

ORDINANCE NO. 2023-49

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 87, LAND DEVELOPMENT CODE, BY AMENDING SECTION 3.8.2., GENERAL STANDARDS, PURSUANT TO TEXT AMENDMENT PETITION NO. 23-69AM, BY REQUIRING FENCES ON LOTS THAT ARE VACANT OR HAVE NO ACTIVE USE TO BE OPEN FENCES ADJACENT TO A STREET; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on July 12, 2022, City Council adopted the new Land Development Regulations (LDRs) and official Zoning Map of the City; and

WHEREAS, the City submitted Text Amendment Petition No. 23-69AM to require fences on lots that are vacant or have no active use to be open fences adjacent to a street; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Venice City Council has duly designated the city's Planning Commission as the local planning agency for the City; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 17, 2023 regarding the Petition, and recommended approval to City Council of Text Amendment Petition No. 23-69AM; and

WHEREAS, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 23-69AM; and

WHEREAS, on November 28, 2023, and December 12, 2023, City Council held duly noticed public hearings on Text Amendment Petition No. 23-69AM in accordance with the requirements of the City's Code of Ordinances and has considered the information received at said public hearings; and

WHEREAS, City Council finds that Text Amendment Petition No. 23-69AM is in compliance with, and meets, the requirements of the city's Land Development Code and Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Text Amendment Petition No. 23-49AM is hereby approved. Chapter 87 Land Development Code, Section 3.8.2. General Standards, of the City's Land Development Regulations, is hereby amended as follows:

3.8. – Fences, Walls, Berms, and Retaining Walls

3.8.1. No change.

3.8.2. General Standards

A.-E. No change.

F. Vacant Properties. Fences and walls may be installed on vacant properties and properties with no active uses. Only open fences, as defined in Section 3.8.3.B., shall be permitted along a street frontage.

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 4. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5. This ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 12th DAY OF DECEMBER 2023.

First Reading: November 28, 2023

Second Reading: December 12, 2023

Adoption: December 12, 2023

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 12th day of December 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 12th day of December 2023.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney