

ORDINANCE NO. 2024-15

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, PURSUANT TO ZONING MAP AMENDMENT PETITION NO. 24-11RZ, TO CHANGE THE ZONING DESIGNATION FOR THE PROPERTY LOCATED AT 0 BORDER ROAD (39.62 ± ACRES), FROM SARASOTA COUNTY OPEN USE ESTATE (OUE) TO CITY OF VENICE RESIDENTIAL SINGLE FAMILY 3 (RSF-3); PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Zoning Map Amendment Petition No. 24-11RZ (“Petition”) has been filed by Auburn Road FC, LLC, to change the official City of Venice Zoning Map designation for the property located at 0 Border Road from Sarasota County Open Use Estate (OUE) to City of Venice Residential Single Family 3 (RSF-3); 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 June 18, 2024 regarding the Petition and, based upon the evidence and testimony received at the public hearing, voted to recommend approval of the Petition with the stipulations stated in Section 3 below; 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.

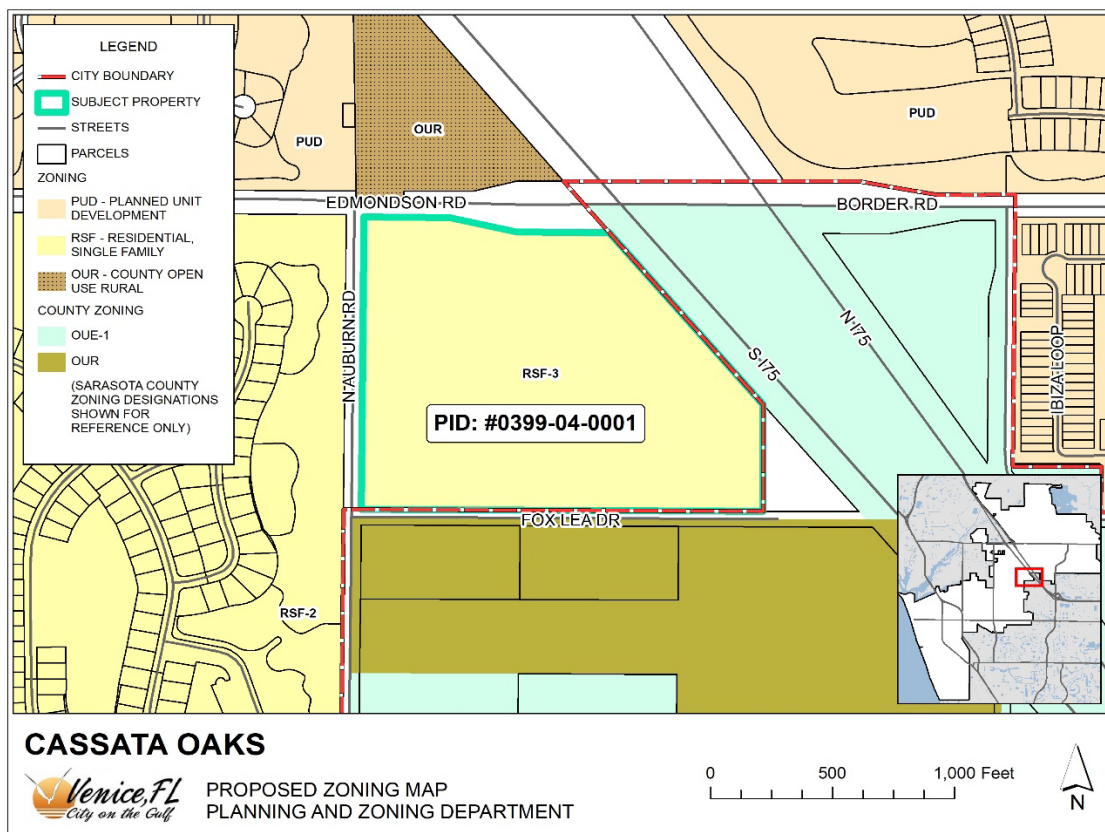
C. The proposed rezoning of the property described herein is in accordance with and meets the requirements of the Land Development Code and is consistent with the City of Venice Comprehensive Plan.

SECTION 3. The Official Zoning Map is hereby amended, by changing the zoning classification for the following described property located at 0 Border Road from Sarasota County Open Use Estate (OUE) to City of Venice Residential Single Family 3 (RSF-3) with the following stipulations:

- 1) Density shall be limited to 60 single-family lots.
- 2) The conceptual plan, attached hereto as Exhibit "B", shall be binding, and any subsequent plat will be substantially consistent with the conceptual plan. Minor deviations may be necessary to comply with other regulations.
- 3) A Notice of Proximity, in the form attached hereto as Exhibit "C", will be provided to future homeowners at the time of transferring a deed or before of the proximity of the subdivision to I-75 on the east and Fox Lea Farms to the south providing the homeowners with knowledge of the impacts from these adjacent properties.
- 4) Restrictive covenants will be provided in the property association documents in language substantially the same as the following:
 - a. No fireworks, drones and outdoor fires are allowed.
 - b. Grills and fire pits are allowed. Excess smoke will not be permitted.
 - c. Prohibit outdoor loud speakers in the rear of lots 1E to 10E.
 - d. The 100-foot natural buffer along the southern boundary of the subject property shall be maintained at a minimum 70% opacity.
- 5) Construction Best Management Practices will be utilized to minimize impact on the business to the south known as Fox Lea Farms including the following:
 - a. The 3 ft. berm and 8 ft. wall parallel with the southern property line will be constructed prior to site clearing except for those areas necessary to obtain access to work area.
 - b. Fox Lea Drive will not be used as a construction entrance.
 - c. During the course of construction, the property owner and its contractors shall not use or fly drones over any portion of the southern boundary of the subject property.
 - d. During the course of construction, the property owner and its contractors shall not burn any trash or waste materials on the subject property or utilize open burning of land clearing material and debris during all land development and/or construction activities.
 - e. All wood chipping will be done on the north one quarter of the property to minimize noise impacts to the southern property.
 - f. The developer shall install a ground water liner at the southern side of the property south of the proposed lakes commencing 2 ft. below existing ground level to a depth of 12 ft. below existing ground level to prevent negative drawdown of the water table south of the subject property.

- g. One pond will be dug at a time.
 - h. No stormwater or other drainage from the developed property shall discharge into the existing ditch that runs east-west within the northern portion of the Fox Lea Drive right-of-way. The developed property being that area north of the 3 ft. berm and 8 ft. wall.
- 6) The existing vegetation in the 100-foot natural buffer along Fox Lea Drive will be kept in its natural condition subject to City of Venice or another government authority approval. In the event that Fox Lea Farms discontinues its business operations on the subject property, the stipulations for Notice of Proximity outlined in Section 3 and the Restrictive Covenants outlined in Section 4 shall automatically terminate without the need for further action by either party. Discontinuation of business operations shall mean the cessation of all equestrian-related activities by Fox Lea Farms, including but not limited to the permanent closure of its facilities or sale of the business to a non-equestrian-related entity.

The 39.62 ± acre property designated as Parcel Identification No. 0399-04-0001 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 10th DAY OF SEPTEMBER 2024.

First Reading: August 27, 2024
Final Reading: September 10, 2024

Adoption: September 10, 2024

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 10th day of September 2024, a quorum being present.

WITNESS my hand and the official seal of said City this 10th day of September 2024.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney