

**CITY OF VENICE
LAND DEVELOPMENT
REGULATIONS**

CITY OF VENICE, FLORIDA

Formatted: Heading 1

Formatted: Space After: 12 pt

PREFACE

This volume contains the City of Venice Land Development Regulations, as adopted by City Council on XXX.

The Code has been printed as adopted and the original numbering system has been retained. Obvious typographical errors have been corrected without notation; words or phrases added by the editor for purposes of clarification are enclosed in brackets.

Amendatory Legislation

A feature of this publication that is particularly useful is the Code Comparative Table. Any amendatory legislation may be located therein by number and date of enactment, and the sections or subsections amended will be listed. In addition, the sources of any amendments to the Code are listed in a parenthetical history note following the amended section. The absence of such a note indicates that the section derives unamended from the Code as originally adopted.

ORDINANCE NO. XXX.

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, ADOPTING BY REFERENCE THE AMENDED AND RESTATED LAND DEVELOPMENT REGULATIONS FOR THE CITY OF VENICE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR DEFINITIONS; ADOPTING BY REFERENCE THE FOLLOWING CHAPTERS: CHAPTER 87, CHAPTER 88, CHAPTER 89; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented with a proposed amended and restated City of Venice Land Development Regulations (the "Restated Code") for adoption; and

WHEREAS, Section 163.3174(1), Florida Statutes, requires that the governing body of each local government in Florida shall designate and by ordinance establish a "local planning agency"; and

WHEREAS, the City of Venice Planning Commission has been duly designated in Section 86-23 of the current Land Development Regulations as the Local Planning Agency of the City; and

WHEREAS, Section 163.3174(4)(C), Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to the consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

WHEREAS, Section XX of the existing Land Development Code authorizes the Planning Commission to review and recommend proposed amendments to the text of the Land Development Code; and

WHEREAS, the Planning Commission, acting in its capacity as the City's Local Planning Agency, has been presented with the proposed Restated Code incorporated by reference in this Ordinance; and

WHEREAS, the Planning Commission, acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on XX, in accordance with Section XX of the existing Land Development Code, to receive public comment on the Restated Code; and

WHEREAS, the Planning Commission, acting in its capacity as the Local Planning Agency, at the XX public hearing, found the Restated Code to be consistent with the City of Venice Comprehensive Plan (the "Comprehensive Plan") and recommended that the City Council adopt the Restated Code as the Land Development Regulations of the City; and

WHEREAS, City Council held two adoption public hearings on XX, and XX, to receive public comments, and considered the recommendation of the Planning Commission and the proposed Restated Code; and

WHEREAS, City Council has found and determined that the adoption of the Restated Code will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the City, and thus serve a valid public purpose.

BE IT ORDAINED by the City Council of City of Venice, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. City Council hereby finds and determines that:

- (a) The findings set forth in the recitals to this Ordinance are true and correct.
- (b) The Planning Commission, acting in its capacity as the Local Planning Agency for the City, held a public hearing on XX, to consider the Restated Code, found the Restated Code to be

consistent with the Comprehensive Plan, and recommended that City Council adopt the Restated Code as the Land Development Regulations of the City.

Section 3. Adoption of the Restated Code. The Restated Code attached to this Ordinance and incorporated herein by reference as Exhibits "XX" through "XX", is hereby adopted as the Land Development Regulations of the City, amending and restating the City of Venice Land Development Regulations in its entirety. The Restated Code is understood to replace the City's existing Code of Ordinances, Subpart B, Land Development Regulations, specifically all or portions of CHAPTER 86 LAND DEVELOPMENT CODE, CHAPTER 90 BUILDINGS AND BUILDING REGULATIONS, CHAPTER 118 TREE PRESERVATION, PROTECTION, AND REPLACEMENT, and CHAPTER 122 ZONING. The Land Development Regulations shall consist of the following three Chapters, as set forth in the following XX exhibits:

- (a) CHAPTER 87, LAND DEVELOPMENT CODE (Exhibit "XX");
- (b) CHAPTER 88, BUILDING REGULATIONS (Exhibit "XX");
- (c) CHAPTER 89, ENVIRONMENTAL REGULATIONS (Exhibit "XX");

Section 4. Codification. The publisher of the City's Land Development Regulations, the Municipal Code Corporation, is directed to incorporate the amendments of this Ordinance into the Land Development Regulations.

Section 5. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the City upon the effective date hereof or filed or initiated thereafter.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance, or any provision of the Restated Code, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance or the Restated Code, as the case may be.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the City Council of City of Venice, Florida, this the XX of XX.

CITY COUNCIL OF CITY OF VENICE, FLORIDA

By:

ATTEST:

By:

SUPPLEMENT HISTORY TABLE

VENICE LDR DRAFT: PREFACE AND INTRODUCTION

The table below allows users of these Land Development Regulations to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Land Development Regulations and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of these Land Development Regulations will be able to gain a more complete picture of the Code's historical evolution.

RESERVED

INTRODUCTORY PROVISIONS

Purpose and Intent of the LDR

- A. The Land Development Regulations (LDR) are adopted to be consistent with and implement the City of Venice Comprehensive Plan as it may be amended from time to time, and satisfy requirements for land development regulations in F.S. § 163.3202.
1. **Chapter 87.** Chapter 87, Land Development Code, establishes the regulations, procedures, and standards for reviewing and approving all development orders, development permits, and use of land within the incorporated area of the City. The LDR is enacted to preserve, protect, and promote the general welfare of residents and businesses in the City and provide orderly and controlled growth.
 2. **Chapter 88.** Chapter 88, Building Regulations, provides for the safe regulation of the construction, alteration, repair, equipment, use, occupancy, location, maintenance, removal or demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the City.
 3. **Chapter 89.** Chapter 89, Environmental Regulations, defines implementing regulations for environmentally oriented topics contained in the most recently adopted Comprehensive Plan, as amended. These topics include open space use and conservation, wildlife and habitat protection, wetland protection, mining impact considerations, coastal waterway management and protection, coastal high hazard development considerations, and conservation building design and development considerations.
- B. It is the intent of the LDR to establish an efficient, effective and equitable regulatory and procedural code relating to the use of land and development of the City. Specifically, the LDR is adopted to achieve the following objectives:
1. Consistent with the Comprehensive Plan, promote the City's neighborhoods, vibrancy of its downtown and the capacity of its public infrastructure;
 2. Promote development patterns that will balance the economic, social, historical and environmental needs of the community and preserve a high quality of life for all residents;
 3. Improve the City's neighborhoods and provide a method for addressing development and redevelopment within the City;
 4. Regulate land use, building height, architectural standards, and compatibility;
 5. Consolidate and eliminate districts where feasible;
 6. Through the creation of Mixed-Use Areas, develop zoning districts which utilize ideas and best practices of form based codes;

7. Not remove any development rights vested. The LDR shall continue to allow for the City's vested rights determination process as outlined in Section 1.14: Vested Rights, of this LDR;
 8. Provide for the safe regulation of buildings and structures within the City; and
 9. Implement regulations for environmentally oriented topics.
- C. The Planning and Zoning Director (hereinafter referred to as the Director and as defined in Section 1 of Chapter 87, LDR) shall interpret the LDR and its application to land, and to activities permitted thereon unless otherwise specified. Similar to the Director's interpretive abilities granted by the Comprehensive Plan, the Director shall act as interpreter of the LDR in the event of any conflict or difference of meaning within the LDR. Appeals of the Director's interpretation shall follow the review process identified in Section 1.16 of Chapter 87.
- D. Use or Occupancy. No building, land, or water shall be constructed, altered, used, or occupied except in conformity with the regulations and standards of this LDR.
- E. Development Standards. No building or use may be established in any manner contrary to the regulations and standards of this LDR.
- F. Continuity of Zoning. If unincorporated territory is annexed into the City, the regulations of the Sarasota County Unified Development Code shall be administered and remain in full force and effect until the City adopts a comprehensive plan amendment that includes the annexed area.

Legal Provisions

- A. The official title of this document is the Land Development Regulations of the City of Venice, Florida and is referred to throughout this document as "The Land Development Regulations" or "LDR".
- B. The LDR shall apply to all lands, buildings, structures and uses located within the City of Venice, Florida and those specific areas identified within the Joint Planning Agreement and Interlocal Service Boundary Agreement (JPA/ILSBA).
- C. This LDR was adopted on _____ and became effective on _____ by Ordinance No. _____.
- D. The requirements of the LDR shall be considered the minimum requirements for the promotion of the public health, safety and general welfare.
- E. This LDR is adopted and enacted pursuant to the requirements and authority of F.S. § 163.3202, the City of Venice Charter, and the general powers enumerated in F.S. Ch. 166. Whenever any provision of the LDR refers to or cites a section of F.S. or F.A.C. and that section is later amended or superseded, the LDR shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

- F. The LDR and each chapter, section, subsection, sentence and phrase are adopted regardless of whether one or more other portions of the LDR are declared invalid or unconstitutional.
- G. Terms not otherwise included as defined terms in the LDR shall be interpreted by reference to the relevant provisions of:
 - 1. The Comprehensive Plan; then
 - 2. F.S. § 163.3202, or other relevant and appropriate state statutes or administrative rules, if specifically defined therein; then
 - 3. The terminology adopted by city ordinances; then
 - 4. The terminology generally accepted by federal or state agencies; then
 - 5. The terminology generally accepted by the planning profession; and finally
 - 6. The latest edition of Webster's New Collegiate Dictionary.

Meanings of Words

- A. Whenever the context in which words are used in the LDR indicates that such is the intent, words in the singular number shall include the plural and vice versa and words in the masculine gender shall include the feminine and neuter genders and vice versa. All references to "herein", "hereunder" and words of like import shall refer, unless the context clearly requires otherwise, to this LDR, as distinct from the paragraph or section within which such term is located.
- B. The terms "shall", "should", "will", and "may" are included within the LDR and are understood to be used in the following manner:
 - Shall: Provisions or items that are mandatory
 - Will: Declares a purpose to accomplish an item in the future
 - Should/May: Items that are more flexible in nature; non-mandatory, but are either encouraged or permitted
- C. Any reference to "City" shall mean "City of Venice"
- D. Any reference to "Comprehensive Plan" shall mean the most current version of the "City of Venice Comprehensive Plan".
- E. Any reference to "Code" shall mean this LDR.

Graphic Illustrations

- A. Graphic illustrations, illustrative intents, and any photographic images used throughout this Code are intended to graphically portray the regulatory standards and overall intents established throughout this Code. Except where otherwise noted, these images are considered informational; unless otherwise noted, where in conflict, numerical metrics/text of the Code shall take precedence over graphic metrics.

Comprehensive Plan and Relationship to the Land Development Regulations

- A. The City's Comprehensive Plan was adopted pursuant to the requirements and authority of F.S. Ch. 166 and F.S. Ch. 163, pt. II, as amended. The purpose(s) of the Comprehensive Plan are defined in F.S. Ch. 163 and also within the Comprehensive Plan.
- B. The Comprehensive Plan serves as the guiding document to be implemented through this LDR.
- C. No development order shall be issued under the provisions of the LDR unless determined to be consistent with the Comprehensive Plan.
- D. In recognition of the legal significance of the Comprehensive Plan, and that the LDR shall be used to implement the comprehensive plan, land development applications (i.e. Section 1: Administration of this LDR) requiring public hearings shall be required to affirmatively establish the manner in which the development proposal and/or requested change in land use is consistent with the Comprehensive Plan.

Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA)

- A. The City of Venice and Sarasota County have entered into a Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) which guides land use and development within certain areas adjacent to the City of Venice. The City shall coordinate planning and development practices in the JPA/ILSBA Planning Areas and Extra Jurisdictional Planning Areas with Sarasota County and private property owners in accordance with the JPA/ILSBA. The JPA/ILSBA is contained in the appendices of the Comprehensive Plan.
- B. The City has established the JPA/ILSBA planning areas with Sarasota County in the Future Land Use Element and Map Series to establish the means and process by which future annexations and planning activities will be accomplished. The JPA/ILSBA has and may continue to be amended from time to time.

Amendments to the Comprehensive Plan

- A. The Comprehensive Plan may be amended in accordance with this LDR, and the notice and hearing procedures as set forth in applicable Florida Statutes. The process to amend the Comprehensive Plan is defined in Section 1.5 of Chapter 87.

Vested Rights

- A. Nothing in this LDR or the Comprehensive Plan shall be construed or applied to result in a temporary or permanent taking of private property, or property rights, without due process of law. The vested rights process is defined in Section 1.14: Vested Rights of Chapter 87 shall

constitute due process of law for any situation in which a private property owner feels their property rights have been infringed upon due to the provisions of this LDR.

Transitional Provisions

- A. Applications for land development accepted by the City prior to the effective date of this ordinance shall be processed under the requirements of the land development ordinance in effect at the time of application. However, applicants shall be given the option to have applications processed under the requirements of this ordinance no. XXXX-XX.
- B. Approved Binding Master Plans will remain in effect after the adoption of this ordinance no. XXXX-XX. Amendments to Binding Master Plans shall be processed under the effective regulations at the time of application for such amendment.
- C. All development orders existing before the 2017-2027 Comprehensive Plan's effective date may be completed in accordance with such existing development order, and the density and intensity approved by such development order will be vested without limitation or modification.

Prosecution under Previous Zoning Code

- A. Any prosecution arising from a violation of any prior zoning code, ordinance, or regulation of the City superseded by this chapter for which prosecution was pending at the effective date of this ordinance no. XXXX-XX shall be tried and determined exactly as if such prior zoning code, ordinance, or regulation had not been superseded. Likewise, any prosecution begun within one year after the effective date of this ordinance no. XXXX-XX for a violation committed prior to the effective date of this ordinance shall also be tried and determined exactly as if such prior zoning code, ordinance, or regulation had not been superseded.