

## **Increased Distance Separation Requirements for Tobacco and Vape Uses**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” BY AMENDING ARTICLE V, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS,” SECTION 7.5.5, ENTITLED “SPECIALIZED USE REGULATIONS,” TO MODIFY AND INCREASE THE MINIMUM DISTANCE SEPARATION REQUIREMENTS FOR TOBACCO AND VAPE DEALERS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission seeks to increase minimum distance separation requirements for tobacco and vape dealers; and

**WHEREAS**, increasing distance separation requirements for tobacco and vape dealers further limits access and exposure of tobacco and vaping products to children and adolescents; and

**WHEREAS**, increasing distance separation requirements for tobacco and vape dealers further limits the proliferation of tobacco, vaping, and smoking device product dealers in areas where the city encourages tourism; and

**WHEREAS**, increasing the distance separation requirements for tobacco and vape dealers reduces the negative impacts that these businesses have the city's residents and visitors; 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 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” Article V, entitled “Supplementary District Regulations,” is hereby amended as follows:

### **CHAPTER 7 - ZONING DISTRICTS AND REGULATIONS**

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### **ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS**

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#### **7.5.5 SPECIALIZED USE REGULATIONS**

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#### 7.5.5.9 TOBACCO/VAPE DEALERS

- a. Intent. It is the intent of this division to limit access and exposure of tobacco and vaping products to children and adolescents due to their addictive nature and damaging effects on health. It is also the intent to limit the proliferation of tobacco, vaping, and smoking device product dealers in areas where the city encourages tourism, and to minimize the negative implications that these types of businesses may portray to the city's visitors seeking a unique vacation destination.
- b. Authorization. All tobacco/vape dealers shall be required to obtain applicable licenses from the State. Additionally, prior to engaging in the sale of tobacco and vape products, the Certificate of Use for the subject property shall be updated to expressly contain the sale of tobacco and vape products.
- c. Locations prohibiting the sale of tobacco and vape products.
  1. Prohibited locations. Tobacco/vape dealers are prohibited in the following locations:
    - A. Within ~~500~~ 1000 feet of any property used as a public or private, elementary, middle, or secondary school.
    - B. Within 250 feet of any property located in a residential (RS, RM, RPS or TH) zoning district.
    - C. Within 500 feet of any property containing public parks, libraries, playgrounds, daycares, and houses of worship.
    - D. The minimum distance separation requirement shall be determined by measuring a straight line from the main entrance or exit of the establishment which contains the tobacco/vape dealer to the nearest point of the property line of the school.
    - E. In those specific areas that have been identified within the underlying zoning district regulations in Articles 2, 3 or 4 of chapter 7 - the Zoning Districts and Regulations in the Land Development Regulations.
    - F. Notwithstanding the foregoing, the prohibitions of this section shall not be applicable to medical cannabis treatment centers permitted pursuant to section 7.5.5.8.
  2. Distance separation. No tobacco/vape dealer shall be located within ~~4,200~~ 1,500 feet of another tobacco/vape dealer.
  3. Determination of minimum distance separation. When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning director or designee that the minimum distance separation has been properly satisfied.
  4. [Variances.] Variances from the requirements of this section shall be prohibited.

#### **SECTION 2. REPEALER.**

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

#### **SECTION 3. 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 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. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Steven Meiner, Mayor

**ATTEST:**

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

First Reading: \_\_\_\_\_, 2025

Second Reading: \_\_\_\_\_, 2025

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

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