



City of Venice
Planning & Zoning Department

MEMORANDUM

CLERK 23JAN14 PM 4:52

To: Lori Stelzer, City Clerk
From:  Jeff Shrum, AICP, Community Development Director
Date: January 23, 2014
Re: **Transmittal of Petition for Council Action
Zoning Text Amendment No. 13-6AM, Architectural Review Board and Historic
Preservation**

Zoning Text Amendment No. 13-6AM updates Sections 86-25 and 86-28 of the Land Development Code to accomplish the following:

- Approves, by reference, four amendments to the Architectural Guidelines Handbook previously approved by the Architectural Review Board.
- Establish public notice procedures when an application for a Certificate of Architectural Compliance (CAC) will be acted upon at a meeting of the Architectural Review Board.
- Establish public notice procedures when an application for Certificate of Appropriateness requires a major review and will be acted upon at a meeting of the Historic Preservation Board.

On January 21, 2014, the Planning Commission, sitting as the local planning agency, found the zoning text amendment consistent with the Comprehensive Plan and voted unanimously to recommend to City Council APPROVAL of Zoning Text Amendment Petition No.13-6AM and further directed staff to review the sign regulations in the Architectural Guidelines Handbook for consistency with the Sign Code Update.

To continue the processing of the zoning text amendment, please coordinate the review of the attached ordinance by your office and the City Attorney. Once the review of the ordinance is complete, please schedule the first of two required public hearings before City Council.

Please find attached the Planning Commission staff report, the draft ordinance and a copy of the Architectural Guidelines Handbook which highlights in yellow the three amendments to the handbook previously approved by the Architectural Review Board.

Attachments: Planning Commission staff report
Memo to City Council dated January 23, 2014
Draft ordinance
Amended Architectural Guidelines Handbook

cc: 13-6AM File

**City of Venice
Planning and Zoning Department**

MEMORANDUM

DATE: January 13, 2014

TO: Planning Commission

FROM: Scott Pickett, AICP, Senior Planner

SUBJECT: LDC Text Amendment 13-6AM
Amendments to Sec. 86-25, Architectural Review Board and Sec. 86-28, Historic Preservation

I. OVERVIEW OF LDC TEXT AMENDMENT

Upon request of the City Attorney, the Planning & Zoning Department has prepared a LDC text amendment which:

- Approves, by reference, three amendments to the Architectural Guidelines Handbook previously approved by the Architectural Review Board.
- Establish public notice procedures when an application for a Certificate of Architectural Compliance (CAC) will be acted upon at a meeting of the Architectural Review Board.
- Establish public notice procedures when an application for Certificate of Appropriateness requires a major review and will be acted upon at a meeting of the Historic Preservation Board.

Rationale for Proposed Amendment

Adoption of Update of the Architectural Guidelines Handbook (Handbook)

This portion of the LDC text amendment adopts three revisions to the Handbook previously approved by the Architectural Review Board. The three revisions to the Handbook were approved by the Architectural Review Board between November, 2011 and December, 2013 and addressed standards for fences and canopy/awnings and amended the color book to add more pre-approved colors. The specific revisions are highlighted in yellow in the attached Handbook.

The LDC text amendment adopts, by reference, the revised Handbook by amending Section 86-25(b)(2)e.2 as follows:

2. *Architectural Guidelines Handbook*. The Architectural Guidelines Handbook (2002 Edition, as amended on ~~April 30, 2009~~ Month/Date, 2014) is hereby approved and adopted ~~and may be amended from time to time.~~

Establish Public Hearing Procedures for the Architectural Review Board (ARB) and Historic Preservation Board (HPB)

Both the ARB and HPB review and take action on proposed improvements to specific properties. The ARB reviews and takes action on new construction and building alterations within the Historic Venice and Venetian Theme architectural control districts. The ARB either approves, approves with conditions or denies applications for certificate of architectural compliance. The HPB reviews and takes action on proposed alteration, addition, demolition or relocation of buildings and site modifications or other significant changes to the appearance of a historic resource which has a major impact on the significant historical or architectural character of the resource. The HPB either approves, approves with conditions or denies applications for certificate of appropriateness for historical resources.

Based on the existing LDC, the only public notice required for meetings of the ARB and HPB when action is being taken on an application is written notice to the applicant or owner of the subject property. The only notice to the public or specifically surrounding property owners are provided by the posting of the meeting agenda in City Hall one week in advance of the meeting.

Given the nature of decisions made by the two boards, the City Attorney advised staff that the boards' action on applications should occur in public hearings after sufficient notice has been provided to the general public and surrounding property owners.

The proposed LDC text amendment amends Section 86-25(b)(2)d for the Architectural Review Board and Section 86-28(e)(4) for the Historic Preservation. The amendments achieve the following:

- Requires board action on applications to occur at a public hearing.
- Using existing code language found elsewhere in the LDC, establishes public notice procedures for public hearings. Fifteen (15) day public notice is provided with a published advertisement in the newspaper, mail notice to property owners within 250 feet of the subject property and the posting of a sign on the subject property.
- Eliminates some unnecessary procedural requirements.
- Corrects scrivener errors.

The following are the proposed amendments to Section 86-25(b)(2)d of the Architectural Review Board regulations.

d. Public Hearing; action by board.

1. Upon receipt of a complete application for a CAC, the building official shall ~~request a meeting~~ schedule a public hearing during the next available regular meeting of the board. ~~The board chair shall schedule a meeting and shall mail written notice of the meeting to the applicant. The building official shall submit the complete application to the board at least five working days prior to the meeting at which the application is to be heard.~~ Notice of a public hearing shall be given at least 15 days in advance of the public hearing. The owner of the property for which the certificate of architectural compliance or other board action is sought, or his agent or attorney as designated on

the petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which the certificate of architectural compliance or other board approval is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the city at least one time 15 days prior to the hearing. Notice shall be given by mail to all owners of property within 250 feet of the boundary line of the property for which the certificate of architectural compliance or other board approval is requested, or within 250 feet of the centerline of any right-of-way or waterbody adjacent to the subject property, whichever distance is greater; provided, however, that, where the applicant is the owner of land not included in the applicant's application, and such land that is not included in the application is a part of or adjoins the parcel for which the request is made, the 250-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the applicant's application up to a maximum of 600 feet for purposes of this provision, owners of such adjacent or nearby properties within the distance set out shall be deemed those whose names appear on the latest available tax rolls of Sarasota County. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto. The city clerk shall execute and file a certificate, which shall contain the names and addresses of those persons notified, and the dates the notice was mailed. The certificate shall be signed by the city clerk and official seal affixed. The certificate shall be prima facie evidence of the fact that notice was mailed.

2. The applicant and his representative shall have the right to be heard at the ~~meeting~~ public hearing at which the board considers the application. ~~The meeting shall be open to the public but shall not be a public hearing.~~
3. The board shall consider the application and input received at the ~~meeting~~ public hearing and, based upon these regulations, shall either issue a CAC, issue a CAC with conditions, or deny a CAC. If the board determines that a CAC should not be issued, the board shall state for the record the basis for such determination and reduce such determination to a written decision. The board is encouraged to assist applicants in complying with these regulations by discussing alternative designs and materials; however, the board shall not dictate either design or materials, it being the intent of this article to allow reasonable latitude in architectural design consistent with the intent of these regulations.
4. If the board determines that an applicant fails to comply with the criteria, the applicant shall be permitted to revise and resubmit the application without penalty or additional fee so long as such resubmittal occurs within 60 calendar days of the date the application was denied by the board. This time period may be extended by majority vote of the board if it is determined that circumstances warrant such extension. Applications submitted after this time period shall be submitted the same as for a new application, along with the appropriate fee.

5. If the board fails to take action within 45 days of the date an application is submitted by the building official, the application shall be deemed to be approved unless the applicant has agreed to an extension of time or the applicant is engaged in the process of a resubmittal.

The following are the proposed amendments to Section 86-28(e)(4) of the Historic Preservation regulations.

- (4) *Major review* by historic preservation board. The major review procedure described in this section shall occur for alterations, additions, demolitions, relocations, site modifications or other significant changes to the appearance of a resource, which has a major impact on the significant historical or architectural character of the resource.
 - a. *Criteria.* All reviews, recommendations and decisions regarding the application shall specifically address and list all facts and considerations which support or refute whether the proposed alteration, demolition, etc., is compatible with criteria listed in subsections ~~(d)(e)~~(8), (9) and (10).
 - b. *Recommendation by committee; scheduling of public hearing.* After submission of the application, the committee shall prepare a written recommendation which addresses the criteria listed in subsections ~~(d)(e)~~(8), (9) and (10) and which recommends approval, denial, or approval with conditions of the application. Within 30 days of the submission of the application, the building official shall schedule a public hearing before the historic preservation board for action on the application. place the application on the agenda of the historic preservation board. Notice of a public hearing shall be given at least 15 days in advance of the public hearing. The owner of the property for which the certificate of appropriateness or other approval of the board is sought, or his agent or attorney as designated on the petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which the certificate of appropriateness or other approval of the board is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the city at least one time 15 days prior to the hearing. Notice shall be given by mail to all owners of property within 250 feet of the boundary line of the property for which the certificate of appropriateness or other board approval is requested, or within 250 feet of the centerline of any right-of-way or waterbody adjacent to the subject property, whichever distance is greater; provided, however, that, where the applicant is the owner of land not included in the applicant's application, and such land that is not included in the application is a part of or adjoins the parcel for which the request is made, the 250-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the applicant's application up to a maximum of 600 feet for purposes of this provision, owners of such adjacent or nearby properties within the distance set out shall be deemed those

whose names appear on the latest available tax rolls of Sarasota County. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto. The city clerk shall execute and file a certificate, which shall contain the names and addresses of those persons notified, and the dates the notice was mailed. The certificate shall be signed by the city clerk and official seal affixed. The certificate shall be prima facie evidence of the fact that notice was mailed.

- c. *Public ~~H~~hearing and decision.* After receipt of the recommendation described in subsection b. of this section ~~and after written notice to the property owner describing the nature of the meeting and its time, date and place,~~ the board shall hold a public hearing to review and act upon the application. Within 30 days after the meeting, the board shall issue its written decision approving, denying, or approving with conditions the application. The decision must address the criteria described in subsection a. of this section and must state the reasons for such a decision.
- d. *Approval, denial, or approval with conditions.* If the application is approved, the certificate of appropriateness shall be issued by the board. If the application is denied, a certificate of appropriateness shall not be issued. If the application is approved with conditions, the certificate of appropriateness shall be issued with the conditions noted, and the property owner must meet all such conditions.

Procedural Requirement for LDC Amendment

A public hearing before the Planning Commission is scheduled for January 21, 2014. The Planning Commission's recommendation, including findings of fact, will be forwarded to City Council for final action. The proposed text amendment shall be approved by ordinance and requires two City Council public hearings for adoption.

II. ACTION REQUIRED BY THE PLANNING COMMISSION

Planning Commission Determination

The Venice Code of Ordinances establishes the procedures and approval criteria for processing of amendments to the land development code. Section 86-47 provides the review standards to be used by Planning Commission and City Council in the development of findings, recommendations and a final decision concerning the amendment. Based on the standards included below, the following determination alternatives are available for Planning Commission consideration:

1. Amendment approval.
2. Amendment approval with modifications.
3. Amendment denial.

Sec. 86-47. Contents of Planning Commission Report

- (2) *Other amendments. When pertaining to other proposed amendments of this chapter, the planning commission shall consider and study:*
- a. *The need and justification for the change.*
 - b. *The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.*

III. CONSISTENCY WITH COMPREHENSIVE PLAN

The Comprehensive Plan established the goals, objectives, and policies that provide the framework for the City of Venice's planning practices. The proposed text amendment does not conflict with, any goals, objectives or policies within the Comprehensive Plan.