

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 AMEND THE DEFINITION OF CONVENIENCE STORE AND CREATE A DEFINITION FOR "RETAIL FULFILLMENT CENTER"; AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," BY CREATING SECTION 142-4, ENTITLED "NEIGHBORHOOD AND RETAIL FULFILLMENT CENTERS," TO CREATE CITYWIDE REGULATIONS FOR NEIGHBORHOOD AND RETAIL FULFILLMENT CENTERS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

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 regulations for new uses which, due to changing economic conditions, may be introduced 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, due to their impacts on pedestrian, bicycle, and vehicular traffic, and compatibility with existing development, neighborhood fulfillment centers and retail fulfillment centers should only be permitted in certain areas of the City; 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

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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:

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Convenience store means a retail store with direct access from the street or sidewalk, containing a publicly accessible sales area that comprises at least 70% of the floor area of the store, and that is designed and stocked to sell a mixture of goods such as non-prescription medications, beverages, magazines, food (packaged and/or prepared), school/office supplies, cosmetics, and other household supplies. A store that markets itself as a "pharmacy store" or "pharmacy" in addition to selling the goods described above, but that does not provide pharmacy services, including the dispensing of medicinal drugs by a pharmacist, shall be considered a convenience store and not a pharmacy or pharmacy store.

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Neighborhood fulfillment center shall mean a retail establishment where clients collect goods that are sold off-site, such as with an internet retailer. Additionally, the establishment provides a hub where goods can be collected and delivered to clients' homes or places of business by delivery persons that do not use cars, vans, or trucks. Such facilities are limited to 35,000 square feet.

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Retail fulfillment center shall mean a retail establishment, not licensed as an adult bookstore or adult entertainment establishment, where goods are primarily sold online and/or delivered off premises. Such goods shall not include the sale of any type of alcoholic beverage, nor the sale of cannabis (or marijuana), cannabis derivative products, or cannabis delivery devices, nor the sale of any type of tobacco product, vaping, vapor-generating electronic device, or smoking device. 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 15 feet and a minimum area of 700 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, except for those products identified in this paragraph.

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SECTION 2. Chapter 142, "Zoning Districts and Regulations," Article I, "General to all zoning districts," is hereby amended as follows:

CHAPTER 142. ZONING DISTRICTS AND REGULATIONS

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ARTICLE I. GENERAL TO ALL ZONING DISTRICTS

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Sec. 142-4. Neighborhood and Retail Fulfillment Centers.

Unless otherwise listed in Chapter 142 as a main permitted or conditional use within a specific zoning district, Neighborhood Fulfillment Centers and Retail Fulfillment Centers, as defined in Section 114-1, are prohibited in the City of Miami Beach.

SECTION 3. Repealer.

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

SECTION 4. 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 5. Severability.

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

SECTION 6. Effective Date.

This Ordinance shall take effect ten days following adoption.

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

Dan Gelber, Mayor

ATTEST:

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

Rafael E. Granado, City Clerk



City Attorney NK

11-2-21
Date

First Reading: December 8, 2021
Second Reading: January ____, 2022

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