Sec. 142-246. - Development regulations and area requirements.

(a) The development regulations in the RM-3 residential multifamily, high intensity district are as follows:

(1) Max. FAR: Lot area equal to or less than 45,000 sq. ft.—2.25; lot area greater than 45,000 sq. ft.—2.75; oceanfront lots with lot area greater than 45,000 sq. ft.—3.0.

(2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.

(3) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 sq. ft.

(b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

| Minimum Lot Area (Square Feet) | Minimum Lot Width (Feet) | Minimum Unit Size (Square Feet) | Average Unit Size (Square Feet) | Maximum Building Height (Feet) |
|---|---|---|---|---|
| 7,000 | 50 | New construction—550<br>Non-elderly and elderly low and moderate income housing—400<br>Workforce housing—400<br>Rehabilitated buildings—400<br>Hotel units:<br>  15%: 300—335<br>  85%: 335+<br>For hotel structures located within the Collins Park District, generally bounded by the erosion control line on the east, the east side of Washington Avenue on the west, 23rd Street on the north, and 17th Street on the south, hotel units shall be a minimum of 200 square feet.<br>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation | New construction—800<br>Non-elderly and elderly low and moderate income housing—400<br>Workforce housing—400<br>Rehabilitated buildings—550<br>Hotel units—N/A. The number of units may not exceed the maximum density set forth in the comprehensive plan. | 150<br><br>Oceanfront lots—200<br>Architectural dist.: New construction—120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—50 (except as provided in section 142-1161) |

| | | of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings—200. | | |
|---|---|---|---|---|

(c) Notwithstanding the above, for oceanfront lots located within a locally designated historic district or site, but not within the architectural district, with less than 400 feet of lineal frontage along Collins Avenue and containing at least one contributing structure, the maximum building height for ground floor additions to existing structures, whether attached or detached, shall be as follows:

(1) For existing structures greater than five stories in height, the maximum height shall be limited to ten stories or the height of the roof line of the main structure on site, whichever is less. At the discretion of the historic preservation board, the maximum height of the ground floor addition may exceed ten stories if the existing and surrounding structures are greater than five stories in height, provided the addition is consistent with the scale and massing of the existing structure.

(2) For existing structures five stories or less in height, the maximum height shall be limited to five stories.

Additionally, the proposed addition shall not substantially reduce existing or established view corridors, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.

(d) Notwithstanding the above, for oceanfront lots with no frontage on Collins Avenue located in the architectural district, the overall height of ~~an attached~~ ground floor additions may exceed five stories and 50 feet, but shall not exceed the height ~~of the roof line~~ of the ~~structure attached to, provided all of~~ existing contributing structure plus the height of any rooftop addition approved by the historic preservation board in accordance with 142-1161(d)(5), up to a maximum height of 120 feet, if the following conditions are satisfied:

(1) ~~The proposed addition shall consist of the expansion of existing hotel units only and shall not result in an increased number of units.~~

(2) ~~The proposed additions shall be for hotel units only. A restrictive covenant, running with~~

~~the land, or other similar instrument enforceable against the owner(s), acceptable to and approved as to form by the city attorney, shall be required to ensure that the units remain as hotel units for a minimum of 30 years. If the applicant is unable to provide such a covenant, this requirement may be waived by the city manager if it is demonstrated that the project provides an extraordinary public benefit to the surrounding area.~~

(1)  The proposed addition shall not be attached to front~~,~~ <u>or</u> street side ~~or oceanfront~~ elevations, nor along any other principal elevations or facades, as determined by the historic preservation board.

(2)  The proposed addition<u>s</u> shall not ~~substantially reduce existing or established view corridors, nor~~ impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.


~~(e)  A ground floor addition relocating existing hotel units shall also meet the following conditions, in addition to subsection (d)(2)—(4) above:~~

~~(1)  There shall be no neighborhood impact establishment, dancehall or entertainment use in the area of the proposed addition;~~

~~(2)  No new outdoor or open air entertainment establishment shall be created on the property. Outdoor or open air entertainment establishments existing as of the effective date of this subsection (November 24, 2012) may continue but shall not be expanded if a property avails itself of this provision.~~

~~(3)  Upon approval of the proposed addition by the historic preservation board, no building greater than two stories or 25 feet in height shall be constructed between the rear of the building and westward line of the dune overlay district. This provision shall not be subject to variance.~~

~~(4)  Notwithstanding the provisions in subsection 142-1161(d), if the building presently contains unoccupied but built spaces enclosed on at least three sides by existing walls of a height that would conceal a new roof, such as false parapets or storage rooms, those spaces may be further enclosed as habitable floor area, up to the permitted floor area; and~~

~~(5)  No new commercial uses shall be permitted on the rooftop or any open air decks of the existing structure or proposed addition. (f)~~  Notwithstanding the above, for oceanfront lots located in the architectural district, with a lot area greater than 115,000 square feet, a ground floor addition, whether attached or detached, may exceed 50 feet in height, but shall not exceed 200 feet in height, in accordance with the following provisions:

(1)  Placement of the structure. The ground floor addition shall be located internal to the site, and shall be set back a minimum of 100 feet from the front property line, 75 feet from the street side property lines, and 100 feet from the rear (oceanfront) property line.

(2)  Limits on the floorplate of additions exceeding 50 feet in height. The maximum floor plate size for the portion of an addition that exceeds 50 feet in building height is 15,000 square feet per floor, excluding projecting balconies. The historic preservation board may approve an increase in this overall floor plate, up to a maximum of 20,000 square feet per floor, excluding balconies, in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.

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