

Town Commission of the Town of Dundee, Florida
Hardship Order No. 01-25
Valencia Ridge Reserve
Public Hearing – February 25, 2025

IN AND FOR THE TOWN OF DUNDEE, FLORIDA
BEFORE THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA

ORDINANCE 24-09: HARDSHIP ORDER NO. 01-25

IN RE: VALENCIA RIDGE RESERVE

PARCEL NUMBER(S): SEE ATTACHED HARDSHIP APPLICATION

LEGAL DESCRIPTION: SEE ATTACHED HARDSHIP APPLICATION

REQUEST: Pursuant to *Section 5(i) of the Town of Dundee Ordinance No. 24-09, Welsh Road Land Investments, LLC* (the “Applicant”) requested an exception to the moratorium imposed by *Town of Dundee Ordinance No. 24-09* for the Valencia Ridge Reserve development arising out of extraordinary hardship(s).

ORDER DENYING HARDSHIP APPLICATION

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.

Section(s) 163.3161 through 163.3215, Florida Statutes (2024), the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and mandates That the Town plan for future development and growth.

The Town has experienced significant and unprecedented residential growth in a short time resulting in new residential annexations, land use modifications, rezonings, major Planned Unit Development (PUD) amendments, master planned communities, and phased residential development(s) resulting in significant increased demand for Town-provided utility services which includes, but shall not be limited to, potable water utility service(s); and, as a direct result of the unprecedented number of proposed and/or approved new residential development projects within the corporate limits of the Town, the Town is at and/or has exceeded its maximum allocable daily potable water capacity permitted under the Town’s current consumptive water use permits (WUPs) issued by the Southwest Florida Water Management District (SWFWMD).

Pursuant to Section 54-9 of the Code of Ordinances of the Town of Dundee (the “Code”) and Section 6.01.07.03 of the Town of Dundee Land Development Code (the “LDC”), a *Concurrency Developer’s Agreement* has been required as a condition of approval for any *Town of Dundee Certified Subdivision Plan* (“CSP”) in order to provide, at a minimum, as follows: (1) detail the Town’s inability to currently provide allocable potable water capacity; (2) detail the necessary expansion of the Town’s potable water

treatment facilities in order to serve the proposed development; and (3) detail the terms and conditions under which the Town will provide potable water utility service(s) to and/or for the proposed project which is the subject of the CSP.

The *Concurrency Developer's Agreement(s)*, which are required as a condition of approval for any CSP, clearly and unequivocally identifies that the Town does not presently have the necessary utility infrastructure, utility facilities, and/or allocable potable water capacity to serve the proposed residential development.

On July 12, 2022, at a duly noticed public meeting, the Town Commission of the Town of Dundee (the "Town Commission") passed and adopted *Town of Dundee Ordinance No. 22-17* (the "PUD Ordinance") approving the change in zoning from moderate-density residential (RSF-2) to Planned Unit Development-Residential (PUD-R) with conditions for certain real property which is the subject of the Valencia Ridge Reserve development.

A copy of the PUD Ordinance is attached hereto as **Exhibit "A"** and made a part hereof by reference.

On September 10, 2024, at a duly noticed public meeting, the Town Commission passed and adopted *Town of Dundee Ordinance No. 24-09* (the "Ordinance") establishing a moratorium on the acceptance and processing of applications for residential annexations, rezonings, building permits, planned developments, master planned communities, development order(s), and development permits, amongst others.

A copy of the Ordinance is attached hereto as **Exhibit "B"** and incorporated herein by reference.

On February 11, 2025, pursuant to *Section 5(i) of the Ordinance*, the Applicant submitted the *Town of Dundee Development Services – Hardship Application* and all required and relevant documentation (collectively referred to as the "Application") to the Town in order to request certain exception(s) from the moratorium.

A copy of the Application is attached hereto as **Exhibit "C"** and incorporated herein by reference.

On February 25, 2025, at a duly noticed public meeting, the Town Commission found that the Valencia Ridge Reserve development (the "Development") has not received and/or obtained the necessary *development permits* and/or *development orders*¹ allowing for horizontal construction on and/or for the Development which includes, but is not limited to, Town Commission approval of any proposed certified subdivision

¹ For purposes of this Order, the terms *development order* and *development permit* shall have the meaning(s) provided in §163.3164, *Florida Statutes* (2024).

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plan for the Development; and therefore, based on the evidence and testimony presented, the Town Commission found and determined that the Applicant failed to satisfy the requirements set forth in the Ordinance for a hardship.

On February 25, 2025, at a duly noticed public meeting, the Application was presented to and considered by the Town Commission at a public hearing and with a quorum present and voting; and, based on the competent substantial evidence and testimony presented by Applicant's representative, the Town Commission unanimously voted to enter this **ORDER DENYING HARDSHIP APPLICATION** (the "Order").

The meeting minutes (the "Minutes") for the public hearing of the Town Commission on and/or for the Application, which was held on February 25, 2025, are attached hereto as **Exhibit "D"** and incorporated herein by reference.

A quorum of the Town Commission present and voting, at a duly noticed public meeting, as required by *Town of Dundee Ordinance No. 24-09* and applicable law, and a vote by the majority in favor of entering this **ORDER DENYING HARDSHIP APPLICATION**.

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DONE AND ORDERED by the Town Commission of the Town of Dundee, Florida, on the 25th day of February, 2025.

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TOWN OF DUNDEE, FLORIDA

Joseph Carbone, Interim Town Manager

Attest:

Erica Anderson, Town Clerk

Approved as to Form:

Frederick J. Murphy, Jr., Town Attorney