

**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: October 10, 2014
RE: Zoning Interpretation
2014-006

This zoning interpretation is issued to clarify Building Disposition in Lots within T3-O transect Zones. Specifically, clarification is required in order to determine if two (2) single family homes (Single Residential Units) are allowed on one (1) Lot.

The former City Zoning Ordinance 11000 and the current Zoning Ordinance Miami 21 are silent on the issue of whether two (2) Single Family Residences can be built on a single lot with more than one frontage, in a T3-O Transect Zone.

Article 4, Table 3 of Miami 21 states that in a T3-O Transect Zone, Single Family Residence and Two Family Residence are allowed as of Right. Article 5, Section 5.3.1- Building Disposition, Subsection (d) details specific criteria to be applied...*"In Zone T3-O, one Principal Building consisting of two Dwelling Units at the Frontage may be built on each Lot as shown in Illustration 5.3."*

Article 1 of Miami 21 Code provides definition for the following terms:

Principal Building: *A Structure used to enclose or house the primary use(s) located on a Lot; or the main Building on a Lot, usually located toward the front.*

Dwelling Unit: *Residence of a single housekeeping unit.*

Article 5.3.1 for T3-O provides information regarding a Two Family Residence and does not make reference to Single Family Residences. It is inferred that Single Family Residences are permitted as they are within the maximum allowed density and allowed by Right in Article 4, Table 3. Additionally, the relevant sections of the Code must correlate to the underlying Comprehensive Plan. The maximum permitted density can be achieved by either providing two (2) Single Family Residences or two (2) Dwelling Units. Furthermore, Section 5.3.1.d states that such units may be within one Principal Building when proposing two (2) Dwelling Units. The word "may" is used instead of "shall". In addition, the code definition for Two Family-Housing is:

Two Family-Housing: *Two (2) Dwelling Units sharing a detached Building, each Dwelling Unit of which provides a residence for a single housekeeping unit. Also known as duplex"*

The definition does not limit the two (2) Dwelling Units to a single Principal Building but rather allows for two (2) detached Dwelling Units sharing a detached building.

To illustrate this there are properties within the City of Miami, in T3-O Transect Zones with lots sizes larger than the minimum required of 5,000 square feet. Additionally, some of these properties have more than one frontage. The parcels are not large enough to legally be subdivided. The Miami21 regulations clearly indicate that in these lots, a single family residence or a two Family residence are allowed as of right along the Frontage. The Comprehensive Plan allows for a maximum density of two (2) Dwelling Units per acre. These properties can seek the development of one (1) Single Family Residence, two (2) single Family Residences or two (2) Dwelling Units as long as the development is within the maximum allowable density.

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