

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE 2017-2027 COMPREHENSIVE PLAN PURSUANT TO PETITION NO. 20-62CP TO INCORPORATE JOINT PLANNING AND INTERLOCAL SERVICE BOUNDARY AGREEMENT (JPA/ILSBA) AMENDMENT NUMBERS 4 AND 5, APPROVED AND ADOPTED BY THE CITY OF VENICE AND SARASOTA COUNTY, INTO THE APPENDIX OF THE CITY OF VENICE 2017-2027 COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Community Planning Act, Sections 163.3161 through 163.32466, Florida Statutes ("Act") authorizes and requires the City of Venice to adopt and amend a comprehensive plan in accordance with the Act; and

WHEREAS, City-initiated Petition No. 20-62CP requests that the 2017-2027 Comprehensive Plan be amended; and

WHEREAS, Amendment No. 4 to the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement between the City of Venice and Sarasota County was approved by resolution on May 26, 2020; and

WHEREAS, Amendment No. 5 to the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement between the City of Venice and Sarasota County was approved by resolution on November 17, 2020; and

WHEREAS, Chapter 86 of the city Code of Ordinances designates the City of Venice Planning Commission as the local planning agency; and

WHEREAS, the City of Venice Planning Commission held a duly noticed public hearing on January 5, 2021, to review the proposed comprehensive plan amendment, and recommended that city council approve Petition No. 20-62CP; and

WHEREAS, on February 23, 2021, the City Council, after due public notice, held a public hearing on Petition No. 20-62CP and approved, on first reading, the transmittal of the comprehensive plan amendment to the Department of Economic Opportunity, as the state land planning agency, for review; and

WHEREAS, no reviewing agency has identified any adverse impacts to important state resources and facilities within their authorized scope of review if the comprehensive plan amendment is adopted; and

WHEREAS, on April 27, 2021, the Venice City Council, after due public notice, held a second public hearing on Petition No. 20-62CP and determined it complies with the requirements of the Act.

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

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

SECTION 2. The Appendix of the City of Venice Comprehensive Plan 2017-2027 is hereby amended to incorporate Amendment No. 4 and Amendment No. 5 to the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement between the City of Venice and Sarasota County. The revised Comprehensive Plan pages are attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed to the extent of the conflict.

SECTION 4. 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 5. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after adoption. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 27TH DAY OF APRIL 2021.

First Reading: February 23, 2021

Second Reading: April 27, 2021

ADOPTION: April 27, 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 27th day of April 2021, a quorum being present.

WITNESS my hand and the official seal of said City this 27th day of April, 2021.

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

Section V – APPENDICES

Table of Contents

1.	Acronyms & Definitions.....	A3
2.	Intergovernmental Coordination Matrix.....	A25
3.	Planning Areas	A29
4.	Joint Planning and Interlocal Service Boundary Agreement.....	A37
	a. Amended and Restated Joint Planning and Interlocal Service Boundary Agreement	
	b. Amendment No. 1 to the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement	
	c. Amendment No. 2 to the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement	
	d. Amendment No. 3 to the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement	
	<u>e. Amendment No. 4 to the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement</u>	
	<u>f. Amendment No. 5 to the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement</u>	
5.	Areas of Unique Consideration.....	A85
6.	Capital Improvement Schedule.....	A90
7.	School Long Range Plan	A103

CONTRACT NO. 2020-489

BCC APPROVED 8/26/2020

AMENDMENT NO. 4 TO THE AMENDED AND
RESTATED JOINT PLANNING AND INTERLOCAL
SERVICE BOUNDARY AGREEMENT BETWEEN
THE CITY OF VENICE AND SARASOTA COUNTY

This Amendment is made and entered into this 26 day of August, 2020, by and between the City of Venice, a municipal corporation organized and existing under the laws of the State of Florida (the "City") and Sarasota County, a charter county and political subdivision of the State of Florida (the "County").

WHEREAS, the City and County are the parties to a Joint Planning and Interlocal Service Boundary Agreement dated January 9, 2007 (the "Original JPA"), which was amended on November 12, 2008, amended and restated on October 26, 2010 and further amended on March 13, 2012, July 10, 2012, and May 22, 2018 (collectively, the "JPA/ILSBA"); and

WHEREAS, the City received a request to amend the JPA/ILSBA to allow office, professional, and institutional uses on certain parcels within Area 6; and

WHEREAS, the development of a hospital adjacent to Area 6 is changing the development patterns within the entire portion of Area 6 east of Pinebrook Road; and

WHEREAS, allowing certain non-residential uses and an increased density east of Pinebrook Road in Area 6 will promote a more logical and efficient growth of the area.

NOW, THEREFORE, in consideration of the mutual covenants contained within the JPA/ILSBA and this Amendment No. 4, the City and County agree as follows:

1. Subparagraph 6.B. (7) is hereby amended to read as follows:

Area 6 – Pinebrook Road Neighborhood: The land use ~~adopted in the Venice Comprehensive Plan~~ for this Area is a maximum of 3 units per acre for all properties West of Pinebrook Road and 13 units per acre for all properties East of Pinebrook Road, calculated on a gross acreage basis. Nonresidential uses shall not be permitted in this Area, except Institutional-Professional uses are permitted for all properties East of Pinebrook Road. The square footage of any such Institutional-Professional uses shall not exceed a FAR of 0.5. Development shall be served by City water and sewer. The Party having jurisdiction over the development application shall require dedication of right of way for the future four-laning of Pinebrook Road if the City and County agree that such an improvement is necessary. The improvement shall be constructed, with appropriate contributions from the developer, consistent with the standards in the County land development regulations.

Page 3 of 5, Res. No. 2020-15

2. Exhibit B of the JPA/ILSBA ("City of Venice – Sarasota County Joint Planning Agreement Matrix") is hereby amended to read as follows:

POTENTIAL ANNEXATION AREAS (GREEN AREAS ON EXHIBIT A)							
Location	Acreage	Existing County Future Land Use	Maximum Allowable Density per City of Venice Comprehensive Plan	Transportation	Water and Sewer	Environmental	Timing of Infrastructure Availability (Years)
6 (Pinebrook Road Area)	232	County Moderate Density Residential	3 DU/Acre West of Pinebrook Road, Properties East of Pinebrook Road: 13 DU/Acre or Institutional Professional Land Uses are permitted at a maximum of 0.50 FAR.	ROW for future four-laning of Pinebrook. Note: FCT environmental and funding issues with going in after-the-fact and running road further south. However, there is not a need for improvement given current traffic volumes.	City Water and Sewer	No Issues Identified	1-15

IN WITNESS WHEREOF, the CITY OF VENICE, FLORIDA has caused this Amendment No. 4 to the JPA/ILSBA to be executed by its Mayor and affixed its official seal, attested by its Clerk, pursuant to the Authorization of the Venice City Council, and SARASOTA COUNTY, FLORIDA has caused this Amendment to be executed by its Chair and affixed its official seal, attested by its Clerk, pursuant to the authorization of the Board of County Commissioners, on the day and year indicated above.

Board of County Commissioners, Sarasota County, Florida,

By:

Chair

ATTEST:

Brenda White

Deputy Clerk

Approved as to Form and Execution

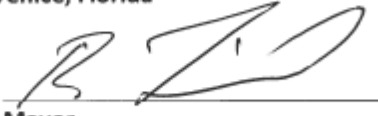
By:

M. E. O'Leary

County Attorney

City Council
City of Venice, Florida

By:


Mayor

ATTEST:


Lori Stelzer, City Clerk

Approved as to Form and Execution

By: 
Kelly Fernandez, Attorney

CONTRACT NO. 2020-490
BCC APPROVED 8/26/2020

AMENDMENT NO. 5 TO THE AMENDED AND
RESTATED JOINT PLANNING AND INTERLOCAL
SERVICE BOUNDARY AGREEMENT BETWEEN THE
CITY OF VENICE AND SARASOTA COUNTY

This Amendment is made and entered into this 18th day of November 2020, by and between the City of Venice, a municipal corporation organized and existing under the laws of the State of Florida (the "City") and Sarasota County, a charter county and political subdivision of the State of Florida (the "County").

WHEREAS, the City and County are the parties to a Joint Planning and Interlocal Service Boundary Agreement dated January 9, 2007 (the "Original JPA"), which was amended on November 12, 2008, amended and restated on October 26, 2010 and further amended on March 13, 2012, July 10, 2012, and May 22, 2018 (collectively, the "JPA/ILSBA"); and

WHEREAS, the City and County have agreed to amend the JPA/ILSBA to remove the three Sub-Areas and the percentages of residential and non-residential development that could be permitted in each Sub-Area, and to remove the Connector Road that has been identified within Area 5; and

WHEREAS, the development of a hospital adjacent to Area 5 is changing the development patterns within the entire portion of Area 5 on Laurel Road; and

WHEREAS, allowing certain non-residential uses and an increased density in Area 5 will promote a more logical and efficient growth of the area.

NOW, THEREFORE, in consideration of the mutual covenants contained within the JPA/ILSBA and this Amendment No. 5, the City and County agree as follows:

1. Subparagraph 6.B. (6) is hereby amended to read as follows:

Area 5 – Laurel Road Mixed Use Neighborhood: As a gateway into central and southern Sarasota County, this area shall be a transitional zone consisting of a mix of land uses that are supportive of medical and professional-related uses, and residential uses that are well linked internally. Non-residential development in this Area shall consist of Office/Professional and Institutional uses, and commercial uses. The square footage of non-residential uses allowed shall not exceed a 2.0 FAR. Residential land uses for this area shall not exceed a maximum of 13 units per acre calculated on a gross acreage basis. The land use adopted in the Venice Comprehensive Plan for this area is a maximum of 8 units per acre, calculated on a gross acreage basis. For Subarea 1 (north of the proposed connection between Laurel Road and the proposed Honore Avenue extension), up to 33% nonresidential acreage shall be allowed. For Subarea 2 (south of the proposed connection between Laurel Road and the proposed Honore Avenue extension), up to 50% nonresidential acreage shall be allowed. For Subarea 3 (south of Laurel Road), up to 100% nonresidential acreage is allowed. The square footage of nonresidential uses allowed for each subarea shall not exceed a 2.0 FAR. Development shall be served by County water and sewer.

For properties located north of Laurel Road, in order to minimize impacts to adjacent residential development to the north and west, the following landscape buffers and minimum building setbacks shall be provided. Along the north boundary, a 15-foot wide landscape buffer containing 2 large, 4 medium/small trees and 25 shrubs per 100 lineal feet of buffer. Along Kings Way Drive, a 10-foot wide landscape buffer containing 2 large and 2 medium/small trees per 100 lineal feet of buffer. Large trees shall be a minimum of 10-feet in height with a 4-foot spread and 2-inch caliper trunk at time of planting, and medium/small trees shall be a minimum of 8-feet in height with a 3-foot spread and 1.5 inch caliper trunk at time of planting. Shrubs shall be a minimum of 20-inches in height at time of planting and shall be a species that reaches a minimum height of 24-inches within 12 months. Buildings of more than 1-story shall be set back a minimum of 35-feet from the north boundary and Kings Way Drive. If a single-family subdivision is constructed without an adjoining frontage or access road, the Kings Way Drive buffer shall expand to 15-feet and include a subdivision wall constructed of masonry or other similar hard surface with a decorative finish such as stucco. The wall shall be a minimum of 5-feet and a maximum of 6-feet in height with an additional 18-inches permitted for architectural elements such as finials. The wall shall be set back from the street a minimum of 10-feet and all required landscaping located on the street side of the wall.

Internal capture, east/west connectivity within the Area, and the limitation of access points onto Laurel Road and Honore Avenue shall be the focus of transportation improvements, and will require close coordination between both parties, as well as with the Florida Department of Transportation.

2. Exhibit B of the JPA/ILSBA ("City of Venice - Sarasota County Joint Planning Agreement Matrix") is hereby amended to read as follows:

Location	Approx. Acreage	Existing County Future Land Use	Maximum Allowable Density per City of Venice	Transportation	Water & Sewer	Environmental	Timing of Infrastructure Availability (Years)
#5 Laurel Road Mixed Use	296	County Moderate Density Residential, Medium Density Residential, and Office/Multi-Family Residential	8 13 du./ac.	Maintain Consistency with Pinebrook/Honore Road extension. <u>Ensure internal capture and interconnectivity between County and City approved developments.</u> <u>Limit road cuts onto Laurel Road and Honore Avenue per County and FDOT access standards.</u>	County Water & Sewer	No issues Identified	1-15

3. The Laurel Road Mixed Use Neighborhood Area Map is hereby amended to remove Subareas 1, 2, and 3 as follows:

Venice JPA Area 5



In Witness Whereof, the County of Sarasota, Florida has caused this Amendment No. 5 to the JPA/ILSBA to be executed by its Commission Chair and affixed its official seal, attested by its Clerk, pursuant to Authorization of by the Sarasota Board of County Commissioners, and the City of Venice, Florida has caused this Amendment to be executed by its Mayor and affixed its official seal, attested by its Clerk, pursuant to authorization by the Venice City Council, on the day and year indicated above.

City Council
City of Venice, Florida

By _____
Mayor

ATTEST:

City Clerk

Approved as to Form and Execution

By: [Signature]
City Attorney



Board of County Commissioners Sarasota County,
Florida,

By
Chair

ATTEST:

[Signature: Brenda White]
Deputy Clerk

Approved as to Form and Execution

By: [Signature]
County Attorney

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