ORDINANCE NO. 2020-09

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, FOR THE PROPERTIES BORDERED BY JACARANDA BOULEVARD, BORDER ROAD, N. CLERMONT ROAD AND CURRY CREEK/BLACKBURN CANAL AND OWNED BY SSD LAND HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, W. RUSSELL SNYDER AND IRALYN M. SNYDER, JASON MILTON KRAMER AND JONATHAN SOL KRAMER PURSUANT TO ZONING MAP AMENDMENT PETITION NO. 19-37RZ, FROM SARASOTA COUNTY OPEN USE ESTATE (OUE-1) TO VENICE PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Zoning Map Amendment Petition No. 19-37RZ ("Petition") has been filed with the City of Venice to change the official City of Venice Zoning Map designation for the properties described in Section 4 below from Sarasota County Open Use Estate (OUE-1) to City of Venice Planned Unit Development (PUD); and

WHEREAS, the subject properties have 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 noticed public hearing on January 21, 2020 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 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 properties 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.
- D. The requested waiver of the sidewalk requirements for North Clermont Road and Ewing Drive is justified due to the internal sidewalk circulation system of the proposed development, the fact that none of the residential lots within the proposed development front on North Clermont Road or Ewing Drive, and the limited number of properties outside the proposed development (six large lot residential dwelling units) that would otherwise be served by extending the sidewalks.
- E. The Planning Commission determined that circumstances exist which make the immediate construction of the Jacaranda Boulevard sidewalk impractical within a reasonable time after completion of the project.
- **SECTION 3.** The Official Zoning Atlas is hereby amended, by changing the zoning classification for the following described properties located in the City of Venice from Sarasota County Open Use Estate (OUE-1) to City of Venice Planned Unit Development (PUD), subject to the following stipulations:
 - 1. At the time of the final plat (final phase), open space and wetlands shall be protected in perpetuity by a recorded document approved by the City.
 - 2. The recreation trail shown on the Binding Master Plan Map shall be an impervious surface.

SECTION 4. The "Palencia Planned Unit Development (PUD) Binding Master Plan" attached hereto as Exhibit "A", is hereby adopted and incorporated by reference and shall become the standards of development for the property described below. The City Council also hereby approves the requested Code modifications to the requirements of Sections 86-130(q) and 86-232(5), as referenced in the Palencia Planned Unit Development (PUD) Binding Master Plan. The City Council also hereby approves the waiver of the sidewalk requirements for North Clermont Road and Ewing Drive and shall determine at the time the preliminary plat is considered by City Council the sum to be paid into the special sidewalk fund that represents the cost of constructing a sidewalk along Jacaranda Boulevard in accordance with Section 86-520(b) of the City Code.

The subject 73.0+ and 6.7+ acre properties are designated as Parcel Identification Nos. 0399-01-0001 and 0399-09-0001 as depicted on the location map shown below and are further described as follows:

<u>SSD LAND HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY - PID # 0399-01-0001</u> ALTA/ACSM LAND TITLE SURVEY: PARCEL OF LAND LYING AND BEING IN SECTION 3, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA.

DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SARASOTA, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

TRACTS 267 268, 269, 270, 271, 272, 273 AND 274, NORTH VENICE FARMS, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 203, 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 BOOK 1202, PAGE 1127, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

LESS AND EXCEPT THOSE CERTAIN PARCELS 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 ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED UNDER CN 2008036088, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

SAID LANDS BEING MORE PARTICULARLY DESCRIBED AND SURVEYED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 3, ALSO BEING THE CENTER LINE INTERSECTION OF NORTH CLERMONT ROAD (66 FOOT RIGHT OF WAY) AND BORDER ROAD. (RIGHT OF WAY VARIES) AS SHOWN ON SAID PLAT OF NORTH VENICE FARMS; THENCE SOUTH 89 DEGREES 39 MINUTES 40 SECONDS EAST ALONG THE CENTER LINE OF SAID BORDER ROAD ALSO BEING THE NORTH LINE OF SAID NORTHWEST QUARTER OF SAID NORTHEAST QUARTER A DISTANCE OF 33.00 FEET TO INTERSECT THE NORTH EXTENSION OF THE EAST RIGHT OF WAY OF SAID NORTH CLERMONT ROAD; THENCE SOUTH 00 DEGREES 34 MINUTES 21 SECONDS WEST A DISTANCE OF 46.58 FEET TO THE EXISTING SOUTH RIGHT OF WAY LINE OF BORDER ROAD AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2004242187, AS RECORDED IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. AND THE POINT OF BEGINNING: THENCE NORTH 89 DEGREES 51 MINUTES 20 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE AS MEASURED A DISTANCE OF 1609.84 FEET TO A POINT LYING 33 FEET SOUTH OF AT RIGHT ANGLES TO THE CENTER LINE OF SAID BORDER ROAD; THENCE SOUTH 89 DEGREES 39 MINUTES 40 SECONDS EAST ALONG SAID LINE A DISTANCE OF 988.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 270, LYING ON THE WEST RIGHT OF WAY LINE OF JACARANDA BOULEVARD (RIGHT OF WAY WIDTH VARIES); THENCE SOUTH 00 DEGREES 30 MINUTES 40 SECONDS WEST ALONG SAID LINE ALSO BEING THE EAST LOT LINE OF SAID LOTS 270 AND 274 A DISTANCE OF 1255.16 FEET TO THE EXISTING SOUTHEAST CORNER OF SAID LOT 274; THENCE NORTH 89 DEGREES 44 MINUTES 03 SECONDS WEST ALONG THE SOUTH LOT LINES OF SAID LOTS 271 THRU 274, ALSO BEING THE NORTH RIGHT OF WAY LINE OF EWING DRIVE (66 FEET OF RIGHT OF WAY) A DISTANCE OF 2235.68

FEET TO THE EAST LIMITS OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2008036088, AS RECORDED IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG THE EAST AND NORTH MONUMENTED LIMITS OF SAID LANDS THE FOLLOWING TWO CALLS; NORTH 00 DEGREES 15 MINUTES 11 SECONDS EAST A DISTANCE OF 202.28 FEET (201.78 FEET DEED) SOUTH 89 DEGREES 59 MINUTES 40 SECONDS WEST A DISTANCE OF 362.45 FEET (362.61 FEET DEED) TO THE EAST RIGHT OF WAY LINE OF SAID NORTH CLERMONT ROAD; THENCE NORTH 00 DEGREES 34 MINUTES 21 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 1044.34 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 73.05 ACRES MORE OR LESS.

W. RUSSELL SNYDER AND IRALYN M. SNYDER, JASON MILTON KRAMER, AND JONATHAN SOL KRAMER - PID # 0399-09-0001

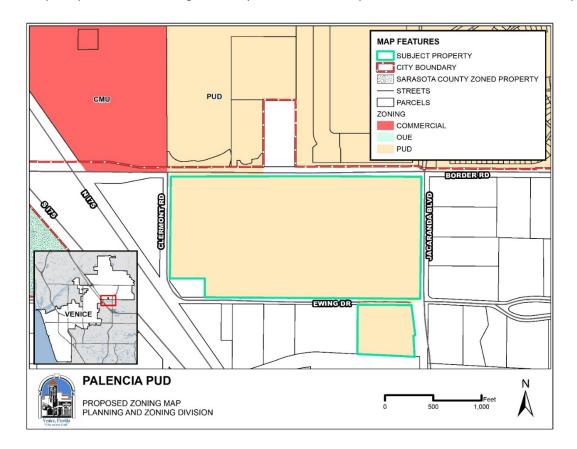
TRACT 279, NORTH VENICE FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 203, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; LESS THE EASTERLY 17 FEET THEREOF.

ALSO LESS AND EXCEPTING THE FOLLOWING DESCRIBED PORTION FOR ROAD RIGHT OF WAY PURPOSES AS RECORDED IN OFFICIAL RECORDS BOOK 2449, PAGE 979, PUBLIC RECORD OF SARASOTA COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE GRANTOR'S TRACT AS RECORDED IN O.R. 1258, PAGE 211, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, IN SECTION 3, TOWNSHIP 39 SOUTH, RANGE 19 EAST, THE SAME BEING A PORTION OF LOT 279, NORTH VENICE FARMS, AS RECORDED IN PLAT BOOK 2, PAGE 203, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 279, NORTH VENICE FARMS, AS RECORDED IN PLAT BOOK 2, PAGE 203, SARASOTA COUNTY, FLORIDA, THENCE N.86°50′51″W., ALONG THE SOUTHERLY BOUNDARY OF SAID LOT, A DISTANCE OF 17.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.86°50′51″W., A DISTANCE OF 36.68 FEET TO A POINT ON A CURVE; THENCE 60.82 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 3650.00 FEET; A CENTRAL ANGLE OF 0°57′17″, AND A CHORD OF 60.82 FEET WHICH BEARS N.6°40′19″W., THENCE N.7°08′57″W., A DISTANCE OF 157.05 FEET; THENCE N.82°51′03″E., A DISTANCE OF 20.00 FEET TO A POINT ON A CURVE; THENCE 311.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 3930.00 FEET, A CENTRAL ANGLE OF 4°32′09″, AND A CHORD OF 311.04 FEET WHICH BEARS N.4°52′53″W., TO THE NORTHERLY BOUNDARY OF SAID LOT; THENCE S.89°37′39″E., ALONG SAID BOUNDARY A DISTANCE OF 75.31 FEET, THENCE S.0°35′20″W., A DISTANCE OF 530.21 TO THE POINT OF BEGINNING.

Any discrepancy between the legal description and the map shall resolve in favor of the map.



SECTION 5. All Ordinances or parts of Ordinances in conflict herewith shall 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.

SECTION 7. **Effective date.** This Ordinance shall take effect when Ordinance 2020-08 for Comprehensive Plan Amendment Petition No. 19-29CP becomes effective.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 26^{TH} DAY OF MAY 2020.

_	March 10, 2020 May 26, 2020	
Adoption:	May 26, 2020	
		Ron Feinsod, Mayor
Attest:		
Lori Stelzer, M	MC, City Clerk	
County, Florida of an Ordinand	a, do hereby certify that the f	f Venice, Florida, a municipal corporation in Sarasota oregoing is a full and complete, true and correct copy of Venice Council, a meeting thereof duly convened orum being present.
WITNESS my h	and and the official seal of sa	aid City this 26th day of May 2020.
Approved as to	o form:	Lori Stelzer, MMC, City Clerk
 Kelly Fernande	z, City Attorney	

PALENCIA

PLANNED UNIT DEVELOPMENT (PUD) BINDING MASTER PLAN

SEPTEMBER 6, 2019

ADOPTED BY ORDINANCE NO. 19-___

PALENCIA PUD

PROJECT NARRATIVE

The proposed Palencia PUD is an 80 +/- acre property located south of Border Road and west of Jacaranda Boulevard. The property is located within *Area 2B- I-75 to Jacaranda Boulevard* of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) as identified in the City of Venice Comprehensive Plan (seventy-three acres within Subarea No 1, and seven acres within Subarea No. 2); a concurrent Annexation Application, and Comprehensive Plan Amendment has been filed with the City. The JPA/ILSBA identifies the potential uses for Area 2B-I-75 to Jacaranda Boulevard, Subarea No. 1 (north of Ewing Drive) as residential; a maximum of 9 dwelling units per acre, and Sub Area No. 2 (south of Ewing Drive) as residential: a maximum of 13 dwelling units per acre, with up to 50% of the acreage in the area allowable for non-residential uses..

The applicant proposes a rezoning to Planned Unit Development (PUD) which would allow for the development of a residential community consisting of single-family detached homes, paired villas, amenity areas and open space. The proposed density is for up to 203 residential units (approximately 2.5 dwelling units per acre), at the midpoint of the range for PUD's and significantly lower than the density range established through the JPA/ILSBA. The circulation plan for the Palencia PUD demonstrates excellent opportunities for multi-modal connectivity, including a linked sidewalk system for pedestrian connectivity to amenity areas, as well as to the existing Border Road sidewalks.

All internal roadways will be privately owned and maintained. The on-site stormwater management system will be privately owned and maintained. Water and wastewater facilities will be dedicated to the City of Venice and Sarasota County respectively.

COMPLIANCE

The proposed Palencia PUD plan is consistent with all applicable elements of the JPA/ILSBA between the City of Venice and Sarasota County, including *Paragraph 6.B.3 Agreements on Parcels, and Exhibit B* regarding land uses, water and sewer provider, timing of infrastructure availability, transportation improvements and environmental considerations, and Paragraph 10 (I) regarding land use compatibility. Upon approval of the concurrent City of Venice Comprehensive Plan Amendment which proposes a Future Land Use designation for the property of *Mixed Use Residential (MUR)* the proposed Palencia PUD will be consistent with all applicable elements of the Future Land Use Element of the Comprehensive Plan including Strategy LU 1.2.16, Strategy LU 1.2.17, Strategy LU-NE 1.1.1, Strategy OS-NE 1.1.5. In addition, the Palencia PUD plan is in compliance with the applicable Visions, Intents, and Strategies of the Open Space Element of the Comprehensive Plan regarding sustainable

environmental practices, open space corridors, and habitat protection as evaluated in the September 2019, Assessment by DexBender Environmental Consulting.

Finally, the proposed Palencia PUD is in compliance with the City of Venice Land Development Code Sec. 86-130 requirements for Planned Unit Development (PUD) Districts as outlined in the below Land Use and Development Standards.

LAND USE AND DEVELOPMENT STANDARDS

The following identifies the proposed development standards for the Palencia Planned Unit Development (PUD). In furtherance of the interpretation authority granted by the City of Venice Comprehensive Plan and Land Development Code, the Zoning Administrator shall have authority to administratively approve minor modifications of standards contained with the Palencia PUD, excluding standards related to density, building height, buffer widths, and the addition of uses. Reasonable mitigation measures may be imposed by the Zoning Administrator to limit impacts from the requested adjustment of standards. Where the PUD Master Plan identifies areas for residential uses, the developer shall have the option to convert such residential use areas to open space uses.

Any standard not stated or otherwise addressed in the Binding Master Plan is subject to Chapter 86- Land Development Code.

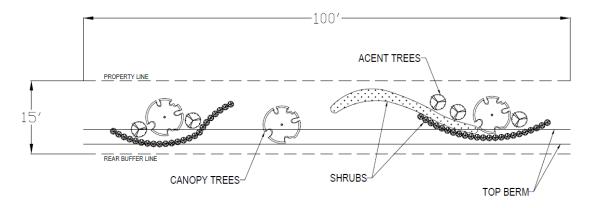
A. Land Uses

- 1) Permitted Principal Uses and Structures
 - Residential single-family dwellings (Detached)
 - Residential single-family dwellings (Attached)
 - Model homes
 - Private club, community centers, and civic and social organization facilities
 - Recreational areas
 - Open space
- 2) Permitted Accessory Uses and Structures
 - Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
 - Are located on the same lot as the permitted or permissible use or structure or on a contiguous lot in the same ownership.
 - Do not involve operations or structures not in keeping with the character of the district.
 - Do not involve the conduct of business on residential premises, provided that accessory home occupations shall be allowed as accessory to residential uses.

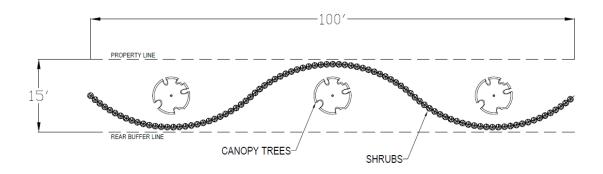
- B. Density/Intensity
 - 1) Residential Up to 203 residential units
 - 2) Commercial None
 - 3) Open space Minimum 50%
- C. Maximum Height of Structures 35 feet
- D. Lot Detail
 - 1) Single-Family Detached
 - Minimum Lot Size: 6,500 square feet
 - Maximum Lot Coverage: None, except as required to meet other requirements set out in this section.
 - Minimum Lot Width: 50 feet
 - Front Yard: 20 feet, or 15 feet when building has side entry garage
 - Rear Yard: 10 feetSide Yard: 5 feet
 - Accessory structures/appurtenant structures including, but not limited to pool cages, patios and pavers may be located within five (5) feet of the rear lot line, and five (5) feet of the side lot line.
 - 2) Single-Family Attached (Paired Villas)
 - Minimum Lot Size: 4,550 square feet
 - Maximum Lot Coverage: None, except as required to meet other requirements set out in this section.
 - Minimum Lot Width: 35 feet
 - Front Yard: 20 feetRear Yard: 10 feetSide Yard: 5 feet
 - Accessory structures/appurtenant structures including, but not limited to pool cages, patios and pavers, may be located within five (5) feet of the rear lot line, and five (5) feet of the side lot line.

E. Landscape Buffers

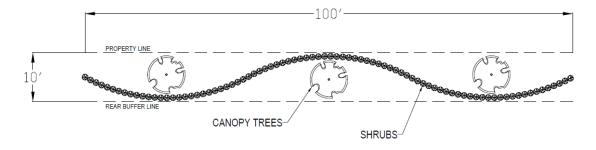
Border Road and Jacaranda Boulevard: Minimum of 15 feet



Ewing Drive and N. Clermont Road: Minimum of 15 feet



• All other landscaped perimeter buffer areas shall be a minimum of ten (10) feet in width measured at right angles to property lines.



 All buffers may include an optional six-foot-high (6') opaque durable barrier set within the landscaped buffer area; such barrier may be but not limited to masonry, wood, PVC, aluminum rail or similar material. If such opaque durable barrier is of nonliving material, for each ten (10) feet thereof, an average of one shrub or vine shall be planted abutting such barrier, but these need not be spaced ten (10) feet apart. F. Easements: Easements shall be established with the Preliminary/Final Plat.

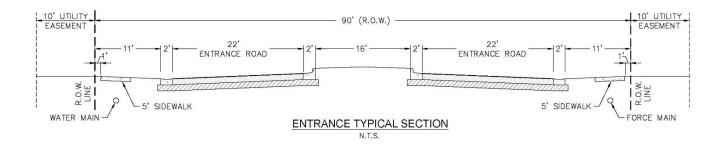
G. Roadway Design

1) The Palencia PUD proposes an entry roadway section with the following minimum design standards (see typical roadway section below).

Right-of-Way: 90 feetTravel Lanes: 11 feet

• Sidewalk: 5 feet, both sides of street

Curb: 2-foot

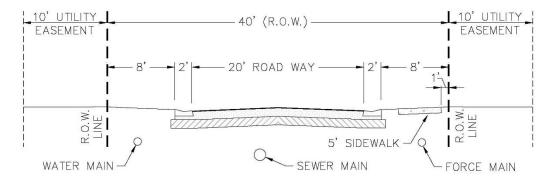


2) The Palencia PUD proposes an alternative neighborhood roadway design with the following standards (see typical roadway section below):

Right-of- Way: 40 feetTravel Lanes: 10 feet

• Sidewalk: 5 feet, one side of street

• Curb: 2-foot



LOCAL ROAD TYPICAL SECTION N.T.S.

- H. SIGNAGE: No signs are permitted in the Palencia PUD except:
 - 1) One non-illuminated temporary construction project ground sign per street frontage, not exceeding 32 square feet in area; such signs not to be erected more than 60 days prior to the time actual construction begins, and to be removed upon completion of construction. If construction has not begun within 60 days or if construction is not continuously and actively prosecuted to completion, the sign shall be removed.
 - 2) One community identification, monument-style ground sign, or wall sign not to exceed nine (9) feet in height and twenty (20) feet in width, on each side, or in the median and one side, of each vehicular access point off Border Road, and the corner of Jacaranda Boulevard and Border Road.
 - 3) One wall or monument-style ground sign, not over eight (8) square feet in area, to identify a private club.

PROPOSED PALENCIA PUD MODIFICATION TO STANDARDS

- 1) A modification to the requirements of Sec. 86-130 (q), concerning the requirement that no structure shall be located closer to any perimeter property line than two times the height of such structure, is requested. The proposed modification is to reduce the required setback from perimeter property lines to one times the building height for all structures including screened enclosures.
 - The proposed modification request is justified based upon the low intensity of the development plan, the extensive perimeter buffers and the significant amount of open space otherwise provided.
- 2) A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification reduces right-of way width from 52 feet to 40 feet, provides for sidewalks on one side of the neighborhood roadway, and eliminates bike lanes for the neighborhood roadways.

The proposed modification request is justified based upon the protection of wetlands and their buffers afforded by the modification, the low intensity of the development plan, and the circulation plan which demonstrate excellent internal pedestrian connectivity from each of the development pods to the amenity areas.

