

### **19.6.11 RMO-A Accessory Living Unit Overlay Zone (5-16-12)**

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#### *19.6.11.1 Purpose and Zone Characteristics*

The RMO-A, Accessory Living Unit Overlay Zone is established to conserve and protect the residential atmosphere and character of established neighborhoods and to maintain desirable, attractive, and safe places to live throughout the community. Moreover, these regulations are intended to protect the investment made by adjacent landowners as well as provide a safe living environment for the residents of the structure.

#### *19.6.11.2 Accessory Living Unit Defined*

For the purposes of this Section, accessory living unit shall be defined as a second living unit within a single family dwelling which is accessory to the single family dwelling and is an architectural and integral part of the single family dwelling. No more than one (1) accessory living unit shall be allowed in each single family dwelling.

#### *19.6.11.3 Scope and Application*

When deemed appropriate and if the applicable provisions of this Section are satisfied, the City Council may approve an accessory living unit in any zone where single family dwellings are permitted. These provisions do not change the regulations of the underlying zoning districts, but are an addition or overlay to those regulations. The scope of these provisions apply only to an accessory living unit in a single family dwelling and all other provisions of the development ordinances of Payson City remain applicable, unless otherwise noted herein.

#### *19.6.11.4 Project Plan Approval*

An accessory living unit requires the approval of an overlay zone which is a legislative action of the City Council. Approval for the use of the RMO-A 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 overlay zone need not be shown on the Zoning Map.

Use of the RMO-A Overlay Zone is a request for increased intensity in the permitted uses of the

underlying zone. The City Council is not obligated to approve the overlay zone and denial of the use of the overlay zone will not result in a constitutional taking because the owner of the single family dwelling will be allowed to use the property in accordance with the provisions of the underlying zoning district.

#### *19.6.11.5 Building Alterations*

The accessory living unit shall be designed so that, to the degree reasonably feasible, the appearance of the structure remains that of a single family residence, including retention and enhancement of landscaping. The materials used for any exterior improvements must be similar in character to traditional materials evident in the neighborhood.

A building permit must be obtained for all applicable building alterations associated with the accessory living unit. Prior to the approval, the Payson City Building Inspector will conduct, at the expense of the applicant, an inspection of the single family dwelling and determine if any alterations are necessary to preserve the health and safety of the inhabitants of the structure. All alterations considered necessary to preserve the health and safety of the inhabitants must be consistent with the adopted building and fire codes and completed prior to occupancy of the accessory living unit. (8-6-14)

#### *19.6.11.6 Required Improvements*

The following are the minimum required improvements that must accompany the request for an accessory living unit:

1. There must be at least two (2) hard surfaced, off-street parking spaces for each residential unit.
2. Existing utility laterals and service connections will need to be inspected and upgraded as deemed appropriate by the utility provider.
3. Curb, gutter, and sidewalk must be installed along the frontage of the parcel. Replacement and/or repair of existing curb, gutter and sidewalk may be required.
4. The address for each unit must be clearly visible from a public street.
5. Proper exiting from each unit must be independently provided and must not depend upon the residents of the second unit. In other words, if the second unit is in a basement, the residents in the basement must be able to independently exit the structure from an exit that cannot be locked by the residents on the ground floor.

#### *19.6.11.7 Zoning Considerations*

Accommodation of an accessory living unit will not generally result in exterior modification of the structure

or the building site. Therefore, items such as setbacks, height, coverage and other zoning considerations are often not applicable. However, there are certain items that must be addressed in connection with the additional unit.

1. The off-street parking requirements may need to be accommodated in a setback area. However, the applicant must demonstrate every attempt was made to accommodate parking outside of the setback areas to preserve the character of the neighborhood including landscaping and streetscape.
2. The exterior of the property shall be maintained free of weeds, junk, solid waste or other materials constituting a violation of the Payson City Municipal Code.
3. Approval for an accessory living unit shall be recorded with the Utah County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval.
4. The applicant shall satisfy any conditions imposed by the City Council associated with the accessory living unit and shall agree to deed restrict the property in a manner that if the conditions are not satisfied at any future date, approval of the accessory living unit will be deemed null and void and use of the structure will be limited to a single family dwelling.