

ORDINANCE NO. 2026-16

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 87, LAND DEVELOPMENT CODE, BY AMENDING SECTIONS 1.7.4., 1.8.3., 1.9.4., AND 1.12.3., DECISION CRITERIA, AND SECTION 1.10.1., PRELIMINARY PLAT (QUASI-JUDICIAL APPLICATION), PURSUANT TO TEXT AMENDMENT PETITION NO. 26-08AM, BY AMENDING THE DECISION CRITERIA FOR SEVERAL QUASI-JUDICIAL APPLICATION TYPES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, as required by Florida law, the City maintains Land Development Regulations (LDRs) and an official Zoning Map of the City; and

WHEREAS, the City initiated Text Amendment Petition No. 26-08AM to amend the decision criteria for several quasi-judicial application types; 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 March 17, 2026, regarding the Petition, and recommended approval to City Council of Text Amendment Petition No. 26-08AM with revisions; and

WHEREAS, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 26-08AM; and

WHEREAS, on May 26, 2026, and June 23, 2026, City Council held duly noticed public hearings on Text Amendment Petition No. 26-08AM 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. 26-08AM 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. 26-08AM is hereby approved.

SECTION 3. Chapter 87, Land Development Code, Section 1.7., Zoning Map Amendments (Quasi-Judicial Application), Section 1.7.4., Decision Criteria, of the City's Land Development

Regulations, is hereby amended as follows:

A. Council and the Commission shall consider, as applicable, the following:

1. Whether the zoning map amendment is compatible with the existing development pattern and the zoning of nearby properties.
- ~~2. Changes in land use or conditions upon which the original zoning designation was based.~~
- ~~2.3. Consistency~~ Whether the amendment is consistent with all applicable elements the intents and strategies of the Comprehensive Plan.
- ~~3.4. Conflicts~~ Whether the amendment conflicts with existing or planned public improvements.
- ~~4.5. Availability of~~ Whether public facilities are available, analyzed for the proposed development (if any) or maximum development potential, and based upon a consideration of the following factors:
 - ~~a. Impact on the traffic characteristics related to the site.~~
 - ~~b. Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are affected.~~
 - ~~c. Impact on public facilities currently planned and funded to support any change in density or intensity pursuant to~~ and the requirements of the Comprehensive Plan and applicable law.
- ~~5.6. Effect on~~ Whether the amendment will adversely affect health, safety and welfare of the surrounding neighborhood and City.
- ~~6.7. Conformance~~ Whether the amendment is in conformance with all applicable requirements of this LDR.
- ~~7.8. Findings of~~ For a Planned District, whether the applicable Environmental Assessment Reports, consistent with meet the requirements of Chapter 89 and provide for protection, mitigation, or remediation methods, if required.
8. For a Planned District, whether the amendment would create a drainage or flooding problem.
9. For a Planned District, whether ingress and egress to the property and internal circulation would adversely affect traffic flow or safety or control or would create types of traffic deemed incompatible with surrounding land uses.
- ~~10.9.~~ For a proposed major amendment to an adopted Planned District the following additional criteria shall be considered:
 - a. Whether the amendment is consistent with the reasonable expectations of other residents within the Planned District with regard to how the Planned District would be built out over time.

- b. The extent to which the amendment deviates from the approved binding master plan, including whether any proposed change of use can be accommodated by any conversion, flex use or related similar Planned District allocation chart included in the binding master plan.
 - c. The extent to which the alteration to the Planned District will service and/or benefit other uses within the Planned District.
 - d. Whether the amendment is compatible with the common scheme of development contemplated in the binding master plan.
10. ~~Any other applicable matters pursuant to this LDR, the Comprehensive Plan or applicable law.~~

B. The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

SECTION 4. Chapter 87, Land Development Code, Section 1.8, Condition Uses (Quasi-Judicial Application), Section 1.8.3., Decision Criteria, is hereby amended as follows:

- A. Before any conditional use shall be approved, the Commission shall make a finding that the granting of the conditional use will not adversely affect the public interest and that ~~satisfactory provision and arrangement has been made concerning~~ the following ~~matters~~ criteria, where applicable, have been met:
 - 1. ~~Compliance~~ The proposed use is compliant with all applicable elements the intents and strategies of the Comprehensive Plan;
 - 2. ~~General compatibility~~ The proposed use achieves compatibility, consistent with Section 4 and Section 1.2.C.8 of this LDR with adjacent properties and other property in the district; and
 - 3. Any special requirements set out in Section 2 ~~in~~ of this chapter for the particular use involved are met.

SECTION 5. Chapter 87, Land Development Code, Section 1.9., Site Development Plan (Quasi-Judicial Application), Section 1.9.4., Decision Criteria, is hereby amended as follows:

- A. In reaching a decision ~~regarding the~~ to approve, approve with conditions, or to deny a site and development plan as submitted, the Commission shall ~~be guided in its decision to approve, approve with conditions, or to deny by~~ consider the following ~~considerations~~:
 - 1. ~~Compliance~~ Whether the proposed development is compliant with all applicable elements the intents and strategies of the Comprehensive Plan and requirements of this LDR;
 - 2. ~~Compatibility~~ Whether the proposed development achieves compatibility consistent with Section 4 and Section 1.2.C.8 of this LDR;
 - 3. ~~General~~ Whether the general layout of the development including access points, and

on-site mobility, provides for vehicular and pedestrian access, safety, and traffic circulation (both internal and external to the project);

4. ~~General layout of off-street~~ Whether the proposed development has met the parking and off-street loading facilities facility requirements of Section 3.6 or an Alternative Parking Plan has been proposed;
5. ~~General layout of drainage on the property~~ Whether the proposed development meets the City requirements for stormwater management;
6. ~~Adequacy of recreation and open spaces~~ Whether the applicable environmental assessment reports meet the requirements of Chapter 89 and provide for protection, mitigation, or remediation methods, if required;
7. ~~General site arrangement, amenities, convenience, and appearances;~~ Whether the general layout, design, and appearance of the proposed development adversely affects the health, safety, and welfare of the surrounding neighborhood; and
8. ~~Other standards, including but not limited to,~~ Whether architectural requirements as may be required, are met, if applicable.

SECTION 6. Chapter 87, Land Development Code, Section 1.10., Subdivisions, Section 1.10.1., Preliminary Plat (Quasi-Judicial Application), is hereby amended as follows:

A. through B. – No Change.

C. **Decision Criteria.** In reaching a decision ~~regarding to approve, approve with conditions, or to deny~~ a preliminary plat ~~as submitted~~, the Commission shall ~~be guided in its decision to approve, approve with conditions, or to deny by~~ consider the following ~~considerations~~:

1. ~~Compliance~~ Whether the proposed plat is compliant with all applicable elements the intents and strategies of the Comprehensive Plan and requirements of this LDR;
2. ~~Compatibility~~ Whether the proposed plat achieves compatibility, consistent with Section 4 and Section 1.2.C.8 of this LDR;
3. ~~General~~ Whether the general layout of the development, including streets, access points, and onsite mobility provides for vehicular and pedestrian access, safety, and traffic circulation (both internal and external to the project);
4. ~~General layout of drainage on the property~~ Whether the proposed plat meets the City requirements for stormwater management;
5. Whether the applicable environmental assessment reports meet the requirements of Chapter 89 and provide for protection, mitigation, or remediation methods, if required;
6. ~~5. Adequacy of~~ For planned developments, whether the recreation and open spaces uses, where applicable, are compliant with the relevant Binding Master Plan; and
6. ~~General site arrangement, amenities, convenience, and appearance; and~~

7. ~~Other~~ Whether other standards including, but not limited to, architectural requirements as may be required are met.

D. - No. Change.

SECTION 7. Chapter 87, Land Development Code, Section 1.12., Height Exceptions, Section 1.12.3., Decision Criteria, is hereby amended as follows:

- A. In reaching a decision ~~regarding to approve, approve with conditions, or to deny~~ the height exception ~~as submitted~~, the Council shall ~~be guided in its decision to approve, approve with conditions, or to deny by~~ consider the following ~~considerations~~:
 1. ~~Compliance~~ Whether the proposed height exception is compliant with all applicable elements the intents and strategies of the Comprehensive Plan and requirements of this LDR;
 2. ~~General~~ Whether the proposed height exception achieves compatibility, consistent with adjacent properties and other properties in the district Section 4 and Section 1.2.C.8 of this LDR;
 3. ~~Scale of development. The relationship of~~ Whether the project or development is scaled to its surroundings in terms of its size, height, bulk, massing, intensity, and aesthetics, ~~to its surroundings~~;
 4. ~~Required~~ Whether the standards for required yards and other open space are met;
 5. ~~Screening~~ Whether provisions have been made for screening and buffering, with reference to type, dimensions and character;
 6. ~~Any~~ Whether any special requirements set out in Section 2 of this chapter for the particular use involved. are met; and
 7. Whether the proposed height exception would adversely affect the health, safety, and welfare of the surrounding neighborhood based on any special circumstances related to the property.

SECTION 8. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 9. 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 10. 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 23RD DAY OF JUNE 2026.

First Reading: May 26, 2026

Second Reading: June 23, 2026

Adoption: June 23, 2026

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 23rd day of June 2026, a quorum being present.

WITNESS my hand and the official seal of said City this 23rd day of June 2026.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney