

**ORDINANCE NO. 2021-23**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 86, LAND DEVELOPMENT CODE, ARTICLE V, USE REGULATIONS, DIVISION 4, BUSINESS ZONING DISTRICTS, SECTION 86-90, OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the submitted Text Amendment Petition No. 21-10AM is seeking to remove the minimum two acre parcel size restriction in the OPI Office, Professional, and Institutional district where houses of worship (except temporary revival of gospel establishments) is a permitted principal use; and

**WHEREAS**, the submitted Text Amendment Petition No. 21-10AM is seeking to allow public elementary, middle and high schools with conventional academic curriculums, and private elementary, middle and high schools with conventional academic curriculums similar to those in public elementary and high schools, as a permitted use in the OPI Office, Professional, and Institutional district; and

**WHEREAS**, the submitted Text Amendment Petition No. 21-10AM is seeking to allow cemeteries, columbaria and mausoleums, provided that no grave, monument or structure shall be closer than 25 feet to any boundary line of the property, as a special exception in the OPI Office, Professional, and Institutional district; 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 May 18, 2021 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. 21-10AM; and

**WHEREAS**, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 21-10AM; and

**WHEREAS**, City Council held a public hearing on Text Amendment Petition No. 21-10AM 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. 21-10AM 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 V, Use Regulations, Division 4, Business Zoning Districts, Section 86-90, OPI Office, Professional, and Institutional is hereby amended to read as follows:

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

Section 86-90(a) No changes.

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

- (1) Professional and business offices.
- (2) Hospitals, rest homes, nursing homes, convalescent homes, homes for the aged and homes for orphans, provided that no such facility shall have a lot area of less than 2.5 acres, that no building in connection with such facilities shall be closer than 50 feet to the lot line of any adjoining property, and that all other state, county and city regulations in regard to such establishments shall be met.
- (3) Housing for the aged.
- (4) Medical and dental clinics and medical and dental laboratories.
- (5) Existing one- and two-family dwellings.
- (6) Townhouses.
- (7) Art galleries, libraries, museums, community centers, publicly owned and operated recreational facilities, and theaters for live stage productions (amateur or professional).
- (8) Research laboratories not involving odor, noise, smoke or other noxious effects detectable to normal senses from off the premises, and not involving manufacturing activities.
- (9) Houses of worship (except temporary revival or gospel establishments), ~~provided the minimum parcel size shall be two acres.~~
- (10) Dance, art and music studios.
- (11) Funeral homes.
- (12) Private clubs.
- (13) Animal hospitals with boarding of animals in completely enclosed buildings.

(14) Banks and financial institutions, without drive-in facilities, provided that such uses shall be located on arterial streets.

(15) One-family, two-family and multiple-family dwellings within buildings eligible for listing on the local register of historical resources.

(16) Public elementary, middle and high schools with conventional academic curriculums, and private elementary, middle and high schools with conventional academic curriculums similar to those in public elementary and high schools.

(c) and (d) No changes.

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

(1) Child care centers, provided that:

- a. A fenced play area of not less than 3,000 square feet shall be provided for the first 20 or fewer children, with 200 square feet additional for each additional child.
- b. A landscaped buffer shall be required on nonstreet property lines.

(2) Multiple-family dwellings.

(3) Colleges and universities.

(4) Vocational, trade or business schools, provided all activities are conducted in completely enclosed buildings.

(5) Sanitariums.

(6) Detoxification centers, as defined by state and federal guidelines.

(7) Commercial and service activities as follows:

a. Where there is a demonstrated need, limited commercial and service activities directly related to and in support of institutional and office uses within the district, such as:

1. Retail outlets for sale of books, educational and art supplies, florist or gift shops, drugstores for sale of prescriptions and medicines and medical supplies only at retail, prosthetic appliance establishments and similar establishments.
2. Service establishments such as restaurants (but not drive-in restaurants), restaurants with drive-through or pick-up facilities, barbershops or beauty shops, laundry or dry cleaning pickup stations (but not a laundry, self-service laundry, dry cleaner, etc.), and similar service activities.

b. These uses are subject to the following limitations:

1. Sale, display, preparation and storage shall be conducted within a completely enclosed building.

2. Products shall be sold only at retail.
3. No sale, display or storage of secondhand merchandise is permitted.
4. No signs are permitted other than identification wall signs.

(8) When these districts adjoin a commercial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial uses, provided that:

- a. Such parking lots may be permitted only between the commercial district and the nearest street in the office district.
- b. A landscaped buffer area is required on all non-street property lines.
- c. No source of illumination for such lots shall be directly visible from any adjoining residential property.
- d. No movement of vehicles is permitted on such lots between the hours of 10:00 p.m. and 7:00a.m., and greater limitations may be imposed where so required.

(9) Assisted living facilities. Minimum lot area and setback for buildings in connection with such facilities shall be 2.5 acres with a minimum setback of 50 feet for assisted living facilities exceeding 150 beds.

(10) Banks and financial institutions with drive-in facilities, provided that such uses shall be located on arterial streets.

(11) Pain management clinic.

(12) Cemeteries, columbaria and mausoleums, provided that no grave, monument or structure shall be closer than 25 feet to any boundary line of the property.

(f) through (k) No changes.

**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. 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 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 14TH DAY OF SEPTEMBER 2021.**

First Reading: July 13, 2021  
Final Reading: September 14, 2021  
  
Adoption: September 14, 2021

---

Ron Feinsod, 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 14<sup>th</sup> day of September 2021 a quorum being present.

WITNESS my hand and the official seal of said City this 14<sup>th</sup> day of September 2021.

---

Lori Stelzer, MMC, City Clerk

(SEAL)

Approved as to form:

---

Kelly Fernandez, City Attorney