

**ORDINANCE NO. 2020-38**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, PURSUANT TO ZONING MAP AMENDMENT PETITION NO. 19-07RZ, TO CHANGE THE ZONING DESIGNATION FOR PROPERTY GENERALLY LOCATED EAST OF I-75 AND SOUTH OF RUSTIC ROAD (214± ACRES), FROM SARASOTA COUNTY OPEN USE ESTATE (OUE) TO CITY OF VENICE COMMERCIAL, GENERAL (CG) AND RESIDENTIAL, MULTI-FAMILY 3 (RMF-3) DISTRICTS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Zoning Map Amendment Petition No. 19-07RZ ("Petition") has been filed by Mary H. McMullen, Joseph W. Hurt, and Randall C. Hurt Trustees of the Shackett Creek Trust u/a/d November 25, 2002 to change the official City of Venice Zoning Map designation for the property described in Section 3 below from Sarasota County Open Use Estate (OUE) to City of Venice Commercial, General (CG) and Residential, Multi-Family (RMF-3); 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 June 16, 2020 and, based on review of the application materials, the staff report and testimony provided during the public hearing , voted 6-0 to recommend denial of the Petition; and

**WHEREAS**, the Venice City Council has received and considered the report of the Planning Commission concerning the Petition; and

**WHEREAS**, the 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 denial 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 in the City of Venice from Sarasota County Open Use Estate (OUE) to City of Venice Commercial, General (CG) and Residential, Multi-Family (RMF-3), subject to the stipulation that residential density be limited to a maximum of nine dwelling units per acre.

The subject 214+ acre property is designated as Parcel Identification Nos. 0364-10-0001 and 0377-02-0001 as depicted on the location map shown below and is further described as follows:

PARCEL 1:

The NW 1/4 of the NE 1/4 and the North 1/2 of the NW 1/4 of Section 28, Township 38 South, Range 19 East, LESS 1-75 right of way described as:

BEGIN on the West line of said Section 28, at a point S. 0°09'22" E., 598.21 feet from the NW corner thereof, thence run S. 39°47'50" E, 607.25 feet, to the beginning of a curve concave to the Southwesterly, having a radius of 23,036.31 feet; thence run Southeasterly along said curve 358.40 feet, through a central angle of 0°53'29" to the end of said curve; thence N. 89°45'25" W., 617.96 feet to the West line of said Section 28; thence N. 0°09'22" E., 741.04 feet along said West line to the POINT OF BEGINNING.

PARCEL 2:

The NE 1/4 of NE 1/4 of Section 28, Township 38 South, Range 19 East, LESS the South 60 feet (except for the East 30 feet of said South 60 feet) thereof LESS portion thereof taken by Sarasota County in Eminent Domain (Case No. 88-5219-CA-OI, Parcel 04-HR) described as: (Fee Simple)

Commence at the Northeast corner of Section 28, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run S 89°45'40" W., along the North line of said Section 28 for a distance of 30.00 feet to the POINT OF BEGINNING; thence continue S. 89°45'40" W, along said line for a distance of 10.00 feet; thence run S. 00°03'02" W., along a line 40.00 feet West of and parallel with the East line of said Section 28 for a distance of 1323.66 feet; thence run S. 89°20'04" E. along the South line of the properties described in O.R.B. 1872, Page 2609, of the Public Records of Sarasota County, Florida, for a distance of 10.00 feet; thence run N. 00°03'02" E, for a distance of 1323.58 feet to the POINT OF BEGINNING.

(Perpetual Drainage Easement)

That part of O.R.B. 1350, Page 1589, of the Public Records of Sarasota County, Florida, described as follows:

Commence at the Northeast corner of Section 28, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run S 00°03'02" W., along the East line of said Section 28 for a distance of 475.41 feet; thence run N 89°56'58" W., for a distance of 40.00 feet to the POINT OF BEGINNING; thence continue N 89°56'58" W., for a distance of 95.00 feet; thence to S. 00°03'02" W., for a distance of 193.00 feet; thence run S. 89°56'58" E., for a distance of 95.00 feet; thence run N. 00°03'02" E., along a line 40.00 feet West of and parallel with said Section line for a distance of 193.00 feet to the POINT OF BEGINNING.

Begin at the Northeast corner of South 1/2 of the North 1/2 of Section 28, Township 38 South, Range 19 East, for Point of Beginning; thence N. 89°31'23" W, along North line of said tract, 4731.59 feet to Easterly right-of-way of 1-75; thence Southeasterly along said right-of-way, 24.79 feet; thence S. 89°44'56" E., 720.04 feet; thence S. 89°44'30" E., 1342.05 feet; thence S. 89°45'49" E., 1326.78 feet; thence S. 89°45'59" E., 1327.01 feet to the Point of Beginning. Subject to road right-of-way along Easterly side.

The above parcel consists of 1 acre, more or less, which lies West of the West line of the SE 1/4 of the NE 1/4 of Section 28, Township 38 South, Range 19 East, and a 0.1 acre parcel, more or less, lying East of said line.

The South 60 feet of the NE 1/4 of the NE 1/4 of Section 28, Township 38 South, Range 19 East, LESS the East 40

feet thereof.

Together with easements appurtenant described in Official Records Book 1350, Pages 1591 and 1592, Public Records of Sarasota County, Florida, and all other such easements appurtenant thereto.

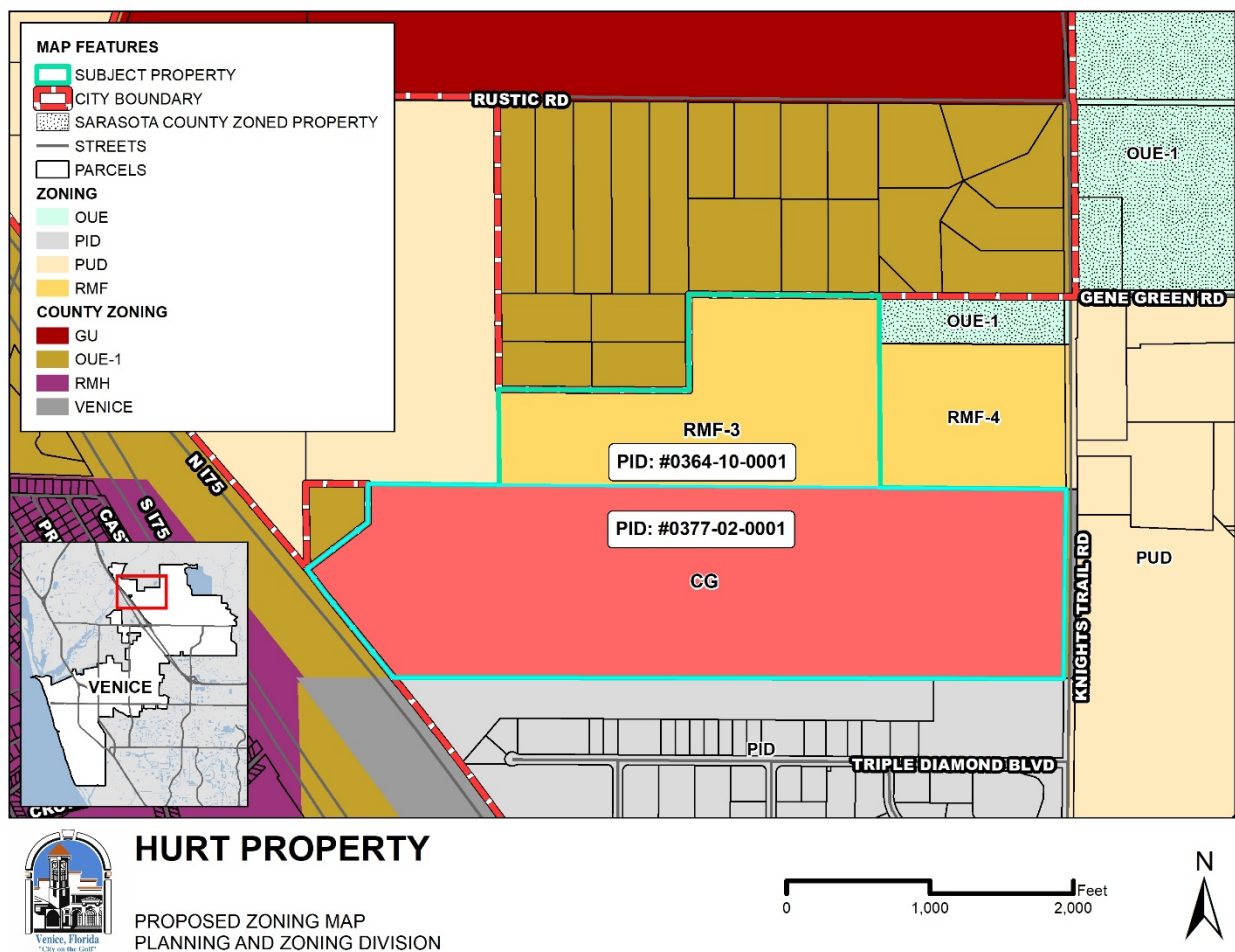
**PARCEL 3:**

The SW 1/4 of the SE 1/4 of Section 21, Township 38 South, Range 19 East; the South 1/2 of the SE 1/4 of the SW 1/4 of Section 21, Township 38 South, Range 19 East.

TOGETHER WITH a perpetual non-exclusive access easement for ingress and egress and for drainage and utilities over the East 30 feet of the North 3/4 of the East 1/2 of the SW 1/4 and over the South 30 feet of the East 1/2 of the NW1/4 and over the South 30 feet of the NE 1/4 of said Section 21, Township 38 South, Range 19 East.

ALSO TOGETHER WITH a non-exclusive perpetual easement for public access, drainage and utilities over and across those certain easements described in Official Records Book 1317, Page 931, of the Public Records of SARASOTA County, Florida.

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 when Ordinance No. 2020-37 for Comprehensive Plan Amendment Petition No. 19-08CP becomes effective.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

First Reading: November 17, 2020

Final Reading: \_\_\_\_\_, 2021

Adoption: \_\_\_\_\_, 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 City of Venice Council, a meeting thereof duly convened and held on the \_\_\_\_ day of \_\_\_\_\_ 2021 a quorum being present.

**WITNESS** my hand and the official seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Lori Stelzer, MMC, City Clerk

Approved as to form:

\_\_\_\_\_  
Kelly Fernandez, City Attorney