

Requested by: Planning Commission
Prepared by: City Clerk

ORDINANCE NO. 2019-09

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 86, LAND DEVELOPMENT CODE, ARTICLE IV, DEVELOPMENT REVIEW PROCEDURES, SECTION 86-49(j), SITE AND DEVELOPMENT PLAN AND ZONING REVIEWS AND SECTION 86-50, CONSTRUCTION PLAN REVIEW AND PERMIT; ARTICLE VI, DESIGN AND DEVELOPMENT STANDARDS, DIVISION 2, SUBDIVISION DESIGN STANDARDS, SECTION 86-232, MINIMUM IMPROVEMENTS AND DIVISION 5, LANDSCAPING REQUIREMENTS, SECTION 86-433, PLAN APPROVAL; AND CHAPTER 74, UTILITIES, ARTICLE V, STORMWATER MANAGEMENT, DIVISION 3, STORMWATER MANAGEMENT UTILITY, SECTION 74-264, RUNOFF OF STORMWATER AND BEST MANAGEMENT PRACTICES (BMPs) FOR CONSTRUCTION SITES, TO ALLOW THE ISSUANCE OF LIMITED CONSTRUCTION PERMITS FOR CERTAIN LAND DEVELOPMENT PROJECTS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the submitted Text Amendment Petition No. 18-05AM seeking to allow the issuance of limited construction permits for certain land development projects; 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 public hearing on January 15, 2019 for which public notice was provided regarding the Petition, and, based upon information and public comment received at the public hearing, the staff report and discussion by the Planning Commission, voted to recommend approval of Text Amendment Petition No. 18-05AM; and

WHEREAS, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 18-05AM; and

WHEREAS, City Council held a public hearing on Text Amendment Petition No. 18-05AM in accordance with the requirements of the city's code of ordinances and has considered the information received at said public hearing; and

WHEREAS, City Council finds that Text Amendment Petition No. 18-05AM 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. Chapter 86, Land Development Code, Article IV, Development Review Procedures, Sections 86-49(j), Site and development plan and zoning reviews and Section 86-50, Construction plan review and permit, are hereby amended to read as follows:

Sec. 86-49. Site and development plan and zoning reviews.

(a) through (i) No change.

(j) *Zoning review.* Land development projects not subject to site and development plan review shall receive a zoning review by the zoning administrator or designee.

(1) through (5) No change.

(6) *Assurance of completion of public improvements.* Where, by the terms of this chapter or other applicable city regulations, provision is made for ensuring to the city that the public improvements required will be constructed as required, the following procedures and regulations shall govern. Except as otherwise permitted in section 86-50, B~~before~~ any building permit is issued in such situation, the city manager or his designee shall require the applicant to present satisfactory evidence that full provision has been made for public improvements, including but not limited to: utility lines, potable water, wastewater collection systems, storm sewers, reclaimed water systems, construction or reconstruction of streets or alleys, street signs, and traffic devices or signals. Where such public improvements are to be constructed by the applicant in accordance with the applicant's permit, the city manager shall require security satisfactory to the city in the form of a deposit in cash or cashier's check in the amount of 115 percent of the estimated cost of such improvements, or a performance and payment bond or irrevocable letter of credit. The purpose of this requirement is to ensure to the city that the public improvements required will be properly and timely completed and paid for. The form of any such bond or sureties thereon shall be subject to the approval of the city attorney as to form and correctness and acceptance by city council. Except as otherwise permitted in section 86-50, C~~construction plan approval and site preparation permit must be obtained prior to the issuance of any building permit.~~

(7) All improvements that are regulated by the city standard details must meet the requirements established in the city standard details and subdivision design standards.

(8) Except as otherwise permitted in section 86-50, F~~the property shall not be improved until the engineering department has approved the construction plans and issued a site preparation permit. No site work, grading, delivery of fill, removal of vegetation, ground-breaking, improvement of property or construction of any type may be commenced prior to the issuance of a site preparation permit. Where the proposed development requires site and development plan approval under this chapter or other applicable city regulations, a construction permit will be required prior to the issuance of the site preparation permit. Construction and site preparation permits will not be issued until all requirements of the city~~

standard details and subdivision design standards are met and the required fees have been submitted.

Sec. 86-50. Construction plan review and permit.

(a) Except as provided in subsection (b) and (c), ~~Construction~~ permits must be obtained for all proposed improvements that require site and development plan review under this article or other applicable city regulations. Construction plan review required procedures are outlined in the city standard details. Construction plan review procedures may be updated during the annual update of the city standard details or as deemed necessary by the city engineer. Required fees must be submitted with the construction plan review application package. Construction plans shall be signed and sealed on each sheet by a state-licensed professional engineer with the exception of the landscape plan that shall be signed and sealed by a state-licensed landscape architect. Construction plans will not be accepted for review until all required items, including applicable fees, have been submitted.

(b) Non-residential development projects (with no dwellings) may be issued the following construction permits prior to the completion of plan review and approval: silt fence permit, clearing and grubbing permit, and grading permit. Projects having at least one structure that requires deep foundations may be issued foundation permits prior to plan review and approval where deep foundations are defined as a type of foundation that transfers building loads to the earth farther down from the surface than a shallow foundation does to a subsurface layer or a range of depths using a pile or pilings. Prior to the issuance of any such construction permits or deep foundation permits prior to the completion of plan review and approval shall be subject to the following: (1) Security satisfactory to the city manager or designee shall require security satisfactory to the city in the form of a security deposit in cash or cashier's check or a bond or irrevocable letter of credit that, at a minimum, sufficient to covers the cost of restoring the property and removing the improvements at a minimum necessary to ensure mitigation of potential offsite impacts due to site disturbance and grading in an amount satisfactory to the city manager or designee. Any cost estimates necessary to establish an agreeable amount for the security shall be prepared and provided by the applicant.

(c) Residential subdivision development and multiple-family dwelling projects may be issued the following construction permits prior to the completion of plan review and approval: silt fence, clearing and grubbing, and grading. Prior to the issuance of any such permit, the city manager shall require security satisfactory to the city in the form of a deposit in cash or cashier's check or a bond or irrevocable letter of credit that, at a minimum, covers the cost of restoring the property and removing the improvements to ensure mitigation of potential offsite impacts due to site disturbance and grading. Any cost estimates necessary to establish an agreeable amount for the security shall be prepared and provided by the applicant.

SECTION 3. Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 2, Subdivision Design Standards, Section 86-232(2), Minimum improvements, is hereby amended to read as follows:

Sec. 86-232. Minimum improvements.

(2) *Issuance of construction permit.* The construction permit requires the approval of the city engineer. The construction permit shall not be issued until the requirements of the city standard details have been met, all plan revisions requested during construction plan review have been completed to the satisfaction of the city engineer, and appropriate fees and charges have been paid. The construction plans must conform to the preliminary plat and/or site plan approved by the planning commission and city council. The construction permit shall not be issued until the planning commission has approved the preliminary plat and/or site plan, except as otherwise permitted in section 86-50. Any construction permit issued not meeting all the applicable regulations and codes or issued in error shall be invalid and may be revoked by the city engineer.

SECTION 4. Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 5, Landscaping Requirements, Section 86-433, Plan approval, is hereby amended to read as follows:

Sec. 86-433. Plan approval.

Except for single-family and two-family dwellings and as otherwise permitted in section 86-50, prior to the issuance of any permit for paving or surfacing under the provisions of this chapter, a plot and planting plan shall be submitted to and be approved by the building division of the city. The plot plan shall be drawn to suitable scale, and shall include all pertinent dimensions and indicate clearly by delineation the existing and proposed parking spaces or other vehicular use areas, access aisles, driveways, hydrants, the source of water supply for plantings, and the location and size of all landscape materials, including the location of planting protective devices, and the location and size of buildings, if any, to be served and the relation of the off-street facilities thereto, and shall designate plantings by name and shall locate the plant material to be installed or, if existing, to be used in accordance with the requirements of this subdivision. No construction permit shall be issued unless the plot plan has been reviewed and approved by the engineering division of the city as complying with the provisions of this section.

SECTION 5. Chapter 74, Utilities, Article V, Stormwater Management, Division 2, Control and Disposal, Section 74-264(1), Runoff of stormwater and best management practices (BMPs) for construction sites, is hereby amended to read as follows:

Sec. 74-264. Runoff of stormwater and best management practices (BMPs) for construction sites.

BMPs shall be implemented as necessary, to ensure that all discharges from construction activities are in compliance with the city's EPA/NPDES stormwater permit and the stormwater master plan, or the SWFWMD permit or EPA's NPDES construction activity general permit; whichever is most stringent in its requirements. Best management practices include, but are not limited to, the following requirements:

(1) Before any activity such as removal of vegetation, site grading, delivery of fill, or ground breaking, the property owner or his agent is required to obtain a site preparation permit from the engineering department. This requirement applies to all construction sites, regardless of size. Except as otherwise permitted in section 86-50 of this code, Properties required to complete compliance review will be eligible to receive a site preparation permit at the end of the construction plan review process provided that all of the requirements of this section have been satisfied and an approved construction permit has been issued by the city engineer. Properties not required to go through compliance review will be eligible to receive a site preparation permit upon satisfactory completion of the requirements of this section. A site preparation permit is required prior to submittal of building permit application and in all cases, before beginning work on the site. All applicable state or federal permits including SWFWMD and/or NPDES construction generic permit must be obtained prior to commencement of any construction activities. The city engineer or his designee may issue a stop work order if copies of applicable state and federal permits are not presented during the preconstruction meeting or initial site inspection. The applicant shall meet all requirements of the city standard details and submit the following items:

- a. A site and drainage plan signed and sealed by a Florida licensed professional engineer or, for residential property improvements, a Florida licensed landscape architect.
- b. Erosion and sediment control plan for all sites. The plan must include a description of controls that will be used at the site, a description of maintenance and inspection procedures, and contact person with phone number.
- c. Approved county tree removal permit prior to issuance of site preparation permit.
- d. Required fees.

(2) through (8) No change.

SECTION 6. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 7. 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 8. 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 26TH DAY OF FEBRUARY 2019.

First Reading: February 12, 2019

Final Reading: February 26, 2019

Adoption: February 26, 2019

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 26th day of February 2019 a quorum being present.

WITNESS my hand and the official seal of said City this 26th day of February 2019.

Lori Stelzer, MMC, City Clerk

(SEAL)

Approved as to form:

Kelly Fernandez, City Attorney