

R-PS1 and R-PS2 Apartment-Hotel Conversion Overlay

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 18, ENTITLED "PS PERFORMANCE STANDARD DISTRICT," BY AMENDING SECTION 142-694, ENTITLED "NONCONFORMING USES AND STRUCTURES," ESTABLISHING FAR AND BUILDING HEIGHT INCENTIVES FOR THE CONVERSION OF EXISTING APARTMENT HOTEL USES TO RESIDENTIAL APARTMENT USE; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the current R-PS1 and R-PS2 regulations prohibit apartment hotel uses; and

WHEREAS, the City seeks to encourage and incentivize existing apart hotel uses in the R-PS1 and R-PS2 districts to convert to a legal conforming use of residential apartment; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 18, entitled "PS Performance Standard District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-694. - Nonconforming uses, lots and structures.

(a) Nonconforming uses, lots and structures shall be subject to the regulations contained in chapter 118, article IX.

(b) In the event that the owner of a property with a legally established apartment hotel use located in the R-PS1 or R-PS2 district, which is legal non-conforming, seeks to convert the apartment hotel use to a conforming residential use, the following may apply, notwithstanding any of the provisions setforth in Sec. 142-696:

(1) For those properties located in the R-PS1 district the maximum floor area ratio (FAR) shall not exceed 1.50 and the maximum building height shall be 55 feet, except for lots 50 feet wide or less, in which case the maximum building height shall be 50 feet.

(2) For those properties located in the R-PS2 district the maximum floor area ratio (FAR) shall not exceed 1.75 and the maximum building height shall be 65 feet, except for lots 50 feet wide or less, in which case the maximum building height shall be 60 feet.

- (3) The above noted FAR and building height limits shall only apply to those properties that have a legally established apartment hotel as the main permitted use, and which convert the entire property to a conforming residential use. Additionally, the property owner(s) shall agree, via recorded covenant, not to engage in short term rentals of any apartment units.
- (4) The above noted FAR and building height limits shall not apply to a transient use of any kind including, but not limited to, hotel, suite hotel, apartment-hotel or the short term rental of apartment units.
- (5) The above noted provisions pertaining to FAR and building height shall only apply to projects that have obtained a full building permit or certificate of use by December 31, 2025.
- (6) There shall be no variances from any of the above noted provisions.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____ 2022.

PASSED and ADOPTED this _____ day of _____, 2022.

 Dan Gelber
 Mayor

ATTEST:

 Rafael E. Granado
 City Clerk

APPROVED AS TO FORM
 AND LANGUAGE
 AND FOR EXECUTION

 City Attorney

 Date

First Reading: April 6, 2022
Second Reading: December 7, 2022

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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