

**R-PS1 and R-PS2 Apartment Hotel Conversion Incentives -
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 2040 COMPREHENSIVE PLAN RESILIENT LAND USE ELEMENT AT (1) TABLE RLU 1.1 TO PROVIDE THAT THE DENSITY AND INTENSITY LIMITS OF THE R-PS-1 AND R-PS-2 LAND USE CATEGORIES SHALL REFER TO POLICY LIMITS OF EACH RESPECTIVE CATEGORY; AT (2) POLICY RLU 1.1.22, ENTITLED "MEDIUM-LOW DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-1)" TO MODIFY DENSITY AND FLOOR AREA RATIO LIMITS OF THE R-PS-1 LAND USE CATEGORY TO INCENTIVIZE THE CONVERSION OF LEGALLY NONCONFORMING APARTMENT-HOTEL USES TO CONFORMING RESIDENTIAL USES; AND AT (3) POLICY RLU 1.1.23, ENTITLED "MEDIUM DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-2)" TO MODIFY DENSITY AND FLOOR AREA RATIO LIMITS OF THE R-PS-2 LAND USE CATEGORY TO INCENTIVIZE THE CONVERSION OF LEGALLY NONCONFORMING APARTMENT-HOTEL USES TO CONFORMING RESIDENTIAL USES, PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS IN SECTION 163.3184 (3), FLORIDA STATUTES; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, 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 land development regulations prohibit apartment-hotel uses; and

WHEREAS, Comprehensive Plan Objective RLU 1.4, entitled "Inconsistent Uses," provides that "The City Land Development Regulations shall continue to provide for the discontinuation of nonconforming land and building uses which are incompatible or inconsistent with the Future Land Use Plan"; and

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

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

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the City of Miami Beach Commission has an adopted Comprehensive Plan; and

WHEREAS, the City Commission has established procedures, codified in Chapter 118, Article III, of the City's Land Development Regulations, to amend, modify, add to, or change the Comprehensive Plan; and

WHEREAS, the City's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Chapter 163, Part II, Florida Statutes,

including the process for adopting comprehensive plan amendments set forth in section 163.3184, Florida Statutes; and

WHEREAS, the City of Miami Beach Planning Board, which serves as local planning agency, transmitted the text amendment to the City Commission with a favorable recommendation; and

WHEREAS, the City Commission held a duly noticed public hearing, at which time it voted to transmit the text amendment for review by state, regional, and local agencies, as required by law; and

WHEREAS, the City Commission hereby finds that the adoption of this text amendment is in the best interest and welfare of the residents of the City.

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

SECTION 1. The 2040 Comprehensive Plan “Resilient Land Use Element” at Table RLU 1.1 is hereby amended as follows:

RESILIENT LAND USE AND DEVELOPMENT ELEMENT

* * *
GOAL RLU 1: LAND USE
 * * *

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 #)
Residential	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

	FLUM Category	Density Limits (Units Per Acre)	Intensity Limits (Floor Area Ratio)	Reference (Policy #)
	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

SECTION 2. The 2040 Comprehensive Plan, “Resilient Land Use Element,” at Policy RLU 1.1.22, entitled “Medium-Low Density Residential Performance Standard (R-PS-1),” is hereby amended as follows:

POLICY RLU 1.1.22 MEDIUM-LOW DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-1)

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~~ 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: 57 dwelling units per acre, except for the following:

- Properties with a legally established non-conforming apartment hotel use that are converted to a conforming residential use shall have a density limit of 80 dwelling units per acre.

Intensity Floor Area Ratio Limits: Intensity may be limited by such setback, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 1.25-, except for the following:

- Properties with a legally established non-conforming apartment hotel use that are converted to a conforming residential use shall not exceed a floor area ratio of 1.5.

SECTION 3. The 2040 Comprehensive Plan, "Resilient Land Use Element," at Policy RLU 1.1.23, entitled "Medium Density Residential Performance Standard (R-PS-2)," is hereby amended as follows:

POLICY RLU 1.1.23 MEDIUM DENSITY RESIDENTIAL PERFORMANCE STANDARD (R-PS-2)

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~~ 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: 70 dwelling units per acre-, except for the following:

- Properties with a legally established non-conforming apartment hotel use that are converted to a conforming residential use shall have a density limit of 95 dwelling units per acre.

Intensity Floor Area Ratio Limits: Intensity may be limited by such setback, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 1.50-, except for the following:

- Properties with a legally established non-conforming apartment hotel use that are converted to a conforming residential use shall not exceed a floor area ratio of 1.75.

SECTION 4. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 5. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. SEVERABILITY.

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

SECTION 7. 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 8. EFFECTIVE DATE.

This Ordinance shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.


PASSED and **ADOPTED** this ____ day of _____, 2022.

Dan Gelber
Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK 4-25-22
Date

First Reading: May 4, 2022
Second Reading: _____, 2022

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