

Requested by: Planning Commission
Prepared by: City Clerk

ORDINANCE NO. 2016-11

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, RELATING TO PROPERTIES LOCATED AT 2300 LAUREL ROAD, AS REFLECTED IN REZONING PETITION NO. 07-07RZ.1, S & J PROPERTIES OF SOUTHWEST FLORIDA, LLC, FOR THE REZONING OF THE PROPERTY DESCRIBED THEREIN, FROM RESIDENTIAL, MULTIPLE-FAMILY 3 (RMF-3) ZONING DISTRICT WITH STIPULATIONS TO RESIDENTIAL, MULTIPLE-FAMILY 3 (RMF-3) ZONING DISTRICT WITH AMENDED STIPULATIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Rezone Petition No. 07-07RZ.1 to rezone property, has been filed with the City of Venice to change the official City of Venice Zoning map from Residential, Multiple-family 3 (RMF-3) zoning district with stipulations to Residential Multiple-family 3 (RMF-3) zoning district with no stipulations; 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 April 5, 2016, 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, it voted to deny approval of Rezone Petition No. 07-07RZ.1; and

WHEREAS, the Venice City Council has received and considered the report of the Planning Commission concerning Rezone Petition No. 07-07RZ.1; 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. 07-07RZ.1 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 denial of Zoning Map Amendment Petition No. 07-07RZ.1.

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 City of Venice Comprehensive Plan and any amendments thereto.

SECTION 3. The Official Zoning Atlas is hereby amended, by changing the zoning classification for the property described below located in the City of Venice as follows:

Residential, Multiple-family 3 (RMF-3) with the following stipulations:

1. Require non-vehicular connectivity between this parcel and the eastern property;
2. Height limit of 35 feet;
3. Density shall not exceed eight units per acre;
4. A vegetative buffer shall be placed adjacent to the north boundary of the FPL easement along the entire width of the property except where any wetland is located. The vegetative buffer shall be so designed, planted and maintained to be 70 percent or more opaque between two and six feet above the average ground level when viewed horizontally. Plantings shall be of a size and type which will ensure the meeting of the 70 percent opacity requirement within 12 months of the date of first planting;
5. Venetian Gateway (VG) standards relating to architectural design and signage standards; and
6. If at the time of site and development plan approval, the developer restricts the use of this parcel to rental units only and the city approves and adopts this restriction, stipulations 1, 2, 3 and 5 shall not apply and the following shall apply:
 - a) the southerly most buildings, as illustrated on Exhibit A as guidance for implementation, shall be limited to 35 feet in height;
 - b) density shall not exceed 12 units per acre;
 - c) all other buildings except those described in restriction "a" above shall be limited to a maximum of 45 feet in height;
 - d) a fence not less than 6 feet high shall be placed adjacent to the above vegetative buffer to restrict access except for maintenance and service purposes; and
 - e) applicant, and its successor and assigns shall not disturb any existing vegetation within a 20 foot wide strip running parallel to the southern boundary of the Florida Power and Light easement nor request Florida Power and Light to do the same.

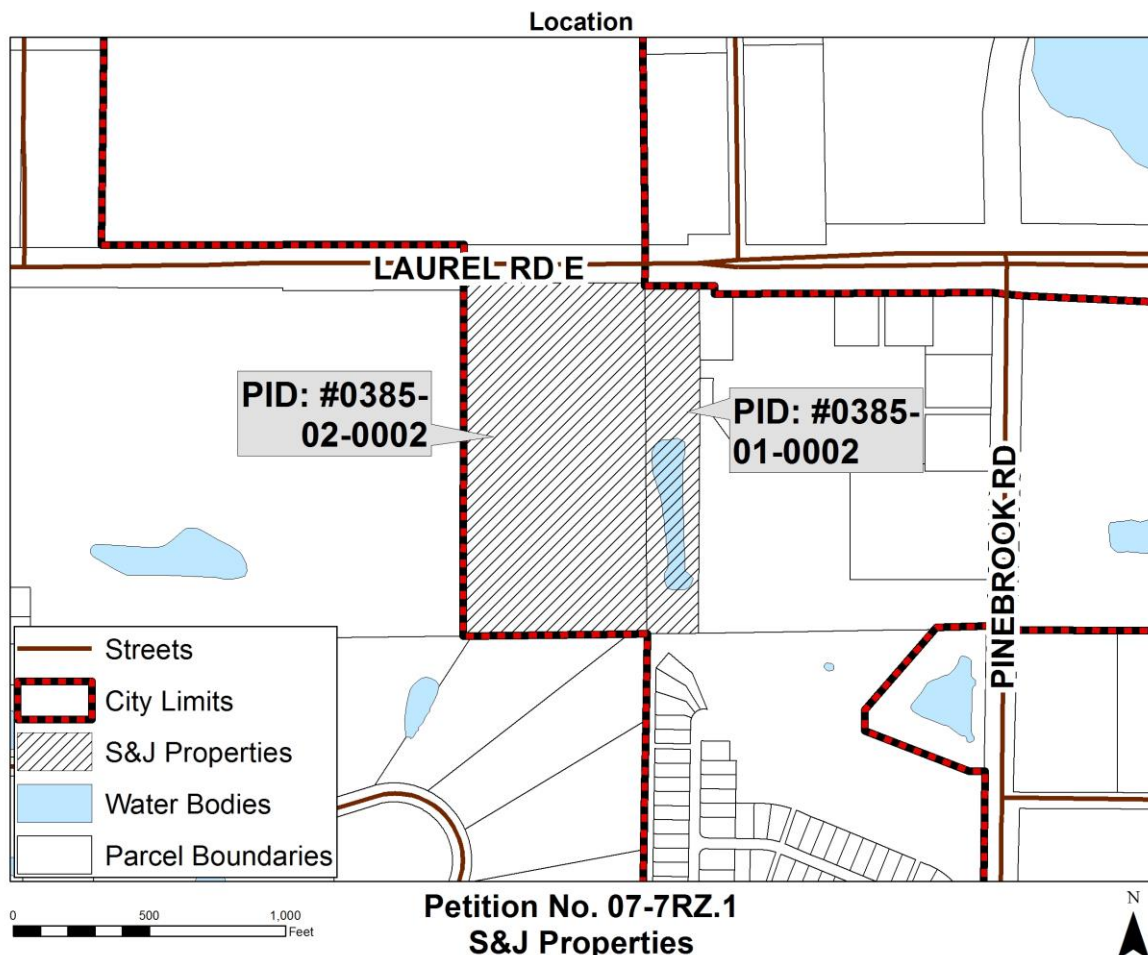
Property Description:

Parcel ID #: 0385-01-0002 and 0385-02-0002 as depicted on the location map shown below consisting of approximately 25.5 acres and as further described:

The East ½ of the Northwest ¼ of the Northeast ¼ of Section 32, Township 38 South, Range 19 East, Sarasota County, Florida, less the Northerly 70' taken for right-of-way for Laurel Road. Containing 19.65 acres, more or less.

Together with:

The West 200 feet of the Northeast ¼ of the Northeast ¼ of Section 32, Township 38 South, Range 19 East, Sarasota County, Florida, less the Northerly 70' taken for right-of-way for Laurel Road. Containing 5.92 acres, more or less.



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 8TH DAY OF NOVEMBER 2016.

First Reading: October 11, 2016

Final Reading: November 8, 2016

Adoption: November 8, 2016

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 8th day of November 2016 a quorum being present.

WITNESS my hand and the official seal of said City this 8th day of November 2016.

Lori Stelzer, MMC, City Clerk

Approved as to form:

David Persson, City Attorney

