

Section 17 Supplementary Provisions

17.1 Introduction

The Supplementary Provisions provide additional provisions and standards for conditions and special circumstances for the uses and development within the Property outside the parameters of the Permitted Uses table within Section 7 and the General Development Standards.

While certain supplementary provisions are addressed within the Permitted Use table, this additional criteria set forth below, is intended to ensure compatible development within the Property as it relates to specific uses and structures. The Supplementary Provisions provide for:

- A. Adequate conditions related to non-specific or ancillary uses or structures.
- B. Ensure adequate conditions as not to conflict with the vision and goals of the CP.

17.2 General Provisions

- A. Relief from specified requirements listed in Section 7. The Planning Board may modify the requirements listed in Section 7 if the Master Developer consents and the applicant provides a better design alternative to the required condition.
- B. Encroachments. All structures encroaching into the ROW require specific City approval by the Mesa City Engineer and City Traffic Engineer

17.3 Lots, Yards, and Open Spaces

- A. No Lot shall be reduced in area so as to cause any open space or yard required to be less in dimension than is required for the LUG.
- B. No Lot shall be divided in such a way that any division of such lot shall contain more dwelling units than are permitted by the LUG in which such Lot is situated.
- C. Parcels of land may be subdivided into multiple lots, provided such smaller lots conform to the lot size limitations of the LUG in which the Lots are situated; however, a parcel shall not be divided into four (4) or more lots, or two (2) or more lots if a new street is involved, without approval of a subdivision plat in compliance with the General Development Standards and subdivision regulations of the City Code.
- D. The division of land into two (2) or three (3) parcels shall require approval of a Lot split map in compliance with the Subdivision Regulations.
- E. Where two (2) or more Lots are used as a building site and where buildings cross Lot lines, the entire area shall be considered as one (1) Lot, except that the front of the parcel shall be determined to be the front of the individual Lots as originally platted or recorded.
- F. Every Lot shall have frontage on a dedicated public street, private street or tract providing access unless the Lot is part of a unit in a condominium subdivision.

17.4 Wireless Communication Facilities

- A. Wireless communication facilities (WCF's) intended for noncommercial purposes are permitted, provided:
1. Such structures shall not be located in the required front yard or in front of the front line of the dwelling or principal building.
 2. Such structures shall not exceed a height of ten (10) feet within a required side or rear yard.
 3. Stand-alone structures shall not exceed a height of seventy (70) feet within the buildable area.
 4. Such structures a part of the architecture of a building shall be aesthetically integrated or screened and shall not exceed a height of fifteen (15) feet higher than the building.
- B. WCF's intended for commercial purposes are permitted in LUGs other than LUG V and LUG E, WCF's for commercial purposes and shall be subject to the following standards.
1. All WCF's shall be administratively approved if they meet the following criteria:
 - a. The replacement of any existing WCF, if the replacement is smaller and/or less visible than the original WCF, or there is no obvious visible change from the original WCF.
 - b. WCF on or within existing buildings, walls, and water tanks that provide for the antennas and equipment cabinets to be fully concealed within or behind existing buildings, existing walls, and/or buried completely underground. All wall replacements shall match the existing colors and materials. Antenna and equipment cabinet locations shall comply with the General Development Standards. All equipment cabinets that are located within the right-of-way or completely underground or are incorporated architecturally within structures are exempt from General Development Standards. Any stealth application such as a palm tree, saguaro, flagpole or sports field light pole shall include a landscape plan and methods for screening mechanical equipment.
 - c. On existing or replaced traffic signal poles with all equipment cabinets buried underground or incorporated architecturally within structures.
- C. WCF's designed and used specifically for public safety purposes are exempt from the requirements of this section. WCF's approved for public safety purposes and which are also utilized by commercial communication companies shall be considered commercial WCF's and are subject to the requirements specified within this section.

17.5 Yard Encroachments

- A. Awnings, eaves, overhangs, porches, open patios, carports, open balconies or basement window wells may encroach into any required front yard.
- B. Awnings, canopies, and porte-cocheres may encroach beyond the front yard property line so long as they do not impede the flow of traffic. All structures encroaching into a PUF requires specific City approval by the Mesa City Engineer and City Traffic Engineer.
- C. Cantilevered second and subsequent stories may encroach into front yards so long as they do not impede the flow of traffic.
- D. Exceptions to Building setback requirements may be granted for structures such as skybridges which cross the ROW.

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- E. Awnings, eaves, overhangs, open balconies or basement window wells may encroach not more than three (3) feet into any required side or rear yard.
- F. Vestibules, bay windows, nooks, chimneys, or similar wall projections with or without footings may encroach not more than three (3) feet into any required front or rear yard, and not more than two (2) feet into any required side yard, and such projections shall not comprise more than fifty (50) percent of the building length.
- G. Uncovered open decks, patios, and terraces less than forty-eight (48) inches in height may encroach into any required yard.
- H. Staircases may encroach up to three feet into any required yard. Steps in landscape area may encroach into any required yard.

17.6 Exceptions to Height Limits

- A. The height limits specified herein do not apply to church spires, chimneys, flues, vents, flagpoles, commercial- or government-operated communication towers, water towers, architectural monument, light standards, or airway beacons; nor to any mechanical penthouse, bulkhead, elevator, solar collector, wind turbines, sustainable energy appurtenances, microwave dish, or similar building-mounted device extending above the roof and not occupying an aggregate area greater than fifty (50) percent of the roof area, except as noted in *Exhibit 4.1* – Airport Compatibility.
- B. In all LUGs, architectural embellishment may extend a maximum of twenty (20) percent above the height limit specified in each LUG as long as such areas do not to exceed FAA Part 77 height restrictions.
- C. The Planning Director may approve additional exceptions to the height limits specified herein only upon a finding that:
 - 1. Increased setbacks, enhanced landscaping, or other screening measures effectively mitigate the impact of the building height.
 - 2. The exception is necessary to accommodate the proposed uses or activities within the building or structure.
 - 3. The architectural style of the building or structure places the exception at a central point or in a limited area such as a dome, sphere, or other geometric solid.
 - 4. The proposed development does not exceed the maximum number of stories or residential densities permitted in the LUG in which it is located.

17.7 Height of Fences and Other Structures

- A. On a corner Lot in all LUGs, no fence, wall, shrubbery, sign, or other obstruction to vision between a height of three (3) feet and eight (8) feet above the centerline grades of the intersecting streets shall be erected, placed, planted, allowed to grow, or maintained within the required sight distance triangles.
- B. In the front yard, fences are generally limited to forty-two (42) inches, including on top of any retaining wall.
- C. In side and rear yards:
 - 1. The height of fences for residential is generally six feet.
 - 2. The height of fences for mixed-use and non-residential uses is generally eight feet.
 - 3. Fence heights in excess of these amounts shall be considered at site plan review.

17.8 Swimming Pools and Other Bodies of Water

- A. In all LUGs, an in-ground swimming pool shall not be located closer than four (4) feet from the water's edge to any property line.
- B. In all LUGs, structurally contained bodies of water, excluding ponds, and lakes either above or below ground level with the container being eighteen (18) inches or more in depth at any point or wider than eight (8) feet at any point shall conform to the location and fencing requirements for swimming pools.

17.9 Golf Courses

- A. Private and public golf courses are permitted in all LUGs. Accessory uses including clubhouses, maintenances facilities, restrooms and other such uses are also permitted.

17.10 Factory-Built Buildings

Factory-built buildings designed, manufactured, and on permanent foundations are allowed for residential purposes as dwelling units or for non-residential purposes, provided such buildings are installed in conformance with the General Development Standards.

17.11 Special Events

- A. Special events are permitted in all LUGs, provided:
 1. The event is licensed in accordance with the provisions of Title 5 of the City Code.
 2. The duration of the event does not exceed the time period specified in the special event license or a maximum of four (4) consecutive days.
 3. The number of events does not exceed six for a calendar year unless approved by the Planning Director.
 4. The site of the event is adequately served by utilities and sanitary facilities.
 5. The event will not become a safety hazard or public disturbance and will not cause substantial adverse impacts on surrounding properties or land uses by creating excessive noise, glare, heat, dust, odors, or pollutants as determined by the Planning Director and Fire Chief.
- B. Facilities, structures, and utilities shall be installed and maintained in conformance with all applicable building, fire, traffic, and zoning regulations.

17.12 Portable Storage Containers

- A. In all LUGs, portable storage containers are permitted only in accordance with the following:
 1. As a temporary use during construction, remodeling, or redevelopment of permanent on-site building and facilities, subject to the approval of the Planning Director. Such use permit shall specify and limit the number, size, location, and duration of the storage containers.
 2. As a periodic, intermittent, or isochronal use accessory to a primary permitted use, subject to the approval of the Planning Director. In addition to specifying and limiting the number, size, location, and duration of the storage containers, the Planning Director may require additional measures to ensure compatibility with adjacent land uses such as increased setbacks, screen walls, landscaping, exterior materials and color.

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3. In no case shall such storage containers be located in required landscape areas, open space, retention basins, required drive aisles, fire lanes, required parking spaces, loading zones, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.
4. The temporary placement of a portable storage container on a single-family residential lot for the purpose of loading and unloading household contents shall be permitted for a period of time not exceeding seven (7) days in a calendar year.

17.13 Vehicle Display Platforms

- A. Elevated platforms or other structures or devices used for the display of vehicles associated with an approved vehicle sales facility are permitted, provided such platforms, structures, or devices:
 1. Shall only be located in areas currently approved or authorized for vehicle display.
 2. Shall not project into or over required landscape areas, drive aisles, or fire lanes.
 3. Shall not be located closer to the public street than the existing, at-grade vehicle display area.
 4. Shall not exceed four (4) feet in height as measured from the mean finished grade of the display surface.
- B. Only one (1) vehicle shall be displayed on each platform, structure, or device.
- C. The number of display platforms, structures, or devices shall not exceed a ratio of one (1) per one hundred (100) feet of lineal street frontage of the at-grade display area (exclusive of driveways).
- D. The Planning Board may approve modifications or variations to the above provisions when such platforms, structures, or devices are a component of a Site Plan reviewed and approved in accordance with this CP. Such modifications or variations shall only be approved upon a finding by the Planning Board that such platforms, structures, or devices:
 1. Constitute a design component, or incorporate architectural features, associated with the primary buildings or structures on the development site.
 2. Serve only to enhance the visibility of vehicles, and do not display or portray an advertising message, or commercial signage.
 3. Will not impede or obstruct the visibility of traffic maneuvering on the development site or traveling upon the public-street.
 4. Incorporate enhanced landscaping, architectural elements or other screening measures to effectively mitigate the impact of the platforms.

17.14 Temporary Parking Lots

- A. Overflow parking lots for stadiums, performing arts centers, competitive aquatics facilities, and similar public event facilities, with a required parking count of at least three hundred (300) spaces, are permitted subject to the approval of the Planning Director in conformance with the General Development Standards.
- B. Such approval shall only be approved upon a finding that the temporary or overflow lot is in conformance with the following guidelines:
 1. Has a dust-proofed surface consisting of a minimum three (3) inches of compacted gravel, aggregate base coarse (ABC), or crushed granite.

2. Such temporary or overflow lot shall not be subject to the site development and design standards contained in the General Development Standards, however certain provisions of the Design Guidelines may be stipulated as a condition of approval by the Planning Director to ensure compatibility with adjacent land uses.

17.15 Temporary Batch Plants

- A. Temporary batch plants shall be allowed within the Property for the purpose of recycling, crushing and processing of existing pavement materials, building materials, rock and gravel on-site. The temporary batch plant plan shall be reviewed and approved by the Planning Director, and approved subject to mandatory length of use limitations prior to the submittal of a DUP, Site Plan or subdivision plat. The following conditions shall apply:
 1. A batch plant shall be setback from any perimeter Property line a minimum of three hundred (300) feet.
 2. A batch plant shall be enclosed by a fence, wall and / or landscaping to clearly demark the area of the plant.
 3. A batch plant shall operate only between the hours of 6:30 a.m. - 9:00 p.m. if less than 1,000 feet from a residence.
 4. A batch plant may operate without any time of day restrictions if located more than 1,000 feet from any residence.

17.16 Temporary Nurseries

- A. Temporary nurseries shall be allowed anywhere on the Property. In an attempt to accelerate the growth of trees and shrubs for the Property, nurseries may be located on-site prior to the approval of the DUP, Site Plan or subdivision plat in which they are to be planted within. The nature of this temporary use may include time periods in excess of one (1) year depending on the proposed temporary nursery function. Temporary nurseries may include boxed specimens, temporary irrigation, temporary power, gravel drive-aisles and security fencing. The plan, length of time for a temporary nursery and any other conditions shall be approved by the Planning Director.

17.17 References to City Staff

- A. References within the CP to the Master Developer, City Manager, Planning Director, City Traffic Engineer, City Engineer, Fire Chief, City Utilities Department Manager or other such City staff persons shall include the designee of that person.
- B. References to the Building Code or Fire Code shall mean the applicable Building or Fire Code adopted by the City at the time of any request. Building regulations shall mean the applicable regulations of Title 4 of the City Code.