



# *City of Venice* Comprehensive Plan

## Volume I Goals, Objectives, and Policies (GOPs)

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# *City of Venice* Comprehensive Plan

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# City of Venice

## Comprehensive Plan

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## COMPREHENSIVE PLAN ADMINISTRATION

### A. INTRODUCTION

The City of Venice Comprehensive Plan (Plan) addresses the needs and desires of the community. The Plan is a visionary blueprint for the City's growth, development, and function while preserving its historic and cultural character. Community input and support in the development and implementation of the Plan is essential to the Plan's success, and ultimately the success of the City.

The Plan has its' foundation in Florida's growth management system. This Comprehensive Plan has been developed pursuant to the requirements of Chapter 163, Florida Statutes, and the "Local Government Comprehensive Planning and Land Development Regulation Act of 1985," as amended, and pursuant to the requirements of Chapter 9J-5, Florida Administrative Code, as amended. In addition, the Plan is required to be consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes), and to be consistent with the Southwest Florida Regional Planning Council Strategic Regional Policy Plan.

The Plan focuses on those issues facing the City over a twenty-year time horizon. The Plan has been organized into five chapters and 14 elements as follows:

#### **Chapter 1: Land Use & Development**

Future Land Use & Design  
Housing & Neighborhood Development  
Community Character & Historic Resources

#### **Chapter 2: Transportation & Community Connectivity**

Transportation Infrastructure & Service Standards  
Community Linkages & Design

#### **Chapter 3: Public Services & Infrastructure Chapter**

Utilities  
Public Facilities & Properties  
School Concurrency & Facilities  
Emergency Management

#### **Chapter 4: Environment**

Parks and Public Spaces  
Conservation & Open Space  
Coastal & Waterway Management



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## **Chapter 5: Plan Implementation**

Capital Improvements

Regional Partnerships

Consistent with the requirements of Chapter 9J-5, each element establishes long-term direction of goals as well as short-term objectives and policies (Volume I) to guide implementation efforts, and provides data and analysis necessary for decision making (Volume II). Goals, objectives and policies are generally defined as follows:

- Goal: The long-term result toward which programs or activities are ultimately directed.
- Objective: A specific, measurable, intermediate result that is achievable and marks progress toward a goal.
- Policy: The way in which programs and activities are conducted to achieve an identified goal.

It is important to recognize that goals, objectives and policies of the Plan should be applied within the context of the overall intent of the Plan. No policy should be applied in isolation.

The City of Venice Comprehensive Plan will be used primarily:

- As the guiding document for shaping the City's future;
- As a framework to link the planning and implementation of the Vision of the City including Envision Venice: Strategic Plan 2020; and
- To review development proposals.

This Chapter sets forth the guidelines and criteria for administering the City of Venice Comprehensive Plan. Proper Plan administration requires the establishment of procedures to ensure that the Plan provides for a means of Plan interpretation, Plan interpretation appeals, and Plan amendment.

### **B. PLAN INTERPRETATION**

It is the responsibility of the Planning and Zoning Department Director (hereinafter referred to as the Director) to interpret the Comprehensive Plan and its application to public and private land and to activities permitted thereon. Plan interpretations are to be based on the applicable text, maps, figures and tables within the adopted Comprehensive Plan along with the Support Document (i.e. data and analysis) developed to support the Comprehensive Plan. Plan interpretations shall be based upon the following guidelines:



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- 1) **Use and Status of Support Documentation** – The City’s supporting data and analysis establishes the base data compiled to support the Comprehensive Plan. The support documentation is not adopted as part of the Plan but may be used in any review, interpretation and update of the adopted Comprehensive Plan. The support documentation may be updated periodically and portions may be incorporated as a Plan amendment if deemed appropriate.
- 2) **Interpretation of Conflicts** – Conflicts shall be judged under the following guidelines:
  - a) In the event of any difference of meaning or implication between the text of the Plan and any caption, illustration, summary table, or illustrative table, the text shall control.
  - b) In the event of an apparent conflict between the Future Land Use Map and Planning Area Maps and any other map or figure in the adopted Comprehensive Plan, the Future Land Use Map and Planning Area Maps shall control.
  - c) In the event of an apparent conflict between Plan goals, objectives and policies or any other portion of the Plan text, the Plan goals, objectives and policies shall control.
- 3) **Interpretation of Undefined Terms** – Terms not otherwise defined herein shall be interpreted first by reference to the relevant provisions of the Local Government Comprehensive Planning and Land Development Regulation Act Part II, Chapter 163 F.S., or other relevant and appropriate State Statutes or Administrative Rules if specifically defined therein; secondly, by reference to generally accepted planning or otherwise professional terminology if technical; and otherwise according to the latest edition of Webster’s New Collegiate Dictionary.
- 4) **Administrative Interpretations** – It is the responsibility of the Director to make Comprehensive Plan administrative interpretations. Applications for an administrative interpretation together with the appropriate fee as may be required by resolution of the City Council shall be filed with the Director. Administrative interpretations may be required as a result of one of the following actions:
  - a) *Failure to obtain a Comprehensive Plan consistency finding based on submission of a development order application:* In the event a development order application is found inconsistent with the Plan, the application may be forwarded to the Director for an administrative interpretation. The building permit, subdivision or site plan application, or conditional use application shall serve as the application for an administrative interpretation.



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- b) *Request for interpretation of land use designation boundaries:* Written requests are required for administrative interpretations related to land use designation boundaries. The request shall include a legal description of the parcel(s) and depending on the circumstance a current survey may be required. The applicant may submit additional materials that he feels supports his application and the Director may ask for additional information to explain said request.
  - c) *Any other action that would require a Comprehensive Plan interpretation:* Any affected party may make application for an administrative interpretation of the Comprehensive Plan. The application would be for a set of circumstances not covered fewer than one of the aforementioned interpretations. Specifically, the application shall include a written statement which clearly identifies the section or sections of the Plan for which an interpretation is required along with references to text, maps, figures and support document(s) which the applicant feels supports the application.
- 5) **Administrative Interpretation of Plan Consistency and its Relationship to the Concurrency Provisions of the Capital Improvements Element** – An administrative interpretation resulting in a determination of consistency does not constitute a determination of concurrency, which is a separate determination that is subject to Chapter 94, Concurrency Management, of the City Code of Ordinances and the concurrency provisions of the Comprehensive Plan’s Capital Improvements Element.
- 6) **Appeal of an Administrative Interpretation** – Any administrative interpretation made by the Director under the provisions of this Chapter may be appealed in accordance with Section 86-21 and 86-23 of the Land Development Code.

## C. PLAN AMENDMENTS

From time to time it will be necessary to amend the Comprehensive Plan to keep up with changing conditions; to comply with State mandated updates and evaluations, to achieve implementation of the Plan and to provide citizens and affected parties a means of recourse to participate in the City’s Comprehensive Plan Program. All amendments to the Comprehensive Plan shall, as a minimum, comply with the advertising requirements as prescribed by Part II, Chapter 163 F.S. and by City Ordinance, as amended. Any action which requires that a change be made to any of the maps, text, figures, tables or charts and any other change having the effect of altering the use of land as prescribed by this Plan shall be deemed to require a Comprehensive Plan amendment. Plan amendments may be initiated by elected bodies, public agencies, appointed officials, advisory boards,



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public, semi-public or private utilities, individuals and groups, or any other affected person or combinations thereof.

1) **Types of Comprehensive Plan Amendments** – The Comprehensive Plan may be amended as a result of one of the following types of applications:

- a) *Mandated Amendment* – an amendment required to comply with State laws and rules thereof. A mandated amendment would include court directed settlements in accord with State law.
- b) *Administrative Amendment* – an amendment which is initiated by the City Council through their own actions or acting on the advice or recommendation of the Planning Commission, staff or other agency of government.
- c) *Development Amendment* – an amendment which is initiated by the property owner or his authorized agent to change the Plan so that a particular development type or land use not otherwise consistent with the Plan, would become consistent following the adoption of the amendment. Applicants may be a single individual owning a single parcel or two or more individuals owning contiguous land areas. Applicants may also be an individual or groups of individuals owning 51% or more of the subject land area. Applicants may be private individuals sponsoring a residential, commercial, industrial or related use or a public agency sponsoring a public use amendment subject to the Comprehensive Plan.
- d) *Small Scale Development Amendment* – a Development Amendment that qualifies under the small-scale development amendment provisions of Part II, Chapter 163.3187(1)(c) F.S. and Section 3, below. This Section exempts small-scale amendments from the two-a-year amendment limitations and provides for an accelerated review and adoption schedule.

2) **Submission of an Application for a Comprehensive Plan Amendment**

- a) Mandated and Administrative Amendments shall not require a formal application, but shall be processed consistent with the amendment requirements of Part II, Chapter 163 F.S. and Administrative Rule 9J-5, as amended. No fee is required for a Mandated or Administrative Plan Amendment
- b) Development Amendment applications shall be submitted to the Planning and Zoning Department on a form prescribed by the Director, together with the appropriate fee as may be required by resolution of the City Council.



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- c) Development Amendments shall require a pre-application meeting. The Planning and Zoning Department will schedule the pre-application meeting and may invite other public agencies and representatives as appropriate to attend the meeting.

### 3) Notification Requirements of Small-Scale Development Amendments

Small-Scale Development Amendments require the notification of adjacent property owners in the manner described herein:

For the purpose of a Small-Scale Amendment, adjoining property is intended to include property for which any portion of the boundary is contiguous to any portion of the boundary of the property encompassed by the proposed “Small-Scale Amendment and which is not owned or leased by the individual(s) having ownership of the property encompassed by the proposed Small-Scale Amendment. In the case of an intervening easement or right-of-way, this term shall mean the property adjoining said easement or right-of-way which is not owned by the owner(s) of the property encompassed by the proposed Small-Scale Amendment. Where the proposed Small-Scale Amendment encompasses part of a larger property owned or leased by the same individual(s), the boundary of the larger property shall be used to determine the adjoining property(ies).

At least ten days prior to the Planning Commission scheduled public hearing date, the landowner, or his duly authorized agent, shall mail notice of the public hearing to the owner(s) of adjoining property. The latest ad valorem tax record shall be used to identify the name and address of the adjoining property owner(s).

Said notice, which is to be mailed by certified mail - return receipt requested, shall set forth the time, day, place and purpose of the public hearing. The Planning and Zoning Department will provide the owner or his authorized agent with a notice form. The owner or his authorized agent shall acknowledge receipt of the notice form.

It is the intent of this provision that only one said mailing is required to be sent to the owner(s) of the property involved in the proposed Small-Scale Amendment which is not owned or leased by the owner(s) of the property encompassed by the proposed Small-Scale Amendment. A copy of said notice shall be available for public inspection during the Planning and Zoning Department’s regular business hours.

### 4) Processing of Plan Amendment Applications

Upon the Director’s determination that the application is complete, the Department shall prepare a staff report with all applicable exhibits, information and materials and schedule the application for a Planning Commission public hearing. The Planning Commission shall consider the staff report and forward its recommendation on said



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Plan amendment to the City Council. It shall be the responsibility of the City Council to approve, approve with conditions, continue, or deny the Plan amendment. All Plan amendments must meet the requirements as set forth by Part II, Chapter 163, F.S. and Section 3 above, for Small-Scale Amendment. Plan amendments are not in effect until the Florida Department of Community Affairs determines that the Plan amendment is in compliance with Part II, Chapter 163 F.S. and Administrative Rule 9J-5, as amended.

### **D. RIGHT TO CHALLENGE DEVELOPMENT ORDER CONSISTENCY WITH COMPREHENSIVE PLAN**

The right of any aggrieved or adversely affected party to bring action for injunctive or other relief against the City of Venice to prevent the City Council from taking any action on a development order that is not consistent with the Comprehensive Plan shall be as set forth in Part II, Chapter 163.3215 F.S. as amended.

### **E. DETERMINATION OF VESTED RIGHTS**

In accordance with Chapter 163, Section 163.3167, nothing in this Comprehensive Plan shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380, Florida Statutes or who has been issued a final local development order and development has commenced and is continuing in good faith. The City shall consider creating a vested rights determination process through updates to the Land Development Code.

### **F. LEGAL STATUS OF THE COMPREHENSIVE PLAN**

Upon adoption of the Comprehensive Plan, or any element or portion thereof, any inconsistency between the adopted Comprehensive Plan, element or portion thereof, and the existing Land Development Code shall be resolved in accordance with Section Chapter 163, Section 163.3194, Florida Statutes.