

CITY OF MIAMI
PLANNING & ZONING DEPARTMENT
OFFICE OF ZONING
MEMORANDUM

TO: Francisco J. Garcia, Director of Planning and Zoning
FROM: Irene S. Hegedus, Zoning Administrator
DATE: August 11, 2015
RE: Zoning Interpretation
2015-001

This zoning interpretation is issued to clarify the issue of short-term rentals in residentially zoned areas, specifically T3-R, T3-L and T3-O transect zones.

In order to address the foregoing issue, it is necessary to look at the definitions and regulations listed in Miami 21, the City's current zoning ordinance:

Article 1.1 definitions:

Single Family Residence: *Detached Building used as permanent residence by a single housekeeping unit. The term is general, applying to all detached house types. Also known as Principal Dwelling Unit.*

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 a duplex.*

Multi-Family Housing: *A Building or portion thereof, containing three or more Dwelling Units where each unit has direct access to the outside or to a common hall. A multifamily Structure where Dwelling Units are available for lease or rent for less than one month shall be considered Lodging.*

Lodging Unit: *Attached or semidetached living quarters comprised of furnished room(s) of approximately two hundred (200) gross square feet or more in area, including sanitary facilities but with only limited kitchen facilities, if any; not qualifying as a Dwelling Unit or efficiency apartment; occupied by transients on a rental or lease basis for limited periods of time.*

Lodging Units, under Miami 21, are certain living quarters available for rent. Lodging uses are permitted in T4, T5, T6, C and D transect zones with various and specific requirements. However, such uses are prohibited in T3 transect zones. Article 4, Table 3 of Miami 21 does not list Lodging as a permitted use within T3 transect zones. Land use functions concerning temporary rentals of

living quarters or sleeping accommodations are considered Lodging under Miami 21. These functions encompass uses such as Bed & Breakfast, Inns and Hotels, all of which are taxable businesses under Section 212.03, F.S., and are not allowed in T3 residentially zoned areas in the City. Additionally, it is important to note that the definition for Single Family Residence (listed above) states "...used as a permanent residence by a single housekeeping unit..." As such, using a Single Family residence or Two Family-Housing (a duplex) within a T3 transect zone to provide rental accommodations per night, week or anything less than one month would constitute an activity in violation of Miami 21.

Cc: Francisco J. Garcia, Director of Planning and Zoning
Vanessa Acosta, Director of NET
Eli Gutierrez, Director of Code Compliance
Victoria Méndez, City Attorney
Office of Zoning