

Town Commission of the Town of Dundee, Florida
Hardship Order No. 01-24
Woodland Ranch Estates
Public Hearing – December 10, 2024

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

ORDINANCE 24-09: HARDSHIP ORDER NO. 01-24

IN RE: WOODLAND RANCH ESTATES

PARCEL NUMBER(S): 272825-000000-044010, 272825-000000-043010, 272826-000000-021020, 272826-000000-022010, and 272826-000000-023020.

LEGAL DESCRIPTION: SEE ATTACHED HARDSHIP APPLICATION

REQUEST: Pursuant to *Section 5(i) of the Town of Dundee Ordinance No. 24-09*, Woodland Ranch Estates, LLC and Woodland Ranch Estates 3, LLC (the “Applicant”) requested an exception to the moratorium imposed by *Town of Dundee Ordinance No. 24-09* for the Woodland Ranch Estates development arising out of extraordinary hardship(s).

ORDER GRANTING HARDSHIP APPLICATION WITH CONDITION(S)

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 which is the subject of the CSP.

The *Concurrency Developer’s Agreement(s)*, which are required as a condition of approval for any CSP, clearly and unequivocally identifies that the Town does not presently have the necessary utility infrastructure, utility facilities, and/or allocable potable water capacity to serve the proposed residential development.

On March 14, 2023, at a duly noticed public meeting, the Town Commission of the Town of Dundee (the “Town Commission”) passed and adopted *Town of Dundee Resolution No. 22-51* approving the CSP for the Woodland Ranch Estates Phases I and II Subdivision¹ with Certain Conditions (the “Phase 1 CSP”) which provides, amongst others, that the Town is not able to provide allocable potable water capacity for project.

On September 10, 2023, at a duly noticed public meeting, the Town Commission passed and adopted *Town of Dundee Resolution No. 23-26* approving the CSP for the Woodland Ranch Estates Phases III Subdivision with Certain Conditions (the “Phase 2 CSP”) which provides, amongst other things, that the Town is not able to provide allocable potable water capacity for project.

The Applicant has entered into a *Concurrency Developer’s Agreement* for both the Phase 1 CSP and Phase 2 CSP (collectively referred to as the “Agreements”) which provide, amongst other things, that the municipal facilities and services needed to support the development(s) are not available and, by entering into the Agreements, the Applicant assumes all risk(s).

Copies of the Phase 1 CSP, Phase 2 CSP, and Agreements are attached hereto as **Composite Exhibit “A”** and incorporated herein by reference.

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.

¹ The *Woodland Ranch Estates Phase I and II Subdivision* shall be submitted by the Applicant and reviewed by the Town of Dundee as either a combined single phase (e.g., Phase 1) or two (2) separate phases.

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

On or about December 2, 2024, pursuant to *Section 5(i) of the Ordinance*, the Applicant submitted the *Town of Dundee Development Services – Hardship Application* 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 “C”** and incorporated herein by reference.

On December 10, 2024, at a duly noticed public meeting, the Request and Application were presented to and considered by the Town Commission at a public hearing with a quorum present and voting; and, based on the competent substantial evidence and testimony presented by Applicant’s representative, George Lindsey, the Town Commission unanimously voted to enter this **ORDER GRANTING HARDSHIP APPLICATION WITH CONDITION(S)** (“Order”).

The meeting minutes (the “Minutes”) for the public hearing of the Town Commission on and/or for the Application, which was held on December 10, 2024, are attached hereto as **Exhibit “D”** and incorporated herein by reference.

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 GRANTING HARDSHIP APPLICATION WITH CONDITION(S)**, the Town Commission hereby orders that the Applicant shall receive a hardship exception consistent with the terms and condition(s) set forth herein, as follows:

1. The Applicant waives any and all statutory development review timelines for *development orders* and *development permits*² which are applicable in accordance with Florida law, as amended³.
2. The Town Commission authorizes Town staff to proceed with reviewing the applicable plans and submittals for the Woodland Ranch Estates Phase 1 (i.e., the Phase 1 CSP).

² For purposes of this Order, the terms *development order* and *development permit* shall have the meaning(s) provided in §163.3164, *Florida Statutes (2024)*.

³ Timelines include, but shall not be limited to, any applicable review timeline(s) provided in *Chapter 2024-191, Laws of Florida*, and *Chapter 2024-210, Laws of Florida*.

3. Unless and until the Town of Dundee, Florida, receives a credit to its Water Use Permit (WUP) from SWFWMD arising out of the Applicant's transfer⁴ of certain agricultural wells, no *development order*, *development permit*, and/or vested development entitlement(s) shall be approved for any residential development on and/or for the real property which is the subject of the Phase 1 CSP, Phase 2 CSP, and Woodland Ranch Estates Subdivision (see **Composite Exhibit "A"**).
4. For purposes of determining whether this Order creates any vested right(s) and/or development entitlement(s), this Order and the Town's review of any plan(s) and/or documents shall not be interpreted to create any vested right and/or entitlement to develop the subject real property in accordance with any plan(s) and/or documents submitted to the Town for review; and, in the event the Applicant submits any plan(s) and/or documents for review, the Applicant acknowledges, accepts, and assumes any and all risk(s).
5. The terms, condition(s), and covenants set forth in the *Concurrency Developer's Agreements* (see **Composite Exhibit "A"**) for the Phase 1 CSP and Phase 2 CSP shall remain in full-force and effect.
6. This Order shall not constitute a waiver or variance from applicable law and/or any applicable development regulation(s) unless specifically noted in this Order and consistent with the *Town of Dundee Land Development Code*, as may be amended.
7. This Order shall not grant authority to alter the real property which is the subject of the Phase 1 CSP, Phase 2 CSP, and Woodland Ranch Estates Subdivision, nor does it waive any permits, including building permits, that may be required by Federal, State, or County agencies which may have jurisdiction.
8. The *effective date* of this Order shall be the date on which this Order is approved by the Town Commission, at a duly noticed public meeting, and executed by the Town Manager.

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⁴ Applicant's transfer of the agricultural wells and/or permitted capacity which are the subject of the *Water Supply Allocation Agreement(s)* entered into between the Town and Applicant on the effective date of this Order.

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DONE AND ORDERED by the Town Commission of the Town of Dundee, Florida, on the 10th day of December, 2024.

TOWN OF DUNDEE, FLORIDA

Tandra Davis, Town Manager

Attest:

Lita O'Neill, Town Clerk

Approved as to Form:

Frederick J. Murphy, Jr., Town Attorney