

**ORDINANCE NO. 2022-15**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, ADOPTING BY REFERENCE THE AMENDED AND RESTATED LAND DEVELOPMENT REGULATIONS FOR THE CITY OF VENICE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; ADOPTING BY REFERENCE THE FOLLOWING: PREFACE AND INTRODUCTION, CHAPTER 87, CHAPTER 88, CHAPTER 89, AND THE CITY OF VENICE ZONING MAP; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council has been presented with a proposed amended and restated City of Venice Land Development Regulations, including proposed Zoning Map, (collectively the "Restated Code") for adoption; and

**WHEREAS**, Section 163.3174(1), Florida Statutes, requires that the governing body of each local government in Florida shall designate and by ordinance establish a "local planning agency"; and

**WHEREAS**, the City of Venice Planning Commission has been duly designated in Section 86-23 of the existing Land Development Regulations as the local planning agency of the City; and

**WHEREAS**, Section 163.3174(4)(c), Florida Statutes, provides that the local planning agency shall review proposed Land Development Regulations and make recommendations to the governing body as to the consistency of the proposed Land Development Regulations with the adopted Comprehensive Plan; and

**WHEREAS**, Section 86-23 of the existing Land Development Regulations authorizes the Planning Commission to review and recommend proposed amendments to the Land Development Regulations; and

**WHEREAS**, the Planning Commission, acting in its capacity as the City's local planning agency, has been presented with the proposed Restated Code; and

**WHEREAS**, the Planning Commission, acting in its capacity as the local planning agency, held duly noticed and advertised public hearings on April 19, 2022 and May 3, 2022, in accordance with Section 86-47 of the existing Land Development Regulations, to receive public comment on the Restated Code; and

**WHEREAS**, the Planning Commission, acting in its capacity as the local planning agency, at the May 3, 2022 public hearing, found the Restated Code to be consistent with the City of Venice Comprehensive Plan (the "Comprehensive Plan") and recommended that the City Council adopt the Restated Code as the Land Development Regulations and Zoning Map of the City; and

**WHEREAS**, City Council held two adoption public hearings on June 28, 2022, and July 12, 2022, to receive public comment, and considered the recommendation of the Planning Commission and the proposed Restated Code; and

**WHEREAS**, City Council has found and determined that the adoption of the Restated Code will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the City, and thus serve a valid public purpose.

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

**Section 1. Purpose and Intent.** This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Part II of Chapter 163, Florida Statutes.

**Section 2. Findings.** City Council hereby finds and determines that:

- (a) The findings set forth in the recitals to this Ordinance are true and correct.
- (b) The Planning Commission, acting in its capacity as the local planning agency for the City, held a public hearing on April 19, 2022 and May 3, 2022, to consider the Restated Code, found the Restated Code to be consistent with the Comprehensive Plan, and recommended that City Council adopt the Restated Code as the Land Development Regulations and Zoning Map of the City.

**Section 3. Adoption of the Restated Code.** The Restated Code attached to this Ordinance and incorporated herein by reference as Exhibits "A" through "E", is hereby adopted as the Land Development Regulations and official Zoning Map of the City, amending and restating the existing City of Venice Land Development Regulations and Zoning Map in their entirety. The Restated Code is understood to replace the City's existing Code of Ordinances, Subpart B, Land Development Regulations, specifically all of CHAPTER 86 LAND DEVELOPMENT CODE, CHAPTER 90 BUILDINGS AND BUILDING REGULATIONS, CHAPTER 94 CONCURRENCY MANAGEMENT, CHAPTER 98 FLOODS, CHAPTER 106 NATURAL RESOURCES, CHAPTER 118 TREE PRESERVATION, PROTECTION, AND REPLACEMENT, CHAPTER 122 ZONING, and the ZONING MAP. The Land Development Regulations shall consist of the Preface and Introduction, the following three Chapters, and the official Zoning Map, as set forth in the following five exhibits:

- (a) PREFACE AND INTRODUCTION (Exhibit "A");

- (b) CHAPTER 87, LAND DEVELOPMENT CODE (Exhibit "B");
- (c) CHAPTER 88, BUILDING REGULATIONS (Exhibit "C");
- (d) CHAPTER 89, ENVIRONMENTAL REGULATIONS (Exhibit "D");
- (e) ZONING MAP (Exhibit "E").

**Section 4. Codification.** The publisher of the City's Code of Ordinances, the Municipal Code Corporation, is directed to incorporate the Restated Code adopted by this Ordinance into the City's Code of Ordinances.

**Section 5. Applicability.** The Restated Code adopted by this Ordinance shall apply to all applications, decisions or controversies pending before the City upon the effective date hereof or filed or initiated thereafter.

**Section 6. Severability.** If any section, sentence, clause, or other provision of this Ordinance, or any provision of the Restated Code, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance or the Restated Code, as the case may be.

**Section 7. Effective date.** This Ordinance shall become effective as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 12TH DAY OF JULY 2022.**

First Reading: June 28, 2022  
Second Reading: July 12, 2022

**ADOPTION:** July 12, 2022

**ATTEST:**



Kelly Michaels, MMC, City Clerk



Ron Feinsod, Mayor

Nick Pachota, Vice Mayor

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 12th day of July 2022, a quorum being present.


**WITNESS** my hand and the official seal of said City this 12th day of July 2022.



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Kelly Michaels, MMC, City Clerk

Approved as to form:



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Kelly Fernandez, City Attorney

**CITY OF VENICE  
LAND DEVELOPMENT  
REGULATIONS**

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CITY OF VENICE, FLORIDA

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## PREFACE

This volume contains the City of Venice Land Development Regulations ("LDR"), as adopted by City Council on July 12, 2022.

The LDR has been printed as adopted and the original numbering system has been retained. Obvious typographical errors have been corrected without notation; words or phrases added by the editor for purposes of clarification are enclosed in brackets.

### *Amendatory Legislation*

A feature of this publication that is particularly useful is the Code Comparative Table. Any amendatory legislation may be located therein by number and date of enactment, and the sections or subsections amended will be listed. In addition, the sources of any amendments to the LDR are listed in a parenthetical history note following the amended section. The absence of such a note indicates that the section derives unamended from the LDR as originally adopted.

### **ORDINANCE NO. 2022-15**

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**WHEREAS**, the City Council has been presented with a proposed amended and restated City of Venice Land Development Regulations, including proposed Zoning Map, (collectively the "Restated Code") for adoption; and

**WHEREAS**, Section 163.3174(1), Florida Statutes, requires that the governing body of each local government in Florida shall designate and by ordinance establish a "local planning agency"; and

**WHEREAS**, the City of Venice Planning Commission has been duly designated in Section 86-23 of the existing Land Development Regulations as the local planning agency of the City; and

**WHEREAS**, Section 163.3174(4)(c), Florida Statutes, provides that the local planning agency shall review proposed land development regulations and make recommendations to the governing body as to the consistency of the proposed Land Development Regulations with the adopted Comprehensive Plan; and

**WHEREAS**, Section 86-23 of the existing Land Development Regulations authorizes the Planning Commission to review and recommend proposed amendments to the Land Development Regulations; and

**WHEREAS**, the Planning Commission, acting in its capacity as the City's local planning agency, has been presented with the proposed Restated Code; and

**WHEREAS**, the Planning Commission, acting in its capacity as the local planning agency, held duly noticed and advertised public hearings on April 19, 2022 and May 3, 2022, in accordance with Section 86-47 of the existing Land Development Regulations, to receive public comment on the Restated Code; and

**WHEREAS**, the Planning Commission, acting in its capacity as the local planning agency, at the May 3, 2022 public hearing, found the Restated Code to be consistent with the City of Venice Comprehensive Plan (the "Comprehensive Plan") and recommended that the City Council adopt the Restated Code as the Land Development Regulations and Zoning Map of the City; and

**WHEREAS**, City Council held two adoption public hearings on June 28, 2022, and July 12, 2022 to receive public comments, and considered the recommendation of the Planning Commission and the proposed Restated Code; and

**WHEREAS**, City Council has found and determined that the adoption of the Restated Code will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the City, and thus serve a valid public purpose.

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

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Part II of Chapter 163, Florida Statutes.

Section 2. Findings. City Council hereby finds and determines that:

- (a) The findings set forth in the recitals to this Ordinance are true and correct.
- (b) The Planning Commission, acting in its capacity as the local planning agency for the City, held a public hearing on April 19, 2022 and May 3, 2022 to consider the Restated Code, found the Restated Code to be consistent with the Comprehensive Plan, and recommended that City

Council adopt the Restated Code as the Land Development Regulations and Zoning Map of the City.

Section 3. Adoption of the Restated Code. The Restated Code attached to this Ordinance and incorporated herein by reference as Exhibits "A" through "E", is hereby adopted as the Land Development Regulations and official Zoning Map of the City, amending and restating the existing City of Venice Land Development Regulations and Zoning Map in their entirety. The Restated Code is understood to replace the City's existing Code of Ordinances, Subpart B, Land Development Regulations, specifically all of CHAPTER 86 LAND DEVELOPMENT CODE, CHAPTER 90 BUILDINGS AND BUILDING REGULATIONS, CHAPTER 94 CONCURRENCY MANAGEMENT, CHAPTER 98 FLOODS, CHAPTER 106 NATURAL RESOURCES, CHAPTER 118 TREE PRESERVATION, PROTECTION, AND REPLACEMENT, CHAPTER 122 ZONING, and the ZONING MAP. The Land Development Regulations shall consist of the Preface and Introduction, the following three Chapters, and the official Zoning Map, as set forth in the following five exhibits:

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Section 5. Applicability. The Restated Code adopted by this Ordinance shall apply to all applications, decisions or controversies pending before the City upon the effective date hereof or filed or initiated thereafter.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance, or any provision of the Restated Code, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance or the Restated Code, as the case may be.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 12TH DAY OF JULY 2022.**

First Reading: June 28, 2022

Second Reading: July 12, 2022

Adoption: July 12, 2022

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Ron Feinsod, Mayor

ATTEST:

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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 12<sup>th</sup> day of July 2022, a quorum being present.

WITNESS my hand and the official seal of said City this 12<sup>th</sup> day of July, 2022.

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Kelly Michaels, MMC, City Clerk

Approved as to form:

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Kelly Fernandez, City Attorney



**SUPPLEMENT HISTORY TABLE**

The table below allows users of this LDR to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the LDR and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the LDR and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this LDR will be able to gain a more complete picture of the LDR's historical evolution.

\*RESERVED\*

## INTRODUCTORY PROVISIONS

### Purpose and Intent of the LDR

- A.** The Land Development Regulations (LDR) are adopted to be consistent with and implement the City of Venice Comprehensive Plan as it may be amended from time to time, and to satisfy requirements for Land Development Regulations in F.S. § 163.3202.
- Chapter 87.** Chapter 87, Land Development Code, establishes the regulations, procedures, and standards for reviewing and approving all development orders, development permits, and use of land within the incorporated area of the City. The Land Development Code is enacted to preserve, protect, and promote the general welfare of residents and businesses in the City and to provide orderly and controlled growth.
  - Chapter 88.** Chapter 88, Building Regulations, provides for the safe regulation of the construction, alteration, repair, equipment, use, occupancy, location, maintenance, removal or demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the City.
  - Chapter 89.** Chapter 89, Environmental Regulations, defines implementing regulations for environmentally oriented topics contained in the most recently adopted Comprehensive Plan, as amended. These topics include open space use and conservation, wildlife and habitat protection, wetland protection, mining impact considerations, coastal waterway management and protection, coastal high hazard development considerations, and conservation building design and development considerations.
- B.** It is the intent of the LDR to establish an efficient, effective and equitable regulatory and procedural code relating to the use of land and development of the City. Specifically, the LDR is adopted to achieve the following objectives:
- Consistent with the Comprehensive Plan, promote the City's neighborhoods, vibrancy of its downtown and the capacity of its public infrastructure;
  - Promote development patterns that will balance the economic, social, historical and environmental needs of the community and preserve a high quality of life for all residents;
  - Improve the City's neighborhoods and provide a method for addressing development and redevelopment within the City;
  - Regulate land use, building height, architectural standards, and compatibility;
  - Consolidate and eliminate districts where feasible;
  - Through the creation of Mixed Use Areas, develop zoning districts which utilize ideas and best practices of form based codes;

- 7. Preserve vested development rights as outlined in Section 1.14: Vested Rights, of this LDR;
  - 8. Provide for the safe regulation of buildings and structures within the City; and
  - 9. Implement regulations for environmentally oriented topics.
- C.** The Planning and Zoning Director (hereinafter referred to as the Director and as defined in Section 1 of Chapter 87) shall interpret the LDR and its application to land, and to activities permitted thereon unless otherwise specified. Similar to the Director’s interpretive abilities granted by the Comprehensive Plan, the Director shall act as interpreter of the LDR in the event of any conflict or difference of meaning within the LDR. Appeals of the Director’s interpretation shall follow the review process identified in Section 1.16 of Chapter 87.
- D.** Use or Occupancy. No building, land, or water shall be constructed, altered, used, or occupied except in conformity with the regulations and standards of this LDR.
- E.** Development Standards. No building or use may be established in any manner contrary to the regulations and standards of this LDR.
- F.** Continuity of Zoning. If unincorporated territory is annexed into the City, the regulations of the Sarasota County Unified Development Code shall be administered and remain in full force and effect until the City adopts a comprehensive plan amendment that includes the annexed area.

## Legal Provisions

- A.** The official title of this document is the Land Development Regulations of the City of Venice, Florida and is referred to throughout this document as “The Land Development Regulations” or “LDR”.
- B.** The LDR shall apply to all lands, buildings, structures and uses located within the City of Venice, Florida and those specific areas identified within the Joint Planning Agreement and Interlocal Service Boundary Agreement (JPA/ILSBA).
- C.** This LDR was adopted on July 12, 2022 and became effective on July 12, 2022 by Ordinance No. 2022-15.
- D.** The requirements of the LDR shall be considered the minimum requirements for the promotion of the public health, safety and general welfare.
- E.** This LDR is adopted and enacted pursuant to the requirements and authority of F.S. § 163.3202, the City of Venice Charter, and the general powers enumerated in F.S. Ch. 166. Whenever any provision of the LDR refers to or cites a section of F.S. or F.A.C. and that section is later amended or superseded, the LDR shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.
- F.** The LDR and each chapter, section, subsection, sentence and phrase are adopted regardless of whether one or more other portions of the LDR are declared invalid or unconstitutional.

- G.** Terms not otherwise included as defined terms in the LDR shall be interpreted by reference to the relevant provisions of:
- 1.** The Comprehensive Plan; then
  - 2.** F.S. § 163.3202, or other relevant and appropriate state statutes or administrative rules, if specifically defined therein; then
  - 3.** The terminology adopted by city ordinances; then
  - 4.** The terminology generally accepted by federal or state agencies; then
  - 5.** The terminology generally accepted by the planning profession; and finally
  - 6.** The latest edition of Webster’s New Collegiate Dictionary.

### Meanings of Words

- A.** Whenever the context in which words are used in the LDR indicates that such is the intent, words in the singular number shall include the plural and vice versa and words in the masculine gender shall include the feminine and neuter genders and vice versa. All references to “herein”, “hereunder” and words of like import shall refer, unless the context clearly requires otherwise, to this LDR, as distinct from the paragraph or section within which such term is located.
- B.** The terms “shall”, “should”, “will”, and “may” are included within the LDR and are understood to be used in the following manner:
- Shall: Provisions or items that are mandatory
- Will: Declares a purpose to accomplish an item in the future
- Should/May: Items that are more flexible in nature; non-mandatory, but are either encouraged or permitted
- C.** Any reference to “City” shall mean “City of Venice”
- D.** Any reference to “Comprehensive Plan” shall mean the most current version of the “City of Venice Comprehensive Plan.”
- E.** “And” indicates that all connected words or provisions apply.
- F.** “Or” indicates that the connected words or provisions may apply singly or in any combination.

### Graphic Illustrations

- A.** Graphic illustrations, illustrative intents, and any photographic images used throughout this LDR are intended to graphically portray the regulatory standards and overall intents established throughout this LDR. Except where otherwise noted, these images are considered informational. Unless otherwise noted, where in conflict, numerical metrics/text of the LDR shall take precedence over graphic metrics.

## Comprehensive Plan and Relationship to the Land Development Regulations

- A.** The City’s Comprehensive Plan was adopted pursuant to the requirements and authority of F.S. Ch. 166 and F.S. Ch. 163, pt. II, as amended. The purpose(s) of the Comprehensive Plan are defined in F.S. Ch. 163 and also within the Comprehensive Plan.
- B.** The Comprehensive Plan serves as the guiding document to be implemented through this LDR.
- C.** No development order shall be issued under the provisions of the LDR unless determined to be consistent with the Comprehensive Plan.
- D.** In recognition of the legal significance of the Comprehensive Plan, and that the LDR shall be used to implement the Comprehensive Plan, land development applications (i.e. Section 1: Administration of this LDR) requiring public hearings shall be required to affirmatively establish the manner in which the development proposal and/or requested change in land use is consistent with the Comprehensive Plan.

## Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA)

- A.** The City of Venice and Sarasota County have entered into a Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) which guides land use and development within certain areas adjacent to the City of Venice. The City shall coordinate planning and development practices in the JPA/ILSBA Planning Areas and Extra Jurisdictional Planning Areas with Sarasota County and private property owners in accordance with the JPA/ILSBA. The JPA/ILSBA is contained in the appendices of the Comprehensive Plan.
- B.** The City has established the JPA/ILSBA planning areas with Sarasota County in the Future Land Use Element and Map Series to establish the means and process by which future annexations and planning activities will be accomplished. The JPA/ILSBA has and may continue to be amended from time to time.

## Amendments to the Comprehensive Plan

- A.** The Comprehensive Plan may be amended in accordance with this LDR, and the notice and hearing procedures as set forth in applicable Florida Statutes. The process to amend the Comprehensive Plan is defined in Section 1.5 of Chapter 87.

## Vested Rights

- A.** Nothing in this LDR or the Comprehensive Plan shall be construed or applied to result in a temporary or permanent taking of private property, or property rights, without due process of law. The vested rights process defined in Section 1.14: Vested Rights of Chapter 87 shall

constitute due process of law for any situation in which a private property owner feels their property rights have been infringed upon due to the provisions of this LDR.

### Transitional Provisions

- A.** Applications for land development accepted by the City prior to the effective date of this ordinance shall be processed under the requirements of the land development ordinance in effect at the time of application. However, applicants shall be given the option to have applications processed under the requirements of this Ordinance No. 2022-15.
- B.** Approved Binding Master Plans will remain in effect after the adoption of this ordinance no. 2022-15 and shall retain all previously approved standards including, but not limited to: land use, density and intensity, open space percentage provisions, and any other specified development standards. Amendments to Binding Master Plans shall be processed under the effective regulations at the time of application for such amendment.
- C.** All development orders existing before the 2017-2027 Comprehensive Plan's effective date may be completed in accordance with such existing development order, and the land uses, density and intensity, open space percentage provisions, and any other specified development standards approved by such development order will be vested without limitation or modification.

### Prosecution under Previous Zoning Code

- A.** Any prosecution arising from a violation of any prior zoning code, ordinance, or regulation of the City superseded by this LDR for which prosecution was pending at the effective date of this Ordinance No. 2022-15 shall be tried and determined exactly as if such prior zoning code, ordinance, or regulation had not been superseded. Likewise, any prosecution begun within one year after the effective date of this Ordinance No. 2022-15 for a violation committed prior to the effective date of this ordinance shall also be tried and determined exactly as if such prior zoning code, ordinance, or regulation had not been superseded.

# CHAPTER 87 LAND DEVELOPMENT CODE

## SECTION 1. ADMINISTRATION

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## 1.1. Review Entities

### 1.1.1. City Council (Council)

- A. General Authority.** City Council, referred to in this LDR as “Council”, shall have all authority and powers necessary to implement and enforce the provisions of this LDR and as prescribed by Florida general and local law, including the City Charter, and as described in this LDR and in the City Code of Ordinances.
- B. Specific Review Authority.**
  - 1. Final Decision Authority.** The Council shall, in public hearings, have final decision authority for all legislative applications to include Annexations, Comprehensive Plan Text Amendments, Comprehensive Plan Future Land Use Map Amendments, and Land Development Regulation Text Amendments. The Council shall also have final decision authority for certain quasi-judicial applications including Zoning Map Amendments and Height Exceptions.
- C. Appeal Authority.** Any final decision rendered by a city board or commission in accordance with the LDR may be appealed by the city or any person aggrieved by the decision to Council as provided for herein. The appeal shall be heard and decided at a regular meeting of the Council, unless otherwise provided by Council.

### 1.1.2. Planning Commission (Commission)

- A. Establishment and Purpose.** The Planning Commission is established and referred to in this Code as the “Commission”, and/or Local Planning Agency (LPA) pursuant to and in accordance with F.S. § 163.3174, and shall exercise all powers as herein described in this LDR and perform duties as lawfully directed by the Council.
- B. Membership.** The Commission shall consist of seven members who are residents of the City of Venice. An eighth member of the Commission may be appointed by the Sarasota County School Board (hereinafter “school board”), in accordance with F.S. § 163.3174(1), and need not be a resident of the City. The school board appointee shall be a non-voting member and may participate in Comprehensive Plan amendments and rezoning agenda items that would, if approved, increase residential density on the property that is the subject of the application. The school board appointee attendance shall not be considered when determining a quorum.
- C. Knowledge Requirements.** Commission members should have experience or knowledge of the City’s Comprehensive Plan, LDR, and City government operations.

- D. Appointment and Removal.** Commission members shall be appointed by Council. Any member of the Commission may be removed from office by a majority vote of the entire Council unless otherwise provided by the City Charter.
- E. Terms and Reappointments.** Members of the Commission shall have overlapping terms for three years. The term of office for the school board appointee shall be determined by the school board. Members can be reappointed to the Commission for an indefinite number of terms; these reappointments will follow the same process as the initial appointment.
- F. Compensation and Expenses.** Members of the Commission shall receive no salaries or fees for their services. They may receive per diem and reimbursement for other expenses while on official business for the City.
- G. Conflicts of Interest.** No person shall be appointed with private or personal interest likely to conflict with the general public interest. If any member finds they have a voting conflict pursuant to F.S. § 112.3143 in any matter coming before the Commission, they shall recuse themselves from participation in the matter.
- H. Officers.** The commission shall annually select a chair and vice chair from its membership consistent with the approved rules of procedure.
- I. Meetings.** All meetings shall conform to the requirements of FS. Ch. 286. Meetings shall be held as necessary to meet the general duties and responsibilities set out herein. Unexcused absence of a member from more than three consecutive meetings or from a total of six meetings in a 12-month period shall be cause for the member's replacement.
- J. Quorum Requirements.** A majority of the Commission shall constitute a quorum.
- K. Rules of Procedure.** The Commission may adopt rules of procedure necessary for governance and transaction of its business.
- L. General Duties and Responsibilities.**
- 1. Local Planning Agency Designation.** Pursuant to and in accordance with F.S. § 163.3174, the Commission is hereby designated and established as the local planning agency for the city.
  - 2. Comprehensive Plan.** In connection to the City Comprehensive Plan, the Commission shall:
    - a.** Acquire and maintain in current form such basic information as is necessary to an understanding of past trends, present conditions, and forces at work to cause change in these conditions.
    - b.** Prepare and keep current a comprehensive general plan for meeting present requirements and such future needs as may be foreseen.
    - c.** Propose principles and policies for guiding action affecting development in the city and its environs.
    - d.** Recommend to the Council ordinances, regulations and other proposals promoting orderly development as indicated by the Comprehensive Plan.

- e. Determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan.
  - f. Gather information necessary for drafting, establishing and maintaining the Comprehensive Plan and ordinances and regulations related to it.
  - g. Perform other duties which may be lawfully assigned to it, or which may have a bearing on the preparation or accomplishment of the Comprehensive Plan.
  - h. Keep the Council informed and advised as to these matters.
- 3. Special Studies.** In connection with its duties and within the limit of its funds, the Commission may make, cause to be made, or obtain maps, aerial photographs, surveys and special studies on the location, condition, and adequacy of specific facilities of the city and, as appropriate, its environs, including but not limited to: studies on development, parks, playgrounds and other recreational facilities, public and private utilities, and traffic, transportation and parking.
- 4. Commission Has Powers of Zoning Administrator on Appeals; Reversing Decision of Zoning Administrator.** In exercising the powers mentioned in this section, the Commission may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Zoning Administrator appealed and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken. In matters of review, the concurring votes of a majority of the Commission shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the petitioner on any matter upon which it is required to pass under this chapter. Appeals to the Commission concerning interpretation or administration of this chapter or for variance under this chapter may be taken by any person aggrieved or by any officer, agency or board of the City affected by any decision of the Zoning Administrator.

**M. Specific Review Authority.**

- 1. Review and Recommendation Authority.** The Commission shall, in public hearings, review and make recommendations for approval, denial or modification in whole or in part, to the Council on all legislative processes to include Annexations, Comprehensive Plan Text Amendments, Future Land Use Map Amendments, and LDR Text Amendments, and on quasi-judicial Zoning Map Amendments.
- 2. Final Decision Authority.** The Commission shall, in public hearings, have final decision authority for Preliminary Plat, Site and Development Plan, Conditional Use, Design Alternative, and Variance applications.

- 3. Appeals from Decisions of Planning Commission.** Wherever in this code the Commission is required to make a final decision, such decision may be appealed to Council in accordance with the provisions of this chapter.

*1.1.3. Historic and Architectural Preservation Board (HAPB)*

- A. Establishment and Purpose.** There is hereby established a Historic and Architectural Preservation Board (HAPB) that shall conduct studies and make recommendations on matters of historical and architectural interest and preservation; process requests for inclusion of properties, structures, and landmarks to the local historic register; establish local historic architectural control districts; administer historic preservation, architectural, and aesthetic standards to apply in appropriate areas or districts of the city; and further public awareness of the city's past and of preservation in general and to develop programs to stimulate public involvement in historic, architectural, and cultural preservation.
- B. Transitional Language.** Until Council has appointed the initial members of the HAPB and the Architectural Review Board and Historic Preservation Board have been dissolved, the Architectural Review Board and Historic Preservation Board shall remain in existence with their respective powers and authorities from Chapter 86 of the City's previous Land Development Code.
- C. Membership.** The HAPB shall be composed of seven members. All HAPB members, other than the members who are registered architects (as listed in C. below), shall be city residents or the owners of real property located within the city.
- D. Knowledge Requirements.** At least two HAPB members shall be architects registered to practice in the state. One HAPB member shall be a member of Venice MainStreet, Inc. The other HAPB members shall have a demonstrated commitment to historic preservation and, to the extent possible, shall be professionals or retired professionals from the disciplines of:
1. Historic preservation;
  2. History, archaeology, folklore, or anthropology;
  3. Architecture, historic architecture, or architectural history;
  4. Land use planning or historic preservation planning;
  5. Real estate, land development, general or building contracting;
  6. Landscape architecture or historic landscape architecture;
  7. Conservation, curation, or museology;
  8. Preservation law;
  9. Professional engineering; or
  10. Finance.

- E. Appointment and Removal.** Members must be appointed within sixty (60) days of the creation of the HAPB. HAPB members shall be appointed by Council. Any member of the HAPB may be removed from office by a majority vote of the entire Council unless otherwise provided by the City Charter.
- F. Terms and Reappointments.** Members of the HAPB shall have overlapping terms of three years. Members can be reappointed to the HAPB for an indefinite number of terms; these reappointments will follow the same process as the initial appointment. Initially, two of the members shall be appointed for a term of one year, two of the members shall be appointed for two years, and three of the members for three years.
- G. Compensation and Expenses.** Members of the HAPB shall receive no salaries or fees for their services. They may receive per diem and reimbursement for other expenses while on official business for the City.
- H. Conflicts of Interest.** No person shall be appointed with private or personal interest likely to conflict with the general public interest. If any person appointed finds their private or personal interests are involved in any matter coming before the HAPB, they shall recuse themselves from taking part in action on the matter.
- I. Officers.** The HAPB shall annually select a chair and vice chair from its membership.
- J. Meetings.** All meetings shall conform to Florida Open Meetings Law, FS. Ch. 286. Meetings shall be held as required to fulfill the duties and responsibilities in Section 7 of this Code. Unexcused absence of a member from more than three consecutive meetings or from a total of six meetings in a 12-month period shall be cause for the member's replacement.
- K. Quorum Requirements.** A majority of the HAPB shall constitute a quorum.
- L. Rules of Procedure.** The HAPB may adopt rules of procedure necessary for governance and transaction of its business.
- M. Specific Review Authority.** The specific duties and responsibilities of the HAPB are detailed in Section 7: Historic Architectural Preservation Controls and Standards.

#### *1.1.4. Planning and Zoning Director (Director)*

- A. General Duties and Responsibilities.** The Planning and Zoning Director (or designee), referred to in this LDR as the “Director” or “Zoning Administrator”, is an administrative official that leads the City’s Planning and Zoning Department. The Director is authorized to act through aides and assistants and shall administer and enforce this LDR and may request the assistance of any appropriate officer, board, or agency of the City.
- B. Specific Review Authority.** The Director shall have the authority to administer and coordinate the City’s development review process with the following departments: Planning and Zoning, Building, Engineering, Public Works, Historic Resources, Utilities, Police, Fire, Airport, and any

Sarasota County Agency or department having jurisdiction over the development area or where County permits are required. The Director shall have the authority to ensure timely processing and review of all land development applications. The Director has final decision authority on administrative approvals according to Table 1.2 including assignment to the respective Board and/or City staff.

- C. Enforcement Responsibilities.** The Community Resource Unit shall promptly investigate complaints of violations, reporting findings and actions to the appropriate City department, and shall use best endeavors to secure the correction of violations, including the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; or discontinuance of any illegal work being done; or shall take any other lawful action authorized by this chapter necessary to ensure compliance with or to prevent violation of this chapter.
- D. Records.** The Zoning Administrator shall maintain written records of all official actions with relation to administration, and of all complaints and actions taken with regard thereto, and of all violations discovered, by whatever means, with remedial action taken and disposition of all cases, and the records shall be a public record.

*1.1.5. City Engineer*

- A. General Duties and Responsibilities.** The City Engineer (or designee) is an administrative official that leads the City’s engineering department. The City Engineer is authorized to act through aides and assistants and is responsible for the review of engineering and stormwater provisions included and referenced in this LDR. The City Engineer may request the assistance of any appropriate officer, board, or agency of the City.
- B. Specific Review Authority.** The City Engineer shall review construction plans, final plats, and engineering permits. The City Engineer shall also have the authority to administer and coordinate the City’s development review process with the following departments: Planning and Zoning, Building, Engineering, Public Works, Utilities, or other department having jurisdiction over the development area or where City permits are required. The City Engineer has final decision authority on administrative approvals according to Table 1.2.

*1.1.6. Summary of Review Authority Tables*

Tables 1.1 and 1.2 summarize the various decision authorities of the City’s review entities.

Table 1.1. Summary of Decision Authority by Application Types

APPLICATION TYPES	CODE SECTION	PLANNING COMMISSION	CITY COUNCIL
Annexations	1.4	R	D
Future Land Use Map Amendments	1.5	R	D
Comprehensive Plan Text Amendments	1.5	R	D
LDR Text Amendments	1.6	R	D
Zoning Map Amendments	1.7	R	D
Conditional Uses	1.8 (Use)	D	A
	1.8.4 (Density Bonus)	R	D
Site and Development Plan	1.9	D	A
Subdivision Preliminary Plat	1.10.1	D	A
Subdivision Final Plat	1.10.2	-	D
Design Alternatives	1.11	D	A
Height Exceptions	1.12	R	D
Variances	1.13	D	A
Vested Rights	1.14	-	D
<b>KEY:</b> R = RECOMMENDATION D = DECISION A= APPEAL			

The following table provides for approvals by the Director and City Engineer. Other departments are also involved in the review and recommendation of administrative approvals.

Table 1.2. Summary of Application Types with Administrative Approvals

APPLICATION TYPES REQUIRING ADMINISTRATIVE APPROVAL	CODE SECTION	DIRECTOR	CITY ENGINEER
Construction Plans	1.15.1	R	D
Temporary Use Permits	1.15.2	D	R
Minor Site and Development Plan	1.15.3	D	R
Minor Preliminary Plat Permit	1.15.4	D	R
Lot Boundary Change/Lot Split Permit	1.15.5	D	R
Zoning Permit	1.15.6	D	R
Certificate of Concurrence	1.15.7	D	R



APPLICATION TYPES REQUIRING ADMINISTRATIVE APPROVAL	CODE SECTION	DIRECTOR	CITY ENGINEER
Engineering Permit	1.15.8	R	D
<p><u>KEY:</u>                      R = REVIEW                      D = DECISION  <u>NOTE:</u> Appeals of administrative decisions shall be heard by the Planning Commission</p>			

## 1.2. Common Review Procedures

- A. Applicability.** The requirements below are common to all applications contained in this Section. Additional provisions may also be required as specified in each application.
- B. Schedule of Fees.** Council shall establish, and may amend, a schedule of fees and charges for matters pertaining to this chapter by resolution. It is the intent of this chapter that the City shall not be required to bear any part of the cost of applications or petitions under this chapter and that the fees and charges represent the actual costs involved in the processing of petitions for development approval and directly associated expenses including, but not limited to, advertising, mailing and professional and legal fees.
  - 1. Review Deposit.** For the review and processing of the applications described in this LDR, in addition to the non-refundable application fee, a review deposit shall be submitted to the Planning and Zoning Department by the applicant to be drawn upon by the City as payment for advertising and mailing expenses, professional services and reviews, and legal fees pertaining to the review and processing of the application. This deposit shall be payable at the time of filing of the application. The application shall not be reviewed or processed by the City or presented to the Commission or Council until such time as the application fees and review deposit have been paid in full. When the account balance for a particular application is reduced to 25 percent of the review deposit, a supplemental fee shall be required to be paid before any further review and processing of the application continues, unless the City Clerk's office and Planning and Zoning Department determine that the remaining amount is adequate to secure payment for the remaining costs. Otherwise, the Director shall notify the applicant, in writing, that the review and processing of the application will cease unless an additional amount equal to 50 percent of the review deposit, or more if deemed necessary by the Director, is provided by the applicant within five days from the date of mailing said notice. This process shall be repeated each time the account balance is reduced to 25 percent of the review deposit.

- a. Upon completion of the review and processing of the application, any sums remaining in the account shall be refunded to the applicant. Similarly, if the application is withdrawn by the applicant, the applicant shall be eligible for a refund of the review deposit paid minus the directly associated expenses as determined by the Director. No interest shall be paid to the applicant on the review deposit or the amount refunded.
  - 2. **Fee Increases.** The schedule of fees and charges shall be automatically increased by two and one-half percent each October 1 to account for the rate of inflation.
- C. **Application Requirements.** All applications regulated by this LDR shall be submitted in accordance with the rules provided herein and be filed with City Planning and Zoning Department per their procedures and forms. Each application form shall clearly state all items required for review. All the following items are required for all applications, unless deemed not applicable by the Director:
  - 1. Completed application and applicable fees
  - 2. Narrative
  - 3. General location map, showing the relation of the site to major streets, schools, important landmarks or other physical features in and adjoining the project.
  - 4. Summary of the neighborhood workshop (if applicable) per Section 1.2.F including mailing list, list of attendees, and a summary of comments provided and applicant responses.
  - 5. Accurate survey, reflecting existing conditions, no more than two years old and the corresponding legal description in a copyable electronic format.
  - 6. Agent authorization (if applicable)
  - 7. Statement of ownership and control
  - 8. Concurrency application (if applicable; see Section 5)
    - a. School (when required)
    - b. Public facilities
      - i. Water
      - ii. Wastewater
      - iii. Solid waste
      - iv. Parks
      - v. Stormwater
  - 9. Traffic Study (if new or net trip generation exceeds 50 PM peak hour trips) in accordance with Section 5.2: Mobility.
- D. **Pre-Application Meeting (Optional).** Before submitting an application, it is recommended an applicant schedule a pre-application meeting with the Director or designated staff to discuss the procedures, standards and regulations for approval. Although not required, the pre-application

meeting is intended to assist with identifying potential items for consideration and general expectations from the City.

- E. Public Notice Requirements.** Applicants shall pay the cost of public notice requirements. The City shall perform the notices.
- 1. Mailed Notice Requirements.** Notice of the time and place of the public hearing by the Commission and Council shall be sent at least 15 days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any, and to all owners of property within 250 feet of the property lines of the subject property, or within 250 feet of the centerline of any right-of-way or waterbody adjacent to the subject property, whichever distance is greater; provided, however, that, where the applicant is the owner of land not included in the applicant's application, and such land that is not included in the application is a part of or adjoins the parcel for which the request is made, the 250-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the applicant's application up to a maximum of 600 feet. Mailed notice shall also be provided to registered neighborhood associations in the City. For purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of the county. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto. The city clerk shall execute and file a certificate that shall contain the names and addresses of those persons notified, and the dates the notice was mailed. The certificate shall be signed by the city clerk and the official seal affixed. The certificate shall be prima facie evidence of the fact that notice was mailed. Public hearings for Comprehensive Plan map and text amendments shall be held in compliance with F.S. § 163.3184, as amended, and the provisions of this LDR.
  - 2. Posted Notice Requirement.** Posted notices are required for all applications except for text amendments to the Comprehensive Plan and LDR. A sign shall be posted on the land that is the subject of the application at least 15 calendar days prior to the date of the public hearing. The sign shall be at least 10 inches by 16 inches and contain (substantially) the following language: "A PUBLIC HEARING CONCERNING THE (INSERT ITEM) ON/FOR THIS PROPERTY WILL BE HELD BY THE (APPLICABLE REVIEW PARTY) ON (DATE) AT (TIME). CALL (PHONE NUMBER) FOR INFORMATION." The posted notice shall be erected on each nearest street right-of-way and be clearly visible from the right-of-way. Where the subject property is landlocked, the signs shall be erected on the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the subject property. It shall be a violation of this chapter for any person to remove or deface any such posted sign until the applicable reviewing party has acted on the petition.

- 3. Publication Requirement.** For all applications, a notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city at least 15 calendar days in advance of the public hearing except as otherwise required by state law.
- F. Neighborhood Workshop.** These workshops are required for all applications except Annexations, Comprehensive Plan Text Amendments, LDR Text Amendments, Vested Rights, and Variances. Notice of the time and place of the workshop shall be given at least 15 calendar days in advance of the neighborhood workshop. The owner of land (or designated agent) shall be responsible for the notification and security measures as needed. A neighborhood workshop is required to be advertised both by mailed notice and publication according to the same procedures indicated in 1.2.E.1 and 1.2.E.3. Both the mailed notice and published advertisement must include a description of the scope, nature, and purpose of the proposal(s) to be discussed. A workshop may be in-person, performed virtually over the internet, or in a hybrid format and must occur within one year prior to the application date. Neighborhood workshops are not a public hearing, but must be conducted in the following manner:
1. The owner of land (or their agent) must provide a general overview of the project at a location within the City limits.
  2. The workshop shall not start before 5:00 p.m. or after 8:00 p.m. and shall be held on a weeknight, not on a holiday.
  3. At the workshop, materials shall be provided to interested attendees, including summary of the request; any proposed design alternatives, conditional uses, height exceptions and or variances; recent aerial of site and surrounding area; adopted zoning map and designation; adopted FEMA floodplain map; and adopted future land use map.
  4. Upon completion of the neighborhood workshop, the applicant must include in their application materials a neighborhood workshop summary that contains the date, time and location, mailing list, list of attendees, summary of the questions or issues raised and applicant responses, and written documentation that demonstrates the neighborhood workshop notification was provided in compliance with this section.
  5. Exemptions. When a neighborhood workshop has been held in accordance with this section, no additional workshop is required for subsequent applications for the same property when the project scope and nature remain substantially unchanged.
- G. Completeness Reviews.** Completeness shall be defined to mean that an application package includes required fees and all information, documents, and analysis required to allow City staff and the review authorities to make the necessary determinations under the Comprehensive Plan and LDR.
1. Each application shall include all information required for the specific application type, any other concurrent required applications, and any other information deemed necessary by the

Director or designee. The City has ten (10) business days to perform the completeness review.

2. Once completeness review begins by the City, if the applicant wishes to submit additional materials or information, or make changes to the application, the review timeframe for completeness may restart.
3. If the application is determined to be complete, the application is accepted by the City and the Director will begin the compliance review process and timeframes.
4. For incomplete applications, the Director shall notify the applicant in writing stating the reasons why the application is incomplete. The applicant has thirty (30) business days from the receipt of an incomplete notification to provide all missing information. The City may extend the 30-day timeframe upon written request by the applicant. If the applicant believes the request for additional information is not authorized by ordinance, statute, or other legal authority, the applicant may submit a written request to proceed to the compliance review notwithstanding the identified deficiencies.
5. If the applicant does not resubmit an application for completeness review within the timeframe or does not request that the application be reviewed for compliance notwithstanding the identified deficiencies, the Director shall notify the applicant in writing that the application has been deemed withdrawn.

**H. Compliance Review.** Following completeness review, a compliance review is conducted to determine whether the application contains the necessary analysis addressing the requirements for approval contained in the Comprehensive Plan, LDR or implementing regulations, to enable a determination to be made by the review authority.

1. For each application reviewed, the City must determine if an application meets all relevant standards contained in the LDR, Comprehensive Plan and other applicable rules and regulations. The City shall have fifteen (15) business days to complete the compliance review; however, if additional time is needed by the City it shall so notify the applicant.
2. If an application is deemed non-compliant, the Director shall provide notification to the applicant indicating all required revisions. An applicant shall then be required to modify the application within twenty (20) business days. The city may extend the 20-day timeframe upon written request by the applicant.
3. Upon resubmittal of a previously non-compliant application, the City has ten (10) business days to complete an additional compliance review. Resubmitted applications shall provide a listing of each City comment and the applicant response to each comment. Per F.S. § 166.033, if the applicant for a development order or development permit (as defined in F.S. § 163.3164) is a certified professional listed in F.S. § 403.0877, the City may only request

additional information three (3) times during the review of the application, unless the applicant waives this limitation in writing.

4. For applications that remain non-compliant, the applicant has another twenty (20) business days from the receipt of notification of required revisions to provide all revised documents. The City may extend the 20-day timeframe upon written request by the applicant. If the applicant believes the request for revisions is not authorized by ordinance, statute, or other legal authority, the applicant may submit a written request to the City to proceed to scheduling a public hearing.
5. Should any City Department fail to respond to a request for compliance review, the Director retains the authority to deem the application compliant on the City's behalf.
6. If an applicant does not revise a non-compliant application within the required timeframes, the Director shall request in writing that the applicant provide a status update. If no update is received by the City within fifteen (15) days, or no agreement is reached as to a reasonable extension of time for the applicant to revise a non-compliant application, the Director shall notify the applicant in writing that the application has been deemed withdrawn.
7. Any requests by the applicant for additional time to respond to compliance issues which are granted by the City shall also be deemed an agreement to reasonably extend the timeframes within F.S. § 166.033(1) for final action by the City on the application.
8. Once the compliance review is completed, the Director shall so notify the applicant, a staff report shall be created and provided to the appropriate decision-making or recommending body, and a hearing shall be scheduled.

#### I. Public Hearings.

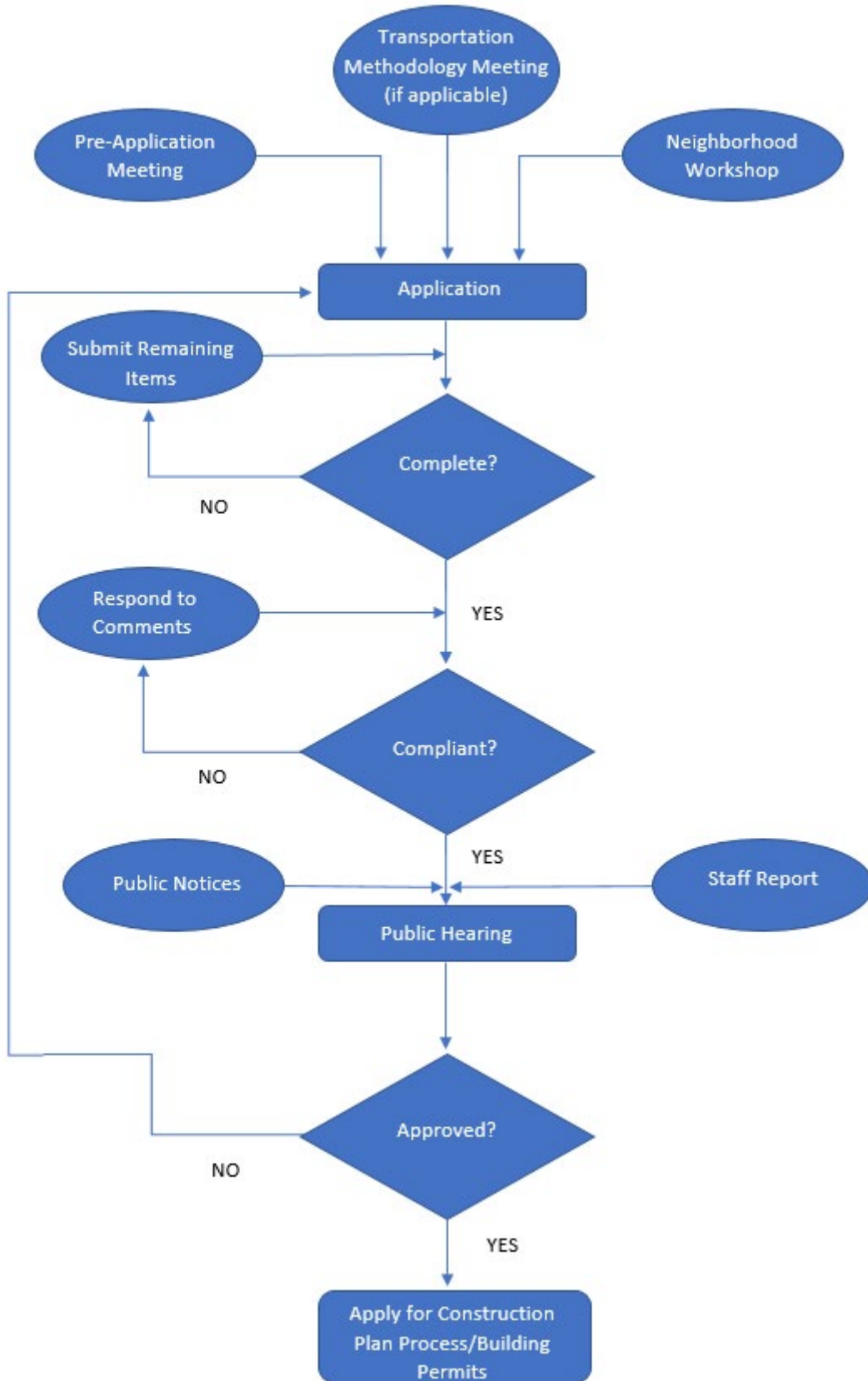
1. **Planning Commission.** When required, the Commission shall hold an advertised public hearing on an application. If reviewing and recommending, the Commission may recommend approval, approval with stipulations, or denial for specific reasons and provide the recommendation to Council. If the Commission acts as the final decision maker, Commission may grant or deny such application and may make the granting conditional with appropriate stipulations and safeguards as it may deem necessary. If the application is denied, the Commission shall give written notice to the applicant that includes a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial.
2. **City Council.** When required, the Council shall hold an advertised public hearing on an application. The Council may grant or deny such application and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary. If denied, the Council shall give written notice to the applicant that includes a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial.

When an application for a zoning map amendment is denied, no other application for a rezoning to the same zoning district shall be considered for any part or all of the same property for a period of 12 months from the date of such denial. City Council may waive this requirement upon request.

- 3. Stipulations.** In cases where conditions, stipulations, or restrictions are attached, all representations of the owner or its agents at public hearings shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief and the conditions, restrictions, and stipulations shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief.

**J. Expiration of Approvals.**

- 1.** Site and Development Plans expire two years from the date of approval if a building permit has not been issued for the development.
- 2.** Conditional Use petitions expire one year from the date of approval if the use has not begun.
- 3.** Variance petitions expire one year from the date of approval if work for which the variance has been granted has not begun.
- 4.** Where subordinate petitions (including Conditional Use, Height Exception, and Design Alternative petitions) are approved concurrently with major petition types, development approvals for all related petitions will be granted the same expiration date.
- 5.** Written requests for extension may be submitted to the approving body for each petition type, as indicated in Tables 1.1 and 1.2, and may be approved for up to twelve months beyond the expiration date, provided that the property owner can demonstrate by competent and substantial evidence that financial or legal constraints or other events beyond the control of the applicant prevented application for a building permit.





### 1.3. Legislative and Quasi-Judicial Applications

- A.** A legislative decision is one in which a law or policy is made, for example, amending a local ordinance or code. In legislative actions constituents may speak directly with their elected or appointed officials. A legislative action can be denied without competent substantial evidence based merely on any legitimate public purpose or concern. For the purpose of this section, legislative applications shall include Annexations, Future Land Use Map Amendments, Comprehensive Plan Text Amendments, and LDR Text Amendments.
- B.** Quasi-judicial hearing(s) are similar to a court hearing. Decisions reached on these applications must be consistent with the Comprehensive Plan and LDR and they must be supported by competent, substantial evidence. Ex parte communications (discussion with a side or party outside of the hearing) are discouraged. An elected (e.g. City Council member) or appointed (e.g. Planning Commission member) official must disclose any ex parte communications, including who it was with, what was said and when, on the record at the beginning of the quasi-judicial hearing.

### 1.4. Annexations (Legislative Application)

#### 1.4.1. Purpose and Intent

- A.** Annexation is the incorporation of real property into the corporate boundaries of the City, thereby making the real property in every way a part of the City. The City has entered into a Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) with Sarasota County (adopted on October 30, 2010 and as amended) that identifies all properties that are eligible for annexation into the City. Any property identified as a potential annexation area within the JPA/ILSLBA or determined to be an enclave is eligible for annexation. Annexed property will be governed by the ordinances of the City and will be served by the City's services and systems unless otherwise indicated in the JPA/ILSBA. All annexations shall meet the requirements of F.S. Chapter 171. A pre-annexation agreement is required to be executed before annexation of a property.

#### 1.4.2. Specific Application Requirements

- A.** At minimum, an annexation request shall include the following, as part of or in addition to the requirements set out in Section 1.2:
  - 1.** Verification of the subject property's inclusion in the JPA/ILSBA or enclave status.
  - 2.** Legal description of subject property.
  - 3.** Signed and sealed survey.

4. A detailed narrative including:
    - a. Reason for the Annexation;
    - b. Whether the request is voluntary;
    - c. Proposed City future land use designation and implementing City zoning designation;
    - d. Statement of all existing uses, their locations on the subject property, and whether they will be in conformance with the proposed City future land use and zoning designations (uses not in conformance will be required to cease upon approval of the rezoning application or must be addressed through the annexation ordinance); and
    - e. Potential impact to City or applicable County public facilities for the existing use/development of the property, the proposed development (if any), and the potential development permissible under the proposed future land use and zoning designations. This includes a Level of Service analysis of the potential increase in demand for public facilities against the current facility capacities and/or future year capacity of anticipated build out of property.
  5. Statement and corresponding map addressing any potential creation of enclaves (if any);
  6. Map showing property location and confirmation of contiguity to the existing City limits and reasonable compactness;
  7. Map(s) depicting the existing Sarasota County future land use designation, and existing Sarasota County zoning designation, along with the jurisdiction, future land use, and zoning designations of adjacent property;
  8. Revenue estimates for taxes and estimates for revenues for public facilities corresponding to 4(e) above; and
  9. Draft pre-annexation agreement between the City and the applicant.
- B.** No annexation will be processed by the City without the joint submission of a Comprehensive Plan Future Land Use Map Amendment petition, a Comprehensive Plan Text Amendment (if applicable), and a Zoning Map Amendment petition.

#### 1.4.3. Decision Criteria

- A.** Applications for annexation must demonstrate:
  1. Consistency with state statute regarding annexation;
  2. Contiguousness and compactness of the property;
  3. That the annexation does not create an enclave;
  4. That the property is included in the annexation areas of the JPA/ILSBA or has been determined to be an existing enclave;
  5. That the property has access to a public right-of-way; and

6. That a pre-annexation agreement addresses existing uses and any other relevant matters has been executed.

## 1.5. Future Land Use Map and/or Text Amendments (Legislative Application)

### 1.5.1. Purpose and Intent

- A. A Comprehensive Plan map amendment is the process to modify the future land use of a property as designated in the Comprehensive Plan or as may be necessary to designate the future land use for properties annexed into the City. A Comprehensive Plan text amendment is the process to modify the Visions, Intents, and/or Strategies of the Comprehensive Plan. All amendments to the Comprehensive Plan shall be consistent with F. S. § 163.3177 and with the overall Visions, Intents, and Strategies of the Plan. All Comprehensive Plan amendments are processed in accordance with F.S. § 163.3184 and 163.3187.

### 1.5.2. Specific Application Requirements

- A. Any person, board, agency or their authorized representative affected by the city's Comprehensive Plan may apply to amend the plan text. An application to amend the future land use plan map may only be filed by the City Council, Planning Commission, staff, or an owner of property, or their designated agent, subject to the amendment. At minimum, the application shall require, as part of or in addition to the requirements set out in Section 1.2:
  1. All data, maps, and text required to meet the submittal requirements for a Comprehensive Plan amendment as defined in F.S. § 163.3177. Data, maps, and text must be provided in strikethrough/underline format and in an editable electronic format.
  2. Applicant responses to F.S. § 163.3177(6)(a)(2), F.S. § 163.3177(6)(a)(8), and F.S. § 163.3177(6)(a)(9).
  3. Narrative justification for the future land use map amendment and its consistency with the Comprehensive Plan.
  4. A transportation analysis of three planning periods consistent with Strategy TR 1.2.2.a (map amendments only).
  5. Any additional information deemed necessary by the Zoning Administrator to conduct a full analysis of the impact of the proposed amendment on the Comprehensive Plan.
  6. Any amendment to create a new future land use designation shall be supported by additional data and analysis in accordance with F.S. § 163.3177.

### 1.5.3. Decision Criteria

- A. The City shall consider the impacts to the adopted level of service standards when considering any proposed Comprehensive Plan amendment.
- B. The City shall consider the compatibility matrix in the Comprehensive Plan and its subsequent impact on possible implementing zoning designations.
- C. The application must be found in compliance with all other applicable elements in the Comprehensive Plan and F.S. Ch. 163, Part II.

## 1.6. LDR Text Amendments (Legislative Application)

### 1.6.1. Purpose and Intent

- A. An LDR text amendment is undertaken when changes are proposed to the text of the Code that are necessary in light of changed conditions or changes in public policy or that are necessary to implement the Comprehensive Plan, to resolve issues of interpretation, or to advance the general welfare of the City.

### 1.6.2. Specific Application Requirements

- A. An amendment to the LDR may be proposed by City Council, Planning Commission, City Manager, any other department or board of the City, or a member of the public. The application must contain the following, as part of or in addition to the requirements set out in Section 1.2:
  - 1. A narrative describing the need and justification for the change.
  - 2. The consistency of the proposed text amendment with the Comprehensive Plan with reference to specific Visions, Intentions, and Strategies.
  - 3. A copy of the original text language, a strike-through and underline of original and proposed text language, and a clean copy of the proposed new text language.

### 1.6.3. Decision Criteria

- A. The Commission and Council must find that the proposed amendment is consistent with all applicable elements of the Comprehensive Plan and promotes the public health, safety and welfare, in order to adopt the proposed amendment as proposed, or with such modifications as are necessary to assure the foregoing.

## 1.7. Zoning Map Amendments (Quasi-Judicial Application)

### 1.7.1. Purpose and Intent

- A. A zoning map amendment is undertaken to accommodate changes to the official zoning map for changed conditions or changes in public policy, to implement the Comprehensive Plan, or to advance the general welfare of the City.

### 1.7.2. Specific Application Requirements

- A. At minimum, a zoning map amendment application shall include, as part of or in addition to the requirements set out in Section 1.2:
  1. Narrative explaining justification for the zoning map amendment.
  2. All data and maps required to support conclusions made in responses to specific findings in Sec. 1.7.3.
  3. Any additional information deemed necessary by the Zoning Administrator to conduct a full analysis of the impact of the proposed amendment on the LDR.

### 1.7.3. Planned District Zoning Amendments

- A. **Purpose and Intent.** The planned district zoning district shall be utilized to promote efficient and economical land use, appropriate and harmonious variety in physical development, creative design, and the protection of adjacent and nearby existing and future city development. Regulations for planned district zoning districts are intended to accomplish the purpose of zoning, subdivision regulations and other applicable city regulations on a unified development approach rather than on a lot by lot basis. In view of the substantial public advantages of the planned zoning district, it is the intent of the city to promote and encourage development in this form where tracts suitable in size, location and character for the uses and structures proposed are to be planned and developed as a unified and coordinated development.
- B. **Additional Application Requirements.**
  1. Evidence of unified control of all land within the proposed planned district zoning district.
  2. The applicant shall, by ordinance or separate written, signed, and notarized Development Agreement, agree to:
    - a. Proceed with the proposed development according to the provisions of this chapter and such conditions as may be set forth as a condition of approval for the development;
    - b. Provide agreements, contracts, deed restrictions and sureties acceptable to Council for completion of the development according to the provisions and plans approved at the time of acceptance of the area for a Planned District, and for continuing operation and

maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense;

- c. Bind successors in title to any commitments made under subsections (a) and (b) above.
3. **Transportation Analysis.** If the proposed project generates 50 or more new or net PM peak hour trips, then a traffic study shall be submitted per Section 5.2: Mobility. Prior to the study being performed, a methodology meeting must be held with the applicant, City staff and Sarasota County staff (if applicable).
  4. A statement of the land use density/intensity sought for the Planned District and supporting evidence or documentation justifying the request.
  5. A Binding Master Plan depicting the zoning standards and requirements of the proposed planned district zoning district, including the following at a minimum:
    - a. **Location Information and Site Data:**
      - i. The title of the project and the names of the professional project planner and the developer.
      - ii. Scale, date, north arrow and general location map.
      - iii. Boundaries of the property involved, including tabulations for gross acreage and depictions of all existing streets, buildings, watercourses, easements, section lines and other existing important physical features in and adjoining the project.
      - iv. Density/intensity of land uses (number of dwelling units per dwelling type and/or non-residential square footage by use type).
      - v. Location of landscaped areas and typical cross sections.
      - vi. Location of buffers including typical cross sections.
      - vii. Location of fencing and berms including typical cross sections.
      - viii. Tabulations and location of open space, common use areas, and amenities (if any).
      - ix. Location of stormwater areas.
      - x. Location of vehicular use areas and access.
      - xi. Utilities by type and connection points to the public systems.
      - xii. Environmental Assessment Report consistent with Chapter 89.
      - xiii. Street network.
      - xiv. Pedestrian and multimodal systems.
      - xv. Location of land use areas with corresponding permitted uses.
    - b. **Zoning Standards.** The following standards may be standalone or, if clearly defined, combined documents or plan sheets:
      - i. Permitted uses by land use area, accessory uses, and use restrictions.

- ii. Maximum nonresidential square footage (if permitted) in floor area ratio format.
  - iii. Maximum number of dwelling units (if permitted).
  - iv. Type and number of dwelling units.
  - v. Maximum heights of all proposed structures.
  - vi. Setbacks and lot/tract dimensions.
  - vii. Mobility Plan including street types and identifying circulation elements including driveways, transit, vehicular, pedestrian and bicycle components, as applicable.
  - viii. Open space plan including standards for functional and conservation (minimum percentage/acres by type).
  - ix. Compatibility plan, consistent with Section 4: Compatibility.
  - x. Parking plan providing standards for all use types.
  - xi. Signage plan.
  - xii. Architectural plan (if applicable).
  - xiii. Landscaping plan.
  - xiv. Outdoor Lighting plan.
- c. The standards contained in this LDR will be the default for any area where the application does not indicate standards specific to the proposed planned development zoning district.
- C. Allowed Deviations from Approved Planned Districts.** Minor deviations of certain adopted standards may be approved by the Director in coordination with review by other appropriate City Departments and agencies. The Director may refer any proposed deviation to the Commission for final decision. Any approved deviation subsequent to the recording of a final plat that modifies said plat shall require the recording of an amended final plat.
1. Permitted deviations include the following:
    - a. **Signage.** Relocation of a permitted sign due to engineering or design considerations.
    - b. **Utilities.** Relocation and/or redesign of utilities subject to applicable permitting.
    - c. **Dwelling Units.** A decrease in total residential units up to 10% or 25 units, whichever is greater.
    - d. **Open Space.** Minor revisions to open space and lakes, provided such revision does not decrease the amount of open space and does not impact any compatibility standard requirements.
    - e. **Lot Dimensions.** Alterations to lot width and length, provided that the Planned District meets the total of open space approved at the time of rezoning.

- f. **Changes to List of Permitted Uses.** Residential uses added to the list of permitted uses in non-residential areas of the Planned District.
- D. Prohibited Deviations from Approved Planned Districts.**
  - 1. Any deviations to an approved Planned District other than those allowed under subsection C are prohibited unless the entire Planned District is rezoned. Such prohibited deviations include but are not limited to:
    - a. Changes in designated land use areas, except in the event of unforeseen circumstances not created by any person presently having an interest in the property; and
    - b. Reductions in total open space approved through the original rezoning.

#### 1.7.4. *Decision Criteria*

- A.** Council and the Commission shall consider the following:
  - 1. Whether the amendment is compatible with the existing development pattern and the zoning of nearby properties.
  - 2. Changes in land use or conditions upon which the original zoning designation was based.
  - 3. Consistency with all applicable elements of the Comprehensive Plan.
  - 4. Conflicts with existing or planned public improvements.
  - 5. Availability of public facilities, analyzed for the proposed development (if any) or maximum development potential, and based upon a consideration of the following factors:
    - a. Impact on the traffic characteristics related to the site.
    - b. Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are affected.
    - c. Impact on public facilities currently planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law.
  - 6. Effect on health, safety and welfare of the neighborhood and City.
  - 7. Conformance with all applicable requirements of this LDR.
  - 8. Potential expansion of adjacent zoning districts.
  - 9. Findings of the Environmental Assessment Report, consistent with Chapter 89.
  - 10. Any other applicable matters pursuant to this LDR, the Comprehensive Plan or applicable law.
- B.** The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.



## 1.8. Conditional Uses (Quasi-Judicial Application)

### 1.8.1. Purpose and Intent

- A. A conditional use application is required whenever a proposed use is defined as conditional in Section 2.2.7: Traditional Districts Use Table or Section 2.3.13: Mixed-Use Districts Use Table. A Conditional Use is a use that would not be appropriate generally or without restriction within a zoning district but which, if controlled as to area, location, or relation to the neighborhood is acceptable and meets the intent of this LDR. Where the rezoning of land as well as grant of conditional use is requested simultaneously for the same parcel of land, both petitions may be processed concurrently in accordance with the procedures set forth in this section.

### 1.8.2. Specific Application Requirements

- A. Applications for a conditional use shall include all of the following as part of or in addition to the requirements set out in Section 1.2:
  1. A site plan at an appropriate scale showing proposed placement of structures on the property, and provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas, and required yards and other open spaces;
  2. Proposed landscaping, screening, and buffering, including provisions for trees protected by City regulations; and
  3. Proposed signs and lighting, including type, dimensions and character.

### 1.8.3. Decision Criteria

- A. Before any conditional use shall be approved, the Commission shall make a finding that the granting of the conditional use will not adversely affect the public interest and that satisfactory provision and arrangement has been made concerning the following matters, where applicable:
  1. Compliance with all applicable elements of the Comprehensive Plan.
  2. General compatibility with adjacent properties and other property in the district.
  3. Any special requirements set out in Section 2 in this chapter for the particular use involved.

### 1.8.4 Attainable Housing Density Bonus

- A. **Applicability.** Zoning Map Amendment, Preliminary Plat, and Site and Development Plan applications for properties in Residential Multi-Family 3 and 4 (RMF-3 and RMF-4) zoning districts and all mixed use zoning districts may request an attainable housing density bonus based on the level of affordability provided, which request shall be processed as a conditional use.

- B. Additional Application Requirements.** All development applications proposing to use a density bonus for attainable housing shall provide the following:
1. Responses to each of the nine locational considerations in Comprehensive Plan Strategy HG 1.2 – Targeted Attainable Housing Locations;
  2. A detailed narrative describing the level of affordability proposed and the number of additional units sought through the density bonus incentive, including calculations confirming that the requested number of additional units meet the standards set by the Housing Element of the Comprehensive Plan and the corresponding categories set by the United States Department of Housing and Urban Development; and
  3. Documentation of a binding commitment to maintain attainability for at least ten (10) years, or a longer timeframe if required by Council at the time of approval, including information about how the project will be monitored and by whom.
- C. Amount of Bonus Units.** Comprehensive Plan Strategy HG 1.5.3. details the availability of additional units for Affordable and Community Housing development applications, and Comprehensive Plan Table HG-2 provides the maximum number of units available per project. An applicant seeking to apply the density bonus to a project should use this strategy and associated table to explain the desired density as required by B.2. above.
- D. Decision Criteria.** The Commission shall make a recommendation to Council based on the availability of units in the reserve density established through Comprehensive Plan Strategy HG 1.5.3 and the criteria applied to all Conditional Use applications through Section 1.8.3 of this LDR.

## 1.9. Site and Development Plan (Quasi-Judicial Application)

### 1.9.1. Purpose and Intent

- A.** Site and development plans are designed to ensure that development is carried out in compliance with this LDR, other applicable codes and ordinances, and the Comprehensive Plan.

### 1.9.2. Applicability

- A.** A site and development plan is required for development and redevelopment of property if any of these criteria are met, unless otherwise permitted or exempted in this chapter (see Section 1.15.3: Minor Site and Development Plan).
1. Development of land that is vacant or substantially vacant.
  2. Substantial redevelopment of a property in which multiple components (e.g., buildings, parking, access, landscaping and buffering, drainage, etc.) of the site will be altered.
  3. A project that will result in an increase in residential density.

4. New buildings or expansion to buildings that increases the existing building square footage on a site by more than 15 percent at ground level.
5. Any project that increases the height of the habitable portion of a building.
6. A change in the use of a property for which site improvements are required to bring the new use into compliance with this chapter. For the purpose of this section, a change in use shall be defined as a change in occupancy classification per the Florida Building Code.

### *1.9.3. Specific Application Requirements*

- A. A site and development plan including all subsequent required documentation and associated plans shall be signed and sealed by the appropriate state licensed engineer, architect, landscape architect, surveyor, or practicing land planner for the applicable items.
- B. The application shall, at minimum, include the following items, as part of or in addition to the requirements set out in Section 1.2:
  1. Site plan that contains the overall project layout, includes the title of the project and the name and contact information for the developer, property owner, and all applicable engineers, architects, planners, and any other professionals providing information as part of the project documents; date and north arrow; and is based on an exact survey of the property drawn to a scale of sufficient size to show existing and proposed information:
    - a. Boundaries of the project, any existing streets, buildings or other structures, watercourses, easements and section lines;
    - b. Access and traffic flow, including depictions of how vehicular traffic will be separated from pedestrian and other types of traffic;
    - c. Off-street parking and off-street loading areas with typical cross sections;
    - d. Recreational facilities locations (if applicable);
    - e. Landscaped areas with standards and typical cross sections;
    - f. Sign location;
    - g. Location of compatibility requirements with typical cross sections(if any);
    - h. Refuse collection areas;
    - i. Access to utilities and points of utility hookups;
    - j. Future land use and zoning designations of adjacent properties; and
    - k. Environmental Assessment Report consistent with Chapter 89, which addresses potential contamination on the site and evaluates whether the site is a brownfield.
  2. Tabulation of total gross acreage in the project and the percentages thereof proposed to be devoted to:
    - a. The various permitted uses;
    - b. Ground coverage by structures; and

- c. Impervious surface coverage.
3. Tabulations showing:
  - a. The number of proposed off-street parking and off-street loading spaces and a calculation of the minimum number of such spaces required by this chapter; and
  - b. Total project density in dwelling units per acre or total project intensity as a floor area ratio.
4. If common facilities, such as recreation areas or structures, private streets, common open space, parking areas, access drives, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations, surety arrangements or other legal instruments providing adequate guarantee to the city that such common facilities will not become a future liability for the city.
5. Common use improvements regulated by the city standard details shall meet the minimum design standards established in the city standard details and subdivision design standards.
6. Storm drainage, potable water and wastewater collection system plans.
7. Color architectural elevations for all façades of each building in the development; and exact number of dwelling units, sizes and types, together with typical floor plans of each type.
8. Plans for signs, if any, including dimensions and design. For ground signs, architectural elevations will be required.
9. An exterior lighting plan, including location, dimensions, design, and photometric analysis.
10. A landscaping plan, including types, sizes and location of vegetation and decorative shrubbery, showing provisions for irrigation and maintenance, and showing all existing trees, identifying those trees to be removed. All calculations for landscaping and trees, per Chapter 87, must be included in the landscaping plan. A separate sheet should be provided in the landscape plan set that shows a utility overlay to ensure there are no conflicts with the proposed landscaping.
11. Plans for recreation facilities, if any, including buildings for such use.
12. An addressing plan per Section 3.4.1.C.
13. Vehicle turning path analysis (using design-based software) to confirm safe and efficient access for large vehicles, such as emergency vehicles, solid waste collection vehicles, delivery vehicles, and others.
14. Transportation Analysis. If the proposed project generates 50 or more new or net PM peak hour trips, then a traffic study shall be submitted per Section 5.2: Mobility. Prior to the study being performed, a methodology meeting must be held with the applicant, City staff and County staff (if applicable).

15. Such additional data, maps, plans or statements as may be determined by the Director to be required for the particular use or activity involved.

#### 1.9.4. Decision Criteria

- A. In reaching a decision regarding the site and development plan as submitted, the Commission shall be guided in its decision to approve, approve with conditions, or to deny by the following considerations:
1. Compliance with all applicable elements of the Comprehensive Plan;
  2. Compatibility consistent with Section 4 of this LDR;
  3. General layout of the development including access points, and onsite mobility;
  4. General layout of off-street parking and off-street loading facilities;
  5. General layout of drainage on the property;
  6. Adequacy of recreation and open spaces;
  7. General site arrangement, amenities, convenience, and appearance; and
  8. Other standards, including but not limited to, architectural requirements as may be required.

### 1.10. Subdivisions

- A. **Applicability.** A subdivision of land is the division of real property into more than two lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, and/or the establishment of new streets and alleys, additions and re-subdivisions creating a recorded final plat; provided, however, that the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land (see lot reconfiguration requirements in Section 1.15.4). It shall be unlawful for any person, being the owner, agent or person having control of any land within the city, to subdivide or lay out such land in lots unless by a plat, in accordance with the regulations contained in this chapter and the applicable laws of the state. Subdivision plans submitted for code compliance review shall be in accordance with the requirements of technical codes and other applicable laws and ordinances. Subdivision plans shall be prepared by a state-licensed land surveyor, professional engineer, architect or certified land planner as may be appropriate to the particular item or as required by state law. A subdivision of land is a two-step process: Preliminary Plat and Final Plat.

#### 1.10.1. Preliminary Plat (Quasi-Judicial Application)

- A. **Purpose and Intent.** The preliminary plat provides the City the opportunity to review, and the public an opportunity to comment on, a proposed subdivision layout prior to construction of

infrastructure and other physical improvements. A preliminary plat provides the map or delineated representation indicating the proposed layout of a subdivision consistent with the Comprehensive Plan and zoning for the subject property.

**B. Application Requirements.** Site improvements such as parking lot improvements, utility design (stormwater, reclaimed water, water and wastewater), paving and grading plan, and best management plans shall be signed and sealed by a state-licensed professional engineer on each sheet. Landscaping plan shall be signed and sealed by a state-licensed landscape architect and/or a state-licensed professional engineer. The application shall, at minimum, include the following, as part of or in addition to the requirements set out in Section 1.2:

1. A preliminary plat plan set containing the title of the project and the names, addresses and telephone numbers of the project planner, utility suppliers, the engineer of record and the surveyor of record, and date and north arrow. The preliminary plat plan set must be based on an exact survey of the property drawn to a scale of sufficient size to show:
  - a. Boundaries of the project, along with any existing streets, buildings, watercourses, easements, and section lines;
  - b. Location of all existing and proposed buildings and structures;
  - c. Location of proposed use areas;
  - d. Natural features, such as lakes, marshes, swamps, watercourses, land subject to flooding and wooded areas;
  - e. The proposed location and width of streets, alleys and easements; all lot dimensions proposed street names; and cross-sections of each street type;
  - f. Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic;
  - g. Tracts or parcels for off-street parking and off-street loading areas;
  - h. Tracts or parcels dedicated for recreation use or amenities;
  - i. Landscaping plan, including types, sizes and location of vegetation and decorative shrubbery, showing provisions for irrigation and maintenance, and showing all existing trees, identifying those trees to be removed, including calculations for required tree inches, protections, and mitigation consistent with Chapter 89 of this LDR, and including a separate sheet showing the landscape plan with a utility overlay;
  - j. Analysis of compatibility requirements demonstrating compliance with Section 4 of this LDR;
  - k. Refuse collection areas (if applicable);
  - l. Existing and proposed utility lines including access and fire hydrants;
  - m. Future land use and zoning for all adjacent properties;

- n. Plans for signs, if any, including dimensions and design. For ground signs, architectural elevations;
  - o. An exterior lighting plan, including location, dimensions, design, and photometric analysis; and
  - p. An addressing plan per Section 3.4.1.C.
2. The preliminary plat application must include the following items, whether addressed in the plan set, narrative, or by separate document, with a key provided for locations of each item:
- a. A narrative describing in detail the character and intended use of the development.
  - b. The title under which the proposed subdivision is to be recorded and the name of the owner platting the tract.
  - c. If common facilities such as recreation areas or structures, private streets, common open spaces, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, surety arrangements or other legal instruments providing adequate guarantee to the city that such common facilities will not become a future liability for the city.
  - d. A topographical survey signed and sealed by a state-licensed professional land surveyor indicating the property boundary, existing improvements, natural features, section lines, and topographic elevations of the tract to be subdivided and the property immediately adjacent to the parcel. The map indicating ground elevations of the tract to be subdivided shall show contours with an elevation interval of one foot based on the NAVD88. Datum basis must be stated on the survey.
  - e. Proposed elevations or land contours at 0.5-foot intervals based on the NAVD88. Datum basis must be clearly stated.
  - f. General location map, showing the relation of the site to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project and other applicable items.
  - g. Aerial image of proposed site area, labeling all adjacent waterways, roads, alleys, and neighboring subdivisions.
  - h. Tabulation of the total gross acreage in the project and the percentages devoted to the various permitted uses, ground cover by structures, and other impervious surface coverage. Designation of impervious surfaces should be designated such as pavement, pool, pond, etc. Open space uses should be designated as either Conservation or Functional.

- i. Tabulations showing the derivation of numbers for off-street parking and off-street loading spaces and the total project density in dwelling units per acre.
  - j. Representative architectural elevations demonstrating compliance with architectural requirements, where applicable.
  - k. If the proposed project generates 50 or more new or net PM peak hour trips, then a traffic study shall be submitted per Section 5.2: Mobility. Prior to the study being performed, a methodology meeting must be held with the applicant, City staff and County staff, where applicable.
  - l. Vehicle turning path analysis (using design-based software) to confirm safe and efficient access for large vehicles, such as emergency vehicles, solid waste collection vehicles, delivery vehicles, and others.
  - m. Stormwater drainage, potable water, reclaimed water and wastewater collection plans. Any existing wastewater collection systems, storm sewers, water mains, reclaimed water lines, and culverts within the tract or immediately adjacent and within 150 feet thereof must be shown. The location, size and invert elevations of the nearest water main, wastewater collection system, reclaimed water lines, storm sewer or outlet are to be indicated on the plat.
  - n. General information and specifications regarding the grades of proposed streets, the facilities for stormwater drainage, proposed finished floor elevations, and any other proposed improvements within the subdivision. If a drainage well for the disposal of surface drainage water is proposed, a written statement from the Florida Department of Health shall be submitted indicating that agency's approval.
  - o. A flood hazard report including the location of the proposed project boundary and the flood designations from the Federal Emergency Management Agency Flood Insurance Rate Map.
  - p. A soil investigation report including the following information:
    - i. Location and results of soil boring tests with relation to subsurface soil, rock and groundwater conditions.
    - ii. Recommendations as to suitability for development purposes by a state-licensed professional engineer based on the results of these tests. Land determined by a state-licensed professional engineer to be unsuitable for development due to poor soil quality, flooding, inadequate drainage or other unacceptable characteristics shall not be subdivided.
3. Such additional data, maps, plans or other documentation as may be determined by the Director to be required.



- C. Decision Criteria.** In reaching a decision regarding a preliminary plat as submitted, the Commission shall be guided in its decision to approve, approve with conditions, or to deny by the following considerations:
1. Compliance with all applicable elements of the Comprehensive Plan;
  2. Compatibility, consistent with Section 4 of this LDR;
  3. General layout of the development including streets, access points, and onsite mobility;
  4. General layout of drainage on the property;
  5. Adequacy of recreation and open spaces uses;
  6. General site arrangement, amenities, convenience, and appearance; and
  7. Other standards including but not limited to architectural requirements as may be required.
- D. Minor Preliminary Plat Amendment.** Minor changes to a preliminary plat may be approved by the Director if the proposed changes are consistent with Section 1.15.4.

### 1.10.2. Final Plat

- A. Purpose and Intent.** Final plats are the second of the two-step process to subdivide land in the City. The final plat is the official survey instrument to be recorded. It shall provide all surveying data necessary for the accurate and legal transfer of property. The recorded plat and statements of approval by all appropriate agencies, including access approval, comprise the final plat submission package. Engineering or surveying certification shall also be included. The Council shall act as the final decision maker for all final plats. No changes, erasures, name changes, modifications, phase lines, or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted for review and approval. This shall not affect the right to file an affidavit confirming an error on a recorded plat, as provided by law.
- B. Specific Application Requirements.**
1. Upon satisfactory completion of any required improvements, or the posting of a developer's bond as required, the developer shall present two copies of the final plat to the City Engineer for processing review and approval by City staff.
  2. Upon acceptance by the City Engineer, the developer shall provide the city with four prints (one reproducible, signed and sealed Mylar and three black-on-white prints). The developer shall provide copies of any deed restrictions to be imposed by the developer. Where such restrictions are too lengthy to be shown on the plat, they shall be submitted as attached documents to the plat to Council for its review and approval. Upon approval of the final plat, it shall be forwarded to the City Clerk for recording together with any other related legal documents.
  3. The final plat is to be drawn at a scale of not more than 100 feet to the inch unless written approval is received from the City Engineer for a smaller scale. If more than two sheets are

required, an index sheet of the same dimensions shall be filed, showing the entire subdivision on one sheet of the areas shown on the other sheets. The final plat shall be prepared in accordance with the requirements of F.S., Ch. 177, Land Boundaries, Part I, Platting, as amended. The original signed and sealed Mylar is required for recording; the applicant is responsible for all recording fees. The final plat shall show:

- a. The boundary lines of the area being subdivided, with accurate distances and bearings. The correct legal description of the property being subdivided shall be shown on the plat with the area of the subdivision. The legal description will use calls for defining all rights-of-way, centerlines and all boundary lines that are fractions of a section or of previously recorded subdivisions.
- b. The lines of all proposed streets, rights-of-way and alleys, with their width. Street names shall be shown as approved by the Zoning Administrator and the Commission. All streets that are to be private shall be labeled as such.
- c. The accurate outline of any portions of the property intended to be dedicated or granted for public use.
- d. The lines of adjoining streets and alleys, with their width, names, and ownership.
- e. The names of adjoining subdivisions and abutting boundaries thereof shown in correct location and all adjoining unplatted land so marked.
- f. All lot lines together with an identification system for all lots and blocks. All lots are to be consecutively numbered, and all blocks are to be consecutively lettered.
- g. The location of all easements provided for public use, services or utilities.
- h. All dimensions, linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
- i. The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- j. The location of all survey monuments and benchmarks, together with their descriptions.
- k. The name of the subdivision or planned district, the scale of the plat (numerical and graphic), north point, the names of the owners, both legal and beneficial, and the date of the final plat.
- l. Subdivision restrictions, except that subdivision restrictions that are of such length as to make their lettering on the plat impractical shall be referred to on the plat.
- m. Area of nonrectangular lots, shown on the plat or provided by separate instrument and certified by a state-licensed land surveyor.

- n. Signature and acknowledgement of the owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.
  - o. Certificate of consent to dedication demonstrating consent of the mortgage owner.
  - p. Certificate of approval of Council with signature lines for the Mayor, City Attorney, and City Engineer.
  - q. The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. Applicants shall reimburse the City for outside surveyor review.
  - r. The plat must be signed and sealed by a professional surveyor and mapper, who must state on the plat that the plat was prepared under his or her direction and supervision and that the plat complies with all applicable survey requirements. Every plat must also contain the printed name and registration number of the professional surveyor and mapper directly below the required statement, along with the printed name, address, and certificate of authorization number of the legal entity, if any.
  - s. Certificate of approval of the County Clerk.
  - t. Any additional requirements that may be prescribed by the laws of the state relating to maps and plats proposed for public recording.
- C. Decision Criteria.** All costs associated with the review not included as part of any application fee shall be borne by the developer offering the plat for review. The City Engineer or designee shall also coordinate the review of the plat with appropriate City departments for the purpose of determining its compliance with applicable City rules, regulations and laws and for conformance with the approved preliminary plat. Upon determining such compliance, the City Engineer shall request a Mylar of the final plat from the developer, including all required signatures from the developer and, upon receipt, deliver the final plat to the City Clerk for presentation to Council. Upon approval by City Council, the City Clerk shall obtain signatures from the Mayor, City Attorney, and City Engineer and shall present the final plat to the County Clerk for recording. Developer's failure to present the fully executed Mylar to the city within 60 days of the staff approval will require the plat to be resubmitted in compliance with the regulations that are in effect at the time of resubmission. No documentation from the previous submission will be

carried over from the city's files and all fees for submission of plats shall apply. The City must record the final plat within 60 days after approval.

## 1.11. Design Alternatives (Quasi-Judicial Application)

### 1.11.1. Purpose and Intent

- A. It is recognized that because of the individual unique characteristics or circumstances of any given development, flexibility in the application of development requirements may be warranted in certain situations. To facilitate flexible design options, a design alternative for the standards provided in this LDR may be requested where the LDR specifies a design alternative is permissible. If not specified, a design alternative may not be requested. If an applicant requests multiple design alternatives, each design alternative shall be evaluated independently.

### 1.11.2. Specific Application Requirements

- A. As part of the application for a design alternative, a site plan shall be required, showing the overall project and identifying in detail the plans for and location of any structure or development activity that will feature a design alternative. A design alternative request must pertain to a standard for which design alternatives are permitted, in accordance with Section 2.3.2.D and Section 3: Development Standards. In addition to the common requirements set out in Section 1.2, a detailed narrative shall be provided containing the following:
  1. Citation of specific LDR section(s) from which a design alternative is being requested,
  2. Justifications for each proposed alternative, and
  3. Any additional information to facilitate review of the design alternative being sought required by the Director.

### 1.11.3. Decision Criteria

- A. Proposed design alternatives may be approved or denied separately or have stipulations imposed deemed appropriate for the request. The reviewing body shall consider the following criteria in making its determination:
  1. Whether the design alternative is consistent with the stated purpose and intent of this LDR and with the Comprehensive Plan;
  2. Whether the design alternative will have a material negative impact on adjacent uses, and if so, whether the applicant proposes to mitigate the negative impact to be created by the proposed design alternative;
  3. Whether the design alternative will permit superior design, efficiency, and performance;

4. If applicable, whether the design alternative is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic or archeological sites, public facilities, or similar; and
5. Whether the design alternative will result in a negative impact to the adopted level of service of public facilities.

## 1.12. Height Exceptions (Quasi-Judicial Application)

### 1.12.1. Purpose and Intent

- A. Height exceptions are the process for requesting additional height of structures for a specific proposed building or buildings on a specific property in zoning districts that allow for such exceptions. A request for a height exception may only be proposed when specifically allowed and only for up to the additional height permitted by the zoning district.

### 1.12.2. Specific Application Requirements

- A. An application for height exception shall, at minimum, include the following, as part of or in addition to the requirements set out in Section 1.2:
  1. **General Locations.** The application shall provide a site plan to scale with graphical depiction of the following:
    - a. Existing future land use and zoning of the subject property;
    - b. Existing future land use and zoning of adjacent properties;
    - c. Existing and proposed buildings with notation for the building(s) where the height exception is being sought;
    - d. Tabulations for density/intensity consistent with the zoning district allowance;
    - e. Compliance with compatibility standards with cross sections depicting compatibility: buffers, setbacks, and step-backs;
    - f. Access to and from the site;
    - g. Adjacent street network and street types; and
    - h. Location of functional and conservation open space (when the height exception is requested within a Planned District).

### 1.12.3. Decision Criteria

- A. In reaching a decision regarding the height exception as submitted, the Council shall be guided in its decision to approve, approve with conditions, or to deny by the following considerations:
  1. Compliance with all applicable elements of the Comprehensive Plan;
  2. General compatibility with adjacent properties and other properties in the district;

3. Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings;
4. Required yards and other open space;
5. Screening and buffering, with reference to type, dimensions and character;
6. Any special requirements set out in Section 2 of this chapter for the particular use involved.

#### *1.12.4 Conditions of Approval*

- A. The city may impose conditions that are found necessary to ensure that the height exception is compatible with adjacent properties, and that minimize the negative impact of the height exception on the surrounding uses and public facilities. These conditions may include, but are not limited to, the following:
  1. Larger setback areas;
  2. Limiting the building structure height, size or lot coverage, and/or location on the site;
  3. Requiring additional landscaping, screening, and buffering;
  4. Requiring additional fences and/or walls; and
  5. Requiring additional standards for the location, design, and/or intensity of outdoor lighting and signage.

### 1.13 Variances (Quasi-Judicial Application)

#### *1.13.1. Purpose and Intent*

- A. The purpose of a variance is to provide limited relief from the requirements of this LDR where a design alternative is not permitted and in those cases where strict application of LDR requirements will create a practical difficulty or unnecessary hardship, or where the requirements of this LDR render the land difficult to use because of some rare and unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.
- B. Variances may not be requested for use; Sections 2.2.7 and 2.3.14 indicate where conditional uses may be permitted and which uses may be requested on such conditional basis.

#### *1.13.2. Specific Application Requirements*

- A. In addition to the requirements set out in Section 1.2, variance applications shall, at minimum, include a narrative justifying the need for a variance, referencing the standards from which the

variance is requested, and responding to the items identified as decision criteria in Section 1.13.3.

#### *1.13.3. Decision Criteria*

- A.** The Commission shall, based upon substantial and competent evidence, make an affirmative finding on each of the following in granting a variance application or find that the variance will correct a bona fide staff error that has led to design or construction that does not comply with the LDR:
- 1.** The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - 2.** The conditions upon which the request for a variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity;
  - 3.** The variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application;
  - 4.** The alleged hardship has not been created by any person presently having an interest in the property or, if it was, it was created as a result of a bona fide error;
  - 5.** The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity;
  - 6.** The variance granted is the minimum variance that will make possible the reasonable use of the property; and
  - 7.** The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted.

#### *1.13.4. Limitations on Power to Grant Variances*

- A.** In granting any variance, the Commission may prescribe additional conditions and safeguards to mitigate the required variance. Under no circumstances shall the Commission grant a variance to permit the establishment or expansion of a use not permitted under the terms of this chapter in the zoning district.
- B.** In granting a variance, the decision shall be based upon the specific request, information, and testimony, and any variance granted shall not be grounds for establishing a precedent for any other variance request.
- C.** No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures or buildings in any other district, shall be considered grounds for the granting of a variance.

## 1.14. Vested Rights (Quasi-Judicial Application)

### 1.14.1. Purpose and Intent

- A. An application for vested rights may be submitted if an applicant believes property rights have been affected by the adoption of the Comprehensive Plan or LDR or amendments thereto. Nothing contained in the Comprehensive Plan or this LDR shall be construed as affecting existing vested rights.

### 1.14.2. Specific Application Requirements

- A. In addition to the requirements set out in Section 1.2, at minimum, the property owner shall submit written petition for a vested rights determination to the Director. The petition shall state the grounds on which the request is based, with complete responses to the decision criteria in section 1.14.3, and any additional information as required by the Director.

### 1.14.3. Decision Criteria

- A. It shall be the duty and responsibility of any person alleging vested rights to affirmatively demonstrate to Council the following:
  1. A reliance in good faith upon some act or omission of the government; and
  2. A substantial change in position or the incurrence of such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that have been acquired.
- B. In granting a vested rights, the decision shall be based upon the specific request, information, and testimony and shall not be grounds for establishing a precedent for any other alleged vested rights.
- C. Notwithstanding anything herein to the contrary, any person alleging vested rights may not rely upon an erroneous act of the City that the person asserting vested rights could have discovered with reasonable diligence and effort. Further, the City may deny a requested vested rights determination if the City shows that a peril to the health, safety, morals or general welfare of the residents or property in the City has arisen subsequent to the approval of any development order on the subject property.

## 1.15. Administrative Applications

- A. **Applicability.** Administrative applications include all review processes which are approved administratively by City staff.



*1.15.1. Construction Plan***A. Purpose and Intent**

1. Construction plan drawings, which provide detailed technical information on all site improvements prior to actual construction, are required to ensure that development will be in conformance with city codes and any conditions of the approved development. All improvements must be constructed in compliance with the latest version of the City Standard Details whether intended for public or private use.

**B. Applicability.** Construction plans must be obtained for all proposed improvements that require site and development plan review under this Chapter or other applicable city regulations. Construction plans shall not be required when no improvements are required by this LDR or when only rights-of-way, drainage or utility easements are required by this LDR, unless deemed necessary by the City Engineer. Required procedures for construction plan review are outlined in the latest version of the City Standard Details. Construction plan review procedures may be updated during the annual update of the City Standard Details or when deemed necessary by the City Engineer. Construction plans will not be accepted for review until all required items, including applicable fees, have been submitted.

1. **Applicability for Non-Residential Development.** 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. Prior to the issuance of any such construction permits or deep foundation permits, 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.

2. **Applicability for Residential Development.** Residential subdivision 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.

- C. Specific Application Requirements.** The following contents are required for all construction plans:
1. Vicinity map showing the site in relationship to its surroundings;
  2. Location to property in respect to contiguous development;
  3. Zoning of adjoining properties;
  4. Name, location and width of existing and platted rights-of-way within or contiguous to the site;
  5. Location and width of easements within and contiguous to the site;
  6. Topographic contours at one-half-foot intervals provided by a professional land surveyor;
  7. Existing onsite features including fences/walls, buildings, and physical features;
  8. Floodplains, water bodies, wetlands and other natural features;
  9. Street layout;
  10. Typical cross sections of streets;
  11. Utility details, including connections to existing and proposed utility systems;
  12. Storm drainage details;
  13. Safety details for proposed buildings and structures;
  14. Names of all streets;
  15. Location of proposed buildings and structures, parking areas, loading areas, vehicular use areas, yards, and open space;
  16. Drainage basin plan, including surface water flow to the development and within the development, and including impact after exiting the development cross referenced with drainage calculations (historic drainage patterns must be accommodated);
  17. Traffic site distances for all intersections;
  18. Types and location of erosion and sedimentation controls;
  19. Plans and calculations for potable water supply and wastewater;
  20. Landscape plan with utility overlay; and
  21. Signature and seal of a state-licensed professional engineer on each sheet, although the landscape plan may be signed and sealed by a state-licensed landscape architect.
- D. Timing of Submittal.** Construction plans may be submitted when a site and development plan or preliminary plat is deemed compliant according to Section 1.2.H of this LDR. Application documents submitted for construction plan review shall be consistent with those approved by the Commission in quasi-judicial hearings.

1.15.2. *Temporary Use Permit (Private Property)*

- A. Purpose and Intent.** Certain uses are temporary in nature but require a temporary use permit to ensure potential incompatibilities are mitigated and/or to affix certain conditions. The Zoning Administrator may grant or deny a temporary use permit, may grant a temporary use permit subject to suitable conditions, safeguards and stipulations or may refer the application to the Commission as provided for in Section 1.15.2.E.
- B. Applicability.** Temporary uses on private property that require a temporary use permit shall comply with the following:
1. A developer may request a temporary use permit in any zoning district for necessary commercial, promotional, storage, construction, or fabrication activities at the development site that occur during construction of the project and that terminate upon completion of the project. The following activities in connection with such a project require a temporary use permit, which may be approved consistent with the timeline for completion of the project:
    - a. Offices for sale of real estate or for persons engaged in the development.
    - b. Construction trailers, fences, and equipment storage.
    - c. Model homes, use of which shall be limited in duration so that the use ceases when ninety percent of the residential units in the development have been issued certificates of occupancy.
    - d. Offsite construction activities associated with an approved development.
    - e. Signs, as described in Sec. 3.5.3.A.2.
  2. Certain other temporary uses require permits as follows:
    - a. Special events on private property in any zoning district.
    - b. Model homes or sample apartments in any zoning district.
    - c. Portable storage containers, provided that the use will not extend beyond seven (7) days. Requests for up to thirty (30) days must be accompanied by additional narrative justification and may be approved by the Zoning Administrator.
      - i. Portable storage containers on single-family lots must be placed on a driveway.
    - d. Signs, as described in Sec. 3.5.3.
    - e. Other uses of a temporary nature where the period of use will not extend beyond 30 days. An alternative timeframe may be approved by the Director.
- C. Specific Application Requirements.** All applications for temporary use permits, whether issuable by the Zoning Administrator or requiring approval by the Commission, shall contain, as applicable:
1. Detailed narrative including the requested duration of the temporary use permit;

2. Site plan or survey indicating the precise area where the temporary uses and structures proposed will be located; and
3. Drawings of all proposed signage and promotional elements.

**D. Decision Criteria**

1. Temporary use permits related to construction projects (including but not limited to construction trailers, fencing, model homes, and signage) are limited to the duration of the project;
2. Temporary use permits shall not be permitted to impede ingress/egress, parking and loading, or pedestrian access.
3. Temporary use permits shall not cause excessive vehicular traffic on residential streets.
4. Adequate parking shall be provided for any temporary use and any existing use; vehicular parking or circulation problems shall not be created.
5. Temporary use permits shall be consistent with the Comprehensive Plan and zoning designation and shall not authorize a temporary use not permitted within the zoning district of the property.
6. All improvements authorized under a temporary permit shall be removed upon the expiration of the permit.

- E. Referral of applications to Planning Commission.** Any application for a temporary use permit may be referred to the Commission by the Zoning Administrator. The Commission may grant or deny such temporary use permit, or may grant such temporary use permit subject to suitable conditions, safeguards and stipulations. A public hearing, with due notice, shall be required before the Commission grants any temporary use permit.

*1.15.3. Minor Site and Development Plan*

- A. Purpose and Intent.** Minor site and development plans are designed to ensure that development is carried out in compliance with this LDR, other applicable codes and ordinances, and the Comprehensive Plan. The limited nature, scope, and impact of such development activities are deemed to be minimal and may be administratively processed by staff.
- B. Applicability.** A minor site and development plan is required for development and redevelopment of property, or to amend an approved site and development plan when all of the following apply:
1. The thresholds of Section 1.9 are not met.
  2. The requirements of the Comprehensive Plan and LDR are clearly met.
  3. It is unlikely, in the opinion of the Director, to have an impact on neighboring properties.
- Owing to the nature, scope, or possible cumulative impacts of a land development project, the Director may require any project to be processed as a major site and development plan

application to be reviewed and acted upon by the Commission, consistent with Section 1.9. If there is doubt as to which category is applicable, the category requiring greater review shall be required.

- C. Specific Application Requirements.** In addition to the requirements set out in Section 1.2, at minimum, an application for a minor site and development plan must contain the following:
1. Site plan that contains the overall project layout; includes the title of the project and the name and contact information for the developer, property owner, and all applicable engineers, architects, planners, and any other professionals providing information as part of the project documents; date and north arrow; and is based on an exact survey of the property drawn to a scale of sufficient size to show existing and proposed information:
    - a. The boundaries of the project, any existing streets, buildings or other structures, watercourses, easements and section lines;
    - b. Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic;
    - c. Off-street parking and off-street loading areas with typical cross sections;
    - d. Landscaped areas with standards and typical cross sections;
    - e. Typical lighting components and photometric plan.
    - f. Location of compatibility requirements with typical cross sections (if any);
    - g. Refuse collection areas;
    - h. Access to utilities and points of utility hookups; and
    - i. Environmental Assessment Report consistent with Chapter 89.
  2. Tabulation of total gross acreage in the project and the percentages thereof proposed to be devoted to:
    - a. The various permitted uses;
    - b. Ground coverage by structures; and
    - c. Impervious surface coverage.
  3. Tabulations showing:
    - a. The number of proposed off-street parking and off-street loading spaces and a calculation of the minimum number of such spaces required by this chapter; and
    - b. Total project density in dwelling units per acre or intensity as floor area ratio.
  4. If common facilities, such as recreation areas or structures, private streets, common open space, parking areas, access drives, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations, surety arrangements or other legal instruments providing

adequate guarantee to the city that such common facilities will not become a future liability for the city.

5. Common use improvements regulated by the city standard details shall meet the minimum design standards established in the city standard details and subdivision design standards.
6. Storm drainage, potable water and wastewater collection system plans.

**D. Decision Criteria.** In reaching a decision regarding a minor site and development plan, the Director shall consider:

1. Whether intensity of use and/or purpose of the proposed development is compatible in relation to adjacent properties and the effect thereon and proposed mitigation with respect to buffers and setbacks and/or building step-backs;
2. Whether general layout of the development including access points and onsite mobility meets the standards of the LDR;
3. Whether the layout of off-street parking and off-street loading facilities meets the standards of the LDR;
4. Whether the general layout of drainage on the property meets the standards of the LDR;
5. Whether adequate recreation and open spaces are provided;
6. Whether the general site arrangement, amenities, convenience, and appearance meet the intent and standards of the LDR; and
7. Other standards, including but not limited to architectural requirements, as may be required.

*1.15.4. Minor Preliminary Plat Amendment*

- A. Purpose and Intent.** The purpose of a minor preliminary plat amendment permit is to allow for changes in an approved subdivision without requiring a replat. All changes resulting from a minor amendment must be compliant with the applicable Binding Master Plan or zoning district requirements.
- B. Applicability.** A minor preliminary plat amendment shall be required for changes to lot size, street layout/design, lakes, open space, and land use areas associated with an approved preliminary plat. Revisions and adjustments to these features may be permitted by the Director upon a determination that the proposed revisions or adjustments are minor and would not necessitate a public hearing before the Commission.

*1.15.5. Lot Boundary Change/Lot Split Permit*

- A. Purpose and Intent.** The purpose of a lot boundary change/lot split permit is to allow for an applicant to legally split a lot or combine lots provided the development standards for density and lot requirements in this LDR can be met. Before any lot of record (platted or metes and

bounds) is divided or combined within the City, the land owner shall acquire a permit from the Planning and Zoning Department.

- B. Applicability.** The alteration of property lines existing as of the adoption of this LDR, not subject to Section 1.10., shall require a lot boundary change/lot split permit. The combination or recombination of one or more entire lots or portions of previously platted lots where no new parcels or residual parcels result in lots of less area, width or depth than allowed by the zoning district and no increase in the number of lots occurs shall require a lot boundary change/lot split permit. Lot splitting shall mean dividing or splitting unplatted land into no more than two lots, both of which are buildable per the current zoning of the proposed parcel(s) and consistent with the LDR and Comprehensive Plan. The following requirements are applicable to lot boundary change/lot split permits:
1. Not involving the establishment of a new street;
  2. Not involving the extension of any public facility mains within the rights-of-way or creation of any new general public improvements involving the review or approval of construction drawings; and
  3. Not in conflict with any provision of the Comprehensive Plan, LDR, or Building Code.
    - a. Each new lot shall be a legal conforming lot of sufficient size to meet minimum zoning requirements as required by the LDR. Flag lots shall not be permitted.
    - b. Each lot must have access to a public right-of-way and any existing public services.
- C. Specific Application Requirements.** In addition to the requirements set out in Section 1.2, at minimum, the application shall include a survey showing the results of the proposed lot changes.

#### *1.15.6. Zoning Permit*

- A. Purpose and Intent.** The purpose of a zoning permit is to ensure all development within the City not subject to a site and development plan review complies with the standards of this LDR.
- B. Applicability.** Zoning permits shall be required for all development not subject to site and development plan review, including nonelectrical signs, fences, and walls. The Director shall act as final decision maker on all zoning permits.
- C. Specific Application Requirements.** Zoning permit applications shall contain:
1. A statement describing in detail the project or improvement;
  2. A survey, if applicable; and
  3. A site plan, if applicable, containing the overall project layout including the name and contact information for the property owner, date, north arrow, boundary lines, and tabulation of proposed structures.

*1.15.7. Certificate of Concurrency*

- A. Purpose and Intent.** The purpose of a certificate of concurrency is to ensure compliance with Section 5: Concurrency Management and Mobility. Certificates of concurrency are issued through the Planning and Zoning Department and are reviewed through the land development petition process.
- B. Applicability.** A certificate of concurrency is required for any rezoning, conditional use, preliminary plat, and site and development plan. A certificate of concurrency shall be required to confirm that such activity complies with all applicable requirements of Section 5: Concurrency Management and Mobility.
- C. Specific Application Requirements.** Certificate of concurrency applications shall contain:
  1. A statement describing in detail compliance with all applicable requirements of Section 5.1.5: Concurrency Certificate Required and Section 5.1.6: Minimum Requirements for Concurrency.

*1.15.8. Engineering Permit*

- A. Purpose and Intent.** The purpose of an engineering permit is to ensure compliance with this LDR and the latest version of the City Standard Details. Examples include right-of-way permits, site preparation permit, and similar permits.

**1.16. Appeals Applications (Quasi-Judicial)**

- A. Purpose and Intent.** Final actions identified within this Chapter may be appealed consistent with this section.
- B. Applicability.** The City or any person aggrieved by a final decision rendered in accordance with this LDR by a City board or commission, Zoning Administrator, or City Engineer may submit an appeal with the appropriate review body, per Section 1.1.6.
- C. Specific Application Requirements.** Any appeal must be submitted in writing and filed with the City Clerk within 15 calendar days of rendition of the decision. The appeal shall contain the following:
  1. Completed appeal form;
  2. A full explanation of the alleged error committed in the interpretation or application of this LDR;
  3. Payment of the required filing fee; and
  4. Any other pertinent information.
- D. Decision Criteria.** The appeal shall be conducted by the reviewing body as a de novo review. No party may advance at the de novo review any material alteration to the application or petition



that was ruled upon by the staff, city board or commission. The reviewing body shall hear testimony and argument from all parties and the public and shall then either approve, approve with conditions or deny the appeal.

- E. Stay Pending Appeal.** An appeal stays all proceedings in furtherance of the action appealed unless such action would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by an order granted by the reviewing body or by a court of record, on notice to the City staff, and on due cause shown.

# CHAPTER 87 LAND DEVELOPMENT CODE

## SECTION 2. ZONING

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## 2.1. Official Zoning Map

- A.** The official zoning map of the City is divided into traditional zoning districts (including planned zoning districts and inactive zoning districts) and mixed use zoning districts (each with their own distinct standards). The zoning map is adopted by reference herein; however, the map has been officially adopted by the City of Venice as part of Ordinance No. \_\_\_\_\_ Dated, \_\_\_\_\_, as may be amended by the City from time to time, together with all of the explanatory material thereon. The official zoning map shall be identified by the signature of the mayor and City Attorney and shall be attested by the City Clerk.
- B.** No changes shall be made to the official zoning map except in conformity with the procedures set forth in this Chapter.
- C.** The official zoning map is the final authority as to the zoning status of all lands and waters in the City.
- D.** In the event that any uncertainty exists with regards to intended boundaries as shown on the official zoning map, the Director is authorized to interpret the boundaries. The following rules shall apply:
- 1.** The official zoning map is intended to provide for a graphical depiction of the zoning designations of all parcels and properties within the City. This map does not reflect the zoning designation within established rights-of-way. However, the zoning boundaries do extend to the centerlines of rights-of-way of all properties even though not depicted on the official zoning map.
  - 2.** Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed as following such centerlines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel. In case of a street vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.
  - 3.** Boundaries indicated as approximately following lot lines, public property lines and the like shall be construed as following such lines (provided, however, that, where such boundaries are adjacent to a street or alley and the zoning status of the street or alley is not indicated, the boundaries shall be construed as running to the middle of the street or alley.
  - 4.** Boundaries indicated as approximately following city limits shall be construed as following such city limits.

5. Boundaries indicated as following shorelines or centerlines of the Gulf of Mexico, bays, streams, canals, lakes or other bodies of water or indicated as following official bulkhead lines shall be construed as following such shorelines, centerlines or official bulkhead lines, except when an erosion control line is established in accordance with state law, in which case the erosion control line shall be the boundary. In case of a natural change in shoreline, or of the course or extent of bodies of water, the boundaries shall be construed as moving with the change. In the case of changes in shoreline or of the course or extent of bodies of water made as a result of dredging or filling, the boundaries shall be constant, not moving with the change, and a zoning application review for the change shall be required as provided herein.
6. Boundaries indicated as following physical features other than those mentioned in subsections of this section shall be construed as following such physical features, except where variation of the actual location from the mapped location would change the zoning status of a lot or parcel, and in such case the boundary shall be interpreted in such manner as to avoid changing the zoning status of any lot or parcel.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections of this section shall be construed as being parallel to or extensions of such feature.
8. Distances not specifically indicated on the official zoning atlas shall be determined by the scale of the map.
9. In cases not covered by this section, the Director shall interpret the official zoning atlas in accord with the intent and purpose of this chapter.

## 2.2. Traditional Zoning Districts

### 2.2.1. Introduction

- A. **Purpose and Intent.** The City of Venice is comprised of Traditional and Mixed Use zoning districts which implement Comprehensive Plan Strategy LU 1.2.2. It is the intent of this section to define the Traditional zoning districts and identify their respective standards. The Traditional zoning districts are aggregated by use types: Residential, Non-Residential, Planned and Inactive zoning districts. Mixed Use zoning districts are defined in Section 2.3: Mixed Use Zoning Districts and are defined by their own regulating maps and development standards.
- B. **Former Zoning Districts and New Zoning Districts.** As part of the update of the LDR, former zoning districts and standards shall be implemented by new zoning districts, with some former zoning districts deemed inactive or integrated into new zoning districts. Table 2.2.1 lists the types of districts and demonstrates the relationship between the former zoning districts and new zoning districts.

**C. General Development Standards.** For all applicable general development standards, see Section 3.1: General Development Standards.

Table 2.2.1. Former Zoning Districts and New Zoning Districts

Type of District	Former Zoning District	New Zoning District	LDC Reference
<b>Residential Zoning Districts</b>			
	RE (Residential, Estate)	Integrated into RSF-1	Sec. 2.2.2.A.
	RSF (Residential, Single-family)	RSF	Sec. 2.2.2.A.
	RMF (Residential, Multifamily)	RMF	Sec. 2.2.2.B.
	No corresponding existing district	RMHP (Residential, Manufactured Home Park)	Sec. 2.2.2.C.
	No corresponding existing district	RMHS (Residential, Manufactured Home Subdivision)	Sec. 2.2.2.D.
	RMH (Residential, Manufactured Home)	<b>RMH Inactive</b>	Sec. 2.2.5.1.
	RTR (Residential Tourist Resort)	<b>RTR Inactive</b>	Sec. 2.2.5.2.
<b>Non-Residential Zoning Districts</b>			
	OPI (Office, Professional, and Institutional)	OPI	Sec. 2.2.3.A.
	OMI (Office, Medical and Institutional)	Integrated Into OPI	Sec. 2.2.3.A.
	CG (Commercial General)	Integrated with CI and renamed CM (Commercial)	Sec. 2.2.3.B.
	CI (Commercial Intensive)	Integrated with CG and renamed CM	Sec. 2.2.3.B.
	CBD (Central Business District)	Integrated Into Mixed Use	Sec. 2.3
	ILW (Industrial, Light and Warehousing)	Renamed IND (Industrial)	Sec. 2.2.3.C.
	OUC (Open Use Conservation)	CON (Conservation) or REC (Recreation)	Sec. 2.2.3.D.
	MP (Marine Park)	CON or REC	Sec. 2.2.3.E.
	GU (Government Use)	GOV (Government)	Sec. 2.2.3.F.
	CN (Commercial Neighborhood)	<b>CN Inactive</b>	Sec. 2.2.5.3.
	CHI (Commercial Highway Interchange)	<b>CHI Inactive</b>	Sec. 2.2.5.4.
<b>Sarasota County Zoned Properties</b>			
	Existing County Zoning Designation	SC (Sarasota County Zoned)	Sec. 2.2.6
<b>Planned Zoning Districts</b>			
	CMU (Commercial Mixed Use)	Integrated into Mixed Use	Sec. 2.3

Type of District	Former Zoning District	New Zoning District	LDC Reference
	PUD (Planned Unit Development)	PUD	Sec. 2.2.4.4.A.
	PCD (Planned Commercial Development)	PCD	Sec. 2.2.4.4.B.
	PID (Planned Industrial Development)	PID	Sec. 2.2.4.4.C.
	CSC (Commercial Shopping Center)	<b>CSC Inactive</b>	Sec. 2.2.2.5.

2.2.2. Residential Zoning Districts

**A. Residential, Single-family (RSF-1, 2, 3, 4)**

- 1. Purpose and Intent.** The residential, single-family zoning districts (RSF) are intended to establish low to moderate density residential neighborhoods, to implement Strategy LU 1.2.3 of the Comprehensive Plan, and to protect these areas from incompatible uses. The residential, single-family districts offer a range of lot sizes and housing stock (detached and attached) to allow a sustainable mix of single-family residential development.
- 2. Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table.
- 3. Accessory Uses.** Accessory uses are permitted per Section 2.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures.
- 4. Standards.** See Table 2.2.2.A.

Table 2.2.2.A. RSF Development Standards Table

RSF Development Standards Table					
		RSF-1	RSF-2	RSF-3	RSF-4
<b>Building Height (max)</b>		35'			
Building Height Exception Standards		No Height Exceptions may be granted			
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	20'			
	Side	18' combination of sides		15' combination of sides	
		8'		6'	
	Rear	10'			
	Waterfront	20'			
<b>Lot</b>	Width (min)	100'	80'	75'	50'
	Area (min)	15,000 sq. ft.	10,000 sq. ft.	7,500sq. ft.	5,000 sq. ft.

	Coverage (max)	35%			
<b>Density (dwelling units per acre)</b>		2.5	3.5	4.5	5.5



**Residential, Multifamily (RMF-1, 2, 3, 4)**

- 1. Purpose and Intent.** The residential, multifamily zoning districts (RMF) offer a range of lot sizes and housing stock to allow a sustainable mix of multifamily residential development. RMF implements Strategy 1.2.3 of the Comprehensive Plan and allows for Moderate to High Density per the Strategy.
- 2. Uses.** Uses are defined per Section 2.2.7: Traditional Districts Use Table.
- 3. Accessory Uses.** Accessory uses are permitted per Section 2.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures.
- 4. Standards.** See Table 2.2.2.B.

Table 2.2.2.B. RMF Multifamily Structures Development Standards Table

RMF Multifamily Structures Development Standards Table					
		RMF-1	RMF-2	RMF-3	RMF-4
<b>Building Height (max)</b>		35' An additional 10' is allowed for understorey parking only		46' An additional 10' is allowed for understorey parking only	
Building Height Exception (max)		46' total + 10' for understorey parking		57' total + 10' for understorey parking	75' total + 10' for understorey parking
Building Height Exception Standards		Subject to Section 4: Compatibility			
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	20'			
	Side	12'		15'	
	Rear	10'			
	Waterfront	20'			
<b>Lot</b>	Width (min)	75'		100'	
	Area (minimum per dwelling unit)	7,260 sq. ft.	4,840 sq. ft.	3,350 sq. ft.	2,420 sq. ft.
	Coverage (max)	35%		40%	45%

**C. Residential, Manufactured Home Park (RMHP)**

- 1. Purpose and Intent.** The Residential, Manufactured Home Park zoning district (RMHP) is intended to allow for reasonable opportunities for the placement of manufactured homes in the City. A manufactured home park shall designate sites or lots, offered for lease or rent, for manufactured homes. RMHP implements the Residential Future Land Use defined in Strategy LU 1.2.3 of the Comprehensive Plan.
- 2. Uses.** Uses are defined per Section 2.2.7: Traditional Districts Use Table.
- 3. Accessory Uses.** Accessory uses are permitted per Section 2.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures and Section 2.2.2.C.5.d.
- 4. Standards.** Standards for the RMHP Park development as a whole are defined in Table 2.2.2.C.1., and the standards for individual home sites are defined in Table 2.2.2.C.2.

Table 2.2.2.C.1. RMHP Park Development Standards Table

<b>RMHP Park Development Standards Table</b>	
<b>Minimum Acreage</b>	15 acres
<b>Maximum Lot Coverage</b>	80%
<b>Perimeter Property Setback</b>	Minimum 25'
<b>Required Perimeter Buffer</b>	Buffer Type 4 (Sec. 4.3: Perimeter Buffer Types)
<b>Minimum Open Space</b>	20% *This is not intended to reflect open space requirements per Chapter 89.

Table 2.2.2.C.2. RMHP Individual Site Standards Table

RMHP Individual Home Site Standards Table		
Building Height (max)		25' for Manufactured Homes; 35' for Buildings including amenity centers, managers office, or similar
Building Height Exception Standards		No height exceptions may be granted
Building Placement (Setbacks) (min)	Front (Street)	5'
	Side	5'
	Rear	5'
	Waterfront	20'
Lot	Width (min)	30'
	Area (minimum per dwelling unit)	1,500 sq. ft.

**5. Additional Standards**

- a. **Open Space Requirements.** Open space may include required compatibility buffers.
- b. **Recreational Vehicles (RVs).** A maximum of ten (10) percent of the total park sites may be designated for RVs. All designated RV sites must be equipped with hookups for water, sewer, and power. RVs must be connected to these facilities at all times during their stay at the park.
- c. **Open Storage Areas.** Open storage areas for RVs or boats are for the use of residents only and shall be screened with a Perimeter Buffer Type 2 (see Section 4.3: Perimeter Buffer Types) and shall not exceed five (5) percent of total land area of the park. If the open storage area is adjacent to an external property line, it shall be screened with a Perimeter Buffer Type 4.
- d. **Accessory Uses, Office, and Recreation Facilities.** Management offices for use by park employees, recreational facilities and amenities, common showers, laundry facilities, and other uses and structures customarily incidental to operation of a manufactured home park are permitted as accessory uses to the park. Accessory uses shall not occupy more than five (5) percent of the total land area of the park. These uses shall not be closer than one hundred (100) feet to the perimeter of the property.

**D. Residential, Manufactured Home Subdivision (RMHS)**

1. **Purpose and Intent.** The Residential, Manufactured Home Subdivision zoning district (RMHS) is intended to allow for manufactured homes that are constructed on a chassis (including alternative housing options, i.e., tiny homes), homes that exist on a permanent foundation, and modular homes in a platted subdivision setting. RMHS implements the Residential Future Land Use defined in Strategy LU 1.2.3 of the Comprehensive Plan.
2. **Uses.** Uses are defined per Section 2.2.7: Traditional Districts Use Table. Recreational Vehicles (RVs) are not permitted within the RMHS district.
3. **Accessory Uses.** Accessory uses are permitted per Section 2.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures.
4. **Standards.** See Table 2.2.2.D.

Table 2.2.2.D. RMHS Development Standards Table

RMHS Development Standards Table		
<b>Building Height (max)</b>		35'
Building Height Exception Standards		No height exceptions may be granted
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	10'
	Side	5'
	Rear	5'
	Waterfront	20'
<b>Lot</b>	Width (min)	40' feet
	Area (min)	3,000 sq. ft.
	Coverage (max)	65%

5. **Design Alternatives to Achieve Alternative Construction and Housing.** Consistent with Comprehensive Plan Intent HG 1.3., the City supports the use of mobile, manufactured, modular, and alternative construction homes as a form of housing that can be more affordable to a broader range of people than traditional site-built homes and add to the variety of available housing options. To promote alternative construction and housing, design alternatives may be submitted to any standard of this section.

2.2.3. Non-Residential Zoning Districts

**A. Office, Professional and Institutional (OPI)**

1. **Purpose and Intent.** The Office, Professional and Institutional zoning district (OPI) implements the Institutional-Professional Future Land Use defined in Strategy LU 1.2.4.b of the Comprehensive Plan and provides for office development and compatible uses.
2. **Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table.
3. **Accessory Uses.** Accessory uses are permitted per Section 2.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures.
4. **Standards.** See Table 2.2.3.A.

Table 2.2.3.A. OPI Development Standards Table

OPI Development Standards Table		
<b>Building Height (max)</b>		35'
Building Height Exception (max)		46' total
Building Height Exception Standards		Subject to Section 4: Compatibility
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	20'
	Side	10'
	Rear	15'
	Waterfront	20'
<b>Lot</b>	Width (min)	100'
	Area (min)	10,000 sq. ft.
	Coverage (max)	40%

**B. Commercial (CM)**

1. **Purpose and Intent.** The Commercial zoning district (CM) is intended to allow for a broad range of commercially-oriented uses. CM implements the Commercial Future Land Use defined in Strategy LU 1.2.4.a of the Comprehensive Plan and as such, no residential uses/density have been allotted for the CM district. Any residential uses existing prior to the adoption of this LDR may pursue vested rights per Section 1.14: Vested Rights, of this LDR.
2. **Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table.
3. **Accessory Uses.** Accessory uses are permitted per Section 2.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures.

**4. Standards.** See Table 2.2.3.B.

Table 2.2.3.B. CM Development Standards Table

CM Development Standards Table		
<b>Building Height (max)</b>		35'
Building Height Exception (max)		46'
Building Height Exception Standards		Subject to Section 4: Compatibility
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	20'
	Side	8'
	Rear	10'
	Waterfront	None
<b>Lot</b>	Width (min)	100'
	Area (min)	10,000 sq. ft.
	Coverage (max)	70%

**C. Industrial (IND)**

- 1. Purpose and Intent.** The Industrial zoning district (IND) is intended to provide areas of land for industrial and agricultural uses. IND implements the Industrial Future Land Use defined in Strategy LU 1.2.4.c of the Comprehensive Plan.
- 2. Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table.
- 3. Accessory Uses.** Accessory uses are permitted per Section 2.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures.
- 4. Standards.** See Table 2.2.3.C.

Table 2.2.3.C. IND Development Standards Table

IND Development Standards Table		
Building Height (max)		46'
Building Height Exception (max)		75'
Building Height Exception Standards		Subject to Section 4: Compatibility
Building Placement (Setbacks) (min)	Front (Street)	15'
	Side	15'
	Rear	15'
	Waterfront	None
Lot	Width (min)	100'
	Coverage (max)	80%

**D. Conservation (CON)**

- 1. Purpose and Intent.** The Conservation zoning district (CON) is comprised of open land and water areas. The district is intended to keep the open character of the land, where buildings are only permitted as accessory uses/structures to the conservation district while retaining the interest of public rights, welfare, and public riparian property rights. It is understood that water orientation is of major importance to the city and its citizens. The economy of the city depends in considerable measure upon the water, and it is intended that the CON zoning district be used for the purpose of protecting and preserving water areas within the jurisdiction of the city. All designated waters, including but not limited to all boat basins, bays, bayous, canals, lakes, rivers, streams, waterways and waters of the Gulf of Mexico and all publicly and privately owned submerged lands thereunder extending from the mean high-water line or bulkhead line are included in this district. CON implements the Conservation Future Land Use as defined in Strategy LU 1.2.7.b in the Comprehensive Plan.
- 2. Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table. Permitted uses shall include water-oriented recreational uses, such as boating, swimming, fishing, diving, water skiing, surfboarding, wading and similar uses. Conditional uses may be permitted for structures and uses which relate directly and immediately to permitted uses in upland zoning classifications abutting the CON zoning district, covered boat slips and wet storage of boats, marinas, boat liveries and boatyards where boats or other floating structures are used as dwelling units. Such marinas, boat liveries and boatyards shall provide minimum sanitary facilities on-shore to ensure compliance with all city, county and state

requirements. The uses permissible by a conditional use are subject to all regulations and permit procedures of all agencies having jurisdiction over city waters.

- 3. **Accessory Uses.** Accessory uses are defined in Section 2.4: Use Definitions and Use Standards and the standards of Section 3.1.9: Accessory Uses and Structures. Due to the unique nature of the CON zoning district, permitted accessory uses shall also include piers and docks to residential uses, marinas, boatyards or boat liveries where such activities are permitted uses on upland properties abutting the CON zoning district, and subject to the regulations of the LDR relating to extensions of such structures below the mean high-water line.

- 4. **Standards.** See Table 2.2.3.D.

Table 2.2.3.D. CON Development Standards Table

CON Development Standards Table		
<b>Building Height (max)</b>		20' Only accessory structures to the conservation district are permitted
Building Height Exception Standards		No height exceptions may be granted
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	50'
	Side	50'
	Rear	50'
<b>Lot</b>	Width (min)	None
	Area (min)	None
	Coverage (max)	None



**D. Recreation (REC)**

1. **Purpose and Intent.** The Recreation zoning district (REC) is comprised of park and open land areas intended for recreational uses, active and/or passive in nature. No residential structures are permitted, and no residential density is allotted in the REC district. REC implements the Open Space Functional Future Land Use designation as defined in Strategy LU 1.2.7.a of the Comprehensive Plan. The primary permitted use in the REC district is Parks.
2. **Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table.
3. **Accessory Uses.** Due to the nature of the district, which promotes parks, most development shall be accessory in nature to park uses. Accessory uses such as clubhouses, maintenance facilities, concessions, parking, playgrounds, restrooms, classrooms for the use of park related items and recreation facilities are permitted. Storage of materials and/or equipment shall be only permitted within areas screened with privacy or other opaque screening a minimum of six feet in height; storage areas within 50 feet of the perimeter property lines shall also provide a minimum Perimeter Buffer Type 2 (See Section 4.3: Perimeter Buffer Types). Accessory uses are permitted per Section 2.4: Use Definitions and Standards and the standards of Section 3.1.9: Accessory Uses and Structures.
4. **Standards.** See Table 2.2.3.E.

Table 2.2.3.E. REC Development Standards Table

REC Development Standards Table		
<b>Building Height</b>		35'
Building Height Exception (max)		46' total
Building Height Exception Standards		Subject to Section 4: Compatibility
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	50'
	Side	50'
	Rear	50'
<b>Lot</b>	Width (min)	None
	Area (min)	None
	Coverage (max)	None

**E. Government Use (GOV)**

- 1. Purpose and Intent.** The Government Use zoning district (GOV) is intended to apply to areas where governmental activities are conducted and where governments hold title to such lands. GOV implements the Government Future Land Use defined in Strategy LU 1.2.4.d in the Comprehensive Plan. Typical government uses which may be zoned GOV include essential services and utilities, social services, government offices and transportation facilities.
- 2. Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table.
- 3. Accessory Uses.** Accessory uses are defined in Section 2.4: Use Definitions and Use Standards and the standards of Section 3.1.9: Accessory Uses and Structures.
- 4. Standards.** See Table 2.2.3.F.

Table 2.2.3.F. GOV Development Standards Table

GOV Development Standards Table		
<b>Building Height</b>		35'
Building Height Exception (max)		57' total
Building Height Exception Standards		Subject to Section 4: Compatibility No height exceptions may be granted for properties designated Mixed Use Airport on the Future Land Use Map
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	20'
	Side	8'
	Rear	10'
<b>Lot</b>	Width (min)	None
	Area (min)	None
	Coverage (max)	70%

#### 2.2.4. Planned Districts

##### 2.2.4.1. Planned Districts Introduction

- A. Introduction.** The City recognizes the need for innovative design in various types of projects. It is the intent of the Planned Districts (PDs) to allow for creative design, predictable living environments, and harmonious variety in physical development. PDs accomplish the purpose of zoning, subdivision design standard regulations and other applicable City regulations to control development with a unified development approach rather than on a lot-by-lot basis. The City utilizes three PDs to address the variations in project development: (1) Planned Unit Development (PUD), which implements the Comprehensive Plan Mixed Use Residential (MUR) Future Land Use (Strategy LU 1.2.16), (2) Planned Commercial Development (PCD), and (3) Planned Industrial Development (PID), with PCD and PID districts implementing Future Land Use Strategy 1.2.4 – Non-Residential. Due to the nature of the PDs and the requirements for common areas/open spaces, master stormwater provisions, and potential for privately maintained facilities, all PDs shall be in accordance, at a minimum, with the following:
1. Under the control of the applicant, whether the applicant is an individual, partnership or corporation or a group of individuals, partnerships, or corporations;
  2. Built in a single development phase or a defined series of phases; and
  3. Have a listing of principal uses and structures and accessory uses and structures substantially related to the character and purposes of the district.

##### 2.2.4.2. Planned Districts General Requirements

- A.** In addition to the specific requirements stated in the following sections, all PDs shall meet the following standards. Compliance must be demonstrated for the approval of the respective PD and related binding master plan(s).
1. **Site Characteristics and Relation to Surrounding Property(s).** The tract/property shall be or shall be made to be suitable for development in a manner proposed without hazard to persons or property, on or off the tract, risk of erosion, flood hazard, destruction of environmental lands or other dangers. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of the proposed use. Additional buffering and screening may be required depending on the nature and type of the PD and the surrounding properties.
  2. **Relation to Public Utilities, Facilities and Services.** PDs shall be located in relation to sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations to ensure that services can

reasonably be expected to be available at the time of request for a Certificate of Concurrency consistent with Section 5.1.

3. **Relation to Transportation Facilities.** PDs shall be consistent with the Mobility Element in the Comprehensive Plan and Section 5.2: Mobility, including roadway types and public transit facilities. PDs shall take into consideration the surrounding areas and be designed to minimize impact to those surrounding or adjacent streets, developments and neighborhoods.
4. **Compatibility.** PDs shall be located and designed so as to minimize the potential negative effects of external impacts resulting from factors such as building height, use, traffic, noise or lights. Internal and external compatibility shall be consistent with Section 4: Compatibility.
5. **Streets, Drives, Parking and Service Areas.** Streets, driveways, parking and service areas shall provide safe and convenient access to all properties within the PD. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic. Loading zones where customers pick up goods shall be located and arranged so as to prevent interference with pedestrian movement, fire lanes, and other vehicular travel ways.
6. **Natural and Historic Features, Conservation and Preservation Areas.** PDs shall be designed to preserve the natural features of the land according to the applicable portions of Chapter 89: Environmental, including but not limited to existing trees, and shall identify the existence of any historic resources and/or archeological resources on the site prior to construction consistent with Section 7: Historic and Architectural Controls and Standards.
7. **Density/Intensity.** PDs shall not exceed the maximum(s) density and/or intensity established by the adopted future land use designation within the Comprehensive Plan.
8. **Modifications.** Modifications from the standards required in the LDR may be requested for a PD (unless explicitly stated otherwise in this LDR). All modifications must be requested at the time of the filing of the binding master plan, shall be labeled and identified on the master plan, and shall be accompanied by justifications demonstrating that the modifications are necessary and meet the intent of the LDR.

#### 2.2.4.3 Binding Master Plan

Consistent with the requirements of Section 1.7.3: Planned Development Zoning Amendments, a Binding Master Plan depicting the zoning standards and requirements of the proposed PD shall be submitted according to the procedures in Section 1.7.3.B.5.

## 2.2.4.4. Planned Districts Open Space/Common Area Standards

- A. Purpose and Intent.** This subsection is established to ensure that adequate ownership and management measures will be provided in PDs to protect and perpetually maintain all common open space and common improvements. Nothing in this subsection shall be construed as creating any obligation upon the City to maintain such facilities or otherwise ensure their availability and condition.
- B. Applicability.**
- 1. Generally.** Except as provided below, this section shall apply to all common open space and all common improvements, which are required to be provided pursuant to this LDR, the Comprehensive Plan, or other applicable City regulations.
  - 2. Exceptions.** This subsection shall not apply to:
    - a. Dedicated Lands and Improvements.** Any lands or improvements to be dedicated or conveyed to the City, or to an appropriate public agency for designated or general public use.
    - b. Private Lands and Improvements.** Any lands or improvements to be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on the lot or parcel where such lands and improvements are situated or on other lots or parcels owned by the landlord, as for typical multi-family or shopping center development.
    - c. Condominiums and Cooperatives.** Any lands or improvements to be owned and maintained under a condominium or cooperative, which shall be established and regulated in accordance with Florida law.
- C. Common Ownership General Requirements.** Prior to approval of a final plat, the developer shall provide documents and other assurances satisfactory to the City Attorney and Director, establishing common ownership and management of all common open space and common improvements subject to this subsection. Such documents, once approved, shall become part of the recorded subdivision plat.
- D. Open Space General Requirements.** All land in a PUD designated as open space at the time of PUD approval will be restricted at the time of the recording of each final plat by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.

## 2.2.4.5. Planned District Standards

**A. Planned Unit Development (PUD)**

1. **Purpose and Intent.** A PUD is intended to allow for residential planned developments and implements the Mixed Use Residential (MUR) Future Land Use as defined in Strategy LU 1.2.16 in the Comprehensive Plan. A PUD has its own zoning standards established through the planned development process, as defined in Section 1.7.3: Planned Development Zoning Applications. Specific zoning standards and design and development standards shall be proposed at the time of rezoning to PUD. All proposed zoning standards and design and development standards shall be included in a binding master plan. The use of existing LDR requirements is permitted with reference to specific sections.
2. **Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table.
3. **Accessory Uses.** Accessory uses are permitted per Section 2.4.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures.
4. **Previously Approved PUD.** A PUD approved prior to the effective date of this LDR shall retain all previously approved standards including: land uses, density and intensity, open space percentage provisions and any other specified development standards. The zoning ordinance and binding master plan including all associated documents shall act as the source of compliance for a previously approved PUD.
5. **Minimum Acreage.** A PUD shall require a minimum 10 acres of land. A previously approved PUD that is nonconforming in size may add additional land into the PUD. No design alternative or modification may be permitted from this standard.
6. **Compatibility.** A PUD shall have a compatibility buffer along the entire perimeter of the PUD that complies with Section 4: Compatibility.
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. 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. Non-residential intensity (FAR) shall be limited to 0.4 (average) and 0.5 maximum per individual property. Non-residential intensity is based on the gross acreage of the non-residential portion of the PUD. No design alternative or modification may be permitted from this standard.

**9. Open Space.** See Chapter 89 for further open space regulations. A minimum of 50% of the total acreage within a PUD shall be devoted to functional and conservation open space. Functional open space shall not be less than 10% of the total minimum open space acreage and conservation open space shall not be less than 20% of the total minimum open space acreage. For example, a 100-acre PUD shall require at least 50 acres of open space. Of those 50 acres of open space, functional open space shall not be less than 5 acres (10%) and conservation open space shall not be less than 10 acres (20%). Stormwater ponds, lakes, and required buffers may be included in this open space calculation consistent with the standards provided in Strategy LU 1.2.16 and Strategy OS 1.11.1 in the Comprehensive Plan. No design alternative or modification may be permitted from this standard.

**10. Standards.** See Table 2.2.4.5.A.

Table 2.2.4.5.A. PUD Development Standards Table

PUD Development Standards Table		
<b>Building Height (max)</b>		35'
Building Height Exception (max)		57' total
Building Height Exception Standards		Shall be identified for specific structures and not permitted PUD-wide Subject to Section 4: Compatibility
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	Defined by the Approved Binding Master Plan
	Side	Defined by the Approved Binding Master Plan
	Rear	Defined by the Approved Binding Master Plan
<b>Lot</b>	Width (min)	Defined by the Approved Binding Master Plan
	Area (min)	Defined by the Approved Binding Master Plan
	Coverage (max)	Defined by the Approved Binding Master Plan

**B. Planned Commercial Development (PCD).**

- 1. Purpose and Intent.** PCDs are intended to allow for a commercial planned development. PCD implements the Commercial Future Land Use as defined in Strategy 1.2.4.a in the Comprehensive Plan. No residential use/density is permitted.
- 2. Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table.
- 3. Accessory Uses.** Accessory uses are permitted per Section 2.4.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures.
- 4. Previously Approved PCD.** A PCD approved prior to the effective date of this LDR shall be permitted to retain all previously approved standards including: land uses, density and intensity, open space percentage provisions and any other specified development standards. The zoning ordinance and master plan including all associated documents shall act as the source of compliance for a previously approved PCD.
- 5. Minimum Acreage.** A PCD shall require a minimum of 40 acres of land. A previously approved PCD that is nonconforming in size may add additional land into the PCD. No design alternative or modification may be permitted from this standard.
- 6. FAR.** All PCDs shall comply with the FAR limitations defined within the Comprehensive Plan. No design alternative or modification may be permitted from this standard.
- 7. Compatibility.** A PCD shall have a compatibility buffer along the entire perimeter of the PCD that complies with Section 4: Compatibility.
- 8. Open Space.** A minimum of 20% of the total acreage within a PCD shall be devoted to functional and conservation open space. Stormwater ponds, lakes, and required landscape buffers may be included in this open space calculation consistent with the standards provided in Strategy LU 1.2.16 and Strategy OS 1.11.1 in the Comprehensive Plan. No design alternative or modification may be permitted from this standard.
- 9. Standards.** See Table 2.2.4.5.B below.



Table 2.2.4.5.B. PCD Development Standards Table

PCD Development Standards Table		
<b>Building Height (max)</b>		35'
Building Height Exception (max)		57' total
Building Height Exception Standards		Shall be identified for specific structures and not permitted PCD-wide. Subject to Section 4: Compatibility
<b>Building Placement (Setbacks) (min)</b>	Front (Street)	Defined by the Approved Binding Master Plan
	Side	Defined by the Approved Binding Master Plan
	Rear	Defined by the Approved Binding Master Plan
<b>Lot</b>	Width (min)	Defined by the Approved Binding Master Plan
	Area (min)	Defined by the Approved Binding Master Plan
	Coverage (max)	Defined by the Approved Binding Master Plan

**C. Planned Industrial Development (PID)**

- 1. Purpose and Intent.** PIDs are intended to allow for an industrial planned development. PID implements the Industrial Future Land Use as defined in Strategy LU 1.2.4.c in the Comprehensive Plan. No residential uses/density is permitted.
- 2. Uses.** Uses are defined per Section 2.2.7: Traditional Zoning Districts Use Table.
- 3. Accessory Uses.** Accessory uses are permitted per Section 2.4.4: Use Definitions and Standards. All accessory uses must comply with the standards of Section 3.1.9: Accessory Uses and Structures.
- 4. Previously Approved PID.** A PID approved prior to the effective date of this LDR shall be permitted to retain all previously approved standards including: land uses, intensity, open space percentage provisions and any other specified development standards. The zoning ordinance and master plan including all associated documents shall act as the source of compliance for a previously approved PID.
- 5. Minimum Acreage.** PIDs shall require a minimum of forty (40) acres of land. A previously approved PID that is nonconforming in size may add additional land into the PID. No design alternative or modification may be permitted from this standard.
- 6. FAR.** All PIDs shall comply with the FAR limitations defined within the Comprehensive Plan. No design alternative or modification may be permitted from this standard.

- 7. **Compatibility.** A PID shall have a compatibility buffer along the entire perimeter of the PID that complies with Section 4: Compatibility.
- 8. **Open Space.** A minimum of 20% of the total acreage within a PID shall be devoted to open space. Stormwater ponds, lakes, and required landscape buffers may be included in this open space calculation. No design alternative or modification may be permitted from this standard.
- 9. **Minimum Yards.** No building, structure, activity, nor any related use may be closer than 25 feet to any PID boundary or public right-of-way, except for parking. Parking in this case does not include loading. If the PID abuts a residential zone or use, no building or associated use or activity may be closer than 75 feet to any PID boundary, except parking, but not loading, may be permitted to within 25 feet of the PID/residential boundary.
- 10. **Standards.** See Table 2.2.4.5.C.

Table 2.2.4.5.C. PID Development Standards Table

PID Development Standards Table		
Building Height (max)		46'
Building Height Exception (max)		75'
Building Height Exceptions Standards		Shall be identified for specific structures and not permitted PID-wide.  Subject to Section 4: Compatibility
Building Placement (Setbacks) (min)	Front (Street)	Defined by the Approved Binding Master Plan
	Side	Defined by the Approved Binding Master Plan
	Rear	Defined by the Approved Binding Master Plan
Lot	Width (min)	Defined by the Approved Binding Master Plan
	Area (min)	Defined by the Approved Binding Master Plan
	Coverage (max)	Defined by the Approved Binding Master Plan

2.2.5. *Inactive Districts*

**A.** Under the provisions of this LDR, no new zoning applications will be accepted for any Inactive District listed below. However, properties or parcel assemblages governed by these pre-existing zoning classifications may continue to be developed pursuant to the regulations for the inactive districts contained in this section and/or as previously approved and adopted.

Inactive Traditional Zoning Districts	
RMH	Residential Manufactured Home
RTR	Resort Tourist Residential
CN	Commercial Neighborhood
CHI	Commercial Highway Interchange
CSC	Commercial Shopping Center

**B.** Where an inactive district utilizes a process or regulation no longer available or one that has been renamed or changed, the Director shall determine the most similar process or applicable regulation in this LDR. For example, building height shall be consistent with the height indicated under Sec. 1.12: Height Exceptions, rather than following the former conditional use process for height.

2.2.5.1. *RMH Residential Manufactured Home (excerpted from the previous Land Development Code)*

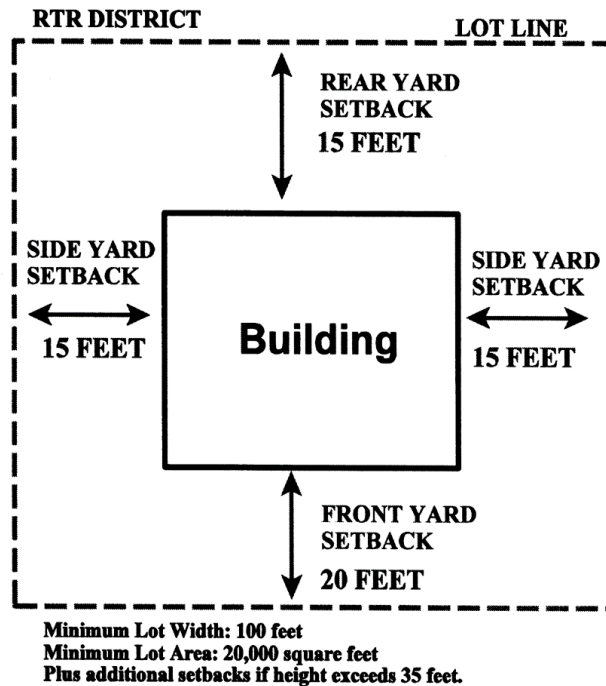
- A. Intent.** It is the intent of this section that adequate provision be made for manufactured home housing in the City. It is further the intent to declare that the use of manufactured homes for dwelling purposes be in manufactured home parks or manufactured home subdivisions, except as set out specifically in this chapter. It is further the intent to find and declare that the mixing of manufactured homes and conventional dwellings in the same development makes for mutual incompatibility for both types of dwellings. Therefore, a special district of low density is established to provide suitable living environments in manufactured home developments and to ensure the compatibility of such developments with adjoining and nearby present and future development of other types.
- B. Permitted Principal Uses and Structures.** Permitted principal uses and structures in the RMH district are:
  - 1. Manufactured home parks including the following:
    - a. One manufactured home per manufactured home site;

- b. Park recreation facilities, including a room or center, courts for games, docks, piers, boat launching areas and the like, but excluding facilities for boat repair requiring removal of boats from the water or dry storage;
  - c. Park offices, maintenance facilities and laundry facilities; and
  - d. Enclosed storage structures and storage garage facilities, with use limited to park residents only.
2. Essential Services.
- C. Permitted Accessory Uses and Structures.** Reserved.
- D. Prohibited Uses and Structures.** Any use or structure not specifically, provisionally, or by reasonable implication, permitted in this section, or permissible by special exception, is prohibited.
- E. Special Exceptions.** The following special exceptions are permissible in the RMH district after public notice and hearing by the planning commission:
- 1. Manufactured home subdivisions developed in full accord with applicable city regulations, including subdivision regulations. Such subdivisions may include uses as follows: one manufactured home per lot, and public, community or neighborhood recreation areas and facilities. In addition, accessory uses and structures as for the RSF-1 district are permitted, and, in addition, maintenance and laundry areas necessary to the successful development and management of a manufactured home subdivision are permitted when shown on the approved subdivision plan.
  - 2. Travel trailer park or any manufactured home park which provides sites for travel trailers and recreational equipment.
- F. Maximum Residential Density.** Maximum number of dwelling units per acre for a manufactured home park or subdivision is five (5).
- G. Minimum Lot Requirements (Area and Width).** Reserved.
- H. Maximum Lot Coverage by All Buildings.** Reserved.
- I. Minimum Yard Requirements.** Reserved.
- J. Maximum Height of Structures.** No portion of a structure shall exceed 25 feet in height.

#### 2.2.5.2. RTR Residential, Tourist Resort District (excepted from the previous Land Development Code)

- A. Intent.** The RTR district is intended to provide for tourist and other transient accommodations and facilities. Permitted uses include hotels, motels and interval occupancy accommodations. In addition, tourist-oriented support facilities such as restaurants and marinas are permissible either as accessory uses or under appropriate conditions. Due to the characteristic impacts of transient activities, these districts require a location on a major thoroughfare having sufficient capacity to absorb the additional traffic generated by these districts as well as convenient access

to tourist attractions, restaurants and facilities. It is generally intended to utilize these districts to implement the Comprehensive Plan within, but not limited to, those areas of the City shown as "Moderate" or "Maximum Density Residential" on the future land use plan map.



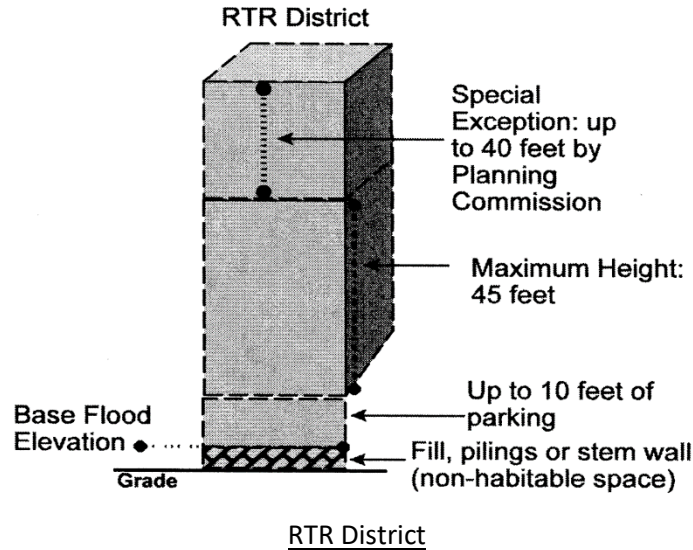
RTR Setbacks

**B. Permitted Principal Uses and Structures.** Permitted principal uses and structures in the RTR district are:

1. Hotels, motels and similar uses. Establishments having more than 100 rooms may have a restaurant, nightclub and bar and, in addition, shops for the retail sale of flowers, sundries, books, jewelry, gifts, art and similar items, and barbershops or beauty shops. Such uses shall be located inside the main building.
2. Interval occupancy accommodations, provided that no structure shall be constructed or converted to such use unless all dwelling units in the structure are used for that purpose.
3. Noncommercial piers, docks and wharves.
4. Bed and breakfast inn with not more than ten sleeping rooms for rent, provided all outdoor activity areas shall be buffered from adjacent residential property and all rooms shall have access via indoor halls.

**C. Permitted Accessory Uses and Structures.** Permitted accessory uses and structures in the RTR district are uses and structures which:

1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures
  2. Do not involve the conduct of business on the premises.
  3. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
- D. Prohibited Uses and Structures.** Any use or structure not specifically, provisionally or by reasonable implication permitted in this section, or permissible by special exception, is prohibited in the RTR district.
- E. Special Exceptions.** The following special exceptions are permissible in the RTR district after public notice and hearing by the Planning Commission for a conditional use permit:
1. For interval occupancy accommodation establishments having more than 100 dwelling units: Shops for the retail sale of flowers, sundries, books, jewelry, gifts, art and similar items, and barbershops or beauty shops. Such uses shall be located inside the main building.
  2. Drive through restaurants
  3. Marinas
  4. Building Height
- F. Maximum Residential Density.** Maximum number of dwelling units per acre in the RTR district is:
1. Hotels, motels and similar uses; and interval occupancy accommodations where not more than 50 percent of the units have cooking facilities: 36
  2. Interval occupancy accommodations where more than 50 percent of the units have cooking facilities: 18
- G. Minimum Lot Requirements (Area and Width).** Minimum lot requirements in the RTR district are:
1. **Area:** 20,000 square feet
  2. **Width:** 100 feet
- H. Maximum Lot Coverage.**
1. For buildings up to 35 feet in height: 30 percent.
  2. For buildings 36 to 45 feet in height: 28 percent.
  3. For buildings 46 to 55 feet in height: 26 percent.
  4. For buildings 56 to 65 feet in height: 24 percent.
  5. For buildings 66 to 75 feet in height: 22 percent.
  6. For buildings 76 to 105 feet in height: 20 percent.



- I. **Minimum Common Open Space.** Minimum common open space in the RTR district is 30 percent.
- J. **Minimum Yard Requirements.** Minimum yard requirements in the RTR district are:
  1. Front Yard: 20 Feet
  2. Side Yard: 15 Feet
  3. Rear Yard: 15 Feet
  4. Waterfront Yards: 20 Feet

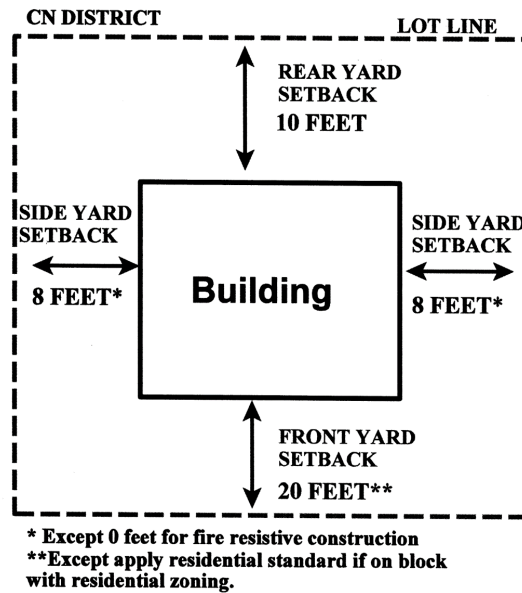
Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height, and a front yard of 25 feet or one-half the building height, whichever is greater.

- K. **Maximum Height of Structures.** No portion of a structure shall exceed 45 feet unless granted a height exception by the Planning Commission. An additional ten feet for on story devoted primarily to parking within the structure may be added to the limit.

2.2.5.3. **Commercial Neighborhood (CN)** (excerpted from the previous Land Development Code)

- A. **Intent.** The CN district is intended to apply to areas where selected establishments may be appropriately located to serve within convenient traveling distance from one or several neighborhoods. CN districts are not automotive-oriented commercial districts; therefore, automotive service stations, vehicle repair and sales, and similar automotive-oriented activities are prohibited. The district is not intended for use by major or large scale commercial or service establishments, nor is it intended to encourage extension of strip commercial areas. Professional and business offices and other similar uses are encouraged.

Orientation to and compatibility with the neighborhoods to be served are critical. The district is not a residential district, but is ancillary to the residential district which it serves.



CN Setbacks

**B. Permitted Principal Uses and Structures.**

**1. Permitted principal uses and structures in the CN district are:**

- a. 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).
- b. 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.
- c. Small loan agencies, travel agencies, employment offices, newspaper offices (but not printing or circulation) and similar establishments.
- d. Professional and business offices, and medical or dental clinics.
- e. Private clubs and libraries.
- f. Railroad rights-of-way.



2. All permitted 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.
  - b. Products shall be sold only at retail.
  - c. No sale, display or storage of secondhand merchandise is permitted, except as incidental to the sale of new merchandise.
  - d. No sale of alcoholic beverages for on-premises consumption is permitted except with meals.
- C. Permitted Accessory Uses and Structures.** Permitted accessory uses and structures in the CN district are:
  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.** Prohibited uses and structures in the CN district, are as follows:
  1. Residential uses, except as specified under accessory uses for this district.
  2. Off-site signs.
  3. Adult entertainment establishments.
  4. Pain management clinic.
- E. Special Exceptions.** The following special exceptions are permissible in the CN district after public notice and hearing by the planning commission:
  1. Essential services.
  2. Restaurants with drive-through or pick-up facilities.
- F. Maximum Residential Density.** Maximum number of dwelling units per acre in the CN district is: None; such use is prohibited.
- G. Minimum Lot Requirements (area and width).** Minimum lot requirements in the CN district are: None, except as needed to meet other requirements set out in this section.
- H. Maximum Lot Coverage by All Buildings.** Maximum lot coverage in the CN district is: Unrestricted, except as necessary to meet other requirements set out in this section.
- I. Minimum Yard Requirements.** Minimum yard requirements in the CN district are:
  1. Commercial, service or office activities:

- a. Front yard: 20 feet; provided that, where a CN zoned lot is located in a block a portion of which is zoned residential, requirements of the residential district apply to the CN zoned lot.
  - b. Side yard: Fire-resistive construction: Buildings may be: Set to the side property line; or Set not less than eight feet back from the side property line. Non-fire-resistive construction: Buildings must be set back not less than eight feet from the side property line.
  - c. Rear yard: Ten feet.
2. Special provisions:
- a. Where a CN zoned lot abuts property zoned residential, with or without an intervening alley, then, at the time of development of the CN zoned lot, a landscaped buffer is required for rear yards and for side yards as the case may be. Such rear or side yards shall not be less than 20 feet in width or depth. No yards are required adjacent to the mean high-water line or adjacent to railroad rights-of-way.
  - b. Pump islands or individual fuel pumps shall be set back not less than 25 feet from residentially zoned property and 15 feet from all other property lines.
3. Yards for other permitted or permissible uses.
- J. **Maximum Height of Structures.** No portion of a structure shall exceed 25 feet.

2.2.5.4. *Commercial Highway Interchange (CHI) (excerpted from the previous Land Development Code)*

- A. **Intent.** The CHI district is intended to create and enhance highway interchange areas where automobile associated traveler services are desired. The establishment of these districts is necessary and in the public interest to: 1) protect and preserve the beauty and the unique character of the city; 2) promote and aid in the tourist industry which is declared to be of importance to the economy of the city; and 3) promote the public safety, welfare, convenience and enjoyment of travel, and the free flow of traffic.
- B. **Applicability; Designation on Zoning Atlas.** The CHI district is intended to be applied to those interchange areas located along Interstate 75. The CHI district is not intended to be used for strip commercial purposes. One stop complexes providing automotive services, motels, restaurants, offices and similar uses are encouraged.
- C. **Permitted Principal Uses and Structures.** Permitted principal uses and structures in the CHI district are:
  - 1. Automotive service stations.
  - 2. Hotels, motels and similar accommodations. Establishments having 100 rooms or more may have a restaurant, nightclub and bar and, in addition, shops for the retail sale of

flowers, sundries, books, jewelry, gifts, art and similar items, and barber or beauty shops. Such uses must be located within the main building.

3. Fast-food, drive-in restaurants and restaurants with drive-through or pick-up facilities.
4. Sale of fruit, gifts or novelties, souvenir shops and similar uses catering to the traveling public; provided, all display of products shall be inside a completely enclosed building and are carried on in connection with another use permitted in the district.
5. Tourist information and welcome centers.
6. Automotive convenience center.
7. Automobile washes or automatic car washes.
8. Retail sales of automotive parts and accessories (including installation).
9. Emergency medical clinic.

**D. Permitted Accessory Uses and Structures.** Permitted accessory uses and structures in the CHI district are:

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.

2. Reserved.

**E. Prohibited Uses and Structures.** Prohibited uses and structures in the CHI district are as follows:

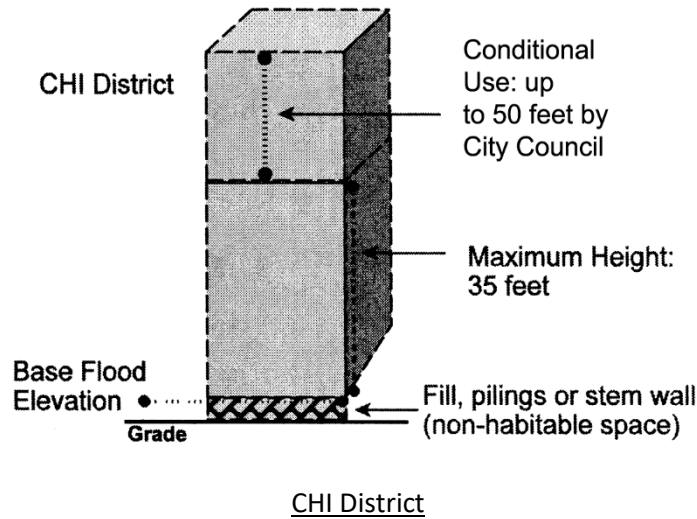
1. Residential construction, except for hotels, motels and similar accommodations.
2. Manufacturing activities, except as specifically permitted or permissible.
3. Warehousing or storage, except as accessory to and within the same structure as a permitted or permissible use.
4. Adult entertainment establishments.
5. Sales, display or storage of second-hand merchandise.
6. Outdoor sales, service or storage.
7. Pain management clinic.

**F. Special Exceptions.** The following special exceptions are permissible in the CHI district after public notice and hearing by the planning commission:

- A. Truck stops.
- B. Emergency services.
- C. Banks and financial institutions, with drive-in facilities.
- D. Restaurants.

**G. Conditional Use.** The following conditional use is permissible in the CHI district after public notice and hearing by city council:

1. Structures in excess of 35 feet but not more than 85 feet in height.
2. Reserved.



**H. Maximum Residential Density.**

1. Hotels, motels and similar accommodations where not more than 50 percent of the units have cooking facilities: 36 units per acre.
2. Reserved.

**I. Minimum Lot Requirements.**

1. **Area:**
  - a. Minimum area for consideration of rezoning to CHI classification is four acres.
  - b. Minimum lot size is one-half acre.
2. **Reserved.**

**J. Maximum Lot Coverage by All Buildings.**

1. Maximum lot coverage: 35 percent.
2. Reserved.

**K. Minimum Yard Requirements.** Minimum yard requirements in the CHI district are:

1. Commercial, service, office, hotel, motel or similar activities:
  - a. Front yard: 50 feet.
  - b. Side yard: 25 feet.
  - c. Rear yard: 25 feet.
2. Automotive service stations and automotive convenience centers:
  - a. Front yard: Structures: 50 feet. Gas pumps: 35 feet.
  - b. Side yard: Structures: 25 feet. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.
  - c. Rear yard: Structures: 25 feet.

3. Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height, and a front yard of 25 feet or one-half of the building height, whichever is greater.

L. **Maximum Height of Structures.** No portion of a structure shall exceed 35 feet, except as permissible by conditional use.

2.2.5.5. *Commercial Shopping Center (CSC) (excerpted from the previous Land Development Code)*

A. **Intent.** The CSC district is intended to encourage the development of planned commercial facilities with depth rather than strip-type commercial development. Commercial activities that have an adverse effect on adjacent or adjoining properties, or on shopping centers themselves, are prohibited. Rezoning of additional lands to the commercial shopping center classification requires a showing of public and economic need for the establishment of new commercial areas outside existing commercial areas. It is further intended that the district shall be used for the purpose of providing a variety of goods and services and not used for single-purpose activities.

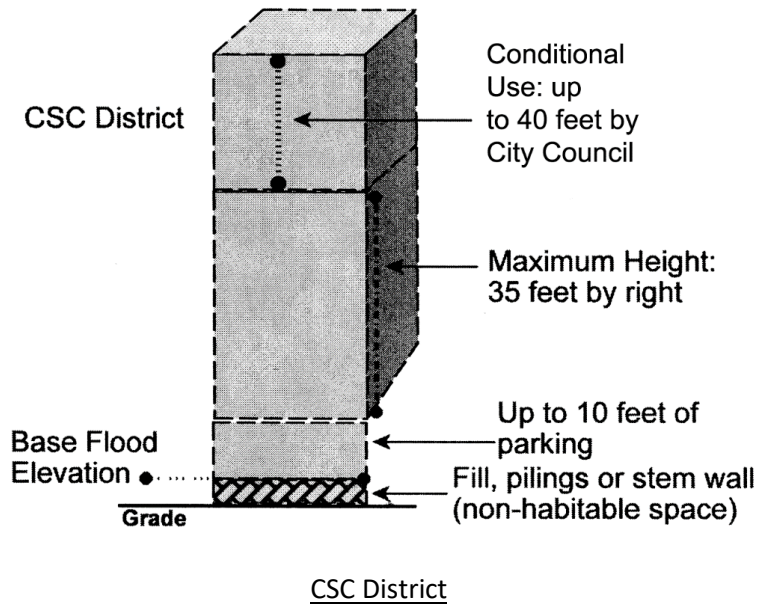
B. **Permitted Principal Uses and Structures.**

1. Permitted principal uses and structures in the CSC district are:

- a. Retail outlets for sale of food, wearing apparel, home furnishings and appliances (including repair strictly incidental to sales), office equipment, hardware, 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), alcoholic beverages for off-premises consumption, sporting goods, musical instruments, televisions and radios (including repair incidental to sales), drugs and similar products, hobby shops and pet shops (but not animal kennels or veterinarians), florist or gift shops, delicatessens and bake shops (but not wholesale bakeries).
- b. Service establishments such as barbershops or beauty shops, shoe repair shops, fast-food restaurants, and restaurants with drive-through or pick-up facilities (but not drive-in restaurants), interior decorators, photographic studios, dance or music studios, reducing salons or gymnasiums, self-service laundries or dry cleaners, tailors or dressmakers, laundry or dry cleaning pickup stations, radio or television stations, radio or television repair shops and similar uses.
- c. Banks and financial institutions, with or without drive-in facilities, travel agencies, employment offices, newspaper offices (but not printing establishments) and similar establishments.
- d. Professional and business offices.

- e. Commercial recreation facilities in completely enclosed soundproof buildings, such as indoor motion picture theaters, billiard parlors, swimming pools, nightclubs, bowling alleys and similar uses.
  - f. Miscellaneous uses such as telephone exchanges, commercial parking lots and parking garages.
  - g. Houses of worship.
2. All these uses are subject to the requirement that all sales, service, storage and display shall be within completely enclosed buildings (except as set out for special exceptions in subsection (e) of this section), and that no goods shall be produced on the premises except for sale at retail on the premises.
- C. Prohibited Uses and Structures.** Prohibited uses and structures in the CSC district are as follows:
- 1. Pain management clinic.
- D. Reserved.**
- E. Special Exceptions.** The following special exceptions are permissible in the CSC district after public notice and hearing by the planning commission:
- 1. Automotive service stations, service centers and automotive convenience centers, provided:
    - a. No access for the service station or center shall be directly from any public street, but shall be from within the shopping center.
    - b. The location within the shopping center shall be such as to prevent interference with pedestrian traffic.
    - c. No openings for service bays shall face public streets or adjacent residential property.
    - d. The architectural definition shall be the same as other buildings within the shopping center.
  - 2. Sale of boats and camping equipment and garden supply centers other than in completely enclosed buildings.
  - 3. Bars or taverns, or sale of alcoholic beverages for on-premises consumption.
  - 4. Medical and dental clinics.
- F. Conditional Use.** The following conditional use is permissible in the CSC district after public notice and hearing by city council:
- 1. Buildings over 35 feet in height but not in excess of 75 feet, provided an additional ten feet for one story devoted primarily to parking within the structure may be added to the limit
  - 2. Reserved.
- G. Maximum Residential Density.** Maximum number of dwelling units per acre in the CSC district is: None; such use is prohibited.
- H. Minimum Lot Requirements (area and width).** Minimum lot requirements in the CSC district are:

1. Area: Five acres.
  2. Width: 300 feet.
- I. **Maximum Lot Coverage by All Buildings.** Maximum lot coverage in the CSC district is 35 percent.
- J. **Maximum Height of Structures.** No portion of a structure shall exceed 35 feet in the CSC district, except as permissible by conditional use.



- K. **Intent and Purpose.** It is the intent and purpose of this division to provide criteria and standards for the provision of new planned and unified shopping centers in areas not presently zoned for commercial purposes, but the district may be applied to existing shopping centers meeting the general requirements set out for the commercial shopping center district. Since the shopping center must be a planned center, and since it may well extend into residential areas, great care is required in fitting it into its surroundings.
- L. **Minimum Yard Requirements; Landscaped Buffer Area.** Minimum yard requirements and buffer area requirements in the CSC district are as follows:
1. All yards adjacent to streets, to residentially zoned property, or to alleys adjacent to residentially zoned property shall be at least 100 feet in depth. Yards adjacent to property zoned other than residential shall be 50 feet in depth. At least 15 feet of the required yards adjacent to streets shall be maintained in landscaped condition, except for points of ingress and egress to the shopping center, and shall present no material obstruction to visibility between 2.5 feet and ten feet above ground level. Each yard adjacent to a street may

- contain a maximum of one permanent monument-style sign structure with one or two faces, not exceeding 180 square feet in area, for general identification of the shopping center. The number and area of such signs shall be included in the formula established for general identification signs. Yards may be used for drives, walkways and lighting standards. That portion of yards not used for required landscaping may be used for off-street parking.
2. Where a CSC district abuts or adjoins residentially zoned property, or alleys adjacent to residentially zoned property, a landscaped buffer area and opaque durable barrier shall be required, and the landscaped area shall be at least 25 feet in width.
  3. If, on the effective date of the ordinance from which this chapter is derived, any existing shopping centers are classified CSC, the provisions of this section may be varied by the planning commission where a showing is made that such provisions unduly restrict a previously planned expansion. The variance may be granted to allow new structures to be located as close as, but no closer than, existing structures to any property line, and to waive or modify the requirements for the six-foot-high opaque masonry wall.
- M. Site and Development Plan Approval.** Prior to the issuance of any building permit to begin construction of a shopping center on land which has been rezoned CSC, site and development plan approval, as set out in this chapter, is required. Requests for rezoning to the CSC classification and approval of site and development plans may be processed concurrently.

#### 2.2.6. *County Zoned Properties*

- A. County Zoning Properties.** Due to annexations throughout the history of the City of Venice, there exist certain properties that retain a Sarasota County zoning district. These properties shall be reflected on the City's official zoning atlas map as "Sarasota County Zoned". The City's zoning map reflects an "SC" zoning designation for these properties although they retain their underlying County zoning designations until such time as the City assigns (rezones) the property to a City zoning designation.



2.2.7. Traditional Zoning Districts Use Table

The Traditional Districts Use Table shall regulate allowable principal uses in the Traditional Districts. Section 2.4 of this LDR shall define each use found in the Traditional Districts Use Table and provide typical characteristics, permitted accessory uses, exceptions and use standards.

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	CON	REC	GOV	PUD	PCD	PID		
<b>RESIDENTIAL USE CLASSIFICATION</b>																					
<b>RESIDENTIAL</b>																					
Single-Family Detached Dwelling	P	P	P	P	C	C	X	X	X	X	X	X	X	X	X	X	P*	X	X	2.4.3.A	
Single-Family Attached Dwelling	C	C	C	P	P	P	P	X	X	X	X	X	X	X	X	X	P*	X	X	2.4.3.B	
Two-Family Dwelling/Paired Villas	X	X	X	X	P	P	C	X	X	X	X	X	X	X	X	X	P*	X	X	2.4.3.C	
Multifamily Dwelling (three or more dwelling units)	X	X	X	X	P	P	P	P	X	X	X	X	X	X	X	X	P*	X	X	2.4.3.D	
Manufactured Home Dwelling	P	P	P	P	X	X	X	X	P	P	X	X	X	X	X	X	P*	X	X	2.4.3.E	
Upper Story Residential Dwelling (mixed use districts only)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	2.4.3.F	
Attainable Housing Density Bonus	X	X	X	X	X	X	C	C	X	X	X	X	X	X	X	X	X	X	X	2.4.3.G	
<b>RESIDENTIAL CARE</b>																					
Assisted Living Facility	C	C	C	C	C	C	C	C	X	X	P	X	X	X	X	X	P*	X	X	2.4.3.H	
Independent Living Facility	C	C	C	C	C	C	C	C	X	X	P	X	X	X	X	X	P*	X	X	2.4.3.I	
Community Care Facility	C	C	C	C	C	C	C	C	X	X	P	X	X	X	X	X	P*	X	X	2.4.3.J	
Day Care, Home (6 or Fewer Persons)	P	P	P	P	P	P	P	P	X	X	P	X	X	X	X	X	P*	X	X	2.4.3.K	



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Group Living	P	P	P	P	P	P	P	P	P	X	X	C	X	X	X	X	X	X	P*	X	X	2.4.3.L
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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	CON	REC	GOV	PUD	PCD	PID		
<b>PUBLIC AND INSTITUTIONAL USE CLASSIFICATION</b>																					
Essential Services and Public Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P*	P*	P*	2.4.4.A	
Essential Services and Public Utilities, Major	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P*	P*	P*	2.4.4.B	
Open Space	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P*	P*	P*	2.4.4.C	
Parks	X	X	X	X	X	X	X	X	P	X	X	X	X	C	P	P	P*	P*	P*	2.4.4.D	
Places of Assembly/Worship	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	P	P*	P*	X	2.4.4.E	
Cultural Facility	X	X	X	X	X	X	X	X	X	X	P	P	X	X	C	P	X	P*	X	2.4.4.F	
Lodge or Private Club	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	X	2.4.4.G	
Post Office/Mail & Package Service	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	P	X	P*	X	2.4.4.H	
School (Private/Public)	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P	P*	X	X	2.4.4.I	
University, College, Vocational School	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	X	X	P*	P*	2.4.4.J	
Other Government Uses	X	X	X	X	X	X	X	X	X	X	X	C	P	X	C	P	X	P*	X	2.4.4.K	
Cemeteries	C	C	C	C	C	C	C	C	X	X	C	X	X	X	X	P	X	X	X	2.4.4.L	

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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	CON	REC	GOV	PUD	PCD	PID		
<b>COMMERCIAL USE CLASSIFICATION</b>																					
<b>RETAIL:</b>																					
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	P	X	X	X	X	X	P*	X	X	2.4.5.C	
Car Wash	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	2.4.5.D	
Appliance Repair	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	P*	2.4.5.E	
Laundromat	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P*	X	X	2.4.5.F	
Pawn Shops	X	X	X	X	X	X	X	X	X	X	P	X	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	P	P	X	X	X	X	X	P*	P*	2.4.5.H	
Minor Vehicle Service	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	P*	P*	2.4.5.I	
<b>RESTAURANT:</b>																					
Sit Down (Casual, Fine Dining)	X	X	X	X	X	X	X	X	X	X	P	X	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	P	C	X	X	X	X	X	P*	P*	2.4.5.L	
Brewpub	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	P*	P*	2.4.5.M	



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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.O
Theater	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P*	X	2.4.5.P
Artist Studio	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	P*	X	2.4.5.Q

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	CON	REC	GOV	PUD	PCD	PID		
<b>COMMERCIAL USE CLASSIFICATION (CONT)</b>																					
<b>LODGING:</b>																					
Hotel	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	P*	X	2.4.5.R	
Bed & Breakfast	X	X	X	X	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	2.4.5.S	
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.T	
Fitness, Athletic, Health Club	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P*	P*	X	2.4.5.U	
Airport	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	2.4.5.V	
Marina	X	X	X	X	X	X	X	X	X	X	X	P	X	C	C	X	X	X	X	2.4.5.W	
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.X	
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.Y	
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.Z	
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.AA	
Taxidermists	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.5.BB	



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	CON	REC	GOV	PUD	PCD	PID		
OFFICE USE CLASSIFICATION																					
Professional Office	X	X	X	X	X	X	X	X	X	X	P	P	C	X	X	X	P*	P*	P*	2.4.6.A	
Personal & Financial Services	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	X	2.4.6.B	
Funeral Homes	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	P*	X	2.4.6.C	
Medical/Dental Office	X	X	X	X	X	X	X	X	X	X	P	P	C	X	X	X	P*	P*	P*	2.4.6.D	
Veterinarian/Animal Hospital/Animal Boarding	X	X	X	X	X	X	X	X	X	X	P	P	C	X	X	X	X	P*	P*	2.4.6.E	
Hospital	X	X	X	X	X	X	X	X	X	X	P	C	X	X	X	X	X	P*	X	2.4.6.F	
Pain Management Clinic	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X	X	X	P*	X	2.4.6.G	

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	CON	REC	GOV	PUD	PCD	PID	
<b>INDUSTRIAL CLASSIFICATION</b>																				
Warehouse Distribution; Logistics	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	P*	P*	2.4.7.A
Heavy Industrial	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	2.4.7.B
Light Industrial & Advanced Manufacturing	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	X	X	P*	2.4.7.C
Research & Development	X	X	X	X	X	X	X	X	X	X	C	P	P	X	X	X	X	P*	P*	2.4.7.D
Warehouse Storage – Indoor Only	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.7.E
Self-Storage – Indoor Only	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.7.F
Self-Storage – Indoor and Outdoor	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	P*	P*	2.4.7.G
Flex	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	P*	P*	2.4.7.H
Major Vehicle Service	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	P*	P*	2.4.7.I
Wholesale	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P*	P*	2.4.7.J
Junkyard/Wrecking Yard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	2.4.7.K

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	CON	REC	GOV	PUD	PCD	PID	
<b>OTHER USES</b>																				
Mining/Resource Extraction	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	P*	2.4.8.A
Agriculture	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	P*	2.4.8.B
Indoor Entertainment and Recreation	X	X	X	X	X	X	X	X	X	X	X	P	C	X	X	X	X	P*	P*	2.4.8.C
Adult Oriented Businesses	X	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X	X	P*	P*	2.4.8.D
Outdoor Entertainment	X	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X	X	P*	P*	2.4.8.E
Golf Course/Par-3/Driving Range	X	X	X	X	X	X	X	X	X	X	X	C	X	X	P	P	P*	X	X	2.4.8.F
Clean Energy Production	X	X	X	X	X	X	X	X	X	X	X	X	C	C	X	C	X	X	P*	2.4.8.G
Live-Work (mixed use areas only)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	2.4.8.H
Rooftop Uses (other than dining)	X	X	X	X	C	C	C	C	X	X	X	C	X	X	X	X	X	P*	X	2.4.8.I
Farmer's Market	X	X	X	X	X	X	X	X	X	X	X	C	C	X	C	P	X	P*	P*	2.4.8.J
Outdoor Sales and Display	X	X	X	X	X	X	X	X	X	X	C	C	P	X	C	X	P*	P*	P*	2.4.8.K

### 2.3. Mixed Use Zoning Districts

**A. Purpose and Intent.** The Mixed Use Areas of the Comprehensive Plan are intended to identify those areas of the City where a mixture of vertical and horizontal residential, non-residential, and opens space is appropriate. The Mixed Use Areas of the Comprehensive Plan are implemented through newly created Mixed Use zoning districts. This provides the opportunity to implement a modified form based code approach consistent with Strategy LU 1.2.12 of the Comprehensive Plan, which allows for the creation of zoning and development standards that can enhance and promote the unique aspects of each Mixed Use Area. Each Mixed Use Area, with its implementing Mixed Use zoning districts and associated Comprehensive Plan Neighborhood, is listed in Table 2.3 below:

Table 2.3. Mixed Use Areas and Implementing Mixed Use Districts

Mixed Use Area (FLU)	Implementing Mixed Use District (Zoning)	Comprehensive Plan Neighborhood	LDC Standards
Mixed Use Downtown (MUD)	Venice Avenue (VA)	Island/Gateway	Sec. 2.3.3.
	Downtown Edge (DE)	Island	Sec. 2.3.4.
	South Trail (ST-1 & ST-2)	Island	Sec. 2.3.5.
Mixed Use Seaboard (MUS)	Venice Avenue	Island/Gateway	Sec. 2.3.3.
	Seaboard Improvement (SBI)	Gateway	Sec. 2.3.7.
Mixed Use Corridor (MUC)	South Trail	Island	Sec. 2.3.5.
	Airport Avenue (AA)	Island	Sec. 2.3.6.
	North Trail Gateway (NTG)	Gateway	Sec. 2.3.8.
	Laurel West (LW)	Laurel Road Corridor	Sec. 2.3.9.
	Laurel East (LE)	Laurel Road Corridor	Sec. 2.3.10.
	Knights Trail (KT)	Knights Trail	Sec. 2.3.11.
Mixed Use Transitional (MUT)	Knights Trail Transitional (KTT)	Knights Trail	Sec. 2.3.12.
Mixed Use Residential (MUR)	Planned Unit Development (see 2.3.B.)	Gateway, East Venice, Pinebrook, Laurel Road Corridor, Northeast Venice, and Knights Trail	Sec. 2.3.13

**B. Mixed Use Residential (MUR).** The Mixed Use Residential Future Land Use shall be implemented through the Planned Unit Development (PUD) zoning district defined in Section 2.2.4.4.A. PUD is intended to allow for residential planned developments and implements the Mixed Use Residential (MUR) Future Land Use as defined in Strategy LU 1.2.16 in the 2017-2027 Comprehensive Plan. A PUD has its own zoning standards through the planned development process, as defined in Section 1.7.4: Planned Developments. Specific zoning standards and



design and development standards shall be proposed at the time of rezoning to the PUD and/or as part of a major modification.

- C. Regulating Maps and Development Standards.** The following sections define the Mixed Use Districts via the regulating maps and Development Standards. The implementing Mixed Use Districts are illustrated in Figures 2.3.1.1, 2.3.1.2, and 2.3.1.3.
- D. General Development Standards.** For all applicable general development standards, see Section 3.1: General Development Standards.

#### *2.3.1. Mixed Use Districts*

- A. Mixed Use Districts.** Where the phrases “all mixed use areas,” “mixed use zoning,” “Mixed Use Districts,” and “zoned for mixed use” are used in this LDR, the phrases shall be construed to mean all land in one of the following Mixed Use Area designations in the Comprehensive Plan that has a Mixed Use District zoning:
  - 1. MUD – Mixed Use Downtown
  - 2. MUS – Mixed Use Seaboard
  - 3. MUC – Mixed Use Corridor
  - 4. MUT – Mixed Use Transitional

Figure 2.3.1.1. City of Venice Implementing Mixed Use Districts – Full Extent

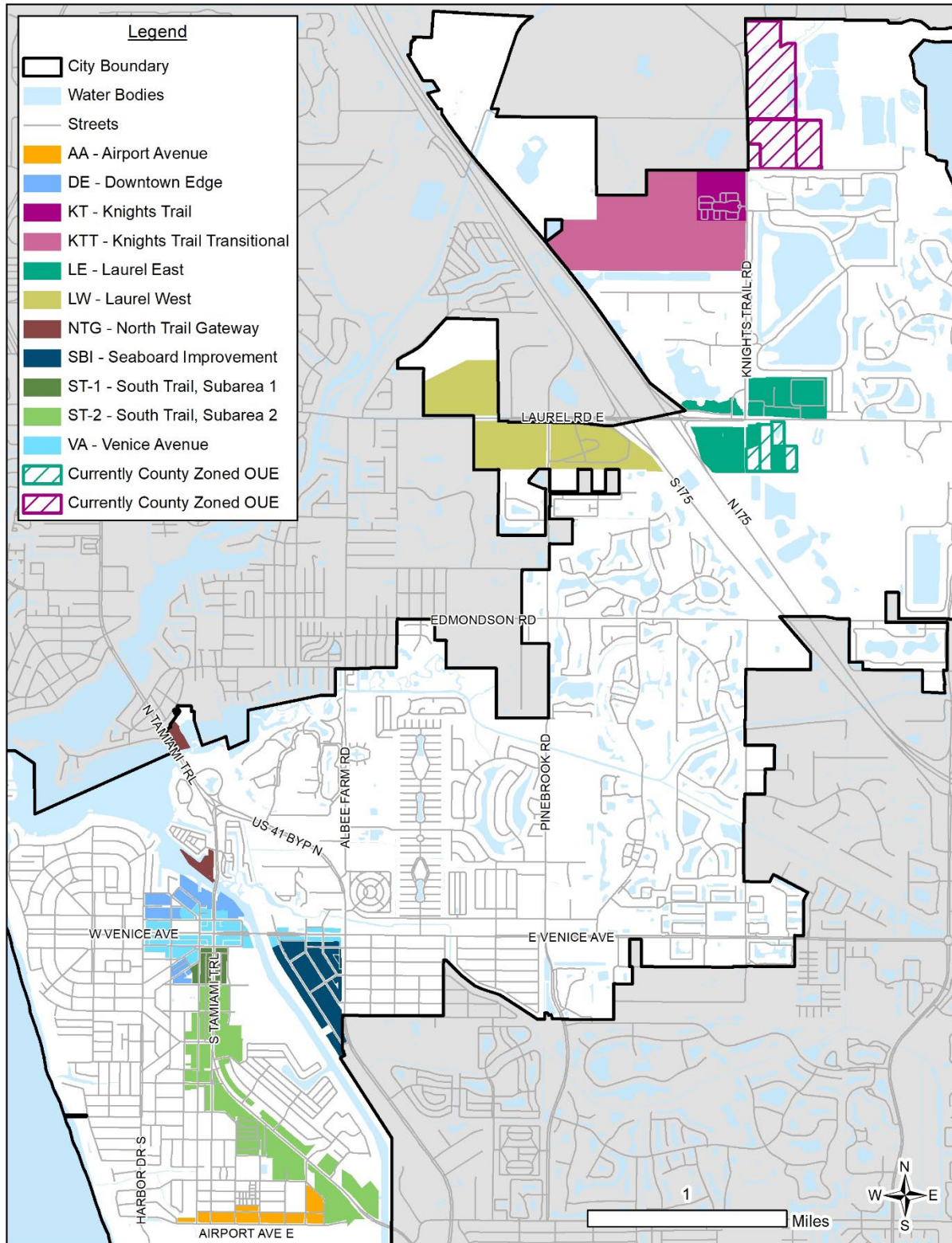


Figure. 2.3.1.2. City of Venice Implementing Mixed Use Districts – Southern Extent

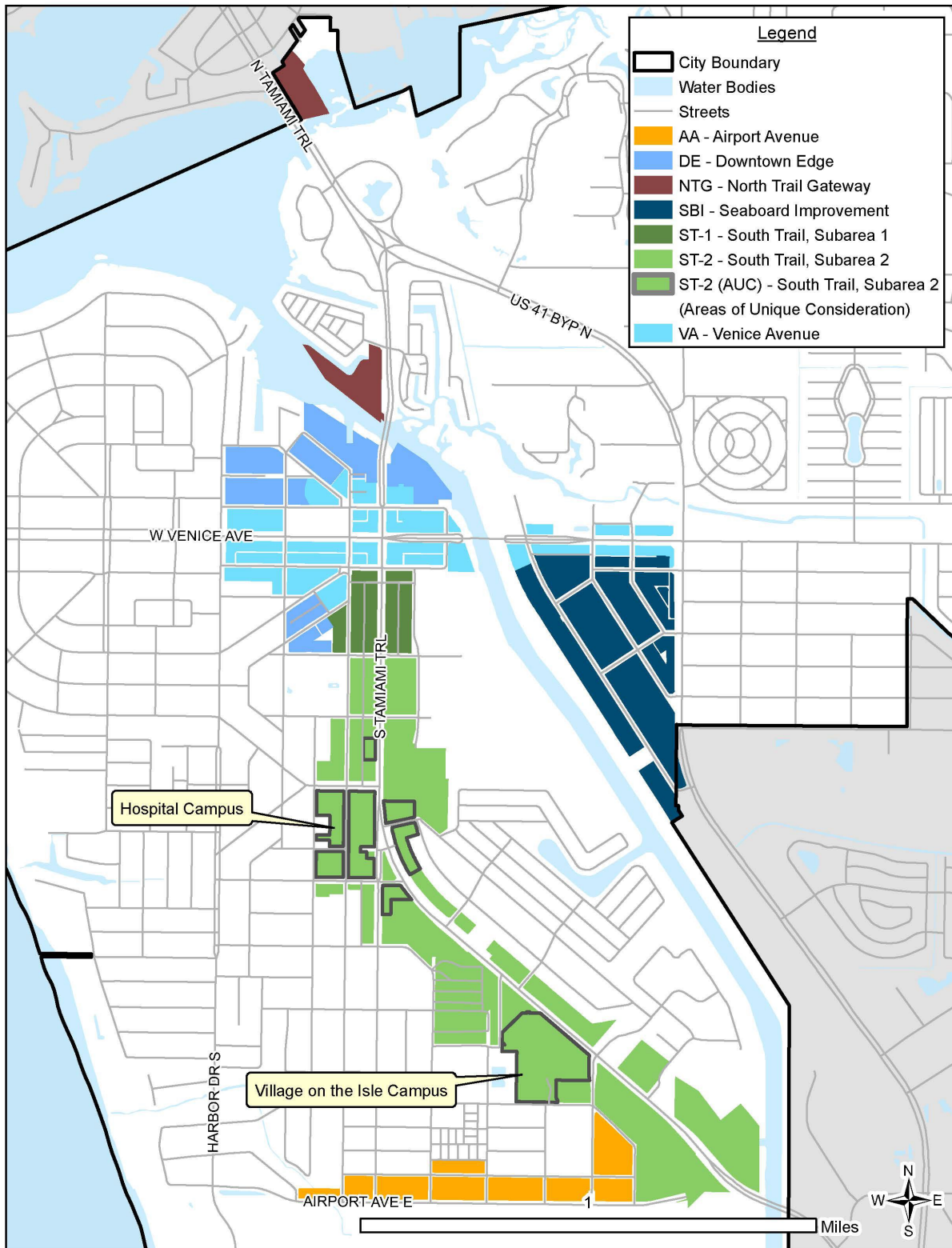
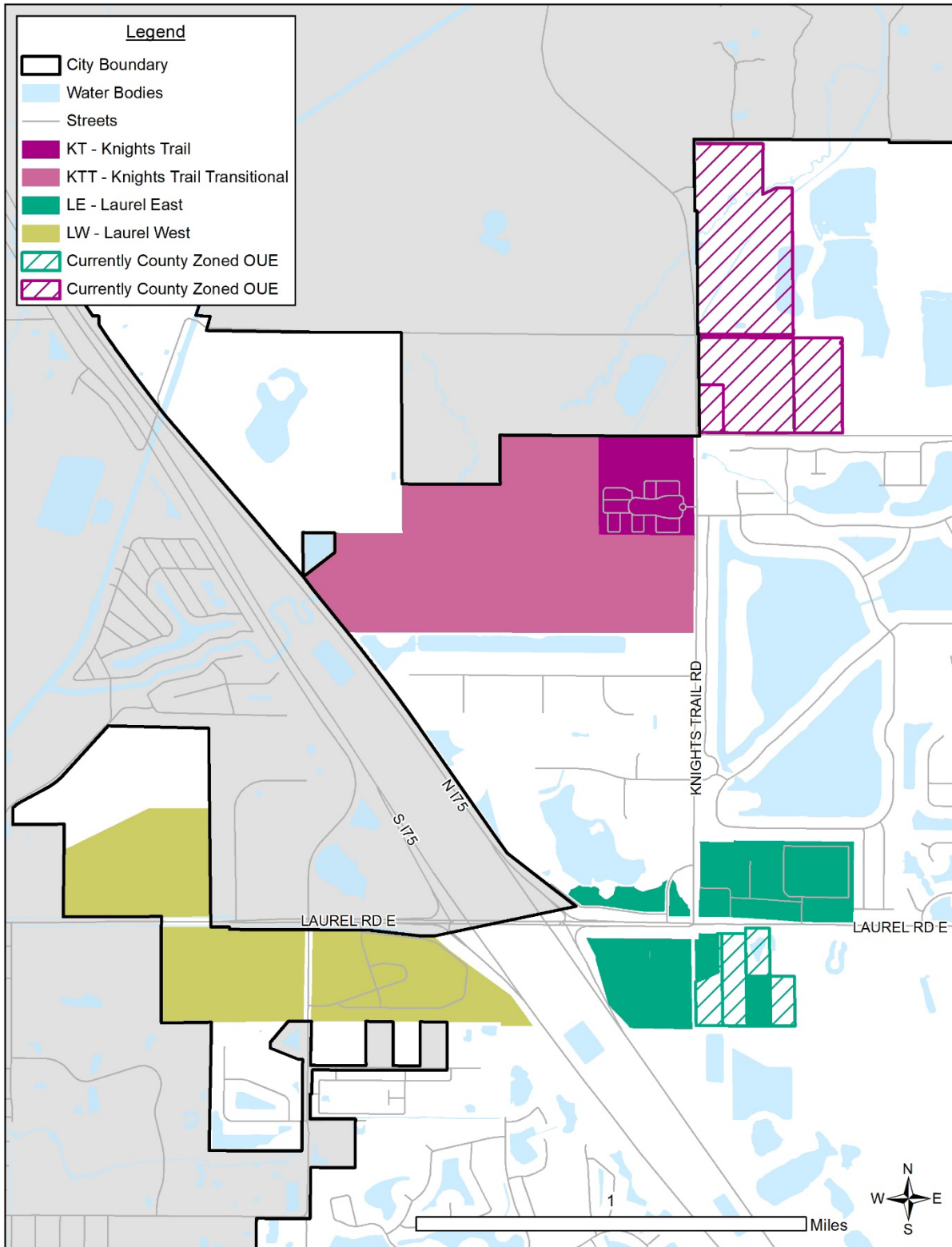


Figure. 2.3.1.3. City of Venice Implementing Mixed Use Districts -- Northern Extent



### 2.3.2. Mixed Use Districts Regulating Framework

- A. Purpose and Intent.** The applicable regulations for each Mixed Use District shall be defined through two maps (Regulating Map and Primary Street Map), the Development Standards Table, and the corresponding Use Table. These regulations are intended to support and provide for a predictable and appropriate development form within the public and private realm and implement Strategy LU 1.2.9 through LU 1.2.17 of the Comprehensive Plan. The regulations utilize form based code elements and address the relationships between buildings, open spaces (including active use areas), and multi-modal components (sidewalks, trails, roadways/Complete Streets).
- B. Maps.** The maps for each Mixed Use District address the specific development vision of the district, designating appropriate form, scale, and character of development.
- 1. Regulating Map.** Each Mixed Use District shall contain a Regulating Map. The Regulating Map shall show the properties zoned with that Mixed Use District.
  - 2. Primary Street Map.** Primary Streets are those streets which the City has deemed to be of primary consideration for development and/or redevelopment projects within the Mixed Use Districts. The Comprehensive Plan identified possible Complete Streets segments within Strategy TR 1.3.4, which aligns with the listed Primary Streets. Similar to Complete Streets, the Primary Streets listed are to be prioritized for streetscape improvements, active use areas, development orientation, facades, building design and architecture, pedestrian entrances, sidewalks, parking, signage and how the development interfaces with the public realm. Not all streets within a Mixed Use District are designated and/or characterized for the purposes of this section.
    - a. Street Hierarchy.** If a Mixed Use District has more than one Primary Street, a Street Hierarchy is provided. Entrances shall be provided on the highest-ranking street for any building and shall act as the front for the building and lot. This does not preclude additional entrances from being provided on lower hierarchy and/or non-designated streets.
- C. Development Standards Table.** Development standards and their respective measurement requirements are included for each Mixed Use District. Development standards shall include height, building placement, lot standards, frontage, architecture, parking, and signage. Additional standards may be provided for each district and are indicated by district specific notes below each Mixed Use District Development Standards Table.
- D. Design Alternatives.** Due to the unique characteristics or circumstances of any given development and consistent with Section 1.11: Design Alternatives, design alternatives may be considered for the following design elements within Mixed Use Districts: building

placement/setback, lot standards for minimum lot coverage, active use areas, parking placement and parking structures, and signage (for replication of historic signage only).

- E. Uses.** Each Mixed Use District shall regulate allowable principal uses as identified in Section 2.3.14: Mixed Use Districts Use Table. Accessory uses shall not be permitted as principal, stand-alone uses.
- F. Parking.** Each Mixed Use District shall feature its own unique required parking, allowances for on-street parking, and/or shared parking provisions. Parking shall not encroach, infringe or otherwise hinder accessibility through or along an alleyway. Within all Mixed Use Districts, up to 10 percent of the required off-street parking may be provided through on-street parking where on-street parking is allowed and/or provided. On-street parking must be located within 1,000 feet walking distance of the building and accessible via a sidewalk, pedestrian path or similar improved travel surface. Parking standards include the items below:
- 1. Placement.** Each Mixed Use District shall state where required parking must be placed on any parcel/site/lot (front, side or rear). If parking cannot be configured to meet the parking placement requirement due to constraints on the site, a design alternative may be requested.
  - 2. Percentage of Minimum Parking Required.** Mixed Use Districts allow for an overall decrease in the need for provided parking. The parking rates contained in Section 3.6: Parking, may be modified per the percentages identified in each Mixed Use District Development Standards Table in this section. The percentage provided in each Development Standards Table applies to the standard parking requirement for a use. For example, if a use requires 5 parking spaces per 1,000 SF in Section 3.6: Parking, and the Mixed Use District Development Standards Table states 50%, then only 50% of the standard 5 parking spaces per 1,000 SF is required, making the requirement 2.5 spaces per 1,000 SF. Certain Mixed Use Districts may not require off-street parking to be provided.
  - 3. Access.** Vehicular access to a parcel/site/lot shall be limited to the requirement provided in each Mixed Use District Development Standards Table. Access and location of off-street parking requirements are identified in each Mixed Use District Development Standards Table. Access and location may be modified through a design alternative.
  - 4. Loading.** Loading requirements may differ from the traditional standards set forth in Section 3.6.2: Parking Requirements by Use, for each Mixed Use District.

### 2.3.3. Venice Avenue District

**A. Purpose and Intent.** The Venice Avenue district is one of two implementing districts of the Mixed Use Downtown (MUD) future land use designation within the Island Neighborhood, and generally replaces the previous Commercial Business District Zoning. The Venice Avenue district supports an urban form and is the centerpiece of the vision of John Nolen’s General Plan of Venice. As such, this district serves as the city’s center for financial, commercial, governmental, professional, cultural, and associated activities. The Venice Avenue district is characterized by Nolen’s Plan for a traditional downtown development pattern promoting a walkable interconnected design of blocks, grid streets, and alleys. Buildings located in the Venice Avenue district are required to be placed at or close to the public rights-of-way to invite visitors and promote a vibrant downtown area. The building placements are defined by using a build-to-zone (BTZ) to further promote John Nolen’s plan for downtown Venice. The application of the Venice Avenue district has extended the existing downtown area east across the Venice Avenue bridge up to the U.S. 41 Bypass to help interconnect the Island and Gateway Neighborhoods.

Uses within the Venice Avenue district are to be interconnected through a variety of measures including, but not limited to sidewalks, multimodal pathways, and public spaces. Currently, the Venice Avenue district is comprised of mostly single- and two-story structures sharing common side walls to provide for a continuous building façade, similar to many traditional downtown development patterns. The Nolen Plan promoted a mixture of uses in this area and the Venice Avenue district has been envisioned to further promote and encourage a vertical mixture of residential and commercial uses. Typically, this will involve locating higher activity uses such as retail, restaurant, or similar uses on the ground floor, and lower activity uses such as professional offices, residential, or similar uses above the ground floor.

Figure 2.3.3.1. Venice Avenue Regulating Map

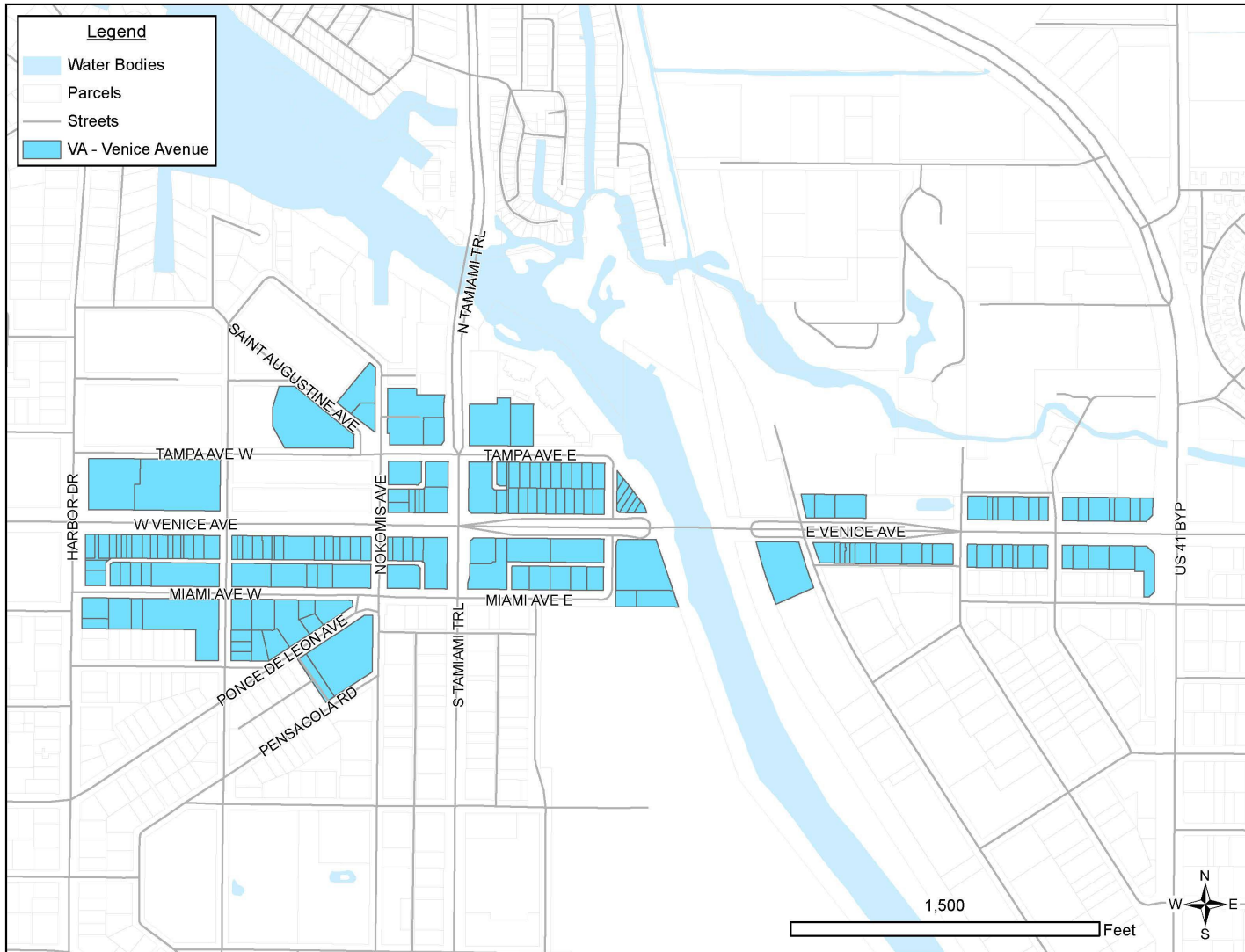




Fig 2.3.3.2. Venice Avenue Primary Streets

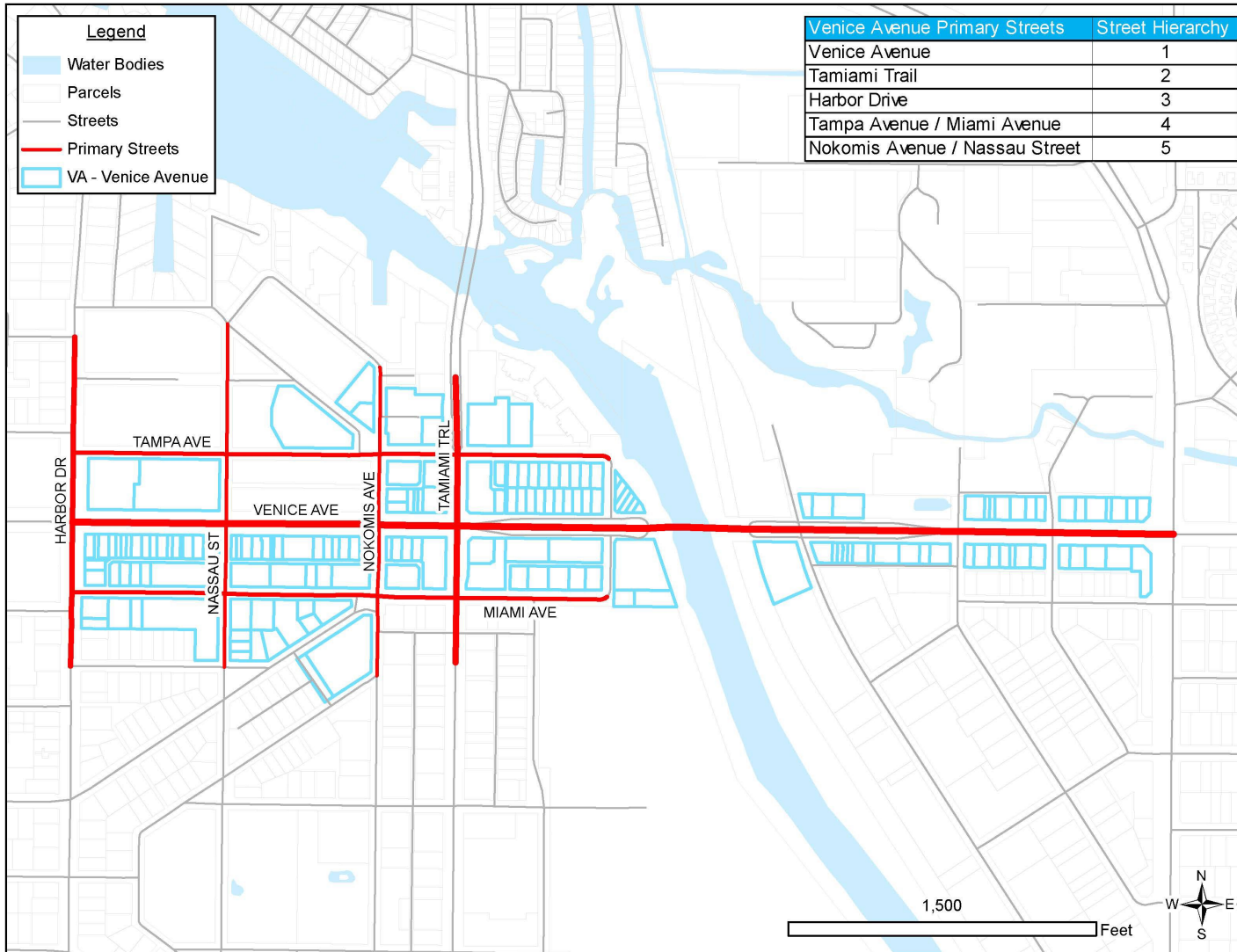


Table 2.3.3. Venice Avenue Development Standards

Venice Avenue Development Standards Table		
Standard		Measurement Requirement
<b>Building Height (max)</b>		35'
		45' through Height Exception Subject to Section 4: Compatibility
<b>Building Placement (min/max) <sup>a</sup></b>	Front (Street)	0' / 2'
	Side	0' / 2'
	Rear	0' / 20'
	Waterfront	20'
<b>Lot</b>	Length (min)	100'
	Width (min)	25'
	Coverage (min/max)	75% / 100%
<b>Building Frontage Requirement</b>	% Requirement	100%
	Encroachments	Maximum Length: 50% of building frontage Maximum Encroachment: 2' 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.
<b>Architecture <sup>b</sup></b>	Style	Venice Historical Precedent
<b>Parking</b>	Placement	Rear. Side may be permitted through a Design Alternative
	Percentage of Minimum Parking Required	No parking required
	Access	Rear
	Loading <sup>c</sup>	No loading required
<b><u>Venice Avenue Development Standards Table Notes</u></b>		
<sup>a</sup> <u>Building Placement</u> . Where adjacent to and/or fronting existing waterway, Build-To-Zone (BTZ) may be increased up to 50' to accommodate boardwalks and other publicly accessible recreational features.		

<sup>b</sup> Architecture. As some parcels located in the Venice Avenue 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 Architectural Preservation Controls and Standards.

<sup>c</sup> Loading. Loading/unloading is not permitted on Venice Avenue, Tamiami Trail, or Harbor Drive. Parking and loading shall not encroach, infringe or otherwise hinder accessibility through or along any alleyway.

#### 2.3.4. *Downtown Edge District*

- A. Purpose and Intent.** Downtown Edge is the second implementing district of the Mixed Use Downtown (MUD) future land use designation within the Island Neighborhood. The Downtown Edge district historically has served as a transition area from the core downtown commercial development, to office and other professional services, and to the surrounding residential areas of the Island Neighborhood. The Downtown Edge district supports an urban form consistent with the vision of the John Nolen General Plan. The Downtown Edge district is characterized by a mixture of uses, stand-alone higher density residential developments, and waterfront development. Similar to the Venice Avenue district, buildings located in the Downtown Edge district are located at or close to the public roadways. More flexibility will be allowed in the Downtown Edge district than in the Venice Avenue district to accommodate moderate density residential development and to recognize existing single-family development within the area. Uses in this district may tend to be mixed horizontally, although a vertical mix of uses is also allowed.

Figure 2.3.4.1. Downtown Edge Regulating Map

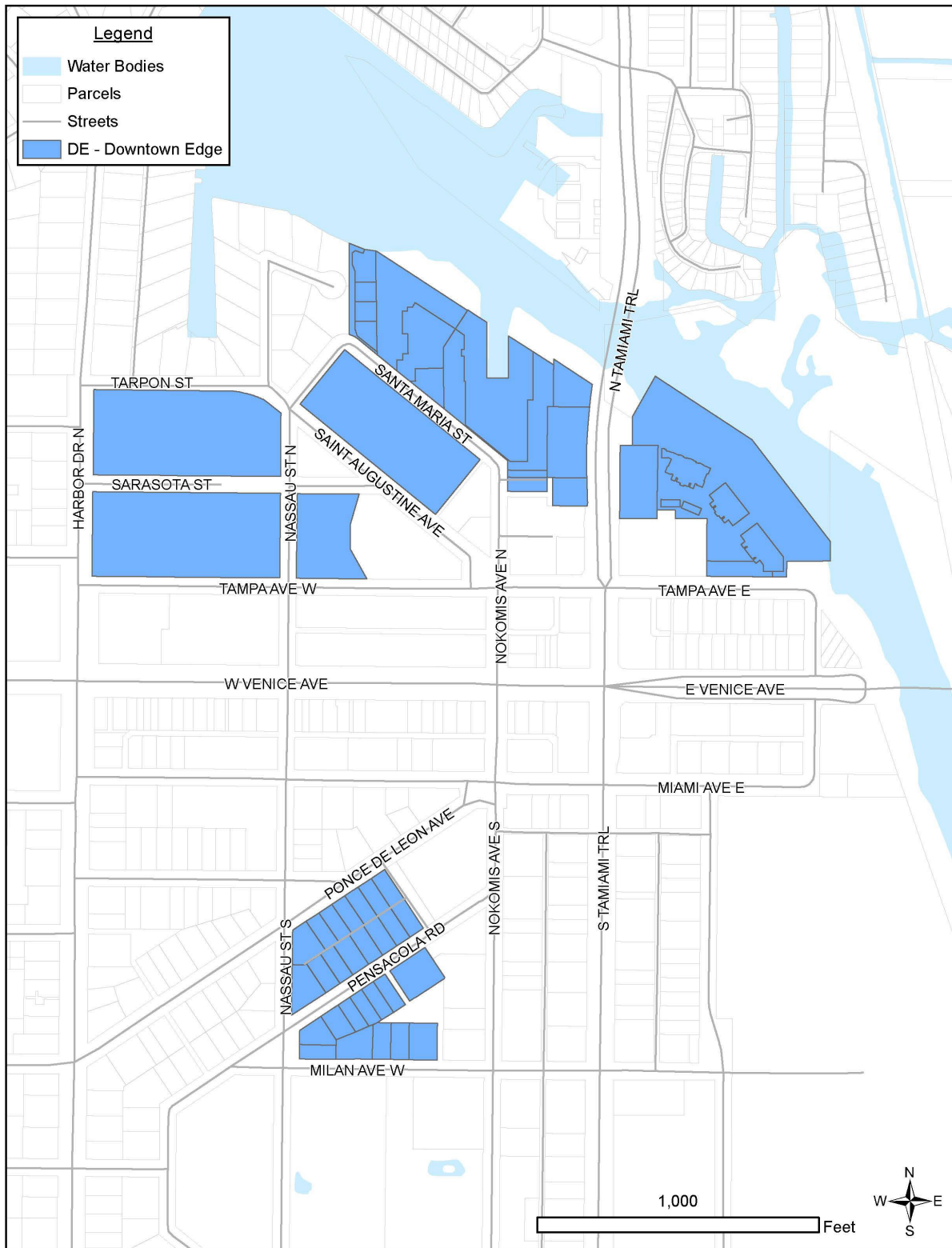


Figure 2.3.4.2. Downtown Edge Primary Streets

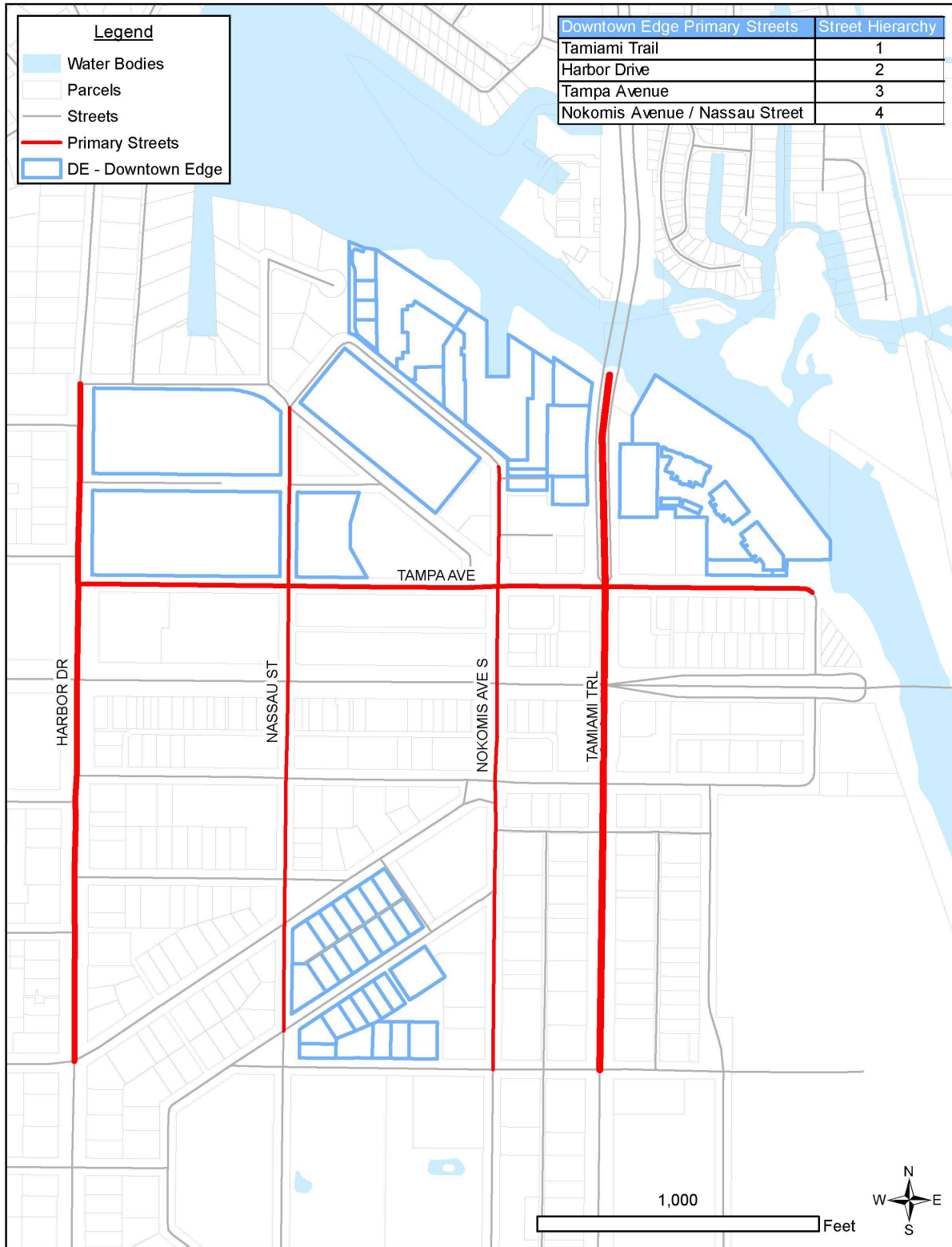


Table 2.3.4. Downtown Edge Development Standards

Downtown Edge Development Standards Table		
Standard		Measurement Requirement
<b>Building Height</b>		35' by right 75' through Height Exception <sup>a</sup> Subject to Section 4: Compatibility
<b>Building Placement (min/max) <sup>b</sup></b>	Front (Street)	0' / 20'
	Side	0' / 10'
	Rear	0' / 20'
	Waterfront	20'
<b>Lot</b>	Length (min)	100'
	Width (min)	50'
	Coverage (min/max)	50% / 75% 100% coverage permitted if parking structure is provided
<b>Building Frontage Requirement</b>	% 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.
<b>Architecture <sup>c</sup></b>	Style	Venice Historical Precedent
<b>Parking</b>	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 <sup>d</sup>	See Section 3.6.5: Design Standards
<p><b><u>Downtown Edge Development Standards Table Notes</u></b></p> <p><sup>a</sup> <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><sup>b</sup> <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><sup>c</sup> <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><sup>d</sup> <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. South Trail District

**A. Purpose and Intent.** South Tamiami Trail has played a significant and historic role in the development and growth of Venice. Recognizing this significance, the South Trail district is an implementing district for the Mixed Use Downtown (MUD) and Mixed Use Corridor (MUC) designations in the Comprehensive Plan. The existing development along this corridor is comprised of important landmarks of the city and contains two developments recognized by the Comprehensive Plan as areas of unique consideration (the Hospital and Village on the Isle) that have their own development standards (see Section 2.3.5.B.). The South Trail district reflects a traditional transportation corridor and development pattern. The South Trail district provides for a mix of uses, vertical and horizontal. Buildings in the South Trail district are located at or in close proximity to public rights-of-way within a defined Built to Zone (“BTZ”), but this district does offer flexibility in building placement. Uses within the South Trail district are to be interconnected through sidewalks, multimodal pathways, and public and civic spaces. Certain standards in the South Trail district vary north of Milan Avenue (Subarea 1) and south of Milan Avenue (Subarea 2) as identified in Figure 2.3.5.1.

Figure 2.3.5.1. South Trail Regulating Map

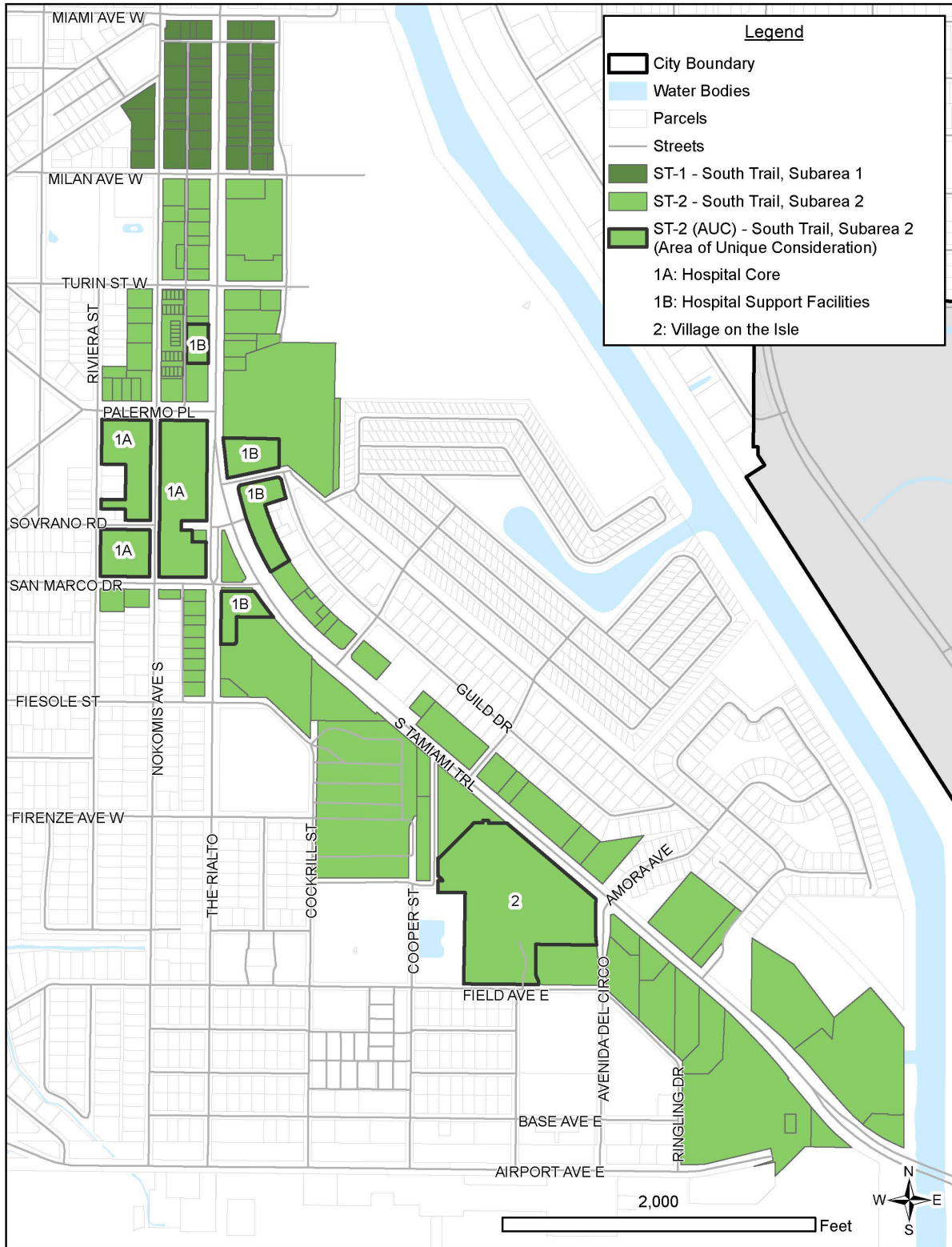


Figure 2.3.5.2. South Trail Primary Streets

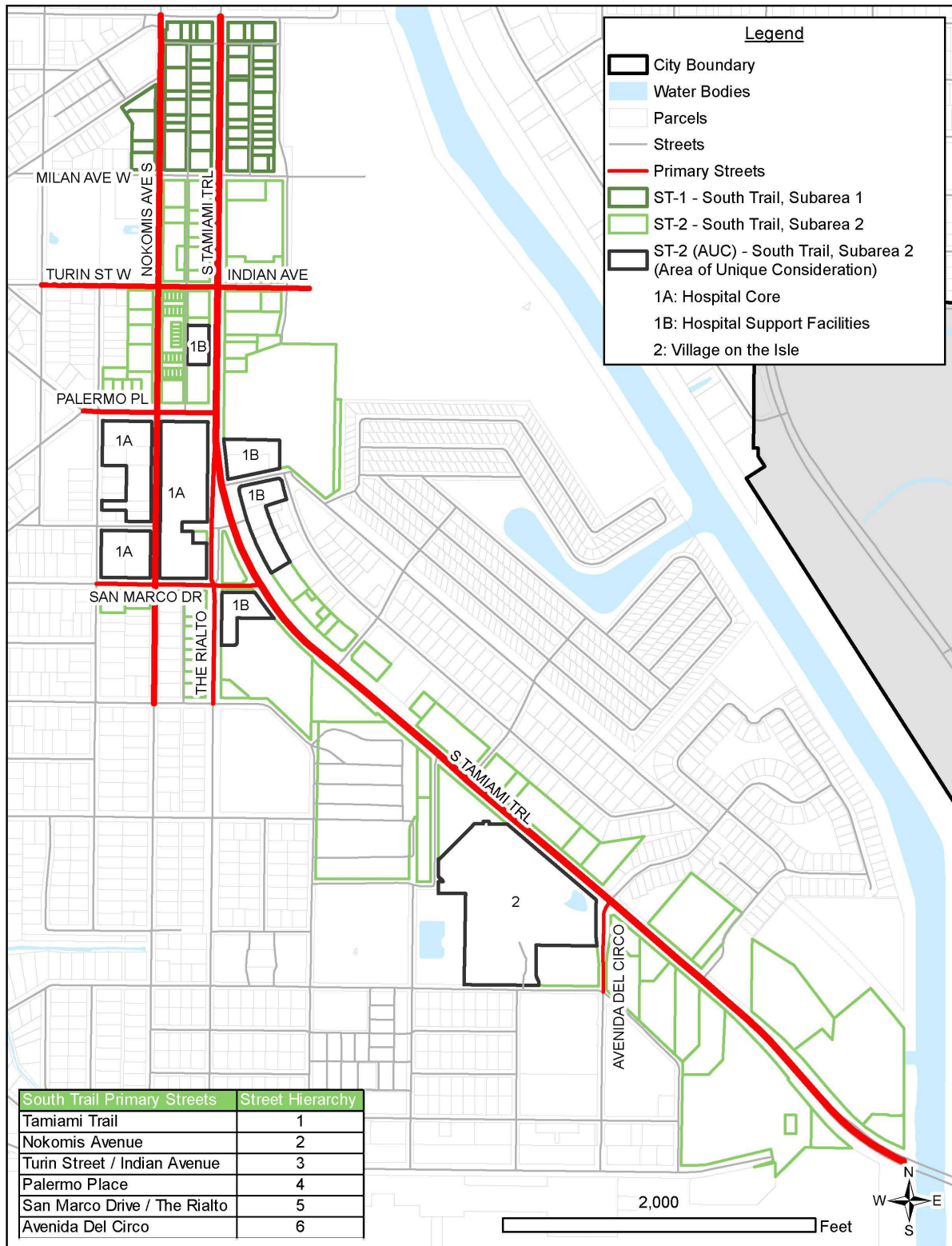


Table 2.3.5.1. South Trail Development Standards

South Trail Development Standards Table			
Standard		Measurement Requirement	
<b>Building Height</b>		35' by right	
		57' through Height Exception <sup>a</sup> Subject to Section 4: Compatibility	
<b>Building Placement (min/max)</b>		<b>Subarea 1. North of Milan</b>	<b>Subarea 2. South of Milan</b>
	Front (Street)	5' / 25'	5' / 90'
	Side	0' / 15'	0' / 50'
	Rear	0' / 20'	0' / 75'
	Waterfront	N/A	20'
<b>Lot</b>	Length (min)	100'	
	Width (min)	50'	
	Coverage (min/max)	35% / 75%	
<b>Building Frontage Requirement</b>	% Requirement	75%	
	Encroachments	Maximum Length: 25' or 50% of Building Frontage (whichever is lesser)	Maximum Length: None
		Maximum Encroachment: 6'	Maximum Encroachment: None
		Minimum Clearance: 8'	Minimum Clearance: None
	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.		
<b>Architecture</b>	Style	Venice Historical Precedent <sup>b</sup>	
<b>Parking</b>	Placement	Side / Rear	
	Percentage of Minimum Parking Required	100%	
	Access	Side / Rear	

	Loading <sup>c</sup>	See Section 3.6.5: Design Standards
<p><b>South Trail Development Standard Table Notes</b></p> <p><sup>a</sup> <u>Height Exception</u>. Any Height Exception shall requires 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, which will be reviewed during the Height Exception application process.</p> <p><sup>b</sup> <u>Architecture</u>. As some parcels located in the South Trail 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 Architectural Preservation Controls and Standards.</p> <p><sup>c</sup> <u>Loading</u>. Loading/unloading is not permitted on Tamiami Trail.</p>		

**B. South Trail Areas of Unique Consideration.** The “Areas of Unique Consideration” were adopted within the 2017-2027 Comprehensive Plan in Strategy LU-IS 1.1.6 (consistent with the 2010 Comprehensive Plan adoption of these specific areas). The Comprehensive Plan and this LDR recognize the unique, adopted standards (entitlements) associated with the respective properties. Development standards for these areas are listed below and the Areas of Unique Consideration are illustrated on the South Trail Regulating Map, Figure 2.3.5.1.

**1. Village on the Isle Campus:**

- a. Intent.** The City recognizes the full range of residential, community and social services provided by Village on the Isle (VOTI), and its unique situation in the community requires special development and redevelopment standards. In order to establish an expansion to the range of housing and services available to serve needs of the community, the following standards are established to permit the continued operation and renovation of VOTI’s development program.
- b. Permitted Uses.** In addition to the uses permitted in the South Trail district, this Area of Unique Consideration permits Residential Care (Assisted Living, Independent Living, Community Care), Day Care Center (More Than 6 Persons), Related Health Care Services and Facilities, Related Office Uses, and Related Community Services.
- c. Development Standards.** Subject to Table 2.3.5.2.

**2. Hospital Campus:**

- a. Intent.** The intent of the hospital campus concept is to remain consistent with the City’s Strategic Plan, which calls for Venice to serve as a medical and health care center for the region. Designation of the hospital campus as an Area of Unique Consideration has resulted from the need to encourage and promote development and redevelopment of the established hospital and ancillary

medical facilities and properties. The campus contains two major components: the “hospital core,” which supports the main hospital facilities and the “hospital support facilities campus.”

- b. Permitted Uses.** In addition to the uses permitted in the South Trail district, this Area of Unique Consideration permits medical and health care center uses, including emergency care, hospital, and related health care services and facilities.
- c. Development Standards.** Subject to Table 2.3.5.2.

Table 2.3.5.2. South Trail Areas of Unique Consideration

Development Standards	Areas of Unique Consideration	
	Village on the Isle Campus	Hospital Campus
<b>Density</b>	<p><u>Assisted Living:</u> 30 Units Per Gross Acre with Individual Kitchen Facilities</p> <p>55 Units Per Gross Acre without Individual Kitchen Facilities</p> <p><u>Independent Living:</u> 18 Units Per Gross Acre for Age Restricted</p>	18 Units Per Gross Acre
<b>Intensity</b>	Shall Not Exceed a Floor Area Ratio of 4.0 for the Gross Acreage	<p><u>Floor Area Ratios</u> 3.5 for 35’ buildings 4.5 for 45’ buildings 6.5 for 75’ buildings (See Section 5 of Comprehensive Plan appendices, Future Land Use Maps 25(a) and 25(b) for specific FAR requirements by area)</p> <p><u>Conversion Between Residential and Commercial Uses</u> 1 Dwelling Unit per 4,000 square feet of commercial space, gross acreage</p>
<b>Transportation Network</b>	Not Applicable	<p>Provide multi-modal alternatives that include expanded pedestrian linkages to surrounding neighborhoods</p> <p>Provide safe and convenient emergency room access</p>

<b>Building Envelope</b>	Limited to the height of existing structures	<u>Building height:</u> <ul style="list-style-type: none"> <li>• 35’ with an additional 10’ used for understory parking only, or</li> <li>• 75’ (See Section 5 of Comprehensive Plan appendices, Future Land Use Maps 25(a) and 25(b) for specific height limits by area)</li> </ul>
<b>Setbacks (min/max)</b>	As defined for South Trail Subarea 2 in development standards table 2.3.5.1	<u>Front, Side, and Rear:</u> 0’/15’
<b>Parking</b>	Overall requirements may be reduced based upon review and approval of a parking study.  Shared parking facilities may also be used.	Alternative parking standards that allow for reduced parking lot size and shared parking spaces are allowed throughout the Campus.  On-street parking may be allowed as designated by an approved site and development plan.  Parking structures integrated into the building and/or site design, and centralized or clustered parking areas are encouraged.
<b>Architectural Design Style</b>	Facilities and structures may reflect the existing architectural design character predominate on the site or parent facility.	Northern Italian architectural design standards are to be applied to new development projects and confirmed by the HAPB.  Expansion of existing facilities and structures may reflect the existing architectural design character predominate on the site or parent facility.
<b>Existing Uses</b>	Residential Care (Assisted Living, Independent Living, Community Care)  Skilled Nursing Facilities and Services  Community Services  Day Care Center (More Than 6 Persons)  Related Health Care Services and Facilities, Related Office Uses, Related Community Services.  Uses identified in the South Trail district are permitted in addition to these existing uses.	Medical and Health Care Center Including Emergency Care, Hospital, and Related Health Care Services and Facilities.  Uses identified in the South Trail district are permitted in addition to these existing uses.

*2.3.6. Airport Avenue District*

- A. **Purpose and Intent.** This district extends along the north side of Airport Avenue. A mix of commercial and residential uses have historically co-existed within the Airport Avenue corridor, including a variety of more intensive commercial uses and a range of residential densities. The Airport Avenue district is intended to validate this existing mix of uses while providing opportunities for more compatibility among residential and non-residential properties in the future. Lot coverage and building placement standards are more flexible here than in the downtown mixed use districts. Building heights in this district are limited due to the presence of the airport, although the district does not include the Venice Municipal Airport facilities, which are governed by the Airport Master Plan.



Figure 2.3.6.1. Airport Avenue Regulating Map

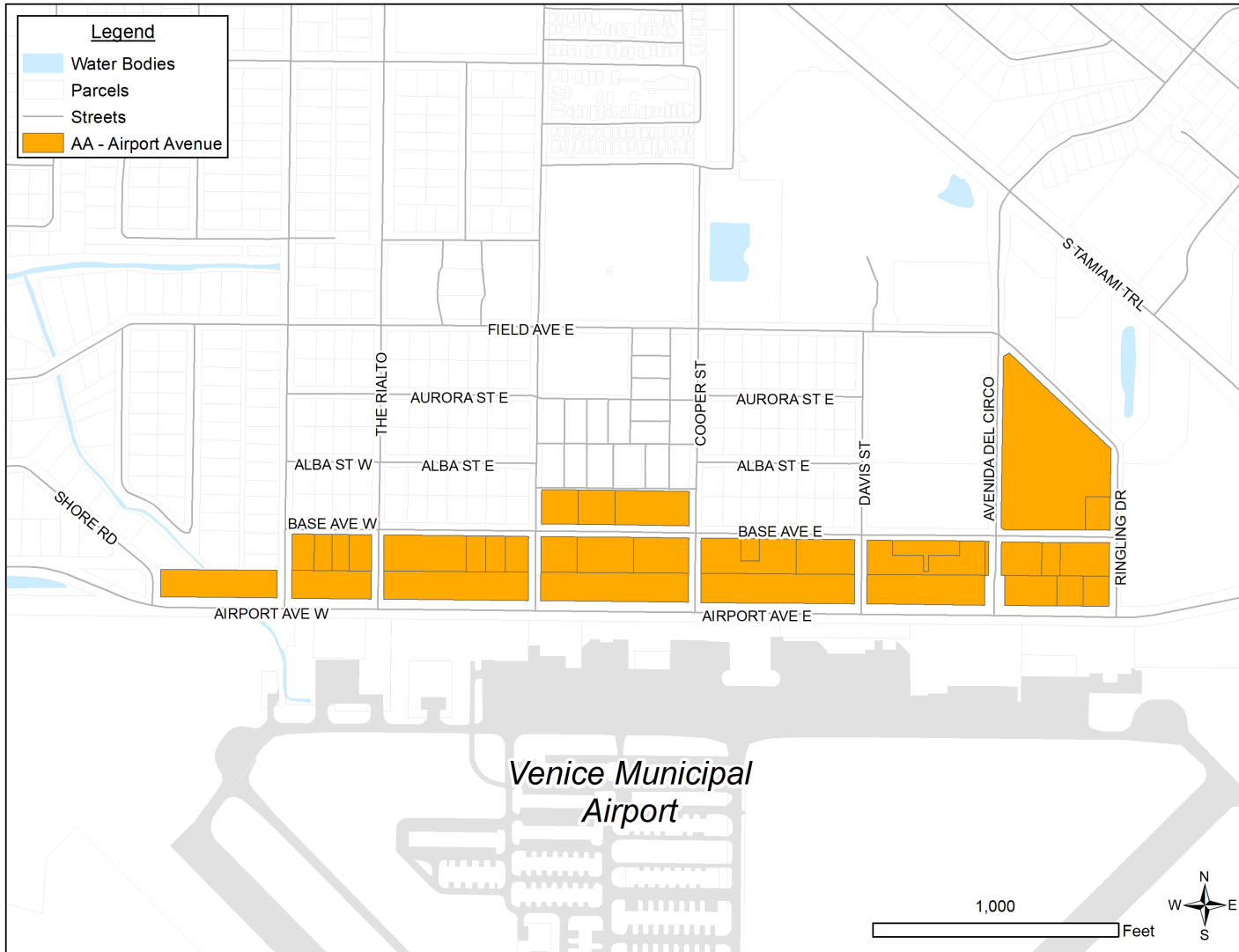


Figure 2.3.6.1 Airport Avenue Primary Streets

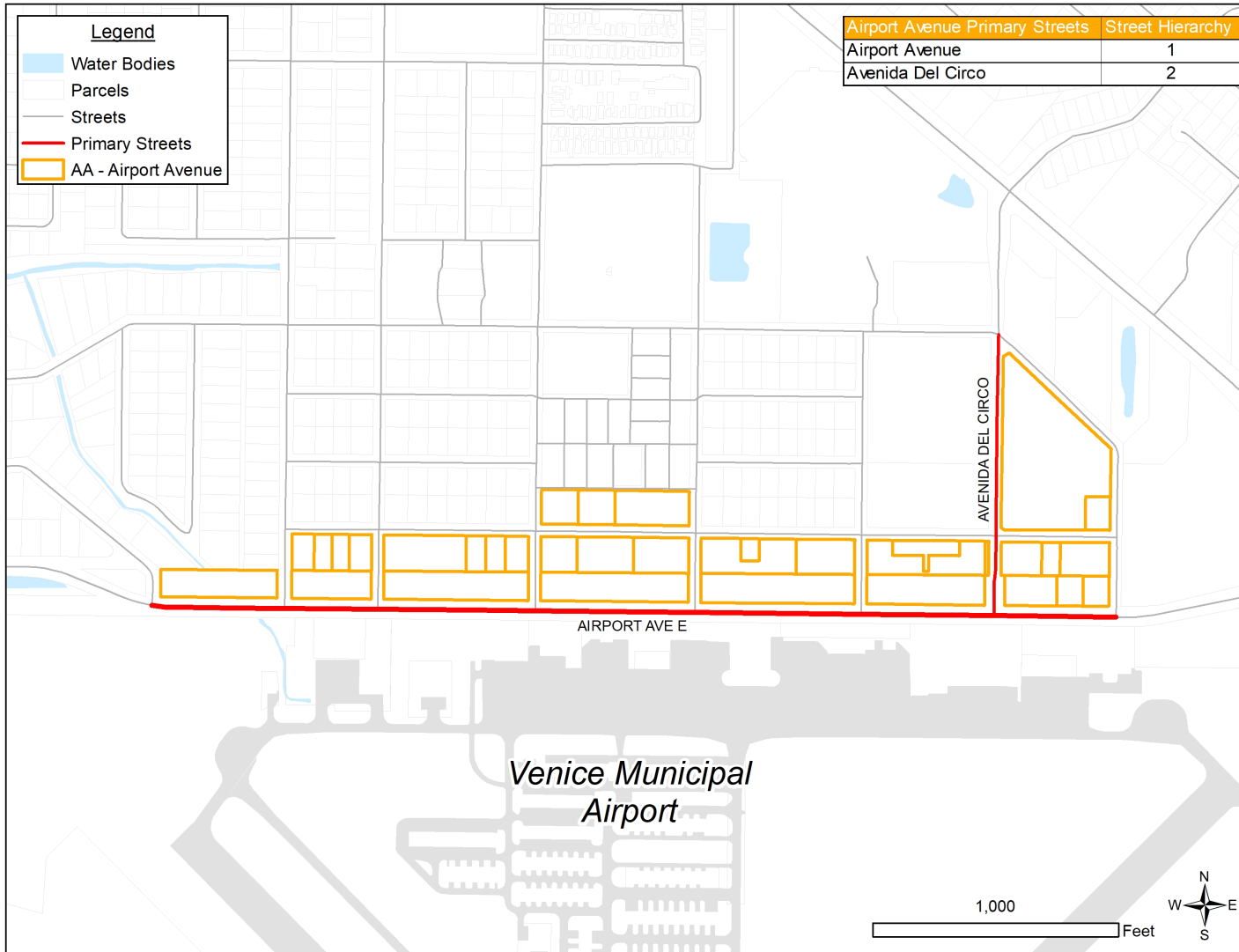


Table 2.3.6. Airport Avenue Development Standards

Airport Avenue Development Standards Table		
Standard		Measurement Requirement
<b>Building Height</b>		35' by right/57' through Height Exception Compliance with Airport Master Plan is required See also Ch. 333, F.S.
<b>Building Placement</b>	Front (Street)	10' / 25'
	Side	5' / 15'
	Rear	5' / 20'
<b>Lot</b>	Length (min)	100'
	Width (min)	50'
	Coverage (min/max)	35% / 75%
<b>Building Frontage Requirement</b>	% Requirement	60%
	Encroachments	Maximum Length: 25' or 50% of building frontage (whichever is lesser) Maximum Encroachment: 6' Minimum Clearance: 8'
	Active Use Area (AUA)	Maximum Length: 25' or 50% of building frontage (whichever is lesser) Maximum AUA Depth: 8'
	Entrances	Oriented to street
<b>Architecture</b>	Style	Venice Historical Precedent
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Sec. 7.10.6. through 7.10.7.
<b>Parking</b>	Placement	Side / Rear
	Percentage of Minimum Parking Required	100%
	Access	Side / Rear
	Loading	Follow standards in Sec. 7.4
<b>Signage</b>		See Table 5.2.1

### 2.3.7 Seaboard Improvement District

**A. Purpose and Intent.** The Seaboard Improvement district represents a major goal of the Comprehensive Plan: to integrate the area of East Venice Avenue into the traditional downtown core and to promote its revitalization. The Seaboard area has the advantage of a waterfront location and proximity to the downtown, in addition to its historical significance as part of the original John Nolen Plan for Venice. A key purpose of the Seaboard Improvement district is to promote the transition of this area to a mixture of retail, service, office, and medium to high density residential uses. The Seaboard Improvement district places an emphasis on increased opportunities for pedestrian-oriented uses, improvement and placement of on-street parking, and attractive and functional public spaces. The district supports adaptive reuse of existing buildings and encourages a mix of uses, both horizontal and vertical. Flexibility in building placement and lot standards is promoted within the Seaboard Improvement district to maintain the Nolen street grid and to establish on-street parking and regional drainage facilities.

Figure 2.3.7.1. Seaboard Improvement Regulating Map

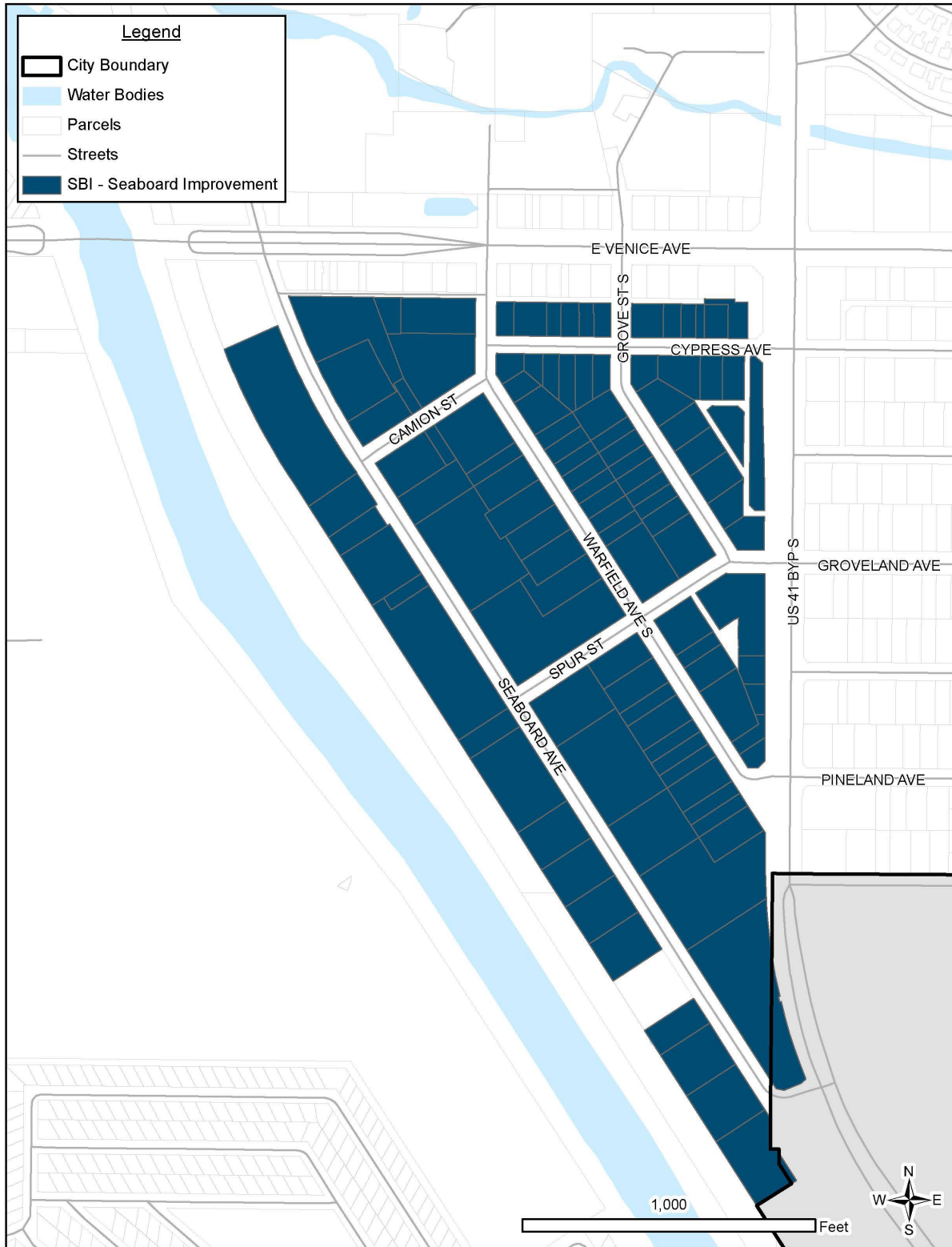


Figure 2.3.7.2. Seaboard Improvement Primary Streets

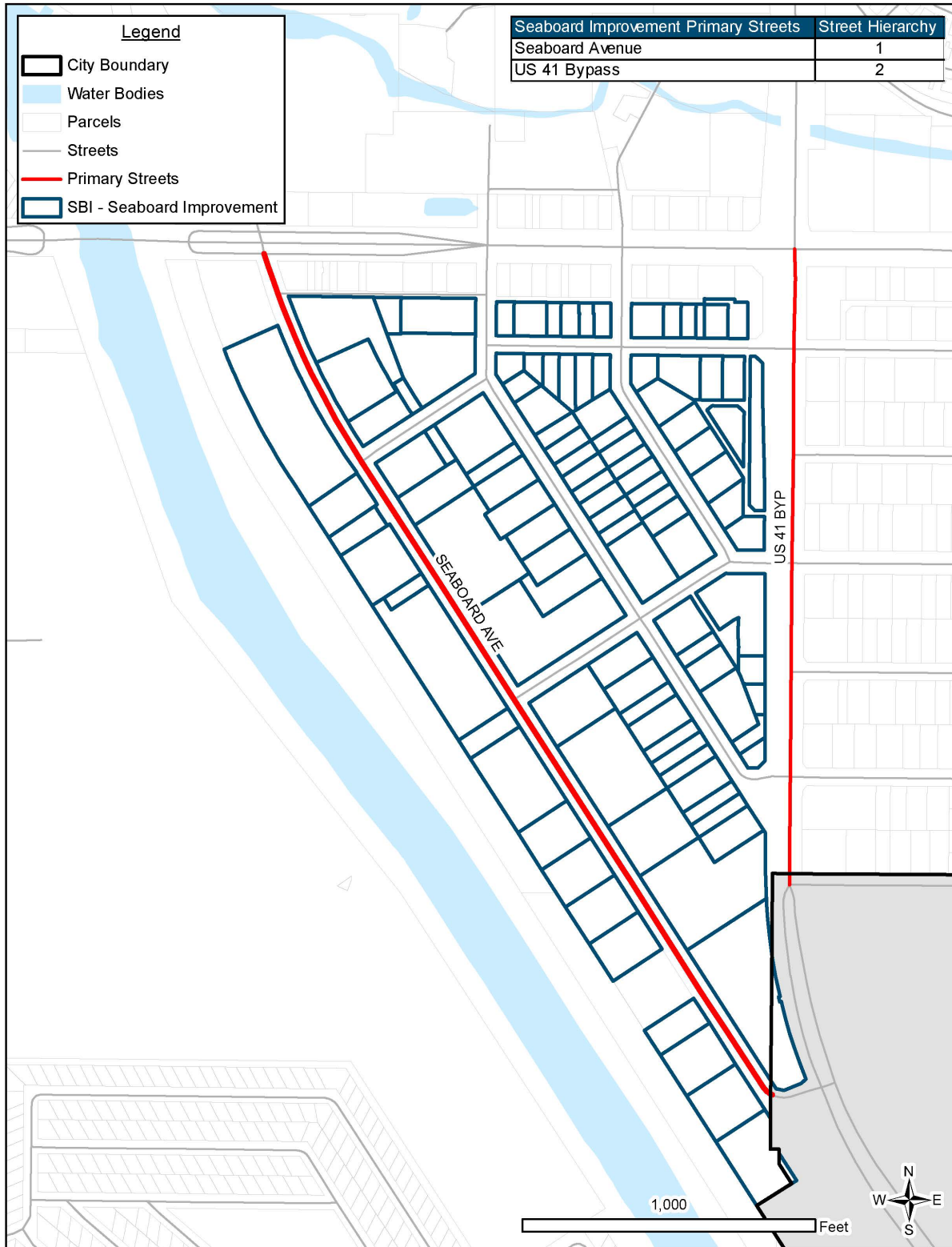


Table 2.3.7. Seaboard Improvement Development Standards

<b>Seaboard Improvement Development Standards Table</b>		
<b>Standard</b>		<b>Measurement Requirement</b>
<b>Building Height</b>		46' by right 75' through Height Exception <sup>a</sup> Subject to Section 4: Compatibility
<b>Building Placement <sup>b</sup></b>	Front (Street)	None
	Side	None
	Rear	None
<b>Lot</b>	Length (min)	150'
	Width (min)	50'
	Coverage (min/max)	40% / 90%
<b>Building Frontage Requirement</b>	% Requirement	None
	Encroachments	None
	Active Use Area (AUA)	Not restricted
	Entrances	Oriented to street. Prioritization order of primary streets shall govern placement of entrances, except that entrances facing Venetian Waterway Park are encouraged. Monument signs may only be permitted at entrances on US 41 Bypass.
<b>Architecture</b>	Style	No metal or unfinished block facades
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Sec. 7.10.6. through 7.10.7.
<b>Parking</b>	Placement	Side/Rear
	Percentage of Minimum Parking Required	No parking required, subject to the availability of marked on-street parking spaces or public parking facilities within one-quarter of a mile, otherwise a 50% ratio applies.
	Access	Side / Rear
	Loading <sup>c</sup>	See Section 3.6.5: Design Standards
<b>Seaboard Improvement Development Standards Table Notes</b>		

<sup>a</sup> Height Exception. Any height exception shall require at a minimum a vertical mix of uses (e.g., residential, office, retail/commercial), with a maximum 85% of gross floor area dedicated to any singular use. A Design Alternative may be requested to increase the allowed maximum gross floor area dedicated to any singular use.

<sup>b</sup> Building Placement. There are no minimum standards for building placement for the purpose of facilitating redevelopment.

<sup>c</sup> Loading. Loading/unloading is not permitted on US 41 Bypass.



### 2.3.8. North Trail Gateway District

**Purpose and Intent.** North Trail Gateway is an implementing district of the Mixed Use Corridor (MUC) designation and limited to the Gateway Neighborhood. The North Trail Gateway district is applied to two properties, one serving as the gateway into the City and the second serving as the gateway to the properties designated as Mixed Use Downtown on the Comprehensive Plan Future Land Use Map. The North Trail Gateway district provides for a mix of uses (primarily horizontal) and promotes internal pedestrian connectivity.

Figure 2.3.8.1. North Trail Gateway Regulating Map

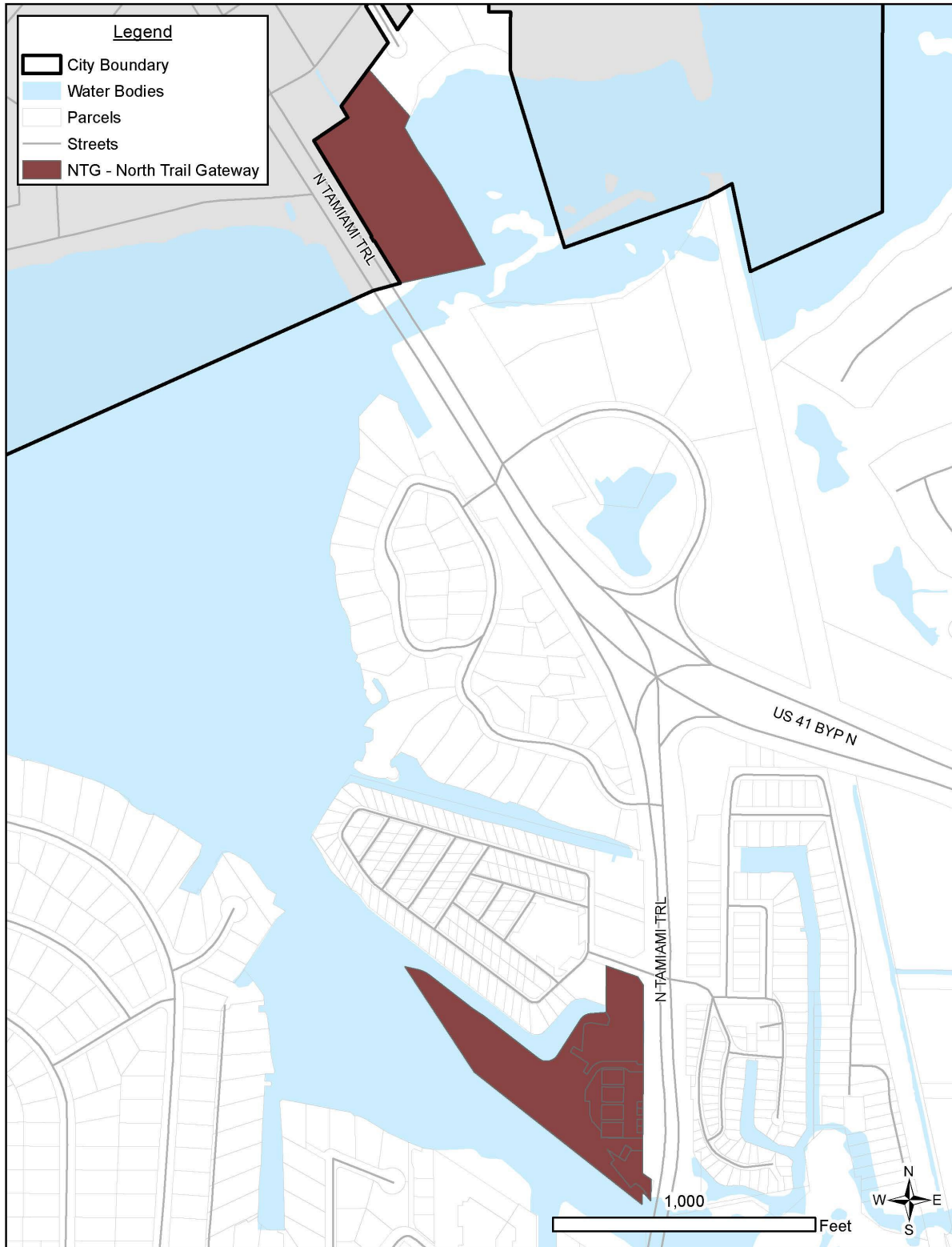


Figure 2.3.8.2. North Trail Gateway Primary Streets

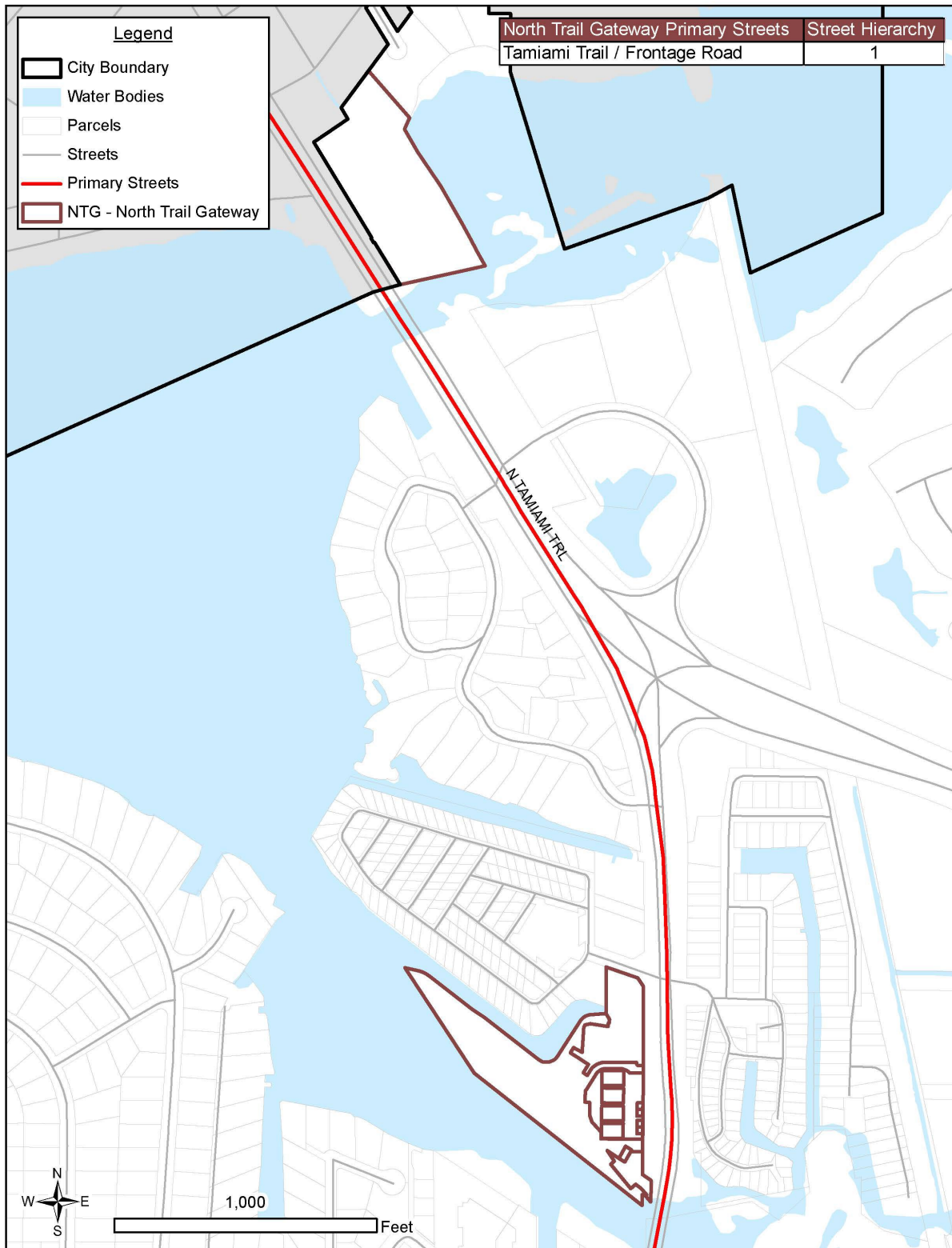


Table 2.3.8. North Trail Gateway Development Standards

North Trail Gateway Development Standards Table		
Standard		Measurement Requirement
<b>Building Height</b>		57' by right
		75' through Height Exception
		Subject to Section 4: Compatibility
<b>Building Placement (min/max)</b>	Front (Street)	0' / 150'
	Side	0' / 50'
	Rear/Waterfront	Not Required
<b>Lot</b>	Length (min)	50'
	Width (min)	25'
	Coverage (min/max)	5% / 75%
<b>Building Frontage Requirement</b>	% Requirement	25%
	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 Active Use Area.
	Entrances	Oriented to Street
<b>Architecture</b>	Style	Not Restricted
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Sec. 7.10.6. through 7.10.7.
<b>Parking</b>	Placement	Front / Side / Rear
	Percentage of Minimum Parking Required	100%
	Access	Side / Rear
	Loading	See Section 3.6.5: Design Standards

### 2.3.9. Laurel West District

**A. Purpose and Intent.** The Laurel Road Mixed Use Corridor has two implementing districts, one on each side of I-75. The Laurel West district is characterized by two major arterial roadways, Laurel Road running east and west, and Pinebrook Road/Honore Avenue running north and south. This district features buildings with moderate setbacks and landscaped buffers located between the public roadways and off-street parking/building areas. The Laurel West district supports a mix of uses, although it is envisioned to be primarily non-residential in nature. Due to the proximity of I-75 and the hospital, non-residential uses will entail support to the traveling public, services for the nearby residential communities, and enhancement of medical-related activities. A variety of housing types are allowed given nearby employment opportunities. This district promotes and incorporates streetscape improvements, landscape and architectural themes, wayfaring signage, and other design features.

Figure 2.3.9.1. Laurel West Regulating Map

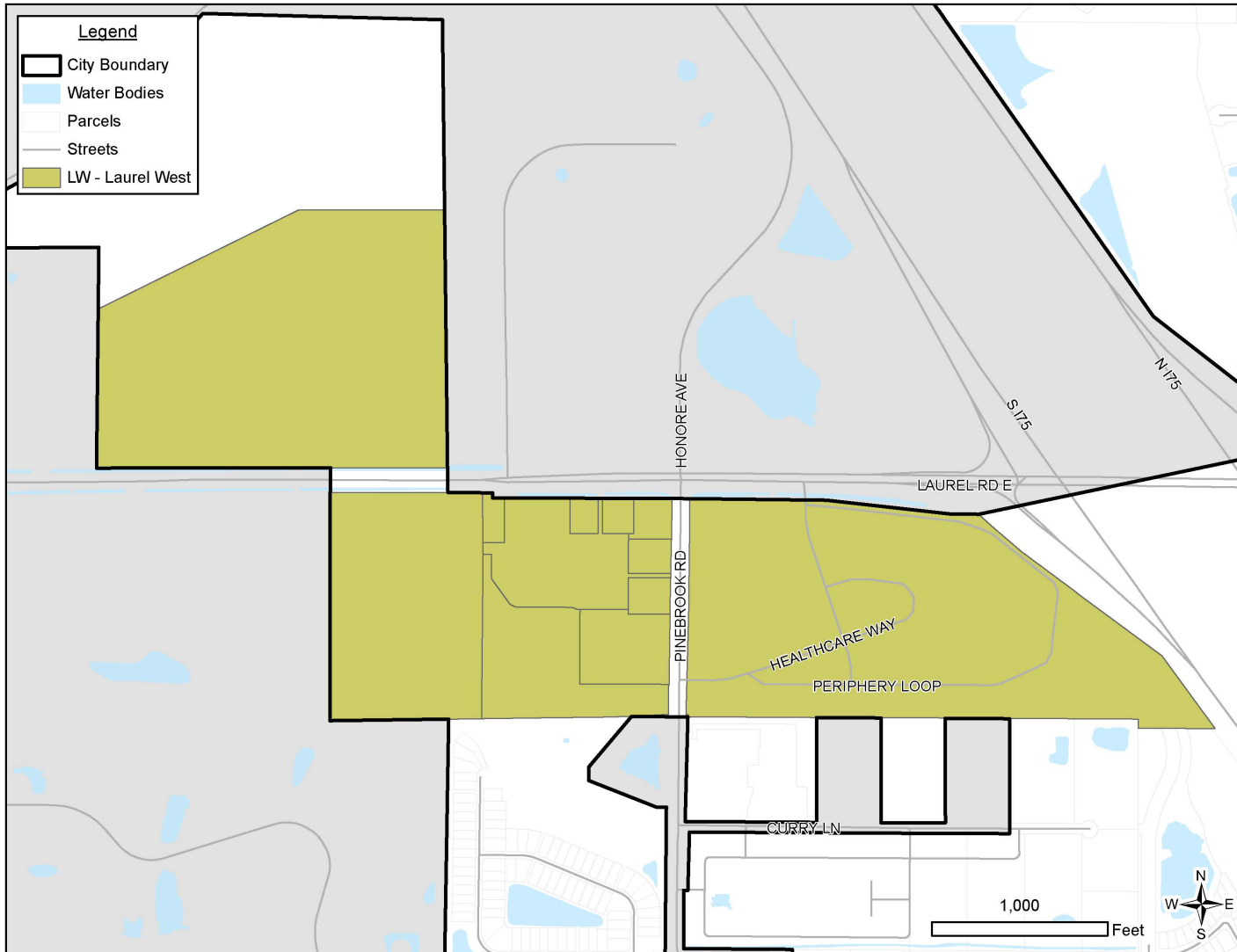


Figure 2.3.9.2. Laurel West Primary Streets

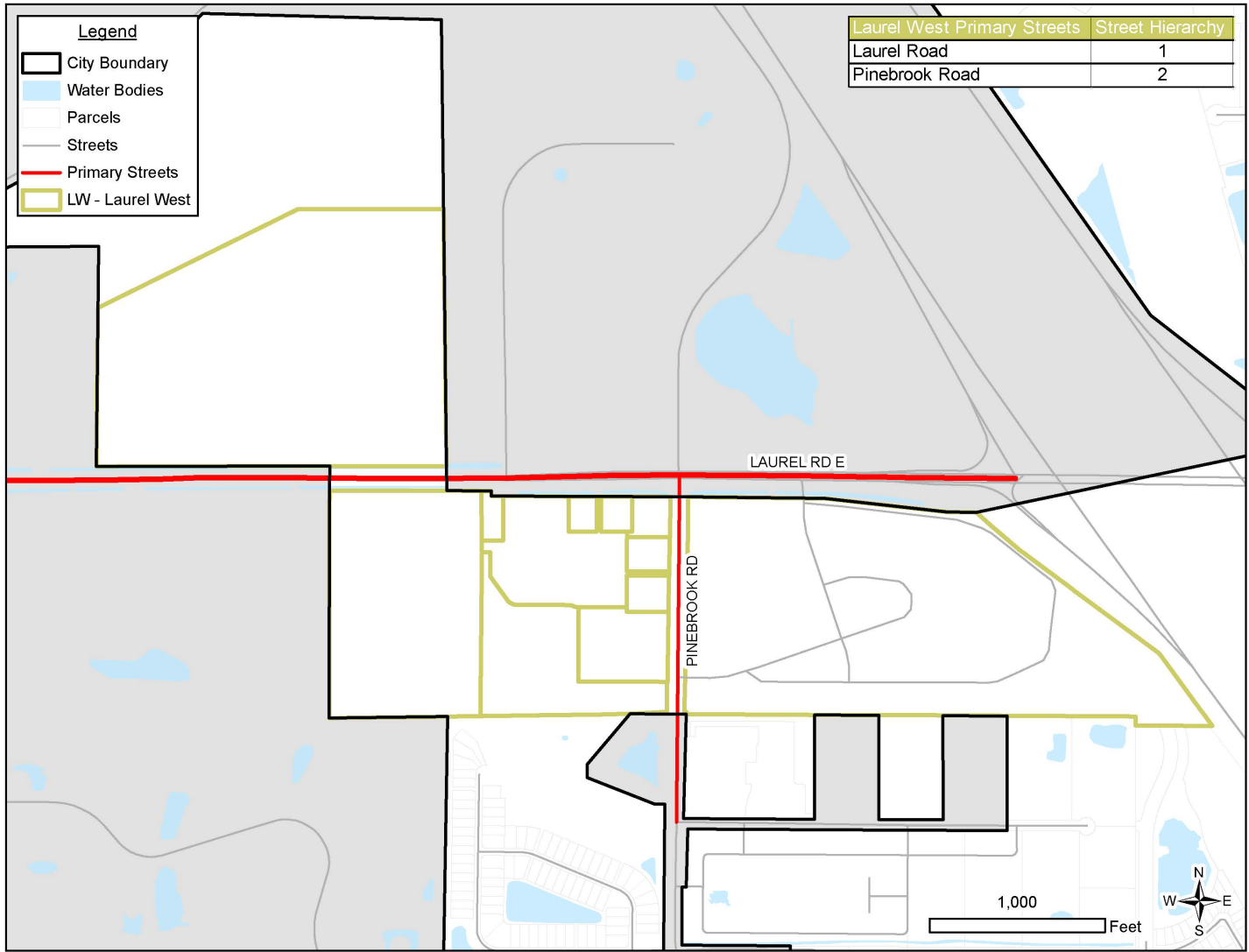


Table 2.3.9. Laurel West Development Standards

Laurel West Development Standards Table		
Standard		Measurement Requirement
<b>Building Height</b>		46' by right 75' through Height Exception Subject to Section 4: Compatibility
<b>Building Placement (min/max) <sup>a</sup></b>	Front (Street)	15' / 100'
	Side	10' / 50'
	Rear	10' / 50'
<b>Lot</b>	Length (min)	100'
	Width (min)	50'
	Coverage (min/max)	10% / 75%
<b>Building Frontage Requirement</b>	% Requirement	Not Restricted
	Encroachments	Maximum Length: 25' or 50% of building frontage, whichever is lesser Maximum Encroachment: 10' Minimum Clearance: 12'
	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 Active Use Area.
	Entrances	Oriented to street. Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building.
<b>Architecture</b>	Style	The following Venice Historic Precedent standards are preferred: 7.10.3. Facades and Exterior Walls 7.10.5. Roofs 7.10.7. Other Building Features (2 or more categories A-D)
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Sec. 7.10.6. through 7.10.7.



<b>Parking</b>	Placement	Not restricted On-street parking may be permitted on internal streets
	Percentage of Minimum Parking Required	100%
	Access	Side or rear access to internal street only; access directly into parking from Laurel Road prohibited
	Loading	Side / Rear

*2.3.10. Laurel East District*

**A. Purpose and Intent.** The Laurel East district is the other implementing district of the Laurel Road Mixed Use Corridor (MUC) designation within the Laurel Road Neighborhood. The Laurel East district is characterized by the proximity of I-75 and the intersection of two major roadways: Laurel Road and Knights Trail Road. The district allows buildings with moderate setbacks and landscaped buffers between the street and off-street parking. Development in this district shall consider using various design elements to connect the Laurel East area with more established areas of the City aesthetically. Heights and intensity differ from Laurel West, emphasizing structures of fewer stories and less intensity. The Laurel East district supports a mix of uses (horizontal and vertical) and supports moderate to medium density residential. Similar to the Laurel West district, this district is also envisioned to be primarily non-residential in nature. The district provides commercial and retail services for I-75 travelers, nearby residential communities, and significant employment centers of the nearby industrial parks.

Figure 2.3.10.1. Laurel East Regulating Map

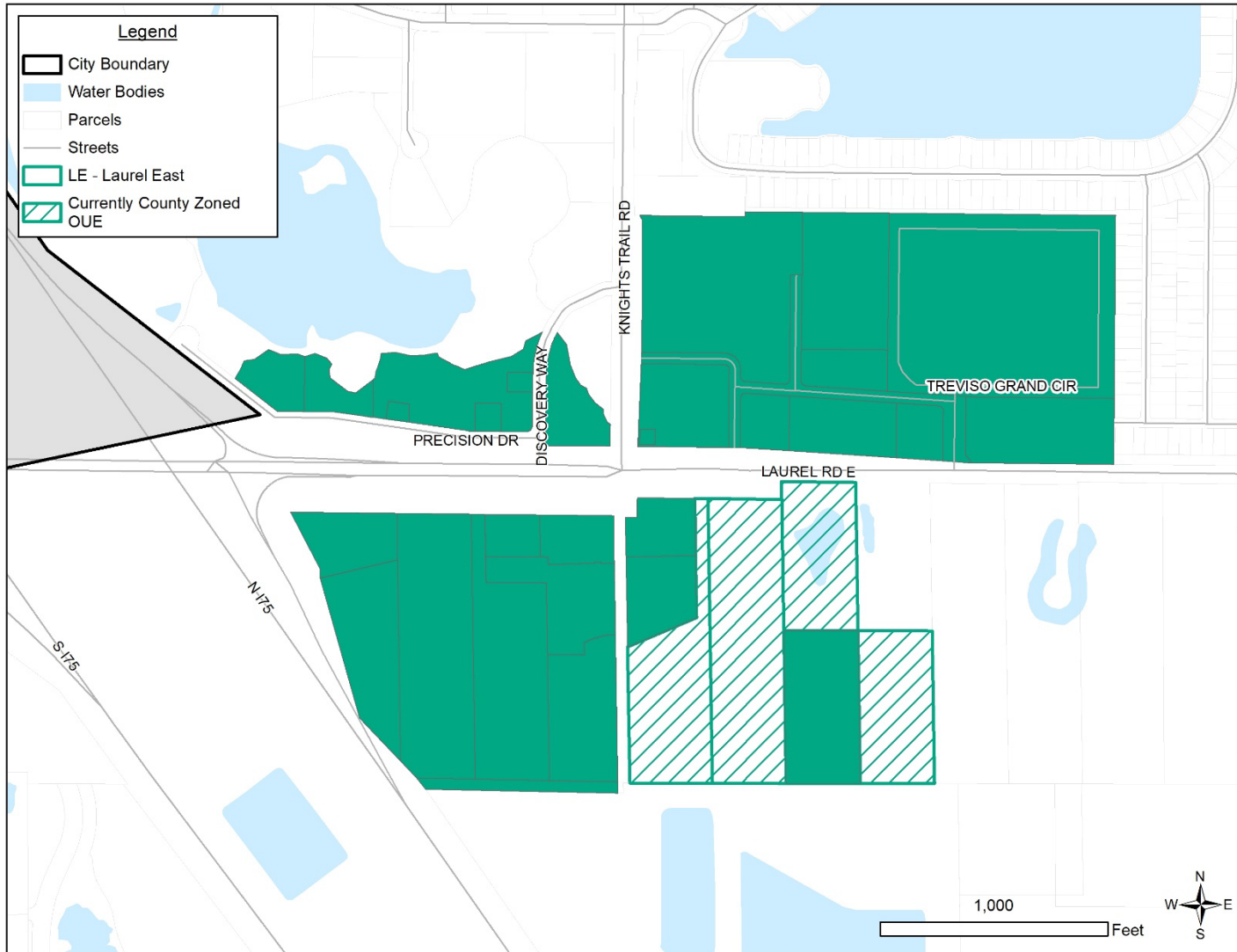


Figure 2.3.10.2. Laurel East Primary Streets

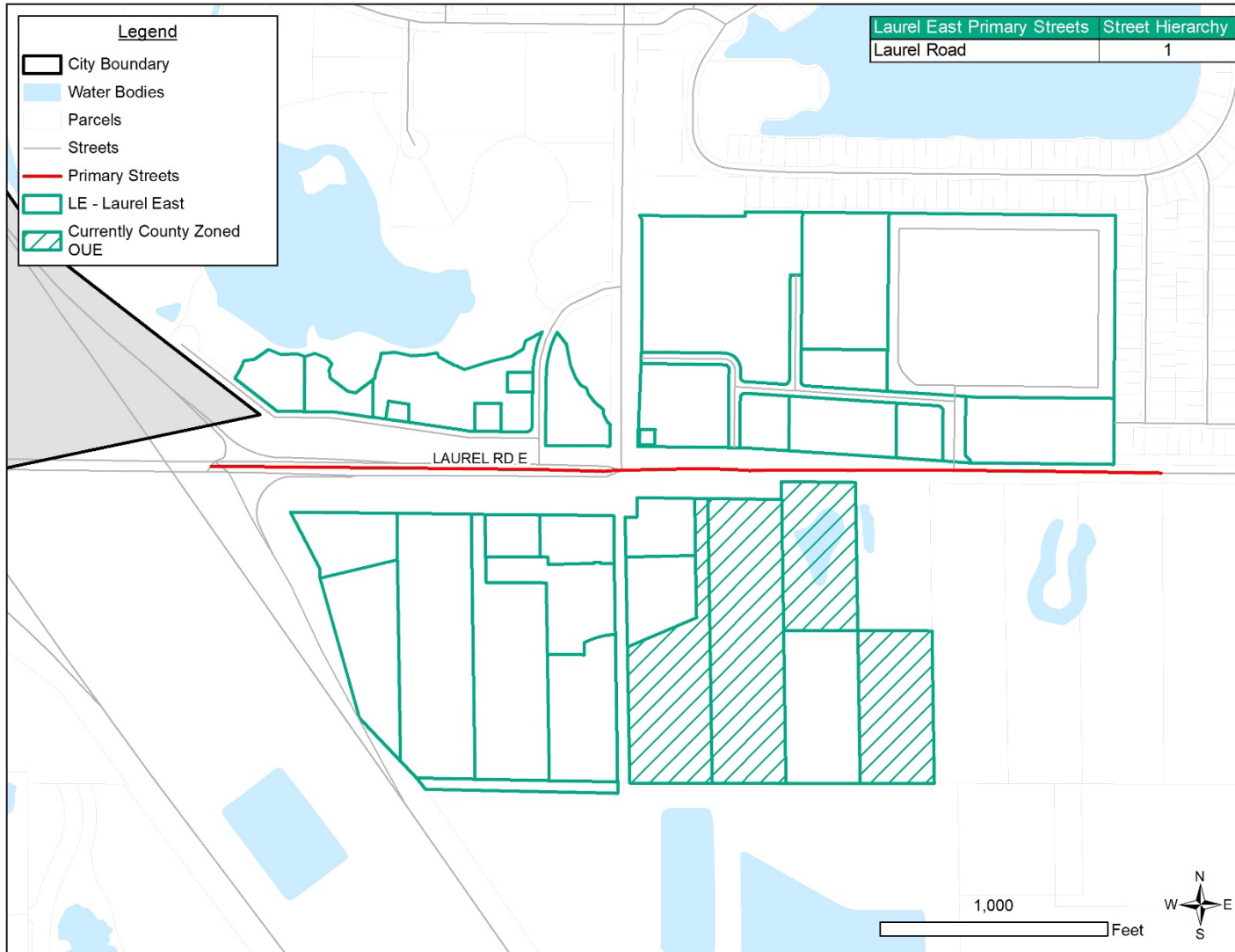


Table 2.3.10. Laurel East Development Standards

Laurel East Development Standards Table		
Standard		Measurement Requirement
<b>Building Height</b>		35' by right
		46' through Height Exception
		Subject to Section 4: Compatibility
<b>Building Placement (min/max)<sup>a</sup></b>	Front (Street)	15' / 100'
	Side	10' / 50'
	Rear	10' / 50'
<b>Lot</b>	Length (min)	100'
	Width (min)	50'
	Coverage (min/max)	10% / 75%
<b>Building Frontage Requirement</b>	% Requirement	Not Restricted
	Encroachments	Maximum Length: 25' or 50% of building frontage, whichever is lesser Maximum Encroachment: 10' Minimum Clearance: 12'
	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 Active Use Area.
	Entrances	Oriented to street. Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building.
<b>Architecture</b>	Style	The following Venice Historic Precedent standards are required: 7.10.3. Facades and Exterior Walls 7.10.5. Roofs 7.10.7. Other Building Features (2 or more categories A-D)
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Sec. 7.10.6. through 7.10.7.
Standard		Measurement Requirement

<b>Parking</b>	Placement	Not restricted. On-street parking may be permitted on internal streets.
	Percentage of Minimum Parking Required	100%
	Access	Side or rear access to internal street only; access directly into parking from Laurel Road prohibited.
	Loading	Side / Rear

*2.3.11. Knights Trail District*

- A. Purpose and Intent.** The Knights Trail district implements the Mixed Use Corridor (MUC) designation within the Knights Trail Neighborhood. This corridor provides access to employment and residential uses in the City and in Sarasota County to the north of the City. It also serves as the primary access to the City’s major industrial parks. A variety of uses, both horizontal and vertical, are allowed in the Knights Trail district to primarily provide supporting retail, office, open space, moderate to medium residential, and other non-industrial uses, which are determined to be necessary to support the existing employment centers in this area.

Figure 2.3.11.1. Knights Trail Regulating Map

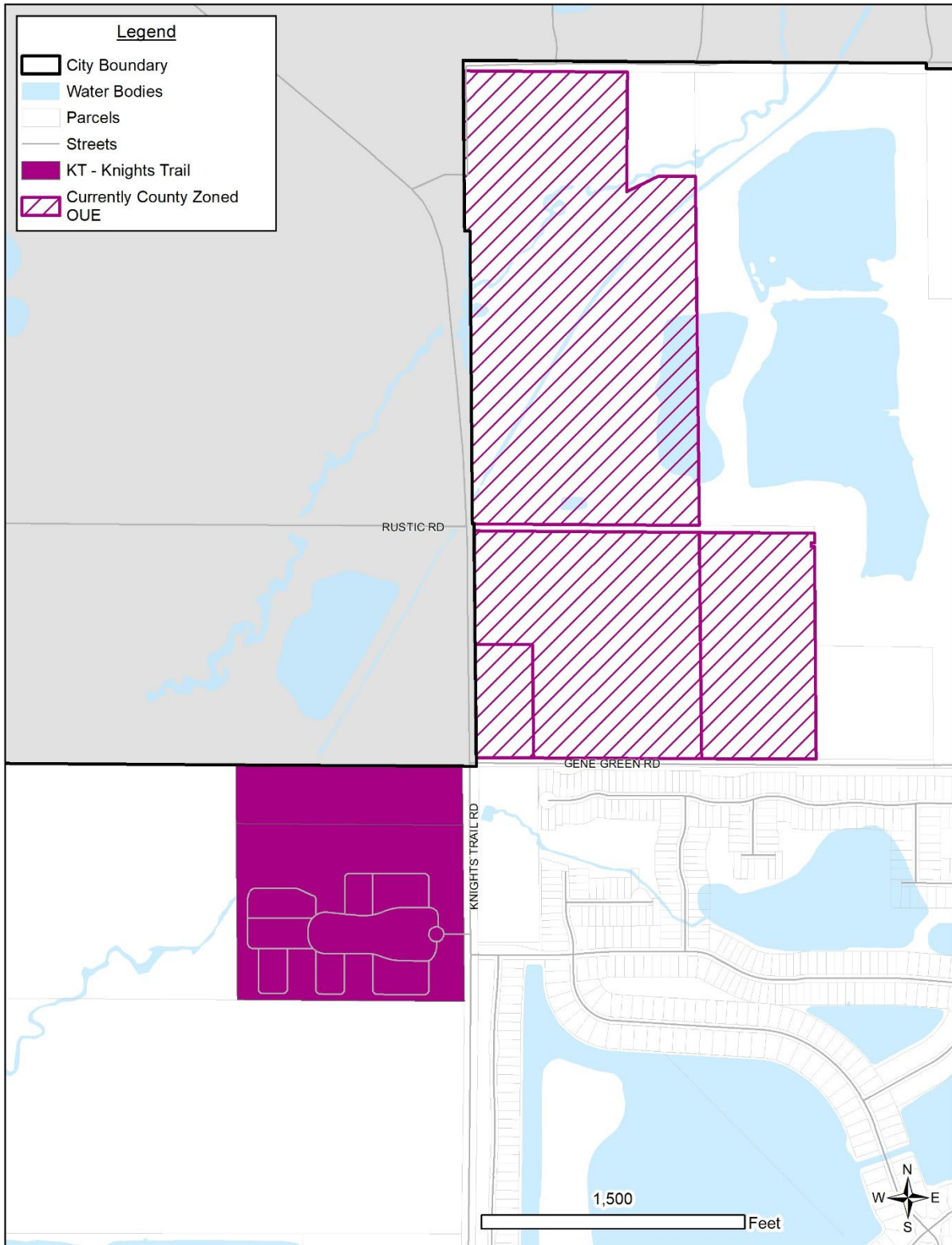




Figure 2.3.11.2. Knights Trail Primary Streets

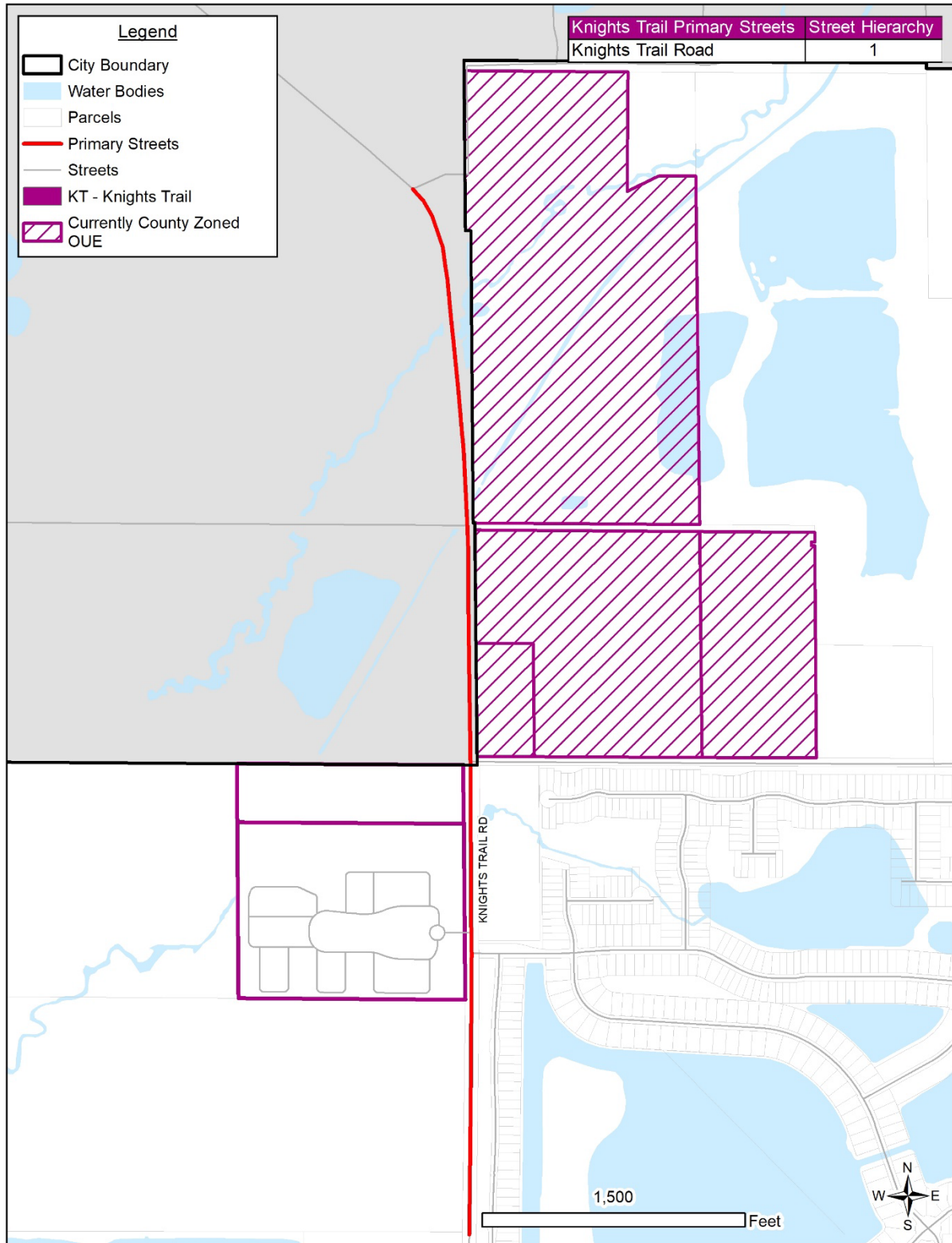


Table 2.3.11. Knights Trail Development Standards

Knights Trail Development Standards Table		
Standard		Measurement Requirement
<b>Building Height</b>		35' by right
		46' through Height Exception
		Subject to Section 4: Compatibility
<b>Building Placement (min/max)</b>	Front (Street)	15' / 100'
	Side	10' / 50'
	Rear	10' / 50'
<b>Lot</b>	Length (min)	100'
	Width (min)	50'
	Coverage (min/max)	10% / 75%
<b>Building Frontage Requirement</b>	% Requirement	Not Restricted
	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 Active Use Area.
	Entrances	Oriented to street. Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building.
<b>Architecture</b>	Style	The following Venice Historic Precedent standards are required: 7.10.3. Facades and Exterior Walls 7.10.5. Roofs 7.10.7. Other Building Features (2 or more categories A-D)
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Sec. 7.10.6. through 7.10.7.

<b>Parking</b>	Placement	Not restricted. On-street parking may be permitted on internal streets.
	Percentage of Minimum Parking Required	100%
	Access	Side or rear access to internal street only; access directly into parking from Knights Trail prohibited where an alternative exists.
	Loading	See Section 3.6.5: Design Standards

2.3.12. *Knights Trail Transitional District*

- A. Purpose and Intent.** The Knights Trail Transitional district implements the Mixed Use Transitional Future Land Use designation. This district provides access to employment and residential uses in the city. A variety of uses, both horizontal and vertical, are allowed for this district to provide retail, office, open space, moderate to medium residential, other non-residential uses, and industrial uses consistent with restrictions provided in Comprehensive Plan Strategy LU 1.2.9.e.

Figure 2.3.12.1 Knights Trail Transitional Regulating Map

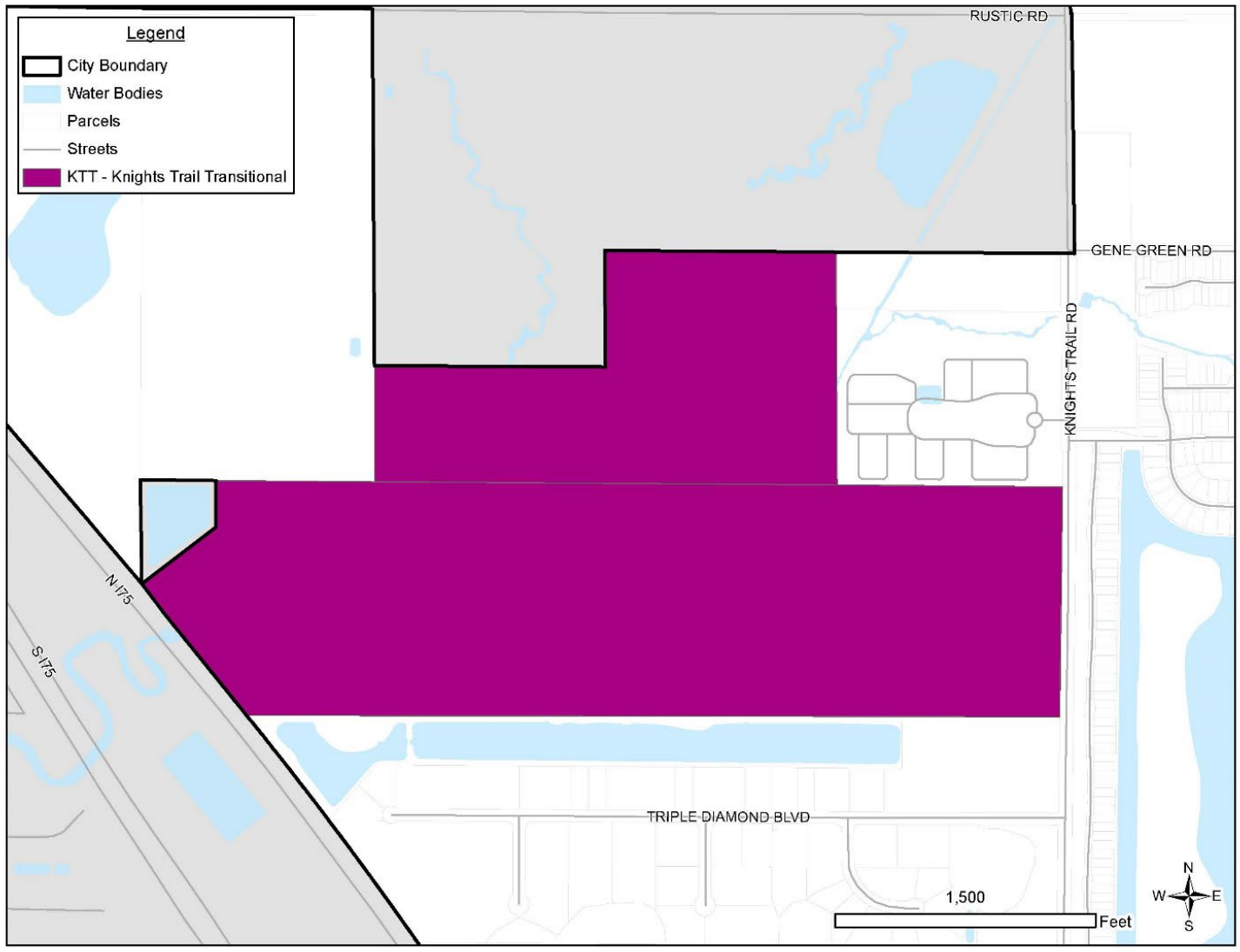


Figure 2.3.12.2 Knights Trail Transitional Primary Streets

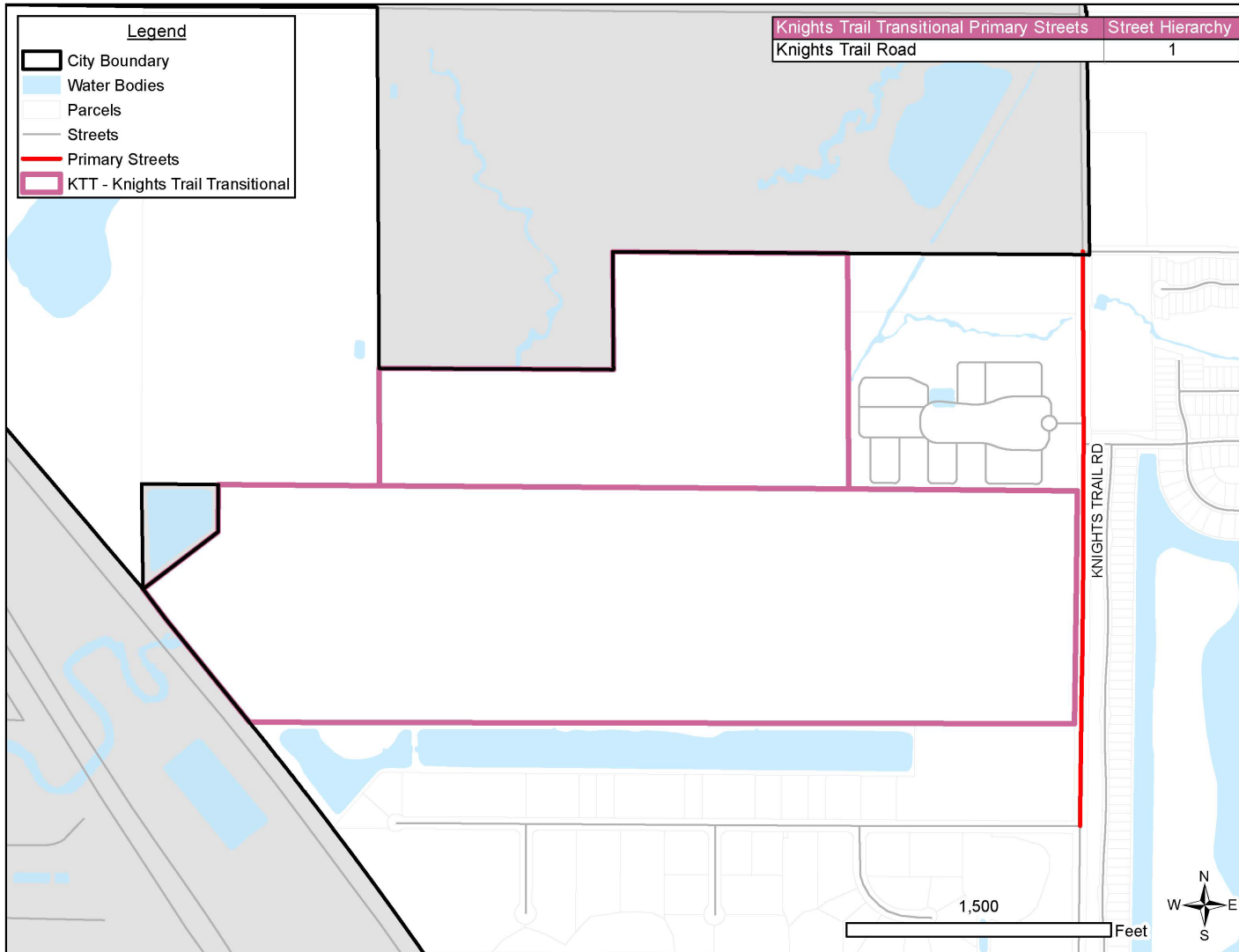


Table 2.3.12. Knights Trail Transitional District

Knights Trail Transitional Development Standards Table			
Standard		Measurement Requirement	
		Residential Uses	Non-Residential Uses
<b>Building Height</b>		35' by right 75' through Height Exception	
<b>Building Placement</b>	Front (Street)	20'	20'
<b>(min)</b>	Side	6' Minimum, 15' Combined	15'
	Rear	10'	15'
<b>Lot</b>	Length (min)	100 feet	N/A
	Width (min)	50 Feet	100 Feet
	Coverage (min/max)	10% minimum/75% maximum	
<b>Building Frontage Requirement</b>	% Requirement	N/A	N/A
	Encroachments	Maximum Length: 25' or 50% of Building Frontage (whichever is lesser) Maximum Encroachment: 6' Minimum Clearance: 8'	N/A
	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 Active Use Area.	
	Entrances	Oriented to Street. Direct Pedestrian Access is Required from the Public Sidewalk to the Primary Street-Facing Entrance of the Building.	
	<b>Architecture</b>	Style	The following Venice Historic Precedent standards are preferred: 7.10.3. Facades and Exterior Walls 7.10.5. Roofs 7.10.7. Other Building Features (2 or more categories A-D)
	Blank Wall Area	Blank wall area is prohibited when the wall is adjacent to a street. Where applicable, design elements of the Venice Historic Precedent may be found in Sec. 7.10.6. through 7.10.7.	
<b>Parking</b>	Placement	Not Restricted. On-street Parking may be permitted on internal streets.	

	Percentage of Minimum Parking Required	100%
	Access	Side or rear access to internal street only.
	Loading	See Section 3.6.5: Design Standards



2.3.14. Mixed Use Districts Use Table

The Mixed Use Districts Use Table shall regulate allowable principal uses in the Mixed Use Districts. Section 2.4: Use Definitions and Standards, defines each use found in the Mixed Use Districts Use Table and provides typical characteristics, permitted accessory uses, exceptions and use standards.

CITY OF VENICE – MIXED-USE DISTRICTS USE TABLE											
KEY: P = Permitted C = Conditional Use X = Use Not Permitted P* = Permitted by area according to Sec. 2.3.12	VENICE AVE	DOWNTOWN EDGE	SOUTH TRAIL	AIRPORT AVE	SEABOARD IMPROVEMENT	NORTH TRAIL GATEWAY	LAUREL WEST	LAUREL EAST	KNIGHTS TRAIL	KNIGHTS TRAIL TRANSITIONAL	Definitions/Standards
RESIDENTIAL USE CLASSIFICATION											
RESIDENTIAL											
Single-Family Detached Dwelling	X	C	X	X	X	X	X	X	X	P*	2.4.3.A
Single-Family Attached Dwelling	X	C	X	X	X	X	X	X	X	P*	2.4.3.B
Two Family Dwelling/Paired Villas	X	C	X	X	X	X	C	C	C	P	2.4.3.C
Multifamily Dwelling (three or more dwelling units)	P	P	P	P	P	P	P	P	P	P	2.4.3.D
Manufactured Home Dwelling	X	X	X	X	X	X	X	X	X	P	2.4.3.E
Upper Story Residential	P	P	P	P	P	P	P	P	P	P	2.4.3.F



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Dwelling (mixed use districts only)											
Attainable Housing Density Bonus	C	C	C	C	C	C	C	C	C	C	2.4.3.G
<b>RESIDENTIAL CARE</b>											
Assisted Living Facility	X	C	P	P	C	P	P	P	P	P	2.4.3.H
Independent Living Facility	X	C	P	P	C	P	P	P	P	P	2.4.3.I
Community Care Facility	X	C	P	P	C	P	P	P	P	P	2.4.3.J
Day Care, Home (6 or Fewer Persons)	X	P	P	P	P	P	P	P	P	P	2.4.3.K
Group Living	X	P	P	P	P	P	P	P	P	P	2.4.3.L

**CITY OF VENICE – MIXED-USE DISTRICTS USE TABLE**

KEY: P = Permitted C = Conditional Use X = Use Not Permitted <sup>1</sup> = Permitted according to Sec. 2.3.6	VENICE AVE	DOWNTOWN EDGE	SOUTH TRAIL	AIRPORT AVE <sup>1</sup>	SEABOARD IMPROVEMENT	NORTH TRAIL GATEWAY	LAUREL WEST	LAUREL EAST	KNIGHTS TRAIL	KNIGHTS TRAIL TRANSITIONAL	Definitions/Standards
	<b>PUBLIC AND INSTITUTIONAL USE CLASSIFICATION</b>										
Essential Services and Public Utilities, Minor	P	P	P	P	P	P	P	P	P	P	2.4.4.A
Essential Services and Public Utilities, Major	C	C	C	C	C	C	C	C	C	C	2.4.4.B
Open Space	X	X	X	X	X	X	X	X	X	X	2.4.4.C



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Parks	X	X	X	X	X	X	X	X	X	X	2.4.4.D
Assembly	C	C	C	C	C	C	C	C	C	C	2.4.4.E
Cultural Facility	C	P	P	P	P	P	P	P	P	P	2.4.4.F
Lodge or Private Club	C	C	P	P	P	P	P	P	P	P	2.4.4.G
Post Office/Mail & Package Service	C	C	P	P	C	P	P	P	P	P	2.4.4.H
School (Private/Public)	X	C	C	C	C	C	C	C	C	C	2.4.4.I
University, College, Vocational School	C	C	P	C	C	X	P	P	P	P	2.4.4.J
Other Government Use	P	P	P	P	P	P	P	P	P	P	2.4.4.K
Cemeteries	X	X	X	X	X	X	X	X	X	X	2.4.4.L

**CITY OF VENICE – MIXED-USE DISTRICTS USE TABLE**

KEY: P = Permitted C = Conditional Use X = Use Not Permitted <sup>h</sup> = Permitted according to Sec. 2.3.6	VENICE AVE	DOWNTOWN EDGE	SOUTH TRAIL	AIRPORT AVE <sup>h</sup>	SEABOARD IMPROVEMENT	NORTH TRAIL GATEWAY	LAUREL WEST	LAUREL EAST	KNIGHTS TRAIL	KNIGHTS TRAIL TRANSITIONAL	Definitions/Standards
<b>COMMERCIAL USE CLASSIFICATION</b>											
<b>RETAIL</b>											
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	C	X	C	X	C	C	C	C	2.4.5.B



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Gas Station with Convenience Store	C	X	C	X	X	X	C	C	C	P	2.4.5.C
Car Wash	X	X	C	X	X	X	C	C	C	P	2.4.5.D
Appliance Repair	X	X	X	C	C	X	X	X	X	P	2.4.5.E
Laundromat	X	X	C	P	C	X	C	C	C	P	2.4.5.F
Pawn Shop	X	X	C	X	C	X	C	C	C	P	2.4.5.G
Car, Boat, Other Vehicle Sales and Rentals	X	X	C	X	X	C	C	C	C	P	2.4.5.H
Minor Vehicle Service	X	X	C	C	C	X	C	C	C	P	2.4.5.I
<b>RESTAURANT</b>											
Sit Down (Casual, Fine Dining)	P	P	P	P	P	P	P	P	P	P	2.4.5.J
Quick Service/Fast Food	P	P	P	P	P	P	P	P	P	P	2.4.5.K
Bar and Tavern	P	P	P	P	P	P	P	P	P	P	2.4.5.L
Brewpub	P	P	P	P	P	P	P	P	P	P	2.4.5.M
Microbrewery/Distillery	P	P	P	P	P	P	P	P	P	P	2.4.5.N
Rooftop Dining	C	C	C	C	C	C	X	X	X	P	2.4.5.O
Theater	P	P	P	P	P	P	P	P	P	P	2.4.5.P
Artist Studio	P	P	P	P	P	P	P	P	P	P	2.4.5.Q
<b>LODGING</b>											
Hotel	P	P	P	P	P	P	P	P	P	P	2.4.5.R
Bed & Breakfast	X	X	X	X	X	X	X	X	X	P	2.4.5.S
Day Care Center (More Than 6 Persons)	X	C	C	C	C	C	C	C	C	P	2.4.5.T
Fitness, Athletic, Health Club	C	P	P	P	P	P	P	P	P	P	2.4.5.U
Airport	X	X	X	P	X	X	X	X	X	P	2.4.5.V
Marinas	X	X	P	X	C	P	X	X	X	P	2.4.5.W
Commercial Parking Lots	X	C	P	P	C	P	P	P	P	P	2.4.5.X

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Commercial Parking Structures	C	C	C	P	P	P	P	P	P	P	2.4.5.Y
Tattoo and Piercing Parlors	X	C	C	C	C	C	C	C	C	P	2.4.5.Z
Palmists and Fortune Tellers	X	C	C	C	C	C	C	C	C	P	2.4.5.AA
Taxidermists	X	X	X	X	X	X	X	X	X	P	2.4.5.BB

CITY OF VENICE - MIXED-USE DISTRICTS USE TABLE											
KEY: P = Permitted C = Conditional Use X = Use Not Permitted <sup>a</sup> = Permitted according to Sec. 2.3.6	VENICE AVE	DOWNTOWN EDGE	SOUTH TRAIL	AIRPORT AVE <sup>a</sup>	SEABOARD IMPROVEMENT	NORTH TRAIL GATEWAY	LAUREL WEST	LAUREL EAST	KNIGHTS TRAIL	KNIGHTS TRAIL TRANSITIONAL	Definitions/Standards
	OFFICE USE CLASSIFICATION										
Professional Office	P	P	P	P	P	P	P	P	P	P	2.4.6.A
Personal & Financial Services	P	P	P	P	P	P	P	P	P	P	2.4.6.B
Funeral Home	X	C	P	X	X	X	C	C	C	P	2.4.6.C
Medical/Dental Office	P	P	P	P	P	P	P	P	P	P	2.4.6.D
Veterinarian/Animal Hospital	X	C	C	C	C	X	P	P	P	P	2.4.6.E
Hospital	X	X	X	X	X	X	P	P	X	P	2.4.6.F
Pain Management Clinic	X	X	C	X	X	X	X	X	X	P	2.4.6.G

CITY OF VENICE - MIXED-USE DISTRICTS USE TABLE											
KEY: P = Permitted C = Conditional Use X = Use Not Permitted <sup>a</sup> = Permitted according to Sec. 2.3.6 * = Permitted according to Sec. 2.3.12	VENICE AVE	DOWNTOWN EDGE	SOUTH TRAIL	AIRPORT AVE <sup>a</sup>	SEABOARD IMPROVEMENT	NORTH TRAIL GATEWAY	LAUREL WEST	LAUREL EAST	KNIGHTS TRAIL	KNIGHTS TRAIL TRANSITIONAL*	Definitions/Standards
	INDUSTRIAL CLASSIFICATION										
Warehouse Distribution; Logistics	X	X	X	X	X	X	X	X	X	P	2.4.7.A
Heavy Industrial	X	X	X	X	X	X	X	X	X	X	2.4.7.B
Light Industrial & Advanced Manufacturing	X	X	X	X	X	X	X	X	X	P	2.4.7.C
Research & Development	X	X	X	X	X	X	X	X	P	P	2.4.7.D
Warehouse Storage - Indoor Only	X	X	X	X	X	X	C	C	P	P	2.4.7.E
Self-Storage – Indoor Only	X	X	X	X	X	X	C	C	C	P	2.4.7.F
Self-Storage – Indoor and Outdoor	X	X	X	X	X	X	C	C	C	P	2.4.7.G
Flex	X	X	C	X	P	X	C	C	P	P	2.4.7.H



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Major Vehicle Service	X	X	X	X	X	X	X	X	X	P	2.4.7.I
Wholesale	X	X	X	X	X	X	X	X	X	P	2.4.7.J
Junkyard/Wrecking Yard	X	X	X	X	X	X	X	X	X	X	2.4.7.K

CITY OF VENICE - MIXED-USE DISTRICTS USE TABLE											
KEY: P = Permitted C = Conditional Use X = Use Not Permitted <sup>a</sup> = Permitted according to Sec. 2.3.6 * = Permitted according to Sec. 2.3.12	VENICE AVE	DOWNTOWN EDGE	SOUTH TRAIL	AIRPORT AVE <sup>a</sup>	SEABOARD IMPROVEMENT	NORTH TRAIL GATEWAY	LAUREL WEST	LAUREL EAST	KNIGHTS TRAIL	KNIGHTS TRAIL TRANSITIONAL*	Definitions/Standards
	OTHER USE CLASSIFICATION										
Mining/Resource Extraction	X	X	X	X	X	X	X	X	X	P	2.4.8.A
Agriculture	X	X	X	X	X	X	X	X	X	P	2.4.8.B
Indoor Entertainment and Recreation	X	C	C	C	P	X	C	C	C	P	2.4.8.C
Adult Oriented Businesses	X	X	X	X	X	X	X	X	X	P	2.4.8.D
Outdoor Entertainment	X	X	X	X	C	C	C	C	C	P	2.4.8.E
Golf Course/Par-3/Driving Range	X	X	X	X	X	X	X	X	X	P	2.4.8.F
Clean Energy Production	X	X	X	X	X	X	X	X	X	P	2.4.8.G
Live-Work	C	P	P	P	P	P	C	C	C	P	2.4.8.H
Rooftop Uses	C	C	C	C	C	C	C	C	C	P	2.4.8.I
Farmer's Market	C	C	C	C	C	C	C	C	C	P	2.4.8.J
Outdoor Sales and Display	X	X	X	X	X	X	C	C	C	C	2.4.8.K

## 2.4. Use Definitions and Standards

- A. Purpose and Intent.** To regulate use, categories of uses (“*use categories*”) have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories or zoning districts with other similar or compatible uses. Use categories classify land uses and activities based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, how goods or services are sold or delivered, and certain site factors. The decision to allow or prohibit a use in the various zones is based on the visions and strategies of the adopted 2017-2027 City of Venice Comprehensive Plan.

### 2.4.1. Classification of Uses

**A. Considerations.**

1. Uses are assigned to the category which most closely describes the nature of the primary use (i.e. principal use). Developments may have more than one primary use and may also have one or more accessory uses. Developments with more than one primary use are addressed in subsection (B) below. Accessory uses are addressed in subsection (C) below.
2. The following items are considered to determine the categorization of uses and whether an activity constitutes a primary use or accessory use:
  - a. The description of the activity in relationship to the characteristics of each use category;
  - b. The relative amount of site or floor space and equipment devoted to the activity;
  - c. Relative amounts of commercial activity from each activity;
  - d. The relative number of employees in each activity;
  - e. Hours of operation;
  - f. Building and site arrangement;
  - g. Vehicles used with the activity;
  - h. The relative number of vehicle trips generated by the activity;
  - i. Signs;
  - j. How the use is advertised;
  - k. Whether the activity would likely be found on the site independent of the other activities; and
  - l. Other factors and considerations deemed appropriate by the Director.

- B. Developments with Multiple Primary Uses.** When all the *primary uses* of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the retail sales and service category since all the primary uses are found in that category. When the primary uses of



a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

- C. Accessory Uses.** *Accessory uses* are allowed by right in conjunction with the primary use unless stated otherwise in the regulations. Accessory uses may have additional standards placed upon them. Certain accessory uses may not be allowed in some yards. Accessory use standards are defined in Section 3.1.9.
- D. Examples.** *Examples* are listed for each use definition and are intended to provide a basis for consideration of a similar use (if the exact use being sought is not listed).
- E. Exclusions.** *Exclusions* are listed to exclude uses that may be commonly misattributed or should be explicitly prohibited from a use category.
- F. Use Standards.** *Use standards* regulate specific standards for a particular use. Use standards for a particular use may be found with the definition of the use.
- G. Use Categories.** Uses have been grouped into the following *use categories*:
  - 1. Residential
  - 2. Public and Institutional
  - 3. Commercial
  - 4. Office
  - 5. Industrial
  - 6. Other

#### 2.4.2. Use Determination

- A. If any proposed use is not listed in a use category, but is similar to a listed use, the Director may consider the proposed use part of that use category.

#### 2.4.3. Residential Uses

For all residential uses, family shall be defined as one or more persons living together as a single housekeeping unit and occupying a single dwelling unit. There shall be a rebuttable presumption no family exists if there are more than six persons and none are related by law, blood, adoption, marriage, domestic partnership, or are not under judicial order for foster care living together in the same dwelling unit. Such presumption may be rebutted by the Director.

##### A. Single-Family Detached Dwelling

1. *Characteristics.* A building containing only one dwelling unit, on a single lot, to be occupied by one family. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.
  - a. *Accessory Uses.* Accessory uses commonly found are recreational facilities, parking of autos for the occupants, pools, piers and docks, home occupations, and family day care homes (6 or fewer children). Noncommercial plant nurseries, greenhouses, private garages, tool houses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits, private swimming pools, private docks and the like are also permitted as accessory uses.
2. *Examples.* Examples include single-family homes on a variety of lot sizes and types.
3. *Exclusions.*
  - a. Guesthouses that contain kitchen facilities are prohibited. The presence of cooking appliances shall constitute a kitchen.
  - b. Temporary lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see Commercial Uses, Lodging).
4. *Use Standards.*
  - a. All accessory uses shall be clearly incidental to permitted single-family use.
  - b. Pools and accessory uses and structures with a roof impervious to weather shall not be located in required front yards.
  - c. Home occupations may have up to two employees or independent contractors, not including remote employees, who reside outside the home in which the business is located. Parking, exterior modifications, conducting of retail transactions, and mitigation of potential nuisances must be conducted in accordance with F.S. § 559.955. A home occupation shall be subject to all applicable City occupational license and other business taxes.

**B. Single-Family Attached Dwelling**

1. *Characteristics.* A dwelling unit that is physically attached to one or more units, with each unit on its own lot. Parking, open space, recreation features, and the like may or may not be part of a larger tract under common ownership by the landowners of the individual lots.
2. *Accessory Uses.* Accessory uses commonly found are similar to those in single-family detached or two-family dwellings, including recreational facilities, parking of autos for the occupants, pools, piers and docks, home occupations, and family day care homes (6 or fewer children). Noncommercial plant nurseries, greenhouses, private garages, tool houses and garden sheds, garden work centers, children’s play areas and play equipment, private barbecue pits, private swimming pools, private docks and the like are also permitted as accessory uses.
3. *Examples.* Examples include paired villas and townhouses on individual lots.
4. *Exclusions.* Villas and townhouses not on individual lots are considered under Two-Family Dwelling/Duplex or Multifamily Dwelling.
5. *Use Standards.*
  - a. In RSF-1, -2, and -3 zoning districts, single-family attached dwellings must meet the required lot size in the applicable zoning district for each unit.
  - b. In RSF-4 and RMF-1, -2, and -3 zoning districts, individual lots for single-family attached dwellings must meet a minimum lot width of thirty (30) feet and a maximum lot coverage of sixty-five (65) percent.
  - c. All accessory uses shall be clearly incidental to permitted single-family use.
  - d. Pools and accessory uses and structures with a roof impervious to weather shall not be located in required front yards.
  - e. Home occupations may have up to two employees or independent contractors, not including remote employees, who reside outside the home in which the business is located. Parking, exterior modifications, conducting of retail transactions, and mitigation of potential nuisances must be conducted in accordance with F.S. § 559.955. A home occupation shall be subject to all applicable City occupational license and other business taxes.

**C. Two-Family Dwelling/Paired Villas**

1. *Characteristics.* A building containing more than one dwelling unit that may be attached, or semi attached, with each dwelling unit to be occupied by one family. Dwelling units are lined up in a row and share side or rear walls. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted

on motor vehicles, tents, houseboats, portable housing, or multifamily apartment or condominium style dwelling units.

2. *Accessory Uses.* Accessory uses commonly found are recreational facilities, parking of autos for the occupants, pools, piers and docks, home occupations, family day care home (6 or less children). Noncommercial plant nurseries, greenhouses, private garages, tool houses and garden sheds, garden work centers, children’s play areas and play equipment, private barbecue pits, private swimming pools, private docks and the like are also permitted as accessory uses.
3. *Examples.* Examples include duplexes, townhouses, villas.
4. *Exclusions.*
  - a. Guesthouses that contain kitchen facilities are prohibited as accessory to household living uses. The presence of cooking appliances shall constitute a kitchen.
  - b. Lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see commercial categories).
  - c. Multifamily dwelling units, as defined in this section, including apartments which are typically owned under single ownership on a single tract or parcel, or condominiums which may be owned separately by unit but still existing on a single tract or parcel, are classified under Multifamily Dwelling.
5. *Use Standards.*
  - a. All accessory uses shall be clearly incidental to permitted residential use.
  - b. Pools and accessory uses and structures with a roof impervious to weather shall not be located in required front yards.
  - c. Home occupations may have up to two employees or independent contractors, not including remote employees, who reside outside the home in which the business is located. Parking, exterior modifications, conducting of retail transactions, and mitigation of potential nuisances must be conducted in accordance with F.S. § 559.955. A home occupation is required to obtain a City local business tax receipt.

**D. Multifamily Dwelling (three or more dwelling units)**

1. *Characteristics.* Multifamily dwelling units are characterized by a building that contains three or more dwelling units sharing common walls, often with separate units by floor. Multifamily structures are vertically and/or horizontally arranged. Tenancy is arranged for periods longer than one week. Uses where tenancy may be arranged for a shorter period are not considered residential but are considered to be a form of transient lodging (see commercial categories).

2. *Accessory Uses.* Parking structures, service uses such as trash compactors, equipment and maintenance buildings, dumpster enclosures, and similar items are permitted. The open storage of recreational vehicles is not permitted as an accessory use.
3. *Examples.* Apartments, condominiums, multiplexes, and similar multifamily structures.
4. *Exclusions.*
  - a. Lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see Commercial Uses, Lodging).
5. *Use Standards.*
  - a. Multifamily in the Venice Avenue district shall be limited to vertical mixed use only; it shall not be a standalone use. See 2.4.3.E for Upperstory Residential use definition.
  - b. Home occupations may have up to two employees or independent contractors, not including remote employees, who reside outside the home in which the business is located. Parking, exterior modifications, conducting of retail transactions, and mitigation of potential nuisances must be conducted in accordance with F.S. § 559.955. A home occupation shall be subject to all applicable City occupational license and other business taxes.

#### **E. Manufactured Home Dwelling**

1. *Characteristics.* A structure built on an integral chassis, for the purpose of being used as a dwelling unit. Modular homes may also be permitted in zoning districts where manufactured home dwellings are permitted.
2. *Accessory Uses.* Accessory uses commonly found in a manufactured home park include recreational activities, open space, amenities, parking of occupants' vehicles.
  - a. Open spaces within a manufactured home park may be dedicated to open, outdoor storage, however such spaces shall only be used by residents and shall be screened with a Perimeter Buffer Type 1.
  - b. Sheds
  - c. Carports
3. *Exclusions.* Manufactured homes shall not include recreational vehicles.

#### **F. Upperstory Residential**

1. *Characteristics.* Upperstory residential units are found within a building that contains a separate use on the bottom floor and dwelling units on the floors above. Tenancy is arranged for periods longer than thirty (30) days. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging (see the commercial categories).
2. *Accessory Uses.* Accessory uses commonly found are recreational facilities, parking of autos for the occupants, piers and docks.

3. *Examples.* Uses include mixed use buildings featuring a separate use on the bottom floor, with residential above.
4. *Exclusions.*
  - a. Lodging where tenancy is arranged for thirty (30) days or less is considered to be a form of transient lodging (see the Commercial Uses, Lodging).

#### **G. Attainable Housing Density Bonus**

1. *Characteristics.* The Comprehensive Plan establishes a reserve density bonus of 500 units to be allotted by City Council to projects in the RMF-3, RMF-4, and Mixed Use zoning districts. Projects seeking this designation must demonstrate affordability for incomes ranging from Extremely Low to Moderate (as defined by US HUD). Such projects must also demonstrate a binding commitment to make additional units requested under the bonus attainable (costing less than 30% of household income) for a minimum of ten (10) years, unless a longer timeframe is required by City Council at the time of approval. This density bonus is processed as a conditional use.
2. *Use Standards.* The size (square footage) and appearance (fixtures and finishes) of attainable housing units shall be functionally equivalent to market rate units.

#### **H. Assisted Living Facility (ALF)**

1. *Characteristics.* Assisted Living Facilities (ALF) provide residential facilities with dedicated on-site 24-hour medical care for seniors, and resident rooms may or may not feature kitchen facilities. ALFs typically have the physical form of a multifamily building. This use category describes buildings, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator (see F.S. Ch. 400). This includes nursing homes.
2. *Accessory Uses.* Accessory uses commonly found are recreational activities, hobbies, and parking of the occupants' vehicles, staff and visitor parking, common kitchen facilities, personal services for the use of residents.
3. *Examples.* Uses include nursing homes, skilled nursing facilities, assisted living facilities, and other senior living facilities.
4. *Exclusions.*
  - a. Lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see Commercial Uses, Lodging).
5. *Use Standards.*
  - a. The facility and accessory facilities must be designed and used to serve its residents and their guests only.

- b. Number of total occupants allowed is based upon the calculation of 4 persons being the equivalent of 1 dwelling unit.

**I. Independent Living Facility (ILF)**

1. *Characteristics.* Independent Living Facilities (ILF) provide residential facilities with some medical care for seniors, and each resident room typically includes kitchen facilities. This use category describes building or buildings, section or distinct part of a building, private home, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator (see F.S. Ch. 400).
2. *Accessory Uses.* Accessory uses commonly found are recreational activities, hobbies, and parking of the occupants' vehicles, staff and visitor parking, common kitchen facilities, personal services for the use of residents.
3. *Examples.* Uses include ILFs which may be in the style of attached units, skilled nursing facilities, and other senior living facilities.
4. *Exclusions.*
  - a. Lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see Commercial Uses, Lodging).
5. *Use Standards.*
  - a. The facility and accessory facilities must be designed and used to serve its residents and their guests only.

**J. Community Care Facility (CCF)**

1. *Characteristics.* Community Care Facilities (CCF) provide short-term care and recovery for patients after surgeries and long-term illness. Community care is understood to be a transitional form of care and may be a home-like environment. This use category describes building or buildings, section or distinct part of a building, private home, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator (see F.S. Ch. 400).
2. *Accessory Uses.* Accessory uses commonly found are recreational activities, hobbies, and parking of the occupants' vehicles, staff and visitor parking, common kitchen facilities, personal services for the use of residents, staff and visitor parking, personal services for the use of residents.
3. *Examples.* Uses include skilled nursing facilities and convalescent care facilities
4. *Exclusions.*

- a. Lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see Commercial Uses, Lodging).
- 5. *Use Standards.*
  - a. The facility and accessory facilities must be designed and used to serve its residents and their guests only.
  - b. Number of total occupants allow is based upon the calculation of 4 persons being the equivalent of 1 dwelling unit.
- K. Day Care, Home (6 or Fewer Persons)**
  - 1. *Characteristics.* An establishment which provides through its ownership or management basic services to persons not related to the owner or operator, who require such services, as per F.S. Ch. 400. No more than 6 persons are allowed per day care, home.
  - 2. *Accessory Uses.* Accessory uses commonly found are office space and parking of the occupant's or staff's vehicles.
  - 3. *Examples.* Uses include home health services, home day care.
  - 4. *Exclusions.*
    - a. Lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see Commercial Uses, Lodging).
  - 5. *Use Standards.*
    - a. Day care must be carried out on-site.
    - b. Use of any accessory building for a day care is prohibited.
    - c. Must comply with all federal, state and additional local standards.
- L. Group Living**
  - 1. *Characteristics.* A dwelling licensed, certified, or accredited by local, state or federal agencies in which unrelated persons with disabilities reside. Characterized by residential occupancy of a structure by a group of people that does not meet the definition of a dwelling unit or family. Group living structures provide a common eating area for residents and residents often receive care or training.
  - 2. *Accessory Uses.* Accessory uses commonly found are those permitted for single-family.
  - 3. *Examples.* Examples include group homes.
  - 4. *Exclusions.*
    - a. Lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see Commercial Uses, Lodging).
    - b. Halfway houses or social services.

#### 2.4.4. Public and Institutional Uses

##### A. Essential Services and Public Utilities, Minor



1. *Characteristics.* Public or private infrastructure serving a limited area. Minor essential services and public utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic utility uses generally do not have regular employees at the site.
2. *Accessory Uses.* Accessory uses may include parking and control, monitoring, data or transmission equipment.
3. *Examples.* Examples include electrical substations; utility lift stations; local stormwater retention and detention facilities; telephone exchanges; emergency communication broadcast facilities; bus stops.
4. *Exclusions.*
  - a. Services where people are generally present.
  - b. Utility offices where employees or customers are generally present are classified as Professional Office.
  - c. Infrastructure (i.e. roads, collection systems, etc.). Excludes water and wastewater treatment plants.

#### **B. Essential Services and Public Utilities, Major**

1. *Characteristics.* Public or private infrastructure serving a regional area possibly having on-site personnel. Uses may feature more intensity than minor essential services. Major utilities are infrastructure services that may or may not need to be located in or near the area where the service is provided.
2. *Accessory Uses.* Accessory uses may include parking; control, monitoring, data or transmission equipment.
3. *Examples.* Examples include water towers and reservoirs; regional stormwater retention and detention facilities; transit centers and park-and-ride facilities for mass transit.
4. *Exclusions.*
  - a. Utility offices where employees or customers are generally present are classified as Professional Office.

#### **C. Open Space Preserves**

1. *Characteristics.* Open areas intended to act as preserves.
2. *Accessory Uses.* Accessory uses may include low intensity uses appropriate to preserves or limited structures to allow for caretaking of the open space preserve.
3. *Examples.* Intended to provide areas for wetlands, wetland buffers, coastal and riverine habitats, native habits, wildlife corridors, trails, observation towers, pervious/primitive walkways (however portions may be concrete or impervious to meet accessibility standards).

#### **D. Parks**

1. *Characteristics.* Parks are uses of land allowing for outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
2. *Accessory Uses.* Accessory uses may include maintenance facilities, concessions, caretaker's quarters, parking, outdoor gathering spaces such as a great lawn or shade structure, playgrounds, restrooms, sports fields, trails.
3. *Examples.* Examples include public parks, trails, natural systems, publicly accessible lands for either active or passive recreation, cemetery, botanical garden, community gardens.

#### **E. Places of Assembly/Worship**

1. *Characteristics.* An assembly facility has organized services, events, or programs in a public or private setting.
2. *Accessory Uses.* Accessory uses include offices; meeting rooms; indoor restaurant; bar; lounge; cabanas; boat docks; parking; indoor or outdoor recreation such as swimming pools, tennis courts, fitness center, sauna, and other similar facilities. No more than two (2) residential dwellings may be allowed for staff residences.
3. *Examples.* Examples may include community centers, religious institutions or places of worship, meeting or lecture halls.
4. *Exclusions.*
  - a. Any organization primarily operated for the purpose of teaching a particular form of martial arts, dance or music classes, or as a health club or spa is classified as a retail use.
  - b. Lodges, fraternal organizations, yacht clubs, country clubs or private clubs are classified under Lodge or Private Club.

#### **F. Cultural Facility**

1. *Characteristics.* Uses of a public or nonprofit nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis.
2. *Accessory Uses.* Accessory uses may include offices; meeting areas; food preparation areas; parking, and cafes.
3. *Examples.* Examples may include museums, cultural centers, historical society, and libraries operated by a government or non-profit entity.
4. *Exclusions.*
  - a. Commercial museums (such as a wax museum) are classified under Retail Sales and Service.
  - b. Parks are classified under Parks.
  - c. Community centers are classified under Assembly.

#### **G. Lodge or Private Club**

1. *Characteristics.* An establishment serving an organization, which often has bylaws or charters and collects fees, to be used exclusively by a membership organization. The general public is generally excluded from the premises and the organization holds property for the common benefit of its members, however community rooms/spaces may be rented out for private events.
2. *Accessory Uses.* Accessory uses include office space and parking.
3. *Examples.* Examples include fraternal organizations, lodges, country clubs, and yacht clubs.
4. *Exclusions.*
  - a. Gyms or fitness establishments are classified under Fitness, Athletic, and Health Club and are considered a commercial use.

#### **H. Post Office/Mail & Package Service**

1. *Characteristics.* Includes any facility which accepts customers to mail or deliver letters, packages, and goods.
2. *Accessory Uses.* Accessory uses may include a cafeteria for staff, parking for workers and customers, parking area for mail or delivery trucks.
3. *Examples.* US Post Office and commercial delivery services such as FedEx and UPS.
4. *Exclusions.* Mail kiosks, lockers, and mailboxes are not subject to use standards.

#### **I. School (Private/Public)**

1. *Characteristics.* This category includes public, private, and charter schools at the primary, kindergarten, elementary, middle, junior high, or high school level that provide state mandated basic education.
2. *Accessory Uses.* Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.
3. *Examples.* Examples include public and private daytime schools, and military academies.
4. *Exclusions.*
  - a. Preschools are classified as daycare uses.
  - b. Colleges, universities or vocational schools are classified as *University, College, and Vocational Schools*.

#### **J. University, College, and Vocational Schools**

1. *Characteristics.* Universities, colleges, or vocational schools are higher learning establishments. These educational institutions confer post-secondary/tertiary degrees and/or provide vocational or technical degrees and skills.
2. *Accessory Uses.* Accessory uses may include associated offices, parking, cafeteria, restaurants, facilities such as a fitness facility, on campus retail, sport fields, student housing and dormitories, libraries, laboratories, and places of assembly.

3. *Examples.* Examples include a trade school, secondary education, career center, vocational college.

**K. Other Government Uses**

1. *Characteristics.* Other government uses contain public or civic uses of special significance to residents, employees, or visitors. This includes offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.
2. *Accessory Uses.* Accessory uses may include meeting areas; food preparation areas; parking, and fitness areas.
3. *Examples.* Government office building, storage and maintenance facilities, police, fire.

**L. Cemeteries, Columbaria, Mausoleums, And Similar Uses**

1. *Characteristics.* A place where human remains are buried or stored.
2. *Use Standard.* Cemeteries, columbaria and mausoleums may not have any structure closer than 25 feet to any boundary line of the property.

*2.4.5. Commercial Uses*

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

1. *Characteristics.* Typical retail at this level consists of community retail sales and service firms involved in the sale, lease or rent of new or used products 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 cleaning, tailoring, electronic equipment, appliances, fabric, florists, 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 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 sales 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.
5. *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.
3. *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. 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. 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. 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. 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. 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. 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. 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.
- I. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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.

#### *2.4.6. Office Uses*

##### **A. Professional Office**

1. *Characteristics.* A building, or portion of a building, wherein activities are performed involving predominately administrative, record keeping, professional, and/or clerical operations.

2. *Accessory Uses.* Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
3. *Examples.* Examples include professional services such as lawyers, accountants, engineers, or architects; real estate agents; travel agencies, employment agencies, data processing; sales offices.
4. *Exclusions.*
  - a. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity.
  - b. Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
  - c. Government offices, which are considered Other Government Use.

#### **B. Personal & Financial Services Drive-Through**

1. *Characteristics.* Characterized by activities conducted in an office setting and generally focusing on personal or financial services.
2. *Accessory Uses.* Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
3. *Examples.* Uses may typically include banks, lenders, credit unions, savings and loans, credit agencies, or brokerage houses.

#### **C. Funeral Home**

1. *Characteristics.* A facility used for the preparation of the deceased and the display of the deceased, connected to human funeral services. The facility may include space and facilities for embalming and preparation of the dead for burial, performance of autopsies, the storage of caskets and funeral supplies.
2. *Accessory Uses.* Accessory uses may include ancillary indoor storage, associated office, parking, storage of funeral vehicles, internal crematorium facility.
3. *Use Standards.*
  - a. If an internal crematorium facility is present, pollution or ash from cremation shall not affect neighboring structures or residents. Mitigation techniques are required.

#### **D. Medical/Dental Office**

1. *Characteristics.* A facility engaged in the examination, diagnosis and treatment of medical chiropractic, ophthalmologic, dental, and pediatric or other health care patients; includes administrative and clerical operations of the practice; does not include overnight facilities for patients.
2. *Accessory Uses.* Accessory uses may include parking, or other amenities primarily for the use of employees in the firm or building.

3. *Examples.* Medical and dental clinics, medical and dental labs, urgent care facilities with/without ambulatory care, outpatient facilities with/without ambulatory care, 24-hour emergency rooms, and blood-collection facilities.
4. *Use Standards.*
  - a. Ambulatory care shall be located away from properties that feature a residential use or are residentially zoned.
  - b. Emergency vehicle entrance shall be located on a major arterial or collector street.
  - c. Emergency vehicle entrance shall not be located across the street from a residential use or residential zoning district.
  - d. Any medical/dental office featuring ambulatory services or serviced by emergency vehicles shall be located at least 50 feet from any property line.

#### **E. Veterinarian/Animal Hospital/Animal Boarding**

1. *Characteristics.* A facility where animals are provided medical care or boarded.
2. *Accessory Uses.* Accessory uses may include parking, limited retail sales of animal goods, limited sale of medicine and prescriptions for animal use, associated office, ancillary indoor storage.
3. *Examples.* Veterinarian clinic, veterinarian practice, small animal hospital, animal boarding facility.
4. *Exclusions.*
  - a. Animal boarding or a kennel is classified as Animal Boarding.
5. *Use Standards.*
  - a. Animals may stay overnight if required for medical surgery reasons, only within a completely enclosed building.
  - b. All exterior areas utilized by pets roaming must be fenced for the safety of the animals and general public.
  - c. If abutting a residential use, no structure or outdoor area utilized by pets shall be closer than 50 feet to the property line.

#### **F. Hospital**

1. *Characteristics.* An establishment which primarily engages in providing medical treatment, including (but not limited to) diagnostic services, surgical services, as well as continuous nursing services. The facility may feature emergency room care and ambulatory care.
2. *Accessory Uses.* Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees, helipad, ambulatory services, chiller plants.
3. *Examples.* Examples may include a hospital.
4. *Exclusions.*

- a. Medical office, private doctor office, dental office, urgent care facility without ambulatory care (classified as Medical/Dental Office).
- 5. *Use Standards.*
  - a. No building in connection with a hospital shall be closer than 50 feet to the lot line of any adjoining property.
  - b. Ambulatory care shall be located away from properties that feature a residential use or are residentially zoned.
  - c. Emergency vehicle entrance shall be located on a major arterial or collector street.
  - d. Emergency vehicle entrance shall not be located across the street from a residential use or residential zoning district.

**G. Pain Management Clinic**

- 1. *Characteristics.* A privately-owned establishment which engages and advertises as being in pain management practice, prescribing and/or dispensing a controlled substance for the treatment of pain. Must meet definition as set forth in F.S. § 458.3265.
- 2. *Accessory Uses.* Accessory uses may include ancillary indoor storage, parking, associated office.
- 3. *Use Standards.*
  - a. The on-site sale, provision, or dispensing of controlled substances at a pain management clinic is prohibited except as specifically authorized by applicable federal or state law.
  - b. No loitering or outside gatherings.
  - c. No queuing of vehicles in the right-of-way.
  - d. No consumption of alcoholic beverages.
  - e. Hours of operation are limited between 8:00 am and 5:00 pm. It may stay open for a medical emergency only, beyond those hours.
  - f. The facility shall comply with all federal and state laws, Sarasota County regulations and this LDR.

*2.4.7. Industrial Uses*

**A. Warehouse Distribution; Logistics**

- 1. *Characteristics.* A firm or facility involved in the storage and/or movement of items for other firms. Typically storing and preparing for transit goods, wares, merchandise, and/or commodities, whether for the owner or for others, generally delivered to other firms or the final customer. These may consist of uses such as (but not limited to) bulk storage, freight storage, outdoor storage yard, transfer and storage businesses, and commercial packing for food items.
- 2. *Exclusions.*



- a. Warehouse storage, classified as Warehouse Storage – Indoor Only.
  - b. Self-storage, classified as Self-Storage – Indoor Only or Self-Storage – Indoor and Outdoor.
3. *Use Standards.*
- a. Outdoor storage yard shall not be located closer than 25 feet to any public street.
  - b. Outdoor storage yard shall not be located closer than 100 feet to any residential use or district.
  - c. Outdoor storage yards shall be completely enclosed by a solid fence or wall not less than six feet and no greater than eight feet. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.
  - d. Outdoor storage and assembly areas shall be not permitted forward of the front building façade.
  - e. Outdoor storage, assembly areas, and commercial vehicle parking shall not be in areas that abut a residential use or district.
  - f. Loading and unloading shall not be conducted in areas that abut a residential use or district.
  - g. Building facades that are oriented toward an arterial or collector street shall provide architectural details to eliminate large blank wall areas.
  - h. Outdoor storage may not exceed the fence height.

#### **B. Heavy Industrial**

- 1. *Characteristics.* Firms involved in development activities which may be potentially dangerous or noxious or offensive to neighboring uses.
- 2. *Accessory Uses.* Accessory uses may include (but are not limited to) ancillary office, associated office, cafeteria, repackaging of goods, warehouse, storage, on-site repair facility, residential unit for security purposes.
- 3. *Examples.* Examples include (but are not limited to) animal processing, production of chemicals, fabrication of metals, concrete batching or asphalt processing, earth moving and heavy construction equipment, waste-related services, landfill, recycling facility.
- 4. *Use Standards.*
  - a. Outdoor storage yard shall not be located closer than 25 feet to any public street.
  - b. Outdoor storage yard shall not be located closer than 100 feet to any residential use or district.
  - c. Outdoor storage yards shall be completely enclosed by a solid fence or wall not less than six feet and no greater than eight feet. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.

- d. Outdoor storage and assembly areas shall be not permitted forward of the front building façade.
- e. Outdoor storage, assembly areas, and commercial vehicle parking shall not be in areas that abut a residential use or district.
- f. Loading and unloading shall not be conducted in areas that abut a residential use or district.
- g. Building facades that are oriented toward an arterial or collector street shall provide architectural details to eliminate large blank wall areas.
- h. Outdoor storage may not exceed the fence height.

#### C. Light Industrial & Advanced Manufacturing

1. *Characteristics.* Firms involved in the light manufacturing or repair of industrial or consumer equipment, manufacturing from previously prepared materials of finished products. May also include contractor companies which perform services off-site but store equipment and materials on-site.
2. *Accessory Uses.* Accessory uses may include (but are not limited to) associated showroom, ancillary indoor storage, associated office, cafeteria, parking, on-site repair facility, residential unit for security purposes.
3. *Examples.* Examples include building contractor firms, light manufacturing firm, machine shop, welding shop, woodworking.
4. *Use Standards.*
  - a. Outdoor storage yard shall not be located closer than 25 feet to any public street. Outdoor storage yards shall be completely enclosed by a fence or wall not less than six feet high. Outdoor storage yards cannot include junkyards or scrap or salvage operations.

#### D. Research & Development

1. *Characteristics.* Any activity involved with the research or development in such fields as (but not limited to) chemical, pharmaceutical, medical, electrical, or engineering, provided the activities occur within a completely enclosed building and produce no detectable nuisance outside the building.
2. *Accessory Uses.* Accessory uses may include ancillary indoor storage, associated office, cafeteria, parking, day-care facilities for employee use.
3. *Examples.* Aerospace engineering research and development firm.

#### E. Warehouse Storage – Indoor Only

1. *Characteristics.* A structure or premises where the principal use is the indoor storage of merchandise, products, goods, or materials in bulk, for a fee or charge.

2. *Accessory Uses.* Accessory uses may include associated office, parking, and accessory wholesale sales.
3. *Exclusions.*
  - a. No uses identified and classified under Heavy Industrial or warehouse distribution may be permitted for Warehouse Storage – Indoor Only.

**F. Self-Storage – Indoor Only**

1. *Characteristics.* Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing personal items or wares. Outdoor storage is not permitted.
2. *Accessory Uses.* Accessory uses may include associated office, ancillary indoor storage, rental of light or medium trucks.
3. *Exclusions.* Self-Storage facilities with outdoor storage components are defined under G. Self-Storage – Indoor and Outdoor.

**G. Self-Storage – Indoor and Outdoor**

1. *Characteristics.* Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing personal items or wares. Outdoor storage is permitted, including storage of motor vehicles and boats.
2. *Accessory Uses.* Accessory uses may include associated office, ancillary indoor storage, rental of light or medium trucks.
3. *Use Standards.*
  - a. Outdoor storage yards shall be completely enclosed by a fence or wall not less than six feet high and shall be screened with landscaping.

**H. Flex**

1. *Characteristics.* Flex space buildings designed with a minimum 15% of building area developed as office or retail store front and remainder being storage for larger retail items, product assembly or light fabrication. May include offices, manufacturing, storage, wholesale sales, and limited retail sales all occurring within an enclosed building.
2. *Accessory Uses.* Accessory uses may include parking, associated offices, and ancillary indoor storage.
3. *Use Standards.*
  - a. No outdoor storage of goods, materials, or production activities are permitted.
  - b. Loading and unloading shall not be conducted in areas that directly abut single-family and attached single-family development.
  - c. Building facades that are oriented to single-family and attached single-family shall include architectural relief or details to eliminate the potential of large blank walls as seen by passer-by traffic or adjacent residential uses.

**I. Major Vehicle Service**

1. *Characteristics.* Facility dealing in more than minor vehicle service as defined. Major vehicle service includes an auto body shop featuring collision repair and/or painting.
2. *Accessory Uses.* Accessory uses may include (but are not limited to) associated office, ancillary indoor storage, towing, outdoor storage of vehicles.
3. *Examples.* Examples include auto collision repair shops.
4. *Use Standards.*
  - a. Outdoor storage yard shall not be located closer than 50 feet to any public street. Outdoor storage yards shall be completely enclosed by a solid fence or wall not less than six feet high. Outdoor storage yards cannot include junkyards or scrap or salvage operations.

**J. Wholesale**

1. *Characteristics.* Firms involved in the sale or rent of products to industrial or commercial businesses only. Uses emphasize on-site sales or order taking. Firm may or may not be open to the general public. Sales to private customers and general public are not permitted.
2. *Accessory Uses.* Accessory uses may include (but are not limited to) ancillary indoor storage, associated office, cafeteria, day care for employee use, parking, repackaging of goods, showroom, warehouse, residential unit for security purposes.
3. *Examples.* Sale of machinery, janitorial supplies, restaurant equipment supplies.

**K. Junkyard/Wrecking Yard**

1. *Characteristics.* An establishment or location in which salvaged materials, and items such as cars, metals, wood, glass, and other “junk” or “waste” is bought, sold, disassembled, handled, or stored.
2. *Accessory Uses.* Accessory uses may include (but are not limited to) ancillary office and on-site repair facility.
3. *Examples.* Examples include (but are not limited to) wrecking yards, junk yards, salvage yards.
4. *Use Standards.*
  - a. Junk, waste, and/or raw materials shall not be located closer than 25 feet to any public street.
  - b. Junk, waste, and/or raw materials shall not be located closer than 100 feet to any residential use or district.
  - c. Junkyard/wrecking yard shall be completely enclosed by a solid fence or wall not less than six feet and no greater than eight feet high.
  - d. Waste and disassembly areas shall be not permitted forward of the front building façade.

- e. Waste may not exceed the fence height.

#### 2.4.8. Other Uses

##### A. Mining/Resource Extraction

1. *Characteristics.* Mining/resource extraction operations, including borrow pits, are characterized by uses that include any activity, other than prospecting, necessary for site preparation, extraction, waste disposal, storage, or reclamation.
2. *Accessory Uses.* Accessory uses include (but are not limited to) ancillary office, associated office, warehouse, storage.
3. *Exclusions.*
  - a. Fracking is not permitted in the City of Venice.

##### B. Agriculture

1. *Characteristics.* Agriculture is characterized here as the use of large amounts of land for growing crops, raising livestock, and associated processing and storage needs..
2. *Accessory Uses.* Sales of agricultural products, u-pick facilities, farm tours, hay rides, pony rides, on-site agriculturally related artistry.
3. *Examples.* Large-scale commercial farms, meat processing facilities, silos and other large-scale storage of agricultural products.
4. *Exclusions.*
  - a. Retail sales of agricultural products or supplies are classified as retail.
  - b. Urban agriculture, including community gardens, horticulture, and other non-commercial production of crops for personal or community purposes may be permitted as accessory uses in all districts.

##### C. Indoor Entertainment and Recreation

1. *Characteristics.* Commercial uses providing daily or scheduled recreation-oriented activities in an indoor setting.
2. *Accessory Uses.* Accessory uses include ancillary indoor storage, associated office, concession, dining area or cafeteria, pro-shop and limited sales of goods related to on-site activities.
3. *Examples.* Pool hall, bowling alley, indoor sports facility, gymnastic facility, karate, dance studio, axe throwing, indoor gun range.

##### D. Adult Oriented Businesses

1. *Characteristics.* Adult entertainment establishment means any business, commercial activity or other use which, in order to comply with F.S. § 847, must exclude persons under the age of 18 (except when accompanied by a parent or legal guardian) from all or a part of the premises including, but not limited to, adult lingerie modeling studios, art studios, private clubs, and other similar uses.

2. *Examples.* Adult book store, adult film store, adult theaters, adult exotic dancing establishment.
3. *Use Standards.*
  - a. Adult oriented businesses may not be located within one thousand feet, as directly measured, of any two other properties on which other such establishments are located.
  - b. May not be located within one thousand feet, as directly measured, of any property used as a school or religious institution.
  - c. May not be located within five hundred feet, as directly measured, of any residentially zoned property.

#### **E. Outdoor Entertainment**

1. *Characteristics.* Uses which provide recreation-oriented activities outdoors. May vary in size and feature generally commercial uses.
2. *Accessory Uses.* Accessory uses include ancillary indoor storage, indoor customer space, associated office, concession, clubroom, equipment storage, food preparation area, restaurant, pro-shop and limited sales of goods related to on-site activities.
3. *Examples.* Extreme sports facility, outdoor paintball, outdoor recreation such as an archery range, gun range, miniature golf, amphitheater.
4. *Use Standards.*
  - a. No associated outdoor uses shall be located between the front façade of the building and the street fronting the lot.
  - b. Outdoor entertainment areas adjacent to residential uses or districts shall not be illuminated after 10:00 PM Sunday through Thursday, and 11:00PM Friday and Saturday.
  - c. If the outdoor entertainment involves any projectiles, berms or backstops are required to maximize safety to off-site areas.

#### **F. Golf Course/Par-3/Driving Range**

1. *Characteristics.* Tract of land for playing golf, improved with tees, greens, fairways, and/or other similar golf improvements. A golf course may include a driving range as an accessory use.
2. *Accessory Uses.* Accessory uses may include a clubhouse, restaurant, shelter, similar accessory buildings, associated office, ancillary indoor storage, storage of vehicles relating to upkeep and operation, driving range.

#### **G. Clean Energy Production**

1. *Characteristics.* A clean energy production facility that has the primary use of providing energy generation through solar, wind, geothermal, biomass or other sustainable means intended to be sold to other buildings and uses.

2. *Accessory Uses.* Accessory uses may include associated office (if clean energy production is the primary use on a site), ancillary indoor storage.
3. *Examples.* Solar array, floating solar facility.
4. *Exclusions.* Rooftop solar panels generating power for the use of the building on which they are located are an accessory use (not considered clean energy production as a principal use).

#### H. Live-Work

1. *Characteristics.* Live-work typically occurs within a building used jointly for commercial or industrial and residential purposes (live-work buildings are generally constructed for commercial or industrial uses and allow for both living and work space uses). All permitted uses may occupy any story of a live-work building. Customers are permitted.
2. *Accessory Uses.* Accessory uses may include associated office, ancillary indoor storage, parking for resident and customer cars.
3. *Examples.* Commercial or industrial building built out to include units which allow for commercial activity and a residential use. This may include lofts which feature a workshop and bedroom, so the owner/occupant of the unit may run a business and also live where they conduct the business. General examples of business conducted in a live-work may be an artist workshop or gallery, wood or metal workshop (using only the use of hand tools and small-scale, light equipment), demonstration kitchens, office, resale of items such as antiques, and clothing made or altered on site.
4. *Exclusions.*
  - a. Home occupation. Home occupations are an accessory use to a residential primary use.
5. *Use Standards.*
  - a. A live-work business shall be subject to all applicable City occupational license and other business taxes.
  - b. Any potential resident must be legally notified that the structure is a live-work structure and allows for commercial activity in units within the structure.
  - c. A minimum of one individual must occupy the live-work unit as their primary residence.
  - d. The live-work unit may not employ more than 2 individuals (not including the primary resident and excluding remote employees) not living on the premises at any one time.
  - e. No storage or warehousing of material is permitted outdoors.
  - f. No visible evidence of the occupation inside (other than a permitted sign) is allowed exterior of a unit.
  - g. Permitted signs are limited to 1 unlit wall sign no larger than 2 square feet.

- h. Only one vehicle used in connected with the live-work use shall be parked on premises. The vehicle shall not be over 6,000 lbs. No advertising for the business may be on the vehicle.

**I. Rooftop Uses (Other Than Dining)**

- 1. *Characteristics.* Rooftop uses may be a range of activities or uses on the roof of structures.
- 2. *Examples.* Examples may include rooftop patio space, viewing areas, pools.
- 3. *Use Standards.*
  - a. Rooftop uses are subject to a conditional use permit.

**J. Farmer's Market**

- 1. *Characteristics.* An outdoor site where individuals, typically in stalls or spaces, may display, buy, sell, exchange or deal art, food, or home-made goods. Open-Air markets are intended to provide a location where agricultural and organic items and related goods and services may be offered for sale. These markets may be permanent or temporary.
- 2. *Limitations to Products and Vendors.* Only the following are allowed: unprocessed agricultural products such as fruits, vegetables, grains, flowers, and plants; processed agricultural products such as milk, cheese, oils, vinegars, meats, poultry, eggs, honey, spices, coffee, jams, nuts, sauces, pasta, soaps, ice cream, herbal preparations, jellies; prepared foods such as ready-to-eat baked goods, breads, meats, cheeses, cakes, and pies; food booths where preparation of food occurs on site, agriculture-related crafts, such as handmade wreaths, swags, dry flower arrangements, pressed flowers, scented sticks and potpourri; candles, scented sticks; items designed to promote water, soil, or energy conservation, such as rain barrels, organic fertilizer, compost boxes, and related educational materials. Miscellaneous vendors such as art works, health arts products, massage, fitness, holistic healing may be allowed provided that no more than ten percent of the total vendors/booths are comprised of these types of vendors. Musical entertainment may occur only at one location within the market area, may consist of no more than three performers, and must comply with noise ordinances. Other goods and services may be allowed as determined by the Director.
- 3. *Use Standards.*
  - a. Sanitary facilities shall be provided for the intended activity.
  - b. Ingress and egress shall be provided.
  - c. The applicant shall submit a sketch of the site identifying the location of all uses and shall acquire a temporary use permit if the use is intended to be temporary in nature.

**K. Outdoor Sales and Display**



1. *Characteristics.* Outdoor sales and display are typically accessory to principal uses, especially retail. This accessory use is defined here because it may only be permitted by conditional use in certain non-industrial zoning districts.
2. *Examples.* Propane tanks, ice chests, nursery plants, patio furniture.
3. *Exclusions.*
  - a. Outdoor storage, such as would be associated with industrial uses, warehousing, or commercial wholesaling, are not permitted under this use. Standards for outdoor storage for industrial purposes can be found in Section 2.4.7.
  - b. Outdoor dining is considered part of an Active Use Area (Sec. 3.2.D).
  - c. Vehicle sales and display are covered under commercial use H., Car, Boat, Other Vehicle Sales and Rentals.
4. *Use Standards.*
  - a. Hours of operation must be the same as or shorter than the hours of operation of the principal use on the site.
  - b. Outdoor displays must not encroach into setbacks or upon walkways or other maneuvering areas as required by the Americans with Disabilities Act (ADA).
  - c. Outdoor displays must not disrupt circulation throughout the site and shall not be permitted to be placed in parking areas.
  - d. Displays must not obstruct any building entrance.
  - e. Height of outdoor displays shall not be greater than the building height of the principal structure.

No separate signage for outdoor sales and display will be permitted beyond the allowed signage for the principal use.

# CHAPTER 87 LAND DEVELOPMENT CODE

## SECTION 3. DEVELOPMENT STANDARDS

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### 3.1. General Development Standards

- A. Purpose and Intent.** This section contains general regulations and specific development standards that apply across this Land Development Code (“Code”) and which may vary by zoning district. The following subsections define specific development standards to carry out the purposes, intent and provisions of this Code. Except as explicitly permitted in this Code, all structures and sites shall be developed in accordance with this section.

#### 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.
- B. Habitable Space.** Allowable building height includes the habitable space of a building and the portion of the building up to the measured limit. Non-habitable rooftop elements, such as architectural features and building appurtenances, are limited to twenty (20) percent of the building height.
1. An active rooftop use and/or rooftop dining shall be included as habitable space and shall count toward a building’s permitted height. Such rooftop use shall be assumed to be ten (10) feet in height; for example, when a building with rooftop uses is proposed in a district with a height of limit of thirty-five (35) feet, the primary enclosed space of such building may be twenty-five (25) feet tall to allow for a rooftop use.
  2. Chimneys, steeples, cupolas, and associated features, including spires and belfries, are exempt from these requirements.
  3. Mechanical equipment, including equipment for elevators, stairwells, air conditioning systems, and similar items shall be exempt from these requirements.

Figure 3.1.1. Limit to appurtenances.

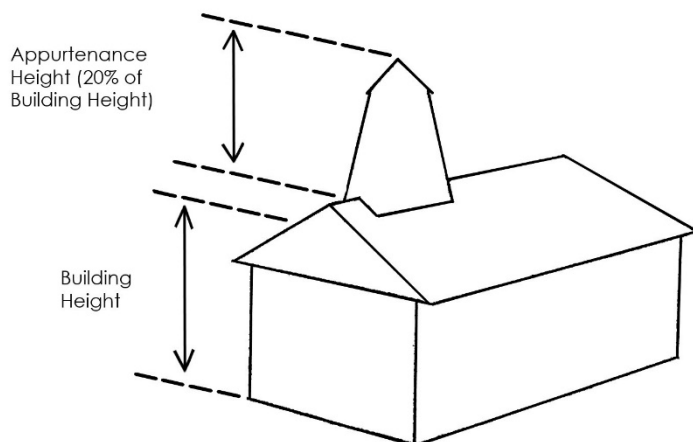
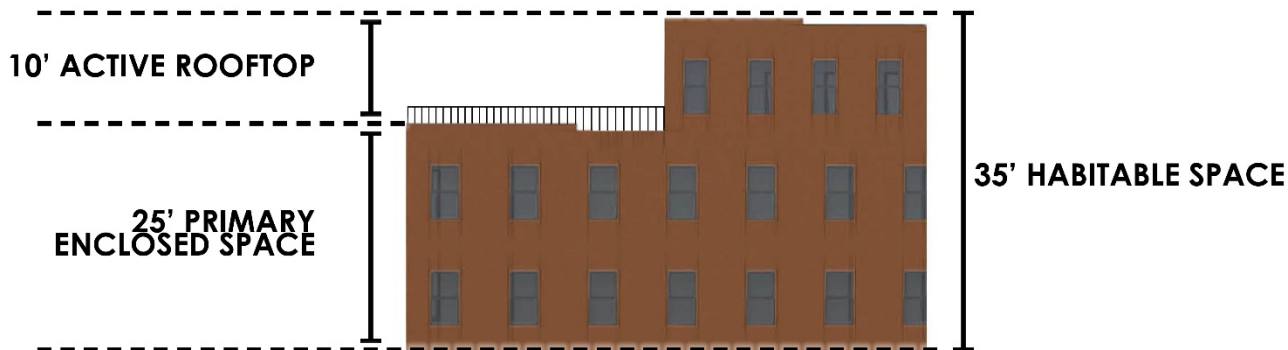


Figure 3.1.2. Example of Active Rooftop Use included in Height Calculation.



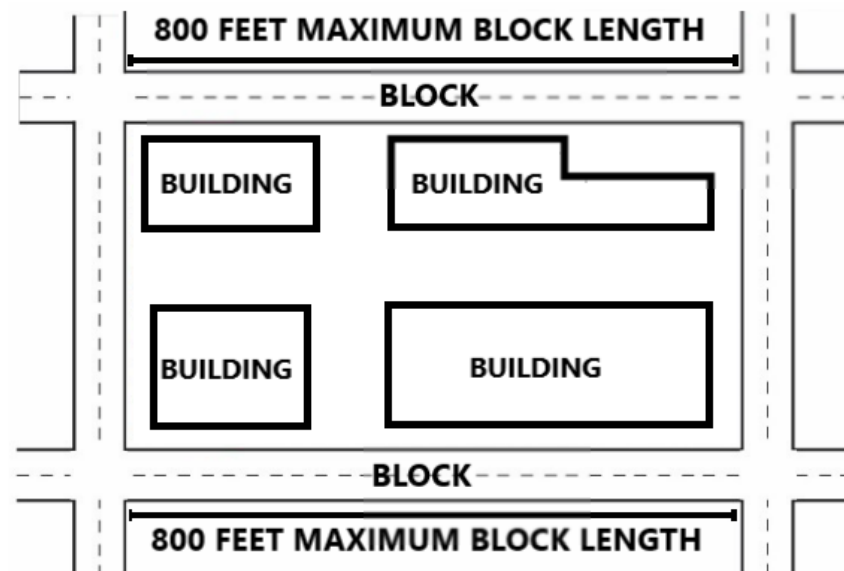
- C. **Nonconforming Heights.** Buildings that pre-date the adoption of this Code and exceed the height development standards in this Code are recognized as nonconforming. Buildings rendered nonconforming shall comply with the standards of Section 8: Nonconformities.
- D. **Height Exceptions.** If indicated on a zoning district development standard table, a height exception may be requested per the requirements of Section 1.12: Height Exceptions and the standards in Section 4: Compatibility.

3.1.2. *Block Configuration Requirements*

- A. **Residential Districts.** Blocks, except waterfront blocks, shall not exceed 1,200 feet in length in residential districts.
- B. **Nonresidential Districts.** Blocks shall not exceed 800 feet in length in nonresidential districts.
  - 1. A design alternative may be requested for this requirement.

- C. **Mixed Use Districts.** Blocks shall be a minimum 650 feet and maximum 1,200 feet in length in mixed use districts.
- D. **Culs-De-Sac.** Where a tract of land is of such size or location as to prevent a typical lot arrangement, there may be established one or more courts, dead-end streets or other arrangements; provided, however, that direct access shall be given to all lots from a dedicated street or court. A dead-end street (cul-de-sac) shall terminate in a circular roadway having a minimum diameter of 100 feet. A dead-end street (cul-de-sac) shall not exceed 600 feet in length. Street stubs to adjoining areas shall be provided to the property line when required to give access to such areas or to provide for future traffic circulation. Street stubs in excess of 250 feet shall be provided with a temporary cul-de-sac turnaround within the platted right-of-way complying with the cul-de-sac standards contained in this section. A design alternative for cul-de-sac lengths may be approved subject to fire code standards.

Figure 3.1.2 Nonresidential Block Configuration (Illustrative Example Only)



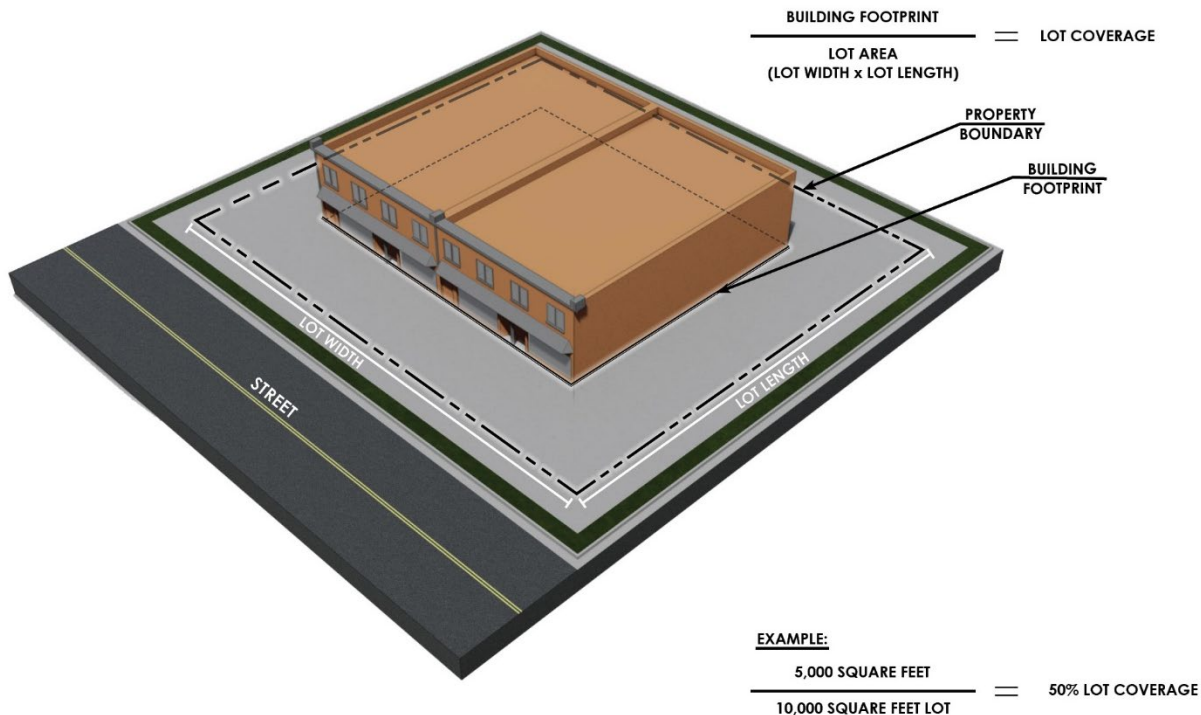
3.1.3. *Lot Configuration Requirements*

**A. General Requirements**

1. The size, length, width and minimum setback lines of lots shall be in compliance with the zoning district standards as defined in Section 2: Zoning.
2. No lot shall have an area or width less than that required by this LDR except as where permitted by this Code.

3. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where the Director determines that a variation to this rule will provide a better street and lot layout.
  4. All lots created after the effective date of this Code shall be of conforming size, length, width and have legal access to allow a principal building to be erected upon it in compliance with the requirements of this Code.
- B. Lot Calculations.** Lots are parcels of land, either vacant or occupied, intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership or for development. Lot calculations shall include the following defined terms.
1. **Lot Width.** Lot width shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the points of the side lot lines in front (at intersection of the street line) and the rear-most points of the side lot lines in the rear.
  2. **Lot Length.** Lot length is the distance between the front and rear property lines measured from the midpoint of each front and rear line along a line parallel to the side property lines.
  3. **Lot Area.** Lot area is comprised of the interior area of the lot/parcel, calculated by multiplying lot width and lot length. Lot areas shall be exclusive of public rights-of-way and all lands seaward of the mean high-water line.
  4. **Lot Coverage.** Lot coverage is the maximum area of a lot that is permitted to be covered by roofed structures that are or may be impervious to the weather (measured as a percentage of the lot). Lot coverage does not include paved areas such as parking lots, pools, driveways or pedestrian walkways. Lot coverage shall be calculated by dividing building footprint by the area of the lot, as displayed in Figure 3.1.3. For example, a building with a building footprint of 5,000 square feet on a lot of 10,000 square feet would produce a total lot coverage of 50%.

Figure 3.1.3. Lot Width, Length, Area and Coverage



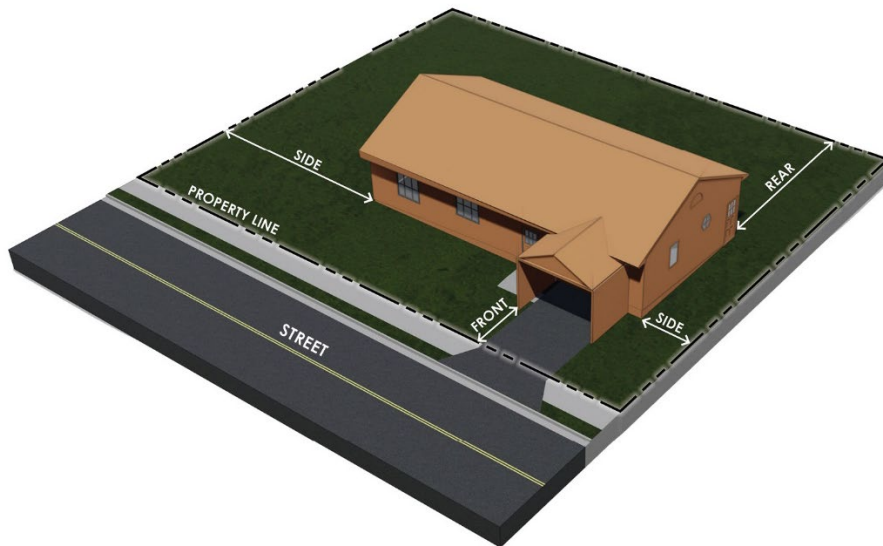
3.1.4. *Building Placement Requirements*

**A. Setbacks.** Building setbacks determine the distance between the buildings on a lot and the property lines (front, side, and rear). Building setbacks shall be measured from the closest point of the base of the wall of the structure to the lot line. Setbacks are designated by a front setback requirement, side setback requirements, and a rear setback requirement. Easements shall not be considered a public right-of-way or private street for the purpose of designating a front yard and front setback. It is understood, for the purpose of calculating setback requirements and yards, three configurations of lots exist: interior lots, corner lots, and through lots (see graphic examples in this section).

- 1. Interior Lot.** A lot bounded by a street on only one side. For the purpose of setbacks and yards, the street yard shall be recognized as the front. An interior lot shall have one front yard, two side yards, and one rear yard. The primary structure shall be oriented so the driveway and entrances are in the front yard.



Figure 3.1.4.1. Setback – Interior Lot



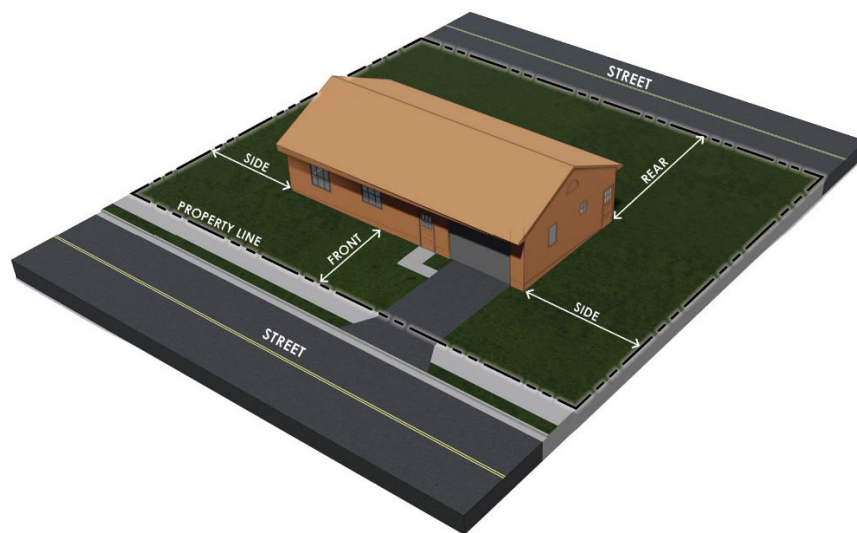
2. **Corner Lot.** A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit, to designate the street that will define its front yard, which shall dictate its front setback requirement. The primary structure shall be oriented so the entrance is in the designated front yard. If the abutting streets are different street types, the front yard shall be on the lesser street type (e.g. local road instead of collector arterial).

Figure 3.1.4.2. Setback – Corner Lot



3. **Through Lot.** A lot which has frontage on two parallel streets. Each through lot shall be required, either on its plat or building permit, to designate the street for its front yard, which shall dictate its front setback requirement. The primary structure shall be oriented so the driveways and entrances are in the designated front yard. If the abutting streets are different street types, the front yard shall be on the lesser street type (i.e. local road instead of collector arterial).

Figure 3.1.4.3. Setback -- Through Lot



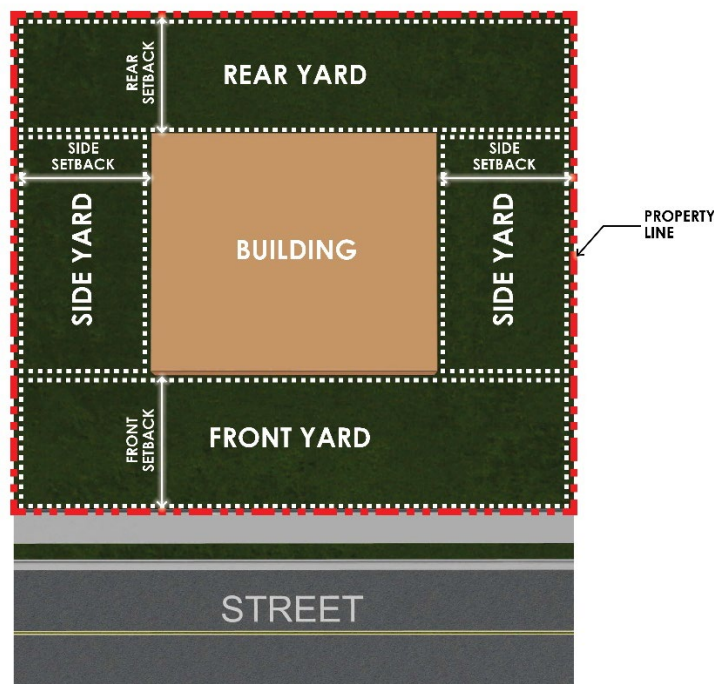
4. **Permitted Exceptions to Setbacks.**
  - a. Roof overhangs, up to a maximum of three (3) feet, are permitted into a setback.
  - b. Stairwells and balconies shall not intrude into a setback. A design alternative may be approved by the Planning Commission as part of a preliminary plat, so long as stairwells and balconies do not overhang more than a maximum of three (3) feet into a setback.
  - c. Fences, walls, and landscaping are permitted to be located up to the property line.
- B. **Yards.** Yards are different from building setbacks as they define the types of uses and activities that are permitted within lots as defined by the front, side, and rear yards. A yard shall be defined as an unoccupied area that is open and unobstructed from the ground except where otherwise permitted by this Code, on the same lot as a principal building.
  1. **Yard (Front).** The area of the lot that extends between the side lot lines, from the front lot line to the building. Vehicle parking is allowed in the front yard only when permitted in Section 3.4: Parking. Each lot shall identify its front yard. Easements shall not be considered a public right-of-way or private street for the purpose of designating a front yard and front

setback. Swimming pools may only be permitted in the front yard through a variance as defined in Section 1.13: Variances.

2. **Yard (Side).** The area of the lot that extends from the front yard line to the rear yard line and from the building to the side property line.
3. **Yard (Rear).** The area of the lot that extends between the side lot lines, from the rear lot line to the building.
4. **Yard (Waterfront).** The area of a waterfront lot that extends from the mean high-water line of the adjacent water body to the building. For the purpose of this definition, any yard abutting a waterfront (the Gulf of Mexico, Roberts Bay, the Intracoastal Waterway, and any channels that access these bodies of water) shall be considered a waterfront. Stormwater facilities and retention ponds shall not be considered in this definition.
5. **Permitted Exceptions to Yards.**
  - a. **Mechanical Equipment.** Mechanical equipment (including any heating, cooling, venting, pool or spa equipment, and similar equipment or appurtenance serving a structure), attached decks, poles, posts, children’s play equipment and other customary yard accessories, ornaments, statuary and furniture are permitted in a yard subject to height limitations and requirements limiting obstructions to visibility, and shall not be any closer than three (3) feet from the property line.
  - b. **Side yard exceptions.** Where lots of record existed prior to the effective date of the ordinance from which this chapter is derived, which lots do not meet the minimum width requirements set out in this chapter, then for such lots, and only for such lots, the following minimum side yards are set out:

District	Lot Width (feet)	Side Yard (feet)
RSF-1	Over 70 to 90	8
RSF-1	Up to 70	6
RSF-2	Up to 70	6
RSF-3	Over 50 to 70	6
RSF-3	Up to 50	5
RSF-4	Up to 50	5
OPI	Up to 50	5
OPI	Over 50 to 70	6
OPI	Over 70 to 90	8

Figure 3.1.4.4. Yards



3.1.5. *Preservation of Natural Features*

- A. Development shall be in accordance with Chapter 89: Environmental and OS 1.4.2: Protection of Native Habitats and Natural Resources, of the City’s Comprehensive Plan.

3.1.6. *Soil and Flood Hazards*

- A. Development shall be in accordance with Chapter 89: Environmental and Chapter 98: Floods. All building sites shall be able to be used safely for building purposes, without interruption of access or other undue hazard from flood, adverse soil or foundation conditions.

3.1.7. *Easement Requirements*

- A. Easements shall comply with the standards of Chapter 74: Utilities and the latest version of the City Standard Details.
- B. Construction easements shall be provided where necessary.
- C. Easements of greater width may be required along or across lots where necessary for the extension of certain utilities, or where more than one (1) utility service is located within the same easement.
- D. Wastewater collection systems and water mains shall be located within street rights-of-way unless such location would prevent orderly development of a particular parcel of land.

### 3.1.8. Access Management Requirements

**A. Access Design for Residential Property.** In order to provide for safe and convenient ingress and egress, and to maintain traffic flow on public streets, the number and location of driveways shall be regulated by the dedication of access rights to the City.

- 1. Lots Less Than Eighty (80) Feet of Frontage.** Lots with less than 80 feet of frontage shall have no more than one driveway opening on that street, provided that a second opening shall be permitted if one driveway is marked "entrance only" and the other is marked "exit only."
- 2. Lots between Eighty (80) Feet and Two-Hundred (200) Feet of Frontage.** Lots which have between eighty (80) feet and two-hundred (200) feet of frontage on any street shall have no more than two driveways opening on that street.
- 3. Lots with More than Two-Hundred (200) Feet of Frontage.** For each one-hundred (100) feet or fraction thereof by which a lot exceeds two-hundred (200) feet, one driveway opening may be created in addition to the first two.

#### **B. Driveway Location**

- 1. Non-Residential and Mixed Use Districts.** No driveway shall be constructed with its center closer than:
  - a. Twenty (20) feet to a property line, except when the drive is jointly used by an adjoining property;
  - b. Fifty (50) feet to the intersection of the edge of the pavement of two streets; or
  - c. Forty (40) feet to the center of the next nearest entrance driveway; provided that no portion of any driveway shall be constructed closer than five (5) feet to a property line, except when the drive is jointly used by an adjoining property.
- 2. Residential Districts.**
  - a. No portion of any driveway shall be constructed closer than five (5) feet to a property line, except when the drive is jointly used by an adjoining property, or forty (40) feet to the intersection of the edge of the pavement of two streets, or ten feet to the edge of the next nearest driveway.
  - b. For lots of record where lot width is 50 feet or less, driveways may be setback a minimum of one (1) foot from the property line.
- 3.** Design alternatives for location may be permitted.

#### **C. Driveway Width.**

- 1. Non-Residential and Mixed Use Districts.**

- a. Driveways shall not exceed fifty (50) feet in width at their junction with the street or highway pavement, except where otherwise required by FDOT, and may not exceed thirty (30) feet in width at the property line.
  - b. Planning Commission may, via a design alternative, authorize driveways up to forty (40) feet in width at their junction with the street or highway pavement in nonresidential or mixed use zoning districts after finding that the specific use proposed requires large vehicles to use the driveways and that the increased width is necessary to accommodate such vehicles.
- 2. Residential Districts.**
- a. Driveways shall not exceed twenty-four (24) feet in width at the property line.
- 3. Design alternatives for width may be permitted.**
- D. Vehicle Maneuvering or Parking; Joint Use of Driveways.** Except for the driveways, the area between the edge of the pavement or curb of a street, road or highway and the property line shall not be used for vehicle maneuvering or parking. In order to minimize the number of drives necessary for proper access to uses, there should be joint use of drives by adjoining properties wherever possible.
- 1. Easements.** Whenever a cross-access easement is designated, the property owner shall grant the easement running with the land to allow general cross-access to and from other properties in the area. Whenever a cross-access easement is proposed (which may involve coordinated parking design), each applicant for subdivision or site plan approval shall provide the necessary easements to ensure adjoining properties can be easily tied in to create a unified system. Stub-outs shall be used as necessary to make it visually obvious that nearby properties may be tied in to the cross-access.
  - 2. Parking Design.** Wherever cross-access easements have been established, the design of parking shall also be coordinated (including shared parking) and shall not prohibit access to the easements and circulation.
- E. Intersections.**
- 1.** Intersections on streets or roads designated as arterials shall not be less than 1,320 feet apart, centerline measurement.
  - 2.** Intersections on streets or roads designated as collectors should not be less than 500 feet apart, centerline measurement. A design alternative may be granted for intersections not meeting this requirement.
- F. Visibility Triangle.**
- 1.** Where an accessway (including alleys) intersects a public right-of-way, all landscaping, fences, signs or walls shall provide unobstructed cross-visibility at a level between two-and-one-half (2.5) feet and ten (10) feet within the areas of property on both sides of an

- accessway formed by the intersection of each side of the accessway and public right-of-way lines, with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides; provided that trees having limbs and foliage are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area shall be allowed and provided that they are located so as not to create a traffic hazard. No buffer, structure or landscaping, except required grass or ground cover, shall be located closer than three (3) feet to the edge of any accessway pavement.
2. On a corner lot, in any zoning district except the VA, DE, and SBI mixed use districts and IND zoning district, no fence, wall, hedge or other planting or structure that will materially obstruct vision between a height of two-and-one-half (2.5) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the right-of-way lines at such corner lots and a straight line joining the right-of-way lines at points which are twenty (20) feet distant from the intersection of the right-of-way lines and measured along the right-of-way lines. Clear tree trunks, signposts, lampposts, fence posts and the like are exempt from this requirement. Where intersections of rights-of-way are less than ninety (90) degrees at the property lines, the legs of the visibility triangle shall be twenty-five (25) feet long.

### 3.1.9. *Accessory Uses and Structures*

- A. **Purpose and Intent.** Accessory uses and structures are defined as uses and structures which are typically incidental and subordinate to the principal use or structure and unless otherwise provided, on the same premises. "On the same premises" shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Typical examples of accessory structures include, but are not limited to, swimming pools, spas, sheds, gazebos, shade structures, and similar structures. Where a building is structurally attached to the principal building, it shall be considered a part of the principal building, and not an accessory building.
- B. **General Standards.**
  1. Permitted accessory uses and structures are those customarily associated with the permitted uses within the zoning district and are not intended to allow for accessory uses and structures that are not consistent with the district's purpose and intent. Accessory uses and structures must be located on the same property/parcel as the principle use for which they are intended.
  2. Except as otherwise provided in this Code, no accessory use or structure shall be approved, established, or constructed, before the principal use or structure is approved, established or constructed.

3. No accessory structure shall be occupied or utilized unless the principal structure, to which it is accessory, is occupied or utilized.
  4. All accessory uses shall be designed to serve primarily the residents, customers, guests, or employees of the principal use with which they are associated.
  5. If an accessory building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Code applicable to the principal building.
  6. No accessory structure or use may be located in a utility easement, right-of-way, drainage easement, or visibility triangle.
  7. No accessory structure or use shall be located in any required front yard, except statues, arbors, trellises, flagpoles thirty-five (35) feet or less in height, planters, porches, U.S. Postal Service authorized mailboxes, outdoor lighting, or similar structures. Parking and fences are also allowed in the required front yard, unless otherwise stated in other sections of this Code.
- C. Specific Accessory Structures Standards.** In no case shall an accessory use be permitted that is not a permitted use under the zoning district. Except as otherwise noted or precluded through easements, accessory structures shall be located no less than five (5) feet from a side or rear property line. Standards for specific accessory structures are as follows:
1. **Pools and Pool Decks.** Pools and pool decks shall not be permitted in any front yard, except through an approved variance in compliance with Section 1.14: Variances; may be permitted no closer than five (5) feet from the side or rear property line; and may not be located within any easements. Pools and pool decks that encroach into a waterfront yard must be no higher than thirty-six (36) inches from grade and can be no closer than five (5) feet from the property line adjacent to the waterfront, or to the mean high-water line, whichever is more landward.
  2. **Cages or Screened Enclosures.** Pool cages and screened enclosures are permitted no closer than five (5) feet from the side or rear property line. In no instance may a cage or enclosure be permitted in an easement. Cages or enclosures in waterfront yards shall be no closer than fifteen (15) feet from the property line adjacent to the waterfront, or to the mean high-water line, whichever is more landward.
  3. **Sheds.** Sheds shall not be permitted in any front yard and may be permitted no closer than five (5) feet from the side or rear property line. In no instance may a shed be permitted in a front yard or an easement. Sheds in waterfront yards shall be no closer than twenty (20) feet from the property line adjacent to the waterfront, or to the mean high-water line, whichever is more landward.



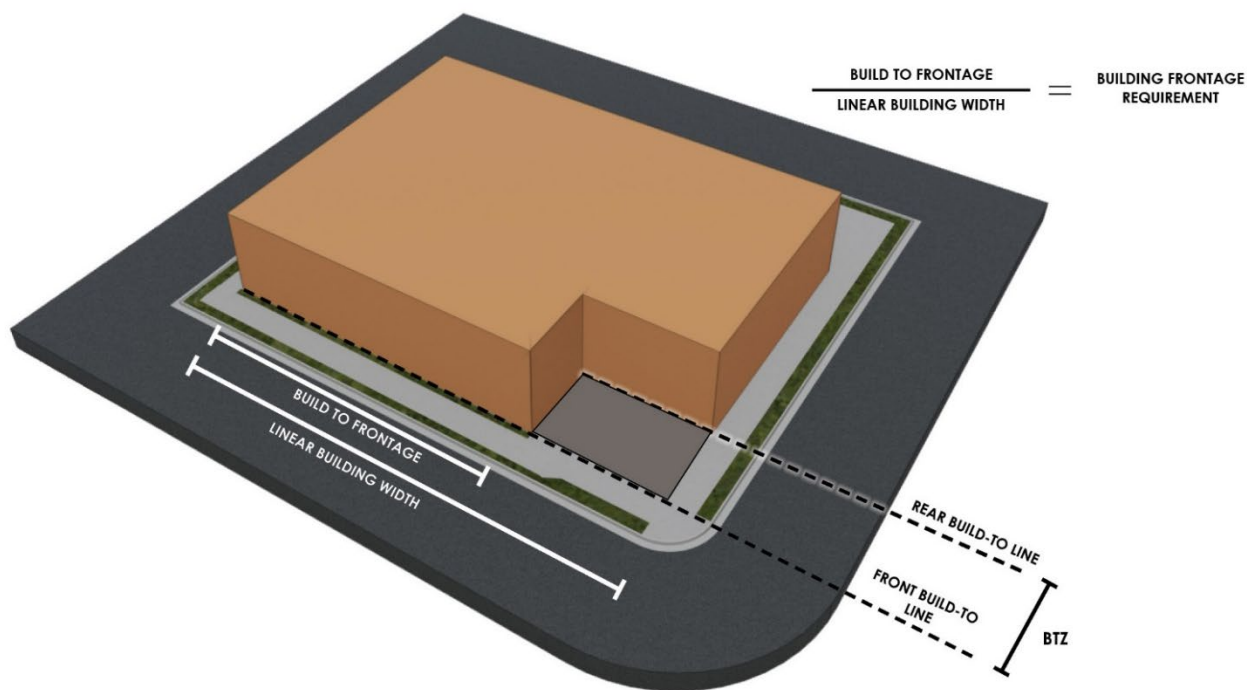
4. **Garages.** Attached garages shall be permitted in any front yard and must meet standard setback requirements for their respective district. Detached garages are not permitted in a front yard and may be permitted in a side or rear yard no closer than five (5) feet to the property line. Garages in waterfront yards shall be no closer than twenty (20) feet from the property line adjacent to the waterfront, or to the mean high-water line, whichever is more landward.
- D. **Height of Accessory Structures.** The height of accessory structures may not exceed the height of the highest point of the principal structure on the lot.
  - E. **Prohibited Accessory Structures.** Storage pods and cargo containers shall not be permitted as accessory structures in residential districts.
  - F. **Miscellaneous Accessory Uses/Structures.**
    1. **Bus Stops and Shelters.** Bus stops, shelters, and benches may be located in any district. No advertising sign shall be permitted on such structures. District setbacks are waived. Locations and setbacks may be approved by the Planning Commission after recommendation from staff.
    2. **Bicycle Racks.** Bicycle racks may be located in any district. District setbacks are waived.
    3. **Electric Vehicle Charging Stations.**
      - a. Electric vehicle charging stations shall meet all applicable state and federal laws, including the Florida Building Code.
      - b. Electric vehicle charging stations may be permitted in any district. Locations and setbacks may be approved as part of any required site plan or zoning permit.
      - c. Each electric vehicle charging station shall include signs that indicate the space is for electric vehicle parking only. Each station shall also post information about voltage and amperage levels, safety information, and contact information for any problems with equipment.
    4. **Mail, Delivery Lockers, Newspaper Boxes.** Mail, delivery lockers, and newspaper delivery boxes may be placed in accord with U.S. Postal Service regulations and are exempt from district setbacks.
    5. **Security Residences.** A residence for security personnel for permitted industrial uses may be permitted as an accessory use. The residence shall be utilized only by the owner or security personnel with proof of employment.
    6. **Home Occupations.** Home occupations may have up to two employees or independent contractors, not including remote employees, who reside outside the home in which the business is located. Parking, exterior modifications, conducting of retail transactions, and mitigation of potential nuisances must be conducted in accordance with F.S. § 559.955. A

home occupation shall be subject to all applicable City occupational license and other business taxes.

### 3.2. Mixed Use Districts Frontage Requirements

- A. Build-To-Zone (BTZ).** Building placement in Mixed Use Districts is defined by Build-to Zones (BTZ). BTZs accommodate flexibility in specific site design while maintaining an established street edge. The BTZ shall be expressed as the range between the minimum and maximum setbacks on a given property, running parallel to each property line. Each development standards table shall express building placement requirements for front/street, side, and rear placement, from which the area of the BTZ may be determined.
- B. Building Frontage Requirement.** The building frontage requirement indicates the percentage of the linear building width that must be located at the front build-to line (minimum setback). This requirement may be achieved through the inclusion of an active use area. The required building frontage shall be calculated by dividing the frontage located at the build-to line by the total linear building width.

Figure 3.2.1 Building Frontage Requirement



- C. Encroachments.** Encroachments are building elements that are attached to a building and are permitted to exist within a setback (i.e. in the private realm, see Figure 3.2.11.2) or the public

realm (Figure 3.2.11.3). Encroachments may include architectural elements that are intended to bring the public realm closer to the building.

1. Awnings, canopies, and projecting signs are the only allowable encroachments into the public realm, provided there are no supporting structures located in the public realm. Awnings may have additional design standards as required by this Code.
2. Encroachments are required to comply with a minimum required clearance height (A), maximum encroachment depth (B), and maximum allowed length (C) as displayed in Figures 3.2.11.2 and 3.2.11.3.
3. For reasons of public safety and accessibility, steps may also be permitted as encroachments but do not need to meet the requirements of this section.

Figure 3.2.2. Encroachments into Setback

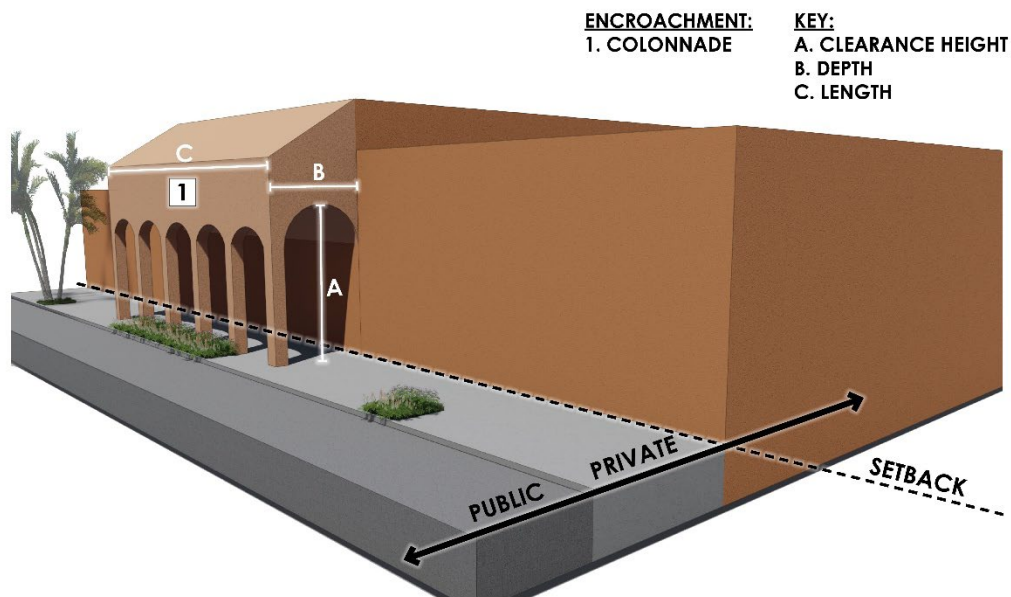
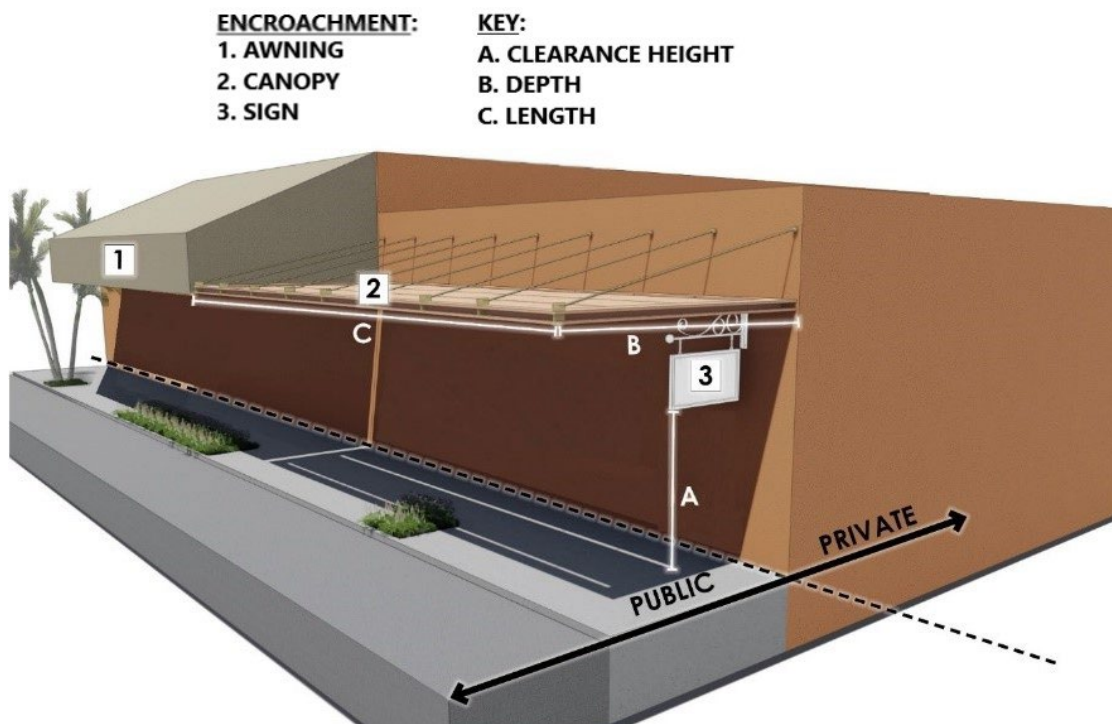


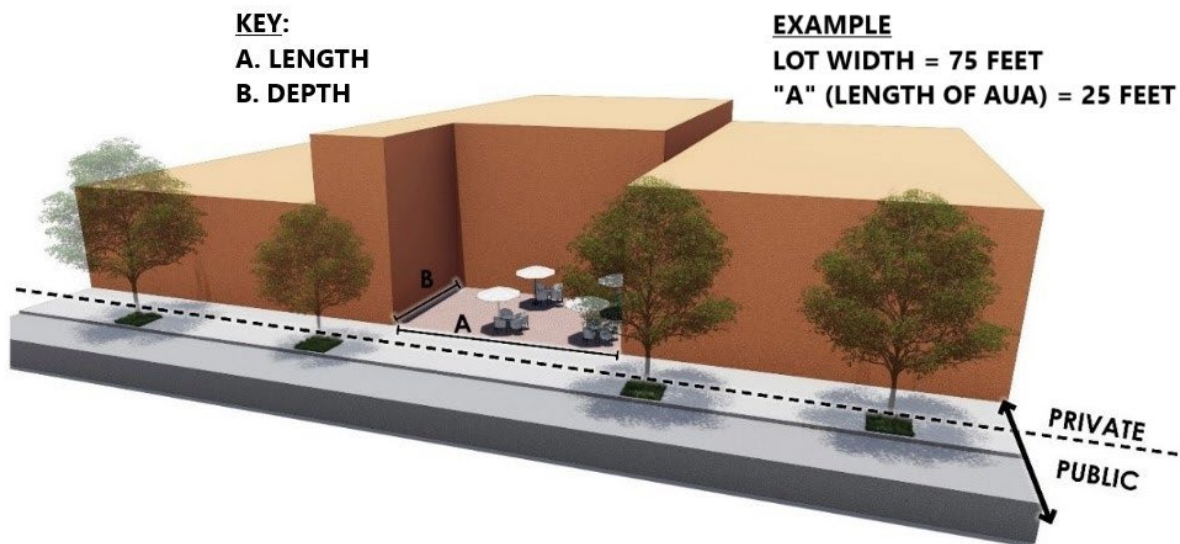
Figure 3.2.3. Encroachments: Public Property and Right-of-Way



**D. Active Use Areas.** Active Use Areas refer to those areas along a frontage that encroach into the private realm and that may provide for a court, colonnade, arcade, courtyard, outdoor dining, merchandise display, shared garden, or similar area. Active use areas shall only be allowed along primary streets.

4. Active use areas are an optional feature within Mixed Use Districts that may be permitted by a design alternative. The design alternative shall define an allowed length (A) and allowed depth (B), as illustrated in Figure 3.2.11.4.
5. The maximum length of an active use area is measured parallel to the frontage, while the maximum depth is measured perpendicular to the frontage.
6. Active use areas may be utilized to achieve building frontage requirements in Section 2 of this Code.
7. If setback requirements allow a side setback that would make it impossible to achieve frontage requirement standards, active use areas must be used to achieve the frontage requirement standard.

Figure 3.2.4. Active Use Areas



- E. Entrances.** Entrances are required on a Primary Street; secondary entrances are permitted and encouraged. If a property has frontage on multiple Primary Streets, the street hierarchy shall govern the placement of entrances. Corner lots with frontage on one or more Primary Streets shall provide at least one entrance per Primary Street with a maximum of two entrances per street. For corner lots, an entrance may be placed at an angle facing the intersection of the two streets to achieve compliance with this standard.

### 3.3 Stormwater and Utilities

- A.** No subdivision or site and development plan shall be approved unless the Planning Commission finds, after full consideration of all pertinent data, that the subdivision or development can be served adequately with necessary public facilities and services as determined by the Director, City Engineer, and utilities department.
- B. Generally.**
  - 1.** Each developer, owner, or builder shall be responsible for the design, installation, inspection, and testing of the complete utility systems within their development and those necessary to connect the same to the City or JPA designated system. "Complete utility system" shall include all component parts of a water distribution and wastewater collection system, including valves, fittings, laterals, hydrants, manholes, lift stations, and all appurtenances as shown upon the approved design of such utility system. "Complete utility system" shall include reclaimed water distribution system components if included in the approved design.

2. All plans and specifications of such proposed installation shall conform to the City Standard Details and shall be submitted to the City for approval prior to submission to the appropriate local and state agencies.
- C. Stormwater Facilities.** It shall be the developer's responsibility to provide all necessary stormwater facilities such as stormwater culverts, pipes, junction boxes, outfalls, swales, canals, structures, ponds, drainage wells, and all other associated improvements to serve the proposed development. The developer shall obtain an approved SWFWMD permit, permit modification, or exemption prior to commencement of construction activities. A complete stormwater management system shall be provided in all areas of development.
1. All stormwater facilities shall be designed and installed under the direction and supervision of a state-licensed professional engineer and in accordance with the City Standard Details.
  2. Stormwater facilities must provide adequate disposal of surface water, maintain any natural watercourses, and provide that historic drainage patterns from adjacent parcels shall be maintained.
  3. Stormwater facilities adjacent to regions with historical flooding or ponding shall minimize impacts and be designed to not further increase discharge volume in the region. Stormwater facility designs are to be submitted for approval by the City Engineer through the site and development plan process or as part of construction plan review.
  4. In areas where high groundwater exists and it is deemed necessary by the City Engineer for the protection of paved streets, underdrains shall be installed.
  5. The engineer is to provide the following statement on all plans requiring a SWFWMD permit: "The post-development runoff will not exceed the pre-development runoff for a 25-year, 24-hour storm event."
  6. Drainage calculations must be provided to verify that the peak flow rate and total volume do not exceed the pre-developed runoff. Proposed development runoff may not additionally impact areas of existing flooding or ponding nor negatively impact adjacent property.
    - a. The stormwater collection system shall be designed in order to completely capture and convey the runoff for the 25-year, 24-hour storm event, unless otherwise determined by the City.
    - b. The City's EPA/NPDES permit guidelines are to be followed in stormwater system design.
    - c. Best management practices (BMPs) are to be followed in all permanent constructed systems and in all construction procedures in accordance with the City Standard Details, and all other applicable local, state and federal requirements.

7. Upon completion of the site work, the project engineer shall furnish the City with a copy of the SWFWMD certificate of compliance, certification that the improvements were installed in accordance with the approved SWFWMD permit and City approved construction permit and record drawings signed and sealed by a state-licensed professional engineer. The project engineer will be required to further provide the certifying engineer name for the annual re-inspection and certification of system function. Certificates of compliance signed and sealed by a state-licensed professional engineer must be filed with the City Engineer annually upon completion.

**D. Potable Water Distribution System; Fire Hydrants and Fire Lines.**

1. The potable water distribution system shall be designed by a state-licensed professional engineer in accordance with state law, and shall be installed with approval and inspection by all appropriate regulatory authorities. All water distribution systems must be installed to meet the minimum design requirements of the City Standard Details, subdivision design standards, and other applicable regulations.
2. Each lot shall be provided with a connection to the City water distribution system. Backflow prevention shall be installed at each potable service as required by the cross connection control program established in Chapter 74. Further, all backflow devices shall be certified to the City upon installation and annually certified that the device is operating by the manufacturer's recommendations prior to the installation of water meters. Pressure and leakage tests in accordance with the City Standard Details, subdivision design standards, and state requirements will be performed at the developer's expense and witnessed by the City Engineering division. Adequate fire protection shall be designed into the system and fire hydrants installed consistent with the requirements of Chapter 38, at the expense of the developer, in single-family development. In high density, nonresidential, and mixed-use districts, fire hydrants are to be spaced as required consistent with the requirements of Chapter 38. Where fire lines extend into private developments from the main distribution system, the developer must have installed an approved detector check valve, and grant to the City an easement over such lines.
3. **Connections to City Water Supply.** It shall be the developer's responsibility to provide that each lot shall be provided with a connection to the City's water supply, or a water supply designated by the Joint Planning and Interlocal Service Boundary Agreement (JPA) with Sarasota County.
  - a. Water services shall be installed in accordance with the City Standard Details, and other applicable state and local requirements, and under the direction and supervision of a state-licensed professional engineer.
  - b. All water service connections are subject to inspection and approval by the City.

- c. Backflow prevention shall be installed at each potable service as required by the cross connection control program established in Chapter 74: Utilities, Code of Ordinances.
  - d. All backflow devices shall be certified as required in Chapter 74: Utilities, Code of Ordinances.
  - e. A complete turnover package as outlined in the City Standard Details must be submitted for approval by City Council.
  - f. Developments will not be eligible for water service or water meter placement until turnover is accepted by City Council.
- E. Wastewater Collection System.** Wastewater collection systems shall be designed by a state-licensed professional engineer in accordance with state law and the regulations of the Florida Department of Environmental Protection or other appropriate agency, and shall be installed with approval and inspection by the City. The wastewater collection system shall be designed, constructed and maintained in such a manner as not to adversely affect the water quality of any stream, lake, river, underground aquifer or other waterbody.
- 1. Connections to City or County Wastewater Collection System.** It shall be the developer's responsibility to connect each lot to the City or County (where applicable) wastewater collection system. Where connecting to the City's system, all connections shall be installed in accordance with the City Standard Details and must comply with the regulations of the state or other regulatory authorities. Wastewater collection systems and connections shall be installed under the direction and supervision of a state-licensed professional engineer and subject to inspection and acceptance by the City. A complete turnover package as outlined in the City Standard Details must be submitted and approved by City Council prior to acceptance of utilities.
  - 2. Wastewater Collection Line Inspections and Cleaning.** Wastewater collection lines will be inspected by City personnel using City TV inspection equipment prior to acceptance and prior to expiration of the one-year developer's maintenance obligation. The developer shall be invoiced per the schedule of fees and charges. Payment of inspection fees must be received prior to utility acceptance by City Council. The developer may perform their own TV inspection that would supplement the City TV inspection. Such a developer TV inspection shall meet all of the same requirements of the City TV inspection procedures, and any deviations will result in rejection of the developer's TV inspection submittal.
- E. Utility Lines.** Utility lines of all kinds, including but not limited to those of franchised utilities, electric power and light, telephone, cable television, water, wastewater and gas, shall be constructed and installed beneath the surface of the ground within residential subdivisions, unless it is determined by the City Engineer and utilities manager that soil, topographical or any other compelling conditions make the installation of such utility lines unreasonable or



impracticable. It shall be the developer's responsibility to make the necessary arrangements with each utility in accordance with the utility's established policies. The underground installation of incidental appurtenances such as transformer boxes, pedestal-mounted terminal boxes for electricity, or similar service hardware necessary for the provision of electric and communication utilities shall not be required.

**F. Developer Installed Lines.**

- a. The developer of a tract of land, after approval of plans by the City and other appropriate agencies, shall at their expense, install the required transmission mains and collection system to connect the development to the City or JPA designated system.
- b. The developer shall, also at their own expense, after approval by the City and all appropriate agencies, install all distribution, collection, and service lines and meter boxes within said development.
- c. The minimum size pipe allowed for distribution of water shall be six (6) inches in diameter except for dead end lines that shall be a minimum of eight (8) inches in diameter. The minimum size pipe allowed for collection of wastewater shall be eight (8) inches.
- d. Upon acceptance of such installation by the City, all transmission, collection, distribution, and service lines and meter boxes shall be deeded to and become the property of the City through the turnover procedure outlined in the City Standard Details.
- e. Should the City require oversizing of the lines beyond the developer's needs, the City shall reimburse the developer only for the difference in the cost of the pipe. Should the City require fittings and hydrants beyond the developer's needs, the City shall reimburse the developer for the cost of such fittings and hydrants.

**G. Turnover of Lines and/or Systems.** When construction has been completed, the turnover of lines and/or systems to the City shall be in accordance with the procedure established in the City Standard Details. The City will not render service or process building permits for such service until the documentation set forth in the City Standard Details has been received and accepted by City Council.

**H. Reclaimed Water System.** In certain areas of the City, reclaimed water, or highly treated wastewater, may be available for irrigation. For long-term planning, the City encourages all developments to include an irrigation system during construction, even if reclaimed water is not available at the time of development. Connection to the reclaimed water system may become available at a future date. Developers shall closely coordinate with the utilities department during construction and operation of reclaimed water systems. Reclaimed water systems shall comply with Chapter 74: Utilities.

### 3.4. Streets and Sidewalks

- A. Purpose and Intent.** The standards regarding streets and sidewalks defined in this section shall be applied to all development applications. For the purpose of this section, development applications shall include site and development plans, preliminary plats, final plats, and construction plans. The City shall recognize two street design types, complete streets and traditional streets.
- 1. Complete Streets.** Complete Street Types in this Code are intended to provide a suite of options for redevelopment of roadways in the City. Complete streets are designed and operated to enable safe use and support a mixture of multimodal options which accommodate all users, whether vehicular, bicyclist or pedestrian. Complete street requirements are defined in Section 3.4.1.I: Complete Street Design Standards and 3.4.1.J: Complete Street Types.
  - 2. Traditional Streets.** Traditional streets are designed for motor vehicle use and shall comply with the standards defined in Table 3.4.1.E.: Traditional Roadway Width Specifications.

#### 3.4.1. Streets

- A. Minimum Street Improvements.** All streets shall conform to the requirements of this section, the latest version of the City Standard Details, and the Manual of Uniform Minimum Standards for Design, and Construction and Maintenance for Streets and Highways, State of Florida, including sidewalks and parkways to the established and approved grade.
- B. Street Signs and Street Names.**
1. Street signs, showing the names of all intersecting streets, shall be erected at each intersection.
  2. All signs on City streets shall have blue background and design as required by the City.
  3. All signs shall require approval by the City and/or the County as applicable before being installed. Street signs for any County-maintained street within the City limits shall meet County specifications.
  4. All development applications shall include a proposed addressing plan that includes proposed street names that shall be reviewed and approved by the City or County as applicable.
  5. New streets that are an extension of, or in alignment with, existing streets shall bear the same name as that of the existing streets.
- C. Addressing.**
1. New development shall be addressed in compliance with the standards below:
    - a. Development on vacant property that does not require site and development plan approval must seek address assignment from the Planning and Zoning Department.

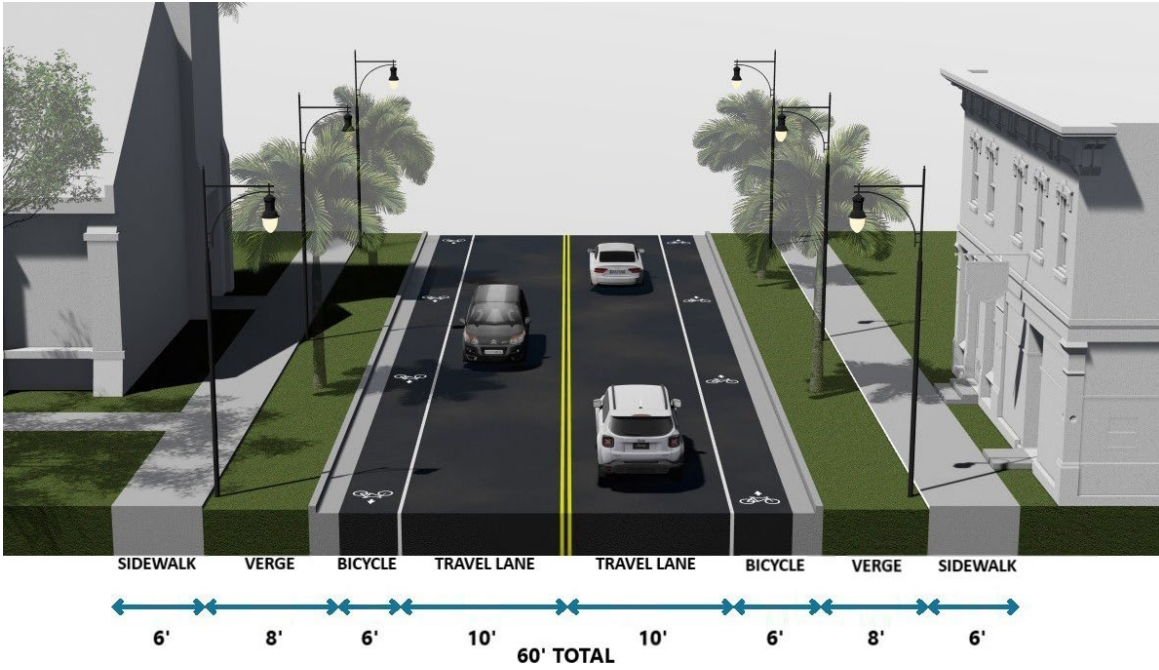
- b. All applicants seeking development application approval shall provide an addressing plan.
- c. Applicants shall provide a street map of the area to ensure a logical address assignment in their addressing plan submittal.
- d. Single-family structures shall have a unique address number.
- e. Commercial structures shall have a unique address number.
- f. Multi-unit structures shall have either a unique address number for each unit or a main address number with separate suite/apartment numbers for each unit.
  - i. When unit numbers are used in a multistory building, each unit number shall reflect its physical location by the applicable floor level.
  - ii. Units adjacent to the frontage right-of-way shall have addresses on the right-of-way. Units beyond the first row and/or beyond the first entrance point should be addressed on the applicable adjacent accessway or street.
- g. Structures shall be assigned addresses based on street frontage. Lots with two or more street frontages should be assigned an address based on the location of the building entrance.
- h. Address numbers shall be odd numbers on one side of a street and even numbers on the opposite side of the street. This will follow National Emergency Numbers Association (NENA) procedures and the City's address numbering process. Streets running in a north-south direction shall be addressed as follows: Addresses on the east side of the street shall be even-numbered and addresses on the west side of the street shall be odd-numbered. Streets running in a west to east direction shall be addressed as follows: Addresses on the north side of the street shall be even-numbered and addresses on the south side of the street shall be odd-numbered.
- i. In determining if a curved street should be addressed with a north-south or an east-west orientation, the Planning and Zoning Department shall focus on the predominate direction of the street. If such orientation of the street creates confusion or conflict, then the Planning and Zoning Department shall assign an address which best preserves the welfare and safety of the citizens of the city. The Planning and Zoning Department may break established addressing procedure in order to make adjustments at barriers. In the event adjustments are necessary, a "warped" pattern may be used to provide a transition from an established pattern to the area subject to change or correction.
- j. In cases of nonconforming street patterns, the Planning and Zoning Department shall place emphasis on address number continuity.

- k. Address numbers that run past a 90-degree turn shall continue to be in sequence with the rest of the parcels or buildings on such street, the primary direction of the street numbering sequence shall be maintained in numbering and all addresses on the same street should fall within the same address range.
  - l. Culs-de-sac shall require that an odd number be used at a point so determined by the Planning and Zoning Department along the turning circle.
  - m. Circular or loop shaped roads shall be addressed to keep even numbers on one side and odd numbers on another side.
  - n. Numbering shall occur in a counterclockwise pattern unless a clockwise pattern provides greater protection of the public health, safety and welfare of the citizens.
  - o. At any fork in a road, the address range sequence follows the customary counterclockwise standard.
  - p. Accessory structures shall have an address number.
  - q. Historic structures, as defined in this code, shall maintain their original historic address.
  - r. Unimproved parcels abutting a right-of-way or easement shall have an address when determined necessary by the Director or their designee.
  - s. Where permitted by this Code, if a property owner proposes an additional unit on a lot, they shall provide a separate and unique address for each unit. The use of any fraction or decimal is prohibited. The number must fit within the existing numbering sequence.
  - t. If an address was not assigned through plat approval by the City, applicants shall provide copies of plats and development applications so that an address may be assigned.
  - u. The Planning and Zoning Department shall have the discretion to reassign addresses along contiguous stretches of road for the purpose of protecting the health, safety and welfare of the general public.
2. Existing development shall implement the following address changes when necessary:
    - a. Renovations on a corner lot that involve changing the primary street based on the standards for a corner lot in 3.1.4.A.2. shall require a change of address to the new primary street.
    - b. Lot splitting shall require readjustment of numbering on all affected lots to ensure compliance with guidelines in 3.4.1.C and to create a logical sequence of numbers.
  3. Property owners may seek reassignment of any existing address number(s) from the City.
- D. Traffic Calming Measures.**

1. The City allows the use of traffic calming measures including, but not limited to, street modifications and traffic control devices, complete streets components, or facilities for alternate modes of transportation such as bike lanes and sidewalks.
  2. The use of streetscaping as a method of traffic calming is also encouraged and may include the placement of distinctive lighting, furniture, art, trees, and other landscaping along streets and at intersections, in keeping with Section 3.1.8.F.
  3. The City Engineer must approve traffic calming measures whenever proposed.
  4. Traffic calming measures shall not impede emergency response, as determined by the Fire Marshal.
- E. Traditional Minimum Street Improvement Requirements.** Traditional streets shall comply with the standards defined in the latest version of the City Standard Details.
- F. Alleys.** Consistent with Strategy LU 1.4.1 from the City’s Comprehensive Plan, the City shall maintain the historic grid street patterns established by the Nolen Plan. Alleys may be required in the rear of lots, when in the opinion of the City Engineer, they are required to continue or complete the original town plan by John Nolen, dated 1926. Alleys shall be at least twenty (20) feet wide and a five-foot cutoff shall be made at all acute angle alley intersections.
- G. Private Streets.** Construction details for private streets may be approved by the City Engineer provided they meet the latest version of City Standard Details. In addition, private streets shall provide continuation of existing street patterns. The proposed street layout shall be coordinated with the street system of the surrounding area. All collector and arterial streets shall be public.
1. **Access to Adjoining Property.** Street stubs to the property line shall be provided when required to give access to adjoining areas or to provide for future traffic circulation. Street stubs in excess of two-hundred-fifty (250) feet shall be provided with a temporary cul-de-sac turnaround within the platted right-of-way complying with the cul-de-sac standards contained in this section.
- H. Bridges.** Bridges shall be designed in accordance with the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, the latest version of the City Standard Details, and other applicable regulations. Bridges shall be designed by a state-licensed professional engineer and are subject to approval by the City Engineer. Bridges shall be constructed with curbs, the required paving width, and, in addition, sidewalks consistent with the width of the approaching sidewalk on both sides, except on dual bridges where sidewalks shall only be required on the outside of each bridge. Approach guardrails or fences shall be provided as required.
- I. Complete Street Design Standards.** Street design shall implement Strategy LU 1.3.3 Walkable Streets and Strategy LU 1.3.4 Interconnected Circulation, of the City’s Comprehensive Plan and meet the requirements below:

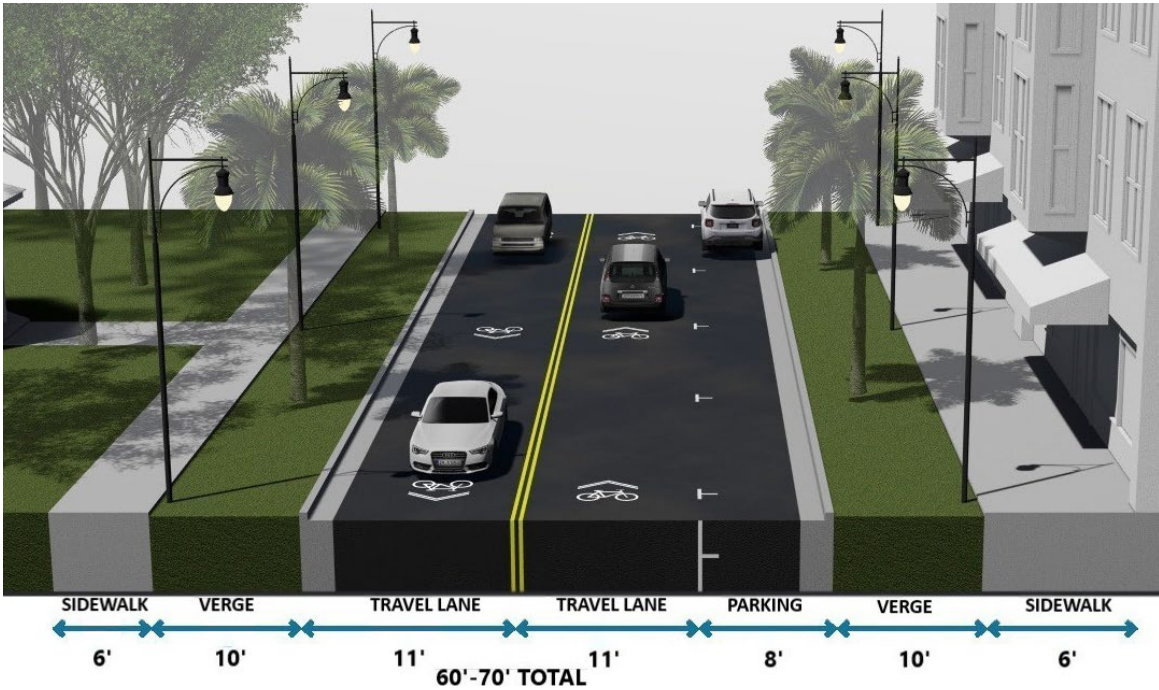
- 1. Complete Street Classifications.** Complete streets shall be classified based on the projected average traffic volume criteria contained in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The classification of streets is defined in the City's Comprehensive Plan, Strategy TR 1.1.1. Roadway Classifications. Streets for nonresidential developments shall be classified on a case-by-case basis in consultation with the Director and City Engineer based on standard engineering practice and the projected average traffic volume for anticipated uses. The relationship of the development's street pattern to the overall roadway network and other trip generators must also be considered in developing street classifications to provide safe and efficient vehicular and pedestrian access.
  - 2. City Standard Details.** Any standards not defined in this subsection shall meet or exceed the design standards required within the latest version of the City Standard Details.
- J. Complete Street Types.** Complete Street Types in this Code are intended to provide a suite of options for redevelopment of roadways in the City. Using the August 2017 Florida Department of Transportation Context Classification as a basis, the following Street Types present a framework to correspond with said context classifications. It is the intent that these street types will allow for a context-sensitive system of complete streets in the City which emphasize the user, whether driver, bicyclist or pedestrian. The following street types and their unique specifications apply to streets designated in Mixed Use Districts and this subsection, but may also be used in other areas in the City after review by the TRC.
- 1. Complete Street Type 1.** This roadway type has a mix of uses within small blocks and allows for two lanes of vehicular traffic, and bicycle lanes on each side.

Figure 3.4.1.1. Complete Street Type 1 (Illustrative Purposes Only)



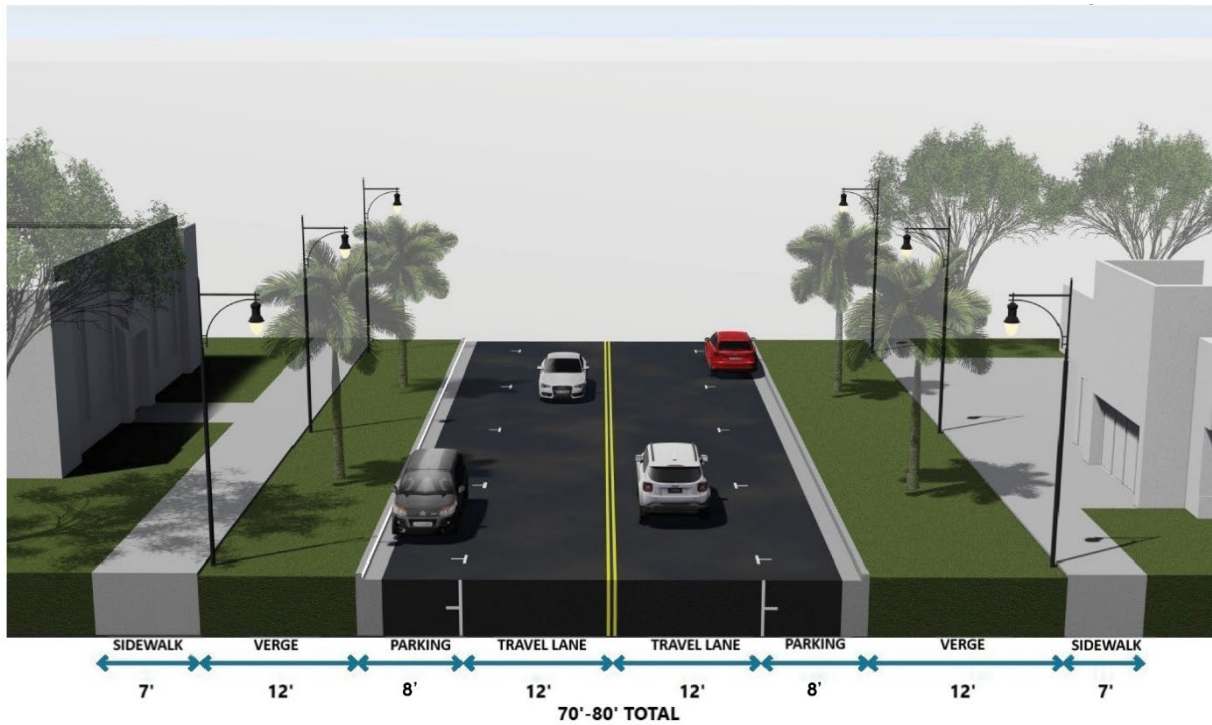
- Complete Street Type 2.** This roadway type has a mix of uses within small blocks with a well-connected roadway network. Street Type 2 allows for two lanes of vehicular traffic featuring sharrows with dedicated parking on one side.

Figure 3.4.1.2. Complete Street Type 2 (Illustrative Purposes Only)



- 3. **Complete Street Type 3.** This roadway type features single-family and multi-family residential with neighborhood scale retail and office. Buildings have minimal to shallow setbacks. Street Type 3 allows for two lanes of vehicular traffic with dedicated parking on each side.

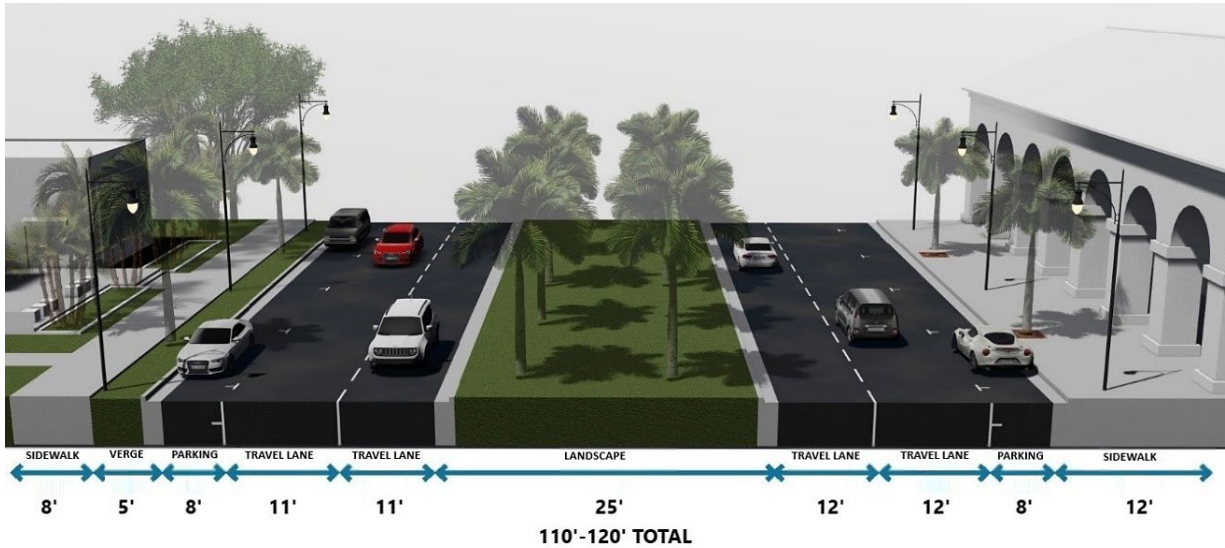
Figure 3.4.1.3. Complete Street Type 3 (Illustrative Purposes Only)





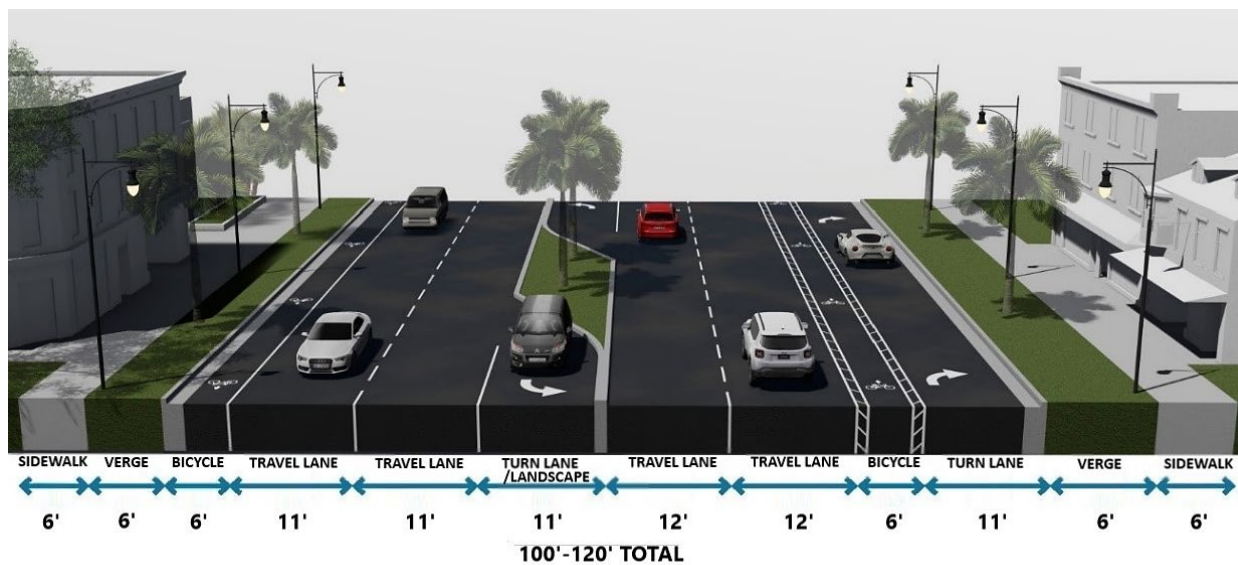
- 4. **Complete Street Type 4.** This roadway type has buildings with no setbacks or minimal setbacks, and features retail, office, and institutional uses. Street Type 4 allows for two lanes of vehicular traffic on each side, with a lane of dedicated parking on each side.

Figure 3.4.1.4. Complete Street Type 4 (Illustrative Purposes Only)



- 5. **Complete Street Type 5.** This street type allows for most retail and commercial uses, featuring detached buildings with setbacks on all sides. Street type 5 allows for multi-lane traffic with turn lanes and dedicated bicycle lanes.

Figure 3.4.1.5. Complete Street Type 5 (Illustrative Purposes Only)



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**6. Complete Street Type Design Standards.** Street Types shall comply with the following design standards in Table 3.4.1.1. Design standards may be modified to resemble current FDOT classification context more closely, if necessary, via a design alternative approved by the Planning Commission.

Table 3.4.1.1. Complete Street Type Design Standards

Complete Street Type Design Standards					
Design Elements	Street Type 1	Street Type 2	Street Type 3	Street Type 4	Street Type 5 <sup>5</sup>
Right-Of-Way Width	60'	60'-70'	70'-80'	110'-120'	100'-120'
# of Travel Lanes	2	2	2	4	4
Travel Lane Width	10'-11'	10'-11'	10'-12'	10'-12'	11'-12'
# of Parking Lanes	None	1-2	2	2	None
Parking Lane Width	N/A	8'	8'	8'	N/A
# of Bicycle Lanes <sup>1</sup>	2	None	None	None	2
Bicycle Lane Width	6'	N/A	N/A	N/A	6'
# of Turn Lanes	None	None	None	None	2
Turn Lane Width <sup>2</sup>	N/A	N/A	N/A	N/A	11'-12'
Landscape Width	None	None	None	20'-30'	12'-20'
Min # of Sidewalks	2	2	2	2	2
Min Sidewalk Width	6'	6'	6'-8'	8'-12'	6'-12'
# of Landscape Verges <sup>3</sup>	2	2	2	2	2
Landscape Verge Width <sup>4</sup>	6'-8'	6'-10'	12'-15'	5'-7'	6'-8'
<b>Notes</b>					
<p><sup>1</sup> Assumes parallel parking only. Where applicable, sharrows and bicycle lanes may be considered.</p> <p><sup>2</sup> Center Turn Lane is understood to be segmented with landscape island or similar; no two-way left turn lane permitted.</p> <p><sup>3</sup> Landscape verge may be reduced to 1' where sufficient ROW is not available.</p> <p><sup>4</sup> Tree grates/wells may be provided, but shall require wider sidewalk with at least 6' pedestrian clearance.</p> <p><sup>5</sup> In place of required sidewalks and/or bicycle lanes, a Multi-Use Recreational Trail (MURT) may be approved through the design alternative process.</p>					

7. **City of Venice Streets and Street Type Classification.** The City has identified two types of complete streets: those identified in the City’s Comprehensive Plan in Figure TR -7 - *Possible Complete Streets* and those identified for each mixed use area (See Table 3.4.1.2).

Table 3.4.1.2. Complete Streets Classifications

Complete Streets Classifications					
Mixed use Area	Complete Street Type 1	Complete Street Type 2	Complete Street Type 3	Complete Street Type 4	Complete Street Type 5
<b>Mixed use Downtown</b>	Milan Ave	Sarasota St		Venice Ave	Tamiami
	Nokomis Ave <sup>1</sup>	Tampa Ave E		Harbor Drive	
		Miami Ave			
		Nassau St			
<b>Mixed use Seaboard</b>		Seaboard Ave	Spur St	Venice Ave	
		Warfield Ave	Cypress Ave		
			Grove St		
<b>Mixed use Corridor - Island</b>	Milan Ave W		Nokomis Ave S <sup>1</sup>	Palermo Pl	Tamiami
	Turn St W			Rialto	
	Nokomis Ave S <sup>1</sup>				
	San Marco Dr				
	Avenida Del Circo				
	Ringling Dr S				
	Airport Ave E				
<b>Mixed use Gateway</b>	N/A	N/A	N/A	N/A	N/A
<b>Mixed use Corridor – Laurel and Knights Trail</b>				Pinebrook Rd	Laurel Road East <sup>3</sup>
				Knights Trail Rd <sup>2</sup>	Laurel Road West <sup>3</sup>
<b>Notes</b>					
<sup>1</sup> Portions of Nokomis Avenue may be constructed consistent with Street Type 3 where right of way or similar permits are issued.					
<sup>2</sup> For Knights Trail Road, Street Type 4 is understood to extend north from Laurel Road to the intersection of Rustic Road.					
<sup>3</sup> Portions of Laurel Road may be constructed consistent with FDOT Context Classification.					

### 3.4.2. Sidewalks

#### A. Applicability of Required Sidewalks.

1. Sidewalks shall be required improvements within adjoining rights-of-way for public or private streets in connection with all new development and redevelopment of property within the City.
2. Sidewalks shall be part of a preliminary plat and/or site and development plan.
3. In place of required sidewalks and/or bicycle lanes, a multi-use recreational trail (MURT) may be approved by design alternative. It is preferred to have both on-street bicycle lanes and multi-use trails to accommodate both commuter and recreational bicyclists.

#### B. Standards.

1. Sidewalks shall be constructed in accordance with the specifications contained in this section and the latest version of the City Standard Details.
2. Sidewalks shall be at least six (6) feet in width.
3. Sidewalks shall be constructed in accordance with the Americans with Disabilities Act of 1990 (ADA) standards and requirements at a minimum.
4. Required sidewalks for any development along a designated complete street roadway shall meet the minimum sidewalk or MURT requirements of Sections 3.4.1.I and 3.4.1.J.
5. If required sidewalks are proposed to be located outside a right-of-way, a sidewalk easement dedicated to the City shall be required.
6. Sidewalks shall be installed prior to the issuance of a certificate of occupancy for any adjoining building, except when the developer provides a satisfactory cash or surety bond to ensure completion of all remaining sidewalks within two years or at any other time completion is required by the City.
7. A design alternative may be requested for required sidewalks in accordance with the requirements of Section 1.11: Design Alternatives. The design alternative, at minimum, shall reflect a sidewalk system along streets and lot line easements which links the property to activities such as school sites, shopping and other pedestrian systems.

#### C. Multi-Use Recreational Trails (MURTs). MURTs provide pedestrian mobility options for the residents of the City. MURTs are intended to provide a safe, comfortable environment for bicyclists, walkers, and other forms of alternative mobility options. MURTs shall comply with the following standards:

1. **Width.** MURTs shall be at least ten (10) feet in width.
2. **Material.** MURTs shall be a paved, concrete, or similar hard surface material.

- D. Connectivity of Parks.** The connectivity of parks and public spaces shall be achieved via pedestrian/bike access ways including linear parks, sidewalks, bicycle lanes, trails, blueways (such as kayak trails), and/or greenways.
- E. Cash Deposit in Lieu of Construction.**
1. Where determined that circumstances exist (including planned future reconstruction of a street or the existence of a major surface drainage system), which make the immediate construction of a sidewalk impractical, the owner or developer may propose a cash deposit in lieu of equivalent sidewalk construction for the roadway frontage. Such proposals shall be based upon design, permitting, and construction estimates and shall be reviewed by City staff and provided with a recommendation of the Planning Commission to City Council for a final decision.
  2. All such sidewalk deposits shall be held in a special sidewalk fund which may be used by the City for construction of new sidewalks (but not maintenance of existing sidewalks) at any needed location in the City.

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### 3.5. Signs

**A. Purpose and Intent.** The purpose of this section is to establish standards for the fabrication, erection, and use of signs, and to regulate the location, type, size, and height of signage for all properties within the City. The adoption of this section reflects the formal findings of fact by the City Council that regulation of signage advances the following compelling governmental interests:

1. Reduce signage that the City has determined to be a cause of unsafe traffic and visibility conditions for pedestrians, bicyclists, drivers, and passengers.
2. Protect pedestrians, bicyclists, drivers, and passengers from injury caused by the faulty and uncontrolled construction and use of signs within the City.
3. Protect pedestrians, bicyclists, drivers, and passengers from injury caused by distractions, obstructions, and hazards created by certain signs or by cluttered, distracting, or illegible signage.
4. Promote the public welfare, health, and safety of all persons using public thoroughfares and rights-of-way within the City in relation to the signage displayed thereon, or overhanging, or projecting into such public spaces.
5. Preserve the value of private property by assuring the compatibility of signs with surrounding land uses.
6. Assure that public benefits derived from expenditures of public funds for the improvement and beautification of public streets and other public structures and spaces are protected by exercising reasonable controls over character and design of signage.
7. Advance the aesthetic goals of the City throughout the community and ensure the effectiveness and flexibility in the design, creativity, or use of signage without creating a detriment to the general public.

Furthermore, this section leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on advertising signs - namely, distributed print media, broadcast media, and point-of-purchase display - and is narrowly defined so as to limit said prohibition to commercial speech on exterior signage and signage intended to be viewed from beyond the boundaries of a site.

**B. Applicability.** The provisions of this section shall govern all signs within the City. No sign shall be altered, replaced, converted, changed, or modified except in accordance with the requirements of this Code. The provisions of this section provide diverse sign types with specific provisions based on the district(s) in which they are located. No portion of this section is intended to violate free speech or other applicable legal standards specific to signage. Any type of sign not expressly exempted or permitted in this Code is prohibited.



- C. Determining Number of Signs.** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. In the case of double-faced signs, where both faces advertise the same facilities, products or services, the total sign shall constitute a single sign. Where both faces do not advertise the same facilities, products or services, each sign face shall constitute a single sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- D. Design Alternatives.** The Planning Commission may grant design alternatives to a sign design standard set forth in this Code if:
1. The request is included as part of a signage plan for a development. A signage plan shall be submitted concurrently with a site and development plan and shall, at minimum, include the number of signs, types of signs, sizes of signs, heights of signs, setbacks for signs, location of signs, sign designs, and illumination of signs.
  2. The design alternative is consistent with the stated intent of the design standard at issue;
  3. The design alternative achieves or implements the stated intent to the same degree or better than strict compliance with the standard would achieve; and
  4. The design alternative will not result in adverse impacts on properties abutting the site.

### 3.5.1. Prohibited Signs

- A. Generally.** Signs are prohibited in all districts unless:
1. Constructed pursuant to a valid building permit when required under this Code; and
  2. Authorized under this Code.
- B. Specifically Prohibited.** Notwithstanding subsection (A) above, the following signs are specifically prohibited:
1. Any sign which constitutes a traffic hazard or a detriment to traffic or pedestrian safety by reason of its size, location, movement, character, coloring or method of illumination;
  2. Any sign obstructing the vision of drivers;
  3. Any sign obstructing or detracting from the visibility of any official traffic control device by unreasonably diverting or tending to divert the attention of operators of moving vehicles from traffic movement on streets, roads, intersections or access facilities;
  4. Any sign erected in such a manner as to obstruct the vision of or constitute a hazard to pedestrians;
  5. The use of flashing or revolving lights is prohibited in any sign as constituting a hazard to traffic;

6. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign may use the word "Stop," "Look," "Drive-In" or "Danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic;
7. Signs displaying an obscene or pornographic message;
8. Signs (other than those erected or required to be erected by the municipal, county, state, or federal government) erected on the right-of-way of any street, road or public way, or signs overhanging or infringing upon the right-of-way of any street, road, or public way, except as specifically provided by this section;
9. Signs erected on public property other than signs erected by the municipal, county, state, or federal government for public purposes, unless otherwise authorized by this section;
10. Signs so located as to prevent free ingress or egress into or from any door, passable window or fire escape. No sign shall be attached to a standpipe or fire escape;
11. Off-site signs, except for off-site identification/directional signs approved by the Planning Commission pursuant to this Code;
12. Portable signs, except where specifically permitted by the terms of this section;
13. Any sign containing or consisting of banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices or signs which may move or swing as a result of wind or man-made wind;
14. Signs on or attached to utility poles or trees, shrubs or plants;
15. Outline or strip lighting on corners, eaves, ridges, fascia or other portions of buildings or structures, except when temporarily provided as part of holiday decorations;
16. Roof signs that are constructed upon a roof or roof-mounted structure, except where specifically permitted by terms of this section. Those signs that are placed or mounted on a mansard roof are not considered prohibited roof signs but may be permitted as a building sign;
17. Pole or pylon signs;
18. Illuminated portable signs;
19. Vehicle identification or trailer-mounted signs attached to or painted on a vehicle or trailer that is inoperable, does not have a current State of Florida vehicle registration, or is not regularly used as part of the activity located on the premises, excluding personal use by the business and/or property owner. Any sign bearing a commercial message that is attached to or painted on a vehicle or trailer that is routinely parked or otherwise located on a site other than the site where the business is located, or a sign whereby its size or placement on the vehicle or trailer makes it impractical or dangerous to operate the vehicle or trailer, is also prohibited; and

20. Any sign that emits audible sound, odor, or visible matter such as smoke or steam.

### 3.5.2. Exempt Signs

- A. Types of Exempt Signs.** The following signs may be erected in any zoning district without securing a permit, subject to meeting all requirements of this Code:
1. Any sign integrated into or on an ATM, coin-operated machine, gasoline pump, telephone booth, vending machine, or similar equipment or machine.
  2. A sign carried by a person.
  3. Professional nameplates or occupational buildings signs not exceeding two square feet in area.
  4. Memorial signs or names of buildings that do not exceed four square feet in area.
  5. Government signs located in public right-of-way or on public property.
  6. Vehicle signs, provided the vehicle is operable, has a current State of Florida registration, is regularly used by the business, and does not meet any definition of a prohibited vehicle sign in 3.5.1.B.19.
  7. One flagpole per property is allowed. The flagpole must be no higher than the maximum height for the zoning district, as measured at ground level. Flagpoles shall be no closer than ten feet from the property line.
  8. Murals on buildings or structures are exempt, provided the mural does not advertise or promote any product, business logo, or business. Murals that provide a depiction or rendering of scenery, recreation, habitat, or leisure activities are exempt. Murals which advertise or promote a product, business logo, or business shall be categorized as a wall sign.
  9. Historic designation or registry signs (e.g. John Nolen Historic District, Golden Beach) or similar.
  10. Portable signs (may also be referred to as “sandwich board” or “sidewalk” signs). Portable signs shall be:
    - a. Non-illuminated;
    - b. Sufficient to meet adopted accessibility standards with respect to sidewalks and travel widths, obstructions, etc.;
    - c. Removed at close of business daily;
    - d. Limited to one per business;
    - e. Located within 10 feet of the business entrance; and
    - f. No greater than 6 square feet in area.
  11. Directional signs (entrance, exit, drive-thru, etc.) on nonresidential use lots are exempt, subject to the following standards:

- a. The name and/or logo of the business or organization may be included on the face of the sign, provided that at least one-half of the area of the sign face provides directional information.
- b. A nonresidential lot or parcel shall have only one directional sign at any entrance to the lot located within the front setback. The directional sign shall provide directional information for no more than one business or organization. The maximum area of such signs shall be four square feet.
- c. The number of directional signs outside the front yard shall not be limited and the maximum area of such signs shall be two square feet.

### 3.5.3. Temporary Signs

#### A. Types of Temporary Signs.

1. **Residential Yard Signs.** Up to two (2) temporary yard signs may be permitted in residential yards, with neither to exceed three (3) square feet in area per sign.
2. **Non-residential Signs.** Limited to one (1) temporary sign per business of one (1) square foot per linear foot of building or twenty (20) square feet, whichever is less.
3. **Real Estate Signs.**
  - a. In residential districts, limited to one sign per lot or parcel except for corner lots which may have one sign per street frontage. Lots with navigable waterway may have one additional real estate sign in the waterfront yard or on a structure over water. Lots that abut a golf course may have one additional real estate sign in a yard that abuts the golf course.
  - b. Size of real estate sign for any lot shall not exceed four (4) square feet.
  - c. Real estate signs shall be removed within forty-eight (48) hours of sale closing or lease start.
  - d. Real estate signs advertising a developer's sale of vacant lots shall be limited to entrances to the subdivision from a public street and limited to sixteen (16) square feet in area and eight (8) feet in height.
  - e. All signs in a development for an approved subdivision shall be removed when five percent of the total lots in the last phase of the subdivision remain.
  - f. Real estate signs in nonresidential districts shall be non-illuminated and are limited to one sign per parcel. Corner lots may have one sign per street frontage. Each sign shall be a maximum thirty-two (32) square feet in area and shall be removed within forty-eight (48) hours of the sale closing or lease start.
4. **Construction Signs.** The sign shall not be erected before a building permit for trade work has been issued by the City, and must be removed immediately following final inspection of

the trade work. If construction is not begun in sixty (60) days or if construction is not continuously and actively pursued to completion, such sign shall be removed. Construction signs shall not be illuminated.

- a. Up to three (3) signs are permitted per lot or parcel where trades are working on the site, except that corner lots may be permitted three signs per frontage provided that there is a minimum separation of signs from each frontage of not less than fifty (50) feet. Each sign shall not exceed eight square feet in area.

**B. General Standards for Temporary Signs.** All temporary signs shall meet the following criteria:

1. Does not interfere with visibility or impede the safety of pedestrians or motorists.
2. Shall be set back a minimum of two (2) feet from the edge of pavement of a street.
3. Not illuminated.
4. Displayed a maximum of thirty (30) consecutive days, after which the sign shall be removed.

#### 3.5.4. Permitted Signs

**A. General Applicability.**

1. **Design.** Permitted signs are defined in this section with standards provided. All signs shall be constructed in a professional manner and shall be architecturally consistent with the buildings they identify. Signs shall be or appear to be constructed of stone, masonry, metal, ceramic, glass, plastic, or wood. Fluorescent, metal flake or iridescent colors are prohibited. Ground signs shall include base, cap and column in their design.
2. **Landscaping.** Ground signs shall be placed in a landscaped setting appropriate to the size and scale of the sign, and character of the site. Landscaping shall comply with Section 3.5: Landscaping.
3. **Intersection Visibility Triangle.** No sign structure may obstruct the visibility triangle as described in Section 3.1.8.F. No sign shall impede pedestrians or motorists on or off the premises.
4. **Illumination.** Outline or strip lighting, neon tube, animated, or flashing or changeable illumination shall not be permitted. Illumination in signs may not impair the vision of motor vehicle drivers. All permanent signs may be non-illuminated or illuminated by internal or external illumination.
  - a. **External Illumination.** Only stationary and shielded light sources directed solely onto the sign are permitted.
  - b. **Internal Illumination.** Only illumination of letters and logos shall be permitted, and illumination shall have a designation of “white” or “daylight.”

5. **Changeable Copy.** Up to 50% of the maximum area for monument or wall signs may be used for changeable copy. No video, animated, scrolling or moving changeable electronic variable message shall be permitted.
6. **Drive-Through Menu Signs.** For each establishment with a lawful, permitted use that utilizes a drive-through lane, a maximum two (2) drive-through menu signs shall be allowed for each drive-through lane.
  - a. Each allowed drive-through sign may be either a freestanding sign or an attached sign and shall not exceed forty (40) square feet in sign area and ten (10) feet in height.
  - b. Drive-through signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.
  - c. Drive-through signs shall require a permit.
7. **Sign Construction Standards.** All signs must be erected in compliance with building, electrical, and fire codes, and with the following requirements as applicable:
  - a. Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.
  - b. Audio components are prohibited as part of any sign with the exception of drive-through menu signs.
8. **Maintenance.** All signs must be maintained to be safe and present a neat, clean appearance. Signs shall be maintained in their approved, permitted state.
9. **Calculating Sign Area.** The sign face area shall be computed including the entire display area within the periphery of a simple geometric shape such as a square or rectangle, or combinations of simple geometric shapes, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including blank masking, frames or structural elements of the sign bearing no advertising matter. In the case of multi-faced signs, only one face shall count toward the total allowed sign area. If the faces of a multi-faced sign are unequal in size, then the calculation of the sign area shall be based on the size of the largest face.
  - a. Calculation of sign structure area for monument signs. The entire area of the sign includes the display area of the sign and the surrounding sign structure within the periphery of a regular geometric form, or combination of geometric forms. The area shall be measured from the outside edges of the sign structure.
  - b. Calculation of sign height. The vertical height of a sign shall be the vertical distance measured from the highest adjacent unaltered grade to the highest point of the sign structure.

Figure 3.5.4.1. Calculation of Sign Dimensions

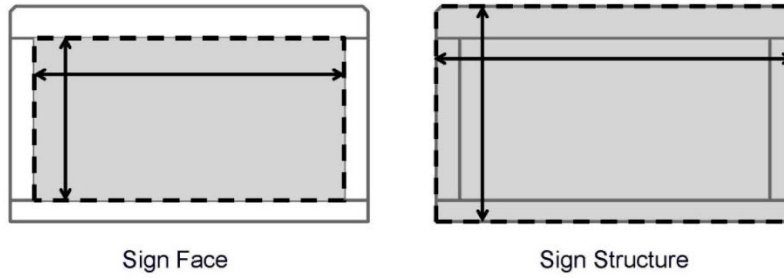


Figure 3.5.4.2. Calculation of Sign Dimensions Using Simple Dimensions

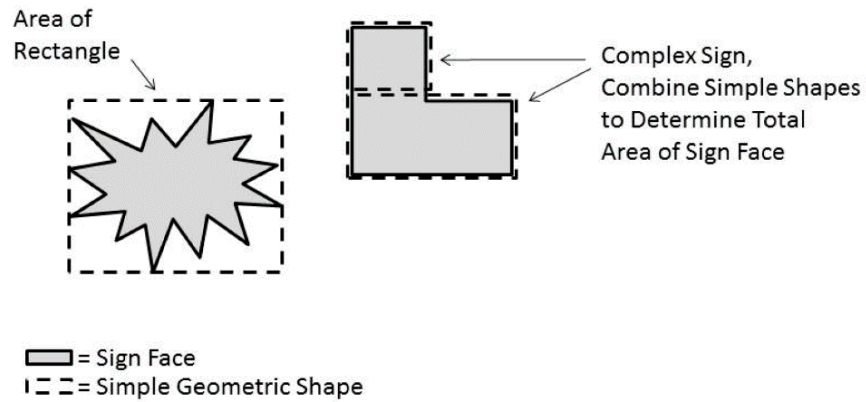
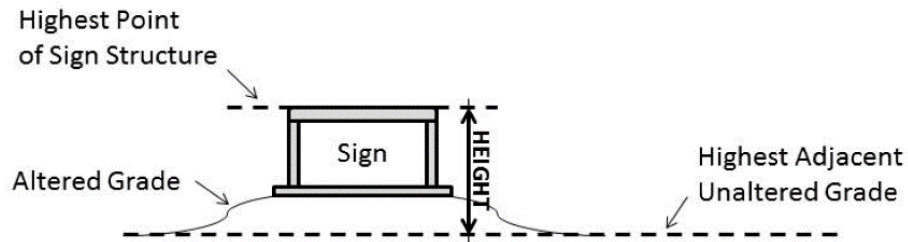


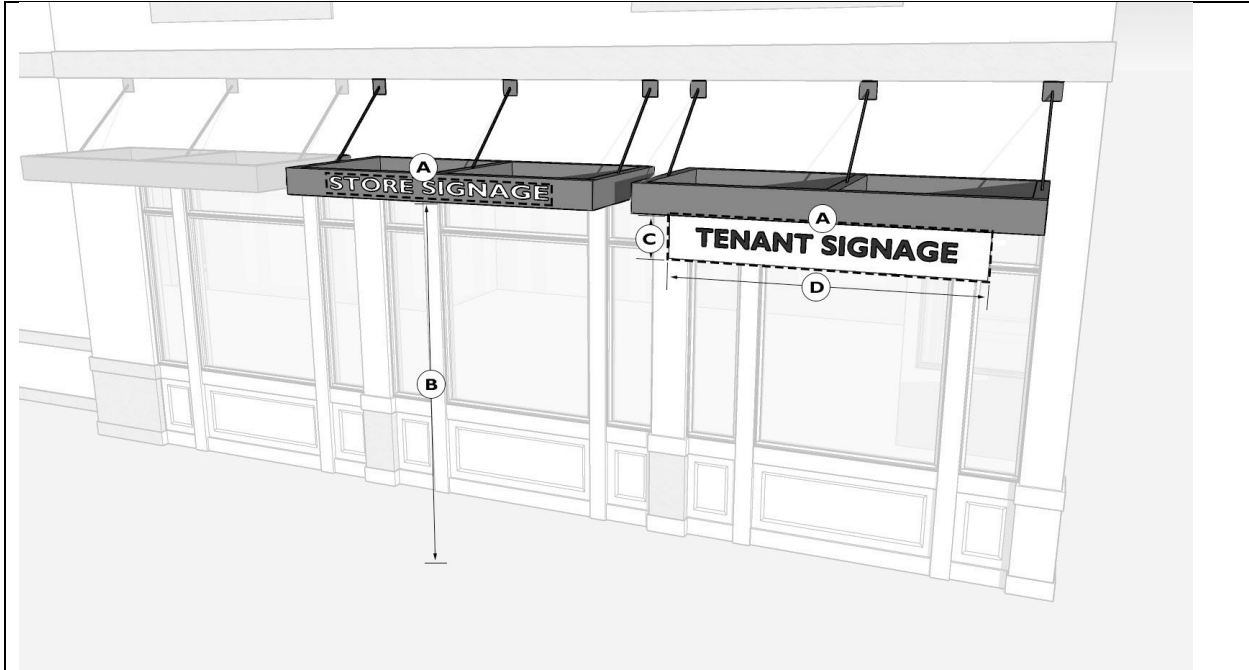
Figure 3.5.4.3. Calculation of Sign Height



**B. Permitted Sign Types.** This subsection provides description, locational standards, size standards, and any other required information for each sign type. Graphic illustrations for permitted signs are provided below for reference and context; illustrations are for example purposes only. Text

shall take precedence over any conflict with illustrations. All permitted sign types require a permit.

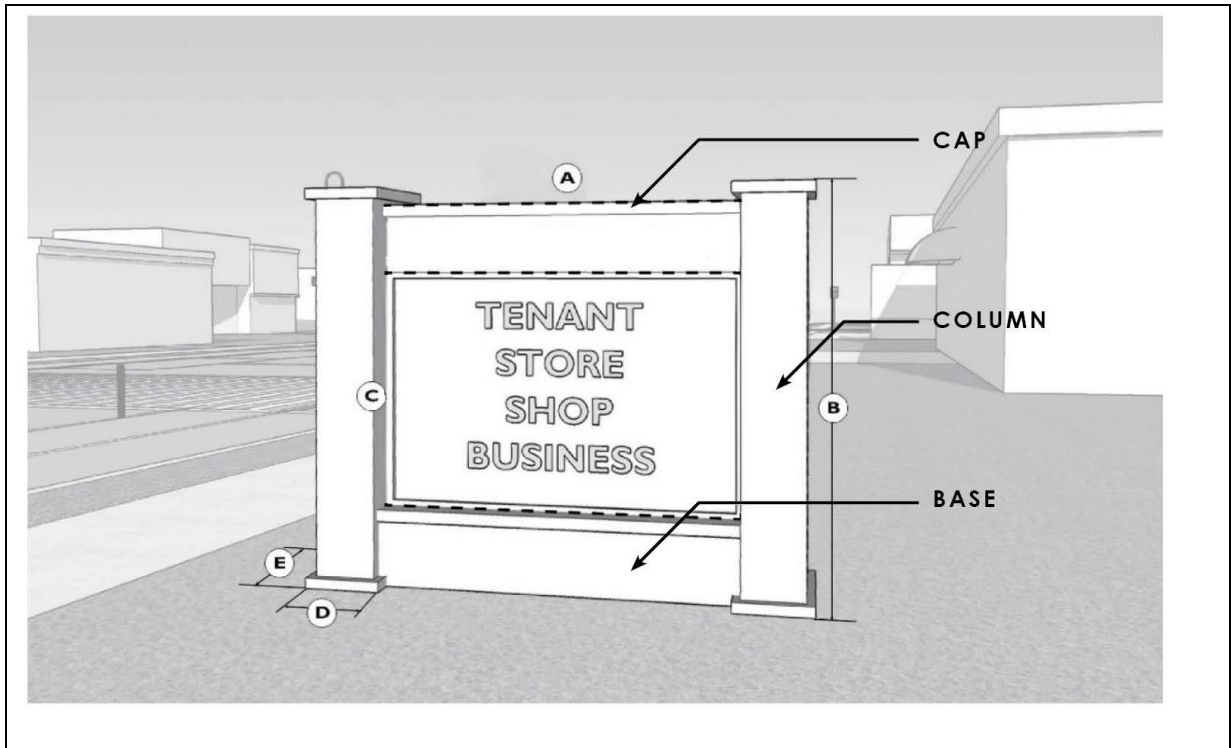
**1. Awning Signs**



1. Description	An on-premise attached awning extending from the building with attached signage.
2. Size	A. Sign Area: Maximum 20% of awning. B. Clearance: Minimum 8'. C. Height: Maximum 4' above clearance. D. Length: Maximum 12'. Subject to Section 7 and encroachment standards in Section 3.1.11.
3. Miscellaneous	Signs shall not extend outside the overall length or width of an awning, or extend above the height of the building wall that the awning is attached. Signs shall not be illuminated or back-lit.

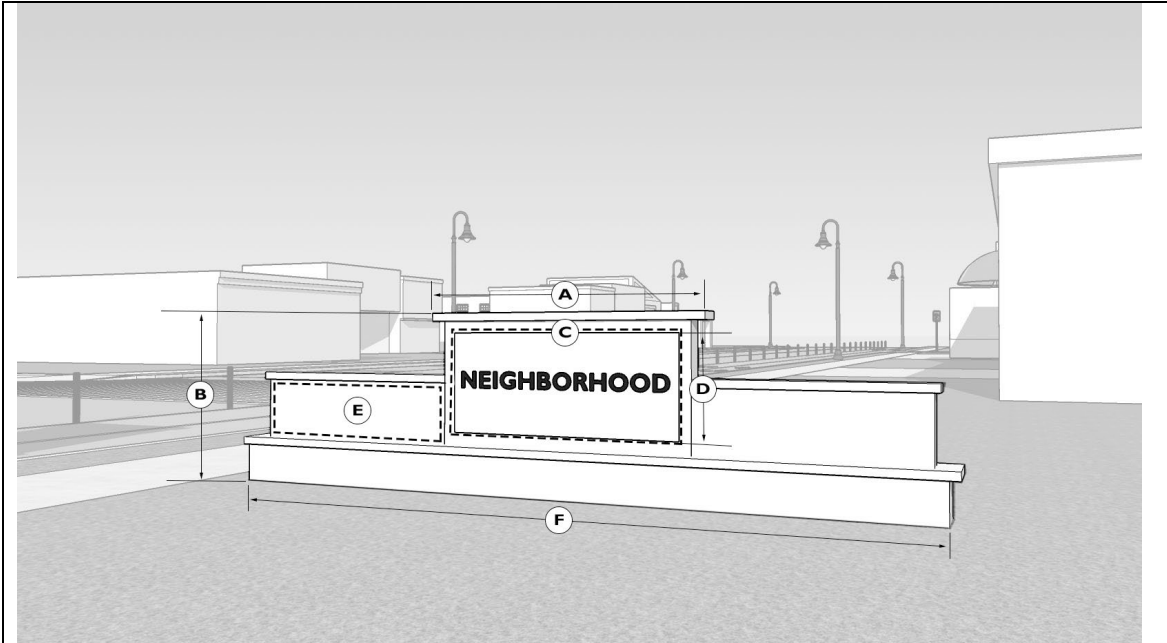


2. Monument Signs



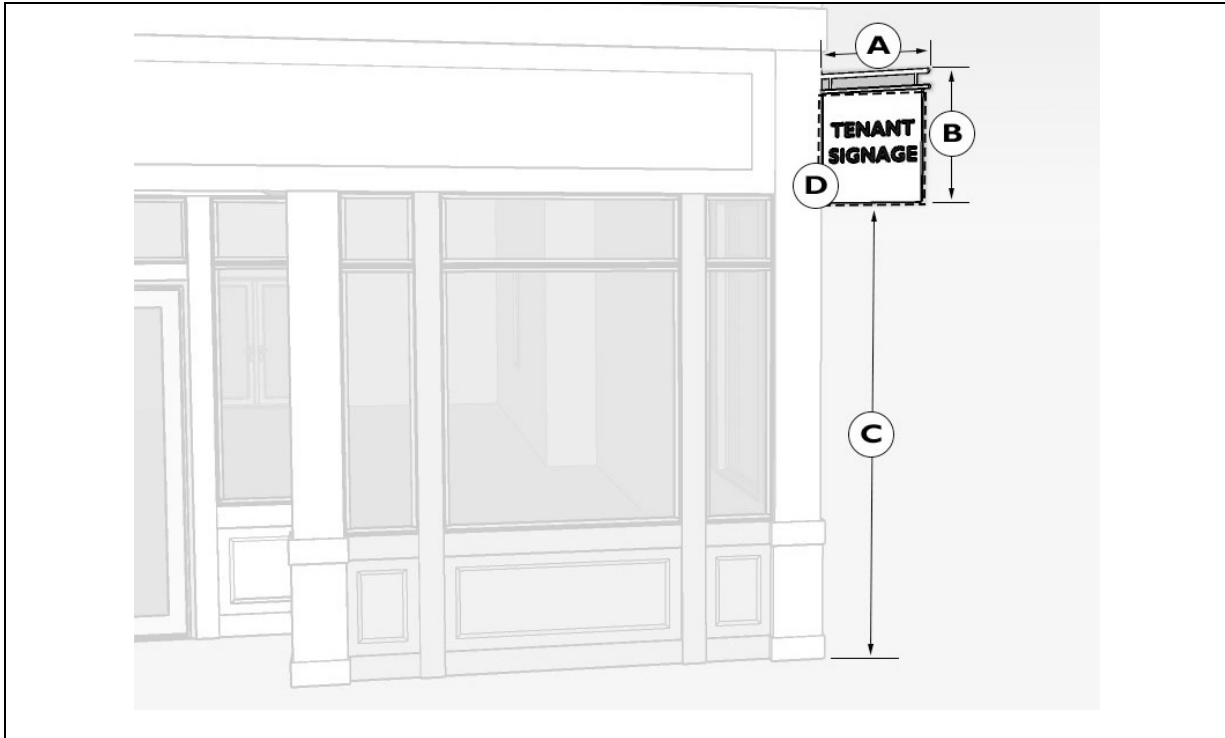
<p>1. Description</p>	<p>A freestanding ground sign with a supporting structure with two columns on the end of the sign. A monument sign is not attached, supported or suspended to or from any building or structure. All monument signs shall include base, cap, and columns. All ground signs shall be in the form of monument signs, except directory signs, and shall include the physical address on the sign.</p>
<p>2. Location and Number</p>	<p>1 sign per frontage maximum.</p>
<p>3. Size</p>	<p>Sign Area and Height:</p> <ul style="list-style-type: none"> <li>A. Sign Width: Maximum 10’.</li> <li>B. Column Height: Maximum 15’.</li> <li>C. Sign Area: Maximum 75 square feet.</li> <li>D. Column Width: Maximum 16”.</li> <li>E. Column Length: Maximum 18”.</li> </ul>

**3. Neighborhood or Subdivision Entry Signs**



1. Description	Signs attached to walls or entry features.
2. Location and Number	1 sign per entrance (e.g. median sign) or 2 wall signs either side of entrance. Additional signs may be permitted as a design alternative.  ROW encroachment may be allowed with Director approval.
3. Size	<p><u>Wall Sign:</u></p> <p>A. Sign Area: Maximum 40 square feet.</p> <p><u>Entry Feature Sign:</u></p> <p>A. Sign Area Width: Maximum 8’.</p> <p>B. Total Sign Height: Maximum 7’.</p> <p>C. Sign Area: Maximum 40 square feet.</p> <p>D. Sign Height: Maximum 5’.</p> <p>E. Sign Exposed Material: Maximum 80 square feet per sign face side.</p> <p>F. Sign Structure Overall Width: Maximum 25’.</p>

**4. Projecting Signs**



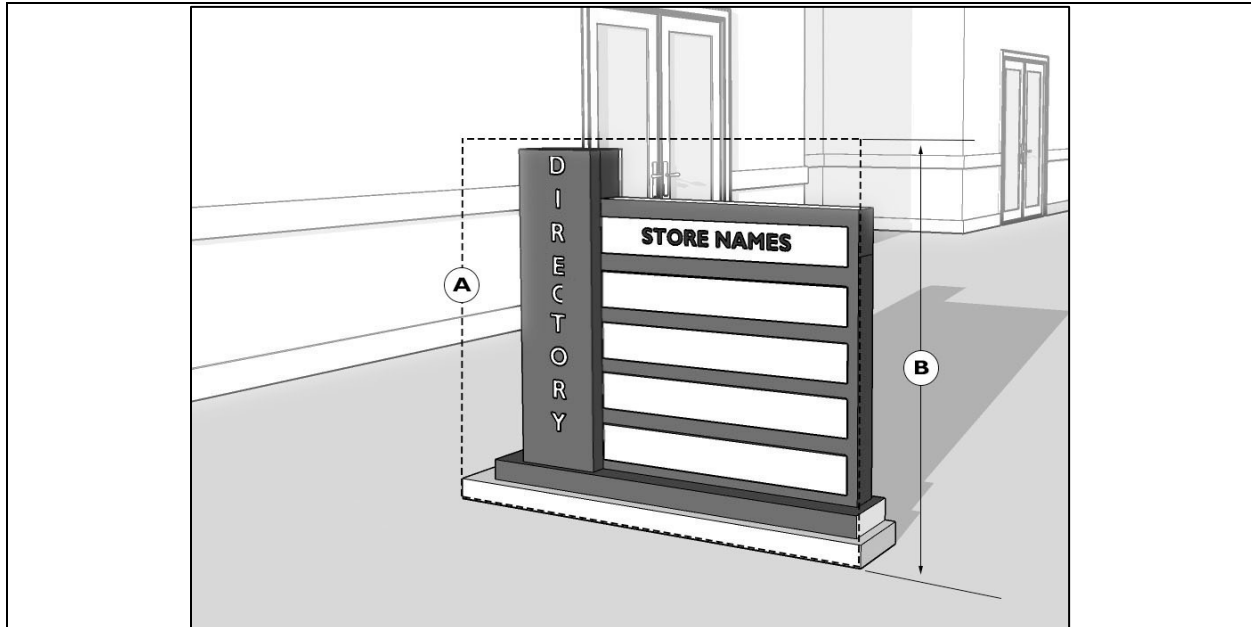
1. Description	A sign attached directly to a supporting building wall and intersecting the building wall at a right angle. A projecting sign may be 2 or 3-dimensional.
2. Location and Number	1 projecting sign per street frontage.
3. Size	<p>A. Sign Length: Maximum 4’.</p> <p>B. Sign Height: Maximum 2’.</p> <p>C. Clearance: Minimum 8’.</p> <p>D. Sign Area: Maximum 4 square feet.</p>
4. Miscellaneous	<p>Projecting signs erected at building corners may intersect at a 45 degree angle to the corner of the building, in which case only 1 projecting sign is allowed. No projecting sign is allowed to extend above the roof line or the parapet wall.</p> <p>Buildings with 2 or more stories may not have a projecting sign located higher than the second story or 27’, whichever is less.</p>

5. Wall Signs



<p>1. Description</p>	<p>An on-premise sign attached directly to a building wall above the given store front place. A wall sign shall include murals conveying the name of a business or a commercial message. A wall sign shall not extend more than 18 inches from the building.</p>
<p>2. Location and Number</p>	<p>Wall signs shall be located on the supporting building wall directly above a business. Wall signs are not allowed to extend above the roof line or the parapet wall. One sign is allowed per tenant, unless a tenant is on the corner, in which case one sign per street frontage may be permitted.</p>
<p>3. Size</p>	<p><u>Multi-Tenant Buildings:</u></p> <p>A. 1.5 square feet for each linear foot of building or tenant frontage, maximum 150 square feet.</p> <p><u>Single Tenant Buildings greater than 60,000 square feet:</u></p> <p>A. One square foot per linear foot of building or tenant frontage, maximum 400 square feet.</p> <p><u>Single Tenant Buildings less than 60,000 square feet:</u></p> <p>A. 1.5 sq. ft. per linear foot of building frontage OR 150 sq. ft. total, whichever is less.</p>

**6. Directory Sign**



<p>1. Description</p>	<p>A directory sign is a freestanding ground sign, located along internal drives to orient people to the stores or offices in the area. A directory sign is not attached, supported or suspended to or from any building or structure.</p>
<p>2. Size</p>	<p>A. Area: Maximum 20 square feet for directory signs. B. Height: Maximum 4'.</p>

**7. Window Signs**

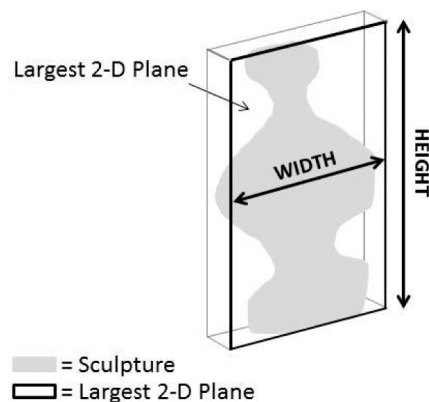


1. Description	A window sign is an on-premise sign attached flat but parallel to the inside of a window or is within 12” of the inside of the window.
2. Location and Number	Window signs may only be placed on windows with primary street frontage. A maximum of two signs are allowed per tenant of any building.
3. Size	<p>A. Area: Maximum 25% of the window</p> <p>B. Height: Maximum 2’</p> <p>C. Width: Maximum 10’</p>
4. Miscellaneous	<p>The area (A) and height (B) of window signs located in an upper story may increase by 10 percent.</p> <p>Window signs include posters, bulletins, or non-flashing illuminated signs, which may be displayed on the interior or exterior surface of a window or door.</p>

**8. Sculpture Signs.**

- a. Sculpture signs are permitted in any nonresidential district and shall be included in the calculation for total maximum area of signage (i.e., maximum area of ground signage plus maximum area of building signage) as permitted by that district.
- b. No single sculpture sign shall exceed eight (8) feet in height or 32 square feet when measured across its largest two-dimensional (2-D) plane.
- c. No more than one sculpture sign shall be permitted per business or establishment.
- d. Sculpture signs may be portable or permanent but must comply with the following standards to ensure public safety:
  - i. Sculpture signs shall be located within ten (10) feet of the public entrance to the tenant space.
  - ii. When a sculpture sign is placed on a private pedestrian sidewalk or walkway, an unobstructed portion of the sidewalk or walkway a minimum of 44 inches wide or the minimum width of an accessible route per the Florida Americans with Disability Accessibility Implementation Act, whichever is greater, shall be maintained to provide safe and convenient pedestrian circulation.
  - iii. The placement of sculpture signs shall not impede safe and convenient on-site pedestrian and vehicular circulation or impact required parking spaces.
  - iv. If anchored in place, sculpture signs shall be constructed and maintained in strict conformity with City building codes and all other applicable City regulations.

Figure 3.5.4.4. Calculating area of sculpture signs



- A. **Permitted Sign Types Within Mixed-Use Districts.** Each Mixed-Use District shall permit a specific selection of sign types. Sign types, the number of signs, and permitted square footage for signs are identified in Section 3.5.4.B above. Sign types for each Mixed-Use District are permitted by sign type in the Table 3.5.4.B. Permitted sign types within a Mixed-Use District may be modified through a design alternative.

Table 3.5.4.B. Permitted Sign Types within Mixed-Use Districts

PERMITTED SIGN TYPES	SIGN TYPES BY MIXED-USE DISTRICTS										
	Venice Ave	Downtown Edge	South Trail		Airport Ave	Seaboard	North Trail	Laurel West	Laurel East	Knights Trail	Knights Trail Transitional
			Sub Area 1	Sub Area 2							
Awning/Hanging Signs	P	P	P	P	P	P	P	P	P	P	P
Monument Signs	X	X	X	P	P	P	P	P	P	P	P
Subdivision Signs	X	X	X	X	X	X	X	P	P	P	P
Projecting Signs	P	P	P	P	P	P	P	P	P	P	P
Wall Signs	P	P	P	P	P	P	P	P	P	P	P
Sandwich Board Signs	P	P	P	P	P	P	P	P	P	P	P
Directory Signs	X	X	X	X	X	X	X	P	P	P	P
Window	P	P	P	P	P	P	P	P	P	P	P
Directional	P	P	P	P	P	P	P	P	P	P	P
KEY: P = Permitted X = Not Permitted											



### 3.5.5. *Nonconforming Signs*

- A. Standards for Nonconforming Signs.** Nonconforming signs in any district shall not be altered or moved except as otherwise permitted by this section. Normal maintenance of signs, including repainting or repair of the existing sign face and/or sign structure, shall not be considered an alteration. Any other changes to the sign face or sign structure shall constitute an alteration of the sign. Any nonconforming sign structure which is moved, removed, or altered voluntarily or involuntarily, must be brought up to the standards of permitted sign types in this section.

### 3.5.6. *Substitution*

- A. Substitution of Signs.** Non-commercial copy may be substituted for commercial copy on any sign that is otherwise permitted in this section.

### 3.5.7. *Abandoned and Unsafe Signs*

- A. Abandoned and Unsafe Signs.** Any sign that no longer advertises a bona fide business conducted, or a product sold, and/or is deteriorated/broken/damaged as to cause harm to the general public, shall be taken down within thirty (30) days after written notification from the City.

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## 3.6. Parking

### 3.6.1. Off-Street Parking Standards

#### A. Purpose, Intent and Applicability

1. **Purpose and Intent.** The purpose of this section is to ensure adequate off-street parking and loading facilities in proportion to the generalized demand of the different uses permitted in this Code.
2. **General Applicability.** Parking must be provided in accordance with this Code. Only new development or redevelopment are subject to the standards of this section. Current or nonconforming parking arrangements shall not be subject to the provisions of this section until an increase in floor area or change in use occurs.
  - a. Off-street parking shall be maintained and no permit for construction or addition may be permitted until the parking requirements of this Code have been met.
  - b. Off-street parking shall be located on the same plot or parcel of land that it is intended to serve unless otherwise permitted in this section.
  - c. No off-street parking shall be placed within a visibility triangle per Section 3.1.8.F.
3. **Additions.** A building or site may be renovated or repaired without providing additional parking. If there is an increase in floor area, the increase in floor area must meet the parking requirements in this Code.
4. **Change in Uses.** A change in use of a building shall meet the parking requirements of that new use. For the purpose of this section, a change in use shall be defined as a change in occupancy classification per the Florida Building Code. If the parking requirements of this Code cannot be met for the new use, the Director may request additional information about the new use and shall determine whether the current parking can sustain the new use. If it cannot, an alternative parking plan may be provided. For the requirements of an alternative parking plan, please see Section 3.4.3: Alternative Vehicle Parking Provisions.
5. **Unlisted Uses.** In those situations where a proposed use is not identified in Table 3.4.2., the Director may apply an off-street parking standard based on the use determined to be the most similar to the proposed use. The applicant may provide a parking study or similar analysis prepared by a Professional Engineer or Certified Land Use Planner with experience in parking studies; the Director may use this study in applying an alternative parking standard.

### 3.6.2 Electric Vehicles and Charging Standards

#### A. Purpose, Intent, and Applicability

1. **Purpose and Intent.** Electric vehicles are an important emerging technology, as recognized by the Legislature of the State of Florida, and the intent of this Code is to adequately accommodate them.
2. **Applicability.** Provision for electric vehicle charging must be provided in accordance with this Code. Multifamily housing with fifty (50) or more parking spaces is required to provide elective vehicle parking at the point of new development or redevelopment subject to the standards of this section (see Tables 3.6.1 to 3.6.6). Voluntary installations of electric vehicle parking spaces by non-residential uses shall follow the standards set out in this section.

## **B. Parking and Charging Standards**

1. **Parking.**
  - a. Electric vehicle parking spaces shall, at a minimum, be equipped with an electric vehicle charging station rated at electric vehicle charging Level 2 or higher.
  - b. Electric vehicle parking spaces shall be painted green, or shall be marked by green painted lines or curbs.
  - c. Each electric vehicle parking space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration.
2. **Fees.** Nothing herein shall prohibit the charging of a fee for the use of an electric vehicle charging station by a resident, guest, invitee, or employee.
3. **ADA Accessible Spaces.** A minimum of one (1) electric vehicle parking space must be located adjacent to a required accessible parking space such that the electric vehicle charging station can be shared between an accessible parking space and an electric vehicle parking space. An accessway between the two spaces shall be provided at a minimum width of five (5) feet. The accessible parking space shall be designated as an EV reserved space. Electric Vehicle Supply Equipment (EVSE) accessible spaces should have all relevant parts located within accessible reach, and in a barrier-free access aisle for the user to move freely between the EVSE and the electric vehicle.
4. **Lighting.** Site lighting, shielded and projected downward in accordance with Section 3.9, Lighting, shall be provided where an electric vehicle charging station is installed.
5. **Equipment Standards and Protection.**
  - a. Battery charging station outlets and connector devices shall be between 36 inches and 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as to not impede pedestrian travel or create trip hazards on sidewalks. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in

lieu of bollards if the battery charging station is set back a minimum of 24 inches from the face of the curb.

- b. Electric vehicle charging stations shall contain a retraction device, coiled cord, or a fixture to hang cords and connectors above the ground surface.

**6. Required signage.**

- a. Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
- b. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment and is actively charging.
- c. The signage shall include any restrictions that may result in removal of the electric vehicle by the property owner pursuant to state statutes.

- 7. Maintenance.** Electric vehicle charging stations shall be maintained by the property owner in good condition in all respects, including the functioning of the equipment. Removal of any required electric vehicle charging stations is prohibited. A phone number or other contact information shall be provided on the equipment for reporting malfunctions or other problems.

*3.6.3. Parking Requirements by Use*

- A. Required Parking.** Parking shall be provided in accordance with Tables 3.6.1-3.6.6. All uses listed in Tables 3.6.1-3.6.6 are consistent with the uses in the Use Table(s) found in Section 2.2.7 and Section 2.3.13. Where a use is not specifically listed, the Director is responsible for applying the requirement for the most similar use consistent with the Alternative Parking Plan process. Notes regarding parking calculations are provided in Tables 3.6.1-3.6.6.
- B. Minimum and Maximum Parking.** Off-street parking requirements provide the minimum and maximum standards to meet the parking needs generated by the various uses permitted by the City’s Comprehensive Plan and Code. While it is recognized that the automobile is the predominant mode of transportation within the City at this time, the parking requirements outlined in this section are intended to encourage the use of alternative modes of travel and multimodal development strategies (bicycling, walking, transit, Transportation Demand Management (TDM), shared use of parking, etc.) throughout the City, specifically within the Mixed Use Districts. This shall be done by providing a range of acceptable parking that is responsive to market conditions and individual project needs. Specific to Section 3.6.4.: Alternative Vehicle Parking Provisions, an Alternative Parking Plan (APP) may be provided where

applications for development projects may not meet a specific, identified use and/or where design alternatives are proposed.

- C. Parking Requirement by Use Table.** Requirements for parking are illustrated in Tables 3.6.1-3.6.6. Minimum parking required, and maximum parking allowed are defined using a ratio requirement.
- D. Standard.** Parking standards shall be set on 1,000 SF (square feet) of floor area unless otherwise noted in the table. Where the parking standards are based on floor area, it shall be gross floor area, except the following areas of a structure which may be excluded:
1. Common restrooms;
  2. Elevator structures;
  3. Parking structures;
  4. Public corridors; and
  5. Mechanical rooms.

Table 3.6.1. Parking Requirements by Use

PARKING REQUIREMENTS BY USE			
	MINIMUM REQUIRED	MAXIMUM ALLOWED	ADDITIONAL STANDARDS
<b>RESIDENTIAL USE CLASSIFICATION</b>			
Single Family Dwelling	1.0/Dwelling Unit	None	Exclusive of garage or parking structure, which shall not be included in minimum and maximum.  Except for parking lots and residential driveways, parking in front yards, including on grass areas, shall be prohibited.
Two Family Dwelling/Duplex	1.0/Dwelling Unit	1.5/Dwelling Unit	Guest parking at a maximum of 10% of total parking count may be permitted. If above 10 dwelling units, Minimum Required shall be at a ratio of 0.75/Dwelling Unit.
Multifamily Dwelling	0.5/Dwelling Unit	2.0/Dwelling Unit	
Manufactured Home Dwelling	1.0/Dwelling Unit	2.0/Dwelling Unit	
Upper Story Residential Dwelling	0.5/Dwelling Unit	1.5/Dwelling Unit	
Assisted Living Facility	0.25/Bed	0.5/Bed	
Independent Living Facility	0.25/Dwelling Unit	0.50/Dwelling Unit	
Community Care Facility	0.25/Dwelling Unit	0.50/Dwelling Unit	
Day Care, Home (6 or Less Persons)	1.0 Dedicated Space	4.0 Dedicated Spaces	
Group Living	2.0/Dwelling Unit	4.0/Dwelling Unit	

Table 3.6.2. Parking Requirements by Use

CITY OF VENICE - PARKING REQUIREMENTS BY USE			
	MINIMUM REQUIRED	MAXIMUM ALLOWED	ADDITIONAL STANDARDS
<b>PUBLIC AND INSTITUTIONAL USE CLASSIFICATION</b>			
Essential Services and Public Utilities, Minor	2.0/1,000 SF	4.0/1,000 SF	Based on office/public space.
Essential Services and Public Utilities, Major	2.0/1,000 SF	4.0/1,000 SF	
Open Space	5.0/1 Acre	10.0/1 Acre	
Parks	APP Required		As defined in Section 3.6.3, the Alternative Parking Plan shall be used as the basis for analysis.
Assembly	20/1,000 SF	30/1,000 SF	Square footage calculation is for assembly area only.
Cultural Facility	5.0/1,000 SF	7.0/1,000 SF	
Lodge or Private Club	5.0/1,000 SF	7.0/1,000 SF	
Post Office/Mail & Package Service	2.0/1,000 SF	4.0/1,000 SF	
School (Private/Public)	2.0/Classroom	3.5/Classroom	High schools shall have a Minimum Required of 3.5/Classroom and Maximum Allowed of 5.0/Classroom.
University, College, Vocational School	4.0/1,000 SF	6.0/1,000 SF	
Other Government Uses	2.0/1,000 SF	4.0/1,000 SF	Based on office/public space.
Cemeteries	N/A	N/A	

Table 3.6.3. Parking Requirements by Use

CITY OF VENICE - PARKING REQUIREMENTS BY USE			
	MINIMUM REQUIRED	MAXIMUM ALLOWED	ADDITIONAL STANDARDS
<b>COMMERCIAL USE CLASSIFICATION</b>			
Retail Sales and Service (single user less than 65,000 square feet)	4.0/1,000 SF	6.0/1,000 SF	
Retail Sales and Service (single user 65,000 square feet or larger)	3.0/1,000 SF	6.0/1,000 SF	Shopping centers will be based on an aggregate of square feet, not uses, to determine required parking.
Gas Station with Convenience Store	2.0/1,000 SF	5.0/1,000 SF	
Car Wash	2.0/1,000 SF	4.0/1,000 SF	
Appliance Repair	2.0/1,000 SF	3.0/1,000 SF	
Laundromat	2.0/1,000 SF	3.0/1,000 SF	
Pawn Shops	2.0/1,000 SF	3.0/1,000 SF	
Car, Boat, Other Vehicle Sales and Rentals	2.5/1,000 SF	3.5/1,000 SF	
Minor Vehicle Service	3.0/1,000 SF	4.0/1,000 SF	



Table 3.6.3. Parking Requirements by Use

CITY OF VENICE - PARKING REQUIREMENTS BY USE			
	MINIMUM REQUIRED	MAXIMUM ALLOWED	ADDITIONAL STANDARDS
<b>COMMERCIAL USE CLASSIFICATION</b>			
Sit Down Restaurant (Casual, Fine Dining)	6.0/1,000 SF	10.0/1,000 SF	Outdoor seating shall be included in square footage used for minimum and maximum parking.
Quick Service/Fast Food Restaurant	6.0/1,000 SF	10.0/1,000 SF	
Bar and Tavern	6.0/1,000 SF	10.0/1,000 SF	
Brewpub	6.0/1,000 SF	10.0/1,000 SF	
Microbrewery/Distillery	3.0/1,000 SF	8.0/1,000 SF	
Rooftop Dining	6.0/1,000 SF	10.0/1,000 SF	
Theater	1.0/3 Seats	1.0/2 Seats	Plus 50% of the required parking for any accessory uses open to the public.
Artist Studio	2.0/1,000 SF	3.0/1,000 SF	

Table 3.6.3. Parking Requirements by Use

CITY OF VENICE - PARKING REQUIREMENTS BY USE			
	MINIMUM REQUIRED	MAXIMUM ALLOWED	ADDITIONAL STANDARDS
<b>COMMERCIAL USE CLASSIFICATION</b>			
LODGING, AS LISTED BELOW:			
Hotel	0.75/Room	1.25/Room	
Bed & Breakfast	0.5/Room Available To Rent	1.5/Room Available To Rent	
Day Center (More Than 6 Persons)	2.0/1,000 SF	4.0/1,000 SF	
Fitness, Athletic, Health Club	2.0/1,000 SF	3.0/1,000 SF	
Airport	Refer to Airport Master Plan		
Marina	1.0/4 Boat Slips	1.0/2 Slips	
Commercial Parking Lots	No dedicated parking is required		
Commercial Parking Structures	No dedicated parking is required		
Tattoo and Piercing Parlors	4.0/1,000 SF	6.0/1,000 SF	
Palmist and Fortune Tellers	4.0/1,000 SF	6.0/1,000 SF	
Taxidermists	4.0/1,000 SF	6.0/1,000 SF	

Table 3.6.4. Parking Requirements by Use

CITY OF VENICE - PARKING REQUIREMENTS BY USE			
	MINIMUM REQUIRED	MAXIMUM ALLOWED	ADDITIONAL STANDARDS
<b>OFFICE USE CLASSIFICATION</b>			
Professional Office	2.5/1,000 SF	4.0/1,000 SF	
Personal & Financial Services	2.5/1,000 SF	4.0/1,000 SF	
Funeral Homes	4.0/1,000 SF	8.0/1,000 SF	
Medical/Dental Office	4.0/1,000 SF	6.0/1,000 SF	
Veterinarian/Animal Hospital/Animal Boarding	2.0/1,000 SF	4.0/1,000 SF	
Hospital	APP Required		As defined in Section 3.6.4, the Alternative Parking Plan shall be used as the basis for analysis.
Pain Management Clinic	2.0/1,000 SF	4.0/1,000 SF	

Table 3.6.5. Parking Requirements by Use

CITY OF VENICE - PARKING REQUIREMENTS BY USE			
	MINIMUM REQUIRED	MAXIMUM ALLOWED	ADDITIONAL STANDARDS
<b>INDUSTRIAL CLASSIFICATION</b>			
Warehouse Distribution; Logistics	1.0/1,000 SF	2.0/1,000 SF	
Heavy Industrial	0.5/1,000 SF	1.0/1,000 SF	
Light Industrial & Advanced Manufacturing	1.0/1,000 SF	2.0/1,000 SF	
Research & Development	1.0/1,000 SF	2.0/1,000 SF	
Warehouse Storage – Indoor Only	1.0/1,000 SF	2.0/1,000 SF	
Self-Storage – Indoor Only	0.5/1,000 SF	2.0/1,000 SF	
Self-Storage – Indoor and Outdoor	0.5/1,000 SF	2.0/1,000 SF	
Flex	1.0/1,000 SF	3.0/1,000 SF	
Major Vehicle Service	1.0/1,000 SF	2.0/1,000 SF	
Wholesale	1.0/1,000 SF	2.0/1,000 SF	
Junkyard/Wrecking Yard	0.5/1,000 SF	2.0/1,000 SF	

Table 3.6.6. Parking Requirements by Use

CITY OF VENICE - PARKING REQUIREMENTS BY USE			
	MINIMUM REQUIRED	MAXIMUM ALLOWED	ADDITIONAL STANDARDS
<b>OTHER USES</b>			
Mining/Resource Extraction	No dedicated parking is required		
Agriculture	2.0/1,000 SF	4.0/1,000 SF	
Indoor Entertainment and Recreation	4.0/1,000 SF	8.0/1,000 SF	
Adult Oriented Businesses	4.0/1,000 SF	8.0/1,000 SF	
Outdoor Entertainment	4.0/1,000 SF	8.0/1,000 SF	
Golf Course/Par-3/Driving Range	5.0/Hole	10.0/Hole	For the purpose of parking requirement calculation, accessory uses include pro shop, snack bar, and clubhouse. Sit down restaurants are in addition to and shall be calculated using the requirement for Restaurant, Sit Down .
Clean Energy Production	No dedicated parking is required		
Live-Work	0.75/Dwelling Unit	1.75/Dwelling Unit	
Rooftop Uses	No dedicated parking is required		
Open-Air Market	1.0/100 SF	1.0/100 SF	

Tables 3.6.1. to 3.6.6 Notes:

- **Fractional measurements in computation of required parking.** When units or measurements determining the number of required off-street parking spaces result in the requirement of a fractional space, then such fraction equal to or greater than one-half shall require a full off-street parking space.
- **Exceeding maximum allowed parking.** If proposed parking exceeds maximum allowed, an Alternative Parking Plan (APP) shall be required per Section 3.6.4.
- **Electric Vehicle (EV) parking spaces in multifamily.** For fifty (50) or more total required parking spaces, a minimum of two percent (2%) of the required parking shall be EV-installed.

### 3.6.4. Alternative Vehicle Parking Provisions

- A. Alternative Parking Plan (APP).** The parking requirements set forth in Tables 3.6.1-3.6.6 may be modified through an *Alternative Parking Plan (APP)*. The below requirements shall be met:
1. A parking study must be prepared by a registered professional engineer in the State of Florida or certified land use planner.
  2. The study must include the size, type, and use(s) of the development; anticipated peak parking; anticipated normal parking amounts; and narrative and data as to why the parking requirements of the Code do not accurately reflect the needs of the proposed development.
  3. The study shall provide analysis using information and studies from the Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), American Planning Association (APA), or another alternative professional standard approved by the Director.
  4. The Director may approve an APP if parking requirements are modified by twenty-five (25) percent or less. If greater than twenty-five (25) percent, the Planning Commission shall consider the APP as part of the site and development process.
- B. Remote Parking.**
1. **Requirements for Remote Parking.** Required parking spaces may be permitted on a separate parcel from the site on which the principal use is located if the remote parking complies with the following:
    - a. Any remote parking area shall be under the same ownership as the principal use or otherwise secured by a lease of no less than the term of any lease for the principal use.
    - b. All necessary legal instruments shall be executed and recorded in the public records of Sarasota County and copies of the recorded documents provided to the Director and City Engineer, or their designees, prior to the issuance of certificates of occupancy.
    - c. All renewal agreements pertaining to remote parking area leases shall be provided to the Director, or their designee, prior to the expiration of the lease term.
    - d. The remote parking shall comply with the distance requirements in Table 3.6.7.
    - e. Remote parking lots shall abide by all parking design standards set forth in the Code.
    - f. Remote parking plans shall be submitted to the Director for review on forms per the Director's discretion.

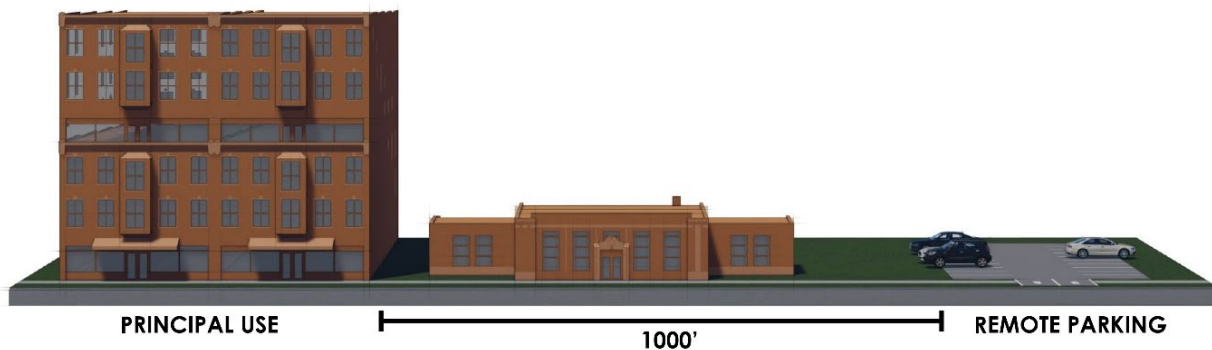
Table. 3.6.7. Remote Parking

Districts	Parking Lot Distance (Must Be Within Distance)
Mixed-Use Districts	1,500 feet
Traditional Districts	1,000 feet

Table 3.6.3.B. Notes

- Remote parking spaces shall be measured in walking distance from nearest point of the parking area to nearest point of the subject property where the principal use is located.

Figure 3.6.1. Maximum Allowed Distance for Remote Parking for Traditional Districts (Illustrative Purposes Only)



3.6.5. Design Standards

A. General Design Standards

1. **Parking Plans.** To ensure compliance with the following standards, a Parking Plan shall be required for all development and redevelopment with the exception of single-family residential uses.
  - a. Parking Plans shall, at minimum, provide proposed uses; provide amount of parking spaces; and illustrate access points, internal circulation, landscaping, pedestrian connections, materials, parking type (angle of parking), dimensions, and drive aisles.
  - b. Single-family residential shall ensure all parking is located on the individual home site except where otherwise modified through an Alternative Parking Plan described in 3.6.4.A.
  - c. Parking plans shall be reviewed by the applicable TRC members and the Director.
  - d. Parking lighting shall comply with lighting standards as required in Section 3.9: Lighting.
2. **Arrangement.** Parking areas shall be arranged so that any vehicle may enter or exit a parking space without moving another vehicle, except for parking structures which may be designed to allow tandem parking and/or valet services. Townhouses and multiple-family



developments which have ground floor dwelling units with attached carports or garages may allow one parking space in a driveway of at least twenty (20) feet in length between the carport or garage and the adjacent roadway or sidewalk if the sidewalk is located outside of the right-of-way.

- 3. Encroachment into Right-of-Way.** No parking space may be designed in such a way to encroach, hinder or otherwise block a public or private roadway, alley, or sidewalk.
- 4. Required Buffers.** No parking shall be located in required landscape buffer areas. Parking spaces may be located within a setback and/or BTZ as permitted in the specific regulations for each district.
- 5. Accessibility.** Parking facilities accessible for persons with disabilities shall be in compliance with or exceed the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility.
- 6. Crime Prevention Through Environmental Design.** The parking area shall be properly lighted for security utilizing Crime Prevention Through Environmental Design (CPTED) principles. Adherence to these principles shall be addressed in the narrative submitted as part of the Site & Development Plan application. Parking areas shall be lighted to ensure the safety of pedestrians and vehicles. The lighting shall not cause undue glare or hazardous interference to public roadways or adjacent residential property. Lighting shall meet the requirements in Section 3.9: Lighting.
- 7. Driveways.** Driveways, aisles, and joint access easements shall not be used for parking vehicles except for those serving single family and two-family residential properties.
- 8. Tandem Parking.** Tandem parking is only permitted through a design alternative.
- 9. Overhang.** Where parking spaces are located such that the parked vehicle will overhang a sidewalk, a minimum clear width shall be provided equal to the minimum sidewalk width required within this Code.
- 10. Concrete Curbing and Wheel Stops.** Wheel stops shall be prefabricated concrete or recycled plastic product manufactured specifically for this use; the use of railroad ties, or other non-traditional wheel stops shall not be permitted. Facilities shall have curbs or wheel stops or similar devices so as to prevent vehicles from overhanging on or into adjacent property, or from encroaching into required landscaped areas or walkways. Bollards may be used along the front of a building to prevent vehicle impact; bollards shall be limited to four (4) feet in height.
- 11. Landscaped Islands.** Parking lots shall be visually and functionally segmented using landscaped islands and canopy trees as described in the landscape standards provided in Section 3.7: Landscaping.
- 12. Identification.** Facilities shall be identified as to purpose and location.

- 13. Surfacing.** Facilities shall be hard surfaced with asphalt bituminous concrete and Portland cement concrete. Any deviation from the surfaces to be utilized for these surfacing requirements must be requested as a variance and follow the variance process as stated in Section 1.13: Variances. Up to fifty (50) percent of required parking spaces for houses of worship and public and private schools offering academic courses may be surfaced with grass for permanent reserve parking; however, if parking demand is such that the grass is damaged or destroyed to the extent that the grass ceases to grow, then paving of such area in accordance with this section may be required. Grass parking shall be required to feature conforming parking space sizes, wheel stops, and perimeter landscaping per provisions of this Code. Drive aisles providing access within grass parking areas shall be paved.
- 14. Drainage.** Facilities shall be drained so as not to cause any nuisance on adjoining or nearby properties, consistent with Section 3.3: Stormwater and Utilities.
- 15. Access and Maneuvering.** Facilities shall be arranged for convenient access and safety of pedestrians and vehicles. Facilities shall be so arranged that no vehicle shall be required to back up from such facilities directly onto designated arterial or collector streets. Facilities shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley; provided that, in the Venice Avenue mixed use district, alleys may be used as maneuvering space for parking.
- 16. Marking of Spaces.** All off-street parking spaces shall be marked, consistent with the City's standards.
- 17. Landscaping between Parking Tiers.** Where abutting tiers of interior parking spaces are proposed, the facilities shall be designed so as to have an area of no less than five (5) feet in clear width maintained between such tiers, which shall be landscaped in accordance with Section 3.7: Landscaping and Chapter 89, Section 3.5.2.L. Where vehicle encroachment of up to two (2) feet is proposed, the landscaped area must be ten (10) feet wide, measured from the back of the curb. A design alternative may be requested for the width of a divider median.
- 18. Landscaping of Other Areas.** Facilities shall be constructed so that interior portions of off-street vehicular facilities not utilized specifically as a parking space or maneuvering or other vehicular use area shall be landscaped instead of paved in accordance with Section 3.7: Landscaping.
- 19. Blockage Prohibited.** No parking space may encroach, hinder or otherwise block a public or private way including an alley, sidewalk, path or designated bicycle lane. Parking spaces, including residential spaces, shall be located clear of the sidewalk and/or outside of the road right-of-way.
- 20. Lighting.** Lighting within parking lots shall comply with Section 3.9: Lighting.

**21. Use.** Required off-street parking shall not be used for sales, storage, repair, dismantling or servicing of any type or kind, nor shall areas devoted to such activities be counted towards off-street parking requirements.

**B. Dimensional Standards**

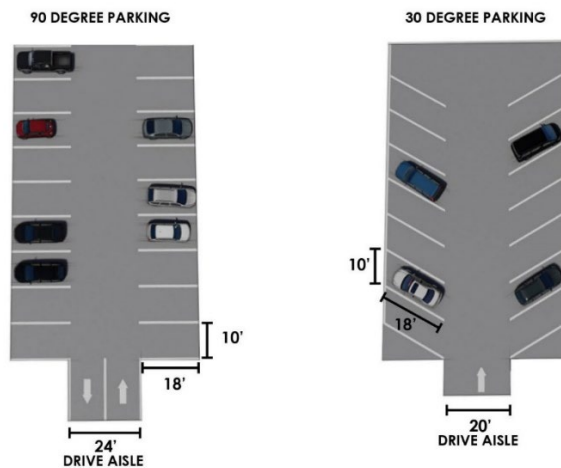
**1. Parking Spaces.** Each parking space shall be a minimum of ten (10) feet in width by eighteen (18) feet in length. Parallel spaces shall be a minimum of eight (8) feet in width by twenty (20) feet in length, maximum twenty-two (22) feet in length. Handicapped parking spaces shall comply with state statutes. For uses that require commercial or industrial vehicles that cannot fit in a standard space, parking spaces shall be the size of a typical vehicle for that use. A design alternative may be requested for parking space dimensions.

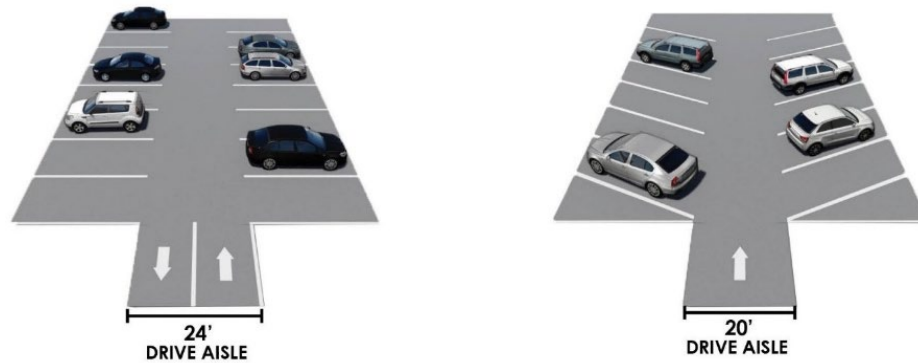
**2. Parking Drive-Aisle Areas.** Minimum aisle width shall be as follows:

Table 3.6.8. Parking Area Dimensional Standards Table

Angle of Parking	Aisle Width (Feet)	
	One-Way	Two-Way
0 Degrees (Parallel)	20	20
30 Degrees	20	22
45 Degrees	20	22
60 Degrees	20	24
90 Degrees (Head-In)	20	24
Entrance/Exit	20	24

Figure 3.6.2. Parking Dimensional Standards

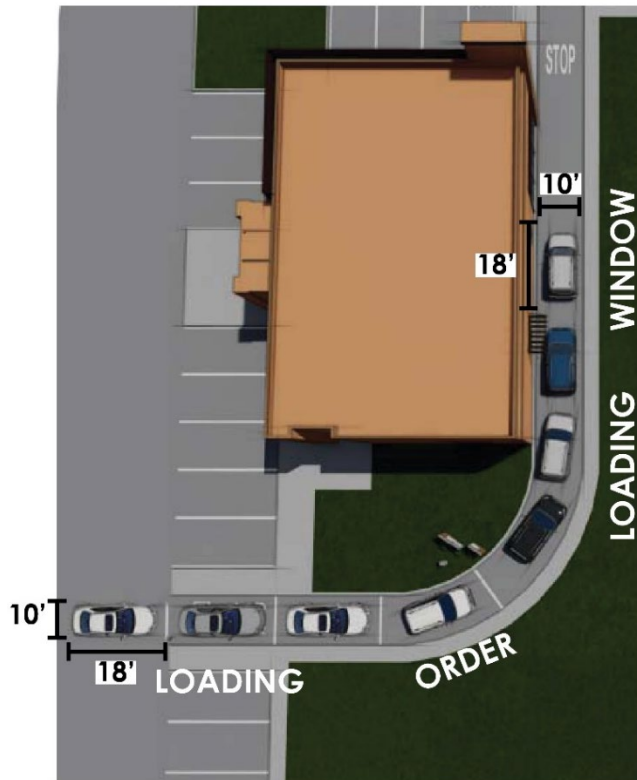




### C. Stacking Requirements

1. **Stacking.** Whenever a structure or use provides for the off-loading of passengers or allows for use without exiting the vehicle, stacking or off-loading lanes and spaces shall be designated and marked and will be required on-site as follows:
  - a. Drive-Through Uses: Three (3) stacking spaces before the order station and three (3) stacking spaces before the pickup window, exclusive of those associated with the order station. For uses with dual ordering stations, stacking spaces may be reduced to two (2) per station.
  - b. Day Care: One (1) stacking space per eight persons, minimum of five (5) spaces. An APP per Section 3.6.4. may be applied for if fewer stacking spaces are required.
  - c. Schools: One (1) stacking space per classroom, up to a maximum of ten (10) spaces. An APP per Section 3.6.4. may be applied for if more stacking spaces are required.
  - d. Hotel or Motel Office: Minimum two (2) stacking spaces.
  - e. Automatic or Mechanical Carwash: Two (2) stacking spaces per individual unit.
  - f. Hand Carwash or Auto Detailing: Two (2) stacking spaces per individual unit or work station.
  - g. One (1) stacking space per refuse collection area is required and shall be oriented to allow loading without requiring access or maneuvering through parking spaces.
2. **Size.** A stacking space shall be a minimum of ten (10) feet by eighteen (18) feet and shall be located so as not to obstruct, endanger, or interfere with on-site or off-site access, maneuvering or traffic patterns. Stacking lanes shall be marked or separated to prevent use as access and to protect users while off-loading or waiting.

Figure 3.6.3. Stacking Requirements (Illustrative Purposes Only)



**D. Off-site Location of Parking Facilities.** The required off-street parking facilities shall be located on the same lot or parcel of land they are intended to serve unless they meet provisions set forth in Section 3.6.4.: Alternative Vehicle Parking Provisions.

**E. Combined Off-street Parking Facilities.**

1. Two or more owners or operators of buildings or uses requiring off-street parking facilities may make a collective provision for such facilities, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements computed separately except in accordance with this section. Any arrangement for combined off-street parking shall be subject to the recording of a legal instrument satisfactory to the City Attorney ensuring that such off-street parking will be maintained in the future so long as a use requiring such off-street parking continues.
2. No part of an off-street parking area required for any building or use shall be included as a part of an off-street parking area similarly required for another building or use unless the Planning Commission determines that the type of use indicates that the period of usage will not overlap or be concurrent with each other. In situations where parking will be shared, an alternative parking plan may be proposed in accordance with 3.6.4.

**F. Nonconforming Parking.** See Section 8: Nonconformities.

**G. Off-Street Loading/Unloading Facilities.**

## 1. General Requirements.

- a. **General.** Off-street loading facilities are required by this section so that vehicles engaged in unloading will not encroach on or interfere with the public use of streets or pedestrian areas. Adequate space shall be available for the unloading and loading of goods, materials, or other things for delivery and shipping.
- b. **Off-Street.** Off-street parking facilities may not be used or counted as meeting off-street loading requirements.
- c. **Uninterrupted Flow.** If loading/unloading is proposed within the road or driveway, at least one vehicular travel lane shall be preserved to ensure the uninterrupted flow of traffic.
- d. **Change of Use.** When the use of a structure or land or any part thereof is changed to a use requiring off-street loading facilities, the full amount of off-street loading space required shall be supplied and maintained.
- e. **Change in Size of Structure.** When any structure is enlarged or any use extended so that the size of the resulting occupancy requires off-street loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.
- f. **Accessibility and Location.** Loading/unloading areas shall be convenient to the building it services. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Loading/unloading areas for semi-trailers and similar vehicles shall not be located in the front of a building façade and not in any drive aisle or in any public right-of-way.
- g. **Required Loading/Unloading Information.** As part of any required parking, loading and unloading locations and sizes shall be included on any parking plan.

## 2. Loading/Unloading Spaces

- a. **Design.** Service areas including loading/unloading spaces, or similar areas that serve commercial delivery trucks, semi-trailers, and similar vehicles that are not located within the interior of the building shall be designed to include screen walls, landscaping, and/or other treatments to limit the visibility of the service area to the adjacent boundary or public street.
- b. **Right-of-way.** Service areas shall be located outside of a public right-of-way when practicable and be indicated through signage.
- c. **Size.** The size of loading/unloading spaces may be adjustable based upon the needs of the use in a building. Loading and unloading space for vehicles which can fit in the

minimum parking space size per the Code (10 feet width, 18 feet length) shall be the same size as the minimum parking space. For uses that require commercial delivery trucks or semi-trailers and similar vehicles which cannot fit into the minimum parking space size per the Code, loading/unloading spaces shall be made to accommodate the typical commercial delivery vehicle. The expected typical size of vehicles shall be included with any loading/unloading plan. Provisions shall be made to accommodate the range of anticipated vehicles.

- 3. **Combined Off-street Loading.** Collective, joint, or combined provisions for off-street loading facilities for two or more buildings or uses may be made, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.
  - a. **Number of Spaces.** For each multifamily and nonresidential use the following number of spaces are required:

Required Loading/Unloading Spaces	
Gross Floor Area (Square Feet)	Number of Spaces
Multi-family buildings	1 For multi-family buildings with 50 or more dwelling units per building, one (1) space per 50 dwelling units shall be required.
5,000 to 25,000	1
Over 25,000 to 60,000	2
Over 60,000 to 120,000	3
Over 120,000 to 200,000	4
Over 200,000 to 290,000	5
Notes: One additional off-street loading space for each additional 90,000 square feet over 290,000 square feet or fraction greater than or equal to one-half thereof is required. Provisions shall be made to ensure anticipated size of vehicles for loading/unloading can be accommodated in the required number of spaces.	

## 3.7. Landscaping

### 3.7.1. Purpose, Intent and Applicability

- A. Purpose and Intent.** The purpose of this section is to enhance the appearance, protect the environment, preserve character, and improve property values within the City through landscaping standards. The intent of properly landscaped and maintained areas is to reduce the potential incompatibility of adjacent land uses, conserve natural resources, maintain open space, protect established residential neighborhoods, and promote and enhance community image and roadway beautification. Landscaping shall be coordinated with all site design elements including building layout, parking, access and signs.
- B. Applicability.** All development listed below (except for single family structures and duplexes) shall comply with the requirements of this section:
1. Development subject to Section 1.9: Site and Development Plan
  2. Development subject to Section 1.10: Preliminary Plat
  3. Development subject to Section 1.15.1: Construction Plan
  4. Any development that involves the construction of a new principal building shall comply with the standards of this section. The expansion or modification of any existing building shall comply with the standards of this section.
  5. The foundation plantings required due to expansion or modification of any existing building shall comply with the standards of this section, and any modification to existing foundation plantings shall require compliance with the standards of this section. Any other existing foundation plantings may remain, provided they are not altered.
  6. For any nonconforming foundation planting, see Section 8: Nonconformities.
- C. Landscape Plan Required.** All developments subject to a site and development plan per Section 1.9: Site and Development Plan, a preliminary plat per Section 1.10.1: Preliminary Plat, or as determined to be necessary by the Director to complete the review of a project, shall submit a landscape plan. The landscape plan must include narrative and calculations to ensure that the proposed landscaping will be in compliance with the requirements of this Code. The landscape plan must be signed and sealed by a State of Florida licensed Landscape Architect or Engineer. The landscape plan, drawn on 24 inch by 36 inch plan sheets, must at a minimum include the following items where applicable:
1. Project name, street address, and legal description;
  2. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and those preparing the plan;



3. Location of subject property lines and dimensions of the site, the zoning classification of the site, and the zoning classification of adjacent properties; a vicinity map should also be attached to or made a part of the plan;
  4. Location of the twenty-five (25) year and one hundred (100) year floodplain, if applicable; any applicable Coastal Regulatory lines; the approximate location of significant drainage features; and the location and size of existing and proposed buildings, streets, utility easements, driveways, parking, sidewalks, and similar features;
  5. Location, height, and material of proposed screening, walls, and fencing (including berms to be delineated by one (1) foot contours and top of berm spot grades);
  6. Location(s) and dimension(s) of proposed landscape buffer areas and cross section (see Section 4: Compatibility);
  7. Complete plant schedule including common and scientific name, symbols with a legend, quantities, container size or tree caliper, container size or diameter at breast height (DBH) at installation, heights, spread, spacing and method of irrigation at installation. The location, size, and type of all protected, Venetian, Heritage, and Canopy trees as per Chapter 89, Section 3 Tree Preservation, Protection and Replacement shall also be provided;
  8. Calculations as to the amount (in square feet) of all vehicle use and parking areas and the amount of square footage for all landscaped areas required and provided;
  9. Location(s), size, species, and protective barriers of existing vegetation to be preserved;
  10. A narrative on how existing healthy trees proposed to be retained will be protected from damage during construction per the requirements of Chapter 89, Section 3 Tree Preservation, Protection and Replacement;
  11. The size, height, location and material of proposed planters, sculptures, and water features;
  12. A plan drawn to site scale no smaller than 1:10 and no greater than 1:60 scale showing in addition to the above items the location of roads, sidewalks, buildings, buffers, planters, drainage facilities, easements, property lines, fences, and environmental features such as conservation or wetland areas and historical resources;
  13. Location of visibility triangles on the site, including visibility triangles within parking areas and intersections of rights-of-ways; and
  14. Other information as may be required by the Director to determine whether the landscape plan meets the requirements of this Code.
- D. Landscape Installation.** Before issuance of a certificate of occupancy, approval of a final plat, or any other certificate of completion for site work is issued, all landscape required by this section must be installed or the City shall have other documents providing for the installation of landscaping including but not limited to performance bonds issued to the City (see Section 1.10.1: Preliminary Plat). If a situation arises where installation of landscape is impossible or

conflicts with the timing of other construction, a temporary certificate of occupancy may be issued as determined by the Director. Installation of landscape materials shall be in accordance with the approved landscape plan and shall be installed in accordance with Chapter 89.

- E. Landscape Maintenance.** All landscape vegetation shall be maintained in a healthy condition by the property owner or successors in perpetuity and all landscape plans must include a statement acknowledging this requirement. Any landscape vegetation that is damaged, disease-ridden, dead, or considered a hazard, must be replaced by the property owner no later than six months after notification by the City. Trees should have a warranty of two years from the installer; all other landscape material should have a warranty of at least one year from the installer.
- F. Tree Preservation and Mitigation.** All proposed development must conserve on-site existing or established trees as defined in Chapter 89, Section 3 Tree Preservation, Protection and Replacement.
- G. Terms.** All terms regarding tree species and plant materials shall be consistent with Chapter 89, Section 3 Tree Preservation, Protection and Replacement. Where conflicts arise, terms defined in Chapter 89 shall be the standard for the requirements in this section.
- H. Conflict.** Where conflicts for landscaping and buffering occur in this Code, the more stringent provision shall be required.
- I. Other Standards.**
  - 1. Plant material required in buffers are included in Section 4.3: Perimeter Buffer Types.
  - 2. Parking lot landscaping design requirements are defined in Section 3.7.5: Parking Lot Landscaping Requirements.

### 3.7.2. Plant Materials

- A. Selection of Materials.** Plant materials used to meet the requirements of this section must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agriculture, State of Florida (as amended). Root ball sizes on all transplanted plant materials must also meet state standards.
  - 1. **Tree Requirements.** All trees installed as part of a landscape plan shall meet the requirements of Chapter 89, Section 3 Tree Preservation, Protection and Replacement.
  - 2. **Mulch Requirements.** Mulch material shall consist of shredded softwood or hardwood chips, oak leaves, brick chips, and other alternate materials as approved by the City on a case by case basis. Non-porous materials shall not be used as mulch. Mulch shall be placed to a minimum depth of two (2) inches and a maximum depth of four (4) inches. Each tree must have a ring of mulch no less than twenty-four (24) inches beyond its trunk, and no greater than its dripline, in all directions. The intention of these regulations is to allow

mulch within a landscape design while not allowing an entire yard to only be covered with mulch.

- a. Installation Standards.** The top level of the mulch shall not exceed the height of the immediately adjacent ground surface. Mulch shall not be placed directly against a plant stem or tree trunk. “Non-organic mulch,” defined for the purpose of this subsection, shall include (but is not limited to) rubber, decorative gravel or crushed stone and shall be allowed only in planting bed areas (e.g., in gardens or hedge areas) or directly adjacent to a building. Plant material installation and establishment shall follow the guidelines provided in the current edition of the ANSI A300 Planting Standards (American Standards Institute). Container stock shall require root ball remediation and shearing at the time of installation.
- 3. Native and Florida Friendly Plant Material.** All required material must be Native Florida and/or Florida Friendly (as identified in the Florida-Friendly Plant Database administered by the IFAS Extension). Existing Florida-native plant material shall be given priority for preservation in development.
- 4. Vines.** Vines shall be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.
- 5. Hedge Plants.**
  - a.** Hedge plants shall be a minimum of 24 inches in height when measured immediately after planting.
  - b.** Hedge plants shall be a minimum 3-gallon nursery specification.
  - c.** Hedge plants, where required in this Code, shall be planted not more than 30 inches on center, and maintained so as to form a continuous, unbroken, solid visual screen.
- 6. Accent Plants.** All required accent plants shall be a minimum of one-gallon nursery specification, unless otherwise noted in this section, at the time of planting.
- 7. Groundcover and Lawn Grass.** Groundcover and lawn grass shall be installed in such a manner as to present a finished, neat appearance. Grass areas shall be consolidated to areas of a site which are frequented by pedestrian traffic, provide recreational uses, provide cover for drain basins, or provide soil erosion control.
- 8. Invasive Exotics.** Highly invasive exotic plants, as identified by IFAS Extension, must be removed from the development area. Methods to remove and control invasive exotic plants must be included on the development plans. Sites shall be maintained to ensure no invasive exotic plants occur on the site. For purposes of this subsection, invasive exotic plants include any additional species referenced by the most recent list of such plants provided by the

Florida Exotic Pest Plant Council (FLEPPC). A design alternative may be proposed to maintain invasive exotics.

### 3.7.3. Irrigation

**A. Irrigation Design and Maintenance Standards.** Irrigation systems are required for all required landscaped areas. Irrigation systems are required to be operational before building occupancy or the issuance of a certificate of completion. All required landscaping areas shall be irrigated by a permanent irrigation system that meets the following requirements, consistent with Strategy IN 1.4.6 of the City’s Comprehensive Plan:

1. Irrigation systems shall be water efficient with WaterSense (as administered by the United States Environmental Protection Agency) labeled irrigation controllers, to meet watering needs of a landscape without overwatering.
2. Irrigation systems shall not be connected to both potable and non-potable sources to avoid contaminating potable water supplies.
3. Irrigation system piping shall be underground.
4. All required irrigation systems must be designed to minimize the application of water to impervious areas.
5. Irrigation systems shall be operated by an automatic irrigation controller and/or timer, and with a rain sensor.
6. The design of the irrigation system shall include sprinkler heads and devices appropriate for the landscape material to be irrigated.
7. The developer/owner is responsible for maintenance of the required irrigation system consistent with the development order, the provisions of this section, and F.S. § 373.62, as may be amended.
8. Reclaimed water shall be used for irrigation where available.

**B. Irrigation Plan Required.** Irrigation plans are not required as part of the landscape plan but must be submitted as part of construction plans or building, or other subsequent development permits prior to the issuance of such permits. The irrigation plan must, at a minimum:

1. Indicate the type of irrigation system proposed;
2. Indicate irrigation application rates and controller duration times for each zone; and
3. Be signed by a certified irrigation technician or Landscape Architect.

### 3.7.4. Foundation Plantings

**A. Foundation Plantings.** Foundation plantings shall be defined as a grouping of plants used in a landscape design to blend a building with its setting and help obscure potential undesirable elements of the foundation. Foundation plantings may be comprised of shrubs, accent plants,

and ornamental grasses in any combination. For the purpose of this section, artificial turf shall not be permitted to meet landscaping requirements. Foundation landscaping shall abut the building (while allowing the necessary space for growth) and shall be used or installed in such a manner so as to screen mechanical equipment attached to or adjacent to the building, provide direction to and enhance entrances and walkways, and provide visual breaks along monotonous building facades.

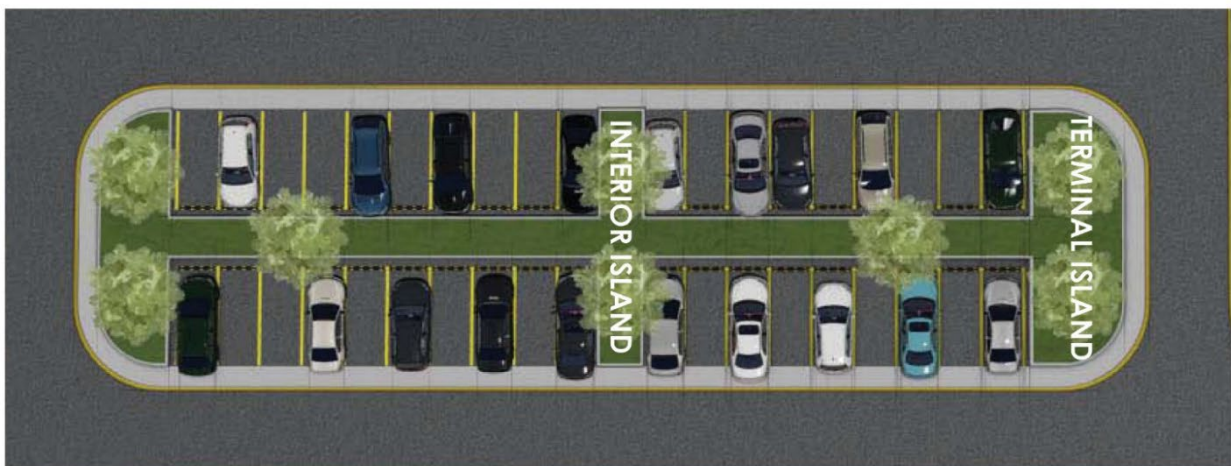
### 3.7.5. *Parking Lot Landscaping Requirements*

- A. Parking Area Perimeter Standards.** Parking lot perimeter boundaries shall meet the following requirements:
- 1. Location.** Where any parking area is located along or within fifty (50) feet of a public right-of-way (other than an alley), the parking lot must be screened by the parking area perimeter standards below.
    - a.** Where perimeter buffers are required per Section 4.3, the parking area perimeter buffer shall be credited toward the perimeter buffer requirement along the portion of the lot line parallel to the to the parking lot perimeter buffer. If the perimeter buffer is more intense than the parking area buffer, the required components of the parking area buffer are not required.
  - 2. Required Materials.** Perimeter standards for parking areas shall meet the following requirements:
    - a.** A minimum of one canopy tree per thirty-five (35) linear feet (or portion thereof), on center, shall be planted around the perimeter of parking lot areas. See also Chapter 89 for canopy tree requirements.
    - b.** A continuous hedge comprised of shrubs planted not more than thirty-six (36) inches, on center, shall be planted around the perimeter of the vehicular use area. Species must be of sufficient type to achieve a mature height of five (5) feet from grade.
    - c.** Parking lots or portions of parking lots located within fifty (50) feet of/adjacent to residentially zoned properties must have a wall, fence, or landscaped hedge at least four (4) feet in height at the perimeter of the property.
- B. Interior Parking Area Standards.** Interior parking area landscaping shall be provided as follows:
- 1. Required Square Footage of Landscape Area.** A minimum of ten (10) percent of the parking lot shall be devoted to interior landscaping. In calculating this percentage, the area shall include impervious portions of the parking lot including all access and circulation areas. Terminal and interior islands and divider medians shall be used to comply with required interior parking lot landscaping. Store cart return areas and similar uses shall not count

toward the minimum required interior landscaping requirements. Any required internal landscape area shall be a minimum of ten (10) square feet.

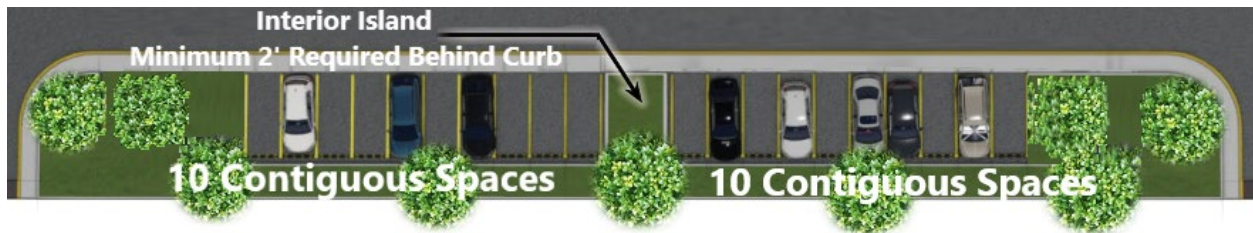
2. **Planting.** At least one (1) canopy tree shall be planted and established within the interior parking area for every twenty (20) parking spaces, in addition to trees required in terminal and interior islands.
3. **Terminal Islands.** Terminal islands shall meet the following requirements:
  - a. Each row of parking spaces shall end with terminal islands to separate parking from adjacent drive lanes.
  - b. Each terminal island shall measure at least ten (10) feet in width by eighteen (18) feet in length per aisle of parking, measured from the inside of the curb. A design alternative may be requested for the size of terminal islands so long as at least six (6) feet in width and sixteen (16) feet in length is provided.
  - c. No more than twenty (20) parking spaces may be located between terminal islands.
  - d. All parking lot planting areas receiving trees shall have uncompacted coarse loam that is a minimum of thirty-six (36) inches deep.
  - e. Within terminal islands, one (1) canopy tree shall be required for every 150 square feet (or fraction above one half thereof), with a minimum of one canopy tree required per terminal island.
  - f. Terminal islands shall be landscaped with shrubs, accent plants and ornamental grasses.
  - g. Landscaping in islands adjacent to parking spaces shall be set back a minimum of two (2) feet behind the back of the curb to provide for pedestrian access to parked vehicles.

Figure 3.7.5.1 Terminal Islands



4. **Interior Islands.** Interior islands shall be used to ensure there are no more than ten (10) contiguous spaces, however a design alternative may be requested to allow for greater than ten (10) contiguous spaces, so long as the total number of contiguous spaces is no more than twenty (20). Interior islands shall meet the following requirements
  - a. Each interior island shall measure at least ten (10) feet in width by eighteen (18) feet in length, measured from the inside of the curb. A design alternative may be requested for smaller interior islands, so long as at least six (6) feet in width and sixteen (16) feet in length is provided.
  - b. Within interior islands, one canopy tree shall be required for every 150 square feet (or fraction above one half thereof), with a minimum of one (1) canopy tree required per interior island.
  - c. The landscaping materials in landscaped islands adjacent to parking spaces shall be set back a minimum of two feet behind the back of the curb to provide for pedestrian access to parked vehicles.

Figure 3.7.5.2. Interior Islands



5. **Landscaped Divider Medians.** Landscaped divider medians shall form a continuous landscaped strip between abutting rows of parking areas or access drives. Landscaped divider medians shall meet the following requirements:
  - a. Any hardscape (e.g. sidewalk) proposed is in addition to the minimum width required by Section 3.6.5.A17.
  - b. Landscaped divider medians shall be required for all abutting rows of parking. A design alternative may be requested for the minimum number of required landscaped divider medians.
  - c. One canopy tree shall be required for each thirty-five (35) linear feet of divider median (or fraction above one half thereof).
  - d. Shrubs shall be planted in divider medians which separate parking areas from access drives to form a continuous hedge the full length of the divider median.
  - e. Vehicles shall not encroach more than two (2) feet per row upon divider medians.

Figure 3.7.5.3 Divider Medians

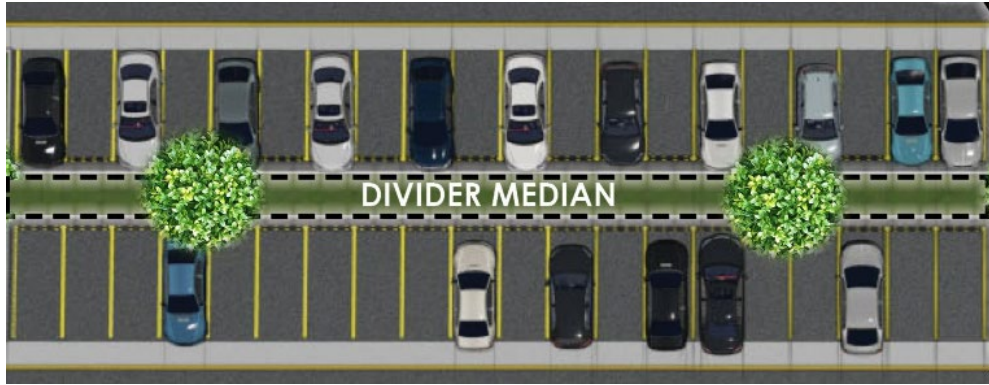
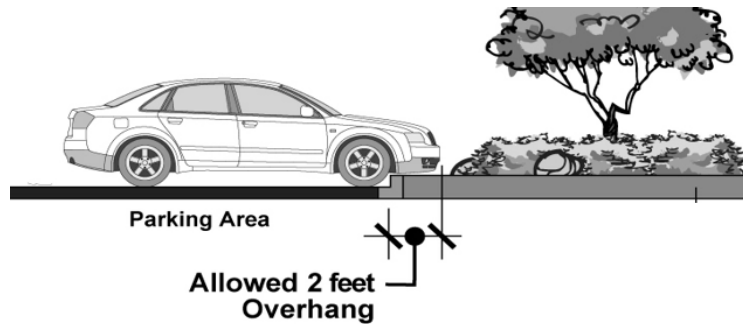


Figure 3.7.5.4 Encroachment into Divider Medians







6. **Curbing and Wheel Stops.** Concrete curbing shall be provided within all parking areas to prevent vehicles from encroaching onto and overhanging required plantings, sidewalks, rights-of-way or adjacent property. Wheel stops shall be consistent with Section 3.4.4.: Design Standards.
7. **Protection of Existing Native Plant Communities.** Consistent with the standards for preservation of existing trees and plant communities in Chapter 89, Section 3: Tree Preservation, Protection and Replacement, credit for applicable plant material may be approved by the Director in determining allowance to modify parking and access aisles. In the case of a tree that may be counted towards a tree preservation credit, said tree must be graded by a licensed arborist and approved by City staff to be in good health.
8. **Lighting.** Parking lot lighting shall not be located such that it prevents the installation of required trees, or that required trees will block lighting. Parking lot lighting layout and heights shall meet the standards as set forth in Section 3.7: Lighting.

Figure 3.7.5.4 Interior Parking Area Standards Combined (For Illustrative Example Purposes Only)



3.7.6. *Miscellaneous Landscaping*

**A. Landscaping Adjacent to Right-of-Way without Off-Street Parking.** Perimeter standards for development without off-street parking areas adjacent to a right-of-way shall meet the following requirements:

1. A minimum of one canopy tree per thirty-five (35) linear feet (or portion thereof), on center, shall be planted along the right-of-way. See also Chapter 89 for canopy tree requirements.
2. A continuous hedge comprised of shrubs planted not more than thirty-six (36) inches, on center, shall be planted along the right-of-way. Species must be of sufficient type to achieve a mature height of five (5) feet from grade.
3. Where perimeter buffers are required per Section 4.3, the right-of-way buffer shall be credited toward the perimeter buffer requirement along the portion of the lot line parallel to the to the right-of-way buffer. If the perimeter buffer is more intense than the right-of-way buffer, the required components of the right-of-way buffer are not required.

**B. Landscaping Adjacent to Mechanical Equipment, Lift Stations, Services Areas and Dumpster**

**Enclosures.** The exterior of any service area, lift station, or dumpster enclosure shall be landscaped with:

1. A minimum of one (1) shrub for every three linear feet, on center, and one (1) small understory tree for every 35 linear feet. Maximum growth height shall not exceed eight (8) feet or conflict with existing trees or utilities.
2. An opaque solid fence or wall consistent with the requirements of Section 3.6: Fences, Walls, Berms and Retaining Walls, may be used to satisfy the planting requirements for these facilities provided such fence or wall is at least six (6) feet in height from grade and completely encloses the area.
3. Landscaping and or walls/fences shall be installed no less than three (3) feet from the equipment, service area, or dumpster enclosure to allow for access, maintenance and required air flow.

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

### 3.8.1. Purpose and Applicability

- A. Purpose and Intent.** The purpose of this section is to ensure the safe, appropriate, and aesthetically pleasing construction of fences, walls, berms, and retaining walls within the City. For the purpose of this section, fences, walls, berms, and retaining walls are all considered to be free standing elements that are not structural elements of a building.
- B. Applicability.** Unless otherwise specified in this section, fences and walls, whether required by this Code or optional, shall require a zoning permit unless otherwise permitted through building permits, or unless otherwise stated below.
- 1. Exceptions.** The following do not require a permit:
    - a. Internal garden area fences in residential districts. For the purpose of this section, an internal garden fence is one that is five (5) feet or more from property lines and is less than four (4) feet in height and serves the purpose of protecting garden areas from animals.
- C. Design Alternatives.** Consistent with Section 1.11: Design Alternatives, design alternatives may be considered for the following design elements within this section: building materials, breaks and openings in fences and walls, side and rear fence and wall heights for residential districts, all fence and wall heights for nonresidential and planned districts, and berm design standards. The purpose of the design alternative may be any of the following:
1. To allow an establishment with uses that require high fences to protect public safety.
  2. To allow a use needing additional height to meet or exceed the compatibility standards.
  3. To allow recreation uses in which pedestrian or spectator safety cannot be guaranteed with a maximum fifteen (15) foot fence, and which may require heights greater than fifteen (15) feet.
  4. To allow for fencing materials similar in appearance to the materials used in the building(s) on the property.
  5. To allow for fencing materials that provide equal or greater protection and general appearance than the permitted materials.
  6. To allow for fencing materials more appropriate for uses near environmentally sensitive areas.
  7. To allow design options for, but not the removal of, required openings per Section 3.8.3.C.5: Breaks and Openings in Fences and Walls.

### 3.8.2. General Standards

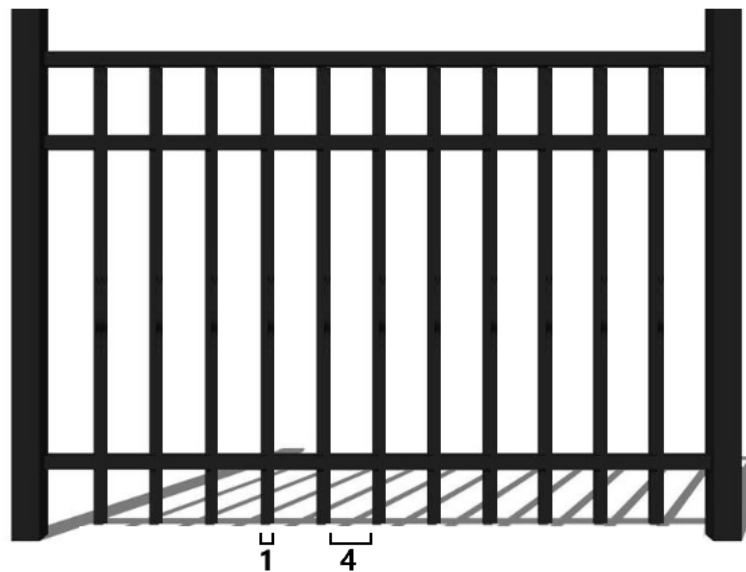
- A. Setbacks.** Fences, walls, berms, and retaining walls may encroach into setbacks unless otherwise indicated in this section. However, a berm may not be constructed in a manner that any portion of the berm's slopes extend over the property line.
- B. Right-of-Way.** No fence, wall or berm may encroach into a public right-of-way. Fences and walls shall not block any required ingress or egress point.
- C. Visibility Triangles (Sight Distance).** No fence, wall, berm, or retaining wall may encroach into a designated visibility triangle for driveways or for the intersections of rights-of-way subject to Sections 3.1.8.F: Visibility Triangle.
- D. Maintenance.** All fences, walls, berms, and retaining walls must be properly maintained consistent with the permit for which they were approved and meet property maintenance standards set forth in Chapter 88. Any damage or deterioration due to age, damage, neglect, or weather must be repaired.
- E. Measurement of Height.**
  - 1. Height shall be measured from the existing natural grade upon which the structure to be measured sits. Where a grade change would result in a height greater than six (6) feet, fences may be installed to maintain a continuous straight edge along the top of the fence; however, such fence may be no taller than eight (8) feet above grade at any point.
  - 2. An additional maximum one (1) foot of height may be permitted for decorative details including posts, columns, and light fixtures.

### 3.8.3 Fences and Walls Material and Design Standards

- A. Finished Sides.** All fences and walls shall be installed with the finished side facing towards the exterior or adjoining properties and rights-of-way.
- B. Design.** Fences and walls shall comply with the design requirements established for the zoning district (if applicable).
  - 1. **Fencing Materials.** Fences and walls must be constructed of concrete, concrete block, brick, wood, decorative metal (aluminum, iron or steel), or vinyl materials. Where there is a conflict, the standards of Section 7: Historic Architectural Preservation Controls and Standards, shall prevail. Unless required by law, no fence or wall may be constructed of non-traditional or dangerous fence or wall materials including but not limited to, barbed wire, razor wire, scrap metal, railroad ties, or any other material determined by the Director to be detrimental to the public health, safety and welfare. Nets, sheets, or slats made of fabrics plastic, metal, or vinyl may not be used as part of the fence nor may such materials be attached to a fence for the purpose of effecting privacy or required screening.

2. **Columns.** Solid support columns shall not be larger than sixteen (16) inches in width and length and shall be spaced eight (8) feet on center. Support columns are limited to six (6) feet in height, and may be topped with decorative elements for a total height of up to seven (7) feet.
3. **Chain Link and Similar.** Chain link, chicken wire, hardwire cloth and other woven or mesh products are not permitted in front yards in any district.
4. **Open Fences.** Open fences shall be defined as wood or metal picket, wrought iron, vinyl, or similar designs, with a solid to open ratio of not more than 1:4.

Figure 3.8.3. Open Fence Ratio 1:4 (Illustrative Example Only)



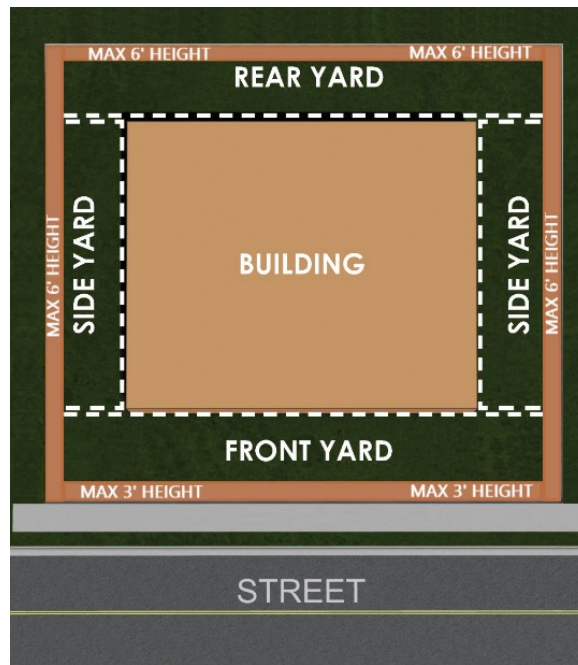
### Solid to Open Ratio Not More Than 1:4

5. **Breaks and Openings in Fences and Walls.** Consistent with Intent OS 1.6 of the City's Comprehensive Plan and Chapter 89 of the LDC, no fence or wall shall exceed five hundred (500) continuous linear feet in length without providing for a break in the fencing or wall to allow for the movement of wildlife and connectivity of wildlife corridors, as applicable, subject to the following:
  - a. Wildlife breaks and openings shall be a minimum width of twenty-five (25) feet to allow for wildlife movement.
  - b. Wildlife breaks and openings may include plantings of trees, shrubs, and other ground coverings provided the plantings will not grow into a complete blockage of the opening.

3.8.4. Height of Fences and Walls

- A. Fence Height Requirements for Residentially-Zoned Properties.** Fences and walls for residentially zoned properties, including residential properties within a PUD (unless otherwise regulated within the PUD zoning standards), that are not required walls or fences for perimeter compatibility requirements shall meet the following requirements:
- 1. Front Setback Height.** Fences and walls in a front setback may be a maximum three (3) feet in height; open fences, as defined in Section 3.8.3.C.4, may be a maximum six (6) feet in height.
  - 2. Side and Rear Setback Height.** Fences and walls in a rear or side setback may be a maximum six (6) feet in height.
  - 3. Waterfront Setback Height.** Fences and walls in a waterfront setback may be a maximum four (4) feet in height, and must be open at a ratio of 1:4. Fences and walls in waterfront setbacks may connect to a seawall. Fences or walls in a waterfront setback that are not connected to a seawall shall not be higher than the top of the bank.

Figure 3.8.4. Fence Heights



- B. Fence Height Requirements for Nonresidential-Zoned Properties and Mixed Use Districts.**
- 1. Height.** Height requirements shall be as provided below:
    - a. Height.** Fences and walls may be a maximum six (6) feet in height.
    - b. IND and PID Zoning Districts.** Fences and walls may be a maximum eight (8) feet in height.

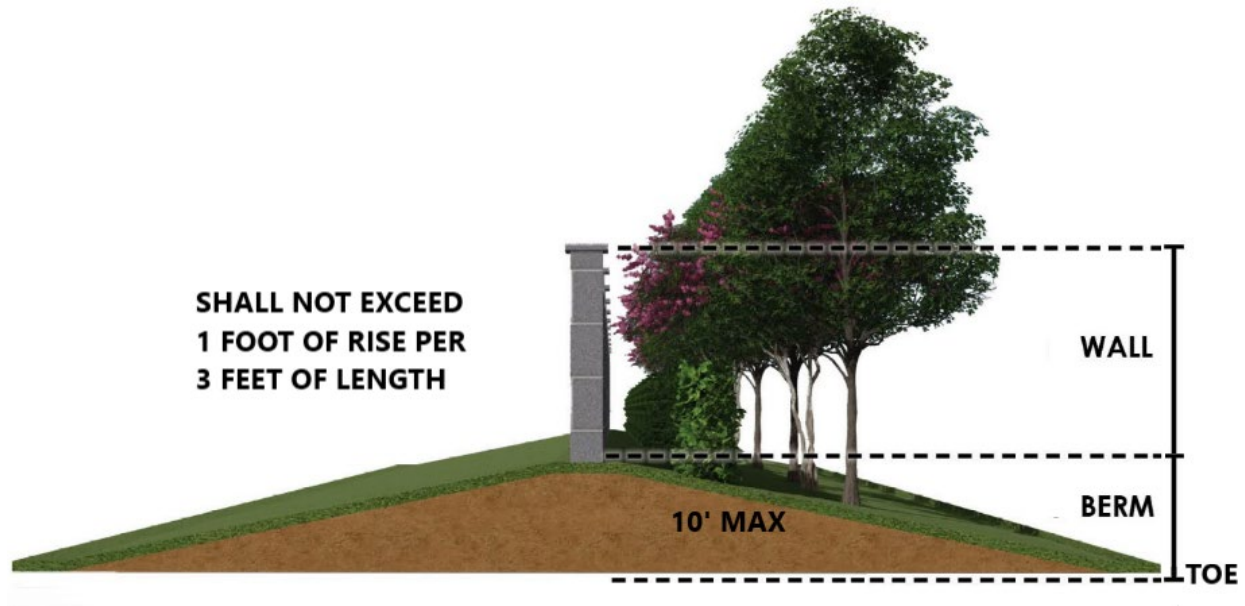
- c. **State or Federal Agencies.** Fences and walls may exceed the height in (a) and (b), if required by state or federal agency requirements. Material and locational requirements of this section may not apply, but the fences and walls shall be landscaped.
  - d. **Recreation Uses.** Fences surrounding recreation uses such as tennis, pickleball, or other outdoor courts may be a maximum fifteen (15) feet in height. These fences may be of chain link or similar open materials to allow for visibility into the recreational area.
  - e. **Refuse Collection Areas.** Fences and walls surrounding refuse collection areas shall be between six (6) feet and eight (8) feet in height.
- C. Mobile Home and Recreational Vehicle Parks.** Fences installed on the perimeter of mobile home and recreational vehicle parks shall comply with Section 2.2.2.C.

### *3.8.5. Berms, Retaining Walls and Slopes*

- A. City Standard Details.** The latest version of the City of Venice Standard Details, General Notes and Testing Requirements, as amended, hereafter referred to as the “City Standard Details,” shall be utilized for the permitting and construction of all berms, walls, and slopes as may be applicable. Where conflicts between this Code and the latest version of the City Standard Details exist, the City Standard Details shall apply.
- B. Design Standards.** Berms, retaining walls and slopes shall conform to the following standards:
1. **Berms.** Berms may be located in setbacks subject to the following:
    - a. Shall not exceed a grade of one (1) foot of rise in three (3) feet of length.
    - b. May also feature walls as permitted in Section 4: Compatibility of this LDC.
    - c. Shall be landscaped and shall meet all landscape requirements as required in Section 3.7: Landscaping.
    - d. Shall not exceed a total of ten (10) feet above the toe of the berm. The toe of the berm shall be defined as the base or bottom of a berm slope at the point where the ground surface abruptly changes to a significantly flatter grade.



Figure 3.8.5. Berms and Walls



2. **Retaining Walls.** In a residential zoning district, if a fence is installed on a retaining wall, the external height of the retaining wall shall count towards the height of the fence.
3. **Slopes.** Within all residential zoning districts, the grade of slope in any setback shall not exceed one foot of rise in four (4) feet of length.

### 3.9. Lighting

#### 3.9.1. Purpose and Applicability

- A. **Purpose and Intent.** The purpose of this section is to ensure all exterior lighting shall be designed, installed, and maintained to provide safe, convenient, and efficient lighting for customers, pedestrians, and vehicles, while minimizing adverse impacts on adjacent properties and conserving energy. Additional and specific lighting standards in Chapter 89 Environmental for Marine Turtle Lighting and the Venice Municipal Airport Master Plan shall also apply.
- B. **Applicability.** The provisions of this section shall govern outdoor lighting (or "exterior lighting") for all development and redevelopment with the exception of the following:
  1. Single family detached and attached units;
  2. Lighting for bridges, flags, and public buildings;
  3. Temporary holiday/event lighting;
  4. Lighting required by federal, state or local laws and regulations;
  5. Work in the public right-of-way;
  6. Street lights or other lighting within public rights-of-way; and

7. Lighting subject to Section 7: Historic Architectural Preservation Control and Standards.
- C. Design Standards.** All exterior lighting shall be designed to incorporate shielding to minimize impact to surrounding properties except as otherwise provided in this section. Lighting shall be provided for the following:
1. Essential walkways, pedestrian routes, and common areas such as building entrances and stairwells;
  2. Car areas, including parking lots, driveways, and drive aisles; and
  3. Space around buildings.
- D. Design Alternatives.** Consistent with Section 1.11: Design Alternatives, design alternatives may be considered for requirements within Section 3.9.3: Outdoor Lighting Standards. Design alternatives may not be proposed for any standards listed as prohibited or for any beachfront standards or other lighting regulations related to Marine Turtle Lighting Standards as defined in Chapter 89.
- E. Height Calculation.** Where this section mentions height of lighting fixtures, the height of outdoor lighting fixtures shall be measured from the finished grade to the top of the fixture.

### 3.9.2. Lighting and Photometric Plans

- A. Lighting and Photometric Plans.** Lighting and photometric plans shall be required during review of any site and development plan to determine consistency with these regulations. Unless otherwise exempt, it is a violation of this section to install or operate outdoor lighting without first obtaining lighting plan approval and subsequent necessary permits.
- B. Application Requirements.** At a minimum, the lighting and photometric plans must meet the following requirements:
1. The plan must be prepared by a licensed engineer, who shall sign and seal the plans and certify that the plan complies with this section.
  2. The plan must be of an engineered scale that is easily legible.
  3. The plan must show all proposed and existing buildings on the site, pedestrian and vehicular areas, other above-ground improvements, the horizontal location of all proposed and existing outdoor lighting fixtures including pole and wall-mounted fixtures, mounting heights of each fixture, overall height of each pole above grade, location of externally illuminated signs and associated fixtures, and the location of all architectural and landscape lighting fixtures.
  4. The plan shall include the hours of operation for the facility.
  5. The plan must show initial horizontal illuminance values in footcandles for the area to be illuminated; other types of illuminance measurement are not acceptable. These values must be calculated at grade and include contributions from all onsite fixtures. The plan

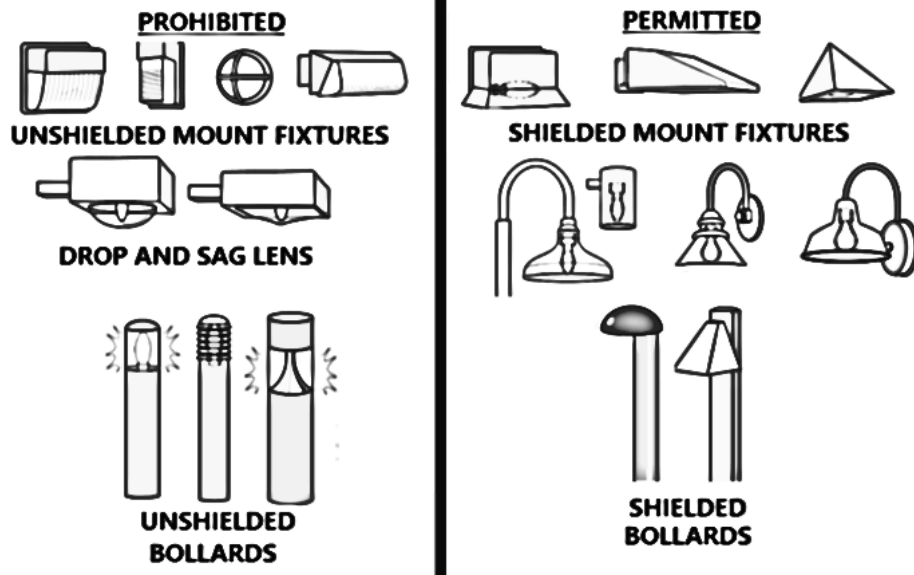
must plot footcandles of illumination at ground level to the nearest tenth of a footcandle, and at horizontal grid intervals of no more than ten (10) feet.

6. The manufacturer's cut sheets (specifications) for each proposed fixture must be submitted.
7. The plan must include a lighting fixture schedule that presents the following information:
  - a. Lighting fixture plan identification symbol or abbreviation.
  - b. Fixture type, including the manufacturer's product identification catalog number.
  - c. Lamp type and wattage or LED luminaire wattage.
  - d. Fixture mounting height.

### *3.9.3. Outdoor Lighting Standards.*

- A. **General Outdoor Lighting Standards.** All lighting and photometric plans must conform to the following regulations:
  1. **Footcandles.** Illumination levels shall be measured in footcandles, defined as one lumen per square foot. Footcandles shall not exceed 0.5 footcandles at the property line where the neighboring property is a residential use or a residential zoning district. For all other uses, illumination levels may not exceed 1.0 footcandles at the property line, not including entrances to nonresidential and multifamily uses which may not exceed 5.0 footcandles. To avoid glare and light trespass onto neighboring properties, fixtures must be installed with shields and reflectors. Fixtures shall not be oriented towards adjacent properties.
  2. **Cutoff Fixtures.** All fixtures, except for street lighting fixtures, including security lighting, must be cutoff fixtures. Cutoff fixtures shall project all light in a downward direction.

Figure 3.9.3.1. Cutoff Fixtures (Illustrative Example)



3. **Design.** All fixtures must be incorporated into the building or site as an integrated design element through the use of common or complementary style, material, and color.
4. **Prohibited.** The following are prohibited:
  - a. Sag lenses, convex lenses, and drop lenses.
  - b. Floodlighting.
5. **Flag Lighting.** Lights used to illuminate flags are exempt, provided flag lighting illuminates the flag in a narrow beam only. Preference is for downward-directed light.
6. **External Building Lighting.** Fixtures that decoratively light a building or wall may not light above the parapet of the building or the top of the wall. Design alternatives may be permitted for this section. Alternatives must not project light off-site, including into the sky.
7. **Pedestrian Level Lighting.** Pedestrian level lighting is required within parking lots, along sidewalks, along multimodal paths, and within civic spaces and public gathering spaces. street lighting is not considered pedestrian level lighting. In no cases shall this type of lighting exceed twelve (12) feet in height. Bollard or path lighting shall not exceed a three (3) foot mounting height. All such lighting shall be shielded and downward directed.
8. **Parking Area Lighting.** To avoid conflict in layout, parking lot lighting must be coordinated with the parking lot's landscaping. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination by proper placement of landscaping and light sources. The height of light fixtures within a parking area shall be staggered so that the tallest fixtures are in the center of the parking lot and the lowest heights are at the perimeter of the parking lot. Light fixture height shall not

exceed thirty (30) feet within the center of a parking area and shall decrease in height to a range of twelve (12) to fifteen (15) feet at the perimeter of the parking area.

Figure 3.9.3.2. Parking Area Heights



- B. Special Regulations for Outdoor Lighting.** Outdoor lighting plans must conform to the following regulations where applicable:
- 1. Walkways, Bikeways, and Trails.** Walkway, bikeway, parks and trail lighting, and pedestrian facilities such as building connections or walkways to parking (excluding sidewalks) must conform to the following regulations:
    - a. Intrusion.** All lighting shall be designed and installed to illuminate with a smooth, even pattern, without glare or light flow intrusion in excess of 0.5 footcandles onto adjacent properties as provided for by the horizontal grid intervals on the lighting plan.
    - b. Footcandles.** Illumination levels along the walkway, bikeway or trail, must range between 0.2 and 0.5 footcandles. Nature trails, walkways, and bikeways may be exempted from this minimum illumination level by the Director if the natural environmental objectives and purposes of the trail, walkway, or bikeway would be unreasonably compromised by this minimum lighting requirement and the location and environmental design of the trail, walkway, or bikeway reasonably provides natural surveillance and otherwise protects public safety. A design alternative may be requested for footcandles.
  - 2. Parking Garages.** Interior fixtures must be shielded to prevent light spilling from the garage. Light fixtures on the top deck of a parking garage may not exceed fifteen (15) feet in height and must be shielded to prevent light trespass on to the adjacent properties. Rooftop

lighting of parking garages must be setback a minimum twenty-five (25) feet from the perimeter of the rooftop.

- 3. Canopied Areas for Vehicles.** Lights and light fixtures for canopied areas commonly used for vehicular use such as drive-through facilities or gas stations must be recessed or cutoff fixtures and must conform to the following standards:
  - a. Fixtures in canopies may not rely on surrounding structures, including canopy edge, for required shielding.
  - b. Canopy fascia may not be internally lit.
  - c. LED lighting strips or neon tubing shall not be permitted.
- 4. Outdoor Sports Fields and Performance Areas.** Lighting of outdoor sports fields and performance areas shall comply with the following regulations:
  - a. **Glare Control Package.** All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
  - b. **Hours of Operation.** The hours of operation for the lighting system for any game or event shall not continue more than one and half hours after the end of the game or event.
  - c. **Height of Fixtures.** Light fixtures shall not exceed a height of eighty (80) feet.
  - d. **Buffers Adjacent to Residential Properties.** A landscaped buffer yard sufficient to prevent light trespass and glare spillover to adjacent residential properties may be required by the Director.
- 5. Properties Subject to Marine Turtle Protection.** See Chapter 89 for lighting standards.
- 6. Rooftop Uses.** Lighting for rooftop uses (such as a restaurant or lounge) shall not exceed twelve (12) feet in height. Lighting fixtures shall be located no less than ten (10) feet from the perimeter of the building and not face outward. All lighting shall be designed to effectively eliminate glare, be shielded to prevent light spilling over the side of the building, and shall be turned off when the rooftop area is not in use.
- 7. Sign Lighting.** Lighting fixtures illuminating signs shall comply with the standards of Section 3.5: Signs, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.
- 8. FAA Lighting.** Lighting at the Venice Municipal Airport shall comply with all FAA rules and regulations and the Venice Municipal Airport Master Plan.

# CHAPTER 87 LAND DEVELOPMENT CODE

## SECTION 4. COMPATIBILITY

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## 4.1. Introduction

- A. Purpose and Intent.** The purpose of this section is to integrate the compatibility standards from Comprehensive Plan *Strategy LU 4.1.1. Land Development Code and Transition Strategies* and *Strategy LU 1.2.8 Compatibility Between Land Uses*. These compatibility standards provide the criteria for which development and land use petitions are reviewed and approved. Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. It is the purpose and intent of this section to implement specific regulations to achieve compatibility considering the existing zoning, context of proposed development, and use compared to the zoning and uses of surrounding properties.
- B. Development Subject to the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA).** For the purpose of this section, the City has incorporated the compatibility standards and mitigation techniques identified within the JPA/ISBLA into the standards of this section. Meeting the requirements for compatibility in this section will serve as confirmation that the compatibility requirements of the JPA/ILSBA have been satisfied.
- C. Applicability.** Zoning amendments, site and development plans, preliminary plats, and conditional use petitions are subject to the compatibility standards defined in this section.
- 1. Mixed Use Districts.** Mixed Use Districts are deemed to be internally compatible and do not require compatibility setbacks or additional buffering standards unless required in Section 4.5: Mixed Use Considerations.
- D. Design Alternatives.** Consistent with Section 1.11: Design Alternatives, design alternatives may be considered for any of the standards within this section; however, seeking a design alternative requires a finding that the alternative meets or exceeds the intent of the standards of this section. It is not the purpose of a design alternative to provide for a total waiver of the standards in this section. Design alternatives may be based upon, but not limited to, building setbacks, building step-backs, and buffering. Stipulations may be required for any design alternative request, as deemed appropriate by the Planning Commission.

## 4.2. Perimeter Buffer Types

- A. Perimeter Buffer Area Standards.** This section describes minimum perimeter buffering standards. A *Perimeter Buffer Area* (i.e. buffer) is determined exclusive of any required yard; however, perimeter buffers may be located in required yards.



- B. Intent.** Perimeter buffer areas shall consist of a landscaped buffer intended to mitigate and screen the property from adjacent properties and public right-of-way. No buildings, structures, or principal or accessory uses are allowed in the buffer unless otherwise specified in this section.
- C. Location.** Perimeter buffers begin at the property line. Where there is a perimeter easement (such as a drainage or utility easement) that does not allow for the installation of the buffer, then the required buffer shall be placed as close to the property line, adjacent to the easement, as possible.
- D. Permitted Items Within Buffers.**
  - 1. Plant Material.** Required plant material, including ground cover and lawn grasses, shall be planted within the buffer. Plant material may be planted parallel to the buffer perimeter or may be meandered for aesthetic purposes. Required plant material shall be planted in accordance with this section and Section 3.5. Buffers may incorporate greater width and additional plant materials. Perimeter buffer standards for each buffer type are defined in 4.2.E and are illustrated in Section 4.2.F.
  - 2. Fences and Walls.** Required fences and walls shall be installed in accordance with Section 3.6: Fences, Walls, Berms, and Retaining Walls and shall be located inside the buffer. Required plant material shall be installed in front of any required fence so the required plant material is completely visible from the adjacent property or right-of-way. Consistent with Section 3.6 and with Chapter 89, no fence or wall shall exceed 500 linear feet in length without a minimum 25 foot break to allow for wildlife movement.
  - 3. Berms.** Berms shall be installed in accordance with Section 3.6: Fences, Walls, Berms, and Retaining Walls and the highest point of the berm shall exist at the mid-point of the width of the required buffer. Any required fence or wall shall be installed at the highest point of the berm. Required plant material shall be installed in front of any required fence or wall, alongside the outer perimeter of the buffer and/or along the property line.
  - 4. Easements.** The location of easements within a required buffer is permitted provided the easement does not prevent the installation of all required buffer items.
- E. Perimeter Buffer Types.** Buffer types range in intensity from 1 to 6, with 1 being the least intense and 6 being the most intense buffer type. Table 4.2 provides 6 different buffer types. Perimeter buffers may be also utilized to satisfy other required buffers such as parking, but shall not be utilized to satisfy any other landscaping requirements of this chapter. However, required perimeter buffer trees may be utilized to satisfy tree requirements for the property.

Table 4.2. Perimeter Buffer Types Table

Perimeter Buffer Types	1	2	3	4	5	6
<b>Requirements are per 100' linear feet of perimeter buffer (or fraction thereof)</b>						
<b>Minimum Width</b>	7.5 feet	10 feet	15 feet	25 feet	35 feet	50 feet
<b>Minimum Canopy Trees (Large or Medium)</b>	2 trees	3 trees	3 trees	4 trees	6 trees	8 trees
<b>Minimum Understory Trees</b>	Not required	Not required	1	2	3	4
<b>Minimum Shrubs/Hedge</b>	30 shrubs/accent plants	40 shrubs/accent plants	50 shrubs/accent plants	60 shrubs/accent plants	Continuous hedge	Continuous hedge
<b>Minimum Fence</b>	Not required	6 feet in height	6 feet in height	Not permitted	Not Permitted	Not permitted
<b>Minimum Wall</b>	Not required	Not required	Not required	6 feet in height	6 feet in height	8 feet in height
<b>Minimum Berm</b>	Not required	Not required	Not required	Not required	3 feet in height	5 feet in height

Additional Standards:

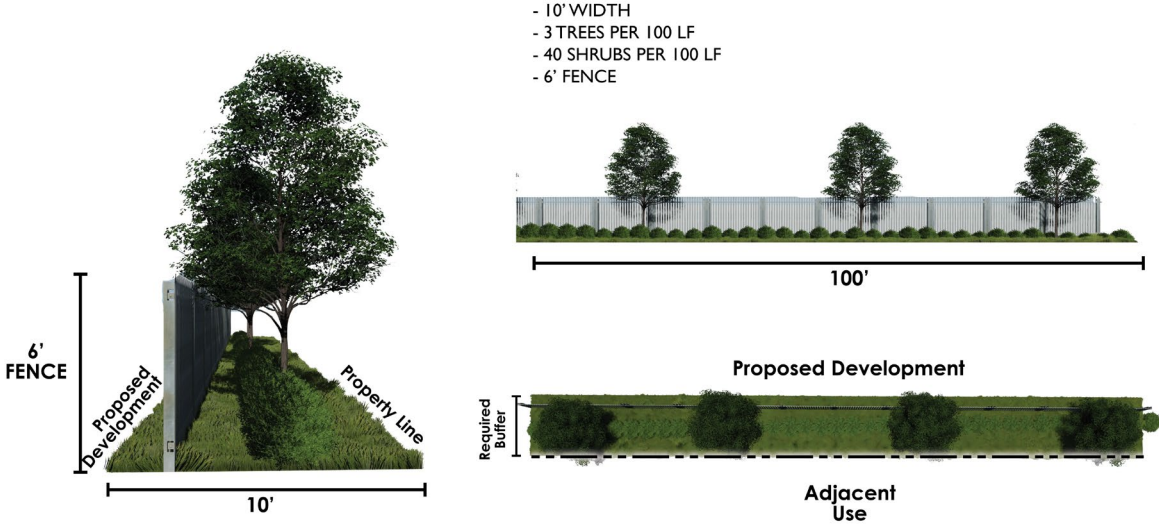
- A. Berm max slope 3:1; + 2' minimum width at top height. Excludes necessary base for a wall/foundation. May exceed for utilities, roads, and environmental features.
- B. Trees and plants may be clustered provided a maximum 10' gap between plantings is maintained.
- C. Minimum shrubs and hedges may be double staggered.
- D. The above standards are the minimum standards required; enhanced landscape and buffer standards may be provided. For example, a wall may be substituted for a fence and / or additional landscape materials may be installed.
- E. The placement of walls and fences shall ensure all required planting materials are located between the wall or fence and the property line. However canopy trees may be on both sides of a wall or fence as long as a minimum one half of required canopy trees are in front (towards the property line).
- F. Placement of required items in the buffer is permitted across the full width of the buffer.

**F. Perimeter Buffer Types.** The following images show an example of buffer types defined in Table 4.2.

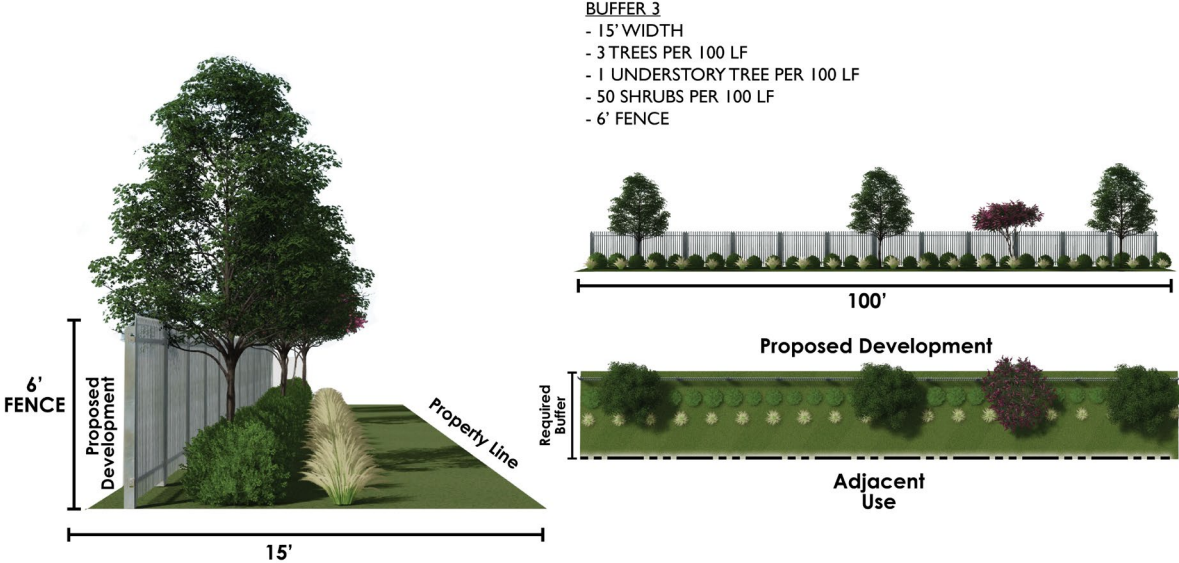
**1. Perimeter Buffer Type 1**



2. Perimeter Buffer Type 2

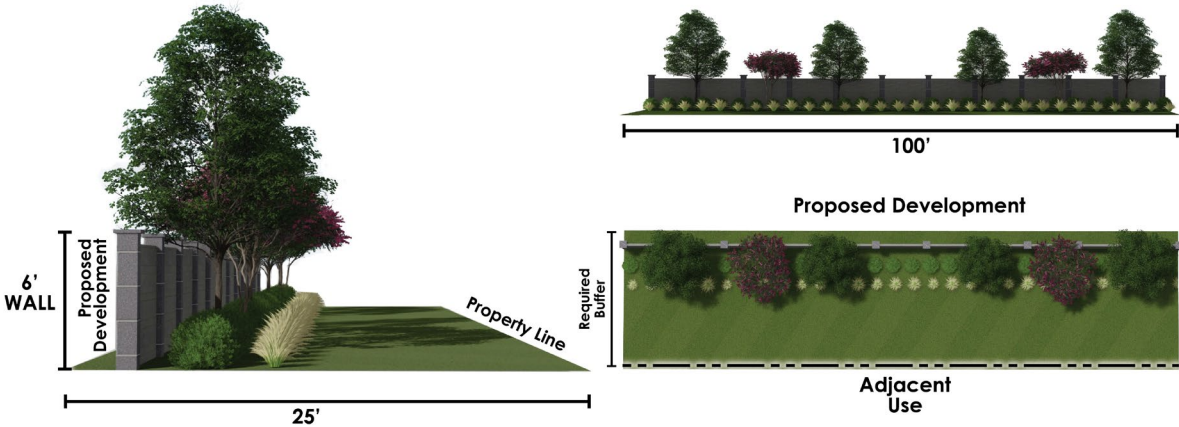


3. Perimeter Buffer Type 3

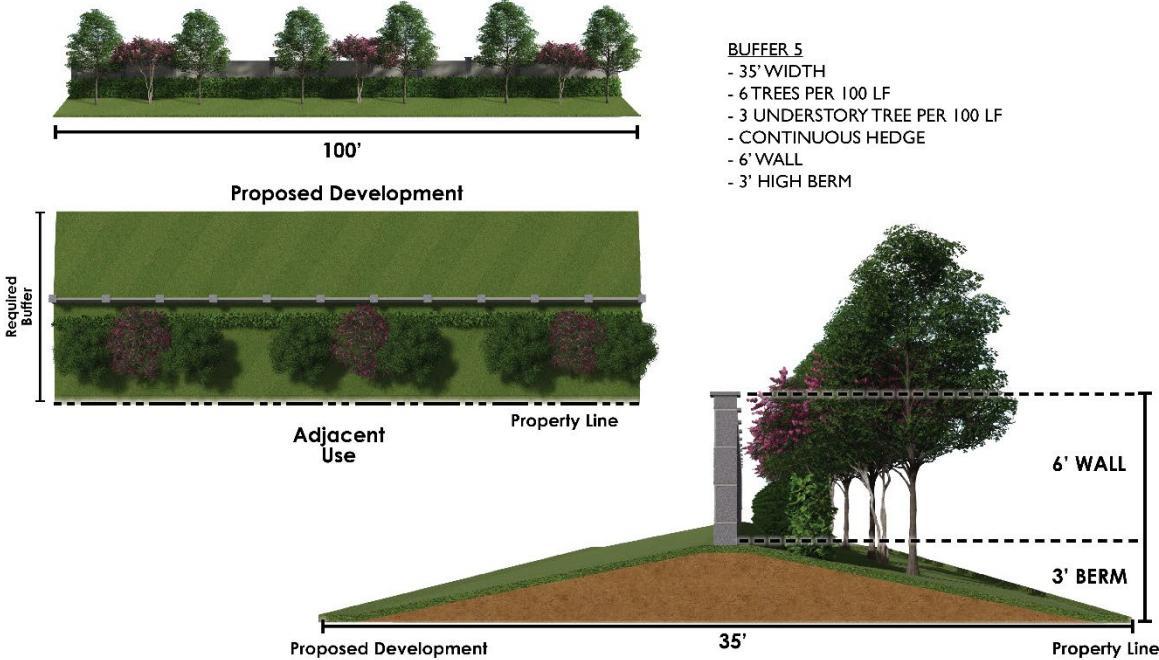


4. Perimeter Buffer Type 4

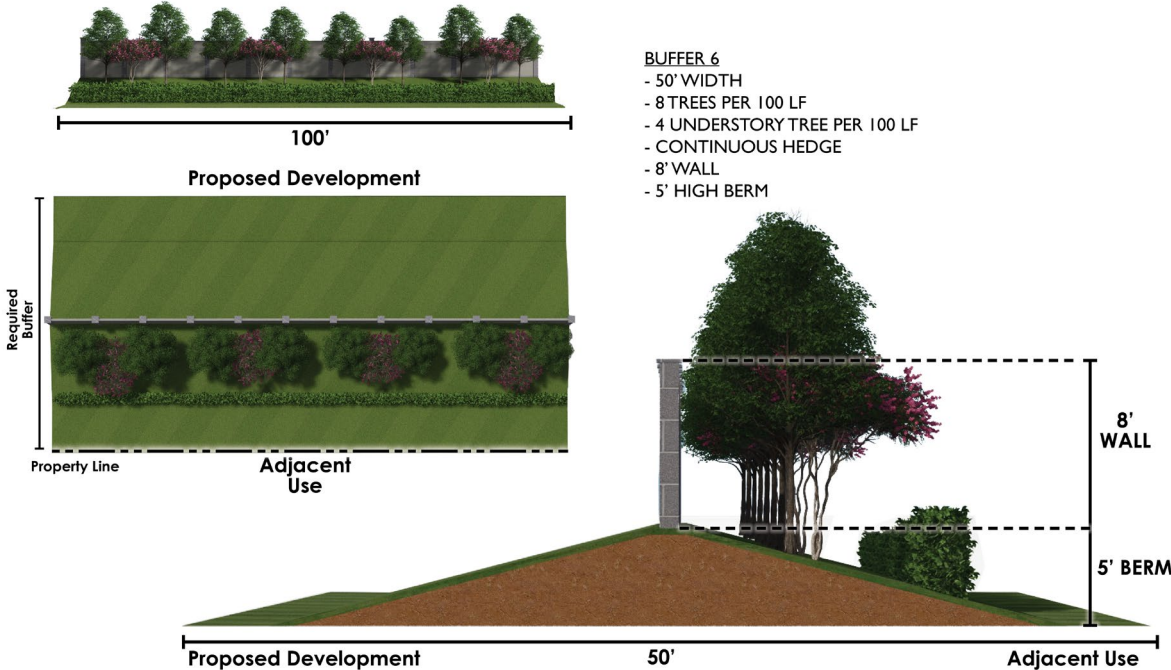
- BUFFER 4**
- 25' WIDTH
- 4 TREES PER 100 LF
- 2 UNDERSTORY TREE PER 100 LF
- 60 SHRUBS PER 100 LF
- 6' WALL



5. Perimeter Buffer Type 5



6. Perimeter Buffer Type 6





### 4.3. Perimeter Buffer Type Key

**A. Perimeter Buffer Type Key.** Table 4.3 defines the minimum required buffer type when a zoning district abuts a different zoning district. Section 4.4: Additional Compatibility Mitigation, may require additional compatibility setback and buffer requirements for certain uses. Nothing in this section shall preclude an applicant from installing a buffer type exceeding the minimum standards. Table 4.3 defines the perimeter buffer types required when a traditional zoning district abuts a different traditional zoning district. Mixed Use District perimeter buffers shall be as required in Section 4.5: Mixed Use Considerations.

Table 4.3. Perimeter Buffer Type Key – Traditional Districts

Proposed	Existing (Zoning District Groups)										
	Mixed Use	RSF	RMF	RMH	PUD	PCD	PID	CM	OPI	GOV	IND
Mixed Use	See Section 4.6										
RSF	See Section 4.6	None	1	2	2	4	6	4	3	4	6
RMF		1	None	2	2	3	5	3	2	3	5
RMH		2	2	None	2	3	5	3	2	3	5
PUD		2	2	2	2	4	6	3	2	4	6
PCD		4	3	3	4	None	3	1	2	4	4
PID		6	5	5	6	3	None	3	4	5	1
CM		4	3	3	3	1	3	None	2	4	4
OPI		3	2	2	2	2	4	2	None	2	4
GOV		4	3	3	4	4	5	4	2	None	5
IND		6	5	5	6	4	1	4	4	5	None

Proposed	Existing (Zoning District Groups)										
	Mixed Use	RSF	RMF	RMH	PUD	PCD	PID	CM	OPI	GOV	IND
<p><u>Notes:</u>                      RSF = Residential, Single Family Districts                      RMF = Residential, Multi Family Districts                      RMH = Residential Manufactured Home Districts (RMHS and RMHP)                      PUD = Planned Commercial District                      PCD = Planned Commercial                      PID = Planned Industrial District                      CM = Commercial District                      OPI = Office, Professional and Institutional District                      GOV = Government Use District                      IND = Industrial District</p>											

**B. Perimeter Buffer along Public Roads/Rights-of-Way.** Where there is an intervening roadway or right-of-way in excess of 50 feet, a minimum Perimeter Buffer Type 2 shall be required for all new development. The Planning Commission may increase the buffer type based on the proposed use(s) and/or roadway types and width.

#### 4.4. Additional Compatibility Mitigation

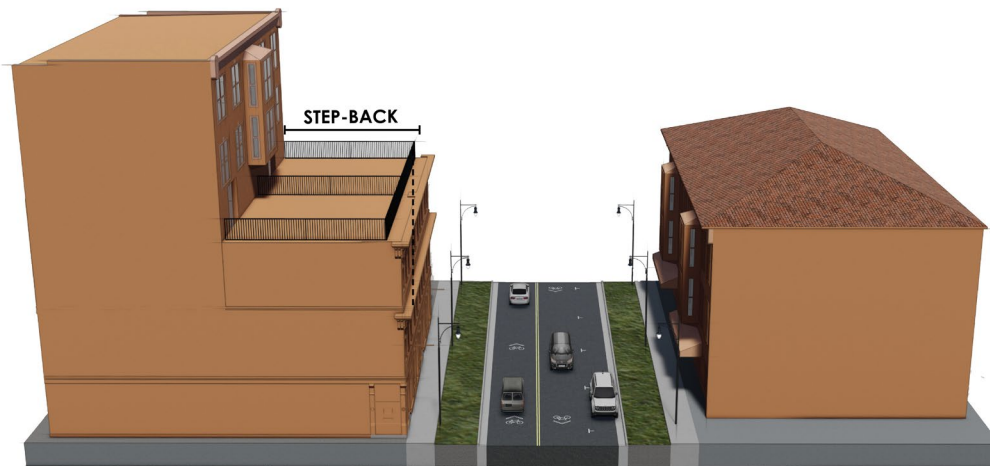
**A. Potential Incompatibilities.** Potential incompatibilities between zoning districts shall be mitigated through techniques including, but not limited to:

1. Providing open space, perimeter buffers, landscaping and berms.
2. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.
3. Locating road access to minimize adverse impacts.
4. Adjusting building setbacks to transition between different uses.
5. Applying step-down or tiered building heights to transition between different uses.
6. Lowering density or intensity of land uses to transition between different uses.

**B. Special Considerations.** This section provides a tool to guide decision makers in review of compatibility for unique circumstances and development types and where there are requests to modify development standards. These instances include: rezoning to planned districts; granting of conditional uses; granting of height exceptions; properties subject to the JPA/ILSBA; or developing property adjacent to properties having Sarasota County zoning designations. In these instances, the application of additional mitigation techniques may be deemed necessary to ensure compatibility of the proposed development with surrounding properties. Additional mitigation standards include, but are not limited to:

1. Lowering density and intensity;
  2. Increasing building setbacks;
  3. Adjusting building step-backs (see Section 4.4.B. below);
  4. Requiring tiered buildings;
  5. Adjusting onsite improvements to mitigate lighting, noise, mechanical equipment, refuse and delivery and storage areas;
  6. Adjusting road and driveway locations; and
  7. Increasing buffer types and/or elements of the buffer type.
- C. Building Step-back.** A building step-back is an architectural design element applied to the upper stories of a development. It is a wall or façade that is recessed to allow for more daylight to reach the street level and create a more open, inviting pedestrian environment. Step-backs reduce the scale of a building, increasing views of surrounding areas, and emphasize the ground floor of a structure to allow increased emphasis on pedestrian considerations. Step-backs may be required for stories or features above a certain permitted height within a zoning district per that district’s development standards table and may be used as an additional compatibility mitigation technique per this section. The extent and width of a step-back shall be approved by the decision-making body responsible for compatibility review.

Figure 4.4 Step-back



## 4.5. Mixed Use Considerations

**A. Perimeter of Mixed Use Districts.** The buffer types identified in Table 4.5 shall be used when a Mixed Use District abuts a traditional district. When one Mixed Use District abuts another Mixed Use District, no buffer is required. If a roadway is between one of the Mixed Use Districts identified in Section 2 of this LDC and a traditional district, a right-of-way buffer is not required. Recognizing that the creation of Mixed Use Districts through this Code affects existing development and lot layouts in these districts, design alternatives may be requested.

Table 4.5. Mixed Use Districts Buffer Type

Mixed Use Districts	Perimeter Buffer Type
Venice Avenue	1
Downtown Edge	1
South Trail	1
Airport Avenue	1
Seaboard Improvement	1
North Trail Gateway	1
Laurel West	3
Laurel East	3
Knights Trail	3
Knights Trail Transition	3

# CHAPTER 87 LAND DEVELOPMENT CODE

## SECTION 5. CONCURRENCY MANAGEMENT AND MOBILITY

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## 5.1. Concurrency Management System

### 5.1.1. Purpose and Intent

- A.** The primary purpose and intent of these regulations is to provide the City of Venice with the tools to meet statutory concurrency requirements. The implementation of these concurrency standards will be the principal mechanism for ensuring that growth is managed in a manner consistent with the provisions of the Comprehensive Plan. This section will serve as a key monitoring device for measuring the effectiveness of the Comprehensive Plan and the programming of capital improvements.

Consistent with the Comprehensive Plan, Infrastructure Element, the approval of development orders shall be contingent upon a finding that adequate public facilities have been determined to be available for appropriate facility types, consistent with their adopted levels of service and concurrent with the impact of the proposed development. It is not the intent of this section to grant a certificate of concurrency for land use applications not directly approving the development of land, although a certificate of concurrency may be granted as part of a rezoning to a Planned District as identified in Section 1.7.3: Planned District Zoning Amendments. Once a certificate of concurrency is issued, developers are responsible for ensuring development does not exceed the approved capacity for each facility.

### 5.1.2. Applicability

- A.** The provisions of this section shall apply to the following land use petitions:
  - 1.** Rezoning to a Planned District;
  - 2.** Conditional Use; and
  - 3.** Preliminary Plat and Site and Development Plans.

### 5.1.3. Concurrency Management Officer

- A.** The Planning and Zoning Director or designee shall be designated as the Concurrency Management Officer responsible for the implementation of this section and for coordinating the review of applications for land use petitions. The Concurrency Management Officer shall have the authority to ensure the lead agencies for each public facility provide their concurrency evaluations consistent with this section so that approval of development permits will not result in the reduction of the levels of service below the minimum standards adopted within the City Comprehensive Plan.

#### 5.1.4. Certificate of Concurrency Exceptions

- A. Single Family Construction.** Building permits for single family residential construction that have a certificate of concurrency for prior approvals for preliminary plat and/or Planned District zoning are exempt. Building permits for single family construction that are not covered under a prior certificate of concurrency are exempt from a certificate of concurrency but are subject to concurrency for potable water and sanitary sewer.
- B. Prior Certificate of Concurrency.** Recognizing a certificate of concurrency may be issued in early phases of development, where subsequent land use petitions and permits may be required, a new certificate of concurrency shall not be required where the following conditions have been met:
1. The previously approved development order or ordinance remains in effect per the terms of the written order or in the absence thereof, as determined by the expiration date imposed by the applicable subsection of Section 1: Administration. For instance where the development order or ordinance for which the certificate of concurrency was issued will expire prior to the approval of subsequent land use petitions or permits, application for a new certificate of concurrency shall be required to ensure a valid certificate of concurrency for the duration/completion of the development;
  2. The impact of the proposed development under consideration was fully taken into account during the concurrency review and in the finding of concurrency associated with the previously approved development order or ordinance;
  3. The conditions related to land uses and facility availability upon which the previous finding was based have not changed; and
  4. All conditions or stipulations regarding the timing or phasing of the development or the provision of facility improvements by either the developer or the City imposed in the previously approved development order or ordinance have been satisfied.

#### 5.1.5. Certificate of Concurrency Required

- A. Determination of Concurrency, Generally.**
1. **Rezoning to a Planned District.** The rezoning of land to a Planned District (PUD, PCD, or PID) could result in a range of potential impacts and shall be reviewed as if the highest impact were being proposed, or the ordinance shall be conditioned so as to restrict the use of the subject parcel to a level of impact consistent with a positive finding of concurrency. A finding of concurrency resulting from the review of a rezoning petition for a Planned District shall not be construed to guarantee the availability of adequate

facilities, unless otherwise provided for within a Development Agreement pursuant to F.S. § 163.3220, et seq.

- 2. **Conditional Use.** Concurrency applications for conditional use petitions shall be reviewed based on conditions consistent with the requirements for determining available facility capacity for the proposed use.
- 3. **Preliminary Plat, and Site and Development Plans.** Concurrency applications for these petitions shall be reviewed consistent with the requirements for determining available capacity for the proposed development.

- B. **Application.** Applications for development orders or permits, as defined in Section 9: General Definitions shall first be submitted to the Concurrency Management Officer for processing. An applicant for a certificate of concurrency shall provide all information required by the City, including all of the information required in the methodology for calculating projected demand for certificates of concurrency.
- C. **Review Procedure.** Upon the payment of the fee to process the application and the determination that the information submitted is sufficient to allow a complete evaluation of the application for a certificate of concurrency, the Concurrency Management Officer shall submit the application to each lead agency for review of the facility or service for which that agency is responsible. For the purpose of this Code, the following agencies are deemed lead agencies:

Table 5.1.5. Concurrency Review Procedure Table

Concurrency Review Procedure Table	
Facility or Service	Agency
Potable Water	Utilities Department (or Sarasota County Utilities where the County has jurisdiction for providing service)
Wastewater	Utilities Department (or Sarasota County Utilities where the County has jurisdiction for providing service)
Solid Waste	Public Works Department
Functional Open Space	Public Works Department
Stormwater	Engineering Department
Public Schools	Sarasota County School District

- D. **Concurrency Evaluation.** Each lead agency shall review the application for a certificate of concurrency and shall submit to the Concurrency Management Officer an evaluation report based on its findings using the following criteria and methodology:



1. The conditions related to land uses and public facility availability upon which the reviews were based;
  2. The specific facilities impacted by the proposed development;
  3. The extent of the impact generated on those facilities by the proposed development;
  4. Conditions or stipulations regarding the timing and phasing of the development or provision of facility improvements necessary to ensure that adequate facilities will be available concurrent with the impact of the development; and
  5. Conditions or stipulations regarding proportionate share mitigation for non-transportation facilities.
- E. Evaluation Procedures.** For the purpose of evaluating concurrency, the available capacity of a facility shall be determined by:
1. Adding together:
    - a. The total capacity of existing facilities operating at the adopted level of service; and
    - b. The total capacity of new facilities, if any, that will become available concurrent with impacts of the development. The capacity of new facilities may be counted if one or more of the following is demonstrated:
      - i. Construction of the new facilities is underway at the time the application is being evaluated;
      - ii. The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the application is being evaluated;
      - iii. The new facilities have been included in the adopted City capital budget for the fiscal year in effect at the time the application is being evaluated;
      - iv. The new facilities are guaranteed in a Development Agreement for the development under consideration. A Development Agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, et seq., or an agreement or development order pursuant to F.S. ch. 380. Such facilities shall be consistent with the Capital Improvements chapter of the City Comprehensive Plan, as it may be amended from time to time; or
      - v. The new facilities are guaranteed in a Development Agreement for a development different than the one under consideration, provided that the new facilities are the subject of a binding executed contract for the construction of the facilities with a construction start date during the fiscal year in effect at the time the application is being evaluated.
  2. Subtracting from the total capacity the sum of:
    - a. The demand for the services or facilities created by existing development;

- b. The demand for the services or facilities created by the anticipated completion of other approved developments; and
- c. The demand for the services or facilities created by the anticipated completion of the proposed development under consideration for concurrency determination.

**F. Data Requirements.**

**1. Development Submissions.** All applications for land development shall provide sufficient information to determine the impact of such development consistent with these concurrency evaluation procedures. Such information shall include, but not be limited to:

- a. Total number and type of dwelling units for residential development applications;
- b. Identification of type and intensity of nonresidential use, where appropriate, at a level of detail consistent with the type of development application;
- c. Location of the proposed development and identification of facilities impacted by the development pursuant to the provisions of these regulations; and
- d. Identification of project phasing, where applicable.

**G. Potable Water, Wastewater, Drainage, Solid Waste and Recreation/Open Space.** The concurrency evaluation shall compare the available capacity to the demand of the proposed development. The available capacity shall be determined by adding together:

- 1. The total of the existing uncommitted excess capacity, if any; and
- 2. The total future capacity of any proposed construction or expansion that meets the requirements of Section 5.1.6: Minimum Requirements for Concurrency.

**H. Public Schools.** The Sarasota County School District shall provide a school concurrency recommendation which will serve as the basis for the availability of public school facilities for the issuance of a certificate of concurrency. The school district, in coordination with the City, will be responsible for developing and maintaining the concurrency database.

*5.1.6. Minimum Requirements for Concurrency*

**A. Wastewater, Solid Waste, Stormwater and Potable Water Facilities.** In order to obtain a certificate of concurrency it must be established that level of service standards can be met according to this section. The City is required to regulate development to direct it towards conservation of the potable water supply. If non-potable alternative sources of irrigation water are available, potable water supplies shall not be used to meet irrigation needs. All new development shall be required to use water-saving plumbing fixtures. Further, development plans shall be required to comply with the following potable water supply performance criteria:

1. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or
  2. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in a development agreement, pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. Ch. 380, to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy or its functional equivalent.
- B. Functional Open Space Facilities.** In order to obtain a certificate of concurrency it must be established that level of service standards can be met according to the following conditions.
1. At the time the development order or permit is issued, the necessary facilities and services are in place or under actual construction; or
  2. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development will be dedicated to or acquired by the appropriate local governmental entity, or funds in the amount of the developer's fair share are committed.
- C. Public School Facilities.** Per Section 5.1.5.H: Public Schools, the Sarasota County School District shall provide a school concurrency recommendation for the issuance of a certificate of concurrency. The school district, in coordination with the City, will be responsible for developing and maintaining the concurrency data base.
- D. Concurrency Determination.** Upon receipt of all concurrency evaluation reports, the Concurrency Management Officer shall approve, approve with conditions, or deny the issuance or extension of certificates of concurrency prior to the issuance of any development orders based upon concurrency capacity and concurrency determination.
- E. Expiration.** A certificate of concurrency shall automatically expire with the expiration of the development permit to which it applies. Where expiration terms are established by the City Council in a pre-annexation agreement, those terms shall apply. If a time extension to the expiration date of a development permit is applied for at least 30 days prior to the expiration date, the certificate of concurrency may also be renewed for the length of any time extension provided that:
1. A showing is made establishing that efforts to commence work under the development permit have been pursued continuously and in good faith; and
  2. Conditions have not materially changed since the certificate of concurrency was originally issued.
- F. Appeals**

1. A denial of a certificate of concurrency may be appealed by the applicant to City Council, within 15 days from the date of written denial of the certificate of concurrency, by filing with the City Clerk a notice of appeal specifying each fact or circumstance in support of granting the certificate of concurrency. The City Clerk shall schedule the appeal to be heard at a public hearing by City Council at a regular meeting, within 30 days following the filing of a proper appeal. The Concurrency Management Officer shall transmit to the City Clerk all documents constituting the record upon which the action appealed from was taken. The City Clerk shall notify the applicant in writing of the date, time and location of the City Council meeting at which the appeal shall be heard. During the appeal proceeding, the applicant may appear in person or be represented by an agent or attorney. If deemed necessary by City Council, in order to supplement the record, City Council may receive additional testimony and make inquiry of the applicant and administrative staff. Applicants may be required to assume such reasonable costs as City Council may determine by resolution in setting fees to be charged for appeals.
2. The applicant shall have the burden of proof to establish by the presentation of substantial competent evidence to City Council that:
  - a. There was a material error in the technical determination to deny the certificate of concurrency; or
  - b. One or more of the conditions in this section are satisfied such that the necessary public facilities and services will be available concurrent with the impacts of development.
3. The City Council, upon reviewing the record and findings regarding the denial of the certificate of concurrency, may affirm, reverse or modify the decision denying the issuance of the certificate of concurrency. Before directing issuance of a certificate of concurrency, the City Council shall make specific findings that the issuance of a certificate of concurrency complies with this section. The decision of the City Council shall be transmitted in writing to the applicant.

## 5.2. Mobility

### 5.2.1. Introduction

- A. In 2011, the state eliminated mandatory transportation concurrency and significantly limited the ability of local governments to implement traditional concurrency and proportionate fair-share. The City, through an Interlocal Agreement with Sarasota County, utilizes the County's system of mobility fees for the purpose of transportation improvements.

### 5.2.2. Applicability

**A. Transportation Impact Analysis Required.** The City shall review land development applications, including applications for rezones, conditional uses, site and development plans, and subdivisions, for transportation impact, as provided in the City’s adopted Comprehensive Plan, City Code of Ordinances, and this LDR.

- 1. Comprehensive Plan Amendments.** Applications for comprehensive plan amendments shall evaluate the potential for impact to the surrounding transportation roadway segments based upon the maximum development potential provided under the existing future land use designation as compared to the maximum development potential of the proposed future land use designation. Where available, as an additional consideration, the analysis may also include a review of the proposed development if known at the time of the Plan amendment.

### 5.2.3. Mobility Requirements

**A. Mobility Requirements.** A Transportation Impact Analysis (TIA) shall be completed prior to any public hearings or the final approval of the project where no public hearings are required. A TIA shall take into consideration the City’s *Schedule of Capital Improvements* and the list of *Capital Projects* and Sarasota County’s list of *Capital Projects*, and it shall follow the traffic modeling guidelines as established in the Florida Department of Transportation (FDOT) *Traffic Analysis Handbook* (as amended), subject to input provided by City staff and Sarasota County staff (if applicable). The following requirements for the TIA build upon the *FDOT Traffic Analysis Handbook* and are intended to provide more detail in defining the study area, the analysis scenarios (Section 5.2.3.A.2: Intersection Analysis), and turn lane warrants required in the analysis:

- 1. TIA Process:**

- a. Draft TIA methodology submitted to the City.
- b. Methodology meeting held with applicant
- c. Final Methodology submitted for approval.
- d. TIA prepared.
- e. TIA submitted for review and approval.
- f. Final approved TIA produced for inclusion into development application materials.

- 2. TIA Requirements.**

- a. **Location.** The analysis shall provide a property address, parcel identification numbers within the development and a map of the project location (including a north arrow) that also shows surrounding properties as well as a current aerial image of the site.

- b. Proposed Development and Access Connections.** The analysis shall provide an overview of the proposed development, including applicable square footages and/or other project variables including but not limited to the number and type of residential units or rooms for hotels. A proposed development plan shall also be provided. The location of all driveways and access connections shall be identified and their proximity to existing intersections and adjacent accesses shall be documented. Access connections on the opposite side of the road shall be depicted.
- c. Multimodal Facilities and Transit.**
- i. The analysis shall include an inventory of all existing and proposed multi-modal facilities along the boundary of the development, including transit stops.
  - ii. The analysis shall identify if bicycle racks will be proposed by the development and where the bicycle racks are proposed to be located. The analysis shall provide an inventory of the routes providing transit service and the frequency of transit service based upon the most recently published data from Sarasota County Area Transit.
  - iii. The analysis shall identify all existing and proposed sidewalks, trails, paths and bicycle lanes along thoroughfare roadways within a ¼-mile of the development boundary along an external road.
  - iv. The analysis shall identify all adjacent public parks, schools, shopping centers and employments uses directly adjacent to the boundaries of the development or across the street from project access connections.
- d. Trip Generation.** Daily and AM and/or PM peak-hour trip generation and directional split for project traffic shall be estimated using the rates and equations contained in the latest edition of the Institute of Transportation Engineers' Trip Generation Manual.
- i. Internal/community capture, mode share and pass-by trips may be proposed subject to staff approval based upon proposed land uses and support documentation.
  - ii. Specific capture rates, mode share, pass-by and their application shall be established during development of the detailed methodology and documentation and/or technical analysis provided supporting the use of capture rates, mode share and pass-by trips.
  - iii. Other sources of trip generation data may be used, as approved by staff during development of the formal methodology.

- e. Collected Traffic Counts.** Collected daily traffic counts and turning movement counts shall be documented and referenced. The need for collecting traffic counts shall be determined during the methodology meeting.
- i.** Segment counts shall typically be limited to roadways directly accessed by the development.
  - ii.** Additional segment counts may be required for development with 100 or more Peak-Hour trips where an intersection analysis is required.
  - iii.** An applicant may request to utilize existing segment or older traffic count data, as determined by the Director or transportation professional designee, and turning movement counts that are less than a year old where, for instance, there has been no significant development since the counts were collected or where significant events such as natural disasters or other events may have a significant impact on data collection.
  - iv.** Segment counts shall generally be collected over a three-day period on a Tuesday, Wednesday and Thursday, excluding holidays and special events unless approved by the Director or transportation professional designee.
  - v.** The peak-hours of turning movement counts shall be determined by the Director or transportation professional designee. Count times and locations shall be established at the methodology meeting.
- f. Trip Distribution.** Trip Distribution may be based on existing or collected traffic counts, the latest FDOT Travel Demand Model, or other methods of distributing project traffic as approved by the Director or transportation professional designee during development of the formal methodology.
- i.** For projects with 500 or more peak-hour trips, as determined by the Director or transportation professional designee, the City may require using the latest FDOT Travel Demand Model.
  - ii.** The applicant may request, or the Director or transportation professional designee may require, changes to the network. Socio-economic data may require modification prior to being found acceptable for a specific project for projects with 500 or more peak-hour trips.
  - iii.** The applicant shall submit for Director or transportation professional designee review any proposed or required modifications to modeling data.
  - iv.** The applicant shall not proceed to portions of the analysis that rely on the trip distribution prior to receiving Director or transportation professional designee approval of the modeling data and the project trip distribution.

- g. Study Area of Impact.** The study area shall be based upon 5% of the Level of Service of impacted thoroughfare facilities and shall also include significant local, collector and arterial roads to which the project has direct access or that the project accesses via a private or local road network. The study area shall include the thoroughfare facility, and thoroughfare segment intersection endpoints as defined by the Director or transportation professional designee.
- h. Trip Assignment.** Trips shall be assigned to the surrounding roadway network and project access connections per the approved traffic distribution. Assignment shall address Daily, AM and PM Peak-hours. Pass-by trips shall be accounted for at project access connections.
- i. Existing Traffic Conditions.** An analysis of an existing year peak-hour, peak-season traffic conditions scenario for all thoroughfare roadway segments and all intersections within the study area shall be provided. The analysis time period to evaluate (the Peak-Hour) will be determined by the Director or transportation professional designee at the time of the methodology meeting. This evaluation shall include any traffic counts conducted and any seasonal adjustments to these counts.
- i.** All counts collected shall be no greater than 12 months old at the time of application submittal unless otherwise allowed by the Director or transportation professional designee.
  - ii.** Peak-season adjustment factors shall be based upon Florida Department of Transportation (FDOT) guiding documentation or other sources. If traffic counts are not collected along roadway segments, data provided from Sarasota County sources or FDOT sources may be used to develop “existing” conditions. However, growth rates may need to be developed to reflect current year conditions if traffic counts are older than 12 months old.
  - iii.** All proposed growth rates must be accepted by the Director or transportation professional designee prior to use in the analysis. As part of the applicant’s analysis, adopted LOS standards and associated service volumes (for roadways) will need to be provided.
  - iv.** The source and type of software to be used in the traffic analysis shall be identified.
  - v.** The analysis for roadway segments may be a multi-tier approach where the most recent and published generalized service volumes, as developed by FDOT, should initially be used.
  - vi.** If necessary, the secondary tier approach can be used by the applicant which could include the most recent and approved version of FDOT’s ART-



PLAN or HIGH-PLAN programs or the Highway Capacity Software (HCS) programs, or any similar software as approved by the Director or transportation professional designee.

- vii. For intersections, the use of the HCS programs, Synchro, or any similar software as approved by the Director or transportation professional designee, will be appropriate.
  - viii. Information regarding traffic signal phasing/timing for use in the above software programs shall be obtained from the Director or transportation professional designee. The results of the roadway and intersection analyses shall be in tabular form and illustrated in figures.
- j. **Background (Non-Project) Traffic.** Future background (non-project) traffic will be determined by a variety of methods including the application of a growth rate to existing traffic volumes and/or the direct use of reserved trips as provided by the Director or transportation professional designee. The specific approach will be determined at the time of the methodology meeting.
- k. **Future Traffic Conditions.** An analysis of a future year (build-out year) peak-hour, peak-season traffic conditions scenario for all roadways and intersections within the study area at project buildout shall be provided.
- i. The specific time period to evaluate should be identical to the existing conditions scenario unless City staff deems other time periods appropriate for analysis in this scenario.
  - ii. This evaluation shall include both project traffic and background traffic estimates as previously discussed.
  - iii. The future scenario may include any scheduled and fully funded transportation improvements programmed for construction within the first two years (current year plus one future year) of the currently adopted City of Venice Schedule of Capital Improvements and Venice Capital Improvement Program (CIP), Sarasota County's Capital Improvement Program (CIP), and/or FDOT's 5-Year Work Program.
  - iv. The inclusion of any improvement planned by a third party (i.e. private entity) is at the risk of the applicant and could result in that improvement being stipulated as a required improvement for the project under review.
  - v. As part of this analysis, adopted LOS standards and associated service volumes (for roadways) shall be provided. In addition, the source and type of analysis software to be used in this scenario shall be identified. Similar guidelines for the type of analysis to use for roadway segments and

intersections, as identified in the Existing Traffic Conditions section, will also be applied for this scenario. The results of this analysis shall be in tabular form and illustrated in figures.

- I. **Identified Improvements.** This analysis will also identify and provide a list (in tabular form) of transportation-related improvements at roadway segments and intersections (both on-site/site-related at project driveways and off-site locations). If off-site improvements are necessary, the applicant shall provide a project trip threshold to determine when, in terms of number of trips, an improvement will be required and responsibility for the improvements. The identified improvements shall include costs estimates.
- m. **Intersection Analysis.** All access connections to external roadways shall be evaluated for the AM and/or PM peak-hours or, for developments without peak-hour impacts (such as places of worship without schools), the peak-hour of the proposed development.
  - i. For developments that do not have direct access to an existing thoroughfare roadway, the intersection of the roadway connecting the development and an existing thoroughfare shall be considered an access connection.
  - ii. Projects that generate 100 or more Peak-Hour trips shall be required to establish a study area during the formal methodology meeting and evaluate (at the minimum) the two signalized and/or stop controlled intersection endpoints of the first adjacent thoroughfare facility along with that segment.
  - iii. The Director or transportation professional designee may reduce the number of external intersections evaluated where the intersections are located within the area of influence that will not be impacted by traffic from the development.
  - iv. The Director or transportation professional designee shall not be required to allow or approve an access connection that the Director or transportation professional designee finds will cause an operational or safety issue either at the access connection or at an existing adjacent intersection.
  - v. The Director or transportation professional designee may limit access connections to a right-in or right-out only where necessary site related improvements or adequate improvements to the adjacent intersection cannot be made.
  - vi. The Director or transportation professional designee may require striping, a raised separator/barrier feature or other treatment be constructed by the developer to limit the access connection to a right-in and/or right-out only.

- vii. The Director or transportation professional designee, may also require that an existing access connection(s) be removed or relocated if that access creates an operational or safety issue.
  - viii. An acceptable software simulation (approved at the time of formal methodology approval) will be used to evaluate each intersection based upon the type of intersection (i.e. roundabout, signalized, two-way stop control, etc.).
  - ix. The Director or transportation professional designee shall provide background traffic or growth rates to be used in the intersection analysis. The need for appropriate growth factors is sensitive to geographical location and therefore shall be established during development of the detailed methodology. The analysis shall be conducted for the peak-hour of traffic. This approximates the average AM and/or PM peak-hour during the peak-season of traffic in Sarasota County. The following scenarios shall be analyzed for the development under consideration: Existing conditions; Existing plus vested/background conditions, if applicable; Existing plus vested/background conditions plus project traffic; and Existing plus vested/background conditions plus project traffic plus improvements to movements directly utilized by project traffic. The Director or transportation professional designee may require a signal or roundabout warrant analysis. If warranted and approved by the Director or transportation professional designee, the project shall design and construct the traffic signal or roundabout per the timing established by the Director or transportation professional designee
  - n. **Turn Lane Warrant Analysis.** Project related turn lane warrant analysis requirements will be established at the methodology meeting.
  - o. **Internal Roadway Projections.** The analysis will describe all internal roadways proposed in conjunction with the proposed development if internal roadways are proposed. In absence of proposed internal roadways, internal circulation will be described.
3. **Technical Report Compiling All Relevant Data with a Conclusion.** The TIA shall be documented in a technical report, signed and sealed by a licensed Florida Professional Engineer with expertise in conducting transportation analyses. The methodology shall specify the number of copies to be provided. The final section of the report shall provide a clear and concise description of study findings, including whether or not the impacted roadway facilities will operate at or above the adopted LOS standards and whether all intersection lane groups will operate below V/C ratio of 1.0 when reviewed under total

traffic conditions. The final section shall also provide a summary of the improvements for all users including pedestrians, bicyclists, transit riders and motorists identified by type.

# CHAPTER 87 LAND DEVELOPMENT CODE

## SECTION 6. SPECIAL CONSIDERATIONS

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## 6.1. Alcoholic Beverages

### 6.1.1. Definitions

- A. Definitions.** The definitions contained in F.S. Chs. 561, 562, 563, 564 and 565 are hereby adopted as the definitions for this section.

### 6.1.2. Hours for Sale, Service and On-Premises Consumption

- A. Hours Restricted.** It shall be unlawful for any person to sell, offer for sale, serve or dispense or consume alcoholic beverages in the City in any place or establishment licensed by the state for the sale of alcoholic beverages except during those hours hereby fixed and established as follows:
1. *Sales and serving.* The hours shall be 7:00 a.m. to 2:15 a.m. of the following day for all sales and serving.
  2. *Consumption on-premises.* The hours shall be 7:00 a.m. to 2:30 a.m. of the following day for all consumption on-premises.
  3. *New Year's Day exception.* On December 31 of each year the regular hours shall be extended to 2:45 a.m. for sales and serving and 3:00 a.m. of the following day (New Year's Day) for consumption on-premises.
- B. Prohibited Acts.** It shall be unlawful for:
1. Any licensee, or his agent or employee, to permit such establishment to be open during prohibited hours.
  2. Any licensee, or his agent or employee, to sell, offer for sale or dispense any alcoholic beverages during prohibited hours.
  3. Any licensee, or his agent or employee, to allow any person to enter or remain in such establishment during prohibited hours.
  4. Any person to enter or remain in such establishment during prohibited hours, except for the licensee and his agents for purposes other than the sale, dispensing or consuming of alcoholic beverages.
- C. Motels, Restaurants and Similar Establishments.** Nothing in this section shall be construed to prohibit the operation of restaurants, motels or other establishments for purposes other than the sale, serving or consumption of alcoholic beverages, providing the bar, lounge or area licensed for consumption-on-the-premises sales can be locked, sealed or isolated from the business to be operated during prohibited hours.

*6.1.3. Distance of Vendors from Schools, Churches or Public Bathing Beaches*

- A. Distance Requirement.** Except for those vendors licensed in accordance with F.S. § 563.02(1)(a), as amended, and except for restaurants subject to F.S. § 561.20(2)(a)4, as amended, no vendor of alcoholic beverages shall maintain a place of business within 300 feet of an established school, church or public bathing beach within the City.
1. This distance requirement shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the main entrance of the church, and, in the case of a school, to the nearest point of the school grounds in use as part of the school facility as measured from the main entrance of the place of business, and, in the case of a public bathing beach, to the nearest point of the property comprising the public beach in use as part of the beach facility as measured from the main entrance of the place of business. The term "the shortest route of ordinary pedestrian travel," as used in this section, shall mean that route of pedestrian travel nearest to the main entrance of the place of business of the vendor. The purpose of this provision is to prevent the practical evasion of this section by the establishment of a circuitous route of pedestrian travel upon the property of the vendor in order to avoid a measurement of the closest available route of pedestrian travel.
  2. Whenever a licensee has procured a license certificate permitting the sale of beverages containing more than one percent of alcohol by weight and thereafter a church, school or public bathing beach shall be established within a distance otherwise prohibited by law, the establishment of such church, school or public bathing beach shall not be cause for the discontinuance of the business of such licensee.

*6.1.4. Bottle Clubs Prohibited*

- A. Bottle Clubs.** The operation of bottle clubs within the City is hereby prohibited. For the purpose of this section, a bottle club is defined as a business establishment to which patrons bring with them alcoholic beverages to be consumed on the business premises in connection with the viewing for a monetary consideration of entertainment or to be consumed with a mixer or other beverage furnished by the business establishment for a monetary consideration, but which business establishment is not licensed.
1. **Exception.** An Artist Studio, as defined by this Code, may feature events where alcohol can be brought on premise for on-site consumption.



### 6.1.5. *Nudity in Establishments Serving Alcoholic Beverages*

#### **A. Prohibited Acts**

1. It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the City at which alcoholic beverages are offered for sale for consumption on the premises to encourage, allow, suffer or permit any person, while on the premises of such establishment, to expose to public view any specified anatomical area.
2. It shall be unlawful and an offense for any person while on the premises of an establishment located within the City, which is licensed for the sale or consumption of alcoholic beverages on the premises, whether or not such beverages are offered for sale or consumption, to expose to public view any specified anatomical area at any time.
3. The term "specified anatomical area," as used in this section, means any of the following:
  - a. Less than completely or opaquely covered:
    - i. Human genitals or pubic region;
    - ii. Cleavage of the human buttocks; or
    - iii. That portion of the human female breast directly or laterally below a point immediately above the top of the areola.
  - b. Human male genitals in a discernably turgid state, even if completely and opaquely covered.
  - c. Any covering, paint, or other device which simulates or otherwise gives the appearance of the display or exposure of any of the specified anatomical areas listed in subsections 3.a. and 3.b. of this section.
4. It shall be unlawful and an offense for any person to procure, counsel, aid or assist any person in violating any of the provisions of this section.
5. Penalty. A violation of any provision of this subsection shall be processed according to section 1-14, of the City Code of Ordinances.

## 6.2. Telecommunications

### 6.2.1. *Findings, Purpose, and Intent*

- A. In order to promote the public health, safety, and general welfare, the City finds that it is necessary to:
  1. Facilitate the provision of wireless telecommunication facilities/services to the residents and businesses of the City, outside and in public right-of-ways.
  2. Minimize adverse visual effects of towers through the utilization of careful design and siting standards.

3. Maximize the protection of the citizenry from the hazards of falling debris or equipment as a result of destruction by storm or wind or other natural occurrences.
  4. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.
  5. Maximize the use of existing and approved towers, buildings and structures, conforming and nonconforming, to accommodate new telecommunications antenna in order to reduce the number of towers needed to serve the community.
  6. Minimize the visual impact of new towers and telecommunications antennas by encouraging their location in currently visually impacted areas.
  7. Maximize the opportunity for, and use of, co-location of new towers.
  8. Expedite the removal of abandoned, unused, and unsafe towers and telecommunications antennas.
- B. Interference or Obstruction with Public Safety Telecommunications.** New wireless telecommunication service shall not obstruct existing or proposed public safety wireless telecommunication facilities. All applications for new service shall be accompanied by a certification obtained by the applicant from the City Police Chief, County Sheriff and County Director of Emergency Management that the tower and ancillary facilities are not expected to interfere with or obstruct such public facilities. In the event interference or obstruction does occur with public safety wireless telecommunication facilities, it shall be the responsibility of the owner of the wireless telecommunications facility creating the interference or obstruction to make all necessary repairs and/or accommodations to alleviate the problem.
- C. Effective Date.** All towers and telecommunications antennas legally installed prior to the effective date of the ordinance from which this section is derived that do not meet the requirements of this section shall be considered permitted, nonconforming uses and structures, unless if inactive for greater than one (1) year.
- D. Sunshine State One-Call.** Every communications service provider shall utilize and maintain membership in the utility notification one call system administered by Sunshine State One Call of Florida, Inc.

### 6.2.2. Exemptions

- A.** The following items are exempt from the provisions of this section:
1. Amateur radio antenna with an overall height of 50 feet or less. Any such structure may be developed only in accordance with the provisions of this Code and per zoning district standards defined in Section 2: Zoning.
  2. Satellite earth stations, other than broadcast, developed in accordance with the standards and regulations of this LDC and per zoning districts defined in Section 2: Zoning.

3. Maintenance of existing wireless telecommunications facilities that does not include the placement or replacement of a wireless telecommunications facility.
4. Replacement or modification of telecommunications antennas, ancillary appurtenances or other equipment with facilities that are substantially similar or of the same or smaller size, and that do not substantially change the physical dimensions of the wireless telecommunications facility when viewed from ground level from surrounding properties.
5. Wireless telecommunications facilities erected as a temporary use, which receive a temporary use permit.
6. Wireless telecommunications facilities erected upon the declaration of a state of emergency by a federal, state, or local government. However, no wireless telecommunications facility will be exempt pursuant to this paragraph unless City staff makes a determination of public necessity for the facility. The written determination must be submitted to the Director. No wireless telecommunications facility will be exempt from the provisions of this section beyond the duration of the state of emergency, and such facility must be removed within 90 days of the termination of the state of emergency.
7. Co-location of telecommunications antennas on existing telecommunications antenna support structures that:
  - a. Do not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure;
  - b. Do not increase the approved ground wireless telecommunication facility site; and
  - c. Are of a design and configuration consistent with all of the applicable design and aesthetic regulations, restrictions or conditions, if any, applied to the first telecommunications antenna placed on the structure or applied to the structure itself.

### 6.2.3. Abandonment

- A. Upon abandonment (as defined in Section 9: Definitions) of any telecommunications facility owned by a communications services provider, the communications services provider shall notify the City within sixty (60) days.
- B. The City may direct the communications services provider, by written notice, to remove all or any portion of such abandoned telecommunications facility at the communications services provider's sole expense if the City determines that the abandoned telecommunications facility's presence interferes with the public health, safety or welfare, which shall include, but shall not be limited to, a determination that such telecommunications facility:
  1. Compromises safety at any time for any public right-of-way user;
  2. Compromises the safety of other persons performing placement or maintenance of telecommunications facilities in the public right-of-way;

3. Prevents another person from locating other facilities in the area of the public right-of-way where the abandoned telecommunications facility is located when other alternative locations are not reasonably available; or
  4. Creates a maintenance condition that is disruptive to the use of the public right-of-way.
- C. If the communications services provider fails to remove all or any portion of an abandoned telecommunications facility as directed by the City within the time period specified in the written notice, which time period must be reasonable under the circumstances, the City may perform such removal and charge the cost of the removal against the communications services provider.
- D. In the event that the City does not direct the removal of the abandoned telecommunications facility, the communications services provider, by its notice of abandonment to the City, shall be deemed to consent to the alteration or removal of all or any portion of such abandoned facility by the City or other person, provided that the cost of the alteration or removal is not borne by the communications services provider.
- E. **Declaration of Continuing Operation.** Towers shall be in continuous operation or they may be determined to be abandoned, unused, or unsafe.
1. The owner of a tower shall file annually with the City Manager, or his designee, a declaration as to the continuing operation (with active antennas) of every telecommunication facility installed subject to these regulations. Said declaration shall include a listing of all tower users' names and mailing addresses and any additional information deemed appropriate by the City.
  2. In addition, every three years the declaration shall also include a statement of continued structural integrity (i.e., a statement that a thorough and complete inspection of the tower was conducted and the tower and ancillary facilities are and will continue to perform as originally designed) certified by a qualified and licensed professional engineer.
  3. Failure to file the annual declaration in a timely manner shall result in a presumption that the tower is abandoned, unused, or unsafe, and subject to the following:
    - a. The building official may order that the tower be demolished and removed based upon determination that the tower is unsafe or abandoned in accordance with the provisions of the Standard Unsafe Building Abatement Code (1985 edition) and the City's local amendments thereto, as revised.
    - b. In addition to the remedies provided in Chapter 7, Recovery of Costs or Repair of Demolition as set forth in the Standard Unsafe Building Abatement Code (1985 edition) and the City's local amendments thereto as revised, the City may recover its costs associated with the demolition and removal of any such tower under the required performance guarantee.

#### 6.2.4. Telecommunications Towers

- A. Tower Approval Process.** Site and development plan approval shall be required for all new towers. All towers for wireless telecommunication services erected, constructed, or located within the City shall comply with the following requirements:
1. A proposed new tower shall not be approved by the City unless the applicant demonstrates to the satisfaction of the Planning Commission that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower or building due to one or more of the following reasons:
    - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
    - b. Existing or approved towers and buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional.
    - c. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building as documented by a qualified and licensed professional.
  2. When reviewing an application for a tower through the conditional use process, the Planning Commission shall consider the following factors:
    - a. Whether the tower will be readily visible.
    - b. Type of tower, the shape and width of the facility relative to its height, and the color, texture, and reflectivity of materials, with neutral colors and non-reflective materials being given preference, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
    - c. Type of antennas proposed for the tower, with narrow profile antenna arrays being given preference.
    - d. Nature of the uses on the site, with preference given to the use of sites which are already developed with industrial type uses.
    - e. Nature of uses on adjacent and nearby properties and the relationship of the proposed facility to the character and scale of surrounding structures and uses, with preference given to sites adjacent to nonresidential uses or to projects designed to protect residential neighborhoods.
    - f. Onsite and surrounding tree coverage and foliage.

- g. Effectiveness of the use of screening and concealment devices and techniques, including but not limited to, the use of structural camouflaging, buffer walls, opaque fencing and landscaping.
  - 3. Before the commencement of construction activities, the Federal Aviation Administration's response to the submitted notice of proposed construction or alteration of a tower, or its replacement, shall be submitted to the City Manager, or his designee.
  - 4. Before issuance of a building permit, a qualified and licensed professional engineer's report which demonstrates the tower's compliance with the appropriate structural, electrical standards and all appropriate state and federal development standards, shall be submitted to the City Manager, or their designee.
- B. Additional Submittal Requirements.** In addition to the information required in this Code, applications for towers shall include the following supplemental information:
- 1. A report from a qualified licensed professional engineer which:
    - a. Describes the tower height and design including a cross-section and elevation;
    - b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
    - c. Describes the tower's capacity, including the number and types of antennas that can be accommodated;
    - d. Includes an engineer's signature, seal, date and registration number;
    - e. If a new structure, states that there is no existing suitable structure available or higher priority zoning district in the geographic search area;
    - f. Includes graphical representation of the search ring;
    - g. Provides a survey of existing conditions (not applicable to roof-mounted and surface-mounted antennas);
    - h. Includes photo simulations (not for co-locations) and elevation drawings; and
    - i. Includes other information necessary to evaluate the request.
  - 2. For all towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
  - 3. A performance agreement or surety for removal in a suitable form for recording in the Public Records of Sarasota County, Florida, as well as a guarantee. The performance agreement and guarantee shall obligate the owner and all subsequent owners to remove, pursuant to this Code, abandoned, unused or unsafe towers, portions of towers, and facilities as described herein. In addition:
    - a. The guarantee shall be secured by letter of credit in a form acceptable to the City finance director. The guarantee is designed to ensure the City a fund for demolition and

removal of the tower and associated facilities in the event the owner fails to discharge his obligations to demolish and remove said tower and facilities.

- b. The aggregate of the guarantee posted on a project shall be 25 percent of the construction cost of the facility.

**C. Tower and Antenna Design and Construction Requirements.**

1. Any proposed tower shall be designed, structurally, electrically, and in all other respects, to accommodate telecommunications antennas for at least three users if the tower is 161 to 200 feet in height, or for two users if the tower is 160 feet or less in height.
2. Towers must be designed to allow for future rearrangement of telecommunications antennas upon the tower and to accept antennas mounted at varying heights.
3. In order to provide the maximum opportunity for other providers to co-locate on a new tower, the applicant shall notice other potential users of the new tower, offering an opportunity for co-location. If another potential user requests co-location in writing to the City, the request shall be accommodated, unless it can be documented as provided herein that co-location is not possible.
4. In addition to the general review criteria required by this Code, towers and telecommunications antennas shall be designed to blend into the surrounding environment through the use of color, texture, or camouflaging architectural treatment to minimize its visual intrusiveness and negative aesthetic impact.
5. The proposed tower may not, as determined by the Planning Commission, unreasonably interfere with the view from any public park, historic building or district, or scenic view corridor.
6. The base of the tower, anchors, and any accessory facility or building shall be substantially screened from view from public streets and adjoining and nearby residential properties with a combination of evergreen and deciduous trees and shrubs, except when the Planning Commission determines a design of non-vegetated screening better reflects and complements the architectural character of the surrounding neighborhood. The use of all types of chain link or other open mesh fencing, barbed wire, razor wire, and similar items is prohibited.
7. All ground mounted towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend in to the particular surrounding environment.
8. With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any antenna, tower, anchoring devices or guys, equipment or wires or braces shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, or easement.

9. Every tower affixed to the ground shall be designed to discourage climbing of the tower by unauthorized persons.
- D. Tower Setbacks.** All towers shall conform with each of the following minimum setback requirements:
1. Towers shall meet the setbacks of the zoning district in which proposed, as required in Section 2: Zoning.
  2. Towers shall be set back from the public right-of-way of arterial and collector roads, as shown in the City Comprehensive Plan, by a minimum distance equal to one-half of the height of the tower, including all antennas and attachments.
  3. Towers shall not be located in the public right-of-way of any roads. New antennas may be located on existing towers, poles and other structures in all public right-of-way subject to restrictions specified in this Code.
  4. Towers shall not be located between a principal structure and a public street, provided that within industrial zoning districts, towers may be located within a side yard abutting an internal industrial street.
  5. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Planning Commission, only to allow the integration of a tower onto an existing or proposed structure or building such as a church steeple, light standard, power line support device (e.g., power line tower), or similar structure.
- E. Tower Height.** All towers shall conform to the following maximum height requirements. The height of towers shall be determined by measuring the vertical distance from the tower or existing structure's lowest point of contact with the ground to the highest point of the tower, including all antennas or other attachments. The maximum height of any tower shall be as follows:
1. Parcels zoned with a conservation, recreation or residential zoning district:
    - a. Free-standing: 75 feet.
    - b. When mounted on existing buildings or structures: No greater than fifteen (15) feet above existing building or structure.
  2. Parcels zoned with an office, commercial, industrial, or government zoning district:
    - a. Free-standing: 200 feet.
    - b. When mounted on existing buildings or structures: No greater than fifteen (15) feet above existing building or structure.
- F. Tower Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights, except for aviation caution lights shielded from sight from the ground, unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a specific tower. When incorporated into the approved design of the tower, and



when in accordance with all other appropriate portions of this Code, light fixtures used to illuminate ballfields, parking lots, or similar areas may be attached to the tower consistent with Section 3.9 of this Code.

- G. Accessory Utility Buildings.** All utility buildings and structures accessory to a tower shall be architecturally designed, as determined by the Planning Commission, to be compatible with, and blend into, the surrounding environment and shall meet the minimum building setback requirements of the underlying zoning district.
- H. Landscaping.** Telecommunications facilities have aesthetic impacts which shall be mitigated through the provision of landscaping. Landscaping for such facilities shall be subject to the following:
1. Landscaping shall be located outside and parallel to the perimeter of the telecommunications facility security fencing.
  2. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute or to supplement landscape buffer requirements.
  3. The following landscaping shall be provided around the perimeter of the telecommunications facility:
    - a. Canopy trees fifteen (15) feet in height with two and one half-inch (2.5”) caliper trunk (at time of planting). Trees shall be planted twenty (20) feet on center around the perimeter of the security fence.
    - b. A continuous hedge of shrubs at least thirty (30) inches in height (at time of planting).
    - c. All required plants shall be evergreen or broadleaf evergreen and of the approved types as listed in Chapter 89 of this Code.
  4. Landscape plans shall include irrigation provisions in accordance with this Code.
  5. Landscaping shall be installed prior to final building inspection and shall be maintained in accordance with this Code.
- I. Signage.** Telecommunications facilities shall have signage to identify the facility as a “no-trespassing area” and to provide a current emergency contact, telephone number, site address and other information as required by applicable federal, state, or local laws. No other signage shall be allowed on any telecommunications facility.

#### *6.2.5. Telecommunications Facilities in Public Right-of-Way*

- A. Generally.** This section shall apply to any public or private entity who seeks to construct, place, install, maintain, or operate a telecommunications facility in public right-of-way. Nothing in this section shall exempt any communications services provider from obtaining right-of-way use permits for work done within the public right-of-way.
- B. Additional Findings for Telecommunications Facilities in Public Right-of-Way**

1. The public right-of-way within the City are a physically limited resource critical to the travel of persons and property in the City.
2. The demand for communications services has grown in recent years, requiring continuous upgrades and replacement of equipment.
3. Placing telecommunications facilities in the public right-of-way raises important issues with respect to the City's responsibility to manage its public right-of-way.
4. The public right-of-way must be managed and controlled in a manner that enhances the health, safety and general welfare of the City and its citizens.
5. The use and occupancy of the public right-of-way by communications services providers must be subject to regulation which can ensure minimal inconvenience to the public, coordinate users, maximize available space, reduce maintenance and costs to the public, and facilitate entry of an optimal number of providers of cable, telecommunications, and other services in the public interest.
6. Section 337.401, Florida Statutes, provides that municipalities and counties treat communications services providers in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or right-of-way.
7. The City finds that, to promote the public health, safety, and general welfare, it is necessary to:
  - a. Provide for the placement or maintenance of telecommunications facilities in the public right-of-way within the City;
  - b. Adopt and administer reasonable rules, regulations and general conditions not inconsistent with applicable state and federal law;
  - c. Manage the placement and maintenance of telecommunications facilities in the public right-of-way by all communications services providers;
  - d. Minimize disruption to the public right-of-way; and
  - e. Require the restoration of the public right-of-way to original condition.
8. The City's intent is that these rules and regulations must be generally applicable to all communications services providers and, notwithstanding any other law, may not require a communications services provider to apply for or enter into an individual license, franchise, or other agreement with the City as a condition of placing or maintaining telecommunications facilities in its roads or right-of-way.
9. It is also the City's intent to exercise the City's retained authority to regulate and manage the City's roads and right-of-way in exercising its police power over communications services providers' placement and maintenance of facilities in the public right-of-way in a nondiscriminatory and competitively neutral manner.

**C. General Permitting Requirements for Telecommunication Facilities in Right-of-way**

1. **Applicability.** The provisions of this section shall apply to all City right-of-way.
2. **Exemptions.** The following activities are exempt from the requirements of this section:
  - a. Routine maintenance and repair of telecommunication facilities.
  - b. Installation, construction, or modification of telecommunication facilities by governmental entities or approved as part of a government-initiated project within the right-of-way.
  - c. Placement or operation of telecommunication facilities in the right-of-way by any telegraph or telephone company chartered by this or another state per F.S. 362.01.

**D. Application for Permit**

1. A right-of-way permit is required to allow the placement or maintenance of a telecommunication facility, including a small wireless facility, in the public right-of-way. The permit application shall include:
  - a. Expected dates and times when the telecommunication facility will be installed.
  - b. Location of proposed telecommunication facility, the public right-of-way affected and detailed description of the telecommunication facility, including the type, number of items installed, and approximate size of the telecommunication facility including height and width.
  - c. Plans, drawings, photographs, and schematics, including a cross-section layout, prepared by a registered engineer showing where the telecommunication facility is proposed to be located in the public right-of-way and also showing any known telecommunication facilities in the public right-of-way.
2. The City may deny a proposed telecommunication facility or small wireless facility in the public right-of-way if the proposed facility:
  - a. Materially interferes with the safe operation of traffic control equipment.
  - b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
  - c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
  - d. Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual.
  - e. Fails to comply with applicable codes and the applicable provisions of this section.

**E. Placement and Maintenance Standard**

1. The placement or maintenance of telecommunication facilities in the public right-of-way shall be performed in accordance with the standards and requirements of the following:
  - a. Florida Department of Transportation Utilities Accommodation Guide;

- b. State of Florida Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways;
  - c. Trench Safety Act (Chapter 553, Florida Statutes);
  - d. Underground Facility Damage Prevention and Safety Act;
  - e. National Electrical Code or the ANSI National Electrical Safety Code; and
  - f. The “Safety Rules for the Installation and Maintenance of Electrical Supply and Communication Lines” established by the Department of Commerce, Bureau of Standards of the United States.
2. A telecommunication facility in the public right-of-way shall, unless otherwise agreed to by the City in writing:
- a. Be limited in height to 10 feet above any utility pole or structure upon which the telecommunication facility is to be co-located;
  - b. Not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;
  - c. Comply with any applicable Federal Communications Commission Emissions Standards;
  - d. Comply with any applicable local building codes in terms of design, construction and installation; and
  - e. Not contain any commercial advertising thereon.
- F. Safety and Minimal Interference.** All placement and maintenance of telecommunication facilities in the public right-of-way shall be performed with the least possible interference with the use and appearance of the public right-of-way and the rights and reasonable convenience of the property owners who abut or adjoin the public right-of-way. The communications services provider shall at all times employ reasonable care and shall use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage or injury or be a nuisance to the public. Suitable barricades, flags, lights, flares, or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. All placement and maintenance shall be done in such a manner as to minimize to the greatest extent any interference with the usual travel on such public right-of-way. The use of trenchless technology (e.g. microtunneling and horizontal directional drilling techniques) for the installation of telecommunications facilities in the public right-of-way as well as joint trenching or the co-location of facilities in existing conduit is strongly encouraged, and should be employed wherever and whenever feasible.
- G. Relocation or Removal of Facilities.** Except in cases of emergency, a communications services provider, at its own expense, shall:
- 1. Upon thirty (30) days written notice from the City, relocate or remove, as specified in said notice, its telecommunications facility in the event the City finds that the particular facility is

- unreasonably interfering in some way with the convenient, safe or continuous use, or the maintenance, improvement, extension or expansion of any public right-of-way. The City shall provide the communications services provider with a notice and order as provided for in F.S. Sec. 337.404, or any subsequently enacted law of the State of Florida, in the event it charges the communications services provider for the cost and expense of relocating or removing such facility pursuant to this paragraph.
2. Within a reasonable period of time from the date of written notice from the City, but not more than one hundred twenty (120) days thereafter, relocate or remove, as specified in said notice, its telecommunications facility in the event the City Engineer determines it necessary for the construction, completion, repair, relocation or maintenance of a City project, because the particular telecommunications facility is interfering with or adversely affecting the proper operation of street light poles, traffic signals, or any communications system belonging to the City or because the particular telecommunications facility is interfering with the signals or facilities of the City of Venice Police Department, City of Venice Fire and Emergency Services Department or any municipal public utility. In the event the City issues any such written notice to the communications services provider pursuant to this paragraph, and the communications services provider fails to cause the aforementioned relocation or removal as required herein, the City shall be entitled to relocate or remove such facilities without further notice to the communications services provider and the total cost and expense shall be charged to the communications services provider.
- H. Joint Use Agreement.** A communications services provider, in an effort to minimize the adverse impact on the useful life of the public right-of-way, shall, whenever possible, enter into joint use agreements with the City and other parties who have registered with, or who are expressly authorized by, the City to use its public right-of-way, provided that the terms of such agreements are satisfactory to the communications services provider. Nothing herein contained shall mandate that the communications services provider enter into joint use agreements with parties other than the City. However, prior to placement of any new or additional underground conduit in the public right-of-way, a communications services provider is required to certify in writing to the City Engineer that it has made appropriate inquiry to all existing utilities and other entities possessing a right to occupy the public right-of-way as to the availability of existing or planned conduit that the particular communications services provider could reasonably utilize to meet its needs, and that no such conduit is available or planned at a reasonable cost by any other entity on the time schedule reasonably needed. The communications services provider shall not be permitted to perform any placement or maintenance of telecommunication facilities in those segments of the public right-of-way where there exists vacant or available conduit, dark fiber or surplus fiber owned by the City or another governmental body which is,

or, through a reasonable amount of effort and expense, can be made compatible with the communications services provider's system or network. Under such circumstances the communications services provider shall have the opportunity to enter into a use agreement or lease arrangement with the City at or below reasonable and prevailing market rates for such conduit or fiber or, where owned by another governmental body, shall, in good faith, first exhaust all means of obtaining use of such conduit or fiber before applying for a right-of-way use permit from the City.

#### 6.2.6. *Co-location*

- A. Co-Location Map.** To encourage co-location of facilities, the City shall maintain a map of all existing telecommunications facilities located on towers, buildings and structures on which an antenna has been located. To prepare and maintain such a map, at the time of its first application after the effective date of the ordinance from which this section is derived, each applicant for a tower and or antenna shall provide the City with an inventory of all the applicant's existing towers and antennas that are located in the City and within one mile outside the City limits. The inventory shall specify the location, type and design of each tower, the ability of the tower to accommodate additional antenna(s), and, where applicable, the height of the support structures on which the applicant's existing antennas are located. This information is available for public use in encouraging the co-location of antenna(s) on existing tower facilities. By requiring and using this information, the City is not in any way representing or approving such sites as available or suitable.
- B. Co-location of Small Wireless Facilities on City Utility Poles.** Co-location of small wireless facilities on City utility poles is subject to the following requirements:
1. The City shall not enter into an exclusive arrangement with any person for the right to attach equipment to City utility poles.
  2. The rates and fees for co-locations on City utility poles must be nondiscriminatory, regardless of the services provided by the co-locating person.

#### 6.2.7 *Antennas Mounted on Roofs, Walls, and Existing Towers.*

- A.** The placement of telecommunication antennas on roofs, walls, existing towers, and other structures is encouraged. Such requests may be approved administratively by the Director, provided the antenna meets the requirements of this Code, after submittal of:
1. A site plan and building plan in accordance with this Code;
  2. A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure; and

3. A copy of a lease or other agreement with the owner of the existing structure or tower indicating their agreement to the proposed placement.
- B. Placements shall comply with the following requirements:
  1. No telecommunication antenna(s) shall be placed on any building of less than forty (40) feet in height.
  2. For telecommunication facilities having visual impact to residential areas, all facilities must be stealth in nature. If stealth is unable to be achieved, the applicant should provide a narrative justification for why stealth cannot be achieved.
  3. For telecommunication facilities not having visual impact to residential areas, facilities mounted on an existing building, tower, and/or antenna must be of a color that is identical to, or closely compatible with, the color of the building to make them as visually unobtrusive as reasonably possible. In addition, supporting electrical and mechanical equipment shall be screened from view or camouflaged.
  4. No telecommunication antenna shall exceed fifteen (15) feet in height from the top of the building or other structure.
  5. For all telecommunication antennas mounted on an existing building by use of a tower, the maximum height of such tower shall not exceed fifteen (15) feet from the top of the building.
  6. The diameter of roof mounted dish antennas shall not exceed twelve (12) feet; provided that, no such antenna shall be visible from front yard areas and the color, location and design shall blend into and not detract from the character and appearance of the building and surrounding properties.
  7. The diameter of a tower mounted dish antenna shall not exceed four (4) feet.

### 6.3. Airport Regulations

#### 6.3.1. Findings and Purpose

- A. F.S. Ch. 333 requires every political subdivision having an airport hazard area within its territorial limits to adopt, administer, and enforce airport protection zoning regulations for such airport hazard area.
- B. An airport hazard may endanger the lives and property of users of the airport and of occupants of land in its vicinity and also, in the case of obstruction, reduces the size of the area available for the taking off, maneuvering, or landing of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. It is further found that certain activities and uses of land in the immediate vicinity of the airport are not compatible with normal airport operations, and may, if not regulated, also endanger the lives of the participants, adversely

affect their health, or otherwise limit the accomplishment of normal activities. Accordingly, it is hereby declared:

1. That the creation or establishment of an airport hazard and the incompatible use of land in the airport vicinity is a public nuisance and an injury to the City;
  2. That it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards and incompatible land uses be prevented; and
  3. That this should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.
- C. It is further declared that the limitation of land uses incompatible with normal airport operations, the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the City may raise and expend public funds and acquire land or property interests therein, or air rights thereover.
- D. The airport conducted a noise study and all noise contours established therein are on property owned or controlled by the airport.
- E. An interlocal agreement in compliance with the provisions of F.S. Ch. 163 will be entered into between Sarasota County and the City in accordance with F.S. § 333.03(1)(b).

#### *6.3.2. Imaginary Surfaces and Height Limitations.*

- A. Any existing or proposed object, terrain, or structure construction or alteration that penetrates an imaginary surface of the airport is an obstruction. The imaginary surfaces are depicted on the airspace drawings and are described as follows, consistent with 14 C.F.R. part 77, subpart C:
1. Primary surface: A surface longitudinally centered on a runway and extending 200 feet beyond each end of that runway with a width of 500 feet for each runway.
  2. Horizontal surface: A horizontal plane 150 feet above the airport height, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 10,000 feet for runways 05, 13, 23 and 31. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway.
  3. Conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.
  4. Approach surface: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach



surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

- a. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 3,500 feet for runways 05, 13, 23 and 31.
- b. The approach surface extends for a horizontal distance of 10,000 feet for runways 05, 13, 23 and 31.
- c. The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- d. Transitional surface: The surface extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

#### 6.3.3. Permits

- A. A person proposing to construct, alter, or allow an obstruction in an airport hazard area within a ten-nautical-mile radius of the airport reference point, located at the approximate geometric center of all usable runways of a public-use airport or military airport, shall apply for a permit from the Planning and Zoning Director. In determining whether an obstruction constitutes an airport hazard, the Planning and Zoning Director, in consultation with the Airport Director, shall consider:
  1. The safety of persons on the ground and in the air.
  2. The safe and efficient use of navigable airspace.
  3. The nature of the terrain and height of existing structures.
  4. The effect of the construction or alteration of an obstruction on the state licensing standards for the airport contained in F.S. Ch. 330 and rules adopted thereunder.
  5. Existing, planned, and proposed facilities and flight operations at the airport on public-use airports contained in the airport master plan or airport layout plan.
  6. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.
  7. The effect of the construction or alteration of an obstruction on the minimum descent altitude at the airport.

8. The cumulative effects on navigable airspace of all existing obstructions and all known proposed obstructions in the area.
  9. Documentation showing compliance with the federal requirement for notification of proposed construction or alteration and a valid aeronautical study. A permit may not be approved solely because the FAA determines that the proposed obstruction is not an airport hazard.
- B. Upon receipt of a complete permit application, the City shall provide a copy of the application to FDOT's aviation office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. To evaluate technical consistency with F.S. § 333.025, FDOT shall have a 15-day review period following receipt of the application, which must run concurrently with the City's permitting process. Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed 18 consecutive months are exempt from FDOT's review, unless such review is requested by FDOT.
  - C. A permit may not be issued if it would allow the establishment or creation of an airport hazard or if it would permit a nonconforming use to become a greater hazard to air navigation than it was when the applicable regulation herein was adopted which allowed the establishment or creation of the obstruction, or than it is when the application for a permit is made.
  - D. The permit, if granted, shall require the owner of the obstruction to install, operate, and maintain thereon, at his or her own expense, marking and lighting in conformance with the specific standards established by the FAA.
  - E. Any application submitted hereunder may be referred to the Planning Commission by the Planning and Zoning Director. The Planning Commission, at a publicly noticed public hearing, may grant or deny such application, or may grant such application subject to suitable conditions, safeguards and stipulations.

#### 6.3.4. *Land Use Restrictions; Nonconforming Uses*

- A. No new landfills shall be allowed:
  1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft;
  2. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft; and
  3. Outside the perimeters defined in subsections (a)(1) and (2), but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. § 77.19 and described in Section 6.3.2, above.
- B. No new incompatible uses, activities, or substantial modifications to existing incompatible uses shall be allowed within runway protection zones as depicted on the airport layout plan.

Incompatible uses include residences, schools, churches/places of worship, hospitals/nursing homes, commercial/industrial buildings, recreational facilities, public roads, parking facilities, fuel storage facilities, hazardous material storage, wastewater treatment facilities, above ground utility infrastructure, and other places of public assembly.

- C. As required by Florida law, there must be the compatibility of lands adjacent, or in close proximity, to the airport.
- D. The City, when either requesting from or submitting to a state or federal governmental agency with funding or approval jurisdiction a "finding of no significant impact," an environmental assessment, a site-selection study, an airport master plan, or any amendment to an airport master plan, shall submit simultaneously a copy of said request, submittal, assessment, study, plan, or amendments by certified mail to Sarasota County as an "affected local government" under F.S. Ch. 333.
- E. **Nonconforming Uses.**
  - 1. This section may not be interpreted to require the removal, lowering, or other change or alteration of any obstruction not conforming to these regulations when adopted or amended, or otherwise interfering with the continuance of any nonconforming use, except under subsection (2) below.
  - 2. If the City determines that a nonconforming use has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, the owner of the nonconforming use may be required, at his or her own expense, to lower, remove, reconstruct, alter, or equip such obstruction as may be necessary to conform to the current regulations in this division. If the owner of the nonconforming use neglects or refuses to comply with such requirement for ten days after notice thereof, the City may proceed to have the obstruction so lowered, removed, reconstructed, altered, or equipped and assess the cost and expense thereof upon the owner of the obstruction or the land whereon it is or was located.

#### 6.3.5. Administration; Enforcement; Appeals

- A. It shall be the duty of the Planning and Zoning Director to administer and enforce the regulations prescribed in this section, in consultation with the Airport Director.
- B. The initiation of any civil or criminal enforcement procedure under the provisions of F.S. § 333.13, and the acquisition of any air rights under the provisions of F.S. § 333.12, shall be the sole responsibility of the City Council.
- C. A person may appeal a final decision of the Planning and Zoning Director to the Planning Commission under this section. A person may appeal any final decision of the Planning Commission to City Council.

### 6.3.6. Judicial Review

- A. Any person aggrieved by any decision rendered pursuant to this section may appeal, after exhaustion of administrative remedies, to the Circuit Court of the 12th Judicial Circuit in and for Sarasota County, Florida, as provided in F.S. § 333.11.

### 6.3.7. Conflicting Regulations

- A. Where this section conflicts with or overlaps another ordinance or statute, whichever imposes the more stringent restrictions shall prevail. This section is cumulative and supplemental to existing ordinances and statutes.

## 6.4. Resort Dwellings (formerly Section 86-151)

*The following regulations retain the formatting and content of the City's previous Land Development Code to maintain compliance with F.S. § 509-032(7)(b).*

*Generally; intent.* These regulations apply only to resort dwellings, defined herein. City council finds that resort dwelling rental activities in single-family neighborhoods negatively affects the character and stability of a residential neighborhood. The home and its intrinsic influences are the foundation of good citizenship. The intent of these regulations is to prevent the use of single-family residences for transient purposes in order to preserve the residential character of single-family neighborhoods. In RE or RSF zoning districts, units offered for rental or lease for periods of 30 days or one calendar month or more, are not considered to be resort dwellings and are not subject to regulations applicable to resort dwellings.

- (1) No new resort dwelling units are allowed in RE or RSF zoning districts.
- (2) For existing resort dwellings, the regulation of resort dwelling activities is deemed to be an issue affecting the general health, safety and welfare of the city and its residents. For existing resort dwellings, the following regulations will apply:
  - a. If a lot zoned RE or RSF has more than one legally existing dwelling on the property, the prohibition of resort dwellings shall apply to all structures on the lot. For all existing legal nonconforming resort dwellings, all inspections and applicable approvals must be current for each unit or structure that is used as a resort dwelling.
  - b. Except as provided herein, each residential property where resort dwelling use is in effect shall prominently display on the primary structure on the subject property, a permanent notification, on an all-weather placard 11" x 17" in size located adjacent to the front entrance and with black lettering on a white background with at least 14 point type, alerting the public of the resort dwelling use and containing the following information:
    1. The name of the managing agency, agent, vacation rental manager, local contact or owner of the resort dwelling, and a telephone number at which that party may be reached on a 24-hour basis;
    2. The maximum number of occupants permitted to stay in the resort dwelling per Chapter 69A-43, FAC, Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshare Plans and Timeshare Unit Facilities;

3. The maximum number of vehicles allowed to be parked on the property;
  4. The number and location of on-site parking spaces and the parking rules prohibiting on-street parking;
  5. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pickup;
  6. Notification that an occupant may be cited, fined and/or immediately removed by the owner or manager, pursuant to state law, in addition to any other remedies available at law, for creating a disturbance or for violating other provisions of the ordinance from which this section derives;
  7. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of the ordinance from which this section derives;
  8. The name and phone number of the contact person available 24-hours per day, seven days per week for the purpose of responding promptly to complaints regarding the conduct of the occupants of the resort dwelling.
- c. Use of a single-family residence in the RE or RSF zoning district as a resort dwelling is deemed to be a change of use as compared to its original permit approval unless it can be demonstrated by the owner that the original approval was for a resort dwelling at the time of permitting or at some subsequent time in which all applicable commercial lodging codes were applied for review of the use and structure. All currently operating resort dwellings must request immediately a change of use and revised occupancy permit for the purpose of notifying the city that said dwelling is being used for resort purposes and requesting all necessary permits and inspections to determine that all applicable zoning, building and life/safety codes have been met.
- d. The owner or manager shall maintain a tenant and vehicle registration log which shall include the name and address of each resort dwelling's tenant, and the make, year and tag number of the tenant's vehicle(s). Such registration log will be subject to inspection by the city upon request by the city manager or his designee.
- e. All parking must be off-street for resort dwelling units. Not less than one paved, off-street parking space per resort dwelling bedroom must be provided. Minimum yard areas for the applicable zoning district must be maintained for all resort dwelling units.

(Ord. No. 2009-06, § 2, 7-14-09)

## 6.5. Commercial, and Recreational, and Unlicensed Vehicle Parking

### 6.5.1. Commercial Vehicles

- A.** Commercial vehicles may not be parked overnight in a residential district except for one commercial vehicle and small utility trailer per dwelling, the rated capacity not to exceed one ton, when the vehicle is used by an occupant of the dwelling for personal transportation; or except when a commercial vehicle is engaged in a lawful construction or service operation on

the site where it is parked. In no event may they be parked or stored upon required landscape or buffer areas.

- B. The parking, servicing, repair or storage of trucks, buses, tractors, boats, and other commercial vehicles in excess of 6,000 lbs. vehicle empty weight as listed on the vehicle registration form is prohibited in any residential district.
- C. Trailers with single- or double-axle platforms and towing tongues for the purposes of hauling items in excess of 2,500 lbs. vehicle empty weight as listed on the trailer registration form are prohibited in any residential district.
- D. Stake-bed trucks, flatbed trucks, box trucks, step vans, tow trucks, wreckers, or bucket trucks are prohibited in any residential district, regardless of their empty vehicle weight.

#### 6.5.2. Recreational Vehicles

- A. **Generally.** For the purpose of this section, recreational vehicles are defined as including boats, boat trailers, travel trailers, camping trailers, truck campers, motorhomes, private motor coaches, and van conversions, which are licensed by the state as such.
  1. Recreational vehicle or equipment may be parked or stored in residential zoning districts, except where specifically prohibited, provided the vehicle is operational with current license tags and is on the property of the owner or tenant who resides at the residence.
  2. No lot or parcel of land shall contain more than one boat and one recreational vehicle which is stored outside of a completely enclosed building, and no such vehicle or equipment shall be used for living, sleeping, housekeeping or business purposes.
  3. No recreational vehicle or equipment shall be connected to utility services except in preparation for departure.
  4. Recreational vehicles or equipment may be parked or stored only upon designated parking or drive areas if located within the front yard. Such vehicles or equipment may be located within side or rear yards. In no event may they be parked or stored upon required landscape or buffer areas.

#### 6.5.3 Unlicensed Vehicles

- A. Automotive vehicles or trailers of any type without current license plates shall not be parked or stored other than in completely enclosed buildings in any district, provided such vehicles or trailers may be parked or stored in licensed vehicle sales lots in any district and in outdoor storage yards in industrial districts.

## 6.6. Medical Marijuana Dispensing Facilities

- A. **Prohibition.** Medical marijuana dispensing facilities are prohibited and shall not be located within the boundaries of the City. The City shall not accept, process or approve any request or

application for a development order, building permit or other approval associated with a proposed medical marijuana treatment center dispensing facility.

- B. Definition.** For the purposes of this section, the term "medical marijuana treatment center dispensing facility" means any facility where medical marijuana or any product derived therefrom is dispensed at retail.
- C. Interpretation.** This section and the terms used herein shall be interpreted in accordance with F.S. § 381.986 and Ch. 64-4 of the Florida Administrative Code. The intent of this section is to ban medical marijuana treatment center dispensing facilities from being located within the boundaries of the City as authorized by F.S. § 381.986(11).

## 6.7. Residential Garage Sales

- A. Purpose and Intent.** This section is intended to establish frequency and duration standards and a registration procedure for garage sales. Garage sales are considered a temporary use. In lieu of a temporary use permit, a registration procedure, described below, shall be the means to monitor and enforce the standards of this section.
- B. Definition of a Garage Sale.** For the purpose of this section the term garage sale shall mean the sale of personal belongings or household effects (e.g. furniture, tools, clothing, etc.) at the seller's premises, typically held in a garage and/or yard. The term garage sale shall be considered equivalent with the terms yard sale, estate sale and other terms that convey the same meaning.
- C. Garage Sale Standards.** Garage sales conducted in the city shall comply with the following standards:
  1. Garage sales shall be allowed in residential districts as defined in Section 2: Zoning.
  2. Any one address in a residential district shall have no more than four (4) garage sales during a calendar year and the duration of such garage sales shall not exceed three (3) consecutive days.
  3. Garage sales shall be open to the public no earlier than 7:00 a.m. and no later than 6:00 p.m.
  4. Placement of temporary signs shall be subject to the standards contained in Section 3.3: Signs.
- D. Registration Procedure.** The resident of the premises in which a garage sale will be held shall register the temporary use with the city no later than three business days in advance of the first day of the garage sale in accordance with the registration procedure established by the planning and zoning department.

## 6.8. Mobile Food Vending

- A. Definitions.** When used in this section, the following terms and phrases shall have meanings ascribed to them in this section, except when the context clearly indicates a different meaning:
- 1. Ice cream truck.** A motorized vehicle or vehicle-mounted trailer from which only prepackaged, individually portioned frozen novelties or desserts, such as ice cream sandwiches, frozen yogurt bars, popsicles, or other frozen dessert products defined in F.S. § 502.012, are sold.
  - 2. Mobile food vendor.** Any vehicle that is a public food service establishment that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal, and is licensed by the State of Florida. A mobile food vendor includes an ice cream truck.
- B. Applicability.** It is a violation of this Code for a mobile food vendor to sell any product at any location or in any manner that is not in compliance with the requirements of this section and the requirements of state law. The provisions of this section shall not apply to a mobile food vendor operating pursuant to a special event permit or temporary use permit.
- C. Permit.** No permit is required for an ice cream truck or mobile food vendor that operates within the city in compliance with the requirements of this section and the requirements of state law.
- D. Location.** A mobile food vendor is authorized to operate in the following locations:
- 1. City-owned property.**
    - a. Location.** A mobile food vendor may operate within designated portions of certain city-owned property on a first come, first served basis. A description of city-owned property authorized for use by mobile food vendors shall be maintained by the city manager's office. The operation of a mobile food vendor on or within all other city-owned property is prohibited absent a special event permit or temporary use permit.
    - b. Conflict.** A mobile food vendor may not operate at any location designated for the use of mobile food vendors where:
      - i.** The city manager or designee determines that a conflict exists between a mobile food vendor's operation and an existing license, contractual obligation, or any other public health or safety concern, including, but not limited to, a special event or facility rental.
      - ii.** The county operates or maintains a park for the city, without the mobile food vendor first obtaining approval of the county.
  - 2. Private property.**
    - a. Permission.** Other than as permitted by subsection (d)(2)e., below, a mobile food vendor may operate on private property located within only the following zoning



districts and with the written permission of the property owner(s). Evidence of a property owner's written permission must be available for inspection by the city upon request while the mobile food vendor is operating.

- i. Commercial (CM);
  - ii. Commercial, Highway Interchange (CHI);
  - iii. Commercial, Neighborhood (CN);
  - iv. Office, Professional and Institutional (OPI);
  - v. Commercial, Mixed Use (CMU);
  - vi. Commercial, Shopping Center (CSC);
  - vii. Planned Industrial Development (PID);
  - viii. Planned Commercial Development (PCD);
  - ix. Industrial (IND);
  - x. Planned Unit Development (PUD); and
  - xi. All Mixed Use Districts, except the Venice Avenue (VA) district.
- b. Setback requirement.** When operating on private property, a mobile food vendor may operate only if set back at least 150 feet from any exclusively residential structure, unless the owner(s) of the residential structure provides the mobile food vendor with express written permission to operate. The 150 feet setback requirement is reduced to 50 feet where an intervening nonresidential building, such as a commercial building, screens the operation from the direct view of the single-family residential structure.
- c. Maximum number of mobile food vendors.** No more than two mobile food vendors shall operate on any private property at any one time, except as may be allowed by a city-issued special event permit or temporary use permit. Mobile food vendors cannot utilize parking spaces that are required parking spaces for a business. Mobile food vendors shall maintain a minimum of ten feet separation from other mobile food vendors, buildings, and vehicles.
- d. Principal structure requirement.** Except as otherwise provided by this section, a mobile food vendor may only operate on a lot that has a principal structure. However, operating on a vacant lot is permitted where the vacant lot is under the same ownership as, and is abutting, a lot that has a principal structure. Lots located across a public right-of-way shall not be considered abutting.
- e. Construction areas.** A mobile food vendor may operate on private property that has an active building permit(s) for the development of a commercial or multi-family project only with approval of the property owner or developer. A mobile food vendor may also operate on private property that has an active building permit(s) for a single-family

subdivision until the first certificate of occupancy is issued. Each phase of single-family subdivision shall be treated as a separate project.

**E. Stationary location requirement.** A mobile food vendor must operate from a stationary location but may operate from multiple locations throughout the day, except as otherwise permitted in this article. An ice cream truck may operate as a moving vendor but only along a roadway defined as a local road in the transportation element of the Venice Comprehensive Plan.

**F. Access.** A mobile food vendor shall not operate or park in any location that impedes, endangers, or interferes with pedestrian or vehicular traffic or endangers customers, including failure to meet sight distance and visibility requirements and mobile food vendor customers standing in roadways.

**G. Operation.**

**1. Hours.** A mobile food vendor may only operate during the posted operating/business hours of the park or on-site office, business, or construction, or between the hours of 9:00 a.m. and 10:00 p.m. if no such activity is on-site. Operating hours includes time required for setup and breakdown of the mobile food vending operations. A mobile food vendor shall not be permitted to remain at the operating location overnight or otherwise outside of operating hours.

**2. Items authorized for sale.** A mobile food vendor is only permitted to sell food and beverages.

**3. Limitations on sales.** The sale of alcoholic beverages is prohibited unless authorized by a special event permit.

**4. Noise requirements.** Amplified music or other sounds from a mobile food vendor shall comply with the noise control standards in chapter 34 of the City Code of Ordinances.

**5. State license.** At any time during operation, upon request, a mobile food vendor must provide the city a valid state license issued pursuant to F.S. § 509.241.

**6. Florida fire prevention code.** Compliance with NFPA 1 Mobile and Temporary Cooking Operations is required.

**H. Placement of items.**

**1.** Except as provided herein, the placement or storage of any item related to a mobile food vendor's business is prohibited from being on the street, sidewalk, or ground immediately surrounding an operating mobile food vendor. The following items may be placed in the immediate area of operation as long as they do not impede, endanger, or interfere with pedestrian or vehicular traffic:

- a. Two trash receptacles;
- b. One recycling receptacle; and

- c. One menu board no larger than 30 inches by 50 inches in height. "A frame" type signs are allowed, and must be situated in close proximity to the truck no more than ten feet away.
  - 2. A mobile food vendor must provide receptacles for trash and recycling. The area immediately surrounding an operating mobile food vendor shall be kept neat and orderly at all times and all garbage, trash, and recyclables shall be removed prior to departure of the mobile food vendor.
  - 3. Mobile food vendors are responsible for the proper disposal of all waste generated on-site. No grease, waste, trash, or other by-product from a mobile food vendor's business may be deposited or released onto city-owned property, including, but not limited to, the streets, sidewalk, into the gutter or storm drainage system, or other public place.
- I. Insurance.** At all times, a mobile food vendor must maintain all insurance policies required by local, state, and federal laws and regulations.

(Ord. No. 2021-30, § 2, 9-28-21)

## 6.9. Dog Friendly Dining

### 6.9.1 Purpose and intent; program created; definitions.

- A. The purpose and intent of this section is to implement the local exemption established by F.S. § 509.233, by permitting public food service establishments within the city, subject to the terms and conditions contained herein, to become exempt from certain portions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of their respective establishments. The exemption procedure shall be known as the City of Venice Dog Friendly Dining Program.
- B. As used in this program:
  - 1. *Division* means the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.
  - 2. *Dog* means an animal of the subspecies *Canis lupus familiaris*.
  - 3. *Outdoor area* means an area adjacent to a public food service establishment that is predominantly free of physical barriers on at least three sides but may be covered from above.
  - 4. *Patron* has the meaning given to "guest" by F.S. § 509.013.
  - 5. *Public food service establishment* has the meaning given it by F.S. § 509.013.

- 6. Business services coordinator** means the city employee responsible for the collection and coordination of all matters relating to the city business tax imposed pursuant to F.S. Ch. 205.

(Ord. No. 2012-16, § 1, 6-12-12)

*6.9.2 Permit required; submittals.*

- A.** In order to protect the health, safety and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless it possesses a valid permit issued in accordance with this section.
- B.** Applications for a permit under this section shall be made to the business services coordinator, on a form provided for such purpose by the business services coordinator, and shall include, along with any other such information deemed reasonably necessary by the business services coordinator in order to implement and enforce the provisions of this section, the following:
- 1.** The name, location and mailing address of the subject public food service establishment.
  - 2.** The name, mailing location and telephone contact information of the permit applicant.
  - 3.** A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public right-of-way, including sidewalks and common pathways; and such other information reasonably required by the business services coordinator. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
  - 4.** A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
  - 5.** The appropriate division issued license number for the subject public food service establishment.

(Ord. No. 2012-16, § 1, 6-12-12)

*6.9.3 General regulations; cooperation; enforcement.*

- A.** In order to protect the health, safety and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued pursuant to this section are subject to the following requirements:
- 1.** All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
  - 2.** Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizers shall be provided at all tables in the designated outdoor area.
  - 3.** Employees and patrons shall be instructed that they shall not allow dogs to come into contact with tabletops, serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
  - 4.** Dogs shall not be allowed to consume any food.
  - 5.** Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
  - 6.** Dogs shall not be allowed on chairs, tables, or other furnishings.
  - 7.** All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
  - 8.** Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
  - 9.** At least one sign reminding employees of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as additional conditions of the permit by the business services coordinator, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than 8½ inches in width by 11 inches in height and printed in easily-legible typeface of not less than 20-point font size.
  - 10.** At least one sign reminding patrons of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as additional conditions of the permit by the business services coordinator, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than 8½ inches in width by 11 inches in height and printed in easily-legible typeface of not less than 20-point font size.

- 11.** At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than 8½ inches in width by 11 inches in height and printed in easily-legible typeface of not less than 20-point font size.
- 12.** Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.
- B.** A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this section if such owner wishes to continue to accommodate patrons' dogs.
- C.** In accordance with F.S. § 509.233(5), the business services coordinator shall accept and document complaints related to the "dog friendly dining program" within the City, and shall timely report to the division all such complaints and the City's enforcement response to such complaint. The business services coordinator shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this section.
- D.** Any public food service establishment that fails to comply with the requirements of this section shall be subject to any and all enforcement proceedings consistent with the Code of Ordinances and general law.
- E.** All public food service establishments participating in the dog friendly dining program shall provide and maintain a drinking water station for patrons' dogs and dogs in general.
- (Ord. No. 2012-16, § 1, 6-12-12)

# CHAPTER 87 LAND DEVELOPMENT CODE

## SECTION 7. HISTORIC AND ARCHITECTURAL PRESERVATION CONTROLS AND STANDARDS

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## 7.1. Introduction and History

A significant portion of the City of Venice was initially developed in accordance with a master plan prepared in 1925 by John Nolen, a nationally renowned city planner. The City has benefitted greatly from the Nolen city plan as a guide and vehicle for orderly development, including the layout of a master street system with broad avenues and boulevards, the designation of residential, commercial, public, and industrial areas, and particularly the provision for adequate parks and open spaces.

The initial development of the City under the Nolen city plan was subject to architectural review and control that established a thematic design concept of the Italian Renaissance style. A significant number of structures built prior to 1930 were of the Italian Renaissance style (hereinafter referred to as the “Nolen Era”) and approximately 140 such structures remain in existence today. These structures provide a distinctive theme and charm to portions of the City, which the City desires to maintain and preserve. The John Nolen Plan of Venice Historic District is currently listed in the National Register of Historic Places and is included in the City’s Comprehensive Plan as Map LU-10.

The City continues to believe that the preservation of the historical planning and architectural integrity of the community, and the regulation of general aesthetics in certain areas of the City, furthers a proper public purpose by preserving and enhancing the beauty and charm of the City, enhancing the attractiveness of the area for tourists, residents and commerce, improving the local economy, improving property values and generally improving the overall quality of life of City residents and visitors.

## 7.2. Purpose and Intent

- A.** The Historic and Architectural Preservation Board (HAPB) shall conduct studies and make recommendations on matters of historical and architectural interest and preservation; process requests for inclusion of properties, structures, and landmarks to the local historic register; establish local historic architectural control districts; administer historic preservation, architectural, and aesthetic standards to apply in appropriate areas or districts of the City; and further public awareness of the City’s past and of preservation in general and to develop programs to stimulate public interest and involvement in historic, architectural, and cultural preservation.
- B.** In carrying out these duties, the HAPB will comply with the requirements for attaining and maintaining a Certified Local Government (CLG) designation as required by 16 U.S.C. 470, et. seq., as amended. Specifically, the Board shall:
  - 1.** Identify and nominate eligible properties to the National Register of Historic Places, and notify appropriate local officials, and owners of record of eligibility to the National Register of Historic Places. The Board shall also act as a complement to the Florida National Register

Review Board and shall review and comment on nominations forwarded by the State Historic Preservation Office

2. Identify and nominate properties for the local register of historic places.
3. Develop and maintain a system for survey and inventory of historic properties. Such inventory shall be compatible with the Florida Master Site File.
4. Assist the Planning Commission in the preparation, implementation, and administration of historic preservation in the City's Comprehensive Plan.
5. Provide educational opportunities and further public participation in local historic preservation and architectural programs.
6. Gather information necessary for drafting, establishing, and maintaining guidelines for best practices for historical preservation and architectural review.
7. Ensure that new buildings are compatible with the historic area standard wherein the structure will reside.
8. Submit an annual report and other documents as necessary to the State Historic Preservation Officer to retain the CLG designation.
9. Perform any other functions which may be designated by City Council.

### 7.3. Manager of Historic Resources

**A. General Duties and Responsibilities.** The City Manager shall appoint a Historic Resources Manager (HRM) who shall serve as the City's Historic Preservation Officer and provide needed expertise and advice to the HAPB on historic preservation matters. The HRM will be responsible for processing all National and Local Register applications, developing and maintaining the inventory of historic architectural properties, providing educational opportunities regarding historic preservation, and furthering public participation in local historic preservation and architectural programs. The HRM will also perform such other duties, activities, and reporting as necessary to help the City maintain a CLG designation.

**B. Specific Review Authority.** The HRM shall also be responsible for reviewing and approving all requests for alterations, additions, and renovations for non-Nolen Era properties than are included on the Local Register using the appropriate guidelines promulgated by the Secretary of the Interior. Any appeals of the HRM's decisions shall be heard by the HAPB. The HRM may also defer decisions on proposed changes to non-Nolen Era to the HAPB.

### 7.4. National Register

**A.** Nominating properties or districts to the National Register of Historic Places shall follow the procedures laid out in 54 USC § 302504 – Participation of certified local governments in National Register nominations.

- B.** Properties or districts currently listed in the National Register of Historic Places are eligible for nomination to the Local Register of Historical Resources based upon the regulations set forth in Section 7.7: Local Register and Landmarks.

## 7.5. Applicability

- A.** This section applies to historic and architectural resources which include sites, buildings, structures, objects, landscape elements and settings, and areas public or private that are historically, architecturally, culturally, and/or archaeologically significant, including:
  - 1.** Areas of the City that have been designated as local architectural control districts.
  - 2.** Designated local historic landmarks.

## 7.6. Historic Architectural Control Districts

- A.** There are hereby established districts in the City to which architectural standards for the design of structures shall be applied.

### 7.6.1. *Historic Venice (HV) District*

- A.** This district shall include those areas of the City having a preponderance of structures constructed during the years 1925 through 1929 located within the original core of the City. (See Figure 7.6.3. below.) The intent of this district shall be the preservation and furtherance of the architectural heritage of the City by mandating that all new construction, and alterations to existing structures, be made in the Venice Historic Precedent (VHP) Style.

### 7.6.2. *Venetian Theme (VT) District*

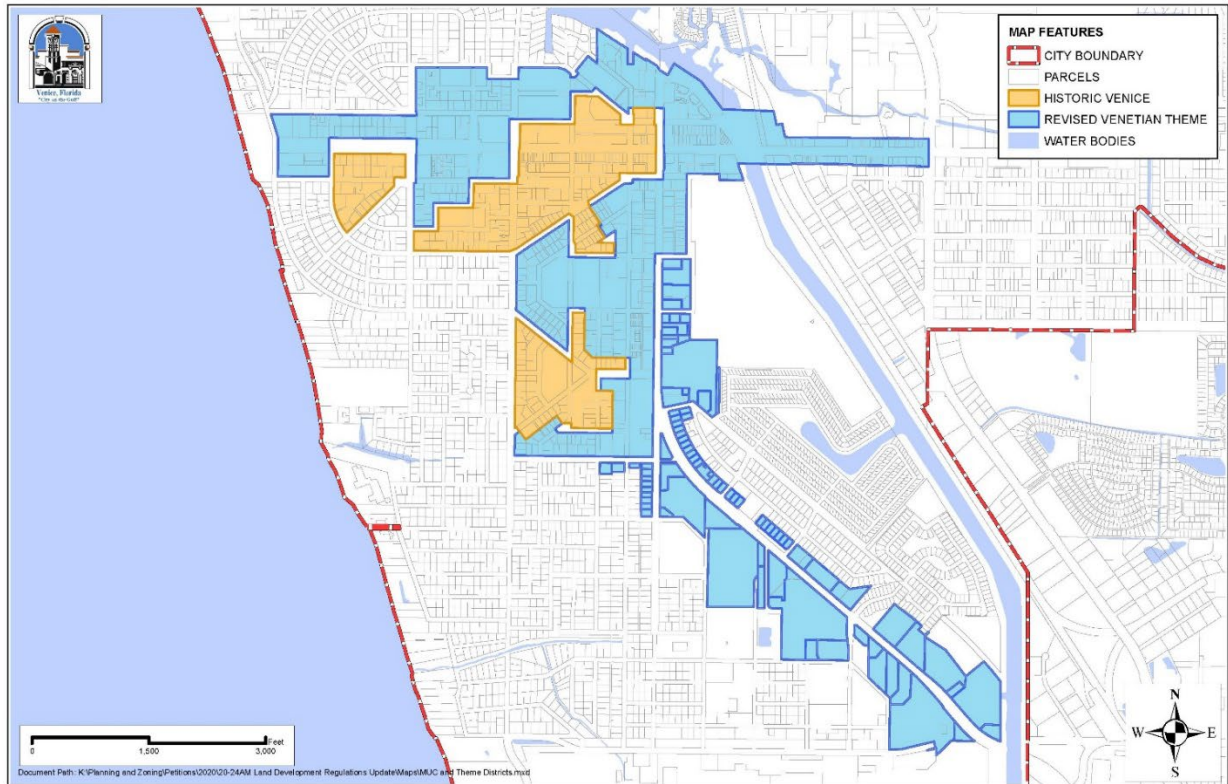
- A.** This district shall include areas at the periphery of the HV district within the original planned area of the City, and also includes the South Trail Mixed Use District. (See Figure 7.6.3. below.) The intent of this VT district is that all new construction and alterations, except for new and existing detached single-family homes, shall incorporate the architectural design elements of the Venice Historic Precedent Style so as to allow a seamless transition from the Historic District to the remainder of the City.

### 7.6.3. *Mixed-Use Districts*

- A.** Three (3) Mixed-Use Districts are included within the areas defined by Sections 7.6.1 and 7.6.2: the Venice Avenue, Downtown Edge, and South Trail Mixed-Use Districts. For the remaining Mixed-Use Districts (Airport, Seaboard, North Trail, Laurel West, Laurel East, Knights Trail, Knights Trail Transition) architectural standards and controls are defined within each district's regulations in Section 2 of this Code and may include elements of the Venice Historic Precedent Style.

- B. PUDs implementing the Mixed-Use Residential (MUR) Future Land Use may have architectural standards and controls established within their binding master plans. These standards and controls shall continue to be recognized as required even if they are different than the present Code requirements. New PUDs that are subject to architectural controls shall include an architectural component to the binding master plan defining the architectural elements and styles for the proposed PUD.

Figure 7.6.3. Architectural Control Districts Overlay Map



## 7.7 Local Register and Landmarks

- A. The City has a Local Register of Historical Resources (“Local Register”) which consists primarily of properties built during the John Nolen Era (1925-1929) and architecturally designed consistent with the Venice Historical Precedent style that the property owner has requested be included on the Local Register. The benefits to the property owners include:
  1. Qualified improvements are entitled to a 10-year Ad Valorem Tax Exemption equal to the amount that the taxes would have increased due to the improvements made.
  2. Properties in a flood plain can be restored even if the cost exceeds 50% of the assessed value.

3. Properties are entitled to modified enforcement of the Florida Building Code (“FBC”) as provided by the FBC.
  4. Properties are designated as conforming for zoning considerations.
  5. Properties are given special consideration for home occupations and other special exceptions by the Planning Commission upon application.
  6. They are exempt from fees normally required for building or development review permits.
- B.** Other places, buildings, structures, landscape features, or sites that have unique historical, architectural, cultural, and/or archaeological significance that were constructed outside the Nolen Era may be considered for inclusion on the Local Register.
- C.** The HAPB shall review and make recommendations to City Council for Local Register designations that meet one or more of the following:
1. Are significant in the City's history and culture and possess an integrity of location, design, setting, materials, workmanship, or association;
  2. Are associated with distinctive elements of cultural, social, political, economic, scientific, religious, prehistoric, paleontological, and architectural history that have contributed to the pattern of history in the community, the city, the county, the state, the region, or the nation;
  3. Are associated with the lives of persons significant in past history;
  4. Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or possess high artistic value; or represent a distinguishable entity whose components may lack individual distinction;
  5. Are a traditional cultural property associated with the cultural practices, traditions, beliefs, ways of life, arts, crafts, or social institutions of a living community;
  6. Have yielded or are likely to yield information in history, ancient history, or prehistory;
  7. Are listed individually in the National Register of Historic Places;
  8. Are a contributing structure to a National Historic District; or
  9. Are characterized as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally, or culturally significant sites, buildings, objects, or structures united by past events or aesthetically by plan or physical development.
- D.** Non-Nolen Era properties on the Local Register are exempt from the Venice Historic Precedent.
- E.** No nomination for placement of a historic property, landmark, or historic resource on the Local Register shall be accepted by the City without the written consent of the owner of the property, landmark, or resource.
- F.** No City permits for any demolition, alteration, construction, relocation, land disturbing or development activities shall be issued once a completed nomination has been accepted until the

City Council acts to approve or deny the nomination or for a period of twelve months, whichever shall occur first.

- G.** Upon receipt of a nomination form, including necessary documentation, the following review process shall occur:
- 1.** The HPM shall review the nomination for completeness and accuracy. If the HPM determines the nomination is incomplete or inaccurate, the applicant shall be so notified and provided an opportunity to revise the nomination.
  - 2.** Once a nomination is accepted as complete and accurate, City staff shall schedule a public hearing for consideration of the nomination within ninety (90) days at a regular meeting of the HAPB. Notice shall be provided consistent with Section 1.2.E.2. & 3. The ninety (90) days may be extended by written consent of the property owner.
  - 3.** The HAPB shall consider the criteria set forth in Section 7.7.C. and render a recommendation to City Council including a determination of suitability for inclusion on the Local Register. The recommendation to City Council shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria.
  - 4.** The City Council shall be the final decision authority on nominations to the Local Register. The City Council shall consider HAPB's recommendation at its next available regular meeting.
  - 5.** Whenever City Council denies a nomination, no further nomination shall be filed for the same historical resource for a period of one year from the date of such denial. The time limit stated herein may be waived by the Council when this action is deemed necessary in the best interests of the City.
- H.** Local Register designations may be amended or rescinded through the same procedures for establishing the designation in subsection G. above.

## 7.8. Changes to Historic and Architectural Resources

- A.** There are four types of changes to historic and architectural resources for which the City requires prior approval. These include:
- 1.** Alterations, additions, and new construction in Historic Architectural Control Districts, as applicable;
  - 2.** Alteration, additions, restoration, or repair of historic resources on the Local Register;
  - 3.** Demolition of any structure on the Local Register or any structure from 1929 or older within the Historic Architectural Control Districts; and
  - 4.** Relocation of any structure on the Local Register, or any structure from 1929 or older within the Historic Architectural Control Districts.

- B.** These changes are governed by specific processes and criteria for evaluation that are described in the following sections for Certificates of: Architectural Compliance, Appropriateness, Demolition, or Relocation.

*7.8.1. Certificate of Architectural Compliance (CAC)*

**A. Applicability.**

1. A CAC is required for the following within the HV and VT districts:
  - a. All new structures, including accessory structures.
  - b. New carports and canopies.
  - c. Any exterior alteration to a street or alley facing elevation which requires a building permit, unless exempted by this section.
  - d. When there is an alteration to a facade or elevation that requires a CAC (excluding a minor alteration where a minor alteration is \$7,500 or less to construct, not including design and permit fees), then the entire elevation or facade shall be brought into compliance with the regulations. Other elevations or facades are not required to be brought into compliance at that time.
  - e. Any color change to a nonresidential or multifamily residential structure. For properties within the HV District, color changes for single family and single family attached structures must comply with the colors of the VHP but are not required to obtain a CAC. For properties within the VT District, color regulations do not apply to single family and attached single family structures.
2. A CAC will also be required for all Nolen-Era properties included on the Local Register.

**B. Exceptions.**

1. No CAC shall be required for the following:
  - a. Detached single family and attached single family residential properties in the VT District not on the Local Register.
  - b. Minor maintenance and repair work where such work does not require a building permit in either the HV or VT District.
  - c. Accessory structures that are screened to adjoining properties or rights-of-way with a wall or fence or intervening principal structure.
  - d. Screened enclosures where such enclosures are screened by a fence or wall from adjacent rights-of-way.
  - e. Actions required to repair damage to a structure caused by natural forces, fire, or other events beyond the control of the owner unless the total cost of the repairs (which include material and labor) exceeds 50 percent of the market value of the structure as it existed prior to the damage as determined by the Sarasota County Property Appraiser or as determined by a more recent appraisal.

- f. Replacement of only windows and doors provided there is no change in the size of the openings and provided the replacement doors and windows comply with the VHP.
  - g. Structures in the VT District that are not constructed in the VHP style but are on the Local Register are subject to review by the Historic Resources Manager.
  - h. The Director or designee shall determine whether an exception applies and may defer such a decision to the HAPB.
- C. Criteria.** New structures and changes to structures in the HV and VT Districts that require a CAC shall incorporate the design characteristics of the VHP Style.
- D. Application and Review.**
- 1. Application Requirements.
    - a. To scale drawings sufficient to show the architectural definition of the structure.
    - b. Full elevation views of each façade.
    - c. Door and Window details.
    - d. Roof design and materials of roof.
    - e. Wall texture or finish and color
    - f. Any such other details determined to be necessary by the Director to determine compliance with the VHP Style.
    - g. Applicable fee as established by City Council through resolution which may be amended from time to time.
    - h. Any applicable Variance or Design Alternative necessary to facilitate approval of the CAC.
  - 2. Upon receipt of a complete application for a CAC, as determined by the Director, City staff shall schedule a public hearing during the next available regular meeting of the HAPB. Notice of a public hearing shall be consistent with Section 1.2.E.
  - 3. The HAPB shall consider the application and input received at the public hearing and, based upon these regulations shall:
    - a. Grant the Certificate of Architectural Compliance; or
    - b. Continue the application to a date certain for the applicant to consider comments by the HAPB and study alternative means whereby the application may be brought into conformity with applicable criteria; or
    - c. Grant the Certificate of Architectural Compliance with conditions; or
    - d. Deny the Certificate of Architectural Compliance and issue a development order stating the reasons for denial of the application.
  - 4. Appeals of HAPB decisions shall be processed in accordance with Section 1.16.



- E. Expiration of Certificate of Architectural Compliance.** A Certificate of Architectural Compliance shall be valid for one year from the approval. The HAPB may grant additional time upon request, not to exceed an additional one year.
- F. Amendments.** Any change in the scope of work pursuant to the approved Certificate of Architectural Compliance, after the issuance of the Certificate, shall require an amendment to the Certificate to be processed under the procedures set forth in this section.
- G. Violations.** It shall be a violation of this section if work is not performed in accordance with an approved Certificate of Architectural Compliance.

#### 7.8.2. Authority of Director

- A.** The Director (or designee) shall determine when a CAC is required by these regulations. The Director may request an advisory opinion from the HAPB as to whether a CAC is required for a specific project. The Director or designee shall have the authority to authorize the issuance of building permits for construction when it has been determined that no CAC is required and all other building code requirements have been met.
- B.** The Director or designee shall have the authority to issue a CAC for minor alterations in the HV or VT Districts when the plans comply with these regulations.
- C.** In situations where no CAC is required but improvements are required to comply with the regulations, including, but not limited to, minor alterations, certain window and door changes, and color changes, the Director or designee shall have the authority to determine compliance with the regulations. The Director may seek guidance from the HAPB at a public meeting.

#### 7.8.2. Certificate of Appropriateness (COA)

- A. Applicability.** A Certificate of Appropriateness is required for alterations, restorations, additions, and repairs to non-Nolen Era historic resources included on the Local Register.
- B. Exceptions:**
  - 1. Ordinary Maintenance.** Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any resource, which does not involve a change in the design, material, or outer appearance thereof.
  - 2. Emergency Conditions and Unsafe Buildings.** For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, or resources determined to be unsafe by the Building Official, nothing contained in this section shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to a resource pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous or unsafe condition may be carried out. The owner of a resource damaged by fire or natural calamity shall be permitted to stabilize the resource immediately and to

rehabilitate it under the normal review procedures of this section and Chapter 88 as applicable.

- 3. Economic Hardship.** Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this section would result in economic hardship to the applicant, the HRM may grant a Certificate of Appropriateness exempting the applicant from some or all of the requirements. In any instance where there is a claim of economic hardship, the owner shall submit, by affidavit, to the HRM the following information:

**a. For All Properties:**

- i. Two estimates from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- ii. A statement of the credentials of each professional providing an estimate;
- iii. The assessed value of the land and improvements thereon according to the two most recent assessments;
- iv. Real estate taxes for the previous two years;
- v. Annual debt service, if any, for the previous two years;
- vi. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing, or ownership of the property; and
- vii. Any listing of the property for sale or rent, price asked and offers received, if any.

**b. For Income-Producing Properties:**

- i. Annual gross income for the previous two years, including cash flow before and after debt service;
- ii. Itemized operating and maintenance expenses for the previous two years; and
- iii. Annual cash flow, if any, for the previous two years.

- c.** The HRM may require an applicant to furnish additional information by affidavit relevant to a determination of undue economic hardship. In the event that any of the required information cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

- A. Criteria.** The HRM shall use the most recent Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings as guidelines by which applications for Certificate of Appropriateness are to be evaluated. In reviewing applications for a certificate of

appropriateness for alterations, restorations, additions, and repairs, the following criteria shall be used:

1. The change to the historic resource is of a nature which will not adversely affect or destroy any architectural feature of the structure; and
2. The change to the historic resource adheres to the Secretary of the Interior's Guidelines; and
3. Any distinctive feature, finish, construction technique or examples of craftsmanship that characterize the property will be maintained; and
4. Any new addition, exterior alteration, or related new construction will not destroy the historic materials that characterize the property; and
5. Any addition and any related construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment will be preserved;
6. Any new work is differentiated from the old and is compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and
7. The character of the historic resource of the property will be retained and preserved and the removal of historic materials or features that characterize the property will be avoided.

**B. Application and Review.**

1. An optional pre-application meeting may be held with the HRM to review the proposed project prior to filing of the application. The purpose of this meeting is to provide assistance to the applicant in developing plans in accordance with the guidelines.
2. Requests for Certificates of Appropriateness shall be made on application forms approved by the City.
3. Application fees and other applicable charges may be established by resolution adopted by the City.
4. Appropriate documentation for inclusion in the application includes:
  - a. A narrative description of the type of work proposed and its effect or impact upon the structure, site, or district; and
  - b. Designs showing in detail any proposed alteration to a designated structure or contributing structure within a Historic Architectural Control District including, but not limited to, façade elevations and proposed materials to be used; and
  - c. A site plan showing the location of existing structures and any proposed additions to structures on the site; and

- d. Any other drawings, photographs, material brochures or samples, or information that may be necessary to determine and provide for compliance with this Code as determined by City staff.
- 5. The HRM shall perform a completeness and sufficiency review of the application and associated materials. The applicant shall be notified in writing as to the completeness and sufficiency of the application. Any applications having deficiencies shall be identified in writing to the applicant.
- 6. Requests for a Certificate of Appropriateness shall be reviewed and determined by the HRM within 60 days of submittal of the request.
- 7. One of the following actions shall be taken by the HRM:
  - a. Grant the Certificate of Appropriateness; or
  - b. Grant the Certificate of Appropriateness with conditions; or
  - c. Deny the Certificate of Appropriateness and issue a development order stating the reasons for denial of the application.
- C. **Appeals.** Applicants may appeal decisions of the HRM to the HAPB.
- D. **Expiration of Certificate of Appropriateness.** A Certificate of Appropriateness shall be valid for one year from the approval. The HRM may grant additional time upon request, but such extension of a Certificate of Appropriateness shall not exceed an additional one year.
- E. **Amendments.** Any change in the scope of work pursuant to the approved Certificate of Appropriateness, after the issuance of the Certificate, shall require an amendment to the Certificate to be processed under the procedures set forth in this section.
- F. **Violations.** It shall be a violation of this section if work is not performed in accordance with an approved Certificate of Appropriateness.

### 7.8.3. *Certificate of Demolition (COD)*

- A. **Applicability.** An application for a Certificate of Demolition (COD) shall be required for the demolition of the following:
  - 1. Any structure 1929 or older within a Historic Architectural Control District.
  - 2. Any structure on the Local Register.
- B. **Criteria.** The purpose and intent of this section is to determine that no other feasible alternative to the demolition can be found.
  - 1. No Certificate of Demolition shall be issued by the HAPB unless the applicant has demonstrated that there is no reasonable beneficial use of the property or the applicant cannot receive a reasonable return on a commercial or income-producing property.
  - 2. The HAPB shall be guided by the following criteria when evaluating applications for a Certificate of Demolition:
    - a. The historic or architectural significance of the building, structure, or object.

- b. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail, or unique location.
- c. Whether the building, structure or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region.
- d. Whether reasonable measures can be taken to save the building, structure, or object from collapse.
- e. Whether the building, structure or object is capable of earning reasonable economic return on its value.
- f. The general justification in written form for why demolition is being proposed.

**C. Application and Review.**

1. The following information shall be required for all applications for a Certificate of Demolition:
  - a. A report from a licensed architect or engineer who shall have demonstrated experience in structural rehabilitation concerning the structural soundness of the building and its suitability for rehabilitation including an estimated cost to rehabilitate the property.
  - b. A report from a qualified architect, real estate professional, or developer, with demonstrated experience in rehabilitation, or the owner as to the economic feasibility of rehabilitation or reuse of the property. The report should explore various alternative uses for the property and include, but not be limited to, the following information:
    - i. The amount paid for the property, date of purchase, remaining mortgage amount (including other existing liens) and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
    - ii. The most recent County Property Appraiser's assessed value of the property.
    - iii. Photographs of the property and written description of its condition.
    - iv. Annual debt service or mortgage payment.
    - v. Real estate property taxes for the current year and the previous two years.
    - vi. An appraisal of the property conducted within the last two years. Appraisals shall include the professional credentials of the appraiser.
    - vii. Estimated market value of the property in its current condition; estimated market value after completion of the proposed demolition; and estimated market value after rehabilitation.
    - viii. Evidence of attempts to sell or rent the property, including the price asked within the last two years and any offers received.



8. The HAPB shall consider the application and input received at the public hearing and, based upon these regulations shall:
  - a. Grant the COD; or
  - b. Continue the application to a date certain to allow the applicant to consider comments from the HAPB and/or to provide additional information to substantiate the request for demolition. The HAPB may not delay the demolition of a structure for a time period beyond six months unless additional time is requested by the applicant; or
  - c. Grant the COD with conditions; or
  - d. Deny the COD and issue a development order stating the reasons for denial of the application.
9. The HAPB may grant a COD that provides for a delayed effective date. The effective date of the Certificate shall be determined by the HAPB based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The HAPB may delay demolition for up to three months from the date of the HAPB's action. During the demolition delay period, the HAPB may take such steps as it deems necessary to preserve the structure concerned. Such steps may include, but are not limited to, consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.
10. Appeals of HAPB decisions shall be processed in accordance with Section 1.16.
11. Expiration of COD.
  - a. A COD shall be valid for one year from the approval.
12. Amendments.
  - a. Amendments to applications for a COD shall require the application process to be restarted.
13. Violations.
  - a. It shall be a violation of this section if work is not performed in accordance with an approved COD.

#### 7.8.4. *Certificate of Relocation (COR)*

- A. **Applicability.** An application for a Certificate of Relocation (COR) shall be required for the relocation of the following:
  1. Any structure 1929 or older within a Historic Architectural Control District.
  2. Any structure on the Local Register.
- B. **Criteria.** For proposed relocations, the following criteria shall be used:
  1. The historic character and aesthetic interest the building, structure or object contributes to at its present setting.

2. Whether the building, structure or object can be moved without significant damage to its physical integrity.
3. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, or object.

**C. Application and Review.**

1. The following information shall be required for all applications for a Certificate of Relocation:
  - a. A general justification in written form why the relocation is being proposed.
  - b. A report from a licensed architect or engineer who shall have demonstrated experience in structural rehabilitation concerning the structural soundness of the building and its suitability for relocation.
  - c. A description of the proposed new location for the structure, including the nature of and compatibility with the proposed new location.
2. The HAPB may request that the applicant provide any additional information needed to make its determination.
3. If the applicant does not provide the requested information, the applicant shall submit a statement to the HAPB detailing the reasons why the requested information was not provided.
4. Upon receipt of a complete application for a COR City staff shall schedule a public hearing during the next available regular meeting of the HAPB. Notice of a public hearing shall be consistent with Section 1.2.E.
5. The HAPB shall review the evidence provided and shall determine whether the property can reasonably be relocated to the proposed new location, and whether it is appropriate to do so.
6. The HAPB may condition any relocation approval upon the receipt of plans and building permits for any new replacement structure and submission of evidence of financing in order to ensure that the site does not remain vacant after relocation. Applications for relocation shall include a written commitment that unless otherwise conditioned by the HAPB the property will be at a minimum: graded, drained, grassed and maintained within seven days after the structure is removed.
7. The HAPB shall consider the application and input received at the public hearing and, based upon these regulations, shall:
  - a. Grant the COR; or
  - b. Continue the application to a date certain to allow the applicant to consider comments from the HAPB and/or to provide additional information to substantiate the request for relocation;



- c. Grant the COR with conditions; or
  - d. Deny the COR and issue a development order stating the reasons for denial of the application.
8. Appeals of HAPB decisions shall be processed in accordance with Section 1.16.
  9. Expiration of COR. A COR shall be valid for one year from the approval.
  10. Amendments. Amendments to applications for COR shall require the application process to be restarted.
  11. Violations. It shall be a violation of this section if work is not performed in accordance with an approved COR.

## 7.9. Maintenance of Historic Resources

- A. Every owner of a historic resource subject to a CAC or COA shall protect the resource against any fault, defect, or condition which renders it structurally unsafe or not watertight (i.e. demolition by neglect) and shall keep it in good repair including:
  1. All of the exterior portions of such buildings or structures including but not limited to all roofing materials and roof components, window glass, window frames and sashes, exterior doors, and door frames; and
  2. All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.
- B. Enforcement.
  1. Violations of this section shall be enforced through the City's Code enforcement process as identified in Chapter 2 of the City's Code of Ordinances.
  2. City staff and the HAPB may work with a property owner to encourage maintenance and stabilization of a historic resource.

## 7.10. Architectural Design Standards: The Venice Historical Precedent

### 7.10.1. Background

- A. The Venice Historical Precedent (VHP) style is an interpretation of the Italian Renaissance, Mediterranean Revival, and Northern Italian architectural styles, popularized during the last century of development in Florida and incorporated into the John Nolen Plan for the City of Venice. Due to the variations in the application of these styles, and to allow for a continuation of those elements currently found within the City's core, the City hereby outlines the materials, features, colors, and finishes characterizing the Venice Historical Precedent. This style fosters compatible design of features and design/building elements that complement the City's historical structures. The standards below are understood to be the minimum architectural components and elements. Design Alternatives are prohibited unless explicitly permitted under each design element.

- B.** The following historic photos provide examples of residential and nonresidential properties built in 1925 and 1926 and a current photo of those structures as they exist today to provide further illustration and clarification of the Venice Historic Precedent style.

**1. VHP Residential Building Examples:**

Current Photo (historic photo not available)



*An exemplary two-story home built in 1926, 332 Ponce de Leon Ave. This is a simple design, with few elements: mullioned windows, all rectangular with about half having arches over them. It has a symmetric design, with the entry on the right*

Historic Photo



Current Photo



*An original and a recent photo of 625 W. Venice Ave. Built in 1926, this home shows very little change since construction. This has a Spanish influence and an interesting stepping up as the house recedes. Again, there are few design elements: a prominent arch over rectangular front windows, with all other openings also being rectangular.*

Historic Photo



Current Photo



*The home at 243 Pensacola Rd., also built in 1926. The original version is on the left and the current is on the right. Note just a hint of an arch over the prominent front window; the rest of the openings are rectangular. Very little has changed over time, with the exception of overhangs over the two entry doors.*

Current Photo



*An example of a large house done very much in the VHP style is on W. Venice Ave. The massing is broken up with both a detail to the left of the entry and a porte cochère, both at an angle to the main structure. Note that there are few arches visible. The garage is to the rear, not easily visible from the street. Current construction codes in some cases*

*make items found in the 1920's buildings seem unfeasible, such as the curved window, but there are several examples of items such as arched windows that do meet code.*

Current Photos



*Examples of recent homes constructed with current materials are shown here. The first was built in 1994 on Pedro St. It has the tower seen in a few original homes, as well as the simplicity of the VHP (e.g. no corbels around the tower). The house sits on a 55' x 150' lot and has the garage at the rear. Like several other homes of varying size, there is a covering over the driveway to shelter car occupants from the rain. This home is easily mistaken for a 1920's home.*

**2. VHP Nonresidential Building Examples:**

- a. Commercial buildings differ from residential buildings in their larger size, which presents issues with visual mass. One example here breaks up the large mass and another uses it as part of the design. As with residential examples both shown here and others not shown, each structure is unique while expressing a simplicity of elements that represents the VHP.

Historic Photo



*Hotel Venice, 200 Nassau St, built in 1926. Strict symmetry has been maintained while breaking the mass into three sections. The light color reflected infrared from sunlight and the awnings provided shade. The north-facing windows (not impacted by the sun) sported awnings for design consistency.*

Current Photo



*Later incarnations of the Hotel Venice, as in the left, darkened the wall color, thus providing a greater contrast with the accents. In this image, the eye is drawn toward the edges, rather than the façade as a whole. It is important to recall that the VHP stressed an integral building design rather than an assembly of parts.*

Historic Photo



Current Photo

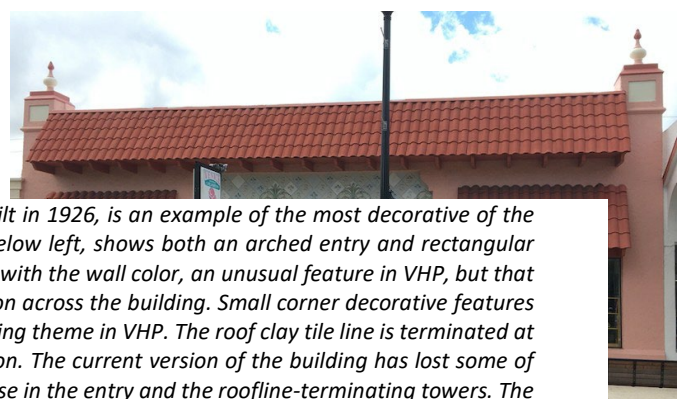


*The San Marco Hotel, more recently known as the KMI (Kentucky Military Institute) Building, is an example of the opposite treatment of a large mass. Left, in a late 1920's photo, the two long lines of upper windows themselves provide a focal point, broken near the 1/3 and 2/3 points by quadruplet arches. In the color photo on the right, simple delineation of one set of arches can be seen as a dark band underneath them. The arches are a pale hue, similar to the walls. Note the simplicity of the decorative third-floor railing over the primary entrance. The many windowsills are simple and the same color as the walls. These characteristics point to a frequent element of the VHP: simplicity with a minimum of modest decoration. As with most Venice commercial buildings of the Nolen era, this structure maintains strict mirror symmetry on its façade.*

Historic Photo



Current Photo



*The Sanders Building at 247 – 251 W. Venice Ave, built in 1926, is an example of the most decorative of the VHP commercial buildings. The original form, seen below left, shows both an arched entry and rectangular windows. The tile decoration over the entry contrasts with the wall color, an unusual feature in VHP, but that contrast is carried over into the under- eave decoration across the building. Small corner decorative features in the windows and above-entry tile work are a recurring theme in VHP. The roof clay tile line is terminated at the two small towers with their own unique decoration. The current version of the building has lost some of the feel of the original but does retain the original sense in the entry and the roofline-terminating towers. The openness of the façade, a VHP characteristic, is somewhat diminished by the enlarged roof tile band and the added window covers on each side. Perhaps most unfortunate is the obliteration of the decorative band just under the eave.*

Historic Photo



Current Photo



*A final example of a VHP commercial building is the Mohler Building, 311 W. Venice Ave., built in the late 1920's. The original building is shown on the left. Note the symmetry and non-contrasting colors. The nine upper windows have been grouped into triplets to add interest. The top-façade decoration is again unique; this particular pattern reflects the arched windows below. The three store-fronts are again rectangular with little if any decoration. The current building maintains the feeling of the upper story, with delicate delineation of the windows and upper decoration. The added balcony is in keeping with the VHP with a simple railing and simple arches as a frontispiece.*



*A detail of the upper decoration on the Mohler building shows the delicate nature of this design. Note that the white semicircles have a bas-relief design.*

Current Photos



*Other historic commercial buildings include the Schoolcraft and Bossovain buildings adjoining each other at 201 and 205 W. Venice Ave. As with residential buildings, each of the commercial buildings of the Nolen era was unique. One feature of the VHP, trim that is similar in tone to the façade body, has unfortunately been lost on both of these buildings. Original photos show these buildings with much less contrast with trim. In fact, neither the black quoins nor shutters on the Bossovain building were present originally. These elements tend to draw the eye to those details, rather than the building as a whole.*



*Finally, a one-story commercial building, the Lawton Building, is at 229-237 W. Miami Ave. This one is very close to the original version and reflects the VHP in several aspects: symmetry, decorative entry with a hint of arch, and three storefront entries on either side. The colors remain uniformly muted so the design as a whole is recognized.*



Current Photos



*This building at 243 W. Venice Ave. is consistent with VHP principles: muted colors, trim slightly different from the fascia, simple arched windows, gracious entry. The single story is compatible with the narrow width so the vision is modest in scale.*



*This photo is also of a new building at 310 W. Venice Ave. The massing of the structure is broken up by presenting two distinct façades, the larger, rightmost being symmetric and itself broken into three parts. The six first-floor openings are exact VHP.*

7.10.2. Building Massing

**A. General Requirements.** One- or two-story asymmetrical massing is customary. Massing type generally includes side-gabled type, which is rectangular in form and sometimes includes lower side-wing portions; cross-gabled roof, which typically has one front-facing gable and one side facing gable; the hipped-and-gabled roofs; the hipped roof, which tends to be a simple rectangular box-shape; shed roof; or flat-roof with parapet walls often covered with roof tile coping.

1. Residential Development:

- a. Structures located on lots of 50' in width or less shall have at least 2 different massing forms with at least one offsetting wall plane of at least 5% the length of the façade having a minimal depth of at least 16".
  - b. Structures located on lots greater than 50' lot width, shall have at least 2 different massing forms and two offsetting wall planes of at least 10" the length of the façade having a minimal depth of at least 16".
2. Nonresidential Development:
    - a. Structures located on lots of 50' in width or less, shall have at least one massing form.
    - b. Structures located on lots greater than 100' lot width, shall have at least 2 different massing forms.
  3. One story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area shall be designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least 5% of the length of the facade and extending at least 25% of the length of the facade.
  4. One-story buildings with less than or equal to 10,000 square feet of gross floor area and multistory buildings with less than or equal to 20,000 square feet of gross floor area shall be designed with the primary facade having either:
    - a. Offsetting wall planes or upper story setbacks of at least two horizontal feet, or
    - b. A recessed entry space, projecting canopy or portal.

#### 7.10.3. *Facades and Exterior Walls*

- A. **Permitted Façade Materials.** Façade and exterior wall elements are to be arranged in an orderly, balanced manner; the use of asymmetry may be utilized strategically to impart interest in the design of the façade.
  1. Primary materials: A minimum 90% of wall area not including openings will be stucco without an applied pattern.
  2. Secondary materials: A maximum 10% of wall area of the front elevation can be either patterned tiles, clay/concrete roof tiles, natural cut stone (coral, oolite, coralina, or similar), and / or cast or engineered stone equivalent to natural cut stone.
  3. A transition between façade building materials should be provided. The transition should include, but not be limited to, wall offsets, wall inserts, trim, pilasters, and columns.

Figure 7.10.3. Examples of Permitted Façade Materials

Stucco without applied pattern



Patterned Tile



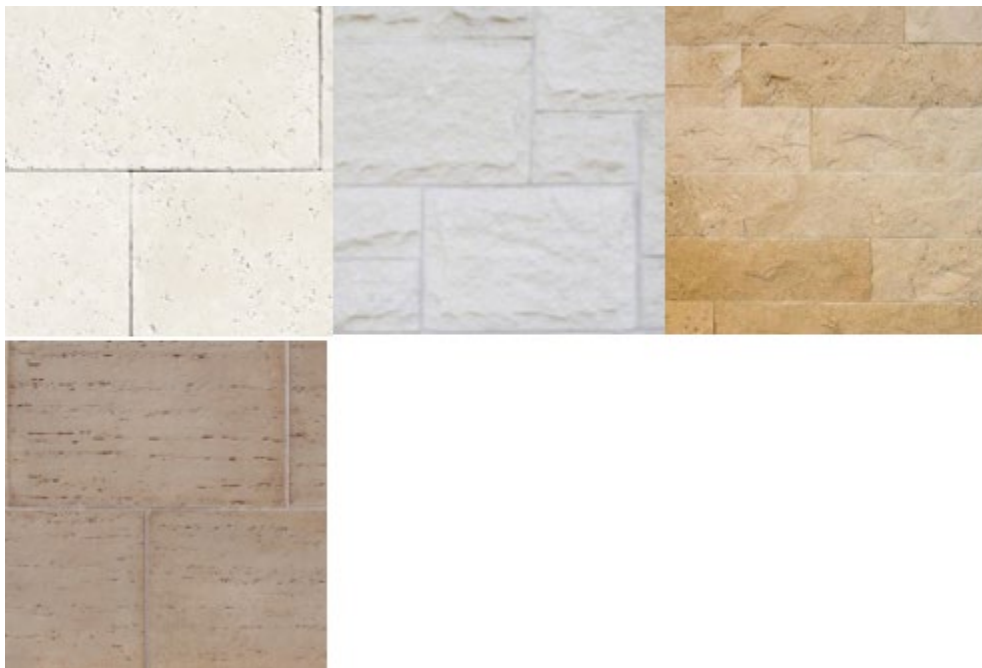
Clay / Concrete Tile



Natural Cut Stone



Cast Stone



#### 7.10.4 Façade Colors

- A. Color is an important aspect in defining the architectural style. The placement and combination of colors on the building may highlight architectural features, including building offsets, columns, doors, and decorative elements. The VHP color scheme does not have complex color schemes and often uses only two paint colors.
  - 1. **Façade Colors:** Colors may include pastels and light earth tones with allowance for darker or vibrant colors to be used as decorative trim or accents. All building colors shall be in accordance with the approved color palette and used as the basis for petition approval and project completion review by staff. Negligible color variation is expected in the finished product due to differences of print colors and actual implementation during construction.

2. **Color Coverage:** Up to 75% of wall surfaces must be one approved color, 20% must be a secondary corresponding approved color, and 5% must be in a corresponding approved accent color. A design alternative may be considered for the percentage of approved color coverage.
3. **Design Alternative:** Alternative colors or color hues are encouraged and may be approved through the design alternative process. Colors that are prohibited for design alternatives include any colors that are high intensity, fluorescent, gilt, or high gloss metallic.

#### 7.10.5. Roofs

- A. **Generally.** Roof forms and roof lines are one of the most important and distinctive design elements which define a building's character. A variety of roof forms, and roof lines, within a single building, add visual interest and are used to reduce the overall massing to produce unique building forms.
- B. **Required Roof Forms:** Acceptable roof forms include hip, gable, mansard, or parapet roof forms, or a combinations of these, except that residential structures shall require at least two different roof forms. Pitched roof slopes shall range from a minimum of 4:12 to a maximum of 6:12 pitch. Mansard roof slopes shall be a maximum of 10:12 pitch for commercial uses.
- C. **Flat Roofs:** Flat roofs must include architectural features including but not limited to parapets, barrel tile bands, or other features with the goal of blocking the view of the flat roof from the public right-of-way.
- D. **Required Materials:** Permitted visible roofing materials include:
  1. Clay, terracotta, concrete roof tiles.
  2. Design Alternatives may be proposed for composite and alternate roofing materials that are substantially similar in appearance when structural and roof pitch considerations warrant. If proposed, composite and alternative materials must appear substantially similar to clay roofing tiles.
- E. **Prohibited Materials:**
  1. Metal, ceramic glazed, or high gloss materials are prohibited.
- F. **Required Roofing Colors:**
  1. Reds, browns, whites, and natural earth tone colors, including greens, and shall contrast the façade colors of the building.
  2. Design Alternatives may be proposed for roofing color blends.
- G. **Prohibited Colors:**
  1. Bright or high gloss, colors are prohibited and may not be proposed as a design alternative.
- H. **Required Roof Material Profiles:**
  1. Barrel pan tiles; and/or

2. Spanish S tiles are required.

Figure 7.10.5. Permitted Roof Materials (From Left to Right: Clay, terracotta, Barrel Tiles) and Roof Photos



Examples of Permitted Roof Materials in Use



7.10.6. Openings: Windows, Doors, and Garages

A. General Requirements

1. Residential Development:

- a. Not more than 50% of a residential wall surface shall consist of door, window, and other openings, excluding porches.
- b. All doors, windows and glazed surfaces shall be located at least two feet from outside building corners.

**2. Nonresidential Development:**

- a. Wall surface may have greater than 50% door, window, or other openings, but not more than 90%.
- b. Existing structures having wall openings greater than 90% shall be exempt from this section.

**3. Glazing:** All glazing shall be clear or lightly tinted neutral gray consistent with VHP.

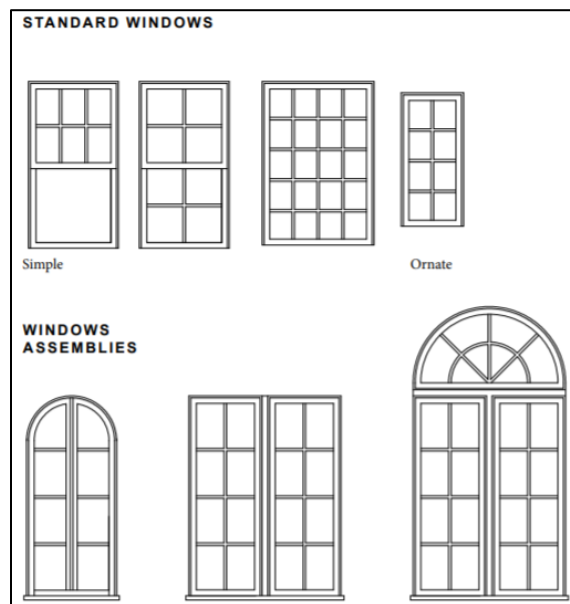
**B. Windows:** Arrangement, size, and proportions shall be symmetrical within any façade. A large focal window is common featuring double-arch shaped transom. Windows shall comply with the specific standards below.

**1. Residential Development:** Standard type casement, double-hung, or picture having vertical portion at least 2 to 1 (height to width).

- a. Windows shall have divided lites with muntin pattern 4 over 1, 6 over 1, 3 over 1, or 4 over 4.
- b. Mulled windows shall be separated by four (4) to six (6) inch trim and not exceed 3 units.

**2. Non-residential Development:** Glazing areas shall be composed of multiple panels.

Figure 7.10.6.1. Windows



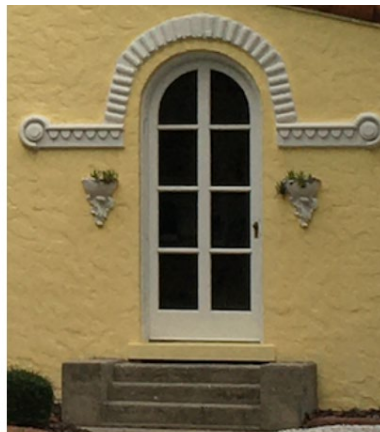
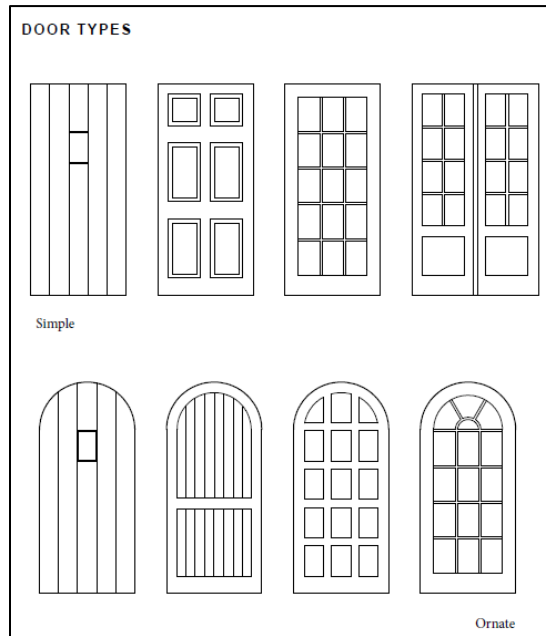


**C. Doors:** Main entrance doors are a principal feature of most primary façades. Historically, entry doors for residences were single-leaf doors typically heavy board and batten, often with small centered lights. Decorative iron work and hardware were common. Secondary doors, in the rear, often consisted of paired fully glazed French style doors. Entry doors for non-residential structures often consisted of single or double doors with partial or full glazing.

- 1. Residential Door Types:** Entry doors shall correlate with historical precedent; however, they shall be selected to coordinate with the architectural style and complement the details of the building.
  - a.** Sliding glass doors are prohibited excluding the rear elevation.
  - b.** Folding glass accordion-style doors are prohibited in side and front elevations.



Figure 7.10.6.2. Residential Door Types



**2. Non-residential Door Types:** Doors shall correlate with the VHP, but shall be selected to coordinate with the architectural style and complement the details of the building.

**D. Garages:**

1. **General Requirements.** Garages shall minimize their visual impact on the streetscape and the public realm subject to the following:
  - a. Garages located on lots of fifty (50) feet in width or less are to be located in the rear/back of the structure, subject to driveway spacing requirements of this Code. A Design Alternative may be considered for this requirement.
  - b. Garages located on lots greater than fifty (50) feet in width may be side-loading if the garage door faces away from the pedestrian entry door, but rear garages are encouraged.
  - c. Side-loading garages must incorporate windows on the front wall surface.
  - d. Front-loading garages are prohibited on lots greater than fifty (50) feet in width.
  - e. Garage door openings are not to exceed sixteen (16) feet in width per opening and eight (8) feet in height.
  - f. Examples of residential garage door types:

Figure 7.10.6.3. Residential Garage Door Types



*Wood carriage style garage doors*



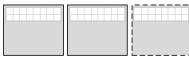



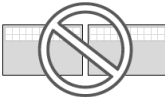


*Compatible contemporary garage doors*



**2. Residential Garage Door Configurations:** Residential garage door configurations are illustrated in Figure 7.10.6.4 below.

Figure 7.10.6.4. Residential Garage Door Configurations

one car garage	two car garage	three or more car garage
 <p>one single door</p>	 <p>one single door (incorporate tandem design)</p>	 <p>two single doors (incorporate tandem design) or three single doors</p>
	 <p>two single doors</p>	 <p>one single door + one double door</p>
	 <p>one double-wide</p>	 <p>two double doors <b>prohibited</b></p>

7.10.7. *Building Features*

- A. Features and Entryways.** Each building on a site shall promote and enhance a pedestrian scale and orientation on any façade facing a street, through-building articulation, transparency, or other design treatments.
  - 1.** Entryway features for residential structures shall be:
    - a.** Flush with primary elevation with decorative or ornate trim;
    - b.** Recessed in a small alcove within the primary elevation;
    - c.** Sheltered by a projecting roof; and
    - d.** Covered by a porch, arcade, portico, or tower element.
  
- B. Railings.** When railings are incorporated into the design of these features (e.g., balconies, wall elements, second-story balconettes, etc.), they shall be decorative in nature and designed to be complementary to the architectural style of the building. Railings shall be of welded wrought iron, flat carved, or turned material. Railings shall be of sufficient detail to complement the building and be consistent with surrounding VHP railing profiles. Wrought iron railings are typically powder coated finish and black

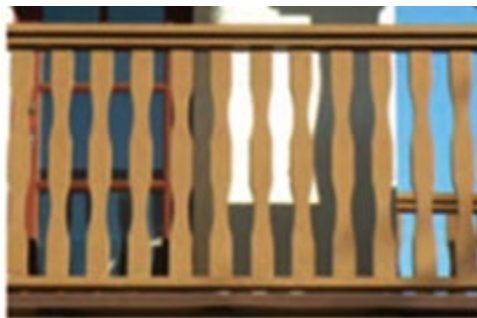
7.10.7.B. Railings



Wrought Iron



Wrought Iron



Flat Carved

**C. Awnings, Shutters, Canopies, and Curtains.**

1. Awnings are permitted to shade openings and shall be of a size, shape, and number in proportion to the size, style and shape of the building openings and shall not obscure the building details.
  - a. Awnings shall not be internally illuminated or lighted from behind.
  - b. Awnings shall be opaque and made of heavyweight vinyl, acrylic or canvas fabrics.
2. Shutters are permitted. The total width of the shutters shall not be less than the width of the opening they adjoin.
  - a. Roll-up type hurricane and security shutters shall be concealed from public view.
  - b. Bahama-type shutters are prohibited in the Historic Venice District and are permitted in the Venetian Theme District.
3. A canopy is defined as an awning with vertical and horizontal support members having similar architectural character to, or in keeping with, that of the main structure to which the canopy is attached.
  - a. Canopies shall not be internally illuminated or lighted from behind.
  - b. Canopies shall be opaque and shall be covered with heavyweight vinyl, acrylic or canvas fabrics.
  - c. Canopies are primarily used at building openings to provide shade, protection, and recognition of entry points and shall not be used as a substitute for a permanent roof structure.
4. Exterior curtains or wind/rain screens shall be used as weather-related devices only, and shall not be permanent in nature.
  - a. Curtains/rain screens shall not be held in permanent tracks or framework and shall be removable.
  - b. Curtains may be attached to the structure using completely concealed or retractable methods which do not detract from the architectural character of the building when not in use.

Figure 7.10.7.C. Canopies, Awnings, Shutters



5. Proposed colors for awnings, shutters, canopies, and curtains should be consistent with the HAPB pre-approved palette of colors.

**D. Recesses and/ or Projections.** All buildings must contain two or more of the following features. Design alternatives may be considered for this requirement.

1. **Colonnades.**

Figure 7.10.7.1. Colonnades



**2. Corbels and Brackets.**

Figure 7.10.7.2. Corbels and Brackets



**3. Balconies**

Figure 7.10.7.3. Balconies



**4. Arches.**

Figure 7.10.7.4. Arches



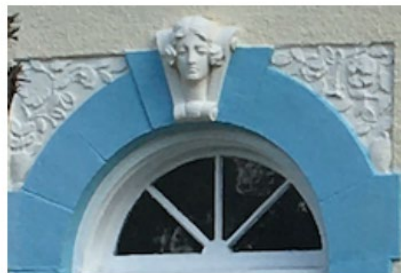
- 5. **Outdoor patios.** A knee wall or ornamental (low height) fence delineating the public and private realm (i.e., active use areas) shall be provided as part of this feature.

Figure 7.10.7.5. Patios



- 6. **Ornamental relief designs.**

Figure 7.10.7.6. Reliefs





**7. Integrated planters or knee walls that incorporate landscape areas.**

Figure 7.10.7.7. Knee Walls



**8. Exterior Stairways:** Design must be consistent with the VHP.

**E. Decorative Architectural Features**

**1.** All buildings must contain one or more of the following:

- a. Clay tile attic vent
- b. Recessed niches
- c. Wall cutouts
- d. Carved bas relief ornamentation
- e. Decorative iron window grilles
- f. Ornamental relief designs

**F. Design Alternative.** Unless prohibited in this section, a design alternative may be submitted for other building features.

**G. Prohibited Items.** Exposed roof drains, gutters, and downspouts shall not be visible, except where integrated into the building through the application of colors, materials, design, and other details of the building architecture consistent with the VHP.

*7.10.8. Residential Light Types and Fixtures*

**A. General Requirements.** Decorative lighting should enhance the architectural character and ambience of the project and shall follow the VHP and must include unique elements and style variation.

- 1.** Decorative historic light fixtures are required.
- 2.** Exterior lighting shall be designed to coordinate with the building and landscape architecture. Building mounted fixtures shall be compatible with the building façade.
- 3.** VHP light fixtures visible from the street shall be dark metal or wrought iron fixtures. Fixtures can be fairly elaborate with curving brackets, chains, or filigree.

Figure 7.10.8. Light Fixtures



- 4. Lights used to illuminate a building façade or landscaping shall be screened or recessed.
- B. Design Alternative.** Alternative materials may be proposed as a design alternative.
- C. Prohibited Items.**
  - 1. Flood lights are prohibited unless required by state or federal law and should be limited to not extend beyond the property line.
  - 2. Internally lit canopy and awning lighting is not permitted.

7.10.9. *Fences and Walls*

- A. Height.** Fences and walls shall be between three (3) and six (6) feet in height or as specified by the zoning district and provide a continuous straight edge along the top of the fence or wall.
- B. Materials.** Walls shall be of a masonry (with stucco), natural stone or combination of multiple materials similar to the material and style of the façade of the primary building. Fence materials are limited to painted decorative aluminum, solid wooden (shadow box or similar style) or non-white vinyl fences.
- C. Placement.** Wooden and vinyl fences are permitted in side and rear yards only. Fences shall be setback a minimum of four feet from the intersection of the front wall facing the street and the finished side of the fence shall face the abutting property.
- D. Variation.** Fences and walls shall provide variation in wall plane and include unique character by incorporation of openings, pilasters, or trim.

Figure 7.10.9. Fences and Walls



**E. Design Alternative.** A design alternative may be submitted for the following:

1. Height above six (6) feet, but not to exceed eight (8) feet.
2. Vinyl fence color, but must be similar to the required façade color collection.

**F. Prohibited Items.**

1. Chain-link/cyclone fences or chain link with vinyl slats, fabric or similar.

*7.10.10. Service Areas and Equipment Screening*

**A. Requirements.** Service areas for equipment, including but not limited to trash receptacles, pool equipment, generators, and ground level or roof-mounted mechanical equipment shall be screened by walls, fences, or other screening structures.

1. These spaces should be minimized from public view through their placement, screening, and overall building design.
2. Service area screening shall be the height of the equipment or facility plus 6 inches, up to a maximum height of 8 feet.
3. Screening shall be provided to minimize and or reduce the visual appearances from service areas, utilities (such as pumps, transformers, etc.) and loading/unloading service areas (i.e., deliveries).
4. Screening shall be compatible with the architecture of the buildings on-site, incorporating a similar palette of materials.

**B. Design Alternative.**

1. Design alternatives may be considered for this section.

**C. Prohibited Materials.**

1. Chain link/cyclone or chain link with vinyl slats, fabric or similar.

*7.10.11. Swimming Pools and Pool Enclosures and Screening.*

- A.** Installations of decks, pools, patios, and hot tubs shall be considered on a case-by-case basis. The appropriateness shall vary according to siting, size, and design.
1. Wood decks or brick patios are allowed inside of rear yards only. Wood decks shall not be built in the front yard.
  2. Wood decks in side yards not adjacent to a public right-of-way shall be set back a minimum of ten (10) feet. Appropriate and compliant walls, fencing, and/or landscaping shall be used around the wood deck for screening purposes.
  3. Decks, pools, hot tubs, and patios shall not be visible from the right-of-way by use of compliant stucco masonry screen wall or decorative fencing and landscaping.
  4. Swimming pools shall not be constructed in the front yard.
  5. Swimming pools may be built in side or rear yards only provided the pool is located directly behind the principal structure or it is set to the rear half of the side yard.
  6. Pool enclosures shall be constructed in a manner such that they are subordinate to the primary structure and do not impact or obscure significant features of the building.
  7. Screened porches visible from the right-of-way shall have a frame color compatible with the principal structure.

*7.10.12. Design Alternatives to Venice Historic Precedent*

- A. Purpose and Intent.** It is recognized that because of the individual unique characteristics or circumstances of any given project, flexibility in the application of architectural requirements may be warranted in certain situations. To facilitate flexible design options, a design alternative to the standards provided within the VHP may be requested where the standards specify that a design alternative is permissible. If not specified, a design alternative may not be requested. If an applicant requests multiple design alternatives, each design alternative shall be evaluated independently.
- B. Specific Application Requirements.** As part of the application for a VHP design alternative, floor plans and elevations for the proposed design alternative shall be required. A detailed narrative is required that:
1. Cites the specific VHP section from which a design alternative is being requested.
  2. Addresses each proposed design alternative separately and provides justification for each.
  3. The Director or HAPB may require any additional information needed to facilitate a review of the design alternative(s) being sought.
- C. Considerations.** Proposed design alternatives may be approved or denied separately or have unique stipulations deemed appropriate for the request. The HAPB shall consider the following criteria in consideration of requested VHP design alternatives:

1. Whether the design alternative is consistent with the stated purpose and intent of this VHP and with the Comprehensive Plan;
2. Whether the request is permitted as a design alternative for the specific standard for which a design alternative is being sought;
3. Whether the design alternative will have a material negative impact on adjacent uses, or the applicant proposes to mitigate the negative impact to be created by the proposed design alternative;
4. Similar situations in the general area and in past decisions by the HAPB under this section;
5. Whether the design alternatives will permit improved design, efficiency, and performance; and
6. If applicable, whether the design alternative is necessary to preserve or enhance historic and architectural resources.

#### *7.10.13. Variances to Venice Historic Precedent*

- A. The HAPB shall have the authority to grant a variance from the VHP. The burden of proof shall be on the applicant to show that, due to special conditions, a literal enforcement of the regulations will cause an unnecessary and undue hardship on the applicant.
- B. The board shall consider the following factors:
  1. Whether special conditions and circumstances exist that are peculiar to the structure or building involved;
  2. The degree to which the structure in question is constructed in the VHP Style;
  3. The degree to which structures in the immediate area are constructed in the VHP Style;
  4. The visibility of the proposed improvement from the street and adjoining properties; and
  5. The cost of compliance with the regulations compared to the cost of the improvement with the variance and the value of the existing structure.
- C. In granting any variance, the board may prescribe appropriate conditions and safeguards, including, but not limited to, time limits for the work to commence or be completed. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this section.
- D. A variance granted for one structure shall not be a precedent or grounds for a variance for another structure.

### 7.11. Cultural and Archaeological Resources

- A. If evidence of the existence of cultural resources is discovered or observed at permitted development activities, all work shall cease in the area of potential effect. The developer, owner, contractor, or agent thereof shall notify the City of the potential cultural resources within two (2) calendar days. Examples of such evidence in whole or in part include

paleontological remains, whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds.

1. The developer, owner, contractor, or agent thereof shall provide a site assessment survey for cultural resources discovered at permitted development projects. The survey's purpose is to locate and assess the significance of cultural resources and to provide a basis for determining if the project has no effect or adverse effect on the cultural resources.
  2. All site assessment surveys shall be conducted by professionals meeting the qualifications established by the National Park Service as codified in 36 CFR Part 61 and shall be conducted consistent with rules promulgated by the Florida Bureau of Archaeological Research.
  3. The research design for a site assessment survey shall be reviewed and approved by the HRM or designee before the survey commences. The survey shall be designed to locate all cultural resources and assess their significance. At a minimum, site assessment surveys must contain the following sections:
    - a. Project scope;
    - b. Archival research;
    - c. Research design;
    - d. Fieldwork;
    - e. Analysis;
    - f. Conclusions; and
    - g. Florida Master Site File forms for all resources identified.
  4. Upon completion of the site assessment survey, the City and the developer, owner, contractor, or agent thereof shall evaluate the findings.
    - a. If the finding is that there is no effect then the project may proceed without modification. The no effect finding will be reconsidered if substantive changes in project design or the location of project ground-disturbing activities are made, or if new information becomes available.
    - b. If the finding is that the proposed development would have an adverse effect, the City and the developer, owner, contractor, or agent thereof shall determine measures to avoid, minimize, or mitigate any adverse effects to such resources by the project.
- B.** If any human skeletal remains or associated burial artifacts are discovered during permitted development activity, all work in the area must cease, and the developer, owner, contractor, or agent thereof must immediately notify the City Police Department and notify the City Manager, if appropriate, within two (2) calendar days. According to Florida Statute Ch. 872, it is unlawful to disturb, vandalize, or damage a human burial.

# CHAPTER 87 LAND DEVELOPMENT CODE

## SECTION 8. NONCONFORMITIES: USES, STRUCTURES, AND EXISTING DEVELOPMENT

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## 8.1. Purpose and Intent

- A. Purpose and Intent.** The purpose and intent of this section is:
1. To establish the criteria for defining nonconforming uses and structures, the standards that apply, and to what extent changes to the nonconforming use or structure may be subject to the regulations within this Code.
  2. To establish the criteria for defining when the standards of this Code apply to modifications, alterations, or changes to existing developed properties (not specific to the use or structure as identified above).

## 8.2. Applicability

- A. Applicability.** This section applies to uses, structures, lots or other nonconformities that were lawful prior to the adoption of this LDR, but do not conform to the terms of this LDR or amendments hereto. Any existing lawful nonconforming use, nonconforming structure, nonconforming lot or other nonconformity may continue to exist provided it is not altered or changed except as otherwise permitted in this section.

## 8.3. General Standards

- A.** Casual, temporary, or illegal uses, development, structures or other nonconformance of standards shall not be sufficient to establish the existence of a lawful nonconforming use, nonconforming structure, nonconforming lot or other nonconformity or to create rights to allow the continuance of such use, structure, lot or other nonconformity.
- B.** A change in tenancy, ownership or management of a nonconforming use, nonconforming structure, or other nonconformity shall have no impact on the nonconforming status unless there is a discontinuation of the nonconforming use, nonconforming structure or other nonconformity.

## 8.4. Nonconforming Uses

- A.** Nonconforming uses may be altered provided such alteration is restricted to the same lot where the nonconforming use was created, and such alteration does not create a new nonconforming use or increase the density or intensity of the nonconforming use.
- B.** If any nonconforming use of land ceases for a period of more than 12 consecutive months, for any reason, except where eminent domain proceedings have caused the cessation of the use, any subsequent use shall conform to the regulations for the zoning district in which the use is located. However, at the written request of the property owner prior to the expiration of the



12-month period, the City Council may extend the 12-month period for an additional 12 months provided that the property owner can demonstrate by competent and substantial evidence that financial or legal constraints prevented the continuation of the nonconforming use.

## 8.5 Nonconforming Structures

- A. Maintenance and Repair of Nonconforming Structures.** Nonconforming structures may be maintained or repaired so long as there is no increase in floor area. All maintenance and repair related to life-safety issues or changes to the Florida Building Code, as confirmed by the building official, are not subject to the limitation on additional square footage.
- B. Replacement and Restoration of Nonconforming Structures.**
1. Nonconforming structures destroyed or rendered unusable by an act of government, fire, natural disaster or other such loss that is not a direct result of the action or intent of the owner, lessee, tenant, or other interest in the property, may be replaced or restored to a safe pre-disaster condition, including but not limited to the same density, intensity, square footage per unit for residential properties, building setbacks, building height, and architectural design and uses. Modifications required to comply with current FEMA National Flood Insurance Program and Florida Building Code regulations shall be allowed. Otherwise, nonconforming structures may only be replaced or restored in compliance with the provisions of this Code.
  2. If replacement, restoration or alteration of a nonconforming structure beyond its original configuration requires a modification of Code standards, then the appropriate height exception, design alternative, or variance must be sought.
- C. Alteration of Nonconforming Structures.** A nonconforming structure may be altered provided:
1. Such alteration is restricted to the same lot on which the structure existed when the nonconforming situation was created.
  2. Such alteration does not result in increased or new nonconformities.
  3. When structures are nonconforming in setbacks due to the provisions of this Code, alterations may be made to such structures provided there is no increase in the setback(s) encroachment, and all other setbacks meet the requirements of this Code. However, this does not preclude the ability to obtain a variance, through the appropriate procedure provided for in this Code, to address the nonconforming setbacks or generally allow reduced setbacks.

## 8.6. Other Nonconformities

- A. Generally.** For the purpose of this section, other nonconformities shall be defined as any nonconforming development, improvement or other nonconforming standard of this LDR that is not identified in Section 8.4: Nonconforming Uses and 8.5: Nonconforming Structures.
- B. Continuance of Other Valid Nonconformities.** Existing lawful nonconforming development may continue to completion in accordance with prior City approvals for such development without further compliance with this LDR.
- C. Permitted Changes to Valid Nonconformities.** Any alteration or modification to lawful nonconformities shall require such alteration or modification to be in compliance with the requirements of this LDR.

## 8.7. Nonconforming Lots

- A.** In any district, any permitted or permissible structure may be erected or altered on any lot of record legally established prior to the effective date of this Code, notwithstanding limitations imposed by other provisions of this Code.

## 8.8. City Approvals Not Constituting a Nonconformity

- A.** City approved design alternatives, height exceptions, and variances shall not be deemed to create a nonconforming use, nonconforming structure or other nonconformity.

## CHAPTER 87 LAND DEVELOPMENT CODE

### SECTION 9. GENERAL DEFINITIONS

#### 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:

**Abutting:** Having common borders or edges.

**Abandonment:** The cessation of a use or structure for a period of twelve (12) consecutive months.

**Access Easement:** An easement which grants the right to cross land.

**Access Ramp:** That part of a dock or pier which is connected to uplands, and leads to a terminal platform.

**Accessory Use or Structure:** A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises, with respect to accessory uses and structures, shall be construed as meaning on the same lot or on a contiguous lot in the same ownership.

**Accessway:** A paved or unpaved travelway intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site.

**Active Recreational Uses or Structures:** Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts and other similar uses typically located in open space areas or parks.

**Active Use Areas:** Those elements which reside or encroach into the private realm of a lot along primary streets, such as a forecourt, gallery/colonnade, arcade, courtyard, outdoor dining, merchandise display, or shared garden.

**Adaptive Use or Adaptive Reuse:** The process of converting a building to a use other than which it was originally designed, e.g., changing a factory into commercial, retail use or residential use. Such conversions are accomplished with varying alterations to the building.

**Addition:** Any construction or change in a building that increases the size of a structure in terms of site coverage, height, or gross floor area.

**Adjacent:** To have property lines or portions thereof in common or facing each other across a right-of-way, street or alley.

**Adult:** An adult is a person eighteen (18) years of age or older.

**Adult Oriented Businesses:** See Section 2.4.8.D.

**Adverse Impact (upon a natural resource):** The direct contamination, alteration or destruction, or that which contributes to the contamination, alteration or destruction, of a natural resource, or portion thereof, to the degree that its present and future environmental benefits are, or will be, eliminated, reduced, or impaired.

**Aeronautical Study:** A Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C, and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.

**After-the-Fact:** A permit or other authorization issued after starting or completing work without obtaining the required authorization.

**Aggregate Area:** The total area allowed for all sign types.

**Agriculture:** See Section 2.4.8.B.

**Airport:** Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing, fueling, and maintenance of aircraft; specifically the Venice Municipal Airport. See Section 2.4.5.V.

**Airport Hazard:** An obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.

**Airport Hazard Area:** Any area of land or water upon which an airport hazard might be established.

**Airport Height:** The highest point of the airport's usable landing area measured in feet above mean sea level, which is 18 feet.

**Airport Layout Plan:** A set of scaled drawings approved by the FAA that provides a graphic representation of the existing and future development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport.

**Airspace Drawings:** The aerial photograph with the imaginary surfaces drawn thereon, the layout of the runways, the airport zoning reference point, the airport elevation and the topography of the area.

**Alley:** A right-of-way providing a secondary means of access and service to abutting property. May also consist of a vehicular-use drive located to the rear of lots providing access to service areas, parking, ancillary structures, or containing utility easements.

**Alteration:** Any change affecting the exterior appearance of an existing structure by additions, reconstruction, remodeling or maintenance involving a change in color, design, form, texture or materials.

**Alternative Parking Plan:** A document prepared by an applicant that proposes an alternative means of compliance with the off-street parking standards.

**Amateur Radio or HAM Radio:** Equipment, including antennas, transmitters, and antenna support structures used by a non-professional person in the transmittal of messages and information within the radio frequency portion of the electro-magnetic spectrum.

**Amenity:** A building, object, area or landscape feature that makes an aesthetic contribution to the environment, rather than one that is purely utilitarian.

**Americans with Disabilities Act (ADA):** Public Law 101-336, which prohibits discrimination against people with disabilities.

**Animal Grooming:** Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.

**Animated:** Visible moving parts, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, oscillates or visibly alters in appearance.

**Annexation:** The legal method of incorporating an area into the jurisdiction of the City.

**Appeal:** A request for a review of a determination, decision, or the application of any provision of this LDR.

**Appliance Repair:** See Section 2.4.5.E.

**Applicant:** Any person, or his duly authorized representative, who submits plans through any City agency for the purpose of obtaining approval therefor.

**Application:** The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate City department or board as part of the development review processes.

**Approach Surface:** A surface longitudinally centered on the extended runway centerline extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope.

**Appurtenances (roof):** The visible, functional, or ornamental objects accessory to and part of a building's roof including, but not limited to, chimneys; parapets or other ornamental features; and elevator equipment and mechanical utility equipment. These objects shall be non-habitable space.

**Appurtenant Structure:** An accessory structure, such as a boat lift, that is attached to a primary structure, such as a dock.

**Aquifer Recharge:** The replenishment of groundwater in an aquifer occurring primarily as a result of infiltration of rainfall, and secondarily by the movement of water from adjacent aquifers or surface water bodies.

**Arcade:** A covered pedestrian way or colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at or behind the frontage line. May provide access to shops along one (1) or more sides.

**Arch:** A curved, semicircular opening in a wall.

**Architectural Features:** Prominent or significant parts or elements of a building or structure.

**Architectural Style:** The characteristic form and detail of buildings from a particular historical period or school of architecture.

**Arterial Street:** Streets and highways which serve moderate to large traffic volumes, the access to which is ordinarily controlled.

**Articulation:** The presence or projections, recesses, or other architectural features along a building façade.

**Artist Studio:** See Section 2.4.5.Q.

**As-Built Plans:** A set of engineering or site drawings that delineate the specific permitted development as actually constructed.

**Assembly Areas:** A space where large groups of people gather for an activity; or, designated areas that serve as a gathering point in an emergency.

**Assisted Living Facility (ALF):** See Section 2.4.3.H.

**Attainable housing:** See Section 2.4.3.G.

**Auditorium:** A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, and other public gatherings, all occurring inside a structure typically limited to a capacity of 500 or fewer seats, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

**Authorized Agent:** A person with express written consent to act upon another's behalf.

**Automotive Convenience Center:** A use whose primary function is the provision of convenience goods, foods and sundries, fuel for motor vehicles, prepared foods for off-site consumption, and which may include an automated carwash or a fast-food restaurant. An automotive convenience center may not include an automotive service station.

**Automotive Parts and Accessory Sales:** The on-site sale and/or subsequent installation of various automobile parts and accessories, including but not limited to bed liners, toolboxes, truck tops, or audio systems. Such uses do not include the sale of gasoline or other fuels.

**Automotive Service Station:** An establishment having at least one enclosed service bay where repair services other than body work and painting are rendered, and where motor vehicle fuels, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. An automotive service station is not a repair garage, a body shop or a truck stop.

**Avenue:** Arterial streets that serve moderate to large traffic volumes where access is limited.

**Awning:** A plastic, canvas, or metal shade structure cantilevered or otherwise entirely supported from a building by a frame and often foldable that is placed over a storefront, doorway, or window.

**Bar or Tavern or Cocktail Lounge:** See Section 2.4.5.L.

**Bar Boat (or Tiki Bar Boat):** A boat available for rent to tour waterways with the specific purpose of consuming alcohol on board.

**Barbed or Razor Wire:** Wire serving as a fence or located on top of a fence, wall, or building, that includes clusters of short spikes set at regular intervals or supplemented with strands of sharpened metal used as a security method to deter people or animals from climbing the fence, building, or wall.

**Base:** The horizontal structure used as a foundation on the ground to support the entire length of the bottom edge of a monument ground sign. No portion of the sign copy or sign face area shall extend beyond the interior edge of the base.

**Base Flood Elevation (BFE):** The elevation of surface water resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year as determined by FEMA. The BFE is shown on the FEMA Flood Insurance Rate Map (FIRM).

**Basement:** Any area of a building having its floor subgrade (below ground level) on all sides.

**Beach:** The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

**Bed and Breakfast Inn:** See Section 2.4.5.S.

**Berm:** An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.

**Bicycle Bar, Party Bike, or Pedal Pub:** A multi-passenger bicycle available to rent for the purpose of drinking alcohol on board, with a driver to control steering and braking while pedaling is powered by the passengers.

**Bicycle Lane or Bike Lane:** A designated lane of the road, usually on the right side, that is strictly reserved for bicyclists. Bike lanes are a minimum of four feet in width and provide pavement markings and signage in accordance with Florida Department of Transportation and City standard details requirements.

**Bikeway:** Any road, trail, or right-of-way which is open to bicycle travel, regardless of whether such a facility is designated for the exclusive use of bicycles or is to be shared with other transportation modes.

**Bioretention:** A stormwater infiltration device consisting of an excavated area that is filled with a specialized soil media and plants, grass, or sod.

**Blank Wall Area:** Any portion of an exterior façade of a building that does not include substantial material change, windows or doors, columns, or other articulation or architectural feature greater than

8 inches in depth. Substantial material change shall mean a change between materials and/or finishes, recesses/projections, and variations in window width/height, but not a change in paint color.

**Block (Includes the term "tier" or "group"):** Land or a group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned address by which it may be identified.

**Blood Collection:** A facility where blood or related materials are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.

**Boat Lift:** A fixed or floating device utilized for lifting, hoisting and launching vessels.

**Boathouse:** Any roofed structure located over the waterway for the purpose of covering or partially covering a mooring area.

**Boatyard or Boat Liveries:** Any premises or site used as a commercial establishment for the provision of all such facilities as are customary and necessary to the storing, manufacturing, construction, reconstruction, repair, maintenance or sale of boats, marine engines, or marine equipment and supplies of all kinds, including but not limited to, rental of covered or uncovered boat slips, dock space, enclosed dry storage space, marine railways, or lifting or launching services.

**Bottle Club:** A business establishment to which patrons bring with them alcoholic beverages to be consumed on the business premises in connection with the viewing for a consideration of entertainment or to be consumed with a mixer or other beverage furnished by the business establishment for a consideration, but which business establishment is not licensed.

**Brewpub:** See Section 2.4.5.M.

**Buffer:** An area of land, including landscaping (natural or planted), berms, walls, fences, and building setbacks, which is located between land uses of different characters and is intended to mitigate negative impacts from an intense use on a residential or vacant parcel.

**Buffer, Perimeter:** Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this LDR.

**Building:** Any structure having a solid roof intended for shelter or enclosing of persons, animals, chattels, property, equipment or a process of any kind or nature, excluding freestanding tents, freestanding awnings, and cabanas and screened enclosures, unless a solid roof is present.

**Building Code:** The State of Florida Building Code.

**Building Façade:** The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.



**Building Footprint:** The area occupied by the perimeter of a principal building. Accessory structures and non-building facilities are not included in the building footprint.

**Building Frontage:** For purposes of computation of number and area of signs permitted on buildings in cases where linear feet of building frontage is a determinant, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance or where two sides of a building have entrances of equal importance and carry approximately equal volumes of pedestrian traffic, the zoning administrator shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets, or other indicators available.

**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.

**Building Line:** The rear edge of any required front yard or the rear edge of any required setback line. Except as specifically provided by this LDR, no building or structure may be extended to occupy any portion of a lot streetward or otherwise beyond the building line.

**Building Permit:** Authorization granted by the City for an applicant to begin construction of a building or structure.

**Build-to Line:** A line with which the exterior wall of a building in a development is required to coincide. Minor deviations from the build-to line for such architectural features as weather protection, recesses, niches, ornamental projections, entrances, or other articulations of the facade are permitted, unless otherwise prohibited by this LDR.

**Build-To Zone:** The area between the minimum and maximum setbacks within which the principal building's front façade (building façade line) is to be located.

**Built-Up Area:** That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

**Bulkhead:** A vertical structure separating land and water areas primarily designed to resist earth pressure.

**Business Day:** Any day in which normal business is conducted. A business day does not include a holiday or a weekend day.

**By Right:** A use allowed pursuant to zoning review and approval of a building permit or issuance of a Certificate of Use.

**Camper:** A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping.

**Cap:** A molded projection that crowns the top of a wall, monument ground sign, or other structure. No portion of the sign copy or sign face area shall extend beyond the interior edge of the cap.

**Capital Budget:** The portion of each local government's budget which reflects capital improvements scheduled for a fiscal year.

**Capital Improvement:** Physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally non-recurring and may require multi-year financing.

**Car, Boat, Other, Vehicle Sales and Rentals:** See Section 2.4.5.H.

**Car Wash (or Auto Detailing):** See Section 2.4.5.D.

**Carport:** An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

**Cemetery, Columbarium, Mausoleum:** Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory. See Section 2.4.4.L.

**Certificate of Appropriateness:** A document evidencing approval for work proposed in a historic district or to a historic property by an applicant.

**Certificate of Concurrence:** Certificate issued by the City upon finding that approval of an application for a development permit will not result in the reduction of level of service standards below the minimums set forth in the City Comprehensive Plan for public facilities and services.

**Certificate of Occupancy:** Authorization granted by the City for the occupancy of a building reviewed and approved under this Ordinance.

**Certified Local Government (CLG):** A municipal or county government that has made historic preservation a public policy through the passage of a historic preservation ordinance and that has been certified by the National Park Service following State of Florida approval of an application.

**Change of Occupancy:** A discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change of use.

**Change of Use:** The change in the use of a building, structure, or land. “Change of use” includes a change from one use type to another use type.

**Changeable Copy:** Text or other depictions on the face of a sign that are capable of being revised on a regular or infrequent basis without altering the face or surface of a sign.

**Chapter:** The Land Development Code, Chapter 87 of the City of Venice Code of Ordinances.

**Character:** An attribute, quality, or property of a place, space or object; its distinguishing features.

**Charter:** The Charter of the City of Venice, Florida.

**Chimney:** A vertical, incombustible structure containing a flue through which the smoke and gases of a fire or furnace are carried off to the outside and by means of which a draft is created, especially the part of such a structure that rises above a roof.

**Citation:** A formal notice to a person that he or she is charged with a violation of the Code of Ordinances, and that a penalty is due.

**City:** The City of Venice, Florida, a municipal corporation organized and existing under the laws of the State of Florida.

**City Code:** The Code of Ordinances of the City of Venice.

**City Council:** The City Council of the City of Venice, Florida.

**City Standard Details:** The latest version of the City standard details issued by the City Engineer. The City Engineer may approve additional updates to the City standard details during the calendar year as necessary.

**City Utility Pole:** A utility pole owned by the City in the right-of-way.

**Civic:** Uses held in private or public ownership but functioning for community purposes such as religious, cultural, environmental, or educational uses.

**Clean Energy Production:** See Section 2.4.8.G.

**Clinic, Medical or Dental:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons are medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession, the practice of which is regulated by the state. A public clinic is one operated by any governmental organization for the benefit of the general public. All other clinics are private clinics.

**Club, Private or Lounge:** For the purpose of this chapter, private clubs shall pertain to and include those associations and organizations of a civic, fraternal or social character not operated or maintained for profit, and to which there is no unrestricted public access or use. The term "private club" shall not include casinos, nightclubs, or other establishments operated or maintained for profit.

**Coastal Construction Control Line:** For the purposes of this LDR, means the coastal construction control line as approved on July 18, 1978, by the head of the state department of natural resources (governor

and cabinet) under the provisions of F.S. § 161.053, including any subsequent revisions to such statute affecting the location of the line.

**Coastal High Hazard Area (CHHA):** The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

**Coastal Protection Structures or Shore Protection Structures:** Shore hardening structures, such as seawalls, bulkheads, revetments, rubblemound structures, groins, breakwaters, and aggregates of materials other than natural beach sand used for beach or shore protection and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces including beach and dune restoration.

**Coastal Planning Area (CPA):** The area covering the 5 evacuation zones, which fall under the 5-hurricane categories (inclusive of all off shore and non-land areas such as water, wetlands, and marine resources).

**Collector Streets:** Streets that carry traffic from local streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development. These facilities are characterized by relatively short trip lengths and moderate speeds and volumes.

**College or University:** A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.

**Collocate or Collocation:** To install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way, nor does it include interconnection of communications systems or the sale or purchase of capacity (whether bundled or unbundled).

**Column:** A vertical structure or any similar structure used to strengthen or decorate a monument ground sign. No portion of the sign copy or sign face area shall extend beyond the interior edge of the column.

**Commercial Message:** Any text, logo, or other graphic representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Commercial Parking Lot:** See Section 2.4.5.X.

**Commercial Use:** An activity involving the sale of goods, merchandise or services carried out for profit, including retail sales, business services, professional services, personal services, recreational services, entertainment services, resort services and related accessory uses.

**Commercial Vehicle:** Any vehicle designed, intended or used for transportation of people, goods, or things, not including private passenger vehicles and trailers for private nonprofit transport of goods or boats.

**Communications Services Provider:** Any person, municipality or county providing communications services through the use and operation of a communications system or telecommunications facility installed, placed or maintained in or outside the public rights-of-way, regardless of whether such system or facility is owned or leased by such person, municipality, or county and regardless of whether such person, municipality or county has registered with the Florida Department of Revenue as a provider of communications services in Florida pursuant to Chapter 202, Florida Statutes. Communication services provider also includes any person, municipality or county who constructs, installs, places, maintains or operates telecommunications facilities in the public rights-of-way but who does not provide communications services, including for example a company that places "dark fiber" or conduit in the public rights-of-way and leases or otherwise provides those facilities to another company that does provide communications services.

**Communications Services:** The definition ascribed thereto in Section 202.11(1), Florida Statutes, as may be amended, and also including but not limited to Wireless Telecommunication Services as defined herein.

**Communications System:** Any permanent or temporary plant, equipment and property placed or maintained outside or in the public rights-of-way that is occupied or used, or is capable of being occupied or used, by a communications services provider for the purpose of producing, conveying, routing, transmitting, receiving, amplifying, distributing, providing, or offering communications services including, but not limited to cables, wires, lines, conduits, fiber optics, antennae, radios and any associated poles, converters, splice boxes, cabinets, hand holes, manholes, vaults, drains, surface location markers, and other plant, equipment, and pathway.

**Community Care Facility:** See Section 2.4.3..J.

**Community Center:** A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.

**Community Character:** The sum or combined effect of the attributes and assets that make the City unique and that establish the City's "sense of place." Attributes include the resident population, local institutions, visual characteristics, natural features, and shared history.

**Community Garden:** A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person.

**Compatibility:** The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking

impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

**Complete Application:** Shall constitute the original application and any additional information requested by staff or submitted by the applicant for correction of errors or omissions.

**Completely Enclosed Building:** A building separated on all sides from adjacent open space or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, with the only openings being windows and normal entrance or exit doors.

**Comprehensive Plan:** The City of Venice Comprehensive Plan, an official document adopted by the City setting pursuant to Chapter 163, Part II, Florida Statutes, as amended.

**Comprehensive Plan Amendment:** An amendment to the adopted City Comprehensive Plan, including the future land use map.

**Concurrency:** The legal requirement that specified public facilities (recreation and open space, potable water, sanitary sewer, solid waste, stormwater management) be provided for to an adopted level of service concurrent with the impacts of development.

**Conditional Use:** A use that would not be appropriate generally or without restriction within a zoning district but which, if controlled as to area, location or relation to the neighborhood is acceptable and meets the intent of this LDR.

**Conservation (in relation to historic preservation):** The protection or preservation of material remains of a historic property using scientific techniques; or, the continued use of a site or building with treatment based primarily on its present value; or, in archaeology, limiting excavations to a minimum consistent with research objectives and with preserving archaeological sites for future scientific endeavor.

**Conservation Areas:** An area of land protected from development or other impacts to the natural conditions.

**Conservation Open Space:** Protected open spaces (wetland, wetland buffers, coastal and riverine habitats), preserves, native habitats including those of endangered or threatened species or species of special concern, wildlife corridors, natural lands owned and managed by the City, Sarasota County, State (i.e. FDEP, SWFWMD) or a Federal Agency that do not qualify as Functional Open Space, rivers, lakes, and other surface waters, and aquifer recharge areas. There may be open spaces that provide both functional and conservation activities such as walking trails around water retention facilities.

**Consistency:** The regulatory requirement that development permits not conflict with the City Comprehensive Plan, this LDR, or applicable provisions of state law.

**Construction:** The placing, building, erection, extension or material alteration of any structure, the use of which requires a permanent or temporary location on the ground or attachment to a structure having a permanent or temporary location on the ground. The term construction shall include the installation of parking lots, tennis courts, swimming pools, patios, docks, piers, pilings, shoreline protection devices

or any similar hard-surfaced structures. The term construction shall also apply to dredging and dredging activities.

**Construction, Actual:** The commencement and continuous uninterrupted prosecution of construction pursuant to a permit which includes the permanent placement and fastening of materials to the land or structure for which the permit has been issued. Where demolition, excavation or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be continuously carried on until the completion of the new construction involved. Fill and the installation of the drainage facilities shall be considered a part of construction. Actual construction shall include only work begun under a valid building permit.

**Construction, Coastal:** Includes any work or activity which is likely to have a material physical effect on existing coastal conditions or natural shore processes.

**Construction Drawings:** Technical diagrams, drawn to scale, depicting the placement and configuration of buildings, structures, site features, and infrastructure.

**Consultant:** A person who is hired to provide professional advice to another person.

**Context:** Surroundings made up of the particular combination of elements that create specific character in the area.

**Contiguous:** To share a common lot line, property line, or zone boundary without being separated by a right-of-way.

**Contributing Structure:** A building, site structure or object which adds to the historic architectural qualities, historic associations, or archaeological values for which a historic district is significant because a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or b) it independently meets the National Register criteria. (National Register Bulletin 14).

**Controlled Substance:** A substance listed in Schedule II, Schedule III, or Schedule IV, in F.S. § 893.03, recognized as effective for pain relief, including, but not limited to the following: Buprenorphine, butorphenol, carisoprodol, codeine, fentanyl, hydrocodone, hydromorphone, levorphanol, methadone, morphine, oxycodone, and propoxyphene. Additionally, the term includes benzodiazepines, such as alprazolam, when prescribed in addition to or directly preceding or following another prescription for a controlled substance for pain relief. However, the term does not include suboxone, which contains a mixture of buprenorphine and naloxone.

**Convenience Store:** See Section 2.4.5.C.

**Cooking Facilities:** Any device or appliance capable of achieving a temperature of 180 degrees Fahrenheit and used for the preparation of food. A microwave oven is not considered cooking facilities.

**Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

**Corporate Limits:** The legal boundaries of the City of Venice.

**Corridor:** A lineal geographic system incorporating transportation or greenways.

**Court or Cul-De-Sac:** A street terminated at the end by a vehicular turnaround.

**Courtyard:** An open, unoccupied space, other than a required yard, on the same lot as a building and bounded on two or more sides by walls or buildings on the same lot.

**Covenant:** A binding written agreement between two or more private parties regarding the use, occupancy, or configuration of development that runs with the land.

**CPTED:** Crime Prevention Through Environmental Design.

**Cultural Facility:** Establishments such as zoological gardens, conservatories, planetariums, or other similar uses of a historic, educational, or cultural interest, which are not operated for profit. See Section 2.4.4.F.

**Cupola:** A light structure on a dome or roof, serving as a belfry, lantern, or belvedere which shall be non-habitable space.

**Curb:** A constructed element used to stabilize paving, gutter, planting areas, or sidewalks.

**Davit:** A cantilevered lifting device mounted directly to a dock, wood piling, or concrete piling or pad.

**Day:** Shall mean calendar days unless otherwise specified.

**Day Care, 6 or fewer persons:** See Section 2.4.3.K.

**Day Care, more than 6 persons:** See Section 2.4.5.T.

**Dealer:** Any person, municipality, or county providing communications services to an end user in the City through the use and operation of communications systems installed, placed, and maintained outside or in the public rights-of-way, whether owned or leased, and who has registered with the Florida Department of Revenue as a provider of communications services pursuant to Chapter 202, Florida Statutes. This definition of "Dealer" is intended to include any "Reseller."

**Deed Restriction:** A private agreement recorded in the public records, often by the developer, that restricts the use, occupancy, or configuration of real estate.

**Deep Foundations:** 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.

**Demolition:** Complete or constructive removal of a structure or portion of a structure on any site.



**Demolition by Neglect:** The destruction of a building, property, or landmark through abandonment or lack of maintenance, or the gradual deterioration of a building when routine or major maintenance is not performed.

**Density:** The number of residential dwelling units permitted per gross acre (43,560 square feet) of land determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel, not including dedicated rights-of-way, and except as otherwise provided for in this LDR. In the determination of the number of residential dwelling units to be permitted on a specific parcel of land, a fractional unit shall be rounded up or down to the nearest whole number (for example: 4.5 to 5.0 and 4.49 to 4.0).

**Density Bonus (for Attainable Housing):** An incentive to increase the allowed number of dwelling units per acre over the maximum in exchange for the provision of attainable housing.

**Designated Parking:** A parking space or area reserved for a specific purpose, such as handicapped or electric vehicle parking, clearly marked by signage or other identifier.

**Designee:** A person selected or designated to carry out a duty or role.

**Deterioration:** The process by which structures and their components wear, age and decay in the absence of regular repairs and/or replacement or components which are worn or obsolete.

**Developer:** Any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in developing or subdividing land.

**Developer's Bond:** A surety or cash bond conditioned upon the performance by the developer of the requirements of minimum improvement under this LDR.

**Development:** Any construction, reconstruction or use of land which requires the issuance of a development permit.

**Development Agreement:** A written agreement between the City and a developer or applicant that memorializes the rights and responsibilities of each party as pertaining to a single development.

**Development Order:** Any action granting, denying or granting with conditions an application for a development permit.

**Development Permit:** Any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the City or other government entity having jurisdiction having the effect of permitting the development of land.

**Development Phasing:** The process by which a large scale project is built in stages over a period of time, concurrent with the provision of public facilities.

**Direct Current Fast Charging (DCFC):** Accelerated charging, available at some electric vehicle charging stations.

**Director:** Unless otherwise specified, the term "Director" shall mean the Director of the Planning and Zoning Department for the City.

**Disability:** With respect to an individual: a) a physical or mental impairment that substantially limits one or more major life activities of such individual; b) having a record of such an impairment; or c) being regarded as having such an impairment. Examples of "Major Life Activities" include: caring for oneself, performing manual tasks, seeing, hearing, learning, and working.

**Dock:** A fixed or floating structure consisting of pilings, structural supports, decking, and all appurtenances, extending from the shore over water, used for the purpose of securing and providing access to buoyant vessels.

**Drainage Basin:** Any land area from which the runoff collects at a common point or receiving water.

**Dredge and Fill:** The process of excavation or deposition of ground materials by any means, in local, state or regional jurisdictional waters (including wetlands), or the excavation or deposition of ground materials to create an artificial waterway that is to be connected to jurisdictional waters or wetlands (excluding stormwater treatment facilities).

**Dredging:** Excavating, by any means, in jurisdictional areas. It also means excavating, or creating, a waterbody which is, or is to be, connected to any jurisdictional areas directly or via an excavated waterbody or series of waterbodies.

**Drive Aisle:** A designated travel lane within a parking lot, parking structure, or vehicle use area used to provide vehicular ingress and egress between parking spaces and a driveway/entrance.

**Drive-Through:** A facility designed to enable a person to transact business while remaining in a motor vehicle.

**Dwelling:** A building that contains one or more dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Easement:** The land or right-of-way required for the natural or artificial drainage of land, public or private utilities, drainage, sanitation, ingress and egress, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the recorded easement.

**Eave:** The projecting lower edges of a roof that overhangs the wall of a building.

**Electric Vehicle or EV:** Any motor vehicle registered to operate on public roadways that operates either partially or exclusively on electric energy.

**Electric Vehicle Charging:** The act of refilling the battery of an electric vehicle with electricity.

**Electric Vehicle Charging Level:** The standardized indicator of electrical force, or voltage, at which the battery of an electric vehicle is recharged. Level-1 is slow charging, usually performed at the home, and involves voltage ranging from 0 through 120 volts. Level-2 is medium charging and involves voltage greater than 120 volts, up to 240 volts. Level-3 is fast or rapid charging, also referred to as DCFC or DC Fast Charging, and involves voltage greater than 240 volts.

**Electric Vehicle Charging Station:** Battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**Electric Vehicle Parking Space:** Designated parking spaces for the charging of electric vehicles exclusively that are included in the calculation of required parking spaces. Also known as Electric Vehicle Reserved Spaces.

**Electric Vehicle Supply Equipment (EVSE):** Infrastructure that supplies electric energy for the recharging of electric vehicles.

**Electronic Variable Message:** Copy on a sign that changes or is intermittently displayed using electronic means such as by turning on or off various lighting elements, including but not limited to, any copy that is not kept stationary or constant in intensity and color at all times when displayed on a sign. The term includes the use of display technology such as light-emitting diodes (LED) or digital displays which can vary in color or intensity, or any system which is functionally equivalent.

**Emergency Medical Clinic:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more physicians. An emergency medical clinic is not a doctor's office or a professional office.

**Emergency Services:** Any building or premises used for police, fire, rescue or ambulance (but not funeral home) services whether operated by a government agency or by a quasi-public agency performing a public service.

**Enclave:** Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or any unincorporated, improved, or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

**Encroachments (as related to mixed use areas):** Attached building elements permitted to exist within a setback. These may include architectural elements intended to bring the public realm closer to the building, such as awnings, canopies, and projecting signs.

**Endangered and Threatened (Listed) Species:** Flora and fauna as identified by the U. S. Fish and Wildlife Service's "List of Endangered and Threatened Wildlife and Plants" in 50 CFR 17.11-12. Fauna identified by the Florida Fish and Wildlife Conservation Commission in Ch. 68A-27, FAC, and flora identified by the Florida Department of Agriculture and Consumer Services "Preservation of Native Flora Act," Sections 581.185-187, Florida Statutes.

**Enhancement:** An improvement to the ecological value of wetlands, other surface waters, or uplands that have been degraded when compared to their historic condition.

**Environmentally Sensitive Areas:** Lands that, by virtue of some qualifying environmental characteristic (e.g., wildlife habitat), are regulated by either the Florida Department of Environmental Protection, the Southwest Florida Water Management District, or any other governmental agency empowered by law for such regulation.

**Erected:** includes the terms "built", "constructed", "reconstructed" and "moved upon", or any physical operation on the premises required for building. Excavation, fill, drainage, demolition of an existing structure and the like shall be considered part of erection. (See Construction, actual.)

**Erosion:** The wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.

**Erosion Control Measure:** A device which controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.

**Essential Services:** See Section 2.4.4.A. and 2.4.4.B.

**Estuarine:** Of, relating to, or formed in an estuary, water formed where freshwater from rivers and streams flow into the ocean, mixing with seawater. Estuaries and the lands surrounding them are places of transition from land to sea, and from freshwater to saltwater.

**Excavation:** The cutting, trenching or other disturbance intended to change the grade or level of land.

**Exempt building appurtenance(s):** Limited structural elements excluded from building height standards including spires, belfries, cupolas, antennas in all districts except RSF, water tanks, ventilators, chimneys, elevator shaft enclosures or other appurtenances not intended for human occupancy that are placed above the roof level as necessary for function or safety; however, such limited structural elements shall not exceed height standards prescribed by the Federal Aviation Administration or airport zones regulated by this Code, whichever provides for a lower height.

**Exemption:** A use, site feature, or development condition that is authorized to deviate from otherwise applicable requirements.

**Existing legal nonconforming resort dwelling.** Any one-, two-, three- or four-family dwelling unit located in the RE and RSF zoning district which is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 days or one calendar month, whichever is less, that possesses all of the applicable state and local registrations, licenses and/or permits, including, but not limited to all necessary tax registration and occupational licenses necessary for operation of such rentals.

**Expansion:** An increase in the floor area of an existing structure or building, or the increase of area of a use.

**Exterior Lighting:** Illumination of a building, parking lot, or site feature.

**External Illumination:** Light sources directed onto a sign to provide illumination.

**Façade:** The exterior wall of a building or structure.

**Family:** One or more persons occupying a single dwelling unit. The term "family" shall not be construed to mean a fraternity, sorority, club, commune, monastery or convent or institutional group.

**Farmer's Market:** See Section 2.4.8.J.

**Fascia:** A fascia is a board or other exterior material provided at the edge of a building where the roof meets the exterior wall. When gutters are provided, they are typically mounted to the fascia.

**Fee:** An amount charged in accordance with a regularly adopted fee schedule of the City.

**Fence:** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Filling:** Depositing of materials in jurisdictional areas, by any means.

**Final Plat:** The final map or delineated representation of all or a portion of a subdivision which is presented for final approval in accordance with this Code and applicable state statutes.

**Financial Institution:** An organization or corporation which functions as a depository of funds, including commercial banks, savings and loan associations, trust companies, credit unions and other similar services governed by state or federal regulations. Financial institutions also includes those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers, loan agencies, pawnshops and the like. Financial institutions may include drive-through facilities and automated teller machines (ATM) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.

**Financial Services:** Retail banking services, mortgage lending, or similar financial services to individuals and businesses generally provided by a financial institution.

**Finger Extension or Finger Pier:** Walkway structures that extend perpendicular to a main dock structure and provide access to mooring areas.

**Finished Side of Fence:** The side of a fence configured for the best possible appearance that does not include structural supports or exterior materials with imperfections.

**Fire Hydrant:** A connection point to a public water supply system used by firefighters to access water as a part of fire suppression.

**Fire Lane:** A lane or designated area in a parking lot or on a street that is reserved for firefighting equipment or staging of people during a fire and is not intended for the parking of vehicles or storage.

**Fitness, Athletic, Health Club:** See Section 2.4.5.U.

**Flag:** Any fabric or similar material containing patterns, drawings, or symbols used for decorative purposes or to represent any government.

**Flagpole:** A freestanding structure or structure attached to the wall or roof of a building that is used to display flags.

**Flex Space:** See Section 2.4.7.H.

**Floating Structure:** A floating barge-like structure, with or without accommodations built thereon, which is not primarily used as a means of transportation on water, but serves purposes or provides services typically associated with a structure or other improvement to real property. The term floating structure includes, but is not limited to, a restaurant or lounge, dredge, or similar facility. Floating

structures, as defined herein, are expressly excluded from the definition of the term “vessel” provided in F.S. Sec. 327.02(47). Incidental movement upon water shall not, in and of itself, preclude classification as a floating structure.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Insurance:** The insurance coverage provided under the National Flood Insurance Program.

**Flood Insurance Rate Map:** An official map of the City, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**Flood Zone:** A geographical area on the Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**Floodplain:** The area inundated during a 100-year, or other specified, flood event or identified by the National Flood Insurance Program (NFIP) as an AE Zone or V Zone on the Flood Insurance Rate Maps (FIRM) or other map adopted by the City for regulation of development within the floodplain.

**Floodplain Administrator:** The individual appointed to administer and enforce the floodplain management regulations.

**Floodplain Development Permit:** A permit that is required, in conformance with the provisions of this LDR, prior to the commencement of any development activity in a floodplain.

**Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor Area:** Except as may be otherwise indicated in relation to particular districts and uses, floor area shall be construed as the sum of the gross horizontal areas of all floors of a building measured from the faces of the exterior walls or from the centerline of walls separating two buildings, excluding public corridors, common restrooms, attic areas with a headroom of less than seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures, and basement space where the ceiling is not more than an average of 48 inches above the general finished and graded level of the adjacent portion of the lot.

**Floor Area Ratio (FAR):** The ratio of the total floor area of all non-residential buildings or structures on a site to the total area of the property or parcel on which they are located, excluding any bonus or transferred floor area.

**Footcandle:** A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot.

**Forecourt:** A portion of the facade close to the frontage line with the central portion set back. Forecourts may be used in commercial and mixed-use buildings to provide areas for outdoor dining, display of merchandise, entries to individual tenants, or vehicular drop-off areas.

**Fracking:** A well stimulation technique in which rock is fractured by a pressurized liquid in order to extract natural gas, petroleum, and brine. Also known as or referred to as, but not limited to, fraccing, frac'ing, hydraulic fracking, hydrofracturing or hydrofracking.

**Franchise:** An initial authorization or renewal of an authorization, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, to construct and operate a cable system or video service provider network facilities outside or in the public right-of-way.

**Frontage Line:** Line separating public space and private yard. All lots share a frontage line with a street space.

**Funeral Home:** See Section 2.4.6.C.

**Future Land Use Map:** The graphic aid part of the City's Comprehensive Plan that is intended to depict the spatial distribution of various uses of the land in the City by future land use category.

**Gable:** A triangular area of an exterior wall formed by two sloping roofs.

**Gallery or Colonnade:** Where the facade is aligned close to the frontage line with an attached cantilevered overhang or a lightweight colonnade overlapping the sidewalk.

**Garage Apartment:** An accessory or subordinate building, not a part of or attached to the main building, where a portion thereof contains a dwelling unit for one family only, and the enclosed space for at least one automobile is attached to such dwelling unit.

**Garage, Parking.** A building or portion thereof, consisting of more than one level designed or used for temporary parking of motor vehicles.

**Garage, Private:** An accessory structure designed or used for inside parking of private passenger vehicles, recreational vehicles or boats, by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is considered an accessory building.

**Garage Sale:** The sale of personal belongings or household effects (e.g., furniture, tools, clothing, etc.) at the seller's premises, typically held in a garage and/or yard. The term garage sale shall be considered equivalent with the terms yard sale, estate sale and other terms that convey the same meaning. A garage sale may include used goods from more than one family.

**Gateway:** An architectural feature, hardscape, or landscaping that signifies a transition between one space and another.

**Glazing:** The portion of an exterior building surface occupied by glass or windows. Also referred to as transparency.

**Golf Course/Par 3/Driving Range:** See Section 2.4.8.F.

**Government Office:** An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.

**Grade:** Ground level, or the elevation at any given point.

**Grade, Established:** The ground elevation at a specific point on a site after completion of development activity or prior to development activity on a vacant site.

**Grade, Unaltered:** The existing, natural state of land unchanged by human interventions such as grading, filling, or other manmade modifications.

**Grading:** Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

**Green Roof:** The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

**Greenway:** A strip or corridor of open space set aside for recreational use or environmental protection that can include an improved trail or walking/bicycle facility that often connects natural, recreational or other resources.

**Ground Cover:** Low growing plants such as creeping bushes and similar decorative, dense plantings used to cover the ground within required landscaping areas. This does not include turfgrass.

**Group Home:** See Section 2.4.3.L.

**Guesthouse, Guest Cottage:** A dwelling unit in a building separate from and in addition to the main residential building on a lot, intended for temporary occupancy by a nonpaying guest. Such quarters shall not be rented, and shall not have separate utility meters.

**Gulf Front Setback Line:** A line congruent to the 1978 Coastal Construction Control Line as depicted on the official zoning atlas, or a distance of 150 feet from the mean high-water line, whichever is greater.

**Habitable Rooms:** Rooms designed and used for living, sleeping, eating, cooking, or working or combinations thereof. Bathrooms, closets, halls, storage rooms, laundry and utility spaces, and similar areas are not considered habitable rooms.

**Habitable Space:** A space in a building for living, sleeping, eating, or cooking, or used for a home occupation.



**Halfway House:** A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

**Hand Car Wash or Auto Detailing:** An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Incidental sales of automobile-related accessories may take place.

**Hardscape:** The nonliving elements in landscaping, such as patios, fountains, walls, and sidewalks.

**Hardship:** Special or specified circumstances that place an unreasonable or disproportionate burden on one applicant or landowner over another.

**Hazardous Waste:** A material identified by the Florida Department of Environmental Protection as a hazardous waste. This may include but is not limited to a substance defined by the Environmental Protection Agency based on the 1976 Resource Conservation and Recovery Act, as amended, as: being ignitable, corrosive, toxic, or reactive; fatal to humans in low doses or dangerous to animals based on studies in the absence of human data; or listed in Appendix 8 of the Resource Conservation and Recovery Act as being toxic and potentially hazardous to the environment.

**Heavy Industrial:** See Section 2.4.7.B.

**Hedge:** A landscape barrier consisting of a continuous, dense planting of shrubs, not necessarily of the same species.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**Historic District:** An area designated by the City or other governmental agency that contains structures or places that have a special character and ambiance based on their historic and/or architectural nature.

**Historic Preservation:** The act of conservation or recreating the remnants of past cultural systems and activities that is consistent with original or historical character. Such treatment may range from a pure “restoration” to adaptive use of the site but its historic significance is preserved. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

**Historic Property:** Any site, building, structure, area, or artifact that is so designated by the City or other governmental agency.

**Historic Resources:** A structure, district, area, site, or object that is of significance in national, state, or local history, architecture, archaeology, or culture, and is listed or eligible for listing on the Florida Master Site File, the National Register of Historic Places or designated by local ordinance.

**Home Occupation:** A business, profession, occupation or trade conducted for gain or support within a dwelling unit.

**Homeowners' Association:** An organization of homeowners or property owners of lots or land in a particular subdivision or planned development responsible for maintaining and enhancing the shared private infrastructure and common elements such as recreation areas.

**Hospital:** See Section 2.4.6.F.

**Hotel or Motel:** See Section 2.4.5.R.

**House of Worship:** A structure or structures utilized by a religious organization for worship and religious training or education. For purposes of this Code, a house of worship may include accessory structures and/or dwelling units for religious personnel.

**Houseboat:** A floating structure used as a residence. A houseboat consists of a hull and superstructure supported in the water by integral flotation devices, not suitable for rough water, and designed and manufactured to be self-propelled.

**Household:** A household includes all the persons who occupy a group of rooms or a single room which constitutes a dwelling unit.

**Housing Stock:** The aggregate of individual dwelling units within the City. Also referred to as housing inventory.

**Hurricane Shelter Space:** At a minimum, an area of twenty square feet per person located within a hurricane shelter.

**In the Public Rights-of-Way:** In, along, on, over, under, across or through the public rights-of-way.

**Inactive District:** A zoning district that is no longer active, or being used, but which continues to apply to properties zoned in those classifications.

**Independent Living Facility:** See Section 2.4.3.I.

**Indoor Entertainment and Recreation:** See Section 2.4.8.C.

**Industrial Uses:** The activities predominantly connected with manufacturing, assembly, processing, or storage of products.

**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.

**Infrastructure:** Those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; stormwater systems; utilities; piers; docks; bulkheads; seawalls; navigation channels; bridges; and, roadways.

**Intensity:** A measure of land use activity based on use, mass, size, and impact. May be used synonymously with or measured by FAR.

**Intent:** A specific, measurable, intermediate end that is achievable and marks progress toward a Vision in the Comprehensive Plan.

**Interchange:** A system of interconnecting roadways in conjunction with one or more grade separations, providing for the interchange of traffic between two or more roadways on different levels.

**Interior Lot:** A lot other than a corner lot with only one frontage on a street.

**Internal Illumination:** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

**Interval Occupancy Accommodation:** A dwelling unit or other accommodation used as a dwelling unit owned or leased or otherwise held under timeshare estate for a period of 30 days or less per timeshare estate. Includes the conversion of existing structures as well as construction of new structures for this accommodation. Shall be considered a residential use.

**Invasive Species:** A species not native to the area and whose introduction causes or is likely to cause harm to the economy, the environment, or to animal or human health. Invasive species affect both aquatic and terrestrial habitats, and they can be plants, insects, animals and microorganisms.

**Irrigation Plan:** A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information.

**Irrigation System:** A system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

**JPA/ILSBA:** The Joint Planning and Interlocal Service Boundary Agreement between the City of Venice and Sarasota County.

**Junkyard, Salvage Yard, or Wrecking Yard:** See Section 2.4.7.K.

**Jurisdictional Areas:** All waterbodies, watercourses or waterways in the coastal areas of the City, including all rivers, streams, inlets, bays, bayous, canals, sandbars, submerged or sovereignty lands, and any contiguous shoreline to the mean high-water line, or other hydrologically connected areas such as riparian or littoral wetlands to the top of bank. The coastal area shall encompass all coastal areas less than or equal to five-foot NGVD contour line, including gulf, bay, barrier island and mainland waterbodies, watercourses or waterways hydrologically connected to the coast, but shall not include isolated inland waters such as lakes or ponds with no hydrologic connection to the coast.

**Kitchen:** An area within a structure used for preparation or cooking of food which contains a sink and a significant cooking appliance (electric/gas range with or without oven). In all districts, significant cooking appliances also shall include, but not be limited to: stoves or other ovens, hot plates or cook tops. Significant cooking appliances shall not include grills for exterior use or any cooking appliances in an assisted living facility. Multiple appliances within a space occupied as a single household unit by the same family and not rented separately shall constitute one kitchen.

**Land:** Includes the words water, marsh, and swamp.

**Land Disturbing:** Any use of the land by any person, including highway and road construction and maintenance, that results in a change to the natural cover or topography and that may cause or contribute to sedimentation.

**Landscape Feature:** A trellis, arbor, fountain, pond, garden sculpture, gazebo and other similar elements.

**Landscape Island:** The portion of a parking lot intended for landscaping material and pervious surfaces.

**Landscape Plan:** A plan indicating all landscape areas, features, stormwater areas, grass, existing vegetation to be retained, proposed plant material, legend, planting specifications and details, and all other relevant information in compliance with this LDR.

**Landscaping:** Landscaping shall consist of, but not be limited to, grass, groundcovers, shrubs, vines, hedges, trees, berms and complementary structural landscape architectural features such as rock, fountains, sculpture, decorative walls and tree wells.

**Land Development Code (LDC):** The Land Development Code as set forth in this Chapter.

**Laundromat:** See Section 2.4.5.F.

**Level of Service (LOS):** Standards adopted in the City's Comprehensive Plan for public facilities and services.

**Light Industrial & Advanced Manufacturing:** See Section 2.4.7.C.

**Lighting Plan:** A graphic depiction of proposed exterior lighting fixture locations, height, anticipated luminance, and cones of illumination.

**Limited Access Facility:** A roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

**Liner Building:** A building or portion of a building constructed in front of a parking garage, cinema, supermarket or the like to conceal large expanses of blank wall area and to face the street space with a facade that has ample doors and windows opening onto the sidewalk.

**Listed Species:** See Endangered and Threatened (Listed) Species.

**Live-Work:** See Section 2.4.8.H.

**Loading Space:** Space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

**Local Street or Local Road:** Primarily for access to the abutting properties, characterized by short trip lengths, low speeds and small traffic volumes.

**Lodge or Private Club or Fraternal Organization:** See Section 2.4.4.G.

**Lodging: Bed and Breakfast:** See Section 2.4.5.S.

**Lodging: Hotel:** See Section 2.4.5.R.

**Lot:** A tract or parcel of land which is the least fractional part of subdivided lands, having limited fixed boundaries and an assigned number through which it may be identified. The word "lot" includes the words "plot," "parcel" and "tract."

**Lot Area:** The area included within the boundaries of a lot, excluding existing or proposed right-of-way, whether public or private.

**Lot Coverage:** The maximum area of a lot that is permitted to be covered by roofed structures that are or may be made to be impervious to the weather (measured as a percentage of the lot). Lot coverage does not include paved areas such as parking lots, pools, driveways or pedestrian walkways. Lot coverage shall be calculated by dividing building footprint(s) by the area of the lot.

**Lot Length:** The distance between the front and rear property lines measured along a line midway between the side property lines.

**Lot Line:** The boundary that legally and geometrically demarcates a lot.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the clerk of the circuit court of the county; or a lot or parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of the ordinance from which this Code was derived.

**Lot Width:** The distance between the side lot lines measured at the street property line along a straight line or along the chord of the property line.

**Lumen:** A quantitative unit measuring the amount of light emitted by a light source.

**Maintenance Bond:** A surety or cash bond conditioned upon the correction by the subdivider of defects in the minimum improvements required by this LDR and City standard details.

**Maintenance Excavation:** The performance of any dredging of an existing, functional channel for the purpose of restoring the channel to its previous design configuration, so as not to exceed dimensions of original construction.

**Major Vehicle Service:** Facility dealing in more than minor vehicle service as defined. Major vehicle service includes an auto body shop featuring collision repair and/or painting.

**Manatee Protection Plan:** The Sarasota County Manatee Protection Plan as amended.

**Manufactured Home:** A structure built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility after June 15, 1976, in one or more sections, with each section bearing the HUD Code Seal certifying compliance with the Federal Manufactured Home Construction and Safety Standards Act, designed to be transported for installation or assembly at the building site. Also known as a "HUD-Code Home." This definition does not include recreational vehicle, mobile home or modular home. See Section 2.4.3.E.

**Marginal Dock:** A fixed or floating structure placed immediately contiguous and parallel to a functional vertical bulkhead, or a structure no more than five feet from the waterward edge of a revetment.

**Marina:** See Section 2.4.5.W.

**Marine Habitat:** Areas where living marine resources naturally occur, such as mangroves, seagrass beds, algal beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster beds or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore flats, offshore springs, near shore mineral deposits and offshore sand deposits.

**Market Value:** The value of the land, building, and any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal, replacement cost depreciated for age of building and quality of construction (actual cash value), or adjusted tax assessed values.

**Mass Transit:** Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

**Mean High-Water Line (MHWL):** The intersection of the tidal plane of mean high-water with the shore. Mean high-water is the average elevation of tidal high waters recorded at a particular point or station over a considerable period of time, typically 19 years.

**Mechanical Equipment:** Examples include equipment for pools and HVAC, and generators. These items may be permitted to encroach into setbacks and are exempt from building height on a roof.

**Medical/Dental Office:** See Section 2.4.6.D.

**Medical Marijuana Treatment Center Dispensing Facility:** Any facility where medical marijuana or any product derived therefrom is dispensed at retail.

**Microbrewery:** See Section 2.4.5.N.

**Microdistillery:** A duly-licensed establishment primarily engaged in on-site distillation of spirits in quantities not to exceed 75,000 gallons per year. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The micro-distillery operation does not include the production of any other alcoholic beverage.

**Mining/Resource Extraction:** See Section 2.4.8.A.

**Minor Alteration:** An alteration which costs less than \$7,500.00 to construct (not including design and permit fees).

**Minor Maintenance and Repair Work:** Any work for which a building permit is not required by law where the purpose and effect of such work is to correct any physical deterioration or damage to a structure by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.

**Minor Vehicle Service:** See Section 2.4.5.I.

**Mitigate:** To offset or avoid negative impacts through avoiding the impact altogether; minimizing the impact by limiting the degree or magnitude of the action or its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing the impact over time by

preservation or maintenance over the life of the action; or compensating for the impact by replacing or providing substitute resources.

**Mitigation:** An action or series of actions taken to offset the adverse impacts that would otherwise cause a regulated activity to fail to meet permitting criteria. Mitigation usually consists of restoration, enhancement, creation, preservation, or a combination thereof.

**Mixed-Use Development:** A type of development that combines a mix of uses that may include residential, commercial and/or office uses within one building or multiple buildings with direct pedestrian access between uses.

**Mobile Home:** Mobile home means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If fabricated after June 15, 1976, each section bears a U. S. Department of Housing and Urban Development label certifying that is built in compliance with the federal Manufactured Home Construction and Safety Standards.

**Mode:** The specific method chosen to make a trip, such as walk or rail transit. Typical modes are, walk, bicycle, motorcycle, automobile, van, taxi, bus, and a variety of rail transit technologies.

**Model Home:** A residential structure used for demonstration and sales purposes, not currently occupied as a dwelling unit, open to the public for inspection, is part of a platted subdivision originally under unified control and ownership which is currently being marketed, and in which there are at least ten percent of the total lots held in the name of the developer. A model home is not a spec home.

**Modular Home:** A structure designed to be used as a dwelling unit when connected to the required utilities that is in whole or in part manufactured at an offsite facility, built in accordance with F.S. Ch. 553, and regulated by Florida's Department of Economic Opportunity or its successor state agency, and assembled on-site. This definition does not include recreational vehicle, manufactured home or mobile home.

**Multifamily Dwelling Units:** See Section 2.4.3.D.

**Multimodal:** A network of transportation infrastructure that supports multiple modes of travel, including vehicles, transit, walking, and biking.

**Multi-Use Recreational Trail (MURT):** A paved trail that is designed for the use of pedestrians, bicycles, and other non-motorized users.

**Mural:** A painting or other work of art executed directly on a wall.

**Museum:** A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food to the public.

**National Flood Insurance Program:** A program operated by the Federal Emergency Management Agency that provides flood insurance for development within areas within a community that are susceptible to flooding and establishes a set of standards for development as a condition of participation in the program.

**National Register of Historic Places (NRHP):** The United States federal government's official list of districts, sites, buildings, structures, and objects for preservation due to their historic significance.

**Native Habitat:** An area enhanced or landscaped with an appropriate mix of native tree, shrub and groundcover species that resembles a native plant community in structure and composition or is naturally occurring.

**Native Species:** Flora and fauna that naturally occur in the City, but not naturalized or indigenous species that originated from outside Sarasota County.

**Natural Features:** Physical characteristics of a property that are not man made.

**Natural Watercourse:** Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

**Navigable Waterway:** The navigable part of a waterway, centrally located with respect to the theoretical axis of the waterway which provides a throughway or access aisle for manned vessels.

**Navigational Hazard:** An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable waterway.

**Neighborhood Workshop:** A meeting conducted by the applicant of a proposed development with those in the area around the proposed development.

**National Geodetic Vertical Datum (NGVD):** A vertical control datum representing a determination of the mean sea level datum that has been used as a standard for surveying heights and elevations.

**Nightclub:** Any establishment, whether public or a private club, serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances, and which sets a minimum age requirement for entrance.

**Nonconforming Lot:** A lot of record that was lawful on the date on which it was established, but does not conform to the current dimensional requirements of the zoning district in which it is located.

**Nonconforming Structure:** A structure that was lawful on the date on which it was established, but does not conform to current dimensional, elevation, location, or other requirements of this LDR.

**Nonconforming Use (specific to Section 6.3):** Any obstruction which was lawful on the date on which it was established, but does not conform to the current requirements of Section 6.3: Airport Regulations.



**Nonconforming Use:** A use which was lawful on the date on which it was established, but which is prohibited, regulated or restricted under the terms of this LDR.

**Non-illuminated:** Having no source of illumination, either direct or indirect.

**Notice of Public Hearing:** The formal legal notification of a public hearing. A "published notice" is one required to be printed in a newspaper of general circulation. A "mailed notice" is one delivered to specified individuals by US Mail. A "posted notice" is a sign posted on or near the property subject to the application.

**National Pollutant Discharge Elimination System (NPDES) Permit:** A permit issued by the State under delegation from the federal government under the auspices of the Clean Water Act. Permits are issued to entities which may be expected to cause water pollution and require the holder to operate their systems to either specific pollutant limitations or, in certain cases, to the maximum extent practicable.

**Nursery (plant):** Any lot, structure or premises used as a commercial enterprise for the purpose of growing or keeping of plants for sale or resale.

**Nursing Home:** Any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

**Obstruction (airport):** Any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C.

**Occupied:** Includes arranged, designed, built, altered, converted to, or intended to be used or occupied.

**Office:** A structure for conducting business, professional, or governmental activities in which the showing or delivery from the premises of retail or wholesale goods to a customer is not the typical or principal activity. The display of representative samples and the placing of orders for wholesale purposes shall be permitted; however, no merchandise shall be shown, distributed nor delivered on, or from, the premises. No retail sales shall be permitted.

**Office, Business:** An office for such activities as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chambers of commerce, credit bureaus (but not finance companies). Retail or wholesale goods are not shown to or delivered from the premises to a customer. A barbershop or beauty shop is not a business office.

**Office, Medical:** A room or group of rooms used for the purpose of providing medical care or treatment, including therapeutic services and counselling. Examples of medical offices include physicians, dentists, ophthalmologists, psychologists, and similar medical specialists. Medical offices may or may not include laboratories, medication sales, and physical therapy facilities as an accessory use.

**Office, Professional:** A room or group of rooms used for conducting the affairs of a professional business. Examples of professional offices include offices for lawyers, accountants, engineers, architects, and similar professions. Professional offices may include a shared kitchen, lobby area, meeting rooms, and document production areas.

**Official Zoning Map:** The official Zoning Map of the City upon which the zoning district for each property is shown and which is an integral part of this LDR.

**Opaque:** A building, structure, building material, vegetation, or other site feature that forms a solid visual barrier.

**Open Space:** Property which is unoccupied or predominantly unoccupied by buildings or other impervious surfaces and which is used for parks, recreation, conservation, preservation of native habitat and other natural resources, or historic or scenic purposes. It is intended that this space be park-like in use.

**Open Space Preserves:** See Section 2.4.4.C.

**Outdoor Dining and Seating:** Any accessory use that allows outdoor dining and/or seating in the public right-of-way.

**Outdoor Entertainment:** See Section 2.4.8.E.

**Outdoor Sales and Display:** See Section 2.4.8.K.

**Outdoor Storage:** The keeping, in an unroofed area, of any goods or materials, particularly goods and materials that have a large size, mass, or volume and are either not easily moved or carried or require a mechanical lifting device (e.g., non-bagged mulch and lumber). This use does not include a junkyard or recycling facility, vehicle fleet storage, or the display and storage of vehicles as part of an automobile sales or rental use.

**Outfall:** Location where stormwater flows out of a given system. The ultimate outfall of a system is usually receiving water.

**Owner:** The legal or beneficial owner of land, including but not limited to a mortgagee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

**Pain Management Clinic:** See the definition of a pain management clinic in F.S. Sec. 458.3265(1)(a)1.c. Includes a privately owned clinic, facility, or office, whatever its title, including but not limited to, a "wellness center," "urgent care facility," or "detox center," which engages in pain management. See Section 2.4.6.G.

**Palmist and Fortune Teller:** See Section 2.4.5.AA.

**Park:** Dedicated land which is open to the public, and publicly accessible via boardwalk or roadway, and contiguous usable upland property. May be included as Functional Open Space. See Section 2.4.4.D.

**Parking Garage, Deck, or Structure:** A structure containing temporary vehicular parking, including mechanical parking systems.

**Parking Lot or Parking Area:** A land area used for parking including the associated access drives. Such definition includes, but is not limited to, parking areas adjacent to apartment, condominium, office, retail, commercial, and industrial complexes.

**Parking, Off-street:** Any off-street land area designed and used for parking motor vehicles including parking lots and garages, driveways and garages serving residential uses.

**Parking Plan:** A plan or diagram prepared by an applicant for development that depicts the required and provided number of parking spaces. The plan also shows points of vehicular ingress and egress, drive aisles, the locations of parking lot landscaping islands, pedestrian circulation features, and off-street loading facilities.

**Parking Space:** A location where an automobile or passenger truck is temporarily stored, whether on-street or off-street.

**Parking Structure:** A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking. See Section 2.4.5.Y.

**Parking Study:** An analysis of the minimum number of off-street parking spaces necessary to serve a proposed use type.

**Parking, Tandem:** The placement of vehicles one behind the other as opposed to side by side.

**Pawn Shop:** See Section 2.4.5.G.

**Pedestrian:** An individual traveling on foot.

**Pedestrian Orientation:** The characteristics of an area where the location and access to buildings, types of uses permitted on the street level, and storefront design relate to the needs of persons traveling on foot.

**Pedestrian Scale:** Features of a building or built environment that are sized and configured in accordance with the typical human height. Pedestrian scale is most often configured for observation and recognition by people who are walking.

**Pedestrian Walkway:** An on-site pedestrian access way connecting building entrances, parking areas, and the larger sidewalk network around the site.

**Pennant:** A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Performance Guarantee:** Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or required private site feature prior to issuance of a building permit, final plat, or other development approval.

**Perimeter Buffer Area:** Open spaces, landscaped areas, walls, berms, or any combination thereof at the perimeter of a property used to physically separate or screen one use or property from another so as to create open space or visually shield or block noise, lights, or other nuisances. Perimeter buffer area is determined exclusive of any required yard, however perimeter buffers may be located in required yards. Perimeter buffers are located and measured from the property line.

**Person:** Any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and including any trustee, receiver, assignee, or other similar representative thereof.

**Personal & Financial Services Drive-Through:** See Section 2.4.6.B.

**Personal Watercraft (PWC):** A vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

**Pervious:** Land surfaces which allow the penetration of water.

**Pervious Pavement:** A porous surface with a stabilized base that allows water from precipitation and other sources to pass directly through, thereby reducing the runoff from a site, allowing groundwater recharge, and naturally cooling the surface through evaporation of water from pavement voids or from beneath.

**Pharmacy:** A commercial establishment engaged in the storage, preparation, and sale of drugs and other medications to customers at retail. Pharmacy uses may also offer a wide variety of food, household goods, or other personal products for sale. A pharmacy may also incorporate a medical technician who provides on-site medical assistance and counselling to patrons.

**Pier:** A structure in, on, or over water or sovereignty lands, which is used primarily for fishing, swimming, or launching vessels such as boats, canoes or kayaks.

**Pilaster:** A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

**Places of Assembly:** A building, or part thereof, in which facilities are provided for such purposes as meetings for civic, theatrical, musical, political, religious, cultural or social purposes, and shall include an auditorium, banquet hall, concert hall, gymnasium, club, playhouse, house of worship, or other similar uses. See Section 2.4.4.E.

**Planned District:** Land that is under unified control and planned and developed as a whole in a single development operation or a programmed series of development operations. A planned district includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned district is constructed according to comprehensive and detailed plans which include not only streets, lots or building sites and similar, but also plans for all buildings. A Planned District includes a program for full provision of maintenance and operation of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the planned district, but will not be provided, operated or maintained at public expense.

**Plat:** A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable subsections of this LDR and of any other local ordinances, and may include the term "replat", "amended plat" or "revised plat".

**Plaza:** An open square in an urban area, used as a market place, park, or for public assembly.

**Plot Plan:** A simple drawing or sketch depicting compliance with one or more requirements of this LDR.

**Pollution:** The presence in the outdoor atmosphere, ground, or water, of any substances, contaminants, noise or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which does or may unreasonably interfere with the enjoyment of life or property.

**Porch:** A covered projection (can be glazed or screened) from the main wall of a building, with a separate roof, that is not used for habitable space.

**Porte Cochere:** A roofed porch or portico-like structure extending from the side entrance of a building over an adjacent driveway to shelter those getting in or out of vehicles. A porte cochere has no front or rear wall and differs from a carport in that it is not used to store parked vehicles.

**Post Office/Mail and Package Service:** See Section 2.4.4.H.

**Pre-Application Conference:** A meeting conducted by a potential applicant with City staff for the purposes of discussing a potential application or City rules regarding development.

**Preliminary Plat:** The preliminary map or delineated representation indicating the proposed layout of a subdivision which is submitted for the Planning Commission's consideration and tentative approval and meeting the requirements of this LDR.

**Primary Use (principal use):** The purpose for which land, water, or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The primary use of land or water in the various zoning districts is established by this Code.

**Private Street or Roadway:** A thoroughfare used commonly for vehicular traffic which is not included in the definition of street in this Code and which is not subject to maintenance by the City. Includes, but is not limited to, roadways and accessways in subdivisions, multifamily, office, retail, commercial and industrial developments.

**Professional Office:** See Section 2.4.6.A.

**Program Capacity:** The school district derived capacity of a public school facility taking into account class size reduction, actual usage of classrooms, scheduling and the district composition of special students. Program capacity is recomputed each year and reported annually to reflect facility, student and curriculum changes.

**Public Access:** The ability of the public to physically reach, enter or use recreation sites including beaches and shores.

**Public Buildings:** Structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

**Public Facilities:** Major capital improvements, including, transportation, public schools, sanitary sewer, solid waste, drainage, potable water, parks and recreational facilities and services.

**Public Infrastructure:** Infrastructure or facilities (such as water lines, sewer lines, streets, storm drainage, sidewalks, trails, etc.) owned by the public and intended for use by the public.

**Public Realm:** Land, buildings, and structures such as sidewalks, travel lanes, street trees, and street furniture, owned by the government or a governmental entity that is made available for use by all persons.

**Public Storage Facilities or Self Storage Facilities:** An establishment containing separate, secured self-storage areas or lockers used for the temporary storage of household items and seasonal or recreational vehicles, small boats, trailers, and the like. These facilities cater primarily to the needs of nearby residents.

**Public Utilities, Major:** Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, and solid waste facilities.

**Public Utilities, Minor:** Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and electrical substations.

**Public Utility:** Persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone service to the general public. For the purpose of this Code, wireless telecommunication facilities shall not be considered a public utility and are defined separately.

**Radii:** Curves or bends in a street, sidewalk, greenway, or other travel route.

**Readily Visible:** A structure visually conspicuous to public view. A wireless telecommunication facility which is camouflaged, screened or obstructed from view from a public street, public place or a residential property such that its presence is not conspicuous, as determined by the Planning Commission, shall not be deemed readily visible.

**Real Property:** All land, all buildings, all structures, and other fixtures firmly attached thereto.

**Record Drawings:** A final and complete drawing accurately depicting improvements as constructed. Record drawings are not required to be signed and sealed by a professional surveyor and mapper.

**Recreation:** The pursuit of leisure time activities occurring in an indoor or outdoor setting.

**Recreational Uses:** Activities within areas where recreation occurs.

**Redevelopment:** The reuse, demolition and reconstruction or substantial renovation of existing buildings or infrastructure.

**Registered Neighborhood Association:** A neighborhood association that registers with the City for the purpose of receiving notice of land use changes and development applications.

**Rehabilitation:** The act or process of returning a property to a state of utility through repair or alteration which make possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values

**Religious Institution:** A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group.

**Renovation:** Modernization of an old or historic building that may produce inappropriate alterations or elimination of important features and details. When proposed renovation activities fall within the definition of “rehabilitation” for historic structures, they are considered to be appropriate treatments.

**Required Yard:** The land area between a lot line and the boundary of a required setback.

**Research and Development:** See Section 2.4.7.D.

**Residence:** Single-family dwellings, duplexes, triplexes, garage apartments, and all other dwelling units. Each living unit of a duplex or triplex and each garage apartment shall be deemed a separate residence.

**Residential Development:** Any development that is comprised of dwelling units, in whole or in part, for non-transient human habitation, including single-family and multifamily housing.

**Resort Dwelling:** Any one, two, three or four-family dwelling unit located in the RE or RSF zoning district which is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 days or one calendar month, whichever is less.

**Restaurant, Sit Down (Casual, Fine Dining):** See Section 2.4.5.J.

**Restaurant, Quick Service or Restaurant, Fast-Food:** See Section 2.4.5.K.

**Restoration:** The act of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or the replacement of missing earlier work.

**Retaining Wall:** A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.

**Retail Sales and Service (Single User less than 65,000 square feet):** See Section 2.4.5.A.

**Retail Sales and Service (Single User 65,000 square feet or larger):** See Section 2.4.5.B.

**Reuse:** A use for an existing building or parcel of land other than that for which it was originally intended.

**Revetment:** Any protective armoring material laid on a slope or at the toe of an embankment or bulkhead to reduce erosion, scour or sloughing of the soil. The term shall include placement as described of rip-rap such as loose rock or boulders consisting of clean, local, quarry rock, and also includes the use of any pre-formed structural elements such as concrete mats, grout-filled mattresses and bags, or soil-filled geotextile containers. The planting of native vegetation by itself and/or placement of a single layer/thickness of filter cloth without any armoring layer will not be considered a revetment.

**Right-of-Way (ROW):** Public or private land dedicated, deeded, used, or to be used for street, alley, walkway, boulevard, drainage facility, access for ingress and egress (except for residential ingress/egress easements for a single-family lot), or other purpose by the public, certain designated individuals, or governing bodies.

**Right-of-Way Use Permit:** The right-of-way utilization permit required under this Code prior to commencement of any placement or maintenance of facilities in the public rights-of-way.

**Riparian Rights Lines:** The boundaries which identify the limits of rights of the owners of lands on the banks of jurisdictional areas who may be entitled to benefits incident to the use of the water. Riparian rights lines may be determined by established surveying practices and techniques, through mutual agreement of adjacent riparian owners, or through a judicial determination by an appropriate court of law.

**Riverine:** Relating to, formed by, or resembling a river (including tributaries), stream, or the like.

**Roadway:** The paved portion of right-of-way over which vehicular traffic travels.

**Roadway Segment:** A portion of a road usually defined at its ends by an intersection, a change in lane or facility type, or a natural boundary.

**Roof Pitch:** The amount of rise or the vertical increase in elevation over the run or the horizontal distance of a roof.

**Rooftop Dining:** See Section 2.4.5.O.

**Rooftop Uses (other than dining):** See Section 2.4.8.I.

**Routine Maintenance:** Simple, small-scale activities (usually requiring only minimal skills or training) associated with regular (daily, weekly, monthly, etc.), recurring, and preventative upkeep of a building, equipment, or machine against normal wear and tear.

**Runway:** A defined area on the airport prepared for landing and takeoff of aircraft along its length.

**Runway Protection Zone:** An area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground, as depicted on the airspace drawings.

**Scenic View Corridor:** A three dimensional area extending out from a viewpoint, which is a natural or historical feature.

**School:** See Section 2.4.4.I.



**School Impact Analysis:** The document prepared and submitted to the School Board of Sarasota County, Florida, Planning Department, for review of a development order application.

**School Type:** The category of public school based on instruction level or type of instruction, whether elementary school grades, middle school grades, high school grades or special purpose schools.

**Screening:** Visually shielding or obscuring one structure or use from another by a liner building, fencing, wall, or densely planted vegetation.

**Sediment:** Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

**Sedimentation:** The process by which sediment resulting from accelerated erosion is transported off-site by land-disturbing activity.

**Self-Storage – Indoor and Outdoor:** See Section 2.4.7.G.

**Self-Storage – Indoor Only:** See Section 2.4.7.F.

**Setback:** The distance between a structure and an adjacent property or lot line.

**Setback, Waterfront:** The distance between a structure and the mean high water line of an adjacent body of water.

**Shared Parking:** Parking spaces that are available for more than one function or use.

**Sharrow:** A road marking in the form of two inverted v-shapes above a bicycle designating bicyclists can use a part of the road, sharing it with motor vehicles.

**Shielded or Shielding:** A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.

**Shoreline:** Interface of land and water in oceanic and estuarine conditions which follows the general configuration of the mean high water line (tidal water) and the ordinary high water mark (fresh water).

**Sidewalk:** A paved area running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.

**Sign:** Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which any message is made known, including any surface, fabric or other material or structure designed to carry such devices that are used to designate or attract attention to an individual, a firm, an event, an association, a corporation, a profession, a business or a commodity or product that are exposed to public view. The definition of a sign does not include badges or insignias of any governmental unit.

**Sign, Awning:** A sign attached to an awning extending from the building.

**Sign, Banner:** A sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more opposite sides. Flags are not a banner sign.

**Sign, Building:** A sign that is attached to any building. Includes the terms awning sign, canopy sign, hanging sign, window sign, projecting sign, and wall sign.

**Sign Cabinet:** A metal enclosure housing sign face displays and methods of internal illumination, when provided.

**Sign Face Area:** The portion of sign that contains the message being conveyed.

**Sign, Government:** Any municipal, county, state or federal signs, whether temporary or permanent, which may include, but are not limited to, traffic control, legal notices, facility identification, or other sign that provides information to the general public.

**Sign, Ground:** A sign supported by uprights, braces or a base placed upon or in the ground and not attached to any building. Such signs are required to have a base, cap, and columns.

**Sign, Hanging:** A projecting sign suspended vertically from and supported by the underside of a canopy, marquee, awning or from a bracket or other device extending from a structure.

**Sign Height:** The vertical distance measured from the highest adjacent unaltered grade to the highest point of the sign structure.

**Sign, Identification:** A sign depicting the name and/or address of a building or establishment on the premises where the sign is located as a means of identifying the building or establishment.

**Sign, Monument:** A freestanding ground sign that shall include three separate and distinct design features including a base, columns and cap consistent with the architectural style of primary building structures.

**Sign, Nonconforming:** Any sign that was lawfully established, but does not meet the standards of this Code.

**Sign, Off-Site:** A sign used for promoting a business, individual, products or services available somewhere other than the premises where the sign is located.

**Sign, Pole or Sign, Pylon:** A freestanding cabinet-style sign or array of cabinet-style signs mounted atop or attached to a support pole, pylon, post or other upright structure anchored in the ground so that the sign is elevated but has no base.

**Sign, Portable:** A sign which has no permanent attachment to a building or the ground, such as an A-frame sign.

**Sign, Projecting:** A sign attached to a building or other structure and extending beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

**Sign, Real Estate:** A sign which advertises the sale, rental or development of the premises upon which it is located.

**Sign, Roof:** A sign erected, constructed and maintained upon or over the roof of any building.

**Sign, Wall:** A sign mounted flat against or erected parallel to the face of any exterior wall of a structure or building.

**Sign, Window:** A sign which is affixed to, hanging on, or applied to the interior or exterior of a door or window, wholly or in part visible from the public right-of-way, which has a commercial message. Window signs include posters, bulletins, or non-flashing illuminated signs. Window exhibits, floor displays or interior views of a showroom are not window signs.

**Single-Family Attached Dwelling:** See Section 2.4.3.B.

**Single-Family Detached Dwelling:** See section 2.4.3.A.

**Single-Family Dock:** A fixed or floating structure, including moorings, used for berthing buoyant vessels, accessory to a single-family residence, with no more than two slips. A shared single-family dock may contain up to four boat slips.

**Site:** Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

**Site Features:** Structures or elements (not including principal or accessory structures) required or authorized to accompany a development, such as off-street parking, landscaping, exterior lighting, or signage.

**Site Plan:** A plan drawn to scale indicating appropriate site elevations, roadways, and location of all relevant site improvements including structures, parking, other paved areas, ingress and egress drives, landscaped open space and signage.

**Slip:** An area of the water column above submerged lands set aside for the storage of a single vessel associated with a docking facility.

**Small Wireless Facility:** A wireless facility that meets the following qualifications: (a) each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and (b) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

**Socio-Economic Data:** Information about people and economies, such as demographics (age, race, sex, birth rates, etc.) and economics (incomes and expenditures of a community or government).

**Sovereignty Lands:** Those lands including, but not limited to, tidal lands, islands, sandbars, shallow banks, and lands waterward of the ordinary or mean high-water line, beneath navigable fresh water or beneath tidally-influenced waters, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated.

**Special Event:** Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, closeout sales, grand openings, fundraising or membership drives, carnivals, fairs, circuses, and tent revivals.

**Special Exception:** A use that would not be appropriate generally or without restriction throughout a zoning division or district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or the general welfare. Such uses may be permissible in a zoning district as a special exception if specific provision for such a special exception is made in this Code.

**Special Flood Hazard Area (SFHA):** Land area covered by the floodwaters of the base flood and represented on the National Flood Insurance Program (NFIP) maps. The SFHA is the area where the NFIP floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

**Sprinkler Head:** A device that provides above ground or overhead irrigation.

**Spire:** A tall, acutely tapering pyramidal structure surmounting a steeple or tower which is non-habitable space.

**Stacking Space:** A portion of the vehicular use area on a site that is dedicated to the temporary storage or “standing” of vehicles engaged in drive-through use of the site or development.

**Stealth Facility:** Any wireless telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

**Steeple:** A tall ornamental structure usually ending in a spire and surmounting the tower of a church or other public building, which is non-habitable space.

**Step-back:** An architectural design element applied to the upper story of a development. It is a step-like recession in a wall or façade which allows for more daylight to reach the street level and create a more open, inviting pedestrian environment.

**Stop Work Order:** An order issued by the City to a landowner or developer to cease and desist all land-disturbing or development activity on a site pending resolution of a problem or conflict.

**Storm Sewer:** A stormwater conveyance system that is integral to a street or sidewalk.

**Stormwater:** Flow of water which results from and which occurs immediately after a rainfall event.

**Stormwater Retention:** To store stormwater to provide treatment before discharge into receiving waters or to provide a storage facility for stormwater where no outfall is available.

**Stormwater Runoff:** That portion of precipitation that flows off the land surface during, and for a short duration following, a rainfall event.

**Story:** The complete horizontal division of a building, having a continuous or nearly continuous floor and comprising the space between two adjacent levels or roof.

**Strategy:** The way in which programs and activities are conducted to achieve an identified Intent in the City's Comprehensive Plan.

**Streamer:** A long, narrow strip of material used as a decoration or symbol.

**Street:** Any accessway such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place or cul-de-sac, or other means of ingress or egress regardless of the descriptive term used, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those accessways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, drainage, water and wastewater collection systems and easements of ingress and egress.

**Street, Dead-End:** A street that terminates with a street stub or vehicular turn around.

**Street, Residential:** Streets providing access to abutting residential property and discouraging through-traffic movements by design as short loops, curvilinear streets or cul-de-sacs. Residential streets have two traffic lanes and may have on-street parking.

**Street Stub:** A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

**Streetscape:** That general aggregation of all street-side elements of the urban environment perceived by the pedestrian or motorist. This street-side environment includes such things as streets, alleys, parks, sidewalks, and parking lots. Streetscape elements include lighting, paving, traffic safety and control, signage, shelters, recreation and play equipment, street furniture, and other miscellaneous items.

**Structural Soil:** A planting medium that can be compacted to pavement design and installation requirements while permitting root growth.

**Structure:** Anything constructed or erected, exceeding six inches in height, the use of which requires more or less a permanent location on land, or an addition to something having a permanent attachment to land, including, but not limited to: buildings, towers, smoke stacks, utility poles, earth formations, power generation equipment, and overhead transmission lines.

**Subdivider:** A person, firm, or corporation having a proprietary interest in land and acting to subdivide that land under the applicable provisions of this Code.

**Substantial Damage:** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in Florida Building Code, Building B, Section 1612, Subsection 1612.2.]

**Substantial Improvement:** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceed 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to July 11, 1972. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Substantial Modification (specific to Subsection 6.3):** Any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.

**Swale:** A depression in the land that collects stormwater runoff and conveys it to another location.

**Taproom:** A room that is ancillary to the production of beer at a brewery, microbrewery, and brewpub where the public can purchase and/or consume alcoholic beverages as licensed and regulated by the State of Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.

**Tattoo and Piercing Parlor:** See Section 2.4.5.Z.

**Taxidermist:** See Section 2.4.5.BB.

**Technical Review Committee (TRC):** A group of City staff members and others associated with development review in the City.

**Telecommunications Antenna:** Communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.

**Telecommunications Antenna Support Structures:** The frame, bracket, or other mechanical device, including mounting hardware such as bolts, screws, or other fasteners used to affix an antenna to a telecommunications tower, building, utility pole, or other vertical projection.

**Telecommunication Facility:** Any portion of a communications system located outside or in the public rights-of-way.

**Temporary Use Permit:** A permit authorizing the operation of a temporary use or special event, typically on private property.

**Terminal Platform:** That part of a dock or pier that is connected to the access ramp, is located at the terminus of the facility, and is designed to secure and load or unload a vessel or conduct other water-dependent activities, unless otherwise prohibited by regulatory agencies.

**Theater:** See Section 2.4.5.P.

**Thoroughfare:** A right-of-way (usually publicly owned) providing vehicular and pedestrian travel, providing access to abutting properties.

**Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots.

**Tiny Home:** A manufactured dwelling unit, also commonly referred to as a tiny home on wheels.

**Toe of Berm:** The base or bottom of a berm slope at the point where the ground surface abruptly changes to a significantly flatter grade.

**Top of Bank:** The crest elevation of the shoreline or of shoreline protection devices, whichever point is more landward.

**Tower:** A vertical projection, typically comprised of steel, designed to support antenna and associated wireless telecommunications equipment for the purpose of sending and receiving wireless telecommunications signals. Utility poles or other vertical projections intended for a purpose other than provision of wireless telecommunications services are not considered to be towers.

**Townhouses:** Two or more single-family dwelling units within a structure having common side walls, front and rear yards, and individual entry ways, but with no unit located above another unit.

**Trailer, Boat:** means a conveyance drawn by other motive power for transporting a boat.

**Trailer, Camping or Trailer, Travel:** A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation purposes, which is not more than eight feet in body width and is of a body length not exceeding 35 feet.

**Transparency:** The openings in a structure, including windows and doors.

**Transportation Demand Management:** Strategies and techniques that can be used to increase the efficiency of the transportation system. Demand management focuses on ways of influencing the amount and demand for transportation by encouraging alternatives to the single-occupant automobile and by altering local peak hour travel demand. These strategies and techniques may, among others, include: ridesharing programs, flexible work hours, telecommuting, shuttle services, and parking management.

**Transportation Impact Analysis (TIA):** A study conducted to evaluate the capacity and safety impacts on the transportation system from a proposed development and identify necessary improvements or management strategies to mitigate negative impacts. Such studies shall be performed by a licensed professional engineer in accordance with the Procedures Manual and this Code.

**Trellis:** A framework of light wooden or metal bars, chiefly used as a support for fruit trees or climbing plants.

**Trip Demand:** The magnitude of travel occurring between two locations or across a corridor.

**Trip Generator:** Types of land use which either generate or attract vehicular traffic.

**Truck Stop:** An establishment typically engaged in fuel sales that serve commercial truck drivers. The use may provide food, maintenance services, overnight parking, showering rooms, laundry facilities, basic convenience retail items and other services related to the use.

**Turbidity Curtain:** A floating screen that is utilized to contain fine sediments that are suspended into the water during marine construction and dredging activities.

**Two-Family Dwelling/Paired Villas:** See Section 2.4.3.C.

**University, College, and Vocational School:** See Section 2.4.4.J.

**Uppertory Residential:** See Section 2.4.3.F.

**Urban:** Generally refers to an area having the characteristics of a city, with intense development and a full or extensive range of public facilities and services.

**Urgent Care:** A walk-in clinic or medical facility focused on the delivery of ambulatory care for injuries or illnesses requiring immediate care, but not serious enough to require a hospital emergency department.

**Use:** The purpose for which land or water or a structure thereon is designated, arranged or intended to be occupied or utilized, or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by this Code.

**Utility Pole:** A pole or similar structure used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights, but does not include any horizontal structures which are attached.

**Variance:** A relaxation of the terms of this Code with regard to the height, area, and size of structures and signs; size of yards and open spaces; driveways and curb cuts; off-street parking and loading or landscaping and other standards and provisions as established in this Code.

**Vegetative Cover:** The presence of vegetation (whether tree, shrubs, or ground cover) in a particular location.

**Vehicle Service, Major:** See Section 2.4.7.I.

**Vehicle Service, Minor:** Vehicle service provided while the customer waits, as same day pick-up of the vehicle, or as leaving a vehicle on-site for less than 24 consecutive hours. Such uses must occur within a completely enclosed building and include quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation and tire sales and mounting. See also **Car, Boat, Other Vehicle Sales and Rentals.**

**Vehicular Use Area:** An off-street parking space or parking lot along with associated drive aisles and means on ingress or egress.

**Verge:** The area of land located between a street curb and boundary of an adjacent property. A verge allows access from the street to private or public properties.



**Veterinarian or Animal Hospital or Animal Boarding:** See Section 2.4.6.E.

**Wall, Building:** The entire surface area, including windows and doors, of an exterior wall of a building.

**Wall Offset:** A projection or recess located in or along a building wall.

**Wall, Parapet:** A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment and providing for the safety of maintenance workers.

**Wall Plane:** The exterior surface of a building wall relative to the lot line it abuts.

**Warehouse, Distribution or Logistics:** See Section 2.4.7.A.

**Warehouse Storage, Indoor Only:** See Section 2.4.7.E.

**Wastewater Treatment Plant:** A plant designed to treat and dispose wastewater for the purpose of re-use or safe discharge into the environment.

**Water Dependent Activity:** An activity that can only be conducted on, in, over, or adjacent to water areas because the activity requires direct access to the waterbody or sovereignty lands for transportation, recreation, energy production or transmission, or source of water, and where the use of the water or sovereignty lands is an integral part of the activity.

**Water Dependent Structure:** Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, bulkheads, and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.

**Watercourse:** A river, creek, stream or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Wetlands:** Lands that are transitional between terrestrial (upland) and aquatic (open water) systems where the water table is usually at or near the surface, or where the land is covered by shallow water, such lands being predominantly characterized by hydrophytic vegetation. The presence of hydric soils as determined by the U. S. Soil Conservation Service, and other indicators of regular or periodic inundation, shall be used as presumptive evidence of the presence of a wetland area. The existence and extent of these shall be determined by the jurisdictional limits defined by Chapter 62-340, F.A.C. and implemented by the Florida Department of Environmental Protection.

**Wholesale Sales:** See Section 2.4.7.J.

**Wildlife:** Any member of the animal kingdom, with the exception of man, including but not limited to any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate and excluding domestic animals.

**Wildlife Corridors:** Contiguous stands of wildlife habitat that facilitate the natural migratory patterns, as well as other habitat requirements (e.g., breeding, feeding), of wildlife.

**Wireless Telecommunications Facility:** A facility dedicated to the broadcast and/or receiving of wireless telecommunications signals for the purpose of communication, public safety, or data transfer. Wireless telecommunication facilities consist of one or more antenna, cables or other means to send telecommunications signals to associated equipment, a support structure, and a dedicated power source. Wireless telecommunications facilities include the following: towers (stealth, major, minor), collocations (major and minor), and small wireless facilities.

**Wireless Telecommunication Services.** Cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services that are licensed by the Federal Communications Commission (FCC) and marketed to the general public.

**Yard:** An unoccupied area that is open and unobstructed from the ground on the same lot as a principal building.

**Yard, Front:** A yard extended between side lot lines across the front of a lot adjoining a street.

**Yard, Waterfront:** A yard required on waterfront property, with depth measured from the mean high-water line. For purposes of this definition, waterfront property is defined as property abutting on the Gulf of Mexico, bays, bayous, navigable streams and man-created canals, including inland waterways, lakes or impounded reservoirs; however, such canals, lakes or reservoirs totally within the boundaries of a parcel shall not require waterfront yards.

**Zoning:** In general the demarcation of an area by ordinance (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential, type of residential) and the location, bulk, height, shape, and coverage of structures within each zone.

## 9.2 Abbreviations

**FAA:** Federal Aviation Administration.

**FCC:** Federal Communications Commission.

**FDEP:** Florida Department of Environmental Protection, or successor agency.

**FDOT:** Florida Department of Transportation.

**NENA:** National Emergency Numbers Association.

**SWFWMD:** Southwest Florida Water Management District.

# CHAPTER 88 – BUILDING REGULATIONS

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## SECTION 1. IN GENERAL

### 1.1. Scope of Chapter

- A. Generally.** The City of Venice has the authority to adopt building regulations to provide for the safe regulation of the construction, alteration, repair, equipment, use, occupancy, location, maintenance, removal or demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the City. This Chapter may be referred to as the “building regulations” or Chapter.

### 1.2. Building Official

- A. General Duties and Responsibilities.** The Building Official (or designee) is an administrative official that leads the City’s building department. The Building Official is authorized to act through aides and assistants and is responsible for the processing of building permits in accordance with Florida law. The Building Official may request the assistance of any appropriate officer or board of the City.
- B. Specific Duties and Scope of Authority.**
1. The Building Official shall be charged with the inspection of buildings and the enforcement of this Chapter.
  2. The Building Official shall require that the intent of this Chapter be observed in all matters affecting structures not especially set forth in this Chapter, and order such reconstruction as may be deemed necessary for safety.
  3. The Building Official shall have no power to amend this Chapter or the regulations of the building code. The Building Official shall not give engineering advice on plans and specifications submitted.
  4. Right of entry. The Building Official, including designees and all inspectors, so far as it may be necessary for the performance of duties, shall have the right, upon showing credentials of office, to enter any new or unoccupied building, or any building under construction, repair or alteration, or being moved, or being moved through or into the City, or any building alleged to be unsafe or a menace to life, limb or property.

### 1.3 Violations; Enforcement

- A. Generally.** Any person, firm, corporation or agent who violates a provision of this Chapter, or fails to comply therewith, shall be guilty of a violation of this Chapter. Each such person, firm, corporation or agent shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed

or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

- B. Enforcement.** The City may enforce this Chapter through the Code Enforcement Board or Special Magistrate in addition to any county or circuit court proceedings. In enforcing this Chapter, the Code Enforcement Board or Special Magistrate shall have the authority to levy such fines and penalties as are provided in Chapter 2, Article VI of the City Code of Ordinances.

#### 1.4. Interfering with Enforcement

- A. Generally.** It shall be unlawful for any person to hinder or interfere with the rules, regulations, and duties under this Chapter.

#### 1.5. Addressing of Properties

- A. Generally.** To ensure the safety of the residents of the City, all residences, places of business and public buildings in the City, located on any established street, road, avenue or other thoroughfare in the City, are required to be numbered. Owners shall comply with the terms and provisions of this Section before becoming entitled to a certificate of occupancy.
- 1. Residential Uses.** All buildings with a residential use shall be numbered with numerals no less than three inches in height.
  - 2. Nonresidential Uses.** All buildings with a nonresidential use or mixed-use shall be numbered with numerals no less than six inches in height.
  - 3. Generally Applicable Standards for Addresses.** Address numerals shall be:
    - a.** Made of a durable material.
    - b.** Located as follows:
      - i.** Attached to or painted above the primary door entrance of the building that is clearly visible from and facing the roadway; or
      - ii.** Painted in the middle of the building entrance driveway or curb area nearest the entrance; or
      - iii.** Painted above the garage overhead door when in plane with front façade and facing the roadway.
    - c.** Maintained in perpetuity, or, if replaced, replaced in conformance with this Section.
  - 4. Alleys and Private Driveways.** All multifamily housing complexes, and places of business which receive deliveries from an alley or any private driveway, shall attach or paint the numbers for the building on the rear door of such building or housing complex to conform to the number on the front door.

#### 1.6. Construction Site Operations

- A. Generally.** Construction sites, defined as any property for which a permit has been issued pursuant to the Florida Building Code, shall comply with the minimum standards provided herein.

- B. Hours of Operation.** Engines, pile drivers, motors and other noisy equipment for the use of builders may be installed subject to the restrictions herein as to the length of time and hours during which the equipment shall be used. Except in emergencies, and under a special permit therefor, such equipment shall not be operated between the hours of 8:00 p.m. and 6:00 a.m. upon any weekday or Saturday, and not at any time upon any legal holiday or Sunday. The special permit shall be on a form designated by the City and shall be reviewed by the Building Official. Such equipment shall be on the lot on which the building is being erected, or on public space immediately adjacent to such lot, and shall be used for and in connection with such building only.
- C. Construction and Demolition.** Operating or causing the operation of any tools used in construction, drilling, repair, alteration or demolition work shall be prohibited between the hours of 9:00 p.m. and 6:00 a.m. on weekdays, and between 9:00 p.m. and 9:00 a.m. on weekends or holidays, in or within 50 yards of any residential area or noise-sensitive zone, except for emergency work by public service utilities or by other variance approved by the Planning Commission or City Council. The use of domestic power tools shall be as specified in Section 34-35(11) of the City Code of Ordinances.
- D. Trash and Site Debris.** All outdoor trash and debris shall be stored in an approved manner. The permit holder of any active or inactive construction project shall clean up and remove all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites shall be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding 14 days. All debris shall be contained in such a manner as to prevent it from being spread on the property or adjacent property by any means. Trash and debris shall not be buried on site. Air born particles leaving a construction site shall be mitigated. Necessary measures to abate and minimize air borne particles produced from concrete cutting and other dust creating tools and processes shall be taken.
- E. Hurricane Preparation.** It shall be unlawful for any person to allow construction related materials to remain unsecured at a construction site from 24 hours after a hurricane watch has been issued until the hurricane watch or warning has been lifted. All such materials shall be either removed from the construction site or secured in such a manner as to minimize the danger of such materials causing damage to persons or property from high winds. Any person who violates this Chapter shall be guilty of a second-degree misdemeanor and subject to a fine of up to \$500.00 or imprisonment for a term not to exceed 60 days.
- F. Sanitary Facilities.** A minimum of one restroom facility shall be located on all construction sites. The facility shall be as far as reasonably possible from any residential uses.

## 1.7. Codes Adopted

- A. Generally.** The Florida Building Codes, with the editions and associated technical codes as mandated by the state and in particular F.S. ch. 553, are hereby adopted by the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures and systems in the City. Each and all of the regulations, provisions, conditions and terms of such codes are hereby referred to, adopted and made a part of this Chapter as if fully set out in this Chapter; subject, however, to all provisions of this Chapter, and to all modifications to such codes contained in this Chapter.
- B. National Electrical Code.** The National Electrical Code (NEC), with the edition as mandated by the state and in particular F.S. ch. 553, is hereby adopted by the City for regulating the electrical work in the construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use and maintenance of all buildings and structures and systems in the City. Each and all of the regulations, provisions, conditions and terms of the National Electrical Code, are hereby referred to, adopted and made a part of this Chapter as if fully set out in this Chapter; subject, however, to all provisions of this Chapter and all modifications to such code contained in this Chapter.

## 1.8. Supplements to the Florida Building Codes; Housing

- A.** The Florida Building Codes adopted in Section 1.7 are hereby supplemented in the following particulars:
  - 1.** Upon state law mandating the adoption of a new Florida Housing Code and/or a new Florida Unsafe Building and Abatement Code and subsequent editions, such codes shall become law in the City on the date mandated by the state without any further amendment to this Chapter.

## 1.9. Enforcement of Work

- A.** It shall be the duty of the appropriate licensed inspector(s) under the direction of the Building Official to enforce the provisions of this Chapter and the Florida Building Code.

# SECTION 2. ADMINISTRATION

## 2.1. Appeals

- A. Conditions for Appeals.** The owner of a building, structure or service system, or their duly authorized agent, may appeal a decision of the Building Official to the Florida Building Commission, per F.S. § 553.775, whenever any one of the following conditions are claimed to exist:



1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this Chapter do not apply to the specific case.
3. An equally good or more desirable form of installation can be employed in a specific case.
4. The true intent and meaning of this Chapter or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

## 2.2. Permits and Fees

### 2.2.1. Generally

- A. Permits Required.** It shall be unlawful to proceed with any work of any nature for which permits are required pursuant to F.S. § 553.79(1) until such permit has been duly issued by the City. Any person who intends to erect a structure, alter an existing structure, construct or demolish any structure, or change the occupancy of a building or structure, shall make application for a permit to the building division before the work is begun. This requirement includes any type of work which is regulated by the technical codes enforced by the City. The Building Official may approve minor repair work without the requirement of a permit provided such approval is not in violation of the technical codes.
- B. Schedule of Permit Fees.** For all permits, fees shall be paid as required in this Chapter at the time of issuance of the permit. The fees listed in this Section may be changed by resolution of the City Council; however, the fees shall be subject to adjustment at the end of each fiscal year based on fluctuations in the revised Consumer Price Index without further action by City Council. Permit fees shall be posted in the office of the Building Official and on file in the office of the City Clerk.
1. Building permit fees. All building permit fees shall be pursuant to the latest fee schedule set by the City.
  2. Compliance with F.S. § 553.80(7). Building permit fees may be discounted by resolution of the city council when reserves are in excess of the amount permitted under Section 553.80(7)(a), Florida Statutes.
  3. Surcharge. A surcharge of 0.015 percent of the permit value is to be used for the education of staff who directly make decisions on permits and inspections. This surcharge shall be deposited into an educational fund established for this purpose.
  4. Building valuation. For purposes of determining building permit fees, the building valuation will be determined by the International Code Council Building Valuation Data which estimates per square foot value according to the type of construction and the predominate

building use group occupancy. When there is any doubt as to the valuation, the building official may ask the applicant for any verification needed.

5. Fire department fees. All fire department fees shall be pursuant to the latest fee schedule as set by the City.
- C. **Time to Challenge.** Any person challenging the validity of Section 2.2.1 must do so by filing a lawsuit with a court of competent jurisdiction within 30 days of the date of adoption. Absent the timely filing of a lawsuit in a court of competent jurisdiction within 30 days of the date of adoption, Section 2.2.1 shall be the final adjudication of all issues presented herein and not subject to challenge more than 30 days after adoption.

#### *2.2.2. Changes in Plans*

- A. No change in plans or construction shall be made until the permit therefor has been amended to conform to the change or a new permit has been obtained, and the fees paid to cover the amendment or the new permit.

#### *2.2.3. Plot Plan Required*

- A. No building permit shall be issued for any building in the City unless there is attached to the application for the building permit a plot plan showing the location of driveways, sidewalks and parking strips.

#### *2.2.4. Minimum Floor Elevation (Not in Special Flood Hazard Area; FIRM Zone X)*

- A. No building permit shall be issued unless the plans show that the finished floor is a minimum of 15 inches above the average crown of the finished street, unless otherwise allowed in writing by the Building Official.
- B. After completion of the lowest finished floor of the living space, the owner or their duly authorized agent shall deliver to the building division a finished floor elevation survey by a licensed surveyor of the state, which clearly shows that the floor has been built a minimum of 15 inches above the average crown of the finished street.
- C. The control of stormwater runoff during and after construction shall conform to Section 74-264 of the City Code.

## SECTION 3. PROPERTY MAINTENANCE STANDARDS

### 3.1. Responsibility for Property Maintenance

- A. Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this Chapter, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.
  - 1. Property maintenance standards shall not apply to that which the Florida Building Code applies, such as construction, alteration repair, change of occupancy or use, removal and demolition of commercial and residential structures.
  - 2. If buildings are on the Local or National Register, are a contributing structure to a local or National Historic District, or are deemed eligible for listing on the local or National Register, the standards of Chapter 87, Section 7, shall also apply.
  - 3. For both residential and nonresidential properties, wherever a permitted construction site is inactive and an approved building permit has expired, all partial construction shall be removed from the site and the site shall be restored to pre-construction condition.
- B. Properties and improvements existing as of the effective date of this Chapter and maintained in accordance with prior permits shall not be deemed in violation of this Chapter.

### 3.2. Responsibilities for Residential Properties: Structures, Vacant Buildings, Vacant Structures, and Vacant or Unimproved Lots

- A. All dwelling units (i.e. residential structures) whether occupied or unoccupied, shall comply with the following requirements:
  - 1. **Sanitary Facilities Required.** Every dwelling unit shall contain not less than one (1) kitchen sink, one (1) lavatory basin, one (1) tub or shower, and one (1) commode, all in good working condition and properly connected to an approved water and sanitary sewer system as permitted by the City or applicable utility provider. Every plumbing fixture and water and wastewater pipe connection shall be properly installed in accordance with the Plumbing Code and maintained in good sanitary working condition, free from defects, leaks and obstructions. Every plumbing fixture shall be located within the dwelling unit, and be accessible to the occupants of the dwelling unit.
  - 2. **Hot and Cold Water Supply.** Every dwelling, or dwelling unit, shall have connected to the kitchen sink, lavatory basin, tub or shower an adequate supply of both hot and cold water, all in good working condition.
  - 3. **Water Heating Facilities.** Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition.

4. **Garbage Disposal Facilities.** Every dwelling unit shall have adequate garbage or rubbish disposal facilities or garbage or rubbish storage containers.
5. **Bathroom.** Every bathroom of a dwelling unit shall comply with the minimum light and ventilation requirements for habitable rooms.
6. **Electric Lights and Outlets.** Every dwelling unit shall be wired for electric lights and convenience outlets.
7. **Electrical Systems.** All fixtures, convenience receptacles, equipment and wiring of a dwelling or dwelling unit shall be installed, maintained, and connected to the source of electrical power.
8. **Exterior and Interior Structures of Dwelling Units.** All the following components of a dwelling unit shall be maintained in good condition in accordance with the building codes in effect at the time of construction.
  - a. **Foundation.** The building foundation walls or other structural elements shall be maintained in a safe manner and be capable of supporting the load which normal use may place thereon
  - b. **Exterior Walls.** The exterior walls shall be maintained free from holes, breaks and loose or rotting material. Such exterior walls shall also be substantially weather tight and weatherproof, and surfaces properly coated as needed to prevent infestation and deterioration. Any graffiti shall be removed or repainted to match existing surfaces.
  - c. **Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Tarp use for weather protection may not exceed 60 days unless there is an active building permit for roof repair or replacement. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
  - d. **Means of Ingress/Egress.** The dwelling or dwelling unit shall have a safe, unobstructed means of ingress/egress in accordance with the Building and Fire Code.
  - e. **Stairs, Porches, and Appurtenances.** Every inside and outside stairway, stair, porch, and any appurtenance thereto, shall be maintained in a safe condition, capable of supporting a load that normal use may place thereon, and in accordance with the Florida Building Code.
  - f. **Protective/Guard Railings.** Protective/guard railings shall be maintained in good condition and be capable of bearing normally imposed loads.
  - g. **Handrails.** Handrails shall be maintained in good working condition.

- h. **Windows and Exterior Doors.** Every window and exterior door, shall be properly fitted within its frame, provided with lockable hardware, and shall be weather-tight and weatherproof, and maintained in good repair. Every window required for light and ventilation for habitable rooms shall be capable of being opened easily and secured in a position by window hardware. Windowpanes or approved substitutes shall be maintained without cracks or holes. Boarding of windows and doors shall be consistent with Section 3.6.
  - i. **Screens.** Screens for openings shall be maintained in good condition without holes or tears in the screens.
  - j. **Protective Treatment.** All exterior surfaces other than decay-resistant woods shall be protected from the elements by painting or other protective covering according to manufacturer's specifications.
  - k. **Accessory Structure.** All accessory structures shall be maintained and kept in good repair and sound structural condition.
  - l. **Interior Doors.** Every interior door shall be properly fitted within its frame.
  - m. **Interior Floor, Walls and Ceiling.** Every floor and interior wall shall be free from infestation and maintained in good repair to prevent deterioration and shall be capable of supporting the load which normal use may cause to be placed thereon.
  - n. **Structural Supports.** Every structural element of a dwelling unit shall be maintained in good repair and show no evidence of deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.
  - o. **Gutters and Downspouts.** Gutters and downspouts shall be maintained in good repair.
- 9. **Pool, Maintenance, Private.** All swimming pools, spas and architectural pools, ponds or other decorative bodies of water, not otherwise regulated by the Health Department, shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water shall not be allowed to stagnate or become polluted. All pools shall be free from unsightly appearance, including but not limited to, free of mold, litter and debris. A child safety barrier (i.e. fence) around existing pools constructed prior to adoption of pool safety codes within the FBC is required.
- 10. **Dangerous Fences and Structures.** All premises within the City shall be maintained free of any fence or other structure which is in a sagging, leaning, fallen, decayed or otherwise dilapidated, unmaintained, or in an unsafe condition.
- B. All parcels or lots, whether improved or unimproved, shall comply with the following requirements:

1. The premises shall be kept in clean and sanitary condition, including yards, lawn, courts and driveways. Any dead or dying landscaping must be replaced and maintained. Uneven or damaged surfaces with or without holes must be repaired.
2. The premises shall be kept free from the excessive growth of weeds, grass and other flora.
3. Any parcel or lot previously improved or occupied shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, except for permitted storm water management detention/retention purposes.
4. Unauthorized motor vehicles are prohibited from parking on or driving across any portion of a vacant lot, except for areas designated for such use by the City through an approved site and development plan or other applicable permit.
5. The premises shall be kept reasonably free from rodents, insects and vermin.
6. The roof of every building or structure shall be well drained of rainwater.
7. All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
8. Any unauthorized, obsolete, non-complying or deteriorated signs, posters and graffiti shall be removed.
9. All signs must be maintained and comply with the provisions of the Land Development Code.
10. If vacant or unoccupied, all entrances and all other openings of a building or structure shall be secured and maintained including, but not limited to, windows, doorways, and swimming pool areas.

### 3.3. Responsibilities for Nonresidential Properties: Structures, Vacant Buildings, Vacant Structures, and Vacant or Unimproved Lots.

- A. All nonresidential structures, vacant buildings, and vacant structures shall comply with the following:
  1. All nonresidential structures shall be watertight, weather-tight, insect-proof and in good repair.
  2. Every foundation, exterior wall and roof shall be reasonably watertight, weather-tight and rodent-proof, shall adequately support the building at all times, and shall be in a workmanlike state of maintenance and repair.
  3. Every interior partition, wall, floor and ceiling shall be reasonably tight and maintained in a workmanlike state of repair and in a clean and sanitary condition

4. Every window and exterior door shall be reasonably weather-tight, watertight, rodent-proof and shall be maintained in sound condition and repair, and secured with proper hardware.
  5. Every inside and outside stairway, every porch, and every appurtenance thereto shall be constructed to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be maintained in sound condition and repair.
  6. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in sanitary working condition, free from defect, leaks, and obstruction.
  7. Every toilet, restroom and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water, and such floors shall be kept in a clean and sanitary condition.
  8. Every supplied facility, piece of equipment or utility which is required under this Chapter shall be so constructed and installed that it will function safely, and effectively, and shall be maintained in good working condition.
  9. All exterior surfaces shall be protected from decay by painting or other protective covering or treatment. Substantial evidence of molding or chipping of the exterior surface will be required to be treated, repainted or both. All siding shall be weather-resistant and watertight.
  10. Exterior Lighting. All outdoor lighting shall ensure that non-vehicular light sources that shine into the eye of drivers of vehicles or pedestrians which could impair safe traverse are prohibited; and all lighting shall be shielded and aimed at owner's premises or sidewalk and shall not create an adverse effect on adjacent properties.
  11. Accessory Structures. Garages, storage buildings and all other accessory structures shall be maintained in good repair and sound structural condition.
  12. Signs shall be maintained in good condition. If the property is vacant, the sign faces shall be replaced with blank panels (permit required).
  13. Parking facilities shall be maintained in good condition. Parking shall be limited to designated areas (striped parking spaces) as permitted, and said areas must be clearly marked. At no time should the rights-of-way be utilized for storage or parking of customer, employee or company vehicles parking, nor shall any item(s) be placed, abandoned or allowed to remain in any right-of-way unless otherwise permitted.
- B.** All parcels or lots, whether improved or unimproved, shall comply with the following requirements:
1. The premises shall be kept in clean and sanitary condition, including yards, lawn, courts and driveways. Any dead or dying landscaping must be replaced and maintained. Uneven or damaged surfaces with or without holes must be repaired.

2. The premises shall be kept free from the excessive growth of weeds, grass and other flora.
3. Any parcel or lot previously improved or occupied shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, except for permitted storm water management detention/retention purposes.
4. Unauthorized motor vehicles are prohibited from parking on or driving across any portion of a vacant lot, except for areas designated for such use by the City through an approved site and development plan or other applicable permit.
5. The premises shall be kept reasonably free from rodents, insects and vermin.
6. The roof of every building or structure shall be well drained of rainwater.
7. All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
8. Any unauthorized, obsolete, non-complying or deteriorated signs, posters and graffiti shall be removed.
9. All signs must be maintained and comply with the provisions of the Land Development Code. Should a wall sign be removed, the wall surface must be painted in a workmanlike fashion in the same color as the adjacent exterior walls of the building to remove any shadowing created by the removed sign.
10. If vacant or unoccupied, all entrances and all other openings of a building or structure shall be secured and maintained including, but not limited to, windows, doorways, and swimming pool areas.
11. Ground floor windows of a vacant commercial storefront shall not have shattered, cracked, missing or broken, glass or other visible material degradation.

### 3.4. Unsafe Buildings

- A. All buildings or structures which are unsafe, unsanitary, fail to provide proper egress, constitute a fire hazard, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are declared to be unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and illegal and may be abated by repair and rehabilitation or by demolition in accordance with the following procedure:
  1. Whenever the Building Official shall find any building or structure or portion thereof to be unsafe, as defined in this Chapter, the Building Official shall give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated period of time to either complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof to remedy the unsafe determination.



2. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Building Official or their designee. The Building Official or designee shall cause to be posted at each entrance to such building a notice stating: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY IS PROHIBITED BY THE BUILDING OFFICIAL." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person or their agents, employees or other servants to remove such notice without written permission of the Building Official or for any person to enter the building or structure except for the purpose of making the required repairs or demolishing the building or structure. Determination of structural capacity or soundness shall be determined by a professional Florida licensed architect or engineer, which services shall be retained by the property owner.
3. The notice required in subsection 1., above, shall:
  - a. Be in writing;
  - b. Include a statement of the reasons why it is being issued;
  - c. Allow sixty (60) days for the performance of any work it requires;
  - d. State that if such repair, reconstruction, alteration, removal or demolition is not voluntarily completed within the time period set forth in the notice, the City shall institute legal proceedings charging the person or agent with a violation of the Code; and
  - e. Be delivered to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of his family above 15 years of age and informing such person of the contents of the notice; or be deposited in the United States mail, certified, return receipt requested, addressed to the owner at his known address, with postage prepaid thereon; or be posted for 24 hours in a conspicuous place on the premises to be repaired or demolished.
4. The owner, agent or person in control shall have fifteen (15) days from receipt of the notice to appeal from the decision of the Building Official. Upon the City's receipt of an appeal, a public hearing will be scheduled before the City Council at which the owner, agent or person in control shall show cause why he should not comply with the notice.
5. If the owner, agent or person in control of any unsafe building or structure shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or demolish and remove the building or structure or portion thereof within the stated time limit, the City shall be authorized to obtain equitable or legal relief from any court of competent jurisdiction to abate the public nuisance through demolition or other appropriate means. In such proceedings where the City is the prevailing party, the City shall be entitled to recover its

costs, including administrative cost, cost of demolition, court costs, and reasonable attorney's fees for trial and appellate services. Such costs and fees shall, upon recordation of a certified copy of a judgment in the county public records, become a lien upon the real property upon which the unsafe building or structure was located, and shall bear interest at the rate permitted by law for judgments. The City shall also be entitled to recover costs and reasonable attorney's fees for trial and appellate services in foreclosing any such liens.

6. In the event of an emergency, the Building Official or designee may reduce a notice time period or, in cases of extraordinary danger, after notice to the owner, enter the property and cause such repairs as may be necessary to protect the public. The costs of such emergency repairs shall be the responsibility of the owner. Determination of structural capacity or soundness shall be determined by a professional Florida licensed architect or engineer.

### 3.5. Standards for Securing Buildings

- A. Securing a building or structure through boarding of the doors, windows, or other openings, or any other means of securing, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the specifications as required in Section 3.6 or as otherwise required by Building or Fire Codes.

### 3.6. Registration Required for Boarding Buildings

- A. **Certificate of Boarding.** Unless exempt, no person shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure for a period of longer than five (5) days without receiving a certificate of boarding from the City. A fee for a certificate of boarding may be established by resolution of the City Council.
- B. **Exemptions:**
  1. A certificate of boarding is not required during a declared state of emergency by the City.
  2. A certificate of boarding is not required during hurricane season.
  3. The temporary covering of windows and doors of non-residential buildings or structures is exempt (see Section 3.7 – Temporary Covering of Non-Residential Windows and Doors).
- C. **Request for Certificate of Boarding.** A request for a Certificate of Boarding shall be submitted to the Planning and Zoning Department on the appropriate City form. Upon submittal of all required materials and any applicable fee in compliance with this Section, a Certificate of Boarding may be issued by the Director for a period of no greater than six (6) months from the date of the issuance.

- D. Initial Renewal of Certificate of Boarding.** A property owner or their representative or contractor seeking renewal of a Certificate of Boarding must file such written request with the Planning and Zoning Department no later than ten (10) business days prior to the expiration of the original Certificate of Boarding. The issuance of a Renewed Certificate of Boarding by the Director shall be subject to all of the following conditions:
1. The boarding or other method of securing the building or structure has been done in compliance with this Section.
  2. The owner or their authorized representative or contractor has submitted to the City a detailed plan for correction, repair, or rehabilitation of violations of state or local building and housing standards and for the securing of the doors, windows, and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for sale of the property to another person or entity with provision in the sale for correction, repair, or rehabilitation.
  3. The renewal may be revoked by the City if the owner fails to comply with the plan for such work identified in subsection 2., above, or fails to adhere to the submitted timeline.
- E. Additional Renewal of Certificate of Boarding.** A Renewed Certificate of Boarding may not be further extended except upon demonstration to the Director that good cause for further renewal exists. Good cause shall require a showing by the owner that the renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, unanticipated delays in construction or rehabilitation, or unanticipated damage to the property. In addition, where appropriate, good cause shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed correction, repair, or rehabilitation, or is attempting to sell the property. If the Director determines that there exists good cause to further renew the Certificate of Boarding, the Certificate may be renewed for a period of up to, but not more than, an additional six (6) months, subject to all of the same conditions imposed on the original Renewed Certificate.
- F. Boarding Period.** No occupied building shall be permitted to be boarded for a period greater than 60 days.

### 3.7. Temporary Covering of Non-Residential Windows and Doors

- A. The purpose of this section is to require the temporary covering of certain windows in non-residential buildings and structures within the city to screen the interior from view while the property is unoccupied due to vacancy, abandonment, or renovation.
- B. For purposes of this section, windows shall include, but not be limited to, individual panes and glass in display windows, exterior doors and transoms.

- C. This section shall only apply to non-residential buildings and structures, or portions thereof, that are unoccupied for 30 days or more.
- D. Temporary window coverings are only required on those windows that are ground level and front or abut a public right-of-way or publicly accessible road or sidewalk.
- E. Temporary window coverings shall be one or more of the following materials:
  - 1. Printed vinyl or similar material, with or without a decorative design. Any proposed decorative design is subject to review and approval by the city manager or his designee. Any vinyl graphics shall be of the same type or style in all windows of the building or structure, the intent being uniformity in style and appearance.
  - 2. Sheet plywood painted to match the primary color of the building or structure.
  - 3. Paper, either white or a uniform shade of brown/tan, affixed neatly and securely to the inside of a window or door and trimmed to match the width and height of the window or door.
- F. Temporary window covers shall not be comprised of any of the following:
  - 1. Blank or incomplete painters' canvas;
  - 2. Plastic garbage bags or other plastic sheets or coverings;
  - 3. Tarps;
  - 4. Hand-written signage;
  - 5. Real estate signage;
  - 6. Soap solution;
  - 7. Paint;
  - 8. Newspapers;
  - 9. Torn construction paper and masking tape;
  - 10. Clear plastic or fabric drop cloths.
- G. Temporary window coverings under this Section shall not be considered signs.
- H. Exceptions. Any provision of this Section may be waived or modified due to hardship or unique circumstances at the discretion of the City Manager or his designee.
- I. Violations of this Section shall be subject to the code enforcement provisions and procedures provided in Section 1-14 and Chapter 2, Article VI of the City Code of Ordinances.

## SECTION 4. CONTRACTORS

### 4.1. Generally

#### 4.1.1. Classifications

- A. For purposes of this Chapter, the classifications for contractor shall be as those listed in F.S. § 489.105(3), and the actual scope and duties shall conform to those classifications in F.S. §

489.113(3) and are meant to include all those certifications contained therein. The provisions of this Chapter do not apply to an authorized representative of the United States government, the State, the county, the City, or any political corporation or subdivision thereof, if the operation of a trade is done by its own salaried employees, nor to anyone exempt pursuant to State or federal law.

#### 4.1.2. *Unlawful Acts*

- A.** It shall be unlawful for any contractor operating within the City, whether licensed individually or as a firm and through its officers, directors or qualified representatives, to commit any one or more of the following acts or omissions:
1. To perform work outside the scope of operations in which a contractor is licensed for;
  2. To depart from approved plans;
  3. To misrepresent any material fact;
  4. To commit any willful or fraudulent act; or
  5. To have negligence, incompetence or misconduct in the practice of contracting within this Chapter.

#### 4.1.3. *Responsibilities of Licensed Contractors*

- A. Responsibilities.** Every contractor licensed or registered by the City shall have all of the following responsibilities with respect to any work within the City done by the contractor or under the contractor's direction or by the contractor's employees or subcontractors:
1. To see that all such work shall fully conform to the requirements of the applicable provisions of this Code and other ordinances of the City pertaining or relating to such work, including but not limited to the Florida Building Code and all associated technical codes, the National Electrical Code, now or hereafter adopted by the City.
  2. To see that all such work is done in full conformity with the plans and specifications covering the work.
  3. To see that all progressive or other payments made by or for the owner on account of any such work are properly applied in payment of labor and material bills in accordance with the Florida Mechanics' Lien Law, F.S. ch. 713.
  4. To see that all workers are covered by workers' compensation insurance at all times when and to the extent required by law.
  5. To see that no alternate materials are substituted for those called for by the plans or specifications, without the prior written consent of the City Building Official or designee concerned with such work.

- B. Personal Attendance.** The personal attendance and presence on the job of the contractor or their designated agent is required from time to time, and for such length of time, as to ensure the proper fulfillment of such responsibilities.
- C. Authority of License.** The fact that the building permit or other permit for a particular job or part of a job is issued to the owner or other third party shall not be deemed to diminish the responsibilities of any contractor as set out in this Chapter where the work is being done by the contractor or the contractor's employees or under the authority of the license.
- D. Partnership.** Where any contractor does business as a partnership, at least one partner shall be certified as a contractor's employee or under the authority of a contractor's partnership, and at least one general partner shall be certified as a contractor. Where any contractor is incorporated, at least one of the chief executive officers of the corporation shall be certified as a contractor.

## 4.2. Contractor Registration

### 4.2.1. *Required; Eligibility for Permits*

- A.** Every person desiring to engage in the business of a general contractor, building contractor, residential contractor, electrical contractor, plumbing contractor, mechanical contractor, air conditioning contractor (classes A, B and C), roofing contractor, commercial pool contractor or residential pool contractor, and all specialty contractors within the City, shall, before so doing, obtain a contractor registration from the Building Division.
- B.** Before a contractor shall be issued a permit, the contractor shall be required to be registered with the City for the class appropriate to include the structure for which such building permit is sought. It shall be unlawful for any contractor to undertake any work not within the permitted scope of the category or certification the contractor holds. Permits will only be issued to those contractors referred to in Section 4.1.1.

### 4.2.2. *Application; Liability Insurance*

- A.** Every person required to have a contractor registration by this Chapter shall first make application to the Building Official or their designee on a form to be provided by the official. Every such application shall contain the applicant's full name and current business address and such other information as may reasonably be required to carry out the intent of this Chapter.
- B.** Where application for a contractor registration is made by any person doing business under a trade or fictitious name, the application shall show the name, residence and mailing address of each person owning any interest in the business being conducted under the trade or fictitious name. If the applicant is a corporation doing business under a name different from the corporate name, the application shall contain the name and principal place of business of the corporation applicant.

- C. Every application for a contractor registration shall be accompanied by proof of liability insurance in amounts of no less than \$100,000.00/\$300,000.00 for personal injury and in the amount of no less than \$10,000.00 for property damage.

#### 4.2.3. Examinations

- A. Every applicant for a city contractor registration who is not a state certified contractor pursuant to F.S. ch. 489 shall submit proof to the building division that he has taken the examination for the applicable classification (see section 90-141) which was prepared, proctored and graded by H. H. Block or an equal agency, and has received a passing grade on such examination, it being the intent of this section that the applicant shall have taken an examination based substantially on the codes and laws which will affect his work. A passing grade shall be deemed to be such a grade as the testing agency may set from time to time as passing for the particular examination involved.

#### 4.2.4. Issuance of Citations for Unlicensed Contracting and/or Unpermitted Work

- A. **Violations of State Law Incorporated by Reference.** Any person(s) who violates F.S. §§ 489.127, 489.132(1), or 489.531, as may be amended from time to time, shall also be in violation of this Section.
- B. **Enforcement Officers.** The City Building Official, City Community Resource Unit officers and any other persons designated by the City Building Official as enforcement officers are authorized to issue citations for violations of this Section when the enforcement officer has reasonable and probable grounds to believe that a violation has occurred.
- C. **Contents of Citations.** A citation issued by an enforcement officer shall state:
  1. The time and date of issuance.
  2. The name and address of the person to whom the citation is issued.
  3. The time and date of the violation.
  4. A brief description of the violation and the facts constituting reasonable cause.
  5. The name of the enforcement officer.
  6. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
  7. The applicable civil penalty if the person elects not to contest the citation.
- D. **Civil Penalties.** The civil penalties for violation of this Section shall be as adopted by resolution of the City Council. A person cited for a violation of this Section is deemed to be charged with a noncriminal infraction and must pay a civil penalty of not less than the amount set forth in the citation but not more than \$2,000.00. Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this Section. Monies collected pursuant to

this Section shall be retained and set aside in a specific fund to support future enforcement activities against unlicensed contractors.

- E. Administrative Remedies.** The person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the Special Magistrate to appeal the issuance of the citation by the enforcement officer.
- F. Conduct.** Hearings shall be conducted in the following manner:
1. Hearings shall be held before the Special Magistrate and shall be conducted pursuant to the requirements of F.S. §§ 162.07 and 162.08.
  2. Failure of a violator to appeal the citation within the time period set forth above shall constitute a waiver of the violator's rights to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly.
  3. If the person issued the citation, or his designated representative, shows that the citation is invalid or that the violation has been corrected prior to appearing before the Special Magistrate, the Special Magistrate may dismiss the citation unless the violation is irreparable or irreversible.
  4. If the Special Magistrate finds that a violation exists, the Special Magistrate may order the violator to pay a civil penalty of not less than the amount set forth in the citation, but not more than \$2,500.00 per day for each violation. Monies collected pursuant to this Section shall be retained and set aside in a specific fund to support future enforcement activities against unlicensed contractors. In determining the amount of the penalty, the Special Magistrate shall consider the following factors:
    - a. The gravity of the violation;
    - b. Any actions taken by the violator to correct the violation; and
    - c. Any previous violations committed by the violator.
- G. Failure to Contest the Citation.** Upon written notification from the enforcement officer that a violator has not contested the citation or paid the civil penalty within the time frame allowed in the citation, the Special Magistrate shall enter an order ordering the violator to pay the civil penalty set forth on the citation. A hearing shall not be necessary for the issuance of such order.
- H. Order Imposing Fine.** A certified copy of an order imposing a civil penalty pursuant to this Section may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the violator in the county of recordation. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including a levy against personal property. A civil penalty imposed



hereunder shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on such lien, whichever occurs first. After three months from the filing of any such lien which remains unpaid, the City attorney is authorized to foreclose on the lien. No such lien may be foreclosed on real property which is a homestead under Section 4, article X of the state Constitution.

- I. Appeal.** An aggrieved party, including the City, may appeal a final administrative order of the Special Magistrate to the circuit court pursuant to F.S. ch. 162. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.
- J. Notice Procedures.** All notices required by this Section shall be provided to the alleged violator in the same manner as provided for in F.S. ch. 162.
- K. Refusal to Sign Citation.** Pursuant to F.S. §§ 489.127(4)(m) and 489.531(4)(n), any person who willfully refuses to sign and accept a citation issued by an enforcement officer commits a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.

#### 4.2.5. *Certificate Required Prior to Issuance of Occupational License*

- A.** No occupational license shall be issued to any contractor unless the contractor holds a current contractor registration issued by the building Chapter.

#### 4.2.6. *Appeals*

- A.** Any applicant for a contractor registration under this Chapter who is denied such registration by the Building Official may appeal the decision to the Special Magistrate; provided, however, that such appeal shall be filed in writing with the building division within 15 days of receipt of notification in writing of the denial of the contractor registration.
- B.** Appeal procedure.
  - 1.** The special magistrate shall hold a public hearing after proper notice. Notice of the hearing shall be given, in writing, by the building division, to the contractor not less than ten days prior to the date set for the hearing. The notice shall specifically set forth the grounds for the proposed action and the time and place for the hearing. When proper notice of the hearing has been provided to the contractor, a hearing may proceed even in the absence of the contractor.
  - 2.** At the hearing, the burden of proof shall be upon the contractor to show by the greater weight of the evidence that the contractor registration should be issued.
  - 3.** All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination of the special magistrate, immaterial or unduly repetitious evidence

may be excluded. The special magistrate may consider testimony presented by the contractor, the city or any other witnesses.

4. The special magistrate shall render a decision based upon the evidence entered into the record.
5. The special magistrate's decision shall be entered in writing, including findings of fact and conclusions of law, and be sent by certified mail to the contractor.
6. Any aggrieved party, including the city, may appeal an order of the special magistrate entered pursuant to this section to the circuit court of the county. Such appeal shall not be a hearing de novo but shall be a petition for a writ of certiorari, and the court shall be limited to appellate review of the record created before the special magistrate. Any appeal shall be considered timely if it was filed within 30 days after the written order filed with the city clerk. The city may assess a reasonable charge for the preparation of the record, to be paid by the appellant in accordance with F.S. § 119.07.
7. All notices required by this section shall be by certified mail, return receipt requested, or, when mail is not effective, by hand delivery by a sheriff's deputy or other authorized person pursuant to rule 1.410(c), Florida Rules of Civil Procedure, or by public notice in an appropriate newspaper.

#### *4.2.7. Use of Certificate by Persons Employed By City*

- A. It shall be unlawful for the holder of a certificate of registration pursuant to this Chapter to use or allow the use of any such certificate during the period of time that such holder is an employee of the City with the Building Division on a full-time basis as an inspector or otherwise employed by the City in a capacity using the skills for which the holder is certified or registered.

#### *4.2.9. Reciprocity*

- A. Any general contractor, electrical contractor, plumbing contractor or mechanical contractor who has been examined and is licensed by any incorporated municipality or county of the state, where such municipality or county has adopted and is administering building, plumbing, electrical and mechanical codes which are equal to the standards set forth in the codes adopted by the City, as now exist or may hereafter be amended, and where such municipality or county enters into an interlocal agreement with the City as to general, electrical, plumbing or mechanical contractors duly licensed by that jurisdiction, shall be eligible to apply to the Building Division for a contractor registration.

## SECTION 5. ELECTRICAL, PLUMBING, GAS, MECHANICAL AND POOL REGULATIONS

### 5.1. Electrical Work

- A. Enforcement.** It shall be the duty of the inspector, licensed in the appropriate category as required in F.S. ch. 468, under the direction of the Building Official, to enforce the provisions of this Chapter and the National Electrical Code adopted in this Code.
- B. Supervision of Work.** No work requiring the issuance of an electrical permit shall be done without on-the-job supervision by the holder of either a state certification or City certificate of registration.

### 5.2. Electrical Permits and Fees

- A.** A permit will be required to do any electrical work in the City. The repairing of damage to broken fixtures or equipment and the ordinary work necessary for the proper maintenance of equipment is exempt from the permit requirement.
- B.** All electrical permit fees shall be pursuant to the latest fee schedule as set by the City.

### 5.3. Permission to Furnish Power

- A.** It shall be unlawful for any person to supply electric current for lights or power to their distribution system unless explicitly permitted by state law. The electrical inspector may authorize the electric company to energize the circuits for temporary power or testing purposes for a period of not exceeding 180 days if, in their opinion, such wiring, apparatus or fixtures are in such condition that current may safely be connected therewith. A written application needs to be filed with the inspector requesting such temporary power.

### 5.4. Plumbing Work

- A.** It shall be the duty of the inspector, licensed in the appropriate category as required per F.S. ch. 468, under the direction of the Building Official, to enforce the provisions of this Chapter and the Florida Plumbing Code adopted in this Chapter.

### 5.5. Plumbing Permits and Fees

- A.** A permit will be required to do any plumbing work in the City.
- B.** It shall be unlawful for any person to connect, or cause to be connected, any building, lot, premises or establishment with any water main or with any service pipe for water, or any house sewer or septic tank, or with any subway or conduit or any other public or private underground

structure, in public or private space, or for the purpose of repairing or extending any present water or drainage system, without a permit obtained from the City Building Division, before commencing any part of such work. The provisions of this Section shall apply to all water mains, sewers, septic tanks and water service pipes, plumbing and systems of drainage or piping, whether on private property or in any public street or alley, and to each separate building, whether situated on the same or different lots, and connected or proposed to be connected directly or indirectly with any water main, water service pipe, public or house sewer, septic tank or subway, conduit or other underground structure.

- C. All plumbing fees shall be pursuant to the latest fee schedule as set by the City.

### 5.6. Connection to City Water System

- A. Wherever City water is available to a building site, the required tap fee and meter deposit shall be paid at the time the plumbing permit is issued.
- B. All water supply and distribution piping shall be connected to the City water meter at time of rough-in and water shall thenceforth remain on the system throughout the balance of the construction period except as necessary in completing the piping system and installing fixtures. All water meter boxes shall be at grade before final inspection.

### 5.7. Gas Enforcement

- A. It shall be the duty of the inspector, licensed in the appropriate category as required pursuant to F.S. ch. 468, under direction of the Building Official, to enforce the provisions of this Chapter and the Florida Fuel Gas Code adopted in this Chapter.

### 5.8. Gas Permits and Fees

- A. A permit will be required to do any gas work in the City.
- B. All gas permit fees shall be pursuant to the latest fee schedule as set by the City.

### 5.9. Mechanical Code Enforcement

- A. It shall be the duty of the inspector, licensed in the appropriate category as required pursuant to F.S. ch. 468, under direction of the Building Official, to enforce the provisions of this Chapter and the Florida Mechanical Code adopted in Section 1.7.

### 5.10. Mechanical Permits and Fees

- A. A permit will be required to do any mechanical, heating, ventilation and air-conditioning work in the City.
- B. All mechanical permit fees shall be pursuant to the latest fee schedule as set by the City.

### 5.11. Pool Code and Definitions

- A. Swimming pools, private or public, shall conform to the requirements and definitions of the Florida Building Code adopted in this Chapter.

## SECTION 6. FLOODPLAIN MANAGEMENT

### 6.1. General

- A. **Title.** These regulations shall be known as the Floodplain Management Article of the City of Venice, hereinafter referred to as "this article."
- B. **Scope.** The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- C. **Intent.** The purposes of this article and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
  1. Minimize unnecessary disruption of commerce, access and public service during times of flooding; and
  2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage; and
  3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential; and
  4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain; and
  5. Minimize damage to public and private facilities and utilities; and
  6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas; and
  7. Minimize the need for future expenditures of public funds for flood control projects and response to and recovery from flood events; and
  8. Meet requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, section 59.22.
- D. **Coordination with the Florida Building Code.** This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- E. **Warning.** The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land

outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, sections 59 and 60 may be revised by the Federal Emergency Management Agency (FEMA), requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

- F. Disclaimer of liability.** This article shall not create liability on the part of the city or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made hereunder.

## 6.2. Applicability

- A. General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. Areas to which this article applies.** This article shall apply to all flood hazard areas within the city as established in subsection 6.2.C.
- C. Basis for establishing flood hazard areas.** The Flood Insurance Study for Sarasota County, Florida, and Incorporated Areas dated November 4, 2016, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted as part of this article and shall serve as the minimum basis for establishing flood hazard areas. In all cases, the highest conservative base flood elevation determined from the FIRM and Flood Insurance Study shall be used. Studies and maps that establish flood hazard areas are on file at the office of the city clerk, 401 West Venice Avenue, Venice, Florida.
- D. Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to section 6.5 the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
  2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- E. Other laws.** The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.
- F. Abrogation and greater restrictions.** This article supersedes any article in effect for management of development in flood hazard areas, however, it is not intended to repeal or abrogate any existing articles including but not limited to, land development regulations, zoning articles, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other article, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

- G. Interpretation.** In the interpretation and application of this article, all provisions shall be:
1. Considered as minimum requirements; and
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.

### 6.3. Duties and Powers of the Floodplain Administrator

- A. Designation.** The building official or his designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- B. General.** The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to section 6.7.
- C. Applications and permits.** The floodplain administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas; and
  2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article; and
  3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation; and
  4. Provide available flood elevation and flood hazard information; and
  5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant; and
  6. Review applications to determine whether proposed development will be reasonably safe from flooding; and
  7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
  8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.
  9. Ensure that for projects proposing to enclose areas under elevated buildings, a signed declaration of land restriction (nonconversion agreement) has been recorded on the property prior to issuance of the certificate of occupancy.
- D. Substantial improvement and substantial damage determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made; and
  2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure; and
  3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and
  4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this article is required.
- E. Modifications of the strict application of the requirements of the Florida Building Code.** The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 6.7.
- F. Notices and orders.** The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.
- G. Inspections.** The floodplain administrator shall make the required inspections as specified in section 6.6 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. Other duties of the floodplain administrator.** The floodplain administrator shall have other duties, including but not limited to:
1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 6.3.D; and
  2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to FEMA; and
  3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available; and
  4. Review required design certifications and documentation of elevations specified by this article and the Florida Building Code and this article to determine that such certifications and documentations are complete; and
  5. Notify FEMA when the corporate boundaries of the city are modified; and



6. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- I. **Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Office of the City Clerk, 401 West Venice Avenue, Venice, Florida.

#### 6.4. Permits

- A. **Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.
- B. **Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. **Buildings, structures and facilities exempt from the Florida Building Code.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:
1. Railroads and ancillary facilities associated with the railroad.
  2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
  3. Temporary buildings or sheds used exclusively for construction purposes.
  4. Mobile or modular structures used as temporary offices.

5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
  6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on-site or preassembled and delivered on-site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  8. Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
  9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- D. Application for a permit or approval.** To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
1. Identify and describe the development to be covered by the permit or approval.
  2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  3. Indicate the use and occupancy for which the proposed development is intended.
  4. Be accompanied by a site plan or construction documents as specified in section 6.5.
  5. State the valuation of the proposed work.
  6. Be signed by the applicant or the applicant's authorized agent.
  7. Give such other data and information as required by the floodplain administrator.
- E. Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other article of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.
- F. Expiration.** A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- G. Suspension or revocation.** The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other article, regulation or requirement of this community.
- H. Other permits required.** Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
1. The Southwest Florida Water Management District; F.S. § 373.036.
  2. Florida Department of Health for on-site sewage treatment and disposal systems; F.S. § 381.0065 and ch. 64E-6, Florida Administrative Code.

3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
4. Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; section 404 of the Clean Water Act.
6. Federal permits and approvals.

## 6.5. Site Plans and Construction Documents

**A. Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with subsection 6.5.B.2 or 6.5.B.3.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with subsection 6.5.B.1.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and coastal A Zones, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

**B. Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
  3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
    - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
    - b. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
  4. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- C. Additional analyses and certifications.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection 6.5.D and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
  2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
  3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 6.5.D.
  4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V) and coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

- D. Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

## 6.6. Inspections

- A. General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. Development other than buildings and structures.** The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
- C. Buildings, structures and facilities exempt from the Florida Building Code.** The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
- D. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:
1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
  2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 6.5.B.3.b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- E. Buildings, structures and facilities exempt from the Florida Building Code, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection 6.6.D.
- F. Manufactured homes.** The building official or his designee shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official or his designee.

## 6.7. Variances and appeals

- A. General.** The special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of this article and the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building.

- B. Appeals.** The special magistrate shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any aggrieved party, including the city, may appeal an order of the special magistrate entered pursuant to this section to the circuit court of the county, as provided by Florida Statutes. Such appeal shall not be a hearing denovo but shall be a petition for writ of certiorari, and the court shall be limited to appellate review of the record created before the special magistrate. Any appeal shall be considered timely if it was filed within 30 days after the written order filed with the city clerk. The city may assess a reasonable charge for the preparation of the record, to be paid by the appellant in accordance with F.S. § 119.07.
- C. Limitations on authority to grant variances.** The special magistrate shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 6.7.G, the conditions of issuance set forth in subsection 6.7.H, and the comments and recommendations of the floodplain administrator and the building official. The special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.
- D. Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 6.5.C.
- E. Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- F. Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of subsection 6.7.D., is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. Considerations for issuance of variances.** In reviewing requests for variances, the special magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
  4. The importance of the services provided by the proposed development to the community;
  5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  6. The compatibility of the proposed development with existing and anticipated development;

7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
  8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
  9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- H. Conditions for issuance of variances.** Variances shall be issued only upon:
1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
  2. Determination by the special magistrate that:
    - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
    - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and articles; and
    - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
  3. If the variance is granted, it shall be recorded by the city clerk in the office of the clerk of the circuit court in such a manner that it appears in the chain of title of the affected parcel of land; and
  4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

## 6.8. Violations

- A. Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- B. Authority.** For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the floodplain administrator is

authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

- C. Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## 6.9. Definitions

### 6.9.1. General

- A. Scope.** Unless otherwise expressly stated, the words and terms in Section 6.9.2 shall, for the purposes of this article, have the meanings shown.
- B. Terms defined in the Florida Building Code.** Where terms are not defined in this article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- C. Terms not defined.** Where terms are not defined in this article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

### 6.9.2. Definitions

**Accessory structure:** A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

**Alteration of a watercourse:** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Appeal:** A request for a review of the floodplain administrator's interpretation of any provision of this article.

**ASCE 24:** A standard titled Flood-Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers (ASCE), Reston, VA.

**Base flood:** A flood having a one percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood." [Also defined in Florida Building Code, Building, B, section 202]

**Base flood elevation:** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in Florida Building Code, Building, B, section 202]

**Basement:** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in Florida Building Code, Building, B, section 202]

**Coastal A Zone:** Flood hazard areas that have been delineated as subject to wave heights between 1½ feet (457 mm) and three feet (914 mm). Such areas are seaward of the limit of moderate wave action shown on the Flood Insurance Rate Map.



**Coastal construction control line:** The line established by the State of Florida pursuant to F.S. § 161.053, and duly filed in the public records of Sarasota County Clerk of the Circuit Court, which defines that portion of the beach dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

**Coastal high hazard area:** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. The Florida Building Code (FBC), B defines and uses the term "flood hazard areas subject to high velocity wave action" and the Florida Building Code, R uses the term "coastal high hazard areas."

**Declaration of land restriction (nonconversion agreement):** A form provided by the floodplain administrator to be signed by the owner and recorded on the property in the official records of the Sarasota County Clerk of Circuit Court, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings and dwellings.

**Design flood:** The flood associated with the greater of the following two areas: [Also defined in Florida Building Code, Building, B, section 202]

- (1) Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design flood elevation:** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in Florida Building Code, Building B, section 202]

**Development:** Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**Encroachment:** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing building and existing structure:** Any buildings and structures for which the "start of construction" commenced before July 30, 1971. [Also defined in Florida Building Code, Building B, section 202]

**Federal Emergency Management Agency (FEMA):** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Flood or flooding:** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in Florida Building Code, Building B, section 202]

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials:** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in Florida Building Code, Building B, section 202]

**Flood hazard area:** The greater of the following two areas: [Also defined in Florida Building Code, Building B, section 202]

(1) The area within a floodplain subject to a one percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Flood Insurance Rate Map (FIRM):** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in Florida Building Code, Building B, section 202]

**Flood Insurance Study (FIS):** The official report provided by FEMA that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in Florida Building Code, Building B, section 202]

**Floodplain administrator:** The office or position designated and charged with the administration and enforcement of this article (may be referred to as the floodplain manager).

**Floodplain development permit or approval:** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.

**Floodway:** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in Florida Building Code, Building B, section 202]

**Floodway encroachment analysis:** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Florida Building Code:** The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; and Florida Building Code, Fuel Gas.

**Functionally dependent use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic structure:** Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Historic Buildings.

**Letter of map change (LOMC):** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

**(1) Letter of map amendment (LOMA):** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

**(2) Letter of map revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

**(3) Letter of map revision based on fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

**(4) Conditional letter of map revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program (NFIP) requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

**Light duty truck:** As defined in 40 Code of Federal Regulations (C.F.R). 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

**Limit of moderate wave action:** A line shown on FIRMs to indicate the inland limit of the 1½ foot breaking wave height during the base flood.

**Lowest floor:** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in Florida Building Code, Building B, section 202]

**Manufactured home:** A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle or park trailer. [Also defined in ch. 15C-1.0101, F.A.C.]

**Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value:** The actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

**New construction:** For the purposes of administration of this article and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after July 30, 1971 and includes any subsequent improvements to such structures.

**Park trailer:** A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01.]

**Recreational Vehicle:** A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01.]

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Sand dunes:** A naturally occurring accumulation of sand in ridges or mounds landward of the beach.

**Special flood hazard area:** An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in Florida Building Code, Building B section 202]

**Start of construction:** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building on a site (including a manufactured home), such as the pouring of slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in Florida Building Code, Building B section 202]

**Substantial damage:** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceeds 50 percent of the market value of the building or structure before the damage occurred. [Also defined in Florida Building Code, Building B, section 202]

**Substantial improvement:** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceed 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to July 11, 1972. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Variance:** A grant of relief from the requirements of this article, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this article or the Florida Building Code.

**Watercourse:** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

## 6.10. Flood Resistant Development

### 6.10.1. Buildings and Structures

- A. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.** Pursuant to subsection 6.4.C., buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 6.10.7.
- B. Buildings and structures seaward of the coastal construction control line.** If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
  1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building section 3109 and section 1612 or Florida Building Code, Residential section R322.
  2. Minor structures and nonhabitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.
- C. Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage, and:**

1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 square feet and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
2. If located in coastal high hazard areas (Zone V/VE and Coastal A), are not located below elevated buildings and are not larger than 100 square feet.
3. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
4. Have flood damage-resistant materials used below the base flood elevation plus one foot.
5. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.

#### 6.10.2. Subdivisions.

- A. Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
  2. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 6.5.B.1.; and
  3. Compliance with the site improvement and utilities requirements of section 6.10.3.

#### 6.10.3. Site Improvements, Utilities and Limitations.

- A. Minimum requirements.** All proposed new development shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for on-site sewage treatment and disposal systems in ch. 64E-6, F.A.C. and ASCE 24 ch. 7, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.
- C. Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in ch. 62-532.500, F.A.C. and ASCE 24 ch. 7, to minimize or eliminate infiltration of floodwaters into the systems.

- D. Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 6.5.C.1 demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- E. Limitations on placement of fill.** Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- F. Limitations on sites in coastal high hazard areas (Zone V) and coastal A Zone.** In coastal high hazard areas and coastal A Zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 6.5.C.4., demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 6.10.7.H.3.

#### 6.10.4. *Manufactured Homes*

- A. General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of ch. 15C-1, F.A.C. and the requirements of this article. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- B. Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
  1. In flood hazard areas (Zone A) other than coastal high hazard areas and coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential section R322.2 and this article.
  2. In coastal high hazard areas (Zone V) and coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential section R322.3 and this article.
- C. Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- D. Elevation.** All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or R322.3 (Zone V and Coastal A Zone).
- E. Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential section R322 for such enclosed areas, as applicable to the flood hazard area.
- F. Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall

comply with the requirements of the Florida Building Code, Residential section R322, as applicable to the flood hazard area.

#### 6.10.5. *Recreational Vehicles and Park Trailers*

- A. Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
  1. Be on the site for fewer than 180 consecutive days; or
  2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- B. Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations in subsection 6.10.5.A for temporary placement shall meet the requirements of section 6.10.4 of this article for manufactured homes.

#### 6.10.6. *Tanks*

- A. Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- B. Above ground tanks, not elevated.** Above ground tanks that do not meet the elevation requirements of subsection 6.10.6.C. shall:
  1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas and coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
  2. Not be permitted in coastal high hazard areas (Zone V) and coastal A Zones.
- C. Above ground tanks, elevated.** Above ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- D. Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:
  1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### 6.10.7. *Other Development*

- A. General requirements for other development.** All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:
  1. Be located and constructed to minimize flood damage;
  2. Meet the limitations of subsection 6.10.3.D if located in a regulated floodway;



3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  4. Be constructed of flood damage-resistant materials; and
  5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- B. Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of subsection 6.10.3.D.
- C. Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 6.10.3.D.
- D. Roads and watercourse crossings in regulated floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 6.10.3.D. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 6.5.C.3.
- E. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and coastal A Zones.** In coastal high hazard areas and coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
1. Structurally independent of the foundation system of the building or structure;
  2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
  3. Have a maximum slab thickness of not more than four inches.
- F. Decks and patios in coastal high hazard areas (Zone V) and coastal A Zones.** In addition to the requirements of the Florida Building Code, in coastal high hazard areas and coastal A Zones, decks and patios shall be located, designed, and constructed in compliance with the following:
1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
  2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
  3. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional

- demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- G. Other development in coastal high hazard areas (Zone V) and coastal A Zones.** In coastal high hazard areas and coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
  2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
  3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
- H. Nonstructural fill in coastal high hazard areas (Zone V) and coastal A Zones.** In coastal high hazard areas and coastal A Zones:
1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
  2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
  3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

## 6.11. Administrative Amendments to the Florida Building Code, Building

### 6.11.1. Florida Building Code, Building.

The following amendments to the Florida Building Code, Building are hereby adopted:

*Section 104*, subsection 104.10.1 Florida Building Code, Building.

Add a new section 104, subsection 104.10.1 as follows:

Reserved.

Add a new section 107, subsection 107.3.5 as follows:

*107.3.5 Minimum plan review criteria for buildings.*

Commercial Buildings:

Buildings:

8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), flood damage resistant materials.

Residential (one and two family):

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), equipment, and flood damage resistant materials.

## 6.12. Technical Amendments to the Florida Building Code, Building, Existing Building and Residential

### *6.12.1. Florida Building Code, Building.*

The following amendments to the Florida Building Code are hereby adopted:

(a) *Section 1612, subsection 1612.2, Florida Building Code, Building.*

Modify a definition as follows:

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to July 11, 1972. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(b) *Section 1612, subsection 1612.4, Florida Building Code, Building.*

Modify as follows:

1612.4.1 Modification of ASCE 24. Reserved.

1612.4.3 Modification of ASCE 24 (Coastal A Zone). Stem walls shall not be permitted in Coastal A Zones.

*66.12.2. Florida Building Code, Existing Building.*

*Section 202, Florida Building Code, Existing Building.*

Modify a definition as follows:

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to July 11, 1972. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

*66.12.3. Florida Building Code, Residential.*

Modify section R322.3.3, as follows:

*R322.3.3 Foundations.* Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.5. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.9. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.

# CHAPTER 89 – ENVIRONMENTAL REGULATIONS

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## SECTION 1. INTRODUCTION

### 1.1. Purpose and Intent

- A. This Chapter shall define implementing regulations for environmental topics contained in the City's Comprehensive Plan. These topics include open space use and conservation, wildlife and habitat protection, wetland protection, mining impact considerations, coastal waterway management and protection, coastal high hazard development considerations, and conservation building design and development considerations.

## SECTION 2. ENVIRONMENTAL STANDARDS

### 2.1. Open Space

- A. **Applicability.** Open space is defined in the Comprehensive Plan as either functional or conservation open space and applies to Planned Districts only or as may be required under Chapter 87. The Planned District regulations (see Chapter 87, Section 2.2.4.) define the required amount of each type of open space for each Planned District. This section provides further clarification on the types of uses or activities that qualify for each open space type.
- B. **Functional Open Space.** Specific uses that are permitted in functional open space areas include:
  - 1. Recreation areas including designated parks, dog parks, playgrounds, golf courses, sports facilities and fields.
  - 2. Club houses and amenity centers including plazas and courtyards.
  - 3. Walking trails, bikeways, and pedestrian ways.
  - 4. Swimming pools.
  - 5. Water bodies having designated active recreational uses.
- C. **Conservation Open Space.** The following uses qualify as conservation open space:
  - 1. Landscape buffers.
  - 2. Dry stormwater and retention areas.
  - 3. Stormwater management areas, wetlands, and other bodies of water included in the development, not including any associated walking or hiking trails.
  - 4. Conservation easements.
  - 5. Undeveloped utility easements greater than twenty-five (25) feet in width.
  - 6. Undisturbed native habitat.
- D. **Conservation Open Space Standards.**

1. Conservation open space shall be consistent with the landscaping and compatibility buffers of the Land Development Code (“LDC”).
2. Existing native habitats shall be used whenever possible to fulfill conservation open space requirements.
3. Where appropriate, conservation open space areas shall maintain connectivity through and between preserved native habitat areas, landscape areas, and wildlife corridors. An analysis of surrounding properties for Planned Districts shall be provided to identify and provide connectivity to adjoining habitat, buffers, and wildlife corridors.
4. Conservation open space areas must be designed to incorporate as many existing large native trees and tree clusters as possible consistent with tree preservation regulations in this Chapter.

## 2.2. Wildlife and Habitat Protection Assessment

- A. **Applicability.** A Wildlife and Habitat Protection Assessment (WHPA) shall be required for all development petitions that include new development of areas larger than five (5) acres. This assessment shall be included in the binding master plans for rezoning to Planned Districts, as well as the applications for preliminary plats and site and development plans. The objective of this assessment is to identify, if applicable, any impacts of development on unique habitats and protected, endangered, or threatened species. Where a project has completed a WHPA through prior petitions or applications, the date of the WHPA is not older than one (1) year, and the conditions of the subject properties have not changed, a new WHPA shall not be required.
- B. **WHPA Requirements.** The WHPA shall be prepared by an environmental professional. To qualify as an environmental professional, the preparer of the WHPA shall have a minimum of one of the following: (a) Degree in wildlife biology/ecology, (b) Certification by the Wildlife Society; or (c) be an Authorized or Registered agent by the Florida Fish and Wildlife Conservation Commission (FWC). The WHPA shall contain, at minimum:
  1. Date(s) of assessment.
  2. Name of individual or organization conducting the assessment.
  3. Qualifications of the environmental professional(s) conducting the assessment.
  4. A brief statement of the methodology used to conduct the assessment.
  5. A map of land use and land cover classifications on the site using a classification system described in one (1) of the following publications:
    - a. Land Use, Cover and Forms Classification System: A Technical Manual. State of Florida, Department of Transportation, May 1981 (Preferred); or
    - b. The Florida Land Use and Cover Classification System; A Technical Report. State of Florida, Department of Administration, April 1976;



6. A list of species observed on the site.
7. Locations of any Heritage, Venetian or existing native tree clusters.
8. A map showing: the exact location and an assessment of any native or unique habitats, including habitat of threatened or endangered species; threatened, endangered, or other protected species encountered on the site; and any evidence of habitation of areas on the site by such species discovered during the field review.
9. A habitat management plan describing any measures which are proposed by the applicant for non-disturbance, species relocation, or other mitigation measures regarding the protection of any threatened or endangered species found on the site.

### 2.3. Unique Habitats and Protected Species

- A. **Purpose and Intent.** The City recognizes the importance of identifying and maintaining habitats unique to the City and Florida. Unique habitats shall be protected and maintained in accordance with this Chapter, the LDC, and the Comprehensive Plan. Additionally, it is important to identify and provide mitigation from development when certain protected species and their habitats are identified on the site.
- B. **Types of Unique Habitats.** The following unique habitats have been identified for protection in the Comprehensive Plan and shall be protected as required in this Chapter.
  1. Marine Habitats.
  2. Manatee Habitat Protection Zones.
  3. Marine Turtle Habitats.
  4. Beach and Dune Habitats.
  5. Florida Scrub Jay, Gopher Tortoise, and Other Protected Species Habitats.
  6. Threatened, Endangered Species, or Other Protected Species Habitats.
  7. Mangroves.
- C. **Development Standards.** If a WHPA or any development application identifies that unique habitats or protected species are located on the property, the following protection methods are required:
  1. Impact to unique habitats and protected species shall be avoided whenever possible. When impact is unavoidable, the application shall document the reasons why. Development documents shall include language detailing how the habitat will be preserved and maintained and shall reference best management practices for their maintenance.
  2. Where the preservation of habitat will be compromised by the removal of invasive species, a design alternative may be proposed to maintain the invasive species to the extent necessary to protect such habitat.

3. Applicable mitigation shall be required for State and/or Federally protected habitats and protected in compliance with the latest State/Federal regulatory standards in place at the time of the proposed impact.
4. Unique habitats shall be clearly marked using silt barrier fencing or similar fencing protection to ensure the undisturbed protection of the unique habitat during construction activities on the site. Unique habitats occupied by Threatened, Endangered, or Other Protected Species may warrant a more restrictive buffer area defined and regulated by the USFWS or FWC.

**D. Resource Management Plan Required.** For proposed development of property containing five (5) or fewer acres, a resource management plan shall be required for review and approval by the City prior to a site and development plan or preliminary plat. The applicant shall pay for and have a resource management plan prepared by an environmental professional. 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.

## 2.4. Specific Marine Turtle Protection Regulations

**A. Purpose and Intent.** In addition to any requirements for protected species, the purpose of this section is to protect threatened and endangered marine turtles that nest along the beaches of the City by safeguarding nesting and hatchling marine turtles from the adverse effects of artificial light and from injury or harassment, and by prohibiting activities disruptive to marine turtles.

**B. Civil and Administrative Enforcement Powers; Criminal Penalties.**

1. The City shall have the power to enforce the provisions of this section by administrative proceedings, including code enforcement proceedings in accordance with Chapter 2, Article VI of the City Code of Ordinances, and by equitable or legal judicial proceedings. Each day of any such violation shall constitute a separate and distinct offense.

2. A violation of any of the provisions of this section shall be punishable as a misdemeanor of the second degree and subject to the penalty provided by F.S. § 772.082 and the fine provided by F.S. § 775.083. Each day of any such violation shall constitute a separate and distinct offense.
3. No permit shall be issued by the City for any project or property which is in violation of this section or for which a fine imposed in accordance with this section remains unpaid.

**C. Lighting Standards for New Development.**

1. In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards (in addition to any standards set forth in the LDC) are adopted for artificial light sources on all new coastal construction:
  - a. Exterior artificial light fixtures shall be designed and positioned so that:
    - i. The point source of light or any reflective surface of the light fixture is not directly visible from the beach.
    - ii. Areas seaward of the frontal dune are not directly, indirectly or cumulatively illuminated.
  2. Exterior artificial light fixtures within direct line-of-sight of a beach that is a protected marine turtle nesting site are considered appropriately designed if:
    - a. Completely shielded downlight-only fixtures or recessed fixtures having low wattage bulbs and nonreflective interior surfaces are used. These fixtures must have LPS, LED or true red neon light sources. Other fixtures that have appropriate shields, louvers, or cut-off features may also be used if they are in compliance with subsection C.1.a., above or approved by FWC; and
    - b. All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, step lights, low bollards, low-profile luminaires and ground level fixtures.
  3. Floodlights, up-lights or spotlights for decorative, recreational and accent purposes that are directly or indirectly visible from the beach, or which directly, indirectly or cumulatively illuminate the beach, are prohibited.
  4. Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are required for any exterior lights used expressly for safety or security. Lights incorporating motion detector switches shall be downward directed, shielded and utilize low wattage LPS, LED or true red neon light sources.
  5. Dune crosswalks may be lighted. If lighted, dune crosswalks shall utilize low-profile shielded luminaires directed and positioned so that the point source of light or any reflective surface of the light fixture is not directly visible from the beach. All light fixtures on dune crosswalks

must utilize low wattage LPS, LED or true red neon light sources. Dune crosswalk lighting seaward of the frontal dune, or on beach areas where no frontal dune exists, shall be turned off during marine turtle nesting season.

6. Parking areas within direct line-of-sight of the beach shall be designed with the minimum lighting necessary to provide safety and security and lighting shall be:
  - a. Downward directed, shielded and utilize low wattage LPS, LED or true red neon light sources; and
  - b. Utilize low-profile luminaires and bollards to the maximum extent possible. Any pole lights determined to be necessary to provide safety and security shall be fully shielded and installed at a maximum height of fifteen (15) feet in travel ways and twelve (12) feet in other areas; or
  - c. Included in a lighting plan approved by FWC to minimize the impacts to nesting marine turtles.
7. Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.
8. Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach via cutoff fixtures and through the use of ground level barriers. Ground level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system.
9. Tinted or filmed glass consistent with FWC standards for Sea Turtle Lighting shall be installed on all windows and glass doors of single or multistory structures within line-of-sight of the beach.
10. Use of appropriately shielded low LPS, LED lights and fixtures shall be required for high intensity lighting applications such as parking areas and travel ways, providing security and similar applications.
11. Lights illuminating signs and internally illuminated signs shall be shielded or screened such that they do not directly, indirectly or cumulatively illuminate the beach and that the light shall not be visible from the beach.
12. Temporary lighting of construction sites during nesting season shall be restricted to the minimal amount necessary and shall incorporate the standards of this section. Said lighting shall be:
  - a. Mounted no more than eight (8) feet above existing grade;
  - b. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach; and

- c. Positioned or shielded so as to not directly, indirectly or cumulatively illuminate the beach.
- 13.** Upon completion of the construction activities and prior to issuing a certificate of occupancy for any new development within direct line-of-sight of the beach, compliance with the beachfront lighting standards set forth in this section shall be inspected as follows:
- a. An inspector shall conduct a site inspection which includes a night survey with all exterior lighting turned on.
  - b. The inspector shall prepare and report the inspection finding in writing, identifying:
    - i. The date and time of initial inspection;
    - ii. The extent of compliance with the lighting standards;
    - iii. All areas of observed noncompliance, if applicable;
    - iv. Any action(s) recommended to be taken to remedy observed noncompliance, if applicable.

The inspector, in cases where remedial action is necessary, shall notify the owner or developer of the results of the inspection and shall schedule a date and time for a subsequent inspection.

**D. Lighting Standards for Existing Development.**

- 1. All light sources or reflective surfaces illuminated by such sources that are visible from a beach that is a potential marine sea turtle nesting site shall be brought into compliance with the following:
  - a. Existing artificial light fixtures shall be repositioned, modified, replaced or removed so that:
    - i. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
    - ii. Areas seaward of the frontal dune, or the beach in areas where no frontal dune exists, are not directly or indirectly illuminated; and
    - iii. Areas seaward of the frontal dune, or the beach in areas where no frontal dune exists, are not cumulatively illuminated.
  - b. Internally illuminated signs and lights illuminating signs shall be shielded or screened such that they do not directly, indirectly or cumulatively illuminate the beach and the light shall not be visible from the beach.
  - c. One or more of the following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting so that all existing development is in full compliance with subsection D.1.a., above:

- i. Reposition fixtures so that the point source of light or any reflective surfaces illuminated by such sources is not visible from the beach;
  - ii. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;
  - iii. Replace nondirectional fixtures with directional fixtures that point down and away from the beach;
  - iv. Replace fixtures having transparent or translucent coverings with fixtures having opaque external shields designed to be in compliance with subsection D.1.a., above, and extending an appropriate distance below the bottom edge of the fixture on all visible sides so that the light source or any reflective surface of the light fixture is not visible from the beach;
  - v. Replace pole lamps with low-profile, low-level luminaires so that the light source or any reflective surface of the light fixture is not visible from the beach;
  - vi. Replace incandescent, fluorescent and high intensity lighting with low wattage LPS, LED or true red neon;
  - vii. Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are required for any exterior lights used expressly for safety or security. Lights incorporating motion detector switches shall be downward directed, shielded and utilize low wattage LPS, LED or true red neon light sources;
  - viii. Plant or improve native vegetation buffers between the light source and the beach sufficient to screen light from the beach;
  - ix. Construct a ground level barrier to shield light sources from the beach. Ground level barriers must not interfere with marine turtle nesting or hatchling emergence or cause short- or long-term damage to the beach or dunes; and
  - x. Permanently remove, disable, or lock in the off position during nesting season any fixture which cannot be brought into compliance with the provisions of this section.
- d. One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within direct line-of-sight of the beach:
  - i. Upgrade windows within line-of-sight of the beach to tinted or filmed glass;
  - ii. Rearrange lamps and other moveable fixtures away from windows;

- iii. Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach;
  - iv. Turn off unnecessary lights; and
  - v. Provide educational materials to renters stating the importance of closing the window treatments at night during nesting season if the windows do not have tinted or filmed glass.
- e. Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened in accordance with subsections D.1.a. and b., above, or turned off between sunset and sunrise during nesting season.
  - f. If existing dune crosswalks are lighted and are not in compliance with this Section, replace existing lighting with low-profile shielded luminaires directed and positioned so that the point source of light or any reflective surface of the light fixture is not visible from the beach and that utilize low wattage LPS, LED or true red neon light sources or turn off lighting during nesting season. Dune crosswalk lighting seaward of the frontal dune or on beach areas where the frontal dune no longer exists shall be turned off during nesting season.
  - g. Beachfront properties with seawalls and protective boulders on the gulf side of seawalls with less than five (5) feet of sandy beach will be permitted to have diffused light extending on the seawall and protective boulders for the protection and security of people.
  - h. City Council is authorized to grant variances to the date of compliance where lighting installed before the adoption of the Ordinance from which this section derives would be in violation of this section. Requests for variances must be submitted in writing to the City Clerk. The variance will be considered by City Council at a regularly scheduled meeting. Such variances may be granted only where the applicant has demonstrated that the application of these standards to lighting will cause such an undue and unique hardship to the property and that more time is needed to amortize the owner's reasonable investment in the lighting. In granting a variance, City Council shall specify a schedule to attain compliance. Violation of the terms of the schedule shall constitute a violation of this section.
- E. Standards for Publicly Owned Lighting.**
- 1. All publicly owned lighting with light sources that are visible from the beach or that illuminate reflective surfaces that are visible from the beach, including, but not limited to, streetlights, parking lot lights and beach access lighting, shall be:

- a. Fitted with a shield or positioned so that the light source or any reflective surfaces illuminated by such sources are not visible from the beach and do not directly or indirectly illuminate the beach; or
- b. Extinguished between sunset and sunrise from May 1 to October 31 of each year; or
- c. Included in a lighting plan approved by FWC to minimize the impacts to nesting marine turtles.

**F. Compliance Inspections.**

1. Periodic nighttime lighting inspections will be performed during nesting season from the beach to determine the extent of compliance with all sections of this section. These inspections will be conducted as needed until existing beachfront lighting has been brought into compliance.

**G. Prohibition of Activities Disruptive to Marine Turtles.**

1. The following activities and situations are prohibited on the beach from sunset to sunrise during nesting season:
  - a. The operation of all motorized vehicles, except emergency and law enforcement vehicles or persons who have authorization or a permit to engage in marine turtle conservation or research issued by FWS, FDEP, FWC or the City, and who are acting in conformance with such authorization or permit.
  - b. Horseback riding.
  - c. Campfires or bonfires.
  - d. Any transient lighting which purposely and flagrantly illuminates nesting sea turtles or hatchlings. This prohibition does not apply to persons who have authorization or a permit to engage in marine turtle conservation or research issued by FWS, FWC, FDEP or the City, and who are acting in conformance with such authorization or permit.
  - e. Any temporary structures, including, but not limited to, beach chairs, umbrellas, and cabanas which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting by marine turtles. All temporary structures shall be removed from the beach nightly or stored in areas situated to minimize interference with marine turtles.

**H. Education and Information.**

1. The City and/or a private not-for-profit organization shall prepare and distribute brochures to coastal establishments and residents and make presentations about the effects of light on endangered sea turtle reproduction and about sea turtle biology generally. The City has the authority to notice first-time violators of this section by sending a letter to the offender describing the violation and enclosing a brochure and summary of the ordinance from which this section derives.



**I. Local Approval Not Exclusive.**

1. Approval required pursuant to this section shall be in addition to and not in lieu of any Federal, State, regional or other local approvals which may be required for the same or similar activities. Similarly, compliance with provisions of this section does not excuse any person from having to comply with other applicable Federal, State, regional or local laws.

**2.5. Wildlife Corridors**

**A. Purpose and Intent.** It is the purpose and intent of this section to implement Intent OS 1.6, Open Space Corridors, of the Open Space Element of the City Comprehensive Plan. The City's wildlife corridors are intended to provide for the movement of wildlife within and between urban developed areas and to incorporate other required development standards such as compatibility buffers, conservation open space, landscaping, and setback areas.

**B. Development Standards.**

1. New Planned District projects, subdivisions, or development that is larger than five (5) acres shall incorporate wildlife corridors. These corridors shall include connections to adjacent City and Sarasota County open space or wildlife corridors.
2. Corridor widths shall be a minimum of twenty-five (25) feet in width.
3. Permitted uses in wildlife corridors are limited to recreational uses such as walking trails, conservation open space uses, and unimproved service roads.
4. Wildlife corridors shall be shown on an appropriate binding master plan, preliminary plat, or site and development plan, as appropriate.
5. The design of the subdivision or development shall ensure that open space areas are connected through identified wildlife corridors. Internal roadways shall be permitted to cross wildlife corridors provided that the minimum wildlife corridor width is maintained at the intersection of the corridor and that the roadway and such crossings minimize fragmentation of the open space and wildlife corridors. Signage is required on both sides of the approach to such wildlife corridors to identify the crossing.
6. Curbs adjacent to wildlife corridors shall be designed to accommodate wildlife crossings.

**2.6. Wetlands**

**A. Purpose and Intent.** As described in the Comprehensive Plan, the City shall protect and preserve wetlands and wetland buffers, except as otherwise allowed in this Chapter.

**B. General Provisions.** Properties identified as having wetlands shall ensure that development must minimize impact and then mitigate for impacts to wetlands when impacts are unavoidable.

Where such impacts are proposed, the applicant is required to prove that no other reasonable alternative exists other than disrupting the natural system.

1. Prior to submitting a preliminary plat or site and development plan, an applicant proposing to alter wetlands, surface waters, and/or shorelines shall meet with City staff and provide:
  - i. A delineation of the wetland and/or surface water in accordance with Chapter 62-340, Florida Administrative Code (as amended) and Army Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (2008);
  - ii. Proposed wetland and/or surface water impacts;
  - iii. All minimization and avoidance measures; and
  - iv. And proposed wetland mitigation when impacts are unavoidable.
2. The applicant shall follow the below principles in a proposal to affect wetlands, surface waters, and/or shorelines:
  - i. Avoid damage to the natural system to the greatest extent possible and practicable.
  - ii. Protect wetland, surface waters, and shorelines from secondary impacts by providing an average twenty-five (25) foot (minimum fifteen (15) foot) buffer around each feature.
  - iii. Minimize impacts where avoidance is not possible; impacts shall be limited to the minimum necessary to allow the reasonable use of the property.
  - iv. Limit activities and uses that are known to adversely impact wetlands, surface waters, and shorelines.
  - v. Coordinate with Federal and State review agencies on wetland designation, mitigation policies, and regulations.

**C. Development Standards.** No new development shall impact wetlands, surface waters, and shorelines within the City without approved mitigation. Any development which requires site and development approval shall evaluate natural drainage features, man-made drainage structures, and any potential impact to wetlands, surface waters, and shorelines. Applicants must demonstrate that new developments will avoid impacts to wetlands, surface waters, and shorelines. The City shall promote wetland, surface water, and shoreline preservation by requiring the following standards:

1. **Delineate Wetlands and Surface Waters.** Any proposed development shall identify and delineate wetland, waterway, shorelines, and aquifer recharge area boundaries based upon an on-site field survey by a professional biologist or registered engineer, as appropriate,

provided by the applicant with final wetland delineations to be reviewed and approved by the applicable Federal and State environmental agencies.

2. **Estuarine Shorelines.** Applicants for development along estuarine shorelines shall submit, as part of the permitting process, plans that demonstrate how the development shall incorporate features designed to protect against potential adverse impacts to:
  - a. Shoreline vegetation, including grass beds, and shoreline stabilization;
  - b. Water quality;
  - c. Native habitat, including seagrass beds and wetland habitats; and
  - d. Other living marine resources.
- D. **Wetland Mitigation Plan Requirements.** If impacts to wetlands are proposed, or if onsite or offsite wetland enhancement or creation is proposed, the applicant shall comply with all State and Federal wetland mitigation requirements.

## 2.7. Mining/Resource Extraction Considerations

- A. **Purpose and Intent.** The City shall require that impacts from mining operations be minimized, including but not be limited to impacts on public health, welfare and safety, and environmental preservation.
- B. **Development Standards.**
  1. The property owner or mining operators are required to coordinate with local, regional, State, and Federal mining regulatory agencies to ensure that new and existing mining operations meet all applicable requirements.
  2. Dust, noise, illumination, air and ground pollution (including ground water pollution), and truck/heavy equipment traffic must be minimized to avoid unnecessary impacts to the City and adjacent properties.
  3. Extreme well stimulation, commonly referred to as “fracking,” injection wells, and wastewater sludge/pits, are prohibited.
  4. Engineering techniques proposed to be used in the mining process and a description of major equipment and chemicals involved.
  5. Detailed description of measures to be taken during mining to assure the protection of surface and ground water resources, both in quality and as a system.
- C. **Reclamation Plan.** Prior to the approval of a mining plan or activity, mining operations shall prepare a reclamation plan that addresses the elimination and/or mitigation of post-mining environmental concerns to be implemented upon the discontinuation of mining activity. Such plans shall be incorporated into the development approval. A performance and payment bond in the form of a letter of credit, cash bond or surety bond may be required to assure completion, including restoration of the property to its original condition. If required, the bond shall be in

favor of the city, to be drawn upon for failure to comply with the permit conditions and in a form approved by the city's finance director. Reclamation plans shall include the following:

1. Description of the condition of the subject property including the land to be mined.
2. For newly proposed mining operations a description of condition of the subject property including the land to be mined, prior to any mining activities including the capability of the land prior to mining, and productivity of the land prior to mining including appropriate classification as potential average yield of food, fiber, forage, or wood products.
3. Proposed use of the land following reclamation and the ability and utility of the reclaimed land to support a variety of alternative uses.
4. A detailed description of how the proposed post-mined land use is to be achieved.
5. Engineering techniques proposed to be used in the reclamation process and a description of major equipment and chemicals involved.
6. Detailed estimated timetable for life of the mining operation and each major step in the reclamation process.
7. Detailed description of measures to be taken during reclamation to assure the protection of surface and ground water resources, both in quality and as a system.

## 2.8. Coastal Waterway Management and Protection

### 2.8.1. Coastal Waterways

- A. Purpose and Intent.** The City shall work with private property owners to implement protections such as conservation easements to protect sensitive natural resources along coastal waterways including, but not limited to, mangroves, dune systems, and coastal tidal areas.
- B. Development Standards.**
  1. An environmental impact study and City Council approval is required for any sea wall construction to discourage the hardening of the Gulf of Mexico and other natural waterway shorelines.
  2. Fill and dredging activities shall comply with all applicable local, State, and Federal requirements.
- C. Impact Analysis.** It is required that development must minimize impact and then mitigate for impacts to natural resources along coastal waterways. Prior to submitting a site and development plan, an applicant proposing to alter natural resources along coastal waterways shall meet with City staff. The applicant is required to prove that no other reasonable alternative exists other than disrupting the natural system. The applicant shall follow the principles below in a proposal to impact natural resources along coastal waterways:
  1. Avoid damage to the natural system to the greatest extent possible and practicable;

2. Minimize impacts where avoidance is not possible, limit impacts to the minimum necessary to allow the reasonable use of the property;
3. Limit activities and uses that are known to adversely impact the coastal waterway; and
4. Coordinate with applicable Federal and State review agencies on applicable coastal mitigation policies and/or regulations.

**D. Coastal Waterway Mitigation Requirements.** If impacts to coastal waterways are proposed, the applicant shall comply with all State and Federal requirements.

### 2.8.2. Structures over Water

**A. Purpose and Intent.** The general purpose and intent of Sections 2.8.2 through 2.8.6 (hereinafter referred to as (“SOW Code”) is to provide for adequate regulation and control of altering wetland or surface water jurisdictional areas and the repair and construction of associated water-dependent structures such as docks, piers, davits, shoreline protection devices, and other similar structures, in the interest of public rights, welfare, and public riparian property rights. The City shall exercise its authority throughout all of the City jurisdictional areas and is hereby authorized to apply and enforce the provisions of this section to all areas within the City.

**B. Interpretation.** The SOW Code shall be interpreted in the following manner:

1. In the interpretation of the SOW Code, all provisions shall be considered minimal requirements and construed liberally to effectuate the purposes of the SOW Code.
2. The SOW Code is not intended to repeal, abrogate, or impair any existing statutes, laws, ordinances, easements, covenants, or deed restrictions which impose more stringent restrictions on coastal construction or excavation.
3. Where the SOW Code conflicts with or overlaps another City ordinance, whichever imposes the more stringent restrictions on construction and excavation shall prevail.
4. Each separate provision of the SOW Code is deemed independent of all provisions herein so that if any provision or provisions of the SOW Code are declared invalid or unconstitutional by any court of competent jurisdiction, all other provisions shall remain valid and enforceable.

**C. Overlapping Administration.** In the event that proposed activities on a particular site are subject to overlapping provisions from the LDC, the more stringent regulations shall be applicable.

1. **Simultaneous Reviews.** In the event that an applicant seeks authorization to conduct activities which are subject to overlapping provisions from different sections of the LDC, City staff shall perform simultaneous reviews to the greatest extent practicable.
2. **Coordination with the Land Development Code.** For dockage facilities associated with proposed subdivisions, multifamily developments, and commercial projects, all land

development approvals shall be obtained prior to application for any permit regulated by this section.

- 3. Listed Species.** In cases where impacts to listed species may occur, applicants shall be required to consult with the appropriate Federal and State wildlife agencies, to use recognized sampling techniques to identify listed species, and to provide documentation of such coordination and compliance prior to commencement of construction activities that could disturb listed species or their habitat.
- D. Limits to Applicability.** Nothing in the SOW Code shall be construed as requiring modification of existing docks or piers extending from privately owned uplands that were constructed before January 1, 1985.
- E. Transition from County Jurisdiction.** In recognition of the longstanding regulation by the Sarasota County Water and Navigation Control Authority, the large number of existing permits issued by the authority, and the rights of property owners adjacent to properties with existing structures, the provisions in this subsection shall govern the transition of authority to the City.
  - 1.** Consistent with Section 54-653(1)(a) of the Sarasota County Code of Ordinances, the City enacted its own permitting regulations for the construction and maintenance of docks and piers in the City.
  - 2.** Prior to undertaking any construction activities involving the altering of jurisdictional lands, the applicant shall obtain any necessary permits or approvals from Federal and State authorities.
  - 3.** All existing permits or authorizations issued by the Sarasota County Water and Navigation Control Authority for altering jurisdictional areas shall continue in existence after the effective date of the ordinance from which the SOW Code derives. All permittees shall abide by the terms and conditions of such permits, and a violation of the terms and conditions of such permits shall constitute a violation of the SOW Code. Modification of existing permits and authorizations issued by the Sarasota County Water and Navigation Control Authority shall be processed by the City in the same manner as modification of permits issued by the City.
  - 4.** When applicable, the City shall submit copies of applications for construction and maintenance of docks and piers to the Sarasota County Water and Navigation Control Authority for review to determine consistency with the Sarasota County Manatee Protection Plan.
- F. Permit Required.** Unless specifically exempted by the SOW Code, all proposed structures over water, shoreline protection devices, and dredging projects shall obtain required and/or applicable local, Federal, State, and City permits prior to initiating construction. Major permits,

minor permits, and exemptions do not preclude the applicant from obtaining required building, fire and life safety, and other applicable City permits.

1. No work shall be performed having the effect of altering any jurisdictional areas without first obtaining a permit from City Council or the Director, unless specifically exempted.
2. It shall be the duty of the Director to accept and process all applications and matters of business coming before City Council as it pertains to the SOW Code.

### *2.8.3 Major and Minor Permits for Structures over Water*

- A. Major Permit Threshold.** The following activities shall determine the threshold for requiring a major permit:
1. Any single-family dock construction or expansion which includes a boathouse.
  2. Any dock construction or expansion that would result in the property having a total of five (5) slips or more.
  3. Any proposed expansion or replacement of a dock irrespective of size which includes fuel dispensing facilities.
  4. Any proposed dock irrespective of size which is established for commercial use or a boatyard.
  5. Any proposed activities that do not qualify for a minor permit or exemption pursuant to this section or meet the minimum standards as described shall require a major permit subject to the provisions of this section.
- B. Major Permit Applications.** Whenever any work is proposed that is not otherwise authorized by a minor permit or exemption under this section, the applicant shall, before commencing any such operation, file an application and obtain a major permit from City Council to do such work.
1. When an application for a major permit is made as required by this Chapter, the Director shall process the application within reasonable timeframes with due consideration given to the rights and privileges of all affected parties.
  2. Every application for a major permit shall be approved or denied at a public hearing which shall be held within approximately 120 working days after receipt of a complete application, which shall constitute the original application and any additional information requested by staff or submitted by the applicant for correction of errors or omissions.
    - a. If revised plans conforming to requested additional information are not submitted within ninety (90) working days after receipt of notice of the need for revisions, the permit application shall be deemed withdrawn.
    - b. Failure to satisfy the review timeframe shall not result in approval by default of the application for a permit.

3. The Director will forward the permit application to the City's Technical Review Committee (TRC) for review and comment.

**C. Major Permit Submittal Requirements.** The applicant shall submit all information required to adequately address the filing requirements of the City. In addition, the applicant shall submit all other information determined by the City to be necessary to address the design criteria. Applications for permits shall be submitted to the Planning and Zoning Department. The application shall include:

1. A plan or drawing from a Florida Registered Design Professional showing specifically what is proposed to be done. The plan or drawing shall include:
  - a. Survey, drawn to scale and shall show property boundaries;
  - b. The depths of the water and the elevation of the development above the mean high-water line (MHWL);
  - c. Existing native habitats (including mangrove swamps and marine grasses);
  - d. The plan shall show the location and length of all proposed structures as measured from the MHWL;
  - e. Total square footage of all proposed structures;
  - f. Width and length of all proposed structures, including access dock and/or finger pier;
  - g. Maximum proposed decking elevation;
  - h. Location of proposed boat lift(s), fish cleaning table(s), bench(es), boat locker(s); and
  - i. New and existing tie-off pilings and boat lifts, all existing structures, including identification of any structures proposed to remain.
  - j. Electrical Datum Plane (if electric is proposed for the dock).
  - k. All design loads required by FBC R301.1 or FBC Chapter 16.
2. Architectural profiles/renderings shall be prepared and submitted for projects that include boathouses.
3. Proof of ownership of the property that is proposed to be developed, including any submerged lands.
4. If applicable, a copy of approved permits or authorization letters from all regulatory agencies that have jurisdiction shall be submitted prior to commencement of construction activities.
5. Information required by the Director as deemed necessary in the processing and determination of the application. This may include such information as riparian rights line surveys, hydrographic surveys, MHWL surveys, aquatic vegetation surveys, engineered plans, mitigation plans, or other technical information related to site-specific conditions.



- D. Notice of Public Hearing for Major Permits.** Notice of a public hearing on a petition for a major permit shall be given at least fifteen (15) days in advance of the public hearing. The owner of the property for which the major permit is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which the major permit is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the City at least one (1) time fifteen (15) days prior to the public hearing. The notice shall state the development proposed to be made, and a general description of the area involved, and shall include a drawing showing the development to be made and the location of same as it relates to the surrounding area. Notice shall be given by mail to all owners of property within 250 feet of the boundary lines of the property for which the major permit is requested, or within 250 feet of the centerline of any right-of-way or waterbody adjacent to the subject property, whichever distance is greater; provided, however, that, where the applicant is the owner of land not included in the applicant's application, and such land that is not included in the application is a part of or adjoins the parcel for which the request is made, the 250-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the applicant's application up to a maximum of 600 feet. For purposes of this provision, owners of adjacent or nearby properties within the distance set out shall be deemed those whose names appear on the latest available tax rolls of the County. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto. The City Clerk shall execute and file a certificate which shall contain the names and addresses of those persons notified, and the dates the notice was mailed. The certificate shall be signed by the City Clerk and the official seal affixed. The certificate shall be prima facie evidence of the fact that notice was mailed.
- E. Administrative Procedures for Major Permits.** City Council, based on evidence and testimony given at a public hearing, shall make findings of fact and determine whether or not the proposed plan or development will adversely affect any of the criteria listed and the City Comprehensive Plan.
1. Before taking any final affirmative action on any proposed major permit, City Council shall receive recommendation regarding the major permit from the Planning Commission. The Planning Commission shall consider the major permit in relation to the standards criteria listed and the City Comprehensive Plan.
  2. No request for major permit may be considered for recommendation by the Planning Commission until such time as notice of a public hearing on the proposed amendment has been given to the citizens in accordance with the subsection for major permits.
  3. Submission of Planning Commission report to City Council. Within fifteen (15) days from the date a proposed major permit has been heard by the Planning Commission, unless a

longer time is mutually agreed upon between City Council and the Planning Commission in the particular matter, the Planning Commission shall submit its recommendation to City Council.

4. Planning Commission recommendations to be advisory only. The recommendations of the Planning Commission regarding a major permit shall be advisory only and shall not be binding upon City Council.
5. Upon receipt of the Planning Commission's recommendations, City Council shall hold a public hearing.

**F. Approval of Restrictions, Stipulations and Safeguards.**

1. City Council may grant or deny such major permit application and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purpose of the City Comprehensive Plan.
2. Any major permit shall expire twelve (12) months from the date of grant if a building permit has not been issued and/or construction has not commenced unless, upon request, an extension of time is granted by City Council, to a date certain.
3. In cases where stipulations, restrictions, or safeguards are attached, all representations of the owner or his agents at public hearings shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All conditions, restrictions, stipulations, and safeguards that are a condition to the granting of a major permit shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. The City shall be entitled to recover its costs, including reasonable attorney fees, in any action brought to enforce the provisions of this section.

- G. Denial.** If City Council shall deny a major permit, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the standards stated herein, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific major permit requested, if any.

**H. Limitation on Reapplications for Major Permits.**

1. Whenever City Council has denied an application for a major permit, the City Council shall not thereafter consider any further application for a major permit of any part or all of the same property for a period of twelve (12) months from the date of such action.
2. The time limits may be waived by four (4) affirmative votes of City Council when such action is deemed necessary to prevent injustice or to facilitate the proper development of the City.

- I. Minor Permit Threshold.** The Director may, upon approval of an application, and without the necessity of holding a public hearing, issue a minor permit. The following activities shall determine the threshold for requiring a minor permit subject to the provisions listed:

1. Any new or expanded single-family dock, which does not include a boathouse.
  2. Any new installation of piers, boat lifts, mooring pilings, pile-supported boat davits, or personal watercraft lifts.
  3. Maintenance excavation of existing access channels connecting to a navigable waterway, to a width no greater than the minimum necessary to provide for navigational safety, and in no event to exceed forty (40) feet, and to a depth of not more than five (5) feet below mean low water, and where the excavation will not result in the placing of any spoil material in or upon jurisdictional areas.
  4. Construction of new or expanded shoreline protection devices landward of existing littoral zones and wetland vegetation, and at or landward of the MHWL.
  5. Maintenance of boat ramps, jetties, groins, and similar coastal structures.
  6. The restoration of banks in artificially created waterways and canal systems through residential subdivisions, or in existing artificially created canals defined by legal description, recorded in the official public records of Sarasota County, Florida, where the work will result in seawalls, retaining walls, or riprap being constructed, or shoreline contours being regraded, landward of the approximate MHWL or vegetated littoral zone.
- J. Minor Permit Applications.** Whenever any work is proposed that is not otherwise authorized by a major permit or exemption under this section, the applicant shall, before commencing any such operation, file an application and obtain a minor permit from the Director to do such work.
- K. Minor Permit Submittal Requirements.** The applicant shall submit all information required to adequately address the filing requirements required by the City. In addition, the applicant shall submit all other information determined by the City to be necessary to address the design criteria. Applications for permits shall be submitted to the Planning and Zoning Department. The application shall include:
1. A plan or drawing showing specifically what is proposed to be done. The plan or drawing shall be accompanied by a survey, drawn to scale and shall show property boundaries, the depths of the water and the elevation of the development above the MHWL, and existing native habitats (including mangrove swamps and marine grasses). The plan shall show the location and length of all proposed structures as measured from the MHWL, total square footage of all proposed structures, width and length of all proposed structures, including access dock and/or finger pier, maximum proposed decking elevation, location of proposed boat lift(s), fish cleaning table(s), bench(es), boat locker(s), and all new and existing tie-off pilings and boat lifts, all existing structures, including identification of any structures proposed to remain.

2. Proof of ownership of the property which is proposed to be developed, including any submerged lands.
  3. If applicable, a copy of approved permits or authorization letters from all regulatory agencies that have jurisdiction shall be submitted prior to commencement of construction activities.
  4. Information required by the Director as deemed necessary in the processing and determination of the application. This may include such information as riparian rights line surveys, hydrographic surveys, MHWL surveys, aquatic vegetation surveys, engineered plans, mitigation plans, or other technical information related to site-specific conditions.
- L. Administrative Procedures for Minor Permits.** The duty and authority to review applications for minor permits and issue or deny same is hereby delegated to the Director or designee.
1. No public hearing shall be required for the issuance of any such minor permit and no review of the issuance of same shall be required by City Council.
  2. All applicants shall submit documentation of compliance with all pertinent permit requirements, as well as documentation that the applicant owns or has authority to use the submerged lands that will be affected by the project, in the form specified by the City before the Director will review the application. Applicants are responsible for securing all approvals required by private property restrictions or by other regulatory agencies.
  3. The Director shall determine when an application for a minor permit is complete. The Director may forward minor permit applications to the appropriate departments for review and comment.
  4. When an application for a minor permit is made as required by this section, the Director shall process the application within reasonable timeframes with due consideration given to the rights and privileges of all affected parties.
  5. No minor permit shall be issued until the Director determines that the effects of the proposed construction will meet the criteria provided and the City Comprehensive Plan.
  6. Referral of applications to City Council. Any application for a minor permit may be referred to City Council by the Director. City Council may grant or deny such minor permit, or may grant such minor permit subject to suitable conditions, safeguards and stipulations. A public hearing notice in compliance subsection 2.8.3.D. will be required. City Council shall be assured that the petitioner has complied with all applicable standards.
- M. Approval of Restrictions, Stipulations and Safeguards.**
1. The Director may grant or deny such minor permit application and may make the granting conditional upon such restrictions, stipulations and safeguards as deemed necessary to ensure compliance with the intent and purpose of the most recently adopted Comprehensive Plan.

2. All conditions, restrictions, stipulations and safeguards that are a condition to the granting of a minor permit shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. The City shall be entitled to recover its costs, including reasonable attorney fees, in any action brought to enforce the provisions of this Section.
- N. Appeals.** The applicant or owner may appeal any determination by the Director in reviewing an application for a minor permit. Appeals shall follow the process defined in Section 1.16 of the LDC.
- O. Minor Permit Duration.** No minor permit shall be issued for more than a one (1) year period. Work under a minor permit must be commenced within six (6) months from the date of issuance and shall be completed within one (1) year from the date of issuance of the minor permit; in the event the proposed work is not commenced or completed within said periods, or an extension has not been granted by the Director, reapplication shall be made to the Planning and Zoning Department. One (1) or more extensions of time for periods of not more than ninety (90) days each may be allowed by the Director provided the extension is requested in writing and justifiable cause is demonstrated. For any noncompliance with, or for violations of, its terms, the minor permit may be revoked after notice of intent to do so has been furnished by the Director and opportunity afforded within reasonable time for hearings thereon.
- P. Exemptions.** Any design change or alternate use of construction material on the structures to be maintained may cause the project to be nonexempt. The following maintenance work is hereby exempted from permitting requirements of this section, provided that the structures to be maintained were constructed in accordance with a permit previously issued, or were constructed before January 1, 1985:
1. Redecking or resurfacing of docks, piers, and other similar structures within the limits and dimensions of the existing structure;
  2. Replacing or repairing handrails, guardrails, support stringers and benches;
  3. Replacing or repairing tie-backs and deadmen on bulkheads when the work is located landward of all wetlands;
  4. Removing, replacing, or repairing bulkhead caps when the cap is reconstructed within six (6) inches of existing dimensions and is entirely above the MHWL;
  5. Repairing cracks in bulkhead slabs and caps with bonding cement above the MHWL;
  6. Replacing existing hardware and fasteners on dock decking, framing, and boat lifts;
  7. Repairs to bridges, walkways, and utility crossings where the structure spans the waterway;
  8. Maintenance of navigation signage;
  9. Projects by local, State, and Federal government agencies performed as part of their normal official duties for the general public. For City projects, advance written notification

shall be provided to the Director, including a copy of the plans for review. The purpose of this review is to ensure that City projects shall be consistent with the policies and principles of the most recently adopted Comprehensive Plan and to the maximum extent practicable, the technical standards of this Section;

10. Repair or replacement of all existing docks, piers, mooring piles, boat lifts, boathouses, revetments, seawalls, retaining walls, and similar structures provided that the structures are restored to their existing size, shape and location; and
11. Replacement of channel markers.

**Q. Permit Approval Criteria.** City Council and the Director shall consider, in their review of major and minor permit applications, the following criteria. If any of the following questions are answered in the affirmative, the application shall be denied or modified to comply with the law:

1. Would the proposed project have a detrimental effect on the use of jurisdictional areas for navigation, transportation, recreational or other public purposes and public conveniences?
2. Would the proposed project restrict the free use of jurisdictional areas?
3. Would the proposed project adversely alter the flow of water or tidal currents in jurisdictional areas?
4. Would the proposed project adversely affect long-term water quality, erosion control or increase erosion, shoaling of channels, or formation of stagnant pockets likely to collect debris?
5. Would the proposed project adversely affect the conservation of wildlife, marine life, and other natural resources?
6. Would the proposed project adversely affect the natural beauty or recreational opportunities upon jurisdictional areas?
7. Would the proposed project adversely affect the uplands surrounding or directly affected by the plan or development?
8. Would the proposed project adversely affect the public health, safety and welfare?; or
9. Would the proposed project exceed applicable siting criteria within the technical standards?

**R.** If City Council or the Director, as applicable, find the proposed plan or development will not adversely affect any of the criteria listed, City Council or the Director shall grant and issue a permit for the proposed plan or development, or any modification thereof according to the provisions of this section, as hereinafter provided. The permit may contain stipulations or conditions that are designed to mitigate the impact of the development on the public rights and interests identified in the criteria listed or assure that construction or use of the permitted facility will conform to the requirements of this section.

- S. If City Council or the Director, as applicable, find that the proposed plan or development will adversely affect any private property rights or any of the rights or interests of the public identified in the criteria listed, City Council or the Director shall deny the application and refuse to issue a permit for the proposed plan or development.
- T. The proposed plan or development shall be consistent with the provisions of the City adopted Comprehensive Plan.
- U. The proposed plan or development shall be consistent with the Sarasota County Manatee Protection Plan, as amended.

#### 2.8.4. *Construction and Technical Standards*

- A. **Purpose and Intent.** The provisions of this section shall not deny any right of an upland owner to construct a dock or pier extending from his or her upland recognized by the Constitution and laws of the State, but the City Council and Director may impose permit conditions for the construction hereof in order to carry out the provisions and intent of this section, including the standards provided in this section.
- B. **Development Standards.** The construction of docks, piers, mooring piles, davits, boat lifts, shoreline protection devices, or other similar structures shall be subject to the minimum standards for issuance of a permit as described in this section. For major permits, the construction and technical standards within this section shall only be used as guidance for evaluating permit approval criteria of subsection 2.8.3.1.9, above.
  - 1. Permits shall be issued only for structures associated with water-dependent activities. Water-dependent structures (including docks, piers, mooring piles, davits, boat lifts, and other similar structures) and vessels shall conform to the following siting criteria:
    - a. No structure, moored vessel, or combination thereof may occupy more than twenty-five percent (25%) of the width of any waterway. However, where unique site-specific conditions as described below occur, the City Council or Director has the authority, but not the obligation, to grant relief from the twenty-five percent (25%) width of waterway criteria. An exception to the rule occurs when the City Council or the Director makes each of the following determinations:
      - i. The applicant's property meets one of the following site-specific conditions:
        - a) Located at the terminal end of a canal;
        - b) Located opposite lands under public ownership upon which no dock construction is anticipated; or
        - c) Located opposite an offshore island upon which no development or dock construction is anticipated.

- ii. The proposed deviation shall meet all permit approval criteria and all other construction and technical standards in this section;
  - iii. The proposed deviation does not prohibit adjoining property owners from constructing a comparable dock facility in the future;
  - iv. No possibility exists for an alternative dock design that meets the twenty-five percent (25%) criteria along the applicant's shoreline (For end of canal scenarios, a riparian rights line survey may be required. Any riparian rights line located within twenty-five (25) feet of the proposed construction shall require a sworn affidavit of no objection from the affected property owner(s).); and
  - v. Deviation from the twenty-five percent (25%) criteria shall be the minimum necessary to provide access to the waterway. (A request to increase vessel draft shall not be grounds for granting relief from the twenty-five (25%) percent width of waterway.)
2. No structure, moored vessel, or combination thereof shall be located closer than twenty-five (25) feet to the centerline of any channel typically used for navigation, except where the channel is less than eighty-three (83) feet wide.
3. All structures and vessels shall be located a minimum of 100 feet from the near edge of the Intracoastal Waterway channel, unless specific authorization is obtained from the U.S. Army Corps of Engineers.
4. All structures except marginal docks and seawall-mounted davits must be set back a minimum of twenty-five (25) feet from the applicant's riparian rights line. Marginal docks and davits mounted on a seawall may be set back only ten (10) feet. There shall be no exceptions to the setbacks unless the applicant's shoreline frontage is less than sixty-five (65) feet, or a sworn affidavit of no objection is obtained from the affected adjacent upland riparian owner, or the proposed structure is a subaqueous utility line.
5. For upland properties or easements where the shore frontage is less than sixty-five (65) feet, only a minimally sized dockage facility shall be authorized for the purpose of mooring only one vessel. The dock structure and mooring area, including any appurtenant structures, shall be located within the centered fifty percent (50%) and occupy no more than the centered fifty percent (50%) of the available shore frontage. A sworn affidavit of no objection shall be obtained from the affected adjacent upland riparian owner(s) if the proposed dock, appurtenant structures, and mooring area extends beyond the centered fifty percent (50%) of the available shore frontage.



- 6.** All structures and vessels shall be located in a manner that minimizes either direct or inadvertent alteration or destruction of seagrasses, wetland vegetation, bottom sediments, and benthic fauna.

  - a.** Vessel draft of any vessels berthed at a structure authorized pursuant to this Section shall be restricted so as to maintain a minimum clearance of one foot as measured at mean low water depth over any submerged bottomlands or tops of seagrasses. Where no seagrasses exist, the one (1) foot minimum clearance may be reduced to zero (0) in manmade canals. This seagrass restriction shall apply both to the mooring area within a ten (10) foot radius around the structure, as well as to the entire travel way between the structure and the nearest channel.
- 7.** If the mean low water depth is not sufficient to meet the requirements of this Section, the applicant shall have the following options:

  - a.** Revise the location or configuration of the proposed Dock to provide a mooring area with adequate water depth, if possible, to do so while maintaining compliance with all other siting and design criteria listed in this section; or
  - b.** Revise the application to request a pier instead of a dock; or
  - c.** Revise the application to include dredging of the mooring area and/or areas of ingress and egress; or
  - d.** Withdraw the application. The lack of adequate water depth necessary to maintain the minimum vessel clearance shall be sufficient grounds for denial of a permit.
- 8.** No more than one (1) dock or pier shall be located at a single-family residence or at an upland residential parcel of property zoned for single-family use. It shall not be used for the purpose of mooring more than two (2) vessels unless use is shared with an adjacent riparian property upon which no dock or pier exists. The two (2) vessel restriction shall not include personal watercraft, or canoes, kayaks, rowboats, or other similar vessels. For the purposes of this section, a riparian easement holder, where the lawfully written and executed easement specifically provides for constructing, maintaining and utilizing a dock or pier, is deemed to have sufficient interest in upland property to obtain a permit for dock construction, subject to all other applicable criteria as stated herein.
- 9.** No water-dependent structures located adjacent to shorelines that front on the Gulf of Mexico shall be approved under minor permits. Such structures shall only be reviewed as a major permit application.
- 10.** No living, fueling, or enclosed storage facilities (except boathouses constructed in accordance with the provisions of this section) shall be located over the water, except that fueling facilities may be authorized only as part of a major permit for a commercial marina operation.

- 11.** Should the design of a new structure protrude into the waterway where there is a reasonable potential for creation of a marine navigational hazard, or if the dock extends beyond other docks in the area, adequate reflective material and/or safety lighting shall be installed at the end of the dock or mooring pilings. Safety lighting shall be operated every night from dusk to dawn. It shall be the responsibility of the property owner to maintain safety lighting on the dock for the life of the structure.
- 12.** Docks and piers shall conform to the following dimensional and structural guidelines:

  - a.** The preempted area associated with any dock authorized pursuant to this section shall be restricted to provide for a maximum square footage not to exceed ten (10) square feet for each one (1) linear foot of shore frontage within the parcel of property for which a permit is sought. For any docking facility authorized in association with a riparian easement, the preempted area allowance shall be limited so as not to exceed the total preempted area allowed for the parcel which the easement traverses.
  - b.** The terminal platform, together with any catwalks or finger extensions, shall not exceed 250 square feet, nor eight (8) feet in width.
  - c.** Only one access ramp shall be allowed at a single-family residence dock facility. The access ramp shall not exceed four (4) feet in width and may be required to include a handrail in order to preclude vessel moorage along the access ramp.
  - d.** Marginal docks shall not exceed 250 square feet, nor eight (8) feet in width, and shall be designed to minimize impact to vegetated littoral zones.
  - e.** Boathouses and vessel lifting devices shall be considered a part of a dock structure for the purposes of calculating maximum square footage of the preempted area. Boathouses shall not exceed a maximum size of 250 square feet, including the terminal platform area. Maximum roof overhang shall be three (3) feet from the support pilings. Boathouses and vessel lifting devices must have open sides and shall not exceed fifteen (15) feet in height as measured from mean high-water line. Boathouses must have a pitched roof of not less than four feet horizontal to one foot vertical (4:1, horizontal: vertical) slope. All such roofs shall comply with the minimum design and construction standards contained within the current edition of the Florida Building Code and shall not contain cementitious tile shingles.
  - f.** The minimum decking elevation over seagrass shall be five (5) feet above the MHWL. The decking and walking surfaces shall be designed and constructed to ensure a maximum of light penetration through the dock. Maximum plank width shall be eight (8) inches with a minimum of one-half (1 ½ ) inch spacing required between decking planks.



**17. Native habitat impacts and shoreline management:**

- a. *Native habitats.*** All permits issued pursuant to the provisions of this section shall be consistent with the Open Space Element of the City Comprehensive Plan.
- b. *Impacts to native habitats.*** All impacts to wetlands shall be consistent with the most current State-approved mitigation methodology.
  - i.** Docks, piers, and similar structures. All docks, piers, and similar structures shall, to the maximum extent practicable, avoid impacts to native habitats. If impacts are unavoidable, the structure shall then minimize impacts by incorporating the designed standards provided in this section. Within mangrove swamp habitats, direct impacts to mangrove trees shall be avoided, and if unavoidable, minimized through site-specific design or mitigated.
- c. *Shoreline management.*** All permits issued pursuant to the provisions of this section shall be consistent with the following:
  - i. *Invasive species.*** All permits shall require, to the maximum extent practical, removal of invasive species from the shoreline area to a minimum distance of thirty (30) feet landward of the MHWL.
  - ii. *Shoreline hardening.*** Where practical, shoreline planting and enhancement projects shall be required for development orders proposing shoreline hardening.
- d. *Invasive species removal, planting and monitoring requirements.*** All permits shall be consistent with the following:
  - i.** Invasive species removal and mitigation planting activities shall be completed within sixty (60) days following completion of construction activities.
  - ii.** All vegetation shall be of nursery stock.
  - iii.** No disturbance of existing native vegetation shall occur during plantings or invasive species removal. No disturbance to the slope of the existing bank shall occur, except in accordance with an approved plan.
  - iv.** Trimming and alteration of mangroves shall be consistent with the provisions of the Mangrove Preservation Act (F.S. § 403.9321 et seq.), and shall be consistent with the provisions of the Sarasota County Tree Protection Ordinance.
  - v.** In no instance shall a mitigation area be integrated with a structure where the future replacement of the structure being permitted would result in the destruction of the mitigation area.

- C. Fees.** The City is authorized to set reasonable fees and charges for the implementation of this SOW Code. Such fees shall be set according to the fee schedule. All applications shall be accompanied by such filing fees and costs as have been established by the City for the filing, processing, advertising, and hearing of the application, as appropriate. The applicant shall be responsible for the full cost of professional services that may be obtained at the City's discretion during the review process to evaluate the permit application.
1. An applicant's failure to pay the requisite filing fees and costs may result in removal of the application from consideration by City Council or the Director for approval. No permit shall be issued until applicant has paid all fees associated with outside professional services deemed necessary to perform reviews of minor and major permits.
  2. Applicants for after-the-fact authorization shall be assessed a fee of two (2) times the current fee, in addition to any fines and penalties assessed, providing the property owner(s) that committed the violation still owns the property. A single fee shall apply to any new owners of the property.

#### *2.8.5. Violations and Compliance*

- A. Purpose and Intent.** The City has the authority to enforce any permit or stipulation, as well as, any provisions of this SOW Code, per the City Code of Ordinances and per provisions of F.S. Ch. 162.

##### **1. Civil and Administrative.**

- a. The Director may withhold issuance of a permit or deny an application or other authorization if there is an existing unresolved violation of the City's Code of Ordinances on the subject property.
- b. The Director will issue a stop work order when it has been determined that work at the site:
  - i. Is proceeding in violation of this section, a permit or other authorization issued hereunder or proceeding without any required authorization; or
  - ii. Poses an imminent and significant hazard to the public health, safety, or welfare, or to the environment.
- c. The City may issue an after-the-fact authorization to correct a violation.
  - i. The Director has the authority to review and approve after-the-fact activities that meet all of the standard approval and technical criteria for minor permits contained within this SOW Code.
  - ii. All after-the-fact activities requiring a major permit shall only be reviewed by City Council.

2. **Insurance Requirements.** All activities covered under this section, inclusive of exempted work in this section, require the primary contractor to carry a U.S. Longshore and Harbormasters Act rider on their workers compensation coverage (NCCI class code 6006F). A contractor's workers compensation exemption does not apply to this type of work. Additionally, if any vessels are utilized in the construction of above mentioned work, proof of U.S. Jones Act coverage will be required.
3. **Licensure Requirements.** All activities covered under this SOW Code, inclusive of exempted work in this SOW Code but not including items in subsection 2.8.3.H.1., 2., 5., and 6., require the primary contractor to hold a valid contractor's license. Qualifying licenses for this type of work are restricted to Florida State Certified General Contractors, Florida State Certified Building Contractors, Florida State Certified Marine Contractors, and marine specialty contractors registered with the City.
4. **Enforcement and Penalties.** A violation of any provision of this SOW Code shall be processed according to Section 1-14, of the City Code of Ordinances and per provisions of F.S. Ch. 162. Each day of any such violation shall constitute a separate and distinct offense.
5. **Enforcement of Code by Other Means.** A violation of any of the provisions of this SOW Code or of any regulations adopted or permit conditions approved pursuant to this SOW Code shall be punishable in the same manner as a misdemeanor as provided by law.

#### *2.8.6. Minor and Major Permit Stipulations and Conditions*

- A. **Purpose and Intent.** Every minor and major permit defined in this SOW Code, shall include the following general conditions. Additional conditions may be added by City Council and the Director, as necessary. All conditions shall be listed on the approved permit:
  1. By accepting the permit, the applicant(s) hereby accepts all conditions herein and agrees to abide by them.
  2. The permit authorizes the named owner(s) to perform the proposed work. Should the property change ownership prior to commencement of construction, the new property owner(s) must submit an ownership transfer affidavit prior to commencing construction. The affidavit shall state that the new owner(s) shall abide by all permit conditions.
  3. A copy of the permit (containing the approved stamped plans) shall be located on-site throughout the entire operation at a visible and readily accessible location to the shoreline area.
  4. All work must be as shown on the approved plans and within the conditions of the permit.

5. All permits are conditioned upon the prohibition of propeller dredging. Propeller scour of the submerged bottom is a violation of Federal and State law.
6. No commercial and/or revenue-generating activities are allowed within the mooring area(s) unless authorized by the State or the City.
7. The applicant(s) shall hold and save the City and its staff harmless from any and all damages, claims or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted structure.
8. This permit does not convey to the owner(s) or create for the owner(s) any property right or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the owner(s) or convey rights or privileges other than those specified in the permit and in accordance with the LDC.
9. If evidence of the existence of historical resources is discovered or observed at the development site(s) after final approval, but during site development activities, all work in the affected area shall cease immediately and the requirements of Section 7.11 of the LDC shall be complied with.
10. If any human-skeletal remains or associated burial artifacts are discovered at the development site or during development activity, all work in the area shall cease immediately and the owner(s) (or designee) shall contact the police department, the City Manager and, if applicable, the Florida Division of Historical Resources office. Pursuant to F.S. Ch. 872, it is unlawful to disturb, vandalize, or damage a human burial site.
11. Trimming and alteration of mangroves shall be consistent with the Mangrove Trimming and Preservation Act, F.S. § 403.9321 through 403.9332. Any red (*Rhizophora mangle*), black (*Avicennia germinans*), and white (*Laguncularia racemosa*) mangrove trimming beyond that associated with this permit requires a permit from the Florida Department of Environmental Protection.
12. Impacts to animal species listed by State and/or Federal agencies as endangered, threatened or of special concern, are not authorized by this permit. If evidence of a listed species is discovered or observed prior to or after the commencement of clearing of vegetation or earthmoving, that may not have been identified or observed prior to the issuance of this permit, all clearing and earthmoving onsite shall cease immediately. The permittee shall consult with the FWC and/or the U.S. Fish and Wildlife Service regarding necessary protection measures and provide written evidence of such consultation to the City prior to resuming work.
13. The issuance of City approvals does not relieve the owner(s) from any other permitting requirements of the U.S. Army Corps of Engineers, the Florida Department of

Environmental Protection, the Southwest Florida Water Management District, or any other concerned local, State, or Federal agency, where applicable.

14. All permit conditions herein, related to post-construction activities (such as usage, maintenance, monitoring) shall remain in effect throughout the life of the subject structures.
15. Failure to comply with any condition of this permit shall constitute a violation of this SOW Code and shall be punishable as provided in this SOW Code.
16. The permittee will instruct all personnel associated with the proposed work of the potential presence of manatees and the need to avoid collisions with manatees. Should manatee(s) be harmed, harassed, or killed during the project construction due to disregard for permit conditions or negligent operations, the permittee and/or contractor will be held responsible.
17. Siltation barriers and turbidity curtains shall be required for in-water and near-water work. Barriers and curtains will be made of material in which manatees cannot become blocked or entangled and must be properly secured, and regularly monitored to avoid manatee entrapment.
18. All vessels associated with the project and located within 300 feet of the project shall operate at no wake/idle speeds at all times. All vessels will follow routes of deep water whenever possible.
19. If manatees are observed within 300 feet of the project area, all appropriate precautions shall be implemented to ensure manatee protection. If manatee(s) move closer than fifty (50) feet to equipment, the equipment shall be immediately shut down.
20. Any collision with and/or injury to a manatee shall be reported immediately to the FWC.
21. Temporary manatee awareness signs shall be installed and maintained consistent with Federal and State permitting requirements.
22. The contractor shall keep a log detailing manatee collisions, or injury to manatee(s) should they occur. Following project completion, a report summarizing incidents will be submitted to the Florida Department of Environmental Protection, Marine Mammal Section and the FWC.
23. All construction activity associated with permits issued under the provisions of this SOW Code shall not cause shoreline erosion, unreasonable interference with navigation, or poor water quality.
24. Following completion of all authorized work, the permittee or contractor shall provide written certification and as-built plans to the Director that the structures or other alterations have been completed in accordance with the authorized plans.



## 2.9. Coastal High Hazard Area Development

- A. Purpose and Intent.** The purpose and intent of this section is to implement the City Comprehensive Plan. The Coastal High Hazard Area (CHHA) is defined as the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The CHHA is identified in the City Comprehensive Plan.
- B. Development Standards.**
- 1. Private Roads.** Roads or other infrastructure located within the CHHA must be privately maintained.
  - 2. Density and Intensity.** Increases in densities or intensities shall not be permitted in the CHHA beyond those depicted on the Future Land Use Map of the City Comprehensive Plan. Properties destroyed by natural disasters or similar events may be restored to a pre-existing nonconforming state regarding density and intensity (see Section 8: Nonconformities of the LDC).
  - 3. Prohibited Uses.**
    - a.** Water and sewer treatment plants, industrial holding ponds, and other potential pollution sources within the coastal high hazard area are prohibited.
    - b.** New Hospitals, Assisted Living Facilities (ALF), Independent Living Facilities (ILF), and Community Care Facilities (CCF) shall not be permitted in the CHHA.
  - 4. Construction.** Construction within the CHHA shall meet storm and flood-proofing standards exceeding those required for a 100-year storm and utilize flood-resistant development techniques.
  - 5. Design Specifications.** It is required that new development and redevelopment in areas that are at high risk of flooding due to storm surge, high tide events, flash flood, stormwater runoff, and the related impacts of sea level rise incorporate building design specifications, engineering solutions, site development techniques, and best management practices that may reduce risk and losses due to flooding. Examples of best management practices include:
    - a.** Buildings supported on piles, drilled shafts, caissons, or other deep foundations (including columns, and shear walls) when foundation depth takes into account erosion and local scour.
    - b.** Stem walls supporting floors and backfilled with soil or gravel are allowed in CHHA if designs provide for the effects of local scour and erosion.

- c. Erosion control structures (bulkheads, seawalls, revetments) must not be attached to buildings or direct floodwater into or increase flood forces or erosion impacts on structures.
- 6. Site Configuration.** All new development shall be reviewed to meet the following standards:
- a. Developments within the CHHA shall configure site plans as to preserve open space lands in areas most prone to storm and flood events for purposes of recreation, habitat protection and enhancement, flood hazard management, public safety, and water resources protection;
  - b. All public utilities including but not limited to sewer, gas, electric, and water systems shall be located and constructed to minimize flood damage;
  - c. Any above ground tanks shall be elevated and attached to a supporting structure that is designed to prevent flotation or collapse during a flood.
- 7. Setback Requirements.** Setback requirements for all coastal property development within the CHHA shall use the State’s Coastal Construction Control Line (CCCL) and Mean High-Water Line (MHWL) fifty (50) foot Setback, defined by F.S. § 161.052 and 161.053, and Chapter 62B-33, F.A.C.
- 8. Hurricane Shelter Space.** Proposed development and redevelopment in coastal areas, including the CHHA, that increase the number of residential units are required to mitigate the impact on hurricane shelter space demands based on the shelter space LOS as identified in the City Comprehensive Plan.

## 2.10. Stormwater Management

- A. Purpose and Intent.** Recognizing the potential environmental impacts of stormwater facilities, the City shall require new developments utilize stormwater to meet the provisions of this section. Low Impact Development (LID) and Regenerative practices, including but not limited to shallow bioretention, pervious pavements, stormwater harvesting, green roof stormwater treatment systems, rainwater harvesting, detention with biofiltration, and beneficial reuse of indigenous soil biology and organic carbon shall be considered as a stormwater approach that requires a suite of hydrologic controls throughout a site and integrates a series of treatments to replicate natural functions of the predevelopment landscape.
- B. Development Standards.**
- 1. Stormwater plans for new development shall minimize stormwater system overflow during storm events and reduce water quality impacts to receiving waters, with particular attention to mitigating direct runoff and outfall into the Gulf of Mexico through effective stormwater management programs and innovative control technology.

2. Stormwater plans shall address the application of the following site-specific suite of LID integrated management practices to be applied for stormwater facilities for any new development. LID practices shall include:
    - a. Preserving existing site features that facilitate predevelopment hydrologic functions;
    - b. Minimizing generation of runoff from impervious surfaces;
    - c. Promoting distributed retention and treatment;
    - d. Capturing and reuse of any stormwater on site; and
    - e. Promoting erosion prevention techniques and use of aquatic plants to aid in filtration and erosion prevention; and
    - f. Minimizing onsite disturbances.
  3. It is unlawful to drain or discharge into any waters of the City that may cause a nuisance or sanitary nuisance.
  4. A Stormwater Pollution Prevention Plan, in accordance with Environmental Protection Agency, shall be certified prior to commencement of construction.
- C. Stormwater Design Standards.** Stormwater design shall include the following:
1. Provisions for slope erosion including but not limited to installation of riprap, other materials to minimize bank erosion; and
  2. The use of aquatic plants evenly distributed around the entire stormwater pond perimeter.

## 2.11. Additional Environmental Considerations

### 2.11.1. Wellhead Protection

- A. Purpose and Intent.** This section intends to preserve and ensure the availability and quality of safe drinking water in the City. The regulations in this section shall protect large capacity wells and aquifer recharge areas from potential contamination due to the proximity of specific uses.
- B. Applicability.** This section shall apply to all non-residential and multifamily uses, and the expansion of any non-residential structure or impervious surface which falls within a Wellhead Protection Zone or within an aquifer recharge area as recognized in the City Comprehensive Plan.
- C. Development Standards.**
  1. **Wellhead Protection Zones.** Wellhead Protection Zones shall be recognized as a radius of 500 feet from each public potable water wellhead possessing pumping capacities of at least one million gallons per day.
  2. **Prohibited Uses.** Prohibited uses and activities within the Wellhead Protection Zones shall include:
    - a. Mining/Resource Extraction;

- b. Heavy Industrial;
  - c. Wastewater treatment plants;
  - d. Treatment, storage, disposal, and transfer facilities for hazardous wastes;
  - e. Chemical and hazardous material storage tanks;
  - f. Industrial wastewater;
  - g. Reuse water applications; and
  - h. New Class I through Class VI injection control wells.
3. Any use listed below which resides within a Wellhead Protection Zone shall be subject to additional water monitoring/testing which may require installation of additional monitoring well(s) accessible by the City.
- a. Light Industrial & Advanced Manufacturing
  - b. Research & Development
  - c. Major Vehicle Service
  - d. Minor Vehicle Service
  - e. Car Wash
  - f. Convenience Store With Fueling Stations

#### *2.11.2. Pollutants and Hazardous Substances Review Requirements*

- A. Purpose and Intent.** All new development and redevelopment shall require a narrative addressing the potential ground contaminants through prior uses of the property that could result in adverse health impacts for humans and the environment.
- B. Pollutant and Hazardous Substance Review Plan.** Past agricultural uses involving chemicals, industrial sites that may have produced or harbored hazardous waste, or sites where potentially contaminated fill or underground storage or facilities which were regulated as hazardous waste generators under the Resource Conservation Recovery Act (RCRA) was placed, will require the following:
- 1. An Environmental Audit of the property;
  - 2. A narrative of measures needed to remediate any condition of environmental concern if required by the Florida Department of Environmental Protection;
  - 3. Soil and/or ground water sampling at the time of site and development plan or preliminary plat; and
  - 4. Phase I or Phase II Environmental Site Assessment Report including any preliminary contamination assessment plans or reports.

### 2.11.3. Coastal Construction Control Line

- A. Buildings and Structures Seaward of the Coastal Construction Control Line.** If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a special flood hazard area:
1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
  2. Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of Chapter 88 of this code and ASCE 24.

### 2.11.4. Construction or Excavation Seaward of the Gulf-Beach Setback Line

- A. Purpose and Intent.** No construction or excavation shall be undertaken within the shoreline hazard area, which is defined as the area seaward of the Gulf-Beach Setback Line. This prohibition is intended to:
1. Protect the coastal areas of the City directly exposed to the Gulf of Mexico from erosion and flooding;
  2. Minimize future public expenditures for flood and erosion control measures;
  3. Minimize future public expenditures for relief and/or restoration of projects following natural disasters or gradual erosion;
  4. Ensure public access along the public beaches of the Gulf of Mexico;
  5. Minimize erosion damage to adjacent property resulting from manmade structures;
  6. Protect beaches, beachfront dunes, beachfront bluffs, and beachfront vegetation necessary for maintaining shoreline stability; and
  7. Ensure that coastal property and coastal waters retain their economic recreational and aesthetic value for coastal property owners and the general public.
- B. Exceptions.** The following exceptions will be considered if proof of receipt of the applicable State and Federal permits or exemptions is provided to the City prior to commencement of construction activity:
1. This prohibition on construction or excavation seaward of the Gulf-Beach Setback Line shall not apply to any modification, maintenance or repair of any existing structure; provided, however, that such modification, maintenance or repair is undertaken within the limits of the existing structure and does not require, involve or include any additions to, or repair or modification of, the existing foundation of that structure. The Building Official may authorize a modification or repair involving seawalls or additions and enclosures below the

- first dwelling floor or lowest deck of the existing structure upon receipt of an application from the owner of the property and upon the consideration of facts and circumstances, including adequate engineering data concerning shoreline stability and storm tides related to shoreline topography, design features of the proposed structures or activities, and potential impacts of the location of the structures, including effects upon the beach-dune system, which, in the opinion of the building official, clearly justify such a permit. State permission or approved exemption must be provided to the city prior to construction or excavation seaward of the Gulf-Beach Setback Line.
2. Catwalks, stairs, footbridges, decks and other such similar structures designed to protect the dunes and beach vegetation while providing access to the beach may be constructed seaward of the Gulf-Beach Setback Line subject to all other applicable regulations. State permission or approved exemption must be provided to the City prior to construction of catwalks, stairs, footbridges, decks and other such similar structures prior to issuance of building permit.
  3. The provisions of this subsection may be temporarily waived by the City Manager where an emergency is declared to exist. In this instance, the City Manager may authorize fill, temporary construction, excavation or any other action deemed necessary to protect life or property.

## SECTION 3. TREE PRESERVATION, PROTECTION, AND REPLACEMENT

### 3.1. General

- A. The intent of this section is to provide a uniform standard for the protection and replacement of trees on all property within the City, which require the issuance of a development permit or other activities, which necessitate a tree permit in accordance with this section. As communities continue developing, the construction and renovation of buildings, roads, parking lots, and other infrastructure is required to accommodate this growth. The value of a healthy urban tree canopy is often overlooked and greatly underestimated in the interest of short-term costs. For this reason, tree preservation, protection, and tree replacement regulations are necessary. The purpose of these regulations is to balance the need to provide space for community growth with the need to protect natural tree and plant communities and to replace trees lost to development. Florida-Friendly urban tree communities provide valuable environmental,

economic, and aesthetic benefits to the citizens of Venice. The preservation, replacement, and management of trees and the urban tree canopy are a vital part of sustainable community growth and the long-term well-being of the City.

### *3.1.1. Background*

- A.** Prior to the enactment of these regulations, all tree permitting and enforcement within the City was administered and enforced by Sarasota County through interlocal agreement and incorporation by reference of Sarasota County Ordinance No. 83-44, as amended.

### *3.1.2. Transition from Sarasota County Jurisdiction*

- A.** In recognition of the longstanding regulation by Sarasota County, and to address active and outstanding permits and violations of Sarasota County tree regulations, the provisions in this Section shall govern the transition of authority to the City.
  - 1.** Consistent with Article XVIII. Trees, Chapter 54 of the Sarasota County Code of Ordinances, the City is enacted its own permitting regulations for the preservation, protection, and replacement of trees in the City.
- B.** For all documented and currently valid Sarasota County tree permits or written authorization by Sarasota County for altering land within the City under the County’s tree regulations, the following apply:
  - 1.** All tree permit applications and authorizations under review or issued by Sarasota County as of the effective date of this Chapter shall remain under the jurisdiction of Sarasota County.
  - 2.** An applicant may choose to withdraw an application, issued permit, or authorization with Sarasota County and apply to the City for a tree permit after notifying the County in writing.

### *3.1.4 Administration*

- A.** The City Arborist shall be responsible for carrying out the provisions of this Chapter including the issuance of permits under the direction of the Director.
- B.** The Director may direct any application for a permit under this section to the Planning Commission for final action.
- C.** Fees: The City may establish reasonable fees and charges for the implementation of this section. Such fees shall be set by resolution.
- D.** Applicability and Interpretation.
  - 1.** In the application and interpretation of this section, all provisions shall be considered minimal requirements and construed liberally to effectuate the purposes of this section.

2. This section is not intended to repeal, abrogate, or impair any existing statutes, laws, ordinances, easements, covenants, or deed restrictions that impose more stringent restrictions on the protection or removal of trees.
  3. Where this section conflicts with or overlaps another ordinance or statute, whichever imposes the more stringent restrictions for the protection of trees shall prevail?
  4. Where any provision of this section refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any renumbering thereof or amendments thereto.
  5. This section shall be applicable to all property within the City.
- E. Simultaneous Reviews.** In the event that an applicant seeks authorization to conduct activities that are subject to overlapping code provisions from different City Code of Ordinances, City staff shall perform simultaneous reviews to the greatest extent practical.
- F. Listed Species.** In cases where impacts to Listed Species may occur, prior to any activities that could disturb listed species or their habitat, applicants shall be required to consult with the appropriate Federal and State agencies, to use recognized sampling techniques as defined by accepted methodology of the agency to identify listed species, prior to any activities that could disturb listed species or the habitat.
- G. Appeals.** Any person aggrieved by the administration or interpretation of the terms of this Section may appeal to City Council, which after a hearing with notice to the appellant, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Director from whom the appeal is taken. Any action pursuant to this Section shall not stay any enforcement proceedings.

## 3.2. Prohibitions and Exemptions

### 3.2.1. Prohibitions

- A.** Unless otherwise exempted or authorized in a tree permit in accordance with this section, no person shall:
1. Engage in tree removal;
  2. Engage in tree relocation;
  3. Initiate development when a tree exists on a property;
  4. Cause irreparable injury to a Protected, Heritage or Venetian tree;
  5. Cause irreparable injury to or prune a tree within a Canopy Road Protection Zone within a right-of-way.



### 3.2.2. Exemptions

The following are exempt from this section:

- A. Work during or after a declared state of emergency declared by the City that has been exempted from this section by the Mayor or City Council and/or the City Manager as appropriate.
- B. Removing trees from nurseries and botanical gardens, which are being grown for retail or wholesale.
- C. The construction of telecommunication towers.
- D. Removal of invasive plant, or diseased or infested trees upon receiving written confirmation from the City Arborist, Florida Forest Service, Professional Landscape Architect, or Certified Arborist.
- E. City maintenance affiliated with road, utility, and drainage projects.
- F. Operations by public utility companies and government agencies on public property and rights of way or easements or on sites for electric power substations and similar facilities.
- G. Bona fide agricultural uses/activities.
- H. Single Family zoned lots one-half (½ ) acre or less except:
  - a. Heritage or Venetian trees;
  - b. Conservation areas or easements;
  - c. Trees and vegetation within a Canopy Road Protection Zone (CRPZ).
- I. Tree pruning, trimming, or removal on residential property pursuant to F.S. § 163.045.

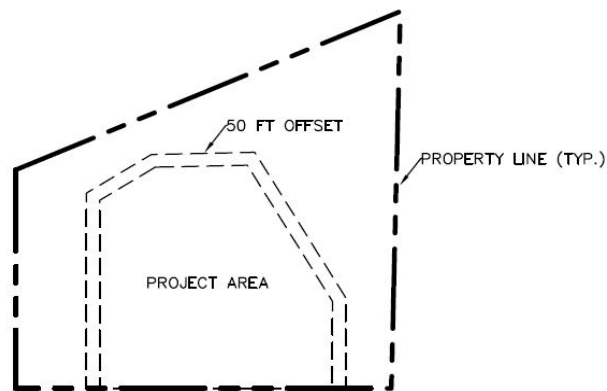
## 3.3. Permitting

### 3.3.1. Tree Permit Application Requirements

- A. *Tree Permit Required.* Unless otherwise exempt from this section, a tree permit is required for all development and any changes to property involving the removal of or impacts to Protected trees, including Heritage, Venetian, and Canopy Road trees. Tree permits shall be displayed and located on the subject property visible from the adjoining road or easement providing access to the property and be accessible by City staff at all times for the duration of the permit.
- B. *A completed application and the applicable fee.* The completed application along with the applicable fee, and any other information deemed appropriate by the Planning and Zoning Director or his designee to effectuate the review of the application consistent with the requirements and standards of this section.

C. *Tree Protection and Replacement Plan.* Unless otherwise exempted, Tree Protection and Replacement Plans shall be prepared by a Professional Landscape Architect or Certified Arborist and must provide the following information:

1. A complete tree survey and inventory of trees within the subject property for all development that is not exempt pursuant to Section 3.2.2. The survey shall show all trees measured twenty-four (24) inches DBH or greater on the subject property; and all Protected trees being preserved and counted to satisfy tree replacement requirements. For projects where twenty-five percent (25%) or more of the property acreage is left undisturbed, the tree survey and inventory may be completed for the identified project area and an additional fifty (50) feet offset within the property lines (see Exhibit 5 below):



*Exhibit 5 (above)*

2. An inventory of identified trees by type and size (in DBH).
  3. A copy of the site plan, showing proposed buildings, grading, streets, access ways, sidewalks, hardscape, proposed and existing utilities.
  4. Methods for tree protection including fencing and retaining walls.
- D. After the submission of the plan, the City Arborist or designee appointed by the Director will perform a site inspection. The Tree Protection and Replacement plan shall provide sufficient information and detail to demonstrate that all applicable requirements and standards of this section are fully satisfied.
- E. Access to Property: Active permit applications shall constitute authorization from the property owner for the appropriate City staff to conduct site inspections and compliance inspections of the subject property for the duration of the permit.

- F.** After the Fact Permits: Any person who conducts an activity that requires a tree permit, without first obtaining a tree permit, shall be required to obtain an “after-the-fact” tree permit and/or mitigate the impact in accordance with this section. Mitigation shall not preclude nor be deemed a substitute for prosecution of violations of the provisions of this section.
- 1.** Mitigation: For after the fact permits involving Protected trees, mitigation shall be the number of tree inches removed or irreparably injured. For after the fact permits involving Heritage, Venetian, or Canopy Road trees, mitigation shall be two (2) times the number of tree inches removed or irreparably injured.

### 3.4. Tree Planting, Preservation, Relocation, and Replacement

#### 3.4.1. Protected Trees

- A.** The following are protected trees:
- 1.** Trees planted or preserved as part of an approved binding master plan, site and development plan, preliminary plat, building permit, tree permit, or construction plan.
  - 2.** Any tree over four (4) inches DBH, unless an invasive or exotic plant of concern identified by the Florida Exotic Pest Plant Council (FLEPPC).
  - 3.** Sabal Palms (*Sabal palmetto*) with minimum six (6) foot clear trunk (CT).
  - 4.** Any tree utilized by protected wildlife species for reproduction or permanent cover.
- B.** Protected trees identified for removal on the tree removal permit application shall be replaced with new planted trees or transplanted trees.

#### 3.4.2. Heritage Trees and Venetian Trees

- A.** Designation of a Venetian Tree:  
Venetian trees on private property shall be nominated by the owner of the property where the tree is located. Citizens and City staff may nominate trees on City owned property. Nominations for trees with overhanging canopy (branches) onto adjoining properties must also include written consent to the nomination from all property owners where the overhanging canopy occurs. Tree nominations will be directed to the City Arborist for review. The City Arborist will prepare a brief report detailing attribute(s) and a description of the proposed tree(s). The report will provide technical guidance to City Council on the health, condition, location, and structure of the proposed tree(s) and the tree(s) suitability for preservation. Should Venetian tree designation be granted by City Council, the tree or group of trees shall be placed on the registry of Venetian trees maintained by the City Arborist and afforded the protections as stated in this section.
- B.** Venetian Tree Incentives and Conditions:

1. Annual Consultation: The City Arborist will provide an annual consultation to the property owner where the designated Venetian tree is located to offer guidance with the management and maintenance of the tree.
  2. Pruning Reimbursement Program: To the extent funds are available, the owner of private property where a designated Venetian tree is located; or adjoining owner(s) of private property where the overhanging tree canopy occurs, may be awarded a pruning reimbursement of up to \$250 by the City to offset the cost of trimming the designated Venetian tree. One (1) pruning reimbursement per property owner per fiscal year will be considered and a maximum of five (5) reimbursements per fiscal year may be awarded. Implementation of the Pruning Reimbursement Program shall be as follows:
    - a. Request shall be submitted to the City Arborist within forty-five (45) days of completion of the trimming.
    - b. Trimming must be conducted under the supervision of a Certified Arborist in accordance with “ANSI A (300)” standards for tree care.
    - c. The applicant shall provide a paid invoice stating the amount paid, the ISA certification number of the supervising arborist, and a brief narrative of the nature of the trimming work performed. The City Arborist shall inspect the trimmed Venetian tree for compliance with “ANSI A (300)” standards and confirmation of the nature of the work performed.
  3. Pruning Fee Waiver: If a pruning permit application is required (removal of branches ten (10) inches in diameter or larger), the pruning permit fee shall be waived. To qualify for the pruning fee waiver, the work must be conducted under the supervision of a Certified Arborist in accordance with “ANSI A (300)” standards for tree care.
  4. Venetian Tree Plaque: Provided funds are available, for Venetian trees on public property a plaque may be placed near the designated Venetian tree(s) stating the botanical and common name, size and a brief description of the tree. Provided funds are available, for Venetian trees on private property, the owners of the property may request a similar plaque to be provided by the City and placed on the property. A maximum of five (5) plaques per fiscal year may be provided. Venetian tree plaques shall not be subject to the City’s sign standards.
- C. Changes in property ownership shall not affect the Venetian tree designation.
- D. Pruning Heritage and Venetian Trees:
1. Unless exempt, a tree permit is required for the removal of a designated Heritage or Venetian tree branch ten (10) inches in diameter or larger measured twelve (12) inches from the branch union. Any tree trimming not performed in accordance with the “ANSI A (300)” standards for tree care will be subject to fines and penalties established in this section.

2. Applications for pruning shall provide:
    - a. A current photograph of the tree.
    - b. A sketch plan of the tree and branch(s) to be removed with dimensions, or a current aerial photograph of the property where the tree is located. The sketch or photo must provide sufficient information to identify and describe the tree branch(s) to be removed, species of tree, a description of the branch to be removed, and reason for removing the branch.
  3. The City Arborist shall inspect the tree and property for approval or denial and may request an onsite meeting with the contractor or owner prior to the issuance of a permit. Violations of this permit requirement will be subject to fines and penalties established by the City in accordance with this Section.
- E. Removal of any Heritage and Venetian Tree:**
1. Unless exempt, a tree permit to remove a Heritage or Venetian tree is required. Documentation by a Professional Landscape Architect or Certified Arborist is required to justify the tree removal subject to Section 3.4.7.
  2. Heritage or Venetian trees may be removed if the tree is located in an area where a structure or improvement will be placed and the applicant provides a report bearing the signature of an architect, Professional Landscape Architect, or licensed engineer providing a determination that the proposed structure or improvement cannot be reasonably redesigned to preserve the Heritage or Venetian tree. The criteria in Section 3.4.7 shall be utilized in determining whether to approve an application for tree removal.
- F. Replacement Tree Calculations for Heritage and Venetian Trees:**
- Heritage and Venetian trees shall be replaced at a ratio of one tree inch to one tree inch (1:1), unless otherwise approved by the City Arborist. If there is insufficient land area on a site to accommodate the proposed trees, the Applicant shall alternatively pay into the Tree Mitigation Fund equivalent to the tree inches not able to be accommodated on the site.
- G. Removal of Venetian Tree Designation:**
- Property owners where the Venetian tree exists or where the canopy overhangs shall have the right to petition City Council to remove the Venetian tree designation. Petitions shall be submitted to the City Arborist. The City Arborist shall inspect the tree(s) and provide a brief report to City Council of the health and condition of the tree prior to Council’s final determination.

### *3.4.3. Removal of Required Trees*

- A.** For trees that were preserved or planted as part of a tree permit or approved landscape plan, problem trees as defined in Section 4 of this Chapter and confirmed by City staff, shall be replaced with a similar species unless directed otherwise by City staff. Replacement trees may

be planted on the same site or other common areas, such as around drainage ponds, near a clubhouse, a park or entry, or addressed through the Tree Mitigation Fund as provided in Section 3.6.

3.4.4. *Tree Planting, Mitigation, and Replacement Standards*

**A.** Tree planting calculations provided herein provide minimum standards for tree planting, replacement, and mitigation on a per acre basis or percentage thereof (see Formula and Examples provided in 1.b. below). All properties must meet the minimum standards, or where the site cannot adequately accommodate the required number of tree inches, provide mitigation by payment to the City’s Tree Mitigation Fund. The required tree inches are based on the subject property zoning designation as follows:

1. All zoning districts except industrial zoning districts: A minimum site/project area of forty (40) tree inches per acre of approved trees is required. This can be achieved as follows:
  - a. Preservation of existing trees (inches measured in DBH) to be preserved with no impact to the TPZ.
  - b. Planting new trees. Within a PUD zoning district or single-family platted developments, planting of new trees is restricted to common areas or rights-of-way only. It is not the intent of this restriction to prevent the planting of additional trees in excess of the required tree inches.

Formula: Total project area acreage (See Exhibit 5) x 40 inches = required tree inches per acre + Heritage Tree inches removed = total tree inches required

Example: 3.2 acres x 40 inches = 128 inches + 72 Heritage Tree inches removed = 200 total tree inches required

Example: 0.5 acres x 40 inches = 20 inches + 0 Heritage Tree inches removed = 20 total tree inches required

2. All industrial zoning districts: A minimum of twenty (20) tree inches per acre of approved trees is required.

**B.** Replacement Tree General Criteria:

1. For the removal of Heritage trees and Venetian trees, the total caliper inches of replacement trees shall equal total DBH inches removed, unless otherwise approved by the City Arborist. For multi-trunked trees, the total DBH of the four largest trunks shall equal the replacement caliper inches. Unless otherwise stated in this section, new palms may be used only to replace protected palms removed.
2. Tree species selected for planting are subject to City approval based upon site conditions including but not limited to: soil characteristics, soil volume, planting area size, and visibility.

3. Heritage and Venetian trees that die due to grade changes and/or construction activity within five (5) years from the date of the tree permit final approval shall be replaced in accordance with this Section. The property owner is required to replace the tree upon confirmation by the City Arborist that the tree died as a result of the indicated activities.

#### 3.4.5. *Planted and Preserved Tree Species*

- A. All trees must be native to Florida or be Florida Friendly species as identified by UF/ IFAS Extension, latest Florida Friendly Plant Guide. For the purpose of this Chapter, the Florida Friendly Plant Guide shall determine large, medium, and small tree species. The available soil volumes as described in Section 3.5.2.K - Soil Volumes shall determine large, medium, and small tree species to be planted to the greatest extent possible. Minor deviations from the soil volume requirements may be allowed by the City Arborist.
- B. The following shall be required for all landscape development plans:
  1. At a minimum, seventy-five percent (75%) of planted trees shall be large and medium tree species, unless large or medium tree species are not suitable, as reasonably determined by the Director and/or Director's designee in the area to be planted.
  2. Where ten (10) or more trees are to be planted, no single species shall constitute more than fifty percent (50%) of the total planting.
  3. All large and medium tree species shall be a minimum two and one-half (2 ½) inches caliper measured no closer than six (6) inches from the ground.
  4. All small tree species shall be a minimum of one and one-half inches (1 ½) caliper measured no closer than six (6) inches from the ground and be a minimum eight (8) feet in height from grade.
  5. No more than twenty-five percent (25%) of the required tree plantings or preserved trees counted towards the requirement may be of the *Pinus* (commonly referred to as Pine) species.
  6. All planted trees shall be Florida No. 1 or greater (Florida Grades and Standards for Nursery Plants, latest edition).
  7. Cabbage Palm (*Sabal Palmetto*) may be planted or preserved at a rate equivalent to three (3) palms to one (1) (3:1) required tree (two and one-half tree inches (2 ½)). Other Florida-Friendly palm species may be proposed at the same three to one (3:1) ratio for approval of the City Arborist. Palms shall not constitute more than twenty-five percent (25%) of the required tree inches. It is not the intent of this restriction to prevent the planting of additional palm trees in excess of the required tree inches.

### 3.4.6. Incentives – Preservation of Existing Trees/Vegetation and Planting of New Trees

- A.** Preserved inches shall be credited to the total inches required by one or more of the following methods:
- 1.** Florida Friendly large tree species twenty-four (24) inches DBH and larger that will be preserved shall result in a credit of two (2) times their DBH. All invasive species within the TPZ shall be removed utilizing only hand-held power equipment. No heavy equipment is allowed within the TPZ unless approved by the City Arborist.
  - 2.** Florida Friendly medium tree species twelve (12) inches DBH and larger, and small tree species six (6) inches DBH and larger that will be preserved shall result in a credit of one- and one-half (1 ½) times their DBH. All invasive species within the TPZ for preserved trees shall be removed utilizing only hand-held power equipment. No heavy equipment is allowed within the TPZ unless approved by the city arborist.
  - 3.** Clusters of six (6) or more Protected trees with a continuous ground cover of Saw Palmetto (*Serenoa repens*) or other approved native understory plant community shall result in a credit of one (1) tree inch, per 1,000 square feet of Saw Palmetto or native understory to remain. This area must remain undisturbed except that all invasive species within the TPZ shall be removed utilizing only hand-held power equipment. No heavy equipment is allowed within the TPZ unless approved by the City Arborist.
  - 4.** New nursery-grown large and medium trees six (6) to eight (8) inches caliper, and small trees three (3) to four (4) inches caliper shall result in a credit of one- and one-half (1½) times their diameter.

### 3.4.7. Criteria for the Preservation of Trees

- A.** Determining the suitability of a tree or tree clusters for preservation during the design and planning phase of site development is an important early step so that resources are not misallocated. To determine the suitability for preservation of Protected, Heritage and Venetian trees, the following criteria will be considered by the City Arborist:
- B.** Location:
- 1.** Relationship to a building, structure and / or construction activity
  - 2.** Grading impacts (cut and fill)
  - 3.** Infrastructure conflicts (utilities, driveways, sidewalks, etc.)
  - 4.** Susceptibility to wind and sun exposure
- C.** Health and Condition:
- 1.** Appropriate and vigorous growth
  - 2.** Existing decay in trunk, main branches, or roots



3. Lightning damage
  4. Pruning errors (tree topping)
- D. Structure:**
1. Structural defects (cracks, decay, overextended branches, girdling roots)
  2. Stability of the tree (root health, leaning)
  3. Branch attachments
- E. Species:**
- Tree species shall meet Florida Friendly principles which: conserve water, reduce waste and pollution, create wildlife habitat and prevent erosion. The below species characteristics will be assessed in conjunction with using the appropriate species in the appropriate location;
1. Desirable species
  2. Wind resistance
  3. Pest resistant
  4. Water efficient
  5. Reduce and manage stormwater runoff
  6. Meets desired aesthetic and / or environmental benefits

#### 3.4.8. *Mangroves and Seagrapes*

- A.** Trimming and alteration of mangroves shall be consistent with the Mangrove Trimming and Preservation Act, F.S. § 403.9321 through 403.9333.
- B.** Trimming and alteration of Seagrapes (*Coccoloba uvifera*) waterward of the Coastal Construction Setback shall be consistent with the Beach and Shore Preservation Act F.S. § 161.242.

#### 3.4.9. *Canopy Road Designation*

- A.** City Council may designate roads as Canopy Roads by resolution after an advertised public hearing and may set standards for the implementation of this section by resolution. Requests for a Canopy Road designation can be made by City Council or staff, property owners residing on a potential Canopy Road, or residents of the City. Requests will be coordinated and brought to the City Council by the City Arborist for approval. Prior to the advertised public hearing, a written hearing notice shall be provided to all property owners of record adjacent to the potential Canopy Road and the registered neighborhood associations. The hearing notice shall detail the Canopy Road standards that would become applicable if the road is designated a Canopy Road. The public hearing notice shall be posted a minimum of fifteen (15) days prior to the hearing.
- B.** To be eligible for designation as a Canopy Road, a road shall have the following characteristics:

1. A minimum of 50 percent (50%) overhead coverage, per section of travel way as measured by branching, drip line, shadows, and other visual cues. Evaluation shall be based on tree canopy coverage as a percentage of overall travel way length, on canopy condition and composition; and
2. A minimum of seventy-five percent (75%) Florida-Friendly species; and
3. Be composed of one (1) or more contiguous road segments, regardless of whether they are differently named roads.
4. Canopy Roads shall have appropriate signage to delineate the limits of the Canopy Road

**C. Canopy Road Requirements**

1. Canopy roads shall have the appropriate signage to delineate the limits of the canopy road.
2. Unless otherwise exempt, all utility companies having facilities within a designated Canopy Road must notify the City Arborist five (5) business days prior to conducting scheduled routine vegetation maintenance and tree pruning or trimming activities within a designated Canopy Road. All utility pruning shall conform to the “ANSI A (300)” standards for tree care.
3. When more than twenty percent (20%) of the area within the TPZ is impacted; or when pruning of the crown of a tree within the CRPZ must be performed, the following arboricultural techniques are required:
  - a. Roots shall be severed cleanly utilizing equipment, tools and methods designed for root pruning. All root pruning activity shall conform the “ANSI A (300)” standards for tree care and shall be conducted under the direct supervision of a Certified Arborist. Tunneling or directional boring initiating and terminating outside the TPZ and to a depth of thirty-six (36) inches or more through the TPZ shall be exempt from these requirements. Under no circumstances will encroachment within the Root Plate zone be allowed.
  - b. All trimming of trees of branches larger than two (2) inches in diameter where the trunk of a tree is located within the CRPZ shall require a tree permit and shall be conducted under the supervision of a Certified Arborist. All pruning shall conform to “ANSI A (300)” standards for tree care.

- D.** It shall be a violation of this section to cause irreparable injury to or prune a tree within the CRPZ in a manner inconsistent with standards contained within this section and “ANSI A (300)” standards for tree care.

## 3.5. Education and Best Management Practices

### 3.5.1. Education

- A.** The City Arborist shall develop and conduct a public relations and education program to recognize and promote the preservation of trees within the City. This program shall provide the citizens of the City with the awareness and technical assistance necessary to preserve and plant trees within the City.

### 3.5.2. Required Best Management Practices

- A.** The following Best Management Practices shall be applicable to all tree permits, unless specified otherwise herein. These standard Best Management Practices shall also be applicable to all activities that affect Protected, Heritage, and Venetian Trees, trees located within a TPZ and CRPZ, and regardless of whether a tree permit is required for the proposed activity.
- B.** Heritage trees, Venetian trees, and Canopy Road trees located on property adjacent to the proposed development activity shall be protected as described in this section.
- C.** Prior to commencing work and throughout the duration of the authorized activity, the owner, developer, contractor, or agent shall clearly mark with red flagging all trees proposed to be removed and shall erect barricades around all trees to be protected. The barricades must remain in place and be in good condition for the duration of the authorized activity. Protective barricades for protected trees shall be installed no closer than the outer edge of the designated TPZ of the tree. Barricades shall be placed no closer than three (3) feet from the trunk of palms. Barricades shall be constructed in a post and rail configuration or with orange barrier fencing and be no less than four (4) feet in height. The upright posts shall be a minimum of a two by two-inch (2"x2") wooden stake. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of four (4) feet above the ground. A minimum of a one (1) four-inch by one inch by eight feet (1"x 4"x 8') in length wooden board shall be used to connect the upright posts. The maximum distance allowed between upright posts is eight (8) feet. Silt barriers, hay or straw bales, or similarly effective erosion control barriers may be substituted and required in any area where erosion or siltation may cause damage to TPZ upon approval by the City Arborist. Barricades that result in greater protection may be substituted with the approval of the City Arborist. In all cases, the barriers must remain in place until the final finish grade is established at the end of the project or project phase, and all construction activity is completed. Damage to protection barriers and encroachments into the TPZ will be subject to the fines and penalties established in Section 3.1.4 and Section 3.7. Signs shall be posted at fifty (50) foot intervals for single trees or tree clusters of twenty (20) trees or less and; 100foot

intervals for areas of more than twenty (20) trees; that clearly state potential fines and “*Tree Protection Area, Keep Out*”.

- D. Throughout the duration of the authorized activity, the owner, developer, contractor, or agent shall not cause or permit the cleaning of equipment or material or the storage or disposal of debris, fill, waste materials such as paints, oils, solvents, asphalt, concrete, mortar, or any other material within any TPZ.
- E. No damaging attachment ropes or wires (other than supportive measures for a tree), signs, posters, handbills, tree permits, or other objects may be fastened to any tree except pursuant to authorization under the provisions of this section. No gaseous, liquid, equipment exhaust or solid substance which may be harmful to trees shall come into contact with any portion of the tree.
- F. Where elevation changes are proposed, within the TPZ, the applicant will be required to justify the need for the elevation change and install retaining walls and/or provide accommodations for drainage unless the applicant demonstrates that such protection would be impractical. Where elevation changes are proposed within the TPZ of any Protected tree as defined in Section 3.4.1, the applicant will be required to install retaining walls and/or provide accommodations for drainage unless the applicant demonstrates such protection would be impractical. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil within the TPZ. Tree species’ tolerances for grade changes, size and age will be considered when locating tree wells and retaining walls. Tree wells or retaining walls will be required as applicable when grade changes of more than six (6) inches are needed within more than twenty percent (20%) of the TPZ. Tree well and retaining wall distances from the face of the trunk range from three-quarters (0.75) feet for each one (1) inch DBH for a construction tolerant species to one- and one-half (1 ½) feet for each one (1) inch DBH of mature or less tolerant species. The applicant will be required to present a report bearing the signature of a Certified Arborist or Professional Landscape Architect with a statement of minimal impact design. The applicant may also request a pre-application meeting with the City Arborist before submitting a design. Retaining walls shall be built with posts or pilings, shallow and small footers or footers of stone or sand to lessen the impact of cut or compacted roots. In cases where grade changes can be accomplished with less than 20 percent (20%) of the CRZ being impacted, the change should be as gradual and as far from the trunk face as possible with no more than six (6) inches of fill over 20 percent (20%) of the TPZ. Under no circumstances will fill be allowed over the root plate.
- G. The City Arborist may conduct periodic inspections of the site during land clearing and construction to ensure compliance with this Chapter.

- H. The City Arborist may allow certain activities to be conducted within the barricaded TPZ, upon a determination that the tree will not be adversely affected, such as driveways, swimming pool decks, and patio pavers.
- I. If temporary equipment or vehicle access into the TPZ is required for construction activity, steps must be taken to protect the TPZ from compaction and damage. For short-term temporary access of three (3) weeks or less, a six (6) to twelve (12) inch layer of organic mulch in the area of encroachment shall be installed and maintained. For longer periods the applicant will be required to install and maintain a four (4) inch layer of mulch and place three quarter (3/4) inch plywood on the mulch layer to create a path for equipment or vehicles. Under no circumstances should these access paths be placed on or where they may impact the root plate. The City Arborist shall be informed and approve of any alterations to the original approved Tree Protection Plan. Violations will be subject to fines and penalties as established in the schedule of fees and charges per this Section.
- J. The use of posts, pilings, or a similar system shall be used as the construction method for structures within the TPZ. Continuous footers and stem walls shall not be installed within the TPZ unless approved by the Director and/or Director's designee. These posts or pilings shall be engineered only as large as necessary to support the proposed structure. All efforts shall be made to reduce the impact to large roots and in no circumstances should the structure encroach on the root plate of a tree.
- K. No trenches are permitted within the TPZ without prior approval of the City Arborist. With approval of the City Arborist, hand dug trenches may be allowed and roots pruned cleanly as directed in "*ANSI A (300) Part 8, Root Management Standard*". All efforts should be made to bypass the TPZ with underground utilities and irrigation lines unless tunneling methods are used a minimum of thirty-six (36) inches below the existing grade.
- L. Soil Volumes - Required Soil Volumes for Trees
  - 1. Large tree species, taller than forty-five (45) feet in height
    - a. Minimum open soil space 300 square feet or minimum uncompacted soil volume of 900 cubic feet to a depth not to exceed thirty-six (36) inches
    - b. No closer than four (4) feet from any pavement or curbing
    - c. Minimum planting space width is eight (8) feet
    - d. Minimum uncompacted soil depth thirty-six (36) inches
  - 2. Medium tree species, between twenty-five (25) to forty-five (45) feet in height
    - a. Minimum open soil space 200 square feet or minimum uncompacted soil volume of 500 cubic feet to a depth not to exceed thirty-six (36) inches
    - b. No closer than thirty-six (36) inches from any pavement or curbing
    - c. Minimum planting space width is six (6) feet

- d. Minimum uncompacted soil depth thirty (30) inches
- 3. Small tree species, less than thirty (30) feet in height
  - a. Minimum open soil space 100 square feet or; minimum uncompacted soil volume of 200 cubic feet to a depth not to exceed thirty-six (36) inches
  - b. No closer than twenty-four (24) inches from any pavement or curbing
  - c. Minimum planting space width is four (4) feet
  - d. Minimum uncompacted soil depth twenty-four (24) inches
  - e. Exceptions to the space requirements for some individual species may be granted by the City Arborist.
- 4. The following are methods to achieve soil volume requirements for street trees in or near sidewalks, within plazas and parking lots:
  - a. Structural soil under pavement. CU Structural Soil™ is an aggregate soil developed and patented by Cornell University. Consisting of a combination of stone and soil plus additives. This product or an approved equivalent provides a highly compactable material that allows for root growth and may be used under pavement to provide the required soil volume for root space.
  - b. Suspended pavement. Modular soil cell systems designed to be assembled and placed under pavement may be used to provide root space. These systems are designed to support the pavement weight while providing uncompacted soil volume for tree roots.
  - c. Other soil volume system designs may be approved by the Director and/or Director's designee.

### 3.6. Tree Mitigation Fund

- A. The City shall establish and maintain a dedicated Tree Mitigation Fund. Payments to the fund shall be in accordance with:
  - 1. Mitigation for trees illegally removed and not replaced.
  - 2. Mitigation for removal of Heritage or Venetian trees.
  - 3. Mitigation for required trees not planted as part of a tree permit or site development permit per Section 3.4.
- B. The City shall use the Tree Mitigation Fund for the following purposes:
  - 1. Tree planting on city property, limited to the cost of trees, landscaping equipment and associated installation, irrigation equipment incidental to the planting of trees, and for design by a Professional Landscape Architect to assure the safety, viability and appropriateness of such plantings.
  - 2. Expenses related to Venetian Tree and Canopy Road designations.

3. Qualified Attainable Housing Projects. Provided funds are available, a maximum of fifty percent (50%) of the cost of the required trees for the project or \$10,000, whichever is less, may be granted by the City for an attainable housing project.
  4. Urban forest assessments and/or tree inventories within the City.
  5. Public education and tree planting Initiatives.
- C. Tree mitigation fund expenditures of \$25,000 or less shall require the approval of the City Manager. Fund expenditures of more than \$25,000 shall require the approval of City Council.

### 3.7. Enforcement

- A. Any Person violating any provision within this section or a stipulation/condition contained in a tree permit or a development permit that results in a prohibited activity shall constitute a violation of this section.
- B. Violations of this section will be enforced by the code enforcement process as established in Chapter 2, Article VI of the City Code of Ordinances.

## SECTION 4. GENERAL DEFINITIONS

### 4.1 Defined Terms

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

**Agriculture:** A commercial enterprise using lands classified by the County Property Appraiser under the agricultural assessment provisions of F.S. § 193.461, for the production and marketing of agricultural products.

**Artificial Light or Artificial Lighting:** Any source of light emanating from a manmade device.

**Beach:** The area of unconsolidated material that is contiguous with the waters of the Gulf of Mexico and extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation.

**Beach Access Point:** Any path through or over the dune used by the general public or private property owners for the purpose of gaining access to the beach.

**Beachfront Properties with Seawalls:** Beachfront properties having protective seawalls and protective boulders (on the gulf side of seawalls) and not more than five feet of sandy beach.

**Boundary Tree:** Any tree located on an adjacent property with a critical root zone that will be impacted by proposed land disturbance activity on the subject property.

**Caliper:** The average trunk diameter in one quarter inch increments at a predetermined point for the purpose of grading nursery grown trees. For the purpose of this Chapter those points are: six inches

from the soil line for trees up to and including four inches in diameter (caliper) and 12 inches from the soil line for trees larger than four inches in diameter (caliper).

**Canopy Road Protection Zone (CRPZ):** A designated section of City and county right-of-way and the adjacent private property extending up to 15 feet laterally from the right-of-way onto adjacent private property, but in no event extending greater than 15 feet laterally from the edge of the roadway.

**Canopy Tree:** Those trees that compose the top layer of canopy of vegetation and will generally reach a mature height of forty feet or more and mature crown spread of fifteen feet or more.

**Canopy Tree, Large:** A canopy tree taller than forty-five (45) feet.

**Canopy Tree, Medium:** A canopy tree between twenty-five (25) and forty-five (45) feet tall.

**Canopy Tree, Small:** A canopy tree shorter than twenty-five (25) feet.

**Certified Arborist:** A professional certified by the International Society of Arboriculture (ISA) who possesses an active certification number and the technical competence through experience and related training to provide for or supervise the management of trees and other woody plants in the residential, commercial, and public landscape.

**City Arborist:** The City Arborist or an administrative official of City government designated by the Planning and Zoning Director to administer the provisions of this Chapter.

**Clear Trunk:** The portion of the trunk maintained free of large branches. The clear trunk is the lower portion of the trunk measured from the soil line up to the first major branch.

**Coastal Construction Control Line:** The line established by the State of Florida pursuant to F.S. § 161.053, and duly filed in the public records of Sarasota County Clerk of the Circuit Court, which defines that portion of the beach dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

**Conservation Area.** An area of land protected from development or other impacts to the natural conditions.

**Conservation Open Space:** Protected open spaces (wetland, wetland buffers, coastal and riverine habitats), preserves, native habitats including those of endangered or threatened species or protected species, wildlife corridors, natural lands owned and managed by the City, Sarasota County, State (i.e. FDEP, SWFWMD) or a Federal Agency that do not qualify as Functional Open Space; rivers, lakes, and other surface waters, and aquifer recharge areas.

**Critical Root Zone (CRZ):** The minimum area required around a tree which must be preserved to provide the tree a reasonable chance to survive development activities. The CRZ is generally a concentric circle measured from the approximate center of the trunk of the tree with a radius of one foot for each one inch of tree DBH or to the drip line, whichever is greater. *Example:* A tree with a DBH of 20 inches would have a CRZ radius of 20 feet:  $20 \times 1.0 = 20$  feet (radius)

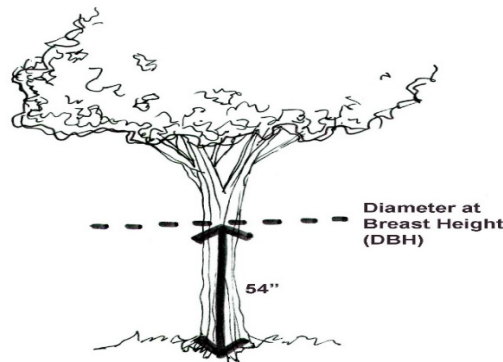
**Cumulatively illuminated:** Illuminated by multiple artificial light sources that as a group illuminate any portion of the beach.



**Development:** The construction, redevelopment, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels; any mining, excavation, landfill, or land disturbance; and any nonagricultural use or extension of the use of land.

**Development Permit:** Any building permit, zoning permit, plat approval, rezoning, site and development plan, variance, or other action having the effect of permitting Development of land.

**Diameter at Breast Height (DBH):** The diameter of an established tree trunk measured at breast height, which is 54 inches above the ground. When low branches or stems preclude measuring the trunk at 54 inches the smallest circumference of the trunk below the lowest branch or stem juncture shall be the measure of DBH. Trees that fork below 54 inches and have no discernable single trunk then DBH shall be the sum of the diameters of each trunk. Trees that fork at or below ground level, each stem shall be considered individual trees. (See Exhibit 1)

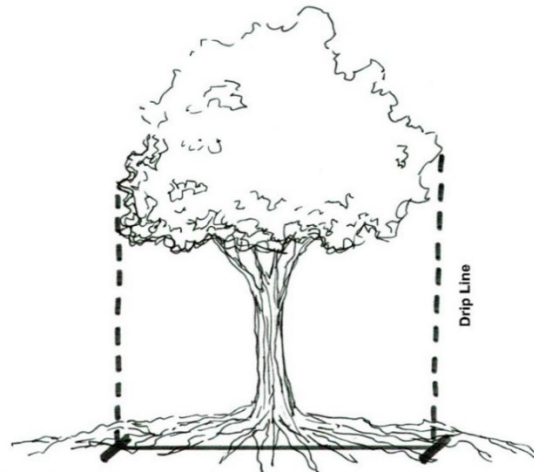


*Exhibit 1 (DBH)*

**Directly Illuminated:** Illuminated as a result of a glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible from the beach.

**Director:** The Director of Planning and Zoning manages the Planning and Zoning Department, or his successor to his duties, by whatever title designated, or his designee.

**Drip Line:** The circumference around a tree formed by the outermost branches or portion of the Tree crown to the ground. (See Exhibit 2)



*Exhibit 2 (Drip Line)*

**Dune:** A mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by a natural or artificial mechanism.

**Emergency:** Any manmade or natural disaster that is specifically declared to be an emergency through formal action by the Council.

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before July 30, 1971.

**Expansion to an Existing Manufactured Home Park or Subdivision**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA):** The Federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Floodlight:** A reflector-type light fixture which is freestanding or attached directly to a building or other structure and which is unshielded.

**Florida Friendly Landscaping™:** Planting comprised of low maintenance plants and using low maintenance sustainable practices.

**Frontal Dune:** The first natural or manmade mound or bluff of sand which is located landward of the beach and which has sufficient ground vegetation, height, continuity and configuration to offer protective value.

**Ground Level Barrier:** Any vegetation, natural feature or artificial structure rising from the ground which prevents beachfront lighting from shining directly onto the beach or dunes.

**Hardwood Tree:** Any tree that is not coniferous (not cone bearing or a needle leaf evergreen).

**Heritage Tree:** Any 30-inch DBH single trunk or 45-inch DBH multi trunk Florida Friendly Tree that has been determined by the City Arborist to have the characteristics as outlined in this Chapter or any tree designated a Florida State Champion, United States Champion, or World Champion by the Florida Forest Service or the American Forestry Association.

**Historic Resource:** Any archeological site, historical structure, historical cemetery, historical bridge, historical districts, landscapes, and linear features identified by the State of Florida Division of Historical Resources and determined to have historic significance by the State Historic Preservation Office (SHPO).

**Illuminated:** Exposed to light from an artificial light source that does not meet the approved specification of this Chapter in a way that produces brightness visible from the beach.

**Indirectly Illuminated:** Illuminated as a result of the glowing element(s), lamp(s), globe(s) or reflector(s) of an artificial light source which is not visible from the beach.

**Inspector:** A designated City employee or an inspector that has been designated through an agreement with another entity to perform inspections required pursuant to this Chapter.

**Invasive Plant:** Any nonindigenous plant that grows aggressively enough to crowd out Native Plants. The List of Invasive Plant Species published by the Florida Exotic Pest Plant Council (FLEPPC), as it may be amended from time to time, is hereby adopted and incorporated herein by reference.

**Irreparable Injury:** Any action less than tree removal that results in irreversible or incurable harm to cause the unnatural decline or compromise stability of the tree. Actions that constitute an irreparable injury may include, but are not limited to: inflicting damage upon the root system by heavy machinery, changing the natural grade above the root system or around the trunk, inflicting damage that provides a pathway for infection or pest infestation, application of herbicides or other harmful chemical agents, infliction of trunk wounds, or improper removal of canopy or branches or that is generally inconsistent with ANSI (A300) standards for tree care (includes topping of trees).

**International Society of Arboriculture (ISA):** A non-profit society that promotes the professional practice of arboriculture and fosters awareness of the benefits of trees.

**Light Emitting Diode (LED):** Miniature lamps that emit pure red or amber light that do not vary in color over the life of the lamp. These lamps may be used in multiples to form strips of small lamps within a light fixture

**Light Fixture:** The structural mechanism which, or within which, the point source of light is attached.

**Listed Species:** Any plant or animal afforded protection pursuant to the Florida Administrative Code (FAC), including, but not limited to, species categorized as endangered or threatened; or any plant or animal categorized as endangered or threatened pursuant to the U.S. Endangered Species Act, Marine Mammal Protection Act (MMPA), or bald eagles protected pursuant to the Bald and Golden Eagle Protection Act or other bird species protected pursuant to the U.S. Migratory Bird Treaty Act.

**Lot:** Includes "plot", "tract" or "parcel" and is a parcel of land of at least significant size to meet minimum zoning requirements for use and / or is otherwise determined to be a legal lot of record.

**Low-Pressure Sodium (LPS) Luminaire:** An electric discharge lamp, containing sodium, neon and argon that when illuminated appears amber-yellow.

**Low-Profile Luminaire:** A light fixture set on a base which raises the source of the light no higher than 48 inches off the ground and designed in such a way that light is directed downward from a hooded light source.

**Low Wattage:** No greater than 25-watt incandescence.

**Luminaire:** A complete lighting system, including a lamp or lamps and a fixture.

**Marine Turtle:** Any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: Caretta (loggerhead), Chelonia mydas (green), Dermochelys coriacea (leatherback), Eretmochelys imbricata (hawksbill), and Lepidochelys kempii (Kemp's ridley). For purposes of this Chapter, marine turtle is synonymous with sea turtle.

**Mooring Area:** A specific area, on or over the waterway, assigned to a dock for the purpose of vessel storage. For the purpose of calculating the preempted area (see definition of *preempted area*), a mooring area shall be defined by the maximum length and width of the rectangular area on or over the waterway within which a vessel shall be stored, or the rectangular area adjacent to the entire terminal platform created by the placement of pilings, whichever is greater.

**Motorized Vehicle:** Any self-propelled, wheeled, tracked or belted conveyance.

**Native Plant:** An indigenous plant.

**Naturalized Plant:** A plant that is not native to an area but has colonized without being invasive.

**Nest:** An area where marine turtle eggs have been naturally deposited or subsequently relocated.

**Nesting Season:** The period from May 1 through October 31 of each year.

**New Development:** Includes new construction and remodeling of existing structures when such remodeling includes the alteration of exterior lighting or the repair or replacement of any glass or glazing.

**Nighttime:** The locally effective time period between sunset and sunrise.

**Outdoor Lighting:** The nighttime illumination of an outside area or object by any fixed luminaire. Vehicle lights and flashlights are not included in this definition.

**Palm:** Monocotyledous plant of the *Aracaceae* family, generally with one or more unbranched trunks, with fronds (leaves) emanating from meristem at the top of the trunk.

**Person:** Any individual, firm, association, government joint venture, partnership, estate, trust, syndicate, fiduciary, corporation and all other groups or combinations.

**Point Source of Light:** The actual light source such as the bulb, fluorescent tube, lamp, etc., from which light emanates.

**Pole Lighting:** A light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

**Preempted Area:** That part of submerged bottomlands occupied or covered by a docking facility or pier, including any associated mooring areas. This area is considered to be excluded from traditional public uses as a result of structure placement.

**Problem Trees:** Trees planted as part of a development project where the trees installed in accordance with the approved plan are, as determined by a Professional Landscape Architect or Certified Arborist: damaging infrastructure (utilities, sidewalks, parking area or structures), causing visibility issues for safe vehicular movement, or otherwise constituting a threat to the health, safety, and welfare of the general public.

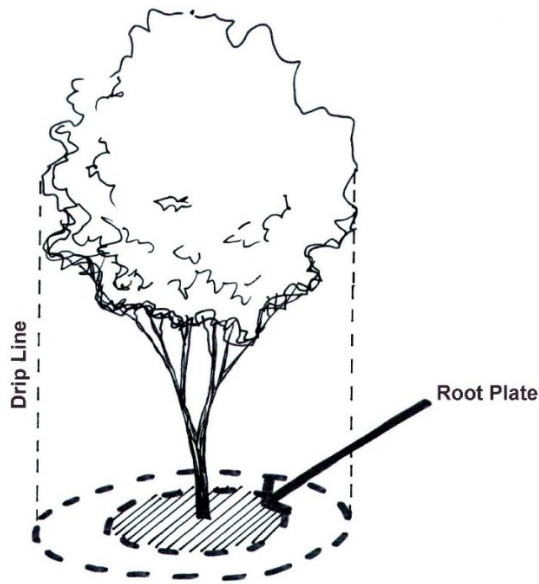
**Project Area:** The difference between gross land area and any wetland area on a site proposed for development.

**Prune, Pruning, Trim, or Trimming:** The act of cutting or sawing to remove a dangerous hazard in a tree, or to maintain or improve the structure, form or health of a tree, in a manner generally consistent with the current *ANSI A300 Part 1 - Pruning*, as may be amended.

**Recreational Vehicle:** A vehicle, including a park trailer, which is: built on a single chassis; four hundred square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [Defined in F.S. § 320.01.]

**Right-of-Way:** The land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes. Specifically, land owned fee-simple or dedicated by easement to the State, County, or the City and/or municipality devoted to or required for use as a public street.

**Root Plate (RP):** The area of the root zone near the trunk comprised of the main buttress and anchor roots. These roots are under compression and tension pressures and serve as the primary support structures of a tree. Catastrophic tree failure can result from damage to the root plate. The root plate is generally represented by the radius of a concentric circle measured from the approximate center of the trunk equal to five times the DBH. This area can vary slightly by species. (See Exhibit 3.)



*Exhibit 3 (Root Plate)*

**Example:** A tree with a DBH of 20 inches would have a root plate radius of 100 inches or eight and three tenths feet:  $20'' \times 5 = 100''/12 = 8.3$  feet (radius)

**Shield:** A nonreflective covering, canopy or other such device fitted over, around and extended below a light source preventing light from illuminating the beach.

**Shielded:** Fitted with a nonreflective opaque hood, or other covering or device, which prevents the light fixture and luminaire from producing direct or indirect illumination visible from the beach.

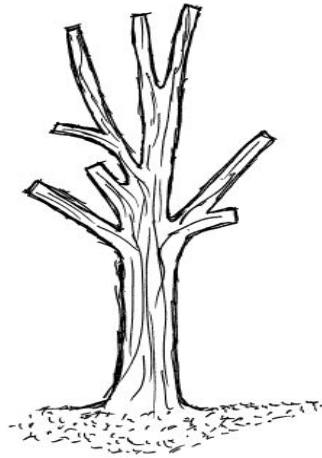
**Stipulation/Condition of Approval:** A statement or a condition issued with a tree permit or with an approved plan, with which compliance is necessary for continued validity of the tree permit or other approval.

**Street:** Includes any accessway such as a road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place or cul-de-sac, or other means of ingress or egress regardless of the descriptive term used, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those accessways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, drainage, water and wastewater collection systems and easements of ingress and egress.

**Temporary Structure:** Any manmade structure or object with a location or arrangement that is temporary or transient in nature.

**Tinted or Filmed Glass:** Any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

**Topping:** Internodal removal of woody branches containing heartwood or cutting back to a lateral branch too small to assume the terminal role. (See Exhibit 4)



*Exhibit 4 (Topping)*

**Tree:** Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining an average height greater than ten feet and mature spread or crown greater than 15 feet.

**Tree Cluster:** A group of six or more protected trees with one continuous drip line.

**Tree Location Survey:** A survey that provides the following information: location of all trees, plotted by accurate techniques, common name of all trees, and Diameter at Breast Height (DBH), printed on the proposed site plan as described in this Chapter.

**Tree Permit.** The legal authorization for tree removal, irreparable injury to a tree, pruning of a Heritage or Venetian tree, tree Relocation, and /or the requirement for tree protection and /or tree plantings pursuant to the provisions of this Chapter.

**Tree Protection Plan.** A plan developed per the guidelines in this Chapter for any person conducting construction activities such as: excavation, filling, tunneling, trenching, compacting, demolition, utility work or other land disturbing activity in the Critical Root Zone (CRZ) or Tree Protection Zone (TPZ).

**Tree Protection Zone (TPZ).** The area protected by an approved barrier or fence from all development activity. The area may consist of a single tree or tree clusters and other vegetation that has been agreed upon by the applicant and the Director or their designee and set aside for preservation. These areas have been evaluated and determined to be worthy of preservation because of their aesthetic or

environmental value. The Critical Root Zone (CRZ) will be the primary definer of the TPZ; however, some trees may need more or less space to be protected. Depending on condition, size, age and species tolerance of construction, the TPZ may be adjusted as needed, with approval by the City Arborist, to ensure survival of the tree or tree cluster being preserved.

**Tree Relocation.** To transplant, reestablish or move a tree to another place within a site or off site.

**Tree Removal.** To cut down, poison, or in any other manner destroy, or cause to be destroyed, a Tree as defined in this Chapter.

**True Red Neon.** A tubular lamp containing neon gas that emits pure red light. True red neon does not include tubular fluorescent lamps, which may appear as various colors.

**Venetian Tree.** A tree of a native or non-native species that has significance, desirability, or utility to the community.

**Vessel.**

Any watercraft, power-driven or not, mobile or stationary, including but not limited to ships, boats, houseboats, and air boats, but excluding seaplanes and floating structures.

**Vessel Draft.**

The vertical distance measured from the highest point to which a waterbody rises on the vessel's exterior hull to the bottom portion of the keel or fixed drive unit, whichever is lower. Adjustable outboard or inboard/outboard engines shall not be included in the vessel draft calculation.

**Visible From the Beach.** Visible to a person standing on the beach.

## 4.2 Abbreviations

**ANSI:** American National Standards Institute.

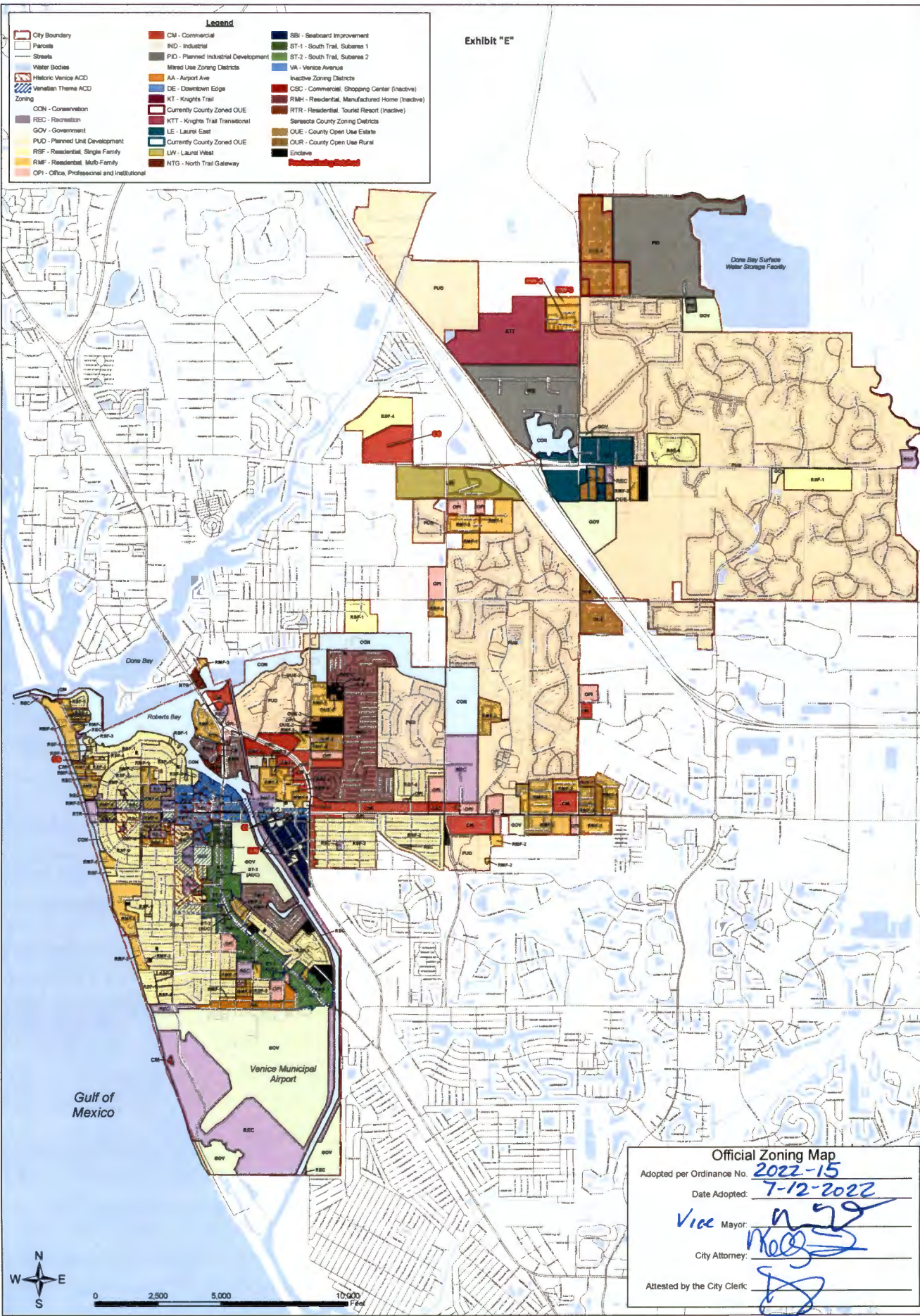
**ASCE 24:** A standard titled Flood-Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers (ASCE), Reston, VA.

**FWC:** Florida Fish and Wildlife Conservation Commission or successor agency.

**FWS:** United States Fish and Wildlife Service or successor agency.

**ISA:** International Society of Arboriculture is a non-profit society that promotes the professional practice of arboriculture and fosters awareness of the benefits of trees.





City of Venice  
**Zoning Map**  
 Planning and Zoning Department

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