

**ORDINANCE NO. 2024-16**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 87, LAND DEVELOPMENT CODE, TO ADD SECTION 1.1.7. INACTIVE OR REPEALED DISTRICT APPLICATION PROCESS, TO AMEND SECTION 1.2. COMMON REVIEW PROCEDURES, SECTION 1.7.3. PLANNED DISTRICT ZONING AMENDMENTS, SECTION 1.9.3. SPECIFIC APPLICATION REQUIREMENTS, SECTION 1.10.1. PRELIMINARY PLAT (QUASI-JUDICIAL APPLICATION), SECTION 2.2.5 INACTIVE DISTRICTS, SECTION 3.1.1 BUILDING HEIGHT, SECTION 3.1.9. ACCESSORY USES AND STRUCTURES, SECTION 3.2 MIXED USE DISTRICTS FRONTAGE REQUIREMENTS, SECTION 3.4. STREETS AND SIDEWALKS, SECTION 3.4.2. SIDEWALKS, SECTION 3.6.5. DESIGN STANDARDS, FIGURE 3.7.5.4 ENCROACHMENT INTO DIVIDER MEDIANS, SECTION 6.2.4. TELECOMMUNICATIONS TOWERS, SECTION 7.8.1. CERTIFICATE OF ARCHITECTURAL COMPLIANCE (CAC), SECTION 7.10.5. ROOFS, FIGURE 7.10.5 PERMITTED ROOF MATERIALS, CHAPTER 89, ENVIRONMENTAL REGULATIONS, SECTION 2.3. UNIQUE HABITATS AND PROTECTED SPECIES, ALL PURSUANT TO TEXT AMENDMENT PETITION NO. 24-34AM, BY CORRECTING CLERICAL ERRORS, CLARIFYING CERTAIN PROVISIONS, AND ADDRESSING 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. 24-34AM to correct clerical errors, clarify certain provisions, and address 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 June 18, 2024 regarding the Petition, and recommended approval to City Council of Text Amendment Petition No. 24-34AM; and

**WHEREAS**, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 24-34AM; and

**WHEREAS**, on August 27, 2024, and September 10, 2024, City Council held duly noticed public hearings on Text Amendment Petition No. 24-34AM 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. 24-34AM 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. 24-34AM is hereby approved. Chapter 87 Land Development Code, and Chapter 89 Environmental 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 10<sup>th</sup> DAY OF SEPTEMBER, 2024.**

First Reading: August 27, 2024  
Second Reading: September 10, 2024

Adoption: **September 10, 2024**

\_\_\_\_\_  
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 10<sup>th</sup> day of September 2024, a quorum being present.

**WITNESS** my hand and the official seal of said City this 10<sup>th</sup> day of September, 2024.

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Kelly Michaels, MMC, City Clerk

Approved as to form:

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Kelly Fernandez, City Attorney

# Exhibit "A"

## SECTION 1. - ADMINISTRATION

### 1.1. - Review Entities

1.1.1-1.1.6. *No change.*

#### 1.1.7. Inactive or Repealed District Application Processes

A. Where an application in an inactive or repealed district utilizes a process or regulation no longer available or one that has been renamed or changed, the Director shall determine the most similar process or applicable regulation in this LDR. For example, building height shall be consistent with the height indicated under Sec. 1.12: Height Exceptions, rather than following the former conditional use process for height.

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### 1.2 Common Review Procedures

A-I. No change.

#### J. Expiration of Approvals.

1. Site and Development Plans expire two years from the date of approval if a building permit has not been issued for the development.
  2. Conditional Use petitions expire one year from the date of approval if the use has not begun.
  3. Variance petitions expire one year from the date of approval if ~~work for which the variance has been granted has not begun~~ an associated building permit has not been issued.
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#### 1.3-1.6. No change.

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### 1.7. - Zoning Map Amendments (Quasi-Judicial Application)

1.7.1-1.7.2. *No change.*

#### 1.7.3. Planned District Zoning Amendments

A. No change.

B. Additional Application Requirements.

1.-5. No change.

6. A Binding Master Plan depicting the zoning standards and requirements of the proposed planned district zoning district, including the following at a minimum:
  - a. Location Information and Site Data:
    - i.-xv. No change.
    - xvi. A resource management plan that incorporates the facility design, types, size, location, and sidewalk access into an overall development plan, and addresses issues of mobility, pedestrian accessibility and connectivity, architectural standards, and landscaping/hardscaping components.

C.-D. No change.

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## 1.8. No change.

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### 1.9. - Site and Development Plan (Quasi-Judicial Application)

1.9.1.-1.9.2. No change.

#### 1.9.3. Specific Application Requirements

A. No change.

B. The application shall, at minimum, include the following items, as part of or in addition to the requirements set out in Section 1.2:

1. Site plan that contains the overall project layout, includes the title of the project and the name and contact information for the developer, property owner, and all applicable engineers, architects, planners, and any other professionals providing information as part of the project documents; date and north arrow; and is based on an exact survey of the property drawn to a scale of sufficient size to show existing and proposed information:

a.-i. No change.

j. Future land use and zoning designations of adjacent properties; ~~and~~

k. Overlay of flood zones on an aerial map of the project; and

~~k~~l. No change.

2.-13. No change.

~~14. Transportation Analysis. If the proposed project generates 50 or more new or net PM peak hour trips, then a traffic study shall be submitted per Section 5.2: Mobility. Prior to the study being performed, a methodology meeting must be held with the applicant, City staff and County staff (if applicable).~~

~~14~~14. No change.

~~15~~15. No change.

~~16~~16. No change.

1.9.4. No change.

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### 1.10. - Subdivisions

A. No change.

#### 1.10.1. Preliminary Plat (Quasi-Judicial Application)

A. No change.

B. No change.

1. No change.

a.-f. No change.

g. Overlay of flood zones on an aerial map of the project;

~~gh~~h. No change.

~~hi~~i. No change.

- ij. No change.
- jk. No change.
- kl. No change.
- lm. No change.
- mn. No change.
- no. No change.
- op. No change.
- pq. No change.

2.-5. No change.

C.-D. No change.

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## SECTION 2. - ZONING

### 2.2. Traditional Zoning Districts

#### 2.2.5. Inactive Districts

A. No change.

~~B. Where an inactive district utilizes a process or regulation no longer available or one that has been renamed or changed, the Director shall determine the most similar process or applicable regulation in this LDR. For example, building height shall be consistent with the height indicated under Sec. 1.12: Height Exceptions, rather than following the former conditional use process for height.~~

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## SECTION 3. - DEVELOPMENT STANDARDS

### 3.1.1 Building Height

A. No change.

B. No change.

1. An active rooftop use in a commercial, multifamily, or mixed-use district, including and/or rooftop dining, shall be included as habitable space and shall count toward a building's permitted height. Such rooftop use shall be assumed to be ten (10) feet in height; for example, when a building with rooftop uses is proposed in a district with a height of limit of thirty-five (35) feet, the primary enclosed space of such building may be twenty-five (25) feet tall to allow for a rooftop use.

2.-3. No change.

C.-D. No change.

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~~3.1.2-3.1.8 No change.~~

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### 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. No change.

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

c.-g. No change.

~~D. **Height of Accessory Structures.** The height of accessory structures may not exceed the height of the highest point of the principal structure on the lot.~~

~~E~~D. No change.

~~F~~E. No change.

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### 3.2. Mixed Use Districts Frontage Requirements

A.-B. No change.

C. **Encroachments.** Encroachments are building elements that are attached to a building and are permitted to exist within a setback (i.e., in the private realm, see Figure 3.2.44-2) or the public realm (Figure 3.2.44-3). Encroachments may include architectural elements that are intended to bring the public realm closer to the building.

1. No change.

2. Encroachments are required to comply with a minimum required clearance height (A), maximum encroachment depth (B), and maximum allowed length (C) as displayed in Figures 3.2.44-2 and 3.2.44-3.

3. No change.

D. **No change.**

1. Active use areas are an optional feature within Mixed Use Districts that may be permitted by a design alternative. The design alternative shall define an allowed length (A) and allowed depth (B), as illustrated in Figure 3.2.44-4.

2.-4. No change.

E. **No change.**

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### 3.3. No change.

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### 3.4. - Streets and Sidewalks

A. No change.

1. No change.

2. **Traditional Streets.** Traditional streets are designed for motor vehicle use and shall comply with the standards defined in ~~Table~~ Section 3.4.1.E: Traditional Roadway Width Specifications.

3.4.1 *No change.*

3.4.2. *Sidewalks*

A. No change.

B. Standards.

1. No change.

2. Required sidewalks shall be at least six (6) feet in width. Other pedestrian walkways or paths internal to a development project shall be at least five (5) feet in width. Paths provided as an amenity for recreational use shall be consistent with the standards in Sec. 3.4.2.C for MRTs.

3.-7. No change.

C.-E. No change.

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**3.5. No change.**

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**3.6. Parking**

3.6.1-3.6.4. *No change.*

3.6.5. *Design Standards*

A. **General Design Standards.**

1.-8. No change.

9. ~~**Overhang.** Where parking spaces are located such that the parked vehicle will overhang a sidewalk, a minimum clear width shall be provided equal to the minimum sidewalk width required within this Code.~~

409. **Concrete Curbing and Wheel Stops.** Facilities shall have curbs or wheel stops or similar devices so as to prevent vehicles from overhanging on or into adjacent property, or from blocking required landscaped areas or walkways. Wheel stops shall be prefabricated concrete or recycled plastic product manufactured specifically for this use; the use of railroad ties, or other non-traditional wheel stops shall not be permitted. Facilities shall have curbs or wheel stops or similar devices so as to prevent vehicles from overhanging on or into adjacent property, or from encroaching into required landscaped areas or walkways. Bollards may be used along the front of a building to prevent vehicle impact; bollards shall be limited to four (4) feet in height.

4410. No change.

4211. No change.

4312. No change.

4413. No change.

4514. No change.

4615. No change.

4716. No change.

4817. No change.

4918. **Blockage Prohibited.** No parking space may encroach, hinder or otherwise block a public or private way including an alley, sidewalk, path or designated bicycle lane. ~~Parking spaces,~~

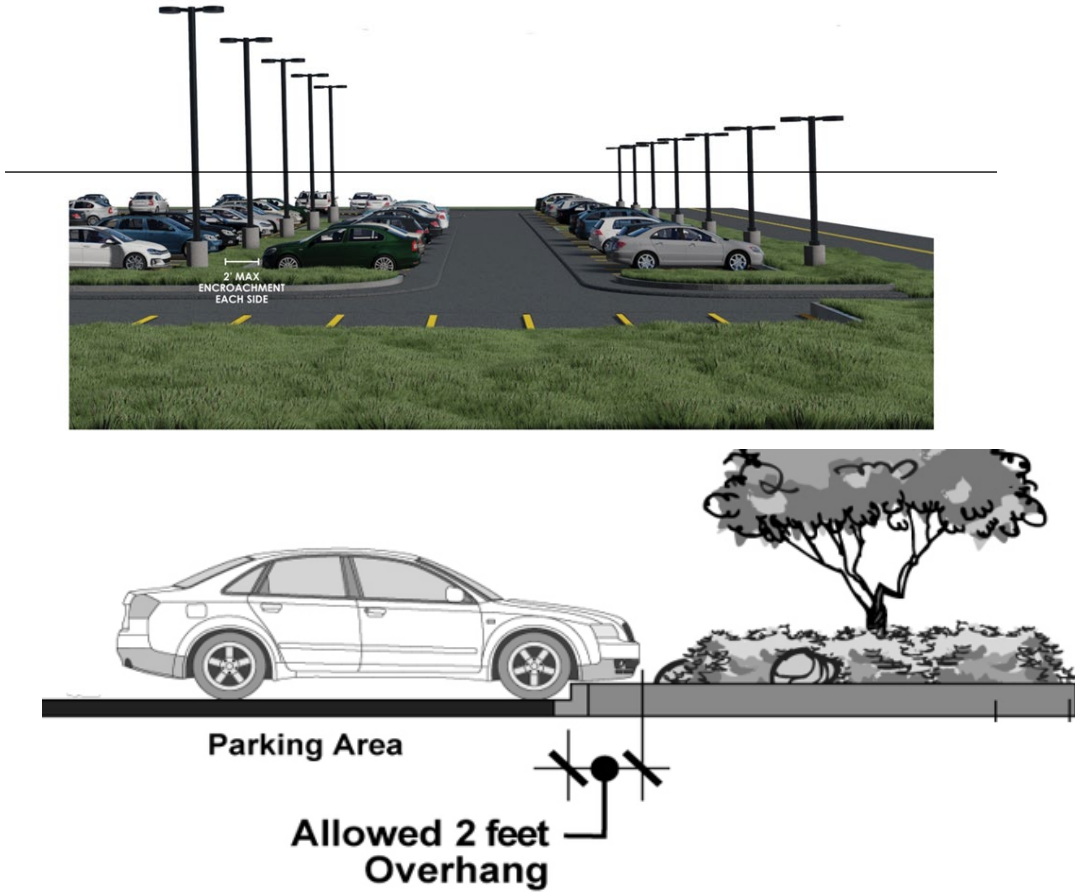


~~including residential spaces, shall be located clear of the sidewalk and/or outside of the road right-of-way. Where parking spaces are located such that the parked vehicle will overhang a sidewalk or walkway, a minimum clear width shall be provided equal to the minimum width required within this Code.~~

2019. No change.

2420. No change.

Figure 3.7.5.4 Encroachment into Divider Medians



SECTION 6. - SPECIAL CONSIDERATIONS

6.1. – No change.

6.2.4. *Telecommunications Towers*

A. No change.

1. No change.
2. When reviewing an application for a tower through the conditional use site and development plan process, the Planning Commission shall consider the following factors:

a.-g. No change.

3.-4. No change.

B.-I. No change.

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## SECTION 7. – HISTORIC AND ARCHITECTURAL PRESERVATION CONTROLS AND STANDARDS

### 7.1-7.8 No change.

#### 7.8.1. Certificate of Architectural Compliance (CAC)

##### A. **Applicability.**

1. A CAC is required for the following within the HV and VT districts:

a.-b. No change.

c. Any exterior alteration to a street or alley facing elevation ~~which~~ that requires a building permit, unless exempted by this section.

d. When there is an alteration to a facade or elevation that requires a CAC (excluding a minor alteration where a minor alteration is a change to fewer than three items from Sections 7.10.3-7.10.8 \$7,500 or less to construct, not including design and permit fees), then the entire elevation or facade shall be brought into compliance with the regulations. Other elevations or facades are not required to be brought into compliance at that time.

e. No change.

2.-3. No change.

##### B. **Exceptions.**

1. No change.

2. No CAC shall be required for the following:

a.-b. No change.

c. Accessory structures that are screened to adjoining properties ~~or~~ and rights-of-way with a wall, ~~or~~ fence, or intervening principal structure.

d.-h. No change.

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).

j. No change.

C. No change.

##### D. **Application and Review.**

1. An optional pre-application meeting may be held with the HAPB to review the proposed project prior to filing the application. The purpose of this meeting is to provide assistance to the applicant in developing plans in accordance with the guidelines.

~~4~~2. Application Requirements.

a.-e. No change.

f. Location and screening of mechanical equipment.

f. g. Any such other details determined to be necessary by the Director to determine compliance with the VHP Style.

g- h. Applicable fee as established by City Council through resolution which may be amended from time to time.

h- i. Any applicable Variance or Design Alternative necessary to facilitate approval of the CAC.

23. No change.

34. No change.

E.-G. No change.

7.8.2-7.8.5 No change.

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## 7.9 No change.

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## 7.10. Architectural Design Standards: The Venice Historical Precedent

7.10.1-7.10.4. No change.

7.10.5. Roofs

A.-C. No change.

D. **Required Materials:** Permitted visible roofing materials include:

1. No change.

2. Composite and alternate roofing materials that are substantially similar to clay, terracotta, and concrete roof tiles in appearance and profile.

~~2. Design Alternatives may be proposed for composite and alternate roofing materials that are substantially similar in appearance when structural and roof pitch considerations warrant. If proposed, composite and alternative materials must appear substantially similar to clay roofing tiles.~~

E. **Prohibited Materials:**

1. Standing seam or ribbed m Metal, ceramic glazed, or high gloss materials are prohibited

F-H. No change.

Figure 7.10.5. Permitted Roof Materials (From Left to Right: Clay, terracotta, Barrel Tiles) and Roof Photos



## Chapter 89 - ENVIRONMENTAL REGULATIONS

### SECTION 2. - ENVIRONMENTAL STANDARDS

#### 2.1-2.2. No change.

#### 2.3. Unique Habitats and Protected Species

A.-C. No change.

D. **Resource Management Plan Required.** Every applicant for a site and development plan or preliminary plat encompassing five (5) or fewer acres shall be required to submit a resource management plan for review and approval by the City. The resource management plan shall be prepared by an environmental professional, as defined in Sec. 89-2.2.B. The resource management plan shall contain at a minimum:

1.-3. No change.

4. Copies of all applicable permits from state and federal agencies;

4.~~5~~. No change.

~~5-6~~. No change.

E. No change.