

ORDINANCE NO. 2021-36

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE 2017-2027 COMPREHENSIVE PLAN PURSUANT TO PETITION NO. 21-30CP TO INCLUDE A PRIVATE PROPERTY RIGHTS ELEMENT; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Community Planning Act, Sections 163.3161 through 163.32466, Florida Statutes ("Act") authorizes and requires the City of Venice to adopt and amend a comprehensive plan in accordance with the Act; and

WHEREAS, during the 2021 Florida legislative session, Section 163.3177 of the Florida Statutes was amended to require every local government to include a property rights element in its comprehensive plan; and

WHEREAS, City-initiated Petition No. 21-30CP requests that the 2017-2027 Comprehensive Plan be amended to include a Private Property Rights Element to keep in compliance with state law; and

WHEREAS, Chapter 86 of the city Code of Ordinances designates the City of Venice Planning Commission as the local planning agency; and

WHEREAS, the City of Venice Planning Commission held a duly noticed public hearing on August 17, 2021, to review the proposed comprehensive plan amendment, and recommended that city council approve Petition No. 21-30CP; and

WHEREAS, on September 14, 2021, the City Council held a public hearing on the proposed comprehensive plan amendment and approved the transmittal of the amendment to the Department of Economic Opportunity as the state land planning agency, for review; and

WHEREAS, no reviewing agency has identified any adverse impacts to important state resources and facilities within their authorized scope of review if the comprehensive plan amendment is adopted: and

WHEREAS, on November 16, 2021, the Venice City Council, after due public notice, held a second public hearing on Petition No. 21-30CP and determined it complies with the requirements of the Act.

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

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. The City of Venice Comprehensive Plan 2017-2027 is hereby amended to include a Private Property Rights Element. The revised Comprehensive Plan pages are attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed to the extent of the conflict.

SECTION 4. 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 5. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after adoption. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 16th DAY OF NOVEMBER 2021.

First Reading: September 14, 2021
Second Reading: November 16, 2021

ADOPTION: November 16, 2021

Ron Feinsod, 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 16th day of November 2021, a quorum being present.

WITNESS my hand and the official seal of said City this 16th day of November, 2021.

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

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OS = OPEN SPACE: FUNCTIONAL (Parks, Public Spaces);
CONSERVATION (Coastal Management, Environmental)



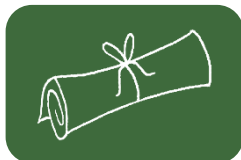
HG = HOUSING (Housing, Attainable Housing)



IN = INFRASTRUCTURE (Water, Wastewater, Capital
Improvements Plan, Community Services (Police, Fire, Hospital,
Library)



PS = PUBLIC SCHOOLS *(Note: the Sarasota County School Board
is currently in-process of revising the County-Wide Schools Master Plan
including level of service standards. When adopted by the School
Board, the Element will be incorporated into the City's Comprehensive
Plan.)*



PR = PRIVATE PROPERTY RIGHTS

PRIVATE PROPERTY RIGHTS

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Section III – ELEMENTS – PRIVATE PROPERTY RIGHTS



This Element affords protection for private property rights by ensuring their consideration by the City in its local decision-making processes. The individual rights are listed below as strategies, and shall be considered as the City makes its decisions.

VISION PR 1 – The City of Venice will be a community that ensures private property rights are considered in local decision-making.

Private Property Rights

Intent PR 1.1 – Private Property Rights

The City of Venice respects judicially acknowledged and constitutionally protected private property rights and will ensure that these rights are considered in the City's decision-making processes.

Strategy PR 1.1.1 – Private Property Rights Protected

The following rights shall be considered in decision-making in the City of Venice:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of a property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.



118.2

November 28, 2017

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