

ZONING MAP AMENDMENT

City-Initiated Rezone of Previously Annexed Property

PETITION NUMBER: 17-14RZ

REQUEST: A Zoning Map Amendment to rezone the subject property from a Sarasota County zoning designation of Residential, Single-Family-3 (RSF-3) to a City of Venice zoning designation of Residential, Single-Family-3 (RSF-3).

GENERAL DATA:

Owner: Dale and Melinda Kunz

Agent: N/A

Address and 436 Baynard Drive, Venice, FL 34285

Parcel ID: 0718-01-0036

Property Size: 8,960 sqft or 0.21 Acres

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

Legal Description: Easterly 70.00 feet of Lot 18, and the Westerly 10.00 feet of Lot 19, Block 1, Golden Beach.



CITY OF VENICE

Planning and Zoning Division

401 W. Venice Avenue Venice, FL. 34285-2006

Phone: (941) 486-2626 Fax: (941) 480-3031

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IV. Summary of Findings

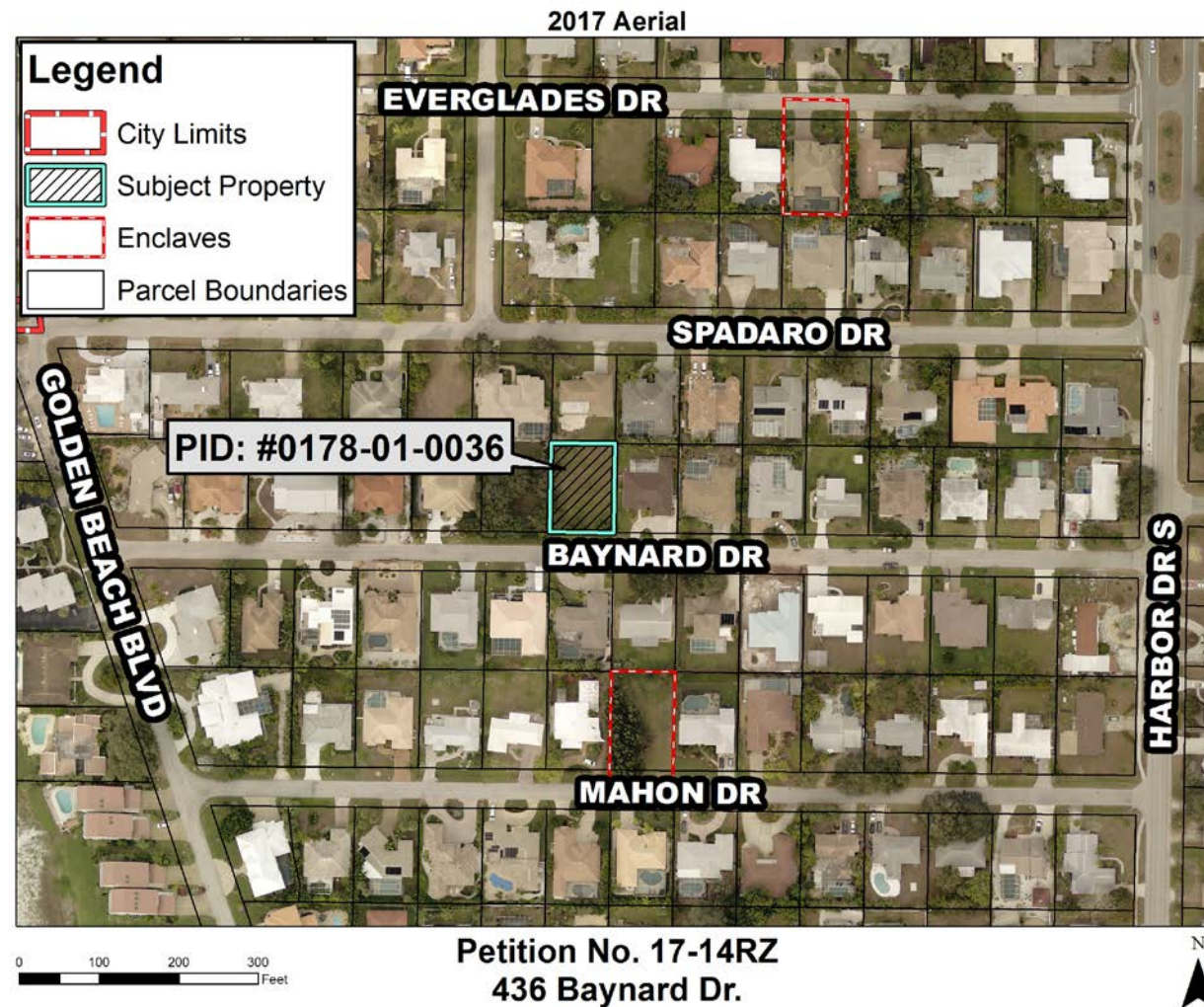
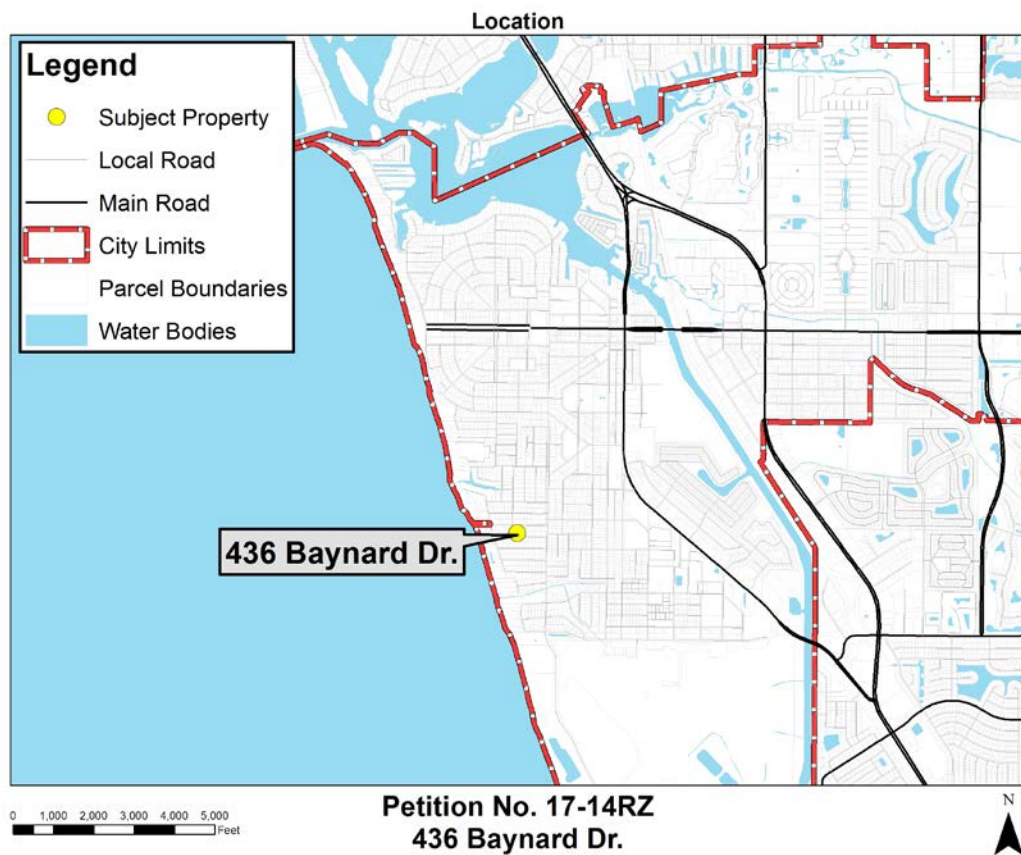


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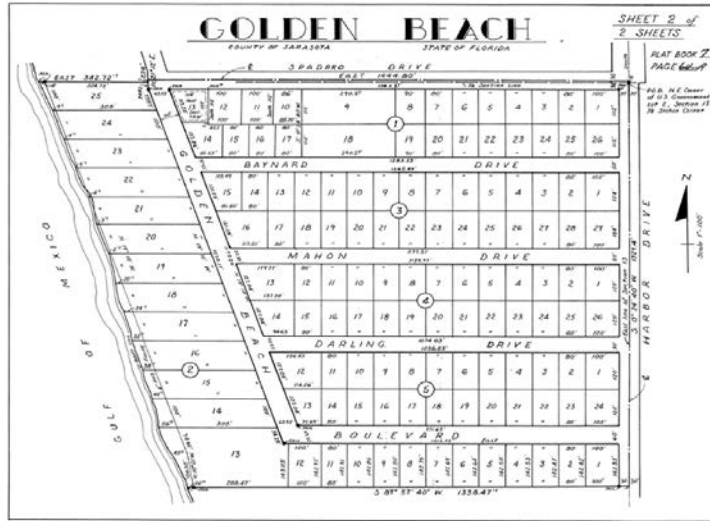
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PROPERTY HISTORY



March 12,
1954

- Original Golden Beach Subdivision recorded by Sarasota County.

Early
1980s

- Subject property divided from original, platted parcels.

July 26,
2001

- Subject property annexed into City of Venice from Sarasota County by Ordinance No. 2001-96.

July 13,
2017

- Property owner submitted a Permit Application for a New Single-Family Home.

August 10,
2017

- Building Permit for new single-family residence approved.

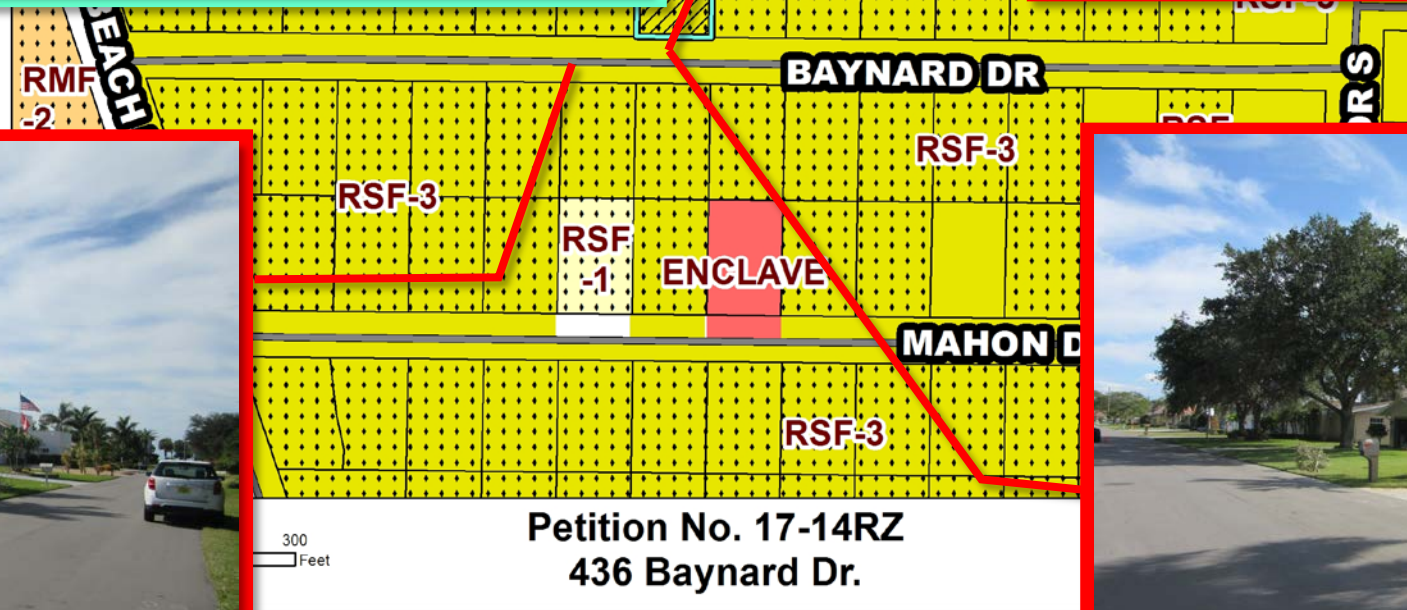
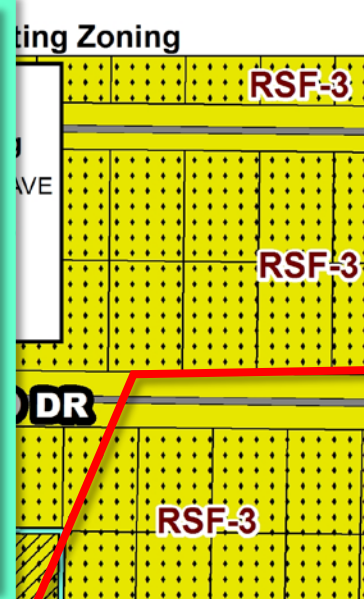


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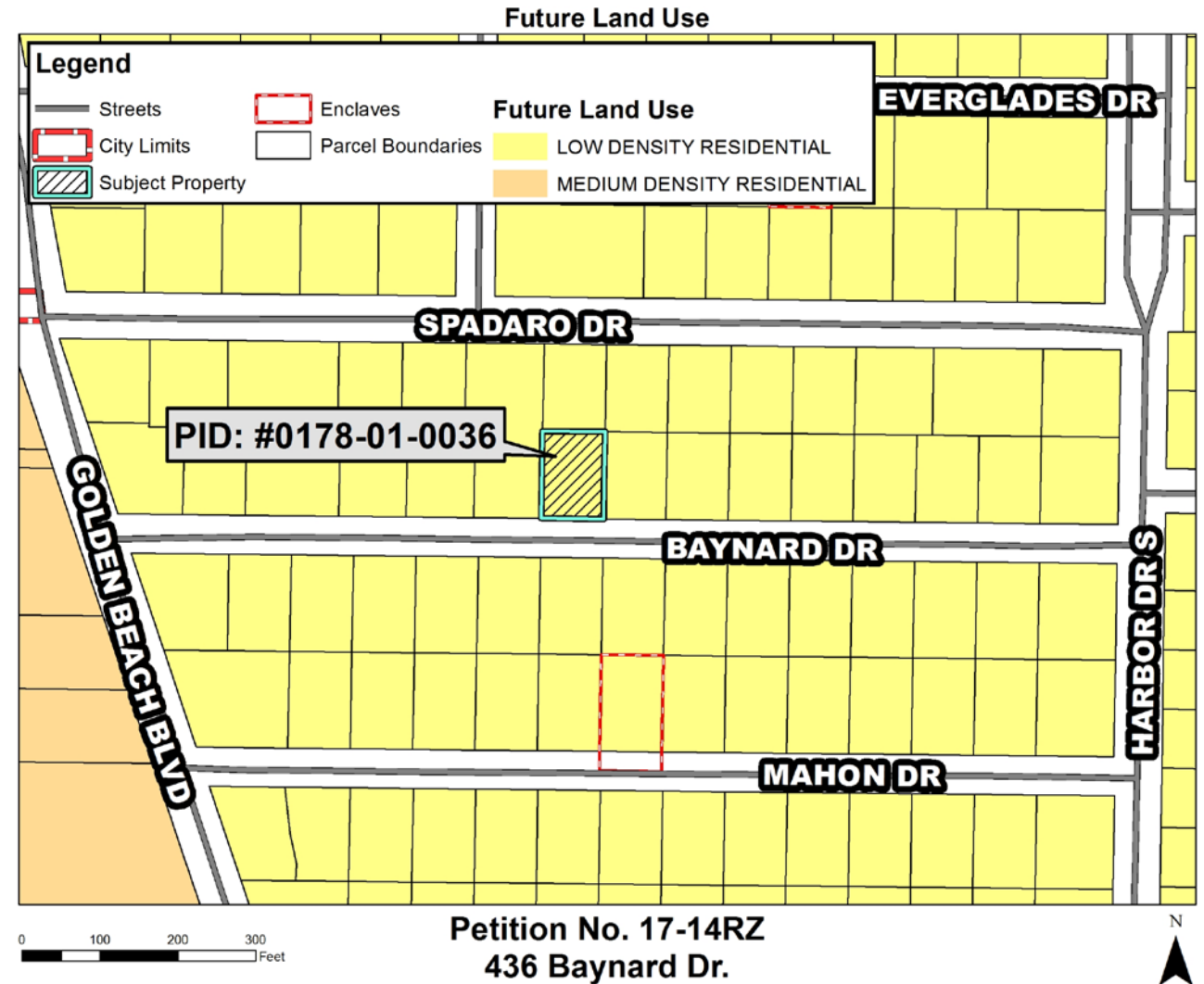
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COMPREHENSIVE PLAN

City of Venice 2010 Comprehensive Plan

- **Policy 13.1 – Future Land Use**
 - Low-Density Residential
- **Policy 8.2 – Land Use Compatibility Review**
 - Compatibility of existing conditions to proposed project
 - Considerations for protection of land uses
 - Mitigation between incompatible uses



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MINIMUM LOT REQUIREMENTS

Sarasota County and City of Venice Residential, Single-family– 3 Districts

	Venice*	Sarasota County**	Existing Conditions
Lot-width	75 ft.	70 ft.	80 ft.
Total Size	7,500 sq. ft.	7,500 sq. ft.	8,960 sq. ft.
Height	35 ft.	35 ft.	N/A***
Density	4.5 DU/Acre	4.5 DU/Acre	N/A****
Coverage	35%	35%	N/A***

* City of Venice development standards based on Section 86-81 of the Land Development Regulations

** Sarasota County development standards based on Section 6.7.2(b) of their Land Development Code

*** Property is currently undeveloped. A single-family home is proposed with a height of 14ft at the finished-floor according to Building Department records.

**** The subject property is .21 acres, applying the allowed 4.5 DU an acre standard, the subject property yields an allowed 0.945 dwelling units, which is rounded up to 1. The property will support 1 DU with the approved single-family home plans



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LAND DEVELOPMENT CODE

Section 86-47(f)(1): Procedures for Rezoning Amendments

Requirement		Yes	No	N/A
1.	Whether the proposed change is in conformity to the Comprehensive Plan	✓		
2.	The existing land use pattern	✓		
3.	Possible creation of an isolated district unrelated to adjacent and nearby districts		✓	
4.	The population density pattern and possible increase or overtaxing of the loan on public facilities such as schools, utilities, streets, etc.		✓	
5.	Whether the existing district boundaries are illogically drawn in relation to the existing conditions on the property proposed for change.			✓
6.	Whether changed or changing conditions make the passage of the proposed amendment necessary.	✓		
7.	Whether the proposed change will adversely influence living conditions in the neighborhood.		✓	
8.	Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.			✓
9.	Whether the proposed change will create a drainage problem.		✓	
10.	Whether the proposed change will seriously reduced light and air to the adjacent area.		✓	
11.	Whether the proposed change will adversely affect property values in the adjacent area.		✓	
12.	Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.		✓	
13.	Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.		✓	
14.	Whether there is substantial reasons why the property cannot be used in accord with existing zoning.	✓		
15.	Whether the change suggested is out of scale with the needs of the neighborhood or city.		✓	
16.	Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitted such use.			✓

LAND DEVELOPMENT CODE

Technical Review Committee Compliance

Department	Compliant	Non-compliant
Engineering	✓	
Public Works	✓	
Utilities	✓	
Fire Department	✓	
Police Department	✓	
Building Department	✓	
Trees	✓	
Historic Preservation	✓	



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SUMMARY OF FINDINGS

Requirements:		Consistent	Inconsistent
1.	City of Venice 2010 Comprehensive Plan Policy 13.1: Future Land Use designation	✓	
2.	City of Venice 2010 Comprehensive Plan Policy 8.2: Land Use Compatibility Review Procedures	✓	
3.	Land Development Code Section 86-81: Minimum Lot Requirements including area, width, and density	✓	
4.	Land Development Code Section 86-47(f)(1): Procedures for Rezoning Amendments	✓	
5.	Land Development Code Section 94-31: Concurrency Requirements	✓	
6.	Venice 2017-2027 Comprehensive Plan LU 1.2.3: Residential Land Uses	✓	
7.	Venice 2017-2027 Comprehensive Plan LU 1.2.8: Compatibility Between Land Uses	✓	



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ADDITIONAL VISUALS



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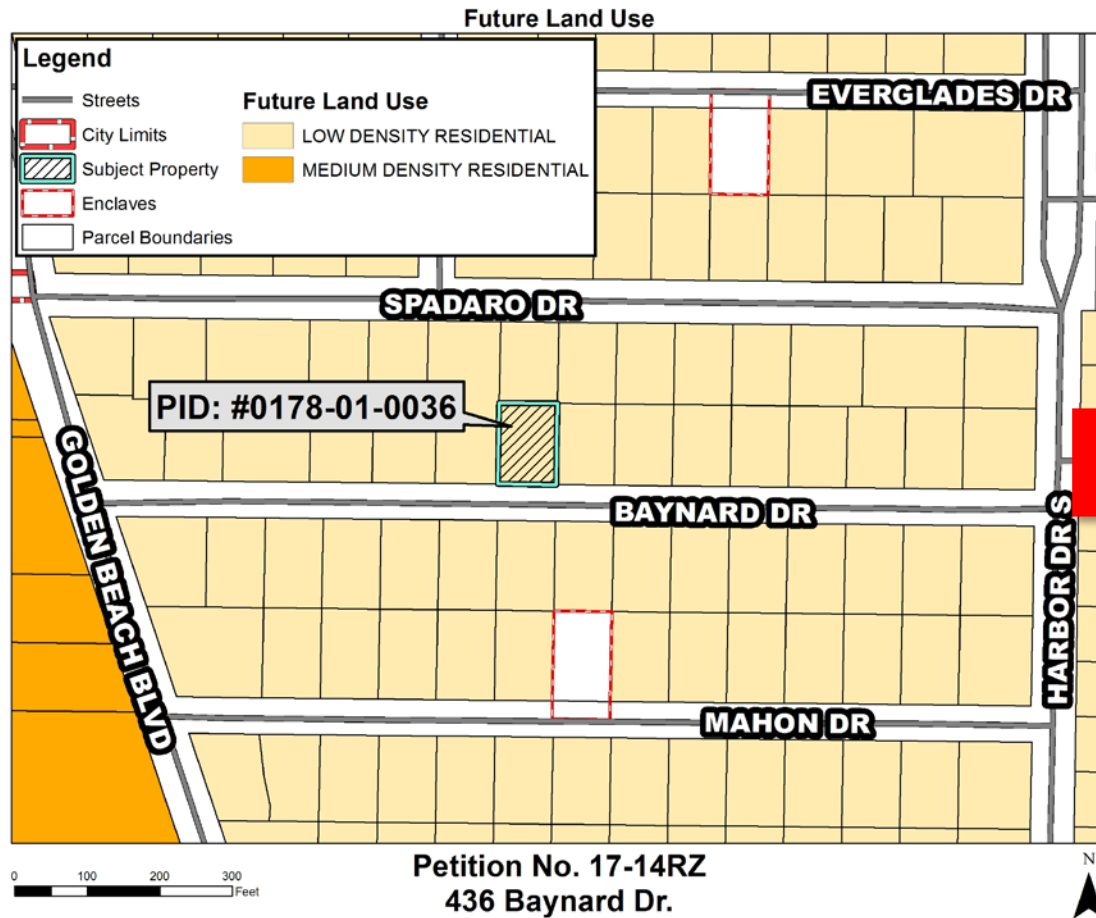
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COMPREHENSIVE PLAN

Venice 2017-2027 Comprehensive Plan



LU 1.2.8: Compatibility Between Uses

	Adjacent (Existing) FLU									
	LDR	MODR	MEDR	HDR	IP	COMM	GOVT	IND	OS-F	OS-C
LDR										
MODR										
MEDR										
HDR										
IP										
COMM										
GOVT										
IND										
OS-F										
OS-C										

FLU Proposed

Presumed Compatible

Potentially Incompatible

LU 1.2.3: Residential Uses

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



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REZONING RESOLUTION

Dear Property Owner for property located at _____,

It has recently been determined that your property, as well as others within the City, were not formally rezoned to a City zoning designation when your property was annexed into the City. Attached is a letter from the City Attorney on the subject of how building permit applications will be addressed until a rezoning is accomplished.

The City plans to formally rezone all properties once it completes and has approved its new Comprehensive Plan and land development regulations. It is estimated that this will occur in 2019. To resolve any ambiguity that may arise in the meantime, the City is offering a fee waiver and is willing to have staff process your application on your behalf to formally rezone your property to its comparable City designation this year. Please indicate your choice by checking the appropriate box below.

We are happy to answer any questions that you might have.

____I authorize the City to process a rezoning of the above property to its comparable City designation this year on my behalf. (Note: If this option is selected, the City will follow-up with you regarding additional information needed to complete the process)

____I elect to have my property rezoned once the Comprehensive Plan and land development regulations are approved.

(property owner)

(date)

Under Chapter 171, F.S., it is our opinion that, once the 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, the property takes on the zoning designation most comparable to its former county zoning designation subject to formal rezoning.

David P. Persson
Andrew H. Cohen
Kelly M. Fernandez
Maggie D. Mooney-Portale
R. David Jackson
Regina A. Kardash
* Board Certified City, County and Local Government Law


PERSSON & COHEN, P.A.
ATTORNEYS AND COUNSELORS AT LAW

Telephone (941) 375-3565
Facsimile (941) 451-8375
Email: dpersson@wpflgovlaw.com

Reply to: Venice

March 9, 2017

Edward H. Hinkle, City Manager

Recommendation as the plan is to rezone the City once the new Comprehensive Plan and LDR's are approved. This City-wide rezoning process will cure any procedural defects that may now exist. It is envisioned that this City-wide process will occur in approximately 24 months.

Under Chapter 171, F.S., it is our opinion that, once the 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, the property takes on the zoning designation most comparable to its former county zoning designation subject to formal rezoning.

For properties addressed in the City's Comprehensive Plan, if the request for a permit complies with the City's zoning district that is most compatible with the former county zoning designation and it complies with the City's comprehensive plan and FLUM, a permit may be issued by the City. The landowner may decide to avail itself of the fee waiver and City processing of a

Lakewood Ranch
6853 Energy Court
Lakewood Ranch, Florida 34240

St. Petersburg
111 Second Avenue NE, Suite 536
St. Petersburg, Florida 33701

Venice
217 Nassau Street S.
Venice, Florida 34285



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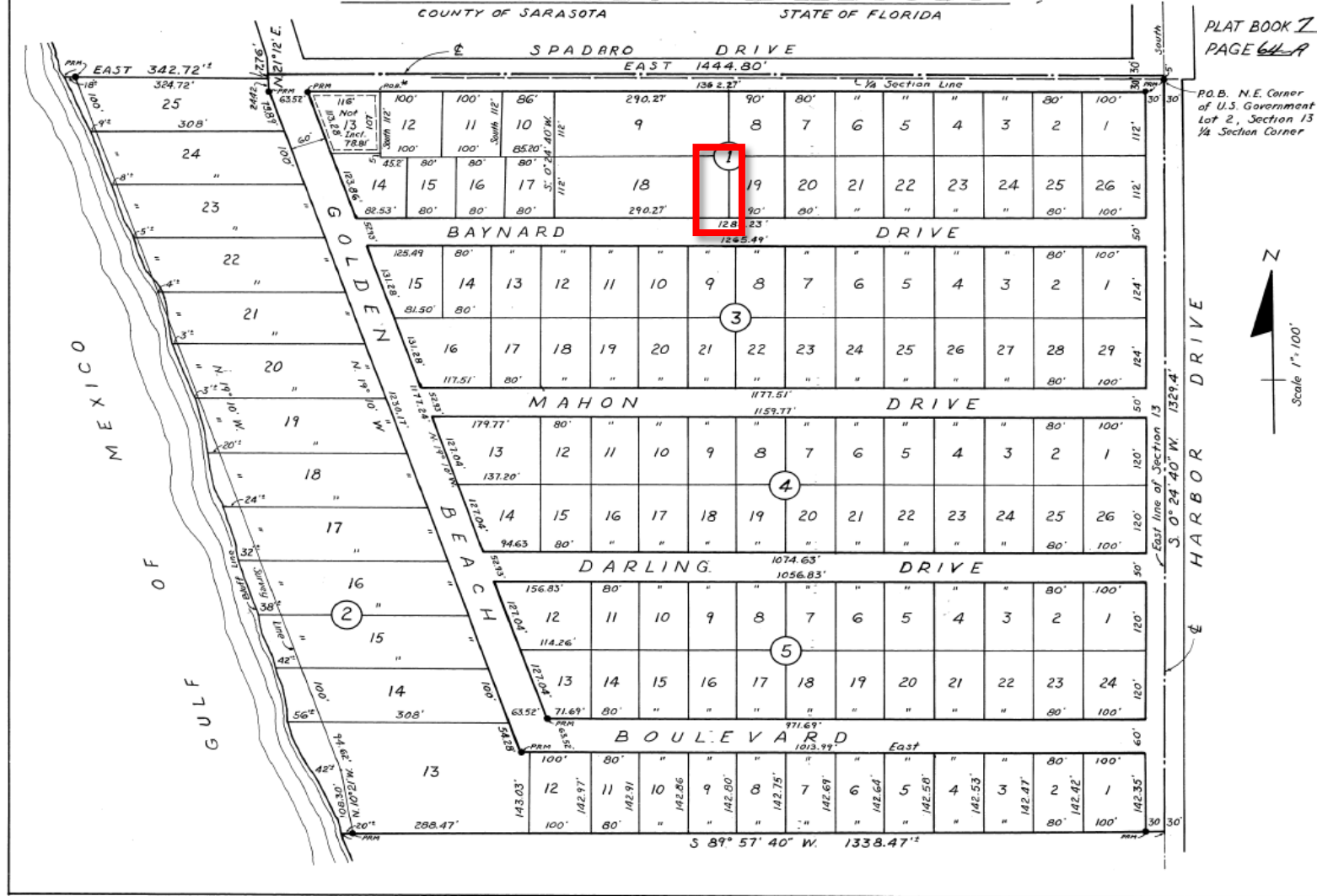
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GOLDEN BEACH

COUNTY OF SARASOTA STATE OF FLORIDA

SHEET 2 of
2 SHEETS

PLAT BOOK 7
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"City on the Gulf"

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