

**ORDINANCE NO. 2018-13**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, GRANTING REZONING PETITION NO. 16-04RZ AMENDING THE PINEBROOK SOUTH PLANNED UNIT DEVELOPMENT (PUD) AND RESOLUTION 518-74, AS AMENDED, TO ADD RESIDENTIAL AS A PERMITTED USE UP TO 18 DWELLING UNITS PER ACRE ON PROPERTY LOCATED AT 1220 PINEBROOK ROAD, OWNED BY PINEBROOK PARK, LLC; PROVIDING THAT ALL FUTURE AMENDMENTS TO RESOLUTION 518-74 SHALL BE ADOPTED BY ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on December 30, 1974, the City of Venice (City) adopted Resolution 518-74, approving a comprehensive development master plan for Pinebrook South PUD; and

**WHEREAS**, on December 30, 1974, the City adopted Ordinance No. 626-74 which rezoned the Pinebrook South property to PUD and incorporated by reference the terms and conditions contained in Resolution 518-74; and

**WHEREAS**, Resolution 518-74 was subsequently amended by Resolution No. 538-75 on April 22, 1975, Resolution No. 690-80 on November 25, 1980, Resolution No. 755-82 on September 14, 1982, Resolution No. 794-83 on June 28, 1983, Resolution No. 811-83 on November 8, 1983, Resolution No. 843-84 on August 14, 1984, Resolution No. 863-85 on April 9, 1985, and Resolution No. 866-85 on May 14, 1985; and

**WHEREAS**, Rezoning Petition No. 16-04RZ seeks to amend the permitted uses for the property described in Exhibit "A" to add residential use up to 18 dwelling units per acre; and

**WHEREAS**, the subject property is 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 3, 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 denial of Rezoning Petition No. 16-04RZ; and

**WHEREAS**, the City Council received and considered the report of the Planning Commission concerning Rezoning Petition No. 16-04RZ; and

**WHEREAS**, the City Council held a public hearing on Rezoning Petition No. 16-04RZ in accordance with the requirements of the city's code of ordinances and has considered the information received at said public hearing; and

**WHEREAS**, the City Council finds that Rezoning Petition No. 16-04RZ is in compliance with and meets the requirements of the city's Land Development Code 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 received and considered the report of the Planning Commission recommending denial of Rezoning Petition No. 16-04RZ.

B. The Council held a public hearing on the Petition and considered the information received at said public hearing.

C. The proposed amendment to the Pinebrook South PUD for the subject property described in Exhibit "A" 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.** Section (2) of Resolution 518-74, as amended, is hereby amended to read as follows:

That nursing homes and homes for the aged shall be permitted uses on those certain six (6) acres, more or less, described as Tract D, Pinebrook South, according to the Plat thereof filed and recorded in Plat Book 23, Page 25, Public Records of Sarasota County Florida, except residential uses up to 18 dwelling units per acre shall also be permitted on the 2.4± acres described as:

All of Tract D, PINEBROOK SOUTH, UNIT 1, according to the Plat thereof filed and recorded in Plat Book 23, Page 25, of the Public Records of Sarasota County, Florida, LESS; A PART OF Tract D, Pinebrook South, Unit 1, described as follows:

From a point beginning at the Northeast corner of said Tract D, run S.00°12'34"E, 265.29 feet along the West right of way line of Pinebrook Road; thence S.89°47'26"W, 510.54 feet to a point on a curve and the East right of way line of Sleepy Hollow Road; thence along said right of way, 287.12 feet along the arc of a curve concave to the West, radius 580.00, chord N.27°35'43"W, 284.20 feet; thence N.48°13'23"E., 19.50 feet; thence N.89°47'26"E., 626.67 feet to the West right of way line of Pinebrook Road and the Point of Beginning.

**SECTION 4.** Except as herein modified and amended, the terms and conditions of Resolution 518-74, as amended, remain in full force and effect.

**SECTION 5.** All future amendments to Resolution 518-74 shall be adopted by Ordinance.

**SECTION 6.** All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

**SECTION 7.** 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 8. 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 22ND DAY OF MAY 2018.**

First Reading: May 8, 2018

Final Reading: May 22, 2018

Adoption: May 22, 2018

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John W. Holic, Mayor

**Attest:**

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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 22nd day of May 2018 a quorum being present.

**WITNESS** my hand and the official seal of said City this 22nd day of May 2018.

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Lori Stelzer, MMC, City Clerk

Approved as to form:

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David Persson, City Attorney

## Exhibit "A"

### Subject Property Description:

All of Tract D, PINEBROOK SOUTH, UNIT 1, according to the Plat thereof filed and recorded in Plat Book 23, Page 25, of the Public Records of Sarasota County, Florida, LESS; A PART OF Tract D, Pinebrook South, Unit 1, described as follows:

From a point beginning at the Northeast corner of said Tract D, run S.00°12'34"E, 265.29 feet along the West right of way line of Pinebrook Road; thence S.89°47'26"W, 510.54 feet to a point on a curve and the East right of way line of Sleepy Hollow Road; thence along said right of way, 287.12 feet along the arc of a curve concave to the West, radius 580.00, chord N.27°35'43"W, 284.20 feet; thence N.48°13'23"E., 19.50 feet; thence N.89°47'26"E., 626.67 feet to the West right of way line of Pinebrook Road and the Point of Beginning. (2.4± acres)

A discrepancy between the legal description and the map shall be resolved in favor of the map.

