

**CITY OF MIAMI
OFFICE OF ZONING
MEMORANDUM**

TO: Francisco Garcia, Director of Planning
FROM: Barnaby L. Min, Zoning Administrator
DATE: June 17, 2011
RE: Zoning Interpretation
11-0003

This Zoning Interpretation is issued to clarify the play area requirements of urban childcare facilities. Childcare facilities are regulated by Article 4 of Miami21, the City of Miami's ("City") Zoning Ordinance. In addition to Article 4, childcare facilities must also comply with the supplemental regulations found in Article 6, Table 13 of Miami21. Finally, childcare facilities must also comply with Chapter 65C-22 of the Florida Administrative Code.

Article 6 of Miami21 details the minimum usable indoor floor space, minimum usable outdoor play area, and minimum parking for childcare facilities. The regulations from Article 6 are based on the same regulations found in Chapter 65C-22 of the Florida Administrative Code. Chapter 65C-22, however, has additional regulations which Miami21 does not. Specifically, Chapter 65C-22 has regulations that apply to urban childcare facilities. Urban childcare facilities are characterized by Chapter 65C-22 as childcare facilities located in urban areas that cannot comply with the outdoor play space requirements. These types of facilities have no open or green space available or nearby. Because these types of facilities cannot comply with the outdoor play space requirements, they are allowed to have indoor place space instead. Specifically, the regulations as found in Chapter 65C-22 state that urban childcare facilities may substitute a "minimum of 45 square feet of usable indoor play space for 25% of the licensed capacity . . . for outdoor play space." While all of the other regulations of Chapter 65C-22 are similar in Miami21, this particular language is conspicuously absent.

The City currently has a number of urban childcare facilities and due to economic development, will likely have and will need many more urban childcare facilities in the future. Because these facilities exist and will continue to be developed in the future, regulations for urban childcare facilities need to exist. Since the regulations of Article 6 of Miami21 are based on Chapter 65C-22 of the Florida Administrative Code, it is fair to consider Chapter 65C-22 for regulations concerning urban childcare facilities. Accordingly, this interpretation concludes that facilities that are found to be urban childcare facilities by the State and the City¹ shall be subject to the indoor play space regulations as found in Chapter 65C-22 of the Florida Administrative Code.

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

¹ In order to be classified as an urban childcare facility, there must be findings by both the City of Miami and the State of Florida. Accordingly, this interpretation and the regulations of Chapter 65C-22 of the Florida Administrative Code concerning urban childcare facilities only apply to those facilities that have had the appropriate findings made.