

Neighborhood/Community Affairs Committee Meeting
October 15, 2012

Discussion Regarding Landscape Encroachments in Single Family Neighborhoods.
Referred at February 8, 2012 Commission, Item C4I
(Requested by Commissioner Edward L. Tobin)

Raul Aguila, Chief Deputy City Attorney
Fred Beckmann, Public Works Department Director

ITEM 1



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Neighborhood and Community Affairs Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: October 15, 2012

SUBJECT: **DISCUSSION REGARDING LANDSCAPE ENCROACHMENTS IN SINGLE FAMILY HOME NEIGHBORHOODS.**

As a matter of policy, the City has enforced encroachments on public right of ways on a complaint-driven basis. When an encroachment complaint is received by the City, it is directed to the Public Works Department. The Engineering Division verifies the validity of the encroachment by assessing the location, in reference to the property lines. If Public Works verifies that the reported encroachment is located in the public right-of-way (ROW), the Department then contacts Code Enforcement, who sends a Code Compliance Officer to issue a 15-day courtesy warning, directing the property owner to either remove the encroachment, or to apply for a revocable permit (or ROW permit) in order to be permitted to maintain it.

If the property owner does not respond to the courtesy warning within the prescribed time, a Code Compliance Officer will then issue a Notice of Violation (NOV). If the resident does not either remove the encroachment or make application to "legalize" the encroachment by securing approval of a revocable (or ROW) permit, the City reserves the right to remove the encroachment at owner's expense, and lien the property for the costs associated with such removal.

With respect to City capital projects which involve ROW improvements, as part of the design process, the City inspects ROW's for encroachments during the development of construction plans for the project(s). During this process, the Engineer of Record is required to identify all the hard or soft encroachments and show them in the existing condition plans. After the construction contract is awarded, the Capital Improvement Office notifies the property owner(s) about encroachments. In these instances, past City policy has been to only require removal of encroachments that are in the way of construction (at no cost to the owner). The property owner is given the option of either removing the identified encroachment or allow the construction contractor to remove it prior to construction. In the event that the owner does not remove the encroachment within the required period of time, the City has the right to remove it and lien the property for all costs involving such removal.

JGG/RA/FHB

F: WORK\ALL\1\EMPLOYEE FOLDERS\FIORELLA SARMIENTO\NCAC - Discussion regarding landscape encroachments