

Section 4.4.6 Medium Density Residential (RM) District:

(A) **Purpose and Intent:** The Medium Density Residential (RM) District provides a residential zoning district with flexible densities having a base of six (6) units per acre and a maximum of twelve (12) units per acre, except within the Southwest Neighborhood Overlay District and the Carver Estates Overlay District where the maximum density is twenty-four (24) units per acre, and within the Infill Workforce Housing Area, where the maximum density is eighteen (18) units per acre. The actual density of a particular RM development is based upon its ability to achieve certain performance standards which are intended to mitigate the impacts of the increased density and ensure that the project is compatible with surrounding land uses. Within the Southwest Neighborhood Overlay District, the Southwest 10th Street Overlay District, and the Carver Estates Overlay District, and the Infill Workforce Housing Area, the actual density is also based upon the development's ability to comply with Article 4.7 (Family/Workforce Housing). Further, the Medium Density Residential District provides for implementation of those objectives and policies contained within the Housing Element of the Comprehensive Plan which call for accommodating a variety of housing types. [Amd. Ord. 24-07 8/21/07]; [Amd. Ord. 7-05 2/15/05]; [Amd. Ord. 42-97 10/7/97]

(B) **Principal Uses and Structures Permitted:** The following types of use are allowed within the (RM) District as a permitted use:

- (1) Single family detached dwellings.
- (2) Duplex structures.
- (3) Multiple family structures.
- (4) An abused spouse residence with twelve (12) or fewer residents.
- (5) Group Homes, Types 1 and 2, and Community Residential Homes, pursuant to restrictions set forth in Section 4.3.3(I). [Amd. Ord. 23-01 5/1/01]
- (6) Parking lots not associated with a use, pursuant to an adopted neighborhood or redevelopment plan. [Amd. Ord. 8-00 4/4/00]
- (7) Pocket parks. [Amd. Ord. 8-00 4/4/00]
- (8) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3 (HH). [Amd. Ord. 24-02 7/16/02]
- (9) Assisted Living Facilities and Continuing Care Facilities. [Amd. Ord. 20-08 4/15/08]
- (10) Transient Residential Use [Amd. Ord. 29-09 7/7/09]

(C) **Accessory Uses and Structures Permitted:** The following uses are allowed when a part of, or accessory to, the principal use:

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(1) Uses and structures normally associated with residences such as: bird aviaries, boat docks, dog houses and dog runs, garages, greenhouses, playhouses, pool houses and covers, pump houses, slat houses, storage sheds, tennis courts, workshops, swimming pools, and home occupations. **[Amd. Ord. 77-94 10/18/94]**

(2) Family day care pursuant to restrictions set forth in Section 4.3.3(T) (Child care, up to five children).

(3) Home tutorial services subject to the restrictions set forth in Section 4.3.3.(KK). **[Amd. Ord. 79-94 10/18/94]**

(4) Recreational facilities attendant to a subdivision which is operated under a bonafide homeowners association such as: tennis courts, swimming pools, exercise area, clubhouse, and private golf courses.

(5) The rental or lease of a boat dock when the dock is assigned to, or on the same lot as, each residential use on a one-to-one basis

(6) Guest cottages, only when accessory to a single family detached structure. **[Amd. Ord. 77-94 10/18/94]**

(D) **Conditional Uses and Structures Allowed:** The following uses are allowed as conditional uses within the RM District.

DELETED NUMBER (1) AND RENUMBERED. **[Amd. Ord. 20-08 4/15/08]**

(1) Residential Licensed Service Provider Facilities subject to restrictions set forth in Section 4.3.3(D). **[Amd. Ord. 4-04 2/3/04]; [Amd. Ord. 35-00 1/2/01]**

(2) Child care and adult day care.

(3) Private educational facilities subject to the restrictions set forth in Section 4.3.3(HHH). **[Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 79-94 10/18/94]**

(4) Churches, or places of worship, and their attendant educational, nursery, Sunday school, recreational, and columbarium facilities. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care; however, such uses may be established by a separate conditional use application for child care or rezoning to CF, as appropriate.

(5) Nursing homes.

(6) The use of common recreational facilities such as swimming pools, tennis courts, and golf courses (associated with a subdivision) for club or commercial purposes.

(7) Single family detached residences in zero lot developments.

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(8) Yacht club with facilities.

(9) Dock master facilities when associated with a multi-family development which has a marina. **[Amd. Ord. 23-01 5/1/01]**

(10) Private beach clubs with attendant recreational, dining, and related accessory facilities within one of the following areas: (a) the area lying south of Atlantic Dunes Park and east of State Road A1A, or (b) south of Casurina Road, north of Bucida road, and east of State Road A1A. **[Amd. Ord. 62-05 8/16/05]; [Amd. Ord. 17-98 5/5/98]**

(11) Multiple family residential development may exceed twelve (12) units per acre, up to a maximum of twenty-four (24) units per acre within the Southwest Neighborhood Overlay District defined in Section 4.5.9, subject to the provisions of Section 4.4.6(l), Article 4.7, and based upon the development's conformance with the applicable standards and criteria described within the adopted Southwest Area Neighborhood Redevelopment Plan. **[Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 7-05 2/15/05]**

(12) Multiple family residential development may exceed twelve (12) units per acre, up to a maximum of twenty-four (24) units per acre within the Carver Estates Overlay District as defined in Section 4.5.11 and up to a maximum of eighteen (18) units per acre within the Infill Workforce Housing Area, subject to the provisions of Section 4.4.6(l), and Article 4.7. **[Amd. Ord. 17-06 4/4/06]**

(E) **Review and Approval Process:**

(1) Single family and duplex uses and accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and which otherwise comply with applicable use restrictions.

(2) Multiple family uses and structures must be approved by the Site Plan Review and Appearance Board pursuant to the provisions of Section 2.4.5(F), 2.4.5(H), and (I).

(3) The creation of a new lot for the purpose of building a single family residence requires platting pursuant to 2.4.5(J) or (K), as applicable.

(4) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).

(F) **Development Standards:**

(1) The provisions for the R-1-A District shall apply for single family detached dwellings.

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(2) The development standards as set forth in Section 4.3.4 shall apply for duplex and multi-family development, except as modified herein. **[Amd. Ord. 7-05 2/15/05]**

(3) **Southwest Neighborhood and Carver Estates Overlay Districts and Infill Workforce Housing Area Development Standards**: The following development standards apply to duplex and multi-family development in the Southwest Neighborhood Overlay District, Carver Estates Overlay District and the Infill Workforce Housing Area, which is being developed pursuant to regulations set forth in Article 4.7, "Family/Workforce Housing". **[Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 20-05 4/19/05]; [Amd. Ord. 7-05 2/15/05]**

(a) **Setbacks**: **[Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 7-05 2/15/05]**

- | | |
|------------------------------------|-----|
| (1) Front: | 15' |
| (2) Side (Street): | 15' |
| (3) Side (Interior): 1 and 2 story | 10' |
| 3 story | 15' |
| (4) Rear: | 10' |

(b) **Setbacks for Garages, Carports and Porte-Cocheres**: Garages, carports and porte-cocheres must have a minimum 20' setback when the entrance faces a public street or alley. **[Amd. Ord. 7-05 2/15/05]**

(c) **Porch Encroachments**: Front porches may extend 5' into the front or side street setback and cannot occupy more than 50% of the building frontage and cannot be enclosed in any manner. **[Amd. Ord. 7-05 2/15/05]**

(G) **Supplemental District Regulations**: In addition to the supplemental district regulations set forth in Article 4.6, the following supplemental district regulations shall apply in the RM zone district. **[Amd. Ord. 7-05 2/15/05]**

(1) **Southwest Neighborhood and Carver Estates Overlay Districts and Infill Workforce Housing Area**: The following supplemental district regulations shall apply to duplex and multi-family development in the Southwest Neighborhood Overlay District, Carver Estates Overlay District and the Infill Workforce Housing Area, which is being developed pursuant to regulations set forth in Article 4.7, "Family/Workforce Housing". **[Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 20-05 4/19/05]; [Amd. Ord. 7-05 2/15/05]**

(a) Parking in the front yard is discouraged. No parking shall be allowed in the front yard unless there is no dedicated access to the side or rear of the property. **[Amd. Ord. 7-05 2/15/05]**

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- (b) When garages are provided in the side or rear yards, on-street parking must be provided. **[Amd. Ord. 7-05 2/15/05]**

(H) **Special Regulations:**

(1) A minimum density of six units per acre is established for duplex and multiple family housing projects within this district. Density may exceed the base of six (6) units per acre only after the approving body makes a finding that the project has substantially complied with performance standards as listed in 4.4.6(l). In no event shall a development's total density exceed 12 units per acre, except within the Southwest Neighborhood Overlay District, Carver Estates Overlay District and the Infill Workforce Housing Area, as allowed by Section 4.4.6(D)(12) and 4.4.6(D)(13). The density for a specific RM development may be further limited by a numerical suffix affixed to the designation and shown on the zoning map (i.e. RM-8 limits the density to eight units per acre). To seek a density greater than allowed by the suffix, it is necessary to rezone the property. **[Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 7-05 2/15/05]; [Amd. Ord 42-97 10/7/97]; [Amd. Ord. 40-93 6/22/93]**

(2) Notwithstanding the above, a duplex may be situated upon a platted lot pursuant to Section 4.3.4(l)(3)(b)

(3) Recreational areas shall be required for all new rental apartment developments, and of owner occupied developments which have homeowner associations that must care for retention areas, private streets, or common areas. New developments must include recreational features that are designed to accommodate activities for children and youth of all age ranges. Tot lots are appropriate for toddlers; features such as a basketball court, volleyball court, and open playfields are appropriate for older children. A pool and clubhouse, unless specifically designed for children, is not considered to meet this requirement. Projects having fewer than twenty-five (25) units may be exempted from this standard where it is determined by the approving body that it is not practical or feasible to comply. **[Amd. Ord 42-97 10/7/97]**

(4) The height of accessory structures shall not exceed the height of the associated principal structure. Screen enclosures without a solid roof are excluded from this limit. **[Amd. Ord. 77-94 10/18/94]**

(5) The floor area of an accessory structure shall not exceed 40% of the floor area of the principal structure. **[Amd. Ord. 77-94 10/18/94]**

(6) **Density Bonuses.** Density bonuses may be granted to eligible properties governed by regulations set forth in Chapter 4, "Zoning Regulations", "Family/Workforce Housing" as discussed below: **[Amd. Ord. 7-05 2/15/05]; [Amd. Ord. 66-04 12/6/04]**

SECTION 4.4.6 (H) (6) (a)

- (a) **Southwest Neighborhood and Carver Estates Overlay Districts and Infill Workforce Housing Area**: Density bonuses above 12 units per acre may be granted as a Conditional Use to eligible properties within the Southwest Neighborhood and Carver Estates Overlay Districts, defined in Section 4.5.9 and 4.5.11, respectively, and within the Infill Workforce Housing Area, Section 4.5.12, subject to the regulations set forth in Chapter 4, "Zoning Regulations", and Article 4.7, "Family/Workforce Housing". **[Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 7-05 2/15/05]**
- (b) **S.W. 10th Street Overlay District**: Within the S.W. 10th Street Overlay District defined in Section 4.5.10, in addition to the performance standards listed in Section 4.4.6(l), increases to a project's density beyond six (6) units per acre is subject to the regulations set forth in Chapter 4, "Zoning Regulations", "Family/Workforce Housing". **[Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 7-05 2/15/05]**

(I) **Performance Standards**: **[Amd. Ord 42-97 10/7/97];**

(1) These standards shall apply to all site plans approved subsequent to October 7, 1997, and for modifications to existing developments which involve the creation of additional residential units. **[Amd. Ord 42-97 10/7/97]**

In order to increase a project density beyond six (6) units per acre, the approving body must make a finding that the development substantially complies with the performance standards listed in this section. The intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. The extent to which a project meets the standards will determine the number of units per acre that will be permitted. For example, if a project meets or exceeds all of the standards, and is otherwise consistent with applicable standards and policies of the City's Comprehensive Plan and Land Development Regulations, the maximum density is permitted. Projects which only partially achieve these standards will be permitted a correspondingly lower density. The performance standards are as follows: **[Amd. Ord 42-97 10/7/97]**

- (a) The traffic circulation system is designed to control speed and reduce volumes on the interior and exterior street network. This can be accomplished through the use of traffic calming devices; street networks consisting of loops and short segments; multiple entrances and exists into the development; and similar measures that are intended to minimize through traffic and keep speeds within the development at or below 20 m.p.h. **[Amd. Ord 42-97 10/7/97]**
- (b) Buildings are placed throughout the development in a manner that reduces the overall massing, and provides a feeling of open space. **[Amd. Ord 42-97 10/7/97]**

SECTION 4.4.6 (I) (1) (c)

- (c) Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to those lower density areas. Building setbacks are increased by at least 25% of the required minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by 25% or more; and a hedge, wall or fence is provided as a visual buffer between the properties. **[Amd. Ord 42-97 10/7/97]**
- (d) The development offers a varied streetscape and building design. For example, setbacks are staggered and offset, with varying roof heights (for multi-family buildings, the planes of the facades are offset to add interest and distinguish individual units). Building elevations incorporate diversity in window and door shapes and locations; features such as balconies, arches, porches, courtyards; and design elements such as shutters, window mullions, quoins, decorative tiles, etc. **[Amd. Ord 42-97 10/7/97]**
- (e) A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multi-family housing will at a minimum have a mix of one, two and three bedroom units with varying floor plans. Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans. **[Amd. Ord 42-97 10/7/97]**
- (f) The development is designed to preserve and enhance existing natural areas and/or water bodies. Where no such areas exist, new areas which provide open space and native habitat are created and incorporated into the project. **[Amd. Ord 42-97 10/7/97]**
- (g) The project provides a convenient and extensive bicycle/pedestrian network, and access to available transit. **[Amd. Ord 42-97 10/7/97]**

(2) It is acknowledged that some of the above referenced standards may not be entirely applicable to small, infill type residential projects. For those types of projects, the ultimate density should be based upon the attainment of those standards which are applicable, as well as the development's ability to meet or exceed other minimum code requirements. **[Amd. Ord 42-97 10/7/97]**

(3) For vacant property that is proposed for rezoning to RM with a density suffix, the approving body must make a finding that the proposed density is appropriate based upon the future land use map designations of surrounding property as well as the prevailing development pattern of the surrounding area. **[Amd. Ord 42-97 10/7/97]**