

**ORDINANCE NO. 2013-22**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 86, LAND DEVELOPMENT CODE, ARTICLE V, USE REGULATIONS, DIVISION 3, RESIDENTIAL ZONING DISTRICTS, SECTION 86-80, RE RESIDENTIAL, ESTATE (SINGLE-FAMILY) DISTRICT; SECTION 86-81, RSF RESIDENTIAL, SINGLE-FAMILY DISTRICT; SECTION 86-84, RTR RESIDENTIAL, TOURIST RESORT DISTRICT; DIVISION 4, BUSINESS ZONING DISTRICTS, SECTION 86-94, CBD COMMERCIAL BUSINESS DISTRICT, AND SECTION 86-97, CMU COMMERCIAL MIXED USE DISTRICT; ARTICLE VI, DESIGN AND DEVELOPMENT STANDARDS, DIVISION 3, SIGNS, SECTION 86-400, SIGNS, ADDING SECTION 86-401, EXEMPTIONS; ARTICLE VIII, GENERAL ADMINISTRATIVE PROVISIONS, SECTION 86-570, DEFINITIONS; CHAPTER 122, ZONING, ARTICLE V, SUPPLEMENTARY ZONING DISTRICT REGULATIONS, DIVISION 4, SIGNS, SUBDIVISION I, IN GENERAL, AND DELETING SUBDIVISION II, PERMIT, SECTION 122-582, EXEMPTIONS; SECTION 122-558, SIGNS ADVERTISING PROPERTY FOR SALE OR LEASE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (TEXT AMENDMENT 13-3AM)**

**WHEREAS**, pursuant to Section 163.3174, Florida Statutes, Venice City Council has duly designated the city's planning commission as the local planning agency for the incorporated area of the city; and

**WHEREAS**, the City of Venice is required by Florida Statutes to update the land development code for consistency with the comprehensive plan; and

**WHEREAS**, the city desires to enhance local business's ability to advertise products, services and promotional events through the use of portable signs and temporary signs; and

**WHEREAS**, the planning commission has considered this amendment to the land development code and following duly noticed public hearings on March 19, 2013, May 7, 2013 and May 21, 2013, forwarded its recommendation for approval and findings of consistency with the comprehensive plan of the city to city council as required by law; and

**WHEREAS**, city council has received and considered the report of the planning commission recommending approval.

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

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

**SECTION 2.** Chapter 86, Land Development Code, Article V, Use Regulations, Division 3, Residential Zoning Districts, Sections 86-80, 86-81 and 86-84 are amended to read as follows:

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

**Sec. 86-80. RE residential, estate (single-family) district.**

(a) through (j) No change.

(k) *Limitations on signs.* No signs are permitted in the RE district except as provided in Sec. 122-582 and provided below:

(1) through (3) No change.

~~(4) One nonilluminated sign, not to exceed four square feet in area per face, to advertise the sale, lease or rental of the property on which the sign is located.~~

~~(5) Two nonilluminated subdivision monument style ground signs, each having an area not to exceed 32 square feet, on a subdivision property while under development to advertise the sale of lots or new houses, provided such subdivision has an area of at least four acres, and provided further that such signs shall be removed when all of the individual lots or houses have been sold.~~

(6) and (7) Renumber.

No sign permitted in this subsection shall be erected or maintained within 20 feet of any adjacent residential property line nor exceed nine feet in height.

**Sec. 86-81. RSF residential, single-family district.**

(a) through (j) No change.

(k) *Limitations on signs.* No signs are permitted in the RSF district except as provided in Section 122-582 and provided below:

(1) No change.

~~(2) On a lot containing a permitted or permissible nonresidential use, not more than two temporary signs or banners each with a surface area not exceeding 12 square feet in connection with special events.~~

(3) through (5) Renumber.

~~(6) One nonilluminated sign, not to exceed four square feet in area per face, to advertise the sale, lease or rental of the property on which the sign is located.~~

~~(7) Two nonilluminated subdivision monument style ground signs, each having an area not to exceed 32 square feet, on a subdivision property while under development to~~

~~advertise the sale of lots or new houses, provided such subdivision has an area of at least four acres, and provided further that such signs shall be removed when all of the individual lots or houses have been sold.~~

(8) through (9) Renumber.

No signs permitted in this subsection shall be erected or maintained within 20 feet of any adjacent residential property line nor exceed nine feet in height.

**Sec. 86-84. RTR residential, tourist resort district.**

(a) through (k) No change.

(l) *Limitations on signs.*

(1) No signs are permitted in the RTR district except as provided in Section 122-582 and provided below:

a. and b. No change.

~~c. One nonilluminated sign, not to exceed four square feet in area per face, to advertise the sale, lease or rental of property on which the sign is located.~~

d. Re-letter.

(2) No change.

**SECTION 3.** Chapter 86, Land Development Code, Article V, Use Regulations, Division 4, Business Zoning Districts, Sections 86-94 and 86-97 are amended to read as follows:

**Sec. 86-94, CBD commercial, business district.**

(a) through (k) No change.

(l) *Limitation on signs.*

(1) Permitted signs. No signs are permitted in the CBD district except as ~~follows~~ provided in Section 122-582 and provided below:

a. and b. No change.

(2) a. through m. No change.

n. A business may place no more than one non-illuminated portable sign in front of the business on a sidewalk in the right-of-way subject to the issuance of an open air café/display or other public property permit. The portable sign may be an A-frame sign or a single-faced or two-faced sign. The width of the portable sign, including sign structure, shall not exceed 24 inches and the height of the portable sign, including sign structure, shall not exceed 45 inches. A minimum 44-inch wide unobstructed sidewalk or walkway shall be maintained to provide safe and convenient pedestrian circulation.

(3) and (4) No change.

**Sec. 86-97. CMU commercial mixed-use district.**

(a) through (m) No change.

(n) *Limitation on signs.*

(1) Permitted signs. No signs are permitted in the CMU district except as ~~follows~~ provided in Section 122-582 and provided below:

a. and b. No change.

(2) a. through l. No change.

~~m. Interior paper signs are permitted. Signs that become visibly faded, frayed, torn or worn shall be removed.~~

(2) and (3) Renumber.

(o) and (p) No Change.

**SECTION 4.** Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 3, Signs, Section 86-400, Signs, is amended to read as follows:

**Sec. 86-400. Signs.**

(a) and (b) No change.

(c) *Prohibited signs.* It shall be a violation of this chapter to erect or maintain:

(1) through (15) No change.

(16) Whirling signs. Whirling signs, except where specifically permitted by the terms of this chapter.

(17) Animated signs. Animated signs, except where specifically permitted by the terms of this chapter.

(18) Vehicle- or trailer-mounted signs. Vehicle- or trailer-mounted signs that are on a vehicle that is parked on or otherwise utilizing a public right-of-way or public property, or parked on or otherwise utilizing private property to be viewed from a vehicular right-of-way for the purpose of providing advertisement of products or services or directing people to a business or activity.

(d) No change.

(e) *Temporary signs.* The zoning administrator may, ~~in special cases,~~ when otherwise not permitted, grant permits for temporary signs when the temporary signs are used to advertise a temporary event or activity. ~~including portable signs or banner signs to be erected on the premises of an establishment or activity having a grand opening or special event. Such signs shall be:~~ The zoning administrator may authorize deviations from the following standards when an applicant can substantively demonstrate that the deviations are needed for reasons of public safety, health or welfare.

~~(1) Permitted for not more than seven calendar days in any six month period.~~

~~(2) Erected in a manner satisfactory to the zoning administrator to ensure against hazard to the public.~~

(1) General temporary sign standards. All temporary signs shall comply with the following general temporary sign standards.

a. All temporary signs shall not interfere with visibility at intersections and points of access and shall comply with the standards contained in Section 122-605.

b. The placement of temporary signs shall not impede safe and convenient on-site vehicular and pedestrian circulation.

c. All temporary signs shall be on private property and set back a minimum of two feet from the edge of pavement of a street or the back side of a curb.

d. All temporary signs shall be non-illuminated.

(2) Grand opening of a new business. Temporary signs used in conjunction with the grand opening of a new business are permitted subject to the following standards:

a. The maximum duration of the display of temporary signs shall be 30 consecutive days.

b. For the purpose of this section, a new business is defined as a business that has been issued a new city local business tax receipt and has been in operation less than three months.

c. Animated, whirling, wind and other similar signs are permitted.

d. The total maximum area of temporary signage shall be one square foot times the width of the building or tenant space in which the business is conducted.

e. The maximum size of any temporary sign shall be 50 square feet.

f. The temporary sign shall be located on the lot or parcel in which the business is located. With the written consent of the property owner/manager, temporary signs may be located adjacent to driveways.

(3) A special business promotion, including but not limited to, the sale of merchandise or service.

a. No more than one temporary sign permit shall be issued over any six month period, and temporary signs shall not be permitted for more than seven calendar days in any six-month period.

b. No more than one temporary sign shall be permitted along each street frontage.

c. The maximum area of each temporary sign shall be 20 square feet for properties with total street frontage of two hundred feet or less. The maximum area of each temporary sign shall be fifty square feet for properties with a total street frontage in excess of two hundred feet.

d. The temporary sign shall be located on property owned or leased by the business.

(4) The advertisement of a special event or activity sponsored by a non-profit organization displayed on property owned or leased by the non-profit organization.

a. The maximum duration of the display of a temporary sign shall be 30 consecutive days.

b. No more than one temporary sign shall be permitted along each street frontage.

c. The maximum area of each temporary sign shall be 20 square feet for properties with total street frontage of two hundred feet or less. The maximum area of each temporary sign shall be fifty square feet for properties with a total street frontage in excess of two hundred feet.

(5) Temporary signs for other temporary events or activities.

a. No more than one temporary sign permit shall be issued over any six month period, and temporary signs shall not be permitted for more than seven calendar days in any six-month period.

b. No more than one temporary sign shall be permitted along each street frontage.

c. The maximum area of each temporary sign shall be 20 square feet for properties with total street frontage of two hundred feet or less. The maximum area of each temporary sign shall be fifty square feet for properties with a total street frontage in excess of two hundred feet.

d. The temporary sign shall be located on the property owned or leased by the applicant.

Appeal from the decision of the zoning administrator may be made to ~~city council~~ the planning commission pursuant to Section 86-23(j).

(f) No change.

**SECTION 5.** Chapter 122, Zoning, Article V, Supplementary Zoning District Regulations, Division 4, Signs, Subdivision II, Permit, Section 122-582, Exemptions, is hereby deleted and Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 3, Signs, Section 86-401, Exempt signs, is added to read as follows:

**Sec. 122-582. Exemptions.**

~~(a) Except as otherwise provided, the following signs may be erected without securing a permit, subject, however, to meeting all the requirements of this chapter and all other applicable city codes and regulations:~~

~~(1) Professional nameplates not exceeding two square feet in area.~~

~~(2) One nonilluminated bulletin board or identification sign for each street frontage for public, charitable, eleemosynary or religious institutions, located on the premises of such institutions and not exceeding 12 square feet in total area. Illuminated bulletin boards and identification signs for these uses require a permit.~~

~~(3) Occupational signs denoting only the name, street number and business of an occupant in a commercial building, a public institutional building or a dwelling house, which do not exceed two square feet in area.~~

~~(4) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or when constructed of bronze or other noncombustible materials, which do not exceed four square feet in area.~~

~~(5)Traffic or other municipal, county, state or federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency or nonadvertising signs as may be approved by the city council.~~

~~(6)One nonilluminated "For Sale" or "For Rent" sign per parcel of property when such sign has an area per face of not more than four square feet.~~

~~(7)Identification signs at the entrance drive of residences and estates which do not exceed two square feet in area.~~

~~(8)Nonadvertising directional signs or symbols ("entrance," "exit," "caution," "slow" and "no trespassing" signs, etc.) located on and pertaining to a parcel of private property, not to exceed two square feet in area.~~

~~(9)Posters, bulletins, banners, notices and other similar temporary signs displayed inside windows, provided the total area of such signs shall not exceed ten percent of the total window area of any face of any building, up to a maximum total area of ten square feet on each face.~~

~~(b)Signs under subsections (a)(2), (6), (7) and (8) of this section may be located in required front yards, not closer to the street right of way line than one third of the depth of the required front yard, but shall not be located within 20 feet of any adjacent property line. Signs under subsection (a)(5) of this section may be located in public right of way, on public property, or in required yards.~~

#### **Sec. 86-401. Exempt signs.**

(a) Except as otherwise provided, the following signs may be erected without securing a permit, subject, however, to meeting all the requirements of this chapter, including but not limited to the standards contained in Section 86-400(e)(1), and all other applicable city codes and regulations:

(1) Professional nameplates not exceeding two square feet in area.

(2) One non-illuminated bulletin board or identification sign for each street frontage for public, charitable, eleemosynary or religious institutions, located on the premises of such institutions and not exceeding 12 square feet in total area. Illuminated bulletin boards and identification signs for these uses require a permit.

(3) Occupational signs denoting only the name, street number and business of an occupant in a commercial building, or a public institutional building which do not exceed two square feet in area.



(4) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or when constructed of bronze or other noncombustible materials, which do not exceed four square feet in area.

(5) Traffic or other municipal, county, state or federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency or non-advertising signs as may be approved by city council.

(6) Real estate signs on residential properties. Non-illuminated temporary real estate sign(s) (e.g. for sale, for rent) subject to the following standards:

a. No more than one real estate sign is permitted on a parcel or lot, except that corner lots or parcels may have one sign per street frontage.

b. Residential parcels or lots that abut a navigable waterway may have one additional real estate sign in the waterfront yard or on a structure over water.

c. Residential parcels or lots that abut a golf course may have one additional real estate sign in a yard that abuts the golf course.

d. The face(s) of the primary real estate sign shall not exceed an area of four square feet.

e. Supplemental real estate sign(s) may be affixed to the primary real estate sign provided that the face(s) of the supplemental real estate sign(s) shall not exceed an area of two square feet.

f. Real estate sign(s) shall be removed within 48 hours of the sale or lease of the residential property.

(7) Identification signs at the entrance drive of residences and estates which do not exceed two square feet in area.

(8) Permanent (non-portable) directional signs (entrance, exit, drive-thru, etc.) on non-residential properties subject to the following standards:

a. The name and/or logo of the business or organization may be included on the face of the sign provided that the majority of the area of the sign face provides directional information.

b. A non-residential property shall have only one directional sign at any entrance to the property located within the required front yard. The directional sign shall provide directional information for no more than one business or organization. The maximum area of the face(s) of such signs shall be four square feet.

c. The number of directional signs outside the front yard shall not be limited and the maximum area of the face(s) of such signs shall be two square feet.

(9) Except as otherwise regulated in the CBD district, posters, bulletins, banners, notices, advertising, hanging non-flashing neon or other types of illuminated signs and other similar temporary signs displayed inside windows or doors, and vinyl signs permanently adhered to the exterior surface of a window or door provided that no more than fifty percent of the surface of each door or window of a business or establishment shall be used for the display of signs or other forms of advertisement. For the purpose of this subsection, the display of merchandise shall not be considered a sign or other form of advertisement. Signs that become visibly faded, frayed, torn or worn shall be removed.

(10) Temporary real estate open house signs subject to the following standards:

a. A maximum of one non-illuminated sign per property that may contain the name or logo of the real estate company.

b. Open house signs may be located in city right-of-way, subject to the provisions of subsections d. and e. below.

c. A maximum area of four square feet per sign face.

d. The right-of-way of no more than two collector or arterial roadways as designated by the comprehensive plan may be used to provide directions to an open house for a specific property for sale or lease and only one open house sign for a specific property for sale or lease is allowed on each collector or arterial roadway.

e. Additional open house signs may be located in the right-of-way of local residential streets.

f. Open house signs shall be removed upon completion of the open house.

(11) One temporary sign meeting all of the following criteria:

a. non-illuminated,

b. displaying a non-commercial message,

c. placed in the ground on a residential lot,

d. not more than four feet in height,

e. with one or two sign faces,

f. not to exceed three square feet (18 inches by 24 inches) in area with area calculated based upon one side or sign face,

g. located at least five feet from any property boundary.

(12) Portable signs, subject to the following standards:

a. Unless provided elsewhere in this chapter, portable signs in the right-of-way are prohibited.

b. For non-residential properties, a maximum of one non-illuminated portable sign is allowed per lot or parcel at any one time, subject to the following:

1. For non-residential properties with a pedestrian sidewalk or walkway on private property immediately in front of the business or establishment when the sidewalk or walkway is at least six feet wide, one portable sign may be placed on the sidewalk or walkway area in front of the tenant space or business. When a minimum six foot wide pedestrian sidewalk or walkway is not located immediately in front of a business or establishment, one portable sign may be placed on private property provided that the portable sign shall be located within ten feet of an entrance to a building or a courtyard that provides access to the building. The portable sign may be an A-frame sign or a single-faced or two-faced sign.
2. When a portable sign is placed on a private pedestrian sidewalk or walkway, a minimum of 44-inch wide unobstructed sidewalk or walkway shall be maintained to provide safe and convenient pedestrian circulation.
3. The placement of portable signs shall not impede safe and convenient on-site vehicular and pedestrian circulation.
4. Portable signs may be an A-frame sign or a single-faced or two-faced sign.
5. The width of the portable sign, including sign structure, shall not exceed 24 inches and the height of the portable sign, including sign structure, shall not exceed 45 inches.

(13) Real estate signs on non-residential property. Non-illuminated temporary real estate sign(s) (e.g. for sale, for rent) are allowed on a developed non-residential parcel or lot subject to the following standards:

a. No more than one real estate sign is permitted on a parcel or lot, except that corner lots or parcels may have one sign per street frontage.

b. For parcels or lots with street frontage of less than 200 feet, the maximum area of the sign shall be 16 square feet and for parcels or lots with street frontage of 200 feet or

more, the maximum area of the sign shall be 32 square feet. Only the street frontage in which the sign is located shall be considered in determining the maximum size of the sign. One real estate sign may be erected for each street frontage on a corner lot or parcel, subject to the maximum sign area standards in this subsection.

c. The real estate sign shall be removed within 48 hours of the sale or lease of the non-residential property.

(14) Temporary sign to recognize an official award, provided that the maximum duration of displaying such sign shall be 30 days.

(15) Temporary sign to facilitate a development company or developer advertisement of the sale of vacant lots in any approved subdivision subject to the following standards:

a. One non-illuminated sign per entrance to the subdivision from a public street.

b. The maximum area of the sign face shall be 16 square feet.

c. The maximum height of the sign, including sign structure, shall be eight feet measured from finished grade.

d. The sign(s) shall be removed when five percent of the total lots in the last phase of the subdivision remain unsold or five lots in the last phase of the subdivision remain unsold, whichever is greater.

(16) Vehicle identification signs provided that whenever the business is closed the vehicle identification sign identifying the business:

a. Shall be parked in a permitted off-street parking space that is located furthest from all right-of-ways, and,

b. Shall not be located in the right-of-way within 250 feet from the property line of the property in which the business is located.

(b) Signs under subsections (a)(2), (6), (7), (8), (13) and (15) of this section may be located in required front yards, but shall not be located within 20 feet of any adjacent property line. Signs under subsections (a)(5) and (10) of this section may be located in public right-of-way. No animated, wind or whirling signs may be used in conjunction with any exempt sign listed in subsection (a) above.

**SECTION 6.** Chapter 86, Land Development Code, Article VIII, General Administrative Provisions, Section 86-570, Definitions, is amended to read as follows:

A-frame sign means any temporary advertising device ordinarily in the shape of an “A,” or some variation thereof, located on the ground, not permanently attached and easily movable, and usually two-sided. Also called a “sandwich board” sign.

Convenience store means a commercial establishment which sells at retail such goods as food, sundries, household supplies and the like. retail business with a primary emphasis on providing the public with a convenient location to quickly purchase consumable products, including gasoline. Convenience stores have the following characteristics:

1. Building size may vary significantly; typically less than 2,500 square feet,
2. Extended hours of operation; including convenience stores that are open 24 hours a day, seven days a week,
3. A significant variety of products for sale; typically stock 500 or more SKUs (stock-keeping units), and
4. Product mix includes grocery-type items and beverages, snacks (including confectionery), gasoline and tobacco.

Vehicle identification sign means a sign permanently or semi-permanently affixed to the outside of a vehicle or the inside or outside of windows by paint, adhesive, magnet or other similar means to adhere a sign identifying or advertising a business.

Vehicle- or trailer-mounted sign means a temporary portable sign mounted or placed on or inside a vehicle, including automobiles, trucks, boats, campers, trailers and the like for the purpose of advertising or directing people to a business.

**SECTION 7.** Chapter 122, Zoning, Article V, Supplementary Zoning District Regulations, Division 4, Signs, Subdivision I, In General, Section 122-558, Signs advertising property for sale or lease, is deleted as follows:

**~~Sec. 122-558. Signs advertising property for sale or lease.~~**

~~For property of up to and including 200 feet in width, one temporary real estate sign with a maximum of eight square feet in area is permitted. For property over 200 feet in width, one temporary real estate sign with a maximum of 16 square feet in area is permitted for each 600 feet of street frontage. Such signs shall require a standard sign permit which shall be issued for a period of 180 days and which may be renewed. Such signs shall be removed after the property is sold or leased.~~

**Secs. 122-551 – 122-~~557~~558. Reserved.**

**SECTION 8.** All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

**SECTION 9.** 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. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

**SECTION 10.** This Ordinance shall take effect immediately upon approval and adoption as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 13TH DAY OF AUGUST, 2013.**

First Reading: July 23, 2013  
Final Reading: August 13, 2013  
Adoption: August 13, 2013

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John W. Holic, Mayor

ATTEST:

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Lori Stelzer, MMC, City Clerk

Approved as to form:

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David Persson, City Attorney