

ORDINANCE NO. 24-05

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE FUTURE LAND USE MAP FOR A PORTION OF PROPERTY LOCATED IN THE TOWN OF DUNDEE, FLORIDA, FROM LOW DENSITY RESIDENTIAL (LDR) FUTURE LAND USE DESIGNATION AND LIMITED AGRICULTURAL ON APPROXIMATELY 5.60 +/- ACRES TO COMMERCIAL INDUSTRIAL CORRIDOR FUTURE LAND USE DESIGNATION ON PROPERTY TOTALLING APPROXIMATELY 14.62 +/- ACRES; FUTHER DESCRIBED AS POLK COUNTY PROPERTY APPRAISER PARCEL NO. 272820-000000-021080; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; 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, 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, the applicant-initiated request to amend the Future Land Use Designation(s) of Low Density Residential (LDR) and Limited Agricultural on approximately 5.60 +/- acres to Commercial Industrial Corridor Future Land Use Designation on property totaling approximately 14.62 +/- acres is consistent with the Future Land Use Element of the 2030 Comprehensive Plan of the Town of Dundee (the "Comprehensive Plan") and provides consistency between the existing land use and the surrounding area; and

WHEREAS, on June 20, 2024, pursuant to Section 163.3184 and Sections 166.041(3)(c)2, Florida Statutes, the Planning and Zoning Board, serving as the Local Planning Agency designated by the Town, and the Town Commission held duly noticed public meetings and hearings on the applicant-initiated amendment to the Town of Dundee 2030 Comprehensive Plan Future Land Use Map, which is legally described in

Composite Exhibit “A” and attached hereto and made a part hereof by reference; and

WHEREAS, on June 20, 2024, 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, and such amendments were recommended to the Town Commission for adoption; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Town Commission held duly noticed public meetings and hearings on **Amendment 24-05**, 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 24-05** to the Comprehensive Plan, which map is marked as **Composite Exhibit "A"** and is attached and made a part hereof, to ensure that the Comprehensive 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 corporate limits of the Town of Dundee, Florida; 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; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the enactment and adoption of this Ordinance No. 24-05 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. 24-05 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. Future Land Use Map. The Town of Dundee 2030 Comprehensive

Plan Future Land Use Map is hereby amended to specifically reflect the assignment of the Future Land Use Designation(s) of Low Density Residential (LDR) and Limited Agricultural on approximately 5.60 +/- acres to Commercial Industrial Corridor Future Land Use Designation on property totaling approximately 14.62 +/- acres of land as legally described and depicted in **Composite Exhibit "A"** which is attached hereto and made a part of this Ordinance by reference.

Section 3. 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 2030 Comprehensive Plan of the Town of Dundee, unless such repeal is explicitly set forth herein.

Section 4. 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, Florida, 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. 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. Administrative Correction of Scrivener's Errors and Codification. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the 2030 Comprehensive Plan of the Town of Dundee, Florida; 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; and regardless of whether such inclusion in the 2030 Comprehensive Plan 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 his or her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk. 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.

Section 6. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged by an affected party, shall be 31 days after adoption. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

INTRODUCED AND PASSED, on First Reading and public hearing this 25th day of June, 2024.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the Town Commission of Dundee, Florida, this ____ day of ____, 2024.

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. 24-05
Legal Description and Excerpt from the Future Land Use Map
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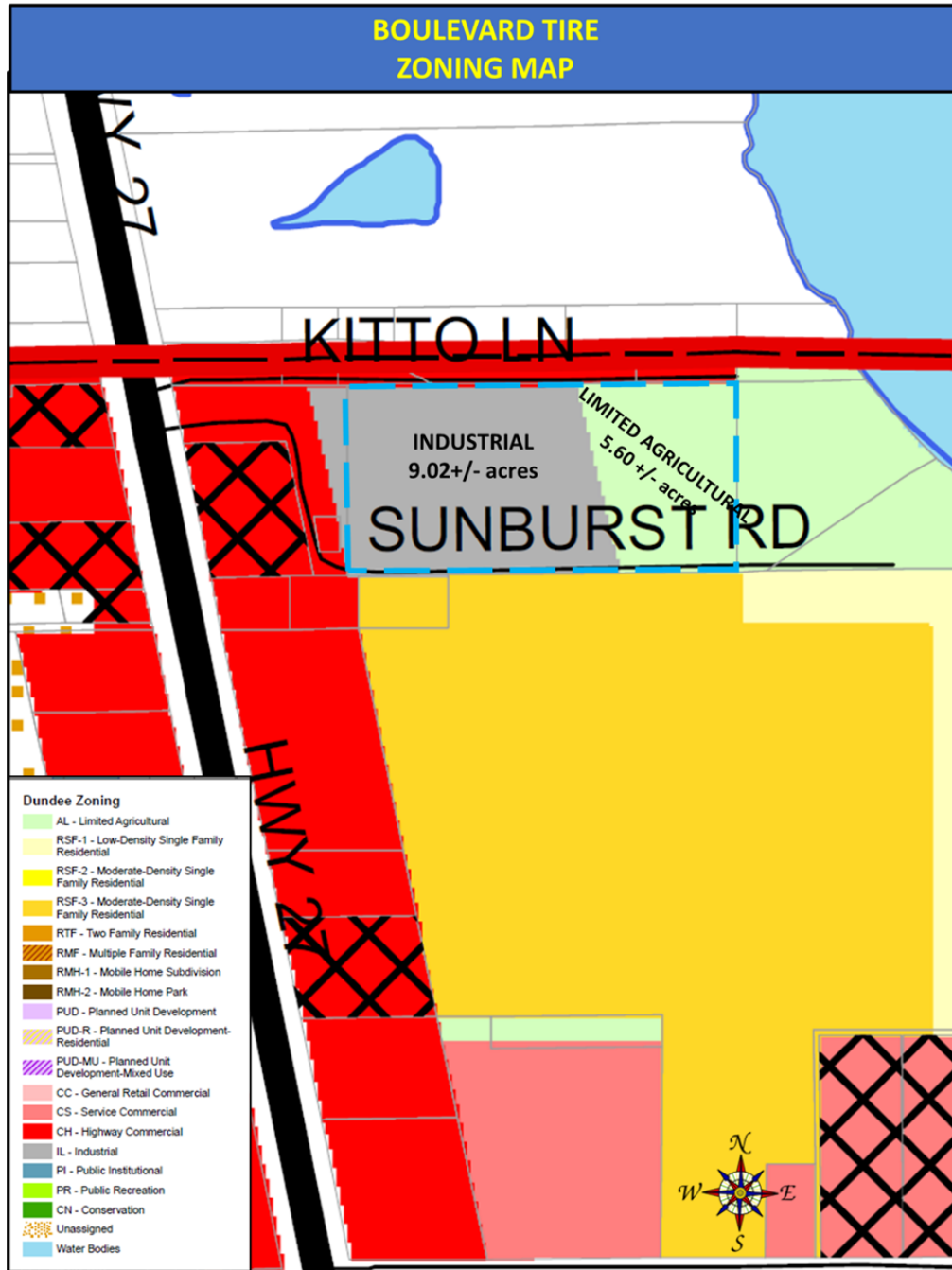
LEGAL DESCRIPTION OF PARCEL 1 (From Survey)

The East 1142 feet of the following described property in Section 20, Township 28 South, Range 27 East, Polk County, Florida:

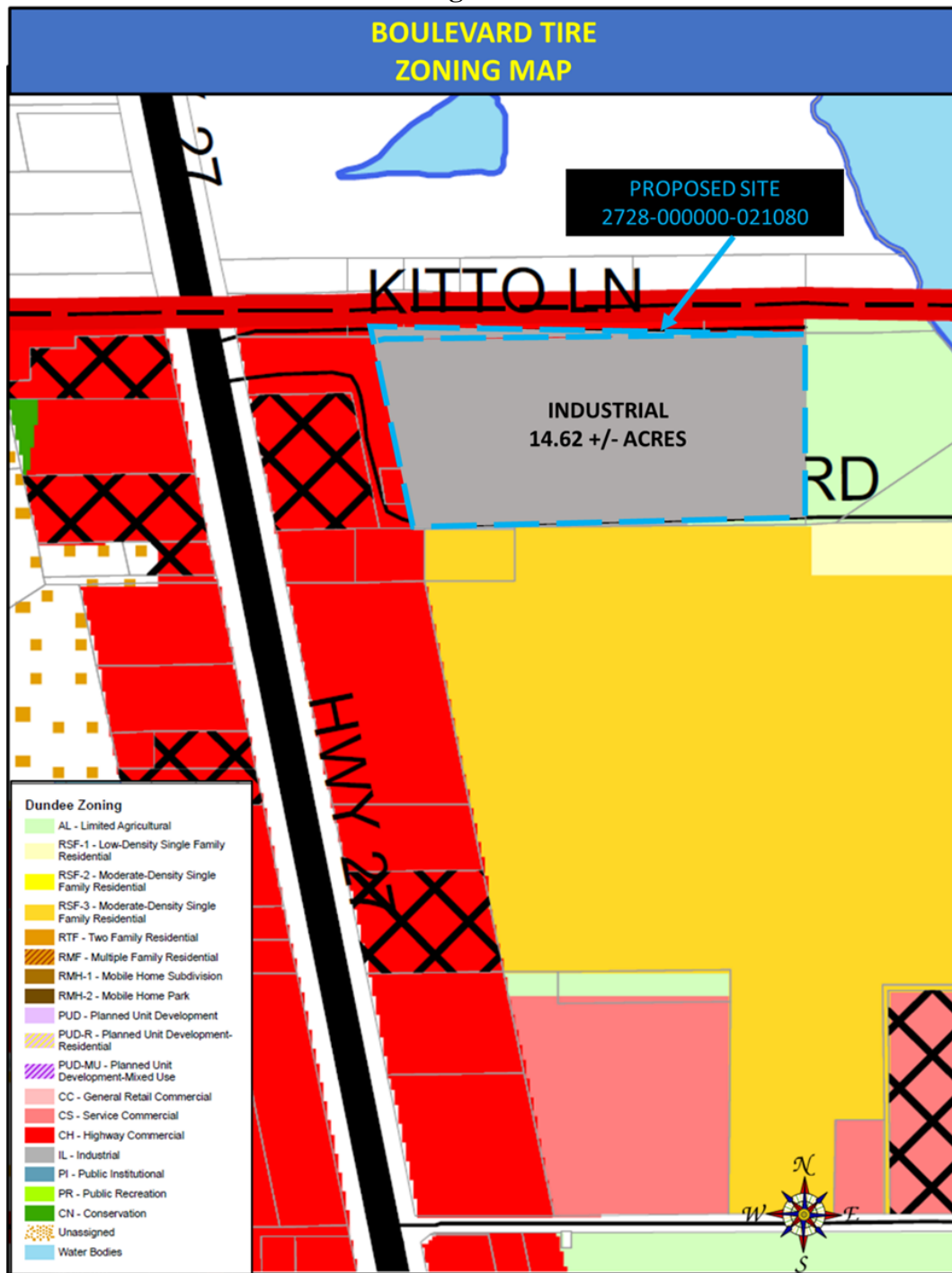
COMMENCE at the Southeast corner of Section 20, Township 28 South, Range 27 East, Polk County, Florida, and run North 0 degrees 31 minutes West, along the Section line, 2044.50 feet to a concrete monument; thence run South 89 degrees 10 minutes West, 721.89 feet to a point, said point being the POINT OF BEGINNING.

From the POINT OF BEGINNING run South 89 degrees 10 minutes West, 1241.04 feet to a concrete monument; run thence North 11 degrees 37 minutes West, 400 feet to a concrete monument; thence run South 89 degrees 10 minutes West, 300 feet to a concrete monument on the Easterly Right-of-Way boundary of U.S. Highway No. 27; thence run North 11 degrees 37 minutes West, along the said Right-of-Way, 171.67 feet to a concrete monument located in a fence line; thence run North 89 degrees 22 minutes East, along said fence line, to a point North of the POINT OF BEGINNING; run thence South 555.61 feet, more or less, to the POINT OF BEGINNING and to close.

Composite Exhibit "A"
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Legal Description and Future Land Use Maps
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Existing FLU Map
Composite Exhibit "A"
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Legal Description and Future Land Use Maps



Proposed Future Land Use Map

