

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.

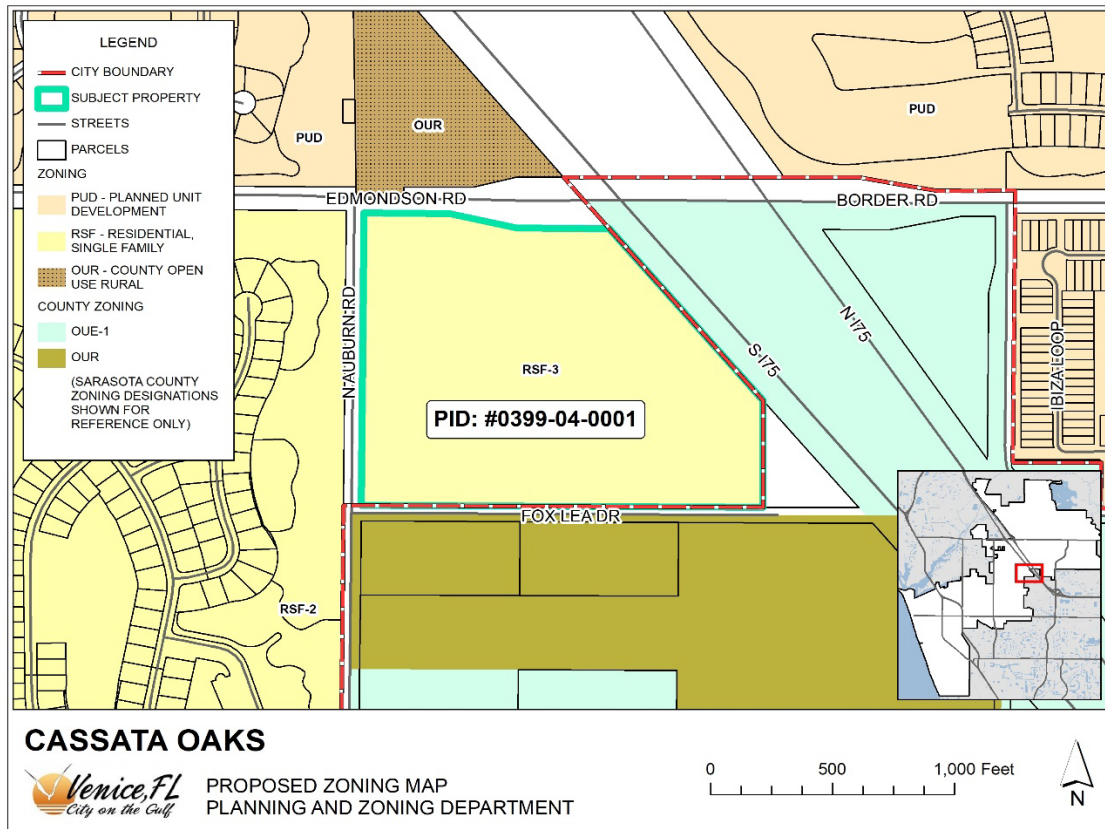
B. The Council held, after due public notice, a public hearing on the Petition and considered the evidence and testimony received at said public hearing.

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 restricting the use of drones, fireworks, and outdoor fires other than a fire pit 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.
- 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 along 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. Neither the property owner nor its contractor shall burn any trash or waste materials on the subject property in the course of construction.
 - d. All wood chipping will be done on the north of the property to minimize noise impacts to the southern property.
 - e. The developer shall install a ground water liner at the southern side of the property south of the proposed lakes to prevent negative drawdown of the water table south of developer's property.

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

Exhibit “A”

Legal Description

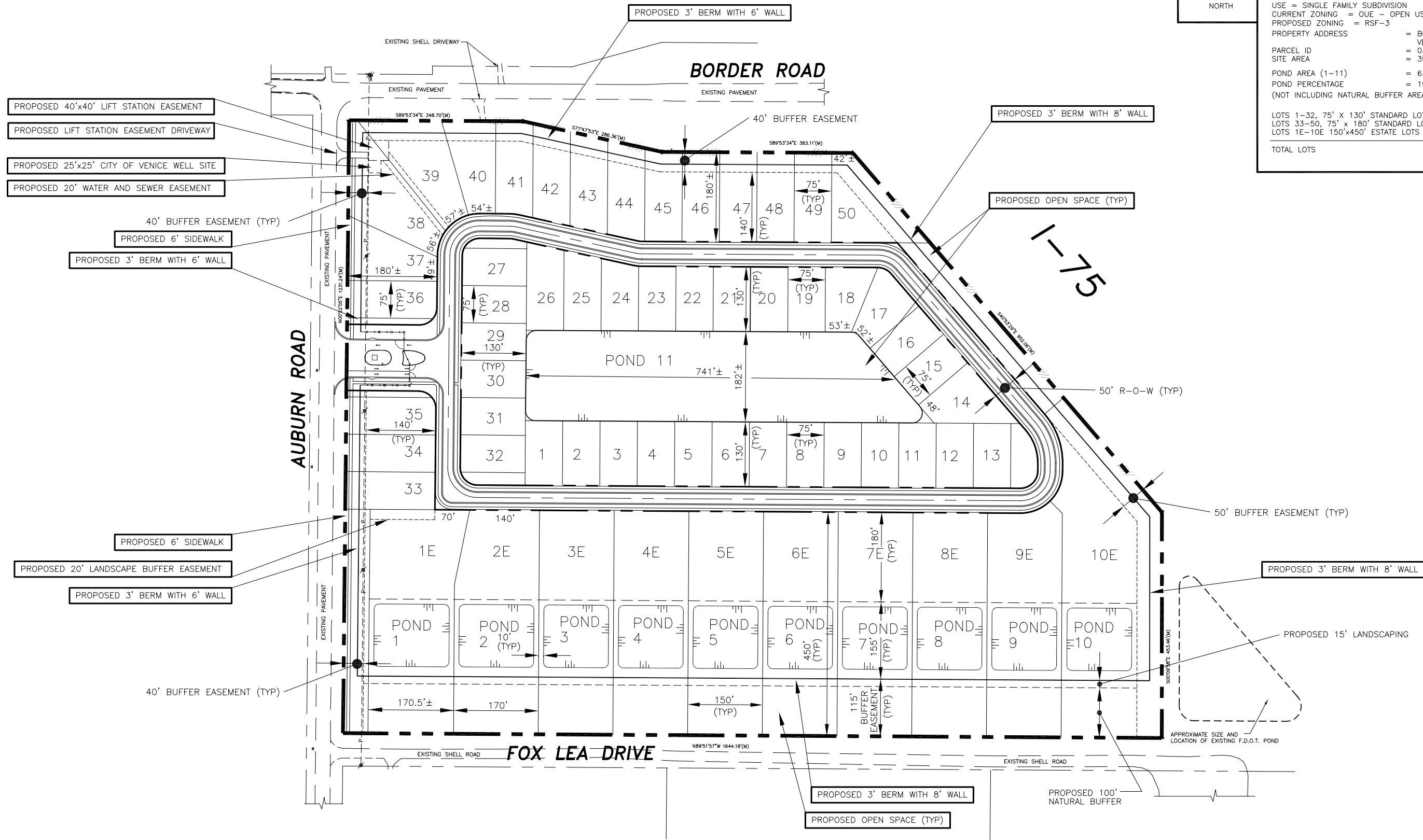
TRACT 226, LESS AND EXCEPT THE NORTH 27 FEET OF THE WEST 167 FEET, AND TRACTS 227, 228, 230, 231, 232, 233, NORTH VENICE FARMS, ACCORDING TO MAP OR PLAT THEROF, AS RECORDED IN PLAT BOOK 2, PAGE 203, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT PORTION CONVEYED BY DOUGLAS R. MURPHY AND KATHERINE N. MURPHY, HUSBAND AND WIFE TO VENICE HIGH SCHOOL FOUNDATION, INC BY INSTRUMENT RECORDED IN OFFICIAL RECORDS 2574 PAGE 2898, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN PARCEL ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOKS 1202, PAGE 1127, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT CERTAIN PARCEL ACQUIRED BY SARASOTA COUNTY, FLORIDA BY INSTRUMENT RECORDED UNDER CN 2004242187 AND CN 2006186450, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN PARCEL CONVEYED BY ROLAND G. CALDWELL, JR. PRESIDENT OF CALDWELL TRUST COMPANY, AS SUCCESSOR TRUSTEE OF THE DOUGLAS R. MURPHY REVOCABLE LIVING TRUST UNDER AGREEMENT DATED MAY 9, 1983 TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED UNDER SN 2008036086, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN PARCEL CONVEYED BY ROLAND G. CALDWELL, JR., PRESIDENT OF THE CALDWELL TRUST COMPANY, AS SUCCESSOR TRUSTEE OF THE DOUGLAS R. MURPHY REVOCABLE LIVING TRUST UNDER AGREEMENT DATED MAY 9, 1983 TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED UNDER CN 2008036088, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

Exhibit "B"



SITE DATA

USE = SINGLE FAMILY SUBDIVISION
 CURRENT ZONING = OUE - OPEN USE ESTATES
 PROPOSED ZONING = RSF-3
 PROPERTY ADDRESS = BORDER ROAD VENICE, FLORIDA 34292
 PARCEL ID = 0399040001
 SITE AREA = 39.62 AC.±
 POND AREA (1-11) = 6.92 AC.±
 POND PERCENTAGE = 19.22 %
 (NOT INCLUDING NATURAL BUFFER AREA)
 LOTS 1-32, 75' X 130' STANDARD LOTS = 32 EA.
 LOTS 33-50, 75' X 180' STANDARD LOTS = 18 EA.
 LOTS 1E-10E 150' X 450' ESTATE LOTS = 10 EA.
 TOTAL LOTS = 60



CLIENT:
MPS DEVELOPMENT AND CONSTRUCTION, LLC
 625 N. TAMiami TRAIL
 VENICE, FL 34285

PROJECT NAME: SEC. . . TWP. . . RNG. . .

CASSATA OAKS
CONCEPTUAL SITE PLAN

PROJECT NUMBER	NO.	DATE	BY	REVISIONS
22-2568				
SCALE				
1"=200'	1	3-25-24	SAG	REVISED AS PER CITY OF VENICE COMMENTS.

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PEER
 PROFESSIONAL ENGINEERING RESOURCES, INC.
 846 94th AVE. NORTH ST. PETERSBURG, FL 33702
 CIVIL ENGINEERS, PLANNERS, PERMIT EXPEDITORS (727) 576-2007
 CERTIFICATE OF AUTHORIZATION NUMBER: 4401

DRAWING TYPE
 PRELIMINARY
 CONSTRUCTION
 RECORD

DESIGNED BY PVS	APPROVED	SHEET NUMBER 1
DRAWN BY SAG		
CHECKED BY PVS		
DATE 2-26-24		
PAUL V. SHERMA, REG. NO. 35628		

Exhibit "C"

PREPARED BY AND RETURN TO:

NOTICE OF PROXIMITY AND USE RESTRICTIONS

(Interstate 75 and Adjacent Property Owner Use and Operation)

This Notice of Proximity and Use Restrictions (this "Notice") is dated _____, 202____, and entered into the public record by **Auburn Road FC, LLC**, a Florida limited liability company, as owner of the real property located in the City of Venice which is legally described on **Exhibit A** attached hereto and incorporated herein by this reference (the "Property").

It is the intent of this Notice to make known to the public-at-large that the Property is located in close proximity to Interstate 75 the property, and also to notify the public-at-large of the established use and operations existing on the adjacent property currently known as "Fox Lea Farm" located immediately adjacent to the Property's southern border located at the address of 800 North Auburn Road, Venice, FL 34292, with Parcel ID # 0399-11-0002 (the "Adjacent Fox Lea Farm Property").

It is the further purpose of this Notice to provide any prospective purchaser, prospective tenant, or other owner, occupant, visitor, or other user, of any lot, home, or other land within the future planned residential community intended to be developed on the Property and generally referred to as "Cassata Oaks Development" (the "Development") with knowledge of the impacts from Interstate 75, which is adjacent to the Development, and of the established use and operations existing on the Adjacent Fox Lea Farm Property.

It is the further purpose of this Notice to impose certain Use Restrictions (as defined below) on the Property which shall encumber the Property and be binding upon all owners and occupants thereof as detailed in the Use Restrictions.

By acceptance of a deed to a lot, or by occupancy or use of any portion of the Development, those parties specifically purchasing, leasing, or otherwise accessing or using any portion of the Property acknowledge the location of Interstate 75 adjacent to the Development, and that continuous noise from Interstate 75 will be present and may be heard outside or inside homes in the development.

By acceptance of a deed to a lot, or by occupancy or use of any portion of the Development, those parties specifically purchasing, leasing, or otherwise accessing or using any portion of the Property, acknowledge and understand (i) the extent of the use and operations existing the Adjacent Fox Lea Farm Property, as described in detail below (See, "Description of Fox Lea Farm" below), (ii) that the general description of Fox Lea Farm and its operations as set forth below is illustrative in nature and does not intend to limit or prescribe the uses and operation set forth therein, and (iii) said use and operations may increase in intensity and duration at any time in the future, and this Notice and the Description below shall be deemed inclusive of all such increases.

Description of Fox Lea Farm:

Located at the address of 800 North Auburn Road, Venice, FL 34292, the owner of such property currently owns and operates the business established on the property known as "Fox Lea Farm." Fox Lea Farm is currently operated on the Adjacent Fox Lea Farm Property which is located immediately adjacent to the southern border of the Property. Fox Lea Drive is the entrance and exit to the Adjacent Fox Lea Farm Property; it is the dirt road running along the shared border between the Property and Fox Lea Farm. Fox Lea Farm is a privately-owned, nationally-recognized horse show facility, which has been in operation since the early 1980's. The nature of Fox Lea Farm's current business operations include, but are not limited to, the following activities:

- Hosting a variety of large-scale horse shows;

- Equestrian activities, such as training, teaching, and holding horse-riding camps;
- Hosting events that may use vendors, bands, videos, and various attractions;
- Boarding, grooming, maintaining, and providing temporary housing for horses and other animals;
- Maintaining the grounds, competition rinks, and various equipment, structures and facilities thereon;
- Maintaining offices for the business operation and all activities related thereto;
- Providing RV space and other accommodations for groomers, staff, owners, riders, and other associated individuals.

Fox Lea Farm currently operates year-round, during the weekdays and weekends, and at all hours of the day. Its operations can be characterized as twenty-four (24) hours a day, seven (7) days a week. Fox Lea Farm has plans to expand its operations to include all fifty two (52) weeks of the calendar year. The variety of activities occurring on Fox Lea Farm produce impacts such as noise from loudspeakers, light from stadium lights, dust, smells, and increased traffic. Noise, dust, smells, or other disturbances from such activities may affect, impact, or otherwise be noticeable from, portions of the Development. As Fox Lea Farm's business operations evolve and/or expand, existing impacts may increase, and new and additional impacts may also occur.

THOSE PARTIES SPECIFICALLY PURCHASING OR LEASING ANY PORTION OF THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO ARE HEREBY ON NOTICE OF THEIR PROXIMITY TO THE FOX LEA FARM, ANIMALS AND PERSONS ON THE FOX LEA FARM PROPERTY, AND THE "USE RESTRICTIONS" AS SET FORTH BELOW.

The Property shall be owned, held, encumbered, leased, used, occupied, and enjoyed subject to the following restrictions (collectively, "Use Restrictions"): For so long as the Adjacent Fox Lea Farm Property (or the portion of thereof located immediately adjacent to the Property) is used and operated for the primary purpose of equine training, equine breeding and/or equine stables, the owners and occupants of the Property shall not (i) use or fly drones over any portion of the Property, (ii) use or ignite fireworks within or from any part of the Property, (iii) create or maintain any large outdoor fire which burning would reasonably be expected to be visible or detectable from the Adjacent Fox Lea Farm Property, or (iv) create excess or unreasonable amounts of smoke or fumes from lots or homes within the Property which would reasonably be expected to be detectable from the Adjacent Fox Lea Farm Property. The foregoing restrictions are not intended to limit or restrict, and shall not be deemed or applied to limit or restrict, the activities of any developer or builder constructing homes, infrastructure, or other improvements in connection with construction and completion of development within the Property.

All record owners which take title to property within the boundaries as described in Exhibit A attached hereto, or tenants who may occupy the premises within the boundaries described in Exhibit A attached hereto, shall be deemed to have constructive knowledge of this Notice due to its recordation in the Public Records of Sarasota County, Florida, and by further deed or other instrument of conveyance, conveying any portion of the property within the boundaries in Exhibit A attached hereto, or by executing an occupancy agreement and delivering same to the owner of such property contained within the boundaries of the property described in Exhibit A, their successors or assigns. This instrument may be amended only with the prior written consent of the owner(s) of the Property and the Adjacent Fox Lea Farm Property. Further, the Use Restrictions created hereby run with the land, for so long as the Adjacent Fox Lea Farm Property is used and operated for the primary purpose of equine training or related activities, equine breeding and/or equine stables.

[REMAINDER OF PAGE LEFT BLANK]

IN WITNESS WHEREOF, the undersigned, being the record title owner of the Property, has hereunto duly executed this instrument to be effective as of the date and year first set forth above.

WITNESSES:

AUBURN ROAD FC, LLC, a Florida limited liability company

Print Name: _____
Address: _____

By: _____
Name: _____
Title: _____

Address: _____

Print Name: _____
Address: _____

STATE OF FLORIDA)

COUNTY OF SARASOTA)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this _____ day of _____, 202__, by _____, as _____ of **AUBURN ROAD FC, LLC**, a Florida limited liability company, on behalf of the company. He/She is personally known to me or has produced _____ as identification.

My commission expires:

NOTARY PUBLIC, State of Florida at Large

Print Name: _____

EXHIBIT A

Legal Description of Property