

Prepared by: City Clerk

ORDINANCE NO. 2014-04

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA RELATING TO REZONE PETITION NO. 13-2RZ, PORTOFINO, FOR THE REZONING OF THE PROPERTY DESCRIBED HEREIN FROM CITY OF VENICE COMMERCIAL, GENERAL (CG) ZONING DISTRICT TO COMMERCIAL MIXED USE (CMU) ZONING DISTRICT; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Rezone Petition No. 13-2RZ to rezone property described in Section 3 below commonly referred to as Portofino, has been filed with the City of Venice to change the official City of Venice Zoning map from Commercial, General (CG) to Commercial Mixed Use (CMU); and

WHEREAS, the subject property described in Section 3 below 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; and

WHEREAS, the Planning Commission held a public hearing on December 17, 2013, for which public notice was provided regarding the petition and based upon public comment received at the public hearing, the staff report, and discussion by the Planning Commission, voted unanimously to recommend approval of Rezone Petition No. 13-2RZ with restrictions and stipulations provided herein; and

WHEREAS, the Venice City Council has received and considered the report of the Planning Commission concerning Rezone Petition No. 13-2RZ requesting rezoning of the property described herein; and

WHEREAS, City Council held a public hearing on the proposed rezoning of the property described herein, all in accordance with the requirements of city's code of ordinances, and has considered the information received at said public hearing; and

WHEREAS, City Council finds that Rezone Petition No. 13-2RZ is in compliance with and meets the requirements of the city's Land Development Regulations and Comprehensive Plan and any amendments thereto.

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 finds as follows:

A. The Council has received and considered the report of the Planning Commission recommending approval, with additional conditions or stipulations governing permitted uses, of Zoning Map Amendment Rezone Petition No. 13-2RZ requesting rezoning of the property described herein.

B. The Council has held a public hearing on the petition and has considered the information received at said public hearing.

C. The proposed rezoning of the property described herein is consistent with the City of Venice Comprehensive Plan.

D. Pursuant to Section 86-97(l)(2) of the City of Venice Land Development Code regarding maximum height, satisfactory provisions and arrangements have been made concerning the following, where applicable:

- a. Compliance with all applicable elements of the comprehensive plan;
- b. General compatibility with adjacent properties and other properties in the district;
- c. Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings;
- d. Required yards and other open space;
- e. Screening and buffering, with reference to type, dimensions and character;
- f. Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;
- g. Off-street parking and loading areas, where required;
- h. Value added considerations including tax base diversification, employment, and affordable housing unit expansion;
- i. Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved;
- j. Building height shall transition from the maximum building height to a lower height when directly adjacent to lower intensity residential and commercial land uses, waterways or designated height restrictive overlay zones;
- k. Proportion and scale should be considered for taller building structures to create a tapering effect of the building mass for structures greater than 35 feet in height. Buildings greater than 35 feet should have a clear and distinct base and cap to help define and articulate the pedestrian realm at the base of the structure and a crowning top to provide visual interest along the district skyline.

SECTION 3. The Official Zoning Atlas is hereby amended, by changing the zoning classification for the following described property located in the City of Venice from Venice City Commercial, General (CG) zoning district to Commercial Mixed Use (CMU) zoning district.

Property Description:

Fee Simple Title Parcel (Overall Description):

The south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 27, Township 38 South, Range 19 East, Sarasota County, Florida; less the west 40 feet for Knights Trail Road right of way; and less: Laurel Road right of way described in order of taking recorded in official records Book 2432, page 1354 of the public records of Sarasota County, Florida; and less: lands conveyed to City of Venice as described in warranty deed recorded in official records instrument #1998171296 of the public records of Sarasota County, Florida; and less: right of way parcel 1 for Laurel Road conveyed to Sarasota County described in LLC Warranty Deed recorded in official records instrument #2004171672, of the public records of Sarasota County, Florida; and less: further lands conveyed to Sarasota County and described in Warranty Deed recorded in official records instrument #2007172178 and Warranty Deed recorded in official records instrument #2008113315 of the public records of Sarasota County, Florida; and less and except from the described lands, parcels A and B described as follows:

Parcel A:

That part of Section 27, Township 38 South, Range 19 East, Sarasota County, Florida being described as follows:

Begin at the northeast corner of lands of the City of Venice as recorded in official records instrument #1998171296 public records of Sarasota County, Florida. Said corner lying on the north line of the south $\frac{1}{2}$ of southwest $\frac{1}{4}$ of said Section 27; thence along said north line, N.89°09'01"E., 2173.18 feet to the east line of said southwest $\frac{1}{4}$ of Section 27; thence along last said east line, S.00°55'45"E., 155.00 feet to a point lying on a line 155.00 feet south of and parallel with the said north line of the south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 27; thence along said parallel line, S.89°09'01"W., 2173.85 feet to the east line of said lands of the City of Venice; thence along last said east line, N.00°40'45"W., 155.00 feet to the point of beginning.

Parcel B:

That part of Section 27, Township 38 South, Range 19 East, Sarasota County, Florida being described as follows:

Begin at the intersection of the east line of of the southwest $\frac{1}{4}$ of said Section 27 with the north right of way line of Laurel Road right of way parcel #1 as shown and described in official records instrument #2004171672, public records of Sarasota County, Florida; thence along said north right of way line, S.89°15'44"W., 547.00 feet to a point lying on a line 10.57 feet east of and parallel with the west line of license agreement parcel as recorded in official records instrument #1998109098 of said public records; thence along last said parallel line, N.00°55'45"W., 1092.60 feet to a point lying on a line 155.00 feet south of and parallel with the north line of the south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of said Section 27; thence along last said parallel line, N.89°09'01"E., 547.00 feet to the said east line of the southwest $\frac{1}{4}$ of Section 27; thence along the last said east line, S.00°55'45"E., 1093.67 feet to the point of beginning.

Commonly known as Portofino, located at the northeast corner of Laurel Road and Knights Trail Road, containing ± 50.68 acres, a portion of parcel ID 0376-00-3000.

SECTION 4. ~~With the exception of the list of uses, the master development plan~~ The “Portofino Rezoning Application December, 2013, as Amended January 28, 2014”, comprised of 21 pages, and all information and materials formally submitted with the application, together with any conditions, safeguards and stipulations made at the time of rezoning, are hereby adopted by reference as an amendment to the Land Development Code and shall become the standard of development for the Portofino commercial mixed use district.

SECTION 5. ~~Restrictions or stipulations governing uses that may be permitted. The use of the property described in Section 3 hereof, in addition to applicable restrictions imposed by City of Venice Code of Ordinances Chapter 86 Land Development Code, is limited by and subject to the following additional restrictions or stipulations governing uses:~~

- ~~1. Permitted uses and structures are only those uses and structures permitted in Section 86-97(d) code of ordinances, as may be amended.~~
- ~~2. Special Exception uses are all other uses listed in the master development plan filed with the application that are not permitted uses and structures in Section 86-97(d) of the code of ordinances, as may be amended.~~
- ~~3. All other uses are prohibited.~~

SECTION 56. 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 11TH DAY OF FEBRUARY, 2014.

First Reading: January 28, 2014
Second Reading: February 11, 2014
Adoption: February 11, 2014

John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

(SEAL)

Approved as to form:

David Persson, City Attorney