

ORDINANCE NO. 2019-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO HISTORIC PRESERVATION; AMENDING VARIOUS SECTIONS OF CHAPTER 5 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") REGARDING HISTORIC PRESERVATION ORDINANCE PROCEDURES AND REQUIREMENTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 5-530 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-530. Declaration of legislative intent and purpose.

...

(b) In order to implement and give effect to this public policy, the Broward County ~~Board of County Commissioners shall appoint~~ a Historic Preservation Board ~~who shall have the authority to make recommendations to the County Commission~~ on historic resource designations; approve, approve with conditions, or deny certificates of appropriateness ~~and; review appeals to determinations for certificates to dig~~; and carry out any other duties assigned to it by the ~~Broward County Board of County Commissioners.~~

(c) This article shall be effective countywide ~~and shall be effective within a municipality to the extent a municipality does not have an ordinance that preserves~~

1 ~~historical sites and structures and that prohibits ground disturbance of archaeological~~
2 ~~historic resources~~ except in any municipality that is designated as a Certified Local
3 Government ("CLG"). Any municipality that has enacted a local historic resource
4 ordinance prior to <insert date> but that is not designated as a CLG shall have two (2)
5 years from such date to obtain CLG status. In the event a municipality with a local historic
6 resource ordinance does not obtain CLG status within the two (2) years set forth in this
7 subsection, this ordinance shall control in said municipality. To achieve the goal of
8 effective historic preservation in Broward County, the Historic Preservation Board will
9 guide the development of Broward County's CLG preservation program and may assist
10 any municipalities that request assistance in developing a local CLG application and
11 program. The municipal ordinance shall control the historical sites and structures, and
12 archaeological sites, or both, within the municipality, provided the municipality has
13 adopted an ordinance protecting historic resources or archaeological sites, and this
14 County ordinance shall not be applicable within the municipality. Nothing in this Article
15 shall limit any municipality from placing further restrictions or additional requirements on
16 any of the subjects covered by this Article.

17 (d) The Historic Preservation Board is the successor agency to the Broward
18 County Historical Commission with all authorities and duties prescribed in this article,
19 excluding those authorities and duties otherwise assigned.

20 Section 2. Section 5-531 of the Broward County Code of Ordinances is hereby
21 amended to read as follows:

22 **Sec. 5-531. Scope and exemptions.**

23 (a) Unless expressly exempted below, no building permits shall be issued for
24 new construction, demolition, alteration, rehabilitation, signage, or any other physical

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 modification of a designated historic site or resource, ~~as same is defined herein,~~ without
2 the prior issuance of a certificate of appropriateness by the ~~Broward County~~ Historic
3 Preservation Board, ~~in accordance with the procedures specified in this article.~~

4 . . .

5 Section 3. Section 5-532 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 5-532. Definitions.**

8 The following terms and phrases shall specifically apply to the provisions provided
9 within this article:

10 . . .

11 (f) *Archaeological zone* shall mean an area that has yielded or is likely to yield
12 largely subsurface information on the prehistory or history of the County based on
13 prehistoric or historic settlement and land use patterns within the County, as determined
14 in consultation with ~~the Broward County Archaeologist~~ an archaeologist retained by the
15 County and the State of Florida Division of Historical Resources. These zones will tend
16 to conform to certain natural physiographic features that were the focal points for
17 prehistoric and historic activities. Archaeological zones shall be recorded on a Map of
18 Broward County Archaeological Zones to be maintained and amended as necessary by
19 the Historic Preservation Officer (as hereinafter defined).

20 (g) ~~Board shall mean the Broward County Board of County Commissioners.~~

21 (h) (g) *Building* shall mean a structure created to shelter any form of human
22 activity. This may refer to a house, barn, garage, church, hotel, or similar structure.
23 Building may also refer to a historically-related or architecturally-related complex.

24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 ~~(h)~~ (h) *Certificate of Appropriateness ("COA")* shall mean a certificate issued by
2 the Historic Preservation Board indicating approval of plans for specified alteration,
3 rehabilitation, construction, reconstruction, removal, relocation, or demolition of a historic
4 resource.

5 ~~(i)~~ (i) *Certificate to Dig ("CTD")* shall mean a certificate indicating approval of
6 plans for specific digging projects that are anticipated to yield ~~known or as yet unknown~~
7 archaeological or paleontological materials in an archaeological or paleontological zone
8 or site designated as a historic resource. This certificate shall be issued by staff of the
9 Historic Preservation Board, when required and approved pursuant to Section 5-536.5 of
10 this Code.

11 ~~(j)~~ (j) *Certified Local Government ("CLG")* shall mean a local historic preservation
12 program ~~which~~ that has been certified by the Florida Department of State, Division of
13 Historical Resources, in accordance with the National Historic Preservation Act of 1966
14 (16 U.S.C. 470 et seq.).

15 ~~(k)~~ (k) *Construction* shall mean the erection of an onsite improvement to a
16 designated site or to a building, parcel, or grounds located within a historic resource site,
17 whether the resource is presently improved or unimproved, or hereafter becomes
18 unimproved by demolition or as a result of destruction of an improvement located thereon
19 by fire, windstorm, or other casualty, or otherwise.

20 ~~(l)~~ (l) *Contributing resource* shall mean a building, site, structure, or object that
21 adds to the historic, architectural, archaeological, or paleontological significance of a
22 historic district.

23 (m) County Commission shall mean the Broward County Board of County
24 Commissioners.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscored type are additions.

1 . . .

2 (q) *Florida Master Site File ("FMSF")* shall mean an archive and database of all
3 known archaeological and historical sites and districts recorded within the State of Florida,
4 as maintained by the Florida Department of State, Division of Historical Resources.

5 (r) *Historic district* shall mean an area designated by the ~~Board~~ County
6 Commission, located within defined geographic boundaries, which contains two (2) or
7 more contributing resources and which may contain noncontributing resources and
8 vacant land within its boundaries.

9 (s) *Historic Preservation Officer ("HPO")* shall mean the staff person, appointed
10 by the County Administrator, who is directly responsible for administering this article and
11 for carrying out the duties and responsibilities delegated by the State of Florida CLG
12 Program. ~~Responsibilities and duties of the HPO, as provided in this article, shall include~~
13 ~~those of the HPO or the HPO's authorized representative.~~ The HPO shall meet the
14 professional qualifications standards of the guidelines and standards of the United States
15 Secretary of the Interior as published in the Code of Federal Regulations, 36 C.F.R.
16 Part 61.

17 (t) *Historic resource* shall mean a building, structure, object, site, or other real
18 or personal property, ~~excluding living things~~, of historic, architectural, archaeological, or
19 paleontological value, including an individual resource, contributing resource, or
20 noncontributing resource, or vacant land within a historic district that is individually
21 designated by the ~~Board~~ County Commission as a historic resource. Any building,
22 structure, object, site, landscape feature, or other real or personal property previously
23 designated as an Archaeological Cultural Resource Site or Historical Cultural Resource
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscoring type are additions.

1 Site under the Broward County Code of Ordinances is hereby defined as a historic
2 resource.

3 (u) *Historic survey* shall mean a comprehensive listing or inventory of buildings,
4 sites, landscape features, and structures of any historical, cultural, archaeological,
5 paleontological, or architectural importance in Broward County, Florida.

6 . . .

7 Section 4. Section 5-533 of the Broward County Code of Ordinances is hereby
8 amended to read as follows:

9 **Sec. 5-533. Criteria and procedures for designation of a historic resource.**

10 (a) The following criteria shall be used to determine eligibility for designation of
11 an individual historic resource or a historic district:

12 . . .

13 (2) A site, building, structure, object, landscape feature, or district that is not
14 listed in the National Register of Historic Places may be designated only if
15 it conveys an overall sense of past time and place by possessing at least
16 three (3) of the following attributes of integrity: location, design, setting,
17 materials, workmanship, and association, and is characterized by one (1)
18 or more of the following:

19 a. Events associated with the site, building, structure, object, landscape
20 feature, or district have made a significant contribution to the cultural,
21 social, political, economic, scientific, religious, prehistoric,
22 paleontological, or architectural history and have contributed to the
23 pattern of history in the community, Broward County, South Florida,
24 the State of Florida, or the nation; or

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

- b. The site, building, structure, object, landscape feature, or district is associated with the lives of persons significant in local, state, or national history; or
- c. The site, building, structure, object, landscape feature, or district embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master builder, architect, or designer; possesses high artistic values; or represents a significant and distinguishable entity, the components of which may lack individual distinction; or
- d. The site, building, structure, object, landscape feature, or district has yielded, or may be likely to yield, information important in prehistory or history; or
- e. The site, building, structure, object, landscape feature, or district has achieved significance within the last fifty (50) years as a result of the extraordinary importance of an event that occurred at the site on a local, state, or national level; the ~~fragility~~ uniqueness or singularity of the resource; the community's strong associative attachment to the resource; or the significance of a building's ~~architecture~~ or association with a renowned architect, engineer, or builder; or
- f. The archaeological site is located within an archaeological zone, the site has been previously recorded with the ~~Florida Master Site file~~ FMSF, and the County has made a good-faith effort to obtain access to the property to conduct a reconnaissance-level archaeological survey, but access to the property has been denied.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 . . .

2 (b) The following procedures shall be used in determining eligibility of an
3 individual historic resource or a historic district:

4 (1) A site, building, structure, object, landscape feature, or district may be
5 ~~nominated~~ requested for designation using a historic designation
6 application form, available from the HPO, and shall be completed by the
7 applicant and returned to the HPO.

8 (2) An owner of a ~~nominated~~ property, site, building, structure, object,
9 landscape feature, or district, the ~~Board~~ County Commission, a municipality,
10 the HPO, or the Historic Preservation Board, upon its own motion, may
11 make application to the Historic Preservation Board for consideration of a
12 property, site, building, structure, object, landscape feature, or district as a
13 historic resource.

14 (3) Historic designation applications must contain the legal description of the
15 historic site, building, structure, object, landscape feature, or district
16 requested for designation, and evidence regarding the ownership of the
17 property. ~~The boundaries of a historic resource or historic district shall be~~
18 ~~described in a legal description in the historic designation application.~~ The
19 boundaries of the historic designation site shall be established as follows:

20 . . .

21 b. For a historic district, the boundary shall be the geographic perimeter
22 of the grouping of sites and properties included in the district or the
23 original historical subdivision or historical development boundary
24 area, or a portion thereof.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

- 1 (4) Upon receipt of an ~~completed~~ application form, ~~including necessary~~
2 ~~documentation for designation~~, the HPO shall review the application and
3 supporting documentation for completeness and accuracy. Once
4 determined complete and accurate by the HPO, the ~~nomination~~ HPO shall
5 provide notice to the municipality where the property is located and request
6 a letter of no objection for the proposal before the application proceeds.
7 The municipality shall have thirty (30) calendar days to respond to the
8 notice. Any objection received from the municipality shall be included with
9 the application presented before the Historic Preservation Board and the
10 County Commission. If the application was submitted by anyone other than
11 the owner of record, the HPO shall also send notice by certified mail, return
12 receipt requested, to the property owner of record that an application for
13 designation has been filed with the County and attempt to obtain the owner
14 of record's written consent to the designation. The application shall be
15 placed on the agenda of the next available, regularly scheduled meeting of
16 the Historic Preservation Board. At that meeting, the Historic Preservation
17 Board will conduct a public hearing and make a determination ~~regarding~~
18 ~~designation~~ of eligibility for historic designation and whether to recommend
19 to the County Commission approval, approval with conditions, or denial of
20 the nomination or, if necessary, make the determination whether to
21 ~~designate~~ recommend designation at a subsequent date.
- 22 (5) The designation of the site, building, structure, object, landscape feature, or
23 district as a historic resource shall not exceed the scope of the actual
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscoring type are additions.

1 application for, or the extent of notice of public hearing on, the site, building,
2 structure, object, landscape feature, or district nominated for designation.

3 (6) Notice of the Historic Preservation Board's public hearing to consider the
4 ~~nomination~~ application shall be provided by the HPO by placing an
5 advertisement in a newspaper of general circulation at least fifteen (15)
6 calendar days prior to the hearing pursuant to this section. Additionally, the
7 HPO shall mail notice of the Historic Preservation Board's public hearing by
8 certified mail, return receipt requested, to all addresses of the owner that
9 are on record with the Broward County Property Appraiser's Office and the
10 address listed on the application request for designation at least fifteen (15)
11 calendar days in advance of the public hearing, ~~to the owner of the~~
12 ~~nominated property, or the owner's authorized agent, as indicated on the~~
13 ~~Broward County tax roll, unless staff is provided evidence of a different~~
14 ~~owner, and.~~ Notice of the Historic Preservation Board's public hearing shall
15 be mailed, certified mail, return receipt requested, to the local government
16 within whose jurisdiction the nominated site is located at least fifteen (15)
17 calendar days in advance of the public hearing.

18 (7) The Historic Preservation Board shall act upon the ~~nomination~~ application
19 within sixty-five (65) calendar days after the date of the meeting at which
20 the ~~nomination~~ application is first considered. In the event the Historic
21 Preservation Board does not act upon the ~~nomination~~ application within the
22 sixty-five (65) calendar days, the ~~nomination~~ application shall be deemed to
23 be denied without prejudice, so as to permit the applicant to file a
24 subsequent ~~nomination~~ application. A written recommendation shall be

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 forwarded to the ~~Beard~~ County Commission for approval, approval with
2 conditions, or denial of the nomination, based upon the evidence presented
3 at a public hearing before the ~~Beard~~ County Commission.

4 (8) Notice of the ~~Beard~~ County Commission public hearing to consider the
5 nomination shall be provided by the HPO County Administrator by placing
6 an advertisement in a newspaper of general circulation at least fifteen (15)
7 calendar days prior to the public hearing. Additionally, the owner of the
8 nominated property, or the owner's authorized agent, as indicated on the
9 Broward County tax roll, unless staff is presented evidence of a different
10 owner, and the local government within which the nominated property is
11 located, will be mailed notice by the HPO at least fifteen (15) calendar days
12 in advance of the public hearing. Such notice shall be by certified mail,
13 return receipt requested.

14 ~~(8)~~ (9) If the property owner of an individual historic resource nomination consents
15 to designation, a simple majority vote of the ~~Beard~~ County Commission shall
16 be required to designate a historic resource. If an individual historic
17 resource designation lacks owner consent, then a majority vote plus one (1)
18 of the ~~Beard~~ County Commission shall be required.

19 ~~(9)~~ (10) No permits for any demolition, alteration, construction, relocation, land
20 disturbance, or development activities shall be issued once a ~~nomination~~
21 ~~form is filed~~ notice of application is delivered to the property owner until the
22 ~~Beard~~ County Commission acts to approve or deny the nomination, or for
23 six (6) months after ~~the nomination is filed~~ delivery of the notice, whichever
24 shall first occur.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (10) (11) Appeals of a decision of the ~~Board~~ County Commission regarding the
2 designation or failure to designate a nominated property as a historic
3 resource shall be by appropriate action pursuant to the Florida Rules of Civil
4 Procedure and Florida Rules of Appellate Procedure.

5 Section 5. Section 5-534 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 5-534. Historic resource designation.**

8 (a) A historic resource shall be designated in accordance with this article by
9 resolution of the ~~Board~~ County Commission describing the historic resource designated
10 by folio number and any other information that further specifies the resource so
11 designated, and, upon adoption, shall be recorded in the public records of Broward
12 County at the expense of the applicant.

13 (b) ~~Board resolutions~~ The HPO shall forward the resolution of the County
14 Commission designating a historic resource ~~shall be forwarded~~ to the Broward County
15 Planning Council for review and consideration for designation on the Broward County
16 Land Use Plan Map Series as a Cultural Resource/Local Area of Particular Concern.

17 (c) If the County Commission designates a historic resource, the HPO shall
18 forward the resolution of the County Commission designating the historic resource to the
19 applicable municipality's building and zoning official(s) for inclusion in the municipality's
20 records.

21 Section 6. Section 5-535 of the Broward County Code of Ordinances is hereby
22 amended to read as follows:
23
24

1 **Sec. 5-535. Historic ~~p~~Preservation ~~b~~Board.**

2 (a) The Historic Preservation Board is hereby established to perform the duties
3 assigned herein, as well as any other duties assigned by the ~~Board~~ County Commission.
4 The Historic Preservation Board shall also review National Register nominations in
5 accordance with the National Historic Preservation Act of 1966. The actions of the
6 Historic Preservation Board shall be complementary to the responsibilities of the State
7 Historic Preservation Office.

8 (b) The Historic Preservation Board shall be comprised of nine (9) members,
9 each of whom shall be appointed by the ~~Board~~ County Commission. All members of the
10 Historic Preservation Board shall be residents of Broward County and shall possess
11 demonstrated knowledge, experience, and commitment to historic preservation. Each
12 County Commissioner shall nominate one (1) member to the Historic Preservation Board.
13 One (1) member of the Historic Preservation Board shall be a licensed architect with
14 demonstrable historic preservation experience. The remaining eight (8) members shall
15 be practicing or retired professionals from each of the following areas of disciplines:

16 . . .

17 (c) ~~With the exception of the initial members, t~~The term of office of the Historic
18 Preservation Board members shall be two (2) years, and no member shall serve more
19 than two (2) consecutive two (2) year terms. The initial term of members shall be
20 staggered so that the end of the term of the initial members shall not end simultaneously.
21 Four (4) of the initial nine (9) members shall serve for a one (1) year initial term and shall
22 be permitted to serve an additional two (2) full two (2) year terms. Notwithstanding the
23 foregoing, incumbent members may continue to serve until reappointment or the
24 appointment of a successor. Any vacancies shall be filled only for the remainder of the

1 original member's term. The Historic Preservation Board shall ~~establish~~ maintain rules of
2 procedures, including, but not limited to, procedures for recording of minutes, for training
3 opportunities for Historic Preservation Board members, for election of officers, and for
4 seeking assistance on historic preservation matters requiring expertise not represented
5 within its membership.

6 . . .

7 (f) The ~~Board~~ County Commission shall provide staff for the operational
8 support of the Historic Preservation Board to undertake the requirements for certification
9 as a CLG and to carry out the duties and responsibilities delegated to the CLG.

10 (g) ~~The~~ Broward County and the Historic Preservation Board shall maintain the
11 historic preservation ordinance and practices in compliance with the CLG requirements.

12 (h) Members of the Historic Preservation Board must file a Statement of
13 Financial Interests in accordance with Section 112.3145, Florida Statutes.

14 Section 7. Section 5-536 of the Broward County Code of Ordinances is hereby
15 amended to read as follows:

16 **Sec. 5-536. Certificate of Appropriateness (COA).**

17 (a) *Certificate of Appropriateness (COA) required:*

18 (1) No person shall undertake any of the following actions affecting a
19 designated historic resource without first obtaining a COA from the Historic
20 Preservation Board:

21 . . .

- 22 d. Demolition or removal;
- 23 e. Land disturbance; ~~or~~
- 24 f. Development activities; or

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 g. Significant landscaping additions and landscape improvements such
2 as patios, gazebos, trellises, walkways, lighting poles, pools, and
3 fountains.

4 (2) Review of new construction and alterations to designated buildings and
5 structures shall be limited to the exterior ~~architectural features visible to the~~
6 public, ~~except for interior portions designated a historic resource~~ of a site.
7 Interiors of a designated historic resource site shall be excluded from review
8 unless included as historically or architecturally significant in the scope of
9 the designation.

10 ...

11 (5) If a COA for relocation is approved, the historic resource shall remain
12 designated during and after its relocation. After relocation, the historic
13 resource site designation shall be amended to reflect the new site location.

14 (6) Except as set forth in this article, no building permit shall be issued by any
15 building official of the municipal government having jurisdiction or by
16 Broward County ~~which~~ that affects any historic resource without an
17 authorized COA.

18 (b) *Application procedures for a COA:*

19 (1) The property owner or agent shall complete and file an application with the
20 HPO on a form provided by the Historic Preservation Board.

21 ...

22 b. Such drawings, plans, or specifications shall include ~~designated~~
23 interior and as built or original drawings of exterior elevations, floor
24 plans, site plans, and any other information related to the original

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscored type are additions.

1 architectural design of buildings and structures, Project information,
2 including proposed materials, textures, and colors, and all
3 improvements such as walls, walks, terraces, plantings, accessory
4 buildings, signs, lights, and other appurtenant elements, shall be
5 provided.

6 c. A preapplication meeting between the applicant and HPO is
7 recommended prior to application submittal so that a preliminary
8 assessment of the project's compliance with standards and
9 suggestions for modifications can be made.

10 (c) *Public meetings for COAs:*

11 (1) The Historic Preservation Board shall ~~hold~~ schedule a quasi-judicial public
12 hearing on each application for a COA within forty-five (45) calendar days
13 after receipt of a completed application. The HPO shall determine when an
14 application is complete and provide a staff analysis and review to the
15 Historic Preservation Board. No hearing shall be scheduled, ~~however,~~
16 sooner than fifteen (15) calendar days after mailing the applicant notice of
17 the hearing. Within sixty-five (65) calendar days after the hearing, ~~as same~~
18 ~~may be continued, with good cause shown and as set forth in the record,~~
19 ~~for a period of time not to exceed ninety (90) days,~~ the Historic Preservation
20 Board shall issue an order based on the criteria outlined in this section. The
21 Historic Preservation Board's hearing may be continued with good cause
22 shown, supported on the record, for a period not to exceed ninety (90)
23 calendar days. If the Historic Preservation Board fails to issue an order on
24 an application within the specified time period, the application shall be

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 deemed denied. The Historic Preservation Board shall approve, approve
2 with conditions, or disapprove each application based on the criteria
3 contained in this article. In the event an applicant has alleged that strict
4 enforcement of the provision of this article would result in the deprivation of
5 all reasonable economically beneficial use of such property, the Historic
6 Preservation Board shall hear evidence pertaining to the allegation
7 simultaneously with the quasi-judicial hearing for the issuance of the COA.

8 (2) Appeals of the denial or the approval with conditions of a COA, where the
9 applicant has alleged that the enforcement of the provisions of the article
10 would result in the deprivation of all reasonable economically beneficial use
11 of such property, shall be heard by the ~~Board~~ County Commission. The
12 hearing shall be noticed and heard in accordance with the provisions of this
13 article regarding other quasi-judicial hearings before the ~~Board~~ County
14 Commission. All other appeals of a decision of the Historic Preservation
15 Board with regard to the issuance of a COA shall be by writ of certiorari to
16 the circuit court pursuant to the Florida Rules of Civil Procedure, within
17 thirty (30) calendar days after the rendition of the Historic Preservation
18 Board's order.

19 (d) *General criteria and guidelines for granting COAs:* In approving or denying
20 applications for a COA for alterations, new construction, relocation, demolition, land
21 disturbance, or development activity, the Historic Preservation Board shall use the
22 Secretary of the Interior's Standards for evaluation of the project's compliance and
23 consider the following general criteria:

24 . . .

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 (5) ~~Whether the plans comply with The Secretary of the Interior's Standards.~~

2 ~~(6)~~ Whether the proposed work will have a negative impact on the historic
3 resource upon which such activity is to be done.

4 ~~(7)~~ (6) Whether the proposed work will have a negative impact on other historic
5 resources on the site or on other historic resources within its viewshed.

6 . . .

7 (f) *Additional guidelines relating to new construction:* In approving or denying
8 applications for a COA for new construction, the Historic Preservation Board shall
9 consider the following criteria, in addition to other general criteria listed in ~~§~~ subsection (d)
10 above, in order to determine whether:

11 . . .

12 (6) ~~Whether additions~~ Additions to historic resources are sited as
13 inconspicuously as reasonably possible and, with the exception of
14 waterfront properties, towards the rear. All additions shall be designed to
15 complement the historic resource in terms of scale, shape, and materials,
16 while at the same time being readable as differentiated from and compatible
17 with the old work.

18 . . .

19 Section 8. Section 5-536.5 of the Broward County Code of Ordinances is
20 hereby amended to read as follows:

21 **Sec. 5-536.5. Certificate to ~~d~~ig (CTD), protection, and preservation.**

22 (a) *Certificate to ~~d~~ig (CTD) required:*

23

24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (1) Within a designated archaeological or paleontological site or zone, or
2 historic resource site or property containing archaeological or
3 paleontological resources or artifacts, no person shall undertake any of the
4 following actions affecting the site or property, without first obtaining a fully
5 executed CTD from the HPO for:

6 . . .

7 (f) At least annually, the HPO shall review the map and the ~~Florida Master Site~~
8 ~~file~~ FMSF for possible map amendments.

9 . . .

10 Section 9. Section 5-539 of the Broward County Code of Ordinances is hereby
11 amended to read as follows:

12 **Sec. 5-539. Public nuisance.**

13 The ~~Board~~ County Commission hereby finds that the unauthorized alteration,
14 demolition, or demolition by neglect, of structures or sites designated as historic
15 resources is a violation of this article, constituting a public nuisance; and, as such, the
16 County Attorney, upon approval of the ~~Board~~ County Commission, or the municipal
17 attorney, upon approval ~~by~~ of the governing body of the local government having
18 jurisdiction, may seek an injunction, in addition to any other legal remedies available.

19 Section 10. Section 5-543 of the Broward County Code of Ordinances is hereby
20 amended to read as follows:

21 **Sec. 5-543. Trust ~~f~~Fund ~~a~~Account and other nonmonetary gifts.**

22 (a) There is hereby created a Broward County Historic Preservation Trust Fund
23 Account ("~~Trust f~~Fund ~~a~~Account") for accepting and disbursing gifts, grants, and awards
24 made to the County for the benefit of historic preservation.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (b) The ~~Trust Fund~~ Account is to be self-perpetuating from year to year
2 unless abolished by the ~~Board~~ County Commission.

3 (c) The ~~Trust Fund~~ Account shall be for the use of Broward County such that
4 the funds therein will inure to the use and benefit of historic preservation from time to time
5 and from year to year.

6 (d) The gifts, grants, and awards received from public and private donors shall
7 be deposited in the ~~Trust Fund~~ Account herein created, and shall at all times be kept
8 separate and apart from the general funds of the County such that they will inure to the
9 use and benefit of historic preservation from time to time and from year to year.

10 . . .

11 (f) Gifts, grants, and awards to the ~~said Trust Fund~~ Account shall be
12 received by the County, and delivered to the Broward County Director of Finance and
13 Administrative Services, who shall deposit them pursuant to the Broward County
14 Administrative Code. The gifts, grants, and awards shall be expended by the Broward
15 County Director of Finance and Administrative Services only upon receipt of a resolution
16 duly adopted by the ~~Board~~ County Commission.

17 . . .

18 (h) The books and records of the ~~said Trust Fund~~ Account shall at all times
19 be open to public inspection; and shall be subject to County and state audit as required
20 by law. An annual report on the use of the ~~Trust Fund~~ Account should be submitted to
21 the County Commission, with a copy of such report to the Historic Preservation Board,
22 within ninety (90) calendar days after the end of any fiscal year.

23 (i) All nonmonetary gifts, grants, and awards of money intended to benefit
24 historic preservation may be accepted ~~on behalf of~~ by Broward County ~~by the~~

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 ~~administrator of the Historic Preservation Board, or designee, or other person(s) as may~~
2 ~~be designated by resolution of the Board, subject to Board approval requirements in~~
3 accordance with Section 18.63(a) of the Broward County Administrative Code.

4 . . .

5 (k) No real property or any appurtenances or fixtures thereto shall be accepted
6 unless authorized by the ~~Board~~ County Commission.

7 Section 11. Severability.

8 If any portion of this Ordinance is determined by any court to be invalid, the invalid
9 portion will be stricken, and such striking will not affect the validity of the remainder of this
10 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
11 legally applied to any individual, group, entity, property, or circumstance, such
12 determination will not affect the applicability of this Ordinance to any other individual,
13 group, entity, property, or circumstance.

14 Section 12. Inclusion in the Broward County Code of Ordinances.

15 It is the intention of the Board of County Commissioners that the provisions of this
16 Ordinance become part of the Broward County Code of Ordinances as of the effective
17 date. The sections of this Ordinance may be renumbered or relettered and the word
18 "ordinance" may be changed to "section," "article," or such other appropriate word or
19 phrase to the extent necessary in order to accomplish such intention.

20

21

22

23

24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Section 13. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ 12/03/18
Benjamin D. Crego (date)
Assistant County Attorney

By /s/ 12/03/18
Maite Azcoitia (date)
Deputy County Attorney

BDC/gmb
12/03/18
Ch 5 Historic Preservation Procedures and Requirements Ord.
41005-0001

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.