

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, GRANTING ZONING MAP AMENDMENT PETITION NO. 18-03RZ AMENDING THE TOSCANA ISLES PLANNED UNIT DEVELOPMENT (PUD) TO CLARIFY THE STANDARDS FOR FRONT YARD AND SIDE YARD SETBACKS WITH RESPECT TO CORNER LOTS WITHIN THE PUD, DRIVEWAY LOCATIONS, AND TO PROVIDE THE ZONING ADMINISTRATOR AUTHORITY TO ADMINISTRATIVELY APPROVE MINOR MODIFICATIONS TO THE PUD ON PROPERTY LOCATED AT KNIGHTS TRAIL ROAD; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 12, 2012, the City of Venice (City) adopted Ordinance No. 2012-13 which rezoned the Toscana Isles property to PUD; and

WHEREAS, Zoning Map Amendment Petition No. 18-03RZ has been filed with the City of Venice to clarify the standards for front yard and side yard setbacks with respect to corner lots within the PUD, driveway locations, and to provide the zoning administrator authority to administratively approve minor modifications to the PUD; 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, on December 18, 2018, the Planning Commission held a publicly noticed hearing on 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 the Petition; and

WHEREAS, the Venice City Council has received and considered the report of the Planning Commission concerning the Petition; and

WHEREAS, City Council held a public hearing on the Petition 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 the Petition 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. 18-03RZ.

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 “Toscana Isles Planned Unit Development (PUD) Binding Master Plan”, approved by City Council on June 12, 2012 consisting of 38 pages; and all information and materials formally submitted with the Petition establish the official record for the Petition and are hereby adopted by reference. The Petition alters the Binding Master Plan as follows in strikethrough/underline format:

1. Modify Section 4 of the Project Development Standards to:

4. PROJECT DEVELOPMENT STANDARDS

The Toscana Isles PUD is proposed to consist of three (3) planning subareas with distinct character, development form, permitted uses and features. The subareas are generally defined as:

Subarea 1: Low Density Single Family Residential Uses

Subarea 2: Low Density Mixed Residential Uses

Subarea 3: Commercial Uses

The Toscana Isles PUD development standards and permitted and accessory uses are defined in this section and shall govern future development of the subject site consistent with the applicable provisions of the City of Venice Land Development Code. The proposed ‘land bridge’ depicted in the northeastern corner of the subject property bisecting the existing lake reflects an optional element of Subarea 2. The zoning administrator shall have the authority to administratively approve minor modifications of standards contained within the PUD, excluding increasing maximum density or building height, reducing minimum buffer widths and the addition of uses. Reasonable mitigation measures may be imposed by the zoning administrator to limit impacts from the requested adjustment of standards. The following identifies the project development standards for

Toscana Isles and are detailed by each of the three (3) planning subareas depicted on the PUD Concept Plan.

2. Modify Section 4, Yard/Bulk Standards to:

Yard/Bulk Standards

The permitted yard and bulk standards shall be in accordance with respective subarea standards contained within this application and as noted below. The front yard setback requirements contained herein shall only apply to frontages from which the parcel receives vehicular access from the adjoining right-of-way and has a permanent driveway constructed therein. All other yards fronting right-of-ways shall be side yards or rear yards accordingly.

3. Modify Section 7, Residential Street and Connectivity Standards to:

7. Residential Street and Connectivity Standards

The purpose of these provisions are to identify residential street design standards for application in the Toscana Isles PUD. Street standards within Toscana Isles shall be designed to complement the appropriate scale and fit the community character of Toscana Isles as a primarily low-density residential development.

A sidewalk and pathway system shall be included within Toscana Isles PUD to implement the provisions of Policy 16.22 of the Future Land Use Element of the 2010 Comprehensive Plan. Sidewalks and pathways shall be provided as reflected in the following Connectivity Concept Plan and shall be a minimum of five (5) feet in width along all roadways adjoining residential and commercial uses, where no use is proposed, the sidewalk and pathway may continue along only the side with active uses.

As provided in Policy 2.6 of the Housing and Neighborhood Development Element of the 2010 Comprehensive Plan Toscana Isles is proposed to be a limited access community with the option for a manned or un-manned gate at the primary entrances off Knights Trail Road and secondary gated entry points and access controls within the development that meet the emergency access requirements of the City of Venice.

The limited access/gated entries are planned to maintain consistency with the other nearby residential communities and to improve the sense of internal security for future residents of Toscana Isles. The generalized proposed alternative locations of the limited access gated entry points are depicted on the Connectivity Concept Plan.

All of the streets and roadways within Toscana Isles are proposed to be privately maintained and not dedicated to the City of Venice for ownership or maintenance responsibility. All streets and drainage proposed will comply with Sec. 86-130(n)(2) Streets and Drainage facilities of the City of Venice Code of Ordinances.

Location of driveways. No driveway shall be constructed with its center closer than 20 feet to a property line, except when the drive is jointly used by the adjoining properties, or 50 feet to the intersection of the edge of the pavement of two streets, or 30 feet to the center of the next nearest entrance driveway; provided that, for one- and two-family dwellings, no portion of any driveway shall be constructed closer than five feet to a property line, except when the drive is jointly used by the adjoining properties, or 30 feet to the intersection of the edge of the pavement of two streets, or ten feet to the edge of the next nearest driveway.

Property Description:

As depicted on the zoning map shown below consisting of 428.5± acres and as further described:

The South ½ of the Southwest ¼ and the Southwest ¼ of the Southeast ¼ of Section 22, Township 38 South, Range 19, East, Sarasota County, Florida.

AND The North ½ of the Southwest ¼ and the Northwest ¼ and the Northwest ¼ of the Northeast ¼ of Section 27, Township 38 South, Range 19 East Sarasota, County, Florida.

LESS AND EXCEPT road right-of-way for Knights Trail Road including but not limited to the land set forth in Road Plat Book 3, Page 52, Public Records of Sarasota County, Florida.

ALSO LESS AND EXCEPT the land set forth in the Warranty Deed recorded in Official Records Book 2086, Page 571, Public Records of Sarasota County, Florida, described as follows:

The Easterly 10 feet of the Westerly 40 feet of the South ½ of the Southwest ¼ of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida.

ALSO LESS AND EXCEPT the land set forth in the Warranty Deed recorded in Official Records Book 2086, Page 574, Public Records of Sarasota County, Florida, described as follows:

Commence at the Southwest corner of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run along the West line of the Southwest ¼ of said Section 22, North 01°08'23" WEST for a distance of 1050.59 feet; thence run North 88°51'37" East for distance of 40.00 feet to the POINT OF BEGINNING; thence continue North 88°51'37" East for a distance of 12.50 feet; thence run North 01°08'23" West for a distance of 289.19 feet; thence run South 89°33'46" West for a distance of 12.50 feet to a line 40.00 feet East of and parallel with said Section line; thence run South 01°08'23" East along said parallel line for a distance of 289.34 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT the land set forth in the Warranty Deed recorded in Official Records Book 2086 Page 577; as re-recorded in Official Records Book 2093, Page 1304, Public Records of

Sarasota County, Florida, described as follows:

The Easterly 10 feet of the Westerly 40 feet of the Northwest $\frac{1}{4}$ and Easterly 10 feet of the Westerly 40 feet of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, both being in Section 27, Township 38 South, Range 19 East, Sarasota County, Florida.

ALSO LESS AND EXCEPT the land set forth in the Warranty Deed recorded at Instrument No. 2008047514 of the Public Records of Sarasota County, Florida, described as follow:

A portion of lands described in Official Records Instrument 2002141012 of the Public Records of Sarasota County, Florida, same being a portion of Section 27, Township 38 South, Range 19 East, Sarasota County, Florida, described as follows:

Commence at the Southwest corner of Section 27, Township 38 South, Range 19 East, Sarasota County, Florida; thence N 00°42'04" E, along the West line of said Section 27, a distance of 1323.33 feet; thence S 89°17'56" E, perpendicular to said West line of Section 27, a distance of 40.00 feet to the Southwest corner of lands described in Official Records Instrument #2002141012 of the Public Records of Sarasota County, Florida for a POINT OF BEGINNING, same being a point on the East right-of-way line of Knights Trail Road, an 80-foot wide public right-of-way; thence N 00°42'04" E, along said East right-of-way line a distance of 714.12 feet; thence S 89°17'47" E, leaving said East right-of-way line a distance of 19.00 feet; thence S 48°34'55" E, a distance of 29.69 feet; thence S 00°42'13" W, a distance of 63.23 feet; thence S 43°18'10" W, a distance of 33.24 feet; thence S 00°42'04" W, a distance of 232.43 feet; thence S 14°11'49" W, a distance of 51.42 feet; thence S 00°42'04" W, a distance of 0.88 feet; thence S 89°17'56" E, a distance of 1.50 feet; thence S 00°42'04" W, a distance of 12.00 feet; thence N 89°17'56" W, a distance of 1.50 feet; thence S 00°42'04" W, a distance of 95.12 feet; thence S 00°26'41" E, a distance of 216.66 feet to a point on said South line of lands described in Official Records Instrument #2002141012; thence N 89°21'31" W, along said South line a distance of 11.33 feet to the POINT OF BEGINNING.

AND

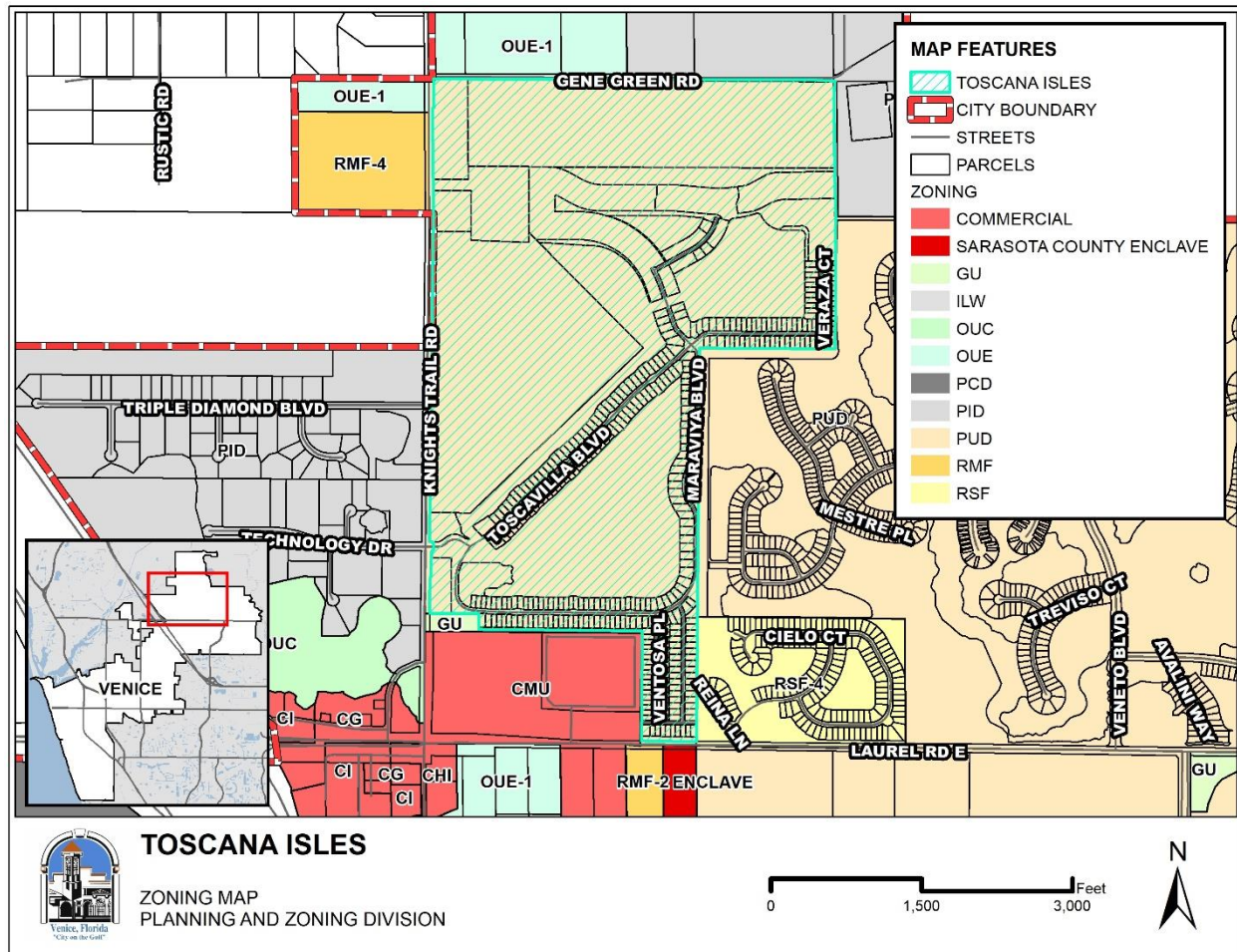
That part of Section 27, Township 38 South, Range 19 East, Sarasota County, Florida being described as follows:

Begin at the intersection of the East line of the Southwest $\frac{1}{4}$ of said Section 27 with the North right of way line of Laurel Road right-of-way Parcel #1 as shown and described in Official Records Instrument #2004171672 Public Records of Sarasota County, Florida; thence along said North right-of-way line, S 89°15'44" W, 547.00 feet to a point lying on a line 10.57 feet East of and parallel with the West line of License Agreement Parcel as recorded in Official Records Instrument #1998109098 of said Public Records; thence along last said parallel line, N 00°55'45" W, 1092.60 feet to a point lying on a line 155.00 feet South of and parallel with the North line of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 27; thence along last said parallel line, N 89°09'01" E, 547.00 feet to the said East line of the Southwest $\frac{1}{4}$ of Section 27; thence along the last said East line, S 00°55'45" E, 1093.67 feet to the POINT OF BEGINNING and containing 597,943.11 square feet or 13.727 acres more or less.

Begin at the Northeast Corner of lands of the City of Venice as recorded in Official Records Instrument #1998171296 Public Records of Sarasota County, Florida. Said corner lying on the

North line of the South ½ of Southwest ¼ of said Section 27; thence along said North line, N 89°09'01" E, 2173.18 feet to the East line of said Southwest ¼ of Section 27; thence along last said East line S 00°55'45" E, 155.00 feet to a point lying on a line 155.00 feet South of and parallel with the said North line of the South ½ of the Southwest ¼ of Section 27; thence along said parallel line, S 89°09'01" W, 2173.85 feet to the East line of said lands of the City of Venice; thence along last said East line, N 00°40'45" W, 155.00 feet to the POINT OF BEGINNING and containing 336,894.95 square feet more or less.

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 FEBRUARY, 2019.

First Reading: February 12, 2019

Final Reading: February 26, 2019

Adoption: February 26, 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 26th day of February 2019 a quorum being present.

WITNESS my hand and the official seal of said City this 26th day of February 2019.

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney