

C4 Z REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE - DISCUSS THE CURRENT REQUIREMENTS OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDR) APPLICABLE TO TOBACCO AND VAPE SALES, INCLUDING MINIMUM DISTANCE SEPARATION AND NORTH BEACH USE RESTRICTIONS, AND POTENTIAL DISTINCTIONS BETWEEN STANDALONE TOBACCO/VAPE SHOPS AND THE SALE OF THESE PRODUCTS AS AN INCIDENTAL OR ACCESSORY USE TO A GROCERY, CONVENIENCE STORE, OR OTHER SIMILAR RETAIL USE.

Applicable Area:



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Kristen Rosen Gonzalez

DATE: February 3, 2025

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE - DISCUSS THE CURRENT REQUIREMENTS OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDR) APPLICABLE TO TOBACCO AND VAPE SALES, INCLUDING MINIMUM DISTANCE SEPARATION AND NORTH BEACH USE RESTRICTIONS, AND POTENTIAL DISTINCTIONS BETWEEN STANDALONE TOBACCO/VAPE SHOPS AND THE SALE OF THESE PRODUCTS AS AN INCIDENTAL OR ACCESSORY USE TO A GROCERY, CONVENIENCE STORE, OR OTHER SIMILAR RETAIL USE.

**RECOMMENDATION**

**BACKGROUND/HISTORY**

Please place the above item on the February 3, 2025 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC").

I would like the LUSC to review the Land Development Regulations applicable to retail establishments that sell tobacco and vape products, and discuss whether the Code should be amended to distinguish between standalone tobacco/vape shops, and the sale of tobacco or tobacco-related products as an incidental or accessory use to a grocery, convenience store, or other similar retail use.

Any proposed amendments should maintain or expand restrictions on both standalone and incidental/accessory sales near schools.

**ANALYSIS**

**FISCAL IMPACT STATEMENT**

NA

**Does this Ordinance require a Business Impact Estimate?**  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

## **FINANCIAL INFORMATION**

## **CONCLUSION**

### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item,  
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Office of Commissioner Kristen Rosen Gonzalez

### **Sponsor(s)**

Commissioner Kristen Rosen Gonzalez

### **Co-sponsor(s)**

### **Condensed Title**

Ref: LUSC - Current Tobacco Use Distance Separation and NB Restrictions. (Rosen Gonzalez)

### **Previous Action (For City Clerk Use Only)**