



Comprehensive Plan Text Amendment Petition No. 20-22CP

Venice 2017-2027 Comprehensive Plan

Staff Report

Applicant: City of Venice

Staff: Jeff Shrum, AICP, Development Services Director

Description of Amendment:

1. **Comprehensive Plan Text Amendment to allow the option of lower density residential development within the Low, Moderate, Medium, and High residential future land uses.**

I. INTRODUCTION:

In short, this amendment seeks to afford the opportunity for lower density residential development within the Residential Future Land Use categories of the Comprehensive Plan while also recognizing their appropriate zoning district as consistent with the implementing zoning district identified within the Comprehensive Plan. Specifically, Strategy LU 1.2.3. - Residential, establishes density ranges under the column “Density per Gross Acre” and their permitted implementing zoning districts in the third column with the heading “Implementing Zoning Districts” which is depicted in the Plan as the following table:

Residential Land Use	Density per Gross Acre	Implementing Zoning Districts
Low Density	1.0 to 5.0	RE, RSF1, RSF2, RSF3
Moderate Density	5.1 to 9.0	RSF4, RMF1, RMF2, RMH
Medium Density	9.1 to 13.0	RMF3
High Density	13.1 to 18	RMF4

Since adoption and implementation of the Plan, two sets of concerns have arisen through staff interaction with property owners and developers and as a result of the receipt of subsequent vested rights applications. During these interactions, there are two primary concerns, or schools of thought that are raised that center on the minimum density standards for the Comprehensive Plan Residential land uses as follows:

1. **These ranges were never meant to exclude a lower density development:** while these density ranges also existed in the 2010 Plan, there was and never has been an intent to prohibited development of property with a lower residential density or just ignore the minimums approach.
2. **Physical constraints prohibit smaller properties from attaining minimum density:** for smaller sized and irregular shaped properties, it may be impossible to achieve the minimum density for some properties given other development standards e.g. parking requirements, drainage requirements, setbacks, and lot coverage standards to mention a few.

While #1 indicated above does not raise significant concerns, it does raise an argument we often see with land use petitions...less density. Further, the language within Strategy 1.2.3. does not explicitly state or

imply lower density development is permissible. Clarity on this topic in the Plan would be helpful for implementation. Staff has more concern over the issue raised through #2 above as there are specific development standards that may prohibit attaining the minimum density creating a real hardship for the property owner, especially for smaller sized properties. As a result of these expressed concerns, this proposed comprehensive plan text amendment seeks to address this minimum density issue through two different approaches: a by right approach for properties under one acre and a petition request process for properties one acre and larger.

II. PROPOSED TEXT AMENDMENT:

The proposed text amendment is to amend Strategy LU 1.2.3. – Residential to read as follows (underline is new text and strikethrough is text to be deleted):

Strategy LU 1.2.3 - Residential.

Density Defined. Dwelling Units Per Acre (DU/AC): Residential Development (“Density”) is measured in dwelling units per (gross) acre.

Density lower than the range provided in the Table below is permitted for individual lots or parcels of less than one acre in size. For all other properties, density lower than the range provided in the Table below may be requested as part of a land use petition, rezoning, or by separate request to be processed as a special exception as defined within the Land Development Code using the below review criteria. The reviewing body shall consider the following:

1. Compatibility of the proposed density and intensity with all properties within 250 feet of the subject property’s boundary shall be evaluated using the following: Strategy LU 1.2.8 - Compatibility Between Land Uses and Strategy LU 4.1.1 - Transitional Language specific to Comprehensive Plan regulatory language, Policy 8.2 Land Use Compatibility Review Procedures.
2. Whether the size and/or shape of the subject property is appropriate for a lesser density.
3. Compliance with all other Strategies of this Comprehensive Plan.

If a lower density is permitted or granted, the appropriate residential zoning district shall be deemed an implementing zoning district even if not listed as such below.

Residential Land Use	Density per Gross Acre	Implementing Zoning Districts
Low Density	1.0 to 5.0	RE, RSF1, RSF2, RSF3
Moderate Density	5.1 to 9.0	RSF4, RMF1, RMF2, RMH
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Background to the issues and basis for proposed text amendment:

In developing the proposed text amendment staff quickly identified that the issue of minimum density has varying degrees of impact based on the size of the property:

- **Smaller Properties (less than one acre):** the primary issue is the ability of the property to accommodate the required minimum density while meeting other development standards. The following example may help put the issue in context:

Example of the Issue:

- Subject property is 0.33 acres in size.
- Comprehensive Plan Designation: Medium Density Residential.
- Zoning Designation: RMF2.
- Minimum Density = 0.33 (acres) x 9.1 (minimum density) = **3 units required**.

Considering development standards for the RMF-2 zoning district include requirements such as: a maximum lot coverage of 30% (building area), required front yard of 20 feet, side yard of 12 feet, and rear yard of 15 feet, along with standards for landscaping, 6 required parking spaces, landscaping, buffering, and drainage retention, it becomes a little more clear how difficult it is to meet the minimum required density and that is provided you have a property that is optimally a square shape.

Staff has had discussions with property owners and developers very similar to this example and have had discussions with property owners of smaller tracts of land with the Moderate, Medium and High residential land uses where they have indicated similar issues with being able to meet the minimum density. Obviously, as the size of the subject property increases, achieving minimum density, while also meeting development standards becomes less of an issue or hardship although the number of minimum dwelling units also increase with the property size/acreage. As a result, staff has identified properties under one acre as having a higher potential for this type of hardship.

- **Properties one acre or larger:** for these properties the issue of meeting minimum development standards becomes less of an issue to achieve (although it may still be an issue) and the issue centers more on the basic notion that less density is typically desired and more acceptable by neighbors.

III. STAFF ANALYSIS

Not unlike many amendments to the Comprehensive Plan, there are several key issues that must be taken into consideration for their potential positive and negative implications. Key among those are:

1. **Predictability of the Plan:** during the development of the Comprehensive Plan a key concept/approach was for the Plan to provide 'Predictability'. This approach was utilized to create a future vision of the City that provides more certainty to development of properties by raising the controls for density and intensity to the Comprehensive Plan with the intent to remove those controls from the zoning code during the rewrite of the Land Development Code. The primary focus of the predictability was to establish mixed use districts to address geographic areas where a variety of use types are permitted. These mixed use districts allow for a broader range of use types which may include multi-family, commercial, and industrial uses). Further, the intent with residentially designated properties was to provide for specific residential uses and appropriate to the density ranges established in Strategy LU 1.2.3 shown above. The general intent here was to make it very clear what types and density and intensity of development could be expected on specific properties throughout the City. In other words it should be predictable that a medium density designated property would not be developed with a professional office building or vice versus. Part of the reason this minimum density issues is being raised is the fact that the zoning code has not been updated to implement the Plan and we still have some inconsistencies between comprehensive plan future land use and zoning.

Conclusion: allowing lower density development on properties less than one acre is a significant concern and should be allowed by right. For larger sized properties, lower density while typically more acceptable, meeting development standards is not as much of an issue. As a result, properties one acre and larger in size are permitted to seek allowance of lower density than the minimum density standards subject to the consideration of compatibility, appropriateness, nature of the property, and compliance with all other sections of the Comprehensive Plan. In general this text amendment is specific to allowing lower density development only minimizing impact to predictability of the plan.

2. **Providing adequate lands to support a variety of housing types:** a concern of allowing for lower density development in areas designated for medium and higher density development may potentially minimize provisions for a mixture of housing types inclusive of multi-family, apartments and other rental housing types accommodating a variety of price points to address affordability of housing. Removing this minimum standard might afford the market to dictate how properties are development.

Conclusion: This is the primary reason for identifying properties larger than one acre as having to request a reduced density allowance through the City's petition process and afford a review and consideration of each request on a case by case basis.

3. **Compatibility of: the proposed use density and intensity compared to: the Comprehensive Plan Land Uses, Zoning Districts, and existing uses density/intensity:** compatibility is a primary issue with most development and land use consideration. Although this text amendment affords the opportunity of lower density development, allowing this type and density of development may in fact create potential compatibility issues where none existed if the property were developed within the specified minimum and maximum density ranges.

Conclusion: For the less than one acre properties, compatibility should not be as significant given the small size of the properties. For properties larger than one acre, compatibility may be more significant and where additional mitigation techniques such as buffering and landscaping may be appropriate. Requiring these properties to request and have consideration for compatibility would allow the issue to be addressed on an individual request basis.

IV. FINDING OF FACT

- The adopted 2017-2027 Comprehensive Plan does not provide explicit or implied allowance for lower density development within the identified Residential land use categories identified in Strategy 1.2.3. – Residential.
- Two areas of concern have arisen through the implementation of the Comprehensive Plan including: 1) lower density is generally more acceptable and the allowance should be clarified in the Plan, and 2) meeting minimum density may be difficult or impossible for smaller parcels of land while also meeting minimum development standards.
- The proposed text amendment addresses minimum density for properties under one acre in size by allowing lower density by right while properties one acre and larger may petition to be allowed to develop lower density than the minimum required in the Comprehensive Plan.
- The following concerns were identified:
 - **Predictability of the Plan.**
 - **Providing adequate lands to support a variety of housing types.**
 - **Compatibility of: the proposed use density and intensity compared to: the Comprehensive Plan Land Uses, Zoning Districts, and existing uses density/intensity**

- The proposed amendment establishes a petition process with specific review criteria for properties one acre and larger, to allow for the specific review and considerations of each of these identified issues on a case by case basis.