

Mayor's Advisory Group:
Historic Preservation Ordinance

Municipalities that have opted out from the County ordinance currently have to abide by the following minimum standards.

CURRENT LANGUAGE

(4) Minimum Standards for Municipal Ordinances.

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

- (1) that establish a historic preservation board which shall be empowered to designate individual sites or districts and to issue certificates of appropriateness; 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.
- (2) that provide procedures for the municipality, its staff, the Director of the Miami-Dade County Office of Historic Preservation, and private parties to recommend the initiation of designations of historic districts and individual historic sites, whether residential, commercial, industrial or other, pursuant to due notice to affected parties, legally-enforceable standards, quasi-judicial hearings, and appeals to court;
- (3) that protect designated sites or districts by 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 has been issued;
- (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;
- (5) that provide economic incentives for preservation;
- (6) that regulate and prevent the demolition of historic buildings by neglect, and
- (7) that establish the Secretary of Interior's Standards for Rehabilitation as standards governing preservation, although a municipality may establish additional standards.

(b) It is a violation of the minimum standards of this Chapter for a municipal historic preservation ordinance:

- (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;
- (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 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 this ordinance shall have 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) 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 6 times in every calendar year;
- (c) provide sufficient professional staff to its historic preservation board to allow the board to conduct 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;
- (d) conduct a separate public hearing to consider for designation each property within its jurisdiction listed on the National Register of Historic Places; and
- (e) produce at least one designation report per calendar year until all properties in its jurisdiction listed as historically significant on the City or the County's last survey have been considered.

STAFF-PROPOSED CHANGES

- Providing for a cyclical, ongoing, opt-out period
- Provides language similar to County's for composition of local Historic Preservation Boards
- Requires that demolition criteria be a part of the ordinance, as it is in the County's
- Requires procedures in the ordinance for local HP Boards to review and make recommendations identified as "unsafe structures" prior to demolition
- Turns the previously "encouraged" guidelines into "minimum operational standards," and adds:
 - Requirement to have completed a historic survey within 2 years of establishing their own ordinance
 - Requirement to update surveys from time to time, either independently or in conjunction with the County
 - Requires the historic preservation board to meet no less than 4 times a year