concurrent with development of Neighborhood 1, and (2) shall complete all walking trails and open space along Lake Trask serving and within Neighborhood 2 concurrent with development of Neighborhood 2. The open space and recreation provided by the Amenity Center and Lake Front Amenities shall, upon completion of construction, be applicable to satisfying the Town's PUD-R open space and recreation requirements for the entire development.
6. Neighborhood Open Space. Smaller isolated pocket parks and open space identified within each phase/neighborhood shall be completed concurrent with the development of said neighborhood.

PROPOSED SPECIAL CONDITIONS:

1. The Master Development Plan includes potential impacts to the wetland protection zones and shoreline protection zones. If at the time of subdivision plan review, the project includes impacts to the wetland or shoreline protection zones, the applicant may request approval of a mitigation plan consistent with Sections 5.03.07 or 5.04.06.
2. The Developer shall be required to complete a transportation study and implement project related transportation improvements consistent with the requirements of Florida Statutes and the Town of Dundee Unified Land Development Code.

3. The Town of Dundee may, in its sole discretion, require the Developer to enter into a mutually agreeable Agreement in order to clarify and/or resolve any issue(s) or impacts related to transportation concurrency which includes (i) the perimeter roadways (Swan Road, H.L. Smith Road, Lake Marie Drive, other unnamed roadway) which impact the Reserve at Dundee development; and (ii) any developer's agreement(s) or development agreement(s) recorded in the Public Records of Polk County, Florida.
4. Except as otherwise may be approved by the Town, all perimeter roads (H. L. Smith road, Lake Marie Drive, unnamed road by neighborhood 1, and unnamed right-of-way by neighborhood 5) shall be shown to have adequate rights-of-way or land shall be dedicated to meet the minimum standard(s) set forth by the Town of Dundee Unified Land Development Code.
5. The water capacity for all agricultural wells shall be dedicated to the Town of Dundee at time of development of each neighborhood/phase.
6. The Developer shall submit a proposed phasing schedule to assist the Town in planning for water and wastewater services.
7. 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 Town of Dundee Unified Land Development Code.

CONSISTENCY WITH LAND DEVELOPMENT CODE:

Section 7.04.01 of the Land Development Code provides the basis for rezoning applications that the Planning and Zoning Board is to consider and evaluate.

- (A) The character of the district and its peculiar suitability for particular uses.
- (B) Conservation of the value of buildings and encouraging the most appropriate use of land throughout the town.
- (C) The applicable portions of any current town plans and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing.
- (D) The needs of the town for land areas for specific purposes to serve population and economic activities.
- (E) Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.
- (F) The facts and opinions presented to the planning and zoning board through hearings.

- (G) The public welfare: Is there a substantial relationship between the protection and advancement of the health, safety, morals and general welfare of Dundee and the zoning or land use classification you are recommending for the property in question? A recommendation to keep the zoning or land use the same, and therefore deny the request, still requires you to answer this question.
- (H) Comprehensive planning: Has the town undertaken a thorough study of all of the factors and conditions that influence the growth and development of Dundee, and developed a comprehensive plan that safeguards the wishes of the people and their general welfare? Has the comprehensive plan been adopted according to Florida Statutes, and how does it direct and guide the zoning or land use decision before you?
- (I) Need of the change: Has there been a significant change in the assumptions that underlie the comprehensive plan and the zoning map for Dundee, that would support the requested rezoning? Has there been a great deal of growth or has new infrastructure been extended to the property or has the petitioner presented a market analysis or other information that would change the planning conclusions supporting the present zoning district?
- (J) State concerns (level of service): This is another way of describing the system of infrastructure in the town. It refers not only to water, sewer, streets and drainage, but also to fire and police protection, recreation facilities, schools, garbage collection and disposal, health care, jails, and the condition of the natural environment itself. What impact will the change in zoning or land use have on the current and future level of service of all of these systems and services?
- (K) Zoning and use of nearby property: What is the pattern of zoning of nearby property, and how does the pattern of the actual land use compare to the zoning? This knowledge is important in judging whether the comprehensive plan and the zoning map are reasonably consistent in accommodating development and in respecting the timing of development. Depending on the inconsistency of the two patterns, rezoning may be overdue, or early, and the comprehensive plan may require amending to keep things synchronized.
- (L) Substantial change in land use circumstances: Apart from paragraph (I), above, have there been significant changes in land use in the vicinity of the property requested for rezoning? Such changes are substantial if they include: widening of a street from two lanes to three or four lanes; a large expansion of an existing use like a new wing on the hospital or the doubling of an office complex; the completion of a subdivision that was only platted a few years ago; the construction of a new public facility like a park, fire station, or even a town hall; or any number of other examples. One such change may not be significant, but several would be.

- (M) Effect on property values: Has evidence been presented that the proposed rezoning will adversely affect the value of neighboring property? This information can be presented by either the petitioner or the opponents. And, has the petitioner presented any information that shows that the current zoning classification has devalued the property by removing some or all of its reasonable use?
- (N) Suitability: Is the land, the location and the amount of property suitable for the purposes for which it is zoned, or is the proposed rezoning or land use change better? This idea also requires an answer to a related question: Is the requested zoning or land use classification compatible with development on surrounding property, or can it be made so with the imposition of conditions, buffers or limitations on the uses within the zone? The answers to these questions should lead to a conclusion as to the appropriate use of the property.
- (O) Time vacant: How long has the property been vacant under the present zoning classification, or a similar classification prior to its present one? This information should be compared to the rate of land development in the vicinity of the property and particularly in the conversion of vacant land to development in the same zoning district in other parts of the town.
- (P) Gain versus hardship: This idea has only one interpretation and should be answered before you recommend denial. Is the public gain in maintaining the present zoning or land use classification so great that the hardship imposed on the property owner is justified?

PLANNING AND ZONING BOARD MOTION:

At their August 19, 2021 meeting, the Planning and Zoning Board voted to **recommend approval** to the Town Commission for a change in zoning classification from Moderate-Density Single-Family Residential (RSF-2) and lake to Planned Unit Development-Residential (PUD-R) on approximately 302 acres of land, located north and south of Lake Marie Drive, west of H. L. Smith Road.

PUBLIC HEARING: ZONING

MOTION OPTIONS:

1. I move **approval of Ordinance 21-20** for a change in zoning classification from Moderate-Density Single-Family Residential (RSF-2) and lake to Planned Unit Development-Residential (PUD-R) on approximately 302 acres of land, located north and south of Lake Marie Drive, west of H. L. Smith Road.

2. I move **approval of Ordinance 21-21 with changes** for a change in zoning classification from Moderate-Density Single-Family Residential (RSF-2) and lake to Planned Unit Development-Residential (PUD-R) on approximately 302 acres of land, located north and south of Lake Marie Drive, west of H. L. Smith Road.
3. I move **continuation until a date certain**.

Attachments:

Aerial Photo
Existing Future Land Use Map
Existing Zoning Map
Proposed Zoning Map
Wetlands Map
Master Development Plan
Ordinance 21-20

ORDINANCE NO. 21-20

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) AND LAKE TO PLANNED UNIT DEVELOPMENT-RESIDENTIAL (PUD-R) ON APPROXIMATELY 305 ACRES OF LAND, LOCATED NORTH AND SOUTH OF LAKE MARIE DRIVE WEST OF H. L. SMITH ROAD, FURTHER DESCRIBED AS PARCELS: 272827-000000-031010, 272822-000000-041050, 272827-000000-011000, 272822-000000-022010, 272827-835500-000010, 272826-000000-033000, 272826-000000-031030, AND 272826-000000-013010; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Wheeler Farms, Inc., an active Florida corporation (the "Applicant") requests a change of zoning from Moderate Density Single Family Residential (RSF-2) and lake to Planned Unit Development-Residential on approximately 305 acres of land located at the northeast corner of the intersection of Lemon Avenue and Bay Street; 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, there has been a request for approval of amendment of a Master Development Plan for a Planned Unit Development (PUD) known as the Reserve at Dundee Lakes; and

WHEREAS, the request 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 August 19, 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 August 19, 2021, 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 August 19, 2021, 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 305 acres of land, located north and south of Lake Marie Drive west of H. L. Smith Road, further described as parcels: 272827-000000-031010, 272822-000000-041050, 272827-000000-011000, 272822-000000-022010, 272827-835500-000010, 272826-000000-033000, 272826-000000-031030, and 272826-000000-013010, as shown in Exhibit "A".

Section 2. All property located within the Reserve at Dundee Lakes 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 Reserve at Dundee Lakes 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. Severability. 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. Repealing. 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 14th day of September, 2021.

PASSED on second reading this 28th day of September, 2021.

TOWN OF DUNDEE, FLORIDA



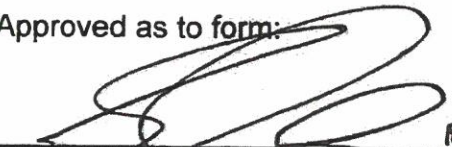
Mayor- Sam Pennant

ATTEST:



Town Clerk - Jenn Garcia

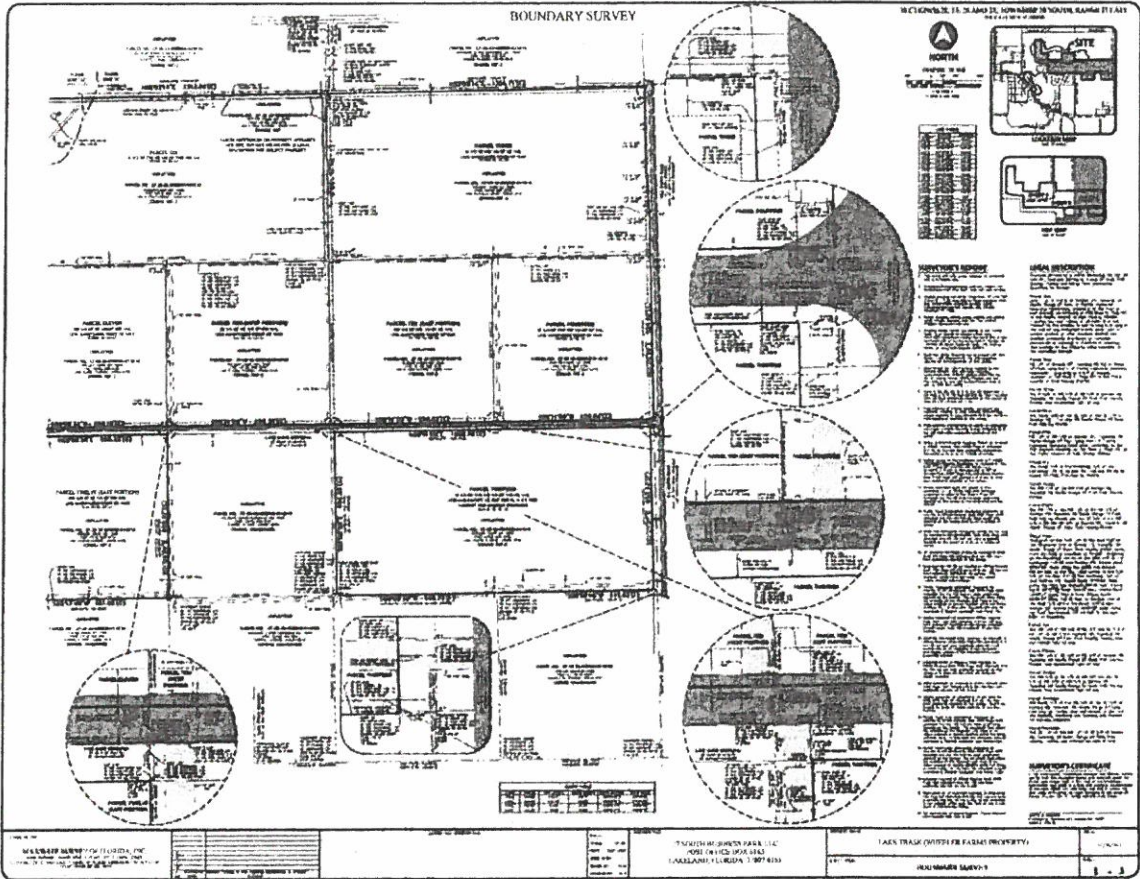
Approved as to form:



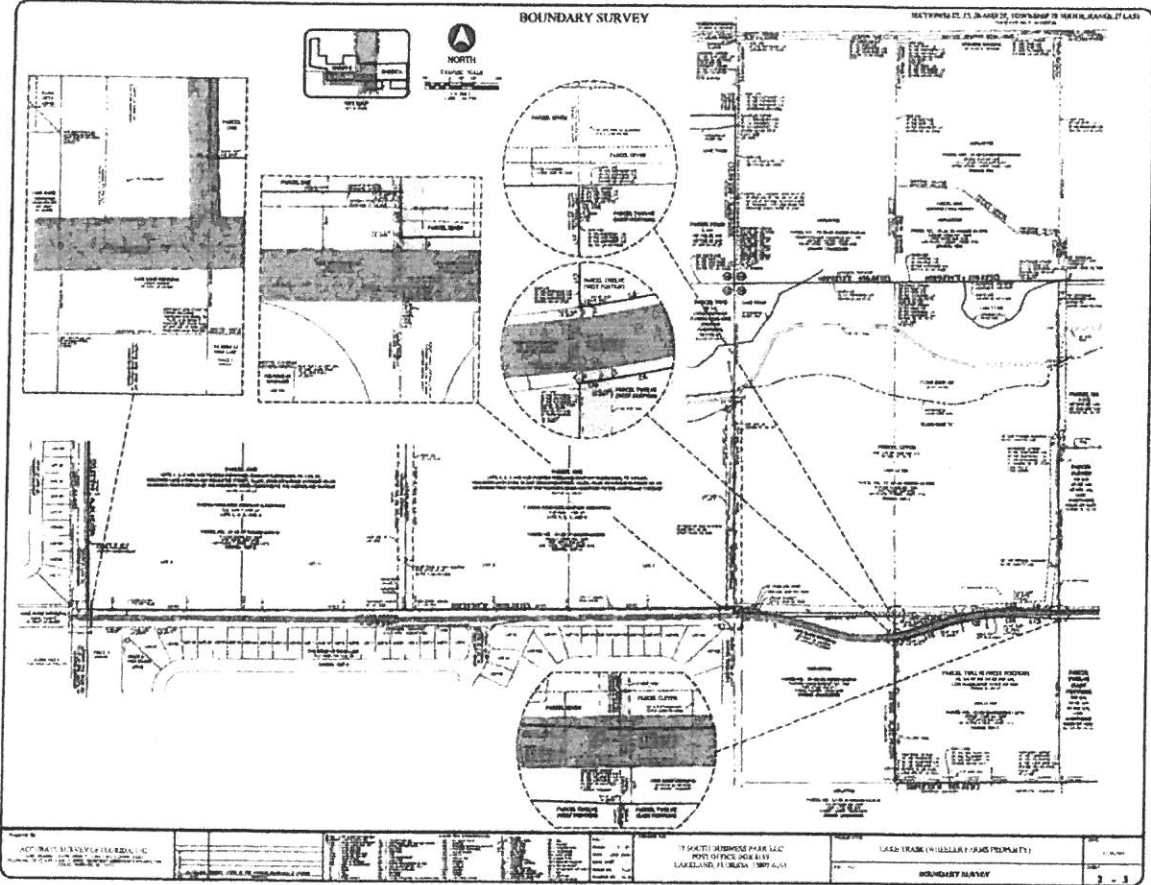
Town Attorney - Frederick J. Murphy, Jr.

Composite Exhibit "A"
Ordinance No. 21-20
Legal Description and Excerpt from the Official Zoning Map
Page 1 of 4

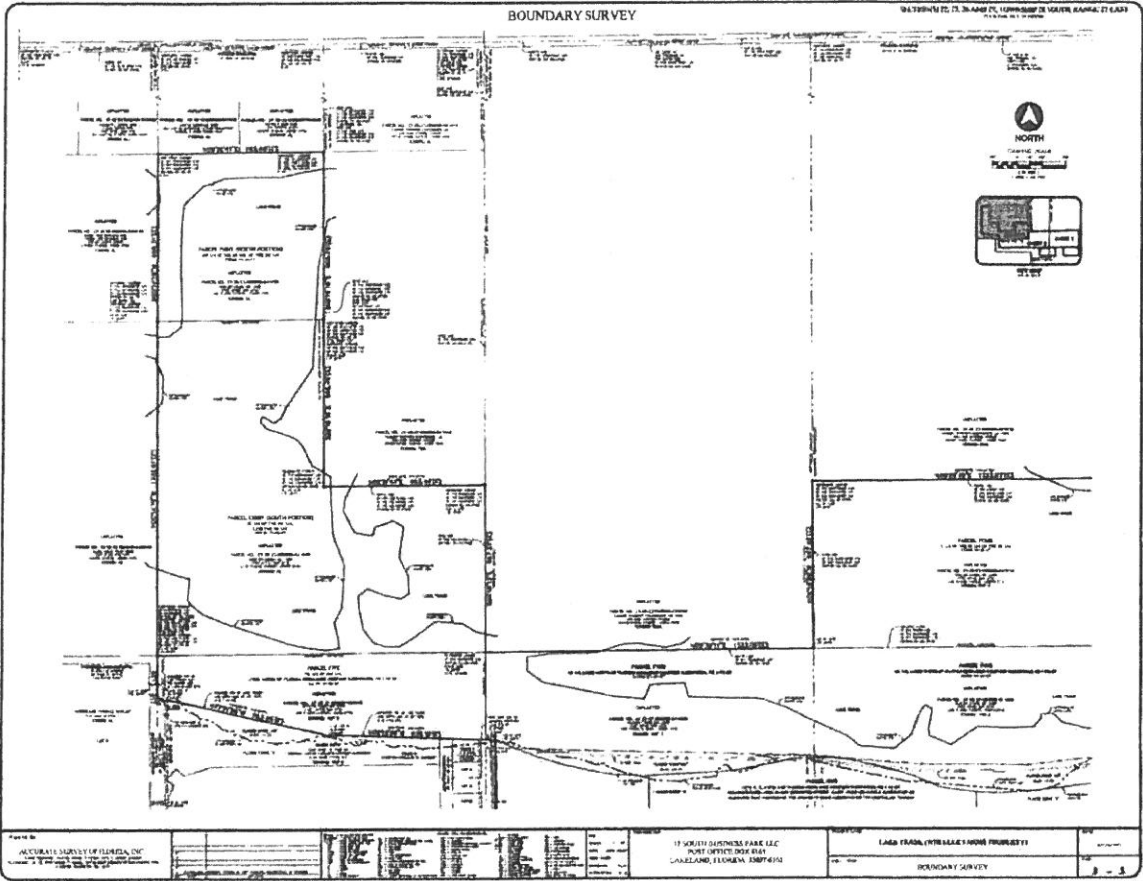
The parcel described below and illustrated on the map on the following three pages.



Composite Exhibit "A"
Ordinance No. 21-20
Legal Description and Excerpt from the Official Zoning Map
Page 2 of 4



Composite Exhibit "A"
Ordinance No. 21-20
Legal Description and Excerpt from the Official Zoning Map
Page 3 of 4



Composite Exhibit "A"
Ordinance No. 21-20
Legal Description and Excerpt from the Official Zoning Map
Page 4 of 4

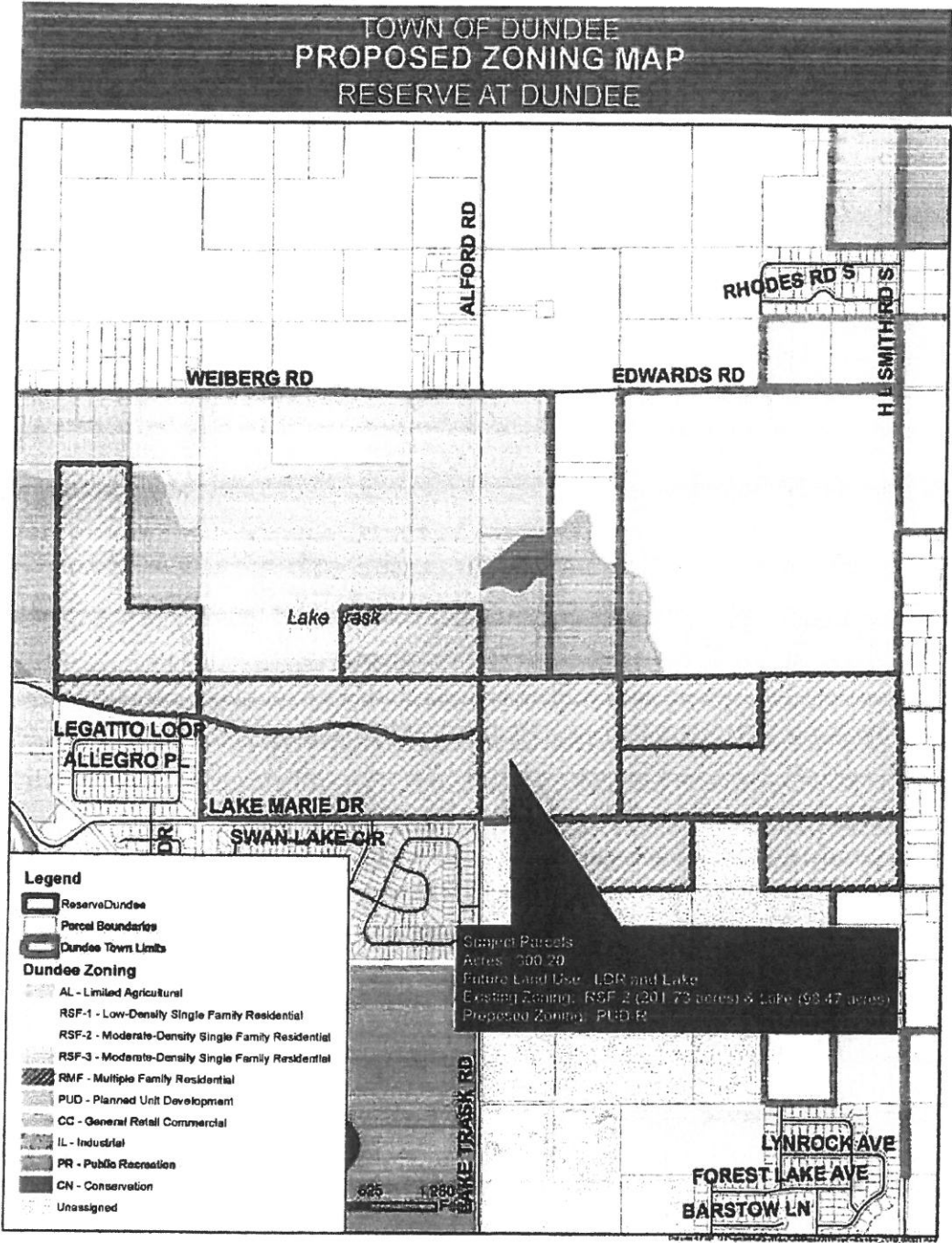


Exhibit "B"
Ordinance No. 21-20
Reserve of Dundee Lakes Master Development Plan
Page 1 of 1

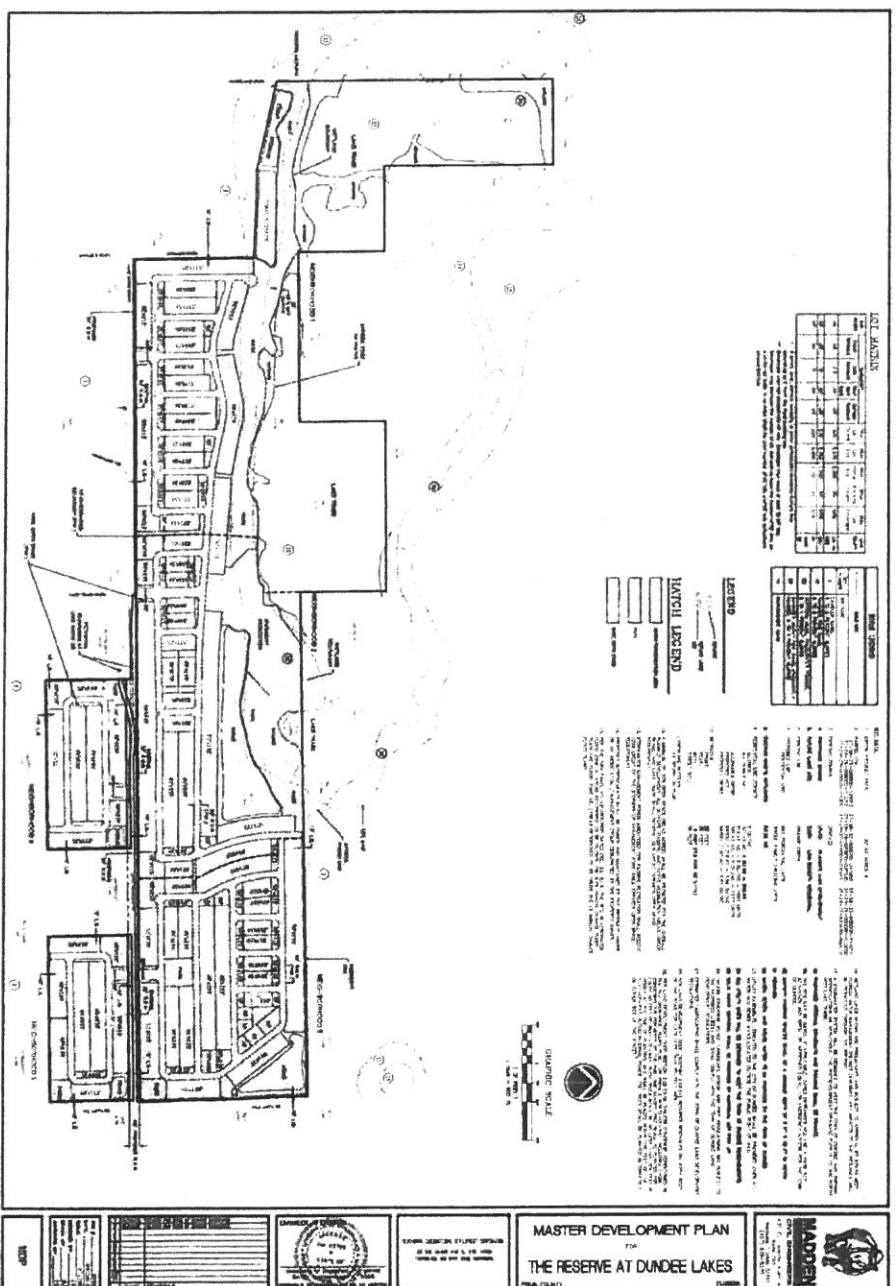


Exhibit "C"
Ordinance No. 21-20
Reserve at Dundee Lakes PUD Development Requirements
Page 1 of 2

1. The Reserve at Dundee Lakes Planned Unit Development shall consist of up to 865 dwelling units that meet the following requirements for single-family lots.

Lot Width	Setbacks*				Min. Lot Depth	Min. Lot Size	Min. Home Size	Max. Building Height	Max. Lot Coverage	Unit Mix**
	Front Setback	Side Setback	Rear Sect Back	Garage Setback						
45'	20'	7.5'	20'	20'	115'	5,175	1,200	35'	50%	Up to 428
50'	20'	5'	20'	20'	115'	5,750	1,200	35'	55%	381
60'	20'	5'	20'	20'	115'	6,900	1,200	35'	55%	At least 56

* A porch, lanai, portico, veranda, or other comparable entrance feature may extend up to 5' from the front building line.

** Developer shall not exceed 428-45' lots. Developer shall have at least 56-60' lots. Developer may decrease the number of 45' lots and increase the number of 50' lots, on a lot-for-lot basis; in no event shall the total number of 45' lots and 50' lots collectively exceed 809 lots.

2. The Developer will complete the development in phases or neighborhoods, as generally shown on the MDP. The unit count and lot lay out of each neighborhood shall be specifically identified at site development plan for each neighborhood.
3. A single-family home, within three single-family lots on the same side of the street, shall not utilize a combination of two of the same following design characteristics: building elevation, façade materials or color scheme.
4. The Amenity Center shall consist of a clubhouse, pool, pavilion, waterslide, playground, splash pad, recreational fields and courts, planting area, barbeque area, and dog park. Prior to issuance of the 216th Certificate of Occupancy, the Developer shall have completed, at a minimum, construction of the pool and pavilion. Prior to issuance of the 432nd Certificate of Occupancy, the Developer shall have completed all of the Amenity Center improvements stated in this condition. Except for the pool, pavilion, and clubhouse, the Developer may be permitted to replace any amenity stated herein with a similar or substitute amenity which shall be considered for approval by the Town of Dundee at subdivision plan review.

Exhibit "C"

Ordinance No. 21-20

Reserve at Dundee Lakes PUD Development Requirements


Page 2 of 2

5. Lake Front Amenities. Subject to applicable law, except for the Amenity Center, the Developer shall: (1) complete construction of all walking trails and open space along Lake Trask serving and within Neighborhood 1 concurrent with development of Neighborhood 1, and (2) shall complete all walking trails and open space along Lake Trask serving and within Neighborhood 2 concurrent with development of Neighborhood 2. The open space and recreation provided by the Amenity Center and Lake Front Amenities shall, upon completion of construction, be applicable to satisfying the Town's PUD-R open space and recreation requirements for the entire development.
6. Neighborhood Open Space. Smaller isolated pocket parks and open space identified within each phase/neighborhood shall be completed concurrent with the development of said neighborhood.

Exhibit "D"
Ordinance No. 21-20
Reserve at Dundee Lakes PUD Special Conditions
Page 1 of 1

1. The Master Development Plan includes potential impacts to the wetland protection zones and shoreline protection zones. If at the time of subdivision plan review, the project includes impacts to the wetland or shoreline protection zones, the applicant may request approval of a mitigation plan consistent with Sections 5.03.07 or 5.04.06.
2. The Developer shall be required to complete a transportation study and implement project related transportation improvements consistent with the requirements of Florida Statutes and the Town of Dundee Unified Land Development Code.
3. The Town of Dundee may, in its sole discretion, require the Developer to enter into a mutually agreeable Agreement in order to clarify and/or resolve any issue(s) or impacts related to transportation concurrency which includes (i) the perimeter roadways (Swan Road, H.L. Smith Road, Lake Marie Drive, other unnamed roadway) which impact the Reserve at Dundee development; and (ii) any developer's agreement(s) or development agreement(s) recorded in the Public Records of Polk County, Florida.
4. Except as otherwise may be approved by the Town, all perimeter roads (H. L. Smith road, Lake Marie Drive, unnamed road by neighborhood 1, and unnamed right-of-way by neighborhood 5) shall be shown to have adequate rights-of-way or land shall be dedicated to meet the minimum standard(s) set forth by the Town of Dundee Unified Land Development Code.
5. The water capacity for all agricultural wells shall be dedicated to the Town of Dundee at time of development of each neighborhood/phase.
6. The Developer shall submit a proposed phasing schedule to assist the Town in planning for water and wastewater services.
7. 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 Town of Dundee Unified Land Development Code.

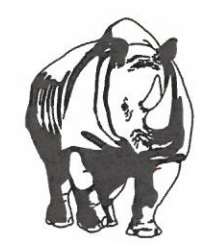
MASTER DEVELOPMENT PLAN FOR THE RESERVE AT DUNDEE LAKES

27-28-22-000000-022010, 27-28-22-000000-041050, 27-28-23-000000-044010, 
27-28-26-000000-013010, 27-28-26-000000-031030,
27-28-26-000000-033000, 27-28-27-000000-011000, 27-28-27-000000-031010,
27-28-27-835500-000010

LAKE MARIE BLVD.
DUNDEE, FLORIDA 33838

FOR

WHEELER FARMS, INC
P.O. BOX 2715
LAKE PLACID, FLORIDA 33862



MADDEN
MOORHEAD & STOKES, LLC
CIVIL ENGINEERS

431 E. HORATIO AVENUE, SUITE 260
MAITLAND, FLORIDA 32751
PHONE (407) 629-8330
FAX (407) 629-8336

LEGAL DESCRIPTION

A parcel of land lying within Section(s) 22, 23, 26 and 27, Township 28 South, Range 27 East, Polk County, Florida and being more particularly described as follows:

Parcel One:
Lots 1, 2, 3 and 4, in Section 27, Township 28 South, Range 27 East, of Florida Highlands Company Subdivision, according to the map or plat thereof, as recorded in Plot Book 1, Page 87, of the Public records of Polk County, Florida.
Including but not limited to all right, title and interest of the Grantor in and to any land lying in the bed of any dedicated street, alley, road or avenue (before or after vacation thereof, and whether previously abandoned or hereafter abandoned or vacated) in front of or adjoining that portion of the Property being conveyed to the centerline thereof.

Parcel Two:
NE 1/4 of Section 27, Township 28 South, Range 27 East, lying North of Florida Highlands Company Subdivision, according to the Plat thereof, recorded in Plot Book 1, Page 87, of the Public records of Polk County, Florida.

Parcel Three:
The N 1/2 of NW 1/4 of NE 1/4 in Section 26, Township 28 South, Range 27 East, Polk County, Florida, less maintained right of way.

Parcel Four:
The South 1/2 of the SE 1/4 of the SE 1/4 of Section 22, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Five:
NE 1/4 of NW 1/4 of Section 27, Township 28 South, Range 27 East, lying North of Florida Highlands Company Subdivision, according to the Plat thereof, recorded in Plot Book 1, Page 87, of the Public records of Polk County, Florida.

Parcel Six:
The North 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Seven:
The NW 1/4 of the NW 1/4 of Section 26, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Eight:
The SW 1/4 of the NE 1/4 of the SW 1/4 of Section 22, Township 28 South, Range 27 East, Polk County, Florida and the SE 1/4 of the SW 1/4 of the SW 1/4 of Section 22, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Nine:
 Removed.

Parcel Ten:
The SW 1/4 of NW 1/4 of NE 1/4 and SE 1/4 of NE 1/4 of NW 1/4 in Section 26, Township 28 South, Range 27 East, Polk County, Florida, less maintained right of way.

Parcel Eleven:
The SW 1/4 of NE 1/4 of NW 1/4 in Section 26, Township 28 South, Range 27 East, Polk County, Florida, less maintained right of way.

Parcel Twelve:
The NW 1/4 of SE 1/4 of NW 1/4 and the NE 1/4 of SW 1/4 of NW 1/4 in Section 26, Township 28 South, Range 27 East, Polk County, Florida, less maintained right of way.

Parcel Thirteen:
The North 1/2 of the SW 1/4 of the NE 1/4 of Section 26, Township 28 South, Range 27 East, Polk County, Florida, less and except 15 feet out the Westerly, Northerly and Easterly side thereof for highway purposes.

Parcel Fourteen:
The SE 1/4 of the NW 1/4 of NE 1/4 of Section 26, Township 28 South, Range 27 East, Polk County, Florida, less maintained right of way.

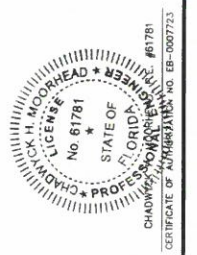
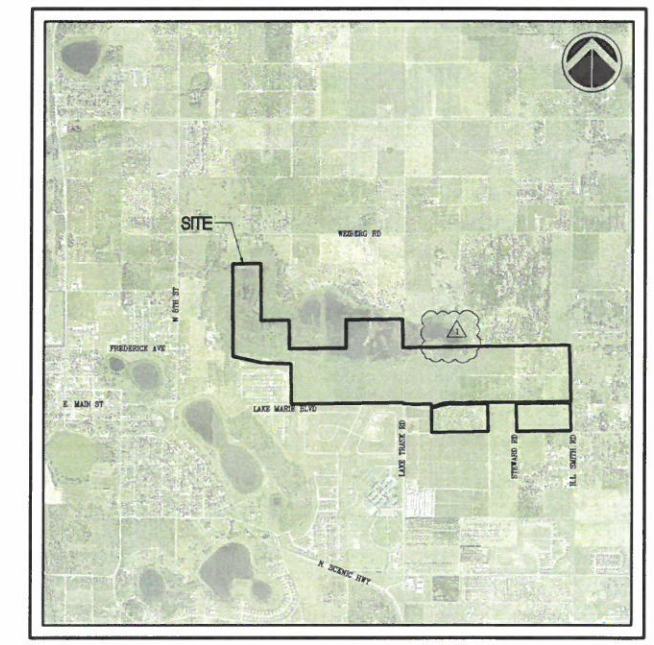
INDEX OF SHEETS

SHEET	SHEET TITLE
C001	COVER SHEET
1 - 3	BOUNDARY SURVEY
C100	MASTER PLAN

PROJECT TEAM MEMBERS:

OWNER: WHEELER FARMS, INC. P.O. BOX 2715 LAKE PLACID, FLORIDA 33862	DEVELOPER: REICHMANN INTERNATIONAL DEVELOPMENT CORPORATION 22 ST. CLAIR AVE. E., SUITE 1200 TORONTO, ON. M4T 2S3, CANADA	WATER: TOWN OF DUNDEE 105 CENTER STREET P.O. BOX 1000 DUNDEE, FLORIDA 33838 (863) 419-3114	SEWER: TOWN OF DUNDEE 105 CENTER STREET P.O. BOX 1000 DUNDEE, FLORIDA 33838 (863) 419-3114
PLANNER / ENGINEER: MADDEN, MOORHEAD, & STOKES, LLC 431 E. HORATIO AVENUE, SUITE 260 MAITLAND, FL 32751 PHONE: (407) 629-8330 CONTACT: CHAD MOORHEAD, PE	SURVEYOR: ACCURATE SURVEY OF FLORIDA, INC. 4206 NATIONAL GUARD DR. PLANT CITY, FL 33563 PHONE: (813) 643-2300 CONTACT: DENNIS J. BENHAM, PSM	ELECTRIC: PROGRESS ENERGY 199 E. MOUNTAIN LAKE CUTOFF ROAD LAKE WALES, FLORIDA 33898 (863) 678-4562	TELEPHONE: VERIZON 120 E. LIME STREET FLXK 3014 LAKELAND, FLORIDA 32801 (863) 883-0955
	ATTORNEY: PETERSON & MYERS, P.A. 225 EAST LEMON STREET, SUITE 300 P.O. BOX 24628 LAKELAND, FLORIDA 33802-4628	CABLE: BRIGHTHOUSE NETWORKS 1004 U.S. HIGHWAY 92 WEST AUBURNDALE, FLORIDA 33823 (863) 965-7733	

VICINITY MAP
1" = 2,000'



SEWER SERVICE DEMANDS								
LAND USE	UNIT	GPD/UNIT	# UNITS	ADD (GPD)	ADD (GPM)	MDD (GPM)	PHF (GPM)	
SINGLE FAMILY RESIDENTIAL	DWELLING UNIT	300	865	259,500	180.21	360.42	720.83	
WATER SERVICE DEMANDS								
LAND USE	UNIT	GPD/UNIT	# UNITS	ADD (GPD)	ADD (GPM)	MDD (GPM)	PHF (GPM)	
SINGLE FAMILY RESIDENTIAL	DWELLING UNIT	330	865	285,450	198.23	396.46	792.92	
TRAFFIC GENERATION								
ITE CODE	LAND USE	# UNITS	DAILY		PM PEAK HOUR			
			RATE	TRIPS	RATE	TOTAL	ENTER	EXIT
210	SINGLE FAMILY RESIDENTIAL	865	9.52	8,235	1.00	865	545	320

SOURCE: ITE TRIP GENERATION 9TH EDITION

SOURCE: ITE TRIP GENERATION 9TH EDITION

SCHOOL DEMANDS			
AGE	UNITS	RATE	CHILDREN
ELEMENTARY	865	0.249	216
MIDDLE	865	0.114	99
HIGH	865	0.124	108

SOILS LEGEND	
SOIL NUMBER	SOIL NAME
3	CANDLER SAND, 0 TO 5 PERCENT SLOPES
15	TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES
35	HONTOM MUCK, FREQUENTLY PONDED, 0 TO 1 PERCENT SLOPES
36	BASINGER MUCKY FINE SAND, FREQUENTLY PONDED, 0 TO 1 PERCENT SLOPES
74	NARCOOSSEE SAND

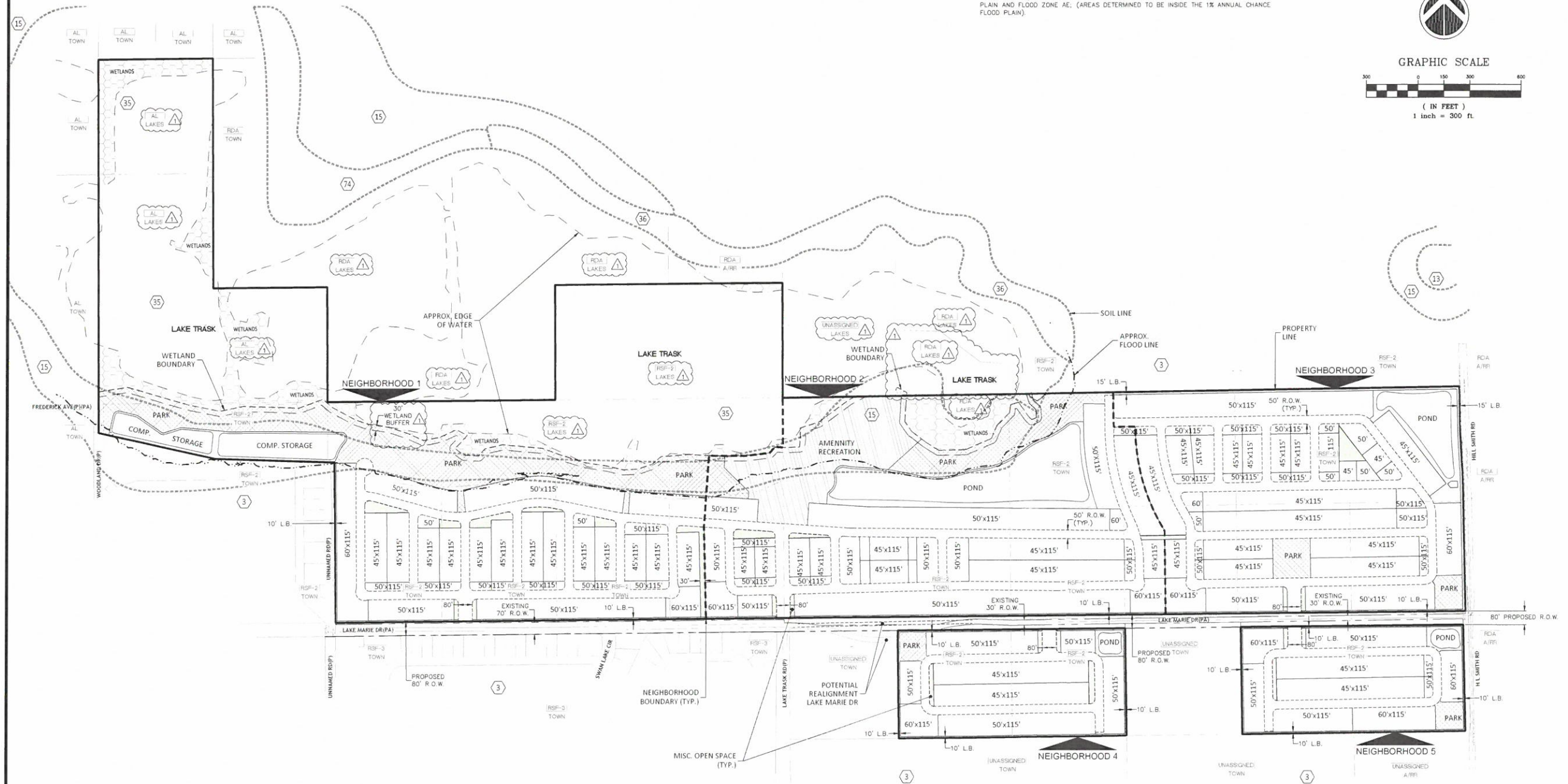
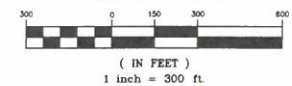
LEGEND	
RDA	ZONING
A/RR	FUTURE LAND USE
HATCH LEGEND	
	AMENITY/RECREATION AREA
	PARK
	MISC. OPEN SPACE

- SITE DATA:**
- GROSS PROJECT AREA: 301.43 ACRES ±
 - PARCEL IDS:
27-28-22-000000-022010 27-28-22-000000-041050 27-28-23-000000-044010
27-28-26-000000-013010 27-28-26-000000-031030 27-28-26-000000-033000
27-28-27-000000-011000 27-28-27-000000-031010 27-28-27-835500-000010
 - EXISTING ZONING: (RSF-2)
 - PROPOSED ZONING: (PUD) PLANNED UNIT DEVELOPMENT
 - FUTURE LAND USE: (LDR) LOW DENSITY RESIDENTIAL
 - EXISTING USE: ORANGE GROVE
 - PROPOSED USE: RESIDENTIAL USE:
865 RESIDENTIAL UNITS
SINGLE-FAMILY DWELLING UNITS
 - EXISTING ONSITE WETLANDS: 82.96 AC
 - RESIDENTIAL USE DENSITY:
ALLOWED: 5 DU/AC
ALLOWABLE NET: 301.43 AC x 5 DU/AC = 1507 UNITS
ALLOWABLE GROSS: 218.47 AC x 5 DU/AC = 1092 UNITS
PROPOSED NET: 301.43 AC x 5 DU/AC = 1507 UNITS
PROPOSED GROSS: 865DU / 218.47 = 3.96 DU/AC
865DU / 301.43 = 2.87 DU/AC
 - SETBACKS:
FRONT: 20 FEET
REAR: 20 FEET
SIDE: 5 FEET (7.5 FOR 45' LOTS)
STREET SIDE: 15 FEET
 - LANDSCAPE BUFFERS: AS SHOWN ON PLAN
 - A MINIMUM OF 30% OPEN SPACE (90.43 ACRES) SHALL BE PROVIDED FOR THE OVERALL PLANNED DEVELOPMENT. ALL BUFFERS, PASSIVE AND ACTIVE RECREATION AREAS, GREEN SPACE, AND LAKE TRASK SHALL RECEIVE 100% CREDIT TOWARDS OPEN SPACE REQUIREMENT.
 - STORMWATER MANAGEMENT PONDS AMENITIZED FOR PASSIVE RECREATION SHALL RECEIVE 100% CREDIT OF THE STORMWATER MANAGEMENT POND AREA TOWARDS OPEN SPACE REQUIREMENT.
 - PROPOSED IMPROVEMENTS SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER OR AN ASSOCIATION / MANAGEMENT GROUP DESIGNATED BY THE PROPERTY OWNER.
 - PER THE FIRM PLAN NO. 12105003900 DATED DEC. 22, 2016, THE SITE IS DESIGNATED FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN AND FLOOD ZONE AE, (AREAS DETERMINED TO BE INSIDE THE 1% ANNUAL CHANCE FLOOD PLAIN).

- WETLAND LINES SHOWN ARE PRELIMINARY AND SUBJECT TO APPROVAL BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD). ANY IMPACTS TO THE WETLANDS WILL BE PERMITTED THROUGH THE SFWMD.
- A STORMWATER SYSTEM WILL BE DESIGNED TO MEET THE TOWN OF DUNDEE AND SFWMD SPECIFICATIONS AS APPLICABLE. THE PREDEVELOPMENT DRAINAGE FLOW IS TO THE NORTH INTO LAKE TRASK.
- PROPOSED INTERNAL DRIVEWAYS AND PARKING SHALL BE PRIVATE.
- THE SITE MAY BE GATED, IF APPLICABLE. GATED ENTRANCES WILL USE A KNOX KEY ACTIVATION AND SIREN, OR APPROVED EQUAL, FOR EMERGENCY ACCESS PER THE TOWN OF DUNDEE.
- AMENITY PARKING SPACES SHALL BE A MINIMUM WIDTH OF 9 FT X 18 FT IN DEPTH.
- IF APPLICABLE, EXISTING ON-SITE WELLS TO BE ABANDONED PER CHAPTER 40C-3 OF THE FLORIDA ADMINISTRATIVE CODE.
- WATER, SEWER, AND REUSE WATER TO BE PROVIDED BY THE TOWN OF DUNDEE.
- UTILITY EASEMENTS DEDICATED TO THE CITY OF DUNDEE SHALL BE PROVIDED OVER ALL WATER AND SEWER MAINS LOCATED OUTSIDE THE PUBLIC RIGHT OF WAY.
- ALL UTILITY LINES WILL BE DESIGNED TO MEET THE TOWN OF DUNDEE REQUIREMENTS.
- SOLID WASTE DISPOSAL SHALL BE PROVIDED BY INDIVIDUAL LOT PICK UP.
- UNLESS OTHERWISE NOTED, LANDSCAPE DESIGN AND TREE REGULATIONS ARE SUBJECT TO THE PROPOSED USE(S) AND SHALL COMPLY WITH THE TOWN OF DUNDEE LAND DEVELOPMENT REGULATIONS.
- PERMETER LANDSCAPING SHALL COMPLY WITH THE TOWN OF DUNDEE LAND DEVELOPMENT REGULATIONS.
- PER LAND DEVELOPMENT CODE (SECTION 3.02.04) REQUIRES SIDEWALKS ON BOTH SIDES OF THE ROAD FOR LOTS LESS THAN 60-FEET WIDE.
- PER LAND DEVELOPMENT CODE SECTION 2.02.03.06 "UNLESS OTHERWISE CONDITIONED IN THE PUD ORDINANCE, ALONG PUBLIC OR PRIVATE RIGHTS-OF-WAY, INCLUDING THOSE BORDERING THE PERIMETER OF THE PUD, ONE CANOPY TREE SHALL BE PLANTED FOR EVERY 50 FEET OF RIGHT-OF-WAY. SUCH TREES SHALL BE NO LESS THAN TEN FEET IN HEIGHT AT THE TIME OF PLANTING, AND SHALL BE PLACED WITHIN FIVE FEET OF THE RIGHT-OF-WAY, ALONG INTERNAL ROADS, THE TREES SHALL BE PLANTED ALTERNATELY ON EITHER SIDE OF THE STREET."



GRAPHIC SCALE



MADDEN
MODERN & STORIES, LLC
CIVIL ENGINEERS

431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 629-8330

MASTER DEVELOPMENT PLAN
FOR
THE RESERVE AT DUNDEE LAKES
FLORIDA
POLK COUNTY

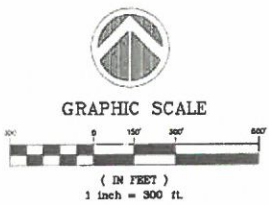
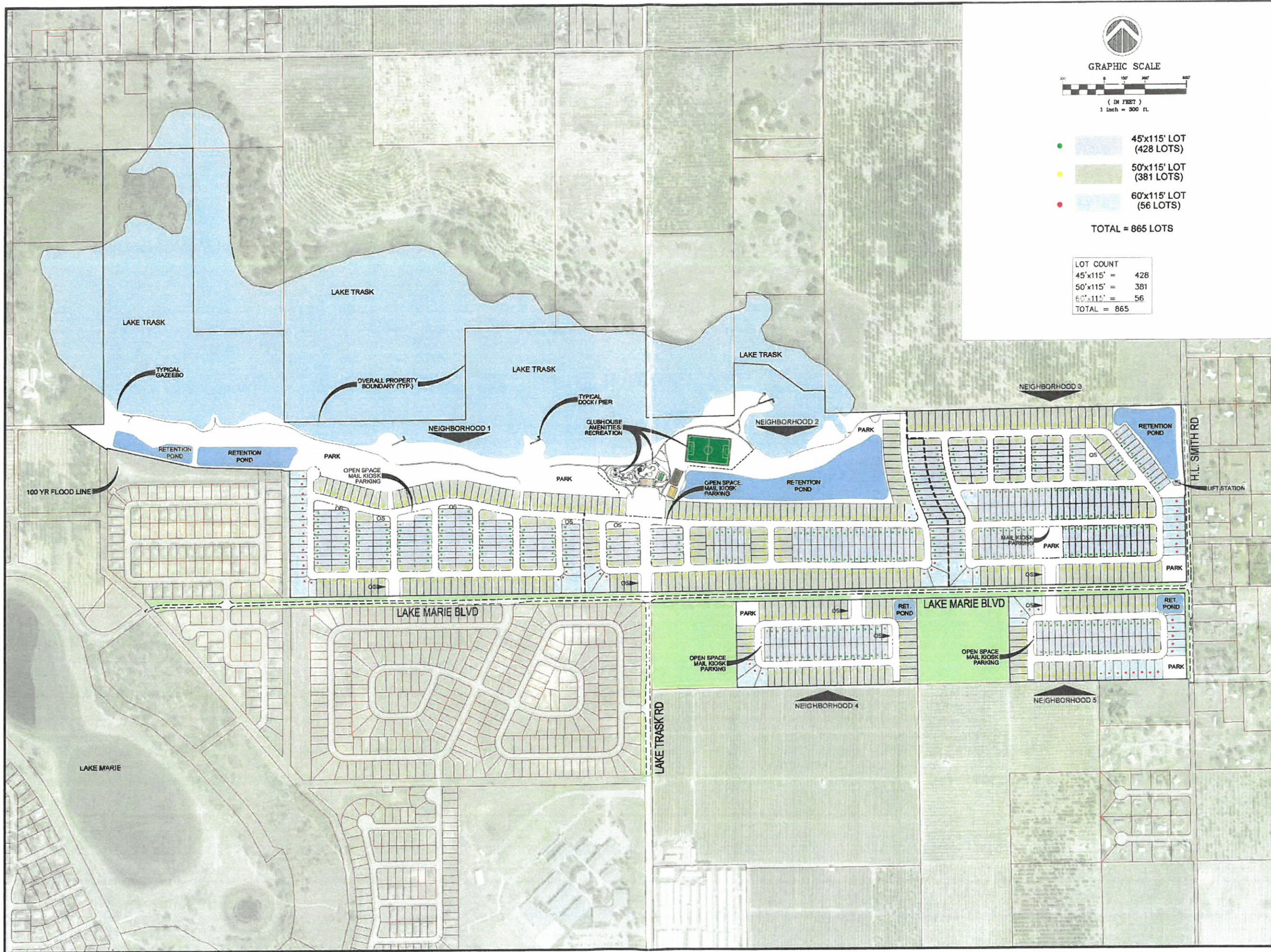
REDMAN INTERNATIONAL DEVELOPMENT CORPORATION
22 ST. CLAIR AVE. E. STE. 1200
TORONTO, ON M4T 2S3, CANADA



REVISIONS	
DATE	REVISIONS
08/09/21	REVISED PER TOWN OF DUNDEE COMMENTS
09/01/21	
09/02/21	
09/03/21	
09/04/21	
09/05/21	
09/06/21	
09/07/21	
09/08/21	
09/09/21	
09/10/21	
09/11/21	
09/12/21	

JOB # 21015
DATE: 04/20/21
SCALE: 1"=100'
DESIGNED BY: CHM
DRAWN BY: RJG
APPROVED BY: CHM

MDP



- 45'x115' LOT (428 LOTS)
- 50'x115' LOT (381 LOTS)
- 60'x115' LOT (56 LOTS)

TOTAL = 865 LOTS

LOT COUNT	
45'x115' =	428
50'x115' =	381
60'x115' =	56
TOTAL =	865

MADDEN
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 629-8330

COLOR EXHIBIT
FOR
THE RESERVE AT DUNDEE LAKES
POLK COUNTY
FLORIDA

REDWOOD INTERNATIONAL DEVELOPMENT CORPORATION
22 ST. CLAIR AVE. E. STE 1200
TORONTO, ON M4T 2E3, CANADA

ENGINEER IN CHARGE:
CHADWICK V. MORRISON, P.E. #8178
DATE: AUGUST 19, 2021
CERTIFICATE OF AUTHORIZATION NO. CA-000723

NO.	DATE	REVISIONS

JOB # 21015
DATE: 04/20/21
SCALE: 1" = 300'
DESIGNED BY: CHM
DRAWN BY: RJB
APPROVED BY: CHM

EXHIBIT

