

### 19.6.9 RMO-2 Multi-Family Residential Overlay Zone

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#### 19.6.9.1 Purpose and Zone Characteristics

The RMO-2 Multi-Family Residential Overlay Zone is established to provide areas within the City for multi-family dwellings designed to be compatible with surrounding uses. The RMO-2 Overlay Zone is intended to have very limited commercial services including home occupations. Application for use of the RMO-2 Overlay Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods. The RMO-2 Overlay Zone may be approved by the City Council in the R-1-75 and R-2-75 Zones.

#### 19.6.9.2 Permitted, Conditional and Accessory Uses Permitted Uses

The following land use types are permitted uses in the RMO-2 Multi-Family Residential Overlay Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

1. Single family dwellings
2. Two-family dwellings (duplex and twin homes)
3. Multi-Family dwellings (up to four units)
4. Public or private utility rights-of-way
5. Parks and recreational facilities
6. Subdivisions pursuant to Title 20
7. Keeping of animals pursuant to Title 6 (8-7-02)

#### Conditional Uses

The following land use types are allowed as conditional uses in the RMO-2 Multi-Family Residential Overlay Zone. Unless specifically listed, any other use is not allowed as a conditional use in the overlay zone. Each

conditional use must be reviewed and approved in accordance with Chapter 19.13 of this ordinance.

1. Water storage facilities, drinking or irrigation
2. Religious buildings and structures
3. Educational facilities unless otherwise addressed in State Statute (2-7-07)
4. Residential facilities for the elderly or persons with a disability in accordance with State law (2-19-14)
5. Public or private utility maintenance facilities (8-7-02)

#### Accessory Uses

The following land use types are allowed as accessory uses in the RMO-2 Multi-Family Residential Overlay Zone. Unless specifically listed, any other use is not allowed as an accessory use in the overlay zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling units.
2. Except as a legal non-conforming use, accessory structures for the housing of animals or poultry is not permitted, other than incidental shelter for pets as allowed in Title 6.
3. Home occupations pursuant to Title 4.

#### 19.6.9.3 Lot Area

##### Twin Home (separate ownership)

Each twin home unit in the RMO-2 Residential Overlay Zone shall be located on a lot or parcel no less than sixty (60) percent of the minimum lot size for the underlying zone in which the twin home units will be constructed. Therefore, the minimum lot size shall apply for the following zones:

Zone	Single Family Minimum Lot Size	Twin Home Minimum Lot Size
R-1-9	9,000 square feet	5,400 sq. ft. per unit
R-1-75	7,500 square feet	4,500 sq. ft. per unit
R-2-75	7,500 square feet	4,500 sq. ft. per unit

##### Duplex (single ownership)

Each duplex structure, two living units under single ownership, shall be located on a lot or parcel equal to one hundred and twenty (120) percent of the minimum lot size requirement for the underlying zone. Therefore, each duplex shall meet the following area requirements:

Zone	Single Family Minimum Lot Size	Duplex Minimum Lot Size
R-1-9	9,000 square feet	10,800 sq. ft.
R-1-75	7,500 square feet	9,000 sq. ft.
R-2-75	7,500 square feet	9,000 sq. ft.

#### *Three or Four Unit Residential Structures*

Each three or four unit residential structure shall be located on a parcel no smaller than fifteen thousand (15,000) square feet. Development on larger parcels that can provide open areas, yard space, adequate parking, and separation from existing uses will be encouraged. Proposed residential structures will be reviewed to ensure that building massing is compatible with surrounding buildings.

#### *19.6.9.4 Lot Width*

##### *Twin Home (separate ownership)*

Each twin home lot in the RMO-2 Residential Overlay Zone shall have a minimum width equal to fifty (50) feet for each lot or parcel for all of the area within the required front setback of the underlying zone.

##### *Duplex (single ownership)*

Each duplex lot in the RMO-2 Residential Overlay Zone shall have a minimum width equal to one hundred (100) feet within the required front setback of the underlying zone.

#### *Three or Four Unit Residential Structures*

Each parcel for a three or four unit residential structure shall have a minimum width of one hundred (100) feet for all of the area within the required front setback of the underlying zone.

#### *19.6.9.5 Lot Frontage*

##### *Twin Home (separate ownership)*

Each twin home lot in the RMO-2 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of fifty (50) feet for each lot or parcel..

##### *Duplex (single ownership)*

Each duplex lot in the RMO-2 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred (100) feet.

#### *Three or Four Unit Residential Structures*

Each parcel for a three or four unit residential structure in the RMO-2 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of one hundred and twenty (120) feet.

#### *19.6.9.6 Setback Requirements*

The following minimum setback requirements shall apply in the RMO-2 Residential Overlay Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the RMO-2 Overlay Zone shall have a minimum front setback of twenty-five (25) feet.
2. Side setback - Each lot or parcel in the RMO-2 Overlay Zone, unless otherwise noted below, shall have a minimum side setback of eight (8) feet.
  - a. Side setback for corner lot - Each corner lot or parcel in the RMO-2 Overlay Zone shall have a minimum setback on all areas of road frontage of twenty-five (25) feet.
  - b. Side setback for driveway - Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced.
  - c. Side setback for accessory building - The side setback for any permitted accessory building shall be a minimum of five (5) feet.
3. Rear setback - Each lot or parcel in the RMO-2 Overlay Zone shall have a minimum rear setback of twenty-five (25) feet.
  - a. Rear setback for accessory building - An accessory building may not be located less than five (5) feet from the rear property line.

#### *19.6.9.7 Projections into Setbacks*

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Landscaping and irrigation systems.
3. Necessary appurtenances for utility service.
4. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
5. Patios, decks, and other structures as specified in Section 19.9.22 herein. (6-1-11)

#### *19.6.9.8 Building Height Requirements*

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not exceed eighteen (18) feet in total height unless it can be shown that the building or structure must be higher to accommodate a bona fide agricultural use. (5-16-12)

*19.6.9.9 Distance Between Buildings*

The distance between any residential building or structure and any accessory building shall not be less than three (3) feet. (5-16-12)

*19.6.9.10 Permissible Lot Coverage*

The sum total of all buildings and structures on any parcel in the RMO-2 Overlay Zone shall not be greater than fifty (50) percent of the total area of the parcel.

*19.6.9.11 Parking, Loading and Access*

Each unit in the RMO-2 Overlay Zone shall have on the premises two off-street parking spaces, one of which shall be covered. Additionally, each three or four unit residential structure shall have at least one (1) guest parking space. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

*19.6.9.12 Project Plan Approval*

Any request for project plan approval in the RMO-2 Overlay Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Design Guidelines and Standard Specifications, and the Payson City General Plan.

Use of the RMO-2 Overlay Zone is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the RMO-2 understands and acknowledges that the development rights on the subject property are those found in the underlying zone until, and unless, approved to use the RMO-2 Overlay Zone. The applicant further understands and acknowledges that denial for the use of the RMO-2 shall not constitute a takings claim in that the applicant shall not be denied the ability to use the property in accordance with the underlying zone.

The RMO-2 Residential Overlay Zone may be employed in the R-1-75 and R-2-75 zones. Approval for the use of the RMO-2 Overlay Zone shall be processed in the same manner as a zone change in accordance with Section 19.2.8 herein, with the exception that approval for the use of the RMO-2 Residential Overlay Zone need not be shown on the Zoning Map.

In order to gain approval for the use of the RMO-2 Overlay Zone, applicants should be willing to present a Concept Plan showing the proposed project. If the use of the RMO-2 Overlay Zone is approved, the applicant will be required to present complete project plans including infrastructure construction plans. Should the

applicant choose, the project plans and approval for use of the RMO-2 Overlay Zone can be processed concurrently provided that the applicant acknowledges that all review fees must be paid in full, are non-refundable, and that approval of the RMO-2 Overlay Zone lies at the discretion of the City Council and may not be approved.

Unless otherwise specified by the City Council, approval of the overlay zone shall be valid for one year. If substantial construction of the proposed structure has not been completed, the approval for use of the overlay zone shall be null and void.

*19.6.9.13 Other Requirements*

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

1. Signs - The following signs, and no others, are allowed in the RMO-2 Overlay Zone:
  - a. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence. (7-19-00)
4. Design Guidelines - Approval for the use of the RMO-2 Residential Overlay Zone indicates that the proposed use can be compatible with surrounding uses. Therefore, the City Council may require that certain design guidelines be employed in the project so that the project is compatible. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council.
5. Amenities - Each three or four unit residential structure approved in the RMO-2 Overlay Zone shall include appropriate amenities for the residents of the project. Because each project will be different in nature, the amenities are likely to be different. As a general rule, there could be picnic

areas with tables and barbecue areas, active recreation areas with sport courts, shuffleboard, swimming pools, tennis courts, playgrounds, clubhouses etc., and passive recreation (lawn) areas. The amount of amenities required shall be in proportion to the proposed number of units in the development. Projects with three (3) units shall, at a minimum, furnish picnic areas with tables and barbecue areas. Projects with four (4) units shall, at a minimum, furnish picnic areas with tables and barbecue areas and a playground complete with equipment.

6. Underlying zoning - Unless otherwise allowed in this Chapter, all requirements of the underlying zone must be satisfied prior to project plan approval or issuance of a building permit.