



ATTACHMENT I

Community Development Department – Planning & Zoning Division
17050 NE 19th Avenue, 1st Floor
North Miami Beach, FL 33162
(305) 948-2966

Staff Report – City Commission Meeting

Meeting Date: 11/18/2025	Ordinance No.: 2025-08	Application Name: Smoke Shop Regulations - Zoning Amendment
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REQUEST

An Ordinance of the City of North Miami Beach Florida, amending the City's Land Development Code to establish standards and requirements for the business use operation of Smoke Shop retail establishments as a Conditional Use within designated zoning districts.

BACKGROUND

Over the past few years, the number of retail shops selling primarily tobacco products including vaping products have proliferated in the City of North Miami Beach. This proliferation has resulted in negative community perception of these types of businesses. This community perception has been reinforced by the fact that these types of tobacco/vape retail establishments are not as visible in surrounding municipalities and the unincorporated county. Given this community perception, Community Development Department staff undertook a study of surrounding communities to understand how this type of retail establishment was regulated.

The study found that many adjacent communities regulate “smoke shop” retail establishments as a distinct land use with conditions which entail distance separation requirements 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. These distance separation requirements are calibrated to the specific municipality as the size, location, and configuration of commercial areas available for retail uses. This calibration step is vital to ensure that the distance separation requirements

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Review Dates:
Planning & Zoning Board:

City Commission Meeting:
09/08/2025 – 1st Reading
11/18/2025 – 2nd Reading

Attachments:
I. Staff Report
II. Ordinance No. 2025-08 – Including
Exhibit A
III. Staff Presentation

individually or collectively create a condition where the use, which is otherwise legal under Florida Statute, is effectively prohibited.

Any local government regulation or set of regulations which would create a condition where an otherwise legally permissible use is effectively prohibited is subject to challenge in a court of law by any impacted business or property owner.

The Zoning Amendment Ordinance presented for consideration has been drafted based on best practices identified from adjacent municipalities and an analysis of the specific size, location, and configuration of mixed-use and commercial Zoning Districts within the City of North Miami Beach.

NOTE: This proposed ordinance does not nor is it intended to regulate in any way Medical Marijuana Dispensaries and Treatment Centers as defined by Section 381.986 Medical use of marijuana, Florida Statute.

STAFF FINDINGS

The City of North Miami Beach Code of Ordinances classifies tobacco shops under the general retail use category. The retail use category is permitted by right in the following business and mixed-use zoning districts:

- B-1 Limited Business District
- B-2 General Business District
- B-3 Intensive Business District
- B-4 Distribution Business and Light Industrial District
- B-5 Distribution Business and Medium Industrial District
- Fulford Mixed-Use Town Center District (MU/TC)
- Mixed-Use Employment Center District (MU/EC)
- Mixed-Use Neighborhood Center District (MU/NC)
- Arch Creek Mixed-Use Corridor District (MU/C)
- Southern Mixed-Use Waterfront District (MU/SWF)
- Northern Mixed-Use Waterfront District (MU/NWF)
- Eastern Mixed-Use Waterfront District (MU/EFW)
- International Boulevard District (MU/IB)

Based on an analysis of adjacent municipalities, “tobacco shops” / “vape shops” / “smoke shops” are commonly defined as a distinctive type of retail use which carries specific conditions for approval. These conditions for approval generally entail distance separation requirements 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. These distance separation requirements are calibrated to the specific municipality as the size, location, and configuration of commercial areas available for retail

uses.

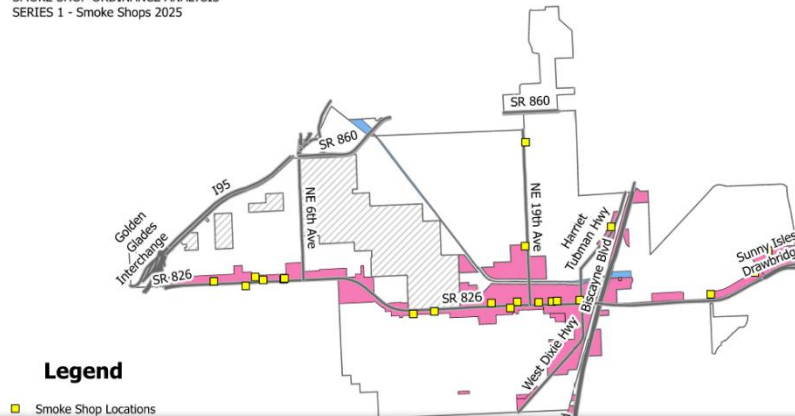
The following table lists the conditions for approval of “smoke shop” uses in place at adjacent municipalities:

Municipality	Preventing Use Clustering	Protecting Sensitive Uses
	Distance Separation from one smoke shop use to another smoke shop use	Distance separation from a smoke shop to defined sensitive uses
City of North Miami	None	None
City of Aventura	None	None
City of Miami Beach	Prohibited within 1,200 feet of another tobacco-vape dealer	Prohibited within 500 feet of a public or private elementary, middle or secondary school
City of Miami	Prohibited no closer than 1-mile from another smoke shop use, retail hemp establishment and smoke lounges	None
Miami-Dade County	None	None

The wide array of distance separation requirements and lists of protected uses indicate that the individual municipalities’, calibrated their distance separation requirements based on the size, location, and configuration of the zoning districts where similar retail uses were permitted by right. A similar analysis has been carried out for the City of North Miami Beach by staff with the following findings.

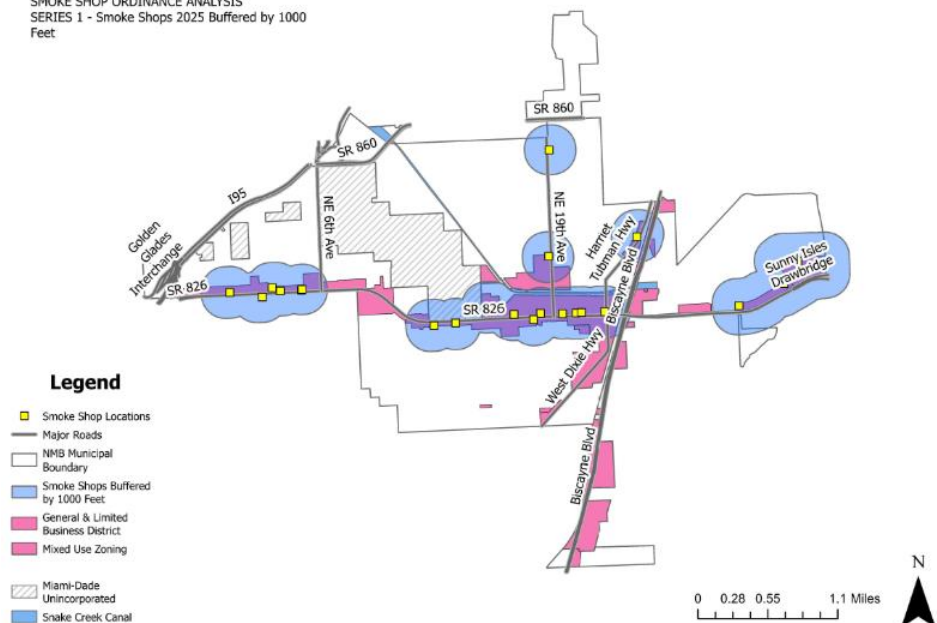
Current City of North Miami Beach regulations have resulted in a significant number of retail smoke shops within the city. This quantity of retail smoke shops includes several clusters of the use, along the North Miami Beach Boulevard corridor around NE 19th Avenue and west of NE 6th Avenue, as illustrated in the map, where smoke shops are indicated by yellow squares, business and mixed-use zoning districts are indicated in pink.

SMOKE SHOP ORDINANCE ANALYSIS
SERIES 1 - Smoke Shops 2025



While no regulation enacted now will result in the elimination of this existing clustering of retail smoke shops, regulation is recommended to prevent additional clustering of this use. Based on an analysis of other local governments' regulations of retail smoke shops, it became clear that the

SMOKE SHOP ORDINANCE ANALYSIS
SERIES 1 - Smoke Shops 2025 Buffered by 1000 Feet



requirement needed to be calibrated to the size and configuration of the business and mixed-use zoning districts within the city. Through this analysis, city staff recommends a distance separation requirement of a minimum of 1,000 feet from any existing retail smoke shop to any proposed retail smoke shop. The map illustrates the 1,000 foot distance separation requirement around all the existing retail smoke shops in the City of North Miami Beach. Under the proposed regulations, existing many Retail Smoke shops would be considered an existing nonconforming use under the provisions of Chapter XXIV, Article IV Nonconformity. The Nonconformity provisions would allow continuation of the existing nonconforming use until the use was, abandoned or discontinued "...for a period of one hundred eighty (180) consecutive days..." These provisions would also prohibit enlargement of such nonconforming uses.

Next the staff analysis focused on protection of sensitive uses, by defining a list of sensitive uses which includes the following:

- Public and Private (Elementary, Middle, and Secondary) Schools
- Hospitals
- City Parks and Governmental Facilities
- Residential Zoning Districts

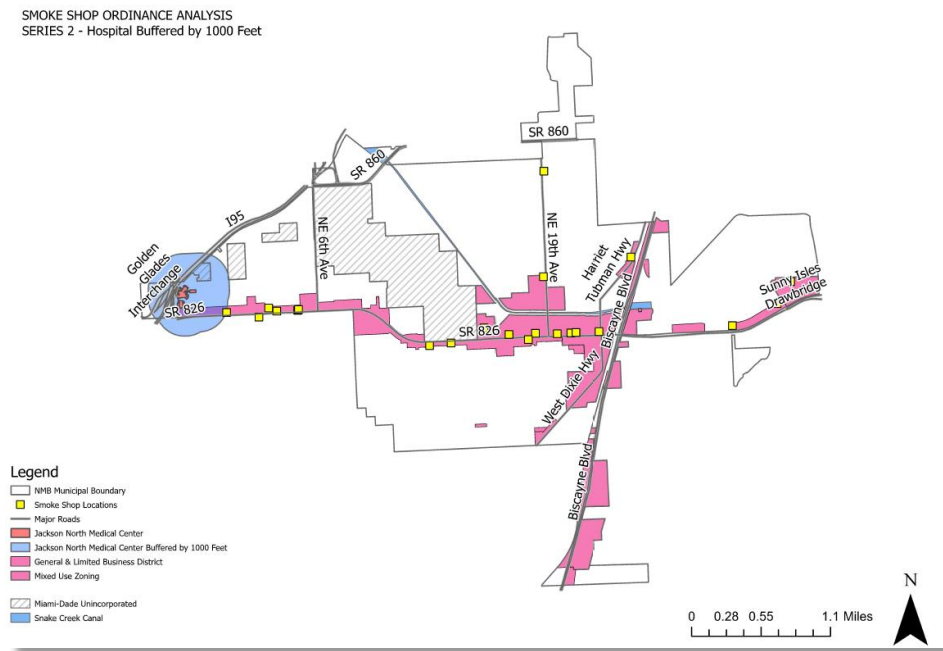
The recommended distance separation from any proposed retail smoke shop to each of these uses varies based on the following factors:

- Size, location and configuration of existing business and mixed use zoning districts
- Prevention of new retail smoke shops within line of sight of places where minors are likely to congregate
- Prevention of new retail smoke shops within proximity of the hospital and surrounding medical care use cluster
- Balancing the needs of sensitive uses with private property rights of retail smoke shop business owners to operate an otherwise legally permissible enterprise under Federal and State law

Through analysis of various buffer distances, staff arrived at the minimum distance separation recommendations illustrated on the following maps

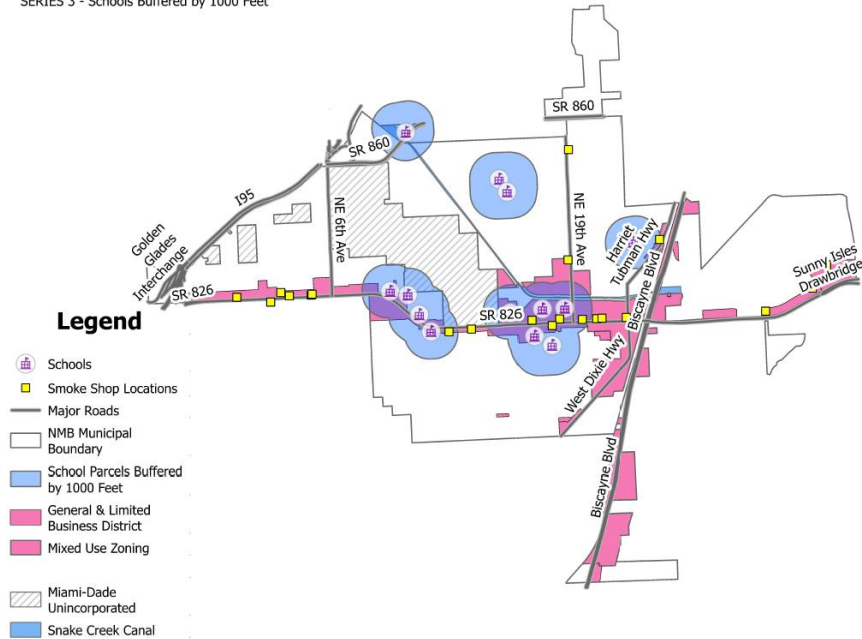
Hospital Use – 1,000 feet

SMOKE SHOP ORDINANCE ANALYSIS
SERIES 2 - Hospital Buffered by 1000 Feet



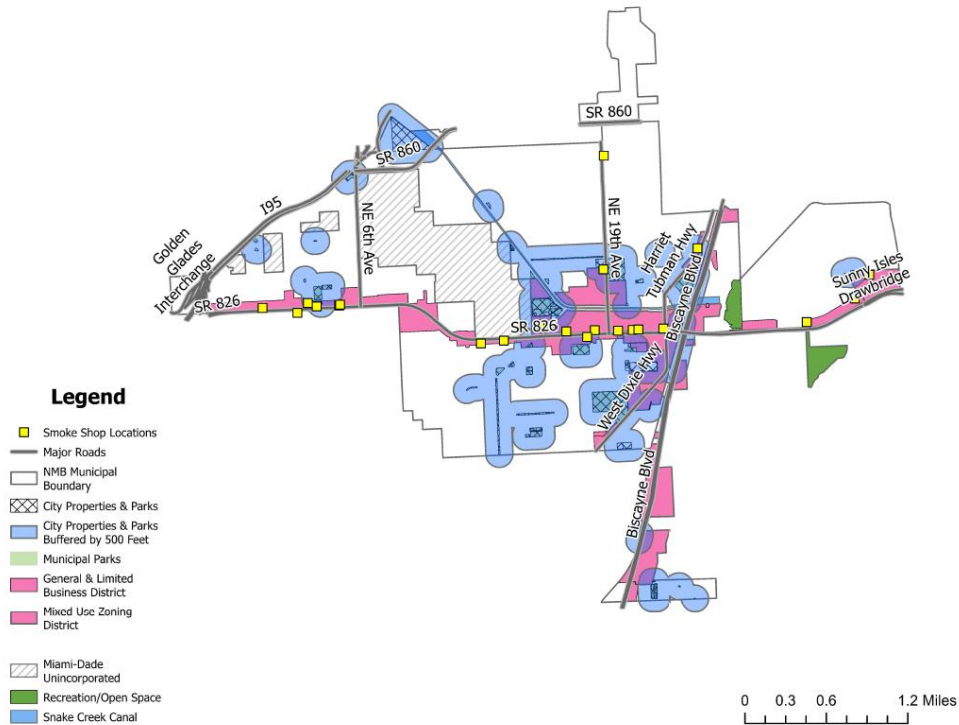
School (K-12) Public or Private – 1,000 feet

SMOKE SHOP ORDINANCE ANALYSIS
SERIES 3 - Schools Buffered by 1000 Feet



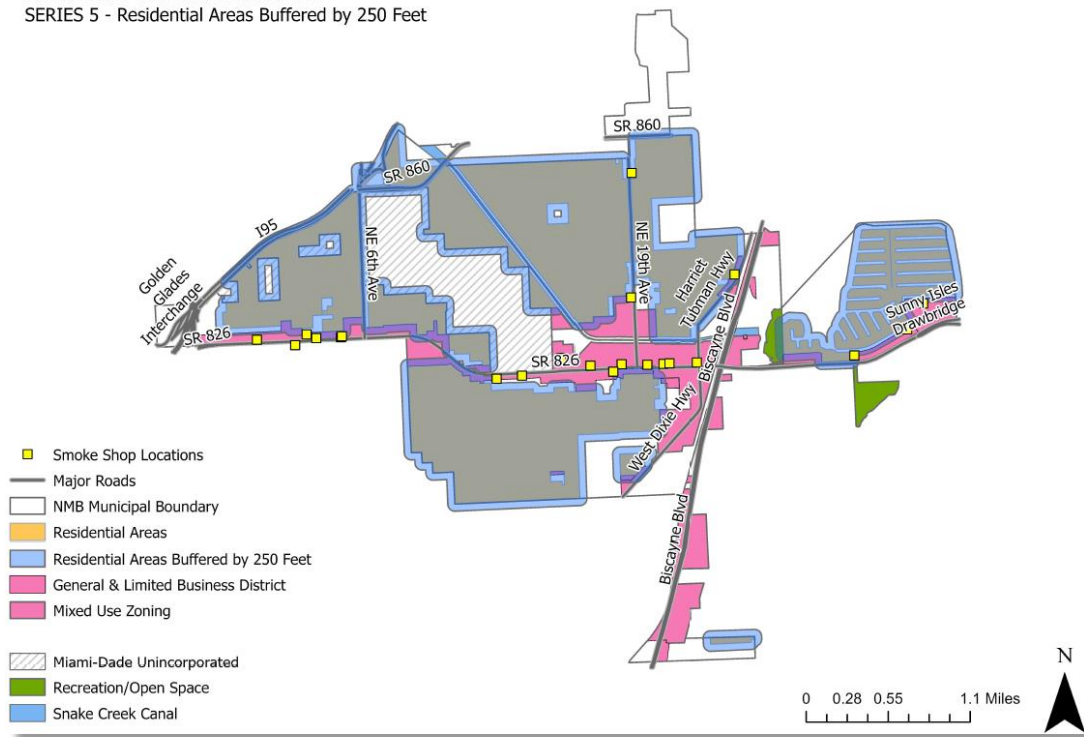
Parks and Government Facilities – 500 feet

SMOKE SHOP ORDINANCE ANALYSIS
Series 4 - City Parks & Properties Buffered by 500 Feet



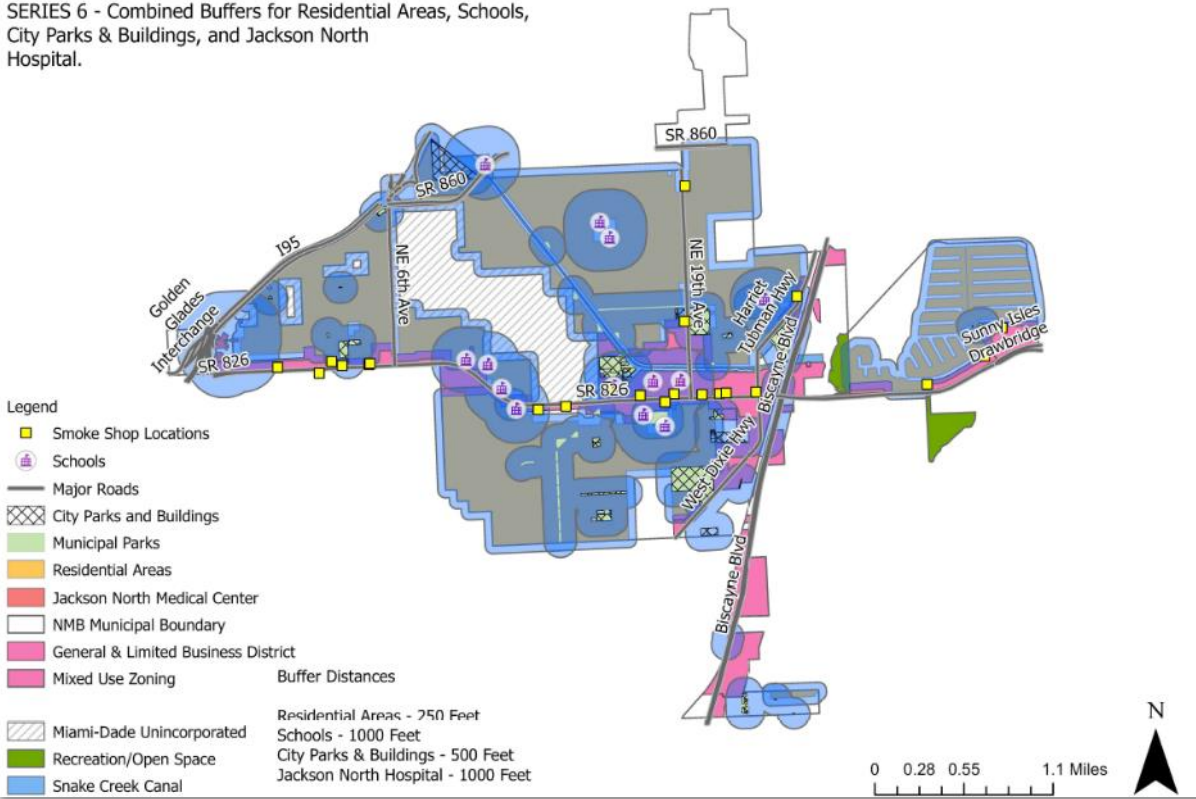
Residential Zoning Districts – 250 feet

SMOKE SHOP ORDINANCE ANALYSIS
SERIES 5 - Residential Areas Buffered by 250 Feet



Map of all Combined Distance Separation Buffers around all Sensitive Uses

SMOKE SHOP ORDINANCE ANALYSIS
 SERIES 6 - Combined Buffers for Residential Areas, Schools,
 City Parks & Buildings, and Jackson North
 Hospital.



The net effect of the combination of all these buffer areas for the sensitive uses does not prohibit this, “otherwise legal use”, within the business and mixed use zoning districts. Any regulation which would effectively prohibit an “otherwise legal use” could be subject to challenge.

PROPOSED REVISIONS TO CITY OF NORTH MIAMI BEACH CODE OF ORDINANCES:

Chapter XXIV Zoning and Land Development, Article II. Definitions, Section 24-22 Definitions,

- Strike the term “tobacco shops” from the current definition term “Retail Uses (general retail)”
- Add and define “Retail smoke shop” as a distinctive use

Chapter XXIV Zoning and Land Development, Article V. Zoning Use Districts

- Specifically list Retail smoke shop under “Uses Permitted Conditionally” in the following Zoning Districts:
 - Sec. 24-53 - B-3 Intensive Business District.
 - Sec. 24-54 - B-4 Distribution and Light Industrial District.
 - Sec. 24-54.1 - B-5 Distribution and Medium Industrial District.
 - Sec. 24-58.1 – Fulford Mixed-Use Town Center District (MU/TC).
 - Sec. 24-58.2 - Mixed-Use Employment Center District (MU/EC).
 - Sec. 24-58.8 – International Boulevard District (MU/IB).

Retail smoke shop, conditions include:

- Distance separation requirements to prevent Clustering of business use:
 - 1,000 feet of any other existing retail smoke shop
- Protection of sensitive uses:
 - 1,000 feet of any school (elementary, middle, or secondary) public or private
 - 1,000 feet of any hospital
 - 500 feet of any government facility or park
 - 250 feet of residential zoning districts

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed Smoke Shop Regulation Ordinance Zoning Amendment is supported by the following goals, objectives, and policies of the City of North Miami Beach Comprehensive Plan

Future Land Use Element

Goal 1

Encourage redevelopment and development to enhance the economic base of the City, improve the aesthetic quality of the commercial corridors and existing neighborhoods, and provide a range of housing and employment opportunities to accommodate, serve and employ the projected population, while protecting established single-family neighborhoods.

Objective 1.6

Facilitate mixed-use and planned unit development projects that are of appropriate intensity, density, land use mix, and urban design to foster walkable neighborhoods, great public spaces, and increase the viability of pedestrian, bicycle and public modes of transportation, and reduce dependency on the automobile. Measures: Number of successful developments or redevelopments implemented in accordance with revised Land Development Regulations for Mixed Use (objective – at least one by January 1, 2015). “Successful means general satisfaction of parties involved with approval, including property owner, City officials, and the public.

Policy 1.6.2

Direct future residential, office and retail growth compatible with an urban downtown environment to the Fulford City Center (MU/TC, Mixed-Use Town Center) and Community Redevelopment Area.

RECOMMENDED MOTION:

Move to approve Ordinance 2025-08 Smoke Shop Regulations, defining smoke shop as a distinctive retail use and establishing reasonable distance separation requirements to prevent use clustering and protect defined sensitive uses, by finding it consistent with the City of North Miami Beach Comprehensive Plan.

NOTE: *The City Commission has the express authority to recommend approval, approval with amendments, or denial of any item. Any motion to approve with amendments or denial should include stated cause or causes of said action.*

FISCAL/BUDGETARY IMPACT:

Proposed Ordinance 2025-08 Smoke Shop Regulations Zoning Amendment is not anticipated to have any substantive positive or negative fiscal impact on the budget of the City of North Miami Beach.