

ORDINANCE 26-09

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, AMENDING ORDINANCE 15-05, A PLANNED UNIT DEVELOPMENT - MIXED USE (PUD-MU) ZONING CLASSIFICATION FOR THE ESTES GROVE SUBDIVISION; AMENDING THE MASTER DEVELOPMENT PLAN AND SPECIAL CONDITIONS REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; 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, commonly referred to as 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, 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 May 21, 2026, 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, Cassidy Land Development, LLC (the "Property Owner") and Heather Wertz of Absolute Engineering, Inc. (the "Applicant") requested a Major Modification to Planned Unit Development (PUD) Ordinance No. 15-05, governing the development known as the Estes Grove Subdivision; and

WHEREAS, the proposed project amendment incorporates two additional parcels, specifically Parcel ID Nos. 272835-000000-023010 and 272901-000000-

012000, expanding the total project site boundaries to encompassing approximately 638.76 +/- acres; and

WHEREAS, the proposed Major Amendment modifies the previously approved layout by shifting the designated 15-acre school site and 5-acre public use/commercial site from the east side of Lake Mabel Loop Road to the west side of Lake Mabel Loop Road, north of Almburg Road; and

WHEREAS, Ordinance No. 15-05 is hereby amended to approve a Major Modification to the Planned Unit Development-Mixed Use (PUD-MU) zoning status for the Estes Grove Subdivision. The official zoning map of the Town of Dundee is modified to formally add and absorb Parcel No's. 272835-000000-023010 and 272901-000000-012000 into the PUD framework, adjusting the complete project area to approximately 638.76 +/- acres across the following aggregate property descriptions:

272835-000000-023010	272901-000000-013000
272835-000000-021010	272901-000000-012000
272836-000000-034000	272902-000000-012000
272836-000000-040000	272902-000000-011040
272836-000000-024000	272902-000000-011010
272901-000000-014000	272902-000000-011020

WHEREAS, The new Overall Master Development Plan for Estes Groves (prepared by Absolute Engineering, Inc.) attached hereto as Exhibit "D" is hereby approved and supersedes all prior iterations of the Master Development Plan layout. This approval captures and validates the following physical plan restructuring parameters:

1. Site Relocations: Moving the designated 15-acre elementary school parcel and the 5-acre public use/commercial asset from the east side of Lake Mabel Loop Road to the west side of Lake Mabel Loop Road, just north of Almburg Road.
2. Access Points: Reconfiguring all designated external entrance and exit access corridors connecting the interior grid network to adjacent arterial roadways.
3. Density & Sizing: Restructuring baseline lot configurations and individual lot dimension standards while reducing overall gross development density metrics down to a threshold matching Low-Density Residential maximum allocations (not to exceed 5 dwelling units per acre).
4. Right-of-Way Dedication: Formally dedicating and carving out the land parameters required for the Welsh Road extension right-of-way alignment.

WHEREAS, the Town of Dundee, Florida, has complied with all requirements and procedures in processing and adopting this Ordinance No. 26-09; 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. 26-09 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. 26-09 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 RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, AS FOLLOWS:

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. 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 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. 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, 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 2nd day of June, 2026.

PASSED AND DULY ADOPTED at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the _____ day of _____, 2026.

TOWN OF DUNDEE, FLORIDA

Joseph Garrison, Mayor

ATTEST WITH SEAL:

Erica Anderson, Town Clerk

Approved as to form:

Markeishia Smith, Town Attorney

**Ordinance 26-09
Exhibit A
Ordinance 15-05**

ORDINANCE NO. 15-05
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ORDINANCE NO. 15-05

AN ORDINANCE AMENDING THE TOWN OF DUNDEE OFFICIAL ZONING MAP TO CHANGE THE ZONING FROM POLK COUNTY AGRICULTURE/RURAL-RESIDENTIAL (A/RR) TO PLANNED UNIT DEVELOPMENT-MIXED-USE (PUD-MU) ZONING CLASSIFICATION FOR A ±560.5 ACRE PROPERTY (10 PARCELS) LOCATED AT THE INTERSECTION OF LAKE MABEL LOOP ROAD AND CANAL ROAD; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there has been a request for approval of a Master Development Plan for a Planned Unit Development (PUD) to be known as the Estes Grove PUD and to assign the zoning of the property described below; and

WHEREAS, the zoning change requested by the applicant is consistent with the Future Land Use Element of the Dundee Comprehensive Plan; and

WHEREAS, the applicant is working with the Polk County School Board to address school concurrency issues through the donation of up to 20 acres of land for a school site with potential co-location of a neighborhood park, which will count towards the open space/recreation requirements for the project; and

WHEREAS, the Town Commission of the Town of Dundee held meetings and hearings regarding the parcels show on Exhibit "A", 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 of the Town of Dundee has determined it necessary to amend the Official Zoning Map to change the Town zoning classification assigned to these properties.

NOW, THEREFORE, be it enacted by the Town Commission of the Town of Dundee, Florida:

Section 1. The official zoning map of the Town of Dundee is amended so as to change the Town zoning classification from Polk County Agriculture/Rural-Residential (A/RR) to Planned Unit Development (PUD) on approximately ±560.5 acres of land located at the intersection of Lake Mabel Loop Road and Canal Road, as shown in Exhibit "A".

ORDINANCE NO. 15-05

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Section 2. The Master Development Plan-General (MDP-General) for this Planned Unit Development attached hereto as Exhibit "B" is approved in accordance with Article 2.02.03 of the Unified Land Development Code of the Town of Dundee for the total property known as the Estes Grove PUD, including additional special conditions all of which are attached hereto as Exhibit "C" and made a part hereof. Said property is hereby zoned Planned Unit Development-Mixed-Use (PUD-MU) Zoning District and the provisions of Article 2.02.03 and special conditions attached hereto shall govern further public review and development of the property within this District.

Section 3. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

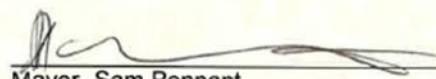
Section 5. The effective date of this ordinance shall coincide with the effective date of the companion Future Land Use amendment Ordinance 15-04.

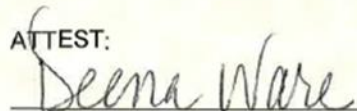
Section 6. This Ordinance shall be codified in the Code of Ordinances of the Town of Dundee, Florida. A certified copy of this enacting ordinance shall be located in the Office of the Town Clerk of Dundee. The Town Clerk shall also make copies available to the public for a reasonable publication charge.

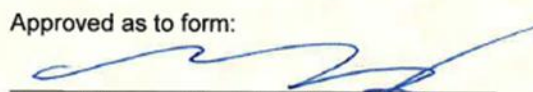
INTRODUCED on first reading this 10th day of March, 2015.

PASSED on second reading this 9th day of June, 2015.

TOWN OF DUNDEE, FLORIDA


Mayor- Sam Pennant

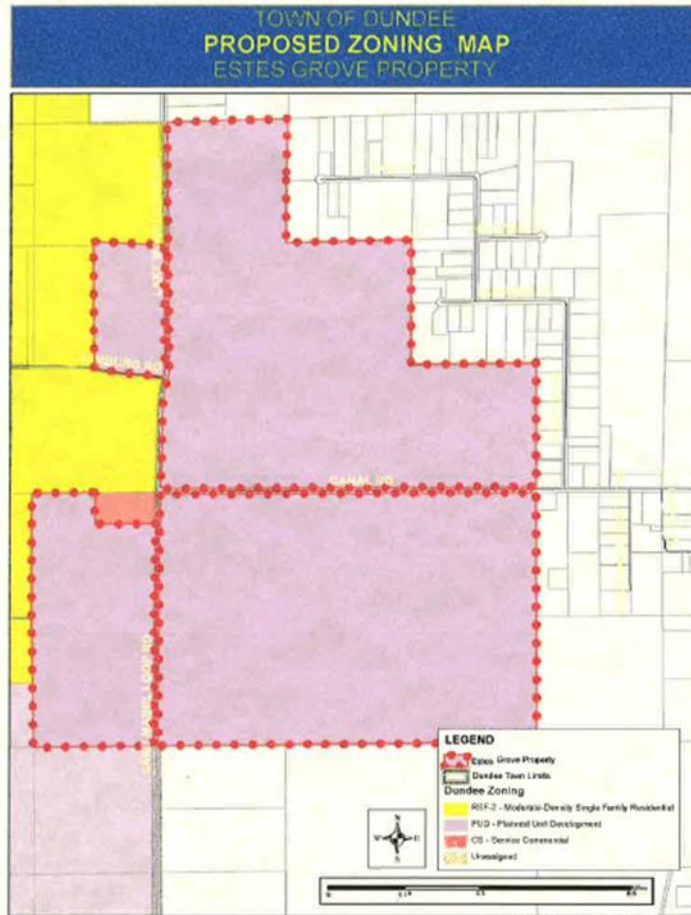
ATTEST:

Town Clerk - Deena Ware

Approved as to form:

Town Attorney - Frederick J. Murphy, Jr.

ORDINANCE NO. 15-05
Page 3

Ordinance No. 15-05
Composite Exhibit "A"
Legal Description and Zoning Map
Page 1 of 1

Parcels:
272835000000021010, 272836000000024000, 272836000000034000,
272836000000040000, 272901000000013000, 272901000000014000,
272902000000011010, 272902000000011020, 272902000000011040,
272902000000012000.



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Ordinance No. 15-05
Exhibit "B"
Estes Grove Master Development Plan-General
Page 1 of 1

(See attached larger print for clarity)



ORDINANCE NO. 15-05

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**Ordinance 15-05
Exhibit "C"
Estes Grove PUD Special Conditions
Page 1 of 2**

1. As noted on the Master Development Plan-General, the project is restricted to the following development, based on the Future Land Use designations of the property:
 - a. Low Density Residential (393 acres): 5 du/acre not to exceed 1,965 single family units.
 - b. Multi-Use Village Center (167.5 acres)
 - i. 12 du/ac not to exceed 302 multi-family units
 - ii. Non-Residential Multi-Use/Institutional Development to potentially include General office, Medical Office, Commercial Shopping Center, Gas Station, and Light Manufacturing not to exceed 315,000 s.f.
 - iii. A 20-acre combined Recreation/ Elementary School Site
2. The applicant/developer shall provide water and wastewater connections to the site.
3. At time of Detailed Master Development Plan and/or site plan, the applicant shall complete a more detailed traffic analysis.
4. Development-required transportation infrastructure improvements will be determined at time of detailed transportation study and site plan review.
5. At time of Detailed Master Development Plan and/or site plan, the applicant shall complete environmental studies, specifically related to sand skinks and gopher tortoises.
6. The applicant shall complete a Detailed Master Development Plan and Site Plan prior to any development.
7. The applicant shall address school impacts prior to approval of a Detailed Master Development Plan.
 - The applicant will donate up to 20 acres to provide an elementary school site. A portion of this site will serve as a co-location for a neighborhood park.
 - This site will be transferred to the PCSB ownership during the construction and at time of final plat for Phase 1 of the development.
 - The School Board shall have final determination as to whether the site proposed for donation is a viable site for the construction of a school. The approval shall be based on size, configuration and environmental factors associated with the proposed site

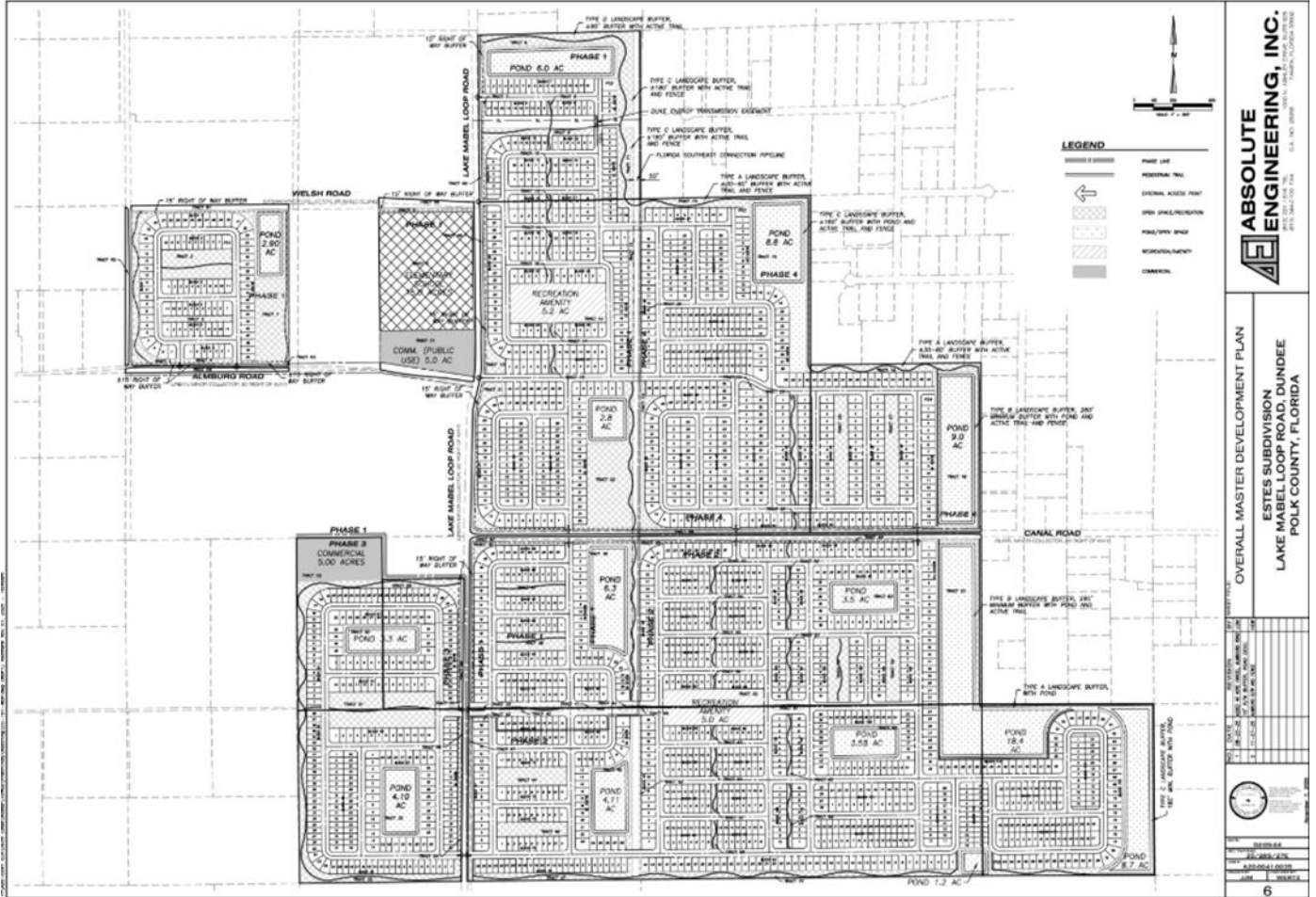
ORDINANCE NO. 15-05

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**Ordinance 15-05
Exhibit "C"
Estes Grove PUD Special Conditions
Page 2 of 2**

8. The applicant shall provide perimeter buffers as illustrated on the Master Development Plan-General adjacent to the northern and eastern boundaries of the property to provide compatibility spacing from the existing residential development in unincorporated Polk County.
9. The applicant shall address the proposed Florida Southeast Connection pipeline prior to approval of a Detailed Master Development Plan.
10. The applicant shall provide a point of connection for off-site connectivity and access for future development at the southeastern corner of the property; specifically to parcel 272901-000000-012000.

Ordinance 26-09
Exhibit D
New Master Development Plan



**Ordinance 26-09
Exhibit D
Applicant's Application**



Town of Dundee

00000 • 0202 E. Main Street • PO Box 1000 • Dundee, Florida 33838 • (863) 438-8330 • Fax (863) 438-8338

**Application for Planned Unit Development (PUD) Zoning and Master
Development Plan Approval** (FORM 0204)

Applicant

The following information is required for submission of an application for a Planned Unit Development (PUD) zoning district and Master Development Plan for the Town limits of Dundee, Florida. **Please print or type the required information below. Attach three copies of the current survey of subject property along with an aerial photograph and location map and all requirements as outlined in the Land Development Regulations.**

Name of Property Owner: Cassidy Land Development, LLC
Mailing Address: 346 E. Central Ave., Winter Haven, FL 33880 Phone: (863) 324-3698
Name of Representative, if applicable: Heather E. Wertz
Mailing Address: 1000 N. Ashley Dr., Suite 925; Tampa, FL 33602 Phone: (813) 221-1521
Reason for Request: Major modification to PUD - See Project Narrative for details

Property Identification

Property Address or General Location: SW side of the Town of Dundee, W of Lake Pierce & E of Lake Annie
Present Use of the Property: Citrus Groves
Existing Structures Located on the Site: None
Total Acreage: 638.76 Number of Residents on Site: -0-
Parcel I.D.#: See attached listing
Legal Description of the Property: See attached listing

Range: _____ Township: _____ Section: _____
Subdivision: Estes Property

Planning and Zoning Information

Current City Future Land Use Designation: Low Density Residential (LDR)
Current City Zoning Classification: RSF-3
Note: An application fee will be assessed on all requests for land use and zoning changes in accordance with the most recent Resolution of the Dundee Town Council establishing such fees.
Date Received: _____ Received By: _____ File #: _____
Amount Paid: _____ Check #: _____ Receipt #: _____

Town of Dundee
page 2

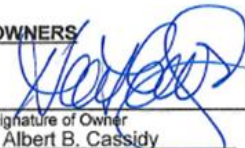
Planned Unit Development (PUD) Application

OWNER'S SIGNATURE PAGE

(I) (We), Cassidy Land Development, LLC being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the Town of Dundee to process this petition for Re-zoning and/or Comprehensive Plan Amendment, in accordance with all adopted Town rules and regulations, and in conformance with State law.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

OWNERS



Signature of Owner
Albert B. Cassidy
Printed Name of Owner

Signature of Owner

Printed Name of Owner

Signature of Owner

Printed Name of Owner

Signature of Owner

Printed Name of Owner

STATE OF FLORIDA
COUNTY OF POLK

OWNER'S NOTARIZATION

The foregoing instrument was acknowledged before me this 28th day of August, 2025, by Heather E. Wertz, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.





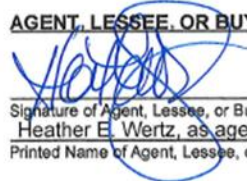
Notary Public
Notarial Seal and Commission
Expiration Date

AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), Heather E. Wertz being
duly sworn, depose and say that (I) (we) serve as agent for the owner(s)
(agent or lessee)
in making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this
capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other
information attached hereto present the arguments in behalf of the petition herein requested to
the best of (my) (our) ability and that the statements and information above referred to are in all
respects true and correct to the best of (my) (our) knowledge and belief.

AGENT, LESSEE, OR BUYER(S)



Signature of Agent, Lessee, or Buyer(s)
Heather E. Wertz, as agent

Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

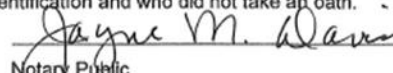
Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA
COUNTY OF POLK

AGENT, LESSEE, OR BUYER(S) NOTARIZATION

The foregoing instrument was acknowledged before me this 28th day of August
2025, by Heather E. Wertz, who is personally known
to me or who has produced a driver's license as identification and who did not take an oath.



Notary Public
Notarial Seal and Commission
Expiration Date



(FORM 9204)