

**RESOLUTION NO. 24-22**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA; RATIFYING THE ADOPTION OF THE TOWN OF DUNDEE TOWNWIDE TRAFFIC ANALYSIS AND ADEQUACY DETERMINATION TECHNICAL REPORT, JUNE 2023; APPROVING THE TOWN OF DUNDEE TOWNWIDE TRAFFIC ANALYSIS AND ADEQUACY DETERMINATION TECHNICAL REPORT, JUNE 2023, AS THE TOWN OF DUNDEE CONCURRENCY MANAGEMENT SYSTEM FOR TRANSPORTATION; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Dundee ("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**, pursuant to Section 6.01.04 of the Town of Dundee Land Development Code ("LDC"), all development proposals exceeding the established service demand levels shall not be processed; and

**WHEREAS**, pursuant to Section 6.01.07.01 of the LDC, the adequacy of the Town of Dundee Road Network shall be evaluated according to conditions at the time the development plan or building permit is approved; and

**WHEREAS**, Section 6.01.07.01 of the LDC provides that any proposed development shall be required to address the adequacy of the Town of Dundee Road Network as it relates to the projected traffic volumes generated by the subject development; and

**WHEREAS**, pursuant to Section 6.01.08 of the LDC, the Town of Dundee Concurrency Management System shall be monitored and updated annually; and

**WHEREAS**, pursuant to Section 6.01.08 of the LDC, development approved based on service capacities presumed to be available shall not be permitted to proceed until a method to mitigate any deficiency has been approved; and

**WHEREAS**, pursuant to Section 6.01.08 of the LDC, the Town of Dundee Concurrency Management System shall be approved by resolution of the Town Commission on the first regularly scheduled meeting of the Town Commission in September of each year; and

**WHEREAS**, Section(s) 6.01.08 and 6.01.10 of the LDC provide, in pertinent part, for mitigation options in order for development projects to proceed when there is a deficiency and/or lack of capacity to service a proposed development project; and

**WHEREAS**, based on the most recent and localized data, the Town projects that it will experience 94.4% of its residential growth between 2022 and 2035; and

**WHEREAS**, based on the most recent and localized data which includes, but is not limited to, revised and updated socioeconomic data, the Town anticipates gaining 4,519 single family residential units between 2022 and 2045 which represents an estimated population growth of approximately 13,799 residents; and

**WHEREAS**, in an effort to improve and strengthen the Town's transportation network for both residential and commercial development, the Town entered into an agreement with ESRP Corporation ("ESRP") to perform a comprehensive transportation study which includes, but is not limited to, the Town of Dundee Townwide Traffic Analysis and Adequacy Determination Technical Report, June 2023 (the "Transportation Plan"), in order to clarify, identify, and plan for transportation improvements necessitated by and/or through concurrency management for transportation, substandard infrastructure, and new growth within the corporate limits of the Town; and

**WHEREAS**, the Transportation Plan clarifies, identifies, and prioritizes necessary improvements to the Town's existing transportation system infrastructure in order to facilitate and enable development while meeting current and projected transportation needs; and

**WHEREAS**, a copy of the Transportation Plan is attached hereto as **Exhibit "A"** and made a part hereof by reference; and

**WHEREAS**, on June 15, 2023, the Town of Dundee Planning and Zoning Board ("Board"), serving as the Local Planning Agency designated by the Town, held a duly advertised public meeting in order to obtain public comment on and/or for the Transportation Plan; and

**WHEREAS**, on June 28, 2023, Governor Ron DeSantis signed CS/CS/SB 250 (2023) (the "Natural Emergency Bill") into law as Chapter 2023-24, Laws of Florida, which provided for, amongst others, new rules for comprehensive plan amendments, land development regulations, and development order processing; and

**WHEREAS**, the Natural Emergency Bill provided for, in pertinent part, that a county or municipality located partially or entirely within 100 miles of where either Hurricane Ian and Hurricane Nicole made landfall shall not propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2024, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and *void ab initio*; and

**WHEREAS**, pursuant to the Natural Emergency Bill, the new rules related to the proposition or adoption of more restrictive or burdensome procedures are applicable retroactively to September 28, 2022; however, any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted

by a county or municipality before or after the effective date of this section may be enforced if: (a) the associated application is *initiated by a private party other than the county or municipality*; or (b) the *property* that is the subject of the application *is owned by the initiating private party*; and **WHEREAS**, Section(s) 6.01.07, 6.01.08 and 6.01.10 of the LDC were approved and enacted by the Town Commission prior to September 28, 2022; and

**WHEREAS**, the Transportation Plan (see **Exhibit “A”**) is intended to provide clarification and information for the purpose of aiding and facilitating the orderly expansion, operation, and maintenance of the Town’s transportation facilities and to prepare annual budgets for capital improvements related thereto; and

**WHEREAS**, the Transportation Plan (see **Exhibit “A”**) provides for an updated concurrency management system for transportation which includes several components and/or elements which includes, but is not limited to, creation and implementation of a townwide thoroughfare network, townwide functional classification for roadway segments, and creates and implements an estimated amount of network-segment capacity for new development(s) constructed within the corporate limits of the Town of Dundee, Florida; and

**WHEREAS**, on June 27, 2023, the Town Commission, at a duly noticed public meeting, adopted Resolution No. 23-11 which approved the Transportation Plan (see **Exhibit “A”**); and

**WHEREAS**, in the exercise of its legislative authority, the Town Commission hereby ratifies and approves its adoption of Resolution No. 23-11 and the Town of Dundee Transportation Plan, June 2023, incorporated herein as **Exhibit “A”**, which is known as the Town of Dundee Transportation Plan and included as data and analysis to support the unprecedented residential and commercial growth within the corporate limits of the Town of Dundee, Florida.

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

**Section 1. INCORPORATION OF RECITALS.** The above factual recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this Resolution.

**Section 2. RATIFICATION AND ADOPTION.** The Town Commission of the Town of Dundee, Florida, hereby ratifies and approves its adoption of Resolution No. 23-11 and the Town of Dundee Townwide Traffic Analysis and Adequacy Determination Technical Report, June 2023 (the “Transportation Plan”), as attached hereto and made a part hereof as **Exhibit “A”**. Pursuant to Section 6.01.08 of the Town of Dundee Land Development Code, the Town Commission further approves the Transportation Plan (see **Exhibit “A”**) as the Town of Dundee Concurrency Management System for Transportation.

**Section 3. ADMINISTRATIVE CORRECTION OF SCRIVENER’S ERRORS.** Any provision in this Resolution 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 the need of consideration by the Town Commission, by filing a corrected or recodified copy of same with the Town Clerk.

**Section 4. CONFLICTS.** All Resolutions in conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

**Section 5. SEVERABILITY.** If any section, subsection, sentence, clause, phrase of this Resolution, or the application thereof shall be held invalid 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 hereby declares that it would have passed this Resolution, 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. Effective Date.** This Resolution shall take effect immediately upon passage.

**READ, PASSED, AND ADOPTED** at a duly held meeting of the Town Commission of the Town of Dundee, Florida assembled on the 10<sup>th</sup> day of September, 2024.

**TOWN OF DUNDEE**

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MAYOR – Sam Pennant

Attest:

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TOWN CLERK – Lita O’Neill

Approved as to Form:

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TOWN ATTORNEY – Frederick J. Murphy, Jr.