

**RESOLUTION NO. 2014-3**  
**(Revised)**

**A RESOLUTION OF THE MIAMI-DADE COUNTY LEAGUE OF CITIES, INC. SUPPORTING THE PROPOSED ORDINANCE BY COUNTY COMMISSIONER SALLY HEYMAN ALLOWING MUNICIPALITIES TO OPT-OUT OF THE MIAMI-DADE COUNTY'S HISTORIC PRESERVATION ORDINANCE AND ADOPT THEIR OWN CODE.**

**WHEREAS**, in 1981, the Board of County Commissioners adopted the Metropolitan Dade County Historic Preservation Ordinance ("Historic Preservation Ordinance"); and

**WHEREAS**, the Historic Preservation Ordinance does not allow municipalities to opt-out and adopt their own codes; and

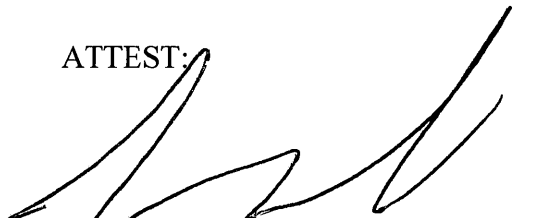
**WHEREAS**, County Commissioner Sally Heyman has proposed an ordinance amending the Historic Preservation Ordinance to allow municipalities to opt-out and adopt their own code;


**NOW, THEREFORE, BE IT RESOLVED** by The Board of Directors of the Miami-Dade County League of Cities, Inc. that:

1. The Miami-Dade County League of Cities, Inc. hereby supports the proposed ordinance by County Commissioner Sally Heyman allowing municipalities to opt-out from the Miami-Dade County's Historic Preservation Ordinance and adopt their own code and hereby urges the Miami-Dade County Board of Commissioners to adopt the ordinance.

**APPROVED AND ADOPTED** by The Miami-Dade County League of Cities, Inc. at the regular meeting assembled this 4 day of December, 2014.

ATTEST:

  
\_\_\_\_\_  
JORDAN W. LEONARD  
SECRETARY

  
\_\_\_\_\_  
CINDY LERNER  
PRESIDENT

**RESOLUTION NO. 2014-3**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIAMI-DADE COUNTY LEAGUE OF CITIES, INC. URGING THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS TO AMEND THE MIAMI-DADE COUNTY HISTORIC PRESERVATION ORDINANCE TO REQUIRE CONSENT OF THE PROPERTY OWNER PRIOR TO HISTORIC DESIGNATION OF A PROPERTY BY THE HISTORIC PRESERVATION BOARD AND CONFERRING JURISDICTION ON THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS**

**WHEREAS**, in 1981 the Miami-Dade County Board of Commissioners adopted the Metropolitan Miami-Dade County Historic Preservation Ordinance ("Historic Preservation Ordinance") which allows for designation of certain properties as historic without first securing the consent of the property owner; and

**WHEREAS**, since the adoption of the Historic Preservation Ordinance several decades ago, historic properties in Miami-Dade County have been thoroughly researched and surveyed, and properties having the most historic significance in Miami-Dade County have been processed and designated under the Historic Preservation Ordinance; and

**WHEREAS**, designation of properties as historic is an ongoing process and new designation of properties as historic without the owner's consent has the potential to adversely affect, among other things, the goals and objectives of a municipality's comprehensive planning efforts and its fiscal operations; and

**WHEREAS**, many municipalities have adopted comprehensive plans that do not identify any properties within their municipality as historic, and historic designation of any property within the municipality would be inconsistent with their adopted comprehensive plan; and

**WHEREAS**, the Board of Directors of the Miami-Dade County League of Cities, Inc. is opposed to continuation of the practice of designating as historic properties located within the County of Miami-Dade where the consent of the property owner has not been obtained;

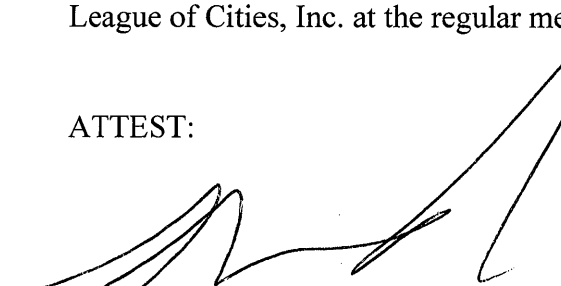
**NOW, THEREFORE, BE IT RESOLVED** by The Board of Directors of the Miami-Dade County League of Cities, Inc. that:

1. The Board of Directors of the Miami-Dade County League of Cities, Inc. hereby urges the Miami-Dade County Board of Commissioners to amend the Historic Preservation Ordinance to require henceforth that consent of the property owner be obtained prior to historic designation of a property located in a municipality where the affected municipality has adopted a resolution opposing historic designation within its municipal boundaries without first securing the consent of the affected property owner.

2. The Miami-Dade County League of Cities, Inc., hereby further urges the Miami-Dade County Board of Commissioners to amend the Historic Preservation Ordinance to confer initial jurisdiction on the Miami-Dade County Board of Commissioners to make determinations as to the historic designation of a property upon receipt of a petition for designation filed by the Historic Preservation Board in cases where (a) a municipality has adopted a resolution opposing historic designation within its municipal boundaries without first securing the consent of the affected property owner; and (b) the property owner has not consented to historic designation.

**APPROVED AND ADOPTED** by The Board of Directors of the Miami-Dade County League of Cities, Inc. at the regular meeting assembled this 4 day of September, 2014.

ATTEST:



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JORDAN W. LEONARD  
SECRETARY

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CINDY LERNER  
PRESIDENT



MEMORANDUM  
 BOARD OF COUNTY COMMISSIONERS  
 COMMISSIONER SALLY A. HEYMAN  
 DISTRICT 4

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TO:	The Honorable Carlos Gimenez Mayor	Date:	September 11, 2014
FROM:	Sally A. Heyman Commissioner District 4	SUBJECT:	Historic Preservation Issues

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As a follow-up to earlier conversations, I write to express concerns about the way in which the Office of Historic Preservation has handled certain matters affecting my District. Recently, there has been much concern and confusion among residents and municipal elected and administrative leaders in my District about historic preservation efforts, particularly in Surfside and Bay Harbor Islands. Despite the importance of this issue to my District and the confusion and concerns of the people I represent, the Office of Historic Preservation failed to notify me of its initiation of activities related to historic properties in my District. Additionally, communications that have been received were incomplete and were selective in information provided.

To ensure that the lack of communication does not arise in the future, I am asking that I be notified any time the Office of Historic Preservation is initiating a review of an area in my District. To that end, I've asked the County Attorney's Office to prepare a resolution directing the Mayor or designee to inform the relevant County Commissioner of the fact that property within his or her District is being considered for any historic designation process, or of the fact that an area in the District is being planned for any historic preservation purposes.

In addition, I am asking that the Mayor's Office direct the Office of Historic Preservation to request that the County's Historic Preservation Board defer any items currently on the Board's agenda involving property in my District for a period of 90 days to allow for complete and inclusive participation among residents and public officials. I am also asking that the Office of Historic Preservation be directed to defer any items it is considering placing on the Historic Preservation Board's agenda involving property in my District for six (6) months to allow for the same public participation and inclusion.

Finally, because I think it is important for municipalities to have a greater opportunity and authority to exercise control over matters of historic preservation within their respective jurisdictions, I have directed the County Attorney's Office to revise the County's Historic Preservation Ordinance to permit municipalities the option to opt out of the County's historic preservation regime beyond the one-year period given in 1982, as provided for in Chapter 16A-3.1 of the County Code.

I appreciate your prompt attention to this matter, and look forward to your responsive action.

C: Jack Osterholt, Deputy Mayor  
 Robert Yaffe, Mayor, Town of Bay Harbor Islands  
 Ron Wasson, Manager, Town of Bay Harbor Islands  
 Daniel Dietch, Mayor, Town of Surfside  
 Michael Crotty, Manager, Town of Surfside

On October 7 , 2014 the Miami-Dade County Board of County Commissioners heard the first reading ordinance entitled:

ORDINANCE RELATING TO ROAD IMPACT FEES; AMENDING SECTIONS 33E-8, 33E-9 AND 33E-12; ADDING LAND USE CATEGORIES TO THE ROAD IMPACT FEE SCHEDULE; AMENDING THE TABLE OF PRESENT DAY COST MULTIPLIERS TO FISCAL YEAR INCREMENTS; AUTHORIZING THE PUBLIC WORKS AND WASTE MANAGEMENT DIRECTOR TO UTILIZE THE INSTITUTE OF TRANSPORTATION ENGINEERS TRIP GENERATION MANUAL UNDER CERTAIN CONDITIONS; AUTHORIZING APPROVAL OF INDEPENDENT FEE COMPUTATION STUDY METHODOLOGY BY THE DIRECTOR; ELIMINATING REQUIREMENT OF A JOINT COUNTY/ MUNICIPAL COMMITTEE AND PROVIDING THAT THE DIRECTOR SHALL SOLICIT AND CONSIDER RECOMMENDATIONS FROM MUNICIPALITIES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

This ordinance may have a direct fiscal impact on your municipality. A public hearing to consider this ordinance is scheduled for the Land Use & Development Committee meeting on Thursday, November 13 , 2014 at 9:30 AM in the County Commission Chambers located in the Stephen P. Clark Building, 111 NW 1st Street, 2nd Floor.

Please click on the link to review the ordinance at <http://www.miamidade.gov/govaction/matter.asp?matter=142112>

Eugene Love, Agenda Coordinator

Miami-Dade County Office of Agenda Coordination

305-375-2035

miamidade.gov

"Delivering Excellence Every Day"

**Subject:** Miami-Dade Municipality Notification

**Date:** Tuesday, November 25, 2014 at 2:39:26 PM Eastern Standard Time

**From:** MetroDocs@miamidade.gov

**To:** mdclc@bellsouth.net

On October 7 , 2014 the Miami-Dade County Board of County Commissioners heard the first reading ordinance entitled:

ORDINANCE RELATING TO HISTORIC PRESERVATION; AMENDING SECTIONS 16A-3 AND 16A-3.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO ALLOW MUNICIPALITIES THE OPPORTUNITY TO ENACT THEIR OWN HISTORIC PRESERVATION ORDINANCES AT ANY TIME; DELETING LIMITATIONS ON TIMEFRAME FOR MUNICIPALITIES TO ENACT THEIR OWN HISTORIC PRESERVATION ORDINANCES; MAKING TECHNICAL AND CLARIFYING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

This ordinance may have a direct fiscal impact on your municipality. A public hearing to consider this ordinance is scheduled for the Cultural Affairs & Recreation Committee meeting on Wednesday, December 17 , 2014 at 2:00 PM in the County Commission Chambers located in the Stephen P. Clark Building, 111 NW 1st Street, 2nd Floor.

Please click on the link to review the ordinance at <http://www.miamidade.gov/govaction/matter.asp?matter=142033>

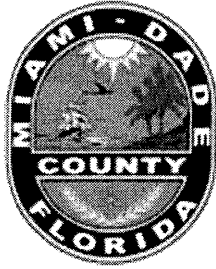
Eugene Love, Agenda Coordinator

Miami-Dade County Office of Agenda Coordination

305-375-2035

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# Miami-Dade Legislative Item

## File Number: 142033

Printable PDF Format

**File Number:** 142033    **File Type:** Ordinance    **Status:** In Committee  
**Version:** 0    **Reference:**    **Control:** Cultural Affairs & Recreation Committee  
**File Name:** HISTORIC PRESERVATION CODE REVISION **Introduced:** 9/19/2014  
**Requester:** NONE    **Cost:**    **Final Action:**  
**Agenda Date:** 10/7/2014 **Agenda Item Number:** 4C

**Notes:** REQUIRES Title: ORDINANCE RELATING TO HISTORIC PRESERVATION; AMENDING  
 6WKS- SECTIONS 16A-3 AND 16A-3.1 OF THE CODE OF MIAMI-DADE  
 4WKS COUNTY, FLORIDA TO ALLOW MUNICIPALITIES THE OPPORTUNITY  
 TO ENACT THEIR OWN HISTORIC PRESERVATION ORDINANCES AT  
 ANY TIME; DELETING LIMITATIONS ON TIMEFRAME FOR  
 MUNICIPALITIES TO ENACT THEIR OWN HISTORIC PRESERVATION  
 ORDINANCES; MAKING TECHNICAL AND CLARIFYING CHANGES;  
 PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN  
 EFFECTIVE DATE

**Indexes:** HISTORIC PRESERVATION    **Sponsors:** Sally A. Heyman, Prime Sponsor

**Sunset Provision:** No    **Effective Date:**    **Expiration Date:**

**Registered Lobbyist:** None Listed

### Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	11/25/2014		Municipalities notified of public hearing	Cultural Affairs & Recreation Committee	12/17/2014	10/7/2014	
Board of County Commissioners	11/24/2014		Tentatively scheduled for a public hearing	Cultural Affairs & Recreation Committee	12/17/2014		

Board of County Commissioners	10/15/2014		Municipalities notified of public hearing	Cultural Affairs & Recreation Committee	12/8/2014	10/7/2014
Board of County Commissioners	10/7/2014		Tentatively scheduled for a public hearing	Cultural Affairs & Recreation Committee	12/8/2014	
Board of County Commissioners	10/7/2014	4C	Adopted on first reading		10/21/2014	P
<b>REPORT:</b>	The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Cultural Affairs and Recreation Committee (CRC) on Monday, December 8, 2014, at 9:30 a.m.					
County Attorney	9/27/2014		Referred	Cultural Affairs & Recreation Committee	12/8/2014	
Board of County Commissioners	9/22/2014		Requires Municipal Notification	Cultural Affairs & Recreation Committee	12/8/2014	
County Attorney	9/19/2014		Assigned	James Eddie Kirtley	9/22/2014	

## Legislative Text

### TITLE

ORDINANCE RELATING TO HISTORIC PRESERVATION; AMENDING SECTIONS 16A-3 AND 16A-3.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO ALLOW MUNICIPALITIES THE OPPORTUNITY TO ENACT THEIR OWN HISTORIC PRESERVATION ORDINANCES AT ANY TIME; DELETING LIMITATIONS ON TIMEFRAME FOR MUNICIPALITIES TO ENACT THEIR OWN HISTORIC PRESERVATION ORDINANCES; MAKING TECHNICAL AND CLARIFYING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

### BODY

WHEREAS, the County's Historic Preservation Ordinance, codified in Chapter 16A of the Code of Miami-Dade County, Florida, and originally adopted in 1981, currently limits the timeframe in which municipalities may enact their own municipal historic preservation ordinances; and  
 WHEREAS, the County's Historic Preservation Ordinance currently prohibits any municipality incorporated on or before July 1, 1982 from opting out of the County's historic preservation jurisdiction, because the Code only allowed such an opt out to occur within a short period of time during the early 1980s; and



WHEREAS, the County's Historic Preservation Ordinance also currently prohibits any municipality incorporated after the effective date of the 1981 ordinance from opting out of the County's historic preservation jurisdiction more than one year after the effective date of the municipality's incorporation; and WHEREAS, in 2003, the County's Historic Preservation Ordinance was amended such that any municipality incorporated after the effective date of the 2003 amendment would have only one year after the effective date of incorporation to opt out of the County's historic preservation jurisdiction; and WHEREAS, municipalities should be given a greater opportunity to exercise control over matters of historic preservation within their respective jurisdictions; and WHEREAS, this Board no longer wishes to limit the timeframe in which municipalities may enact their own historic preservation ordinances, so that municipalities will have greater opportunity to control matters of historic preservation within their respective jurisdictions, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 16A-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:  
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.

Section 2. Section 16A-3.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:  
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]]~~ >>Option<< 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.]]

>>(b) Notwithstanding subsection (a) above, at any time, any municipality may adopt its own municipal historic preservation ordinance, provided that the ordinance meets the minimum standards of this chapter. Within 30 days of the effective date of any such municipal ordinance, the municipality shall provide written notice to the Miami-Dade County Office of Historic Preservation, or its successor office or department. Municipalities that do not avail themselves of the option to adopt their own municipal historic preservation ordinances shall be governed by the County's historic preservation ordinance, unless and until such time as they adopt their own historic preservation ordinances, as permitted in this subsection.<<

(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 amount of time after the owner has applied to demolish.

(c) Municipalities that >>had<< [[have]] already enacted historic preservation ordinances as of the effective date of >>Ordinance No. 03-38, adopted in 2003,<< [[this ordinance]] >>were given<< [[shall have]] 365 days from the effective date of >>that<< [[this]] ordinance to bring their ordinances into compliance with these minimum standards.

(d) The minimum standards created in >>this<< [[these]] sub-section shall not apply to any municipality that is recognized as a Certified Local Government by the Florida Secretary of State.

\* \* \*

Section 3. 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 4. 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 5. 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.

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