

ORDINANCE NO. 2022-31

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 87, LAND DEVELOPMENT CODE, SECTION 1.7.2 SPECIFIC APPLICATION REQUIREMENTS, SECTION 1.10.1 PRELIMINARY PLAT (QUASI-JUDICIAL APPLICATION), SECTION 1.15.3 MINOR SITE AND DEVELOPMENT PLAN, SECTION 1.15.4 MINOR PRELIMINARY PLAT AMENDMENT, SECTION 2.2.2 RESIDENTIAL ZONING DISTRICTS, SECTION 3.1.4 BUILDING PLACEMENT REQUIREMENTS, SECTION 3.5.2 EXEMPT SIGNS, SECTION 3.5.4 PERMITTED SIGNS, SECTION 3.6.2 ELECTRICAL VEHICLES AND CHARGING STANDARDS, SECTION 3.7.5 PARKING LOT LANDSCAPING REQUIREMENTS, SECTION 6.2.2 EXEMPTIONS, SECTION 6.7. RESIDENTIAL GARAGE SALES, SECTION 7.3. MANAGER OF HISTORIC RESOURCES, FIGURE 7.6.3 ARCHITECTURAL CONTROL DISTRICTS OVERLAY MAP, SECTION 7.7. LOCAL REGISTER AND LANDMARKS, SECTION 7.8.1 CERTIFICATE OF ARCHITECTURAL COMPLIANCE (CAC), SECTION 7.10.9 FENCES AND WALLS, SECTION 8.5. NONCONFORMING STRUCTURES, AND CHAPTER 88, BUILDING REGULATIONS, SECTIONS 3.2 AND 3.3, PURSUANT TO TEXT AMENDMENT PETITION NO. 22-54AM, BY CORRECTING CLERICAL ERRORS, OMISSIONS, AND OTHER REGULATORY AND PROCEDURAL ISSUES; 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. 22-54AM to correct clerical errors, omissions, and other regulatory and procedural issues identified through the implementation of the LDRs; 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 October 18, 2022 regarding the Petition, and recommended approval to City Council of Text Amendment Petition No. 22-54AM; and

WHEREAS, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 22-54AM; and

WHEREAS, on November 29, 2022, and December 13, 2022, City Council held duly noticed public hearings on Text Amendment Petition No. 22-54AM 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. 22-54AM 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. 22-54AM is hereby approved. Chapter 87, Land Development Code and Chapter 88, Building Regulations of the City’s Land Development Regulations are 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 13th DAY OF DECEMBER 2022.

First Reading: November 29, 2022

Second Reading: December 13, 2022

Adoption: December 13, 2022

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 13th day of December 2022, a quorum being present.

WITNESS my hand and the official seal of said City this 13th day of December 2022.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

Exhibit "A"

This document is intended to be a focused exhibit of the changes proposed. In general, the LDC is organized with lists in the following format:

- 1.
- 1.1
- 1.1.1
- 1.1.1.A
- 1.1.1.A.1
- 1.1.1.A.1(a)

Changes are presented at the lowest level practical, e.g. at level 1.1.1.A if appropriate, or a higher level if needed. Tables are reproduced in their entirety. Any section that is neither being changed nor provided for context is listed in bold with the notation "remains unchanged."

Chapter 87

1.1 through 1.7.1 remain unchanged

1.7.2. Specific Application Requirements

- A.** At minimum, a zoning map amendment application shall include, as part of or in addition to the requirements set out in Section 1.2:
 - 1. Narrative explaining justification for the zoning map amendment.
 - 2. All data and maps required to support conclusions made in responses to specific findings in Sec. 1.7.43.

1.7.2.A.3 through 1.10.1.A remain unchanged

- B. Application Requirements.** Site improvements such as parking lot improvements, utility design (stormwater, reclaimed water, water and wastewater), paving and grading plan, and best management plans shall be signed and sealed by a state-licensed professional engineer on each sheet. Landscaping plan shall be signed and sealed by a state-licensed landscape architect and/or a state-licensed professional engineer. The application shall, at minimum, include the following, as part of or in addition to the requirements set out in Section 1.2:

1.10.1.B.1 through 1.15.3.A remain unchanged

B. Applicability.

- 1. A minor site and development plan is required for development and redevelopment of property, or to amend an approved site and development plan when all of the following apply:

- ~~1.a.~~ The thresholds of Section 1.9 are not met.
- ~~2.b.~~ The requirements of the Comprehensive Plan and LDR are clearly met.
- ~~3.c.~~ It is unlikely, in the opinion of the Director, to have an impact on neighboring properties.

2. Minor revisions to approved landscape plans may be approved administratively by the Director.

2.3. Owing to the nature, scope, or possible cumulative impacts of a land development project, the Director may require any project to be processed as a major site and development plan application to be reviewed and acted upon by the Commission, consistent with Section 1.9. If there is doubt as to which category is applicable, the category requiring greater review shall be required.

1.15.3.C through 2.2.2.A remain unchanged

Table 2.2.2.A. RSF Development Standards Table

RSF Development Standards Table					
		RSF-1	RSF-2	RSF-3	RSF-4
Building Height (max)		35'			
Building Height Exception Standards		No Height Exceptions may be granted			
Building Placement (Setbacks) (min)	Front (Street)	20'			
	Side	18' combination of sides		15' combination of sides	
		8'		6'	
	Rear	10'			
	Waterfront	20'			
Lot	Width (min)	100'	80'	75'	50'
	Area (min)	15,000 sq. ft.	10,000 sq. ft.	7,500sq. ft.	5,000 sq. ft.
	Coverage (max)	35%			
Density (dwelling units per acre)		2.5	3.5	4.55 <u>0</u>	5.5

2.2.2.B through 3.5.2.A.11 remain unchanged

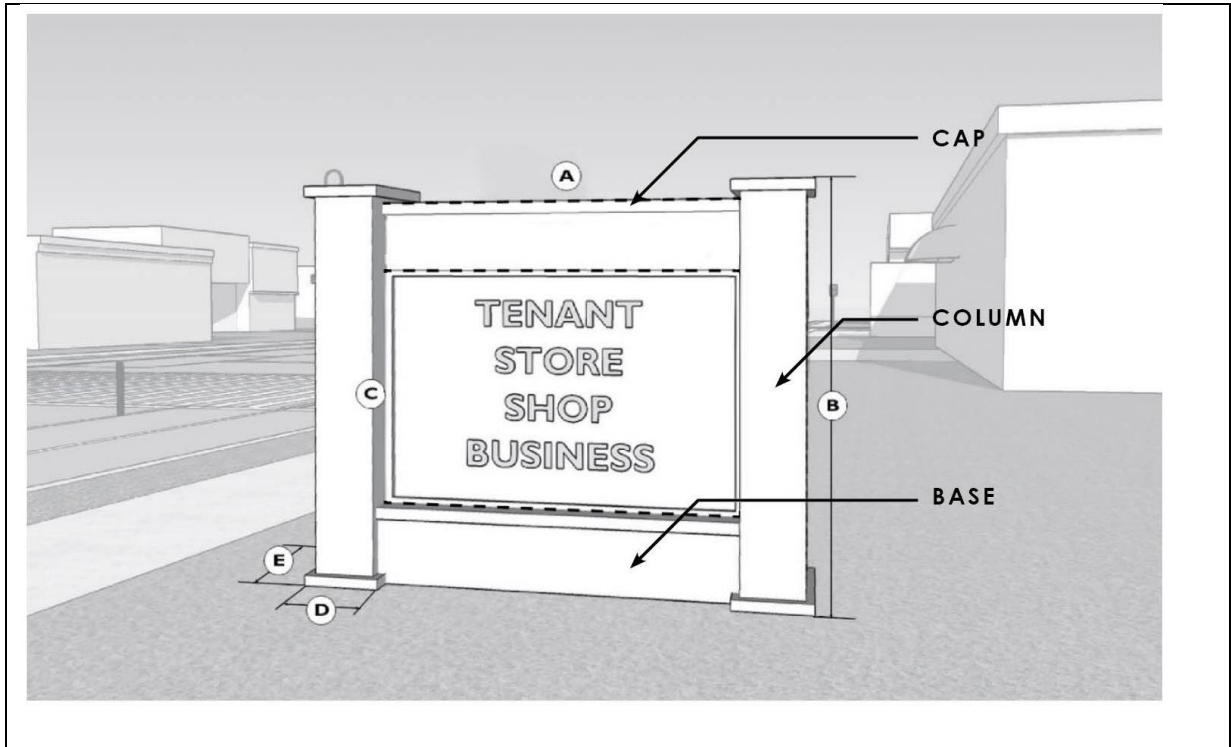
12. Window signs, subject to the following:

- a. May only be placed on windows with primary street frontage;
- b. Shall not exceed a maximum of two signs per tenant of any building;

- c. Shall have a total maximum area of 25% of the window, except an upper story total maximum area may increase by 10 percent; and
- d. Shall have a maximum height per sign of 2 feet and a maximum width per sign of 10 feet, except the height and width of an upper story sign may increase by 10 percent.

3.5.2.B through 3.5.4.B.1 remain unchanged

2. Monument Signs



<p>1. Description</p>	<p>A freestanding ground sign with a supporting structure with two columns on the end of the sign. A monument sign is not attached, supported or suspended to or from any building or structure. All monument signs shall include <u>three separate and distinct features</u>: base, cap, and columns. <u>Each of these features must be distinguishable by form, finish, or other means besides color.</u> All ground signs shall be in the form of monument signs, except directory signs, and shall include the physical address on the sign.</p>
<p>2. Location and Number</p>	<p>1 sign per frontage maximum.</p>
<p>3. Size</p>	<p>Sign Area and Height:</p> <p>A. Sign Width: Maximum 10’.</p> <p>B. <u>Sign Height: Maximum 9’ if adjacent to a roadway with a posted speed limit of 30 mph or less AND less than four lanes; otherwise, maximum 15’.</u></p> <p>B-C. Column Height: Maximum 15’.</p>

	<p>C-D. Sign Area: Maximum 75 square feet.</p> <p>D-E. Column Width: Minimum 6"/Maximum 16".</p> <p>E-F. Column Length: Maximum 18".</p>
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3.5.4.B.3 through 3.5.4.B.6 remain unchanged

~~7. Window Signs~~



1. Description	A window sign is an on-premise sign attached flat but parallel to the inside of a window or is within 12" of the inside of the window.
2. Location and Number	Window signs may only be placed on windows with primary street frontage. A maximum of two signs are allowed per tenant of any building.
3. Size	<p>A. Area: Maximum 25% of the window</p> <p>A. Height: Maximum 2'</p> <p>B. Width: Maximum 10'</p>
4. Miscellaneous	<p>The area (A) and height (B) of window signs located in an upper story may increase by 10 percent.</p> <p>Window signs include posters, bulletins, or non-flashing illuminated signs, which may be displayed on the interior or exterior surface of a window or door.</p>

87. Sculpture Signs.

Table 3.5.4.B through 3.1.4.A.4(c) remain unchanged

d. Side setback exceptions. Where lots of record existed prior to the effective date of the ordinance from which this chapter is derived, which lots do not meet the minimum width requirements set out in this chapter, then for such lots, and only for such lots, the following minimum side setbacks are set out:

District	Lot Width (feet)	Side Setback (feet)
RSF-1	Over 70 to 90	8
RSF-1	Up to 70	6
RSF-2	Up to 70	6
RSF-3	Over 50 to 70	6
RSF-3	Up to 50	5
RSF-4	Up to 50	5
OPI	Up to 50	5
OPI	Over 50 to 70	6
OPI	Over 70 to 90	8

3.1.4.B.1 through 3.1.4.B.4 remain unchanged

~~5. Permitted Exceptions to Yards.~~

- a. ~~Mechanical Equipment.~~** Mechanical equipment (including any heating, cooling, venting, pool or spa equipment, and similar equipment or appurtenance serving a structure), attached decks, poles, posts, children’s play equipment and other customary yard accessories, ornaments, statuary and furniture are permitted in a yard subject to height limitations and requirements limiting obstructions to visibility, and shall not be any closer than three (3) feet from the property line.
- b. ~~Side yard exceptions.~~** Where lots of record existed prior to the effective date of the ordinance from which this chapter is derived, which lots do not meet the minimum width requirements set out in this chapter, then for such lots, and only for such lots, the following minimum side yards are set out:

District	Lot Width (feet)	Side Yard (feet)
RSF-1	Over 70 to 90	8
RSF-1	Up to 70	6
RSF-2	Up to 70	6
RSF-3	Over 50 to 70	6
RSF-3	Up to 50	5
RSF-4	Up to 50	5
OPI	Up to 50	5
OPI	Over 50 to 70	6
OPI	Over 70 to 90	8

3.1.5 through 3.6.2.A.1 remain unchanged

2. **Applicability.** Provision for electric vehicle charging must be provided in accordance with this Code. Government facilities allowing public access and Multifamily housing with fifty (50) or more parking spaces ~~is~~are required to provide electric vehicle parking at the point of new development or redevelopment subject to the standards of this section (see Tables 3.6.1 to 3.6.6). Voluntary installations of ~~elective~~electric vehicle parking spaces by non-residential uses shall follow the standards set out in this section.

3.6.2.B.1 through 3.6.2.B.2 remain unchanged

3. **ADA Accessible Spaces.** A minimum of one (1) electric vehicle parking space must be located adjacent to a required accessible parking space such that the electric vehicle charging station can be shared between an accessible parking space and an electric vehicle parking space. An accessway between the two spaces shall be provided at a minimum width of five (5) feet. The accessible parking space shall be designated as an EV reserved space. Electric Vehicle Supply Equipment (EVSE) accessible spaces should have all relevant parts located within accessible reach, and in a barrier-free access aisle for the user to move freely between the EVSE and the electric vehicle. A design alternative may be proposed where an alternative configuration of spaces would still achieve the intent of this subsection.
4. **Lighting.** Site lighting, shielded and projected downward in accordance with Section 3.9, Lighting, shall be provided where an electric vehicle charging station is installed. Design alternatives may be proposed where facilities are not open for use during hours of darkness.

3.6.2.B.5 through 3.7.5.B.5 remain unchanged

6. **Curbing and Wheel Stops.** Concrete curbing shall be provided within all parking areas to prevent vehicles from encroaching onto and overhanging required plantings, sidewalks, rights-of-way or adjacent property. Wheel stops shall be consistent with Section ~~3.6.5.4.4~~: Design Standards.
7. **Lighting.** Parking lot lighting shall not be located such that it prevents the installation of required trees, or that required trees will block lighting. Parking lot lighting layout and heights shall meet the standards as set forth in Section ~~3.9.7~~: Lighting.

3.7.5.B.8 through 6.2.2.A.6 remain unchanged

- ~~7. Co-location of telecommunications antennas on existing telecommunications antenna support structures that:~~

- ~~a. Do not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure;~~
- ~~b. Do not increase the approved ground wireless telecommunication facility site; and~~
- ~~c. Are of a design and configuration consistent with all of the applicable design and aesthetic regulations, restrictions or conditions, if any, applied to the first telecommunications antenna placed on the structure or applied to the structure itself.~~

6.2.3 through 6.7.C.3 remain unchanged

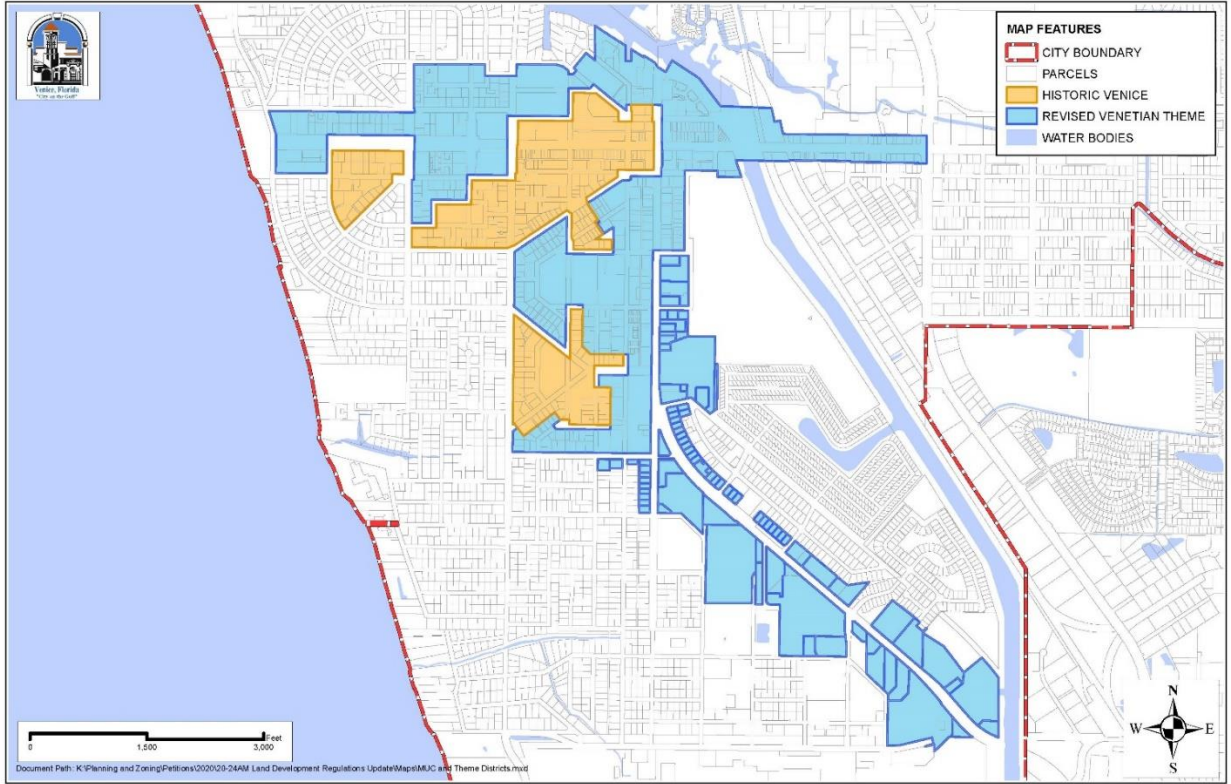
- 4. Placement of temporary signs shall be subject to the standards contained in Section 3.53: Signs.

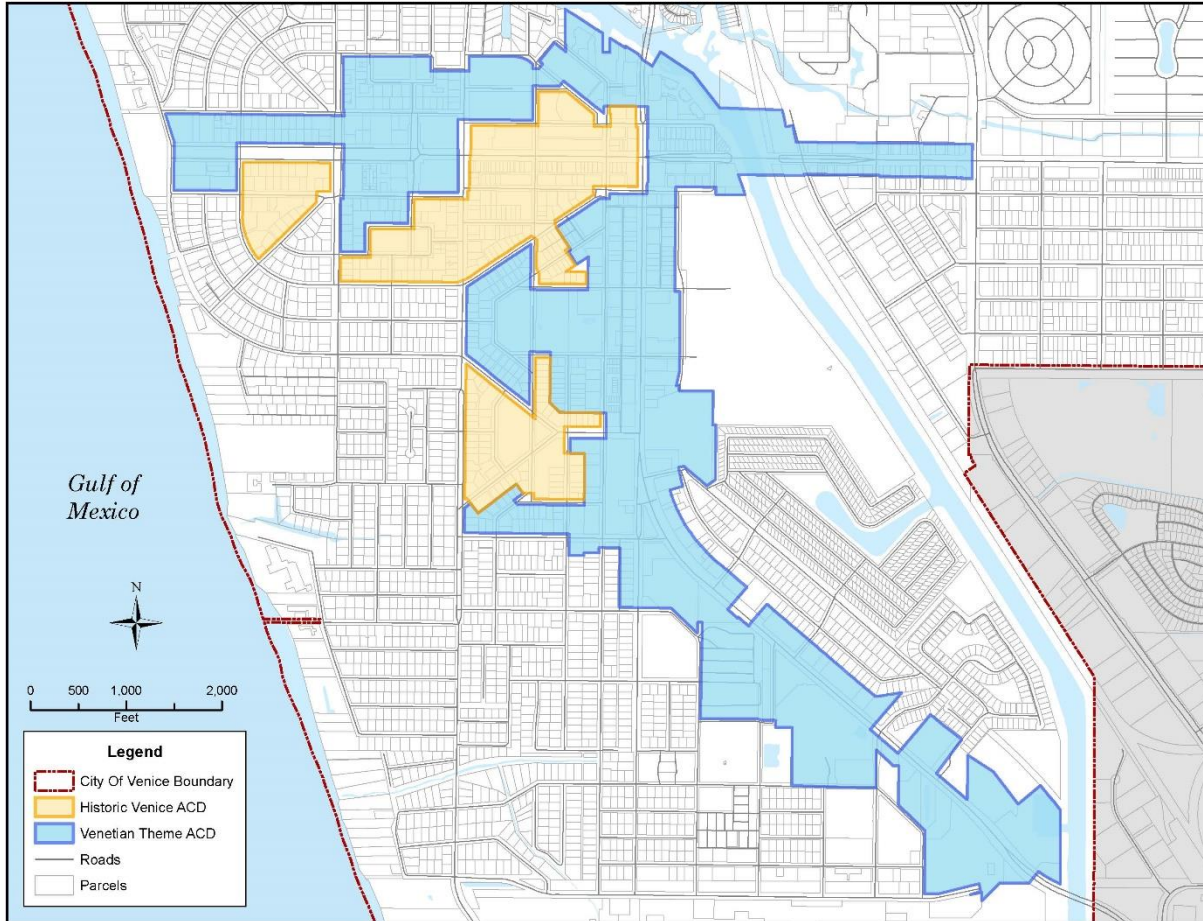
6.7.D through 7.3.A remain unchanged

B. Specific Review Authority. The HRM shall also be responsible for reviewing and approving all requests for alterations, additions, and renovations for non-Nolen Era properties ~~than that~~ that are included on the Local Register using the appropriate guidelines promulgated by the Secretary of the Interior. Any appeals of the HRM's decisions shall be heard by the HAPB. The HRM may also defer decisions on proposed changes to non-Nolen Era properties to the HAPB.

7.4 through 7.6.3.B remain unchanged

Figure 7.6.3. Architectural Control Districts Overlay Map





7.7.A through 7.7.G remain unchanged

1. The ~~HPM~~HRM shall review the nomination for completeness and accuracy. If the ~~HPM~~HRM determines the nomination is incomplete or inaccurate, the applicant shall be so notified and provided an opportunity to revise the nomination.

7.7.G.2 through 7.8.1.B.1(d) remain unchanged

- e. Signs in either the HV or VT District.
- ~~e.f.~~ Actions required to repair damage to a structure caused by natural forces, fire, or other events beyond the control of the owner unless the total cost of the repairs (which include material and labor) exceeds 50 percent of the market value of the structure as it existed prior to the damage as determined by the Sarasota County Property Appraiser or as determined by a more recent appraisal.
- ~~f.g.~~ Replacement of only windows and doors provided there is no change in the size of the openings and provided the replacement doors and windows comply with the VHP.

~~g.h.~~ Structures in either the HV or VT District that are not constructed in the VHP style but are on the Local Register are subject to review by the Historic Resources Manager.

~~i.~~ Structures in either the HV or VT District that are not constructed in the VHP style but are historically significant or substantially constructed in a different architecturally significant style (such as, but not limited to, the Sarasota School of Architecture).

~~h.j.~~ The Director or designee shall determine whether an exception applies and may defer such a decision to the HAPB.

7.8.1.C through 7.10.9.B remain unchanged

~~C.1.Placement.~~ Wooden and vinyl fences are permitted in side and rear yards only and Fences shall be set back a minimum of four feet from the intersection of the front wall facing the street and the finished side of the fence shall face the abutting property.

~~D.C.~~ **Variation.** Fences and walls shall provide variation in wall plane and include unique character by incorporation of openings, pilasters, or trim.

Figure 7.10.9. Fences and Walls



~~E.D.~~ **Design Alternative.** A design alternative may be submitted for the following:

1. Height above six (6) feet, but not to exceed eight (8) feet.
2. Vinyl fence color, but must be similar to the required façade color collection.

~~F.E.~~ **Prohibited Items.**

1. Chain-link/cyclone fences or chain link with vinyl slats, fabric or similar.

7.10.10 through 8.5.B.1 remain unchanged

~~2.~~ If replacement, restoration or alteration of a nonconforming structure beyond its original configuration requires a modification of Code standards, then the appropriate height exception, design alternative, or variance must be sought.

- C. Alteration of Nonconforming Structures.** A nonconforming structure may be altered provided:
1. Such alteration is restricted to the same lot on which the structure existed when the nonconforming situation was created.
 2. Such alteration does not result in increased or new nonconformities.
 3. When structures are nonconforming in setbacks due to the provisions of this Code, alterations may be made to such structures provided there is no increase in the setback(s) encroachment, and all other setbacks meet the requirements of this Code. However, this does not preclude the ability to obtain a variance, through the appropriate procedure provided for in this Code, to address the nonconforming setbacks or generally allow reduced setbacks.
- D. If replacement, restoration or alteration of a nonconforming structure beyond its original configuration requires a modification of Code standards, then the appropriate height exception, design alternative, or variance must be sought.**

8.6 through 9.2 remain unchanged

Chapter 88

1.1 through 3.2.A remain unchanged

- B.** All parcels or lots, whether improved or unimproved, shall comply with the following requirements:
1. The premises shall be kept in clean and sanitary condition, including yards, lawn, courts and driveways. ~~Any dead or dying landscaping must be replaced and maintained.~~ Uneven or damaged surfaces with or without holes must be repaired. On a vacant lot or parcel adjacent to property with existing residential structures, any dead or dying trees or palms must be removed or maintained so as not to be a hazard to the residential structures on the adjacent property.

3.2.B.2 through 3.3.A remain unchanged

- B.** All parcels or lots, whether improved or unimproved, shall comply with the following requirements:
1. The premises shall be kept in clean and sanitary condition, including yards, lawn, courts and driveways. ~~Any dead or dying landscaping must be replaced and maintained.~~ Uneven or damaged surfaces with or without holes must be repaired. On a vacant lot or parcel adjacent to property with existing residential structures, any dead or dying trees or palms must be removed or maintained so as not to be a hazard to the residential structures on the adjacent property.