

**HIGH DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-4) —  
COMPREHENSIVE PLAN AMENDMENT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH YEAR 2040 COMPREHENSIVE PLAN, PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS OF SECTION 163.3184(3), FLORIDA STATUTES, BY AMENDING THE “RESILIENT LAND USE & DEVELOPMENT ELEMENT;” GOAL RLU 1 ENTITLED “LAND USE;” OBJECTIVE RLU 1.1, ENTITLED “ESTABLISHMENT OF FUTURE LAND USE CATEGORIES;” TABLE RLU 1.1 AND POLICY 1.1.25 ENTITLED “HIGH DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-4)”, BY AMENDING THE MAXIMUM ALLOWABLE FLOOR AREA RATIO (“FAR”) FOR THE R-PS-4 LAND USE CATEGORY TO INCENTIVIZE THE REDEVELOPMENT OF HOTELS INTO RESIDENTIAL STRUCTURES BY ALLOWING SUCH PROPERTIES TO RETAIN THEIR NONCONFORMING FAR IF NO SHORT-TERM RENTALS ARE PROVIDED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.**

**WHEREAS**, the City’s South of Fifth residential community is partly within the High Density Residential Performance Standard High Density (R-PS-4) land use category; and

**WHEREAS**, the South of Fifth residential community wishes to transition existing hotel uses to residential uses to minimize impacts of transient uses on the community; and

**WHEREAS**, to incentivize the construction of residential condominiums to replace existing hotels within the South of Fifth Neighborhood, it is necessary to amend the City’s Comprehensive Plan to allow existing hotel properties in the R-PS-4 land use category to retain their existing floor area for any residential conversion or redevelopment if no short-term rentals are provided; and

**WHEREAS**, Section 1.03(c) of the City Charter requires voter approval of certain “increases” to current zoned FAR; and

**WHEREAS**, on \_\_\_\_\_, 2022, and pursuant to Resolution No. 2022-\_\_\_\_\_, a majority of the City’s voters approved the proposed FAR increase; and

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

**WHEREAS**, the City seeks to amend the Comprehensive Plan to implement the vote of the residents relating to FAR in the City’s R-PS-4 land use category; and

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

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

**SECTION 1.** The following amendments to the City’s 2040 Comprehensive Plan Resilient Land Use & Development Element are hereby adopted:

**RESILIENT LAND USE & DEVELOPMENT ELEMENT**

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**GOAL RLU 1: LAND USE**

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**OBJECTIVE RLU 1.1 ESTABLISHMENT OF FUTURE LAND USE CATEGORIES**

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Table RLU 1.1

The following table is a reference guide that depicts the policy number, and maximum densities and intensities for each future land use map (FLUM) category.

(\* = Refer to policy for limits)

FLUM Category	Density Limits (Units Per Acre)	Intensity Limits (Floor Area Ratio)	Reference (Policy #)
Single Family Residential (RS)	7 units per acre	*	RLU 1.1.1
Townhouse Residential (TH)	30 units per acre	0.7	RLU 1.1.2
Fisher Island Low Density Planned Residential (RM-PRD)	25 units per acre	1.6	RLU 1.1.3
Allison Island Low Density Planned Residential Category (RM-PRD-2)	25 units per acre	1.45	RLU 1.1.4
Low Density Multi Family Residential (RM-1)	60 units per acre	1.25*	RLU 1.1.5
Medium Density Multi Family Residential (RM-2)	100 units per acre	2.0	RLU 1.1.6
High Density Multi Family Residential (RM-3)	150 units per acre	2.25*	RLU 1.1.7
Medium-Low Density Residential Performance Standard (R-PS-1)	57 units per acre	1.25	RLU 1.1.22
Medium Density Residential Performance Standard (R-PS-2)	70 units per acre	1.5	RLU 1.1.23
Medium-High Density Residential Performance Standard (R-PS-3)	85 units per acre	1.75	RLU 1.1.24
High Density Residential Performance Standard (R-PS-4)	102 units per acre	2.0 <sub>-</sub>	RLU 1.1.25
Low Intensity Commercial (CD-1)	60 units per acre	1.0*	RLU 1.1.8
Medium Intensity Commercial (CD-2)	100 units per acre	1.5*	RLU 1.1.9
High Intensity Commercial (CD-3)	150 units per acre	2.0*	RLU 1.1.10
Urban Light Industrial (I-1)	N/A	1.0	RLU 1.1.21

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## **POLICY RLU 1.1.25 HIGH DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-4)**

*Purpose:* To provide development opportunities for and to enhance the desirability and quality of existing and/or new residential areas which accommodate a mix of different residential types developed in accordance with flexible design standards.

*Uses which may be permitted:* Single family detached dwellings, single family attached dwellings, townhouse dwellings, apartments, apartment hotels, hotels and institutional uses. Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

*Density Limits:* 102 dwelling units per acre.

*Intensity Floor Area Ratio Limits:* 2.0

Notwithstanding the foregoing FAR limitations, for properties with a main use of hotel as of January 1, 2022, which exceeds an FAR of 2.0 and is located in the R-PS-4 land use category, the legal nonconforming floor area may be retained and/or reconstructed if the main use on the property is proposed to be converted to residential, in accordance with the following:

- 1) The main use on the property shall be converted to residential and remain residential in perpetuity; hotel, apartment-hotel, and suite hotel use shall be prohibited.
- 2) A new structure, consisting solely of main use residential and allowable accessory uses, may be constructed, in accordance with all applicable development regulations, and not to exceed the current legal non-conforming FAR on the site. Alternatively, notwithstanding the requirements set forth in Chapter 118, Article IX, pertaining to non-conformances, the entire existing building may be converted to main use residential and allowable accessory uses, including any repairs, alterations and modification that may exceed the 50% rule, provided any alterations and modifications do not result in the building exceeding the current legal non-conforming FAR.
- 3) New development may only be eligible to retain and/or reconstruct legal nonconforming floor area under this subsection (c) if the property owner elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, in perpetuity,

none of the residential units on the property shall be leased or rented for a period of less than six months and one day.

4) There shall be no variances from this provision.

**SECTION 2. CODIFICATION.**

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan of the City of Miami Beach, FL, and it is hereby ordained that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 3. REPEALER.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. TRANSMITTAL.**

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional, and county agencies as required by applicable law.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

Underscore denotes new language  
~~Strikethrough~~ denotes removed language