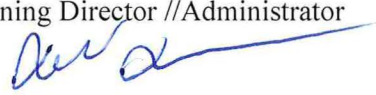


**CITY OF MIAMI
OFFICE OF ZONING
MEMORANDUM**

TO: Ian G. Bacheikov, Esquire

FROM: Daniel S. Goldberg, Esq., Zoning Director // Administrator

DATE: June 30, 2022 

RE: Zoning Interpretation 2022-0002 – T4-R Bed and Breakfast by Warrant Interpretation

This zoning interpretation is issued to clarify and interpret the provisions regarding whether a Bed & Breakfast Use in a T4-R zone is permitted where the structure involved is either: (1) in a historic district but is a non-contributing structure to that district or (2) is not located within a historic district and is not individually designated as a historic structure. This interpretation specifically does not address Bed & Breakfast Use in T4-L and T4-O Transect Zones, which proceed by Right pursuant to Article 4, Table 3 of Miami 21. For the reasons set forth below, a Bed & Breakfast Use in either of the above scenarios in a T4-R Transect Zone is prohibited.

Bed & Breakfast is a Lodging Use, defined as “A group of lodging units not to exceed ten (10) units that may provide services for dining, meeting and recreation.” This contrasts with an Inn or Hotel Use, which has the same definition except for allowing a group of up to twenty-five (25) lodging units and over twenty-five (25) lodging units, respectively. Article 4, Table 3, which outlines permitted, conditional, and prohibited uses, indicates that a Bed & Breakfast in a T4-R Transect Zone is permitted by Warrant. The supplemental regulations in Article 6, Section 6.1 applicable to this Use in this Transect Zone simply state, “Subject to City Code Chapter 23” with no other guidance.

Chapter 23 of the City Code, concerning historic preservation, authorizes the Historic & Environmental Preservation Board to permit a Bed & Breakfast Use “low, medium and high density multifamily residential (general urban, urban center and urban core) zones . . . only within existing structures that are individually designated or contributing resources within a designated historic district or thematically-related historic resources within a multiple property designation as identified in the designation report prepared pursuant to chapter 23;” Again, no guidance is given as to its permissibility, if any, outside of a historic district or within a noncontributing structure within a historic district.

Section 2.1.1(a) of Miami 21 deems Miami 21 “to be in accord with the Miami Comprehensive Neighborhood Plan, as required by the Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161 et seq., Florida Statutes (the “Comprehensive Plan”)” and further declares that “A primary purpose of this Code is to implement the Comprehensive Plan.” Although it is not the Office of Zoning’s practice to ever use the Miami Comprehensive Neighborhood Plan (“MCNP”) to administer Miami 21 (the assumption being that Miami 21 and all amendments thereto are in accordance with the MCNP), in this case, it does offer clear guidance.

According to the MCNP, the T4-R Transect Zone corresponds to the Low Density Multifamily Residential future land use category. That category provides that “tourist and guest homes . . . are allowed only in contributing structures within historic sites or historic districts that have been designated by the Historical and Environmental Preservation Board and are in suitable locations within low density multifamily residential areas, pursuant to applicable land development regulations and the maintenance of required levels of service for such uses.” This same language repeats in the Medium Density Multifamily Residential category as well. General MCNP authorization for Lodging Uses absent the historic preservation caveat does not occur until the Low Density Restricted Commercial category is reached (equivalent to the T4-L and T4-O transect zones). The author of this zoning interpretation understands interpretation of the MCNP is not an enumerated power of the Zoning Administrator. To that end, attached is a June 15, 2022 memorandum from Sue Trone, AICP, Chief of Comprehensive Planning in the Planning Department that reaches the same conclusion.

Therefore, in a T4-R Transect Zone, a Bed & Breakfast is allowed only as provided by Chapter 23 for contributing structures within a historic district or an individually designated historic resource. It is prohibited in all other instances. To allow otherwise would be to authorize a comprehensive plan inconsistency in violation of the MCNP by permitting a use generally that is allowed only in these limited circumstances. This would not fulfill Miami 21’s intent of implementing the MCNP as it would directly conflict with the same. This prohibition includes the transient “Apartment Hotel” / “Condo Hotel” Determination of Use issued on March 20, 2019 in a T4-R Transect Zone outside of a historic structure or a contributing structure in a historic district for the same reason.

cc: Tamara Allen Frost, AICP, Assistant Director, Office of Zoning
Lakisha Hull, AICP, LEED AP BD+C, Planning Director, Planning Department
David Snow, Assistant Director, Planning Department
Sue Trone, Chief of Comprehensive Planning, Planning Department
Jacob Keirn, Zoning Manager, Office of Zoning
Anna Pernas, Preservation Officer, Planning Department
Jonathan Thole, Zoning Plans Examiner
Vickie Toranzo, Planner II, Planning Department