

**ORDINANCE NO. 2018-15**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, PURSUANT TO ZONING MAP AMENDMENT PETITION NO. 17-07RZ, RELATING TO PROPERTY IN THE CITY OF VENICE LOCATED AT 805 S. TAMIAMI TRAIL OWNED BY DAUS CAPITAL, LLC, REZONING THE PROPERTY FROM SARASOTA COUNTY OFFICE, PROFESSIONAL AND INSTITUTIONAL (OPI) DISTRICT TO CITY OF VENICE COMMERCIAL, GENERAL (CG) DISTRICT AND RETAINING THE CITY OF VENICE VENETIAN URBAN DESIGN (VUD) OVERLAY DISTRICT DESIGNATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Zoning Map Amendment Petition No. 17-07RZ 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 Office, Professional and Institutional (OPI) District to City of Venice Commercial, General (CG) District while retaining the City of Venice Venetian Urban Design (VUD) Overlay District designation; 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 April 17, 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. 17-07RZ; and

**WHEREAS**, the Venice City Council has received and considered the report of the Planning Commission concerning Petition No. 17-07RZ; 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 Zoning Map Amendment Petition No. 17-07RZ 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. 17-07RZ.

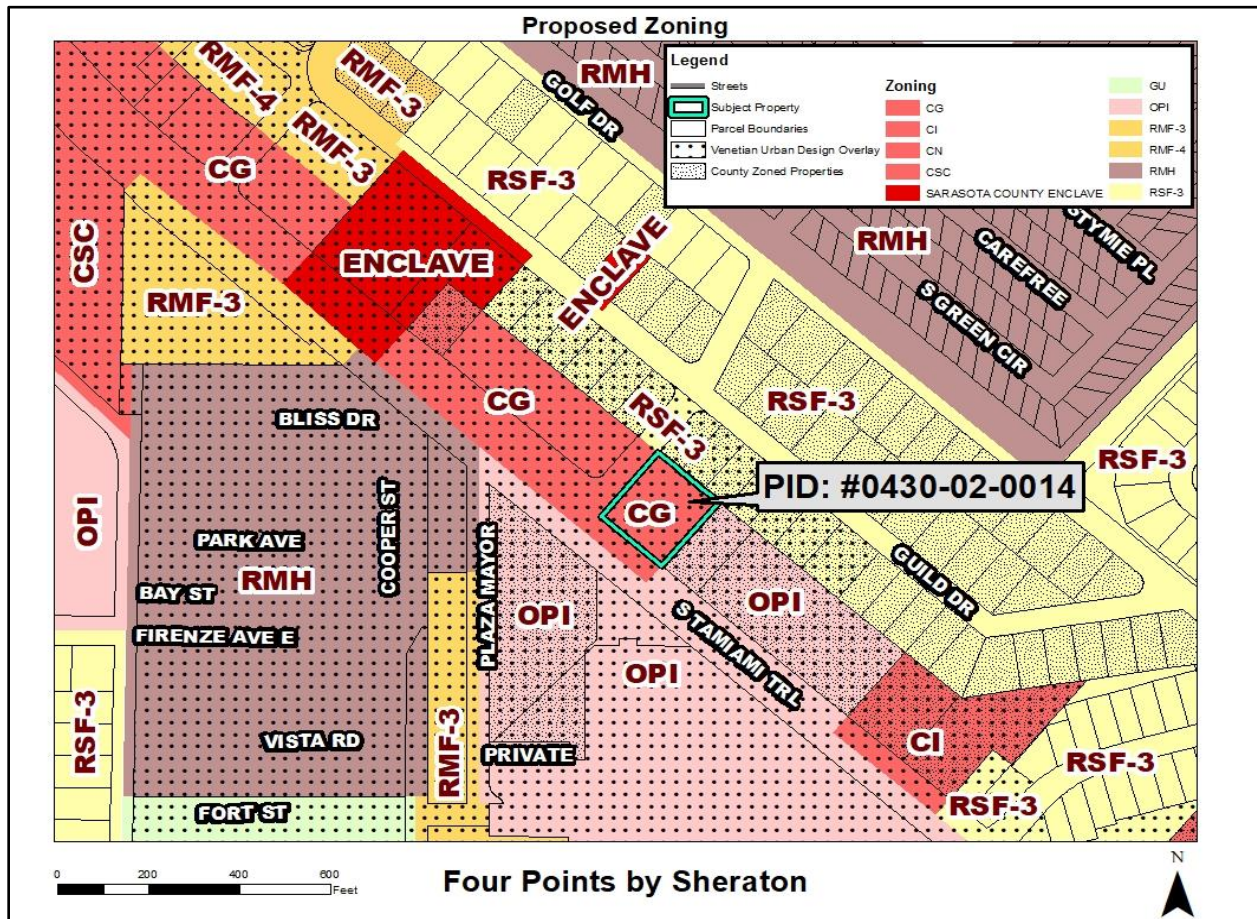
B. The Council has held a public hearing on the Petition and has considered the information received at said public hearing.

C. The proposed rezoning of the property described herein is in accordance with and meets the requirements of the Land Development 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 Office, Professional and Institutional (OPI) District to City of Venice Commercial, General (CG) District while retaining the City of Venice Venetian Urban Design Overlay (VUD) Overlay District designation:

Property Description:

As depicted on the location and zoning maps shown below consisting of 0.78 acres and as further described:



A TRACT OF LAND IN THE SOUTH 1/2 OF SECTION 18, TOWNSHIP 39 SOUTH, RANGE 19 EAST, PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE RUN NORTH ALONG THE EAST LINE OF SAID SECTION 869 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE TAMiami TRAIL (U.S. HIGHWAY 41); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 50°15' WEST 2128.02 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 50°15' WEST 175 FEET TO THE EAST RIGHT-OF-WAY LINE OF PINE GROVE DRIVE (FORMERLY WADIAC DRIVE –SAID POINT BEING THE SAME POINT DESCRIBED AS POINT OF BEGINNING IN OFFICIAL RECORDS BOOK 685, PAGE 349) THENCE NORTH 39°45' EAST 195 FEET; THENCE SOUTH 50°15' EAST 175 FEET; THENCE SOUTH 39°45' WEST 195 FEET TO THE POINT OF BEGINNING. SAID PROPERTY BEING THE SAME

PROPERTY HAVING THE SAME EXACT BOUNDARIES AS THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 685, PAGES 349 AND 350, 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 26TH DAY OF JUNE 2018.**

First Reading: June 12, 2018

Final Reading: June 26, 2018

Adoption: June 26, 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 26th day of June 2018 a quorum being present.

**WITNESS** my hand and the official seal of said City this 26th day of June 2018.

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Lori Stelzer, MMC, City Clerk

Approved as to form:

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David Persson, City Attorney