

Town Commission of the Town of Dundee, Florida
Hardship Order No. 02-25
Caldwell Ridge
Public Hearing – May 13, 2025

IN AND FOR THE TOWN OF DUNDEE, FLORIDA
BEFORE THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA

ORDINANCE 24-09: HARDSHIP ORDER NO. 02-25

IN RE: CALDWELL RIDGE

PARCEL NUMBER(S): SEE ATTACHED HARDSHIP APPLICATION

LEGAL DESCRIPTION: SEE ATTACHED HARDSHIP APPLICATION

REQUEST: Pursuant to *Section 5(i) of the Town of Dundee Ordinance No. 24-09*, **RAYSOE VENTURES, LLC** (the “Applicant”) requested an exception to the moratorium imposed by *Town of Dundee Ordinance No. 24-09* for the Caldwell Ridge Subdivision development arising out of extraordinary hardship(s).

ORDER DENYING HARDSHIP APPLICATION

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.

Section(s) 163.3161 through 163.3215, Florida Statutes (2024), the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and mandates that the Town plan for future development and growth.

The Town has experienced significant and unprecedented residential growth in a short time resulting in new residential annexations, land use modifications, rezonings, major Planned Unit Development (PUD) amendments, master planned communities, and phased residential development(s) resulting in significant increased demand for Town-provided utility services which includes, but shall not be limited to, potable water utility service(s); and, as a direct result of the unprecedented number of proposed and/or approved new residential development projects within the corporate limits of the Town, the Town is at and/or has exceeded its maximum allocable daily potable water capacity permitted under the Town’s current consumptive water use permits (WUPs) issued by the Southwest Florida Water Management District (SWFWMD).

Pursuant to Section 54-9 of the Code of Ordinances of the Town of Dundee (the “Code”) and Section 6.01.07.03 of the Town of Dundee Land Development Code (the “LDC”), a *Concurrency Developer’s Agreement* has been required as a condition of approval for any *Town of Dundee Certified Subdivision Plan* (“CSP”) in order to provide, at a minimum, as follows: (1) detail the Town’s inability to currently provide allocable potable water capacity; (2) detail the necessary expansion of the Town’s potable water

treatment facilities in order to serve the proposed development; and (3) detail the terms and conditions under which the Town will provide potable water utility service(s) to and/or for the proposed project.

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

A copy of the Ordinance is attached hereto as **Exhibit “A”** and incorporated herein by reference.

On February 10, 2025, pursuant to *Section 5(i) of the Ordinance*, the Applicant submitted the *Request for Hardship Exemption under Ordinance No. 24-09* and all required and relevant documentation (collectively referred to as the “Application”) to the Town in order to request certain exception(s) from the moratorium.

A copy of the Application is attached hereto as **Exhibit “B”** and incorporated herein by reference.

On May 13, 2025, at a duly noticed public meeting, the Town Commission found that the Caldwell Ridge Reserve development (the “Development”) has not received and/or obtained the necessary *development permits and/or development orders*¹ allowing for horizontal site construction on and/or for the Development.

On May 13, 2025, at a duly noticed public meeting, the Application was presented to and considered by the Town Commission at a public hearing and with a quorum present and voting; and, based on the testimony and competent substantial evidence presented by the Applicant and Town Staff, the Town Commission found, as follows: (i) prior to the effective date of the Ordinance, the Caldwell Ridge Subdivision had not received a *development permit and/or development order* authorizing horizontal site construction (i.e., *Certified Subdivision Plan* approval); (ii) the Applicant has no monetary investment pursuant to a *development permit and/or development order* authorizing site construction for the Caldwell Ridge Subdivision; (iii) the Applicant has not entered into a Concurrency Developer’s Agreement and/or Water Allocation Agreement; and (iv) the Applicant does not possess fee simple title to any active agricultural well(s); and, as a result, the Applicant is not able to provide an alternate method of providing potable water utility service(s) to and/or for the Development.

¹ For purposes of this Order, the terms *development order* and *development permit* shall have the meaning(s) provided in §163.3164, *Florida Statutes* (2024).

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On May 13, 2025, based on the evidence and testimony presented, the Town Commission found and determined that the Applicant failed to satisfy the requirements set forth in the Ordinance; and, by majority vote (i.e., 3-2 vote), the Town Commission, voted to deny the Application and enter this **ORDER DENYING HARDSHIP APPLICATION** (the “Order”).

A copy of the May 13, 2025, Town of Dundee Town Commission meeting minutes (the “Minutes”) for the public hearing on and/or for the Application may be requested by contacting the Town Clerk, Erica Anderson, EAnderson@townofdundee.com.

A quorum of the Town Commission present and voting, at a duly noticed public meeting, as required by *Town of Dundee Ordinance No. 24-09* and applicable law, and a vote by the majority in favor of entering this **ORDER DENYING HARDSHIP APPLICATION**.

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DONE AND ORDERED by the Town Commission of the Town of Dundee, Florida, on the 13th day of May, 2025.

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TOWN OF DUNDEE, FLORIDA

Sam Pennant, Town Mayor

Attest:

Erica Anderson, Town Clerk

Approved as to Form:

Frederick J. Murphy, Jr., Town Attorney