

ZONING MAP AMENDMENT

Rezone Petition Number: 17-02RZ

City Initiated Zoning Amendment – Previously Annexed Property

Staff Report

Owners: Larry & Kay Combs

Parcel ID #: 0430-05-0033

Parcel Size: 7,500 square feet

Existing Zoning District: Sarasota County Residential, Single-Family 3 (RSF-3)

Proposed Zoning District: City of Venice Residential, Single-Family 3 (RSF-3)

Future Land Use Designation: Low Density Residential

I. BACKGROUND ON PURPOSE OF REZONING

Annexation Information - December 12, 2012, through the adoption of Ordinance No. 2012-28 the City Council approved the annexation of the subject property into the City of Venice. The subject property did not obtain City of Venice zoning after its annexation into the city. As such, the property still retains the Sarasota County Residential, Single-Family 3 (RSF-3) zoning it had at the time it was annexed into the city.

County Zoned Properties Identified – Through review of the City’s zoning map there are obvious certain properties within the City that have not been rezoned to a City of Venice zoning designation. Examples include properties such as the Sawgrass subdivision and other properties depicted on the City zoning map as having an Open Use Estate (OUE) zoning. It was not until early 2017 through research on annexation and the subsequent rezoning that should have followed, that staff discovered numerous other properties within the City that have consistently been reflected on City zoning maps as having a City zoning designation. However, the research further indicated that there was no associated rezoning ordinance justifying/substantiating that the zoning designation on the map is an official City zoning designation. As a result, the properties have retained their Sarasota County zoning designation.

City Approach to Rezoning – On February 14, 2017, City Council adopted Resolution No. 2017-05 which specifically addressed annexed properties with retained Sarasota County zoning designations. For such properties, the resolution eliminated the zoning map amendment application fee and pursuant to Section 86-41(c) granted a waiver from the public workshop for zoning map amendment applications when applications are made to rezone annexed properties from a county zoning designation to a city designation. In addition, the City Attorney rendered an opinion dated March 9, 2017, that under Chapter 171, F.S. once a property is annexed into the city it takes on the laws of the city, and when it is addressed within the city’s comprehensive plan. Pursuant to the City Attorney’s recommendation, a policy was established to facilitate the establishment of city zoning for annexed properties which retain Sarasota County zoning designations when, among other considerations, the property owner requests a city zoning designation that is most similar to the existing Sarasota County zoning designation. Under this policy

and upon authorization from the property owner, the city will initiate a zoning map amendment to rezone these properties to a City zoning designation most similar to the current Sarasota County designation (like for like).

The subject city-initiated zoning map amendment application has been submitted pursuant to the above city policy. It is a “like for like” application; the existing zoning designation is Sarasota County RSF-3 and the proposed zoning is City of Venice RSF-3.

II. SUMMARY FINDINGS OF FACT

The following summary findings of fact provide an overview of the staff analysis included in this report:

Staff Summary / Findings of Fact

- 1) **Finding of Fact (Comprehensive Plan):** *The proposed City of Venice RSF-3 district is consistent with the Low Density Residential future land use designation and is compatible with adjacent properties. In summary, the proposed City of Venice RSF-3 district can be found consistent with the comprehensive plan.*
- 2) **Finding of Fact (Land Development Code):** *Sufficient information has been provided to make the findings of fact for each of the rezoning considerations contained in Section 86-47(f)(1) a-p, of the Land Development Code and the subject zoning map amendment can be found in compliance with the Land Development Code.*
- 3) **Finding of Fact (Concurrency):** *In accordance with Section 94-31(c) of the concurrency management regulations, the subject property has a de minimis impact on public facilities and is not subject to concurrency requirements.*

Based upon the above findings, there is sufficient basis to take action on Zoning Map Amendment Petition No. 17-02RZ.

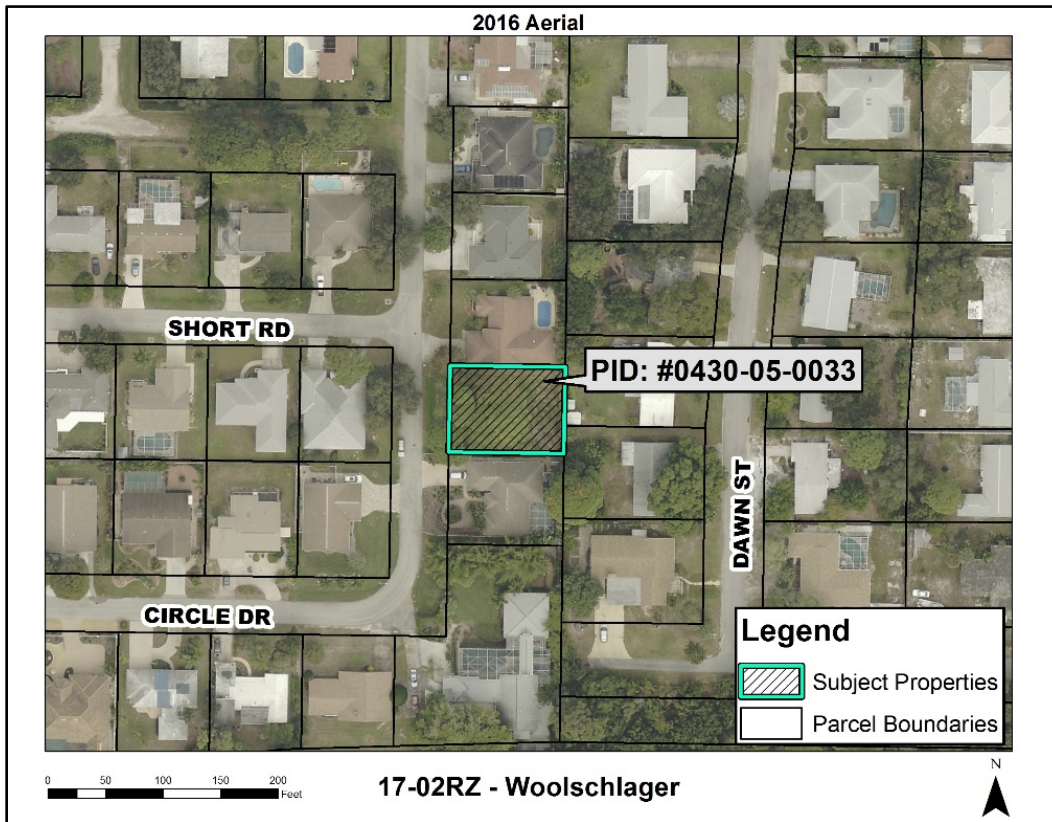
III. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

Subject Property Information:

The subject property is a 7,500 square foot existing platted lot located on the east side Circle Drive. The property is vacant and there is no record of permitted improvements on the property.

Map 1 on the following page shows current on-site conditions and properties adjacent to the subject property. Existing uses, current zoning and future land use designations of the abutting properties are provided in the table on the following page.

MAP 1: Aerial Photograph

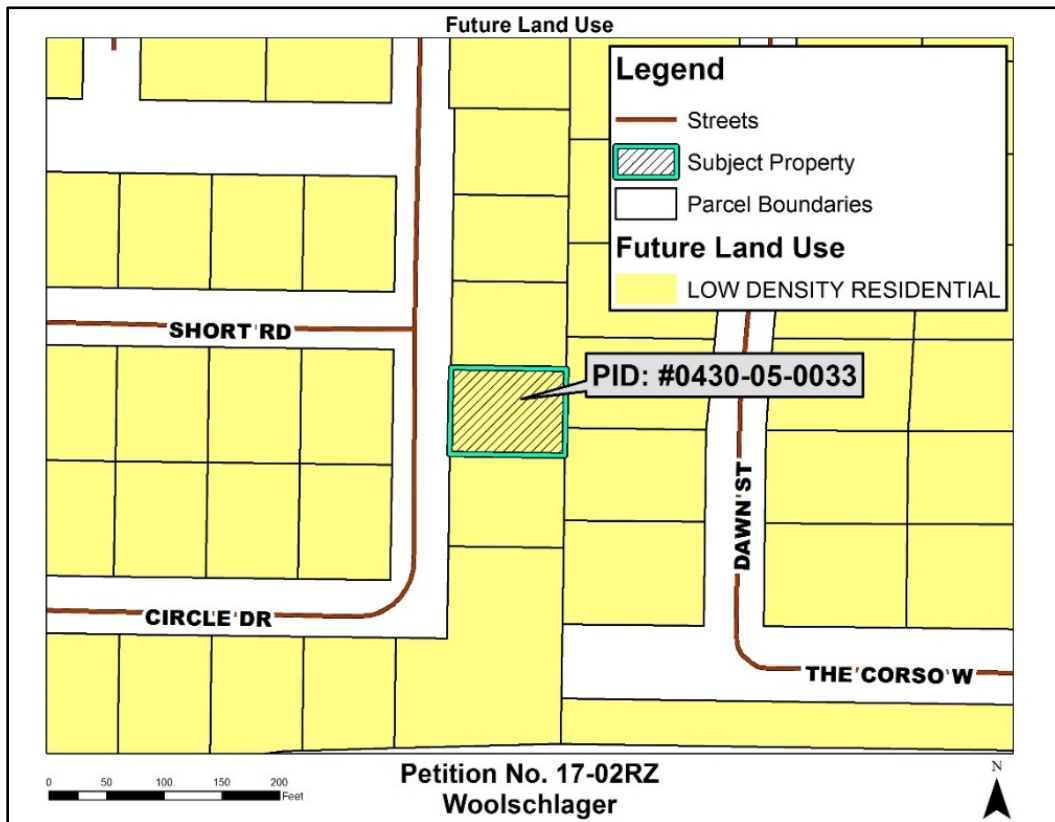


Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Single-family detached residential	Sarasota County Residential, Single-Family 3 (RSF-3) and City of Venice RSF-3	Low Density Residential
West	Single-family detached residential	Sarasota County RSF-3 and City of Venice RSF-3	Low Density Residential
South	Single-family detached residential	Sarasota County RSF-3 and City of Venice RSF-3	Low Density Residential
East	Single-family detached residential	City of Venice RSF-3	Low Density Residential

Future Land Use:

The future land use map (see Map 2 on the next page) shows the subject property and all surrounding properties having a future land use designation of Low Density Residential. The Low Density Residential designation is for residential areas consisting of up to five (5) dwelling units per acre or less and are intended to accommodate single-family and other similar residential uses.

MAP 2: Future Land Use Map

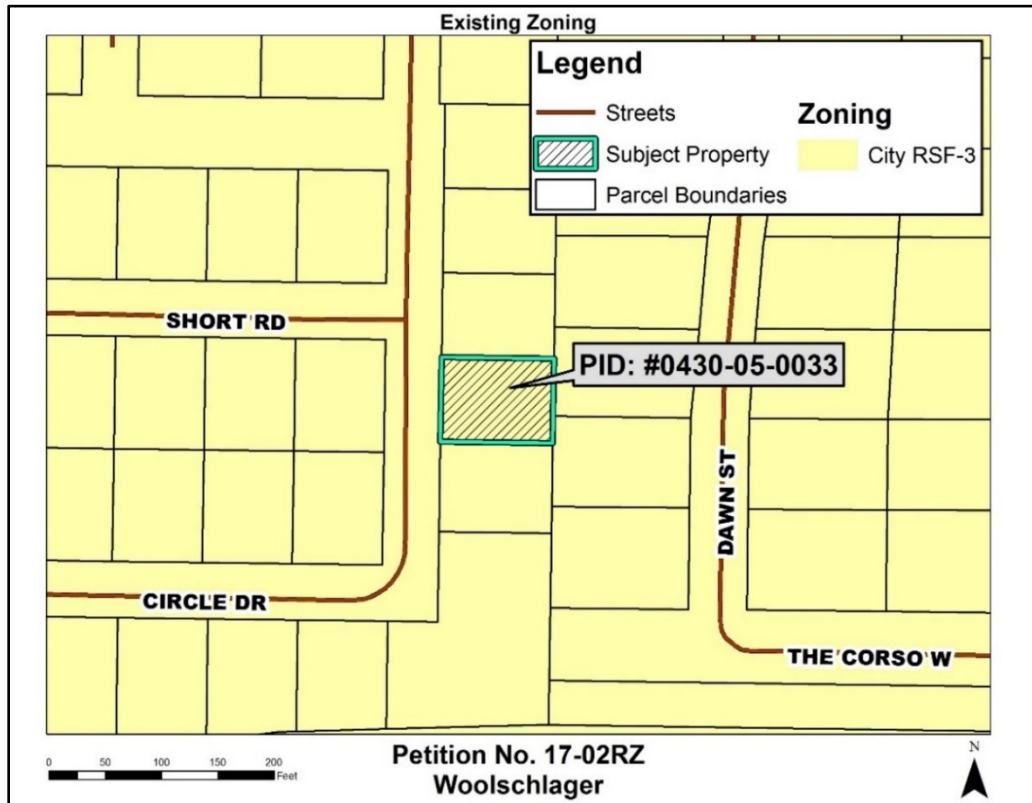


Existing Zoning:

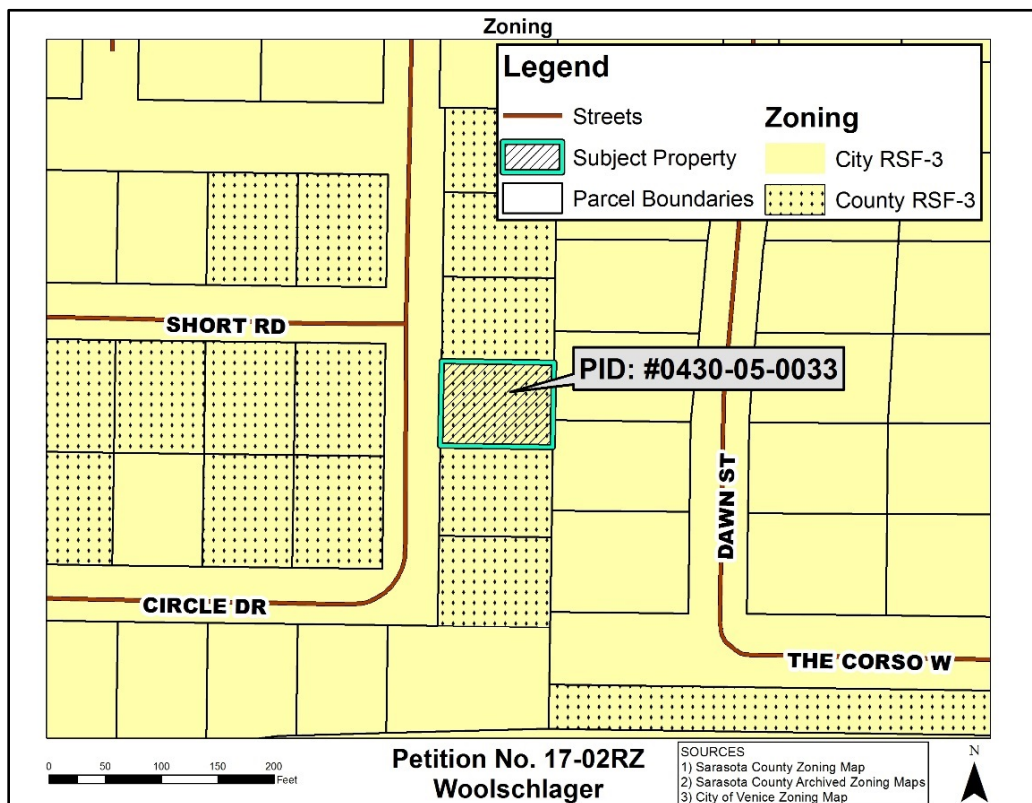
Two versions of the existing zoning map are presented in this report. The first, Map 3 on the next page, shows the existing zoning map presuming all properties in the city have City of Venice zoning designations. Property owners, the general public and staff have relied of this zoning map to accurately reflect existing zoning designations.

Map 4, provided on the next page, shows the existing zoning designation of properties with either county or city zoning designations. The map shows the subject property and several adjacent properties retaining the Sarasota County zoning designation that was in place when the properties were annexed into the city. All of the properties shown on Map 4 have either Sarasota County RSF-3 or City of Venice RSF-3 zoning designations.

MAP 3: Existing Zoning Map Without County-Zoned Properties



MAP 4: Existing Zoning Map With County-Zoned Properties



IV. PROPOSED ZONING

The subject zoning map amendment application is a request to rezone the subject property from Sarasota County RSF-3 to City of Venice RSF-3. This section of the report compares these two zoning districts regarding permitted uses and district development standards.

Regarding permitted uses, both the existing and proposed districts are intended for single-family detached dwellings. In comparing the permitted uses in the county and city RSF districts, most of the uses are consistent. There are three differences between the city and county permitted uses in RSF districts. First, daycare is permitted under county RSF zoning, however, for city RSF zoning daycare is limited to infants and is a special exception use. Second, schools are a permitted use in the city RSF districts but are a special exception use in county RSF districts. Finally, parks and open space are permitted uses in both jurisdictions, however in addition, the city permits city buildings consistent with the district character along with libraries.

The table on the following page summarizes the development standards for the existing county RSF-3 zoning and the proposed city RSF-3 zoning.

Development Standards	Existing Zoning District (Sarasota County RSF-3)	Proposed Zoning District (City of Venice RSF-3)
Maximum Residential Density	4.5 units per acre	4.5 units per acre
Minimum Lot Area	7,500 square feet	7,500 square feet
Minimum Lot Width	70 feet	75 feet
Maximum Lot Coverage	35% of lot area	35% of lot area
Minimum Yards (Setbacks)		
Front Yard	20 feet	20 feet
Side Yards	6 feet min.; 15 feet combined	6 feet min.; 15 feet combined
Rear Yard	10 feet	10 feet
Maximum Building Height	35 feet	35 feet

In all but one case, the county RSF-3 and city RSF-3 district standards are the same. The one difference pertains to the minimum lot width standards. The minimum lot width in the city RSF-3 district is 75 feet while the standard is 70 feet in the county RSF-3 district.

V. PLANNING ANALYSIS

a) Consistency with the Comprehensive Plan:

The subject property has a Low Density Residential future land use map designation. This designation is for residential areas of up to five (5) dwelling units per acre. These areas are intended to accommodate single-family and other similar residential uses.

Consistent with this designation, under the proposed City of Venice RSF-3 zoning, residential development of the existing lot of record is limited to one single-family dwelling per lot. In addition, the proposed City of Venice RSF-3 zoning is compatible with the adjacent single-family properties which have either city or county RSF-3 zoning designations.

Finding of Fact (comprehensive plan): *Based on the above analysis, the proposed City of Venice RSF-3 district is consistent with the Low Density Residential future land use designation and is compatible with adjacent properties. In summary, the proposed City of Venice RSF-3 district can be found consistent with the comprehensive plan.*

b) **Compliance with the Land Development Code:**

The subject zoning map amendment has been processed consistent with the procedural requirements contain in Section 86-47. In addition, the subject petition has been reviewed by the Technical Review Committee and no issues were identified.

Section 86-47(f)(1) of the Land Development Code states “When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:”

Due to the nature of the subject zoning map amendment application, the following staff commentary will apply to the considerations contained in Section 86-47(f)(1) a-p. As emphasized in Section I of this report, the city needs to give the subject a City of Venice zoning designation. The proposed city RSF-3 zoning is 1) most similar to the existing county RSF-3 zoning, 2) consistent with the Low Density Residential future land use designation, and 3) compatible to the existing zoning designations of adjacent properties.

Finding of Fact (compliance with the Land Development Code): *Based on the above analysis, sufficient information has been provided to make findings of fact for each of the rezoning considerations contained in Section 86-47(f)(1) a-p, of the Land Development Code and the subject zoning map amendment can be found in compliance with the Land Development Code.*

c) **Concurrency/Adequate Public Facilities:**

Per Section 94-31(c)(2) of the concurrency management regulations, isolated vacant lots in predominantly built residential areas where construction of a single-family house would be the most suitable use may be developed for single-family residential use under the de minimis exception. As such, the subject property is not subject to currency requirements.

Finding of Fact (Concurrency): *In accordance with Section 94-31(c) of the concurrency management regulations, the subject property has a de minimis impact on public facilities and is subject to concurrency requirements.*

VI. CITY ACTION ON ZONING MAP AMENDMENT PETITION NO. 17-02RZ

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record to take action on Zoning Map Amendment Petition No. 17-02RZ.