

**CITY OF MIAMI
OFFICE OF ZONING
MEMORANDUM**

TO: Enrique Reyes
FROM: Barnaby L. Min, Zoning Administrator
DATE: May 13, 2011
RE: Zoning Interpretation
11-0001

This Zoning Interpretation is issued to clarify and interpret Article 7.2.8(b) of Miami21 and the parking requirements for existing buildings that are adaptively reused. Specifically, clarification is required in order to determine whether a facility with no on-site parking can benefit from the language of Article 7.2.8(b) of Miami21. For the reasons stated below, the answer to this issue is in the negative.

Article 7.2.8(b) of Miami21 specifically states that

[w]here existing Off-street Parking *facilities* are nonconforming to the requirements of this Code or any other city standards, the restoration or rehabilitation of an existing Building or adaptive Use to any permitted Use in the Transect Zone shall not require the provision of additional parking or on-site storm water retention or detention except to the extent required by applicable state or federal law. (emphasis added).

There are buildings throughout the City of Miami that were legally built without any on-site parking. These buildings are now being readapted for new uses pursuant to Miami21 and are attempting to avail themselves of the provisions of the above-referenced Article. As the emphasized portion of the text above indicates, there must be an off-street parking *facility* that exists in order to benefit from the language. Properties with nonconforming parking facilities do not have to comply with Miami21 requirements regarding parking when restored or rehabilitated for an adaptive reuse. Properties without parking facilities, however, cannot avail themselves of this language. The above language clearly concerns parking facilities and not parking requirements or parking calculations. Accordingly, a property with no on-site parking must comply with the parking requirements of Miami21 when a new use is proposed less any parking spaces that may have been grandfathered with the original structure and use.

This Zoning Interpretation shall be binding unless reversed on appeal. Pursuant to Article 7.1.2.3(b) of Miami21, an appeal of this Zoning Interpretation must be presented to the Planning, Zoning and Appeals Board within fifteen (15) days and filed with the Office of Hearing Boards.

cc: Francisco Garcia, Director of Planning
Haydee Wheeler, Director of NET
Victoria Mendez, Assistant City Attorney
Office of Zoning