

ORDINANCE NO. 2019-03

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, PURSUANT TO ZONING MAP AMENDMENT PETITION NO. 17-11RZ, RELATING TO PROPERTY IN THE CITY OF VENICE LOCATED ON 509 TAMIAMI TRAIL NORTH AND OWNED BY VENICE MARINE PARK, LLC, FROM CITY OF VENICE COMMERCIAL, INTENSIVE (CI) DISTRICT AND MARINE PARK (MP) DISTRICT TO CITY OF VENICE COMMERCIAL, GENERAL (CG) DISTRICT; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Zoning Map Amendment Petition No. 17-11RZ to rezone property described in Section 3 below has been filed with the City of Venice to change the official City of Venice Zoning Map designation for the subject property from City of Venice Commercial, Intensive (CI) District and Marine Park (MP) District to City of Venice Commercial, General (CG) District; 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 December 4, 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. 17-11RZ; and

WHEREAS, the Venice City Council has received and considered the report of the Planning Commission concerning Petition No. 17-11RZ; 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. 17-11RZ 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. 17-11RZ.

B. The Council 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 City of Venice Commercial, Intensive (CI) District and Marine Park (MP) District to City of Venice Commercial, General (CG) District:

Property Description:

As depicted on the zoning map shown below consisting of 7.18± acres and as further described:

PARCEL 1 (FISHERMAN'S WHARF OF VENICE, INC.)

BEGIN AT THE NE CORNER OF NE 1/4 OF NW 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST; THENCE W 488.9 FEET TO AN IRON PIPE ON WEST SIDE OF OLD ABANDONED SALRR R/W; THENCE S 10°30' W, 468.7 FEET; THENCE N 80°48' W, 259.3 FEET TO WEST R/W OF TAMIAMI TRAIL (66'); THENCE S 0°06' W, ALONG TAMIAMI TRAIL 748 FEET TO P.O.B.; THENCE S 0°05' W, 192 FEET; THENCE N 89°55' W, 100 FEET; THENCE N 49°53' W, 140.3 FEET; THENCE N 0°15' E, 166.7 FEET; THENCE S 51°29' E, 104.7 FEET; THENCE S 89°55' E, 125 FEET TO THE POB. LESS ANY PORTION CONVEYED TO STATE FOR HIGHWAY.

PARCEL 2 (FISHERMAN'S WHARF OF VENICE, INC.)

BEGIN AT THE NE CORNER OF NE 1/4 OF NW 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, THENCE W 488.9 FEET TO AN IRON PIPE ON WEST SIDE OF OLD ABANDONED SALRR R/W; THENCE S 10°30' W, 468.7 FEET; THENCE N 80°48' W, 259.3 FEET TO WEST R/W OF TAMIAMI TRAIL (66'); THENCE S 0°05' W, ALONG TAMIAMI TRAIL 1060.1 FEET TO P.O.B.; THENCE N 89°55' W 76.2 FEET; THENCE N 49°55' W, 247.3 FEET; THENCE S 25°55' W, 107.3 FEET; THENCE S 47°07' E, 425.6 FEET; THENCE N 0°05' E, ALONG TAMIAMI TRAIL, 227 FEET TO POB. LESS ANY PORTION CONVEYED TO STATE FOR HIGHWAY.

TOGETHER WITH ALL LANDS LYING BETWEEN PARCEL 1 AND PARCEL 2 ABOVE, AS BOUNDED ON THE EAST BY THE WEST RIGHT OF WAY LINE OF TAMIAMI TRAIL (US 41) AND ON THE WEST BY HATCHETT CREEK.

TOGETHER WITH ALL LANDS DESCRIBED IN DEED RECORDED IN O.R. BOOK 1068, PAGE 2064, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, WHICH ARE NOT SPECIFICALLY DESCRIBED ABOVE.

LESS STATE ROAD RIGHT-OF-WAY AND LESS WCIND RIGHT-OF-WAY.

PARCEL 3 (FISHERMAN'S WHARF OF VENICE, INC.) ALSO DESCRIBED AS

COMMENCE AT THE NE CORNER OF THE NE 1/4 OF THE NW 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, THENCE W 488.9 FEET TO AN IRON PIPE ON WEST SIDE OF AN OLD ABANDONED SALRR R/W; THENCE S 10°30' W, 468.7 FEET; THENCE N 80°48' W, 259.3 FEET TO WEST R/W OF TAMIAMI TRAIL (66'); THENCE S 0°05' W, ALONG TAMIAMI TRAIL 8748 FEET TO POB; THENCE S 0°05' W, 552.27 FEET, MORE OR LESS TO THE NE 1/4 SHORE LINE OF HATCHETT CREEK; THENCE MEANDER SAID SHORE LINE TO THE POB, LESS THAT PART FOR STATE ROAD R/W AND LESS LANDS DESCRIBED IN DEED RECORDED IN OR BOOK 443, PAGE 235, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, FOR WCIND RIGHT OF WAY.

PARCEL 4 (FISHERMAN'S WHARF OF VENICE, INC.) A PORTION OF WHICH IS DESCRIBED AS

BEGIN AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF CUT S-16 OF THE INTRACOASTAL WATERWAY CANAL AND THE WESTERLY RIGHT- OF-WAY LINE OF U.S. HIGHWAY NUMBER

41 (STATE ROAD No. 45, SECTION 17020-2207); SAID POINT BEING 1,011.12 FEET NORTH AND 823.58 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA; RUN THENCE S 0°29' WEST, 61.12 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO 41 (STATE ROAD NUMBER 45, SECTION 17020-2207); THENCE SOUTH 40°59'08" EAST, 47.33 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NUMBER 41 (STATE ROAD NUMBER 45, PROJECT NUMBER 17020-3506) THENCE NORTH 10°41' EAST , 48.77 FEET ALONG SAID WESTERLY RIGHT OF WAY OF U.S. HIGHWAY NUMBER 41 (STATE ROAD NUMBER 45, PROJECT NUMBER 17020-3506); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 41, (STATE ROAD NUMBER 45, PROJECT NUMBER 17020-3506) 20.79 FEET ALONG THE ARC OF A CURVE TO THE LEFT, RADIUS EQUALS 1,065.92 FEET, CHORD EQUALS N 10°06'54" EAST, 2078 FEET TO A POINT OF THE NORTHERLY RIGHT OF WAY LINE CUT S-16 OF THE INTRACOASTAL WATERWAY CANAL; THENCE NORTH 56°37'36" WEST, 51.75 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE CUT S-16, TO THE POB

PARCEL 5 (JMT PARTNERS)

BEGIN AT THE NE CORNER OF NE 1/4 OF NW 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, THENCE W 488.9 FEET TO AN IRON PIPE ON WEST SIDE OF OLD ABANDONED SALRR R/W; THENCE S 10°30' W 468.7 FEET; THENCE N 80°48' W, 259.3 FEET TO WEST R/W OF TAMIAMI TRAIL (66'); THENCE S 0°05' W, ALONG TRAIL 572.9 FEET FOR A POB; THENCE CONTINUE S 00°05' W, 85 FEET; THENCE N 70°41' E 150 FEET TO THE POB, AND BEING LOCATED IN SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA.

ALSO ALL OF THAT REAL PROPERTY LYING BETWEEN THE SOUTHERLY LINE OF THE ABOVE DESCRIBED REAL PROPERTY AND THE MEAN HIGH WATER MARK OF A BAYOU OF HATCHETT CREEK, EXTENDED AND BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF THE ABOVE DESCRIBED PROPERTY, AND BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF THE ABOVE DESCRIBED PROPERTY.

PARCEL 6 (JPKJ, LLC)

THE NORTHEASTERLY (SOMETIMES CALLED NORTH) 34 FEET AS MEASURED ALONG TAMIAMI TRAIL OF LOT 1, BLOCK B HARBOR LIGHTS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 8, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LESS THAT PORTION OF SAID PROPERTY CONVEYED BY ROBERT S. BAYNARD AND MILDRED W. BAYNARD TO THE STATE OF FLORIDA IN DEED DATED JUNE 15, 1960, RECORDED IN OR BOOK 243, PAGE 565, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

PARCEL 7 (JPKJ, LLC)

THE SOUTH 34.7 FEET OF LOT 1, BLOCK B, HARBOR LIGHTS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 8, OF PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

PARCEL 8 (FISHERMAN'S WHARF MARINA PARK, LTD.)

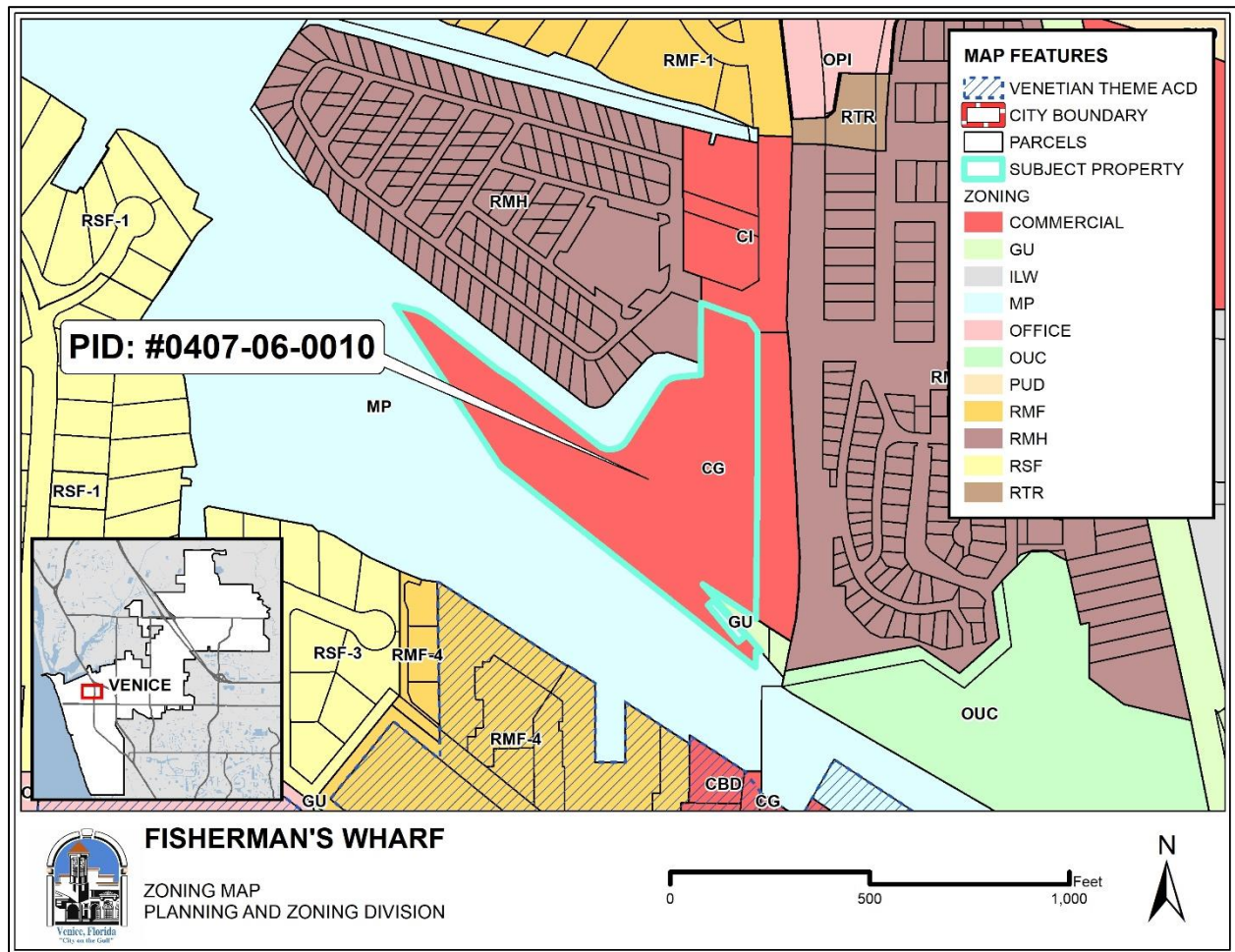
A TRACT OR PARCEL OF SUBMERGED LAND LYING IN SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 (NW 1/4) OF SAID SECTION 7, RUN NORTH FOR 864.71 FEET; THENCE RUN WEST FOR 793.02 FEET TO A POINT BEING ON THE CENTERLINE OF OLD U.S. 41 AND THE CENTERLINE OF THE FORMER LIFT BRIDGE OVER HATCHETT CREEK AND THE POINT OF

BEGINNING OF THE HEREIN DESCRIBED PARCEL:

FROM SAID POINT OF BEGINNING RUN N51°46'00"W ALONG THE VENICE CITY LIMITS LINE FOR 855.00 FEET; THENCE RUN N33°15'00"W FOR 479.70 FEET; THENCE RUN S76°45'06"E FOR 53.98 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 100.00 FEET (DELTA 24°34'29")(CHORD BEARING OF S64°27'21"E) (CHORD 42.59 FEET) FOR 42.92 FEET TO A POINT; THENCE RUN S52°09'37"E FOR 210.15 FEET; THENCE RUN S56°46'00"E FOR 51.43 FEET; THENCE RUN S52°09'37"E FOR 263.98 FEET TO A POINT; THENCE RUN SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 50.00 FEET (DELTA 95°13'02")(CHORD BEARING N80°13'52"E)(CHORD 73.86 FEET) FOR 83.09 FEET TO A POINT; THENCE RUN N32°37'21"E, FOR 159.72 FEET TO A POINT; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 50.00 FEET (DELTA 51°51'39")(CHORD BEARING N58°33'11"E)(CHORD 43.73 FEET) FOR 45.26 FEET TO A POINT; THENCE RUN N84°29'00"E FOR 64.22 FEET; N00°54'43"E FOR 22.88 FEET; S12°37'26"E FOR 12.43 FEET TO A POINT; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 107.12 FEET (DELTA 25°04'39")(CHORD BEARING S58°43'41"E)(CHORD 46.51 FEET) FOR 46.89 FEET; THENCE RUN ALONG AN EXISTING CONCRETE SEAWALL THE FOLLOWING 12 COURSES; S76°52'45"E FOR 31.33 FEET; S82°46'16"E FOR 49.12 FEET; N10°27'26"E FOR 3.03 FEET; S84°15'51"E FOR 17.24 FEET; S00°39'51"W FOR 84.45 FEET; S89°35'59"W FOR 38.41 FEET; N86°59'55" FOR 28.70 FEET; S85°19'00"W FOR 28.10 FEET; N84°45'58"W FOR 10.66 FEET; N72°11'35"W FOR 13.01 FEET; N47°12'42"W FOR 25.00 FEET; N52°40'59"W FOR 73.47 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 11.30 FEET (DELTA 113°23'06")(CHORD BEARING S60°38'12"W)(CHORD 18.89 FEET) FOR 22.36 FEET; S03°56'39"W FOR 85.63 FEET TO A POINT OF CURVATURE; SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 23.50 FEET (DELTA 53°33'36")(CHORD BEARING S22°50'09"E)(CHORD 21.18 FEET) 21.97 FEET TO A POINT; THENCE RUN S49°29'01"E FOR 111.51 FEET; S30°11'29"W FOR 101.97 FEET; N56°45'42"W FOR 105.17 FEET; S27°38'14"W FOR 110.54 FEET; N62°31'12"W FOR 4.57 FEET; S35°46'23"W FOR 30.28 FEET; S53°16'55"E FOR 10.89 FEET; S51°22'35"W FOR 7.74 FEET; S50°05'21"E FOR 71.21 FEET AND S54°03'38"E FOR 211.68 FEET TO THE MEAN HIGH WATER LINE OF HATCHETT CREEK AND TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF THE PREEMPTED AREA AS RECORDED IN OR BOOK 3101 PAGE 929; THENCE RUN S48°43'46"W FOR 18.60 FEET; S39°33'40"E FOR 119.79 FEET; N50°26'20"E FOR 25.46 FEET; THENCE RUN ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWO COURSES S42°41'19"E FOR 1.76 FEET AND S53°10'45"E FOR 11.93 FEET; THENCE RUN S40°59'08"E FOR 67.90 FEET TO AN INTERSECTION WITH THE CENTERLINE OF OLD US. 41; THENCE RUN S00°29'00"W ALONG SAID CENTERLINE FOR 45.01 FEET TO THE POINT OF BEGINNING. BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON THE CENTERLINE OF OLD U.S. 41 AS BEING S00°29'00"W.

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 22ND DAY OF JANUARY 2019.

First Reading: January 8, 2019

Final Reading: January 22, 2019

Adoption: January 22, 2019

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 22nd day of January 2019 a quorum being present.

WITNESS my hand and the official seal of said City this 22nd day of January 2019.

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney