


CITY OF MIAMI, FLORIDA  
**INTER-OFFICE MEMORANDUM**

---

TO: Joseph A. Ruiz, Esq.  
Zoning Administrator

DATE: March 20, 2019

SUBJECT: Determination No. 2019-01  
Apartment Hotel and Condo Hotel

FROM:   
Francisco J. Garcia, Director  
Planning Department

REFERENCES:

ENCLOSURES:

---

Section 7.1.2.2 of the Miami 21 Code (the "Code"), as amended, establishes that a Determination of Use may be made by the Planning Director where there is substantial doubt as to whether a particular Use not specifically defined in the Code is permitted. Pursuant to Section 7.1.2.2, it is hereby determined that "Apartment Hotel" (or "Condo Hotel"), as herein described, is a permitted Use distinguished from that of a Lodging Use or a Residential Use as defined under the Code and is permitted as herein described.

Multi-Family Housing is a permitted Use within the T4, T5, T6, and CI-HD Transect Zone designations and is defined as follows: "A Building or portion thereof, containing three or more Dwelling Units where each unit has direct access to the outside or a common hall. A multifamily Structure where Dwelling Units are available for lease or rent for less than one month shall be considered Lodging."

A Hotel Lodging Unit is defined as: "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 uses are permitted within the T4, T5, T6, CI-HD and D1 Transect Zone designations.

The definitions of Multi Family Housing and Lodging Units have resulted in ambiguity where Multi-Family residential units containing full kitchen facilities (and therefore, by definition, not Lodging Units) are occupied on a rental or lease basis for limited periods of time, often less than one month. In order to resolve this ambiguity within the Code, it is hereby determined that where Multi-Family units containing full kitchen facilities are rented or leased for less than one month, this Use shall be distinct from both Multi-Family Housing and Lodging Uses and shall be deemed an "Apartment Hotel" or "Condo Hotel" Use. The Apartment Hotel/Condo Hotel Use is a hybrid of the two existing and permitted Uses of Multi-Family and Lodging and is not inconsistent with such Uses.

Apartment Hotels / Condo Hotels have emerged in response to strong market demands for this type of Use and are permitted and regulated in many municipalities within Miami-Dade County. The rules and regulations of those municipalities have been contemplated in crafting the determination contained herein.

**Apartment Hotel / Condo Hotel Definition:**

*Apartment Hotel Unit or Condo Hotel Unit* means a room, or group of rooms, each containing separate bathroom and full kitchen facilities, with ingress and egress that may or may not be through a common lobby, intended for rental to transients on a day-to-day, week-to-week, or month-to-month basis, not intended for use as a permanent dwelling.

**Apartment Hotel / Condo Hotel Regulations:**

1. Article 4. Table 3 Building Function: Uses

The Apartment Hotel/Condo Hotel Use shall be permitted by right only in those Transect Zone designations where both Multi Family Housing and Lodging Uses are permitted as shown in Article 4, Table 3 of the Code: T4, T5, T6 and CI-HD.

2. Density

The maximum permitted density for Apartment Hotels/Condo Hotels shall be calculated as required for Multi-Family residential Uses by the underlying Transect Zone designation. Lodging density calculations shall not apply.

3. Unit Size

All Apartment Hotel/Condo Hotel units shall comply with the underlying minimum unit size requirement for Multi-Family residential units.

4. Parking

All parking requirements for Apartment Hotels/Condo Hotels shall be calculated as required for Multi-Family residential Uses.

5. Operation and Management

All Apartment Hotel/Condo Hotel units within a building shall be operated and managed by one centralized operator. A dedicated employee of the operating entity shall be available 24 hours a day to respond to guest needs or other issues that may arise. Said employee must be available to respond in person, if necessary. The building shall contain a registration desk and a lobby. Any transient guest or occupant of an Apartment Hotel/Condo Hotel unit must register at the registration desk and are prohibited from accessing the unit without registration.

6. Impact Fees

All impact fees due for Apartment Hotels/Condo Hotels shall be calculated as required for Multi-Family residential Uses.

7. Permitting

- Apartment Hotels/Condo Hotels shall meet all Building, Fire, and other life safety requirements applicable to Lodging Uses for purposes of building permits.
- Apartment Hotels/Condo Hotels shall comply with all requirements of the Americans with Disabilities Act (ADA) applicable to Lodging Uses.
- The Zoning Department and the Finance Department shall create separate Certificate of Use and Business Tax Receipt categories to be issued to Apartment Hotel or Condo Hotel Uses that meet the above criteria.

Unless otherwise stated herein, Apartment Hotels/Condo Hotels shall be subject to the regulations of the underlying Transect Zone.

This Determination of Use, upon taking effect, shall supersede previous regulations and determinations regulating the subject use.

At the next opportunity, this department will initiate a proposed amendment to the Code to appropriately reflect this Determination of Use. Until final action has been taken by the City Commission on the proposed amendment, this Determination shall be binding on all officers and agencies of the City as an interim administrative ruling, and become effective upon the publication of the Determination and conclusion of the applicable appeal period, pursuant to Section 7.1.2.2(a), (b), and (c) of the Miami 21 Code.

cc: Honorable Mayor and Commissioners  
Emilio T. Gonzalez, City Manager  
Joe Napoli, Deputy City Manager  
Nzeribe Ihekweba, PhD, PE, Assistant City Manager  
Victoria Mendez, Esq., City Attorney  
Jose Camero, Director, Building Department  
vonCarol Y. Kinchens, Director, Neighborhood Enhancement Team  
Jeremy Calleros Gauger, Deputy Director, Planning Department  
Olga Zamora, Chief of Hearing Boards