

Retail Fulfillment Centers

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 114 OF THE CITY CODE, ENTITLED "GENERAL PROVISIONS," AT SECTION 114-1, "DEFINITIONS," TO CREATE A DEFINITION FOR "RETAIL FULFILLMENT CENTER"; AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SECTION 142-302, ENTITLED "MAIN PERMITTED USES," TO AMEND THE LIST OF PERMITTED USES; AMENDING DIVISION 6, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AT SECTION 142-332, ENTITLED "MAIN PERMITTED USES," TO AMEND THE LIST OF PERMITTED USES, AND AT SECTION 142-335, ENTITLED "PROHIBITED USES," TO AMEND THE LIST OF PROHIBITED USES FOR PROPERTIES WITH A LOT LINE ON LINCOLN ROAD, BETWEEN COLLINS AVENUE AND ALTON ROAD; AND AMENDING ARTICLE III, ENTITLED "OVERLAY DISTRICTS," DIVISION 12, ENTITLED "ART DECO," AT SECTION 142-870.11, ENTITLED "COMPLIANCE WITH REGULATIONS," TO AMEND THE LIST OF REGULATED USES FOR PROPERTIES IN THE OVERLAY DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on March 17, 2021, a proposed amendment relating to retail fulfillment centers was referred to the Land Use and Sustainability Committee and the Planning Board by the City Commission; and

WHEREAS, due to the advent of online retailing, economic conditions are changing, thereby impacting the market for traditional brick-and-mortar retailers; and

WHEREAS, the City of Miami Beach (the "City") desires to amend its Land Development Regulations to provide for new uses which, due to changing economic conditions, will remain viable in the future; and

WHEREAS, retail fulfillment centers allow for goods to be purchased online and delivered to customers, while maintaining active storefronts which contribute to an active pedestrian realm; and

WHEREAS, the amendments set forth below are consistent with the goals, objectives, and policies of the Comprehensive Plan, including the regulations for the CD-3, CD-2, and MXE future land use categories, which allow for commercial uses; and

WHEREAS, the City has the authority to enact laws which promote the public health, safety, general welfare, and morals of its citizens; 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 114 of the City Code, entitled "General Provisions," is hereby amended as follows:

**CHAPTER 114
GENERAL PROVISIONS**

Sec. 114-1. Definitions.

The following words, terms and phrases when used in this subpart B, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Retail fulfillment center shall mean a retail establishment where goods are primarily sold online and delivered directly to a person's home or place of business. Such establishment must also have an active storefront, along all sidewalk facing portions of the building, that is open to the general public at least eight hours per day. The active storefront must have a minimum depth of 10' and a minimum area of 500 square feet. Retail fulfillment centers shall be limited to no more than 7,000 square feet. Goods sold by a retail fulfillment center may include goods similar to those that are sold in a convenience store.

* * *

SECTION 2. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2, Commercial, Medium Intensity District," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. - DISTRICT REGULATIONS

* * *

DIVISION 5. - CD-2 Commercial, Medium Intensity District

* * *

Sec. 142-302. Main permitted uses.

The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses (including, for example, personal service establishments); apartments; apartment hotels, hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter); religious institutions with an occupancy of 199 persons or less; retail fulfillment centers; and alcoholic beverages establishments pursuant to the regulations set forth in chapter 6; Alcoholic beverage establishments located in the following geographic areas within the CD-2 commercial, medium intensity district shall be subject to the additional requirements set forth in section 142-310:

* * *

SECTION 3. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 6, "CD-3, Commercial, High Intensity District," is hereby amended as follows:

DIVISION 6. CD-3 Commercial, High Intensity District

* * *

Sec. 142-332. Main permitted uses.

The main permitted uses in the CD-3 commercial, high intensity district are commercial uses; apartments; apartment hotels, hotels, hostels, and suite hotels (pursuant to section 142-1105 of this chapter); retail fulfillment centers; alcoholic beverage establishments pursuant to the regulations set forth in chapter 6₁; and religious institutions with occupancy of 199 persons or less. Offices are prohibited on the ground floor on that portion of Lincoln Road which is closed to traffic, unless the office area is located in a mezzanine, or at least 75 feet back from the storefront; also apartments, apartment hotels and hotels located on that portion of Lincoln Road shall comply with section 142-335. For properties located south of 17th Street, between Lenox Avenue and Meridian Avenue, and properties with a lot line adjoining Lincoln Road, from Collins Avenue to Alton Road, dance halls (as defined in section 114-1 of this Code) licensed as alcoholic beverage establishments shall only operate as restaurants with full kitchens and serving full meals. Additionally, such dance halls, on properties located south of 17th Street, between Lenox Avenue and Meridian Avenue, and properties with a lot line adjoining Lincoln Road, from Collins Avenue to Alton Road, shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.

* * *

Sec. 142-335. Prohibited uses.

- (a) The prohibited uses in the CD-3 commercial, high intensity district are
 - (1) Pawnshops;
 - (2) Secondhand dealers of precious metals/precious metals dealers;
 - (3) Accessory outdoor bar counter, except as provided in article IV, division 2 of this chapter and in chapter 6; and
 - (4) Tobacco/vape dealers.
- (b) For properties with a lot line on Lincoln Road, between Alton Road and Collins Avenue, the following additional uses are prohibited:
 - (1) Check cashing stores;
 - (2) Medical cannabis dispensaries (medical marijuana dispensaries);
 - (3) Convenience stores;
 - (4) Grocery stores;
 - (5) Occult science establishments;
 - (6) Pharmacy stores;
 - (7) Souvenir and t-shirt shops; and
 - (8) Tattoo studios; and
 - (9) Retail fulfillment centers.

* * *

SECTION 4. Chapter 142, "Zoning Districts and Regulations," Article III, "Overlay Districts," Division 12, "Art Deco," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE III. OVERLAY DISTRICTS

* * *

DIVISION 12. ART DECO

* * *

Sec. 142-870.11. Compliance with regulations.

The following regulations shall apply to the overlay district. There shall be no variances allowed from these regulations. All development regulations in the underlying zoning district and any other applicable overlay regulations shall apply, except as follows:

- (a) The following limitations shall apply to the commercial uses listed below:
 - (1) Check cashing stores shall comply with the following regulations:
 - a. Such establishments shall be prohibited on lots fronting Ocean Drive and in the Ocean Terrace/Harding Townsite Area.
 - b. In areas of the overlay district not included in subsection a. above, there shall be no more than two such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
 - (2) Convenience stores shall comply with the following regulations:
 - a. Such establishments shall be prohibited on lots fronting Ocean Drive.
 - b. In the Ocean Terrace/Harding Townsite Area, there shall be a limit of one such establishment.
 - c. In areas of the Overlay District not included in subsection a. and b. above, there shall be no more than five such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
 - (3) Formula commercial establishments shall comply with the following regulations:
 - a. Such establishments shall be prohibited on lots fronting Ocean Drive and Ocean Terrace.
 - b. This subsection shall not apply to any establishments in the South Beach Art Deco Area other than establishments fronting Ocean Drive nor to any establishment in the Ocean Terrace/Harding Townsite Area, other than Ocean Terrace.
 - (4) Formula restaurants shall comply with the following regulations:
 - a. Such establishments shall be prohibited on lots fronting Ocean Drive and Ocean Terrace.
 - b. This subsection shall not apply to any establishments in the South Beach Art Deco Area other than establishments fronting Ocean Drive nor to any

establishment in the Ocean Terrace/Harding Townsite Area, other than Ocean Terrace.

- (5) Massage therapy centers shall not operate between 9:00 pm and 7:00 am in the overlay district.
- (6) Marijuana dispensaries shall be prohibited in the overlay district.
- (7) Occult science establishments shall be prohibited in the overlay district.
- (8) Package stores shall comply with the following regulations:
 - a. Such establishments shall be prohibited on lots in the South Beach Art Deco Area with an underlying MXE zoning designation and in the Ocean Terrace/Harding Townsite Area.
 - b. In areas of the Overlay District not included in subsection a. above, there shall be no more than three such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
- (9) Pawnshops shall be prohibited in the overlay district.
- (10) Pharmacy stores shall comply with the following regulations:
 - a. Such uses shall be prohibited on lots fronting Ocean Drive.
 - b. In the Ocean Terrace/Harding Townsite Area, there shall be a limit of one such establishment.
 - c. In areas of the overlay district not included in subsection a. and b. above, there shall be no more than five such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
- (11) Souvenir and t-shirt shops shall comply with the following regulations:
 - a. Such establishments shall be prohibited on lots fronting Ocean Drive and in the Ocean Terrace/Harding Townsite Area.
 - b. In areas of the overlay district not included in subsection a. above, there shall be no more than five such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
- (12) Tattoo studios shall comply with the following regulations:
 - a. Such uses shall be prohibited on lots fronting Ocean Drive and in the Ocean Terrace/Harding Townsite Area.
 - b. In areas of the overlay district not included in subsection a. above, there shall be no more than three such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.
- (13) Grocery stores shall comply with the following regulations:
 - a. Such establishments shall be prohibited on lots fronting Ocean Drive.
 - b. In areas of the Overlay District not included in subsection a. above, there shall be no more than five such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment, with the exception of such uses in the Ocean Terrace/Harding Townsite Area.
- (14) Tobacco/vape dealers shall be prohibited in the overlay district.

(15) Retail fulfillment centers shall comply with the following regulations:

- a. Such establishments shall be prohibited on lots fronting Ocean Drive.
- b. In the Ocean Terrace/Harding Townsite Area, there shall be a limit of one such establishment.
- c. In areas of the Overlay District not included in subsection a. and b. above, there shall be no more than five such establishments. Such establishments shall be located no closer than 2,500 feet from any other such establishment.

* * *

SECTION 5. Repealer.

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

SECTION 6. 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 renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 7. Severability.

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

SECTION 8. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2021.

ATTEST:

Rafael E. Granado, City Clerk

First Reading: May 26, 2021
Second Reading: June 23, 2021

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

Dan Gelber, Mayor

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

 5-17-21

City Attorney NK Date