

ORDINANCE NO. 1541

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS” BY AMENDING ARTICLE 4, “ZONING DISTRICTS”, ARTICLE 5, “DEVELOPMENT STANDARDS”, AND ARTICLE 7, “DEFINITIONS”, FURTHERING THE IMPLEMENTATION OF THE NW 7TH AVENUE CULTURAL ARTS AND INNOVATION OVERLAY DISTRICT; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417; and

WHEREAS, the LDRs were updated to establish zoning districts and regulations that implement the adopted 2045 Future Land Use Map (“FLUM”) designations; and

WHEREAS, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs initiated by either the City or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

WHEREAS, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

WHEREAS, the Mayor and City Council have established the NW 7th Avenue Cultural Arts and Innovation Overlay District (“CAIOD”) to cultivate a vibrant and inclusive community that celebrates cultural expression, supports creative enterprises, and promotes sustainable, community-oriented development; and

WHEREAS, the proposed amendments to Article 4, Article 5, and Article 7 of the City of North Miami Land Development Regulations (LDRs) advance the implementation of the CAIOD; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City’s LDRs, the Planning Commission, at a duly noticed public meeting held on June 3, 2025 and

June 26, 2025, reviewed the proposed amendments, considered the recommendations of City staff, heard public testimony (if any), and issued a recommendation to the Mayor and City Council to take appropriate action by adopting the proposed amendments through the passage of this ordinance; and

WHEREAS, in accordance with Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have the authority to adopt the proposed text amendments to the LDRs, and, after holding two (2) duly noticed public meetings (first reading and second reading), have determined that the amendments serve the best interests of the residents of the City and are consistent with state law.

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

Section 1. Recitals. The recitals to the preamble herein are incorporated by reference.

Section 2. Amendment to Chapter 29, North Miami Code of Ordinances. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 4, entitled “Zoning Districts”, Article 5, entitled “Development Standards” and Article 7, entitled “Definitions”, as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

* * * * *

ARTICLE 4. - ZONING DISTRICTS

DIVISION 1. - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 4-202. – Types of Uses.

The following chart establishes the uses allowed in the zoning districts in the city. “P” indicates whether the use is permitted, subject to review and approval in accordance with article 3 of these LDRs. “P*” indicates whether the use is permitted subject to review and administrative site plan approval in accordance with article 3 of these LDRs. “SE” indicates that the use is permitted but only through special exception review. A blank cell in the use table indicates that a use is not permitted in the respective district.

| Zoning Districts | R-1 | R-2 | R-4 | R-5 | R-6 | C-1 | C-2BE | C-2BW | C-3 | M-1 | PU | RO | BZ | AOD |
|--|-----|-----|-----|-----|-----|-----------------|-------|-----------------|-----|--------|----|----|----|-----|
| Residential Type of Uses | | | | | | | | | | | | | | |
| Accessory Uses and Structures | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Adult Day Care | | | SE | SE | SE | P* | P* | P* | P* | | | | | |
| Adult Living Facility | | | SE | SE | SE | | | | SE | | | | | |
| Child Care Center (6+) | | | SE | SE | SE | SE ³ | | | SE | | | | | |
| College/University Dormitory | | | P* | P* | P* | | P* | P* | | | | | | |
| Community Residential (6 or less) | P | P | P | P | P | | | | | | | | P | |
| Community Residential (7-14) | | | P* | P* | P* | | | | | | | | | |
| Daycare | P | P | P | P | P | | | | | | | | | |
| Docks | P | P | P | P | P | | | | | | | | P | |
| Home Occupations | P | P | P | P | P | | | | | | | | P | P |
| Hotels, Motels, Lodging | | | | SE | SE | P* | P* | P* | P* | | | | | |
| Live/work Studio | | | | | | P ³ | P | P | P | P | | | | P |
| Mobile Home, Manufactured | | | | | | | | | P | | | | | |
| Nursing/Convalescent Homes | | | | | | P ³ | | P* | | | | P | | |
| Residential, Multifamily | | | P | P | P | | | | P | | | | P | |
| Residential, Single-Family | P | P | | | | | | | | | | | | |
| Residential, Elderly/Student | | | P* | P* | P* | | | | | | | | | |
| Public, Utilities & Related Uses | | | | | | | | | | | | | | |
| Airport, Airfield, Heliport | | | | | | | | | | SE | | | | |
| Community Center | P | P | P | P | P | P | P | P | SE | | P | | | |
| Cultural/Civic Center/Convention Center** | | | | | | SE | SE | SE | SE | | SE | | | |
| Detention Facility | | | | | | | | | | | | | | |
| Educational—Private, including Charter | SE | SE | SE | SE | SE | SE | | SE | SE | | | | SE | |
| Educational—Public | P | P | P | P | P | P | | P | P | | P | | P | |
| Educational—Technical, Vocational, Specialty | SE | SE | SE | SE | SE | SE ³ | SE | SE | SE | | | | | |
| Government facilities, critical facilities | | | | | | P | P | P | P | P | P | | | |
| Hospital | | | | SE | SE | SE | SE | SE | SE | SE | | | | |
| Public Parks & Recreational Facilities | P | P | P | P | P | P | P | P | P | P | P | | P | |
| Public Safety Facility | P | P | P | P | P | P | P | P | P | P | P | | P | |
| Sewage Lift/Pumping Station | | | | | | | | | | | | P | | |
| Solid Waste Transfer Station | | | | | | | | | | | | P | | |
| Transit Station | | | | | | | | | | P | P | P | | |
| Utilities & Related Uses | | | | | | | | | | | | P | | |
| Water Plant/Waste Water Plant | | | | | | | | | | | | P | | |
| Vehicle-Related Commercial Type Uses | | | | | | | | | | | | | | |
| Auto Service Station | | | | | | SE | | | | SE**** | | | | |
| Car Wash, Mechanical | | | | | | SE ³ | | | | P | | | | |
| Parking Garage/Lot | | | | | | P | | | | P | P | P | | |
| Retail Showroom, Automobile | | | | | | | | SE ¹ | | | | | | |
| Tow Truck Yard | | | | | | | | | | P* | | | | |
| Vehicle—Parts, New | | | | | | P ³ | P | | | P | | | | |
| Vehicle—Parts, Used | | | | | | | | | | P**** | | | | |

| Zoning Districts | R-1 | R-2 | R-4 | R-5 | R-6 | C-1 | C-2BE | C-2BW | C-3 | M-1 | PU | RO | BZ | AOD |
|--|-----|-----|-----|-----|-----|-----------------|-------|-----------------|-----|---------|-------|----|----|-----|
| Vehicle Rental | | | | | | P* | | | | P**** | | | | |
| Vehicle Sales/Displays—Used | | | | | | | | | | SE***** | | | | |
| Vehicle Sales/Displays, Major—New (See note #2) | | | | | | SE ³ | | | | SE | | | | |
| Vehicle Sales/Displays, Minor—New | | | | | | SE ³ | | SE ⁶ | | SE | | | | |
| Vehicle Service, Major | | | | | | P ³ | | | | P* | | | | |
| Vehicle Service, Minor | | | | | | P ³ | | | | P* | | | | |
| Recreation, Entertainment Type Uses | | | | | | | | | | | | | | |
| Amusement Park, Stadium, Arena | | | | | | | | | SE | SE | SE | | | |
| Arcade, Electronic gaming | | | | | | | | | SE | | | | | |
| Camp Ground, RV Park | | | | | | | | | | | SE | | | |
| Casino Gaming Facility | | | | | | | | | | | | | | |
| Driving Range | | | | | | | | | | SE | P | | | |
| Golf, Miniature | | | | | | P* | | | | SE | | | | |
| Gun Range/Archery Club | | | | | | | | | | SE | | | | |
| Health/Fitness Club | | | | | | P* | P* | P* | P* | P**** | | | | |
| Marinas** | | | | | | | P* | | | | | | | |
| Recreation, Indoor | | | | | | P* | P* | P* | P* | P* | P | | | |
| Recreation, Outdoor | | | | | | P* | | | | | | | | |
| Sports Fields, Outdoor | | | | | | | | | | SE | P | | | |
| Restaurant, Food & Beverage Type Uses | | | | | | | | | | | | | | |
| Adult Business** | | | | | | | | | | SE | | | | |
| Bar/Lounge** | | | | | | P | P | P | P | SE | | | | |
| Catering Service | | | | | | P | | | P | P | | | | |
| Nightclub/Cabaret** | | | | | | SE | SE | SE | SE | SE | | | SE | |
| Restaurants—Sports, Coffee, Cafeteria, Café** | | | | | | P | P | P | P | P**** | | | | |
| Brew/Pub | | | | | | P | P | P | P | P | | | | |
| Places of Assembly Type Uses | | | | | | | | | | | | | | |
| Banquet Hall** | | | | | | P* | P* | P* | P* | | | | | |
| Funeral Homes | | | | | | SE ³ | | | | SE | P | | | |
| Fraternal Clubs** | | | | | | | SE | SE | SE | P**** | | | | |
| Religious Institutions | P* | P* | P* | P* | P* | P* | P* | P* | P* | P | | | | |
| Theater, Movie/Performing Arts** | | | | | | P* | P* | P* | P* | P**** | | | | P* |
| Museum | | | | | | P* | | | | P* | P**** | | | |
| Commercial Type of Uses | | | | | | | | | | | | | | |
| Convenience Store** | | | | | | P ² | P | P | P | P**** | | | | |
| Drug Store/Pharmacy | | | | | | P | P | P | P | P**** | | | | |
| Food Specialty Store | | | | | | P | P | P | P | P**** | | | | |
| Grocery Store** | | | | | | P | P | P | P | P**** | | | | |
| Liquor Package Store** | | | | | | | SE | SE | SE | | | | | |
| Online Alcoholic Beverage Retailer | | | | | | | | | | P | | | | |
| Plant Nursery, Retail/Wholesale | | | | | | | | | | P**** | | | | |
| Retail—Wholesale, Department | | | | | | P* | P | P | P | P**** | | | | |
| Retail—General, Single-Use | | | | | | P | P | P | P | P**** | | | | P |

| Zoning Districts | R-1 | R-2 | R-4 | R-5 | R-6 | C-1 | C-2BE | C-2BW | C-3 | M-1 | PU | RO | BZ | AOD |
|--|-----|-----|-----|-----|-----|-----------------|----------|----------|------------|-------|----|----|----|-----|
| Retail—Home Improvement | | | | | | P* | P | P | P | P**** | | | | |
| Retail – Discount Variety | | | | | | <u>P*7</u> | | | <u>P*7</u> | | | | | |
| Secondhand Store/Consignment Store | | | | | | <u>P*2</u> | P* | P* | <u>P*</u> | | | | | |
| Smoke shop | | | | | | <u>P*3,7</u> | | | | P**** | | | | |
| Office Type Uses | | | | | | | | | | | | | | |
| Call Center | | | | | | P | P | P | P | P | | | | |
| Office—Business, Sales, Professional | | | | | | P | P | P | P | P | | P | | |
| Office—Medical, Clinic | | | | | | P | P | P | P | | | | | |
| Office—Medical, No Clinic | | | | | | P | P | P | P | | | P | | |
| Service Type of Uses | | | | | | | | | | | | | | |
| Animal Grooming, Pet Sitting | | | | | | P | P | P | P | | | | | |
| Animal Hospital, Veterinarian Clinic | | | | | | P* | P* | P* | | P* | | | | |
| Animal Kennel, Boarding | | | | | | P ³ | P* | P* | | P* | | | | |
| Animal Shelter | | | | | | | | | | P* | | | | |
| Barbershop/Hair Salon | | | | | | <u>P7</u> | <u>P</u> | <u>P</u> | <u>P7</u> | | | | | |
| Diagnostic Lab | | | | | | P | SE | SE | SE | P | | | | |
| Copy/Printing Service | | | | | | P | P | P | P | | | | | |
| Cosmetic Surgery/Beauty Clinic | | | | | | P | P | P | P | | | | | |
| Dry Cleaning Establishment—Incl. Drop Off Center | | | | | | P | P | P | P | P**** | | | | |
| Equipment/Tool Rental | | | | | | P | P | P | P | P | | | | |
| Financial Institution | | | | | | P | P | P | P | P**** | | | | |
| Laundromat, Self-Service | | | | | | P ⁴ | | | P | P**** | | | | |
| Mail Service/Package Shipping | | | | | | P | P | P | P | P**** | | | | |
| Day Spa | | | | | | P | P | P | P | | | | | |
| Repair & Service Shop—General Merchandise | | | | | | | P | P | P | P | | | | |
| Studios—Photographic & Instructional (Fine Arts) | | | | | | P* | P* | P* | P* | P**** | | | | P |
| Studios—Recording, TV/Radio | | | | | | P | P | P | P | P**** | | | | |
| Tattoo Parlor/Body Piercing | | | | | | SE | SE | SE | SE | P**** | | | | |
| Other Uses | | | | | | | | | | | | | | |
| Cemetery, Mausoleums, Crematory | | | | | | | | | | SE | SE | | | |
| Industrial Type Uses | | | | | | | | | | | | | | |
| Distribution Center | | | | | | SE ³ | | | | P | | | | |
| Dry Cleaning Plant | | | | | | | | | | P | | | | |
| Farmer's Market | | | | | | <u>P*</u> | | | | P**** | | | | |
| Fishery | | | | | | P | | | P | P**** | | | | |
| Greenhouse—Nurseries | | | | | | | | | | SE | | | | |
| Industrial, Heavy | | | | | | | | | | P | | | | |
| Industrial, Light | | | | | | SE | | | SE | P | | | | |
| Laboratory—Medical Research, Testing and Manufacturing | | | | | | P | | | | P | | | | |
| Educational, Scientific and Research | | | | | | P | | | | P | P | | | |
| Laboratory—Research, Development, Testing and Manufacturing | | | | | | P | | | | P | SE | | | |

| Zoning Districts | R-1 | R-2 | R-4 | R-5 | R-6 | C-1 | C-2BE | C-2BW | C-3 | M-1 | PU | RO | BZ | AOD |
|---------------------------------------|-----|-----|-----|-----|-----|-----------------------|-----------------|-------|-----|----------------|----|----|----|-----|
| Medical Marijuana Dispensaries | | | | | | P | P | P | P | P**** | | | | |
| Outdoor Storage, Agriculture | | | | | | | | | | SE | | | | |
| Outdoor Storage, Open Air Storage | | | | | | | | | | SE | | | | |
| Packing Facilities—Large | | | | | | | | | | P | | | | |
| Packing Facilities—Small | | | | | | | | | | P | | | | |
| Radio and Transmitting Station | | | | | | P ³ | | | | | P | | | |
| Recycling Facility | | | | | | | | | | | P | | | |
| Self-Storage Facility | | | | | | P* ^{3&4} | P* ⁴ | | | P* | | | | |
| Showroom, Retail Sale, Non- Vehicular | | | | | | P | | P | | P | | | | |
| Showroom, Wholesale | | | | | | | | | | P | | | | |
| Urban Agricultural Gardens/Community | | | P | P | P | P ⁵ | | | | P | P | | | |
| Warehouse | | | | | | SE ³ | | | | P | | | | |
| Winery/MicroBrewery** Distillery | | | | | | P ⁸ | | | | P ⁷ | P | | | |

*Administrative site plan shall be required.

**Subject to Article 5, Division 9.

***Prohibited in the arts, culture and design overlay district (AOD) subject to section 4- 403E.

****Retail and personal service uses larger than one (1) acre in size are prohibited in the industrial district, in an effort to minimize depletion of the industrial land supply. Retail sales and service uses one (1) acre or less in size should front on major east-west corridors including NE 146th Street and NE 151 Street.

¹Retail showroom, automobile use requires min. lot area of one (1) acre. No more than 15% of the gross building area assigned to the retail automobile showroom business shall be devoted to minor vehicle service.

²Vehicle Sales Major use requires a minimum lot area of 30 or more acres.

³ Prohibited in the ~~Chinatown~~ NW 7th Avenue Cultural Arts and Innovation Overlay District.

⁴ Prohibited in C-1 zoned areas within 500 feet of a single-family residential district, and is further subject to criteria established in section 5-1702 and 5-2205.

⁵ Prohibited on 119th Street, ~~or on NE 6th Avenue, NW 119th Street, or 135th Street,~~ or within the PCD.

⁶ May be permitted through the special exception process, provided that the subject property borders Biscayne Boulevard, and is separated by a minimum of 3,000 linear feet from another vehicle sales establishment.

⁷ Subject to the distance restrictions established in Division 22.

⁸ Limited to the east side of the NW 7th Avenue Corridor.

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NW 7th Avenue Cultural Arts and Innovation Overlay District (CAIOD)

Sec. 4-102 - Purpose and Intent.

This article is to establish zoning districts where the comprehensive plan land uses are located and grouped together to create, protect and maintain a desirable living environment within the City of North Miami. Based on these districts the LDRs also implement the goals, objectives and policies of the City Comprehensive Plan (the “Plan” or “comprehensive plan”) and adopted maps. Zoning district uses, standards, dimensional and area requirements are also established in this article.

| Comprehensive Plan- Future Land Use Designation | | LDRs - Zoning District | |
|---|--|------------------------|--|
| ***** | | | |
| <u>Overlay Districts</u> | | | |
| ***** | | ***** | |
| <u>NW 7th Avenue Cultural Arts and Innovation Overlay District (CAIOD)</u> | | <u>C-1</u> | |

DIVISION 3. - SPECIAL PURPOSE AND OVERLAY DISTRICTS

Sec. 4-306. – Planned Corridor Overlay District (PCD).

A. Purpose. The purpose of the PCD is to encourage a compact, high-intensity mix of residential, commercial, employment, and civic-institutional uses to support transit use, reduce single-occupancy vehicle use, increase pedestrian activity and improve access and mobility.

B. Effect of overlay. The development standards of the underlying zoning districts shall govern except to the extent any provision of this PCD district conflicts with the provisions of such underlying zoning district, in which event the provisions of ~~this NRO~~ the PCD district shall control. Furthermore, with the exception of the NW 7th Avenue Cultural Arts and Innovation Overlay District, the PCD district shall take precedence over any other overlay district.

C. General location. As identified on the zoning map, the PCD is applied to the following major corridors: State Road 7/NW 7th Avenue, NE 6th Avenue, Biscayne Boulevard, West Dixie Highway and NE 125th Street (as depicted on the zoning map).

D. Standards. The permitted uses, density and intensity of uses within the various corridors are governed by the underlying land use designations of the subject property; notwithstanding the foregoing, parcels within the PCD are subject to the following:

1. State Road 7/NW 7th Avenue.

a. Height: Up to 200 feet on the east side of the corridor, including parking levels and compatible building transitions and setbacks. On west side: maximum 55’.

b. Mixed-use is allowed along the corridor with a permitted density of up to 125 du/acre, including floating units. Allocation is subject to the availability of floating units, and pursuant to a conditional use permit.

c. Maximum lot coverage: 80%

d. Development within the area bounded by NW 119th Street to the south and NW 135th Street to the north shall be subject to the design guidelines established for the ~~Chinatown Cultural Arts and Innovation District Master Plan~~ NW 7th Avenue Cultural Arts and Innovation Overlay District.

* * * * *

Sec. 4-311- NW 7th Avenue Cultural Arts and Innovation Overlay District (CAIOD).

- A. Purpose. The purpose of establishing the NW 7th Avenue Cultural Arts and Innovation Overlay District is to create a dynamic and inclusive environment that celebrates cultural expression, supports creative enterprise, and fosters sustainable, community-centered development. These regulations are designed to transform the corridor into a nationally recognized hub for artistic excellence and innovative business by encouraging forward-thinking architectural design, promoting equitable economic opportunities, and enhancing the public realm through community-driven initiatives. Through the adoption of customized design standards, public art integration, and mixed-use developments that fuse culture and commerce, the district will serve as a catalyst for architectural transformation and social enrichment.
- B. Applicability. The CAIOD encompasses both the east and west sides of NW 7th Avenue between NW 119th Street and NW 135th Street as depicted on the official zoning map. The development standards of the underlying zoning districts and the NW 7th Avenue Planned Corridor Development District (“PCD”) shall govern except to the extent any provision of this CAIOD district conflicts with the provisions of an underlying zoning district or the PCD and in such event, the provisions of this CAIOD district shall control.
- C. Permitted Uses.
 - 1. Accessory uses, incidental, subordinate or related to any of the below uses.
 - 2. All uses permitted in the zoning district and the PCD wherein the property lies.
 - 3. Sports Facilities;
 - 4. Miniature Golf;
 - 5. Active and passive parks and open space;
 - 6. Community facilities;
 - 7. Educational facilities;
 - 8. Hospitals and/or medical facilities;
 - 9. Hotels;
 - 10. Recreation/entertainment - indoor and outdoor;
 - 11. Bars, Lounges, and nightclubs;
 - 12. Office;
 - 13. Public uses;
 - 14. Recording, dance and production studios;

15. Religious institutions;
16. Residential;
17. Live/work (as further regulated under article 5, division 20).
18. Restaurants, restaurant halls, cafes and outdoor (cafe) seating/dining;
19. Research and technology;
20. Light industrial;
21. Retail sales;
22. Museums and art galleries;
23. Breweries;
24. Music and entertainment venues.
25. Prohibited uses: Secondhand stores; smokeshops, child day care centers

D. Development Standards: Same as the NW 7th Avenue PCD.

* * * *

ARTICLE 5. – DEVELOPMENT STANDARDS

DIVISION 1. – ACCESSORY USES AND STRUCTURES; PERMITS REQUIRED.

* * * *

Sec. 5-109. - Restaurant, open air.

A. Open air dining on private property, as accessory to a restaurant, is permitted provided that:

1. The operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the site, the adjoining streets, alleys or sidewalks.
2. The open-air dining area shall be unenclosed and shall be open except that it may be covered with a canvas cover or structural canopy of a building's arcade, loggia or overhang.
3. All kitchen equipment used to service the open-air dining area shall be located within the kitchen of the primary restaurant or business.
4. The open-air dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris.
5. All venues hosting live music or performances shall be required to obtain a music and entertainment license pursuant to Section 5-911(a) and 5-912; outdoor venues shall have no amplified sound after 11 p.m. unless special permission is obtained from the City Manager.

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DIVISION 9. - ALCOHOLIC BEVERAGES

* * * *

Sec. 5-902. - Definitions.

* * * *

Cafe means an establishment in which coffee and light meals are served along with the sale of beer or wine for consumption on the premises and that may seat fewer than 20 patrons pursuant to a valid license issued by the state in connection with the operation of said food service establishment. Cafes must derive at least 60 percent of its gross food and beverage revenue from the sale of food and non-alcoholic beverages during the first 60-day operating period and each six-month operating period thereafter. Cafes may include, but are not limited to, Cafes, coffee shops, sandwich shops, and cafeterias. Cafes shall not sell alcoholic beverages after the hours of serving or consumption of food have elapsed.

Nightclub shall mean a restaurant, dining room or other establishment, which operates after 3:30 a.m., where food and/or alcoholic beverages are licensed to be sold and consumed on the premises, and/or where music, dance, floor shows or other forms of entertainment are provided for guests and patrons with or without an admission fee. Establishment of night clubs shall require approval by the Board of Adjustment and issuance of a music and entertainment license, if applicable.

* * * * *

Sec. 5-905. - Alcoholic beverages in the NW 7th avenue cultural arts and innovation overlay district (CAIOD).

Purpose. To establish specialized regulations for the sale, service, and consumption of alcoholic beverages within the NW 7th Avenue Cultural Arts and Innovation Overlay District that encourage cultural and entertainment activities while protecting public health, safety, and welfare.

(A) Applicability.

This section applies exclusively to properties located within the CAIOD boundaries (NW 119th Street to NW 135th Street, both sides of NW 7th Avenue).

(B) Distance separation requirements.

1. There shall be a minimum 300 feet from any school, measured from the front door of the licensed premises to the closest point of the school property line along the pedestrian route. This is not applicable to nightclubs, which are subject to the distance separation requirements established in Sec. 5-907 of this article.
2. With the exception of night clubs, which are subject to the distance separation requirements established in Sec. 5-907 of this article, there is no separation requirement from:
 1. Religious facilities

2. Other alcohol-serving establishments
3. Residential uses
4. Public parks or recreational areas

(C) Permitted alcohol-related establishments.

1. Bars
2. Lounges
3. Nightclubs
4. Breweries and Microbreweries
5. Restaurants, Cafes, and Food Halls
6. Music and Entertainment Venues
7. Art Galleries (with accessory alcohol service)

(D) Hours of sale and consumption.

1. Monday–Thursday:

- a) Sale of alcoholic beverages permitted until 2:00 a.m.
- b) On-premises consumption permitted until 2:30 a.m.

2. Friday - Sunday:

- a) Sale of alcoholic beverages permitted until 3:00 a.m.
- b) On-premises consumption permitted until 3:30 a.m.

3. Extensions until 5:00 a.m. may be allowed by the City Manager for special events, through a temporary use permit.

(E) Operational requirements for large establishments. For establishments with an indoor occupancy of 300 or more persons, the following plans must be submitted as part of their Certificate of Use application:

1. Security Plan
2. Crowd Management Plan
3. Noise Control Plan (if within 200 feet of any residential use)
4. Sanitation Plan (for events, gatherings, and ongoing operations)

(F) Compliance and enforcement.

1. All establishments are subject to regular inspections.
2. Violations may result in suspension, revocation, or non-renewal of the Certificate of Use and Business Tax Receipt.

(G) Recognition of existing establishments. Any alcohol-serving establishment lawfully operating within the NW 7th Avenue Cultural Arts and Innovation Overlay District prior to the effective date of this ordinance shall be deemed to have a legal nonconforming status and shall be allowed to continue operating under the terms and conditions existing at the time of approval. Future expansions, intensifications, or changes of use must comply with the provisions of this section.

Sec. 5-907. – Generalized Location of premises.

A. Distance from other establishments. Unless the property is located in the NW 7th Avenue Cultural Arts and Innovation Overlay District and is not a nightclub, or approved as a variance, no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than 1,500 feet from a place of business having an existing, un-abandoned, legally established (and not one of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The 1,500 feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.

B. Distance from religious facility or school. Unless the property is located in the NW 7th Avenue Cultural Arts and Innovation Overlay District, and is not a nightclub or approved as a variance, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than 2,500 feet from a religious facility or school. The 2,500-foot distance requirement shall be measured and computed as follows: From a religious facility or school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the religious facility grounds or school grounds.

C. Distance from public parks and recreational areas and residential zoned property. Unless the property is located in the NW 7th Avenue Cultural Arts and Innovation Overlay District, and is not a nightclub or approved as a variance, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use that is located less than 500 feet from a public park or residentially zoned property. The 500-foot distance requirement shall be measured and computed as follows: From a public park or residentially zoned property, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the parks or residentially zoned property.

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Sec. 5-908. - Generalized table of sale of alcoholic beverage regulations.

| Type of Establishment | Spacing From Other Uses (Feet) | Spacing From Religious institution (Feet) | Spacing From Schools (Feet) | Spacing From Parks and Residential (Feet) | Required License |
|--|--------------------------------|---|-----------------------------|---|-----------------------------|
| Banquet hall or dancehall for hire | N/A | N/A | N/A | N/A | 2-COP or 4-COP |
| Bar, lounge, tavern | 1,500 ¹ | 2,500 ¹ | 2,500 ² | 1,500 ¹ | 2-COP or 4-COP |
| Accessory bar/lounge to restaurant | N/A | N/A | N/A | N/A | 2-COP or 4-COP-SRX |
| Bar/lounge/nightclub/discotheque/club accessory to racetrack or casino gaming facility | 1,500 ¹ | 2,500 ¹ | 2,500 ² | 1,500 ¹ | 2-COP or 4-COP-SRX |
| Caterer | 1,500 ¹ | 2,500 ¹ | 2,500 ² | 1,500 ¹ | 2-COP or 4-COP-SRX or 4-COP |
| Coffee shop/ sandwich shop Cafeteria Outdoor Café | N/A | N/A | N/A | N/A | 2-COP or 4-COP-SRX |
| Food stores/ grocery stores/retail drug stores | N/A | N/A | N/A | N/A | 1-APS or 2-APS |
| Nightclub, Discotheque, Club | 1,500 | 2,500 | 2,500 | 1,500 | 4-COP or 4-COP-SRX |
| Package store | 1,500 | 2,500 | 2,500 | 1,500 | 3-PS |
| Restaurant | N/A | N/A | N/A | N/A | 2-COP or 4-COP-SRX |

| | | | | | |
|---|-----|-----|-----|-----|---------------|
| Sport facilities, tennis clubs, racquetball clubs, fitness clubs, golf course clubhouses and refreshment stands | N/A | N/A | N/A | N/A | 2-COP or 11-C |
| ¹ N/A in the NW 7 th Avenue Cultural Arts and Innovation Overlay District | | | | | |
| ² 300 feet in the NW 7 th Avenue Cultural Arts and Innovation Overlay District | | | | | |

* * * *

Sec. 5-913. - Hours during which sales are allowed; consumption.

A. It shall be unlawful for any person to purchase and for any licensee and any manager, agent or employee of any licensee to sell, serve or distribute in any form or by any method any alcoholic beverage between the hours of 1:00 a.m. and 7:00 a.m. on Monday, ~~Tuesday, Wednesday, Thursday and Friday~~ through Thursday; and between the hours of 2:00 a.m. and 7:00 a.m. on Saturday and Sunday. Notwithstanding the foregoing, for properties located in the NW 7th Avenue Cultural Arts and Innovation Overlay District, the hours are between 2:00 a.m. and 7 a.m. on Monday through Thursday; and between the hours of 3:00 a.m. and 7:00 a.m. on Friday through Sunday. Extensions until 5:00 a.m. may be allowed by the City Manager for special events, through a temporary use permit.

* * * * *

DIVISION 15. - SIGNS

Sec. 5-1501. - Purpose.

A. Short Title. This article shall hereafter be known and cited as “The North Miami Sign Code.”

B. Purpose and Intent. The purpose of this article is to set forth the regulations for the use of signs within the city’s jurisdictional limits for site identification, communication, and advertisement. It is the intent of this article to promote the health, safety, convenience, aesthetics, morality, and general welfare of the city by regulating signs in order to meet the following objectives:

1. Identification. Promote and aid in the identification and location of an establishment, organization, residence or neighborhood;
2. Aesthetics. Preserve the beauty and unique character of the city by protecting it from visual blight and providing a pleasing environmental setting and community appearance, which is deemed vital to the attraction and retention of business and commerce;
3. Land Values. Protect property values by assuring the compatibility of signage with surrounding land uses;

4. Safety. Promote general safety and protect the general public from damage or injury caused by, or partially attributed to, the distractions, hazards, and obstructions that result from improperly designed, constructed, maintained, or located signs;

5. Compatibility. Ensure that signs are compatible with the surrounding built environment, including adjacent architecture and neighborhoods, and they complement each other rather than detract from one another; and

6. Sustainability. To promote signage and support structures that employ sustainable designs and technologies with respect to their construction, maintenance, and operation (e.g. recycled materials, energy efficient, low energy usage bulbs, etc.).

C. Administration. The community planning and development director or designee shall have the authority to coordinate, interpret, and administer this article.

D. Applicability. The provisions of this article shall be considered the minimum standards and are applicable to all new signs constructed or displayed after the date of enactment of these regulations or modification to signs which were permitted prior to the date of adoption of these regulations. Signs shall only be permitted as provided for herein. Billboards within the city are regulated pursuant to Ordinance no. 1246, adopted October 23, 2007, which provides:

Outdoor Advertising Billboards in proximity to expressways. Outdoor advertising billboards shall be permitted only within the area bordered to the east by Interstate 95 right-of-way extending west 400 feet from Interstate 95 right-of-way. No billboard shall be placed north of 143rd Street or south of 119th Street. The number of billboards permitted shall be limited to a total of six (6) billboards and shall have no more than two (2) sides each. Notwithstanding the foregoing, the southernmost sign may be a triangular sign, with a third side facing west. The billboards shall be placed so as to be primarily visible from the traffic lanes on Interstate 95. The billboards must meet the Florida Department of Transportation permitting requirements, including state limitations on size, shape, and height. No part of any billboard shall extend over any property line. No billboard shall be illuminated in a manner that interferes in any way with traffic or obscures a traffic sign, device, or signal. The location of each billboard must be in an area zoned business, commercial, or industrial. All billboards shall first be permitted by the city prior to its placement. A licensing fee shall be payable monthly to the city in an amount to be agreed upon by the city and billboard agent.

E. Definitions. See chapter 29, article 7 for definitions of signs and related equipment.

F. Assure that murals are reviewed and approved pursuant to section 5-2102, Art Selection Committee.

G. All new signage proposed for properties within the CAIOD shall be subject to the design standards established in the NW 7th Avenue Cultural Arts and Innovation District Design Guideline.

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DIVISION 16. – STANDARDS FOR SPECIFIC USES

* * * *

Sec. 5-1611. - Mobile food dispensing vehicles.

A. Purpose and intent. The purpose and intent of this section is to establish land use and zoning regulations for real property upon which a mobile food-dispensing vehicle (“MFDV”), e.g., “food truck” is authorized to operate within the jurisdictional limits of the city. Unless authorized by this section, or allowed under a temporary use permit, MFDVs on other real property are prohibited and unlawful. This section is intended to neither prohibit MFDVs from operating within the entirety of the city, nor regulate the licensing, registration, permitting and fees of MFDVs, preempted by the state under section 509.102, Florida Statutes.

B. Authorized locations. Subject to the terms and conditions set forth in this section, long-term MFDVs shall be allowed to operate within the jurisdictional limits of the city as an accessory use as follows:

1. On property zoned C-1 located within the CAIOD, which shall not be subject to the distance separation requirements noted herein.

~~4.~~ 2. On property zoned C-1, accessory to a permitted primary use of a mechanical car wash, providing it is separated by a minimum of five hundred (500) linear feet from another MFDV. Notwithstanding the foregoing, MFDVs approved under a temporary use permit shall not be included for the purposes of calculating the required distance separation.

~~2.~~ 3. On property zoned M-1.

~~3.~~ 4. MFDVs, as part of a special event, may be accommodated in other districts through the temporary use permit as outlined in section 5-1903.

Sec. 5-1612. – Outdoor venues

A. Music and entertainment: For places providing music and entertainment, a music and entertainment license is required pursuant to Section 5-911(a) and 5-912. Amplified sound (e.g., speakers, live music) after 11 p.m. for all outdoor venues is prohibited.

B. Accessory outdoor restaurant: Subject to the standards within Section 5-109 of the LDRs.

C. Sanitation: Food-serving venues must follow FDA Food Code (Chapter 61C-1, Florida Administrative Code) for hygiene and cleaning.

D. Fire Safety: Comply with Florida Fire Prevention Code (NFPA 1 and 101).

E. Alcohol Service:

1. Subject to the standards of Article 5, Division 9 of the City of North Miami LDRs.

2. Mandatory Alcohol Server Training (MAST)-certified staff required for areas without direct indoor access.

3. Must display signs citing open-container laws (Section 316.1936 F.S.).

* * * *

DIVISION 21. - ART IN PUBLIC AND PRIVATE PLACES

Sec. 5-2101. - General.

A. Intent. The City of North Miami hereby prescribes an art in public places program for the acquisition, management and maintenance of works of art in new public buildings, pursuant to Miami-Dade County regulations.

* * * *

F. Murals.

1. Intent. It is the intent of the city that the display of art or graphics on buildings and walls be permitted within certain commercial and special art overlay districts of the city in order to aesthetically enhance otherwise blank walls and unoccupied buildings, and that the funds generated by permits issued with respect to such displays be utilized to ensure quality of life and prevention of visual clutter or blight. The city shall comply with state and federal requirements as specified in the agreements executed with the Federal Highway Administration ("FHWA") and the State of Florida Department of Transportation ("FDOT") and to keep FDOT informed of issues pertaining to oversight of the mural ordinance to ensure effective control of the mural program within the city municipal boundaries.

2. Permitting and review required: Permit reviewed, recommendation made to the Art Selection Committee; review by the Art Selection Committee, pursuant to section 5-2102; and permit issued by the City of North Miami.

3. Standards. Murals shall only be permitted in the C-1 zoning district within the CAIOD, the C-3 zoning district, in commercial corridors in the Arts Overlay District, ~~and~~ areas in the C-2BW zoning district along NE 123rd Street, and within the West Dixie Highway Planned Corridor Development District between NE 135th Street and NE 143rd Street, in accordance with the following design criteria:

- a. Murals shall be applied utilizing weather resistant paint or materials; ~~and~~
- b. Murals shall not be designed as to constitute or create a traffic hazard; and
- c. Does not serve as advertising for a business.

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DIVISION 22. - DISTANCE LIMITATIONS FOR CERTAIN USES

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Sec. 5-2202. - Definitions.

For the purposes of this division, the following words and terms have the meaning so specified:

* * * *

Smoke shop means a retail establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, cannabidiol ("CBD"), hemp, synthetic marijuana, synthetic THC, Delta 8 (Tetrahydrocannabinols), and any other associated

paraphernalia, including the inhaling or exhaling of smoke or vapor from an electronic device ("vaping"), and the smoking, inhaling, or vaping of substances or products legally permissible by federal, state, and local regulation, for adult consumption off-premises. Exclusions: Grocery stores, supermarkets, convenience stores, or similar retail uses that derive less than 25% of their annual gross revenue from the aforementioned products, cigar shops/bars, and medical marijuana treatment center dispensing facilities.

* * * *

Sec. 5-2204. – Location and distance restriction within the C-1 zoning district along N.W. 7th Avenue, known as the ~~Chinatown~~ NW 7th Avenue Cultural Arts and Innovation Overlay District.

A. Subject to ~~design guidelines, adopted by the city through a master plan~~ NW 7th Avenue Cultural Arts and Innovation District design guidelines.

B. No tire shops, ~~or~~ discount variety stores, barber shops, hair salons, or convenience stores, shall be located within one thousand five hundred (1,500) feet of an identical or similar use.

* * * *

Sec. 5-2206. – Location and distance restriction for smoke shops.

No smoke shops shall be located within five hundred (500) feet of a single-family district or another smoke shop.

* * * * *

ARTICLE 7. - DEFINITIONS

* * * *

Outdoor venue means a premises or designated area located partially or entirely outdoors that is used for the assembly of people for recreational, commercial, cultural, or social purposes. This includes, but is not limited to, outdoor seating areas for restaurants, open-air markets, outdoor dining plazas, food courts, performance spaces, temporary or permanent stages, courtyards, beer gardens, and other event or gathering spaces. Outdoor venues may be publicly or privately owned and may include fixed or temporary furnishings, tents, structures, or installations intended to support outdoor use.

* * * *

Smoke shop means a retail establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, cannabidiol ("CBD"), hemp, synthetic marijuana, synthetic THC, Delta 8 (Tetrahydrocannabinols), and any other associated paraphernalia, including the inhaling or exhaling of smoke or vapor from an electronic device ("vaping"), and the smoking, inhaling, or vaping of substances or products legally permissible by federal, state, and local regulation, for adult consumption off-premises. Exclusions: Grocery stores, supermarkets, convenience stores, or similar retail uses that derive less than 25% of their annual gross revenue from the aforementioned products, cigar shops/bars, and medical marijuana treatment center dispensing facilities.

* * * * *

Section 3. Repeal. All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Conflicts. All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word 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 or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

Section 6. Scrivener's Errors. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 7. Codification. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or any other appropriate word.


Section 8. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

PASSED AND ADOPTED by a 4 - 1 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 25th day of November, 2025.

PASSED AND ADOPTED by a 3 - 1 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 9th day of December, 2025.


ALIX DESULME, ED.D.
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Charles

Seconded by: Estime-Irvin

Vote:

| | | | | | |
|---|-------------------|-------|-------------------|------|--------|
| Mayor Alix Desulme, Ed.D. | <u> </u> | (Yes) | <u> </u> | (No) | Absent |
| Vice-Mayor Kassandra Timothe, MPA | <u> X </u> | (Yes) | <u> </u> | (No) | |
| Councilman Kevin A. Burns | <u> </u> | (Yes) | <u> X </u> | (No) | |
| Councilwoman Mary Estimé-Irvin | <u> X </u> | (Yes) | <u> </u> | (No) | |
| Councilman Pierre Frantz Charles, M.Ed. | <u> X </u> | (Yes) | <u> </u> | (No) | |

THIS ORDINANCE WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH
MIAMI CITY COUNCIL ON THIS 15TH DAY OF DECEMBER, 2025.