

MIAMIBEACH

PLANNING DEPARTMENT

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NORTH BEACH COMMERCIAL USES AFFIDAVIT

PURSUANT TO SECTION 7.3.10 OF THE CITY OF MIAMI BEACH LAND DEVELOPMENT REGULATIONS, THE FOLLOWING USES ARE PROHIBITED OR LIMITED IN THE NORTH BEACH AREA (PLEASE NOTE FOR THE "OCEAN TERRACE/HARDING TOWNSITE AREA," PLEASE USE THE AFFIDAVIT FOR OCEAN TERRACE OR HARDING TOWNSITE COMMERCIAL USES):

- CHECK CASHING STORES
- OCCULT SCIENCE ESTABLISHMENTS
- SOUVENIR AND T-SHIRT SHOPS
- CONVENIENCE STORES
- PACKAGE STORE
- TATTOO STUDIOS
- GROCERY STORES
- PAWNSHOP
- TOBACCO/VAPE DEALER
- MARIJUANA/CANNABIS DISPENSARY
- PHARMACY STORES
- VITAMIN STORES

THIS AFFIDAVIT FOR NORTH BEACH COMMERCIAL USES MUST ACCOMPANY APPLICATIONS FOR CERTIFICATE OF USE (CU), PERMIT APPLICATIONS FOR ANY ALTERATIONS, NEW CONSTRUCTION, CHANGE OF USE, OR SIGNAGE THAT RELATES TO THE ESTABLISHMENT OF A COMMERCIAL USE ON IN THE NORTH BEACH AREA OF THE CITY, LOCATED NORTH OF 63RD STREET, AS INDICATED IN THE MAP BELOW. (PLEASE NOTE FOR PROPERTIES LOCATED IN THE "OCEAN TERRACE/HARDING TOWNSITE AREA," PLEASE USE THE OCEAN TERRACE OR HARDING TOWNSITE COMMERCIAL USES AFFIDAVIT):



DEFINITIONS

PURSUANT TO CHAPTER 1, ARTICLE II OF THE LAND DEVELOPMENT REGULATIONS, THE PROHIBITED OR LIMITED COMMERCIAL USES ARE DEFINED AS FOLLOWS:

- **CHECK CASHING STORE** MEANS A BUSINESS WHICH CASHES CHECKS ON A REGULAR BASIS FOR A FEE. THIS DEFINITION DOES NOT INCLUDE BANKS, WHICH MAY CASH CHECKS IN ADDITION TO PROVIDING OTHER FINANCIAL SERVICES SUCH AS, BUT NOT LIMITED TO, MONEY SAVINGS ACCOUNTS, LOAN SERVICES, AND CHECKING ACCOUNTS.
- **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 PERCENT 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.
- **GROCERY STORE** MEANS A RETAIL STORE WITH DIRECT ACCESS FROM THE STREET OR SIDEWALK THAT PRIMARILY SELLS FOOD, INCLUDING CANNED AND FROZEN FOODS, FRESH FRUITS AND VEGETABLES, AND FRESH (RAW) AND PREPARED MEATS, FISH, AND POULTRY.
- **MARIJUANA DISPENSARY OR CANNABIS DISPENSARY** MEANS A BUILDING, STRUCTURE, OR OTHER FACILITY WHERE MARIJUANA OR CANNABIS, INCLUSIVE OF MEDICAL CANNABIS, AND CANNABIS DELIVERY DEVICES, ARE DISPENSED AT RETAIL.
- **OCCULT SCIENCE ESTABLISHMENT** SHALL MEAN AN ESTABLISHMENT ENGAGED IN THE OCCUPATION OF A FORTUNE TELLER, PALMIST, ASTROLOGIST, NUMEROLOGIST, CLAIRVOYANT, CRANILOGIST, PHRENOLOGIST, CARD READER, SPIRITUAL READER, TEA LEAF READER, PROPHET, PSYCHIC OR ADVISOR OR WHO IN ANY OTHER MANNER CLAIMS OR PRETENDS TO TELL FORTUNES OR CLAIMS OR PRETENDS TO DISCLOSE MENTAL FACULTIES OF INDIVIDUALS FOR ANY FORM OF COMPENSATION. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO APPLY TO A PERSON PRETENDING TO ACT AS A FORTUNE TELLER IN A PROPERLY LICENSED THEATER AS PART OF ANY SHOW OR EXHIBITION PRESENTED THEREIN OR AS PART OF ANY PLAY, EXHIBITION, FAIR OR SHOW PRESENTED OR OFFERED IN AID OF ANY BENEVOLENT, CHARITABLE OR EDUCATIONAL PURPOSE.
- **PACKAGE STORE** MEANS ANY STORE PRIMARILY ENGAGED IN THE BUSINESS OF SELLING ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AND THAT HAS A LICENSE FOR PACKAGE SALES FROM THE STATE DIVISION OF BEVERAGES AND TOBACCO IN THE CLASSIFICATION OF 1-APS, 2-APS, OR PS.
- **PAWNSHOP** MEANS A PLACE OR PREMISE AT WHICH A PAWNBROKER IS REGISTERED TO CONDUCT BUSINESS AS A PAWNBROKER OR CONDUCTS SUCH BUSINESS.
- **PHARMACY STORE** MEANS A PHARMACY AS DEFINED IN F.S. § 465.003.
- **SOUVENIR AND T-SHIRT SHOP** MEANS ANY BUSINESS WITH DIRECT ACCESS FROM THE STREET OR SIDEWALK IN WHICH THE RETAIL SALE OF T-SHIRTS OR SOUVENIRS OR BOTH IS CONDUCTED AS A PRINCIPAL USE OF THE BUSINESS, OR TOGETHER WITH SOME OTHER BUSINESS ACTIVITY, BUT WHICH CONSTITUTES THE PRIMARY, OR IS THE MAJOR ATTRACTION TO THE BUSINESS.
 - **SOUVENIRS** ARE ITEMS, EXCLUSIVE OF BOOKS, MAGAZINES OR MAPS, WHICH SERVE AS A TOKEN OF REMEMBRANCE OF MIAMI BEACH OR ANY GEOGRAPHIC AREAS IN FLORIDA AND WHICH BEAR THE NAME OF THE CITY OR GEOGRAPHIC AREAS OR STREETS THEREOF OR OF EVENTS ASSOCIATED WITH MIAMI BEACH OR SOUTH FLORIDA.
 - **T-SHIRT** IS ANY GARMENT OR ARTICLE OF CLOTHING WHICH HAS NO COLLAR, INCLUDING, BUT NOT LIMITED TO, T-SHIRTS, SWEAT SHIRTS, TANK TOPS, SHIRTS OR SCRUB SHIRTS, WHICH ARE DESIGNED OR INTENDED GENERALLY TO BE WORN ON OR OVER THE CHEST AND CONTAINING ANY COMMUNICATIVE VERBIAGE, GRAPHICS, OR IMAGES IMPRINTED OR TO BE IMPRINTED ON THE GARMENT OR ARTICLE OF CLOTHING, EXCLUSIVE OF A GARMENT MANUFACTURER'S MARK OR LOGO, EXCLUSIVE OF DECORATIVE WORDS AND INFORMATION WOVEN OR DYED IN THE FABRIC BY THE MANUFACTURER OF THE FABRIC, EXCLUSIVE OF HAND STITCHED, NEEDLE WORK OR EMBROIDERY, EXCLUSIVE OF TIE-DYE GARMENTS, AND EXCLUSIVE OF HAND PAINTED OR AIR-BRUSHED GARMENTS THAT CONTAIN NO COMMUNICATIVE VERBIAGE, GRAPHICS OR IMAGES.

- **TATTOO STUDIO** MEANS ANY ESTABLISHMENT, PLACE OF BUSINESS, OR LOCATION, OTHER THAN A LICENSED MEDICAL FACILITY, AN OFFICE OR CLINIC OF A LICENSED MEDICAL PROFESSIONAL, OR A DULY LICENSED BEAUTY SHOP OR BARBER SHOP, WHEREIN ADORNMENT OF ANY PART OF THE HUMAN BODY OR HEAD, WHETHER ARTISTIC, COSMETIC OR OTHERWISE, IS PRACTICED THROUGH THE USE OF NEEDLES, SCALPELS, OR ANY OTHER INSTRUMENTS DESIGNED TO TOUCH, PENETRATE OR PUNCTURE THE SKIN FOR PURPOSES OF: (1) INSERTING, ATTACHING OR SUSPENDING JEWELRY, DECORATIONS OR OTHER FOREIGN OBJECTS; (2) PRODUCING AN INDELIBLE MARK OR FIGURE ON THE HUMAN BODY OR FACE BY SCARRING SKIN OR FLESH; (3) PRODUCING AN INDELIBLE MARK OR FIGURE ON THE HUMAN BODY OR FACE BY INSERTING A PIGMENT UNDER OR UPON THE SKIN; OR (4) PERMANENTLY CHANGING THE COLOR OR OTHER APPEARANCE OF THE SKIN. THIS TERM SHALL NOT, HOWEVER, INCLUDE PIERCING AN EAR WITH A DISPOSABLE, SINGLE-USE STUD OR SOLID NEEDLE THAT IS APPLIED USING A MECHANICAL DEVICE TO FORCE THE NEEDLE OR STUD THROUGH THE EAR.
- **TOBACCO/VAPE DEALER** MEANS A COMMERCIAL ESTABLISHMENT THAT IS A RETAIL TOBACCO PRODUCTS DEALER, RETAIL VAPE PRODUCTS DEALER, OR RETAIL SMOKING DEVICE DEALER. THIS DEFINITION SHALL EXCLUDE A CIGAR/HOOKAH BAR.
- **VITAMIN SHOP** MEANS ANY COMMERCIAL ESTABLISHMENT WHERE THE PRIMARY USE IS SELLING ONE OR MORE OF THE FOLLOWING PRODUCTS: HEALTH SUPPLEMENTS, INCLUDING VITAMINS, NUTRITIONAL SUPPLEMENTS, DIETARY SUPPLEMENTS, CONSUMABLE HEMP PRODUCTS, OR PERFORMANCE ENHANCERS. THIS DEFINITION EXCLUDES MEDICAL CANNABIS TREATMENT CENTERS.

AFFIDAVIT ACKNOWLEDGING PROHIBITED OR LIMITED COMMERCIAL USES FOR PROPERTIES LOCATED NORTH OF 63RD STREET (EXCLUDING "OCEAN TERRACE/HARDING TOWNSITE AREA" PROPERTIES).

1. LOCATION AND CLASSIFICATION

SUBJECT PROPERTY ADDRESS:
LEGAL DESCRIPTION:
FOLIO NUMBER(S):
BUILDING PERMIT NUMBER (IF APPLICABLE):
BUSINESS TAX RECEIPT NUMBER (IF APPLICABLE):
LAND USE BOARD ORDER FILE NUMBER (IF APPLICABLE):

2. PROPOSED USE DESCRIPTION

PROPOSED USE:
PROPOSED BUSINESS NAME:
DESCRIPTION OF BUSINESS, INCLUDING PRODUCTS AND/OR SERVICES:

3. AFFECTED COMMERCIAL USES

IS THE PROPOSED COMMERCIAL USE/BUSINESS TYPE ANY OF THE FOLLOWING, AS DEFINED IN THIS AFFIDAVIT?

	BUSINESS TYPE	YES	NO
A	MARIJUANA DISPENSARY		
B	OCCULT SCIENCE ESTABLISHMENT		
C	PAWNSHOP		
D	PHARMACY STORE		
E	SOUVENIR AND T-SHIRT SHOP		
F	TOBACCO/VAPE DEALER		
G	VITAMIN STORES		

IF ANY ANSWER FOR "A" THROUGH "G" ABOVE IS YES, THEN THE PROPOSED USE IS PROHIBITED AND AN ALTERNATIVE SITE MUST BE SOUGHT IN AN AREA WHERE THE USE IS NOT PROHIBITED.

IS THE PROPOSED COMMERCIAL USE/BUSINESS TYPE ANY OF THE FOLLOWING, AS DEFINED IN THIS AFFIDAVIT?

	BUSINESS TYPE	YES	NO
H	CHECK CASHING STORE		
I	CONVENIENCE STORE		
J	PACKAGE STORE		
K	TATTOO STUDIO		

IF ANY ANSWER FOR "H" THROUGH "K" ABOVE IS YES, THEN THE PROPOSED USE MUST COMPLY WITH THE NUMBER LIMITATIONS AND DISTANCE SEPARATION REQUIREMENTS IN SECTION 7.3.10.2 OF THE LAND DEVELOPMENT REGULATIONS (LDRs). THE APPLICATION MUST BE ACCOMPANIED BY A SPECIFIC PURPOSE SURVEY, PREPARED BY A LICENSED SURVEYOR IN THE STATE OF FLORIDA, INDICATING THE LOCATION AND NUMBER OF APPLICABLE ESTABLISHMENTS AND THEIR DISTANCE FROM THE PROPOSED LOCATION, PURSUANT TO SECTION 7.3.10.2, OF THE LDRs. IF THE LOCATION DOES NOT COMPLY WITH THE DISTANCE SEPARATION REQUIREMENTS OR THE NUMBER OF ALLOWABLE ESTABLISHMENTS IS EXCEEDED, AN ALTERNATIVE SITE MUST BE SOUGHT IN AN AREA WHERE THE USE IS NOT PROHIBITED.

IF ALL RESPONSES FOR "A" THROUGH "K" ABOVE ARE NO, YOU MAY PROCEED WITH AN APPLICATION FOR A CERTIFICATE OF USE OR PERMIT, AS APPLICABLE. THE AFFIDAVIT MUST BE COMPLETED BY AN OWNER OF THE BUSINESSES OR PROPERTY; OR THE AUTHORIZED AGENT OF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY; AND NOTARIZED. PLEASE ENSURE THAT THE BOTTOM OF EACH PAGE IS DATED AND INITIALED.

PLEASE NOTE, THAT IF THE BUSINESS IS FOUND TO BE ONE OF THE PROHIBITED BUSINESS TYPES IDENTIFIED HEREIN OR THE INFORMATION IN THE SPECIFIC PURPOSE SURVEY WAS INCORRECT, THE CITY IS AUTHORIZED TO REQUIRE THE BUSINESS TO CEASE OPERATION.

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF: _____

COUNTY OF: _____

I, _____, BEING FIRST DULY SWORN, DEPOSE AND CERTIFY AS FOLLOWS: (1) I AM THE OWNER OF THE BUSINESS OR PROPERTY. (2) THIS APPLICATION AND ALL INFORMATION SUBMITTED IN SUPPORT OF THIS APPLICATION, INCLUDING OTHER SUPPLEMENTARY MATERIALS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PRINT NAME

SIGNATURE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME, THIS _____ DAY OF _____, 20____

NOTARY SEAL OR STAMP

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC PRINT NAME

NOTARY PUBLIC SIGNATURE

ALTERNATE OWNER AFFIDAVIT FOR: CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY. (circle one)

STATE OF: _____

COUNTY OF: _____

I, _____, BEING FIRST DULY SWORN, DEPOSE AND CERTIFY AS FOLLOWS: (1) I AM THE _____ (PRINT TITLE) OF _____ (PRINT NAME OF CORPORATE ENTITY). (2) I AM AUTHORIZED TO FILE THIS APPLICATION ON BEHALF OF SUCH ENTITY. (3) THIS ENTITY IS THE OWNER OF THE BUSINESS OR PROPERTY. (4) THIS APPLICATION AND ALL INFORMATION SUBMITTED IN SUPPORT OF THIS APPLICATION, INCLUDING OTHER SUPPLEMENTARY MATERIALS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PRINT NAME

SIGNATURE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME, THIS _____ DAY OF _____, 20____

NOTARY SEAL OR STAMP

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC PRINT NAME

NOTARY PUBLIC SIGNATURE