

ORDINANCE NO. 24-02

**AN ORDINANCE OF THE TOWN COMMISSION 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/ AGRICULTURE/RESIDENTIAL RURAL (A/RR) TO MULTIPLE FAMILY RESIDENTIAL (RMF) ON APPROXIMATELY 88.12+/- ACRES, LOCATED ON THE EASTSIDE OF SCENIC HIGHWAY (S.R. 17), NORTH OF TINDEL CAMP ROAD, WEST OF LAKE MABEL LOOP ROAD, AND THE SOUTHSIDE OF STALNAKER ROAD IN THE TOWN OF DUNDEE, FUTHER DESCRIBED AS PARCELS: 272902-000000-032040; 272902-000000-032020; 272902-000000-034010; 272902-000000-014020; 272902-000000-014040; 272902-000000-032030; 272902-000000-034020 and 272902-000000-032010; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND CODIFICATION; 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**, AG Investments of Polk County, LLC, an active Florida limited liability company, submitted an applicant-initiated request to amend the Official Zoning Map designation for property located in the Town of Dundee from Polk County/ Agriculture/ Residential Rural on 88.12+/- acres to Multiple Family Residential (RMF) on approximately 88.12 +/- acres, generally located on the eastside of Scenic Highway (S.R. 17), north of Tindel Camp Road, west of Lake Mabel Loop Road, and the southside of Stalnakar Road, further described as parcels: 272902-000000-032040; 272902-000000-032020; 272902-000000-034010; 272902-000000-014020; 272902-000000-014040; 272902-000000-032040; 272902-000000-032010; and 272902-000000-034020 (collectively the "Property"); 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 February 15, 2024, 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 February 15, 2024, 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 February 15, 2024, 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 a duly noticed public meetings for this Ordinance amending the Official Zoning Map of the Town of Dundee regarding the parcel(s) described and depicted by **Composite 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;

**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 the Property; and

**WHEREAS**, the Town Commission of the Town of Dundee, Florida, finds that the enactment and adoption of this Ordinance No. 24-02 is intended and necessary 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; and this Ordinance No. 24-02 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:**

**Section 1. Incorporation of Recitals.** The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements that form a factual and material basis for the adoption of this Ordinance, 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.

**Section 2. Official Zoning Map.** The Official Zoning Map of the Town of Dundee, Florida, is amended so as to change and/or assign the zoning designation of Multiple Family Residential (RMF) on approximately 88.12+/- acres generally located on

the eastside of Scenic Highway (S.R. 17), north of Tindel Camp Road, west of Lake Mabel Loop Road, and the southside of Stalnaker Road in the Town of Dundee, further described as parcels: 272902-000000-032040; 272902-000000-032020; 272902-000000-034010; 272902-000000-014020; 272902-000000-014040; 272902-000000-032040; 272902-000000-032010 and 272902-000000-034020 as shown in **Composite Exhibit "A"** which is attached hereto and incorporated herein by reference.

**Section 3. Severability.** The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase of this Ordinance, 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, 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 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 shall remain in full force and effect.

**Section 4. Conflicts.** All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance 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 Land Development Code (LDC) unless such repeal is explicitly set forth herein.

**Section 5. Administrative Correction of Scrivener's Errors and Codification.** It is the intention of the Town Commission that sections of this Ordinance 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 regardless of whether such inclusion in the Code of Ordinances of the Town of Dundee is accomplished, sections of this Ordinance 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 designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk. 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 6. Effective Date.** Pursuant to Section 163.3184 of the Florida Statutes, this Ordinance shall be effective on the effective date of the companion Future Land Use Amendment accomplished via Ordinance No. 24-02 or immediately upon final adoption of this Ordinance on second reading and adoption public hearing, whichever occurs later in time.

**INTRODUCED AND PASSED** on first reading/transmittal public hearing at a regular meeting of the Town Commission of the Town of Dundee, Florida, held this 27<sup>th</sup> day of February, 2024.

**PASSED AND FINALLY ADOPTED** on second reading and adoption public hearing at the meeting of the Town Commission of the Town of Dundee, Florida, duly assembled on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**TOWN OF DUNDEE, FLORIDA**

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MAYOR- Sam Pennant

ATTEST:

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TOWN CLERK – Trevor Douthat

Approved as to Form:

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TOWN ATTORNEY - Frederick J. Murphy, Jr.

**Composite Exhibit "A"**  
**Ordinance No. 24-02**  
**Legal Description and Zoning Maps**  
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<b>SKETCH OF DESCRIPTION</b>		SECTION 2, TOWNSHIP 29 SOUTH, RANGE 27 EAST POLK COUNTY, FLORIDA	
THIS IS NOT A BOUNDARY SURVEY			
<b>LEGAL DESCRIPTION (OVERALL PARCEL)</b>			
<p>A parcel of land lying within Section 2, Township 29 South, Range 27 East, Polk County, Florida and being more particularly described as follows:          COMMENCE at the Southwest corner of the Northwest 1/4 of said Section 2; thence N.89 degrees 14'49"E., on the South line of the Southwest 1/4 of the Northwest 1/4 of said Section 2, a distance of 33.00 feet to a point on the East right of way line of Scenic Highway and the POINT OF BEGINNING; thence N.00 degrees 36'30"W., on the East right of way line of said Scenic Highway, a distance of 663.53 feet to a point on the North line of the Southwest 1/4 of the Northwest 1/4 of said Section 2 also being the South line of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 2; thence N.00 degrees 36'30"W., continuing on the East right of way line of said Scenic Highway, a distance of 648.41 feet to a point at the intersection of the East right of way line of said Scenic Highway and the South right of way line of Stalnakar Road; thence N.89 degrees 15'15"E., on the South right of way line of said Stalnakar Road, a distance of 1285.32 feet to a point on the East line Southwest 1/4 of the Northwest 1/4 of said Section 2 also being a point on the West line of the Southeast 1/4 of the Northwest 1/4 of said Section 2; thence N.89 degrees 15'15"E., continuing on the South right of way line of said Stalnakar Road, a distance of 659.16 feet to a point on the West line Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 2; thence N.89 degrees 15'15"E., continuing on the South right of way line of said Stalnakar Road, a distance of 659.16 feet to the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 2 also being the West line of the Southwest 1/4 of the Northeast 1/4 of said Section 2; thence N.88 degrees 57'38"E., continuing on the South right of way line of said Stalnakar Road, a distance of 653.70 feet to a point on the East line of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2; thence S.00 degrees 47'33"E., on the East line of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2, a distance of 650.30 feet to the Southeast corner of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2; thence S.89 degrees 06'56"W., on the South line of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2, a distance of 656.30 feet to the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2 also being a point on the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 2; thence S.00 degrees 33'42"W., on the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 2, a distance of 663.54 feet to the Southeast corner of the Northwest 1/4 of said Section 2; thence S.89 degrees 55'32"W., on the South line of the Northwest 1/4 of said Section 2, a distance of 1318.08 feet to the Northeast corner of TWIN FOUNTAINS CLUB, INC., as recorded in Condominium Plat Book 33 Page 3 of the Public Records of Polk County, Florida, also being the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 2 also being the Southeast corner of the of the Southwest 1/4 of the Northwest 1/4 of said Section 2; thence S.88 degrees 25'09"W., on the North line of the said TWIN FOUNTAINS CLUB, INC. also being the South line of the Northwest 1/4 of said Section 2, a distance of 1284.78 feet to the POINT OF BEGINNING.</p>			
Parcel contains 87.60 acres, more or less.			
<b>SURVEYOR'S REPORT</b>			
<ol style="list-style-type: none"> <li>This sketch not valid unless embossed or stamped with a surveyor's seal.</li> <li>Underground encroachments such as utilities and foundations, that may exist, have not been located.</li> <li>Parcel numbers, owners name, address and zoning shown hereon obtained from the Polk County Property Appraisers web site.</li> <li>This is NOT a Boundary Survey.</li> <li>This sketch was prepared without the benefit of a current Title Commitment, Title Opinion or Ownership and Encumbrance Report. Therefore there may be easements, rights of way or other encumbrances that are not shown on this sketch that may be found in the Public Records of Polk County, Florida.</li> <li>Legal description shown hereon prepared by the undersigned surveyor.</li> <li>Bearings shown hereon are based on the Florida State Plane Coordinate System, West Zone, 1983-2011 adjustment, holding the West line of the Northwest 1/4 Section 2, Township 29 South, Range 27 East as being N.00 degrees 36'30"W.</li> </ol>			
<b>SURVEYOR'S CERTIFICATE</b>			
<p>I, the undersigned Professional Surveyor and Mapper, hereby certify that this Sketch of Description was prepared under my direct supervision, that to the best of my knowledge, information and belief is a true and accurate representation shown and described, and that it meets the Standards of Practice for Land Surveying in the State of Florida Florida Administrative Code.</p>			
 Steven E. Sampie Professional Surveyor and Mapper No. 5489 State of Florida			
PREPARED BY: ACCURATE SURVEYING OF FLORIDA, INC. 4206 NATIONAL GUARD DRIVE PLANT CITY, FLORIDA 33563 (813) 645-2300 LICENSE BUSINESS NO. 8211	PREPARED FOR: AG INVESTMENT OF POLK COUNTY LLC 5529 US HIGHWAY 98 N LAKELAND, FLORIDA 33809-3103	CREW CHIEF: N/A	PROJECT # STALNAKER OVERALL
		DRAWN BY: BB	DATE: 11/27/22
		CHECKED BY: D.J.B.	SHEET 1 OF 3
	SHEET NAME: SKETCH OF DESCRIPTION HILLS OF DUNDEE - OVERALL PARCEL POLK COUNTY, FLORIDA	REVISION DATE: 01/20/23 01/28/23 02/02/23	





Composite Exhibit "A"  
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