

ORDINANCE NO. 2023-40

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, PURSUANT TO ZONING MAP AMENDMENT PETITION NO. 22-57RZ, TO CHANGE THE ZONING DESIGNATION FOR THE PROPERTY LOCATED AT 2114 BORDER ROAD (5.35 ± ACRES), FROM SARASOTA COUNTY OPEN USE ESTATE 1 (OUE-1) TO CITY OF VENICE COMMERCIAL; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Zoning Map Amendment Petition No. 22-57RZ (“Petition”) has been filed by Dan Lussier, to change the official City of Venice Zoning Map designation for the property located at 2114 Border Road from Sarasota County Open Use Estate 1 (OUE-1) to City of Venice Commercial; and

WHEREAS the subject property is located within the corporate limits of the City of Venice; and

WHEREAS, the City of Venice Planning Commission has been designated as the local planning agency in accordance with F.S. 163.3174;

WHEREAS, the Planning Commission held a noticed public hearing on September 5, 2023 regarding the Petition and, based upon the evidence and testimony received at the public hearing, voted to recommend approval of the Petition; and

WHEREAS, the Venice City Council has received and considered the report of the Planning Commission concerning the Petition; and

WHEREAS, City Council held a duly noticed public hearing on the Petition in accordance with the requirements of the City’s Code of Ordinances, and has considered the evidence and testimony received at said public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. The City Council hereby makes the following findings of fact:

A. The Council has received and considered the report of the Planning Commission recommending approval of the Petition.

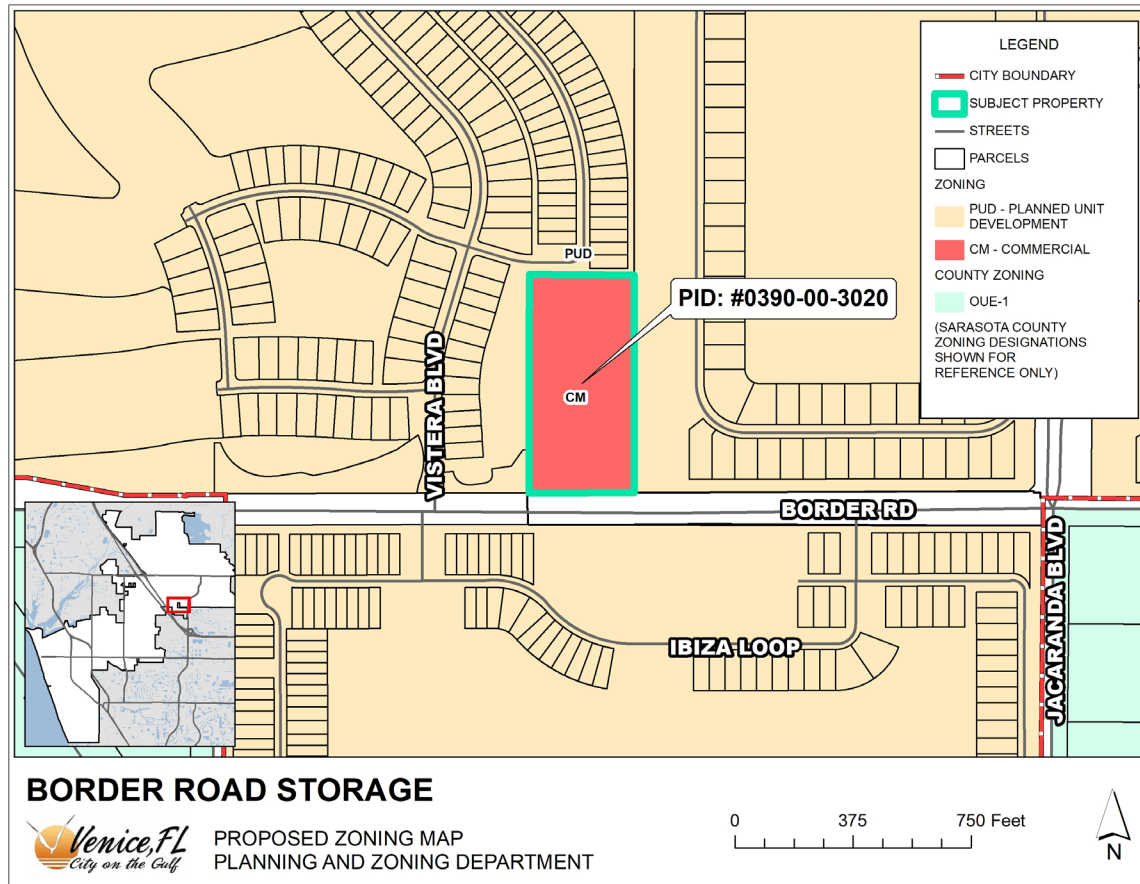
B. The Council held, after due public notice, a public hearing on the Petition and considered the evidence and testimony received at said public hearing.

C. The proposed rezoning of the property described herein is in accordance with and meets the requirements of the Land Development Code and is consistent with the City of

Venice Comprehensive Plan.

SECTION 3. The Official Zoning Map is hereby amended, by changing the zoning classification for the following described property located at 2114 Border Road from Sarasota County Open Use Estate 1 (OUE-1) to City of Venice Commercial.

The 5.35 ± acre property designated as Parcel Identification No. 0390-00-3020 is depicted on the location map shown below, and further described in Exhibit “A” attached hereto and incorporated herein by reference.



Any discrepancy between the legal description and the map shall resolve in favor of the map.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 6. Effective date. This Ordinance shall take effect immediately upon its approval and adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 24th DAY OF OCTOBER 2023.

First Reading: October 10, 2023

Final Reading: October 24, 2023

Adoption: October 24, 2023

Nick Pachota, Mayor

Attest:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 24th day of October 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 24th day of October 2023.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

LEGAL DESCRIPTION:

Exhibit "A"

Page 4 of 4, Ordinance No. 2023-40

(PER REFERENCED TITLE COMMITMENT)

PARCEL 1:

COMMENCE AT A POINT 100' NORTH AND 999.77 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4, SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE CONTINUE 332.66: THENCE NORTH 0°16'58" WEST, 654.73: THENCE WEST 332.66: THENCE SOUTH 0°16'58" EAST, 654.73' TO THE POINT OF BEGINNING. ALL LYING AND BEING IN THE WEST 1/2 OF THE EAST 1/2 OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA.

PARCEL 2:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA; THENCE SOUTH 89°52'24" EAST, ALONG THE SOUTH LINE OF SAID SECTION 34, 999.67' FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°52'24" EAST ALONG SAID SOUTH LINE 332.66: THENCE NORTH 00°10'44" WEST, 100.0' TO THE SOUTHEAST CORNER OF THE WADE PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 1037, PAGE 1561, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE NORTH 89°52'24" WEST ALONG A LINE 100 FEET FROM AND PARALLEL WITH SAID SOUTH LINE 332.66' TO THE SOUTHWEST CORNER OF THE WADE PROPERTY AS DESCRIBED HEREIN; THENCE SOUTH 00°10'44" EAST, 100.0' TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, ALSO LYING ON THE NORTH RIGHT-OF-WAY LINE OF BORDER ROAD (33' WIDE AT THIS POINT, PUBLIC R/W); THENCE S89°54'40"E, 998.49 FEET, ALONG SAID NORTH RIGHT-OF-WAY, TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, N00°24'00"E, 61.58 FEET; THENCE N89°45'20"E, 333.42 FEET TO ITS INTERSECTION WITH THE EAST LINE OF SARASOTA COUNTY PARCEL NO. 0390-00-3020; THENCE S00°20'18"W, ALONG SAID EAST LINE, 64.39 FEET TO IT INTERSECTION WITH THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF SAID BORDER ROAD; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE, N89°45'40"W, 333.47 FEET TO THE POINT OF BEGINNING.