

**ORDINANCE NO. 25-09**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, RELATING TO EQUIVALENT RESIDENTIAL CONNECTION(S) IN AND/OR FOR EVALUATING CAPITAL FACILITY NEEDS IN PROVIDING POTABLE WATER UTILITY SERVICE(S); AMENDING SECTIONS 54-3 AND 54-8 OF THE CODE OF ORDINANCES OF THE TOWN OF DUNDEE, FLORIDA; AMENDING ARTICLE 9 OF THE TOWN OF DUNDEE LAND DEVELOPMENT CODE; AND UPDATING AND AMENDING APPLICABLE CROSS-REFERENCES; PROVING FOR THE INCORPORATION OF FACTUAL RECITALS; PROVIDING FOR AUTHORITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; PROVIDING FOR A BUSINESS IMPACT ESTIMATE; 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**, the Florida Legislature has enacted the *Local Government Comprehensive Planning and Land Development Regulation Act* (F.S. Ch. 163, Part II) which mandates the preparation of comprehensive plans and land development codes for all units of local government; and

**WHEREAS**, *Sections 163.3161–163.3215, Florida Statutes*, the *Community Planning Act*, empowers and mandates the Town to plan for future development, growth, and adopt and/or 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 (2025)*, requires local governments, except where specifically exempted, to identify alternative water supply projects and traditional water supply projects and conservation and reuse necessary to

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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**, pursuant to *Section(s) 163.3184 and 166.041, Florida Statutes* (2025), the *Town of Dundee Planning and Zoning Board* (the "Board"), serving as the Local Planning Agency designated by the Town, and the Town Commission have held duly noticed public meeting(s) and hearing(s) on the proposed amendments (the "Amendments") to the *Code of Ordinances of the Town of Dundee, Florida and Land Development Code of the Town of Dundee, Florida* (collectively referred to as the "Code"); and

**WHEREAS**, the Amendments are attached hereto as **Composite Exhibit "A"** and made a part hereof by reference; and

**WHEREAS**, on May 14, 2024, at a duly noticed public hearing, the Town Commission of the Town of Dundee, Florida (the "Town Commission"), passed and adopted *Town of Dundee Ordinance No. 23-10* which amended the *Town of Dundee 2030 Comprehensive Plan* (the "TOD Plan") and the Town's adopted *levels of service* (LOS) for potable water from 140 GPD to 115 GPD; and

**WHEREAS**, on June 24, 2025, at a duly noticed public meeting, the Town Commission passed and adopted *Town of Dundee Resolution No. 25-21* (the "Resolution"); and

**WHEREAS**, a copy of the Resolution is attached hereto as **Composite Exhibit "B"** and incorporated herein by reference; and

**WHEREAS**, the Resolution authorized, directed, and supported any necessary amendment(s) to the TOD Plan, *Code of Ordinances of the Town of Dundee, Florida* and/or *Land Development Code of Dundee* in order for the Town to 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); and

**WHEREAS**, the Resolution (see **Composite Exhibit "B"**) authorized the Town Manager to take any and all necessary further action(s) to effectuate the intent of the Resolution which included, but was not to be limited to, executing the applicable and approved form entitled *Town of Dundee Certification of Sufficient Potable Water Capacity* on behalf of the Town; and

**WHEREAS**, pursuant to applicable Florida law which includes, but is not limited to, *Section(s) 163.3184 and 166.041, Florida Statutes*, the public meeting(s) and hearing(s) of the Board and Town Commission on and/or for the Amendments (see

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**Composite Exhibit “A”**) were advertised and held with due public notice in order to obtain public comment, consider any written comments, and/or consider any oral comments received during the public hearing(s); and

**WHEREAS**, pursuant to applicable Florida law, all statutory, substantive, and procedural requirements have been satisfied for the adoption of this **Ordinance No. 25-09** by the Town Commission; and

**WHEREAS**, in the exercise of its legislative authority, the Town Commission has determined it is in the best interests of the health, safety and welfare of the citizens and residents of the Town of Dundee, Florida, and consistent and in accordance with applicable Florida law to amend the Code in order for the Town to adopt an LOS standard of 250 GPD attributable to an ERC for purposes of evaluating the capital facility needs in providing potable water utility service(s); and

**WHEREAS**, on June 26, 2025, CS/CS/SB 180 (the “Bill”) was signed into law by the Governor and codified in *Chapter 2025-190, Laws of Florida*; and

**WHEREAS**, the Bill provides, in pertinent part, that each county listed in the Federal Disaster Declaration for *Hurricane Debby (DR-4806)*, *Hurricane Helene (DR-4828)*, or *Hurricane Milton (DR-4834)*, and each municipality within one (1) of those counties, **may not** propose or adopt **before October 1, 2027**, any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; more restrictive or burdensome amendments to its comprehensive plan or land development regulations; and/or 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 *Section 163.3164, Florida Statutes*; and

**WHEREAS**, on **December 9, 2026**, at a duly noticed public meeting, the Town Commission determined and found that the Amendments (see **Composite Exhibit “A”**) and/or provisions of this **Ordinance No. 25-09**, which are required in order to effectively and strategically plan for the unprecedented residential growth and development of land within the corporate limits of the Town of Dundee, Florida, **do not** impose *more restrictive* and/or *more burdensome* regulation(s) or procedure(s) on construction, reconstruction, or redevelopment of property; and

**WHEREAS**, on **January 13<sup>th</sup>, 2026**, at a duly noticed public hearing, the Town Commission determined that this **Ordinance No. 25-09** amending the Code promotes the public health, safety, and general welfare of the community and found that the passage and enactment of this **Ordinance No. 25-09** is consistent with the *Town of Dundee 2030 Comprehensive Plan*; and

**WHEREAS**, the Town Commission finds that the approval and adoption of this

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**Ordinance No. 25-09** is intended to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the public interest and preserves, enhances, and encourages the most appropriate use of land, resources, water, and environmentally sensitive resources that exist within the corporate limits of the Town of Dundee, Florida; and this **Ordinance No. 25-09** 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 ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA, AS FOLLOWS:**

**Section 1. Incorporation of 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 adoption of this **Ordinance No. 25-09**, and the *Town Commission of the Town of Dundee, Florida*, hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this **Ordinance No. 25-09**.

**Section 2. Amendments.**

The *Code of Ordinances, Town of Dundee, Florida* and *Land Development Code of the Town of Dundee, Florida* (hereafter collectively referred to as the "Town Code"), are hereby amended as set forth in **Composite Exhibit "A"** attached hereto and made a part hereof by reference (provisions deleted are shown as ~~strikethrough~~ and provisions added are shown as underlined).

The *Town Commission of the Town of Dundee, Florida* (hereafter the "Town Commission") hereby ratifies its passage and adoption of *Town of Dundee Resolution No. 25-21*, which is attached hereto as **Composite Exhibit "B"** and incorporated herein by reference, and further approves and adopts the proposed amendment(s), revision(s), and amended/updated cross-references to and/or for the Town Code (hereafter the "Amendments") (see **Composite Exhibit "A"**) in accordance with applicable Florida law which includes, but shall not be limited to, *Section 163.3202, Florida Statutes (2025)*.

**Section 3. Authority.**

This **Ordinance No. 25-09** is enacted pursuant to *Chapter 163, Part II, Florida Statutes*, as amended; the *Municipal Home Rule Powers Act* (F.S. Chapter 166); and *Article VIII, §2 of the Florida Constitution*.

**Section 4. Conflicts.**

All ordinances and resolutions in conflict herewith are hereby repealed but only to

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the extent necessary to give this **Ordinance No. 25-09** full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the *Town of Dundee 2030 Comprehensive Plan* and/or *Code of Ordinances, Town of Dundee, Florida*, unless such repeal is explicitly set forth herein.

**Section 5. Severability.**

The provisions of this **Ordinance No. 25-09** are severable. If any section, subsection, sentence, clause, phrase of this **Ordinance No. 25-09**, 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 **Ordinance No. 25-09**, 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 **Ordinance No. 25-09** 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 **Ordinance No. 25-09** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Ordinance No. 25-09** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Ordinance No. 25-09**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Ordinance No. 25-09**, 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. Administrative Correction of Scrivener's Errors.**

It is the intention of the Town Commission that sections of this **Ordinance No. 25-09** may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and sections of this **Ordinance No. 25-09** 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 7. Codification.**

It is the intent of the Town Commission that the provisions of Section 2 to this **Ordinance No. 25-09** shall be codified as and become and be made a part of the Town Code. The implementing sections of this Ordinance, Sections 1, 3, 4, 5, and 6, are not

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intended to be codified; however, the code codifier is granted liberal authority to codify the provisions of this **Ordinance No. 25-09**.

**Section 7. Business Impact Estimate.**

Pursuant to *Section 166.041(4), Florida Statutes (2024)*, before the passage and enactment of this **Ordinance No. 25-09**, the Town of Dundee, Florida, may be required to prepare a *business impact estimate* (the “Impact Estimate”) in order to determine the estimated direct economic impact, if any, which this **Ordinance No. 25-09** and the Amendments (see **Composite Exhibit “A”**) have on private, for-profit, businesses located within the corporate limits of the Town of Dundee, Florida.

Pursuant to applicable Florida law, the Town of Dundee, Florida, prepared the Impact Estimate which is attached hereto as **Exhibit “C”** and made a part hereof by reference; and, pursuant to the Impact Estimate, the Town of Dundee, Florida, determined that this **Ordinance No. 25-09** and the Amendments (see **Composite Exhibit “A”**) have no estimated direct economic impact on private, for-profit businesses located within the corporate limits of the Town of Dundee, Florida.

**Section 8. Effective Date.**

This **Ordinance No. 25-09** shall become effective immediately upon its passage and adoption after Second and Final Reading.

Pursuant to *Section 163.3213, Florida Statutes (2025)*, within twelve (12) months following the effective date of this **Ordinance No. 25-09**, a person whose interests are adversely affected by this **Ordinance No. 25-09** may file a petition with the Florida Department of Commerce in order to challenge this **Ordinance No. 25-09**.

Pursuant to applicable Florida law, no development orders, development permits, or land uses dependent on the Amendments (see **Composite Exhibit “A”**) may be issued or commence before it has become effective.

**INTRODUCED AND PASSED** on first reading and public hearing with a quorum present and voting at the meeting of the Town of Dundee Town Commission duly assembled, held this 9th day of December, 2025.

**PASSED AND FINALLY ADOPTED** on second reading and adoption public hearing with a quorum present and voting at the meeting of the Town of Dundee Town Commission duly assembled on this 13<sup>th</sup> day of January, 2026.

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**TOWN OF DUNDEE  
TOWN COMMISSION**

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Sam Penant, Mayor

ATTEST:

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Erica Anderson, Town Clerk

Approved as to form:

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Frederick J. Murphy, Jr., Town Attorney

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**ORDINANCE NO. 25-09**

**COMPOSITE EXHIBIT "A"**

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**COMPOSITE EXHIBIT "B"**

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**EXHIBIT "C"**