

Requested by: Planning Commission
Prepared by: City Clerk

ORDINANCE NO. 2016-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 86, LAND DEVELOPMENT CODE, ARTICLE V, USE REGULATIONS, DIVISION 4, BUSINESS ZONING DISTRICTS, SECTION 86-92, CG COMMERCIAL, GENERAL DISTRICT AND SECTION 86-93, CL COMMERCIAL, INTENSIVE DISTRICT; PROVIDING FOR THE REVISION OF THE GENERAL INTENT STATEMENT FOR THE CL DISTRICT BY REMOVING LANGUAGE REFERENCING HIGHLY AUTOMOTIVE-ORIENTED USES AND USES OF A NEIGHBORHOOD OR GENERAL COMMERCIAL TYPE AND TO EXPAND, CLARIFY AND REORGANIZE USES IN THE CG AND CL ZONING DISTRICTS; ESTABLISHING DEVELOPMENT AND DENSITY STANDARDS FOR MULTI-FAMILY DEVELOPMENT IN THE CI ZONING DISTRICT; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the CG and CI zoning districts are the primary districts in the City in which commercial development is permitted; and

WHEREAS, the CG and CI zoning districts are located in the highly visible downtown and gateway areas of the City; and

WHEREAS, inconsistencies and ambiguity in the zoning district regulations have created uncertainty for land owners and potential business owners in the CG and CI zoning districts; and

WHEREAS, the City desires to address inconsistencies among the permitted, special exception, conditional, and prohibited uses within the CG and CI zoning districts; 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 incorporated area of the city; and

WHEREAS, the planning commission has considered this amendment (15-3AM) to the land development code and following a duly noticed public hearing on April 19, 2016, forward its recommendation for approval and findings of consistency with the city's comprehensive plan to city council as required by law; and

WHEREAS, city council has received and considered the report of the planning commission recommending approval.

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.

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

SECTION 2. Chapter 86, Land Development Code, Article V, Use Regulations, Section 86-92, CG commercial, general district, is hereby amended as follows:

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.~~

Graphic one remains unchanged. Move between Sections 86-92(i) and 86-92(j).

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, antiques or hardware, 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 decorators, marinas, radio and television repair shops, health spas, letter shops and printing establishments not involving linotype or large-scale typesetting, employment agencies 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 perchloroethylene 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.~~

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

- ~~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.~~

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

- ~~(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 liveryes.~~
 - ~~(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.~~

Graphic two remains unchanged. Move to location after 86-92(k).

CG 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.

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

- (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		
Category Characteristics: 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"> • <u>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</u> • <u>Convenience stores</u> • <u>Grocery stores</u> • <u>Pharmacies</u> • <u>Produce markets</u> • <u>Bakeries</u> • <u>Florists</u> • <u>Gift shops</u> • <u>Hobby shops</u> • <u>Automotive convenience centers as defined in Section 86-570</u> • <u>Pet shops</u> 	<ul style="list-style-type: none"> • <u>Indoor manufacturing and production of items for sale on-premises only.</u> • <u>Repair of goods sold on-premises.</u> 	<ul style="list-style-type: none"> • <u>Outdoor sale and display of merchandise requires special exception.</u> • <u>No animal kennels associated with pet shops.</u>
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"> • <u>Hair and beauty care</u> • <u>Pet grooming</u> • <u>Health spas</u> • <u>Shoe repair</u> 		<ul style="list-style-type: none"> • <u>No animal kennels associated with pet grooming.</u> • <u>No transmitter towers are allowed in relation to radio and television stations.</u>

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

- Clothing repair and alteration
- Dry cleaning/laundry services
- Copying and duplication services
- Photography studios
- Funeral home
- Radio or television stations
- Electronics repair
- Interior decorators

3) Commercial Recreation, Entertainment (Completely Indoors).

Category Characteristics: Uses providing primarily for private, indoor commercial recreation and entertainment.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> • <u>Studios for instruction in dance, music, yoga, cheer/gymnastics, and similar activities</u> • <u>Movie theaters</u> • <u>Bowling alleys</u> • <u>Billiard parlors</u> • <u>Swimming pools</u> 	<ul style="list-style-type: none"> • <u>Sale and rental of clothing and equipment associated with the on-site activity.</u> • <u>Sale of food and drinks for on-premises consumption.</u> 	

4) Professional, Medical, and Business Offices.

Category Characteristics: Uses providing primarily for professional, medical, administrative, or clerical occupations or services.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> • <u>Medical and dental clinics</u> • <u>Animal hospitals and clinics</u> • <u>Newspaper offices</u> • <u>Travel agency</u> • <u>Employment office</u> 		<ul style="list-style-type: none"> • <u>Boarding of animals associated with an animal hospital or clinic shall be within a completely enclosed structure.</u> • <u>Pain management clinics as defined in Section 86-570 require special exception.</u> • <u>No printing or circulation activities associated with newspaper offices.</u>

5) Bank, Financial Institutions.

Category Characteristics: Uses providing primarily for financial services.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> • <u>Banks and financial institutions</u> • <u>Credit unions</u> 	<ul style="list-style-type: none"> • <u>Drive-thru facilities</u> 	

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

<ul style="list-style-type: none"> • <u>Savings and loans</u> • <u>Credit agencies</u> • <u>Other lending institutions</u> 		
6) <u>Eating Establishments.</u>		
Category Characteristics: <u>Uses providing primarily for the sale of food for consumption on the premises.</u>		
<u>Typical Permitted Uses</u>	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • <u>Restaurants</u> 	<u>Drive-thru facilities.</u> <u>Reserved parking for pick-up of takeout items.</u>	<u>Drive-in restaurants require special exception.</u>
7) <u>Vocational, Trade, and Business Schools.</u>		
Category Characteristics: <u>Uses providing primarily for private education and training for professional, technical, and business occupations including those providing career employment skills.</u>		
<u>Typical Permitted Uses</u>	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • <u>Vocational, trade, and business schools</u> 		<u>All activities associated with school must be conducted within completely enclosed buildings.</u>
8) <u>Marinas, Docks, and Piers.</u>		
<u>Typical Permitted Uses</u>	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • <u>Marinas</u> • <u>Commercial and noncommercial piers and docks</u> 	<u>Boat rental, marine fuel sales, sale of fishing and marine related items including bait and tackle</u>	<u>Boat storage lots are not permitted.</u>
9) <u>Institutional.</u>		
Category Characteristics: <u>Uses of a public, private, or quasi-public nature providing primarily educational, religious, and civic facilities and services.</u>		
<u>Typical Permitted Uses</u>	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • <u>Houses of worship</u> 		
10) <u>Civic, Service Organizations.</u>		
Category Characteristics: <u>Uses providing primarily private non-profit club functions.</u>		
<u>Typical Permitted Uses</u>	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • <u>Clubs such as civic, social, veteran, fraternal, and humanitarian, and similar organizations</u> • <u>Private libraries</u> 		
11) <u>Commercial Parking Lots, Garages.</u>		
Category Characteristics: <u>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</u>		
<u>Typical Permitted Uses</u>	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • <u>Commercial parking lots</u> • <u>Commercial parking garages</u> 		

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

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

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

<u>Food service</u>	<u>Brewed beer may only be sold for on-site consumption.</u>
<u>(e) Commercial, General - Conditional Uses</u>	
Category of Use	
1) <u>Structures in excess of 35 feet, but no more than 85 feet in height</u>	
<u>(f) Commercial, General - Prohibited Uses</u>	
Category of Use	
1) <u>Adult Entertainment Establishments as defined in Section 86-570</u>	
2) <u>New single- or two-family dwellings</u>	
3) <u>Manufacturing activities except as specifically permitted or permissible</u>	
4) <u>Warehousing or storage, except as accessory to and within the same structure as a permitted or permissible use</u>	
5) <u>Pawn shops</u>	
6) <u>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.</u>	

[Sections 86-92 (g) thru (i) to remain unchanged]

Relocated graphic one.

[Sections 86-92 (j) and (k) to remain unchanged]

Relocated graphic two.

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

SECTION 3. Chapter 86, Land Development Code, Article V, Use Regulations, Section 86-93, CI commercial, intensive district, is hereby amended as follows:

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.~~

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

- ~~(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.~~~~
- (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.

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

(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

Category of Use		
1) Certain Permitted Uses in the CG District as Specified Below:		
	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • <u>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</u> • <u>Convenience stores</u> • <u>Grocery stores</u> • <u>Pharmacies</u> • <u>Produce markets</u> • <u>Bakeries</u> • <u>Florists</u> • <u>Gift shops</u> • <u>Hobby shops</u> • <u>Automotive convenience centers as defined in Section 86-570</u> • <u>Hair and beauty care</u> • <u>Health spas</u> • <u>Shoe repair</u> • <u>Clothing repair and alteration</u> • <u>Dry cleaning/laundry services</u> • <u>Copying and duplication services</u> • <u>Photography studios</u> • <u>Funeral home</u> • <u>Electronics repair</u> • <u>Interior decorators</u> 	<u>Indoor manufacturing and production of items for sale on-premises only.</u> <u>Repair of goods sold on-premises.</u>	<u>Outdoor sale and display of merchandise requires special exception.</u>

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

• <u>Pet shops</u>	<u>Accessory Uses</u>	<u>Restrictions</u> <u>No animal kennels associated with pet shops.</u>
• <u>Pet grooming</u>	<u>Accessory Uses</u>	<u>Restrictions</u> <u>No animal kennels associated with pet grooming.</u>
• <u>Radio or television stations</u>	<u>Accessory Uses</u>	<u>Restrictions</u> <u>No transmitter towers are allowed in relation to radio and television stations.</u>
• <u>Studios for instruction in dance, music, yoga, cheer/gymnastics, and similar activities</u>	<u>Accessory Uses</u> <u>Sale and rental of clothing and equipment associated with the on-site activity.</u>	<u>Restrictions</u>
• <u>Movie theaters</u> • <u>Bowling alleys</u> • <u>Billiard parlors</u> • <u>Swimming pools</u>	<u>Accessory Uses</u> <u>Sale of food and drinks for on-premises consumption.</u>	<u>Restrictions</u>
• <u>Animal hospitals and clinics</u>	<u>Accessory Uses</u>	<u>Restrictions</u> <u>Boarding of animals as an accessory to an animal hospital or clinic shall be within a completely enclosed structure.</u>
• <u>Newspaper offices</u>	<u>Accessory Uses</u>	<u>Restrictions</u> <u>No printing or circulation activities associated with newspaper offices.</u>
• <u>Medical and dental clinics</u>	<u>Accessory Uses</u>	<u>Restrictions</u> <u>Pain management clinics as defined in Section 86-570 are not permitted.</u>
• <u>Travel agency</u> • <u>Employment office</u> • <u>Professional and business offices</u>		
• <u>Banks and financial institutions</u> • <u>Credit unions</u> • <u>Savings and loans</u> • <u>Credit agencies</u> • <u>Other lending institutions</u>	<u>Accessory Uses</u> <u>Drive-thru facilities</u>	<u>Restrictions</u>
• <u>Vocational, trade, and business schools</u>	<u>Accessory Uses</u>	<u>Restrictions</u> <u>All activities associated with school must be conducted within completely enclosed buildings.</u>

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

<ul style="list-style-type: none"> • <u>Marinas</u> • <u>Commercial and noncommercial piers and docks</u> 	<u>Accessory Uses</u> <u>Boat rental, marine fuel sales, sale of fishing and marine related items including bait and tackle</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • <u>Houses of worship</u> • <u>Clubs such as civic, social, veteran, fraternal, and humanitarian, and similar organizations</u> • <u>Private libraries</u> • <u>Commercial parking lots</u> • <u>Commercial parking garages</u> 		
2) <u>Automobile, Vehicular, Marine, and Manufactured Home, Sales, Service, and Rental.</u> <u>Category Characteristics:</u> Uses providing primarily for the retail sale and rental of new and used automobiles, marine craft, and manufactured homes.		
<u>Typical Permitted Uses</u> <ul style="list-style-type: none"> • <u>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</u> • <u>Sale of automotive parts and accessories.</u> 	<u>Accessory Uses</u> <u>The sale of accessory items for these permitted uses.</u> <u>Repair services.</u>	<u>Restrictions</u> <u>Junkyards and automobile wrecking yards are not permitted.</u>
3) <u>Machinery and Equipment Sales, Rental, and Service.</u> <u>Category Characteristics:</u> Uses providing primarily for the sale, rental, service, and repair of machinery and equipment		
<u>Typical Permitted Uses</u> <ul style="list-style-type: none"> • <u>Retail sale and rental of farm and construction equipment and machinery</u> • <u>Home equipment rental</u> 	<u>Accessory Uses</u> <u>The sale and rental of accessory items for these permitted uses.</u> <u>Repair services.</u>	<u>Restrictions</u>
4) <u>Building and Landscaping Supplies and, Equipment Sales.</u> <u>Category Characteristics:</u> Uses providing primarily for the sale and service of residential and commercial building supplies, tools, and equipment.		
<u>Typical Permitted Uses</u> <ul style="list-style-type: none"> • <u>Plant nurseries</u> • <u>Sale of lumber, building supplies, farm supplies, feed, tools, equipment,</u> 	<u>Accessory Uses</u> <u>The sale of accessory items for these permitted uses.</u> <u>Repair services.</u>	<u>Restrictions</u>

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

garden _____ supplies, monuments, and like uses		
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.		
<u>Typical Permitted Uses</u>	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • Automobile repair shops • Tire shops • Automotive glass and window replacement • Body shops • Upholstery repair • Automotive detailing • Drive-thru and self- service car washes 		
7) Eating and Drinking Establishments. Category Characteristics: Uses providing primarily for the sale of food and beverages for consumption on the premises.		
<u>Typical Permitted Uses</u>	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • Restaurants, including drive-in restaurants. • Bars, lounges, nightclubs, and like uses that serve alcoholic beverages for on-premises consumption 	Drive-thru facilities. Reserved parking for pick-up of takeout items.	
8) Building Trades Contractors (Without Outside Storage of Materials and Equipment). Category Characteristics: Uses primarily engaged in construction, landscaping, and building and yard maintenance services.		
<u>Typical Permitted Uses</u>	<u>Accessory Uses</u>	<u>Restrictions</u>
<ul style="list-style-type: none"> • Landscaping contractors • Building contractors • Electrical contractors • Swimming pool contractors • HVAC contractors • Plumbers • Carpenter and cabinet making shops, and like uses • Pest Control • Commercial water softening 	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.	Outdoor storage of materials and equipment requires special exception. Welding and machine shops are not permitted.
9) Motorbus Terminals.		
10) Boat Liveries.		
11) Palmists, Astrologists, Psychics, Clairvoyants and Phrenologists.		

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

12) Auditoriums and Convention Centers.		
13) Wholesaling From Sample Stocks Only, Provided No Manufacturing or Storage for Distribution is Permitted on the Premises.		
14) Revival and Gospel Establishments Under Temporary Use Permits.		
15) Animal Boarding in Soundproof Buildings.		
16) Job Printing or Newspaper Establishments.		
17) Upholstery and Furniture Repair.		
18) Retail Sale of Secondhand Merchandise in Completely Enclosed Buildings.		
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"> • <u>Golf driving ranges</u> • <u>Par 3 golf courses</u> • <u>Open air motion picture theaters</u> 	<u>Sale and rental of clothing and equipment associated with the on-site activity. Sale of food and drinks for on-premises consumption.</u>	
22) Brewpubs		
	Accessory Uses	Restrictions
	<u>Food service</u>	<u>Brewed beer may only be sold for on-site consumption.</u>
<u>(d) Commercial, Intensive - Special Exceptions</u>		
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 Uses	Special Exception Accessory Uses	Restrictions
<ul style="list-style-type: none"> • <u>Warehousing</u> • <u>Self-storage facilities</u> 		<u>Bulk storage of flammable liquids is not permitted.</u>
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 Uses	Special Exception Accessory Uses	Restrictions
<ul style="list-style-type: none"> • <u>Landscaping contractors</u> • <u>Building contractors</u> • <u>Electrical contractors</u> • <u>HVAC contractors</u> • <u>Swimming pool contractors</u> • <u>Plumbers</u> 		

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

<ul style="list-style-type: none"> <u>Carpenter and cabinet making shops, and like uses</u> 	
3) <u>Outdoor Display and Sale of Retail Merchandise</u>	
4) <u>Truck Stops as defined in Section 86-570</u>	
5) <u>Television or Radio Transmitter Towers</u>	
6) <u>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</u>	
<u>Accessory Uses</u>	<u>Restrictions</u> <u>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.</u> <u>Site and development plan approval is required.</u>
7) <u>Carnivals or Circuses, Archery Ranges, Miniature Golf Courses, Pony Rides and Skating Rinks, and Indoor Pistol or Rifle Ranges.</u>	
8) <u>Commercial Tourist Attractions.</u>	
9) <u>Welding and Machine Shops</u>	
10) <u>Essential Services as defined in Section 86-570</u>	
<u>Typical Special Exception Accessory Uses</u> <ul style="list-style-type: none"> <u>Electrical substations, lift stations and similar installations.</u> 	<u>Restrictions</u> <u>Does not include electric or gas generation plants.</u>
11) <u>Multi-Family Dwellings as defined in Section 86-570</u>	
12) <u>Adult Entertainment Establishments as defined in Section 86-570</u>	
<u>Accessory Uses</u>	<u>Restrictions</u> <u>No such use shall be located on property which lies within:</u> <u>a. One thousand feet, as directly measured, of any two other properties on which other such establishments are located;</u> <u>b. One thousand feet, as directly measured, of any property used as a school or house of worship; or</u> <u>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</u>

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

located, covered or screened as to effectively prevent visual access into the interior of the building from any public or semipublic area.

(e) Commercial, Intensive - Prohibited Uses

Category of Use

1) Pain Management Clinics as defined in Section 86-570

2) New Residential Construction, Except for Multi-Family Dwellings

(f) Maximum residential density. Maximum number of dwelling units per acre in the CI district is: 18 dwelling units per acre. ~~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. 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.

[Sections 86-93 ~~(g)~~(i) thru (j) to remain unchanged]

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. 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. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 6. This Ordinance shall take effect immediately upon its adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 23RD DAY OF AUGUST 2016.

First Reading: July 12, 2016

Final Reading: August 23, 2016

Adoption:

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 Venice City Council, at a meeting thereof duly convened and held on the 23rd day of August 2016, a quorum being present.

WITNESS my hand and the official seal of said City this 23rd day of August 2016.

Lori Stelzer, MMC, City Clerk

Approved as to form:

David Persson, City Attorney

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.