

CHAPTER 1 *
INTRODUCTORY PROVISIONS

§1.1 | Title

This Resolution shall be officially known and cited as the “Mesa County Land Development Code,” although it is referred to throughout this Resolution as the “Land Development Code.”

§1.2 | Authority

This Land Development Code is adopted pursuant to the powers and authority conferred by the laws of the State of Colorado, including, but not limited to, the following Sections of C.R.S.: Article 28 of Title 30 (County Planning, Zoning, Subdivision); Article 65.1 of Title 24 (Areas of State Interest); Article 67 of Title 24 (Planned Unit Development); Article 68 of Title 24 (Vested Rights); Article 20 of Title 29 (Local Government and Land Use Control Enabling Act); and Articles 11 and 28 of Title 30.

§1.3 | Applicability and Jurisdiction

The provisions of this Land Development Code apply to all development of buildings, structures, improvements, and uses of land throughout unincorporated Mesa County, whether such development is done by a public, quasi-public, or private entity, to the extent allowed by law. It does not apply to land within the territorial limits of any incorporated municipality.

§1.4 | Repeals and Enactment

- A. All resolutions, or portions thereof, of the Mesa County Board of County Commissioners, relating to zoning, subdivisions, and/or land use inconsistent herewith are hereby repealed to the extent of such inconsistency.
- B. The repeal of any resolution, regulation, or ordinance does not revive any other resolution, regulation or ordinance or portions thereof repealed by said resolution, regulation, or ordinance.
- C. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution hereby, for an offense committed prior to the repeal.

§1.5 | Purpose

This Land Development Code is adopted for the purpose of preserving and improving the public health, safety, and general welfare of the citizens and businesses of Mesa County. More specifically, it is the purpose of this Land Development Code to:

- A. implement the purposes, goals, and policies of the Mesa County Master Plan;
- B. promote predictability, consistency, and efficiency in the land development process for residents, neighborhoods, businesses, and agricultural and development interests;
- C. provide appropriate opportunities for participation and involvement in the development process by all affected parties;
- D. promote development that is consistent and compatible with that of the municipalities within Mesa County within the joint municipal planning areas; and
- E. be fair to all by giving due consideration to protecting private property rights, the rights of individuals, and the rights of the community as a whole. In instances where an application to develop does not meet all applicable criteria of this Code, and unique or special circumstances exist which would warrant the approval of the application to develop, and provided the proposed development: (a) poses no threat to health or safety; (b) provides for

the mitigation of impacts to the maximum extent reasonable; and (c) is generally consistent and compatible with the allowed uses in the applicable Zoning District, the application to develop may be approved.

§1.6 | Right to Farm and Ranch Policy

In addition to the purposes set out in Section 1.5, Mesa County has established, by resolution, a “Right to Farm and Ranch” policy which is summarized in this section. (See also Code Section 11.6.3.) See-The Handbook for the policy and the Mesa County Code of the New West.

- A. 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.
- B. Agriculture as a way of life benefits all residents of Mesa County. It is an important part of the economy and adds intrinsic value to life in Mesa County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences, such as weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, Mesa County intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance so long as it occurs as a part of non-negligent and legal agricultural practice, as stated in C.R.S. §§35-3.5-101, 102 and 103.

§1.7 | Word Usage and Construction of Language

1.7.1 | Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Land Development Code shall be construed according to the Purposes set out in Section 1.5.

1.7.2 | Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Land Development Code and any heading, drawing, table, figure, or illustration, the text shall control.

1.7.3 | Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” or “such as,” or similar language, are intended to provide examples and are not to be exhaustive lists of all possibilities.

1.7.4 | Computation of Time

The time in which an act is to be completed shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County. References to days are calendar days unless otherwise stated.

1.7.5 | References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, or document, unless otherwise specifically stated.

1.7.6 | Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

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1.7.7 | Technical and Non-technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

1.7.8 | Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Mesa County, unless otherwise indicated.

1.7.9 | Mandatory and Discretionary Terms

The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are discretionary terms.

1.7.10 | Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. **And** indicates that all connected items, conditions, provisions, or events apply; and
- B. **Or** indicates that one or more of the connected items, conditions, provisions, or events apply.

1.7.11 | Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

1.7.12 | Abbreviations and Acronyms

The following abbreviations and acronyms shall have the meanings ascribed to them.

- A. AASHTO: American Association of State Highway and Transportation Officials
- B. Bldg: Building
- C. BOA Board of Adjustment
- D. C.R.S.: Colorado Revised Statutes
- E. CSU: Colorado State University
- F. FAA: Federal Aviation Administration
- G. FAR: Floor Area Ratio
- H. FIRM: Flood Insurance Rate Map
- I. ft.: feet
- J. ITE: Institute Of Transportation Engineers
- K. LDC: Land Development Code
- L. LOS: Level of Service
- M. max.: maximum
- N. min.: minimum

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O.	MPO:	Metropolitan Planning Organization
P.	N/A:	not applicable
Q.	NRCS:	Natural Resource Conservation Service
R.	PUD:	Planned Unit Development
S.	SLD:	School Land Dedication
T.	sq. ft.:	square feet
U.	TDC:	Transferable Development Credits
V.	TIA:	Traffic Impact Analysis

§1.8 | Conflicting Provisions

1.8.1 | Conflict with State or Federal Regulations

If the provisions of this Land Development Code are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.

1.8.2 | Conflict with Other County Regulations

If the provisions of this Land Development Code are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the County, the more restrictive provision will control.

1.8.3 | Conflict with Private Agreements

It is not the intent of this Land Development Code to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this Land Development Code impose a greater restriction than imposed by a private agreement, the provisions of this Land Development Code will control. If the provisions of a private agreement impose a greater restriction than this Land Development Code, the provisions of the private agreement will control. The County shall not be responsible for monitoring or enforcing private agreements.

§1.9 | Transitional Provisions

1.9.1 | Violations Continue

Any violation of the previous Mesa County Land Development Code will continue to be a violation under this Land Development Code and be subject to penalties and enforcement under Chapter 11, unless the use, development, construction or other activity complies with the provisions of this Land Development Code.

1.9.2 | Nonconformities Under Prior Code

Any legal nonconformity under the previous Mesa County Land Development Code will also be a legal nonconformity under this Land Development Code, as long as the situation that resulted in the legal nonconforming status under the previous Land Development Code continues to exist. If a legal nonconformity under a the previous Land Development Code becomes conforming because of the adoption of this Land Development Code, then the situation will no longer be considered a nonconformity.

1.9.3 | Completion of Development

- A. Administrative Handbook on Land Use

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This Land Development Code is supplemented by, and should be read in conjunction with, the County’s administrative handbook on land use, referred to as The Handbook throughout this Land Development Code. The Handbook is a citizen’s guide to the Land Development Code, and includes samples of application forms, detailed submittal requirements for types of development approvals, required text for site plan and plat notes, and other information designed to simplify use of this Land Development Code. As an informational document, The Handbook is not formally adopted as part of this Code in order to allow revisions to The Handbook as needed.

B. Permit Issued Before May 1, 2000

Any building, structure, or development for which a permit was issued before May 1, 2000 or for which any pre-application conference was conducted under the old Code, may, at the applicant’s option, be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Land Development Code. If construction is not commenced or completed according to the applicable permit terms, the Board of County Commissioners may, for good cause shown, grant an extension of up to one (1) year for such construction under the terms of the previous Land Development Code. If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Land Development Code.

C. Plats Approved Before May 1, 2000

Any subdivision for which a preliminary or final plat was approved before May 1, 2000 may, at the applicant’s option, be completed according to the approved plat and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Land Development Code. If the subdivision is not completed within the time requirements established by prior code, or within any schedule included in the approval of the plat, the Board of County Commissioners may grant one extension of not more than one (1) year for the completion of the subdivision under the terms of the previous Land Development Code. If the public improvements are not completed within the time required under the original approval or any extension of time granted, then the improvements shall be completed only in compliance with this Land Development Code.

1.9.4 | Zoning District Names

The zoning district names in effect before May 1, 2000, are converted as follows (see Chapter 4 for district descriptions):

District Name		District Name	
New	Old	New	Old
AF35	AF35	RMF-16	–
AFT	R3/AFT	RMF-24	R5
RSF-R	AFT	R-O	–
RSF-E	R2A	B-1	BR
RSF-1	R1A	B-2	B
RSF-2	R1B	C-1	HS, T, SC
RSF-4	R2/R2T	C-2	C
RMF-5	R1C/R1D	I-1	ILCA/ILCB
RMF-8	R4	I-2	I

§1.10 | Vested Rights

Final approval of an Administrative Review (except Residential/Agricultural Site Plans), Major Subdivision Final Plat or PUD Final Plan shall be considered approval or conditional approval of a “site specific

development plan,” as defined in C.R.S. §24-68-101 *et. seq.*, and shall result in a vested right for a period of three years as provided in C.R.S. § 24-68-101 *et. seq.* Within fourteen (14) days after the final approval of a site specific development plan, the Planning Director shall publish notice of the creation of a vested property right as described in C.R.S. § 24-68-103. Approved Administrative Reviews (except Residential/Agricultural Site Plans), Major Subdivision Final Plats, or PUD Final Plans approved as part of a site specific development plan, shall contain a note stating that the property right is vested for a period of three years from the date that the required vesting notice is published. The County is authorized to approve vested rights for periods of longer than three years through the Development Agreements procedure of Section 3.17.

§1.11 | Planning Areas

The Mesa County Master Plan establishes the Rural Planning Area (which includes the five (5) Rural Communities of Loma, Mack, Mesa, Powderhorn, and Gateway) and the Urban Planning Area, also known as the Grand Junction Comprehensive Planning Area, (which includes the Clifton/Fruitvale and Whitewater Communities). Urbanization is expected and will be supported within the Urban Development Boundary of the Grand Junction Comprehensive Plan and within the six (6) Rural Communities of Loma, Mack, Mesa, Powderhorn, Whitewater, and Gateway. This Land Development Code helps implement the Master Plan’s planning area distinctions by establishing different zoning districts and development standards for Urban land uses and Rural land uses. The Urban development standards apply to all development within the Urban Development Boundary of the Grand Junction Comprehensive Plan, the six (6) Rural Communities of Loma, Mack, Mesa, Powderhorn, Whitewater, and Gateway, and all urban zoning districts.

§1.12 | The Handbook on Land Use

This Land Development Code is supplemented by, and should be read in conjunction with, The Handbook. The Handbook is a citizen’s guide to the Land Development Code, and includes samples of application forms, detailed submittal requirements for types of development approvals, required text for site plan and plat notes, and other information designed to simplify use of this Land Development Code.

§1.13 | Severability

If a Court of competent jurisdiction declares any part of this Land Development Code to be invalid, that ruling shall not affect any other provisions of this Land Development Code not specifically included in that ruling.