

# MEMORANDUM

UMSA  
Supplement to  
1G2 Substitute

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

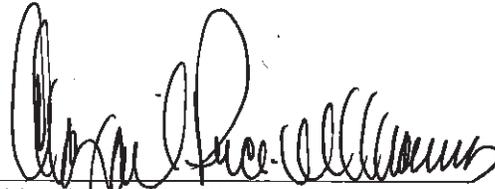
**DATE:** October 11, 2016

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

**SUBJECT:** Revised fiscal impact statement  
and social equity statement

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The fiscal impact statement and social equity statement have been revised to reflect the changes in the substitute pertaining to the historic preservation tax exemptions being authorized.



Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:**

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to be "Carlos A. Gimenez", written over the printed name.

**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

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.

A handwritten signature in black ink, appearing to be "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor

# Memorandum



**Date:**

**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.



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Jack Osterholt  
Deputy Mayor