

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE 2017-2027 COMPREHENSIVE PLAN PURSUANT TO PETITION NO. 20-22CP BY AMENDING STRATEGY LU 1.2.3. RESIDENTIAL TO ALLOW LOWER DENSITY WITHIN THE HIGH DENSITY, MEDIUM DENSITY, MODERATE DENSITY, AND LOW DENSITY FUTURE LAND USE DISTRICTS; AND BY AMENDING THE IMPLEMENTING ZONING DISTRICTS TO ALLOW ZONING DISTRICTS WITH LOWER DENSITY STANDARDS; 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, the City of Venice adopted the 2017-2027 Comprehensive Plan on November 28, 2017 in accordance with said Act; and

WHEREAS, the city desires to amend the density range requirements of the comprehensive plan, Strategy LU 1.2.3. Residential, to allow lower density within the high, medium, moderate, and low density land uses for properties under one acre in size and to allow all other properties to request approval for lower density than the established density range; 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 May 19, 2020, to review the proposed comprehensive plan amendment, and provided its recommendation to the city council as the local governing body; and

WHEREAS, on May 26, 2020, 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, on July 14, 2020, the Venice City Council, after due public notice, held a second public hearing on the proposed comprehensive plan amendment and determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt said amendment to the Comprehensive Plan.

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 is hereby amended to amend Strategy LU 1.2.3. – Residential as follows:

Strategy LU 1.2.3 - Residential.

Density Defined. Dwelling Units Per Acre (DU/AC): Residential Development (“Density”) is measured in dwelling units per (gross) acre.

Density lower than the range provided in the table below is permitted for individual lots or parcels of less than one acre in size. For all other properties, density lower than the range provided in the table below may be requested as part of a land use petition, rezoning, or by separate request to be processed as a special exception as defined within the Land Development Code using the below review criteria. The reviewing body shall consider the following:

1. Compatibility of the proposed density and intensity with all properties within 250 feet of the subject property’s boundary shall be evaluated using the following: Strategy LU 1.2.8 - Compatibility Between Land Uses and Strategy LU 4.1.1 - Transitional Language specific to Comprehensive Plan regulatory language, Policy 8.2 Land Use Compatibility Review Procedures.
2. Whether the size, and/or shape of the subject property is appropriate for a lesser density shape and/or other unique conditions of the subject property makes it appropriate for a lesser density.
3. Compliance with all other strategies of this Comprehensive Plan.

If a lower density is permitted or granted, the appropriate residential zoning district shall be deemed an implementing zoning district even if not listed as such below.

Residential Land Use	Density per Gross Acre	Implementing Zoning Districts
Low Density	1.0 to 5.0	RE, RSF1, RSF2, RSF3
Moderate Density	5.1 to 9.0	RSF4, RMF1, RMF2, RMH
Medium Density	9.1 to 13.0	RMF3
High Density	13.1 to 18	RMF4

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. Effective date. 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 14TH DAY OF JULY 2020.

First Reading: May 26, 2020

Second Reading: July 14, 2020

ADOPTION: July 14, 2020

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 14th day of July 2020, a quorum being present.

WITNESS my hand and the official seal of said City this 14th day of July 2020.

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney