

**CITY OF MIAMI
PLANNING AND ZONING DEPARTMENT
OFFICE OF ZONING
MEMORANDUM**

TO: Francisco J. Garcia, Director, Planning & Zoning Department
FROM: Irene S. Hegedus, Zoning Administrator
DATE: July 28, 2014
RE: Zoning Interpretation
2014-003

This zoning interpretation is issued to clarify the substitution of Loading Berths. Specifically, which requirements must be followed when seeking Loading Berth reductions or substitutions.

Article 4, Table 5 of the Miami 21 Code states the following:

“A required Industrial or Commercial loading berth may be substituted by a Commercial or Residential loading berth, by Waiver, if the size, character, and operation of the Use is found to not require the dimensions specified and the required loading berth dimension could not otherwise be provided according to the regulations of this Code.”

An inference can be made that the language suggests that substitutions are allowed by Waiver if one industrial loading berth is substituted by one commercial loading berth or if one commercial loading berth is replaced by one residential loading berth. This section however must be read in conjunction with the other portions of Miami 21, including the above-cited Article 4, Table 5 where reductions are not offered; and exclusively substitutions are permissible by process of Waiver in order to allow the flexibility some projects require. In addition, such substitutions are permitted only when one (1) Commercial berth may be substituted by two (2) Residential berths and one (1) Industrial berth may be substituted by two (2) Commercial berths.

Deference must also be paid to Zoning Ordinance. No. 12467, § 2, 12-18-03, which states that one (1) larger six hundred sixty (660) square feet loading space may be replaced by two (2) of the smaller four hundred twenty (420) square feet loading spaces by Class II Special Permit, pursuant to Section 923. Miami 21 incorporated similar regulations from the preceding Zoning Ordinance and allowed greater flexibility by additionally including substitutions for commercial loading berths.

In conclusion, substitutions of Loading Berths are allowed only by process of Waiver when a ratio of 1:2 is implemented, thus one (1) Commercial Loading Berth may be substituted by two (2) Residential Loading Berths and one (1) Industrial Loading Berth may be substituted by two (2) Commercial Loading Berths which is consistent with the intent of the Miami 21 Code, its preceding zoning ordinance and with the language in Article 4, Table 5.

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

Cc: Victoria Méndez, City Attorney
Department of Planning & Zoning
Office of NET