

CITY OF MIAMI BEACH
PLANNING DEPARTMENT



To: Planning Department Staff
From: Jorge G. Gomez, Director
Date: February 29, 2000
Subject: **Administrative Interpretation 00-2A**
Code of the city of Miami Beach

QUESTION: What is the minimum amount of time that an apartment unit (in residential multi family zoning districts RM-1, RM-PRD and RM-PS1) may be rented out before it is considered a hotel unit?

ANSWER: An apartment unit in multi family residential districts RM-1, RM-PRD and RM-PS1 may not be rented out for a period of less than six months. Leasing a unit for a period less than six months would be construed as the unit being operated as a hotel unit.

As per section 142-152, 142-182 and 142-693, respectively, of the land development regulations of the city code, in the RM-1, RM-PRD and RM-PS1 districts, the main permitted uses are single family detached dwellings, townhomes and apartments. No other uses are permitted in these residential multi family zoning districts. However, accessory uses related to and not exceeding, in floor area or capacity, to the main use are permitted as per article iv, division 2 of section 142. It is important to note that hotels or apartment/ hotels are not permitted uses in these districts.

As stated in section 102-308 of the city code, when an apartment unit, in districts that allow hotel uses, is rented out for a period of less than six months, payment of resort tax is required.

For zoning purposes, a short term rental of this nature, and the resulting payment of the applicable resort tax, would be construed as a type of hotel use, or transient use, and not be considered a permitted use in the RM-1, RM-RPD, and RM-PS1 (residential-multi family zoning districts). As these districts do not allow hotels as a main permitted use

JGG:CSF

c: Lawrence A. Levy, City Manager
Janet Gavarrete, Assistant City Manager
Al Childress, Code Compliance Director
Gary Held, City Attorney's Office
Bob Dixon, City Attorney's Office