

**CITY OF MIAMI
PLANNING & 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
2014-004

This zoning interpretation is issued to clarify the definition of Setback. Pursuant to Article 1, Section 1.1 of the Miami 21 Code Setback is defined as:

“Setback: The distance from the Base Building Line to the point where a Building may be constructed. This area must be maintained clear of permanent Structures with the exception of encroachments described in each Transect Zone.”

Article 5, illustrations 5.3, 5.4, 5.5, 5.6, 5.8, and 5.9 provide Building Setback and Outbuilding Setback requirements for each transect zone as applicable. Accordingly, setbacks are required for Principal Frontages, Secondary Frontages, sides and rear yards.

To illustrate the issue, consider a property fronting a private road and thus bounded solely by property lines. Article 1, Section 1.1 defines Base Building Line *as the officially mapped street lines. Lines so established may fall within the boundaries of Lots and shall be used instead of the Lot lines adjacent to the streets in determining the Layers and Setbacks.* An inference can be made that following the definitions of Setback and Base Building Line that no setbacks are required for such properties because the language in the definition of Setback exclusively addresses Base Building Lines. This section however must be read in conjunction with the other portions of Miami 21, including the above-cited portion of Article 5 where Principal and Secondary Frontages, sides and rear setbacks are required in all Transect Zones. Furthermore, Principal and Secondary Frontages as defined in Article 1 state... *That Frontage (emphasis added) facing the public space such as a Thoroughfare....*

Accordingly, deference must also be paid to the definition of Frontage Line which states the following:

Property Line or Base Building Line Abutting a public space, such as a Plaza or Thoroughfare, whether at the front, rear, or side of a Lot. Facades parallel to Frontage Lines define the public realm and are therefore more regulated than the Elevations that coincide with other Lot Lines.

In conclusion, the definition of Setback encompasses Base Building Lines and Property Lines, in the absence of Base Building Lines, to provide setback requirements pursuant to its location within the Lot; Principal or Secondary Frontages, Side, Rear or Waterfront frontage.

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