

ORDINANCE NO. 23-07

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 POLK COUNTY/ NA ON 24+/- ACRES TO MODERATE-DENSITY SINGLE-FAMILY RESIDENTIAL (RSF-3) ON APPROXIMATELY 24 +/- ACRES, LOCATED AT THE SOUTHWEST CORNER OF LAKE HATCHINEHA ROAD AND CALDWELL DRIVE, FURTHER DESCRIBED AS PARCELS: 272824-000000-013010 AND 272824-000000-013020; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Raysor Ventures, LLC have applied to amend the Official Zoning Map designation for property located in the Town of Dundee from Polk County/ NA on 24 +/- acres to Moderate-Density Single-Family Residential (RSF-3) on approximately 24 +/- acres, located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels: 272824-000000-013010 and 272824-000000-013020; and

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

WHEREAS, on December 21, 2023, 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 December 21, 2023, 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 December 21, 2023, 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 meetings for this Ordinance amending the Official Zoning Map of the Town of Dundee regarding the parcel shown on Exhibit "A" attached hereto and incorporated herein by reference in accordance with Section 166.041 (3), (a) of the 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 meetings, 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 these properties.

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 classification of Polk County/ NA on 24 +/- acres to Moderate-Density Single-Family Residential (RSF-3) on approximately 24 +/- acres generally located at the southwest corner of Lake Hatchineha Road, further described as parcels: 272824-000000-0130 and 272824-000000-013020, as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2. 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 3. 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 4. 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 5. Effective Date. The effective date of this Ordinance shall be upon the effective date of Ordinance 23-07.

INTRODUCED on first reading this ____ day of _____, 2023.

PASSED on second reading this ___ day of _____, 2023.

TOWN OF DUNDEE, FLORIDA

Mayor- Sam Pennant

ATTEST:

Town Clerk – Trevor Douthat

Approved as to form:

Town Attorney - Frederick J. Murphy, Jr.

Composite Exhibit "A"
Ordinance No. 23-07
Legal Description and Zoning Maps
Page 1 of 3

CALDWELL RIDGE SUBDIVISION

Legal Description (Per Title Report)

The East 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 28 South, Range 27 East, LESS road right of way for State Road S-542; AND

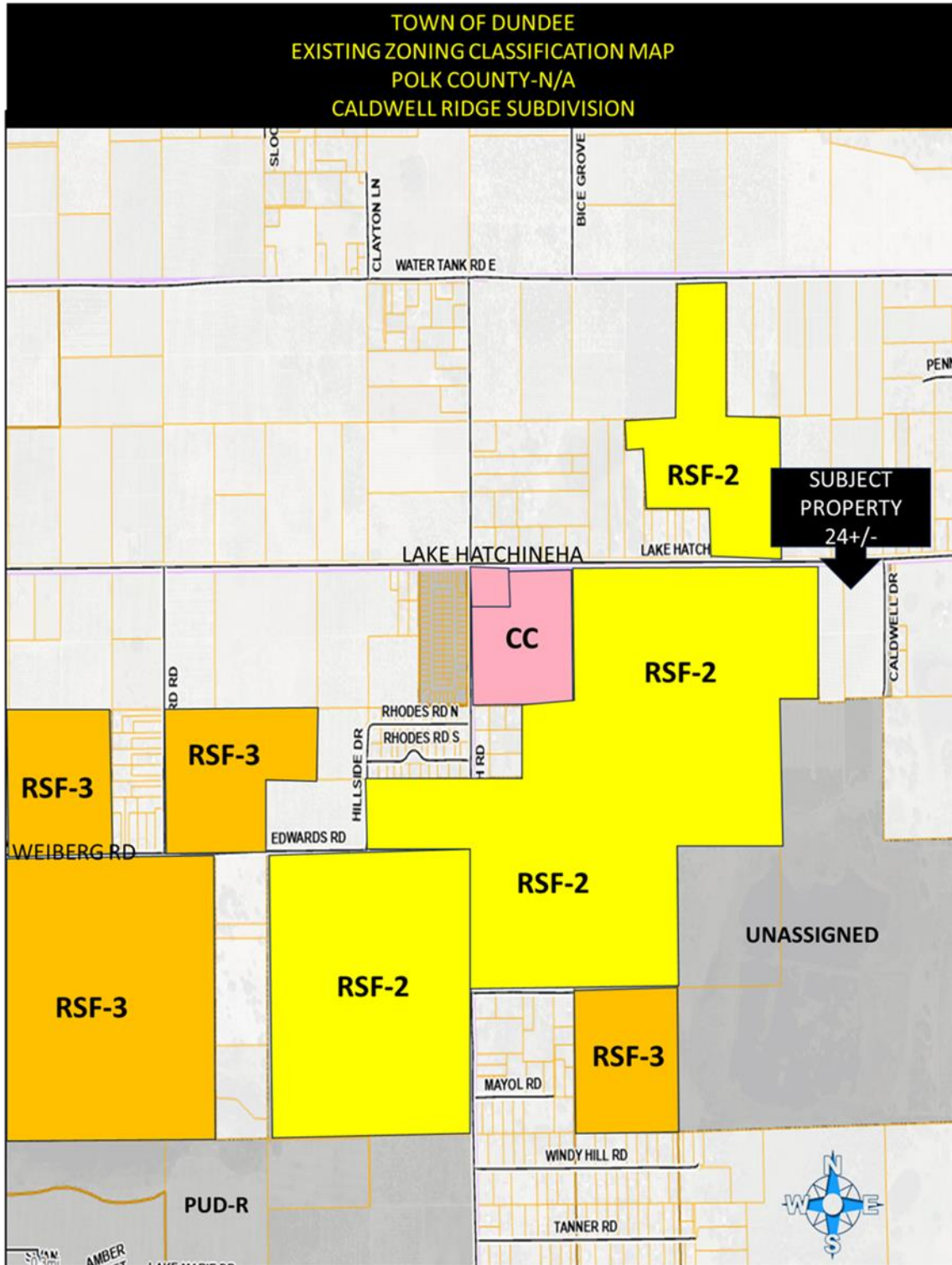
The East 1/4 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 24, LESS road right of way for State Road S-542; AND

The North 31 feet of the West 1/4 of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Said Section 24; AND

The North 31 feet of the east 1/4 of the west 1/2 of the Southwest 1/4 of the northeast 1/4 of Section 24, Township 28 South, Range 27 East,

All of said property being located in Polk County, FL.

Composite Exhibit "A"
Ordinance No. 23-07
Legal Description and Zoning Maps
Page 2 of 3



Composite Exhibit "A"
Ordinance No. 23-07
Legal Description and Zoning Maps
Page 3 of 3

