

ORDINANCE NO. 2025-08

A ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER XXIV ENTITLED “ZONING AND LAND DEVELOPMENT” SECTION 24-22, “DEFINITION” TO MODIFY THE EXISTING DEFINITION TERM “RETAIL USES (GENERAL RETAIL)” AND TO CREATE A NEW DEFINITION TERM “RETAIL SMOKE SHOP” AND CREATE A NEW DEFINITION TERM “DISTANCE SEPARATION MEASUREMENT”; AMENDING ARTICLE V “ZONING USE DISTRICTS” TO ADD “RETAIL SMOKE SHOP” AS A CONDITIONAL USE TO THE PERMITTED AND CONDITIONAL USES LISTED IN THE B-3 INTENSIVE BUSINESS DISTRICT, B-4 DISTRIBUTION BUSINESS DISTRICT, B-5 DISTRIBUTION BUSINESS AND MEDIUM INDUSTRIAL DISTRICT, FULFORD MIXED-USE TOWN CENTER DISTRICT (MU/TC), MIXED-USE EMPLOYMENT CENTER DISTRICT (MU/EC), AND INTERNATIONAL BOULEVARD DISTRICT (MU/IB); PROVIDING FOR CODIFICATION, CONFLICTS, SCRIVENER’S ERRORS, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, the City Zoning and Land Development Code (“ZLDC”) defines and regulates the various uses permitted within each zoning district of the city; and

WHEREAS, the City Comprehensive Plan and ZLDC provide for policies and regulations that address concerns such as aesthetics and compatibility by emphasizing site design, circulation and building form; and

WHEREAS, the proliferation of so called “smoke shop” retail uses within the City of North Miami Beach has become noticeable over the past few years and resulted in a negative perception within the community; and

WHEREAS, the community perception has been reinforced by the fact that these smoke shop retail establishments are not as visible in surrounding municipalities and the unincorporated county; and

WHEREAS, the smoke use retail use is generally regulated in adjacent jurisdictions as a conditional use or use permitted with conditions; and

WHEREAS, the smoke use retail use conditions for approval generally include distance separation from one established “smoke shop” to another proposed “smoke shop” and/or distance separation requirements from a proposed “smoke shop” to other pre-defined sensitive uses; and

WHEREAS, the smoke use retail use distance separation requirements of other jurisdictions are calibrated to the specific municipality as the size, location, and configuration of commercial areas available for retail uses; and

WHEREAS, the analysis of the size, location, and configuration of commercial areas available for retail uses in the City of North Miami Beach relative to pre-defined sensitive uses forms the basis of this proposed ordinance; and

WHEREAS, the City's Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on **July 14, 2025**, and reviewed the proposed ordinance for consistency with the City of North Miami Beach's Comprehensive Plan, and recommended approval by a vote of **5 to 1** ; and

WHEREAS, the Mayor and City Commission find the proposed ordinance to be consistent with the North Miami Beach Comprehensive Plan and in the best interest of the residents, businesses, and visitors of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. **Recitals.** The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. **Amendment.** The North Miami Beach Code of Ordinances is hereby amended as attached in EXHIBIT A, containing provisions necessary for the implementation of the following City Commission priorities:

1. Enabling local businesses, including retail smoke shops to grow and thrive in the City providing jobs and economic opportunities to our residents.
2. Reducing negative community perceptions by reducing the clustering of retail smoke shop uses.
3. Protecting pre-defined sensitive uses including, schools (elementary, middle, or secondary) public or private, hospitals, government facilities, parks and residential zoning districts.

Section 3. **Codification.** It is the intention of the City Commission of the City of North Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 4. **Conflict.** If the provisions of this Ordinance conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 5. **Scriveners Errors.** Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the City Attorney and City Manager without further process.

Section 6. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

[SIGNATURE PAGE TO FOLLOW]

APPROVED on the first reading this ____ day of _____, 2025.

APPROVED AND ADOPTED on second reading this ____ day of _____ 2025.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH:

GREENSPOON MARDER, LLP

BY: _____
CITY ATTORNEYS

Sponsored By:

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Mayor Michael Joseph				
Vice Mayor Jay R. Chernoff				
Commissioner Phyllis Smith				
Commissioner Daniela Jean				
Commissioner McKenzie Fleurimond				
Commissioner Fortuna Smukler				
Commissioner Lynn Su				