

ORDINANCE NO. 2023-41

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 87, LAND DEVELOPMENT CODE, BY AMENDING SECTION 3.1.4., BUILDING PLACEMENT REQUIREMENTS, TO CLARIFY SETBACK MEASUREMENT ON PRIVATE STREETS AND IN RESIDENTIAL MOBILE HOME ZONING DISTRICTS; 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. 23-49AM to clarify setback measurement on private streets and in residential mobile home zoning districts; 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 September 5, 2023 regarding the Petition, and recommended approval to City Council of Text Amendment Petition No. 23-49AM; and

WHEREAS, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 23-49AM; and

WHEREAS, on October 10, 2023, and October 24, 2023, City Council held duly noticed public hearings on Text Amendment Petition No. 23-49AM 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. 23-49AM 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. 23-49AM is hereby approved. Chapter 87 Land Development Code, Section 3.1.4, of the City's Land Development Regulations, is hereby amended as follows:

3.1.4. Building Placement Requirements

- A. Setbacks. Building setbacks determine the distance between the buildings on a lot and the property lines (front, side, and rear). Building setbacks shall be measured from the closest point

of the base of the wall of the structure to the lot line. Where property lines extend into the paved or improved portion of the right-of-way, and on RMH, RMHP, and RMHS zoned property, setbacks are measured from the edge of pavement or improved surface. Setbacks are designated by a front setback requirement, side setback requirements, and a rear setback requirement. Easements shall not be considered a public right-of-way or private street for the purpose of designating a front yard and front setback. It is understood, for the purpose of calculating setback requirements and yards, three configurations of lots exist: interior lots, corner lots, and through lots (see graphic examples in this section).

1.– 4. No change.

B. No change.

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 24th DAY OF OCTOBER 2023.

First Reading: October 10, 2023

Second Reading: October 24, 2023

Adoption: October 24, 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 24th day of October 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 24th day of October 2023.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney