

**THE CITY OF MIAMI BEACH
HISTORIC PRESERVATION BOARD**

**BY-LAWS
RULES AND REGULATIONS GOVERNING THE PROCEDURE
OF THE HISTORIC PRESERVATION BOARD**

ARTICLE I. PURPOSE.

Section 1. To establish procedures adopted pursuant to the Historic Preservation Ordinance of the City of Miami Beach to organize the practices, procedure and business of the Miami Beach Historic Preservation Board (hereinafter referred to as "Board") for the conduct of its hearings; for processing proposals for designation of archeological zones, historic districts and sites; for the processing of applications for certificates of appropriateness and/or certificates to dig; and for processing of certificates to Transfer of Development Rights (hereinafter referred to as "TDR"). The By-Laws of the Historic Preservation Board shall be made available to the public by the Staff to the Board.

ARTICLE II. GENERAL RULES.

Section 1. Laws and Regulations. The Board's activities, jurisdiction, practice and procedure shall be governed by the terms of Chapter 118, Article II, Division 4 and Chapter 118, Article X of the Land Development Regulations of the Code of the City of Miami Beach, as may be amended or revised by the City Commission of the City of Miami Beach (hereinafter referred to as the "City").

All hearings held by the Board shall be conducted in accordance with the Sunshine Law, Chapter 286, Florida Statutes, as amended. All records of the Board shall be made available to the general public in the manner prescribed by the Public Records Act, Chapter 119, Florida Statutes, as amended, in conformance with the copying costs for the public records prescribed by the Public Records Law and applicable ordinances of the City.

Section 2. Rules of Order. The Board hereby adopts, incorporates by reference and deems as being inserted herein Roberts Rules of Order, as amended or revised for the conduct, practice and procedure of its hearings.

ARTICLE III. JURISDICTION.

The Board's jurisdiction for its activities shall be within the City limits of the City of Miami Beach, and shall be exercised in accordance with applicable laws and regulations.

ARTICLE IV. MEMBERS, OFFICERS AND DUTIES: ADMINISTRATIVE STAFF.

Section 1. Membership, removal; quorum; meetings; organization and voting of the Board shall be as set forth in Chapter 118, Article II, Division 4, of the Land Development Regulations of the Miami Beach

Code. Terms of all Board Members shall be staggered so that at least three (3) appointments shall be made every other year. All board vacancies shall be filled within 60 days.

Section 2. Officers. The Board's officers shall have the following duties:

- A. Chairperson. A chairperson shall be elected by the members of the Board for a one-year term of service. The chairperson shall preside over all points of order and procedure, subject to these rules and to the Historic Preservation Laws of the City, unless directed otherwise by a majority of the Board in session at the time. The chairperson shall appoint any sub-committees comprised of Board members as is determined practicable by the Board to investigate or report on any matters before the Board. The chairperson shall be responsible for deciding points regarding the conduct, practice and procedure of Board meetings and shall monitor compliance with these rules by the Board and any person appearing before the Board.
- B. Vice-Chairperson. A Vice-chairperson shall be elected by the Board from among its members in the same manner as the Chairperson. The Vice-chairperson shall serve as the chairperson in the absence of the chairperson, and at such time or at any time when so designated by the chairperson shall have the powers and duties of the chairperson.
- C. Elections. Election of officers shall be held annually.
- D. Attendance at Meetings. Faithful and continuous attendance at all meetings and dedicated performance of the duties required of the Board shall be a prerequisite to continuing membership and reappointment on the Board. If any member fails to attend more than thirty-three (33%) percent of the regularly scheduled meetings during any calendar year, such members shall cease to be a member of the Board.

ARTICLE V. MEETINGS; WITNESSES; STATEMENTS; EVIDENCE AND DOCUMENTS.

Section 1. Regular Meetings. Regular meetings shall be conducted at least once a month, or more frequently, at the call of the chairperson.

Section 2. Special Meetings. Special meetings of the Board may be called at any time for the chairperson or the Planning Director. A minimum of forty-eight (48) hours of notice of the time and place of the special meeting shall be given to each Board member unless this requirement is waived for good cause by concurrence of a majority of all the members.

Section 3. Voting; Quorum. Unless otherwise specified by law, including these rules, all recommendations and decisions shall require a concurring vote of a quorum of the Board. In the event of a tie votes on any question, project, matter or application at a public hearing or meeting, such decision or recommendation shall be considered denied.

Section 4. Reconsideration/Rehearing of Decisions. The Board may reconsider any motion or recommendation according to Roberts Rules of Order; and where significant new documents, written or

oral information or circumstances arise, or when a material mistake, neglect or omission has occurred, the Board may rehear proposals for designation or applications for certificates of appropriateness, certificates to dig, in accordance with Chapter 118, Article X of the Land Development Regulations of the Miami Beach City Code.

Section 5. Order of Meetings. All meetings shall be open to the Public. The order of business at regular meetings shall be as established by the Board and may be amended from time to time.

Section 6. Written statements. The Board may request written statements from witnesses, or their representatives, summarizing their testimony. Written statements in support of or in opposition to a designation offering additional information, or commentary on information previously provided, shall be submitted to the Historic Preservation Board, c/o Planning Department, City of Miami Beach, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139 within three (3) working days after the public hearing. Under special circumstances the Board may extend the time for filing of written statements for a period up to twenty-one (21) working days. Written statements submitted pursuant to this section will be part of the public hearing record.

Section 7. Evidence and Documents. The Board may at any public hearing conducted under its jurisdiction be empowered to:

- A. Take the testimony of any witness under oath as attested to by the Board's secretary or other Board member or City staff authorized as a notary public to administer oaths;
- B. The Board, by a vote of a majority of its members, may accept an affidavit in lieu of the testimony of the witness if the witness gives three (3) days' advance written notice to the Historic Preservation Board, c/o Planning Department, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, that he/she will be absent from the City on the hearing date.
- C. The Board may request witnesses, or other interested persons, to submit documents and/or affidavits which are needed for the record at a public hearing including without limitation (i) documents and affidavit evidencing ownership of a historic site, district or archeological zone proposed for designation; (ii) documents or affidavits which bear upon the criteria for designation set forth in Chapter 118, Article X of the Land Development Regulations of the Miami Beach Code as may be amended or revised by the City Commission; (iii) any other documents or affidavits deemed necessary or helpful by the Board in the furtherance of its powers and duties; and (iv) the documents or affidavits referred to in this section shall be requested by the Board in writing not less than twenty (20) days from when they are to be considered by the Board

Section 8. Public Inspections. All Historic Preservation Board meeting records, application materials, staff reports and written decisions shall be available to the public, by the Staff to the Board.

ARTICLE VI. PROPOSALS FOR DESIGNATION OF HISTORIC SITES, HISTORIC DISTRICTS, AND ARCHEOLOGICAL ZONES.

Section 1. General Procedures. Procedures for designation shall be in conformance with those set forth in Chapter 118, Article X, of the Land Development Regulations of the Miami Beach Code, as amended or revised.

Section 2. Proposals Initiated by the Property Owner. Proposals for designation initiated by the property owner shall be submitted in writing to the Historic Preservation Board, c/o Planning Department, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, at least thirty (30) days in advance of the Board meeting at which the proposal is to be discussed. The Board, by a majority vote of its members, or Planning Director may waive this thirty (30) day requirement in cases where a delay would likely result in the destruction of the subject historic features. The property owner shall complete and execute any proposal form adopted by the Board which shall be available at the Planning Department unless this requirement is waived by a vote of the Board due to imminent destruction of the historic features.

Section 3. Proposals Initiated by Historic Preservation Board, Staff, City Manager, a Member(s) of the Miami Beach Planning Board or City Commission.

In the event of a proposal for designation by the Historic Preservation Board, staff, City Manager, or member(s) of the Miami Beach Planning Board or City Commission, the proposal shall be submitted in writing to the Historic Preservation Board, c/o Planning Department, 1700 Convention Center Drive, Miami Beach, Florida 33139 at least thirty (30) days prior to the date on which the proposal is to be discussed. The Board by a majority vote of its members, or Planning Director may waive this requirement in cases where a delay would likely result in its destruction of the subject historic features.

Section 4. Preliminary Evaluation. The Board shall consider preliminary evaluations for designation at its general or special meetings. The Board shall consider all documents and affidavits submitted by the initiator in conformance with the criteria for designation set forth in Chapter 118, Article X of the Land Development Regulations of the Miami Beach Code, as amended. Additionally, the Board shall consider the significance and urgency of the proposal and any special legal or factual considerations relative to other potential designations and the workload of the Board and staff. The Board shall at its earliest convenience do one or more of the following;

- A. Request the preparation of a designation report by the Planning Department;
- B. Continue the proposal to a certain future date to allow pending, higher priority designations;
- C. Permit the initiator of the proposal to provide necessary documentation for the proposed designation;
- D. Reject, with a brief statement of the underlying reasons for the rejection, the proposal for lack of conformance for the criteria for designation;

- E. Defer discussion pending further investigation and/or completion of the record.

Section 5. Public Hearing and Findings.

Notification. The order of business for the Board in public hearings concerning designation shall generally be as follows; at the discretion of the Board:

- A. A public hearing on a proposed designation will be held by the Historic Preservation Board within forty-five (45) days from the date of filing a designation report.
- B. A representative of the Planning Department shall present the designation report.
- C. All owners, attorneys or other persons wishing to testify shall identify themselves; and such persons shall give their addresses and shall stand up and be sworn in. All speakers may be limited to five (5) minutes or less at the discretion of the chairperson.
- D. The property owner, or agent, or other initiator of the proposal shall state his or her position.
- E. Persons in favor of the designation shall present arguments and submit any documents.
- F. Persons opposing the designation shall present arguments and submit any documents.
- G. A brief rebuttal shall be allowed at the discretion of the Board from either side.
- H. The chairperson shall close the public hearing. The record shall include the number of persons opposed to and favoring the proposed designation. After the argument stage is completed, the public shall only be allowed to speak in response to questions from the Board.
- I. The Board shall commence discussion and a motion shall be entertained by the chairperson. For each proposed designation recommended by the Board, the Board shall pass a resolution in support of the designation, based on conformance with criteria for the designation and shall further recommend conservation objectives in conformance with the Historic Preservation and Zoning Laws of the City of Miami Beach, as applicable and appropriate.
- J. A roll call vote shall be taken on each motion and the results announced at the hearing by City staff.

Section 6. Recommendations for Designation.

Affirmative recommendations for designation shall be transmitted, as soon as practicable, to the Planning

Board and City Commission, respectively, along with the designation report. The Planning Department shall present its separate recommendations to these bodies in conjunction with the recommendation of the Board. The chairperson may appoint any member of the Board to represent the Board at any public hearings of the other Boards and the City Commission, in lieu of City staff.

Section 7. Recommendations against Designation.

The owner of the property or other initiator of the proposal shall receive a brief statement underlying the reasons for the Board's recommendation against designation. No further action will be required.

Section 8. National Register Nominations. Any objection to a National Register nomination by a property owner must be notarized.

Section 9. Duplicates of all Historic Property inventory materials shall be provided to the State Historic Preservation Officer on a timely basis.

ARTICLE VII. PROCEDURES FOR APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS/CERTIFICATES TO DIG.

Section 1. General Procedures.

Procedures for issuing Certificates of Appropriateness/Certificates to Dig shall be as set forth in Chapter 118, Article X of the Land Development Regulations of the Miami Beach Code, as amended or revised by the City Commission.

Section 2. Filing of Application.

The completed application for a Certificate of Appropriateness shall be filed with the Historic Preservation Board, c/o Planning Department, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, at least thirty (30) days prior to the Board meeting at which such application is to be considered. All applications may be filed by the property owner, tenant, architect, contractor, attorney or other agent; but such application shall contain the signature of the property owner.

Section 3. Contents of the Application.

A completed and executed application for a Certificate of Appropriateness/Certificate to Dig shall consist of a fully completed application form to be furnished by the staff to the Board and supporting exhibits, required according to the type of work proposed, as more fully provided in the application instructions distributed by the staff to the Board, and as may be required by the Historic Preservation Board. Such documents and exhibits may include, but not be limited to, the following:

A. PRE-APPLICATION CONFERENCE:

All applicants are required to meet with Historic Preservation staff for a pre-application conference prior

to the submittal of an application package. The purpose of this conference is to discuss the nature of the application as well its compatibility with the City Code and Certificate of Appropriateness criteria. An application package will not be accepted unless a pre-application conference with staff has been held.

B. REQUIRED EXHIBITS:

The following are all of the pertinent materials and exhibits required for submission with a Certificate of Appropriateness application package. A completed application package shall include fifteen (15) copies of both the application and all exhibits listed below, unless otherwise noted or exempted by staff. All documents shall be drawn to an appropriate scale so as to clearly delineate all dimensions, architectural features and elements subject to review; the typeset for all notes on plans shall be at least ten (10) point and all plans shall include the address of the property, the name, address and license # of the Architect, Landscape Architect and/or Engineer, the date of the drawings and revisions, and a north arrow:

- 1) A completed application form with a written description of the proposed action, a signed and notarized owners affidavit and the completion of a disclosure of interest form.
- 2) A survey (no older than six (6) months) of the entire project site. One (1) copy of the survey shall be signed and sealed by a Professional Engineer or Professional Land Surveyor. The survey must be verified by the City of Miami Beach Public Works Department to ensure there are no easements on the property(ies) which are proposed to be built on.
- 3) A site plan indicating the location of buildings (existing and proposed), streets and waterways, sidewalks, signs, parking spaces, fences, major site features (existing and proposed), curb cuts and any lines of jurisdiction such as the Bulkhead Line, Erosion Control Line, easements and Coastal Construction Control Line.
- 4) A locational site plan of neighboring buildings and properties which, at a minimum, clearly delineates all property lines, building footprints and curb cuts (See exhibit "A", attached).
- 5) Detailed plans and elevations of the existing and/or proposed building(s) indicating all dimensions, surface materials, design features and elements, texture, color, as well as all attachments such as signs, lighting fixtures, balconies, awnings and appurtenances which are attached to the walls or roof. Elevations shall indicate window design and all architectural elements. If necessary, 3-Dimensional drawings must be submitted in order to express these features.
- 6) Floor plans for all new and existing floors of a proposed building; typical floor plans may be submitted for multi-story projects which have identical floor plans.
- 7) A contextual sketch or detailed computer photo-image of the project showing street elevations of the proposed project and schematic elevations of the buildings on either side (at a minimum) indicating overall height, window/door placement as well as significant architectural features of said buildings.

- 8) A schematic landscape plan indicating the location, spacing, size, quantity, overall height and type of all existing and proposed plant materials. Said drawings must also delineate walkways, walls, decks, fences, patios and site features as well as the elevations of these items. A lighting plan indicating all exterior lighting on the structure and throughout the site, inclusive of manufacturer's cut sheets or design details of all light fixtures shall be included in the submitted landscape plan. All landscape plans should be prepared by, and bear the signature and seal of, a Professional Landscape Architect, licensed to practice in the State of Florida.
- 9) Colored elevations or perspective drawings (minimum 8 1/2" x 11", 8 1/2" x 14" and 11" x 17" are acceptable), displaying the color scheme. Color laser copies or colored drawings are acceptable; actual paint color samples shall be provided separately.
- 10) Tabulation of all pertinent zoning data including the following:
 - a. Total number of dwelling units (per floor), and/or the total amount of office, retail/commercial areas.
 - b. Total number of parking/loading spaces.
 - c. The front, side and rear setbacks; the setbacks shall be clearly delineated on ALL site, landscaping and floor plans.
 - d. Building height, inclusive of the total number of feet to the top of the roof and the highest non-habitable projection, as well as the total number of stories.
 - e. If the project consists of new construction or the addition of floor area, annotated floor plans for each and every level of the subject structure, which clearly delineate all portions of the building included in floor area calculations for FAR purposes, as well as the total amount of floor area counted toward the project FAR per floor, shall be required. If the subject building consists of multiple floors, a separate floor area calculation for each floor shall be required. The delineation method described herein shall consist of color, cross hatching or other form of highlighting which clearly distinguishes the areas included and excluded in the calculation of the project's floor area.
 - f. Open space calculations, if applicable.
- 11) Full color photographs (minimum of 4" x 5" each) of each side of all existing buildings on site as well as the primary elevations of all surrounding properties. Interior photographs which detail all common and public areas shall also be included. One (1) set of original color photographs is required and all photographs shall be labeled, dated and identified as to orientation; color laser copies are acceptable for the fourteen (14) additional sets of required photographs.
- 12) Full demolition plans, if applicable, which clearly delineate all parts of the interior and exterior of

the subject structure which are to be removed or demolished. This shall also include those portions to be removed or demolished for structural reasons, even if they are to be reconstructed to the original design, prior to demolition.

- 13) Existing condition drawings and photographs of all exterior elevations and existing primary public interior spaces, to scale existing floor plans for each level, existing elevation drawings, a general site plan indicating existing conditions.
- 14) An historic resources report containing a full catalog of the existing condition of the building, as well as a photographic and written description of the history and evolution of the original building on site. This report shall include, but not be limited to, all available historic data including microfilm and photographs, as well as a fully detailed permit history for the structure on site.
- 15) For those applications which require a Certificate of Appropriateness for Demolition, a financial feasibility study of the new project and of renovating and operating the existing structure. Such feasibility study shall address the possibility of substantially renovating or operating the existing structure. Consideration of parking needs and demands shall be addressed within the feasibility study, as well as alternative methods of providing parking. The study will also determine whether the retention of the Building would deny the owner all economically viable uses of the property.
- 16) A copy of the Building Card, Land Management System computer print out of permit activity and all microfilm on record; this material is available from the Building Department. If microfilm for the property is not available, a standard memorandum to that effect (available at the Building Department), signed by a member of the Building Department Staff, is required.
- 17) If applicable, detailed drawings of all proposed signs including location, materials, dimensions, methods of illumination and methods of attachment. A notation as to number, location, size and type of all existing signs shall also be included.
- 18) For those projects which include roof-top construction, including, but not limited to, a roof-top pool, new decks and enclosed or unenclosed roof-top additions (whether attached or detached), a structural feasibility study or detailed structural drawings, shall be required.
- 19) Two (2) sets of gummed labels, with the names and addresses of all property owners of land located within 375 ft. of the exterior boundary of the subject property, including all property owners within the boundaries of the subject site, shall be required in accordance with the application instructions distributed by the staff to the Board.

Section 4. The applicant for a Certificate to Dig or Certificate of Appropriateness, or his authorized agent, shall in all cases be present at the public hearing on each Certificate of Appropriateness/Certificate to Dig. Failure of the applicant or his representative to appear at the hearing shall be grounds for a continuation of the application to the next regularly scheduled meeting of the Board. It shall be the sole responsibility of the

applicant to furnish an accurate list of property owners in conjunction with two (2) sets of mailing labels, as required by Chapter 118, Article X of the Land Development Regulations of the Miami Beach Code.

Section 5. Approved Applications of Certificates of Appropriateness/Certificates to Dig.

If an application is approved, the City staff shall prepare a written Final Order clearly describing the nature of the work and/or conditions of the approval, including any specific guidelines and procedures deemed necessary by the Board in their decision. The original Final Order shall be filed for the Board in the Planning Department. One copy shall be transmitted to the applicant.

Section 6. Denial of Application.

If an application for Certificate of Appropriateness/Certificate to Dig is denied, the City staff shall prepare a written Final Order clearly describing the reasons for such denial. A copy of the Final Order shall be transmitted to the applicant.

Section 7. Amendments.

These Rules and Regulations may be amended pursuant to Chapter 118, Article II of the Land Development Regulations of the Miami Beach Code.

Section 8. Appeals.

Any aggrieved person affected by a decision of the Board may appeal such decision pursuant to Chapter 118, Article X of the Land Development Regulations of the Miami Beach City Code, as amended or revised.

ARTICLE VIII. PROVISIONS FOR CERTIFIED LOCAL GOVERNMENT STATUS.

All members of the Historic Preservation Board shall, to the greatest extent possible, participate in survey and planning activities of the Certified Local Government. Additionally, the following performance standards shall be fulfilled:

1. The State Historic Preservation Officer shall be provided with thirty (30) days prior notice of all meetings.
2. A summary or minutes of each meeting of the Board shall be submitted to the State Historic Preservation Officer within thirty (30) days of each meeting.
3. A record of attendance of the Board shall be submitted to the State Historic Preservation Officer within thirty (30) days after each meeting.
4. Public attendance figures for each meeting shall be submitted to the State Historic Preservation Officer within thirty (30) days of each meeting.
5. The State Historic Preservation Officer shall be notified of any change in Commission membership within thirty (30) days of the action.
6. The State Historic Preservation Officer shall be immediately notified of all new historic designations or alterations to existing designations.
7. All amendments to the Historic Preservation Section of the City Code shall be submitted to the State Historic Preservation Officer for review and comment at least thirty (30) days prior to adoption.
8. The process for applying to the National Register of Historic Places for properties within the City of Miami Beach shall be the same as the local historic designation process, as described in Article VI above.
9. The City of Miami Beach inventory materials, or Historic Properties Database forms, shall be consistent with the Florida Master Site File forms.
10. An annual report shall be submitted to the State Historic Preservation Officer by November 1st of each year; such report shall cover the activities of the previous October 1st through September 30th.
At a minimum, the annual report shall include the following:
 - a. A current copy of the Board By-Laws.
 - b. A current copy of the Historic Preservation Section of the City Code.
 - c. Current Resumes of all Board members.

- d. Any changes to the Board.
- e. All new local designations
- f. All new National Register listings.
- g. A review of survey and inventory activity with a description of the procedures used.
- h. A report on all grant-assisted activity.
- i. Total number of projects reviewed.

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February 15, 2002