

ORDINANCE NO. 2023-16

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, PURSUANT TO ZONING MAP AMENDMENT PETITION NO. 23-02RZ, TO CHANGE THE ZONING DESIGNATION FOR THE VENICE THEATRE LOCATED AT 140 TAMPA AVENUE WEST (1.3± ACRES) FROM VENICE AVENUE (VA) TO DOWNTOWN EDGE (DE); PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Zoning Map Amendment Petition No. 23-02RZ (“Petition”) has been filed by Venice Theatre, Inc., to change the official City of Venice Zoning Map designation for the Venice Theatre, located at 140 Tampa Avenue West (1.3± acres), from Venice Avenue (VA) to Downtown Edge (DE); and

WHEREAS the subject property has been found to be 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 May 2, 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.

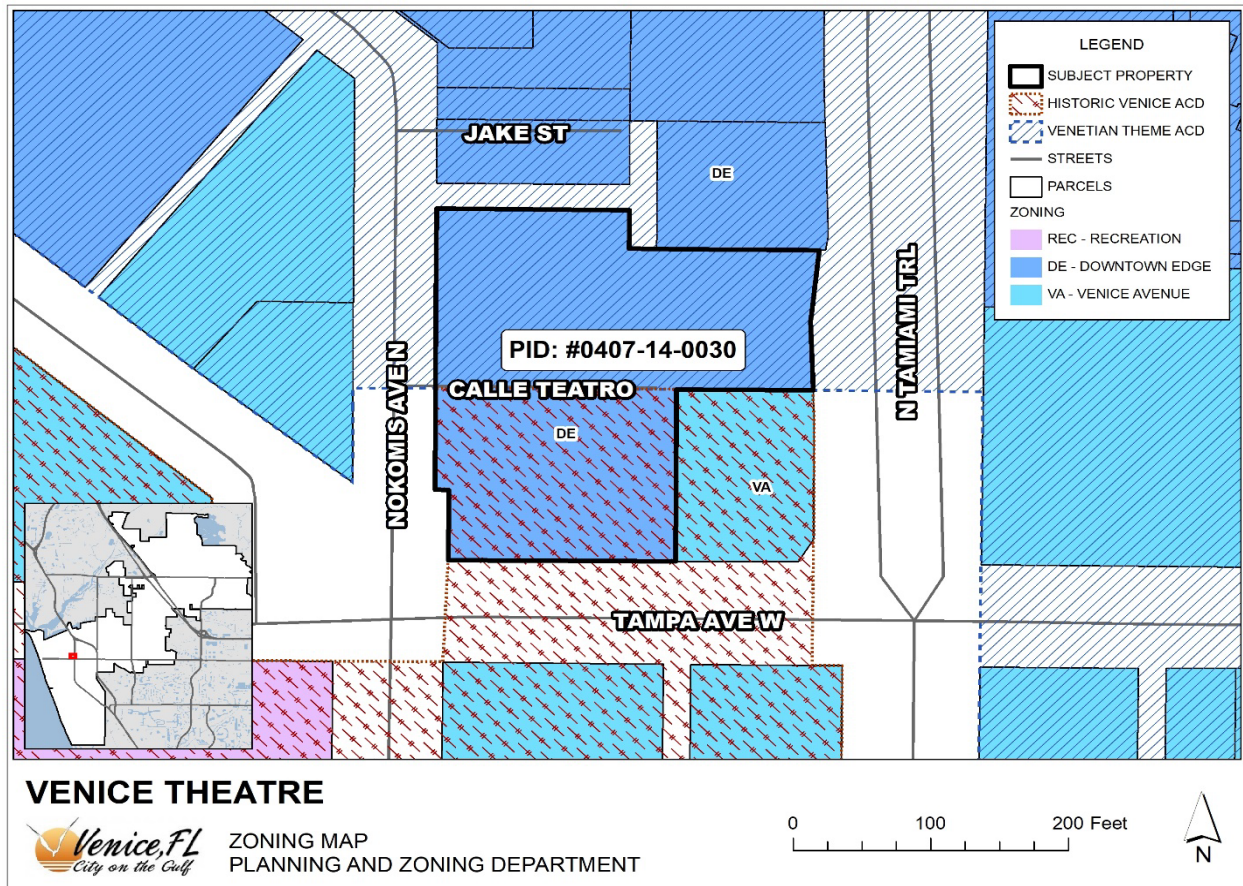
B. The Council held, after due public notice, a public hearing on the Petition and considered the evidence and testimony received at said public hearing.

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 Atlas is hereby amended, by changing the zoning classification for the following described property located at 140 Tampa Avenue West from Venice Avenue (VA) to Downtown Edge (DE).

The 1.3± acre property, designated as Parcel Identification No. 0407-14-0030, is depicted on the location map shown below and further described in Exhibit "A" attached hereto and incorporated 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 to the extent of the conflict.

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 13TH DAY OF JUNE 2023.

First Reading: May 23, 2023

Final Reading: June 13, 2023

Adoption: June 13, 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 13th of June 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 13th day of June 2023.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

Exhibit "A"

LEGAL DESCRIPTION

Lots 6, 7, 8, 9, 10, 11, 12, 13, and part of Lots 14, 31, 32, 33, 34, Block 49; and that part of vacated 20 ft. wide alleys (per City of Venice Resolution No. 2007-06, recorded in Instrument Number 2007022643 and Resolution recorded in Deed Book 301, Page 286), and a portion of vacated Nokomis Avenue, (per City of Venice Resolution No. 99-9, recorded in Instrument Number 1999043679), VENICE, GULF VIEW SECTION, recorded in Plat Book 2, Pages 77 and 78, of the Public Records of Sarasota County, Florida, described as follows:

BEGIN at the Northwest corner of Lot 11, Block 49, VENICE, GULF VIEW SECTION, recorded in Plat Book 2, Pages 77 and 78 of the Public Records of Sarasota County, Florida; thence S.00°37'54"W., along the West line of said Lot 11, and its southerly extension, a distance of 125.40 feet to a point on the South line of Lots 6, 7, 8, 9, 10, 11, of said Block 49, and the westerly extension thereof; thence S.89°21'57"E., along said South line of Lots 6, 7, 8, 9, 10, 11, of said Block 49, and the westerly extension thereof, a distance of 175.56 feet to the Southeast corner of said Lot 6, same being the southeast corner of a masonry building; thence N.00°35'54"E., along the East face of said masonry building, same being the occupied East line of Lot 6, and the northerly extension thereof, a distance of 135.36 feet to the centerline of a vacated 20 ft. wide alley, said alley vacated per City of Venice Resolution No. 2007-06, recorded in Official Records Instrument No. 2007022649, of the Public Records of Sarasota County, Florida; thence S.89°28'49"E., along the centerline of a vacated 20 ft. wide alley, a distance of 88.68 feet to a point on the West line of lands described in Official Records Instrument No. 2005146563, of the Public Records of Sarasota County, Florida, and the southerly extension thereof; thence N.00°46'46"E., along said West line of lands described in Official Records Instrument No. 2005146563, and the southerly extension thereof, a distance of 110.43 feet to the North line of Lot 31, of said Block 49, VENICE, GULF VIEW SECTION; thence N.89°37'15"W., along said North Line of Lot 31, a distance of 124.51 feet to the Southeast corner of Lot 14, of said Block 49, VENICE, GULF VIEW SECTION; thence N.00°36'14"E., along the East line of said Lot 14, a distance of 30.00 feet to the Southeast corner of the North 20.00 feet of said Lot 14; thence N.89°25'45"W., along the South line of the North 20.00 feet of said Lot 14, a distance of 139.93 feet to the Southwest corner of said North 20 feet of Lot 14; thence S.00°37'54"W., along the West line of Lots 12, 13, 14, of said Block 49, VENICE GULF VIEW SECTION, and the West line of a portion of a vacated 20 ft. wide alley, vacated per City of Venice Resolution No. 2007-06, recorded in Official Records Instrument No. 2007022649, of the Public Records of Sarasota County, Florida, a distance of 149.53 feet to the POINT OF BEGINNING.

All being in Section 7, Township 39 South, Range 19 East, Sarasota County, Florida.

Parcel contains 56,993 square feet, or 1.3084 acres, more or less.