

ORDINANCE NO. 24-04

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 MODERATE DENSITY SINGLE FAMILY RESIDENTIAL (RSF-2) ON APPROXIMATELY 27.41 +/- ACRES AND CONSERVATION (CON) ON APPROXIMATELY 7.68 +/- ACRES TO MOBILE HOME PARK ZONING DISTRICT (RMH-2) ON APPROXIMATELY 35.09 +/- ACRES, FURTHER DESCRIBED AS POLK COUNTY PROPERTY APPRAISER PARCEL NO. 272820-000000-044020; 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, 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 Official Zoning Map designation(s) for property located in the Town of Dundee, Florida, from Moderate Density Single Family Residential (RSF-2) on approximately 27.41 +/- acres and Conservation (CON) on approximately 7.68 +/- acres to Mobile Home Park Zoning District (RMH-2) on approximately 35.09 +/- acres, further described as Polk County Property Appraiser Parcel No. 272820-000000-044020 (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 June 20, 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 the assignment of Town zoning 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 June 20, 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 June 20, 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 assignment of Town zoning 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 meeting for this Ordinance amending the Official Zoning Map of the Town of Dundee, Florida, 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 meeting, including supporting documentation;

WHEREAS, in exercise of its authority, the Town Commission of the Town of Dundee, Florida, has determined it necessary to amend the Official Zoning Map to amend the Town Zoning District 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. 24-04 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. 24-04 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 Official Zoning Map designation(s) for property located in the Town of Dundee, Florida, from Moderate Density

Single Family Residential (RSF-2) on approximately 27.41 +/- acres and Conservation (CON) on approximately 7.68 +/- acres to Mobile Home Park Zoning District (RMH-2) on approximately 35.09 +/- acres, further described as Polk County Property Appraiser Parcel No. 272820-000000-044020 (the "Property") 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, 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 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, Florida. 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. 24-03 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/public hearing at a regular meeting of the Town Commission of the Town of Dundee, Florida, held this 25th day of June, 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

MAYOR- Sam Pennant

ATTEST:

TOWN CLERK – Trevor Douthat

Approved as to Form:

TOWN ATTORNEY - Frederick J. Murphy, Jr.

Composite Exhibit "A"
Ordinance No. 24-04
Legal Description and Zoning Maps
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BAXTER GROVES LEGAL DESCRIPTION

THE SW ¼ OF THE SW ¼ OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 27 EAST, LESS AND EXCEPT THE NORTH 128 FT. THEREOF; AND SUBJECT TO RIGHT OF WAY OF THE PEACE RIVER VALLEY DRAINAGE CANAL ALONG THE WESTERLY SIDE THEREOF.



Composite Exhibit "A"
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Legal Description and Zoning Maps
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