

ARTICLE XVII. - PRESERVATION OF HISTORICAL CULTURAL RESOURCE SITES

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

- (a) It is hereby declared that the protection, enhancement, and perpetuation of cultural resources and properties and structures of historical, archaeological, and architectural merit in the County constitute a public policy of Broward County and in the interest of the County's future prosperity and the economic, educational, and general welfare of the residents of Broward County and of the public generally. It is further declared that the preservation of lands containing historical and archaeological sites during a development application process, until completion of that process, constitutes a minimal development control and furthers the health, safety, and welfare of Broward County, by preventing disturbance of valuable community prehistoric and historical sites during the application process, and by allowing governmental and private land planning activities to provide for appropriate incorporation of historic resource sites, archaeological zones, and sites containing archaeological materials into development plans. It is further declared that this public policy is intended to:
- (1) Effectuate and accomplish the protection, enhancement, and perpetuation of buildings, structures, improvements, archaeological resources, landscape features, and architectural resources of sites and districts which represent distinctive elements of the County's cultural, social, economic, political, scientific, religious, prehistoric, and architectural history.
 - (2) Safeguard the County's historical, cultural, archaeological, and architectural heritage as embodied and reflected in such individual structures, sites, and districts and to protect such structures, sites, and districts in order to maintain physical evidence of the County's heritage.
 - (3) Foster civic pride in the accomplishments of the past.
 - (4) Protect and enhance the County's attraction to visitors and to support and stimulate the economy thereby.
 - (5) Promote the use of individual structures, sites, and districts for the education, pleasure, and welfare of the residents of and visitors to Broward County.
- (b) In order to implement and give effect to this public policy, the Broward County Historic Preservation Board shall have the authority to make recommendations to the County Commission on historic resource designations; approve, approve with conditions, or deny certificates of appropriateness; review appeals to determinations for certificates to dig; and carry out any other duties assigned to it by the County Commission.
- (c) This article shall be effective countywide except in any municipality that is designated as a Certified Local Government (CLG) and has an ordinance that preserves historical sites and structures and that prohibits ground disturbance of archaeological historic resources. Any municipality that has enacted a local historic resource ordinance prior to November 15, 2019, but that is not designated as a CLG shall have two (2) years from such date to obtain CLG status. In the event a municipality with a local historic resource ordinance does not obtain CLG status within the two (2) years set forth in this subsection, this Ordinance shall control in said municipality. If a municipality has obtained CLG status, the municipal ordinance shall control the historical sites and structures, and archaeological sites, within the municipality, provided the municipality has adopted an ordinance protecting historic resources and archaeological sites, and this County Ordinance shall not be applicable within the municipality. If a municipal ordinance does not contain provisions prohibiting ground disturbance of archaeological historic resources but does contain provisions preserving historical sites and structures, this County Ordinance shall be applicable within the municipality with regard to archaeological historic resources. Nothing in this article shall limit any municipality from placing further restrictions or additional requirements on any of the subjects covered by this article.
- (d) The Historic Preservation Board is the successor agency to the Broward County Historical Commission with all authorities and duties prescribed in this article, excluding those authorities and duties otherwise assigned. To achieve the goal of effective historic preservation in Broward County, the Historic Preservation Board will guide the development of Broward County's CLG preservation

program and may assist any municipalities that request assistance in developing a local CLG application and program.

(Ord. No. 93-13, § 1, 6-22-93; Ord. No. 2014-32, § 3, 9-23-14; Ord. No. [2019-28](#), § 1, 10-15-19)

Sec. 5-531. - Scope and exemptions.

- (a) Unless expressly exempted below, no building permits shall be issued for new construction, demolition, alteration, rehabilitation, signage, or any other physical modification of a designated historic site or resource without the prior issuance of a certificate of appropriateness by the Historic Preservation Board.
- (b) The following permits are exempt from the regulations of this article:
 - (1) All permits for plumbing, heating, air conditioning, elevators, fire alarms, and fire extinguishing equipment, and all mechanical and electrical equipment that do not involve exterior changes or construction visible from the public right-of-way or navigable waterway, or changes to an interior not previously designated as a historic resource and not visible from the public right-of-way or navigable water.
 - (2) Any permit necessary for compliance with a lawful order issued by the local government having jurisdiction through its building and permitting or code and zoning divisions, unsafe structures board, or fire marshal, including, without limitation, any permit necessary for the immediate preservation of public health or safety.

(Ord. No. 93-13, § 1, 6-22-93; Ord. No. 2014-32, § 4, 9-23-14; Ord. No. [2019-28](#), § 2, 10-15-19)

Sec. 5-532. - Definitions.

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

- (a) *Addition* shall mean any new construction that adds mass to an existing historic resource.
- (b) *Alteration* shall mean any act or process that alters any of the following aspects of a historic resource:
 - (1) The exterior architectural appearance;
 - (2) Any interior or exterior feature that has been designated as a historic resource;
 - (3) Any interior structural feature that is visible from a public right-of-way or a navigable waterway; or
 - (4) When located within a nonresidentially zoned designated historic district, the introduction, placement, or replacement of accessories or other personal property, including, but not limited to, furniture placed outdoors, pushcarts, and mobile or nonmobile vending machines or trolley cars placed on private property.
- (c) *Archaeological materials* shall mean human skeletal materials or human- manufactured objects, or natural objects altered by human activity, found on or beneath the surface of the ground and shall include, but not be limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structural and building ruins, graves, any earthen mounds, middens or landscape features of human manufacture, or any portion or piece of any of the foregoing items. Unmarked human remains and associated burial artifacts and materials that are seventy-five (75) years of age or more are considered archaeological materials for the purpose of this article. Structures, and nonfossilized and fossilized paleontological resources, or any portion or piece thereof, shall not be considered archaeological materials under this article, unless found within an archaeological site, archaeological zone, or during an archaeological salvage excavation.

Except as specified in this paragraph, no item shall be treated as a historic resource under this article unless such item is at least one hundred (100) years of age.

- (d) *Archaeological salvage excavation* shall mean a process designed to prevent activity causing adverse impact on cultural resources by systematic removal of prehistoric or historical cultural remains, in order to acquire the fundamental information necessary for understanding the site within its proper historic context. This process requires an appropriate field survey, excavation, artifact analysis, and curation reports.
- (e) *Archaeological site* shall mean a location that has yielded or is likely to yield the presence of archaeological materials on or below the ground and information indicating the past use of the site by humans. An archaeological site may be identified using onsite investigations or site-predictive models pursuant to the criteria set forth in Section 5-533 of this Code.
- (f) *Archaeological zone* shall mean an area that has yielded or is likely to yield largely subsurface information on the prehistory or history of the County based on prehistoric or historic settlement and land use patterns within the County, as determined in consultation with an archaeologist retained by the County and the State of Florida Division of Historical Resources. These zones will tend to conform to certain natural physiographic features that were the focal points for prehistoric and historic activities. Archaeological zones shall be recorded on a Map of Broward County Archaeological Zones to be maintained and amended as necessary by the Historic Preservation Officer (as hereinafter defined).
- (g) *Building* shall mean a structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, or similar structure. Building may also refer to a historically-related or architecturally-related complex.
- (h) *Certificate of Appropriateness (COA)* shall mean a certificate issued by the Historic Preservation Board indicating approval of plans for specified alteration, rehabilitation, construction, reconstruction, removal, relocation, or demolition of a historic resource.
- (i) *Certificate to Dig (CTD)* shall mean a certificate indicating approval of plans for specific digging projects that are anticipated to yield archaeological or paleontological materials in an archaeological or paleontological zone or site designated as a historic resource. This certificate shall be issued by staff of the Historic Preservation Board, when required and approved pursuant to Section 5-536.5 of this Code.
- (j) *Certified Local Government (CLG)* shall mean a local historic preservation program that has been certified by the Florida Department of State, Division of Historical Resources, in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).
- (k) *Construction* shall mean the erection of an onsite improvement to a designated site or to a building, parcel, or grounds located within a historic resource site, whether the resource is presently improved or unimproved, or hereafter becomes unimproved by demolition or as a result of destruction of an improvement located thereon by fire, windstorm, or other casualty, or otherwise.
- (l) *Contributing resource* shall mean a building, site, structure, or object that adds to the historic, architectural, archaeological, or paleontological significance of a historic district.
- (m) *County Commission* shall mean the Broward County Board of County Commissioners.
- (n) *Demolition* shall mean any act that destroys in whole or in part a historic resource.
- (o) *Demolition by neglect* shall mean improper or inadequate maintenance of a historic resource that results in its substantial deterioration and threatens the continued preservation of the historic resource.
- (p) *Exterior* shall mean all outside surfaces or elements of a building or structure.
- (q) *Florida Master Site File (FMSF)* shall mean an archive and database of all known archaeological and historical sites and districts recorded within the State of Florida, as maintained by the Florida Department of State, Division of Historical Resources.

- (r) *Historic district* shall mean an area designated by the County Commission, located within defined geographic boundaries, which contains two (2) or more contributing resources and which may contain noncontributing resources and vacant land within its boundaries.
- (s) *Historic Preservation Officer (HPO)* shall mean the staff person, appointed by the County Administrator, who is directly responsible for administering this article and for carrying out the duties and responsibilities delegated by the State of Florida CLG Program. The HPO shall meet the professional qualifications standards of the guidelines and standards of the United States Secretary of the Interior as published in the Code of Federal Regulations, 36 C.F.R. Part 61.
- (t) *Historic resource* shall mean a building, structure, object, site, or other real or personal property of historic, architectural, archaeological, or paleontological value, including an individual resource, contributing resource, or noncontributing resource, or vacant land within a historic district that is individually designated by the County Commission as a historic resource. Any building, structure, object, site, landscape feature, or other real or personal property previously designated as an Archaeological Cultural Resource Site or Historical Cultural Resource Site under the Broward County Code of Ordinances is hereby defined as a historic resource.
- (u) *Historic survey* shall mean a comprehensive listing or inventory of buildings, sites, landscape features, and structures of any historical, cultural, archaeological, paleontological, or architectural importance in Broward County, Florida.
- (v) *Integrity* shall mean the authenticity of a resource's historic identity, evidenced by the survival of physical characteristics that existed during the resource's historic or prehistoric period.
- (w) *Landscape feature* shall mean any improvement or vegetation on a site, including outbuildings, walls, fences, courtyards, fountains, trees, sidewalks or pathways, planters, gates, street furniture, rock formations, solution holes, statuaries, or exterior lighting.
- (x) *Mass* shall mean the envelope or cubic footage of the structure, including, but not limited to, all habitable space, garages, attics, storage areas, and porches.
- (y) *National Register of Historic Places* shall mean the list of historic properties significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).
- (z) *New construction* shall mean any new building, structure, object, or addition to a historic resource.
- (aa) *Noncontributing resource* shall mean a resource within a historic district that is not historically or architecturally compatible with contributing resources within the district.
- (bb) *Ordinary maintenance* shall mean minimal work conducted on a historic resource which specifically stems deterioration and exactly replicates the existing material of the resource in form and substance.
- (cc) *Paleontological resource* shall mean any vertebrate fossils, including bones, teeth, natural casts, molds, impressions, and other remains of prehistoric fauna, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include:
 - (1) Any materials associated with an archaeological resource, as defined in Section 3(1) of the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470bb(1); or
 - (2) Any cultural item, as defined in Section 2 of the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001.
- (dd) *Paleontological site* shall mean a location that has yielded or is likely to yield information important to the understanding and scientific study of paleontological resources. A paleontological site is evidenced by the presence of paleontological materials on or below the ground surface indicating past use of a location by humans.

- (ee) *Paleontological zone* shall mean an area likely to yield largely subsurface information on the prehistory and fossil history of the County based on prehistoric environmental patterns within the County, as determined in consultation with the Florida Museum of Natural History. Paleontological zones will tend to conform to certain geological features and deposits and shall be recorded on a Map of Broward County Paleontological Zones to be maintained and amended as necessary by the HPO.
- (ff) *Period of significance* shall mean the period of time from which a historic resource's importance is derived.
- (gg) *Relocation* shall mean the movement of a historic resource, including movement on its own site. Relocation shall also include the introduction of a historic resource or previously nondesignated resource onto the site of a historic resource.
- (hh) *Scale of a building* shall mean the ratio of the mass of the building to the total buildable area of the property, as defined by maximum setback, step-back, and height requirements.
- (ii) *Secretary of the Interior's Standards* shall mean the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, and Archaeological Documentation, codified at 36 C.F.R. Part 68, and the Archaeological Program, codified at 36 C.F.R. Part 79, published by the United States Department of the Interior, and those guidelines developed by the Secretary of the Interior to guide work undertaken on historic and archaeological resources.
- (jj) *Setting* shall mean the environment in which a historic resource is located, including, but not limited to, the viewshed, water frontage, or streetscape.
- (kk) *Streetscape* shall mean the appearance or view along the public right-of-way adjacent to a historic resource.
- (ll) *Structure* shall mean a man-made object built or constructed for a functional use that is not intended to shelter human activity, such as a fence or a windmill.
- (mm) *Viewshed* shall mean the views to and from a historic resource.

(Ord. No. 2014-32, § 5, 9-23-14; Ord. No. [2019-28](#), § 3, 10-15-19)

Editor's note— Ord. No. 2014-32, § 5, adopted Sept. 23, 2014, repealed § 5-532 and enacted a new section as set out herein. The former § 5-532 pertained to similar subject matter and derived from Ord. No. 93-13, § 1, adopted June 22, 1993, and Ord. No. 1998-05, § 1, adopted March 24, 1998.

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

- (a) The following criteria shall be used to determine eligibility for designation of an individual historic resource or a historic district:
 - (1) Any site, building, structure, object, or district that is listed in the National Register of Historic Places may be designated.
 - (2) A site, building, structure, object, landscape feature, or district that is not listed in the National Register of Historic Places may be designated only if it conveys an overall sense of past time and place by possessing at least three (3) of the following attributes of integrity: location, design, setting, materials, workmanship, and association, and is characterized by one (1) or more of the following:
 - a. Events associated with the site, building, structure, object, landscape feature, or district have made a significant contribution to the cultural, social, political, economic, scientific, religious, prehistoric, paleontological, or architectural history and have contributed to the

pattern of history in the community, Broward County, South Florida, the State of Florida, or the nation; or

- 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 uniqueness or singularity of the resource; the community's strong associative attachment to the resource; or the significance of a building's 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 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.
- (3) Interior spaces shall not be designated unless the interiors have exceptional architectural, artistic, or historic importance, and are customarily open to the public.
- (4) A resource must be at least fifty (50) years of age or, if less than fifty (50) years old, must possess exceptional importance.
- (b) The following procedures shall be used in determining eligibility of an individual historic resource or a historic district:
- (1) A site, building, structure, object, landscape feature, or district may be requested for designation using a historic designation application form, available from the HPO, and shall be completed by the applicant and returned to the HPO.
 - (2) An owner of a property, site, building, structure, object, landscape feature, or district, the County Commission, a municipality, the HPO, or the Historic Preservation Board, upon its own motion, may make application to the Historic Preservation Board for consideration of a property, site, building, structure, object, landscape feature, or district as a historic resource.
 - (3) Historic designation applications must contain the legal description of the historic site, building, structure, object, landscape feature, or district requested for designation, and evidence regarding the ownership of the property. The boundaries of the historic designation site shall be established as follows:
 - a. For designation of an individual historic resource, the boundary shall be the original site as it was associated with the nominated historic resource during its period of significance. If a portion of the original site containing the historic resource has been sold or developed, that portion of the site that is currently associated with the historic resource shall constitute the boundary.
 - b. For a historic district, the boundary shall be the geographic perimeter of the grouping of sites and properties included in the district or the original historical subdivision or historical development boundary area, or a portion thereof.
 - (4) Upon receipt of an application for designation, the HPO shall review the application and supporting documentation for completeness and accuracy. Once determined complete and accurate by the HPO, the HPO shall provide notice to the municipality where the property is located and request a letter of no objection for the proposal before the application proceeds. The municipality shall have thirty (30) calendar days to respond to the notice. Any objection

received from the municipality shall be included with the application presented before the Historic Preservation Board and the County Commission. If the application was submitted by anyone other than the owner of record, the HPO shall also send notice by certified mail, return receipt requested, to the property owner of record that an application for designation has been filed with the County and attempt to obtain the owner of record's written consent to the designation. The application shall be placed on the agenda of the next available, regularly scheduled meeting of the Historic Preservation Board. At that meeting, the Historic Preservation Board will conduct a public hearing and make a determination of eligibility for historic designation and whether to recommend to the County Commission approval, approval with conditions, or denial of the nomination or, if necessary, make the determination whether to recommend designation at a subsequent date.

- (5) The designation of the site, building, structure, object, landscape feature, or district as a historic resource shall not exceed the scope of the actual application for, or the extent of notice of public hearing on, the site, building, structure, object, landscape feature, or district nominated for designation.
- (6) Notice of the Historic Preservation Board's public hearing to consider the application shall be provided by the HPO by placing an advertisement in a newspaper of general circulation at least fifteen (15) calendar days prior to the hearing pursuant to this section. Additionally, the HPO shall mail notice of the Historic Preservation Board's public hearing by certified mail, return receipt requested, to all addresses of the owner that are on record with the Broward County Property Appraiser's Office and the address listed on the application request for designation at least fifteen (15) calendar days in advance of the public hearing. Notice of the Historic Preservation Board's public hearing shall be mailed, certified mail, return receipt requested, to the local government within whose jurisdiction the nominated site is located at least fifteen (15) calendar days in advance of the public hearing.
- (7) The Historic Preservation Board shall act upon the application within sixty-five (65) calendar days after the date of the meeting at which the application is first considered. In the event the Historic Preservation Board does not act upon the application within the sixty-five (65) calendar days, the application shall be deemed to be denied without prejudice, so as to permit the applicant to file a subsequent application. A written recommendation shall be forwarded to the County Commission for approval, approval with conditions, or denial of the nomination, based upon the evidence presented at a public hearing before the County Commission.
- (8) Notice of the County Commission public hearing to consider the nomination shall be provided by the County Administrator by placing an advertisement in a newspaper of general circulation at least fifteen (15) calendar days prior to the public hearing. Additionally, the owner of the nominated property, or the owner's authorized agent, as indicated on the Broward County tax roll, unless staff is presented evidence of a different owner, and the local government within which the nominated property is located, will be mailed notice by the HPO at least fifteen (15) calendar days in advance of the public hearing. Such notice shall be by certified mail, return receipt requested.
- (9) If the property owner of an individual historic resource nomination consents to designation, a simple majority vote of the County Commission shall be required to designate a historic resource. If an individual historic resource designation lacks owner consent, then a majority vote plus one (1) of the County Commission shall be required.
- (10) No permits for any demolition, alteration, construction, relocation, land disturbance, or development activities shall be issued once a notice of application is delivered to the property owner until the County Commission acts to approve or deny the nomination, or for six (6) months after delivery of the notice, whichever shall first occur.
- (11) Appeals of a decision of the County Commission regarding the designation or failure to designate a nominated property as a historic resource shall be by appropriate action pursuant to the Florida Rules of Civil Procedure and Florida Rules of Appellate Procedure.

- (12) Whenever an application or nomination for designation has been denied, the HPO shall not accept the same or substantially the same application for designation for a period of one hundred eighty (180) days from the date of the denial. The above time limit may be waived by the Historic Preservation Board or County Commission by an affirmative vote of a majority of individuals on the Historic Preservation Board or County Commission when the Historic Preservation Board or County Commission, as applicable, deems, based upon evidence provided by the applicant, such action necessary due to changed circumstances, to prevent an injustice, or to facilitate the proper development of the County.

(Ord. No. 2014-32, § 6, 9-23-14; Ord. No. [2019-28](#), § 4, 10-15-19)

Editor's note— Ord. No. 2014-32, § 6, adopted Sept. 23, 2014, repealed § 5-533 and enacted a new section as set out herein. The former § 5-533 pertained to criteria and procedures for a historical cultural resource site and derived from Ord. No. 93-13, § 1, adopted June 22, 2013; Ord. No. 1998-05, § 2, adopted March 24, 1998; Ord. No. 1999-55, § 1, adopted Oct. 12, 1955; and Ord. No. 2005-11, § 9, adopted Sept. 24, 2005.

Sec. 5-534. - Historic resource designation.

- (a) A historic resource shall be designated in accordance with this article by resolution of the County Commission describing the historic resource designated by folio number and any other information that further specifies the resource so designated and, upon adoption, shall be recorded in the public records of Broward County at the expense of the applicant.
- (b) The HPO shall forward the resolution of the County Commission designating a historic resource to the Broward County Planning Council for review and consideration for designation on the Broward County Land Use Plan Map Series as a Cultural Resource/Local Area of Particular Concern.
- (c) If the County Commission designates a historic resource, the HPO shall forward the resolution of the County Commission designating the historic resource to the applicable municipality's building and zoning official(s) for inclusion in the municipality's records.

(Ord. No. 93-13, § 1, 6-22-93; Ord. No. 1998-05, § 3, 3-24-98; Ord. No. 2014-32, § 7, 9-23-14; Ord. No. [2019-28](#), § 5, 10-15-19)

Sec. 5-535. - Historic Preservation Board.

- (a) The Historic Preservation Board is hereby established to perform the duties assigned herein, as well as any other duties assigned by the County Commission. The Historic Preservation Board shall also review National Register nominations in accordance with the National Historic Preservation Act of 1966. The actions of the Historic Preservation Board shall be complementary to the responsibilities of the State Historic Preservation Office.
- (b) The Historic Preservation Board shall be comprised of nine (9) members, each of whom shall be appointed by the County Commission. All members of the Historic Preservation Board shall be residents of Broward County and shall possess demonstrated knowledge, experience, and commitment to historic preservation. Each County Commissioner shall nominate one (1) member to the Historic Preservation Board. One (1) member of the Historic Preservation Board shall be a licensed architect with demonstrable historic preservation experience. The remaining eight (8) members shall be practicing or retired professionals from each of the following areas of disciplines:
- (1) Archaeology, anthropology, or cultural anthropology;
 - (2) Historic architecture, architectural history, or an allied or related profession;
 - (3) History or folklore;

- (4) Historic preservation;
- (5) Planning and land use related to historic preservation;
- (6) Conservation or curation;
- (7) General or building contractor; and
- (8) Professional engineering.

In the event no qualified individual has expressed interest in serving in a specific category, a Commissioner may nominate an individual with demonstrated special interest, experience, or knowledge of history, architecture, or related disciplines to ensure a Historic Preservation Board comprised of subject matter professionals in the field of historic preservation.

- (c) The term of office of the Historic Preservation Board members shall be two (2) years, and no member shall serve more than two (2) consecutive two (2) year terms. The initial term of members shall be staggered so that the end of the term of the initial members shall not end simultaneously. Four (4) of the initial nine (9) members shall serve for a one (1) year initial term and shall be permitted to serve an additional two (2) full two (2) year terms. Notwithstanding the foregoing, incumbent members may continue to serve until reappointment or the appointment of a successor. Any vacancies shall be filled only for the remainder of the original member's term. The Historic Preservation Board shall maintain rules of procedures including, but not limited to, procedures for recording of minutes, for training opportunities for Historic Preservation Board members, for election of officers, and for seeking assistance on historic preservation matters requiring expertise not represented within its membership.
- (d) The Historic Preservation Board shall be subject to the requirements of Section 1-233 of the Broward County Code of Ordinances.
- (e) In addition to the duties described elsewhere in this article, the duties of the Historic Preservation Board shall include, but not be limited to:
 - (1) Developing and updating any forms necessary for the implementation of this article, including, but not limited to, historic designation, COA, and CTD applications.
 - (2) Providing historical markers, plaques, and other recognition for individual historic resources, districts, archaeological sites, archaeological zones, and paleontological zones.
 - (3) Recommending zoning and building code amendments to the proper authorities to assist in promoting historic preservation.
 - (4) Developing and applying design guidelines.
 - (5) Initiating, reviewing, and updating historic site surveys in the County.
 - (6) Reviewing National Register nominations and providing comments to the appropriate entities.
 - (7) Reviewing and making recommendations to County staff regarding grants and financial incentives that assist in promoting historic preservation within the County that are available to property owners and to the County.
 - (8) Promoting the awareness of historic preservation and its community benefits.
 - (9) Preparing and maintaining records of the Historic Preservation Board's actions and decisions.
 - (10) Fulfilling all obligations and requirements associated with the CLG Program.
 - (11) Promoting and assisting in the creation, program, and work of local historical, archaeological, and genealogical societies.
- (f) The County Commission shall provide staff for the operational support of the Historic Preservation Board to undertake the requirements for certification as a CLG and to carry out the duties and responsibilities delegated to the CLG.

- (g) Broward County and the Historic Preservation Board shall maintain the historic preservation ordinance and practices in compliance with the CLG requirements.
- (h) Members of the Historic Preservation Board must file a Statement of Financial Interests in accordance with Section 112.3145, Florida Statutes.

(Ord. No. 2014-32, § 8, 9-23-14; Ord. No. [2018-09](#), § 3, 2-6-18; Ord. No. [2019-28](#), § 6, 10-15-19)

Editor's note— Ord. No. 2014-32, § 8, adopted Sept. 23, 2014, repealed § 5-535 and enacted a new section as set out herein. The former § 5-535 pertained to the Broward County Historical Commission and derived from Ord. No. 93-13, § 1, adopted June 22, 1993, and Ord. No. 1998-05, § 4, adopted March 24, 1998.

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

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

- (1) No person shall undertake any of the following actions affecting a designated historic resource without first obtaining a COA from the Historic Preservation Board:
 - a. Alteration of the exterior architectural appearance or features of a building or a structure or designated interior portion of a building, structure, object, or site;
 - b. New construction;
 - c. Relocation;
 - d. Demolition or removal;
 - e. Land disturbance;
 - f. Development activities; or
 - g. Significant landscaping additions and landscape improvements such as patios, gazebos, trellises, walkways, lighting poles, pools, and fountains.
- (2) Review of new construction and alterations to designated buildings and structures shall be limited to the exterior of a site. Interiors of a designated historic resource site shall be excluded from review unless included as historically or architecturally significant in the scope of the designation.
- (3) A COA shall be a prerequisite and in addition to any other permits required by law. The issuance of a COA by the Historic Preservation Board shall not relieve the property owner of the duty to comply with other state and local laws and regulations.
- (4) Ordinary repairs and maintenance to a building or structure that are otherwise permitted by law may be undertaken without a COA, provided the work on a historic resource does not alter the exterior architectural appearance or features of the exterior or designated interior, or alter elements significant to its architectural, archaeological, or historic integrity.
- (5) If a COA for relocation is approved, the historic resource shall remain designated during and after its relocation. After relocation, the historic resource site designation shall be amended to reflect the new site location.
- (6) Except as set forth in this article, no building permit shall be issued by any building official of the municipal government having jurisdiction or by Broward County that affects any historic resource without an authorized COA.

(b) *Application procedures for a COA:*

- (1) The property owner or agent shall complete and file an application with the HPO on a form provided by the Historic Preservation Board.
 - a. Applications shall be accompanied by drawings, plans, or specifications of sufficient detail to show the proposed exterior or designated interior alterations, additions, changes, or new construction as are reasonably required for decisions to be made by the Historic Preservation Board and the Broward County Environmental Protection and Growth Management Department.
 - b. Such drawings, plans, or specifications shall include as built or original drawings of exterior elevations, floor plans, site plans, and any other information related to the original architectural design. Project information, including proposed materials, textures, and colors, and all improvements such as walls, walks, terraces, plantings, accessory buildings, signs, lights, and other appurtenant elements, shall be provided.
 - c. A preapplication meeting between the applicant and HPO is recommended prior to application submittal so that a preliminary assessment of the project's compliance with standards and suggestions for modifications can be made.
- (c) *Public meetings for COAs:*
 - (1) The Historic Preservation Board shall schedule a quasi-judicial public hearing on each application for a COA within forty-five (45) calendar days after receipt of a completed application. The HPO shall determine when an application is complete and provide a staff analysis and review to the Historic Preservation Board. No hearing shall be scheduled sooner than fifteen (15) calendar days after mailing the applicant notice of the hearing. Within sixty-five (65) calendar days after the hearing, the Historic Preservation Board shall issue an order based on the criteria outlined in this section. The Historic Preservation Board's hearing may be continued with good cause shown, supported on the record, for a period not to exceed ninety (90) calendar days. If the Historic Preservation Board fails to issue an order on an application within the specified time period, the application shall be deemed denied. The Historic Preservation Board shall approve, approve with conditions, or disapprove each application based on the criteria contained in this article. In the event an applicant has alleged that strict enforcement of the provision of this article would result in the deprivation of all reasonable economically beneficial use of such property, the Historic Preservation Board shall hear evidence pertaining to the allegation simultaneously with the quasi-judicial hearing for the issuance of the COA.
 - (2) Appeals of the denial or the approval with conditions of a COA, where the applicant has alleged that the enforcement of the provisions of the article would result in the deprivation of all reasonable economically beneficial use of such property, shall be heard by the County Commission. The hearing shall be noticed and heard in accordance with the provisions of this article regarding other quasi-judicial hearings before the County Commission. All other appeals of a decision of the Historic Preservation Board with regard to the issuance of a COA shall be by writ of certiorari to the circuit court pursuant to the Florida Rules of Civil Procedure, within thirty (30) calendar days after the rendition of the Historic Preservation Board's order.
- (d) *General criteria and guidelines for granting COAs:* In approving or denying applications for a COA for alterations, new construction, relocation, demolition, land disturbance, or development activity, the Historic Preservation Board shall use the Secretary of the Interior's Standards for evaluation of the project's compliance and consider the following general criteria:
 - (1) Whether the proposed modification has a material effect on the historic resource.
 - (2) Whether the proposed modification will affect the historic and architectural significance, architectural style, design, arrangements, texture, materials, and color of the historic resource.
 - (3) Whether denial of a COA would deprive the property owner of all reasonable economically beneficial use of such property.
 - (4) Whether the plans may be reasonably carried out by the applicant.

- (5) Whether the proposed work will have a negative impact on the historic resource upon which such activity is to be done.
 - (6) Whether the proposed work will have a negative impact on other historic resources on the site or on other historic resources within its viewshed.
- (e) *Additional guidelines relating to alterations:* In approving or denying applications for a COA for alterations, in addition to the general criteria listed in subsection (d) above, the Historic Preservation Board shall determine:
- (1) Whether the distinguishing original qualities or character of a building, structure, or site and its surrounding environment will be retained. Whenever reasonably possible, historic material or distinctive exterior architectural features will not be removed or altered.
 - (2) Whether the proposed alterations change, destroy, or adversely affect any exterior architectural feature upon which the alterations are to be performed.
 - (3) Whether the alterations will protect, enhance, or perpetuate the structure, building, or site.
 - (4) If replacement of an architectural feature is necessary, whether the new material is compatible with the material being replaced in composition, design, color, and texture.
 - (5) Whether distinctive stylistic features or examples of craftsmanship which characterize a building, structure, or site will be preserved.
 - (6) Whether every reasonable effort is being made to protect and preserve archaeological resources on or adjacent to the site, or that may be affected by, any alterations, rehabilitation, restoration, or reconstruction project.
- (f) *Additional guidelines relating to new construction:* In approving or denying applications for a COA for new construction, the Historic Preservation Board shall consider the following criteria, in addition to other general criteria listed in subsection (d) above, in order to determine whether:
- (1) The height of the proposed building is visually compatible with adjacent or surrounding buildings or structures.
 - (2) The width of the proposed building is visually compatible with the height of the building, as well as with adjoining or surrounding buildings or structures.
 - (3) The open space area between the proposed building, and adjoining or surrounding buildings or structures, is visually compatible.
 - (4) The materials, textures, and colors of the facade of the proposed building or structure are compatible with the predominant materials used in adjacent or surrounding buildings or structures to which they are visually related.
 - (5) Appurtenances of a building or structure, such as walls, wrought iron fences, landscaping, or building facades are visually compatible with the building or structure to which they are visually related.
 - (6) Additions to historic resources are sited as inconspicuously as reasonably possible and, with the exception of waterfront properties, towards the rear. All additions shall be designed to complement the historic resource in terms of scale, shape, and materials, while at the same time being readable as differentiated from and compatible with the old work.
- (g) *Additional requirements relating to request to relocate a historic resource:* In approving or denying applications for a COA for relocation of a historic resource, the Historic Preservation Board, in addition to the general criteria listed in Subsection (d) above, shall consider the following:
- (1) Whether the relocation will affect the contribution the building or structure makes to its present setting.
 - (2) Whether there are definite plans for the site to be vacated.

- (3) Whether the building or structure can be moved without significant damage to its physical integrity.
- (4) Whether the building or structure is compatible with the building or structure on its proposed site or adjacent properties.
- (5) Whether it has been demonstrated that no viable preservation alternatives exist at its present location.
- (6) Whether all necessary measures will be taken to protect and preserve archaeological and paleontological resources affected by, or adjacent to, a historic resource.

A CTD shall also be required for relocation of a historic resource if the resource is one hundred (100) years old or older.

(h) *Additional requirements relating to requests for demolition:* Demolition of a historic resource may occur pursuant to an order of a government agency, a court of appropriate jurisdiction, or, if granted, pursuant to an application by the owner or owner's agent for a COA for demolition from the Historic Preservation Board.

- (1) In approving or denying applications for a COA for demolition of a historic resource, in addition to the general criteria listed above, the following criteria shall be considered:
 - a. Whether the application concerns a noncontributing resource;
 - b. Whether the historic resource no longer retains its significance due to permitted alterations or extensive damage caused by fire, flood, or storm;
 - c. Whether the demolition is of major benefit to a historic district;
 - d. Whether the historic or architectural importance of the historic resource is significant;
 - e. Whether the historic resource is one of the last remaining examples of its kind in the neighborhood, the County, or the region;
 - f. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding properties;
 - g. Whether reasonable measures can be taken to save the historic resource; and
 - h. Whether failure to issue the COA for demolition will deprive the owner of all reasonably economically beneficial use of the owner's property.
- (2) In addition to the items listed in Subsection (b)(1) above, the applicant shall provide the following information to the Historic Preservation Board:
 - a. Name of owner of record.
 - b. Site plan showing all buildings and structures located on the property.
 - c. Recent photographs of the building or structure proposed for demolition.
 - d. Reasons for requesting demolition and method of demolition to be used.
 - e. Proposed future use of the site and of the materials from the demolished building or structure.
- (3) In addition to the notice requirements set forth in Subsection (c), notice shall be provided by the HPO, by U.S. mail, postage prepaid, to record owners of land lying within three hundred seventy-five (375) feet of the historic resource, mailed at least fifteen (15) days before the quasi-judicial hearing.
- (4) In considering an application for a COA for demolition of a historic resource, the Historic Preservation Board shall consider any evidence, reports, or testimony as to whether the criteria have been met. Unless postponed, as set forth below, the Historic Preservation Board shall render a decision either to deny, approve with conditions, or approve the application for

demolition within forty-five (45) days after the public hearing. If the Historic Preservation Board fails to issue an order on an application within the specified time period, the application shall be deemed approved. For decisions of the Historic Preservation Board for approval and approval with conditions, the Historic Preservation Board may require a postponement of the request for demolition for a period not to exceed six (6) months in order that the Historic Preservation Board may ascertain what the local government having jurisdiction may do to preserve the building or structure, and shall make a recommendation to that effect to such local government.

- (5) If an application for demolition of a COA for a historic resource is filed, the approval of the COA for demolition shall be a prerequisite to the issuance of any other County permits for a historic resource. However, the issuance of a COA for a demolition shall not occur until all other approvals required for the redevelopment of the subject site by Broward County, and any other jurisdiction, are issued. If no approvals are required for the redevelopment, the issuance of a COA for a demolition shall not occur until the preliminary permit is issued by Broward County, and any other jurisdiction, for any ground disturbance for the redevelopment of the subject site.
- (i) *Application for economic hardship exception:* Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to a particular historic resource or site upon which a resource is located, strict enforcement of the provisions of this article would result in the deprivation of all reasonable economically beneficial use of the historic resource or site upon which the resource is located, the Historic Preservation Board shall vary or modify adherence to this article; provided always that its decision shall ensure harmony with the general purposes of this article and will not adversely affect Broward County. In any instance where there is a claim of undue economic hardship, the applicant shall submit, by affidavit, to the Historic Preservation Board at least fifteen (15) days prior to the quasi-judicial public hearing, the following information:
 - (1) Amount paid for the property, date of purchase, the description of the entire property purchased, and party from whom the property was purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.
 - (2) Assessed value of the land and improvements thereon according to the most recent assessment of the Broward County Property Appraiser.
 - (3) For depreciable properties, a *pro forma* financial statement, indicating the profits and losses of the property for the current and preceding two (2) years, prepared by an accountant or broker of record.
 - (4) All appraisals obtained by the applicant in connection with the purchase or financing of the property, or obtained during the applicant's ownership of the property.
 - (5) Bona fide offers of the property for sale or rent, price asked, and offers received, if any.
 - (6) Any consideration by the applicant as to profitable, adaptive reuses for the property.
 - (7) The Historic Preservation Board may further require that an applicant furnish such additional information as relevant to its determination of undue economic hardship. The owner shall permit access to the subject property for the purpose of inspections and appraisals required by the Historic Preservation Board or the HPO.

In the event an applicant has alleged that strict enforcement of the provisions of this article would result in the deprivation of all reasonable economically beneficial use to the applicant, evidence pertaining to this allegation shall be provided before or at the quasi-judicial hearing for the issuance of the COA as set forth in this article. All interested persons shall be allowed to participate in the hearing.

- (j) All alterations or repairs shall be performed pursuant to the terms and conditions of the COA.
- (k) It shall be the responsibility of the appropriate building official and the HPO to inspect from time to time any work being performed in their respective jurisdictions to ensure compliance with a COA. In the event work is not being performed in accordance with the COA, the building official shall issue a stop work order until it is demonstrated that work will commence consistent with the COA or, if

necessary, that an amended COA has been obtained. No additional work shall be undertaken as long as the stop work order remains in effect.

- (l) Whenever the Historic Preservation Board has taken action to deny a request for a COA, the HPO shall not accept the same or substantially the same request for a COA for a period of one hundred eighty (180) days from the date of the denial by the Historic Preservation Board. The above time limit may be waived by the Historic Preservation Board or County Commission by an affirmative vote of a majority of individuals on the Historic Preservation Board or County Commission when the Historic Preservation Board or County Commission, as applicable, deems, based upon evidence provided by the applicant, such action necessary due to changed circumstances, to prevent an injustice, or to facilitate the proper development of the County.

(Ord. No. 93-13, § 1, 6-22-93; Ord. No. 1998-05, § 5, 3-24-98; Ord. No. 1999-55, § 1, 10-12-99; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2014-32, § 9, 9-23-14; Ord. No. [2019-28](#), § 7, 10-15-19)

Sec. 5-536.5. - Certificate to Dig (CTD), protection, and preservation.

(a) *Certificate to Dig (CTD) required:*

- (1) Within a designated archaeological or paleontological site or zone, or historic resource site or property containing archaeological or paleontological resources or artifacts, no person shall undertake any of the following actions affecting the site or property, without first obtaining a fully executed CTD from the HPO for:
 - a. Any new construction, filling, digging, removal of trees, or other activity that may alter or reveal archaeological material or paleontological material; or
 - b. Any alterations, relocations, new construction, or demolitions when ground disturbance is likely to occur within an archaeological or paleontological site or zone.
- (2) A CTD shall be a prerequisite and in addition to any other permits required by law. The issuance of a CTD by the HPO shall not relieve the property owner of the duty to comply with other state and local laws and regulations.

(b) *General criteria and guidelines for granting a CTD:* In approving or denying applications for a CTD, the HPO shall consider the following:

- (1) Whether the proposed work will have an effect on a known or anticipated historic resource;
- (2) Whether the extent to which the historic, archaeological, paleontological significance of the historic resource will be affected by the proposed work is within the Secretary of the Interior's Standards;
- (3) Whether denial of a CTD would deprive the property owner of all reasonable economically beneficial use of such property;
- (4) Whether the plans may be reasonably carried out by the applicant;
- (5) Whether the plans comply with the Secretary of the Interior's Standards;
- (6) Whether the proposed work will have a negative impact on the historic resource upon which such activity is to be done; and
- (7) Whether the proposed work will have a negative impact on other historic resources on the site or on other historic resources within its viewshed.

(c) *Application procedures for a CTD.*

- (1) The owner or agent shall complete and file an application with the HPO.

- a. Applications shall be accompanied by drawings, plans, or specifications of sufficient detail to show the proposed alterations, additions, changes, or new construction and locations of ground disturbance activities as are reasonably required for decisions to be made by the HPO.
 - b. Within twenty (20) days after the date that the application has been deemed complete, the HPO shall approve the application for a CTD, approve the application with conditions, or deny the application. In the event that no decision has been rendered within twenty (20) days, the application shall be deemed to be approved.
 - c. The CTD may be made subject to specified conditions, including, but not limited to, those regarding site excavation.
 - d. The determination of the HPO shall be mailed to the owner or agent by registered mail within seven (7) days after the decision of the HPO.
 - e. The owner or agent shall have the opportunity to appear before the Historic Preservation Board to challenge the HPO decision or any conditions attached to the CTD by requesting a meeting of the Historic Preservation Board within ten (10) days after the receipt of notification of the decision on the CTD application is made to applicant either through mailing with proof of delivery or otherwise in writing with proof of delivery.
 - f. Whenever a request for a CTD has been denied, the HPO shall not accept the same or substantially the same request for a CTD for a period of one hundred eighty (180) days from the date of the denial. The above time limit may be waived by the Historic Preservation Board or County Commission by an affirmative vote of a majority of individuals on the Historic Preservation Board or County Commission when the Historic Preservation Board or County Commission, as applicable, deems, based upon evidence provided by the applicant, such action necessary due to changed circumstances, to prevent an injustice, or to facilitate the proper development of the County.
 1. The request shall be placed on the agenda of the next available, regularly scheduled meeting of the Historic Preservation Board to review the original HPO decision. The Historic Preservation Board may uphold or modify the HPO decision after considering de novo, the application, statement, and evidence presented by the owner or agent, and statements and evidence presented by the HPO.
 2. The decision of the Historic Preservation Board shall be mailed to the owner within fourteen (14) days after the date of the meeting.
 3. An approved CTD shall contain an effective date, not to exceed sixty (60) days after the decision, at which time the proposed activity may begin, unless the Historic Preservation Board initiates the nomination process for the site in question as a historic resource or historic district. In such a case, all the rules and regulations pertaining to the nomination process for a historic resource shall apply.
- (d) All work performed pursuant to the issuance of a CTD shall conform to the requirements of such certificate. It shall be the responsibility of the appropriate building official and the HPO to inspect from time to time any work being performed in their respective jurisdictions to ensure compliance with a CTD. In the event work is not being performed in accordance with the CTD, the building official shall issue a stop work order until it is demonstrated that work will commence consistent with the CTD or, if necessary, that an amended CTD has been obtained. No additional work shall be undertaken as long as the stop work order remains in effect.
- (e) To assist in implementing this section, the County shall adopt a map of known archaeological and paleontological sites and conservation areas. Said map shall be kept and maintained in the offices of the HPO and shall be available for public inspection.
- (f) At least annually, the HPO shall review the map and the FMSF for possible map amendments.

- (g) In the event that any archaeological materials are uncovered during development activities, such development activities in the immediate vicinity of the discovery site shall be discontinued, and certain actions shall be taken by the property owner.
- (1) The property owner shall:
 - a. Notify the HPO of the discovery.
 - b. Allow a Phase 1 level survey of the property completed by a professional archaeologist meeting the qualifications and standards established by 36 C.F.R. Part 61. In the event the property owner does not consent to pay for a Phase I level survey, the County Archaeologist shall complete the required survey.
 - c. Submit the survey to the HPO and the local government having jurisdiction, for review and evaluation, and to the Florida Master Site File section of the Florida Division of Historical Resources. If the County Archaeologist prepares the Phase 1 level survey, the survey shall be submitted to the local government having jurisdiction and to the Florida Master Site File section of the Florida Division of Historical Resources for review and evaluation.
 - (2) If the professional archaeologist or the County Archaeologist determines that the site is not significant, and said determination is verified by the HPO and the County Archaeologist, or in the case of the County Archaeologist, the Florida Master Site File section of the Florida Division of Historical Resources, then development activities may resume immediately. If the HPO fails to respond within fourteen (14) calendar days after receipt of said survey, the determination of the professional archaeologist that the site is not significant shall be presumed to be valid.
 - (3) If the site is determined to be significant, within thirty (30) days after the determination of significance of the Phase 1 level survey, the Historic Preservation Board shall initiate preservation of the site by any of the following:
 - a. Designate the site as a historic resource;
 - b. Recommend approval of incorporation of the site into a site development plan;
 - c. Initiate public acquisition of the site;
 - d. Offer transfer of development rights to the owner or developer, if available;
 - e. Recommend offering tax incentives to the owner or developer pursuant to F.S. § 193.505; or
 - f. Allow development activities to proceed under the supervision of a professional archaeologist, at a level of supervision to be determined by the archaeologist, to ensure protection of the site.
 - (4) If preservation of the site is not feasible, development activities in the immediate area of the discovery shall be delayed for a period of time not to exceed three (3) months after the date of receipt of the Phase 1 level survey. During this three (3) month period, representatives of the State Division of Historical Resources, the Historic Preservation Board, the HPO, or the agents and employees of Broward County shall seek the right of access to the immediate area to survey. A professional archaeologist retained by the owner or developer shall conduct an archaeological salvage excavation of the area within which the discovery was made; provided, however, that development shall resume upon either the completion of such archaeological salvage excavation or the expiration of the three (3) month period, whichever first occurs. If necessary, the three (3) month time period may be extended for an additional three (3) month time period to allow for completion of the survey and archaeological salvage excavation. If access to the site is denied, the CTD shall be denied.

(Ord. No. 2014-32, § 10, 9-23-14; Ord. No. [2019-28](#), § 8, 10-15-19)

Sec. 5-537. - Maintenance of historic resource.

- (a) Every owner of a historic resource shall properly maintain and keep in good repair and shall not permit demolition by neglect to occur:
 - (1) All of the exterior portions of such buildings or structures;
 - (2) All interior portions which, if not maintained, may cause the building or structure to deteriorate or to become damaged or otherwise to fall into a state of disrepair; and
 - (3) If the site contains archaeological materials, the owner shall be required to maintain the property in such a manner so as not to adversely affect the integrity of the archaeological zone or historic resource; or
 - (4) In the alternative to (1)—(3) above, seek a COA based upon a deprivation of reasonable economically beneficial use of such property.
- (b) The Historic Preservation Board may refer violations of this section to the appropriate division of the local government having jurisdiction for enforcement proceedings relating to any building or structure designated as a historic resource in order to preserve such building or structure in accordance with the purpose and intent of this article.
- (c) The requirements of this section shall be in addition to any and all requirements of the local government having jurisdiction and the Florida Building Code that require buildings or structures to be maintained in good repair. It is the intent of this section to preserve, from either deliberate or inadvertent neglect, the exterior features of historic resources and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the historic resource. All such historic resources shall be preserved against such decay and deterioration and be maintained free from structural defects through correction of any of the following deficiencies:
 - (1) Facades which may fall and injure the subject or adjoining structure or building, or members of the public.
 - (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
 - (3) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
 - (5) Any fault or defect in the structure or building which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.
- (d) A property owner who believes that the application of this section creates an undue economic hardship may request relief pursuant to Section 5-536 of this Code.

(Ord. No. 93-13, § 1, 6-22-93; Ord. No. 2014-32, § 11, 9-23-14)

Sec. 5-538. - Reserved.

Editor's note— Ord. No. 2014-32, § 12, adopted Sept. 23, 2014, repealed § 5-538 which pertained to right of appeal and derived from Ord. No. 93-13, § 1, adopted June 22, 1993.

Sec. 5-539. - Public nuisance.

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

(Ord. No. 93-13, § 1, 6-22-93; Ord. No. 2014-32, § 13, 9-23-14; Ord. No. [2019-28](#), § 9, 10-15-19)

Sec. 5-540. - Enforcement.

This article may be enforced by Broward County and by the local government having jurisdiction.

(Ord. No. 93-13, § 1, 6-22-93)

Sec. 5-541. - Penalties.

Any person or persons, owner or owner's agent, or member or employee of any firm, company or corporation who violates, or permits to be violated, or causes to be violated any provision of this article shall, upon conviction, be punished as provided by law. Each day a violation continues shall constitute a separate offense.

(Ord. No. 93-13, § 1, 6-22-93)

Sec. 5-542. - Reserved.

Editor's note— Ord. No. 2014-32, § 14, adopted Sept. 23, 2014, repealed § 5-542 which pertained to municipal ordinances and derived from Ord. No. 93-11, § 1, adopted June 8, 1993.

Sec. 5-543. - Trust Fund Account and other nonmonetary gifts.

- (a) There is hereby created a Broward County Historic Preservation Trust Fund Account ("Trust Fund Account") for accepting and disbursing gifts, grants, and awards made to the County for the benefit of historic preservation.
- (b) The Trust Fund Account is to be self-perpetuating from year to year unless abolished by the County Commission.
- (c) The Trust Fund Account shall be for the use of Broward County such that the funds therein will inure to the use and benefit of historic preservation from time to time and from year to year.
- (d) The gifts, grants, and awards received from public and private donors shall be deposited in the Trust Fund Account herein created, and shall at all times be kept separate and apart from the general funds of the County such that they will inure to the use and benefit of historic preservation from time to time and from year to year.
- (e) Funds not expended at the close of any fiscal year shall be carried forward into the next year.
- (f) Gifts, grants, and awards to the Trust Fund Account shall be received by the County and delivered to the Broward County Director of Finance and Administrative Services, who shall deposit them pursuant to the Broward County Administrative Code. The gifts, grants, and awards shall be expended by the Broward County Director of Finance and Administrative Services only upon receipt of a resolution duly adopted by the County Commission.
- (g) Any gifts, grants, or awards received subject to a condition shall be expended strictly in accordance with such condition.
- (h) The books and records of the Trust Fund Account shall at all times be open to public inspection; and shall be subject to County and state audit as required by law. An annual report on the use of the Trust Fund Account should be submitted to the County Commission, with a copy of such report to the Historic Preservation Board, within ninety (90) calendar days after the end of any fiscal year.

- (i) All nonmonetary gifts, grants, and awards of money intended to benefit historic preservation may be accepted by Broward County in accordance with Section 18.63 of the Broward County Administrative Code.
- (j) Title to all property accepted hereunder shall repose and be vested in Broward County, in trust, for the use and benefit of Broward County, its successors, and assigns.
- (k) No real property or any appurtenances or fixtures thereto shall be accepted unless authorized by the County Commission.

(Ord. No. 2014-32, § 15, 9-23-14; Ord. No. [2019-28](#), § 10, 10-15-19)

Secs. 5-544—5-550. - Reserved.