

ORDINANCE NO. 2019-27

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, FOR THE PROPERTY LOCATED AT 1755 E. VENICE AVENUE AND OWNED BY AQUEDUCT, LLC, TO AMEND ORDINANCE NO. 2005-24, PURSUANT TO REZONE AMENDMENT PETITION NO. 19-13RZ, TO ELIMINATE A STIPULATION PROHIBITING THE DEVELOPER FROM PROPOSING A WALL, FENCE, OR GATE ALONG THE WEST PROPERTY LINE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Ordinance No. 2005-24 established the current zoning of the subject property with specific conditions and stipulations; and

WHEREAS, Rezone Amendment Petition No. 19-13RZ has been filed with the City of Venice to eliminate a stipulation from Ordinance 2005-24 that states, "The developers agree not to propose a wall, or a fence, or gate along the west property line."; 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 noticed public hearing on June 4, 2019 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 Rezone Amendment Petition No. 19-13RZ; and

WHEREAS, the Venice City Council has received and considered the report of the Planning Commission concerning Rezone Amendment Petition No. 19-13RZ; and

WHEREAS, City Council held a public hearing on Rezone Amendment Petition No. 19-13RZ 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 Rezone Amendment Petition No. 19-13RZ 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 Rezone Amendment Petition No. 19-13RZ.

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

at said public hearing.

C. The Petition is in accordance with and meets the requirements of the Land Development Code and is consistent with the City of Venice Comprehensive Plan.

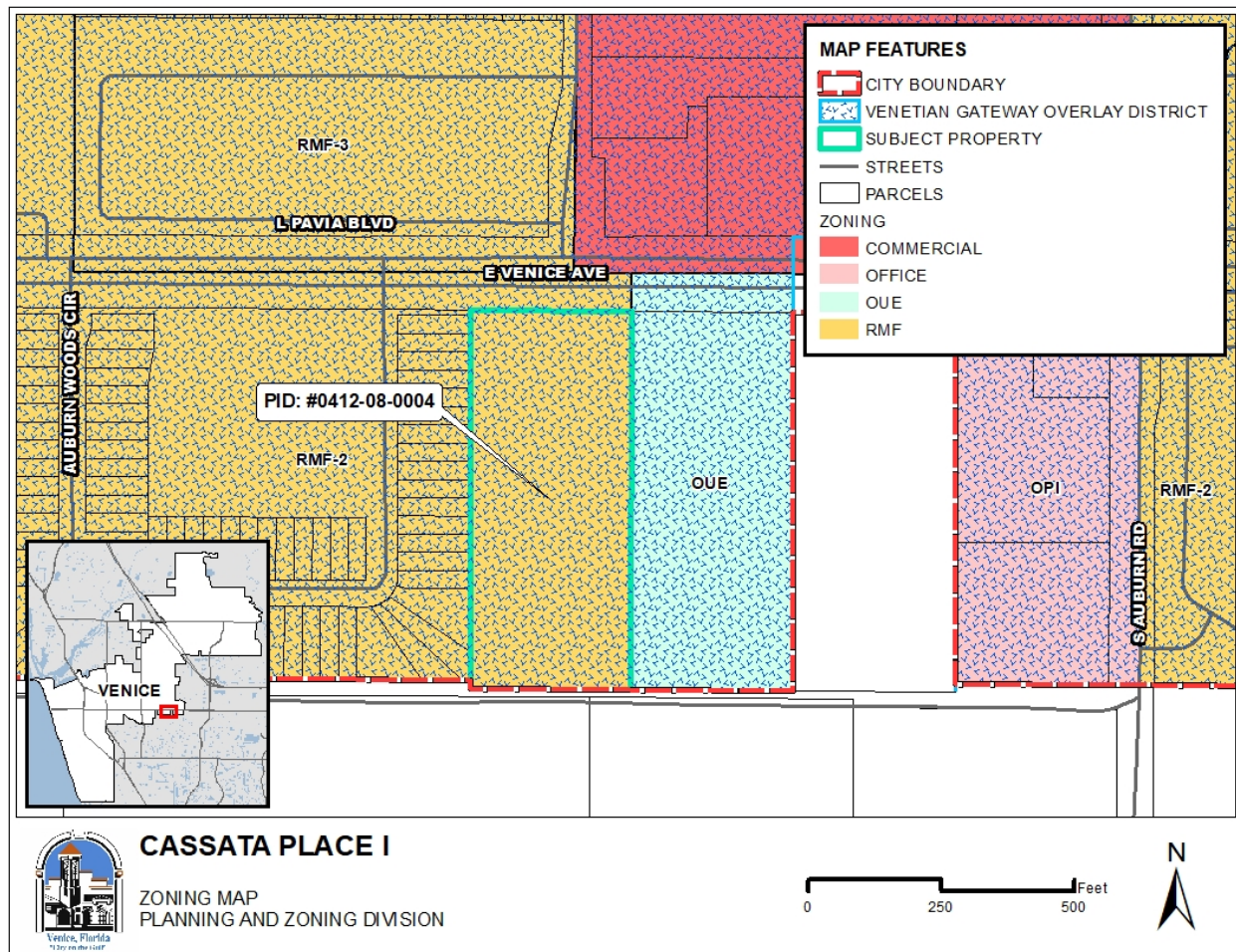
SECTION 3. The Official Zoning Atlas as established by Ordinance No. 2005-24, attached hereto as Exhibit A, is hereby amended solely to eliminate the stipulation for the following described property that states: “The developers agree not to propose a wall, or a fence, or gate along the west property line.”

The subject 5.07± acre property is designated as Parcel ID # 0412-08-0004 as depicted on the location map shown below and is further described as follows:

Tract 4 of the unrecorded Plat of Kent Acres, more particularly described as follows:

The West 304 feet of the East 1249 feet of the North 726 feet of that part of Section 9, Township 39 South, Range 19 East, Sarasota County, Florida, lying South of the existing Right-of-Way of Venice Avenue East, the South 15 feet therein reserved for Ingress and Egress Easement.

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 10TH DAY OF SEPTEMBER 2019.

First Reading: August 27, 2019

Final Reading: September 10, 2019

Adoption: September 10, 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 10th day of September 2019 a quorum being present.

WITNESS my hand and the official seal of said City this 10th day of September 2019.

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

Prepared by: City Clerk

ORDINANCE NO. 2005-24

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, AS PART OF CITY OF VENICE ORDINANCE NO. 725-78; RELATING TO FIORE DI VENEZIA, REZONING PETITION NO. 05-1RZ FOR THE REZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM RSF-2 (RESIDENTIAL, SINGLE-FAMILY) TO RMF-2/VG (RESIDENTIAL, MULTIPLE-FAMILY/VENETIAN GATEWAY); RELATING TO ZONING WITHIN THE INCORPORATED AREA OF THE CITY OF VENICE; PROVIDING FOR THE REZONING OF CERTAIN LANDS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. Findings. The City Council, hereinafter referred to as the "Council", hereby makes the following findings:

A. The Council has received and considered the report of the Planning Commission concerning Rezoning Petition No. 05-1RZ requesting rezoning of the property described herein.

B. The Council has held a public hearing on the proposed rezoning of the property described herein, all in accordance with the requirement of City of Venice Ordinance No. 725-78, and has considered the information received at said public hearing.

C. The proposed rezoning of the property described herein is in accordance with the City of Venice Comprehensive Plan and said rezoning, as granted hereby, meets the requirements of City of Venice Ordinance No. 725-78, and any amendments thereto.

SECTION 2. Amendment of Ordinance No. 725-78. The Official Zoning Atlas, as part of the City of Venice Ordinance No. 725-78, is hereby amended by changing the zoning classification from RSF-2 (Residential, Single-family) to RMF-2/VG (Residential, Multiple-family/Venetian Gateway) for the following described property located in the City of Venice:

DESCRIPTION OF PROPERTY:

Tract 4 of the unrecorded plat of KENT ACRES, more particularly described as follows: The West 304 feet of the East 1249 feet of the North 726 feet of that part of Section 9, Township 39 South, Range 19 East, Sarasota County, Florida, lying South of the existing R/W of Venice Avenue East, the South 15 feet therein being reserved for ingress and egress easement. Totaling 5.06 ± acres.

More commonly known as Fiore di Venezia, located at 1755 E. Venice Avenue, Venice, Florida.

SECTION 3. Restrictions, stipulations and safeguards. The use of the property described in Section 2 hereof, in addition to applicable restrictions imposed by City of Venice Code of Ordinances Chapter 86 Land Development Code, is limited by and subject to the following restrictions, stipulations and safeguards:

1. Density will not exceed 7.6 units per acre.
2. There will be no request for a special exception for building height.

3. The developers agree not to propose a wall, or a fence, or gate along the west property line.
4. The developers agree to implement the Venetian Gateway architectural standards.
5. The developers agree to include landscape berms along the front and back one third of the west side of the property.

SECTION 4. Effective Date. This ordinance shall take effect at the termination of 30 days following the adoption of the small-scale comprehensive plan amendment unless a challenge is filed. If a challenge is filed this ordinance will become effective only if the Administration Commission issues a final order determining the adopted small scale development amendment is in compliance, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 24TH DAY OF MAY, 2005.

First Reading: May 10, 2005
Final Reading: May 24, 2005

Adoption: May 24, 2005



Dean Calamaras, Mayor

Attest:



Linda Depew, CMC, Deputy City Clerk

I, Linda Depew, CMC, Deputy 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 24th day of May, 2005, a quorum being present.

WITNESS my hand and the official seal of said City this 25th day of May 2005.


Linda Depew, CMC, Deputy City Clerk

Approved as to form:


City Attorney