

Case Research

Sec. 5.1000. - Multiple-family Residential (R-5).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 55), 4-3-12)

Sec. 5.1001. - Purpose.

This district is intended to provide for development of multiple-family residential and allows a high density of population with a proportional increase in amenities as the density rises. The district is basically residential in character and promotes a high quality environment through aesthetically oriented property development standards.

Sec. 5.1002. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 19), adopted Aug. 25, 2014, repealed § 5.1002 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.1003. - Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
1. Accessory buildings; swimming pool; home occupations; and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
 2. Boardinghouse or lodginghouse.
 3. Day care home.
 4. Dwelling, single-family detached.
 5. Dwelling, multiple family.
 6. Municipal uses.
 7. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
 8. School: Public and charter, elementary and high.
 9. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work.
 10. Temporary sales office buildings and model homes.
 11. Churches and places of worship.
- B. *Uses permitted by conditional use permit.*
1. Commercial and/or ham transmitting or receiving radio and television antennas in excess of seventy (70) feet.
 2. Community buildings or recreational fields not publicly owned.
 3. Convent.
 4. Day care center.
 5. Golf course, regulation or par-three, that is incidental to and located within the development.
 - 6.

Hotel, motel, and timeshare project of not less than ten (10) units and commercial uses appurtenant thereto, such as restaurant, cocktail lounges, gift shops, newsstand, smoke shops, barbershops, beauty parlors and small retail shops, provided the entrance of such use shall be from the interior of the building, lobby, arcade or interior patio.

7. Orphanage.

8. Plant nursery; provided, however, that all materials (other than plant materials) shall be screened from view by a solid fence or wall at least six (6) feet in height, and further that a completely enclosed building having a minimum floor area of five hundred (500) square feet shall be provided.

9. Private club, fraternity, sorority and lodges.

10. Private lake, semi-public lake, tennis courts.

11. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R-5 District.

- a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
- b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
- c. Noise: Outdoor speaker system or bells are not allowed if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
- d. Required open space.
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
- e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.
 - i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. No playground or outdoor activity area shall be located within fifty (50) feet of any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or within twenty-five (25) feet of any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5 or Manufactured Home M-H district. All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., by a minimum six-foot high screen wall.
 - j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
- 12. Public buildings other than hospitals.
 - 13. Public utility buildings, structures or appurtenances thereto for public service uses.
 - 14. Recreational uses.
 - 15. Residential health care facility.
 - 16. Wireless communications facilities; Type 4, subject to requirements of sections 1.400., 3.100., and 7.200.

(Ord. No. 2266, § 1, 11-21-89; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, §§ 5, 6), 8-30-10; Ord. No. 3920, § 1(Exh. § 27), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 56), 4-3-12; Ord. No. 4140, § 1(Res. No. 9643, Exh. A, § 3), 2-25-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 83), 5-6-14)

Sec. 5.1004. - Property development standards.

The following property development standards shall apply to all land and buildings in the R-5 District.

A. *Minimum property size.*

1. Each parcel or lot within a development shall be a minimum net lot size of thirty-five thousand (35,000) square feet.
2. If an R-5 zoned parcel of land or a lot of record in separate ownership has an area of less than thirty-five thousand (35,000) square feet and has been lawfully established and recorded prior to the adoption of this requirement on October 2, 1979, such lot may be used for any purpose permitted in this section, subject to all other requirements of this ordinance.

B. *Required open space.*

1. Density based uses.

a. Minimum open space per Section 5.1004.D., distributed as follows:

- i. Frontage open space minimum: 0.50 multiplied by the minimum open space per Section 5.1004.D., except as follows:

- (1) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.
- (2) Not required to exceed more than fifty (50) square feet per one (1) linear foot of public street frontage.

- ii. The remainder of the density based uses minimum open space per Section 5.1004.D., less the frontage open space, shall be common open space.

✓ b. Private outdoor living space.

- i. First story dwelling units, minimum: 0.10 multiplied by the gross floor area of the unit.
- ii. Dwelling units above the first story, minimum: 0.05 multiplied by the gross floor area of the unit.
- iii. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.

2. Non-density based uses.

a. Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

- i. Frontage open space minimum: 0.50 multiplied by the minimum open space.
- ii. The remainder of the non-density based uses minimum open space, less the frontage open space, shall be provided as common open space.

3. Parking areas and parking lot landscaping are not included in the required open space.

C. *Building height.*

1. No building shall exceed thirty-six (36) feet in height except as otherwise provided in article VII.
2. Building height shall not exceed one (1) story within fifty (50) feet of any R-1, R-2, R-3, R-4, R-4R or M-H district boundary line.

D. *Density requirements.* Compliance with the standards under columns 3 and 4 determine allowable density for dwelling and guest units.

ALLOWABLE DENSITY

STANDARDS

$$0.5 \times 2185.48 \text{ sq ft} = 1,092.74 \text{ sq ft}$$

$$1092.74 \text{ sq ft common} \rightarrow 1078 \text{ sq ft}$$

22% of 9,934 sq.ft.
 → 2125.48
 open space
 req

1	2	3	4
Dwelling Units Per Acre (and corresponding gross land area per unit requirement)	Timeshare or Guest Units Per Acre (and corresponding gross land area per unit requirement)	Minimum Percentage of Net Lot Area to be maintained in Open Space	Minimum Percentage of the Tree Requirement to be provided in Mature Trees
<u>17</u> (2562) or less	<u>24</u> (1816) or less	<u>22</u>	<u>40</u>
18 (2422)	25.5 (1708)	25	50
<u>19</u> (2292)	27 (1613)	28	60
20 (2180)	28.5 (1528)	<u>31</u>	70
<u>21</u> (2074)	30 (1452)	34	80
<u>22</u> (1980)	31.5 (1382)	<u>37</u>	90
<u>23</u> (1890)	33 (1320)	40	100

E. *Building setback.*

- Wherever an R-5 development abuts an R-1, R-2, R-3, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained.
- Wherever an R-5 development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review Board or City Council if the existing or future development of the area around the site warrants such larger yards.

F. *Distance between buildings.*

-

There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building.

G. *Walls, fences and required screening.*

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open spaces, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.
2. All parking areas adjacent to a public street shall be screened with a wall to a height of three (3) feet above the parking surface.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by Development Review [Board].

H. *Access.* All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board.

(Ord. No. 1840, § 1(5.1004), 10-15-85; Ord. No. 1922, § 1, 11-4-86; Ord. No. 2430, 1-21-92; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 57, 58), 4-3-12)

Sec. 5.1005. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.1006. - Signs.

The provisions of article VIII shall apply.

Sec. 5.1007. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 59), 4-3-12)

SOUTHWEST VILLAGE
UNIT 6
BR. 62 Pg. 6

UNIT 3
BR. 63 Pg. 6

HOLIDAY PARK

76-14

A SUBDIVISION OF PART OF THE E 1/2, SW 1/4, SEC. 27,
T.2N., R.4E., G. & S.R., B. & M., MARICOPA COUNTY, ARIZONA



Maddock & Associates

ENGINEERS ARCHITECTS SURVEYORS

JOB NO. 571025

UNOFFICIAL

CERTIFICATE

This is to certify that the survey and subdivision of the premises described and platted herein were made under my direction during the month of January, 1958.



Paul Maddock
REGISTERED CIVIL ENGINEER

DOCUMENT

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the Lane Title & Trust Company, an Arizona Corporation, Trustee, has subdivided under the name of HOLIDAY PARK, that part of the E 1/2, SW 1/4, Section 27, T.2N., R.4E., G. & S.R., B. & M., Maricopa County, Arizona, as shown platted hereon and hereby publishes this plat as and for the plat of said HOLIDAY PARK and hereby declares that said plat sets forth the location and gives the dimensions of the lots, streets and alleys constituting same, and that each lot and street shall be known by the number or name given each respectively on said plat, and hereby dedicates to the public for use as such, the streets and alleys shown on said plat and included in the above described premises.

IN WITNESS WHEREOF the Lane Title & Trust Company, as Trustee has hereunto caused its corporate name to be affixed and the same to be attested by the signatures of *John D. Keller*, its Vice President, and *Catherine Culbertson*, its Assistant Secretary, thereunto duly authorized.

LANE TITLE & TRUST COMPANY—TRUSTEE

BY: *John D. Keller* ATTEST: *Catherine Culbertson*
VICE PRESIDENT ASSISTANT SECRETARY

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNTY OF MARICOPA S.S.

On this, the 17th day of February, 1958, before me, the undersigned officer, personally appeared *John D. Keller* and *Catherine Culbertson*, who acknowledged themselves to be Vice President and Assistant Secretary, respectively, of the Lane Title & Trust Company, a corporation, and acknowledged that they, as such officers respectively, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation, by themselves, as such officers, respectively.

IN WITNESS WHEREOF I hereunto set my hand and official seal. My commission expires 6-4-61

Conrad Simons
NOTARY PUBLIC

APPROVAL

Approved by the Town and Council of Scottsdale, this 17th day of February, 1958.

BY: *Mayor* ATTEST: *Clerk*

1-15-43

