

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 46, PARKS AND RECREATION, ARTICLE I, IN GENERAL, SECTION 46-1, DESCRIPTION OF CITY PARKS SYSTEM; AUTHORIZED USES; ARTICLE III, CONDUCT IN PARKS, SECTION 46-62, GENERAL RULES AND REGULATIONS FOR ALL PARKS, BEACHES AND RECREATIONAL AREAS; AND SECTION 46-66, CERTAIN PARKS CLOSED TO VEHICLES DURING NIGHTTIME HOURS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, within the municipal boundaries of the City of Venice are numerous parks and recreational areas; and

WHEREAS, the City desires to codify certain pocket parks throughout the City as “Nolen Greens” and “Nolen Green Pathways”; and

WHEREAS, the City desires to distinguish between Wellfield Park and Pinebrook Park; and

WHEREAS, the City desires to revise the rules pertaining to dogs in City parks, to allow leashed dogs within appropriate park areas.

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

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

SECTION 2. Chapter 46, Parks and Recreation, Article I, In General, Section 46-1, Description of city parks system; authorized uses, is hereby amended to add the following:

ARTICLE I. IN GENERAL

Sec. 46-1. Description of city parks system; authorized uses.

Nolen Green Parks

Granada Nolen Green (designated park). Legal description: A parcel of land lying and being in Section 12, Township 39 South, Range 18 East, Sarasota County, Florida, being the parcel of land labeled "Reserved" In Block 20, Venice Gulf View Section, according to the plat thereof, as recorded in plat book 2, page 77 through 77a, of the public records of Sarasota

County, Florida, being more particularly described as follows:

Begin at the south corner of lot 6, of said block; thence on the northwest line of Castile Avenue (70' public right of way), S. 45°00'00" W., 20.00 feet, to the east corner of lot 7, block 20, of said plat; thence leaving said northwest line, N. 45°00'00" W., 150.00 feet, on the east line of lot 7, block 20, of said plat; thence on the north line of lot 7 and lot 11, block 20, of said plat, N. 90°00'00" W., 127.79 feet; thence on the north line of lot 11, block 20, of said plat, S. 65°49'10" W., 108.52 feet, to the east right of way line of Armada Road (70' public right of way) and a point on a non-tangent curve to the right, having: a radius of 670.00 feet, a delta angle of 01°43'38", a chord bearing of N. 16°11'31" W., and a chord distance of 20.20 feet; thence on the arc of said curve, and on said east right of way line, 20.20 feet, to the south corner of lot 12, block 20, of said plat; thence on the south line of said lot 12, N. 65°49'10" E., 138.20 feet, to the southeast corner of said lot 12; thence on the east line of lot 12 and lot 13, block 20, of said plat, N. 00°00'00" W., 160.48 feet, to the south line of lot 15, block 20, of said plat; thence on the south line of lot 15 and lot 16, block 20, of said plat, N. 90°00'00" E., 110.00 feet, to the south east corner of said lot 16; thence on the east line of said lot 16, N. 00°00'00" W., 150.00 feet, to the south lone of Granada Avenue (70' public right of way), also being the north east corner of said lot 16; thence on said south right of way line, N. 90°00'00" E., 20.00 feet, to the northwest corner of lot 17, block 20, of said plat; thence on the west line of said lot 17, S. 00°00'00" E., 150.00 feet, to the south west corner of said lot 17; thence on the south line of lot 17 and lot 18, block 20, of said plat, N. 90°00'00" E., 110.00 feet, to the northwest corner of lot 4, block 20, of said plat; thence on the west line of said lot 4, S. 00°00'00" E., 58.38 feet, to the north corner of lot 5, block 20, of said plat; thence on the northwest line of lot 5 and lot 6, block 20, of said plat, S. 45°00'00" W., 169.01 feet, to the west corner of said lot 6; thence on the southwest line of said lot 6, S. 45°00'00" E., 150.00 feet, to the point of beginning.

Said lands having an area of 45,962.7 square feet, or 1.06 acres, more or less.

Harbor Nolen Green (designated park). Legal description: A parcel of land lying and being in Section 7, Township 39 South, Range 19 East, Sarasota County, Florida, being the parcel of land labeled "reserved" in block 59, Venice Gulf View Section, according to the plat thereof, as recorded in plat book 2, page 77 through 77a, of the public records of Sarasota County, Florida, being more particularly described as follows:

Begin at the east corner of lot 19, of said block; thence on the northeast line of said lot 19, N. 33°15'47" W., 150.00 feet, to the north corner of said lot 19; thence on the east line of lots 13 and 14 of said block, N. 00°00'00" W., 100.00 feet, to the northeast corner of said lot 13; thence on the north line of said lot 13, N. 90°00'00" W., 150.00 feet, to the northwest corner of said lot 13, and the east right of way line of harbor drive (100' public right of way); thence on said east right of way line, N. 00°00'00" W., 20.00 feet, to the southwest corner of lot 12; thence on the south line of lots 12, 9, 8, 7, and 6 of said

block, N. 90°00'00" E., 326.16 feet, to a point on the south line of said lot 6; thence on the northwest line of lots 23, 22, 21, and 20 of said block, S. 55°44'13" W., 193.15 feet, to the west corner of said lot 20; thence on the southwest line of said lot 20, S. 33°15'47" E., 150.00 feet, to the northwest right of way line of Ponce de Leon avenue (70' public right of way), also being the south corner of said lot 20; thence on said northwest right of way, S. 55°44'14" W., 20.00 feet, to the point of beginning.

Said lands having an area of 16,569.1 square feet, or 0.38 acres, more or less.

Madrid Nolen Green (designated park). Legal description: A parcel of land lying and being in Section 12, Township 39 South, Range 18 East, Sarasota County, Florida, being the parcel of land labeled "reserved" in block 18, Venice Gulf View Section, according to the plat thereof, as recorded in plat book 2, page 77 through 77a, of the public records of Sarasota county, Florida, being more particularly described as follows:

Begin at the south west corner of lot 5, of said block; thence on the north right of way line of Barcelona avenue (70' public right of way), N. 90°00'00" W., 20.00 feet, to the southwest corner of lot 6, block 18, of said plat; thence on the east line of said lot 6, N. 00°00'00" W., 150.00 feet, to the northeast corner of said lot 6; thence on the north line of said block 6 and lot 7, block 18, of said plat, N. 90°00'00" W., 110.00 feet, to the southeast corner of lot 9, block 18, of said plat; thence on the east line of said lot 9 and lot 10, block 18, of said plat, N. 00°00'00" W., 160.48 feet, to the northeast corner of said lot 10; thence on the north line of said lot 10, N. 65°49'10" W., 138.20 feet, to the southeast right of way of Armada Road (70' public right of way), also being a point on a non-tangent curve to the right, having: a radius of 670.00 feet, a delta angle of 01°43'38", a chord bearing of N. 16°11'31" E., and a chord distance of 20.20 feet; thence on said southeast right of way, and on the arc of said curve, 20.20 feet; thence leaving said southeast right of way, on the south line of lot 11, block 18, of said plat, S. 65°49'10" E., 108.52 feet; thence continuing on said south line of lot 11 and the south line of lot 15, block 18, of said plat, N. 90°00'00" E., 127.79 feet; thence on the southeast line of said lot 15, N. 45°00'00" E., 150.00 feet, to the east corner of lot 15, and the southwest right of way of Madrid Avenue (70' public right of way); thence on said southwest right of way, S. 45°00'00" E., 20.00 feet, to the north corner of lot 16, block 18, of said plat; thence on the northwest line of said lot 16, S. 45°00'00" W., 150.00 feet, to the west corner of said lot 16; thence on the southwest line of said lot 16 and lot 17, block 18, of said plat, S. 45°00'00" E., 169.01 feet, to the south corner of lot 17, block 18, of said plat; thence on the west line of said lot 18, S. 00°00'09" E., 58.38 feet, to the north line of lot 4, block 18, of said plat; thence on the north line of said lot 4 and lot 5, N. 90°00'00" W., 110.00 feet, to the northwest corner of said lot 5; thence on the west line of said lot 5, S. 00°00'00" E., 150.00 feet to the point of beginning.

Said lands having an area of 45,962.7 square feet, or 1.06 acres, more or less.

Milan Nolen Green (designated park). Legal description: A parcel of land lying and being in Section 7, Township 39 South, Range 19 East, Sarasota County, Florida, being the parcel of land labeled "reserved" in block 65, Venice Gulf View Section, according to the plat thereof, as recorded in plat book 2, page 77 through 77a, of the public records of Sarasota county, Florida, being more particularly described as follows:

Begin at the southwest corner of lot 8, of said plat; thence continuing on said north right of way line, N. 90°00'00" W., 20.00 feet, to the southeast corner of lot 9 of said block; thence leaving said north right of way, on the east line of said lot 9, N. 00°00'00" E., 130.00 feet, to the northeast corner of said lot 9; thence on the north line of lots 9, 10, 11, 12 and 13, of said block, N. 90°00'00" W., 212.95 feet, to a point on the north line of lot 13 of said block; thence on the southeast line of lots 19, 20, and 21 of said block, N. 55°44'13" E., 116.34 feet, to the east corner of said lot 21; thence on the northeast line of said lot 21, N. 34°15'49" W., 129.14 feet to the north corner of said lot 21, and the southeast right of way line of Pensacola Road (60' public right of way); thence on said southeast right of way line, N. 55°44'13" E., 20.00 feet, to the northwest corner of lot 22 of said block; thence leaving said right of way line, on the southeast line of said lot 22, S. 34°15'49" E., 129.14 feet, to the south corner of lot 22; thence on the southeast line of lot 22, 23 and 24 of said block, N. 56°36'36" E., 144.05 feet, to a point on the west line of lot 3 of said block; thence on the west line of lots 3, 4, 5, 6, 7, and 8, of said block, S. 00°00'00" W., 286.04 feet, to the point of beginning.

Said lands having an area of 23,507.0 square feet, or 0.54 acres, more or less.

Nolen Green Pathways

Sorrento Street-Serata Street (designated park). Legal description: A parcel of land lying and being in Section 18, Township 39 South, Range 19 East, Sarasota County, Florida, being the 20' wide strip of land in block 100, Venice Venezia Park Section, according to the plat thereof, as recorded in plat book 2, page 168, of the public records of Sarasota county, Florida, being more particularly described as follows:

Begin at the east corner of lot 8, of said plat; thence on the northeast line of lot 8 and 17, of said block, N. 37°48'00" W., 250.00 feet, to the southeast right of way line of Sorrento Street (70' public right of way), also being the north corner of said lot 17; thence on said southeast right of way line, N. 52°12'00" E., 20.00 feet, to the west corner of lot 18, of said plat; thence on the southwest line of lot 18 and 7, of said plat, S. 37°48'00" E., 250.00 feet, to the northwest right of way line of Serata Street (60' public right of way), also being the south corner of said lot 7; thence on said northwest right of

way line, S. 52°12'00" W., 20.00 feet, to the point of beginning.

Said lands having an area of 5,000.0 square feet, or 0.12 acres, more or less.

Pensacola Road-Salerno (designated park). Legal description: A parcel of land lying and being in Section 7, Township 39 South, Range 19 East, Sarasota County, Florida, being the 20' wide strip of land in block 93, Venice Venezia Park Section, according to the plat thereof, as recorded in plat book 2, page 168, of the public records of Sarasota County, Florida, being more particularly described as follows:

Begin at the west corner of lot 17, of said block; thence on the N.E. right of way line of Salerno Street (80' public right of way), N. 52°12'00" W., 20.00 feet, to the south corner of lot 18, of said block; thence on the northwest line of lots 18 and 5, of said block, N. 37°48'00" E., 250.00 feet, to the northeast right of way line of Pensacola Road (60' public right of way), also being the east corner of said lot 5; thence on said northeast right of way line, S. 52°12'00" E., 20.00 feet, to the north corner of lot 6, of said block; thence on the south east line of lots 6 and 17, of said block, S. 37°48'00" W., 250.00 feet, to the point of beginning.

Said lands having an area of 5,000.0 square feet, or 0.12 acres, more or less.

Pensacola Road-Ponce De Leon Ave (designated park). Legal description: A parcel of land lying and being in Section 7, Township 39 South, Range 19 East, Sarasota County, Florida, being the 20' wide strip of land in block 92, Venice Venezia Park section, according to the plat thereof, as recorded in plat book 2, page 168, of the public records of Sarasota County, Florida, being more particularly described as follows:

Begin at the east corner of lot 7, of said block; thence on the northeast line of lots 7 and 21, of said block, N. 34°15'47" W., 250.00 feet, to the southeast right of way line of Ponce de Leon Avenue (70' public right of way), also being the north corner of said lot 21; thence on said southeast right of way line, N. 55°44'13" E., 20.00 feet, to the west corner of lot 22; thence on the southwest line of lots 22 and 6, of said block, S. 34°15'47" E., 250.00 feet, to the northwest right of way line of Pensacola Road (60' public right of way), also being the south corner of said lot 6; thence on said northwest right of way line, S. 55°44'13"W., 20.00 feet, to the point of beginning.

Said lands having an area of 5,000.0 square feet, or 0.12 acres, more or less.

Cadiz Road-Armada Road (designated park). Legal description: A parcel of land lying and being in Section 12, Township 39 South, Range 18 East, Sarasota County, Florida, being the 20' wide strip of land in block 13, Venice Gulf View section, according to the plat thereof, as

recorded in plat book 2, page 77 through 77a, of the public records of Sarasota County, Florida, being more particularly described as follows:

Begin at the northeast corner of lot 14, of said block; thence on the north lines of lots 14 and 4, of said block, N. 73°26'40" W., 300.05 feet, to the east right of way line of Cadiz Road (60' public right of way), also being the northwest corner of said lot 4, and a point on a non-tangent curve to the right, having: a radius of 1,040.00 feet, a delta angle of 01°06'07", a chord bearing of N. 16°33'20" E., and a chord length of 20.00 feet; thence on the arc of said curve, and on said east right of way line, 20.00 feet, to the southwest corner of lot 5, of said block; thence on the south lines of lots 5 and 13, of said block, S. 73°26'40" E., 300.05 feet, to the west right of way line of Armada Road (70' public right of way), also being the southeast corner of said lot 13, and a point on a non-tangent curve to the right, having: a radius of 740.00 feet, a delta angle of 01°32'55", a chord bearing of S. 16°33'20" W., and a chord length of 20.00 feet; thence on the arc of said curve, and on said west right of way line, 20.00 feet, to the point of beginning.

Said lands having an area of 6,002.5 square feet, or 0.14 acres, more or less.

Valencia Road-Armada Road (designated park). Legal description: A parcel of land lying and being in Section 12, Township 39 South, Range 18 East, Sarasota County, Florida, being the 20' wide strip of land in block 30, Venice Gulf View Section, according to the plat thereof, as recorded in plat book 2, page 77 through 77a, of the public records of Sarasota County, Florida, being more particularly described as follows:

Begin at the southeast corner of lot 14, of said block; thence on the west right of way line of Armada Road (70' public right of way), on a curve to the left, having: a radius of 740.00 feet, a delta angle of 1°32'55", a chord bearing of S. 16°33'09" E., and a chord distance of 20.00 feet; thence continuing on said west right of way, on the arc of said curve, 20.00 feet, to the northeast corner of lot 15, of said block; thence leaving said west right of way, on the north line of lots 15 & 4, of said block, S. 73°26'51" W., 300.02 feet, to the east right of way of Valencia Road (60' public right of way), also being the north west corner of said lot 4, also being a point on a curve to the right, having: a radius of 1,040.00 feet, a delta angle of 01°06'07", a chord bearing of N. 16°33'09" W., and a chord distance of 20.00 feet; thence on said east right of way, on the arc of said curve, 20.00 feet, to the southwest corner of lot 5 of said block; thence on the south line of lots 5 & 14 of said block, N. 73°26'51" E., 300.02 feet, to the point of beginning.

Said lands having an area of 6,000.1 square feet, or 0.14 acres, more or less.

Pinebrook Park (designated park) Legal description: The West half of the Southwest quarter of section 4, Township 39 South, Range 19 East, Sarasota County, Florida.

Wellfield Park (designated park). Legal description: ~~The west half of the southwest quarter of section 4 and the~~ The west half of the northwest quarter of Section 9, Township 39 South, Range 19 East, Sarasota County, Florida.

SECTION 3. Chapter 46, Parks and Recreation, Article III, Conduct in Parks; Section 46-62(a)(9), General rules and regulations for all parks, beaches and recreational areas, is amended to read as follows:

ARTICLE III. CONDUCT IN PARKS

Sec. 46-62. General rules and regulations for all parks, beaches and recreational areas.

(a) The following rules and regulations pertain to all city-owned, leased or operated parks, beaches and recreational areas:

(1) through (8) No change.

(9) All animals, ~~including dogs and cats,~~ are prohibited in the following parks or portions thereof: portions of Brohard Park, including areas known as the Venice Fishing Pier, Robert E. Clark Beach Pavilion, all public beaches, jetty and beach access boardwalks, South Brohard Beach, and Maxine Barritt Park, with the exception of dogs allowed within the marked areas in South Brohard Paw Park and ~~areas of Maxine Barritt Park immediately adjacent to the South Brohard Paw Park up to the point where signs indicate "No Dogs Allowed Beyond This Point",~~ Chauncy Howard Park, Chuck Reiter Park, ~~East Gate Park,~~ Hecksher Park, portions of Humphris Park, Mundy Park, Patriots Park, Service Club Park, Venice Municipal Beach Park and Wellfield Park. In addition, all animals, ~~including dogs and cats,~~ are prohibited from certain areas within all city parks listed in section 46-1 of this Code, such areas to include beach access boardwalks and the public beach except as marked within South Brohard Paw Park, picnic areas at Higel Marine Park and Marina Park and Boat Ramp, within 25 feet of any playground or playground equipment, interactive fountains, on any playing fields, courts, or other sports venues, including adjacent seating and concession areas, and within any restrooms or other buildings on these properties. ~~This~~ These prohibitions shall not apply to "service animals" meeting the definition provided for under F.S. § 413.08(1)(d), as may be amended. dogs trained to assist or aid disabled or handicapped persons, when such dogs are actually being used to assist or aid such persons. Any dogs in areas not prohibited by this subsection shall be leashed in accordance with subsection 10-6(b) of this Code, such leash shall be a maximum of six feet and under control of a person. It shall be unlawful to tie a dog to a tree, post, fence or any other stationary object. Any animal, ~~including dogs and cats,~~ found in violation of this section may be impounded and held in accordance with provisions of the county code, as may be amended. Any fees or costs imposed under county code provisions are in addition to any penalty imposed on the owner or person in charge of the animal under subsection 46-61(a), or as provided elsewhere in this Code. In the

event that a restaurant or concession located within a city park where animals are prohibited meets the requirements of the City of Venice Dog Friendly Dining Program, as established by section 86-152 of the city Code, then the prohibition with regard to dogs is suspended for the designated outdoor dining area, parking lot and areas directly between the parking lot and outdoor dining area during the hours of operation of the dog friendly restaurant or concession.
(10) through (14) No change.

SECTION 4. Chapter 46, Parks and Recreation, Article III, Conduct in Parks; Section 46-66(b), Certain Parks Closed to Vehicles During Nighttime Hours, is amended to read as follows:

ARTICLE III. CONDUCT IN PARKS

Sec. 46-66. Certain parks closed to vehicles during nighttime hours.

(b) *Designated areas; closing time.* The following are closed to vehicles between the hours of 12:00 midnight and 6:00 a.m. daily unless city council orders any of the facilities to be subject to a different closing time:

- (1) Brohard Park (except for those utilizing the fishing pier).
- (2) Chuck Reiter Park.
- (3) Graser Park.
- (4) Hecksher Park.
- (5) Humphris Park.
- (6) Municipal Beach.
- (7) Patriots Park.
- (8) Pinebrook Park.
- (~~9~~) Service Club Park.
- (~~10~~) Venice Wellfield.

SECTION 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. 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. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 7. This Ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 23RD DAY OF FEBRUARY 2021.

First Reading: February 9, 2021

Final Reading: February 23, 2021

Adoption: February 23, 2021

Ron Feinsod, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, 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 Venice City Council, at a meeting thereof duly convened and held on the 23rd day of February 2021, a quorum being present.

WITNESS my hand and the official seal of said City this 23rd day of February, 2021

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney