

Sec. 86-25. - Architectural Review Board

(a) *Architectural Review Board.*

(1) *Findings.* The City Council hereby makes the following findings of fact:

- a. A significant portion of the city was initially developed in accordance with a Master Plan prepared in 1925 by John Nolen, a nationally renowned City Planner.
- b. The City has benefitted greatly from the Nolen city plan as a guide and vehicle for orderly development, including the layout of a master street system with broad avenues and boulevards, the designation of residential, commercial, public and industrial areas, and particularly the provision for adequate parks and open spaces.
- c. The initial development of the City under the Nolen City plan was also subject to architectural review and control which established a thematic design concept of the Italian Renaissance style.
- d. A significant number of structures built prior to 1930 were of the Italian Renaissance style and approximately 200 of such structures remain in existence today, providing a distinctive theme and charm to portions of the City.
- e. In consideration of the planning and architectural heritage of the city as described in this section, in October of 1984 the City Council established an architectural review study committee to determine the benefits and appropriateness of establishing architectural standards for buildings constructed or renovated in the City.
- f. The architectural review study committee conducted a study and made a report in which the committee recommended that the City establish an architectural review board to administer appropriate specific architectural standards in designated districts within the City.
- g. The city Planning Commission has concurred in the recommendation of the Architectural Review Study Committee that an Architectural Review Board be established.
- h. In June of 1985, Florida Preservation Services was retained by the City to conduct an historical and architectural survey of the City.
- i. Florida Preservation Services, in conjunction with the City historical committee, did conduct a study and make a report which, among other things, recommended that the Nolen city plan be nominated to the National Register of Historic Places and that appropriate architectural review standards be developed that would preserve the historical architectural integrity of the community.
- j. In addition to the historical considerations described in this section, Venice is a coastal community in a resort area. A significant portion of the local economy is dependent upon or directly benefitted by the thousands of visitors who come to Venice each year. The preservation and enhancement of the charm and beauty of the area can be accomplished by the regulation of general aesthetics, which will promote tourism and thereby benefit the economy of the City.
- k. The City Council finds that the preservation of the historical planning and architectural integrity of the community and the regulation of general aesthetics will further a proper public purpose by preserving and enhancing the beauty and charm of the City, enhancing the attractiveness of the area for tourists, residents and commerce, improving the local economy, improving property values and generally improving the overall quality of life of city residents and visitors.
- l. To accomplish these ends, the City Council finds it necessary and desirable to create an architectural review board to conduct such additional investigations and surveys as may be necessary in order to provide the City Council with recommended ordinances to contain specific architectural and aesthetic standards and a procedure through which such

standards can be fairly and beneficially administered and enforced in appropriate districts within the City.

- (2) *Established; purpose.* There is hereby established an architectural review board, referred to in this article as the "board." The purpose of the board shall be to conduct studies and make recommendations to the City Council for the adoption, administration and enforcement of reasonable architectural and aesthetic standards to apply in appropriate areas or districts of the city. Upon the adoption by Ordinance of the City Council of such architectural and aesthetic standards, it shall be the duty of the board to administer and enforce such standards pursuant to the procedures to be adopted by the City Council.
- (3) *Composition.* The board shall be composed of seven members appointed by the Mayor and subject to confirmation by City Council. Members shall serve without compensation. One board member shall be an architect registered to practice in the state. One board member shall be a member of Venice Main Street, Inc. The other board members shall have backgrounds in building design or similar fields and shall have an appreciation for the significance of the City's architectural heritage. All board members, other than the member who is a registered architect, shall be a city resident or the owner of real property located within the City.
- (4) *Term of members.* The terms of office for the members of the Architectural Review Board shall be overlapping terms of three years.
- (5) *Removal of members.* Any member of the Architectural Review Board may be removed from office for just cause by a two-thirds vote of the entire City Council.
- (6) *Vacancies.* It shall be the duty of the chair of the Architectural Review Board to notify the city council promptly of any vacancies occurring in membership, and the City Council shall promptly fill any such vacancy for the unexpired term.
- (7) *Officers.* The board shall annually elect a chair, vice-chair and secretary from among its members to serve one-year terms.
- (8) *Rules of procedure; quorum.* The Architectural Review Board shall adopt rules of procedure. A majority of the board shall constitute a quorum.
- (9) *Meetings.*
 - a. All meetings of the Architectural Review Board shall be open to the public, and reasonable notice of time and place thereof shall be given to the public. All meetings shall conform to the Florida Open Meetings Law, F.S. ch. 286.
 - b. Meetings shall be held at least monthly and at such other time as determined by the board.
- (10) *Absence of members from meetings.* Absence of a member from more than three consecutive meetings of the Architectural Review Board or from a total of six meetings in a 12-month period shall be cause for the member's replacement.
- (11) *Conflicts of interest.* Any member of the Architectural Review Board who has a direct or indirect interest in any case which comes before the board shall disqualify himself from all proceedings concerning the case.
- (12) *Expenditures.* The expenditures of the Architectural Review Board shall be within the amounts appropriated for its purpose by the City Council. Members of the board shall receive no fee or salary for their services, but may, upon approval of the City Council, receive necessary travel, per diem and other expenses in accordance with approved city policy while on official business for the board. The City Council shall make available to the board such appropriations as the City Council may see fit for expenses necessary in the conduct of the board's work.
- (13) *Powers and duties.* The Architectural Review Board shall have the powers and duties to undertake such actions reasonably necessary to its purpose, including but not limited to the following:

- a. Study and review the reports and information compiled by the City Historical Commission, the historical architectural survey, the City Planning Commission and the City Planner.
- b. Conduct such additional studies and investigations as may be necessary to gather sufficient information and background material to support proper findings and recommendations to accomplish the purposes of the board.
- c. Gather information necessary for drafting, establishing and maintaining guidelines and standards toward historical preservation, architectural review for new structures and significant renovations, and aesthetic standards in appropriate districts or areas.
- d. Consider and make recommendations to the City Council concerning the establishment by ordinance of designated areas or districts of the City where historical preservation and architectural review would be necessary and appropriate to preserve or enhance the valuable historical, architectural and aesthetic qualities of the area.
- e. Develop and recommend to the City Council specific standards, guidelines and procedures towards the accomplishment of these purposes.
- f. Keep the City Council informed and advised as to the activities and progress of the board.
- g. Serve, upon the adoption by ordinance of any such architectural review standards and districts, as the city administrative body which, with the assistance of appropriate City staff, administers and enforces such Ordinances, subject to a right of appeal by an aggrieved party to the City Council.
- h. Perform any other functions which may be designated by Ordinance, Resolution or motion of the City Council.

(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.

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. *Purpose of article.* Pursuant to the findings of fact in subsection 86-25(a)(1) and the recommendations of the board, the purpose of this article is to establish procedural requirements and standards to implement architectural review of certain new construction and alterations within designated districts of the City.
 - c. *Architectural control districts.*
 - 1. *Established.* There are hereby established two districts within which architectural control over the design of structures shall be applied.
 - (i) *Historic Venice (HV) district.* This district shall include those areas of the city having a preponderance of structures constructed during the years 1926 through 1929 and adhering to the Northern Italian Renaissance Style and located within the original core of the City. The intent of this district shall be the preservation and furtherance of the architectural heritage of the City by mandating that all new construction and alterations to existing structures be made in the Northern Italian Renaissance Style as set forth in the HV district regulations. A map of the HV district is attached to the Architectural Guidelines Handbook.
 - (ii) *Venetian Theme (VT) district.* This district shall include areas at the periphery of the HV district within the original planned area of the City. The intent of this district is that designated new construction and substantial alterations shall incorporate key design elements of the Northern Italian Renaissance Style so as to allow a transition from the Historic District to the remainder of the City. A map of the VT district is attached to the Architectural Guidelines Handbook.
 - 2. *Boundaries.* The boundaries of the architectural control districts shall be as shown on the map recorded at Official Records Book 2795, Pages 1792 to 1798, Public Records of Sarasota County, which is incorporated by reference as part of this section and is on file in the City Clerk's office.
- (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 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 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, 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 has the authority to determine if a proposed color is in compliance with the Architectural Guidelines Handbook.
4. *Both HV and VT districts.*
 - (i) When there is an alteration to a facade or elevation that requires a CAC (excluding a minor alteration), then the entire elevation or facade shall be brought into compliance with the regulations. Other elevations or facades are not required to be brought into compliance at that time.
 - (ii) Once a CAC has been issued for a structure, then all future alterations (to the roof or any elevation or facade) shall require a CAC and shall comply with these regulations unless specifically exempted by this article or a variance is granted.
 - (iii) Alterations or additions to an elevation facing and visible from an alley in a commercial district shall require a CAC and are encouraged but not required to comply with the regulations; provided, however, that fences and screen walls shall comply with the regulations unless a variance is granted.
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 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 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.*

- 1. *No CAC required.* The Building Official shall determine when a CAC is required by these regulations, and his decision shall be final. The Building Official 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.
- 2. *Minor alterations.* The Building Official 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 shall determine when an application for a CAC is complete. The Building Official 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 shall have the authority to determine compliance with the regulations. The Building Official 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 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 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 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, 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. *Design standards.*

1. *Criteria for approval of a CAC.*

- (i) *HV district.* New structures and alterations in the HV district shall incorporate the design characteristics of the Northern Italian Renaissance Style of architecture as required by the Architectural Guidelines Handbook.
- (ii) *VT district.* New structures and alterations in the VT district shall incorporate the key elements of the Northern Italian Renaissance Style of architecture as required by the Architectural Guidelines Handbook. The key elements are roofs, building massing, walls, cornices, window and door openings and color.
- (iii) *Both HV and VT districts.*
 - A. Contemporary building materials may be utilized provided the appearance of the materials is substantially the same as the historic materials.
 - B. These regulations will apply to any alterations made to a front, side or rear elevation which is visible from a public street or alley and for which a building permit is required.
 - C. New signs and changes to existing signs shall comply with these regulations except in the CBD zoning district which has its own special sign regulations. Signs do not require a CAC.

2. *Architectural Guidelines Handbook.* The Architectural Guidelines Handbook (2002 Edition, as amended on March 11, 2014) is hereby approved and adopted.

- f. *Appeals.* Decisions of the board in regard to the issuance or withholding of a CAC shall be final. Any person aggrieved by such decision may, within ten days of the decision, file with the City Clerk a written request for review by City Council. Upon receipt of a request for review, City Council shall promptly consider the request at a public meeting and shall affirm, modify or reverse the action of the board.

g. *Variances.*

1. The board shall have the authority to grant a variance from the requirements of these regulations under the provisions of this section. The burden of proof shall be on the applicant to show that due to special conditions, a literal enforcement of the regulations will cause an unnecessary and undue hardship on the applicant.
2. The board shall consider the following factors:
 - (i) Special conditions and circumstances exist which are peculiar to the structure or building involved.
 - (ii) The degree to which the property in question is constructed in the Northern Italian Renaissance Style;
 - (iii) The degree to which properties in the immediate area are constructed in the Northern Italian Renaissance Style;.
 - (iv) The visibility of the proposed improvement from the street and adjoining properties;

- (v) The cost of compliance with the regulations compared to the cost of the improvement with the variance and the value of the existing structure;
- 3. In granting any variance, the board may prescribe appropriate conditions and safeguards, including, but not limited to, time limits for work to commence or be completed. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this section.
- 4. A variance for one structure is not a precedent or grounds for a variance for another structure.
- h. *Violation of these regulations.*
 - 1. The Building Official shall have the authority to stop any work or construction that is not in compliance with these regulations.
 - 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.
 - 4. After a CAC has been issued, no final building inspection shall be approved until the Building Official 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)