



CITY OF VENICE
PLANNING & ZONING DEPARTMENT
MEMORANDUM

TO: Planning Commission
FROM: Amy Nelson, AICP, Senior Planner
SUBJECT: November 16, 2021 Public Hearing – Amendment to Sec. 86-25
DATE: October 15, 2021

BACKGROUND

When the decision was made to separate the Building and Planning and Zoning Departments, responsibility for the Architectural Review Board was shifted to the Planning and Zoning Department.

As a result, staff is proposing to amend the text of the Land Development Code in the following manner to reflect that change:

1. A definition for “Director” was added to replace “Building official”, which was removed.
2. Wherever “Building official” appeared in the text, it was replaced by “Director”.
3. Under 86-25(b)(2)b.1., a minor change was made concerning issuance of building permits.

PROPOSED AMENDMENT

Below is a ~~striketrough~~ underline copy of the revisions proposed for Section 86-25. – Architectural review board:

Sec. 86-25. Architectural review board.

Section 86-25(a) remains unchanged.

(b) *Architectural review districts and procedures.*

(1) *Generally.*

- a. *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any change affecting the exterior appearance of an existing structure by additions, reconstruction, remodeling or maintenance involving a change in color, design, form, texture or materials.

Architectural Guidelines Handbook means the Architectural Guidelines Handbook, including its approved colors addendum, as amended from time to time.

Board means the architectural review board.

~~*Building official* means the officer or other designated authority, or their duly authorized representative, charged with administration and enforcement of the city's construction codes.~~

CAC means certificate of architectural compliance.

Minor alteration means an alteration which costs less than \$7,500.00 to construct (not including design and permit fees).

Minor maintenance and repair work means any work for which a building permit is not required by law where the purpose and effect of such work is to correct any physical deterioration or damage to a structure by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.

Northern Italian Renaissance Style means the Mediterranean Revival style of architecture as interpreted by city planner John Nolen, which was prevalent in the city during the years 1926 through 1929 as shown and recorded in a historical architectural survey prepared by the city historical committee in 1985.

Director means the Planning and Zoning Director, who manages the planning and zoning department, or the successor to his or her duties, by whatever title designated, or his or her designee.

Regulations means this article and the Architectural Guidelines Handbook. In the event there is a conflict between the provisions of this article and the provisions of the Architectural Guidelines Handbook, the provisions of this article shall prevail.

Section 86-25(b)(1)b. and c. remain unchanged.

(2) *Certificate of architectural compliance (CAC).*

a. *Required; exemptions.*

1. *Compliance with regulations.* All new construction and alterations within the HV and VT districts shall comply with these regulations. Any and all color changes shall comply with the color requirements in these regulations.
2. *HV district.* Within the HV district, a CAC shall be required before issuing a building permit for the following:
 - (i) All new structures, including accessory structures.
 - (ii) New carports and canopies.
 - (iii) Demolition of any structure.
 - (iv) Existing structures. Any exterior alteration to a street or alley front elevation which is visible from the street or alley and which requires a building permit, unless exempted by this article or by a grant of a variance.
 - (v) Windows and doors. No CAC shall be required when only windows and doors are being replaced provided there is no change in the size of openings. New windows and doors shall be required to comply with the regulations with regard to window type and proportion as much as practical as determined by the ~~building official~~ director but no CAC shall be required.
 - (vi) Color. Any color change to a commercial or multifamily residential structure shall require a CAC. Color changes to other structures shall comply with the color guidelines but do not require a CAC. The color of a structure is an important element of the appearance. All colors, including base and trim colors, for new structures must be approved as part of the CAC process. The color requirements are set forth in the

Architectural Guidelines Handbook. There are many shades of color which comply with the Architectural Guidelines Handbook. There is also a pre-approved list of colors which do not require board review for approval. The ~~building official~~ director has the authority to determine if a proposed color is in compliance with the Architectural Guidelines Handbook.

3. *VT district.* Within the VT district, a CAC shall be required before issuing a permit for the following:
- (i) All new structures, including accessory structures, except for new and existing detached single-family homes.
 - (ii) Demolition of a structure substantially constructed in the Northern Italian Renaissance Style.
 - (iii) New and existing detached single-family homes are exempt from these regulations.
 - (iv) New carports and canopies (except for single-family homes).
 - (v) Existing structures. Any exterior alteration to a street or alley front elevation which is visible from the street or alley and which requires a building permit, unless exempted by this article or by a grant of a variance.
 - (vi) Windows and doors. No CAC shall be required when only windows and doors are being replaced provided there is no change in the size of openings. New windows and doors shall be required to comply with the regulations with regard to window type and proportion as much as practical as determined by the ~~building official~~ director, but no CAC shall be required.
 - (vii) Color. Any color change to a commercial or multifamily residential structure shall require a CAC. Color changes to other structures shall comply with the color guidelines but do not require a CAC. The color regulations do not apply to single-family homes in the Venetian Theme district. The color of a structure is an important element of the appearance. All colors, including base and trim colors, for new structures must be approved as part of the CAC process. The color requirements are set forth in the Architectural Guidelines Handbook. There are many shades of color which comply with the Architectural Guidelines Handbook. There is also a pre-approved list of colors which do not require board review for approval. The ~~building official~~ director has the authority to determine if a proposed color is in compliance with the Architectural Guidelines Handbook.

Section 86-25(b)(2)a.4. remains unchanged.

5. *Exemptions.* No CAC shall be required for the following:
- (i) Minor maintenance and repair work in either the HV or VT district.
 - (ii) Accessory structures not visible from the street or adjoining property in either the HV or VT district.
 - (iii) Screened enclosures not visible from the street in either the HV or VT district.
 - (iv) No CAC shall be required to repair damage to a structure caused by natural forces, fire or other events beyond the control of the owner unless the total cost of the repairs (which include material and labor) exceeds 50 percent of the market value of

the structure as it existed prior to the damage as determined by the Sarasota County Property Appraiser.

- (v) Historic structures which are subject to review by the historic preservation board are exempt from these regulations.
- (vi) Signs. New signs shall comply with the regulations. No CAC is required.
- (vii) Replacement of doors and windows damaged by a storm or other casualty event (not including wear and tear or deterioration over time) do not require a CAC when there is no change in the size of the openings. Replacement doors and windows under this section in both the HV and VT districts shall comply with the design regulations to the extent practical under the circumstances. The ~~building official~~ director shall have the authority to determine compliance.
- (viii) Structures that are not constructed in the Northern Italian Renaissance Style but are historically significant or substantially constructed in a different architecturally significant style (such as, but not limited to, the Sarasota School of Architecture) are exempt from these regulations. The ~~building official~~ director shall make these determinations and may seek the opinion of the board.
- (ix) No CAC shall be required when only windows and doors are being replaced provided there is no change in the size of the openings.

b. Authority of ~~building official~~ director.

1. *No CAC required.* The ~~building official~~ director shall determine when a CAC is required by these regulations, and his decision shall be final. The ~~building official~~ director may request an advisory opinion from the board as to whether a CAC is required for a specific project. ~~The building official shall have the authority to issue permits for construction when he has determined that no CAC is required. If the director determines no CAC is required, then permits for construction may be issued.~~
2. *Minor alterations.* The ~~building official~~ director shall have the authority to issue a CAC for minor alterations in the HV or VT districts when the plans comply with these regulations.
3. *Application for CAC.* The ~~building official~~ director shall determine when an application for a CAC is complete. The ~~building official~~ director shall not forward an incomplete application to the board for a hearing unless there are special circumstances.
4. *Determination of compliance.* In situations where no CAC is required but improvements are required to comply with the regulations, including, but not limited to, minor alterations, certain window and door changes, and color changes, the ~~building official~~ director shall have the authority to determine compliance with the regulations. The ~~building official~~ director may seek guidance from the chairman of the board or the full board at a public meeting.

c. Application; informal review of plans.

1. When a CAC is required, an application for a CAC shall be submitted to the ~~building official~~ director along with such fees as have been approved by resolution of city council. The application shall be accompanied by drawings sufficient to show the architectural definition of the structure, including full elevation views, door and window details, roof design and materials, wall texture or finish and color, and such other detail required by the regulations.

2. Preliminary sketches of a proposed alteration or design may be submitted to the ~~building official~~ director or to the board for informal review so that an applicant may be informed of the intent of the regulations and board policy prior to preparation of final drawings.

d. *Public hearing; action by board.*

1. Upon receipt of a complete application for a CAC, the ~~building official~~ director shall schedule a public hearing during the next available regular meeting of the board. Notice of a public hearing shall be given at least 15 days in advance of the public hearing as follows:
 - (i) By mail to the owner of the property for which the CAC or other board action is sought, or his agent or attorney as designated on the application;
 - (ii) By prominently posting the property for which the CAC or other board approval is sought;
 - (iii) By advertisement in a newspaper of general circulation in the city at least one time;
 - (iv) By mail to all owners of property within 250 feet of the boundary line of the property for which the CAC 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 application, and such land 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; and
 - (v) For purposes of this provision, the notice shall be sent to each property owner at the address listed in the tax collector's office for tax notices. Failure of a property owner to receive mailed notice shall not invalidate the hearing or subsequent action related thereto. The city clerk shall sign and affix the official seal to a certificate containing the names and addresses of those persons notified, and the dates the notice was mailed. 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 public hearing at which the board considers the application.
3. The board shall consider the application and input received at the 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~~ director, 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.

Section 86-25(b)(2)e. through g. remain unchanged.

h. Violation of these regulations.

1. The ~~building official~~ city shall ~~have the authority to stop any work or construction that is not in compliance with these regulations or that is not being done according to the plans and specifications approved by the board.~~
2. After a CAC has been issued, all work shall be done in accordance with the plans and specifications approved by the board.
- ~~3. The building official shall have the authority to stop construction if he determines that the work is not being done according to the plans and specifications approved by the board.~~
- 3.4. After a CAC has been issued, no final building inspection shall be approved until the ~~building official~~ director determines the work is in compliance with the plans and specifications approved by the board.

(Code 1982, §§ 6-330—6-339; Ord. No. 97-57, § 1, 10-14-97; Ord. No. 98-17, § 1, 4-28-98; Ord. No. 99-10, § 1, 6-8-99; Ord. No. 99-15, § 1, 7-27-99; Ord. No. 2003-01, § 1, 1-28-03; Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-33, § 1, 7-26-05; Ord. No. 2008-21, §§ 1—3, 10-28-08; Ord. No. 2011-16, § 1, 2-28-12; Ord. No. 2014-06, § 2, 3-11-14; Ord. No. 2014-17, § 4, 8-12-14)

PLANNING COMMISSION DETERMINATION

According to Section 86-47(f)(2), amendments to the land development code require Planning Commission to consider and study the following for their recommendation to City Council:

- 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.

Staff is requesting Planning Commission recommendation to City Council on this item.