

Sec. 118-591. - Historic designation procedure.

Any applicant, other than the city commission, a city board or other city official, requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

- (a) *Requests for designation.*
 - (1) Requests for designation of an individual historic site or district may be made to the historic preservation board by motion of the board, the city manager, by resolution of the planning board or city commission, by any property owner in respect to his own property, by a majority of property owners of record within a proposed district, by resolution of the county historic preservation board, or by resolution of any organization whose purpose is to promote the preservation of historic sites.
 - (2) Proposals for designation shall include a completed application form available from the planning department.
- (b) *Preliminary review.* Upon receipt of a completed application and fees, if applicable, the planning department shall prepare an evaluation and recommendation for consideration by the board. After considering the department's recommendation, a majority vote of the board shall be necessary to direct the department to prepare a designation report. The city commission shall be notified of the board's decision and the initial boundaries proposed for designation. Within 60 days of the vote of the historic preservation board to direct the planning department to prepare a designation report, the city commission may, by a five-sevenths vote, deny or modify the proposed request for designation, as well as establish specific timeframes for the completion of the evaluation and recommendation and/or designation report.
- (c) *Requests for demolition permits.* Following a vote of the historic preservation board, after a public hearing noticed according to the requirements of section 118-164, to (i) instruct the planning department to prepare a request for the designation of an individual historic site or district and an evaluation and recommendation in accordance with section 118-591, or (ii) to extend the interim procedures imposed under subsection (d) below, no permit for demolition affecting the subject structure, or any property within the proposed designation site or district, shall be issued until one of the following occurs:
 - (1) The proposed historic preservation designation is approved by the city commission and a certificate of appropriateness is awarded by the board pursuant to division 3 of this article;
 - (2) The proposed historic preservation designation is denied by the city commission; or
 - (3) The applicant applies for an accelerated approval of a certificate of appropriateness prior to the final enactment of the historic preservation designation for the proposed site; and such certificate of appropriateness has been issued under the provisions of division 3 of this article. Such request for an accelerated certificate of appropriateness shall also include a request for the approval of any new construction. The planning department shall place an application for an accelerated approval of a certificate of appropriateness upon the next available agenda of the historic preservation board. Any application pending before the design review board that includes any demolition of a contributing structure within a proposed historic district or site may not proceed until such time as an accelerated certificate of appropriateness is approved by the historic preservation board.
- (d) *Timeframes for preparing designation reports.* The applicant or the planning department shall have up to one year, from the date the historic preservation board votes to instruct staff to prepare either an evaluation and recommendation, or a designation report, to prepare such evaluation and recommendation, or designation report and present it to the board for consideration, unless a different timeframe is set pursuant to subsection (b) above. If either the evaluation and recommendation, or designation report is not completed within such time periods, the applicant or the planning department may request approval from the city commission for additional periods of six months or less within which to complete the evaluation and recommendation, or designation report.
- (e) *Interim procedures for demolition permits.* The persons or entities listed in subsection (a)(1) above, may request the board to instruct the planning department to prepare a designation report and implement interim procedures for

demolition permits. The planning director, or designee, may prepare and submit to the historic preservation board an evaluation and recommendation for designation at a meeting noticed in a newspaper of general circulation at least five business days in advance of the hearing. The property owner shall be notified in writing, by regular mail sent to the address of the owner on the Miami-Dade County Property Appraiser's tax records, and postmarked at least five business days in advance of the hearing. The city commission shall also then be notified. If the historic preservation board finds that the evaluation and recommendation presents a prima facie case that the property meets the criteria of the land development regulations for designation, it shall instruct the planning department to prepare a designation report, in which case the procedures for the issuance of a demolition permit set forth in subsection (c) above, shall be applicable for 60 days from the date of such vote. Within 60 days of the vote by the historic preservation board to instruct the planning department to prepare a designation report the city commission may, by a five-sevenths vote, deny or modify the proposed request for designation, as well as establish specific timeframes for the completion of the evaluation and recommendation and/or designation report. The interim procedures shall continue to apply after the 60 days expires only by a vote of the historic preservation board to proceed with the designation process at a public hearing with notice as provided in subsection (c) above, or by agreement in writing of the property owner. Application and fees, if applicable, shall be filed within ten days of the board's vote at the initial public hearing, but shall not delay commencement of the interim procedures. The interim procedures herein shall not be applicable to the individual designation of single-family homes located in single-family zoning districts.

- (f) *Public hearing.* A quasi-judicial public hearing on a proposed historic preservation designation shall be conducted by the historic preservation board after the date a designation report has been filed, and shall comply with the notice requirements in accordance with section 118-8.
- (g) *Designation procedures initiated by owners of single-family homes in single-family districts.* Notwithstanding the above, the following shall apply to any request by property owners for the individual designation of their single-family homes as historic structures:
 - (1) Procedures. An application for the designation of a single-family home as an historic structure shall be submitted by the property owner to the planning department for recommendation to the historic preservation board. The historic preservation board will make a determination as to whether the subject structure may be designated as an historic structure based upon the requirements and criteria of section 118-592. The following information must be submitted with the application:
 - a. A current survey (no less than six months old), which is signed and sealed by a professional engineer or a professional land surveyor, and a legal description of the property.
 - b. An historic resources report containing all relevant and available data including, but not limited to, the building card, historic microfilm and historic photos, which delineates the historic, cultural, aesthetic or architectural significance of the subject structure.
 - c. Existing conditions site plan, floor plans and elevation drawings of the subject structure.
 - d. A detailed photographic record of the exterior of the subject structure.
 - e. A completed application form.

Upon receipt of a completed application package, the planning department shall prepare a designation report that shall be presented to the board at a regularly scheduled meeting.

- (2) Reserved.
- (3) Reserved.
- (4) Decision of the board. If, after a public hearing, the historic preservation board finds that the proposed single-family designation application meets the criteria set forth in section 118-592, it shall designate the single-family home as a local historic structure. Upon the designation of a single-family home as an historic structure,

the structure shall be subject to the certificate of appropriateness requirements of article X of the land development regulations, with the exception of the interior areas of the structure, which shall not be subject to such regulations.

- (5) Notwithstanding the requirements of article X of the land development regulations, the following improvements proposed for a single-family home individually designated as an historic structure may be approved by the staff of the planning department, provided such improvements are consistent with the certificate of appropriateness criteria in section 118-564 of these land development regulations:
- a. Additions to single-family structures, whether attached or detached, which are not substantially visible from the public right-of-way or from the ocean front.
 - b. Modifications, additions, alterations and demolition to single-family structures, provided such modifications, additions, alterations and demolition are substantially in accordance with historic documentation, or consistent with the architectural scale, massing, character and style of the structure and do not result in the removal of significant architectural features, details or finishes.

(Ord. No. 89-2665, § 19-5(A), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 94-2926, eff. 4-14-94; Ord. No. 94-2959, eff. 12-17-94; Ord. No. 2000-3262, § 5, 7-26-00; Ord. No. 2001-3299, § 1, 3-14-01; Ord. No. 2003-3414, § 1, 6-11-03; Ord. No. 2005-3482, § 1, 5-18-05; Ord. No. 2007-3550, § 1, 3-14-07; Ord. No. 2007-3578, § 1, 10-17-07; Ord. No. 2010-3711, § 4, 12-8-10; Ord. No. 2015-3976, § 6, eff. 12-19-15; Ord. No. 2015-3978, § 10, 12-9-15, eff. 4-1-16)