

MEMORANDUM

Amended
Agenda Item No. 7(B)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading 6-2-21)
March 16, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to historic preservation; amending section 16A-3.1 of the Code; requiring certain municipalities to annually provide an updated list of all historically designated resources within their municipal boundaries to the County; creating section 16A-3.3 of the Code; requiring the County to maintain an annually updated master list of all historically designated resources in the unincorporated and incorporated areas of the County; directing the County Mayor to provide certain municipalities with information regarding municipal historic preservation program opportunities

Ordinance No. 21-43

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García, and Co-Sponsors Commissioner Sally A. Heyman, Commissioner Raquel A. Regalado and Commissioner Rebeca Sosa.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: June 2, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Historic Preservation; Amending Section 16A-3.1

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. Existing staff and resources from the Office of Historic Preservation can accommodate the additional information provided by the municipalities.

A handwritten signature in blue ink, reading "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

FIS0221 210510

Date: June 2, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Historic Preservation

The proposed ordinance relating to Historic Preservation amends section 16A-3.1 of the Code of Miami-Dade County (Code) requiring certain municipalities to annually provide an updated list of all historically designated resources within their municipal boundaries to the County. Additionally, the proposed ordinance creates section 16A-3.3 of the Code requiring the County to maintain an annually updated master list of all historically designated resources in both the incorporated and unincorporated areas of Miami-Dade County.

In 1981, Miami-Dade County adopted a countywide historic preservation ordinance which provides minimum standards for municipal historic preservation ordinances and operational standards for municipal historic preservation programs. The existing municipal minimum standards require submittal of an annual report to the County, but it does not include a requirement to provide a list of all designated resources within the municipal jurisdiction. A master list supports countywide preservation efforts and promotes cooperation and coordination between the County and municipal preservation offices resulting in a positive social equity impact.

The proposed ordinance will make a valuable contribution by providing a centralized base of information on historically designated resources in the County and will make important information readily accessible online to the public. It will also support the County Office of Historic Preservation’s equity initiatives, allowing us to understand the diversity of designated sites throughout the County and provide appropriate guidance to municipal programs to enhance diversity and inclusion through their designated resources.



Jimmy Morales
Chief Operations Officer

210510



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(B)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(B)
6-2-21

ORDINANCE NO. **O-21-43**

ORDINANCE RELATING TO HISTORIC PRESERVATION;
AMENDING SECTION 16A-3.1 OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA; REQUIRING CERTAIN
MUNICIPALITIES TO ANNUALLY PROVIDE AN UPDATED
LIST OF ALL HISTORICALLY DESIGNATED RESOURCES
WITHIN THEIR MUNICIPAL BOUNDARIES TO THE
COUNTY; CREATING SECTION 16A-3.3 OF THE CODE;
REQUIRING THE COUNTY TO MAINTAIN AN ANNUALLY
UPDATED MASTER LIST OF ALL HISTORICALLY
DESIGNATED RESOURCES IN THE UNINCORPORATED
AND INCORPORATED AREAS OF THE COUNTY;
DIRECTING THE COUNTY MAYOR OR DESIGNEE TO
PROVIDE CERTAIN MUNICIPALITIES WITH
INFORMATION REGARDING MUNICIPAL HISTORIC
PRESERVATION PROGRAM OPPORTUNITIES; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

WHEREAS, preservation of historic sites, districts, and archeological resources is of
paramount importance to the community; and

WHEREAS, the County's historic preservation regulations are set forth in chapter 16A of
the County Code; and

WHEREAS, pursuant to chapter 16A, the regulatory jurisdiction of the County's Historic
Preservation Board extends to all property located in the unincorporated and incorporated areas of
the County, excluding property within those municipalities that have enacted their own historic
preservation ordinances in accordance with the County's minimum standards; and

WHEREAS, section 16A-3.1 provides minimum standards for municipal historic
preservation ordinances, as well as minimum operational standards for municipal historic
preservation programs; and

WHEREAS, currently, the following municipalities have their own historic preservation programs: Coral Gables, Hialeah, Homestead, Miami, Miami Beach, Miami Shores, Miami Springs, Opa-Locka, South Miami, and Sunny Isles Beach; and

WHEREAS, these municipalities are not currently required to provide the County with a list of all historically designated resources within their respective municipal boundaries; and

WHEREAS, such information should be provided on an annual basis, so that the County can compile and maintain a countywide master list of all historically designated sites, districts, and archeological resources; and

WHEREAS, creating and maintaining a master list of all historically designated resources in the County will help ensure appropriate protection of such resources, further cooperation and coordination between the County and municipalities in historic preservation and land use matters, and educate the public about the wealth of history in our community's fabric; and

WHEREAS, accordingly, this Board wishes to amend chapter 16A to require municipalities with their own historic preservation programs to annually provide an updated list of all historically designated resources within their respective boundaries, so that the County can maintain an updated master list of all such resources countywide,

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

Section 1. Section 16A-3.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 16A-3.1. Municipal Historic Preservation.

¹ 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.

* * *

- (5) *Minimum Operation 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:

* * *

- (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>>; and
- (h) annually provide to the County an updated list of all historically designated sites, districts, and archeological resources located within the municipality<<.

- (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 prepared by its staff during that year>>, and an updated list of all historically designated sites, districts, and archeological resources located within the municipality<<.

* * *

Section 2. Section 16A-3.3 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Sec. 16A-3.3. Countywide Master List of Historically Designated Resources.

The County Historic Preservation Chief, or such other person designated by the Mayor, shall maintain an annually updated countywide master list of all historically designated sites, districts, and archeological resources located in the unincorporated and incorporated areas of the County. This master list shall be kept on file at the Office of Historic Preservation and made available online.<<

Section 3. The County Mayor or designee is hereby directed to provide each municipality within the County that does not currently have its own historic preservation program with information regarding the opportunity to create a municipal historic preservation program pursuant to section 16A-3 of the Code of Miami-Dade County.

Section 4. 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 5. 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 6. 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:

June 2, 2021

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



James Eddie Kirtley

Prime Sponsor: Senator René García
Co-Sponsors: Commissioner Sally A. Heyman
Commissioner Raquel A. Regalado
Commissioner Rebeca Sosa