

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 87, LAND DEVELOPMENT CODE, BY AMENDING SECTION 1.8.4. ATTAINABLE HOUSING DENSITY BONUS, TABLE 2.2.7. TRADITIONAL ZONING DISTRICTS USE TABLE, SECTION 2.4.3. RESIDENTIAL USES, SECTION 3.1.9. ACCESSORY USES AND STRUCTURES, AND SECTION 9.1. DEFINED TERMS, PURSUANT TO TEXT AMENDMENT PETITION NO. 23-30AM, TO ALLOW DENSITY BONUSES FOR RESIDENTIAL MULTI-FAMILY 1 (RMF-1) AND RESIDENTIAL MULTI-FAMILY 2 (RMF-2) ZONING DISTRICTS, TO ALLOW FOR ACCESSORY DWELLING UNITS, AND TO ALLOW ONE-HALF UNITS FOR DENSITY CALCULATION PURPOSES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on July 12, 2022, City Council adopted the new Land Development Regulations (LDRs) and official Zoning Map of the City; and

WHEREAS, the City submitted Text Amendment Petition No. 23-30AM to allow density bonuses for Residential Multi-Family 1 (RMF-1) and Residential Multi-Family 2 (RMF-2) zoning districts, to allow for accessory dwelling units, and to allow one-half units for density calculation purposes; and

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 City; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 16, 2023 regarding the Petition, and recommended approval to City Council of Text Amendment Petition No. 23-30AM; and

WHEREAS, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 23-30AM; and

WHEREAS, on June 13, 2023, and June 27, 2023, City Council held duly noticed public hearings on Text Amendment Petition No. 23-30AM in accordance with the requirements of the City's Code of Ordinances and has considered the information received at said public hearings; and

WHEREAS, City Council finds that Text Amendment Petition No. 23-30AM is in compliance with, and meets, the requirements of the city's Land Development Code and Comprehensive Plan.

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

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

SECTION 2. Text Amendment Petition No. 23-30AM is hereby approved contingent on final adoption of Petition No. 23-31CP. Chapter 87 Land Development Code, of the City's Land Development Regulations, is hereby amended as shown on Exhibit "A", which is incorporated herein by reference.

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

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. This ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 27th DAY OF JUNE 2023.

First Reading: June 13, 2023

Second Reading: June 27, 2023

Adoption: June 27, 2023

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, 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 27th day of June 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 27th day of June 2023.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

Exhibit "A"

SECTION 1. - ADMINISTRATION

1.8.4. Attainable Housing Density Bonus

A. Applicability. Zoning Map Amendment, Preliminary Plat, and Site and Development Plan applications for properties in Residential Multi-Family 3 and 4 (~~RMF-3 and RMF-4~~) zoning districts and all mixed use zoning districts may request an attainable housing density bonus based on the level of affordability provided, which request shall be processed as a conditional use.

B.-D. No change.

SECTION 2. - ZONING

2.2.7. Traditional Zoning Districts Use Table

The Traditional Districts Use Table shall regulate allowable principal uses in the Traditional Districts. Section 2.4 of this LDR shall define each use found in the Traditional Districts Use Table and provide typical characteristics, permitted accessory uses, exceptions and use standards.

TRADITIONAL DISTRICT USE TABLE																				
KEY: P = Permitted C = Conditional Use X = Use Not Permitted P* = As Permitted by the Planned District	Residential										Non-Residential						Planned			Definitions/Standards
	RSF 1	RSF 2	RSF 3	RSF 4	RMF 1	RMF 2	RMF 3	RMF 4	RMH P	RMH S	OP I	C M	IN D	CO N	RE C	GO V	PU D	PC D	PI D	
RESIDENTIAL USE CLASSIFICATION																				
RESIDENTIAL																				
Single-Family Detached Dwelling	P	P	P	P	C	C	X	X	X	X	X	X	X	X	X	X	P*	X	X	2.4.3.A
Single-Family Attached Dwelling	C	C	C	P	P	P	P	X	X	X	X	X	X	X	X	X	P*	X	X	2.4.3.B
Two-Family Dwelling/Pair ed Villas	X	X	X	X	P	P	C	X	X	X	X	X	X	X	X	X	P*	X	X	2.4.3.C
Multifamily Dwelling (three or more dwelling units)	X	X	X	X	P	P	P	P	X	X	X	X	X	X	X	X	P*	X	X	2.4.3.D

Manufactured Home Dwelling	P	P	P	P	X	X	X	X	P	P	X	X	X	X	X	X	X	P*	X	X	2.4.3.E
Upper Story Residential Dwelling (mixed use districts only)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	2.4.3.F
Attainable Housing Density Bonus	X	X	X	X	X C	X C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	2.4.3.G
RESIDENTIAL CARE																					
Assisted Living Facility	C	C	C	C	C	C	C	C	X	X	P	X	X	X	X	X	X	P*	X	X	2.4.3.H
Independent Living Facility	C	C	C	C	C	C	C	C	X	X	P	X	X	X	X	X	X	P*	X	X	2.4.3.I
Community Care Facility	C	C	C	C	C	C	C	C	X	X	P	X	X	X	X	X	X	P*	X	X	2.4.3.J
Day Care, Home (6 or Fewer Persons)	P	P	P	P	P	P	P	P	X	X	P	X	X	X	X	X	X	P*	X	X	2.4.3.K
Group Living	P	P	P	P	P	P	P	P	X	X	C	X	X	X	X	X	X	P*	X	X	2.4.3.L

2.4.3. Residential Uses

For all residential uses, family shall be defined as one or more persons living together as a single housekeeping unit and occupying a single dwelling unit. There shall be a rebuttable presumption no family exists if there are more than six persons and none are related by law, blood, adoption, marriage, domestic partnership, or are not under judicial order for foster care living together in the same dwelling unit. Such presumption may be rebutted by the Director.

A. Single-Family Detached Dwelling.

1. **Characteristics.** A building containing only one dwelling unit, on a single lot, to be occupied by one family. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.
 - a. **Accessory Uses.** One accessory dwelling unit per lot is permitted. Other ~~a~~Accessory uses commonly found are recreational facilities, parking of autos for the occupants, pools, piers and docks, home occupations, and family day care homes (6 or fewer children). Noncommercial plant nurseries, greenhouses, private garages, tool houses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits, private swimming pools, private docks and the like are also permitted as accessory uses.
2. No change.
3. **Exclusions.**

a. ~~Guesthouses that contain kitchen facilities are prohibited. The presence of cooking appliances shall constitute a kitchen.~~

b. a. Temporary lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see Commercial Uses, Lodging).

4. No change.

B. Single-Family Attached Dwelling.

1. No change.

2. *Accessory Uses.* Accessory uses commonly found are similar to those in single-family detached or two-family dwellings, including recreational facilities, parking of autos for the occupants, pools, piers and docks, home occupations, and family day care homes (6 or fewer children). Noncommercial plant nurseries, greenhouses, private garages, tool houses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits, private swimming pools, private docks and the like are also permitted as accessory uses. Accessory dwelling units are not permitted.

3.-5. No change.

C. Two-Family Dwelling/Paired Villas.

1. No change.

2. *Accessory Uses.* Accessory uses commonly found are recreational facilities, parking of autos for the occupants, pools, piers and docks, home occupations, family day care home (6 or less children). Noncommercial plant nurseries, greenhouses, private garages, tool houses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits, private swimming pools, private docks and the like are also permitted as accessory uses. Accessory dwelling units are not permitted.

3. -5. No change.

D. Multifamily Dwelling (three or more dwelling units).

1.-4. No change.

5. *Use Standards.*

a.-b. No change,

c. A dwelling unit of 750 square feet or less may be counted as one-half unit for the purpose of density calculations if the conditions of the attainable housing density bonus (Sec. 2.4.3.G of this Chapter) are satisfied.

E.-F. No Change.

G. Attainable Housing Density Bonus.

1. *Characteristics.* The Comprehensive Plan establishes a reserve density bonus of 500 units to be allotted by City Council to projects in the ~~RMF-3, RMF-4,~~ Residential Multi-Family and Mixed Use zoning districts. Projects seeking this designation must demonstrate affordability for incomes ranging from Extremely Low to Moderate (as defined by US HUD). Such projects must also demonstrate a binding commitment to make additional units requested under the bonus attainable (costing less than 30% of household income) for a minimum of ten (10) years, unless a longer timeframe is required by City Council at the time of approval. This density bonus is processed as a conditional use.

H.-L. No change.

SECTION 3. - DEVELOPMENT STANDARDS

3.1. - General Development Standards

3.1.9. Accessory Uses and Structures

A.-B. No change.

C. **Specific Accessory Structures Standards.** In no case shall an accessory use be permitted that is not a permitted use under the zoning district. Except as otherwise noted or precluded through easements, accessory structures shall be located no less than five (5) feet from a side or rear property line. Standards for specific accessory structures are as follows:

1.-4. No change.

5. **Accessory Dwelling Units.** One accessory dwelling unit (ADU) shall be permitted on any lot with a single-family detached dwelling, except where prohibited by a Binding Master Plan.

a. **Lot size.** The lot must meet the minimum lot size required by the zoning district for a single-family dwelling, or be a lot of record.

b. **Structure Size.** The total square footage of the ADU shall not exceed 1000 square feet.

c. **Lot Coverage.** ADUs are exempt from lot coverage calculations.

d. **Setbacks.** Detached ADUs may be permitted no closer than five (5) feet from the side and rear property line. Detached ADUs are only allowed in front yards when side and rear placement is not possible and a minimum front setback of at least twenty (20) feet can be maintained.

e. **Parking.** No additional parking shall be required for construction of an ADU.

f. **Density.** ADUs are exempt from density calculations.

g. **Architecture.** ADUs shall be designed to be architecturally consistent with the principal structure.

D.-F. No change.

SECTION 9. - GENERAL DEFINITIONS

9.1 - Defined Terms

A. **Definitions.** The following words, terms and phrases, when used in this LDR, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment-Access Ramp: No change.

Accessory Dwelling Unit: A residential living unit on the same parcel on which a single-family dwelling is present or may be constructed. It provides complete independent living facilities for one or more persons and may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

Accessory Use or Structure-Zoning: No change.