



Development/Growth Fact Sheet

Frequently Asked Questions

Why can't the City restrict people from building?

Every local government in Florida is required to adopt a Comprehensive Plan that sets forth future land use for land and establishes density and intensity standards for all properties within the local government jurisdiction. The Comprehensive Plan thereby establishes the first layer of rights/restrictions to all land area within the local government. Further rights/restrictions are defined in the Land Development Regulations (LDRs) -- commonly referred to as zoning regulations or zoning code -- which implement the Comprehensive Plan. The City of Venice adopted a new Comprehensive Plan in January 2018. The City's LDRs can be found within the City Code of Ordinances, Chapter 86, which provides specific rights/restrictions for development. Chapter 90 of the City Code of Ordinances provides for adoption of the Florida Building Code and regulations pertaining to building activity within the City. The City Code of Ordinances can be found at:

https://library.municode.com/fl/venice/codes/code_of_ordinances. Provided a development/building application complies with the Comprehensive Plan and Land Development Regulations, the application must be approved. The City is currently in the process of updating the LDRs to compliment the 2018 update of the Comprehensive Plan.

What does the Comprehensive Plan allow regarding growth?

The City's Future Land Use Map (**see page 7 of this fact sheet**) adopted as part of the Comprehensive Plan, Section III Land Use, provides for the specific land uses for all land area within the City. Properties within the City may be developed or redeveloped consistent with the future land-use designations. Call 941-882-7445 to obtain an electronic copy of the plan.

Where is the growth going to be?

Aside from infill development of vacant properties within the City or allowed redevelopment, growth is specifically limited to defined “Potential Annexation Areas” defined in the Comprehensive Plan Appendices, as part of the Joint Planning Agreement (JPA) with Sarasota County. There are 9 such areas defined in the JPA, with most along Knights Trail Road and Laurel Road west of I-75 (see Future Land Use Map on page 7 depicting potential annexation areas.) By agreement with Sarasota County as defined in the JPA, the City is specifically prohibited from annexing areas outside of the Potential Annexation Areas.

What can the City do to limit growth?

Due to Florida’s strong property rights laws, it is very difficult to reduce a property’s maximum development potential established by the Comprehensive Plan and LDRs or deny further development. If the City were to deny a development application that was otherwise consistent with the Comprehensive Plan and LDRs it would likely face a lawsuit demanding monetary compensation. For instance, under the Bert J. Harris Jr. Private Property Rights Protection Act of 1995, potential liability is created if a governmental entity inordinately burdens an existing use of real property or a vested right to a specific use of real property. The Act can be found in Chapter 70 of the Florida Statutes via this link:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0070/0070ContentsIndex.html

How can the City control traffic?

Traffic or growth in traffic is not something that can be controlled by any one local government. Public roads are by their nature open to public use which does not discriminate based on where the vehicles are coming from or going to. Managing traffic is the best approach by a local government to ensure maximum efficiency of the transportation system. It is also important to note that not all roadways within the City are owned and maintained by the City. There are Sarasota County and Florida Department of Transportation (FDOT) owned and maintained roadways within the City. Further, identification and funding for specific roadway improvements are coordinated by Sarasota County and/or the Sarasota/Manatee Metropolitan Planning Organization (MPO) which oversees state and federal transportation funds for the Sarasota County area (including the City of Venice).

What is the difference between the Comprehensive Plan and the Zoning Code?

Every city and county in Florida is required to have a Comprehensive Plan. It provides the policy foundation for local planning and land use decisions on capital improvements, conservation, intergovernmental coordination, recreation, open space, future land use, housing, transportation, coastal management, and public facilities. It also sets the maximum level of development that is allowed on each parcel. The Zoning Code (also known as LDRs) implements and must be consistent with the Comprehensive Plan and provides additional regulatory detail. In many respects the relationship of the Comprehensive Plan to the Zoning Code is comparable to the relationship of the Florida Constitution to the Florida Statutes.

Why can't proposed projects be discussed with citizens following submittal of a formal application?

The City Council (and Planning Commission) sits as a quasi-judicial body in land use matters (such as rezonings and conditional uses) and must behave as judges in making such decisions. As in judicial matters, decisions must be based on factual information made part of the record during the public hearing. The due process rights of all participants include notice, the opportunity to be heard, and the right to be advised of all facts on which the decision makers rely. For this reason, our Council Members and Planning Commission members are advised by the City Attorney's Office to not respond to letters, phone calls, emails, or requests for meetings with constituents outside the applicable public hearing. Citizens are welcome to attend and speak at public meetings at which quasi-judicial hearings take place.

What does quasi-judicial mean? How does it differ from everything else you do?

In a quasi-judicial proceeding, the City Council or Planning Commission is required to apply the law (Florida Statutes, Comprehensive Plan, LDRs) to the evidence presented before them at the hearing. The decision must be supported by competent substantial evidence and, therefore, the personal opinions of the decision maker or the public related to the project are irrelevant. When amending the Comprehensive Plan or the City Code, the City Council is setting policy and therefore acting in a legislative capacity. Personal opinions of the elected official or the public are relevant to such considerations.

Why can't the City insist that developers expand roads if new developments cause more traffic?

In 2010, the State Legislature removed transportation concurrency requirements from Florida law. The City now collects mobility fees through an agreement with Sarasota County. A professional mobility fee study established these fees which are designed to offset the impacts of new development on the overall transportation system. These fees are paid at the time the development is approved for occupancy with the intent that they can fund projects that address deficiencies in the transportation system. Applicants for larger projects must still provide traffic studies to determine what deficiencies (if any) may result from the development. It is left to the City to determine how and when to fund projects that address these deficiencies.

Why can't you refuse new building plans based on limited school capacity?

School concurrency is no longer mandated by Florida law. The impact to schools from development is reviewed by the Sarasota County School Board staff in coordination with the local governments within Sarasota County via an interlocal agreement. This process provides that School Board staff be part of the development review process.

What criteria can be used to deny a new project?

There are two primary justifications to deny a given development application:

- 1) An inconsistency with the Comprehensive Plan supported by competent substantial evidence, and/or
- 2) An inconsistency with the LDRs (Zoning Code) supported by competent substantial evidence. These are both voluminous documents with many requirements.

Do we have enough water for future development?

The City has enough water to further expand development within the City’s service area including the Joint Planning Agreement areas. Table 4-5 below from the City Utilities Master Plan summarizes the future demands for projected population.

Table 4-5: Total Projected Demand (mgd)

	Existing (2011)		Short-Term (2015)		Long-Term (2030)		Build-out	
	Annual Average	Maximum Day	Annual Average	Maximum Day	Annual Average	Maximum Day	Annual Average	Maximum Day
Citywide	1.96	3.08	2.04	3.20	2.46	3.87	5.84	9.19
JPA/ILSBA	0	0	0.10	0.16	0.12	0.19	1.60	2.52
Total Projected Demand	1.96	3.08	2.14	3.36	2.58	4.06	7.43	11.72

As seen in this table, projected demands are below the City’s treatment facility existing production capacity of 4.48 million gallons per day (mgd). Additionally, as reflected by a proactive infrastructure Capital Improvement Plan, the Utilities Department has begun planning activities to ensure that the City is able to design, permit and construct necessary projects to meet future needs of the service area before projected demands exceed the existing production capacity (projected to occur around 2035).

STATS

City of Venice square miles: 16.81

Population of City of Venice: 22,781 (Bureau of Business and Economic Research, University of Florida, 2018 Estimate)

Potential population of the City: The 2017-2027 Comprehensive Plan projects a year 2030 City of Venice population of 27,020

Number of homes in the City: 18,544 residential units

Homes built per year in the City: Average is 250-350 residential units per year (includes multi-family)

Seasonal population vs. out-of-season: Seasonal is 20-25% of the population, so given the population above (22,781), seasonal at 25% would be 28,476

DEFINITION OF TERMS

Comprehensive Plan: A long-range plan intended to guide the growth and development of the City of Venice. It is sometimes referred to as the “comp plan.”

Concurrency: The legal requirement that specifies public facilities (recreation and open space, potable water, sanitary sewer, solid waste, stormwater management, transportation) to be provided for, by an entity to an adopted level of service.

Annexation: The legal method of changing the local government jurisdiction from one local government entity to another or attaching an area into an area controlled by another form of government.

Pre-Annexation Agreement: An agreement between a local government and a private property owner setting forth the terms and conditions regarding the subsequent annexation of the subject property or properties.

Impact fee: A fee imposed by a local government on new development to pay for the construction or needed expansion of offsite capital improvements. These fees are usually implemented to help reduce the economic burden on local jurisdictions that are trying to deal with population growth within the area.

LDRs: Land Development Regulations, commonly referred to as the “Zoning Code,” which further defines use and development of land within the City to implement the Vision, Intent, and Strategies (policies) of the Comprehensive Plan.

CDD: Community Development District, a local, special-purpose government framework authorized by Chapter 190 of the Florida Statutes as amended, and is an alternative to municipal incorporation for managing and financing infrastructure required to support development of a community.

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