

**RESOLUTION NO. 25-21**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, MEMORIALIZING ITS AUTHORIZATION AND SUPPORT FOR THE TOWN TO PROCESS AMENDMENT(S) TO THE TOWN OF DUNDEE 2030 COMPREHENSIVE PLAN, THE CODE OF ORDINANCES OF THE TOWN OF DUNDEE, FLORIDA, AND THE LAND DEVELOPMENT CODE OF DUNDEE ADOPTING AN LEVEL OF SERVICE (LOS) STANDARD OF 250 GPD ATTRIBUTABLE TO AN EQUIVALENT RESIDENTIAL CONNECTION (ERC); PROVIDING FOR THE INCORPORATION OF FACTUAL RECITALS; AUTHORIZING THE TOWN MANAGER OR HER/HIS AUTHORIZED DESIGNEE TO TAKE ANY NECESSARY FURTHER ACTIONS TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, 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; 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**, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and mandates the Town of Dundee, Florida to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the Town; and

**WHEREAS**, *Section 163.3177(6)(c), Florida Statutes (2024)*, requires local governments, except where specifically exempted, to identify alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs within the local government's jurisdiction, and include a work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, necessary to serve existing and new development; and

**WHEREAS**, on February 27, 2024, the Town Commission of the Town of Dundee (the “Town Commission”) adopted *Town of Dundee Resolution No. 24-02* accepting and approving the *CHA Memorandum Riner Water Treatment Plant Capacity Evaluation, January 9, 2024* (the “Memorandum”); and

**WHEREAS**, the Memorandum was prepared by *CHA Consulting, Inc.*, and provided a comprehensive evaluation of the Town’s water distribution network in order to identify and plan for improvements necessitated by and/or through concurrency management, substandard infrastructure, and new growth within the corporate limits of the Town of Dundee, Florida; and

**WHEREAS**, a copy of the Memorandum is attached hereto as **Exhibit “A”** and made a part hereof by reference; and

**WHEREAS**, the Memorandum (see **Exhibit “A”**) estimated the Town’s potable water demand for each development unit to total *290 gallons per day (GPD)* which was based on an assumed value of *2.53 persons per household (PPH)* multiplied by a potable water demand of *114.7 gallons per capita day (GPCD)*; and

**WHEREAS**, pursuant to *Section 163.3180(1)(b), Florida Statutes (2024)*, a local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the *levels of service (LOS)* adopted can be reasonably met; and

**WHEREAS**, pursuant to *Section 163.3180(5), Florida Statutes (2024)*, local governments are required to use professionally accepted studies to evaluate the appropriate LOS, and local governments are also required to use professionally accepted techniques for measuring LOS levels when evaluating potential impacts of a proposed development; and

**WHEREAS**, on May 14, 2024, at a duly noticed public hearing, the Town passed and adopted *Town of Dundee Ordinance No. 23-10* (the “Town Ordinance”) which amended the *Town of Dundee 2030 Comprehensive Plan* (the “Comprehensive Plan”); and

**WHEREAS**, the Ordinance amended the Comprehensive Plan based on and/or pursuant to the *Town of Dundee Ten-Year Water Supply Facilities Work Plan* (the “Water Supply Plan”) which was attached to the Ordinance as an exhibit; and

**WHEREAS**, the Water Supply Plan was developed to not only satisfy the regulatory requirement(s) set forth in *Chapter 163, Florida Statutes*, and applicable laws of the State of Florida but also to satisfy the requirements and guidelines set forth in the *Regional Water Supply Plan (RWSP)* approved by the Southwest Florida Water Management District (SWFWMD) Governing Board on or about November 2020; and

**WHEREAS**, copies of the Staff Presentation Dated May 14, 2024, Town Staff Report for the Ordinance, and the Ordinance are attached hereto as **Composite Exhibit “B”** and made a part hereof by reference; and

**WHEREAS**, the Water Supply Plan (see **Composite Exhibit “B”**) calculated the Town’s *5-year adjusted average per capita water demand* (GPCD), which is based on the reported average daily water demand and total consumption measured by the Town’s functional population, as 112 GPCD; and

**WHEREAS**, the Ordinance (see **Composite Exhibit “B”**) amended the Comprehensive Plan in order to acknowledge the Water Supply Plan as a technical support document, as required by the SWFWMD RWSP which was adopted on or about November 2020, and amend the Town’s adopted LOS standard for potable water from 140 GPD to 115 GPD; and

**WHEREAS**, on September 10, 2024, at a duly noticed public meeting, the Town Commission passed and adopted *Town of Dundee Ordinance No. 24-09* (the “Moratorium”) establishing a moratorium on and/or for the acceptance and processing of applications for annexations, rezonings, building permits, planned developments, master planned communities, development order(s), and development permit(s); and

**WHEREAS**, pursuant to the Moratorium, *Section 7.02.03 of the Town of Dundee Land Development Code* (the “LDC”), and applicable provision of the *Code of Ordinances of the Town of Dundee* (the “Code”), a *development order* and/or *development permit* will not be approved by the Town unless a satisfactory concurrency evaluation is performed; and

**WHEREAS**, pursuant to applicable provision(s) of the Code and LDC, for purposes of evaluating concurrency in the Town’s potable water utility system, an *equivalent residential connection* (ERC) means, in pertinent part, a unit of measurement of water service used to determine water service capacity usage for a new development/improvement, which reduces all classes of utility system users to a common denominator, such as a standard single-family dwelling unit (i.e., an ERC equates to 360 GPD of potable water); and

**WHEREAS**, on May 20, 2025, the Southwest Florida Water Management District (SWFWMD) held a Governing Board Meeting; and, at that time, SWFWMD *conditionally approved* Consent Agenda Item No. 2.5 which consisted of the Town’s application for the renewal of the *Town Water Use Permit, Permit No. 20005893.014* (the “WUP Renewal”); and

**WHEREAS**, a copy of the WUP Renewal is attached hereto as **Exhibit “C”** and incorporated herein by reference; and

**WHEREAS**, the WUP Renewal authorizes an annual average quantity increase from 917,500 GPD to 1,702,700 GPD; and

**WHEREAS**, the WUP Renewal and increase in the Town’s permitted average daily consumption is predicated on the 2045 demand and a gross per capita daily water use rate of 115 GPD at 2.44 persons per household/residence; and

**WHEREAS**, pursuant to *Section 163.3177(1)(f), Florida Statutes (2024)*, all mandatory and optional elements of the local government comprehensive plan and plan amendments must be

based upon relevant and appropriate data and an analysis which may consist of, but is not to be limited to, other data available at the time of adoption of the applicable comprehensive plan or plan amendment; and

**WHEREAS**, pursuant to *Section 163.3177(1)(f)(2), Florida Statutes (2024)*, original data collection by a local government is not required so long as the data and methodologies are taken from a professionally accepted source; and

**WHEREAS**, pursuant to *Section 163.3177(4)(a), Florida Statutes (2024)*, coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region is required to be a major objective of the local comprehensive planning process; and, to that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, as the case may require and as such adopted plans or plans in preparation may exist; and

**WHEREAS**, on July 16, 2024, Polk County (the “County”), a political subdivision of the State of Florida, adopted *Polk County Resolution No. 2024-134* (the “Polk Resolution”) which amended utility system water rates and connection fee(s), amongst other things; and

**WHEREAS**, the amended utility system water rates and connection fee(s), which are the subject of the Polk Resolution, are based on the recommendation(s) set forth in the *Polk County Utilities Utility Rate and Connection Fee Study Final Report, March 2024* (the “Polk Study”); and

**WHEREAS**, the Polk Study was prepared by *Raftelis Financial Consultants, Inc.* (“Raftelis”) and encompassed 2,010 square miles and an estimated total population of 798,000 (as estimated by the Bureau of Economic and Business Research); and

**WHEREAS**, pursuant to *Section 163.3180, Florida Statutes (2024)*, and applicable Florida law, the County must establish a LOS standard for each public facility located within the boundary for which the County has authority to issue development orders or development permits which includes, but shall not be limited to, the Town of Dundee, Florida; and

**WHEREAS**, based on the recommendation(s) set forth in the Polk Study, the Polk Resolution amended the LOS attributable to an *equivalent residential connection* (ERC) to 250 GPD (the “LOS Amendment”) for purposes of evaluating the capital facility needs in providing water utility services; and

**WHEREAS**, a copy of the LOS Amendment is attached hereto as **Exhibit “D”** and incorporated herein by reference; and

**WHEREAS**, pursuant to *Policy 2.2.8 of the Comprehensive Plan*, the Town is required to assess annually the performance and effectiveness of the Water Supply Plan in order to maximize the use of existing facilities and provide for future needs; and

**WHEREAS**, pursuant to *Section 163.3177(1)(b), Florida Statutes (2024)*, a local government may include, as part of its adopted comprehensive plan, documents adopted by reference but not incorporated verbatim, provided however, that the adoption by reference identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted; and

**WHEREAS**, pursuant to applicable Florida law, the Town Commission finds that the Polk Study and Polk Resolution are based upon data and methodologies taken from professionally accepted source(s); and

**WHEREAS**, pursuant to *Section 163.3177(4)(a), Florida Statutes (2024)*, and applicable Florida law, the Town Commission supports any amendment(s) to the *Town of Dundee 2030 Comprehensive Plan, Town of Dundee Code of Ordinances, and Town of Dundee Land Development Code* consistent with and/or in coordination with the Polk Study and Polk Resolution as related to the amended LOS standard of 250 GPD attributable to an *equivalent residential connection* (ERC) for purposes of evaluating the capital facility needs in providing potable water utility service(s); and

**WHEREAS**, for purposes of allocating potable water capacity to and/or for the development(s) that qualify for an exception in accordance with the terms and conditions set forth in the Moratorium, satisfying certain conditions and special conditions set forth in the WUP Renewal (see **Exhibit “C”**), and receiving a *Town of Dundee Certification of Sufficient Potable Water Capacity* (the “Certification”), which will be issued by the Town only upon a satisfactory concurrency evaluation, the Town Commission supports the adoption of the LOS standard of 250 GPD attributable to an *equivalent residential connection* (ERC) which is set forth in the LOS Amendment (see **Exhibit “D”**) and further directs the Town Manager to take all necessary further action(s) to effectuate same; and

**WHEREAS**, pursuant to *Policy 9.2 of the Comprehensive Plan*, prior to the issuance of a development order, the Town requires confirmation that the required and/or necessary utility services are available or are committed to be available concurrent with completion of the development and/or redevelopment; and

**WHEREAS**, the Town Commission finds that the Certification is intended to and will provide the required confirmation that potable water utility service(s) are committed to be available concurrent with completion of the subject development and/or redevelopment; and

**WHEREAS**, the Town of Dundee, Florida, has complied with all requirements and procedures in processing and adopting this **Resolution No. 25-21**; and

**WHEREAS**, on June 24, 2025, at a duly noticed public meeting, the Town Commission found that the approval of this **Resolution No. 25-21** is intended to not only support the adoption of the LOS standard of 250 GPD attributable to an *equivalent residential connection* (ERC), but

the approval of this **Resolution No. 25-21** is also intended to approve the form and substance of the Certification attached hereto as **Exhibit “E”** and incorporated herein by reference; and

**WHEREAS**, the Town Commission of the Town of Dundee, Florida, finds that the approval of this **Resolution No. 25-21** is intended to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; and

**WHEREAS**, on June 24, 2025, the Town Commission found that approval of this **Resolution No. 25-21** preserves, enhances, and encourages the most appropriate use of land consistent with the public interest, the *Town of Dundee 2030 Comprehensive Plan* policies, goals, and objectives; and

**WHEREAS**, the Town Commission of the Town of Dundee, Florida, finds that the approval of this **Resolution No. 25-21** is intended and necessary to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; and this **Resolution No. 25-21** is intended to promote, protect, and improve the public health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida.

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

**Section 1.     Incorporation of Factual Recitals.**

The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements which form a factual and material basis for the passage of this **Resolution No. 25-21**, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the passage of this Resolution. The above factual recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this **Resolution No. 25-21**.

**Section 2.     Commission Support.**

The Town Commission of the Town of Dundee, Florida, hereby authorizes, directs, and supports the recommended LOS Amendment (see **Exhibit “D”**) which will amend the *Town of Dundee 2030 Comprehensive Plan*, the *Code of Ordinances of the Town of Dundee, Florida*, and the *Land Development Code of Dundee* and adopt an LOS standard of 250 GPD attributable to an *equivalent residential connection* (ERC) for purposes of evaluating the capital facility needs in providing potable water utility service(s).

**Section 3.     Authorization.**

The Town Manager, or her/his designee, is hereby authorized to take any and all necessary further action(s) to effectuate the intent of this **Resolution No. 25-21** which includes, but shall not be limited to, processing amendment(s) to the *Town of Dundee 2030 Comprehensive Plan*, the *Code of Ordinances of the Town of Dundee, Florida*, and the *Land Development Code of Dundee*

in order to adopt LOS standard of 250 GPD attributable to an *equivalent residential connection* (ERC) for purposes of evaluating the capital facility needs in providing potable water utility service(s); obtaining any relevant and appropriate data supporting the aforementioned amendment(s); and, upon confirming that an applicant and/or development has satisfied the applicable potable water concurrency requirements, the Town Manager shall execute the applicable *Town of Dundee Certification of Sufficient Potable Water Capacity* on behalf of the Town of Dundee, Florida.

**Section 4.     Administrative Correction of Scrivener's Errors.**

It is the intention of the Town Commission that sections of this **Resolution No. 25-21** may be renumbered or re-lettered and the word "resolution" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and sections of this **Resolution No. 25-21** may be re-numbered 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 designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

**Section 5.     Conflicts.**

All resolutions in conflict with this **Resolution No. 25-21** are repealed to the extent necessary to give this **Resolution No. 25-21** full force and effect.

**Section 6.     Severability.**

The provisions of this **Resolution No. 25-21** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 25-21**, or the application thereof shall be held invalid, unenforceable, or unconstitutional 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 of the Town of Dundee hereby declares that it would have passed this **Resolution No. 25-21**, 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 invalid, unenforceable, or unconstitutional, or unenforceable. If any word, sentence, clause, phrase, or provision of this **Resolution No. 25-21** for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, then all remaining provisions and portions of this **Resolution No. 25-21** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 25-21** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 25-21**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 25-21**, 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 7.     Effective Date.** This **Resolution No. 25-21** shall take effect immediately upon passage by the Town Commission of the Town of Dundee, Florida.

Town of Dundee, Florida  
Resolution No. 25-21  
Resolution in Support of LOS Amendments

**READ, PASSED AND ADOPTED** at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the 24th day of June, 2025.

**TOWN OF DUNDEE**

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Samuel Pennant, Mayor

ATTEST WITH SEAL:

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Erica Anderson, Town Clerk

Approved as to form:

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Frederick J. Murphy, Jr., Town Attorney