

**CITY OF MIAMI
OFFICE OF ZONING
MEMORANDUM**

TO: Mariano Fernandez, Director of Building
FROM: Barnaby L. Min, Zoning Administrator
DATE: July 15, 2011 (Revised)
RE: Zoning Interpretation
11-0002

This Zoning Interpretation is issued to clarify and interpret Appendix A of Miami21. Specifically, Appendix A states that all demolitions of properties located within certain Neighborhood Conservation Districts shall require the issuance of a Waiver after referral to the Planning Department. Waivers, pursuant to Article 7.1.2.5(c) of Miami21, require that notice be sent to all abutting property owners as well as any other interested parties registered with the Office of NET. Article 7.1.2.5(d) further states that the Waiver cannot be issued prior to 30 days from the issuance of the notice. This requirement conflicts with properties that constitute a life safety hazard and have been deemed unsafe by the Miami-Dade County Unsafe Structures Board and/or a court of law.

The purpose of the notice provisions and the Waiver requirements for demolitions of properties within Neighborhood Conservation Districts was to allow residents to voice their concerns about the possible destruction of properties that have historical or aesthetic value to the neighborhood. Properties that are deemed life safety hazards, however, and which have been declared unsafe have no historical or aesthetic value. Such properties should be immediately demolished in order to protect residents, prevent life safety issues, and add to the aesthetic value of the neighborhood.

Accordingly, properties located in Neighborhood Conservation Districts that have been declared unsafe by either the Miami-Dade County Unsafe Structures Board or a court of competent jurisdiction shall not have to comply with the Waiver requirements of Appendix A of Miami21.

This interpretation shall be final unless appealed to the Planning, Zoning and Appeals Board within 15 days of the date of its issuance.

cc: Commissioner Marc D. Sarnoff, District 2
Francisco Garcia, Director of Planning
Haydee Wheeler, Director of NET
Mariano Fernandez, Building Official
Cedric Mar, Chief of Unsafe Structures
Victoria Mendez, Assistant City Attorney
Office of Zoning