

ORDINANCE NO. 2018-41

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, PURSUANT TO ZONING MAP AMENDMENT PETITION NO. 17-16RZ, RELATING TO PROPERTY IN THE CITY OF VENICE LOCATED AT THE SOUTHEAST CORNER OF N. AUBURN ROAD AND BORDER ROAD OWNED BY SSD LAND HOLDINGS, LLC, REZONING THE PROPERTY FROM SARASOTA COUNTY OPEN USE ESTATE (OUE) TO CITY OF 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. 17-16RZ has been filed with the City of Venice 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 Planned Unit Development (PUD); 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; and

WHEREAS, the Planning Commission held a public hearing on October 16, 2018, for which public notice was provided regarding the petition and, based upon the evidence and public comment received at the public hearing, the staff report and discussion by the Planning Commission, voted to recommend approval of Petition No. 17-16RZ; and

WHEREAS, the Venice City Council has received and considered the report of the Planning Commission concerning Petition No. 17-16RZ; and

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

WHEREAS, City Council finds that Zoning Map Amendment Petition No. 17-16RZ is in compliance with and meets the requirements of the city's Land Development Regulations and Comprehensive Plan.

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 of Zoning Map Amendment Petition No. 17-16RZ.

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 in accordance with and meets the requirements of the Land Development Regulations and is consistent with the City of Venice Comprehensive Plan.

SECTION 3. The "Murphy Oaks Planned Unit Development Binding Master Plan" consisting of 12 pages along with Landscape Plan Sheets LA-01 thru LA-08 received and date stamped on August 23, 2018; the "Planned Unit Development Binding Master Plan", Sheet 1 of 1, received and date stamped on September 4, 2018; the "Conceptual Entry/Signage" plan consisting of one page received and date stamped on July 5, 2018; and all information and materials formally submitted with the application, together with the associated Murphy Oaks Developer's Agreement, establish the official record for the rezone petition related to the property described below and are

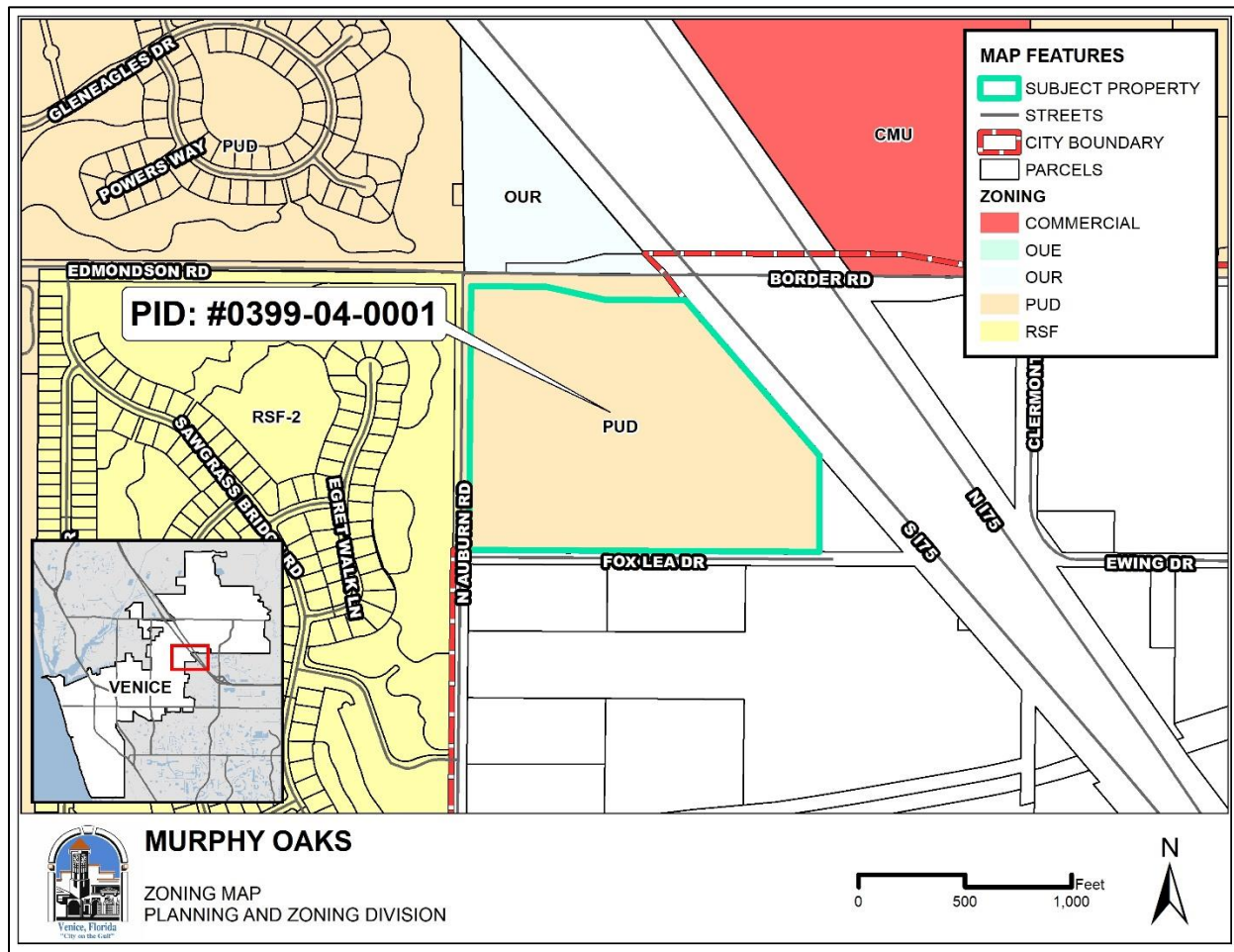
hereby adopted by reference. The City Council also hereby: (1) approves the request to modify the requirements of Sec. 86-423(b) to allow driveways to be constructed no closer than five feet from the edge of the property line with the center no closer than 13 feet from the edge of the property line and no driveway closer than 35 feet to the edge of pavement of intersecting streets; (2) approves the request to modify the requirements of Sec 86-232(5) to reduce the right-of-way width from 52' to 50' and eliminate bike lanes for the neighborhood roadways, and per Sec. 86-520(c); and (3) waives the requirement for sidewalks along Border Road and Fox Lea Drive. All of the foregoing with the following conditions, safeguards, and stipulations shall become the standard of development for the Murphy Oaks planned unit development.

Conditions, Safeguards, and Stipulations

- 1) There shall be no access to Fox Lea Drive from the development.
- 2) Purchasers of homes in the development shall be required to sign a notification as part of the closing documents acknowledging the existence of Fox Lea Farm.
- 3) The binding master plan shall be updated to conform with this ordinance.
- 4) For any standard not addressed in the Murphy Oaks PUD the appropriate standard found in the city's land development code Chapters 86 and 122 will be applied.
- 5) Houses are limited to a single story.

Property Description:

As depicted on the location and zoning maps shown below consisting of 39.6± acres and as further described:



TRACT 226, LESS AND EXCEPT THE NORTH 27 FEET OF THE WEST 167 FEET, AND TRACT 227, 228, 230, 231, 232, 233 AND 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 PORTION ACQUIRED BY VENICE HIGH SCHOOL FOUNDATION, INC BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 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 BOOK 1202 PAGE 1127, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT 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 ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED UNDER CN 2008036086, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN PARCEL OF LAND ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED UNDER CN 2008036088, 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 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 DECEMBER 2018.

First Reading: November 27, 2018

Final Reading: December 11, 2018

Adoption: December 11, 2018

John W. Holic, 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 11th day of December 2018 a quorum being present.

WITNESS my hand and the official seal of said City this 11th day of December 2018.

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney