

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 87, LAND DEVELOPMENT CODE, SECTION 1.2. COMMON REVIEW PROCEDURES, SECTION 2.2.4.5. PLANNED DISTRICT STANDARDS, TABLE 2.2.7 TRADITIONAL DISTRICT USE, TABLE 2.3.4 DOWNTOWN EDGE DEVELOPMENT STANDARDS, TABLE 2.3.14 MIXED USE DISTRICTS USE, SECTION 2.4.5 COMMERCIAL USES, SECTION 3.1.1 BUILDING HEIGHT, SECTION 9.1 DEFINED TERMS, AND CHAPTER 89, ENVIRONMENTAL REGULATIONS, SECTION 2.3, UNIQUE HABITATS AND PROTECTED SPECIES, PURSUANT TO TEXT AMENDMENT PETITION NO. 23-11AM; 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, City-initiated Text Amendment Petition No. 23-11AM is the result of negotiation with the citizens' group Venice Unites to address the requests of the citizen petitioners while maintaining LDRs that serve the needs of the City; and

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

WHEREAS, the Planning Commission held a duly noticed public hearing on March 21, 2023 regarding the Petition, and recommended approval to City Council of Text Amendment Petition No. 23-11AM with clarification of the building height exception in the Downtown Edge District; and

WHEREAS, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 23-11AM; and

WHEREAS, on April 25, 2023, and May 9, 2023, City Council held duly noticed public hearings on Text Amendment Petition No. 23-11AM 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. 23-11AM 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. 23-11AM is hereby approved. Chapter 87, Land Development Code and Chapter 89, Environmental Regulations, of the City's Land Development Regulations, are hereby amended as shown on Exhibit "A", which is incorporated herein by reference.

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 All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

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

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

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 9th DAY OF MAY, 2023.

First Reading: April 25, 2023

Second Reading: May 9, 2023

Adoption: May 9, 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 9th day of May 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 9th day of May 2023.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

Chapter 87 – LAND DEVELOPMENT REGULATIONS

1.2 Common Review Procedures

A.-B. No change.

C. Application Requirements.

1.-9. No change.

10. Land Use Compatibility Analysis. Demonstrate that the character and design of infill and new development are compatible with existing neighborhoods. The compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, height exception, conditional use, and site and development plan petitions:

- A. Land use density and intensity.
- B. Building heights and setbacks.
- C. Character or type of use proposed.
- D. Site and architectural mitigation design techniques.

Considerations for determining compatibility shall include, but are not limited to, the following:

- D. Protection of single-family neighborhoods from the intrusion of incompatible uses.
- E. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
- F. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.
- G. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

D.-J. No change.

2.2 Traditional Zoning Districts

2.2.1-2.2.3. No change.

2.2.4 Planned Districts

2.2.4.1-2.2.4.4. No change

2.2.4.5 Planned District Standards

A. Planned Unit Development (PUD)

1.-6. No change.

7. Non-Residential Uses. Non-residential uses are limited to a maximum of five (5) percent of the total acreage and shall meet the requirement of Comprehensive Plan Strategy LU 1.2.16. Non-residential uses in a PUD shall be appropriately located so as to serve one or several neighborhoods within convenient traveling distance in order to reduce vehicle trips outside of the area. Such uses are not intended to be automotive-oriented; therefore, convenience store with fueling stations, car wash, vehicle sales and rentals, vehicle service, and similar automotive-oriented activities are prohibited. The intent of the non-residential portion of the PUD is to

provide for neighborhood scale and serving uses; not for regional purposes. Professional and business offices and other similar uses are encouraged. Orientation to and compatibility with the neighborhoods to be served are critical; non-residential uses are intended to be ancillary to the areas they serve.

8.-10. No change.

2.2.5-2.2.6. No change.

2.2.7 Traditional District Use Table

Table 2.2.7. Residential – Public and Institutional Uses. No change.

TRADITIONAL DISTRICT USE TABLE																				
KEY: P = Permitted C = Conditional Use X = Use Not Permitted P* = As Permitted by the Planned District	Residential										Non-Residential			Planned				Definitions/ Standards		
	RSF1	RSF2	RSF3	RSF4	RMF1	RMF2	RMF3	RMF4	RMHP	RMHS	OPI	CM	IND	REC	PUD	PCD	PID			
COMMERCIAL USE CLASSIFICATION																				
RETAIL:																				
Retail Sales and Service (single user less than 65,000 square feet)	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P*	P*	X	2.4.5.A
Retail Sales and Service (single user 65,000 square feet or larger)	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P*	P*	X	2.4.5.B
Gas Station with Convenience Store	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P*	X	2.4.5.C
Car Wash	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	2.4.5.D
Appliance Repair	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	P*	2.4.5.E
Laundromat	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P*	X	X	2.4.5.F
Pawn Shops	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P*	X	2.4.5.G
Car, Boat, Other Vehicle Sales and Rentals	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.5.H
Minor Vehicle Service	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.5.I
RESTAURANT:																				
Sit Down (Casual, Fine Dining)	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P*	P*	P*	2.4.5.J
Quick Service/Fast Food	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	P*	P*	P*	2.4.5.K
Bar and Tavern	X	X	X	X	X	X	X	X	X	X	X	P	C	X	X	X	X	P*	P*	2.4.5.L
Brewpub	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.5.M
Microbrewery/Distillery	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.5.N

Rooftop Dining	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	P*	X	2.4.5. ON
Theater	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P*	X	2.4.5. PO
Artist Studio	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	P*	X	2.4.5. QP
LODGING:																				
Hotel	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P*	X	2.4.5. RQ
Bed & Breakfast	X	X	X	X	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	2.4.5. SR
Day Care Center (More Than 6 Persons)	X	X	X	X	C	C	C	C	X	X	P	P	X	X	X	X	X	P*	P*	2.4.5. TS
Fitness, Athletic, Health Club	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P*	P*	2.4.5. UT
Airport	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	2.4.5. VU
Marina	X	X	X	X	X	X	X	X	X	X	X	P	X	C	C	X	X	X	X	2.4.5. WV
Commercial Parking Lots	X	X	X	X	X	X	X	X	X	X	C	P	P	X	X	P	X	P*	P*	2.4.5. XW
Commercial Parking Structures	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	P*	X	2.4.5. YX
Tattoo and Piercing Parlors	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.5. ZY
Palmists and Fortune Tellers	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.5. AAZ
Taxidermists	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.5. BBAA

Table 2.2.7. Office – Other Uses. No change.

2.3 Mixed Use Zoning Districts

2.3.1-2.3.3. No change.

2.3.4 Downtown Edge District

Figure 2.3.4.1-2.3.4.2. No Change.

Table 2.3.4. Downtown Edge Development Standards

Downtown Edge Development Standards Table		
Standard		Measurement Requirement
Building Height		35' by right 75' for properties north of Tampa Avenue and 55' for PID <u>0407130059</u> through Height Exception ^a Subject to Section 4: Compatibility
Building Placement (min/max) ^b	Front (Street)	0' / 20'
	Side	0' / 10'
	Rear	0' / 20'
	Waterfront	20'
Lot	Length (min)	100'
	Width (min)	50'

	Coverage (min/max)	50% / 75% 100% coverage permitted if parking structure is provided
Building Frontage Requirement	% Requirement	80%
	Encroachments	Maximum Length: 25' or 50% of building frontage, whichever is lesser Maximum Encroachment: 6' Minimum Clearance: 8'
	Active Use Area (AUA)	Active Use Areas defined by/as Design Alternative. As part of Design Alternative request, building placement and building frontage requirements may be modified to accommodate the AUA
	Entrances	Oriented to street. Prioritization order of primary streets shall govern placement of entrances.
Architecture ^c	Style	Venice Historical Precedent
Parking	Placement	Side / Rear Parking within 50' of waterfront must provide for a landscaped buffer consisting of a continuous hedge at a height of 6' at installation.
	Percentage of Minimum Parking Required	50%
	Access	Side/Rear
	Loading ^d	See Section 3.6.5: Design Standards
<u>Downtown Edge Development Standards Table Notes</u>		
<p>^a <u>Height Exception</u>. Any Height Exception shall require, at a minimum, a vertical mix of uses (residential, office, retail/commercial) with a maximum 85% of Gross Floor Area dedicated to any singular use. Additional architectural features are required and will be reviewed during the Height Exception application process.</p> <p>^b <u>Building Placement</u>. Where adjacent to or fronting existing waterway, the BTZ may be increased up to 50' to accommodate boardwalks and other publicly accessible recreational features.</p> <p>^c <u>Architecture</u>. As some parcels located in the Downtown Edge district are also located within the Historic Venice or Venetian Theme Architectural Districts, new construction or substantial improvements may be subject to Section 7: Historic and Architectural Preservation Controls and Standards.</p> <p>^d <u>Parking-Loading</u>. Loading/unloading is not permitted on Tamiami Trail or Harbor Drive. Parking and loading shall not encroach, infringe or otherwise hinder accessibility through or along any alleyway.</p>		

2.3.5-2.3.12. No change. (2.3.13 does not exist)

2.3.14 Mixed Use Districts Use Table.

Table 2.3.14. Residential – Public and Institutional Use. No change.

CITY OF VENICE – MIXED-USE DISTRICTS USE TABLE

KEY: P = Permitted C = Conditional Use X = Use Not Permitted [Ⓜ] = Permitted according to Sec. 2.3.6	VENICE AVE	DOWNTOWN EDGE	SOUTH TRAIL	AIRPORT AVE[Ⓜ]	SEABOARD IMPROVEMENT	NORTH TRAIL GATEWAY	LAUREL WEST	LAUREL EAST	KNIGHTS TRAIL	KNIGHTS TRAIL TRANSITIONAL	Definitions/Standards
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COMMERCIAL USE CLASSIFICATION

RETAIL

Retail Sales and Service (single user less than 65,000 square feet)	P	P	P	P	P	P	P	P	P	P	2.4.5.A
Retail Sales and Service (single user 65,000 square feet or larger)	X	X	€	X	€	X	€	€	€	€	2.4.5.B
Gas Station with Convenience Store	C	X	C	X	X	X	C	C	C	P	2.4.5.€B
Car Wash	X	X	C	X	X	X	C	C	C	P	2.4.5.€C
Appliance Repair	X	X	X	C	C	X	X	X	X	P	2.4.5.€D
Laundromat	X	X	C	P	C	X	C	C	C	P	2.4.5.€E
Pawn Shop	X	X	C	X	C	X	C	C	C	P	2.4.5.€F
Car, Boat, Other Vehicle Sales and Rentals	X	X	C	X	X	C	C	C	C	P	2.4.5.HG
Minor Vehicle Service	X	X	C	C	C	X	C	C	C	P	2.4.5.HI

RESTAURANT

Sit Down (Casual, Fine Dining)	P	P	P	P	P	P	P	P	P	P	2.4.5.JI
Quick Service/Fast Food	P	P	P	P	P	P	P	P	P	P	2.4.5.KJ
Bar and Tavern	P	P	P	P	P	P	P	P	P	P	2.4.5.€K
Brewpub	P	P	P	P	P	P	P	P	P	P	2.4.5.€L
Microbrewery/Distillery	P	P	P	P	P	P	P	P	P	P	2.4.5.NM
Rooftop Dining	C	C	C	C	C	C	X	X	X	P	2.4.5.€N
Theater	P	P	P	P	P	P	P	P	P	P	2.4.5.€O
Artist Studio	P	P	P	P	P	P	P	P	P	P	2.4.5.€P

LODGING

Hotel	P	P	P	P	P	P	P	P	P	P	2.4.5.€Q
Bed & Breakfast	X	X	X	X	X	X	X	X	X	P	2.4.5.€R

Day Care Center (More Than 6 Persons)	X	C	C	C	C	C	C	C	C	P	2.4.5. FS
Fitness, Athletic, Health Club	C	P	P	P	P	P	P	P	P	P	2.4.5. UI
Airport	X	X	X	P	X	X	X	X	X	P	2.4.5. UJ
Marinas	X	X	P	X	C	P	X	X	X	P	2.4.5. WV
Commercial Parking Lots	X	C	P	P	C	P	P	P	P	P	2.4.5. XW
Commercial Parking Structures	C	C	C	P	P	P	P	P	P	P	2.4.5. YX
Tattoo and Piercing Parlors	X	C	C	C	C	C	C	C	C	P	2.4.5. ZY
Palmists and Fortune Tellers	X	C	C	C	C	C	C	C	C	P	2.4.5. AAZ
Taxidermists	X	X	X	X	X	X	X	X	X	P	2.4.5. BBAA

Tale 3.2.14. Office – Other Use. No change.

2.4 Use Definitions and Standards

2.4.1-2.4.4. No change.

2.4.5. Commercial Uses

A. Retail Sales and Service (~~Single user less than 65,000 square feet~~)

1. *Characteristics.* Typically consists of ~~community~~ retail sales and service firms involved in the sale, lease or rent of new or used products to the general public supporting the surrounding community with a single user less than 65,000 square feet. Internet-based retail may be permitted under this use.
2. *Accessory Uses.* Accessory uses may include offices and parking.
3. *Examples.* Stores selling, leasing, renting or repairing consumer goods including finished art, art and hobby supplies, bakeries, bicycles, clothing and shoes, dry goods, dry cleaning, tailoring, electronic equipment, appliances, fabric, florists, food sales, furniture, gifts, groceries, alcohol, hardware, home improvement supplies, household products, jewelry, pet products, pharmaceuticals, printed material, secondhand merchandise, upholstery, stationery, and videos; personal and financial services; printing, photocopy, and blueprint services or newspaper establishments; photographic studios, hair, tanning, and personal care services; interior decorators; garden centers; movie theaters; and animal grooming.
4. *Exclusions.*
 - a. Lumber yards and other building material businesses that sell primarily to contractors and do not have a retail orientation, and sales, rental, or leasing of heavy trucks and equipment are classified as Wholesale.

- b. Sales of landscape materials, including bark chips and compost, is classified as Agriculture/Agriculture Sales.
- c. Laundromats; see Laundromat.

~~B. Retail Sales and Service (Single-user 65,000 square feet or larger)~~

- ~~1. *Characteristics.* Typical retail at this level consists of regional retail sales and service firms. Regional retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. May include large single box stores as well as commercial shopping centers.~~
- ~~2. *Accessory Uses.* Accessory uses may include offices and parking.~~
- ~~3. *Examples.* Stores selling, leasing, renting or repairing consumer and business goods including finished art, art and hobby supplies, bakeries, bicycles, clothing and shoes, dry goods, dry cleaning, tailoring, electronic equipment, appliances, fabric, florists, food sales, furniture, gifts, groceries, alcohol, hardware, home improvement supplies, household products, jewelry, pet products, pharmaceuticals, printed material, secondhand merchandise, upholstery, stationery, and videos; personal and financial services; printing, photocopy and blueprint services, and newspaper establishments; photographic studios, hair, tanning, and personal care services; sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles; interior decorators; garden centers; movie theaters; and animal grooming.~~
- ~~4. *Exclusions.*~~
 - ~~a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.~~
 - ~~b. Sales of landscape materials, including bark chips and compost, is classified as agriculture sales.~~
 - ~~c. Sales, rental, or leasing of heavy trucks and equipment is classified as wholesale sales.~~
 - ~~d. Laundromats; see Laundromat.~~

C. B. Convenience Store With Fueling Stations

- 1. *Characteristics.* Retail sale of fuel for motor vehicles, and convenience items including but not limited to food, beverages, tobacco products, and other similar products as its primary sales.
- 2. *Accessory Uses.* Accessory uses may include offices, retail sales, restaurant, car wash.
- 3. *Examples.* Gas stations with one or more fuel pump selling fuel for motor vehicles and selling items which generally serve the day-to-day retail needs of travelers and residents. Examples of such stores may include local gas stations, national gas station chains with accessory retail sales and restaurants.
- 4. *Exclusions.*
 - a. Retail Sales and Service, Community as defined in this section.

- b. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.
 - c. Sales of landscape materials, including bark chips and compost, is classified as wholesale sales.
 - d. Sales, rental, or leasing of heavy trucks and equipment is classified as wholesale sales.
 - e. Vehicle service or motor vehicle repair is classified as Car, Boat, Other Vehicle Sales and Rentals (w/ accessory service).
5. *Use Standards.*
- a. In traditional districts, Convenience Stores With Fueling Stations shall provide the following minimum setbacks, measured to the edge of the canopy where applicable:
 - i. Front setback of 20' for all structures, including canopy, and 15' for gas pumps.
 - ii. Side setback of 8' for all structures, including canopy.
 - iii. Minimum 25' side yard setback for gas pumps from residentially zoned properties and 15' side yard setback from all other properties.
 - iv. Rear yard setback of 10' for all structures, including canopy.
 - v. Minimum 25' rear yard setback from all residentially zoned properties for a gas pump and 15' rear yard setback from all other properties.
 - b. Illuminated tubing, neon, or other such illumination that outlines or define property lines, roofs, doors, windows or similar areas is prohibited.
 - c. This use shall contain at least two of the following pedestrian amenities: benches, decorative light fixtures, planters, awnings.
 - d. Building façade materials shall be limited to wood, brick, stone, decorative block or stucco.
 - e. A car wash lane may not be located adjacent a residential zoning district. The car wash lane must be placed on the site so as to ensure it is not directly abutting a residential district.

~~D~~ **C. Car Wash**

1. *Characteristics.* Car washes are used primarily for the washing of motor vehicles and boats, and are either full or self- service. A car wash under this definition is a free-standing use and does not include fueling stations.
2. *Accessory Uses.* Accessory uses may include offices, parking, retail sales of items associated with the cleaning of motor vehicles.
3. *Examples.* Car Wash examples include full service and self-service facilities which may or may not include an automatic car wash.
4. *Use Standards.*

- a. A car wash lane may not be located adjacent to a residential zoning district. The car wash lane must be placed on a site to ensure it is not directly abutting a residential district or use.

~~E~~ D. Appliance Repair

1. *Characteristics.* Appliance repair stores are involved with the repair of home appliances and personal devices.
2. *Accessory Uses.* Accessory uses may include associated office and parking.
3. *Examples.* Appliance Repair examples include establishments that repair kitchen appliances, home laundry appliances, personal computers, and other electronic devices.

~~F~~ E. Laundromat

1. *Characteristics.* Laundromat establishments involve renting equipment, on-site, for the cleaning and washing of laundry to individual customers.
2. *Accessory Uses.* Accessory uses may include associated office, dry cleaning, and parking.

~~G~~ F. Pawn Shop

1. *Characteristics.* Pawn shops involve the sales of secondhand merchandise and may offer personal loans secured by consumer goods or other personal property.
2. *Accessory Uses.* Accessory uses may include limited retail sales and associated office.
3. *Examples.* Pawn shops that may deal in items such as coins, jewelry, and secondhand merchandise and deal in personal loans secured by personal property.

~~H~~ G. Car, Boat, Other Vehicle Sales and Rentals

1. *Characteristics.* Establishments that are involved with the sale or lease of motor vehicles (including but not limited to cars and boats), renting of motor vehicles, and display of these motor vehicles for sale or lease. These establishments may feature accessory service facilities open to the public.
2. *Accessory Uses.* Accessory uses may include ancillary indoor storage, associated office, showroom, vehicle service, towing, vehicle fueling (for vehicles for sale or lease, not open to the general public), car wash (for vehicles for sale or lease, not open to the general public), and limited retail sales of items associated with motor vehicles.
3. *Examples.* Examples include but are not limited to car dealerships, boat dealerships, motor vehicle dealerships dealing in recreational vehicles, car rental establishments, moving vehicle rental establishments. These establishments may feature accessory services open to the general public such as (but not limited to) minor vehicle service such as oil change facilities, auto detailing, painting and body repairs, provided such services are within a completely enclosed building.
4. *Exclusions.*
 - a. Vehicle parts sale as a principal use is classified as Retail Sales and Service.

- b. Fueling stations open to the general public is classified as Convenience Store with Fueling Stations.
 - c. Car wash open to the general public is classified as Car Wash.
 - d. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale.
 - e. Outdoor storage or stockpiling of vehicles, vehicle parts, tires, or associated vehicle accessories are not permitted.
5. *Use Standards.*
- a. Vehicle displays shall not be artificially elevated above the general topography of the site.
 - b. Outdoor speaker systems shall not be in violation of any City noise ordinance and shall not be oriented towards residential uses.
 - c. Vehicle display areas with frontage along a street right-of-way shall include an additional 10' landscaped buffer.
 - d. Repair bay doors shall not be oriented to a residential district.
 - e. Repair and service operations must be performed within a fully enclosed building. Bay doors may only be open during hours of operation.

↳ **H. Minor Vehicle Service**

1. *Characteristics.* Minor vehicle service establishments include both motor vehicle and boat services and are involved with body detailing and mechanical repairs. These repairs should be minor in nature and any services rendered on site should be minor in nature as well.
2. *Accessory Uses.* Accessory uses may include limited sale of parts or vehicle accessories, towing, associated office, and parking.
3. *Examples.* Examples of services to be rendered include quick service such as (but not limited to) oil changes, battery sales and installation, engine work, transmission, brakes, auto detailing, minor scratch and dent repair, tire alignment, and fluid replacement.
4. *Exclusions.*
 - a. Vehicle parts sale as a principal use is defined in Retail Sales and Service.
 - b. Major vehicle service uses including painting and collision repair, see Major Vehicle Service.
5. *Use Standards.*
 - a. Outdoor speaker systems shall not be in violation of any City noise ordinance and shall not be oriented towards residential uses.
 - b. Repair bay doors shall not be oriented to a residential district.
 - c. Repair and service operations must be performed within a fully enclosed building. Bay doors may only be open during hours of operation.
 - d. Outdoor storage or stockpiling is not permitted.
 - e. Vehicle storage is not allowed in required off-street parking or loading/unloading areas.

J. I. Restaurant: Sit Down (Casual, Fine Dining)

1. *Characteristics.* Establishments that prepare and sell food for on or off premises consumption. Includes a customer service area consisting of tables, chairs, or customer counters.
2. *Accessory Uses.* Ancillary indoor storage, associated office, deck, patio for outdoor seating or dining and entertainment, parking, valet parking facility, bar seating, limited catering.
3. *Examples.* Examples include sit down restaurants such as a diner, café, or fine dining restaurants.
4. *Exclusions.*
 - a. Drive-through restaurants are classified as Restaurant: Quick Service/Fast Food.
 - b. Rooftop dining is categorized under *Rooftop Dining* and is a separate use.

K. J. Restaurant: Quick Service/Fast Food

1. *Characteristics.* Establishments that feature walk-up counter and carryout trade as the primary portion of the facility. Includes fast food, food delivery, carryout, and drive-through.
2. *Accessory Uses.* Ancillary indoor storage, associated office, deck, patio for outdoor seating or dining, parking, limited catering.
3. *Examples.* Examples include (but are not limited to) counter service fast food establishments, sandwich shops, pizza take-out and delivery, coffee shops.
4. *Exclusions.*
 - a. Rooftop dining is categorized under Rooftop Dining and is a separate use.

L. K. Bar and Tavern

1. *Characteristics.* Any business or commercial establishment that is devoted primarily to the retailing and on-premises consumption of alcoholic beverages (where the alcohol is not produced on-site) and that is licensed by the state to dispense or sell alcoholic beverages.
2. *Accessory Uses.* Selling of food, ancillary indoor storage, associated office, live music area, deck, patio for outdoor seating or dining, parking, valet parking facility.
3. *Examples.* Bars, taverns, cocktail lounges.
4. *Exclusions.*
 - a. Brewing or distilling is classified as Brewpub or Microbrewery/Distillery.

M. L. Brewpub

1. *Characteristics.* Any establishment that produces beer, wine, mead, or other alcoholic beverages for on-premises consumption, and which may include accessory uses such as tours, limited associated retail sales, and/or on-site consumption, e.g., “taproom.” The establishment must also prepare and sell food for on-premises consumption or off-premises consumption. May not include wholesaling of its own production for off-site consumption.
2. *Accessory Uses.* Restaurant, ancillary indoor storage, associated office, live music area, deck, patio for outdoor seating or dining, parking, valet parking facility.

3. *Examples.* Gastropub, small batch microbrew without wholesale for beer of its own production, brewpub.
4. *Exclusions.*
 - a. Wholesale of beer or liquor.

~~N~~ **M. Microbrewery/Distillery**

1. *Characteristics.* A microbrewery/distillery is an establishment primarily engaged in the production and distribution of beer, wine, mead, liquor, or other alcoholic beverages, and which may include accessory uses such as tours of the microbrewery, limited retail sales, and/or on-site consumption, e.g., “taproom.” Microbrewery/distillery may also include a restaurant for serving food. This classification differs from the *Brewpub* classification as it allows the establishment to act as wholesaler for beer of its own production for off-site consumption with appropriate licenses.
2. *Accessory Uses.* Ancillary indoor storage, associated office, deck, patio for outdoor seating, parking, valet parking facility, limited retail sales, tours of microbrewery facility.
3. *Examples.* Microbrewery, distillery, winery.

~~O~~ **N. Rooftop Dining**

1. *Characteristics.* A restaurant which features a customer service area on the roof of a building where provision is made for the on-premises selling of food and drink.
2. *Accessory Uses.* Ancillary indoor storage, associated office, deck, patio for outdoor seating or dining, parking, valet parking facility.
3. *Examples.* Rooftop lounge, rooftop fine dining.

~~P~~ **O. Theater**

1. *Characteristics.* A building, playhouse, room, hall or other place having a permanent stage upon which dramatic, theatrical, or similar performances are given, whose primary function is to give such performances, and, if food, drink or other merchandise is served, sold or offered for sale, such service, sale or offer to sell is merely incidental to the performance.
2. *Accessory Uses.* Accessory uses may include offices, storage, parking, minor fabrication services for stage building or preparation, and food and beverage sales.
3. *Exclusions.*
 - a. Movie theaters are categorized as a Retail Sales and Service.

~~Q~~ **P. Artist Studio**

1. *Characteristics.* A building or portion of a building, used as a place of work by an artist primarily engaged in painting, sculpting, graphic art and other similar art forms. This shall not include live performance space, unless otherwise permitted.
2. *Accessory Uses.* Accessory uses may include offices, living quarters, product repair, storage, parking, and minor fabrication services.
3. *Examples.* Examples include painters, sculptors, photography studios.

4. *Exclusions.*

- a. Dance and music classes are categorized as Retail Sales and Service.

R. Q. Lodging: Hotel

1. *Characteristics.* Transient accommodation units arranged for short term stays of less than 30 days for rent or lease. This does not include patient transient accommodations, shelters for the homeless or resort dwellings.
2. *Accessory Uses.* Ancillary indoor storage, associated office, bar or tavern, food preparation and dining facility, laundry facility, meeting facility, off-street parking, restaurant, swimming pool, other recreational facility.
3. *Examples.* Examples include hotels and motels.
4. *Use Standards.*
 - a. In the Venice Avenue district, hotels shall be required to have a parking structure or an agreement with a separate parking structure for the parking of its guests. Hotels shall provide parking calculations based upon the traditional district parking standard requirement and shall show how a combination of on street parking, surface parking, and parking structure shall meet the parking requirement. A parking structure shall constitute at least 75% of the parking standard requirement.

S. R. Lodging: Bed and Breakfast

1. *Characteristics.* A transient accommodation that is a house (or portion of a house) where lodging rooms and meals are provided on a daily or weekly basis.
2. *Accessory Uses.* Ancillary indoor storage, associated office, food preparation and dining facility, laundry facility, off-street parking, restaurant, swimming pool, other recreational facility.
3. *Use Standards.* All outdoor activity areas shall be buffered from adjacent residential property.

T. S. Day Care Center (More Than 6 Persons)

1. *Characteristics.* An establishment that provides licensed care, in a protected setting, for more than 6 persons for less than 24 hours a day.
2. *Accessory Uses.* Accessory uses include offices, play areas, parking.
3. *Examples.* Examples include commercial daycare establishments, preschools, nursery schools, latch key programs, and adult daycare programs.
4. *Exclusions.* Day Care Center use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Day Care Center use also does not include care given by a family daycare provider as defined by F.S. § 402.302. Family daycare is care regularly given in the family living quarters of the provider's home.

U. T. Fitness, Athletic, Health Club

1. *Characteristics.* Any establishment or facility in which memberships or fees are required in a program of physical exercise and physical wellness. May include the privilege to use facilities such as a weightlifting room, exercise machines and similar physical exercise devices and/or regimens. Temporary memberships or daily passes may be made available to the general public.
2. *Accessory Uses.* Ancillary indoor storage, associated office, limited retail sales of health and wellness goods, indoor restaurant; bar; lounge, outdoor areas for exercise.
3. *Examples.* Examples include a gym, kickboxing, karate, martial arts, indoor cycling, running club.

~~V.~~ **U. Airport**

1. *Characteristics.* Any State Licensed Federal Aviation Administration (FAA) approved airport, or privately-owned state licensed airport. Must meet all federal, state, and local regulations.
2. *Accessory Uses.* Restaurants, meeting rooms, museums, educational facilities, limited accessory retail, fuel sales associated/limited to airport, limited light industrial.

~~W.~~ **V. Marinas**

1. *Characteristics.* Commercial establishment that may or may not be located on waterfront location for the rental of boat slips or dock space or storage space rental and the sale of boats and boat motors, repair and maintenance of boats, sale of accessory equipment for boats, and associated administrative offices.
2. *Accessory Uses.* Accessory uses may include marine fuel and lubricants; bait, fishing, and marine equipment; small boat hauling or launching facilities; indoor and outdoor boat display; limited retail sales; restaurant, bar and tavern.
3. *Use Standards.*
 - a. Marinas shall provide minimum sanitary facilities on-shore to ensure compliance with all mandated requirements.
 - b. Marinas and boating facilities must receive and maintain the Florida Clean Marina Designation from the Florida Department of Environmental Protection.

~~X.~~ **W. Commercial Parking Lots**

1. *Characteristics.* Parking area that is provided for public use with or without a fee.
2. *Accessory Uses.* Valet parking.
3. *Use Standards.*
 - a. A landscaped buffer area is required on all non-street property lines.
 - b. No parking of automotive vehicles other than passenger automobiles and no parking of automobiles for periods longer than 24 hours.
 - c. Parking areas shall meet lighting standards as defined in 3.9: Lighting.
4. *Exclusions.* Parking structures and garages are defined under Z. Parking Structures.

~~Y.~~ **X. Parking Structures**

1. *Characteristics.* Parking structure which is available to the public, but may also be used to accommodate employees, customers, and clients. Commercial parking structures (i.e. parking garage) may be allowed to contain a mix of uses allowed in the base zone district.
2. *Accessory Uses.* Valet parking. In a Commercial Parking Structure, accessory ground floor uses such as a restaurant, office, and/or retail may be permitted if in a mixed use district.
3. *Examples.* Examples include a commercial parking garage.
4. *Use Standards.*
 - a. A landscaped buffer area is required on all non-street property lines.
 - b. No parking of automotive vehicles other than passenger automobiles and no parking of automobiles for periods of longer than 24 hours.
 - c. Parking structures are required to reduce visual impact of vehicles located within. Parking spaces within a parking garage shall be screened from view from abutting streets by Perimeter Buffer Type 1, as defined in Section 4.3: Perimeter Buffer Types.
 - d. Parking structures shall meet lighting standards as defined in 7.7.3: Outdoor Lighting Standards.

~~Z.~~ Y. Tattoo and Piercing Parlors

1. *Characteristics.* Any establishment in which tattooing or piercing is carried out.
2. *Accessory Uses.* Accessory uses may include ancillary indoor storage, associated office, limited retail sales of items relating to tattoos or piercings.

~~AA.~~ Z. Palmist and Fortune Tellers

1. *Characteristics.* Any establishment which performs the act of predicting a person's future by using palmistry, a crystal ball, or similar methods.
2. *Accessory Uses.* Accessory uses may include ancillary indoor storage, associated office.
3. *Examples.* Examples include palm readers, fortune tellers, tarot card reader.

~~BB.~~ AA. Taxidermists

1. *Characteristics.* Any establishment which practices the process of taxidermy, the preserving of an animal or a previously living entity.
2. *Accessory Uses.* Accessory uses may include ancillary indoor storage, associated office, parking.

3.1.1 Building Height

- A. Applicability.** Building height shall be defined as the vertical distance measured from the greater of the following: FEMA first habitable floor requirement, 18 inches above the Florida Department of Environmental Protection requirement for the first habitable floor structural support, 18 inches above the elevation of the average crown of the adjacent roads, or the average natural grade unaltered by human intervention, and shall be measured to the highest

point of a flat roof; the deck of a mansard roof; or the midline of a gable, hip, or gambrel roof the roof.

9.1 Defined Terms

A. Definitions. The following words, terms and phrases, when used in this LDR, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Abandonment” – “Building Frontage.” No change.

Building Height: A specific height expressed in feet. Height shall be defined as the vertical distance measured from the greater of the following; FEMA first habitable floor requirement, 18 inches above the Florida Department of Environmental Protection requirement for the first habitable floor structural support, 18 inches above the elevation of the average crown of the adjacent roads, or the average natural grade unaltered by human intervention, and shall be measured to the highest point of ~~a flat roof; the deck of a Bermuda or mansard roof; or the midline of a gable, hip, or gambrel roof~~ the roof.

“Building Line” – “Industrial Uses.” No change.

Infill: ~~Construction of buildings or other facilities on previously unused or underutilized land located within a developed area, making use of existing utility and transportation infrastructure. Development which occurs on scattered vacant lots in a developed area. Development is not considered infill if it occurs on parcels exceeding one half acre or more.~~

“Infrastructure” to end of Section 9. No change.

Chapter 89 – ENVIRONMENTAL REGULATIONS

2.3 Unique Habitats and Protected Species

A.-C. No Change.

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

- ~~1. Responsible party information for who will be maintaining the habitat;~~
- ~~2. List of prohibited actions including items such as excavation, alteration, and removal of unique or native vegetation;~~
- ~~3. Identification of permitted activities within habitat areas;~~

- ~~4. Best practice methods to be implemented to protect the unique habitat, protected species, or native species and the integrity of these areas;~~
 - ~~5. An assessment of each habitat type to include a list of existing vegetation and percent coverage of exotics or invasive species; and~~
 - ~~6. A plan for monitoring reports for maintaining unique habitats that shall be conducted annually and made available to the City upon request.~~
 1. An identification and assessment of each habitat type on site, including a list of existing vegetation and percent coverage of exotics or invasive species;
 2. A listing of any protected species located on site;
 3. Best practice methods for protecting any unique habitat, protected species, or native habitat, as outlined in Comprehensive Plan Intent OS 1.4&1.5, including a list of prohibited activities (such as excavation, alteration, and removal) and permitted activities;
 4. A plan for annual monitoring reports that shall be made available to the City upon request; and
 5. An identification of the party responsible for complying with these requirements.
- E. **Protected Species Assessment.** For any development of a vacant lot or parcel five acres or less in size and not subject to site and development plan or preliminary plat review, at the time of building permit application an assessment shall be submitted by an environmental professional, as defined in Sec. 89-2.2.B, or similar professional acceptable to the Director, identifying whether any protected species are present and, if so, how they and their habitat will be protected or mitigated.