

DIVISION 13. - NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY^[15]

Footnotes:

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Editor's note— Sec. 2 of Ord. No. 2018-4187, adopted Apr. 11, 2018, enacted new provisions to be designated as div. 12, §§ 142-880—142-885. In order to avoid duplication of division numbers and in keeping with the categorical standards of the Code, said new provisions have been redesignated as div. 13, §§ 142-870.13—142-870.18. Original section numbers have been maintained in the history notes following each section.

Sec. 142-870.13. - Location and purpose.

- (a) The overlay regulations of this division shall apply to all new and existing properties located in the RM-1 Residential Multifamily Low Intensity zoning district, which are located within the boundaries of either the North Shore National Register Historic District or the Normandy Isles National Register Historic District.
- (b) In the event of a conflict with the regulations of the underlying RM-1 zoning district, the provisions herein shall control.
- (c) The purpose of this overlay district is to:
 - (1) Provide land-use regulations that encourage the retention and preservation of existing "contributing" buildings within the National Register Districts.
 - (2) To promote walking, bicycling and public transit modes of transportation.
 - (3) To ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods and maintains the low-scale, as-built character of the surrounding neighborhoods.

(Ord. No. 2018-4187, § 2(142-880), 4-11-16)

Sec. 142-870.14. - Compliance with regulations.

- (a) Applications for a building permit shall be reviewed and approved in accordance with all applicable development procedures specified in chapter 118.
- (b) Existing structures shall be rehabilitated in general accordance with the Post-War Modern/MiMo Design Guidelines as adopted by the design review board and historic preservation board.
- (c) The demolition of buildings within the North Beach National Register Overlay shall comply with the following:
 - (1) The demolition of a "contributing" building shall not be permitted for purposes of creating a vacant lot or a surface parking lot.
 - (2) No demolition permit for a "contributing" building not located within a local historic district or site, shall be issued prior to the review and approval for the new construction or site improvements by the design review board and until all of the following criteria are satisfied:
 - i. The issuance of a building permit process number for the new construction;
 - ii. The building permit application and all required plans for the new construction shall be reviewed and approved by the planning department;

- iii. All applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
 - iv. A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Greenspace Management Division;
 - v. All debris associated with the demolition of the structure shall be recycled, in accordance with the applicable requirements of the Florida Building Code.
- (3) The aforementioned demolition requirements shall not supersede the regulations and requirements set forth in chapter 118, article X. In the event of a conflict, the regulations in chapter 118, article X shall control.

(Ord. No. 2018-4187, § 2(142-881), 4-11-18)

Sec. 142-870.15. - Development regulations and area requirements.

The following overlay regulations shall apply to the North Beach National Register Overlay. All development regulations in the underlying RM-1 regulations shall apply, except as follows:

- (a) There shall be no limitation for properties zoned RM-1 within the North Beach National Register Overlay district. The lot area, lot width, and lot aggregation requirements for properties zoned RM-1 within the North Beach National Register Overlay district are as follows:

Minimum Developable Lot Area (Square Feet)	Minimum Developable Lot Width (Feet)	Maximum Developable Lot Width (Feet)	Maximum Developable Aggregation (Platted Lots)
5,000 SF	50 feet	200 feet. Developments where all residential units consist of workforce or affordable housing shall have no maximum lot width restriction.	Subject to Sec. 142-883, two lot maximum aggregation; up to three lots may be aggregated, if permitted by the historic preservation or design review board, as applicable, and if all "contributing" buildings on the aggregated site are substantially retained and restored in accordance with Sec. 142-883; five lot maximum lot aggregation may be permitted if all residential units consist of workforce or affordable housing for a period of no less than 50 years. Educational and religious institutions, existing as of April 21, 2018, and located on lots consisting of more than two platted lots may be retained, provided all existing buildings on the lot are retained. There shall be no variances from these maximum lot aggregation restrictions, except for existing

			lots where all structures are proposed to be retained, and provided no additional lots are added.
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(b) The unit size requirements for the North Beach National Register Overlay district are as follows:

Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)
New construction—400	New construction—500
	Workforce or affordable housing—400
"Contributing" buildings which are substantially retained and restored—300	"Contributing" buildings which are substantially retained and restored—400
Additions to "contributing" buildings which are substantially retained and restored—300	Additions to "contributing" buildings which are substantially retained and restored—400

(c) The height requirements for RM-1 properties within the North Beach National Register Overlay district are as follows:

- (1) The maximum building height for new construction shall be 32 feet for the first 25 feet of building depth, as measured from the minimum required front setback and a maximum of 45 feet for the remainder of the building depth. the design review or historic preservation board, as applicable, may allow for up to the first 32 feet in height to be located within the first 20 feet of building depth, as measured from the minimum required front setback.

For properties that contain at least one "contributing" building, and provided that at least 50 percent of all existing "contributing" buildings on site, as measured from the front elevation, are substantially retained and restored a maximum of 55 feet may be permitted by the design review board or historic preservation board, as applicable. The design review board may waive the aforementioned requirement for the 50 percent retention of existing "contributing" buildings, provided at least 25 percent of all existing "contributing" buildings on site, as measured from the front elevation, are substantially retained and restored. For properties located within local historic districts, the historic preservation board, at its sole discretion, shall determine the retention requirements for all "contributing" buildings.

- (2) In the event that the existing building exceeds 32 feet in height that existing height shall control.
- (3) Rooftop additions to existing "contributing" buildings, not located within a local historic district, may be reviewed and approved at the administrative level, in accordance with the following:
 - a. The roof-top addition shall not exceed one story, with a maximum floor-to-ceiling height of ten feet.

- b. There shall be no demolition of original significant architectural features, as determined by the planning director or designee.
 - c. The roof-top addition shall be setback a minimum of 20 feet from the front facade.
 - d. A minimum of 75 percent of the front and street side building elevations shall be retained.
- (4) Elevator and stairwell bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement, unless waived by either the historic preservation board or design review board, as may be applicable.
- (5) Shade structures, including awnings, trellises and canopies may be permitted as an allowable height exception, provided they do not exceed ten feet in height above the associated roof deck, and shall be subject to the review and approval of the historic preservation board or design review board, as applicable.
- (d) Exterior building and lot standards.
- (1) *Ground floor requirements.* When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:
- a. A minimum height of 12 feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable, may waive this height requirement by up to two feet, in accordance with the design review of certificate of appropriateness criteria, as applicable.
 - b. All ceiling and sidewall conduits shall be internalized or designed in such a manner as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.
 - c. Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.
- (2) There shall be no minimum or maximum yard elevation requirements, or maximum lot coverage requirements within the North Beach National Register Overlay.
- (e) The setback requirements for all buildings located in the RM-1 district within the North Beach National Register Overlay district are as follows:

	Front	Interior Side	Street Side	Rear
North Shore	10 feet	Non-waterfront: Lot width of 60 feet or less: five feet. Lot width of 61 feet or greater: 7.5 feet, or eight percent of lot width, whichever is greater. Waterfront: 7.5 feet, or eight percent of lot width, whichever is greater. Additionally, regardless of lot width, at least one interior side shall be 10 feet or 10 percent of lot width, whichever is greater.	Five feet	Non-waterfront lots: Five feet Waterfront lots: 10 percent of lot depth
Biscayne Beach	10 feet	Non-waterfront: Lot width of 60 feet or less: Five feet. Lot width of 61 feet or greater: 7.5 feet, or eight percent of	Five feet	10 percent of lot depth

		lot width, whichever is greater. Waterfront: 7.5 feet, or eight percent of lot width, whichever is greater. Additionally, regardless of lot width, at least one interior side shall be 10 feet or 10 percent of lot width, whichever is greater.		
Normandy Isle and Normandy Shores	20 feet Waterfront: 25 feet	Non-waterfront: Lot width of 60 feet or less: Five feet. Lot width of 61 feet or greater: 7.5 feet, or eight percent of lot width, whichever is greater. Waterfront: 7.5 feet, or eight percent of lot width, whichever is greater. Additionally, regardless of lot width, at least one interior side shall be 10 feet or 10 percent of lot width, whichever is greater.	Five feet	Five feet Waterfront: 10 percent of lot depth, maximum 20 feet

- (1) Setbacks for at-grade parking and subterranean levels, if permitted, shall be the same as set forth in section 142-156.
- (2) Notwithstanding the above, for rooftop additions located on "contributing" buildings, such additions may follow any existing nonconforming interior side or rear setbacks. Provided at least 33 percent of an existing "contributing" building, as measured from the front elevation, is substantially retained and restored, any new ground level addition, whether attached or detached, may also follow any existing nonconforming interior side or rear setbacks. For properties located within local historic districts, the historic preservation board, at its sole discretion, shall determine the retention requirements for all "contributing" buildings.

(Ord. No. 2018-4187, § 2(142-882), 4-11-18)

Sec. 142-870.16. - Lot aggregation guidelines.

Where a development is proposed on two or more lots, if approved for an aggregation of greater than two lots by the design review board or historic preservation board, as applicable, new construction shall comply with the following:

- (a) For properties located outside of local historic districts, at least 33 percent of all existing "contributing" buildings, as measured from the front elevation, shall be substantially retained and restored. The design review board may waive this building retention requirement, provided at least 25 percent of each existing "contributing" buildings on site, as measured from the front elevation, is substantially retained and restored.
- (b) For properties located within local historic districts, the historic preservation board, at its sole discretion, shall determine the retention requirements for all "contributing" buildings within the aggregated site.
- (c) New construction shall acknowledge the original platting of the assembled parcels through separation of buildings and appropriate architectural treatment within the building's facade.
- (d) For development sites consisting of two platted lots or less, the width of any new building shall not exceed 85 feet.

- (e) For development sites consisting of three platted lots, the first 50 feet of building depth shall require a minimum separation of ten feet for every 85 feet of building width within a single site. The design review or historic preservation board, as applicable, may waive these building width and separation requirements.
- (f) For waterfront developments greater than two lots in width, a view corridor through the parcel, open to the sky, shall be required. The location and dimensions of such view corridor shall be subject to the design review or historic preservation board, as applicable.
- (g) A courtyard or semi-public outdoor area, comprised of at least 500 square feet, shall be required. Private terraces at the ground level may be included within this 500 square feet, provided individual units can be accessed directly from the exterior of the terrace.

The aforementioned requirements listed in section 142-870.16(b) shall not be applicable to any development where all residential units consist of workforce or affordable housing,

(Ord. No. 2018-4187, § 2(142-883), 4-11-18)

Sec. 142-870.17. - Design and resiliency standards.

- (a) All levels of an existing structure located below base flood elevation plus one foot (BFE + one foot) may be repurposed with non-habitable uses.
- (b) Subterranean levels shall only be permitted in the event that the space is purposed and designed as part of a stormwater management plan, including, but not limited to, stormwater collection and cisterns for reuse of captured water.
- (c) All dwelling units in new construction shall be designed to incorporate exposure to natural light from at least two elevations of the building volume.
- (d) New construction shall be designed to incorporate naturally landscaped areas at the ground level, in addition to the minimum setback requirements, which is equal to or greater than five percent of the total lot area.
- (e) For new construction using common vertical circulation and access corridors, a non-emergency, convenience stair, accessing, at a minimum, the first three residential floors, shall be required. Such stair shall be designed in an open manner, and shall connect directly to the exterior of the building, or to the entrance lobby.
- (f) For raised yards requiring a retaining wall, the exterior of such wall, on all sides, shall be designed and finished in a manner that result in a high quality appearance when seen from adjoining properties.
- (g) Landscaping within view corridors, with the exception of canopy trees, shall be maintained at a height not to exceed three feet from sidewalk elevation.
- (h) In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.

(Ord. No. 2018-4187, § 2(142-884), 4-11-18)

Sec. 142-870.18. - Additional parking standards.

- (a) All parking shall be located no higher than the ground floor level. Ramps or parking above the first floor shall be prohibited. However, mechanical lifts may be proposed at the first level, provided all lifts are fully screened from view and not visible from adjacent properties, the public right-of-way or any waterfront.

- (b) All exterior parking and driveway surface areas shall be composed of semi-pervious or pervious material such as concrete or grass pavers, set in sand.
- (c) Required wheel stops shall be low profile and shall not exceed five feet in width.
- (d) All parking areas shall meet minimum front and rear yard setback requirements for buildings.
- (e) A maximum of a single, one-way driveway curb cut per platted lot within a development site shall be permitted, and the maximum width of a driveway curb cuts shall not exceed ten feet. Additionally, if approved by the design review board or historic preservation board, as applicable, two separate one-way curb cuts may be permitted on a thru-lot, when such lot is accessible from two different roadways, or a corner lot.
- (f) On waterfront lots, parking areas shall only be secured by substantially open, picket fencing within required front yards and rear waterfront yards.

(Ord. No. 2018-4187, § 2(142-885), 4-11-18)

Sec. 142-870.19. - Reserved.