NORTH MIAMI
FLORIDA
776 N.E. 125 Street, North Miami, Florida 33161

Council Report

To: The Honorable Mayor and City Council

From: Tanya Wilson-Séjour, Planning Manager, Community Planning & Development

Date: January 27, 2015

Re: Designation of the N.E. 132nd Street Fountain as a Local Historic Landmark & Establishment of a Historic Preservation Program for the City

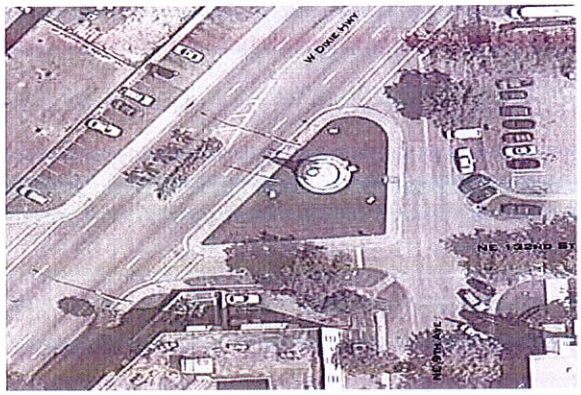
Recommendation:

That the Mayor & Council adopt the proposed resolution to authorize the designation of the N.E. 132nd Street Fountain located at the juncture of N.E. 132nd Street, N.E. 9th Avenue and West Dixie Highway as a local historic landmark, consistent with Policy 8.1.7(9) of the City's Comprehensive Plan and pursuant to Chapter 16A – Historic Preservation of the Miami-Dade County Code of Ordinances; establish a historic preservation program in the City based on Chapter 16A of the County's Code, consistent with Policy 3A.3.3 of the City's Comprehensive Plan; support the activities of the Greater North Miami Historical Society; and further authorize the City Manager to do all things necessary with the Miami-Dade County Office of Historic Preservation to effectuate the designation of the N.E. 132nd Street Fountain.

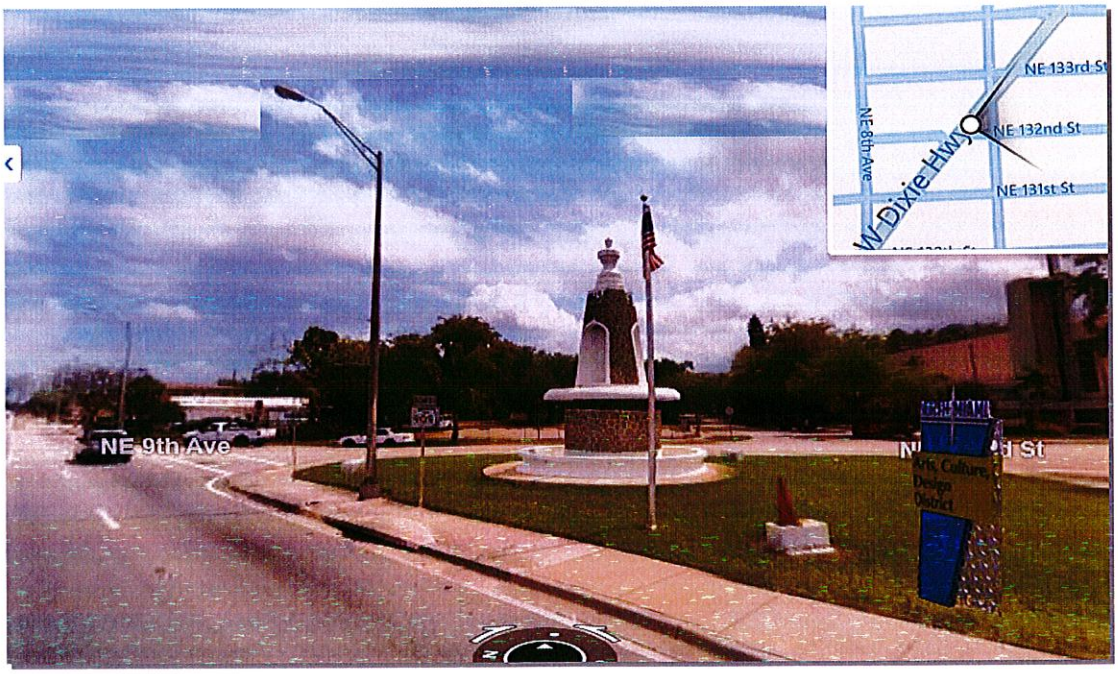
Background and Analysis

The City of North Miami was incorporated in 1926 out of the Arch Creek settlement, which was, at the turn of the 20th century, a flourishing town where crops such as tomatoes, beans and pineapples grew abundantly. As one of the oldest communities in Miami-Dade County, the City boasts a plethora of historical sites and structures, which bears testimony to its past. A well-known historic site in the City is the Arch Creek Natural Limestone Bridge, which was added to the U.S. National Register of Historic Places on July 15, 1986. However, not all of the City's historic resources from the past have received such designation, not even at the local level. Indeed, the N.E. 132nd Street Fountain, which stands as the City's oldest public art structure and has been an integral part of the fabric and built heritage of North Miami for almost a century, seems to have received scant attention over the years, falling even into disrepair. (See map and image below).

132nd Street Fountain



132ND STREET FOUNTAIN



As shown in the pictures above, the N.E. 132nd Street Fountain is located at the juncture of three (3) roads, N.E. 132nd Street, West Dixie Highway and N.E. 9th Avenue, standing at about twenty (20) feet. The plat for Iron Manors Second Addition (Blocks 20-37), which was filed on August 14, 1925 with Miami-Dade County and later recorded in PB 17-39, clearly depicts the N.E. 132nd Street Fountain. This gives credence to the belief that this neoclassical fountain not only predates the City's incorporation, but also was inspired by the City Beautiful Movement of the early twentieth century, with its emphasis on obelisks, fountains, and monuments seen in street roundabouts, parks, city buildings, in other words monumentalism.

As noted above, the N.E. 132nd Street Fountain has been an integral part of the City's built environment since its incorporation, a familiar visual and navigation feature along the Dixie Highway Corridor, which has certainly helped create a sense of place and of history. This neoclassical treasure embodies elements that demonstrate outstanding attention to architectural design, detail, materials and craftsmanship. It also provides great insights on the use of landmarks by the early settlers to better navigate their built environment, decades before renowned urban planner and professor at MIT, Kevin Lynch made that concept famous in his seminal work, *The Image of the City*, which was published in 1960. As such, the Fountain is uniquely historic and tells the story of the City's historic past, and its designation as a historic landmark will preserve it for future generations, while protecting it from possible destruction.

Historic Preservation is much more than saving old buildings and structures, but is rather a process of protecting local history through identifying, championing and protecting the unique places that tell the stories serving as portals to our past. In that vein, historic preservation enhances our sense of community and brings us closer together: saving the places where we take our children to school, buy our groceries, and stop for coffee – preserving the stories of ancient cultures found in landmarks and landscapes we visit – protecting the memories of people, places, and events honored in our national monuments. Historic preservation is also about taking proactive steps to save historically significant monuments, landscapes, and neighborhoods.

Arguably, small communities akin to North Miami are the greatest places to see historic preservation in action. In a world increasingly dependent on the marketplace for initiative and investment, the City's intervention in the preservation and sustainable use of the heritage remains a necessary activity. Locally designating the N.E. 132nd Street Fountain is a first step in designating other historically significant resources in North Miami. Nevertheless, preservation activities involve much more and require a functional historic preservation program, a worthy

endeavor requiring both long-term commitment and investment. Establishing Chapter 16A of the County Code as the City's historic preservation program will help promote the identification, evaluation, rehabilitation, adaptive use, and restoration of the City's historic, architectural, and archeological heritage, so the lives of future generations may continually be enriched by the City's rich history. This program will work in partnership with the historic preservation program of the County to help secure funding for all related preservation activities in the City. It can also serve as a liaison between the City and the Greater North Miami Historical Society, which is a group of volunteer citizens who are very interested in and have sacrificially invested themselves in preserving the City's heritage. This program may even help secure funding to acquire a physical space where the many invaluable archives that this society has collected over the years can be stored.

Conclusion

Based on the foregoing, City staff believes that there exist cogent reasons why N.E. 132nd Street Fountain should be locally designated as a historic landmark and that a historic preservation program based on Chapter 16A of the County Code should also be established in the City. There are many intergenerational benefits to be derived from such activities and staff is of the opinion that the City should recognize and support the activities of the Greater North Miami Historical Society, which has served as the custodian of the City's historical archives over the years. Staff strongly believes that the City of North Miami should have at its disposal physical manifestations of its history, aspirations, successes and tragedies, and should present and interpret those physical resources. Staff therefore recommends the adoption of the proposed resolution to locally designate the N.E. 132nd Street Fountain as a historic landmark, establish a City's historic preservation program, supporting the activities of the Greater North Miami Historical Society, and to authorize the City Manager to coordinate with the Miami-Dade County Office of Historic Preservation, which is the agency ultimately responsible to effectuate the designation of the N.E. 132nd Street Fountain.

Attachment: *Proposed Resolution*
Chapter 16A – Historic Preservation of the Miami-Dade County Code

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE DESIGNATION OF THE NORTHEAST 132ND STREET FOUNTAIN LOCATED GENERALLY AT THE INTERSECTION OF NORTHEAST 132ND STREET, NORTHEAST 9TH AVENUE AND WEST DIXIE HIGHWAY AS A LOCAL 'HISTORIC LANDMARK', CONSISTENT WITH POLICY 8.1.7(9) OF THE NORTH MIAMI COMPREHENSIVE PLAN AND PURSUANT TO CHAPTER 16A - HISTORIC PRESERVATION, MIAMI-DADE COUNTY CODE OF ORDINANCES; ESTABLISHING A HISTORIC PRESERVATION PROGRAM IN THE CITY, CONSISTENT WITH POLICY 3A.3.3 OF THE NORTH MIAMI COMPREHENSIVE PLAN; SUPPORTING THE ACTIVITIES OF THE GREATER NORTH MIAMI HISTORICAL SOCIETY; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY WITH THE MIAMI-DADE COUNTY OFFICE OF HISTORICAL PRESERVATION, PURSUANT TO SECTION 16A-3.1, MIAMI-DADE COUNTY CODE OF ORDINANCES, TO EFFECTUATE THE DESIGNATION OF THE NORTHEAST 132ND STREET FOUNTAIN AS A 'HISTORIC LANDMARK'; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, Policy 8.1.7(9) of the City of North Miami Comprehensive Plan ("Comprehensive Plan"), encourages the City to pursue resolution of development and growth management issues, with impacts transcending the City's political jurisdiction including issues of federal, regional and State significance, such as the conservation of natural and historic resources; and

WHEREAS, Chapter 16A – Historic Preservation of the Miami-Dade County Code of Ordinances ("Code"), which govern the incorporated and unincorporated jurisdictions of Miami-Dade County, has declared that the protection, enhancement and perpetuation of properties of historical, cultural and architectural significance, is a matter of public policy and in the best interest of the health, prosperity, and welfare of the people of Miami-Dade County; and

WHEREAS, Section 16A3.1 of the Miami-Dade County Code of Ordinances allows the Director of the Miami-Dade County Office of Historic Preservation and the Miami-Dade County

Attorney's Office to provide a requesting municipality with technical and legal assistance in preservation matters; and

WHEREAS, the Mayor and City Council of the City of North Miami ("City") declares as a matter of public policy that the protection, enhancement and perpetuation of certain buildings, structures, improvements, and landscape features which represent distinctive elements of the City's cultural, social, economic, political, scientific, religious, and architectural history safeguards the City's past for the enjoyment future generations, fostering civic pride; and

WHEREAS, the public health, safety and welfare require a proactive approach to prevent the needless destruction, impairment, and accelerated decay and destitution of such invaluable properties and/or structures; and

WHEREAS, according to the plat of Irons Manor Second Addition (Blocks 20-37), which was filed on August 14, 1925 with Miami-Dade County and recorded in PB 17-39, the N.E. 132nd Street Fountain was erected prior to the incorporation of the City; and

WHEREAS, the recently adopted Downtown Concept Plan identified the N.E. 132nd Street Fountain as a structure of historical, cultural and architectural significance to the City; and

WHEREAS, the historic landmark designation of the N.E. 132nd Street Fountain can inspire the preservation of structures that bare testimony to the City's history, as well as examples of historic architectural styles expressive of social, political and technological developments of a particular time period; and

WHEREAS, Policy 3A.3.3 of the Comprehensive Plan calls for the establishment of a historic preservation program for the preservation of units identified in the City's inventory of significant properties; and

WHEREAS, the establishment of the historic preservation program will further help identify and safeguard the City's historical, cultural, archeological, paleontological and architectural heritage, as embodied and reflected in other non-residential sites or structures in the City; and

WHEREAS, the establishment of the historic preservation program could play a positive role in future grant applications to help preserve the N.E. 132nd Street Fountain in its original design concept, while achieving several other objectives under the Code, including, but not

limited to:

1. Fostering civic pride in the accomplishments and living heritage of the past;
2. Protecting and enhancing the City's attraction to visitors and the support and stimulus to the economy thereby provided; and
3. Promoting the enrichment of human life in its education and cultural dimensions by serving aesthetic and material needs; and

WHEREAS, the City, through the historic preservation program, can seek grants through the State of Florida and the federal government, to help fund a facility to be used to house archives and further support the activities of the Greater North Miami Historical Society; and

WHEREAS, the Mayor and City Council find the adoption of this Resolution to be in the best interest of the City, and does not adversely affect the health, safety, and welfare of the residents of the City.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Authorization of 'Historic Landmark' Designation.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the designation of the Northeast 132nd Street Fountain located generally at the intersection of Northeast 132nd Street, Northeast 9th Avenue and West Dixie Highway as a local 'Historic Landmark', consistent with Policy 8.1.7(9) of the North Miami Comprehensive Plan and pursuant to Chapter 16A - Historic Preservation of the Miami-Dade County Code of Ordinances.

Section 2. **Historic Preservation Program.** The Mayor and City Council of the City of North Miami, Florida, hereby acknowledge Chapter 16A – Historic Preservation of the Miami-Dade County Code of Ordinances as the governing Historic Preservation Program in the to designate, protect, and restoration enhance properties of historical, cultural and architectural significance in the City, consistent with Policy 3A.3.3 of the North Miami Comprehensive Plan, and further supporting the activities of the Greater North Miami Historical Society.

Section 3. **Authority of City Manager.** The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to do all things necessary with the Miami-Dade County Office of Historical Preservation, pursuant to Section 16A-3.1 of the

Miami-Dade County Code of Ordinances, to effectuate the designation of the Northeast 132nd Street Fountain as a 'Historic Landmark'.

Section 4. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of January, 2015.

_____
DR. SMITH JOSEPH
MAYOR

ATTEST:

_____
MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_____
REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: MAYOR SMITH JOSEPH

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, DO	_____ (Yes)	_____ (No)
Vice Mayor Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

MIAMI-DADE COUNTY
ORDINANCE 81-13 Chapter 16-A
HISTORIC PRESERVATION

Chapter 16A HISTORIC PRESERVATION*

***Editor's note:** At the editor's discretion, §§ 1--16 of Ord. No. 81-13, adopted Feb. 17, 1981, have been included as Ch. 16A of the Code.
Cross references: Building code, Ch. 8; housing, Ch. 17; landscaping, Ch. 18A; planning generally, Ch. 23A; urban renewal, Ch. 30A; zoning, Ch. 33.

Sec. 16A-1. Short title.
This chapter shall be known and may be cited as the "Metropolitan Miami-Dade County Historic Preservation Ordinance."
(Ord. No. 81-13, § 1, 2-17-81)

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.
(Ord. No. 81-13, § 2, 2-17-81; Ord. No. 03-38, § 1, 3-11-03)

Sec. 16A-3. Scope of regulations.
(1) This 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) archeology and 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 archeology and paleontology zones and sites, (2) adopts regulations as least as protective of archeology and 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.
(Ord. No. 81-13, § 3, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 2, 3-11-03)
Annotation--CAO 82-23.

Sec. 16A-3.1. Municipal Historic Preservation.
(1) *County Technical and Legal Support for Municipal Preservation.* The Director of the Office of Historic Preservation 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) *Timeframes for Municipalities to Enact Historic Preservation Ordinances.*
(a) 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) 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 County by enacting an ordinance as provided in this section, all properties previously designated by the Miami-Dade 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.*
(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 amountof 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.
(6) *Municipality Shall File Annual Report.* Municipalities that exercise jurisdiction of historic preservation shall annually file a report with 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 minutes of the meetings of the municipality's historic preservation board for that year and 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.
(Ord. No. 03-38, § 3, 3-11-03)

Sec. 16A-3.2. Authority of the Director to Appear as a Party.
In his official capacity, the Director of the Miami-Dade County Office of Historic Preservation 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 Director shall be represented by the County Attorney.
(Ord. No. 03-38, § 4, 3-11-03)

Sec. 16A-4. Definitions.
(1) *Archeological or paleontological zone:* An area designated by this chapter which is likely to yield information on the paleontology, history and prehistory of Miami-Dade County based on prehistoric 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 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 projects that may involve the discovery of as yet unknown or known archeological or paleontological sites in an archeological or paleontological zone. This certificate is issued by staff of the Board based on the guidelines for preservation approved by the Board.

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

(5) *Demolition:* The complete constructive removal of a building on any site.

(6) *Districts:* A collection of 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.

(7) *Exterior:* All outside surfaces of a building or structure.

(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 buildings in south Florida.

(9) *Historic Preservation Board:* A board of citizens created by this chapter as described in Sections 16A-5 through 16A-9.

(10) *Historic survey:* A comprehensive survey 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.

(11) *Individual site:* An archeological site, a paleontological site, building, structure, place or other improvement that has been designated as an individual site pursuant to this 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.

(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.

(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.
(14) *Owner of a designated property:* As reflected on the current Metropolitan Miami-Dade County tax rolls or current title holder.
(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.
(Ord. No. 81-13, § 4, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 5, 3-11-03)

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.
(Ord. No. 81-13, § 5, 2-17-81; Ord. No. 03-38, § 6, 3-11-03)
Cross references: Standards for creation and review of boards, commissions, etc., §§ 2-11.36--2-11.40.

Sec. 16A-6. Same--Members.
The Board shall consist of thirteen (13) members appointed by the Board of County Commissioners. The Board of County Commissioners should attempt to appoint architects, realtors, archeologists, historians, art historians, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession or business, have demonstrated 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) years for each member. Any vacancy occurring on the Board shall be filled by the County Commission 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 determinedand approved by the County Commission. Members of the Board shall be governed by Section 2-11.36, et seq. of the Code.
(Ord. No. 81-13, § 6, 2-17-81; Ord. No. 03-38, § 7, 3-11-03)

Sec. 16A-7. Same--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 Manager shall provide 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. The Office of Historic Preservation shall have a professional Director. The Historic Preservation Board shall be consulted regarding the selection of the Director. The Chair or his or her designee shall serve on any board reviewing candidates for the position of 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.
(Ord. No. 81-13, § 7, 2-17-81; Ord. No. 03-38, § 8, 3-11-03)

Sec. 16A-8. Same--Rules and regulations.
The Board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this chapter. Such rules and regulations shall conform to the provisions of this 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 uponthe 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. The Board shall prescribe forms for use by applicants in compliance with the provisions of this chapter. The Board may authorize any one (1) of its members to administer oaths and certify to official acts.
(Ord. No. 81-13, § 8, 2-17-81)

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.
(Ord. No. 81-13, § 9, 2-17-81; Ord. No. 03-38, § 9, 3-11-03)
Annotation--CAO 84-8.

Sec. 16A-10. Designation process and procedure.
(I) [*Criteria.*] The Board shall have the authority to designate areas, places, buildings, structures, landscape features, archeological and paleontological sites and other improvements or physical features, as individual sites, districts or archeological or paleontological zones that are significant in Miami-Dade County's history, architecture, paleontology, archeology or culture and possess an integrity of location, design, setting, materials, workmanship or association, or:
(a) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological 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 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 listed in the National Register of Historic Places.
(II) [*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) years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:
(a) A religious property deriving primary significance from architectural or artistic distinction of 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 an historic event or person.
(c) A birthplace or grave of 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) years if it is of exceptional importance.
(III) [*Investigation and designation report.*] Prior to the designation of an individual site, a district, or an archeological zone, an investigation and designation report must be

filed with the Board. The format of these reports may vary according to the type of designation; however, all reports must address the following: The historical, cultural, architectural or archeological significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archaeological 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 with respect to certificates of appropriateness and certificates to dig. Where a report is filed recommending designation of a district, the report must identify those 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 take into consideration projected, proposed or existing public improvements and developmental or renewal plans.

(IV) *Procedure.*

(a) *Petition of the owner.* The owner(s) of any property in unincorporated Miami-Dade County may petition this Board for designation of their property as an individual site, district or 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. Nothingin this subsection shall be deemed to restrict the power of the Board to initiate the designation process pursuant to this section.

(b) *Directive of the Board.* The Board shall, upon recommendations from staff or the acceptance of petitions pursuant to part (IV), subsection (a) of this section, direct staff to begin the designation process by preparing a designation report, pursuant to part (III) of this section and any other standards the Board may deem necessary, and submitting this report according to the procedures described herein.

(c) *Notification of owner.* For each proposed designation of an individual site, district or archeological zone, the Board is encouraged to obtain the permission of the property owner(s) within the designated area, 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.

(d) *Notification of government agencies.* Upon filing of a designation report, the Secretary of the Board shall immediately notify the appropriate building and zoning department, the appropriate public works department and any other County or municipal agency, including agencies with demolition powers, that may be affected by said filing.

(e) *Notification of a public hearing.* For each individual site, district or archeological zone proposed for designation, a public hearing must be held no sooner than fifteen (15) days and within sixty (60) days from the date a designation report has been filed with the Board. Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by certified mail to the last known address of the party being served; 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) days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.
(f) *Requirement of prompt decision and notification.* Within seven (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 notify the following of its actions with a copy of the resolution:
(1) The appropriate building and zoning department,
(2) The County Clerk,
(3) The appropriate municipal clerk when 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.
(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.
(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 or any 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, is completed.
(i) *Recording of designation.* The Board shall provide the Clerk of the Circuit Court with all designations for the purpose of recording such designation and the Clerk of the Circuit Court shall thereupon record the designation according to law.
(Ord. No. 81-13, § 10, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 88-28, § 2, 4-19-88; Ord. No. 03-38, § 10, 3-11-03)

Sec. 16A-11. Application for certificate of appropriateness.
(I) [*Certificate required as prerequisite to alteration, etc.*] No building, structure, improvement, landscape feature or archeological site within Miami-Dade County which is designated pursuant to Section 16A-10 shall be erected, altered, restored, renovated, excavated, moved or demolished until an application for a certificate of appropriateness regarding any architectural features, landscape features 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 and color of roofs, windows, doors and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to Section 16A-10. Landscape features and site improvements shall include but are not limited to, site regrading, subsurface alterations, filldeposition, paving, landscaping, walls, fences, courtyards, signs

and exterior lighting. No certificate of appropriateness shall be approved unless the architectural plans for said construction, alteration, excavation, restoration, renovation, relocation or demolition are approved by the Board.

(II) [*Board to develop procedures.*] The Board shall develop procedures for making application for both a regular and special certificate of appropriateness.

(III) [*Standards for issuance.*] The Board 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 maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscapes. These guidelines shall also serve as criteria for staff to make decisions regarding applications for regular certificates of appropriateness.

(IV) *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 or photographs to fully describe the proposed alteration and any other guidelines the Board may deem necessary, the staff of the Board shall, within ten (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 findings of the staff shall be mailed to the applicant within three (3) days of staff decision accompanied by a statement in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff decision by applying for a special certificate of appropriateness within thirty (30) days of the staff's findings.

(V) *Special certificates of appropriateness.*

(a) An applicant for a special certificate of appropriateness shall submit his application to the Board pursuant to Section 16A-10 and accompany such application to the Board with full plans and specifications, site plan 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 and exterior lighting. The applicant shallprovide 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 involves a designated archeological site the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archeological site.

(b) The Board shall hold a 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 certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten (10) days prior to the hearing.

(c) The Board shall act upon an application within sixty (60) days of receipt of application materials adequately describing the proposed action. The Board shall approve, deny 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) days in order to seek technical advice from outside its members or to meet further with the applicant to 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. 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.
(e) Unless otherwise provided in the certificate of appropriateness, both regular and special certificates of appropriateness shall expire after 365 days. 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.
(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 or archeological and paleontological zones pursuant to 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 nofeasible alternative to demolition. The 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. 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. At the written request of the 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. 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 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. 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 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. 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 (VI), subsection (d) herein. 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. During the demolition delay period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this 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, 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 an 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 (1) 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 and 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?

(VII) [*Building permit not to issue without certificate.*] No building permit shall be issued by the Director of the Building Department which affects any designated property in Miami-Dade County without a certificate of appropriateness.

(VIII) [*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 Manager shall designate an appropriate official to assist the Board 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 reportsshall be furnished to the Board and copies of any stop work orders both to the Board and the applicant. The Planning and Zoning Director or appropriate official 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.

(IX) [*Emergency, temporary measures.*] For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained

herein shall prevent the making of any temporary construction, reconstruction 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 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.
(X) [*No action to constitute approval.*] If no action upon an application is taken within sixty (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.
(XI) [*Power of review.*] The Board shall have the authority to review applications for certificates of appropriateness for all property in Miami-Dade County, however owned, by either private or public parties. The purposes of this chapter shall apply equally to plans, projects or work executed or assisted by any private party, governmental body or agency, department, authority or Board of the city, County 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.
(Ord. No. 81-13, § 11, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 98-125, § 10, 9-3-98; Ord. No. 03-38, § 11, 3-11-03)

Sec. 16A-12. Economic Hardship.
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 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; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect Miami-Dade County.
(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) days prior to the public hearing, the following information:
(1) For all 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) most recent assessments;
(iii) Real estate taxes for the previous two (2) years;
(iv) Annual debt service, if any, for the previous two (2) years;
(v) All appraisals obtained within the previous two (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) years;
(ix) All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous two (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) years; and
(xi) All reports relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous two (2) years, including market studies.
(2) For income-producing property:
(i) Annual gross income from the property for the previous two (2) years;
(ii) Itemized operating and maintenance expenses for the previous two (2) years; and
(iii) Annual cash flow, if any, for the previous two (2) years.
(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.
(Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 12, 3-11-03)

Sec. 16A-13. Maintenance of designated properties.
Nothing in this 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.
(Ord. No. 81-13, § 12, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-13.1. Demolition By Neglect Prohibited.
(1) *Affirmative Maintenance Required.* The owner of a property designated pursuant to this 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.
(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.
(c) *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.
(Ord. No. 03-38, § 13, 3-11-03)

Sec. 16A-14. Certificates to dig.
(I) Within an archeological or paleontological zone, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an interred archeological or paleontological site shall be prohibited without a certificate to dig. All 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 archeological or paleontological site, in an archeological orpaleontological zone shall require a certificate to dig before approval. Based on the designation report for

the archeological or paleontological zone, a complete application for a certificate to dig and any additional guidelines the Board may deem necessary, the staff of the Board shall, within ten (10) days from the date the completed application has been filed, approve 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. In order to comply with the site excavation requirements of the certificate to dig, the applicant may agree to permit the County Archeologist to conduct excavation from the time of the approval of the certificate to dig until the effective date thereof. The findings of the staff shall be mailed to the applicant by registered mail promptly. The applicant shall have the opportunity to challenge the staff decision or any conditions attached to the certificate to dig by 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.
(II) *Approved certificates to dig.* Approved certificates to dig shall contain an effective date not to exceed sixty (60) days at which time the proposed activity may begin, 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.
(III) [*Work to conform to certificate; stop work order.*] 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 Manager pursuant to 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.
(Ord. No. 81-13, § 13, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 14, 3-11-03)

Sec. 16A-15. Appeals.
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 Commissionshall 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.
(Ord. No. 81-13, § 14, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-16. Penalties.
Failure by an owner of record or any individual or private or public entity to comply with any provisions of this chapter shall constitute a violation hereof and shall be punishable by civil or criminal penalties including a fine 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 must be removed and the property returned to its condition prior to commencement of said action.
(Ord. No. 81-13, § 15, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 88-28, § 3, 4-19-88)

Sec. 16A-17. Incentives.
All properties designated as individual sites 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 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.
(Ord. No. 81-13, § 16, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 15, 3-11-03)

Sec. 16A-18. Tax exemptions for renovations for historic properties.
(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. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County. The exemptiondoes not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or 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 governingbody of any city or other municipality within Miami-Dade County.

(b) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for ten (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 Countyto 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.

(c) *Eligible properties and improvements.*

(1) Property is qualified for an exemption under this section if:

(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

(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 (A).

(2) In order for an improvement to a historic property to qualify the property for an exemption, the improvement must:

(A) Be consistent with the United States Secretary of Interior's Standards for Rehabilitation; and

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

(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:

(1) The name of the property owner and the location of the historic property;

(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;

(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;

(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 Rehabilitation and will be made in accordance with guidelines developed by the Department of State;
(5) Other information identified in appropriate Department of State regulations, or requested by the Miami-Dade County Historic Preservation Board; and
(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.
(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 212.12(3), Florida Statutes.
(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.
(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:
(1) The name of the owner and the address of the historic property for which the exemption is granted.
(2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
(3) A finding that the historic property meets the requirements of this section.
(Ord. No. 93-15, § 1, 3-2-93; Ord. No. 99-90, § 2, 7-27-99; Ord. No. 03-38, § 16, 3-11-03)

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 in Section 193.503 of Florida Statutes (1997). Accordingly, subject to the definitions, conditions, and procedures established by that Section, Historic Property qualifying under that Section shall be assessed based upon actual use.

Any such classification shall terminate upon repeal of Section 193.503 Florida Statutes or the repeal or sunset of this provision.
(Ord. No. 99-90, § 1, 7-27-99)

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.
(Ord. No. 03-38, § 17, 3-11-03)