



NORTH MIAMI BEACH *Florida*

Planning and Zoning Board Meeting Agenda

Monday, November 13, 2023, at 6:00 P.M.

City Commission Chambers, 2nd Floor, City Hall
17011 NE 19th Avenue, North Miami Beach, FL 33162

Public comments will be accepted until 4:00 p.m. on the day of the meeting.

Email

PLANNING@CITYNMB.COM

1. 1. Pledge Of Allegiance
2. Roll Call Of Board Members (IN-PERSON BOARD QUORUM REQUIRED)
Mark St. Vil – Chair
Larry Thompson - Vice Chair
Larry Shinbaum
Daniel Heisler
Gregory Thomas
Julian Kreisberg
Vacant

3. Approval Of October 16, 2023 Planning & Zoning Board Meeting Minutes

Documents:

[10.16.23 PZ BOARD MEETING MINUTES.PDF](#)

4. Legislation

- 4.1. Mobile Vendor Ordinance

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH BY AMENDING CHAPTER VIII ENTITLED “SUPPLEMENTAL REGULATIONS”, SPECIFICALLY AT SECTION 24-86 “ACCESSORY USES AND STRUCTURES” TO ALLOW MOBILE VENDORS TO OPERATE IN PARTICULAR AREAS OF THE CITY, SUBJECT TO CERTAIN STANDARDS, AMENDING CHAPTER IX ENTITLED “OFF-STREET PARKING AND LOADING”, SPECIFICALLY AT SECTION 24-92(C) “RESTRICTIONS” TO ALLOW FOR THE PARKING OF MOBILE VENDING VEHICLES IN OFF-STREET PARKING AREAS, SUBJECT TO CERTAIN STANDARDS, AMENDING CHAPTER XII ENTITLED “LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS”, SPECIFICALLY AT SECTION 12-9 “PEDDLERS AND SOLICITORS” TO MODIFY THE DEFINITION OF PEDDLERS TO INCLUDE MOBILE VENDORS, CREATING A NEW SECTION 12-8 ENTITLED “MOBILE VENDORS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT

THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Documents:

[MOBILE VENDOR ORDINANCE DRAFT.PDF](#)

4.II. Animal Boarding Text Amendment

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XXIV "ZONING AND LAND DEVELOPMENT," SPECIFICALLY SECTION 24-22, "DEFINITION" TO MODIFY THE EXISTING DEFINITION "KENNEL" AND TO ADD THE TERM "ANIMAL BOARDING"; AMENDING ARTICLE V "ZONING USE DISTRICTS" TO STREAMLINE AND CORRECT PERMITTED AND CONDITIONAL USES TO BE CONSISTENT WITH THE DEFINITION, ADDING "ANIMAL BOARDING" TO THE PERMITTED AND CONDITIONAL USES LISTED IN THE B-1 LIMITED BUSINESS DISTRICT, B-2 GENERAL BUSINESS DISTRICT, 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), 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), AND INTERNATIONAL BOULEVARD DISTRICT (MU/IB) AS A CONDITIONAL USE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

5. Presentations

Vulnerability Assessment

6. Discussion Item

The next Planning & Zoning Board meeting is scheduled for Monday, December 18, 2023.



City of North Miami Beach, Florida

Community Development Department

Planning and Zoning Board Meeting Minutes

Monday, October 16th, 2023 - 6:00 P.M.

Chair Mark St Vil called the meeting to order at 6:13 PM

Attendees:

Board Members:

Mark St. Vil, Chair
Larry Thompson, Vice Chair
Daniel Heisler
Larry Shinbaum
Julian Kreisberg
Gregory Thomas

Staff:

Edward Ng, Interim Community Development Director
Jaaziah Israel, Planner
Ramoyd Campbell, Planning Technician
Sheenaqua Jeanlouis, Administrative Coordinator

Absent:

1. Pledge of Allegiance

The Pledge of Allegiance was recited.

2. Roll Call of Board Members

Roll was called at 6:15 pm. Larry Shinbaum was absent.

3. Approval of Minutes – Meeting September 11th 2023

The Monday, September 11th, 2023 meeting minutes were approved.

4. Quasi-Judicial Public Hearings

- A. Citadel Health Center – Site plan approval requested by Javi Vazquez
 - a. Javi Vazquez, The applicant presents at 7:02 PM
 - b. Kent Toben, The Architect presents at 7:04 PM
 - c. Jaaziah Israel, Planner presents at 7:15 PM
 - d. Larry Thompson, Board member request the applicant collaborate with the city regarding landscape maintenance.
 - e. The applicant agrees to execute Mr. Thompsons request.

Motion made at 8:00 PM by Larry Thompson and seconded by Julian Kreisberg with the conditions provided by staff.



City of North Miami Beach, Florida

Community Development Department

Chair, Mark St. Vil	YES
Vice-Chair, Larry Thompson	YES
Daniel Heisler	YES
Larry Shinbaum	ABSENT
Julian Kreisberg	YES
Gregory Thomas	YES

1. B-Side Liquors & Beverages – Conditional Use approval requested by Willis Andrews
 - a. Willis Andrews, Developer presents at 8:05 PM.
 - b. Jaaziah Israel, Planner presents at 8:17 PM.

Motion made at 8:29 PM by Daniel Heisler and seconded by Larry Thompson.

Chair, Mark St. Vil	YES
Vice-Chair, Larry Thompson	YES
Daniel Heisler	YES
Larry Shinbaum	ABSENT
Julian Kreisberg	YES
Gregory Thomas	YES

5. Legislation

- A. Mobile Vending Ordinance – Text amendment
 - a. Ramoyd Campbell, Planner Technician presents at 6:17 PM
 - b. Julian Kreisberg, Board member request to table the item until the next planning and zoning board meeting so the staff can review/update some of the verbiage in the text.

Motion made at 7:02 PM by Julian Kreisberg and seconded by Mark St. Vil to move the item to the November 16th planning and zoning board meeting.

Chair, Mark St. Vil	YES
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City of North Miami Beach, Florida

Community Development Department

Vice-Chair, Larry Thompson	YES
Daniel Heisler	YES
Larry Shinbaum	ABSENT
Julian Kreisberg	YES
Gregory Thomas	YES

B. Multi-Family Parking Ordinance- Text amendment requested by the City Commission.

- a. Edward Ng, Director presents at 8:31 PM
- b. Daniel Heisler, Board member proposes to add the condition that staff updates the verbiage regarding 1 bedroom units and tandem parking.

Motion made at 9:22 PM by Daniel Heisler and seconded by Larry Thompson with the condition provided by the board.

Chair, Mark St. Vil	YES
Vice-Chair, Larry Thompson	YES
Daniel Heisler	YES
Larry Shinbaum	ABSENT
Julian Kreisberg	NO
Gregory Thomas	YES

6. Informational Items

7. Public/Citizen Comments

1. Nina Boniske – The 7- 1904 Ne 167th St
 1. Allow for Tandem Parking
 2. Remove the requirement for a “Habitable Liner” on parking levels.
 3. Allow Handicap Parking space size change
 4. Guest Parking



City of North Miami Beach, Florida

Community Development Department

5. Total allowable stories/height regulations.

8. Adjournment

The next Planning & Zoning Board meeting is scheduled for December 18th, 2023

RESOLUTION NO. RXXXX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH BY AMENDING CHAPTER VIII ENTITLED “SUPPLEMENTAL REGULATIONS”, SPECIFICALLY AT SECTION 24-86 “ACCESSORY USES AND STRUCTURES” TO ALLOW MOBILE VENDORS TO OPERATE IN PARTICULAR AREAS OF THE CITY, SUBJECT TO CERTAIN STANDARDS, AMENDING CHAPTER IX ENTITLED “OFF-STREET PARKING AND LOADING”, SPECIFICALLY AT SECTION 24-92(C) “RESTRICTIONS” TO ALLOW FOR THE PARKING OF MOBILE VENDING VEHICLES IN OFF-STREET PARKING AREAS, SUBJECT TO CERTAIN STANDARDS, AMENDING CHAPTER XII ENTITLED “LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS”, SPECIFICALLY AT SECTION 12-9 “PEDDLERS AND SOLICITORS” TO MODIFY THE DEFINITION OF PEDDLERS TO INCLUDE MOBILE VENDORS, CREATING A NEW SECTION 12-8 ENTITLED “MOBILE VENDORS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, the Zoning and Land Development Code (ZLDC) of the City of North Miami Beach (“City”) Code of Ordinances (“code”) provides authority to the City Commission to amend, change, supplement, or repeal sections of the Code from time to time; and

WHEREAS, the amendment to section 24-86 of the Code entitled “Accessory Uses and Structure”, currently limits food truck vending inconsistent with Florida Statute 509.102; and

WHEREAS, the City desires to review and effectively regulate the operation of mobile vendors within City limits; and

WHEREAS, the Florida Legislature enacted Section 509.102, Florida Statutes, which defines the term “mobile food dispensing vehicle” as any vehicle that is a public food service establishment and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including but not limited to, gas, water, electricity, or liquid waste disposal; and

WHEREAS, the City recognizes that effective July 1, 2020, Section 509.102, Florida Statutes provides a limited state preemption regarding “mobile food dispensing vehicle” and, that a municipality may not require a separate license, registration, or permit fee other than the fee required by the state, as a condition for the operation of a mobile food dispensing vehicle within the municipality; and

WHEREAS, the City, also recognizes that Section 509.102, Florida Statutes, provides that a municipality may not prohibit mobile food dispensing vehicles from operating within the entirety of a municipal jurisdiction; and

WHEREAS, the City further finds that although Section 509.102, Florida Statutes does preempt municipalities in certain areas, Section 509.102, Florida Statutes is intended to be a partial preemption of municipal home rule authority because it expressly states that “this section may not be construed to affect a municipality, county, or other local governmental entity’s authority to regulate the operation of mobile food dispensing vehicles other than the regulations described in Section 509.102(2), Florida Statutes; and

WHEREAS, the City hereby finds that despite section 509.102, Florida Statutes, municipalities continue to enjoy significant home rule authority to regulate land use and zoning operational standards relating to mobile food dispensing vehicles; and

WHEREAS, under regulated circumstances, mobile vendors provide a valuable and convenient service to the community by providing goods, food and beverages at special events and other appropriate venues; and

WHEREAS, the City wishes to support convenient food and beverage options at special events and other appropriate venues and encourage and support local business and entrepreneurship by adopting uniform regulations to allow the operation of mobile vendors within the City consistent the preemption provided in Section 509.102. Florida Statutes; and

WHEREAS, the City finds that the use and operation of mobile vendors on real property directly affects the use of land within the City, and therefore, such uses are subject to the City’s legitimate land use and zoning powers under the Florida Municipal Home Rule Powers Act, Community Planning Act, and other applicable law; and

WHEREAS, unless the operation of mobile vendors within the City is limited to commercial zoning districts, or temporary special events, and subject to some level site plan review by the City to ensure that the real property on which they operate is suitable to accommodate such use, the operation of such vehicles may negatively impact the use of real property and surrounding properties and create public nuisance; and

WHEREAS, the City desires to avoid such negative impacts and public nuisances; and

WHEREAS, the City also finds that the use and operation of mobile vendors should be governed by other traditional land use and zoning requirements as more specifically stated herein in order to avoid adverse negative effects which may be caused by the operation of such vehicles on real property and safeguard the community; and

WHEREAS, the City further finds that for mobile vendors to successfully operate their respective businesses for profit within the jurisdictional limits of the City, such vendors must rely upon and use City streets; and

WHEREAS, the City additionally finds and recognizes that Florida courts have long held that municipalities have the historic ability to regulate commercial use of City Streets and that the use of public roads for profit is a privilege, not a right, and can be regulated and controlled by the government in furtherance of the public health, safety, and welfare; and

WHEREAS, the City deems that it is necessary to regulate mobile vendors operating upon public right of ways within the City, such that vendors operate in a manner that avoids traffic conflicts and congestion, generally protects public safety, and does not detract from the aesthetic beauty and attractiveness of the surrounding streetscape and properties; and

WHEREAS, pursuant to Florida Statute section 163.3174 (4)(c), the Planning and Zoning Board of the City of North Miami Beach, sitting as the Local Planning Authority, considered this

item at a public meeting on _____, and voted _ to _ recommending _____ of the proposed text amendment, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the ZLDC; and

WHEREAS, the Mayor and City Commission of the City of North Miami Beach find that it is in the best interests of the citizens to adopt this Ordinance.

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

Section 1. The foregoing “whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That Chapter VIII entitled “Supplemental Regulations”, is hereby amended by modifying Section 24-86 entitled “Accessory Uses and Structures” as follows (deletions and additions are identified using a ~~strike through~~ and underline format, respectively)

24-86 (E) Mobile Vendors

(A) The purpose and intent of this section is to establish land use and zoning regulation for real property upon which a mobile vendor is authorized to operate within the jurisdictional limits of the city. Unless authorized by this section, or allowed under a special events or temporary use permit, mobile vendors on other real property are prohibited and unlawful. This section is intended to neither prohibit mobile vendors from operating within the entirety of the city, nor regulate the licensing, registration, permitting and fees of mobile vendors if preempted by the state under section 509.102, Florida Statutes.

(B) **Authorized Locations**

1. Mobile vending is allowed on properties providing the same commercial or food services use within the zoning district.

2. The property owner must undergo administrative review and approval prior to beginning operations.

3. As required for all businesses operating in the City, the property owner shall assure that each mobile vendor obtains, and maintains, a business tax license from the city, and a certificate of use, if determined necessary by the Community Development Department.

(C) MFDV’s (Mobile Food Dispensing Vehicles) are a subset of mobile vendors and may be subject to additional regulations.

(D) **Operational Standards**

1. Unless otherwise approved under a temporary use permit, no portion of the mobile vendor shall extend onto an adjacent property or into any right of way except as part of a special event as permitted by the City.

2. To prevent cars from stacking in the city's right-of-way, there must be off-street parking availability (parking required by the zoning code for existing uses may not be used by vendor).
3. Mobile vendors using private property to vend shall not be permitted to store equipment or apparatus associated with the vending business unless said equipment or apparatus is stored within a totally and permanently enclosed building or entirely within their vehicle.
4. Written consent from the property owner or lawfully authorized agent is required prior to operation on a property.
5. Mobile vendors may operate during daylight hours or otherwise at dusk or night in areas directly illuminated by street lighting for the safety of motorists, pedestrians, and vendors.
6. The mobile vendor shall not interfere with vehicular and pedestrian movement or visibility, block access to loading/service areas, emergency access and fire lanes, driveways, sidewalks, or damage landscaped areas.
7. Mobile food trucks shall not be operated on unimproved surfaces, vacant lots, and abandoned business locations.
8. All mobile food vendor shall provide receptacles, adjacent to the vehicle, for litter associated with the sales activity, and shall remove all litter, debris, and other waste attributable to the vendor and/or customers at minimum daily or at frequencies to maintain the cleanliness of the site.
9. The mobile food vendor must not discharge waste, fat, oil, grease, or other similar substances from the vehicle. All such substances related to or generated from the vehicle shall be taken with the vehicle when the vehicle leaves the subject property.
10. No food shall be sold, prepared, or displayed outside of the mobile food vending vehicle while in operation on the subject site.
11. Adequate sanitary facilities must be provided to serve employees and patrons.
12. Vendors shall not use any flashing, blinking, or strobe lights or similar effects to draw attention.
13. Vendors shall not use loud music, amplification devices, bullhorns, crying out, or any other audible methods to gain attention
14. With the exception of one (1) A-frame sign located directly next to the mobile vendor's customer service area, there shall be no signage used by vendors except for what is allowed on the vehicle itself.
15. With the exception of dining furniture approved through a site plan, vendors are prohibited from locating, placing, or putting personal property outside of the vehicle, including but not limited, to fixtures and equipment. All permissible dining furniture shall be removed at the end of daily operations.
16. Vendors shall comply with all applicable city laws, regulations, and ordinances, including those regulating noise, signage, and loitering.
17. Mobile vendors selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales is prohibited.
18. Additional permits and licenses. A copy of the appropriate license(s) issued from the Florida Department of Business & Professional Regulation (Division of Hotels and Restaurants), as well as a Business Tax Receipt, shall be always maintained on the vehicle when the vehicle is in operation on real property located within the city and shall be made available for inspection upon request by the city's law or code compliance officers.

(D) Penalties

1. Owners and operators of mobile vending vehicles, property owners on which such vehicles operate, and the temporary use permittee, shall be jointly liable for any violations of this section. The Community Development Department shall revoke the property owners' mobile vending site plan or the temporary use permit if any mobile vendor ceases to meet any requirement of this section; or, who violates any other federal, state, or local law, ordinance or regulation; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.

Section 3. That Chapter IX entitled “Off Street Parking and Loading” is hereby amended by modifying Section 24-92(C) “Restrictions” as follows.

(C) Restrictions. The storage, sale or repair of merchandise or vehicles or the display of signs or advertising devices on vehicles, structures, or land shall not be permitted in any off-street parking areas, excluding that which is permitted as a mobile vendor. This provision shall not prohibit persons from parking vehicles in such areas that contain information that is required by any applicable laws, ordinances, or regulations, if such information is provided only to the extent and in the manner required by such laws, ordinances, or regulations.

Section 4. That Chapter XII entitled “Local Business Tax Receipts and Regulations” is hereby amended by modifying Section 12-9. 1 “Peddlers and Solicitors” as follows.

Peddler shall mean and include any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place or parked in any public right of way or off-street parking, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, any vehicle that is dispensing food or merchandise and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, but not limited to, gas, water, electricity, or liquid waste disposal. It shall also include one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter.

Section 5. That Chapter XII entitled “Local Business Tax Receipts and Regulations” is hereby amended by modifying Section 12-9.2 “Stationary Location on Highway Prohibited” as follows.

It shall be unlawful for a peddler to operate any private business or maintain a stationary location upon any highway, street, or sidewalk except as permitted by a special event permit. ~~or other public property, including public rights-of-way within the City.~~

Section 6. That Chapter XII entitled “Local Business Tax Receipts and Regulations is hereby amended by creating a new Section 12-8 entitled “Mobile Vendors”.

A mobile vendor shall mean any person, corporation, company, or business which sells or offers for sale goods, wares, merchandise, beverages, or foodstuffs of any kind or nature whatsoever from a mobile vending vehicle or from his person.

A mobile food vendor shall mean any person, corporation, company, or business which sells or offers for sale beverages or foodstuffs of any kind or nature whatsoever from a mobile vending vehicle. A mobile food vendor, being a subset of mobile vendor, will be subject to additional regulations as the process of preparing and distributing food comes with additional health and environmental concerns.

No business tax receipt shall be issued for any mobile vender without first meeting the requirements set forth in Section 24-86(E). The requirements set forth herein shall be in addition to any other licensing and permitting requirements imposed by any other federal, state, or local law.

- (A) Alcohol sales by mobile vendors are prohibited.
- (B) The purpose of this section is to provide a procedure for mobile vendors to obtain a business tax receipt from the Community Development Department.
 - 1 Prior to operation of mobile vending, the property owner must request administrative review from the Community Development Department. This review shall be subject to the conditions noted in Section 24-86(E).
 - 2 The applicant must file this request to the Community Development Department in a form approved by the Director or designee containing all the information necessary for the Director or designee to make an administrative decision.
 - 3 Such application shall be accompanied by the required submittal documents and fee as determined in the City's Code of Ordinances and adopted fee schedule.
- (C) Restrictions
 - 1 An approval is deemed null and void if a mobile vendor is determined to be operating contrary to the terms of approval.
 - 2 Property owners reserve the right to revoke the permission of a mobile vendor to operate on their property.

Section 7. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 8. If any clause, section, other part, or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 9. 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 this intention and the word "Ordinance" may be changed to "Section," "Article," or other word as the codified may deem appropriate.

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

[SIGNATURE PAGE TO FOLLOW]

APPROVED on this first reading this _____ day of _____ 2023

APPROVED AND ADDOPTED on second reading this _____ day of _____, 2023

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

(CITY SEAL)

MAYOR

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOHN R. HERIN
CITY ATTORNEY

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Vice-Mayor Chernoff				
Commissioner Daniela Jean				
Commissioner Michael Joseph				
Commissioner McKenzie Fleurimond				
Commissioner Fortuna Smukler				
Commissioner Phyllis Smith				