

Chapter 5 USE REGULATIONS

§5.1 | Use Table

The Principal Uses Allowed within Rural, Urban Residential, and Nonresidential Zoning Districts are identified in Table 5.1 of this chapter (beginning on the following page).

Note: All Principal Uses Allowed in the Rural Zoning Districts are the same (i.e., AF35 and AFT zone districts are treated the same in Table 5.1).

5.1.1 | Use Categories and Specific Uses

All of the use categories listed in the first column of Table 5.1 are defined in Sections 12.2-12.7 (Use Categories). The first column of each of the use tables contains an abbreviated definition of the respective use category. If there is a conflict between the abbreviated definition and the full explanation contained in Chapter 12 the provisions of Chapter 12 will control. In some cases, “Specific Use Types” are listed in the second column of the table. If a Specific Use Type is listed in the table, that use type is allowed only within the districts indicated, not within the districts that allow the broader Use Category.

5.1.2 | Allowed Uses

An “A” indicates that the listed use is allowed within the respective zoning district. Allowed uses are subject to site plan review and all other applicable standards of this Land Development Code.

5.1.3 | Conditional Uses

A “C” indicates that the listed use is allowed within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of Section 3.8. Conditional Uses are subject to all other applicable standards of this Land Development Code.

5.1.4 | Prohibited Uses

A blank cell (one without an “A” or “C”) indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code or by State regulation.

5.1.5 | Uses Subject to Specific Regulations

Many uses are subject to use-specific regulations (in addition to general regulations that apply to development in general). The final column of the use table contains references to applicable use-specific standards. Use-specific standards other than or in addition to those referenced in the final column may also apply.

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Table 5.1																													
Principal Uses Allowed (Size Limits Apply to Buildings in Nonresidential Districts. See Building Size Limits of Section 6.1)																													
Use Category	Specific Use Type	Rural	Urban Residential											Nonresidential						Mack Overlay District		Old Town Clifton Mixed Use District MU-OTC	Mixed Use MUR	Mixed Use MUC	GATEWAY OVERLAY District		Use -Specific Standards Code Sections*		
			AFT/ AF35	R S F R	U R R	R S F E	R S F 1	R S F 2	R S F 4	R M F 5	R M F 8	R M F 12	R M F 16	R M F 24	R 0	B 1	B 2	C 1	C 2	I 1	I 2				T I E R #1	T I E R #2		Area A	Area B
Residential (see Section 12.3)																													
Household Living 12.3.2	Business Residence													A	A	A	A	A	A	A	A	A				A	C	5.2.4	
	Rooming/Boarding House										A	A	A	A	A	A	A	A				A	A				C	C	
	Single-Family Attached / Townhome							A	A	A	A	A	A	A							A	A				A	C		
	Single Family Detached (includes manufactured homes) (One per lot)	A	A	A	A	A	A	A	A	A				A							A	A				A	A		
	Duplex						A	A	A	A	A			A							A	A				A	C		
	Multi-Family								A	A	A	A	A	A	A						A	A				A	C		
	Agricultural Labor Housing	A	A	C																		A					A	A	5.2.2
	Manufactured Housing Park									A	A	A	A	A	C	C						A					A	A	5.2.15
	All Other Household Living									A	A	A	A	A	C	C	C					A	A				C	C	
	Temporary Employee Housing	C																											5.2.23
Group Living 12.3.1	Assisted Living Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					C	C				C	C	5.2.11	
	Treatment Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					C	C				C	C	5.2.11	
	Small Group Living Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C	C				C	C	5.2.11	
	Large Group Living Facility									C	C	C	C	C	C	C	C				C	C				C	C	5.2.11	
Institutional & Civic (see Section 12.4)																													
Colleges and Vocational Schools 12.4.1	Colleges and Universities/Vocational/ Technical/ Trade Schools										A	A	A	A	A	A	A	A	A	A	C	C				A	C	C	
	All Other Educational Institutions										C	C	C	C	A	A	A	A	A	A	A	A				C	C		
Community Service 12.4.2	All Community Services	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A				C	C		
	Museums, Art Galleries, Opera House, Libraries	A	A											A	A	A	A	A	A	A	A	A				A	A		
Day Care 12.4.3	Home-Based Day Care	A	A	A	A	A	A	A	A	A	A	A	A	A	A						A	A				C	C		
	Limited Day Care	C	C	C	A	A	A	A	A	A	A	A	A	A	A						A	A				C	C		
	General Day Care	C	C	C	C	C	C	C	C	A	A	A	A	A	A	C					C	C				A	C		
Hospital/Clinic 12.4.4	Medical and Dental Clinics												A	A	A	A	A	A			A	A				A	C		
	Counseling/Rehabilitation Centers (nonresident)													A	A	A	A	A			A	A				A	C		
	Hospital/ Mental Hospital													A	A	A	A	A			C	C				C	C		

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			AFT/AF35	R S F R	U R R	R S F E	R S F 1	R S F 2	R S F 4	R M F 5	R M F 8	R M F 12	R M F 16	R M F 24	R 0	B 1	B 2	C 1	C 2	I 1	I 2				T I E R #1	T I E R #2		Area A	Area B								
	Physical and Mental Rehabilitation (residential)													A	A	A	A	A			C	C			C	C	C	C	C								
	All Other																C	C	C			C	C			C	C	C	C	C							
Parks and Open Space 12.4.5	Cemetery	A																			A	A					C	A	C								
	Golf Course	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A				C				A	A	C	C								
	Golf Driving Ranges	A	C	C	C	C	C	C	C	C	C	C	C			A	A	A	A	A	A	A	A			C	C	C	C								
	Parks/Lakes/Reservoirs	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	C	C							
	All Other	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			C	C	C	A	C							
Religious Assembly 12.4.6	All	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A								
Public Safety Facilities 12.4.7	Jails, Honor Camps, Reformatories, Rehabilitation Centers																																				
	Police Station & Sub-Station/Fire Station/Ambulance	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A								
Schools 12.4.8	Boarding School	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A					A	A			A	A	A	C	C								
	Elementary School	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					A	A			A	A	A	A	C								
	Secondary School	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					A	A			A	A	A	A	C								
Utility, Basic 12.4.9	Utility Service Facilities (underground)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A								
	Utility Treatment, Production or Service Facility	C																																			
	Minor Basic Utilities	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A								
	Basic Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A			C	C	C	C	A	C	C							
Utility Corridors 12.4.10	Transmission lines (above ground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C	5.2.6							
	Transmission lines (underground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	C	C			A	A	A	A	C	C								
	Minor Utility Facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A								
	All Others	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C								
Commercial (see Section 12.5)																																					
Retail Sales & Service 12.5.1	Farm Implement/Equipment Sales/Service	C	C																									A	A	A	A	A	C		A	C	5.2.18
	Farmer's Market	A	A																										A	A	A	A		A	C	C	
	Feed Store	C	C																										A	A	A	A		A	C	C	5.2.18
	Fuel sales, Automotive/Appliance																												A	A	A	A		A	C	C	
	Fuel sales, Heavy vehicle																														C	A	A			C	

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			AFT/ AF35	R S F R	U R R	R S F E	R S F 1	R S F 2	R S F 4	R M F 5	R M F 8	R M F 12	R M F 16	R M F 24	R 0	B 1	B 2	C 1	C 2	I 1	I 2	T I E R #1				T I E R #2	Area A		Area B								
	General Retail Sales and Leasing, Indoor operations, display and storage																	A	A	A	A	C		A	A	A	A	A									
	General Retail Sales and Leasing, Outdoor operations, display, or storage																			C	A	C	C	A	A	C									5.2.18		
	Landscaping Materials Sale	A	C	C															A	A	A	C		A													
	Marijuana Sales (Not Permitted)																																				
	All Other Retail Sales and Service																		A	A	A	A			A	A	C	C	C	C	C	C	C	C	C		
Office & Personal Service 12.5.2	Animal Care/ Boarding / Sales, Indoor	A	A																C	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C		
	Animal Care / Boarding / Sales, Outdoor	C	C																	C	A	A	A														
	General Offices and Personal Services												C	C	A	A	A	A						A	A	A	A	A	A	A	A	A	A	A	C		
	Mortuary/Crematorium																			C	C	A	A	A	A												
	All Other Office and Personal Service																			A	A	A	A			A	A	C	C	C	C	C	C	C	C	C	
Entertainment 12.5.3	Adult Entertainment																					A	A													5.2.1	
	Bar/Nightclub																			A	A	A	A			A	A	A	A	A	A	A	A	A	A	A	
	Food Service, Restaurant (including alcohol sales)																			A	A	A	A			A	A	A	A	A	A	A	A	A	A	C	
	Entertainment Business, Indoor Activity																			A	A	A	A	C		A	A	A	A	A	A	A	A	A	A	C	
	Major Entertainment Event, Indoor Facilities	C	C																		A	A	A	A	A	C	C	C	C	C	C	C	C	C	C		
	Minor Entertainment Events	C																																			5.2.26
	All Other Entertainment Business																			A	A	A	A			A	A	C	C	C	C	C	C	C	C	C	
Recreation and Entertainment - Outdoor 12.5.4	Swimming Pools		C	C	C	C	C	C	C	A	A	A	A	A	A	A	A								A	A	A	A	A	A	A	A	A	A	A	C	
	Major Entertainment Event, Outdoor Facilities	C	C																																		
	Outdoor Shooting Ranges	C																																			
	Outdoor Recreation and Entertainment Businesses																				A	A															
	Riding Academy, Roping or Equestrian Area	A	C	C																						A	A										
	Zoo																																				
	All Other Outdoor Recreation	C	C	C																																	
Lodging 12.5.5	Hotels & Motels																			C	A	A	A			A	A	A	A	A	A	A	A	A	C		
	Bed & Breakfast (maximum 5 guest rooms)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	A	A	A	A	A	C	5.2.3

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	Resorts, Cabins, and Lodges	C	C																	A	A			A	A		A	A							
	Campgrounds & Camps	C	C																		A	A			A	A				C	A	A	5.2.5		
Parking Commercial 12.5.6	All																				C	A	A	A	A	A	C	C	C	A	A	C	C		
Self-Service Storage 12.5.7	Mini-Warehouse	C	C										C	C						A	A	A	A	C	C								5.2.21		
	Vehicle and Recreational Equipment Storage	C																		C	A	A	A		C									5.2.13, 5.2.21	
Vehicle Repair 12.5.8	Auto and Light Truck Mechanical Repair	C	C																		A	A	A	A	A	A									
	Body Shop																					A	A	A		A		C							
	Tire Recapping and Storage																					A	A	A		C									
	All Other Vehicle Repair																					A	A	A	C	C	C	C	C						
Vehicle Service 12.5.9	Car Wash	C	C																		C	A	A	A	A	A	C	C	C	C	A	A			
	Gasoline Service Station	C	C																		C	A	A	A	A	A	A	A	A	A	A	A	A		
	Quick Lubrication																				C	A	A	A	A	A	A	A	A	A	A	A	A		
	Truck Stop/Travel Plaza																					A	A	A	A		C								
	All Other Vehicle Service, Limited																					A	A	A	A	A	C	A		C	C				
Industrial (see Section 12.6)																																			
Industrial Service 12.6.1	Industrial Service Business																				C	A	A	A		C	C							5.2.13	
	Contractors and Trade Shops, Indoor operations and storage																					A	A	A	A	A	A	A							
	Contractors and Trade Shops, Indoor operations and outdoor storage (including heavy vehicles)																					C	A	A	A		C								5.2.13
	Contractors and Trade Shops, Outdoor storage and Operations																						C	A	A		C								5.2.13
	Delivery and Dispatch Services (vehicles on-Site)																					C	A	A	A	A	A		C						5.2.13
	Junk, Salvage, and Wrecking Yard	C																						C	A		C								5.2.13
	Propane, Fuel, and Oil Storage/Distributor	C																						C	A	A		C							5.2.12, 5.2.13
	Towing and Vehicle Storage																							C	A	A		C							5.2.13
	Welding and Machine Shop	C																						C	A	A		C							5.2.13
	All Other Industrial Service																							C	C	A									5.2.13

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Manufacturing and Production 12.6.2	Indoor Operations and Storage: Assembly, Food Products, & Manufacturing/Processing	C																C	A	A	A	C	C	C	C	C	C	A		
	Indoor Operations with Outdoor Storage: Assembly, Food Products, & Manufacturing/Processing																			A	A	A		C				C		5.2.13
	Outdoor Operations and Storage: Assembly, Food Products, & Manufacturing/Processing																		C	A	A		C					C		5.2.13
	Marijuana Growing, Processing & Products (Not Permitted)																													
Warehouse and Freight Movement 12.6.3	Indoor Operations, Storage and Loading																	C	A	A	A									
	Indoor Storage with Outdoor Loading Dock																			A	A	A								5.2.13
	Outdoor Storage or Loading																		C	A	A							C		5.2.13
	Sand or Gravel Storage	C																			A	A								5.2.13
	All Other																			C	A	A								
Waste-Related Use 12.6.4	Non-Hazardous Waste Transfer	C																		A	A	C	C				C	C	5.2.12, 5.2.19	
	Medical/Hazardous Waste Transfer Station	C																		A	A	C	C				C	C	5.2.12, 5.2.19	
	Solid Waste Disposal Sites	C																				C							5.2.19	
	Recycling Collection	C																C	A	A	A	A	C	C	C		A	C	C	
	All Other Waste-Related	C																				C	C							
Wholesales Sales 12.6.5	Wholesale Business (No Highly Flammable Materials/Liquids)																			A	A	A		A	C					
	Agricultural Products	A																		A	A	A	A	A	A			A	A	
	All Other Wholesale Uses																				A	A	A							
Other (see Section 12.7)																														
Agricultural 12.7.1	Animal Confinement	A	A	A																	C						A	A		
	Dairy	A	C																								C	C		
	Confined Animal Feeding	C																									C	C	5.2.7	
	Boarding Stable	A	A																				A					A		
	Forestry, Commercial	A	A																				A				A	C	5.2.10	
	Forestry Support Services	C																				A							5.2.24 (EXCEPT I 2)	
	Marijuana Cultivation (Not Permitted)																													

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			AFT/AF35	RSFR	URR	RSFE	RSF1	RSF2	RSF4	RMF5	RMF8	RMF12	RMF16	RMF24	R0	B1	B2	C1	C2	I1	I2	TIER #1				TIER #2	Area A		Area B				
	Winery/Brewery/Distillery (production facilities)	A	C	C	C												A	A	A	A	A	A					C	C	A	A	A	5.2.20	
	All Other Agriculture	A	A	A	A	A	A	A	A																						A	A	
Aviation or Surface Passenger Terminal 12.7.2	Airports/Heliports	C																C	C	C	A	A								C	C		
	Bus/Commuter Stops	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	
	Bus/Railroad Depot																	C	C	A	A	A								A			
	Helipads	C																C	C	C	C	C								C	C		
	All Other Aviation or Surface Passenger Terminal																													C		C	
Mining 12.7.3	Field Office Headquarters for Oil & Gas Field Operators	C																														5.2.25	
	Oil or Gas Drilling	A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	5.2.16	
	Sand or Gravel Extraction	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	5.2.14	
	Support Services	A or C																														5.2.22	
	All Other Mining	C	C																										C	C	5.2.14		
Telecom Facilities 12.7.4	Telecommunications Support Structures	C												C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	5.2.17		
	Telecommunications Facilities	C	C							C	C	C	C	C	C	C	C	C	C	C							C	C	C	C	5.2.17		

§5.2 | Use-Specific Standards

This section contains regulations that apply to specific uses or classes of uses. Development Standards in Chapter 7 also apply in addition to these use-specific standards unless otherwise stated.

5.2.1 | Adult Entertainment

All adult entertainment establishments shall be subject to the following standards:

- A. No entertainment establishment shall be allowed within one thousand (1,000) feet of a lot or parcel occupied by another adult entertainment establishment.
- B. No entertainment establishment shall be allowed within one thousand (1,000) feet of a lot or parcel occupied by any religious institution, school, park, playground or public building.
- C. No entertainment establishment shall be allowed within one thousand (1,000) feet of any Rural or Urban Residential Zoning District.

5.2.2 | Agricultural Labor Housing

Agricultural labor housing is intended to provide housing for farm workers. In all zoning districts where agricultural labor housing is allowed without a Conditional Use Permit, Site Plan Review shall be required in accordance with Section 3.5.11. Annual licenses and fees shall be required. Agricultural labor housing in Rural Zoning Districts shall be exempt from the zoning district density standards table of Section 6.1. Maximum density of Agricultural labor housing shall be based on the Mesa County Health Department standards and occupancy requirements of the Mesa County Building Department.

5.2.3 | Bed and Breakfast

All bed and breakfast uses shall be subject to the following standards:

- A. Bed and breakfast uses that are allowed by right shall be subject to Site Plan Review.
- B. Structures shall not be altered in a way that changes their general residential appearance.
- C. A minimum of one (1) parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with Section 7.1.2. Additional parking shall be required if reception or party space is available. If four (4) or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.
- D. One (1) sign shall be allowed, with a size limit of six (6) square feet. Internally illuminated signs are not allowed. Externally illuminated signs must meet the standards of Chapter 8.
- E. No receptions, private parties, or similar activities shall be permitted unless expressly approved as part of the Conditional Use Permit or Site Plan application.
- F. No long-term rental shall be permitted. The maximum length of stay shall be thirty (30) days.
- G. All guest rooms shall be located within the principal structure, except for properties located within Rural zoning districts.
- H. Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Conditional Use Permit or Site Plan application. No cooking facilities shall be allowed in the guest rooms.
- I. All bed and breakfast establishments must comply with Mesa County Health Department regulations. Sign-off by the Mesa County Health Department is required prior to approval of the Conditional Use Permit or Site Plan application.
- J. All bed and breakfast establishments shall comply with Fire Code requirements. Sign-off by the governing Fire District is required prior to approval of the Conditional Use Permit or Site Plan application.

5.2.4 | Business Residence

Business residence uses within Nonresidential Zoning Districts shall be subject to the standards listed below.

- A. The intent of the business residence provision is to allow a mixed use development to occur in Nonresidential Zoning Districts as allowed in Table 5.1. A limit of fifty percent (50%) of the building floor area may be developed as residential.
- B. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit in addition to the required parking for the business(es). Requests to reduce the required parking to one (1) off-street parking space per dwelling unit shall be accompanied by an analysis of the peak hours of parking demand for all the various users of the site.

5.2.5 | Campgrounds

A. Standards of General Applicability

All campgrounds shall be subject to the standards listed below, in addition to the requirements of the Colorado Department of Public Health and Environment (CDPHE) regulations for Campgrounds and Recreations areas (6 CCR 1010-9).

- 1. Campgrounds shall be used as temporary lodging, typically with an average length stay of thirty (30) days. Dwelling units or long-term camping may be provided for the owner or manager and permanent maintenance personnel as an accessory use.
 - a. Each overnight campground shall provide at least one (1) full-time attendant.
 - b. A permanent record of registrations must be maintained.
- 2. Vehicles within the campground shall not exceed one hundred two (102) inches in width, excluding slide-outs.
- 3. Separate camping areas shall be maintained for tents.
- 4. Camping sites shall have a minimum area of one thousand two hundred fifty (1,250) square feet and be at least twenty-five (25) feet in width. There shall be no more than twenty-five (25) camping sites per acre.
- 5. Campsites shall be spaced so that there is at least: eight (8) feet from the interior roadways and walkways; fifty (50) feet from exterior roadways; and twenty (20) feet from property lines.
- 6. Roadways and walkways shall meet the following requirements:
 - a. Dust-free surfacing of parking spaces and interior roadways shall be required within the Grand Valley Air shed.
 - b. Interior roadways must comply with Colorado Department of Health standards in addition to the requirements of this Land Development Code.
 - c. Walkways within the campground area shall be at least four (4) feet wide, with an all-weather surface.
 - d. Interior roadways and walks shall be lighted at intersections and at a minimum of every four hundred (400) feet. Full cut-off lighting fixtures shall be used and shall comply with the requirements of Section 7.6.7 of this Code. This requirement may be waived or modified if electricity is not available or it is desirable to follow "Dark Sky" lighting principles to protect the rural character or natural setting of the area.
- 7. If provided, electric and gas service shall meet all state and local electric and gas regulations. All utilities shall be underground.

8. Service buildings with restroom and other facilities shall comply with Colorado Department of Public Health and Environment (CDPHE) standards.
 - a. Sewage facilities shall be connected to a public sewer collection and treatment system or an approved on-site wastewater treatment system.
 - b. Vault toilets or privies may only be permitted on properties not served by water under pressure, subject to approval of the Mesa County Public Works Department and in accordance with CDPHE standards.
9. All trash collection areas shall be screened. Trash containers shall be wildlife-proof. Campers shall be required to store food in bear-resistant containers or in vehicles.
10. All areas within the campground must have an acceptable form of groundcover to prevent erosion and blowing dust.
11. One (1) tree of a species suitable for the area shall be provided for each two (2) camping spaces, and shall be located in close proximity to those spaces. Existing trees on the site may be used to satisfy this requirement. If the location is not suited to the planting of trees, a shade structure measuring at least ten (10) feet in each dimension may be provided for each camping space.
12. Residential areas adjoining the campground shall be screened by a fence or wall with a minimum height of six (6) feet. Additional screening shall be required if houses on adjacent properties are within one hundred (100) feet of the property line.
13. Each campground shall provide a recreational area consisting of one hundred (100) square feet per campground space. Exceptions to this requirement may be granted if the campground has direct access to public recreation areas.

5.2.6 | Electric Power Transmission Lines

Above-ground electric power transmission lines transmitting one hundred fifteen (115kV) or more shall be located so as to:

- A. avoid passing through, or within one (1) mile of:
 1. any Urban Residential or Nonresidential zoning district; and
 2. the Colorado National Monument, wherever possible; and
- B. avoid being visible on the skyline over any ridge, hill, mesa, or other natural landform within one (1) mile of the centerlines of US Interstate 70, US Highways 6 or 50, or Colorado State Highways 65, 139, 141, 330 or 340, or the Colorado National Monument Rimrock Road, wherever possible. This requirement shall not apply if the power line would cross the ridge, hill, mesa, or other natural landform at a point where the elevation of the ridge, hill, mesa, or landform has an elevation less than fifty (50) feet higher than the elevation of the nearest point on the centerline of the listed road.

5.2.7 | Confined Animal Feeding Operations and Feedlots

All feedlots, confined animal feeding operations, animal waste collection systems, and animal waste treatment facilities shall be subject to the standards listed below:

- A. Setbacks and Separations
Feedlots, confined animal feeding operations, animal waste collection systems, and animal waste treatment facilities shall not be located within:
 1. one-quarter ($\frac{1}{4}$) mile of an occupied dwelling that is not in common ownership with the Feedlot, and is in place at the time the facility is proposed;
 2. one (1) mile of a public or private school (not including dwellings where children are home-schooled);

3. one-half (½) mile of the boundaries of any incorporated municipality;
 4. one-quarter (¼) mile of any water well currently used for domestic purposes;
 5. two hundred (200) feet of a perennial stream and one hundred (100) feet from a manmade (constructed) drainage ditch owned and maintained by a governmental or quasi-governmental agency, unless it is proved that potential adverse effects to the water quality of the stream can be avoided ; or
 6. as determined due to topography and other anticipated impacts on adjacent properties at the time a Conditional Use Permit is issued, but not less than fifty (50) feet from any property boundary.
- B. Design, Operational, and Animal Waste Management Requirements
An applicant for a Feedlot, confined animal feeding operation, animal waste collection system, or animal waste treatment facility shall demonstrate that:
1. all runoff retention and containment facilities shall meet and be maintained in accordance with the Colorado Department of Public Health and Environment’s Confined Animal Feeding Operation Control Regulations (5 CCR 1002-81), and the property owner shall be responsible for any additional requirements issued by the Colorado Department of Public Health and Environment, Water Quality Control Division, or the Mesa County Health Department; and all uses on the property shall comply with the Colorado Air Quality Commission’s air quality regulations; and
 2. best management practices shall be used to control rodents and insects; odors from all aspects of the operation; fugitive dust; and liquid, solid and animal wastes to avoid nuisances. In addition, at all times, all equipment and areas of the property shall be constructed and maintained, and adequate means for scraping, grading and clearing the property shall be provided to prevent nuisance conditions.
- C. Agricultural Advisory Panel Review
Applications for a Conditional Use Permit for a feedlot, confined animal feeding operation, animal waste collection system, or animal waste treatment facility shall be reviewed by the Mesa County Agricultural Advisory Panel for their recommendations regarding the proposed facility and its compliance with the Right to Farm and Ranch policy described in Section 1.6.

5.2.8 | Drive-Through Facilities

Drive-through facilities shall be considered accessory to the principal use and shall be permitted through the same process as the principal use, subject to the following standards:

- A. The requirements of Section 7.1.8, Stacking Spaces for Drive-Through, shall be met.
- B. The drive-through, including order boards and stacking areas, shall be screened from non-commercial uses, including a combination of fences or walls in addition to landscaping.
- C. For sites located adjacent to non-commercial uses or zoning districts, the site should be designed to locate the drive-through and order boards away from the non-commercial use or zoning to the greatest extent practical.
- D. In addition to the lighting standards of Section 7.6.7 of this Code, illumination of reader boards and other drive-through specific lighting shall be turned off when the drive-through is not open.
- E. Site circulation shall be designed to minimize conflicts with vehicular traffic and pedestrian movement.

5.2.9 | Flea Markets

All flea markets are considered General Retail Sales, indoor or outdoor operations, and shall be subject to the standards listed below:

- A. No booths, stalls or other display areas shall be placed or maintained within any required setback.
- B. Sanitary facilities shall be provided on site.
- C. All items for sale shall be stored indoors (or within an approved screened storage area), or removed from the site at the close of each business day. Flea markets shall not be open for business in excess of sixteen (16) hours per day.
- D. No items other than those available for retail sale may be stored on the premises unless confined within an approved screened storage area.

5.2.10 | Commercial Timber Harvesting and Large Construction Projects

- A. Commercial Timber Harvesting
Commercial timber harvesting on private lands (five thousand (5,000) board feet per month or more) shall comply with all State Forest Service best management practices guidelines and the following restrictions in section C below.
- B. Large Construction Projects
Any project hauling four thousand five hundred (4,500) tons of material or more within a one (1) month time frame is subject to the restrictions in Section C below.
- C. Restrictions
Restrictions on the use of County roads may be required by the Public Works Director in terms of size of vehicles; allowable hours and days of use; number of vehicles per given time period (i.e., hour, day, week, month); and other conditions necessary to protect the integrity and condition of county roads.

5.2.11 | Group Living

All group living facilities shall be subject to the standards listed below (see Section 12.3.1 for further definition of Group Living).

- A. Twenty-four-hour (24) supervision shall be provided by qualified staff at all group living facilities.
- B. The number of residents occupying a group living facility at any one time, including staff and family of staff, shall not exceed one (1) person per two hundred (200) square feet of living space.
- C. All group living facilities shall be located so as to provide convenient access to grocery and other retail stores and other commercial services, public transportation access points, medical services, emergency services, and public recreation facilities.
- D. If active and continuous operations are not carried on for a period of twelve (12) consecutive months in a group home that was approved pursuant to this Land Development Code, the group living facility shall be considered to be abandoned. The use may be reinstated only after obtaining a new Conditional Use Permit approval.
- E. Group living structures shall be compatible with the character of the surrounding neighborhood.
- F. The proposed facility must obtain all state licenses as required pursuant to Colorado Statutes.
- G. The facility shall not be located within seven hundred fifty (750) feet of another such facility.

5.2.12 | Hazardous Substance Users

No hazardous substance user shall be located: (a) further than one-quarter ($\frac{1}{4}$) mile from the nearest right-of-way line of US Interstate Highway 70 or US Highways 6 or 50; or (b) where the most direct driving route from the hazardous materials user to the nearest listed highway passes through an Urban Residential Zoning

District. Where a hazardous substance user is currently operating, no land within one-quarter ($\frac{1}{4}$) mile of the most direct driving route from the hazardous substance user to the nearest listed highway shall be rezoned to an Urban Residential Zoning District. On-farm agricultural chemical users are exempt from this subsection.

5.2.13 | Junk Yards, Salvage Yards, Heavy Equipment, Industrial and Outdoor Storage

The standards below shall apply to all junk yards, salvage yards, heavy equipment, industrial and outdoor storage yards unless they are entirely enclosed within a building.

- A. Such uses shall be screened with a solid one hundred percent (100%) opaque wall or fence with a minimum height of eight (8) feet. An exception to constructing a fence or wall may be granted when natural terrain and/or vegetation will adequately screen the use.
- B. The entire length of the fence or wall shall be landscaped in compliance with the Landscape and Buffer Standards of this Land Development Code (see Section 7.2, 7.4).
- C. No outdoor storage area shall be placed or maintained within a required setback.
- D. Stored items shall not project above the fence or wall used to screen the material.
- E. It shall be unlawful to store or otherwise have, maintain, or allow on a single parcel of land or on contiguous parcels under common ownership, more than one (1) non-farm vehicle not having current Colorado license plates or registration, unless the vehicle is:
 - 1. in an approved junkyard, auto repair garage, body shop, gas station or other similar use where vehicle storage is permitted; or
 - 2. owned by or has been the prior private property of the land owner, and is at least one hundred (100) feet from a property line and screened pursuant to this section so as not to be visible from adjacent properties and public roads.

There shall be no limit on the number of active or serviceable agricultural vehicles on a parcel of land, regardless of whether such vehicles have current registration or license plates.

- F. No motorized vehicle which is inoperable or unlicensed or has been junked, dismantled or wrecked, shall be kept or stored outdoors upon any property used for residential purposes, except as provided in this section. This prohibition shall include all vehicle parts and inoperable or unlicensed trailers or campers. If said vehicle(s) is a collector's item, as defined by C.R.S. §42-15-101 et seq., up to two (2) such vehicles may be maintained outdoors upon a residential property.
 - 1. To qualify as a collector's item, a vehicle must be at least twenty-five (25) years old or recognized by the Executive Director of the State Department of Revenue as being antique or defined having unique interest or historic value, or be a parts car as defined under C.R.S. §42-15-101 et seq. The vehicle must be titled and registered as required under C.R.S. §42-15-102. The property owner bears the burden of proving the qualification of a vehicle as a collector's item.
 - 2. Outdoor storage areas for such vehicles must be maintained in such a manner that they do not constitute a health, safety or fire hazard and are effectively screened from ordinary public view by means of a solid fence, berm, trees, or shrubbery. Tarp covering is not sufficient by itself. Such storage areas shall be kept free of weeds, trash, and other objectionable items.

5.2.14 | Mining and Extractive Uses

Mining and extractive uses shall be subject to the Mesa County Mineral and Energy Resource Master Plan and the standards below:

- A. An excavation and rehabilitation plan shall be required for any mining or extractive use.
- B. An excavation permit, if applicable, issued by the State of Colorado in conformance with the Open Mining Land Reclamation Act, shall be required.

- C. Excavation or deposit of overburden shall not be permitted within thirty (30) feet of a boundary of an adjacent property, easement, irrigation ditch, or right-of-way unless by written agreement of the owner of such property, easement, irrigation ditch or right-of-way.
- D. Excavation within one hundred twenty-five (125) feet of a dwelling unit shall be prohibited unless by written agreement of the owner and occupant of the residence. Excavation involving the use of rock crushers, asphalt plant, cement batch plant and other similar equipment within two hundred fifty (250) feet of a dwelling unit shall be prohibited. The Decision-Making Body shall be authorized to require the installation of a Landscape Buffer (see Section 7.2) when necessary to control dust and mitigate other adverse impacts on surrounding areas.
- E. All excavation activities shall be set back at least one hundred (100) feet from road rights-of-way and the one hundred (100) year floodway of any watercourses. The watercourse setback may be varied, based on Colorado Department of Wildlife comments concerning site-specific factors. Existing trees and ground cover along public road frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion.
- F. The operator shall submit a route plan (haul road plan) to the Public Works Department and seek permission to use, for haulage, any public rights-of-way which is not designated by Mesa County as suitable for such haulage by reason of load limit, dust, right-of-way, pavement width or other relevant factors. The Public Works Department may place reasonable restrictions on such right-of-way use. Alternative haul routes shall be developed where haul route impacts the health, safety and welfare of the local area.
- G. Haul roads within the premises shall be maintained in a reasonably dust-free condition and shall be contained within the pit (after excavation allows) to the maximum extent feasible. Depending on local conditions, this may include watering, oiling, or paving.
- H. Operation shall be limited to the hours of 6:00 a.m. to 7:00 p.m. unless longer or shorter hours of operation are approved as part of the Conditional Use Permit.
- I. The operator shall not excavate, store overburden, excavate materials, or dike in such a manner as to damage to public facilities, or increase any drainage or flooding on property not owned by the operator.
- J. Prior to starting excavation, where the operation is adjacent to subdivided or developed commercial, residential, or industrial property, fencing may be required to prevent the visibility of the mining operation, and buffering and screening may be required if deemed necessary by the Planning Director, subject to appeal to the Board of County Commissioners. The operator may fence, buffer or screen the entire parcel, or fence only areas of excavation as it proceeds. None of which shall be removed until rehabilitation has been completed.
- K. Once mining has been completed, the site shall not to be used as an area to stockpile sand or gravel resources, if the operation is adjacent to subdivided property or to developed commercial or residential property. The mining operator is to reclaim those areas as soon as possible.
- L. Operations shall comply with noise, vibration, and other standards of Mesa County and noise standards enumerated in C.R.S. §25-12-101.
- M. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department, and the Colorado Air Quality Control Commission.
- N. All water uses and discharges shall conform to standards established by the State Water Pollution Control Commission and the water laws of the State of Colorado.
- O. All slopes shall be stabilized and land remaining in the natural water level must be re-vegetated in a manner compatible with the surrounding area.

CHAPTER 5 | USE REGULATIONS

- P. A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable), and, if applicable, the years per phase.
 - 1. Up to a five (5) year extension may be granted by the Planning Director if a written request is submitted outlining the factors and reasons for the extension.
 - 2. Requests for extensions longer than five (5) years and appeals of the Planning Director’s decision will be submitted to the Board of County Commissioners at a public hearing.
 - 3. In granting any extension, the Transportation Impact Fee (TIF) and any other applicable fee shall be adjusted to the then-current fee.
- Q. If the use has not operated or if no material has been extracted within three (3) years of obtaining the Conditional Use Permit and a request for extension has not been received and approved by the Board of County Commissioners, the Conditional Use Permit will expire. Extension requests shall provide information concerning the factors and reasons for the request. The Decision-Making Body will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting extensions.
- R. A Development Improvements Agreement (DIA) shall be required to ensure that any structures, roads, or landscaping necessary to mitigate the impacts of the operation on nearby property owners or residents will be constructed at those times stated in any related condition attached to the Conditional Use Permit. Where appropriate, a landscaping agreement may be used in lieu of the DIA.

5.2.15 | Manufactured Home Park

- A. Site Area
A manufactured home park must have a minimum site area of two (2) acres.
- B. Density
Manufactured home parks shall be subject to the density standards of the underlying zoning district.
- C. Setbacks
Minimum setbacks and separation shall be as follows:

Street (public)	50 feet (from ultimate ROW)
Property boundary	30 feet
Interior park street	10 feet
Separation between manufactured homes	15 feet
Separation between manufactured homes and other structures	15 feet

Exceptions and permitted encroachments in Section 6.2.5.B also apply to manufactured home parks.

- D. Streets
Each manufactured home space within a Manufactured Home Park shall abut and have access to a private street or drive that complies with the Standard Specifications for Road and Bridge Construction and all other applicable standards of this Land Development Code.
- E. Parking
Off-street parking shall be provided for each manufactured home, in accordance with the parking requirements for multi-family dwellings. All required parking spaces shall be paved. Off-street parking spaces shall be uniformly distributed through the manufactured home park.

5.2.16 | Oil and Gas Drilling

All oil, gas and other drilling operations, on public or private lands, shall be subject to the standards below:

- A. At the conclusion of drilling, related construction, or upon lapse of any required Conditional Use Permit, the subject site shall be restored in accordance with an approved rehabilitation plan.

- B. At the time of Site Plan review for a proposed Oil and Gas Drilling operation, the Planning Director may require that the applicant provide financial assurance adequate to ensure that (1) any structures or roads necessary to mitigate the impacts of the operation on nearby property owners or residents will be constructed at those times stated in any related condition attached to the Site Plan, and (2) any actions required to remove equipment, structures or roads, or to otherwise rehabilitate the site after the end of drilling operations will be taken at those times stated in any related condition attached to the Site Plan. Adequate financial security may include a deposit of money, an irrevocable bond, or letter of credit backed by a reputable bank or financial institution, as determined by the County, or another form of financial security acceptable to the County. The amount of financial security required shall not exceed one hundred twenty-five percent (125%) of the estimated costs of taking the actions that it secures. The Planning Director shall be authorized to execute a partial release or to reduce the amount of the financial assurance from time to time as required construction or rehabilitation activities are completed. The Planning Director shall release all or any remaining amounts of any financial assurance within thirty (30) days after completion of the last construction or rehabilitation action that the financial assurance secures.
- C. All oil and gas well wastes must be disposed of in an approved manner. Fresh water may be stored in a reserve pit on-site. All pits shall be fenced and backfilled after evaporation of fluids. All produced water shall be disposed of in an approved disposal site. All use, production, and control of water shall comply with applicable Colorado State Water Quality Control Standards. Garbage, trash and human wastes shall be disposed of in an approved sanitary landfill.
- D. All State and Federal permits must be obtained and evidence of approval of applicable permits shall be submitted to Mesa County prior to commencing operations.
- E. Abandonment of a well for a period of one (1) year or longer shall constitute abandonment of the use. (Abandonment is used here as defined by the Colorado Oil and Gas Conservation Commission.)
- F. Permits pertaining to oversize/overweight vehicles shall be obtained by the operator from the Mesa County Public Works Department.
- G. Oversize/overweight vehicles may be restricted from use of County roads during periods when roads are wet and damage to the roads could occur. Bringing roads back to County standards is the responsibility of the applicant.
- H. New access or change of use to an existing access to a Mesa County road requires an access permit from the Mesa County Public Works Department.
- I. The names, addresses and phone numbers of the project contractors shall be submitted to Mesa County prior to commencement of operations.
- J. All permanent structures shall require Mesa County building permits prior to construction.
- K. Permanent structures/facilities shall be painted or otherwise treated to blend with the surrounding area.
- L. The applicant shall notify the nearest fire protection district of the location of the drill site and submit evidence to Mesa County of such notification prior to commencing operations.
- M. Approval of the use in no way precludes Mesa County from seeking special field rules or other relief from the Colorado Oil and Gas Conservation Commission.
- N. The reclamation plan shall include a noxious weed management plan as approved by the Mesa County Pest and Weed Control Office, Bureau of Land Management, U.S. Forest Service, or other appropriate agency.
- O. The operator shall grant to Mesa County all rights of access to the project site for purposes of verifying compliance with the standards of this Land Development Code and site inspection as held by said applicant.

- P. Site Plan Review shall be required in accordance with Section 3.5.11.

5.2.17 | Telecommunications Facilities

A. General

All telecommunications facilities shall comply with the standards of this Land Development Code, all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the Federal Aviation Administration.

B. Disputes

If an applicant for a telecommunications facility claims that one (1) or more standards of this Land Development Code are inconsistent with the Federal Telecommunications Act of 1996, or would prohibit the effective provision of wireless communications within the relevant market area, the Decision-Making Body may require that the application be reviewed by a qualified engineer for a determination of whether compliance with one (1) or more standards of this Land Development Code would prohibit effective service. Any costs shall be charged to the applicant.

C. Rural Planning Area

1. Attached Telecommunications Facilities

Attached telecommunications facilities shall be allowed by right in the districts referenced in the Use Table, as "C" provided that they comply with all applicable standards of the underlying zoning district, including any maximum height standards. If visible from Urban Residential or Rural Zoning Districts, attached telecommunications facilities shall be screened or painted to minimize their visibility from such areas.

2. Telecommunications Facility Support Structures

Telecommunications facility support structures shall not be subject to the maximum height standards of the underlying zoning district, but shall be subject to any height restriction imposed at the time of approval of the applicable Conditional Use Permit. In no case shall the maximum height of a telecommunications facility support structure exceed the height necessary to ensure effective telecommunications service within the relevant market area. All telecommunications facility support structures shall be screened or painted to minimize their visibility.

D. Urban Planning Areas

1. Purpose

The purpose of this section is to regulate the placement, construction and modification of towers and/or telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications.

2. Application

No telecommunications facilities and towers shall be altered, added to, installed or permitted without an approved Site Plan or Conditional Use Permit for the property and the facility or tower.

3. Exemptions

This section does not apply to amateur radio equipment, as licensed by the FCC that is less than ten (10) feet tall measured from grade, or ten (10) feet higher than the highest point of the roof.

4. Telecommunications Facilities (TF) and Tower (T) Review.

No application shall be approved until the applicant establishes, to the satisfaction of the decision maker, that the following are satisfied:

- a. Towers and telecommunications facilities shall be located to minimize any visual and other adverse impact to the neighborhood, especially residential areas and land uses. If the proposed location is on leased property, proof of possession is required.

- b. Telecommunications facilities and towers shall be set back from all residentially zoned or used property by a minimum of two hundred (200) feet, or two hundred percent (200%) of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the TF or T higher than ten (10) feet, to any portion of the other property. If notice to the affected property owner is given, the decision maker may reduce any such setback by up to twenty-five percent (25%) if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. For example, a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view.
- c. All Telecommunication facilities and towers shall be set back a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio (two (2) foot of setback for every foot of tower height from the property boundary of the facility) whichever is greater, from non-residentially zoned or used property.
- d. All Telecommunications facilities and towers on public utility structures, facilities or property shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Decision Maker.
 - (1) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred and fifty (750) feet.
 - (2) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.
 - (3) Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunication facility may be issued by the Decision Maker.
 - (4) Towers or facilities that can be constructed as an integral part or component of light standards, buildings, utility structure or other structures at County owned buildings or facilities are encouraged.
 - (5) No new tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the Decision Maker that no existing tower, structure or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:
 - (a) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements;
 - (b) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment;
 - (c) The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or the antennas of existing Towers, Facilities or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible;
 - (d) There is some other reasonable factor that renders existing towers, facilities or utility structures unsuitable; and

- (e) No owner of existing towers, structures or utility structures, including the County and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon or such owner is requiring unreasonable payment or terms.
 - (f) The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.
- 5. Interference
Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.
- 6. Health Issues
Every tower and telecommunication facility shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.
- 7. View Corridors
Only a concealed tower or telecommunications facility, the antennas of which all are located on existing vertical structures, is allowed within one-eighth (1/8) mile from the right-of-way of any portion of Monument Road, and other rights-of-way which may be designated by resolution of the Board of County Commissioners.
- 8. Historic Zones
Only a concealed tower or telecommunication facility is allowed within a historic zone or area as designated by the Board of County Commissioners by resolution.
- 9. Application Requirements
In addition to other requirements of this Code, each applicant for a Tower or Telecommunication Facility shall provide the Planning Director with an inventory of all of the applicant's existing Tower(s) and/or Telecommunication Facility(ies) or approved sites for the facilities.
 - a. A zone map specific to the application from the County's zoning map drawn to scale, showing land uses and zoning designation of all uses within a quarter (1/4) of a mile.
 - b. A computer-generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the decision maker to assess compliance with the Code. If there are more than four (4) such rights-of-way, the Decision Maker shall designate which rights-of-way shall be analyzed.
 - c. A description of the tower/facility's capacity which declares the number and type(s) of antennae(s) that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.
 - d. An agreement retained by the County which commits the facility owner and its successors to allow shared use of the facility if an additional user(s) agrees in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Planning Director the names, addresses and telephone numbers of every inquiry for co-location; and the status of any such inquiry.
 - e. The applicant shall provide evidence of mailed notice of a proposed tower or telecommunication facility to all abutting property owners within four (4) times the distance that the tower or facility is tall, or five hundred (500) feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this Code.

- f. Any other information as required by the Decision Maker to evaluate the request, especially technical information.

10. Public and Utility Structures

A tower or telecommunication facility mounted on existing structures of public utilities which have a franchise or other written permission from the County use concealed towers/telecommunication facilities are permitted in all non-residential zoning districts, unless otherwise specified by this Code. The Decision Maker may approve the placement, extension or replacement of a Tower or Telecommunication Facility on an existing public utility structure up to fifty (50) feet above the highest point on the same; the Decision Maker may waive public notice and may waive any other submission requirement if he deems that the public interest will not be harmed.

11. Design, Materials and Color

towers and telecommunication facilities shall be designed and maintained: to minimize visual impact; carry gravity loads, and wind loads with safety measures as required by applicable regulations including adopted building codes; use concealment or stealth methods, such as camouflaging towers to look like light poles or trees, if at all possible; if co-located, to match the color, shape and look of the structure or facility to which they are attached; to use only non-specular materials.

In order to be considered a concealed tower or telecommunication facility, the tower or telecommunication facility shall:

- a. be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape;
- b. be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City of Grand Junction;
- c. be located on existing vertical infrastructure such as utility poles and public buildings or utility structures;
- d. roof-mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;
- e. equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions;
- f. be located in areas where the existing topography, vegetation, buildings or other structures provide screening; and
- g. the applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least fifteen (15) feet higher than that proposed by the applicant to accommodate co-locations.

12. Landscaping and Screening

The property on which a telecommunication facility or tower is located shall be landscaped and screened as follows:

- a. A free-standing Tower or Telecommunication Facility shall include landscaping planted and maintained according to an approved landscaping plan and is subject to the screening requirements of Section 7.2 and the Flexible Point System, Chart E: Buffers.

13. Lighting and Signage
 - a. Only lighting required by a federal agency is allowed. The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way and that the light emitted is otherwise in compliance with this Code.
 - b. Only signage that is required by state or federal law is allowed. No advertising shall be permitted.
14. Exterior Tower or Telecommunication Facility Equipment Building(s) or Cabinet(s)

Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than four hundred (400) square feet of gross floor area, shall not be more than twelve (12) feet in height, and shall maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.
15. Modification or Demolition

Any Tower or Telecommunications Facilities being modified, demolished or rebuilt shall be brought into compliance with the standards adopted in this Code.
16. Maintenance

Every owner of a Tower or Telecommunications Facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.
17. Review

Each new tower or facility will be subject to a two (2)-year review by the Planning Director. The review will determine whether or not the originally approved number of antenna and design are still appropriate and necessary to provide adequate communications services.
18. Abandonment

The wireless telecommunication facility owner shall remove all wireless telecommunications facilities that are not in use for any six (6)-month period, within three (3) months of the end of such six (6)-month abandonment. As a part of such removal, the owner shall revegetate the site so that it is compatible with the neighborhood. Abandonment shall only be determined by the Board of County Commissioners after the owner has had notice and an opportunity to be heard.
19. FAA
 - a. No person shall construct or alter a telecommunications tower or facility without a permit therefore and without having first obtained the approval of the Decision Maker. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration;
 - b. Form 7460-1 shall not be required for the following:
 - (1) an amateur radio antenna if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antenna;
 - (2) any existing tower and antenna provided a building permit was issued for a tower or antenna prior to the adoption of this Code;
 - (3) any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities; or

- (4) any antennae used for FCC licensees engaged in AM, FM or television broadcasting.

5.2.18 | Outdoor Retail Sales & Storage

Outdoor retail sales and storage uses within Nonresidential Zoning Districts and Rural Communities (not applicable to Rural Zoning Districts) shall be subject to the following standards.

- A. The stored materials shall be located behind a landscaped area meeting the buffer requirements of parking lots in Section 7.2
- B. No materials shall be displayed or stored within a required landscape area.
- C. Not more than one (1) elevated display pad, which may be elevated up to three (3) feet in height, shall be permitted per one hundred (100) feet of street frontage.

5.2.19 | Waste-Related Use (Used or Waste Tires)

- A. Used or waste tires may only be legally disposed of in a County-designated landfill or solid waste disposal facility authorized to accept used or waste tires for storage or disposal, provided, however, that no more than fifty (50) used or waste tires may be kept on property in any Rural Zone District (unless accessory to an ensilage pit), and no more than ten (10) used or waste tires may be kept on property in any RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-16, or RMF-24 Zoning District.
- B. Used or waste tires shall not be used to as construction material unless a building permit has been issued by the Mesa County Building Department for such construction and said construction is in compliance with the Uniform Building Code as adopted by Mesa County.

5.2.20 | Winery, Distillery or Brewery

Wineries, distilleries or breweries located in rural non-commercial zoning districts shall be permitted to include limited retail sales and restaurants (vintner's restaurant) as an accessory use, subject to the following conditions:

- A. Restaurants shall be accessory to the use and shall meet all applicable requirements for food preparation and service, including but not limited to bathrooms, commercial food preparation and storage equipment, plumbing, and ventilation, and obtain all necessary state and local permits. Restaurant seating shall be limited to no more than fifty (50) customers.
- B. Where public sewer is not available, on-site waste treatment systems shall be specifically designed and permitted for the proposed type of commercial use.
- C. The operation shall comply with Colorado Liquor Code and Rules.
- D. All other requirements of the Land Development Code, including but not limited to parking, landscaping, signage and lighting, shall be met.
- E. Retail sales shall be accessory to the use and shall be goods that are predominantly related to the primary business and/or local products (e.g. food products, arts and crafts).

5.2.21 | Self-Service Storage/Mini-Warehouse

Self-service storage, or mini-warehouse, uses within the Rural Zoning Districts are permitted only within the six (6) Rural Communities of Loma, Mack, Whitewater, Mesa, Powderhorn, and Gateway; and must comply with the Development Standards of Chapter 7. Indoor or outdoor storage of personal vehicles and recreational vehicles and equipment is subject to the requirements of Section 5.2.13. Indoor storage of said vehicles and equipment in the Rural Zoning Districts is not limited to the Rural Communities, provided there is no associated mini-warehouse.

5.2.22 | Oil and Gas Support Services

Land uses that provide support service for oil and gas drilling operations, including parking, storage and maintenance of exploration, production or workover equipment, pipe and production equipment, equipment and storage yards for road and pipeline construction contractors and production unit set-up and maintenance contractors; and non-permanent field offices used by production related personnel shall be subject to Conditional Use Permit review. If the use is requested for a period of less than one (1) year, a Temporary Use Permit shall be applied for with a Major Site Plan application. These land uses are intended for locations in the more remote rural areas of Mesa County. They are not intended to be permitted near municipalities or rural communities where location within urban zone districts is preferable.

Exception: The requirements of this Section do not apply to activities that occur on well pads that are subject to approval by the Colorado Oil and Gas Conservation Commission.

- A. In addition to the items identified in the appropriate application packet, the following information shall be submitted with an application for a conditional use permit or major site plan:
1. A supplement to the required narrative will include:
 - a. demonstration the need for the facility in the location proposed to serve oil and gas operations and documenting any lack of suitably zoned land in the project area, and
 - b. discussion the adequacy of roads and access to the site, including the condition and construction of the roads.
 2. A letter from licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the Applicant's sewage and/or refuse as applicable.
 3. An emergency management plan for review and approval by the fire district chief and Mesa County Emergency Management. A copy of the submission to the Designated Emergency Response Authority required by the Superfund Amendments and Reauthorization Act (SARA) shall be included.
 4. A reclamation and re-vegetation plan for each site satisfying the following requirements:
 - a. All structures and equipment will be removed.
 - b. Trash and construction debris will be removed and disposed of at a State-approved solid waste disposal facility.
 - c. Concrete footings and foundations may be buried in the backfill with three (3) feet of cover.
 - d. Sewage disposal systems will be removed and disposed of in compliance with Mesa County requirements.
 - e. The site will be ripped, graded and re-contoured to blend into the surrounding topography. Topsoil will be replaced. The site will be seeded with an appropriate seed mix to establish sufficient cover to stabilize the site and to prevent erosion. Interim sediment control is required until the site is reclaimed.
 - f. Weeds will be monitored and controlled according to a weed management plan approved by the Mea County Division of Weed and Pest Management.
 - g. Except as agreed upon in the Surface Use Agreement between the operator and the land owner, access roads will be ripped, re-graded and re-vegetated. Cuts and fills shall be re-graded to smooth slopes and re-vegetated. Access to reclaimed roads will be restricted.

- h. Reclamation and re-vegetation requirements may be modified if the operator has entered into an alternative agreement with the surface owner.

B. The following criteria will apply to all support services facilities:

1. Dust shall be controlled on public roads as agreed upon with the Mesa County Road Department Supervisor. Dust shall be controlled on the site and on driveways serving the site in accordance with State and local regulations. Existing driveways and private roads shall be used to the greatest extent possible. The Road Access Policy must be complied with. Tracking onto roadways must be controlled.
2. The use shall be located so that existing topography, vegetation and/or distance minimize visibility from interstate highways, arterial roads or scenic byways.
3. The facility should be located no less than one (1) mile (measured in driving distance on public roads) from another facility approved under Section 5.2.22 of this Code. Under limited circumstances, the facility may be located less than one (1) mile from another facility provided that the application demonstrates a reasonable justification for locating the proposed facility within this one (1) mile radius. A reasonable justification includes, but is not limited to, a demonstration that the proposed site within the one (1) mile radius causes less impact on the environment or to the public.
4. The facility must be located at least four hundred (400) feet from an existing residence unless a written waiver of this standard is obtained from the property owner.
5. Pursuant to International Building Code, Section 105, 2006 Edition, a permit is required for all structures placed in Mesa County. Pursuant to Colorado Revised Statute 24-32-3311, factory built structures shall be certified by the Colorado Division of Housing to be in accordance with Colorado Construction Safety Code for Factory-Built Structures prior to occupancy. Site work and utility connections to pre-manufactured structures shall comply with local codes. Inspections shall be conducted by the Mesa County Building Department. Building department personnel will not conduct inspections on the construction or the support of state certified modular buildings.
6. Refuse and sewage shall be disposed of appropriately at State-approved, licensed commercial disposal facilities. In no case shall sewage or untreated wastewater be discharged on the ground surface.
7. Weeds will be monitored and controlled according to a weed management plan approved by the Mesa County Division of Weed and Pest Management. The grounds shall be kept free of weeds, junk and trash at all times.
8. Landscaping, fencing and berms shall be used in combinations that effectively screen the facility from existing residences visible from the proposed site. Fencing may be eight (8) feet in height to screen equipment storage.
9. Wildlife-proof trash receptacles shall be used.
10. Except as required for safety purposes, reflective materials shall not be utilized on any buildings, walls or fencing. Reflective materials stored outdoors shall not be visible from roads or properties in the area.
11. Residential noise limits shall be complied with pursuant to Section 7.2.3 of this Land Development Code and the Colorado Oil and Gas Conservation Commission Eight Hundred (800) Series rules for noise abatement.
12. Engines, compressors and motors shall be equipped with quiet design mufflers or equivalent. All mechanical equipment shall be placed and operated to contain vibration within the property boundary and shall be subject to the noise limits in criterion 11 above.

13. A specific plan for containment and disposal of fuel and waste from heavy equipment maintenance shall be provided to meet local, state and federal regulations. Any spill or release that is required to be reported to other agencies must also be reported to the Mesa County Local Government Designee and Mesa County Emergency Manager.
 14. Ongoing vehicle and/or equipment repair and/or maintenance activity shall be conducted either within an enclosed building or between the hours of 8 a.m. to 5 p.m. seven (7) days per week. Emergency repair activities may be conducted outside those time frames but must comply with criterion 11 above.
 15. The site will be designed as a containment area and shall maintain a minimum distance from perennial or intermittent streams or drainages as recommended by the project engineer or geologist. The operator shall comply with all applicable state and federal regulations regarding protection of waters of the state. Pollutants or contaminants are not allowed to be discharged on the ground at any time.
 16. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.
 17. Development standards in Chapter 7 shall apply.
 18. Access shall comply with the Mesa County Road Access Policy.
- C. Time Limitations
Conditional Use Permit approvals for support services facilities are valid for a period of three (3) years. The operator may submit a request for an extension of time before the end of the first three-year (3) period as an application for amendment. As part of the request, the operator shall submit to the Planning Director a written narrative describing the condition of the facility, its compliance with each of the County permit requirements, and demonstrate the continued need for the facility in accordance with Section 5.2.22.A.1 above. Subsequent extensions may be applied for in the same manner.
- D. Closure
When the need for the use is finished, the support services facility structures must be removed within ninety (90) days of closure except as stipulated in the surface use agreement. If the land owner desires that the structures remain on the property, he must apply for the appropriate County development permit within thirty (30) days of closure of the facility. The Planning Director shall be notified at least ten (10) days prior to removal of improvements. Within ninety (90) days after the removal is completed, a reclamation report shall be submitted to the Planning Director indicating that the site was reclaimed as set forth in the approved reclamation plan.

5.2.23 Temporary Employee Housing

All temporary employee housing constructed or installed in Mesa County related to commercial, industrial, transportation, oil and gas or mineral extraction projects requires a permit. Temporary employee housing is subject to Conditional Use Permit review pursuant to the applicable requirements in Chapter 3 of this Code.

Exception: Housing located near or on a well drilling pad to serve that well drilling pad, and houses up to twenty (20) workers, shall be reviewed as an accessory use to the drilling operation, provided that the Minor Site Plan for the well pad includes a narrative provision demonstrating a legitimate and temporary need for more than sixteen (16) workers. The intent of this language is to set the baseline standard for beds at sixteen (16) while also allowing an opportunity to place as many as twenty (20) provided the need can be demonstrated. The operator shall submit, with the Minor Site Plan application, a checklist which addresses the review criteria in Section 5.2.16 of this Code and that includes the following:

1. A general description of facilities and structures located on the drilling pad during drilling activities and their uses;
2. A count of the number of beds proposed for essential personnel; and

3. A good faith estimate of the length of time that the drilling rig will be located on the property.

The operator shall also submit, with the Minor Site Plan application, a copy of a letter that notified the surface owner of the application and included a copy of the checklist and a generalized site plan.

- A. In addition to the items identified in the appropriate application packet, the following information shall be submitted with an application for a Conditional Use Permit or Major Site Plan:
 1. A supplement to the required narrative will include:
 - a. Demonstration of the need for the facility in the location proposed to serve oil and gas operations and documenting any lack of suitably zoned land in the project area, and
 - b. Discussion of the adequacy of roads and access to the site, including the condition and construction of the roads.
 2. A letter from a licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the Applicant's sewage and/or refuse as applicable.
 3. An emergency management plan for review and approval by the fire district chief and Mesa County Emergency Management. A copy of the submission to the Designated Emergency Response Authority required by the Superfund Amendments and Reauthorization Act (SARA) shall be included.
 4. A reclamation and re-vegetation plan for each site satisfying the following requirements:
 - a. All structures and equipment will be removed.
 - b. Trash and construction debris will be removed and disposed of at a State approved solid waste disposal facility.
 - c. Concrete footings and foundations may be buried in the backfill with three (3) feet of cover.
 - d. Sewage disposal systems will be removed and disposed of in compliance with Mesa County requirements.
 - e. The site will be ripped, graded and re-contoured to blend into the surrounding topography. Topsoil will be replaced. The site will be seeded with an appropriate seed mix to establish sufficient cover to stabilize the site and to prevent erosion (Tri-River Extension Service shall be consulted). Interim sediment control is required until the site is reclaimed.
 - f. Weeds will be monitored and controlled according to a weed management plan approved by the Mesa County Division of Weed and Pest Management.
 - g. Except as agreed upon in the Surface Use Agreement between the operator and the land owner, access roads will be ripped, re-graded and re-vegetated. Cuts and fills shall be re-graded to smooth slopes and re-vegetated. Access to reclaimed roads will be restricted.
 - h. Reclamation and re-vegetation requirements may be modified if the operator has entered into an alternative agreement with the surface owner.
- B. The following standards will apply to all temporary employee housing facilities:
 1. Dust shall be controlled on public roads as agreed upon with the Mesa County Road Department Supervisor. Dust shall be controlled on the site and on driveways serving the site in accordance with State and local regulations. Existing driveways and private roads shall be

used to the greatest extent possible. The Road Access Policy must be complied with. Tracking onto roadways must be controlled.

2. The use shall be located so that existing topography, vegetation and/or distance render it not visible from interstate highways, arterial roads or scenic byways.
3. The facility shall be constructed to minimize erosion, alteration of natural features, and removal of surface materials to the greatest extent practical. The following issues shall be taken into consideration when designing a facility on a specific site:
 - a. The facility should be located at the base of slopes to provide a background of topography and/or natural cover.
 - b. Cut and fill should be minimized when locating the facility.
 - c. Surface use agreements shall be taken into consideration.
 - d. If on-site sewage treatment is provided, the system must be approved by either Mesa County or the State Health Department.
4. Refuse and sewage shall be disposed of appropriately at State-approved, licensed commercial disposal facilities. In no case shall sewage or untreated wastewater be discharged on the ground surface.
5. The grounds shall be kept free of weeds, junk and trash at all times.
6. Potable water must be provided at the site. The drinking water source must be identified.
7. If the operator provides the source water to serve twenty-five (25) people or more, or fifteen (15) or more taps, the operator must demonstrate conformance to State regulations by obtaining all necessary State permits prior to application to Mesa County for the temporary employee housing facility.
8. If potable water is hauled into the site, the water haulers must be licensed by the State of Colorado. Chlorine residual and total coli form data shall be collected in conformance with State water quality requirements. The operator shall perform tests monthly (or quarterly if an on-site disinfection system is installed) and shall maintain records of stored potable water samples specific for coli form. Any tests indicating coli form contamination must be disclosed to the Mesa County Board of Health or designee.
9. Pursuant to International Building Code, Section 105, 2006 Edition, a permit is required for all structures placed in Mesa County. Pursuant to C.R.S. 24-32-3311, factory built structures shall be certified by the Colorado Division of Housing to be in accordance with Colorado Construction Safety Code for Factory-Built Structures prior to occupancy. Site work and utility connections to pre-manufactured structures shall comply with local codes. Inspections shall be conducted by the Mesa County Building Department. Building department personnel will not conduct inspections on the construction or the support of state certified modular buildings. Campers, tents and/or recreational vehicles (RV's) shall not be allowed as temporary employee housing.
10. Domestic animals other than those owned by the property owner or on-site property manager are not allowed at the facility.
11. Landscaping, fencing and berms shall be used in combinations that effectively screen the facility from existing residences visible from the proposed housing site.
12. Wildlife-proof trash receptacles shall be used.

13. Except as required for safety purposes, reflective materials shall not be utilized on any buildings, walls or fencing. Reflective materials stored outdoors shall not be visible from roads or properties in the area.
14. Residential noise limits shall be complied with pursuant to Section 7.2.3 of this Land Development Code and the Colorado Oil and Gas Conservation Commission eight hundred (800) Series rules for noise abatement.
15. Engines, compressors and motors shall be equipped with quiet design mufflers or equivalents. All mechanical equipment shall be placed and operated to contain vibration within the property boundary. All mechanical equipment shall be placed and operated to contain vibration within the property boundary and shall be subject to the noise limits in standard 14 above.
16. The housing location shall not disrupt or convert irrigated agricultural production lands except as stipulated in the surface use agreement.
17. The site will be designed as a containment area and shall maintain a minimum distance from perennial or intermittent streams or drainages as recommended by the project engineer or geologist. The operator shall comply with all applicable state and federal regulations regarding protection of waters of the state. Pollutants or contaminants are not allowed to be discharged on the ground at any time.
18. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.
19. Development standards in Chapter 7 of this Code shall apply.
20. Access shall comply with the Mesa County Road Access Policy.

C. Time Limitations

Conditional Use Permit approvals for temporary employee housing facilities are valid for a period of three (3) years. The operator may submit a request for an extension of time before the end of the three-year (3) period. As part of the request, the operator shall submit to the Planning Director a written narrative describing the condition of the housing facility, its compliance with each of the requirements, and demonstrate the continued need for the housing facility in accordance with Section 5.2.23.A.1 above.

D. Closure

When the need for the use is finished, the facility and associated structure must be removed within ninety (90) days of closure. The Planning Director shall be notified at least ten (10) days prior to removal of improvements. Within ninety (90) days after the removal is completed, a reclamation report shall be submitted to the Planning Director indicating that the site was reclaimed as set forth in the approved reclamation plan.

5.2.24 Forestry Support Services

The criteria in Section 5.2.22 B – Oil and Gas Support Services – shall be used to review applications for a Conditional Use Permit. Wood grinding/chipping may be allowed as an accessory use if the activity does not occupy more than twenty-five percent (25%) of the use area, noise is mitigated, and it found to be compatible with surrounding land uses. The number of days per week and hours per day may be limited for wood grinding and chipping in order to minimize impacts to land uses in the area. A qualified agency such as the Colorado State University Extension Service shall be consulted to verify that storage and processing methods do not spread disease and disease-carrying insects.

5.2.25 Field Office Headquarters for Oil and Gas Field Operators

All field office headquarter sites shall be designed to achieve the following:

- A. Appropriate internal circulation for employees and visitors is provided for both vehicle and foot traffic. Buildings relate to each other in a campus-like clustered setting and are constructed to blend with the character of the area and surrounding vistas.

- B. Outdoor storage of equipment and vehicles as well as parking areas are screened from adjacent land uses including public road frontages. 5.2.12
 - 1. A landscape/fencing plan shall be proposed which is suitable to achieve the screening and in character with the area. Alternatively, buildings may provide screening.
 - 2. Landscaping and screening is not required if the outdoor storage areas are not visible from adjacent properties.
- C. Section 5.2.22.B, criteria for Oil and Gas Support Services, shall be utilized. Criterion 5.2.22.B.2 may not be applicable if modular structures, outdoor storage and parking are located on a portion of the site not visible from interstate highways, arterial roads and scenic byways.

5.2.26 Minor Entertainment Events

Minor Entertainment Events have the potential to impact property owners in the area by generating noise, dust, odors, intrusive lighting and traffic conflicts if not properly managed. The applicant shall address the following concerns, including mitigation, in a conditional use permit application for Minor Entertainment Events: vehicle access and circulation (including emergency access); noise limits set forth in C.R.S. 25-12-103; hours of operation with an appropriate time to end activities associated with proposed events; distance of the event footprint from adjacent residences to minimize, or eliminate if possible, potential impacts of noise, dust, lights and other effects of the events; peak hour traffic generation; and screening of the event activities from residences on adjacent properties.

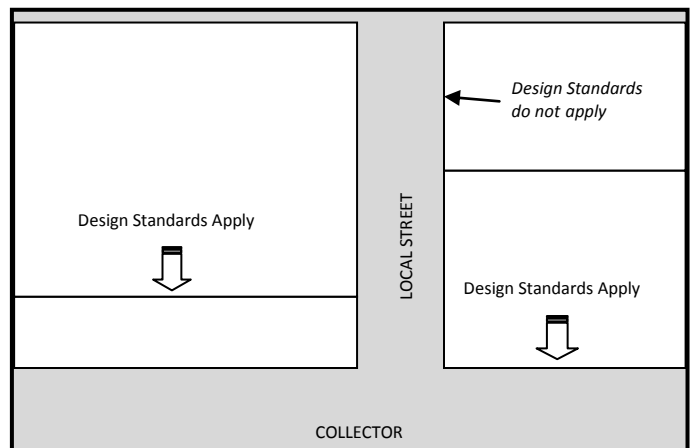
5.2.27 Industrial Development Design Standards

A. Purpose:
 These design standards are intended to ensure that all industrial development is well designed, sensitive to surrounding natural features, and positively contributes to the character and function of the entire community. The Industrial Development Design Standards implement the Mesa Countywide Master Plan, including the Community Plans.

B. Applicability:

1. These standards shall apply to all new industrial, commercial/industrial, and business park development and major rehabilitation of existing structures that abut roads designated as an existing or future collector or arterial, as depicted on the Functional Classification Maps of the Road Access Policy, in the following locations:

- a. any property in an I-1 or I-2 zoning district, excluding those uses listed in Table 5.1 as “Residential” or “Institutional & Civic”;
- b. any property in a C-2, MU-R, MU-C or PUD zoning district where the proposed use would also be an allowed use or a conditional use in an I-1 or I-2 zoning district, and where the use is listed in Table 5.1 as “Commercial” or “Other”;
- c. any use classified as Industrial in Table 5.1, regardless of the zoning district.



- 2. For properties where there is an outlet between the road and the subject property, these standards shall still apply.
- 3. These Standards shall apply in addition to other use-specific regulations of this Chapter.

C. Design Standards

1. **Site Design and Development Pattern:**
Site design and development pattern standards address circulation and mobility as an integral component of industrial development. Industrial site design and development patterns shall enrich the mobility in the planning area.
 - a. To the maximum extent achievable:
 - (1) primary building entry facades should orient towards the major access drive or street;
 - (2) structures should orient in a manner that will help to provide a safe and attractive street edge; and
 - (3) structures should be oriented to screen outdoor storage areas from view from the street and adjacent residential areas.
2. **Vehicular and Pedestrian Circulation and Access:**
Promoting the health and well-being of the community by encouraging physical activity, alternative transportation, and greater opportunities for social interaction are priorities. Circulation and Street Layout must comply with Section 7.17 of the Mesa County Land Development Code.
 - a. Circulation patterns shall be designed to minimize vehicular impacts on adjacent residential uses.
 - b. Industrial development shall provide safe and efficient patterns of vehicle circulation and access that connect to the existing or future street network within the community.
 - c. Circulation shall allow the safe movement of pedestrians and bicyclists, separate from industrial traffic, and provide connections to the rest of the community, consistent with adopted plans.
 - d. On-site circulation shall have an adequate length of stacking for industrial facilities, e.g. loading docks, terminals, etc. that do not interfere with the movement of traffic (on or off-site) and/or pedestrian areas.
3. **Parking:**
Standards depicted in Chapter 7 of the Mesa County Land Development Code are applicable.

Parking design standards and guidelines are intended to address visual impacts associated with parking structures, parking surfaces, and parking areas.
 - a. All parking lots located within the front half of the parcel or in front of the principal structure shall only be used for parking of passenger vehicles and shall include no more than fifty percent (50%) of the planned parking spaces. Fleet parking, equipment storage and loading docks shall not be located adjacent to the collector or arterial street. Placement in the rear half of the lot or behind the principal structure is encouraged. For purposes of this Standard, where properties have frontage on both a collector street (or a street of a higher classification level) and another street of a lower level, the collector or higher-level street shall be considered the front with respect to location of parking.
 - b. Parking lots shall be screened from view from adjacent residential uses. The screening shall include landscaping and structural screens, as required by Section 7.2 of the Mesa County Land Development Code.

4. Building Style and Design

These standards apply only to building facades facing collector or arterial streets. Building style and design that visually enhances the industrial area as well as the entire community is strongly encouraged. The inclusion of projected and recessed elements to provide architectural variety, such as entryways, special functional areas, rooflines, decorative treatments such as murals and other features will help to meet the design intent.

- a. Blank, windowless walls on collector or arterial street facades are discouraged. Where the construction of a windowless wall is necessary, the wall shall be articulated or enhanced using architectural features and landscaping.
- b. Use offsets in the wall plane or roof line to break up walls that are more than fifty (50) feet long on collector or arterial street facades. Features such as porches or recessed entries may also be used to provide relief.
- c. The facades of buildings facing collector or arterial streets shall be architecturally finished or detailed. Examples include but are not limited to wall cladding with materials such as brick, block, stone or stucco; applied trim such as wainscoting and columns; contrasting trim details or two-tone color schemes; cornices and applied decorative features; murals or artwork; and similar design elements.
- d. A setback of fifty (50) feet or more, combined with the use of topography and other screening methods that substantially block the view of the building from the street, may be used to satisfy Building Style and Design standards a-c.
- e. The dominant building colors shall be drawn from the natural landscape and must be low reflecting and subtle.

5. Landscaping:

Landscaping design must be consistent with Section 7.2 of the Mesa County Land Development Code.

6. Screening

Screening standards and guidelines shall be consistent with Sections 7.2 and 7.4 of the Mesa County Land Development Code.

Industrial development typically contains service, loading, and dumpster areas. These accessory uses can detract from the aesthetics of the area if not properly screened.

- a. New development of industrial facilities shall incorporate visual and acoustic mitigation alternatives through the use of built or natural screening along collector streets and pedestrian environments and adjacent to residential uses.
- b. All service areas, loading docks, or dumpster areas shall be, to the maximum extent achievable, located in the rear of the lot or behind the principal structure. Trash dumpsters shall be fully screened.
- c. All mechanical and utility equipment shall be screened from view from collector streets and residential uses.
- d. The design of the screening shall be integrated into the overall design of the project.

7. Fencing, Walls, and Berms:

Fencing, walls and berms are required as buffers to different uses and shall be integrated into the industrial development and surrounding uses. Security fencing shall meet all design standards set forth. The use of high quality fence materials, such as decorative blocks, brick, stone, treated wood, and ornamental metal, is encouraged at key locations where such designs can provide the most benefit with respect to screening of outdoor storage and parking from adjacent uses, intersections and other high-visibility areas. Fences and structural

screens shall comply with the requirements of Mesa County Land Development Code Section 7.2. Section 5.2.12 may also apply for certain outdoor uses.

- a. Fences, walls, berms, or a combination of these features shall be used along collector streets where outdoor storage abuts the street. Substantial setbacks and other site design elements that mitigate visual impacts may also be used.
- b. All fencing, walls, and berms shall provide breaks for pedestrian connections between internal walkways and perimeter walkways.

8. Lighting

Appropriate lighting is essential in creating safe pedestrian and vehicular environments. All lighting design shall minimize spillover impacts as identified in Section 7.6.7 of the Mesa County Land Development Code.

9. Signage

Signage must be designed appropriately to appeal to pedestrians and motorists alike. The intent is to allow industrial uses the opportunity to promote products and services without detracting from the overall aesthetics of the area. All signs must comply with the Chapter 8 of the Mesa County Land Development Code, except as described in these Standards.

- a. Freestanding signs shall be limited to monument-style signs at a maximum of twelve (12) feet in height.
- b. Monument signs that are internally illuminated shall be designed to limit glare from shining off-site.
- c. Lighting for externally illuminated signs shall be designed to direct light only onto the sign and shall not shine off the property or where it might impair the vision of motorists.
- d. Other types of signs allowed in Chapter 8 (i.e. flush wall signs, roof signs and projecting signs) are permitted.

§5.3 | Accessory Uses

5.3.1 | Allowed Uses

Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed in zoning districts. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise expressly stated.

5.3.2 | Time of Establishment

No accessory use shall be established and no accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use, structure or activity have been obtained except as provided below:

A. Exception for Residential Accessory Structures

One accessory structure may be allowed without obtaining all required permits and approvals for the *principal* residential use as follows. The use of the accessory structure shall be limited to storage of: personal items prior to house construction; personal recreational equipment; and/or storage of equipment to maintain the property. This exception applies to indoor storage only – no outdoor storage is allowed as part of this section. The accessory structure shall not be used for business or commercial uses (i.e., a contractor’s shop).

1. Rural Zoning Districts

- a. One (1) accessory structure may be allowed to be constructed without a principal structure (residence) on property in a rural zoning district that is one (1) acre or greater in

size. If the property is less than 5 acres in size, the general location of the future residence must be shown.

- b. Properties with an agricultural principal use are not subject to the limitation of one (1) accessory structure if the structures are clearly related to the agricultural use, e.g. barns and other out-buildings.

2. Urban Zoning Districts

One (1) accessory structure may be allowed to be constructed without a principal structure (residence) on any unplatted property in an urban zoning district that is one (1) acre or greater in size and that allows single family residential use. The general location of the future residence shall be shown on the residential site plan permit.

5.3.3 | Dimensional and Operational Standards

The standards of this section shall apply in all districts unless otherwise expressly stated.

A. Height

The maximum height of accessory buildings or structures shall not exceed two (2) stories or twenty-five (25) feet, except within the I-1, I-2, or Rural Zoning Districts.

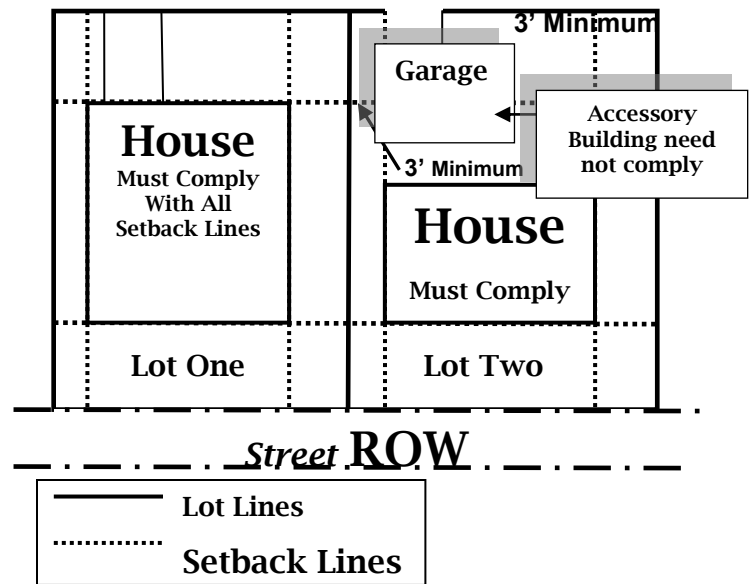
B. Setbacks

1. Street Setbacks

Accessory structures shall be subject to all street setback requirements of the zoning district in which they are located.

2. Interior Side and Rear Setbacks

Accessory structures shall be subject to all interior side and rear setback requirements of the zoning district in which they are located. Private garages and accessory structures that are less than sixteen (16) feet in height and contain less than two hundred (200) square feet of floor area shall be setback no less than three (3) feet when located within the required rear setback area.



Side and Rear Setbacks for Accessory Uses

3. Easements

Regardless of the above setbacks, accessory structures shall not be located over any recorded easement.

C. Size

Accessory structures shall be subordinate in size, extent and purpose to the principal building or use. Accessory structures on properties in rural and RSF-E zoning districts that are one (1) acre or greater in size are allowed to be larger than the size of the principal dwelling on the property.

D. Operation

Accessory structures, buildings and uses shall be constructed, maintained and conducted to avoid production of noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, glare from artificial illumination, or from reflection of natural light.

5.3.4 | Animals

Unless otherwise expressly defined or identified as a principal use, the keeping of animals shall be considered an allowed accessory use, subject to the provisions of this section.

A. Household Pets

Household pets inclusive of, but not limited to, dogs and cats shall be permitted in all zoning districts allowing for residential use, provided that no more than five (5) animals over four (4) months of age are kept by the occupant of any residential unit. Kennels, boarding facilities, and commercial activities are not an allowed accessory use, except as permitted in Section 5.3.6.C, Home Occupations. This provision does not apply to tropical fish, small rodent animals (e.g., gerbils, hamsters), and small birds kept as pets, unless raised for commercial purposes, kept outdoors, or kept in an accessory structure.

B. Prohibited Animals

The keeping of Nondomestic or Exotic Animals shall not be allowed as an accessory use. The keeping of Nondomestic or Exotic Animals is considered Animal Care/Boarding/Sales and may be permitted in those zoning districts listed in Table 5.1 of this Code.

C. Domestic Livestock

The keeping of domestic livestock shall be considered an accessory use and shall be measured in terms of animal units (see definition of Animal Unit in Chapter 12).

1. Existing Properties in Urban Land Use Areas

On properties designated for urban land uses on the adopted Master Plan Future Land Use Maps, the keeping of domestic livestock may be allowed only on lots or parcels greater than one-half (½) acre in size except as provided for below in subsection a.

Domestic livestock pens, fenced corrals, round pens, turnout areas, buildings or other confined areas for keeping domestic livestock shall be set back a minimum distance of fifty (50) feet from the property lines along residences on properties next to these confined areas unless physically impossible, such as when lots or parcels are less than one hundred fifty (150) feet wide, in which case the Planning Director may approve an adjustment up to thirty percent (30%). Pastures, as defined in Section 12.1 of this Code, are not considered confined areas.

a. On parcels of land less than one-half (½) acre in size in the urban zoning districts, chickens and rabbits that are kept outside the residence shall be allowed under the following conditions:

- (1) No more than six (6) chickens or six (6) rabbits over two (2) months old, or any combination of the two animals, are allowed per dwelling unit. No other domestic livestock or fowl shall be permitted.
- (2) For properties that have an accessory dwelling unit, each unit shall be permitted to have up to six (6) animals, for a total of twelve (12) animals total on the property.
- (3) Chickens and/or rabbits shall not be permitted on properties with duplexes or multi-family dwellings.
- (4) No roosters are allowed.
- (5) All animals shall be confined by a fence, cage, or pen. Appropriate shelter shall be provided.
- (6) Animals shall be kept no closer than twenty (20) feet from rear and side property lines whenever there is a residential use on the adjoining property.
- (7) There shall be no confinement of animals in the front setback area.
- (8) The coop, hutch, cage, pen and/or area where the animals are confined shall be kept in a clean and wholesome condition so that any offensive smell and human health issues are minimized. Food supplies shall be secured in animal-proof containers to deter nuisance animals and vermin.

2. Existing Properties in Rural Land Use Areas

On properties designated for rural land uses on the adopted Master Plan Future Land Use Maps, the following criteria apply:

- a. no new domestic livestock pens, fenced corrals, round pens, turnout areas, buildings or other confined areas for keeping domestic livestock shall be located nearer than one hundred (100) feet from dwellings existing on adjacent lots or parcels of land; and
- b. no new dwellings shall be constructed nearer than one hundred (100) feet from existing domestic livestock pens, fenced corrals, round pens, turnout areas, buildings or other confined areas for keeping domestic livestock on adjacent lots or parcels of land unless this requirement effectively renders the property unbuildable; in which case the Planning Director may approve an adjustment up to thirty percent (30%).
- c. Pastures, as defined in Section 12.1 of this Code, are not considered confined areas.

Any agricultural operation or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged, as established in the “Right to Farm and Ranch” policy.

3. Confinement of Domestic Livestock

On any parcel of land under ten (10) acres in size, all domestic livestock shall be confined, fenced or controlled by the property owner in such a manner that prevents the animal or fowl from running or being at large.

ALLOWED ANIMAL UNITS PER ACRE

Lot Area/Zoning District	Allowed Animal Units per Acre of Land*
Urban Zoning District except RSF-R, greater than ½ acre	3
RSF-R and Rural Zoning District, less than 10 acres	4
10+ acres in RSF-R, AFT and AF-35 Districts	4; may be subject to review by the Mesa County Agricultural Advisory Panel for compliance with the “Right to Farm and Ranch Policy”

* FOR PARCELS OF LAND 1/2 ACRE OR LARGER IN SIZE: Calculations are based on animal units x suitable area available for the keeping of domestic livestock (i.e. lot area minus areas used for dwellings, access, residential and accessory uses, areas where the keeping of animals are not permitted or are unsuited for use, etc.) Refer to the definition of “pasture” in Section 12.1 regarding areas suitable for the keeping of domestic livestock.

TABLE OF ANIMAL UNIT EQUIVALENTS

Animal Species	Equivalency Factor Based on Animal Unit =1000 lb cow	4 animal units/acre (RSF-R, AFT, AF-35 Zoning Districts)	3 animal units/acre (All Other Urban Zoning Districts)	1,000 Animal Units Feedlot Threshold
Alpaca or Llama	0.50	8	6	2,000
Bison, buffalo (under 2 years old)	0.80	5	3.75	1,250
Bison, buffalo	1.00	4	3	1,000
Bison, buffalo - cow w/calf	1.00	4	3	1,000
Burro, Donkey	1.00	4	3	1,000
Burro, Donkey - Miniature	0.50	8	6	2,000
Cattle, Beef Slaughter and Feed (under 2 years old)	0.80 (1-2 yrs)	5	3.75	1,250
Cattle, Beef - Slaughter and Feed	1.00 (>2 yrs)	4	3	1,000
Calves (under 6 months)	0.00	-	-	-

Animal Species	Equivalency Factor Based on Animal Unit =1000 lb cow	4 animal units/acre (RSF-R, AFT, AF-35 Zoning Districts)	3 animal units/acre (All Other Urban Zoning Districts)	1,000 Animal Units Feedlot Threshold
Cattle, Beef - cow w/calf	1.00	4	3	1,000
Cattle, Dairy (bulls or cows)	1.40 (>2 yrs)	2.9	2.1	714
Chickens, Broiler	0.02	200	150	50,000
Chickens, Layer	0.02	200	150	50,000
Elk, domestic (under 2 years old)	0.50	8	6	2,000
Elk, domestic	0.80	5	3.75	1,250
Elk, domestic - cow w/calf	0.80	5	3.75	1,250
Emu less than 100 lbs.	0.10	40	30	10,000
Emu more than 100 lbs.	0.20	20	15	5,000
Fallow Deer	0.50	8	6	2,000
Geese, ducks, swans, turkeys, fowl	0.03	133	100	33,333
Goat, feeder (less than 80 lbs.)	0.10	40	30	10,000
Goat, mature brood stock	0.20	20	15	5,000
Goat, nanny w/kids	0.20	20	15	5,000
Goat, miniature	0.05	80	60	20,000
Horses, mules	1.30	3.1	2.3	769
Horses - mare w/foal	1.00	4	3	1,000
Horses - miniature	0.50	8	6	2,000
Ostrich	0.30	13.3	10	3,333
Rabbit, fryer and mature	0.02	200	150	100,000
Sheep, feeder less than 80 lbs.	0.10	40	30	10,000
Sheep, feeder more than 80 lbs.	0.20 (1 yr+)	20	15	5,000
Sheep, mature brood stock	0.20	20	15	5,000
Sheep ewes w/lambs	0.20	20	15	5,000
Swine, feeders (less than 50 lbs.)	0.10	40	30	10,000
Swine, feeders (50 lbs. to market)	0.20	20	15	5,000
Swine, mature brood stock	0.40	10	7.5	2,500
Swine, sow with litters	0.40	10	7.5	2,500

5.3.5 | Caretakers and Security Guards

Housing for caretakers and security personnel shall specifically be allowed as an accessory use within all Nonresidential zoning districts.

5.3.6 | Home Occupations

A. General

Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this section are intended to permit residents to

engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the allowed principal use (household living), and that the residential viability of the dwelling unit and property is maintained. Home Occupations shall require Site Plan review.

B. Exempt Home Occupations

Home occupations are not subject to the home occupations regulations where all criteria below are met:

1. client/customer visits to the premises are limited to a maximum of ten (10) per week;
2. no nonresident employees visit the site;
3. no outdoor activities or storage are on the site;
4. storage of hazardous materials/waste is not a primary use of the home occupation; and
5. quantities and types of hazardous materials stored on site cannot exceed that of normal household use. Storage of hazardous materials may require permits from the fire department.

C. Home Occupations

1. Allowed Uses

The home occupation regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited. Consideration is given to differences in urban versus rural zone districts in the Summary of Home Occupation Regulations table below.

2. Where Allowed

Home occupations that comply with the regulations of this section shall be allowed as an accessory use to any allowed household living use. Home occupations may occur in either a permitted principal dwelling or a permitted accessory dwelling.

3. Prohibited or Limited Uses

a. Vehicle and Large Equipment Repair

Repair or assembly of vehicles or equipment with internal combustion engines (such as autos and motorcycles, excluding 'heavy equipment'), or of large appliances (such as washing machines, dryers, and refrigerators), or any other work related to automobiles and their parts within Urban Zone Districts must be conducted entirely within a permitted structure and must be limited to one (1) vehicle at a time. The same repair or assembly activities may occur within Rural Zone Districts; outdoor storage is only allowed within the screened outdoor area defined within the summary table within this section.

b. Animal Care or Boarding Facilities

Limited animal care or boarding facilities are allowed as home occupations. This includes grooming services, training, and in-home boarding of household pets, provided that no more than a total of five (5) animals over four (4) months of age are present, including those owned by the occupant of the residential unit. Outdoor activity shall be limited to normal play and exercise during daytime hours in a fenced area and to periods when animals are allowed outside to relieve themselves. Boarded animals shall not be housed in outside kennels, runs, or enclosures. Animal hospitals, kennels, stables and all other board and care facilities are not allowed as home occupations. In the Rural Zoning Districts, the boarding of up to five (5) horses is allowed as a home occupation, provided the total number of horses does not exceed the number allowed by Section 5.3.4.C of this Code. See also Table 5.1, Animal Care/Boarding/Sales.

- c. Industrial Uses
Industrial uses may only be allowed as Conditional Use Permits as indicated in Table 5.1.
- 4. Nonresident Employees
For the purpose of this provision, the term “nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site but who reports to the site in person as part of the home occupation.
- 5. Public Right-of-Way
Customers and delivery services may park in the public right-of-way limited to the area in front of the home occupation. All other activities and storage areas associated with home occupations (including employee and company vehicle parking) are prohibited within public rights-of-way.

Summary of Home Occupation Regulations		
	Urban Zone Home Occupation	Rural Zone Home Occupation
Nonresident Employees	2 (Maximum)	
Resident Operator	Operator must be full time resident of dwelling unit	
Customers	12 per day (maximum) 8:00 am to 8:00 pm Monday through Saturday	
Floor Area	25% of dwelling unit -(maximum) attached or detached structure	25% of dwelling unit plus an additional 1,000 square feet of attached or detached structure
Signs	2 square feet (Maximum)	
Outdoor Activities	None	Allowed within a 1,000 square feet area if screened and all home occupation regulations are met.
Exterior Appearance	No change that makes the dwelling appear less residential in nature and no visible evidence of home occupation from the road or from adjacent properties. The occupation must be entirely contained within a permitted principal or accessory building. Outdoor parking is allowed but must be screened from view of adjoining properties and public roads; vehicles parked in the driveway are exempt from screening requirements.	No change that makes the dwelling appear less residential in nature and no visible evidence of home occupation from the road or from adjacent properties. The use may be contained within outbuildings if the square footage utilized does not exceed 1,000 square feet. Outdoor parking is allowed but must be screened from view of adjoining properties and public roads; vehicles parked in the driveway are exempt from screening requirements.
Small Engine Repair	Prohibited	Allowed – must maintain minimum setback of 200 feet from off-site dwellings and conduct activity within an enclosed structure.
Deliveries	Only between 8 a.m. and 8 p.m. Monday – Saturday	
Retail Sales	None except as accessory and incidental to the allowed home occupation	
Off Street Parking	1 space required per nonresident employee and per company vehicle. Company and employee vehicles that are not parked in the driveway must be screened from view of adjacent lots and streets and may not be parked within the setback areas. Customers and delivery services may park in the road right-of-way.	
Number of Home Occupations on Site	1 (maximum)	

- 6. **Exterior Appearance**
There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from any adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation, or the site upon which it is conducted, that will make the dwelling or home occupation property appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.
- 7. **Operational Impacts**
No home occupation, or equipment used in conjunction with a home occupation, may cause odor, vibration, noise, dust, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Home occupations that generate hazardous waste shall register with the Mesa County Hazardous Waste Collection Facility in the Conditionally Exempt Small Quantity Generators (CESQG) program. Storage of hazardous materials shall not be the primary use of the home occupation and may require permits from the fire department.
- 8. **Small Engine Repair**
Small engines are defined as engines that power equipment such as: lawn mowers, tillers, cultivators, trimmers, snow blowers, chain saws, pumps, generators, air compressors, outboard boats, snowmobiles, all-terrain vehicles, and ultra light aircraft.

5.3.7 | Accessory Dwellings

- A. **Zoning Districts:** Accessory dwellings are allowed in all Rural Zoning Districts and in all Urban Zoning Districts (including mixed use zoning districts) except RMF-16 and RMF-24.
- B. **Application Process:** Accessory dwelling applications are reviewed as a residential site plan in accordance with Section 3.5.11.3 and must additionally comply with applicable standards listed below. If an accessory dwelling is accessory to a land use that is applied for under another planning review process, such accessory dwelling shall be considered for approval under that process.
- C. **General Standards**
The following general standards shall apply to accessory dwellings:

Item	Standard
1. Number	Only one (1) accessory dwelling shall be allowed per parcel or lot.
2. Size (minimum and maximum heated living area – each floor or level of heated living area is counted separately to arrive at a total heated living area square footage number)	<ul style="list-style-type: none"> a. On parcels or lots less than two (2) acres in size: Three hundred (300) to nine hundred (900) square feet. b. On parcels or lots two (2) acres or greater in size: <ul style="list-style-type: none"> 1) Attached Accessory Dwellings: For accessory dwellings attached to a principal dwelling, the accessory dwelling shall be a minimum of three hundred (300) square feet and a maximum of up to fifty percent (50%) of the heated living area of the principal dwelling. In this context, attached accessory dwelling shall mean a separate dwelling unit contained within a principal dwelling or contained in a structure attached (including attached by a breezeway) to the principal dwelling. 2) Detached Accessory Dwellings: For detached accessory dwellings, the accessory dwelling shall be a minimum of three hundred (300) square feet and a maximum of the greater of nine hundred (900) square feet or fifty percent (50%) of the heated living area of the principal dwelling not to exceed one thousand five hundred (1,500) square feet. In this context, detached accessory dwelling shall mean a dwelling unit contained in a structure that is not

Item	Standard
	<p>attached to the principal dwelling.</p> <p>3) Combination Accessory Dwellings/Accessory Structures: A combination accessory dwelling/accessory structure is an accessory dwelling contained within an accessory structure such as, but not limited to, a garage, shop or barn. The size of such accessory dwelling within an accessory structure shall be a minimum of three hundred (300) square feet and a maximum of fifty percent (50%) of the size of the accessory structure, not to exceed fifty percent (50%) of the heated living area of the principal dwelling.</p> <p>c. Any accessory dwelling may be increased in size by up to ten percent (10%) to provide accessibility for physically disabled persons. Such accessibility shall be shown with a floor plan showing hallways, doorways, and maneuvering space in kitchen and bath areas that meet International Building Code standards.</p> <p>d. An applicant may apply to the Board of Adjustment for a variance to the maximum size of an attached, detached or combination accessory dwelling/accessory structure. The Board of Adjustment may grant such a variance if it finds that the proposed accessory dwelling meets the requirements contained in Section 5.3.7.D and meets the approval criteria for accessory dwelling variances described in Section 3.12.6.</p>
3. Number of Residents	The combined number of residents of the principal and accessory dwelling shall not exceed that allowed for a single household.
4. Owner Occupancy	The principal dwelling or the accessory dwelling must be occupied by the owner of the parcel or lot on which the accessory dwelling is located. If the property is owned by a corporation, limited liability corporation, partnership, association, trust or other entity, the principal or accessory dwelling must be occupied by a person who is authorized to bind such entity in real estate matters.
5. Parking	At least one (1) off-street parking space must be provided for each bedroom in the accessory dwelling.
6. Foundations	If the principal dwelling is constructed on a permanent foundation, the accessory dwelling shall be constructed on a permanent foundation.
7. Access	The principal dwelling and the accessory dwelling shall share driveway access to a public road unless a separate access is approved by Mesa County.
8. Utility Meters	The accessory dwelling applicant shall demonstrate that utility providers will provide potable water and electricity.
9. Septic System	Parcels or lots that are not connected to a municipal sewer system shall be served by an Onsite Wastewater Treatment System (OWTS) approved by Mesa County. In such circumstances, the minimum parcel or lot size shall be one (1) acre unless Mesa County determines an appropriate OWTS can be installed on a smaller parcel or lot, allowing adequate space as required by Mesa County OWTS regulations.
10. Lot/Parcel Size	The minimum size of a parcel or lot on which an accessory dwelling may be approved is six thousand five hundred (6,500) square feet.

Item	Standard
11. Land Use	An accessory dwelling may only be approved on a lot or parcel that contains one (1) single-family detached dwelling. An accessory dwelling will not be allowed on a parcel or lot that contains a duplex or a multi-family dwelling.
12. Notice	Notice of the requirements and restrictions pertaining to the accessory dwelling will be provided to potential future owners by recording the approval document in the public records of the Mesa County Clerk and Recorder.
13. Purpose	The approval of the accessory dwelling is not sought to subsequently compel or influence approval of an application to subdivide the property or to circumvent subdivision regulations.

- D. **Additional Standards for Attached and Detached Accessory Dwellings:**
 In addition to the general standards stated in paragraph 5.3.7.C above, the following additional standards shall apply to attached accessory dwellings and detached accessory dwellings, but not to combination accessory dwellings/accessory structures.

Item	Standard
1. Construction Materials and Roof Designs	<p>The type and color of exterior construction materials of the accessory dwelling shall be the same as or similar to the principal dwelling. The applicant may demonstrate this criteria is met through the use of complementary (including color, texture or type of material) exterior construction materials and roof design.</p> <p>If the existing dwelling is a manufactured home, this requirement shall not apply to the proposed new dwelling, irrespective of whether the new dwelling is proposed as the accessory dwelling or the principal dwelling. For example, the existing structure may be a manufactured home and the new dwelling may be a stick-built or site-built home.</p>
2. Roof Designs	Roof designs [such as type (gable, hip, flat, etc.) and slope] and the general appearance of the accessory dwelling and the principal dwelling shall be similar.
3. Integration Into the Site	The accessory dwelling shall be integrated into the site by appropriate site grading, earth work and landscaping, and shall be consistent with the general character of the neighborhood.
4. Entrances/ Utility Connections	Entrances and utility connections to an accessory dwelling shall be located in a manner to make them least visible from any street that adjoins the accessory dwelling parcel or lot.
5. Setbacks	Attached accessory dwellings and detached accessory dwellings shall meet principal structure (principal dwelling) setbacks.

- E. **Conflicts with Other Regulations**
 If there is a conflict between the accessory dwelling standards of this Section and any other requirement of this Land Development Code, the standards of this Section shall control. Otherwise, accessory dwellings are subject to all other applicable requirements of this Land Development Code.

5.3.8 | Camping

Camping is an accessory use to allowed principal uses in AFT and AF-35 zones and is accessory to a residential use in all residential zones. Hunting and agricultural camps are exempt from this land use. Camping is only allowed on property owned by the camper or the camper's family or with the express written consent of the property owner or the property owner's agent. The overnight use of camping equipment or tents, tarpaulins or temporary shelters or the overnight use of temporary cooking and bedding facilities and other facilities, such as open fires, camp stoves and cots, bedrolls, or sleeping bags on abandoned or unoccupied area of land and/or in a building that the user/camper does not own, rent or otherwise have lawful permission to use is not an allowable camping activity or use under any standards included in the Land Development Code.

Campers must legally dispose of all waste in accordance with federal, state and local regulations. Camping activities conducted in accordance with these regulations are exempt from site plan review.

§5.4 | Temporary Uses

5.4.1 | General Regulations

The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

- A. Permanent changes to the site are prohibited.
- B. Permanent signs are prohibited. All temporary signs associated with the temporary use shall be removed when the activity ends.
- C. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
- D. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.
- E. Unless otherwise expressly stated, temporary uses shall be subject to Site Plan Review, pursuant to Section 3.5.11.

5.4.2 | Uses Allowed

Temporary uses shall be allowed in accordance with the standards of this subsection.

- A. Real Estate Sales Offices
Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office for sites outside of the project is prohibited.
- B. Fairs, Carnivals and Other Public Gatherings
Fairs, carnivals and other public gatherings shall be allowed as follows:
 - 1. In Rural Zoning Districts, such uses shall be allowed for up to six (6) consecutive days. Two (2) events are allowed per calendar-year.
 - 2. In Urban Residential Zoning Districts, such uses shall be allowed for up to four (4) consecutive days on the site of an institutional use. Two (2) events are allowed per calendar-year.
 - 3. In Nonresidential Zoning Districts, such uses shall be allowed for up to eight (8) consecutive days. Two (2) events are allowed per calendar-year.
- C. Natural Disasters and Emergencies
Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. No Site Plan Review or other review shall be required.

- D. **Parking Lot Sales**
Parking lot sales are allowed in Nonresidential Zoning Districts for up to two (2) consecutive weeks at any one time. Two (2) events are allowed per calendar year.
- E. **Seasonal Outdoor Sales**
Seasonal outdoor sales are allowed for up to one (1) month at any one time. One (1) event is allowed per calendar year. The Planning Director may approve an application for seasonal outdoor sales, subject to a limited administrative review, considering the approval criteria for temporary uses. The limited administrative review does not require notice of the application to be published, posted or mailed to surrounding property owners.
- F. **Other Uses**
The Planning Director may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.
- G. **Yard Sales**
Residential yard sales are allowed in the AFT, RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-16 and RMF-24 zones. Yard sales are exempt from permit requirements and from any administrative review. A resident of a single-family or duplex may have a maximum of six (6) yard sales per calendar year. Occupants of a multi-family building are limited to a maximum of six (6) yard sales per calendar year per structure. Each yard sale event is allowed to run a maximum of four (4) consecutive days and must be spaced a minimum of thirty (30) days apart.

5.4.3 | Approval Criteria

The Planning Director shall approve a temporary use if it is determined that all of the following conditions are met:

- A. that the proposed site is adequate in size and shape to accommodate the temporary use;
- B. that the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
- C. that adequate parking to accommodate vehicular traffic to be generated by such use will be available, either on site, or at alternate locations; and
- D. that the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare.

5.4.4 | Conditions of Approval

In approving temporary use requests, the Planning Director shall be authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact. For example, the Planning Director shall be authorized to require:

- A. provision of temporary parking facilities, including vehicular access and egress;
- B. control of nuisance factors, such as the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
- C. regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment, and open spaces, including buffer areas and other yards;
- D. provision of sanitary and medical facilities;
- E. provision of solid waste collection and disposal;

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- F. provision of security and safety measures;
- G. regulation of operating hours and days, including the duration of the temporary use to a shorter time period than that requested or specified in this section; and
- H. submission of a performance bond or other financial guarantee to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

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