

# MEMORANDUM

Agenda Item No. 7(F)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

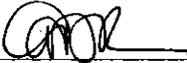
**DATE:** November 1, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to the Rules  
of Procedure of the Board of  
County Commissioners,  
Historic Preservation and Ad  
Valorem Taxation; amending  
section 2-1 and Chapter 16A of  
the Code

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 10-11-16 Unincorporated Municipal Service Area Committee. This substitute differs from the original in that it specifies that the tax exemption authorized under section 196.1998, Florida Statutes, when certain historic properties used for commercial or nonprofit purposes are renovated shall apply to 25 percent of the assessed value of the property as improved after the renovations. In addition, the substitute clarifies that the tax exemption currently authorized in the Code pursuant to section 196.1997, Florida Statutes, shall continue to apply to 100 percent of the assessed value of the improvements when any historically designated property is renovated. The substitute also corrects a scrivener's error in the item.

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairman Jean Monestime and Commissioner Sally A. Heyman.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney 

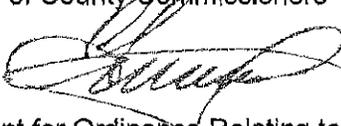
APW/smm

# Memorandum



**Date:** November 1, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

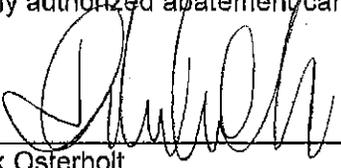
**Subject:** Fiscal Impact Statement for Ordinance Relating to the Board's Rules and Procedures of the Board of County Commissioners, Historic Preservation and Ad Valorem Taxation

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The proposed ordinance relating to the Rules and Procedures of the Board of County Commissioners, Historic Preservation and Ad Valorem Taxation amends Section 2-1 and various portions of Chapter 16A of the Code of Miami-Dade County amending the Board's Rules and Procedures so that all historic preservation appeal cases will be scheduled on the same agenda as the Board's zoning hearings currently held on Thursdays. The proposed amendments to Chapter 16A are primarily meant to streamline and clarify existing procedures. The proposed ordinance clarifies specific language in reference to Section 196.1997 of the Florida Statutes relating to the historic preservation tax exemption that already exists in the Code for the renovation, restoration, and rehabilitation of historic properties, and authorizes a separate abatement for certain historic properties that are used for governmental or non-profit purposes, as provided by Section 196.1998 of the Florida Statutes.

Currently, to obtain an abatement for the renovation, restoration, and rehabilitation of historic properties, the eligibility requirements under Section 196.1997 of the Florida Statutes must be met and the abatement is equal to 100 percent of the taxes on the assessed value of the improvements. Under the proposed ordinance, a property owner can also seek an abatement equal to 25 percent of the taxes on the assessed value of the property as improved with the renovations. However, in order to qualify for the new abatement authorized under Section 196.1998, a property owner must not only meet the eligibility requirements under the existing abatement offered under Section 196.1997, but must also ensure their historic property is for government or not-for-profit uses and that it be regularly used by the public. Therefore, inclusion of the new abatement in the Code does not increase the pool of properties that may be eligible for an abatement. A qualifying property owner could elect to apply for either abatement, whichever is more beneficial under the particular circumstances.

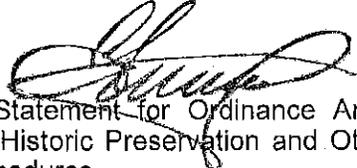
Approval of this item does not create an immediate fiscal impact to the County as additional staffing resources or operational costs are not anticipated. While the proposed ordinance authorizes a separate ad valorem tax exemption for the rehabilitation of historic properties that meet specific criteria set forth in Section 196.1998, Florida Statutes, the exact fiscal impact stemming from the newly authorized abatement cannot be determined at this time.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

FIS09016 161948 sub to 161267

**Date:** November 1, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Social Equity Impact Statement for Ordinance Amending the Board's Rules and Procedures Related to Historic Preservation and Other Code Changes to Streamline and Clarify Existing Procedures

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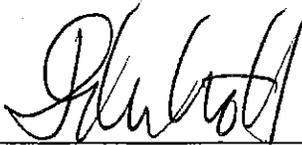
The proposed ordinance incorporates amendments to the Code to streamline and clarify existing procedures. More specifically, the proposed ordinance does the following:

- Amends the Rules of Procedure for the Board of County Commissioners so that all Historic Preservation appeal cases will be scheduled for the Thursday zoning meetings.
- Adds a provision that gives municipalities the opportunity to become independent from the County's Historic Preservation jurisdiction and enact their own ordinance at any time, provided that they comply with the County's minimal standards. Municipalities were originally given a window of time to opt-out when the Historic Preservation Ordinance was first written in 1981, and then were offered another one-year period to remove themselves after the last revision in 2003, but no other opportunities have been provided since.
- Introduces procedures to allow the County Historic Preservation Board to address the issue of municipalities not in compliance, and to revoke their jurisdiction if necessary, as the current Code does not provide any means to take back jurisdiction when a municipality is not complying with the minimum standards. The proposed ordinance also includes a provision for a public hearing to be set before the Board of County Commissioners to affirm, modify, or reverse the action of the Historic Preservation Board in revoking a municipality's independent jurisdiction.
- Introduces procedures for the County to be able to take back jurisdiction from a municipality that wants to return it voluntarily.
- Adds additional professions from which the Board of County Commissioners can select members to the Historic Preservation Board and limits the time a Board Member can serve as chair to two consecutive years. The ordinance also provides that Historic Preservation Board members shall not serve more than two (2) consecutive four-year terms without a hiatus of at least four (4) years, and that, except where a board member had been appointed to fill a midterm vacancy, these term limit restrictions shall not be waived by the Board of County Commissioners except by ordinance.
- Provides minimum standards for the term "qualified staff."
- Adds powers and duties to the Historic Preservation Board's abilities, which were already being done in practice and are just being formalized in writing for clarification. These additional powers and duties include the review and approve for submittal to the State or National Register of Historic Places nominations for properties in the unincorporated areas of the County or in municipalities that are not certified; and direct staff to conduct research, provide recommendations to the Historic Preservation Board and conduct workshops or seminars.
- Requires that notices of official surveys to identify historic neighborhoods or structures shall be provided prior to commencement to the County Commissioner whose district the survey area is in, as well as the local municipal officials, if applicable.
- Amends how a designation proposal can be brought to the Historic Preservation Board by an owner petition and further adds language to clarify what constitutes an "owner" in the case of condominiums and cooperative properties. The condominium association board or cooperative association will be the entity to be considered the owner, for the purposes of requesting a historic designation of their property.

- Clarifies the Code to make clear that the Historic Preservation Board has the authority to initiate a designation.
- Adds language to clarify that a historic designation does not prohibit a property owner from requesting alterations, additions, redevelopment, or the demolition of the property.
- Adds language to the existing "Economic Hardship" section, which already includes a definition for what would constitute an undue economic hardship, to provide for a more pertinent submittal requirement for when a claim is due to a property owner not being able to afford a particular type of repair or restoration. The new language also provides criteria for the Historic Preservation Board to be able to utilize when considering economic hardship claims, which do not exist in the current Code.
- Adds language clarifying the types of conditions that Staff may include as part of the approved Certificate to Dig when reviewing applications within designated archaeological sites or zones. The current Code does not specify or provide any examples.
- Amends the appeals procedures, which left many factors open to interpretation, to include who is responsible for scheduling and notices, and dictates that the existing fee for appeals shall be prescribed by Implementing Order approved by the Board of County Commissioners. The proposed ordinance also increases the amount of time an aggrieved party has to file an appeal from 20 days to 30 days; and when an appeal is filed, a moratorium shall now be placed on a property and shall remain in effect until the appeal has been resolved so that no property may be altered or demolished while a part of an ongoing appeals process.
- Authorizes a tax abatement when certain qualifying historic properties used for governmental or non-profit purposes are renovated, pursuant to Florida Statutes Section 196.1998. This exemption is separate from the existing tax exemption for the rehabilitation of historic properties, under Florida Statutes Section 196.1997.
- Adds definitions in the definition section for terms that were used throughout the ordinance, but for which no definition was provided, and also includes minor corrections to spelling and grammatical errors, corrects titles of appropriate staff persons and County department names.

A specific social equity benefit or burden cannot be determined at this time. Some of the changes are generally intended to streamline or clarify the current procedures, which ultimately benefit parties, primarily property owners, seeking to designate their property or are seeking either a certificate of appropriateness or certificate of dig. The proposed ordinance also responds to concerns communicated by property owners, municipalities, and other interested parties involved in recent designations.

This proposed ordinance compliments the other amendments to the Code in the accompanying ordinance recommended by the Mayor's Historic Preservation Advisory Work Group. Additionally, the County's Historic Preservation Board has adopted a resolution supporting both this and the accompanying ordinance.



Jack Osterholt  
Deputy Mayor

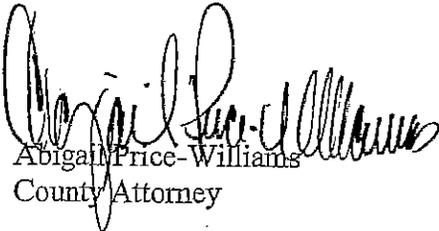


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 1, 2016

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(F)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(F)

Veto \_\_\_\_\_

11-1-16

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS, HISTORIC PRESERVATION, AND AD VALOREM TAXATION; AMENDING SECTION 2-1 AND CHAPTER 16A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT HISTORIC PRESERVATION APPEALS SHALL BE HEARD AT THURSDAY MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS; REVISING HISTORIC PRESERVATION CODE; ALLOWING MUNICIPALITIES TO OPT OUT OF COUNTY HISTORIC PRESERVATION JURISDICTION AND ENACT MUNICIPAL HISTORIC PRESERVATION ORDINANCES UNDER CERTAIN CIRCUMSTANCES; PROVIDING MINIMUM STANDARDS FOR MUNICIPAL HISTORIC PRESERVATION ORDINANCES AND PROGRAMS; PROVIDING PROCEDURES FOR THE COUNTY TO RESUME JURISDICTION WHERE A MUNICIPAL HISTORIC PRESERVATION PROGRAM IS NOT IN COMPLIANCE WITH COUNTY MINIMUM STANDARDS; REVISING QUALIFICATIONS, MEMBERSHIP, COMPOSITION, AND POWERS OF THE COUNTY'S HISTORIC PRESERVATION BOARD AND STAFF; REVISING PROCEDURES PERTAINING TO INITIATION OF HISTORIC DESIGNATION PROCESS BY OWNER PETITION, COUNTY'S HISTORIC PRESERVATION BOARD, AND STAFF; AMENDING PROCEDURES AND CRITERIA RELATING TO ECONOMIC HARDSHIP; SPECIFYING HISTORIC PRESERVATION APPEAL PROCEDURES; AUTHORIZING REQUIREMENT FOR CONDITIONS RELATED TO CERTIFICATES TO DIG; AUTHORIZING AN AD VALOREM TAX EXEMPTION FOR RENOVATIONS TO CERTAIN HISTORIC PROPERTIES USED FOR COMMERCIAL OR NONPROFIT PURPOSES; REVISING AND SUPPLEMENTING DEFINITIONS PERTAINING TO HISTORIC PRESERVATION; MAKING TECHNICAL REVISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-1. Rules of Procedure of County Commission.**

\* \* \*

PART 5. CONDUCT OF MEETINGS; AGENDA

\* \* \*

*Rule 5.05 Agenda*

(a) *Order of business*

\* \* \*

(2) At Thursday meetings the following items of business shall be conducted in the following order:

1. Special presentations and proclamations
2. Items scheduled for Thursday
3. Policy matters for discussion by the board
4. Zoning
5. >>Historic preservation appeals
- 6.<< Metropolitan planning organization (MPO)
- >>7.<< [[6.]] Workshops

\* \* \*

**Section 2.** Chapter 16A of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

## Chapter 16A - HISTORIC PRESERVATION

### Sec. 16A-1. Short title.

This >>Chapter<< [[chapter]] shall be known and may be cited as the "[[Metropolitan]] Miami-Dade County Historic Preservation Ordinance."

### Sec. 16A-2. Declaration of legislative intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, >>archaeological<< [[archeological]], paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of [[Miami-Dade]] >>the<< County. Therefore, this >>Chapter<< [[chapter]] is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features, paleontological and >>archaeological<< [[archeological]] resources of sites and districts which represent distinctive elements of the County's cultural, social, economic, political, scientific, religious, prehistoric and architectural history;
- (2) Safeguard the County's historical, cultural, >>archaeological<< [[archeological]], paleontological and architectural heritage, as embodied and reflected in such individual sites, districts and >>archaeological<< [[archeological]] zones;
- (3) Foster civic pride in the accomplishments of the past;
- (4) Protect and enhance the County's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of individual sites and districts for the education, pleasure and welfare of the people of [[Miami-Dade]] >>the<< County.

### Sec. 16A-3. Scope of regulations.

- (1) This >>Chapter<< [[chapter]] is intended to and shall govern incorporated and unincorporated Miami-Dade County.
- (2) The regulatory jurisdiction of the Miami-Dade County Historic Preservation Board pursuant to this Chapter shall extend to:

- (a) all property located in the unincorporated areas of Miami-Dade County;
  - (b) all property located in incorporated areas of Miami-Dade County except where the municipality has enacted its own historic preservation ordinance in accordance with section 16A-3.1;
  - (c) >>archaeological<< [[archeology]] and >>paleontological<< [[paleontology]] zones and sites in the incorporated and unincorporated areas of Miami-Dade County except where the municipality has enacted its own historic preservation ordinance in accordance with section 16A-3.1 and the ~~[[municipality, within 365 days of the effective date of this ordinance enacts an]]~~ ordinance ~~[[that]]~~ (1) expressly retains jurisdiction over >>archaeological<< [[archeology]] and >>paleontological<< [[paleontology]] zones and sites, (2) adopts regulations >>at<< [[as]] least as protective of >>archaeological<< [[archeology]] and >>paleontological<< [[paleontology]] zones and sites as those in this Chapter, and (3) commits the municipality to retain sufficient archeological personnel or consultants to enforce such regulations; and
  - (d) the enforcement of the minimum standards established by this Chapter as set forth in this Chapter.
- (3) Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the ~~[[Miami-Dade County]]~~ Code.

**Sec. 16A-3.1. Municipal Historic Preservation.**

- (1) *County Technical and Legal Support for Municipal Preservation.* The ~~[[Director of the Office of]]~~ >>County<< Historic Preservation >>Chief<< ~~[[and the County Attorney's Office]]~~ may provide a requesting municipality with technical ~~[[and legal]]~~ assistance in preservation matters. Such assistance is not intended to replace the municipality's own commitment of resources to preservation or to divert resources from the County's own preservation responsibilities.

- (2) >>Option<< ~~[[Timeframes]]~~ for Municipalities to Enact Historic Preservation Ordinances.
- (a) >>Any municipality within Miami-Dade County may opt out of the County's historic preservation jurisdiction by enacting its own historic preservation ordinance consistent with the minimum standards of this Chapter. Within 30 days of the adoption of any such municipal ordinance, the municipality shall provide written notice to the County Historic Preservation Chief. Municipalities that do not adopt their own municipal historic preservation ordinances shall be governed by this Chapter, unless and until such time as they adopt their own historic preservation ordinances, as permitted in this subsection.<< ~~[[Municipalities incorporated prior to July 1, 1982 were given the option to adopt their own municipal historic preservation ordinances or be governed by the County ordinance. The following municipalities enacted their own ordinances: Coral Gables, Hialeah, Homestead, Miami, Miami Beach, Miami Shores, Miami Springs, Opa-locka, and South Miami.]]~~
- (b) >>A current list of all municipalities that have adopted their own historic preservation ordinances and programs shall be kept on file with the Office of Historic Preservation and shall be available for inspection.<< ~~[[Municipalities incorporated after July 1, 1982 but before the effective date of this ordinance have until one year after the effective date of this ordinance to adopt their own preservation ordinances.~~
- (c) ~~Municipalities incorporated after the effective date of this ordinance have until one year after the effective date of their incorporation to adopt their own preservation ordinances.]]~~
- (3) *Status of Designated Properties After Transition of Jurisdiction.* In the event that a municipality assumes jurisdiction of historic preservation from ~~[[Miami-Dade]]~~ >>the<< County by enacting an ordinance as provided in this section, all properties previously designated by the Miami-Dade >>County<< Historic Preservation Board shall have the status and protections of properties designated under the municipality's historic preservation ordinance unless and until such designation is removed by

formal action of the municipality pursuant to its ordinance. The same rule shall apply if the County assumes jurisdiction from a municipality.

- (4) Minimum Standards for Municipal Ordinances. >>Pursuant to the authority granted in section 1.01(A)(18) of the Miami-Dade County Home Rule Charter, the County hereby adopts the provisions below as minimum standards for municipal historic preservation ordinances.<<

(a) To comply with the minimum standards for historic preservation ordinances>>, << a municipal ordinance shall contain provisions:

(>>i<<[[1]]) that establish a historic preservation board >>, separate and apart from the municipal governing body, << which shall be empowered to designate individual sites or districts and to issue Certificates of Appropriateness >>and Certificates to Dig<<; or to advise the city commission regarding such matters. In this regard, this ordinance shall constitute authority for a municipality to delegate to its preservation board the power to designate sites and districts and issue Certificates of Appropriateness >>and Certificates to Dig. Appointees to the municipal historic preservation board shall consist of: architects; realtors; historians; lawyers; art historians; engineers; archaeologists; or other individuals from the business, financial, or other segments of the community who, by virtue of their professions, community involvement, or businesses, demonstrate knowledge of or concern for historic preservation. The municipal historic preservation board shall include not less than one architect or architectural historian, one real estate professional or attorney, and one other qualified professional.<<

(>>ii<<[[2]]) that provide procedures for the municipality, its staff, the ~~[[Director of the Miami-Dade]]~~ County ~~[[Office of]]~~ Historic Preservation >>Chief<<, and private parties to recommend the initiation of designations of historic districts and individual historic

sites, whether residential, commercial, industrial>>, archaeological,<< or other, pursuant to due notice to affected parties, legally-enforceable standards, quasi-judicial hearings, and appeals to court;

(>>iii<<[[3]]) that protect designated sites or districts by >>providing criteria for considering demolition applications, as set forth in section 16A-11 of this Chapter, and<< preventing the issuance of building, construction, zoning, and demolition permits or the significant change of appearance of such sites or districts until a written Certificate of Appropriateness >>or Certificate to Dig<< has been issued;

(>>iv<<[[4]]) that protect property owners by procedures (1) to de-designate properties and (2) to vary or modify historic regulation based upon economic hardship pursuant to due notice to affected parties, legally-enforceable standards, quasi-judicial public hearings, and appeals to courts;

(>>v<<[[5]]) that provide economic incentives for preservation;

(>>vi<<[[6]]) that regulate and prevent the demolition of historic buildings by neglect, and

(>>vii<<[[7]]) that establish the Secretary of Interior's Standards for >>the Treatment of Historic Properties, as may be amended from time to time,<< [[Rehabilitation]] as standards governing preservation, although a municipality may establish additional standards.

>>(viii) that provide procedures for the municipal historic preservation board to review and make recommendations with respect to historically significant properties identified by any unsafe structures agency, prior to any demolition order being issued, as set forth in section 16A-11 of this Chapter.<<

- (b) It is a violation of the minimum standards of this ~~>>section<< [[Chapter]]~~ for a municipal historic preservation ordinance ~~>>:<<~~ (~~>>i<<[[1]]~~) to exempt an otherwise historic property from historic regulation or designation on the basis that the owner did not consent to the regulation or designation; (~~>>ii<<[[2]]~~) to allow the issuance of a permit for the demolition of a historically-regulated property unless, after a public hearing pursuant to the ordinance, a variance based upon economic hardship has been granted or a Certificate of Appropriateness to demolish based on express standards in the ordinance has been issued. In this regard, it is a violation of the minimum standards of this ~~>>section<< [[Chapter]]~~ to permit the issuance of a Certificate of Appropriateness for demolition based solely upon the passage of a certain amount of time after the owner has applied to demolish.

- (c) Municipalities that have already enacted historic preservation ordinances as of the effective date of ~~>>Ordinance No. [Insert Number]<< [[this ordinance]]~~ shall have ~~>>until December 31, 2017<< [[365 days from the effective date of this ordinance]]~~ to bring their ordinances into compliance with these minimum standards.

- ~~[(d) The minimum standards created in these sub-section shall not apply to any municipality that is recognized as a Certified Local Government by the Florida Secretary of State.]]~~

- (5) ~~>>Minimum Operational Standards. Pursuant to the authority granted in section 1.01(A)(18) of the Miami-Dade County Home Rule Charter, the County hereby adopts the provisions below as minimum operational standards for municipal historic preservation programs. To comply with the minimum operational standards for municipal historic preservation, a municipal historic preservation program shall<< [[Guidelines for Municipal Enforcement. Municipalities are encouraged to comply with the following guidelines, but these guidelines shall not serve as minimum standards]]:~~

- (a) have a quorum appointed to its historic preservation board at least 9 months in any 12 month period;

- (b) conduct public meetings of its historic preservation board no less than >>(4)<< [[6]] times in every calendar year;
- (c) provide >>qualified<< [[suffieient]] professional staff to [[its]] >>assist the municipal<< historic preservation board [[to allow the board to]] >>in<< conduct>>ing<< its business, including evaluating properties and districts for designation, reviewing and issuing Certificates of Appropriateness, holding quasi-judicial hearings, and otherwise enforcing the terms of its historic preservation ordinance >>; for purposes of this subsection, "qualified staff" means not less than 1 person who has a bachelor's degree in historic preservation, architecture, architectural history, history, or other closely related field, and who has at least 3 years of professional experience in the field of historic preservation or as a historic preservation planner; or who has a master's degree in the above mentioned fields and who has at least 1 year of professional experience in the field of historic preservation or as a historic preservation planner<<;
- (d) conduct a separate public hearing to consider for designation each property within its jurisdiction listed >>in<< [[on]] the National Register of Historic Places; [[and]]
- (e) produce at least one designation report per calendar year >>, and present it to the municipal historic preservation board for consideration,<< until all properties in its jurisdiction listed as historically significant on the >>municipality's<< [[City]] or the County's >>previous surveys<< [[last survey]] have been considered for designation >>;
- (f) ensure that a historic survey to determine eligible properties and structures within the municipality is completed by municipal historic preservation staff within 2 years of the establishment of a municipal preservation ordinance; and
- (g) update surveys of eligible historic resources from time to time, either independently or in conjunction with the County.<<

- (6) *Municipality Shall File Annual Report.* Municipalities that exercise jurisdiction of historic preservation shall annually file a report with the >>County's Office of Historic Preservation, with a copy provided to the<< Clerk of the Board of the Miami-Dade County Commission. This report shall briefly state the name, address and qualification of its historic preservation board members; when each member joined and, if applicable left the board; the name, address and telephone number of its historic preservation staff members and consultants; and the number of designation reports and Certificates of Appropriateness prepared and considered in that year. Attached to the report shall be a copy of the >>agendas and<< minutes of the meetings of the municipality's historic preservation board for that year and >>a list of<< any designation reports [~~and Certificates of Appropriateness~~] prepared by its staff during that year.
- (7) *Municipal Authority To Obtain Continuances Before Unsafe Structure Agencies.* A municipality that has enacted its own historic preservation ordinance in accordance with this section may obtain continuances before unsafe structure agencies as set forth in section 16A-11 (VI) (b) of this Chapter. For this limited purpose, "Director," "staff," and "Board" as used in that section shall refer to their counterparts in the municipality. The authority provided by this sub-section shall be interpreted only to expand, and not to limit, the discretion of a municipality.
- >>(8) *Municipalities Not in Compliance with Minimum Standards.* Pursuant to the authority granted in section 1.01(A)(18) of the Miami-Dade County Home Rule Charter regarding a municipal governmental unit's failure to comply with the County's minimum standards, if a municipality is not in compliance with the applicable provisions of this chapter, the following process shall apply:
- (a) *Notice of non-compliance and opportunity for municipality to take curative action.* The County Historic Preservation Chief shall send notice of non-compliance to the municipality by certified mail, which shall inform the municipality of the nature of the non-compliance and the steps necessary for the municipality to correct the non-compliance within a 6-month time period;
- (b) *Public hearing before Historic Preservation Board and authority to resume County jurisdiction over historic preservation within municipality.* If, after

the 6-month time period above, a municipality has failed to correct the non-compliance, a public hearing shall be set before the Historic Preservation Board to address the non-compliance. A notice shall be sent to the municipality by certified mail setting the hearing for a date certain, which shall be no sooner than 30 days from the date of the notice. The municipality, as well as members of the public and other interested parties, shall have the opportunity to address the Historic Preservation Board. The Historic Preservation Board may take appropriate action to resolve the non-compliance, including revoking the municipality's authority over historic preservation and returning jurisdiction to the County. This provision shall not be construed to require a quasi-judicial proceeding, and the public hearing on municipal non-compliance shall not be quasi-judicial in nature.

- (c) *Public hearing before the County Commission.* Within 30 days of any action taken by the Historic Preservation Board to address a municipality's non-compliance pursuant to subsection (8)(b) above, the municipality may file a request with the Office of Historic Preservation for a public hearing before the Board of County Commissioners. The public hearing shall promptly be scheduled in coordination with the Clerk of the Board and placed on the next available County Commission agenda, as provided in section 2-1 of the Code. The municipality, as well as members of the public and other interested parties, shall have the opportunity to address the County Commission. The County Commission shall decide whether to affirm, modify, or reverse the action of the Historic Preservation Board. This provision shall not be construed to require a quasi-judicial proceeding, and the public hearing on municipal non-compliance shall not be quasi-judicial in nature.

- (9) *Voluntary return of authority over municipal historic preservation to the County.* Upon repeal of a municipal historic preservation ordinance, jurisdiction of historic preservation functions and duties shall revert to the County.<<

**Sec. 16A-3.2. Authority of the >>County Historic Preservation Chief<< ~~[[Director]]~~ to Appear as a Party.**

~~[[In his official capacity, the Director of the Miami-Dade County Office of]] >>The County<< Historic Preservation >>Chief, or such other person designated by the Mayor,<< shall have the legal authority to initiate or appear as a party in any administrative, legal proceeding, or appeal involving or arising out of a municipality's determination to designate an individual site or district, to grant or deny a Certificate of Appropriateness, to grant or deny a request to de-designate or grant a variance to a historic property, or to consider other similar matters involving individual sites or districts. In all such matters, the >>County Historic Preservation Chief<< ~~[[Director]]~~ shall be represented by the County Attorney.~~

**Sec. 16A-4. Definitions.**

- (1) >>Archaeological<< ~~[[Archeological]]~~ or paleontological zone: An area designated by this >>Chapter<< ~~[[chapter]]~~ which is likely to yield information on the paleontology, history>>, or<< ~~[[and]]~~ prehistory of Miami-Dade County based on prehistoric >>or historic<< settlement patterns in Miami-Dade County as determined by the results of the Miami-Dade County historic survey. These zones will tend to conform to natural physiographic features which were the focal points for prehistoric and historic activities and paleontology.
- (2) *Certificate of Appropriateness*: A Certificate issued by the Board permitting certain alterations or improvements to a designated individual site or property in a designated district.
  - (a) Regular Certificate of Appropriateness: A regular Certificate of Appropriateness shall be issued by the staff of the >>Historic<< Preservation Board, based on the guidelines for preservation approved by the Board.
  - (b) Special Certificate of Appropriateness. For all applications for a special Certificate of Appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special Certificate of Appropriateness is required that is issued directly by the Board.
- (3) *Certificate to Dig*: A Certificate that gives the Board's permission for certain >>digging<< ~~[[Digging]]~~ projects that may involve the discovery of as yet unknown or known

>>archaeological<< ~~[[archeological]]~~ or paleontological sites in an >>archaeological<< ~~[[archeological]]~~ or paleontological zone >>or district<<. This Certificate is issued >>according to the criteria and process set forth in section 16A-14 of this Chapter. There are two kinds of Certificates:<< ~~[[by staff of the Board based on the guidelines for preservation approved by the Board.]]~~

>>(a) Regular Certificate to Dig: A Certificate that may be issued by the County Historic Preservation Chief.

(b) Special Certificate to Dig: A Certificate that is issued by the Historic Preservation Board.

(4) Contributing Structure: A structure within a district that retains the architectural, cultural, archaeological, paleontological, or historical significance, and contributes to the identity, of the district.<<

~~[[ (4) Certificate of recognition: A Certificate issued by the Board recognizing properties designated pursuant to this chapter.]]~~

(5) Demolition: The ~~[[complete constructive]]~~ removal >>or destruction, in whole or in part,<< of a building>>, structure, or environmental feature<< on any site.

>>(6) Demolition by neglect: The deliberate, reckless, or inadvertent failure to maintain minimum maintenance standards for any properties designated historic, either individually or as a contributing property in a historic district.<<

~~(>>7<< [[6]]) District[[s]]: A collection of >>historical, cultural, architectural, archaeological,<< ~~[[archeological]]~~ or paleontological sites, buildings, structures, landscape features>>,<< or other improvements that are concentrated in the same area ~~[[and have been designated as a district pursuant to this chapter]].~~ >>Districts are designated according to the criteria and process set forth in section 16A-10 of this Chapter.<<~~

~~(>>8<< [[7]]) Exterior: All outside surfaces of a building or structure>>, including windows and doors~~

(9) Ground disturbing activity: Any digging, excavating, landscape installation, site preparation work, or other such construction activities related to a designated archaeological or paleontological site, zone, or district<<

- (~~>>10<<~~ ~~[[8]]~~) *Guidelines for preservation*: Criteria established by the Preservation Board to be used by staff in determining the validity of applications for a regular Certificate of Appropriateness and any Certificate to Dig and to establish a set of guidelines for the preservation of ~~>>archaeological, paleontological, architectural, cultural, or historic resources<<~~ ~~[[buildings in south Florida]]~~.
- (~~>>11<<~~ ~~[[9]]~~) *Historic Preservation Board*: A board of citizens created by this ~~>>Chapter<<~~ ~~[[chapter]]~~ as described in ~~>>sections<<~~ ~~[[Sections]]~~ 16A-5 through 16A-9~~>>~~, which may also be referred to herein as the "Board."
- (12) *Historic Preservation Chief*: The head of the Miami-Dade County Office of Historic Preservation or successor office.~~<<~~.
- (~~>>13<<~~ ~~[[10]]~~) *Historic survey*: ~~>>Any<<~~ ~~[[A comprehensive]]~~ survey ~~>>done by, or at the direction of, the Historic Preservation Chief or municipal equivalent<<~~ ~~[[compiled by the Historic Preservation Division of the Miami-Dade County Office of Community and Economic Development]]~~ involving the identification, research~~>>~~~~<<~~ and documentation of buildings, sites~~>>~~~~<<~~ and structures ~~[[of any historical, cultural, archeological, paleontological or architectural importance]]~~ in Miami-Dade County, Florida.
- (~~>>14<<~~ ~~[[11]]~~) *Individual site*: ~~[[An archeological site, a paleontological]]~~ ~~>>An individual<<~~ site, building, structure, place ~~>>~~~~<<~~ or other improvement that has been designated ~~>>for preservation<<~~ as ~~>>an archaeological, paleontological, architectural, cultural, or historic resource<<~~ ~~[[an individual site]]~~ pursuant to this ~~>>Chapter.<<~~ ~~[[chapter. Under the provisions of this chapter interior spaces may be regulated only where a building or structure is a designated individual site and where its interiors are specifically designated.]]~~
- ~~>>~~(15) *Integrity*: The authenticity of a property's archaeological, paleontological, architectural, cultural, or historic identity, as evidenced by the survival of physical, structural, or other characteristics that existed during the property's historic or prehistoric period.
- (16) *Landscape feature*: Any improvement or vegetation on a site, including outbuildings, walls, fences, courtyards, fountains, trees, sidewalks or pathways, planters, gates, street furniture, rock formations, solution holes, statuary, or exterior lighting.~~<<~~

- (~~>>17<<~~ ~~[[12]]~~) *National Register of Historic Places*: A federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended.
- >>(18) *Non-contributing structure*: A structure located within a district that does not exhibit the architectural, cultural, archaeological, paleontological, or historical significance for which the district was designated and does not contribute to the identity of the district.<<
- (~~>>19<<~~ ~~[[13]]~~) *Ordinary repairs or maintenance*: Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.
- (~~>>20<<~~ ~~[[14]]~~) *Owner of a designated property*: As reflected on the current ~~[[Metropolitan]]~~ Miami-Dade County tax rolls or current title holder.
- >>(21) *Staff*: The Historic Preservation Chief and any other personnel assigned to the County's Office of Historic Preservation.<<
- ~~[[15]]~~ ~~*Undue economic hardship*~~: ~~Failure to issue a Certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.~~
- (16) ~~*Landscape feature*~~: ~~Any improvement or vegetation including, but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.]~~

**Sec. 16A-5. Historic Preservation Board—Created and established.**

There is hereby created >>a<< ~~[[an]]~~ Historic Preservation Board, ("the Board"), as a governmental agency of the County government in and for Miami-Dade County, Florida. The Board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, >>archaeological<< ~~[[archeological]]~~, paleontological and architectural resources in Miami-Dade County, Florida, as prescribed by this >>Chapter<< ~~[[chapter]]~~ under the direct jurisdiction and legislative control of the Board of County Commissioners.

**Sec. 16A-6. Same—Members.**

The Board shall consist of ~~[[thirteen-(13)]]~~ >>13<< members ~~[[appointed by the Board of County Commissioners]].~~ >>Each County Commissioner shall appoint 1 member. ~~[[The Board of]]~~ County Commissioners >>shall<< ~~[[should attempt to]]~~ appoint architects, realtors, >>archaeologists<< ~~[[archeologists]],~~ historians, art historians, lawyers>>, engineers, << or other individuals from the business, financial and other segments of the community who, by virtue of their profession>>, community involvement, << or business, have demonstrated >>knowledge of or<< concern for historic preservation. The ~~[[Historic Preservation]]~~ Board shall contain not less than one architect; one real estate agent or attorney at law; and one historian or architectural historian. The term of office of membership shall be ~~[[four (4)]]~~ >>4<< years for each member. Any vacancy occurring on the Board shall be filled by the >>appropriate<< County Commission>>er<< for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the County Commission. Members of the Board shall be governed by >>Chapter 2, Article IB<< ~~[[Section 2-11.36, et seq.]]~~ of the Code. >>The members of the Board shall annually elect a Chair, who shall serve at the pleasure of the Board, and such other officers as may be deemed necessary or desirable. No Board member shall serve more than 2 consecutive terms as Chair.<<

**Sec. 16A-7. Same—>>Staff<< [[Organization]].**

~~[[The members of the Board shall annually elect a Chair who shall serve at the pleasure of the Board and such other officers as may be deemed necessary or desirable.]]~~ The County >>Mayor<< ~~[[Manager]]~~ shall provide >>qualified<< ~~[[adequate]]~~ professional staff for the Board, including but not limited to representatives from the ~~[[departments of community and economic development, building and zoning, and planning]]~~ Office of Historic Preservation which shall be deemed the staff of the Board. >>As used in this subsection, “qualified staff” means not less than 1 person who has a bachelor’s degree in historic preservation, architecture, architectural history, history, or other closely related field, and who has at least 3 years of professional experience in the field of historic preservation or as a historic preservation planner; or who has a master’s degree in the above mentioned fields and who has at least 1 year of professional experience in the field of historic preservation or as a historic

preservation planner.<< The Office of Historic Preservation shall have a professional >>Historic Preservation Chief<<[[Director]]. The Historic Preservation Board shall be consulted regarding the selection of the >>Historic Preservation Chief<< [[Director]]. The Chair or [[his or her]] >>Chair's<< designee shall serve on any board reviewing candidates for the position of >>Historic Preservation Chief.<< [[Director. ~~Minutes of each Board meeting shall be kept and prepared under the supervision and direction of the Board, and copies of such minutes shall be filed with the Clerk of the County Commission.~~]]

**Sec. 16A-8. Same—Rules and regulations.**

- >>(1)<< The Board shall >>have the authority to<< make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this >>Chapter<< [[chapter]]. Such rules and regulations shall conform to the provisions of this >>Chapter<< [[chapter]] and shall not conflict with the Constitution and General Laws of the State of Florida, and shall govern and control procedures, hearings and actions of the Board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations, and any amendments or modifications thereto, and the same have been approved by the County Commission and filed with the Clerk of the Commission. Upon approval by the Commission, such rules and regulations shall have the force and effect of law within Miami-Dade County, Florida.
- >>(2)<< The Board shall prescribe forms for use by applicants in compliance with the provisions of this >>Chapter<< [[chapter]].
- >>(3)<< The Board may authorize any [[one (1)]] of its members to administer oaths and certify to official acts.
- >>(4) Minutes of each Board meeting shall be kept and prepared under the supervision and direction of the Board, and copies of such minutes shall be filed with the Clerk of the County Commission.<<

**Sec. 16A-9. Same—Powers and duties.**

The Historic Preservation Board shall have the following enumerated powers and duties>>; provided, however, that nothing in this section shall be deemed to restrict the power of the Board to take action pursuant to its authority in furtherance of the policies of this Chapter<<:

- (1) Adopt or amend rules of procedure>>, in accordance with section 16A-8<<.
- (2) Designate individual sites, districts>>,<< and >>archaeological<< ~~[[archeological]]~~ and paleontological zones.
- (3) Issue or deny Certificates of Appropriateness and Certificates to Dig.
- (4) Approve historical markers and issue Certificates of recognition for individual sites and designated properties in a district.
- (5) Recommend zoning and building code amendments to the proper authorities.
- (6) Establish guidelines for preservation and criteria for issuance by staff of regular Certificates of Appropriateness.
- (7) Promote the awareness of historic preservation<<, including the preservation of architectural, archaeological, paleontological, and cultural resources,<< and its community benefits.
- (8) No actions of this Board will supersede or be construed as superseding the authority of the Board of County Commissioners.
- (9) Review and update the historic survey for its quality and professional merit, and validate the findings of the survey as bona fide and sincere.
- (10) Implement the authority of this >>Chapter<< ~~[[chapter]]~~ and fulfill the tasks set forth for this Board by the County Commissioners in this >>Chapter<< ~~[[chapter]]~~ and other ordinances.
- (11) Record and maintain records of the Board's actions and decisions.
- (12) Follow and abide by the laws of the United States of America, the State of Florida and Miami-Dade County.
- (13) Provide an annual report to the Board of County Commissioners.
- (14) Review and make recommendations to the Office of Historic Preservation regarding any grant proposals reviewed by the Office of Historic Preservation, including but not limited to Community Development Block Grants.
- >>(15) Review and approve for submittal to the State or National Register of Historic Places nominations for properties in the unincorporated area of the County or in municipalities that are not Certified Local Governments, as defined by state law.

- (16) Direct staff to, among other things: conduct research or other related action; to provide recommendations to the Board; or to conduct workshops or seminars.<<

**Sec. 16A-10. Designation process and procedure.**

(>>1<<[[#]]) [[#]]*Criteria.*[[#]] The Board shall have the authority to designate areas, places, buildings, structures, landscape features, >>archaeological<< [[archeological]] and paleontological sites>>,<< and other improvements or physical features, as individual sites, districts>>,<< or >>archaeological<< [[archeological]] or paleontological zones that are significant in Miami-Dade County's history, architecture, paleontology, >>archaeology,<< [[archeology]] or culture [[and]] >>. Sites, districts, or zones considered for designation shall<< possess an integrity of location, design, setting, materials, workmanship>>,<< or association, >>and shall<< [[or]]:

- (a) [[Are]] >>Be<< associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological>>,<< or<< [[and]] architectural history that have contributed to the pattern of history in the community, Miami-Dade County, south Florida, the State or the nation; or
- (b) [[Are]] >>Be<< associated with the lives of persons significant in our past; or
- (c) Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or [[that]] possess high artistic value; or [[that]] represent a distinguishable entity whose components may lack individual distinction; or
- (d) Have yielded, or are likely to yield information in history or prehistory; or
- (e) [[Are]] >>Be<< listed in the National Register of Historic Places.

(>>2<<[[#]]) [[#]]*Properties not generally considered; exceptions.*[[#]] Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature>>,<< and properties that have achieved significance within the last [[fifty (50)]] >>50<< years, will not normally be considered for designation. However, such properties will qualify if they are integral

parts of >>a<< district[[s]] that do>>es<< meet the criteria, or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction >>or<<<sup>2</sup> [[ef]] historical importance.
- (b) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with >>a<< [[an]] historic event or person.
- (c) A birthplace or grave of >>a<< [[an]] historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.
- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
- (e) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance.
- (f) A property or district achieving significance within the past [[fifty-(50)]] >>50<< years if it is of exceptional importance.

>>(3) Notification of Intent to Survey. To determine whether individual sites, districts, or archaeological or paleontological zones are eligible for designation, it may be necessary for staff to survey areas of interest or previously un-surveyed neighborhoods. At least 7 days prior to the commencement of any new survey, notifications of the intent to survey shall be provided to the County Commissioner in whose Commission District the area for survey is found and, where the area is located within a municipality, to the municipality's mayor or town manager. Upon the completion of any survey, the results of the survey shall be provided to the aforementioned County Commissioner and, where applicable, municipal mayor or manager. In addition, if the survey finds individual sites, districts, or archaeological or paleontological zones that are eligible for designation, the relevant property owner(s) shall be notified and provided with the survey results

<sup>2</sup> The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

before any designation proceedings are initiated. However, a comprehensive survey is not a prerequisite to commencing designation procedures for any individual sites, districts, or archaeological or paleontological zones.

(4) Designation ~~Investigation and designation~~ report. Prior to the designation of an individual site, a district, or an archaeological ~~archeological~~ zone, ~~an investigation and~~ a designation report must be filed with the Board at a board meeting. The format of these reports may vary according to the type of designation; however, all reports must address the following: the ~~The~~ historical, cultural, architectural, or ~~or~~ archaeological or paleontological ~~archeological~~ significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archaeological or ~~or~~ paleontological ~~archeological~~ zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the Board in carrying out its regulatory function under this Chapter ~~chapter~~ with respect to Certificates of Appropriateness and Certificates to Dig. Where a report is filed recommending designation of a district, the report must identify contributing and non-contributing sites or structures. ~~these properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such nonconforming properties shall provide that a Certificate of Appropriateness may be required only for new construction on such properties.~~ All reports shall address ~~take into consideration~~ projected, proposed, or ~~or~~ existing public improvements and developmental or renewal plans.

(5) Procedure.

- (a) Petition of the owner. The owner(s) of any property in unincorporated Miami-Dade County, or in any municipality that is under Miami-Dade County historic preservation jurisdiction, may petition this Board for designation of their property as an individual site, district or archaeological or paleontological ~~archeological~~ zone provided that they appear before the Board with sufficient information to warrant the investigation of the property for future designation and the Board finds that the property may be worthy of designation. The

Board shall, based on its findings, either direct the staff to begin the designation process or deny the petition.

>>(1) If the property that is the subject of a petition had been the subject of a prior designation proceeding and the Board at that time decided not to proceed with designation, no subsequent petition by the owner(s) shall be accepted unless authorized by a vote of two-thirds-plus-one of appointed members of the Board.

(2) For condominium or cooperative properties, the petitioning owner(s) shall provide a statement from the condominium or cooperative association or board as to the association or board's official position on the potential designation, if any.

(3)<< Nothing in this subsection >>(5)(a)<< shall be deemed to restrict the power of the Board to initiate the designation process pursuant to this section.

>>(4) Proceedings to consider a petition shall be quasi-judicial and shall be considered a part of the record of any subsequent designation process for the subject property. The decision of the Board to accept a petition and commence the designation process shall not be deemed a final order, and no appeal may be taken until the conclusion of the designation process set forth in this section. The decision of the Board to deny a petition shall not be appealable.<<

(b) *Directive of the Board.* The Board shall, upon recommendations from staff>>,<< or the acceptance of petitions pursuant to ~~[[part (IV)]]~~, subsection >>5<<(a) >>above<< ~~[[of this section]]~~, >>or by its own authority,<< direct staff to begin the designation process by preparing a designation report, pursuant to part >>(4)<< ~~[[ (H) ]]~~ of this section and any other standards the Board may deem necessary, and submitting this report according to the procedures described herein. >>In addition, staff may, without prior directive from the Board, submit a staff-initiated designation report to

the Board, and such staff-initiated report shall be deemed filed upon being published on a Board agenda.

- (1) If the subject property had been the subject of a prior designation proceeding and the Board at that time decided not to proceed with designation, the Board shall not direct staff to begin the designation process unless authorized by a vote of two-thirds-plus-one of appointed members of the Board.
- (2) Nothing in this subsection (5)(b) shall be deemed to restrict the power of the Board to direct staff to conduct research and provide recommendations to the Board regarding potential designations.
- (3) Proceedings under this subsection (5)(b) shall be quasi-judicial and shall be considered a part of the record of any subsequent designation process for the subject property. The decisions of the Board to direct staff to conduct research or make recommendations, to direct the commencement of the designation process, or to accept a staff-initiated designation report shall not be deemed final orders, and no appeal may be taken until the conclusion of the designation process set forth in this section. The decision of the Board to not undertake the designation process shall not be appealable.<<

(c) >>Commencement of designation process. The filing of a designation report shall commence the designation process. A designation report shall be deemed filed when it is published on a Board agenda.

(d) Request for consent<< [[Notification]] of owner. For each proposed designation of an individual site, district>>, or archaeological or paleontological<< [[or archeological]] zone, the Board >>and staff are<< [[is]] encouraged to obtain the permission of the property owner(s) within the designated area[[;]] >>prior to commencing the designation process, but consent shall not be required for designation<< [[and is responsible for mailing a copy of the designation report to the owner(s) as notification of

~~the intent of the Board to consider designation of the property at least fifteen (15) days prior to a public hearing held pursuant to this section.]]~~

>>(e)<< [[(d)]] *Notification of government agencies.*  
 Upon filing of a designation report, >>staff << [[the Secretary of the Board]] shall immediately notify the appropriate building and zoning department, the appropriate public works department>>, the office of the County Commissioner in whose district the property lies, << and any other County or municipal agency, including agencies with demolition powers, that may be affected by said filing.

>>(f)<< [[(e)]] *Notification >>and conduct<< of a public hearing.* For each individual site, district>>, or archaeological or paleontological << [[~~or archeological~~]] zone proposed for designation, a public hearing must be held no sooner than ~~[[fifteen (15)]]~~ >>15<< days and within ~~[[sixty (60)]]~~ >>60<< days from the date a designation report has been filed with the Board. >>Following the public hearing, the Board shall, by resolution, decide whether to approve, amend, or deny the proposed designation. All proceedings conducted under this subsection shall be quasi-judicial, and owners and other interested parties shall be given an opportunity to be heard regarding the proposed designation.<<

>>(1)<< Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by >>U.S.<< ~~[[certified]]~~ mail to the last known address of the party being served >>at least 15 days prior to the public hearing<<; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least ~~[[ten (10)]]~~ >>10<< days prior to the hearing.

>>(2) All notices shall include an internet address with a link to the designation report and an address where the physical designation report may be inspected and copied.<<

~~[[Owners shall be given an opportunity at the public hearing to object to the proposed designation.]]~~

>>(g)<< ~~[[~~(f)~~]] Requirement of prompt decision and notification.~~ Within ~~[[seven (7)]]~~ >>7<< days of a public hearing >>, << ~~[[on a proposed individual site, district or archeological zone, the Board shall by written resolution state its decision to approve, deny or amend the proposed designation and shall direct the Secretary of the Board to]]~~ >>staff shall prepare a written resolution showing the Board's decision or action and shall << notify the following of its actions with a copy of the resolution:

- (1) The appropriate building and zoning department>>s<<,
- (2) The County Clerk,
- (3) The appropriate municipal >>mayor or manager and<< clerk when >>the property lies within a municipality<< ~~[[necessary]]~~,
- (4) Owner(s) of the affected property and other parties having an interest in the property, if known,
- (5) The appropriate planning department,
- (6) The appropriate public works department, ~~[[and]]~~
- (7) Any other County or municipal agency, including agencies with demolition powers, that may be affected by this action,
- (8) Miami-Dade County Property Appraiser>>, and<< ~~[[.]]~~

>>(9) The County Commissioner in whose district the property is located.<<

>>(h)<< ~~[[~~(g)~~]]~~ ~~Amendment or rescission.~~ ~~[[.]]~~ The Board may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.

>>(i)<< ~~[[~~(h)~~]]~~ Moratorium. Upon the filing of a designation report by the staff, the owner(s) of the real property which is the subject matter of the designation report >>and<< ~~[[or]]~~ any >>other<< individual or private or public entity shall not:

- (1) Erect any structure on the subject property.
- (2) Alter, restore, renovate, move or demolish any structure on the subject property until such time as final administrative action, as

provided by this ~~>>Chapter<< [[chapter]]~~, is completed.

~~>>(3)~~ Perform any ground-disturbing activities, including but not limited to new construction, filling, digging, or tree removal, that may alter or reveal an archaeological or paleontological site.<<

~~>>(j)<< [[(j)]]~~ Recording of designation. The Board shall provide the Clerk of the Circuit Court with all designations for the purpose of recording such designation ~~>>by legal description and folio number,<<~~ and the Clerk of the Circuit Court shall thereupon record the designation according to law.

~~>>(6)~~ Modifications to Designated Properties. Historic designations shall not preclude property owners from requesting alterations, additions, redevelopment, or demolition of the property after designation, by requesting a Certificate of Appropriateness pursuant to the procedures set forth in section 16A-11 of this Chapter; however, interior spaces of a designated building or structure may be altered or modified without approval of the Historic Preservation Board or Chief, unless its interiors are specifically included in the designation.<<

**Sec. 16A-11. Application for Certificate of Appropriateness.**

~~(>>1<<[[1]])~~ ~~[[1]]~~ Certificate required as prerequisite to alteration, etc. [[1]] No building, structure, improvement, landscape feature~~>>,<sub>1</sub><<~~ or ~~>>archaeological or paleontological<< [[archeological]]~~ site within Miami-Dade County which is designated pursuant to ~~>>section<< [[Section]]~~ 16A-10 shall be erected, altered, restored, renovated, excavated, moved~~>>,<sub>1</sub><<~~ or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features~~>>,<sub>2</sub><<~~ or site improvements has been submitted to and approved pursuant to the procedures in this section. Architectural features shall include, but not be limited to, the architectural style, scale, massing, siting, general design, the color of exterior paint surfaces, and general arrangement of the exterior of the building or structure, including the type, style~~>>,<sub>1</sub><<~~ and color of roofs, windows, doors~~>>,<sub>2</sub><<~~ and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to ~~>>section<< [[Section]]~~ 16A-10. Landscape features and site

improvements shall include but are not limited to, site >>re-grading<< ~~[[regarding]]~~, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs>><sub>1</sub><< and exterior lighting. No Certificate of Appropriateness shall be approved unless the architectural plans for said construction, >>rehabilitation,<< alteration, excavation, restoration, renovation, relocation>><sub>1</sub><< or demolition are >>reviewed and<< approved by the >>Staff or<< Board.

(>>2<<[[H]]) ~~[[Board]]~~ >>Historic Preservation Chief<< to develop procedures.}] The >>Historic Preservation Chief<< ~~[[Board]]~~ shall develop procedures for making application for both a regular and special Certificate of Appropriateness.

(>>3<<[[H]]) ~~[[Standards for issuance.]]~~ The Board >>may<< ~~[[shall]]~~ adopt and ~~[[may]]~~ from time to time amend the standards by which applications for any Certificate of Appropriateness are to be measured and evaluated. In adopting these guidelines, it is the intent of the Board to promote >>preservation,<< maintenance, restoration, adaptive >>uses<< ~~[[reuses]]~~ appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites>><sub>1</sub><< and streetscapes. These guidelines shall also serve as criteria for staff to make decisions regarding applications for regular Certificates of Appropriateness.

(>>4<<[[H]]) *Regular Certificates of Appropriateness.* Based on the guidelines for preservation, the designation report, a complete application for regular Certificate of Appropriateness, any additional plans, drawings>><sub>1</sub><< or photographs to fully describe the proposed alteration>><sub>1</sub><< and any other guidelines the Board may deem necessary, the >>Historic Preservation Chief or designee<< ~~[[staff of the Board]]~~ shall, within ~~[[ten (10)]]~~ >>10<< days from the date a complete application has been filed, approve or deny the application for a regular Certificate of Appropriateness by the owner(s) of a designated individual site, or property within a designated district. The >>determination<< ~~[[findings of the staff]]~~ shall be mailed to the applicant within ~~[[three (3)]]~~ >>3<< days ~~[[of staff decision]]~~ accompanied by a statement ~~[[in full regarding the]]~~ >>providing the reasons for the<< ~~[[staffs]]~~ decision. The applicant shall have an opportunity to >>appeal the<< ~~[[challenge the staff]]~~ decision by applying for a special

Certificate of Appropriateness within ~~[[thirty—(30)]]~~  
 >>30<< days of the staff's >>determination<< ~~[[findings]]~~.

(>>5<<[[V]]) *Special Certificates of Appropriateness.*

- (a) An applicant for a special Certificate of Appropriateness shall submit >>an<< ~~[[his]]~~ application to the Board >>on a form prescribed by the Historic Preservation Chief<< ~~[[pursuant to Section 16A-10]]~~ and accompany such application to the Board with full plans and specifications, site plan>><sub>1</sub><< and samples of materials as deemed appropriate by the Board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage>><sub>1</sub><< and exterior lighting. The applicant shall provide adequate information to enable the Board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application >>also<< involves a designated >>archaeological or paleontological<< ~~[[archeological]]~~ site>><sub>1</sub><< the applicant shall >>also request a Certificate to Dig in accordance with the procedures set forth in section 16A-14 of this Chapter, which may be heard and decided concurrently with the Certificate of Appropriateness.<< ~~[[provide full plans and specifications of work that may affect the surface and subsurface of the archeological site.]]~~
- (b) The Board shall hold a >>quasi-judicial<< public hearing upon an application for a special Certificate of Appropriateness ~~[[affecting property under its control]]~~. In such instances, notice and procedure of the public hearing shall be given to the property owner(s) by >>U.S.<< ~~[[certified]]~~ mail and to other interested parties by an advertisement in a newspaper of general circulation at least ~~[[ten—(10)]]~~ >>10<< days prior to the hearing.
- (c) The Board shall >>conduct the public hearing and, by resolution,<< act upon an application within ~~[[sixty—(60)]]~~ >>60<< days of receipt of application materials adequately describing the proposed action. The Board shall approve, deny>><sub>1</sub><< or approve in modified form an application, subject to the acceptance of the modification by the applicant, or

suspend action on the application for a period not to exceed ~~[[thirty (30)]]~~ >>30<< days >>unless more time is agreed to by the property owner(s)<< in order to >>obtain<< ~~[[seek]]~~ technical advice from outside its members or ~~[[to meet further with]]~~ >>to allow<< the applicant to >>to meet further with staff or<< revise or modify the application.

(d) The decision of the Board shall be issued in writing. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the Board or the Board's designated staff representative to the applicant and, whatever its decision, notice in writing shall be given to the applicant and the Director of the ~~[[Planning and Zoning Department]]~~ >>Regulatory and Economic Resources Department or successor.<< When an application is denied, the Board's notice shall provide an adequate written explanation of its decision to disapprove the application. The Board shall keep a record of its actions under this >>Chapter<< ~~[[chapter]]~~.

(e) Unless otherwise provided in the Certificate of Appropriateness, both regular and special Certificates of Appropriateness shall expire after 365 days. >>The Historic Preservation Chief or designee<< ~~[[Staff]]~~ may grant extensions of time of up to an additional 180 days for restoration or rehabilitation work only upon satisfaction that the scope of the work originally approved has not changed and provided a written request is filed and work is commenced before expiration of the Certificate.

(>>6<<~~[[VI]]~~) *Demolition.*

(a) Demolition of a designated building, structure, improvement>>, << or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an approved application by the owner for a special Certificate of Appropriateness.

(b) Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts>>, and archaeological<< ~~[[or—archeological and paleontological zones pursuant to >>section<< [[Section]] 16A-10. The staff of such agencies shall consult with the staff of the Historic Preservation~~

Board before entering a demolition order or placing such properties on an official agenda. Such unsafe structures agencies shall not enter a demolition order unless they first determine in writing that there exists no feasible alternative to demolition.

>>(1)<< The >>Historic Preservation Chief<< ~~[[Historic Preservation Board]]~~ shall be deemed an interested party and shall receive ten days prior written notice of any public hearings conducted by said government agency regarding demolition of any designated property.

>>(2)<< The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.

>>(3)<< At the written request of the >>Historic Preservation Chief<< ~~[[Director of Miami-Dade County's Office of Historic Preservation]]~~, such unsafe structure agencies shall continue any hearing on a property for not less than 30 days to allow consultation with the Miami-Dade County Historic Preservation Board.

>>(4)<< If an unsafe structures agency subjects a designated property to an order providing for demolition, the order shall also, at the written request of the >>Historic Preservation Chief or the<< Historic Preservation Board, establish a grace period of no less than 120 days to obtain a permit to repair the property, followed by no less than 180 days to complete such repairs. After entry of such a repair or demolish order, such unsafe structures agencies shall have the jurisdiction and authority to grant additional extensions of the grace period, provided the agency is satisfied that the repair will be completed in a reasonable time.>>(5)<< Nothing in this section shall prohibit an unsafe structures agency from entering an order requiring a designated property to be secured.

- (c) No permit for voluntary demolition of a designated building, structure, improvement>><sub>1</sub><< or site shall be issued to the owner(s) thereof until an application for a special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this section.
- >>(1)<< Refusal by the Board to grant a special Certificate of Appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided by the criteria contained in part >>(6)<< ~~[(VI)]~~, subsection (d) herein.
- >>(2)<< The Board may grant a special Certificate of Appropriateness which may provide for a delayed effective date. The effective date shall be determined by the Board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition.
- >>(3)<< During the demolition delay period, the Board >>or Historic Preservation Chief<< may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this >>Chapter<< ~~[[chapter]]~~. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving ~~[[one-]]~~ 1 ~~[[ ]]~~ or more structures or other features.
- (d) In addition to all other provisions of this >>Chapter<< ~~[[chapter]]~~, the Board shall consider the following criteria in evaluating applications for a special Certificate of Appropriateness for demolition of designated properties:

- (1) Is the structure of such interest or quality that it would reasonably meet national, State or local criteria for designation as a historic or architectural landmark?
- (2) Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- (3) Is the structure one of the last remaining examples of its kind in the neighborhood, the County or the region?
- (4) Does the structure contribute significantly to the historic character of a designated district?
- (5) Would retention of the structure promote the general welfare of the County by providing an opportunity for study of local history, architecture, or design or by developing an understanding of the importance and value of a particular culture and heritage?
- (6) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

(7) Permits. No building permit shall be issued by the Department of Regulatory and Economic Resources or its successor department which affects any designated property in Miami-Dade County without a Certificate of Appropriateness.

(8) Compliance of work with Certificate standards. All work performed pursuant to the issuance of any Certificate of Appropriateness shall conform to the requirements of the Certificate. The County Mayor or designee shall designate an appropriate official to assist the Board and Historic Preservation Chief by making necessary inspections in connection with enforcement of this Chapter and shall be empowered to issue a stop work order if performance is not in accordance with the issued

Certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports ~~>>and any stop work orders<<~~ shall be furnished to the Board ~~[[and copies of any stop work orders both to the Board]]~~ and the applicant. The ~~[[Planning and Zoning Director]]~~ ~~>>Regulatory and Economic Resources Director or successor<<~~ or ~~>>other<<~~ appropriate official~~>>~~<sub>2</sub>~~<<~~ and staff for the Board shall be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be corrected to comply with the Certificate of Appropriateness prior to withdrawing the stop work order.

~~(>>9<<[[IX]])~~ ~~[[F]]~~ *Emergency, temporary measures.* ~~[[H]]~~ For the purpose of remedying emergency conditions determined to be dangerous to life, health~~>>~~<sub>2</sub>~~<<~~ or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction~~>>~~<sub>2</sub>~~<<~~ or other repairs to a building or site in Miami-Dade County, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or ~~>>other<<~~ ~~[[natural]]~~ calamity shall be permitted to stabilize the building immediately without Board approval, and to rehabilitate it later under the normal review procedures to this ~~>>Chapter<<~~ ~~[[chapter]]~~.

~~(>>10<<[[X]])~~ ~~[[F]]~~ *No action to constitute approval.* ~~[[H]]~~ If no action upon an application is taken within ~~[[sixty (60)]]~~ ~~>>60<<~~ days from the date of application, such application shall be deemed to have been approved and no other evidence of approval shall be needed. This time limit may be waived by mutual written consent of the applicant and the Board.

~~(>>11<< [[XI]])~~ ~~[[F]]~~ *Power of review.* ~~[[H]]~~ The Board shall have the authority to review applications for Certificates of Appropriateness for all ~~>>properties designated by<<~~ ~~[[property in]]~~ Miami-Dade County, however owned, by either private or public parties. The purposes of this ~~>>Chapter<<~~ ~~[[chapter]]~~ shall apply equally to plans, projects~~>>~~<sub>2</sub>~~<<~~ or work executed or assisted by any private party, governmental body or agency, department, authority~~>>~~<sub>2</sub>~~<<~~ or Board of the city, County~~>>~~<sub>2</sub>~~<<~~ or State.

~~[[XII]]~~ ~~*Archeological Sites or Districts.*~~ ~~To protect a designated archeological site, district, or zone the Board may require any of the following: (1) an archeological survey at the applicant's expense conducted by an archeologist approved by the Board containing an assessment of the significance~~

~~of the archeological site and an analysis of the impact of the proposed activity on the archeological site; (2) scientific excavation and evaluation of the site at the applicant's expense by an archeologist approved by the Board; (3) mitigation measures; and (4) protection or preservation of all or part of the archeological site for green space. The Board may require an archeological survey as a precondition to consider further action.]]~~

**Sec. 16A-12. >>Undue<< Economic Hardship.**

>>(1)<< Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant property, strict enforcement of the provisions of >>section 16A-11, pertaining to Certificates of Appropriateness, or section 16A-14, pertaining to Certificates to Dig,<< [[this chapter]] would result in [[serious]] undue economic hardship to the applicant, the Board shall have the power to vary or modify adherence to this >>Chapter<< [[chapter]]; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect Miami-Dade County.

>>(2) For purposes of this section, "undue economic hardship" means that denial of the applicant's request would directly restrict or limit the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public.

(3) Failure to submit a claim of undue economic hardship within the timeframe required by this section shall be construed as a waiver or forfeiture of any such claim as to the subject application and shall preclude a party from claiming economic hardship during any proceedings on that application.<<

(>>4<< [[a]]) In any instance where there is a claim of undue economic hardship, the owner shall submit, by affidavit, to the Board at least [[fifteen (15)]] >>15<< days prior to the public hearing, the following information:

(>>a<<[[4]]) For all >>claims involving applications for demolition:<< [[property:]]

- (i) The amount paid for the property, the date of purchase and the party from whom purchased;
- (ii) The assessed value of the land and improvements thereon according to the ~~[[two-(2)]]~~ >>2<< most recent assessments;
- (iii) ~~[[Real estate taxes for the previous two (2) years]]~~ >>Annual expenses on the property, including real estate taxes and insurance, for the previous 2 years<<;
- (iv) Annual debt service, if any, for the previous ~~[[two-(2)]]~~ >>2<< years;
- (v) All appraisals obtained within the previous ~~[[two-(2)]]~~ >>2<< years by the owner or applicant in connection with his purchase, financing or ownership of the property;
- (vi) Any listing of the property for sale or rent, price asked and offers received, if any; and
- (vii) Any consideration by the owner as to profitable adaptive uses for the property; and
- (viii) All cost estimates or reports relating to the demolition of the property obtained within the previous ~~[[two-(2)]]~~ >>2<< years;
- (ix) All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous ~~[[two-(2)]]~~ >>2<< years;
- (x) All reports relating to the engineering, architectural, or construction feasibility of rehabilitating or restoring the property obtained within the previous ~~[[two-(2)]]~~ >>2<< years; ~~[[and]]~~
- (xi) All reports relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous ~~[[two-(2)]]~~ >>2<< years, including market studies~~[[.]]~~ >>; and<<
- >>(xii) A statement as to whether the property is the applicant's homestead, which may be demonstrated by presenting a current Homestead Tax Exemption issued pursuant to Chapter 196, Florida Statutes.<<

>>(b) For all claims involving applications for rehabilitation, restoration, or repairs:

- (i) At least two cost estimates from a licensed contractor or professional company for the work which is the basis of the claim;
- (ii) At least two cost estimates for the materials or alternatives preferred by applicant;
- (iii) If applicable, a statement from the insurance company as to what costs would be covered;
- (iv) A statement providing annual income and expenses for the preceding year, including insurance and property taxes.<<

(>>c<<[[2]]) For income-producing >>properties, applications shall also include the following information:<< [[property:]]

- (i) Annual gross income from the property for the previous [[two (2)]] >>2<< years;
- (ii) Itemized operating and maintenance expenses for the previous [[two (2)]] >>2<< years; and
- (iii) Annual cash flow, if any, for the previous >>2<< [[two (2)]] years.

(>>5<<[[b]]) The Board may require that an applicant furnish such additional information as the Board believes is relevant to its determination of undue economic hardship. The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the board or preservation officer. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

>>(6) In addition to all other provisions of this Chapter, the Board shall consider the following in evaluating economic hardship claims:

- (a) Whether a reasonable effort has been made to market or sell the property;
- (b) Whether estimates that have been given for rehabilitation or restoration are substantiated by qualified professionals, and whether more than one has been provided;

- (c) Whether the building passed its 40-year recertification or any structural investigations have been performed in the last five years on the property;
- (d) Whether any legally binding contracts are pending on the subject property;
- (e) Whether the cost of renovation, rehabilitation or preservation will be greater than the assessed value of the property;
- (f) Whether records have been provided of any maintenance or repairs performed, or lack thereof, which would indicate that there has been deferred maintenance on the property; and
- (g) Whether, for condominium or cooperative ownership properties, monthly maintenance fees have been collected, and whether any special assessments have been approved in the last five years for particular projects.<<

**Sec. 16A-13. Maintenance of designated properties.**

Nothing in this >>Chapter<< [[chapter]] shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

**Sec. 16A-13.1. Demolition By Neglect Prohibited.**

[[(+)]] *Affirmative Maintenance Required.* The owner of a property designated pursuant to this >>Chapter,<< [[chapter]] either individually or as a contributing part of a district >>,<< shall comply with all applicable codes, laws >>,<< and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of such properties and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the property. All such properties shall be preserved against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

- (a) Facades which may fall and injure the subject property, adjoining property, or members of the public.

- (b) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
- (c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
- (d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- (e) Any fault or defect in the property which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.
- >>(f) Deteriorated architectural or landscape features relevant to the historic integrity of the structure or site, including but not limited to: porches and porch supports, railings, lighting, eave and roof brackets, cornices, columns, stairways, siding, and other decorative or structural elements.<<

[(2) ~~Undue Economic Hardship. A property owner who believes that application of this section creates an undue economic hardship may apply for a variance under section 16A-12.~~

(3) ~~Enforcement.~~

(a) ~~Notice and Administrative Enforcement. When a Miami-Dade County Code Enforcement Officer learns of a violation of section (1), he or she shall give notice in writing of the violation to the owner, with specific written details of the corrective action necessary to remedy the violation. Such notice shall be given personally, by registered or certified mail, return receipt requested, or by posting on the property when the address of the owner cannot be located. The property owner shall have 30 days from the date of such notice to perform the corrective action. Thereafter, the Miami-Dade County Code Enforcement Officer may issue a civil citation pursuant to chapter 8CC of the Code of Miami-Dade County.~~

(b) ~~Action for Injunction and Remedial Relief; Lien on Property. If the Property Owner fails to take corrective action within the 30 day period provided in section 3(a), Miami-Dade County may file an action seeking: an injunction ordering the property owner to take corrective action; an order~~

~~authorizing Miami-Dade County to enter onto the property to make the corrective actions; and civil penalties. The Court shall order an injunction providing such remedies if Miami-Dade County proves that the owner has violated this ordinance and such violation threatens the integrity or existence of an individual site or a contributing structure within a district. Such civil action may be initiated in the name of Miami-Dade County at the discretion of the County Manager upon an affirmative vote of a majority of the Historic Preservation Board. Settlements of such lawsuits may be obtained in the same manner. Nothing herein shall prevent the Board of County Commissioners from initiating or assuming direction of the lawsuit, at its discretion. In the event that the Court authorizes Miami-Dade County to enter onto the property to take the required corrective action, the Court shall also order that the cost of the corrective action shall constitute a lien against the property, accruing interest at the statutory rate for judgments until satisfied.~~

- (e) ~~Civil Penalties. Violation of this section shall be punished by a civil penalty of five hundred dollars. After expiration of the thirty day period provided in section (3)(a), each day that the corrective action is not taken shall constitute a separate violation.]~~

**Sec. 16A-14. Certificates to Dig.**

~~(1) Within an archaeological or paleontological site or zone, new construction, filling, digging, the removal of trees, or any other ground-disturbing activity that may alter or reveal an interred archaeological or paleontological site shall be prohibited without a Certificate to Dig. All permit applications to all appropriate municipal or County agencies involving new construction, large-scale digging, the removal of trees, or any other activity that may reveal or disturb an interred archaeological or paleontological site, in an archaeological or paleontological zone shall require a Certificate to Dig before approval.~~

>>(a)<< Based on the designation report for the >>archaeological<< ~~[[archeological]]~~ or paleontological >>site or<< zone, a complete application for a Certificate to Dig>>,<< and any additional guidelines the Board may deem necessary, the >>Historic Preservation Chief or designee<< ~~[[staff of the Board]]~~ shall, within ~~[[ten (10)]]~~ >>10<< days from the date the completed application has been filed, approve >>or deny<< the application for a Certificate to Dig ~~[[by the owners of a property in a designated archeological or paleontological zone]]~~. The Certificate to Dig may be made subject to specified conditions, including but not limited to conditions regarding site excavation.

>>(b)<< In order to comply with the site excavation requirements of the Certificate to Dig, the applicant may agree to permit the County >>Archaeologist<< ~~[[Archeologist]]~~ to conduct excavation from the time of the approval of the Certificate to Dig until the effective date thereof.

>>(c)<< The >>determination<< ~~[[findings of the staff]]~~ shall be mailed to the applicant >>within 3 days accompanied by a statement in full regarding the reasons for the decision<< ~~[[by registered mail promptly]]~~. The applicant shall have the opportunity to >>appeal the<< ~~[[challenge the staff]]~~ decision or any conditions attached to the Certificate to Dig by >>applying for a special Certificate to Dig within 30 days of the staff's determination.<< ~~[[requesting a meeting of the Board. The Board shall convene within thirty-five (35) days after such a request and shall make every effort to review and reconsider the original staff decision to arrive at an equitable decision. The decision of the Board shall be reduced to writing within seven (7) days from the date of the meeting.]]~~

>>(2) Additional conditions. To protect a designated archaeological or paleontological site, district, or zone, the Historic Preservation Chief may require additional conditions when approving Certificates to Dig, including but not limited to:

(a) an archaeological survey at the applicant's expense, conducted by an archaeologist approved by the Historic Preservation Chief, which includes an

- assessment of the significance of the archaeological site and an analysis of the impact of the proposed activity on the archaeological site;
- (b) scientific excavation and evaluation of the site at the applicant's expense by an archaeologist approved by the Historic Preservation Chief;
- (c) mitigation measures;
- (d) protection or preservation of all or part of the archaeological site for green space;
- (e) a requirement to include a buffer between the site and proposed development activities.<<

(>>3<< [[H]]) *Approved Certificates to Dig.* Approved Certificates to Dig shall contain an effective date not to exceed ~~[[sixty (60)]]~~ >>60<< days >>, << at which time the proposed activity may begin>>. The Certificate to Dig is valid for a period of 180 days after the date of its approval. After the expiration date, the Historic Preservation Chief or designee may approve an additional 60-day period within which to complete work in progress, if the owner/petitioner can show cause why the work was not yet completed. After this time period, an application for a new Certificate to Dig shall be required.<< [[, unless the Board decides to designate the site in question as an individual site or district pursuant to Section 16A-10 in which all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.]]

>>(4) *Special Certificate to Dig.* An applicant for a Special Certificate to Dig shall follow the process for Special Certificates of Appropriateness set forth in section 16A-11(5) of this Chapter.<<

(>>5<<[[H]]) [[F]] *Work to conform to Certificate; stop work order.*[[F]] All work performed pursuant to the issuance of a Certificate to Dig shall conform to the requirements of such Certificate. It shall be the duty of the appropriate government agencies and the staff of the Board to inspect from time to time any work pursuant to such Certificate to assure compliance. In the event work is performed not in accordance with such Certificate, the official designated by the County >>Mayor<< [[Manager]] pursuant to >>section<< [[Section]] 16A-11[[~~(IX)~~][VIII]] shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

**Sec. 16A-15. Appeals.**

- >>(1) Procedure for Appeal to County Commission. Any party aggrieved by a final quasi-judicial decision of the Historic Preservation Board may appeal that decision to the Board of County Commissioners. Appeals to the Board of County Commissioners shall adhere to the following procedure:
- (a) Appeal by Aggrieved Party. Within 30 days of the public hearing at which the Historic Preservation Board takes final action as to an individual site, property district, or archaeological or paleontological zone, an aggrieved party may appeal the decision to the Board of County Commissioners by filing, with the Office of Historic Preservation, a notice of appeal on a form prescribed by the Historic Preservation Chief. The form shall provide for a brief written statement specifying, in concise language, the grounds for appeal and the reasons that the Board of County Commissioners should reverse the decision of the Historic Preservation Board. No attachments or additional written statements, outside of the space provided on the form, shall be accepted. Upon the timely filing of a notice of appeal, the Historic Preservation Chief shall transmit the notice to the Clerk of the Board, along with the record on appeal.
  - (b) Appeal by Historic Preservation Chief. If the decision of the Historic Preservation Board has not been appealed to the County Commission by an aggrieved party within the 30-day period specified in subsection (1)(a) above, the Historic Preservation Chief may, in his or her discretion, appeal such decision within 5 additional days in the manner aforestated.
- (2) Stay Pending Appeal. Upon the filing of an appeal to the County Commission, all Historic Preservation Board orders and conditions of approvals pertaining to the property or district in question shall be stayed until final action has been taken on the appeal by the Board of County Commissioners. Any moratorium on the individual site, property, district, or archaeological or paleontological zone shall remain in effect during the appeal period.
- (3) Fees for Appeal to County Commission. The appealing party shall be required to pay to the Clerk of the Board a fee for processing the appeal and to defray the costs associated with preparing the record on appeal. In addition,

the appealing party shall pay the cost of preparing any transcripts of the proceedings below. The amount of the appeal fee, excluding transcription costs, shall be prescribed by Implementing Order approved by the Board of County Commissioners. There shall be no refunds, even where an appeal is subsequently withdrawn. The fees and costs specified herein shall not apply to an appeal initiated by the Historic Preservation Chief.

- (4) *Record on Appeal.* The record on appeal shall consist of the Historic Preservation Board's resolution as to the property or district in question, the Historic Preservation Chief's recommendation to the Historic Preservation Board, all documents and materials made part of the file and record before the Historic Preservation Board, and all minutes and transcripts, if any, of the proceedings below. The Historic Preservation Chief may also, in his or her discretion, include in the record a recommendation to the Board of County Commissioners regarding whether the appeal should be approved or denied. Except as provided herein, documents or materials not made part of the file and record before the Historic Preservation Board shall not be distributed to the County Commissioners prior to the public hearing on the appeal; such materials may be presented to the Board of County Commissioners at the time of the public hearing.
- (5) *Scheduling the Appeal for Public Hearing.* Within 60 days of the date on which the notice of appeal and record are transmitted to the Clerk of the Board, the appeal shall be placed on an agenda of the County Commission. The Clerk of the Board shall be responsible for placing the appeal on an agenda of the County Commission and for all matters related to scheduling of the public hearing.
- (6) *Notice to Affected Parties.* At least 20 days prior to the date of the public hearing, the Office of Historic Preservation shall provide written notification by U.S. mail to all affected parties of the date of the public hearing on the appeal. Where the property or district in question lies within a municipality, the Office of Historic Preservation shall additionally provide written notice of the appeal to the municipality's mayor or manager and to its attorney. At least 10 days prior to the date of the public hearing, the Clerk of the Board shall provide notice by advertisement, in a newspaper of general circulation, of the date of the public hearing before the County Commission.

- (7) Decision by the Board of County Commissioners. The Board of County Commissioners shall conduct a quasi-judicial public hearing on the appeal, and the County Commission's review shall be *de novo*. At the conclusion of the public hearing, the Board of County Commissioners shall approve or deny the appeal and may affirm, modify, or reverse the decision of the Historic Preservation Board below. The decision of the County Commission shall be by majority vote of members present and shall be set forth in a written resolution, a copy of which shall be forwarded to the Historic Preservation Board, the property owner, and, if applicable, the appellant.
- (8) Exhaustion of remedies. No person aggrieved by any decision or determination of an administrative official or by any decision of the Historic Preservation Board may apply to any court for relief unless such person has first exhausted the remedies provided for in this Chapter and taken all available steps provided in subsections (1) through (8) above. Furthermore, no application shall be made to any court for relief except from a resolution adopted by the Board of County Commissioners.
- (9) Judicial Review. Once the Board of County Commissioners has rendered a decision on the appeal, an aggrieved party may appeal that decision to a state court of competent jurisdiction, in accordance with the Florida Rules of Appellate Procedure governing the review of quasi-judicial rulings of a local government commission or board. Such time for appeal shall commence to run from the date the resolution sought to be reviewed is rendered by the Clerk of the Board. The appealing party shall be required to pay to the Clerk of the Board a fee to defray the costs associated with processing the appeal, the amount of which shall be prescribed by Implementing Order, as may be amended from time to time, as approved by the Board of County Commissioners. Such fee shall be in addition to any costs or fees that the appealing party may be required to pay to the Clerk of the Court, pursuant to applicable court rules and procedures. Any moratorium on the property or district shall remain in effect during the pendency of all appeals in court.<<

~~[[Within twenty (20) days of the written decision of the Board, an aggrieved party may appeal the decision by filing a written notice of appeal with the Clerk of the Board of County Commissioners. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal or the first regular County Commission meeting which is scheduled, whichever is later in time, the County Commission shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Board. Nothing contained herein shall preclude the County Commission from seeking additional information prior to rendering a final decision. The decision of the County Commission shall be in writing and a copy of the decision shall be forwarded to the Board and the appealing party.~~

~~Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the County Commission may appeal an adverse decision to the Circuit Court in and for Miami Dade County, Florida. The party taking the appeal shall be required to pay to the Clerk of the Board the sum of one hundred dollars (\$100.00) to defray the costs of preparing the record on appeal.]]~~

**Sec. 16A-16. Penalties >>and Enforcement<<.**

>>(1)<< Failure by an owner of record or any individual or private or public entity to comply with any provisions of this >>Chapter<< ~~[[chapter]]~~ shall constitute a violation hereof and shall be punishable by civil or criminal penalties including a fine >>of not more than \$500.00<< ~~[[not more than five hundred dollars (\$500.00)]]~~ per day for each day the violation continues and including a requirement that any work performed contrary to this >>Chapter<< ~~[[chapter]]~~ must be removed and the property returned to its condition prior to commencement of said action. >>Each day that a corrective action is not taken shall constitute a separate violation.<<

>>(2) Notice and Administrative Enforcement. When a Miami-Dade County Code Enforcement Officer, the Historic Preservation Chief, or equivalent official learns of a violation of this Chapter, he or she may institute enforcement proceedings in accordance with Chapter 8CC of this Code. The Historic Preservation Chief has authority to settle any civil violation notices issued to enforce this Chapter. In making such a decision, the Historic

- Preservation Chief shall consider the likelihood of prevailing and whether compliance was obtained.
- (3) *Action for Injunction and Remedial Relief; Lien on Property.* If the Property Owner fails to take corrective action within the time prescribed pursuant to Chapter 8CC of this Code, the County may file an action seeking: an injunction ordering the property owner to take corrective action; an order authorizing the County to enter onto the property to make the corrective actions; and civil penalties. Such civil action may be initiated in the name of the County at the discretion of the Historic Preservation Chief upon an affirmative vote of a majority of the Historic Preservation Board. Nothing herein shall prevent the Board of County Commissioners from initiating or assuming direction of the lawsuit, at its discretion. In the event that the Court authorizes the County to enter onto the property to take the required corrective action, the Historic Preservation Chief may also seek an order providing that the cost of the corrective action shall constitute a lien against the property, accruing interest at the statutory rate for judgments until satisfied.
- (4) *Consent Agreements.* The Historic Preservation Chief, may, in the Chief's discretion, terminate an investigation or an action commenced under the provisions of this Chapter upon execution of a written consent agreement between the Historic Preservation Chief, and the persons who are the subjects of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this Chapter by said persons. The consent agreement may in addition provide for the following: Mitigation of injuries accruing on account of the violation investigated or sued upon; compensatory damages; punitive damages; civil penalties; costs and expenses of enforcement; attorneys' fees; and remedial or corrective action. Except as expressly and specifically provided in the executed written consent agreement, an executed written consent agreement shall neither be evidence of a prior violation of this chapter nor shall such agreement be deemed to impose any limitation or action by the Historic Preservation Chief or the County in enforcing any of the provisions of this Chapter, nor shall the agreement constitute a waiver of or limitation upon the enforcement of any federal, State, or local law or ordinance. Each violation of any of the terms of an executed written consent agreement shall constitute a

separate violation under this chapter by the persons who executed the agreement and by their respective officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, and by any persons in active concert or participation with any of the foregoing persons and who have received actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter.<<

**Sec. 16A-17. Incentives.**

>>In addition to the tax incentives provided for in section 16A-18 below, it is the policy of Miami-Dade County to assist owners of historic properties in identifying various incentives that may benefit historically designated properties throughout the County. Such incentives may include, for example, matching or non-matching grants from governmental and non-profit entities, waivers and exemptions to applicable regulations where allowed by law, historic preservation easements, and historic plaque and marker programs.<< All properties designated as individual sites>>, archaeological or paleontological zones,<< or [[as]] designated properties within a district shall be eligible, upon application by the owner(s), for any available financial assistance set aside for historic preservation by [[Metropolitan Miami Dade]] >>the<< County>>,<< contingent on the availability of funds and the scope of the project as described in the application.

~~[[It is the policy of Miami-Dade County to assist the owners of historic properties through the development of a Conservation Easement Program to obtain applicable state and federal tax benefits, pursuant to sections 193.505 & 704.06, Florida Statutes and any other governing law, provided that the Board of County Commissioners shall approve the acceptance, terms, and conditions of any conservation easement before it is accepted by the County. The Historic Preservation Board may promulgate the rules for such Historic Conservation Easements and model covenants that shall be used by the County upon approval by the Board of County Commissioners. The Historic Preservation Board is authorized to apply for grants and other sources of funding for the creation of historic grant and loan programs. Any~~

~~funds received shall be placed in a Historic Preservation Trust Fund and used only for the purposes for which they were received. The Historic Preservation Board is authorized to promulgate rules and model agreements for such a program which shall be used by the County upon approval by the Board of County Commissioners.]]~~

**Sec. 16A-18. Tax exemptions for renovations for historic properties.**

(~~>>1<<[[a]]~~) *Scope of tax exemptions.* A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties ~~>>as provided for in section 196.1997, Florida Statutes, as may be amended from time to time. In addition, a method is hereby created for the Board of County Commissioners, at its discretion, to allow an additional tax exemption for the restoration, renovation, or rehabilitation of historic properties, as provided for in section 196.1998, Florida Statutes, as may be amended from time to time<<. [[The]]~~ ~~>>For an exemption under section 196.1997, the<< exemption shall apply to >>100 percent of<< [[one hundred (100) percent of]] the assessed value of >>the<< [[all]] improvements >>made<< to historic properties which result from restoration, renovation, or rehabilitation [[made on or after the effective date of this ordinance]].~~ ~~>>For an exemption under section 196.1998, the exemption shall apply to 25 percent of the assessed value of the property, as improved.<< The exemption applies only to >>countywide operating<< taxes levied by [[Metropolitan Miami-Dade]] >>the<< County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to >>section<< [[Section]] 9(b) or >>section<< [[Section]] 12, Article VII of the Florida Constitution. The exemption does not apply to personal property. The exemption under this ordinance does not apply to properties within a community redevelopment area previously or hereafter established pursuant to Part III of Chapter 163, Florida Statutes, by either the Board of County Commissioners of Miami-Dade County or the governing body of any city or other municipality within Miami-Dade County.~~

(>>2<<[[b]]) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for ~~[[ten-(10)]]~~ >>10<< years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption. The duration of the exemption as established in the resolution granting the exemption shall continue regardless of any change in the authority of the County to grant such exemptions or any change in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained in their historic state over the period for which the exemption was granted.

(>>3<<[[e]]) *Eligible properties and improvements.*

(>>a<<[[+]]) Property is qualified for an exemption >>pursuant to section 196.1997, Florida Statutes,<< ~~[[under this section]]~~ if >>it meets the following statutory criteria, as may be amended from time to time<<:

(>>i<<[[A]]) At the time the exemption is granted the property:

- (1) Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
- (2) Is a contributing property to a national-register-listed district; or
- (3) Is designated as a historic property, or as a contributing property to a historic district, under the terms of a local preservation ordinance; and

(>>ij<<[[B]]) The ~~[[Metropolitan]]~~ Miami-Dade County Historic Preservation Board has certified to the Board of County Commissioners that the property for which an exemption is requested satisfies paragraph (>>i<<[[A]]).

(>>b<<[[2]]) In order for an improvement to a historic property to qualify the property for an exemption >>pursuant to section 196.1997, Florida Statutes<<, the improvement must:

(>>i<<[[A]]) Be consistent with the United States Secretary of Interior's Standards for >>the Treatment of Historic Properties, as may be amended from time to time<< [[Rehabilitation]]; and

(>>ii<<[[B]]) Be determined by the [[Metropolitan]] Miami-Dade County Historic Preservation Board to meet criteria established in rules adopted by the Department of State.

>>(c) Property is qualified for an exemption pursuant to Section 196.1998, Florida Statutes, if it meets the following statutory criteria, as may be amended from time to time:

- (i) The property qualifies for an exemption under section 196.1997, Florida Statutes;
- (ii) The property is used for nonprofit or governmental purposes;
- (iii) The property is regularly and frequently open for the public's visitation, use, and benefit; and
- (iv) The property meets all criteria pertaining to this exemption set forth in rules adopted by the Department of State, as may be amended from time to time.

(d) In order for an improvement to a historic property to qualify the property for an exemption pursuant to section 196.1998, Florida Statutes, the improvement must:

- (i) Have an assessed value that is equal to at least 50 percent of the total assessed value of the property as improved;
- (ii) Be made by, or for the use of, the existing owner; and
- (iii) Be made on or after the day the adoption of Ordinance No. [Insert Number] authorizing this exemption.

(>>4<<[[d]]) *Applications.* Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, prior to construction, file with the Office of Historic Preservation a written application on an approved form. The application must include the following information:

- (>>a<<[[1]]) The name of the property owner and the location of the historic property;
  - (>>b<<[[2]]) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;
  - (>>c<<[[3]]) Proof, to the satisfaction of the Miami-Dade County Historic Preservation Board, that the property this is to be rehabilitated or renovated is a historic property under this section;
  - (>>d<<[[4]]) Proof, to the satisfaction of the Miami-Dade County Historic Preservation Board, that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for >>the Treatment of Historic Properties, as may be amended from time to time,<< [[Rehabilitation]] and will be made in accordance with guidelines developed by the Department of State;
  - (>>e<<[[5]]) Other information identified in appropriate Department of State regulations, or requested by the Miami-Dade County Historic Preservation Board; and
  - (>>f<<[[6]]) If the property is within the jurisdiction of the Miami-Dade County Historic Preservation Board, a completed application for a Certificate of Appropriateness for the qualifying restoration, renovation, or rehabilitation.
- (>>5<<[[e]]) *Required covenant.* To qualify for an exemption, the property owner must enter into a covenant or agreement with the Board of County Commissioners for the term for which the exemption is granted. The form of the covenant or agreement must be established by the Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the

difference calculated as provided in >>section<< ~~[[Section]]~~ 212.12(3), Florida Statutes. >>The Office of Historic Preservation shall provide the covenant to the Clerk of the Courts for the purpose of recording, and a copy of the recorded covenant shall be given to the property owner.<<

(>>6<<~~[[f]]~~) *Review By Historic Preservation Board.* The ~~[[Metropolitan]]~~ Miami-Dade County Historic Preservation Board, or its successor, is designated to review applications for exemptions. The Miami-Dade County Historic Preservation Board must recommend that the Board of County Commissioners grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Department of State. The recommendation, and the reasons therefor, must be provided to the applicant and to the Board of County Commissioners before consideration of the application at an official meeting of the Board of County Commissioners.

(>>7<<~~[[g]]~~) *Approval By Board of County Commissioners.* A majority vote of the Board of County Commissioners shall be required to approve a written application for exemption. Such exemption shall take effect as provided in the resolution. The Board of County Commissioners shall include the following in the resolution approving the written application for exemption:

(>>a<<~~[[1]]~~) The name of the owner and the address of the historic property for which the exemption is granted.

(>>b<<~~[[2]]~~) The period of time for which the exemption will remain in effect and the expiration date of the exemption.

(>>c<<~~[[3]]~~) A finding that the historic property meets the requirements of this section.

**Sec. 16A-19. Classification and assessment of historic property used for commercial or certain nonprofit purposes.**

Miami-Dade County hereby elects to adopt the classification and assessment method provide>>d<< in >>section<< [[Section]] 193.503>>\_<< [[of]] Florida Statutes (1997). Accordingly, subject to the definitions, conditions, and procedures established by that >>section<< [[Section]], [[H]]>>h<<istoric [[P]]>>p<<roperty qualifying under that >>section<< [[Section]] shall be assessed based upon actual use. Any such classification shall terminate upon repeal of >>section<< [[Section]] 193.503 Florida Statutes or the repeal or sunset of this provision.

~~[[Sec. 16A-20. Settlement Authority.~~

~~The Director of the Office of Historic Preservation has authority to settle any 8CC tickets issued to enforce this chapter. In making such a decision the Director shall consider the likelihood of prevailing and whether compliance was obtained.]]~~

**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley  
Dennis A. Kerbel

A handwritten signature in black ink, appearing to read 'GAL' at the top, followed by a large, stylized signature that likely corresponds to James Eddie Kirtley.

Co-Prime Sponsors: Chairman Jean Monestime  
Commissioner Sally A. Heyman