

I See A "FOR SALE" Sign On My Street

- Be aware of visitors to the property. Engage the realtor or developer in conversation if present.
- Talk to your neighbors. They may have knowledge of the property's history or the intentions of the seller.
- Look for advertising such as ads in the Miami Herald, mailers, posted flyers and signs.
- Be aware, particularly with large lots of advertising with descriptions as
 "tear-down", "developable lot", "sale for land value", or "perfect for two
 homes". If you see this type of sign, please notify the Planning and Zoning
 Department. They can monitor this scenario. Contact: Jacqueline Ellis,
 Acting Chief of Land Development, IEllis@miamigov.com, 305-416-1446
- Contact the realtor for information regarding how the property is being marketed.
- Watch for notices posted on the property.



A Home Was SOLD on My Street

- 1. Determine who has purchased the property. To do this, follow these steps:
 - http://www.miamidade.gov/propertysearch/#/
 - Enter property address
 - Click on the Folio Number
 - Owner can be found under "Property Information"
- 2. The new owner could be considering changes to the property that do not conform to the NCD3 Code and may request modifications from the Planning and Zoning Department. Some examples of modifications are lot-splitting, tree removal, setbacks, height restrictions, and architectural features. These changes to properties may negatively affect the value of homes in your neighborhood. Abutting neighbors are key to assuring that the NCD3 Code is enforced as they can file appeals should the owner's waiver, warrant, exception or variance be approved.
- 3. Be aware of notices posted on the property. Pay attention to the details and dates if a hearing is scheduled.
- 4. Pay attention to notices by mail. If the developer/owner plan on demolishing the house and you are an abutting neighbor, you will receive notice of the waiver application and you will be able to object (see "I Received a Waiver Notice "Toolkit link)
- 5. Enlist your neighbors and Grove Watch for information and support.
- 6. Begin contacting the Planning and Zoning Department and NET Office by phone, email and certified letter to register your concerns and request information. Copy Commissioner Russell's office on email correspondence. Contacts:
 - Mailing Address of City Hall: 3500 Pan American Drive, Miami, FL 33133
 - Devin Cejas, Zoning Administrator, DCejas@miamigov.com Phone (305)-416-1488
 - Francisco Garcia, Director, Miami Zoning Department <u>FGarcia@miamigov.com</u> Phone (305)-416-1470
 - District 2 Commissioner Ken Russell, krussell@miamigov.com, Phone (305) 250-5333
 - Anthony Balzebre, District 2 Commissioner Liaison, <u>abalzebre@miamigov.com</u> Phone 305-250-5333

- Madelin Pacheco, NET Administrator, <u>mpacheco@miamigov.com</u>, Phone (305) 960-4670
- 7. Monitor the property for active tree cutting or construction equipment. (See "Tree Cutting and Trimming" tool link)
- 8. To determine if permits have been issued, follow these steps:
 - http://portal.miamigov.com/landmanagement
 - Click on Inquiries Tab
 - Click on Global Inquiry on drop down menu
 - Click on Search- By Address
 - Click on Plan Number



I Want to See Plans

- 1. If you observe a lot where an existing house has been demolished and it looks like someone will be developing one or more new homes on the site and you would like to know the following:
 - a. Was the waiver process for the NCD-3 followed?
 - b. Do the proposed structure(s) and development meet all the NCD-3 codes?
 - c. What will the home(s) look like?
- 2. You can obtain copies of the site, floor and elevation plans on file at the city. Click on the link below and fill out the form:

http://www.miamigov.com/building/Docs/DropdownForms/plansrequestform.pdf

OR

Go to the building department at the City Offices and make your request in person at the following location (there is a charge to both do the search as well as pay for the copies of each page):

City of Miami Building Department 444 S.W. 2nd Avenue, 4th floor Miami, FL 33130

Office: (305) 416-1100 Fax: (305) 416-2168

Email: building@miamigov.com

Main Hall on 4th Floor

Microfilm & Records

Public Research and Requests: 7:45 am - 12:30 pm and 1:30 pm - 3:30 pm

Scheduled Appointments: 2:30 pm – 3:30 pm Pickup Completed Requests: 2:00 pm – 3:00 pm

 In addition to searching plans you can also search the history of a property whether by address or folio # online at the Miami Dade Property Search website: http://www.miamidade.gov/pa/property search.asp

Here you can find tax, sales and additional property information and documents associated with a particular property.

*The information above can be found on the home page of the Building Department http://www.miamigov.com/building/index.html

using the drop down "Quick Links" menus on the left side of the page under "Records Requests".



I Want to See Permits

Inquiring about permits for a particular property can be done in a number of ways

1. If you have a permit number, you can go directly to the" ibuild" site and look up a permit:

http://portal.miamigov.com/landmanagement

At this site you will need to set up an account (just a username, email and password)

2. If you do not have a permit # you will need to either fill out the following form and send it to the city:

http://www.miamigov.com/building/Docs/DropdownForms/openpermitrequest.pdf

OR

Go the Building Department and request the copies in person. Below is the information to request in person. For either of these steps you will need an address and folio number (Property Tax ID#).

City of Miami Building Department 444 S.W. 2nd Avenue, 4th floor Miami, FL 33130 Office: (305) 416-1100

Fax: (305) 416-2168

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 In addition, the following is a link to the permitting process. It outlines the pathways for owners to obtain a building permit. Appeals are possible for waivers, warrants, exceptions and variances unless they are approved to proceed "by right". http://gh/www.miami21.org/PDFs/FinalDocumentsMay2010/Article7-Procedures-AsAdopted-May2010.pdf



I Received a Waiver/Warrant Notice in the Mail What Should I Do?

- 1. Abutting neighbors will receive notification via certified mail that an application for approval of a waiver or a warrant has been filed.
- 2. All documents, plans and supporting materials will be available by appointment with the Land Development Division of the Planning and Zoning Department, 444 2nd Ave 3rd Floor, Miami, FL 33130. For an appointment call 305 (416)-1400.
- 3. The project will be reviewed for approval for a Waiver or a Warrant by the Planning and Zoning Department.
- 4. The procedures for both review processes are laid out in Miami 21 Article 7: http://www.miami21.org/final code May2015.asp
- 5. If you would like to object (or support) the waiver or warrant, send an email to the Planning Director and the Zoning Administrator and copy your Commissioner's office as well.
 - Francisco Garcia, Director of Planning and Zoning fgarcia@miamigov.com
 Devin Cejas, Zoning Administrator dcejas@miamigov.com
 Ken Russell, Commissioner, District 2, krussell@miamigov.com
- 6. Reference the Waiver or Warrant # in your email and state clearly why you object (or support) using as many "legal or Code" reasons you can find.
- 7. In addition, you may want to meet with the other abutting neighbors to organize any objection (or support if the development is appropriate).
- 8. The final decision of the Planning Director will be posted on the city's website. http://www.miamigov.com/planning/notifications.htm
- 9. Please see our "I Want to Appeal a Decision of the Zoning Administrator on a Waiver/Warrant" toolkit link for next steps.



I Did Not Receive a Warrant/Waiver Notification

NCD 3 – Section 3.3 - All demolition permits shall require a Waiver and be referred to the Planning Department for review under the Tree Preservation Ordinance. All submittals shall contain a tree survey by a certified arborist

- 1. Check the link on the Planning and Zoning site that shows the current waivers and warrants in the pipeline http://www.miamigov.com/planning/notifications.html
- If you see a waiver/warrant on that site and notification was not received by an abutting neighbor and this can be proven, the waiver or warrant notification process must be done again.
- 3. In this case, contact public records must provide a copy of the waiver or warrant and copies of all certified mail records (you will be able to see if a waiver or warrant notification was sent to you or not). Determine if a certified letter was sent to ALL abutting properties.
- 4. On the subject line reference the waiver or warrant number and specify that the email is for a public records request (ex: Waiver # 2017-1234 Records Request).
 - The message should be simple (ex: Good Morning, I would like to request proof of notice for waiver # 2017-1234 issued in 2015 by the office of zoning. The property address is 1234 Main St.) The waiver or warrant, address, and department that issued the waiver or warrant needs to be included.
- 5. To view abutting properties and identify abutting neighbors, follow these steps:
 - a. http://www.miamidade.gov/propertysearch/#/
 - b. Type in property address
 - c. Map will show property outlined in yellow
 - d. Click on any abutting property to retrieve the address and compare the certified mail notices
- 6. When all abutting neighbors have received a notification via certified mail of a waiver or warrant request, the process will begin.



I Want to Appeal the Decision of the Zoning Administrator on a Waiver or Warrant

- 1. <u>An appeal of the final decision/determination of the Planning Director</u> must be taken to the Planning, Zoning, and Appeals Board (PZAB) <u>within fifteen (15) calendar days</u> of the posting of the decision. The appeal must be filed with the Office of Hearing Boards.
- Contact Olga Zamora, Hearing Boards (OZamora@miamigov.com 305-416-2037) and Lakisha Gray, Hearing Boards (LGray@miamigov.com 305-416-2036) and copy Anthony Balzebre 305-250-5333 (ABalzebre@miamigov.com) and advise them that an appeal for a waiver or warrant is being requested. If waiver or warrant was not received, state that notification was not received, but you would like to appeal.
- The appellant must send or submit in person a certified letter to the following address: Olga Zamora, Hearing Boards, City of Miami Planning and Zoning Department, 444 2nd Ave 3rd Floor Miami, FL 33130
- 4. The letter should state that you are appealing the waiver or warrant. Include the waiver or warrant number, intent of waiver or warrant, etc. (if not properly notified, include that as well). The letter should also include appellant's contact information (phone numbers, emails, etc.). If possible, please include a copy of the waiver or warrant.
- 5. The appellant should send a copy of the original appeal letter, any supporting documents, and a copy of the FedEx tracking number of the appeal letter via email to Olga, Lakisha and Anthony. This way there will be proof both physically and electronically that an appeal was requested.
- 6. After the letter is received by the city, the appellant should receive a notice for the hearing.
- 7. The PZAB shall determine at a public hearing at City Hall whether the Warrant is upheld or rescinded. (Please note that in the event a decision on a Warrant is appealed, the project will be placed on hold pending determination).
- 8. Please see our "Tips for Appealing a Decision at the PZAB" toolkit link for help in building your case.
- 9. Should the appellant's appeal be denied by the Planning and Zoning Appeals Board, a second appeal may be filed with the City Commission.



Tips for Appealing a Decision

At a Planning and Zoning Appeals Board (PZAB) Meeting

- This board, comprised of eleven members, one alternate and one school board member, meets on the first and third Wednesday of every month at 6:30 PM at Miami City Hall. For more detailed information, please refer to Chapter 62 of the Miami City Code.
 - https://www.municode.com/library/fl/miami/codes/code_of_ordinances?nodeId=PTIIT HCO_CH62PLZO_ARTIIIPLZOAPBO
- 2. The Planning and Zoning Department can provide specific and complete instruction regarding paperwork required for an appeal. The appeal must be filed with the Hearing Boards Office. http://www.miamigov.com/hearing_boards/Aboutus.html
- 3. Appeals Checklist: http://www.miamigov.com/Hearing Boards/pages/App forms/AppealsChecklist.pdf
- 4. Prepare and submit into the record at the meeting, petitions specific to your property issue either by walking your neighborhood, online or both. https://www.change.org/start-a-petition
- 5. When preparing arguments, it is best to stick to arguments based on violations of the actual code and not "this is not Grovey" though this is an important part of the argument it is not something that Planning and Zoning can deny people property rights on. The more Code you can note and show actual violations the stronger your appeal.
- 6. Keep your arguments professional, straightforward and courteous it will not help your case to demonize or make false assumptions about the developer. Argue they must follow code.
- 7. Provide facts and data to support your appeal, not opinion.
- 8. Enlist the support of your neighbors in person and via social media. (Facebook, NextDoor, Grove Watch) Encourage their attendance at the meeting. Bring signs and ask neighbors to help display them.
- 9. This is a semi-judicial process, which means at the hearing the appellant may submit documents, call witnesses and rebut claims of the developer/owner. Prepare a presentation and ask others to speak on your behalf. Each speaker will be allotted two minutes. A laptop connection is available at City Hall with projection capability for visuals. Bring hard copies of any materials to be submitted and entered in the record.



(including petitions) The appellant must have sufficient copies of documents/submittals for each board member and zoning representative.

- 10. Hire a Court Reporter should there be a question after the meeting has concluded. The cost is roughly \$150. A company we have used before is: **Verbatim Support Services** Phone 954-467-8204 Email: scheduling@apex-rg.com
- 11. Make sure if an agreement is made with the developer, it is recorded <u>IN WRITING</u>. This can be done with a **covenant**. This is a legal agreement which assures that the decision between parties will be honored. See this link regarding covenants: https://www.municode.com/library/fl/miami/codes/code_of_ordinances?nodeId=PTIITHCO_CH62PLZO_ARTVCOAGBEPLZOAPBO_S62-21COAGPRAP



Coconut Grove NET Office Information

(Neighborhood Enhancement Team)

The Neighborhood Enhancement Team is the first point of contact for zoning violations and the primary link to municipal and government services.

http://miamigov.com/nets/about/index.html

If you do not get an initial response, be persistent.

Best contact:

Voncarol Kitchens, Assistant Director of NET vkinchens@miamigov.com
Cc: MaleinPacheco@miamigov.com Coconut Grove NET

Coconut Grove NET

3310-A Mary Street Miami, FL 33133

Phone: (305) 960-4670 Fax: (305) 960-4679

Copy:

MPacheco@miamigov.com Administrator

CCasanova@miamigov.com Service Center Representative

FMcFadden@miamigov.com Service Center Aide

mike.gonzalez@miami-police.org Police Commander

Matthew.Vasquez@miami-police.org Police Neighborhood Resource Officer

Shane.Maguffey@miami-police.org Police Neighborhood Resource Officer

<u>DSierra@miamigov.com</u> Code Compliance Field Supervisor



I Want to Report Contractor Violations

Examples: Demolition, Concrete Pouring, Cutting Trees, Other Types of Active Construction

Permits are needed for construction activity.

Some activities that occur without permits cannot be reversed and can lead to lawsuits and unresolvable outcomes.

Read the NCD Code for Coconut Grove (Neighborhood Conservation Districts)

http://www.miami21.org/PDFs/FinalDocumentsMay2010/AppendixA-NCDs-May2010.pdf

It is written in language that is relatively easy to understand.

If you observe a possible violation:

- 1. Ask to see the permit/ number to verify that the activity is code compliant **PERMITS MUST BE POSTED ON SITE.**
- 2. If no permit/number is produced, ask the contractor to stop work until a permit is obtained and contact the owner of the property.
- 3. Take a photo of the activity involved
- 4. Collect and preserve information about contractor involved (name of company, phone number, license number or whatever is available or take a photo of vehicle with pertinent information)
- 5. Contact Department of Code Compliance 305-416-2087 or 311
- Contact Madelin Pacheco, Administrator, mpacheco@miamigov.com at the Coconut Grove Neighborhood Enhancement Team office.
 http://miamigov.com/nets/offices/grove/index.html
- 7. Call Commissioner Ken Russell's Liaison, Anthony Balzebre. 305-250-5333
- 8. As a last resort, call the police non-emergency number 305-579-6111



I Think They Are Going to Cut Trees Down-Yikes!

Permits are not required for all tree cutting and trimming. Please refer to the following link for accurate information. http://www.miamigov.com/planning/treeprotection.html

Familiarize yourself with the Tree Protection Chapter 17 in the Miami Code of Ordinances: https://www.municode.com/library/fl/miami/codes/code_of_ordinances?nodeId=PTIITHCO_CH_17ENPR_ARTIIENPRDI

If you observe a possible violation:

- 1. Ask to see the tree cutting permit to verify that cutting is code compliant
- 2. If no permit is produced, ask tree trimmer to stop work until a permit is obtained and contact the property owner. Sometimes new owners are not aware of the tree cutting restrictions in Coconut Grove so your intervention would be helpful.
- 3. Take a photo of the trees involved
- 4. Collect and preserve information about tree trimming service involved (name of company, phone number, license number or whatever is available or take a photo of vehicle with pertinent information)
- 5. Contact Department of Code Compliance 305-416-2087 or 311
- If no response, contact Quatisha Oguntoyinbo-Rashad- She has been very responsive and helpful in the past.
 Chief of Environmental Resources 305-416-2038
- 7. The NET Office, Madelin Pacheco@miamigov.com, Administrator, (305) 960-4670
- 8. As a last resort, call the police non-emergency number 305-579-6111

Helpful Contacts for Tree Protection

Tree Protection Contact

Email: EnvironmentalRes@miamigov.com

Phone: 305-416-1400

Chief of Environmental Resources Contact

Quatisha Oguntoyinbo-Rashad,

Email: QOguntoyinbo-Rashad@miamigov.com

Phone: 305-416-2038

Helpful Links for Tree Protection

Home Page http://www.miamigov.com/planning/treeprotection.html

How do I find out if a property has a tree permit? Please contact the Environmental Resources Division at 305-416-1551 or website at http://portal.miamigov.com/landmanagement

Tree Permit Process

http://www.miamigov.com/planning/docs/trees/Tree Permit Process and Checklists.pdf

Tree FAQs

http://www.miamigov.com/planning/docs/trees/FAQs_updated_110915.pdf



Helpful Online Links

MIAMII 21 and NCD CODE

NCD Code http://www.miami21.org/PDFs/Appendix/Miami 21 Appendix A May 2015.pdf

Miami 21: Miami Zoning Code http://www.miami21.org/final code May2015.asp

Municipal Code (MuniCode) – Miami Charter and Code of Ordinances:

https://wwwnext.municode.com/library/fl/miami/codes/code of ordinances

CITY OF MIAMI MEETINGS AND CONTACTS

City of Miami Meetings and Agendas (Commission Meetings, PZAB etc.)

http://miamifl.iqm2.com/Citizens/calendar.aspx

NET (Neighborhood Enhancement Team) http://miamigov.com/nets/offices/grove/index.htm

City Officials Contacts http://www.miamigov.com/home/cityofficials.html

Commissioner Russell Contacts: http://www.miamigov.com/District2/contactUs.html

PLANNING AND ZONING

Planning and Zoning Department http://www.miamigov.com/planning/

Planning and Zoning Contacts http://www.miamigov.com/planning/directory.html

City of Miami Zoning Map http://maps.miamigov.com/miamizoning/

PLANNING AND ZONING APPEALS

Appeals Information

https://www.municode.com/library/fl/miami/codes/code of ordinances?nodeId=PTIITHCO CH 62PLZO ARTIIIPLZOAPBO

Planning and Zoning Hearings Board http://www.miamigov.com/hearing boards/Aboutus.html

Appeals checklist

Ihttp://www.miamigov.com/Hearing Boards/pages/App forms/AppealsChecklist.pdf

Covenants Information

https://www.municode.com/library/fl/miami/codes/code of ordinances?nodeId=PTIITHCO CH 62PLZO ARTVCOAGBEPLZOAPBO S62-21COAGPRAP

WARRANTS AND WAIVERS

Waiver Procedure http://www.miamigov.com/planning/doc/forms-zoning/WaiverApplicatiom.pdf

Warrant Procedure http://www.miamigov.com/planning/docs/Forms/Warrant Application.pdf

Warrant and Waiver Definitions

http://www.miami21.org/PDFs/FinalDocumentsMay2010/Article7-Procedures-AsAdopted-May2010.pdf

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7.1.2.5 Waiver/Appeals Page 20

7.1.2.6 Exceptions/Appeals 24

7.1.2.7 Variance/Appeals Page 26

Planning and Zoning Dept. Notifications, Waiver and Warrant Log http://www.miamigov.com/planning/notifications.html

PROPERTY, PERMIT and RECORDS SEARCH

City of Miami Zoning Map http://maps.miamigov.com/miamizoning/

Property Search http://www.miamidade.gov/propertysearch/#/

Copies of Plans

http://www.miamigov.com/Building/Docs/DropdownForms/plansrequestform.pdf

Permit Search

http://portal.miamigov.com/landmanagement (Inquiries-Global-By Address)

Permitting Process

http://gh/www.miami21.org/PDFs/FinalDocumentsMay2010/Article7-Procedures-AsAdopted-May2010.pdf

Public Records Requests

http://www.miamigov.com/cityattorney/Publicrecordsrequest.html

Public Records Request email: public Records Request email: publicrecoreds@miamigov.com

TREES

Tree Protection http://www.miamigov.com/planning/treeprotection.html

Tree Ordinance

https://www.municode.com/library/fl/miami/codes/code of ordinances?nodeId=PTIITHCO CH 17ENPR ARTIIENPRDI

Tree Permit Process

http://www.miamigov.com/planning/docs/trees/Tree_Permit_Process_and_Checklists.pdf

Tree FAQs

http://www.miamigov.com/planning/docs/trees/FAQs_updated_110915.pdf

OTHER LINKS

Create an Online Petition https://www.change.org/start-a-petition