

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 86, LAND DEVELOPMENT CODE, ARTICLE II, ADMINISTRATION AND REVIEW AUTHORITIES, SECTION 86-25, ARCHITECTURAL REVIEW BOARD; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the submitted Text Amendment Petition No. 21-44AM is seeking to change the responsibility for the Architectural Review Board from the Building Official to the Planning and Zoning Director; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Venice City Council has duly designated the city's Planning Commission as the local planning agency for the city; and

WHEREAS, the Planning Commission held a public hearing on December 7, 2021 for which public notice was provided regarding the Petition, and, based upon information and public comment received at the public hearing, the staff report and discussion by the Planning Commission, voted to recommend approval of Text Amendment Petition No. 21-44AM; and

WHEREAS, City Council received and considered the report of the Planning Commission concerning Text Amendment Petition No. 21-44AM; and

WHEREAS, City Council held a public hearing on Text Amendment Petition No. 21-44AM in accordance with the requirements of the city's code of ordinances and has considered the information received at said public hearing; and

WHEREAS, City Council finds that Text Amendment Petition No. 21-44AM is in compliance with and meets the requirements of the city's Land Development Code and Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 86, Land Development Code, Article II, Administration and Review Authorities, Section 86-25, Architectural Review Board, is hereby amended to read as follows:

Sec. 86-25. Architectural Review Board

Section 86-25(a) *Architectural Review Board*. No changes.

(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.

b. and c. No change.

(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) through (iv). No change.
 - (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) through (v). No change.
 - (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.

4. *Both HV and VT districts.* No change.

5. *Exemptions.* No CAC shall be required for the following:

(i) through (vi). No change.

(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) through (v). No change.
2. through 4. No change.
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.

e. through g. No change.

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.

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 4. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 5. This Ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 25TH DAY OF JANUARY 2022.

First Reading: January 11, 2022

Final Reading: January 25, 2022

Adoption: January 25, 2022

Ron Feinsod, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council at a meeting thereof duly convened and held on the 25th day of January 2022 a quorum being present.

WITNESS my hand and the official seal of said City this 25th day of January 2022.

Kelly Michaels, MMC, City Clerk

(SEAL)

Approved as to form:

Kelly Fernandez, City Attorney