



**Legislation
11.3.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Zafar Ahmed, Community Development Director
VIA:	Andrew Plotkin, Interim City Manager
DATE:	December 16, 2025

RE: Ordinance No. 2025-13 (First Reading) Regulations for Home-Based Businesses (Zafar Ahmed, Community Development Director)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

- ☐ Staff Report
- ☐ Ordinance
- ☐ Ordinance Comparison
- ☐ Agenda Item Summary
- ☐ Exhibit A
- ☐ PZB Minutes



ATTACHEMENT 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: 12/16/2025	Case Number: ZA-01-2025	Name: Home-Based Business Zoning Amendment
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REQUEST

An ordinance of the City of North Miami Beach establishing standards and requirements for Home-Based Business in compliance with Florida Statute 559.955 Home-based businesses. Ordinance amends relevant portions of Chapter XXII Local Business Tax Receipts and Regulations and Chapter XXIV Zoning and Land Development.

BACKGROUND

In 2021, the State of Florida adopted legislation defining and clarifying the maximum extent to which local governments could regulate “home-based businesses”. This legislation was codified as Florida Statute 559.955 Home-based businesses, local government restrictions, attached as ATTACHMENT I – EXHIBIT A. The City of North Miami Beach, similar to most other local governments, regulated home-based businesses through local zoning as well as local business tax receipt regulations. These long standing local business tax receipt and zoning use regulations are not consistent with the current statutory requirements of the State of Florida. The proposed ordinance has been drafted to ensure that the City of North Miami Beach is enabling the creation and growth of small local businesses operating from residential dwellings in residential zoning districts in compliance with Florida Statute.

Project Staff Planner:
Mitchell S. Austin, AICP, CNU-A
Assistant Director
Community Development
Department

Review Dates:
Planning & Zoning Board:
11/27/2025

City Commission Meeting:
12/16/2025 – 1st Reading
MM/DD/2025 – 2nd Reading

Attachment:
I. Staff Report
II. DRAFT resolution – Including
Exhibit A
III. Presentation

STAFF FINDINGS

Based on analysis of the revised Florida Statute 559.955 Home-based businesses, local government restrictions and current City of North Miami Beach Code of Ordinance provisions regulating occupational use of residence, Community Development Department staff makes the following recommendations:

Proposed revisions to City of North Miami Beach Code of Ordinances:

Chapter XII Local Business Tax Receipts, Article I. In General, Section 12-1.20 Occupational Use of Residence, rename section to Home-Based Business, and revise section requirements to align with the maximum allowable regulation permitted under current Florida Statute.

Chapter XXIV Zoning and Land Development, Article II. Definitions, Section 24-22 Definitions, define Home-Based Business referencing both Florida Statute 559.955 and City of North Miami Beach Code of Ordinances Section 12-1.20 Home-Based Business.

Chapter XXIV Zoning and Land Development, Article V. Zoning Use Districts, Section 24-41 through Section 24-4, (all residential zoning districts) specifically list Home-Based Business as a use permitted (by right).

Other proposed revisions to City of North Miami Beach Code of Ordinances to ensure internal document consistency:

Chapter XXIV Zoning and Land Development, Article II. Definitions, Section 24-21 Language:

- renaming the section “Intent and Language”
- adding an intent paragraph; clarifying intent of words “structure” and “building”
- adding language to more clearly defining “person”
- adding language regarding interchangeability of “lot”, “plot”, “parcel”, “folio”, or “tract”
- Adding language to clarify the intent of various terms including “City Commission”, “Planning and Zoning Board”, “Director”, “District Map”, and “Community Development Department”.

Chapter XXIV Zoning and Land Development, Article II. Definitions, Section 24-22 Definitions: simplifying the previously defined term “Dwelling, two-family (duplex)” to the term “Dwelling, duplex”.

Chapter XXIV Zoning and Land Development, Article V. Zoning Use Districts, Section 24-41 through Section 24-4, (all residential zoning districts):

- Standardizing the district naming convention to clarify the district name and ensure that the district abbreviation was based on that name:
 - Example of old format: MH-1 Mobile Home Subdivision District (previously RS-6)
 - Same district in new format: Mobile Home (MH) District

- Clarifying the use previously listed as “Residential accessory uses” to clarify the allowable accessory uses and clarify that this listed use does not permit “accessory dwelling units (ADU)” also known by other names such as pool house, granny flat, or servants’ quarters.
 - Name of use changed to “Accessory uses”
 - Listing Accessory uses where applicable:
 - Boats, Docks, and Piers (Section 24-84)
 - Swimming Pools (Section 24-85)
 - Accessory Uses and Structures (Section 24-86)
 - Utility Sheds [Section 24-81(6)]

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed Home-Based Business ordinance is supported by the following goals, objectives, and policies of the City of North Miami Beach Comprehensive Plan

Property Rights Element

Goal 1

Consider the rights of property owners in all local decision-making.

Objective 1.1

Apply rules, ordinances, and regulations with sensitivity for private property rights.

Policy 1.1.2

In local decision-making, the City of North Miami Beach shall consider the right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.

Planning and Zoning Board Action

Based on the evidence and testimony presented at the November 10, 2025, meeting, minutes attached as ATTACHMENT I - EXHIBIT B, the Planning and Zoning Board of the City of North Miami Beach voted 5 to 0 recommending approval of this ordinance to the Mayor and City Commission of the City of North Miami Beach by finding it consistent with the applicable Florida Statutes and the City of North Miami Beach Comprehensive Plan.

RECOMMENDED MOTION:

Move to approve Ordinance 2025-XX Home-Based Business, setting local business tax receipt requirements, defining the permitted use, and establishing use permitted in all applicable zoning districts, finding it is consistent with Florida Statute 559.955 Home-based businesses and 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 for Home-Based Business Text Amendment will clarify regulatory requirements for home-based businesses in alignment with Florida Statute 559.955 Home-based businesses, local government restrictions. Compliance with this statutory requirement is not anticipated to have any substantive positive fiscal impact on the City of North Miami Beach. Failure of a local government to comply with these statutory requirements would enable any current or prospective home-based business owner to challenge any local government action in violation of the statute, with the prevailing party in the challenge eligible to, *“...recover reasonable attorney fees and costs...including reasonable appellate attorney fees and costs.”* [F.S. 559.955 (5)].

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XII, ENTITLED LOCAL BUSINESS TAX RECIEPTS AND REGULATIONS, ARTICLE I, SECTION 12-1.20, RENAMED HOME-BASED BUSINESSES; CHAPTER XXIV, ENTITLED ZONING AND LAND DEVELOPMENT, ARTICLE II. DEFINITIONS, SECTION 24-21 RENAMED INTENT AND LANGUAGE, SECTION 24-22 DEFINITIONS; AND ARTICLE V ZONING USE DISTRICTS, SECTION 24-41 RESIDENTIAL SINGLE FAMILY – 1 (RS-1) DISTRICT, SECTION 24-42 RESIDENTIAL SINGLE FAMILY – 2 (RS-2) DISTRICT, SECTION 24-43 RESIDENTIAL SINGLE FAMILY – 3 (RS-3) DISTRICT, SECTION 24-44 RESIDENTIAL SINGLE FAMILY – 4 (RS-4) DISTRICT, SECTION 24-44.1 RESIDENTIAL SINGLE FAMILY – 5 (RS-5) DISTRICT, SECTION 24-44.2 MOBILE HOME (MH) DISTRICT, SECTION 24-45 RESIDENTIAL DUPLEX (RD) DISTRICT, SECTION 24-47 RESIDENTIAL MULTIFAMILY – 19 (RM-19) DISTRICT, SECTION 24-48 RESIDENTIAL MULTIFAMILY – 23 (RM-23) DISTRICT, AND SECTION 24-49 RESIDENTIAL MULTIFAMILY – 32 (RM-32) DISTRICT OF THE CITY’S CODE OF ORDINANCES TO ENSURE CONSISTENCY WITH FLORIDA STATUTE 559.955 HOME-BASED BUSINESSES LOCAL GOVERNMENT RESTRICTIONS; PROVIDING FOR FINDINGS OF FACT; CODIFICATION; CONFLICTS; SCRIVENER’S ERRORS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statute 559.995 Home-based businesses; local government restrictions, attached hereto as EXHIBIT A, the City of North Miami Beach (“City”), is required to define and regulate home-based businesses in the manner authorized by the State of Florida; and

WHEREAS, the existing City Code of Ordinances does not define and regulate home-based businesses in a manner consistent with Florida Statutes; and

WHEREAS, the provisions of this Ordinance shall ensure consistency in definition and regulation of home-based businesses with Florida statutory requirements; and

WHEREAS, the City Commission seeks to adopt an ordinance to enable local businesses to grow and thrive in the City (the “Proposed Ordinance”); and

WHEREAS, the provisions of the Proposed Ordinance shall apply to all local business tax receipt (BTR) applications for home-based businesses; and

WHEREAS, the provisions of the Proposed Ordinance shall apply to all residential zoning use districts; and

WHEREAS, the City's Planning and Zoning Board, as the local planning agency, held a duly noticed public hearing on November 10, 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 0** ; 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 the Proposed Ordinance; all exhibits attached hereto are made a specific part of the Proposed Ordinance.

Section 2. **Findings of Fact.** 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 to grow and thrive in the City providing jobs and economic opportunities to our residents.
2. Applying local business tax receipt (BTR) requirements equitably for all home-based businesses.
3. Ensuring clarity in the availability of the home-based business use in all residential zoning classifications.

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 the Proposed Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The sections of the Proposed 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 the Proposed Ordinance conflict with any other ordinance, rule or regulation, the provisions of the Proposed 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 the Proposed 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 the Proposed Ordinance are declared to be severable, and if any section, sentence, clause or phrase of the Proposed 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 the

Proposed Ordinance, but they shall remain in effect, it being the legislative intent that the Proposed Ordinance shall stand notwithstanding the invalidity of any part.

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

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				
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CHAPTER XII LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS

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ARTICLE I. IN GENERAL

* * *

SECTION 12-1.20 Occupational Use of Residence Home-Based Business.

~~Notwithstanding any provision to the contrary herein contained, except as provided in paragraph d. of this subsection, certain b_Businesses, professions, or occupations may be conducted within a residentially zoned area on a restricted basis for which a restricted with a business tax receipt may be issued by the City. when the owner of such business has secured a restricted residential business tax receipt from the City, subject to the City land use plan and Consistent with Florida Statute 559.955 Home-based businesses must comply with the following provisions and limitations. therein contained.~~

- (A) Home-Based Businesses may operate within any legal residential dwelling in any area zoned for residential use except:
- (1) Where prohibited by any current or future declaration of condominium adopted pursuant to Florida Statute Chapter 718, cooperative document adopted pursuant to Florida Statute Chapter 719, or declaration of covenant adopted pursuant to Florida Statute Chapter 720.
 - (2) At any residential property where any unresolved City of North Miami Beach Code Compliance violations exist.
- (B) ~~(A)~~ A business, profession, or occupation is considered a Home-Based Business if it operates from a residential dwelling in a residentially zoned area and meets the following criteria. Any person engaged in a personal profession or occupation which requires the use of his own personal residence may apply for a restricted residential business tax receipt. Such applicant may list his home address as the place of business and shall comply with the following conditions:
- (1) The activities of the Home-Based Business are secondary to the property's use as a residential dwelling.
 - a. As viewed from the public right of way, the use of the residential property shall be consistent with the uses of other residential properties in the area.
 - b. Any external modifications to the residential property necessary to accommodate the Home-Based Business shall conform to the residential character including all architectural and other requirements of the residential zoning.
 - c. No retail transactions shall be permitted in any structure other than within the residential dwelling.
 - (2) Employees or independent contractors of the Home-Based Business who work within the residential dwelling must reside in the residential dwelling.
 - a. Except a maximum of two employees or independent contractors who do not reside in the residential dwelling may work at within the residential dwelling.

- b. Home-Based Businesses may be additional remote employees that do not work within the residential dwelling.
- (3) ~~(1)~~ No Any signage of any type may be posted or displayed on the premises which might serve to indicate that the premises are being used as a restricted residential occupational use must conform to the requirements of Chapter XXIV, Article XIII Signs of the Code of Ordinances.
- (4) Parking related to the business activity of the Home-Based Business shall comply with the requirements of Chapter XXIV, Article IX Off-Street Parking and Loading.
 - a. Parking site plan, including site access, parking/vehicular storage, fencing and/or vegetative buffering is required.
 - b. All on-site parking shall occur on a permanent wearable surface such as asphalt, concrete, brick, concrete pavers, or similar materials as approved by the Director of Community Development or designee.
 - c. No vehicles with a commercial message may be parked in an area visible from the public right of way.
~~, and no vehicle with any signs painted on them, which might serve to indicate that the premises are being used as a restricted professional or restricted occupational use, shall be parked on the premises except that such vehicles may be parked within a closed garage in a manner which makes it impossible to be seen from a public right-of-way.~~
- ~~(2) The applicant shall not use the premises including improvements thereon for the creation, storage, distribution, repair or sale of any merchandise or goods.~~
- ~~(3) No employees of any type may be permitted on the premises at any time in connection with the authorized use for which the business tax receipt is issued except immediate members of the business tax receipt holder's family which shall be limited to spouse and children residing on the premises for which the business tax receipt is issued.~~
- ~~(4) No pickups or deliveries may be made from or to the premises except by the business tax receipt holder or his employees as permitted and authorized herein.~~
- (5) Creating more No noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors than is associated with any other residential dwelling is prohibited. , smoke or nuisance of any type shall arise from the conduct of the business herein permitted or authorized. Compliance with all City of North Miami Beach, Miami-Dade County, State of Florida, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable solids, liquids, or gases is required.
- ~~(6) The applicant shall not cause or permit, in connection with the business authorized herein, any vehicular or pedestrian traffic that shall increase, interfere with or disrupt the normal traffic flow for street use in the neighborhood.~~
- (C) ~~(7)~~ Prior to issuance of a business tax receipt, all fees must be paid pursuant to this chapter.
- ~~(B) There shall be a report from the Community Development Department prior to the issuance of any business tax receipt, which shall include a review of any outstanding Code violations~~
- (D) ~~(C)~~ Whenever a Home-Based Business is found to be in violation of any provision of the City of North Miami Beach Code of Ordinances, shall subject to the Code Enforcement Procedures of Section 14-8.14 Notice of Violation. Whenever the holder of a restricted residential business tax

receipt is found to be in violation of the provisions of this chapter, the City may utilize the code enforcement procedures set forth in subsection 14-8.12 et seq. of the Code of Ordinances.

~~(Ord. No. 94-10 § 12-21; Ord. No. 2010-6 § 2, 4-20-10)~~

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CHAPTER XXIV ZONING AND LAND DEVELOPMENT

* * *

ARTICLE II. DEFINITIONS

* * *

SECTION~~Sec. 24-21~~ –Intent and Language.

- (A) Words and terms used in this Code shall be given the meanings set forth in this section. All words and terms not specifically defined in this section shall be given their common, ordinary meanings, as the context may reasonably suggest. The reference for common, ordinary meanings shall be the latest online edition of Merriam-Webster Dictionary.
- (B) The following rules for the construction of language shall apply to the text of this Code:
- (1) The particular shall control the general. In case of any difference of meaning or implication between the text of this Code and any caption, illustration or summary table, the text shall control.
 - (2) The word "shall" is always mandatory and not discretionary. ~~The word "may" is permissive.~~
 - (3) Words used in the present tense shall include the future
 - (4) ~~;~~~~and w~~ Words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary.
 - (5) ~~A~~The word "structure" shall include the word "building" ~~or "structure" includes any part thereof.~~
 - (6) The word "person" shall include ~~an~~ firm, association, organization, individual, ~~a~~ corporation, ~~a~~ partnership, ~~an incorporated association~~ trust, company, or any other similar entity.
 - (7) Where a regulation involves two (2) or more items, conditions, provisions, or events connected to the conjunction, the conjunction shall be interpreted as follows:
 - a. And indicates that all the connected items, conditions, provisions, or events shall apply.

- b. Or indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. Either...or indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- (8) The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind of character.
- (9) The words "lot", "plot", "parcel", "folio", or "tract" may be used interchangeably.
- (10) The term "City Commission" shall mean the "City Commission of the City of North Miami Beach, Florida."
- (11) The term "Planning and Zoning Board" or "PZB" shall mean the "Planning and Zoning Board of the City of North Miami Beach, Florida."
- (12) The terms "Director" or "Community Development Director" shall mean the "Community Development Director of the City of North Miami Beach, Florida."
- (13) The word "District Map," or "Land Development Map," shall mean the Official Zoning Map of North Miami Beach, Florida.
- (14) The term "Community Development Department" shall mean the "Community Development Department of the City of North Miami Beach, Florida."

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SECTION 24-22 Definitions.

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Hardware store: A commercial establishment which sells at retail to the general public goods and supplies which are generally employed in maintaining or improving dwellings and yards, but not including heavy construction supplies, such as raw lumber and cement materials.

Home-Based Business: Any business, profession, or occupation conducted within a residential dwelling within a residentially zoned area consistent with the requirements of Florida Statute 559.955 Home-based businesses and Section 12.1.20 Home-Based Businesses of the City of North Miami Beach Code of Ordinances.

Home improvement center: A commercial establishment which sells at retail to the general public goods and supplies which are generally employed in maintaining or improving dwellings and yards, including heavy construction materials such as raw lumber and cement materials, within a totally enclosed structure only.

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...

Dwelling, single-family: A building containing one (1) dwelling unit or a group home. The latter is a dwelling unit licensed to serve clients of the Florida Department of Children and Families which provides a living environment for six (6) or less unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of residents. The clients are limited to: children, the aged, physically disabled, handicapped, developmentally disabled and mentally ill who do not constitute a direct threat to the health, property and safety of the neighborhood.

Dwelling, ~~two-family~~ (duplex): A building containing two (2) dwelling units.

Dwelling, multifamily: A building containing three (3) or more dwelling units, including but not limited to those of an apartment, condominium, cooperative, rooming house or adult congregate living nature.

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ARTICLE V. ZONING USE DISTRICTS

* * *

SECTION 24-41 – ~~RS-1~~ Residential Single Family – 1 (RS-1) District

...

(B) Uses Permitted

- (1) Single-family residential dwellings
- (2) Family day care home
- (3) ~~Residential~~ Accessory uses including
 - a. Boats, Docks, and Piers as described in Sec. 24-84
 - b. Swimming Pools as described in Sec. 24-85
 - c. Accessory Uses and Structures as described in Sec. 24-86
- (4) Public parks and playgrounds
- (5) Home-Based Business

...

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SECTION 24-42 – ~~RS-2~~ Residential Single Family – 2 (RS-2) District

...

(B) Uses Permitted

- (1) Single-family residential dwellings
- (2) Family day care home
- (3) ~~Residential~~ – Accessory uses including
 - a. Swimming Pools as described in Sec. 24-85
 - b. Accessory Uses and Structures as described in Sec. 24-86
 - c. Utility sheds as described in Sec. 24-81 (6)
- (4) Public parks and playgrounds
- (5) Home-Based Business

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SECTION 24-43 – ~~RS-3~~ Residential Single Family – 3 (RS-3) District

...

(B) Uses Permitted

- (1) Single-family residential dwellings
- (2) Family day care home
- (3) ~~Residential~~ – Accessory uses including:
 - a. Swimming Pools as described in Sec. 24-85
 - b. Accessory Uses and Structures as described in Sec. 24-86
 - c. Utility sheds as described in Sec. 24-81 (6)
- (4) Public parks and playgrounds
- (5) Home-Based Business

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SECTION 24-44 – ~~RS-4~~ Residential Single Family – 4 (RS-4) District

...

(B) Uses Permitted

- (1) Single-family residential dwellings
- (2) Family day care home
- (3) Accessory uses including:
 - a. Swimming Pools as described in Sec. 24-85
 - b. Accessory Uses and Structures as described in Sec. 24-86
 - c. Utility sheds as described in Sec. 24-81 (6)
- (4) Public parks and playgrounds
- (5) Places of public assembly, provided that:
 - a. The minimum site area shall be ten thousand (10,000) square feet
 - b. All such uses shall be located on and oriented to an arterial or collector roadway
 - c. All such uses shall be located on a single use stand-alone building
 - d. The parking requirement of Section 24-95 is complied with
 - e. Site development standards for this district as set forth in paragraph (D) below shall apply unless specifically addressed herein.
- (5) Home-Based Business

...

* * *

SECTION 24-44.1 – ~~RS-5~~ Residential Single Family – 5 (RS-5) District

...

(B) Uses Permitted

- (1) Single-family residential dwellings of ~~CBS~~ Concrete Masonry Unit (CMU) construction
- (2) ~~Residential-a~~ Accessory uses including:
 - a. Swimming Pools as described in Sec. 24-85
 - b. Accessory Uses and Structures as described in Sec. 24-86
 - c. ~~Porches~~
 - d. ~~Screen rooms~~
 - c. Utility sheds, as described in Sec. 24-81 (6) provided they meet the setback requirements listed below.
- (3) Public parks and playgrounds
- (4) Home-Based Business

...

* * *

SECTION 24-44.2 – ~~MH-1 Mobile Home Subdivision (MH)~~ District (~~previously RS-6~~)

...

(B) Uses Permitted

- (1) Single-family residential dwellings of ~~CBS- Concrete Masonry Unit (CMU)~~ construction and mobile homes
- (2) ~~Residential-a~~ Accessory uses including:
 - a. Swimming Pools as described in Sec. 24-85
 - b. Accessory Uses and Structures as described in Sec. 24-86
 - ~~c. Porches~~
 - ~~d. Screen rooms~~
 - c. Utility sheds as described in Sec. 24-81 (6) provided they meet the setback requirements listed below.
 - d. Opaque fences or wall are prohibited except as screening at the district boundary
- (3) Public parks and playgrounds
- (4) Home-Based Business

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* * *

SECTION 24-45 – ~~RD-Residential Duplex Two-Family (Duplex)~~ (RD) District

...

(B) Uses Permitted

- (1) ~~Two-family (d Duplex)~~ residential dwellings
- (2) Single-family residential dwellings
- (3) Family day care home
- (4) ~~Residential-a~~ Accessory uses including:
 - a. Swimming Pools as described in Sec. 24-85
 - b. Accessory Uses and Structures as described in Sec. 24-86
 - c. Utility sheds as described in Sec. 24-81 (6)
- (5) Public parks and playgrounds
- (6) Places of public assembly, provided that:
 - a. The minimum site area shall be ten thousand (10,000) square feet
 - b. All such uses shall be located on and oriented to an arterial or collector roadway
 - c. All such uses shall be located in a single use stand-alone building
 - d. The parking requirement of Section 24-95 is complied with

- e. Site development standards for this district as set forth in paragraph (D) below shall apply unless specifically addressed herein

(7) Home-Based Business

...

* * *

SECTION 24-47 – ~~RM-19~~ Residential Low-Rise Multifamily – 19 (RM-19) ~~(Medium Density)~~
District

...

(B) Uses Permitted

- (1) Multifamily ~~and two-family~~ residential dwellings
- (2) Duplex dwelling
- (3) Single-family residential dwellings
- (4) ~~(including a~~ Family day care home, subject to the site development standards set forth in Section 24-44 – Residential Single Family – 4 (RS-4) District ~~the RS-4 district~~
- (5) Community residential home as defined in Article II and with a review process in conformance with Chapter ~~89-372 FAS~~ by Florida Statute 419 Community Residential Homes
- (6) ~~Residential a~~ Accessory uses including:
 - a. Boats, Docks, and Piers as described in Sec. 24-84
 - b. Swimming Pools as described in Sec. 24-85
 - c. Accessory Uses and Structures as described in Sec. 24-86
 - d. Utility sheds as described in Sec. 24-81 (6)
- (7) Public parks and playgrounds
- (8) Home-Based Business

...

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SECTION 24-48 – ~~RM-23~~ Residential Mid-Rise Multifamily – 23 (RM-23) ~~(High Density)~~ District

...

(B) Uses Permitted.

- (1) Multifamily ~~and two-family~~ residential dwellings
- (2) Duplex dwelling
- (3) Single-family residential dwellings
- (4) ~~(including a~~ Family day care home, subject to the site development standards set forth in Section 24-44 – Residential Single Family – 4 (RS-4) District ~~the RS-4 district~~
- (5) Community residential home as defined in Article II and with a review process in conformance with Chapter ~~89-372 FAS~~ by Florida Statute 419 Community Residential Homes
- (6) ~~Residential a~~ Accessory uses including:

- a. Boats, Docks, and Piers as described in Sec. 24-84
 - b. Swimming Pools as described in Sec. 24-85
 - c. Accessory Uses and Structures as described in Sec. 24-86
 - d. Utility sheds as described in Sec. 24-81 (6)
- (7) Public parks and playgrounds
- (8) Places of public assembly, provided that:
- a. The minimum site area shall be ten thousand (10,000) square feet
 - b. All such uses shall be located on and oriented to an arterial or collector roadway
 - c. All such uses shall be located in a single use stand-alone building
 - d. The parking requirement of Section 24-95 is complied with
 - e. Site development standards for this district as set forth in paragraph (D) below shall apply unless specifically addressed herein
- (9) Home-Based Business

...

* * *

SECTION 24-49 – ~~RM-32~~ Residential High-Rise Multifamily – 32 (RM-32) (High Density) District

...

(B) Uses Permitted

- (1) Multifamily residential dwellings
- (2) ~~Residential~~ Accessory uses including:
 - a. Boats, Docks, and Piers as described in Sec. 24-84
 - b. Swimming Pools as described in Sec. 24-85
 - c. Accessory Uses and Structures as described in Sec. 24-86
 - d. Utility sheds as described in Sec. 24-81 (6)
- (3) Community residential home as defined in ~~Article II and with a review process in conformance with Chapter 89-372 FAS~~ by Florida Statute 419 Community Residential Homes
- (4) Places of public assembly, provided that:
 - a. The minimum site area shall be ten thousand (10,000) square feet
 - b. All such uses shall be located on and oriented to an arterial or collector roadway
 - c. All such uses shall be located in a single use stand-alone building
 - d. The parking requirement of Section 24-95 is complied with
 - e. Site development standards for this district as set forth in paragraph (D) below shall apply unless specifically addressed herein
- (5) Home-Based Business

...

Zoning Text Amendment Home-Based Business: ZA – 01 – 2025

DESCRIPTION:

In 2021, the State of Florida adopted legislation defining and clarifying the maximum extent to which local governments could regulate “home-based businesses”. This legislation was codified as Florida Statute 559.955 Home-based businesses, local government restrictions. The City of North Miami Beach, similar to most other local governments, regulated home-based businesses through local zoning as well as local business tax receipt regulations. These long-standing local business tax receipt and zoning use regulations are not consistent with the current statutory requirements of the State of Florida. The proposed ordinance has been drafted to ensure that the City of North Miami Beach is enabling the creation and growth of small local businesses operating from residential dwellings in residential zoning districts in compliance with Florida Statute.

BACKGROUND ANALYSIS:

Revision to Florida Statute:

In 2021, the State of Florida adopted legislation defining and clarifying the maximum extent to which local governments could regulate “home-based businesses”. This legislation was codified as Florida Statute 559.955 Home-based businesses, local government restrictions which establishes a private property right to operate a home based business from a residential dwelling within any area zoned for residential use.

Current City of North Miami Beach Code of Ordinances:

Chapter XXII Local Business Tax Receipts, Article I. In General, Section 12-1.20 Occupational Use of Residence (Home-Based Business) sets forth conditions regulating the use of a residential dwelling within a residential zoning district for a commercial business purpose. These provisions require application for local business tax receipt, clearance of any outstanding Code Compliance Violations, and certain other restrictions which do not align with the new Florida Statutory requirements.

Chapter XXIV Zoning and Land Development, Article II. Definitions, Section 24-22 Definitions, does not define Occupational Use of Residence (Home-Based Business).

Chapter XXIV Zoning and Land Development, Article V. Zoning Use Districts, Section 24-41 through Section 24-4, (all residential zoning districts) do not list “Occupational Use of Residence” (Home-Based Business) as a use permitted (by right).

STAFF FINDINGS:

Based on analysis of the revised Florida Statute 559.955 Home-based businesses, local government restrictions and current City of North Miami Beach Code of Ordinance provisions regulating occupational use of residence, Community Development Department staff makes the following recommendations to

Proposed revisions to City of North Miami Beach Code of Ordinances:

Chapter XXII Local Business Tax Receipts, Article I. In General, Section 12-1.20 Occupational Use of Residence, rename section to Home-Based Business, and revise section requirements to align with the maximum allowable regulation permitted under current Florida Statute.

Chapter XXIV Zoning and Land Development, Article II. Definitions, Section 24-22 Definitions, define Home-Based Business referencing both Florida Statute 559.955 and City of North Miami Beach Code of Ordinances Section 12-1.20 Home-Based Business.

Chapter XXIV Zoning and Land Development, Article V. Zoning Use Districts, Section 24-41 through Section 24-4, (all residential zoning districts) specifically list Home-Based Business as a use permitted (by right).

Other proposed revisions to City of North Miami Beach Code of Ordinances to ensure internal document consistency:

Chapter XXIV Zoning and Land Development, Article II. Definitions, Section 24-21 Language:

- renaming the section “Intent and Language”
- adding an intent paragraph; clarifying intent of words “structure” and “building”
- adding language to more clearly defining “person”
- adding language regarding interchangeability of “lot”, “plot”, “parcel”, “folio”, or “tract”
- Adding language to clarify the intent of various terms including “City Commission”, “Planning and Zoning Board”, “Director”, “District Map”, and “Community Development Department”.

Chapter XXIV Zoning and Land Development, Article II. Definitions, Section 24-22 Definitions: simplifying the previously defined term “Dwelling, two-family (duplex)” to the term “Dwelling, duplex”.

Chapter XXIV Zoning and Land Development, Article V. Zoning Use Districts, Section 24-41 through Section 24-4, (all residential zoning districts):

- Standardizing the district naming convention to clarify the district name and ensure that the district abbreviation was based on that name:
 - Example of old format: MH-1 Mobile Home Subdivision District (previously RS-6)
 - Same district in new format: Mobile Home (MH) District
- Clarifying the use previously listed as “Residential accessory uses” to clarify the allowable accessory uses and clarify that this listed use does not permit “accessory dwelling units (ADU)” also known by other names such as pool house, granny flat, or servants’ quarters.
 - Name of use changed to “Accessory uses”
 - Listing Accessory uses where applicable:
 - Boats, Docks, and Piers (Section 24-84)
 - Swimming Pools (Section 24-85)
 - Accessory Uses and Structures (Section 24-86)
 - Utility Sheds [Section 24-81(6)]

PLANNING AND ZONING BOARD ACTION:

Based on the evidence and testimony presented at the November 10, 2025, meeting, the Planning and Zoning Board of the City of North Miami Beach voted 5 to 0 recommending approval of this ordinance to the Mayor and City Commission of the City of North Miami Beach by finding it consistent with the applicable Florida Statutes and the City of North Miami Beach Comprehensive Plan.

RECOMMENDATION:

Move to approve **Ordinance 2025-XX** Home-Based Business Zoning Text Amendment (File #25-12) setting local business tax receipt requirements, defining the permitted use, and establishing use permitted in all applicable zoning districts, by finding it is consistent with Florida Statute 559.955 Home-based businesses, local government restrictions, the City of North Miami Beach Comprehensive Plan and the policy intent of the Zoning and Land Development Code.

FISCAL/ BUDGETARY IMPACT:

Proposed Ordinance 2025-XX Home-Based Business Text Amendment will clarify regulatory requirements for home-based businesses in alignment with the requirements of Florida Statute 599.955 Home-based businesses. Compliance with this statutory requirement is not anticipated to have any substantive positive fiscal impact on the City of North Miami Beach. However, failure of a local government to comply with these statutory requirements would enable any current or prospective home-based business owner to challenge any local government action in violation of the statute, with the prevailing party in the challenge eligible to, “...recover reasonable attorney fees and costs...including reasonable appellate attorney fees and costs.” [F.S. 559.955 (5)]

ATTACHMENT I - EXHIBIT A

The following is the full unabridged and unedited text of Florida Statute 559.955 as published by the State of Florida as of June 30, 2025:

FS. 559.955 Home-based businesses; local government restrictions. —

- (1) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of this section.
- (2) A home-based business that operates from a residential property as provided in subsection
- (3) :
 - (a) May operate in an area zoned for residential use.
 - (b) May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government's jurisdiction, except as otherwise provided in this section.
 - (c) Is only subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.
- (4) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:
 - (a) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
 - (b) Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.
 - (c) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
 - (d) The activities of the home-based business are secondary to the property's use as a residential dwelling.

- (e) The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.
 - (f) All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.
- (5) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.
- (6) The application of this section does not supersede:
- (a) Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720.
 - (b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(4)(a)1., that are not otherwise preempted under chapter 509.

History.—s. 1, ch. 2021-202.



City of North Miami Beach, Florida

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Planning and Zoning Board Meeting Minutes

Monday, November 10, 2025 - 6:00 P.M.

Mark St. Vil called the meeting to order at 6:04 PM

1. Call to Order

Board Members:

Mark St. Vil, Chair
Daniel Heisler
Julian Kresiberg
Gregory Thomas
Ruth Ogen

Staff:

Zafar Ahmed, Comm. Devel. Director
Mitchell Austin, Assistant Comm. Devel. Director
Daniel Lozandier, Senior Planner
Javier Parra-Garcia, Planner

Absent:

The Pledge of Allegiance was recited.

2. Approval of Minutes and Next Meeting Date

Minutes of the July 14, 2025 meeting have been approved

Next Planning and Zoning Board Meeting Scheduled for December 8, 2025

3. Chair Report

NO REPORT

4. General Public Comments

NO COMMENTS

5. Quasi-Judicial Public Hearing



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NO ITEMS

6. Legislative Items

I. Sustainability Master Plan

- a. Mitchell Austin, Assistant Comm. Devel. Director Presents at 6:08 PM
- b. Julian Kreisberg, Board member, asks if this is the prerequisite for City Commission
- c. Mitchell answers yes, as the designated local planning agency, as required by Florida Statute, the Planning and Zoning Board sits to provide advice or recommendations to the elected body, the City Commission, and Mayor regarding Planning items.

Motion made at 6:15 PM for approval by Gregory Thomas and was seconded by Julian Kreisberg

Chair, Mark St. Vil	YES
Daniel Heisler	YES
Ruth Ogen	YES
Julian Kreisberg	YES
Gregory Thomas	YES

II. Home-Based Business Ordinance

- a. Mitchell presents at 6:34 PM
- b. Daniel Heisler, board member, says this is to clean up to comply with Florida Statutes.
- c. Mitchell responds yes, that's the intent. One of the things that Community Development leadership staff pointed out in the commission budgetary workshop earlier this year, was that working with this code we are new to, because we both the director and I have been here less than a year, is that there is a lot of antiquated language in our code of ordinances and a lot of inconsistencies



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because the AD HOC nature that typically occurs with adopting code of ordinances and working with them over time and updating. So it's a priority for us to engage in this update process as we find things that are pertinent and relevant to things that we're encountering. Business Tax Receipt application is one of those things that we encounter on a fairly regular basis. So we need to get this cleaned up for operational efficiency.

- d. Ruth Ogen, board member, asks how the city will verify if a home-based business exists. Some people would try to avoid paying. How can you verify if there is a business?
- e. Mitchell Austin responds that enforcement is a constant problem even on commercial properties. We have business that routinely opens, and because they have to go through the Department of Environmental Protection approval process at Miami-Dade County, and are issued a receipt for having paid the fees. Many businesses, especially the people that are new to the business community, think that's all they need, and they fail to come to us to get the local business tax receipt from the municipality. That's not a North Miami Beach problem; it's a universal issue county-wide.
- f. Ruth responds I understand but they have a location in a commercial area but in a residential area, how would you verify?
- g. Mitchell Austin responds so it would be a complaint driven process just like most code compliance. There is no way to proactively patrol with code compliance officers to see if somebody is operating a home based business in their residence. What we have found recently with a couple of applications that have come through, they need to make sure they have this in order to get business loans or lines of credit. Otherwise, there is no way to proactively patrol.
- h. Mark St. Vil, Chair, identifies a scrivener's error in the attached ordinance, second page, section (two) 2, subsection (two) 2, you are missing a Y on the word "applying" for business tax receipt.
- i. Mitchell acknowledges error.
- j. Mark says I understand what's going on. Unfortunately, I've been around government a long time, so I know that it's not a random occurrence that one section says something that completely contradicts the second section. I understand that twelve (12) is coming in to define things that are not mentioned in twenty-four (24)



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so hopefully it will put us all on the same path. I have no further questions.

- k. Mitchell mentions that the scrivener's error will be pointed out and corrected before this goes to the city commission.

Motion made at 6:52 PM for approval by Gregory Thomas and was seconded by Ruth Ogen

Chair, Mark St. Vil	YES
Daniel Heisler	YES
Ruth Ogen	YES
Julian Kreisberg	YES
Gregory Thomas	YES

III. Public Notice Zoning Amendment

- a. Mitchell Austin presents at 6:53 PM
- b. Mark St. Vil asks if this impacts the large posterboard requirement.
- c. Mitchell Austin responds the posting of the property is still required by Florida Statute. This is exclusively for the legal ads and transitioning from the newspaper to the approved county-wide website.
- d. Mark asks if applicants are going to be advised that the city is now operating on the county's website. Is this going to be an initiative where you're putting information out so people know to update? Or is there a plan contemplated in the proposed budget and which do you think we're going to have as far as savings compared to last year?
- e. Mitchell responds operationally if this ordinance is adopted, yes we would notify applicants during the pre-application phase of fees associated with their proposed application. So in that process, we would notify them that the advertisement fees would be x,y, and z instead of a, b, and c.



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- f. Mark asks so it's not going to be a full outreach; it would be applicant-based when they are coming in.
- g. Mitchell responds correct.
- h. Ruth Ogen asks once it's approved by the commission, when does it go into effect?
- i. Mitchell Austin responds so it is an ordinance, and it has to be read twice. So if the first reading is in December, the second would be in January. The proposal is for it to go into effect immediately. However, the wild card is the final approval of the interlocal agreement. The resolution is on the city commission agenda for November 17. However the interlocal agreement has to be executed between the city and Miami Dade County. I'm not sure how long that administrative process will take.
- j. Ruth asks about advertising to the herald at least once annual
- k. Mitchell responds yes one time annually, we would have to advertise, notifying the public that our legal ads for general purposes are located in the Miami-Dade County website. Several other adjacent municipalities across the county are already participating in this with Miami-Dade County. Hialeah and Miami Gardens are in the list of seven (7) or eight (8).
- l. Gregory Thomas asks about the cost avoidance numbers, does it include the cost to maintain this. I assume you have to have a staff member run this by whoever needs to see it. Was that expense included?
- m. Mitchell responds so as far as what staff has on the table on the screen. The Miami Dade County website, that number includes, I believe, three (3) seats for Planning and Zoning staff to post those legal ads on the Miami Dade County Website and then the annual advertisement with the Miami Herald. In terms of legislative items, those would be the only costs on an annual basis. For Zoning applicants, the Land Development Fee Schedule allows the city to charge actual fees for the advertisement, so currently that's under seventeen hundred dollars (\$1,700) per ad with the Miami Herald and an additional two hundred dollars (\$200) for processing a legal ad. That administrative processing fee would be retained in the process. Given the value of the processing fee and the use of the website for both legislative and zoning applications its possible that would be the only fee the two hundred dollars (\$200) but that has to be evaluated once we get the real numbers.



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Motion made at 7:10 PM for approval by Gregory Thomas and was seconded by Julian Kreisberg.

Chair, Mark St. Vil	YES
Daniel Heisler	YES
Ruth Ogen	YES
Julian Kreisberg	YES
Gregory Thomas	YES

IV. Workforce and Hero Housing Ordinance

- a. Zafar Ahmed, Community Development Director, presents at 7:12 PM
- b. Daniel asks how it will be enforced.
- c. Zafar responds before the rent agreement is signed by the developer or property manager, they have to send the application to Community Development for employment verification. Once they are verified, they can qualify for the rent.
- d. Daniel asks so for each applicant they would send the city information once a year?
- e. Zafar responds once a year. If there are 20 units we have to certify that the applicants qualify for the rent. These include police, doctors, nurses, teachers qualify for this program.
- f. Daniel responds so basically what you're doing is incentivizing the developer to introduce smaller size units into the marketplace?
- g. Zafar responds yes so that their development would have additional units dedicated to workforce housing.
- h. Daniel asks smaller?
- i. Zafar responds smaller up to three (3) bedrooms would be considered as one (1), two (2) bedrooms would be point seven five (.75), one (1) bedroom would be point five (.5) or studio.
- j. Daniel asks how would this impact or would it impact condominium sales?
- k. Zafar responds this is not a sale program, it's a rental program, a density bonus program. We are not offering any other incentive.
- l. Daniel asks how this compares with live local act?



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- m. Zafar responds live local act is something different because it takes into consideration maximum densities. It allows developers to build at the highest possible densities within a certain area. This is only valid in the mixed-use districts. We cannot exceed the densities in those areas or the height. Within the current requirements, we are proposing a way to provide additional units that will be affordable.
- n. Daniel asks about streamlining the permit process and the amount of time it takes to get a project off the ground. Does this address that?
- o. Zafar responds there is a separate incentive program, an ordinance that I'm working with the city commission that will introduce something to that effect but this is strictly a bonus program. It's not about development fees or rebates or financial incentives.
- p. Daniel Heisler asks and it works in Orlando?
- q. Zafar responds that there is one in Orlando and one in Fort Lauderdale. I did some research that developers have introduced, and it's working.
- r. Daniel says when you chop things up, I'm not crazy about the whole thing. When you make things smaller, it actually adds costs to the development.
- s. Zafar responds it's not chopping after the fact. It's the additional units that are a proportionate size but are smaller than the regular sizes.
- t. Daniel says I'm in commercial real estate, when I have a big space and I have to divide the space into smaller spaces. It's much more costly. The walls, kitchens, bathrooms, and all this stuff are going to cost more for the additional units.
- u. Zafar responds that cost is a different factor. This is about additional units. How do you provide units within the same capacity that is approved?
- v. Daniel says you want to encourage the developer to offer a lower rate for those who meet the criteria, but in order to do that, you have to lower the cost of the development somehow. So the developer can afford to do the workforce housing.
- w. Zafar responds agreed, commissioner Chernoff has an initiative in place. It was already considered in a prior commission meeting; it required some additional work, and the commission has sent it



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back to us for further revision. The commission is aware that this is an issue. This is strictly to provide additional units within the requirements.

- x. Ruth asks will a one-bedroom in the workforce housing be the same size as a market rate one-bedroom?
- y. Zafar responds yes, that is one of the criteria, it has to be the same specifications, same sizes, same finishes no different from any market rate unit. It also must be found and accessed like any market rate unit.
- z. Ruth asks let's say the development would have one hundred units (100), they would now be able to have one hundred and thirty units because the one bedrooms would be counted as halves. So all the units in the development are going to be smaller because you're cramming more units in the same footprint. So a one bedroom that is one thousand (1000) square feet is going to be eight fifty (850)?
- aa. Zafar responds They are both going to be the same size, it doesn't change that.
- bb. Ruth asks about the Building Department enforcing this.
- cc. Zafar responds its not the Building Department, it's the Community Development Department. It's an agreement that the property manager has to sign with the city
- dd. Mark says that their selling point is that there are going to be upfront costs, and it's going to be 20 years of having to be subject to this program. After that period, you can go market rate. City of Miami down in Brickell is doing this by increasing the height of the building.
- ee. Zafar says this program is to find a solution and work with the limitations we have based on infrastructure and development needs
- ff. Joseph Geller, City Attorney, says that from a developer's perspective, what is going to raise the cost for a developer is going to increase height. As long as the footprint and height remain the same, there will be no additional costs for the developers. There are going to be other funds available for the fact that their incorporating workforce housing into their development. The additional cost savings will come in the form of tax abatements and other incentives that are available locally, state level, and federally for including workforce housing. Eventually, in 20 years



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when the units go market rate, there will be an increase in revenue due to the additional units.

- gg. Mark asks about the summary in the provision in subsection 3 which talks about bonus density requirements. It states that they are capped at thirty percent (30%) for two-thirds of the bonus units to be affordable or hero housing.
- hh. Zafar responds that they can't just have proportional units and then unlimited. They cannot have more than thirty percent (30%) allocated to the workforce. So if there is a 200-unit development, thirty percent of those units can be allocated for workforce housing. With this proportionate density, you can add another fifteen(15) or twenty (20) units within that envelope.

Motion made at 7:45 PM to accept by Julian Kreisberg and was seconded by Gregory Thomas

Chair, Mark St. Vil	YES
Daniel Heisler	YES
Ruth Ogen	NO
Julian Kreisberg	YES
Gregory Thomas	YES

V. Land Development Fee Study

- a. Mitchell Austin presents at 6:16 PM
- b. Julian Kreisberg asks if we are just accepting this study but were not putting it into effect.
- c. Mitchell Austin responds the resolution is to accept, if the mayor and city commission adopt the resolution accepting the study. The implementation that is called for in the resolution, directs the city manager and his staff to draft a revised ordinance to be considered by the mayor and city commission to enact the study's findings.
- d. Mark asks if it will be presented with the figures that are attached as Exhibit A, Correct?



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- e. Mitchell Austin responds Correct.
- f. Mark asks and is this whole impartial, or can we make recommendations if we want but can the city commission also make changes to the findings that Raftelis came up with? I'm reading in the little summary and it says they look at municipalities throughout the country and my concern is are we also in line with local municipalities, are we in line with what we're seeing in Dade and Broward Counties?
- g. Mitchell Austin responds the study parameters, and the consultant can speak to this in depth at the city commission meeting. Unfortunately, the way the contract was structured, we only have one presentation from them. The consultant works nationwide and internationally to some extent. They have a database of all these things and do perform extensive work in the state of Florida and within south Southeast Florida to Miami-Dade, Broward, and Palm Beach Counties. So they do have relevant data to look at. The final calculation on how the fees are supposed to be structured are based on the individual process or processes that we as staff laid out for them in the interview they did of our staff to determine how things move through the process from submittal to approval of city commission.
- h. Mark says so they are able to compare the workflow of the process in comparison to what's actually being charged from other municipalities to come up with some type of equation that takes into account both factors.
- i. Mitchell Austin responds what the comparison with other Municipalities is regarding, does our process seem reasonable, is it similar to those. Our costs are directly derived based on the total compensation hourly rate that our employees are receiving.
- j. Daniel asks about the cost of the study.
- k. Mitchell responds I don't have that figure off the top of my head. This purchase order for this study was also combined with land development fees and building permit fees. There was some policy question regarding the building department enterprise fund, to building permit portion of this project is nowhere near close to complete. So the total project is somewhere in the order of one hundred fifty thousand dollars (\$150,000) but I'm not sure what percentage of that this study presents. I can get that answer for you and provide it to the board members via email. So it's the



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smaller portion of the purchase order because this part of the project was less complicated than the Building permit fee portion.

- I. Daniel asks if it would make sense to tie an increase of the fees to CPI every year or every x number of years?
- m. Mitchell responds that it is not documented in the information that you received because we are still receiving more information from the consultant even as late as Friday of last week. That's part of their recommendation is to tie this in some way to increases, not necessarily into CPI but into the direct employment costs that we have on an annual basis. Then have a comprehensive five (5) year look, which given the data tables that we have as part of the deliverables from the consultant, we can actually do that in-house.

Motion made at 6:32 PM for approval by Julian Kreisberg and was seconded by Daniel Heisler

Chair, Mark St. Vil	YES
Daniel Heisler	YES
Ruth Ogen	YES
Julian Kreisberg	YES
Gregory Thomas	YES

7. Discussion

- I. **Miami-Dade County Local Mitigation Strategy**
 - a. Mitchell presents at 7:47 PM

8. Staff Comments



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9. Upcoming Meeting

The next Planning & Zoning Board meeting is scheduled for Monday, December 8, 2025

10. Adjournment