

Ed Lavallee
City Manager
City Hall
Venice, FL 34285

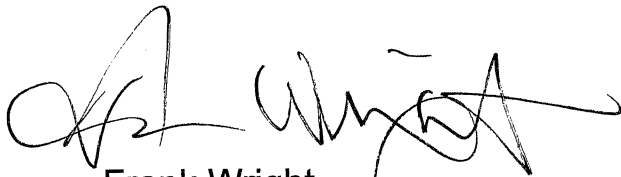
Oct 21, 2022

Dear Mr. Lavallee:

This is in response to your request for language we suggest that would satisfy our concerns. I apologize for the delay in responding. Both the ongoing pandemic and the illness of some of our members, and the disruption caused by Hurricane Ian is responsible for the delay.

In the order of the demands we made in our initial meeting, we offer the explanations and clarifications at Attachment 1. Attachment A describes how new historical districts might be established.

Thank you for this opportunity to make clear what is necessary to resolve this matter. We look forward to a substantive response from the City.



Frank Wright
For the Petitioners' Committee
Venice Unites

ATTACHMENT 1

In the order of the demands we made in our initial meeting, we offer the following explanations and clarifications:

1. In Table 2.3.3 of the LDRs, and anywhere else necessary, eliminate “45’ through Height Exception.” The standard should be, “35’ to the peak of the roof with no height exception.”
2. Change Figure 2.3.4.1. Downtown Edge Regulating Map to eliminate from the Edge District the old Venice Hotel on Nassau St., and include it in the Venice Ave. District, and to eliminate from the Edge District the 200 blocks of Ponce de Leon Ave, Pensacola Rd. and Milan Ave. and include them in the Venice Ave. District, or zone them as RSF-1. The height in the Edge District would be limited to “35’ to the peak of the roof with no height exception.”
3. P.U.D.s -
 - Section 2.2.4.5 (7) - the reference to “*several* neighborhoods” should be stricken, making the reference to “a neighborhood.” Add back into the LDR the language of the old LDR, “The district is not intended for use by major or large scale commercial or service establishments.”
 - Section 2.2.7 Traditional District Use Table should indicate that any commercial development within a P.U.D. shall be neighborhood in scale, and limited to 20,000 s.f.
 - Section 4.1 Compatibility - Not all incompatible uses can be mitigated. Retain language from Comp Plan Policy 8.2. (see fn)
 - Section 1.7.3 (B) - We believe a 100% approval standard is unreasonable, and suggest instead 80%.
4. The separation of the two boards may be accomplished by adopting the proposed ordinances submitted by the two boards to the Planning Commission.
5. New Historic Districts may be created as in the Attachment A.

6. Protected Species -

(for Chapter 89, Section 2.2 Wildlife and Habitat Protection Assessment)

Applicability. A Wildlife and Habitat Protection Assessment (WHPA) shall be required for all development petitions that include new development. This assessment shall be included in the binding master plans for rezoning to Planned Districts, as well as the applications for preliminary plats and site and development plans. The objective of this assessment is to identify, if applicable, any impacts of development on unique habitats and protected, endangered, or threatened species. Where a project has completed a WHPA through prior petitions or applications, the date of the WHPA is not older than one (1) year, and the conditions of the subject properties have not changed, a new WHPA shall not be required.

Attachment A, New Historic Districts

Local Historic Districts

i.

...

ii. Before the establishment of a Local Historic District, the Historic Resources Manager or applicant shall determine the historic significance of the exteriors of structures, features, sites, and objects in the proposed district. After a thorough investigation a list will be created detailing the properties, structures, or areas that are contributing or non-contributing based upon one (1) or more of the aforementioned criteria in subsection b.

i.

iii. Following the procedures established in subsection (c), the historic preservation board may recommend to the city council the designation of Local Historic Districts where no more than fifty percent (50%) of the property owners whose property is located within the boundaries of the proposed district object to the designation.

iv. A property owner may object either in person or in writing to having their property nominated as part of a Local Historic District. If objecting in writing, a notarized statement must be submitted at least fifteen (15) days prior to the nomination being considered at the public hearing. The historic preservation board may then either continue its review, forwarding its recommendation to the city council and noting the owner's objection or, the historic preservation board may cease any further review process and notify the city council of the property owner's objection to the proposed listing.

v. Should an individual, individuals or entity own more than one parcel of property within the boundaries of the proposed historic district according to

the latest available tax rolls from the county property appraiser's office, then such individual, individuals or entity shall be considered a property owner for each parcel of property for purposes of calculating the number of property owners in the proposed local historic district. Should a parcel of property be owned by more than one individual for purposes of calculating the number of property owners within the boundaries of the proposed local historic district, such co-owners shall be considered cumulatively as one property owner regardless of their number.

vi. After said public hearing the historic preservation board shall submit a final report with recommendations to the city council.

vii. The city council shall hold a public hearing at a regularly scheduled city council meeting to consider establishment of a Local Historic District.

(The reference to subsection b. I., above, is:

b. Criteria for Designation

i. City council shall have the authority to designate, upon recommendation by the historic preservation board, places, buildings, structures, landscape features, archaeological sites of historical, architectural, cultural, and/or archaeological significance that are significant in the city's history and culture and possess an integrity of location, design, setting, materials, workmanship or association, or:

1. Are associated with distinctive elements of cultural, social, political, economic, scientific, religious, ancient, prehistoric and architectural history that have contributed to the pattern of history in the community, the city, the state or the nation;

2. Are associated with the lives of persons significant in past history;

3. Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or possess high artistic value; or represent a distinguishable entity whose components may lack individual distinction;

4. *Are a traditional cultural property associated with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community.*
5. *Have yielded or are likely to yield information in history, ancient history or prehistory;*
6. *Are listed individually in the National Register of Historic Places;*
7. *Are a contributing structure to a National Historic District; or*
8. *Are characterized as a geographically definable area possessing a significant concentration, linkage or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development.*

The reference to subsection c. is:

c. Designation of Historical Resources

i. Nomination forms shall be reviewed, discussed, and agreed upon with owner(s) prior to filing with the City of Venice Division of Historical Resources.

ii. Upon receipt of a completed nomination form, including necessary documentation, the manager shall review the nomination form for completeness and accuracy. Once accepted by the manager, the nomination shall be placed on the agenda of a regularly scheduled meeting of the Historic Preservation Board.

iii. The nomination process shall commence when the board officially accepts a completed nomination form at a duly called board meeting.

1. Within 90 days of accepting the nomination, the board must write an initial determination of suitability and hold a public hearing. The initial determination shall be based on the criteria set forth in aforementioned subsection b.i. Notice of the public hearing will be provided per Article VIII, Sec. 86-588 of the City Code. Failure to review and write a

recommendation within 90 days will be deemed a recommendation denying listing on the local register, unless the period of 90 days is extended by mutual written consent reached by the property owner and the board.

2. Following the public hearing, the board shall review and revise, if needed, the initial determination of suitability, and shall write a recommendation, indicating suitability for listing the resource on the local register.

3. If the board determines that listing on the local register is appropriate, it shall recommend to City Council the adoption of an ordinance placing the resource on the local register. A written recommendation shall be forwarded to city council for its approval, based upon the evidence presented at a public hearing. The recommendation shall include specific findings and conclusions as to why the nomination does meet the appropriate criteria outlined in this ordinance along with any comments from the applicant. Adequate notice of the city council hearing and consideration of the nomination shall be provided to the owner(s) and their agent in advance of the meeting at which the nomination will be considered.

4. If the board recommends to City Council that listing on the local register is not appropriate, it shall provide the applicant with written findings as to the reasons for denial.

iv. No city permits for any demolition, alteration, construction, relocation, land disturbing or development activities, shall be issued once a nomination form is filed until the city council acts to approve or deny the nomination, or for twelve months, whichever shall occur first.

v. Historical Resources shall be placed on the local register only after nomination, review and approval.

vi. Whenever the City Council has denied an application for designation no further application shall be filed for the same designation for a period of one year from the date of such City Council denial. The time limit stated herein may be waived

by the Council when this action is deemed necessary in the best interests of the City.

vii. Should a designated landmark or Local Historic District be incorporated into the City of Venice, the city's historical preservation ordinance shall govern it.