

1 sites and districts which represent distinctive elements of the County's cultural, social, economic,
2 political, scientific, religious, prehistoric and architectural history;

3
4 (b) Safeguard the Village and County's historical, cultural, archeological,
5 paleontological and architectural heritage, as embodied and reflected in such individual sites,
6 districts and archeological zones;

7
8 (c) Foster civic pride in the accomplishments of the past;

9
10 (d) Protect and enhance the Village's attraction to visitors and the support and
11 stimulus to the economy thereby provided; and

12
13 (e) Promote the use of individual sites and districts for the education, pleasure and
14 welfare of the people of Village of Palmetto Bay.

15
16 **30-150.2 DEFINITIONS.**

17
18 (a) Archeological or paleontological zone: An area designated by this division which
19 is likely to yield information on the paleontology, history and prehistory of Village of Palmetto
20 Bay and Miami-Dade County based on prehistoric settlement patterns in Miami-Dade County as
21 determined by the results of the Miami-Dade County historic survey. These zones will tend to
22 conform to natural physiographic features which were the focal points for prehistoric and historic
23 activities and paleontology.

24
25 (b) Certificate of appropriateness. A certificate issued by the Board permitting
26 certain alterations or improvements to a designated individual site or property in a designated
27 district.

28
29 (c) Regular certificate of appropriateness: A regular certificate of appropriateness
30 shall be issued by the staff of the Village Historic Preservation Board for all designated
31 properties, based on the guidelines for preservation approved by the Board.

32
33 (d) Certificate to dig. A certificate that gives the Board's permission for certain
34 digging projects that may involve the discovery of as yet unknown or known archeological or
35 paleontological sites in an archeological or paleontological zone. This certificate is issued by
36 staff of the Board based on the guidelines for preservation approved by the Board.

37
38 (e) Certificate of recognition. A certificate issued by the Board recognizing
39 properties designated pursuant to this division.

40
41 (f) Demolition. The complete constructive removal of a building on any site.

42
43 (g) Designated property. A property which has received historic preservation
44 designation by the National Historic Register, State of Florida, Miami-Dade County or the
45 Village.

1 (h) Districts. A collection of archeological or paleontological sites, buildings,
2 structures, landscape features or other improvements that are concentrated in the same area and
3 have been designated as a district pursuant to this division.
4

5 (i) Exterior. All outside surfaces of a building or structure.
6

7 (j) Guidelines for designation. Criteria established by the Preservation Board to be
8 used by staff in determining the validity of applications for a regular certificate of
9 appropriateness and any certificate to dig and to establish a set of guidelines for the preservation
10 of buildings in south Florida.
11

12 (k) Historic Preservation Board. A board as created by this division as described in
13 Section 30-150.3.
14

15 (l) Historic survey. A comprehensive survey compiled by the Historic Preservation
16 Division of the Miami-Dade County Office of Community and Economic Development
17 involving the identification, research and documentation of buildings, sites and structures of any
18 historical, cultural, archeological, paleontological or architectural importance in Miami-Dade
19 County, Florida.
20

21 (m) Individual site. An archeological site, a paleontological site, building, structure,
22 place or other improvement that has been designated as an individual site pursuant to this
23 division. Under the provisions of this division interior spaces may be regulated only where a
24 building or structure is a designated individual site and where its interiors are specifically
25 designated.
26

27 (n) National Register of Historic Places. A federal listing maintained by the U.S.
28 Department of the Interior of buildings, sites, structures and districts that have attained a quality
29 of significance as determined by the Historic Preservation Act of 1966 as amended.
30

31 (o) Ordinary repairs or maintenance. Work done to prevent deterioration of a
32 building or structure or decay of or damage to a building or structure or any part thereof by
33 restoring the building or structure as nearly as practicable to its condition prior to such
34 deterioration, decay or damage.
35

36 (p) Owner of a designated property. As reflected on the current Miami-Dade County
37 tax rolls or current title holder.
38

39 (q) Undue economic hardship. Failure to issue a certificate would place an onerous
40 and excessive financial burden upon the owner that would amount to the taking of the owner's
41 property without just compensation.
42

43 (r) Landscape feature. Any improvement or vegetation including, but not limited to
44 outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates,
45 street furniture and exterior lighting.
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30-150.3 CREATION AND DUTIES OF BOARD.

There is hereby created a Historic Preservation Board, as an advisory board for the Village. The Board is hereby vested with power, authority and jurisdiction to designate, regulate and administer historical, cultural, archeological and architectural resources in the Village.

(a) The Historic Preservation Board shall consist of five (5) members, to be confirmed by the Village; each member of the Village Council shall appoint one member; the Mayor shall appoint the Chairperson of the Board.

(b) The Board shall be comprised of architects, planners, archeologists, historians, art historians, historic preservationist. One (1) member of the Board by virtue of the civic involvement or concern for historic preservation may be appointed to the Board.

(c) It is intended that members of the Historic Preservation Board established by this section shall be persons of knowledge, experience, mature judgment, and background, having ability and desire to act in the public interest and representing, insofar as may be possible, the various special professional training, experience, and interest required to make informed and equitable decisions concerning conservation and protection of the physical environment.

(d) The term of office of membership shall be a term of one (1) year for each member. Members shall be eligible for reappointment. Terms shall not automatically renew. Each board position shall expire at the end of the one year term and shall remain vacant until re-appointment or selection of new board member occurs.

(e) Any vacancy occurring on the Board shall be filled by the Village for the remainder of the unexpired term.

(f) Special advisors may be appointed by the Village upon recommendation by the Historic Preservation Board.

30-150.4 POWERS AND DUTIES OF BOARD .

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

(a) Designate individual sites, districts and archeological and paleontological zones with the consent of the Village.

(b) Maintain and update files from any previously accomplished historic survey within the Village for the purpose of identifying and conserving those sites, districts and zones of special historic, aesthetic, architectural, archeological, cultural, social, or political value or interest.

1 (c) Recommend to the Village properties for designation as historic landmarks and
2 historic landmark districts; regulate and administer properties as historic landmarks and historic
3 landmark districts.

4
5 (d) Approve or deny certificates of appropriateness pursuant to this division.
6

7 (e) Determine whether an historic landmark destroyed by fire or other natural disaster
8 should be reconstructed. If so, the Board may recommend to the Village that an exception to the
9 Zoning Code be granted.

10
11 (f) Make recommendations to the Village concerning the transfer of development
12 rights on sites designated under this division.

13
14 (g) Increase public awareness of the value of historic conservation by developing and
15 participating in public information programs.

16
17 (h) Make recommendations to the Village concerning the utilization of grants from
18 federal and state agencies or private groups and individuals, and utilization of Village funds to
19 promote the preservation of archaeologically, historically and aesthetically significant sites,
20 districts and zones.

21
22 (i) Approve historic markers and plaques and issue recognition to designated historic
23 landmarks and historic landmark districts within the Village.

24
25 (j) Advise the Village on all matters related to the use, administration and
26 maintenance of Village-owned designated historic landmarks and historic landmark districts.

27 **30-150.5 STANDARDS FOR DESIGNATION OF ARCHAEOLOGICAL AND**
28 **HISTORICAL LANDMARKS.**

29 (a) Criteria. The Board shall have the authority to designate areas, places, buildings,
30 structures, landscape features, archeological and paleontological sites and other improvements or
31 physical features, as individual sites, districts or archeological or paleontological zones that are
32 significant in Village of Palmetto Bay or Miami-Dade County's history, architecture,
33 paleontology, archeology or culture and possess an integrity of location, design, setting,
34 materials, workmanship or association, or:

35
36 (1) Are associated with distinctive elements of the cultural, social, political,
37 economic, scientific, religious, prehistoric, paleontological and architectural history that
38 have contributed to the pattern of history in the Village of Palmetto Bay, Miami-Dade
39 County, south Florida, the State or the nation; or

40
41 (2) Are associated with the lives of persons significant in our past; or
42

1 (3) Embody the distinctive characteristics of a type, period, style or method of
2 construction or work of a master; or that possess high artistic value; or that represent a
3 distinguishable entity whose components may lack individual distinction; or
4

5 (4) Have yielded, or are likely to yield information in history or prehistory; or
6

7 (5) Are listed in the National Register of Historic Places.
8

9 (6) Contain any subsurface remains of historical or archaeological importance
10 or any unusual ground formations of archaeological significance.
11

12 (b) Properties not generally considered; exceptions. Certain properties, which
13 include cemeteries, birthplaces, properties owned by religious institutions or used for religious
14 purposes, structures that have been moved from their original locations, properties
15 commemorative in nature and properties that have achieved significance within the last 50 years,
16 will not normally be considered for designation. However, such properties will qualify if they are
17 integral parts of districts that do meet the criteria, or if they fall within the following categories:
18

19 (1) A religious property deriving primary significance from architectural or
20 artistic distinction of historical importance.
21

22 (2) A building or structure removed from its location but which is primarily
23 significant for architectural value, or is the surviving structure most importantly
24 associated with an historic event or person.
25

26 (3) A birthplace or grave of an historical figure of outstanding importance if
27 there is no other appropriate site or building directly associated with his/her productive
28 life.
29

30 (4) A cemetery which derives its primary significance from graves of persons
31 of transcendent importance, from age, distinctive design features, or from association
32 with historic events.
33

34 (5) A property primarily commemorative in intent if design, age, tradition or
35 symbolic value has invested it with its own historical significance.

36 (c) A property or district achieving significance within the past 50 years if it is of
37 exceptional importance.

38 **30-150.6 PROCEDURES FOR DESIGNATION.**

39 Properties which meet the criteria set forth hereinbelow may be designated as
40 archaeological or historical sites in accordance with the following procedures:

1 (a) Proposals. Proposals for designation may be made by the owner, the Board, and
2 Village and shall include but not be limited to the legal description of the site, photographs of the
3 site, a statement of significance and other information supporting the proposal.
4

5 (b) Designation report. For every proposed site, the Village Manager or his designee
6 shall prepare a designation report containing the following information:
7

8 (1) Statement of significance. A statement outlining the significance of the
9 proposed site, the criteria upon which the designation is based and a physical description
10 of the property.
11

12 (2) Boundaries. A map or maps indicating proposed boundaries.
13 Archaeological site boundaries shall generally conform to natural physiographic features
14 which were the focal points for prehistoric and historic activities or may be drawn along
15 property lines, streets, or geographic features to facilitate efficient management.
16

17 (3) Recommendation. The designation report shall also contain a
18 recommendation whether the Board should designate the property as an archaeological
19 site.
20

21 (c) Consideration by Board. The Board shall conduct a public meeting to determine
22 whether the proposed archaeological site meets the criteria outlined herein for the purpose of
23 considering all proposed designations and shall approve, approve with conditions, amend or deny
24 the proposed designation.
25

26 (d) Appeals.
27

28 (1) Any aggrieved party may appeal any decision of the Board to the Village
29 by filing, within 14 days after the date of the decision, a written notice of appeal and an
30 appeal fee of \$200.00 with the Village Clerk. The notice shall set forth concisely the
31 decision appealed from and the reasons or grounds for the appeal.
32

33 (2) The appeal shall be heard by the Village, which shall hear and consider all
34 facts material to the appeal and render a decision promptly. The Village may affirm,
35 modify, or reverse the Board's decision. The decision of the Village shall constitute final
36 administrative review, and no petition for rehearing or reconsideration shall be
37 considered by the Village. Appeals from decisions of the Village may be made to the
38 courts as provided by the Florida Rules of Appellate Procedure.
39

40 **30-150.7 ENFORCEMENT OF MAINTENANCE AND REPAIR PROVISIONS.**
41

42 Where the Historic Preservation Board or Board's staff determines that any improvement
43 within a designated historic landmark or historic district is endangered by lack of maintenance
44 and repair, or that other improvements in visual proximity to an historic landmark or historic
45 landmark lack maintenance and repair to such an extent as to detract from the desirable character
46 of the historic landmark or historic landmark district, it shall request appropriate officials or

1 agencies of the Village to require correction of such deficiencies under authority of applicable
2 laws and regulations.

3
4 **30-150.8 UNSAFE STRUCTURES.**

5
6 In the event the Building Official determines that any structure within a designated
7 historic landmark or historic landmark district is unsafe pursuant to the Florida Building Code,
8 he shall immediately notify the Historic Preservation Board with copies of such findings. Where
9 reasonably feasible within applicable laws and regulations the Building Official shall endeavor to
10 have the structure repaired rather than demolished and shall take into consideration any
11 comments and recommendations by the Board. The Board may take appropriate actions to effect
12 and accomplish preservation of such structure, including, but not limited to, negotiations with the
13 owner and other interested parties, provided that such actions do not interfere with procedures in
14 the Florida Building Code.

15
16 **30-150.9 FILING REPORT.**

17
18 The Board, through the Village Manager or designee, shall annually file a report with the
19 Clerk of the Board of Miami-Dade County. This report shall briefly state the name, address and
20 qualification of its Historic Preservation Board members; when each member joined and, if
21 applicable, left the Board; the name, address and telephone number of its historic preservation
22 staff members and consultants; and the number of designation reports and certificates of
23 appropriateness prepared and considered in that year. Attached to the report shall be a copy of
24 the minutes of the meetings of the municipality's Historic Preservation Board for that year and
25 any designation reports and certificates of appropriateness by its staff during that year.

26
27 **30-150.10 ECONOMIC INCENTIVES.**

28
29 It is the policy of the Village to assist the owners of historic properties to obtain
30 applicable state and federal tax benefits for preserving historical properties. The Board's decision
31 on an application for a certificate of appropriateness shall be based upon an evaluation of the
32 compatibility of the physical alteration or improvement with surrounding properties and, where
33 applicable, compliance with the following:

34
35 (a) The Secretary of Interior's Standard for Rehabilitation and Guidelines for
36 Rehabilitating Historic Buildings, as revised from time to time; and

37
38 (b) Other guidelines/policies/plans adopted or approved by resolution or ordinance by
39 the Village.

40
41 **30-150.11 PENALTIES FOR OFFENSES.**

42
43 Any person who carries out or causes to be carried out any work in violation of this
44 division shall be required to restore the subject improvement, landscape feature, or site, either to
45 its appearance prior to the violation or in accordance with a certificate of appropriateness

1 approved by the Historic Preservation Board. This civil remedy shall be in addition to and not in
2 lieu of any criminal prosecution and penalty otherwise provided under state law.

3
4 * * *

5
6 Section 2. All ordinances or parts of ordinances in conflict with the provisions of this
7 ordinance are repealed.

8
9 Section 3. This ordinance shall be codified and included in the Code of Ordinances.

10
11 Section 4. If any section, clause, sentence, or phrase of this ordinance is for any
12 reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not
13 affect the validity of the remaining portions of this ordinance.

14
15 Section 5. This ordinance shall take effect October 1, 2007.

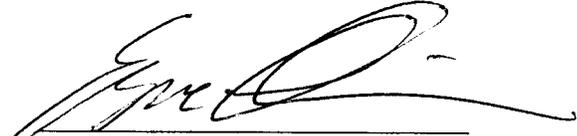
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18 PASSED AND ENACTED this 18TH day of June, 2007.

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21 First Reading: May 14th, 2007

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23 Second Reading: June 18th, 2007

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26
27 Attest:


Merghan Rader,
Village Clerk


Eugene P. Flinn, Jr.,
Mayor

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33 APPROVED AS TO FORM:

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38 Eve A. Boutsis,
39 Nagin Gallop Figueredo, P.A.
40 Office of Village Attorney
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1 FINAL VOTE AT ADOPTION:
2
3 Council Member Ed Feller YES
4
5 Council Member Paul Neidhart YES
6
7 Council Member Shelley Stanczyk YES
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9 Vice-Mayor Linda Robinson YES
10
11 Mayor Eugene P. Flinn, Jr. YES