

**ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING CHAPTER 2, ARTICLE XI, DIVISION 13 ENTITLED "HISTORIC ENVIRONMENTAL PRESERVATION BOARD" TO ESTABLISH MINIMUM STANDARDS FOR MUNICIPAL HISTORIC PRESERVATION PROGRAMS AS SET FORTH IN THE MIAMI-DADE COUNTY HISTORIC PRESERVATION ORDINANCE SECTION 16A-3.1; PROVIDING FOR BOARD ORGANIZATION AND QUALIFICATIONS; BOARD DUTIES AND RESPONSIBILITIES; SCOPE OF REGULATIONS; DEFINITIONS; ADMINISTRATION AND ENFORCEMENT RULES AND REGULATIONS; SITE/DISTRICT/ZONE DESIGNATION PROCESS AND PROCEDURES; DEMOLITION PROCESS AND PROCEDURES; PROCEDURES FOR MAINTENANCE OF DESIGNATED PROPERTIES; CERTIFICATE TO DIG PROCEDURES; AN APPEALS PROCESS; PENALTIES AND INCENTIVES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; RESCINDING ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Ordinance 16-13, on October 12, 2016 the City of Opa-Locka, Florida ("City") established the Historic Environmental Preservation Board ("Board") in order to preserve and protect the City's historic and cultural heritage and foster civic pride; and

**WHEREAS**, the Historic Environmental Preservation Board was also established to protect the green environment within the City, especially, the preservation of its trees in order to support Arbor Day principles; and

**WHEREAS**, pursuant to Chapter 2, Article XI, Division 13, Sec. 2-570.81 and Sec. 2-570.82 of the City of Opa-Locka's Code of Ordinances, the City created, provided for composition; term of office; qualifications; organization; meetings, records standards and established duties and responsibilities of the Historic Environmental Preservation Board; and

**WHEREAS**, the City Commission desires to amend Chapter 2, Article XI, Division 13 entitled "Historic Environmental Preservation Board" to, among other things, establish minimum standards for municipal historic preservation programs as set forth in the applicable Miami-Dade County Historic Preservation Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AS FOLLOWS:**

**SECTION 1.** The recitals to the preamble herein are incorporated by reference.

**SECTION 2.** The City Commissioner of the City of Opa-Locka, Florida hereby amends Chapter 2, Article XI, Division 13 entitled: "Historic Environmental Preservation Board" as follows:

**Sec. 2-570.81.** - Created; composition; term of office; qualifications; organization; meetings; records.

(a) A Historic Environmental Preservation Board ("Board") is hereby created, which shall be an advisory body to the commission, consisting of nine (9) members, each of whom shall be appointed by the city commission, for a term of ~~two (2) or~~ four (4) years. ~~for each member, except for the initial terms of the board upon its creation. The terms shall be staggered such that not fewer than two (2) nor more than three terms shall expire each year. The terms of board members shall commence on October 1 and shall expire on September 30.~~ Each member of the board shall serve until the expiration of his or her term. Members shall be eligible for reappointment. The City Commission of the City of Opa-Locka shall attempt to appoint architects, realtors, historians, art historians, lawyers, engineers, archaeologists or other individuals from the business, financial, or other segments of the community who, by virtue of their profession or business, have demonstrated concern for historic preservation. The Historic Environmental Preservation Board shall include not less than one architect; one real estate agent or attorney at law; and one historian or architectural historian. The City Manager shall provide qualified professional staff for the Board.

(b) At least five (5) members of the historic environmental board shall be residents of the City of Opa-locka, ~~and a registered voter of the City of Opa-locka, Florida. The city commission shall specifically designate these resident members.~~ The city commission, within its discretion, ~~shall~~ may appoint up to a maximum of four (4) members of the board who are not residents ~~or registered voters~~ of the City of Opa-locka, Florida. These four (4) appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation and city beautification. ~~Members of the historic environmental preservation board shall have diverse backgrounds, and whenever possible, prior experience in land use, planning, zoning, legal matters, landscape architecture, historic preservation or working knowledge of historic preservation principles and general working~~

~~knowledge of tree and plant identification and characteristics.~~ Members of the historic environmental preservation board shall hold no other public office or position in the City of Opa-locka.

(c) ~~An organizational meeting of the historic environmental preservation board shall be held to~~ The members of the Historic Environmental Preservation Board shall elect a chair and vice-chair from among its appointed members. The city commission ~~upon written charges and after public hearing~~ may remove members and vacancies shall be filled for the unexpired term of any removed member.

(d) ~~At least one (1) regular meeting of the board shall be held each month, as needed, but~~ Meetings of the Historic Environmental Preservation Board shall meet not less than six (6) times in any calendar year. ~~Regular meetings may be called by the Chair or staff for the board.~~ The historic environmental preservation board shall keep record of its proceedings, Records shall be maintained pursuant to Florida law, findings and determinations showing the vote on each matter and shall file the record and approved minutes of each meeting with the city clerk within thirty (30) days of the date of the meeting, or as soon thereafter as practicable. Members of the historic environmental board shall serve without compensation.

(e) The historic environmental preservation board may adopt reasonable rules of procedure to govern the conduct of its business and the holding of public hearings and workshops, consistent with procedures established for it by the city commission.

**Sec. 2-570.82. - Duties and responsibilities.**

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

- 1) Adopt or amend rules of procedure for its meetings.
- 2) Advise the City Commission as to designated individual sites, districts and archeological zones.
- 3) Recommend the issuance or denial of Certificates of Appropriateness and Certificates to Dig.

- 4) Recommend the approval of historical markers and recommend the issuance of certificates of recognition for individual sites and designated properties in a district.
- 5) Recommend zoning and building code amendments to the proper authorities.
- 6) Recommend to the City Commission guidelines for preservation and criteria for issuance by staff of regular certificates of appropriateness.
- 7) Promote the awareness of historic preservation and its community benefits.
- 8) No actions of this Board will supersede or be construed as superseding the authority of the City Commission.
- 9) Review and recommend update the Historic Survey as it applies to the City of Opa-locka and conduct such local research as is considered appropriate.
- 10) Implement the authority of this Ordinance and fulfill the tasks set forth for this Board by the City Commissioners.
- 11) Record and maintain records of the Board's actions and decisions.
- 12) Follow and abide by the laws of the United States of America, the State of Florida, Miami-Dade County, and the City of Opa-Locka.
- 13) Provide an annual report to the City Commission.
- 14) Make recommendations regarding planting and care of shade and ornamental trees and shrubbery now located or which may hereafter be planted in any public highway, park or pathway, except such as are excluded pursuant to applicable law, including the planting, trimming, spraying care and protection thereof.
- 15) Make recommendations to regulate and control the use of the ground as may be necessary for proper growth, care and protection of trees and shrubbery.
- 16) Recommend the removal of any tree or part thereof dangerous to public safety.
- 17) Propose regulations, subject to approval by the city commission.
- 18) Recommend the treatment or removal of any tree situated upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of the city.

19) Comply with all other minimum standards as set forth in Miami-Dade County Ordinance 81-13, Chapter 16-A pertaining to Historic Preservation.

**Sec. 2-570.83. Scope of Regulations**

This Ordinance is intended to and shall govern and be applicable to all property located in the City of Opa-locka, Florida. Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other laws, rules and regulations. It is the legislative intent of the City of Opa-locka Commission that this Ordinance shall meet the requirements of Chapter 16A, Sec. 16A-3.1 of Miami-Dade County Code of Ordinances as a qualified municipal Historic Preservation Ordinance, and that this Ordinance shall be filed with the Clerk of Miami-Dade County Board of County Commissioners and with the National Register of Historical places for certification to be eligible under the relevant Tax Act.

**Sec. 2-570.84. Definitions**

(1) Archeological zone - An area designated by this ordinance which likely to yield information on the history and pre-history of Opa-locka based on prehistoric settlement patterns in Opa-locka as determined by the results of the Dade County Historic Survey and local research. These Zones will tend to conform to natural physiographic features which were the focal points for pre- historic and historic activities.

(2) Certificates of Appropriateness - A certificate issued by the City Commission after recommendation by the Board permitting certain alterations or improvements to a designated property.

(A) Regular Certificate of Appropriateness - A Regular Certificate of Appropriateness shall be issued by the staff of the Preservation Board, based on the guidelines for preservation approved by the City Commission.

(B) Special Certificate of Appropriateness - For all applications for a Special Certificate of Appropriateness involving the demolition, removal, reconstruction or new

construction at an individual site or in a district a Special Certificate of Appropriateness is required that is issued directly by the Board.

(3) Certificate to Dig - A certificate that gives the Board's permission for certain digging projects that may involve the discovery of as yet unknown or known archeological sites in an archeological zone. This certificate is issued by staff of the Board based on the guidelines for preservation approved by the Board.

(4) Certificate of Recognition - A certificate issued by the Board recognizing properties designated pursuant to this ordinance.

(5) City Commission - City of Opa-Locka Commission.

(6) Demolition - The complete constructive removal of a building of any site.

(7) Districts - A collection of archeological sites, buildings, structures, landscape features or other improvements that are concentrated in the same area and have been designated as a district pursuant to this ordinance.

(8) Exterior - All outside surfaces of a building or structure.

(9) Guidelines for Preservation - Criteria used by staff in determining the validity of applications for a Regular Certificate of Appropriateness and any Certificate to Dig and to establish a set of guidelines for the preservation of buildings in Opa-locka. Minimum guidelines for preservation shall be that of the Secretary of Interior's Standards for the Treatment of Historic Properties, as may be amended from time to time. The City Commission may establish additional standards.

(10) Historical Preservation Board - The Board created and established by this ordinance as described in Section 2-570.81.

(11) Historic Survey - A comprehensive survey compiled by the Historic Preservation Division of the Miami-Dade County Office of Community and Economic Development involving the identification, research and documentation of buildings, sites and structures of any historical, cultural, archeological or architectural, importance in Miami-Dade County, Florida.

(12) Individual Site - An archeological site, building, structure, place or other improvement that has been designated as an individual site pursuant to this ordinance. Under the provisions of this ordinance interior spaces may be regulated only where a building or structure is designated individual site.

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

(14) Ordinary Repairs or Maintenance - Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by re- storing the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

(15) Owner of a Designated Property - As reflected on the current Metropolitan Dade County tax rolls or current title holder.

(16) Qualified Staff may be considered outside contractors of the City and shall be a person who has a bachelor's degree in historic preservation, architecture, architectural history, history, or other closely related field, and who has at least 3 years of professional experience in the field of historic preservation or as a historic preservation planner; or who has a master's degree in the above mentioned fields and who has at least 1 year of professional experience in the field of historic preservation or as a historic preservation planner.

(17) Undue Economic Hardship - Failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

(17) Landscape Feature - Any improvement or vegetation including, but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees sidewalks, planters, plantings, gates, street furniture and exterior lighting.

The definitions set forth in the Miami-Dade County Ordinance 81-13, Chapter 16-A pertaining to Historic Preservation shall be adopted and also apply to this section in the event of conflict and as may otherwise be amended from time to time.

**Sec. 2-570.85. Historic Preservation Board: Created and Established**

There is hereby created an Historical Preservation Board, ("the Board"), as a board of the City of Opa-locka, Florida. The Board is hereby vested with the power, authority and jurisdiction to recommend the designation, regulation and administration of historical, cultural, archeological and architectural resources in Opa-locka, Florida, as prescribed by this Ordinance under the direct jurisdiction and legislative control of the Opa-locka City Commission.

**Sec. 2-570.86. Rules and Regulations**

The Board shall make and prescribe such rules and regulations as are reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this Ordinance. Such rules and regulations shall conform to the provisions of this Ordinance and shall not conflict with the Constitution and general laws of the State of Florida, and shall govern and control procedures, hearings and actions of the board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations, and any amendments or modifications thereto, and the same have been approved by the City Commission and filed with the City Clerk. Upon approval by the Commission, such rules and regulations shall have the force and effect of law within the City of Opa-locka, Florida. The City Commission shall prescribe forms for use by applicants in compliance with the provisions of this chapter.

**Section 1. Designation Process and Procedure**

I. The City Commission shall have the authority to designate areas, places, buildings, structures, landscape features, archeological sites and other improvements or physical features, as individual sites, districts, or archeological zones that are significant in Opa-locka's history, architecture, archeology, or culture and possesses an integrity of location, design, setting, materials, workmanship or association, or:

(A) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, Miami-Dade County, South Florida, the state or the nation; or

(B) Are associated with the lives of persons significant in our past; or

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

(D) Have yielded, or are likely to yield information in history or prehistory; or

(E) Are listed in the National Register of Historic places. The City Commission shall conduct a separate public hearing to consider for designation each property within its jurisdiction listed in the National Register of Historic Places;

II. Certain properties which include cemeteries, birth- places, properties owned by religious institutions, or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature and properties that have achieved significance within the last twenty-five years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

- (A) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
- (B) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person.
- (C) A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.
- (D) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
- (E) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.

(F) A property or district achieving significance within the past twenty-five years if it is of exceptional importance.

III. Prior to the designation of an individual site, a district, or an archeological zone, an investigation and designation report must be filed with City. The format of these reports may vary according to the type of designation, however all reports must address the following: The historical, cultural, architectural, and archeological significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archeological zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the City Commission in carrying out its regulatory function under this ordinance with respect to Certificates of Appropriateness and Certificates to Dig. Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such non-conforming properties shall provide that a Certificate of Appropriateness may be required only for new construction on such properties. All reports shall take into consideration projected, proposed or existing public improvements and developmental or renewal plans. The Board must produce at least one designation report per calendar year, and present it to the municipal historic preservation board for consideration, until all properties in its jurisdiction listed as historically significant on the municipality's or the County's previous surveys have been considered for designation.

IV. Procedure

(A) Petition of the Owner - The owner(s) of any property in the City of Opa-locka may petition the Board for recommendation of designation of their property as an individual site, district or archeological zone provided that they appear before the Board with sufficient information to warrant the investigation of the property for future designation and the Board finds that the property may be worthy of designation. The Miami-Dade County Historic Preservation Chief may also recommend the initiation of designations. The Board shall, based on its findings, either direct the staff to transfer its recommendation to the City Commission so that the City Commission can then direct City staff to begin the designation process or deny the petition.

(B) Directive of the Board - Upon recommendations from staff and the acceptance of petitions pursuant to this section, staff shall transmit the

Boards recommendations to the City Commission along with any other recommendations the Board may deem necessary, and submit its report to the City Commission.

(C) Notification of owner - For each proposed designation of an individual site, district, or archeological zonethe Board is encouraged to obtain the permission of the property owner(s) within the designated area, and is responsible for mailing a copy of the designation report to the owner(s) as notification of the intent of the Board to consider designation of the property at least 15 days prior to a public hearing held pursuant to this section.

(D) Notification of Government Agencies - Upon filing of a designation report, the Community Development Director shall immediately notify the Clerk of the Board of County Commissioners, the City Clerk, the City Building Official, the City Attorney and any other County or Municipal agency, including agencies with demolition powers, that may be affected by said filing.

(E) Notification of a Public Hearing - For each individual site, district or archeological zone proposed for designation a public hearing must be held as required by the Chapter 16A-3.1 of the Miami-Dade County Code of Ordinances.

(F) Requirement of Notification - The Board shall reduce to writing its recommendation to approve, deny, or amend the proposed designation and direct the Community Development Director to notify the City Commission following of its actions with a copy of the official minutes of the meeting, and a recommendation of the Board providing a summary statement of the effects of this action:

- 1 ) The City of Opa-locka Building Official,
- 2 ) The Opa-locka City Clerk,
- 3 ) Owner(s) of the affected property and other parties having an interest in the property, if known,

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- 4 ) The Opa-locka Public WorksDepartment, and
- 5 ) Any other County or Municipal Agency, including agencies withdemolition powers, that may be affected by this action.

(G) Moratorium. Upon the filing of a designation report by the staff, the owner(s) of the real property which is the object matter of the designation report shall not:

- 1) Erect any structure on the subject property.
- 2) Alter, restore, renovate, move or demolish any structure on the subject property, until such time as final action, as provided by this chapter, is completed.

## V. Demolition

A. Demolition of a designated building, structure, improvement or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an application by the owner for a Special Certificate of Appropriateness.

B. Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts or archeological zones pursuant to Section 10 of this Chapter. The City Commission shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said government agency regarding demolition of any designated property. The Board may make recommendations and suggestions to the City Commission and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.

C. No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner(s) thereof until an application for a Special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this Section. Refusal by the Board to grant a Special Certificate of Appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided by the criteria contained in subsection V, D herein. The Board may grant a Special Certificate of Appropriate-ness which may provide for a delayed effective date of up to two (2) years. The effective date shall be determined by the Board based upon the relative significance of the structure and the prob-able time required to arrange a possible alternative to demolition. During the demolition delay period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this ordinance. Such steps may include, but shall not be limited to, consultation with civic groups public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

D. In addition to all other provisions of this ordinance, the Board shall consider for recommendation to the City Commission the following criteria in evaluating applications for a Special Certificate of Appropriateness for demolition of designated properties:

- (a) Is the structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic or architectural landmark?

- (b) Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- (c) Is the structure one of the last remaining examples of its kind in the neighborhood, the County, or the region?
- (d) Does the structure contribute significantly to the historic character of designated district?
- (e) Would retention of the structure promote the general welfare of the County by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage?
- (f) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

VI. Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this ordinance would result in serious undue economic hardship to the applicant, the matter shall be officially referred to the Opa-locka Zoning Board of Appeals which shall have the power to vary or modify adherence to this ordinance; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect the City of Opa-locka, Dade County, nor the South Florida metropolitan region.

VII. No Building Permit shall be issued by the Opa-locka Building Official which affects any designated property in Dade County without a Certificate of Appropriateness.

VIII. All work performed pursuant to the issuance of any Certificate of Appropriateness shall conform to the requirements of the Certificate. The City Manager shall designate an appropriate official to assist the Board by making necessary inspections in connection with enforcement of this ordinance and shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the Board and copies of any stop work orders both to the Board and the applicant. The Building Official or appropriate official and staff for the Board shall be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be corrected to comply with the Certificate of Appropriateness prior to withdrawing the stop work order.

IX. For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a

building or site in the City of Opa-locka, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without Board approval, and to rehabilitate it later under the normal review procedures of this ordinance.

X. The Board shall have the authority to review applications for Certificate of Appropriateness for all property in Opa-locka, however owned, by either private or public parties. The purposes of this ordinance shall apply equally to plans, projects or work executed or assisted by any private party, governmental body or agency, department, authority or board of the City, County or State.

XI. Demolition procedures and requirements shall otherwise comply with Chapter 16A-3.1 of the Miami-Dade County Code of Ordinances as may be amended from time to time.

## **Section 2. Maintenance of Designated Properties**

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

## **Section 3. Certificates to Dig**

I. Within an archeological zone, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an interred archeological site shall be prohibited without a Certificate to Dig. All applications to all appropriate municipal or county agencies involving new construction, large scale digging, the removal of trees or any other activity that may reveal or disturb an interred archeological site, in an archeological zone shall require a Certificate to Dig before approval. Based on the designation report for the archeological zone, a complete application for a certificate to Dig and any additional guidelines the Board may deem necessary, the staff of the Board shall approve or deny the application for a Certificate to Dig by the owners of a property in a designated archeological zone. The Certificate to Dig may be made subject to specified conditions, including but not limited to, conditions regarding site excavation.

In order to comply with the site excavation requirements of the Certificate to Dig, the applicant may agree to permit a City or County sanctioned Archeologist to conduct excavation from the time of the approval of the Certificate to Dig until the effective date thereof. The findings of the staff shall be mailed to the applicant promptly. Applicant shall have the opportunity to challenge the staff decision or any conditions attached to the Certificate to Dig by requesting a meeting of the Board. The Board shall

convene within a reasonable time and shall make every effort to review and reconsider the original staff decision to arrive at an equitable decision. The decision of the Board shall be reduced to writing.

- II. Approved Certificates to Dig - Approved Certificates to Dig shall contain an effective date at which time the proposed activity may begin, unless the Board decides to designate the site in question as an individual site or district pursuant to Section 10 of this ordinance in which case all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.
- III. All work performed pursuant to the issuance of a Certificate to Dig shall conform to the requirements of such certificate. It shall be the duty of the City of Opa-locka, in particular its Public Works Department, to inspect from time to time any work pursuant to such certificate to assure compliance. In the event work is performed not in accordance with such certificate, the official designated by the City Manager pursuant to Section 1(VIII) shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

#### Section 4. Appeals

Upon written decision of the City Commission, an aggrieved party may appeal the decision by filing a written notice of appeal with the City Clerk. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Subsequently, the City Commission shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Board or of the City Commission. Nothing contained herein shall preclude the City Commission from seeking additional information prior to rendering a final decision. The decision of the City Commission shall be reflected in the minutes and a copy of the Minutes shall be forwarded to the board and the appealing party.

Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the City Commission may appeal an adverse decision to the Circuit Court in and for Dade County, Florida. The party taking the appeal shall be required to pay to the City of Opa-locka the sum of One Hundred Dollars (\$100.00) to defray the costs of preparing the record on appeal.

#### Section 5. Penalties

Failure by an owner of record to comply with any provision of this ordinance shall constitute a violation hereof and shall be punishable by the City Commission by civil or criminal penalties including a fine of not more than \$500.00 per day for each day the violation continues. In addition, the Board may require that any work

performed contrary to this ordinance must be removed and the property returned to its condition prior to commencement of said action.

**Section 6. Incentives**

All properties designated as individual sites or as designated properties within a district shall be eligible, upon application by the owner(s), for any available financial assistance set aside for historic preservation by Metropolitan Dade County contingent on the availability of funds and the scope of the project as described in the application.

**SECTION 7.** If any clause, section, or other part or application of this Resolution is held by any court of competent jurisdiction to be unconditional or invalid, in part or in application, it shall not affect the validity of the remaining portions or application of this Resolution.

**SECTION 8. CONFLICT, ADDITIONS & REPEALER.**

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed. To the extent of conflict between this Ordinance and Miami-Dade County Ordinance 81-13, Chapter 16-A pertaining to Historic Preservation, the Miami-Dade County Code of Ordinance shall control. Likewise, any provision not included herein, but specifically specified and required by Miami-Dade County Ordinance 81-13, Chapter 16-A pertaining to Historic Preservation in order to make the reading of this Ordinance complete, shall be interpreted as if the Miami-Dade Ordinance was incorporated herein.

**SECTION 9. SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Code or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 10. INCLUSION IN CODE.**

It is the intention of the City Commission of the City of Opa-Locka that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Opa-Locka and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter,"

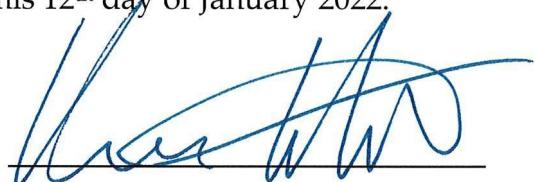
"Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

**SECTION 11.** EFFECTIVE DATE.

This Ordinance shall take effect upon the adoption of this Ordinance by the Commission of the City of Opa-Locka is subject to the approval of the Governor or Governor's Designee.

**PASSED FIRST READING** this 8<sup>th</sup> day of December 2021.

**PASSED SECOND READING** this 12<sup>th</sup> day of January 2022.



Veronica J. Williams, Mayor

ATTEST:



Joanna Flores, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**



Burnadette Norris-Weeks, P.A.  
City Attorney

Moved by: Commissioner Dominguez

Seconded by: Vice Mayor Taylor

**VOTE:** **5-0**

Commissioner Bass	YES
Commissioner Davis	YES
Commissioner Dominguez	YES
Vice Mayor Taylor	YES
Mayor Williams	YES



**CITY OF OPA-LOCKA, FLORIDA**  
**NOTICE TO THE PUBLIC**

NOTICE IS HEREBY GIVEN that the City Commission of the City of Opa-locka, Florida will hold public hearings at the Regular Commission Meeting on **Wednesday, January 12, 2022 at 7:00 p.m.**, at Sherbondy Village Auditorium, 215 Perviz Avenue, Opa-locka, Florida, to consider the following items for final adoption:

**SECOND READING ORDINANCES/PUBLIC HEARING:**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING THE ANNUAL ADOPTED GENERAL, PROPRIETARY AND SPECIAL REVENUE FUNDS BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A"; PROVIDING FOR THE EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS; PROVIDING FOR APPROPRIATION OF ALL BUDGETS AND EXPENDITURES; PROVIDING FOR FEES CONSISTENT WITH APPROPRIATIONS AND AMENDMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading / public hearing held on December 8, 2021).

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING CHAPTER 2, ARTICLE XI, DIVISION 13 OF THE CITY'S CODE OF ORDINANCES ENTITLED "HISTORIC ENVIRONMENTAL PRESERVATION BOARD" TO ESTABLISH MINIMUM STANDARDS FOR MUNICIPAL HISTORIC PRESERVATION PROGRAMS AS SET FORTH IN THE MIAMI-DADE COUNTY HISTORIC PRESERVATION ORDINANCE SECTION 16A-3.1; PROVIDING FOR BOARD ORGANIZATION AND QUALIFICATIONS; BOARD DUTIES AND RESPONSIBILITIES; SCOPE OF REGULATIONS; DEFINITIONS; ADMINISTRATION AND ENFORCEMENT RULES AND REGULATIONS; SITE/DISTRICT/ZONE DESIGNATION PROCESS AND PROCEDURES; DEMOLITION PROCESS AND PROCEDURES; PROCEDURES FOR MAINTENANCE OF DESIGNATED PROPERTIES; CERTIFICATE TO DIG PROCEDURES; AN APPEALS PROCESS; PENALTIES AND INCENTIVES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; RESCINDING ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (first reading / public hearing held on December 8, 2021).

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE DISSOLUTION OF A SAFE NEIGHBORHOOD IMPROVEMENT DISTRICT (SPECIAL DISTRICT) IN ACCORDANCE WITH CHAPTER 189.071 FLORIDA STATUTES, AND REPEALING ORDINANCE 88-03 AND ORDINANCE 88-04, FOR THE ALI-BABA NEIGHBORHOOD IMPROVEMENT DISTRICT WITHIN AN AREA CONTAINING APPROXIMATELY 45 ACRES, BOUNDED ON THE EAST BY N.W. 17<sup>TH</sup> AVENUE, ON THE WEST BY N.W. 22<sup>ND</sup> AVENUE, ON THE NORTH BY N.W. 151<sup>ST</sup> STREET, AND ON THE SOUTH BY N.W. ALI BABA AVENUE; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading / public hearing held on December 8, 2021).

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE DISSOLUTION OF A SAFE NEIGHBORHOOD IMPROVEMENT DISTRICT (SPECIAL DISTRICT) IN ACCORDANCE WITH CHAPTER 189.071 FLORIDA STATUTES, AND REPEALING ORDINANCE 88-03 AND ORDINANCE 88-11, FOR THE EAST-WEST SAFE NEIGHBORHOOD DISTRICT WITHIN AN AREA CONTAINING APPROXIMATELY 100 ACRES, BOUNDED ON THE EAST BY N.W. 17<sup>TH</sup> AVENUE, ON THE WEST BY N.W. 22<sup>ND</sup> AVENUE, ON THE NORTH BY N.W. 141<sup>ST</sup> STREET, AND ON THE SOUTH BY N.W. 135<sup>TH</sup> STREET; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading / public hearing held on December 8, 2021).

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE DISSOLUTION OF A SAFE NEIGHBORHOOD IMPROVEMENT DISTRICT (SPECIAL DISTRICT) IN ACCORDANCE WITH CHAPTER 189.071 FLORIDA STATUTES, AND REPEALING ORDINANCE 88-03 AND ORDINANCE 88-05, FOR THE NILE GARDENS NEIGHBORHOOD IMPROVEMENT DISTRICT WITHIN AN AREA CONTAINING APPROXIMATELY 320 ACRES, BOUNDED ON THE EAST BY N.W. 27<sup>TH</sup> AVENUE, ON THE WEST BY ALEXANDRIA DRIVE, ON THE NORTH BY N.W. 135<sup>TH</sup> STREET, AND ON THE SOUTH BY N.W. 128<sup>TH</sup> STREET; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading / public hearing held on December 8, 2021).

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 15-31 LAND DEVELOPMENT REGULATIONS TO INCLUDE THE MOORISH REVIVAL STYLE DESIGN HANDBOOK; PROVIDING FOR DEFINITIONS, PERMIT AND SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (first reading / public hearing held on December 8, 2021).

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 15-31 LAND DEVELOPMENT REGULATIONS TO INCLUDE ARTICLE IV, SECTION 22-101, CREATING THE HISTORIC DOWNTOWN OPA-LOCKA DISTRICT PROVIDING FOR DEFINITIONS, PROVIDING FOR PERMITTED AND PROHIBITED USES; PROVIDING FOR DEVELOPMENT CRITERIA; PROVIDING FOR SPECIAL PERMIT REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE (first reading / public hearing held on December 8, 2021).

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 15-31 LAND DEVELOPMENT REGULATIONS TO INCLUDE ARTICLE IV, SECTION 22-102, CREATING THE OPA-LOCKA INNOVATION DISTRICT, PROVIDING FOR DEFINITIONS, PROVIDING FOR PERMITTED AND PROHIBITED USES, PROVIDING FOR DEVELOPMENT REGULATIONS AND INCENTIVES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE (first reading / public hearing held on December 8, 2021).

**RESOLUTIONS/PUBLIC HEARINGS:**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA APPROVING THE VARIANCE REQUEST FOR THE CONSTRUCTION AND OPERATION OF AN INDUSTRIAL WAREHOUSE / DISTRIBUTION & OFFICE SPACE DEVELOPMENT BUILDING LOCATED AT 12805 LE JEUNE ROAD AND IDENTIFIED BY FOLIO 08-2129-000-0061 IN THE I-3 ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA APPROVING THE FINAL SITE PLAN REVIEW REQUEST FOR THE CONSTRUCTION AND OPERATION OF AN INDUSTRIAL WAREHOUSE / DISTRIBUTION & OFFICE SPACE DEVELOPMENT BUILDING LOCATED AT 12805 LE JEUNE ROAD AND IDENTIFIED BY FOLIO 08-2129-000-0061 IN THE I-3 ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA APPROVING THE DEVELOPMENT AGREEMENT REVIEW FOR THE CONSTRUCTION AND OPERATION OF AN INDUSTRIAL WAREHOUSE / DISTRIBUTION & OFFICE SPACE DEVELOPMENT BUILDING LOCATED AT 12805 LE JEUNE ROAD AND IDENTIFIED BY FOLIO 08-2129-000-0061 IN THE I-3 ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

All interested persons are encouraged to participate and will be heard with respect to the public hearings.

Additional information on the above item may be obtained by contacting the Office of the City Clerk by telephone 305-953-2800 or email [jflores@opalockafl.gov](mailto:jflores@opalockafl.gov). To participate or provide comments virtually, please register on the City of Opa-locka website at [www.opalockafl.gov](http://www.opalockafl.gov) no later than 7:00 p.m. on Wednesday, January 12, 2022.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 953-2800 for assistance not later than five (5) days prior to the proceeding. If hearing impaired, you may telephone the Florida Relay Service at (800) 955-8771 (TTY), (800) 955-8770 (Voice), (877) 955-8773 (Spanish) or (877) 955-8707 (Creole).

**PURSUANT TO FS 286.0105:** Anyone who desires to appeal any decision made by any board, agency, or commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for that reason, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

Joanna Flores, CMC  
 City Clerk  
 City of Opa-locka