

ORDINANCE NO. 23-07

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF DUNDEE, FLORIDA; BY ASSIGNING THE ZONING DESIGNATION FROM POLK COUNTY/ NA ON 24+/- ACRES TO MODERATE-DENSITY SINGLE-FAMILY RESIDENTIAL (RSF-3), GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LAKE HATCHINEHA ROAD AND CALDWELL DRIVE, FURTHER DESCRIBED AS PARCELS: 272824-000000-013010 AND 272824-000000-013020; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; 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, Raysor Ventures, 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/ NA on 24 +/- acres to Moderate-Density Single-Family Residential (RSF-3), generally located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels: 272824-000000-013010 and 272824-000000-013020 (the "Property"); and

WHEREAS, on October 10, 2023, pursuant to Section 163.3184 of the Florida Statutes, the Town Commission of the Town of Dundee, Florida (the "Town Commission"), at a duly noticed public hearing, adopted Ordinance No. 23-06 (the "FLU Ordinance") amending the Future Land Use (FLU) for the Property; and

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

WHEREAS, the Property 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 of Dundee Planning and Zoning Board (the "Board"), sitting as the Local Planning Agency (LPA) as designated by the Town, at a duly

noticed public meeting, considered the applicant-initiated request to change the zoning designation as set forth in this Ordinance on and/or for the Property; and

WHEREAS, on December 21, 2023, at the duly noticed meeting of the Board, after considering all the facts and testimony presented by any interested and/or aggrieved parties and citizens in attendance, voted to recommend approval of the Applicant's request for the rezoning as set forth in this Ordinance to the Town Commission; and

WHEREAS, on the Town Commission of the Town of Dundee held duly noticed public meetings and a public hearing regarding the Property, as shown on **Exhibit "B"** attached hereto and incorporated herein, and this Ordinance amending the Official Zoning Map of the Town of Dundee, Florida, in order 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 legislative authority, the Town Commission has determined it necessary to amend the Official Zoning Map to change the zoning designation applicable on and/or for the Property; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the enactment and adoption of this Ordinance No. 23-07 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. 23-07 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 which 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 Polk County/ NA on 24 +/- acres to Town of Dundee Moderate-Density Single-Family Residential (RSF-3), generally located at the southwest corner of Lake Hatchineha Road, further described as parcels: 272824-000000-0130 and 272824-000000-013020 (the "Property"), as shown in **Exhibit "B"** 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 the provisions of this Ordinance shall be codified; and 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; 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 his or her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

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. 23-06 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 at a regular meeting of the Town Commission of the Town of Dundee, Florida, held this 12th day of January 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 23rd day of January 2024.

TOWN OF DUNDEE, FLORIDA

Mayor- Sam Pennant

ATTEST:

Town Clerk – Trevor Douthat

Approved as to form:

Town Attorney - Frederick J. Murphy, Jr.

Exhibit A

ORDINANCE NO. 23-06

Page 1

ORDINANCE NO. 23-06

AN ORDINANCE OF THE TOWN OF DUNDEE, FLORIDA, FOR A REQUEST BY RAYSOR VENTURES, LLC TO AMEND THE FUTURE LAND USE FOR PROPERTY LOCATED IN THE TOWN OF DUNDEE FROM AGRICULTURE/ RESIDENTIAL RURAL (A/RR) TO LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY 24+/- ACRE PARCEL 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 CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation 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, pursuant to Section 163.3184, Florida Statutes, the Town Commission held meetings and hearings on **Amendment 23-06**, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority the Town Commission has determined it necessary to adopt this **Amendment 23-06** to the Comprehensive Plan, which map is marked as Composite Exhibit "A" and is attached and made a part hereof, to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the Town of Dundee; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, amends its Comprehensive Plan in the following specific manner:

The Future Land Use Map is amended to specifically change the Future Land Use Classification from Agriculture/ Residential Rural (A/RR) to Low Density Residential (LDR) on approximately 24 +/- acre parcel located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels 272824-000000-013010 and 272824-000000-013020, and shown on the Proposed Future Land Use Map attached hereto as Composite Exhibit "A" and incorporated herein by reference.

WHEREAS, in accordance with the procedures required by Sections 166.041 (3)(c)2, Florida Statutes, and other applicable law, the regulations contained within this ordinance were considered by 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 on August 17, 2023, at which time interested parties and citizens had the opportunity to be heard and such amendments were recommended to the Town Commission for adoption; and

WHEREAS, in accordance with the Expedited State Review procedures required by Section 163.3184(3), the Town of Dundee transmitted the proposed amendment and supporting data and analysis to the applicable review agencies.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. The Comprehensive Plan of the Town of Dundee is hereby amended to add thereto a map amendment, as shown in Exhibit "A", which is attached and made a part hereof. The amendment includes: An amendment to the Future Land Use Map designation for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to Low Density Residential (LDR) on the approximately 24 +/- acre parcel located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcel 272824-000000-013010 and 272824-000000-013020

and as depicted on the property shown on Composite Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days if no challenge is filed.

Section 3. All ordinances and/or resolutions or parts of ordinances and/or resolutions which are in conflict with this Ordinance are hereby repealed but only to the extent necessary to alleviate the conflict but shall continue in effect insofar as they are not in conflict herewith.

Section 4. 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 5. Sections of this Ordinance 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 his/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 6. A certified copy of this enacting Ordinance and certified copy of the Town of Dundee Future Land Use Map and Comprehensive Plan 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.

INTRODUCED AND PASSED on First Reading and transmittal public hearing this 22nd day of August, 2023.


PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the Town Commission of Dundee, Florida, this 10 day of October 2023.

TOWN OF DUNDEE



MAYOR – Sam Pennant

Attest:



TOWN CLERK – Trevor Douthat

Approved as to Form:



TOWN ATTORNEY – Frederick J. Murphy, Jr.

Composite Exhibit "A"
Ordinance No. 23-06
Legal Description and Excerpt from the Future Land Use Map
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

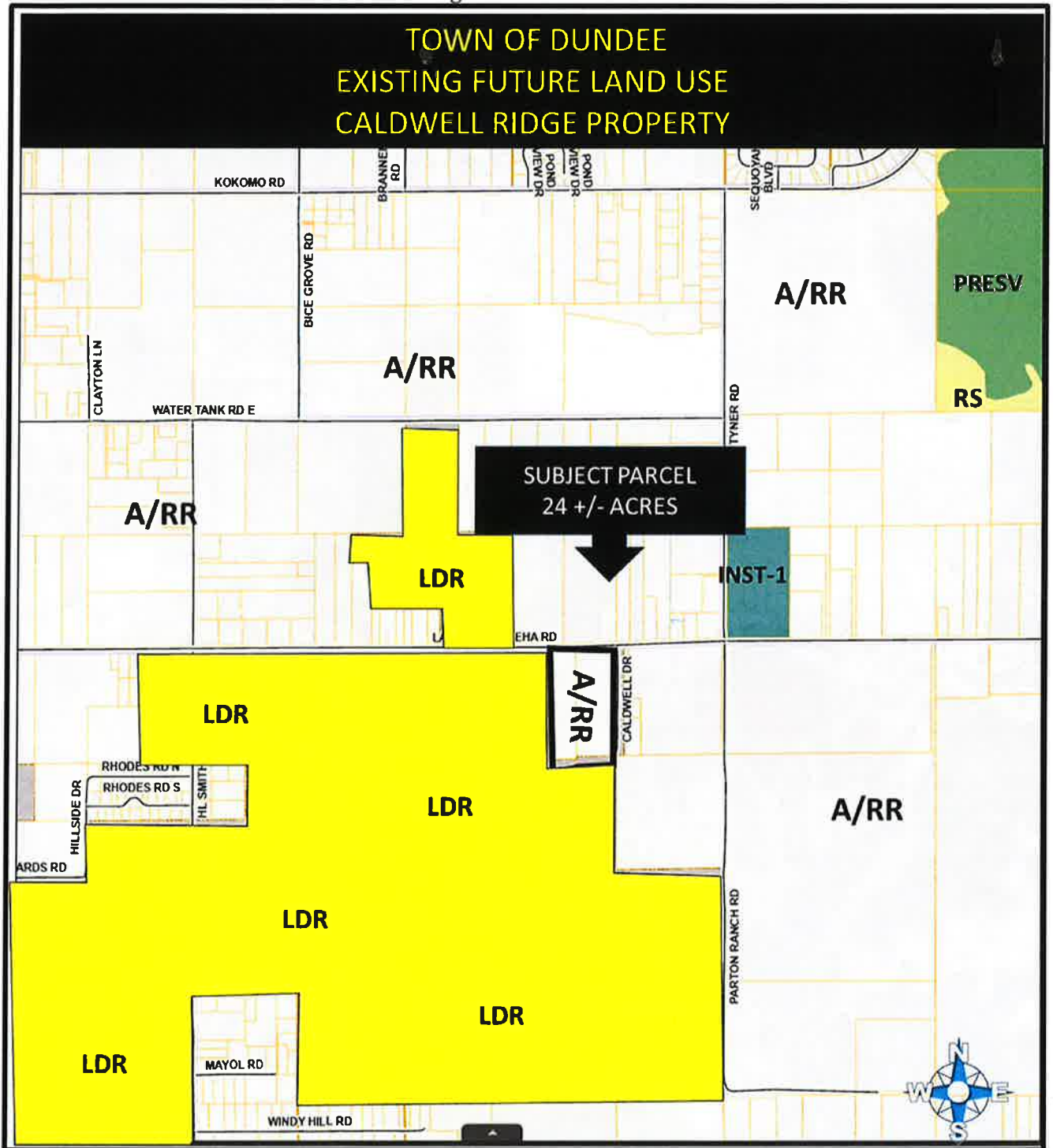
The East 1/4 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 24, LESS road right of way for State Road S-542; AND

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

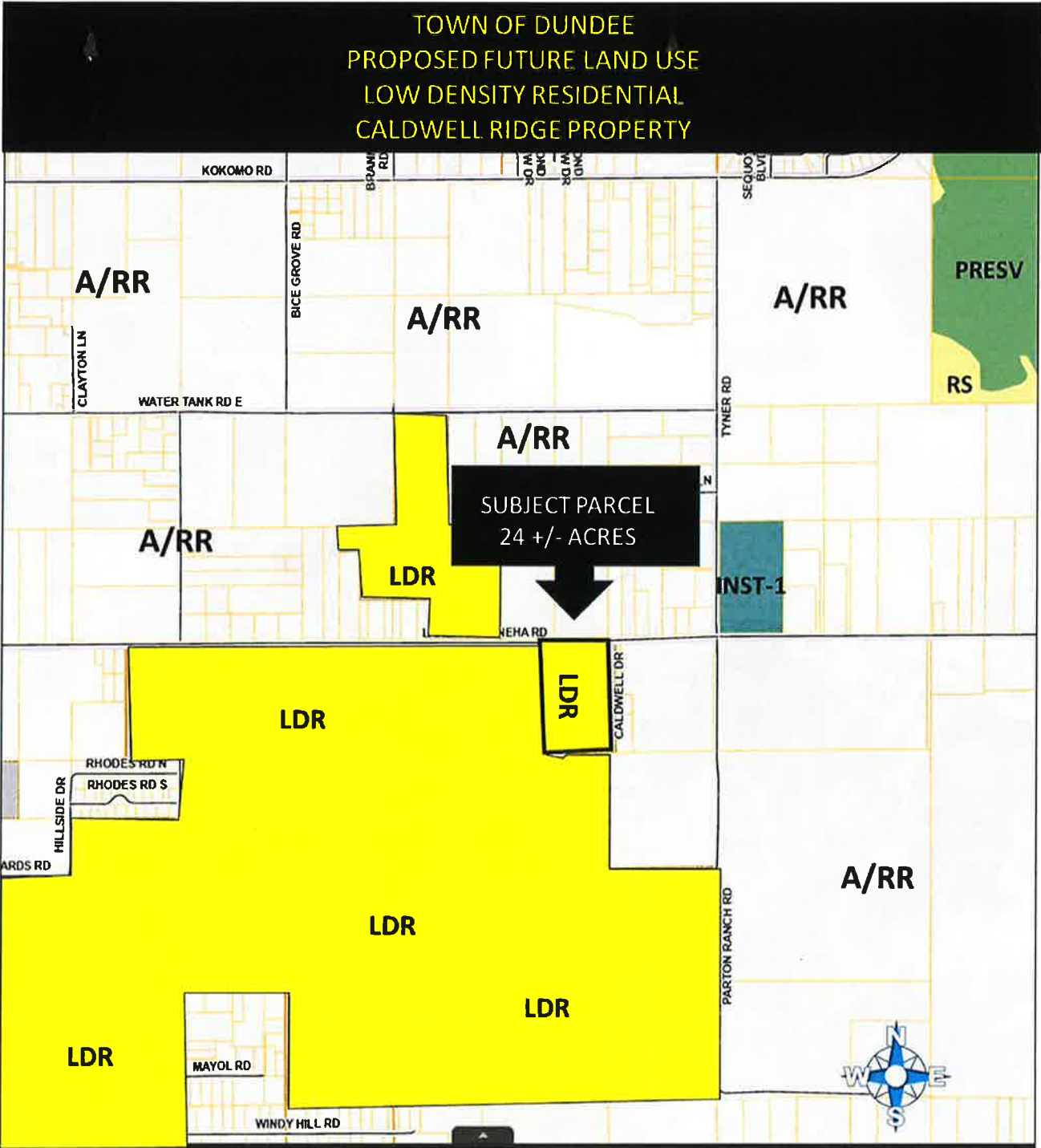
The North 31 feet of the east 1/4 of the west 1/2 of the Southwest 1/4 of the northeast 1/4 of Section 24, Township 28 South, Range 27 East,

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

Composite Exhibit "A"
Ordinance No. 23-06
Legal Description and Future Land Use Maps
Page 2 of 3



Composite Exhibit "A"
Ordinance No. 23-06
Legal Description and Future Land Use Maps
Page 3 of 3



Composite Exhibit "B"
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

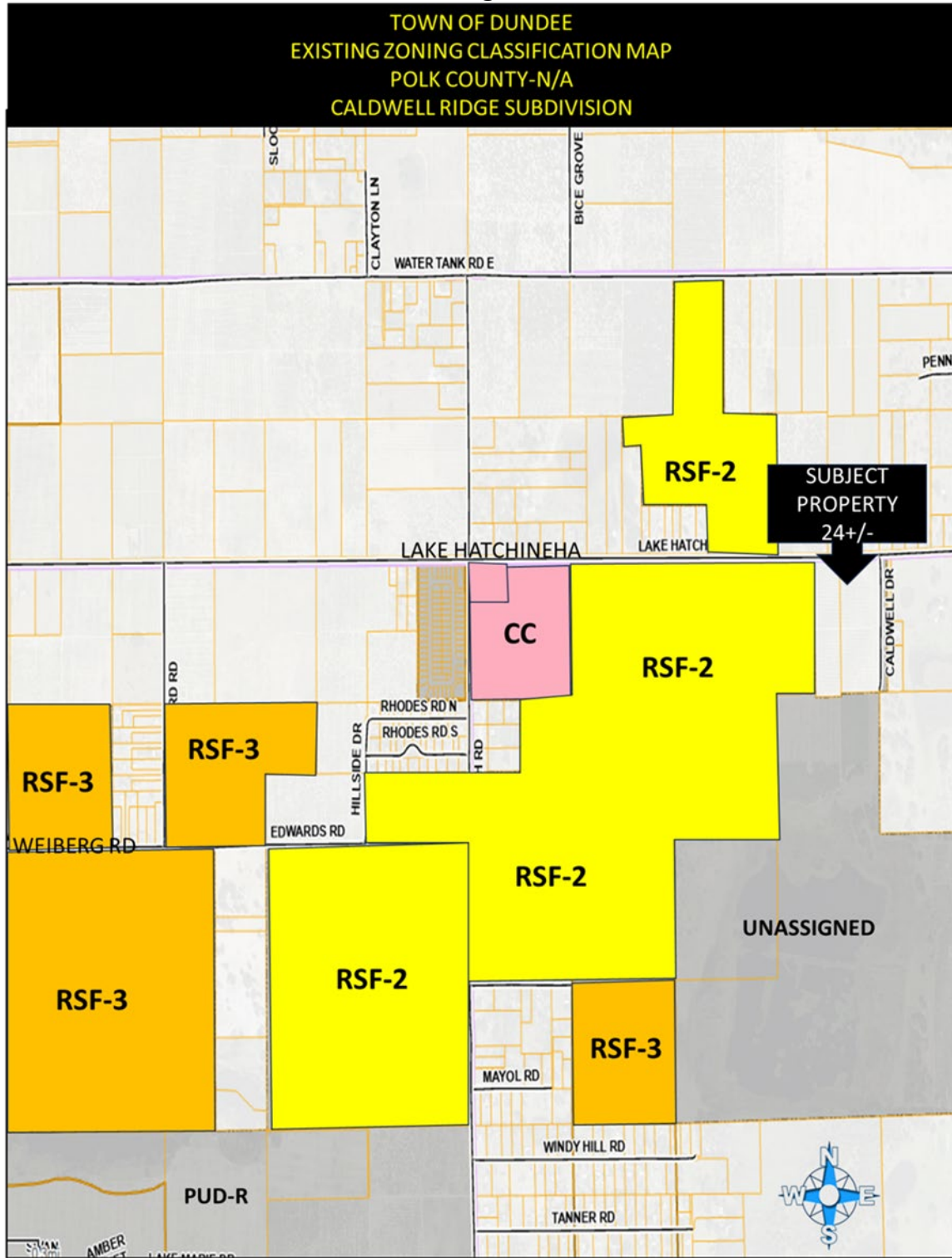
The East 1/4 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 24, LESS road right of way for State Road S-542; AND

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



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

