

**Mayor's Advisory Group:
Historic Preservation Ordinance**

Miami-Dade County Boards and their Intent/Purpose

Chapter 16A: Historic Preservation

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, archeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of Miami-Dade County. Therefore, this chapter is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features, paleontological and 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, archeological, paleontological and architectural heritage, as embodied and reflected in such individual sites, districts and 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 County.

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

There is hereby created 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, archeological, paleontological and architectural resources in Miami-Dade County, Florida, as prescribed by this chapter under the direct jurisdiction and legislative control of the Board of County Commissioners.

Sec. 16A-9. - Same—Powers and duties.

The Historic Preservation Board shall have the following enumerated powers and duties:

- (1) Adopt or amend rules of procedure.
- (2) Designate individual sites, districts and 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 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 and fulfill the tasks set forth for this Board by the County Commissioners in this 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.

Chapter 24: Environmental Protection (Environmental Quality Control Board)

Sec. 24-2. - Declaration of legislative intent.

The Board finds and determines that the reasonable control and regulation of activities which are causing or may cause pollution or contamination of air, water, soil and property is required for the protection and preservation of the public health, safety and welfare.

It is the intent and purpose of this chapter to provide and maintain for the citizens and visitors of Miami-Dade County standards, which will insure the purity of all waters consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish and other aquatic life, and atmospheric purity and freedom of the air from contaminants of synergistic agents injurious to human, plant or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

The Board finds it necessary to establish, within the unincorporated and incorporated areas of Miami-Dade County, Countywide water control, coastal engineering, and coastal wetlands management programs for the purpose of maintaining adequate water levels, flood control, drainage, water conservation, and prevention of saltwater intrusion; for preserving beaches and shorelines; for managing coastal wetland resources; for acquisition of lands by gift, donation, purchase, condemnation or otherwise, as necessary for such programs; and providing for cooperation with federal, State and local agencies and authorities.

The Board further finds it necessary to maintain within Miami-Dade County a freshwater wetlands management program for the purposes of providing adequate water levels, flood control, water conservation, protection of water quality and recharge to the Biscayne Aquifer, and prevention of saltwater intrusion; for the maintenance of the biological integrity of freshwater wetlands in Miami-Dade County; for the protection of the interrelated natural functions between Miami-Dade County's wetlands and the natural systems in Everglades National Park; for managing freshwater wetland resources in accordance with environmental standards and management criteria as recommended by the Miami-Dade County Comprehensive Development Master Plan and [Chapter 33B](#) of the Code of Miami-Dade County, Florida, as amended from time to time; and providing for cooperation with federal, State, and local agencies and authorities.

The Board finds it necessary to establish for Miami-Dade County a Tree and Forest Resources Program for the purpose of protecting, preserving and replacing tree canopy, preserving natural forest communities including associated understory, providing protection for specimen-size trees and environmentally-sensitive tree resources, conserving rare, endangered, threatened and endemic species, protecting historically-significant tree resources, promoting the preservation of subtropical vegetation and unique or unusual species, providing for wildlife habitat, maintaining the natural character of neighborhoods, preserving the natural diversity of species, promoting environmentally-sound aesthetics, and providing for improved environmental quality by recognizing the numerous beneficial effects of trees (including improvements to air quality, maintenance of land areas essential to surface water management and aquifer recharge, reduction of heat and noise pollution, water and

energy conservation and provision of shade and physical and psychological benefits to the people of Miami-Dade County by enhancing urban development). This program shall be a minimum standard and shall apply to both the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by the Department of Environmental Resources Management, and in the incorporated areas shall be enforced by the municipalities, unless the County is notified by a municipality, in the form of a letter from an official of the municipality or by resolution, that the municipality desires the County to enforce the Miami-Dade County Tree and Forest Program within the municipality. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of Ordinance Number 89-8.

The provisions of this chapter are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, the Florida State Department of Environmental Protection, but shall be construed as implementing and assisting the enforcement thereof. It is not the intent of this Board to hereby preempt the authority of any municipality in the exercise of its authority to issue coastal construction permits or to restrict it from adopting more stringent standards, the purpose of this chapter being to establish minimum standards for the issuance of coastal construction permits within all of Miami-Dade County.

Sec. 24-2. – Environmental Quality Control Board

Duties and powers of the Environmental Quality Control Board. The Environmental Quality Control Board shall have the following duties, functions, powers and responsibilities:

(a) To hear appeals by any person aggrieved by any action or decision of the Director as provided in [Section 24-11](#).

(b) To hear and pass upon all applications for variances and extensions of time in the manner provided by Sections [24-13](#) and [24-14](#), except for compliance with Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter.

(c) To hear and pass upon all applications for extension of time for compliance with the provisions of this chapter. All such applications shall be filed in accordance with the provisions of this chapter and shall be heard and considered by the Environmental Quality Control Board at a public hearing pursuant to notice. In considering such applications, the Board shall take into account such factors as practicability, availability of equipment, and relative benefits to the community. The Board shall not have the power and authority to grant any application for extension of time to comply with the prohibitions against open burning ([Section 24-41.4](#)); or the prohibitions against reduction of animal matter ([Section 24-41.8](#)), or the prohibitions against a nuisance ([Section 24-27](#)), or the prohibitions against the discharge of cyanides or other toxic chemicals into the waters in excess of the standards set forth in [Section 24-42\(3\)](#). Applications for extension of time for compliance shall be considered on the basis of public interest and not merely on economic benefit to the applicant; applications shall be granted only when it is established that the requested extension of time for compliance will not be detrimental to the public health, welfare and safety, and will not create or permit the continuation of a nuisance, or that no technically feasible, economically reasonable means of compliance are readily available to

the applicant. The Board shall not have the power and authority to grant extensions of time for compliance with the Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter. Any person aggrieved by any decision of the Environmental Quality Control Board shall be entitled to judicial review in accordance with the Florida Rules of Appellate Procedure.

(d) To hear and pass upon all applications pursuant to [Section 24-15](#) for approval of interim package sewage treatment plants. In considering such applications the Board shall take into account such factors as the public interest, compliance with the technical requirements of this chapter, factors of practicability and availability of equipment, alternative methods of sewage disposal and the likelihood of creating a present or future nuisance. If the Board approves such application it shall direct the Director to issue the Director's approval subject to any reasonable conditions that the Board finds to be in the public interest. Provided, however, that no action on the application shall be taken by the Board until a public hearing has been held upon at least ten (10) days notice of the time and place of such hearing published in a newspaper of general circulation in Miami-Dade County.

(e) To provide additional notice to the public, property that may be affected by the application shall be posted in a manner as shall provide notice of the purpose, time and place of such hearing. Failure to post such property shall not affect any action taken by the Board. Provided, however, that the Board may, upon application of any city or any governmental water and sewer authority existing on the effective date of this subsection and chartered pursuant to State law, waive the requirement for a public hearing on interim package sewage treatment plant applications where such proposed plant is to be located within a city that requires by law a public hearing before granting approval of such a plant where such applications are considered under standards equal to or stricter than those provided by [Chapter 24](#) of the Code of Miami-Dade County, as amended from time to time.

(f) To hear and pass upon applications by private and/or public water or sewer utilities for a statement of approved water quality or approved sewage service filed pursuant to the requirements of [Section 24-15](#) of the Code.

(g) To issue subpoena to compel the presence of a witness or documents at any hearing authorized above, such subpoenas to be issued by the Chairman of the Board and enforced pursuant to the provisions of [Section 24-9](#) of this chapter.

(h) To review decisions of the Miami-Dade County Fire Department or other Fire Department having jurisdiction, pursuant to [Section 2-103.23](#) of the Code.

(i) The powers enumerated in this section shall be an addition to and not a limitation of any other power specifically granted to the Environmental Quality Control Board by any other provision of this chapter.

Chapter 2, Article LXVIII – Agricultural Practices Advisory Board

Sec. 2-931. - Creation; purpose; duties.

There is hereby created and established an advisory board to be known as the Agricultural Practices Advisory Board. Its purpose shall be to review proposed or existing regulations or legislation pertaining to agricultural practices in Miami-Dade County, and to provide recommendations to the Board of County Commissioners with regard to such regulations and legislation.

The duties of the Board shall be to:

- (a) Evaluate on an ongoing basis all pertinent existing or proposed federal, state, regional and local regulations, statutes, ordinances and policies concerning or impacting the agricultural industry in Miami-Dade County;
- (b) Provide recommendations for eliminating or reducing duplication of effort when two (2) or more governmental entities administer similar regulatory programs;
- (c) Provide recommendations for eliminating or modifying language in the Code of Miami-Dade County and/or regulatory activities that have mutually exclusive or contradictory criteria or goals;
- (d) Provide recommendations for eliminating or modifying language in the Code of Miami-Dade County and/or regulatory activities that create undue burden or hardship on the agricultural industry;
- (e) Provide recommendations for modifying or implementing provisions from any future or previously conducted study or plan that has the ability to impact the agricultural industry; and
- (f) Prepare draft language to the Board of County Commissioners amending relevant sections of the Code of Miami-Dade County.

Chapter 8 – Building Code
Sec. 8-5: Unsafe Structures

(a) *General.*

(1) The Unsafe Structures Board and Unsafe Structures Appeal Panels are created to exercise in Miami-Dade County and within those municipalities as provided for hereafter the powers and duties granted by this Section. The Board shall have jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions. The Appeal Panels shall have jurisdiction in the unincorporated areas of Miami-Dade County and within the municipalities as provided for hereafter with respect to their powers, duties and functions.

The Board shall be entrusted with hearing appeals of decisions of Building Officials declaring any structures located on properties within the municipalities and those structures located on properties in the unincorporated area of the County which are not within the jurisdiction of the Unsafe Structures Appeal Panels as described below to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section.

Unsafe Structures Appeal Panels shall hear appeals of decisions of the Miami-Dade County Building Official declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels may hear appeals of decisions of Building Officials of the municipalities in this County declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section, when the municipality elects to have such appeals heard by the Appeal Panels rather than the Board.

Notwithstanding the provisions of this Section, a municipality may establish by ordinance its own administrative process to address unsafe structures within municipal boundaries, including a process for appeal of decisions of the Building Official that structures are unsafe. Following adoption of such ordinance, the municipality shall be solely responsible for the conduct of its own process and appeals, and for the enforcement of the laws governing unsafe structures within its jurisdiction. A municipality adopting such ordinance shall also be authorized to establish its own standards for declaring a structure to be unsafe, and for the repair or demolition of an unsafe structure, all consistent with the provisions of the Florida Building Code.

If such structure has been designated historic and is under the County's historic preservation jurisdiction, demolition procedures shall still abide by the process as set out in the Miami-Dade County's historic preservation ordinance as found in Chapter 15A.

(2) Buildings or structures that are, or hereafter shall become, unsafe, unsanitary or deficient, facilities with inadequate means of egress, or which constitute a fire or windstorm hazard, or are otherwise dangerous to human life or public welfare by reason of illegal or improper use,

occupancy or maintenance, or which have been substantially damaged by the elements, acts of God, fire, explosion or otherwise, shall be deemed unsafe structures and a permit shall be obtained to demolish the structure or where specifically allowed by this section, to bring the building into compliance with the applicable codes as provided herein.

(3) Incomplete buildings commenced without a permit or for which the permit has expired, or completed buildings commenced without a permit or for which the permit has expired, prior to completion and no Certificate of Occupancy has been issued, shall be presumed and deemed unsafe and a permit shall be obtained to demolish the structure or bring the building into compliance with the applicable codes as provided herein.

(4) Buildings which meet the physical criteria of unsafe structures set forth in this section, and are ordered to be repaired by the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures Board, in the manner more particularly set forth below, which are not completed or repaired and brought into full compliance with the Building Code within the reasonable time allowed by the Building Official or the Unsafe Structures Board, will be demolished.

(5) Swimming pools that contain stagnant water are deemed unsanitary and dangerous to human life and public welfare. If the stagnant water is not removed and all repairs made and brought into full compliance with the Building Code within the reasonable time allowed by the Building Official, then these swimming pools will be demolished.

(6) Buildings or structures subject to the recertification requirements in [Section 8-11\(f\)](#) of this Code which the owner fails to timely respond to the Notice of Required Inspection or fails to make all required repairs or modifications found to be necessary resulting from the recertification inspection by the deadline specified in the Code or any written extension granted by the Building Official will be demolished.

Chapter 2, Article XCIX – Social and Economic Development Council

Mission Statement: To improve the quality of life of all residents of Miami-Dade County by providing the County Commission and Mayor with timely, objective, transparent and thoughtful advice on significant social and economic issues. The Council aims to pursue a balanced perspective among economic development, social justice, and environmental sustainability, both in the short and long term.

Sec. 2-1444. - Duties and Functions.

The Council shall be charged with the following duties, functions and responsibilities and will report biannually to the Economic Development and Housing Committee:

- a. To suggest and recommend to the Mayor and Commissioners of Miami-Dade County the appropriate short-run policies and measures to reactivate the economy of the County, with special attention to the needs of low income segments of the population;
- b. To actively participate in and coordinate the efforts for the conceptualization, formulation and implementation of a long-run strategy for the acceleration of the social and economic development of Miami-Dade County. The resulting socioeconomic plan should aim at the rapid increase in the per-capita income of the general population as well as at the diversification of the local economy and the substantial reduction in the prevailing rates of poverty in the County;
- c. To provide a forum and medium for governmental officers and community leaders to study and address the socioeconomic consequences of the terrorist attacks of September 11, 2001;
- d. To make findings and recommendations on a quarterly basis to the Mayor of Miami-Dade County and the Board of County Commissioners regarding the necessary measures to ensure full recovery and future socioeconomic development.

Chapter 2, Article XV— Department of Planning, Development and Regulation

Sec. 2-108.1. - Same—Responsibilities as local planning agency.

Pursuant to the provisions of Chapter 163, Part II, Florida Statutes, the Planning Advisory Board shall serve as the local planning agency (LPA) fulfilling the following specific responsibilities:

- (a) Hold at least one (1) public hearing with due public notice on the proposed comprehensive plan, plan element or portion thereof or proposed amendment thereto, and on proposed plan evaluation and appraisal reports prepared by the Department of Planning and Zoning;
- (b) Review the proposed comprehensive plan, plan element or portion thereof or proposed amendments thereto, and the Department of Planning and Zoning's recommendations, reports on proposed amendments, and proposed plan evaluation and appraisal reports prepared by the Department of Planning and Zoning pursuant to [Section 2-116](#), and make final recommendations to the Board of County Commissioners prior to Commission action on transmittal to the State land planning agency or final action on such proposals or reports;
- (c) Complete the preparation of evaluation and appraisal reports for submission to the Board of County Commissioners and the State land planning agency pursuant to Section 163.3191(4), Florida Statutes; and
- (d) Conduct all meetings as public meetings with records properly maintained and available to the public.

**** Planning Advisory Board was created as a function of the Miami-Dade County Charter***

Sec. 33-306. - Community Zoning Appeals Boards—Establishment.

- (a) There are hereby established multiple Community Zoning Appeals Boards whose boundaries shall coincide with the boundaries of Community Councils established pursuant to the Code of Miami-Dade County. The Community Councils shall serve as Community Zoning Appeals Boards and shall have jurisdiction over zoning applications as provided in this chapter. Each member shall be a qualified elector of Miami-Dade County, with an outstanding reputation for civic interest, community welfare, integrity and responsibility; provided, no member shall be employed by Miami-Dade County, or be a member of the County Commission. The seven (7) members of each Community Zoning Appeals Board shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission.
- (b) These boards are created and established pursuant to Section 4.08 of the Home Rule Charter, and for the purpose of facilitating the zoning powers granted by the Home Rule Charter to the Board of County Commissioners, and to provide a board to hear, consider and review appeals from the zoning regulations or decisions of an administrative official, and to take appropriate action as in this article provided and limited.

Chapter 2, Article XCVII – Citizens' Independent Transportation Trust

Powers and duties. The Trust shall have the following duties, functions, powers, responsibilities and jurisdiction with regard to use and expenditure of proceeds of any Charter County Transit System Surtax that is levied by the County under authority of Section 212.055(1), Florida Statutes:

- (1) To monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects listed in any levy of the surtax, and all other projects funded in whole or in part with surtax proceeds;
- (2) To assure compliance with any limitations imposed in the levy on the expenditure of surtax proceeds, including but not limited to:
 - (a) Any limitation that surtax proceeds only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1–4, Florida Statutes (2010);
 - (b) Any limitation that no more than five (5) percent of surtax proceeds be expended on administrative costs, exclusive of project management and oversight for projects funded by the surtax;
 - (c) The limitation that the County Commission may not delete or materially change any County project listed in the approved Five Year Implementation Plan or on Exhibit 1 attached to the ordinance levying the surtax nor add any project thereto except as provided in this subsection (c) and Section 29-124(d), (e). A proposed deletion, material change or addition of such a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds (2/3) vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in said Exhibit 1 and the Five Year Implementation Plan may be changed as a result of the MPO process as mandated by federal and state law; and
 - (d) Any requirement with regard to maintenance of effort of general fund support for MDTA.
- (3) To assure compliance with federal and state requirements applicable thereto;
- (4) To require monthly reports from the Manager, County agencies and instrumentalities regarding the implementation of the projects funded by surtax proceeds (which reports shall be posted on-line, i.e., made publicly accessible on the Internet);
- (5) To file a report, including any recommendations, with the Mayor and the County Commission on a quarterly basis regarding the implementation of the projects funded by surtax proceeds;

- (6) To monitor, oversee and periodically report to the County Commission on the level of participation by CSBEs and CBEs in contracts funded in whole or in part with surtax proceeds, and to recommend ways to increase such participation; and
- (7) Notwithstanding any provision to the contrary, to retain the services of consultants the Trust deems necessary to assist in its monitoring functions without the need for action by the County Commission, so long as the retaining of such consultants does not result in the budget for the Trust exceeding the amount approved by the County Commission during the annual budget approval process.

