

## Stipulations for Zoning Map Amendment Petition No. 22-38RZ

1. The total commercial square footage shall be limited to 70,240 square feet.
2. The Applicant withdraws its buffer modification request and shall revise its current Binding Master Plan to reflect same and submit such revised Binding Master Plan to the City prior to second reading of the Ordinance.

# Henry Ranch appeal dead

By Bob Mudge  
Staff Writer

The attorney for the committee that fought Venice's annexation of Henry Ranch acknowledged Monday that the battle is over.



Lobeck

Florida's Second District Court of Appeal issued a ruling Jan. 4 affirming a trial court decision that the city charter could not be used to force a public referendum on the annexation.

"I'd say this is the end of the line for the case," Dan Lobeck said after an appellate court defeat. "Obviously, we were disappointed."

The ruling came in a lawsuit filed by the city against the Petitioners' Committee, a five-member citizens group opposed to the annexation. The group had collected more than 2,200 signatures on a petition to rescind the annexation and put it to a citywide vote.

Circuit Judge James Parker ruled that Article 9 of the city charter, which grants voters the power to make city council reconsider "any adopted ordinance or resolution," did not apply to the annexation.

The Committee appealed Parker's decision in December 2000.

The Second DCA affirmed Parker's decision but didn't issue a full written opinion. Jeff Boone, the attorney who represented the property owners, said the DCA didn't write an opinion

because the appeal was "a waste of time."

Lobeck said the ruling was a reflection of the court's crowded docket rather than the merits of his clients' case.

"With the appellate court's caseload, they decided not to delve into the issues," he said, though he added, "Obviously they didn't have enough interest to write an opinion."

Lobeck said an appeal to the state supreme court is possible, but only if the DCA certifies the legal issues as being of great public importance. That usually would require a written opinion, he said.

Committee chair Emil Partak said Lobeck told him there was no reason to try to continue the appeal.

Lobeck said he now expects a similar result in a related mat-

ter. After the Henry Ranch annexation, a group called Citizens for Voter Control of Annexations proposed a city charter amendment to require any annexation of more than 10 acres go to a referendum.

The city also challenged that effort, and won a decision from Parker on May 21, 2001, which the group appealed.

"Frankly, I'd be somewhat surprised by any outcome other than this," Lobeck said about the amendment appeal.

The Venetian Golf & River Club, a residential development of 1,599 homes, is being developed on the Henry Ranch property north of Laurel Road and east of Interstate 75 by Watermark Communities Inc.

You can e-mail Bob Mudge at: [bmudge@venicegondolier.com](mailto:bmudge@venicegondolier.com)

(a) *Generally.*

- (1) The PUD district shall be utilized to promote efficient and economical land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, improved living environments, orderly and economical development in the city, and the protection of adjacent and nearby existing and future city development.
- (2) Regulations for planned unit developments are intended to accomplish the purpose of zoning, subdivision design standard regulations and other applicable city regulations to the same degree as in instances where such city regulations are intended to control development on a lot-by-lot basis rather than on a unified development approach. In view of the substantial public advantages of planned unit development, it is the intent of the city to promote and encourage development in this form where tracts suitable in size, location and character for the uses and structures proposed are to be planned and developed as unified and coordinated units.

(b) *Permitted principal uses and structures.* Permitted principal uses and structures in PUD districts are:

- (1) Single-family dwellings, cluster housing and patio houses.
- (2) Townhouses.
- (3) Multiple-family dwellings.
- (4) Private clubs, community centers, and civic and social organization facilities.
- (5) Parks, playgrounds, putting greens and golf courses.
- (6) Essential services.
- (7) Houses of worship, schools, nursing homes and child care centers.
- (8) Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD.
- (9) Other uses of a nature similar to those listed, after determination and recommendation by the planning commission, and determination by the city council at the time of rezoning that such uses are appropriate to the PUD development.

(c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in PUD districts are uses and structures which:

- (1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- (2) Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- (3) Do not involve operations or structures not in keeping with the character of the district.
- (4) Do not involve the conduct of business on residential premises, provided that accessory home occupations shall be allowed as accessory to residential uses.

(d) *Prohibited uses and structures.* Prohibited uses and structures in PUD districts are as follows:

- (1) Off-site signs.
- (2) Pain management clinic.

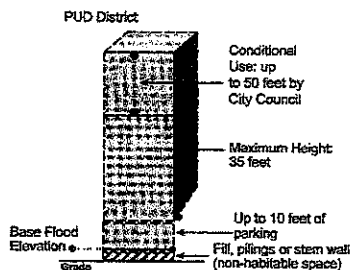
(e) *Special exceptions.* The following special exceptions are permissible in PUD districts after public notice and hearing by the planning commission:

- (1) Assisted living facilities.
- (2) Buildings over 35 feet in height but not in excess of 85 feet.

(f) *Conditional use.* The following conditional use is permissible in the PUD district after public notice and hearing by city council:

- (1) Buildings over 35 feet in height but not in excess of 85 feet.
- (2) Reserved.

(g) *Maximum residential density.* Maximum number of dwelling units per acre in PUD districts is 4.5.



PUD District

(h) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in a PUD district, except as permissible by conditional use. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.

(i) *Minimum land areas.*

- (1) *Total development area.* The minimum areas which may be utilized for a PUD are as follows:

For residential uses only: One acre.

- a.
- b. For residential and commercial uses: One acre.

Lesser areas than the minimum established by this subsection may be approved for PUDs in a specific case upon findings by the planning commission and city council that particular circumstances justify such reduction, that the requirements for PUD and the benefits to be derived from the PUD can be met in such lesser area, and that permitting such lesser area for the PUD is not in conflict with the comprehensive planning objectives of the city.

- (2) *Percentage of commercial uses.* The maximum area within a PUD which may be devoted to commercial uses, including off-street parking requirements, shall be five percent. The percent of area required for commercial or residential purposes may be varied for a PUD in a specific case and upon findings by the planning commission that particular circumstances justify such change.

(j) *Land use intensity; open space; dedication of land for municipal uses.*

- (1) In a PUD a maximum density of 4.5 dwelling units per gross acre shall be allowed, provided that such maximum density may be varied by city council, after recommendation by the planning commission, where a showing is made that such maximum density is inappropriate based upon the intensity and type of land use in the immediate vicinity and the intent of the comprehensive plan for the area requested. A minimum of 50 percent of the PUD shall be open spaces.
- (2) A maximum of eight percent of the gross project site may be required for dedication to municipal uses for all projects in excess of 25 acres in area, after a determination by city council that a demonstrated public need exists for municipal facilities such as parks, fire stations or other public uses.
- (3) Land in a PUD designated as open space will be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.

(k) *Evidence of unified control; development agreements.* All land in a PUD shall be under the control of the applicant, whether that applicant is an individual, partnership or corporation or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed PUD. The applicant shall, by written, signed and notarized document, agree to:

- (1) Proceed with the proposed development according to the provisions of this chapter and such conditions as may be set forth as a condition of approval for the development;
- (2) Provide agreements, contracts, deed restrictions and sureties acceptable to city council for completion of the development according to the provisions and plans approved at the time of acceptance of the area for a PUD, and for continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense;
- (3) Bind successors in title to any commitments made under subsections (1) and (2) of this subsection.

All such agreements and evidence of unified control shall be examined by the city attorney, and no PUD shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of this chapter.

(l) *Relation to major transportation facilities.* A PUD shall be so located with respect to arterial or collector streets or other transportation facilities as to provide direct access to such PUD without creating or generating traffic along local streets in residential areas or districts outside the PUD.

(m) *Payment of costs for installation of public facilities; dedication of public facilities to city.*

- (1) *Water supply, fire hydrants, reclaimed water system, and wastewater collection system.* Applicants for approval of a PUD shall assume all costs of installation, including engineering fees, of all water mains and fire hydrants, reclaimed water systems, and wastewater collection systems, including lift stations and force mains within the PUD area. The applicant shall also assume all costs of connecting such facilities to the existing city systems outside of the PUD area. All such facilities shall be of the size and type required by the city and shall meet the minimum design requirements established in the subdivision design standards and the city standard details. All water supply, fire hydrants, reclaimed water systems, and wastewater collection systems shall be designed by a Florida licensed professional engineer, installed in accordance with all applicable codes, ordinances and regulations, and approved by the city engineer.
- (2) *Streets and drainage facilities.* Applicants shall assume all costs of construction, including engineering fees, of all streets and roads and storm drainage systems within the PUD. All streets, roads, and storm drainage systems shall be of the type and size required by the city and shall meet the minimum design requirements established in the subdivision design standards and the city standard details. All streets, road, and storm drainage systems shall be designed by a Florida licensed professional engineer, installed in accordance with all applicable codes, ordinances and regulations, and approved by the city engineer.
- (3) *Designation of public and private facilities.* The comprehensive and detailed plans, as required by this division, shall indicate which of the utilities and streets and roads are to be public and which are to remain under private ownership.
- (4) All infrastructure and common use improvements regulated by the city standard details must meet the minimum design requirements established in the subdivision design standards and the city standard details.
- (5) *Dedication to city.* Upon completion, and acceptance by the city, of those improvements designated to be public, the applicant shall dedicate such improvements to the city, together with necessary rights-of-way and easements therefor, whereupon the city shall thereafter maintain such improvements. Dedication or turnover of improvements shall comply with city standard details requirements and all applicable codes, ordinances, and regulations. Record drawings shall be approved by the city engineer prior to acceptance of improvements. All dedications and turnovers must be approved by city council.
- (6) *Payment of plant capacity charges and tap fees.* The applicant shall pay all plant capacity charges and tap fees as provided in ordinances and resolutions in that regard.

- (7) *Payment of other charges.* Payment of other charges deemed to be the responsibility of the applicant may be a condition imposed by the city so as not to impose undue economic hardships on the city.
- (n) *Physical character of site.* The site of a PUD shall be suitable for development in the manner proposed, without hazards to person or property, on or off the tract, from probability of flooding, erosion or other dangers, annoyances or inconveniences. Condition of soil, groundwater level, drainage and topography shall all be appropriate to both the kind and pattern of use intended.
- (o) *Access.* Every dwelling unit or other use permitted in a PUD shall have access to a public street, either directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use, or common element guaranteeing access. Permitted uses are not required to front on a dedicated public road.
- (p) *Lot size; yards.* Within the boundaries of the PUD, no minimum lot size or minimum yards shall be required; provided, however, that no structure shall be located closer to any perimeter property line than two times the height of such structure.
- (q) *Off-street parking.* Except as may be specified in this division, all off-street parking within a PUD area shall conform in all respects to the provisions of this chapter.
- (r) *Commercial uses.* Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.
- (s) *Underground installation of utilities.* Within a PUD, all utilities, including telephone, television cable and electrical systems, shall be installed underground. Appurtenances to these systems which require aboveground installation must be effectively screened and thereby may be excepted from this requirement. Primary facilities providing service to the site of the PUD may be excepted.
- (t) *Procedure for rezoning to PUD classification.*
- (1) *Preapplication conference.* Prior to initiating a petition for a PUD, a preapplication conference with the zoning administrator, city engineer and any other agency as deemed appropriate is required. The purpose of such preapplication conference shall be to assist in bringing the overall petition as nearly as possible into conformity with this chapter or other regulations applying generally to the property involved and/or to define specifically those variations from the application of general regulations which appear justified in view of equivalent service of the public purposes of such regulations.
- (2) *Submission of application; referral to planning commission.* Applications for PUD zoning shall be submitted to the zoning administrator and shall thereafter be certified to the planning commission for study and recommendation as provided in this subsection.
- (3) *Materials to be submitted.* In addition to information required for application for rezoning, the applicant shall submit the following materials or data:
- a. Evidence of unified control of the proposed PUD and the agreements required by this chapter.
  - b. A statement of the land use intensity sought for the PUD and supporting evidence or documentation as the applicant may feel is pertinent to enable the planning commission and city council to determine whether or not the land use intensity rating requested is reasonable and proper.
  - c. A master plan containing the following:
    1. The title of the project and the names of the professional project planner and the developer.
    2. Scale, date, north arrow and general location map.
    3. Boundaries of the property involved, and all existing streets, buildings, watercourses, easements, section lines and other existing important physical features in and adjoining the project.
    4. Master plan locations of the different uses proposed, by dwelling types, open space designations, recreational facilities, commercial uses, other permitted uses, and off-street parking and off-street loading locations.
    5. Master plan showing access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic.
    6. Tabulations of total gross acreage in the development and the percentages thereof proposed to be devoted to the several dwelling types, other permitted uses, recreational facilities, streets, parks and other reservations.
    7. Tabulations demonstrating the relationship of the development to proposed land use intensity and proposed numbers and types of dwelling units.
    8. Where required by the planning commission, an ecological survey in accordance with the standards of the state department of environmental protection and the water and navigation control act of the county, as they may from time to time be amended.
- (4) *Prehearing conference; hearing before planning commission.* Upon certification of a request for a PUD to the planning commission, the commission shall meet with the applicant or his agent to review the application, including all plans, maps and documents submitted by the applicant. In the course of such prehearing conferences, recommendations for changes shall be recorded in writing and shall become part of the record of the application. All such recommendations shall be supported by stated reasons for the proposal for change. The applicant shall state in writing his agreement to such recommendations, or his disagreement, and if there is disagreement, shall in writing indicate his reasons therefor, and such responses by the applicant shall be included in the record.
- (5) *Recommendation by planning commission; hearing before city council.* After a public hearing, the planning commission may recommend to city council that the PUD application be granted, subject to stated stipulations and conditions, or disapproved. In making its recommendation, the planning commission shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements for a PUD. City council shall thereafter give public notice and shall hold a public hearing to consider and act upon the recommendation of the planning commission and the rezoning application.

- (6) *Approval of rezoning and adoption of development standards.* If city council shall approve the rezoning of land to PUD, the plan of development and all information and materials formally submitted with the application, together with any conditions, safeguards and stipulations made at the time of rezoning, shall be adopted by reference as an amendment to this chapter and shall become the standards of development for the subject planned unit development.
- (u) *Approval of final development plans.*
- (1) Plans for development of land rezoned to PUD shall be processed in accordance with procedures established by the city subdivision design standards and the city standard details. The same information and data shall be furnished at each stage of plan approval as is required for standard subdivision development. Such plans required and submitted shall be in substantial compliance with the site development plan submitted as a part of the application for rezoning to PUD.
  - (2) Final development plans submitted for approval shall include the following:
    - a. A subdivision plat in recordable form.
    - b. A site plan, drawn to scale, showing building locations and elevations of all proposed structures.
    - c. A master landscaping plan depicting existing and proposed vegetation, fences and walls, and planting screen locations, heights and materials.
    - d. Tabulations analyzing the number of total gross acres in the project and the percentages thereof proposed to be devoted to the several dwelling types, other nonresidential uses, off-street parking and off-street loading, streets, recreation areas, parks and other reservations. Tabulations shall be made of the total number of dwelling units in the project by type and overall project density.
    - e. A legally constituted maintenance agreement for improving, perpetually operating and maintaining the common facilities, including streets, drives, parking areas, and open space and recreation facilities that are to remain private, or such documents as are necessary to show how the common areas are to be improved, operated and maintained. Such documents shall be subject to approval of the city attorney.
  - (3) The applicant may proceed with the development only after approval of the final development plans, construction plans, and site preparation permit, and after certification by the building official that the submitted items required in this subsection are in substantial conformance with all documents submitted and approved at the time of zoning to PUD.
- (v) *Changes in plans.* Changes in plans approved as a part of the rezoning to PUD may be permitted by city council upon application by the developer or his successors in interest, and after a recommendation from the planning commission, but only upon a finding that any such changes are in accord with all regulations in effect when the changes are requested and the intent and purpose of the comprehensive plan in effect at the time of the proposed change. Changes other than those indicated shall be processed as for a new application for PUD rezoning.
- (w) *Issuance of building and occupancy permits.* No building permit may be issued until the final plat has met the requirements of the subdivision design standard regulations and all applicable state codes. No building permit or certificate of occupancy shall be issued in or for development in a PUD district except in conformity with all provisions of the rezoning to PUD classification and plans submitted under this division. No occupancy permit shall be issued until all improvements have been completed for the approved phase of the project and the turnover of applicable improvements have been accepted by city council. If the project requires a final plat be recorded, no occupancy permit shall be issued until the final plat has been approved by the engineering department, accepted by city council, and recorded with the county clerk.
- (x) *Previously approved developments.* Where, on the effective date of the ordinance from which this chapter is derived, there exists an annexation agreement between a property owner and the city establishing the right for certain development, and where the property which is the subject of the agreement is thereafter classified PUD, then the sections of the agreement delineating the physical development of the property shall be construed as meeting the requirements for an application for PUD zoning. Final development plans in accordance with this Code and applicable subdivision design standard regulations shall be required for all phases not approved for construction prior to the effective date of the ordinance from which this chapter is derived.

(Code 1982, §§ 20-6.1, 20-9.1—20-9.6, 20-9.8—20-9.20; Ord. No. 99-8, § 2, 4-13-99; Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 10, 6-14-05; Ord. No. 2006-34, § 8, 8-22-06; Ord. No. 2013-03, § 8, 2-12-13; Ord. No. 2014-05, § 8, 2-11-14; Ord. No. 2015-04, § 11, 3-24-15; Ord. No. 2016-19, § 7, 10-25-16)

DEVELOPER'S AGREEMENT



This Agreement is entered into this 30 day of January, 2018, by and between Neal Communities of Southwest Florida, LLC, a Limited Liability Company, and Border and Jacaranda Holdings, LLC, a Limited Liability Company, both organized under the laws of the State of Florida ("Developer") and the City of Venice ("City"), a municipal corporation organized under the laws of the State of Florida.

RECITALS

WHEREAS, Developer is the owner of the property now known as Milano PUD, more particularly described in Exhibit "A" attached hereto (the "Property") and through its agent, seeks to rezone the Property to the Planned Unit Development Use ("PUD") zoning district; and,

WHEREAS, Developer plans to develop the Property; and,

WHEREAS, for PUD zoned property, Section 86-130(k) requires that all such agreements and evidence of unified control shall be examined by the city attorney, and no PUD shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of this chapter.

NOW THEREFORE, for and in consideration of the premises and in reliance on the mutual promises, covenants, undertakings, recitals and other matters contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties hereby covenant and agree as follows:

**1. Land Subject to the Agreement.** The land subject to this Agreement, consisting of approximately five hundred twenty eight (528) acres, is commonly known as Milano PUD and is more particularly described in Exhibit "A" of this Agreement.

**2. Development According to Code.** Developer agrees to proceed with the proposed development according to the provisions of Chapter 86, Article V, and all other provisions of the Venice Land Development Code, and such conditions as may be set forth as a condition of approval for the development.

**3. Development Arising out of Master Plan.** Developer agrees to provide agreements, contracts, deed restrictions and sureties, as necessary, acceptable to the City Council for completion of the development according to the binding master development plan approved at the time of acceptance of the area for PUD zoning and for continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense.

**4. Concurrency.** The Milano PUD Development is hereby deemed concurrent with regard to all respective categories, except for drainage under the City of Venice Concurrency Management Ordinance and public schools, subject to the terms and conditions contained in this Agreement and the Certificate of Concurrency attached hereto as Exhibit "B".

**5. Impact Fee Credits.** The City agrees that Developer shall have the right to seek impact fee credits, as allowed by law, for the roadway improvement(s) described in the Certificate of Concurrency (see Exhibit "B" attached).

**6. Failure to Comply with the Requirements.**

- a) The parties shall have all rights available by law and equity to enforce this Agreement.
- b) Notice of any failure to comply with the requirements of this Agreement, or for any other purpose, shall be sent in writing via U.S. Mail, postage prepaid to:

Developer at: Neal Communities of  
Southwest Florida, LLC, and  
Border and Jacaranda  
Holdings, LLC, c/o  
Jeffery A. Boone, Esquire  
1001 Avenida Del Circo  
Post Office Box 1596  
Venice, Florida 34284

City at: City of Venice  
ATTN: City Manager  
401 W. Venice Avenue  
Venice, Florida 34285

With copy to: David P. Persson, Esquire  
Persson & Cohen, P.A.  
217 South Nassau Street  
Venice, Florida 34285

- c) The parties hereto recognize and agree that this Developer's Agreement shall bind Neal Communities of Southwest Florida, LLC, its successors and assigns, and Border and Jacaranda Holdings, LLC, its successors and assigns.
- d) The parties agree that suits or actions at law arising from the provisions, performance, or breach of this Agreement shall initially be brought, for State Court jurisdiction, in Sarasota County, Florida, South County Division, and for Federal Court jurisdiction, in the appropriate Federal District Court, and no other jurisdictions. This Agreement shall be



construed and interpreted under the laws of the State of Florida.

- e) By execution of this Agreement, the parties certify that they have authority to make the representations and agreements contained herein.
- f) This Agreement shall be construed as written by both parties and shall not be construed more strictly against either party.

**7. Duration of Agreement.** This Agreement shall be effective upon execution by the last party to this Agreement and shall continue in force until the completion of the development referenced herein.

**8. Amendment of Agreement.** This Agreement may only be amended in writing by mutual consent of the parties or their successors in interest.

**9. Successors and Assigns.** This Agreement shall inure to the benefit of and be obligatory upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, City and Developer have executed this Agreement on the date first above written.

Witness:

Neal Communities of  
Southwest Florida, LLC,  
a Florida Limited Liability Company

By: NCDG Management, LLC,  
a Florida Limited Liability Company, As its  
Manager

*Priscilla G. Heim*  
Print Name: Priscilla G. Heim

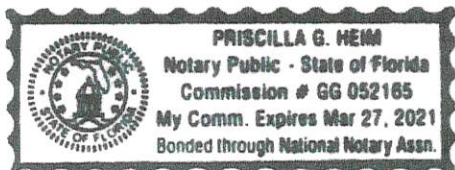
By: *James R. Schier*  
Print Name: James R. Schier

*Sherry S. Doddema*  
Print Name: SHERRY S. DODDEMA

Title: Manager

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 23 day of Jan. 2018  
by James R. Schier as Manager for NCDG Management,  
LLC, as Manager, for Neal Communities of Southwest Florida, LLC, for and on behalf of whom  
this instrument was executed.



*Priscilla G. Heim*

Notary Public State of Florida  
Typed Name: Priscilla G. Heim

Commission Expires: \_\_\_\_\_

Commission No.: \_\_\_\_\_

Personally known  
Or Produced Identification Type  
Of Identification Produced

IN WITNESS WHEREOF, City and Developer have executed this Agreement on the date first above written.

Witness:

Border and Jacaranda Holdings, LLC,  
A Florida Limited Liability Company

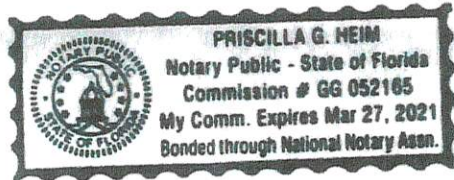
*Priscilla G. Heim*  
Print Name: \_\_\_\_\_ Priscilla G. Heim

By: *James R. Schier*  
Print Name: James R. Schier  
Title: *Manager*

*Sherry S. Dodema*  
Print Name: SHERRY S. DODEMA

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 23 day of Jan, 2018  
by James R. Schier as Manager, for Border and  
Jacaranda Holdings, LLC, for and on behalf of whom this instrument was executed.



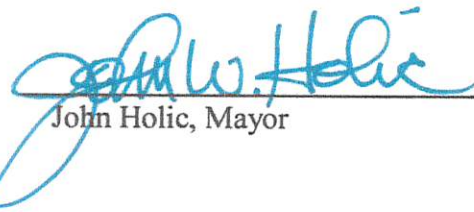
*Priscilla G. Heim*

Notary Public State of Florida  
Typed Name: \_\_\_\_\_ Priscilla G. Heim  
Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

Personally known   
Or Produced Identification Type  
Of Identification Produced  
\_\_\_\_\_

This Agreement is approved and adopted this 30 day of January, 2018.

City of Venice

By:   
John Holic, Mayor

ATTEST

  
Lori Stelzer, MMC, City Clerk

Approved By City Council  
Date: 1/9/2018

Approved as to form:

  
David R. Persson, City Attorney

B192-15688/DevelopersAgreement09.25.17

**EXHIBIT A**  
**LEGAL DESCRIPTION**

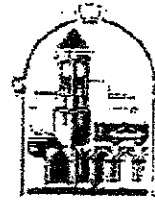
**Property Description:**

As depicted on the zoning map shown below consisting of approximately 527 acres and as further described:

A Parcel of land located in Section 34 and 35, Township 38 South Range 19 East more particularly described as follows; Commencing at the North 1/4 Corner of said Section 35 and considering the North line of the Northeast 1/4 of said Section 35 to bear South 89°28'20" East with all bearings contained herein relative thereto; thence South 00°23'03" West a distance of 139.90 feet along the West line of the Northeast 1/4 of said Section 35 to the true point of beginning; thence continuing along the West line of the Northeast 1/4 of said Section 35 South 00°23'03" West, a distance of 690.17 feet; thence South 89°28'25" East, a distance of 807.08 feet; thence South 00°23'38" West, along the East line of the West 807 feet of the East 1/2 of said Section 35 a distance of 4337.87 feet to a point on the North Right-of-Way of Border Road as described in Official Records Book 2404 at Page 2678, Sarasota County, Florida; Thence along the North Right-of-Way of Border Road as described in Official Records Book 2404 at Page 2678, Sarasota County, Florida the next 5 calls; thence North 89°49'49" West, a distance of 1524.84 feet; thence North 00°10'11" East, a distance of 10.00 feet; thence North 89°49'49" West, a distance of 793.07 feet; thence South 00°10'11" West, a distance of 10.00 feet; thence North 89°49'49" West, to the easterly Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida a distance of 1034.63 feet; thence North 84°06'47" West, to the Westerly Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida a distance of 201.57 feet; thence South 89°40'40" West, along the North Right-of Way of Border Road as recorded in Official Records Instrument 2004242187, Sarasota County, Florida a distance of 1251.79 feet; thence North 00°08'51" West, along the West line of the E1/2 of the E1/2 of said Section 34 a distance of 5193.31 feet; thence South 89°32'09" East, along the North line of the NE1/4 of the NE1/4 of said Section 34 a distance of 1359.82 feet; thence South 89°20'49" East, along the North line of the NW1/4 of said Section 35 a distance of 2055.54 feet to a point on the West Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida; thence South 44°45'27" East, along said West Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida a distance of 35.69 feet; thence South 00°10'09" East, along said West Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida a distance of 532.10 feet; thence North 89°50'40" East, leaving said West Right-of-Way a distance of 282.32 feet; thence North 11°00'51" East, a distance of 81.98 feet; thence North 22°08'01" East, a distance of 183.81 feet; thence North 41°46'18" East, a distance of 94.62 feet; thence North 63°21'42" East, a distance of 93.59 feet; thence North 62°42'21" East, a distance of 101.00 feet to the Point of Beginning. Containing 553.39 Acres, more or less. Less and accept that portion of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida and a parcel as described in Official Records Book 2043 Page 2352 Sarasota County, Florida.

EXHIBIT B  
CERTIFICATE OF CONCURRENCY

City of Venice  
Certificate of Concurrency



Certificate Number: 2017 - 277

Development Permit: Rezoning PUD

Project Name: Milano (Nea Communities)

Location: NE Venice

Parcel I.D. Number: 0392-00-1000, 0389-00-1000, 0389-00-1000, 0390-00-4020, 0390-00-4010, 0391-03-0157, 0392-06-1000 and multiple platted parcels consistent project boundary as per Petition 16-07RZ, comprised of 527 +/- acres.

Owner: Nea Communities of SW FL, LLC and Border and Jacaranda Holdings, LLC

Project Impact: 1,350 residential units total, 2,295 population.

Approving Authority: Zoning Administrator

Date: December 1, 2017

Utilities: Project Impact 2295 ERUs Water and 2295 ERUs Wastewater.  
Staff - No indication of concurrency issue.

Public Works: Solid waste concurrency: Project generation 14,000 lbs. per day.  
Staff - No indication of concurrency issue.  
Parks concurrency: Project generation 2,295 population equating to additional park demand of 16.1 acres of land.  
Staff - No indication of concurrency issue.

Engineering / Stormwater: Concurrency is not being granted for this public facility. Concurrency must be confirmed through subsequent development orders for the project.

Public Schools: Concurrency is not being granted for this public facility. Concurrency must be confirmed through subsequent development orders for the project.

Planning: All applicable information related to transportation is from the Traffic Study from Stantec dated April 2017 that is incorporated as background for this concurrency certificate. It is further noted that transportation concurrency analysis only evaluated the impact of the additional development potential (above that which was evaluated for the VICA PUD and Developer's Agreement). As such, the VICA Developer's (dated July 29, 2014) is incorporated by reference.

Project Transportation Impact:

New Milano: 673 PM Peak Hour Trips Per Day.

**Previous VICA: 380 PM Peak Hour Trips Per Day (455 units east of Jacaranda)**

**Total Milano (VICA/Laurel Lakes): 1,053 PM Peak Hour Trips Per Day.**

**The following roadway improvements have been identified but are not the responsibility of the developer:**

- I-75 SB Ramps/Laurel Road intersection.
- Add a second southbound left-turn lane Jacaranda Boulevard/Laurel Road Intersection.
- Add an eastbound right-turn lane Jacaranda Boulevard/Border Road Intersection.
- Signalize and restripe the southbound approach Jacaranda Boulevard/I-75 SB Ramps Intersection.
- Add a southbound left-turn protected plus permitted phase.

**The following roadway improvements have been identified and are the responsibility of the developer:**

**Laurel Road Driveway 1:**

- Construct a 235-foot westbound left-turn lane.

**Jacaranda Boulevard/Driveway 2:**

- Construct a 145-foot southbound right-turn lane.
- Construct a 220-foot northbound left-turn lane.

**Jacaranda Boulevard/Driveway 3:**

- Construct a 145-foot southbound right-turn lane.
- Construct a 245-foot northbound left-turn lane.

**Jacaranda Boulevard and Border Road Intersection (From VICA Developer's Agreement):**

- Restripe Northbound Approach to an exclusive left turn lane, a shared through/right lane, and a bike lane.

**Minimum Adopted level of service is maintained**

The issuance of this concurrency certificate shall not be construed as establishing any right or entitlement to any additional concurrency certificate; as creating any vested rights concerning future development of the subject property; or as reserving to the owner any capacity for utility service.

*Consistent with Section 94-37 of the City's Code of Ordinances, this certificate shall expire simultaneously with the expiration of the Development Order for the Milano PUD.*





# MILANO PUD AMENDMENT

## PROJECT NARRATIVE

The Milano PUD is ~~528~~ 503.9+/- acre property located south of Laurel Road, north of Border Road, and bisected by the Jacaranda Boulevard Extension. The property is located within the Northeast Neighborhood of the Comprehensive Plan and has a Future Land Use Designation of Mixed Use Residential (MUR). The Milano PUD approved by Ordinance No. 2017-25 is a residential community consisting of detached single-family homes, paired villas, multi-family homes, amenity centers and open space. The density approved for the Milano PUD is up to 1,350 dwelling units.

The Milano PUD was amended by Ordinance No. 2020-40, which approved revisions to the PUD binding master plan which were all located within the approximately 36 acre development pod at the northwest corner of the Milano PUD, and were limited to the addition of one access point along Laurel Road and the restriction of the existing access point to egress only, the addition of project signage at the new access point, the addition of lot standards for townhomes, a modification of driveway standards for townhomes, the addition of an Amenity Area, the addition of alternative roadway sections to allow for on street parking, and minor modifications to conceptual stormwater pond configurations.

The Milano PUD was amended by Ordinance No 2022-23~~This proposed amendment is limited to the removal of 24.1 acres of open space along the western boundary of the Milano PUD, an area of open space which will be was added to the adjacent GCCF PUD and will remains open space within the GCCF PUD. Removal of the open space will reduced the Milano PUD acreage to 503.9 acres, the minimum 50% open space within the Milano PUD will be was maintained, or exceeded. No other changes are were proposed with this the amendment.~~

This amendment to the Milano PUD proposes to re-designate a 10.42 acre parcel at the southwest corner of the Jacaranda Boulevard and Laurel Road, within the Milano PUD, from Open Space to Commercial, to add access points for the Commercial parcel and establish development standards for the Commercial parcel. The proposed Commercial designated parcel will allow for the provision of limited retail and service uses to meet the needs of the residents of the PUD while reducing trip lengths and increasing multi-modal accessibility to such services for the residents. The PUD requirement for a minimum of 50% Open Space will continue to be maintained.

All internal roadways will be privately owned and maintained. The on-site storm water management system will be privately owned and maintained. Water and wastewater facilities will be dedicated to the City of Venice.

## COMPLIANCE

The proposed amendment to the Milano PUD plan remains consistent with all applicable elements of the City's updated 2017 Comprehensive Plan. Specifically, the proposed amendment to the Milano PUD is consistent with *Land Use Element and Northeast Neighborhood Element Strategies LU 1.2.16, LU 1.2.17, and LU NE 1.1.1.A and C.*, with respect to density and open space, and with *Open Space Element Intents OS 1.1, OS1.2, OS 1.3, OS1.4, OS 1.5 and OS 1.6* with respect to open space uses, wetlands, native habitats and open space corridors, and with *Land Use Element Intent LU 4.1.*, with respect to transitional strategies related to compatibility, and development standards.

Finally, the proposed Milano PUD is in compliance with the City of Venice Land Development Code Sec. 86-130 requirements for Planned Unit Development (PUD) Districts as outlined in the below Land Use and Development Standards.

## LAND USE AND DEVELOPMENT STANDARDS

The following identifies the proposed development standards for the Milano Planned Unit Development. In furtherance of the interpretation authority granted by the City of Venice Comprehensive Plan and Land Development Code, the Zoning Administrator shall have authority to administratively approve minor modifications of standards contained with the Milano Planned Unit Development, excluding standards related to density, building height, buffer widths, and the addition of permitted uses. Reasonable mitigation measures may be imposed by the Zoning Administrator to limit impacts from the requested adjustment of standards. Where the PUD master plan identifies areas for residential uses, the developer shall have the option to convert such residential use areas to open space uses.

Any standard not stated or otherwise addressed in the binding master plan is subject to Section 86-130, City of Venice PUD standards.

### A. Land Uses

#### 1) Permitted Principal Uses and Structures

- Residential single-family dwellings (detached)
- Residential single-family dwellings (attached)
- Townhomes
- Multi-family dwellings
- Private club, community centers and civic and social organization facilities
- Recreational areas
- Open Space
- Convenience Stores
- Grocery Stores
- Pharmacies
- Produce markets
- Bakeries
- Florists
- Gift Shops

- Liquor stores
- Hair and beauty care and other similar services
- Pet grooming
- Health spas
- Clothing repair and alteration
- Dry cleaning/laundry services
- Studios for instruction in dance, music, yoga, cheer/gymnastics and fitness
- Professional and business offices, medical and dental clinics
- Banks and financial institutions
- Restaurants

2) Permitted accessory uses and structures

- Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- Are located on the same lot as the permitted or permissible use or structure or on a contiguous lot in the same ownership.
- Do not involve operations or structures not in keeping with the character of the district.
- Do not involve the conduct of business on residential premises, provided that accessory home occupations shall be allowed as accessory to residential uses.

B. Density/ Intensity

- 1) Residential- Up to 1,350 residential units
- 2) Commercial- ~~None~~ Maximum 10.42 acres
  - Maximum 0.5 FAR
  - No single use retail in excess of 65,000 square feet
- 3) Open Space- Minimum 50%

C. Maximum Height of Structures- 3 stories up to 42' including parking.

D. LOT DETAIL

1) Single-Family Detached

- Minimum Lot Size: 4,500 square feet
- Maximum Lot Coverage: None, except as required to meet other requirements set out in this section
- Lot Width: 40 feet
- Front Yard: 20 feet, or 15 feet when building has side entry garage
- Side Yard: 5 feet
- Rear Yard: 10 feet
- Accessory structures/appurtenant structures including, but not limited to pool cages, may be located within five feet of the rear lot line

2) Single-Family Attached (Paired Villas)

- Minimum Lot Size: 4,140 square feet
- Maximum Lot Coverage: None, except as required to meet other requirements set out in this section
- Lot Width: 36 feet
- Front Yard: 20 feet
- Side Yard: 5 feet
- Rear Yard: 10 feet
- Accessory structures/appurtenant structures including, but not limited to pool cages, may be located within five feet of the rear lot line

3) Townhomes

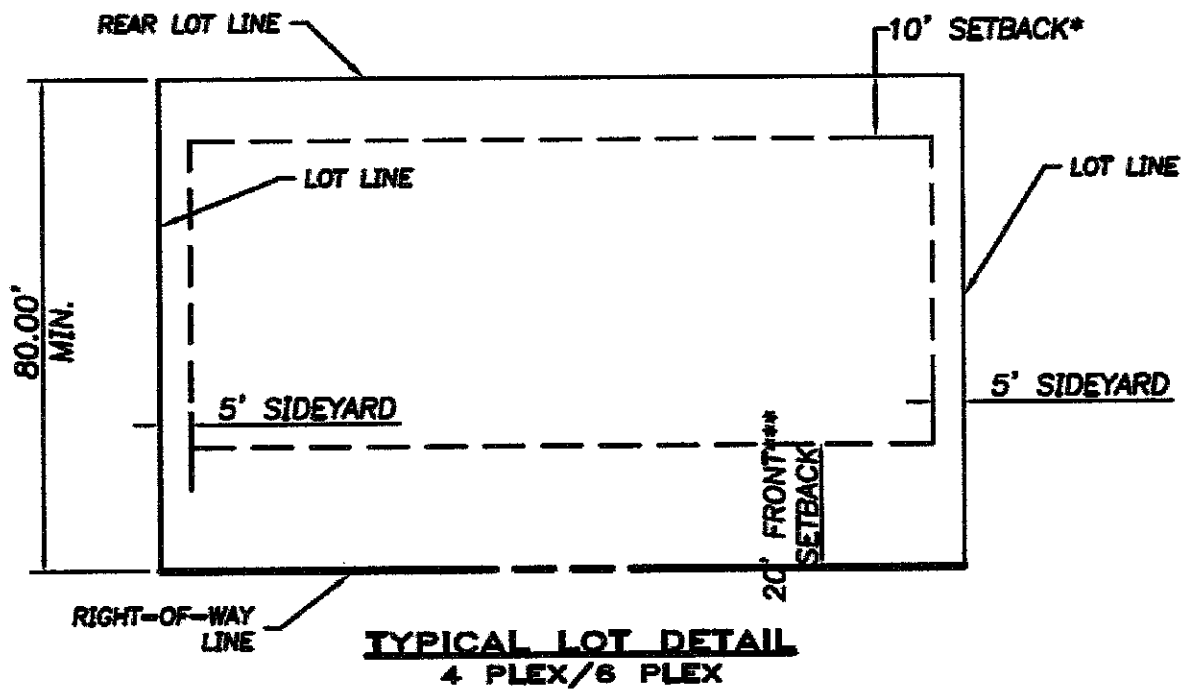
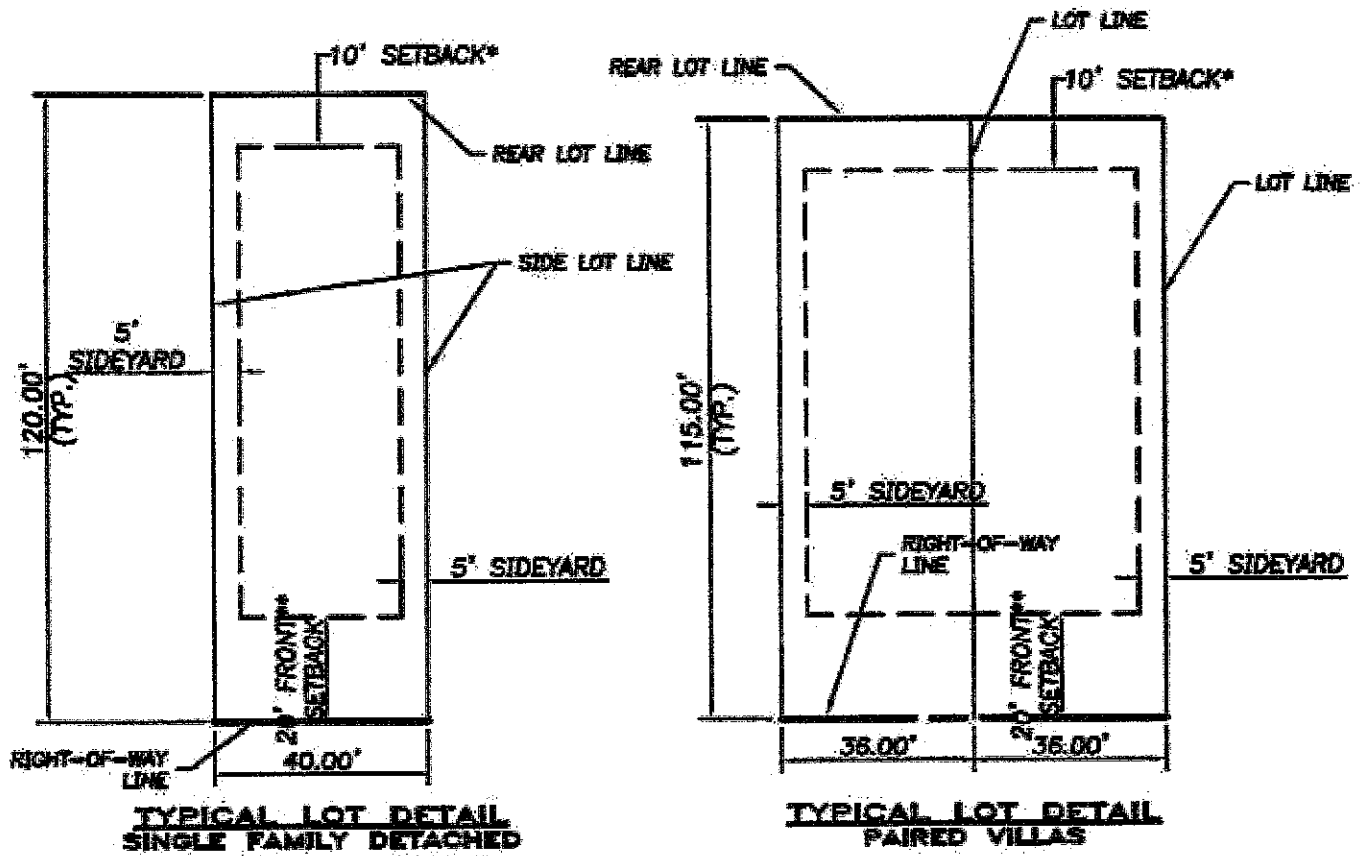
- Minimum Lot Size: 1,800 square feet
- Maximum Lot Coverage: None, except as required to meet other requirements set out in this section
- Lot Width: 18 feet
- Front Yard: 20 feet
- Side Yard: none
- Rear Yard: 10 feet
- Accessory structures/appurtenant structures including, but not limited to pool cages, may be located within five feet of the rear lot line

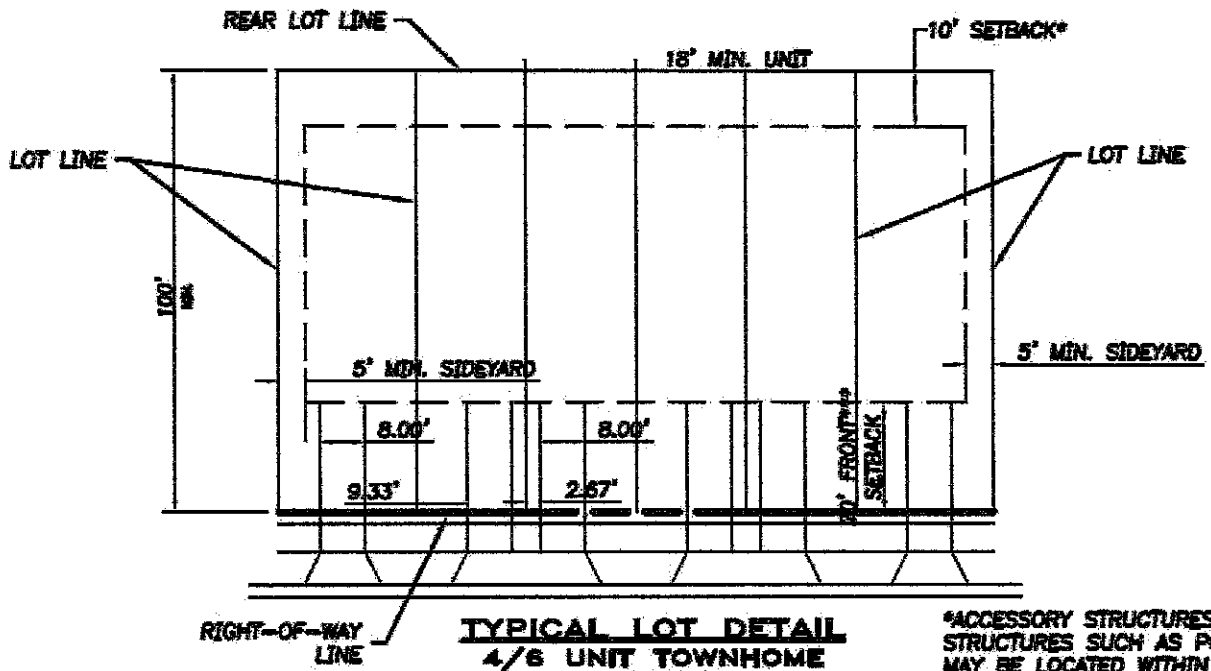
4) Multi-Family

- Minimum Lot Size: 10,400 square feet
- Maximum Lot Coverage: None, except as required to meet other requirements as set out in this section
- Lot Width: 130 feet
- Front Yard: 20 feet
- Side Yard: 5 feet
- Rear Yard: 10 feet
- Accessory structures/appurtenant structures including, but not limited to pool cages, may be located within five feet of the rear lot line

5) Commercial

- Minimum Lot Size: None, except as required to meet other requirements as set out in this section
- Maximum Lot Coverage: None, except as required to meet other requirements as set out in this section
- Lot Width: None, except as required to meet other requirements as set out in this section
- Front Yard: 10 Feet
- Side Yard: None
- Rear Yard: 10 Feet





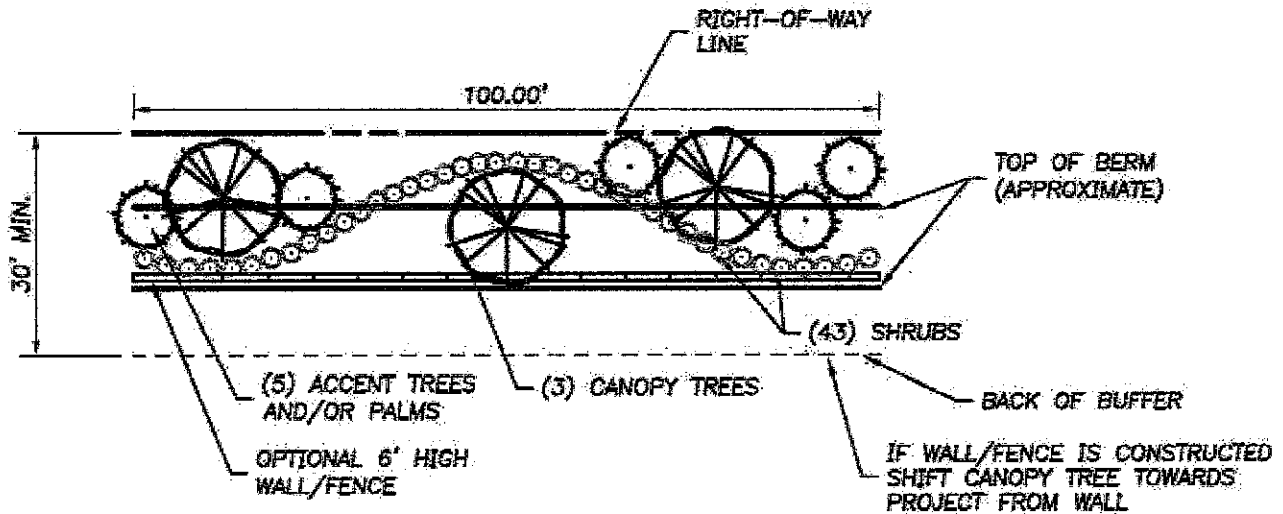
\*ACCESSORY STRUCTURES/APPURTENANT STRUCTURES SUCH AS POOL CAGES, MAY BE LOCATED WITHIN FIVE FEET OF THE REAR LOT LINE.

\*\*FRONT SETBACK MAY BE REDUCED TO 15' WHEN THE BUILDING HAS A SIDE ENTRY GARAGE

\*\*\*SETBACKS ARE MINIMUMS AND MAY BE EXCEEDED WHERE NECESSARY

E. BUFFERS/LANDSCAPING

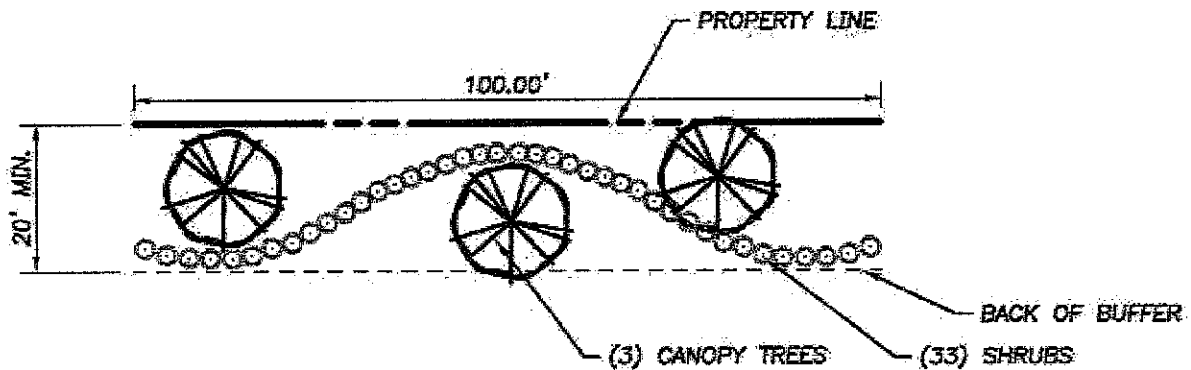
RESIDENTIAL



JACARANDA BOULEVARD TYPICAL BUFFER

NOTES:

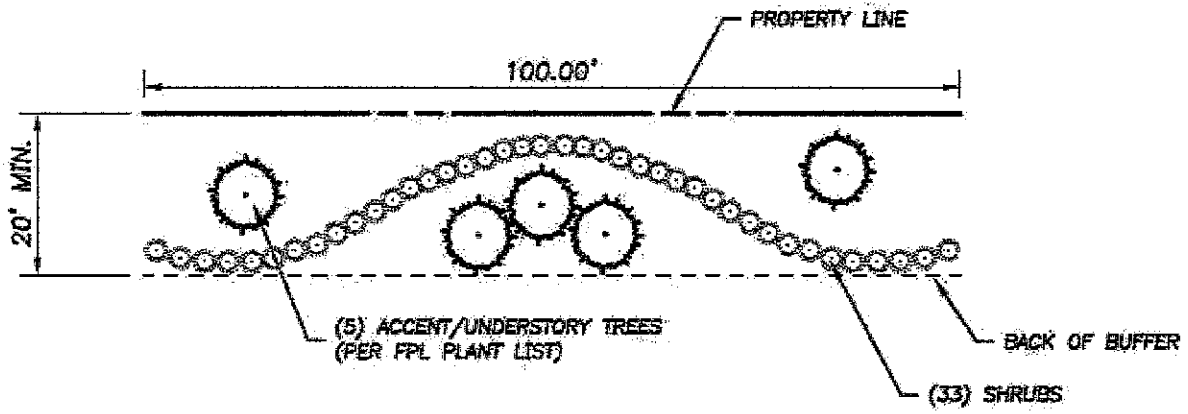
PLANT MATERIAL AND WALL LOCATION DEPENDS ON EXISTING SARASOTA COUNTY UTILITIES LOCATIONS BERM CONSTRUCTION RESTRICTIONS PER SARASOTA COUNTY UTILITY DEPARTMENT.



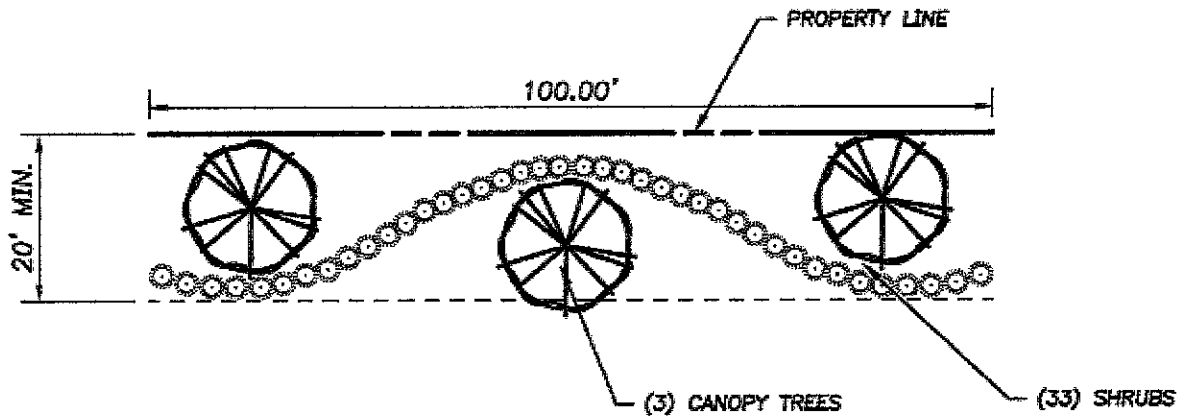
EAST PROPERTY LINE TYPICAL BUFFER

NOTES:

1. EXISTING VEGETATION TO REMAIN WHERE FEASIBLE TO SATISFY BUFFER PLANTING REQUIREMENTS
2. TYPICAL BUFFER REQUIREMENTS WILL NOT APPLY WHERE EXISTING WETLANDS ARE TO REMAIN.

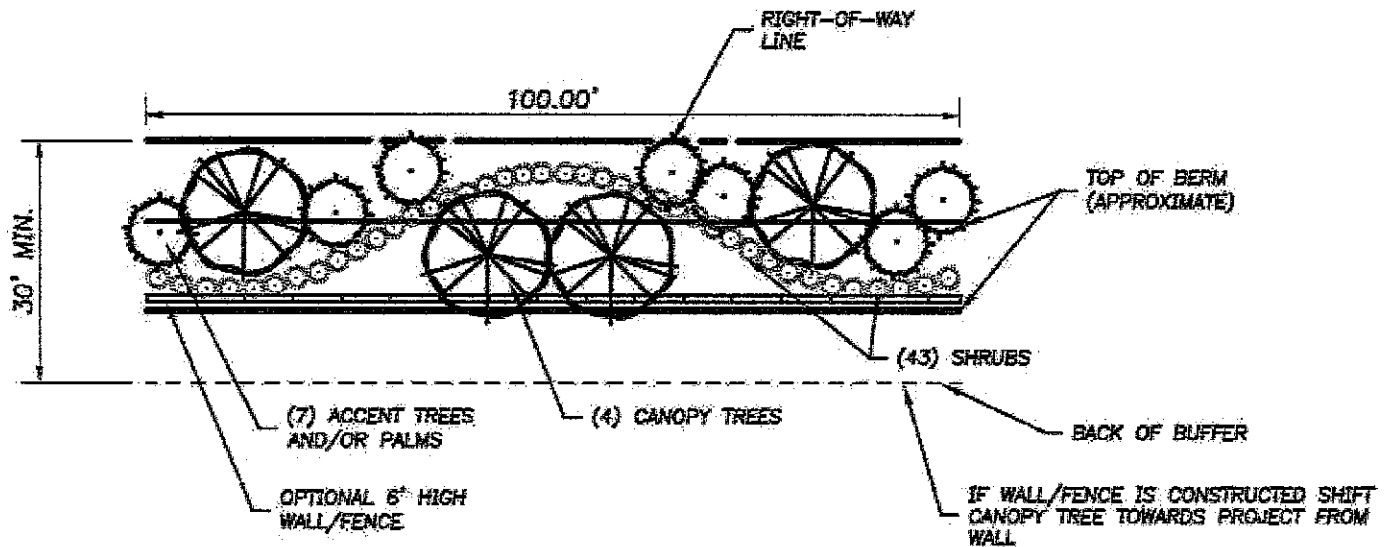


**WEST PROPERTY LINE BUFFER (TYPE A)(FPL EASEMENT)**



**WEST PROPERTY LINE BUFFER (TYPE B)(NO FPL EASEMENT)**



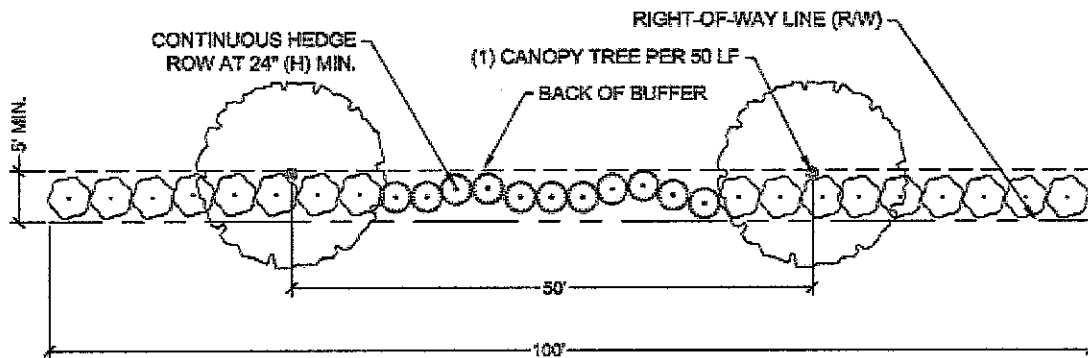


**LAUREL ROAD AND BORDER ROAD TYPICAL BUFFER (60% OPACITY)  
(TYPE C) - WITH FPL CONFLICT**

**NOTES:**

1. EXISTING VEGETATION TO REMAIN WHERE FEASIBLE TO SATISFY BUFFER PLANTING REQUIREMENTS
2. TYPICAL BUFFER REQUIREMENTS WILL NOT APPLY WHERE EXISTING WETLANDS ARE TO REMAIN.
3. WHERE OVERHEAD UTILITY POLE LOCATIONS RESTRICT VERTICAL VEGETATION HEIGHTS, ACCENT TREES AS DEFINED BY SARASOTA COUNTY SHALL BE USED IN LIEU OF A CANOPY TREE.

**COMMERCIAL**



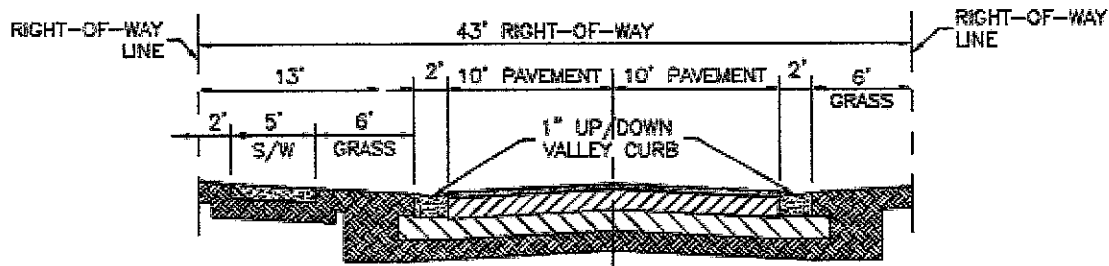
**Laurel Road and Jacaranda Boulevard Typical Buffer**

**NOTES:**

1. PLANT MATERIAL SPECIES AND LOCATION DEPENDS ON EXISTING UTILITY LOCATIONS.
2. AN OPAQUE WALL CAN BE USED IN LIEU OF A CONTINUOUS HEDGE. IF A WALL IS TO BE UTILIZED ONE SHRUB/VINE PER 10 LINEAR FEET SHALL BE PLANTED. THESE SHRUBS/VINES SHALL NOT BE PLANTED EVERY 10 FEET.
3. SHRUBS/VINES SHALL BE PLANTED STREET SIDE UNLESS THEY ARE OF SUFFICIENT HEIGHT AT THE TIME OF PLANTING.
4. THE REMAINDER OF THE BARRIER SHALL BE LANDSCAPED WITH GRASS, GROUND COVER OR OTHER LANDSCAPE TREATMENT.

## F. Roadway Design

- 1) The Milano PUD proposes an alternative neighborhood roadway design with the following standards ( see typical roadway section below):
  - Right-of-Way: 43 feet
  - Travel Lanes: 10 feet
  - Sidewalk: 5 feet, one side of street only
  - 2 foot curb
  - One (1) tree per lot which may be placed within or adjacent to the ROW, minimum 3" caliper at installation

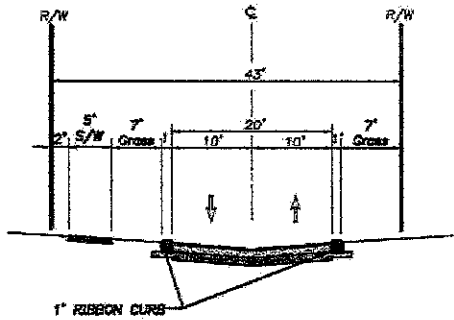


### TYPICAL NEIGHBORHOOD ROADWAY SECTION

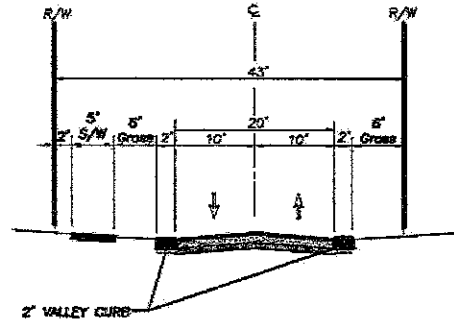
#### NOTES:

1. ALL PRIVATE LOCAL STREET RIGHT OF WAYS TO BE INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENTS, AND PUBLIC UTILITY EASEMENTS.
  2. NO UTILITY SERVICES IN SIDEWALK.
  3. THERE SHALL BE NO ON-STREET PARKING PERMITTED.
- 2) Pursuant to Sec. 86-233(3) City Council Approval of dead-end streets (cul-de-sacs) up to 1,200 feet in length is requested.
  - 3) Pursuant to City of Venice Comprehensive Plan, Housing and Neighborhood Development Policy 2.6, City Council approval of limited access gates for neighborhood roads is requested.
  - 4) The Milano PUD proposes the additional alternative roadway design standards for the 36 acre development pod at the northwest corner of the Milano PUD.

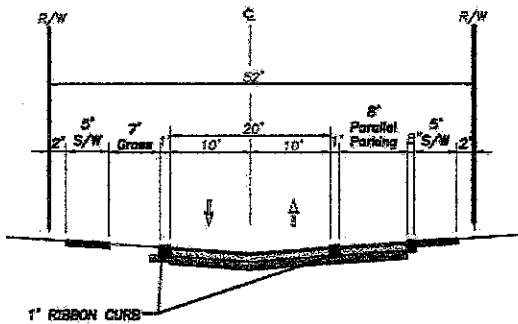
## ROADWAY SECTIONS



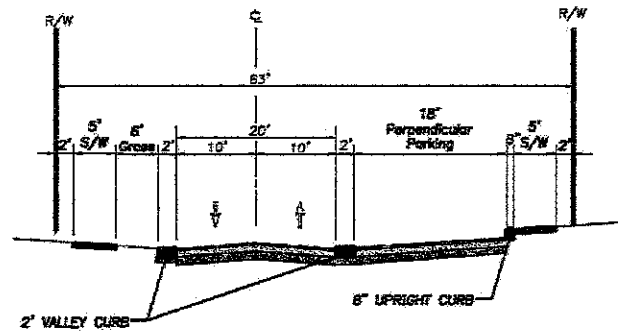
**INVERTED CROWN 43' RIGHT-OF-WAY SECTION**  
20' PAVEMENT  
- NO SCALE -



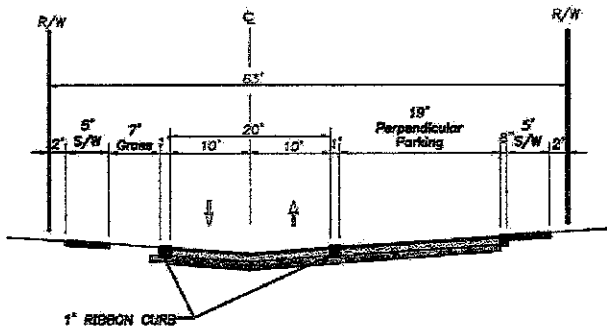
**TYPICAL NEIGHBORHOOD ROADWAY SECTION**  
20' PAVEMENT  
- NO SCALE -



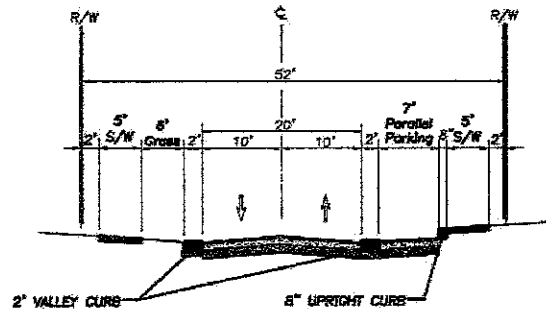
**INVERTED CROWN 52' RIGHT-OF-WAY SECTION**  
PARALLEL PARKING  
20' PAVEMENT  
- NO SCALE -



**CROWN 63' RIGHT-OF-WAY SECTION**  
PERPENDICULAR PARKING  
20' PAVEMENT  
- NO SCALE -



**INVERTED CROWN 63' RIGHT-OF-WAY SECTION**  
PERPENDICULAR PARKING  
20' PAVEMENT  
- NO SCALE -



**CROWN 52' RIGHT-OF-WAY SECTION**  
PARALLEL PARKING  
20' PAVEMENT  
- NO SCALE -

**NOTES:**

1. ALL PRIVATE LOCAL STREET RIGHT OF WAYS TO BE INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENTS, AND PUBLIC UTILITY EASEMENTS.
2. NO UTILITY SERVICES IN SIDEWALK.

G. SIGNAGE: No signs are permitted in the Milano PUD except:

RESIDENTIAL

- 1) One non-illuminated temporary construction project ground sign per street frontage, not exceeding 32 square feet in area, such sign not to be erected more than 60 days prior to the time actual construction begins, and to be removed upon completion of actual construction. If construction is not begun within 60 days or if construction is not continuously and actively prosecuted to completion, the sign shall be removed.
- 2) One community identification, monument-style ground sign, not to exceed nine (9) feet in height and twenty (20) feet in width, on each side, or in the median and one side, of each vehicular access point off Laurel Road and Jacaranda Boulevard, including access points at the intersections of Laurel Road and Jacaranda Boulevard, and Border Road and Jacaranda Boulevard.
- 3) One wall or monument-style ground sign, not over eight square feet in area, to identify a private club.

COMMERCIAL

- 1) Monument Ground Sign - one per vehicular access point off Laurel Road and Jacaranda Boulevard, maximum sign face 100 square feet, maximum area of structure including sign face 250 square feet, maximum height 15 feet.
- 2) Building Sign - Single-tenant building 1.5 sq. ft. per linear foot of building frontage OR 150 sq. ft. total, whichever is less.
- 3) Multi-tenant building 1.5 sq. ft. per linear foot of tenant space with public entrance.

H. Architectural Design Standards: Pursuant to City of Venice Comprehensive Plan, Future Land Use and Design Element, Policy 16.18.G.1, the Milano PUD will apply Northern Italian Architectural Design.



Building. Home. Life.

### TYPICAL HOUSING STYLES

NEAL COMMUNITIES

2541 WEST TONGUE CREEK AVENUE SUITE 2000

## PROPOSED MILANO PUD MODIFICATION TO STANDARDS

- 1) A modification to the requirements of Sec. 86-130 (q), concerning the requirement that no structure shall be located closer to any perimeter property line than two times the height of such structure, is requested. The proposed modification is to reduce the required setback from perimeter property lines to one times the building height.

The proposed modification request is justified based upon the low intensity of the development plan, the extensive perimeter buffers and the significant amount of open space otherwise provided.

- 2) A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification reduces right-of way width from 52' to 43', allows for sidewalks on one side of the neighborhood roadway only, and eliminates bike lanes for the neighborhood roadways.

The proposed modification request is justified based upon the protection of wetlands and their buffers afforded by the modification, the low intensity of the development plan, and the circulation plan which demonstrate sidewalks on one side of the street will provide excellent pedestrian connectivity from each of the development pods to the amenity center and also to the sidewalk and multi-use trail along Jacaranda Boulevard.

- 3) A modification to Sec. 86-130 (h) is requested concerning building height. The proposed modification is to replace the Land Development Code standard of 35' over 10' of parking with the Comprehensive Plan standard of 3 stories up to 42' including parking.

The proposed modification, at the direction of City staff, is necessary to address an inconsistency between the City's Land Development Code and its Comprehensive Plan.

- 4) A modification to Sec. 86-423(b) is requested concerning driveway standards for Townhomes. The proposed modification is to substitute the driveway dimension as depicted on the Typical Lot Detail for Townhomes (Page 6), and to reduce the required minimum distance from the edge of pavement of two intersecting streets from 40 feet to 30 feet.

The proposed modification is justified based upon the width of Townhome lots, and the limited number of driveways which will be located in proximity to the intersection of two streets, and the number of lots that would not meet the 40 foot standard (one lot).

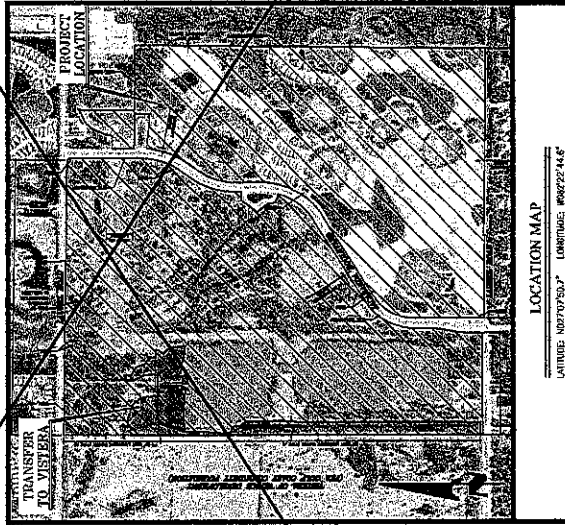
- 5) A modification to the requirements of Sec. 86-437. - Landscaping adjacent to property lines is requested to eliminate the requirement for a landscape buffer along the southern boundary of the commercial parcel.

The proposed modification is justified due the location of the 330 foot wide FPL easement located along the entire southern boundary and the significant amount of remaining vegetation providing a natural buffer within and to the south of the FPL easement between the nearest adjacent residences in excess of 500 feet from the southern boundary.

PLANNED UNIT DEVELOPMENT PLANS FOR  
**MILANO**

PART OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST  
 CITY OF VENICE  
 SARASOTA COUNTY, FL

A DEVELOPMENT BY  
 NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC  
 5800 LAKEWOOD RANCH BOULEVARD  
 SARASOTA, FL 34240  
 (941) 328-1111



SHEET NO.	DESCRIPTION
1	COVER SHEET
2	MASTER SITE PLAN
3	CIRCULATION PLAN

CALL BEFORE YOU DIG!  
 'SUNSHINE STATE ONE-CALL CENTER'  
 1-800-422-4770  
 CHIEF OF STAFF, STATE DEPARTMENT OF TRANSPORTATION  
 22800 N.W. 107th Avenue, Boca Raton, FL 33433  
 JANUARY 27, 2022 **ERIC**

**AM ENGINEERING, LLC.**  
 CIVIL Engineering | Land Surveying  
 8300 Central Expressway, Suite 110, Sarasota, FL 34240  
 CA 03705 | 941 4434

NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC  
 MILANO  
 COVER SHEET

SCALE: 1"=300'  
 DATE: N/A  
 DRAWN BY: N/A  
 CHECKED BY: N/A  
 PROJECT NO.: NEAL0018.PUD

DATE: 01/27/22  
 SHEET NO.: 1  
 TOTAL SHEETS: 3  
 PROJECT NO.: NEAL0018.PUD  
 DRAWN BY: R. CARROLL, P.E.  
 CHECKED BY: R. CARROLL, P.E.



### LAND USE AREA TABLE

LAND USE	ACRES	%
SINGLE FAMILY/PANED VILLAS/MULTI-FAMILY	182.0	36.1%
AMENITY AREA	5.0	1.0%
P.O.W.	50.0	9.9%
OPEN SPACE	11.0	2.2%
WETLANDS	31.0	6.2%
WATER	30.0	6.0%
CONSERVATION AREA	9.0	1.8%
OTHER OPEN SPACES	57.0	11.3%
LESS OPEN SPACE TRANSFER TO SCOP PUD	(24.1)	4.8%
<b>TOTAL OPEN SPACE</b>	<b>266.9</b>	<b>53.0%</b>
<b>TOTAL AVERAGE</b>	<b>503.9</b>	<b>100.0%</b>

**SITE DATA:**  
 ZONING: PLANNED UNIT DEVELOPMENT (PUD)  
 TOTAL PROJECT AVERAGE: 527.33 AC  
 TOTAL PROJECT AVERAGE: 1,350  
 RESIDENTIAL DENSITY/ACRE: 2.39

OPTIONAL CONNECTION  
 SIGNS (GENERALIZED LOCATIONS)

NEAL COMMUNITIES OF  
SOUTHWEST FLORIDA, LLC

MILANO PUD

MASTER SITE PLAN

SCALE IN FEET

0 150 300 600

1" = 300'

DATE: N/A

SCALE: N/A

NEAL0016PUD

SHEET NO. 2

CALL BEFORE YOU DIG!  
 SUNSHINE STATE CENTER  
 1-800-368-3470

FOR INFORMATION ON ANY PROJECT OR FOR A FREE COPY OF THE  
 FLORIDA STATE DEPARTMENT OF REVENUE'S  
 "FLORIDA'S GUIDE TO BUSINESS CONSTRUCTION"

DATE: JANUARY 27, 2022

PROJECT: PUD MODIFICATION

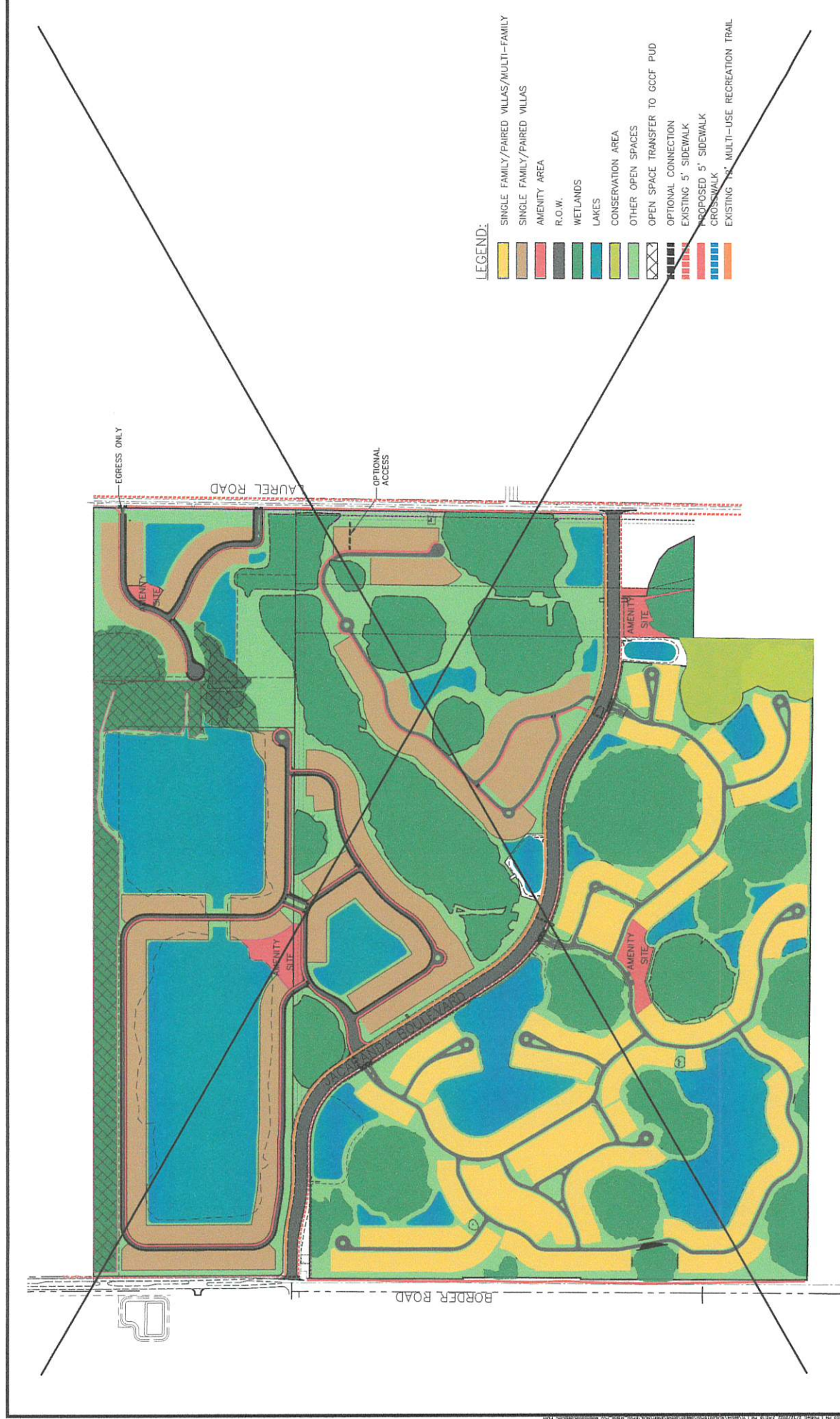
Civil Engineering | Land Surveying

**ENGINEERING, LLC.**

8340 Consumer Court Sarasota, FL 34240  
 Phone: (941) 377-9788 | www.ameggl.com  
 CA 10310 | FL 4624

EDDIE R. CLARIBROCK, PE  
 SITE PLAN





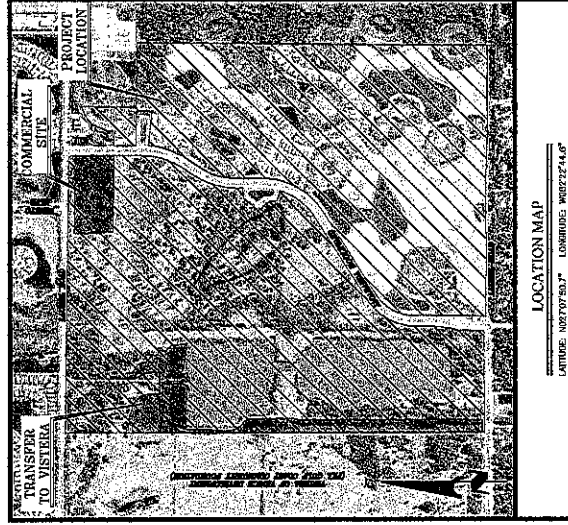
- LEGEND:**
- SINGLE FAMILY/PAIRED VILLAS/MULTI-FAMILY
  - SINGLE FAMILY/PAIRED VILLAS
  - AMENITY AREA
  - R.O.W.
  - WETLANDS
  - LAKES
  - CONSERVATION AREA
  - OTHER OPEN SPACES
  - OPEN SPACE TRANSFER TO GCCF PUD
  - OPTIONAL CONNECTION
  - EXISTING 5' SIDEWALK
  - PROPOSED 5' SIDEWALK
  - CROSSWALK
  - EXISTING 10' MULTI-USE RECREATION TRAIL

	<p>CALL BEFORE YOU DIG "SUNSHINE" 1-800-437-4770 THE CONTRACTOR SHALL NOTIFY THE STATE OFFICE OF FLORIDA UTILITIES AND TRANSPORTATION AT LEAST 72 HOURS BEFORE ANY CONSTRUCTION.</p> <p>DATE: JANUARY 27, 2022</p> <p>PROJECT: BRC</p>	<p>Civil Engineering   Land Surveying</p> <p><b>AM ENGINEERING, LLC.</b></p> <p>8340 Consumer Court Sarasota, FL 34240 Phone: (941) 377-9716   www.amengr.com CA 01818   FL 04024</p>	<p>NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC</p> <p>MILANO PUD</p> <p>CIRCULATION PLAN</p>	<p>SCALE: 1" = 300'</p> <p>DATE: N/A</p> <p>PROJECT: N/A</p> <p>DRAWN BY: NEAL001/BJUD</p> <p>CHECK BY: BOBBI R. CLARIBORNE, P.E.</p> <p>DATE: 01/27/22</p> <p>PROJECT NO.: 2022-001</p>
		<p>SCALE IN FEET</p>		
<p>PUD MODIFICATION</p>				

PLANNED UNIT DEVELOPMENT PLANS FOR  
**MILANO**

PART OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST  
CITY OF VENICE  
SARASOTA COUNTY, FL

A DEVELOPMENT BY  
NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC  
5800 LAKEWOOD RANCH BOULEVARD  
SARASOTA, FL 34240  
(941) 328-1111



SHEET NO.	DESCRIPTION
1	COVER SHEET
2	MASTER SITE PLAN
3	CIRCULATION PLAN

CALL BEYOND LOCAL CENTER SUNSHINE 1-800-432-4770 DISCOUNTS AVAILABLE FOR GROUPS OF 10 OR MORE FACTORY DIRECT TO YOUR HOME		CIVIL ENGINEERING   LAND SURVEYING <b>ENGINEERING, LLC.</b> 810 Cranmer Court, Suite 14, 2490 Sarasota, FL 34231   www.ansingllc.com CA 43183   IL 4134		NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC MILANO COVER SHEET		Scale: 1" = 200' N/A N/A NEAL0016PUD 1		Bobbi Claybrooke ENGINEER 1/12/22 5800 LAKEWOOD RANCH BOULEVARD SARASOTA, FL 34240	
PUD MODIFICATION		JANUARY 27, 2022		BRC		BRC		BRC	

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY BOBBI R. CLAYBROOKE, PE ON 11/16/2022 USING A DIGITAL SIGNATURE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



### LAND USE AREA TABLE

LAND USE	ACRES	%
SINGLE FAMILY/PARSED VILLAS/MULTI-FAMILY	182.0	36.1%
AMENITY AREA	5.0	1.0%
COMMERCIAL SITE	10.4	2.1%
ROW	50.0	9.9%
OPEN SPACE	150.0	30.0%
LAWS	93.2	18.3%
CONSERVATION AREA	9.0	1.8%
OTHER OPEN SPACES	57.2	11.4%
LESS OPEN SPACE TRANSFER TO SCGP PUD (24.1)	258.5	51.8%
<b>TOTAL VARIANCE</b>	<b>860.9</b>	<b>100.0%</b>

**SITE DATA:**  
 ZONING: PLANNED UNIT DEVELOPMENT (PUD)  
 TOTAL PROJECT AREA: 503.9 AC  
 TOTAL RESIDENTIAL DWELLING UNITS: 1,350  
 RESIDENTIAL DENSITY/ACRE: 2.68

PROJECT NAME	NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC
SCALE	1" = 100'
DATE	N/A
DESIGNER	N/A
CLIENT	NEAL001 PUD
DATE	2

**MASTER SITE PLAN**

MILANO PUD

**ENGINEERING, LLC.**

Civil Engineering | Land Surveying

8340 Consumer Court Sarasota, FL 34240  
 Phone: (941) 377-9178 | www.amengl.com  
 CA 103103 | IS 14204

**CALL BEFORE YOU DIG!**  
 "SUNSHINE STATE ONE-CALL CENTER"  
 THE CONTRACTOR SHALL NOTIFY THE ONE-CALL CENTER OF ALL UTILITIES TO BE EXCAVATED PRIOR TO BEGINNING CONSTRUCTION.

DATE: **JANUARY 27, 2022**

PROJECT: **PUD MODIFICATION**

NO.	DATE	DESCRIPTION	BY	APP.
1	11/14/20	RESPONSE TO CITY COMMENTS	BR	
2	10/08/22	REVISION FOR COMMERCIAL SITE	BR	
1	03/20/22	RESPONSE TO CITY COMMENTS	BR	
1	01/27/22	ISSUE FOR PERMIT	BR	

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY BOBBIE R. CLAYBROOKE, PE ON 11/16/2022 USING A DIGITAL SIGNATURE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



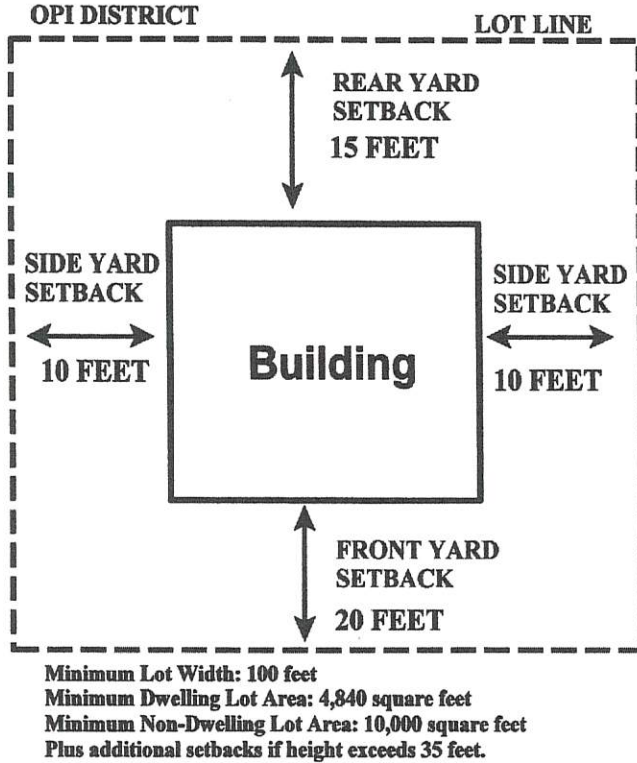
<p>NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC MILANO PUD CIRCULATION PLAN</p>		<p>SCALE: 1" = 300'</p> <p>DATE: N/A</p> <p>BY: N/A</p> <p>APP. DATE: N/A</p> <p>PROJECT NO.: NEAL0016PUD</p> <p>DATE: 3</p>
<p>ONE ENGINEERING   Land Services <b>ENGINEERING, LLC.</b> 8340 Crossmead Court, San Jose, CA 95120 Phone: (415) 377-9178   www.oneeng.com CA #33105   LB #4334</p>		<p>CALL BEFORE YOU DIG! "SUNSHINE STATE ONE-CALL CENTER" THE CONTRACTOR SHALL NOTIFY ALL STATE OPERATIONAL UTILITIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION OR BOREHOLE IS TO BE PERFORMED TO PREVENT DAMAGE TO UTILITIES. DATE: JANUARY 27, 2022 PUD MODIFICATION</p>
<p>3 11/14/22 RESPONSE TO CITY COMMENTS</p> <p>2 10/09/22 MOBY FOR COMMERCIAL SITE</p> <p>DATE: 11/16/22 BY: BOBBY R. CLAYBROOKE</p>	<p>DATE: 11/16/22 BY: BOBBY R. CLAYBROOKE</p>	<p>DATE: 11/16/22 BY: BOBBY R. CLAYBROOKE</p>

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY BOBBY R. CLAYBROOKE, PE ON 11/16/2022 USING A DIGITAL SIGNATURE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

12/29/15

Sec. 86-90. - OPI office, professional and institutional district.

(a) *Generally; intent.* The OPI district is intended for professional and business offices and institutional, cultural and allied uses. Moderate density multiple-family residential uses are permitted by special exception. Erection of new one- and two-family dwellings is not permitted as being out of character with the district. The district is not commercial in character, however, certain very limited commercial uses are permissible by special exception in demonstrated support of office and institutional uses in the specific OPI district. Large scale office, cultural and institutional uses are encouraged to locate in these districts. The OPI district is designed to be compatible with residential uses.



OPI Setbacks

(b) *Permitted principal uses and structures.* Permitted principal uses and structures in the OPI district are:

- (1) Professional and business offices.
- (2) Hospitals, rest homes, nursing homes, convalescent homes, homes for the aged and homes for orphans, provided that no such facility shall have a lot area of less than 2.5 acres, that no building in connection with such facilities shall be closer than 50 feet to the lot line of any adjoining property, and that all other state, county and city regulations in regard to such establishments shall be met.
- (3) Housing for the aged.
- (4) Medical and dental clinics and medical and dental laboratories.
- (5) Existing one- and two-family dwellings.
- (6) Townhouses.
- (7) Art galleries, libraries, museums, community centers, publicly owned and operated recreational facilities, and theaters for live stage productions (amateur or professional).
- (8) Research laboratories not involving odor, noise, smoke or other noxious effects detectable to normal senses from off the premises, and not involving manufacturing activities.
- (9) Houses of worship (except temporary revival or gospel establishments), provided the minimum parcel size shall be two acres.
- (10) Dance, art and music studios.
- (11) Funeral homes.
- (12) Private clubs.
- (13) Animal hospitals with boarding of animals in completely enclosed buildings.
- (14) Banks and financial institutions, without drive-in facilities, provided that such uses shall be located on arterial streets.
- (15) One-family, two-family and multiple-family dwellings within buildings eligible for listing on the local register of historical resources.

(c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the OPI district are:

- (1) Uses and structures which:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
  - b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
  - c. Do not involve operations or structures not in keeping with the character of this district.
- (2) Noncommercial docks.
- (3) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.
- (d) *Prohibited uses and structures.* Any use or structure which is not specifically, provisionally or by reasonable implication permitted in this section or permissible by special exception is prohibited in the OPI district, including the following, which are listed for emphasis:
  - (1) New one- and two-family dwellings.
  - (2) Off-site signs.
- (e) *Special exceptions.* The following special exceptions are permissible in the OPI district after public notice and hearing by the planning commission:
  - (1) Child care centers, provided that:
    - a. A fenced play area of not less than 3,000 square feet shall be provided for the first 20 or fewer children, with 200 square feet additional for each additional child.
    - b. A landscaped buffer shall be required on nonstreet property lines.
  - (2) Multiple-family dwellings.
  - (3) Colleges and universities.
  - (4) Vocational, trade or business schools, provided all activities are conducted in completely enclosed buildings.
  - (5) Sanitariums.
  - (6) Detoxification centers, as defined by state and federal guidelines.
  - (7) Commercial and service activities as follows:
    - a. Where there is a demonstrated need, limited commercial and service activities directly related to and in support of institutional and office uses within the district, such as:
      1. Retail outlets for sale of books, educational and art supplies, florist or gift shops, drugstores for sale of prescriptions and medicines and medical supplies only at retail, prosthetic appliance establishments and similar establishments.
      2. Service establishments such as restaurants (but not drive-in restaurants), restaurants with drive-through or pick-up facilities, barbershops or beauty shops, laundry or dry cleaning pickup stations (but not a laundry, self-service laundry, dry cleaner, etc.), and similar service activities.
    - b. These uses are subject to the following limitations:
      1. Sale, display, preparation and storage shall be conducted within a completely enclosed building.
      2. Products shall be sold only at retail.
      3. No sale, display or storage of secondhand merchandise is permitted.
      4. No signs are permitted other than identification wall signs.
  - (8) When these districts adjoin a commercial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial uses, provided that:
    - a. Such parking lots may be permitted only between the commercial district and the nearest street in the office district.
    - b. A landscaped buffer area is required on all non-street property lines.
    - c. No source of illumination for such lots shall be directly visible from any adjoining residential property.
    - d. No movement of vehicles is permitted on such lots between the hours of 10:00 p.m. and 7:00 a.m., and greater limitations may be imposed where so required.
  - (9) Assisted living facilities. Minimum lot area and setback for buildings in connection with such facilities shall be 2.5 acres with a minimum setback of 50 feet for assisted living facilities exceeding 150 beds.
  - (10) Banks and financial institutions with drive-in facilities, provided that such uses shall be located on arterial streets.
  - (11) Pain management clinic.
- (f) *Conditional use.* The following conditional use is permissible in the OPI district after public notice and hearing by city council:
  - (1) Structures in excess of 35 feet but no more than 85 feet in height.
  - (2) Reserved.
- (g) *Maximum residential density.* Maximum number of dwelling units per acre in the OPI district is:
  - (1) For townhouses and multiple-family dwellings: Nine.
  - (2) For adult congregate living facilities:
    - a. Each separate room or group of rooms designed or intended for use as a residence by an individual or family and having kitchen facilities: 30 units per acre with a maximum of up to 60 percent of the total units in the project.

- b. Each separate room or group of rooms designed or intended for use as a residence by an individual or family and not having kitchen facilities: 55 units per acre.

(h) *Minimum lot requirements (area and width).* Minimum lot requirements in the OPI district are:

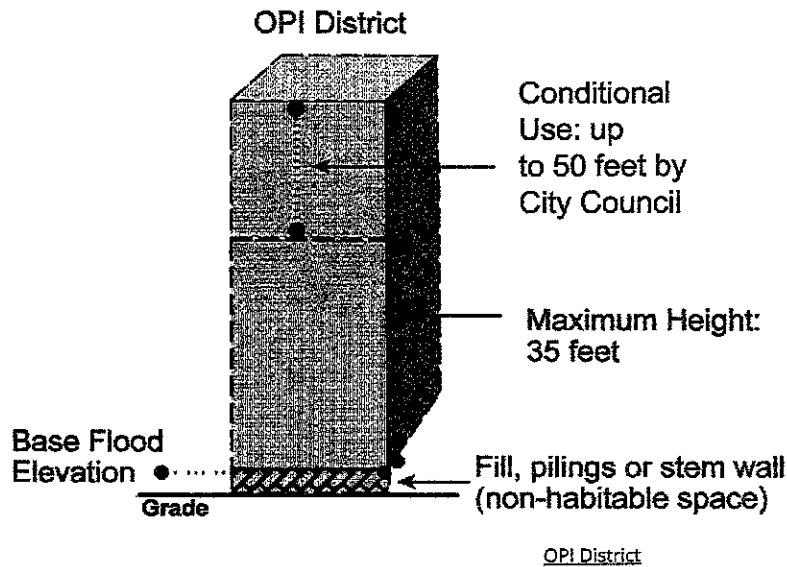
- (1) Width for all uses: 100 feet.
- (2) Area:
  - a. For non-dwelling purposes: 10,000 square feet, except as otherwise provided.
  - b. For dwelling purposes: 4,840 square feet per dwelling unit.

For townhouses and buildings eligible for listing on the local register of historical resources, the minimum lot width shall be 50 feet and the minimum lot area shall be 5,000 square feet.

(i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the OPI district is 30 percent. Maximum lot coverage for all buildings includes all solid-roofed areas and 50 percent of covered parking of one story not in the main building.

(j) *Minimum yard requirements.*

- (1) Minimum yard requirements for all buildings in the OPI district are:
  - a. Front yard: 20 feet.
  - b. Side yard: Ten feet.
  - c. Rear yard: 15 feet.
  - d. Waterfront yards: 20 feet.



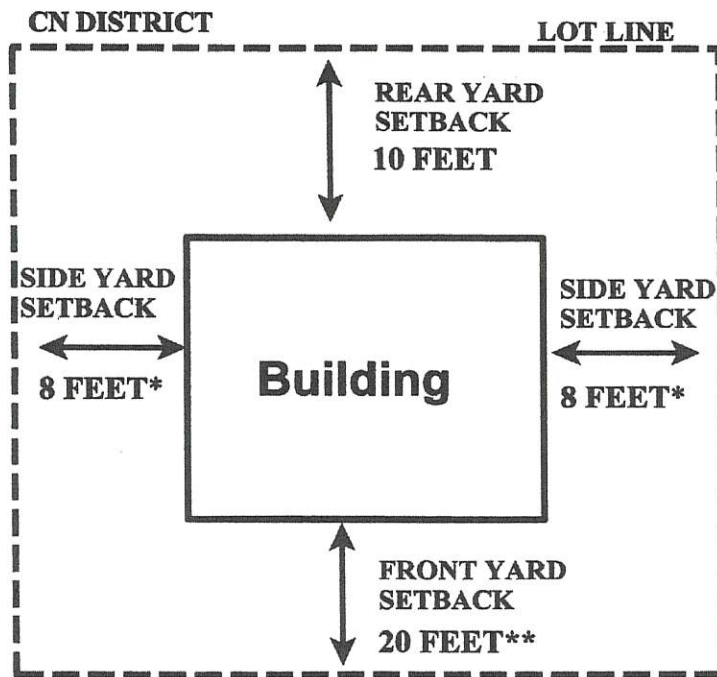
- (2) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot for each four feet of building height, and a front yard of 30 feet or one-half of the building height, whichever is greater.
- (3) For all nonresidential uses, not less than ten feet of the required front yard next to the street shall be landscaped and the landscaping maintained, except for that portion used for ingress and egress.

(k) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the OPI district, except as permissible by conditional use.

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 4, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2015-04, § 5, 3-24-15)

Sec. 86-91. - CN commercial, neighborhood district.

(a) *Generally; intent.* The CN district is intended to apply to areas where selected establishments may be appropriately located to serve within convenient traveling distance from one or several neighborhoods. CN districts are not automotive-oriented commercial districts; therefore, automotive service stations, vehicle repair and sales, and similar automotive-oriented activities are prohibited. The district is not intended for use by major or large scale commercial or service establishments, nor is it intended to encourage extension of strip commercial areas. Professional and business offices and other similar uses are encouraged. Orientation to and compatibility with the neighborhoods to be served are critical. The district is not a residential district, but is ancillary to the residential district which it serves.



**\* Except 0 feet for fire resistive construction**  
**\*\*Except apply residential standard if on block with residential zoning.**

CN Setbacks

(b) *Permitted principal uses and structures.*

(1) Permitted principal uses and structures in the CN district are:

- a. Convenience stores and other retail outlets for sale of food, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshops), art, cameras or photographic supplies (including camera repair), sporting goods, musical instruments, televisions and radios (including repair incidental to sales), drugs and similar products, hobby shops, florist or gift shops, delicatessens and bake shops (but not wholesale bakeries).
- b. Service establishments such as barbershops or beauty shops, shoe repair shops, restaurants (but not drive-in restaurants), existing fast-food restaurants (but not new fast-food restaurants), photographic studios, dance or music studios, self-service laundries, tailors, drapers or dressmakers, laundry or dry cleaning pickup stations and similar activities.
- c. Small loan agencies, travel agencies, employment offices, newspaper offices (but not printing or circulation) and similar establishments.
- d. Professional and business offices, and medical or dental clinics.
- e. Private clubs and libraries.
- f. Railroad rights-of-way.

(2) All permitted uses are subject to the following limitations:

- a. Sale, display, preparation and repair incidental to sales, and storage shall be conducted within a completely enclosed building.
- b. Products shall be sold only at retail.
- c. No sale, display or storage of secondhand merchandise is permitted, except as incidental to the sale of new merchandise.
- d. No sale of alcoholic beverages for on-premises consumption is permitted except with meals.

(c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CN district are:

(1) Uses and structures which:

- a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- c. Do not involve operations or structures not in keeping with the character of the district.

(2) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.

(d) *Prohibited uses and structures.* Prohibited uses and structures in the CN district, are as follows:

- (1) Residential uses, except as specified under accessory uses for this district.
- (2) Off-site signs.
- (3) Adult entertainment establishments.
- (4) Pain management clinic.

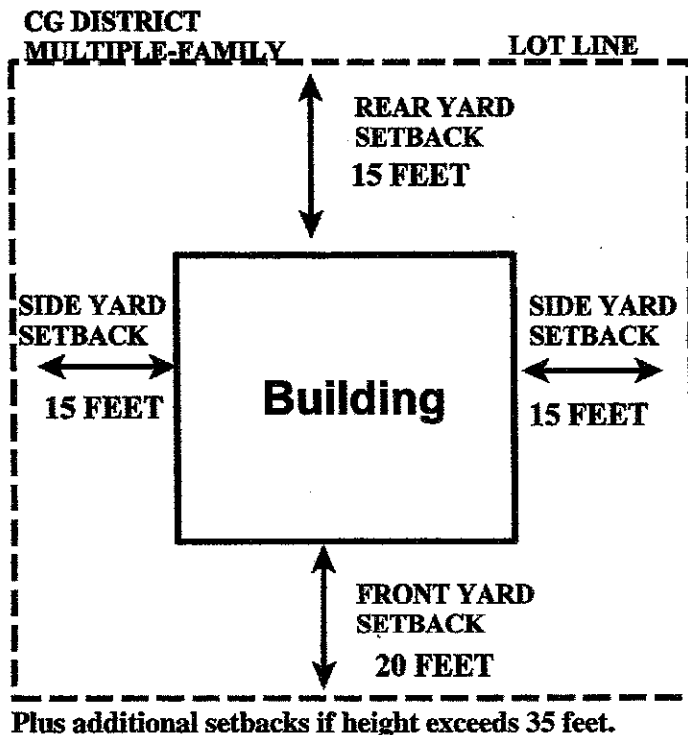


- (e) *Special exceptions.* The following special exceptions are permissible in the CN district after public notice and hearing by the planning commission:
- (1) Essential services.
  - (2) Restaurants with drive-through or pick-up facilities.
- (f) *Maximum residential density.* Maximum number of dwelling units per acre in the CN district is: None; such use is prohibited.
- (g) *Minimum lot requirements (area and width).* Minimum lot requirements in the CN district are: None, except as needed to meet other requirements set out in this section.
- (h) *Maximum lot coverage by all buildings.* Maximum lot coverage in the CN district is: Unrestricted, except as necessary to meet other requirements set out in this section.
- (i) *Minimum yard requirements.* Minimum yard requirements in the CN district are:
- (1) Commercial, service or office activities:
    - a. Front yard: 20 feet; provided that, where a CN zoned lot is located in a block a portion of which is zoned residential, requirements of the residential district apply to the CN zoned lot.
    - b. Side yard:
      1. Fire-resistive construction: Buildings may be:
        - i. Set to the side property line; or
        - ii. Set not less than eight feet back from the side property line.
      2. Non-fire-resistive construction: Buildings must be set back not less than eight feet from the side property line.
    - c. Rear yard: Ten feet.
  - (2) Special provisions:
    - a. Where a CN zoned lot abuts property zoned residential, with or without an intervening alley, then, at the time of development of the CN zoned lot, a landscaped buffer is required for rear yards and for side yards as the case may be. Such rear or side yards shall not be less than 20 feet in width or depth. No yards are required adjacent to the mean high-water line or adjacent to railroad rights-of-way.
    - b. Pump islands or individual fuel pumps shall be set back not less than 25 feet from residentially zoned property and 15 feet from all other property lines.
  - (3) Yards for other permitted or permissible uses.
- (j) *Maximum height of structures.* No portion of a structure shall exceed 25 feet.

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2015-04, § 6, 3-24-15)

Sec. 86-92. - CG commercial, general district.

- (a) *Generally; intent.* The CG district is intended for general commercial activity. Businesses in this category require larger land area and a location convenient to automotive traffic. Pedestrian traffic will be found in this district. The district is not suitable for heavily automotive-oriented uses. It is not the intent of this district that it shall be used to encourage extension of strip commercial areas.



## CG Setbacks

(b) *Permitted principal uses and structures.*

(1) Permitted principal uses and structures in the CG district are:

- a. Retail outlets for sale of home furnishings and appliances (including repair incidental to sales), office equipment or furniture, pet shops and grooming (but not animal kennels), sale of automotive parts (but no repair or installation) and similar uses.
- b. Service establishments such as radio or television stations (but not transmitter towers), funeral homes, interior decorative television repair shops, health spas, letter shops and printing establishments not involving linotype or large-scale typesetting and similar uses.
- c. Indoor commercial recreational facilities such as motion picture theaters, billiard parlors, swimming pools, bowling alleys and similar uses, provided such uses shall be in soundproof buildings.
- d. Vocational, trade and business schools, provided all activities are conducted in completely enclosed buildings.
- e. Miscellaneous uses such as telephone exchanges, and commercial parking lots and parking garages.
- f. Manufacturing of goods for sale only at retail on the premises.
- g. Existing single-family or two-family dwellings.
- h. Union halls.
- i. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchlorethylene and with no odor, fumes or steam detectable to normal senses from off the premises.
- j. Banks and financial institutions, without drive-in facilities.
- k. Commercial and noncommercial piers and docks.
- l. Railroad sidings.
- m. Animal hospitals with boarding of animals in completely enclosed buildings.
- n. Houses of worship.
- o. Automotive convenience centers.
- p. Convenience stores and other retail outlets for sale of food, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshops), art, cameras or photographic supplies (including camera repair), sporting goods, musical instruments, televisions and radios (including repair incidental to sales), drugs and similar products, hobby shops, florist or gift shops, delicatessens and bake shops (but not wholesale bakeries).
- q. Service establishments such as barbershops or beauty shops, shoe repair shops, restaurants (but not drive-in restaurants), existing fast-food restaurants (but not new fast-food restaurants), photographic studios, dance or music studios, self-service laundries, tailors, drapers or dressmakers, laundry or dry cleaning pickup stations and similar activities.
- r. Small loan agencies, travel agencies, employment offices, newspaper offices (but not printing or circulation) and similar establishments.
- s. Professional and business offices, and medical or dental clinics.
- t. Private clubs and libraries.
- u. Railroad rights-of-way.

(2) These uses are subject to the following limitations:

- a. Sale, display, preparation and repair incidental to sales and storage shall be conducted within a completely enclosed building, except as permissible as a special exception under subsection (e) of this section.
- b. Products shall be sold only at retail.

(c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CG district.

(1) Uses and structures which:

- a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- c. Do not involve operations or structures not in keeping with the character of the district.

(2) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.

(d) *Prohibited uses and structures.* Any uses or structures not specifically, provisionally or by reasonable implication permitted in this section are prohibited in the CG district, including the following, which are listed for emphasis:

- (1) New single- or two-family dwellings.
- (2) Manufacturing activities, except as specifically permitted or permissible.
- (3) Warehousing or storage, except as accessory to and within the same structure as a permitted or permissible use.
- (4) Adult entertainment establishments.

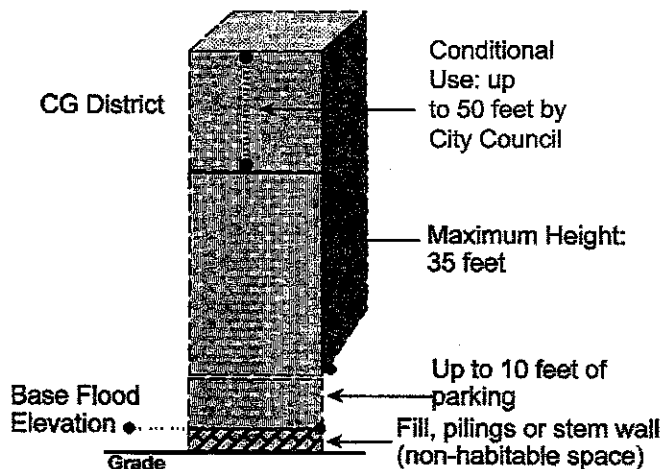
Any use which is potentially dangerous, noxious or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, or radiation, or likely for other reason to be incompatible with the character of the district, is prohibited.

(e) *Special exceptions.* The following special exceptions are permissible in the CG district after public notice and hearing by the planning commission:

- (1) Package stores for sale of alcoholic beverages, and bars or taverns for on-premises consumption of alcoholic beverages.
- (2) Automotive service stations.
- (3) Essential services.
- (4) Multiple-family dwellings (but not one- or two-family dwellings).
- (5) Motorbus terminals.
- (6) Bank and financial institutions with drive-in facilities.
- (7) Plant nurseries.
- (8) Hotels and motels.
- (9) Boat liveries.
- (10) Miniature golf courses.
- (11) Sale and display in other than completely enclosed buildings of any merchandise otherwise allowed as a permitted use in this district.
- (12) Fast-food restaurants and restaurants with drive-through or pick-up facilities.
- (13) Interval occupancy accommodations.
- (14) Pain management clinic.

(f) *Conditional use.* The following conditional use is permissible in the CG district after public notice and hearing by city council:

- (1) Structures in excess of 35 feet but no more than 85 feet in height.
- (2) Reserved.



CG District

(g) *Maximum residential density.* Maximum number of dwelling units per acre in the CG district is 18.

(h) *Minimum lot requirements (area and width).* Minimum lot requirements in the CG district are:

- (1) Multiple-family dwellings: Width, 100 feet; area, 2,420 square feet per dwelling unit.
- (2) Other permitted or permissible uses and structures: None, except as needed to meet other requirements set out in this section.

(i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the CG district is:

- (1) Multiple-family dwellings and their accessory buildings: 30 percent.
- (2) Other permitted or permissible buildings: Unrestricted, except as needed to meet other requirements set out in this section.

(j) *Minimum yard requirements.* Minimum yard requirements in the CG district are:

(1) *Commercial, service, office, hotel, motel or similar activities:*

- a. Front yard: 20 feet; provided that, where a CG zoned lot is located in a block a portion of which is zoned residential, requirements of the residential district apply to the CG zoned lot.
- b. Side yard:
  1. Fire-resistive construction: Buildings may be:
    - i. Set to the side property line; or
    - ii. Set not less than eight feet back from the side property line.

2. Non-fire-resistive construction: Buildings must be set back not less than eight feet from the side property line.

c. Rear yard: Ten feet.

Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height, and a front yard of 25 feet or one-half of the building height, whichever is greater.

(2) Automotive service stations and automotive convenience centers:

a. Front yard:

1. Structures: 20 feet.

2. Gas pumps: 15 feet.

b. Side yard:

1. Structures: Eight feet.

2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.

c. Rear yard:

1. Structures: Ten feet.

2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.

(3) Special provisions:

a. Where a CG zoned lot abuts property zoned residential, with or without an intervening alley, then, at the time of development of the CG zoned lot, a landscaped buffer is required for rear yards and for side yards as the case may be. Such rear or side yards shall not be less than 20 feet in width or depth. No yards are required adjacent to the mean high-water line or adjacent to railroad rights-of-way.

b. Reserved.

(4) Multiple-family dwellings:

a. Front yard: 20 feet.

b. Side yard: 15 feet.

c. Rear yard: 15 feet.

d. Waterfront yards: 20 feet.

(5) Other permitted or permissible uses:

a. Front yard: 20 feet.

b. Side yard: Ten feet.

c. Rear yard: 15 feet.

d. Waterfront yards: 20 feet.

(6) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height and a front yard of 25 feet or one-half of the building height, whichever is greater.

(k) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the CG district, except as permissible by conditional use. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 5, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14)

Sec. 86-93. - CI commercial, intensive district.

(a) *Generally; intent.* The CI district is intended for intensive, highly automotive-oriented uses that require a conspicuous and accessible location convenient to streets carrying large volumes of traffic. Such activities generally require large land areas, do not cater directly in appreciable degree to pedestrians, and require ample off-street parking and off-street loading space. These districts permit uses not of a neighborhood or general commercial type and serve large sections of the city. This district is suitable for areas where commercial development has displaced or will displace residential uses, but it is not the intent that this district be used to encourage extension of strip commercial areas, since the pattern of existing development provides more than ample frontage for this purpose.

(b) *Permitted principal uses and structures.* Permitted principal uses and structures in the CI district:

(1) Retail outlets for sale of new and used automobiles, motorcycles, trucks and tractors, manufactured homes, boats, automotive vehicle parts and accessories (but not junkyards or automobile wrecking yards), secondhand merchandise in completely enclosed buildings, heavy machinery and equipment, dairy supplies, feed, fertilizer, lumber and building supplies, monuments and package liquors.

(2) Service establishments such as automobile service stations, repair and service garages, motor vehicle body shops, rental of automotive vehicles, trailers and trucks, auto laundries, drive-in restaurants, fast-food restaurants, restaurants with drive-through or pick-up facilities, bars or taverns for on-premises consumption of alcoholic beverages, auction houses or pawnshops, commercial laundries or dry cleaning establishments, animal boarding in soundproof buildings, pest control, plant nurseries or landscape contractors, carpenter or cabinet shops, home equipment rental, job printing or newspaper establishments, upholstery shops, marinas, boat sales, boat liveries and commercial water softening.

(3) Commercial recreation facilities such as open air motion picture theaters, golf driving ranges, par 3 golf courses, nightclubs and similar uses.

- (4) Palmists, astrologists, psychics, clairvoyants and phrenologists.
  - (5) Auditoriums and convention centers.
  - (6) Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
  - (7) Revival and gospel establishments under temporary use permits.
  - (8) Motorbus terminals.
- (c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CI district are warehousing as accessory to retail use on the same property.
- (d) *Prohibited uses and structures.* Prohibited uses and structures in the CI district are as follows:
- (1) New residential construction.
  - (2) Pain management clinic.
- (e) *Special exceptions.* The following special exceptions are permissible in the CI district after public notice and hearing by the planning commission:
- (1) Wholesale, warehouse or storage uses, but not bulk storage of flammable liquids.
  - (2) Building trades contractors with storage yard for materials and equipment on-premises.
  - (3) Television or radio transmitter towers.
  - (4) Agricultural fairs and fairground activities, sports fields and sports arenas, and similar uses offering events open to the public and with temporary or permanent structures; provided that this provision shall not be construed to prohibit playing fields, stadiums and gymnasiums as accessory uses to public or private elementary, junior high, secondary or university academic institutions in the districts where such institutions are permitted or permissible uses as special exceptions; and provided further that grant of special exception for the purposes set out in this category shall not authorize the CI zoning classification to be used for any other purpose permitted or permissible in CI districts but that covered by this category. Site and development plan approval is required.
  - (5) Carnivals or circuses, archery ranges, miniature golf courses, pony rides and skating rinks, and indoor pistol or rifle ranges.
  - (6) Truck stops.
  - (7) Commercial tourist attractions.
  - (8) Machine shops.
  - (9) Adult entertainment establishments, provided no such use shall be located on property which lies within:
    - a. One thousand feet, as directly measured, of any two other properties on which other such establishments are located;
    - b. One thousand feet, as directly measured, of any property used as a school or house of worship; or
    - c. Five hundred feet, as directly measured, of any residentially zoned property; and further provided that all doors, windows and other building openings shall be so located, covered or screened as to effectively prevent visual access into the interior of the building from any public or semipublic area.
- (f) *Maximum residential density.* Maximum number of dwelling units per acre in the CI district is: None; such use is prohibited.
- (g) *Minimum lot requirements (area and width).* Minimum lot requirements in the CI district are: None, except as needed to meet other requirements set out in this section.
- (h) *Maximum lot coverage by all buildings.* Maximum lot coverage in the CI district is: Unrestricted, except as necessary to meet other requirements set out in this section.
- (i) *Minimum yard requirements.* Minimum yard requirements in the CI district are:
- (1) Commercial, service, office, hotel, motel or similar activities:
    - a. Front yard: 20 feet; provided that, where a CI zoned lot is located in a block a portion of which is zoned residential, requirements of the residential district apply to the CI zoned lot.
    - b. Side yard:
      1. Fire-resistive construction: Buildings may be:
        - i. Set to the side property line; or
        - ii. Set not less than eight feet back from the side property line.
      2. Non-fire-resistive construction: Buildings must be set back not less than eight feet from the side property line.
    - c. Rear yard: Ten feet.
  - (2) Automotive service stations and automotive convenience centers:
    - a. Front yard:
      1. Structures: 20 feet.
      2. Gas pumps: 15 feet.
    - b. Side yard:
      1. Structures: Eight feet.
      2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.

c. Rear yard:

1. Structures: Ten feet.
2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.

(3) Special provisions:

- a. Where a CI zoned lot abuts property zoned residential, with or without an intervening alley, then, at the time of development of the CI zoned lot, a landscaped buffer is required for rear yards and for side yards as the case may be. Such rear or side yards shall not be less than 20 feet in width or depth. No yards are required adjacent to the mean high-water line or adjacent to railroad rights-of-way.
- b. Reserved.

(4) Multiple-family dwellings:

- a. Front yard: 20 feet.
- b. Side yard: 15 feet.
- c. Rear yard: 15 feet.
- d. Waterfront yards: 20 feet.

Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height and a front yard of 25 feet or one-half of the building height, whichever is greater.

(5) Other permitted or permissible uses:

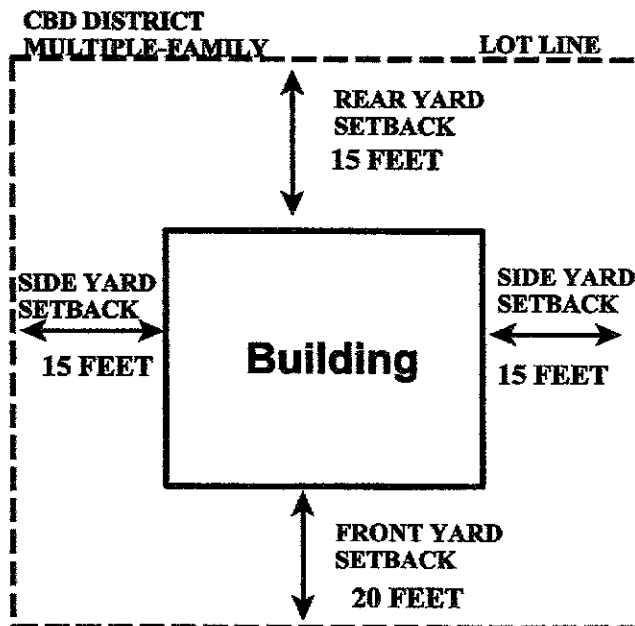
- a. Front yard: 20 feet.
- b. Side yard: Ten feet.
- c. Rear yard: 15 feet.
- d. Waterfront yards: 20 feet.

(j) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the CI district.

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14)

Sec. 86-94. - CBD commercial, business district.

- (a) *Generally, intent.* The CBD district is intended to be applied only to that area which forms the city's center for financial, commercial, governmental, professional, cultural and associated activities. The standards are designed to protect and enhance the district's suitability for these activities and to discourage uses not requiring central city location or which are of a nature likely to create friction with pedestrian traffic and the primary activities for which the district is intended. High density multiple-family structures are permitted, but heavily automotive-oriented uses are prohibited.

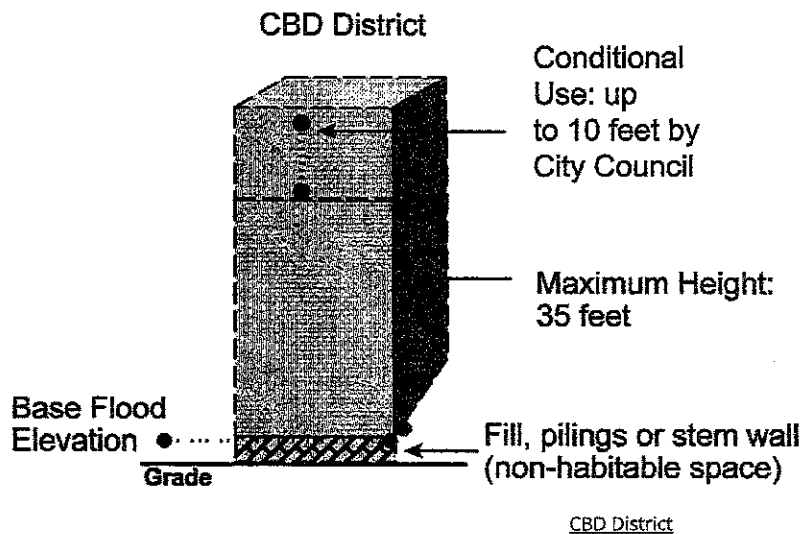


CBD Setbacks

(b) *Permitted principal uses and structures.* Permitted principal uses and structures in the CBD district are:

- (1) Governmental uses.
- (2) Convention centers and auditoriums.
- (3) Retail and service establishments such as bars or taverns for on-premises consumption of alcoholic beverages, reducing salons or gymnasiums and nightclubs.

- (4) Motorbus or other transportation terminals.
  - (5) Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
  - (6) Pawnshops in completely enclosed buildings.
  - (7) Professional offices, banks and financial institutions without drive-in facilities.
  - (8) Open air cafes as accessory to restaurants.
  - (9) Residential dwellings above the first floor of any structure.
- (c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CBD district are:
- (1) Uses and structures which:
    - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
    - b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
    - c. Do not involve operations or structures not in keeping with the character of the district.
  - (2) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.
- (d) *Prohibited uses and structures.* Prohibited uses and structures in the CBD district are as follows:
- (1) Single- and two-family dwellings, except as otherwise allowed.
  - (2) Manufacturing, except for goods for sale at retail on the premises.
  - (3) Warehousing and storage except as accessory to a permitted principal use.
  - (4) Sales, service, display or storage of goods except in completely enclosed buildings, unless otherwise permitted.
  - (5) Adult entertainment establishments.
  - (6) Pain management clinic.
- (e) *Special exceptions.* The following special exceptions are permissible in the CBD district after public notice and hearing by the planning commission:
- (1) Multiple-family dwellings (but not one- or two-family dwellings).
  - (2) Automotive service stations.
  - (3) Banks and financial institutions with drive-in facilities.
  - (4) Hotels.
  - (5) Restaurants with drive-through or pick-up facilities.



- (f) *Conditional use.* The following conditional use is permissible in the CBD district after public notice and hearing by city council:
- (1) Structures in excess of 35 feet but not more than 45 feet in height.
  - (2) Reserved.
- (g) *Maximum density.* Maximum density in the CBD district is 18.
- (h) *Minimum lot requirements (area and width).* Minimum lot requirements in the CBD district are:
- (1) Multiple-family dwellings: Width, 100 feet; 2,420 square feet per dwelling unit.
  - (2) Other permitted or permissible uses and structures: None, except as necessary to meet other requirements set out in this section.
- (i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the CBD district is:
- (1) Multiple-family dwellings: 30 percent.
  - (2) Other permitted or permissible buildings: None, except as necessary to meet other requirements set out in this section.
- (j) *Minimum yard requirements.* Minimum yard requirements in the CBD district are:

- (1) Multiple-family dwellings:
  - a. Front yard: 20 feet.
  - b. Side yard: 15 feet.
  - c. Rear yard: 15 feet.
  - d. Waterfront yards: 20 feet.
- (2) Other permitted or permissible uses:
  - a. Front yard: One foot.
  - b. Side yard: None.
  - c. Rear yard: Five feet.

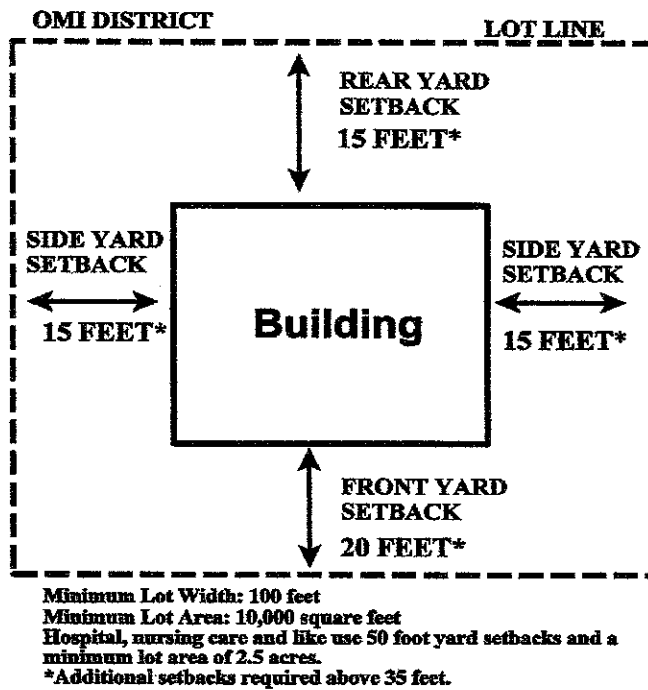
Hoods, canopies, roof overhangs and marquees may extend beyond the front lot line to within two feet of the street curb, provided that loading doors eight feet wide or wider shall be set back not less than 20 feet from all public street rights-of-way other than alleys.

(k) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the CBD district, except as permissible by conditional use.

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 6, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14)

Sec. 86-95. - OMI office, medical and institutional district.

- (a) *Generally; intent.* The OMI district is a specialized district intended to provide for medical offices, clinics and medically related services as well as certain institutional uses in the vicinity of the hospital. It is intended to utilize this district by applying the district to those areas designated "institutional/professional" on the future land use plan map which are located in close proximity to the hospital.



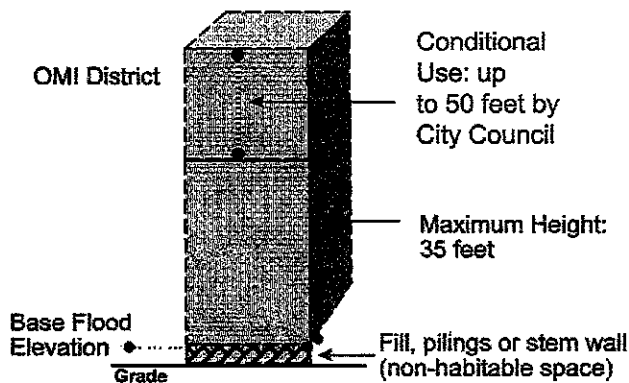
OMI Setbacks

- (b) *Permitted principal uses and structures.* Permitted principal uses and structures in the OMI district are:
  - (1) Medical offices.
  - (2) Hospitals, rest homes, nursing homes, convalescent homes and homes for the aged; provided that no such facility shall have a lot area of less than 2.5 acres, that no building in connection with such facilities shall be closer than 50 feet to the lot line of any adjoining property, and that all other state, county and city regulations in regard to such establishments are met.
  - (3) Medical and dental clinics, and medical and dental laboratories.
  - (4) Administrative offices for health-related charitable, philanthropic or eleemosynary organizations.
  - (5) Existing residential uses.
  - (6) One-family, two-family and multiple-family dwellings within buildings eligible for listing on the local register of historical resources.
- (c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the OMI district are:
  - (1) Uses and structures which meet all of the following:
    - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
    - b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
    - c.



Do not involve operations or structures not in keeping with the character of this district.

- (2) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.
- (d) *Prohibited uses and structures.* Any use or structure which is not specifically, provisionally or by reasonable implication permitted in this section, or permissible by special exception, is prohibited in the OMI district, including the following, which are listed for emphasis:
  - (1) New residential uses except under subsections (b) and (c) of this section.
  - (2) Off-site signs.
- (e) *Special exceptions.* The following special exceptions are permissible in the OMI district after public notice and hearing by the planning commission:
  - (1) Child care centers, provided:
    - a. A fenced play area of not less than 3,000 square feet shall be provided for the first 20 or fewer children, with 200 square feet additional for each additional child.
    - b. A landscaped buffer area is required on all non-street property lines.
  - (2) Detoxification centers as defined by state and federal guidelines.
  - (3) Off-street parking lots in connection with nearby commercial uses when these districts adjoin a commercial district without an intervening street, but with or without an intervening alley, provided:
    - a. Such parking lots may be permitted only between the commercial district and the nearest street in the office district.
    - b. A landscaped buffer area is required on all non-street property lines.
    - c. No source of illumination for such lots shall be directly visible from any adjoining residential property.
    - d. No movement of vehicles on such lots is permitted between the hours of 10:00 p.m. and 7:00 a.m. and greater limitations may be imposed where so required.
  - (4) Pain management clinic.
- (f) *Conditional use.* The following conditional use is permissible in the OMI district after public notice and hearing by city council:
  - (1) Structures in excess of 35 feet but not more than 85 feet in height.
  - (2) Reserved.



OMI District

- (g) *Maximum residential density.* Maximum number of dwelling units per acre in the OMI district is: None, provided that nursing homes and homes for the aged shall not exceed 72 beds per acre.
- (h) *Minimum lot requirements (area and width).* Minimum lot requirements in the OMI district are:
  - (1) Width for all uses: 100 feet.
  - (2) Area:
    - a. Hospitals, nursing homes, homes for the aged and the like: 2.5 acres.
    - b. All other uses: 10,000 square feet.
  - (3) For buildings eligible for listing on the local register of historical resources, the minimum lot width shall be 50 feet and the minimum lot area shall be 5,000 square feet.
- (i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the OMI district is 30 percent. The maximum for all buildings includes all solid-roofed areas and 50 percent of covered parking of one story not in the main building (see the definition for "Parking, covered" in [section 86-570](#)).
- (j) *Minimum yard requirements.* Minimum yard requirements in the OMI district are:
  - (1) For hospitals, nursing homes and homes for the aged, all yards; 50 feet.
  - (2) For all other buildings:
    - a. Front yard: 20 feet.
    - b. Side yard: Ten feet.

c. Rear yard: 15 feet.

- (3) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot for every four feet of building height, and a front yard of 30 feet or one-half of the building height, whichever is greater.
- (4) Not less than ten feet of the required front yard to the street shall be landscaped and the landscaping maintained, except for that portion used for ingress and egress.

(k) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the OMI district, except as permissible by conditional use.

(Code 1982, § 20-6.1; Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 7, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2015-04, § 7, 3-24-15)

Sec. 86-96. - CHI commercial, highway interchange district.

(a) *Generally; intent.* The CHI district is intended to create and enhance highway interchange areas where automobile associated traveler services are desired. The establishment of these districts is necessary and in the public interest to: 1) protect and preserve the beauty and the unique character of the city; 2) promote and aid in the tourist industry which is declared to be of importance to the economy of the city; and 3) promote the public safety, welfare, convenience and enjoyment of travel, and the free flow of traffic.

(b) *Applicability; designation on zoning atlas.* The CHI district is intended to be applied to those interchange areas located along Interstate 75. The CHI district is not intended to be used for strip commercial purposes. One stop complexes providing automotive services, motels, restaurants, offices and similar uses are encouraged.

(c) *Permitted principal uses and structures.* Permitted principal uses and structures in the CHI district are:

- (1) Automotive service stations.
- (2) Hotels, motels and similar accommodations. Establishments having 100 rooms or more may have a restaurant, nightclub and bar and, in addition, shops for the retail sale of flowers, sundries, books, jewelry, gifts, art and similar items, and barber or beauty shops. Such uses must be located within the main building.
- (3) Fast-food, drive-in restaurants and restaurants with drive-through or pick-up facilities.
- (4) Sale of fruit, gifts or novelties, souvenir shops and similar uses catering to the traveling public; provided, all display of products shall be inside a completely enclosed building and are carried on in connection with another use permitted in the district.
- (5) Tourist information and welcome centers.
- (6) Automotive convenience center.
- (7) Automobile washes or automatic car washes.
- (8) Retail sales of automotive parts and accessories (including installation).
- (9) Emergency medical clinic.

(d) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CHI district are:

- (1) Uses and structures which:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
  - b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- (2) Reserved.

(e) *Prohibited uses and structures.* Prohibited uses and structures in the CHI district are as follows:

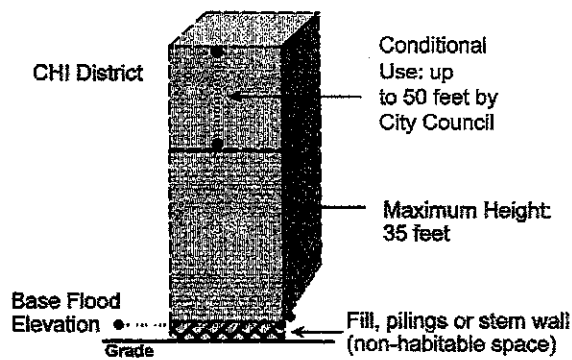
- (1) Residential construction, except for hotels, motels and similar accommodations.
- (2) Manufacturing activities, except as specifically permitted or permissible.
- (3) Warehousing or storage, except as accessory to and within the same structure as a permitted or permissible use.
- (4) Adult entertainment establishments.
- (5) Sales, display or storage of second-hand merchandise.
- (6) Outdoor sales, service or storage.
- (7) Pain management clinic.

(f) *Special exceptions.* The following special exceptions are permissible in the CHI district after public notice and hearing by the planning commission:

- (1) Truck stops.
- (2) Emergency services.
- (3) Banks and financial institutions, with drive-in facilities.
- (4) Restaurants.

(g) *Conditional use.* The following conditional use is permissible in the CHI district after public notice and hearing by city council:

- (1) Structures in excess of 35 feet but not more than 85 feet in height.
- (2) Reserved.



CHI District

(h) *Maximum residential density.*

- (1) Hotels, motels and similar accommodations where not more than 50 percent of the units have cooking facilities: 36 units per acre.
- (2) Reserved.

(i) *Minimum lot requirements.*

- (1) Area:
  - a. Minimum area for consideration of rezoning to CHI classification is four acres.
  - b. Minimum lot size is one-half acre.

(2) Reserved.

(j) *Maximum lot coverage by all buildings.*

- (1) Maximum lot coverage: 35 percent.
- (2) Reserved.

(k) *Minimum yard requirements.* Minimum yard requirements in the CHI district are:

(1) Commercial, service, office, hotel, motel or similar activities:

- a. Front yard: 50 feet.
- b. Side yard: 25 feet.
- c. Rear yard: 25 feet.

(2) Automotive service stations and automotive convenience centers:

- a. Front yard:
  1. Structures: 50 feet.
  2. Gas pumps: 35 feet.
- b. Side yard:
  1. Structures: 25 feet.
  2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.
- c. Rear yard:
  1. Structures: 25 feet.

(3) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height, and a front yard of 25 feet or one-half of the building height, whichever is greater.

(l) *Maximum height of structures.* No portion of a structure shall exceed 35 feet, except as permissible by conditional use.

(Ord. No. 98-22, § 4, 5-12-98; Ord. No. 2000-31, § 5, 5-23-00; Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 8, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2015-04, § 8, 3-24-15)

Sec. 86-97. - CMU commercial mixed-use district.

- (a) *Generally, intent.* The CMU district is intended for application only to the area that forms the city's activity centers for financial, commercial, tourism, professional, cultural and associated activities. Properties designated under the Historic Venice (HV) architectural control district and the neighborhood height overlay (NHO) districts are not eligible for CMU rezoning designation. The standards are designed to protect and enhance the district's suitability for these activities and to discourage uses not requiring activity center location or which are of a nature likely to create friction with pedestrian traffic and the primary activities for which the district is intended. Higher density multiple-family structures are permitted, but heavily automotive-oriented uses are prohibited.
- (b) *Three or more permitted uses.* Three or more permitted uses are required in each CMU district.
- (c) *Minimum land area.* A tract of land proposed for rezoning to CMU shall not be less than two acres; provided that after initial CMU district has been created, incremental additions of lesser areas to such districts under the same unified ownership and control may be approved for a CMU.
- (d)

*Permitted principal uses and structures.* Permitted principal uses and structures in the CMU district are:

- (1) Governmental uses.
- (2) Community meeting rooms, halls, business center, conference center.
- (3) Retail and service establishments such as restaurants, bars or taverns for on-premises consumption of alcoholic beverages, spas, salons, athletic clubs or gymnasiums, and nightclubs.
- (4) Art studios, antique shops.
- (5) Parking lots and garages.
- (6) Banks and financial institutions without drive-in facilities.
- (7) Open-air cafes as accessory to restaurants and taverns.
- (8) Residential dwellings.
- (9) Hotels, motels, condominium hotel.
- (10) Docks.
- (11) Business, medical and professional offices.

(e) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CMU district are uses and structures which:

- (1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- (2) Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- (3) Do not involve operations or structures not in keeping with the character of the district.

(f) *Prohibited uses and structures.* Prohibited uses and structures in the CMU district are as follows:

- (1) Manufacturing, except for goods for sale at retail on the premises.
- (2) Warehousing and storage except as accessory to a permitted principal use.
- (3) Sales, service, display or storage of goods except in completely enclosed buildings, unless otherwise permitted.
- (4) Adult entertainment establishments.
- (5) Pain management clinic.

(g) *Special exceptions.* The following special exceptions are permissible in the CMU district after public notice and hearing by the planning commission:

- (1) Drive-in facilities.
- (2) Drive-through or pick-up facilities.
- (3) Movie theaters and entertainment complexes.

(h) *Maximum density.*

- (1) Residential: 18 dwelling units per acre.
- (2) Condominium hotel: (None). An analysis, prepared by the applicant and accepted by the city, shall be prepared which establishes an equivalent residential unit (ERU) standard for potable water and sanitary sewer services for the purpose of demonstrating anticipated level of service impacts for concurrency determination.
  - a. City council may impose limitations on the size of living unit, including number of bedrooms and utility fixtures to ensure the viability of hospitality and transient accommodations and to limit impacts for local services including schools, roadways, potable water, sanitary sewer and hurricane evacuation.
  - b. City council may impose limitations on the length of stay of unit owners of condominium hotel units, but in no case may an owner's use of their unit exceed six months per calendar year.

(i) *Minimum lot requirements.* Minimum lot requirements in the CMU district are: None.

(j) *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings in the CMU district is: None, except as necessary to meet other requirements set out in this section. Building structures shall be designed in such a way that the pedestrian orientation along street frontage is established.

(k) *Minimum yard requirements.* Minimum yard requirements in the CMU district are: None, except hoods, canopies, balconies, roof overhangs and marquees may extend beyond the front lot line to within two feet of the street curb only upon city council approval provided that loading doors eight feet wide or wider shall be set back not less than four feet from all public street rights-of-way other than alleys.

(l) *Maximum height of structures.*

- (1) Building structures up to three stories in height (but no greater than 35 feet) shall be permissible by right within the CMU district.
- (2) City council may allow building height up to 80 feet when the site is deemed to be conducive to additional height without negatively impacting adjacent properties. The granting of additional building height greater than 35 feet requires a finding that such granting will not adversely affect the public interest and that satisfactory provision and arrangement has been made concerning the following matters, where applicable:
  - a. Compliance with all applicable elements of the comprehensive plan;
  - b. General compatibility with adjacent properties and other properties in the district;
  - c. Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings;

- d. Required yards and other open space;
  - e. Screening and buffering, with reference to type, dimensions and character;
  - f. Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;
  - g. Off-street parking and loading areas, where required;
  - h. Value added considerations including tax base diversification, employment, and affordable housing unit expansion;
  - i. Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved;
  - j. Building height shall transition from the maximum building height to a lower height when directly adjacent to lower intensity residential and commercial land uses, waterways or designated height restrictive overlay zones;
  - k. Proportion and scale should be considered for taller building structures to create a tapering effect of the building mass for structures greater than 35 feet in height. Buildings greater than 35 feet should have a clear and distinct base and cap to help define and articulate the pedestrian realm at the base of the structure and a crowning top to provide visual interest along the district skyline.
- (3) Final approved building height shall be confirmed through a binding master development plan, including building architectural renderings and profile drawings, and building roof plans for all principal building structures.
- (m) *Architectural character and massing.*
- (1) Architectural integrity and compatibility with nearby existing buildings both on- and off-site shall be demonstrated. Architectural considerations shall include siting, massing, proportion, scale, materials, colors, details, facade treatments, fenestration, parapets, site features, lighting and signage. The openness of ground floor facades and view corridors which face pedestrian utilized roadways, circulation routes or waterways shall be maximized to promote pedestrian activity and increase visibility of activity from the interior of the buildings.
  - (2) Mixed-use projects may be arranged vertically (ground-level retail, office, restaurant, entertainment, or community facility with residential uses above) or horizontally (commercial uses on a portion of the property linked by pedestrian connections to residential uses as part of a unified development project).
  - (3) The form of mixed-use buildings and architectural details should be designed to create visual interest at the street level using techniques such as staggering the frontage of the buildings, recessing doors and windows, providing varied display windows, providing awnings and canopies for weather protection and scale, and visually extending interior spaces outside through paving and glazing.
  - (4) Building plans, facades and rooflines should vary from building to building and from project to project to create interest along the street.
  - (5) Site and architectural design features, which substantially advance Venetian Mediterranean design standards or other, appropriate architectural design compatible with the surrounding area. Materials and colors should be selected to unify the building appearance and fit into the pedestrian realm context.
- (n) *Parking requirement.* Parking standards for all uses within a CMU classification shall be confirmed through a binding parking utilization study.
- (1) The study shall include a master parking plan that accurately designates required parking spaces and the relation of the off-and on-street parking facilities to the uses or structures such facilities are designed to serve. Included in the study shall be an analysis, assumptions and methodology used in determining parking demand along with design and dimensional information for parking stall size, access aisles and driveways.
  - (2) Parking should be conveniently located near nonresidential uses but visibly minimized from arterial streets and public spaces.
  - (3) Centralized parking decks/courts within the mixed-use development should be provided to minimize disruption of the pedestrian realm and to ensure building facades are established as the dominant visual design element of a site.
  - (4) Parking access may be directly from an alley.
- (o) *Procedure for rezoning to CMU classification.* The procedure for rezoning of land to CMU classification shall be as set out in this chapter applying to the rezoning of land generally. Because of differences between planned commercial mixed use developments and developments resulting from conventional rezoning, however, the following additional requirements shall apply to applications for rezoning of land to CMU:
- (1) *Materials to be submitted.* In addition to information required for application for rezoning under this chapter, the applicant shall submit the following materials or data:
    - a. The evidence of unified control of the proposed CMU and the agreements required by this chapter.
    - b. A master development plan demonstrating that such plan accomplishes the intent and purpose of the CMU district and containing:
      - 1. Identification of a minimum of three or more permitted uses, or uses requested through special exception.
      - 2. The title of the project and the names of the professional project planner and the developer.
      - 3. Scale, date, north arrow and general location map.
      - 4. Boundaries of the property involved, all existing streets, buildings, watercourses, easements, city limits, section lines, and other important physical features in and adjoining the project.
      - 5. A binding master development plan showing various traffic accesses and flow and particularly showing how various types of traffic are to be separated, and the relationship of traffic flow to proposed lots or building sites within the district. This plan must be at an appropriate scale and show proposed placement of principal building structures on the property, location of different land uses proposed, plans for screening and buffering, location and type of municipal amenities such as benches, fountains, signage or other similar amenities, and provisions for ingress and egress, off-street parking and off-street loading areas.

Height of all structures shall be clearly indicated along with conceptual architectural renderings primarily showing massing and compatibility of height. A building roof plan shall be provided for all building structures.

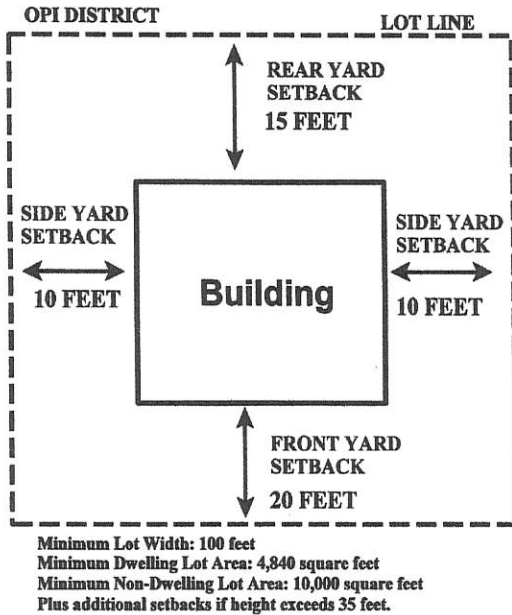
7. Identification of the pedestrian realm including parkway, sidewalk, and landscaped areas. The pedestrian realm may include both public and private property. Pedestrian amenities, street trees, street furniture, bus stop facilities, and other landscaping and hardscaping, as specified in this section, shall be included in the public realm.
  - c. A statement showing general land use compatibility with adjacent properties and other properties in the district, proposed modifications of zoning or other applicable regulations where it is intended by the applicant that such modifications can serve the public interest to an equivalent degree, and any such value added considerations including tax base diversification, employment, and affordable housing unit expansion.
  - d. Generalized engineering data for streets, utilities and drainage, demonstrating the direction of plans for handling any problems that may arise as to drainage, utilities and roads.
  - e. Copies of deed restrictions, covenants or conditions of lease by which the developer proposes to bind those buying or leasing building sites in the CMU district to certain conduct and construction of building in the CMU district, such as deed restrictions, covenants, conditions of lease on use, construction and building design, landscaping, building setbacks, loading docks, parking facilities, easements, storage facilities, waste disposal, improvements made or erected, signs, fences and walls and similar matters.
  - f. A binding developer's agreement specifying the three minimum land uses required and the minimum percentage of each use therein. These agreements shall be provided and executed upon rezoning and include a binding master development plan. Nothing contained herein shall be constructed to limit the uses proposed to three uses.
- (2) *Procedure.* On application for rezoning of land to the CMU classification, the planning commission and city council shall proceed in general as for other applications for rezoning of land, giving special consideration, however, to the following matters and requirements, and allowing changes in the rezoning application prior to the required planning commission public hearing as follows:
- a. After applying for rezoning to the CMU classification, the applicant shall meet with the zoning administrator, city engineer and representatives of such other agencies as may be pertinent, to review the original application, including all plans, maps and documents submitted by the applicant. The purpose of such conferences shall be to assist in bringing the overall petition as nearly as possible into conformity with this division or other regulations applying generally to the property involved and/or to define specifically those variations from application of general regulations which appear justified in view of equivalent service of the public purposes of such regulations.
  - b. In the course of such meetings, any recommendations for changes shall be recorded in writing and shall become part of the record in the case. All such recommendations shall be supported by stated reasons for the proposal for change. The applicant shall state in writing agreement or disagreement with such recommendations, and if there is disagreement, shall in writing indicate reasons therefore, and such responses by the applicant shall be included in the record.
  - c. At such time as further meetings are determined by the city to be unnecessary, public notice shall be given and the hearing before the planning commission held as for other applications for rezoning, but the notice and hearing shall be on the petition as it may have been amended following the meetings rather than as originally submitted.
  - d. Recommendation by planning commission. After a public hearing, the planning commission shall make its recommendation known to city council that the CMU rezoning be granted, be granted subject to stated stipulations and conditions, or disapproved. In making its recommendation, the planning commission shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements applicable to rezoning generally, and in addition that:
    1. The requirements of unified control and agreement have been met.
    2. The locational standards have been met.
    3. The internal CMU standards have been met.
    4. The tract for the proposed CMU is suitable in terms of its relationship to the comprehensive plan and that the area surrounding the proposed CMU can continue to be developed in coordination and substantial compatibility with the CMU proposal.
    5. The desirable modifications of general zoning or CMU regulations, as applied to the particular case, justify such modification of regulations and meet to at least an equivalent degree the regulations modified based on the design and amenities incorporated in the site and development plan.
    6. The deed restrictions or covenants or conditions of lease proposed will afford substantial aid in accomplishing the intent and purpose of the district.
  - e. Effect of rezoning. If the city council shall approve the rezoning of land to CMU, the master development plan and all information and materials formally submitted with the application, together with any conditions, safeguards and stipulations made at the time of rezoning, shall be adopted by reference as an amendment to this chapter and shall become the standard of development for the subject planned commercial mixed-use district.
  - f. Municipal amenities. A contribution to municipal amenities may be required after a determination by city council that a demonstrated public need exists for municipal amenities such as benches, fountains, signage or other similar amenities.
  - g. Site and development plan approval. Prior to the issuance of any building permit to begin construction on land, which has been rezoned to CMU, a site and development plan approval, as set in this chapter, is required. Requests for rezoning to the CMU classification and approval of site and development plans, and special exceptions may be processed concurrently.



5/10/22

Sec. 86-90. - OPI office, professional and institutional district.

- (a) *Generally; intent.* The OPI district is intended for professional and business offices and institutional, cultural and allied uses. Moderate density multiple-family residential uses are permitted by special exception. Erection of new one- and two-family dwellings is not permitted as being out of character with the district. The district is not commercial in character, however, certain very limited commercial uses are permissible by special exception in demonstrated support of office and institutional uses in the specific OPI district. Large scale office, cultural and institutional uses are encouraged to locate in these districts. The OPI district is designed to be compatible with residential uses.



OPI Setbacks

- (b) *Permitted principal uses and structures.* Permitted principal uses and structures in the OPI district are:

- (1) Professional and business offices.
- (2) Hospitals, rest homes, nursing homes, convalescent homes, homes for the aged and homes for orphans, provided that no such facility shall have a lot area of less than 2.5 acres, that no building in connection with such facilities shall be closer than 50 feet to the lot line of any adjoining property, and that all other state, county and city regulations in regard to such establishments shall be met.
- (3) Housing for the aged.
- (4) Medical and dental clinics and medical and dental laboratories.
- (5) Existing one- and two-family dwellings.
- (6) Townhouses.
- (7) Art galleries, libraries, museums, community centers, publicly owned and operated recreational facilities, and theaters for live stage productions (amateur or professional).
- (8) Research laboratories not involving odor, noise, smoke or other noxious effects detectable to normal senses from off the premises, and not involving manufacturing activities.
- (9) Houses of worship (except temporary revival or gospel establishments).
- (10) Dance, art and music studios.
- (11) Funeral homes.
- (12) Private clubs.
- (13) Animal hospitals with boarding of animals in completely enclosed buildings.
- (14) Banks and financial institutions, without drive-in facilities, provided that such uses shall be located on arterial streets.
- (15) One-family, two-family and multiple-family dwellings within buildings eligible for listing on the local register of historical resources.
- (16) Public elementary, middle and high schools with conventional academic curriculums, and private elementary, middle and high schools with conventional academic curriculums similar to those in public elementary and high schools.

- (c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the OPI district are:

- (1) Uses and structures which:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.



- b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
  - c. Do not involve operations or structures not in keeping with the character of this district.
- (2) Noncommercial docks.
- (3) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.
- (d) *Prohibited uses and structures.* Any use or structure which is not specifically, provisionally or by reasonable implication permitted in this section or permissible by special exception is prohibited in the OPI district, including the following, which are listed for emphasis:
- (1) New one- and two-family dwellings.
  - (2) Off-site signs.
- (e) *Special exceptions.* The following special exceptions are permissible in the OPI district after public notice and hearing by the planning commission:
- (1) Child care centers, provided that:
    - a. A fenced play area of not less than 3,000 square feet shall be provided for the first 20 or fewer children, with 200 square feet additional for each additional child.
    - b. A landscaped buffer shall be required on nonstreet property lines.
  - (2) Multiple-family dwellings.
  - (3) Colleges and universities.
  - (4) Vocational, trade or business schools, provided all activities are conducted in completely enclosed buildings.
  - (5) Sanitariums.
  - (6) Detoxification centers, as defined by state and federal guidelines.
  - (7) Commercial and service activities as follows:
    - a. Where there is a demonstrated need, limited commercial and service activities directly related to and in support of institutional and office uses within the district, such as:
      - 1. Retail outlets for sale of books, educational and art supplies, florist or gift shops, drugstores for sale of prescriptions and medicines and medical supplies only at retail, prosthetic appliance establishments and similar establishments.
      - 2. Service establishments such as restaurants (but not drive-in restaurants), restaurants with drive-through or pick-up facilities, barbershops or beauty shops, laundry or dry cleaning pickup stations (but not a laundry, self-service laundry, dry cleaner, etc.), and similar service activities.
    - b. These uses are subject to the following limitations:
      - 1. Sale, display, preparation and storage shall be conducted within a completely enclosed building.
      - 2. Products shall be sold only at retail.
      - 3. No sale, display or storage of secondhand merchandise is permitted.
      - 4. No signs are permitted other than identification wall signs.
  - (8) When these districts adjoin a commercial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial uses, provided that:
    - a. Such parking lots may be permitted only between the commercial district and the nearest street in the office district.
    - b. A landscaped buffer area is required on all non-street property lines.
    - c. No source of illumination for such lots shall be directly visible from any adjoining residential property.
    - d. No movement of vehicles is permitted on such lots between the hours of 10:00 p.m. and 7:00 a.m., and greater limitations may be imposed where so required.
  - (9) Assisted living facilities. Minimum lot area and setback for buildings in connection with such facilities shall be 2.5 acres with a minimum setback of 50 feet for assisted living facilities exceeding 150 beds.
  - (10) Banks and financial institutions with drive-in facilities, provided that such uses shall be located on arterial streets.
  - (11) Pain management clinic.
  - (12) Cemeteries, columbaria and mausoleums, provided that no grave, monument or structure shall be closer than 25 feet to any boundary line of the property.
- (f) *Conditional use.* The following conditional use is permissible in the OPI district after public notice and hearing by city council:
- (1) Structures in excess of 35 feet but no more than 85 feet in height.
  - (2) Reserved.
- (g) *Maximum residential density.* Maximum number of dwelling units per acre in the OPI district is:
- (1) For townhouses and multiple-family dwellings: Nine.
  - (2) For adult congregate living facilities:
    - a. Each separate room or group of rooms designed or intended for use as a residence by an individual or family and having kitchen facilities: 30 units per acre with a maximum of up to 60 percent of the total units in the project.

- b. Each separate room or group of rooms designed or intended for use as a residence by an individual or family and not having kitchen facilities: 55 units per acre.

(h) *Minimum lot requirements (area and width).* Minimum lot requirements in the OPI district are:

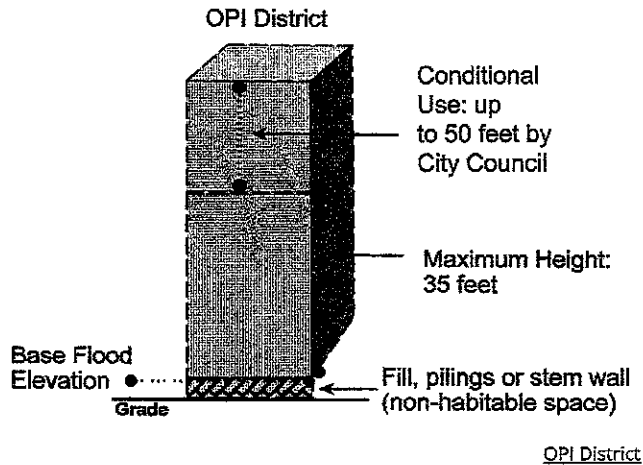
- (1) Width for all uses: 100 feet.
- (2) Area:
  - a. For non-dwelling purposes: 10,000 square feet, except as otherwise provided.
  - b. For dwelling purposes: 4,840 square feet per dwelling unit.

For townhouses and buildings eligible for listing on the local register of historical resources, the minimum lot width shall be 50 feet and the minimum lot area shall be 5,000 square feet.

(i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the OPI district is 30 percent. Maximum lot coverage for all buildings includes all solid-roofed areas and 50 percent of covered parking of one story not in the main building.

(j) *Minimum yard requirements.*

- (1) Minimum yard requirements for all buildings in the OPI district are:
  - a. Front yard: 20 feet.
  - b. Side yard: Ten feet.
  - c. Rear yard: 15 feet.
  - d. Waterfront yards: 20 feet.



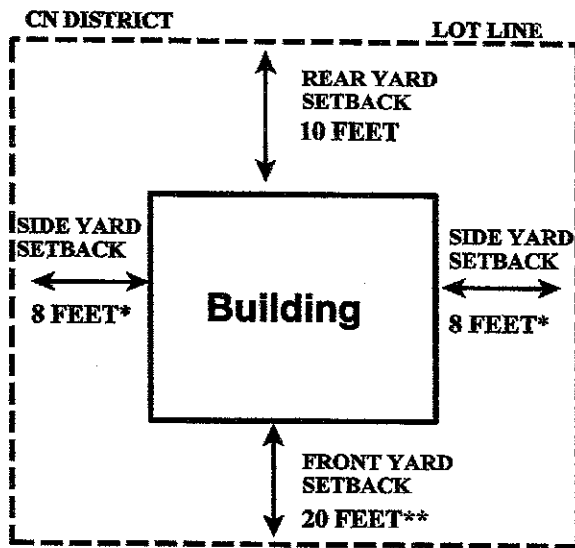
- (2) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot for each four feet of building height, and a front yard of 30 feet or one-half of the building height, whichever is greater.
- (3) For all nonresidential uses, not less than ten feet of the required front yard next to the street shall be landscaped and the landscaping maintained, except for that portion used for ingress and egress.

(k) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the OPI district, except as permissible by conditional use.

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 4, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2015-04, § 5, 3-24-15; Ord. No. 2016-19, § 3, 10-25-16; Ord. No. 2021-23, § 2, 9-14-21)

Sec. 86-91. - CN commercial, neighborhood district.

- (a) *Generally; intent.* The CN district is intended to apply to areas where selected establishments may be appropriately located to serve within convenient traveling distance from one or several neighborhoods. CN districts are not automotive-oriented commercial districts; therefore, automotive service stations, vehicle repair and sales, and similar automotive-oriented activities are prohibited. The district is not intended for use by major or large scale commercial or service establishments, nor is it intended to encourage extension of strip commercial areas. Professional and business offices and other similar uses are encouraged. Orientation to and compatibility with the neighborhoods to be served are critical. The district is not a residential district, but is ancillary to the residential district which it serves.



\* Except 0 feet for fire resistive construction  
 \*\*Except apply residential standard if on block with residential zoning.

#### CN Setbacks

(b) *Permitted principal uses and structures.*

(1) Permitted principal uses and structures in the CN district are:

- a. Convenience stores and other retail outlets for sale of food, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshops), art, cameras or photographic supplies (including camera repair), sporting goods, musical instruments, televisions and radios (including repair incidental to sales), drugs and similar products, hobby shops, florist or gift shops, delicatessens and bake shops (but not wholesale bakeries).
- b. Service establishments such as barbershops or beauty shops, shoe repair shops, restaurants (but not drive-in restaurants), existing fast-food restaurants (but not new fast-food restaurants), photographic studios, dance or music studios, self-service laundries, tailors, drapers or dressmakers, laundry or dry cleaning pickup stations and similar activities.
- c. Small loan agencies, travel agencies, employment offices, newspaper offices (but not printing or circulation) and similar establishments.
- d. Professional and business offices, and medical or dental clinics.
- e. Private clubs and libraries.
- f. Railroad rights-of-way.

(2) All permitted uses are subject to the following limitations:

- a. Sale, display, preparation and repair incidental to sales, and storage shall be conducted within a completely enclosed building.
- b. Products shall be sold only at retail.
- c. No sale, display or storage of secondhand merchandise is permitted, except as incidental to the sale of new merchandise.
- d. No sale of alcoholic beverages for on-premises consumption is permitted except with meals.

(c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CN district are:

(1) Uses and structures which:

- a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- c. Do not involve operations or structures not in keeping with the character of the district.

(2) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.

(d) *Prohibited uses and structures.* Prohibited uses and structures in the CN district, are as follows:

- (1) Residential uses, except as specified under accessory uses for this district.
- (2) Off-site signs.
- (3) Adult entertainment establishments.
- (4) Pain management clinic.

(e) *Special exceptions.* The following special exceptions are permissible in the CN district after public notice and hearing by the planning commission:

- (1) Essential services.
- (2) Restaurants with drive-through or pick-up facilities.

(f) *Maximum residential density.* Maximum number of dwelling units per acre in the CN district is: None; such use is prohibited.

- (g) *Minimum lot requirements (area and width)*. Minimum lot requirements in the CN district are: None, except as needed to meet other requirements set out in this section.
- (h) *Maximum lot coverage by all buildings*. Maximum lot coverage in the CN district is: Unrestricted, except as necessary to meet other requirements set out in this section.
- (i) *Minimum yard requirements*. Minimum yard requirements in the CN district are:
  - (1) Commercial, service or office activities:
    - a. Front yard: 20 feet; provided that, where a CN zoned lot is located in a block a portion of which is zoned residential, requirements of the residential district apply to the CN zoned lot.
    - b. Side yard:
      - 1. Fire-resistive construction: Buildings may be:
        - i. Set to the side property line; or
        - ii. Set not less than eight feet back from the side property line.
      - 2. Non-fire-resistive construction: Buildings must be set back not less than eight feet from the side property line.
    - c. Rear yard: Ten feet.
  - (2) Special provisions:
    - a. Where a CN zoned lot abuts property zoned residential, with or without an intervening alley, then, at the time of development of the CN zoned lot, a landscaped buffer is required for rear yards and for side yards as the case may be. Such rear or side yards shall not be less than 20 feet in width or depth. No yards are required adjacent to the mean high-water line or adjacent to railroad rights-of-way.
    - b. Pump islands or individual fuel pumps shall be set back not less than 25 feet from residentially zoned property and 15 feet from all other property lines.
  - (3) Yards for other permitted or permissible uses.
- (j) *Maximum height of structures*. No portion of a structure shall exceed 25 feet.

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2015-04, § 6, 3-24-15; Ord. No. 2016-19, § 3, 10-25-16)

Sec. 86-92. - CG commercial, general district.

- (a) *District intent*. The CG district is intended for general commercial activity. Businesses in this category require larger land area and a location convenient to automotive traffic. Pedestrian traffic will be found in this district. The district is not suitable for heavily automotive-oriented uses. It is not the intent of this district that it shall be used to encourage extension of strip commercial areas.
- (b) *Determination of uses*. Uses in the district are regulated through the establishment of categories of uses that are further described by category characteristics, typical permitted uses, accessory uses, and restrictions. The zoning administrator shall utilize district intent and the following criteria to determine if a proposed use is appropriate for the district category of uses:
  - (1) *Category of use* establishes the major heading that is meant to define, organize and encompass the range of specific types of uses allowed.
  - (2) *Category characteristics* describe the general nature of the types of uses for which the category of use is intended.
  - (3) *Typical permitted uses* establish the specific list of uses typically found and permitted under this category of use. Like uses not specifically identified, but essentially comparable to the typical uses listed, may be approved by the zoning administrator if the nature and impacts of that use are similar to those of the listed uses.
  - (4) *Accessory uses and structures* provide the permitted accessory uses and structures for the category of use.
    - a. Accessory uses and structures:
      - 1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
      - 2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
      - 3. Do not involve operations or structures inconsistent with the character of the district.
    - b. Dwelling units on the same premises and in connection with permitted principal uses and structures are allowed only for occupancy by owners or employees thereof.
    - c. Other accessory uses are identified for specific categories of use and specific permitted uses in this section.
    - d. Like accessory uses not specifically identified, but essentially comparable to the accessory uses listed may be approved by the zoning administrator if the nature and impacts of that use are similar to those of the listed accessory uses.
  - (5) *Restrictions* provide additional detail and guidance regarding restrictions on the application of the category of use.
- (c) *Commercial, general—Permitted uses*.

Category of Use
-----------------

1) Retail Commercial
----------------------

<b>Category Characteristics:</b> Uses providing primarily for the display and sale of new and used merchandise at retail within an enclosed building.
---

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>Retail sale of apparel, toys, sundries and notions, books and stationery, leather goods and luggage, art, hardware, jewelry, electronics, sporting goods, musical instruments, office equipment and supplies, furniture, home furnishings, auto parts and accessories, antiques, food, swimming pool supplies, appliances, and the like</li> </ul>	<ul style="list-style-type: none"> <li>Indoor manufacturing and production of items for sale on-premises only.</li> <li>Repair of goods sold on-premises.</li> </ul>	<ul style="list-style-type: none"> <li>Outdoor sale and display of merchandise requires special exception.</li> <li>No animal kennels associated with pet shops.</li> </ul>
<ul style="list-style-type: none"> <li>Convenience stores</li> </ul>		
<ul style="list-style-type: none"> <li>Grocery stores</li> </ul>		
<ul style="list-style-type: none"> <li>Pharmacies</li> </ul>		
<ul style="list-style-type: none"> <li>Produce markets</li> </ul>		
<ul style="list-style-type: none"> <li>Bakeries</li> </ul>		
<ul style="list-style-type: none"> <li>Florists</li> </ul>		
<ul style="list-style-type: none"> <li>Gift shops</li> </ul>		
<ul style="list-style-type: none"> <li>Hobby shops</li> </ul>		
<ul style="list-style-type: none"> <li>Automotive convenience centers as defined in <u>Section 86-570</u></li> </ul>		
<ul style="list-style-type: none"> <li>Pet shops</li> </ul>		

**2) Personal and Business Services.**

**Category Characteristics:** Uses providing for one's personal care and for rendering professional services to individuals and businesses.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>Hair and beauty care</li> </ul>		<ul style="list-style-type: none"> <li>No animal kennels associated with pet grooming.</li> </ul>
<ul style="list-style-type: none"> <li>Pet grooming</li> </ul>		
<ul style="list-style-type: none"> <li>Health spas</li> </ul>		
<ul style="list-style-type: none"> <li>Shoe repair</li> </ul>		<ul style="list-style-type: none"> <li>No transmitter towers are allowed in relation to radio and television stations.</li> </ul>
<ul style="list-style-type: none"> <li>Clothing repair and alteration</li> </ul>		
<ul style="list-style-type: none"> <li>Dry cleaning/laundry services</li> </ul>		
<ul style="list-style-type: none"> <li>Copying and duplication services</li> </ul>		
<ul style="list-style-type: none"> <li>Photography studios</li> </ul>		
<ul style="list-style-type: none"> <li>Funeral home</li> </ul>		

• Radio or television stations		
• Electronics repair		
• Interior decorators		
<b>3) Commercial Recreation, Entertainment (Completely Indoors).</b>		
<b>Category Characteristics:</b> Uses providing primarily for private, indoor commercial recreation and entertainment.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Studios for instruction in dance, music, yoga, cheer/gymnastics, and similar activities	Sale and rental of clothing and equipment associated with the on-site activity.	
• Movie theaters	Sale of food and drinks for on-premises consumption.	
• Bowling alleys		
• Billiard parlors		
• Swimming pools		
<b>4) Professional, Medical, and Business Offices.</b>		
<b>Category Characteristics:</b> Uses providing primarily for professional, medical, administrative or clerical occupations or services.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Medical and dental clinics		Boarding of animals associated with an animal hospital or clinic shall be within a completely enclosed structure.
• Animal hospitals and clinics		
• Newspaper offices		
• Travel agency		
• Employment office		Pain management clinics as defined in <u>Section 86-570</u> require special exception.  No printing or circulation activities associated with newspaper offices.
<b>5) Bank, Financial Institutions.</b>		
<b>Category Characteristics:</b> Uses providing primarily for financial services.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Banks and financial institutions	Drive-thru facilities	
• Credit unions		
• Savings and loans		

• Credit agencies		
• Other lending institutions		
<b>6) Eating Establishments.</b> <b>Category Characteristics:</b> Uses providing primarily for the sale of food for consumption on the premises.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Restaurants	Drive-thru facilities.	Drive-in restaurants require special exception.
	Reserved parking for pick-up of takeout items.	
<b>7) Vocational, Trade, and Business Schools.</b> <b>Category Characteristics:</b> Uses providing primarily for private education and training for professional, technical, and business occupations including those providing career employment skills.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Vocational, trade, and business schools		All activities associated with school must be conducted within completely enclosed buildings.
<b>8) Marinas, Docks and Piers.</b>		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Marinas	Boat rental, marine fuel sales, sale of fishing and marine related items including bait and tackle.	Boat storage lots are not permitted.
• Commercial and noncommercial piers and docks		
<b>9) Institutional.</b> <b>Category Characteristics:</b> Uses of a public, private, or quasi-public nature providing primarily educational, religious, and civic facilities and services.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Houses of worship		
<b>10) Civic, Service Organizations.</b> <b>Category Characteristics:</b> Uses providing primarily private non-profit club functions.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Clubs such as civic, social, veteran, fraternal and humanitarian, and similar organizations.		
• Private libraries		
<b>11) Commercial Parking Lots, Garages.</b> <b>Category Characteristics:</b> Uses providing primarily for the parking of automobiles on an hourly, daily, or monthly basis, including in an improved surface lot or in a structure designed for such purpose.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Commercial parking lots		

• Commercial parking garages		
<b>12) Existing Single-Family and Two-Family Dwellings.</b>		
	<b>Accessory Uses</b>	<b>Restrictions</b>
		New single-family and two-family dwellings are not permitted in this zoning district.

(d) *Commercial, general---Special exceptions.*

<b>Category of Use</b>		
1) <b>Automotive Service Stations as defined in <u>Section 86-570</u></b>		
2) <b>Multi-Family Dwellings as defined in <u>Section 86-570</u></b>		
3) <b>Motorbus Terminals.</b>		
4) <b>Essential Services as defined in <u>Section 86-570</u></b>		
<b>Typical Special Exception Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Electrical substations, lift stations and similar installations.		Does not include electric or gas generation plants.
5) <b>Outdoor Display and Sale of Retail Merchandise</b>		
<b>Typical Special Exception Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Sale and display in other than completely enclosed buildings of any merchandise otherwise allowed as a permitted use in this district.		
6) <b>Temporary Lodging.</b> <b>Category Characteristics:</b> Uses offered or available for temporary lodging for a term less than one month.		
<b>Typical Special Exception Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Hotels and motels		
• Interval occupancy accommodations		
7) <b>Outdoor Recreation</b> <b>Category Characteristics:</b> Uses providing primarily for private, outdoor commercial recreation.		
<b>Typical Special Exception Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Miniature golf courses		
8) <b>Pain Management Clinic as defined in <u>Section 86-570</u></b>		
9) <b>Package stores for sale of alcoholic beverages, and bars or taverns for on-premises consumption of alcoholic beverages.</b>		
10) <b>Plant nurseries.</b>		



11) Boat liveries.		
12) Drive-in restaurants.		
13) Brewpubs.		
	Accessory Uses	Restrictions
	Food service	Brewed beer may only be sold for on-site consumption.

(e) *Commercial, general—Conditional uses.*

Category of Use
1) Structures in excess of 35 feet, but no more than 85 feet in height.

(f) *Commercial, general—Prohibited uses.*

Category of Use
1) Adult Entertainment Establishments as defined in <u>Section 86-570</u>
2) New single- or two-family dwellings.
3) Manufacturing activities except as specifically permitted or permissible.
4) Warehousing or storage, except as accessory to and within the same structure as a permitted or permissible use.
5) Pawn shops.
6) Any use which is potentially dangerous, noxious or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, or radiation, or likely for other reason to be incompatible with the character of the district.

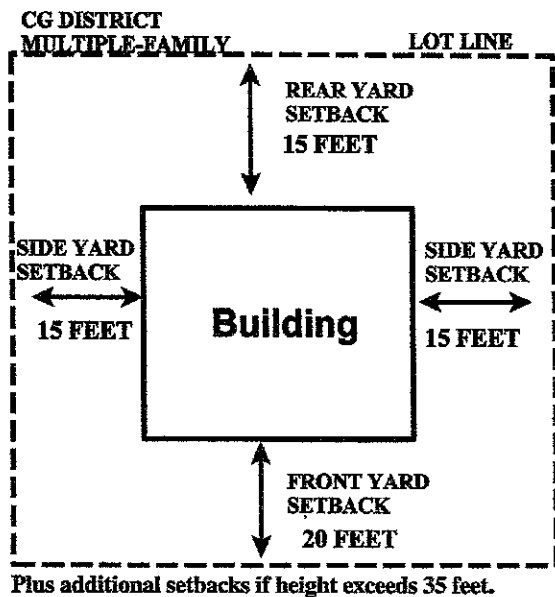
(g) *Maximum residential density.* Maximum number of dwelling units per acre in the CG district is 18.

(h) *Minimum lot requirements (area and width).* Minimum lot requirements in the CG district are:

- (1) Multiple-family dwellings: Width, 100 feet; area, 2,420 square feet per dwelling unit.
- (2) Other permitted or permissible uses and structures: None, except as needed to meet other requirements set out in this section.

(i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the CG district is:

- (1) Multiple-family dwellings and their accessory buildings: 30 percent.
- (2) Other permitted or permissible buildings: Unrestricted, except as needed to meet other requirements set out in this section.



CG Setbacks

(j) *Minimum yard requirements.* Minimum yard requirements in the CG district are:

(1) *Commercial, service, office, hotel, motel or similar activities:*

- a. Front yard: 20 feet; provided that, where a CG zoned lot is located in a block a portion of which is zoned residential, requirements of the residential district apply to the CG zoned lot.
- b. Side yard:
  1. Fire-resistive construction: Buildings may be:
    - i. Set to the side property line; or
    - ii. Set not less than eight feet back from the side property line.
  2. Non-fire-resistive construction: Buildings must be set back not less than eight feet from the side property line.
- c. Rear yard: Ten feet.

Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height, and a front yard of 25 feet or one-half of the building height, whichever is greater.

(2) *Automotive service stations and automotive convenience centers:*

- a. Front yard:
  1. Structures: 20 feet.
  2. Gas pumps: 15 feet.
- b. Side yard:
  1. Structures: Eight feet.
  2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.
- c. Rear yard:
  1. Structures: Ten feet.
  2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.

(3) *Special provisions:*

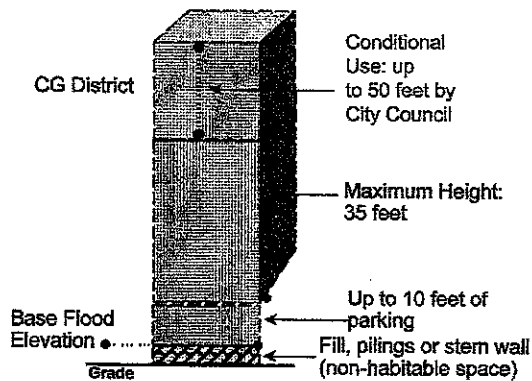
- a. Where a CG zoned lot abuts property zoned residential, with or without an intervening alley, then, at the time of development of the CG zoned lot, a landscaped buffer is required for rear yards and for side yards as the case may be. Such rear or side yards shall not be less than 20 feet in width or depth. No yards are required adjacent to the mean high-water line or adjacent to railroad rights-of-way.
- b. Reserved.

(4) *Multiple-family dwellings:*

- a. Front yard: 20 feet.
- b. Side yard: 15 feet.
- c. Rear yard: 15 feet.
- d. Waterfront yards: 20 feet.

(5) *Other permitted or permissible uses:*

- a. Front yard: 20 feet.
  - b. Side yard: Ten feet.
  - c. Rear yard: 15 feet.
  - d. Waterfront yards: 20 feet.
- (6) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height and a front yard of 25 feet or one-half of the building height, whichever is greater.
- (k) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the CG district, except as permissible by conditional use. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.



CG District

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 5, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2016-10, § 2, 8-23-16)

Sec. 86-93. - CI commercial, intensive district.

- (a) *District intent.* The CI district is intended for uses that include those allowed for in the CG district, as well as those additional commercial uses typically located on major and minor arterials and collector roadways (roadways typically having higher traffic volumes). It is not the intent that this district be used to encourage extension of strip commercial areas, since the pattern of existing development provides more than ample frontage for this purpose.
- (b) *Determination of uses.* Uses in the district are regulated through the establishment of categories of uses that are further described by category characteristics, typical permitted uses, accessory uses, and restrictions. The zoning administrator shall utilize district intent and the following criteria to determine if a proposed use is appropriate for the district category of uses:
  - (1) *Category of use* establishes the major heading that is meant to define, organize and encompass the range of specific types of uses allowed.
  - (2) *Category characteristics* describe the general nature of the types of uses for which the category of use is intended.
  - (3) *Typical permitted uses* establish the specific lists of uses typically found and permitted under this category of use. Like uses not specifically identified, but essentially comparable to the typical uses listed, may be approved by the zoning administrator if the nature and impacts of that use are similar to those of the listed uses.
  - (4) *Accessory uses and structures* provide the permitted accessory uses and structures for the category of use.
    - a. *Accessory uses and structures:*
      - 1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
      - 2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
      - 3. Do not involve operations or structures inconsistent with the character of the district.
      - 4. Includes warehousing as accessory to retail use on the same property in all CI district categories of use.
    - b. Other accessory uses are identified for specific categories of use and specific permitted uses in this section.
    - c. Like accessory uses not specifically identified, but essentially comparable to the accessory uses listed may be approved by the zoning administrator if the nature and impacts of that use are similar to those of the listed use.
  - (5) *Restrictions* provide additional detail and guidance regarding restrictions on the application of the category of use.
- (c) *Commercial, intensive—Permitted uses.*

<b>Category of Use</b>		
1) Certain Permitted Uses in the CG District as Specified Below:		
	<b>Accessory Uses</b>	<b>Restrictions</b>

<ul style="list-style-type: none"> <li>• Retail sale of apparel, toys, sundries and notions, books and stationery, leather goods and luggage, art, hardware, jewelry, electronics, sporting goods, musical instruments, office equipment and supplies, furniture, home furnishings, auto parts and accessories, antiques, food, swimming pool supplies, appliances, and the like</li> </ul>	<p>Indoor manufacturing and production of items for sale on-premises only.</p> <p>Repair of goods sold on-premises.</p>	<p>Outdoor sale and display of merchandise requires special exception.</p>
<ul style="list-style-type: none"> <li>• Convenience stores</li> </ul>		
<ul style="list-style-type: none"> <li>• Grocery stores</li> </ul>		
<ul style="list-style-type: none"> <li>• Pharmacies</li> </ul>		
<ul style="list-style-type: none"> <li>• Produce markets</li> </ul>		
<ul style="list-style-type: none"> <li>• Bakeries</li> </ul>		
<ul style="list-style-type: none"> <li>• Florists</li> </ul>		
<ul style="list-style-type: none"> <li>• Gift shops</li> </ul>		
<ul style="list-style-type: none"> <li>• Hobby shops</li> </ul>		
<ul style="list-style-type: none"> <li>• Automotive convenience centers as defined in <a href="#">Section 86-570</a></li> </ul>		
<ul style="list-style-type: none"> <li>• Hair and beauty care</li> </ul>		
<ul style="list-style-type: none"> <li>• Health spas</li> </ul>		
<ul style="list-style-type: none"> <li>• Shoe repair</li> </ul>		
<ul style="list-style-type: none"> <li>• Clothing repair and alteration</li> </ul>		
<ul style="list-style-type: none"> <li>• Dry cleaning/laundry services</li> </ul>		
<ul style="list-style-type: none"> <li>• Copying and duplication services</li> </ul>		
<ul style="list-style-type: none"> <li>• Photography studios</li> </ul>		
<ul style="list-style-type: none"> <li>• Funeral home</li> </ul>		
<ul style="list-style-type: none"> <li>• Electronics repair</li> </ul>		
<ul style="list-style-type: none"> <li>• Interior decorators</li> </ul>		
<ul style="list-style-type: none"> <li>• Pet shops</li> </ul>		No animal kennels associated with pet shops.
<ul style="list-style-type: none"> <li>• Pet grooming</li> </ul>		No animal kennels associated with pet grooming.
<ul style="list-style-type: none"> <li>• Radio or television stations</li> </ul>		No transmitter towers are allowed in relation to radio and television stations.

• Studios for instruction in dance, music, yoga, cheer/gymnastics, and similar activities	Sale and rental of clothing and equipment associated with the on-site activity.	
• Movie theaters	Sale of food and drinks for on-premises consumption.	
• Bowling alleys		
• Billiard parlors		
• Swimming pools		
• Animal hospitals and clinics		Boarding of animals as an accessory to an animal hospital or clinic shall be within a completely enclosed structure.
• Newspaper offices		No printing or circulation activities associated with newspaper offices.
• Medical and dental clinics		Pain management clinics as defined in <u>Section 86-570</u> are not permitted.
• Travel agency		
• Employment office		
• Professional and business offices		
• Banks and financial institutions	Drive-thru facilities	
• Credit unions		
• Savings and loans		
• Credit agencies		
• Other lending institutions		
• Vocational, trade and business schools		All activities associated with school must be conducted within completely enclosed buildings.
• Marinas	Boat rental, marine fuel sales, sale of fishing and marine related items including bait and tackle.	
• Commercial and noncommercial piers and docks		
• Houses of worship		
• Clubs such as civic, social, veteran, fraternal, and humanitarian, and similar organizations		
• Private libraries		
• Commercial parking lots		
• Commercial parking garages		

**2) Automobile, Vehicular, Marine and Manufactured Home, Sales, Service and Rental.**

**Category Characteristics:** Uses providing primarily for the retail sale and rental of new and used automobiles, marine craft, and manufactured homes.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>Retail sale and rental of new and used automobiles, motorcycles, trucks, tractors, trailers, recreational vehicles, golf carts, campers, boats and other watercraft, manufactured homes, and like uses</li> </ul>	The sale of accessory items for these permitted uses.  Repair services.	Junkyards and automobile wrecking yards are not permitted.
<ul style="list-style-type: none"> <li>Sale of automotive parts and accessories.</li> </ul>		

**3) Machinery and Equipment Sales, Rental and Service.**

**Category Characteristics:** Uses providing primarily for the sale, rental, service, and repair of machinery and equipment.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>Retail sale and rental of farm and construction equipment and machinery.</li> </ul>	The sale and rental of accessory items for these permitted uses.	
<ul style="list-style-type: none"> <li>Home equipment rental</li> </ul>	Repair services.	

**4) Building and Landscaping Supplies and Equipment Sales.**

**Category Characteristics:** Uses providing primarily for the sale and service of residential and commercial building supplies, tools and equipment.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>Plant nurseries</li> </ul>	The sale of accessory items for these permitted uses.	
<ul style="list-style-type: none"> <li>Sale of lumber, building supplies, farm supplies, feed, tools, equipment, garden supplies, monuments, and like uses</li> </ul>	Repair services.	

**5) Automotive Service Stations as defined in Section 86-570**

**6) Automotive Repair and Cleaning Services.**

**Category Characteristics:** Uses providing primarily for service and repair of automobiles and light trucks.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>Automobile repair shops</li> </ul>		
<ul style="list-style-type: none"> <li>Tire shops</li> </ul>		
<ul style="list-style-type: none"> <li>Automotive glass and window replacement</li> </ul>		
<ul style="list-style-type: none"> <li>Body shops</li> </ul>		
<ul style="list-style-type: none"> <li>Upholstery repair</li> </ul>		
<ul style="list-style-type: none"> <li>Automotive detailing</li> </ul>		
<ul style="list-style-type: none"> <li>Drive-thru and self-service car washes</li> </ul>		

<b>7) Eating and Drinking Establishments.</b> <b>Category Characteristics:</b> Uses providing primarily for the sale of food and beverages for consumption on the premises.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
<ul style="list-style-type: none"> <li>• Restaurants, including drive-in restaurants.</li> </ul>	<ul style="list-style-type: none"> <li>• Drive-thru facilities.</li> <li>• Reserved parking for pick-up of takeout items.</li> </ul>	
<ul style="list-style-type: none"> <li>• Bars, lounges, nightclubs, and like uses that serve alcoholic beverages for on-premises consumption</li> </ul>		
<b>8) Building Trades Contractors (Without Outside Storage of Materials and Equipment).</b> <b>Category Characteristics:</b> Uses primarily engaged in construction, landscaping, and building and yard maintenance services.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
<ul style="list-style-type: none"> <li>• Landscaping contractors</li> <li>• Building contractors</li> <li>• Electrical contractors</li> <li>• Swimming pool contractors</li> <li>• HVAC contractors</li> <li>• Plumbers</li> <li>• Carpenter and cabinet making shops, and like uses</li> <li>• Pest Control</li> <li>• Commercial water softening</li> </ul>	<ul style="list-style-type: none"> <li>• On-site fabrication, repair, assembly, and manufacturing entirely within an enclosed building without any external noise, odor, vibration, or other interference or negative impacts on adjoining uses.</li> </ul>	<ul style="list-style-type: none"> <li>• Outdoor storage of materials and equipment requires special exception.</li> <li>• Welding and machine shops are not permitted.</li> </ul>
<b>9) Motorbus Terminals.</b>		
<b>10) Boat Liveries.</b>		
<b>11) Palmists, Astrologists, Psychics, Clairvoyants and Phrenologists.</b>		
<b>12) Auditoriums and Convention Centers.</b>		
<b>13) Wholesaling From Sample Stocks Only, Provided No Manufacturing or Storage for Distribution is Permitted on the Premises.</b>		
<b>14) Revival and Gospel Establishments Under Temporary Use Permits.</b>		
<b>15) Animal Boarding in Soundproof Buildings.</b>		
<b>16) Job Printing or Newspaper Establishments.</b>		
<b>17) Upholstery and Furniture Repair.</b>		
<b>18) Retail Sale of Secondhand Merchandise in Completely Enclosed Buildings.</b>		

19) Auction Houses and Pawnshops.		
20) Retail Sale of Package Liquors.		
21) Outdoor Recreation. Category Characteristics: Uses providing primarily for public and private, outdoor recreation.		
Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>• Golf driving ranges</li> </ul>	Sale and rental of clothing and equipment associated with the on-site activity. Sale of food and drinks for on-premises consumption.	
<ul style="list-style-type: none"> <li>• Par 3 golf courses</li> </ul>		
<ul style="list-style-type: none"> <li>• Open air motion picture theaters</li> </ul>		
22) Brewpubs.		
	Accessory Uses	Restrictions
	Food service	Brewed beer may only be sold for on-site consumption.

(d) Commercial, intensive—Special exceptions.

Category of Use		
1) Wholesale, Warehouse and Storage. Category Characteristics: Uses providing primarily for the storage of goods and materials, including their sale on a bulk or wholesale basis.		
Typical Special Exception Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>• Warehousing</li> </ul>		Bulk storage of flammable liquids is not permitted.
<ul style="list-style-type: none"> <li>• Self-storage facilities</li> </ul>		
2) Building Trades Contractors (With Outside Storage of Materials and Equipment). Category Characteristics: Uses primarily engaged in construction, landscaping, and building and yard maintenance services.		
Typical Special Exception Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>• Landscaping contractors</li> </ul>		
<ul style="list-style-type: none"> <li>• Building contractors</li> </ul>		
<ul style="list-style-type: none"> <li>• Electrical contractors</li> </ul>		
<ul style="list-style-type: none"> <li>• HVAC contractors</li> </ul>		
<ul style="list-style-type: none"> <li>• Swimming pool contractors</li> </ul>		
<ul style="list-style-type: none"> <li>• Plumbers</li> </ul>		
<ul style="list-style-type: none"> <li>• Carpenter and cabinet making shops, and like uses</li> </ul>		
3) Outdoor Display and Sale of Retail Merchandise.		



4) Truck Stops as defined in <u>Section 86-570</u>		
5) Television or Radio Transmitter Towers.		
6) Agricultural fairs and fairground activities, sports fields and sports arenas, and similar uses offering events open to the public and with temporary or permanent structures.		
	Accessory Uses	Restrictions
		<p>This provision shall not be construed to prohibit playing fields, stadiums and gymnasiums as accessory uses to public or private elementary, junior high, secondary or university academic institutions in the districts where such institutions are permitted or permissible uses as special exceptions.</p> <p>Site and development plan approval is required.</p>
7) Carnivals or Circuses, Archery Ranges, Miniature Golf Courses, Pony Rides and Skating Rinks, and Indoor Pistol or Rifle Ranges.		
8) Commercial Tourist Attractions.		
9) Welding and Machine Shops.		
10) Essential Services as defined in <u>Section 86-570</u>		
Typical Special Exception Uses	Accessory Uses	Restrictions
• Electrical substations, lift stations and similar installations.		Does not include electric or gas generation plants.
11) Multi-Family Dwellings as defined in <u>Section 86-570</u>		
12) Adult Entertainment Establishments as defined in <u>Section 86-570</u>		
	Accessory Uses	Restrictions
		No such use shall be located on property which lies within:
		a. One thousand feet, as directly measured, of any two other properties on which other such establishments are located;
		b. One thousand feet, as directly measured, of any property used as a school or house of worship; or

		<p>c. Five hundred feet, as directly measured, of any residentially zoned property; and further provided that all doors, windows and other building openings shall be so located, covered or screened as to effectively prevent visual access into the interior of the building from any public or semi-public area.</p>
--	--	--

(e) *Commercial, intensive—Prohibited uses.*

<p><b>Category of Use</b></p>
<p>1) Pain Management Clinics as defined in <u>Section 86-570</u></p>
<p>2) New Residential Construction, Except for Multi-Family Dwellings.</p>

- (f) *Maximum residential density.* Maximum number of dwelling units per acre in the CI district is: 18 dwelling units per acre.
- (g) *Minimum lot requirements (area and width).* Minimum lot requirements in the CI district are: None, except as needed to meet other requirements set out in this section. Multiple-family dwellings: Width, 100 feet; area, 2,420 square feet per dwelling unit.
- (h) *Maximum lot coverage by all buildings.* Maximum lot coverage in the CI district is: Unrestricted, except as necessary to meet other requirements set out in this section. Multiple-family dwellings and their accessory buildings: 30 percent.
- (i) *Minimum yard requirements.* Minimum yard requirements in the CI district are:
  - (1) Commercial, service, office, hotel, motel or similar activities:
    - a. Front yard: 20 feet; provided that, where a CI zoned lot is located in a block a portion of which is zoned residential, requirements of the residential district apply to the CI zoned lot.
    - b. Side yard:
      - 1. Fire-resistive construction: Buildings may be:
        - i. Set to the side property line; or
        - ii. Set not less than eight feet back from the side property line.
      - 2. Non-fire-resistive construction: Buildings must be set back not less than eight feet from the side property line.
    - c. Rear yard: Ten feet.
  - (2) Automotive service stations and automotive convenience centers:
    - a. Front yard:
      - 1. Structures: 20 feet.
      - 2. Gas pumps: 15 feet.
    - b. Side yard:
      - 1. Structures: Eight feet.
      - 2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.
    - c. Rear yard:
      - 1. Structures: Ten feet.
      - 2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.
  - (3) Special provisions:
    - a. Where a CI zoned lot abuts property zoned residential, with or without an intervening alley, then, at the time of development of the CI zoned lot, a landscaped buffer is required for rear yards and for side yards as the case may be. Such rear or side yards shall not be less than 20 feet in width or depth. No yards are required adjacent to the mean high-water line or adjacent to railroad rights-of-way.
    - b. Reserved.
  - (4) Multiple-family dwellings:
    - a. Front yard: 20 feet.
    - b. Side yard: 15 feet.
    - c. Rear yard: 15 feet.

d. Waterfront yards: 20 feet.

Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height and a front yard of 25 feet or one-half of the building height, whichever is greater.

(5) Other permitted or permissible uses:

a. Front yard: 20 feet.

b. Side yard: Ten feet.

c. Rear yard: 15 feet.

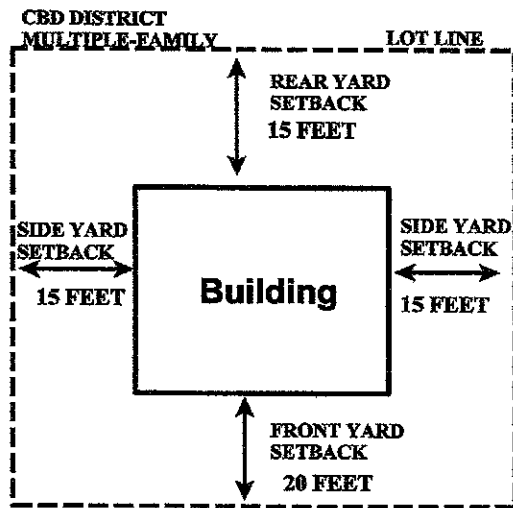
d. Waterfront yards: 20 feet.

(j) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the C1 district.

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2016-10, § 3, 8-23-16)

Sec. 86-94. - CBD commercial, business district.

(a) *Generally; intent.* The CBD district is intended to be applied only to that area which forms the city's center for financial, commercial, governmental, professional, cultural and associated activities. The standards are designed to protect and enhance the district's suitability for these activities and to discourage uses not requiring central city location or which are of a nature likely to create friction with pedestrian traffic and the primary activities for which the district is intended. High density multiple-family structures are permitted, but heavily automotive-oriented uses are prohibited.



CBD Setbacks

(b) *Permitted principal uses and structures.* Permitted principal uses and structures in the CBD district are:

(1) Governmental uses.

(2) Convention centers and auditoriums.

(3) Retail and service establishments such as bars or taverns for on-premises consumption of alcoholic beverages, reducing salons or gymnasiums and nightclubs.

(4) Motorbus or other transportation terminals.

(5) Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

(6) Pawnshops in completely enclosed buildings.

(7) Professional offices, banks and financial institutions without drive-in facilities.

(8) Open air cafes as accessory to restaurants.

(9) Residential dwellings above the first floor of any structure.

(c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CBD district are:

(1) Uses and structures which:

a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.

c. Do not involve operations or structures not in keeping with the character of the district.

(2) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.

(d) *Prohibited uses and structures.* Prohibited uses and structures in the CBD district are as follows:

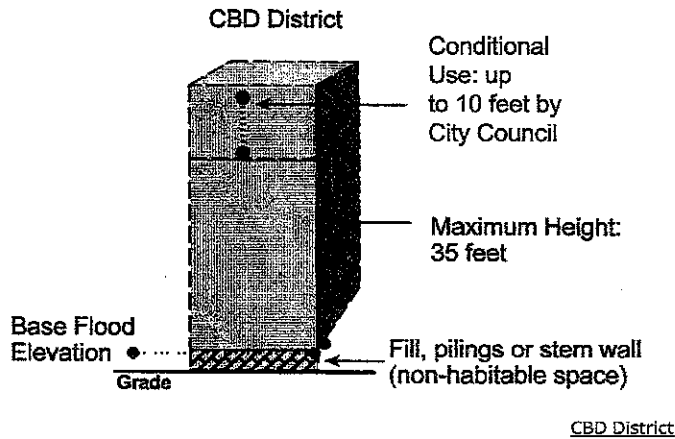
(1) Single- and two-family dwellings, except as otherwise allowed.

(2) Manufacturing, except for goods for sale at retail on the premises.

- (3) Warehousing and storage except as accessory to a permitted principal use.
- (4) Sales, service, display or storage of goods except in completely enclosed buildings, unless otherwise permitted.
- (5) Adult entertainment establishments.
- (6) Pain management clinic.

(e) *Special exceptions.* The following special exceptions are permissible in the CBD district after public notice and hearing by the planning commission:

- (1) Multiple-family dwellings (but not one- or two-family dwellings).
- (2) Automotive service stations.
- (3) Banks and financial institutions with drive-in facilities.
- (4) Hotels.
- (5) Restaurants with drive-through or pick-up facilities.



(f) *Conditional use.* The following conditional use is permissible in the CBD district after public notice and hearing by city council:

- (1) Structures in excess of 35 feet but not more than 45 feet in height.
- (2) Reserved.

(g) *Maximum density.* Maximum density in the CBD district is 18.

(h) *Minimum lot requirements (area and width).* Minimum lot requirements in the CBD district are:

- (1) Multiple-family dwellings: Width, 100 feet; 2,420 square feet per dwelling unit.
- (2) Other permitted or permissible uses and structures: None, except as necessary to meet other requirements set out in this section.

(i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the CBD district is:

- (1) Multiple-family dwellings: 30 percent.
- (2) Other permitted or permissible buildings: None, except as necessary to meet other requirements set out in this section.

(j) *Minimum yard requirements.* Minimum yard requirements in the CBD district are:

- (1) Multiple-family dwellings:
  - a. Front yard: 20 feet.
  - b. Side yard: 15 feet.
  - c. Rear yard: 15 feet.
  - d. Waterfront yards: 20 feet.
- (2) Other permitted or permissible uses:
  - a. Front yard: One foot.
  - b. Side yard: None.
  - c. Rear yard: Five feet.

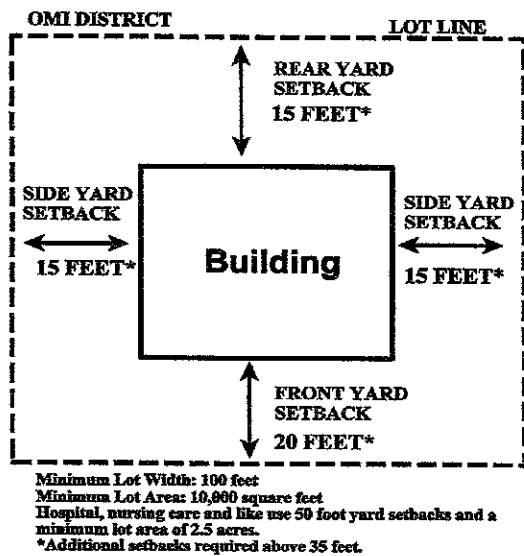
Hoods, canopies, roof overhangs and marquees may extend beyond the front lot line to within two feet of the street curb, provided that loading doors eight feet wide or wider shall be set back not less than 20 feet from all public street rights-of-way other than alleys.

(k) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the CBD district, except as permissible by conditional use.

(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 6, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2016-19, § 3, 10-25-16)

Sec. 86-95. - OMI office, medical and institutional district.

(a) *Generally; intent.* The OMI district is a specialized district intended to provide for medical offices, clinics and medically related services as well as certain institutional uses in the vicinity of the hospital. It is intended to utilize this district by applying the district to those areas designated "institutional/professional" on the future land use plan map which are located in close proximity to the hospital.



OMI Setbacks

(b) *Permitted principal uses and structures.* Permitted principal uses and structures in the OMI district are:

- (1) Medical offices.
- (2) Hospitals, rest homes, nursing homes, convalescent homes and homes for the aged; provided that no such facility shall have a lot area of less than 2.5 acres, that no building in connection with such facilities shall be closer than 50 feet to the lot line of any adjoining property, and that all other state, county and city regulations in regard to such establishments are met.
- (3) Medical and dental clinics, and medical and dental laboratories.
- (4) Administrative offices for health-related charitable, philanthropic or eleemosynary organizations.
- (5) Existing residential uses.
- (6) One-family, two-family and multiple-family dwellings within buildings eligible for listing on the local register of historical resources.

(c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the OMI district are:

- (1) Uses and structures which meet all of the following:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
  - b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
  - c. Do not involve operations or structures not in keeping with the character of this district.
- (2) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.

(d) *Prohibited uses and structures.* Any use or structure which is not specifically, provisionally or by reasonable implication permitted in this section, or permissible by special exception, is prohibited in the OMI district, including the following, which are listed for emphasis:

- (1) New residential uses except under subsections (b) and (c) of this section.
- (2) Off-site signs.

(e) *Special exceptions.* The following special exceptions are permissible in the OMI district after public notice and hearing by the planning commission:

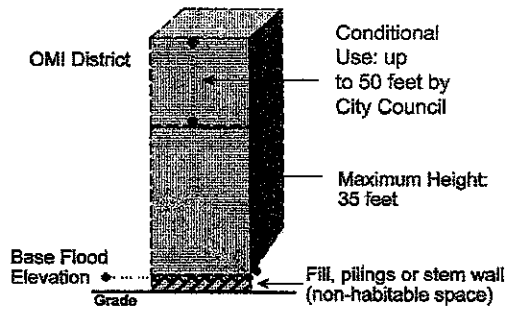
- (1) Child care centers, provided:
  - a. A fenced play area of not less than 3,000 square feet shall be provided for the first 20 or fewer children, with 200 square feet additional for each additional child.
  - b. A landscaped buffer area is required on all non-street property lines.
- (2) Detoxification centers as defined by state and federal guidelines.
- (3) Off-street parking lots in connection with nearby commercial uses when these districts adjoin a commercial district without an intervening street, but with or without an intervening alley, provided:
  - a. Such parking lots may be permitted only between the commercial district and the nearest street in the office district.
  - b. A landscaped buffer area is required on all non-street property lines.
  - c. No source of illumination for such lots shall be directly visible from any adjoining residential property.
  - d. No movement of vehicles on such lots is permitted between the hours of 10:00 p.m. and 7:00 a.m. and greater limitations may be imposed where so required.

(4) Pain management clinic.

(f) *Conditional use.* The following conditional use is permissible in the OMI district after public notice and hearing by city council:

- (1) Structures in excess of 35 feet but not more than 85 feet in height.

(2) Reserved.



OMI District

- (g) *Maximum residential density.* Maximum number of dwelling units per acre in the OMI district is: None, provided that nursing homes and homes for the aged shall not exceed 72 beds per acre.
- (h) *Minimum lot requirements (area and width).* Minimum lot requirements in the OMI district are:
- (1) Width for all uses: 100 feet.
  - (2) Area:
    - a. Hospitals, nursing homes, homes for the aged and the like: 2.5 acres.
    - b. All other uses: 10,000 square feet.
  - (3) For buildings eligible for listing on the local register of historical resources, the minimum lot width shall be 50 feet and the minimum lot area shall be 5,000 square feet.
- (i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the OMI district is 30 percent. The maximum for all buildings includes all solid-roofed areas and 50 percent of covered parking of one story not in the main building (see the definition for "Parking, covered" in section 86-570).
- (j) *Minimum yard requirements.* Minimum yard requirements in the OMI district are:
- (1) For hospitals, nursing homes and homes for the aged, all yards: 50 feet.
  - (2) For all other buildings:
    - a. Front yard: 20 feet.
    - b. Side yard: Ten feet.
    - c. Rear yard: 15 feet.
  - (3) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot for every four feet of building height, and a front yard of 30 feet or one-half of the building height, whichever is greater.
  - (4) Not less than ten feet of the required front yard to the street shall be landscaped and the landscaping maintained, except for that portion used for ingress and egress.
- (k) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the OMI district, except as permissible by conditional use.

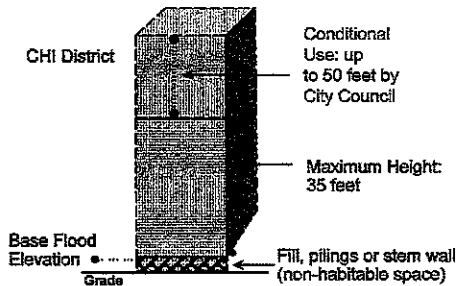
(Code 1982, § 20-6.1; Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 7, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2015-04, § 7, 3-24-15; Ord. No. 2016-19, § 3, 10-25-16)

Sec. 86-96. - CHI commercial, highway interchange district.

- (a) *Generally; intent.* The CHI district is intended to create and enhance highway interchange areas where automobile associated traveler services are desired. The establishment of these districts is necessary and in the public interest to: 1) protect and preserve the beauty and the unique character of the city; 2) promote and aid in the tourist industry which is declared to be of importance to the economy of the city; and 3) promote the public safety, welfare, convenience and enjoyment of travel, and the free flow of traffic.
- (b) *Applicability; designation on zoning atlas.* The CHI district is intended to be applied to those interchange areas located along Interstate 75. The CHI district is not intended to be used for strip commercial purposes. One stop complexes providing automotive services, motels, restaurants, offices and similar uses are encouraged.
- (c) *Permitted principal uses and structures.* Permitted principal uses and structures in the CHI district are:
- (1) Automotive service stations.
  - (2) Hotels, motels and similar accommodations. Establishments having 100 rooms or more may have a restaurant, nightclub and bar and, in addition, shops for the retail sale of flowers, sundries, books, jewelry, gifts, art and similar items, and barber or beauty shops. Such uses must be located within the main building.
  - (3) Fast-food, drive-in restaurants and restaurants with drive-through or pick-up facilities.
  - (4) Sale of fruit, gifts or novelties, souvenir shops and similar uses catering to the traveling public; provided, all display of products shall be inside a completely enclosed building and are carried on in connection with another use permitted in the district.
  - (5)

Tourist information and welcome centers.

- (6) Automotive convenience center.
- (7) Automobile washes or automatic car washes.
- (8) Retail sales of automotive parts and accessories (including installation).
- (9) Emergency medical clinic.
- (d) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CHI district are:
  - (1) Uses and structures which:
    - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
    - b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
  - (2) Reserved.
- (e) *Prohibited uses and structures.* Prohibited uses and structures in the CHI district are as follows:
  - (1) Residential construction, except for hotels, motels and similar accommodations.
  - (2) Manufacturing activities, except as specifically permitted or permissible.
  - (3) Warehousing or storage, except as accessory to and within the same structure as a permitted or permissible use.
  - (4) Adult entertainment establishments.
  - (5) Sales, display or storage of second-hand merchandise.
  - (6) Outdoor sales, service or storage.
  - (7) Pain management clinic.
- (f) *Special exceptions.* The following special exceptions are permissible in the CHI district after public notice and hearing by the planning commission:
  - (1) Truck stops.
  - (2) Emergency services.
  - (3) Banks and financial institutions, with drive-in facilities.
  - (4) Restaurants.
- (g) *Conditional use.* The following conditional use is permissible in the CHI district after public notice and hearing by city council:
  - (1) Structures in excess of 35 feet but not more than 85 feet in height.
  - (2) Reserved.



CHI District

- (h) *Maximum residential density.*
  - (1) Hotels, motels and similar accommodations where not more than 50 percent of the units have cooking facilities: 36 units per acre.
  - (2) Reserved.
- (i) *Minimum lot requirements.*
  - (1) Area:
    - a. Minimum area for consideration of rezoning to CHI classification is four acres.
    - b. Minimum lot size is one-half acre.
  - (2) Reserved.
- (j) *Maximum lot coverage by all buildings.*
  - (1) Maximum lot coverage: 35 percent.
  - (2) Reserved.
- (k) *Minimum yard requirements.* Minimum yard requirements in the CHI district are:
  - (1) Commercial, service, office, hotel, motel or similar activities:
    - a. Front yard: 50 feet.
    - b. Side yard: 25 feet.

c. Rear yard: 25 feet.

(2) Automotive service stations and automotive convenience centers:

a. Front yard:

1. Structures: 50 feet.
2. Gas pumps: 35 feet.

b. Side yard:

1. Structures: 25 feet.
2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.

c. Rear yard:

1. Structures: 25 feet.

(3) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height, and a front yard of 25 feet or one-half of the building height, whichever is greater.

(l) *Maximum height of structures.* No portion of a structure shall exceed 35 feet, except as permissible by conditional use.

(Ord. No. 98-22, § 4, 5-12-98; Ord. No. 2000-31, § 5, 5-23-00; Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 8, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2015-04, § 8, 3-24-15; Ord. No. 2016-19, § 3, 10-25-16)

Sec. 86-97. - CMU commercial mixed-use district.

(a) *Generally, intent.* The CMU district is intended for application only to the area that forms the city's activity centers for financial, commercial, tourism, professional, cultural and associated activities. Properties designated under the Historic Venice (HV) architectural control district and the neighborhood height overlay (NHO) districts are not eligible for CMU rezoning designation. The standards are designed to protect and enhance the district's suitability for these activities and to discourage uses not requiring activity center location or which are of a nature likely to create friction with pedestrian traffic and the primary activities for which the district is intended. Higher density multiple-family structures are permitted, but heavily automotive-oriented uses are prohibited.

(b) *Three or more permitted uses.* Three or more permitted uses are required in each CMU district.

(c) *Minimum land area.* A tract of land proposed for rezoning to CMU shall not be less than two acres; provided that after initial CMU district has been created, incremental additions of lesser areas to such districts under the same unified ownership and control may be approved for a CMU.

(d) *Permitted principal uses and structures.* Permitted principal uses and structures in the CMU district are:

- (1) Governmental uses.
- (2) Community meeting rooms, halls, business center, conference center.
- (3) Retail and service establishments such as restaurants, bars or taverns for on-premises consumption of alcoholic beverages, spas, salons, athletic clubs or gymnasiums, and nightclubs.
- (4) Art studios, antique shops.
- (5) Parking lots and garages.
- (6) Banks and financial institutions without drive-in facilities.
- (7) Open-air cafes as accessory to restaurants and taverns.
- (8) Residential dwellings.
- (9) Hotels, motels, condominium hotel.
- (10) Docks.
- (11) Business, medical and professional offices.

(e) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the CMU district are uses and structures which:

- (1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- (2) Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- (3) Do not involve operations or structures not in keeping with the character of the district.

(f) *Prohibited uses and structures.* Prohibited uses and structures in the CMU district are as follows:

- (1) Manufacturing, except for goods for sale at retail on the premises.
- (2) Warehousing and storage except as accessory to a permitted principal use.
- (3) Sales, service, display or storage of goods except in completely enclosed buildings, unless otherwise permitted.
- (4) Adult entertainment establishments.
- (5) Pain management clinic.

(g) *Special exceptions.* The following special exceptions are permissible in the CMU district after public notice and hearing by the planning commission:

- (1) Drive-in facilities.
- (2) Drive-through or pick-up facilities.
- (3) Movie theaters and entertainment complexes.



(h) *Maximum density.*

- (1) Residential: 18 dwelling units per acre.
- (2) Condominium hotel: (None). An analysis, prepared by the applicant and accepted by the city, shall be prepared which establishes an equivalent residential unit (ERU) standard for potable water and sanitary sewer services for the purpose of demonstrating anticipated level of service impacts for concurrency determination.
  - a. City council may impose limitations on the size of living unit, including number of bedrooms and utility fixtures to ensure the viability of hospitality and transient accommodations and to limit impacts for local services including schools, roadways, potable water, sanitary sewer and hurricane evacuation.
  - b. City council may impose limitations on the length of stay of unit owners of condominium hotel units, but in no case may an owner's use of their unit exceed six months per calendar year.

(i) *Minimum lot requirements.* Minimum lot requirements in the CMU district are: None.

(j) *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings in the CMU district is: None, except as necessary to meet other requirements set out in this section. Building structures shall be designed in such a way that the pedestrian orientation along street frontage is established.

(k) *Minimum yard requirements.* Minimum yard requirements in the CMU district are: None, except hoods, canopies, balconies, roof overhangs and marquees may extend beyond the front lot line to within two feet of the street curb only upon city council approval provided that loading doors eight feet wide or wider shall be set back not less than four feet from all public street rights-of-way other than alleys.

(l) *Maximum height of structures.*

- (1) Building structures up to three stories in height (but no greater than 35 feet) shall be permissible by right within the CMU district.
- (2) City council may allow building height up to 80 feet when the site is deemed to be conducive to additional height without negatively impacting adjacent properties. The granting of additional building height greater than 35 feet requires a finding that such granting will not adversely affect the public interest and that satisfactory provision and arrangement has been made concerning the following matters, where applicable:
  - a. Compliance with all applicable elements of the comprehensive plan;
  - b. General compatibility with adjacent properties and other properties in the district;
  - c. Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings;
  - d. Required yards and other open space;
  - e. Screening and buffering, with reference to type, dimensions and character;
  - f. Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;
  - g. Off-street parking and loading areas, where required;
  - h. Value added considerations including tax base diversification, employment, and affordable housing unit expansion;
  - i. Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved;
  - j. Building height shall transition from the maximum building height to a lower height when directly adjacent to lower intensity residential and commercial land uses, waterways or designated height restrictive overlay zones;
  - k. Proportion and scale should be considered for taller building structures to create a tapering effect of the building mass for structures greater than 35 feet in height. Buildings greater than 35 feet should have a clear and distinct base and cap to help define and articulate the pedestrian realm at the base of the structure and a crowning top to provide visual interest along the district skyline.
- (3) Final approved building height shall be confirmed through a binding master development plan, including building architectural renderings and profile drawings, and building roof plans for all principal building structures.

(m) *Architectural character and massing.*

- (1) Architectural integrity and compatibility with nearby existing buildings both on- and off-site shall be demonstrated. Architectural considerations shall include siting, massing, proportion, scale, materials, colors, details, facade treatments, fenestration, parapets, site features, lighting and signage. The openness of ground floor facades and view corridors which face pedestrian utilized roadways, circulation routes or waterways shall be maximized to promote pedestrian activity and increase visibility of activity from the interior of the buildings.
- (2) Mixed-use projects may be arranged vertically (ground-level retail, office, restaurant, entertainment, or community facility with residential uses above) or horizontally (commercial uses on a portion of the property linked by pedestrian connections to residential uses as part of a unified development project).
- (3) The form of mixed-use buildings and architectural details should be designed to create visual interest at the street level using techniques such as staggering the frontage of the buildings, recessing doors and windows, providing varied display windows, providing awnings and canopies for weather protection and scale, and visually extending interior spaces outside through paving and glazing.
- (4) Building plans, facades and rooflines should vary from building to building and from project to project to create interest along the street.
- (5) Site and architectural design features, which substantially advance Venetian Mediterranean design standards or other, appropriate architectural design compatible with the surrounding area. Materials and colors should be selected to unify the building appearance and fit into the pedestrian realm context.

(n) *Parking requirement.* Parking standards for all uses within a CMU classification shall be confirmed through a binding parking utilization study.

- (1) The study shall include a master parking plan that accurately designates required parking spaces and the relation of the off-and on-street parking facilities to the uses or structures such facilities are designed to serve. Included in the study shall be an analysis, assumptions and methodology used in determining parking demand along with design and dimensional information for parking stall size, access aisles and driveways.
  - (2) Parking should be conveniently located near nonresidential uses but visibly minimized from arterial streets and public spaces.
  - (3) Centralized parking decks/courts within the mixed-use development should be provided to minimize disruption of the pedestrian realm and to ensure building facades are established as the dominant visual design element of a site.
  - (4) Parking access may be directly from an alley.
- (o) *Procedure for rezoning to CMU classification.* The procedure for rezoning of land to CMU classification shall be as set out in this chapter applying to the rezoning of land generally. Because of differences between planned commercial mixed use developments and developments resulting from conventional rezoning, however, the following additional requirements shall apply to applications for rezoning of land to CMU:
- (1) *Materials to be submitted.* In addition to information required for application for rezoning under this chapter, the applicant shall submit the following materials or data:
    - a. The evidence of unified control of the proposed CMU and the agreements required by this chapter.
    - b. A master development plan demonstrating that such plan accomplishes the intent and purpose of the CMU district and containing:
      1. Identification of a minimum of three or more permitted uses, or uses requested through special exception.
      2. The title of the project and the names of the professional project planner and the developer.
      3. Scale, date, north arrow and general location map.
      4. Boundaries of the property involved, all existing streets, buildings, watercourses, easements, city limits, section lines, and other important physical features in and adjoining the project.
      5. A binding master development plan showing various traffic accesses and flow and particularly showing how various types of traffic are to be separated, and the relationship of traffic flow to proposed lots or building sites within the district. This plan must be at an appropriate scale and show proposed placement of principal building structures on the property, location of different land uses proposed, plans for screening and buffering, location and type of municipal amenities such as benches, fountains, signage or other similar amenities, and provisions for ingress and egress, off-street parking and off-street loading areas.
      6. Height of all structures shall be clearly indicated along with conceptual architectural renderings primarily showing massing and compatibility of height. A building roof plan shall be provided for all building structures.
      7. Identification of the pedestrian realm including parkway, sidewalk, and landscaped areas. The pedestrian realm may include both public and private property. Pedestrian amenities, street trees, street furniture, bus stop facilities, and other landscaping and hardscaping, as specified in this section, shall be included in the public realm.
    - c. A statement showing general land use compatibility with adjacent properties and other properties in the district, proposed modifications of zoning or other applicable regulations where it is intended by the applicant that such modifications can serve the public interest to an equivalent degree, and any such value added considerations including tax base diversification, employment, and affordable housing unit expansion.
    - d. Generalized engineering data for streets, utilities and drainage, demonstrating the direction of plans for handling any problems that may arise as to drainage, utilities and roads.
    - e. Copies of deed restrictions, covenants or conditions of lease by which the developer proposes to bind those buying or leasing building sites in the CMU district to certain conduct and construction of building in the CMU district, such as deed restrictions, covenants, conditions of lease on use, construction and building design, landscaping, building setbacks, loading docks, parking facilities, easements, storage facilities, waste disposal, improvements made or erected, signs, fences and walls and similar matters.
    - f. A binding developer's agreement specifying the three minimum land uses required and the minimum percentage of each use therein. These agreements shall be provided and executed upon rezoning and include a binding master development plan. Nothing contained herein shall be constructed to limit the uses proposed to three uses.
  - (2) *Procedure.* On application for rezoning of land to the CMU classification, the planning commission and city council shall proceed in general as for other applications for rezoning of land, giving special consideration, however, to the following matters and requirements, and allowing changes in the rezoning application prior to the required planning commission public hearing as follows:
    - a. After applying for rezoning to the CMU classification, the applicant shall meet with the zoning administrator, city engineer and representatives of such other agencies as may be pertinent, to review the original application, including all plans, maps and documents submitted by the applicant. The purpose of such conferences shall be to assist in bringing the overall petition as nearly as possible into conformity with this division or other regulations applying generally to the property involved and/or to define specifically those variations from application of general regulations which appear justified in view of equivalent service of the public purposes of such regulations.
    - b. In the course of such meetings, any recommendations for changes shall be recorded in writing and shall become part of the record in the case. All such recommendations shall be supported by stated reasons for the proposal for change. The applicant shall state in writing agreement or disagreement with such recommendations, and if there is disagreement, shall in writing indicate reasons therefore, and such responses by the applicant shall be included in the record.
    - c.

At such time as further meetings are determined by the city to be unnecessary, public notice shall be given and the hearing before the planning commission held as for other applications for rezoning, but the notice and hearing shall be on the petition as it may have been amended following the meetings rather than as originally submitted.

- d. Recommendation by planning commission. After a public hearing, the planning commission shall make its recommendation known to city council that the CMU rezoning be granted, be granted subject to stated stipulations and conditions, or disapproved. In making its recommendation, the planning commission shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements applicable to rezoning generally, and in addition that:
  1. The requirements of unified control and agreement have been met.
  2. The locational standards have been met.
  3. The internal CMU standards have been met.
  4. The tract for the proposed CMU is suitable in terms of its relationship to the comprehensive plan and that the area surrounding the proposed CMU can continue to be developed in coordination and substantial compatibility with the CMU proposal.
  5. The desirable modifications of general zoning or CMU regulations, as applied to the particular case, justify such modification of regulations and meet to at least an equivalent degree the regulations modified based on the design and amenities incorporated in the site and development plan.
  6. The deed restrictions or covenants or conditions of lease proposed will afford substantial aid in accomplishing the intent and purpose of the district.
- e. Effect of rezoning. If the city council shall approve the rezoning of land to CMU, the master development plan and all information and materials formally submitted with the application, together with any conditions, safeguards and stipulations made at the time of rezoning, shall be adopted by reference as an amendment to this chapter and shall become the standard of development for the subject planned commercial mixed-use district.
- f. Municipal amenities. A contribution to municipal amenities may be required after a determination by city council that a demonstrated public need exists for municipal amenities such as benches, fountains, signage or other similar amenities.
- g. Site and development plan approval. Prior to the issuance of any building permit to begin construction on land, which has been rezoned to CMU, a site and development plan approval, as set in this chapter, is required. Requests for rezoning to the CMU classification and approval of site and development plans, and special exceptions may be processed concurrently.

(Ord. No. 2005-37, § 1, 11-8-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2016-19, § 3, 10-25-16)

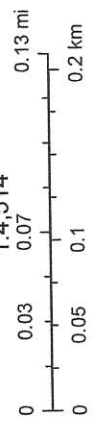
Secs. 86-98, 86-99. - Reserved.

# Sarasota County Property Appraiser

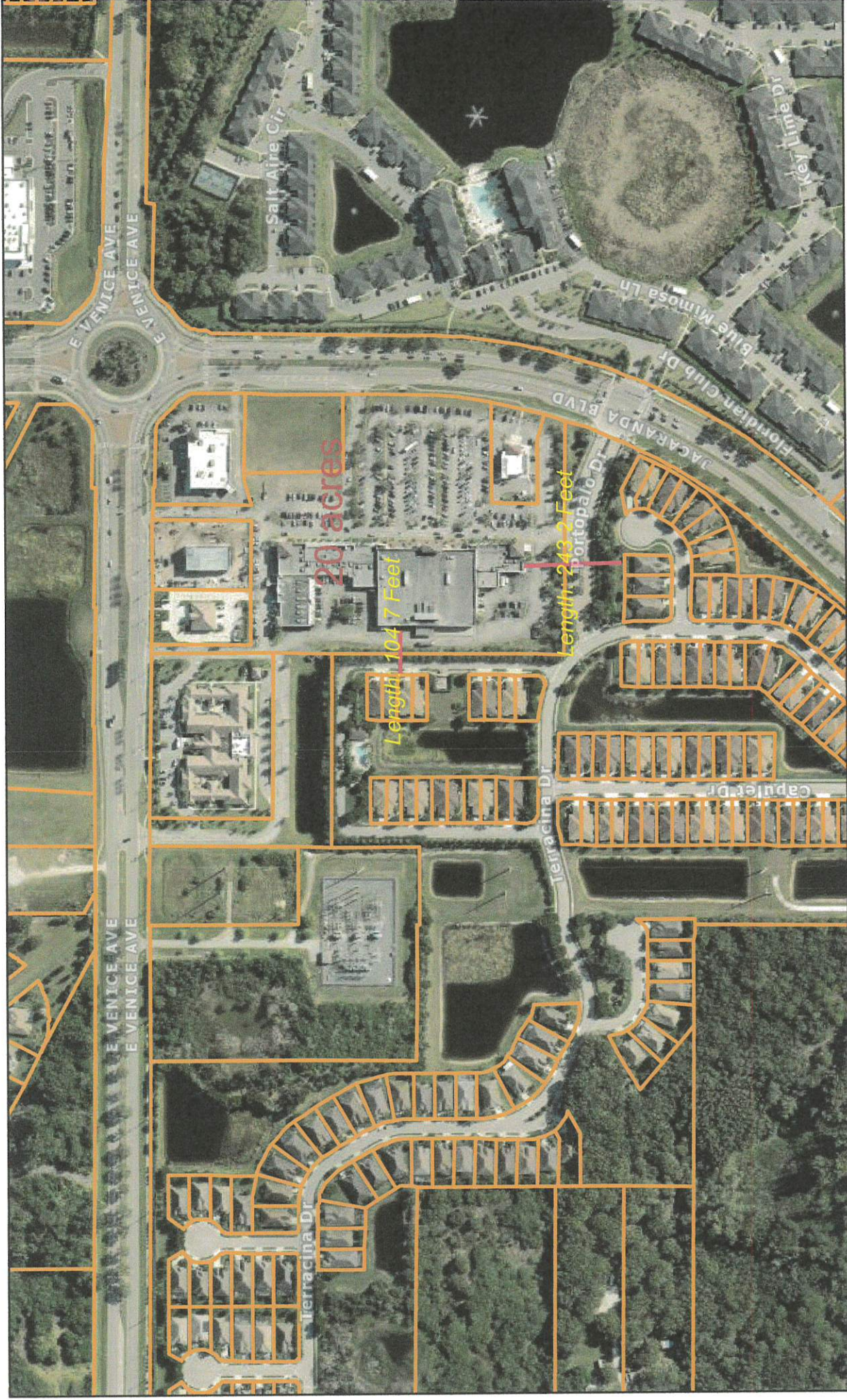


6/14/2023, 11:53:19 AM

1:4,514



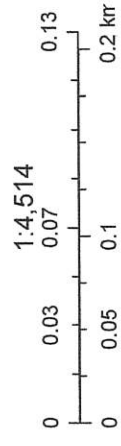
# Sarasota County Property Appraiser



6/13/2023, 2:37:48 PM

Parcels 2023

Parcels 2023 (all scale levels)



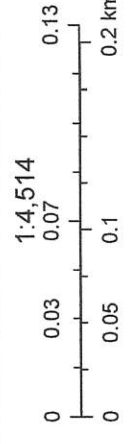
# Sarasota County Property Appraiser



6/13/2023, 2:34:38 PM

Parcels 2023

Parcels 2023 (all scale levels)



# Sarasota County Property Appraiser



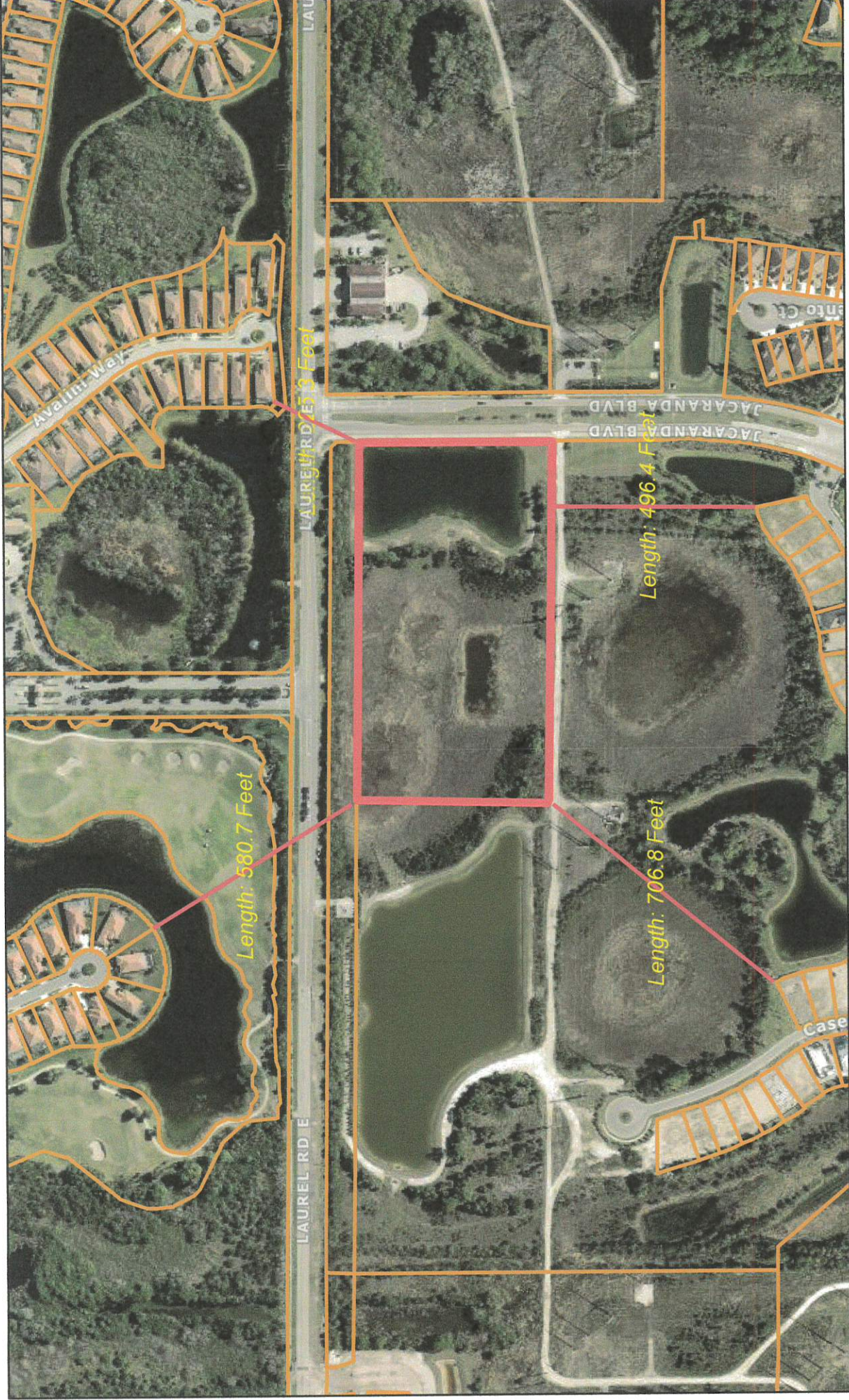
Parcels 2023

Parcels - Change for 2024

6/15/2023, 7:52:20 AM

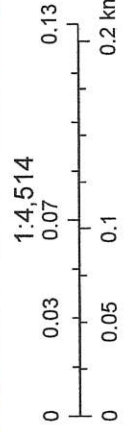
1:4,514  
0 0.04 0.09 0.15 0.18 mi  
0 0.07 0.15 0.3 km

# Sarasota County Property Appraiser



6/14/2023, 2:48:37 PM

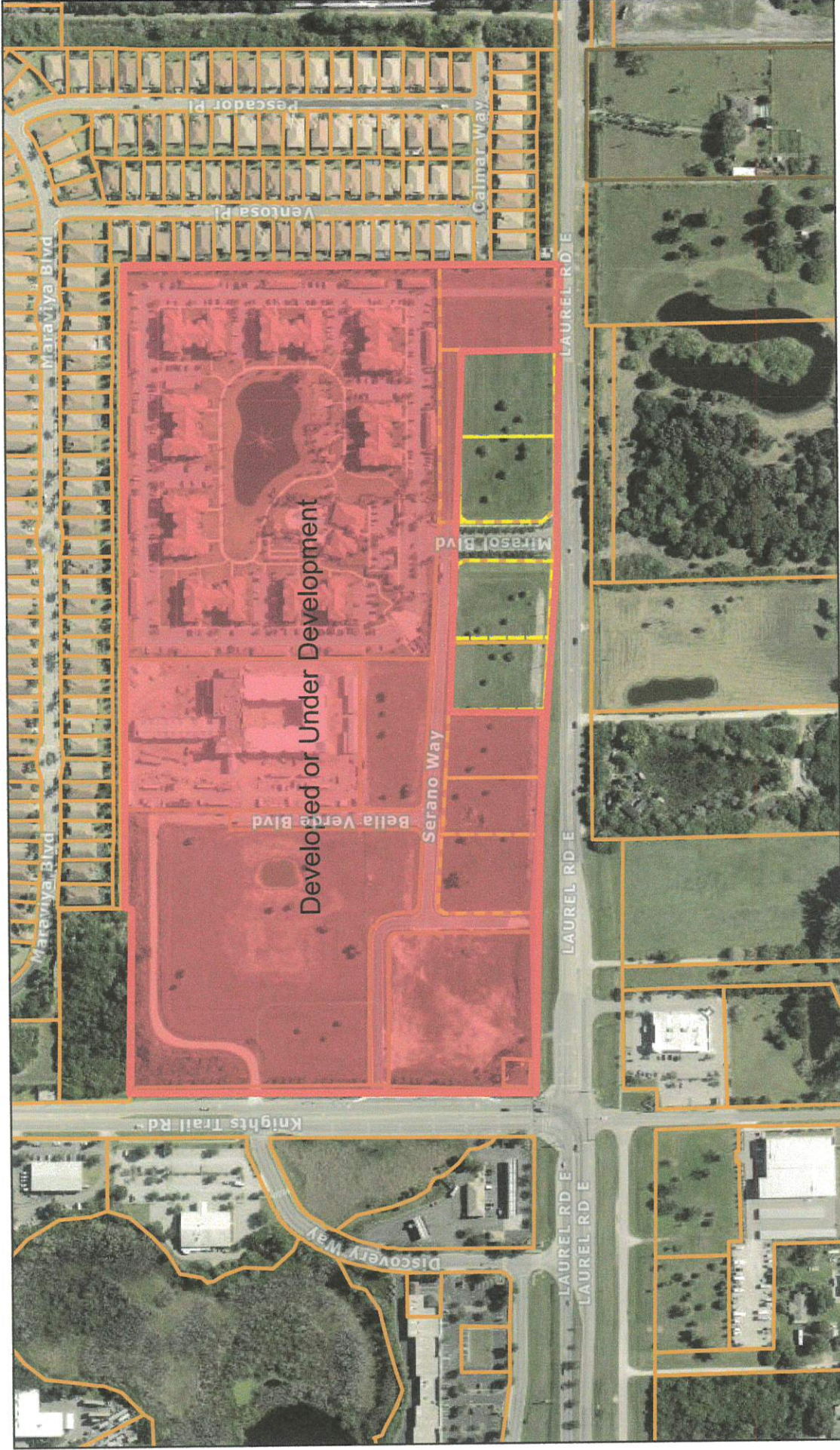
 Parcels 2023






**“...one mile down at the Mirasol there are commercial activities that are in a commercial mixed use zoning, and... a Public would be acceptable in there, provided they have the room.”**

# Sarasota County Property Appraiser

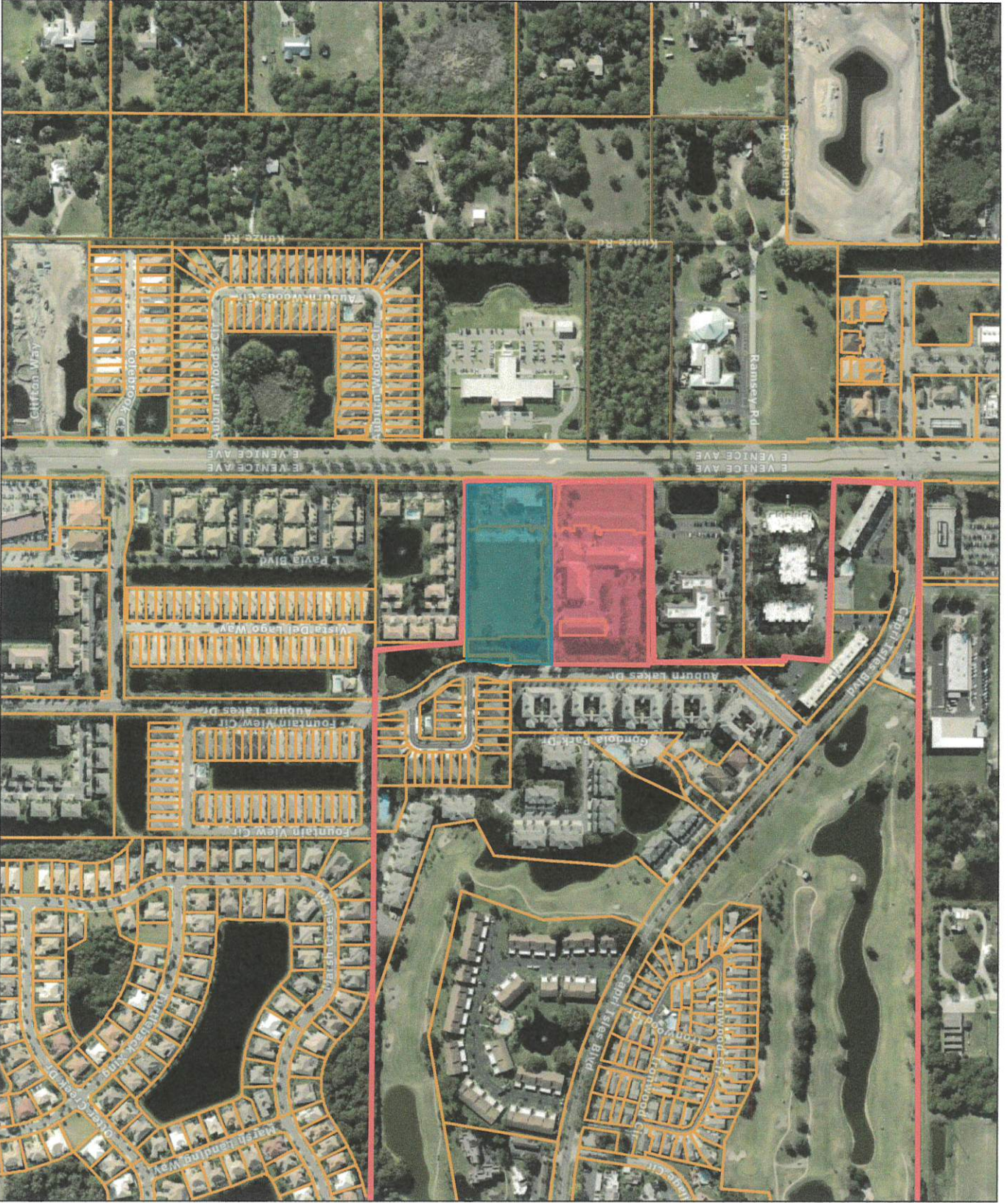


6/14/2023, 1:56:36 PM

 Parcels - New for 2024

 Parcels 2023

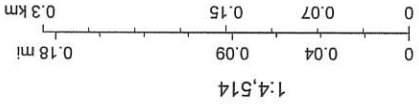
# Sarasota County Property Appraiser



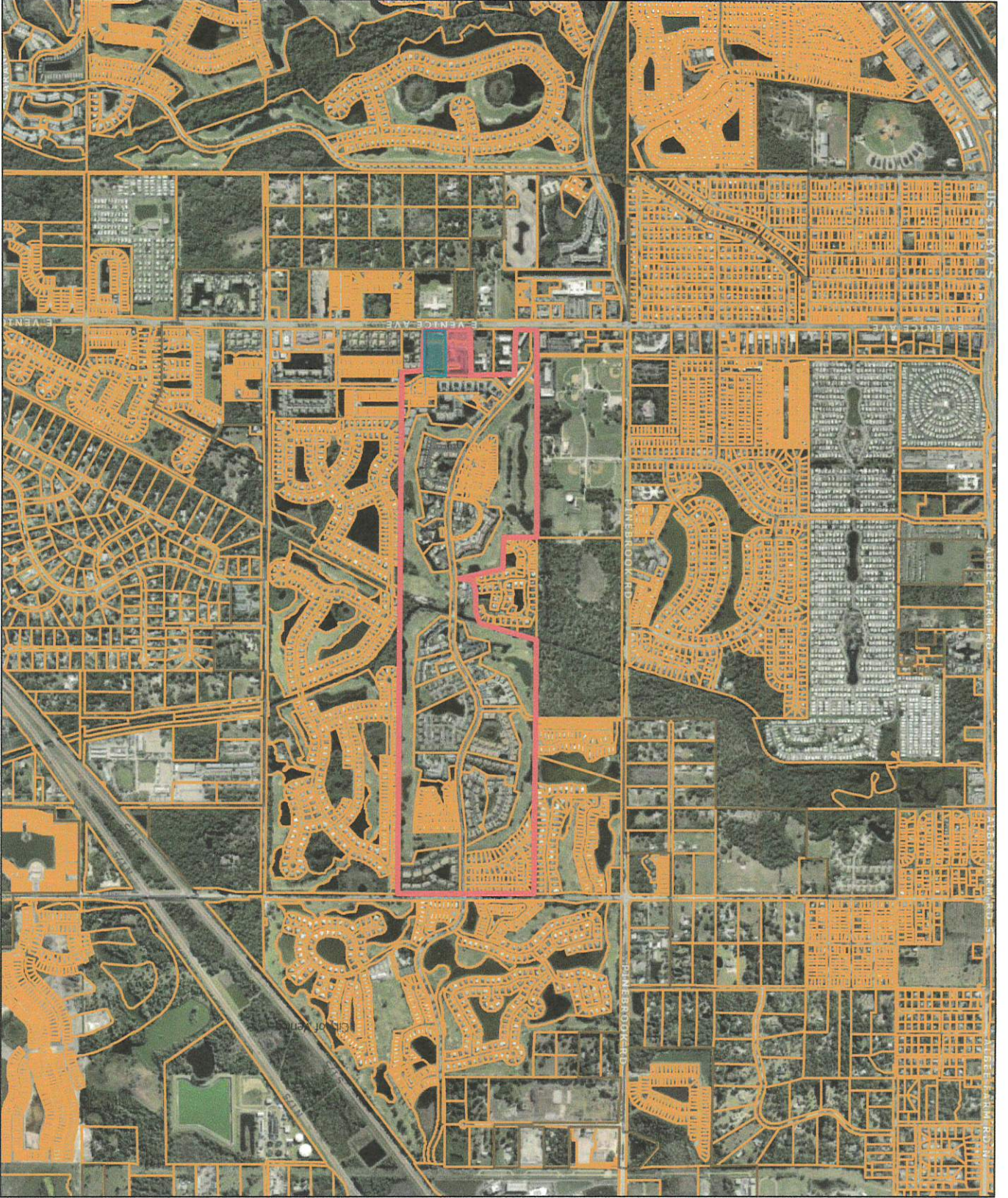
6/14/2023, 4:11:38 PM

Parcels 2023

Parcels 2023 (all scale levels)



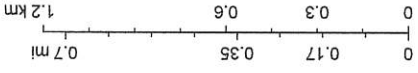
# Sarasota County Property Appraiser



6/14/2023, 4:09:04 PM

Parcels 2023 (all scale levels)

1:18,056

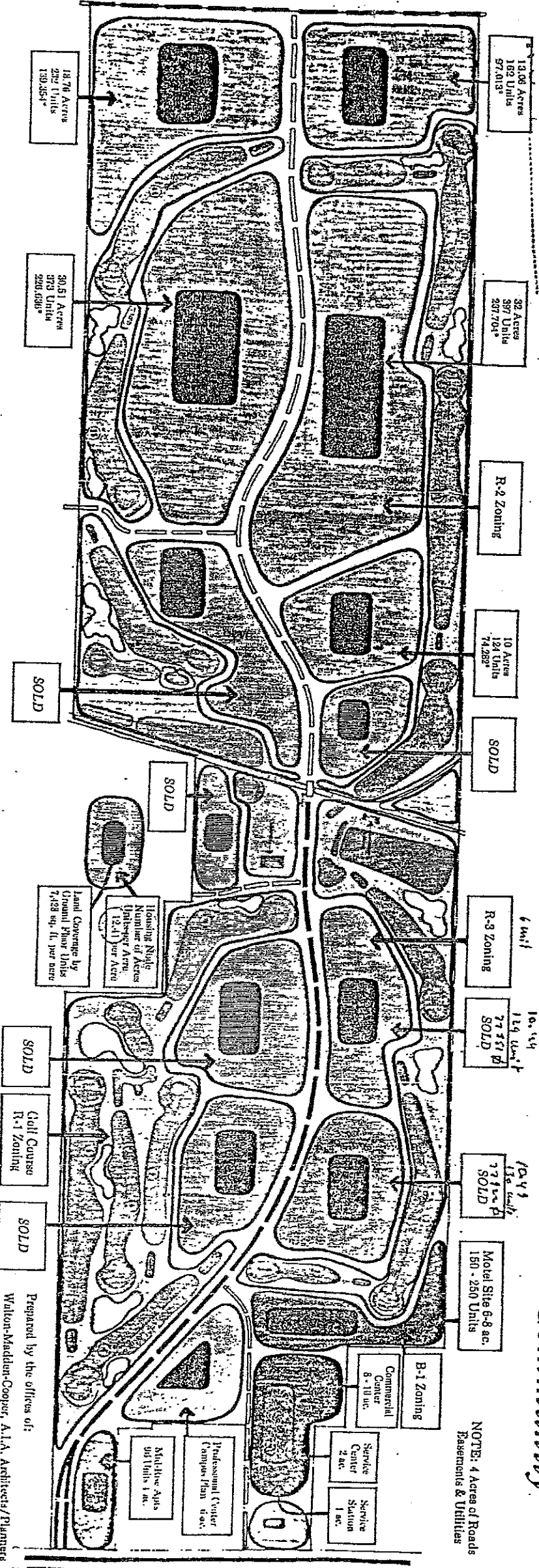


Introducing

# SPORT ISLES

In Venice, Florida

"A Planned Residential and Recreation Community"



- Multiple Family Housing Sites with Golf Course Frontage. (18 holes completed)
- City Water and Sewer.
- Property Zoned for 12.41 units per buildable acre.
- 1 to 6 story allowed.

If interested, contact:  
**Playwell Company**  
 P. O. Box 594  
 Venice, Florida 33595  
 Phone (813) 485-4760  
 OR  
 J. F. Belfiore, President  
 4301 Connecticut Ave., N.W., Suite 102  
 Washington, D.C. 20008  
 Phone (202) 244-2444

Prepared by the offices of:  
 Walton-Maddler-Cooper, A.I.A. Architects/Planners  
 June I. Murrshall & Associates a.s.l.a.  
 Land planners/planning consultants  
 DATE: JULY, 1972

Key:  
 Completed Roadway  
 Roadway Under Construction

NOTE: 4 Acres of Roads Basements & Utilities

**AGENDA**  
**REGULAR MEETING**  
**VENICE CITY COUNCIL**  
**COUNCIL CHAMBERS – 401 West Venice Avenue**  
**July 26, 2011 – 1:30 P.M.**

*This meeting will be broadcast on Comcast Channel 189 on Saturday, July 30, 2011 at 9:30 a.m. and Wednesday, August 3, 2011. The entire meeting will be broadcast twice in the following week on Access 19 (Comcast Channel 19) (Verizon Channel 32). Log on to [www.scgov.net](http://www.scgov.net), click on Access Sarasota Television to see when the meeting is scheduled to run. For further information, log on to [www.venicegov.com](http://www.venicegov.com)*

**CALL TO ORDER**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**I. CERTIFICATE OF APPRECIATION**

Suncoast Reef Rovers

**II. RETIREMENT TRIBUTE**

David Aker, School Resource Officer, Venice Police Department

**III. BOARD APPOINTMENT**

Municipal Code Enforcement Board

Michael Pakledinaz to the Municipal Code Enforcement Board to Complete the Term of Diana Mier from July 26, 2011 until June 30, 2012

**IV. APPROVAL OF MINUTES**

Regular Meeting

May 10, 2011

Special Meeting

May 17, 2011

**V. AUDIENCE PARTICIPATION**

**VI. PUBLIC HEARING**

1. Rezone Petition 11-1RZ, For the Rezoning of Toscana Isles from “Commercial General” (CG) Zoning District to “Planned Unit Development” (PUD) Zoning District
  - (a) Public Hearing (Quasi Judicial)
  - (b) Ordinance No. 2011-11 (First Reading)

**VII. UNFINISHED BUSINESS**

**ORDINANCES – FINAL READING AND PUBLIC HEARING**

1. Ordinance No. 2011-10, An Ordinance of the City of Venice, Florida Temporarily Decreasing the Billing Charge and Cross Connection Program Charge for Master Metered Multi-Family Customers of the Water and Wastewater Utility Systems; and Providing an Effective Date

**VIII. NEW BUSINESS**

**A. PRESENTATIONS**

1. Lauren Vitagliano, Airport Operations Research Analyst, SRA International, Inc. and Jim Patterson, Project Manager, Airport Safety Technology Sub-Team, Federal Aviation Administration: Taxiway Deviation Project (10 Min.)
2. Utilities Director Len Bramble and City Attorney Bob Anderson: Mandatory Utility Connections (10 Min.)
3. Utilities Director Len Bramble: Cost of Services Study Update (5Min.)
4. Acting City Manager Nancy Woodley and Finance Director Jeff Snyder: Proposed Fiscal Year 2011-2012 Budget
  - a. Set Preliminary Millage Rate and Public Hearing Dates (15 Min.)

**B. COUNCIL ACTION**

1. Approve Amendment to the Lease Agreement Dated September 9, 2008 with Venice Area Beautification, Inc. for the Old Venice Area Chamber Building at 257 North Tamiami Trail, Venice

2. Approve Lease between the City of Venice and the Tito Gaona Trapeze Academy
3. Approve Lease between the City of Venice and Venice Art Center, Inc.

**IX. ADMINISTRATIVE REPORTS**

- A. City Attorney
- B. Finance Director
- C. City Clerk
- D. Acting City Manager

Action Items:

1. Authorization for the Mayor to Sign a Contract with Brooks & Freund, LLC for Airfield Marking, Signage, RSA Fencing and Clearing
2. Authorization for Change Order No. 1 for the Upgrading of the Tack Coat on the 2011 Paving Project
3. Approval of the 2<sup>nd</sup> Scope of Work for the Lord-Higel House

**X. COUNCIL REPORTS**

**XI. AUDIENCE PARTICIPATION**

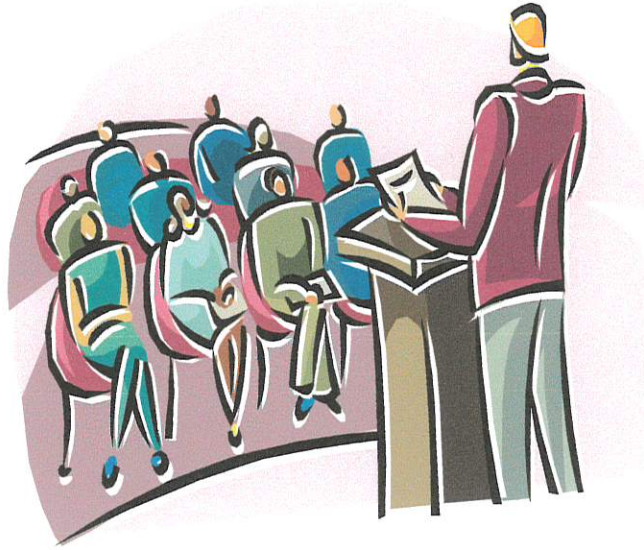
**XII. ADJOURNMENT**

\* \* \* \* \*

*If you are disabled and need assistance, please contact the City Clerk's office at least 24 hours prior to the meeting.*

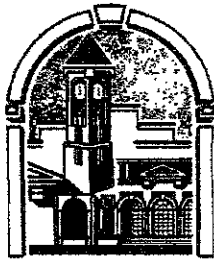
**NOTE:** No stenographic record by a certified court reporter is made of this meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at this meeting upon which any appeal is based.





# PUBLIC HEARINGS

(Five Minutes Each Speaker)




"City on the Gulf"

City of Venice  
Development Services

MEMORANDUM

**To:** Mayor and City Council

**From:** Chad L. Minor, AICP, LEED® G.A., Planning Administrator 

**Date:** July 7, 2011

**Re:** **Transmittal of Petition for Council Action**  
**Zoning Map Amendment No. 11-1RZ, Toscana Isles**

---

Background:

The applicant is requesting a Zoning Map Amendment from the "Commercial, General (CG)" zoning district to "Planned Unit Development (PUD)". The applicant is seeking approval of the PUD zoning designation to allow for the Toscana Isles project. A 406 acre project on Knights Trail Road.

On June 28, 2011, the Planning Commission found the above-referenced request consistent with the Comprehensive Plan and Code of Ordinances and, therefore, voted to recommend to City Council APPROVAL of Zoning Map Amendment Petition No.11-1RZ. The approval contained the following additional restrictions or stipulations governing permitted uses within the "Planned Unit Development (PUD)" zoning district:

*The canopy trees (1 per 20 linear feet) for the Gene Green Road Enhanced Buffer Zone, as depicted on the Enhanced Buffering Performance Criteria Concept Plan, that separates the proposed residential area from the existing Planned Industrial Districts must be planted concurrent with any improvements included in the first phase of development. Staff will work with the applicant to determine tree locations upon consideration of existing buffer material.*

Action:

The order and action of processing the petition will first be recommendation by Planning Commission to City Council. The Planning Commission shall base its recommendation upon analysis contained within the staff report and public input presented during the public hearing. The analysis and recommendation are forwarded to City Council for final action. Approval of the zoning map amendment is by ordinance and requires two City Council public hearings.

cc: File No. 11-1RZ

# CITY OF VENICE

City Clerk

## Interoffice Memorandum

TO: Mayor and City Council

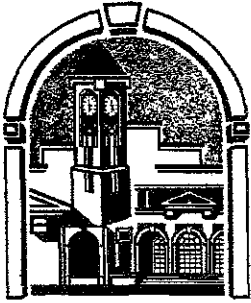
FROM: Susan Schult, Recording Secretary

SUBJECT: Summary of Action Taken at the June 28, 2011 Special Meeting of the Planning Commission

DATE: July 8, 2011

---

1. Motion Carried based on the staff report and the presentation, the Planning Commission, sitting as the local planning agency, finds this request consistent with the Comprehensive Plan and the Affirmative Findings of Fact in the record and, therefore, recommends to City Council approval of Zoning Map Amendment Petition No. 11-1RZ, with the inclusion of the stipulation recommended by staff. (*Toscana Isles*)



"City on the Gulf"

# CITY OF VENICE

401 W. Venice Avenue Venice, FL 34285

(941) 486-2626 Fax (941) 480-3031  
Suncom: 516-4382

July 7, 2011

Mr. Jeffery A. Boone, Esquire  
P.O. Box 1596  
Venice, FL 34284-1596

RE: Zoning Map Amendment (No. 11-1RZ)  
Toscana Isles

Dear Mr. Boone:

On June 28, 2011 the Planning Commission found the above-referenced request consistent with the Comprehensive Plan and Code of Ordinances and, therefore, voted to recommend to City Council APPROVAL of Zoning Map Amendment Petition No.11-1RZ. The approval contained the following additional restrictions or stipulations governing permitted uses within the "Planned Unit Development (PUD)" zoning district:

*The canopy trees (1 per 20 linear feet) for the Gene Green Road Enhanced Buffer Zone, as depicted on the Enhanced Buffering Performance Criteria Concept Plan, that separates the proposed residential area from the existing Planned Industrial Districts must be planted concurrent with any improvements included in the first phase of development. Staff will work with the applicant to determine tree locations upon consideration of existing buffer material.*

The City Clerk will be notified of the Planning Commission's recommendation and requested to schedule the necessary City Council final action. Please contact the City Clerk's Office at 486-2626, extension 23002, for scheduling information.

Sincerely,

Chad L. Minor, AICP, LEED® G.A.  
Planning Administrator

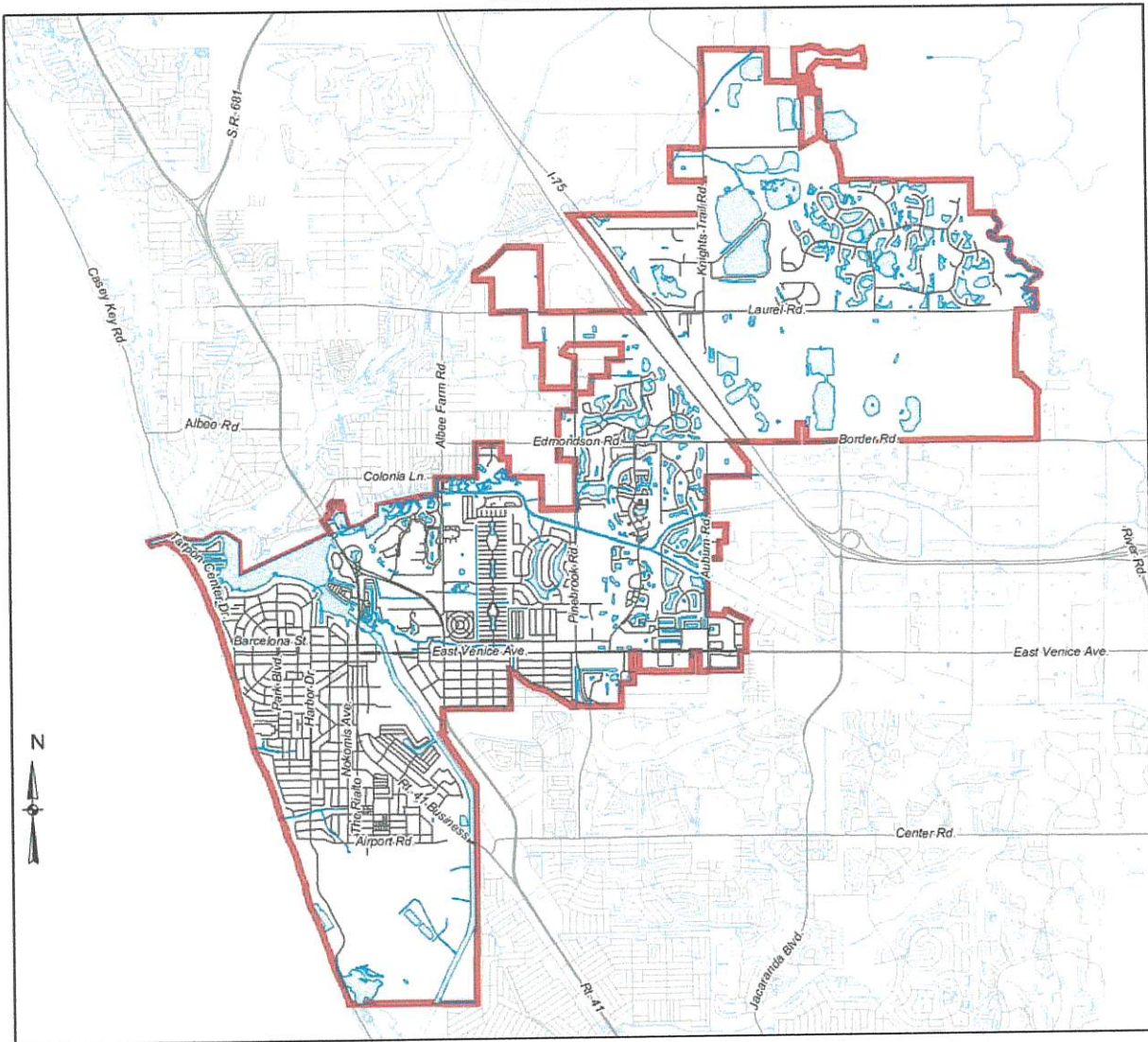
cc: Martin P. Black, AICP, Kimley-Horn & Associates  
Sean Leins, P.E., AM Engineering, Inc.  
File No. 11-1RZ

---

# City of Venice Planning Commission Information Packet

---

## ZONING MAP AMENDMENT (No. 11-1RZ) Toscana Isles



---

Prepared by the Planning and Zoning Department  
City of Venice, Florida

---



**D. Adjacent Land Uses**

<b>Regulatory Standards</b>	<b>North</b>	<b>West</b>	<b>South</b>	<b>East</b>
<b>Existing Land Uses</b>	Agricultural & Industrial	Industrial (Triple Diamond) & Agricultural	Vacant (Renaissance)	Residential & Industrial (VGRC & Venice Minerals)
<b>Future Land Use Map Designation</b>	Knights Trail & Gene Green Neighborhoods	Industrial-Commercial and Industrial	Knights Trail Neighborhood	Low Density Residential and Gene Green Neighborhood
<b>Zoning Map Designation</b>	“PID” and Sarasota County “OUE-1”	“PID” and Sarasota County “OUE”	“CG”	“PUD” & “PID”
<b>JPA Land Use Designation</b>	NA	NA	NA	NA

**E. Joint Planning Agreement / Interlocal Service Boundary Agreement:**

The subject property is not within the joint planning area.

**III. STAFF ANALYSIS**

**A. Recommendation:**

Staff recommends the following stipulation be included with a determination of approval. This stipulation, if agreed to, will be memorialized in the rezone ordinance.

1. The canopy trees (1 per 20 linear feet) for the Gene Green Road Enhanced Buffer Zone, as depicted on the Enhanced Buffering Performance Criteria Concept Plan, that separates the proposed residential area from the existing Planned Industrial Districts must be planted concurrent with any improvements included in the first phase of development. Staff will work with the applicant to determine tree locations upon consideration of existing buffer material.

**B. Background:**

- The subject property was annexed in 2003 as an existing 598 space RV park and received a “Commercial” future land use designation. A site and development plan was approved for the Caribbean Bay Luxury RV Resort. This plan was never built.
- In 2006, the property was rezoned to the “Commercial, General” designation with the intention of developing the Bella Venetia project that proposed residential and commercial uses. This plan was not accomplished and the property has remained vacant except for emergency housing as a result of hurricane Charlie.
- The pre-hearing conference, required by the PUD rezoning process, was held on March 15, 2011. The applicant provided responses, in writing, to Planning Commission’s concerns. These responses are included in the Planning Commission packet and are thereby made a part of the public record.
- The petition reflects compliance with the minimum technical standards of the city’s land development regulations.
- The City Attorney has reviewed the evidence of unified control and the development agreement submitted by the applicant and has certified that they meet the requirements of Chapter 86 of the City’s Land Development Code.
- There are no outstanding technical issues that would prevent the Planning Commission from taking action on the petition.

**C. Policy Considerations and Project Detail:**

The applicant is requesting a Zoning Map Amendment from “Commercial, General (CG)” to “Planned Unit Development (PUD)” for the property located at 899 Knights Trail Road. Just south of Gene Green Road, the 406.9 acres was the former location of an RV resort known as “Stay and Play” or “Lake Awesome”. The applicant is requesting approval of the rezone petition to PUD for the future development of the Toscana Isles project.

Planned for the Toscana Isles project is a mix of residential components including single and two-family units along with townhouses and multi-family buildings at a proposed density of four units per acre. In order to accomplish the applicant’s development plan, the property must be rezoned to a zoning district that supports the residential uses proposed for the property. The current zoning of CG only allows for the multi-family aspect of the proposed development. During initial meetings with the developer, it was determined that single-family residential uses are permitted within the Knights Trail Neighborhood. This area of the Knights Trail Neighborhood also provides for the lowest density of eight units per acre with the remainder of the area allowing up to 18 units per acre. It is reasonable to allow the less intense single-family form of development to be included in the proposed mix of residential uses on such a large property.

In addition, the applicant’s plan includes approximately 10 acres of commercial development permitted through the flexibility offered by the PUD zoning district. Although offering the flexibility necessary for the developer to achieve the development plan, the PUD rezoning



process requires a significant amount of development details to be provided with the request. As a result of this requirement, the applicant has submitted a substantial amount of information through maps, illustrations, and text that, if approved, will be referenced in the adoption ordinance and will become the standards of development for the subject property. The resulting PUD becomes the zoning code for the development. This process provides a considerable level of predictability in the consideration of the development regarding expectations of both the developer and the city.

The applicant is proposing to divide the property into three sub-areas. Detailed within the PUD, are development standards for each sub-area. Sub-area 1 will consist of low density, single-family residential uses. This area has been strategically located adjacent to existing single-family dwellings within the subdivisions of Willow Chase and Venetian Golf and River Club to provide maximum compatibility. Single-family areas will be reviewed through the subdivision platting process and will require recommendation from Planning Commission and ultimate approval by City Council. Sub-area 2 will provide for low density mixed residential uses that may include single and two-family dwellings, townhouses and multi-family buildings which will require site and development plan review and approval by Planning Commission. Each of these residential sub-areas will allow for parks, playgrounds and other recreational and community spaces. Full advantage will be taken of the existing lakes on the property with permitted accessory uses such as private docks and other waterfront structures. The third sub-area will be reserved for commercial uses typically permitted within the city's Commercial, General zoning district, however specified through the PUD. The commercial areas will be reviewed as part of future phases of the development and will require separate site and development plan review by Planning Commission. These uses will not only be a convenience to the residents of Toscana Isles, but will provide increased commercial services to the residents of the surrounding communities.

During the pre-hearing conference, substantial concerns were raised by Planning Commission regarding perimeter buffering in the areas adjacent to existing industrial and commercial land uses. Staff expressed similar concerns and encouraged the developer to revisit proposed buffering standards and investigate ways that enhanced buffering could be achieved within these areas of concern. As a result, the applicant has provided additional standards to better buffer potential development from adjacent uses.

Code compliant buffering standards will be provided in areas adjacent to commercial and industrial land uses. This will include a six foot opaque durable barrier, set within a five foot landscaped area, that will include plantings consistent with standards for required buffers in the city's land development code. In addition, each buffer will contain one canopy tree for each 20 linear feet of buffer; a standard that exceeds the city's requirement for buffer areas. Additional enhanced buffering performance criteria zones have been created for specific areas as follows:

- Knights Trail Road Enhanced Buffer Zone – establishes a 40 foot setback for all residential structures from Knights Trail Road.
- Gene Green Road Enhanced Buffer Zone – establishes a 70 foot setback for all residential structures from property zoned Planned Industrial District (PID). Owners of residential units within 300 feet of the property boundary within the Gene Green Road Enhanced Buffer Zone will receive disclosure regarding the existence of adjacent uses.

Through this enhanced buffering, the applicant hopes to resolve any concerns regarding the compatibility of the project with adjacent uses.

Toscana Isles is planned to be a gated community with either attended or unattended primary access gates along Knights Trail Road. Also proposed are secondary gated entry points and access controls within the development. All limited access points must be in compliance with the city's requirements for emergency access to the property. Consistent with Policy 2.6 of the Housing and Neighborhood Development Element of the City's Comprehensive Plan, the proposed rezoning of the property to PUD provides the process by which a gated community may be considered.

In addition to the regulatory standards discussed above, the applicant has proposed standards for signage, residential street and connectivity, and architectural design. These standards are presented in great detail in the Toscana Isles PUD and provide the development pattern and architectural style for the project. As indicated above, once the PUD is approved, these standards become the zoning code for development of the property.

The subject property is designated as the Knights Trail Neighborhood on the city's proposed Future Land Use Map. The applicant has addressed pertinent and required policies of the proposed comprehensive plan in their submittal and they have provided supporting analysis for their proposed rezoning. This information has been included within your packet and is the applicant's justification of compliance with the requirements of the city's process.

The order and action of required public hearings will first be review and recommendation by the Planning Commission. Planning Commission's recommendation, including findings of fact, will be forwarded to City Council for final action. The rezoning shall be approved by ordinance and requires two City Council public hearings for adoption.

#### **IV. ACTION REQUIRED BY THE PLANNING COMMISSION**

##### **A. Planning Commission Determination:**

The Zoning Ordinance, Chapter 86, provides the Planning Commission with zoning map amendment review criteria for determining the appropriateness for Zoning Map Amendment approval. The

considerations that guide the Planning Commission in making a determination are included in the Zoning Code. Upon review of the petition and associated documents, staff analysis, and public input, the following determination alternatives are available for Planning Commission recommendation to City Council:

1. Petition approval.
2. Petition approval with restrictions, stipulations and safeguards.
3. Petition denial.

The Planning Commission recommendation shall contain competent and substantial evidence based upon the review and application of criteria found in the following section of the City of Venice Land Development Regulations.

**B. Zoning Code:**

Sec. 86-47(f). Contents of Planning Commission Report.

- (1) *Rezoning amendments. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:*
- (a) *Whether the proposed change is in conformity to the comprehensive plan.*
  - (b) *The existing land use pattern.*
  - (c) *Possible creation of an isolated district unrelated to adjacent and nearby districts.*
  - (d) *The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*
  - (e) *Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*
  - (f) *Whether changed or changing conditions make the passage of the proposed amendment necessary.*
  - (g) *Whether the proposed change will adversely influence living conditions in the neighborhood.*
  - (h) *Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*
  - (i) *Whether the proposed change will create a drainage problem.*
  - (j) *Whether the proposed change will seriously reduce light and air to adjacent areas.*
  - (k) *Whether the proposed change will adversely affect property values in the adjacent area.*
  - (l) *Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*
  - (m) *Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*
  - (n) *Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*
  - (o) *Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

- (p) *Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

## V. ENVIRONMENTAL

Due to previous development activities, all natural communities have been substantially altered by site clearing.

- A. **Conservation:** The site is not located within any recognized conservation area as determined by the Biodiversity Hotspots Map which identifies occurrences of endangered or listed species (“Closing the Gaps in Florida’s Wildlife Habitat Conservation System,” Florida Game and Fresh Water Fish Commission).
- B. **Flora and Fauna:** No presence of listed or protected species was observed during site visits.
- C. **Flood Zone:** The property lies within multiple FEMA Flood Zones and base flood elevation must be determined by the city’s floodplain manager.
- D. **Wetlands:** A Southwest Florida Water Management District permit is required for site development.

## VI. SERVICES AND FACILITIES

- A. **Potable Water:** The development will be served by City of Venice Utilities.
- B. **Sanitary Sewer:** The development will be served by Sarasota County for sanitary sewer due to its location within the Curry Creek basin.
- C. **Stormwater:** The developer is required to control and treat post runoff stormwater (24 hour / 25 year storm event). The City’s Engineering Department and Southwest Florida Water Management District will review any potential development to ensure drainage issues are mitigated.
- D. **Transportation:** The project has been reviewed by both Sarasota County and the city’s traffic consultant to confirm that concurrency management and access management requirements have been satisfied.

## VII. LAND DEVELOPMENT REGULATIONS

### A. Zoning District Standards:

*Sec. 86-130. PUD planned unit development district.*

(a) *Generally.*

(1) *The PUD district shall be utilized to promote efficient and economical land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, improved living environments, orderly and economical development in the city, and the protection of adjacent and nearby existing and future city development.*

(2) *Regulations for planned unit developments are intended to accomplish the purpose of zoning, subdivision design standard regulations and other applicable city regulations to the same degree as in instances where such city regulations are intended to control development on a lot-by-lot basis rather than on a unified development approach. In view of the substantial public advantages of planned unit development, it is the intent of the city to promote and encourage development in this form where tracts suitable in size, location and character for the uses and structures proposed are to be planned and developed as unified and coordinated units.*

## VIII. CONSISTENCY WITH COMPREHENSIVE PLAN

### A. Future Land Use Map:

The property is included within the “Knights Trail Neighborhood” on the proposed Future Land Use Map. The intent statement and development standards for this designation are found below.

***Policy 16.21 Knights Trail Neighborhood.***

*Planning Intent: The Knights Trail Neighborhood is designed to accommodate industrial-commercial; office and low intensity retail space; multi-family residential properties; and conservation/open space. The Neighborhood will be connected via a diverse transportation system that connects existing and new roadways, bikeways, sidewalks, and urban trails. The result is an industrial/commercial based, mixed use neighborhood that interconnects with the surrounding Venice community.*

*For planning purposes, this neighborhood shall be divided into two subareas:*

- A. Subarea No. 1: The area north of Gene Green Road.*
- B. Subarea No. 2: The area south of Gene Green Road, excluding Subarea No. 3.*
- C. Subarea No. 3: The area consisting of approximately two acres fronting Knights Trail Road, located approximately 0.2 miles north of Laurel Road.*
- D. Subarea No. 4: The area consisting of approximately 72 acres fronting Laurel Road, located south of Subarea No. 2 and southeast of Subarea No. 3.*

**Policy 16.22 Knights Trail Neighborhood Standards.** *Development in the Knights Trail Neighborhood area shall reflect the following development scenario:*

- A. *The maximum residential density in this neighborhood shall be:*
  - 1. *Subarea No. 1: Up to 13 units per acre, calculated on a gross acreage basis.*
  - 2. *Subarea No. 2: Up to 8 units per acre, calculated on a gross area basis.*
  - 3. *Subarea No. 3: Up to 18 units per acre, calculated on a gross area basis.*
  - 4. *Subarea No. 4: Up to 13 units per acre, calculated on a gross area basis.*
- B. *Up to 35% of the acreage in Subarea No. 1, Subarea No. 2, and Subarea No. 3 will be allowable for retail, office, and commercial uses. The square footage of commercial uses allowed in Subarea No. 1 shall not exceed a floor area ratio (FAR) of 1.0. The square footage of commercial uses allowed in Subarea No. 2 shall not exceed a FAR of 0.5 and the square footage of commercial uses allowed in Subarea No. 3 shall not exceed a FAR of 2.0.*
  - 1. *The residential, office, and commercial uses are intended to provide convenient access and walk/bikeability for residents of the area to these services.*
  - 2. *Residential, office, and retail use may be adjusted according to the needs of the community.*
  - 3. *In Subarea No. 1 and Subarea No. 2, conversion between residential and commercial land uses may be made on an equivalent dwelling unit basis of 1 dwelling unit per 2,000 square feet commercial space, gross acreage.*
  - 4. *In Subarea No. 3, conversion between residential and commercial land uses may be made on an equivalent dwelling unit basis of 1 dwelling unit per 4,000 square feet commercial space, gross acreage.*
  - 5. *With the exception of Subarea No. 3, commercial (retail/office) uses shall be directed toward Knights Trail Road in the area of Stay-N-Play Drive; industrial and/or conservation uses should be directed toward Gene Green Road; and residential uses should be directed toward adjacent existing residential areas, with appropriate buffering between different land uses.*
- C. *Up to 75% of the acreage in Subarea No. 4 will be allowable for commercial uses. The square footage of commercial uses allowed in this subarea shall not exceed a FAR 1.0.*
  - 1. *The commercial and residential uses are intended to provide convenient access for walking and bicycling for residents of the area.*
  - 2. *Commercial and residential uses may be adjusted according to the needs of the community.*
  - 3. *Conversion between residential and commercial land uses may be made on an equivalent dwelling unit basis of 1 dwelling unit per 2,000 square feet commercial space, gross acreage.*
  - 4. *Commercial and residential uses shall be directed to have an internal focus.*
- D. *Integrated transportation network:*
  - 1. *Prior to issuance of a final Development Order which singularly or cumulatively with other Development Orders for the neighborhood area permits more than 3.5 units per acre and/or FAR 0.5 for commercial uses, the Applicant shall provide the City an updated transportation analysis and a plan to support the change in*

*land use intensity and density.*

2. *Construction of a collector roadway system through the neighborhood which provides for a series of interconnections between Laurel Road and Knights Trail Road as depicted on Map TRANS-1, Future Traffic Circulation Plan, of the Transportation Infrastructure & Service Standards Element..*
3. *Provide transportation alternatives including transit, pedestrian access, and bikeways.*
4. *Expand established pedestrian linkages between the surrounding neighborhoods.*

*E. Building envelope:*

1. *Subarea No. 1, Subarea No. 2, and Subarea No. 3: Maximum height shall be limited to 3 stories, up to 42' including parking.*
2. *Subarea No. 4: Maximum height shall be limited to 4 stories, up to 45' including parking.*
3. *Mitigating techniques as described in Objective 8, Policy 8.2 of this Element shall be required to ensure compatibility with adjacent uses.*

*F. Parking:*

1. *Permitted as part of a mixed use building either above active first level uses or on the first floor.*
2. *Rear parking lots permitted in mixed use, multi-family, and commercial areas.*
3. *Front driveways and garages allowed in single-family areas.*
4. *On-street parking allowed throughout.*
5. *Alternative parking standards that allow for reduced parking lot size and shared parking spaces shall be encouraged.*

*G. Parks, public space, and conservation areas shall be at least 135 acres and shall address the following considerations:*

1. *Include a variety of community places and public spaces including but not limited to pocket parks, courtyards, plazas, open air sitting areas, urban trails, and playgrounds.*
2. *Urban trails and sidewalks shall be utilized as connectors between commercial and residential areas.*
3. *A minimum buffer width shall be determined and enforced to protect the Shakett Creek watershed from adjacent uses.*

*H. Architectural design style:*

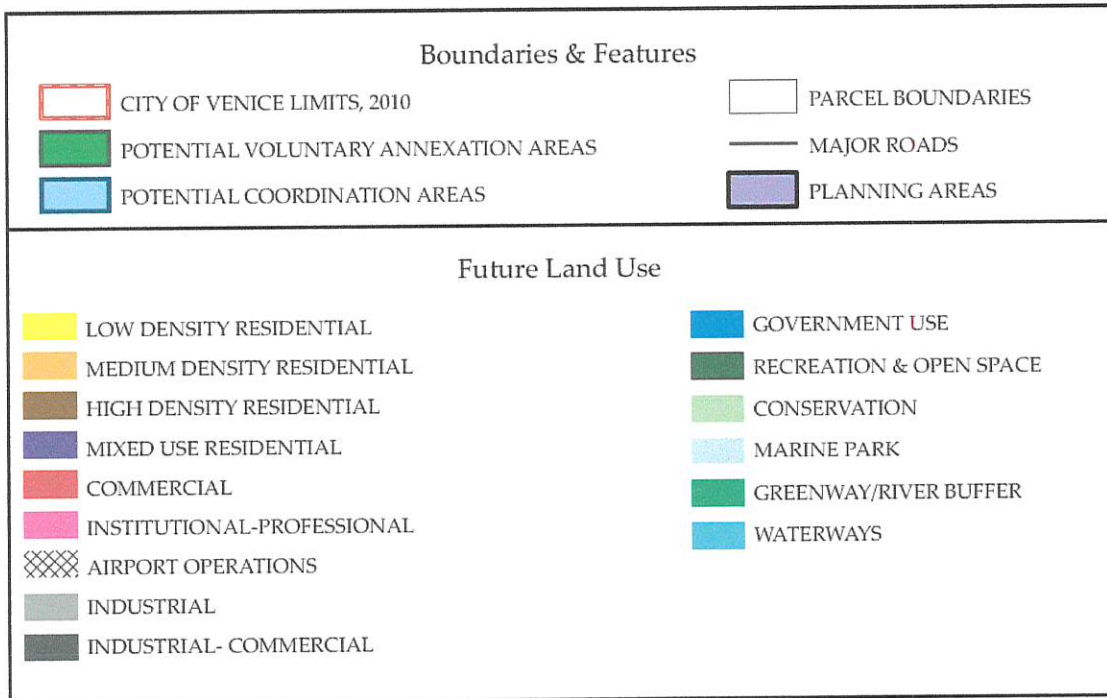
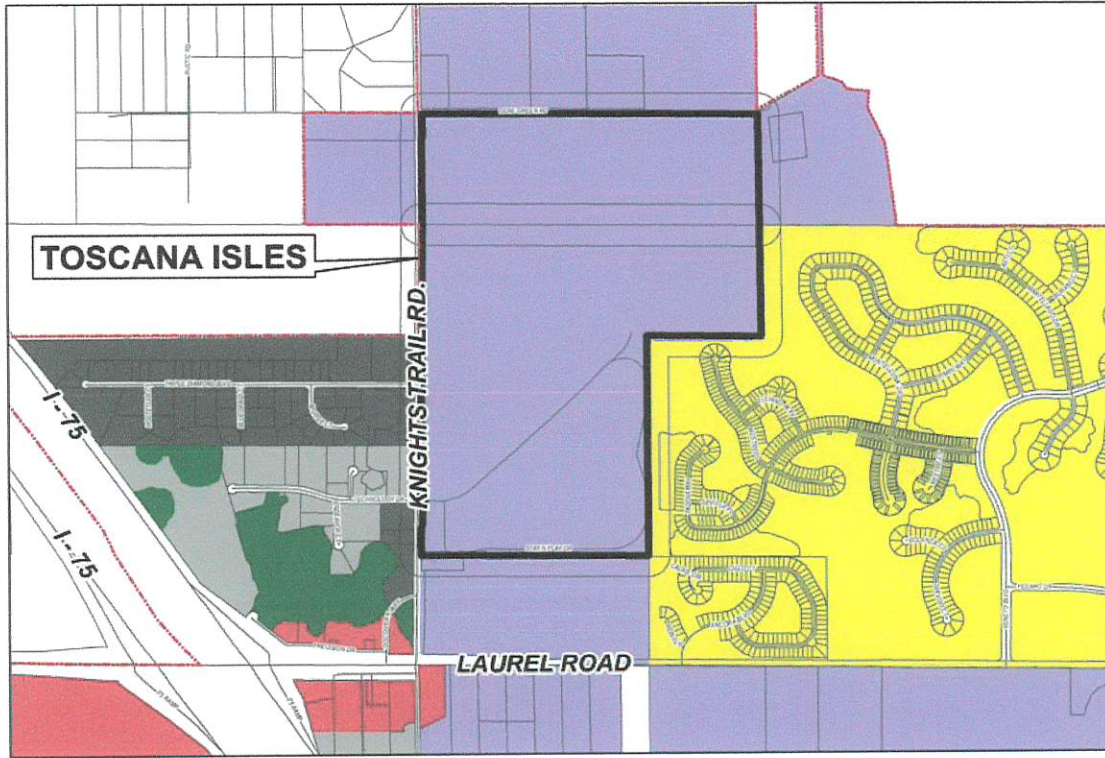
1. *Northern Italian Renaissance or Northern Mediterranean architectural design standards are to be applied to new and redevelopment projects.*

**SITE PHOTOS**

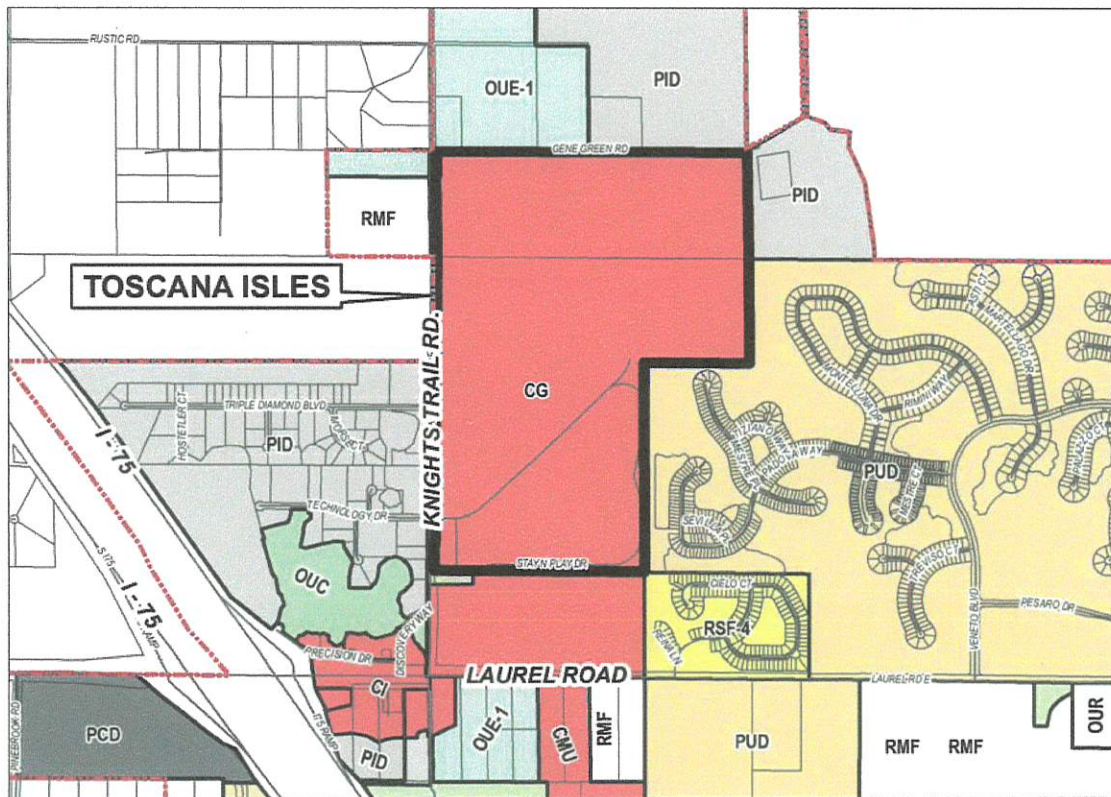




























**FUTURE LAND USE MAP**



**ZONING MAP**



*Legend*

- |  |   |
|--|---|
|  OUC - Open Use, Conservation               |  PCD - Planned Commercial Development  |
|  MP - Marine Park                           |  PID - Planned Industrial Development  |
|  GU - Government Use                        |  ILW - Industrial, Light & Warehousing |
|  PUD - Planned Unit Development             |  CN - Commercial, Neighborhood         |
|  RE - Residential, Estate                   |  CG - Commercial, General              |
|  RSF - Residential, Single Family           |  CI - Commercial, Intensive            |
|  RMF - Residential, Multi-Family            |  CBD - Commercial, Business District   |
|  RMH - Residential, Manufactured Home       |  CSC - Commercial, Shopping Center     |
|  RTR - Residential, Tourist Resort          |  CHI - Commercial, Highway Interchange |
|  OPI - Office, Professional & Institutional |  Venetian Gateway Overlay District     |
|  OMI - Office, Medical & Institutional      |  Neighborhood Height Overlay           |
|  Venice City Boundary                       |  Venetian Urban Design Overlay         |

**ORDINANCE NO. 2011-11**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA RELATING TO REZONE PETITION NO. 11-1RZ, TOSCANA ISLES, FOR THE REZONING OF THE PROPERTY DESCRIBED HEREIN FROM COMMERCIAL, GENERAL (CG) ZONING DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD); AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

**SECTION 1.** The City Council finds as follows:

A. The Council has received and considered the report of the Planning Commission recommending approval, with additional conditions or stipulations governing permitted uses, of Zoning Map Amendment Petition No. 11-1RZ requesting rezoning of the property described herein.

B. The Plan of Development and all information and materials formally submitted with the application, together with the stipulation in Section 3 of this ordinance, shall be adopted by reference as an amendment to Chapter 86 of the Land Development Code and shall become the standards of development for the subject planned unit development.

C. The Council has held a public hearing on the petition and has considered the information received at said public hearing.

D. The proposed rezoning of the property described herein is in accordance with and meets the requirements of the City of Venice 2010 Comprehensive Plan and Code of Ordinances and any amendments thereto.

**SECTION 2.** The Official Zoning Atlas is hereby amended, by changing the zoning classification for the following described property located in the City of Venice from Commercial, General (CG) zoning district to Planned Unit Development (PUD).

**Property Description:**

The South ½ of the Southwest ¼ and the Southwest ¼ of the Southeast ¼ of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida.

AND The North ½ of the Southwest ¼ and the Northwest ¼ and the Northwest ¼ of the Northeast ¼ of Section 27, Township 38 South, Range 19 East Sarasota County, Florida.

LESS AND EXCEPT road right-of-way for Knights Trail Road including but not limited to the land set forth in Road Plat book 3, Page 52, Public Records of Sarasota County, Florida.

ALSO LESS AND EXCEPT the land set forth in the Warranty Deed recorded in Official Records Book 2086, Page 571, Public Records of Sarasota County, Florida, described as follows:

The Easterly 10 feet of the Westerly 40 feet of the South ½ of the Southwest ¼ of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida.

ALSO LESS AND EXCEPT the land set forth in the Warranty Deed recorded in Official Records Book 2086, Page 574, Public Records of Sarasota County, Florida, described as follows:

Commence at the Southwest corner of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run along the West line of the Southwest  $\frac{1}{4}$  of said Section 22, North  $01^{\circ}08'23''$  W for a distance of 1050.59 feet; thence run North  $88^{\circ}51'37''$  East for a distance of 40.00 feet to the POINT OF BEGINNING; thence continue North  $88^{\circ}51'37''$  East for a distance of 12.50 feet thence run North  $01^{\circ}08'23''$  West for a distance of 289.19 feet; thence run South  $89^{\circ}33'46''$  West for a distance of 12.50 feet to a line 40.00 feet East of and parallel with said Section line, thence run South  $01^{\circ}08'23''$  East along said parallel line for a distance of 289.34 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT the land set forth in the Warranty Deed recorded in Official Records Book 2086 Page 577; as re-recorded in Official Records Book 2093, Page 1304, Public Records of Sarasota County, Florida, described as follows:

The Easterly 10 feet of the Westerly 40 feet of the Northwest  $\frac{1}{4}$  and Easterly 10 feet of the Westerly 40 feet of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , both being in Section 27, Township 38 South, Range 19 East, Sarasota County, Florida.

ALSO LESS AND EXCEPT the land set forth in the Warranty Deed recorded at Instrument No. 2008047514 of the Public Records of Sarasota County, Florida, described as follows:

A portion of lands described in Official Records Instrument 2002141012 of the Public Records of Sarasota County, Florida, same being a portion of Section 27, Township 38 South, Range 19 East, Sarasota County, Florida, described as follows:

Commence at the Southwest corner of Section 27, Township 38 South, Range 19 East, Sarasota County, Florida; thence N  $00^{\circ}42'04''$  E, along the West line of said Section 27, a distance of 1323.33 feet; thence S  $89^{\circ}17'56''$  E, perpendicular to said West line of Section 27, a distance of 40.00 feet to the Southwest corner of lands described in Official Records Instrument #2002141012 of the Public Records of Sarasota County, Florida for a POINT OF BEGINNING, same being a point on the East right-of-way line of Knights Trail Road, an 80-foot wide public right-of-way; thence N  $00^{\circ}42'04''$  E, along said East right-of-way line a distance of 714.12 feet; thence S  $89^{\circ}17'47''$  E, leaving said East right-of-way line a distance of 19.00 feet; thence S  $48^{\circ}34'55''$  E, a distance of 29.69 feet; thence S  $00^{\circ}42'13''$  W, a distance of 63.23 feet; thence S  $43^{\circ}18'10''$  W, a distance of 33.24 feet; thence S  $00^{\circ}42'04''$  W, a distance of 232.43 feet; thence S  $14^{\circ}11'49''$  W, a distance of 51.42 feet; thence S  $00^{\circ}42'04''$  W, a distance of 0.88 feet; thence S  $89^{\circ}17'56''$  E, a distance of 1.50 feet; thence S  $00^{\circ}42'04''$  W, a distance of 12.00 feet; thence N  $89^{\circ}17'56''$  W, a distance of 1.50 feet; thence S  $00^{\circ}42'04''$  W, a distance of 95.12 feet; thence S  $00^{\circ}26'41''$  E, a distance of 216.66 feet to a point on said South line of lands described in Official Records Instrument #2002141012; thence N  $89^{\circ}21'31''$  W, along said South line a distance of 11.33 feet to the POINT OF BEGINNING.

**SECTION 3.** Restrictions or stipulations governing permitted uses. The use of the property described in Section 2 hereof, in addition to applicable restrictions imposed by City of Venice Code of Ordinances Chapter 86 Land Development Code, is limited by and subject to the following additional restrictions or stipulations governing permitted uses:

1. The canopy trees (1 per 20 linear feet) for the Gene Green Road Enhanced Buffer Zone, as depicted on the Enhanced Buffering Performance Criteria Concept Plan, that separates the proposed residential area from the existing Planned Industrial Districts must be planted concurrent with any improvements included in the first phase of development. Staff will work with the applicant to determine tree locations upon consideration of existing buffer material.

**SECTION 4.** This ordinance shall take effect immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 9<sup>th</sup> DAY OF AUGUST, 2011.

First Reading: July 26, 2011

Final Reading: August 9, 2011

Adoption: August 9, 2011

\_\_\_\_\_  
John W. Holic, 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, at a meeting thereof duly convened and held on the 9th day of August, 2011, a quorum being present.

**WITNESS** my hand and the official seal of said City this 10th day of August, 2011.

\_\_\_\_\_  
Lori Stelzer, MMC, City Clerk

Approved as to form:

\_\_\_\_\_  
Robert C. Anderson, City Attorney

**Linda Depew - Re: 2011-11 Toscana Isles 11-1RZ.docx**

**From:** "Robert C. Anderson" <randerson@hall-anderson.com>  
**To:** "Chad Minor" <cminor@ci.venice.fl.us>, "Linda Depew" <LDEPEW@ci.venice.fl.us>, "Roger Clark" <RCLARK@ci.venice.fl.us>  
**Date:** 7/18/2011 3:11 PM  
**Subject:** Re: 2011-11 Toscana Isles 11-1RZ.docx

As requested, I have reviewed revised Ordinance No. 2011-11 and I find its legal form to be acceptable. In accordance with city policy, I defer to city staff regarding approval of the ordinance's substantive provisions.

ROBERT C. ANDERSON

----- Original Message -----

**From:** Chad Minor  
**To:** Linda Depew ; Roger Clark ; Robert Anderson  
**Sent:** Monday, July 18, 2011 2:49 PM  
**Subject:** Re: 2011-11 Toscana Isles 11-1RZ.docx

Linda,

I have no further comments.

Thanks  
Chad

>>> Linda Depew 7/18/2011 11:56 AM >>>

oops! I had used an ordinance from 2010 that had an accompanying comp plan amendment at the same time and that is why the wording is there. I should have deleted it from this ordinance as it is unnecessary. Please review this revised ordinance and let me know if there is anything else.

Thank you for catching that.

Linda

**VENETIAN GOLF AND RIVER CLUB  
REZONE PETITION  
CITY OF VENICE, 01-1RZ  
A WATERMARK COMMUNITIES, INC. DEVELOPMENT**

**Prepared for:**

**WATERMARK COMMUNITIES, INC.  
2020 Clubhouse Drive  
Sun City Center, Florida 33573**

**Prepared by:**

**KIMLEY-HORN AND ASSOCIATES, INC.  
8586 Potter Park Drive, Suite 100  
Sarasota, Florida 34238**

**June 2001**

**Project No.: 048117010**

**Small Lot, Single Family-** Designated as Type C units on the Land Use Element, these units consist of single family or duplex residential homes constructed on lots having a typical width of 55 feet.

**Multi-Family, Quad-** Designated as Type D units on the Land Use Element, these units consist of multi-family residential homes constructed on parcels rather than individually described lots.

- Neighborhood Commercial

The commercial activity within the development is intended to serve some of the needs of the residents within the Venetian Golf & River Club. Although the commercial activity within the project may help serve the needs of the residents from surrounding areas, it is intended to primarily serve the residents of the project. A modification to the existing Neighborhood Commercial standards proposed by this development is the inclusion as a permitted principal use Assisted Living Facilities.

- Passive Recreation

Passive recreation is described as a recreational activity which does not require involvement in a prescribed event or active effort. Passive recreation uses proposed to occur within Venetian Golf & River Club include hiking, bird watching, canoeing, quiet reflection and like uses.

- Active Recreation

Active recreation is described as providing for persons to be engaged actively in recreational activities. The active recreational uses proposed to occur within Venetian Golf & River Club include golf and tennis.

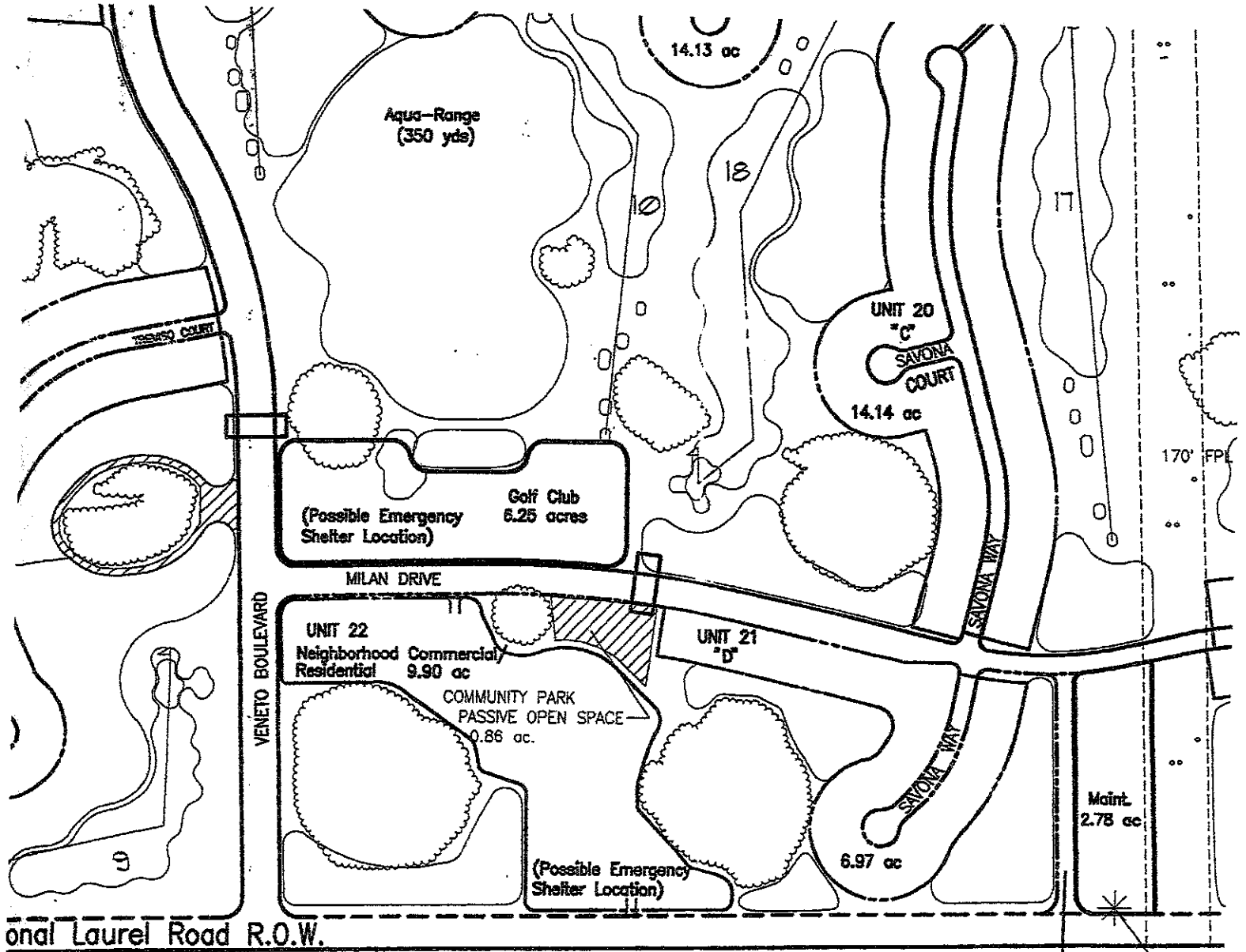
## AMENITIES

Within the proposed development, and consistent with the Annexation Agreement as well as the City of Venice Comprehensive Plan there are included several amenities. These include the following:

### Conservation Areas

The area immediately adjacent to the Myakka River will be maintained as a Greenway / Buffer in a manner to allow passive uses within the natural setting of the river and its' wetlands and forests. As indicated within the City of Venice Comprehensive Plan, the maintenance of the Greenway / Buffer is required to be as indicated within the proposed development and allows for the launching of canoes, hiking, enjoyment of the natural setting and like uses.





WILL NOT NECESSARILY BE BUILT  
 S NEEDED OR AS MARKET DEMANDS  
 BE STARTED. PHASES MAY BE STARTED  
 IN PARTIALITY.

*PV*  
 PETER VAN BUSKIRK, P.E.  
 FLA. REGISTERED ENGINEER #3885  
*4/23/04*  
 DATE E.B. 696