

19.6.8 RMO-1 Two-Family Residential Overlay Zone

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19.6.8.1 Purpose and Overlay Zone Characteristics

The RMO-1 Two-Family Residential Overlay Zone is established to provide desirable and attractive neighborhoods by implementing infill principles to support efficient use of existing infrastructure, increase economic viability, improve neighborhood safety, and enhance neighborhood character. Application for use of the RMO-1 Overlay Zone should be carefully reviewed to ensure enhancement of existing development and neighborhoods. The RMO-1 Overlay Zone may be approved by the City Council in the R-1-9, R-1-75, and R-2-75 Zones. (7-19-17)

19.6.8.2 Permitted, Conditional and Accessory Uses

Permitted Uses

The following land use types are permitted uses in the RMO-1 Two-Family Residential Overlay Zone. Unless specifically listed, any other use is not a permitted use in the overlay zone. Uses listed as conditional or accessory uses are allowed in the overlay zone only in accordance with the criteria established in this Chapter.

1. Single family dwellings
2. Two-family dwellings (duplex and twin homes)
3. Planned Residential Community (7-19-17)
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-1 Two-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-1 Two-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.

19.6.8.3 Lot Area

Twin Home (separate ownership)

Each twin home unit in the RMO-1 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. |

Planned Residential Community (separate ownership with common area) (7-19-17)

A Planned Residential Community shall have a minimum area of one (1) acre. The minimum average area per unit shall be sixty (60) percent of the area required in the underlying zone. If the overall Planned Residential Community meets the area per unit requirement as a whole, exclusive of roads, then individual units are not required to meet individual minimum lot sizes or widths. The area per unit shall meet the following area requirements:

| Zone | Single Family Minimum Area Requirements | Planned Residential Community Area Requirements |
|--------|---|---|
| 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 |

19.6.8.4 Lot Width

Twin Home (separate ownership)

Each twin home lot in the RMO-1 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 zone.

Duplex (single ownership)

Each duplex lot in the RMO-1 Residential Overlay Zone shall have a minimum width equal to one hundred (100) feet within the required front setback of the zone.

19.6.8.5 Lot Frontage

Twin Home (separate ownership)

Each twin home lot in the RMO-1 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-1 Residential Overlay Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance equal to one hundred (100) feet.

Planned Residential Community (separate ownership with common area)

The Planned Residential Community shall abut a public street for a minimum total distance of two hundred (200) feet for the entire planned community. (7-19-17)

*19.6.8.6 Setback Requirements**Twin Home/Duplex*

The following minimum setback requirements shall apply in the RMO-1 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-1 Zone shall have a minimum front setback of twenty-five (25) feet.
2. Side setback - Each lot or parcel in the RMO-1 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-1 Zone shall have a minimum setback on all areas of road frontage of twenty (20) feet. (12-7-16)
 - 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-1 Zone shall have a minimum rear setback of twenty-five (25) feet, except as noted below.
 - a. Rear setback for corner lot – Each corner lot or parcel shall have a minimum setback of fifteen (15) feet. (12-7-16)
 - b. Rear setback for accessory building - An accessory building may not be located less than five (5) feet from the rear property line.

Planned Residential Community (separate ownership with common area)

The perimeter of a Planned Residential Community shall have a setback of no less than the required setback of any adjacent private property. If no adjacent private property, the perimeter setback may be reduced to twenty (20) feet. Internal setbacks within the community shall be appropriate for the neighborhood style and approved by the land use authority. (7-19-17)

19.6.8.7 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 19.9.23 herein. (6-1-11)

19.6.8.8 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)

19.6.8.9 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)

19.6.8.10 Permissible Lot Coverage

The sum total of all buildings and structures on any parcel in the RMO-1 Overlay Zone shall not be greater than forty (40) percent of the total area of the parcel.

19.6.8.11 Parking, Loading and Access

Each unit in the RMO-1 Overlay Zone shall have on the premises two off-street parking spaces, one of which shall be covered. 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.

19.6.8.12 Project Plan Approval

Any request for project plan approval in the RMO-1 Overlay Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Standard Specifications and Standard Plans, and the Payson City General Plan. (11-5-14)

Use of the RMO-1 Overlay Zone is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the RMO-1 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-1 Overlay Zone. The applicant further understands and acknowledges that denial for the use of the RMO-1 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-1 Residential Overlay Zone may be employed in the R-1-9, R-1-75, and R-2-75 zones. Approval for the use of the RMO-1 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-1 Residential Overlay Zone need not be shown on the Zoning Map.

In order to gain approval for the use of the RMO-1 Overlay Zone, applicants should be willing to present a Concept Plan showing the proposed project. If the use of the RMO-1 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-1 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-1 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.

19.6.8.13 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.

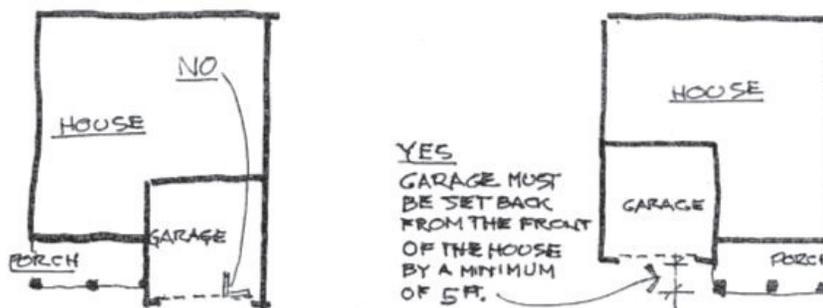
1. Signs - The following signs, and no others, are allowed in the RMO-1 Overlay Zone:
 - a. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
2. Landscaping - Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy. (12-6-00)
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-1 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. 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.

19.6.8.14 Design Standards—Planned Residential Community

1. Building Form:

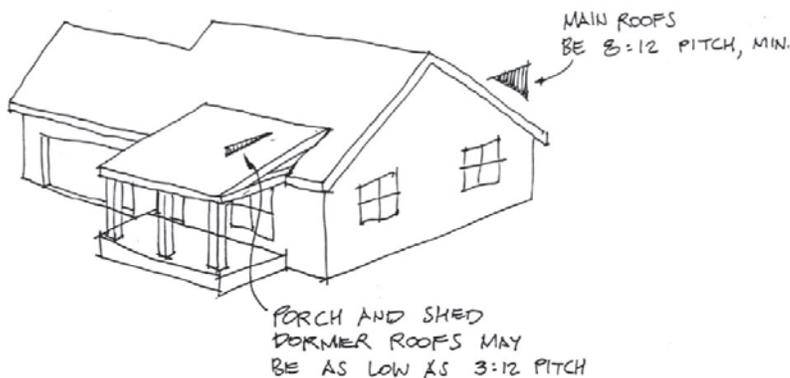
- a. *Building Form Variation* – Exterior wall surface(s) that face a street, trail, or side yard greater than twelve (12) feet to property line, or an adjacent building, shall have architectural features that create visual interest. Such approved features include intersecting building forms, porches, chimneys, bay windows, cantilevered structures, roof gables, or other City approved features.
- b. *Attached Unit Variation* – Residential units that are attached as a twin home unit to the side or to the rear must have staggered building surfaces of two (2) feet minimum on sides that face a street, trail, or side yard greater than twelve (12) feet to property line or an adjacent building. Attached residential units shall vary from one another in exterior form, but unified by exterior finish materials and color schemes. Abutting residential units may have the same interior floor plan.
- c. *Garages* – Side entry or alley-loaded garages that open to the side or rear of residential units are preferred for interior units. Perimeter units shall have side entry or alley loaded garages unless the planned residential community does not have interior units, in which case side entry or alley loaded garages are not required, but preferred. When either an attached or detached garage faces the same direction as the main entry or a street-facing side of the residential unit that it serves, the garage must be set back five (5) feet from the front most portion of the unit on that particular side (See Figure 1-c).

Figure 1-c



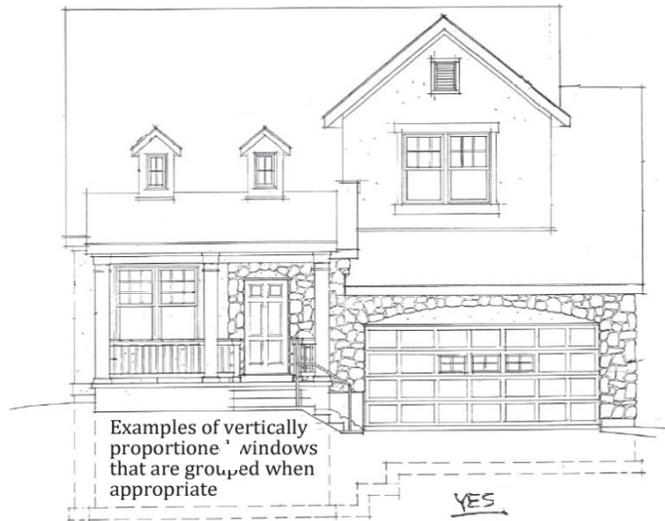
- d. *Minimum Roof Pitch* – Main roof structures of all residential units are to be an eight/twelve (8:12) pitch minimum. Minor roof structures such as porch, shed, or dormer roofs may be a three/twelve (3:12) pitch minimum (See Figure 1-d). Flat roof structures may be permitted by City approval when appropriate for the architectural style.

Figure 1-d



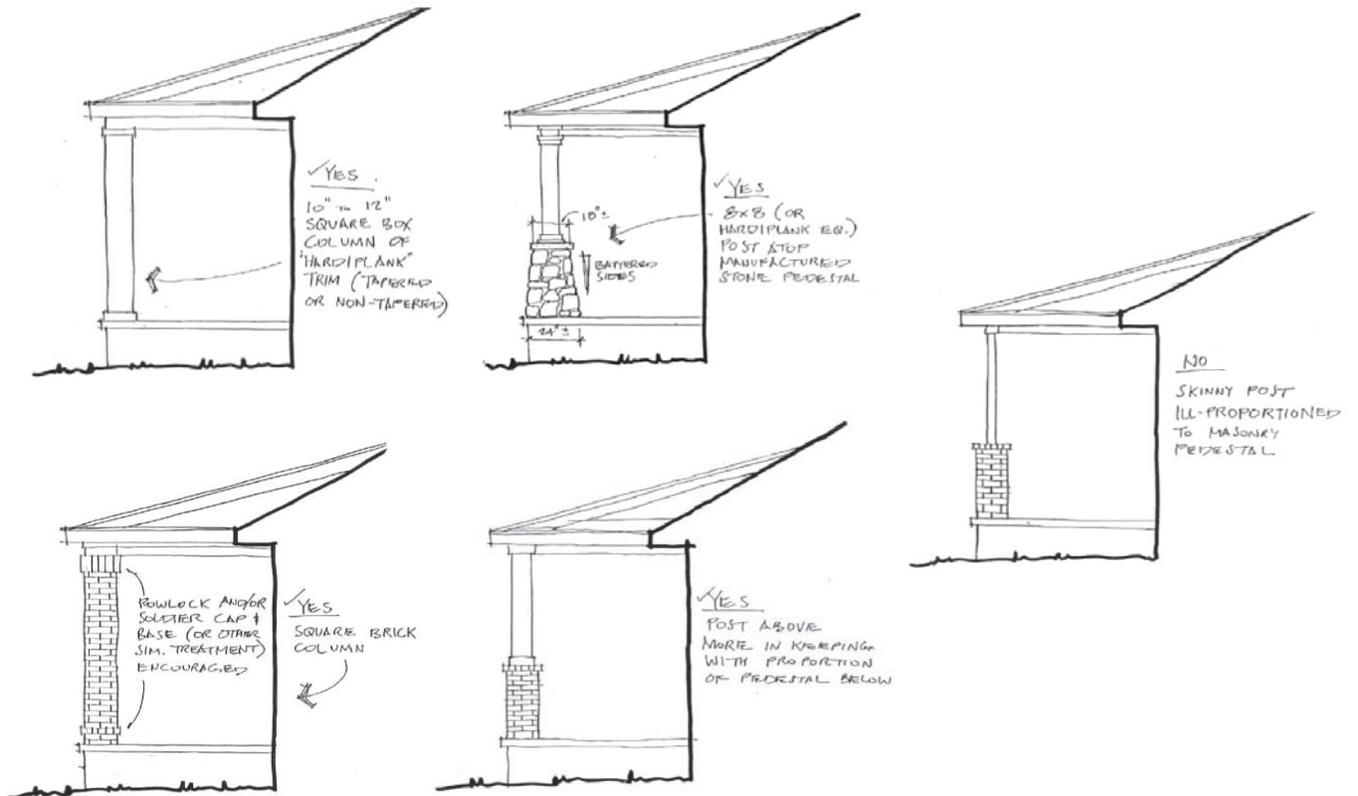
- e. *Window Layout and Design* – Windows on all residential units must be vertically proportioned and when appropriate, grouped with adjacent windows of similar sizes (See Figure 1-e).

Figure 1-e



- f. *Column Proportions* – When columns are used on porches and decks, they must be designed using correct architectural proportions and materials (See Figure 1-f).

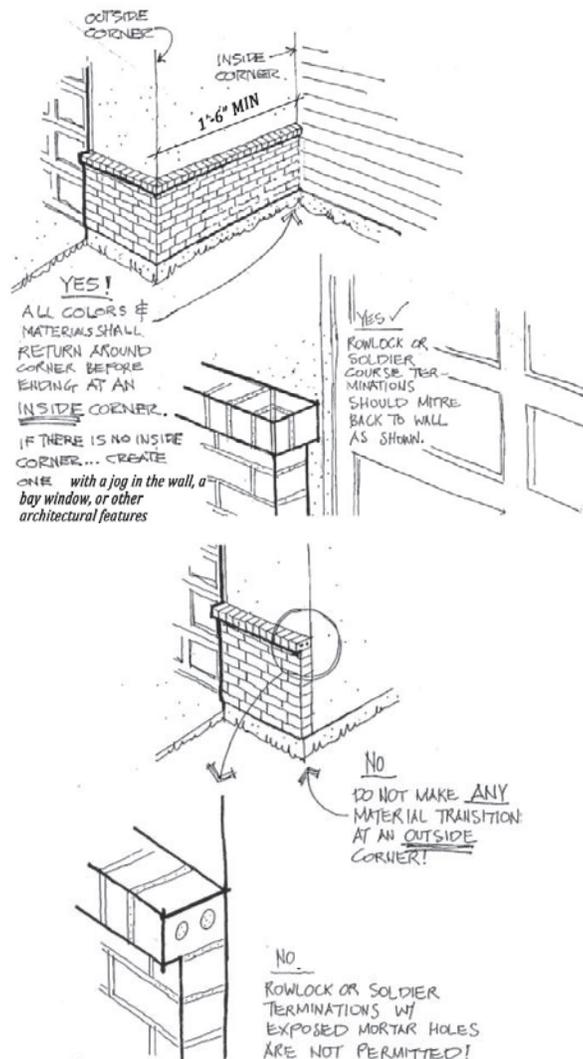
Figure 1-f



- g. *Accessory or Detached Structures* – Out-buildings, patio structures, pergolas, trellises, sunshades, gazebos, and any other appurtenant buildings or structures shall be constructed of materials consistent with the colors, textures and materials approved for the residential unit and shall be integral to the architecture of the house.
- 2. Exterior Finishes and Materials:
 - a. *Exterior Wall Surfaces* – Brick, stone, stucco and fiber reinforced cement-based siding are permitted for the exterior finish of residential units and accessory buildings. Plastic or aluminum products are not allowed as exterior finish materials.
 - b. *Maximum Stucco Percentage* – Stucco may be used to finish up to seventy (70) percent of the street facing exterior wall surface(s) and ninety (90) percent of the overall exterior wall surfaces. Exterior wall surface area excludes windows, doors, and roof structures.
 - c. *Minimum Masonry/Stone Percentage* – Twenty (20) percent of all street-facing exterior wall surface(s) shall be covered in masonry or stone. Side wrapping masonry may be counted to fulfill the minimum percentage. Exterior wall surface area excludes windows, doors, and roof structures.
 - d. *Wrapped Finish Materials*- All exterior finish materials (siding, stucco, masonry, stone, etc.) must terminate at an inside corner. Finishes are not allowed to terminate or transition at outside corners or in the middle of flat exterior surfaces. Masonry must wrap around outside corners that are a minimum of one (1) foot and six (6) inches from the adjacent inside corner where it terminates (See Figure 2-d).

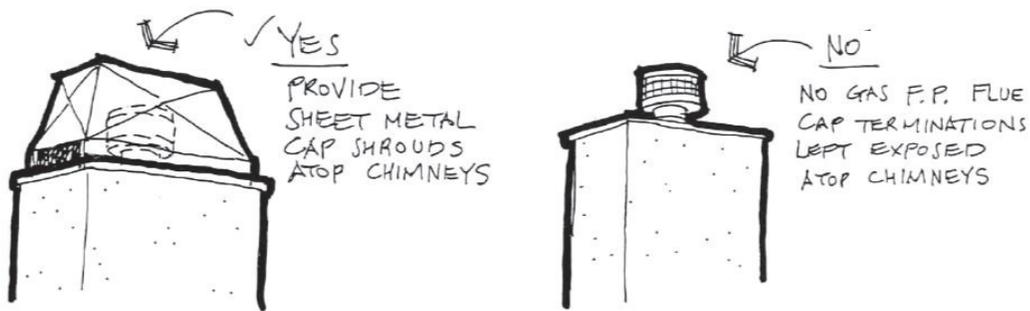
Figure 2-d

e.



- Roofing Materials* – Roof, soffit, and fascia material shall be restricted to wood shingles or shakes, slate, tile, architectural grade asphalt, fiberglass or other materials reviewed and approved by the City.
- f. *Exterior Lighting* – All exterior lighting shall be controlled by photocell technology. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration; however, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution is prohibited. Therefore, all lighting shall be shielded to prevent up-lighting and light escape.
 - g. *Rain Gutters and Downspouts* – Gutters and downspouts shall be designed and placed to be as inconspicuous as possible. Downspouts shall connect with an underground drain or short runs of underground piping to move the water away from the foundation; they shall not dump or exhaust on top of driveways or walks.
 - h. *Chimney, Chimney Caps, and Vents* – Chimneys of approved exterior materials may not exceed the height allowed by the City. Other than the direct vent through-the-wall type, exposed metal flues are not acceptable; all chimneys shall be enclosed in a material identical to, or compatible with, the building wall surfaces and covered with a hood to hide the flue system (See Figure 2-h). All front or side external vent stacks shall be colored or painted to harmonize with and/or match the adjacent roof or wall material and the house design shall be planned to exit the roof to the rear of the main ridge line where possible, or in a location with the least visibility from the street.

Figure 2-h



- i. *Satellite Dishes and Antenna* – Roof or wall mounted equipment must be placed in the least conspicuous manner. Satellite dishes and mechanical equipment must be planned as part of the roof/eaves design in order to be concealed from most pedestrian viewpoints.
 - j. *Gas and Electric Meters* – Meter locations are to be designed into the architecture of the dwelling and screened from view. Place the meter in the least conspicuous location allowed by the utility company.
 - k. Each home shall have a strong entry such as a porch, recessed portico, courtyard or other notable front access.
3. Site Design and Landscaping:
- a. *Orientation* – Each unit fronting a public street shall be oriented to face the street. Interior homes shall be oriented toward common areas, streets, or paths in a way that creates harmony among the units. Any side of a dwelling that abuts a public street, a pedestrian trail, or a common space greater than twelve (12) feet in depth shall have architectural features and windows that engage with the space and effectively give “eyes on the street”.
 - b. *Deck or Patio*- Each unit shall have an outdoor patio or deck space of at least one hundred (100) square feet in size.
 - c. *Tree Requirement* – One (1) street tree is to be planted for every forty (40) feet of public street frontage for the entire project. In addition to public street trees, at least one (1) additional tree for each residential unit in the project is required to be planted in other areas throughout the project. All trees must be 2” caliper, or larger, at the time planted and of a tree type approved by the City. Tree types are to be chosen to not conflict with or encroach on adjacent utility lines or structures.
 - d. *Shrubbery Requirement* – A minimum of four (4) five-gallon sized shrubs shall be planted in locations that are visible from the street for each residential unit. On corner street-facing lots an additional four (4) five-

- gallon sized shrubs are required on the additional street-facing side.
- e. *Street Lighting Standards* – In areas away from building mounted fixtures, adequate lighting shall be provided along all streets and alleys. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration; however, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution is prohibited. Therefore, all lighting shall be shielded to prevent up-lighting and light escape. A standard list of approved lighting fixture choices will be available as approved by the City.
 - f. *Community Design* – Units shall be designed to allow for engagement with open space and the surrounding units. There shall be pedestrian connections between the surrounding elements such as units, streets, adjacent trails and paths. Pedestrian routes shall be designed to encourage walkability and provide safe and pleasant walking experiences.
 - g. *Amenities* – The community shall include common features such as community gardens, gazebo, sports courts, pools, community flower gardens or playgrounds.