


**CITY OF MIAMI  
OFFICE OF ZONING  
MEMORANDUM**

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**TO:** Francisco J. Garcia, Director, Department of Planning  
**FROM:**  Joseph A. Ruiz, Esq., Zoning Director // Administrator  
**DATE:** February 28, 2020  
**RE:** Zoning Interpretation 2020-0002 – Principal Frontage(s)

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This Zoning Interpretation is issued to clarify and interpret whether a Waiver must be obtained to allow access to parking from a Principal Frontage for Lots located within a T4, T5, or T6 Transect Zone that only have a Principal Frontage(s). By way of background, Off-street Parking requirements for individual Transect Zones and Off-street Parking dimensions and Shared Parking (mixed-use) reduction table are set forth in Article 4, Tables 4 and 5 of Miami 21 Zoning Code (“Code”), respectively. Additional Off-street Parking regulations are found in Article 3 of the Code, while Article 5 sets forth specific parking standards applicable to development within each Transect Zone.

Article 5, Sections 5.4.2(e), 5.5.2(e), and 5.6.2(f) of the Code, applicable to the T4, T5, and T6 Transect Zones, states as follows:

Section 5.4.2(e): Loading and service entries shall be at the Third Layer and shall be accessed from Alleys when available. When a Lot has only Principal Frontages, vehicular entries, Loading Docks and service areas shall be at the Third Layer and shall be permitted on Principal Frontages only by process of Waiver.

Section 5.5.2(e): Loading and service entries shall be within the Third Layer and shall be accessed from Alleys when available and otherwise from the Secondary Frontage. When Lots have only Principal Frontages, vehicular entries, Loading spaces and service areas shall be permitted on Principal Frontages only by process of Waiver.

Section 5.6.2(f): Loading and service entries shall be within the Third Layer and shall be accessed from Alleys when available, and otherwise from the Secondary Frontage. Loading spaces and service areas shall be internal to the building. Where Lots have only Principal Frontages, vehicular entries, Loading Docks and service areas shall be permitted on Principal Frontages by Waiver.

(emphasis added). Read in isolation, an inference can be drawn that the above provisions require a Waiver to allow “vehicular entries” that provide access to required parking when located on a Principal Frontage. However, these provisions must be read in concert with the remaining portions of the Code, as applicable to each Transect Zone, including those sections that address and regulate parking standards. Specifically, those parking standards that regulate parking access where Lots have only Principal Frontages(s).

A reading of the parking standards applicable to parking access for Lots located within a T4, T5, and T6 Transect Zone confirms that the provisions cited above only govern loading and service entries, and standalone vehicular entries that do not provide parking access, for instance pick-up and drop-off drives and porte-cocheres. Other provisions of the Code, that specifically govern parking access, permit parking access through a Principal Frontage without needing to obtain a Waiver.

Article 5, Sections 5.4.4(b), 5.5.4(c), and 5.6.4(c) of the Code, as applicable to the T4, T5, and T6 Transect Zones, states as follows:

Section 5.4.4(b): Parking may be accessed by an Alley when available.

Section 5.5.4(c): Parking should be accessed by an Alley. Parking shall be accessed from the Secondary Frontage when available. Where Lots have only Principal Frontages, parking may be accessed from the Principal Frontages.

Section 5.6.4(c): Parking should be accessed by an Alley. Parking shall be accessed from the Secondary Frontage when available. Where Lots have only Principal Frontages, parking may be accessed from the Principal Frontages.

(emphasis added)<sup>1</sup> When read as a whole, it becomes clear that the language in Sections 5.4.2(e), 5.5.2(e), and 5.6.2(f) of the Code only govern loading and service entries, and standalone vehicular entries that do not provide parking access, while Sections 5.4.4(b), 5.5.4(c), and 5.6.4(c) of the Code govern parking access, including access for Lots that have only Principal Frontage(s). Sections 5.4.2(e), 5.5.2(e), and 5.6.2(f) do not mention parking, while Sections 5.4.4(b), 5.5.4(c), and 5.6.4(c) fall under the “Parking Standards” sections for T4, T5, and T6 Transect Zones, and specifically address parking access.

In conclusion, parking access from a Principal Frontage for Lots located within a T4, T5, or T6 Transect Zone that only have a Principal Frontage(s) do not require a Waiver, and are allowed By Right. A Waiver is still required pursuant to Sections 5.4.2(e), 5.5.2(e), and 5.6.2(f) of the Code, to permit loading and service entries, and standalone vehicular entries that do not provide parking access on a Principal Frontage.

This interpretation shall be final unless appealed to the Planning, Zoning, and Appeals Board within fifteen (15) calendar days of the publication of the interpretation on the City’s official website.

Cc: Honorable Mayor and Commissioners  
Arthur Noriega V, City Manager  
Nzeribe Ihekwebaba, PhD, PE, Assistant City Manager  
Victoria Méndez, Esq., City Attorney  
Jeremy Calleros Gauger, Deputy Director, Department of Planning  
Tamara Frost, Deputy Director, Office of Zoning  
VonCarol Kinchens, Director, Neighborhood Enhancement Team  
Olga Zamora, Chief of Hearing Boards

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<sup>1</sup> See Section 2.2.4.2(c) of the Code that states “Shall” is always mandatory and not permissive, “May” is permissive, and “Should” is advisory.