

E. NBDD North Beach Development District (NBDD-DD and NBDD-CZ).

1. District purpose:

To provide for and encourage appropriate residential, resort, hotel, motel, tourist uses (including ecotourism), and accessory uses within a coastal environment with unique natural, physical and man made features.

2. District objectives:

- a. To provide for a development pattern and intensity that allows reasonable use of land considering the environmental resources and limitations that constrain development of the district;
- b. To ensure that public [access](#), both physical and visual, to the beach and associated natural resources, is maintained or enhanced;
- c. To ensure that the environmental quality of the area is maintained and is not degraded by potential development;
- d. To maintain or enhance the ocean, beach, dune and natural vegetation systems and to minimize any detrimental or adverse effects to these systems that might be occasioned by potential development;
- e. To encourage a desirable mix of development uses, types and intensities that are harmonious with each other and with the natural characteristics of the area;
- f. To utilize land efficiently and to promote high quality design and development;
- g. To provide for adequate open space areas; and
- h. To provide adequate transportation and circulation systems to meet the needs of the area, while preventing the overburdening of internal and through streets, including Highway A1A.

3. Establishment of zones:

In order to achieve the above objectives and intent of the district, the NBDD is divided into two zones:

- a. **The North Beach Development District Development Zone (NBDD-DZ);** and
- b. The North Beach Development District Control Zone (NBDD-CZ).

4. Transferable development rights.

Any owner of property in the North Beach Development District Control Zone may, in lieu of developing their property, dedicate it to the city for maintenance as public open space in exchange for which the owner may sell or transfer their unused development rights to property in the North Beach Development District Development Zone; however, the minimum parcel size to be dedicated and for which development rights may be transferred shall be one lot. Unused development rights for purposes of transfer or sale will be computed according to the following:

- a. Property dedicated to the city for maintenance as public open space: 32.5 dwelling units per acre. In order to make use of this provision, the owner of property in the Control Zone must dedicate the property to the city in accordance with procedures and legal requirements designated by the City Attorney and on forms prescribed by the Attorney. All documents must be recorded with the Clerk of the Circuit Courts of Broward County, Florida;

- b. Development rights pursuant to this section shall be deemed to “run with the land”; shall survive condemnation by the city; and shall be transferable by the city or by private property owners. The City Commission shall formulate and adopt appropriate regulations to guide the implementation of this provision consistent with the language herein and the intent of this article; and
- c. Any owner of property in the Development Zone who is the recipient of transferred development rights, may thereafter develop his/her property at the maximum density permitted including the amount of acquired dwelling units. In all cases, however, the property owner in the Development Zone must conform with the development standards in this section.

5. Planned unit development.

Any owner of property in excess of two acres, in the Development Zone only, may develop pursuant to the Planned Unit Development District (See § 4.16). Where any provision of these regulations imposes restrictions different from those imposed by the Planned Unit Development ordinance, whichever provisions are more restrictive or impose higher standards shall control. An application for Planned Unit Development in the development zone shall include all contiguous holdings of the applicant under the same ownership with an indication of the portion proposed to be subdivided, re-subdivided or developed immediately and that proposed for later phases of development. A general plan shall be submitted for all such contiguous land at the time of initial application. For the purpose of this section, land separated only by public right-of-way shall be deemed to be contiguous.

6. Control zone: Development standards.

Main Permitted Uses	Maximum Density	Special Exception	Accessory Uses	Prohibited Uses
Single-Family Dwelling Bed and Breakfast Inn	One Single-Family Dwelling per site. Bed and Breakfast Inn - 32.5 units acre	None	Any Use that is customarily associated with the Main Permitted Use.	Any Use that is not listed as a Main Permitted Use.

Minimum Lot Area	Minimum and Maximum Lot Area*	Maximum Bldg. Height
5800 sq. ft., or as platted	Minimum: 1 lot Maximum: 2 lots	33 ft. not to 3 stories

* Sites which are platted and developed prior to the effective date of this ordinance shall be considered as legal non-conforming.

Setback regulations.

Front	Rear	Side/Interior or facing a street or right-of-way
25 ft. (Surf Rd.)	15 ft min, 15% of lot depth whichever is greater	7.5 ft. The setback area shall provide an unobstructed view of the ocean.

Sites shall not exceed one platted lot. However, those sites which exceed one platted lot at the effective date of this ordinance shall be considered as legal non-conforming and may be developed in accordance with these regulations.

7. Development zone regulations.

A. Main permitted uses.

Main Permitted Use	Max. Density (units per acre)	Min. Max. Lot Area*,***	Min Floor Area (sq. ft.)	Maximum Height (ft.)**
Single Family Dwelling	1 dwelling unit per site	Minimum: 1 platted lot	1,000	33 ft. but not to exceed 3 stories
		Maximum: 3 platted lots		
Multiple Family (Apt., Duplex, Townhouse)	18	Minimum: 1 platted lot	Apt. 500 min. 750 avg. Duplex 500	33 ft. but not to exceed 3 stories
		Maximum: 3 platted lots	Townhouse 1,200	
Hotel or Motel	32.5	Minimum: 1 platted lot	15% of units=300-335 sq. ft.	33 ft. but not to exceed 3 stories
Bed and Breakfast Inn		Maximum: 3 platted lots	85% of units=335+ sq. ft.	
Restaurant with frontage on the Intracoastal	N/A	Minimum: 1 platted lot	N/A	33 ft. but not to exceed 3 stories
		Maximum: 3 platted lots		

Main Permitted Use	Max. Density (units per acre)	Min. Max. Lot Area*,***	Min Floor Area (sq. ft.)	Maximum Height (ft.)**
Any combination of above	Combined density shall not exceed the prorated maximum density for each main permitted use	Minimum: 1 platted lot Maximum: 3 platted lots	Apt. 500 min. 750 avg. Duplex 500 Townhouse 1,400 Hotel Units: 15% of units=300-335 sq. ft. 85% of units= 335+ sq. ft.	33 ft. but not to exceed 3 stories
Lots facing A1A between Franklin and Cambridge: in addition to the above permitted uses may include parking garages with retail on the ground floor or retail with hotel or multiple family above	See above	Minimum: 1 platted lot Maximum: 4 platted lots	See above	33 ft. but not to exceed 3 stories

* Developments may contain no more than 4 platted lots if the project is double fronted with no more than 2 platted lots on each street.

** Note: See subsection (d) for existing height regulations

*** Sites which exceed the maximum set forth above at the effective date of this ordinance shall be considered as legal non- conforming and may be developed in accordance with these regulations.

B. Accessory uses.

1. Any use that is customarily associated with a Main Permitted Use.
2. Satellite parking lots and garages.
 - a. Permitted pursuant to regulations listed in [§ 4.22](#).

- b. May be located outside of the city, and have parking spaces that are counted towards the required parking for main permitted or accessory uses located in the NBDD. This exception is subject to (1) the approval of a shuttle plan by the Community Planning Director prior to the issuance of a building permit, occupational license, certificate of use or other governmental approval, whichever is required first during the permitting process; and (2) a covenant running with the land on forms approved by the City Attorney that unifies the use that requires the parking and the land on which it is located; or if the land is leased, a covenant recorded against the main permitted uses, or [accessory use](#) property placing future purchases on notice that some or all of the required parking is being provided through the subject lease.
- c. The design solution for garages shall utilize elements that are typically found in multiple family buildings, offices and hotel structures. These elements may include architectural treatments, such as but not be limited to, the placement of windows, screens, silhouettes, roofing materials (concrete tile, barrel tile, mansard or gabled roofs), and moldings defining the various levels. The landscape plan shall be designed to provide heavy screening of blank walls and unattractive areas of a site or building. A foundation planting shall be designed to create a landscaped separation between pavement and building walls and to consist of landscape vertical elements, transition shrubs and groundcovers. Pedestrian connections from the garages to the public sidewalk shall be landscaped.
- d. Development regulations for parking lots and garages are listed in [§ 4.22.I](#).

C. Special exceptions: None.

D. Sites that exceed the maximum number of lots and size requirements and which are owned by one entity prior to the effective date of this ordinance are considered as legal non-conforming with regard to lot size and number.

E. Setback regulations.

Number of Platted Lots	Front (ft.)	Each Side* (ft.)	Rear (ft.)
1 lot	25	5	15.0
2 lots	25	10	17.5
3 lots or more	25	15.0** * add 5 ft. if facing a street ** For legal non-conforming lots as to the maximum number of lots, add 5 additional ft. at each side for every lot above 3 lots, however the total setback for any one side yard shall not exceed 30 ft. Sideyard setback areas along the intracoastal shall provide an unobstructed view of the water.	20.0

F. Visual [Access](#) to the Public Beach and Intracoastal [waterway](#). Each development shall be designed to provide visual [access](#) through the property to the public beach and intracoastal [waterway](#) in the setback areas. Improvements, including but not limited to opaque fences, sheds and canopies shall not be placed in the setback areas in such a manner that prevents the visual [access](#) through the property to the beach or intracoastal [waterway](#).

(Ord. O-94-14, passed 4-16-94; Am. Ord. O-97-28, passed 6-25-97; Am. Ord. O-99-26, passed 9-8-99; Am. Ord. O-2000-10, passed 2-2-2000; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2002-20, passed 4-10-2002; Am. Ord. O-2003-01, passed 1-22-2003; Am. Ord. O-2005-10, passed 6-15-2005; Am. Ord. O-2007-34, passed 12-18-2007; Am. Ord. O-2012-05, passed 3-7-12; Am. Ord. O-2019-16, passed 8-28-19)