PLANNING COMMISSION
HEARING

December 19, 2019
6:00 P.M.

544 Rood Avenue
Public Hearing Room
Grand Junction, CO
The following items will be presented at this public hearing of the Mesa County Planning Commission for their consideration. The Planning Commission will formulate a recommendation, which will be forwarded to the Mesa County Board of County Commissioners. If you have an interest in an item on the Agenda, the date and time of the County Commissioners' hearing is listed after each agenda item. Your appearance at both hearings is important and encouraged.

The purpose of a land use hearing is to have the facts of a case presented in a manner that will assist the decision-makers in making a fair, legal, and complete decision. The hearing is a fact-finding forum by unbiased decision-makers, not a popularity contest. Unruly behavior, such as booing, hissing, cheering, applause, verbal outbursts, or other inappropriate behavior, detract from the hearing and will not be permitted.

An “11:00 Rule” will be enforced. This rule does not allow new agenda items to be heard after 11:00 p.m.

NOTE: Copies of Staff Reports for Hearing Items are available on the back table within the hearing room.

A. CALL TO ORDER
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF MINUTES: *October 17, 2019 and November 21, 2019
   *Minutes approved at prior hearing with incorrect date stated.
D. AMENDMENTS TO THE AGENDA
E. ANNOUNCEMENTS AND/OR PRESENTATIONS: None
F. CONTINUED ITEMS: None

END OF CONTINUED ITEMS

G. WITHDRAWN ITEMS: None

END OF WITHDRAWN ITEMS
H. CONSENT AGENDA ITEMS: None

Items placed on the Consent Agenda allow the Planning Commission to spend its time on the more complex items. These items are generally not perceived as controversial and can be approved by a single motion. The petitioners and staff are in agreement on all of the recommendations on these projects. The Planning Commission will pass these items to the Mesa County Commissioners, subject to staff and review agency comments. Anyone from the public or the Planning Commission may ask that an item be removed from the Consent Agenda for individual consideration at tonight's hearing.

NOTICE: If an applicant agrees to have a project placed on the Consent Agenda for the Planning Commission, and it is approved on that Agenda, the project will be forwarded to the Mesa County Commissioner’s Consent Agenda. If an applicant decides to remove the item from the Board's Consent Agenda, the project will be referred back to the Planning Commission and rescheduled for a new hearing date.

END OF CONSENT ITEMS

I. HEARING ITEMS: One (1)

PRESENTATION RULES: Due to the volume of items to be heard the follow restrictions may be applied to help expedite the hearing process:

a) Where practical, presentations by staff and petitioners will be limited to 15 minutes or less. Petitioners are asked to not repeat presentation information that the staff has correctly presented. Please address the clarification to the staff's presentation, new information or new developments to the project, and the staff and agency review comments and recommendations.

b) Responses in favor or in opposition to the proposal will be limited to approximately 3 minutes each. We prefer only new information to be presented. A single speaker may be selected on behalf of organized groups.

1. 2019-0214 TXT 2020 Land Development Code Update
Representative(s): Mesa County Planning Division
Planner: Greg Moberg, 970-244-1650, greg.moberg@mesacounty.us
Request: An update of the entire Mesa County Land Development Code, that will provide a more user-friendly document that reduces redundancy, creates flexibility, streamlines submittal and review processes and institutes more realistic and achievable design, landscape and development standards.

Details can be found at the following link:
https://www.mesacounty.us/planning/codes-plans--policies/proposed-changes-to-codes--plans/page-list/proposed-land-development-code-amendments/

Staff Recommendation: Approval
Board of County Commissioners Hearing Date: January 14, 2020
J. ADJOURNMENT

The Mesa County Public Hearing Room is accessible to the handicapped. With advance request, a sign language interpreter may be made available (call 244-1636 or TDD 256-1530).

Mesa County Planning Division
P.O. Box 20,000, 200 S. Spruce St.
Grand Junction, CO
Chair Page called to order a scheduled hearing of the Mesa County Planning Commission at 5:59 PM. Chair Page led the Pledge of Allegiance. The hearing was held in the Public Hearing Room, Mesa County Administration Building at 544 Rood Avenue, Grand Junction, Colorado.

In attendance representing the Mesa County Planning Commission, were Chair Page, Dean Harris, Bill Somerville, Robert Erbisch, Bob Witham and Sean Norris.

In attendance, representing the Mesa County Planning Division, were Greg Moberg, Britt Dveris and Jeff Hofman. Todd Hollenbeck was present in the audience. Rose Tafoya was present to record the minutes.

There were seventeen (17) citizens present throughout the hearing.

**Approval of Minutes** – September 19, 2019

**Motion:** Commissioner Erbisch, I WOULD MOTION FOR APPROVAL.

**Second:** Commissioner Witham, SECOND

**Motion Approved 4-0** Commissioner Somerville and Commissioner Erbisch were not present for the 09-19-19 hearing and refrained from voting.

**Amendment to Agenda** – Principal Planner, Mr. Moberg on behalf of the Staff respectfully requested to hear the Consent Items before the Continued (F) Item.

**Motion:** Commissioner Harris, SO MOVE

**Second:** Commissioner Witham, SECOND

**Motion Approved 6-0**

**Consent Items** – Three (3) Items

1. **PROJECT 2019-0140 RZ BRUMBACK REZONE**
   Property Owner(s): Kent Brumback and Kathy Glover
   Representative(s): Kent Brumback
   Location: 3315 E ¾ Road, Clifton, CO 81520
   Parcel #: 2943-122-00-212 and 2943-122-00-210
   Zoning: RSF-R and AFT
   Planner: Jeff Hofman, 970.254.4152, jeff.hofman@mesacounty.us
   Request: To rezone two parcels consisting of approximately 7.13 acres and 2.3 acres from a combination of RSF-R and AFT zoning to RSF-2 zoning. The RSF-2 zone district allows a single-family residential density of no more than two units per acre and a 15,000 square foot minimum lot size.

   **Staff Recommendation: Approval**
   Board of County Commissioners Hearing Date: 11-19-19

2. **PROJECT 2019-0143 PUD 2nd AMENDMENT TO EXPERIUS COMMUNITY AT GATEWAY CANYONS PUD CONCEPT PLAN**
   Property Owner(s): Hendricks Real Estate Holdings, LLC
   Representative(s): John Williams, 970.241.2838
Location: 43026 Highway 141, Gateway, CO 81522 (Hwy 141 & 4.1 Road)
Parcel #: 3477-154-00-179, 3477-221-00-092, 3477-222-00-003, 3477-154-00-091
Zoning: PUD
Planner: Jeff Hofman, 970.254.4152, jeff.hofman@mesacounty.us
Request: The Experius Community at Gateway Canyons is a 416-acre Planned Unit Development (PUD) that allows a total of 340 residential units, cultural facilities, recreational uses, lodging and retail sales. The applicant is requesting to amend an existing condition attached to the 2012 PUD approval. The current PUD approval requires the applicant to submit a Final Plan application in seven years of the Concept Plan approval (by December 17, 2019). The applicant is requesting an amendment to the PUD approval to allow the Final Plans to be submitted by December 17, 2026

Staff Recommendation: Approval
Board of County Commissioners Hearing Date: 11-19-19

3. PROJECT 2019-0135 PUD OTTER CREEK GRAVEL PIT EXPANSION

Property Owner(s): Oldcastle SW Group dba United Companies of Mesa County
Representative(s): River City Consultants 970.241.4722
Location: 3293 D ½ Road, Clifton, CO 81520 (D ½ & 33 Roads)
Parcel #: 2943-144-95-005
Zoning: AFT to PUD
Planner: Jeff Hofman, 970.254.4152, jeff.hofman@mesacounty.us
Request: To rezone the property from AFT to PUD to expand the existing Otter Creek Gravel Pit to include a 5.8-acre property into the mining area. This property is located directly west of the existing mining area and west of the 33 Road Drain. No change to the hours of operations or access location to the existing facility is proposed.

Staff Recommendation: Approval with Conditions
Board of County Commissioners Hearing Date: 11-19-19

Each Project was offered for Public Comments and Commissioner Discussion; there were no comments made by public or Commissioner Discussions on the Consent Projects.
Chair Page entertained a motion for approval of the Consent Items.

Motion: Commissioner Norris, SO MOVED
Second: Commissioner Erbisch, SECOND
Motion Approved 6-0

Continued Items – One continued item from July 18, 2019.

1. 2019-0100 CUP POOL DOMESTIC PETS CONDITIONAL USE PERMIT

Property Owner: David Pool
Representative: David Pool
Location: 14390 BS Road, Glade Park, CO 81523, a 40-acre parcel located approximately one-quarter mile east of S. 14 Road
Parcel #: 2959-153-00-344
Zoning: Agricultural, Forestry, Transitional (AFT)
Planner: Britt Dveris, (970) 255-7191, britt.dveris@mesacounty.us
Request: To breed, raise, train, and keep competitive hunting dogs for personal use.

Staff Recommendation: Denial
Board of County Commissioners Hearing: October 29, 2019
Staff Presentation
Senior Planner Britt Dveris presented this project at the July 18, 2019 MCPC Hearing. Mr. Dveris entered into the record the following exhibits:
Exhibit A: Staff PowerPoint Presentation
Exhibit B: MCPC Hearing Binder
Exhibit C: Project File
Exhibit D: Mesa County Land Development Code
Exhibit E: Mesa County Master Plan
Exhibit F: Applicant’s Presentation
Exhibit G: Public Comments

Mr. Dveris provided a status update regarding the four (4) conditional items that were requested by the Planning Commission at the original hearing. The first condition was to provide letters of support from neighbors; the letters were received from the applicant July 19, 2019. The second condition was the adjudication of three (3) barking dog citations; the case against Mrs. Pool was tried August 27, 2019; the court could not find Mrs. Pool guilty due to an omission of a certified copy of the ordinance she was accused of violating. The other two (2) cases are pending with a court date scheduled for November 2019. The third condition was the submittal of a noise mitigation plan and the fourth condition was the provision of decibel readings at the property line; the readings and mitigation plan were received August 14, 2019. Mr. Dveris provided the Aerial Map for viewing for orientation of the property.

Mr. Dveris explained the basis of the staff recommendation of denial that includes: it being unclear how noise impacts from barking dogs would be sufficiently mitigated; the applicant increasing the number of dogs he keeps while an open code violation on the property has gone unresolved; the Planning Division continuing to receive noise complaints; Mrs. Pool’s court testimony that the dogs have awakened her and prevented her from sleeping at night; the proposed kennel would not benefit the larger community; and the Code Compliance Division and Animal Services not supporting this conditional use permit application. There were discussions in regards to the violations being resolved or unresolved between the Commissioners and Mr. Dveris. Mr. Dveris reiterated that the first violation court date was not continued. There were four (4) letters received in support of the project.

Applicant/Representative Presentation
Mrs. Pool referred to the support letters received from other neighbors. She discussed that the dogs bark at night to wake her up for a reason, like barking at wild animals. She offered if need be they can put up a fence in front of the barn to help block the barking. The dogs tend to bark at animals, people on the property, and at feeding time. Mrs. Pool discussed hearing dogs barking that are not hers along with the meaning of nuisance barking. Commissioner Erbisch inquired about what sound mitigation methods had been explored and implemented. Mrs. Pool detailed the different bark collars and which ones work best for each dog, along with them being used in the evening. Commissioner Norris asked if the dogs were housed inside or outside. Mrs. Pool responded that the kennels allow the choice for both. Commissioner Norris and Mrs. Pool discussed the meaning of nuisance barking. Commissioner Norris asked Mrs. Pool if she had been home mid-day yesterday as to which she responded that she was and had been working on the pens with the dogs outside. Commissioner Harris inquired whether the audio testing had been completed. Mrs. Pool confirmed that it had been done from one end of the property to the other with the dogs barking and the highest decibel was fifty-one (51) on her property line, on the corners of the property it was thirty-nine (39), with the lowest being twenty (20) something.
Public Comments
Mrs. Johnsen read a letter from Mr. Johnsen stating that the dogs nonstop baying was stressful and that he had never been on the Pools property. She described the sound of a hound dog according to the American Kennel Blue Club website and the scientific information found in the packet in regards to sound decimals along with research and welfare of the animals. Mrs. Johnsen started recording the dogs when it began interfering with her home recording business, as this has stopped her from working at home. She reminded the Commission of the seven other neighbors that complained about the noise at the previous hearing. Mrs. Johnsen expressed concern with the proposed waste disposal through composting and possible contamination of the well water. Mrs. Johnsen expressed Health and Welfare concerns of the dogs along with concern for the applicants’ daughter.

Applicant/Representative Rebuttal
Mrs. Pool discussed her daughter playing with the dogs and loving the dogs. They have farm animals, they clean up after them, and there are no problems with their waste disposal process. Commissioner Norris asked Mrs. Pool to point out her location on the Aerial Map; she did so on the screen for all to see.

Planning Commission Discussion & Vote
Commissioner Harris asked if there was more than one complainant in this case. Mr. Dveris confirmed there was only one. Commissioner Norris referred to his earlier questions of Mrs. Pool being home mid-day yesterday. He stated he had driven to the property during that period to observe the level of noise, parking at different locations near the property for about an hour. Commissioner Norris said he could hear the dogs bark for a minute or so at a time, they did not bark continuously. He heard other dogs bark as well. Commissioner Norris said he drove a bit farther and commented that it is a quiet valley. He expressed you could hear the dogs bark but, in his opinion, the wind carries the noise. Commissioner Harris discussed that the law presumes there will be five (5) dogs on the property, so it is incumbent on the Petitioner to meet the conditions for changes to have more. He did not find the sound mitigation compelling but agreed the dog waste could be composted. Commissioner Harris was disturbed by the fact that the number of dogs increased. Commissioner Witham spoke in regards to Animal Control doing their job issuing citations with the two (2) citations not adjudicated it is difficult for him to reach a conclusion. Chair Page and Commissioner Somerville agree with what Staff presented and they would side with Staff. Commissioner Erbisch discussed hound dogs being loud and that the applicant has taken some mediation steps, with the information presented at this time, he would recommend it.

First Motion: Commissioner Erbisch, I'LL MAKE A MOTION TO RECOMMEND APPROVAL OF PROJECT NO. 2019-0100, POOL DOMESTIC PETS CONDITIONAL USE PERMIT, ON THE BASIS THAT THE APPLICATION SATISFIES THE APPROVAL CRITERIA, SUBJECT TO THE FOLLOWING CONDITIONS. (For clarification, no other conditions were stated).
Second: Commissioner Norris, I'LL SECOND SO WE CAN GO ON WITH THE VOTE.
Roll Call: Commissioner Norris:  NAY; Commissioner Witham:  NAY; Commissioner Harris:  NO; Commissioner Erbisch:  YES; Commissioner Somerville:  NO; Chair Page:  NO
Motion Failed: 5-1 A brief discussion took place amongst the Commissioners.

Second Motion: Commissioner Somerville, I WOULD MOVE TO RECOMMEND DENIAL OF PROJECT NO. 2019-0100 POOL DOMESTIC PETS CONDITIONAL USE PERMIT, ON THE BASIS THAT I DO NOT BELIEVE THAT WE ARE IN A POSITION AT THIS POINT TO APPROVE IT UNTIL WE HAVE SEEN THE CONCLUSION OF WHAT THE COURT PROCEEDINGS ARE.
**Point of Order**: Commissioner Harris inquired if this was a motion with conditions or if it is a motion to table or deny.

**Amendment to the Motion**: Commissioner Sommerville, TO CONTINUE UNTIL WE FIGURE OUT WHAT IS GOING ON WITH THE COURT SYSTEM.

**Second Motion**: Commissioner Erbisch: I WOULD SECOND THAT

Further discussion took place amongst the Commissioners.

**Roll Call**: Commissioner Norris: NAY; Commissioner Witham: YES; Commissioner Harris: NO; Commissioner Erbisch: YES; Commissioner Sommerville: YES; Chair Page: YES

**Motion Passes**: 4-2

Considerable discussion took place amongst the Commissioners if additional court information would make an impact on this project or change the outcome.

**Third Motion**: Commissioner Harris, I MAKE A MOTION THAT THIS BE REOPENED FOR RECONSIDERATION.

**Second Motion**: Commissioner Norris, I’LL SECOND

**Third Motion Restated**: (per Commissioner Witham’s request) Commissioner Harris, I JUST MOVED THAT THE MATTER BE REOPENED FOR RECONSIDERATION AT THIS TIME.

**Roll Call**: Commissioner Norris: YES; Commissioner Witham: YES; Commissioner Harris: YES; Commissioner Erbisch: NO; Commissioner Sommerville: YES; Chair Page: YES

**Motion Passes**: 5-1

**Fourth Motion**: Commissioner Harris, I’LL MOVE TO RECOMMEND DENIAL OF PROJECT 2019-0100, POOL DOMESTIC PETS CONDITIONAL USE PERMIT, ON THE BASIS THAT THE APPLICATION DOES NOT SATISFY KEY APPROVAL CRITERIA, AT THIS TIME AS OUTLINED IN THE UPDATED PROJECT REPORT.

**Second Motion**: Commissioner Sommerville, SECOND

**Roll Call**: Commissioner Norris: YES; Commissioner Witham: YES; Commissioner Harris: YES; Commissioner Erbisch: NO; Commissioner Sommerville: YES; Chair Page: YES

**Motion Passes**: 5-1

This project will be heard by the Board of County Commissioners October 29, 2019 at 9:00 a.m.

**Motion**: Commissioner Norris, I MOVE TO ADJOURN

**Second**: Commissioner Harris, SECOND

**Motion Approved**: 6-0

Hearing adjourned at 7:06 p.m.

Respectfully Submitted,

___________________________________
Bill Somerville, Secretary
MCPC
MINUTES
November 21, 2019
Chair Page called to order a scheduled hearing of the Mesa County Planning Commission at 6:01 PM. Chair Page led the Pledge of Allegiance. The hearing was held in the Public Hearing Room, Mesa County Administration Building at 544 Rood Avenue, Grand Junction, Colorado.

In attendance representing the Mesa County Planning Commission, were Chair Page, Robert Erbisch, Dan Penry, Steve Damm, Sean Norris and Ed Krey.

In attendance, representing the Mesa County Planning Division, were Britt Dveris and Greg Moberg. Rose Tafoya was present to record the minutes.

There were two (2) citizens present throughout the hearing.

**Approval of Minutes** – October 17, 2019

**Motion:** Commissioner Norris, SO MOVED TO APPROVE THE MINUTES.

**Second:** Commissioner Erbisch, SECOND

**Motion Approved 3-0**

Commissioners Damm, Penry and Krey refrained from voting, as they were not present at the October 17, 2019 hearing.

**Continued Items** – None

**Consent Items** – One (1)

1. **2019-0197 RZ BEASLEY REZONE**

   **Property Owners:** Robert and Darla Beasley  
   **Representative:** Kent Shaffer, Rolland Consulting Engineers  
   **Location:** 3334 E ¼ Road, Clifton, CO 81520, approximately one-quarter mile east of 33 Road  
   **Zoning:** Agricultural, Forestry, Transitional (AFT)  
   **Planner:** Britt Dveris, (970) 255-7191, britt.dveris@mesacounty.us  
   **Request:** To rezone approximately 7.6 acres of property from Agricultural, Forestry, Transitional (AFT) to Residential Single Family 2 (RSF-2) for the purpose of developing a four-lot residential subdivision.

   **Staff Recommendation: Approval**

   Chairman Page read the consent project item and noted that the Beasleys were present in the audience. No one from the Commissioners or the audience wanted to move the item to the individual hearing agenda and there were no discussions on the item.

   **Motion:** Commissioner Erbisch, I MOTION TO APPROVE THE CONSENT ITEM.  
   **Second:** Commissioner Penry, SECOND.
Motion Approval 6-0

Motion: Commissioner Norris, SO MOVED TO ADJOURN THE MEETING.
Second: Commissioner Erbisch, SECOND.
Motion Approved 6-0

Hearing adjourned at 6:06 pm

Respectfully Submitted,

___________________________________
Bill Somerville, Secretary
HEARING ITEM:

1. 2019-0214 TXT Land Development Code Update  Pg 16
PROJECT REVIEW
and
TEXT AMENDMENT
PRO2019-0214 TXT
Land Development Code Update
I. 2019-0214 TXT LAND DEVELOPMENT CODE UPDATE

Representative: Mesa County Planning Division
Planner: Greg Moberg, 970-244-1650, greg.moberg@mesacounty.us
Request: An update of the entire Mesa County Land Development Code, that will provide a more user-friendly document that reduces redundancy, creates flexibility, streamlines submittal and review processes and institutes more realistic and achievable design, landscape and development standards.

Recommendation: Approval

II. BACKGROUND

Work on the proposed Land Development Code Update was initiated November 13, 2018 with a joint meeting between the Land Development Code Focus Group, the Mesa County Planning Commission and the Mesa County Board of County Commissioners. During the November 13th meeting, goals and objectives were discussed and a timeline was proposed. The agreed upon goals for the Land Development Code Update included:

- Reducing the size of the Code;
- Utilize graphics and charts;
- Eliminate redundancy;
- Look for flexibility; and
- Streamline the submittal and review process

Special consideration was to be given to the review of:

- Major and minor subdivision processes;
- Site plan processes;
- Urban vs. rural;
- Landscape requirements;
- Property line adjustment; and
- Density by design tool box

The following month, staff began meeting with the Code Focus Group. These meetings were held at least once a month and on occasion two and three times a month until a draft of the proposed Code Update was completed September 2019. Updated chapters...
were placed on the County’s website starting in March for review and comment by the public. All chapters were uploaded on the website in September 2019.

After the proposed draft was completed, joint meetings were held with the Code Focus Group, the Board of Adjustment and the Planning Commission on September 12, 2019 and October 3, 2019. During the September 12th meeting the first six chapters of the proposed update were presented to the group and on October 3rd the remaining six chapters were presented. On November 6, 2019, more than a dozen people attended the Open House held in the lobby at 200 S. Spruce Street.

In addition to the above mentioned meetings, the Community Development Department reached out to Western Colorado Contractors Association (WCCA), Housing & Building Association of Western Colorado (HBA), Utility Coordinating Committee (UCC) and Associated Members for Growth and Development (AMGD). In addition, the Chambers of Commerce in Grand Junction, Fruita and Palisade were also notified. Finally, review notices were sent to 128 municipal, federal, state and local review agencies (see attached comments).

III. PROPOSED TEXT AMDNEMNTS

Included in this binder are copies of the proposed Land Development Code Update showing additions (underline) and deletions (strikethrough) and a clean copy that does not show the additions or deletions.

IV. HIGHLIGHTS OF THE PROPOSED CODE UPDATE

The following are the highlights of each chapter:

General:

- Reformatted the Code outline and created hyperlinked internal code references.
- Reorganized and consolidated sections throughout the Code.
- Removed duplicative, redundant and unnecessary language.
- Removed unnecessary references to the Mesa County Master Plan.
- Updated and unified graphics and illustrations.

Chapter 1 – Introductory Provisions

- Added language to Section 1.05 to better follow the “Developer's Bill of Rights”.
- Moved the section of abbreviations and acronyms from Chapter 1 to Chapter 12.
- Removed all references to “Administrative Handbook on Land Use”.
- Removed the section referencing “Planning Areas”.

17
Chapter 2 – Review and Decision-Making Bodies

- Grouped comparable applications under the same decision making body.
- Removed language relating to appointment, officers and rules.
- Added a section for the Agricultural Advisory Panel.

Chapter 3 – Development Review and Approval Procedures

- Chapter 3 was separated into two chapters creating a new Chapter 4.
- Completely reorganized the Chapter.
- Reformatted and relocated the Development Review Procedures table.
- Created a new Process Flowchart for all processes.
- Combined Pre-Application and General Meetings and made the meeting optional.
- Made application fees refundable at the discretion of the Director.
- Made Simultaneous Processing available for all applications.
- Created a new Chapter 4 – Zoning and Development Procedures
  - Reviewed all approval criteria and removed any that were unnecessary.
  - Added administrative approval of minor deviations to conditional use permits.
  - Created a subsection for Extinguishment of Public Utility Easement.
  - Combined all land division processes under one section.
  - Created a Land Division Types table.
  - Increased the number of lots in a Minor Subdivisions from 4 to 6.
  - Removed restriction allowing only one minor subdivision per property.
  - Made Concept Plan, under the major subdivision process, optional.
  - Reorganized the format and outline of the Planned Unit Development process.
  - Removed the Administrative Reviews section and distributed the application processes throughout the chapter.
  - Combined minor and major site plans into one site plan process.

Chapter 4 – Zoning Districts (Chapter 5 in the Code Update)

- Removed district summary tables.
- Removed existing Table 6.1.1 and added new density and dimensional tables under each zone.
  - Reduced rear yard setbacks from 25’ to 20’ in the RSF-4 zone.
  - Reduced rear yard setbacks from 25’ to 15’ feet in the RSF-5 zone.
  - Increased residential density from 8 to 16 du/ac in the C-1 zone.
  - Increased residential density from 8 to 16 du/ac in the C-2 zone.
  - Removed the max building size in the C-1, C-2, I-1 and I-2 zones.
- Reformatted master plan implementation tables.
- Added language concerning use of split zoned property.
Chapter 5 – Use Regulations (Chapter 6 in the Code Update)

- Removed “One per lot” from “Single Family Detached” use.
- Changed “Assisted Living Facility” from a Conditional Use to an Allowed Use in all zones that allow multifamily uses.
- Added “Bar/Nightclub” as an Allowed Use in the I-1 and I-2 zones.
- Added “Vacation Rental” to the Use Table and Site Specific Standards.
- Added “Produce Stand” to the Use Table and Site Specific Standards.
- Added Multi-family Development to Site Specific Standards.
- Relocated Waste-Related Use (Used or Waste Tires) to Junk section.
- Combined oil and gas support services with forestry support services.
- Separated Accessory Uses from Accessory Structures.
- Modified the allowed size of Accessory Dwellings.
- Added new language to “Camping”.

Chapter 6 – Density and Dimensional Standards (Chapter 7 in the Code Update)

- Relocated information contained under Table 6.1.1 to the new Chapter 4.
  - Removed all references to FAR (floor area ratio).
- Increased lot size for exception to minimum density when sewer is unavailable.
- Added language allowing use of adjoining rights-of-way in calculating density.
- Added an AFT Density table.
- Removed Density by Design and replaced it with simplified criteria based on a preserved land requirement.
- Removed density ranges under RSF-E.
- Modified language under Zero Lot Line.
- Modified language under Cluster Developments.
- Modified language under Urban Residential Reserve.

Chapter 7 – Development Standards (Chapter 8 in the Code Update)

- Modified Off-Parking Schedule (space requirements) where appropriate.
- Replaced the landscape “point system” with simplified standards.
- Simplified the Buffer, Landscape Strip, & Screening Requirements.
  - Removed perimeter landscape on subdivisions zoned URR, RSF-R and RSF-E.
  - Reduced the height of screening fences from 8’ to 6’.
- Added a section on fences.
- Removed the section on “Wildlife Habitat Protection”.
- Added “Common Driveway” as an alternative to a shared driveway.
- Modified the standards (length and number of lots) for Looped Lanes.
- Increased the number of lots allowed on a “Shared Drive” from 5 lots to 6 lots.
Chapter 8 – Signs (Chapter 9 in the Code Update)

- Added language that exempts signs on public property.
- Made modifications related to the Supreme Court decision Reed v. Town of Gilbert.
  - Eliminated categories of signs that are defined by the content or subject matter.
- Removed the section on “bus shelters”.
- Added a section allowing “wind driven” signs and banners.
- Added a section regulating digital or electronic signs.
- Added language that allows “copy change” without a permit.
- Added a section allowing commercial signs in the AFT zone.

Chapter 9 – Incentives

- It is proposed that this entire chapter be removed.

Chapter 10 – Nonconformities

- Modifications were made only to make the chapter more readable.

Chapter 11 – Violations and Enforcement

- Modifications were made only to make the chapter more readable.

Chapter 12 – Definitions

- Modifications related to needed definitions.

V. TEXT AMENDMENT APPROVAL CRITERIA

Section 3.3.4 states, “The Planning Director shall review each proposed Land Development Code amendment to determine whether it complies with the purpose of the Land Development Code set forth in Section 1.5, Purpose, and whether the amendment would conflict with other sections in the Land Development Code, and, if deemed necessary, distribute the application to other reviewers.”

Section 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;

The proposed modifications to the Land Development Code make the Code easier to read and understand, and creates efficiencies and streamlines review processes where appropriate. The proposed modifications leave the Code’s essential core elements in place thereby continuing to implement the purposes, goals and policies of the Mesa County Master Plan. Therefore, the proposed Land Development Code Update will continue to implement the purposes, goals and policies of the Mesa County Master Plan.

This criterion has been met.

B. promote predictability, consistency, and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests;

The proposed modifications to the Land Development Code eliminate redundant, duplicative and contradicting language making the Code more user friendly and easier to read. This promotes predictability, consistency and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.

This criterion has been met.

C. provide appropriate opportunities for participation and involvement in the development process by all affected parties;

No modifications were made that would constrain, obstruct or prevent opportunities for participation and involvement in the development process by any affected party. Notification through mailed, posted and published notice is unchanged, and review agencies will continue to be afforded the opportunity to review and comment on proposed requests.

This criterion has been met.

D. promote development that is consistent and compatible with that of the municipalities within Mesa County within the joint municipal planning areas;

No changes or modifications are being proposed that would create inconsistent or incompatible development within joint municipal planning areas.

This criterion has been met.

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.

No changes or modifications are being proposed that would remove protected private property rights, the rights of individuals and the rights of the community as a whole.

This criterion has been met.

VI. REVIEW AGENCY COMMENTS

The Review Agency Comment report is attached.

VII. PUBLIC COMMENTS

Public comments are attached.

VIII. STAFF RECOMMENDATION

Approval of the proposed Land Development Code Update.

Basis: The proposed Land Development code Update meets the basic goals of the Mesa County Master Plan. The amendment meets the purpose statements in Section 1.5 of the Land Development Code and does not conflict with other sections in the Land Development Code. The amendment does not conflict with State Statutes regulating County Planning.

Summary

Purpose
1.5.A (implement Master Plan purposes, goals, and policies) is met
1.5.B (promote predictability, consistency and efficiency) is met
1.5.C (provide opportunities for participation and involvement) is met
1.5.D (development compatible with the municipalities) is met
1.5.E (give due consideration to protecting rights) is met

VIII. MCPC RECOMMENDATION: December 19, 2019

IX. BoCC ACTION: Hearing Scheduled for January 14, 2020
LAND DEVELOPMENT CODE UPDATE (clean copy)
# TABLE OF CONTENTS

## CHAPTER 1 | INTRODUCTORY PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1.01</td>
<td>TITLE</td>
<td>1-1</td>
</tr>
<tr>
<td>Section 1.02</td>
<td>AUTHORITY</td>
<td>1-1</td>
</tr>
<tr>
<td>Section 1.03</td>
<td>APPLICABILITY AND JURISDICTION</td>
<td>1-1</td>
</tr>
<tr>
<td>Section 1.04</td>
<td>REPEALS AND ENACTMENT</td>
<td>1-1</td>
</tr>
<tr>
<td>Section 1.05</td>
<td>PURPOSE</td>
<td>1-1</td>
</tr>
<tr>
<td>Section 1.06</td>
<td>RIGHT TO FARM AND RANCH POLICY</td>
<td>1-1</td>
</tr>
<tr>
<td>Section 1.07</td>
<td>WORD USAGE AND CONSTRUCTION OF LANGUAGE</td>
<td>1-2</td>
</tr>
<tr>
<td>Section 1.08</td>
<td>TENSES AND PLURALS</td>
<td>1-3</td>
</tr>
<tr>
<td>Section 1.09</td>
<td>CONFLICTING PROVISIONS</td>
<td>1-3</td>
</tr>
<tr>
<td>Section 1.10</td>
<td>TRANSITIONAL PROVISIONS</td>
<td>1-4</td>
</tr>
<tr>
<td>Section 1.11</td>
<td>VESTED RIGHTS</td>
<td>1-4</td>
</tr>
<tr>
<td>Section 1.12</td>
<td>SEVERABILITY</td>
<td>1-4</td>
</tr>
</tbody>
</table>

## CHAPTER 2 | REVIEW AND DECISION-MAKING BODIES

| Section 2.01 | BOARD OF COUNTY COMMISSIONERS                                        | 2-1  |
| Section 2.02 | PLANNING COMMISSION                                                  | 2-1  |
| Section 2.03 | BOARD OF ADJUSTMENT                                                  | 2-2  |
| Section 2.04 | FLOODPLAIN BOARD OF APPEALS                                          | 2-2  |
| Section 2.05 | FLOODPLAIN ADMINISTRATOR                                             | 2-2  |
| Section 2.06 | STORMWATER ADMINISTRATOR                                             | 2-3  |
| Section 2.07 | AGRICULTURAL ADVISORY PANEL                                          | 2-3  |
| Section 2.08 | COMMUNITY DEVELOPMENT DIRECTOR                                       | 2-3  |

## CHAPTER 3 | GENERAL REVIEW PROCEDURES

| Section 3.01 | SUMMARY OF REVIEW PROCEDURES                                         | 3-1  |
| Section 3.02 | COMMON REVIEW PROCEDURES                                             | 3-2  |
| Section 3.03 | FINAL DECISION                                                       | 3-6  |
| Section 3.04 | CONTINUATION OF APPLICATIONS                                         | 3-6  |
| Section 3.05 | APPEALS                                                              | 3-6  |
| Section 3.06 | BURDEN OF PROOF OR PERSUASION                                        | 3-7  |
| Section 3.07 | SIMULTANEOUS PROCESSING                                              | 3-7  |
| Section 3.08 | COMPLIANCE WITH MINERAL AND ENERGY RESOURCES MASTER PLAN            | 3-7  |
| Section 3.09 | GENERAL APPROVAL CRITERIA                                            | 3-7  |

## CHAPTER 4 | ZONING AND DEVELOPMENT PROCEDURES

| Section 4.01 | ADMINISTRATIVE ADJUSTMENT                                            | 4-1  |
| Section 4.02 | APPEALS OF ADMINISTRATIVE DECISIONS                                  | 4-2  |
| Section 4.03 | CONDITIONAL USE PERMITS                                              | 4-3  |
| Section 4.04 | DEVELOPMENT AGREEMENTS                                               | 4-5  |
| Section 4.05 | DEVELOPMENT IMPROVEMENTS AGREEMENTS                                  | 4-6  |
| Section 4.06 | EXTINGUISHMENT OF PUBLIC UTILITY EASEMENT                            | 4-6  |
| Section 4.07 | FLOODPLAIN DEVELOPMENT PERMIT                                        | 4-7  |
| Section 4.08 | FLOODPLAIN VARIANCES                                                 | 4-10 |
| Section 4.09 | LAND DEVELOPMENT CODE AMENDMENTS                                     | 4-12 |
| Section 4.10 | LAND DIVISION PROCESSES                                              | 4-24 |
| Section 4.11 | MASTER PLAN AMENDMENTS                                               | 4-33 |
| Section 4.12 | PLANNED UNIT DEVELOPMENTS                                            | 4-34 |
| Section 4.13 | PROPERTY LINE ADJUSTMENTS                                            | 4-39 |
| Section 4.14 | REGISTER OF HISTORIC LANDMARKS                                       | 4-40 |
| Section 4.15 | REZONINGS [ZONING MAP AMENDMENTS]                                    | 4-43 |
| Section 4.16 | SITE PLANS                                                           | 4-44 |
| Section 4.17 | STORMWATER CONSTRUCTION PERMIT                                       | 4-45 |
| Section 4.18 | STORMWATER CONSTRUCTION PERMIT VARIANCE                             | 4-46 |
| Section 4.19 | STORMWATER QUALITY PROGRAM EXEMPTIONS                               | 4-47 |
| Section 4.20 | VACATION OF RIGHTS-OF-WAY AND RENAMING OF STREETS                    | 4-47 |
| Section 4.21 | WRITTEN INTERPRETATIONS                                              | 4-49 |
| Section 4.22 | ZONING VARIANCES                                                     | 4-49 |
FIGURES

Figure 3-1: General Summary of Common Review Procedures .......................................................... 3-2
Figure 4-1: Summary of the Administrative Adjustment Procedure ............................................... 4-1
Figure 4-2: Summary of the Conditional Use Permit Procedure .................................................... 4-4
Figure 4-3: Summary of the Extinguishment of Public Utility Easement Procedure ....................... 4-7
Figure 4-4: Summary of the Floodplain Development Permit Procedure ........................................ 4-8
Figure 4-5: Summary of the Floodplain Variance Procedure .......................................................... 4-10
Figure 4-6: Summary of Land Development Code Amendment Procedure ................................. 4-12
Figure 4-7: Summary of the Agricultural Division Procedure ....................................................... 4-25
Figure 4-8: Summary of the Minor Subdivision Procedure ............................................................ 4-26
Figure 4-9: Summary of the Concept Plan Procedure ....................................................................... 4-27
Figure 4-10: Summary of the Final Plan Procedure .......................................................................... 4-28
Figure 4-11: Summary of the Final Plat Procedure .......................................................................... 4-29
Figure 4-12: Summary of the Physical and Legal Separations Procedure ...................................... 4-30
Figure 4-13: Summary of the Rural Land Division Procedure .......................................................... 4-31
Figure 4-14: Summary of the Subdivision for Public Purposes Procedure ..................................... 4-32
Figure 4-15: Summary of the Master Plan Amendment Procedure ............................................... 4-33
Figure 4-16: Summary of the Outline Development Plan and Rezone Procedure ......................... 4-36
Figure 4-17: Summary of the Final Plan Procedure ......................................................................... 4-37
Figure 4-18: Summary of the Property Line Adjustment Procedure .............................................. 4-39
Figure 4-19: Summary of the Registration of Historic Places Procedure ...................................... 4-41
Figure 4-20: Summary of Rezoning Procedure ............................................................................. 4-43
Figure 4-21: Summary of the Site Plan Procedure .......................................................................... 4-44
Figure 4-22: Summary of the Stormwater Construction Permit Procedure .................................... 4-45
Figure 4-23: Summary of the Stormwater Construction Permit Variance Procedure ................... 4-46
Figure 4-24: Summary of the Vacation of Rights-of-Way or Renaming of Streets ...................... 4-48
Figure 4-25: Summary of the Written Interpretation Procedure ..................................................... 4-49
Figure 4-26: Summary of the Zoning Variance ............................................................................. 4-50
Figure 7-1: Minimum Density Standard .......................................................................................... 7-1
Figure 7-2: Setbacks ......................................................................................................................... 7-2
Figure 7-3: Setback Averaging ......................................................................................................... 7-3
Figure 7-4: Lot Coverage ................................................................................................................ 7-4
Figure 7-5: Building Height ............................................................................................................. 7-4
Figure 7-6: Flagpole Lots ................................................................................................................ 7-7
Figure 7-7: Zero Lot Line Development .......................................................................................... 7-8
Figure 7-8: Cluster Development ..................................................................................................... 7-9
Figure 8-1: Protective Curbing ......................................................................................................... 8-6
Figure 8-2: Stacking Spaces ............................................................................................................ 8-7
Figure 8-3: Visibility Triangle Standards .......................................................................................... 8-39
Figure 8-4: School Land Dedication Fee ........................................................................................ 8-41
Figure 9-1: Signage ........................................................................................................................ 9-5
CHAPTER 1 | INTRODUCTORY PROVISIONS

SECTION 1.01 | 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” or “LDC.”

SECTION 1.02 | 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.

SECTION 1.03 | APPLICABILITY AND JURISDICTION

The provisions of this Land Development Code apply to all development including but not limited to; buildings, structures, improvements, and uses of land throughout unincorporated Mesa County, to the extent allowed by law. It does not apply to land within the territorial limits of any incorporated municipality.

SECTION 1.04 | 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.

SECTION 1.05 | 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 timely, predictable, consistent, and efficient land development processes 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 interests of the community as a whole. In instances where an application to develop does not meet all applicable criteria of this LDC, 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.

SECTION 1.06 | RIGHT TO FARM AND RANCH POLICY

In addition to the purposes set out in Section 1.05, Mesa County has established, by resolution, a “Right to Farm and Ranch” policy which is summarized in this section. (See also Section 11.06 C.)

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.

SECTION 1.07 | WORD USAGE AND CONSTRUCTION OF LANGUAGE

A. 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 1.05.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. Public Officials and Agencies

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

I. Mandatory and Discretionary Terms

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

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

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

**SECTION 1.08 | 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.

**SECTION 1.09 | CONFLICTING PROVISIONS**

A. **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.

B. **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.

C. **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.

**SECTION 1.10 | TRANSITIONAL PROVISIONS**

A. **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.

B. **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 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.

C. **Completion of Development**

1. **Permit Issued Before January 1, 2020**

Any building, structure, or development for which a permit was issued before January 1, 2020 or for which any pre-application meeting 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 Community Development Director 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.

2. Plats Approved Before January 1, 2020

Any subdivision for which a concept or final plan was approved before January 1, 2020 may, at the applicant’s option, be completed according to the approved plan 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 Community Development Director 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.

SECTION 1.11 | VESTED RIGHTS

Final approval of an Administrative Review (except Residential/Agricultural Site Plans), Major Subdivision Final Plan 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 Community Development 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 4.04.

SECTION 1.12 | 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.
CHAPTER 2 | REVIEW AND DECISION-MAKING BODIES

SECTION 2.01 | BOARD OF COUNTY COMMISSIONERS

A. Powers and Duties

The Board of County Commissioners’ powers and duties under this Land Development Code are set out in this subsection.

1. The Board of County Commissioners shall be responsible for reviewing the following applications and for taking final action to approve, approve with conditions or deny such applications:
   a. Land Development Code Amendments (Section 4.09)
   b. Rezonings (Section 4.15)
   c. Planned Unit Developments Outline Development Plan and Rezoning (Section 4.12 C.)
   d. Conditional Use Permits (Section 4.03)
   e. Vacation of Rights-of-Way (Section 4.20)
   f. Register of Historic Land Marks (Section 4.14)
   g. Renaming of Streets (Section 4.20)

2. The Board of County Commissioners shall be responsible for hearing appeals of the following administrative approvals, and for taking final action on such appeals:
   a. Administrative Reviews
   b. Major Subdivisions Concept Plans
      (1) Concept Plans
      (2) Final Plans
      (3) Final Plats
   c. Planned Unit Developments
      (1) Final Plans
      (2) Final Plats
   d. Agricultural land use appeals
   e. Written Interpretations

SECTION 2.02 | PLANNING COMMISSION

A. Powers and Duties

The Planning Commission’s powers and duties under this Land Development Code are set out in this subsection.

1. Master Plan Amendments

2. The Planning Commission has the statutory duty to adopt a Master Plan for unincorporated Mesa County and shall be responsible for taking final action to approve, approve with conditions, or deny proposed text and map amendments to the Master Plan (Section 4.11).

3. The Planning Commission shall be responsible for reviewing the following applications, and for recommending that the Board of County Commissioners approve, approve with conditions, or deny such applications.
   a. Land Development Code Amendments (Section 4.09)
   b. Rezonings (Section 4.15)
c. Planned Unit Development Outline Development Plan and Rezoning (Section 4.12 C.)
d. Conditional Use Permits (Section 4.03)
e. Register of Historic Landmarks (Section 4.14)

4. Other Matters
The Planning Commission shall also have such duties as determined by the Board of County Commissioners or as may otherwise be required by State Statutes.

SECTION 2.03 | BOARD OF ADJUSTMENT

A. Powers and Duties
The Board of Adjustment’s powers and duties under this Land Development Code are set out in this subsection.

1. The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Zoning Variance applications (Section 4.22).

2. The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions or deny applications to exceed the maximum size allowed by the Code for an accessory dwelling (Section 4.22).

3. In all matters where appeal powers have not been specifically assigned to the Planning Commission or Board of County Commissioners, the Board of Adjustment shall be responsible for hearing appeals of administrative decisions and for taking the final action to uphold or overturn the administrative official’s decision related only to the enforcement of the zoning requirements of this Land Development Code in Chapters 5 and Chapter 7.

SECTION 2.04 | FLOODPLAIN BOARD OF APPEALS

A. Powers and Duties
The Floodplain Board of Appeals’ powers and duties under this Land Development Code are set out in this subsection.

1. The Floodplain Board of Appeals shall be responsible for hearing appeals of the Floodplain Administrator’s decisions on Floodplain Development Permits, and for taking the final action to uphold or overturn the Floodplain Administrator’s decision (Section 4.7).

2. The Floodplain Board of Appeals shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Floodplain Variance applications (Section 4.8).

SECTION 2.05 | FLOODPLAIN ADMINISTRATOR

A. Designation of Floodplain Administrator
The Public Works Director shall designate a staff person who shall serve as the Floodplain Administrator.

B. Powers and Duties

1. The Floodplain Administrator shall be responsible for reviewing Floodplain Development Permits to determine if the permit requirements of this Land Development Code have been satisfied and for acting to approve, approve with conditions, or deny such permits. In so doing, the Floodplain Administrator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by federal or state law.

2. The Floodplain Administrator shall be responsible for making interpretations regarding boundaries of the Flood Prone, Flood Fringe, and Floodway Districts.

3. The Floodplain Administrator shall be responsible for preparing reports in support of the Floodplain Board of Appeals’ hearings on appeals and Floodplain Variances.
4. Other Matters
   a. The Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation
      and floodway data available from any federal, state, or other source as criteria for requiring that
      new construction, substantial improvements, or other development or activities in flood hazard
      Zone A are administered in accordance with this Land Development Code.
   b. In riverine situations, the Floodplain Administrator shall notify adjacent communities and the state
      coordinating office prior to any alteration or relocation of a watercourse, and submit copies of
      such notification to the Federal Emergency Management Agency. In such situations, the
      Floodplain Administrator shall also ensure that maintenance is provided within the altered or
      relocated portion of said watercourse so that flood carrying capacity is not diminished.
   c. From all Floodplain Development Permit applicants, the Floodplain Administrator shall obtain and
      record the actual elevation of the lowest floor, including basement, of all new or substantially
      improved structures.
   d. For new or substantially improved flood-proofed structures, the Floodplain Administrator shall
      obtain and record the actual elevation to which the structure has been flood-proofed and shall
      maintain all flood proofing certifications required by this Land Development Code.
   e. The Floodplain Administrator shall maintain public records of all Floodplain Development Permits
      that have been approved or denied, which may in turn be submitted to the Federal Emergency
      Management Agency as required.
   f. When a FEMA-mapped floodway has not been designated, the Floodplain Administrator must
      require that new construction, substantial improvements, or other development (including fill)
      shall not be permitted within Zones A1-30 and AE on the community’s FIRM, unless it is
      demonstrated that the cumulative effect of the proposed development, when combined with
      all other existing and anticipated development, will not increase the water surface elevation of
      the base flood more than one-half (1/2) foot at any point within the community.

SECTION 2.06 | STORMWATER ADMINISTRATOR

A. Designation of Stormwater Administrator
   The Public Works Director shall designate a staff person who shall serve as the Stormwater Administrator.

B. Powers and Duties
   1. The Stormwater Permit Administrator shall be responsible for reviewing Stormwater Construction
      permits to determine if the permit requirements of this Land Development Code have been satisfied
      and for acting to approve, approve with conditions, or deny such permits. In so doing, the Stormwater
      Administrator shall ensure that all other necessary permits have been obtained from those
      governmental agencies from which prior approval is required by federal or state law.
   2. The Stormwater Administrator shall be responsible for preparing reports for the Board of County
      Commissioners hearings on appeals.

SECTION 2.07 | AGRICULTURAL ADVISORY PANEL

A. Powers and Duties
   The Agricultural Advisory Panel shall be responsible for investigating any complaint relating to an
   agricultural use (Section 1.06) and for preparing a recommendation to assist the Board of County
   Commissioners in their consideration of such complaint.

SECTION 2.08 | COMMUNITY DEVELOPMENT DIRECTOR

A. Powers and Duties
   1. The Community Development Director, also referred to as “Director” throughout this LDC, shall be
      responsible for reviewing proposed text and map amendments to the Mesa County Master Plan, and
      for preparing a report to assist the Planning Commission in their consideration of such applications
2. The Director shall be responsible for reviewing the following applications, and for preparing a report to assist the Planning Commission and the Board of County Commissioners in their consideration of such applications.
   a. Land Development Code Amendments (Section 4.09)
   b. Rezonings (Section 4.15)
   c. Planned Unit Developments Outline Development Plan and Rezoning (Section 4.12 C.)
   d. Conditional Use Permits (Section 4.03)
   e. Register of Historic Landmarks (Section 4.14)

3. The Director shall be responsible for reviewing the following applications, and for taking final action to approve, approve with conditions, or deny such applications.
   a. Administrative Reviews
   b. Major Subdivisions (Section 4.10 E.)
   c. Site Plans (Section 4.16)
   d. Administrative Adjustments (Section 4.01)
   e. Written Interpretations (Section 4.21)
   f. Planned Unit Developments (Section 4.12)
      (1) Final Plan (Section 4.12 D.)
      (2) Final Plat (Section 4.12 E.)

4. The Director shall be responsible for reviewing Vacation applications, and for preparing a report to assist the Board of County Commissioners in their consideration of such applications.

5. The Director shall be responsible for reviewing Zoning Variance applications, and for preparing a report to assist the Board of Adjustment in its consideration of such applications.

6. The Director shall be responsible for preparing reports to assist the Board of Adjustment or Board of County Commissioners in the consideration of appeals.

7. Other Matters

   The Director shall also have those powers and duties designated by the Board of County Commissioners, including the following:
   a. Keeping copies of each application filed, each plat submitted, and each development permit issued;
   b. Providing professional planning staff assistance to the Agricultural Advisory Panel, Board of Adjustment, Planning Commission, and the Board of County Commissioners;
   c. Conducting short term planning studies and analysis to aid in the orderly development of the County; and
   d. Engaging in activities designed to improve the economic development of the County. Including: grant applications and administration; policy analysis and recommendation; and functional planning (open space, transportation, utility and energy facility planning)
## General Review Procedures

The general provisions of this section apply to all development applications and procedures under this Chapter unless otherwise stated.

### Section 3.01 | Summary of Review Procedures

The following table summarizes the procedures for review of applications for land use and development activity.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Community Development Director</th>
<th>Planning Commission</th>
<th>Board of County Commissioners</th>
<th>Board of Adjustment</th>
<th>Floodplain Administrator</th>
<th>Floodplain Appeals Board</th>
<th>Stormwater Administrator</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Use Permit</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.03</td>
</tr>
<tr>
<td>Extinguishment of Public Utility Easement</td>
<td>R</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.06</td>
</tr>
<tr>
<td>Floodplain Development Permit</td>
<td></td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td>A</td>
<td>4.07</td>
</tr>
<tr>
<td>Register of Historic Landmarks</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.14</td>
</tr>
<tr>
<td>Land Development Code Amendment</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.09</td>
</tr>
<tr>
<td>Major Subdivision</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.10 D.</td>
</tr>
<tr>
<td>Rural Land Division</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.10 G.</td>
</tr>
<tr>
<td>Agricultural Division</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.10 C.</td>
</tr>
<tr>
<td>Physical &amp; Legal Separation</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.10 F.</td>
</tr>
<tr>
<td>Subdivision for Public Purpose</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.10 H.</td>
</tr>
<tr>
<td>Concept Plan</td>
<td>DM</td>
<td>R</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.10 E.3</td>
</tr>
<tr>
<td>Final Plan</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.10 E.4</td>
</tr>
<tr>
<td>Final Plat</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.10 E.5</td>
</tr>
<tr>
<td>Master Plan Amendment</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.11</td>
</tr>
<tr>
<td>Planned Unit Developments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.12 C.</td>
</tr>
<tr>
<td>ODP/Rezoning</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.12 D.</td>
</tr>
<tr>
<td>PUD Final Plan</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.12 E.</td>
</tr>
<tr>
<td>PUD Final Plat</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.13</td>
</tr>
<tr>
<td>Property Line Adjustment</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.15</td>
</tr>
<tr>
<td>Rezones</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.16</td>
</tr>
<tr>
<td>Site Plans</td>
<td>DM</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.17</td>
</tr>
<tr>
<td>Stormwater Permit</td>
<td>A</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.20</td>
</tr>
<tr>
<td>Vacation of ROW and Renaming of Streets</td>
<td>R</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.20</td>
</tr>
</tbody>
</table>

**General Note:**

In cases where no Appeal Body is shown, or where the Board of County Commissioners is shown as the final Decision-Making Body (with no appeal), appeals shall be taken to the courts, as provided by law.
SECTION 3.02 | COMMON REVIEW PROCEDURES

Common review procedure may include up to seven (7) steps, not all of which may be applicable to each type of development application.

Figure 3-1: General Summary of Common Review Procedures

A. Pre-Application Meeting

A Pre-Application Meeting is generally recommended but optional and intended to inform the applicant of applicable procedures, submittal requirements, development standards, alternatives, and other pertinent matters, before the applicant finalizes the development proposal.

1. Application forms and checklist will be made available during Pre-Application Meetings. If additional information is presented or the request is found to be more complex than originally presented, a new checklist will be prepared and delivered to the applicant within three (3) working days of the meeting.

2. Staff opinions presented during Pre-Application Meetings are informational only and do not represent a commitment on behalf of Mesa County regarding the acceptability of the development proposal.

B. Application Submittal

1. Form of Application

Applications required under this Chapter must be submitted in a form prepared by the Director.

2. Application Filing Fees

Applications must be accompanied by the fee that has been established by the Board of County Commissioners. Fees are not required with applications initiated by the Board of County Commissioners, Board of Adjustment, Planning Commission, or County agencies. Application fees may be refundable at the discretion of the Director.

3. Application Completeness

An application will be considered complete if it is submitted in the required form; includes all mandatory information; and is accompanied by the applicable fee. A determination of application completeness shall be made within ten (10) working days of application filing. If an application is determined to be incomplete, written notice shall be provided to the applicant, along with an explanation of the application’s deficiencies. If the deficiencies are not corrected by the applicant within thirty (30) days, the application may be considered withdrawn.

C. Application Review

In conducting required reviews, the Director shall comply with those referral requirements set forth in C.R.S. §30-28-136.1(c), and shall be authorized to distribute the application and other submittals to County departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. Comments received from reviewers shall be
included in a report which shall be delivered to the applicant.

D. Required Notice

Notice shall be required for applications as shown in Table 3-2 below unless otherwise expressly provided in state statutes or this LDC:

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Type of Notice Required</th>
<th>Timing (number of days before hearing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Use Permits</td>
<td>Published</td>
<td>Posted</td>
</tr>
<tr>
<td>Extinguishment of Public Utility Easement</td>
<td>Published</td>
<td>Posted</td>
</tr>
<tr>
<td>Historic Landmarks</td>
<td>Published</td>
<td>Posted</td>
</tr>
<tr>
<td>Land Development Code Amendments</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Land Divisions</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Minor Subdivisions</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Rural Land Divisions</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Agricultural Divisions</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Physical &amp; Legal Separations</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Major Subdivision</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Concept Plan</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Final Plan</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Master Plan</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Text Amendment</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Map Amendment</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Planned Unit Developments</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Outline Development Plan/Rezoning</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Final Plan</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Property Line Adjustments</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Rezones</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Site Plans</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Vacations (ROW/Access)</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Variances</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Administrative Adjustments</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Zoning Variances</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Floodplain Variances</td>
<td>Published</td>
<td></td>
</tr>
<tr>
<td>Stormwater Variance</td>
<td>Published</td>
<td></td>
</tr>
</tbody>
</table>

1. Mailed Notice

a. When the provisions of this Land Development Code require that mailed notice be provided, the County shall be responsible for preparing and mailing the notice as provided below:

1Other than Text Amendments, published notice for Board of County Commissioner hearing shall be 30 days.
TABLE 3-1: NOTICE RADIUS

<table>
<thead>
<tr>
<th>Application Property Location</th>
<th>Required Notice Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within an Urban Zoning District</td>
<td>500 feet of subject property</td>
</tr>
<tr>
<td>Within one of the six (6) Rural Communities</td>
<td>500 feet of subject property</td>
</tr>
<tr>
<td>Within a Rural Zoning District and NOT within one of the six (6) Rural Communities</td>
<td>2,500 feet of subject property</td>
</tr>
<tr>
<td>Public right-of-way within a Rural Zoning District (for right-of-way vacations)</td>
<td>1 mile of the subject right-of-way</td>
</tr>
<tr>
<td>Public right-of-way within an Urban Zoning District or one of the six (6) Rural Communities (for right-of-way vacations)</td>
<td>500 feet of the subject right-of-way</td>
</tr>
</tbody>
</table>

b. Ownership information shall be based on the records of the Mesa County Assessor's Office. Notice shall also be mailed to Registered Neighborhood Associations whose boundaries lie within required notification areas and to registered recreational and trail user groups.

2. Posted Notice

a. When the provisions of this LDC require that notice be posted on the subject property, the applicant shall: (1) post the notice using signs that have been provided by the County; and (2) place the signs on the property that is the subject of the application. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents and passers-by.

b. Posted notice for right-of-way vacations will be placed at each end of the right-of-way section proposed for vacation. If the subject rights-of-way proposed for vacation is not County maintained or is maintained seasonally, posted notice containing the name of the subject rights-of-way will also be placed along and perpendicular to the nearest public road or roads as determined by the Director.

c. All signs must be posted until a decision has been rendered. Applicants shall be responsible for maintaining the signs and removing them within one (1) week after the final decision.

3. Published Notice

a. When the provisions of this Land Development Code require that notice be published, the County shall be responsible for preparing the content of the notice, and shall ensure that notice is published in the newspaper that has been selected by the County.

b. Rights-of-way vacations will be advertised in the “A” section of the newspaper at the applicant’s expense. The advertisement shall be a minimum size of two (2) inches by three (3) inches.

4. Constructive Notice

Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this LDC before proceeding with the hearing.

E. Community Development Director/Stormwater Administrator Action

1. Applications Subject to Community Development Director or Stormwater Administrator Decision

If an application is subject to final decision by the Director or the Stormwater Administrator per Table 3-1, the Director or the Stormwater Administrator shall make a decision based on the review standards applicable to the application type. The decision shall be in writing, accompanied by written findings of fact and shall clearly state the reasons the application has been approved, approved with
conditions, or denied.

2. Applications Subject to Community Development Director or Stormwater Administrator Recommendation
   a. If the application is subject to final decision by another decision-making body per Table 3-1, the Director or the Stormwater Administrator shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.
   b. The Director or Stormwater Administrator shall forward the completed request, staff report, recommendation, and any related materials to the decision-making body.

F. Planning Commission Action
   1. Applications Subject to Planning Commission Decision
      a. The Planning Commission shall hold a public hearing in accordance with this LDC and the Planning Commission bylaws.
      b. If an application is subject to final decision by the Planning Commission per Table 3-1, the Planning Commission shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing.
      c. The Planning Commission shall approve, approve with conditions, or deny the application.
   2. Applications Subject to Planning Commission Recommendation
      a. The Planning Commission shall hold a public meeting to review the application based on the applicable review criteria. The Planning Commission shall then make a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the application.
      b. Following Planning Commission review, the Director shall forward the completed request and any related materials, including the Planning Commission recommendation, to the Board of County Commissioners for final action.

G. Board of County Commissioners Action
   1. The Board of County Commissioners shall hold a public hearing in accordance with this LDC.
   2. The Board of County Commissioners shall consider the application, applicable review criteria, support material, Planning Commission recommendation (if applicable) staff report, and any evidence and/or comments from the public hearing.
   3. The Board of County Commissioners shall approve, approve with conditions, or deny the application. The Board of County Commissioners may also remand the application back to the Director, the Stormwater Administrator, or the Planning Commission, whichever is applicable, for further review.

H. Board of Adjustment Action
   1. The Board of Adjustment shall hold a public hearing in accordance with this LDC and Board of Adjustment bylaws.
   2. The Board of Adjustment shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing.
   3. The Board of Adjustment shall approve, approve with conditions, or deny the application.

I. Floodplain Board of Appeals Action
   1. The Floodplain Board of Appeals shall hold a public hearing in accordance with this LDC and Floodplain Board of Appeals bylaws.
   2. The Floodplain Board of Appeals shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing.
   3. The Floodplain Board of Appeals shall approve, approve with conditions, or deny the application.
SECTION 3.03 | FINAL DECISION

A. Conditions of Approval

1. In approving development applications, the Decision-Making Body shall be authorized to impose such conditions as may be necessary to carry out the general purpose and intent of this LDC. Any discretionary conditions imposed on a development approval shall be based upon duly adopted standards that are:
   a. Contained in this LDC, the Mesa County Master Plan, or another document adopted by the County; and
   b. Sufficiently specific to ensure that the condition is imposed in a rational and consistent manner.

2. Any condition imposed on a development approval that would require the applicant to dedicate real property to the public, or to pay money to the public in an amount that is determined on an individual and discretionary basis, shall only be imposed if:
   a. There is an essential nexus between the dedication or payment and a legitimate local governmental interest; and
   b. The dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of such property. If the required amount of land dedications or fees in lieu have been established by a formula applicable to one (1) or more classes of land, rather than on an individual and discretionary basis, the foregoing sentence shall not apply to requirements for park or school land dedications, or fees in lieu of such dedications, as set forth in Section 8.20 of this LDC, or to any other land dedication or fee in lieu of requirements adopted by the County.

SECTION 3.04 | CONTINUATION OF APPLICATIONS

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this LDC, provided that the continuance is set for a date within forty (40) days, and the date and time of the continued hearing is announced at the time of the continuance.

SECTION 3.05 | APPEALS

A. Administrative Decision

Appeals of an administrative decision must be filed within thirty (30) days of the decision.

B. Board of Adjustment Decision

Appeals of decisions of the Board of Adjustment shall be made to the courts, as provided by law.

C. Floodplain Board of Appeals Decision

Appeals of decisions of the Floodplain Board of Appeals shall be made to the courts, as provided by law.

D. Board of County Commissioner Decision

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

E. Standing to Appeal

Any appeals to actions taken under this LDC may only be made to the Colorado Courts as allowed by Colorado law. The standing of any party to pursue such an appeal is only to the extent allowed by Colorado law.

Any other appeal contemplated in this LDC, besides those filed in Colorado Court proceedings, standing may only exist to those persons who are “Parties of Record,” who shall be deemed to include the following:

1. The applicant;

2. The property owner or holder of any interest or easement in the subject property; or
3. Any person who submitted written comments on the application before final action was taken (excluding persons who have only signed petitions or form letters).

SECTION 3.06 | BURDEN OF PROOF OR PERSUASION

The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the County or other parties to show that the criteria have been met.

SECTION 3.07 | SIMULTANEOUS PROCESSING

Whenever two (2) or more forms of review are required, the Director may allow the applications to be processed simultaneously.

SECTION 3.08 | COMPLIANCE WITH MINERAL AND ENERGY RESOURCES MASTER PLAN

In any area containing a known commercial mineral deposit, no authorization, in any form, shall be given which would interfere with the present or future extraction of such deposit. Certain uses may be authorized, but only if said use does not permit erection of permanent structures upon, or otherwise permanently preclude, the extraction of commercial mineral deposits from, land subject to said use.

Nothing in this section shall be construed to prohibit: (a) the Board of County Commissioners from zoning for agricultural use, only, land not otherwise zoned on July 1, 1973; (b) a use of zoned land permissible under the zoning governing such land on July 1, 1973; and (c) the Board of County Commissioners from acquiring property known to contain a commercial mineral deposit and using said property for a public purpose; except that such use shall not permit erection of permanent structures which would preclude permanently the extraction of commercial mineral deposits.

SECTION 3.09 | GENERAL APPROVAL CRITERIA

In addition to specific approval criteria listed for each type of development review process, the Decision-Making Body shall consider if the proposal:

A. Complies with all applicable standards, provisions, and the Purpose (Section 1.05) of this LDC;

B. Is consistent with review agency comments; and

C. Is consistent with applicable intergovernmental agreements between the County and other entities.
CHAPTER 4 | ZONING AND DEVELOPMENT PROCEDURES

SECTION 4.01 | ADMINISTRATIVE ADJUSTMENT

A. Applicability

This section sets out the required review and approval procedures for Administrative Adjustments, which are modifications to any dimensional standard set out in Section 5.05 and Chapter 7, except those related to building height, residential density, or nonresidential intensity.

B. Procedure

Figure 4-1 identifies the application steps which apply to the review of Administrative Adjustment applications. Additions or modifications to the general review procedures are noted below.

Figure 4-1: Summary of the Administrative Adjustment Procedure

- Pre-Application Meeting
- Application Submittal
- Application Review
- Required Notice
- Community Development Director Action

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A.).

The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies.

Notice shall be published, mailed and posted in accordance with the requirements of Section 3.02 D.

The Community Development Director shall make a decision based on the Approval Criteria under Section 4.01 C. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

C. Approval Criteria

In evaluating the proposed request, all of the following criteria must be met:

1. The request will have no significant adverse impact on the health, safety or general welfare of the surrounding properties or the general public, or any adverse impacts will be mitigated to the maximum extent practical;

2. There are special circumstances or conditions that are peculiar to the land or building for which the request is sought that do not apply generally to land or buildings in the area;

3. The strict application of the provisions of this LDC would result in peculiar and practical difficulties in the use of the land or building; and

4. The request is the minimum necessary to relieve the applicant of the peculiar and practical difficulties in the use of the land or building.

D. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance
with the procedures of Section 4.02.

SECTION 4.02 | APPEALS OF ADMINISTRATIVE DECISIONS

A. Applicability

1. Board of Adjustment

   Unless otherwise specifically provided in this LDC, the Board of Adjustment shall hear and decide
appeals where it is alleged there is an error in any order, requirement, decision, or determination made
by an administrative official in the administration or enforcement of the zoning requirements of this
LDC in Chapters 5 and Chapter 7.

2. Floodplain Board of Appeals

   The Floodplain Board of Appeals shall hear and decide appeals of decisions of Floodplain
Administrator regarding interpretation of floodplain boundaries, issuance or denial of Floodplain
Development Permits, conditions attached to Floodplain Development Permits, or any other provision
of the Floodplain Regulations of Section 8.14.

3. Board of County Commissioners

   Unless otherwise specifically provided in this LDC, the Board of County Commissioners shall hear and
decide appeals where it is alleged there is an error in any order, requirement, decision, or
determination made by an administrative official in the administration or enforcement of this LDC,
except as specifically provided for above in subsections 1. and 2.

B. Application Filing

   Those individuals allowed to file an appeal may submit an application for an Appeal of Administrative
Decisions to the Director.

C. Timing

   Appeals of Administrative Decisions must be filed within thirty (30) days of the date of the decision or action
being appealed.

D. Effect of Filing

   Once a complete application for appeal has been received by the Director, no other development
approvals or permits will be issued for the subject property, unless the official whose decision is being
appealed certifies that such a hold on permits and approvals would cause immediate peril to life or
property. If such a certification is made, development approvals and permits may be issued for the subject
property, unless a stop work order is issued by the Board of County Commissioners, Board of Adjustment, or
the Floodplain Board of Appeals, or a restraining order is issued by a court.

E. Required Notice

   Notice shall be published, mailed, and posted, in accordance with the requirements of Section 3.02 D.

F. Record of Administrative Decision

   Before the public hearing, the official whose decision is being appealed shall transmit to the Board of
County Commissioners, Board of Adjustment, or Floodplain Board of Appeals all documents constituting
the record of the decision being appealed.

G. Review and Action

   The Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall hold a
public hearing of a complete application and take action on the appeal.

1. Appeal Powers

   In exercising the appeal power, the Board of County Commissioners, Board of Adjustment, or
Floodplain Board of Appeals shall have all the powers of the official from whom the appeal is taken,
and they may reverse or affirm wholly or partly or may modify the decision being appealed. If the
Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals determines that
it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

2. Consideration of Evidence

In considering a request for appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall consider only those facts, evidence, testimony and witnesses that were part of the official record of the decision-maker’s action. No new evidence or testimony may be considered, except County staff may be asked to interpret materials contained in the record.

3. Burden of Persuasion or Error

In acting on the appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall grant to the administrative official’s decision a presumption of correctness; the burden of persuasion of error shall be on the appellant.

H. Approval Criteria

An appeal shall be sustained only if the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals finds that the administrative official erred.

I. Appeals

Appeals of decisions of the Board of County Commissioners, Board of Adjustments or Floodplain Board of Appeals shall be made to the courts, as provided by law.

SECTION 4.03 | CONDITIONAL USE PERMITS

A. Applicability

This section sets out the required review and approval procedures for a Conditional Use Permit. A Conditional Use Permit shall be required prior to the establishment of any conditional use identified in Table 6-1.

B. Procedure

Figure 4-2 identifies the application steps which apply to the review of Conditional Use Permit applications. Additions or modifications to the general review procedures are noted below.
C. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

1. The proposed use is not significantly different from adjacent uses in terms of appearance, site design, operating characteristics;
2. Any adverse impacts resulting from the use (including but not limited to: hours of operation, traffic generation, noise, odor, dust, and other external impacts) will be mitigated to the maximum extent practical;
3. Public facilities and services shall be available upon completion of the project to serve the subject property; and

D. Modifications to Approved Conditional Use Permit

1. Minor deviations

The Director may approve minor deviations to a conditional use permit, if such changes are not contrary to the approving action of the Board of County Commissioners, but shall not have the authority to approve substantial deviations as set forth below.
2. **Substantial deviations**

Substantial deviations shall include but not be limited to the following:

a. A change in the boundaries of the approved site;

b. An increase greater than ten (10) percent in the approved floor area;

c. Significant change in the location of principal or accessory structures;

d. Significant structural alterations affecting the appearance of principal or accessory structures as shown on the approved site plan;

e. Significant change in pedestrian or vehicular access or circulation; and

f. Significant change in the amount or location of landscape and screening.

3. If a proposed amendment deviates substantially from the approved conditional use permit, the approved conditional use permit shall be amended in accordance with the procedure and standards which governed its approval.

E. **Appeals**

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

**SECTION 4.04 | DEVELOPMENT AGREEMENTS**

A. **Purpose**

In connection with any development approval, the Board of County Commissioners shall be authorized to enter into a Development Agreement with the applicant. Development Agreements may include provisions clarifying the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods of between three (3) and ten (10) years, assurances that adequate public facilities (including roads, water, sewer, fire protection, and emergency medical services), will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public.

B. **Review Criteria**

Any proposed Development Agreement shall be reviewed by applicable Review and Decision-Making Bodies at the same time that the Rezoning, Major Subdivision, or Planned Unit Development is reviewed. Review Bodies shall have the same power to make recommendations regarding the proposed Development Agreement as they do for the related development approval. Procedures for review and approval of Development Agreements shall be the same as for the related development approval. In reviewing and acting upon proposed Development Agreements, Review and Decision Making Bodies shall consider the Approval Criteria for the development application, and the following additional criteria:

1. Whether the benefit of the Development Agreement to the County outweighs its costs;

2. Whether the Development Agreement is required to mitigate impacts that would otherwise make the proposed development unacceptable; and

3. Whether the County has received adequate assurances that the development will go forward as planned in return for any vesting of property rights beyond the statutory three (3) year vesting period.

C. **Contents**

Development Agreements may, without limitation, contain the following:

1. Descriptions of the acceptable and prohibited uses on the property;

2. The density of proposed uses, including maximum floor area and height of buildings;

3. Provisions for the reservation or dedication of land for public purposes;

4. Proposed schedule for the construction of public improvements, and assurances that public improvements will be available as needed to serve new development;
5. Proposed timing and phasing of the development project;
6. Provisions to mitigate the impacts of proposed development on the general public, including the protection of environmentally sensitive lands;
7. Provisions for public benefits or improvements in excess of what is required by current County policy or law;
8. Terms relating to applicant financing of facilities and subsequent reimbursement;
9. Terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;
10. A provision that construction shall begin by a specified date, or that certain phases shall be completed within a specified time; and
11. Termination date for the Development Improvements Agreement.

SECTION 4.05 | DEVELOPMENT IMPROVEMENTS AGREEMENTS

A. Purpose

The County seeks to protect the health, safety, and general welfare of the community by requiring a timely completion of the required improvements and to limit the effects of uncompleted subdivisions. The Development Improvements Agreement is a requirement of the Colorado Revised Statutes. Therefore, the purpose of the Development Improvements Agreement is to protect the County from assuming the cost to complete subdivisions and to abide by the Colorado Revised Statutes.

B. Applicability

Whenever public or common private improvements are required, the developer shall enter into a Development Improvements Agreement, which shall be executed and recorded with the Final Plat. Staff may require a Development Improvements Agreement for other types of development applications.

C. Procedure

Development Improvements Agreements shall be reviewed together with the development to which they relate. The Agreement shall be administered and extinguished per the provisions of the Agreement.

D. Guarantees

1. A Development Improvements Agreement shall be secured by one or a combination of the guarantees as described in the Development Improvements Agreement. Upon agreement by both parties, any guarantee options may be substituted for another guarantee.

2. The security amount shall accurately reflect the quantities and costs of all public improvements and common private improvements and shall be sufficient to make reasonable provision for the completion of required development improvements in accordance with construction documents, design and time specifications.

SECTION 4.06 | EXTINGUISHMENT OF PUBLIC UTILITY EASEMENT

A. Applicability

This section sets out the required review and approval procedures for Extinguishment of Public Utility Easement.

B. Procedure

Figure 4-3 identifies the application steps which apply to the review of Extinguishment of Public Utility Easement applications. Additions or modifications to the general review procedures are noted below.
C. Approval Criteria

An Extinguishment of Public Utility Easement application may be approved if no utility provider objects to the proposal and the request is consistent with the General Approval Criteria under Section 3.09.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.07 | FLOODPLAIN DEVELOPMENT PERMIT

A. Applicability

A Floodplain Development Permit is required prior to any land disturbance and before construction or development begins within any area of special flood hazard area established in Section 8.14 to ensure conformance to the stormwater quality provisions and other applicable requirements of this LDC.

B. Procedure

Figure 4-4 identifies the application steps which apply to the review of Floodplain Development Permit applications. Additions or modifications to the general review procedures are noted below.
### Figure 4-4: Summary of the Floodplain Development Permit Procedure

1. **Pre-Application Meeting**
   - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A).

2. **Application Submittal**
   - The property owner or the owner’s authorized agent shall submit an application to the Floodplain Administrator. The submitted application shall include all materials specified in the checklist provided by the Floodplain Administrator.

3. **Application Review**
   - The Floodplain Administrator shall distribute the application to the appropriate review agencies.

4. **Floodplain Administrator Action**
   - The Floodplain Administrator shall make a decision based on the Approval Criteria under Section 4.07 C. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

---

### C. Approval Criteria

In evaluating the proposed request, the following shall be considered:

1. **The effect of the flood on the site itself, including:**
   - a. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
   - b. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owners;
   - c. Whether the proposed use will be inhabited or only used on a part time basis;
   - d. The proposed water supply and sanitation systems, and the ability of these systems to prevent contamination or unsanitary conditions;
   - e. The community importance of the services provided by the proposed facility;
   - f. The requirements of the facility for a waterfront location, and the availability of alternative sites for the use;
   - g. The compatibility of the proposed use with existing development and development anticipated in the future;
   - h. The precedent that would be set by granting the permit, and the cumulative effect of numerous similar permits, if issued;
   - i. The safety of access to the property in times of flood for emergency and non-emergency vehicles; and
   - j. Whether the property is endangered by channel relocation due to natural causes.

2. **The effects conveyed downstream or upstream of allowing such a use, including:**
   - a. The effect on depth and velocity of floodwater (i.e., peak flow characteristics);
   - b. The danger to life and property downstream due to increased flood velocities and heights caused by encroachment or obstruction upstream or downstream;
   - c. Whether the depth of floodwaters on neighboring parcels would be increased by more than the designated height above normally expected flood depths;
d. Increased probability of erosion to property, as opposed to normal stream bank erosion, because of accelerated flood velocities, or direction of floodwaters resulting from the obstruction or encroachment;

e. Whether additional public expenditures for increased flood protection may be necessitated, such as dike or bridge maintenance;

f. Whether the applicant would obtain an undue advantage compared to later applicants who might require a permit;

g. The danger that materials may be swept downstream and cause injury to persons or property; and

h. Possibility of contamination downstream from ruptured waste disposal systems, or stored treatment-related, toxic chemicals and/or bacteriological substances.

3. The preservation of the efficiency and capacity of the watercourse to transmit and discharge floodwaters, and the capacity of the floodplain area to absorb floodwaters.

D. **Conditions of Approval**

A Floodplain Development Permit may be approved if the request complies with Floodplain Regulations of Section 8.14. The Floodplain Administrator shall be authorized to impose conditions necessary to ensure compliance with those standards, including those set out in Section 8.14 K, and the following:

1. Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters.

2. Limitations on periods of use and operations.

3. Imposition of operational controls, sureties, and deed restrictions.

4. Requirements of prohibitions of channel modifications, dikes, levees, and other protective measures.

5. Placement of a structure on the site so that it offers minimum obstruction to flood waters by requiring that its longitudinal axis be parallel to the direction of the flood waters and on the same line as those of adjoining structures, or by requiring greater setbacks from the watercourse than would otherwise be required.

6. Location of building envelopes.

7. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The administrator shall require that the applicant submit a plan or document certified by a registered professional engineer or architect testifying that the Flood Proofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area. Flood Proofing measures may include:

a. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;

b. Reinforcement of walls to resist water pressures;

c. Addition of mass or weight to structures to resist flotation;

d. Use of paints, membranes, or mortars to reduce seepage of water through walls;

e. Installation of pumps to lower water levels in structures;

f. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall flood pressures;

g. Construction to resist rupture or collapse caused by water pressure from debris;

h. Installation of accessible valves or controls on sanitary and storm drains, which will permit the drains to be closed to prevent back-up of sewage and storm waters into the structure; and

i. Location of electrical equipment, circuits, and electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundation of flood waters.
E. Appeals

Appeals of decisions of the Floodplain Administrator’s may be taken to the Floodplain Board of Appeals in accordance with the procedures of Section 4.08.

F. Approval/Lapse of Approval

An approved Floodplain Development Permit shall be valid for a period of one (1) year from the date of issuance. If construction has not been commenced and diligently pursued during the one (1) year period, the permit shall lapse and be of no further effect. An extension of a Floodplain Development Permit shall require review and approval of a new permit, pursuant to the procedures of this section.

SECTION 4.08 | FLOODPLAIN VARIANCES

A. Applicability

The Floodplain Board of Appeals is authorized to grant variances from the floodplain standards of this LDC, unless a variance is specifically prohibited. The granting of a floodplain variance shall not be contrary to the public interest or the purposes of this LDC where, owing to special conditions, a literal enforcement of the provisions of this LDC would result in unnecessary physical (not economic) hardship to the property owner.

B. Procedure

Figure 4-5 identifies the application steps which apply to the review of a Floodplain Variance applications. Additions or modifications to the general review procedures are noted below.

<table>
<thead>
<tr>
<th>STEP</th>
<th>Floodplain Board of Appeals Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pre-Application Meeting</td>
</tr>
<tr>
<td>2</td>
<td>Application Submittal</td>
</tr>
<tr>
<td>3</td>
<td>Application Review</td>
</tr>
<tr>
<td>4</td>
<td>Required Notice</td>
</tr>
<tr>
<td>5</td>
<td>Floodplain Administrator Action</td>
</tr>
<tr>
<td>6</td>
<td>Floodplain Board of Appeals Action</td>
</tr>
</tbody>
</table>

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A.).

The property owner or the owner’s authorized agent shall submit an application to the Floodplain Administrator. The submitted application shall include all materials specified in the checklist provided by the Floodplain Administrator.

The Floodplain Administrator shall distribute the application to the appropriate review agencies.

Notice shall be published, mailed and posted in accordance with the requirements of Section 3.02 D.

The Floodplain Administrator shall review the request based on the Approval Criteria under Section 4.08 C, and shall prepare a staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

The Floodplain Board of Appeals shall hold a public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Section 4.08 C.

C. Approval Criteria

In evaluating the proposed request, the Floodplain Regulations of Section 8.14; all technical evaluations;
and the following criteria shall be considered:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding and erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
4. The importance of the services provided by the proposed facility to the community; and
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with the existing and anticipated development, and;
8. Whether the proposed use is consistent with the floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as gas, sewer, electrical, and water systems, streets and bridges.

D. Conditions of Approval

In granting a Floodplain Variance, the Floodplain Board of Appeals may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially adverse effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this LDC. Any condition imposed must relate to a situation created or aggravated by the use or the proposed Floodplain Variance and must be roughly proportional to its impact. More specifically:

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 4.08 C. have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justifications required for issuing the variances increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section 4.08 C. or conflict with exiting local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be
permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

E. Appeals

Appeals of decisions of the Floodplain Board of Appeals shall be made to the courts, as provided by law.

SECTION 4.09 | LAND DEVELOPMENT CODE AMENDMENTS

A. Applicability

The Board of County Commissioners may consider amendments to the text of this LDC as may be required from time to time.

B. Procedure

Figure 4-6 identifies the application steps which apply to the review of LDC Amendment applications. Additions or modifications to the general review procedures are noted below.

Figure 4-6: Summary of Land Development Code Amendment Procedure

1. **Application Review**
The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A.).

2. **Required Notice**
The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

3. **Community Development Director Action**
The Community Development Director shall prepare a written staff report that includes a recommendation of the proposed amendment(s) or modification(s) to the Land Development Code.

4. **Planning Commission Action**
The Planning Commission shall hold a public hearing and at the close of the public hearing shall forward a recommendation to the Board of County Commissioners of approval, approval with conditions, or denial of the application based on the Approval Criteria of Section

5. **Board of County Commissioner Action**
The Board of County Commissioners shall hold a public hearing on the proposed Conditional Use Permit application and, at the close of the public hearing, shall act to approve, approve with conditions, or deny the application.

C. Corrections of Errors or Omissions

If it is discovered that there is a minor typographic or scrivener error or omission, the Director shall record an Affidavit of Correction in the records of the Mesa County Clerk and Recorder to be incorporated into the LDC. The Director and the County Attorney shall verify the Affidavit to ensure that the meaning and intent of the text approved by recorded resolution are not altered.
A. Applicability

Land Division procedures provided in this Section outline the processes to evaluate the orderly and efficient division of land that promote the health, safety and welfare of the residents of the County.

B. General Provisions

1. Types of Land Divisions

<table>
<thead>
<tr>
<th>Allowed in:</th>
<th>Agricultural Division</th>
<th>Minor Subdivision</th>
<th>Major Subdivision</th>
<th>Physical and Legal Separation</th>
<th>Rural Land Division</th>
<th>Subdivision for Public Purposes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Lots:</td>
<td>One (1) additional lot per 25 acres</td>
<td>All zones</td>
<td>All zones</td>
<td>All zones</td>
<td>AFT &amp; AF-35 zones</td>
<td>All zones</td>
</tr>
<tr>
<td>Density:</td>
<td>Cannot exceed AFT maximum</td>
<td>Based on zoning</td>
<td>Based on zoning</td>
<td>Not subject to density</td>
<td>Not subject to density</td>
<td>Not subject to density</td>
</tr>
<tr>
<td>Lot Size:</td>
<td>Max five (5) acres Min one (1) acre</td>
<td>Based on zoning</td>
<td>Based on zoning</td>
<td>N/A</td>
<td>Minimum one (1) acre</td>
<td>N/A</td>
</tr>
<tr>
<td>Eligibility:</td>
<td>Minimum of fifty (50) acres; Owned at least five (5) years; Assessed as &quot;Agricultural&quot;</td>
<td>Based on zoning</td>
<td>Based on zoning</td>
<td>Physical barrier is required; Barrier existed at least ten (10) years</td>
<td>Only one per parcel; Parcel must be at least 10 acres</td>
<td>N/A</td>
</tr>
</tbody>
</table>

2. Standards

a. If located within or adjacent to the Rural Planning Area, the recorded site plan shall include a plat note reciting the County’s Right to Farm and Ranch policy (Section 1.06).

b. Where applicable, the recorded site plan shall include a plat note reciting the Notice of Traditional Hunting Activities (Section 8.07 H.).

c. Any hazards identified on the property must be mitigated and where appropriate, no-build areas are shown on the site plan (Section 8.07 and Section 8.14).

3. Acceptance of Improvements

Approval of a Land Division proposal shall not constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

C. Agricultural Division

1. Eligibility:

a. The applicant must own at least fifty (50) acres in contiguous parcels (the “Tract”).

b. The Tract must be zoned Agricultural Forestry Transitional (AFT).

c. The applicant or the applicant’s immediate family must have owned the Tract for a minimum of five (5) years.

d. The entire Tract must be classified as “Agricultural” in the County Assessor’s parcel records and have retained that classification for a minimum of five (5) years consecutively prior to and up to the date of the application.

2. Frequency:

a. One (1) new parcel may be divided from the Tract for each twenty-five (25) acres owned in the Tract. (For example, if the applicant owns one hundred ten (110) acres in the Tract, a maximum of four (4) divisions could be permitted using this process.)
b. Agricultural Division process may be used multiple times providing that the total number of parcels created does not exceed one parcel for each twenty-five (25) acres of the original/parent Tract.

3. Procedure

Figure 4-7 identifies the application steps which apply to the review of Agricultural Division applications. Additions or modifications to the general review procedures are noted below.

Figure 4-7: Summary of the Agricultural Division Procedure

4. Approval Criteria:

In evaluating the proposed request, all of the following criteria shall be considered:

a. Either approval of service by a water district or a well permit is required for the new lots. This process is not considered an exempt subdivision for the purpose of compliance with Section 8.09, Potable Water Supply, as amended in the LDC;

b. The division shall not detract from the integrity and efficiency of the agricultural operations;

c. New lots shall be less than five (5) acres in size unless an exception is approved by the Director for reasons related to topography, natural or man-made features, or soils conditions. The minimum lot size will be established by compliance with the Wastewater Standards in Section 8.11;

d. The number of lots created shall not exceed one (1) new parcel for each twenty-five (25) acres; and

e. New lots may be created with no street frontage in order to allow the agricultural use to continue.

D. Minor Subdivisions

1. Procedure

Figure 4-8 identifies the application steps which apply to the review of Minor Subdivision applications.
Additions or modifications to the general review procedures are noted below.

Figure 4-8: Summary of the Minor Subdivision Procedure

- **Pre-Application Meeting** (STEP 1): The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A.).
- **Application Submittal** (STEP 2): The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.
- **Application Review** (STEP 3): The Community Development Director shall distribute the application to the appropriate review agencies.
- **Required Notice** (STEP 4): Notice shall be published, mailed and posted in accordance with the requirements of Section 3.02 D.
- **Community Development Director Action** (STEP 5): The Community Development Director shall make a decision based on the Approval Criteria under Section 4.10 D.2. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

2. **Approval Criteria**

   In evaluating the proposed request, all of the following criteria shall be considered:
   a. No more than six (6) platted lots are allowed;
   b. Complies with applicable development standards of Chapter 5 and Chapter 8.
      (1) For properties in the AFT zoning district, the density standards of Section 7.02 of this LDC shall apply.
      (2) Density Bonus Subdivisions, as permitted in Section 7.02 C., shall not be eligible for Minor Subdivision; and
      (3) Minimum lot frontage is not required if legal and approved access to a public road for all parcels or lots resulting from the Minor Subdivision is provided.

3. **Appeal**

   Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

E. **Major Subdivisions**

1. **Eligibility**

   All land divisions that do not qualify for an Agricultural Land Divisions, Minor Subdivisions, Physical and Legal Separations, Rural Land Divisions, Subdivision for Public Purpose and thirty-five (35) Acre Parcels Created by Plat. The procedures of this Section 4.10 E. shall not apply to those exceptions provided for in C.R.S. §30-28-101(10).

2. **General Procedure**

   The following are the applications subject to the Major Subdivision process. These applications may be processed individually or combined upon approval of the Director.
a. Concept Plan (Section 4.10 E.3);
b. Final Plan (Section 4.10 E.4); and
c. Final Plat (Section 4.10 E.5).

3. Concept Plan

An optional process intended to review the feasibility and design characteristics of the proposed subdivision plan.

a. Procedure

Figure 4-9 identifies the application steps which apply to the review of Concept Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-9: Summary of the Concept Plan Procedure

<table>
<thead>
<tr>
<th>STEP</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pre-Application Meeting</td>
</tr>
<tr>
<td>2</td>
<td>Application Submittal</td>
</tr>
<tr>
<td>3</td>
<td>Application Review</td>
</tr>
<tr>
<td>4</td>
<td>Community Development Director Action</td>
</tr>
</tbody>
</table>

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A.).

The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies.

The Community Development Director shall make a decision based on the Approval Criteria under Section 4.10 E.3.b. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

b. Review Criteria

In considering a Concept Plan proposal, the following shall be considered:

1. Feasibility and design characteristics based upon compliance with the applicable standards contained within this LDC; and

4. Final Plan

A detailed subdivision plan, including supporting documents.

a. Neighborhood Meeting

The Applicant shall hold a meeting with area property owners after the Application Review step has been completed. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the Applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this LDC and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Director prior to Concept Plan approval.

b. Additional Notice

In accordance with the requirements of Section 3.02 D., C.R.S. §30-28-133(10) and §24-65.5-103, the Concept Plan shall have submitted with it certification that the notice of the application has been sent to the mineral estate owners, and shall include the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of an application have been sent as their names may appear upon the plats or records in the County Clerk and
Recorder’s office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

c. Phasing

If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies as a part of the development application.

d. Procedure

Figure 4-10 identifies the application steps from which apply to the review of Final Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-10: Summary of the Final Plan Procedure

- **STEP 1**: Pre-Application Meeting
  - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A.).

- **STEP 2**: Application Submittal
  - The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

- **STEP 3**: Application Review
  - The Community Development Director shall distribute the application to the appropriate review agencies.

- **STEP 4**: Neighborhood Meeting
  - The Applicant shall hold a neighborhood meeting with area property owners after the Planning Division completes a review of the Concept Plan in accordance with Section 4.10 E.4.a.

- **STEP 5**: Required Notice
  - Notice shall be published, mailed and posted in accordance with the requirements of Section 3.02 D.

- **STEP 6**: Planning Commission Review
  - The Planning Commission shall act as a review agency after the neighborhood meeting and shall provide comments and recommendations to the Community Development Director.

- **STEP 7**: Community Development Director Action
  - The Community Development Director shall make a decision based on the Approval Criteria under Section 4.10 E.4.e. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

e. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

1. Public facilities and services shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development;

2. Complies with applicable development standards of Chapter 5, Chapter 7 and Chapter 8; and

3. The proposed subdivision will have no adverse or negative impacts upon the natural or social environment or if adverse or negative impacts are present, those impacts shall be mitigated to the maximum extent practical.
f. Technical Disputes
As a means of resolving technical disputes between the applicant’s licensed or registered professionals and the County, such disputes may be referred to a qualified employee of the appropriate state department for a recommendation pursuant to C.R.S §30-28-133.5.

g. Approval; Lapse of Approval
An approved Final Plan shall lapse and be of no further force and effect if a complete Final Plat application, or a phase has not been submitted within one (1) year of the date of Final Plan approval. A maximum of three (3) twelve (12) month extensions may be approved by the Director upon review of a written request. An extension may be declined if the proposed development would no longer be consistent with the requirements of this LDC.

5. Final Plat
a. Public Improvements/Development Improvements Agreements
Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Section 4.05.

b. Acceptance of Improvements
Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

c. Procedure
Figure 4-11 identifies the application steps which apply to the review of Final Plat applications. Additions or modifications to the general review procedures are noted below.

Figure 4-11: Summary of the Final Plat Procedure

<table>
<thead>
<tr>
<th>STEP</th>
<th>Application Submittal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The property owner or the owner’s authorized agent shall submit the Final Plat and all other documents specified in the Final Plan approval to the Community Development Director.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STEP</th>
<th>Application Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>The Community Development Director shall distribute the Final Plat and submitted documents to the appropriate review agencies.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STEP</th>
<th>Community Development Director Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>The Community Development Director shall review the Final Plat and submitted documents and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plan.</td>
</tr>
</tbody>
</table>

d. Recording; Lapse of Approval
If the approved Final Plat is not recorded with the Clerk and Recorder of Mesa County within three (3) years of the date of approval of the Final Plan, the Concept Plan and Final Plan shall lapse and be of no further effect. Two (2) one (1) year extensions of time may be approved by the Director upon review of a written request when deemed necessary due to unforeseen circumstances. If approval lapses, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

e. Corrections for Errors or Omissions for Minor Changes to Recorded Plats
If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, where upon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Community Development Department to be recorded with the Mesa County Clerk and Recorder within ten
6. Appeals

Appeals of the decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

F. Physical and Legal Separations

1. Eligibility

In order to qualify as a Physical and Legal Separation, the following shall be considered:

a. Be in the form of an actual physical barrier, such as a public road, a railroad track, a river, an easement or a ditch or canal;

b. The physical barrier must be owned by an unrelated third party; and

2. Procedure

Figure 4-12 identifies the application steps which apply to the review of Physical and Legal Separation applications. Additions or modifications to the general review procedures are noted below.

<table>
<thead>
<tr>
<th>STEP</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>STEP 1</td>
<td>Pre-Application Meeting</td>
</tr>
<tr>
<td>STEP 2</td>
<td>Application Submittal</td>
</tr>
<tr>
<td>STEP 3</td>
<td>Application Review</td>
</tr>
<tr>
<td>STEP 4</td>
<td>Required Notice</td>
</tr>
<tr>
<td>STEP 5</td>
<td>Community Development Director Action</td>
</tr>
</tbody>
</table>

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A).

The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies.

Notice shall be published, mailed and posted in accordance with the requirements of Section 3.02 D.

The Community Development Director shall make a decision based on the Approval Criteria under Section 4.10 F.3. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

3. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

a. The proposal will neither create a nonconformity nor increase the degree to which a structure is nonconforming; and

b. Public facilities and services shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development.

G. Rural Land Divisions

1. Eligibility

The following may be processed as Rural Land Divisions:

a. The unplatted parcel must be located in an AFT or an AF-35 Zoning District;

b. No portion of the unplatted parcel has been divided through a Rural Land Division;
c. No more than one (1) additional parcel may be created, in accordance with the Rural Land Division procedures of this section; and

d. The eligible parcel must be at least ten (10) gross acres. The parcel is still eligible for the Rural Land Division if:
   (1) Right-of-way was dedicated and resulted in less than ten (10) acres; or
   (2) The required dedication through the Rural Land Division process results in less than ten (10) acres.

2. Procedure

Figure 4-13 identifies the application steps which apply to the review of Rural Land Division applications. Additions or modifications to the general review procedures are noted below.

Figure 4-13: Summary of the Rural Land Division Procedure

3. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following has been met:

a. Public facilities and services shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development;

b. Access to a maintained public road shall meet Section 8.16 and Section 8.17 of this LDC; and

c. Minimum lot frontage is not required if legal and approved access to a public road for all parcels or lots resulting from the Rural Land Division is provided;

H. Subdivision for Public Purposes

1. Eligibility:

   The lot must be used for a public purpose and the use must be permitted in the underlying zone district as an Allowed or as a Conditional Use.

2. Procedure
Figure 4-14 identifies the application steps which apply to the review of Subdivision for Public Purpose applications. Additions or modifications to the general review procedures are noted below.

Figure 4-14: Summary of the Subdivision for Public Purposes Procedure

1. Pre-Application Meeting
   - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A).

2. Application Submittal
   - The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

3. Application Review
   - The Community Development Director shall distribute the application to the appropriate review agencies.

4. Required Notice
   - Notice shall be published, mailed and posted in accordance with the requirements of Section 3.02 D.

5. Community Development Director Action
   - The Community Development Director shall make a decision based on the Approval Criteria under Section 4.10 H.3. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

3. Approval Criteria:
   In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:
   a. Lots may be created with indirect access (no street frontage) depending on the proposed use. Public uses that do not generate traffic may not require street frontage;
   b. Provision of potable water through service by a water district or a well permit may be required for the new lot. Depending on the public purpose, and upon demonstration that no water use is required, the application may be considered exempt from Section 8.09, Potable Water, in the LDC;
   c. The remainder lot (the lot not used for public purposes) shall meet all requirements in Chapter 5, Density and Dimensional Standards;
   d. Screening for noise and visual issues may be required in order to mitigate impacts on the neighborhood; and
   e. A legal restriction on the use of the land for only public purposes shall be recorded in the records of the Clerk and Recorder.

I. Thirty-five (35) Acre Parcels Created by Plat
   The Director shall be responsible for reviewing thirty-five (35) acre parcels created by plat for zoning and access requirements.

J. Appeals
   Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.
A. Applicability

The Planning Commission may consider amendments to the Master Plan, as may be required from time to time.

B. Procedure

Figure 4-15 identifies the application steps which apply to the review of Master Plan Amendment application. Additions or modifications to the general review procedures are noted below.

Figure 4-15: Summary of the Master Plan Amendment Procedure

1. Application Review
   
   a. Review and decision of a Master Plan amendment will be governed by geographic location as follows:

   (1) The municipality shall decide questions of amending the Master Plan for property within the corporate limits of the respective municipality.

   (2) Outside municipal corporate limits, the Mesa County Planning Commission shall have sole authority to amend the Master Plan. The appropriate municipality shall be given the opportunity to review and comment upon all such proposed amendments prior to action by Mesa County; and

   (3) Plans adopted jointly with a municipality, including area, neighborhood, sub-area, and community plans require the Mesa County Planning Commission and the appropriate municipality to jointly amend the plan.
b. Review Process

(1) When a municipality and the Mesa County Planning Commission must jointly amend the plan, at least one public hearing will be held and a vote shall be made within thirty (30) calendar days of the close of the hearing. A joint public hearing is permissible, but not mandatory. Such hearings shall be conducted as determined by the presiding chairperson. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing.

(2) The Mesa County Planning Commission shall approve a Master Plan Amendment only if they determine that the Master Plan Amendment is consistent with the Approval Criteria under Section 4.11 C.

(3) When a municipality and the Mesa County Planning Commission both must act, failure to agree means the Master Plan is not amended.

C. Approval Criteria

In evaluating a proposed amendment, the following shall be considered:

1. There was an error in the original Master Plan such that then-existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;

2. Events subsequent to the adoption of the Master Plan have invalidated the original premises and findings;

3. The character and/or condition of the area has changed enough that the amendment is acceptable;

4. The amendment is consistent with the goals and policies of the Master Plan, including applicable special area, neighborhood, and corridor plans;

5. The amendment is consistent with any intergovernmental agreements in effect between the County and any other unit of government;

6. Public and community facilities are adequate to serve the type and scope of land use proposed;

7. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and

8. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

SECTION 4.12 | PLANNED UNIT DEVELOPMENTS

A. Applicability

In accordance with Article 67 Title 24, C.R.S., Planned Unit Development (PUD) districts may be approved when the applicant demonstrates to the satisfaction of the Board of County Commissioners that a proposed planned development project would not negatively affect surrounding property and uses and/or that the PUD would result in a greater benefit to the County than would development under conventional zoning district regulations.

B. General Procedure

The following are the application steps required for a PUD. These application steps may be processed individually or combined upon approval of the Director.

1. Outline Development Plan (Section 4.12 C.);

2. Final Plan (Section 4.12 D.);

3. Final Plat (Section 4.12 E).
C. **Outline Development Plan and Rezoning**

1. **Applicability**

   The purpose of an Outline Development Plan is to demonstrate general conformity with the Mesa County Master Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plat. At Outline Development Plan, zoning for the entire property or for each “pod” designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities assigned to individual “pods” that will be the subject of future, more detailed planning.

2. **Neighborhood Meeting**

   The applicant shall hold a meeting with area property owners after the Department completes a review of the Outline Development Plan. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this LDC and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Director prior to Outline Development Plan approval.

3. **Additional Notice**

   In accordance with the requirements of Section 3.02 D., C.R.S. §30-28-133(10) and §24-65.5-103, the Outline Development Plan shall have submitted with it certification that the notice of the application has been sent to the mineral estate owners, and shall include the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of an application have been sent as their names may appear upon the plats or records in the County Clerk and Recorder’s office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

4. **Phasing**

   If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies as a part of the development application.

5. **Procedure**

   Figure 4-16 identifies the application steps from which apply to the review of Outline Development Plan and Rezone applications. Additions or modifications to the general review procedures are noted below.
6. Approval Criteria

In evaluating the proposed request, all of the following criteria shall be considered:

a. The proposed Outline Development Plan is in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104;

b. The Outline Development Plan is necessary to address a unique situation or represents a substantial benefit to the County, based on the Purposes set out in Section 1.05;

c. The Outline Development Plan complies with the PUD regulations of Section 5.05 A.;

d. The proposal mitigates any potential adverse impacts to the maximum extent practical; and

e. Public facilities and services shall be available upon completion of the project to serve the subject property, while maintaining adequate levels of service to existing development.

7. Effect of Outline Development Plan Approval

Outline Development Plans shall be approved concurrently with PUD Rezonings. No Outline Development Plan may be approved without a PUD Rezoning, and no PUD Rezoning application may be approved until an Outline Development Plan for the development has been approved. Approval of an Outline Development Plan shall constitute acceptance of the uses, maximum development intensities, and general layout proposed for the PUD development. As such, the Outline Development Plan shall govern the preparation of the required Final Development Plan. The approved Outline Development Plan shall be filed with the Community Development Director and shall become effective upon dissemination to the public and appropriate agencies.
Development Plan shall be supported by the project final design. Should the Outline Development Plan prove unbuildable or otherwise not feasible based on the final PUD Plans, the Outline Development Plan must be revised to reflect the limitations identified in the design of the final PUD Plans.

8. **Lapse of Outline Development Plan Approval**

An approved Outline Development Plan shall lapse and be of no further force and effect if a complete Final PUD Plan application for the PUD or a phase of the PUD has not been submitted within one (1) year of the date of Outline Development Plan approval by the Board of County Commissioners. One (1) extension of time up to eighteen (18) months may be approved by the Director upon review of a written request when deemed necessary to resolve review comments or due to unforeseen circumstances. In the event that approval lapses, the Outline Development Plan shall be of no effect, and the property may be developed only in accordance with the regulations of the underlying base zoning district. In the event of lapse of approval, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder, and initiate action to rezone the property to a zoning district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 4.15.

9. **Appeal**

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

**D. Final Plan**

After approval of an Outline Development Plan, a Final Plan application may be submitted.

1. **Procedure**

   Figure 4-17 identifies the application steps which apply to the review of Final Plan applications. Additions or modifications to the general review procedures are noted below.

   **Figure 4-17: Summary of the Final Plan Procedure**

   - **Pre-Application Meeting (STEP 1)**: The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A).
   - **Application Submittal (STEP 2)**: The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.
   - **Application Review (STEP 3)**: The Community Development Director shall distribute the application to the appropriate review agencies.
   - **Required Notice (STEP 4)**: Notice shall be published, mailed and posted in accordance with the requirements of Section 3.02 D.
   - **Community Development Director Action (STEP 5)**: The Community Development Director shall make a decision based on the Approval Criteria under Section 4.12 D.2. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

2. **Approval Criteria**

   In evaluating the proposal, the request shall be consistent with the approved Outline Development
A Final Plan is deemed to be consistent with the approved Outline Development Plan when:

a. The locations of connections to public roads and adjacent properties are not altered. Internal vehicle and pedestrian circulation may be modified;

b. Drainage and detention facility locations are retained within the general areas identified in the approved Outline Development Plan;

c. All applicable requirements of this LDC are met; and

d. Other modifications are determined by the Director to be consistent with the approved Outline Development Plan.

3. Time Frames
The Final Plan shall be approved within one (1) year of the date of submittal. One (1) extension of one (1) year may be approved by the Director upon review of a written request.

4. Appeal
Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

E. Final Plat
A Final Plat application shall be submitted for a PUD when subdivision of the property is required.

1. Public Improvements/Development Improvements Agreements
Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Section 4.05.

2. Application Filing
Final Plat applications shall be submitted to the Director.

3. Director’s Action
The Director shall review each Final Plat application, and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plan.

4. Acceptance of Improvements
Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

5. Recording; Lapse of Approval
If the approved Final Plat or Site Development Plan is not recorded with the Clerk and Recorder of Mesa County within three (3) years of the date of approval of the Final Plat, the Outline Development Plan and Final Plans shall lapse and be of no further effect. Two (2) one (1) year extensions of time may be approved by the Director upon review of a written request when deemed necessary due to unforeseen circumstances. If approval lapses, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

6. Corrections for Errors or Omissions for Minor Changes to Recorded Plats
If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, whereupon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Community Development Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

7. Appeal
Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

F. Expiration of Previously Approved Planned Unit Developments
If an Official Development Plan for a PUD that was approved before the effective date of this LDC (May 1, 2000) lapses or has lapsed prior to adoption of this LDC, the subject property shall be governed by the
regulations of the zoning district that existed on the property immediately before approval of the PUD. Applications to rezone such property to a zoning district that is consistent with the Mesa County Master Plan shall be accepted without the payment of a fee. If a previously approved Official Development Plan expires, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder. Within five (5) years of recording of such an affidavit, the Director shall initiate action to rezone the property to a zoning district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 4.15.

SECTION 4.13 | PROPERTY LINE ADJUSTMENTS

A. Applicability
This subsection applies to Property Line Adjustments between adjacent parcels whether the parcels are platted or unplatted.

B. Procedure
Figure 4-18 identifies the application steps which apply to the review of Property Line Adjustment applications. Additions or modifications to the general review procedures are noted below.

C. Eligibility:
1. Properties must be of sufficient size to allow for installation of a waste water system;
2. Minimum lot frontage as stated in Chapter 5, is not required if legal access to a public road for all parcels or lots resulting from the Property Line Adjustment is provided; and

D. Approval Criteria
In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:
1. Street locations shall not be changed; and
2. The proposal will not create a nonconformity nor increase the degree to which any structure is nonconforming.
E. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

SECTION 4.14 | REGISTER OF HISTORIC LANDMARKS

A. Applicability

The Mesa County Register of Historic Landmarks is established to recognize the historic, architectural and cultural heritage of Mesa County; to increase public appreciation of Mesa County’s unique heritage; and to enable owners of Historic Resources in the County to take advantage of opportunities, benefits and programs that may be available to assist in the recognition and preservation of the historic properties. Designation as a Historic Landmark will not impart additional regulatory control over the development of historic properties, i.e., the design of additions, alterations or new construction, or demolition, with respect to impacts on historic character or integrity.

B. County Register of Historic Landmarks Established

1. The County Register of Historic Landmarks (County Register) is hereby established, and is contained in Appendix G of this LDC. Historic buildings, structures, sites, objects or districts may be listed on the County Register upon designation by the Board of County Commissioners.

2. All properties listed on the National Register of Historic Places or the State Register of Historic Properties are eligible for inclusion on the County Register but are not designated until approval is obtained pursuant to the requirements of this Section.

C. Designation of Historic Structures, Sites and Districts

1. The Board of County Commissioners pursuant to this LDC:
   a. May designate as historic an individual building, structure, site, object or other feature, or an integrated group of structures or features on a lot or site, having a special historical, architectural or cultural value, subject to the qualifications listed in Section 4.14 E; or
   b. May designate as a historic district an area containing a number of buildings, structures or sites having a special historical, architectural or cultural value, subject to the qualifications listed in Section 4.14 E.

2. Each such designation shall include a description of the characteristics of the building, structure, site, object or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the building, structure, site, object or district.

3. No individual structure or site shall be designated without the consent of all owners of record. Historic Districts may be designated with the consent of the owners of record of at least sixty (60) percent of the contributing properties.

4. Properties within municipalities may be listed on the County Register, following consultation and coordination with the municipality. The listing of properties within municipalities on the County Register shall not confer on Mesa County the authority to regulate the land use or grant any development approvals or permits for those properties, except where otherwise allowed by law.

D. Procedure

Figure 4.19 identifies the application steps which apply to the review of Registration of Historic Places applications. Additions or modifications to the general review procedures are noted below.
E. Designation Criteria

In order to be listed on the County Register of Historic Landmarks, buildings, structures, sites or objects must be at least fifty (50) years old. Contributing sites within a Historic District must be at least fifty (50) years old. Buildings, structures, sites, objects and districts less than fifty (50) years in age may be designated only if deemed to be of exceptional historical, architectural or cultural importance.

1. Approval Criteria

   In designating a building, structure, site, object or district as a Historic Landmark, a finding shall be made that the designation satisfies one or more of the following criteria for historical, architectural or cultural significance:

   a. Represents a specific architectural style or period;
   b. Represents a unique example of a structure or building type;
   c. Represents an innovation in construction, materials, or design;
   d. Demonstrates superior craftsmanship or high artistic value;
   e. Is an example of the work of a master architect or builder;
   f. Represents the built environment of a group of people in an era of history;
   g. Is associated with a significant historic event;
   h. Is associated with a notable person or the work of a notable person;
   i. Exemplifies the cultural, political, economic, or social heritage of the community, region, state or
j. Is an established and familiar natural setting or visual feature of the County; and/or
k. Has the potential to make an important contribution to the knowledge of the area's history or pre-history.

2. Physical Integrity

Each property shall also be evaluated based on physical integrity using one or more of the following criteria:

a. Retains original design features, materials and/or character;
b. Is in the original location or in the same historic context if it has been moved; or
c. Has been accurately reconstructed or restored.

3. Historic Districts

a. For the purposes of this Section, a Historic District is a geographically definable area including a concentration, linkage or continuity of buildings, structures, sites and/or objects. A Historic District is related by a pattern of either physical elements or social and cultural activities.
b. Significance is determined by applying the criteria of Section 4.14 E.1, above, to the pattern and unifying elements.
c. Properties that do not contribute to the significance of the Historic District may be included within the boundaries so long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements shall be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.
d. Historic District boundaries shall be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.

F. Revocation or Amendment of Designation

1. Revocation of Historic Landmark Designation

If a building, structure, object or special feature on a designated site has been altered so as to negate the features necessary to retain designation, the owner may apply for a revocation of the designation. The Director or the Planning Commission may recommend revocation of the designation to the Board of County Commissioners in the absence of the owner's application to do so. If a designated building, structure or object is moved or demolished, the designation shall, without application or notice, be terminated by resolution of the Board of County Commissioners. If moved, a new application for designation at the new location must be made in order for designation to be considered.

2. Revocation or Amendment of Historic District Designation

a. If a significant number of contributing properties within a historic district have been altered, moved, and/or demolished so as to diminish the concentration, linkage or continuity necessary to retain the integrity of the district, an application to amend or revoke the historic district designation may be submitted by the owners of record of sixty (60) percent of the contributing properties. The Director or the Planning Commission may recommend revocation of the designation to the Board of County Commissioners in the absence of the owners' application to do so.
b. With the consent of the owners of record of sixty (60) percent of the contributing properties, the Board may amend the boundaries of the historic district to exclude the properties that no longer contribute to the historic district or may amend the description of the historic district to remove those features or properties that no longer contribute to the district. The approval criteria for designation of a historic district as set forth in Section 4.14 E. shall be used when considering an amendment of a historic district.

3. Action

The Director shall prepare a resolution for revocation or amendment for adoption by the Board of County Commissioners, which shall be filed with the Planning and Economic Development Department and recorded by the Clerk and Recorder of Mesa County. Upon adoption of the resolution to revoke or amend a designation, the Director shall cause notice to be sent to the property
owner(s) and shall amend the Register.

G. Appeals
Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.15 | REZONINGS (ZONING MAP AMENDMENTS)

A. Applicability
Amendments to the Mesa County Zoning Map shall be made in accordance with the provisions of this Section.

B. Procedure
Figure 4-20 identifies the application steps which apply to the review of Rezoning applications. Additions or modifications to the general review procedures are noted below.

C. Approval Criteria
In evaluating the proposed request, the General Approval Criteria under Section 3.09, the stated purpose of the proposed zoning district and the following shall be considered:

1. The rezoning is consistent with the Mesa County Master Plan;
2. The land to be rezoned was previously zoned in error or conditions have changed so that the rezoning is consistent with the Mesa County Master Plan; and
3. Public facilities and services are or can be made adequate to serve the types and scope of land uses allowed in the proposed zoning district.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.16 | SITE PLANS

A. Applicability

Site Plan approval, in accordance with the procedures of this section, shall be required before issuance of a building permit for any of the following:
1. Any non-residential development;
2. Any residential or agricultural development (except as described under Section 4.16 C.);
3. Any temporary use.

B. Procedure

Figure 4-21 identifies the application steps which apply to the review of Site Plan applications. Additions or modifications to the general review procedures are noted below.

1. Approval Criteria
   a. In evaluating the proposal, the request shall comply with any conditions of approval and all applicable requirements of this LDC, including, but not limited to:
      (1) The Use Regulations in Chapter 6;
      (2) Density and Dimensional Standards in Chapter 5; and
      (3) Development Standards in Chapter 8.

2. Lapse of Approval
   The right to develop in accordance with an approved Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within three (3) years of the date
of Site Plan approval.

**C. Residential/Agricultural Site Plans**

Residential/Agricultural Site Plans are applications for development of new single-family detached, duplex or agricultural land uses. Accessory buildings with a footprint of less than two hundred (200) square feet shall not require a Residential/Agricultural Site Plan approval.

1. **Review and action**
   - The Director shall review each application for Residential/Agricultural Site Plan approval, and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 4.16 C.3.

2. **Notice**
   - No notice of the application for Residential/Agricultural Site Plan is required.

3. **Approval criteria**
   - The Director shall approve a Residential/Agricultural Site Plan application if the Director determines that the proposed development will comply with any conditions of approval and all applicable requirements of this LDC, including, but not limited to, the Use Regulations in Chapter 6, Density And Dimensional Standards in Chapter 5, the Road Access Policy and Development Standards in Chapter 8.

4. **Lapse of approval**
   - The right to develop in accordance with an approved Residential/Agricultural Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within the time frame required to complete construction according to a valid building permit.

---

**SECTION 4.17 | STORMWATER CONSTRUCTION PERMIT**

**A. Applicability**

This section sets out the required review and approval procedures for Stormwater Construction Permits.

**B. Procedure**

Figure 4-22 identifies the application steps which apply to the review of Stormwater Construction Permit applications. Additions or modifications to the general review procedures are noted below.

*Figure 4-22: Summary of the Stormwater Construction Permit Procedure*

<table>
<thead>
<tr>
<th>STEP</th>
<th>Stormwater Administrator Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pre-Application Meeting</td>
</tr>
<tr>
<td>2</td>
<td>Application Submittal</td>
</tr>
<tr>
<td>3</td>
<td>Application Review</td>
</tr>
<tr>
<td>4</td>
<td>Stormwater Administrator Action</td>
</tr>
</tbody>
</table>

- **STEP 1: Pre-Application Meeting**
  - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A.).

- **STEP 2: Application Submittal**
  - A property owner or the owner’s authorized agent shall submit an application to the Stormwater Administrator. The submitted application shall include all materials specified in the checklist provided by the Stormwater Administrator.

- **STEP 3: Application Review**
  - The Stormwater Administrator shall distribute the application to the appropriate review agencies.

- **STEP 4: Stormwater Administrator Action**
  - The Stormwater Administrator shall make a decision based on the Approval Criteria under Section 17 C. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

**C. Approval Criteria**

In determining whether to approve a Stormwater Construction Permit, the Stormwater Administrator shall consider if the Construction Site shall meet the Stormwater Discharge Limitations of Section 1503.1 of the
D. Appeals

Appeals of the Stormwater Administrator’s decision on the Stormwater Construction Permit application may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.18, Appeals of Administrative Decisions.

E. Lapse of Approval

Earthwork, in compliance with the approved Stormwater Construction Permit, shall commence on a site that has an approved Stormwater Construction Permit within one (1) year from the date of issuance. If construction has not been commenced during the one (1) year period and diligently pursued, the permit shall lapse and be of no further effect. An extension of a Stormwater Construction Permit shall require review and approval of a new permit.

SECTION 4.18 | STORMWATER CONSTRUCTION PERMIT VARIANCE

A. Applicability

This section sets out the required review and approval procedures for Stormwater Construction Permit Variances. The variance from permitting does not relieve the owner from meeting discharge limitations described in the Mesa County Stormwater Management Manual, as amended and the Stormwater Regulations in Section 8.22.

B. Procedure

Figure 4-23 identifies the application steps which apply to the review of Stormwater Construction Permit Variance applications. Additions or modifications to the general review procedures are noted below.

   Figure 4-23: Summary of the Stormwater Construction Permit Variance Procedure

   Pre-Application Meeting
   STEP 1

   Application Submittal
   STEP 2

   Application Review
   STEP 3

   Stormwater Administrator Action
   STEP 4

   Board of County Commissioner Action
   STEP 5

   The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A).

   The property owner or the owner’s authorized agent shall submit an application to the Stormwater Administrator. The submitted application shall include all materials specified in the checklist provided by the Stormwater Administrator.

   The Stormwater Administrator shall distribute the application to the appropriate review agencies.

   The Stormwater Administrator shall review the request based on the Approval Criteria under Section 4.18 C, and shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

   The Stormwater Administrator shall make a decision based on the Approval Criteria under Section 4.18 C. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

C. Approval Criteria

In evaluating the proposed request, the Stormwater Regulations of Section 8.22; all technical evaluations, and the following criteria shall be considered:

1. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or enter a waterway;
2. Agricultural and silviculture activities such as home gardening and tilling a field for weed control;
3. Maintenance activities, such as re-grading a dirt road, re-landscaping a lawn, cleaning out roadside ditches, and other land disturbances that do not alter original line and grade, hydraulic capacity or original purpose;
4. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed;
5. For small construction activity (i.e.: from 1- to 5-acres of earth disturbance) based on the Rainfall Erosivity Factor (i.e.: the R Factor) (see Colorado Discharge Permits System Regulation No. 61 @ 61.3(2)(f)(ii)(B)) and duration of the exposed disturbance. To obtain a waiver from the CDPS Construction General Permit, the applicant must submit calculations to the WQCD (see “Policy on the State Approved Method for Calculating the Rainfall Erosivity Factor” in SWMM, which can be obtained in pdf form at http://www.cdphe.state.co.us/wq/permitsunit/index.html; and
6. Grading or an excavation below finished grade for basements, footings, retaining wall, or other structures provided the land disturbance is less than one (1) acre and are not part of a Larger Common Plan of Development or Sale.

D. Appeals

Appeals of the Stormwater Administrator’s decision on the Stormwater Construction Permit Variance application may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02, Appeals of Administrative Decisions.

SECTION 4.19 | STORMWATER QUALITY PROGRAM EXEMPTIONS

This section sets out exemptions from the stormwater quality program. The exemption from permitting does not relieve the owner from meeting discharge limitations described in the Mesa County Stormwater Management Manual, as amended and the Stormwater Regulations in Section 8.22.

A. The following activities are considered exempt:

1. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or entering waters of the state.
2. Agricultural and silviculture activities such as home gardening and tilling a field for weed control.
3. Maintenance activities, such as re-grading a dirt road, re-landscaping a lawn, cleaning out roadside ditches, and other land disturbances that do not alter original line and grade, hydraulic capacity or original purpose.
4. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed.
5. Grading or an excavation below finished grade for basements, footings, retaining wall, or other structures provided the land disturbance is less than one (1) acre and are not part of a Larger Common Plan of Development or Sale.

SECTION 4.20 | VACATION OF RIGHTS-OF-WAY AND RENAMING OF STREETS

A. Applicability

The procedures of this section shall apply to the vacation of any right-of-way providing access to property and to the renaming of streets.

B. Procedure

Figure 4-24 identifies the application steps which apply to the review of a Vacation of Rights-of-Way or Renaming of Streets application. Additions or modifications to the general review procedures are noted below.
C. Approval Criteria

1. Rights-of-way Vacations
   a. In evaluating the proposal, the request shall not:
      (1) Create any landlocked parcels or restrict access to any parcel so that access is unreasonable or economically prohibitive;
      (2) Negatively impact adjacent properties;
      (3) Reduce the quality of public services to any parcel of land or negatively affect utility access or utility distribution networks;
      (4) Be inconsistent with any adopted transportation plan;
      (5) Affect the historic movement of livestock; or
      (6) Create a circuitous alternate route for area residents or other members of the public;
   b. A vacation of a rights-of-way may be approved on a Subdivision Plat as long as the above criteria are met, and:
      (1) The rights-of-way being vacated is entirely within the plat being created; and
      (2) Existing utilities are accommodated with sufficient easements.

2. Street Renaming
   In evaluating a proposal to rename a street, all of the following criteria must be met:
   a. The proposed new name for the street is not similar to the name of an existing street in the County
or any town or city in the County that it would create public confusion as to the location of the street; and
b. The proposed renaming will not otherwise create any continuing confusion to drivers, public safety personnel, or area residents as to the location of the street.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.21 | WRITTEN INTERPRETATIONS

A. Applicability

When clarification is requested, the Director shall be authorized to make written interpretations concerning any section of this LDC.

B. Procedure

Figure 4-25 identifies the application steps which apply to the review of a request for Written Interpretation. Additions or modifications to the general review procedures are noted below.

Figure 4-25: Summary of the Written Interpretation Procedure

- **STEP 1** Pre-Application Meeting
  - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A.).

- **STEP 2** Application Submittal
  - A property owner or the owner’s authorized agent shall submit an application to the Community Development Director.

- **STEP 3** Community Development Director Action
  - Within thirty (30) days, the Community Development Director shall render a final interpretation of the request and place the interpretation in the official record of interpretations.

C. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

SECTION 4.22 | ZONING VARIANCES

A. Applicability

1. The Board of Adjustment is authorized to grant variances from the dimensional standards and the off-street parking and loading standards of this LDC.
2. No variance shall be granted which is a use variance and has the practical effect of rezoning property to a higher intensity of use than the district in which the property is located.

B. Use Variances Prohibited

No variance shall be approved that has the effect of allowing a use that is not allowed in the subject zoning district.

C. Procedure

Figure 4-26 identifies the application steps which apply to the review of Zoning Variance applications.
Additions or modifications to the general review procedures are noted below.

Figure 4-26: Summary of the Zoning Variance

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (Section 3.02 A.).

The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies.

Notice shall be published, mailed and posted in accordance with the requirements of Section 3.02 D.

The Community Development Director shall review the request based on the Approval Criteria under Section 4.22 D., and shall prepare a staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

The Board of Adjustment shall make a decision based on the Approval Criteria under Section 4.22 D. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

D. Approval Criteria

In evaluating the proposed request, all of the following criteria must be met:

1. The requested Variance is consistent with the Purposes set out in Section 3.09 of this LDC;
2. There are special circumstances or conditions (such as exceptional topographic conditions, narrowness, shallowness, or the shape of the property) that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the area;
3. The special circumstances and conditions that account for the need for a Variance are not the result of the owners’ actions;
4. The special circumstances and conditions are such that the strict application of the provisions of this LDC would result in peculiar and practical difficulties to, and exceptional and undue hardship upon, the use of the land or building;
5. The granting of the Variance is the minimum necessary to relieve the applicant of the practical difficulties and exceptional and undue hardship in the use of the land or building; and
6. The granting of the Variance will not have an adverse impact upon the properties located within the written notification area defined in Section 3.02 D.

E. Approval Criteria for Accessory Dwellings

In evaluating the proposed request, the above criteria and all of the following criteria must be met:

1. The available building area of the property, as shown on a survey or site analysis map submitted by the applicant, would allow the construction of the proposed accessory dwelling, including adequate
space for a septic system and replacement septic system as required by Mesa County;

2. Except for maximum size, the proposed accessory dwelling will meet all applicable requirements of the LDC;

3. 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; and

4. Notice of the requirements and restrictions pertaining to the accessory dwelling will be provided to potential future owners by recording the variance approval resolution in the public records of the Mesa County Clerk and Recorder.

F. Structure Height Approval Criteria

In evaluating a proposal for a variance to the height limitations of a zone district, the request must demonstrate that:

1. The strict application of the provisions of this LDC would result in practical difficulties to, and exceptional and undue hardship upon, the proposed use, and

2. The proposal is compatible with features in the area such as vegetation, topography or similar structures and

3. The proposal will not have an adverse impact upon the properties located within the written notification area defined in Section 3.02 D. of the Code.

Proposals must address measures to blend the structure into the existing landscape and skyline and provide visual representation of such mitigation.

G. Appeals

Appeals of decisions of the Board of Adjustment shall be made to the courts, as provided by law.
CHAPTER 5 | ZONING DISTRICTS

This chapter establishes Mesa County zoning districts and contains statements of purpose, density and dimensional standards, each of the district’s future land use classification compatibility and overlay standards. The Consolidated Zoning District Map and the Master Plan Future Land Use Plan Map are maintained in the Community Development Department of Mesa County.

SECTION 5.01 | RURAL ZONING DISTRICTS

The following Districts shall be known as Rural Zoning Districts. These districts are generally appropriate for application in the Rural Planning Area.

A. Agricultural and Forestry District (AF-35)

The Agricultural and Forestry District is primarily intended to provide for the protection and continuation of agriculture and forestry operations, and the preservation of environmentally sensitive lands, while allowing very low-density single-family residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF-35</td>
<td>1/35 Acres</td>
<td>35 Acres</td>
<td>600'</td>
<td>20</td>
<td>50/55</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

B. Agricultural, Forestry, Transitional District (AFT)

The Agricultural, Forestry, Transitional District is primarily intended to accommodate agricultural operations and very low-density single-family residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFT</td>
<td>Section 7.02</td>
<td>130'</td>
<td>20</td>
<td>50/50 (20/25)</td>
<td>10/10</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

SECTION 5.02 | URBAN RESIDENTIAL ZONING DISTRICTS

The following Districts shall be known as Urban Residential Zoning Districts. These districts are generally appropriate for application in the Urban Development Boundary of the Grand Junction Comprehensive Plan, in Rural Communities, and near municipalities.

A. Residential Single Family - Rural District (RSF-R)

The Residential Single Family - Rural District is primarily intended to accommodate low-intensity agricultural operations and very low-density single-family uses on large parcels. The district is appropriate for application in areas where very low-density, rural character development is desired, or where terrain, environmental resources or the absence of public facilities and services necessitates very low-intensity development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-R</td>
<td>1/5 Acres</td>
<td>5 Acres</td>
<td>150'</td>
<td>50</td>
<td>50/50 (20/25)</td>
<td>10/10</td>
<td>n/a</td>
</tr>
</tbody>
</table>

B. Residential Single Family - Estate District (RSF-E)

The Residential Single Family - Estate District is primarily intended to accommodate low-density, estate-type, single-family residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-E</td>
<td>Section 7.03</td>
<td>1 Acre</td>
<td>100'</td>
<td>20/25</td>
<td>25/10</td>
<td>25%</td>
<td>n/a</td>
</tr>
</tbody>
</table>

84
C. **Residential Single Family - 1 District (RSF-1)**

The Residential Single Family - 1 District is primarily intended to accommodate low density, single-family residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>20%</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

D. **Residential Single Family - 2 District (RSF-2)**

The Residential Single Family - 2 District is primarily intended to accommodate medium-low density, single-family and duplex residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>30%</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

E. **Residential Single Family - 4 District (RSF-4)**

The Residential Single Family - 4 District is primarily intended to accommodate medium-density, single-family and duplex residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-4</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>50%</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

F. **Residential Multi Family - 5 District (RMF-5)**

The Residential Multi Family - 5 District is primarily intended to accommodate medium-density single-family, duplex, and low-density multi-family residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-5</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td>60%</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

G. **Residential Multi Family - 8 District (RMF-8)**

The Residential Multi Family - 8 District is primarily intended to accommodate medium-high density single-family, duplex and multi-family residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-8</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td>70%</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

H. **Residential Multi Family - 12 District (RMF-12)**

The Residential Multi Family - 12 District is primarily intended to accommodate medium-high density duplex, multi-family residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-12</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td>75%</td>
<td>n/a</td>
<td>60</td>
</tr>
</tbody>
</table>
I. Residential Multi-Family - 16 District (RMF-16)

The Residential Multi-Family - 16 District is primarily intended to accommodate medium to high-density multi-family residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-16</td>
<td>16</td>
<td>12</td>
<td>n/a</td>
<td>30’</td>
<td>20/25</td>
<td>5/3/10</td>
<td>75%</td>
</tr>
</tbody>
</table>

J. Residential Multi-Family - 24 District (RMF-24)

The Residential-Multi-Family District is primarily intended to accommodate high-density multi-family residential development.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-24</td>
<td>24</td>
<td>16</td>
<td>n/a</td>
<td>30’</td>
<td>20/25</td>
<td>5/3/10</td>
<td>80%</td>
</tr>
</tbody>
</table>

K. Mixed Use - Residential - (MU-R)

The Mixed Use - Residential District is primarily intended to accommodate a mix of high-density multi-family residential and commercial uses. The Mixed Use Residential District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential and retail/service uses in close proximity to each other.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU-R</td>
<td>12</td>
<td>n/a</td>
<td>30’</td>
<td>20/25</td>
<td>15/5/10</td>
<td>50/7.5/2.5</td>
<td>100</td>
</tr>
</tbody>
</table>

L. Urban Residential Reserve District (URR)

The Urban Residential Reserve District is primarily intended to accommodate low density, single-family residential development. Subdivided lots are grouped together with a larger building lot “reserved” for future urban development when public sewer and other urban infrastructure/services are available to serve the subdivision in the reasonable foreseeable future.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory²</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>URR</td>
<td>1/2 Acres</td>
<td>n/a</td>
<td>100’</td>
<td>20/25</td>
<td>15/5/2.5</td>
<td>50%</td>
<td>35</td>
</tr>
</tbody>
</table>

M. Density and Dimensional Standards Footnotes

1Minimum street frontage on cul-de-sac reduced to thirty (30) feet.

2Where rear lot lines are adjacent to a Utility or Landscape Outlot, the street setback(s) of the principal structure may be reduced to fourteen (14) feet, excluding the setback for a garage with doors facing any street.

3If the property is located within the Fruita Buffer (Cooperative Planning Area) south of the Colorado River, the minimum lot size shall be no less than two (2) acres.

SECTION 5.03 | URBAN NONRESIDENTIAL ZONING DISTRICTS

The following Districts shall be known as Urban Nonresidential Zoning Districts.

A. Residential Office District (R-O)

The Residential Office District is primarily intended to accommodate very low-intensity office uses on small sites in or near residential areas, or between residential and commercial areas. The district regulations are
intended to ensure that the scale and character of uses do not adversely affect nearby residential areas.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B-1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C-1</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>C-2</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>I-1</strong></td>
<td></td>
<td>8</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40/65</td>
</tr>
</tbody>
</table>

B. Limited Business District (B-1)

The Limited Business District is primarily intended to accommodate low-intensity neighborhood service and office uses that are compatible with the scale and character of residential neighborhoods.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B-1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C-1</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>C-2</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>I-1</strong></td>
<td></td>
<td>8</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40/65</td>
</tr>
</tbody>
</table>

C. Concentrated Business District (B-2)

The Concentrated Business District is primarily intended to accommodate concentrated retail, service, and office uses in community downtown settings. The district is not intended for major shopping centers or large outdoor sales areas. Pedestrian circulation is encouraged within the B-2 District through the use of flexible parking requirements and design standards.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B-1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C-1</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>C-2</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>I-1</strong></td>
<td></td>
<td>8</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40/65</td>
</tr>
</tbody>
</table>

D. Limited Commercial District (C-1)

The Limited Commercial District is primarily intended to accommodate retail, service, and office uses conducted entirely indoors. The district promotes well-designed development on sites that provide excellent transportation access.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B-1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C-1</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>C-2</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>I-1</strong></td>
<td></td>
<td>8</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40/65</td>
</tr>
</tbody>
</table>

E. General Commercial District (C-2)

The General Commercial District is primarily intended to accommodate moderate- to high-intensity commercial uses, which may include outdoor display or storage.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B-1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C-1</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>C-2</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>I-1</strong></td>
<td></td>
<td>8</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40/65</td>
</tr>
</tbody>
</table>

F. Limited Industrial District (I-1)

The Limited Industrial District is primarily intended to accommodate light manufacturing uses within enclosed structures or developments that provide for a mix of office, light industrial, and limited retail and service uses in attractive, business park settings.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B-1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C-1</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>C-2</strong></td>
<td></td>
<td>16</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40</td>
</tr>
<tr>
<td><strong>I-1</strong></td>
<td></td>
<td>8</td>
<td>14/14</td>
<td>0/0/0</td>
<td>80%</td>
<td>n/a</td>
<td>40/65</td>
</tr>
</tbody>
</table>

G. General Industrial District (I-2)

The General Industrial District is primarily intended to accommodate areas of heavy and concentrated fabrication, manufacturing and industrial uses. The district is appropriate for application in areas that will not be adversely affected by the impacts of such activities, or where such impacts can be minimized to
the maximum extent practical.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max</td>
<td>Min</td>
<td>Area</td>
<td>Width</td>
<td>Max</td>
</tr>
<tr>
<td>I-2</td>
<td>8</td>
<td>n/a</td>
<td>1 Acre</td>
<td>n/a</td>
<td>14/14</td>
</tr>
</tbody>
</table>

H. **Mixed Use - Commercial District (MU-C)**

The Mixed Use - Commercial District is primarily intended to accommodate a mix of commercial and high-density multi-family residential uses. The MU-C District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The MU-C District also permits a mix of residential and retail/service uses in close proximity to each other.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU-C</td>
<td>12</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 5.05 H.

I. **Mixed Use - Old Town Clifton District (MU-OTC)**

The Mixed Use - Old Town Clifton District is primarily intended to accommodate a mix of residential and commercial uses. The MU-OTC District is intended to ensure the Old Town Clifton Planning Area will become a mixed-use community and remain an attractive environment for business, offices, services and housing. It accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The MU-OTC District also permits a mix of residential and commercial uses in close proximity to each other. Development in the MU-OTC District is subject to the mandatory design standards in Appendix C of this LDC.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Size (net)</th>
<th>Minimum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU-OTC</td>
<td>12</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

See Appendix C – Old Town Clifton Mixed Use District and Design Standards
The following Table shows which zoning district(s) appropriately implement(s) a given future land use classification of the Mesa County Master Plan. An “X” indicates that the zone district implements the corresponding future land use classification and is therefore an appropriate zone within that designated area on the Future Land Use Plan Map. The absence of an “X” indicates that the zone district is not an appropriate zone and therefore should not be allowed.

### TABLE 5-1: FUTURE LAND USE CLASSIFICATIONS - GRAND JUNCTION COMPREHENSIVE PLAN AREA

<table>
<thead>
<tr>
<th>GRAND JUNCTION AREA</th>
<th>WHITewater AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NON-URBAN</td>
<td>NON-URBAN</td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td>RESIDENTIAL</td>
</tr>
<tr>
<td>NON-RESIDENTIAL</td>
<td>MIXED USE</td>
</tr>
<tr>
<td>MIXED USE</td>
<td>OTHER</td>
</tr>
<tr>
<td>OTHER</td>
<td>NON-URBAN</td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td>NON-RESIDENTIAL</td>
</tr>
<tr>
<td>MIXED USE</td>
<td>OTHER</td>
</tr>
</tbody>
</table>

**ZONING DISTRICTS TO IMPLEMENT THE MESA COUNTY FUTURE LAND USE PLAN**

1. **RURAL**
   - LARGE LOT 35*
     - AF35: X X
   - AF1: X X X
   - URR: X
   - RSF-R: X
   - RSF-E: X X
   - RSF-I: X X
   - RSF-2: X X
   - RSF-4: X X
   - RRM-S: X
   - RMF-8: X X
   - RMF-12: X X X X
   - RMF-16: X
   - RMF-24: X X X X
   - MU-R: X X
   - R-O: X X X
   - B-1: X X X X X X
   - B-2: X
   - C-1: X
   - C-2: X X
   - I-1: X X X
   - I-2: X
   - MU-C: X
   - MU-OTC: X
   - OL: X

2. **URBAN RESIDENTIAL**
   - AF35: X
   - AF1: X X X
   - URR: X
   - RSF-R: X
   - RSF-E: X X
   - RSF-I: X X
   - RSF-2: X X
   - RSF-4: X X
   - RRM-S: X
   - RMF-8: X X
   - RMF-12: X X X X
   - RMF-16: X
   - RMF-24: X X X X
   - MU-R: X X
   - R-O: X X X
   - B-1: X X X X X X
   - B-2: X
   - C-1: X
   - C-2: X X
   - I-1: X X X
   - I-2: X
   - MU-C: X
   - MU-OTC: X
   - OL: X

3. **NON RESIDENTIAL / MIXED USE**
   - AF35: X
   - AF1: X X X
   - URR: X
   - RSF-R: X
   - RSF-E: X X
   - RSF-I: X X
   - RSF-2: X X
   - RSF-4: X X
   - RRM-S: X
   - RMF-8: X X
   - RMF-12: X X X X
   - RMF-16: X
   - RMF-24: X X X X
   - MU-R: X X
   - R-O: X X X
   - B-1: X X X X X X
   - B-2: X
   - C-1: X
   - C-2: X X
   - I-1: X X X
   - I-2: X
   - MU-C: X
   - MU-OTC: X
   - OL: X

4. **OTHER**
   - AF35: X
   - AF1: X X X
   - URR: X
   - RSF-R: X
   - RSF-E: X X
   - RSF-I: X X
   - RSF-2: X X
   - RSF-4: X X
   - RRM-S: X
   - RMF-8: X X
   - RMF-12: X X X X
   - RMF-16: X
   - RMF-24: X X X X
   - MU-R: X X
   - R-O: X X X
   - B-1: X X X X X X
   - B-2: X
   - C-1: X
   - C-2: X X
   - I-1: X X X
   - I-2: X
   - MU-C: X
   - MU-OTC: X
   - OL: X

---

1. Rural designation is outside Urban Development Boundary, except in Whitewater and Redlands areas.
2. Zoning and policies to implement future land use to be determined for Mt. Garfield View Preservation.
3. Orchard Mesa Land Overlay is available to lots (10+ ac.) that are generally on Orchard Mesa located north of US 50, south of the Colorado River, east of Persigo area, west of 33 Road.

Note: Airport Industrial Reserve will be implemented by Annexation into Grand Junction. The Downtown Mixed Use in the Plan is located entirely within the City of Grand Junction.
## TABLE 5-2: FUTURE LAND USE CLASSIFICATIONS RURAL COMMUNITIES AND PLANNING AREAS

<table>
<thead>
<tr>
<th>ZONING DISTRICTS TO IMPLEMENT THE MESA COUNTY FUTURE LAND USE PLAN</th>
<th>RURAL COMMUNITIES</th>
<th>RURAL PLANNING AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mack</td>
<td>Gateway</td>
</tr>
<tr>
<td><strong>INDUSTRIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Core Area (Rural Community)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Preservation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civic Existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Density Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gateway Area B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estate (2.5 Acres)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed Use Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed Use Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Street Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Low to Residential Medium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mesa Powderhorn Plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fruita Greenway Business Park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Residential Preserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Single Family Estates (2 AC)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Residential - 3 (3 AC)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fruita 2011 10 AC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fruita 2010 10 AC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Orchard Mesa 10 AC (EOM 10)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Agricultural 17 AC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Agricultural 20 AC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Agricultural 35+ AC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large Lot Rural Agricultural (Buffer)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Planning Area (Buffer)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### RURAL RESIDENTIAL

<table>
<thead>
<tr>
<th>Zone</th>
<th>Mack</th>
<th>Gateway</th>
<th>Loma</th>
<th>Mesa Powderhorn</th>
<th>Other</th>
<th>RURAL MESA COUNTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF35</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>AFT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

### URBAN RESIDENTIAL

<table>
<thead>
<tr>
<th>Zone</th>
<th>Mack</th>
<th>Gateway</th>
<th>Loma</th>
<th>Mesa Powderhorn</th>
<th>Other</th>
<th>RURAL MESA COUNTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>URR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>RSF-E</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>RSF-1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RSF-2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RSF-4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RSF-5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>RMF-12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MU-R</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### MIXED USE

<table>
<thead>
<tr>
<th>Zone</th>
<th>Mack</th>
<th>Gateway</th>
<th>Loma</th>
<th>Mesa Powderhorn</th>
<th>Other</th>
<th>RURAL MESA COUNTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-2</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I-1</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I-2</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MU-C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

### OVERLAY ZONES

<table>
<thead>
<tr>
<th>Zone</th>
<th>Mack</th>
<th>Gateway</th>
<th>Loma</th>
<th>Mesa Powderhorn</th>
<th>Other</th>
<th>RURAL MESA COUNTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mack Tier 1</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mack Tier 2</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gateway A</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Gateway B</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Village of Mesa</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

1. Zoning and policies to implement future land use to be determined for Recreational Commercial
2. PUD zoning has implemented Powderhorn Sub-Area
SECTION 5.05 | SPECIAL PURPOSE ZONING DISTRICTS

A. Planned Unit Development District (PUD)

The Planned Unit Development District is intended to encourage innovative land planning and site design concepts that implement and are in general conformity with the Mesa County Master Plan.

1. Developer's Statement of Intent

Each Outline Development Plan application shall contain a statement describing how the proposed development departs from the otherwise applicable standards of this LDC, and how the proposed development, on balance, is an improvement over what would be required under otherwise applicable standards.

2. Review and Approval Procedures

PUDs shall be reviewed and approved in accordance with the procedures of Section 4.12.

3. Use Regulations

The Board of County Commissioners shall determine the types of uses allowed within a PUD at the time of Outline Development Plan approval. Only uses that are in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, may be allowed within a PUD, and should generally be limited to uses allowed in the underlying Zoning District.

4. Development Intensity

The total number of dwelling units and level of nonresidential development allowed within a PUD shall be in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, and shall not exceed the level that can be adequately served by public facilities. The Director may require a traffic impact study or other infrastructure capacity analysis to provide information on the development's expected impacts on existing and planned facilities.

5. Other Standards

Otherwise applicable standards of this LDC may be modified by the Board of County Commissioners as part of the approval of a PUD, if modifications are in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, and if the development is found to be an improvement over what would be required under otherwise applicable standards.

B. Orchard Mesa Open Land Overlay District (OL)

1. Purpose

The Orchard Mesa Open Land Overlay District is intended to encourage preservation of open space, sensitive natural areas, irrigated agricultural lands and the rural character.

2. Orchard Mesa Open Land Overlay District

Orchard Mesa Open Land Overlay District referred to in this LDC is on file at the Public Works Department. The Orchard Mesa Open Land Overlay District is incorporated by this reference as if fully set forth.

3. Relationship to Underlying Zoning

Property owners shall have the option of developing in accordance with the underlying zoning or with the OL District standards of this section.

4. Standards

a. The OL Overlay District is applicable only to tracts of land ten (10) acres or larger in size.

b. Developments that use the OL Overlay District standards shall be required to retain a minimum of fifty percent (50) of the development tract in open land, and group dwellings in clusters.

c. A maximum density of one (1) dwelling unit per two and a half (2.5) gross acres is allowed.

d. Permitted uses of the open land shall be determined by the Board of County Commissioners and.
may include but shall not be limited to:

(1) Agricultural uses;
(2) Conservation of open land in natural state;
(3) Passive recreation areas (trails, community gardens, lawn, picnic areas, etc.);
(4) Active recreation areas;
(5) Easements for drainage, access, sewer or water lines, stormwater management facilities;
(6) Parking for active recreation areas (ten (10) or fewer spaces); or
(7) “Homestead lots” that are at least five acres in size, of which a maximum of one acre may be developed with a single-family dwelling and accessory uses. The undeveloped portion of the lot may be counted toward the minimum fifty (50) percent open land requirement for the development, and must be restricted from future development and further subdivision by an open space easement. Dwellings on homestead lots count toward the maximum density permitted on a tract.

e. Above ground utilities and road rights-of-way areas may not be counted toward the required fifty (50) percent minimum open land requirement.

f. Designated open land should maximize common boundaries with open land on adjacent tracts.

g. Safe and convenient pedestrian access shall be provided to open lands where appropriate. Access to land used for agriculture may be restricted. Public access is not necessarily required and should be determined on a case by case basis.

h. Use of motorized vehicles within designated open land is prohibited except within approved driveways and parking areas. Maintenance, law enforcement, emergency, and farm vehicles are permitted, as needed.

i. Design of the development shall be such that natural features are generally maintained in their natural condition. Permitted modifications may include: buffer area landscaping, revegetation, streambank, riparian, wetlands protection and management.

j. All developments utilizing the OL Overlay Zone shall include provisions to ensure the designated open space remains in open land. The recorded subdivision plat for the development shall indicate the designated open land is to remain open land as an open space easement. Deed restrictions may be required for designated tracts of open land. Use of conservation easements is encouraged where appropriate.

k. All developments utilizing the OL Overlay Zone shall include provisions for the perpetual maintenance of the designated open land for appropriate uses as listed in this section (e.g. covenants for a homeowners association). All applicable weed, pest, and nuisance ordinances and regulations shall apply to all properties.

5. Residential Grouping, Design and Density

a. Developments shall be encouraged to preserve prime agricultural land to the greatest extent possible as defined by the Natural Resources Conservation Service.

b. Structures shall be located in areas least likely to block any scenic views, to the greatest extent possible.

c. An open land buffer area with a minimum width of one hundred (100) feet shall be provided between residential groupings (clusters), to the greatest extent possible.

d. A maximum density of one single-family, detached unit per two and a half (2.5) acres shall be permitted (based on gross density of the tract).

e. All lots shall be grouped into clusters of at least two and no more than twenty-five (25) lots.
f. Minimum lot sizes:
   (1) All lots utilizing Onsite Wastewater Treatment Systems (OWTS) shall meet the OWTS standards as determined by Section 8.11 of this LDC.
   (2) Minimum lot size for lots served by public sanitary sewer service shall be determined on a site specific basis through the subdivision review process, based on compatibility with surrounding land uses.

   g. All lots within clusters shall be adjacent to designated open land to the extent possible.

   h. Disturbance to mature trees and other significant vegetation shall be minimized.

   i. All new lots should access internal roads.

   j. Minimum setbacks between principal residential structures and the following designated open land uses shall be as follows:
      (1) Pasture, croplands, orchards: one hundred (100) feet
      (2) Barns and livestock buildings/pens: three hundred (300) feet
      (3) Edge of drainages, wetlands, floodplains: one hundred (100) feet
      (4) Active recreation area: one hundred fifty (150) feet

6. Other minimum setbacks for principal residential structures shall be:
   a. Street Setback:
      (1) Comply with AFT District standards
   b. Side setback:
      (1) 50 feet (lots over three acres)
      (2) 25 feet (lots over one acre and up to three acres)
      (3) 15 feet (lots one acre or less, or lot width of 150 feet or less)
   c. Rear setback:
      (1) 50 feet (lots over one acre in size)
      (2) 25 feet (lots one acre or less, or lot width of 150 feet or less)

Other bulk and use requirements of the AFT Zoning District apply where there is no conflict with the above standards.

C. Village of Mesa Overlay District

1. Purpose

   The Village of Mesa Overlay District is intended to encourage urban development where adequate services already exist; to simplify the development process in the Overlay District; to recognize the Mesa Sanitation District as the logical growth boundaries for the Mesa rural community; and to strengthen the existing village character of Mesa.

2. Village of Mesa Overlay District

   a. Village of Mesa Overlay District referred to in this LDC is on file at the Public Works Department. The Village of Mesa Overlay District is incorporated by this reference as if fully set forth. Areas annexed by the Mesa Sanitation District subsequent to the adoption of this LDC may be included in the Overlay District if approved by the Board of County Commissioners as a rezoning request pursuant to Section 4.15 of this LDC. Relationship to Underlying Zoning

   b. Property owners shall have the option of developing in accordance with the underlying zoning or with the Village of Mesa Overlay District standards of this section.
3. Standards
   a. Residential
      One (1) dwelling unit per two-thousand five hundred (2,500) square feet minimum lot area is encouraged.
   b. Manufactured Homes
      Manufactured Home Parks should not be located along State Highway 65 and KE Road frontages.
   c. Recreational Vehicle (RV) Parks
      RV developments may be located along Highway 65 and KE Road. Proposals must comply with campground standards of this LDC.
   d. Business
      A minimum building lot size of two thousand five hundred (2,500) square feet is required to allow adequate parking, landscaping and circulation.
   e. Mixed Use
      A mixture of both business and residential uses on individual parcels is allowed along State Highway 65 frontage.
   f. B-2
      All residential uses and business uses are allowed in the B-2 district.
   g. Building Height
      Maximum building height shall be thirty-five (35) feet or two (2) stories.
   h. Setbacks:
      (1) Front (street): ten (10) feet from front property line or curb line
           (a) Front porches and canopies may extend five (5) feet into the front setback.
      (2) Sides: zero (0) feet
      (3) Rear: ten (10) feet
   i. Architectural Features
      Western style architecture is encouraged, e.g. liberal use of front porches, wood facades, false fronts, flat and pitched roof structures, non-reflective metal roofing, etc. Front porches are encouraged to be continuous with neighboring structures.
   j. Signs
      Every sign shall be in good proportion and visually integrated with buildings and surrounding uses. Each sign shall be compatible with adjoining premises and should not compete for attention. Use of wall, roof, hanging, and free standing monument signs are encouraged. Proposals must conform with all applicable sign regulations.
   k. Landscaping
      The Landscape Standards of this LDC apply to all new developments.

D. Airport Environs Overlay District
   1. Purpose
      The Airport Environs Overlay District is hereby created with the following purposes:
      a. Protect the public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas;
b. Ensure compatibility between airports and surrounding land uses; and

c. Protect the airport from incompatible encroachment.

2. Applicability

The Airport Environs Overlay District shall serve as an overlay district that applies additional standards and requirements to properties located within an underlying zoning district. In case of conflicting standards and requirements, the more stringent standards and requirements shall apply.


Every development application for property located within the Grand Junction Regional Airport Influence Area shall comply with all restrictions contained within the adopted Airport Master Plan as may be amended, and applicable sections of this LDC. In addition, any development application for property located within such Airport Influence Area, and any development application for property located within one-half (½) mile of any airport or air navigation facility other than Grand Junction Regional Airport, shall comply with any applicable restrictions contained in Title 14 of the Code of Federal Regulations, Subchapter I, Federal Aviation Regulations, including, without limitation, Part 77 (height restrictions) and Part 150 (noise compatibility planning).

4. Grand Junction Regional Airport Environs Overlay Maps

Maps shall be referred to as part of this Section 5.05 D. of the Mesa County Land Development Code.

5. Subdistricts

In order to carry out the provisions of this regulation, the AE, Airport Environs Overlay District is divided into four (4) subdistricts that represent the differing levels of noise impact and hazard from aircraft overflight. An area covered by more than one (1) zone shall be limited to the more restrictive use.

The zones are as follows:

a. Subdistrict A (Area of Influence)

An area surrounding the airport impacted or influenced by proximity of the airport, either by aircraft overflight, noise, and/or vibrations.

b. Subdistrict B (Noise Zone)

Includes the area within the 65 Ldn to 70 Ldn noise-exposure area as determined in the Grand Junction Regional Airport Master Plan.

c. Subdistrict C (Critical Zone)

A rectangular-shaped zone located directly off the end of a runway’s primary surface, beginning two hundred (200) feet from the end of the pavement, which is critical to aircraft operations (i.e., more apt to have accidents within it because of the takeoff and landing mode of aircraft in that particular area) as determined in the Grand Junction Regional Airport Master Plan.

d. Subdistrict D (Clear Zone)

A triangular-shaped zone located directly off the end of a runway’s primary surface, beginning two hundred (200) feet from the end of the pavement, which is clear of all above-ground obstruction or construction. The width is the same as the primary surface. The length is determined by the use of the runway, in accordance with Federal Aviation Administration (FAA) regulations.

6. Amendments

The boundaries of the Airport Environs Overlay District and its subdistricts, as adopted herein, shall be reviewed and amended whenever the Grand Junction Regional Airport Authority updates or amends the noise contour maps. It shall be the responsibility of the Grand Junction Regional Airport Authority to notify Mesa County of such updates or amendments and to provide a copy of same to Mesa County.
7. Exemptions

Uses existing on May 1, 2000 shall not be required to change in order to comply with these regulations and are exempt from the provisions of this Section 5.05 D.

8. Land Use Compatibility

The following Land Use Compatibility Standards Matrix establishes requirements and limitations in addition to other requirements of this LDC. In the case of any conflict between this regulation and any other Section of this LDC, the more restrictive requirements shall govern.

a. Proposed Uses and Structures

The Land Use Compatibility Standards matrix identifies development standards that apply to proposed uses and structures within the Airport Environs Overlay District. All proposed uses and structures must comply with these standards.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential density less than or equal to 1 unit per 5 acres</td>
<td>Y</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Residential density greater than 1 unit per 5 acres</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>Y</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>School, Hospital, Library</td>
<td>Y</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Church</td>
<td>Y</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Auditorium, Outdoor Amphitheater, Concert Hall</td>
<td>Y</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Sports Arena</td>
<td>Y</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Playground, Park, Open Space, Golf Course, Cemetery, Riding Stable</td>
<td>Y</td>
<td>Y</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Office Building, Personal, Business and Professional Services</td>
<td>Y</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Commercial Establishment: Retail</td>
<td>Y</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Commercial Establishment: Wholesale, Manufacturing, Transportation, Communications and Utilities</td>
<td>Y</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Manufacturing-noise sensitive</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Communications-noise sensitive</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Farming (livestock)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Agriculture, Mining, Fishing (except livestock Farming)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>C</td>
</tr>
<tr>
<td>Poultry Production</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
</tbody>
</table>

Legend:
C: Conditional Use Permit Required
Y: Yes
N: No
C**: Measures to achieve Noise Level Reduction (NLR) of 25 dB must be incorporated into the design and construction of structures.
C**: Measures to achieve Noise Level Reduction (NLR) of 30 dB must be incorporated into the design and construction of structures.
[1]: Where possible, no residential development shall be permitted within Subdistricts B and C, provided that where properties are substantially or wholly burdened by these districts, residential development may be permitted at a density not to exceed one (1) unit per five (5) acres. Clustering of homes outside Subdistricts B and C shall occur whenever possible.

b. Interior Day-Night Average Noise Level (Ldn)

All proposed uses and structures must comply with the Noise Level Reduction (NLR) standards as provided in the matrix. The standards in the National Technical Information Service (NTIS) report Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations (AD-A258 032), latest edition, shall be used in development of noise reduction methods for new development.

c. Use Restriction

Notwithstanding any other provision of this LDC, no use may be made of land or water within any zone or subdistrict established by this regulation that will:

1. Create electrical interference with navigational signals or radio communication between the airport and aircraft;
2. Make it difficult for pilots to distinguish between airport lights and other lighting;
3. Result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport; or
(4) Otherwise create a hazard or endanger landing, takeoff, or maneuvering of aircraft.

9. Avigation Easement

For any new development located within the Airport Environ Overlay District, an avigation easement shall be dedicated to the Grand Junction Regional Airport Authority with terms and conditions approved by the Grand Junction Regional Airport Administrator. Such grant shall not be required for repairing or maintaining existing structures.

10. Disclosure of Critical and Noise Zones

A notice of potentially high noise levels and/or location within a critical zone shall be affixed to and recorded with all final plats/plans. The wording shall be as follows:

a. All or part of this property is located in an area potentially subject to aircraft noise levels high enough to annoy users of the property and interfere with its unrestricted use."

b. If also in Critical Zone add: All or part of this property is also located in the approach and departure path of the airport in an area more apt to have accidents because of the takeoff and landing mode of aircraft."

11. Height Limitations

There are hereby established imaginary surfaces, above and around the airport, in order to limit height. Nothing, including structures and trees, shall be erected, altered, allowed to grow, or be maintained so that it crosses or enters into the applicable runway approach zones as defined in Federal Aviation Regulations (FAR) Part 77, as amended.

E. Mack Overlay District

1. Purpose

As detailed in the “Mack Community Plan”, Mack wishes to maintain its own community identity. Residents desire to create a distinct community core with mixed use comprised of business and services [home based occupation, farm related/supporting businesses] and higher density residential development. Areas that are identified as mixed use, higher density, commercial, or business, must have facilities and services that can serve them adequately and appropriately. Small businesses and neighborhood convenience centers are envisioned but large shopping centers and big box development are not appropriate.

2. Mack Overlay District

Mack Overlay District referred to in this LDC is on file at the Public Works Department. The Mack Overlay District is incorporated by this reference as if fully set forth.

3. Applicability

a. To implement this vision an Overlay District is created for the Rural Community of Mack (also known as the Mack Core Area)

b. The Overlay District provides for flexibility in the land use pattern within the Rural Community of Mack by providing property owners with the option of developing in accordance with the underlying zoning or with the Mack Overlay District standards of this section.

c. It is the intent of the Overlay District to allow reasonable use of property consistent with the goals and policies of the Plan.

4. Relationship to Underlying Zoning

Property owners shall have the option of developing allowed uses in accordance with the underlying zoning or with the Mack Overlay District zone as shown on the Overlay District Map. If new development uses the Mack Overlay District, it shall comply with the standards in the Mack Overlay District zone. The property will be designated as Tier 1 or Tier 2 of the Mack Overlay District on the Official Zoning Map.
5. Standards (Note: these apply to new subdivision lots)
   a. Permitted Uses
      (1) Intent is to promote mixed uses (business and residential) on individual parcels.
      (2) Allowed uses have been customized to the community’s needs and are listed in Table 6.1 of the Land Development Code.
      (3) Two (2) tiers have been developed

   | TABLE 5-4: MACK OVERLAY DISTRICT LOT SIZE, WIDTH AND BUILDING HEIGHT STANDARDS |
   |-------------------------------------------------|-----------------|-----------------------------|
   | Minimum Lot Size | Minimum Lot Width | Maximum Building Height |
   | Tier 1 | 5,000 square feet | 40 feet | 2 stories/not to exceed 35 feet |
   | Tier 2 | 8,000 square feet | 75 feet | 2 stories/not to exceed 35 feet |

   b. Setbacks
   All structures shall meet or exceed the following setbacks:

   | TABLE 5-5: MACK OVERLAY DISTRICT SETBACK STANDARDS |
   |-------------------------------------------------|-----------------|-----------------------------|
   | Street Yard (feet) Principal/Accessory | Side Yard (feet) Principal/Accessory | Rear Yard (feet) Principal/Accessory |
   | Tier 1 | 5 | 0 | 0 |
   | Tier 2 | 20/25 | 7/3 | 25/10 |

1Front porches and canopies may extend five (5) feet into the front setback.
2Allowances for landscaping need to be considered (i.e., the building may need to be set back five to ten (5-10’) to allow a tree to be planted, or a park bench or streetlight to be installed). Refer to the Landscape Standards in Appendix B.
3Ten (10) foot setback if abutting a residential zone or use

c. Mack Streetscape Standards (Appendix B to the Land Development Code) Tier 1 and Tier 2
Requirements for development are listed under Development Standards in the Mesa County Land Development Code. Exceptions to the Development Standards (for parking, landscaping, etc.) may be requested using the Mack Streetscape Standards. These Standards are intended to allow design flexibility and retain the development history in Mack. The Standards encourage historical structure reuse, economic development, and design on a pedestrian-friendly level. These standards will help to increase property values and give Mack its own unique rural character.

d. Development Standards for landscaping, parking, sidewalks, bike paths, signs, etc:
   (1) Tier 1 – Use Mack Streetscape Standards in Appendix B. All other standards subject to Chapter 8 of the Land Development Code.
   (2) Tier 2 – Landscaping standards in Appendix B apply. For all other standards, use Chapter 8 of the Land Development Code.

F. Gateway Overlay District
   1. Purpose
   As detailed in the “Gateway Rural Community Plan,” Gateway wishes to maintain its own community identity based on its unique historic, scenic, and cultural qualities. The community center, church and school provide the primary cultural focal points of the small community of single-family homes and limited commercial endeavors. Residents desire to maintain their cultural identity yet create a community core with mixed use business and services and some higher density residential development. Areas within this rural community that are identified for mixed use, higher density, or commercial development must have adequate facilities and services that can service them.

   2. Gateway Overlay District
   Gateway Overlay District referred to in this LDC is on file at the Public Works Department. The Gateway
Overlay District is incorporated by this reference as if fully set forth.

3. Applicability

a. The Overlay District provides for flexibility in the land use pattern within the Rural Community of Gateway by providing property owners with the option of developing in accordance with the underlying zoning or with the Overlay District standards of this section.

b. It is the intent of the Overlay District to allow reasonable use of property consistent with the goals and policies of the “Gateway Rural Community Plan”.

c. The Overlay District will provide property owners with a tool to address existing nonconforming uses and structures under current zoning.

d. In addition to the Code standards for all developments in either Area “A” or Area “B” district, said developments are subject to the mandatory standards and design guidelines in Appendix E of this LDC if a development proposes using the optional overlay district.

| TABLE 5-6: GATEWAY OVERLAY DISTRICT RESIDENTIAL DENSITY AND DIMENSIONAL STANDARDS¹ |
|---------------------------------|--------|----------------|-------------|----------------|-------------|----------------|
| Area A ⁴ | Maximum Density (Dwelling Units/Acre) | Average | Minimum Lot Size (Detached Units) | Minimum Street Yard Setbacks (feet) | Minimum Side Yard Setbacks (feet) | Rear Yard Setback (feet) | Maximum Height (feet) |
| Area B ⁴ | 8 | 5,000 (sq ft) | 5,000 (sq ft) | 10/22 | 0⁰ (Interior Side) 8⁰ (Exterior Side) | 35 | 35 |

| TABLE 5-7: GATEWAY OVERLAY DISTRICT NON-RESIDENTIAL DENSITY AND DIMENSIONAL STANDARDS¹ |
|---------------------------------|--------|----------------|-------------|----------------|-------------|----------------|
| Area A ⁴ | Maximum Density (Dwelling Units/Acre) | Minimum Lot Size (Detached Units) | Minimum Street Yard Setbacks (feet) | Minimum Side Yard Setbacks (feet) | Rear Yard Setback (feet) | On-Site Parking Requirements (Spaces/sq.ft.) |
| Area B ⁴ | 8 | 8,000 sq.ft. | 15/22 | 15 | 20 | 1/2,000 |

¹Duplex or other attached single-family dwelling units may be permitted as a conditional use. All Mesa County Land Development Code requirements pertaining to Onsite Wastewater Treatment Systems (OWTS) will apply.

²Front Porches and canopies may extend five (5) feet into the front setback.

³Allowances for landscaping need to be considered (i.e., the building may need to be set back five to ten (5-10) feet to allow a tree to be planted or a park bench or streetlight to be installed). Refer to the Landscape Standards in Appendix E.

⁴Served by public sewer.

⁵Within Area “A” row housing or attached residential dwellings shall be allowed a zero (0) foot side yard setbacks. Unattached residential units must have a side yard setback of eight (8) feet.

G. Loma Community Design Guidelines and Standards

1. Purpose

Loma wishes to improve the visual image and identity of the community through design standards that recognize the Western and rural agriculture setting and incorporate natural features in project design. Residents desire to create a community core, with mixed-use businesses and services and some higher density residential development that support the community’s identity, and results in diversity in development density and patterns and in economic vitality.

2. Loma Community Design Guidelines and Standards

Loma Community Design Guidelines and Standards referred to in this LDC are on file at the Public Works Department. The Loma Community Design Guidelines and Standards is incorporated by this reference as if fully set forth.

3. Applicability:

a. The requirements of the zoning district in which the property is located shall apply. Where differences exist between Appendix F, Loma Community Design Guidelines and Standards, and other sections of the Land Development Code, Appendix F shall apply. Examples of where development standards may differ include, but are not limited to, front and side setbacks in the
Main Street Commercial area, alternative parking standards, and signs.

b. New development or major rehabilitation in the Loma Community Plan area requiring Site Plan Review, pursuant to Section 4.16 of this LDC, is subject to the mandatory standards and design guidelines in Appendix E, Loma Community Design Guidelines and Standards, of this LDC.

H. Whitewater Mixed Use Zoning District

1. Purpose

The purpose of the Whitewater Mixed Use District is to encourage the development of a mix of commercial and residential uses within the Whitewater Community Plan Boundary. The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other. Within Mesa County, the Mixed Use District also promotes the health and wellbeing of residents by ensuring availability of adequate and concurrent urban infrastructure, utilities, and services while encouraging physical activity, alternative transportation, and greater social interaction.

2. Applicability

The design of a mixed use development in the Whitewater Planning Area shall conform to the Mesa County Design Standards adopted as Appendix D in the Land Development Code 2000, as amended. In general, these standards require compact development built at a neighborhood scale. Rather than designing structures specifically for individual tenants, buildings within the mixed use district should be designed to function over the life of multiple tenants in a manner similar to a main street or community core. In the review of mixed use districts, the County shall consider the following:

a. Ability of the residential development to provide for a variety of housing types;

b. Inclusion of mixed use buildings with non-residential uses on the ground floor and residential units on the second floor;

c. Ability of the commercial development, either as proposed or in conjunction with surrounding development, to serve daily or frequent needs of the surrounding neighborhood;

d. Creation within the overall mixed use area of the Whitewater Plan area of a commercial core with supporting nodes supported by an adequate supply of residential development;

e. Provision of a variety of building sizes compatible with the character of mixed use district and the potential for the long-term function of those buildings;

f. Encouraging an orderly, phased pattern of development supported by adequate public facilities; and

g. Specific issues of the functioning of the development, including access, parking, drainage, landscaping, and design.

3. Description

The application of the Mixed Use District is grouped based on the predominant use of the proposed development. Two districts are available as Mixed Use, either Mixed-Use Residential (MUR) or Mixed-Use Commercial (MUC). In a Mixed Use Residential district, between sixty (60) and seventy-five (75) percent of the uses in the district are residential. In a Mixed Use Commercial district, between sixty (60) and seventy-five (75) percent of the uses in the district are commercial. Minimum lot sizes are established by use category and a mix of lot sizes and uses is encouraged. The goal of this approach is to permit buildings and uses for all property owners without mandating a specific mix, while recognizing that each lot must fit into the overall whole of the development pattern.

4. Uses

Permitted uses are divided based on the type of district, either Mixed Use Residential or Mixed Use Commercial, as set forth in Table 6.1 of this LDC.
5. **Required Mix of Uses**
   
a. **Mix of Uses**
   
   In the Mixed Use District, a mix of uses – either within a single building or on a development site – shall be provided unless it can be demonstrated that adjacent properties provide or will provide a complimentary diversity of uses. The uses of adjacent properties can be established through one of the following:
   
   (1) Existing uses,
   
   (2) Approved site plan for development, or
   
   (3) Approved Comprehensive or Area Plan.

b. **Residential**

   Residential uses are encouraged in the development, but are not permitted on the ground floor of mixed use structure.

6. **Layout, Dimensions and Size Requirements**
   
a. **Minimum Lot size**

   The minimum lot size of uses shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mixed Use (square feet)</td>
</tr>
<tr>
<td>Single-Family Detached</td>
<td>4,000</td>
</tr>
<tr>
<td>Duplex</td>
<td>4,000</td>
</tr>
<tr>
<td>Single Family Attached</td>
<td>2,000</td>
</tr>
<tr>
<td>Commercial up to 10,000 square feet</td>
<td>5,000</td>
</tr>
<tr>
<td>Commercial up to 25,000 square feet</td>
<td>12,500</td>
</tr>
<tr>
<td>Commercial up to 50,000 square feet</td>
<td>25,000</td>
</tr>
</tbody>
</table>

b. **Floor to Floor Heights and Floor Area of Ground Floor Space**

   (1) All commercial floor space provided on a ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.

   (2) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

      (a) At least eight hundred (800) square feet or twenty-five (25) percent of the buildable lot area, whichever is greater, on lots with street frontage of less than fifty (50) feet; or

      (b) At least twenty (20) percent of the buildable lot area on lots with fifty (50) feet or more of street frontage.

c. **Setbacks**

   (1) **Front and Side Street**

      Where possible, and in keeping with sight line requirements, the entire building facade shall abut front and side street property lines or be located within fifteen (15) feet of such property lines. Exceptions may be made for corner lots or commercial structures where outdoor seating may be provided.

   (2) **Rear**

      Where there is an alley, street, or public right of way behind the building, no rear setback is required. Where the MU district abuts a residential use or district, the rear setback shall be twenty (20) feet.

   (3) **Interior Side**

      No interior side setbacks are required in the MU district unless the interior side abuts a
residential use or district. Where an MU district does abut a residential use or district, the MU interior setback shall be identical to that of the residential district.

d. Building Height

The maximum building height is thirty-eight (38) feet for mixed-use buildings and thirty-five (35) feet for all other buildings.

7. Parking

a. On Street

On-street parking within three hundred (300) feet of the proposed use may be counted to meet the parking requirements for non-residential uses. Assignment of on-street parking shall be allocated at the time of site plan approval. On-street parking shall not be allocated to more than one use.

b. Off Street

(1) No off-street parking shall be required for nonresidential uses in the MU district unless such uses exceed two thousand five hundred (2,500) square feet of gross floor area, in which case off street parking must be provided for the floor area in excess of two thousand five hundred (2,500) square feet.

(2) Off street parking shall be provided as described in Section 8.01: Off-Street Parking.

SECTION 5.06 | ZONING MAP

The boundaries of the zoning districts established by this LDC are shown on a map or series of maps titled the “Consolidated Zoning District Map of Mesa County, Colorado,” which is to be considered a part of this LDC as fully as if it were set out here in detail. Original copies of the zoning district map are maintained in the Community Development Department. In case of any dispute regarding the zoning classification of property subject to this LDC, the original maps maintained by the Director will control.

A. Omitted Land

The zoning classification of any land that does not appear to be classified within any of the districts shown on the zoning map shall be considered to be AF-35 if it is located in the Rural Planning Area, and RSF-E if located in the Urban Planning Area or one of the Rural Communities where public sewer is available.

B. District Boundaries

1. Zoning district boundaries follow section lines; lot lines; streets; alleys; railroad right-of-way; municipal corporation lines; special district boundaries; natural boundary lines, such as streams, or other lines to be determined by the use of scale shown on the zoning map.

2. When a parcel of land is divided by a zoning district boundary line at the time of enactment of this LDC or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

C. Street Vacations

Whenever any street, alley or public way is vacated by official action of the Board of County Commissioners, the zoning district(s) of the land to which the vacated land becomes a part shall be automatically extended to the land subject to the vacation, and all area included in the vacation will be subject to the regulations of the extended district.

D. Uncertainties

Where physical features existing on the ground contradict those shown on the zoning map, or in case any other uncertainty exists regarding the boundary of zoning districts, the location of district boundaries shall be determined by the Director based on the rules of this Section 5.06.

E. Conflicts with Recorded Resolutions

1. Conflicts between the zoning map and any resolution which was entered into the records of the
County Clerk and Recorder within the last ten (10) years shall be determined for correction on a case by case basis by the Director and shall be processed as an administrative review.

2. Where a land use was established based on a resolution entered into the records of the County Clerk and Recorder any time in the past and has continued without interruption to the present day and a conflict exists between the zoning map and that resolution, a determination for correction of the zoning map shall be made on a case by case basis by the Director and shall be processed as an administrative review.

3. All other conflicts will be brought before the Board of County Commissioners on a case by case basis. Some of the factors considered in determining whether the map or the resolution will control include:
   a. The date of the resolution;
   b. Reliance on the zoning map by the neighbors;
   c. Reliance on the resolution;
   d. Surrounding land use; and
   e. Surrounding zoning.

F. Appeals

Appeals of administrative decisions shall go to the Board of County Commissioners in accordance with Section 4.02 in the Mesa County Land Development Code. The Board of County Commissioners may consider the Director’s decision, public comment and the criteria in Section 5.06 E.3. above at their discretion.

SECTION 5.07 | COMPLIANCE WITH DISTRICT STANDARDS

No building, improvement, or structure may be erected, converted, enlarged, reconstructed or altered for use, except in accordance with all of the district regulations established by this LDC for the zoning district in which the building or structure or land is located.

No land, building, improvement, or structure may be used, designated, or intended to be used for any use or activity except in accordance with all of the district regulations established by this LDC for the zoning district in which the building or structure or land is located.

No yard, setback or other open space provided about any building, improvement, or structure for the purpose of complying with provisions of this LDC shall be considered as providing a yard, setback or open space for a building, improvement, or structure on any other lot.
The principal uses allowed within all Zoning Districts are identified in Table 6.1 of this chapter.

### A. Use Categories and Specific Uses

The first column of the Use Table contains the Use Category which is further defined under the specified Section identified under each use. The second column contains specific uses that are associated with the Use Category in the first column.

### B. 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 LDC.

### C. 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 4.03. Conditional Uses are subject to all other applicable standards of this LDC.

### D. 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 LDC or by State regulation.

### E. Uses Subject to Specific Regulations

Many uses are subject to Site Specific Standards (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.

### TABLE 6-1: USE TABLE

<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mack Overlay Districts</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>Site Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Household Living</strong></td>
<td><strong>Section 12.03 B</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Business Residence</td>
<td>A A A A A A</td>
<td>A A A A A A</td>
<td>A</td>
<td>C</td>
<td>6.02 D.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rooming/Boarding House</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A C C C A C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single-Family Attached / Townhome</td>
<td>A A A A A</td>
<td>A A A A A A</td>
<td>A A A A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single-Family Detached (includes manufactured homes)</td>
<td>A A A A A</td>
<td>A A A A A A</td>
<td>A A A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Duplex</td>
<td>A A A A A</td>
<td>A</td>
<td>A A A A A C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multi-Family</td>
<td>A A A A A</td>
<td>A</td>
<td>A A A A A C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultural Labor Housing</td>
<td>A A C</td>
<td>A</td>
<td>A A</td>
<td>6.02 B.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufactured Housing Park</td>
<td>A A A A A C C</td>
<td>A</td>
<td>A</td>
<td>6.02 P.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Household Living</td>
<td>A A A A A C C</td>
<td>A A C C C A C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Temporary Employee Housing</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.02 Y.</td>
<td></td>
</tr>
<tr>
<td><strong>Group Living</strong></td>
<td><strong>Section 12.03 A</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assisted Living Facility</td>
<td>C C C C C C C C C A A A A</td>
<td>C C A A A C C</td>
<td>6.02 K.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Treatment Facility</td>
<td>C C C C C C C C C C C C C C C C</td>
<td>C C C C</td>
<td>6.02 K.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Small Group Living Facility</td>
<td>C C C C C C C C C C C C C C C C</td>
<td>C C C C C C C C C</td>
<td>6.02 K.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Residential (Section 12.03 E)**
<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>Site Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.04 A.</td>
<td>Colleges and Universities/Vocational/Technical/Trade Schools</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Educational Institutions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.04 B.</td>
<td>Community Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Community Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Museums/Art Galleries/Opera House/Libraries</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.04 C.</td>
<td>Day Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Home-Based Day Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Limited Day Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Day Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.04 D.</td>
<td>Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medical and Dental Clinics</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Counseling/Rehabilitation Centers (nonresident)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hospital/ Mental Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Physical and Mental Rehabilitation (residential)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.04 E.</td>
<td>Parks and Open Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cemetery</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Golf Course</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Golf Driving Ranges</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parks/Lakes/Reservoirs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.04 F.</td>
<td>Religious Institutions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.04 G.</td>
<td>Public Safety Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jails, Honor Camps, Reformatories, Rehabilitation Centers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Police Station &amp; Sub-Station/Fire Station/Ambulance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.04 H.</td>
<td>Schools</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Boarding School</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elementary School</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Secondary School</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.04 I.</td>
<td>Utility, Basic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Utility Service Facilities (underground)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Utility Treatment, Production or Service Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor Basic Utilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Basic Utilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.04 J.</td>
<td>Utility Corridors</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transmission lines (above ground)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transmission lines (underground)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TABLE 6-1: USE TABLE**

**Principal Uses Allowed**

**Institutional & Civic (Section 12.04)**

<table>
<thead>
<tr>
<th>Category</th>
<th>Use Type</th>
<th>A</th>
<th>B-1</th>
<th>B-2</th>
<th>C-1</th>
<th>C-2</th>
<th>I-1</th>
<th>I-2</th>
<th>R-O</th>
<th>R-F1</th>
<th>R-F2</th>
<th>R-F3</th>
<th>R-F4</th>
<th>R-F5</th>
<th>R-F6</th>
<th>R-F7</th>
<th>F-1</th>
<th>F-2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

**Legend:**

- **A:** Allowable
- **C:** Conditionally Allowable
- **M:**不允许

**Site Specific Standards:**

- **6.02 F.**
- **RSF:**
- **MUR:**
- **MUC:**
- **MR:**
- **H:**
- **A:**
- **B:**
- **C:**
- **R:**
- **RS:**
- **FR:**
- **F:**
- **R:**
- **FR:**
### TABLE 6-1: USE TABLE

**Principal Uses Allowed**

<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mack Overlay Districts</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>Site-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial (Section 12.05)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales &amp; Service 12.05 A</td>
<td>Farm Implement/Equipment Sales/Service</td>
<td>C C</td>
<td>A A A A A C</td>
<td>A C</td>
<td>6.02 T</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Farmer’s Market</td>
<td>A A</td>
<td>A A A A C</td>
<td>A C</td>
<td>6.02 T</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feed Store</td>
<td>C C</td>
<td>A A A A A A C</td>
<td>A C</td>
<td>6.02 T</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fuel sales, Automotive/Appliance</td>
<td>A A A A A A A C</td>
<td>A C</td>
<td>6.02 T</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fuel sales, Heavy vehicle</td>
<td>C A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Retail Sales and Leasing, Indoor operations, display and storage</td>
<td>A A A A C</td>
<td>A A A A A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.02 T</td>
</tr>
<tr>
<td></td>
<td>General Retail Sales and Leasing, Outdoor operations, display, or storage</td>
<td>C A C C A A C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.02 T</td>
</tr>
<tr>
<td></td>
<td>Landscaping Materials Sale</td>
<td>A C C</td>
<td>A A A C</td>
<td>A A A C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marijuana Sales (Not Permitted)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Retail Sales and Service</td>
<td>A A A A A</td>
<td>A A C A</td>
<td>C C C C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office &amp; Personal Service 12.05 B</td>
<td>Animal Care/ Boarding / Sales, Indoor</td>
<td>A A</td>
<td>C A A A A A A</td>
<td>A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Animal Care / Boarding / Sales, Outdoor</td>
<td>C C</td>
<td>C A A A C C</td>
<td>C C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Offices and Personal Services</td>
<td>C C</td>
<td>A A A A A A A A</td>
<td>A A A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mortuary/Crematorium</td>
<td>C C</td>
<td>A A A A</td>
<td>A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Office and Personal Service</td>
<td>A A A A A</td>
<td>A A C C</td>
<td>C C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation and Entertainment – Outdoor 12.05 D</td>
<td>Adult Entertainment</td>
<td></td>
<td>A A</td>
<td></td>
<td></td>
<td></td>
<td>6.02 A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bar/Nightclub</td>
<td></td>
<td>A A A A A A A A</td>
<td>A A A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Food Service, Restaurant (including alcohol sales)</td>
<td></td>
<td>A A A A</td>
<td>A A A A A A</td>
<td>A A C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Entertainment Business, Indoor Activity</td>
<td></td>
<td>A A A A C</td>
<td>A A A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major Entertainment Event, Indoor Facilities</td>
<td>C C</td>
<td>A A A A C C C C</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor Entertainment Events</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Entertainment Business</td>
<td>A A A A A</td>
<td>A A C C</td>
<td>C C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming Pools</td>
<td>Commercial (Section 12.05)</td>
<td>C C</td>
<td>C C C C C C</td>
<td>A A A A A A A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Entertainment Event, Outdoor Facilities</td>
<td></td>
<td>C C</td>
<td>C C C C C C</td>
<td>C C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Shooting Ranges</td>
<td></td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.02 T</td>
</tr>
<tr>
<td>Outdoor Recreation and Entertainment Businesses</td>
<td></td>
<td>A</td>
<td>A</td>
<td>C C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riding Academy, Roping or Equestrian Area</td>
<td></td>
<td>A C</td>
<td></td>
<td>A A</td>
<td></td>
<td></td>
<td>6.02 T</td>
<td></td>
</tr>
<tr>
<td>Use Category (Section)</td>
<td>Specific Use Type</td>
<td>Rural</td>
<td>Urban Residential</td>
<td>Nonresidential</td>
<td>Mixed Use Districts</td>
<td>Gateway Overlay District</td>
<td>Site Specific Standards</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------</td>
<td>-------</td>
<td>-------------------</td>
<td>---------------</td>
<td>---------------------</td>
<td>------------------------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Lodging 12.05 E.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoo</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Outdoor Recreation</td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Parking, Commercial 12.05 F.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Self-Service Storage 12.05 G.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mini-Warehouse</td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle and Recreational Equipment Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Vehicle Repair 12.05 H.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto and Light Truck Mechanical Repair</td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Body Shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tire Recapping and Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Vehicle Repair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Vehicle Service 12.05 I.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Wash</td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gasoline Service Station</td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quick Lubrication</td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truck Stop/Travel Plaza</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Vehicle Service, Limited</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Industrial (Section 12.06)</strong>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Service Business</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractors and Trade Shops, Indoor operations and storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractors and Trade Shops, Indoor operations and outdoor storage (including heavy vehicles)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractors and Trade Shops, Outdoor storage and Operations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delivery and Dispatch Services (vehicles on-Site)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Junk, Salvage, and Wrecking Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Propane, Fuel, and Oil Storage/Distributor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Towing and Vehicle Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Welding and Machine Shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Industrial Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Manufacturing and Production 12.06 B.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor Operations and Storage: Assembly, Food Products, &amp; Manufacturing/Processing</td>
<td></td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note: The table contains specific use types and their allowed uses in different categories, along with references to sections and standards.*
<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mack Overlay Districts</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>Site Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor Operations with Outdoor Storage: Assembly, Food Products, &amp; Manufacturing/Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.02 M.</td>
</tr>
<tr>
<td>Outdoor Operations and Storage: Assembly, Food Products, &amp; Manufacturing/Processing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.02 M.</td>
</tr>
<tr>
<td>Marijuana Growing, Processing &amp; Products (Not Permitted)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse and Freight Movement 12.06 C.</td>
<td>Indoor Operations, Storage and Loading</td>
<td>C A A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Indoor Storage with Outdoor Loading Dock</td>
<td>A A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.02 M.</td>
</tr>
<tr>
<td></td>
<td>Outdoor Storage or Loading</td>
<td>C A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.02 M.</td>
</tr>
<tr>
<td></td>
<td>Sand or Gravel Storage</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.02 M.</td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td>C A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste-Related 12.06 D.</td>
<td>Non-Hazardous Waste Transfer</td>
<td>C</td>
<td></td>
<td></td>
<td>A A C C</td>
<td>C C</td>
<td>6.02 L.</td>
<td>6.02 M.</td>
</tr>
<tr>
<td></td>
<td>Medical/Hazardous Waste Transfer Station</td>
<td>C</td>
<td></td>
<td></td>
<td>A A C C</td>
<td>C C</td>
<td>6.02 L.</td>
<td>6.02 M.</td>
</tr>
<tr>
<td></td>
<td>Solid Waste Disposal Sites</td>
<td>C</td>
<td></td>
<td></td>
<td>C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recycling Collection</td>
<td>C A A A A C C</td>
<td></td>
<td></td>
<td>A C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Waste-Related</td>
<td>C</td>
<td></td>
<td></td>
<td>C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesales Sales 12.06 E.</td>
<td>Wholesale Business (No Highly Flammable Materials/Liquids)</td>
<td>A A A</td>
<td></td>
<td></td>
<td>A A</td>
<td>A</td>
<td>6.02 M.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultural Products</td>
<td>A</td>
<td></td>
<td></td>
<td>A A A A A A</td>
<td>A A</td>
<td>6.02 M.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Wholesale Uses</td>
<td>A A A</td>
<td></td>
<td></td>
<td>A A</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (Section 12.07)</td>
<td>Animal Confinement</td>
<td>A A A</td>
<td></td>
<td></td>
<td>C</td>
<td>A A</td>
<td>6.02 M.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dairy</td>
<td>A C</td>
<td></td>
<td></td>
<td>C C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Confined Animal Feeding</td>
<td>C</td>
<td></td>
<td></td>
<td>C C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Boarding Stable</td>
<td>A A</td>
<td></td>
<td></td>
<td>C C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forestry, Commercial</td>
<td>A A</td>
<td></td>
<td></td>
<td>C C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forestry Support Services</td>
<td>C</td>
<td></td>
<td></td>
<td>A</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marijuana Cultivation [Not Permitted]</td>
<td></td>
<td></td>
<td></td>
<td>A</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Winery/Brewery/Distillery (production facilities)</td>
<td>A C C</td>
<td></td>
<td></td>
<td>A A A A A A A C C A A A</td>
<td>6.02 U.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Produce Stand</td>
<td>A A A</td>
<td></td>
<td></td>
<td>A A</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Agriculture</td>
<td>A A A A A A A</td>
<td></td>
<td></td>
<td>A A</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aviation or Surface Passenger Terminal 12.07 B.</td>
<td>Airports/Heliports</td>
<td>C</td>
<td></td>
<td></td>
<td>C C C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bus/Commuter Stops</td>
<td>A A A A A A A A A A A A A</td>
<td></td>
<td></td>
<td>C C C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bus/Railroad Depot</td>
<td>C C A A A C A</td>
<td></td>
<td></td>
<td>A A</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Heliports</td>
<td>C</td>
<td></td>
<td></td>
<td>C C C C C C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Aviation or Surface Passenger Terminal</td>
<td>C C</td>
<td></td>
<td></td>
<td>C C</td>
<td>6.02 M.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

108
### TABLE 6-1: USE TABLE

#### Principal Uses Allowed

<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mack Overlay Districts</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>Site Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>AF/AFS</td>
<td>RSF</td>
<td>RSFR</td>
<td>RSFE</td>
<td>RSFE-1</td>
<td>RS-2</td>
<td>RM-5</td>
</tr>
<tr>
<td>Mining 12.07 C.</td>
<td>Field Office Headquarters for Oil &amp; Gas Field Operators</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Oil or Gas Drilling</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Sand or Gravel Extraction</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Support Services</td>
<td>A or C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>All Other Mining</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Telecom Facilities 12.07 D.</td>
<td>Telecommunications Support Structures</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Telecommunications Facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

**SECTION 6.02 | USE-SPECIFIC STANDARDS**

Because some uses have the potential to impact neighboring properties by generating noise, dust, odors, intrusive lighting and traffic if not properly managed, the following use specific standards are implemented. The use-specific standards in this section are intended to provide additional standards for certain land uses in order to mitigate any adverse impacts on the immediate neighborhood. All other requirements of the Land Development Code shall also apply unless otherwise stated.

**A. Adult Entertainment**

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

1. No entertainment establishment shall be allowed within one thousand (1,000) feet of a lot or parcel occupied by another adult entertainment establishment;

2. 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; and

3. No entertainment establishment shall be allowed within one thousand (1,000) feet of any Rural or Urban Residential Zoning District.

**B. Agricultural Labor Housing**

Agricultural Labor Housing in Rural Zoning Districts shall be exempt from the zoning district density standards. 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.

**C. Bed and Breakfast**

Bed and breakfast uses shall be subject to the following standards:

1. Structures shall maintain a residential appearance.

2. 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 8.01. 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.

3. One (1) sign shall be allowed, with a size limit of six (6) square feet. Internally illuminated signs are not allowed.
4. Receptions, private parties, or similar activities shall only be permitted when approved as part of the Conditional Use Permit or Site Plan application.

5. The maximum length of stay shall be thirty (30) days.

6. All guest rooms shall be located within the principal structure, except for properties located within Rural Zoning Districts.

7. Meals served to the general public shall only be permitted when approved as part of the Conditional Use Permit or Site Plan application. No cooking facilities shall be allowed in the guest rooms.

8. All bed and breakfast establishments must comply with Mesa County Health Department regulations and Fire Code requirements.

D. Business Residence

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

1. The intent of the business residence provision is to allow mixed use development to occur in Nonresidential Zoning Districts.

2. A limit of fifty (50) percent of the building floor area may be developed as residential.

3. 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).

E. Campgrounds and Recreational Vehicle Parks

In addition to the requirements of the Colorado Department of Public Health and Environment (CDPHE) regulations for Campgrounds and Recreation Areas (6 CCR 1010-9), Campgrounds and Recreational Vehicle Parks shall be subject to the standards listed below:

1. No person shall stay in any campground more than one hundred eighty (180) days per calendar year. The Director, on an individual basis, may grant an extension for each user for an additional 90-day period. An extension shall be requested, in writing, by the owner or manager of the campground.

2. The site shall be staffed with a minimum of one (1) attendant, twenty-four (24) hours a day.

3. Separate camping areas shall be maintained for tents.

4. Each campsite 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.

5. There shall be no more than twenty-five (25) campsites per acre.

6. 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.

7. 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 meet the requirements of this LDC;
   c. Walkways within the campground area shall be at least four (4) feet wide, with an all-weather surface; and
   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 8.07 F. of this LDC. 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.

8. If provided, electric and gas service shall meet all state and local electric and gas regulations. All utilities shall be underground.

9. Service buildings with restroom and other facilities shall comply with Colorado Department of Public
Health and Environment (CDPHE) standards.

10. All trash collection areas shall be screened and if applicable, trash containers shall be wildlife-proof.

11. All areas within the campground must have an acceptable form of groundcover to prevent erosion and blowing dust.

12. 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.

13. Where a Campground or Recreational Vehicle Park is adjacent to residentially developed property, a fence or wall with a minimum height of six (6) feet in height may be required as a visual barrier. Additional screening may be required if houses on adjacent properties are within one hundred (100) feet of the property line.

14. Each campground shall provide a recreational area consisting of one hundred (100) square feet per campsite. Exceptions to this requirement may be granted if the campground has direct access to public recreation areas.

F. Electric Power Transmission Lines

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

1. Avoid passing through, or within one (1) mile of:
   a. Any Urban Residential or Nonresidential zoning district; and
   b. The Colorado National Monument, wherever possible; and

2. 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.

G. Confined Animal Feeding Operations

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

1. Setbacks and Separations
   Confined animal feeding operations, animal waste collection systems, and animal waste treatment facilities shall not be located within:
   a. One-quarter (1/4) mile of an existing dwelling that is not in common ownership with the facility, and is in place at the time the facility is proposed;
   b. One (1) mile of an existing public or private school (not including dwellings where children are home-schooled);
   c. One-half (1/2) mile of any existing municipal boundary;
   d. One-quarter (1/4) mile of any existing water well currently used for domestic purposes;
   e. Two hundred (200) feet of a perennial stream and one hundred (100) feet from an existing drainage ditch owned and maintained by a governmental or quasi-governmental agency; and
   f. 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.

2. Design, Operational, and Animal Waste Management Requirements
   An applicant for a confined animal feeding operation, animal waste collection system, or animal
waste treatment facility shall demonstrate that:

a. 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

b. 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.

3. Agricultural Advisory Panel Review

Applications for a Conditional Use Permit for a 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 1.06.

H. 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:

1. The requirements of Section 8.01 G., Stacking Spaces for Drive-Through, shall be met;

2. The drive-through, including order boards and stacking areas, shall be screened from non-commercial uses, utilizing a combination of fences or walls and landscaping;

3. Illumination of reader boards and other drive-through specific lighting shall be turned off when the drive-through is not open; and

4. Site circulation shall be designed to minimize conflicts with vehicular traffic and pedestrian movement.

I. Flea Markets

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

1. No booths, stalls or other display areas shall be placed or maintained within any required setback.

2. Sanitary facilities shall be provided on site.

3. 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.

4. Flea markets shall not be open for business in excess of sixteen (16) hours per day.

J. Commercial Timber Harvesting and Large Construction Projects

1. 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 6.02 J.3, below.

2. 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 6.02 J.3, below.

3. 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.

K. Group Living

Group living facilities shall be subject to the standards listed below:

1. Twenty-four (24) hour supervision shall be provided by qualified staff at all group living facilities.
2. 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.
3. The number of residents residing in a group living facility shall be as follows:
   a. Small group living facility – a group living facility with five (5) to nine (9) residents.
   b. Large group living facility – a group living facility with ten (10) or more residents.
4. All group living facilities should be located near or provide access to; grocery and other retail stores and commercial services, public transportation, medical and emergency services, and public recreation facilities.
5. Group living structures shall be compatible with the character of the surrounding neighborhood.
6. The proposed facility must obtain all state licenses as required pursuant to Colorado Statutes.
7. If located in a rural or urban residential zone district, the facility shall not be located within seven hundred fifty (750) feet of another such facility, measured by the shortest distance between property lines of each facility.

L. Hazardous Material Facility

No hazardous material facility shall be located:

1. Further than one-quarter (1/4) mile from the nearest right-of-way line of US Interstate Highway 70 or US Highways 6 or 50; or
2. Where the most direct driving route from the hazardous material facility 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 (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.

M. Junk Yards, Salvage Yards, Heavy Equipment, Industrial, and Outdoor Storage

1. The following standards shall apply to all approved junk yards, salvage yards, heavy equipment, industrial and outdoor storage yards. Additional standards may be required as deemed necessary by the Planning Director and/or Board of County Commissioners:
   a. Such uses shall be screened with an opaque wall or fence with a minimum height of six (6) 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 LDC (Section 8.02).
   c. No outdoor storage area shall be placed or maintained within a required setback unless allowed through conditions in the use permit.
   d. Stored items shall not project above the fence or wall used to screen the material unless allowed through conditions in the use permit.
   e. All automotive waste or petroleum waste shall be controlled and not permitted to seep or leak into the soil.

2. Exemptions:
Accumulation and storage of junk and/or unlicensed/inoperable vehicles may be allowed without
planning approval when all of the applicable criteria below have been met:

a. No more than one (1) intact inoperable/unlicensed vehicle can be kept or stored outdoors in ordinary view upon any property that is not approved as a junk yard, salvage yard, industrial storage, or has a use permit that allows additional storage of junk and/or inoperable/unlicensed vehicles. This vehicle allowance includes trailers, campers, and other such vehicles that would otherwise require registration or licensing, and does not include vehicles that have been dismantled or wrecked as they are considered junk and require removal or screening.

b. All areas of a property that are subject to ordinary view must be kept free of junk, rubbish, non-contained trash, garbage, and debris. Accumulations of junk, including more than one unlicensed/inoperable vehicle must be legally removed or maintained in a screened storage area that is visually shielded or obscured from ordinary view by means of a solid fence, evergreen trees or shrubbery, an enclosed structure, or other appropriate means provided that the outdoor storage area is for personal use and not commercial use. Tarp covering is not sufficient by itself. The screened storage area should not store uncontained trash, garbage, rubbish, or debris.

c. No screened outdoor storage area shall be placed or maintained within a required setback nor should the area contain trash, garbage, or debris. In addition, screened items shall not project above the fence or wall used to screen the junk material, except for vehicles or items that are resting on the ground but have a height more than six (6) feet tall but less than twelve (12) feet tall.

d. The screened area must not exceed more than five (5) percent of the total parcel size up to a maximum of twenty-two thousand (22,000) square feet or approximately one-half (1/2) acre.

e. There shall be no limit on the number of active or serviceable agricultural vehicles or equipment on an agricultural parcel of land regardless of whether such vehicles have current registration or license plates, if that property owner or user is engaged in an agricultural operation that is historical, traditional, legitimate, and reasonable as protected under the County’s Right to Farm and Ranch policy and require such vehicles for operation of that practice.

f. Active agricultural operations may have scrap iron “bone yards”, lumber stock piles or other essential collections in ordinary view if necessary for operations and stockpiled in a maintained and orderly fashion.

3. 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 Urban Residential Zoning Districts.

b. Used or waste tires shall not be used as construction material unless a building permit has been issued by the Mesa County Building Department for such construction.

N. Mining and Extractive Uses

Mining and extractive uses shall be subject to the standards below:

1. An excavation and rehabilitation plan shall be required for any mining or extractive use.

2. An excavation permit, if applicable, issued by the State of Colorado in conformance with the Open Mining Land Reclamation Act, shall be required.

3. 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.

4. 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.
5. 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.

6. The operator shall submit a route plan (haul road plan) to the Public Works Department and seek permission to use any public rights-of-way. The Public Works Department may place reasonable restrictions on such right-of-way use. Alternative haul routes shall be developed where the haul route impacts the health, safety, and welfare of the local area.

7. 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.

8. Mining and extractive uses may be limited to specific days and hours of operation.

9. 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.

10. Where the operation is adjacent to subdivided or developed property, fencing, buffering and/or screening may be required to prevent the visibility of the mining operation.

11. Unless approved as part of the Conditional Use Permit, 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.

12. Operations shall comply with noise, vibration, and other standards of Mesa County and noise standards enumerated in C.R.S. §25-12-103.

13. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department, and the Colorado Air Quality Control Commission.

14. 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.

15. 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.

16. 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.

O. Multi-family Development.

Multi-family developments shall be subject to the standards listed below:

1. Landscaped buffer requirements for multi-story multi-family development adjacent to single-family subdivisions shall be required as per Table 8-7;

2. Designated trash collection area meeting the requirements of this LDC shall be required; and

3. Multi-family development shall provide common area or open space as per Section 8.06.

P. Manufactured Home Park

Manufactured home parks shall be subject to the standards listed below:

1. Site Area
   A manufactured home park shall be a minimum of two (2) acres.

2. Density
   Density standards of the underlying zoning district shall apply.
3. **Setbacks**
   Minimum setbacks and separation shall be as follows:
   a. Property boundary: twenty (20) feet
   b. Street (public): twenty-five (25) feet
   c. Interior street (private): ten (10) feet
   d. Separation between manufactured homes: fifteen (15) feet
   e. Separation between manufactured homes and other structures: fifteen (15) feet

4. **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 LDC.

5. **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.

**Q. Oil and Gas Drilling**

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

1. **Financial assurance**
   a. The 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 properties, 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.
   b. 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 (125) percent of the estimated costs of taking the actions that it secures. The 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 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.

2. All oil and gas well wastes must be disposed of in an approved manner.

3. 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.

4. 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.)

5. Permits pertaining to oversize/overweight vehicles shall be obtained by the operator from the Mesa County Public Works Department.
   a. Oversize/overweight vehicles may be restricted from use of County roads during periods when roads are wet and damage to the roads could occur. Restoring roads to County standards after damage occurs is the responsibility of the applicant.

6. Permanent structures/facilities shall be painted or otherwise treated to blend with the surrounding...
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.

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.

A reclamation plan shall be submitted.

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 LDC and site inspection as held by said applicant.

R. Produce Stand

1. Produce stands are allowed only for products produced on the premises provided no hazards are created with parking, ingress, egress, and signage and the operation does not disrupt the peace, quiet and dignity of the neighborhood.

2. Produce stands in nonresidential zone districts may include products produced off-premises and require a temporary use permit.

S. Telecommunications Facilities

1. General

All telecommunications facilities shall comply with the standards of this LDC, all applicable standards of the Federal Telecommunications Act of 1996, as amended, and all applicable requirements of the Federal Aviation Administration.

2. Disputes

If an applicant for a telecommunications facility claims that one (1) or more standards of this LDC are inconsistent with the Federal Telecommunications Act of 1996, as amended, 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 LDC would prohibit effective service. Any costs shall be charged to the applicant.

3. Rural Planning Area

a. 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.

b. 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.

4. Urban Planning Areas

a. 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.
b. Application

No telecommunications facilities or 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.

c. 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.

d. 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:

(1) 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.

(2) 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 (200) percent 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 (25) percent 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.

(3) 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.

(4) 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.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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:

(i) No existing tower, facility, or utility structure is located within a distance which meets the applicant's engineering requirements;
(ii) 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;

(iii) 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;

(iv) There is some other reasonable factor that renders existing towers, facilities or utility structures unsuitable; and

(v) 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.

(5) 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.

e. Interference
Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

f. 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.

g. 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.

h. 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.

i. Application Requirements
In addition to other requirements of this LDC, each applicant for a Tower or Telecommunication Facility shall provide the Director with an inventory of all of the applicant's existing Tower(s) and/or Telecommunication Facility(ies) or approved sites for the facilities.

(1) A vicinity 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.

(2) 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.

(3) 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.
(4) An agreement retained by the County which commits the facility owner and its successors to allow shared use of the facility if additional users agree in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Director the names, addresses, and telephone numbers of every inquiry for co-location, and the status of any such inquiry.

(5) 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 LDC.

(6) Any other information as required by the Decision Maker to evaluate the request, especially technical information.

j. 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 to use concealed towers/telecommunication facilities are permitted in all non-residential zoning districts, unless otherwise specified by this LDC. 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.

k. Design, Materials, and Color

Towers and telecommunication facilities shall be designed and maintained: to minimize visual impact; to 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:

1. Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design, and shape;

2. 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;

3. Be located on existing vertical infrastructure such as utility poles and public buildings or utility structures;

4. 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;

5. 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;

6. Be located in areas where the existing topography, vegetation, buildings, or other structures provide screening; and

7. 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.
l. Landscaping and Screening

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

(1) A free-standing Tower or Telecommunication Facility shall include landscaping planted and maintained according to an approved landscaping plan and be subject to the screening requirements of Section 8.02.

m. Lighting and Signage

(1) 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 LDC.

(2) Only signage that is required by state or federal law is allowed. No advertising shall be permitted.

n. 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.

o. Modification or Demolition

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

p. 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; 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.

q. Review

Each new tower or facility will be subject to a two (2)-year review by the 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.

r. 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.

s. Federal Aviation Administration (FAA)

(1) No person shall construct or alter a telecommunications tower or facility without a permit issued by the FAA 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;

(2) Form 7460-1 shall not be required for the following:

(a) An amateur radio antenna if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antenna;
(b) Any existing tower and antenna provided a building permit was issued for a tower or antenna prior to the adoption of this LDC;

(c) Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire, and operation of governmental entities; or

(d) Any antennae used for FCC licensees engaged in AM, FM, or television broadcasting.

T. 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.

1. The stored materials shall be located behind a landscaped area meeting the buffer requirements of parking lots in Section 8.02.

2. No materials shall be displayed or stored within a required landscape area.

3. 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.

U. Winery, Distillery or Brewery

Wineries, distilleries or breweries located in Rural Zoning Districts shall be permitted to include limited retail sales and restaurants (vintner’s restaurant) as an accessory use, subject to the following conditions:

1. Restaurants shall be accessory to the use and shall meet all applicable requirements for food preparation and service and obtain all necessary state and local permits.

2. 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).

V. Self-Service Storage/Mini-Warehouse

1. 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.

2. Indoor storage in the Rural Zoning Districts is not limited to the Rural Communities.

W. Oil, Gas, and Forestry Support Services

1. Land uses that provide support service for forestry and oil and gas drilling operations 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. The following information shall be submitted with an application for a conditional use permit or major site plan:
   a. The project narrative shall include:
      (1) The need for the facility in the location proposed including the lack of suitably zoned land in the project area, and
      (2) The adequacy of roads and access to the site, including the condition and construction of the roads.
   b. A letter from licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive sewage and/or refuse from the proposed use.
   c. An emergency management plan.
   d. A reclamation and re-vegetation plan.
      The reclamation and re-vegetation requirements may be modified if the operator has entered into an alternative agreement with the surface owner.

2. The following criteria will apply to all support services facilities:
   a. Dust shall be controlled on public roads as agreed upon with the Mesa County Road Department Supervisor.
b. Existing driveways and private roads should be used to the greatest extent possible.

c. The use should be located so that existing topography, vegetation and/or distance minimize visibility from interstate highways, arterial roads, or scenic byways.

d. The facility should be located no less than one (1) mile (measured in driving distance on public roads) from another facility. The Director may allow the facility to 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 distance.

e. 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.

f. The grounds shall be kept free of weeds, junk, and trash at all times.

g. 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.

h. Wildlife-proof trash receptacles shall be used.

i. 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.

j. 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.

k. 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.

l. 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.

m. 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.

n. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

3. 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 three (3) year period. The operator shall submit to the 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 this Section. Subsequent extensions may be applied for in the same manner.

4. 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 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 Director indicating that the site was reclaimed as set forth in the approved reclamation plan.
X. Field Office Headquarters for Oil and Gas Field Operators

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

1. 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.

2. Outdoor storage of equipment and vehicles as well as parking areas are screened from adjacent land uses including public road frontages.
   a. 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.
   b. Landscaping and screening is not required if the outdoor storage areas are not visible from adjacent properties.

3. Section 6.02 X.2.a. (above) criteria for Oil and Gas Support Services, shall be utilized. Section 6.02 X.2.b. (above) 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.

Y. Temporary Employee Housing

The following information, standards and requirements shall be required for all temporary employee housing related to commercial, industrial, transportation, oil and gas, or mineral extraction projects:

1. The following information shall be submitted with an application for a Conditional Use Permit or Site Plan:
   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.
   b. Discussion of the adequacy of roads and access to the site, including the condition and construction of the roads.
   c. A letter from a licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the development’s refuse as applicable.
   d. An emergency management plan.
   e. A reclamation and re-vegetation plan.

2. The following standards will apply to all temporary employee housing facilities:
   a. Dust shall be controlled on the site, public and internal roads, 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.
   b. 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.
   c. 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:
      (1) The facility should be located at the base of slopes to provide a background of topography and/or natural cover.
      (2) Cut and fill should be minimized when locating the facility.
      (3) Surface use agreements shall be taken into consideration.
   d. All State and County health standards and requirements must be met.
   e. Campers, tents, and/or recreational vehicles (RV’s) shall not be allowed as temporary employee housing.
   f. Landscaping, fencing, and berms shall be used in combinations that effectively screen the facility...
from existing residences visible from the proposed housing site.

g. Wildlife-proof trash receptacles shall be used (where applicable).

h. 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.

i. Residential noise limits shall be complied with pursuant to the Colorado Oil and Gas Conservation Commission Eight Hundred (800) Series rules for noise abatement.

j. 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 and shall be subject to the noise limits above.

k. 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.

l. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

3. 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 (3) year period. As part of the request, the operator shall submit to the 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 6.02 X.1. above.

4. Closure

When the need for the use is finished, the facility and associated structure must be removed within ninety (90) days of closure. The 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 Director indicating that the site was reclaimed as set forth in the approved reclamation plan.

5. 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 Site Plan application, a checklist which addresses the review criteria in Section 6.02 Q. of this LDC and that includes the following:

a. A general description of facilities and structures located on the drilling pad during drilling activities and their uses;

b. A count of the number of beds proposed for essential personnel; and

c. 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.

Z. Minor Entertainment Events

Applications for minor entertainment events shall address the following concerns, including mitigation, in a Conditional Use Permit application:

1. Vehicle access and circulation (including emergency access);

2. Noise limits set forth in C.R.S. §25-12-103;
3. Hours of operation with an appropriate time to end activities associated with proposed events;
4. 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;
5. Peak hour traffic generation; and
6. Screening of the event activities from residences on adjacent properties.

AA. Industrial Development Design Standards

1. 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.

2. Applicability
   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 6-1 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 6-1, regardless of the zoning district.

3. Design Standards
   a. Building Orientation
      To the maximum extent possible:
      (1) Primary building entry facades should orient towards the major access drive or street; and
      (2) Structures should be oriented to screen outdoor storage areas from view from the street and adjacent residential areas.

   b. Parking
      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 (50) percent 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.

   c. Building Style and Design
      These standards apply only to building facades facing collector or arterial streets. 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.
      (1) Where the construction of a blank or windowless wall facing a collector or arterial street is necessary, the wall shall be articulated or enhanced using architectural features and landscaping.
      (2) Where walls facing collector or arterial streets are more than fifty (50) feet long, offsets in
wall plane or roof line or features such as porches or recessed entries shall be used to break up the wall.

(3) 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, decorative 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.

(4) 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 the standards listed above.

d. Screening

(1) Visual and acoustic mitigation alternatives shall be incorporated into the development through the use of built or natural screening along collector streets and pedestrian environments and adjacent to residential uses.

(2) All mechanical and utility equipment shall be screened from view from collector streets and residential uses.

e. 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.

BB. Vacation Rentals

The vacation rental of a private residence, either as a whole or as an individual room, shall be subject to the following requirements.

1. Vacation rentals shall be subject to Site Plan Review.

2. Short-term rentals shall be permitted in single-family dwellings (attached and detached), townhomes, accessory dwelling units and owner-occupied duplexes.
   a. The maximum length of stay shall be less than thirty (30) consecutive days.
   b. Only structures permitted for residential occupancy shall be used as vacation rentals. Tents, recreational vehicles, temporary shelters and other provisions intended for temporary occupancy are not allowed as guest accommodations.

3. Maximum occupancy of a vacation rental shall be determined at the time of site plan approval based on the number of parking spaces and bedrooms.

4. Residential dwellings that are used for vacation rentals shall meet Building Code requirements for smoke and carbon monoxide detectors. No room shall be rented that does not meet egress requirements.

5. All accommodations shall have sanitary and bathing facilities available to guests within or in close proximity to the area of rental, and shall not be unduly restricted in access.

6. The vacation rental shall have a minimum of one (1) off-street parking space per sleeping room plus one (1) additional space. All vehicles shall be parked in designated parking areas only.

7. The local property manager or representative shall be a county resident who can be contacted by telephone and is available at all times when the home is rented. The representative shall be available for resolution of conflicts, cleanup of the property, or issues with the home or occupants and shall be able to respond within a reasonable amount of time.
   a. If the local representative changes, it shall be the responsibility of the owner to immediately notify
the Mesa County Planning Department of the new representative’s name and phone number.

b. If the local representative is not available for a specific period of time, the property shall not be rented during that time.

8. No changes shall be made to the dwelling or site that would diminish or detract from the residential appearance in the neighborhood.

9. If the proposed Vacation Rental is more in-line with the standards set forth under Section 6.02 C. Bed and Breakfast, it may be required that the proposed Vacation Rental be process as a Bed and Breakfast.

10. The vacation rental shall be subject to all applicable safety and health inspections, licenses, registrations, fees and taxes to which other licensed businesses or places of accommodation are subject.

11. Failure to maintain compliance with the aforementioned standards shall result in revocation of approval.
   a. Should a vacation rental receive three (3) or more formal, verified nuisance, health and/or safety complaints in a calendar year, the Planning Director may revoke the site plan approval.

SECTION 6.03 | ACCESSORY STRUCTURES

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:
   1. 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.
   2. Rural Zoning Districts
      a. One (1) accessory structure may be allowed to be constructed without a principal structure (residence) on property that is one (1) acre or greater in size.
      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 outbuildings.
   3. Urban Zoning Districts
      One (1) accessory structure may be allowed to be constructed without a principal structure (residence) in an urban zoning district that is one (1) acre or greater in size and that allows single-family residential use.

B. Dimensional and Operational Standards
   The standards of this section shall apply in all districts unless otherwise expressly stated.
   1. 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.
   2. Setbacks
      Accessory structures shall be subject to all setback requirements of the zoning district in which they are located Chapter 5 with the following exception:
      a. Interior Side and Rear Setbacks
         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.

b. Easements

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

3. Size

Accessory structures shall be subordinate in size, extent, and purpose to the principal building or use. Accessory structures on properties in rural, RSF-R, 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.

SECTION 6.04 | ACCESSORY 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. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district unless otherwise expressly stated. No accessory use shall be established on the subject parcel until after all required permits and approvals for the principal use, structure or activity have been obtained.

A. Operation

Accessory uses shall be 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.

B. 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.

1. 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. 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.

2. 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 6-1 of this LDC.

3. Domestic Livestock

The keeping of domestic livestock shall be considered an accessory use and shall be measured in terms of animal units.

a. Existing Properties in Urban Land Use Areas

On properties designated for urban land uses on the adopted Future Land Use Plan Map, the keeping of domestic livestock may be allowed only on lots or parcels greater than one-half (1/2) acre in size except as provided for below in subsection (1).

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 rear and side property lines when adjacent to an existing residential use unless physically impossible, in which case the Director may approve an adjustment up to thirty (30) percent. Pastures are not considered confined areas.

(1) On parcels of land less than one-half (1/2) acre in size in the urban zoning districts, chickens and rabbits that are kept outside the residence shall be allowed under the following conditions:

(a) 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.

(b) 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.

(c) Chickens and/or rabbits shall not be permitted on properties with duplexes or multi-family dwellings.

(d) No roosters are allowed.

(e) All animals shall be confined by a fence, cage, or pen. Appropriate shelter shall be provided.

(f) Animals shall be kept no closer than twenty (20) feet from rear and side property lines whenever there is an existing residential use on the adjoining property.

(g) There shall be no confinement of animals in the front setback area.

(h) The coop, hutch, cage, pen, and/or area where the animals are confined shall be kept in a clean 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 Future Land Use Plan Map, 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.

(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 Director may approve an adjustment up to thirty (30) percent.

(c) Pastures 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.

4. Allowed Animal Units per Acre

For parcels of land one half (1/2) acre or larger in size: calculations are based on animal units times the 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.).

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

<table>
<thead>
<tr>
<th>Animal Species</th>
<th>Equivalency Factor Based on Animal Unit = 1000 lb cow</th>
<th>4 animal units/acre (RSF-R, AFT, AF-35 Zoning Districts)</th>
<th>3 animal units/acre (All Other Urban Zoning Districts)</th>
<th>1,000 Animal Units Feedlot Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpaca or Llama</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Bison, buffalo (under 2 years old)</td>
<td>0.80</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Bison, buffalo</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Bison, buffalo - calf w/calf</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Burro, Donkey - Miniature</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Cattle, Beef - Slaughter and Feed</td>
<td>0.80 (1-2 yrs old)</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Cattle, Beef - Slaughter and Feed</td>
<td>1.00 (&gt;2 yrs old)</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Calves (under 6 months)</td>
<td>0.00</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cattle, Beef - calf w/calf</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Cattle, Dairy (bulls or cows)</td>
<td>1.40 (&gt;2 yrs)</td>
<td>2.9</td>
<td>2.1</td>
<td>714</td>
</tr>
<tr>
<td>Chickens, Broiler</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>50,000</td>
</tr>
<tr>
<td>Chickens, Layer</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>50,000</td>
</tr>
<tr>
<td>Elk, domestic (under 2 years old)</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Elk, domestic</td>
<td>0.80</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Elk, domestic - calf w/calf</td>
<td>0.80</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Emu less than 100 lbs.</td>
<td>0.10</td>
<td>40</td>
<td>30</td>
<td>10,000</td>
</tr>
<tr>
<td>Emu more than 100 lbs.</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Fallow Deer</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Geese, ducks, swans, turkeys, fowl</td>
<td>0.03</td>
<td>133</td>
<td>100</td>
<td>33,333</td>
</tr>
<tr>
<td>Goat, feeder (less than 80 lbs.)</td>
<td>0.10</td>
<td>40</td>
<td>30</td>
<td>10,000</td>
</tr>
<tr>
<td>Goat, mature brood stock</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Goat, nanny w/kids</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Goat, miniature</td>
<td>0.05</td>
<td>80</td>
<td>60</td>
<td>20,000</td>
</tr>
<tr>
<td>Horses, mules</td>
<td>1.30</td>
<td>3.1</td>
<td>2.3</td>
<td>769</td>
</tr>
<tr>
<td>Horses - mare w/foal</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Horses - miniature</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Ostrich</td>
<td>0.30</td>
<td>13.3</td>
<td>10</td>
<td>3,333</td>
</tr>
<tr>
<td>Rabbit, fryer and mature</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>100,000</td>
</tr>
<tr>
<td>Sheep, feeder less than 80 lbs.</td>
<td>0.10</td>
<td>40</td>
<td>30</td>
<td>10,000</td>
</tr>
<tr>
<td>Sheep, feeder more than 80 lbs.</td>
<td>0.20 (1 yr+)</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Sheep, mature brood stock</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Sheep ewes w/lambs</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Swine, feeders (less than 50 lbs.)</td>
<td>0.10</td>
<td>40</td>
<td>30</td>
<td>10,000</td>
</tr>
<tr>
<td>Swine, feeders (50 lbs. to market)</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Swine, mature brood stock</td>
<td>0.40</td>
<td>10</td>
<td>7.5</td>
<td>2,500</td>
</tr>
<tr>
<td>Swine, sow with litters</td>
<td>0.40</td>
<td>10</td>
<td>7.5</td>
<td>2,500</td>
</tr>
</tbody>
</table>

C. Caretakers and Security Guards

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

D. Home Occupations

1. General

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 remain subordinate to the allowed principal use and that the residential viability of the dwelling unit and property is maintained. Home Occupations shall require Site Plan review.
2. **Exempt Home Occupations**

   Home occupations are not subject to the home occupations regulations where all criteria below are met:
   a. Client/customer visits to the premises are limited to a maximum of ten (10) per week;
   b. No nonresident employees visit the site;
   c. No outdoor activities or storage are on the site;
   d. Storage of hazardous materials/waste is not a primary use of the home occupation; and
   e. Quantities and types of hazardous materials stored on site cannot exceed that of normal household use.

3. **Home Occupations**
   a. **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.

   b. **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.

   c. **Prohibited or Limited Uses**
      
      (1) **Vehicle and Large Equipment Repair**

      Repair or assembly of vehicles or equipment with internal combustion engines (such as autos and motorcycles, excluding ‘heavy equipment’), of large appliances (such as washing machines, dryers, and refrigerators), or any other work related to automobiles and their parts shall be allowed on parcels and lots of one (1) acre or greater within Urban Zone Districts. The use 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.

      (2) **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 6.04 B. of this LDC. See also Table 6-1, Animal Care/Boarding/Sales.

      (3) **Industrial Uses**

      Industrial uses may only be allowed in zoning districts as indicated in Table 6-1.

   d. **Public Right-of-Way**

   e. 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.

f. 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.

<table>
<thead>
<tr>
<th>TABLE 6-4: SUMMARY OF HOME OCCUPATION REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Zone Districts</td>
</tr>
<tr>
<td><strong>Nonresident Employees</strong></td>
</tr>
<tr>
<td><strong>Resident Operator</strong></td>
</tr>
<tr>
<td><strong>Customers</strong></td>
</tr>
<tr>
<td><strong>Floor Area</strong></td>
</tr>
<tr>
<td><strong>Signs</strong></td>
</tr>
<tr>
<td><strong>Outdoor Activities</strong></td>
</tr>
<tr>
<td><strong>Exterior Appearance</strong></td>
</tr>
<tr>
<td><strong>Small Engine Repair</strong></td>
</tr>
<tr>
<td><strong>Deliveries</strong></td>
</tr>
<tr>
<td><strong>Retail Sales</strong></td>
</tr>
<tr>
<td><strong>Off Street Parking</strong></td>
</tr>
<tr>
<td><strong>Number of Home Occupations on Site</strong></td>
</tr>
</tbody>
</table>

E. Accessory Dwellings

1. Accessory dwelling applications are reviewed as a residential site plan in accordance with Section 4.16 C, and must additionally comply with applicable standards listed below.

2. General Standards

   The following general standards shall apply to accessory dwellings:

   a. Only one (1) accessory dwelling shall be allowed per parcel or lot.

   b. Size

      The size of an accessory dwelling unit is computed using the total heated living area of the proposed structure.

      (1) On parcels or lots less than one half (1/2) acre in size:

         A maximum of nine hundred (900) square feet is allowed.
(2) On parcels or lots greater than one half (1/2) acre but less than one (1) acre in size:

A maximum of one thousand two hundred (1,200) square feet is allowed.

(3) On parcels or lots one (1) acre or greater in size:

A maximum of one thousand five hundred (1,500) square feet or fifty (50) percent of the heated living area of the principal dwelling whichever is greater.

(4) 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.

c. 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.

d. Parking

At least one (1) off-street parking space must be provided for each bedroom in the accessory dwelling.

e. 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.

f. 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.

g. Construction Material and Roof Design

The design and construction material of the accessory dwelling shall be complementary to those of the principal single-family dwelling.

F. Camping

1. Location

a. A Recreational Vehicle (RV) or a temporary shelter may be occupied for recreational or vacation purposes on property located within a Rural or Urban Residential zoning district.

   (1) For properties less than one (1) acre in size, a principal dwelling is required on the property.

   (2) Occupancy of RVs or temporary shelters shall not be permitted on properties less than one half (1/2) acre in size.

   (3) RVs and temporary shelters shall be prohibited in the required setbacks.

b. Occupancy of RVs and temporary shelters in Nonresidential and Mixed Use zoning districts shall be limited to permitted campgrounds and camps.

c. Occupancy of RVs in Mobile Home Parks and Manufactured Home Parks shall not be permitted.

d. Private non-commercial hunting camps in Rural zoning districts are exempt from these standards.

e. These standards shall not apply to Agricultural Labor Housing approved pursuant to Section 6.02 B. of this LDC.

2. Number Allowed

One (1) RV or temporary shelter may be occupied on a single property at a time.
3. Duration of Occupancy

RVs or temporary shelters may be occupied for a period not to exceed thirty (30) consecutive days. RVs or temporary shelters shall not be occupied more than a total of one hundred eighty (180) days in any calendar year.

4. Standards

The following standards apply to the occupancy of all RVs and temporary shelters located in a Rural or Urban Residential zoning district:

a. RVs must have a current registration and/or vehicle license.

b. To protect public safety, all RVs & temporary shelters must remain readily mobile and meet the following requirements:

   (1) Nothing shall be attached to an RV or temporary shelter or placed in a manner that would prevent or hinder the immediate removal of the RV or temporary shelter.

   (2) RVs and temporary shelters, inclusive of all slide-outs and other projections, shall maintain a separation of at least ten (10) feet from all buildings.

   (3) RVs shall not be driven or be parked across, over, or on any part of the onsite waste water treatment system.

   (4) The RV or temporary shelter’s hook-ups must be in compliance with all applicable building, fire, electrical, mechanical, and related codes.

   (5) Propane tanks must meet minimum fire code standards, including placement at least ten (10) feet from any source of ignition (open flame, window air conditioner, compressor, generator, or similar items).

   (6) No generator shall be located within fifty (50) feet of a dwelling on an adjoining property.

   (7) Generators shall not be used between 10:00 p.m. and 7:00 a.m. Generators shall be located so noise is not directed toward adjoining properties. Generators shall adhere to the noise limit requirements of Colorado Revised Statute §25-12-103.

   (8) The placement of RVs or temporary structures in a floodplain shall meet the standards of Section 8.14 of this LDC.

c. RVs or temporary structures property may not be leased or rented to another party for use on that property except as may be permitted by this LDC.

5. Temporary Dwelling

An RV or temporary structures may be used as a temporary dwelling during construction or remodel of a single-family residence in a Rural zoning district, or in an Urban Residential zoning district on a property that is one (1) acre or greater in size and where a valid building permit has been issued.

SECTION 6.05 | TEMPORARY USES

A. General Regulations

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

1. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.

2. Unless otherwise expressly stated, temporary uses shall be subject to Site Plan Review pursuant to Section 4.16.

B. Uses Allowed

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

1. 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.

2. Fairs, Carnivals, and Other Public Gatherings

Fairs, carnivals, and other public gatherings shall be allowed as follows:

a. In Rural Zoning Districts, such uses shall be allowed for up to six (6) consecutive days. Two (2) events are allowed per calendar-year.

b. 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.

c. In Nonresidential Zoning Districts, such uses shall be allowed for up to eight (8) consecutive days. Two (2) events are allowed per calendar-year.

3. 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.

4. 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.

5. 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 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.

6. Other Uses

The 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.

7. 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.

C. Approval Criteria

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

1. That the proposed site is adequate in size and shape to accommodate the temporary use;

2. 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;

3. That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on site or at alternate locations; and

4. 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.
D. Conditions of Approval

In approving temporary use requests, the 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 Director shall be authorized to require:

1. Provision of temporary parking facilities, including vehicular access and egress;
2. 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;
3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment, and open spaces, including buffer areas and other yards;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Provision of security and safety measures;
7. 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
8. 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.
A. Density

Density is measured by dividing the number of dwelling units on a lot or parcel by the parcel’s gross land area (in acres). Gross land area includes the entire parcel or property at the time a development application is filed.

1. Exceptions to Minimum Density Requirements
   a. The Director shall be authorized to approve a minimum density of up to twenty (20) percent less than otherwise stated in Chapter 5 (using the Administrative Adjustment review and approval procedure of Section 4.01) when deemed necessary to accommodate unusually small or oddly shaped parcels, roads, right-of-way, floodplains, steep slopes, wetlands, hazard area, open space and other non-developable lands.
   b. Minimum density standards shall not apply to a minor subdivision in the RSF-4, RMF-5, RMF-8, or RMF-16 zone districts if:
      (1) One lot can be reasonably resubdivided or developed in a manner that complies with the minimum density standards for the parcel and other regulations in this LDC; and
      (2) The new lot(s) created are a maximum lot size of one quarter (1/4) acre. However, if sewer is unavailable, one (1) lot shall be allowed at the minimum size allowed for an on-site wastewater treatment system (Section 8.11).

B. Lot Area

1. Lot area is measured as the amount of net land area contained within the property lines of a lot or parcel, not including streets or rights-of-way.

2. For the purpose of calculating density on existing parcels zoned RSF-4, RMF-5, RMF-8, RMF-16 and RMF-24 that are smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

3. Exceptions to Minimum Lot Area Requirements
   No building permit or development approval shall be issued for a lot that does not meet the minimum lot area requirements of this LDC, except in the following cases.
   a. Utilities
      Utilities using land or an unoccupied building covering less than one thousand (1,000) square feet
of site area are exempt from minimum lot area standards.

b. Detached Single-Family Dwelling Unit Exemption

The minimum lot area standards of this LDC shall not prohibit the construction of a detached single-family dwelling unit on a lot or parcel that was legally platted or recorded prior to the adoption of this LDC, provided that the dwelling unit is constructed in compliance with all applicable dimensional standards.

C. Lot Width

Lot width is measured between side lot lines along a line that is parallel to the street lot line or its chord and located the minimum street setback distance from the street lot line.

D. Street Frontage

Street Frontage is measured between side lot lines along the street lot line.

E. Setbacks

Setbacks are unobstructed, unoccupied open areas, measured as follows:

![Figure 7-2: Setbacks](image)

- **a. Street Setbacks**
  1. Street setbacks shall be measured between the furthermost projection of a structure and any abutting rights-of-way line.
  2. In the event that lots or parcels abut streets or roads without rights-of-way or inadequate right-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan.

- **b. Side and Rear Setbacks**
  Side and rear setbacks shall be measured between the furthermost projection of a structure and the property lines of the lot on which such structure is located.

2. Exceptions and Permitted Encroachments

Setbacks must be unobstructed from the ground to the sky except that the following features may encroach into required setbacks:

- **a. Landscaping;**
- **b. Bay windows, not to exceed three (3) feet;**
- **c. Chimneys, not to exceed two (2) feet;**
d. Clothesline post;

  e. Driveways, curbs and sidewalks;

  f. Flagpoles;

  g. Heating and cooling units, not to exceed three (3) feet;

  h. Mailboxes;

  i. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed three (3) feet;

  j. Septic systems, wells and underground utilities;

  k. Signs (in accordance with Chapter 9);

  l. Steps, stairs or fire escapes (non-enclosed), not to exceed six (6) feet;

  m. Uncovered, unenclosed terraces, porches, patios, or decks not to exceed six (6) feet if no surface is higher than thirty (30) inches from the average finished grade;

  n. Accessory buildings, within required rear setbacks only;

  o. Required parking where not specifically prohibited;

  p. Open carports, up to one-half of the required side or rear yard setback for principal structures, but not closer than three feet to the lot line;

  q. Fences or walls seven (7) feet or less in height, if otherwise allowed by County regulations

  r. Yard and service lighting fixtures, poles.

3. Setback Averaging

Regardless of the minimum street setback required by the underlying zoning district, the minimum street setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the subject lot. The following rules apply in calculating the average setback.

  a. Only the setbacks of the existing structures that abut each side of the subject lot and are on the same side of the street may be used.

  b. When one abutting lot is vacant or the subject lot is a corner lot, then setback averaging is calculated using the setback of the existing abutting structure and the zoning district minimum setback.

Figure 7-3: Setback Averaging

4. Nonconforming Setback

When an addition to an existing legal, nonconforming structure would not meet current setback requirements, the Director may approve such addition if the following criteria are met:
a. No reasonable alternative exists for the location of the addition on the subject property;
b. The location of the addition would follow and not encroach further than the existing nonconforming setback;
c. The addition would not encroach into any required street setback for garage access; and
d. The addition would not encroach on any existing easement.

F. Lot Coverage
Lot coverage is calculated by dividing the total square footage of all building footprints and all impervious surfaces by the square footage of the lot.

G. Height
1. Building height is measured as the vertical distance between the average finished grade at the base of the building along the side of the building being measured and:
   a. The average height between the eaves and ridge line of a gable, hip or gambrel roof;
   b. The highest point of a mansard roof; or
   c. The highest point of the coping of a flat roof.

2. Exceptions
   a. Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, structures for essential services, windmills, flagpoles,
chimneys, radio/television receiving antennas or chimney flues.

b. Height limits also do not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than thirty-three and one-third (33 1/3) percent of the area of the roof.

SECTION 7.02 | AFT DISTRICT DENSITY

A. Purpose
In order to provide more certainty regarding appropriate levels of development on land within the Rural Planning Area, the County has adopted the provisions of this section to govern density in the AFT Zoning District.

B. Density
The base density allowed on lots and parcels zoned AFT shall be no more than an average of one lot per five (5) acres unless a different base density is identified in Table 7-1 (see below). If density bonus is allowed, the maximum density may only be achieved when an application for density bonus is submitted and approved subject to the criteria listed in Section 7.02 C.

<table>
<thead>
<tr>
<th>Future Land Use Classification</th>
<th>Density (acres per dwelling unit)</th>
<th>Minimum Lot Size (acres)</th>
<th>Density Bonus</th>
<th>Required Reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential 5</td>
<td>5</td>
<td>N/A</td>
<td>Section 8.11</td>
<td>N/A</td>
</tr>
<tr>
<td>Fruita 201-10</td>
<td>10</td>
<td>N/A</td>
<td>10</td>
<td>N/A</td>
</tr>
<tr>
<td>EOM 10</td>
<td>10</td>
<td>N/A</td>
<td>10</td>
<td>N/A</td>
</tr>
<tr>
<td>Rural Ag 10 (R/A 10)</td>
<td>10</td>
<td>5</td>
<td>Section 8.11</td>
<td>Section 7.02 C.</td>
</tr>
<tr>
<td>Rural Ag 17 A (R/A 17)</td>
<td>17</td>
<td>9</td>
<td>Section 8.11</td>
<td>Section 7.02 C.</td>
</tr>
<tr>
<td>Rural/Ag/20 NB</td>
<td>20</td>
<td>N/A</td>
<td>20</td>
<td>N/A</td>
</tr>
<tr>
<td>Rural/Ag 35+ A</td>
<td>35</td>
<td>N/A</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>Large Lot Rural/Ag 35+</td>
<td>35</td>
<td>N/A</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>Fruita Buffer North of River (R/A 10)</td>
<td>10</td>
<td>5</td>
<td>Section 8.11</td>
<td>Section 7.02 C.</td>
</tr>
<tr>
<td>Fruita Buffer South of River</td>
<td>N/A</td>
<td>Average of existing lot size within 2,500 feet (excluding public lands)</td>
<td>Section 8.11</td>
<td>N/A</td>
</tr>
<tr>
<td>Palisade Buffer North of River (R/A 10)</td>
<td>10</td>
<td>5</td>
<td>Section 8.11</td>
<td>Section 7.02 C.</td>
</tr>
<tr>
<td>Palisade Buffer South of River (EOM 10)</td>
<td>10</td>
<td>N/A</td>
<td>10</td>
<td>N/A</td>
</tr>
<tr>
<td>Rural (RUR)</td>
<td>5</td>
<td>N/A</td>
<td>Section 8.11</td>
<td>N/A</td>
</tr>
</tbody>
</table>

C. Density Bonus Criteria

1. Eligibility
   To qualify for a density bonus, the property must have a Future Land Use Classification depicted in Table 7-1 as appropriate for a density bonus.

2. Process
   The Major Subdivision application process shall be followed (Section 4.10 E.). In addition to the standards and criteria required for approval of a major subdivision, subdivisions requesting density bonus must apply the following approval criteria in Section 7.02 C.3.
3. Approval Criteria

a. The following preserved land minimums shall be required to achieve associated density bonuses:

<table>
<thead>
<tr>
<th>Future Land Use Classification</th>
<th>Density (acres per dwelling unit)</th>
<th>Preserved Land Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>R/A 17</td>
<td>15</td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>40%</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>8.5</td>
<td>30%</td>
</tr>
<tr>
<td>R/A 10</td>
<td>6.5</td>
<td>40%</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>50%</td>
</tr>
</tbody>
</table>

b. The lots must be located to avoid development of and minimize adverse impacts on agricultural land, steep slopes, ridgelines, wetlands, wildlife habitats, and public facilities;

c. The preserved land may be located within a tract designated as open space (in which case the tract is not included in the density calculation) or part of a reserved building lot (in which case the reserved building lot is included in the density calculation);

d. The preserved land should be located in areas adjacent to any existing agricultural operations;

e. A note shall be placed on the plat that the preserved land is reserved for future development until applicable revision or amendment of the Mesa County Master Plan and Land Development Code occur; and

f. Minimum lot size requirements shall be based on onsite wastewater treatment system regulations, fire protection standards, site-specific conditions, and the need, if any, to protect adjacent agricultural operations under the County’s Right to Farm and Ranch Policy.

SECTION 7.03 | RSF-E DISTRICT DENSITY

A. Purpose

In order to provide more certainty regarding appropriate levels of development on land with a Future Land Use Classification of Estate, the County has adopted the provisions of this section to govern density in the RSF-E Zoning District.

B. Maximum Density and Minimum Lot Size Criteria

The maximum density and minimum lot size allowed within the RSF-E Zoning District shall be as follows:

<table>
<thead>
<tr>
<th>Future Land Use Classification</th>
<th>Density</th>
<th>Minimum Lot Size</th>
<th>Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estate</td>
<td>1 acre / dwelling unit</td>
<td>1 acre</td>
<td>Grand Junction Comprehensive Plan</td>
</tr>
<tr>
<td>Estate</td>
<td>2 acres / dwelling unit</td>
<td>2 acres</td>
<td>Loma/Mack Area Plan</td>
</tr>
<tr>
<td>Estate</td>
<td>2 acres / dwelling unit</td>
<td>2 acres</td>
<td>Loma Community Plan</td>
</tr>
<tr>
<td>Rural Estate 3</td>
<td>3 acres / dwelling unit</td>
<td>1 acre</td>
<td>Rural Planning Area</td>
</tr>
</tbody>
</table>

SECTION 7.04 | ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

The alternative development options of this section allow for variety in development standards while maintaining the overall character of single-family residential developments.

A. Flagpole Lots

Flagpole lots shall be allowed in all Rural and Urban Residential zoning districts in accordance with the
following standards:

1. **Frontage**
   
   Each flagpole lot shall have at least twenty (20) feet of street frontage and at least twenty (20) feet of width for the entire length of the flagpole.

2. **Number**
   
   A maximum of one flagpole lot is allowed in subdivisions of four (4) lots or less. No more than twenty (20) percent of the lots within a subdivision containing five (5) or more lots shall be flagpole lots. No more than two (2) flagpole lots may be contiguous.

3. **Lot Area Calculation**
   
   The area of the flagpole may not be counted as part of the lot area.

4. **Driveways**
   
   Driveways shall be designed to allow vehicles to drive-out forward. Common driveways shall be required when two (2) flagpole lots are contiguous.

**B. Attached Single-Family**

Attached single-family development shall be allowed in accordance with the Table 6-1, subject to the following standards:

1. **Lot Width**
   
   Attached housing is exempt from the lot width standard of the underlying zoning district, but it is not exempt from minimum lot area requirements.

2. **Setbacks**
   
   No interior side setback is required on the “attached” side of a lot containing an attached house. The street, side, and rear setback standards shall apply around the perimeter of an attached housing development.

3. **Number of Units**
   
   In the RSF-4 and more restrictive districts, no single structure may contain more than eight dwelling units.
C. Zero Lot Line Development

The following additional standards shall apply to Zero Lot Line development:

1. Applicability

Zero lot line developments are allowed by-right in any Urban Residential zoning district.

M A I N T E N A N C E  E A S E M E N T

S I D E W A L K

M I N I M U M  S E P A R A T I O N

S T R E E T

Figure 7-7: Zero Lot Line Development

2. Review and Approval

Review for compliance with the standards of this section shall occur during the Major Subdivision process.

3. Standards

a. Building envelopes

To assure the minimum distance between structures, building envelopes shall be shown on the plat.

b. Setbacks

The side setback on one side of the building may be reduced to zero. This reduction does not apply to interior side setbacks adjacent to lots that are not part of the zero lot line project, development, or subdivision.

c. Distance Between Houses

The minimum distance between all buildings in the development must be equal to twice the required side setback of the underlying zoning district.

d. Eaves

The eaves of a house may project a maximum of twenty-four (24) inches over the adjacent property line

e. Maintenance Easement

An easement to allow for maintenance or repair is required when the eaves or side wall of a building are within four (4) feet of the adjacent property line. The easement on the adjacent property must provide at least ten (10) feet of unobstructed space between the furthermost projection of the structure and be wide enough to allow five (5) feet between the eaves or side wall and the edge of the easement.
f. Privacy

If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

D. Cluster Developments

The following additional standards shall apply to cluster development:

1. The number of lots shall not exceed the maximum density of the underlying zoning district.

2. Minimum lot size shall be based on the underlying zoning or if utilizing Onsite Wastewater Treatment Systems, lot size shall be determined by Section 8.11 of the Land Development Code.

![Cluster Development Diagram](image)

Figure 7-8: Cluster Development

3. The lots and building sites must be located to avoid adverse impacts on steep slopes, ridge lines, wetlands, and wildlife habitats, wildfire hazard areas, floodplains, and, within the Rural Planning Area, any prime, or prime and unique agricultural land.

4. Dimensional standards shall be determined by the closest applicable Zoning District that allows the minimum lot size proposed in the Cluster Development (e.g., if the property is zoned AFT and the proposed minimum lot size is 1 acre, the setbacks and other dimensional standards for the RSF-1 Zoning District shall apply).

E. Urban Residential Reserve (URR) Subdivision Standards

The following standards shall be met for applications for Minor Subdivisions and Major Subdivisions in the URR zone district:

1. The lot or parcel must be a minimum of ten (10) acres to qualify for subdivision. (Previously subdivided lots created under AFT zoning may apply individually without averaging density back to the total acreage of the recorded subdivision.)

2. A minimum of forty (40) percent of the gross site area shall be retained in a single building lot (the Reserve Lot). Two (2) Reserve Lots may be allowed if necessary to accommodate natural physical divisions of the property or necessary rights-of-way dedication.

3. Land in agricultural production shall be located in the Reserve Lot(s) to the greatest extent possible.

4. If outlots or easements are necessary to supply sewer in the future to the developed lots or to the Reserve Lot(s) as determined by the project engineer or the municipality, they shall be designated on
5. A site plan may be required to show options for access, utility corridors and circulation for future redevelopment of the Reserve Lot(s).

6. Provisions for weed control on outlots and common areas shall be proposed in the Concept Plan phase of review and approved by the Mesa County Weed and Pest Inspector.

7. Future Development of the Reserve Lot
   a. If the service district that will provide sewer confirms that sewer can be extended to serve a URR subdivision, the Reserve Lot(s) may be considered for redevelopment at higher densities.
   b. If sewer is not available within ten (10) years from the date the subdivision is first platted under URR zoning, the Reserve Lot(s) may be redeveloped to the maximum density allowed (without the requirement of setting aside a Reserve Lot) in the URR zone district.

SECTION 7.05 | NON-RESIDENTIAL SUBDIVISIONS

Consideration of the following standards may allow non-residential subdivision lots to be less than the minimum size allowed as defined in Chapter 5 of this LDC, where lots will be connected to a public sewer system:

A. Standards

1. Shared detention facilities shall be pre-determined and location sited on plans. Alternative designs such as open space areas or belowground vaults are accepted for review.

2. Pedestrian connections shall be provided.

3. Shared access points shall be required in order to reduce congestion and to mitigate traffic circulation and parking problems. Access shall be permitted in accordance with the requirements of the Road Access Policy.

4. Shared parking and circulation shall be shown on the plat through ingress/egress easements.

5. Lots shall be of sufficient size to accommodate requirements of this LDC, including but not limited to those in Chapter 6, Chapter 7 and Chapter 8.
CHAPTER 8 | DEVELOPMENT STANDARDS

The standards in this Chapter apply to all new development unless otherwise stated.

SECTION 8.01 | OFF-STREET PARKING

A. General

1. New Development

The off-street parking standards of this Section apply to all new buildings and uses.

2. Expansions and Alterations

The off-street parking standards of this Section apply when an existing structure or use is expanded or enlarged. Additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces provided for the entire use (preexisting plus expansion) must equal at least seventy-five (75) percent of minimum ratio established in Table 8-1.

3. Changes of use

A change of use that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this LDC. Where this calculation results in the addition of less than five (5) spaces, no additional spaces shall be required.

B. Minimum Required Off-Street Parking

The following Off-Street Parking Schedule establishes the minimum number of off-street parking spaces to be provided for the use categories described in this LDC. The Bicycle Parking requirements shall apply only within the Urban Zoning Districts.

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Specific Uses</th>
<th>Minimum Number of Spaces</th>
<th>Vehicle Spaces</th>
<th>Bicycle Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Living</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Boarding/Rooming Houses</td>
<td>1 per bedroom</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dormitories/Fraternities/Sororities</td>
<td>1 per 2 beds</td>
<td>0.5 per unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nursing Homes</td>
<td>1 per 4 beds + 1 per each 3 employees</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Other Group Living</td>
<td>1 per 4 beds</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single-Family and Duplex</td>
<td>2 per unit</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multi-Family – 1 bedroom</td>
<td>1.25 per unit</td>
<td>0.5 per unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multi-Family – 2 bedroom</td>
<td>1.5 per unit</td>
<td>0.5 per unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multi-Family – 3+ bedroom</td>
<td>2 per unit</td>
<td>0.5 per unit</td>
<td></td>
</tr>
<tr>
<td>Civic</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colleges and Vocational Schools</td>
<td>1 per 250 square feet or 1 per 4 patrons, whichever results in more spaces</td>
<td>1 per 20 vehicle spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Service</td>
<td>1.5 per employee</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital/Clinic</td>
<td>1 per 2 beds + 1 per employee</td>
<td>1 per 20 vehicle spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks and Open Space</td>
<td>Golf Course</td>
<td>4 spaces per hole</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td>20 spaces per athletic field or ball diamond or 1 per 4 seats, whichever results in more</td>
<td>1 per 10 vehicle</td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Use Categories</td>
<td>Specific Uses</td>
<td>Minimum Number of Spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------------</td>
<td>--------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vehicle Spaces</td>
<td>Bicycle Spaces</td>
<td></td>
</tr>
<tr>
<td>Religious Assembly</td>
<td></td>
<td>1 per 4 seats</td>
<td>1 per 20 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td></td>
<td>1 per employee</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>Elementary and Middle Schools</td>
<td>1 per classroom</td>
<td>1 per 10 students</td>
<td></td>
</tr>
<tr>
<td></td>
<td>High Schools</td>
<td>6 per classroom</td>
<td>1 per 20 students</td>
<td></td>
</tr>
<tr>
<td>Utilities, Basic</td>
<td></td>
<td>1 per employee</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience Store</td>
<td></td>
<td>1 per 250 square feet</td>
<td>1 per 10 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td>Funeral Home/Mortuary</td>
<td></td>
<td>1 per 4 seats</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Shopping Centers</td>
<td>Less than 15,000 sq. ft.</td>
<td>1 per 200 square feet</td>
<td>1 per 20 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15,000 to 400,00 sq. ft.</td>
<td>1 per 250 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>400,000 to 600,000 sq. ft.</td>
<td>1 per 225 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>600,000 + sq. ft.</td>
<td>1 per 200 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service</td>
<td>Vehicle Sales</td>
<td>Spaces equal to ten (10) percent of vehicle display area</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Retail Sales, High Volume, Stand-Alone (e.g., supermarkets, clothing and department stores, shopping complexes, hardware building supplies, and similar uses)</td>
<td>1 per 300 square feet</td>
<td>1 per 10 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Retail Sales, Low Volume, Stand-Alone (e.g., appliance sales, repair shops and similar uses)</td>
<td>1 per 500 square feet (includes employee parking)</td>
<td>1 per 20 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Service Business, Stand-Alone (e.g., beauty/barber shops, frozen food lockers, laundries, and similar uses)</td>
<td>1 per 300 square feet (includes employee parking)</td>
<td>1 per 20 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td>Office and Personal Service</td>
<td></td>
<td>1 per 300 square feet</td>
<td>1 per 10 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td>Entertainment</td>
<td>Bars/Nightclubs</td>
<td>1 per 2 seats</td>
<td>1 per 10 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restaurants</td>
<td>1 per 3 seats</td>
<td>1 per 20 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Theaters</td>
<td>1 per 4 seats</td>
<td>1 per 20 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clubs/Lodges</td>
<td>1 per 3 seats</td>
<td>1 per 20 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bowling Alleys</td>
<td>4 per lane</td>
<td>1 per 10 vehicle spaces</td>
<td></td>
</tr>
<tr>
<td>Recreation and Entertainment, Outdoor</td>
<td>Driving Range</td>
<td>1 per 20 feet of driving area</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor Entertainment Events</td>
<td>1 per 2 customers + space for musicians and servers at the events</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Miniature Golf</td>
<td>2 per hole</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Lodging</td>
<td>Hotels/Motels</td>
<td>1 per room + 75</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
**TABLE 8-1: OFF-STREET PARKING SCHEDULE**

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Specific Uses</th>
<th>Minimum Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Vehicle Spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>percent of spaces required for other associated uses</td>
</tr>
<tr>
<td>Self-Service Storage</td>
<td>1 per 8 storage units</td>
<td>N/A</td>
</tr>
<tr>
<td>Vehicle Repair</td>
<td>2 per service bay + 1 per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Vehicle Service, Limited</td>
<td>Car Wash, Self-Service</td>
<td>3 per bay</td>
</tr>
<tr>
<td></td>
<td>Car Wash, Full-Service</td>
<td>1 space per employee</td>
</tr>
<tr>
<td></td>
<td>Service Stations</td>
<td>4 per service bay + required stacking spaces</td>
</tr>
<tr>
<td></td>
<td>Other Limited Vehicle Service</td>
<td>2 per service bay + 1 per employee</td>
</tr>
</tbody>
</table>

### Industrial

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Minimum Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Service</td>
<td>1.1 per employee</td>
</tr>
<tr>
<td>Manufacturing and Production</td>
<td>1.1 per employee</td>
</tr>
<tr>
<td>Warehouse and Freight Movement</td>
<td>1 per 1.5 employees</td>
</tr>
<tr>
<td>Waste-Related Use</td>
<td>1.1 per employee</td>
</tr>
<tr>
<td>Wholesale Sales</td>
<td>1.1 per employee</td>
</tr>
</tbody>
</table>

### Other

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Minimum Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>None</td>
</tr>
<tr>
<td>Aviation, Surface Passenger Terminals</td>
<td>1 per employee + spaces required to satisfy projected peak parking needs</td>
</tr>
<tr>
<td>Detention Facilities</td>
<td>1.1 per employee</td>
</tr>
<tr>
<td>Mining</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Telecommunications Facilities</td>
<td>None</td>
</tr>
</tbody>
</table>

### C. Rules for Computing Parking Requirements

The following rules apply when computing off-street parking requirements.

1. **Multiple Uses**
   
   Lots containing more than one use must provide parking in an amount equal to the total parking required for all uses.

2. **Area Measurements**
   
   Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area.

3. **Employment and Occupancy-Based Standards**
   
   For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

4. **Unlisted Uses**
   
   Upon receiving a development application for a use not specifically listed in Table 6-1, the Director shall apply the off-street parking standard specified for the listed Use Category or a use that is most similar to the proposed use.
5. Parking Study

A parking study may be submitted with an application if the applicant does not agree with the parking standard applied to the development. The parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates. The study must document the source of data used to develop the recommendation and shall be prepared by a Registered Professional Engineer.

a. Review

The Director shall review the parking study and any other traffic engineering/planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use(s). After reviewing the parking study, the Director shall establish a minimum off-street parking standard for the proposed use(s).

D. Location of Required Parking Spaces

Except as expressly allowed in this Section, required off-street parking spaces must be located on the same lot or parcel as the principal use. No off-street parking shall be allowed within required street setbacks, except that parking for single-family, duplexes and townhomes may be located in driveways.

E. Accessible Parking for Physically Handicapped Persons

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

1. Number of Spaces

The minimum number of accessible spaces to be provided shall be determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling the overall off-street parking standards.

<table>
<thead>
<tr>
<th>Total Parking Spaces Provided</th>
<th>Minimum Number of Accessible Spaces</th>
<th>Minimum Number of Van-Accessible Spaces</th>
<th>Minimum Number of Car-Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>76-100</td>
<td>4</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>101-150</td>
<td>5</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>151-200</td>
<td>6</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>201-300</td>
<td>7</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>301-400</td>
<td>8</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>401-500</td>
<td>9</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>501-1000</td>
<td>2% of total spaces</td>
<td>1 out of every 8 accessible spaces</td>
<td>7 out of every 8 accessible spaces</td>
</tr>
<tr>
<td>Over 1000</td>
<td>20 + 1 per each 100 spaces over 1000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Minimum Dimensions

All parking spaces reserved for persons with disabilities shall comply with the parking space dimensional standards as follows:

a. Car-Accessible Spaces

Car-accessible spaces shall have at least a five (5) foot wide access aisle located adjacent to the designated parking space.

b. Van-Accessible Spaces

Van-accessible spaces shall have at least an eight (8) foot wide access aisle located adjacent to the designated parking space.
3. Location of Spaces

Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

4. Signs and Marking

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than sixty (60) inches and no more than seventy-two (72) inches above pavement level.

F. Parking Area Layout and Design

1. Parking Area Dimensions
   a. The dimensions of required off-street parking areas shall comply with standards shown in the following Parking Dimensions Table, unless otherwise specifically stated.

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width (feet)</th>
<th>Stall Depth (feet)</th>
<th>Aisle Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>8</td>
<td>22</td>
<td>12</td>
</tr>
<tr>
<td>30°</td>
<td>9</td>
<td>18</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>18</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td>45°</td>
<td>8.5</td>
<td>20</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>20</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>60°</td>
<td>8.5</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>21</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>21</td>
<td>15</td>
</tr>
<tr>
<td>75°</td>
<td>8.5</td>
<td>19.5</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>19.5</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>19.5</td>
<td>22</td>
</tr>
<tr>
<td>90°</td>
<td>8.5</td>
<td>18.5</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>18.5</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>18.5</td>
<td>24</td>
</tr>
</tbody>
</table>

   b. Parking is permitted to overhang into perimeter landscape or a landscape divider a maximum of two feet.
2. Protective Curbing

Parking spaces abutting a street shall be provided with bumper blocks or curbing to prevent vehicle overhang into the public right of way or over any sidewalk. Vehicles may not overhang landscape areas more than twenty-four (24) inches.

![Figure 8-1: Protective Curbing](image)

3. Paving and Striping
   a. All required off-street parking areas within the Urban Zoning Districts shall be striped and paved with concrete, asphalt, pavers, or other material approved by the Director. Within Rural Communities, parking areas with more than five (5) spaces shall be paved and striped.
   b. In the Rural Zoning Districts, dust suppression shall be required for all non-paved off-street parking areas located within the Grand Valley Airshed.

4. Circulation
   a. All required off-street parking areas shall be designed to provide safe, efficient circulation for vehicles and pedestrians.
   b. When an individual parking area is adjacent to another individual parking area, the design shall accommodate a cross-connection between them if possible.

G. Stacking Spaces for Drive-Through

Drive-through facilities shall comply with the following minimum stacking and design standards.

1. The minimum number of stacking spaces shall be as follows:

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Minimum Spaces</th>
<th>Measured From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank teller lane</td>
<td>4</td>
<td>Teller or Window</td>
</tr>
<tr>
<td>Automated teller machine</td>
<td>3</td>
<td>Teller Machine</td>
</tr>
<tr>
<td>Restaurant drive-through</td>
<td>8</td>
<td>Order Box</td>
</tr>
<tr>
<td>Car wash stall, automatic</td>
<td>6</td>
<td>Entrance</td>
</tr>
<tr>
<td>Car wash stall, self-service</td>
<td>3</td>
<td>Entrance</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>Determined by a Traffic Study</td>
</tr>
<tr>
<td>Gasoline pump island</td>
<td></td>
<td>30 feet from each end of pump island</td>
</tr>
</tbody>
</table>
2. Design and Layout
   a. Stacking spaces shall be a minimum of eight (8) feet by twenty-five (25) feet in size.
   b. Stacking spaces shall be designed not to impede on-site and off-site traffic movements or movements into or out of parking spaces.
   c. Stacking spaces may require separation from other internal driveways and pedestrian circulation areas by raised medians, as deemed necessary by the Director for traffic movement or safety.

![Figure 8-2: Stacking Spaces](image)

H. Alternative Parking Plans

An Alternative Parking Plan represents a specific proposal to meet vehicle parking needs by means other than providing parking spaces on-site in accordance with Section 8.01 B.

1. Procedures

An Alternative Parking Plan shall be submitted using the site plan approval process and shall be reviewed using the Eligible Alternatives and Approval Criteria of this Section.

2. Enforcement

In the event that the Alternative Parking arrangement is not adequately serving the parking and access needs of the subject property, the County shall make a determination of inadequate service and the alternative parking plan shall be revoked and the use shall provide off-street parking spaces in accordance with Section 8.01 B.

3. Eligible Alternatives and Approval Criteria

Using the following alternatives and approval criteria, the applicant shall demonstrate that the proposed plan will protect surrounding neighborhoods, maintain existing traffic circulation patterns and promote quality design that strict compliance with otherwise applicable off-street parking standards would yield.

   a. Bicycle Parking

   The number of required off-street parking spaces may be reduced for uses that provide bicycle parking and make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities and dressing areas for employees.

   b. Valet Parking
Valet parking may be used to satisfying otherwise applicable off-street parking standards, provided that the following conditions are met:

1. An automobile shall be retrievable from its parking space with the movement of a maximum of two (2) additional vehicles; and
2. Valet parking will not cause interference with the public use of streets or imperil the public safety.

c. Transportation Demand Management

The number of required off-street parking spaces may be reduced for developments or uses that institute and commit to maintain a transportation management program, in accordance with the following standards:

1. Required Study
   - The applicant must submit a study approved by the Director that clearly indicates the types of transportation management activities and measures proposed.

2. Transportation Demand Management
   - Applicants are encouraged to use any transportation demand management techniques or studies adopted by the Grand Valley Metropolitan Planning Organization as references.

d. Off-Site Parking Plan

Off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

1. Ineligible Activities
   - Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

2. Location
   - Off-site parking space should be located no more than five hundred (500) feet or one thousand (1,000) feet for employees, from the primary entrance of the use served. Off-site parking spaces should not be separated from the use served by a street right-of-way with a width of more than eighty (80) feet, unless a grade-separated pedestrian walkway, other traffic control, or safety device is provided.

3. Zoning Classification
   - Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

4. Agreement for Off-Site Parking
   - An off-site parking plan will be enforced through written agreement among all owners of record. The agreement must have a minimum term of ten (10) years. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation. Recordation of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Section 8.01 B.

e. Shared Parking

Developments or uses with different operating hours or peak business periods may share off-street parking spaces and if the shared parking complies with all of the following standards:
(1) Location
    Shared parking spaces must be located within five hundred (500) feet of the primary entrance of all uses served.

(2) Zoning Classification
    Shared parking areas require the same or a more intensive zoning classification than required for the use served.

(3) Shared Parking Study
    Those wishing to use shared parking as a means of satisfying off-street parking requirements shall submit an analysis to the Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(4) Agreement for Shared Parking
    A shared parking plan will be enforced through written agreement among all owners of record. The agreement must have a minimum term of ten (10) years. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation. Recordation of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Section 8.01 B.

4. Violations
    Violations of an approved Alternative Parking Plan constitute a violation of the Land Development Code and will be subject to the enforcement and penalty provisions of Chapter 11.

SECTION 8.02 | LANDSCAPING AND BUFFERING

The purpose of this Section is to enhance the aesthetic appeal of new development. Landscaping reduces heat and glare, facilitates movement of traffic within parking areas, shades cars and parking surfaces reducing local and ambient temperatures, buffers and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, buffers and screens potentially incompatible uses from one another, and conserves the value of property and neighborhoods within the County.

A. General Landscape Standards
   1. This Section applies to all new development within the Urban Zoning Districts and for non-residential development along State Highways or arterial roads. Conditional Use Permits may be subject to this section as deemed appropriate by the Director.
   2. Landscape Plan Requirement
      a. Landscape plans shall be stamped by a licensed landscape architect. Inspection and compliance with approved landscape plan must be certified by a licensed landscape architect prior to issuance of a certificate of occupancy. Inspection and compliance with approved landscape plan must be certified by a licensed landscape architect prior to issuance of a certificate of occupancy.
   3. Acceptable Plant Material
      a. Vegetation must be suitable for Mesa County’s climate and soils.
      b. The Director may allow the use of any plant if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements based on planting locations, growth habit, etc.
4. Minimum Plant Requirements

<table>
<thead>
<tr>
<th>Zoning of Proposed Development</th>
<th>Landscape Requirement</th>
<th>Location of Landscaping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family Residential Subdivision (except when located in a Rural Zone District or zoned URR, RSF-E and RSF-R)</td>
<td>One tree per forty (40) linear feet of street frontage, with no more than fifty (50) percent of any one variety. One shrub per one hundred (100) square feet of landscaped area.</td>
<td>Street frontage</td>
</tr>
<tr>
<td>Urban Zone Districts (Multi-family and Nonresidential Uses)</td>
<td>One tree per 2,500 square feet of improved area, with no more than fifty (50) percent of any one variety. One shrub per 300 square feet of improved area.</td>
<td>Street frontage, parking lots, and required buffers</td>
</tr>
<tr>
<td>I-1, I-2</td>
<td>One tree per 3,000 square feet of improved area, with no more than twenty (20) percent of the total being ornamental trees or evergreens. One shrub per 400 square feet of improved area.</td>
<td>Street frontage, parking lots, and required buffers</td>
</tr>
</tbody>
</table>

5. Minimum plant size requirements

   a. Shade tree, two (2) inch caliper (measured 6 inches above root ball) at time of planting. If two (2) inch caliper trees are not available, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees.

   b. Ornamental tree, one and one half (1 1/2) inch caliper (measured six (6) inches above root ball) at time of planting.

   c. Evergreen tree, six (6) feet tall at time of planting.

   d. Deciduous shrub, five (5) gallon container.

   e. Evergreen shrub, five (5) gallon container.

   f. Perennials and ground covers, one (1) gallon container.

   g. Turf mix, native grasses and wild flower mix are the only vegetation that may be planted as seed.

6. Irrigation

   Plant selection shall emphasize drought-tolerant plant species and shall limit the use of high water use plant species. All required landscapes, with the exception of dry landscapes, shall include a designed irrigation system.

7. Fire Hydrants and Utility Facilities

   a. A three (3) foot clear space shall be maintained around the circumference of fire hydrants.

   b. Design of landscaped beds should accommodate access and maintenance of utility facilities.

8. Preservation of Significant Landscape Features

   Significant landscape features, areas of healthy native vegetation, natural environments or habitats to be preserved, shall not be required to meet the plant coverage or plant type requirements.

9. Sight Distance.

   All vegetation, fences, walls and berms shall be designed and maintained so that there is no site distance hazard nor road or pedestrian hazard.

B. Parking Lots.

1. Interior Landscaping Requirement

   a. The interior of all parking lots shall be landscaped as follows:

      (1) One parking lot island, parallel to parking spaces, is required for each twenty (20) parking spaces;
2. Parking Lot Perimeter

Perimeter parking lot landscaping shall include a wall, fence, planter, earthen berm, plant material or a combination of such elements and shall meet the following standards:

a. The minimum dimension allowed for the parking lot perimeter landscape strip is six (6) feet. The width of a landscape strip can be modified by the Director, provided the intent of this Section is met.

b. Where two or more adjacent parking lots are shared and designed to function as one, perimeter landscaping is only required around the perimeter of the combined lots.

c. When utilities conflict with required planting, the applicant shall propose an alternate solution.

C. Street Frontage

With the exception of single-family and two-family residential lots, street frontages shall be landscaped with trees and plantings giving consideration to historic or vernacular character of the location, continuity with native vegetation and the natural landscape, and with the ability to provide water for irrigation.

1. All new development shall provide and maintain a minimum fourteen (14) foot wide street frontage landscape area adjacent to the public right-of-way.

2. A minimum of seventy-five (75) percent of the street frontage landscape area shall be covered by plant material at maturity.

3. All unimproved right-of-way adjacent to new development projects shall be landscaped and irrigated.

4. Landscaping within the street frontage shall include trees and shrubs.

5. Where detached walks are provided, a minimum street frontage landscape of five (5) feet is acceptable.

6. The Director may approve a screen wall between a parking lot and a right-of-way if the following criteria are met:

a. A screen wall must not be taller than 30 inches, unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30 inches higher than the adjacent roadway;

b. A column or jog or equivalent architectural feature is required for every twenty-five (25) linear feet of wall;

c. The back of the wall must be at least thirty (30) inches from the face of curb for bumper overhang; and

d. Shrubs must be planted on the street side of the wall.
7. Dry Landscape Substitutions

The following Table identifies materials that may be substituted for required landscaping in the Street Frontage Landscape Area:

<table>
<thead>
<tr>
<th>Material</th>
<th>Minimum Size or Example</th>
<th>Substitution</th>
<th>Maximum Substitutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boulders</td>
<td>24&quot; x 30&quot;</td>
<td>Six (6) shrubs per boulder</td>
<td>Twenty-five (25) percent of</td>
</tr>
<tr>
<td>Dry creek bed or other significant landscape feature.</td>
<td></td>
<td>One (1) shrub per twelve (12) square feet</td>
<td>required shrubs</td>
</tr>
<tr>
<td>Western collectibles-small.</td>
<td>Wagon wheel, antlers, etc.</td>
<td>One (1) shrub per collectible</td>
<td>Twenty-five (25) percent of</td>
</tr>
<tr>
<td>Large western antiques.</td>
<td>Mining cart, wagon, etc.</td>
<td>One (1) shrub per twelve (12) square feet</td>
<td>required shrubs</td>
</tr>
<tr>
<td>Shade structure or other structure.</td>
<td>Small bridge, pavilion, etc.</td>
<td>One (1) shrub per twelve (12) square feet</td>
<td>Twenty-five (25) percent of</td>
</tr>
<tr>
<td>Fine art/sculpture</td>
<td>Small garden ornaments are not included.</td>
<td>One (1) shrub per twelve (12) square feet</td>
<td>required shrubs</td>
</tr>
<tr>
<td>Xeric Shrubs: density to attain fifty (50) percent bed coverage after three (3) years</td>
<td>Two (2) gallon container size</td>
<td>Per one (1) shrub</td>
<td>No limitation.</td>
</tr>
</tbody>
</table>

D. Detention Facilities

1. The detention facility shall be landscaped with trees, shrubs, rock or cobble.
2. Up to fifty (50) percent of detention basin and bank may be rock or cobble unless retaining walls are used.
3. Slopes shall be no steeper than thirty-three (33) percent.
4. The following shall be encouraged:
   a. Dispersed detention by use of multiple smaller ponds.
   b. Bioretention facilities such as vegetated drainage swales or stormwater planters.
   c. Parking islands and/or landscape beds designed to capture stormwater.
   d. Detention capacity under parking lots or underground

E. Buffer and Screening Requirements

The purpose of buffers and screening is to mitigate the view, lighting, noise, heat, and odor impacts of vehicles, pavement, and higher intensity uses. All types of buffering, planting strips, and screening between differing land uses and activities shall be accomplished by separation and by combinations of opaque fences or walls and plant material. Planting dense stands of evergreen trees, canopy shade trees, ornamental trees and shrubs will soften the impact between uses. Integrating plantings into the architectural theme of buildings and their outdoor spaces to lessen differences in architecture or mitigate building scale is encouraged.
### TABLE 8-7: BUFFER, LANDSCAPE STRIP, & SCREENING REQUIREMENTS

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Adjacent Use</th>
<th>Baseline Requirements</th>
<th>Exceptions &amp; Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Subdivision</td>
<td>Street or Right-of-Way</td>
<td>Where rear and side lots abut street frontage: ten (10) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.</td>
<td>Single-family and duplexes are exempt from any landscape requirement. In addition, subdivisions in rural zones and subdivisions zoned URR, RSF-R and RSF-E are exempt from the requirements of this Section.</td>
</tr>
<tr>
<td>Industrial or High Impact</td>
<td>Residential or</td>
<td>Fifteen (15) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.</td>
<td>If lower intensity property is developed last, the fifteen (15) foot buffer is waived but the structural screen must be built.</td>
</tr>
<tr>
<td>Commercial</td>
<td>Institutional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-story Multi-family</td>
<td>Single-Family</td>
<td>Six (6) foot fence or wall.</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Impact Commercial</td>
<td>Residential or</td>
<td>Six (6) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.</td>
<td>If lower intensity property is developed last, the six (6) foot buffer is waived but the structural screen must be built.</td>
</tr>
<tr>
<td>Residential</td>
<td>Institutional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor storage</td>
<td>Residential, or</td>
<td>Fifteen (15) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.</td>
<td>If lower intensity property is developed last, the fifteen (15) foot buffer is waived but the structural screen must be built.</td>
</tr>
<tr>
<td>Institutional</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. When an existing fence or wall substantially meets the requirements of this Section an additional fence on the adjacent developing property shall not be required. Fences or walls required by this Section must meet the following:

   a. Solid opaque wood or material with a similar appearance, finished on both sides.

   b. A wall must have a column or other significant architectural feature every thirty (30) feet of length.

   c. No person shall construct or maintain a fence or a wall without first obtaining a building permit from the Building Department.

   d. Berms.

   A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six (6) feet. Minimum requirements for berms are as follows:

   1. Maximum slope of 4:1 for turf areas and 3:1 for shrub beds; and

   2. To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

### SECTION 8.03 | FENCES

Any fence or wall that exceeds seven (7) feet in height shall be considered a structure requiring a planning clearance and building permit.

#### A. Fence Height Measurement

1. The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height.

2. Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one (1) foot at intervals no closer than eight feet.

#### B. Fence Materials

1. Acceptable materials include wire, wrought iron, plastic, wood and other materials with a similar look.

2. Unacceptable materials that are visible include glass, bottles, cans, machinery parts or appliances, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.
3. Nothing in this Section shall prohibit the agricultural practice of fencing using field stone or woody vegetation removed from the property upon which the fence is constructed nor shall this Section prohibit the use of antique wagon or antique agricultural machinery wheel for fencing.

4. Fences and walls constructed of alternative materials may be approved by the Director.

C. Nonresidential and Multi-Family Uses

1. Required screening fences in nonresidential districts and for multi-family uses shall meet the following standards:
   a. Location of these fences must be shown on the site plan or landscape plan and approved by the Community Development.
   b. Screening fences shall be a minimum of ninety-five (95) percent opaque. Cloth or plastic mesh cannot be used for screening.

D. Maintenance

All fences or walls shall be maintained in good repair. Fences in common areas of subdivisions shall be maintained by the property owners’ or home owners’ association.

SECTION 8.04 | LARGE RETAIL PROJECTS

A. Applicability

The standards of this Section apply to any retail sales and service uses with a total gross floor area of:

1. Fifty thousand (50,000) square feet or more, if the proposed use is adjacent to any Urban Residential Zoning District; and

2. One hundred thousand (100,000) square feet or more, if the proposed use is adjacent to only Nonresidential Zoning Districts.

3. When the provisions of this Section conflict with other standards of this LDC, the provisions of this Section shall control.

B. Community Spaces Site Design

Developments shall provide outdoor spaces and amenities to link structures with the remainder of the community. Bus stops, and drop-off/pick-up points shall be integrated with the traffic patterns on the site. Special design features shall enhance the building’s function as a center of community activity.

1. Each development shall provide at least two (2) of the following design features constructed of materials that match the principal structure and linked to the principal building by pedestrian connections: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other approved feature.

2. Each development shall provide an off-street bus stop for customers and employees when located on a bus route.

C. Setbacks

The minimum street setback shall be thirty-five (35) feet.

D. Landscaping

1. Perimeter Buffers

A landscaped buffer with a minimum width of thirty (30) feet shall be provided along all street lot lines with breaks for approved access points. A minimum fifteen (15) foot wide landscape buffer shall be planted along all other property lines and along all internal roadways, except where adjacent to residential or institutional uses; then the buffer shall be twenty (20) feet. No parking or vehicular circulation is permitted within these required buffer or landscape areas.

E. Pedestrian Circulation

1. Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the
public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and, where appropriate, be adjacent to landscaped areas that includes trees, shrubs, benches, flower beds, groundcover, or other such materials.

2. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks may be located an average of six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows or entryways are part of the facade.

3. Internal pedestrian walkways should be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

F. Parking Lot Orientation

Parking areas shall provide safe, convenient, and efficient access. They shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than seventy-five (75) percent of the off-street parking area for the entire property shall be located between the front facade of the principal building and the primary abutting street.

G. Building Design

The following standards shall apply to all building facades and exterior walls that are visible from adjoining public streets or properties.

1. Facades greater than one hundred fifty (150) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade, and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred fifty (150) horizontal feet.

2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.

3. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets. The average height of such parapets shall not exceed one third (1/3) of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than one hundred fifty (150) feet.

4. Overhanging eaves, extending no less than three (3) feet past the supporting walls, for no less than thirty (30) percent of the building perimeter are allowed.

5. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run are required.

6. Three (3) or more roof slope planes are required.

7. Predominant exterior buildings materials shall be high quality materials. These include, without limitation:
   a. Brick;
   b. Wood;
   c. Sandstone;
   d. Other native stone; and
   e. Tinted, textured, concrete masonry units.
8. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is discouraged.

9. Building trim and accent areas may feature brighter colors, including primary colors.

10. Predominant exterior building materials shall not include the following:
   a. Smooth-faced concrete block;
   b. Smooth-faced tilt-up concrete panels; or
   c. Pre-fabricated steel panels.

11. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
   a. Canopies or porticos;
   b. Overhangs;
   c. Recesses/projections;
   d. Arcades;
   e. Raised corniced parapets over the door;
   f. Peaked roof forms;
   g. Arches;
   h. Outdoor patios;
   i. Display windows;
   j. Architectural details such as tile work and moldings which are integrated into the building structure and design; and
   k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

SECTION 8.05 | OUTDOOR STORAGE, TRASH COLLECTION AND LOADING AREAS

A. Standards

The following standards shall apply in all Nonresidential and Multi-family Residential Zoning Districts.

1. Areas for truck parking and loading shall be screened by a combination of structures and evergreen landscaping, to minimize visibility from adjacent streets and neighboring urban residentially zoned properties.

2. Areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located in the rear of the lot. If that is not feasible, then the side yard may be used, but in no case shall such areas be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian walkway.

3. Outdoor storage, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping plan. Views of these areas shall be screened from visibility from all property lines and separated from pedestrian areas.

4. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

5. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) db, as measured at the lot line of any adjoining property.

6. All trash collection and loading areas shall be located and designed to ensure adequate on-site
maneuvering area for delivery and trash collection vehicles.

7. All developments, including multi-family housing, shall provide a designated trash collection area meeting the requirements of this Section.

SECTION 8.06 | PUBLIC LAND AND OPEN SPACE DEDICATION REQUIREMENTS

A. Public Land Dedications

Dedication of land for public Open Space/Park purposes shall be required of any development if such development includes within it land that is necessary for implementing an adopted park, bikeway, trails, or open space plan, provided that every land dedication shall be related both in nature and extent to the impact of the proposed development. Wherever feasible, required Open Space/Park areas shall be located adjacent to public lands and connected to trails and other open space areas. These shall be designed as outlots on the plat, with a dedication statement for the proposed use.

B. Open Space Requirement

1. All Manufactured Home Parks and all multi-family residential developments shall provide common open space based on the project’s net site area.

2. The open space requirement shall be a minimum of twenty (20) percent of the net site area of the project. Net site area shall be defined as the gross land area of the site, less any lots used for nonresidential development and the land area devoted to street rights-of-way. Open spaces shall be designated as outlots on a plat with a dedication statement for the proposed use. If extenuating circumstances exist that prohibit the ability of the development to achieve a minimum of twenty (20) percent open space, the Director may approve a reduction in the open space requirement.

3. Whenever possible, the land set aside as open space shall include significant natural features or recreation resources, such as water courses, rock outcroppings, significant geological features, stands of trees, hills and flood plains. Driveways, perimeter sidewalks, garages, carports and parking areas may not be counted as open space. Open space shall be no less than fifteen (15) feet in any one dimension and no less than five hundred (500) square feet per segment.

4. It is encouraged that at least fifty (50) percent of the open space shall be suitable (by location and topography) for active recreational use, pedestrian pathways, or shared patios. Land occupied by active recreational uses such as clubhouses, pools, playgrounds, tennis courts, benches, tot-lots or other play areas, and jogging trails (but not required sidewalks) may be counted as active recreational use common open space. Detention areas that are designed to be multi-functional and allow active recreational use may be counted as open space.

5. Open space required by this Section shall be dedicated to and maintained either by a Property Owner’s Association, or other legal entity approved by the County, and shall be maintained by such association or entity unless it is dedicated to and accepted by the County. If dedicated to a Property Owners’ Association, there shall be covenants running with the land restricting the use of open space to such, and prohibiting subdivision or separation of ownership of the open space, except as noted in this Section. Such restriction shall be noted on the recorded Site Plan and/or Final Plat.

SECTION 8.07 | GENERAL SITE PLANNING STANDARDS

New construction shall comply with the following standards, unless compliance with a particular standard would (1) prevent the construction of any permanent structure for a primary use on the land, or (2) require the construction to violate another requirement of this LDC. Where more than one buildable site exists on a parcel and all buildable sites would violate at least one of the following standards, the construction shall be located so as to comply with as many standards as possible. These standards are considered reasonable for regulatory purposes and do not create liability on the part of, or a cause of action against, the Board of County Commissioners.

A. Hazard Areas

Land subject to hazardous conditions such as wildfire, landslides, gamma radiation, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, steep slopes, soil creep, seismicity, expansive, hydrocompactive and erodible soils, and polluted or nonpotable water
supply, shall be identified in all applications, and development shall not be permitted in these areas unless
the application provides for the avoidance of the particular hazards. If avoidance is impossible or would
require the construction to violate other development standards, then such hazards shall be minimized or
mitigated. Land subject to severe wind and water erosion shall be identified on all plans and shall not be
subdivided unless the problems are mitigated by density limitation or some other practical method.

B. Slope Conditions

1. Only after a subsurface soils investigation conducted by a licensed professional civil engineer is
reviewed by the Colorado Geological Survey and the licensed professional civil engineer has
adequately addressed the recommendations of the Colorado Geological Survey to the satisfaction
of the Mesa County Building Department, may new structures be built on any parcel of land within a
building envelope, (i.e., within twenty-five (25) feet of any portion of the proposed structure) that
contains an average slope of thirty (30) percent or more, as measured from the points with the highest
and lowest elevation.

2. Cuts, fills, grading, excavation, vegetation removal, and building construction shall be confined to the
footprint of the proposed building plus a working area of thirty (30) feet around each such footprint,
plus any site disturbance necessary for installation and maintenance of utilities, access ways, trails,
irrigation ditches, and fences, and for landscaping, agriculture, and similar activities. Any site
disturbances that remove existing vegetation from a property and leave large areas of soil exposed
for more than sixty (60) days shall not be permitted unless an erosion control and revegetation plan
has been previously approved by the Director.

C. Wildfire Hazards

1. Defensible Space

   It is encouraged that new development located on lands containing predominantly woods or brush,
should be developed so as to minimize the potential for the structures to be ignited by fire, or for a
structure fire to ignite surrounding structures or vegetation following the two (2) part zone system set
forth below.

   a. Zone 1

      On parcels of land that contain an average slope of less than thirty (30) percent, Zone 1 shall
consist of the thirty (30) foot area immediately surrounding the primary structure, not to extend
beyond the property line. On parcels of land that contain an average slope of thirty (30) to fifty-
five (55) percent, Zone 1 shall consist of the area extending forty-five (45) feet to the sides and up
slope of the primary structure and sixty (60) feet down slope of the primary structure, not to extend
beyond the property line. On parcels of land that contain an average slope of more than fifty-
five (55) percent, Zone 1 shall consist of the area extending sixty (60) feet to the sides and up
slope of the primary structure and one hundred twenty (120) feet down slope of the primary
structure, not to extend beyond the property line.

      For purposes of this provision, average slope shall be measured from the points with highest and
lowest elevation within twenty-five (25) feet of any portion of the footprint of the proposed
primary structure. No dead trees or other dead vegetation may remain in Zone 1 at the time of
initial construction. Zone 1 shall be further subdivided into two (2) segments:

      (1) Segment A shall consist of the five (5) feet immediately surrounding all sides of the structure.
          All vegetation shall be removed from this area at the time of initial sale. No new vegetation
          shall be planted in Segment A if the structure is sided with combustible materials such as
          wood or logs. However, if noncombustible siding is used, low-growing shrubs may remain or
          be installed. In no case may shrubs be planted so as to be contiguous with grass areas. No
          above-ground propane tanks, firewood or other combustible materials may be installed or
          stored in Segment A.

      (2) Segment B shall consist of the area immediately beyond Segment A and continuing to the
outer boundary of Zone 1. At the time of initial construction vegetation shall be thinned as
follows to break up the horizontal and vertical continuity of fuels:
Spacing between clumps of brush or trees, as measured between the crown of each clump, shall be no closer than two (2) times the height of the taller clump. The maximum width of any clump of brush or trees shall be no greater than two (2) times the height of the clump. Thinned material shall be removed from the site; and

(i) All branches of trees or brush shall be pruned to a minimum height of ten (10) feet above the ground or one-half the total height of the tree or bush, whichever is less. Pruned material shall be removed from the site.

(ii) Propane tanks and firewood may be located in Segment B, but in no case shall such tanks and/or firewood be located within twenty (20) feet of the primary structure. Propane tanks shall be located on gravel pads and shall not be located immediately adjacent to grass-covered areas.

2. Zone 2

Zone 2 shall consist of the area immediately beyond Zone 1 and extending to seventy (70) feet from the primary structure, not to extend beyond the property line. Trees shall be initially thinned in this area to maintain a minimum of five (5) feet between tree crowns. All dead trees must be removed from Zone 2 initial construction, and subsequent dead trees shall be removed annually, except that two (2) dead trees per acre may remain to serve as wildlife habitat.

3. Maintenance

Persons owning, leasing, or otherwise maintaining new residential structures covered by provisions of this LDC are responsible for proper maintenance of the defensible space. Maintenance shall include modifying or removing flammable vegetation, keeping leaves, needles, and removing other dead vegetative material annually from roofs of structures.

D. Ridge Lines

The purpose of these ridge line development standards is to preserve the character of identified ridge lines, and to minimize soil and slope instability and erosion.

1. Applicability

These provisions apply to lots platted after May 2000 and to structures built after the adoption date of this LDC. These provisions shall not apply to parcels of land and structures existing prior to May 2000.

2. Grand Junction Comprehensive Planning Area

Within the Grand Junction Comprehensive Planning Area, new buildings and walls located within the mapped ridge line areas (within one (1) mile of the centerline of US Interstate 70, US Highway 6 and US Highway 50, Colorado State Highway 141 and Colorado State Highway 340, Monument Road, South Camp Road, and South Broadway) shall be setback a minimum of fifty (50) feet from the ridge line.

a. Setbacks shall be measured to the building envelope as established at the time of platting or site plan review.

b. Ridge lines shall be determined on a site specific basis and shall be that point at which the line of sight intersects the slope profile.

c. Line of sight shall be measured from the nearest point on the centerline of the road most parallel with the ridge line.

d. This setback shall not apply if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped road corridors, or that mitigation can be provided, such as vegetation, building height, color, or orientation, that sufficiently minimizes the view of the structure from the road corridor. In no case shall a structure be set back less than thirty (30) feet from the ridge line.

3. Rural Planning Area

Within the Rural Planning Area, new buildings that are located more than one-quarter (1/4) mile and
less than one (1) mile from the centerline of US Interstate 70, US Highway 6 or US Highway 50, or Colorado State Highways 65, 139, 141, 330, or 340, and so that any portion of their roof line (excluding chimneys and antennas) is visible against the skyline when viewed from the centerlines of the listed highways, shall conform to the standards set forth below.

a. To the maximum extent feasible, predominant exterior wall colors and roof surfacing materials shall repeat the colors found most commonly in the land and vegetation around the building, including browns, tans, maroons, dark greens, whites, and grays. Bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as predominant colors on any wall or roof surface visible from the centerlines of the listed highways.

b. When viewed from the closest centerline point on a listed highway, the shape of the roofline shall taper down on each end in order to reduce the apparent discontinuity between the end of roofline and the ridge line of the surrounding terrain against the sky.

c. To the maximum extent feasible, native vegetation and trees shall be planted within forty (40) feet of the building and visible from the closest centerline point on a listed highway.

E. Grading

1. No site grading for development shall occur before approval is granted by the Director.

2. New development shall not alter natural watercourses/drainages except in compliance with the Mesa County Floodplain Regulations (Section 8.14) and the Mesa County Storm Water Management Manual.

3. Driveways and access roads shall follow the natural contours of the site, so as to minimize the need for significant grading, and shall be located behind existing land forms and vegetation so as to minimize visibility from nearby roads.

4. When grading for new construction, water shall not be added to the top of a slope, weight shall not be added to the top of slopes over ten (10) percent slope, and existing slope grades shall not be steepened over ten (10) percent slope.

F. Nighttime Light Pollution

All light sources that are located outside of a building shall conform to the standards set forth below; however, all agricultural uses are exempt from these standards:

1. Floodlights shall not be used to light all or any portion of any building facade between the hours of 10:00 p.m. and 6:00 a.m.

2. No outdoor light sources shall be mounted more than thirty-five (35) feet above the ground.

3. All outdoor light sources mounted on poles, buildings, or trees to illuminate streets, sidewalks, parking lots, or other outdoor areas between the hours of 10:00 p.m. and 6:00 a.m. shall use full cutoff light fixtures.

G. Protection of Agricultural Lands

1. Land Development applications shall demonstrate that existing, adjacent agricultural operations will not be limited or adversely impacted by the development. Where residential development (this term, as applied in this Section of the Land Development Code, excludes applications for individual single-family dwellings, duplexes and accessory structures) is proposed adjacent to existing agricultural operations, the following criteria shall apply:

   a. The Right to Farm Act notice shall be placed on the recorded plat and/or site plan;

   b. Subdivision covenants shall be recorded requiring dogs and other household pets be controlled and not allowed to interfere with domestic livestock operations in the area; and

   c. Subdivision covenants shall be recorded stating that subdivision perimeter fences and walls shall be maintained and any breaks in fences shall be repaired within seventy-two (72) hours.

2. Separation of New Residential Development from Existing Domestic Livestock Enclosures
Residential developments proposed on properties designated for urban land uses on the adopted Future Land Use Plan Map shall be designed to maintain a separation of one hundred (100) feet between proposed new residences and pens, fenced corrals, legal buildings or other confined areas used to keep domestic livestock that exist on adjacent lots or parcels at the time of the initial application for development. Pastures are exempt from this requirement. Such residential developments may substitute any of the following measures for the one hundred (100) feet distance requirement:

a. Construction of a six (6) foot high opaque wall or fence along the entire length of the common property boundary of the proposed lots that border the property(ies) on which the domestic livestock pens, corrals, buildings or other confined areas are less than one hundred (100) feet from proposed residences. The wall or fence must have a subsurface barrier that will prevent dogs from digging underneath. The proposed development is designed so that residential lots do not adjoin domestic livestock pens, corrals, buildings or other confined areas. Improvements that may be placed adjacent to these areas instead of residential lots include non-habitable areas such as, but not limited to:
   (1) Road right-of-way,
   (2) Detention facilities,
   (3) Common area, and
   (4) Flagpole portions only of new residential lots;
   (5) Improvements such as items 1 through 4 above must be a minimum width of twenty (20) feet.

b. The applicant for the residential development may present an agreement with the domestic livestock property owner which addresses the impacts of the proposed development on the adjacent domestic livestock pens, corrals, buildings or other confined areas for such time as the domestic livestock confinement areas exist. Such agreement must be incorporated into subdivision covenants when appropriate.

c. In cases where the applicant has demonstrated that above options are not feasible under the circumstances, the applicant for the residential development may present another solution that meets the intent of the options within this Section 8.07 G.4, and has an equal or greater effect.

3. If the domestic livestock and agricultural use ceases on land adjacent to the residential development, Section 8.07 G, regarding protection of agricultural lands will no longer apply to either proposed or previously approved residential development adjacent to that land.

4. See Section 6.04 B.3, Domestic Livestock for additional information.

H. Right to Hunt

The following notice shall be recorded on approved site plans and/or plats when the notice is applicable:

"NOTICE OF TRADITIONAL HUNTING ACTIVITIES

This property is potentially within an area which is traditionally hunted; therefore noise and activity associated with lawful hunting and people moving through the area to hunt is normal and may be expected."

SECTION 8.08 | DRAINAGE

Drainage facilities shall be designed and installed in accordance with the Mesa County Stormwater Management Manual.

SECTION 8.09 | POTABLE WATER

A. General

New development shall provide an adequate, domestic, potable water supply that is sufficient in terms of quality, quantity, and dependability for the proposed development. In making its determination as to
whether the proposed water supply meets this standard, the Decision Making Body shall give substantial weight to the recommendations of the State Water Quality Division, Mesa County Health Department, the State Engineer, other appropriate agencies, and County staff.

B. Municipal, Private and District Water Systems

If a proposed development falls within the service area of a municipality, private water service company, or water service district, or if drinking water is to be provided to the development by any of these systems, then the proposed development may be approved by the County only if the following are met:

1. The applicant submits to the County a written certification from the proposed water service provider, on forms provided by the County, stating:
   a. That it is able and willing to provide an adequate supply of drinking water;
   b. The specific quantity, quality and pressure it will provide to meet the needs of the proposed development based on the projected water usage of that development; and
   c. If an expansion to the existing system is required to obtain adequate service.

2. The applicant agrees in writing to connect the proposed development to such system.

If a proposed development is unable to obtain service from such a system, then the development may be approved only if a new system is created through formation of a Metropolitan District, Water District local improvement district, or other public legal entity approved by the Board of County Commissioners.

C. Wells

If private wells are proposed for new development, the following shall be required to determine the adequacy of such system before approval:

1. Evidence of ownership and water court decree, including an augmentation plan where applicable, proof of a well permit, amenability of existing rights for the proposed use, and evidence concerning the potability of the proposed water supply; and,

2. A geologic report shall be submitted by a qualified groundwater geologist, which indicates:
   a. The probability of ground water withdrawal of wells or on-site supply systems within the proposed subdivision;
   b. The expected long-term yield of such wells or systems;
   c. The expected depth to potable water;
   d. The expected quality of anticipated water;
   e. Any expected significant problems of long-term supply; and,
   f. Alternate arrangements available in the event of well or treatment system failure.

D. Cisterns

Cisterns are a permitted source of potable drinking water only for individual dwelling units on unplatted parcels of land, and must comply with applicable Colorado Health Department standards and the Uniform Building Code.

SECTION 8.10 | FIRE PROTECTION

A. Applicability

All major subdivisions, minor subdivisions, major site plans, planned unit developments, commercial developments, and industrial development shall comply with the fire protection standards of this Section. With the exception of the aforementioned project types, all other Administrative Reviews as listed in Chapter 4 of this LDC shall be exempt from the standards of this Section.
B. Development Located Outside of Fire Protection District

1. If a development that is subject to the terms of this Section is proposed in a location that is outside of the boundaries or service area of any fire protection district or volunteer fire department, then the development shall only be allowed if the applicant provides evidence that the property will be annexed to the applicable district, or that a service agreement has been entered into between the applicant and the applicable fire protection district or volunteer fire department.

2. For existing platted properties, including lots therein which may be further subdivided in the event that neither inclusion in a fire district nor a service agreement is practicable, the Director may determine that sprinkling of all habitable structures in accordance with the International Fire Code is acceptable if all of the following is true or can be met:
   a. The development is for single-family detached residential structures;
   b. Each residential lot is at least one acre in size;
   c. Each residential structure shall be set back a minimum of fifty feet (50) from all property lines;
   d. Fire hydrants shall be installed in the development in accordance with the Land Use Code;
   e. Water supply for fire flows shall provide at least twenty (20) pounds per square inch residual and one thousand (1000) gallons per minute;
   f. There shall be recorded covenants, conditions and restrictions that prohibit brush, weeds, wood piles and similar combustible materials within thirty feet (30) of the outside of each structure;
   g. The covenants, conditions and restrictions shall also contain a provision that substantially provides notice that “The lots subject to these covenants, conditions and restrictions are NOT within a fire protection district, nor is there a contract with a fire protection district, to provide fire suppression on the properties subject to these covenants, conditions and restrictions.
   h. Final plats recorded after the effective date of this amendment shall also contain the statement described in g, above.
   i. The findings of a through e above, may be satisfied by the written statement of a licensed fire protection engineer.

C. Water Supply Standards

1. Fire Hydrants

   Fire hydrants shall be installed in any Subdivision or Planned Unit Development where dwellings will be separated by a distance of two hundred (200) feet or less, or in any commercial and industrial development, and shall comply with the following standards:
   a. Fire Flows
      Water supply shall comply with the standards adopted by the applicable fire protection district. In cases where the local fire authority has not adopted specific standards, water supply shall comply with the fire flow standards set out in the most recent edition of the Uniform Fire Code.
   b. Minimum Pipe Size
      The minimum pipe size serving the system shall be six (6) inches for development comprised solely of single-family and duplex dwellings, and eight (8) inches for all other development, unless the applicant submits evidence, prepared by a registered professional engineer, demonstrating that the minimum fire flow requirements may be met with a six (6) inch line.
   c. Maximum Distance Between Hydrants
      The maximum distance between hydrants in all developments shall be five hundred (500) feet.
   d. Hydrant Locations
      Fire hydrants shall be located as specified by the responsible fire chief. Generally, fire hydrants shall be located in the public rights-of-way at road intersections.
2. Alternative Fire Protection Plan

Whenever installation of fire hydrants is not practical, as determined by the responsible fire chief, the applicant shall agree to an alternative fire protection plan. Applicants for any type of development that is not required to install fire hydrants pursuant to Section 8.10 shall also agree to an alternative fire protection plan.

a. Alternatives

An alternative fire protection plan may include, but not be limited to, providing on-site fire flows, or installing sprinklers within proposed structures. Water may be supplied by a natural water body, or by man-made facilities, such as a cistern, above ground tank, or man-made water body, provided the supply is available year-round.

b. Review by Fire Chief

The alternative fire protection plan shall only be allowed when the responsible fire chief determines it will afford the same level of fire protection to the proposed development as would strict compliance with the fire flow standards of this Section, or will comply with the adopted fire code of the district or volunteer fire department.

c. Accessibility

The location of the alternative firefighting supply and fire protection facilities shall be easily accessible to fire protection personnel and vehicles and shall be identified with a visible sign.

d. Fitting and Connections

All fittings and connections to the fire hydrants or to the alternative water supply shall be provided by the applicant, and shall be compatible with specifications established by the applicable district.

D. Roads and Driveways

Roads and driveways shall be designed to comply with the standards in the Mesa County Standard Specifications for Road and Bridge Construction, its appendix, the Road Access Policy, the Land Development Code and the Fire Apparatus Access Roads section of the International Fire Code, as may be amended. Shared driveways over one hundred fifty (150) feet in length shall also meet the standards listed in the most recently adopted Fire Code in regards to width, grade, turn radius for curves and turnaround standards.

1. Access Points

Two or more dedicated access points shall be provided for all Major Subdivisions and Planned Unit Developments when the projected Average Daily Traffic will exceed three hundred (300) trips or the road length exceeds one thousand (1,000) feet unless all homes have residential sprinklers.

SECTION 8.11 | WASTEWATER

A. Service by Grand Junction–Mesa County Wastewater Collection and Treatment System

Any development located within the Persigo Wastewater Treatment Plant Service Area shall be required to connect to the Grand Junction–Mesa County Wastewater Collection and Treatment System if a major sewer line exists or is built within four hundred (400) feet of any part of the property on which the development occurs, as measured via any public right-of-way or utility easement. If Onsite Wastewater Treatment Systems are to be utilized by a development on a temporary basis, such use must be in conformity with all County and State Health Department laws and regulations. An estimate of the funds necessary to cover the cost of such a connection shall be prepared by a registered civil engineer and certified as adequate by the City or County Engineer. The funds shall be placed in escrow by the applicant or a bond shall be posted in a form acceptable to the County, prior to the issuance of a development permit, or the recording of a final plat or plan, and shall be utilized by the Board of County Commissioners to contract for and construct such connection if the applicant fails to comply with the provisions of this paragraph. New developments shall be subject to the Mesa County Sewer Trunk Line Extension Policy.
B. Service by Other Systems

1. If a proposed development is located within the service area of an existing wastewater collection and treatment system other than those listed in Section 8.11 A., and if that system is willing and able to provide sewage collection and treatment service to the development, then the development must provide for hook-up to that system.

2. If, in the opinion of the Colorado Department of Health, it would be appropriate for a development to obtain sewage collection and treatment service from an existing system by an enlargement of the capacity of that system, then the development shall be required to obtain services from that system; provided that the cost of the development’s hook-up is roughly proportional to the cost of the increase in capacity.

C. Development Outside Service Areas

Any development that is outside the service area of an existing system, that proposes to provide sewage disposal by the creation of a new system, or the expansion of an existing system, shall create a Metropolitan District, Sanitation District or Water/Sanitation District, or local sewer improvement district, or other public legal entity.

D. Onsite Wastewater Treatment Systems

All onsite wastewater treatment systems, where allowed, shall be located, installed, and operated in accordance with the regulations of the Colorado Department of Health and the requirements of the Mesa County Onsite Wastewater Treatment System Regulations.

1. The following minimum lot sizes and dimensional standards for Onsite Wastewater Treatment Systems (OWTS) apply to all newly created lots:
   a. The minimum lot size for all development applications (except site plans) served by OWTS and a public water system shall be one (1) acre.
   b. All lots within proposed major subdivisions, planned unit developments, or administrative review applications served by OWTS and a public water system must meet the requirements of the Mesa County Onsite Wastewater Treatment System Regulations (May 23, 2019, as amended).

2. Lots not served by a public water system:

   The minimum lot size for a lot not served by public water service and/or utilizing wells, springs, or cisterns shall be based on the Colorado Department of Natural Resources well permit requirements, or as required by engineered OWTS design, or one (1) acre, whichever is greater.

3. Existing lots served by Onsite Wastewater Treatment Systems:

   Existing lots that do not conform to the minimum standards of this Section shall not be made more nonconforming by a Property Line Adjustment.

4. If the provisions of this Section conflict with zoning district standards or other provisions of the Land Development Code, the minimum lot size shall default to the larger lot size.

5. Existing lots (uses) may request a deviation from the standards of this Section 8.11, subject to approval from the Director.

SECTION 8.12 | MONUMENTATION

Monuments shall be provided for all Major Subdivision Plats and Administrative Reviews. They shall be set pursuant to Colorado Revised Statutes 38-51. Materials Specifications shall be as required by Colorado Revised Statutes and the Mesa County surveyor. In addition to any other requirements of a plat permitted or required by this LDC, all plats shall meet the minimum standards for land survey plats, as defined in Colorado Revised Statutes 38-51-102(12) and as provided in Colorado Revised Statutes 38-51-106, and shall include all recorded or apparent rights-of-way and easements. See The Handbook for plat requirements.
SECTION 8.13 | IRRIGATION CANALS AND LATERALS

A. Encroachments

No new development shall be permitted to encroach in, under, upon, or interfere with the recorded or apparent easements or rights-of-way of irrigation canals, laterals, or irrigation drainage channels without the written consent of the property owner and the responsible irrigation or drainage company, or district or lateral association.

B. Standards

All new development must comply with the standards of the responsible irrigation or drainage company, or district or lateral association. New development shall be required to use irrigation water for irrigation purposes wherever irrigation water is physically and legally available, rather than use potable domestic water.

SECTION 8.14 | FLOODPLAIN REGULATIONS

A. Findings

The Board of County Commissioners finds that certain areas of unincorporated Mesa County are subject to periodic inundation by flood waters that may result in loss of life, property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which may adversely affect the public health, safety and general welfare. Further, the Board of County Commissioners finds that such flooding may pose a serious hazard to properties and persons, that development within affected areas may increase the degree of hazard to other people situated both upstream and downstream, and that appropriate regulations addressing the use of such hazard areas are therefore necessary.

B. Purpose and Intent

It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas, by provisions designed to:

1. Protect the public from the burden of avoidable financial expenditures for flood control projects, flood relief measures, and damages to public utilities, streets, and bridges;
2. Protect people and property within the floodplain by regulating the construction of buildings;
3. Protect the people downstream and/or upstream by restricting those uses that may be hazardous to life or property in time of flood, and to insure that structures placed in the floodplain be adequately flood proofed;
4. Protect and preserve the natural water carrying and storage characteristics, and capacities of all water courses;
5. Restrict uses which may be hazardous to the public health in time of flood;
6. Minimize or eliminate discharges or infiltration from waste disposal systems into flood waters;
7. Discourage people from purchasing lands which are unsuitable for building purposes due to flood hazards;
8. Protect human life and health;
9. Minimize prolonged business interruptions;
10. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard, so as to minimize future flood blight areas;
11. To notify potential buyers that property is in an area of special flood hazard; and
12. To notify those who occupy the areas of special flood hazards that they assume responsibility for their actions.
C. Methods

In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which helps accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

D. Applicability

The floodplain regulations of this Chapter shall apply to all lands adjacent to any watercourse that would be inundated by the 100-year flood, or that is determined to be flood prone on the basis of on-site evidence. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this regulation, and other applicable regulations of the Land Development Code.

E. Official Floodplain Maps

1. For the purpose of this Section, floodplain and other pertinent boundaries shall be those shown on the October 16, 2012 Federal Emergency Management Agency Flood Insurance Study. Those boundaries are hereby incorporated into this LDC along with related explanatory matter, water surface elevations, profiles, and cross sections.

2. The Board of County Commissioners has incorporated the boundaries of flood regulatory areas shown on the October 16, 2012 Federal Emergency Management Agency Flood Insurance Studies into County Regulations, after holding public hearings prior to the adoption of the official maps.

3. Official maps, as designated by the Board of County Commissioners, shall be recorded with the Mesa County Clerk and Recorder immediately following official designation. Amendments to any official maps shall be accomplished by giving public notice of a public hearing by publication in newspaper of general circulation within the County, at least thirty (30) days prior to the Board of County Commissioners’ hearing. The public notice shall identify the watercourse involved, and shall state in a general fashion the lands which are proposed for inclusion within the flood regulatory area. The public notice shall also state the map proposed for designation is available in the County Engineering Division for public inspection during normal working hours.

F. Flood Boundary Interpretation

1. Official maps, on file in the Public Works Department and recorded with the Mesa County Clerk and Recorder, define only approximate boundaries of the floodplain. Precise determination of boundaries can only be made by a comparison of flood water elevation at a particular site with the actual ground elevation at that site. Projected flood water elevation data is normally obtained from the Flood Insurance Study.

2. Profile data or other technical information as provided from an approved engineering study, may be used as interpretation of flood boundaries. Where such profile data or other technical data becomes available at any particular site, that data will take precedence over boundaries shown on official floodplain maps, only after a Letter of Map Revision has been submitted to and approved by the Federal Emergency Management Agency. Submittal of Letter of Map Revision shall be the responsibility of the applicant.

3. Correction of an error on any official floodplain map, as proven by data from a registered professional
engineer, may be proposed for correction through the procedures defined in this Section.

G. **Interpretation**

In the interpretation and application of these floodplain regulations, all provisions shall be considered as minimum requirements, liberally construed in favor of the County, and deemed neither to limit nor repeal any other powers granted under State statutes.

H. **Warning and Disclaimer of Liability**

The degree of flood protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on occasion, or the flood height may be increased by manmade or natural causes, such as ice jams and bridge opening restricted by debris. This Section does not imply that areas outside floodplain area boundaries, or land uses permitted within such areas will always be totally free from flooding or flood damages. This Section shall not create any liability on the part of, or a cause of action against the Mesa County Board of Commissioners or any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that may result from reliance on this regulation or any administrative decision lawfully made thereunder.

I. **Floodplain Nonconformities**

The existing lawful use of a structure or premises that does not comply with the floodplain regulations of this Section, may be continued subject to the following conditions:

1. No such use shall be expanded or enlarged except in conformity with the provisions of this Section.
2. Substantial improvements, as herein defined, to any nonconforming structure or use must result in the permanent change of the structure or use to a conforming use.
3. If such use is discontinued for twelve (12) consecutive months, any future use of the building and premises shall conform to this Section.

J. **Floodplain Land Use Regulations**

1. **Prohibited Uses**
   
   Any land use within a designated floodplain that is not specifically allowed or conditionally allowed by means of a Floodplain Development Permit is prohibited.

2. **Uses Allowed in Floodplain Areas**
   
   Designated floodplain areas are usually divided into two subdistricts: the floodway and the flood fringe. Where this distinction has not yet been made, a site-specific comparison between flood water elevation and ground elevations will be necessary to make such distinction. Until such distinction has been made, the land shall be considered to lie within the floodway.

3. **Flood Prone Areas**
   
   Flood prone areas may require a detailed hydrological engineering study in order to define and map the actual 100-year floodplain, to determine site-specific flood elevations and ground elevations, and to distinguish between the floodway and the flood fringe. Until such a distinction has been made, the land will be considered to lie within the floodway.

4. **Floodway Districts**
   
   a. **Uses Requiring Floodplain Development Permits**
      
      Any human-made change to improved or unimproved real estate with the floodway district, including, but not limited to, the following, shall require a Floodplain Development Permit:

      (1) Private and public recreational uses, such as, but not limited to, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, target ranges, shooting trap and skeet ranges, fish hatcheries, swimming pools and open air theaters;

      (2) Utility transmission lines, pipelines, roadways, water monitoring devices and railroad rights-of-way, but not including railroad sidings and freight or passenger transfer or holding areas;
(3) All open pit sand or gravel extraction, including related offices;
(4) Original construction of bridges, dams, and irrigation structures;
(5) Any type of change, filling, or realignment of a watercourse channel;
(6) Subdivision of land;
(7) Water and wastewater treatment facilities or storage;
(8) Buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations;
(9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted Regulatory Floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision through FEMA; and/or
(10) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than 0.00-foot (zero-foot) rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and floodway revision in accordance with paragraph i, above.

b. Prohibited Uses

The following land uses and activities are specifically prohibited in the Floodway District:

(1) Any alteration or relocation of a watercourse which reduces its flood carrying capacity;
(2) Any use, obstruction, or encroachment which would result in any increase whatsoever in the elevation of flood waters during the 100-year flood at any point;
(3) Habitable dwellings, including manufactured homes;
(4) Storage or processing of materials that are flammable, radioactive, poisonous, explosive, corrosive, or which would pose a hazard to life and property during times of flooding;
(5) Public or commercial overnight campgrounds or travel trailer parks;
(6) Junk yards, salvage yards, and wrecking yards of any kind; and
(7) Any new or existing and unapproved encroachment, including but not limited to any structure or other development, in a FEMA-mapped floodway which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge.

5. Flood Fringe Districts

a. Uses Allowed Without a Floodplain Development Permit

The following uses are allowed in the Flood Fringe District without a Floodplain Development Permit, provided that the use complies with underlying zoning and does not involve any human-made change to improved or unimproved real estate:

(1) Growth of agricultural crops or animals, but not including the processing of agricultural products;
(2) Private and public recreational uses; and
(3) Wildlife and nature preserves, game farms, and fish hatcheries, but not including related structures.

b. Uses Requiring Floodplain Development Permits

Unless specifically prohibited, there is no restriction on which uses may locate in the Flood Fringe
District. All development that is not specifically exempt from Floodplain Development Permit requirements shall require a Floodplain Development Permit in the Flood Fringe District.

c. Prohibited Uses

The following uses shall be prohibited in the Flood Fringe District:

(1) Any residential structure or substantial improvement in which the lowest floor, including the basement, is lower than one foot above the elevation of the 100-year flood;

(2) Junk yards, salvage yards and wrecking yards of any kind; and

(3) New construction and substantial improvement of any commercial, industrial or other nonresidential structure in which the lowest floor (including basement) is lower than one foot above the elevation of the 100-year flood or not flood proofed below a flood protection elevation of one foot above the elevation of the 100-year flood together with attendant utility and sanitary facilities.

K. Floodplain Development Permit Conditions

The Floodplain Administrator shall require all of the following:

1. New construction or Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure due to hydrostatic and hydrodynamic loads; be constructed with materials and utility equipment resistant to flood damage; and constructed by methods and practices to minimize flood damage.

2. All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame-to-ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific anchoring requirements are:
   a. Over-the-top ties at each of the four (4) corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie;
   b. Frame ties at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long required four additional ties per side;
   c. That all components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds each; and
   d. Any additions to the manufactured home be similarly anchored.

3. New and replacement sewer and water systems shall be designed to minimize infiltration.

4. All new construction and substantial improvement shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Required utility conditions shall be as follows:
   a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
   b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems, into flood waters.
   c. On-site waste disposal systems shall be located to avoid their impairment or contamination from flooding.

6. Required subdivision conditions shall be as follows:
   a. All subdivision proposals shall be consistent with the need to minimize flood damage.
b. All subdivision proposals shall have public utilities and facilities (such as sewer, gas, electrical, and water systems) located and constructed to minimize flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

d. Base flood elevation data must be provided for subdivision proposals and other proposed development that contains at least fifty (50) lots or five (5) acres, whichever is less.

7. In the instance of an individual manufactured home which is to be elevated on pilings, the piling foundations shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for any piers extending more than six (6) feet above the ground.

8. All manufactured homes, on a single lot or in a new or expansion to an existing manufactured home park or subdivision, that are placed or substantially improved within Zones A1-30, AH, and AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor elevation of the manufactured home is elevated to at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

9. All manufactured homes in an existing manufactured home park or subdivision prior to the time these regulations are implemented, that are placed or substantially improved on sites in existing manufactured home parks or subdivision within zones A1-30, AH, and AE that are not subject to the provisions of the previous paragraph shall be elevated so that either (i) the lowest floor of the manufactured home is at least one (1) foot above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade, and, shall be securely attached to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

10. New construction and substantial improvement of any residential structure shall have the lowest floor (including the basement) elevated to at least one foot above the projected water surface elevation of the 100-year flood.

11. Within the AO and AH Zones on the Flood Insurance Rate Map (FIRM) require that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified).

12. Within Zones AO and AH require that adequate drainage paths be provided around structures on slopes to guide floodwaters around and away from proposed structures.

13. New construction, and substantial improvement of any commercial, industrial and other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the projected 100-year flood elevation; or, together with attendant utility and sanitary facilities, shall:
   a. Be flood proofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy; and
   c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation.

14. Within any AO and AH Zones on the FIRM require that all new construction or substantial improvements of nonresidential structures have the lowest floor elevation (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or together with attendant utility and sanitary facilities be
completely flood proofed to that level to meet the requirements of this Section.

15. Fully enclosed areas of all residential, commercial, industrial or other structures below the lowest floor (to be used solely for the parking of vehicles, building access or storage in an area other than a basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
   a. A minimum of two (2) openings with a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding shall be provided; and
   b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

16. A permit shall be required for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain.

L. Standards for Recreational Vehicles

Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall:

1. Be defined as:
   a. Be built on a single chassis;
   b. Be four hundred (400) square feet or less when measured at the largest horizontal projections;
   c. Be designed to be self-propelled or permanently towable by a light duty truck;
   d. Be designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and

2. Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall either:
   a. Comply with the permitting, elevating and anchoring requirements for manufactured housing units and manufactured homes as set out in this Section; or
   b. Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and legal for highway use.

For the purpose of this Section, a recreational vehicle shall be deemed ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-connect type utilities and securing devices, and has no permanently attached additions.

M. Properties Removed from the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one (one) foot of freeboard that existed prior to the placement of fill.

N. Standards for Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. Classification of Critical Facilities

   It is the responsibility of Mesa County to identify and confirm that specific structures in their community meet the following criteria.

2. Critical Facilities are classified under the following categories: (1) Essential Services; (2) Hazardous Materials; (3) At-risk Populations; and (4) Vital to Restoring Normal Services.
a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

1. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
2. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctor's offices, and non-urgent care medical structures that do not provide these functions);
3. Designated emergency shelters;
4. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
5. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
6. Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of Mesa County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to Mesa County on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

1. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
2. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
3. Refineries;
4. Hazardous waste storage and disposal sites; and
5. Above-ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten
thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations.

(a) Specific exemptions to this category include:

(i) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

(ii) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

(iii) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

(b) These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

c. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

(1) Elder care (nursing homes);

(2) Congregate care serving twelve (12) or more individuals (day care and assisted living);

(3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children);

d. Facilities vital to restoring normal services including government operations. These facilities consist of:

(1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

(2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to Mesa County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to Mesa County on an as-needed basis upon request.

3. Protection for Critical Facilities

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

a. Location outside the Special Flood Hazard Area; or
b. Elevation or floodproofing of the structure to at least two (2) feet above the Base Flood Elevation.

4. Ingress and Egress for New Critical Facilities
New Critical Facilities shall, when practicable as determined by Mesa County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

SECTION 8.15 | TRAFFIC IMPACT ANALYSES (TIA)

A. Traffic Impact Analysis Thresholds
A Traffic Impact Analysis shall be required to be submitted with applications for development review when trip generation is expected to exceed one hundred (100) peak hour trips, based on traffic generation estimates of the Institute of Transportation Engineers’ Trip Generation manual, unless local trip generation data demonstrate a higher trip rate. A TIA is also required for:

1. Any project that proposes access to a street with Level of Service (LOS) “D” or below;
2. Any case in which the original TIA is more than two years old, or where increased land use intensity will result in an increase in traffic generation by more than fifteen (15) percent or an increase of directional distribution of traffic by more than twenty (20) percent.

B. Traffic Impact Analysis Guidelines
Guidelines for TIAs are found in Article VII of the Mesa County Standard Specifications for Road and Bridge Construction. Traffic Impact Analyses must be prepared by a registered professional engineer with experience in Transportation Engineering. A statement of qualifications shall accompany all Traffic Impact Analysis submittals.

SECTION 8.16 | STREET ACCESS

A. Access to Public Roads
All new lots/parcels shall have direct or indirect access (no street frontage) to a maintained public road. If indirect access is proposed then access easements shall be identified. Easements shall be of sufficient width to provide for fire access, utility installation and drainage improvements.

B. Driveways
Driveway access to collector and arterial streets shall be discouraged. Standards shall be as described in the Mesa County Standard Specifications for Road and Bridge Construction, its appendix, the Road Access Policy, the Land Development Code and the International Fire Code, as may be amended.

C. Common Driveways
A driveway that provides access to a public street or road within the rural or urban zoning districts serving two (2) residential lots meeting the following design standards:

1. A common driveway shall be at least twelve (12) feet wide and be located in an access easement at least sixteen (16) feet wide.
2. Common driveways shall be surfaced with a stable material; such as, but not limited to asphalt, reprocessed asphalt, concrete, brick, cobblestone, or Class 6 aggregate six (6) inches thick.
3. If the common driveway is over one hundred fifty (150) feet in length, pullouts shall be required every one hundred (100) feet to allow vehicles to pass.

D. Loop Lane
Driveways that provide access to a public street or road within the urban zoning districts must meet the following design standards:

1. The surface of the loop lane shall be a minimum of fourteen (14) feet wide, edge of pavement to edge of pavement. The lane may need to be a one-way lane and parking may not be allowed on the lane.
2. The loop lane and the common area surrounded by the loop lane shall be at least sixty (60) feet wide and shall be labeled as an outlot.

3. The loop lane must be surfaced with concrete, not asphalt, and both the loop lane and the common area surrounded by the loop lane shall be dedicated to a property owners’ association with responsibility for maintaining the loop lane and the common area.

4. Individual driveways leading from the loop lane to each home shall be at least twenty-five (25) feet long, as measured between the front of the garage or carport and the closest edge of the loop lane.

5. The design of the loop lane shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction. The AASHTO turning template for a “P” design vehicle shall be used to confirm that this standard is met.

6. Four (4) guest-parking spaces, located in the public right-of-way, are required at the end of the loop.

7. Each residence shall provide and maintain four (4) off-street parking spaces, a maximum of two (2) tandem spaces per dwelling unit is allowed.

E. Shared Driveway Standards

1. The shared driveway is designed to provide access to lots where a full public street is not practical or economical. Shared driveways shall comply with the following standards:
   a. Not more than six (6) single-family lots may access a shared driveway.
   b. Shared driveways are allowed in locations approved per the Road Access Policy, provided that consideration of Public Right-of-way Dedication Requirements in Section 8.17 does not require a public right-of-way to be dedicated and/or a public road to be built by the developer.
   c. Shared driveways shall be designed by a Professional Engineer licensed in the State of Colorado, and shall meet the following minimum specifications. Shared access within the Grand Junction Rural Fire District shall comply with the Fire Department Access requirements of the Grand Junction Transportation Engineering Design Standards (TEDS).
   d. Minimum Specifications:
      (1) Unobstructed driving surface width of twenty (20) feet, exclusive of shoulders;
      (2) Proper drainage;
      (3) Turning radii at the intersection with public roads are built in accordance with the Road Access Policy;
      (4) Provision of a turnaround area in compliance with Appendix D. of the International Fire Code where shared driveways exceed one hundred fifty (150) feet in length;
      (5) An all-weather surface is constructed, meaning a road surface over which emergency and typical passenger vehicles can pass at all times and in any weather condition, maintained in a dust-free condition (exception: properties within the GJ Rural Fire District where TEDS is adopted must be finished with hot mix asphaltic concrete or concrete pavement over a flexible base); and
      (6) Paved aprons are constructed at intersections with paved public roads where required by the Road Access Policy within the Urbanized Area of the Mesa County Municipal Separate Storm Sewer Systems (MS4s) Authorization (Stormwater Urbanized Area).
   e. Each residence shall provide and maintain four (4) off-street parking spaces, a maximum of two (2) tandem spaces per dwelling unit is allowed.
   f. Multi-purpose easements shall be dedicated contiguous to the shared driveway for utility service lines. Alternative provisions for utilities must be approved by the utility providers.
   g. A shared driveway shall be owned and maintained by the owners of the parcels or lots that abut the shared driveway. The shared driveway shall be contained within a tract dedicated to the property owners of the parcels that abut the shared driveway.
A. Standards

1. When a development plan proposes improvements to a street or road that requires rights-of-way in excess of the minimum requirements of the Mesa County Standard Specifications for Road and Bridge Construction, additional rights-of-way will be required from the developer to accommodate the proposed plan.

2. Streets, roads and pedestrian/bicycle paths shall be designed as shown in any adopted Transportation or Circulation Plan and constructed in conformance with the current Mesa County Standard Specifications for Road and Bridge Construction and its appendix, the Road Access Policy. All new public or private roads constructed within the Grand Valley Airshed shall be paved. Farm service and canal/ditch/drainage maintenance roads are exempt from this paving requirement.

3. Access and construction specifications shall comply with either urban or rural improvements, as specified in the Mesa County Standard Specifications for Road and Bridge Construction and its appendix, the Road Access Policy.

B. Public Rights-of-Way Dedication Criteria

1. Since the need for public rights-of-way are different for every developing property or area, the following criteria will be considered when subdivision or re-subdivision of properties is proposed:
   a. The development includes the construction of new roadways that will be petitioned for acceptance into the County road system.
   b. The development application proposes more than six (6) lots on one access or more than six (6) lots on a shared driveway.
   c. The property that is the subject of the development application is able to develop additional lots in the future according to the existing zoning on the property or designated future land use.
   d. Adjacent properties are currently physically or legally landlocked from public rights-of-way.
   e. Adjacent properties are otherwise constrained by access regulations from direct access on existing public rights-of-way.
   f. Public rights-of-way is necessary on the subject property to provide development improvements to the surrounding area either presently or in the future.
   g. Adopted transportation plan[s] show anticipated road circulation that involves the subject parcel.

2. The Mesa County Public Works Department will consider the above criteria prior to requiring dedication of public rights-of-way. Required rights-of-way connections to adjacent properties shall be located as effectively as possible, considering topography, environmental constraints, and adopted policies and regulations.

3. If the developer believes that dedication of public rights-of-way internal to the subdivision would not be beneficial to the current or future property owners or to the planned development of the area, then the developer or their engineer shall prepare a report for consideration by the Public Works Department certifying why public rights-of-way should not be required.

4. The applicant may be required to submit a conceptual lay out of the subdivision at the density allowed by the zoning on the property or the Future Land Use classification.

C. Improvements

Limited improvements to adjacent roads shall be required of all types of development (excluding Property Line Adjustments and Residential Site Plans) that are not covered by the Transportation Impact Fee regulation (i.e., local roads).
1. Required Improvements
   
a. Streets/Roads
   If a development is adjacent to a local street or road (as defined in the Road Access Policy) and if the street/road provides primary access, the developer shall be responsible for all improvement costs (see 2. below).
   
b. Primary Access Street/Road
   When a development is not adjacent to a street/road and a Primary Access Street/Road is required to access the development, the developer shall be responsible for the entire cost of the design and construction of said Primary Access Street/Road.
   
c. Internal Streets/Roads
   The developer shall be responsible for the entire cost of the design and construction of internal streets/roads and connection stubs. In the rural zoning districts, the Developer may have their engineer prepare a specific proposal for reduced improvements when constraints (e.g. the need exists for additional rights-of-way from an adjoining property or when a responsibility to share road construction costs with an adjoining property exists) are identified. When six (6) or fewer residential lots will use the internal road for access, the improvements required in the rights-of-way may be reduced, upon request by the Developer, to the minimum standard for shared driveways as specified in Section 8.16 E.

2. Urban Street Improvements
   Development within all Urban Zoning Districts and Rural Communities, shall construct required improvements (Section 8.17 B.) to streets/roads that are in conformance with the urban road sections in the Mesa County Standard Specifications for Road and Bridge Construction.

3. Rural Road Improvements
   a. Development located in the Rural Zoning Districts shall construct limited improvements (Section 8.17 B.) to County maintained roads when the development:
      (1) Has boundaries with frontage on a “public road” as defined in the Road Access Policy; and
      (2) Has adjacent roads that are designated as local roads as defined in the Road Access Policy.
   b. Development that satisfies the criteria in Section 8.17 B. shall provide the following road improvements to adjacent County roads classified as local roads:
      (1) Install all or portions of gravel shoulder along adjacent roads in compliance with the Mesa County Standard Specifications for Road and Bridge Construction; and
      (2) Ensure that drainage along roads is not adversely affected by any road improvements installed or accesses constructed.

SECTION 8.18 | CIRCULATION AND STREET LAYOUT

A. Sidewalks and Trails
   All principal structures in Nonresidential zoning districts, and all Urban Residential zoning districts except the URR, RSF-R and RSF-E district shall have direct access to a sidewalk or trail without having to cross a street.

B. Transportation Plans
   The layout of streets, highways, sidewalks and trails shall comply with all adopted transportation plans. Where proposed development adjoins other property, the dedicated rights-of-way and improvements required to connect Local, Arterial or Collector streets within the proposed development shall extend to the adjacent property line in conformance with any adopted Transportation Plan.

C. Private Streets
   Private streets within a development shall comply with the requirements of the Mesa County Standard Specifications for Road and Bridge Construction, and the development shall have a Property Owners’ Association and covenants sufficient to ensure road maintenance is performed. Private streets/roads shall
SECTION 8.19 | INTERSECTION AND DRIVEWAY VISIBILITY

A. Intersections

1. No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of three (3) feet and eleven (11) feet shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of property lines and extending twenty-five (25) feet from their point of intersection.

2. The Director may require an increase in the visibility triangle standards when deemed necessary for traffic safety.

B. Driveways

1. No structure, fence, wall, hedge, or planting that will obstruct vision between a height of three (3) feet and eight (8) feet shall be erected, placed or maintained within the triangular area formed by the edge of the driveway and the lot line.

2. The provisions of this Section shall be waived for fences, walls, hedges or other plantings if it can be shown that visibility will not be restricted either because of a turnaround driveway or a parkway greater than eight (8) feet.

C. Dedication Required

The area within required intersection visibility triangles shall be dedicated to the County at the time of subdivision approval.

D. Enforcement

Upon official written notification of noncompliance, the property owner shall remove any obstructions. If the owner has not done so within a reasonable time as determined by the Public Works Department, Mesa County shall take steps to have the obstruction removed.

SECTION 8.20 | LAND DEDICATIONS AND FEES IN-LIEU

A. Park Land Dedication

1. Land Dedication

  Dedication of land for park purposes shall be required of any development if such development
includes within it land that is necessary for implementing an adopted park, bikeway, or open space plan, provided that every land dedication shall be roughly proportional both in nature and extent of the proposed development.

2. Fees In-Lieu of Land Dedications

A fee in lieu of park land dedication shall be paid by all developments except those required to dedicate park land in accordance with this Section. Revenues from such fees shall be used only to acquire park land or construct park or recreation related capital improvements that are necessary to serve the fee-paying development and other developments within the area. Fees are payable upon the filing of a final plat for a platted residential development. Developments containing residential and other uses shall pay the appropriate fees on each part of the development.

3. Required Fees

The required fees for all types of development shall be calculated in an amount roughly proportional to the need or demand generated by the proposed development, as determined by one or more studies commissioned and approved by the Board of County Commissioners.

4. Credit Permitted Against Fee

The development shall be allowed credit against any fees due for the actual costs of any park related capital improvements constructed by the applicant, for the development, at the request of Mesa County that are not on or directly adjacent to land owned by the applicant.

B. Schools

1. Land Dedications

Dedication of Suitable School Lands for school purposes shall be required of any development if the affected School District determines that such development includes within it land that is necessary for implementing a school plan, provided that every land dedication shall be roughly proportional both in nature and extent of the proposed development, in accordance with the requirements of this Section.

2. Fees In-Lieu of Land Dedications

A fee in-lieu of school land dedication shall be paid by all residential developments except those required to dedicate land for schools in accordance with this Section. The fee per dwelling unit shall be determined by resolution of the Board of County Commissioners, calculated in an amount roughly proportional to the need or demand generated by the proposed development, as determined by one or more studies commissioned and approved by the School District. School Land Dedication (SLD) fees shall be collected by the County for the exclusive use and benefit of the School District in which such development is located, and shall be expended by the School District solely to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities, or to reimburse the School District for sums expended to acquire such property or interests.

a. School Land Dedication Fees shall be collected and held in trust for the use and benefit of the School District containing the Residential Development for which the fee is collected. Such fees shall be expended by such School District to acquire additional real property for expansion of school facilities and construction of new school facilities necessitated by new Residential Development in such School District, or to reimburse the School District for sums expended to acquire such property. The amount of the SLD Fee shall be based on a methodology which takes into account the student generation rates of new Residential Development, the quantity of land required to build new school facilities on a per pupil basis, and the anticipated cost of acquiring Suitable School Lands in the School District to expand existing school facilities and construct new school facilities to accommodate new Residential Development without decreasing current levels of educational services.

b. At the time SLD Fees are initially adopted and once every five years thereafter, the Board of County Commissioners shall determine the average cost per acre of Suitable School Lands, after a public hearing. The County shall give each School District of the County sixty (60) days’ prior written notice of the hearing. Such hearing shall consider the School District’s long range capital
improvement plans and any other evidence, comments or recommendations submitted by the School Districts and the public in making such determination.

c. The SLD Fee shall then be set, by resolution of the Board of County Commissioners, in accordance with the following formula:

\[
\text{Cost per Acre of Suitable School Lands within each School District} \times \text{Student Generation Fee Factor of .023} = \text{SLD Fee Per Dwelling Unit}
\]

Figure 8-4: School Land Dedication Fee

[For example, if the average cost of Suitable School Lands is $15,000 per acre, the SLD Fee per Dwelling Unit would $15,000 \times 0.023, or $345.] See Section 8.20 B.2. above for determination of factor.

The student generation fee factor may also be modified at the hearing, provided that either the subject School District gives notice to the Board of County Commissioners that it requests such a modification at least thirty (30) days prior to the hearing, or the Board adopts a motion providing for consideration of a modification of said fee factor, and its hearing notice to the subject School District pursuant to this subsection. Said hearing shall consider the School District’s school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the County Planning Department, the subject School District and interested members of the public.

3. Payment of School Land Dedication Fee

a. No building permit shall be issued for a dwelling unit or a multi-family dwelling structure that is or contains one or more dwelling units, until the SLD fee in effect at the time the permit is applied for has been paid.

b. Nothing in this Section shall preclude a holder of a Development Permit for a Residential Development or Mixed Use Development containing a Residential Development component from pre-paying the SLD fees to become due under this Section for one or more Dwellings, Multiple-Family Dwellings or Multi-Family Dwellings to be constructed in such development. Such prepayment shall be made upon the filing of a final plat for a platted Residential Development, at the SLD fee rate then in effect and in the amount which would have been due had a building permit application for such dwellings been pending at the time of prepayment. A subsequent building permit for a Dwelling, Multiple-Family Dwelling or Multi-Family Dwelling that is, or contains, one or more Dwelling Units for which the SLD fees have been prepaid shall be issued without payment of any additional SLD fees. However, if such permit would allow additional Dwelling Units for which SLD fees have not been prepaid, the permit shall not be issued until the SLD fees for the additional Dwelling Units have been paid at the rate per Dwelling Unit in effect at the time the building permit application was made.

c. Any prepayment of SLD fees in accordance with this Section shall be documented by a Memorandum of Prepayment that contains the following minimum components:

(1) The legal description of the real property subject to Residential Development for which an SLD fee is being prepaid;

(2) A description of the development permit issued concerning such real property, and a detailed statement of the SLD fees being prepaid;

(3) The notarized signatures of the owners of record or their duly authorized agents; and

(4) The notarized signature of the County Administrator, indicating approval of the prepayment plan.

4. Exemptions

The following shall be exempted from payment of SLD fee:

a. Alterations or expansion of existing buildings except where the use is changed from nonresidential to residential and except where additional Dwelling Units result;
b. The construction of accessory buildings or structures;

c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;

d. The installation of a replacement manufactured home on a lot or other parcel when a fee in lieu of land dedication for such manufactured home has previously been paid pursuant to this Section or where a residential manufactured home legally existed on such site on or before the effective date of this Section;

e. Nonresidential buildings, nonresidential structures, or nonresidential manufactured homes;

f. Nursing homes, Adult Foster Care Facilities, or Specialized Group Facilities;

g. County approved Residential Developments that are subject to recorded covenants restricting the age of the residents pursuant to the Federal Fair Housing Amendments Act of 1988; and

h. Residential construction on unsubdivided land.

5. Credits

a. An applicant for a development permit (or a holder of such a permit) who owns other Suitable School Lands within the same School District in which the development is located may offer to convey such lands to such district in exchange for credit against all or portion of the SLD fees otherwise due or to become due. the offer must be in writing, specifically request credit against fees in lieu of SLD, and set forth the amount of credit requested. If the County and the School District in which the development is located accept such offer, the credit shall be in the amount of the value of the Suitable School Lands conveyed, as determined by written agreement between the County, the School District and the permit holder or applicant.

b. Credit against SLD fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this subsection is conveyed to and accepted by the School District in which the development is located. Upon such conveyance, the School District in which the development is located, and the County, shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and a description of the project or development to which the credit shall be applied.

c. Credits shall not be transferable from one project or development to another.

6. Refund of Fees Paid

a. Any SLD fee which has not been expended by a School District within five years of the date of collection shall be refunded, with interest at the rate of five (5) percent per annum compounded annually, to the current owner of the land for which the fee was paid. Prior to such refund, such amount shall be reduced by an amount equal to two (2) percent of the principal amount to be refunded, for the costs incurred by the County in the refund of such fee. The County shall give written notice by first class mail to the person who paid the fee at his or her address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a written claim for such refund with the County within ninety (90) days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this Section 8.20.

b. The Board may, upon a School District’s request, extend the 5-year period of time upon a showing that such extension is reasonably necessary in order for the School District to complete or close a purchase transaction entered into in writing by such district prior to expiration of such period, or to give such district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the Board. In no event shall any extension of time exceed an additional 5-year period.

SECTION 8.21 | FEES IN LIEU OF IMPROVEMENTS

A. Escrow of Funds in Lieu of Improvements

When specific public improvements are required by the Board of County Commissioners and/or identified in the County’s Capital Investment Program and/or any adopted Transportation Plan, a fee (based on the
cost of design construction and construction administration) may be collected in lieu of improvement construction. The County may hold funds for up to seven (7) years.

B. Use of Funds

Fees paid pursuant to this Section shall be deposited in an escrow account held by the Mesa County Treasurer. Fees shall be expended by Mesa County only to construct the specific improvement for which the fee was collected.

C. Credit Permitted Against Fee for Certain Off-Site Improvements

Any development shall be allowed credit against any fees or funds due under this Section for actual costs of any public improvements constructed by the applicant for the development at the request of Mesa County, which are not on or directly adjacent to land owned by the applicant.

D. Impact Fees

All traffic-generating developments are subject to assessment and payment of a Transportation Impact Fee (TIF). Transportation Impact Fees are based on one or more studies commissioned and approved by the Board of County Commissioners. The TIF Regulation (MCM 2004-107) was adopted by the BOCC on June 7, 2004. All requirements of MCM 2004-107 and any amendments shall be implemented through this LDC.

SECTION 8.22 | STORMWATER CONSTRUCTION PERMIT

A. Purpose and Intent

It is the purpose of these regulations:
1. To protect and preserve surface water from pollutants associated with stormwater runoff.
2. To meet the terms of the Colorado Department of Public Safety permit regulations.
3. To regulate the contribution of pollutants to the municipal separate storm sewer system from stormwater discharges;
4. To establish legal authority to carry out all inspection, observation, and monitoring procedures necessary to ensure compliance with the regulations of this Section;
5. To promote public awareness of the hazards involved in the improper discharge of pollutants into the municipal separate storm sewer system;
6. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges from construction activity and development and to facilitate compliance with state and federal standards.
7. To reduce pollutants in stormwater discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land that results in a disturbance of greater than one (1) acre or is part of a larger common plan of development or sale;
8. To require permanent stormwater quality runoff controls to be constructed along with development to prevent the deterioration of water quality;
9. To establish provisions for the long-term responsibility for and maintenance of structural stormwater quality control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and do not threaten public safety.
10. To establish timely and appropriate enforcement actions for violations of the regulations of this Section.

B. Methods

In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:
1. Requiring a Local Stormwater Construction Permit as identified in the Stormwater Management Manual, when applicable.
2. Require the installation and maintenance of permanent stormwater quality runoff controls to be constructed along with development to prevent the deterioration of water quality as identified in the
Stormwater Management Manual, when applicable.

C. Applicability

1. The regulations of this Chapter shall apply to all lands designated as an urbanized area according to the Colorado Department of Public Health and Environment.

2. No new development or redevelopment, which disturbs one (1) acre or more of land and disturbs less than one (1) acre but is part of a larger common plan of development, shall hereafter be allowed without full compliance with the terms of this regulation, the Mesa County Stormwater Management Manual, and other applicable regulations of the Land Development Code.

3. Disturbance includes any activity that disturbs the soil on the site, including: grading, clearing, excavation activities, areas receiving overburden (e.g. stockpiles), demolition areas, and areas with equipment/vehicle traffic and storage that disturb vegetative cover.

D. Interpretation

In the interpretation and application of these stormwater regulations, all provisions shall be considered as minimum requirements, liberally construed in favor of the County, and deemed neither to limit nor repeal any other powers granted under State statutes.

E. Warning and Disclaimer of Liability

The degree of water quality protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based upon the engineering and scientific methods of Construction Stormwater Management Plan and the Drainage Report. This Section shall not create any liability on the part of, or a cause of action against the Mesa County Board of Commissioners or any officer or employee thereof, for any water quality damages that may result from reliance on this regulation or any administrative decision lawfully made thereunder.

F. Nonconformities

The existing lawful use of a structure or premises that does not comply with the stormwater regulations of this Section, may be continued. If the property is redeveloped, and disturbs an acre of land or less than one (1) acre but is part of a larger common plan of development, activities must conform with this Section.

G. Stormwater Construction Permit Conditions

The Stormwater Administrator shall require that the requirements of Section 1506.1 of the Stormwater Management Manual be adhered to. This Section covers the requirements of inspections, reporting, and changes to the Construction Stormwater Management Plan.

SECTION 8.23 | INTERIM DEVELOPMENT POLICIES

A. Findings

The Board of County Commissioners may adopt by resolution Interim Development Policies, stipulating development standards and uses for properties in specific areas prior to availability of infrastructure and services. The purpose of interim development policies is to allow land owners some development potential while ensuring that development does not occur that cannot be adequately served by water, sewer, roads and other appropriate services and infrastructure.

B. Applicability to Development

All development within an area subject to an Interim Development Policy shall be required to meet all applicable standards and limitations set forth in the Policy.

C. Effect on Future Development

New development in an area subject to an Interim Development Policy shall be designed in a manner so as not to interfere with future development or redevelopment consistent with the Future Land Uses and Goals, Policies and Objectives of the Mesa County Master Plan.

1. As a condition of approval of any development in an area planned for urban development, a note will be placed on the site plan indicating that urban uses are planned for the subject property in the future as designated on the adopted Future Land Use Plan Map and referencing the adopted Policy Resolution number.
CHAPTER 9 | SIGNS

SECTION 9.01 | PURPOSE

The sign regulations of this chapter are intended to promote traffic safety and to protect the visual appearance of the County. Signs placed by a governmental entity or approved to be located on public property or in public rights-of-way are exempt from this Chapter.

SECTION 9.02 | PROHIBITED SIGNS

A. The following signs shall be prohibited:

1. Signs that contain statements, words, or pictures of an obscene or indecent nature.
2. Signs that contain or are an imitation of an official traffic sign or signal or contain the words “stop,” “go slow,” “caution,” “danger,” “warning,” or similar words;
3. Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
4. Signs that create a hazard for, or impede safe or efficient movement of, motorists or pedestrians;
5. Signs that contain or consist of portable signs, tent signs and strings of light bulbs not permanently mounted on a rigid background;
6. Signs that swing or otherwise move as a result of wind pressure because of the manner of their suspension or attachment;
7. Signs placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills, except as may otherwise expressly be authorized by this section.

SECTION 9.03 | EXEMPT SIGNS

A. Signs That Do Not Require a Permit

The following signs are allowed on a lot/parcel in any zone district:

1. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
2. Signs that cannot be read from street rights-of-way which inform or instruct customers or visitors on-site. This may include but is not limited to menu boards, directional signs, rear entrance signs and warning signs.
3. Temporary decorations or displays clearly incidental, customary and commonly associated with national or local holiday celebrations.
4. A sign that is not illuminated, not digital or electronic and not permanent in nature; for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, with the following limitation:
   a. On a parcel of less than one (1) acre, up to six (6) such signs are allowed, so long as each sign is not greater than six (6) square feet in area, except that one of these signs may be up to thirty-two (32) square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
   b. On a parcel of one (1) acre or larger, up to six (6) such signs per acre are allowed, so long as each sign is not greater than six square feet in area, except that one sign per acre can be up to thirty-two (32) square feet in area.
SECTION 9.04 | WIND DRIVEN SIGNS AND BANNERS

A. Standards

1. Banners and wind driven signs may be displayed for up to thirty (30) consecutive days up to four (4) times in a twelve (12) month calendar year. Permit periods may run consecutively.

2. All banners must be secured directly to the structure, fence, or post that is permanently affixed to the ground.

3. All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public rights-of-way.

4. In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit.

SECTION 9.05 | DIGITAL OR ELECTRONIC SIGN

A. Standards

1. The maximum brightness levels for signs shall not exceed three tenths (0.3) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a footcandle meter, brightness shall be in conformance with the following distance table:

<table>
<thead>
<tr>
<th>Area of Sign (square feet)</th>
<th>Measurement Distance (feet from sign)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 10</td>
<td>30</td>
</tr>
<tr>
<td>10 – 24</td>
<td>45</td>
</tr>
<tr>
<td>25 – 49</td>
<td>55</td>
</tr>
<tr>
<td>50 – 99</td>
<td>90</td>
</tr>
<tr>
<td>100 – 149</td>
<td>110</td>
</tr>
<tr>
<td>150 – 199</td>
<td>135</td>
</tr>
<tr>
<td>200 – 300</td>
<td>150</td>
</tr>
</tbody>
</table>

2. The measurement shall be conducted at least thirty (30) minutes after sunset or thirty (30) minutes before sunrise.

3. Interactive signs are prohibited.

4. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

SECTION 9.06 | GENERAL STANDARDS FOR ALL SIGNS

The following requirements shall apply to signs in all zoning districts unless otherwise indicated.

A. Standards

1. Permits shall be required for all new signs except those Exempt Signs listed in Section 9.03.

2. Maintenance, touch-up, repainting or repair of a legal sign shall not require a sign permit.

3. All signs shall be located on the same lot as the use to which it is associated, unless they qualify as off-premise signs under this section.

4. All signs shall be permanent in nature except for those signs allowed as Exempt Signs in under Section 9.03.
5. The total surface area of one (1) sign face of free-standing signs, roof signs and projecting wall signs shall be counted as the maximum total surface area allowance. Off-premise signs shall not be counted in maximum square foot allowance.

6. Illumination of all signs shall comply with the following standards:
   a. The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity does not generate glare onto nearby residential areas between the hours of 8 p.m. and 8 a.m.
   b. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares, as determined by the Department of Public Works.
   c. No exposed reflective type bulbs or incandescent lamps which exceed forty (40) watts shall be used on the exterior surface of a sign.

7. Each sign requiring a permit hereafter erected or remodeled shall bear, in a permanent position, an identification plate stating the date the sign was erected and the name of person, firm or entity responsible for the construction and erection.

8. Touching up, repainting or changing existing letters, text, symbols, graphics, or other content, that does not alter the existing sign area, is considered maintenance and repair and does not require a permit.

SECTION 9.07 | RURAL AND URBAN RESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Rural and Urban Residential zoning districts in accordance with the standards of this section.

A. Sign Types Allowed
   1. A bulletin sign, not to exceed twenty-five (25) square feet per face, may be erected upon the premise of any public institution for the purpose of displaying the name of the institution and its activities or services.
   2. One identification sign shall be allowed for each institutional or multi-family building or complex, provided that:
      a. Such sign shall not exceed thirty-two (32) square feet in area;
      b. If lighted, such sign shall utilize indirect illumination only; and

B. Location

Permitted signs may be located anywhere on the property.

C. Height

The height of free-standing signs shall not exceed ten (10) feet. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roof line.

D. Illumination

Only indirect or internal illumination shall be used for letter faces and logos.

SECTION 9.08 | AFT ZONING DISTRICT

The following signs shall be allowed for nonresidential uses in the AFT zoning district.

A. Allowed Sign Area

A total of thirty-two (32) square feet of signage shall be allowed for each nonresidentially used property. Total signage allowed may be divided between flush wall and freestanding signage. Allowed signage for uses that require approval of a Conditional Use Permit shall meet the standards set forth under Section 4.03.

B. Flush Wall Signs

1. Flush wall signs may be placed on a building facade that faces a dedicated public street.
2. In the event a building does not have frontage on a dedicated public street, the owner shall designate the building façade where wall signs shall be located.

3. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs incorporated with a window display will not be considered part of the total sign allowance.

4. A maximum of two (2) flush wall signs may be located on a building façade.

C. Freestanding Signs
1. No more than one (1), twelve (12) foot high free-standing sign shall be permitted for any parcel on each street frontage.

2. Signs may be installed at street rights-of-way line but no part of the sign shall project into the rights-of-way. In the event that lots or parcels abut streets or roads without rights-of-way or inadequate rights-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan.

3. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

SECTION 9.09 | NONRESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Nonresidential zoning districts in accordance with the standards of this subsection.

A. Signs Types Allowed

Signs in Nonresidential zoning districts may include flush wall signs, free-standing signs, projecting signs, and roof signs. All signs allowed in Rural and Urban Residential Zoning districts are also allowed in Nonresidential zoning districts.

B. Location and Size

Permitted signs may be located anywhere on the premises except as specifically restricted in this section. The total amount of signage to be allowed on any property shall not exceed the sign allowance standard of this section. No single sign may be larger than three hundred (300) square feet.

C. Flush Wall Signs and Roof Signs
1. The sign allowance shall be calculated on the basis of the length of the building façade which is most nearly parallel to the street it faces. Each building façade that faces a dedicated public street shall have its own sign allowance.

2. In the event a building does not have frontage on a dedicated public street, the owner of the building may designate the one (1) building façade which shall be used for the purpose of calculating sign allowance. In the event the only building façade that faces on a dedicated street contains no commercial display area, a property owner may designate another building façade to serve as the basis for calculating the total amount of sign area allowed.

3. Up to two (2) square feet of sign area shall be allowed for each linear foot of building façade for flush wall signs and roof signs. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs incorporated with a window display, will not be considered part of the total sign allowance.

4. If a flush wall sign and roof sign are used, the total sign allowance may be divided between the signs.

5. Roof signs shall be manufactured in such a way that they appear to be a part of the building with no visible guy wires, braces or secondary supports. Maximum height for roof signs shall be forty (40) feet above grade.
D. Projecting Signs

1. Signs may project up to six (6) feet from the face of the building if located eight (8) feet or more above grade but shall not project beyond the back of curb. Total area per sign face shall not exceed one-half (½) square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, it need not be less than twelve (12) square feet per face.

2. On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over public domain, the projection may be one-half (½) foot for each linear foot of building frontage provided that it does not extend further than four (4) feet back of the curb face.

E. Freestanding Signs

1. No more than one (1) free-standing sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage.

2. Maximum sign allowance shall be calculated by the linear front foot of property on a public right-of-way in accordance with the following:

<table>
<thead>
<tr>
<th>Number of Traffic Lanes</th>
<th>Maximum Sign Face Area (per foot of street frontage)</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>0.75</td>
<td>25</td>
</tr>
<tr>
<td>3</td>
<td>1.5</td>
<td>40</td>
</tr>
</tbody>
</table>

3. Signs may be installed at street rights-of-way line but no part of the sign shall project into the rights-of-way line. In the event that lots or parcels abut streets or roads with inadequate rights-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan. Single legs of one-way pairs shall be treated as four-lane roads.

4. When electrical service is provided to free-standing signs, all such electrical service shall be underground.
signs on the property reviewed and approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

SECTION 9.11 | OUTDOOR ADVERTISING SIGNS

A maximum of one (1) outdoor advertising sign, erected on the ground or affixed to a wall shall be allowed per parcel of land in the C-2, I-1 and I-2 zoning districts, subject to the following conditions:

A. Height Limitations

No outdoor advertising sign shall be erected higher than forty (40) feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No outdoor advertising sign shall have a surface or facing exceeding three hundred (300) square feet in area or containing less than fifteen (15) square feet in area. Off-premise signs shall not be denied permits because of maximum size limitations for on-premise signs on the same parcel.

B. Distance

For each square foot of surface or facing of the sign, two (2) feet of space from adjacent outdoor advertising signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no sign can be erected closer than six hundred (600) feet to an existing three hundred (300) square foot sign.

C. Illumination

Outdoor advertising signs that are illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision.

SECTION 9.12 | REMOVAL AND DISPOSITION OF SIGNS

A. Maintenance and Repair

1. No person shall retain on any premises owned or controlled by them, any sign which is in a dangerous or defective condition. The Director shall require the removal or repair of any sign by the owner of the sign or the owner of the premises upon which it is located. In cases of immediate danger to the public due to the defective nature of a sign, the Director may cause the immediate removal of the sign and may assess the costs of the removal against the owner of the property.

2. The appearance and safety of all signs shall be maintained by the replacement of all defective parts and by periodic painting, repainting, cleaning and other acts required for proper maintenance.

B. Abandoned Signs

1. Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. However, a sign structure that has no content or is “blank” and has fallen into disrepair and which is located on property which is unoccupied for a period of 12 consecutive months or more shall be deemed abandoned.

2. An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this section.
CHAPTER 10 | NONCONFORMITIES

SECTION 10.01 | GENERAL

A. Purpose

The purpose of this Chapter is to regulate uses, structures, improvements, lots, and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this LDC.

B. Nonconformities Regulated

The regulations of this Chapter address the following types of situations, all of which are collectively referred to as nonconformities.

1. Nonconforming Uses

A “nonconforming use” is one that was legally established but which no longer complies with the use regulations that apply within the zoning district in which the use is located.

a. A use that was legally established without a Conditional Use Permit shall be deemed to have a Conditional Use Permit and shall not be deemed nonconforming solely because a Conditional Use Permit is now required for the use.

2. Nonconforming Structures

A “nonconforming structure” is a building, improvement, and/or structure, not including signs, that was legally established but which no longer complies with the dimensional or development standards that apply within the zoning district in which the building, improvement, or structure is located.

3. Nonconforming Signs

A “nonconforming sign” is one that was legally established but which no longer complies with the sign regulations of Chapter 9.

4. Nonconforming Lots

A nonconforming lot is a tract of land, designated on a duly recorded plat, or by a duly recorded deed, or by other lawful means, that complied with the lot area, lot width, and other dimensional standards of the zoning district in which it was located at the time of its creation, but that does not comply with the minimum lot area, minimum width or other dimensional requirement of the zoning district in which it is now located.

C. Policies

1. Nonconforming Uses, Structures, Signs and Lots

a. It is the general policy of the County to allow uses, structures, signs, and lots that came into existence legally and in conformance with then-applicable requirements and do not have a negative impact on public health or safety, but that do not conform to all of the applicable requirements of this LDC, to continue to exist and be put to productive use while bringing as many aspects of the use or structure into conformance with the LDC as is reasonably practicable, all subject to the limitations of this Chapter. The limitations of this Chapter are intended to recognize the interests of the property owner in continuing to use the property in a safe and beneficial manner and allow changes and modifications to specified nonconformities, while working to reduce or eliminate nonconformities that may be detrimental to the public welfare.

b. Property owners shall be encouraged to pursue all remedies available within this LDC, including but not limited to Administrative Adjustments, Rezoning, Variances, or Subdivision in order to reduce or eliminate nonconformities.

2. Authority to Continue

Nonconformities shall be allowed to continue in accordance with the regulations of this Chapter.
3. Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists shall be on the owner, not the County (Section 10.07).

4. Maintenance

Normal maintenance required to keep nonconforming uses, nonconforming structures, nonconforming signs, and nonconforming lots in a safe condition shall be permitted, provided that no changes or expansion shall be made unless specifically allowed by this Chapter or allowed by law or ordinance.

5. Change of Ownership, Tenancy, or Management

Changes of ownership, tenancy, or management of an existing nonconformity shall be permitted, and in such cases the nonconforming situation shall continue to be subject to the standards of this Chapter.

6. Appeals

The Director’s decisions regarding nonconformities as set forth in this Chapter may be appealed to the Board of Adjustment, in accordance with the provisions of Section 4.02 of this LDC.

SECTION 10.02 | NONCONFORMING USES

Nonconforming uses shall be subject to the following standards.

A. Nonresidential Uses

1. Expansion

In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded provided all other provisions of this LDC are met.

a. A nonconforming nonresidential use shall not be expanded in any residential zoning district.

b. Any expansion of a nonresidential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:

   (1) An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection 2. below.

   (2) For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this LDC.

2. Change of Use

The Director may approve a different use, provided such use is deemed by the Director to be less intense and/or have fewer negative impacts on public health or safety than the existing use. Prior to approval, the Director shall consider traffic generation, parking, and screening requirements for the new nonconforming use. No change to a more intense nonconforming use is allowed.

a. A nonconformning use may be changed to a conforming use subject to the processes identified in this LDC.

3. Abandonment

A nonresidential nonconforming use that has been discontinued for a period of one (1) year period for whatever reason shall be considered to be abandoned and shall not be reestablished. Any use on the property after that time shall conform to all provisions of this LDC. Evidence of intent to abandon is not required.
4. Relocation

A nonresidential nonconforming use may be moved in whole or in part to another portion of the property, provided the relocation will bring the use into conformance with applicable development standards or otherwise reduce the degree to which the use is nonconforming or impacts to neighboring properties.

5. Damage or Destruction

A nonconforming nonresidential use that is damaged or destroyed may be reestablished in accordance with the following:

a. A use may only be reestablished within a conforming structure, except as may be permitted in Section 10.03 of this chapter;

b. All restorative and other work must be in compliance with current fire and building codes and other applicable regulations;

c. A building permit must be issued within one (1) year from the date of the damage; and

d. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.

e. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the claim beyond the applicant’s control.

B. Residential Uses

A “nonconforming residential use” is a structure or property that contains more dwellings than allowed by the zone or is a dwelling located in a nonresidential zone that does not permit residential uses.

1. Expansion

In all zones, a residential use may be expanded if no additional dwelling units are created and all other provisions of this LDC are met. Accessory structures for a nonconforming residential use such as a garage or storage shed shall be allowed if all applicable provisions of this LDC are met. Accessory dwelling units shall not be permitted.

a. Any expansion of a residential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:

   (1) An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection (2) below.

   (2) For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this LDC.

2. Abandonment

a. A nonconforming residential use, other than a single-family dwelling, that has not been occupied for a continuous period of one (1) year, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this LDC. Evidence of intent to abandon the nonconforming use is not required.

b. A nonconforming single-family dwelling that has not been occupied for a continuous period of one (1) year or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use, and unless reoccupying the structure poses a risk to public health and safety.

c. Removal of a nonconforming mobile home or manufactured home, not in a mobile home park,
from its foundation or pad for a continuous period of one (1) year shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this LDC. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.

3. Damage or Destruction

Nonconforming residential uses that are damaged or destroyed may be reestablished in accordance with the following:

a. All portions of the structure being restored are not and were not on or over a property line;

b. The number of dwelling units does not increase;

c. All construction must be in compliance with current fire and building codes and other applicable regulations;

d. A building permit must be obtained within one (1) year from the date of the damage; and

e. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.

f. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant’s control.

C. Agricultural Uses

Agricultural uses, as defined in Section 12.07 A. of this LDC, that are located in the Rural zoning districts shall not be deemed to have been abandoned regardless of how long the use has been abandoned.

D. Accessory Uses

No use that is accessory to a principal nonconforming use shall continue after the principle use is abandoned, damaged or destroyed and not reestablished according to this Section.

SECTION 10.03 | NONCONFORMING STRUCTURES

Nonconforming structures shall be subject to the following standards.

A. Enlargement

1. Any expansion of a nonconforming structure that increases the degree of nonconformity shall be prohibited. Expansions of the structure that comply with applicable dimensional standards shall be permitted. (For example, adding to a building within the allowable setbacks when another part of the building is encroaching into a setback is permissible. Increasing the height of a building over the portion of a building that is encroaching in a setback would not be permitted.) The determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Director.

2. Any expansion of a structure that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:

   a. An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection (b) below.

   b. For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area as set forth in this LDC.

B. Damage or Destruction

In the event that any nonconforming structure is damaged or destroyed, such structure may be reconstructed in accordance with the following:

1. All portions of the structure being restored are not and were not on or over a property line;
2. The number of dwelling units does not increase;
3. All construction is in compliance with current construction codes, such as the fire and building codes and other applicable regulations;
4. A building permit must be obtained within one (1) year from the date of the damage;
5. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit; and
6. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant’s control.

C. Relocation

Nonconforming structures shall not be moved unless the movement or relocation will bring the structure into compliance or closer to compliance with applicable dimensional standards.

SECTION 10.04 | NONCONFORMING LOTS

A. Uses

A parcel of land with an area or other dimension less than prescribed in the applicable zone may be used for any purpose permitted in the zoning district if:

1. The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created;
2. No reasonable alternative exists to make the nonconforming lot conforming, such as the addition of adjoining land under the property owner’s control; and
3. The use meets all other regulations prescribed for the zoning district prior to occupancy or use.

B. Vacant Lots

Vacant nonconforming lots may be developed with uses permitted in the underlying zoning district, provided that they comply with the minimum setback standards of this LDC. If the underlying zoning district allows a variety of uses and one or more uses and intensities that would comply with applicable lot area, lot width, or other dimensional and development standards while others would not, then only the uses or intensities that comply with applicable dimensional standards shall be permitted.

C. Developed Lots

If a developed nonconforming lot is occupied by a building or structure, then the owner may continue the use of that building or structure in any way that does not increase the extent of nonconformity. An increase in building size shall not be deemed to increase the extent of nonconformity unless it encroaches into a required minimum setback, exceeds the maximum allowed height or otherwise violates a required zoning district intensity, density, dimensional, or development standard.

D. Dimensional Standards

Development on nonconforming lots shall comply with the dimensional standards of the underlying zoning district. If the owner is able to demonstrate to the satisfaction of the Director that there would not be sufficient area to build a structure on a nonconforming lot in compliance with the dimensional standards, the following alternative setbacks may be used:

1. Interior Side and Rear Setbacks
   The minimum interior side and rear setback shall be permitted to be three (3) feet.
2. Street Setbacks
   The minimum street setback shall be permitted to be twenty (20) percent of the lot depth.
SECTION 10.05 | NONCONFORMING SIGNS

A. Change of Copy; Repairs

Change of copy or the substitution of panels or faces on nonconforming signs shall be permitted. Repairs and maintenance of nonconforming signs, such as repainting, electrical repairs, and neon tubing replacement shall be permitted. Alterations to nonconforming signs that change the structure, character, or function of the sign shall not be permitted, except in accordance with Chapter 9 of this LDC.

B. Discontinuance

Any nonconforming sign that ceases being used for a continuous period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the standards of Chapter 9. Any nonconforming sign that pertains to a business or institution that ceases operation for a period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the sign regulations of Chapter 9.

SECTION 10.06 | NONCONFORMITIES CREATED BY PUBLIC ACTION

When lot area or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least seventy-five (75) percent of the required minimum standard for the district in which it is located, then that lot is deemed to be in compliance with the minimum lot size and setback standards of this LDC.

SECTION 10.07 | CERTIFICATION OF NONCONFORMING STATUS

Owners of nonconforming uses, structures, or signs may request a “Certificate of Legal Nonconforming Status” by filing an application with the Director in accordance with the “Written Interpretation” procedures of Section 4.21. The application shall be accompanied by documentation that establishes the approximate date that the use, structure, lot, or sign was established. The Director shall be authorized to require additional information if deemed necessary to permit an accurate determination. “Certificates of Legal Nonconforming Status” shall not be required. Once issued, a certificate shall be recorded with the Mesa County Clerk and Recorder, clearly identifying the land by parcel number and/or a legal description of the property. The certificate shall “run with the land;” and its status shall not be affected by changes of tenancy, ownership, or management.
CHAPTER 11 | VIOLATIONS AND ENFORCEMENT

SECTION 11.01 | RESPONSIBILITY FOR ENFORCEMENT

The Director shall be responsible for enforcing this Land Development Code, unless otherwise specifically stated.

SECTION 11.02 | TYPES OF VIOLATIONS

Any of the following shall be a violation of this LDC and shall be subject to the remedies and penalties provided for in this LDC:

A. **Use, Structure or Sign Without Permit or Approval**
   To place any use, structure, improvement, or sign upon land that is subject to this LDC without all of the approvals required by this LDC;

B. **Activities Inconsistent with Land Development Code**
   To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, improvement, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this LDC;

C. **Activities Without Permit or Approval**
   To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this LDC, without all of the approvals required by this LDC;

D. **Activities Inconsistent with Permit**
   To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;

E. **Activities Inconsistent with Conditions**
   To violate, by act or omission, any term, condition, or qualification placed by a Decision Making Body upon any permit or other form of authorization;

F. **Making Lots or Setbacks Nonconforming**
   To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this LDC;

G. **Increasing Intensity of Use**
   To increase the intensity of use of any land, improvement, or structure, except in accordance with the procedural requirements and substantive standards of this LDC;

H. **Removing or Defacing Required Notice**
   To remove, deface, obscure or otherwise interfere with any notice required by this LDC;

I. **Failure to Remove Signs or Other Improvements**
   To fail to remove any sign or other improvement installed, created, erected or maintained in violation of this LDC, or for which the permit has lapsed.

J. **Violation of National Flood Insurance Program (NFIP) Standards**
   To fail to be fully compliant with Section 8.14, Floodplain Regulations, within this LDC. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is in violation of this LDC.

SECTION 11.03 | CONTINUING VIOLATIONS

Each day that a violation remains uncorrected after receiving notice of the violation from the County shall constitute a separate violation of this LDC.
The County shall have the following remedies and enforcement powers:

A. **Withhold Permits**

The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this LDC, or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County, until the violation is corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this LDC, until the violation is corrected. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

B. **Permits Approved with Conditions**

Instead of withholding or denying a permit or other authorization (as described in Section 11.04 A.), the County may grant such authorization subject to the condition that the violation be corrected.

C. **Revoke Permits**

Any development permit or other form of authorization required under this LDC may be revoked when the Director determines:

1. That there is departure from the plans, specifications, or conditions as required under terms of the permit;
2. That the development permit was procured by false representation or was issued by mistake; or
3. That any of the provisions of this LDC are being violated. Written notice of such revocation shall be served upon the owner, the owner’s agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

D. **Stop Work**

With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this LDC or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

E. **Revoke Plan or Other Approval**

Where a violation of this LDC involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of County Commissioners may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), and after a public hearing, revoke the plan or other approval or condition its continuance on (1) strict compliance with this LDC; (2) the provision of security to ensure that construction is completed in compliance with approved plans, or (3) such other conditions as the Board of County Commissioners may reasonably impose.

F. **Injunctive Relief**

The County may seek an injunction or other equitable relief in court to stop any violation of this LDC, or of a permit, certificate or other form of authorization granted hereunder and may recover costs of any such action.

G. **Abatement or Removal of Unapproved Activity**

The County, pursuant to Section 30-28-124 of the Colorado Revised Statutes, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use and to otherwise restore the premises
in question to the condition in which they existed prior to the violation.

H. Penalties
The County may seek such criminal or civil penalties as are provided by Colorado law.

I. Other Remedies
The County shall have such other remedies as are and as may be, from time to time, provided by Colorado law for the violation of zoning, subdivision, sign or related LDC provisions.

J. Other Powers
In addition to the enforcement powers specified in this Chapter, the County may exercise any and all enforcement powers granted by Colorado law.

K. Continuation
Nothing in this LDC shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

SECTION 11.05 | REMEDIES CUMULATIVE
The remedies and enforcement powers established in this Chapter shall be cumulative, and the County may exercise them in any order.

SECTION 11.06 | ENFORCEMENT PROCEDURES

A. Non-Emergency Matters
In the case of violations of this LDC that do not constitute an emergency or require immediate attention, the Director shall give notice of the nature of the violation to the property owner, or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have thirty (30) days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance, and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters
In the case of violations of this LDC that constitute an emergency situation as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this Chapter without prior notice, but the Director shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

C. Enforcement Actions Involving Agricultural Operators
Before taking enforcement action to correct a violation of this LDC by any agricultural operator, the Board of County Commissioners shall direct the Agricultural Advisory Panel to investigate the alleged violation to determine whether a violation of this LDC exists, and whether the activity is protected under the County’s Right to Farm and Ranch policy as “historical, traditional, legitimate and reasonable.” The Agricultural Advisory Panel shall have fifteen (15) days to return its findings and recommendations to the Board of County Commissioners.
CHAPTER 12 | DEFINITIONS

SECTION 12.01 | GENERAL

**A1-30, AE:** (Flood Hazard Zone): Area of special flood hazards with base flood elevations determined.

**AASHTO:** American Association of State Highway and Transportation Officials

**AH:** (Flood Hazard): Area of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet, and with water surface elevations determined.

**A0:** (Flood Hazard Zone): Area of special flood hazards having shallow water depths (usually sheet flow) between one and three feet and with water surface elevations determined. Areas of alluvial fan flooding, velocities also determined.

**Abut/Abutting:** To physically touch or border upon; or to share a common property line or border.

**Access:** A way or means of approach to provide safe, adequate and usable physical entrance and exit to a property, use, or parking space.

**Accessory Use:** A use or structure that:

1. Is clearly incidental to and customarily found in connection with a principal structure or use;
2. Contributes to the comfort, convenience or necessity of occupants of the principal use; and
3. Is located on the same lot and in the same zoning district as the principal use.

**Adjacent:** Same as “abutting.”

**Adult Bookstore:** Any establishment that sells or rents Adult Material including but not limited to books, magazines, movies, films, slides, or other photographic or written material and/or devices.

**Adult Cabaret, Restaurant or other Business:** A cabaret, restaurant or place of business that features topless or bottomless dancers, waitresses, waiters, or entertainers.

**Adult Entertainment Establishment:** Any establishment that conducts as a principal use of the premises or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas as an attraction to the premises, including but not limited to Adult Bookstores, Adult Hotels/Motels, Adult Motion Picture Theaters, Adult Restaurants, Adult Cabarets or other Adult Businesses.

**Adult Hotel or Motel:** Any hotel or motel in which the presentation of Adult Material is the primary or a principal attraction.

**Adult Material:** Any material including, but not limited to books, magazines, newspapers, movie films, slides, or other photographic or written materials, video tapes or devices that are distinguished by their emphasis on depicting, describing or relating to Specified Anatomical Areas or Specified Sexual Activities.

**Adult Motion Picture Theater:** Any fully enclosed theater in which the presentation of Adult Material is the primary or principal attraction.

**Air Navigation Facility:** Any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe take-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

**Airport:** Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon however financed. Such facilities may also include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation or convenience of the public, whether or not the members of the public so accommodated are directly or indirectly engaged in transportation by air, including, but not limited to, parking, dining, recreational, and hotel facilities.
Airport Environs: The geographic area that is affected by the airport air traffic operations and defined on the basis of those lands immediately affected by the 65 Ldn and greater noise exposure area from the Airport Environs Overlay Maps. For purposes of conveyance of avigation easements, the airport environs shall also include the area identified as the Airport Area of Influence (Subdistrict A).

Amateur Radio: Radio communications, which are licensed or regulated as such by the Federal Communications Commission.

Animal - Nondomestic: An animal not normally adapted to live and breed in a tame condition (see Animal - Exotic).

Animal Confinement: Any building, corral, pen or other enclosure used for the feeding or care of 20 to 1,000 animal units. Any sorting pens, alleyways, milking parlors, shelters, scales, or other equipment and buildings directly related to the operation shall be considered accessory uses to the animal confinement.

Animal - Exotic: An animal introduced from another country not normally kept as a household pet or farm animal.

Animal - Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of one litter, brood, or offspring is permitted, per household, per year.

Animal Unit: A unit of measurement used to determine the animal capacity of an animal-feeding operation containing one or more species of animals.

Animal Waste Collection System: A system, including pipelines, conduits, pumping stations, force mains, and all other construction, devices, appurtenances, and facilities, used for collecting or conducting wastes to an ultimate point for treatment or disposal.

Animal Waste Treatment Facility: An animal waste receiving facility designed to digest or alter animal waste either mechanically or biologically.

Antenna: Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). It does not include a “telecommunications support structure.”

Apartment: (see Dwelling, Multiple-Family)

Area of shallow flooding: A designated AH or AO zone with a one (1) percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Avigation Easement: An avigation easement limits construction and heights of vegetation, and grants the right of flight over the surface together with the right, subject to the applicable local, state, and federal laws (such as noise pollution laws) to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building that is partly or completely below grade.

Bed and Breakfast: A facility of residential character that provides sleeping accommodations and breakfast for hire on a day-to-day basis in which the proprietor resides.

Best Management Practices (BMP): Practical activities, procedures, or practices necessary for achieving minimum compliance with appropriate standards (e.g., air quality, odor, water quality, etc.).

Business Residence: Dwelling unit(s) on the site of a nonresidential use.

Building: Anything constructed, erected or placed, which requires a permanent location on the ground or is anchored to the ground, or attached to something having a permanent location on the ground. This includes, but is not limited to advertising signs (on- or off-premise), antennas, satellite dishes, wind generators, and buildings, whether for storage or occupancy. It does not include fences that are less than seven (7) feet in height, poles, lines
or other transmission or distribution facilities of public utilities or services.

**Building, Principal**: The building or structure that is occupied by the principal use.

**C.R.S.**: Colorado Revised Statutes

**Campground**: An outdoor facility designed for temporary overnight accommodation in tents or shelters for recreation, education, or vacation purposes. A campground is a principal use of land in this LDC. Common accessory uses may include shower or toilet facilities or small retail sales of camping-related items operated solely for the benefit of those staying in the camping area.

**Camping**: The overnight use of camping equipment or facilities such as tents, tarpaulins or temporary shelters or the overnight use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

**Cemetery**: Land used for burial of the dead, whether human or animal, including a mausoleum or columbarium.

**Channel**: A natural or artificial low-lying area of perceptible extent, with a definite bed and banks, which confines and conducts continuous or periodic flows of water.

**Cluster Development**: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, preservation of environmentally sensitive areas or agricultural uses.

**Co-location**: The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

**Common Plan of Development or Sale**: A contiguous area where multiple separate and distinct construction activities will take place at different times on different schedules under one plan. An example would be a commercial development with multiple separate buildings constructed over the course of multiple construction schedules.

**Conditional Letter of Map Revision (CLOMR)**: FEMA’s comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**Confined Animal Feeding Operation**: An agricultural operational unit that meets all of the following criteria: (1) is designed to confine more than 1,000 animal units, (2) animals are confined, fed, and maintained for 45 consecutive days or more between May 15 and September 15, (3) crop or forage growth is not maintained in the area of confinement, (4) a majority of the crops or forage used to feed the animals is not grown on the same property, and (5) generates an average of more than five truck trips per week transporting animals to or from the confinement area (see also, “Animal Confinement”).

**Concealed, or Stealth**: Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a Tower such as light poles, power poles and trees. The term Stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole Tower designs.

**Conservation Easement**: A Deed Restriction placed on property that restricts its owner to specific limited uses of the property, typically agriculture or as passive, private open space.

**Contributing**: A building, structure, site or object located within a Historic District that has sufficient historic, architectural or cultural significance and physical integrity and is related by a pattern of physical elements or social and cultural activities to other properties within the Historic District, so as to add to the historic significance of the Historic District.

**Cooperative Planning Area**: An Intergovernmental Agreement between Mesa County, the Town of Palisade, the City of Fruita and the City of Grand Junction also commonly known as a Community Separator and Buffer Zone.

**County Register of Historic Landmarks (County Register)**: A listing of significant historic places that represent the historical, architectural and cultural heritage of Mesa County and are worthy of recognition and preservation. Places may be a building, site, structure, object or district.

**Decision Making Body (Decision-Maker)**: the entity (Board of County Commissioners, Planning Commission, other
board or commission or department head) that is authorized to finally approve or deny an application or permit required under this LDC.

**Dedication:** The grant of an interest in property to the public for public use and benefit.

**Deed:** A legal document conveying ownership or other interests in real property.

**Deed Restriction:** A legal document, recorded with the County Clerk describing restricted activities on a property, which may or may not include a Conservation Easement.

**Designated Floodplain:** An area designated by official action by the Board of County Commissioners.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, or enlargement of any structure; and any mining, dredging, filling, grading, paving excavation, drilling operation or storage of equipment and materials.

**Domestic Livestock:** Those animals listed on the Table of Animal Unit Equivalents in Section 6.04 B., Animals, within this LDC.

**Driveway:** A paved or unpaved area used for the ingress and/or egress of vehicles, and allowing access from a street to a building or other structure or facility.

**Duplex:** Two dwelling units structurally attached, located on the same lot and designed to be occupied by two households living independently of each other.

**Dwelling Unit:** A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities. Buildings with more than one kitchen shall be considered multi-dwelling structures.

**Easement:** An interest or right in land owned by another that entitles its holder to a specific limited use which is reserved, conveyed or granted by the property owner to and for the use of the public, a utility, a corporation or other persons, without the transfer of fee title.

**Electrical Transmission Line:** Means any electric transmission line and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of the transmission of electricity at 115 kilovolts or greater.

**FAA:** Federal Aviation Administration

**FIRM:** Flood Insurance Rate Map

**ft.:** Feet

**Feedlot:** See Confined Animal Feeding Operation.

**Fence:** A barrier constructed to mark a boundary or to prevent exit from or entry onto or into premises or property to screen premises or property from view or noise. A fence may be constructed of any material not otherwise prohibited herein, provided that the height of the fence is equal to or less than seven (7) feet and the thickness of the fence, excluding poles, posts, pillars, or columns less than sixteen (16) inches.

**Field Office Headquarters for Oil and Gas:** Land uses which provide central oil and gas field office facilities for operators of oil and gas wells, gathering lines, and gas processing and compression facilities. Oil and gas field office facilities are for the purpose of allowing these operators to locate and maintain personnel and equipment headquarters in close proximity to their areas of operations. These land uses may be allowed in locations in the more remote rural areas of Mesa County. Field office facilities include buildings with offices for employees, day rooms for unexpected overnight stays by personnel caused by unforeseen weather and operational circumstances (not for routine occupancy), temporary office space for employees and contractors, warehouses, outdoor storage of equipment, supplies, fuel and chemicals necessary for oil and gas field operations on the site, lay down yards, maintenance shops for vehicles, equipment and prefabrication of oil and gas facilities, and private communication towers and satellite dish communication equipment. This use is not intended to replace those uses more appropriately permitted under Oil and Gas Support Services.

**Fill:** A deposit of material or obstruction of any kind which is placed, stored, or dumped within an area subject to flooding.

**Flea Market:** Commercial activities held in an open area or enclosed structure in which stalls or sales areas are set
aside, and rented or otherwise provided, and which are intended for use by various individuals where goods are offered for sale to the general public by individual sellers. This does not include shopping centers, individual retail operations, or sales conducted by a nonprofit or charitable organization. Flea markets are also known as swap meets, auctions or open-air markets or other similarly named or labeled activities. Garage sales, rummage sales, and events defined in Section 6.05 B, are not considered to be flea markets.

**Flood:** Temporary rise in a watercourse, flow, or stage, that results in water overlapping its banks and inundating areas adjacent to the channel.

**Flood Fringe District:** The area within the 100-year floodplain in which the flood waters are relatively shallow, and move at velocities in the neighborhood of one to four feet per second.

**Flood Fringe:** The area, other than the stream channel and floodway, which occupies the remainder of the 100-year floodplain, and receives shallower waters and less velocities, as defined by the Federal Emergency Management Agency.

**Flood Insurance Study:** An official report provided by the Federal Emergency Management Agency (Federal Emergency Management Agency) that includes profiles, the floodplain and Floodway Boundary Maps, and the water surface elevation of the 100-year flood.

**Flood Insurance Rate Map (FIRM):** An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood of One Hundred Year Frequency (100-Year Flood):** A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year, as determined by probability analysis of historical and hydrological data.

**Flood Prone Area:** An area adjoining a watercourse, which may be considered subject to flooding during the 100-year flood on the basis of historical information, topography, vegetation, and other naturally occurring indicators, but where precise dimensions of the 100-year floodplain have not been delineated by Flood Insurance Studies.

**Flood Proofing:** A combination of provisions, changes, or adjustments to structures and movable objects, or to surrounding areas, primarily for the reduction or elimination of flood damages.

**Flood Regulatory Area:** That portion of the floodplain that is subject to inundation by the 100-year flood. This area may be divided into the Floodway District and the Flood Fringe District.

**Floodplain:** The floodplain is made up of three parts, the stream channel, the floodway, and the flood fringe, as defined by the Federal Emergency Management Agency.

**Floodway District:** That portion of the designated floodplain which is required to carry and discharge a 100-year flood without cumulatively increasing the water surface elevation more than a designated height at any point. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**Floodway:** The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (.5) foot. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**Floor Area:** Measurement in determining the minimum floor area of a building/structure. All measurements shall be made along the outside enclosing walls, except that the garage and carport areas shall not be included as a part of the required floor area.

**Forestry:** A land use which creates, conserves and manages forests and forest lands for the continuing use of both commodity and non-commodity benefits.

**Forestry Support Services:** Land uses which provide support service for forestry land uses in that they contract with private land owners and public land managers to harvest trees. Forestry support services’ sites include office space, storage and maintenance of equipment used to harvest and transport forest trees, and storage of harvested trees. Wood grinding/chipping may be allowed as an accessory use.
**Frontage:** The length of any one property line of a premise, which property line abuts a legally accessible street right-of-way.

**Full Cutoff Light Fixture:** A light fixture in which no more than two and one half (2.5) percent of its total output is emitted above ninety (90) degrees from the vertical pole or building wall on which it is mounted.

**Greenhouse/Nursery:** An establishment engaged principally in the cultivation of and sale of trees, shrubs, flowers, or other plants. Accessory uses may include but are not limited to the sale of materials commonly used for landscaping purposes such as soil, rock, mulch, packaged fertilizers or chemicals. The seasonal sale of locally produced fruits and vegetables (produced on the Western Slope) is permitted as an accessory use.

**Grade:** (a) The slope of a road, street or other public way, specified in percentage terms, and (b) The average elevation adjoining all the walls at ground level of the buildable area, i.e. the area conforming to all setback requirements, of a lot, tract or parcel of land.

**Hazardous Substance:** Any material as described in 40 CFR 300.5.

**Hazardous Substance User:** A nonresidential use that consumes or produces in the course of its activities, or as a byproduct of its activities, over 1,000 pounds of any hazardous substance within any one year.

**Heavy Equipment:** Any vehicle with a gross weight greater than fifteen thousand (15,000) pounds which is used primarily for commercial purposes, including but not limited to trucks, earthmovers, backhoes and loaders, but not including recreational vehicles or farm equipment.

**Historic District:** A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

**Historic Landmark:** A building, structure, site, object or district that is of historic, architectural or cultural significance to the community, region, state or nation, and is so designated and listed on the County Register of Historic Landmarks.

**Historic Resource:** A building, site, structure, object or district that is listed on the County Register of Historic Landmarks, the State Register of Historic Properties, or the National Register of Historic Places.

**Home Occupation:** A business, profession, occupation or trade conducted for gain, conducted within a dwelling unit for gain or support by a resident of the dwelling unit.

**Household:** Any one of the following:

1. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or
2. A group of not more than five persons not related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit; or
3. Two unrelated persons and their children living together in a dwelling unit.

**Impervious Surface:** Any material that substantially reduces or prevents the infiltration of stormwater or other water into previously undeveloped land.

**Improvement:** Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

**Junk:** Used, old, or second-hand or scrap: machinery; dismantled machinery, equipment, vehicles, and parts; ferrous and non-ferrous metals; paper or paper products; fibers or fabrics; wood or wood products; tires or tire parts; manufactured rubber or plastic products; tools; appliances; implements or portions thereof; glass, clay, or porcelain products; trash or similar materials; cordage, building materials, dismantled machinery or other waste that has been abandoned from its original use.

**Junk Yard:** Any lot, site, yard, building, structure or other place, covered or uncovered, used for any one or all of the following purposes:

1. The collection, storage, keeping, abandonment or sale of junk whether of value or valueless.
2. The collection, storage, keeping, abandonment or sale of metal parts or scrap metals or any other scrap materials whether of the same source or kind; and/or,
3. The collection, storage, keeping, abandonment, wrecking, salvage, sale or exchange or abandonment of
automobiles or parts thereof or of any other machinery or parts thereof, except as otherwise may be permitted in these regulations.

**Kennel:** Any place or premises used in whole or in part for the purpose of keeping, boarding, breeding or sale of domesticated dogs and/or cats in which six (6) or more domestic animals exist, and all of which exceed four (4) months in age, to include animal pounds and shelters.

**Land Surveyor:** A land surveyor licensed and registered in the State of Colorado.

**Large Construction Project:** Any project hauling four thousand five hundred (4500) tons of material within a one (1) month time frame.

**Ldn:** Interior Day-Night Average Noise Level

**Ldn Contour:** A line linking together a series of points of equal cumulative noise exposure based on the Ldn metric. Such contours are based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway use patterns.

**Letter of Map Revision (LOMR):** FEMA’s official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

**Letter of Map Revision Based on Fill (LOMR-F):** FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**Lot:** A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

**Lot Lines:** The property lines along the edge of a lot or site.

**Lot Line, Front:** The shortest lot line of all street lot lines. If all street lot lines are the same length, then all shall be considered front lot lines.

**Lot Line, Rear:** A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

**Lot Line, Side:** Any lot line except a street or rear lot line.

**Lot Line, Street:** Any lot line that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines.

**Lot Area/Size:** The total horizontal area included within lot lines.

**Lot, Corner:** A lot located at the intersection of and abutting two or more streets.

**Lot Depth:** The average distance from the front lot line to the rear lot line, measured in the general direction of the side lot lines, that is, from the direction the lot faces and is addressed by.

**Lot, Double Frontage:** A lot having a frontage on two streets that do not intersect at the boundaries of the lot, as distinguished from a corner lot.

**Lot, Flagpole:** A lot not meeting minimum frontage requirements and where the access to the public or private road is by a narrow private right-of-way or driveway, also known as a flagpole. The length of the flagpole shall be measured from the frontage line to the nearest point of intersection with the property line parallel or most nearly parallel to the frontage line. The area of the flagpole shall not be included determining the site area of a flagpole lot.

**Lot Frontage:** That dimension of a lot or a portion of a lot abutting a street right-of-way, excluding the exterior side dimension of a corner lot.

**Lot, Interior:** A lot other than a corner lot.

**Lot of Record:** A lot which is part of an approved plat, the map of which has been recorded in the office of the Mesa County Clerk and Recorder.
**Lot, Reverse Frontage:** A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

**Lot Width:** The distance between the side lot lines, measured at the required street setback line.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

**Manufactured Home:** Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401), which became effective June 15, 1976 (i.e. HUD approved). The structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 30 body feet in length, or, when erected on site is 360 or more square feet, and which is built on a permanent chassis and designed to be used for human occupancy with or without a permanent foundation and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**Manufactured Home Park:** A unified development of mobile home or manufactured home spaces arranged on a tract of land for the purpose of renting or leasing spaces or manufactured homes or mobile homes meeting the requirements of these regulations.

**Manufactured Home Park, Existing:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 18, 1973, the effective date of the floodplain management regulations adopted by Mesa County.

**Manufactured Home Park, New:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 18, 1973, the effective date of the floodplain management regulation adopted by Mesa County.

**Manufactured Home Park, Expansion:** The preparation of additional sites to an Existing Manufactured Home Park or Subdivision by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Mesa County Master Plan:** includes the Mesa Countywide Land Use Plan, the Mesa County Land Use and Development Policies and other plans and policies adopted pursuant to C.R.S. §30-28-108 as elements of a Master Plan.

**Mineral:** An inanimate constituent of the earth, in either solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material. This definition does not include surface or ground water usable for domestic, agricultural, or industrial purposes, nor does it include geothermal resources subject to regulation under C.R.S. §37-90.5-101 et seq, or oil and gas resources subject to regulation under C.R.S. §34-60-101, et seq.

**Mineral Deposit:** An area in which minerals are located in sufficient concentrations in veins, deposits, bodies, beds, seams, fields, pools or otherwise capable of economic recovery.

**Mining:** The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater.

**Minor Entertainment Events:** Events such as weddings, reunions or other social or business gatherings scheduled and held as a business enterprise on a property in a rural zone district. Activities may be held indoors and/or outdoors.

**Mixed Use District:** The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other.

**Multi Family:** A building containing three or more dwelling units, designed for occupancy by three or more
households living independently of each other. All of the units are located on one lot under one ownership with accessory uses limited to common office, laundry and recreational facilities used by the occupants. Also called an apartment.

**Municipal Separate Storm Sewer System**: A conveyance or the system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, ditches, drainage inlets, catch basins, pipes, tunnel, culverts, channels, detention basins and ponds owned and operated by a municipality or county and designed or used for collecting or conveying stormwater that is not a combined sewer or used for collecting or conveying sanitary sewage.

**N/A**: Not applicable

**National Register of Historic Places (National Register)**: The list of places significant in American history, architecture, archeology, engineering or culture on a national, state or local level, as designated by the Secretary of Interior. Places may be a building, site, structure, object or district.

**Neighborhood Association**: Any group that has filed required registration forms and map and description of its boundaries with the Director.

**New Construction (Related to Floodplain Management)**: For the purpose of determining flood insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM (Flood Insurance Rate Map) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**No-Rise Certification**: A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

**Noncontributing**: A property within the boundaries of a Historic District that has had substantial alterations, is not of sufficient age, or is otherwise deemed not historic and does not add to the historic character, significance or architectural integrity of the Historic District.

**Nonresident Employee**: Means an employee, business partner, co-owner, or other person affiliated with a home occupation, who does not live at the site but who reports to the site in person as part of the home occupation.

**Nuisance Conditions**: Means “public nuisance” as defined by common and case law.

**Obstructions**: Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification culvert, building, fence, stockpile, refuse, fill, structure or matter, in, along, across, or projecting into any drain way, channel, or watercourse, which might impede, retard or change the direction or flow of water, either by itself or by catching or collecting debris carried by such water, or which is placed where the 100-year flood may carry the debris downstream.

**Occupied**: The word “occupied” includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

**Off-Site Improvement**: Any utility, paving, grading, drainage, structure or modification of topography which is, or will be located on property that is (a) not within the boundary of the property to be developed or (b) on or under any perimeter roadway surrounding the property to be development.

**Onsite Wastewater Treatment System (OWTS)**: A septic tank, seepage tile-sewage disposal system, or any other approved on-lot sewage treatment device.

**Open Space**: An outdoor, unenclosed area, located on the ground, designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

**Open Space, Common**: Open space within a development that is owned in common by a Property Owners’ Association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common Open Space does not include areas used for streets, alleys, driveways, or off-street
parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, and other recreation facilities may be counted as common open space.

**Operator:** The mineral estate owner, mineral estate lessee, drilling contractor, production company, or any party or parties acting on behalf of any of the above that has control or management of operations of the oil and gas well.

**Ordinary View:** A sight line from beyond the subject property within normal visual range by a person standing on a public sidewalk or adjacent property at non-elevated ground level.

**Overburden:** All of the earth and other materials which lie above natural mineral deposits of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, and also means such earth and other materials disturbed from their natural state in the process of open mining.

**Parcel:** An area of land described as one entity in a legal document and in the possession of, or owned by, or recorded as the property of, the same person or persons. Not to be confused with a tax parcel.

**Pasture:** Land, including fenced fields, where plants, including but not limited to hay, grass, alfalfa, or corn are cultivated and irrigated or watered and are grown for the purpose of grazing. Fenced yards for dwellings cannot be used as pasture. Weeds (including plants which are not being planted, cultivated and watered or irrigated) cannot be used as pasture.

Areas where animals are tied or contained in a pen, corral or building are not considered pasture areas. Any rangeland or forested lands that can be used for grazing shall be considered pasture.

**PUD:** Planned Unit Development

**Permanent Monument:** Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

**Plan, Concept:** A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail according to these regulations to indicate the suitability of the proposed subdivision.

**Plat, Final:** A map of a land subdivision prepared according to applicable laws of the State of Colorado and these regulations having the necessary affidavits for filing, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

**Potable Water:** Water which complies with all requirements of the Colorado State Health Department for drinking water and related to chemical and bacterial content and which, in addition, complies with other potability standards which may be imposed by the Board of County Commissioners, by resolution, from time to time.

**Private Utility:** A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequences and need, such as electricity, gas, transportation or communication.

**Property Line:** The lines bounding the property.

**Property Line Adjustment:** A change in parcel boundaries that does not create additional parcels.

**Property Owners’ Association:** A private, nonprofit corporation of property owners for the purpose of owning, operating and maintaining various common properties and irrigation facilities.

**Public Improvement:** Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public private utilities, parks or recreational, energy or similar essential services.

**Public Purpose:** A municipal, quasi-municipal (Public Improvement Districts, Title 32 & 37 districts, etc.) or governmental use established primarily for the benefit and service of the population of the community in which it is located. Private utilities, for-profit entities, non-profit organizations, cooperatives, and other organizations that provide a benefit or service similar to a publicly owned entity may also be considered a Public Purpose. This can include by way of example but not limited to, a fire or police department substation; dedication of land to public ownership for multi-modal transportation facility construction (such as trails); recreation and open space; public education; utilities; telecommunication facilities; irrigation and drainage facilities; or uses that provide a governmental function, activity or service for public benefit.

**Reclamation:** The employment, during and after, an open mining operation of procedures reasonably designed to minimize as much as practicable and disruptive from the open mining operation and to provide for the
rehabilitation of any such surface resources adversely affected by such opening operations through the rehabilitation of plant cover, soil stability, water resources and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

**Reclamation, Final:** That part of mined land reclamation that occurs after the mining activity ceases and completes the reclamation effort.

**Recreational Vehicle:** A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle, or all-terrain vehicle.

**Registered Neighborhood Association:** Any organization representing or purporting to represent a defined geographic region of the County and that has registered with the Director on forms available in the County Planning Office.

**Regulatory Flood Protection Elevation:** An elevation equal to the elevation level of the projected water surface during a 100-year flood.

**Re-subdivision:** A change in lot boundaries in a previously platted subdivision.

**Review Body:** the entity (County department head, board or commission) that is authorized to recommend approval or denial of an application or permit required under this LDC.

**Rights-of-way (Easement):** A strip of land, either public or private, recorded or apparent, for which rights of use exist.

**Rights-of-way (Street):** A strip of land dedicated by a recorded plat to the public, or a warranty deed with a qualifying statement, for which the interest is fee simple ownership.

**Road:** See Street

**Rural Community:** An area designated as a “Rural Community” in the Mesa County Master Plan.

**Rural Planning Area:** The area designated as the “Rural Planning Area” in the Mesa County Master Plan.

**SLD:** School Land Dedication

**SLD Fee:** The fee in lieu of school land dedication imposed pursuant to this LDC.

**Satellite Dish:** An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

**Setback:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise expressly stated.

**Setback, Street (see also Lot Line, Street):** A setback extending along the full width of a street lot line between side lot lines and from the street lot line to the building line in depth.

**Setback, Rear:** A setback extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear setback depth shall be measured at right angles to the rear line of the lot.

**Setback, Side:** A setback lying between the side lot line and the nearest point of the building and extending from the street setback to the rear setback, or in absence of either such street or rear setback, to the street or rear lot lines. Side setback width shall be measured at right angles to the side lines of the lot.

**Setback Line:** A line or lines within a property defining the minimum horizontal distance required between a building/structure and property line.

**Sidewalk:** A paved surface area usually paralleling and separate from the roadway, used as a pedestrian way.

**Sign:** A structure or device designed or intended to convey information to the public in written or pictorial form.

**Sign Area:** The entire area within a continuous perimeter, enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed
that the perimeter of both sign faces coincide and are parallel.

**Sign, Awning, Canopy, or Marquee:** See Sign, Projecting.

**Sign, Digital or Electronic:** Any sign that uses changing lights to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**Sign, Free-standing:** A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

**Sign, Identification:** Such signs shall refer only to the principal use of the lot upon which such signs are located.

**Sign, Illuminated:** A sign lit in any manner by an artificial light source.

**Sign, Monument:** A freestanding sign, generally lower in height and attached to the ground by means of a wide base of solid appearance.

**Sign, Off-premise:** A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Sign, Portable:** Any sign that is not permanently affixed to a building, other unmovable structure or the ground.

**Sign, Projecting:** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/awning/canopy/marquee sign.

**Sign, Roof:** Any sign erected upon, against, or directly above a roof or roof eave, or on top or above a parapet, or on a functional architectural appendage above the roof or roof eave.

**Sign, Flush Wall:** A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

**Sign, Window:** A sign painted, stenciled or affixed on a window, which is visible from the right-of-way.

**Single-Family, Attached:** One of two or more residential buildings, each of which is located on a separate lot and is separated from the others by common fire-resistant walls.

**Single-Family, Detached:** A building containing one dwelling unit, designed to be occupied by one household, entirely surrounded by open space on the same lot.

**Site Plan:** A plan, prepared to scale, showing accurate and with complete dimensioning, the boundaries of a site and all other information required by these regulations.

**Skyline:** The visual line where the earth or vegetation and the sky seem to meet.

**Small Engine Repair:** Means an engine that powers 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.

**Specified Anatomical Areas:** any of the following that are less than completely and opaquely covered: (a) human genitals and pubic region; (b) buttocks; (c) the human female breast or breasts to a point immediately below the top of the areola; and (d) human male genitals in a discernibly turgid state even if completely and opaquely covered.

**Specified Sexual Activities or Sexual Conduct:** (a) human genitals in a state of sexual stimulation or arousal; (b) actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, anilingus or any sexual acts that are prohibited by law; and (c) touching or fondling of the human breasts, buttocks, anus or genitals.

**sq.ft.** square feet

**Start of construction (for floodplain regulation):** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction
means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Register of Historic Properties (State Register): A listing of Colorado’s significant cultural resources worthy of preservation for the future education and enjoyment of Colorado’s residents and visitors. Properties listed in the State Register include individual buildings, structures, objects, districts and historic and archaeological sites.

Stream Channel: The area of the floodplain which carries the normal course of the watercourse.

Street: A public or private right-of-way which is used, or intended to be used for passage or travel of motor vehicles.

Structure: See Building.

Structure (for floodplain regulation): A walled and roofed building or manufactured home that is principally above ground.

Subdivision: Subdivision shall have the meaning given in C.R.S. §30-28-101.

Substantial damage (for floodplain regulation): Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violation of state or local health, sanitary or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a “historic structure.”

TIA: Traffic Impact Analysis

Telecommunication Facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a Tower or Antenna Support Structure.

Telecommunication Facility, Attached: An array that is attached to an existing building or structure, including utility poles, signs, water towers, and similar structures with any associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

Telecommunications Support Structure: A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device used solely to attach an attached telecommunications facility to an existing building or structure shall be excluded from this definition.

Temporary Shelter: The use of camping equipment or facilities such as tents or other manufactured fabric shelters that may include the use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

Tire, Used or Waste: An inflatable rubber or synthetic casing, or any part thereof, designed to be sealed to a wheel rim under pressure, which has been applied to a given purpose, or which has been discarded from its original use.

Tower: A self-supporting lattice, guyed or monopole structure constructed from grade which supports Telecommunications Facilities. The term Tower shall not include amateur radio operators’ equipment, as licensed by the FCC.

Townhouse: Attached or semi attached dwelling, containing a single dwelling unit and located on a separate lot.


Use: The purpose for which land or the building is designed, arranged or intended, or for which is or may be occupied or maintained; also any activity, occupation, business or operation which is carried on, in or on a structure or on a tract of land.

Vehicle, Inoperable: Includes but is not limited to any automobile, truck, tractor, motorcycle or self-propelled
vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

1. Absence of an effective registration plate upon such vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports; or
3. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

**Vehicle, Unlicensed**: Includes but is not limited to any car, truck, van, motor home, camper, trailer, motorcycle or other vehicle not bear or display proper and/or current proof of licensing from the state of license plate issuance.

**Watercourse**: A natural or man-made channel through which water flows.

**Waters of the State**: All streams, lakes, rivers, ponds, wells, impounding reservoirs, watercourses, springs, drainage systems, and irrigation systems; all sources of water such as snow, ice, and glaciers; and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, located wholly or partly within or bordering upon the State of Colorado and within the jurisdiction of the State of Colorado.”

**Water Surface Elevation**: The height, in relation to the National American Vertical Datum (NAVD) of 1988 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Zero Lot Line Development**: Means a single-family detached development where the single-family dwellings do not have a common wall, but have one wall abutting a side property line.

**Zoning District**: A portion of territory of the County, within which certain uses of land, premises and buildings are permitted by a uniform set of regulations.

**SECTION 12.02 | USE CATEGORIES**

A. **Basis for Classifications**

   Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. **Principal Use Characteristics**

   Principal uses are assigned to the category that most closely describes the nature of the principal use. The “Characteristics” subsection of each use category describes the common characteristics of each principal use.

C. **Considerations Used in Categorizing Principal Uses**

   The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

   1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
   2. The relative amount of site area or floor space and equipment devoted to the activity;
   3. Relative amounts of sales from each activity;
   4. The customer type for each activity;
   5. The relative number of employees in each activity;
   6. Hours of operation;
   7. Building and site arrangement;
   8. Vehicles used with the activity;
   9. The relative number of vehicle trips generated by the use;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity is likely to be found independent of the other activities on the site.

D. Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the Retail Sales and Service category because all of the development’s principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

E. Accessory Uses

Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

F. Use of Examples

The “Examples” subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “Wholesale Warehouse” but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

SECTION 12.03 | RESIDENTIAL USE CATEGORIES

A. Group Living

1. Characteristics

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of lodging (see the “Retail Sales and Service” and “Community Service” categories). Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site or the site is staffed twenty-four (24) hours a day.

2. Accessory Uses

Accessory uses commonly associated with Group Living are recreational facilities and parking of vehicles for occupants and staff.

3. Examples

The Group Living category is further broken down into the following specific uses:

a. Assisted Living Facility

A residence for up to eight (8) unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, or counseling, but some or all of whom are receiving on-site physical assistance with day-to-day living activities. The limit of eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, an Assisted Living Facility may include any of the following:

(1) A nonprofit group home for the aged or an owner-occupied group home for the aged;
(2) A state-licensed group home for the developmentally disabled; and
(3) A state-licensed group home for persons with mental illness.
b. Treatment Facility
A residence for up to eight (8) unrelated individuals, some or all of whom are receiving on-site medical or psychological treatment, therapy, or counseling. The limit of eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, a Treatment Facility may include any of the following:

(1) A nursing home;
(2) A nursing facility;
(3) Institutions providing life care;
(4) A state-licensed group home for the developmentally disabled;
(5) A state-licensed group home for persons with mental illness;
(6) An adult day treatment facility; and
(7) A physical/mental rehabilitation home.

c. Small Group Living Facility
A residence for up to eight (8) unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, counseling, or physical assistance with day-to-day living activities. The restriction to eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, a Small Group Living Facility use may include, without limitation:

(1) A family care home;
(2) A state-licensed residential child care facility;
(3) An adult foster home;
(4) A family foster home; and
(5) A receiving home.

d. Large Group Living Facility
Any residence for more than eight (8) unrelated individuals, and any residence for up to eight (8) unrelated individuals that does not meet the definition of “Treatment Facility,” “Assisted Living Facility” or “Small Group Living Facility.” Provided that the use complies with this definition and size restriction of this definition, a Large Group Living Facility may include, without limitation:

(1) A secure residential treatment center;
(2) A shelter for homeless persons; and
(3) A group home including persons assigned to such home in lieu of being sentenced to a correctional facility, or upon their release from a correctional facility.

4. Exceptions
a. Lodging where tenancy may be arranged for periods of less than thirty (30) days is to be considered a hotel or motel use and classified in the Retail Sales and Service category.

b. Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.

c. Facilities for people who are under judicial detainment and under the supervision of sworn officers are included in the Detention Facilities category.

B. Household Living

1. Characteristics
Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for
a shorter period are not considered residential. They are considered to be a form of transient lodging (Section 12.05 E).

2. Accessory uses

Accessory uses commonly associated with household living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies, parking of the occupants’ vehicles, and accessory dwellings. Home occupations and accessory dwellings are accessory uses that are subject to additional regulations of this LDC.

3. Examples

Uses include living in single-family dwellings, duplexes, triplexes and other multi-dwelling structures, retirement center apartments, manufactured housing and other structures with self-contained dwelling units. Agricultural labor housing and temporary employee housing, which are intended to house workers on or near the site, may include self-contained dwelling units or shared facilities.

4. Exceptions

Lodging in a dwelling unit or where less than two thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the Lodging category.

SECTION 12.04 | INSTITUTIONAL AND CIVIC USE CATEGORIES

A. Colleges and Vocational Schools

1. Characteristics

This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree or professional certification. Colleges tend to be in campus-like settings or on multiple blocks.

2. Accessory Uses

Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial uses.

3. Examples

Examples include universities, colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, and business, trade, technical and vocational schools.

4. Exceptions

Martial arts, dance and music studios are classified as Office and Personal Service.

B. Community Services

1. Characteristics

Community Services are uses of a public, nonprofit, or charitable nature, generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.

2. Accessory Uses

Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.

3. Examples

Examples include libraries, museums, senior centers, community centers, community gardens, publicly owned swimming pools, youth club facilities, hospices, social service facilities, temporary shelters, vocational training for persons with physical or mental disabilities, columbariums and mausoleums.
4. Exceptions
   a. Private lodges, clubs and private or commercial athletic or health clubs are classified as Entertainment. Commercial museums are classified as Office and Personal Service.
   b. Parks are classified as Parks and Open Areas.
   c. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential and are classified as Household or Group Living.

C. Day Care
   1. Characteristics
      Day Care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day. There are (3) three types of day care:
      a. Home-Based Day Care (Regular)
         A home-based day care provides care protection and supervision for up to a certain number individuals established by the State of Colorado.
      b. Limited Day Care (Large)
         A limited day care provides care protection and supervision for more individuals than a “Regular” facility up to a number individuals established by the State of Colorado.
      c. General Day Care
         A general day care provides care protection and supervision for more individuals than a “Limited” facility.
   2. Accessory Uses
      Accessory uses include offices, recreation areas and parking.
   3. Examples
      Examples include preschools, nursery schools, latch key programs and adult day care programs. “Child Care Centers,” as defined in C.R.S. §26-6-102(1), are classified as “day care” uses under this LDC.
   4. Exceptions
      Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

D. Hospitals
   1. Characteristics
      Hospitals include uses providing medical or surgical care to patients and offering overnight care.
   2. Accessory Uses
      Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.
   3. Examples
      Examples include medical centers and hospitals.
   4. Exceptions
      a. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
      b. Medical clinics that provide care where patients are generally not kept overnight are classified
as Office and Personal Service.

c. Emergency medical clinics not associated with a hospital are classified as Office and Personal Service.

E. Parks and Open Areas

1. Characteristics

Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

2. Accessory Uses

Accessory uses may include club houses, maintenance facilities, concessions, caretaker’s quarters and parking.

3. Examples

Examples include parks, golf courses, cemeteries, public squares, plazas, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves and land used for grazing that is not part of a farm or ranch.

F. Religious Institutions

1. Characteristics

Religious Institutions primarily provide meeting areas for religious activities.

2. Accessory Uses

Accessory uses include Sunday school facilities, parking, caretaker’s housing and group living facilities such as convents.

3. Examples

Examples include churches, temples, synagogues and mosques.

4. Exceptions

Elementary and secondary schools are classified as Schools. Colleges and other post-secondary schools are classified as Colleges and Vocational Schools. Child care other than that provided during church events is considered Day Care.

G. Public Safety Facilities

1. Characteristics

Safety Services are uses that provide public safety and emergency response services as well as detention facilities. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site. Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.

2. Accessory Uses

Accessory uses include offices and parking. Accessory Detention uses also include recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.

3. Examples

Examples of public safety facilities include fire stations, police stations, emergency medical and ambulance stations. Examples of detention facilities include prisons, jails, probation centers, honor camps, juvenile detention homes, reformatories and rehabilitation centers.

4. Exceptions

Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers are
classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are also classified as Group Living.

H. Schools
1. Characteristics
   This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.
2. Accessory Uses
   Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.
3. Examples
   Examples include public and private daytime schools, boarding schools and military academies.
4. Exceptions
   Preschools are classified as Day Care uses.

I. Utilities, Basic
1. Characteristics
   Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.
2. Accessory Uses
   Accessory uses may include parking and control, monitoring, data or transmission equipment.
3. Examples
   Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; public and private water and sewage treatment facilities; regional stormwater retention and detention facilities; telephone exchanges; recycling drop-off stations; and park-and-ride facilities for mass transit. Minor facilities are those that cover a small or limited area, or are underground.
4. Exceptions
   a. Services where people are generally present are classified as Community Services, Office and Personal Services, or Safety Services.
   b. Utility offices where employees or customers are generally present are classified as Office and Personal Services.
   c. Bus barns are classified as Warehouse and Freight Movement.
   d. Telecommunication facilities and support structures are classified as Telecom Facilities.

J. Utility Corridors
1. Characteristics
   This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.
2. Examples
   Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines and gas compressor and transfer stations. Minor facilities include above ground structures such as valves, pump stations, transformers and other equipment with that cover a small or limited area.
3. Exceptions
   Utility corridors located within public rights-of-way are not included.

SECTION 12.05 | COMMERCIAL USE CATEGORIES

A. Retail Sales and Service
   1. Characteristics
      Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide offices, personal services or entertainment, or provide product repair or services for consumer and business goods.
   2. Accessory Uses
      Accessory uses may include offices, drive-throughs, services, repair, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
   3. Examples
      Stores selling, leasing, or renting consumer, home and business goods (including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, grocers, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, and stationery); food sales; sales or leasing of consumer vehicles (including passenger vehicles, motorcycles, light and medium trucks and recreational vehicles and equipment); wineries; retail plant nurseries; flea markets; and farmer’s markets.
   4. Exceptions
      a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
      b. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Sales.
      c. Wholesale plant nurseries are classified as Agriculture.

B. Office and Personal Service
   1. Characteristics
      Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Personal service uses may also provide personal services, product repair or services for consumer and business goods.
   2. Accessory Uses
      Accessory uses may include cafeterias, health facilities, parking, other amenities primarily for the use of employees in the firm or building, drive-throughs, and storage of vehicles and materials associated with the business. Limited retail that complements the service being provided may be included as accessory to the primary use.
   3. Examples
      Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, banks, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; emergency medical care not associated with a hospital; and blood-collection facilities.
      Examples of personal services include laundromats; photographic studios; photocopy and blueprint services; hair, tanning and personal care services; martial arts studios; art, dance or music classes; taxidermists; mortuaries and crematoriums; private museums; repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; tailor; locksmith; upholsterer; veterinarians; and animal care, grooming, boarding and training.
4. Exceptions
   a. Offices that are part of and located with a principal use in another category are considered accessory to the firm’s primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
   b. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Service.
   c. Commercial boarding stables are classified as Agriculture.

C. Entertainment
   1. Characteristics
      Entertainment businesses provide continuous recreation and entertainment-oriented activities and services. Entertainment businesses also include Major Entertainment Event uses, which are characterized by activities and structures that draw large numbers of people to specific events or shows and are generally of a spectator nature. Minor Entertainment Event uses are smaller special events such as weddings, reunions and similar social or business gatherings, held on a limited basis.
   2. Accessory Uses
      Accessory uses may include drive-throughs, concessions, parking, and maintenance facilities.
   3. Examples
      Entertainment businesses include restaurants, cafes and delicatessens; bars, taverns and nightclubs; adult entertainment; banquet, meeting and exhibition areas; indoor continuous recreation businesses (such as arcades, bowling alleys, skating rinks, play centers, health clubs, gyms, membership clubs and lodges, pool halls, dance halls, and indoor shooting ranges); and indoor theaters. Examples of Major Entertainment Event businesses include stadiums; sports arenas; coliseums; auditoriums; and fairgrounds.
   4. Exceptions
      a. Banquet halls that are part of a hotel or restaurant are accessory to those uses.
      b. Uses such as dance studios and martial arts studios are classified as Office and Personal Service.

D. Recreation and Entertainment, Outdoor
   1. Characteristics
      Outdoor Recreation and Entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.
   2. Accessory Uses
      Accessory uses may include concessions, restaurants, parking, caretaker’s quarters and maintenance facilities.
   3. Examples
      Examples include riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, miniature golf facilities, outdoor shooting ranges, amphitheaters, drive-in theaters, and zoos. Outdoor Major Entertainment Event uses are characterized by activities such as concerts, events and shows that draw large numbers of people, are generally of a spectator nature, and are located in an outdoor venue.
   4. Exceptions
      a. Golf courses and driving ranges are classified as Parks and Open Space.
      b. Publicly owned swimming pools are classified as Community Services.
E. Lodging

1. Characteristics
   Lodging is the provision of rooms and temporary accommodations to individuals for a short term, typically with an average length stay of less than thirty (30) days.

2. Accessory Uses
   Accessory uses include restaurants, bars, meeting and banquet halls, parking, spas and salons, laundry facilities, and recreation facilities and activities that are primarily for the use of guests.

3. Examples
   Examples include hotels, motels, bed & breakfasts, resorts, cabins, lodges, campgrounds, camps and recreational vehicle parks.

4. Exceptions
   a. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter (Section 12.04 B.).
   b. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Vehicle Service.
   c. Camping in an AFT zoning district that is not located in a campground and that meets the requirements of Section 6.04 F. is considered accessory to the residential use.

F. Parking, Commercial

1. Characteristics
   Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

2. Accessory Uses
   In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.

3. Examples
   Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).

4. Exceptions
   a. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
   b. Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
   c. Public transit park-and-ride facilities are classified as Basic Utilities.

G. Self-Service Storage

1. Characteristics
   Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Storage may be enclosed in a building or may be located outdoors for vehicles and recreational equipment.

2. Accessory Uses
   Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered
accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

3. Examples
   Examples include facilities that provide individual storage areas for rent, also called mini-warehouses, and outdoor storage of recreational vehicles, boats and other personal vehicles.

4. Exceptions
   a. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.
   b. The rental of trucks or equipment is considered Retail Sales and Service.

H. Vehicle Repair
1. Characteristics
   Vehicle Repair firms service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

2. Accessory Uses
   Accessory uses may include offices, sales of parts and vehicle storage.

3. Examples
   Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing and tire sales and mounting.

4. Exceptions
   Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage, are classified as Industrial Service.

I. Vehicle Service
1. Characteristics
   Vehicle Service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.

2. Accessory Uses
   Accessory uses may include auto repair and tire sales. Truck stops and travel plazas may include restaurants, hotels and similar uses serving the traveling public.

3. Examples
   Examples include full-service, mini-service and self-service gas stations, truck stops and travel plazas, car washes, and quick lubrication services.

4. Exceptions
   Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

SECTION 12.06 | INDUSTRIAL USE CATEGORIES

A. Industrial Service
1. Characteristics
   Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come
to the site.

2. Accessory Uses

Accessory activities may include offices, parking and storage.

3. Examples

Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; building, heating, plumbing or electrical contractors; delivery and dispatch services; printing, publishing and lithography; exterminators; janitorial and building maintenance services; propane, fuel, and oil storage and distributors; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories.

4. Exceptions

Repair of personal goods and small appliances and equipment is included in the Office & Personal Service category.

B. Manufacturing and Production

1. Characteristics

Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

2. Accessory Uses

Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker’s quarters.

3. Examples

Examples include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; electric power generation plants; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments (including musical instruments), vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including manufactured homes.

4. Exceptions

a. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.

b. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

c. Manufacturing that occurs in a small office-type setting is considered Office and Personal Service.

C. Warehouse and Freight Movement

1. Characteristics

Warehouse and Freight Movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except
for some will-call pickups. There is little on-site sales activity with the customer present.

2. Accessory Uses

Accessory uses may include offices, truck fleet parking and maintenance areas.

3. Examples

Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants (including frozen food lockers); storage of weapons and ammunition; major wholesale distribution centers; truck or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

4. Exceptions

a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

b. Mini-warehouses are classified as Self-Service Storage uses.

D. Waste-Related

1. Characteristics

Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the composting of organic material. Waste-Related uses also include uses that receive hazardous wastes from others.

2. Accessory Uses

Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.

3. Examples

Examples include sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage treatment plants, brine disposal/storage and hazardous-waste-collection sites.

4. Exceptions

a. Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill.

b. Recycling drop-off stations (no on-site processing) are basic utility uses.

E. Wholesale Sales

1. Characteristics

Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

2. Accessory Uses

Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

3. Examples

Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.
4. Exceptions
   a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
   b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

SECTION 12.07 | OTHER USE CATEGORIES

A. Agriculture
   1. Characteristics
      Agriculture includes activities that primarily involve raising, producing or keeping plants or animals. Normal farming and ranching activities such as grazing and crop and orchard production are by right unless specifically identified in this LDC, as described in the Mesa County “Right to Farm and Ranch” policy.
   2. Accessory Uses
      Accessory uses include dwellings for operators and employees of the use, animal training, retail and wholesale sales of products produced on-site, sorting and packaging of fruit and vegetables, “farmkill” of livestock, feed processing, equipment repair and maintenance; tasting rooms; vintner’s restaurants; produce stands; and other activities that are secondary or minor parts of the operation but necessary functions of the operation.
   3. Examples
      Examples include breeding or raising of fowl or other animals; dairy farms; commercial boarding stables; farming, orchards, vineyards, truck gardening, forestry, forestry support services, tree farming; wineries, breweries and distilleries; agricultural support businesses; agricultural production greenhouses; aquaculture; and wholesale plant nurseries.
   4. Exceptions
      a. Processing of animal or plant products that is the primary use of the operation on the premises are classified as Manufacturing and Production.
      b. Livestock auctions are classified as Wholesale Sales.
      c. Commercial riding academies, roping arenas and equestrian arenas are classified as Recreation and Entertainment, Outdoor. Personal arenas are an accessory use.
      d. Animal Care/Boarding/Sales, excluding boarding stables, are classified as Office and Personal Service.
      e. The keeping of exotic animals is considered Animal Care/Boarding/Sales.
      f. Retail plant nurseries are considered Landscaping Materials Sales, classified as Retail Sales and Service.
      g. Farmer’s Markets are Retail Sales and Service.

B. Aviation and Surface Passenger Terminals
   1. Characteristics
      Aviation and Surface Passenger Terminals include facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service and regional rail service.
   2. Accessory Uses
      Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.
3. Examples
Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, and helicopter landing facilities.

4. Exceptions
a. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as Basic Utilities.

b. Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

C. Mining
1. Characteristics
Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use regardless of whether or not the State of Colorado requires a Reclamation Permit for the activity.

2. Accessory Uses
Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

3. Examples
Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling, also included are support services for drilling or mining such as temporary employee housing; 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 field offices used by production related personnel.

D. Telecommunications Facilities
1. Characteristics
Telecommunications facilities include all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz, and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.

2. Accessory Uses
Accessory uses may include transmitter facility buildings.

3. Examples
Examples include broadcast towers, communication towers, point-to-point microwave towers and all FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

4. Exceptions
a. Receive-only antennas and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator are not included in this category.

b. Radio and television studios are classified in the Office category.

c. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.
LAND
DEVELOPMENT
CODE UPDATE
(additions and deletions)
CHAPTER 1 INTRODUCTORY PROVISIONS

SECTION 1.01 | 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” or “LDC.”

SECTION 1.02 | 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.

SECTION 1.03 | 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.

SECTION 1.04 | 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.

SECTION 1.05 | 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 timely, predictable, consistent, and efficient land development processes 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, interests 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.
SECTION 1.06 | RIGHT TO FARM AND RANCH POLICY

In addition to the purposes set out in Section 1.05, Mesa County has established, by resolution, a "Right to Farm and Ranch" policy which is summarized in this section. (See also Code Section XX.) 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.

SECTION 1.07 | WORD USAGE AND CONSTRUCTION OF LANGUAGE

A. 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 1.05.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. Public Officials and Agencies

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

I. Mandatory and Discretionary Terms

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

J. Conjunctions

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

1. And indicates that all connected items, conditions, provisions, or events apply; and
2. Or indicates that one or more of the connected items, conditions, provisions, or events apply.

SECTION 1.08 | 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.

SECTION 1.09 | 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
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

Commented [GMS]: Applicable acronyms moved to Chapter 12 Definitions.
Section 1.10 | CONFLICTING PROVISIONS

A. 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.

B. 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.

C. 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.

Section 1.11 | TRANSITIONAL PROVISIONS

A. 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.

B. 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 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.

C. Completion of Development

1. Administrative Handbook on Land Use

The 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.

2. Permit Issued Before May 1, 2020

Any building, structure, or development for which a permit was issued before May 1, 2020 or for which any pre-application conference meeting 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.

3.2. Plats Approved Before May 1, 2000

Any subdivision for which a preliminary concept or final plat plan was approved before May 1, 2000, may, at the applicant’s option, be completed according to the approved plat plan 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.

D. Zoning District Names

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

<table>
<thead>
<tr>
<th>New Name</th>
<th>Old Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-16</td>
<td>AFT</td>
</tr>
<tr>
<td>R2A</td>
<td>R1A</td>
</tr>
<tr>
<td>R2A</td>
<td>R1A</td>
</tr>
<tr>
<td>R2/R2T</td>
<td>R1B</td>
</tr>
<tr>
<td>R2/R2T</td>
<td>R1B</td>
</tr>
<tr>
<td>B</td>
<td>ILCA</td>
</tr>
<tr>
<td>BR</td>
<td>I</td>
</tr>
<tr>
<td>C</td>
<td>RMF-8</td>
</tr>
<tr>
<td>B</td>
<td>RMF-5</td>
</tr>
<tr>
<td>C</td>
<td>RMF-8</td>
</tr>
<tr>
<td>L</td>
<td>RMF-4</td>
</tr>
<tr>
<td>L</td>
<td>RMF-4</td>
</tr>
</tbody>
</table>

Section 1.12 | 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 X.
**Section 1.13 | 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 in 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. The 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.

**Section 1.14 | 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.

**Section 1.15 | 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.

**Commented [GM9]:** Not needed. Densities and lot size minimums are located elsewhere in the Code. The number and names of planning areas may increase or decrease as part of a Master Plan update. Therefore they should not be codified. All references to the Handbook are to be removed. If the Handbook exists it is supplemental and does not have to be codified.
CHAPTER 2 REVIEW AND DECISION-MAKING BODIES

SECTION 2.01 | BOARD OF COUNTY COMMISSIONERS

A. Powers and Duties

The Board of County Commissioners’ powers and duties under this Land Development Code are set out in this subsection.

1. Land Development Code Amendments

   2.1 The Board of County Commissioners shall be responsible for reviewing **Land Development Code amendment** the following applications and for taking the final action to approve, **approve with conditions** or deny such applications (see Section 3.3):

   a. **Land Development Code Amendments** (see Section X.X)
   b. **Rezonings** (see Section X.X)
   c. Planned Unit Developments Outline Development Plan and Rezoning (see Section X.X)
   d. **Conditional Use Permits** (see Section X.X)
   e. **Vacation of Rights-of-Way** (see Section X.X)

   i. County Register of Historic Landmarks (see Section X.X)
   j. **Renaming of Streets** (see Section X.X)

The Board of County Commissioners shall be responsible for reviewing rezoning applications and for taking the final action to approve, **approve with conditions**, or deny such applications (see Section 3.4).

2. Administrative Reviews

4.2. The Board of County Commissioners shall be responsible for hearing appeals of the following administrative approvals, appeals of the Planning Director’s decision on Administrative Reviews, and for taking the final action on such appeals (see Section 3.5):

   a. **Administrative Reviews** (see Section X.X)
   b. **Major Subdivisions** Concept Plans
      (1) **Concept Plans** (see Section X.X)
      The Board of County Commissioners shall be responsible for reviewing appeals of Major Subdivision Concept Plan applications (see Sec. 3.6.3).
      (2) **Final Plans** (see Section X.X)
      (3) **Final Plats** (see Section X.X)
   c. Planned Unit Developments (see Section X.X)
      (1) **Final Plans** (see Section X.X)
      (2) **Final Plats** (see Section X.X)
   d. **Agricultural land use appeals** (see Section X.X)
      The Board of County Commissioners shall be responsible for reviewing appeals of the Planning Director’s decision on Major Subdivision Final Plans, and for taking the final action on such appeals (see Sec. 3.6.4).

5. Planned Unit Developments

Commented [GM1]: Reorganized and consolidated sections to make the chapter more readable and understandable.

Commented [GM2]: Grouped comparable applications under the same section.

Commented [GM3]: (See above)
a. Concept Plan and Rezoning
The Board of County Commissioners shall be responsible for reviewing PUD Concept Plan and Rezoning applications and for taking the final action to approve, approve with conditions, or deny such applications (see Section 3.7).

b. PUD Final Plan
The Board of County Commissioners shall be responsible for hearing appeals of the Planning Director’s decision on PUD Final Plans and for taking the final action on such appeals (see Section 3.7).

6. Conditional Use Permits
The Board of County Commissioners shall be responsible for reviewing Conditional Use Permit applications and for taking the final action to approve, approve with conditions, or deny such applications (see Section 3.8).

7. Vacations of Rights of Way
The Board of County Commissioners shall be responsible for reviewing right-of-way Vacation applications and for taking the final action to approve, approve with conditions, or deny such applications (see Section 3.10).

e. Written Interpretations (see Section X.X)
The Board of County Commissioners shall be responsible for hearing appeals of the Planning Director’s decision on Written Interpretations and for acting to uphold or overturn the Planning Director’s decision (see Section 3.14).

SECTION 2.02 | PLANNING COMMISSION

A. Appointment
The Board of County Commissioners shall appoint a Planning Commission consisting of at least three (3) and no more than nine (9) members, plus three (3) alternates. The term of each member shall be three (3) years, and all terms of office shall be staggered so that approximately one-third of the members’ terms expire each year. All members completing their terms shall serve until formally replaced by the Board of County Commissioners.

B. Officers and Rules
The Board of County Commissioners shall adopt bylaws governing the election of officers and all other matters pertaining to the Commission’s rules and procedures.

C. Powers and Duties
The Planning Commission’s powers and duties under this Land Development Code are set out in this subsection.

1. Master Plan Amendments
   The Planning Commission has the statutory duty to adopt a Master Plan for unincorporated Mesa County. The Planning Commission and shall be responsible for taking final action to approve, approve with conditions, or deny proposed text and map amendments to the Mesa County Master Plan (see Section 3.2 X.X).

2. Land Development Code Amendments
   a. Land Development Code Amendments (see Section X.X)
5. Other Matters

The Planning Commission shall also have such duties as determined by the Board of County Commissioners or as may otherwise be required by State Statutes. In addition, it shall have all the powers and duties provided for in the following Sections of C.R.S.: Article 28 of Title 30 (County Planning, Zoning, Subdivisions); Article 65.1 of Title 24 (Areas of State Interest); Article 67 of Title 24 (Planned Unit Development); Article 20 of Title 29 (Local Government and Land Use Control Enabling Act), and Article 11 of Title 30.

6. Plan Implementation

The Planning Commission shall actively promote implementation of the Mesa County Master Plan through its powers and duties as set out in this section.

SECTION 2.03 | BOARD OF ADJUSTMENT

A. Creation and Appointment

A Board of Adjustment is hereby created pursuant to C.R.S. Article 28 of Title 30 (County Planning, Zoning, Subdivisions). The Board of County Commissioners shall appoint a Board of Adjustment consisting of five (5) members and two (2) alternates, with representation to the extent possible from all segments of the County. Members shall be appointed by the Board of County Commissioners for terms of three (3) years, excluding any term served by appointment to fill a vacancy. Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners upon written charges and after a public hearing. Alternate members shall serve only in the absence of a regular member of the Board of Adjustment. All members completing their terms shall serve until formally replaced by the Board of County Commissioners.

B. Officers and Rules

The Board of Adjustment shall adopt bylaws which shall govern the election of officers and all matters pertaining to the Board’s rules and procedures.

C. Powers and Duties

The Board of Adjustment’s powers and duties under this Land Development Code are set out in this subsection.

1. Zoning Variances

2. The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Zoning Variance applications (see Section 3.12).
3. **Accessory Dwelling Variances**

The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions or deny applications to exceed the maximum size allowed by the Code for an accessory dwelling [see Section X.X].

5. **Appeals of Administrative Decisions**

In all matters where appeal powers have not been specifically assigned to the Planning Commission or Board of County Commissioners, the Board of Adjustment shall be responsible for hearing appeals of administrative decisions and for taking the final action to uphold or overturn the administrative official’s decision related only to the enforcement of the zoning requirements of this Land Development Code in Chapters 4 and 6 [see Section 3.13 X.X].

### SECTION 2.04 | FLOODPLAIN BOARD OF APPEALS

**A. Creation and Appointment**

A Floodplain Board of Appeals is hereby created. The Board of County Commissioners shall appoint a Floodplain Board of Appeals consisting of no more than seven members who are qualified by experience and training to pass on matters pertaining to regulation, such as hydrologists, hydrogeologists, civil engineers, and hydrological engineers. Members shall be appointed by the Board of County Commissioners for terms of three years.

**B. Powers and Duties**

The Floodplain Board of Appeals’ powers and duties under this Land Development Code are set out in this subsection.

1. **Floodplain Development Permits**

The Floodplain Board of Appeals shall be responsible for hearing appeals of the Floodplain Administrator’s decisions on Floodplain Development Permits, and for taking the final action to uphold or overturn the Floodplain Administrator’s decision [see Section 3.2 X.X].

2. **Floodplain Variances**

The Floodplain Board of Appeals shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Floodplain Variance applications [see Section 3.13 X.X].

### SECTION 2.05 | FLOODPLAIN ADMINISTRATOR

**A. Designation of Floodplain Administrator**

The Public Works Director shall designate a staff person who shall serve as the Floodplain Administrator.

**B. Powers and Duties**

The Floodplain Administrator’s powers and duties under this Land Development Code are set out in this subsection.

1. **Floodplain Development Permits**

The Floodplain Administrator shall be responsible for reviewing Floodplain Development Permits to determine if the permit requirements of this Land Development Code have been satisfied and for acting to approve, approve with conditions, or deny such permits. In so doing, the Floodplain Administrator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by federal or state law.
4.2. The Floodplain Administrator shall be responsible for making interpretations regarding boundaries of the Flood Prone, Flood Fringe, and Floodway Districts.

5. Reports to Floodplain Board of Appeals

4.3. The Floodplain Administrator shall be responsible for preparing reports in support of the Floodplain Board of Appeals’ hearings on appeals and Floodplain Variances.

7.4. Other Matters

The Floodplain Administrator’s other powers and duties are listed below:

a. The Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development or activities in flood hazard Zone A are administered in accordance with this Land Development Code.

b. In riverine situations, the Floodplain Administrator shall notify adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency. In such situations, the Floodplain Administrator shall also ensure that maintenance is provided within the altered or relocated portion of said watercourse so that flood carrying capacity is not diminished.

c. From all Floodplain Development Permit applicants, the Floodplain Administrator shall obtain and record the actual elevation of the lowest floor, including basement, of all new or substantially improved structures.

d. For new or substantially improved flood-proofed structures, the Floodplain Administrator shall obtain and record the actual elevation to which the structure has been flood-proofed and shall maintain all flood proofing certifications required by this Land Development Code.

e. The Floodplain Administrator shall maintain public records of all Floodplain Development Permits that have been approved or denied, which may in turn be submitted to the Federal Emergency Management Agency as required.

f. When a FEMA-mapped floodway has not been designated, the Floodplain Administrator must require that new construction, substantial improvements, or other development (including fill) shall not be permitted within Zones A1-30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (1/2) foot at any point within the community.

SECTION 2.06 | STORMWATER ADMINISTRATOR

A. Designation of Stormwater Administrator

The Public Works Director shall designate a staff person who shall serve as the Stormwater Administrator.

B. Powers and Duties

The Stormwater Administrator’s powers and duties under this Land Development Code are set out in this subsection.

1. Stormwater Construction Permits—The Stormwater Permit Administrator shall be responsible for reviewing Stormwater Construction permits to determine if the permit requirements of this Land Development Code have been satisfied and for acting to approve, approve with conditions, or deny such permits. In so doing, the Stormwater Administrator shall ensure that all other
necessary permits have been obtained from those governmental agencies from which prior approval is required by federal or state law.

2. Reports to Board of County Commissioners. The Stormwater Administrator shall be responsible for preparing reports for the Board of County Commissioners hearings on appeals.

SECTION 2.07 | AGRICULTURAL ADVISORY PANEL

A. Powers and Duties

The Agricultural Advisory Panel shall be responsible for investigating any complaint relating to an agricultural use (see Section 1.06) and for preparing a recommendation to assist the Board of County Commissioners in their consideration of such complaint.

SECTION 2.08 | PLANNING-COMMUNITY DEVELOPMENT DIRECTOR

A. Powers and Duties

The Planning Director’s powers and duties under this Land Development Code are set out in this subsection.

1. Master Plan Amendments

2. The Planning-Community Development Director, also referred to as “Director” throughout this LDC, shall be responsible for reviewing proposed text and map amendments to the Mesa County Master Plan, and for preparing a report to assist the Planning Commission in their consideration of such applications (see Section 3.2X).

3. Land Development Code Amendments

4. The Planning Director shall be responsible for reviewing Land Development Code amendment applications, and for preparing a report to assist the Planning Commission and the Board of County Commissioners in their consideration of such applications (see Section 3.3X).

a. Land Development Code Amendments (see Section X.X)

b. Rezonings

c. Planned Unit Developments Outline Development Plan and Rezoning (see Section X.X)

d. Conditional Use Permits (see Section X.X)

e. County Register of Historic Designations (see Section X.X)

The Planning Director shall be responsible for reviewing rezoning applications, and for preparing a report to assist the Planning Commission and the Board of County Commissioners in their consideration of such applications (see Section 3.4).

5. Administrative Reviews

6. The Planning-Director shall be responsible for reviewing Administrative Review the following applications, and for taking final action to approve, approve with conditions, or deny such applications (see Section 3.5X).

a. Administrative Reviews (see Section X.X)

b. Major Subdivisions (see Section X.X)

c. Site Plans (see Section X.X)

d. Administrative Adjustments (see Section X.X)

e. Written Interpretations (see Section X.X)

f. Planned Unit Developments (see Section X.X)
a. General Meeting
The Planning Director shall be responsible for conducting General Meetings, for preparing a report, and for advising the applicant on the preparation of Concept Plan applications.

b. Concept Plan
The Planning Director shall be responsible for reviewing Concept Plan applications, and for the final action to approve, approve with conditions, or deny such applications (see Sec. 3.6.3).

c. Final Plan and Final Plat
The Planning Director shall be responsible for reviewing Final Plan and Final Plat applications, and for acting to approve, approve with conditions, or deny such applications (see Sec. 3.6.4).

d. Thirty-five Acre Parcels Created by Plat
The Planning Director shall be responsible for reviewing thirty-five acre parcels created by plat, for zoning and access requirements.

7. Planned Unit Developments

a. General Meeting
The Planning Director shall be responsible for conducting General Meetings, for preparing a report, and for advising the applicant on the preparation of the Concept Plan and Rezoning applications.

b. Concept Plan and Rezoning
The Planning Director shall be responsible for reviewing PUD Concept Plan and Rezoning applications, and for preparing a report to assist the Planning Commission and the Board of County Commissioners in their consideration of such applications (see Section 3.7).

c. PUD Final Plan
The Planning Director shall be responsible for reviewing PUD Final Plan applications and for acting to approve, approve with conditions, or deny the PUD Final Plan (see Section 3.7).

8. Site Plans
The Planning Director shall be responsible for reviewing Site Plan applications, and for acting to approve, approve with conditions, or deny such applications (see Section 3.5.11).

9. Conditional Use Permits
The Planning Director shall be responsible for reviewing Conditional Use Permit applications, and for preparing a report to assist the Planning Commission and Board of County Commissioners in their consideration of such applications (see Section 3.8).

10. Vacations
11. The Planning Director shall be responsible for reviewing Vacation applications, and for preparing a report to assist the Board of County Commissioners in their consideration of such applications (see Section 3.10).
12. **Administrative Adjustments**

   The Planning Director shall be responsible for reviewing Administrative Adjustment applications, and for acting to approve, approve with conditions, or deny such applications (see Section 3.11).

13. **Zoning Variances**

14. **Written Interpretations**

   The Planning Director shall be responsible for issuing Written Interpretations of the provisions of the Land Development Code (see Section 3.14).

15. **Appeals of Administrative Decisions**

16. **Other Matters**

   The Planning Director shall also have those powers and duties designated by the Board of County Commissioners, including the following:

   a. Keeping copies of each application filed, each plat submitted, and each development permit issued, filed by legal description of the land to which the development permit applies, and also by name of applicant.

   b. Providing professional planning staff assistance to the Board of Adjustment, Planning Commission, and Board of County Commissioners.

   c. Conducting short term planning studies and analysis to aid in the orderly development of the County; and

   d. Engaging in activities designed to improve the economic development of the County, including: grant applications and administration; policy analysis and recommendation; and functional planning (open space, transportation, utility and energy facility planning).
CHAPTER 3 DEVELOPMENT GENERAL REVIEW AND APPROVAL PROCEDURES

Section 3.01 | GENERAL

The general provisions of this section apply to all development applications and procedures under this Chapter unless otherwise stated.

SECTION 3.01 | SUMMARY OF REVIEW PROCEDURES

The following table summarizes the procedures for review of applications for land use and development activity.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Director</th>
<th>Planning Commission</th>
<th>Board of County Commissioners</th>
<th>Board of Adjustment</th>
<th>Floodplain Administrator</th>
<th>Stormwater Administrator</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Use Permits</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td>§ 3.5</td>
</tr>
<tr>
<td>Extinguishment of Public Utility Easement</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§ 3.6</td>
</tr>
<tr>
<td>Floodplain Dev. Permit</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td>§ 3.6</td>
</tr>
<tr>
<td>Register of Historic Land Marks</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td>§ 3.5</td>
</tr>
<tr>
<td>Land Development Code Amendment</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td>§ 3.5</td>
</tr>
<tr>
<td></td>
<td>Land Divisions</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor Subdivisions</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rural Land Divisions</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultural Divisions</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Physical &amp; Legal Separations</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Subdivision for Public Purpose</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major Subdivision</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Concept Plan</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Final Plan</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Final Plat</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor Plat</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Planned Unit Developments</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Concept Plan/Rezoning</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>PUD Final Plan</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Final Plat</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Final Plat</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written Interpretations</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Master Plan Amendment applications affecting a jointly adopted plan with a municipality may be considered in a public hearing with the respective municipal Planning Commission.

2 BOCO shall serve as the board of appeals for The Stormwater Administrator’s decisions.

General Notes:

In cases where no Appeal Body is shown, or where the Board of County Commissioners is shown as the final Decision-Making Body.
Appeals shall be taken to the courts, as provided by law.

SECTION 3.02 | COMMON REVIEW PROCEDURES

Common review procedure may include up to seven steps, not all of which may be applicable to each type of development application.

Figure 3.A: Summary of Common Review Procedures

A. Pre-Application Meeting

A Pre-Application Meeting is generally recommended, but optional and intended to inform the applicant of applicable procedures, submittal requirements, development standards, alternatives, and other pertinent matters, before the applicant finalizes the development proposal.

1. Application forms and checklist will be made available during Pre-Application Meetings. If additional information is presented or the request is found to be more complex than originally presented, a new checklist will be prepared and delivered to the applicant within three (3) working days of the meeting.

2. Staff opinions presented during Pre-Application Meetings are informational only and do not represent a commitment on behalf of Mesa County regarding the acceptability of the development proposal.

B. Application Submittal

A. Authority to File Applications

1. Rezoning (Zoning Map Amendments) Applications

Applications for Rezoning (Zoning Map Amendments) under this Chapter may be initiated by the owner of the property involved or the owner’s authorized agent. Proof of authority to file an application on behalf of an owner must be provided in writing. Also, an application may be filed by the Department of Planning and Economic Development upon the request of the Board of County Commissioners or Mesa County Planning Commission. Such a request must be made by a formal affirmative vote of the requesting Board or Commission and is done without prejudice toward the outcome of the application. The Board of County Commissioners shall adopt policies related to the process for consideration of rezone requests initiated by the Board or Planning Commission. Consent of the property owner is required for approval of the rezone of their respective individual property.

2. All other Applications

All other applications under this Chapter must be initiated by the owners of the property involved or the owner’s authorized agent, except where otherwise specified in this Chapter. Proof of authority to file an application on behalf of an owner must be provided in writing.

3. Form of Application

Applications required under this Chapter must be submitted in a form prepared by the and in such numbers as required by the official responsible for accepting the application Director. Application forms for procedures that require Pre-application Meetings will be made available only at the time of the meeting.
4. Application Filing Fees

Applications must be accompanied by the fee that has been established by the Board of County Commissioners. Fees are nonrefundable. Fees are not required with applications initiated by the Board of County Commissioners, Board of Adjustment, Planning Commission, or County agencies. Application fees may be refundable at the discretion of the Director.

5. Application Completeness

An application will be considered complete if it is submitted in the required number and form; includes all mandatory information; and is accompanied by the applicable fee. A determination of application completeness shall be made within ten (10) working days of application filing. If an application is determined to be incomplete, the Planning Director shall provide written notice to the applicant, along with an explanation of the application’s deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within thirty (30) days, the application may be considered withdrawn, and the application shall be returned to the applicant.

C. Application Review

6. Planning Director and Agency Review

In conducting required reviews, the Planning Director shall comply with those referral requirements set forth in C.R.S. §30-28-136.1(c), and shall be authorized to distribute the application and other submittals to County departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. Comments received from reviewers shall be included in any required report which shall be delivered to the applicant. See The Handbook for a list of appropriate review agencies for each type of development.

8. Pre-application Meetings

Applicants shall be responsible for scheduling Pre-application Meetings with Planning Department staff when such meetings are required. The purpose of a Pre-application Meeting is to inform the applicant of applicable procedures, submittal requirements, development standards, alternatives, and other pertinent matters, before the applicant finalizes the development proposal.

1. Application forms are also made available during Pre-application Meetings.

2. Staff opinions presented during Pre-application Meetings are informational only and do not represent a commitment on behalf of Mesa County regarding the acceptability of the development proposal.

3. If a development application is not submitted within one hundred and eighty (180) days of the Pre-application Meeting, applicants must schedule and attend another Pre-application Meeting before submitting applications.

C. Preliminary Completeness Check

Applications will be reviewed at the front counter for a preliminary completeness check.

D. Required Notices

Content

Written and published (not posted) notices required under this Land Development Code must: (1) indicate the time and place of the public hearing or action; (2) describe the property involved by street address or by legal description and nearest cross street; (3) describe the nature, scope and purpose of the application or proposal being advertised. All notices will indicate where additional information can be obtained. Notice shall be required for applications as shown in Table 3.2 below unless otherwise expressly provided in state statutes or this Land Development Code (LDC):
Table 3. Notice Requirements

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Type of Notice Required</th>
<th>Timing (number of days before hearing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Published</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Posted</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Mailed</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Conditional Use Permit</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Extinguishment of Utility Easement</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Historic Landmarks</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Land Development Code Amendments</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Minor Subdivisions</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Rural Land Divisions</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Agricultural Divisions</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Physical &amp; Legal Separations</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Major Subdivision</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Concept Plan</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Final Plan</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Final Plat</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Concept Plan/Rezoning</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>PUD Final Plan</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>PUD Final Plat</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Floodplain Adjustment</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Site Plan</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Planned Unit Developments</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Concept Plan/Rezoning</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>PUD Final Plan</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>PUD Final Plat</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Variance</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Administrative Adjustments</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Zoning Variances</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Floodplain Variances</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Stormwater Variances</td>
<td>✓</td>
<td>15</td>
</tr>
<tr>
<td>Written Interpretations</td>
<td>✓</td>
<td>15</td>
</tr>
</tbody>
</table>

*Other than Text Amendments, published notice for Board of County Commissioners hearing shall be 30 days*

1. **Written Mailed Notice**
   
   a. When the provisions of this *Land Development Code* require that written or mailed notice be provided, the County shall be responsible for preparing and mailing the written notice as provided below:

   Table 3.3. Notice Radius

<table>
<thead>
<tr>
<th>Application Property Location</th>
<th>Type of Application Review</th>
<th>Required Notice Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within an Urban Zoning District</td>
<td>Public Hearing Required or Administrative Review</td>
<td>500 feet of subject property</td>
</tr>
<tr>
<td>Within one of the six (6) Rural Communities</td>
<td>Public Hearing Required or Administrative Review</td>
<td>500 feet of subject property</td>
</tr>
</tbody>
</table>

Commented [WU12]: Removed those processes that do not require notification.

Commented [WU13]: Not needed. Changed 15 to 14 in the table.

Commented [WU14]: The words written and mailed are used interchangeably. To make the Code more readable, changed all to "Mailed".
Within a Rural Zoning District and NOT within one of the six (6) Rural Communities

- **Public Hearing Required**: 2,500 feet of subject property
- **Administrative Review**: 1,000 feet of subject property

Public right-of-way within a Rural Zoning District [for right-of-way vacations]

- **Public Hearing Required or Administrative Review**: 1 mile of the subject right-of-way

Public right-of-way within an Urban Zoning District or one of the six (6) Rural Communities [for right-of-way vacations]

- **Public Hearing Required or Administrative Review**: 500 feet of the subject right-of-way

b. Ownership information shall be based on the records of the Mesa County Assessor’s Office. Written notice shall also be mailed to Registered Neighborhood Associations whose boundaries lie within required notification areas and, for Right-of-Way Vacations, to registered recreational and trail user groups. In order to be registered, neighborhood associations and user groups must provide to the Mesa County Planning Division: 1) a copy of their current bylaws, 2) a list of officers, 3) a map outlining the area they represent, and 4) a narrative describing the purpose of the association and the number of persons the association represents. All registrations must be updated each year.

2. Posted Notice
   
a. When the provisions of this Land Development Code (LDC) require that notice be posted on the subject property, the applicant shall: (1) post the notice on weatherproof signs that have been provided by the County; and (2) place the signs on the property that is the subject of the application. The applicant shall ensure that the signs remain in place during the period leading up to the public hearing. Signs shall be placed along and perpendicular to each abutting street in a manner that makes them clearly visible to neighboring residents and passers-by. At least one (1) sign shall be posted on each adjacent street.

b. Posted notice for right-of-way vacations will be placed at each end of the right-of-way section proposed for vacation. If the subject right-of-way proposed for vacation is not County maintained or is maintained seasonally, posted notice containing the name of the subject right-of-way will also be placed along and perpendicular to the nearest public road or roads as determined by the Planning Director. These public road(s) must be maintained year round.

c. All signs must be posted until a decision has been rendered. Applicants shall be responsible for maintaining and removing the signs within one (1) week after the final decision.

---

**Development Review Procedures Summary Table**

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Section/Page</th>
<th>Pre-application Meet</th>
<th>Review (R), Decision Making (DM) and Appeal (A) Bodies (See General note [4])</th>
<th>NOTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master Plan Amendments</td>
<td>§3.2</td>
<td>YES</td>
<td>R</td>
<td>DM</td>
</tr>
<tr>
<td>Text Amendments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Map Amendments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Commented [GM15]: Combined with above. No need to have 2 different radii.

Commented [WU16]: New table created for this information.

Commented [WU17]: Added additional review/decision makers.
# Development Review Procedures Summary Table

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Section/Page</th>
<th>Pre-application Meet.</th>
<th>Review (R), Decision Making (DM) and Appeal (A) Bodies (See General note [4])</th>
<th>Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Development Code Amendments</td>
<td>§3.3</td>
<td>YES</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Reserves</td>
<td>§3.4</td>
<td>YES</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Administrative Reviews</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Easements</td>
<td>§3.5.1</td>
<td>YES</td>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Minor Subdivisions</td>
<td>§3.5.2</td>
<td>YES</td>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Single Lot Divisions</td>
<td>§3.5.3</td>
<td>YES</td>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Agricultural Divisions</td>
<td>§3.5.4</td>
<td>YES</td>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Property Line Adjustments</td>
<td>§3.5.5</td>
<td>YES</td>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Physical Legal Separations</td>
<td>§3.5.6</td>
<td>YES</td>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Major Major Major</td>
<td>§3.5.7</td>
<td>YES</td>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Administrative Meeting</td>
<td>§3.6</td>
<td>YES</td>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Concept Plan Major</td>
<td>YES</td>
<td>DM</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Final Plan Major</td>
<td>YES</td>
<td>DM</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>NO</td>
<td>DM</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Planned Unit Developments</td>
<td>§3.7</td>
<td>NO</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>General Meeting</td>
<td>YES</td>
<td>R</td>
<td>R</td>
<td>DM</td>
</tr>
<tr>
<td>Concept Plan/Rezoning</td>
<td>YES</td>
<td>DM</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>PUD Final Plan</td>
<td>NO</td>
<td>DM</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>PUD Final Plat</td>
<td>NO</td>
<td>DM</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permits</td>
<td>§3.8</td>
<td>YES</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Floodplain Development Permit</td>
<td>§3.9</td>
<td>YES</td>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Easements</td>
<td>§3.10</td>
<td>NO</td>
<td>R</td>
<td>DM</td>
</tr>
<tr>
<td>Administrative Adjustments</td>
<td>§3.11</td>
<td>NO</td>
<td>DM</td>
<td>A</td>
</tr>
<tr>
<td>Easements</td>
<td>§3.12</td>
<td>NO</td>
<td>R</td>
<td>DM</td>
</tr>
<tr>
<td>Easements</td>
<td>§3.13</td>
<td>NO</td>
<td>R</td>
<td>DM</td>
</tr>
</tbody>
</table>

Commented [WU16]: New table created for this information.

Commented [WU17]: Added additional review/decision makers.
## Development Review Procedures Summary Table

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Section/Page</th>
<th>Pre-application Meet.</th>
<th>Review: (R), Decision-Making (DM) and Appeal (A) Bodies (See General note [4])</th>
<th>Published/Floodplain Administrator</th>
<th>Posted/Floodplain Appeals Board</th>
<th>Written/Stormwater Administrator</th>
<th>NOTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variances</td>
<td>§3.15</td>
<td>NO</td>
<td>DM</td>
<td>A²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stormwater Variance</td>
<td>§3.15</td>
<td>NO</td>
<td>DM</td>
<td>A²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Written Interpretations</td>
<td>§3.14</td>
<td>NO</td>
<td>DM</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeals of Admin. Decisions</td>
<td>§3.15</td>
<td>NO</td>
<td>DM</td>
<td></td>
<td>DM</td>
<td>DM</td>
<td>A</td>
</tr>
<tr>
<td>Historic Designation</td>
<td>§3.22</td>
<td>YES</td>
<td>R</td>
<td>R</td>
<td>DM</td>
<td>DM</td>
<td></td>
</tr>
</tbody>
</table>

### General Note:
In cases where no Appeal Body is shown, or where the Board of County Commissioners is shown as the final Decision-Making Body (with no appeal), appeals shall be taken to the courts, as provided by law.

1. Master Plan Amendment applications affecting a jointly adopted plan with a municipality may be considered in a public hearing with the respective municipal Planning Commission.
2. Appeals of Floodplain Administrator’s decision on Floodplain Development Permits taken to Floodplain Board of Appeals.
3. Floodplain Board of Appeals is the Decision-Making Body on Floodplain Variances.
4. All Appeals, except Appeals taken to the courts, must be filed within thirty (30) days of the decision by the Decision-Making Body.
5. BOCC shall serve as the board of appeals for The Stormwater Administrator’s decisions.

### 3. Published Notice

- a. When the provisions of this Land Development Code require that notice be published, the County shall be responsible for preparing the content of the notice, and shall ensure that notice is published in the newspaper that has been selected by the County.

- b. Right-of-way vacations will be advertised in the “A” section of the newspaper at the applicant’s expense. The advertisement shall be a minimum size of 2 inches by 3 inches.

### E. Timing of Notices

Unless otherwise expressly provided in state statutes or this Land Development Code, notice, when required, shall be provided as follows:

<table>
<thead>
<tr>
<th>Review of Decision-Making Body Holding Hearing or Taking Action</th>
<th>Notice Required (days before hearing/action)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Written</td>
</tr>
<tr>
<td>Planning Director/Other Admin. Official</td>
<td>15</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>15</td>
</tr>
<tr>
<td>Board of Adjustment</td>
<td>15</td>
</tr>
<tr>
<td>Floodplain Board of Appeals</td>
<td>15</td>
</tr>
<tr>
<td>Board of County Commissioners [Text Amendments]</td>
<td>15</td>
</tr>
<tr>
<td>Board of County Commissioners [Other]</td>
<td>15</td>
</tr>
<tr>
<td>Appeals to the Board of County Commissioners</td>
<td>15</td>
</tr>
<tr>
<td>Administrative Review of Major Subdivisions</td>
<td>15</td>
</tr>
</tbody>
</table>

### 4. Constructive Notice

Commented [WU16]: New table created for this information.

Commented [WU17]: Added additional review/decision makers.

Commented [WU18]: Removed and added to the Section above.

Commented [GM18]: Removed and added to the Section above.

Commented [GM19]: Table deleted and added to the new Table 3.1.
Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Land Development Code before proceeding with the hearing.

E. Community Development Director/Stormwater Administrator Action
   1. Applications Subject to Community Development Director Decision
      If an application is subject to final decision by the Community Development Director or the Stormwater Administrator per Table 3.1, the Community Development Director or the Stormwater administrator shall make a decision based on the review standards applicable to the application type. The decision shall be in writing, accompanied by written findings of fact and shall clearly state the reasons the application has been approved, approved with conditions or denied.
   2. Applications Subject to Community Development Director Recommendation
      a. If the application is subject to final decision by another decision-making body per Table 3.1, the Community Development Director or the Stormwater Administrator shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.
      b. Community Development Director or Stormwater Administrator shall forward the completed request, staff report, recommendation and any related materials to the decision-making body.

F. Planning Commission Action
   1. Applications Subject to Planning Commission Decision
      a. The Planning Commission shall hold a public hearing in accordance with this LDC and the Planning Commission bylaws.
      b. If an application is subject to final decision by the Planning Commission per Table 3.1, the Planning Commission shall consider the application, applicable review criteria, support material, staff report and any evidence and/or comments from the public hearing.
      c. The Planning Commission shall approve, approve with conditions or deny the application.
   2. Applications Subject to Planning Commission Recommendation
      a. The Planning Commission shall hold a public meeting to review the application based on the applicable review criteria. The Planning Commission shall then make a recommendation to the Board of County Commissioners to approve, approve with conditions or deny the application.
      b. Following Planning Commission review, the Community Development Director shall forward the completed request and any related materials, including the Planning Commission recommendation, to the Board of County Commissioners for final action.

G. Board of County Commissioners Action
   1. The Board of County Commissioners shall hold a public hearing in accordance with this LDC.
   2. The Board of County Commissioners shall consider the application, applicable review criteria, support material, Planning Commission recommendation (if applicable) staff report and any evidence and/or comments from the public hearing.
   3. The Board of County Commissioners shall approve, approve with conditions or deny the application.
      The Board of County Commissioners may also remand the application back to the Community Development Director, the Stormwater Administrator or the Planning Commission, whichever is applicable, for further review.

H. Board of Adjustment Action
1. The Board of Adjustment shall hold a public hearing in accordance with this LDC and Board of Adjustment bylaws.

2. The Board of Adjustment shall consider the application, applicable review criteria, support material, staff report and any evidence and/or comments from the public hearing.

3. The Board of Adjustment shall approve, approve with conditions or deny the application.

I. Floodplain Board of Appeals Action

1. The Floodplain Board of Appeals shall hold a public hearing in accordance with this LDC and Floodplain Board of Appeals bylaws.

2. The Floodplain Board of Appeals shall consider the application, applicable review criteria, support material, staff report and any evidence and/or comments from the public hearing.

3. The Floodplain Board of Appeals shall approve, approve with conditions or deny the application.

SECTION 3.03 | FINAL DECISION

E.A. Conditions of Approval

1. In approving development applications, the Decision-Making Body shall be authorized to impose such conditions upon the premises as may be necessary to carry out the general purpose and intent of this Land Development Code (LDC). Any discretionary conditions imposed on a development approval shall be based upon duly adopted standards that are:
   a. [altered] Contained in this Land Development Code (LDC), the Mesa County Master Plan, or another document adopted by the County; and
   b. [altered] Sufficiently specific to ensure that the condition is imposed in a rational and consistent manner.

2. Any condition imposed on a development approval that would require the applicant to dedicate real property to the public, or to pay money to the public in an amount that is determined on an individual and discretionary basis, shall only be imposed if:
   a. [altered] There is an essential nexus between the dedication or payment and a legitimate local governmental interest; and
   b. [altered] The dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of such property. If the required amounts of land dedications or fees in lieu have been established by a formula applicable to one (1) or more classes of land, rather than on an individual and discretionary basis, the foregoing sentence shall not apply to requirements for park or school land dedications, or fees in lieu of such dedications, as set forth in Chapter 7.X.X of this Land Development Code (LDC), or to any other land dedication or fee in lieu of requirements adopted by the County.

Section 3.02 | CONTINUATION OF APPLICATIONS

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Land Development Code (LDC), provided that the continuance is set for a date within forty (40) days, and the date and time of the continued hearing is announced at the time of the continuance.

A. A Major Subdivision application being considered through the administrative review process may be continued for up to forty (40) days with written permission from the project applicant, or authorized representative.

Section 3.03 | STANDING TO APPEAL

Appeals allowed under the procedures of this Chapter may be filed only by “Parties of Record,” who shall be deemed to include the following:

A. The applicant:
B. The property owner or holder of any interest or easement in the subject property; or
C. Any person who submitted written comments on the application before final action was taken (excluding persons who have only signed petitions or form letters).

A. Administrative Decision
   Appeals of an administrative decision must be filed within thirty (30) days of the decision.

B. Board of Adjustment Decision
   Appeals of decisions of the Board of Adjustment shall be made to the courts, as provided by law.

C. Floodplain Board of Appeals Decision
   Appeals of decisions of the Floodplain Board of Appeals shall be made to the courts, as provided by law.

D. Board of County Commissioner Decision
   Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

E. Standing to Appeal
   Any appeals to actions taken under this Code may only be made to the Colorado Courts as allowed by Colorado law. The standing of any party to pursue such an appeal is only to the extent allowed by Colorado law.

   Any other appeal contemplated in this Code besides those filed in Colorado Court proceedings standing may only exist to those persons who are “Parties of Record,” who shall be deemed to include the following:
   1. The applicant;
   2. The property owner or holder of any interest or easement in the subject property; or
   3. Any person who submitted written comments on the application before final action was taken (excluding persons who have only signed petitions or form letters).

Section 3.04 | SECTION 3.06 | BURDEN OF PROOF OR PERSUASION

The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the County or other parties to show that the criteria have not been met.

Section 3.05 | SECTION 3.07 | SIMULTANEOUS PROCESSING

Whenever two (2) or more forms of review and approval are required under this Chapter (e.g., a Rezoning and a Conditional Use Permit), the Director may allow the applications for those development approvals to proceed simultaneously. However, whenever this Land Development Code requires two (2) types of review for the same approval (e.g., a Concept Plan and Final Plan), those two (2) review and approval procedures must be completed as separate steps in the order specified.

A. Processing Cycles
   The Planning Director shall issue timetables for reviewing each type of development application under this Chapter. Timetables may be revised from time to time, and may include:
   1. Dates of regular meetings of review bodies and decision makers;
   2. Deadlines for receipt of a complete application for consideration of such application at a particular meeting; and
   3. Schedule and routing of staff and agency reviews.

B. Failure to Act within Required Time Frames
   Unless withdrawn by the applicant, any development application, except rezoning requests, that is not approved, approved with conditions, or denied within any time frame required by this Land Development Code, or mutually agreed to in writing by the County and the applicant at the time of application filing,
shall be deemed approved. Time frames for action may be extended by the County when necessary to receive recommendations or reports from a reviewing agency, but no such extension shall exceed thirty (30) days.

Section 3.06 | SECTION 3.08 | COMPLIANCE WITH MINERAL AND ENERGY RESOURCES MASTER PLAN

In any area containing a known commercial mineral deposit, no authorization, in any form, shall be given which would interfere with the present or future extraction of such deposit by an extractor. Certain uses may be authorized, but only if said use does not permit erection of permanent structures upon, or otherwise permanently preclude, the extraction of commercial mineral deposits by an extractor from, land subject to said use.

Nothing in this section shall be construed to prohibit: (a) the Board of County Commissioners from zoning for agricultural use, only, land not otherwise zoned on July 1, 1973; (b) a use of zoned land permissible under the zoning governing such land on July 1, 1973; and (c) the Board of County Commissioners from acquiring property known to contain a commercial mineral deposit and using said property for a public purpose; except that such use shall not permit erection of permanent structures which would preclude permanently the extraction of commercial mineral deposits.

Section 3.07 | SECTION 3.09 | GENERAL APPROVAL CRITERIA

In addition to specific approval criteria listed for each type of development review process, the Decision-Making Body shall consider if the proposal:

A. Complies with all applicable standards, provisions, and the Purposes (Section 1.5 X.X) of this Land Development Code LDC;
B. Is consistent with review agency comments; and
C. Is consistent with applicable intergovernmental agreements between the County and other entities.
### A. Applicability

This section sets out the required review and approval procedures for Administrative Adjustments, which are modifications to any numeric dimensional standard set out in Section 4.4 and Chapter 6, except those related to building height, residential density, or nonresidential intensity.

### B. Application Filing

Applications for Administrative Adjustments shall be submitted to the Planning Director. The Planning Director may require the Applicant to include, as part of the application, any materials necessary to provide adequate information to allow the Planning Director to conduct a complete review of the application. Such materials may include, but are not limited to, a survey prepared by a licensed Colorado surveyor.

### C. Review and Action

The Planning Director shall review each application for an Administrative Adjustment and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.11.4.

### D. Procedure

Figure 4.A identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Administrative Adjustment applications. Additions or modifications to the general review procedures are noted below.

#### Figure 4.A: Summary of the Administrative Adjustment Procedure

<table>
<thead>
<tr>
<th>STEP</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pre-Application Meeting</td>
</tr>
<tr>
<td>2</td>
<td>Application Submittal</td>
</tr>
<tr>
<td>3</td>
<td>Application Review</td>
</tr>
<tr>
<td>4</td>
<td>Required Notice</td>
</tr>
<tr>
<td>5</td>
<td>Community Development Director Action</td>
</tr>
</tbody>
</table>

- **STEP 1**: The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).
- **STEP 2**: The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.
- **STEP 3**: The Community Development Director shall distribute the application to the appropriate review agencies.
- **STEP 4**: Notice shall be published, mailed and posted in accordance with the requirements of Section X.X.
- **STEP 5**: The Community Development Director shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

### D. Approval Criteria

Commented [WU23]: New Chapter created that contains all of the land development processes. In addition, the land development processes have been alphabetically listed.
In evaluating the proposed request, all of the following criteria must be met: Administrative Adjustments may be approved by the Planning Director only upon a finding that all the following criteria have been met:

The requested adjustment will have no significant adverse impact on the health, safety or general welfare of the applicant, residents of the subject property, surrounding property owners or the general public; and

1. Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practical;
2. There are special circumstances or conditions (including but not limited to exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or building for which the Administrative Adjustment request is sought that do not apply generally to land or buildings in the area;
3. The strict application of the provisions of this Land Development Code would result in peculiar and practical difficulties in the use of the land or building; and
4. The requested Administrative Adjustment is the minimum necessary to relieve the applicant of the peculiar and practical difficulties in the use of the land or building.

E. Findings of Fact

The decision of the Planning Director shall be accompanied by written findings of fact. Those written findings shall be filed in the Planning Department and with the Clerk and Recorder of Mesa County.

F. Appeals

Appeals of decisions of the Planning Director on an Administrative Adjustment application may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

Section 3.09 | SECTION 4.02 | APPEALS OF ADMINISTRATIVE DECISIONS

A. Applicability

1. Board of Adjustment

Unless otherwise specifically provided in this Land Development Code, the Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of the zoning requirements of this Land Development Code in Chapters 4.X.X and 6.X.X.

2. Floodplain Board of Appeals

The Floodplain Board of Appeals shall hear and decide appeals of decisions of an administrative official Floodplain Administrator regarding interpretation of floodplain boundaries, issuance or denial of Floodplain Development Permits, conditions attached to Floodplain Development Permits, or any other provision of the Floodplain Regulations of Section 7.13.

3. Board of County Commissioners

Unless otherwise specifically provided in this Land Development Code, the Board of County Commissioners shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of this Code, except as specifically provided for above in subsections 1. and 2.

B. Standing to Appeal

Appeals of Administrative Decisions may be filed by Parties of Record aggrieved by any decision of an administrative official in the administration or enforcement of the requirements of this Land Development Code (see Section 3.1.11).

B. Application Filing

Commented [WU24]: This is under a new section.
Those individuals allowed to file an appeal (see Section 3.3.3) may submit an application. Applications for Appeals of Administrative Decisions shall be submitted to the Planning Director. A check-in meeting shall be required (see Section 3.1.7).

C. Timing

Appeals of Administrative Decisions must be filed within thirty (30) days of the date of the decision or action being appealed.

D. Effect of Filing

Once a complete application for appeal has been received by the Planning Director, no other development approvals or permits will be issued for the subject property, unless the official whose decision is being appealed certifies that such a hold on permits and approvals would cause immediate peril to life or property. If such a certification is made, development approvals and permits may be issued for the subject property, unless a stop work order is issued by the Board of County Commissioners, Board of Adjustment, or the Floodplain Board of Appeals, or a restraining order is issued by a court.

E. Required Notice

Notice of the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals public hearing shall be published, mailed, and posted, in accordance with the requirements of Section 3.1.8XX.

F. Record of Administrative Decision

Before the public hearing, the official whose decision is being appealed shall transmit to the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals all documents constituting the record of the decision being appealed.

G. Review and Action

The Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall hold a public hearing on the appeal within thirty (30) days of receipt of a complete application and take action on the appeal within twenty (20) days of the public hearing.

1. Appeal Powers

In exercising the appeal power, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall have all the powers of the official from whom the appeal is taken, and they may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

2. Consideration of Evidence

At the public hearing, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall consider the submitted evidence and any additional material it deems appropriate. Strict rules of evidence shall not apply, but all additional oral evidence shall be reduced to writing in summary form. In considering a request for appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall consider only those facts, evidence, testimony and witnesses that were part of the official record of the decision-maker's action. No new evidence or testimony may be considered, except County staff may be asked to interpret materials contained in the record.

3. Burden of Persuasion or Error

In acting on the appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall grant to the administrative official's decision a presumption of correctness; the burden of persuasion of error shall be on the appellant.
H. Approval Criteria
An appeal shall be sustained only if the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals finds that the administrative official erred.

I. Appeals
Appeals of decisions of the Board of County Commissioners, Board of Adjustments or Floodplain Board of Appeals shall be made to the courts, as provided by law.

SECTION 4.03 | CONDITIONAL USE PERMITS

J. Pre-application Meeting
Applicants shall schedule and attend a Pre-application Meeting before filing a Conditional Use Permit application (see Section 3.1.6).

K. Application Filing
Applications for Conditional Use Permits shall be submitted to the Planning Director.

L. Planning Director’s Review and Report
The Planning Director shall review each Conditional Use Permit application in light of the Approval Criteria of Section 3.8.7 and, if deemed necessary, distribute the application to other reviewers. Based on those reviews, the Planning Director shall provide a report to the Planning Commission. The Planning Director shall be authorized to require that a qualified consultant be hired at the applicant’s expense when staff resources are unavailable or inadequate to conduct a competent analysis of the application.

M. Public Hearing Notice
Notice of the public hearing shall be mailed and posted, in accordance with Section 3.1.8.

N. Planning Commission’s Review and Recommendation
The Planning Commission shall hold a public hearing on the proposed Conditional Use Permit and, at the close of the public hearing, recommend approval, approval with conditions, or denial of the application based on the Approval Criteria of Section 3.8.7.

O. Board of County Commissioners’ Review and Decision
After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall hold a public hearing on the proposed Conditional Use Permit application and, at the close of the public hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Section 3.8.7.

A. Applicability
This section sets out the required review and approval procedures for a Conditional Use Permit. A Conditional Use Permit shall be required prior to the establishment of any conditional use identified in Section X.X.

B. Procedure
Figure 4.B identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Conditional Use Permit applications. Additions or modifications to the general review procedures are noted below.
Figure 4.B: Summary of the Conditional Use Permit Procedure

**STEP 1**: Pre-Application Meeting
- The property owner or the owner's authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

**STEP 2**: Application Submittal
- The property owner or the owner's authorized agent shall submit an application to the Community Development Director.
- The submitted application shall include all materials specified in the checklist provided by the Planning Division.

**STEP 3**: Application Review
- The Community Development Director shall distribute the application to the appropriate review agencies.

**STEP 4**: Conditional Use Permit Application
- In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

1. The proposed use is not significantly different from adjacent uses in terms of appearance, site design, operating characteristics (hours of operation, traffic generation, noise, odor, dust, and other external impacts) or, if the use is different, that any adverse impacts resulting from the use will be mitigated to the maximum extent practical and reclamation of the site will be adequate for appropriate future uses of the site where applicable.

2. Public facilities (including sewage and waste disposal, recycling, domestic and irrigation water [where available], gas, electricity, security measures, police and fire protection, and roads and transportation, special fencing, and signage, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to proposed and existing development during regular, periodic, and peak usages.

Commented [WU25]: A definition is to be placed in Chapter 12 for “Public Facilities.”

**STEP 5**: Required Notice
- The community development director shall prepare a written staff report.
- The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

**STEP 6**: Planning Commission Action
- The Planning Commission shall hold a public hearing and shall forward a recommendation to the Board of County Commissioners of approval, approval with conditions, or denial of the application based on the Approval Criteria of Section X.X.

**STEP 7**: Board of County Commissioner Action
- The Board of County Commissioners shall hold a public hearing and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section X.X.
2. Access will be provided as necessary to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;

3. Adequate assurances of ongoing maintenance have been provided;

4. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practical, including whether soils and geologic suitability are adequate for the proposed use, and whether prevailing winds might cause adverse impacts on site and off-site, and

5. There is a need for the use on a community-wide basis.

Findings of Fact

The decision of the Board of County Commissioners shall be accompanied by written findings of fact, which shall include a finding of whether the Conditional Use Permit is consistent or inconsistent with any applicable intergovernmental agreements between the County and other entities. Those written findings shall be stated in the Board of County Commissioners’ resolution recommending approval or denying the Conditional Use Permit. In the event of denial, the Board of County Commissioners’ written findings shall specify the provisions of the County’s adopted regulations that the proposal failed to satisfy.

D. Modifications to Approved Conditional Use Permit

1. Minor deviations

   The Director may approve minor deviations to a conditional use permit, if such changes are not contrary to the approving action of the Board of County Commissioners but shall not have the authority to approve substantial deviations as set forth below.

2. Substantial deviations

   Substantial deviations shall include but not be limited to the following:
   a. A change in the boundaries of the approved site;
   b. An increase of ten percent (10%) or more in the approved floor area;
   c. Significant change in the location of principal or accessory structures;
   d. Significant structural alterations affecting the appearance of principal or accessory structures as shown on the approved site plan;
   e. Significant change in pedestrian or vehicular access or circulation; and
   f. Significant change in the amount or location of landscape and screening.

3. If a proposed amendment deviates substantially from the approved conditional use permit, the approved conditional use permit shall be amended in accordance with the procedure and standards which governed its approval.

Q. Appeals of Board of County Commissioners’ Decision

   Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

R. Amendments

   The procedure and criteria for amending any Conditional Use Permit shall be the same as required for approving a new permit pursuant to Section 3.8 of this Code.

Section 3.10 | SECTION 4.04 | DEVELOPMENT IMPROVEMENTS AGREEMENTS

A. Purpose

   The County seeks to protect the health, safety, and general welfare of the community by requiring a timely completion of the required public improvements and to limit the effects of uncompleted subdivisions. The
Development Improvements Agreement is a requirement of the Colorado Revised Statutes. Therefore, the purpose of the Development Improvements Agreement is to protect the County from assuming the cost to complete subdivisions and to abide by the Colorado Revised Statutes.

B. Applicability
Whenever public improvements are required, the developer shall enter into a Development Improvements Agreement, which shall be executed and recorded with the Final Plat. Staff may require a Development Improvements Agreement for other types of development applications.

C. Procedure
Development Improvements Agreements shall be reviewed together with the development to which they relate. The Agreement shall be administered and extinguished per the provisions of the Agreement.

D. Guarantees
1. A Development Improvements Agreement shall be secured by one or a combination of the guarantees as described in the Development Improvements Agreement. Upon agreement by both parties, any guarantee options may be substituted for another guarantee.
2. The security amount shall accurately reflect the quantities and costs of all public improvements and common private improvements and shall be sufficient to make reasonable provision for the completion of required development improvements in accordance with construction documents, design and time specifications.

Section 3.11 | SECTION 4.05 | DEVELOPMENT AGREEMENTS

A. Purpose
In connection with any Rezoning, Major Subdivision, or Planned Unit Development approval, the Board of County Commissioners shall be authorized to enter into a Development Agreement with the applicant. Development Agreements may include provisions clarifying the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods of between three (3) and ten (10) years, assurances that adequate public facilities (including roads, water, sewer, fire protection, and emergency medical services), will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public.

B. Review Criteria
Any proposed Development Agreement shall be reviewed by applicable Review and Decision-Making Bodies at the same time that the Rezoning, Major Subdivision, or Planned Unit Development is reviewed. Review Bodies shall have the same power to make recommendations regarding the proposed Development Agreement as they do for the related development approval. Procedures for review and approval of Development Agreements shall be the same as for the related development approval. In reviewing and acting upon proposed Development Agreements, Review and Decision Making Bodies shall consider the Approval Criteria for the development application, and the following additional criteria:
1. Whether the benefit of the Development Agreement to the County outweighs its costs;
2. Whether the Development Agreement is required to mitigate impacts that would otherwise make the proposed development unacceptable; and
3. Whether the County has received adequate assurances that the development will go forward as planned in return for any vesting of property rights beyond the statutory three (3) year vesting period.

C. Contents
Development Agreements may, without limitation, contain the following:
1. Descriptions of the acceptable and prohibited uses on the property;
2. The density of proposed uses, including maximum floor area and height of buildings;
3. Provisions for the reservation or dedication of land for public purposes;
4. Proposed schedule for the construction of public improvements, and assurances that public improvements will be available as needed to serve new development;
5. Proposed timing and phasing of the development project;
6. Provisions to mitigate the impacts of proposed development on the general public, including the protection of environmentally sensitive lands;
7. Provisions for public benefits or improvements in excess of what is required by current County policy or law;
8. Terms relating to applicant financing of facilities and subsequent reimbursement;
9. Terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;
10. A provision that construction shall begin by a specified date, or that certain phases shall be completed within a specified time; and
11. Termination date for the Development Improvements Agreement.

SECTION 4.06 | EXTINGUISHMENT OF PUBLIC UTILITY EASEMENT

**A. Applicability**

This section sets out the required review and approval procedures for Extinction of Public Utility Easement.

**B. Procedure**

Figure 4.C identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Extinction of Public Utility Easement applications. Additions or modifications to the general review procedures are noted below.

Commented [WU30]: This section was removed from "Administrative Reviews" and placed as its own process.

Figure 4.C: Summary of the Extinction of Public Utility Easement Procedure
The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section XX).

A property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies.

Notice of the requested shall be published, mailed and posted in accordance with the requirements of Section XX.

The Community Development Director shall review the request based on the Approval Criteria under Section XX, and shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

The Board of County Commissioners shall hold a public hearing on the proposed Conditional Use Permit application and, at the close of the public hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Section XX.
C. Approval Criteria

The Director may approve an Extinguishment of Utility Easement application if no utility provider objects to the proposal and determined that the request is consistent with the General Approval Criteria (Section 3.3.3).

D. Appeals

Appeals of the Director on an Extinguishment of Utility Easement application may be taken to the Board of County Commissioners in accordance with the procedures of Section 3.15.

SECTION 4.07 | FLOODPLAIN DEVELOPMENT PERMIT

D. Pre-application Meeting

Applicants shall schedule and attend a Pre-application Meeting before filing a Floodplain Development Permit application (see Section 3.1.6).

E. Application Filing

Floodplain Development Permit applications shall be submitted to the Floodplain Administrator.

F. Floodplain Administrator’s Review and Action

A. The Floodplain Administrator and other relevant review agencies shall review each Floodplain Development Permit application to determine the specific flood hazard at the site, and to evaluate the suitability of the proposed use in relation to the flood hazard. At the conclusion of the review period, the Floodplain Administrator shall act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.9.4. The Floodplain Administrator shall be authorized to require that a qualified consultant be hired at the applicant’s expense when staff and agency resources are unavailable or inadequate to conduct a competent analysis of the application.

A Floodplain Development Permit is required prior to any land disturbance and before construction or
development begins within any area of special flood hazard area established in Section 11.3.6 to ensure
correspondence to the stormwater quality provision and other applicable requirements of this LDC.

**Application filing**

A property owner or the owner’s authorized agent may submit an application to the Planning Director for a Floodplain Development Permit.

**Procedure**

Figure 4.D identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Floodplain Development Permit applications. Additions or modifications to the general review procedures are noted below.

**Figure 4.D: Summary of the Floodplain Development Permit Procedure**

1. Pre-Application Meeting
   - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

2. Application Submittal
   - The property owner or the owner’s authorized agent shall submit an application to the Floodplain Administrator. The submitted application shall include all materials specified in the checklist provided by the Floodplain Administrator.

3. Application Review
   - The Floodplain Administrator shall distribute the application to the appropriate review agencies.

4. Floodplain Administrator Action
   - The Floodplain Administrator shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

**G. Approval Criteria**

In evaluating the proposed request, the following shall be considered:

1. The effect of the flood on the site itself, including:
   a. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
   b. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owners;
   c. Whether the proposed use will be inhabited or only used on a part time basis;
   d. The proposed water supply and sanitation systems, and the ability of these systems to prevent contamination or unsanitary conditions;
   e. The community importance of the services provided by the proposed facility;
   f. The requirements of the facility for a waterfront location, and the availability of alternative sites for the use;
   g. The compatibility of the proposed use with existing development and development anticipated in the future;
h. The precedent that would be set by granting the permit, and the cumulative effect of numerous similar permits, if issued;
i. The safety of access to the property in times of flood for emergency and non-emergency vehicles; and
j. Whether the property is endangered by channel relocation due to natural causes.

2. The effects conveyed downstream or upstream of allowing such a use, including:
a. The effect on depth and velocity of floodwater (i.e., peak flow characteristics);
b. The danger to life and property downstream due to increased flood velocities and heights caused by encroachment or obstruction upstream or downstream;
c. Whether the depth of floodwaters on neighboring parcels would be increased by more than the designated height above normally expected flood depths;
d. Increased probability of erosion to property, as opposed to normal stream bank erosion, because of accelerated flood velocities, or direction of floodwaters resulting from the obstruction or encroachment;
e. Whether additional public expenditures for increased flood protection may be necessitated, such as dike or bridge maintenance;
f. Whether the applicant would obtain an undue advantage compared to later applicants who might require a permit;
g. The danger that materials may be swept downstream and cause injury to persons or property; and
h. Possibility of contamination downstream from ruptured waste disposal systems, or stored treatment-related, toxic chemicals and/or bacteriological substances.

3. The preservation of the efficiency and capacity of the watercourse to transmit and discharge floodwaters, and the capacity of the floodplain area to absorb floodwaters.

D. Conditions of Approval

The Floodplain Administrator Permit may be approved if the request shall ensure that the proposed development complies with Floodplain Regulations of Section 7.13 X.X. The Floodplain Administrator shall be authorized to impose conditions necessary to ensure compliance with those standards, including those set out in Section 7.1311 X.X and the following:

1. Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters.
2. Limitations on periods of use and operations,
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements of prohibitions of channel modifications, dikes, levees, and other protective measures.
5. Placement of a structure on the site so that it offers minimum obstruction to flood waters by requiring that its longitudinal axis be parallel to the direction of the flood waters and on the same line as those of adjoining structures, or by requiring greater setbacks from the watercourse than would otherwise be required.
6. Location of building envelopes.
7. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The administrator shall require that the applicant submit a plan or document certified by a registered professional engineer or architect testifying that
the Flood Proofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area. Flood Proofing measures may include:

a. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
b. Reinforcement of walls to resist water pressures;
c. Addition of mass or weight to structures to resist flotation;
d. Use of paints, membranes, or mortars to reduce seepage of water through walls;
e. Installation of pumps to lower water levels in structures;
f. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall flood pressures;
g. Construction to resist rupture or collapse caused by water pressure from debris;
h. Installation of accessible valves or controls on sanitary and storm drains, which will permit the drains to be closed to prevent back-up of sewage and storm waters into the structure; and
i. Location of electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the flood waters.

### LE. Appeals

Appeals of the Floodplain Administrator’s decision on a Floodplain Development Permit application may be taken to the Floodplain Board of Appeals in accordance with the procedures of Section 3.15.

### LF. Lapse of Approval

An approved Floodplain Development Permit shall be valid for a period of one (1) year from the date of issuance. If construction has not been commenced and diligently pursued during the one (1) year period, the permit shall lapse and be of no further effect. An extension of a Floodplain Development Permit shall require review and approval of a new permit, pursuant to the procedures of this section.

### SECTION 4.08 | FLOODPLAIN VARIANCES

This section sets out the required review and approval procedures for Floodplain Variances.

#### K. Application Filing

Applications for Floodplain Variances shall be submitted to the Floodplain Administrator. A check-in meeting shall be required (see Section 3.1.7).

#### L. Review and Action

The Floodplain Board of Appeals shall hold a public hearing on each Floodplain Variance application, and, at the close of the public hearing, act to approve, approve with conditions, or deny the Floodplain Variance based on the Approval Criteria of Section 3.13.4.

#### M. Public Hearing Notice

Notice of the public hearing shall be mailed and posted, in accordance with Section 3.1.8.  

#### A. Applicability

The Floodplain Board of Appeals is authorized to grant variances from the floodplain standards of this LDC, unless a variance is specifically prohibited. The granting of a floodplain variance shall not be contrary to the public interest or the purposes of this LDC where, owing to special conditions, a literal enforcement of the provisions of this LDC would result in unnecessary physical (not economic) hardship to the property.
Procedure

Figure 4E identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of a Floodplain Variance application. Additions or modifications to the general review procedures are noted below.

Figure 4E: Summary of the Floodplain Variance Procedure

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pre-Application Meeting</td>
</tr>
<tr>
<td>2</td>
<td>Application Submittal</td>
</tr>
<tr>
<td>3</td>
<td>Application Review</td>
</tr>
<tr>
<td>4</td>
<td>Required Notice</td>
</tr>
<tr>
<td>5</td>
<td>Floodplain Administrator Action</td>
</tr>
<tr>
<td>6</td>
<td>Floodplain Board of Appeals Action</td>
</tr>
</tbody>
</table>

Al.C. Approval Criteria

In evaluating the proposed request in acting upon applications for Floodplain Variances, the Floodplain Board of Appeals shall consider the Floodplain Regulations of Section 7.13; all technical evaluations; and the following criteria shall be considered:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding and erosion damage; and
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners; and
4. The importance of the services provided by the proposed facility to the community; and
5. The necessity to the facility of a waterfront location, where applicable; and
6. The availability of alternative locations for the proposed use which are not subject to flooding or...
erosion damage; and
7. The compatibility of the proposed use with the existing and anticipated development; and
8. Whether the proposed use is consistent with the Mesa County Master Plan and the floodplain management program for that area; and
9. The safety of access to the property in times of flood for ordinary and emergency vehicles; and
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as gas, sewer, electrical, and water systems, streets and bridges.

O. Findings of Fact
The decision of the Floodplain Board of Appeals shall be accompanied by written findings of fact specifying the reason for the decision. Those written findings shall be filed in the Planning Department and with the Clerk and Recorder of Mesa County.

P. Conditions of Approval
In granting a Floodplain Variance, the Floodplain Board of Appeals may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially adverse effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Land Development Code. Any condition imposed must relate to a situation created or aggravated by the use or the proposed Floodplain Variance and must be roughly proportional to its impact. More specifically:
1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (A-K) in Section 3.13.4 have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justifications required for issuing the variances increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section 3.13.4 or conflict with exiting local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.
SECTION 4.09 | LAND DEVELOPMENT CODE AMENDMENTS

5. Pre-application Meeting
   Applicants shall schedule and attend a Pre-application Meeting before filing a Land Development Code Amendment application (see Section 3.1.6).

7. Application Filing
   Applications to amend the text of this Land Development Code shall be submitted to the Planning Director.

11. Public Hearing Notice
   Notice of Planning Commission’s and Board of County Commissioners’ public hearings shall be published in accordance with Section 3.1.8.

V. Planning Director’s Review and Report
   The Planning Director shall review each proposed Land Development Code amendment to determine whether it complies with the purpose of the Land Development Code set forth in Section 1.5, Purpose, and whether the amendment would conflict with other sections in the Land Development Code, and, if deemed necessary, distribute the application to other reviewers. Based on the results of these reviews, the Planning Director shall provide a report to the Planning Commission.

W. Planning Commission’s Review and Recommendation
   The Planning Commission shall hold a public hearing on the proposed text amendment, and, at the close of the public hearing, make a recommendation to the Board of County Commissioners.

X. Board of County Commissioners’ Review and Decision
   After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall hold a public hearing and, at the close of the public hearing, act to approve, approve with modifications, or deny the proposed text amendment.

A. Applicability
   The Board of County Commissioners may consider amendments to the text of this LDC as may be required from time to time.

B. Procedure
   Figure 4.E identifies the application steps from Article 3, General Review Procedures, which apply to the review of LDC Amendment applications. Additions or modifications to the general review procedures are noted below.
The Board of County Commissioners shall hold a public hearing on the proposed Conditional Use Permit application and, at the close of the public hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Section X.X.

### Corrections for Errors or Omissions

If it is discovered that there is a minor typographic or scrivener error or omission, the Planning Director shall record an Affidavit of Correction in the records of the Mesa County Clerk and Recorder to be incorporated into the Land Development Code. The Planning Director and the County Attorney shall verify the Affidavit to ensure that the meaning and intent of the text approved by recorded resolution are not altered.

#### Adoption by Resolution

Land Development Code Amendments shall be approved in the form of resolutions.

### Administrative Reviews - Land Division Processes

#### Applicability

The following shall be processed in accordance with the procedures of this section:

1. Extinguishment of Utility Easements
2. Minor Subdivisions
3. Simple Land Divisions
4. Agricultural Land Divisions
5. Property Line Adjustments
   - Boundary Line Adjustments (Unplatted Land)
   - Re-subdivisions (Previously Platted Land)
6. Physical and Legal Separations
8. Thirty-five Acre Parcels Created by Plat

9. Subdivision for Public Purposes

AA. Pre-application Meeting

Applicants shall schedule and attend a Pre-application Meeting before filing an Administrative Review application (see Section 3.1.6).

BB. Application Filing

Administrative Review applications shall be submitted to the Planning Director.

CC. Notice

Notice of filing of an Administrative Review application shall be mailed and posted in accordance with the requirements of Section 3.1.8.

Land Division procedures provided in this Section outline the processes to evaluate the orderly and efficient division of land that promote the health, safety and welfare of the residents of the County.


1. Types of Land Divisions

<table>
<thead>
<tr>
<th>Table 4-1 LAND DIVISION TYPES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural Division</strong></td>
</tr>
<tr>
<td>Allowed in:</td>
</tr>
<tr>
<td>Number of Lots:</td>
</tr>
<tr>
<td>Density:</td>
</tr>
<tr>
<td>Lot Size:</td>
</tr>
<tr>
<td>Eligibility:</td>
</tr>
</tbody>
</table>

DD. Acceptance of Improvements

Approval of a Land Division proposal shall not constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

EE. Extinguishment of Utility Easement

The Planning Director may approve an Administrative Review application for an Extinguishment of a Utility Easement if no utility provider objects to the proposal and the Planning Director determines that it is consistent with the General Approval Criteria. Final approval of the application shall be by resolution of the Board of County Commissioners.

2. Standards

a. If located within or adjacent to the Rural Planning Area, the recorded site plan shall include a plat note reciting the County’s Right to Farm and Ranch policy (see Section XX).
b. Major and minor subdivisions located within the Urban Residential Reserve (URR) zoning district shall meet the standards of Section X.X of this LDC.

c. Where applicable, the recorded site plan shall include a plat note reciting the Notice of Traditional Hunting Activities (see Section XX).

d. Any hazards identified on the property must be mitigated and where appropriate, no-build areas are shown on the site plan (see Sections X.X and XX).

3. Acceptance of Improvements

Approval of a Land Division proposal shall not constitute acceptance of any public improvements, such acceptance will require separate action by the Board of County Commissioners.

EE. C. Agricultural Division

1. Purpose:

a. To allow agriculturalists to stay on the land and continue farming and/or ranching to protect the rural lifestyle.

2. Eligibility:

a. The Tract must be zoned Agricultural Forestry Transitional (AFT).

b. The applicant must own at least fifty (50) acres in contiguous parcels (the “Tract”). These parcels may be either platted as part or all of a thirty-five (35) acre plat, a previous Agricultural Division tract, platted as a Simple Land Division, or unplatted.

c. The applicant or the applicant’s immediate family must have owned the Tract for a minimum of five (5) years. In no case may the Agricultural Division application exceed the maximum density allowed by the AFT zone district.

d. The entire Tract must be classified as “Agricultural” in the County Assessor’s parcel records and have retained that classification for a minimum of five (5) years consecutively prior to and up to the date of the application. The majority of the Tract must be actively cultivated or ranched (producing crops and/or raising livestock for sale).

3. Frequency:

a. One (1) new parcel may be divided from the Tract for each twenty-five (25) acres owned in the Tract. (For example, if the applicant owns one hundred ten (110) acres in the Tract, a maximum of four (4) divisions could be permitted using this process.) Up to six (6) divisions created through the Agricultural Division may be permitted using this process when the Tract is comprised of one hundred fifty (150) acres or more. Additional land divisions may be applied for, pursuant to the Land Development Code using the Major Subdivision criteria and AFT density criteria. The acreage in the lots created through the Agricultural Division process will be added back into the Tract or parent parcel to calculate future major subdivision density.

b. Agricultural Division process may be used multiple times providing that the total number of parcels created does not exceed one parcel for each twenty-five (25) acres of the original/parent tract.

3. Procedure

The process is comprised of two (2) steps. The applicant must submit a sketch plan showing all lots to be applied for presently and should show lots anticipated to be applied for in the future (for access permitting and circulation planning purposes). The Planning Director will review the sketch plan and advise the applicant in writing of the viability of the proposal based on the approval criteria below and any other adopted County regulations that apply. The applicant may then submit a final plat application for review and recording to complete the process. Figure 4.3.G identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Agricultural Division.
Applications. Additions or modifications to the general review procedures are noted below.

**Figure 4.G: Summary of the Agricultural Division Procedure**

1. **Pre-Application Meeting**
   - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

2. **Application Submittal**
   - The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

3. **Application Review**
   - The Community Development Director shall distribute the application to the appropriate review agencies.

4. **Required Notice**
   - Notice shall be published, mailed and posted in accordance with the requirements of Section X.X.

5. **Community Development Director Action**
   - The Community Development Director shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

**4. Approval Criteria:**

In evaluating the proposed request, all of the following criteria shall be considered:

- The applicant shall obtain an approved Notice of Intent to permit access from a County road or public right-of-way. Shared driveways shall be utilized to serve the new lots where required by the Notice of Intent. Right-of-way may be called for to serve the Tract for future development but will not be required to extend through the Tract until the applicant enters into a Major Subdivision or unless the right-of-way is designated by the Road Access Policy or an adopted transportation plan as a minor collector or a higher classification to serve the greater area. A shared driveway is allowed to be built within the dedicated right-of-way until the number of dwelling units utilizing the right-of-way exceeds four (4), then a road meeting County standard specifications must be constructed.

- Either approval of service by a water district or a well permit is required for the new lots. This process is not considered an exempt subdivision for the purpose of compliance with Section X.X, Potable Water Supply, as amended in the Land Development Code.

- If irrigation water is supplied to the new lots after the division, an irrigation maintenance agreement must be recorded.

- The division shall not detract from the integrity and efficiency of the agricultural operations as demonstrated by the property owner.

- New lots shall be less than five (5) acres in size unless an exception is approved by the Planning Director for reasons related to topography, natural or man-made features, or soils conditions which would cause a larger lot size to be logical. The minimum lot size will be established by...
compliance with the Wastewater Standards in Chapter 7.3.4.

f. The number of lots created shall not exceed one (1) new parcel for each twenty-five (25) acres. (For example, if the Tract is one hundred ten (110) acres in size, a maximum of four (4) parcels could be created using this process.)

g. New lots may be created with indirect access (no street frontage) in order to locate them in a manner to allow the agricultural use to continue.

GG. Property Line Adjustments

This subsection applies to Property Line Adjustments between adjacent parcels whether the parcels are platted or unplatted.

1. Standards

   a. Only boundary lines used as part of a legal description in a deed for the subject property or properties can be used as property lines in order to consider any property to be eligible for a Property Line Adjustment. Other lines created by the Public Lands Survey System, formerly referred to as the General Land Office (GLO), being the lines that define a section, its interior aliquot parts and tracts, as noted in the Bureau of Land Management “Manual of Survey Instructions”, may not be used as property lines in order to consider any property to be eligible for a Property Line Adjustment;

   b. In order to be eligible to be part of a Property Line Adjustment application, all properties that are part of the Property Line Adjustment application must be buildable before any of the properties are reconfigured through the Property Line Adjustment process. For example, the properties must be of sufficient size to allow for installation of a septic system (if the properties are not connected to a municipal wastewater system) and must be of sufficient size to allow construction of a dwelling or other principal structure on the property;

   c. Minimum lot frontage as stated in section 6.1, Table of Density and Dimensional Standards, is not required if legal access to a public road for all parcels or lots resulting from the Property Line Adjustment is provided;

   d. Property Line Adjustments are not required to meet the density requirements of the Mesa County Master Plan;

   e. Property Line Adjustments shall not be used to increase the number of parcels;

   f. No parcel resulting from a Property Line Adjustment of a thirty-five (35) acre or larger parcel shall have an area of less than thirty-five (35) acres (unless the adjustment is being made to adjust property boundary lines to match an historic fence line, stream channel, ditch, irrigation canal, or other natural feature in the same vicinity);

   g. If located within or adjacent to the Rural Planning Area, the Deposit Survey or Plat must include a note reciting the County’s Right to Farm and Ranch policy;

   h. A Property Line Adjustment shall not unreasonably interfere with or prohibit the use of a recorded easement without the prior approval of the beneficiary of the easement;

   i. If the property line adjustment results in a change to the access location for the parcel(s), the Street Access requirements of Section 7.15 shall be met; and

   j. A Property Line Adjustment wherein the reconfiguration of parcel or lot lines is intended to avoid the Major Subdivision regulations of this Code, or would result in a de facto Major Subdivision through the combination of previous Property Line Adjustments or Physical and Legal Separations, is not eligible for a Property Line Adjustment and shall be processed through the Major Subdivision procedures of Section 3.6.
2. Approval Criteria

The Planning Director may approve an Administrative Review application for a Property Line Adjustment after applying the General Approval Criteria in Section 3.1.17 and determining that:

a. street locations will not be changed;

b. the proposal will neither create a nonconformity nor increase the degree to which any structure or lot is nonconforming; and

c. facilities and services (including sewage and waste disposal, domestic water, irrigation water [where available], gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development.

D. Minor Subdivisions

Minor Subdivisions may be approved as Administrative reviews.

3. Eligibility

The following may be processed as Minor Subdivisions:

a. One (1) unplatted parcel divided into no more than five (5) platted parcels.

   (1) A platted parcel created through the Rural Land Division process may be eligible for a Minor Subdivision, provided all requirements of this section are met.

b. Parcels are eligible for a Minor Subdivision only once, and further divisions of the original or newly created parcels shall be processed as Major Subdivisions.

c. For the purpose of interpreting the Minor Subdivision eligibility requirements of this subsection, any proposed Minor Subdivision that clearly is intended to evade the Major Subdivision regulations of this Code or would result in a de facto Major Subdivision through the combination of previous contiguous Minor Subdivisions is not eligible for Minor Subdivision.

d. For properties in the AFT zoning district, the density standards of Section 6.3.2 of this Land Development Code shall apply. Incentive Based Subdivisions, as permitted in Section 6.3.3, or Rural Cluster Density Bonus Standards, as permitted in Section 6.3.4, shall not be eligible for Minor Subdivision.

1. Procedure

Figure 4 identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Minor Subdivision applications. Additions or modifications to the general review procedures are noted below.

Commented [WU42]: Moved to "Approval Criteria" and increased the number of lots to 5 to meet the number of lots allowed on a shared drive.

Commented [WU43]: Already stated that only "unplatted" parcels are allowed to be processed as minor subdivisions (with the exception of a rural land division).

Commented [WU44]: Not needed if the request meets the requirements of the minor subdivision process.
The Community Development Director shall make a decision based on the Approval Criteria under Section X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

**4.2 Approval Criteria**

In evaluating the proposed request, all of the following criteria shall be considered:

a. facilities and services (including sewage and waste disposal, domestic water, irrigation water (where available), gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development (see Chapter 7);

b. the property to be subdivided has direct access to a maintained public road and no new public road is required to be constructed (see Sections 7.13 and 7.16 and the Mesa County Road Access Policy).

**Standards:**

The following standards shall apply to Minor Subdivisions:

- The plat and site plan shall contain a plat note stating that further Minor Subdivisions of any portion of the subject tract are prohibited, and that further divisions shall be processed through the Major Subdivision procedures of Section X. Required wording for plat and site plan notes is found in The Handbook.

- If located within or adjacent to the Rural Planning Area, the site plan for a Minor Subdivision shall include a plat note reciting the County's Right to Farm and Ranch policy.

- If located within the Urban Residential Reserve (URR) zoning district, the standards of Section 6.5 of this Land Development Code shall apply.

- Where applicable, the site plan for a Minor Subdivision shall include a plat note reciting the Notice of Traditional Hunting Activities (see Section 7.6.9).

**STEP 1 Pre-Application Meeting**

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

**STEP 2 Application Submittal**

The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

**STEP 3 Application Review**

The Community Development Director shall distribute the application to the appropriate review agencies.

**STEP 4 Required Notice**

Notice shall be published, mailed and posted in accordance with the requirements of Section X.X.

**STEP 5 Community Development Director Action**

The Community Development Director shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.
c. any shared driveway is located fully within the property to be subdivided and access does not cross over or through another property that is not part of the subdivision;

(2) the shared driveway standards of Section 7.15.5 shall be met;

d. minimum lot frontage as stated in section 6.1, Table of Density and Dimensional Standards, is not required if legal and approved access to a public road for all parcels or lots resulting from the Minor Subdivision is provided;

e. if additional density is available for a future Major Subdivision, the design and layout of the Minor Subdivision allows for redevelopment;

f. No more than six (6) platted lots are allowed;

b. complies with applicable development standards of Chapter X.X and Chapter X.X,

(1) For properties in the AFT zoning district, the density standards of Section X.X of this LDC shall apply.

(2) Incentive Density Based Subdivisions, as permitted in Section X.X, shall not be eligible for Minor Subdivision; and

(3) Minimum lot frontage is not required if legal and approved access to a public road for all parcels or lots resulting from the Minor Subdivision is provided.

f. the subdivision complies with all applicable development standards of Chapter 7 of this Land Development Code; and

g. any hazards identified on the property must be mitigated and where appropriate, no-build areas are shown on the site plan (see Sections 7.6 and 7.13).

5.3. Appeal

Appeals of the Planning Director on a Minor Subdivision application may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02 X.X.

III. Major Subdivisions

1. Applicability

The Major Subdivision procedures of this Section 3.6 apply to the following:

All land divisions that do not qualify for an Agricultural Land Divisions, Minor Subdivisions, Physical and Legal Separations, Rural Land Divisions, Subdivision for Public Purpose and thirty-five (35) Acre Parcels Created by Plat. The procedures of this Section 3.6 shall not apply to those exceptions provided for in C.R.S. §30-28-101(10).

a. all additional divisions of parcels that have been included in a Minor Subdivision or Simple Land Division, or Agricultural Land Division; and

b. any additional division of platted parcels previously created through the Major Subdivision process, or any process in place prior to the May 1, 2000 effective date of this Code, which created platted lots.

The procedures of this Section 3.6 shall not apply to those exceptions provided for in C.R.S. §30-28-101(10) or to development or permit applications eligible for processing under the Administrative Review procedures of Section 3.5, unless there is clear intent to evade these Major Subdivision regulations.

2. General Meeting

a. General Meeting
A General Meeting is required for all Major Subdivision applications. The General Meeting application shall be submitted in the format established by the Planning Director. The General Meeting application shall be reviewed by the Planning Director and other administrative officials, and within seven (7) calendar days of the General Meeting, the reviewing officials will complete a written report. A meeting with the applicant to discuss the General Meeting report will be scheduled within fifteen (15) working days of the completion of the review and will serve as the Pre-application Meeting for the Concept Plan application. Meeting notes will be prepared within three (3) working days of that meeting to assist the applicant in preparing the Concept Plan.

b. Lapse of General Meeting

2. A General Meeting report shall lapse if a Concept Plan application for the subdivision, or a phase of the subdivision has not been submitted within one hundred and eighty (180) days of the date of the Concept Plan General Meeting unless an extension of not more than one hundred and eighty (180) days has been requested and approved by the Planning Director. Applicants must schedule a new General Meeting once the General Meeting report has lapsed. General Procedure

The following are the application steps required for a Major Subdivision. These application steps may be processed individually or combined upon approval of the Director.

a. Concept Plan (see Section X.X);

b. Final Plan (see Section X.X); and

c. Final Plat (see Section X.X).

3. Concept Plan

An optional process intended to review the feasibility and design characteristics of the proposed subdivision plan.

a. Procedure

Figure 4.I identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Concept Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4.I: Summary of the Concept Plan Procedure

Commented [WU50]: It is proposed that the Concept Plan be optional and general in review.
**Community Development Director Action**

**STEP 4**

**a. Application Filing**

Concept Plan applications shall be submitted to the Planning Director in the form required in the application packet.

**b. Review Criteria**

In considering a Concept Plan proposal, the following shall be considered:

1. Feasibility and design characteristics based upon compliance with the applicable standards contained within this LDC; and
2. Conformance with the Mesa County Master Plan.

**4. Final Plan**

A detailed subdivision plan, including supporting documents.

**b. Neighborhood Meeting**

The Applicant shall hold a meeting with area property owners after the Department completes a review of the Concept Plan Application Review step has been completed. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the Applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this Land Development Code (LDC) and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Planning Director prior to Concept-Plan approval.

**c. Additional Notice**

In accordance with the requirements of Sec. 3.1.8, C.R.S. §30-28-133(10) and §24-65.5-103, the Concept Plan shall have submitted with it certification that the notice of the application has been sent to the mineral estate owners, and shall include the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of an application have been sent as their names may appear upon the plats or records in the County Clerk and Recorder’s office and as their most recent addresses may appear in a telephone or other...
directory of general use in the area of the property or on the tax records of the County.

**c. Phasing**

If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies as a part of the development application.

**d. Planning Commission Review**

The Planning Commission shall act as a review agency after the neighborhood meeting and shall provide comments and recommendations to the Planning Director.

**e. Planning Director’s Review and Decision**

After reviewing the application, the Planning Director shall act to approve, approve with conditions, or deny the application based on the Approval Criteria of Sec. 3.6.3.G., other applicable standards in this Land Development Code and any other adopted County regulations.

**d. Procedure**

Figure 4.1 identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Final Plan applications. Additions or modifications to the general review procedures are noted below.
Figure 4.2: Summary of the Final Plan Procedure
The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies.

The Applicant shall hold a neighborhood meeting with area property owners after the Planning Division completes a review of the Concept Plan in accordance with Section X.X.

Notice shall be published, mailed and posted in accordance with the requirements of Section X.X.

The Planning Commission shall act as a review agency after the neighborhood meeting and shall provide comments and recommendations to the Community Development Director.

The Community Development Director shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.
The Community Development Director shall make a decision based on the using the approval criteria under Section 3.2.8. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

**Pre-Application Meeting**

The property owner or the owner’s authorized agent shall schedule and attend a Pre-application Meeting before filing an application (see Section 3.1.6).

**Application Submittal**

A property owner or the owner’s authorized agent may submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning.

**Application Review**

The Community Development Director shall distribute the application to the appropriate review agencies.

**Required Notice**

Notice shall be published, mailed and posted in accordance with the requirements of Section 3.1.8.

**Community Development Director Action**

The Community Development Director shall make a decision based on the using the approval criteria under Section 3.2.8. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

---

### Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

1. **Public facilities and services**: the county and other service providers will be able to provide adequate facilities and services (including sewage and waste disposal, domestic water, and irrigation water, where available, gas, electricity, police and fire protection, and roads and transportation, as applicable) which shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development;

2. **The proposed subdivision will not result in significant and demonstrable adverse impacts on the natural environment**, including air, water, noise, storm water management, wildlife and vegetation;

3. **The proposed subdivision will not impede future development of surrounding land at densities and intensities shown in the Mesa County Master Plan**;

4. **Complies with applicable development standards of Chapter 6, Chapter 7 and Chapter 8**;

5. **The proposed subdivision will have no adverse or negative impacts upon the natural or social environment or if adverse or negative impacts are present, the proposal is significantly different from surrounding and nearby land uses and/or allowed uses in terms of density, intensity and impacts, and it mitigates any potential adverse impacts to the maximum extent practical (traffic generation, noise, odor, dust, and other external impacts)**.
the proposed subdivision, if located within the Rural Planning Area, does not result in the division of, or hinder, conservation of prime or prime and unique agricultural land, as defined by the Natural Resources Conservation Service; and

the proposed subdivision, if located within or adjacent to the Rural Planning Area, includes a site plan and plat note reciting the County’s Right to Farm and Ranch policy, findings of fact.

The decision of the Planning Director shall be accompanied by written findings of fact which shall include a finding of whether the Major Subdivision is consistent or inconsistent with any applicable intergovernmental agreements between the County and other entities. Those written findings shall be stated in the document approving or denying the Concept Plan. The findings shall also be filed with the Clerk and Recorder of Mesa County. In the event of denial, the written findings shall specify the provisions of the County’s adopted regulations that the proposal failed to satisfy.

Technical Disputes

As a means of resolving technical disputes between the applicant’s licensed or registered professionals and the County, such disputes may be referred to a qualified employee of the appropriate state department for a recommendation pursuant to C.R.S. §30-28-133.5.

Approval, Lapse of Concept Plan Approval

An approved Concept Final Plan shall lapse and be of no further force and effect if a complete Final Plan application is not submitted within one (1) year of the date of Concept Final Plan approval by the Planning Director. A maximum of three twelve (12)-month extensions of time may be approved by the Planning Director upon review of a written request, when deemed necessary to resolve review comments, or due to unforeseen circumstances. The Planning Director may decline to grant an extension if there is the potential for adverse impacts on the development of surrounding properties, or there has been a substantial change in the surrounding area or the proposed development would no longer be consistent with adopted plans, requirements of this Code. If approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

Final Plan

After approval of a Concept Plan, a Final Plan application for the subdivision may be submitted.

Application Filing

Final Plan applications shall be submitted to the Planning Director in the form required in the application packet.

Planning Director’s Action

The Planning Director shall review each Final Plan application, and act to approve or deny the Final Plan based on the Approval Criteria of Sec. 3.6.4.C.

Approval Criteria

The Planning Director shall approve a Final Plan only if the Planning Director determines that the Final Plan is consistent with the approved Concept Plan and meets all conditions imposed by the Planning Director during the approval of the Concept Plan. A Final Plan is deemed to be consistent with the approved Concept Plan when: 1) the locations of connections to public roads and adjacent properties not owned by the applicant are not altered; internal street and pedestrian path alignments may be slightly modified; 2) drainage and detention facility locations are retained within the general areas identified in the approved Concept Plan; 3) all applicable requirements of this Land Development Code are met; and 4) other modifications are determined by the Planning Director to be consistent with the approved Concept Plan.
circumstances pertaining to the overall development change, a phasing plan may be approved by the Planning Director in response to a written request stating the specific circumstances. The applicant shall notify the applicable utilities and adjacent property owners. Any Final Plan which is determined to be inconsistent with the Concept Plan approval per this section may either be revised to be consistent with such previous approval or may be submitted as a new Concept Plan under Section 3.6.3.

d. Time Frames
   The Final Plan shall be approved within one (1) year of the date of submittal. One (1) extension of one (1) year may be approved by the Planning Director upon review of a written request.

5. Final Plat
a. Public Improvements/Development Improvements Agreements
   Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Section 3.16.

b. Application Filing
   Final Plat applications shall be submitted to the Planning Director. The application shall be submitted in person during a check in meeting (see Section 3.1.7).

c. Planning Director’s Action
   The Planning Director shall review each Final Plat application, and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plan.

d. Acceptance of Improvements
   Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

c. Procedure
   Figure 4k identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Final Plat applications. Additions or modifications to the general review procedures are noted below.
The property owner or the owner's authorized agent shall submit the Final Plat and all other documents specified in the Final Plan approval to the Community Development Director.

The Community Development Director shall distribute the Final Plat and submitted documents to the appropriate review agencies.

The Community Development Director shall review the Final Plat and submitted documents and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plan.

**Recording; Lapse of Approval**

If the approved Final Plat is not recorded with the Clerk and Recorder of Mesa County within three (3) years of the date of approval of the Final Plan, the Concept Plan and Final Plan shall lapse and be of no further effect. Two (2) one-year (1) extensions of time may be approved by the Planning Director upon review of a written request when deemed necessary due to unforeseen circumstances. If approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

**Corrections for Errors or Omissions for Minor Changes to Recorded Plats**

If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, where upon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Community Development Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

**Appeals**

1. **Appeals of Planning Director’s Decision**

   Appeals of actions of the Planning Director regarding Major Subdivision Concept Plans and Final Plans may be taken to the Board of County Commissioners by filing an appeal with the Planning Director within thirty (30) days of the Planning Director’s decision on the matter. Appeals will be reviewed by the Planning Commission in a public workshop with comments presented to the Board of County Commissioners. The Board of County Commissioners shall consider the appeal as a new matter and act to approve, approve with conditions, or deny the application. The required notice and approval criteria shall be the same as required of the original action before the Planning Director; however, evidence shall be weighed independently by the Board. If more than one (1) appeal is filed concerning a single decision, the appeals may be consolidated into a single appeal for review at the discretion of the Board.

2. **Appeals of Board of County Commissioners’ Decision**

   Appeals of decisions of the Board of County Commissioners shall be made to the court, as provided by law.
6. Appeals
Appeals of the actions of the Director on a Major Subdivision application may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

F. Physical and Legal Separations
An Administrative Review for a Physical and Legal Separation of land may be approved in accordance with this subsection.

4.1. Eligibility
In order to qualify as a Physical and Legal Separation, the following shall be considered:

a. Be in the form of an actual physical barrier, such as a public road, a railroad track, a river, an easement or a ditch or canal; and

b. The physical barrier must be one (1) or more intervening parcels must be owned by an unrelated third party.

2. Procedure
Figure 4. M identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Physical and Legal Separations applications. Additions or modifications to the general review procedures are noted below.

Figure 4. M. Summary of the Physical and Legal Separations Procedure

---

The Community Development Director shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

7. Standards
The following standards shall apply to Physical and Legal Separations:

a. An Administrative Review shall not be approved if the Physical and Legal Separation was caused by a voluntary conveyance of the intervening parcel by the present owner or a previous owner within the ten (10) years preceding the date of filing the Administrative Review application.

Commented [GM55]: The Focus Group did not believe that this should be required.
b. If located within or adjacent to the Rural Planning Area, an Administrative Review application for a Physical and Legal Separation shall include a site plan note reciting the County’s Right to Farm and Ranch policy; and

c. An Administrative Review for a Physical and Legal Separation shall not be approved unless instruments reflecting the Legal Separation appear in the public record.

8.3 Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09, and the following shall be considered:

1. The proposal will neither create a nonconformity nor increase the degree to which a structure is nonconforming;

2. Public facilities and services (including sewage and waste disposal, domestic and irrigation water, gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development.

G. Rural Land Divisions Rural Land Divisions may be approved as Administrative Reviews.

2. Eligibility

The following may be processed as Rural Land Divisions (formerly known as Simple Land Divisions) if located within a Rural Zoning District (AFT & AF-35), and if no portion of the unplatted parcel has been divided through a Rural Land Division, one (1) unplatted parcel containing at least ten (10) acres of land may be divided into no more than two (2) platted parcels, in accordance with the Rural Land Division procedures of this section. The eligible parcel must be ten (10) gross acres (precise number 10.0). The parcel is still eligible for the Rural Land Division if:

1. Right-of-way was dedicated and resulted in less than ten (10) acres; or

2. The required dedication through the Rural Land Division process results in less than ten (10) acres.

Parcels are eligible for a Rural Land Division only once, and further divisions of the original or newly created parcel shall be processed as Minor or Major Subdivisions.

For the purpose of interpreting the Rural Land Division eligibility requirements of this subsection, any proposed Rural Land Division that clearly is intended to evade the Major Subdivision regulations of this Code, or would result in a de facto Major Subdivision through the combination of previous contiguous Rural Land Divisions (formerly known as Simple Land Divisions), is not eligible for Rural Land Division.

1. The unplatted parcel must be located in a Rural Zoning District (AFT & AF-35);

2. No portion of the unplatted parcel has been divided through a Rural Land Division

3. No more than one (1) additional parcel may be created, in accordance with the Rural Land Division procedures of this section;

4. The eligible parcel must be at least ten (10) gross acres. The parcel is still eligible for the Rural Land Division if:

   a. Right-of-way was dedicated and resulted in less than ten (10) acres; or

   b. The required dedication through the Rural Land Division process results in less than ten (10) acres.

   c. The following standards shall apply to Rural Land Divisions:

   1. Right-of-way was dedicated and resulted in less than ten (10) acres; or

   2. The required dedication through the Rural Land Division process results in less than ten (10) acres. Standards.

   3. The following standards shall apply to Rural Land Divisions:

   a. Right-of-way was dedicated and resulted in less than ten (10) acres; or

   b. The required dedication through the Rural Land Division process results in less than ten (10) acres. Standards.
The plat and site plan shall contain a note stating that further Rural Land Divisions of any portion of the subject tract are prohibited, and that further divisions shall be processed through the Minor Subdivision procedures of Section 3.5.6 or the Major Subdivision procedures of Section 3.6. Required wording for plat and site plan notes is found in The Handbook.

If located within or adjacent to the Rural Planning Area, the site plan for a Rural Land Division shall include a plat note reciting the County’s Right to Farm and Ranch policy.

Rural Land Divisions are not required to meet the density requirements of Section 6.3.2 of this Land Development Code.

2. Procedure

Figure 4.4 identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Rural Land Division applications. Additions or modifications to the general review procedures are noted below.

**Figure 4.4: Summary of the Rural Land Division Procedure**

- **Pre-Application Meeting**
  - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

- **Application Submittal**
  - The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

- **Application Review**
  - The Community Development Director shall distribute the application to the appropriate review agencies.

- **Required Notice**
  - Notice shall be published, mailed and posted in accordance with the requirements of Section X.X.

- **Community Development Director Action**
  - The Community Development Director shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

10.3 Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following has been met: The Planning Director may approve an Administrative Review application for a Rural Land Division only after considering the General Approval Criteria in Section 3.1.17, and after determining that all of the following criteria have been met:

a. Public facilities and services (including sewage and waste disposal, domestic water, irrigation water [where available], gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development (see Chapter 7);
b. The property to be subdivided has direct access to a maintained public road and no new public road is required to be constructed (see \textit{shall meet} Sections 7.15.X and 7.14.X and the Mesa County Road Access Policy of this LDC; and

b. any shared driveway is located fully within the property to be subdivided and access does not cross over or through another property that is not part of the subdivision.

\[1\] The shared driveway standards of Section 7.15.5 shall be met;

\[c.\] Minimum lot frontage as stated in section 6.1, Table of Density and Dimensional Standards, is not required if legal and approved access to a public road for all parcels or lots resulting from the Rural Land Division is provided, and any hazards identified on the property must be mitigated and where appropriate, no build areas are shown on the site plan (see Sections 7.6 and 7.13).

\underline{II.H. Subdivision for Public Purposes}

An administrative review may be approved in accordance with this subsection.

1. Purpose: To allow one (1) subdivided lot to be used for public purposes not subject to the density requirements in the Master Plan and applicable zoning district. The public purpose shall be limited to those proposed by municipalities, quasi-municipal districts (Public Improvement Districts, Title 32 & 37 districts, etc.) or government entities. Private utilities, for-profit entities, non-profit organizations, cooperatives, and other organizations that provide a benefit or service similar to a publicly owned entity are also eligible under this section.

2. Eligibility:

The lot must be used for a public purpose and the use must be permitted in the underlying zoning district as an Allowed or as a Conditional Use:

a. A use for public purposes must be proposed as the reason for the application. The use must be permitted in the underlying zoning district on the subject property as listed in Table 5.1, as an Allowed Use (Site Plan application) or Conditional Use (CUP). This process does not relieve the applicant of the responsibility of an application for a Conditional Use Permit or Site Plan.

b. The public purpose shall be limited to those proposed by municipalities, quasi-municipal districts (Public Improvement Districts, Title 32 & 37 districts, etc.) or government entities. Private utilities, for-profit entities, non-profit organizations, cooperatives, and other organizations that provide a benefit or service similar to a publicly owned entity are also eligible under this section.

3. Procedure

Figure 4.O identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Subdivision for Public Purposes applications. Additions or modifications to the general review procedures are noted below.
4. Standards:

The following standards shall apply to Public Purpose Subdivisions:

a. Only one (1) lot for a public purpose may be created using this process.

b. A Plat Restriction (a legal restriction on the use of the land for public purposes, recorded in the records of the Clerk and Recorder) shall be placed as a note on the site plan, which is recorded with the plat.

5.3 Approval Criteria:

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section XX and the following shall be considered:

a. The lot shall be of sufficient size to meet the requirements in the Land Development Code.

b. Lots may be created with indirect access (no street frontage) depending on the proposed use. Public uses that do not generate traffic may not require street frontage (for example, a trail or open space parcel may not need road frontage, but a fire station would).

c. Provision of potable water through service by a water district or a well permit may be required for the new lot. Depending on the public purpose, and upon demonstration that no water use is required, the application may be considered exempt from Section 7.6, Potable Water Supply, in the Land Development Code.

d. If irrigation water is supplied to the new lot after the division, an irrigation maintenance agreement must be recorded.

---

Figure 4: Summary of the Subdivision for Public Purposes Procedure

- Pre-Application Meeting
- Application Submission
- Application Review
- Required Notice
- Community Development Director Action

The Community Development Director shall make a decision based on the Approval Criteria under Section XX. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.
The remainder lot (the lot not used for public purposes) shall meet all requirements in Chapter 6, Density and Dimensional Standards.

Screening for noise and visual issues must be provided even if it is not mandatory in Section 7.2.0 in order to mitigate impacts on the neighborhood.

A legal restriction on the use of the land for only public purposes shall be recorded in the records of the Clerk and Recorder.

### Thirty-five (35) Acre Parcels Created by Plat

The Planning Director shall be responsible for reviewing thirty-five (35) acre parcels created by plat for zoning and access requirements.

#### Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section X.0.

---

**Section 3.12 | SECTION 4.11 | MASTER PLAN AMENDMENTS**

This section applies to periodic amendments to the Mesa County Master Plan; not to thorough, comprehensive reviews, updates and amendments of the Master Plan as may be recommended in the Master Plan.

#### Timing

The text and future land use maps of the Mesa County Master Plan may be amended whenever amendments are determined to be necessary by the Mesa County Planning Commission.

#### Applicability

The Board of County Commissioners shall consider amendments to the Master Plan as may be required from time to time.

#### Procedure

Figure 4.0 identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Master Plan Amendment applications. Additions or modifications to the general review procedures are noted below.

Figure 4.0 Summary of the Master Plan Amendment Procedure.
1. **Pre-Application Meeting**
   Applicants shall schedule and attend a Pre-Application Meeting before filing an application (see Section 3.1.4).

2. **Application Filing**
   Applications for an amendment to the Mesa County Master Plan shall be submitted to the Planning Director.

3. **Public Hearing Notice**

4. **Master Plan Text Amendments**
   Notice of the public hearing shall be published in accordance with the requirements of Section 3.1.8.

5. **Master Plan Map Amendments**
   Written, published and posted notice of the public hearing shall be provided in accordance with the requirements of Section 3.1.8.

6. **Planning Director’s Review and Report**
   The Planning Director shall review each proposed Master Plan amendment in light of the Approval Criteria of Section 3.2.8, and provide a report to the Planning Commission.

7. **Joint Municipal Plan Amendments**
   Master Plan Amendments may be approved, approved with conditions, or denied, based on the Approval Criteria of Section X.X.
Criteria of Section 3.2.8.

8.1 Decision Making Body: Application Review

a. Decision Review and decision making for a Master Plan amendments will be governed by geographic location as follows:

1. The municipality shall decide questions of amending the Master Plan for property within the corporate limits of the respective municipality.

2. Outside municipal corporate limits, the Mesa County Planning Commission shall have sole authority to amend the Master Plan and consider text amendments. The appropriate municipality shall be given the opportunity to review and comment upon all such proposed amendments prior to action by Mesa County; and

3. Plans adopted jointly with a municipality, including area, neighborhood, sub-area, and community plans (part of the Master Plan) require the Mesa County Planning Commission and the appropriate municipality to jointly amend the plan.

9. Concurrent Review

The applicant will decide if the application will be considered concurrently with any development review process, e.g., a rezoning or subdivision, or whether the Master Plan amendment will be considered separately.

a. Initial Review

A request to amend the Master Plan that first be referred to the applicable jurisdiction for interpretation, consistent with the respective administrative policies of each, such as the 1998 Intergovernmental Agreement Between the City of Grand Junction and Mesa County Relating to City Growth And Joint Policy Making For The Persigo Sewer System [October 13, 1998], and other adopted plans and agreements.

b. Review Process

1. When a municipality and the Mesa County Planning Commission both must act, at least one public hearing will be held and a vote shall be made within thirty (30) calendar days of the close of the hearing. A joint public hearing is permissible, but not mandatory. Such hearings shall be conducted as determined by the presiding chairperson. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing.

2. The appropriate municipality shall be given the opportunity to review and comment upon all proposed Master Plan Amendments prior to action by Mesa County; and

3. The Mesa County Planning Commission shall approve a Master Plan Amendment only if they determine that the Master Plan Amendment is consistent with the overall purpose and intent of the adopted Master Plan. Keeping in mind the broad legislative and other authorities of the parties to consider all relevant factors, the determination shall be based on the Approval Criteria under 3.3.8.

4. If when a municipality and the Mesa County Planning Commission both must act, failure to agree means the Master Plan is not amended.

C. Approval Criteria

Commented [WU64]: It is proposed that all reviews are allowed to be processed simultaneously upon approval of the Community Development Director.

Commented [WU65]: Not required as the proposed amendment would be submitted for review to any of the 4 municipalities.

Commented [WU66]: Not needed, public hearings are required for all amendments.
The Planning Commission may approve proposed Master Plan Amendments only if it is determined that the proposed amendment is consistent with the overall purpose and intent of the Mesa County Master Plan and with any intergovernmental agreements then in effect between the County and any other unit of government and only after consideration of each of the following criteria:

1. There was an error in the original Master Plan such that then-existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;
2. Events subsequent to the adoption of the Master Plan have invalidated the original premises and findings;
3. The character and/or condition of the area has changed enough that the amendment is acceptable;
4. The amendment is consistent with the goals and policies of the Master Plan, including applicable special area, neighborhood, and corridor plans;
5. The amendment is consistent with any intergovernmental agreements in effect between the County and any other unit of government;
6. Public and community facilities are adequate to serve the type and scope of land use proposed;
7. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and
8. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Written Findings Required

The decision of the Mesa County Planning Commission shall be accompanied by written findings of fact, which shall include a finding of whether the Master Plan Amendment is consistent or inconsistent with the overall intent of the Mesa County Master Plan and any applicable intergovernmental agreements. Those written findings shall be stated in the Planning Commission’s resolution approving or denying the Master Plan Amendment. The findings shall also address each of the approval criteria in Section 3.2.8. The resolution shall be filed with the Planning Department and the Clerk and Recorder of Mesa County.

Planning Commission Certification

If a Master Plan Amendment is approved by the Planning Commission, certification of the amendment shall be provided to the Board of County Commissioners and other municipalities in the County, in accordance with state statutes.

Section 3.13 | SECTION 4.12 | PLANNED UNIT DEVELOPMENT

Planned Unit Developments are approved and processed in the same manner as Major Subdivisions. The first step involves scheduling a General Meeting. A Planned Unit Development application will follow the General Meeting and Neighborhood Meeting processes described in Chapter 3.6, Major Subdivisions.

A. Concept Plan

1. Public Hearing Notice

Notice of the Planning Commission's and Board of County Commissioners' public hearings shall be provided by mail, publishing and posting, in accordance with the requirements of Section 3.1.8. Written notice of the Planning Commission’s public hearing shall also be provided to subsurface (mineral rights) owners at least five (5) days before the hearing in accordance with the requirements of Section 3.1.8 and C.R.S. §30-28-133(10) and §31-23-215. The Concept Plan shall have submitted with it the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to

Commented [WU67]: Planning Commission decisions are by resolution. This language is not needed.

Commented [WU68]: This does not have to be codified as it is required by State Statutes.
whom notices of a hearing shall be sent as their names may appear upon the plats or records in the County Clerk and Recorder’s office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or one (1) the tax records of the County.

2. Phased Development

If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies and approval by the Board of County Commissioners in the public hearing as a part of the development application.

3. Public Hearing Scheduling

Public hearings shall be scheduled to a date certain. Subsequent to the initial application for administrative review, the applicant has ninety (90) calendar days to respond to the review comments and may request one (1) ninet (90)-calendar-day extension of time to respond. If the Applicant does not respond to review comments within either the ninety (90)-calendar days or the extension period, the application will be considered automatically withdrawn. The Applicant may request a public hearing subsequent to the first response time period if the Applicant wishes to proceed and the Application does not demonstrate compliance with County regulations, adopted policies, and intergovernmental agreements, and review agency concerns and requirements. After three (3) review periods have been completed and the application contains deficiencies such that it does not meet County regulations, does not address adopted policies and intergovernmental agreements, or does not satisfy review agency concerns or requirements, the Planning Director will schedule the application for public hearing unless the Applicant withdraws it entirely.

4. Planning Commission’s Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed Concept Plan, and, at the close of the hearing, recommend approval, approval with conditions or denial of the application based on the Approval Criteria of Section 3.7.1.E, other applicable criteria in this Land Development Code and any other adopted County regulations and other applicable standards. Failure of the Planning Commission to make its recommendation within thirty (30) days of the date of its receipt of the Concept Plan application shall constitute a recommendation for approval of the application unless the applicant agrees in writing to an extension of this period.

5. Board of County Commissioners’ Review and Decision

After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall hold a public hearing on the Concept Plan and, at the close of the hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Section 3.7.1.D, other applicable criteria in this Land Development Code and any other adopted County regulations and other applicable standards.

A. Applicability

In accordance with Article 67 Title 24, C.R.S., Planned Unit Development (PUD) districts may be approved when the applicant demonstrates to the satisfaction of the Board of County Commissioners that a proposed planned development project would not negatively affect surrounding property and uses and/or the PUD would result in a greater benefit to the County than would development under conventional zoning district regulations.

B. General Procedure

The following are the application steps required for a PUD. These application steps may be processed individually or combined upon approval of the Director.

1. Outline Development Plan (see Section X.X);
2. Final Plan (see Section X.X);
3. Final Plat (see Section X.X).
C. Outline Development Plan and Rezoning

1. Applicability

   The purpose of an Outline Development Plan is to demonstrate conformity with the Mesa County Master Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plat. At Outline Development Plan, zoning for the entire property or for each “pod” designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities assigned to individual “pods” that will be the subject of future, more detailed planning.

2. Neighborhood Meeting

   The applicant shall hold a meeting with area property owners after the Department completes a review of the Outline Development Plan. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this LDC and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Director prior to Outline Development Plan approval.

3. Additional Notice

   In accordance with the requirements of Section X.X, C.R.S., §30-28-133(10) and §24-65.5-103, the Outline Development Plan shall have submitted with it certification that the notice of the application has been sent to the mineral estate owners, and shall include the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of an application have been sent as their names may appear upon the plats or records in the County Clerk and Recorder’s office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

4. Phasing

   If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies as a part of the development application.

5. Procedure

   Figure 4.22 identifies the application steps from which apply to the review of Outline Development Plan and Rezoning applications. Additions or modifications to the general review procedures are noted below.
6. **Concept Plan and PUD Rezoning Approval Criteria**

In evaluating the proposed request, all of the following criteria shall be considered. Concept Plans and PUD Rezonings may be approved by the Board of County Commissioners only if they find that all of the following criteria have been met:

a. The proposed **Concept Plan Outline Development Plan** is consistent with the general conformity of the Mesa County Master Plan pursuant to C.R.S. §24-67-104.

b. The **Concept Plan Outline Development Plan** is necessary to address a unique situation or represents a substantial benefit to the County compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the Purposes set out in Section 1.5.X.X.

c. The **Concept Plan Outline Development Plan** complies with the PUD regulations of Section 4.4.1.X.
d. The proposal is not significantly different from surrounding land uses in terms of density, intensity, and impacts, and it mitigates any potential adverse impacts to the maximum extent practical; and

e. Public facilities and services (including sewage and waste disposal, domestic water, irrigation water [where available], gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property, while maintaining adequate levels of service to existing development; and the development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD district, variances, or administrative adjustments.

f. The decision of the Board of County Commissioners shall be accompanied by written findings of fact, which shall include a finding of whether the proposed Concept Plan and Rezoning are consistent or inconsistent with the Mesa County Master Plan pursuant to C.R.S. §24-67-104 and substantially consistent or inconsistent with any applicable intergovernmental agreements between the County and other entities. Those written findings shall be stated in the Board’s resolution approving or denying the Concept Plan and Rezoning. The findings shall also be filed with the Planning Department and the Clerk and Recorder of Mesa County. In the event of denial, the Board of County Commissioner’s written findings shall specify the provisions of the County’s adopted regulations that the proposal failed to satisfy.

7. Effect of Concept Plan Approval

Concept Plan Outline Development Plan shall be approved concurrently with PUD Rezonings. No Concept Plan Outline Development Plan may be approved without a PUD Rezoning, and no PUD Rezoning application may be approved until a Concept Plan Outline Development Plan for the development has been approved. Approval of a Concept Plan Outline Development Plan shall constitute acceptance of the uses, maximum development intensities, and general layout proposed for the PUD development. As such, the Concept Plan Outline Development Plan shall govern the preparation of the required Final PUD Plans. The approved Concept Plan Outline Development Plan shall be supported by the project final design. Should the Concept Plan Outline Development Plan prove unbuildable or otherwise not feasible based on the Final PUD Plans, the Concept Plan Outline Development Plan must be revised to reflect the limitations identified in the design of the final PUD Plans.

8. Lapse of Concept Plan Approval

An approved Concept Plan Outline Development Plan shall lapse and be of no further force and effect if a complete Final PUD Plan application for the PUD or a phase of the PUD has not been submitted within one (1) year of the date of Concept Plan Outline Development Plan approval by the Board of County Commissioners. One (1) extension of time up to eighteen (18) months may be approved by the Planning Director upon review of a written request when deemed necessary to resolve review comments or due to unforeseen circumstances. In the event that approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder, and initiate action to rezone the property to a zoning classification district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 3.4.1.X.

9. Appeal

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

8. Final PUD Plans
After approval of a Concept Plan, a Final Plan application for the subdivision may be submitted. **Application Filing**

Final Plan applications shall be submitted to the Planning Director in the form required in the application packet.

**Planning Director’s Action**

The Planning Director shall review each Final Plan application and act to approve or deny the Final Plan, based on the Approval Criteria of Section 3.7.1.C.

**Approval Criteria**

The Planning Director shall approve a Final Plan only if the Planning Director determines that the Final Plan is consistent with the approved Concept Plan and meets all conditions imposed by the Board of County Commissioners during their approval of the Concept Plan. A Final Plan is deemed to be consistent with the approved Concept Plan when:

1. the locations of connections to public roads and adjacent properties not owned by the applicant are not altered and internal street and pedestrian path alignments may be slightly modified;
2. drainage and detention facility locations are retained within the general areas identified in the approved Concept Plan;
3. all applicable requirements of the Land Development Code are met; and
4. other modifications are determined by the Planning Director to be consistent with the approved Concept Plan. If circumstances pertaining to the overall development change, a phasing plan may be approved by the Planning Director in response to a written request stating the specific circumstances. The applicant shall notify the applicable utilities and the adjacent property owners. Any Final Plan which is determined to be inconsistent with the Concept Plan approval per this section may either be revised to be consistent with such previous approval or may be submitted as a new Concept Plan under Section 3.7.1.

**Procedure**

Figure 4.23 identifies the application steps which apply to the review of Final Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4.23: Summary of the Final Plan Procedure
The Community Development Director shall make a decision based on the Approval Criteria under Section X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

2. Approval Criteria

In evaluating the proposal, the request shall be consistent with the approved Outline Development Plan. A Final Plan is deemed to be consistent with the approved Outline Development Plan when:

a. The locations of connections to public roads and adjacent properties are not altered; internal vehicle and pedestrian circulation may be modified;

b. Drainage and detention facility locations are retained within the general areas identified in the approved Outline Development Plan;

c. All applicable requirements of this LDC are met; and

d. Other modifications are determined by the Director to be consistent with the approved Outline Development Plan.

4.3. Time Frames

The Final Plan shall be approved within one (1) year of the date of submittal. One (1) extension of one (1) year may be approved by the Planning Director upon review of a written request.

4. Appeals

a. Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section X. Appeals of Planning Director’s Decision.

Appeals of the action of the Planning Director on a PUD Final Plan may be taken to the Board of County Commissioners by filing an appeal with the Planning Director within thirty (30) days of the Planning Director’s decision on the matter. The Board of County Commissioners shall consider the appeal as a new matter, and act to approve, approve with conditions, or deny the application. The required notice and approval criteria shall be the same as required of the original action before the Planning Director; however, evidence shall be weighed independently by the Board. If more than one
Appeal of decisions of the Board of County Commissioners shall be made to the court, as provided by law.

C. Final Plat

After approval of a Final Plan, a Final Plat application shall be submitted for a PUD which subdivides the property when subdivision of the property is required.

1. Public Improvements/Development Improvements Agreements

   Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Section 3.1.6.

2. Application Filing

   Final Plat applications shall be submitted to the Planning Director. The application shall be submitted in person during a check-in meeting (see Section 3.1.7).

3. Planning Director’s Action

   The Planning Director shall review each Final Plat application, and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plan.

4. Acceptance of Improvements

   Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

5. Recording; Lapse of Approval

   If the approved Final Plat or Site Development Plan is not recorded with the Clerk and Recorder of Mesa County within three (3) years of the date of approval of the Final Plat, the Concept Outline Development Plan and Final Plans shall lapse and be of no further effect. Two (2) one (1) year extensions of time may be approved by the Planning Director upon review of a written request when deemed necessary due to unforeseen circumstances. If approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

6. Corrections for Errors or Omissions for Minor Changes to Recorded Plats

   If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, whereupon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Planning Community Development Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

7. Appeal

   Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section X.X.

D. Expiration of Previously Approved Planned Unit Developments

   If an Official Development Plan for a Planned Unit Development PUD that was approved before the effective date of this Code (May 1, 2000) lapses or has lapsed prior to adoption of this Code, the subject property shall be governed by the regulations of the zoning district that existed on the property immediately

(1) appeal is filed concerning a single decision, the appeals may be consolidated into a single appeal for review at the discretion of the Board.
before approval of the Planned Unit Development (PUD). Applications to rezone such property to a zoning classification district that is consistent with the Mesa County Master Plan shall be accepted without the payment of a fee. If a previously approved Official Development Plan expires, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder. Within five (5) years of recording of such an affidavit, the Planning Director shall initiate action to rezone the property to a zoning classification district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 3.4.X.

Section 3.14 I SECTION 4.13 | PROPERTY LINE ADJUSTMENTS

A. Applicability

This subsection applies to Property Line Adjustments between adjacent parcels whether the parcels are platted or unplatted.

B. Procedure

Figure 4.L identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Property Line Adjustment applications. Additions or modifications to the general review procedures are noted below.

Figure 4.L: Summary of the Property Line Adjustment Procedure

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Pre-Application Meeting</td>
</tr>
<tr>
<td>2.</td>
<td>Application Submission</td>
</tr>
<tr>
<td>3.</td>
<td>Application Review</td>
</tr>
<tr>
<td>4.</td>
<td>Required Notice</td>
</tr>
<tr>
<td>5.</td>
<td>Community Development Director Action</td>
</tr>
</tbody>
</table>

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X). The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies. Notice shall be published, mailed and posted in accordance with the requirements of Section X.X.

The Community Development Director shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

1. Standards | Eligibility

a. In order to be eligible to be part of a Property Line Adjustment application, all properties that are part of the Property Line Adjustment application must be buildable before any of the properties are reconfigured through the Property Line Adjustment process. For example, if applicable, the properties must be of sufficient size to allow for installation of a septic wastewater treatment system (if the properties are not connected to a municipal wastewater system) and must be of sufficient size to allow construction of a dwelling or other principal structure on the property.
b. Minimum lot frontage as stated in section Chapter 6.X.X, Table of Density and Dimensional Standards, is not required if legal access to a public road for all parcels or lots resulting from the Property Line Adjustment is provided;

c. Property Line Adjustments are not required to meet the density requirements of the Mesa County Master Plan;

d. Property Line Adjustments shall not be used to increase the number of parcels;

e. No parcel resulting from a Property Line Adjustment of a thirty-five (35) acre or larger parcel that have an area of less than thirty-five (35) acres (unless the adjustment is being made to adjust property boundary lines to match an historic fence line, stream channel, ditch, irrigation canal, or other natural feature in the same vicinity);

f. If located within or adjacent to the Rural Planning Area, the Deposit Survey or Plat must include a note reciting the County’s Right to Farm and Ranch policy;

g. A Property Line Adjustment shall not unreasonably interfere with or prohibit the use of a recorded easement without the prior approval of the beneficiary of the easement;

h. If the property line adjustment results in a change to the access location for the parcel(s), the Street Access requirements of Section 7.15 shall be met; and

2. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.1.17 and the following shall be considered: The Planning Director may approve an Administrative Review application for a Property Line Adjustment after applying the General Approval Criteria in Section 3.1.17 and determining that:

a. Street locations will not be changed;

b. The proposal will neither create a nonconformity nor increase the degree to which any structure or lot is nonconforming; and

SECTION 4.14 | COUNTY REGISTER OF HISTORIC LANDMARKS

A. Purpose Applicability

The Mesa County Register of Historic Landmarks is established to recognize the historic, architectural and cultural heritage of Mesa County; to increase public appreciation of Mesa County’s unique heritage; and to enable owners of Historic Resources in the County to take advantage of opportunities, benefits and programs that may be available to assist in the recognition and preservation of the historic properties. Designation as a Historic Landmark will not impart additional regulatory control over the development of historic properties, i.e. the design of additions, alterations or new construction, or demolition, with respect to impacts on historic character or integrity. The County Register implements in part the Mesa County Master Plan.

B. County Register of Historic Landmarks Established

1. The County Register of Historic Landmarks (County Register) is hereby established, and is contained in Appendix G.X.X of this Code. Historic buildings, structures, sites, objects or districts may be listed on the County Register upon designation by the Board of County Commissioners.

2. All properties listed on the National Register of Historic Places or the State Register of Historic Properties are eligible for inclusion on the County Register but are not designated until approval is obtained pursuant to the requirements of this Section.

C. Designation of Historic Structures, Sites and Districts

1. The Board of County Commissioners pursuant to this Code:
a. May designate as historic an individual building, structure, site, object or other feature, or an integrated group of structures or features on a lot or site, having a special historical, architectural or cultural value, subject to the qualifications listed in Section 3.22.10.X; or

b. May designate as a historic district an area containing a number of buildings, structures or sites having a special historical, architectural or cultural value, subject to the qualifications listed in Section 3.22.10.X.

2. Each such designation shall include a description of the characteristics of the building, structure, site, object or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the building, structure, site, object or district.

3. No individual structure or site shall be designated without the consent of all owners of record. Historic Districts may be designated with the consent of the owners of record of at least sixty (60) percent (60%) of the contributing properties.

4. Properties within municipalities may be listed on the County Register, following consultation and coordination with the municipality. The listing of properties within municipalities on the County Register shall not confer on Mesa County the authority to regulate the land use or grant any development approvals or permits for those properties, except where otherwise allowed by law.

D. Procedure

Figure 4.Q identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Registration of Historic Places application. Additions or modifications to the general review procedures are noted below.
The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.2).

A property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies.

Notice shall be published, mailed and posted in accordance with the requirements of Section X.2.

The Planning Commission shall act as a review agency and shall provide comments and recommendations to the Community Development Director.

The Community Development Director shall review the request based on the Approval Criteria under Section 3.2.8. and shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

The Board of County Commissioners shall hold a public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Section X.2.

---

**Pre-application Meeting**

Applicants shall schedule and attend a Pre-application Meeting before filing a Historic Landmark Designation application (see Section 3.1.6).

**Application Filing**

Applications to designate a Historic Landmark or Historic District shall be submitted to the Planning and Economic Development Department.

An application for designation may be made by the Mesa County Board of Commissioners, the Mesa County Planning Commission, or the property owner.

Applications for designation must include the following:

- Legal description of the location and boundaries of the property;
- A narrative describing the architectural, historical and/or cultural significance of the property or district;
- Photographs showing the historical attributes and existing condition of the property or district; and
A map showing the location of the property. For historic districts, the map shall show the proposed boundaries of the district and the location of all contributing sites and structures.

Application Notice

Notice of an application for designation shall be provided in accordance with Section 3.1.8. Additionally, all property owners within the boundaries of a proposed historic district shall receive written notice.

Planning Commission Review

The Planning Commission shall act as a review agency and shall provide comments and recommendations to the Planning Director.

Planning Director’s Review

The Planning Director shall review each application for designation to determine whether it complies with the Purpose of the Land Development Code set forth in Section 1.5, Purpose, and whether it would conflict with other sections in the Land Development Code, and, if deemed necessary, distribute the application to other reviewers. After receiving the recommendation of the Planning Commission, the Planning Director shall prepare a resolution to approve, approve with modifications, or deny the application for designation and shall forward the resolution to the Board of County Commissioners for adoption.

Adoption by Resolution

Designation as a Historic Landmark or Historic District shall be in the form of a resolution, adopted by the Board of County Commissioners in a public hearing. The resolution shall be filed with the Planning and Economic Development Department and recorded by the Clerk and Recorder of Mesa County. A copy of the recorded resolution shall be transmitted to the property owner of record. For Historic Districts, a copy of the recorded resolution shall be transmitted to the property owners of record of all contributing properties.

Designation Criteria

In order to be listed on the County Register of Historic Landmarks, buildings, structures, sites or objects must be at least fifty (50) years old. Contributing sites within a Historic District must be at least fifty (50) years old. Buildings, structures, sites, objects and districts less than fifty (50) years in age may be designated only if deemed to be of exceptional historical, architectural or cultural importance.

1. Approval Criteria

In designating a building, structure, site, object or district as a Historic Landmark, a finding shall be made that the designation satisfies one or more of the following criteria for historical, architectural or cultural significance:

a. Represents a specific architectural style or period;
b. Represents a unique example of a structure or building type;
c. Represents an innovation in construction, materials, or design;
d. Demonstrates superior craftsmanship or high artistic value;
e. Is an example of the work of a master architect or builder;
f. Represents the built environment of a group of people in an era of history;
g. Is associated with a significant historic event;
h. Is associated with a notable person or the work of a notable person;
i. Exemplifies the cultural, political, economic, or social heritage of the community, region, state or nation;
j. Is an established and familiar natural setting or visual feature of the County; and/or
k. Has the potential to make an important contribution to the knowledge of the area’s history or
2. Physical Integrity

Each property shall also be evaluated based on physical integrity using one or more of the following criteria:

a. Retains original design features, materials and/or character;

b. Is in the original location or in the same historic context if it has been moved; or

c. Has been accurately reconstructed or restored.

3. Historic Districts

a. For the purposes of this Section, a Historic District is a geographically definable area including a concentration, linkage or continuity of buildings, structures, sites and/or objects. A Historic District is related by a pattern of either physical elements or social and cultural activities.

b. Significance is determined by applying the criteria of Subsection A, above, to the pattern and unifying elements.

c. Properties that do not contribute to the significance of the Historic District may be included within the boundaries so long as the noncontributing elements do not noticeably detract from the district’s sense of time, place and historical development. Noncontributing elements shall be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.

d. Historic District boundaries shall be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.

E. Revocation or Amendment of Designation

1. Revocation of Historic Landmark Designation

If a building, structure, object or special feature on a designated site has been altered so as to negate the features necessary to retain designation, the owner may apply for a revocation of the designation. The Planning Director or the Planning Commission may recommend revocation of the designation to the Board of County Commissioners in the absence of the owner's application to do so. If a designated building, structure or object is moved or demolished, the designation shall, without application or notice, be terminated by resolution of the Board of County Commissioners. If moved, a new application for designation at the new location must be made in order for designation to be considered.

2. Revocation or Amendment of Historic District Designation

a. If a significant number of contributing properties within a historic district have been altered, moved, and/or demolished so as to diminish the concentration, linkage or continuity necessary to retain the integrity of the district, an application to amend or revoke the historic district designation may be submitted by the owners of record of sixty percent (60%) of the contributing properties. The Planning Director or the Planning Commission may recommend revocation of the designation to the Board of County Commissioners in the absence of the owners’ application to do so.

b. With the consent of the owners of record of sixty percent (60%) of the contributing properties, the Board may amend the boundaries of the historic district to exclude the properties that no longer contribute to the historic district or may amend the description of the historic district to remove those features or properties that no longer contribute to the district. The approval criteria for designation of a historic district as set forth in Section 3.22.10 shall be used when considering an amendment of a historic district.
3. **Action**

   The Planning Director shall prepare a resolution for revocation or amendment for adoption by the Board of County Commissioners, which shall be filed with the Planning and Economic Development Department and recorded by the Clerk and Recorder of Mesa County. Upon adoption of the resolution to revoke or amend a designation, the Planning Director shall cause notice to be sent to the property owner(s) and shall amend the Register.

G. **Appeals**

   Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

---

**Section 3.15 | LAND DEVELOPMENT CODE AMENDMENTS**

1. **Pre-application Meeting**

   Applicants shall schedule and attend a Pre-application Meeting before filing a Land Development Code Amendment application (see Section 3.1.6).

2. **Application Filing**

   Applications to amend the text of this Land Development Code shall be submitted to the Planning Director.

3. **Public Hearing Notice**

   Notice of Planning Commission’s and Board of County Commissioners’ public hearings shall be published in accordance with Section 3.1.8.

4. **Planning Director’s Review and Report**

   The Planning Director shall review each proposed Land Development Code amendment to determine whether it complies with the purpose of the Land Development Code set forth in Section 1.5, Purpose, and whether the amendment would conflict with other sections in the Land Development Code, and, if deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Planning Director shall provide a report to the Planning Commission.

5. **Planning Commission’s Review and Recommendation**

   The Planning Commission shall hold a public hearing on the proposed text amendment, and, at the close of the public hearing, make a recommendation to the Board of County Commissioners.

6. **Board of County Commissioners’ Review and Decision**

   After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall hold a public hearing and, at the close of the public hearing, act to approve, approve with modifications, or deny the proposed text amendment.

---

**Adoption by Resolution**

Land Development Code Amendments shall be approved in the form of resolutions.

---

**8. Corrections for Errors or Omissions**

   If it is discovered that there is a minor typographic or scrivener error or omission, the Planning Director shall record an Affidavit of Correction in the records of the Mesa County Clerk and Recorder to be incorporated into the Land Development Code. The Planning Director and the County Attorney shall verify the Affidavit to ensure that the meaning and intent of the text approved by recorded resolution are not altered.

---

**Adoption by Resolution**

Land Development Code Amendments shall be approved in the form of resolutions.
Section 3.16 | REZONINGS (ZONING MAP AMENDMENTS)

A. Pre-application Meeting
Applicants shall schedule and attend a Pre-application Meeting before filing a Rezoning application (see Section 3.1.6).

B. Application Filing
Rezoning applications shall be submitted to the Planning Director.

C. Public Hearing Notice
Notice of the Planning Commission's and Board of County Commissioners' public hearings shall be provided by mail, posting, and publishing, in accordance with the requirements of Section 3.1.6.

D. Planning Director's Review and Report
The Planning Director shall review each proposed Rezoning in light of the Approval Criteria of Section 3.4.7, and, if deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Planning Director shall provide a report to the Planning Commission.

E. Planning Commission's Review and Recommendation
The Planning Commission shall hold a public hearing on the proposed Rezoning, and, at the close of the public hearing, recommend approval, approval with conditions, or denial of the application based on the Approval Criteria of Section 3.4.7.

F. Board of County Commissioners' Review and Decision
After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall hold a public hearing on the proposed Rezoning and, at the close of the public hearing, act to approve, approve with conditions, or deny the Rezoning, based on the Approval Criteria of Section 3.4.7.

A. Applicability
Amendments to the Zoning Map shall be made in accordance with the provisions of this Section.

B. Procedure
Figure 4.R identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Rezoning applications. Additions or modifications to the general review procedures are noted below.
Figure 4.R Summary of Rezoning Procedure.

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies.

Notice of the requested shall be published, mailed and posted in accordance with the requirements of Section X.X.

The Community Development Director shall review the request based on the Approval Criteria under Section X.X, and shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

The Planning Commission shall hold a public hearing and shall forward a recommendation to the Board of County Commissioners of approval, approval with conditions, or denial of the application based on the Approval Criteria of Section X.X.

The Board of County Commissioners shall hold a public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Section X.X.

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

The property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

The Community Development Director shall distribute the application to the appropriate review agencies.

Notice of the requested shall be published, mailed and posted in accordance with the requirements of Section X.X.

The Community Development Director shall review the request based on the Approval Criteria under Section X.X, and shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

The Planning Commission shall hold a public hearing and shall forward a recommendation to the Board of County Commissioners of approval, approval with conditions, or denial of the application based on the Approval Criteria of Section X.X.

The Board of County Commissioners shall hold a public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Section X.X.

G. Approval Criteria

In evaluating a proposed rezoning request, the General Approval Criteria under Section X.X, the stated purpose of the proposed zoning district and the following shall be considered:

In acting on a Rezoning application, the Board of County Commissioners shall consider the General Approval Criteria in Section 3.1.17, the stated purpose of the proposed zoning district, and may approve the Rezoning application only after considering the following:

1. The zoning district is consistent with the goals and policies of the Mesa County Master Plan, including applicable special area, neighborhood and corridor plans, the proposed zoning district’s allowed uses are or can be made to be similar to or compatible with surrounding and nearby land uses.

2. The land to be rezoned was previously zoned in error or conditions have changed so that the rezoning is consistent with the County’s goals, policies and/or Master County Master Plan; and

3. Public and community facilities and services including but not limited to sewage and waste disposal, domestic water, irrigation water (where available), gas, electricity, police and fire protection, and roads and transportation are or can be made adequate to serve the types and scope of land uses allowed in the proposed zoning district.

Commented [WU78]: Neighborhood, area and corridor plans are all included in the Master Plan document. This language is not needed.

Commented [WU79]: Zoning should only be based on the Master Plan goals and objectives. In addition, there are standards (landscaping, buffering, fencing, etc.) that can be imposed at the site plan stage which is a more appropriate time.
H. Written Findings Required

The decision of the Board of County Commissioners shall be accompanied by written findings of fact, which shall include a finding of whether the Rezoning is substantially consistent or inconsistent with any applicable intergovernmental agreements between the County and other entities. Those written findings shall be stated in the Board’s resolution approving or denying the Rezoning. The findings shall also be filed with the Planning Department and the Clerk and Recorder of Mesa County. In the event of denial, the Board of County Commissioners’ written findings shall state the Board’s reasons for denial.

I. Adoption by Resolution

Rezonings shall be adopted by resolution. The Planning Department shall ensure that all approved Rezonings are depicted on the official zoning map promptly after the resolution authorizing the rezoning is adopted by the Board of County Commissioners.

J. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

Section 3.17 | ADMINISTRATIVE REVIEWS

A. Applicability

The following shall be processed in accordance with the procedures of this section:

1. Extinguishment of Utility Easements
2. Minor Subdivisions
3. Simple Land Divisions
4. Agricultural Land Divisions
5. Property Line Adjustments
   a. Boundary Line Adjustments (Unplatted Land)
   b. Re-subdivisions (Previously Platted Land)
6. Physical and Legal Separations
7. Site Plans
8. Thirty-five Acre Parcels Created by Plat
9. Subdivision for Public Purposes

B. Pre-application Meeting

Applicants shall schedule and attend a Pre-application Meeting before filing an Administrative Review application (see Section 3.1.6).

C. Application Filing

Administrative Review applications shall be submitted to the Planning Director.

D. Notice

Notice of filing of an Administrative Review application shall be mailed and posted in accordance with the requirements of Section 3.1.8.

E. Extinguishment of Utility Easement

The Planning Director may approve an Administrative Review application for an Extinguishment of a Utility Easement if no utility provider objects to the proposal and the Planning Director determines that it is...
consistent with the General Approval Criteria. Final approval of the application shall be by resolution of the Board of County Commissioners.

Notice of Decision

Notice of the decision on an Administrative Review shall be mailed to the applicant and all other parties who have made a written request for notification.

Acceptance of Improvements

Approval of an Administrative Review shall not constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

Recording and Depositing

The Planning Director shall record with the Mesa County Clerk and Recorder all approved Minor Subdivision plats, Simple Land Division plats, Agricultural Land Division Plats, and Subdivision replats; and Subdivisions for Public Purposes plats; and deposit all Boundary Line Adjustments, and Physical and Legal Separation plats, upon approval.

Appeals

Appeals of Planning Director’s Decision

Appeals of the action of the Planning Director regarding an Administrative Review may be taken to the Board of County Commissioners by filing an appeal with the Planning Director within thirty (30) days of the Planning Director’s decision on the matter. The Board of County Commissioners shall consider the appeal as a new matter, and act to approve, approve with conditions, or deny the application. The required notice and approval criteria shall be the same as required of the original action before the Planning Director; however, evidence shall be weighed independently by the Board. If more than one (1) appeal is filed concerning a single decision, the appeals may be consolidated into a single appeal for review at the discretion of the Board.

Appeals of Board of County Commissioners’ Decision

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

Agricultural Division

Purpose:

To allow agriculturalists to stay on the land and continue farming and/or ranching to protect the rural lifestyle.

Eligibility:

- The Tract must be zoned Agricultural Forestry Transitional (AFT).
- The applicant must own at least fifty (50) acres in contiguous parcels (the “Tract”). These parcels may be either platted as part of all of a thirty-five (35) acre plat, a previous Agricultural Division tract, or a Simple Land Division or platted.
- The applicant or the applicant’s immediate family must have owned the Tract for a minimum of five (5) years. In no case may the Agricultural Division application exceed the maximum density allowed by the AFT zone district.
- The entire Tract must be classified as “Agricultural” in the County Assessor’s parcel records and have remained that classification for a minimum of five (5) years continuously prior to and up to the date of the application.
- The majority of the Tract must be actively cultivated or ranched (producing crops and/or raising...
livestock for sale.

Frequency:

One (1) new parcel may be divided from the Tract for each twenty-five (25) acres owned in the Tract. For example, if the applicant owns one hundred ten (110) acres in the Tract, a maximum of four (4) divisions could be permitted using this process. Up to six (6) divisions created through the Agricultural Division may be permitted using this process when the Tract is comprised of one hundred fifty (150) acres or more. Additional land divisions may be applied for, pursuant to the Land Development Code using the Major Subdivision criteria and AFT density criteria. The acreage in the lots created through the Agricultural Division processes will be added back into the Tract or parent parcel to calculate future major subdivision density.

Process:

The process is comprised of two (2) steps. The applicant must submit a sketch plan showing all lots to be applied for presently and should show lots anticipated to be applied for in the future (for access permitting and circulation planning purposes). The Planning Director will review the sketch plan and advise the applicant of the viability of the proposal based on the approval criteria below and any other adopted County regulations that apply. The applicant may then submit a final plat application for review and recording to complete the process.

Approval Criteria:

The applicant shall obtain an approved Notice of Intent to permit access from a County road or public right-of-way. Shared driveways shall be utilized to serve the new lots, when required by the Notice of Intent. Right-of-way may be called for to serve the Tract for future development but will not be required to extend through the Tract until the applicant enters into a Major Subdivision or until the right-of-way is designated by the Road Access Policy or on any adopted transportation plan as a minor collector or a higher classification to serve the greater area. A shared driveway is allowed to be built within the dedicated right-of-way until the number of dwelling units utilizing the right-of-way exceeds forty (40), then a road meeting County standard specifications must be constructed.

Either approval of service by a water district or a well permit is required for the new lots. This process is not considered an exempt subdivision for the purpose of compliance with Section 7.8, Potable Water Supply, as amended in the Land Development Code.

If irrigation water is supplied to the new lots after the division, an irrigation maintenance agreement must be recorded.

The division shall not detract from the integrity and efficiency of the farm or ranch operations, as demonstrated by the property owner.

New lots shall be less than five (5) acres in size unless an exception is approved by the Planning Director for reasons related to topography, natural or man-made features, or soil conditions which would cause a larger lot size to be logical. The minimum lot size will be established by compliance with the Wastewater Standards in Chapter 7.

New lots may be created with indirect access (no street frontage) in order to locate them in a manner to allow the agricultural use to continue.

New lots may be located anywhere within the Tract.

Definitions:

Tract - All contiguous parcels owned by the applicant (and/or immediate family) comprising at least fifty (50) acres, which are classified by the County Assessor as “Agricultural”. Parcels are
considered contiguous unless they are divided by:

- Parcels owned by someone other than the applicant or applicant’s immediate family;
- Roads functionally classified as minor collectors or higher;
- Severe topographical divisions of the land such as bluffs, river, and major washes.

Immediate Family: Father, mother, sons and daughters are to be considered immediate family.

Agricultural—those who practice cultivating the soil, producing crops or raising livestock and to varying degrees, the preparation and marketing of the resulting products. (Source: Merriam-Webster’s dictionary online)

F. Minor Subdivisions

Minor Subdivisions may be approved as Administrative Reviews.

1. Eligibility

The following may be processed as Minor Subdivisions:

a. One (1) unplatted parcel may be divided into no more than four (4) platted parcels, in accordance with the Minor Subdivision procedures of this section.

b. A platted parcel created through the Rural Land Division process may be eligible for a Minor Subdivision, provided all requirements of this section are met.

c. Parcels are eligible for a Minor Subdivision only once, and further divisions of the original or newly created parcels shall be processed as Major Subdivisions.

d. For the purpose of interpreting the Minor Subdivision eligibility requirements of this subsection, any proposed Minor Subdivision that clearly is intended to evade the Major Subdivision regulations of this Code or would result in a de facto Major Subdivision through the combination of previous contiguous Minor Subdivisions is not eligible for Minor Subdivision.

e. For properties in the AFT zoning district, the density standards of Section 6.3.2 of this Land Development Code shall apply. Incentive Based Subdivisions, as permitted in Section 6.3.3, or Rural Cluster Density Bonus Standards, as permitted in Section 6.3.4, shall not be eligible for Minor Subdivision.

2. Standards

The following standards shall apply to Minor Subdivisions:

a. The plat and site plan shall contain a plat note stating that further Minor Subdivisions of any portion of the subject tract are prohibited, and that further divisions shall be processed through the Major Subdivision procedures of Section 3.6. Required wording for plat and site plan notes is found in The Handbook.

b. If located within or adjacent to the Rural Planning Area, the site plan for a Minor Subdivision shall include a plat note reciting the County’s Right to Farm and Ranch policy.

c. If located within the Urban Residential Reserve (URR) zoning district, the standards of Section 6.5 of this Land Development Code shall apply.

d. Where applicable, the site plan for a Minor Subdivision shall include a plat note reciting the Notice of Traditional Hunting Activities (see Section 7.6.9).

3. Approval Criteria

The Planning Director may approve an Administrative Review application for a Minor Subdivision only after considering the General Approval Criteria in Section 3.1.17 and determining that all of the
following criteria have been met:

a. Facilities and services (including sewage and waste disposal, domestic water, irrigation water [where available], gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development (see Chapter 7);

b. The property to be subdivided has direct access to a maintained public road and no new public road is required to be constructed (see Sections 7.15 and 7.16 and the Mesa County Road Access Policy);

c. Any shared driveway is located fully within the property to be subdivided and access does not cross over or through another property that is not part of the subdivision;
   (1) The shared driveway standards of Section 7.15.5 shall be met;

d. Minimum lot frontage as stated in section 6.1, Table of Density and Dimensional Standards, is not required if legal and approved access to a public road for all parcels or lots resulting from the Minor Subdivision is provided;

e. If additional density is available for a future Major Subdivision, the design and layout of the Minor Subdivision allows for redevelopment;

f. The subdivision complies with all applicable development standards of Chapter 7 of this Land Development Code; and

g. Any hazards identified on the property must be mitigated and where appropriate, no-build areas are shown on the site plan (see Sections 7.6 and 7.13).

G. Rural Land Divisions

Rural Land Divisions may be approved as Administrative Reviews.

1. Eligibility

   The following may be processed as Rural Land Divisions (formerly known as Simple Land Divisions):

a. If located within a Rural Zoning District (AFT & AF-35) and if no portion of the unplatted parcel has been divided through a Rural Land Division, one (1) unplatted parcel containing at least ten (10) acres of land may be divided into no more than two (2) platted parcels, in accordance with the Rural Land Division procedures of this section. The eligible parcel must be ten (10) gross acres (precise number 10.0). The parcel is still eligible for the Rural Land Division if:
   (2) Right-of-way was dedicated and resulted in less than ten (10) acres; or
   (3) The required dedication through the Rural Land Division process results in less than ten (10) acres.

b. Parcels are eligible for a Rural Land Division only once, and further divisions of the original or newly created parcel shall be processed as Minor or Major Subdivisions.

c. For the purpose of interpreting the Rural Land Division eligibility requirements of this subsection, any proposed Rural Land Division that clearly is intended to evade the Major Subdivision regulations of this Code, or would result in a de facto Major Subdivision through the combination of previous contiguous Rural Land Divisions (formerly known as Simple Land Divisions), is not eligible for Rural Land Division.

2. Standards

   The following standards shall apply to Rural Land Divisions:

a. The plat and site plan shall contain a note stating that further Rural Land Divisions of any portion of the subject tract are prohibited, and that further divisions shall be processed through the Minor
Subdivision procedures of Section 3.5.6 or the Major Subdivision procedures of Section 3.6. Required wording for plat and site plan notes is found in The Handbook.

b. If located within or adjacent to the Rural Planning Area, the site plan for a Rural Land Division shall include a plat note reciting the County’s Right to Farm and Ranch policy.

c. Rural Land Divisions are not required to meet the density requirements of Section 4.3.3 of this Land Development Code.

3. Approval Criteria

The Planning Director may approve an Administrative Review application for a Rural Land Division only after considering the General Approval Criteria in Section 3.1.17, and after determining that all of the following criteria have been met:

a. Facilities and services (including sewage and waste disposal, domestic water, irrigation water [where available], gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development (see Chapter 7);

b. The property to be subdivided has direct access to a maintained public road and no new public road is required to be constructed (see Sections 7.15 and 7.16 and the Mesa County Road Access Policy);

c. Any shared driveway is located fully within the property to be subdivided and access does not cross over or through another property that is not part of the subdivision;

(1) The shared driveway standards of Section 7.15.5 shall be met;

d. Minimum lot frontage as stated in Section 6.1, Table of Density and Dimensional Standards, is not required if legal and approved access to a public road for all parcels or lots resulting from the Rural Land Division is provided; and

e. Any hazards identified on the property must be mitigated and where appropriate, no-build areas are shown on the site plan (see Sections 7.6 and 7.13).

H. Agricultural Division

1. Purpose:

To allow agriculturalists to stay on the land and continue farming and/or ranching to protect the rural lifestyle.

2. Eligibility:

a. The Tract must be zoned Agricultural Forestry Transitional (AFT).

b. The applicant must own at least fifty (50) acres in contiguous parcels (the “Tract”). These parcels may be either platted as part or all of a thirty-five (35) acre plat, a previous Agricultural Division tract, unplatted land, or a Simple Land Division.

c. The applicant or the applicant’s immediate family must have owned the Tract for a minimum of five (5) years. In no case may the Agricultural Division application exceed the maximum density allowed by the AFT zone district.

d. The entire Tract must be classified as “Agricultural” in the County Assessor’s parcel records and have retained that classification for a minimum of five (5) years consecutively prior to and up to the date of the application.

e. The majority of the Tract must be actively cultivated or ranched, producing crops and/or raising cattle.
3. Frequency:

One (1) new parcel may be divided from the Tract for each twenty-five (25) acres owned in the Tract. For example, if the applicant owns one hundred (100) acres in the Tract, a maximum of four (4) divisions could be permitted using this process. Up to six (6) divisions created through the Agricultural Division process shall be permitted when the Tract is comprised of one hundred fifty (150) acres or more. Additional land divisions may be applied for, pursuant to the Land Development Code using the Major Subdivision criteria and AFT density criteria. The acreage in the Tract created through the Agricultural Division processes will be added back into the Tract or parent parcel to calculate future major subdivision density.

4. Process:

The process is comprised of two (2) steps. The applicant must submit a sketch plan showing all lots to be applied for presently and should show lots anticipated to be applied for in the future (for access permitting and circulation planning purposes). The Planning Director will review the sketch plan and advise the applicant regarding the viability of the proposal based on the approval criteria below and any other adopted County regulations that apply. The applicant may then submit a final plat application for review and recording to complete the process.

5. Approval Criteria:

a. The applicant shall obtain an approved Notice of Intent to permit access from a County road or public right-of-way. Shared driveways shall be utilized to serve the new lots where required by the Notice of Intent. Right-of-way may be called for to serve the Tract for future development but will not be required to extend through the Tract until the applicant enters into a Major Subdivision or unless right-of-way is designated by the Road Access Policy or on any adopted transportation plan as a minor collector or a higher classification to serve the greater area. A shared driveway is allowed to be built within the dedicated right-of-way until the number of dwelling units utilizing the right-of-way exceeds ten (10), then a road meeting County standard specifications must be constructed.

b. Either approval of service by a water district or a well permit is required for the new lots. This process is not considered an exempt subdivision for the purpose of compliance with Section 7.8, Potable Water Supply, as amended in the Land Development Code.

c. If irrigation water is supplied to the new lots after the division, an irrigation maintenance agreement must be recorded.

d. The division shall not detract from the integrity and efficiency of the farm or ranch operation, as demonstrated by the property owner.

e. New lots shall be less than five (5) acres in size unless an exception is approved by the Planning Director for reasons related to topography, natural or man-made features, or soils conditions which would cause a larger lot size to be logical. The minimum lot size will be established by compliance with the Wastewater Standards in Chapter 7.

f. New lots may be created with indirect access (no street frontage) in order to locate them in a manner to allow the agricultural use to continue.

g. New lots may be located anywhere within the Tract.

6. Definitions:

a. Tract – All contiguous parcels owned by the applicant (and/or immediate family) comprising at least fifty (50) acres which are classified by the County Assessor as “Agricultural”. Parcels are
considered contiguous unless they are divided by:
(2) Parcels owned by someone other than the applicant or applicant’s immediate family;
(3) Roads functionally classified as minor collectors or higher;
(4) Severe topographical divisions of the land such as bluffs, rivers, and major washes.

b. Immediate Family—Father, mother, sons and daughters are to be considered immediate family.
c. Agricultural—those who practice cultivating the soil, producing crops or raising livestock and in varying degree, the preparation and marketing of the resulting products. (Source: Miriam Webster’s dictionary online)

I. Property Line Adjustments

This subsection applies to Property Line Adjustments between adjacent parcels whether the parcels are platted or unplatted.

1. Standards

The following standards shall apply to Property Line Adjustments:

a. Only boundary lines used as part of a legal description in a deed for the subject property or properties can be used as property lines in order to consider any property to be eligible for a Property Line Adjustment. Other lines created by the Public Lands Survey System, formerly referred to as the General Land Office (GLO), being the lines that define a section, its interior aliquot parts and tracts, as noted in the Bureau of Land Management “Manual of Survey Instructions”, may not be used as property lines in order to consider any property to be eligible for a Property Line Adjustment;

b. In order to be eligible to be part of a Property Line Adjustment application, all properties that are part of the Property Line Adjustment application must be buildable before any of the properties are reconfigured through the Property Line Adjustment process. For example, the properties must be of sufficient size to allow for installation of a septic system (if the properties are not connected to a municipal wastewater system) and must be of sufficient size to allow construction of a dwelling or other principal structure on the property;

c. Minimum lot frontage as stated in section 6.1, Table of Density and Dimensional Standards, is not required if legal access to a public road for all parcels or lots resulting from the Property Line Adjustment is provided;

d. Property Line Adjustments are not required to meet the density requirements of the Mesa County Master Plan;

e. Property Line Adjustments shall not be used to increase the number of parcels;

f. No parcel resulting from a Property Line Adjustment of a thirty-five (35) acre or larger parcel shall have an area of less than thirty-five (35) acres (unless the adjustment is being made to adjust property boundary lines to match an historic fence line, stream channel, ditch, irrigation canal, or other natural feature in the same vicinity);

g. If located within or adjacent to the Rural Planning Area, the Deposit Survey or Plat must include a note reciting the County’s Right to Farm and Ranch policy;

h. A Property Line Adjustment shall not unreasonably interfere with or prohibit the use of a recorded easement without the prior approval of the beneficiary of the easement;

i. If the property line adjustment results in a change to the access location for the parcel(s), the Street Access requirements of Section 7.15 shall be met; and

j. A Property Line Adjustment wherein the reconfiguration of parcel or lot lines is intended to evade the Major Subdivision regulations of this Code, or would result in a de facto Major Subdivision
through the combination of previous Property Line Adjustments or Physical and Legal Separations, is not eligible for a Property Line Adjustment and shall be processed through the Major Subdivision procedures of Section 3.6.

2. Approval Criteria

The Planning Director may approve an Administrative Review application for a Property Line Adjustment after applying the General Approval Criteria in Section 3.1.17 and determining that:

a. Street locations will not be changed;

b. The proposal will neither create a nonconformity nor increase the degree to which any structure or lot is nonconforming; and

c. Facilities and services (including sewage and waste disposal, domestic water, irrigation water [where available], gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development.

3. Physical and Legal Separations

An Administrative Review for a Physical and Legal Separation of Land may be approved in accordance with this subsection.

1. Eligibility

In order to qualify as a Physical and Legal Separation, the separation must:

a. Be in the form of an actual physical barrier, such as a public road, a railroad track, a river, or a ditch or canal; and

b. One (1) or more intervening parcels must be owned by an unrelated third party.

2. Standards

The following standards shall apply to Physical and Legal Separations:

a. An Administrative Review shall not be approved if the Physical and Legal Separation was caused by a voluntary conveyance of the intervening parcel by the present owner or a previous owner within the ten (10) years preceding the date of filing the Administrative Review application;

b. If located within or adjacent to the Rural Planning Area, an Administrative Review application for a Physical and Legal Separation shall include a site plan note reciting the County’s Right to Farm and Ranch policy; and

c. An Administrative Review for a Physical and Legal Separation shall not be approved unless instruments reflecting the Legal Separation appear in the public record.

3. Approval Criteria

The Planning Director may approve an Administrative Review application for a Physical and Legal
Separation after applying the General Approval Criteria in Section 3.1.17, and determining that:

a. The proposal will neither create a nonconformity nor increase the degree to which a structure is nonconforming; and

b. Facilities and services (including sewage and waste disposal, domestic and irrigation water, gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development.

K. Site Plans

1. Site Plan Approval Required

Site Plan approval, in accordance with the procedures of this section, shall be required before issuance of a building permit for any of the following:

a. Any non-residential development;

b. Any residential or agricultural development;

c. Any project requesting a density bonus under the provisions of Chapter 9 that is not reviewed as an Administrative Review or Major Subdivision;

d. Any development using Transferable Density Credits under the provisions of Chapter 9 that is not reviewed as an Administrative Review or Major Subdivision;

e. Any accessory dwelling unit or internal conversion;

f. Any temporary use.

2. Minor Site Plans

Minor Site Plans are applications which require a lesser review and approval process than Major Site Plans require. Examples include:

a. Alteration of drainages;

b. Temporary uses;

c. Expansion of an existing use, including parking, by no more than fifty percent (50%) of the principal building square footage or fifty percent (50%) of the outdoor storage area; and

d. A change of a non-residential or non-agricultural use without expansion of buildings. (A change of an agricultural or residential use is applied for through a residential/agricultural site plan pursuant to Section 3.5.11.3.)

a. Application Filing

Applications for Minor Site Plan approval shall be submitted to the Planning Director. The
application shall be submitted in person during a check in meeting (see Section 3.1.7).

b. Review and Action

The Planning Director shall review each application for Minor Site Plan approval, and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.5.11.1.D.

c. Notice

No notice requirements are necessary.

d. Approval Criteria

The Planning Director shall approve a Minor Site Plan application if the Planning Director determines that the proposed development will comply any conditions of approval and all applicable requirements of this Land Development Code, including, but not limited to, the Use Regulations in Chapter 5, Density and Dimensional Standards in Chapter 6, and the Development Standards in Chapter 7.

e. Lapse of Approval

The right to develop in accordance with an approved Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within three (3) years of the date of Site Plan approval. A copy of the approved site plan shall be provided to the applicant and placed in the file with an expiration clause and date stamped thereon in accordance with this section.

3. Major Site Plans

Major Site Plans are applications which require a more stringent review and approval process than Minor Site Plans require. Examples of a major site plan include a change in use where the building area is proposed to expand more than fifty percent (50%); expansion of an existing use more than fifty percent (50%), and new uses on vacant land (including multi-family residential uses) or as determined by the Planning Director.

a. Application Filing

Applications for Major Site Plan approval shall be schedule and attend a Pre-application Meeting before filing an Administrative Review application. (see Section 3.1.6).

b. Review and Action

The Planning Director shall review each application for Site Plan approval, and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Sec 3.5.11.2.D.

c. Notice

Notice of filing of an application for Major Site Plan approval shall be posted in accordance with the requirements of Section 3.1.8. Notice is not required to be mailed or advertised.

d. Approval Criteria

The Planning Director shall approve a Site Plan application if the Planning Director determines that the proposed development will comply with any conditions of approval and all applicable requirements of this Land Development Code, including, but not limited to, the Use Regulations in Chapter 5, Density and Dimensional Standards in Chapter 6, and the Development Standards in Chapter 7.

e. Lapse of Approval

The right to develop in accordance with an approved Site Plan shall lapse and be of no further
effect if all development shown on the approved Site Plan is not complete within three (3) years of the date of Site Plan approval. A copy of the approved site plan shall be provided to the applicant and placed in the file with an expiration clause and date stamped thereon in accordance with this section.

4. Residential/Agricultural Site Plans

Residential/agricultural site plans are applications for development of all new residential or agricultural land uses. Accessory buildings with a footprint size of less than one hundred and twenty (120) square feet shall not require a residential/agricultural site plan approval.

a. Application filing

Applications for Residential/Agricultural Site Plan approval shall be submitted to the Planning Director.

b. Review and action

The Planning Director shall review each application for Residential/Agricultural Site Plan approval and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.5.11.3.D.

c. Notice

No notice of the application for Residential/Agricultural Site Plan is required.

d. Approval criteria

The Planning Director shall approve a Residential/Agricultural Site Plan application if the Planning Director determines that the proposed development will comply with any conditions of approval and all applicable requirements of this Land Development Code, including, but not limited to, the Use Regulations in Chapter 5, Density And Dimensional Standards in Chapter 6, the Road Access Policy and Development Standards in Chapter 7.

e. Additional approval criteria for accessory dwellings

In addition to the approval criteria set forth in Section 3.5.11.3.D. above, Accessory Dwellings shall be subject to the approval criteria set forth in Section 5.3.7.

f. Lapse of approval

The right to develop in accordance with an approved Residential/Agricultural Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within the time frame required to complete construction according to a valid building permit.

L. Thirty-five (35) Acre Parcels Created by Plat

The Planning Director shall be responsible for reviewing thirty-five (35) acre parcels created by plat for zoning and access requirements.

M. Subdivision for Public Purposes

An administrative review may be approved in accordance with this subsection.

1. Purpose

To allow one (1) subdivided lot to be used for public purposes not subject to the density requirements in the Master Plan and applicable zoning district. The public purposes shall be limited to those proposed by municipalities, quasi-municipal districts (Public Improvement Districts, Title 32 & 37 districts, etc.) or government entities. Private utilities, for-profit entities, non-profit organizations, cooperatives, and other organizations that provide a benefit or service similar to a publicly owned entity are also eligible under
2. Eligibility:
   a. A use for public purposes must be proposed as the reason for the application. The use must be permitted in the underlying zoning district on the subject property as listed in Table 5.1, as an Allowed Use (Site Plan application) or Conditional Use (CUP). This process does not relieve the applicant of the responsibility of an application for a Conditional Use Permit or the Plan.
   b. The property may be platted or unplatted.

3. Standards:
   The following standards shall apply to Public Purpose Subdivisions:
   a. Only one (1) lot for the public purpose may be created using this process.
   b. A Plat Restriction (a legal restriction on the use of the land for public purposes, recorded in the records of the Clerk and Recorder) shall be placed as a note on the site plan, which is recorded with the plat.

4. Approval Criteria:
   The Planning Director may approve an Administrative Review application for a Public Purpose Subdivision after applying the General Approval Criteria in Section 3.1.17 and determining that:
   a. The lot shall be of sufficient size to meet the requirements in the Land Development Code.
   b. Lots may be created with indirect access (no street frontage) depending on the proposed use. Public uses that do not generate traffic may not require street frontage (for example, a trail or open space parcel may not need road frontage, but a fire station would).
   c. Provision of potable water through service by a water district or a well permit may be required for the new lot. Depending on the public purpose, and upon demonstration that no water use is required, the application may be considered exempt from Section 7.8, Potable Water Supply, in the Land Development Code.
   d. If irrigation water is supplied to the new lot after the division, an irrigation maintenance agreement must be recorded.
   e. The remainder lot (the lot not used for public purposes) shall meet all requirements in Chapter 6, Density and Dimensional Standards.
   f. Screening for noise and visual issues must be provided even if it is not mandatory in Section 7.2 in order to mitigate impacts on the neighborhood.

M. Notice of Decision
   Notice of the decision on an Administrative Review shall be mailed to the applicant and all other parties who have made a written request for notification.

O. Acceptance of Improvements
   Approval of an Administrative Review shall not constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

R. Recording and Depositing
   The Planning Director shall record with the Mesa County Clerk and Recorder all approved Minor Subdivision plats, Simple Land Division plats, Agricultural Land Division plats, and Subdivision replats; and Subdivisions for Public Purposes plats; and deposit all Boundary Line Adjustments, and Physical and Legal Separations.
plats, upon approval.

Q. Appeals

1. Appeals of Planning Director’s Decision

Appeals of the action of the Planning Director regarding an Administrative Review may be taken to the Board of County Commissioners by filing an appeal with the Planning Director within thirty (30) days of the Planning Director’s decision on the matter. The Board of County Commissioners shall consider the appeal as a new matter, and act to approve, approve with conditions, or deny the application. The required notice and approval criteria shall be the same as required of the original action before the Planning Director; however, evidence shall be weighed independently by the Board. If more than one (1) appeal is filed concerning a single decision, the appeals may be consolidated into a single appeal for review at the discretion of the Board.

2. Appeals of Board of County Commissioners’ Decision

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

R. Administrative Review of Major Subdivisions

1. Applicability

The Major Subdivision procedures of this Section 3.6 apply to the following:

a. All land divisions that do not qualify for an Administrative Review application (Administrative Reviews include but are not limited to Minor Subdivisions, Simple Land Divisions, Agricultural Land Divisions, Re-subdivisions, Physical and Legal Separations, and thirty-five (35) Acre Parcels Created by Plat);

b. All additional divisions of parcels that have been included in a Minor Subdivision or Simple Land Division, or Agricultural Land Division;

c. Any additional division of platted parcels previously created through the Major Subdivision process, or any process in place prior to the May 1, 2000 effective date of this Code, which created platted lots.

The procedures of this Section 3.6 shall not apply to those exceptions provided for in C.R.S. §30-28-101(10), or to development or permit applications eligible for processing under the Administrative Review procedures of Section 3.5, unless there is clear intent to evade these Major Subdivision regulations.

2. General Meeting

a. General Meeting

A General Meeting is required for all Major Subdivision applications. The General Meeting application shall be submitted in the format established by the Planning Director. The General Meeting application shall be reviewed by the Planning Director and other administrative officials, and within seven (7) calendar days of the General Meeting, the reviewing officials will complete a written report. A meeting with the applicant to discuss the General Meeting report will be scheduled within fifteen (15) working days of the completion of the review and will serve as the Pre-application Meeting for the Concept Plan application. Meeting notes will be prepared within three (3) working days of that meeting to assist the applicant in preparing the Concept Plan.

b. Lapse of General Meeting

A General Meeting report shall lapse if a Concept Plan application for the subdivision, or a phase of the subdivision, has not been submitted within one hundred and eighty (180) days of the date of the Concept Plan General Meeting unless an extension of not more than one hundred and eighty (180) days has been requested and approved by the Planning Director. Applicants must
schedule a new General Meeting once the General Meeting report has lapsed.

3. Concept Plan

a. Application Filing

Concept Plan applications shall be submitted to the Planning Director in the form required in the application packet.

b. Neighborhood Meeting

The Applicant shall hold a meeting with area property owners after the Department completes a review of the Concept Plan. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the Applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in the Land Development Code and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Planning Director prior to Concept Plan approval.

c. Application Notice

Notice of application shall be provided by mail, publishing and posting, in accordance with the requirements of Sec. 3.1.8. Written notice of the application shall also be provided to subsurface (mineral rights) owners at least five (5) days before the Neighborhood Meeting in accordance with the requirements of Sec. 3.1.8, C.R.S. §30-28-133(10) and §24-65.5-103. The Concept Plan shall have submitted with it certification that the notice of the application has been sent to the mineral estate owners, and shall include the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of an application have been sent as their names may appear upon the plats or records in the County Clerk and Recorder’s office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

d. If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies as a part of the development application.

e. Planning Commission Review

The Planning Commission shall act as a review agency after the neighborhood meeting and shall provide comments and recommendations to the Planning Director.

f. Planning Director’s Review and Decision

After reviewing the application, the Planning Director shall act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Sec. 3.6.3.G., other applicable standards in this Land Development Code and any other adopted County regulations.

g. Approval Criteria

A Concept Plan may be approved by the Planning Director when considering the General Approval Criteria in Section 3.1.17 and the following:

(1) The county and other service providers will be able to provide adequate facilities and services (including sewage and waste disposal, domestic water, and irrigation water, where available), gas, electricity, police and fire protection, and roads and transportation, as applicable, which shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development.

(2) The proposed subdivision will not result in significant and demonstrable adverse impacts
on the natural environment, including air, water, noise, storm water management, wildlife and vegetation;

(3) The proposed subdivision will not impede future development of surrounding land at densities and intensities shown in the Mesa County Master Plan;

(4) The proposal is not significantly different from surrounding and nearby land uses and/or allowed uses in terms of density, intensity and impacts, and it mitigates any potential adverse impacts to the maximum extent practical (traffic generation, noise, odor, dust, and other external impacts);

(5) The proposed subdivision, if located within the Rural Planning Area, does not result in the division of, or hinder, conservation of prime or prime and unique agricultural land as defined by the Natural Resources Conservation Service; and

(6) The proposed subdivision, if located within or adjacent to the Rural Planning Area, includes a site plan and plat note reciting the County’s Right to Farm and Ranch policy.

h. Findings of Fact

The decision of the Planning Director shall be accompanied by written findings of fact, which shall include a finding of whether the Major Subdivision is consistent or inconsistent with any applicable intergovernmental agreements between the County and other entities. Those written findings shall be stated in the document approving or denying the Concept Plan. The findings shall also be filed with the Clerk and Recorder of Mesa County. In the event of denial, the written findings shall specify the provisions of the County’s adopted regulations that the proposal failed to satisfy.

i. Technical Disputes

As a means of resolving technical disputes between the applicant’s licensed or registered professionals and the County, such disputes may be referred to a qualified employee of the appropriate state department for a recommendation pursuant to CRS §30-28-133.5.

j. Lapse of Concept Plan Approval

An approved Concept Plan shall lapse and be of no further force and effect if a complete Final Plan application for the subdivision, or a phase of the subdivision has not been submitted within one (1) year of the date of Concept Plan approval by the Planning Director (date of approval document). A maximum of three 12-month extensions of time may be approved by the Planning Director upon review of a written request when deemed necessary to resolve review comments, or due to unforeseen circumstances. The Planning Director may decline to grant an extension if there is the potential for adverse impacts on the development of surrounding properties, or there has been a substantial change in the surrounding area, or the proposed development would no longer be consistent with adopted plans of this Code. If approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

4. Final Plan

After approval of a Concept Plan, a Final Plan application for the subdivision may be submitted.

a. Application Filing

Final Plan applications shall be submitted to the Planning Director in the form required in the application packet.

b. Planning Director’s Action

The Planning Director shall review each Final Plan application, and act to approve or deny the
Final Plan based on the Approval Criteria of Sec. 3.6.4.C.

c. Approval Criteria

The Planning Director shall approve a Final Plan only if the Planning Director determines that the Final Plan is consistent with the approved Concept Plan and meets all conditions imposed by the Planning Director during the approval of the Concept Plan. A Final Plan is deemed to be consistent with the approved Concept Plan when:

1) the locations of connections to public roads and adjacent properties not owned by the applicant are not altered and internal street and pedestrian path alignments may be slightly modified;
2) drainage and detention facility locations are retained within the general areas identified in the approved Concept Plan;
3) all applicable requirements of this Land Development Code are met; and
4) other modifications are determined by the Planning Director to be consistent with the approved Concept Plan. If circumstances pertaining to the overall development change, a phasing plan may be approved by the Planning Director in response to a written request stating the specific circumstances. The applicant shall notify the applicable utilities and adjacent property owners. Any Final Plan which is determined to be inconsistent with the Concept Plan approval per this section may either be revised to be consistent with such previous approval or may be submitted as a new Concept Plan under Section 3.6.3.

d. Time Frames

The Final Plan shall be approved within one (1) year of the date of submittal. One (1) extension of one (1) year may be approved by the Planning Director upon review of a written request.

S. Final Plat

After approval of a Final Plan, a Final Plat application for the subdivision may be submitted.

a. Public Improvements/Development Improvements Agreements

Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements in accordance with Section 3.16.

b. Application Filing

Final Plat applications shall be submitted to the Planning Director. The application shall be submitted in person during a check-in meeting (see Section 3.1.7).

c. Planning Director’s Action

The Planning Director shall review each Final Plat application, and act to approve or deny the Final Plat after determining whether or not it is consistent with the approved Final Plan.

d. Acceptance of Improvements

Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

e. Recording; Lapse of Approval

If the approved Final Plat is not recorded with the Clerk and Recorder of Mesa County within three (3) years of the date of approval of the Final Plan, the Concept Plan and Final Plan shall lapse and be of no further effect. Two (2) one-year (1) extensions of time may be approved by the Planning Director upon review of a written request when deemed necessary due to unforeseen circumstances. If approval lapses, the Planning Director shall record a lapsing of
approval affidavit with the Mesa County Clerk and Recorder.

f. Corrections for Errors or Omissions for Minor Changes to Recorded Plats

If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, whereupon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Planning Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

6. Appeals

a. Appeals of Planning Director’s Decision

Appeals of the actions of the Planning Director regarding Major Subdivision Concept Plans and Final Plans may be taken to the Board of County Commissioners by filing an appeal with the Planning Director within thirty (30) days of the Planning Director’s decision on the matters. Appeals will be reviewed by the Planning Commission in a public workshop with comments presented to the Board of County Commissioners. The Board of County Commissioners shall consider the appeal as a new matter, and act to approve, approve with conditions, or deny the application. The required notice and approval criteria shall be the same as required of the original action before the Planning Director; however, evidence shall be weighed independently by the Board. If more than one (1) appeal is filed concerning a single decision, the appeals may be consolidated into a single appeal for review at the discretion of the Board.

b. Appeals of Board of County Commissioners’ Decision

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.16 | SITE PLANS

5. Site Plan Approval Required

Site Plan approval, in accordance with the procedures of this section, shall be required before issuance of a building permit for any of the following:

1. Any non-residential development;
2. Any residential or agricultural development (except as described under Section 3.3.3);
3. Any project requesting a density bonus under the provisions of Chapter 9 that is not reviewed as an Administrative Review or Major Subdivision;
4. Any development using Transferable Density Credits under the provisions of Chapter 9 that is not reviewed as an Administrative Review or Major Subdivision;
5. Any accessory dwelling unit or internal conversion
6. Any temporary use.

T. Minor Site Plans

1. Minor Site Plans are applications which require a lesser review and approval process than Major Site Plans require. Examples include:
   a. alteration of drainages;
   b. temporary uses;
   c. expansion of an existing use, including parking, by no more than fifty percent (50%) of the principal building square footage or fifty percent (50%) of the outdoor storage area, and...
a change of a non-residential or non-agricultural use without expansion of buildings. (a change of an agricultural or residential use is applied for through a residential/agricultural site plan pursuant to Section 3.5.11.3.)

2. Application Filing

Applications for Minor Site Plan approval shall be submitted to the Planning Director. The application shall be submitted in person during a check-in meeting (see Section 3.1.7).

3. Review and Action

The Planning Director shall review each application for Minor Site Plan approval, and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.5.11.1.D.

4. Notice

No notice requirements are necessary.

5. Approval Criteria

The Planning Director shall approve a Minor Site Plan application if the Planning Director determines that the proposed development will comply any conditions of approval and all applicable requirements of this Land Development Code, including, but not limited to, the Use Regulations in Chapter 5, Density and Dimensional Standards in Chapter 6, and the Development Standards in Chapter 7.

6. Lapse of Approval

B. Procedure

Figure 4 identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Site Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4: Summary of the Site Plan Procedure
The Community Development Director shall make a decision based on the Approval Criteria under Section X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

1. Approval Criteria
   a. The Director shall approve a Site Plan application if it is determined that the proposed development will comply with any conditions of approval and all applicable requirements of this Land Development Code, including, but not limited to:
      1. The Use Regulations in Chapter X.1; and
   b. In addition to the approval criteria set forth in Section X.1, above, Accessory Dwellings shall be subject to the approval criteria set forth in Section X.1.
   c. Notice of filing of an application for Major Site Plan approval shall be posted in accordance with the requirements of Section 3.1.8. Notice is not required to be mailed or advertised.
   d. Approval Criteria
      a. The Planning Director shall approve a Site Plan application if the Planning Director determines that the proposed development will comply with any conditions of approval and all applicable requirements of the Land Development Code, including, but not limited to, the Use Regulations, Density and Dimensional Standards, in Chapter 6, and the Development Standards in Chapter 7.

2. Lapse of Approval
   The right to develop in accordance with an approved Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within three (3) years of the date of Site Plan approval. A copy of the approved site plan shall be provided to the applicant and placed in the file with an expiration clause and date stamped thereon in accordance with the section.
U.C. Residential/Agricultural Site Plans

Residential/agricultural site plans are applications for development of all new residential single family, duplex or agricultural land uses. Accessory buildings with a footprint size of less than two hundred (200) and twenty (120) square feet shall not require a residential/Agricultural site plan approval.

1. Application filing

Applications for Residential/Agricultural Site Plan approval shall be submitted to the Planning Director.

2. Review and action

The Planning Director shall review each application for Residential/Agricultural Site Plan approval, and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.5.11.3.D.X.

3. Notice

No notice of the application for Residential/Agricultural Site Plan is required.

4. Approval criteria

The Planning Director shall approve a Residential/Agricultural Site Plan application if the Planning Director determines that the proposed development will comply with any conditions of approval and all applicable requirements of this Land Development Code, including, but not limited to, the Use Regulations in Chapter 5.X, Density And Dimensional Standards in Chapter 6.X, the Road Access Policy and Development Standards in Chapter 7.X.

5. Additional approval criteria for accessory dwellings

In addition to the approval criteria set forth in Section 3.5.11.3.D. above, Accessory Dwellings shall be subject to the approval criteria set forth in Section 5.3.2.

6. Lapse of approval

The right to develop in accordance with an approved Residential/Agricultural Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within the time frame required to complete construction according to a valid building permit.

SECTION 4.17 | STORMWATER CONSTRUCTION PERMIT

A. Applicability

This section sets out the required review and approval procedures for Stormwater Construction Permits.

V. Pre-application meeting

Applicants may schedule and attend a Pre-application Meeting before filing a Stormwater Construction Permit application with Stormwater Administrator (see Section 3.1.6).

W. Application filing

Completed Stormwater Construction Permit applications shall be submitted to the Stormwater Administrator (see Section 3.1.4).

X. Review and Action

The Stormwater Administrator and other relevant review agencies that review each Stormwater Construction Permit application to evaluate the suitability of the proposed Construction Stormwater Management Plan. At the conclusion of the review period (see Section 3.1.13), the Stormwater Administrator shall act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.19.4.

B. Procedure
Figure 4.1 identifies the application steps which apply to the review of Stormwater Construction Permit applications. Additions or modifications to the general review procedures are noted below.

**Figure 4.1: Summary of the Stormwater Construction Permit Procedure**

1. **Pre-Application Meeting**
   - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

2. **Application Submittal**
   - A property owner or the owner’s authorized agent shall submit an application to the Stormwater Administrator. The submitted application shall include all materials specified in the checklist provided by the Stormwater Administrator.

3. **Application Review**
   - The Stormwater Administrator shall distribute the application to the appropriate review agencies.

4. **Stormwater Administrator Action**
   - The Stormwater Administrator shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

**X.C. Approval Criteria**

In determining whether to approve a Stormwater Construction Permit, the Stormwater Administrator shall consider if the Construction Site shall meet the Stormwater Discharge Limitations of Section 1503.1 of the Stormwater Management Manual (SWMM) and the Stormwater Regulations of Section 7.23.

**X.D. Appeals**

Appeals of the Stormwater Administrator’s decision on the Stormwater Construction Permit application may be taken to the Board of County Commissioners in accordance with the procedures of Section 3.15, Appeals of Administrative Decisions.

**X.E. Lapse of Approval**

Earthwork, in compliance with the approved Stormwater Construction Permit, shall commence on a site that has an approved Stormwater Construction Permit within one (1) year from the date of issuance. If construction has not been commenced during the one (1) year period and diligently pursued, the permit shall lapse and be of no further effect. An extension of a Stormwater Construction Permit shall require review and approval of a new permit.

**SECTION 4.18 | STORMWATER CONSTRUCTION PERMIT VARIANCES**

**A. Applicability**

This section sets out the required review and approval procedures for Stormwater Construction Permit Variances. The variance from permitting does not relieve the owner from meeting discharge limitations described in the Mesa County Stormwater Management Manual (SWMM) Section 1503.1, and the stormwater regulations in Section 7.23.

**B. Application Filing**

Applications for Stormwater Construction Permit Variances shall be submitted to the Stormwater Administrator. A check-in meeting shall be required with the Stormwater Administrator (See Section 3.1.7).
CC. Review and Action

B. Procedure

Figure 4.U identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of Stormwater Construction Permit Variance applications. Additions or modifications to the general review procedures are noted below.

Figure 4.U: Summary of the Stormwater Construction Permit Variance Procedure

### STEPS

1. **Pre-Application Meeting**
   - The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

2. **Application Submittal**
   - The property owner or the owner’s authorized agent shall submit an application to the Stormwater Administrator. The submitted application shall include all materials specified in the checklist provided by the Stormwater Administrator.

3. **Application Review**
   - The Stormwater Administrator shall distribute the application to the appropriate review agencies.

4. **Stormwater Administrator Action**
   - The Stormwater Administrator shall review the request based on the Approval Criteria under Section 3.2.8, and shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

5. **Board of County Commissioner Action**
   - The Board of County Commissioners shall hold a public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section X.X.

DD. Approval Criteria

In evaluating the proposed request in acting upon applications for Stormwater Construction Permit Variance, the Stormwater Administrator shall consider the Stormwater Regulations of Section 7.23; all technical evaluations, and the following criteria shall be considered:

1. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or enter a waterway.
2. Agricultural and silviculture activities such as home gardening and tilling a field for weed control.
3. Maintenance activities, such as re-grading a dirt road, re-landsaping a lawn, cleaning out roadside ditches, and other land disturbances that do not alter original line and grade, hydraulic capacity or original purpose.
4. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed.
5. For small construction activity (i.e.: from 1- to 5-acres of earth disturbance) based on the Rainfall Erosivity Factor (i.e.: the R-Factor) (see Colorado Discharge Permits System Regulation No. 61 @ 61.3.2)[(f)][(5)][(8)] and duration of the exposed disturbance. To obtain a waiver from the CDPS
Construction General Permit, the applicant must submit calculations to the WQCD (see “Policy on the State Approved Method for Calculating the Rainfall Erosivity Factor” in SWMM, which can be obtained in pdf form at http://www.cdphe.state.co.us/wq/permitsunit/index.html

6. Grading or an excavation below finished grade for basements, footings, retaining wall, or other structures provided the land disturbance is less than one (1-acre) and are not part of a Larger Common Plan of Development or Sale.

EE. Findings of Fact

The decision of the Stormwater Administrator shall be accompanied by written findings of fact specifying the reason for the decision.

FF. Notice of Decision

Notice of the decision shall be mailed to the applicant and all other parties who have made a written request for notification.

GG. D. Appeals

Appeals of the Stormwater Administrators decision on the Stormwater Construction Permit Variance application may be taken to the Board of County Commissioners in accordance with the procedures of Section 3.15, Appeals of Administrative Decisions.

SECTION 4.19 | STORMWATER QUALITY PROGRAM EXEMPTIONS

This section sets out exemptions from the stormwater quality program. The exemption from permitting does not relieve the owner from meeting discharge limitations described in the Mesa County Stormwater Management Manual (SWMM) Section 1503.1, and the stormwater regulations in Section 7.23.

HH. A. The following activities are considered exempt:

1. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or entering waters of the state.
2. Agricultural and silviculture activities such as home gardening and tilling a field for weed control.
3. Maintenance activities, such as re-grading a dirt road, re-landscaping a lawn, cleaning out roadside ditches, and other land disturbances that do not alter original line and grade, hydraulic capacity or original purpose.
4. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed.
5. Grading or an excavation below finished grade for basements, footings, retaining wall, or other structures provided the land disturbance is less than one (1-acre) and are not part of a Larger Common Plan of Development or Sale.
Section 3.18 | CONDITIONAL USE PERMITS

A. Pre-application Meeting

Applicants shall schedule and attend a Pre-application Meeting before filing a Conditional Use Permit application (see Section 3.1.6).

B. Application Filing

Applications for Conditional Use Permits shall be submitted to the Planning Director.

C. Planning Director's Review and Report

The Planning Director shall review each Conditional Use Permit application in light of the Approval Criteria of Section 3.8.7 and, if deemed necessary, distribute the application to other reviewers. Based on those reviews, the Planning Director shall provide a report to the Planning Commission. The Planning Director shall be authorized to require that a qualified consultant be hired at the applicant's expense when staff resources are unavailable or inadequate to conduct a competent analysis of the application.

D. Public Hearing Notice

Notice of the public hearing shall be mailed and posted, in accordance with Section 3.1.8.

E. Planning Commission's Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed Conditional Use Permit and, at the close of the public hearing, recommend approval, approval with conditions, or denial of the application based on the Approval Criteria of Section 3.8.7.

F. Board of County Commissioners' Review and Decision

After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall hold a public hearing on the proposed Conditional Use Permit application and, at the close of the public hearing, act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.8.7.

G. Approval Criteria

A Conditional Use Permit may be approved by the Board of County Commissioners after applying the General Approval Criteria in §3.1.17 and after considering the following:

1. The proposed use is not significantly different from adjacent uses in terms of appearance, site design, operating characteristics (hours of operation, traffic generation, noise, odor, dust, and other external impacts) or, if the use is different, that any adverse impacts resulting from the use will be mitigated to the maximum extent practical and reclamation of the site will be adequate for appropriate future uses of the site where applicable:
   a. Applications which request an exception to the height limitations of a zone district as identified in Table 6.1 must demonstrate that:
      (1) The strict application of the provisions of this Land Development Code would result in practical difficulties to, and exceptional and undue hardship upon, the proposed use, and
      (2) The proposal is compatible with features in the area such as vegetation, topography, or similar structures and
      (3) The proposal will not have an adverse impact upon the properties located within the written...
Proposals must address measures to blend the structure into the existing landscape and skyline and provide visual representation of such mitigation.

2. Facilities and services (including sewage and waste disposal, recycling, domestic and irrigation water [where available], gas, electricity, security measures, police and fire protection, and roads and transportation, special fencing, and signage, as applicable) shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to proposed and existing development during regular, periodic, and peak usages;

3. Access will be provided as necessary to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;

4. Adequate assurances of ongoing maintenance have been provided;

5. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practical, including whether soils and geologic suitability are adequate for the proposed use, and whether prevailing winds might cause adverse impacts on-site and off-site; and

6. There is a need for the use on a community-wide basis.

H. Findings of Fact

The decision of the Board of County Commissioners shall be accompanied by written findings of fact, which shall include a finding of whether the Conditional Use Permit is consistent or inconsistent with any applicable intergovernmental agreements between the County and other entities. Those written findings shall be stated in the Board of County Commissioners’ resolution recommending approval or denying the Conditional Use Permit. In the event of denial, the Board of County Commissioners’ written findings shall specify the provisions of the County’s adopted regulations that the proposal failed to satisfy.

I. Appeals of Board of County Commissioners’ Decision

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

J. Amendments

The procedure and criteria for amending any Conditional Use Permit shall be the same as required for approving a new permit pursuant to Section 3.8 of this Code.

Section 3.19 | FLOODPLAIN DEVELOPMENT PERMIT

A. Pre-application Meeting

Applicants shall schedule and attend a Pre-application Meeting before filing a Floodplain Development Permit application (see Section 3.1.6).

B. Application Filing

Floodplain Development Permit applications shall be submitted to the Floodplain Administrator.

C. Floodplain Administrator’s Review and Action

The Floodplain Administrator and other relevant review agencies shall review each Floodplain Development Permit application to determine the specific flood hazard at the site, and to evaluate the suitability of the proposed use in relation to the flood hazard. At the conclusion of the review period, the Floodplain Administrator shall act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.9.4. The Floodplain Administrator shall be authorized to require that a qualified consultant be hired at the applicant’s expense when staff and agency resources are unavailable.
or inadequate to conduct a competent analysis of the application.

D. Approval Criteria

In determining whether to approve a Floodplain Development Permit, the Floodplain Administrator shall consider the following items.

1. The effect of the flood on the site itself, including:
   a. The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
   b. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
   c. Whether the proposed use will be inhabited or only used on a part-time basis;
   d. The proposed water supply and sanitation systems, and the ability of these systems to prevent contamination or unsanitary conditions;
   e. The community importance of the services provided by the proposed facility;
   f. The requirements of the facility for a waterfront location, and the availability of alternative sites for the use;
   g. The compatibility of the proposed use with existing development and development anticipated in the future;
   h. The precedent that would be set by granting the permit, and the cumulative effect of numerous similar permits, if issued;
   i. The safety of access to the property in times of flood for emergency and non-emergency vehicles; and
   j. Whether the property is endangered by channel relocation due to natural causes.

2. The effect on depth and velocity of floodwater (i.e., peak flow characteristics),
   a. The danger to life and property downstream due to increased flood velocities and heights caused by encroachment of obstruction upstream or downstream;
   b. Whether the depth of floodwaters on neighboring parcels would be increased by more than the designated height above normally expected flood depths;
   c. Increased probability of erosion to property, as opposed to normal stream bank erosion, because of accelerated flood velocities, or direction of floodwaters resulting from the obstruction or encroachment;
   d. Whether additional public expenditures for increased flood protection may be necessitated, such as dike or bridge maintenance;
   e. Whether the applicant would obtain an undue advantage compared to later applicants who might require a permit;
   f. The danger that materials may be swept downstream and cause injury to persons or property;
Possibility of contamination downstream from ruptured waste disposal systems, or stored treatment-related toxic chemicals and/or bacteriological substances. 

The preservation of the efficiency and capacity of the watercourse to transmit and discharge floodwaters, and the capacity of the floodplain area to absorb floodwaters.

**E. Conditions of Approval**

The Floodplain Administrator shall ensure that the proposed development complies with Floodplain Regulations of Section 7.13. The Floodplain Administrator shall be authorized to impose conditions necessary to ensure compliance with those standards, including those set out in Section 7.13.11 and the following:

1. Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters.
2. Limitations on periods of use and operations.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements of prohibitions of channel modifications, dikes, levees, and other protective measures.
5. Placement of a structure on the site so that it offers minimum obstruction to flood waters by requiring that its longitudinal axis be parallel to the direction of the flood waters and on the same line as those of adjoining structures, or by requiring greater setbacks from the watercourse than would otherwise be required.
6. Location of building pad envelopes.

7. Flood Proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The administrator shall require that the applicant submit a plan or document certified by a registered professional engineer or architect testifying that the Flood Proofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area. Flood Proofing measures may include:
   a. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
   b. Reinforcement of walls to resist water pressures;
   c. Addition of mass or weight to structures to resist flotation;
   d. Use of paints, membranes, or mortars to reduce seepage of water through walls;
   e. Installation of pumps to lower water levels in structures;
   f. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall flood pressures;
   g. Construction to resist rupture or collapse caused by water pressure from debris;
   h. Installation of acceptable valves or controls on sanitary and storm drains, which will permit the drains to be closed to prevent backup of sewage and storm waters into the structure, and
   i. Location of electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the flood waters.

**F. Appeals**

Appeals of the Floodplain Administrator’s decision on a Floodplain Development Permit application may...
be taken to the Floodplain Board of Appeals in accordance with the procedures of Section 3.15.

G. Lapse of Approval

An approved Floodplain Development Permit shall be valid for a period of one (1) year from the date of issuance. If construction has not been commenced and diligently pursued during the one (1) year period, the permit shall lapse and be of no further effect. An extension of a Floodplain Development Permit shall require review and approval of a new permit, pursuant to the procedures of this section.

Section 3.20 - SECTION 4.20 - VACATION OF RIGHTS-OF-WAY, AND RENAMING OF STREETS

A. Applicability

The procedures of this section shall apply to the vacation of any public right-of-way providing access to property and to the renaming of streets.

B. Application Filing

Applications shall be submitted to the Planning Director. The application shall be submitted in person during a check-in meeting (see Section 3.1.7).

C. Planning Director's Review and Report

The Planning Director shall review each application in light of the Approval Criteria of Section 3.10.6, and, if deemed necessary, distribute the application to other reviewers. Based on those reviews, the Planning Director shall provide a report to the Board of County Commissioners.

D. Public Hearing Notice

Notice of the Board of County Commissioners' public hearings shall be provided by mail and posting, in accordance with the requirements of Section 3.1.8.

E. Board of County Commissioners' Review and Decision

After receiving the recommendation of the Planning Director, the Board of County Commissioners shall hold a public hearing on the proposal, and, at the close of the public hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Section 3.10.6.

B. Procedure

Figure 4.X identifies the application steps from Chapter 3, General Review Procedures, which apply to the review of a Vacation of Rights-of-Way or Renaming of Streets applications. Additions or modifications to the general review procedures are noted below.

Figure 4.X: Summary of the Vacation of Rights-of-Way or Renaming of Streets
The Board of County Commissioners shall hold a public hearing on the proposed Conditional Use Permit application and, at the close of the public hearing, act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section X.

**STEP 1** Pre-Application Meeting

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

**STEP 2** Application Submittal

A property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

**STEP 3** Application Review

The Community Development Director shall distribute the application to the appropriate review agencies.

**STEP 4** Required Notice

Notice of the requested shall be published, mailed and posted in accordance with the requirements of Section X.X.

**STEP 5** Community Development Director Action

The Community Development Director shall review the request based on the Approval Criteria under Section X.X and shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

**STEP 6** Board of County Commissioner Action

The Board of County Commissioners shall hold a public hearing on the proposed Conditional Use Permit application and, at the close of the public hearing, act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section X.X.

### Approval Criteria

1. **Rights-of-way Vacations**
   
   a. In evaluating the proposal, the request shall not be approved by the Board of County Commissioners if the Board of County Commissioners determines that the requested vacation will not:
      
      1. Create any landlocked parcels, or restrict access to any parcel so that access is unreasonable or economically prohibitive;
      
      2. Negatively impact adjacent properties;
      
      3. Restrict access to any parcel so that access is unreasonable or economically prohibitive;
      
      4. Reduce the quality of public services to any parcel of land or negatively affect utility access or utility distribution networks;
      
      5. Be inconsistent with any adopted transportation plan, including the Grand Valley MPO Transportation Plan;
      
      6. Affect the historic movement of livestock; or
      
      7. Create a circuitous alternate route for area residents or other members of the public;
      
      8. Negatively affect utility access or utility distribution networks; or
      
      9. Eliminate public access to public lands.

Commented [WU88]: Combined with criteria #1 above.

Commented [WU89]: Combined with criteria #4

Commented [WU90]: This criterion is contained under criteria #1.
b. A vacation of a right-of-way may be approved on a Subdivision Plat as long as the above criteria are met, and:
   (1) The right-of-way being vacated was previously dedicated to the public;
   (2) The right-of-way being vacated is entirely within the plat being created; and
   (3) Access to adjoining parcels that existed because of this right-of-way is not jeopardized.

2. Street Renaming

   The Board of County Commissioners may approve an application for Street Renaming if it finds that both of the following criteria have been met:
   a. The proposed new name for the street is not so similar to the name of an existing street in the County or any town or city in the County that it would create public confusion as to the location of the street; and
   b. The proposed renaming will not otherwise create any continuing confusion to drivers, public safety personnel, or area residents as to the location of the street.

G. Appeals

   Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.21 | WRITTEN INTERPRETATIONS

M. Application Filing

   Applications for Written Interpretations of this Land Development Code shall be submitted to the Planning Director. A check-in meeting shall be required (see Section 3.1.7).

L. Planning Director’s Review and Decision

   Within 30 days of receipt of a complete application for a Written Interpretation, the Planning Director shall:
   (1) review and evaluate the application in light of the text of this Land Development Code, the Official Zoning Maps, the Mesa County Master Plan, and any other relevant documents; (2) consult with the County Attorney and other staff, as necessary; and (3) render a Written Interpretation.

J. Form

   The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

K. Official Record of Interpretations

   The Planning Director shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection in the Planning Department during normal business hours.

A. Applicability

   When clarification is requested, the Director shall be authorized to make written interpretations concerning any section of this LDC.

B. Procedure

   Figure 4Y identifies the application steps from Article 3, General Review Procedures, which apply to the review of a request for Written Interpretation. Additions or modifications to the general review procedures are noted below.

   Figure 4Y: Summary of the Written Interpretation Procedure
Pre-Application Meeting
STEP 1

The property owner or the owner’s authorized agent may schedule and attend a Pre-Application Meeting before filing an application (see Section X.X).

Application Review
STEP 2

A property owner or the owner’s authorized agent shall submit an application to the Community Development Director. The submitted application shall include all materials specified in the checklist provided by the Planning Division.

Community Development Director Action
STEP 3

The Community Development Director shall make a decision based on the Approval Criteria under Section X.X. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.

L.C. Appeals

Appeals of decisions of the Planning Director’s Written Interpretation may be taken to the Board of County Commissioners in accordance with the procedures of Section 3.15.

Section 3.21 | ADMINISTRATIVE ADJUSTMENTS

A. Applicability

This section sets out the required review and approval procedures for Administrative Adjustments, which are modifications to any numeric standard set out in Section 4.4 and Chapter 6, except those related to building height, residential density, or nonresidential intensity.

B. Application Filing

Applications for Administrative Adjustments shall be submitted to the Planning Director. The Planning Director may require the Applicant to include, as part of the application, any materials necessary to provide adequate information to allow the Planning Director to conduct a complete review of the application. Such materials may include, but are not limited to, a survey prepared by a licensed Colorado surveyor.

C. Review and Action

The Planning Director shall review each application for an Administrative Adjustment and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.11.4.

D. Approval Criteria

Administrative Adjustments may be approved by the Planning Director only upon a finding that all of the following criteria have been met.
1. The requested adjustment will have no significant adverse impact on the health, safety, or general welfare of the applicant, residents of the subject property, surrounding property owners, or the general public; and

2. Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practical;

3. There are special circumstances or conditions (including but not limited to exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or building for which the Administrative Adjustment is sought that do not apply generally to land or buildings in the area;

4. The strict application of the provisions of this Land Development Code would result in peculiar and practical difficulties in the use of the land or building; and

5. The requested Administrative Adjustment is the minimum necessary to relieve the applicant of the peculiar and practical difficulties in the use of the land or building.

E. Findings of Fact

The decision of the Planning Director shall be accompanied by written findings of fact. Those written findings shall be filed in the Planning Department and with the Clerk and Recorder of Mesa County.

F. Appeals

Appeals of the Planning Director's decision on an Administrative Adjustment may be taken to the Board of County Commissioners in accordance with the procedures of Section 3.15.
C. Procedure

Figure 4.1 identifies the application steps from Article 3, General Review Procedures, which apply to the review of Zoning Variance applications. Additions or modifications to the general review procedures are noted below.

Figure 4.1: Summary of the Zoning Variance

![Diagram of Zoning Variance process]

E. Approval Criteria for Zoning Variances

In evaluating the proposed request, all of the following criteria must be met:

1. The requested Variance is consistent with the Purposes set out in Section 1.5.X of this Land Development Code (LDC);

2. There are special circumstances or conditions (such as exceptional topographic conditions, narrowness, shallowness, or the shape of the property) that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the area;

3. The special circumstances and conditions that account for the need for a Variance are not the result of the owners’ actions;

4. The special circumstances and conditions are such that the strict application of the provisions of this Land Development Code (LDC) would result in peculiar and practical difficulties to, and exceptional and undue hardship upon, the use of the land or building;

5. The granting of the Variance is the minimum necessary to relieve the applicant of the practical
difficulties and exceptional and undue hardship in the use of the land or building; and

6. The granting of the Variance will not have an adverse impact upon the properties located within the written notification area defined in Section 3.1.8.

5. Approval Criteria for Accessory Dwelling Unit Variances

1. Variances to the maximum allowed size of an accessory dwelling may be approved by the Board of Adjustment only if it finds that the following criteria 1 through 5 have been met:

   a. The requested variance is consistent with the Purposes set out in Section 1.5 of the Land Development Code;
   b. The available building area of the property, as shown on a survey or site analysis map submitted by the applicant, would allow the construction of the proposed accessory dwelling, including adequate space for a septic system and replacement septic system as required by Mesa County;
   c. Except for maximum size, the proposed accessory dwelling will meet all applicable requirements of the Land Development Code [LDC];
   d. 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; and
   e. Notice of the requirements and restrictions pertaining to the accessory dwelling will be provided to potential future owners by recording the variance approval resolution in the public records of the Mesa County Clerk and Recorder.

2. In addition to the accessory dwelling variance approval criteria listed in Section 3.12.6.A above, the Board of Adjustment shall also consider the following:

   a. Whether there are special circumstances or conditions that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the area;
   b. Whether the special circumstances and conditions are such that the strict application of the provisions of this Land Development Code would result in peculiar and practical difficulties to, and exceptional and undue hardship upon, the use of the land or building;
   c. Whether the requested Variance is the minimum necessary to relieve the applicant of the practical difficulties and exceptional and undue hardship in the use of the land or building;
   d. Whether the granting of the Variance will have an adverse impact upon the properties located within the written notification area defined in Section 3.1.8.; and
   e. Whether the principal dwelling and accessory dwelling will be compatible with one (1) another in appearance, including similar styles of architecture and rooflines and similar exterior construction materials; however, 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.

G. Findings of Fact

The decision of the Board of Adjustment shall be accompanied by written findings of fact specifying the reason for the decision. Those written findings shall be filed in the Planning Department and with the Clerk and Recorder of Mesa County.

H. Notice of Decision

Notice of the decision shall be mailed to the applicant and all other parties who have made a written request for notification.

F. Structure Height Variance Approval Criteria
Applications which request an exception to the height limitations of a zone district as identified in Table XX must demonstrate that:

1. The strict application of the provisions of this LDC would result in practical difficulties to, and exceptional and undue hardship upon, the proposed use, and

2. The proposal is compatible with features in the area such as vegetation, topography or similar structures and

3. The proposal will not have an adverse impact upon the properties located within the written notification area defined in Section XX of the Code.

Proposals must address measures to blend the structure into the existing landscape and skyline and provide visual representation of such mitigation.

I.G. Appeals

Appeals of decisions of the Board of Adjustment shall be made to the courts, as provided by law.
CHAPTER 5 ZONING DISTRICTS

This chapter establishes Mesa County zoning districts and contains statements of purpose, density and dimensional standards, each of the district’s future land use classification compatibility and overlay standards. The Consolidated Zoning District Map and the Master Plan Future Land Use Plan Map are maintained in the Community Development Department of Mesa County.

SECTION 5.01 | RURAL ZONING DISTRICTS

The AF-35 and AFT following Districts shall be known as Rural Zoning Districts. These districts are generally appropriate for application in the Rural Planning Area. The Zoning Districts as described in Chapter 4 are general in nature and not guarantees that the stated minimums or maximums can be achieved on every site. Other regulations of the Land Development Code or site-specific conditions may further limit development.

A. AF-35. Agricultural and Forestry District [AF-35]

The AF-35 Agricultural and Forestry District is primarily intended to provide for the protection and continuation of agriculture and forestry operations, and the preservation of environmentally sensitive lands, while allowing very low-density single-family residential development.

AF-35 Districts are intended for application in the Rural Planning Area. The district corresponds to and implements the Mesa County Master Plan’s “Rural,” “Large Lot Rural/Agricultural 35+,” “Large Lot 35+,” “Cooperative Planning Area,” and “Buffer” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Lot Coverage (square feet)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Maximum Street Setbacks (feet)</th>
<th>Principal/Accessory</th>
<th>Maximum Lot Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF-35</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>35</td>
</tr>
</tbody>
</table>

B. AFT. Agricultural, Forestry, Transitional District [AFT]

The AFT Agricultural, Forestry, Transitional District is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the Rural Planning Area. The district corresponds to and implements the Mesa County Master Plan’s “Rural,” “Large Lot 35+,” “Rural/Ranch Residential 1,” “Rural/Agricultural 17,” “Rural Agricultural 20 NB,” “Fruita 201,” “EOM 10,” “Conservation,” “Cooperative Planning Area,” and “Buffer” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (net)</th>
<th>Minimum Lot Coverage (square feet)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Maximum Street Setbacks (feet)</th>
<th>Principal/Accessory</th>
<th>Maximum Lot Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFT</td>
<td>Section X X</td>
<td>130’</td>
<td>20</td>
<td></td>
<td></td>
<td>35</td>
</tr>
</tbody>
</table>

SECTION 5.02 | URBAN RESIDENTIAL ZONING DISTRICTS

<table>
<thead>
<tr>
<th>Urban Residential Districts Summary</th>
<th>District Name</th>
<th>Density/lot Size</th>
<th>Min Lot Size</th>
<th>Max Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>E1A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E2A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E3A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E4A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E5A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E6A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E7A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E8A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E9A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E10A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E11A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E12A</td>
<td>1 unit/3 acres</td>
<td>AS1/R1A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Commented [GM2]: This added language points readers to appropriate locations for more detailed information.

Commented [GM1]: Removed all tables under Section 5.01 and added new tables with more information.

Commented [GM3]: Removed as this language related to the above mentioned tables which have been removed.

Commented [GM4]: Removed all references to “corresponding” Master Plan land use designations.

Commented [GM5]: The following tables were added at the request of the Code Focus Group to make the section more user friendly. The information was taken from Table 6.1.

Commented [GM6]: No need to list old districts. The current zoning is over 18 years old.
The Urban Residential Zoning Districts shall be known as Urban Residential Zoning Districts. These districts are generally appropriate for application in the Urban Development Boundary of the Grand Junction Comprehensive Plan, in suburban areas where sewer is available, and near municipalities — all in accordance with the future Land Use Map and written policies in the Mesa County Master Plan.

A. **RSF-1, Residential Single-Family - Rural District (RSF-1)**

The RSF-1, Residential Single-Family - Rural District is primarily intended to accommodate low-intensity agricultural operations and very low-density single-family uses on large parcels. The district is appropriate for application in areas where very low-density, rural character development is desired, or where terrain, environmental resources or the absence of public facilities and services necessitates very low-intensity development. The RSF-1 District corresponds to and implements the Mesa County Master Plan’s “Rural” and “Conservation/Mineral Extraction” future land use classifications within the Urban Development Boundary of the Grand Junction Comprehensive Plan.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-1</td>
<td>1/2 Acres</td>
<td>n/a</td>
<td>5 Acres</td>
<td>1/25</td>
<td>1/25</td>
<td>n/a</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

B. **RSF-2, Residential Single-Family - Estate District (RSF-2)**

The RSF-2, Residential Single-Family - Estate District is primarily intended to accommodate low-density, estate-type, single-family residential development on lots of one (1) to three (3) acres in size, and to provide land use protection for areas that develop in such a manner. It corresponds to and implements the Mesa County Master Plan’s “Estate,” “Rural Estate,” “Residential Single-Family - Estate,” and “Residential/Low” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-2</td>
<td>1/5 Acres</td>
<td>n/a</td>
<td>5 Acres</td>
<td>1/25</td>
<td>1/25</td>
<td>n/a</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

C. **RSF-3, Residential Single-Family - 1 District (RSF-3)**

The RSF-3, Residential Single-Family - 1 District is primarily intended to accommodate low-density, single-family residential development, and to provide land use protection for areas that develop in such a manner. It corresponds to and implements the Mesa County Master Plan’s “Residential/Low,” and “Estate” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-3</td>
<td>1/5 Acres</td>
<td>n/a</td>
<td>5 Acres</td>
<td>1/25</td>
<td>1/25</td>
<td>n/a</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

D. **RSF-4, Residential Single-Family - 2 District (RSF-4)**

The RSF-4, Residential Single-Family - 2 District is primarily intended to accommodate medium-low density, single-family residential development, and to provide land use protection for areas that develop in such a manner. It corresponds to and implements the Mesa County Master Plan’s “Residential/Low,” “Residential/Medium-Low,” and “Loma Residential Medium-Low to Medium-High” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-4</td>
<td>1/5 Acres</td>
<td>n/a</td>
<td>5 Acres</td>
<td>1/25</td>
<td>1/25</td>
<td>n/a</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

Commented [GM7]: No need to list the zone districts.

Commented [GM8]: Removed all references to this sentence as it describes a basic planning principal that is the basis of all zoning. In addition, this sentence is only stated in the following residential zones.
The **RF-4, Residential-Single Family - 4 District** is primarily intended to accommodate medium-density, single-family and duplex residential development, and to provide land use protection for areas that develop in such a manner. It corresponds to and implements the Mesa County Master Plan’s “Residential/Medium-Low,” “Residential/Medium,” and “Loma Residential Medium-Low to Medium-High” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RF-4</td>
<td>Max 4 Min 2</td>
<td>7,000 ft²</td>
<td>75’</td>
<td>20</td>
<td>60%</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

**Commented [GM9]:** Code Focus Group requested change in rear yard setback.

The **RMF-5, Residential-Multi, Family - 5 District** is primarily intended to accommodate medium-density single-family, two-family/duplex, and low-density multi-family residential development, and to provide land use protection for areas that develop in such a manner. It corresponds to and implements the Mesa County Master Plan’s “Residential/Medium,” “Neighborhood Center/Mixed Use,” “Village Center/Mixed Use,” and “Loma Residential Medium-Low to Medium-High” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-5</td>
<td>Max 5 Min 3</td>
<td>4,000 ft²</td>
<td>65’</td>
<td>20</td>
<td>60%</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

**Commented [GM10]:** Code Focus Group requested change in rear yard setback.

The **RMF-8, Residential-Multi, Family - 8 District** is primarily intended to accommodate medium-high-density single-family, duplex and multi-family residential development, and to provide land use protection for areas that develop in such a manner. It corresponds to and implements the Mesa County Master Plan’s “Residential/Medium,” “Neighborhood Center/Mixed Use,” “Village Center/Mixed Use,” and “Loma Residential Medium-Low to Medium-High” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-8</td>
<td>Max 8 Min 5</td>
<td>3,000 ft²</td>
<td>50’</td>
<td>20</td>
<td>70%</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>

The **RMF-12, Residential-Multi-Family - 12 District** is primarily intended to accommodate medium-high-density duplex, multi-family residential development, and to provide land use protection for areas that develop in such a manner. It corresponds to and implements the Mesa County Master Plan’s “Residential/Medium,” “Neighborhood Center/Mixed Use,” “Village Center/Mixed Use,” “Business Park/Mixed Use,” and “Loma Residential Medium-Low to Medium-High” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-12</td>
<td>Max 12 Min 8</td>
<td>n/a</td>
<td>30’</td>
<td>20</td>
<td>75%</td>
<td>n/a</td>
<td>60</td>
</tr>
</tbody>
</table>

**Commented [GM9]:** Code Focus Group requested change in rear yard setback.

**Commented [GM10]:** Code Focus Group requested change in rear yard setback.

**Commented [GM11]:** Code Focus Group requested change in rear yard setback.
The RMF-16-Residential Multi-Family -16 District is primarily intended to accommodate medium to high-density multi-family residential development, and to provide land use protection for areas that develop in such a manner. It corresponds to and implements the Mesa County Master Plan’s “Residential/Medium-Density,” “Residential High/Mixed Use,” “Urban Residential/Mixed Use,” “Neighborhood Center/Mixed Use,” “Village Center/Mixed Use,” and “Business Park/Mixed Use” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory)</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-16</td>
<td>16</td>
<td>12</td>
<td>30</td>
<td>20</td>
<td>35%</td>
<td>75%</td>
<td>10/5</td>
</tr>
</tbody>
</table>

J. RMF-24—Residential, Multi-Family Urban, -24 District (RMF-24)

The RMF-24—Residential-Multi-Family District is primarily intended to accommodate high-density multi-family residential development, and to provide land use protection for areas that develop in such a manner. It corresponds to and implements the Mesa County Master Plan’s “Urban Residential/Mixed Use,” “Residential High/Mixed Use,” “Village Center/Mixed Use,” “Neighborhood Center/Mixed Use,” and “Business Park/Mixed Use” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory)</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMF-24</td>
<td>24</td>
<td>16</td>
<td>30</td>
<td>20</td>
<td>35%</td>
<td>75%</td>
<td>10/5</td>
</tr>
</tbody>
</table>

K. MU-R—Mixed Use—Residential, Multi-Family Urban District—(MU-R)

The MU-R—Mixed Use—Residential Multi-Family District is primarily intended to accommodate a mix of high-density multi-family residential and commercial uses. The Mixed Use Residential District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential and retail/service uses in close proximity to each other. It corresponds to and implements the Mesa County Master Plan’s “Mixed Use,” “Residential High/Mixed Use,” “Urban Residential/Mixed Use,” “Neighborhood Center/Mixed Use,” and “Village Center/Mixed Use” future land use classifications. In the Mixed Use Residential District, between sixty percent (60%) and seventy-five percent (75%) of the uses in the district are residential.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory)</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU-R</td>
<td>12</td>
<td>16</td>
<td>30</td>
<td>20</td>
<td>35%</td>
<td>75%</td>
<td>10/5</td>
</tr>
</tbody>
</table>

L. URR—Urban Residential Reserve District (URR)

The URR—Urban Residential Reserve District is primarily intended to accommodate low-density single-family residential development. Single-family residential densities of up to one (1) unit per two (2) acres. Subdivided lots are grouped together with a larger building lot “reserved” for future urban development when public sewer and other urban infrastructure/services are available to serve the subdivision in the reasonable foreseeable future. It corresponds to and implements the Mesa County Master Plan’s “Urban Residential Reserve” land use classification.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory)</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>URR</td>
<td>1/2 Acres</td>
<td>100'</td>
<td>90'</td>
<td>20/25</td>
<td>50%</td>
<td>n/a</td>
<td>35</td>
</tr>
</tbody>
</table>
### M. Density and Dimensional Standards Footnotes

1. Minimum street frontage on cul-de-sac reduced to thirty (30) feet.
2. Where rear lot lines are adjacent to a Utility or Landscape Outlot, the street setback(s) of the principal structure may be reduced to fourteen (14) feet, excluding the setback for a garage with doors facing any street.
3. If the property is located within the Fruita Buffer (Cooperative Planning Area) south of the Colorado River, the minimum lot size shall be no less than two (2) acres.

### SECTION 5.03 | URBAN NONRESIDENTIAL ZONING DISTRICTS

The B-1, B-2, C-1, C-2, I-1, I-2, and MUC-O following Districts shall be known as Urban Nonresidential Zoning Districts.

#### A. B-O. Residential Office District (B-O)

The B-O Residential Office District is primarily intended to accommodate very low-intensity office uses on small sites in or near residential areas, or between residential and commercial areas. The district regulations are intended to ensure that the scale and character of uses within the B-O District do not adversely affect nearby residential areas. The B-O District corresponds to and implements the Mesa County Master Plan’s “Commercial,” “Residential Medium,” “Residential Medium High,” “Residential High/Mixed Use,” “Urban Residential/Mixed Use,” “Neighborhood Center/Mixed Use,” “Village Center/Mixed Use,” “Mixed Use Opportunity Corridor,” and “Business Park/Mixed Use” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-O</td>
<td>8</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>70%</td>
<td>10,000</td>
<td>35</td>
</tr>
</tbody>
</table>

#### B. B-1. Limited Business District (B-1)

The B-1 Limited Business District is primarily intended to accommodate low-intensity neighborhood service and office uses that are compatible with the scale and character of residential neighborhoods. The B-1 District corresponds to and implements the Mesa County Master Plan’s “Residential High/Mixed Use,” “Urban Residential/Mixed Use,” “Commercial,” “Neighborhood Center/Mixed Use,” “Village Center/Mixed Use,” “Mixed Use Opportunity Corridor,” and “Business Park/Mixed Use” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>8</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>75%</td>
<td>30,000</td>
<td>40</td>
</tr>
</tbody>
</table>

#### C. B-2. Concentrated Business District (B-2)

The B-2 Concentrated Business District is primarily intended to accommodate concentrated retail, service, and office uses in community downtown settings. The district is not intended for major shopping centers or large outdoor sales areas. Pedestrian circulation is encouraged within the B-2 District through the use of flexible parking requirements and design standards. The B-2 District corresponds to and implements the Mesa County Master Plan’s “Commercial” and “Main Street Commercial” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-2</td>
<td>24</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>100%</td>
<td>n/a</td>
<td>65</td>
</tr>
</tbody>
</table>

#### D. C-1. Limited Commercial District (C-1)

The C-1 Limited Commercial District is primarily intended to accommodate retail, service, and office uses...
conducted entirely indoors. The district promotes well-designed development on sites that provide excellent transportation access. The C-1 District corresponds to and implements the Mesa County Master Plan’s “Commercial,” “Neighborhood Center/Mixed Use,” “Village Center/Mixed Use,” and “Highway Commercial” future land use classifications.

## E. C-2 General Commercial District (C-2)

The C-2 General Commercial District is primarily intended to accommodate moderate- to high-intensity commercial uses, which may include outdoor display or storage. The C-2 District corresponds to and implements the Mesa County Master Plan’s “Commercial,” “Business Park/Mixed Use,” and “Highway Commercial” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-2</td>
<td>8</td>
<td>1 Acre</td>
<td>14/14</td>
<td>0/0</td>
<td>80%</td>
<td>10,000 sq ft</td>
<td>40</td>
</tr>
</tbody>
</table>

## F. I-1 Limited Industrial District (I-1)

The I-1 Limited Industrial District is primarily intended to accommodate light manufacturing uses within enclosed structures or developments that provide for a mix of office, light industrial, and limited retail and service uses in attractive, business park settings. The I-1 District corresponds to and implements the Mesa County Master Plan’s “Commercial/Industrial,” “Industrial,” “Fruita Greenway Business Park,” and “Business Park/Mixed Use” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-1</td>
<td>8</td>
<td>1 Acre</td>
<td>14/14</td>
<td>0/0</td>
<td>80%</td>
<td>10,000 sq ft</td>
<td>40</td>
</tr>
</tbody>
</table>

## G. I-2 General Industrial District (I-2)

The I-2 General Industrial District is primarily intended to accommodate areas of heavy and concentrated fabrication, manufacturing and industrial uses. This district is appropriate for application in areas that will not be adversely affected by the impacts of such activities, or where such impacts can be minimized to the maximum extent practical. The I-2 District corresponds to and implements the Mesa County Master Plan’s “Industrial” and “Fruita Greenway Business Park” future land use classifications.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Street Frontage (feet)</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-2</td>
<td>8</td>
<td>1 Acre</td>
<td>14/14</td>
<td>0/0</td>
<td>80%</td>
<td>10,000 sq ft</td>
<td>40</td>
</tr>
</tbody>
</table>

## H. MU-C Mixed Use - Commercial, Multi-Family Urban District (MU-C)

The MU-C Mixed Use - Commercial, Multi-Family Urban District is primarily intended to accommodate a mix of commercial and high-density multi-family residential uses. The MU-C District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The MU-C District also permits a mix of residential and retail/service uses in close proximity to each other. The MU-C District corresponds to and implements the Mesa County Master Plan’s “Mixed Use Commercial,” “Residential Medium High,” “Residential High/Mixed Use,” “Main Street Commercial,” “Urban Residential/Mixed Use,” “Neighborhood Center/Mixed Use,” and “Village Center/Mixed Use” future land use classifications.

Commented [GM11]: City of Grand Junction has no building size restrictions for C-1, C-2, I-1 and I-2.

Commented [GM12]: Code Focus Group requested an increase in residential density.

Commented [GM13]: Code Focus Group requested an increase in residential density.

Commented [GM14]: Added instead of footnote.
I. **MU-OFC: Old Town Clifton Mixed Use - Old Town Clifton District (MU-OFC)**

The MU-OFC, Old Town Clifton Mixed Use - Old Town Clifton District is primarily intended to accommodate a mix of residential and commercial uses. The MU-OFC District is intended to ensure the Old Town Clifton Planning Area will become a mixed-use community and remain an attractive environment for business, offices, services and housing. It accomodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The MU-OFC District also permits a mix of residential and commercial uses in close proximity to each other. Development in the MU-OFC District is subject to the mandatory design standards in Appendix C of this Code. It corresponds to and implements the Mesa County Master Plan’s “Old Town Clifton Commercial Mixed Use,” “Residential/Medium-High,” “Residential High/Mixed Use,” “Urban Residential/Mixed Use,” “Neighborhood Center/Mixed Use,” and “Village Center/Mixed Use” future land use classification and implements the Clifton/Fruitvale Community Plan.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units per acre)</th>
<th>Minimum Lot (net)</th>
<th>Minimum Lot Coverage</th>
<th>Minimum Setbacks (feet) Principal/Accessory</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Size (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU-OFC</td>
<td>12</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

J. **Density and Dimensional Standards**

Agricultural Labor Housing in the Rural District shall be exempt from density standards shown in Table 6.1.1, 6.1.2, 6.1.3, 6.1.4.a and 6.1.4.b. 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.

When a garage door faces a street, road or highway, such garage door shall be set back at least twenty-five (25) feet from the edge of right-of-way. If the street setback is greater than twenty-five (25) feet, such street setback shall apply to the required distance between the face of the garage door and the edge of right-of-way. The intent of this requirement is to allow adequate room between the face of a garage door and the edge of right-of-way to allow for vehicle parking and pedestrian traffic without forcing pedestrians to walk on the street, road or highway.

Side setbacks for accessory structures apply to those that are located on the rear half of the lot. Principal setbacks apply to accessory structures that are not located on the rear half of the lot. Buildings in excess of stated maximum size limits may be approved in accordance with the Conditional Use Permit procedures in Section 3.9.

Minimum street frontage on cul-de-sac reduced to thirty (30) feet.

FAR = Floor Area Ratio – see Section 4.2.7.

10 (10) foot setback if doubling a residential zone or use.

Maximum height is forty (40) feet if adjacent to an AFT or Urban Residential zoning district that has a maximum allowed height of thirty-five (35) feet or less.

Forty (40) foot limit applies to principal buildings; other structures limited to sixty-five (65) foot height. In the I-2 District, storage silos and similar structures used for the purpose of storage of bulk materials, such as grain, cement, coal, sand or other material, that are located along a railroad or railroad spur for loading and transport are exempt from the height limits. The exterior of the exempt structures should not be made reflective, non-reflective materials that are muted in color and match the earth tones or natural features of the area. Exempt structures shall be subject to site plan review, and shall be reviewed by the Fire District to ensure adequate measures are in place for fire and fire suppression.

For multi-story, multi-family residential development that is greater than forty (40) feet in height, the third floor and higher must be stepped back a minimum of five (5) feet per floor, per Table 7.2.8.

Commented [GM15]: This exemption is located under Section 5.2.2 | Agricultural Labor Housing.

Commented [GM16]: Moved to Section 6.2.3 | Setbacks

Commented [GM17]: Moved to Section 5.3.3 B | Dimensional and Operational Standards

Commented [GM18]: This is a design standard and should be placed under Section 5.2.17 Industrial Development Design Standards and not located in a footnote.

Commented [GM19]: This is a design standard and should be placed under “use-specific standards” as a section created for multi-family.
A Principal structure is defined as the structure containing the principal use on the property, including structures which are attached to and architecturally integrated with the principal structure. An accessory structure is defined in Section 12.1 and Section 5.3.

See Appendix C – General Note: Old Town Clifton Mixed Use District and Design Standards for specific layout, dimensions and size requirements.

No interior side setbacks are required in the OTC District unless the interior side abuts a residential zone district, where the OTC Mixed Use District does about a residential zone district, the interior setback shall be identical to that of the residential district and buffer standards in Chapter 7 of the Mesa County Land Development Code apply.

The maximum building height in the MUR, MLF and OTC District is thirty-eight (38) feet for mixed-use buildings and thirty-five (35) feet for all other buildings.

See Section 7.10 | Wastewater.

Front porches and canopies may extend five (5) feet into the front setback.

Allowances for landscaping need to be considered (i.e., the building may need to be set back five to ten (5-10) feet to allow a tree to be planted or a park bench or streetlight to be installed). Refer to the Landscape Standards in Appendix E.

Within Area “A” row housing or attached residential dwellings shall have a side yard setback of eight (8) feet. Unattached residential units must have a side yard setback of eight (8) feet.

Duplex or other attached single family dwelling units may be permitted as a conditional use. All of the requirements are located under Section 5.3.4.C. Domestic livestock related to required setbacks to property lines for domestic livestock pens, fenced corrals, buildings or other confined areas used for the purpose of keeping domestic livestock, and for required distances between residences and domestic livestock pens, fenced corrals, or buildings used for the purpose of keeping domestic livestock are not needed. Where rear lot lines are adjacent to a Utility and Landscape Outlot, the street setback(s) of the principal structure may be reduced to fourteen (14) feet, excluding the setback for a garage with doors facing any street.

See Section 6.4 | Non-Residential Subdivisions. For properties not served by public sewer, the minimum lot size shall be one acre.

Front setbacks that equal the 14' Multi-purpose easement or required landscape width. A 10' Multi-purpose easement width may be allowed on frontages that do not provide service taps, with approval from applicable service providers. The maximum building height in the MUR, MLF and OTC District is thirty-eight (38) feet for mixed-use buildings and thirty-five (35) feet for all other buildings.

ME indicates standard for Multi-family development.

General Note: See the Alternative Residential Development Standards of Section 6.4 for additional information regarding Flagpole Lots, Attached Housing, Zero Lot Line and Cluster Development.

General Note: See Appendices B-E for design standards for the specific communities.
SECTION 5.04 | MASTER PLAN IMPLEMENTATION

The following Tables show which zoning district(s) appropriately implement(s) a given future land use designation of the Mesa County Master Plan. An “X” indicates that the zone district implements the corresponding future land use designation and is therefore an appropriate zone within that designated area on the future land use map. The absence of an “X” indicates that the zone district is not an appropriate zone and therefore should not be allowed.

### TABLE 4.1

**FUTURE LAND USE CLASSIFICATIONS - GRAND JUNCTION COMPREHENSIVE PLAN AREA**

<table>
<thead>
<tr>
<th></th>
<th>NON RESIDENTIAL</th>
<th>RESIDENTIAL</th>
<th>MIXED USE</th>
<th>OTHER</th>
<th>NON RESIDENTIAL</th>
<th>RESIDENTIAL</th>
<th>MIXED USE</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING DISTRICTS TO IMPLEMENT THE MESA COUNTY FUTURE LAND USE PLAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AF-35</td>
<td>X X</td>
<td>X</td>
<td></td>
<td></td>
<td>X X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AF-7</td>
<td>X X X</td>
<td>X X X</td>
<td></td>
<td></td>
<td>X X X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LRE</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESF-R</td>
<td>X</td>
<td>X X X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESF-E</td>
<td></td>
<td>X X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESF-I</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESF-2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESF-4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-24</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T-1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T-2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MUC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MUC-OTC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Rural designation is outside Urban Development Boundary, except in Whitewater and Redlands areas.
2 Zoning and policies to implement future land use to be determined for Whitewater Area.
3 Orchard Mesa Land Overlay is available to lots (10+ ac.) that are generally on Orchard Mesa located north of US 50, south of the Colorado River, east of Persigo area, west of 33 Road.
4 Note: Airport Industrial Reserve will be implemented by Amendment into Grand Junction. The Downtown Mixed Use in the Plan is located entirely within the City of Grand Junction.

**Commented [GM35]:** Reformatted Tables 4.1 and 4.2 to make them more readable. All pertinent information has not be altered.

**Commented [GM36]:** Currently this zone is only located in the Whitewater Plan Area. In addition, the Section on mixed uses is specifically for the Whitewater Area.

**Commented [GM37]:**
### TABLE 4.2
#### FUTURE LAND USE CLASSIFICATIONS

<table>
<thead>
<tr>
<th>Rural Communities</th>
<th>Rural Planning Area</th>
<th>Rural Mesa County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mack</td>
<td>Gateway</td>
<td>Loma</td>
</tr>
</tbody>
</table>

#### Zoning Districts

- **AF35**: Urban Residential
- **AFT**: Urban Residential
- **RSF-E**: Residential Single Family
- **RSF-1**: Residential Single Family
- **RSF-2**: Residential Single Family
- **RSF-4**: Residential Single Family
- **RSF-5**: Residential Single Family
- **RMF-B**: Residential Mixed Use
- **RMF-12**: Residential Mixed Use
- **MLR**: Urban Residential
- **B-2**: Urban Residential
- **C-1**: Urban Residential
- **C-2**: Urban Residential
- **I-1**: Urban Residential
- **I-2**: Urban Residential
- **ML-C**: Urban Residential
- **Mack Tier 1**: Urban Residential
- **Mack Tier 2**: Urban Residential
- **Gateway A**: Urban Residential
- **Gateway B**: Urban Residential
- **Village of Mesa**: Urban Residential

#### Overlay Zones

- **PUD Zoning has implemented Powderhorn Sub-Area**

---

Zoning and policies to implement future land use to be determined for Recreational Commercial.
SECTION 5.05 | SPECIAL PURPOSE ZONING DISTRICTS

A. PUD, Planned Unit Development District (PUD)

The PUD, Planned Unit Development District is intended to encourage innovative land planning and site design concepts that implement and are consistent in general conformity with the Mesa County Master Plan.

1. Developer’s Statement of Intent

Each Concept Outline Development Plan application shall contain a statement by the applicant describing how the proposed development departs from the otherwise applicable standards of this Land Development Code, and how the proposed development, on balance, is an improvement over what would be required under otherwise applicable standards.

2. Review and Approval Procedures

PUDs shall be reviewed and approved in accordance with the procedures of Section 3.7.XX.

3. Use Regulations

The Board of County Commissioners shall determine the types of uses allowed within a PUD at the time of Concept Outline Development Plan approval. Only uses that are consistent in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, may be allowed within a PUD, and should generally be limited to uses allowed in the underlying Zoning District.

4. Development Intensity

The total number of dwelling units and level of nonresidential development allowed within a PUD shall be in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, and shall not exceed the level that can be adequately served by public facilities. To provide information on the capacity of streets and other facilities serving a PUD, the Planning Director may require the applicant to conduct a traffic impact study or other infrastructure capacity analysis to provide information on the development’s expected impacts on existing and planned facilities.

5. Other Standards

Otherwise applicable standards of this Land Development Code may be modified by the Board of County Commissioners as part of the approval of a PUD, if consistent modifications are in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, and if the development is found to be an improvement over what would be required under otherwise applicable standards.

B. OL, Orchard Mesa Open Land Overlay District (OL)

1. Purpose

The OL, Orchard Mesa Open Land Overlay District is intended to further the goals and policies of the Mesa County Master Plan.

The area generally includes irrigated lands on Orchard Mesa located north of I-70 Highway 24, south of the Colorado River, east of the Persigo Sewer Service area, and west of 33 Road.

2. Orchard Mesa Open Land Overlay District

Orchard Mesa Open Land Overlay District referred to in this code is on file at the Public Works Department. The Orchard Mesa Open Land Overlay District is incorporated by this reference as if fully set forth.

2.2 Relationship to Underlying Zoning

Property owners shall have the option of developing in accordance with the underlying zoning or with the OL District standards of this section.

2.4 Standards

a. The OL Overlay District is applicable only to tracts of land ten (10) acres or larger in size.
b. Developments that use the OL Overlay District standards shall be required to retain a minimum of fifty percent (50%) of the development tract in open land, and group dwellings in clusters.

c. A maximum density of one (1) dwelling unit per two and a half (2.5) gross acres is allowed.

d. Permitted uses of the open land shall be determined by the Board of County Commissioners and may include, but shall not be limited to:

   [1] Agricultural uses;
   [3] Passive recreation areas (trails, community gardens, lawn, picnic areas, etc.);
   [4] Active recreation areas;
   [5] Easements for drainage, access, sewer or water lines, stormwater management facilities;
   [6] Parking for active recreation areas (<ten [10] or fewer spaces); or
   [7] “Homestead lots” that are at least five acres in size, of which a maximum of one acre may be developed with a single-family dwelling and accessory uses. The undeveloped portion of the lot may be counted toward the minimum fifty percent (50%) open land requirement for the development, and must be restricted from future development and further subdivision by an open space easement. Dwellings on homestead lots count toward the maximum density permitted on a tract.

e. Above ground utilities and road rights-of-way areas may not be counted toward the required fifty percent (50%) minimum open land requirement.

f. Designated open land should maximize common boundaries with open land on adjacent tracts.

g. Safe and convenient pedestrian access shall be provided to open lands where appropriate. Access to land used for agriculture may be restricted. Public access is not necessarily required and should be determined on a case by case basis.

h. Use of motorized vehicles within designated open land is prohibited except within approved driveways and parking areas. Maintenance, law enforcement, emergency, and farm vehicles are permitted, as needed.

i. Design of the development shall be such that natural features are generally maintained in their natural condition. Permitted modifications may include: buffer area landscaping, revegetation, streambank, riparian, wetlands protection and management.

j. All developments utilizing the OL Overlay Zone shall include provisions to ensure the designated open space remains in open land. The recorded subdivision plat for the development shall indicate the designated open land is to remain open land as an open space easement. Deed restrictions may be required for designated tracts of open land. Use of conservation easements is encouraged where appropriate.

k. All developments utilizing the OL Overlay Zone shall include provisions for the perpetual maintenance of the designated open land for appropriate uses as listed in this section (e.g. covenants for a homeowners association). All applicable weed, pest, and nuisance ordinances and regulations shall apply to all properties.

4.5. Residential Grouping, Design and Density

a. Developments shall be encouraged to preserve prime agricultural land to the greatest extent possible as defined by the Natural Resources Conservation Service.

b. Structures shall be located in areas least likely to block any scenic views, to the greatest extent possible.

c. An open land buffer area with a minimum width of one hundred (100) feet shall be provided between residential groupings (clusters), to the greatest extent possible.

d. A maximum density of one single-family, detached unit per two and a half (2.5) acres shall be
permitted (based on gross density of the tract).

e. All lots shall be grouped into clusters of at least two and no more than twenty-five (25) lots.

f. Minimum lot sizes:
   (1) All lots utilizing Onsite Wastewater Treatment Systems (OWTS) shall meet the OWTS standards as determined by Section 7.10 of the Land Development Code.
   (2) Minimum lot size for lots served by public sanitary sewer service shall be determined on a site specific basis through the subdivision review process, based on compatibility with surrounding land uses.

g. All lots within clusters shall be adjacent to designated open land to the extent possible.

h. Disturbance to mature trees and other significant vegetation shall be minimized.

i. All new lots should access internal roads.

j. Minimum setbacks between principal residential structures and the following designated open land uses shall be as follows:
   (1) Pasture, croplands, orchards: one hundred (100) feet
   (2) Barns and livestock buildings/pens: three hundred (300) feet
   (3) Edge of drainages, wetlands, floodplains: one hundred (100) feet
   (4) Active recreation area: one hundred fifty (150) feet

5.6. Other minimum setbacks for principal residential structures shall be:
   (1) Street setback:
      (a) Comply with AFT District standards
   (2) Side setback:
      (a) 50 feet (lots over three acres)
      (b) 25 feet (lots over one acre and up to three acres)
      (c) 15 feet (lots one acre or less, or lot width of 150 feet or less)
   (3) Rear setback:
      (a) 50 feet (lots over one acre in size)
      (b) 25 feet (lots one acre or less, or lot width of 150 feet or less)

Other bulk and use requirements of the AFT Zoning District apply where there is no conflict with the above standards.

C. VM, Village of Mesa Overlay District

1. Purpose and Jurisdiction

The VM Village of Mesa Overlay District is intended to further the goals and policies of the Mesa County Master Plan; to encourage urban development where adequate services already exist; to simplify the development process in the Overlay District; to recognize the Mesa Sanitation District as the logical growth boundaries for the Mesa rural community; and to strengthen the existing village character of Mesa.

2. Village of Mesa Overlay District

Village of Mesa Overlay District referred to in this code is on file at the Public Works Department. The Village of Mesa Overlay District is incorporated by this reference as if fully set forth. The area included in the VM District is generally the area contained within the Mesa Water and Sanitation District and specifically that area shown in the Mesa County Master Plan as the rural community of Mesa. Areas annexed by the Mesa Sanitation District subsequent to the adoption of this Code may be included in
the Overlay Zone District if approved by the Board of County Commissioners as a rezoning request pursuant to Section 3.4.X of this Code.

Relationship to Underlying Zoning

Property owners shall have the option of developing in accordance with the underlying zoning or with the Village of Mesa Overlay VM District standards of this section.

2.3. Standards

   a. Residential
      One (1) dwelling unit per two-thousand five hundred (2,500) square feet minimum lot area is encouraged.

   b. Manufactured Homes
      Manufactured Home Parks should not be located along State Highway 65 and KE Road frontages.

   c. Recreational Vehicle (RV) Parks
      RV developments may be located along Highway 65 and KE Road. Proposals must comply with campground standards of this Code.

   d. Business
      A minimum building lot size of two thousand five hundred (2,500) square feet is required to allow adequate parking, landscaping and circulation.

   e. Mixed Use
      A mixture of both business and residential uses on individual parcels is allowed along State Highway 65 frontage.

   f. B-2
      All residential uses and business uses are allowed in the B-2 district.

   g. Building Height
      Maximum building height shall be thirty-five (35) feet or two (2) stories.

   h. Setbacks:
      All structures shall meet or exceed the following setbacks:

      (1) Front (street); ten (10) feet from front property line or curb line

      (a) Front porches and canopies may extend five (5) feet into the front setback.

      (2) Sides; zero (0) feet

      (3) Rear: ten (10) feet

      Front porches and canopies may extend five (5) feet into the front setback.

   i. Architectural Features
      Western style architecture is encouraged, e.g., liberal use of front porches, wood facades, false fronts, flat and pitched roof structures, non-reflective metal roofing, etc. Front porches are encouraged to be continuous with neighboring structures.

   j. Signs
      Every sign shall be in good proportion and visually integrated with buildings and surrounding uses. Each sign shall be compatible with adjoining premises and should not compete for attention. Use of wall, roof, hanging, and free standing monument signs are encouraged. Proposals must conform with all applicable sign regulations.

   k. Landscaping
D. **AE, Airport Environs Overlay District**

1. **Title and Purpose**
   
   The AE, Airport Environs Overlay District is hereby created with the following purposes:
   
   a. protect the public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas;
   b. ensure compatibility between airports and surrounding land uses; and
   c. protect the airport from incompatible encroachment.

2. **Applicability**
   
   The AE, Airport Environs Overlay District shall serve as an overlay district that applies additional standards and requirements to properties located within an underlying zoning district. In case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

3. **General Provisions**
   
   Every development application for property located within the Grand Junction Regional Airport Influence Area shall comply with all restrictions contained within the adopted Airport Master Plan as may be amended, and applicable sections of this Code. In addition, any development application for property located within such Airport Influence Area, and any development application for property located within one-half (½) mile of any airport or air navigation facility other than Grand Junction Regional Airport, shall comply with any applicable restrictions contained in Title 14 of the Code of Federal Regulations, Subchapter I, Federal Aviation Regulations, including, without limitation, Part 77 (height restrictions) and Part 150 (noise compatibility planning).

4. **Grand Junction Regional Airport Environs Overlay Maps**
   
   Maps shall be referred to as part of this Section 4.4.4 of the Mesa County Land Development Code.

5. **Subdistricts**
   
   In order to carry out the provisions of this regulation, the AE, Airport Environs Overlay District is divided into four (4) subdistricts that represent the differing levels of noise impact and hazard from aircraft overflight. An area covered by more than one (1) zone shall be limited to the more restrictive use.
   
   The zones are as follows:
   
   a. **Subdistrict A (Area of Influence)**
      
      An area surrounding the airport impacted or influenced by proximity of the airport, either by aircraft overflight, noise, and/or vibrations.
   
   b. **Subdistrict B (Noise Zone)**
      
      Includes the area within the 65 Ldn to 70 Ldn noise-exposure area as determined in the Grand Junction Regional Airport Master Plan.
   
   c. **Subdistrict C (Critical Zone)**
      
      A rectangular-shaped zone located directly off the end of a runway’s primary surface, beginning two hundred (200) feet from the end of the pavement, which is critical to aircraft operations (i.e., more apt to have accidents within it because of the takeoff and landing mode of aircraft in that particular area) as determined in the Grand Junction Regional Airport Master Plan.
   
   d. **Subdistrict D (Clear Zone)**
      
      A triangular-shaped zone located directly off the end of a runway’s primary surface, beginning two hundred (200) feet from the end of the pavement, which is clear of all above-ground obstruction or construction. The width is the same as the primary surface. The length is determined by the use of the runway, in accordance with Federal Aviation Administration (FAA) regulations.
6. Amendments

The boundaries of the Airport Environs AE Overlay District and its subdistricts, as adopted herein, shall be reviewed and amended whenever the Grand Junction Regional Airport Authority updates or amends the noise contour maps. It shall be the responsibility of the Grand Junction Regional Airport Authority to notify Mesa County of such updates or amendments and to provide a copy of same to Mesa County.

7. Exemptions

Uses existing on May 1, 2000 shall not be required to change in order to comply with these regulations and are exempt from the provisions of this Section 4.4.X.

8. Land Use Compatibility

The following Land Use Compatibility Standards Matrix establishes requirements and limitations in addition to other requirements of this Code. In the case of any conflict between this regulation and any other Section of this Code, the more restrictive requirements shall govern.

a. Proposed Uses and Structures

The Land Use Compatibility Standards matrix identifies development standards that apply to proposed uses and structures within the Airport Environs AE Overlay Zoning District. All proposed uses and structures must comply with these standards.

Table 4.3 Land Use Compatibility Matrix

<table>
<thead>
<tr>
<th>Land Use</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential density less than or equal to 1 unit per 5 acres</td>
<td>Y</td>
<td>C[^1]</td>
<td>C[^1]</td>
<td>N</td>
</tr>
<tr>
<td>Residential density greater than 1 unit per 5 acres</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>Y</td>
<td>C[^2]</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>School, Hospital, Library</td>
<td>Y</td>
<td>C[^2]</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Church</td>
<td>Y</td>
<td>C[^2]</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Auditorium, Outdoor Amphitheater, Concert Hall</td>
<td>Y</td>
<td>C[^2]</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Sports Arena</td>
<td>Y</td>
<td>C[^2]</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Playground, Park, Open Space, Golf Course, Cemetery, Riding Stable</td>
<td>Y</td>
<td>Y</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Office Building, Personal, Business and Professional Services</td>
<td>Y</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Commercial Establishment: Retail</td>
<td>Y</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Commercial Establishment: Wholesale, Manufacturing, Transportation, Communications and Utilities</td>
<td>Y</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Manufacturing noise sensitive</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Communications noise sensitive</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Farming (livestock)</td>
<td>Y</td>
<td>Y</td>
<td>T</td>
<td>N</td>
</tr>
<tr>
<td>Agriculture, Mining, Fishing (except livestock Farming)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>C</td>
</tr>
<tr>
<td>Poultry Production</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
</tbody>
</table>

Legend:
C: Conditional Use Permit Required
[^1]: Where possible, no residential development shall be permitted within Subdistrict B and C, provided that where properties are substantially or wholly burdened by these districts, residential development may be permitted at a density not to exceed one (1) unit per five (5) acres. Clustering of homes outside Subdistricts B and C shall occur whenever possible.
[^2]: Measures to achieve Noise Level Reduction (NLR) of 25 dB must be incorporated into the design and construction of structures.
[^3]: Measures to achieve Noise Level Reduction (NLR) of 30 dB must be incorporated into the design and construction of structures.

b. Interior Day-Night Average Noise Level (Ldn)

All proposed uses and structures must comply with the Noise Level Reduction (NLR) standards as provided in the matrix. The standards in the National Technical Information Service (NTIS) report Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations (AD-A258 032), latest edition, shall be used in development of noise reduction methods for new development.

c. Use Restriction
Notwithstanding any other provision of this Code, no use may be made of land or water within any zone or subdistrict established by this regulation that will:

(1) *create electrical interference with navigational signals or radio communication between the airport and aircraft;*

(2) *make it difficult for pilots to distinguish between airport lights and other lighting;*

(3) *result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport; or*

(4) *otherwise create a hazard or endanger landing, takeoff, or maneuvering of aircraft.*

9. Avigation Easement

For any new development located within the Airport Environ **AE-** Overlay District, an avigation easement shall be dedicated to the Grand Junction Regional Airport Authority with terms and conditions approved by the Grand Junction Regional Airport Administrator. Such grant shall not be required for repairing or maintaining existing structures.

10. Disclosure of Critical and Noise Zones

A notice of potentially high noise levels and/or location within a critical zone shall be affixed to and recorded with all final plats/plans. The wording shall be as follows:

a. "*Note: All or part of this property is located in an area potentially subject to aircraft noise levels high enough to annoy users of the property and interfere with its unrestricted use.*"

b. "*Note: If also in Critical Zone add: All or part of this property is also located in the approach and departure path of the airport in an area more apt to have accidents because of the takeoff and landing mode of aircraft.*"

11. Height Limitations

There are hereby established imaginary surfaces, above and around the airport, in order to limit height. Nothing, including structures and trees, shall be erected, altered, allowed to grow, or be maintained so that it crosses or enters into the applicable runway approach zones as defined in Federal Aviation Regulations (FAR) Part 77, as amended.

E. Mack Overlay District

1. Purpose

As detailed in the "Mack Community Plan", Mack wishes to maintain its own community identity. Residents desire to create a distinct community core with mixed use comprised of business and services (home based occupation, farm related/supporting businesses) and higher density residential development. Areas that are identified as mixed use, higher density, commercial, or business, must have facilities and services that can serve them adequately and appropriately. Small businesses and neighborhood convenience centers are envisioned but large shopping centers and big box development are not appropriate.

2. Mack Overlay District

Mack Overlay District referred to in this code is on file at the Public Works Department. The Mack Overlay District is incorporated by this reference as if fully set forth.

3. Applicability

a. *To implement this vision an Overlay District is created for the Rural Community of Mack (also known as the Mack Core Area)*

b. *The Overlay District provides for flexibility in the land use pattern within the Rural Community of Mack by providing property owners with the option of developing in accordance with the underlying zoning or with the Mack Overlay District standards of this section.*

c. *It is the intent of the Overlay District to allow reasonable use of property consistent with the goals and policies of the Plan.*
2.4 Relationship to Underlying Zoning

Property owners shall have the option of developing allowed uses in accordance with the underlying zoning or with the Mack Overlay District zone as shown on the Overlay District Map. If new development uses the Mack Overlay District, it shall comply with the standards in the Mack Overlay District zone. The property will be designated as Tier 1 or Tier 2 of the Mack Overlay District on the Official Zoning Map.

3.5 Standards (Note: these apply to new subdivision lots)

a. Permitted Uses
   (1) Intent is to promote mixed uses (business and residential) on individual parcels.
   (2) Allowed uses have been customized to the community’s needs and are listed in Table 5.1 of the Land Development Code.
   (3) Two (2) tiers have been developed (see Figure 5 in Appendix B)

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Width</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td>5,000 square feet</td>
<td>40 feet</td>
<td>2 stories/not to exceed 35 feet</td>
</tr>
<tr>
<td>Tier 2</td>
<td>8,000 square feet</td>
<td>75 feet</td>
<td>2 stories/not to exceed 35 feet</td>
</tr>
</tbody>
</table>

b. Setbacks

All structures shall meet or exceed the following setbacks:

<table>
<thead>
<tr>
<th></th>
<th>Front or Street Yard Principal/Accessory</th>
<th>Side Yard Principal/Accessory</th>
<th>Rear Yard Principal/Accessory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td>5’ / 2⁴ / 3’</td>
<td>0’</td>
<td>0’</td>
</tr>
<tr>
<td>Tier 2</td>
<td>20’ / 25’ / 7’ / 3⁴ / 25’ / 10’</td>
<td>0’</td>
<td>0’</td>
</tr>
</tbody>
</table>

Front porches and canopies may extend five (5) feet into the front setback.

Allowances for landscaping need to be considered (i.e., the building may need to be set back five to ten (5-10’) to allow a tree to be planted, or a park bench or streetlight to be installed). Refer to the Landscape Standards in Appendix B.

Ten (10) foot setback if abutting a residential zone or use.

c. Mack Streetscape Standards (Appendix B to the Land Development Code) Tier 1 and Tier 2

Requirements for development are listed under Development Standards in the Mesa County Land Development Code. Exceptions to the Development Standards (for parking, landscaping, etc.) may be requested using the Mack Streetscape Standards. These Standards are intended to allow design flexibility and retain the development history in Mack. The Standards encourage historical structure reuse, economic development, and design on a pedestrian-friendly level. These standards will help to increase property values and give Mack its own unique rural character.

d. Development Standards for landscaping, parking, sidewalks, bike paths, signs, etc:

(1) Tier 1 – Use Mack Streetscape Standards in Appendix B. All other standards subject to Chapter 7 of the Land Development Code.

(2) Tier 2 – Landscaping standards in Appendix B apply. For all other standards, use Chapter 7 of the Land Development Code.

e. Density Bonus Standards in Tier 2

In accordance with the Transfer of Development Rights program as defined in the Loma/Mack Plan, Transfer of Development Rights/Credits may be used on Receiving Sites within the Tier 2 of the Mack Overlay District to achieve Tier 1 density.

F. Gateway Overlay District

1. Purpose:

As detailed in the “Gateway Rural Community Plan,” Gateway wishes to maintain its own community identity based on its unique historic, scenic, and cultural qualities. The community center, church and...
school provide the primary cultural focal points of the small community of single family homes and limited commercial endeavors. Residents desire to maintain their cultural identity yet create a community core with mixed use business and services and some higher density residential development. Areas within this rural community that are identified for mixed use, higher density, or commercial development must have adequate facilities and services that can service them.

2. Gateway Overlay District

Gateway Overlay District referred to in this code is on file at the Public Works Department. The Gateway Overlay District is incorporated by this reference as if fully set forth.

3. Applicability

a. To implement this vision an Overlay District is created for the Rural Community of Gateway.

b. The Overlay District provides for flexibility in the land use pattern within the Rural Community of Gateway by providing property owners with the option of developing in accordance with the underlying zoning or with the Overlay District standards of this section.

c. It is the intent of the Overlay District to allow reasonable use of property consistent with the goals and policies of the “Gateway Rural Community Plan”.

d. The Overlay District will provide property owners with a tool to address existing nonconforming uses and structures under current zoning.

e. In addition to the Code standards for all developments in either Area “A” or Area “B” district, said developments are subject to the mandatory standards and design guidelines in Appendix E of this Code if a development proposes using the optional overlay district.

| Gateway Overlay District Density and Dimensional Requirements Residential Developments |
|----------------------------------------|------------------|------------------|------------------|------------------|------------------|
| Maximum Density (Dwelling Units/Acre) | Lot Size - Detached Minimum Average Lot Size Principal/Accessory Minimum Front Yard Setbacks (feet) Minimum Front Yard Setbacks (feet) Minimum Front Yard Setbacks (feet) Minimum Height (feet) |
| Area A | 8 | 5,000 (sq ft) | 5,000 (sq ft) | 10/22 | 15/30 | 35 |
| Area B | 1 | 1 Acre | n/a | 25/25 | 25 | 35 |

| Gateway Overlay District Density and Dimensional Requirements Non-Residential Developments |
|----------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Maximum Density (Dwelling Units/Acre) | Minimum Lot Size Detached Units Minimum Front Yard Setbacks (feet) Minimum Side Yard Setbacks (feet) Minimum Front Yard Setbacks (feet) Minimum Side Yard Setbacks (feet) Rear Yard Setback (feet) On-Site Parking Requirements (Spaces/sq.ft.) |
| Area A | 8 | 8,000 sq ft | 15/22 | 15 | 20 | 1/2,000 |
| Area B | 1 | 2 Acre | 25/25 | 25 | 50 | 1/5,000 |

**G. Loma Community Plan Area Design Guidelines and Standards (Appendix E)**

1. Purpose

Loma wishes to improve the visual image and identity of the community through design standards that recognize the Western and rural agriculture setting and incorporate natural features in project design. Residents desire to create a community core, with mixed-use businesses and services and some higher density residential development that support the community’s identity, and results in diversity in development density and patterns and in economic vitality.

2. Loma Community Design Guidelines and Standards
Loma Community Design Guidelines and Standards referred to in this code is on file at the Public Works Department. The Loma Community Design Guidelines and Standards is incorporated by this reference as if fully set forth.

1.3. Applicability:

a. The requirements of the zoning district in which the property is located shall apply. Where differences exist between Appendix F, Loma Community Design Guidelines and Standards, and other sections of the Land Development Code, Appendix F shall apply. Examples of where development standards may differ include, but are not limited to, front and side setbacks in the Main Street Commercial area, alternative parking standards, and signs.

b. New development or major rehabilitation in the Loma Community Plan area requiring Major Site Plan Review, pursuant to Section X.X of this Code, is subject to the mandatory standards and design guidelines in Appendix F, Loma Community Design Guidelines and Standards, of this Code.

H. Whitewater/Mesa County Mixed Use Zoning District

1. Purpose

The purpose of the Whitewater Mixed Use District is to encourage the development of a mix of commercial and residential uses within the Whitewater Community Plan Boundary. The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other. Within Mesa County, the Mixed Use District also promotes the health and well being of residents by ensuring availability of adequate and concurrent urban infrastructure, utilities, and services while encouraging physical activity, alternative transportation, and greater social interaction. The Mixed Use District implements the Mixed Use Commercial (MUC) and Mixed Use Residential (MUR) future land uses in the Whitewater Area Plan.

2. Applicability

The design of a mixed use development in the Whitewater Planning Area shall conform to the Mesa County Design Standards adopted as Appendix D in the Land Development Code 2000, as amended. In general, these standards require compact development built at a neighborhood scale. Rather than designing structures specifically for individual tenants, buildings within the mixed use district should be designed to function over the life of multiple tenants in a manner similar to a main street or community core. In the review of mixed use districts, the County shall consider the following:

a. Ability of the residential development to provide for a variety of housing types;

b. Inclusion of mixed use buildings with non-residential uses on the ground floor and residential units on the second floor;

c. Ability of the commercial development, either as proposed or in conjunction with surrounding development, to serve daily or frequent needs of the surrounding neighborhood;

d. Creation within the overall mixed use area of the Whitewater Plan area of a commercial core with supporting nodes supported by an adequate supply of residential development;

e. Provision of a variety of building sizes compatible with the character of mixed use district and the potential for the long-term function of those buildings;

f. Encouraging an orderly, phased pattern of development supported by adequate public facilities; and

g. Specific issues of the functioning of the development, including access, parking, drainage, landscaping, and design.

2.3. Description

The application of the Mixed Use District is grouped based on the predominant use of the proposed development. Two districts are available as Mixed Use, either Mixed-Use Residential (MUR) or Mixed-Use Commercial (MUC). In a Mixed Use Residential district, between sixty (60) and seventy-five (75)
percent of the uses in the district are residential. In a Mixed Use Commercial district, between sixty (60) and seventy-five (75) percent of the uses in the district are commercial. Minimum lot sizes are established by use category and a mix of lot sizes and uses is encouraged. The goal of this approach is to permit buildings and uses for all property owners without mandating a specific mix, while recognizing that each lot must fit into the overall whole of the development pattern.

3.4 Uses

Permitted uses are divided based on the type of district, either Mixed Use Residential or Mixed Use Commercial, as set forth in Table 5.1 of the Land Development Code (LDC).

4.5 Required Mix of Uses

a. Mix of Uses

In the Mixed Use District, a mix of uses – either within a single building or on a development site – shall be provided unless it can be demonstrated that adjacent properties provide or will provide a complimentary diversity of uses. The uses of adjacent properties can be established through one of the following:

(1) existing uses,
(2) approved site plan for development, or
(3) approved Comprehensive or Area Plan.

b. Residential

Residential uses are encouraged in the development, but are not permitted on the ground floor of mixed use structure.

5.6 Layout, Dimensions and Size Requirements

a. Minimum Lot Size

The minimum lot size of uses shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family Detached</td>
<td>4,000 s.f.</td>
</tr>
<tr>
<td>Duplex</td>
<td>4,000 s.f.</td>
</tr>
<tr>
<td>Attached Single Family Attached</td>
<td>2,000 s.f.</td>
</tr>
<tr>
<td>Commercial up to 10,000 s.f.</td>
<td>5,000 s.f.</td>
</tr>
<tr>
<td>Commercial up to 25,000 s.f.</td>
<td>12,500 s.f.</td>
</tr>
<tr>
<td>Commercial up to 50,000 s.f.</td>
<td>25,000 s.f.</td>
</tr>
</tbody>
</table>

Note: maximum FAR 2.0
Note: maximum FAR 1.25

b. Floor to Floor Heights and Floor Area of Ground Floor Space

(1) All commercial floor space provided on a ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.

(2) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

(2a) At least eight hundred (800) square feet or twenty five percent (25%) of the buildable lot area, whichever is greater, on lots with street frontage of less than fifty (50) feet; or

(2b) At least twenty percent (20%) of the buildable lot area on lots with fifty (50) feet or more of street frontage.

c. Setbacks

(1) Front and Side Street. Where possible, and in keeping with sight line requirements, the entire building facade shall abut front and side street property lines or be located within fifteen
(15) feet of such property lines. Exceptions may be made for corner lots or commercial structures where outdoor seating may be provided.

(2) Rear. Where there is an alley, street, or public right of way behind the building, no rear setback is required. Where the MU district abuts a residential use or district, the rear setback shall be twenty (20) feet.

(3) Interior Side. No interior side setbacks are required in the MU district unless the interior side abuts a residential use or district. Where an MU district does abut a residential use or district, the MU interior setback shall be identical to that of the residential district.

d. Building Height

The maximum building height is thirty-eight (38) feet for mixed-use buildings and thirty-five (35) feet for all other buildings.

See Table 6.1.

4.7 Parking.

a. On Street. On-street parking within three hundred (300) feet of the proposed use may be counted to meet the parking requirements for non-residential uses. Assignment of on-street parking shall be allocated at the time of site plan approval. On-street parking shall not be allocated to more than one use.

b. Off Street.

(1) No off-street parking shall be required for nonresidential uses in the MU district unless such uses exceed two thousand five hundred (2,500) square feet of gross floor area, in which case off street parking must be provided for the floor area in excess of two thousand five hundred (2,500) square feet.

(2) Off street parking shall be provided as described in Section 7.1X: Off-Street Parking.

SECTION 5.06 | ZONING MAP

The boundaries of the zoning districts established by this Land Development Code (LDC) are shown on a map or series of maps titled the “Consolidated Zoning District Map of Mesa County, Colorado,” which is to be considered a part of this Land Development Code (LDC) as fully as if it were set out here in detail. Original copies of the zoning district map are maintained in the Planning Community Development Department. In case of any dispute regarding the zoning classification of property subject to this Land Development Code (LDC), the original maps maintained by the Planning Director will control. The Board of County Commissioners shall consider any appeal as a new matter, and act to approve, approve with conditions, or deny the application. The required notice and approval criteria shall be the same as required of the original action by the Planning Director; however, evidence shall be weighed independently by the Board. If more than one (1) appeal is filed concerning a single decision, the appeals may be consolidated into a single appeal for review at the discretion of the Board.

A. Omitted Land

The zoning classification of any land that does not appear to be classified within any of the districts shown on the zoning map shall be considered to be AF-35 if it is located in the Rural Master Plan Planning Area, and RSF-E if located in the Urban Planning Area or one of the Rural Communities where public sewer is available.

B. District Boundaries

1. Zoning district boundaries follow section lines; lot lines; streets; alleys; railroad right-of-way; municipal corporation lines; special district boundaries; natural boundary lines, such as streams, or other lines to be determined by the use of scale shown on the zoning map.

2. When a parcel of land is divided by a zoning district boundary line at the time of enactment of this code or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.
C. Street Vacations
Whenever any street, alley or public way is vacated by official action of the Board of County Commissioners, the zoning district(s) of the land to which the vacated land becomes a part shall be automatically extended to the land subject to the vacation, and all area included in the vacation will be subject to the regulations of the extended district.

D. Uncertainties
Where physical features existing on the ground contradict those shown on the zoning map, or in case any other uncertainty exists regarding the boundary of zoning districts, the location of district boundaries shall be determined by the Planning Director based on the rules of this Section 4.5.

E. Conflicts with Recorded Resolutions
1. Conflicts between the zoning map and any resolution which was entered into the records of the County Clerk and Recorder within the last ten (10) years shall be determined for correction on a case by case basis by the Planning Director and shall be processed as an administrative review.
2. Where a land use was established based on a resolution entered into the records of the County Clerk and Recorder any time in the past and has continued without interruption to the present day and a conflict exists between the zoning map and that resolution, a determination for correction of the zoning map shall be made on a case by case basis by the Planning Director and shall be processed as an administrative review.
3. All other conflicts will be brought before the Board of County Commissioners on a case by case basis. Some of the factors considered in determining whether the map or the resolution will control include:
   a. The date of the resolution;
   b. Reliance on the zoning map by the neighbors;
   c. Reliance on the resolution;
   d. Surrounding land use; and
   e. Surrounding zoning.

F. Appeals
Appeals of administrative decisions shall go to the Board of County Commissioners in accordance with Section 3.5.16.X.X in the Mesa County Land Development Code. The Board of County Commissioners may consider the Planning Director’s decision, public comment and the criteria in Section 4.5.5.3.4 above at their discretion.

SECTION 5.07 | COMPLIANCE WITH DISTRICT STANDARDS
No building, improvement, or structure may be erected, converted, enlarged, reconstructed or altered for use, except in accordance with all of the district regulations established by this Land Development Code (LDC) for the zoning district in which the building or structure or land is located.

No land, building, improvement, or structure may be used, designated, or intended to be used for any use or activity except in accordance with all of the district regulations established by this Land Development Code (LDC) for the zoning district in which the building or structure or land is located.

No yard, setback or other open space provided about any building, improvement, or structure for the purpose of complying with provisions of this Land Development Code (LDC) shall be considered as providing a yard, setback or open space for a building, improvement, or structure on any other lot.
CHAPTER 6 USE REGULATIONS

SECTION 6.01 USE TABLE

The Principal Uses Allowed within Rural, Urban Residential, and Nonresidential Zoning Districts are identified in Table 6.1 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).

A. Use Categories and Specific Uses

All of the use categories listed in the first column of Table 6.1 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 Use Category which is further defined under the specified Section identified under each use 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. The second column contains specific uses that are associated with the Use Category in the first column. 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.

B. 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 LC.

C. 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 LC.

D. 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 LC or by State regulation.

E. Uses Subject to Specific Regulations

Many uses are subject to use-specific regulations: Use Specific Standards (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.

Table 6.1: Use Table

<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mixed Use Districts</th>
<th>Gateway</th>
<th>Code of Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (see Section X.X)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Residence</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rooming/Boarding House</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Attached / Townhome</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Commented [GM1]: This comment is already stated in the first sentence of this subsection.

Commented [GM2]: Need to add to Section 12.5.5.
<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>Code Change Notes/Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Living 12.3.1.9.9</td>
<td>Assisted Living Facility</td>
<td>C C C C C C C C C C C C C</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A A A A A</td>
<td>A A A C C C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Small Group Living Facility</td>
<td>C C C C C C C C C C C C C C C</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A A A A A</td>
<td>A A A C C C C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Large Group Living Facility</td>
<td>C C C C C C C C C C C C C C C</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A A A A A</td>
<td>A A A C C C C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Temporary Employee Housing</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Service 12.3.4.9.9</td>
<td>All Community Services</td>
<td>A A A A A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A C C C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Museums, Art Galleries, Opera House, Libraries</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care 12.4.4.9.9</td>
<td>Home-Based Day Care</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A C C C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Limited Day Care</td>
<td>C C C A A A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A C C A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Day Care</td>
<td>C C C C C C C C C A A A A A A A</td>
<td>C C A A C</td>
<td>C A C</td>
<td>C A C A C</td>
<td>A A A</td>
<td></td>
</tr>
<tr>
<td>Hospital, Clinic 12.4.4.9.9</td>
<td>Medical and Dental Clinics</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A C A A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Counseling/Rehabilitation Centers (nonresident)</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A C A A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hospital, Mental Hospital</td>
<td>A A A A A</td>
<td>C C C C C</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Physical and Mental Rehabilitation (residential)</td>
<td>A A A A A</td>
<td>C C C C C</td>
<td>C C C C C</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td>C C C C C C C C C</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td>Parks and Open Space 12.4.4.9.9</td>
<td>Cemetery</td>
<td>A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
</tr>
<tr>
<td></td>
<td>Golf Course</td>
<td>A A A A A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Golf Driving Ranges</td>
<td>C C C C C C C C C</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parks/Lakes/Reservoirs</td>
<td>A A A A A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td>A A A A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td>Religious Assembly-Worship 12.4.4.9.9</td>
<td>All</td>
<td>A A A A A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td>Public Safety Facilities 12.4.4.9.9</td>
<td>Jails, Honor Camps, Reformatories, Rehabilitation Centers</td>
<td>C C C C C</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
</tr>
<tr>
<td></td>
<td>Police Station &amp; Sub-Station/Fire Station/Ambulance</td>
<td>A A A A A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td>Schools 12.4.4.9.9</td>
<td>Boarding School</td>
<td>C C C C C C C C C</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elementary School</td>
<td>A A A A A A A A</td>
<td>A A A A A</td>
<td>A A A A A</td>
<td>A A A A A A A</td>
<td>A A A A</td>
<td></td>
</tr>
</tbody>
</table>

**Institutional & Civic (see Section X.X)**

<table>
<thead>
<tr>
<th>Principal Uses Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Colleges and Vocational Schools 12.4.4.9.9</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Community Service 12.4.4.9.9</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Day Care 12.4.4.9.9</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Hospital, Clinic 12.4.4.9.9</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Parks and Open Space 12.4.4.9.9</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Religious Assembly-Worship 12.4.4.9.9</td>
</tr>
<tr>
<td>Public Safety Facilities 12.4.4.9.9</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Schools 12.4.4.9.9</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Commented (GM3):** This is to allow assisted living facilities in zone districts that allow multi-family uses. Section 12.3 C.I. will be amended to allow more than 8 residents based on allowed density for each zone.
<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>G Code Office Use Limitations</th>
<th>Commercial (See Section X.X)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility, Basic 12.4.2 A A</td>
<td>A A A A A A A A A A A A A A A A A A</td>
<td>A A A A A A A A A A</td>
<td>C C C C C C C C C C C C</td>
<td>5.2.18</td>
<td>Commercial (See Section X.X)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Corridors 12.4.4 A A</td>
<td>C C C C C C C C C C C C C C C C C C</td>
<td>C C C C C C C C C C C C</td>
<td>C C C C C C C C C C C C</td>
<td>5.2.18</td>
<td>Commercial (See Section X.X)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales &amp; Service 12.5.1 A A</td>
<td>C C</td>
<td>A A A A A A A A A A A A</td>
<td>A A A A</td>
<td>5.2.18</td>
<td>Commercial (See Section X.X)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office &amp; Personal Service 12.5.2 A A</td>
<td>C C</td>
<td>C C A A A A C C C C C C C C</td>
<td>C C C C</td>
<td>5.2.18</td>
<td>Commercial (See Section X.X)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entertainment 12.5.3 A A</td>
<td>A A A A</td>
<td>A A A A A A A A A A A</td>
<td>C C C C</td>
<td>5.2.18</td>
<td>Commercial (See Section X.X)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Commented [GM4]: Added as it was felt that “Bar/Nightclub” would be an appropriate use in the industrial zones.
<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>Code Specific Building Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation and Outdoor</td>
<td>Swimming Pools</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Outdoor Shooting Ranges</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Riding Academy, Roping or Equestrian Area</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Zoo</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>All Other Outdoor Recreation</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Lodging</td>
<td>Hotels &amp; Motels</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Bed &amp; Breakfast (maximum 5 guest rooms)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Resorts, Cabs, and Lodges</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Campgrounds &amp; Camps</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Vacation Rental</td>
<td>B</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Parking Commercial</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>All Self Service Storage</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Vehicle Repair</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Tire Recappping and Storage</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>All Other Vehicle Repair</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Car Wash</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Gasoline Service Station</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Quick Lubrication</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Truck Stop/Travel Plaza</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>All Other Vehicle Service, Limited</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Industrial (see Section X.X)</td>
<td>Industrial Service Business</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Contractors and Trade Shops, indoor operations and storage</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Contractors and Trade Shops, indoor operations and outdoor storage (including heavy vehicles)</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>
## Table 6.1: Use Table

### Principal Uses Allowed

<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>Code &amp; Site Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Manufacturing and Production</strong></td>
<td>Contact and Trade Shops, Outdoor Storage and Operations</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Delivery and Dispatch Services (Vehicles on Site)</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Junk, Salvage, and Wrecking Yard</td>
<td>C</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Propane, Fuel, and Oil Storage/Distributor</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Towing and Vehicle Storage</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Welding and Machine Shop</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Industrial Service</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td></td>
<td>5.2.12, 5.2.13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Indoor Operations and Storage: Assembly, Food Products, &amp; Manufacturing/Processing</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Indoor Operations with Outdoor Storage: Assembly, Food Products, &amp; Manufacturing/Processing</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Outdoor Operations and Storage: Assembly, Food Products, &amp; Manufacturing/Processing</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Marijuana Growing, Processing &amp; Products (Not Permitted)</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Indoor Operations, Storage and Loading</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Indoor Storage with Outdoor Loading Dock</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Outdoor Storage of Loading</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sand or Gravel Storage</td>
<td>C</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td>C</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Warehouse and Freight Movement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Non-Hazardous Waste Transfer</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Medical/Hazardous Waste Transfer Station</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Solid Waste Disposal Sites</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Recycling Collection</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>All Other Waste-Related</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Wholesale Sales</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wholesale Business (No Highly Flammable Materials/Liquids)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>Agricultural/Products</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td></td>
<td>All Other Wholesale Uses</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other (see Section X.X)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Agricultural

<table>
<thead>
<tr>
<th>Use Category (Section)</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mixed Use Districts</th>
<th>Gateway Overlay District</th>
<th>Code &amp; Site Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Animal Confinement</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dairy</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Confined Animal Feeding</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5.2.12, 5.2.13</td>
</tr>
<tr>
<td>Use Category (Section)</td>
<td>Specific Use Type</td>
<td>Rural</td>
<td>Urban Residential</td>
<td>Nonresidential</td>
<td>Mixed Use Districts</td>
<td>Gateway Overlay District</td>
<td>Code-Specific Building Standards</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>------</td>
<td>------------------</td>
<td>----------------</td>
<td>---------------------</td>
<td>--------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>12.7.4</td>
<td>Airport/Aviation</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.7.3</td>
<td>Forestry, Commercial</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.7.2</td>
<td>Forestry Support Services</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.7.1</td>
<td>Marijuana Cultivation (Not Permitted)</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.7.2</td>
<td>Winery/Brewery/Distillery (production facilities)</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.7.2</td>
<td>Produce Stand</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.20 A</td>
</tr>
<tr>
<td>12.7.2</td>
<td>All Other Agriculture</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.20 A</td>
</tr>
<tr>
<td>12.7.2</td>
<td>Airports/Heliports</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.20 A</td>
</tr>
<tr>
<td>12.7.2</td>
<td>Bus/Commuter Stops</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>12.7.2</td>
<td>Bus/Railroad Depot</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>12.7.2</td>
<td>Helipads</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>12.7.2</td>
<td>All Other Aviation or Surface Passenger Terminal</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>12.7.2</td>
<td>Field Office Headquarters for Oil &amp; Gas Field Operators</td>
<td>C</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>5.2.20 A</td>
</tr>
<tr>
<td>12.7.2</td>
<td>Oil or Gas Drilling</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>5.2.14 A</td>
</tr>
<tr>
<td>12.7.2</td>
<td>Sand or Gravel Extraction</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>5.2.14 A</td>
</tr>
<tr>
<td>12.7.2</td>
<td>Support Services</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>5.2.20 A</td>
</tr>
<tr>
<td>12.7.2</td>
<td>All Other Mining</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>5.2.14 A</td>
</tr>
<tr>
<td>12.7.2</td>
<td>Telecommunications Support Structures</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>5.2.20 A</td>
</tr>
<tr>
<td>12.7.2</td>
<td>Telecommunications Facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>5.2.20 A</td>
</tr>
</tbody>
</table>

SECTION 6.02 | USE-SPECIFIC STANDARDS

Because some uses have the potential to impact neighboring properties by generating noise, dust, odors, intrusive lighting and traffic if not properly managed, the following use-specific standards are implemented. This section contains regulations that apply to specific uses. The use-specific standards in this section are intended to provide additional standards for certain land uses in order to mitigate any adverse impacts on the immediate neighborhood or classes of use. All other requirements of the Land Development Code shall Development Standards in Chapter 2 also apply in addition to these use-specific standards unless otherwise stated.

A. Adult Entertainment

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

1. No entertainment establishment shall be allowed within one thousand (1,000) feet of a lot or parcel occupied by another adult entertainment establishment.

2. 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.

3. No entertainment establishment shall be allowed within one thousand (1,000) feet of any Rural or Urban Residential District.

B. Agricultural Labor Housing
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 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.

C. Bed and Breakfast

Bed and breakfast uses shall be subject to the following standards:

1. Bed and breakfast uses that are allowed by right shall be subject to Site Plan Review.

2. Structures shall not be altered in a way that changes their general appearance. Bed and breakfast uses must maintain a residential appearance.

3. 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.

4. 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 4.

5. Exceptions, private parties, or similar activities shall not be permitted unless expressly approved as part of the Conditional Use Permit or Site Plan application.

6. All guest rooms shall be located within the principal structure, except for properties located within Rural Zoning Districts.

7. 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.

8. All bed and breakfast establishments must comply with Mesa County Health Department regulations and Fire Code requirements. Sign off by the governing Fire District is required prior to approval of the Conditional Use Permit or Site Plan application.

D. Business Residence

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

1. The intent of the business residence provision is to allow mixed use development to occur in Nonresidential Zoning Districts as allowed in Table 5.1.

2. A limit of fifty percent (50%) of the building floor area may be developed as residential.

3. 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 hour of parking demand for all the various users of the site.

E. Campgrounds and Recreational Vehicle Parks

1. 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 Recreational Vehicle Parks (6 CCR 1010-9). Campgrounds and Recreational Vehicle Parks shall be subject to the standards listed below.

2. No person shall stay in any campground more than one hundred eighty (180) days per calendar year. The Director on an individual basis may grant an extension for each user for an additional 90-day period. An extension shall be requested in writing by the owner or manager of the campground. 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.

3. Each overnight campground shall provide at least the site shall be staffed with a minimum of one (1) full-time attendant, twenty-four (24) hours a day.
   a. A permanent record of registrations must be maintained.

4. Vehicles within the campground shall not exceed one hundred two (102) inches in width, excluding slide-outs.

5. Separate camping areas shall be maintained for tents.

6. Each camping site 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.

7. There shall be no more than twenty-five (25) camping sites per acre.

8. 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.

9. 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 meeting the requirements of this Land Development Code (LDC);
   c. Walkways within the campground area shall be at least four (4) feet wide, with an all-weather surface; and
   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 2.3.2x 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.

10. If provided, electric and gas service shall meet all state and local electric and gas regulations. All utilities shall be underground.

11. 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.

12. All trash collection areas shall be screened. If applicable, trash containers shall be wildlife-proof. Campers shall be required to store food in bear-resistant containers or in vehicles.

13. All areas within the campground must have an acceptable form of groundcover to prevent erosion and blowing dust.

14. 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.

15. Where a Campground or Recreational Vehicle Park is adjacent to residentially developed property, a fence or wall with a minimum height of six (6) feet in height may be required as a visual barrier. Additional screening may be required if houses on adjacent properties are within one hundred (100) feet of the property line.
15. Each campground shall provide a recreational area consisting of one hundred (100) square feet per campground space/site. Exceptions to this requirement may be granted if the campground has direct access to public recreation areas.

F. Electric Power Transmission Lines

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

1. Avoid passing through, or within one (1) mile of:
   a. Any Urban Residential or Nonresidential zoning district; and
   b. The Colorado National Monument, wherever possible; and

2. 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.

G. 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:

1. Setbacks and Separations

   a. One-quarter (1/4) mile of an occupied existing dwelling that is not in common ownership with the Feedlot facility, and in place at the time the facility is proposed;
   b. One (1) mile of an existing public or private school (not including dwellings where children are home-schooled);
   c. One-half (1/2) mile of the boundaries of any incorporated existing municipality boundary;
   d. One-quarter (1/4) mile of any existing water well currently used for domestic purposes;
   e. Two hundred (200) feet of a perennial stream and one hundred (100) feet from an existing 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; and
   f. 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.

2. 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:

   a. 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
   b. 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.

3. 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.X.

H. 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:

1. The requirements of Section 7.1.8.X, Stacking Spaces for Drive-Through, shall be met.
2. The drive-through, including order boards and stacking areas, shall be screened from non-commercial
uses, including utilizing a combination of fences or walls in addition to and landscaping.
3. 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.
4. 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 and
5. Site circulation shall be designed to minimize conflicts with vehicular traffic and pedestrian movement.

I. Flea Markets

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

1. No booths, stalls or other display areas shall be placed or maintained within any required setback.
2. Sanitary facilities shall be provided on site.
3. 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.
4. Flea markets shall not be open for business in excess of sixteen (16) hours per day.
5. No items other than those available for retail sale may be stored on the premises unless confined within
an approved screened storage area.

J. Commercial Timber Harvesting and Large Construction Projects

1. 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 sub-section C.3.X below.

2. 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.3 below.

3. 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.

K. 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).

Commented [GM13]: This is not needed based on the preceding standard.

Commented [GM14]: These standards are specific to “drive-
through facilities”. Lighting is a standard for the entire development
including drive-through facilities.

Commented [GM15]: Not sure what this standard
accomplishes.

Commented [GM16]: Reference to definitions is not needed as
no other site specific use refers to definitions.
1. Twenty-four hour (24) hour supervision shall be provided by qualified staff at all group living facilities.

2. 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.

3. The number of residents residing in a group living facility shall be as follows:
   a. Small group living facility – a group living facility with five (5) to nine (9) residents.
   b. Large group living facility – a group living facility with ten (10) or more residents.

4. All group living facilities shall be located at least one (1) block from any school, church, hospital, nursing home, police station, fire station, library, or other public buildings.

5. The proposed facility must obtain all state licenses as required pursuant to Colorado Statutes.

6. Group living structures shall be compatible with the character of the surrounding neighborhood.

7. The facility shall not be located within seven hundred fifty (750) feet of another such facility, measured by the shortest distance between property lines of each facility.

8. The following standards shall apply to all approved junk yards, salvage yards, heavy equipment, industrial and outdoor storage yards. Additional standards may be required as deemed necessary by the Planning Director and/or Board of County Commissioners:
   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, 7.4x).
   c. No outdoor storage area shall be placed or maintained within a required setback unless allowed through conditions in the use permit.
   d. Stored items shall not project above the fence or wall used to screen the material unless allowed through conditions in the use permit.
   e. All automotive waste or petroleum waste shall be controlled and not permitted to seep or leak into the soil.

9. Exemptions:
   a. Group living facilities have residents that have limited ambulatory ability and there is no need to locate near these types of services but should have the ability to provide needed access.
   b. A group living facility that does not have an approved conditional use permit would be considered a nonconforming use, this is already provided under Section 10.2 Nonconforming Uses.
   c. It is felt that group homes located in nonresidential zone districts should not have a separation restriction.
   d. The Code has standards for a "Hazardous Material Facility" but not a "Hazardous Substance User". In addition, it was felt that "hazardous substance user" was too broad and could be used to define many uses that should not be required to meet the criteria.
Accumulation and storage of junk and/or unlicensed/inoperable vehicles may be allowed without planning approval when all of the applicable criteria below have been met:

a. No more than one (1) intact inoperable/unlicensed vehicle can be kept or stored outdoors in ordinary view upon any property that is not approved as a junk yard, salvage yard, industrial storage or has a use permit that allows additional storage of junk and/or inoperable/unlicensed vehicles. This vehicle allowance includes trailers, campers and other such vehicles that would otherwise require registration or licensing, and does not include vehicles that have been dismantled or wrecked as they are considered junk and require removal or screening.

b. All areas of a property that are subject to ordinary view must be kept free of junk, rubbish, non-contained trash, garbage and debris. Accumulations of junk, including more than one unlicensed/inoperable vehicle must be legally removed or maintained in a screened storage area that is visually shielded or obscured from ordinary view by means of a solid fence, evergreen trees or shrubbery, an enclosed structure or other appropriate means provided that the outdoor storage area is for personal use and not commercial use. Tarp covering is not sufficient by itself. The screened storage area should not store uncontained trash, garbage, rubbish or debris.

c. No screened outdoor storage area shall be placed or maintained within a required setback nor should the area contain trash, garbage or debris. In addition, screened items shall not project above the fence or wall used to screen the junk material, except for vehicles or items that are resting on the ground but have a height more than six (6) feet tall but less than twelve (12) feet tall.

d. The screened area must not exceed more than 5% of the total parcel size up to a maximum of 22,000 square feet or approximately one-half (1/2) acre.

e. There shall be no limit on the number of active or serviceable agricultural vehicles or equipment on an agricultural parcel of land regardless of whether such vehicles have current registration or license plates, if that property owner or user is engaged in an agricultural operation that is historical, traditional, legitimate and reasonable as protected under the County’s Right to Farm and Ranch policy and require such vehicles for operation of that practice.

f. Active agricultural operations may have scrap iron “bone yards”, lumber stock piles or other essential collections in ordinary view if necessary for operations and stockpiled in a maintained and orderly fashion.

3. 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-5, RSF-1, RSF-2, RMF-2, RMF-3, RMF-5, RMF-6, or RMF-24 Zoning Districts or Urban Residential Zoning Districts.

b. Used or waste tires shall not be used 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.

N. 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:

1. An excavation and rehabilitation plan shall be required for any mining or extractive use.

2. An excavation permit, if applicable, issued by the State of Colorado in conformance with the Open Mining Land Reclamation Act, shall be required.
3. 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.

4. 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 7.9) when necessary to control dust and mitigate other adverse impacts on surrounding areas.

5. All excavation activities shall be set back at least one hundred (100) feet from road rights-of-way and the one hundred (100) year roadway 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.

6. 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 usage 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 the haul route impacts the health, safety and welfare of the local area.

7. 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.

8. Operation shall be limited to the specific days and 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.

9. 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.

10. Prior to starting excavation, where the operation is adjacent to subdivided or developed commercial, residential or industrial property, fencing, buffering and/or screening 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 approval by 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.

11.Unless approved as part of the Conditional Use Permit, 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.


13. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department, and the Colorado Air Quality Control Commission.

14. 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.

15. 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.

16. 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.
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.

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.

In granting any extension, the Transportation Impact Fee (TIF) and any other applicable fee shall be adjusted to the then-current fee.

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.

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.

Multi-family developments shall be subject to the standards listed below:

1. Multi-story multi-family developments that are greater than forty (40) feet in height, the third floor and higher must be stepped back a minimum of five (5) feet per floor, per Table X.X.

2. Designated trash collection area meeting the requirements of this Code shall be required; and

Multi-family development shall provide common area or open space as per Section X.X.

Manufactured home parks shall be subject to the standards listed below:

1. Site Area

A manufactured home park must have a minimum site area of two (2) acres.

2. Density

Manufactured home parks shall be subject to the density standards of the underlying zoning district shall apply.

3. Setbacks

Minimum setbacks and separation shall be as follows:

- Property boundary: twenty (20) feet
- Street (public): twenty-five (25) feet
- Interior street (private): ten (10) feet
- Separation between manufactured homes: fifteen (15) feet
- Separation between manufactured homes and other structures: fifteen (15) feet

<table>
<thead>
<tr>
<th>Street (public)</th>
<th>50 feet (from Ultimate ROW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property boundary</td>
<td>30 feet</td>
</tr>
<tr>
<td>Interior park street</td>
<td>10 feet</td>
</tr>
<tr>
<td>Separation between manufactured homes</td>
<td>15 feet</td>
</tr>
</tbody>
</table>
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.

4. 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 (LDC).

5. 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.

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

1. Financial assurance
   a. 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 properties, 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.
   b. 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.

2. 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.

3. 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.

4. 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.)

5. Permits pertaining to oversize/overweight vehicles shall be obtained by the operator from the Mesa County Public Works Department.
   a. 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 Restoring roads back to County standards after damage occurs is the responsibility of the applicant.
6. 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.

7. The names, addresses and phone numbers of the project contractors shall be submitted to Mesa County prior to commencement of operations.

8. All permanent structures shall require a Mesa County building permit prior to construction.

9. Permanent structures/facilities shall be painted or otherwise treated to blend with the surrounding area.

10. 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.

11. 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.

12. A 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.

13. 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.

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

8. Produce Stand.

1. Produce stands are allowed only for products produced on the premises provided no hazards are created with parking, ingress, egress and signage and the operation does not disrupt the peace, quiet and dignity of the neighborhood.

2. Produce stands in nonresidential zone districts may include products produced off-premises and require a temporary use permit.

8.3. Telecommunications Facilities

1. General

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

2. 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, as amended, 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.

3. Rural Planning Area

a. 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.

b. 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.

4. Urban Planning Areas
   a. 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.
   b. Application
      No telecommunications facilities or 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.
   c. 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.
   d. 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:
      (1) 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.
      (2) 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.
      (3) 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.
      (4) 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.
         (a) 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.
         (b) 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.
         (c) 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.

(d) 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.

(e) 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:

(i) No existing tower, facility or utility structure is located within a distance which meets the applicant’s engineering requirements;

(ii) 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;

(iii) 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 use such that co-location is not possible;

(iv) There is some other reasonable factor that renders existing towers, facilities or utility structures unsuitable; and

(v) 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.

(vi) 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.

e. Interference

Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

f. 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.

g. 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.

h. 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.

i. 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.

1. A zone vicinity 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 (¼) mile.

2. 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.

3. 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.

4. 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 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.

5. 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.

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

j. 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 to 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.

k. Design, Materials and Color

Towers and telecommunication facilities shall be designed and maintained: to minimize visual impact; to 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:

1. Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape;

2. 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;

3. Be located on existing vertical infrastructure such as utility poles and public buildings or utility structures;
[4] 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;

[5] 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;

[6] Be located in areas where the existing topography, vegetation, buildings or other structures provide screening; and

[7] 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.

I. Landscaping and Screening

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

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

m. Lighting and Signage

(1) 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.

(2) Only signage that is required by state or federal law is allowed. No advertising shall be permitted.

n. 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.

o. 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.

p. 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, 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.

q. 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.

r. 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.

5. Federal Aviation Administration (FAA)

(1) No person shall construct or alter a telecommunications tower or facility without a permit issued by the FAA 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;

(2) Form 7460-1 shall not be required for the following:
   (a) An amateur radio antenna if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antenna;
   (b) Any existing tower and antenna provided a building permit was issued for a tower or antenna prior to the adoption of this Code;
   (c) Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities; or
   (d) Any antennae used for FCC licensees engaged in AM, FM or television broadcasting.

5.T. 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.

1. The stored materials shall be located behind a landscaped area meeting the buffer requirements of parking lots in Section 7.2.X.X.

2. No materials shall be displayed or stored within a required landscape area.

3. 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.A. Waste Related Use (Used or Waste Tires)

1. 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 Residential Zone District.

2. Used or waste tires shall not be used 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.

U. Winery, Distillery or Brewery

Winery, distilleries or breweries located in Rural non-commercial Zones shall be permitted to include limited retail sales and restaurants (vintner’s restaurant) as an accessory use, subject to the following conditions:

1. Restaurant seating shall be limited to no more than fifty (50) customers.

2. Where public sewer is not available, on-site waste treatment systems shall be specifically designed and permitted for the proposed type of commercial use.

3. The operation shall comply with Colorado Liquor Code and Rules.

Commented [GM43]: Moved under Section M – Junk Yards, Salvage Yards, Heavy Equipment, Industrial and Outdoor Storage.

Commented [GM44]: It was decided that there was no need to have a cap on the number of restaurant customers.

Commented [GM45]: This is required of all development and does not need to be specifically stated.

Commented [GM46]: This criteria is required of any use that sells liquor, wine or beer. In addition, the first criteria covers the requirement.
4. All other requirements of the Land Development Code, including but not limited to parking, landscaping, signage and lighting, shall be met.

5. 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).

V. Self-Service Storage/Mini-Warehouse

1. 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.

2. 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.

W. Oil and Gas Forestry and Forestry Support Services

Land uses that provide support service for forestry and 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, 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.

1. 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:
   a. A supplement to the required project narrative shall include:
      1. Demonstration of the need for the facility in the location proposed to serve oil and gas operations and including documenting any lack of suitably zoned land in the project area, and
      2. Discussion of the adequacy of roads and access to the site, including the condition and construction of the roads.
   b. A letter from licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the proposed use's sewage and/or refuse from the proposed use.
   c. 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.
   d. A reclamation and re-vegetation plan for each site satisfying the following requirements:
      1. All structures and equipment will be removed.
      2. Trash and construction debris will be removed and disposed of at a State-approved solid waste disposal facility.
      3. Concrete footings and foundations may be buried in the backfill with three (3) feet of cover.
      4. Sewage disposal systems will be removed and disposed of in compliance with Mesa County requirements.
      5. 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. 

(6) Weeds will be monitored and controlled according to a weed management plan approved by the Mesa County Division of Weed and Pest Management.

(7) 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 regraded to smooth slopes and re-vegetated. Access to reclaimed roads will be restricted.

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

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

a. 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.

b. Existing driveways and private roads should be used to the greatest extent possible. The Road Access Policy must be complied with. Tracking onto roadways must be controlled.

c. The use should be located so that existing topography, vegetation and/or distance minimize visibility from interstate highways, arterial roads or scenic byways.

d. 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 Director may allow the facility to 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. 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.

j. Wildlife-proof trash receptacles shall be used.

k. 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.
3. 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 (3) year 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 this Section 5.2.22.A.1 above. Subsequent extensions may be applied for in the same manner.

4. 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 landowner 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.

X. Temporary Employee Housing

A. The following information, standards, and requirements shall be required for all temporary employee housing constructed or installed in Mesa County related to commercial, industrial, transportation, oil and gas or mineral extraction projects, require a permit. Temporary employee housing is subject to Conditional Use Permit review pursuant to the applicable requirements in Chapter 5 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) workers through a reclamation report submitted to the Planning Director indicating that the site was reclaimed as set forth in the approved reclamation plan.

Commented [GM59]: Could not find "residential noise limits" with in the Code and Section 7.2.3 does not exist.

Commented [GM60]: See comment above.

Commented [GM61]: The State requires all spills to be reported to the County.

Commented [GM62]: This does not have to be stated.

Commented [GM63]: The first sentence of this section requires that all applicable standards of this Code shall apply unless otherwise stated. This does not need to be specifically stated.

Commented [GM64]: This is required of all access onto County roads.

Commented [GM65]: This section was adopted in 2008 and going through the records it doesn’t look like it has ever been used. Therefore, is there a need to keep it.

Commented [GM66]: This language is not needed as temporary employee housing is only allowed in the AFT district upon approval of a CLP as identified in the preceding Use Table.

Commented [GM67]: Moved to the end of this subsection.
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:

a. A general description of facilities and structures located on the drilling pad during drilling activities and their uses;

b. A count of the number of beds proposed for essential personnel; and

c. 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.

2. 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:

a. A supplement to the required narrative shall include:

b. 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

c. A letter from a licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the Applicant’s development’s sewage and/or refuse as applicable.

d. 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.

3. A reclamation and re-vegetation plan for each site satisfying the following requirements:

All structures and equipment will be removed.

(1) Trash and construction debris will be removed and disposed of at a State approved solid waste disposal facility.

(2) Concrete footings and foundations may be buried in the backfill with three (3) feet of cover.

(3) All sewage disposal systems will be removed and disposed of in compliance with Mesa County requirements.

(4) 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.

(5) Weeds will be monitored and controlled according to a weed management plan approved by the Mesa County Division of Weed and Pest Management.

(6) 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.

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

4. The following standards will apply to all temporary employee housing facilities:

a. Dust shall be controlled on public roads as agreed upon with the Mesa County Road Department Supervisor. Dust shall be controlled on the site, public and internal roads 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.

Commented [GM69]: These two standards are required of all road accesses and access points in the County (Section 7).
b. 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.

c. 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:

(1) The facility should be located at the base of slopes to provide a background of topography and/or natural cover.

(2) Cut and fill should be minimized when locating the facility.

(3) Surface use agreements shall be taken into consideration.

(4) If on-site sewage treatment is provided, the system must be approved by either Mesa County or the State Health Department.

(5) 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.

(6) The grounds shall be kept free of weeds, junk and trash at all times.

f. Potable water must be provided at the site. All State and County health standards and requirements must be met. The drinking water source must be identified.

(1) If the operator provides the source water to serve twenty-five (25) people or more, or fifteen (15) or more tops, the operator must demonstrate compliance to State regulations, by obtaining all necessary State permits prior to application to Mesa County for the temporary employee housing facility.

(2) If potable water is hauled into the site, the water haulers must be licensed by the State of Colorado. Chlorine residual and total coliform 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 coliform. Any tests indicating coliform contamination must be disclosed to the Mesa County Board of Health or designee.

(3) Potable water shall come from a source certified by the Colorado Division of Housing to be in accordance with Colorado Construction Code for Factory Built Structures prior to occupancy. Site work and utility connections to pre-machined occupied 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.

h. Domestic animals other than those owned by the property owner or on-site property manager are not allowed at the facility.

l. Landscaping, fencing and berms shall be used in combinations that effectively screen the facility from existing residences visible from the proposed housing site.

m. Wildlife-proof trash receptacles shall be used (where applicable).

n. 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.

o. Residential noise limits shall be complied with pursuant to Section 7.3.11 of this Land Development Code and the Colorado Oil and Gas Conservation Commission asight beyond (800) Series rules for noise abatement.

p. 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 14.1.1 above.

9. The housing location shall not disrupt or convert irrigated agricultural production lands, except as stipulated in the surface use agreement.

10. 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.

11. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

12. Development standards in Chapter 7 of this Code shall apply.

13. Access shall comply with the Mesa County Road Access Policy.

5.4 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.X.X above.

5.5 Closure

When the need for the use is finished, the facility and associated structures 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.

5.6 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 of 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:

a. A general description of facilities and structures located on the drilling pad during drilling activities and their uses;

b. A count of the number of beds proposed for essential personnel; and

c. 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.

X Forestry Support Services

The criteria in Section 5.2.22.C – 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.

2.Y. Field Office Headquarters for Oil and Gas Field Operators

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

1. 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.

2. Outdoor storage of equipment and vehicles as well as parking areas are screened from adjacent land uses including public road frontages. 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.

3. Section 5.223.X, criteria for Oil and Gas Support Services, shall be utilized. Criterion 5.223.B.X 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.

AA. 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 Applications for minor entertainment events shall address the following concerns, including mitigation, in a Conditional Use Permit application for Minor Entertainment Events:

1. Vehicle access and circulation (including emergency access);
2. Noise limits set forth in C.R.S. 25-12-103;
3. Hours of operation with an appropriate time to end activities associated with proposed events;
4. 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;
5. Peak hour traffic generation; and
6. Screening of the event activities from residences on adjacent properties.

BB. Industrial Development Design Standards

1. 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.

2. Applicability:

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.
3. **Design Standards**
   
   a. **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.
   
   b. **Building Orientation**
   To the maximum extent achievable possible:
   
   (1) Primary building entry facades should orient towards the major access drive or street; and
   
   (2) Structures should orient in a manner that will help to provide a safe and attractive streets edge; and
   
   (3) Structures should be oriented to screen outdoor storage areas from view from the street and adjacent residential areas.

   b. **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.
   
   (1) Circulation patterns shall be designed to minimize vehicular impacts on adjacent residential uses.
   
   (2) 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.
   
   (3) 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.
   
   (4) 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.

   c. **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.
   
   All parking lots located in 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.
   
   (1) Parking lots shall be screened from view from adjacent residential use. The screening shall include landscaping and structural screens, as required by Section 7.2 of the Mesa County Land Development Code.

   d. **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.

1. Blank, windowless walls on collector or arterial street facades are discouraged. Where the construction of a blank or windowless wall facing a collector or arterial street is necessary, the wall shall be articulated or enhanced using architectural features and landscaping.

2. 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. Offsets in wall plane or roof line or features such as porches or recessed entries may also be used to provide relief, break up the wall.

3. 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, decorative 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.

4. 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 listed above.

5. The dominant building colors shall be drawn from the natural landscape and must be low reflecting and subtle.

### Landscaping

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

### 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.

1. New development of industrial facilities shall incorporate visual and acoustic mitigation alternatives shall be incorporated into the development through the use of built or natural screening along collector streets and pedestrian environments and adjacent to residential uses.

2. 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.

3. All mechanical and utility equipment shall be screened from view from collector streets and residential uses.

4. The design of the screening shall be integrated into the overall design of the project.

### 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 screen 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.

(1) 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.

(2) All fencing, walls, and berms shall provide breaks for pedestrian connections between internal walkways and perimeter walkways.

h. 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.

i. 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.

(1) Freestanding signs shall be limited to monument-style signs at a maximum of twelve (12) feet in height.

(2) Monument signs that are internally illuminated shall be designed to limit glare from shining off-site.

(3) 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.

(4) Other types of signs allowed in Chapter 8 (i.e. flush wall signs, roof signs and projecting signs) are permitted.

B. Vacation Rentals

The vacation rental of a private residence, either as a whole or as an individual room, shall be subject to the following requirements.

1. Vacation rentals shall be subject to Site Plan Review.

2. Short-term rentals shall be permitted in single family dwellings (attached and detached), townhomes, accessory dwelling units and owner-occupied duplexes.
   a. The maximum length of stay shall be less than thirty (30) consecutive days.
   b. Only structures permitted for residential occupancy shall be used as vacation rentals. Tents, recreational vehicles, temporary shelters and other provisions intended for temporary occupancy are not allowed as guest accommodations.

3. Maximum occupancy of a vacation rental shall be determined at the time of site plan approval based on the number of parking spaces and bedrooms.

4. Residential dwellings that are used for vacation rentals shall meet Building Code requirements for smoke and carbon monoxide detectors. No room shall be rented that does not meet egress requirements.

5. All accommodations shall have sanitary and bathing facilities available to guests within or in close proximity to the area of rental, and shall not be unduly restricted in access.

6. The vacation rental shall have a minimum of one (1) off-street parking space per sleeping room plus one (1) additional space. All vehicles shall be parked in designated parking areas only.

7. The local property manager or representative shall be a county resident who can be contacted by telephone and is available at all times when the home is rented. The representative shall be available for resolution of conflicts, cleanup of the property, or issues with the home or occupants and shall be able to respond within a reasonable amount of time.
a. If the local representative changes, it shall be the responsibility of the owner to immediately notify the Mesa County Planning Department of the new representative’s name and phone number.
b. If the local representative is not available for a specific period of time, the property shall not be rented during that time.

8. No changes shall be made to the dwelling or site that would diminish or detract from the residential appearance in the neighborhood.

9. If the proposed Vacation Rental is more in-line with the standards set forth under Section X.X, it may be required that the proposed Vacation Rental be process as a Bed and Breakfast.

10. Failure to maintain compliance with the aforementioned standards shall result in revocation of approval.

a. Should a vacation rental receive three (3) or more formal, verified nuisance, health and/or safety complaints in a calendar year, the Planning Director may revoke the site plan approval.

SECTION 6.03 | ACCESSORY USES | STRUCTURES

A. 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.

B. 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:

1. 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 use (i.e., a contractor’s shop).

2. 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 outbuildings.

3. Urban Zoning Districts
   One (1) accessory structure may be allowed to be constructed without a principal structure (residence) on an 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.

D. Dimensional and Operational Standards

Commented [GM104]: Moved to Section 6.04
Commented [GM105]: Moved to Section 6.04
Commented [GM106]: This exception applies to accessory structures and has nothing to do with outside storage. In addition, this exception is only for residential accessory structures. A home occupation (the only business and/or commercial use allowed on a residential property) is not allowed without a primary residence.
Commented [GM107]: Not sure why this is a requirement. An acre of land is 43,560 square feet. The average residence built in the last 3 years is approximately 2,500 square feet. If the owner wants to place an accessory structure on the property before the primary residence, there is more than enough space to locate the home.
Commented [GM108]: Why does it matter whether or not the parcel is platted or unplatted?
Commented [GM109]: Not sure why this is a requirement. An acre of land is 43,560 square feet. The average residence built in the last 3 years is approximately 2,500 square feet. If the owner wants to place an accessory structure on the property before the primary residence, there is more than enough space to locate the home.
The standards of this section shall apply in all districts unless otherwise expressly stated.

1. 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.

2. Setbacks

   a. Street Setbacks

      Accessory structures shall be subject to all street setback requirements of the zoning district in which they are located (see Section X.X) with the following exception.

   b. 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.

   c. Easements

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

3. Size

   Accessory structures shall be subordinate in size, extent and purpose to the principal building or use. Accessory structures on properties in rural, RF-1, RF-2, and RF-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.

   a. 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.

SECTION 6.04 | ACCESSORY 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. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise expressly stated. No accessory use shall be established on the subject parcel until after all required permits and approvals for the principal use, structure or activity have been obtained.

A. 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.

E. B. 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.

1. 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

Commented [GM110]: Moved under Section 6.04

Commented [GM111]: These uses are specifically identified in the Use Table and under the section pertaining to home occupations and does not have to be restated here.
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.

2. 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.X of this Code.

3. 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.X.X).

a. Existing Properties in Urban Land Use Areas

On properties designated for urban land uses on the adopted Master Plan Future Land Use Plan Maps, the keeping of domestic livestock may be allowed only on lots or parcels greater than one-half (1/2) 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 rear and side property lines along residences on properties next to these confined areas when adjacent to an existing residential use 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.X.X of this Code, are not considered confined areas.

(1) On parcels of land less than one-half (1/2) acre in size in the urban zoning districts, chickens and rabbits that are kept outside the residence shall be allowed under the following conditions:

(a) 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.

(b) 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.

(c) Chickens and/or rabbits shall not be permitted on properties with duplexes or multi-family dwellings.

(d) No roosters are allowed.

(e) All animals shall be confined by a fence, cage, or pen. Appropriate shelter shall be provided.

(f) Animals shall be kept no closer than twenty (20) feet from rear and side property lines whenever there is an existing residential use on the adjoining property.

(g) There shall be no confinement of animals in the front setback area.

(h) 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 Plan 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 XX 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.

4. Allowed Animal Units per Acre

For parcels of land one half (1/2) acre or larger in size, calculations are based on animal units times the 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.).

4.5. Table of Animal Unit Equivalents

<table>
<thead>
<tr>
<th>Animal Species</th>
<th>Equivalency Factor Based on Animal Unit x 1000 lb cow</th>
<th>4 animal units/acre (RSF-R, AFT, AF-35 Zoning Districts)</th>
<th>3 animal units/acre (All Other Urban Zoning Districts)</th>
<th>1,000 Animal Units Feeder Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpaca or Llama</td>
<td>0.50</td>
<td>5</td>
<td>3.75</td>
<td>2,000</td>
</tr>
<tr>
<td>Bison, buffalo (under 2 years old)</td>
<td>0.80</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Bison, buffalo</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Bison, buffalo - cow w/calf</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Burro, Donkey</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Burro, Donkey - miniature</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Cattle, Beef - Slaughter and Feed (under 2 years old)</td>
<td>0.80 (1-2 yr old)</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Cattle, Beef - Slaughter and Feed (under 2 years old)</td>
<td>1.00 (over 2 years)</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Calves (under 6 months)</td>
<td>0.00</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cattle, Beef - cow w/calf</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
</tbody>
</table>
4. Caretakers and Security Guards

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

5. Home Occupations

1. 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 (as accessory uses) 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.

2. Exempt Home Occupations

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

   a. Client/customer visits to the premises are limited to a maximum of ten (10) per week;
   b. No nonresident employees visit the site;
   c. No outdoor activities or storage are on the site;
   d. Storage of hazardous materials/waste is not a primary use of the home occupation; and
   e. 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.

3. Home Occupations

a. Allowed Uses

   The home occupation regulations of this subsection establish performance standards rather than

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>Age/Weight</th>
<th>Maximum</th>
<th>Minimum</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle, Dairy (bulls or cows)</td>
<td>1.40 (&gt;2 yrs)</td>
<td>2.9</td>
<td>2.1</td>
<td>714</td>
</tr>
<tr>
<td>Chickens, Breeder</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>50,000</td>
</tr>
<tr>
<td>Chickens, Layer</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>50,000</td>
</tr>
<tr>
<td>Elk, domestic (under 2 years old)</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Elk, domestic</td>
<td>0.80</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Elk, domestic - cow w/calf</td>
<td>0.80</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Emu, less than 100 lbs.</td>
<td>0.10</td>
<td>40</td>
<td>30</td>
<td>10,000</td>
</tr>
<tr>
<td>Emu, more than 100 lbs.</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Fallow Deer</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Geese, ducks, swans, turkeys, fowl</td>
<td>0.03</td>
<td>133</td>
<td>100</td>
<td>33,333</td>
</tr>
<tr>
<td>Goat, feeder (less than 80 lbs.)</td>
<td>0.10</td>
<td>40</td>
<td>30</td>
<td>10,000</td>
</tr>
<tr>
<td>Goat, mature brood stock</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Goat, nanny w/ kids</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Goat, miniature</td>
<td>0.05</td>
<td>80</td>
<td>60</td>
<td>30,000</td>
</tr>
<tr>
<td>Horses, mules</td>
<td>1.30</td>
<td>3.1</td>
<td>2.3</td>
<td>769</td>
</tr>
<tr>
<td>Horses - more w/foul</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Horses - miniature</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Ostrich</td>
<td>0.30</td>
<td>13.3</td>
<td>10</td>
<td>333</td>
</tr>
<tr>
<td>Rabbit, fryer and mature</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>100,000</td>
</tr>
<tr>
<td>Sheep, feeder less than 80 lbs.</td>
<td>0.10</td>
<td>40</td>
<td>30</td>
<td>10,000</td>
</tr>
<tr>
<td>Sheep, feeder more than 80 lbs.</td>
<td>0.20 (1 yr+)</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Sheep, mature brood stock</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Sheep, ewes w/lambs</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Swine, feeders (less than 50 lbs.)</td>
<td>0.10</td>
<td>40</td>
<td>30</td>
<td>10,000</td>
</tr>
<tr>
<td>Swine, feeders (50 lbs. to market)</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Swine, mature brood stock</td>
<td>0.40</td>
<td>10</td>
<td>7.5</td>
<td>2,500</td>
</tr>
<tr>
<td>Swine, sow with litters</td>
<td>0.40</td>
<td>10</td>
<td>7.5</td>
<td>2,500</td>
</tr>
</tbody>
</table>
b. 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.

c. Prohibited or Limited Uses

(1) 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 large appliances (such as washing machines, dryers, and refrigerators), or any other work related to automobiles and their parts shall be allowed on parcels and lots of one (1) acre or greater within Urban Zone Districts. The use 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.

(2) 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.

(3) Industrial Uses

Industrial uses may only be allowed as Conditional Use Permits in zoning districts as indicated in Table 5.11.X.

d. 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.

e. 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.

f. 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.
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.

**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.

**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.

**Accessory Dwellings**

**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.

**Application Process:** Accessory dwelling applications are reviewed as a residential site plan in accordance with Section 12.11.3.4 and must additionally comply with applicable standards listed for the primary dwelling and its corresponding Zoning District.
The following general standards shall apply to accessory dwellings:

<table>
<thead>
<tr>
<th>Item</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>Only one (1) accessory dwelling shall be allowed per parcel or lot.</td>
</tr>
<tr>
<td>Size (minimum and maximum)</td>
<td>Minimum heated living area counted separately to arrive at a total heated living area (square footage number)</td>
</tr>
<tr>
<td>Number of Residents</td>
<td>The combined number of residents of the principal and accessory dwelling shall not exceed that allowed for a single household.</td>
</tr>
<tr>
<td>Owner Occupancy</td>
<td>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 company, 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.</td>
</tr>
<tr>
<td>Parking</td>
<td>At least one (1) off-street parking space must be provided for each bedroom in the accessory dwelling.</td>
</tr>
<tr>
<td>Exteriors</td>
<td>If the principal dwelling is constructed on a permanent foundation, the accessory dwelling shall be constructed on a permanent foundation.</td>
</tr>
<tr>
<td>Access</td>
<td>The principal dwelling and the accessory dwelling that share driveway access to a public road unless a separate access is approved by Mesa County.</td>
</tr>
<tr>
<td>Utility Meters</td>
<td>The accessory dwelling applicant shall demonstrate that all utilities will provide potable water and electricity.</td>
</tr>
<tr>
<td>Septic System</td>
<td>Property owners that are not connected to a municipal sewer system shall be governed by an Onsite Wastewater Treatment System (OWTS) approved by Mesa County. If such protection is not provided, the maximum 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.</td>
</tr>
<tr>
<td>Lot/Parcel Size</td>
<td>The minimum size of a parcel on which an accessory dwelling may be approved is six thousand five hundred (6,500) square feet.</td>
</tr>
<tr>
<td>Lot Size</td>
<td>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 any attached dwelling.</td>
</tr>
<tr>
<td>Notice</td>
<td>Notice of the requirements and restrictions pertaining to the accessory dwelling will be provided to the principal or accessory dwelling owner.</td>
</tr>
</tbody>
</table>

**Commented [GM121]:** Accessory dwelling units are only allowed where the principal dwelling is a detached single family dwelling unit which are allowed by right and only a planning clearance is required.

**Commented [GM122]:** This information has been removed from the table and placed in an outline below.
<table>
<thead>
<tr>
<th>Item</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Only one (1) accessory dwelling shall be allowed per parcel or lot.</td>
<td></td>
</tr>
<tr>
<td>b. Size</td>
<td></td>
</tr>
<tr>
<td>(1) On parcels or lots less than one half (1/2) acre in size:</td>
<td></td>
</tr>
<tr>
<td>Three hundred (300) square feet and a maximum of nine hundred (900) square feet is allowed.</td>
<td></td>
</tr>
<tr>
<td>(2) On parcels or lots greater than one half (1/2) acre but less than one (1) acre in size:</td>
<td></td>
</tr>
<tr>
<td>A maximum of one thousand two hundred (1,200) square feet is allowed.</td>
<td></td>
</tr>
<tr>
<td>(2)/(3) On parcels or lots two (2) acres or greater in size:</td>
<td></td>
</tr>
<tr>
<td>(i) Attached Accessory Dwellings:</td>
<td></td>
</tr>
<tr>
<td>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, an 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.</td>
<td></td>
</tr>
<tr>
<td>(ii) Detached Accessory Dwellings:</td>
<td></td>
</tr>
<tr>
<td>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 five 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, a detached accessory dwelling shall mean a dwelling unit contained in a structure that is not attached to the principal dwelling which ever is greater.</td>
<td></td>
</tr>
<tr>
<td>(3)/(4) Combination Accessory Dwellings/Accessory Structures:</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>c. Number of Residents:</td>
<td></td>
</tr>
<tr>
<td>The combined number of residents of the principal and accessory dwelling shall not exceed that allowed for a single household.</td>
<td></td>
</tr>
</tbody>
</table>
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.

Parking

At least one (1) off-street parking space must be provided for each bedroom in the accessory dwelling.

Foundations

If the principal dwelling is constructed on a permanent foundation, the accessory dwelling shall be constructed on a permanent foundation.

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.

Utility Meters

The accessory dwelling applicant shall demonstrate that utility providers will provide potable water and electricity.

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.

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.

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.

Construction Material and Roof Design

The design and construction material of the accessory dwelling shall be complementary to those of the principal single family dwelling.

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.

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.

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.
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.

I. F. Camping

1. 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.

1. 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 requirements.

a. A Recreational Vehicle (RV) or a temporary shelter may be occupied for recreational or vacation purposes on property located within a Rural or Urban Residential zoning district.
   (1) For properties less than one (1) acre in size, a principal dwelling is required on the property.
   (2) Occupancy of RVs or temporary shelters shall not be permitted on properties less than one half (1/2) acre in size.
   (3) RVs and temporary shelters shall be prohibited in the required setbacks.

b. Occupancy of RVs and temporary shelters in Nonresidential and Mixed Use zoning districts shall be limited to permitted campgrounds and camps.

c. Occupancy of RVs in Mobile Home Parks and Manufactured Home Parks shall not be permitted.

d. Private non-commercial hunting camps in Rural zoning districts are exempt from these standards.
These standards shall not apply to Agricultural Labor Housing approved pursuant to Section X.X of this LDC.

2. Number Allowed

One (1) RV or temporary shelter may be occupied on a single property at a time.

3. Duration of Occupancy

RVs or temporary shelters may be occupied for a period not to exceed thirty (30) consecutive days. RVs or temporary shelters shall not be occupied more than a total of one hundred eighty (180) days in any calendar year.

4. Standards

The following standards apply to the occupancy of all RVs and temporary shelters located in a Rural or Urban Residential zoning district:

a. RVs must have a current registration and/or vehicle license.

b. To protect public safety, all RVs & temporary shelters must remain readily mobile and meet the following requirements:
   [1] Nothing shall be attached to an RV or temporary shelter or placed in a manner that would prevent or hinder the immediate removal of the RV or temporary shelter.
   [2] RVs and temporary shelters, inclusive of all slide-outs and other projections, shall maintain a separation of at least ten (10) feet from all buildings.
   [3] RVs shall not be driven or be parked across, over, or on any part of the onsite waste water treatment system.
   [4] The RV or temporary shelter’s hook-ups must be in compliance with all applicable building, fire, electrical, mechanical and related codes.
   [5] Propane tanks must meet minimum fire code standards, including placement at least ten (10) feet from any source of ignition (open flame, window air conditioner, compressor, generator, or similar items).
   [6] No generator shall be located within fifty (50) feet of a dwelling on an adjoining property.
   [7] Generators shall not be used between 10:00 p.m. and 7:00 a.m. Generators shall be located so noise is not directed toward adjoining properties. Generators shall adhere to the noise limit requirements of Colorado Revised Statute §25-12-103.
   [8] The placement of RVs or temporary structures in a floodplain shall meet the standards of Section X.X of this LDC.

c. RVs or temporary structures property may not be leased or rented to another party for use on that property except as may be permitted by this LDC.

5. Temporary Dwelling

An RV or temporary structures may be used as a temporary dwelling during construction or remodel of a single-family residence in a Rural zoning district, or in an Urban Residential zoning district on a property that is one (1) acre or greater in size and where a valid building permit has been issued.

Section 6.04 | SECTION 6.05 | TEMPORARY USES

A. General Regulations

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

1. Permanent changes to the site are prohibited.
2. Permanent signs are prohibited. All temporary signs associated with the temporary use shall be removed when the activity ends.

3. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.

4. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.

5. Unless otherwise expressly stated, temporary uses shall be subject to Site Plan Review, pursuant to Section 3.5.11.

B. Uses Allowed

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

1. 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.

2. Fairs, Carnivals and Other Public Gatherings
   Fairs, carnivals and other public gatherings shall be allowed as follows:
   a. In Rural Zoning Districts, such uses shall be allowed for up to six (6) consecutive days. Two (2) events are allowed per calendar-year.
   b. 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.
   c. In Nonresidential Zoning Districts, such uses shall be allowed for up to eight (8) consecutive days. Two (2) events are allowed per calendar-year.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

Commented [GM142]: Any proposed sign must meet Chapter 8 Signs.
C. Approval Criteria

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

1. That the proposed site is adequate in size and shape to accommodate the temporary use;
2. 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;
3. That adequate parking to accommodate vehicular traffic to be generated by such use will be available, either on site, or at alternate locations; and
4. 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.

D. 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:

1. Provision of temporary parking facilities, including vehicular access and egress;
2. 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;
3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment, and open spaces, including buffer areas and other yards;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Provision of security and safety measures;
7. 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
8. 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.
### Chapter 7 Measurement and Density and Dimensional Standards

#### 6.1 Table of Density and Dimensional Standards

Table 6.1 lists the density and dimensional standards that apply within zoning districts. These are base standards, not guarantees that stated minimums or maximums can be achieved on every site. Other regulations of this Land Development Code or site-specific conditions may further limit development.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Zoning Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AF25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Residential Zoning Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RSF-R</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RSF-E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-12</td>
<td>8</td>
<td>8</td>
<td>2,500</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
<tr>
<td>RMF-16</td>
<td>16</td>
<td>16</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-24</td>
<td>24</td>
<td>24</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MU-4</td>
<td>12</td>
<td>12</td>
<td>2,500</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
</tbody>
</table>

Commented [GM1]: This information was moved to Chapter 4 locating each line of standards under individual zoning districts.

---

**Table 6.1.1**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Zoning Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AF25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-16</td>
<td>8</td>
<td>8</td>
<td>2,500</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
<tr>
<td>RMF-24</td>
<td>24</td>
<td>24</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MU-4</td>
<td>12</td>
<td>12</td>
<td>2,500</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
</tbody>
</table>

---

**Table 6.1.2**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Zoning Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AF25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-16</td>
<td>8</td>
<td>8</td>
<td>2,500</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
<tr>
<td>RMF-24</td>
<td>24</td>
<td>24</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MU-4</td>
<td>12</td>
<td>12</td>
<td>2,500</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
</tbody>
</table>

---

**Table 6.1.3**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Zoning Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AF25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMF-16</td>
<td>8</td>
<td>8</td>
<td>2,500</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
<tr>
<td>RMF-24</td>
<td>24</td>
<td>24</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MU-4</td>
<td>12</td>
<td>12</td>
<td>2,500</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
</tbody>
</table>
### Table 6.1.3 | RSF, URR & RSF-E Zoning Requirements

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units/acre)</th>
<th>Area (sq ft)</th>
<th>Min. Lot Size (net)</th>
<th>Principal/Accessory Street Setbacks are Subject to Section 6.2.5.A.1</th>
<th>Minimum Setbacks (feet)</th>
<th>Max. FAR</th>
<th>Min. Lot Coverage</th>
<th>Max. Height (ft)</th>
<th>Max. Roll Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF</td>
<td>1 per 5 Ac</td>
<td>n/a</td>
<td>5,000 sq ft</td>
<td>0/0</td>
<td>10/10</td>
<td>n/a</td>
<td>n/a</td>
<td>35</td>
<td>n/a</td>
</tr>
<tr>
<td>URR</td>
<td>1 per 2 AC</td>
<td>n/a</td>
<td>See Sec 7.10</td>
<td>25/35</td>
<td>15/5</td>
<td>25/10</td>
<td>25/10</td>
<td>35</td>
<td>n/a</td>
</tr>
<tr>
<td>RSF-E</td>
<td>1 per 3 Ac</td>
<td>n/a</td>
<td>See Sections 4.7</td>
<td>0/0</td>
<td>10/10</td>
<td>10/10</td>
<td>n/a</td>
<td>35</td>
<td>n/a</td>
</tr>
</tbody>
</table>

### Gateway Overlay District Density and Dimensional Requirements - Residential Developments

<table>
<thead>
<tr>
<th>Min. Lot Size (detached units)</th>
<th>Avg. Lot Size, attached units (sq ft)</th>
<th>Front Yard Setback, principle/accessory (feet)</th>
<th>Side Yard Setback, detached/attached (feet)</th>
<th>Rear Yard Setback (feet)</th>
<th>Maximum Height (feet)</th>
<th>Maximum Density (dwelling units/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Area 5,000 sq ft</td>
<td>5,000 sq ft</td>
<td>10/22</td>
<td>D-4 (interior side) 1/2 (interior side)</td>
<td>10</td>
<td>35</td>
<td>8</td>
</tr>
<tr>
<td>B Area 1,000 sq ft</td>
<td>n/a</td>
<td>25/35</td>
<td>D-4 (interior side) 1/2 (interior side)</td>
<td>25</td>
<td>35</td>
<td>1</td>
</tr>
</tbody>
</table>

### Gateway Overlay District Density and Dimensional Requirements - Non-Residential Developments

<table>
<thead>
<tr>
<th>Min. Lot Size (detached units)</th>
<th>Front Yard Setback (principal/accessory) (feet)</th>
<th>Side Yard Setback (detached/attached) (feet)</th>
<th>Rear Yard Setback (feet)</th>
<th>Maximum Height (feet)</th>
<th>On-Site Parking Requirements (spaces/sq ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Area 10,000 sq ft</td>
<td>10/22</td>
<td>15</td>
<td>35</td>
<td>35</td>
<td>125</td>
</tr>
<tr>
<td>B Area 5,000 sq ft</td>
<td>10/22</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>125</td>
</tr>
<tr>
<td>C Area 2,500 sq ft</td>
<td>25/35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>125</td>
</tr>
</tbody>
</table>
Footnotes to Table 6.1.1, 6.1.2, 6.1.3, 6.1.4.a and 6.1.4.b:

1. Agricultural Labor Housing in the Rural Districts shall be exempt from density standards shown in table. 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.

2. When a garage door faces a street, road or highway, such garage door shall be set back at least twenty-five (25) feet from the edge of right-of-way. If the street setback is greater than twenty-five (25) feet, such street setback shall apply to the required distance between the face of the garage door and the edge of right-of-way. The intent of this requirement is to allow adequate room between the face of a garage door and the edge of right-of-way to allow for vehicle parking and pedestrian traffic without forcing pedestrians to walk on the street, road or highway.

3. Side setbacks for accessory structures apply to those that are located on the rear half of the lot. Principal setbacks apply to accessory structures that are not located on the rear half of the lot.

4. Buildings in excess of stated maximum size limits may be approved in accordance with the Conditional Use Permit procedures in Section 3.9.

5. Minimum street frontage on cul-de-sac reduced to thirty (30) feet.

6. FAR= Floor Area Ratio—see Section 6.2.7.

7. Ten (10) foot setback if abutting a residential zone or use.

8. Maximum height is forty (40) feet if adjacent to an AFT or Urban Residential zoning district that has a maximum allowed height of thirty-five (35) feet or less.

9. Forty (40) foot limit applies to principal buildings; other structures are limited to sixty-five (65) foot height. In the I-2 District, storage silos and similar structures used for the purpose of storage of bulk materials, such as grain, cement, coal, sand or other materials, that are located along a railroad or railroad spur for loading and transport are exempt from the height limits. The exterior of the exempt structures shall not be used for signage, and shall be limited to non-reflective, non-glossy materials that are muted in color and match the earth tones or natural features of the area. Exempt structures shall be subject to site plan review, and shall be reviewed by the Fire District to ensure adequate measures are in place for rescue and fire suppression.

10. For multi-story multi-family residential development that is greater than forty (40) feet in height, the third floor and higher must be stepped back a minimum of five (5) feet per floor, per Table 7.2.B.

11. A Principal structure is defined as the structure containing the principal use on the property including structures which are attached to and architecturally integrated with the principal structure. An accessory structure is defined in Section 12.1 and Section 5.3.

12. See Table 7.2.B, Buffer, Landscape Strip & Screening Requirements, for landscaped buffer requirements for multi-story multi-family residential development adjacent to single-family residential subdivisions.

13. See Appendix C—Old Town Clifton Mixed Use District and Design Standards for specific Layout, Dimensions and Size Requirements.

14. No interior side setbacks are required in the MU-OTC District unless the interior side abuts a residential use or district. Where the OTC Mixed Use District abuts a residential zone district, the interior setback shall be identical to that of the residential district and buffer standards in Chapter 7 of the Mesa County Land Development Code apply.

15. The maximum building height in the MU-R, MU-C and MU-OTC Districts is thirty-eight (38) feet for mixed-use buildings and thirty-five (35) feet for all other buildings.


17. Front Porches and canopies may extend five (5) feet into the front setback.

18. Allowances for landscaping need to be considered (i.e., the building may need to be set back five to ten (5-10) feet to allow a tree to be planted or a park bench or streetlight to be installed). Refer to the...
19. Within Area “A,” row housing or attached residential dwellings shall be allowed a zero (0) foot side yard setback. Unattached residential units must have a side yard setback of eight (8) feet.

20. Duplex or other attached single-family dwelling units may be permitted as a conditional use. All Mesa County Land Development Code requirements pertaining to Onsite Wastewater Treatment Systems (OWTS) will apply.

21. Refer to Section 5.3.4.C Domestic Livestock related to required setbacks to property lines for domestic livestock pens, fenced corrals, buildings or other confined areas used for the purpose of keeping domestic livestock, and for required distances between residences and domestic livestock pens, fenced corrals or buildings used for the purpose of keeping domestic livestock.

22. Where rear lot lines are adjacent to a Utility and Landscape Outlot, the street setback(s) of the principal structure may be reduced to 14’, excluding the setback for a garage with doors facing any street.

23. See Section 6.6: Non-Residential Subdivisions. For properties not served by public sewer, the minimum lot size shall be one acre.

24. Front setbacks shall equal the 14’ Multi-purpose easement or required landscape width. A 10’ Multi-purpose easement width may be allowed on frontages that do not provide service taps, with approval from applicable service providers.

MF Indicates standard for Multi-family development

**General Note:** See the Alternative Residential Development Standards of Section 6.4 for additional information regarding Flagpole Lots, Attached Housing, Zero Lot Line and Cluster Development.

**General Note:** See Appendices B-F for design standards for the specific communities.
SECTION 7.01 | MEASUREMENTS AND EXCEPTIONS

A. Density

1. Maximum

Maximum density is measured as the number of dwelling units per gross acre of land. Maximum density (the most units per acre allowed) is measured by dividing the number of dwelling units on a lot or parcel by the parcel’s gross land area (in acres). Gross land area includes the entire parcel or property at the time a development application is filed. Maximum density standards that do not apply to subdivisions that are granted a density bonus under Chapter 9 of the Code.

2. Minimum

Minimum density is measured as the number of dwelling units per gross acre of land and applies only to the Urban Residential Zone districts. Minimum density (the fewest units per acre allowed) is measured by dividing the number of dwelling units on a lot or parcel by the parcel’s gross land area (in acres). Exceptions to Minimum Density Requirements

   a. The Community Development Director shall be authorized to approve a minimum density of up to twenty percent (20%) less than otherwise stated in Section 6.1 X.X (using the Administrative Adjustment review and approval procedure of Section 3.11 X.X) when deemed necessary to accommodate unusually small or oddly shaped parcels, roads, right-of-way, floodplains, steep slopes, wetlands, hazard area, open space and other non-developable lands.

   b. Minimum density standards shall not apply to a minor subdivision in the RSF-4, RMF-5, RMF-8, or RMF-16 zone districts if:

      (1) One lot can be reasonably resubdivided or developed in a manner that complies with the minimum density standards for the parcel and other regulations in this Code; and

      (2) The new lot(s) created are a maximum lot size of one quarter (1/4) acre. However, if sewer is unavailable, one (1) lot shall be allowed at the minimum size allowed for an on-site wastewater treatment system (see Section X.X).

Illustration 6.a (to be used as an example only)

2.5 Acre Parcel

Demonstrating Ability to Resubdivide to Achieve Minimum Density on 2 Acre Lot

B. Lot Area

1. Measurement

   a. Lot area is measured as the amount of net land area contained within the property lines of a lot or parcel, not including streets or right-of-ways.

   b. For the purpose of calculating density on existing parcels zoned RSF-4, RMF-5, RMF-8, RMF-16 and RMF-24 that are smaller than five acres, one-half of the land area of all adjoining right-of-ways may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

   c. All minimum lot size standards and thirty-five (35) acre tracts shall be considered real numbers with decimal precision. That is, thirty-five (35) acres is thirty-five (35.00) acres only. Nominal acreage will only...
be used in determination of the minimum lot size for an eligible parent parcel in Simple Land Divisions - Administrative Review (Section 3.5.7). In other words, the ten (10) acre parent parcel in a Simple Land Division shall be considered nominal acreage defined as follows: the minimum ten (10) acre parent parcel is a precise number, ten (10.0) acres, unless right-of-way was dedicated by the current property owner and resulted in less than ten (10.0) acres, or the required dedication through the Simple Land Division process will result in less than ten (10) acres.

3. Exceptions to Minimum Lot Area Requirements

   No building permit or development approval shall be issued for a lot that does not meet the minimum lot area requirements of the Land Development Code, except in the following cases.

   a. Utilities

   Utilities using land or an unoccupied building covering less than one thousand (1,000) square feet of site area are exempt from minimum lot area standards.

   b. Detached Single Family Dwelling Unit Exemption

   The minimum lot area standards of this Land Development Code shall not prohibit the construction of a detached single family dwelling unit on a lot or parcel that was legally platted or recorded before the adoption of this Land Development Code, provided that the dwelling unit is constructed in compliance with all applicable dimensional standards.

C. Lot Width

Lot width is measured between side lot lines along a line that is parallel to the street lot line or its chord and located the minimum street setback distance from the street lot line.

D. Street frontage

Street frontage is measured between side lot lines along the street lot line.

E. Setbacks

1. Measurement

   Setbacks are unobstructed, unoccupied open areas, measured as follows.

   a. Street Setbacks

   [1] Street setbacks shall be measured between the furthest projection of a structure and any abutting right-of-way line.

   [2] In the event that lots or parcels abut streets or roads without rights-of-way or inadequate right-of-way, as specified in the Functional Road Classification in the Standard Specifications.
for Road and Bridge Construction, and any applicable, most current adopted Transportation Plan, the street setbacks shall be measured as if a right-of-way line had been established using the road classification for the street or road in accordance with Standard Specifications for Road and Bridge Construction and any applicable, the most current adopted Transportation Plan/Circulation Plan.

b. Side and Rear Setbacks

Side and rear setbacks shall be measured between the furthermost projection of a structure and the property lines of the lot on which such structure is located.

2. Exceptions and Permitted Encroachments

Setbacks must be unobstructed from the ground to the sky except that the following features may encroach into required setbacks (except for accessory setbacks in the AFT and RSET zone districts):

a. Landscaping;

b. Bay windows, not to exceed three (3) feet;

c. Chimneys, not to exceed two (2) feet;

d. Clothesline post;

e. Driveways, curbs and sidewalks;

f. Flagpoles;

g. Heating and cooling units, not to exceed three (3) feet;

h. Mailboxes;

i. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed three (3) feet;

j. Septic systems, wells and underground utilities;

k. Signs (in accordance with Chapter 8);

l. Steps, stairs or fire escapes (non-enclosed), not to exceed six (6) feet;

m. Uncovered, unenclosed terraces, porches, patios, or decks not to exceed six (6) feet if no surface is higher than thirty (30) inches from the average finished grade;

n. Accessory buildings, within required rear setbacks only;

o. Required parking where not specifically prohibited;

p. Open carports, up to one-half of the required side or rear yard setback for principal structures but not closer than three feet to the lot line;

q. Fences or walls six (6) to seventeen (17) feet or less in height, if otherwise allowed by County regulations

(Note: fences or walls over six (6) feet in height require a Building Permit and shall be subject to all setback standards) and

r. Yard and service lighting fixtures, poles.

3. Setback Averaging

Regardless of the minimum street setback required by the underlying zoning district, the minimum street setbacks may be reduced to the average of the existing setbacks of the lots that are on both sides of the subject lot. The following rules apply in calculating the average setback.

a. Only the setbacks on the lots of the existing structures that abut each side of the subject lot and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used.

b. When one abutting lot is vacant or the subject lot is a corner lot, then the setback averaging is calculated using the setback of the non-vacant or non-corner abutting structure and

Commented [GM7]: This is not an exception but a codified setback described under Section 5.3.3 B.2. based on the criteria that the structure is less than 16 feet in height and less than 200 square feet in area.

Commented [GMB]: If 30" or less, no permit is required.

Commented [GM9]: Encroachment allowed by the City of Grand Junction.

Commented [GM10]: Encroachment allowed by the City of Grand Junction.

Commented [WU11]: The Building Code allows 7 foot fences without a permit.

Commented [WU12]: Language moved to the new section on Fences.

Commented [GM13]: This is a restatement of the first sentence.
4. Nonconforming Setback

When an addition to an existing legal, nonconforming structure would not meet current setback requirements, the Community Development Director may approve such addition if the following criteria are met:

a. No reasonable alternative exists for the location of the addition on the subject property; or
b. The location of the addition would be consistent with the location of an existing legal structure along the same property line on the subject property, nonconforming setback; and
c. The addition would not encroach into any required street setback for garage access setback; and

d. The addition would not encroach on any existing easement.

F. Lot Coverage

Lot coverage is measured as the percentage of the total lot area covered by buildings and other impervious surfaces. It is calculated by dividing the total square footage of all building footprints and all impervious cover surfaces by the square footage of the lot.

\[
\text{Lot Coverage} = \frac{\text{Impervious Surface Area}}{\text{Lot Area}}
\]

G. Floor Area Ratio (FAR)

FAR is measured as the gross floor area of all buildings on a lot or parcel, divided by the lot area.

\[
\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Floor Area}}{\text{Lot Area}}
\]

H. Height

Measuring Building Height

1. Measurement

Building height is measured as the vertical distance between the average finished grade at the base of the building along the side of the building being measured and:

a. The average height between the eaves and ridge line of a gable, hip or gambrel roof;
b. The highest point of a mansard roof; or
c. The highest point of the coping of a flat roof.

2. Exceptions

a. Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, structures for essential services, windmills, flagpoles, chimneys, radio/television receiving antennas or chimney flues.
b. Height limits also do not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than thirty-three and one-third (33 1/3%) percent (33 1/3%) of the area of the roof.

SECTION 7.02 | AFT DISTRICT DENSITY

A. Purpose

This section is intended to implement the Mesa County Master Plan:

In order to implement the goals of the Mesa County Master Plan and to provide more certainty regarding appropriate levels of development on land within the Rural Master Plan Planning Area, the County has adopted the provisions of this section to govern average lot size density in the AFT Zoning District.
B. **Average Lot Size (Density) Criteria**

The base density allowed in a Major Subdivision allowed within the on lots and parcels zoned AFT Zoning District shall be no more than an average of one lot per five (5) acres based on a different base density is identified in Table 7.1 (see below) based on the approval criteria for a concept plan in Section 6.3.3. and that be consistent with the Mesa County Master Plan; however, in special circumstances as determined by the decision maker, a different land use classification under the Master Plan may be considered and applied. All cases in R/A 17 and R/A 10 classifications where a density bonus is requested, Section 6.3.3 shall be followed. If density bonus is allowed, the maximum density may only be achieved when an application for density bonus is submitted and approved subject to the criteria listed in Section X.X.

<table>
<thead>
<tr>
<th>Future Land Use Classification</th>
<th>Density (acres per dwelling unit) Base</th>
<th>Minimum Lot Size (acres)</th>
<th>Density Bonus</th>
<th>Required Reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential</td>
<td>5</td>
<td>N/A</td>
<td>Section X.X</td>
<td>N/A</td>
</tr>
<tr>
<td>Rural Ag 10</td>
<td>10</td>
<td>N/A</td>
<td>10</td>
<td>N/A</td>
</tr>
<tr>
<td>Rural Ag 10 (R/A 10)</td>
<td>10</td>
<td>5</td>
<td>Section X.X</td>
<td>Section X.X</td>
</tr>
<tr>
<td>Rural Ag 17 (R/A 17)</td>
<td>17</td>
<td>5</td>
<td>Section X.X</td>
<td>Section X.X</td>
</tr>
<tr>
<td>Rural/Ag/20 NB</td>
<td>20</td>
<td>N/A</td>
<td>20</td>
<td>N/A</td>
</tr>
<tr>
<td>Rural/Ag 35+ A</td>
<td>35</td>
<td>N/A</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>Rural Buffer North of River (R/A 10)</td>
<td>10</td>
<td>5</td>
<td>Section X.X</td>
<td>Section X.X</td>
</tr>
<tr>
<td>Palisade Buffer North of River (R/A 10)</td>
<td>10</td>
<td>5</td>
<td>Section X.X</td>
<td>Section X.X</td>
</tr>
<tr>
<td>Palisade Buffer South of River (EOM 10)</td>
<td>10</td>
<td>N/A</td>
<td>10</td>
<td>N/A</td>
</tr>
<tr>
<td>Rural (RUR)</td>
<td>5</td>
<td>N/A</td>
<td>Section X.X</td>
<td>N/A</td>
</tr>
</tbody>
</table>

C. **Incentive Based Subdivisions Density Bonus Criteria**

1. **Purpose:**

To implement the Rural Master Plan. The Incentive-Based Subdivision is applied to areas that have been determined in the Master Plan to be appropriate for more development than the average density in the area would allow (R/A 17/9 and R/A 10/5 areas on the Future Land Use Map).

2. **Eligibility:**

To qualify for an Incentive-Based Subdivision density bonus, the property must be located in the area that has a Future Land Use Classification depicted within the Rural areas of the Future Land Use Map as appropriate for a density bonus. (The Urban Residential Reserve (URR) area is excluded from this section and subject to different criteria.)

3. **Goals:**

   a. Provide a tool to create a variety of lot sizes while allowing for reserve land that can be developed in the future with sensitivity to growth needs.

Commented [GM16]: A major subdivision must apply for a concept plan and the plan must be consistent with the Master Plan. There is no need to restate this.

Commented [GM17]: Goals are appropriate for the Master Plan but do not need to be codified in the Land Development Code.
b. Encourage grouping of new lots to protect the rural character of the area.

c. Encourage subdivision design which is considerate of the specific site, and

d. Provide additional infrastructure to outlying areas to accommodate growth.

4.2. Process

The Major Subdivision application process shall be followed (see Section X.X). In addition to the standards and criteria required for approval of a major subdivision, all AFT Major Subdivisions within the R/A 17 or R/A ten (10) areas (or considered to be in this classification) requesting the density bonus must apply the following approval criteria in E below Section X.X.

5.3. Approval Criteria

a. The following preserved land minimums shall be required to achieve associated density bonuses:

<table>
<thead>
<tr>
<th>Future Land Use Classification</th>
<th>Density (acres per dwelling unit)</th>
<th>Preserved Land Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>R/A 17</td>
<td>15</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>6.5</td>
<td>40%</td>
</tr>
<tr>
<td>R/A 10</td>
<td>6.5</td>
<td>40%</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>60%</td>
</tr>
</tbody>
</table>

- The developer shall choose from the list of subdivision improvement items within the Density by Design Toolbox to accumulate points in order to achieve the following densities. Unless otherwise stated, the items are the responsibility of the developer to construct or complete.

- One hundred (100) points must be accumulated to achieve a density of one (1 du/15) to fifteen acres in the seventeen (17/9) to nine area and one (1 du/8.5) to eight and a half acres in the ten (10/5) to five area on the Future Land Use Map.

- One hundred thirty-five (135) points must be accumulated to achieve a density of one (1 du/12) to twelve acres in the seventeen (17/9) to nine area and one (1 du/6.5) to six and a half acres in the ten (10/5) to five area on the Future Land Use Map.

One hundred seventy (170) points must be accumulated to achieve the maximum density shown in the Master Plan for the subject property—one (1 du/9) to nine acres in the seventeen (17/9) to nine area and one (1 du/5) to five acres in the ten (10/5) to five area on the Future Land Use Map.

**Density by Design Toolbox**

**Minimum Provisions**

<table>
<thead>
<tr>
<th>Fire Flow</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reservation for Future Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
</tr>
</tbody>
</table>

Commented [GM19]: Moved below as a note.

Commented [GM18]: Density by Design Toolbox removed. It is proposed that reserving a certain amount of land is the only criteria for bonus density for property with a Future Land Use Classification of RA15 and RA17. This is the same rational used for the URR.
**Density by Design Toolbox**

### Minimum Provisions

<table>
<thead>
<tr>
<th>Provision</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% of the site is reserved for future development until applicable revision or amendment of the Master Plan</td>
<td>55%</td>
</tr>
<tr>
<td>55% or more of the site is reserved for future development until applicable revision or amendment of the Master Plan</td>
<td>60%</td>
</tr>
</tbody>
</table>

### Optional Provisions (see standards for optional provisions, below)

#### Site Design

1. **The reserve building lot or preserved land is adjacent to agricultural land on neighboring platted subdivisions.**

2. **A portion of the site is preserved from future development for a period of 40 years excluding institutional/public uses such as parks and schools. (This option may not be overlapped with the TDR program.)**

3. **40% of the site is preserved.**

4. **45% of the site is preserved.**

5. **50% of the site is preserved.**

6. **55% or more of the site is preserved.**

7. **The reserve building lot or preserved land contains 90% or more land area that is agriculturally productive.**

8. **Wildlife corridors and habitat as identified by the Colorado Division of Wildlife and/or floodplains/floodways mapped by FEMA or by the developer, as required by County floodplain regulations, are preserved in perpetuity. (These areas may not be overlapped with areas preserved in #6 above.)**

   - **Total area in conservation:**
     - 5 acres or less: 20%
     - 5.1 – 10 acres: 25%
     - 10 – 20 acres: 30%
     - 20+ acres: 35%

9. **Where ridges or bluffs are located on the property and the site is currently not regulated by Chapter 7 in the Land Development Code, all dwellings (which may be seen from adjacent collector or arterial roads) are built to meet ridgeline standards in the Code or meet.**

10. **Homes are limited from view of adjacent collector or arterial public roads by setting the homes back at least 200 feet from external public roadways and the developer plants trees or constructs vegetated berms or similar landscape on private property along these roadways.**

11. **Homes are limited from view of adjacent collector or arterial public roads by setting the homes behind hills or other natural features on the site.**

12. **Subdivision covenants allow a mix of home sizes starting at 1500 square feet.**

13. **The reserve building lot or preserved land is adjacent to a designated reserve building lot or preserved land in an adjacent platted subdivision.**

#### Public/Private Amenities (see standards for optional provisions, below)

14. Xeriscape landscaping is installed in all common areas per Tri-River Extension Service guidelines.

15. Shared driveways are paved and dedicated to the HOA (Homeowners Association) for private maintenance.

16. Connecting right-of-way is acquired and not a road is built through adjacent properties to complete transportation corridors or enhance the development.

17. The developer enters covenants which restrict or covenants which regulate xeriscaping around the homes.

---

**Commented [GM18]:** Density by Design Toolbox removed. It is proposed that reserving a certain amount of land is the only criteria for bonus density for property with a Future Land Use Classification of RA10 and RA17. This is the same rational used for the URR.

**Commented [GM20]:** Moved below as a note.

**Commented [GM21]:** Moved below as a note.

**Commented [GM22]:** Does not meet one of the stated goals above.

**Commented [GM23]:** Does not meet one of the stated goals above.

**Commented [GM24]:** Does not meet one of the stated goals above.

**Commented [GM25]:** Does not meet one of the stated goals above.

**Commented [GM26]:** Moved above.

**Commented [GM27]:** Does not meet one of the stated goals above.

**Commented [GM28]:** Does not meet one of the stated goals above.

**Commented [GM29]:** Does not meet one of the stated goals above.
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public access is provided to public lands and open space as approved by the public lands manager.</td>
<td>20</td>
</tr>
<tr>
<td>A school bus (or transit bus) shelter is constructed to serve the development or neighborhood.</td>
<td>10</td>
</tr>
<tr>
<td>Landscaping is provided by the developer at the entrance to the subdivision.</td>
<td>10</td>
</tr>
<tr>
<td>A pedestrian path or sidewalk is provided on all internal public streets.</td>
<td>40</td>
</tr>
<tr>
<td>Foot paths are constructed within an outlot and serve as many parcels as physically possible leading to external roadways or common areas.</td>
<td>40</td>
</tr>
<tr>
<td>The foot paths either connect to a pathway system in an adjacent subdivision or extend to the property line where they can physically connect to a future path on adjacent property. (These points are only available to be added to 22a).</td>
<td>10</td>
</tr>
<tr>
<td>Active recreational facilities are provided by the developer for common use by the development’s residents.</td>
<td>25</td>
</tr>
<tr>
<td>An Energy Star rating will be attained in every home in the development.</td>
<td>30</td>
</tr>
<tr>
<td>An irrigation system is designed by a professional engineer which meters water used by the system to assure the legal shares of water are provided to all existing users on the lateral. Irrigation is provided to every lot on the designated system and covenants are recorded to require every lot owner to irrigate their lots and manage weeds so as to not disturb agricultural uses in the area.</td>
<td>10</td>
</tr>
<tr>
<td>The developer records covenants requiring weed-free maintenance of lots and compliance with Mesa County Policies regarding junk storage and weed management.</td>
<td>10</td>
</tr>
<tr>
<td>The design of the subdivision protects a County Historic Landmark or District (see Section 3.22) or a property listed on the State Register of Historic Properties or the National Register of Historic Places. The Historic Resource may be located in the reserve lot or may be in another lot, whichever best protects the historic characteristics, significance and integrity of the resource.</td>
<td>30</td>
</tr>
</tbody>
</table>

Total points earned =

**Definitions**

**Agriculture** = The raising, producing or keeping of plants and animals.

**Outlot** = An area of land on a plat designated for uses other than a building lot. The purpose, ownership and maintenance responsibilities shall be designated on the recorded plat and site plan.

<table>
<thead>
<tr>
<th>Tool Box #</th>
<th>Standards for Optional Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>The reserve building lot within an adjacent subdivision may also be considered adjacent when it is located on the other side of a contiguous public right-of-way.</td>
</tr>
<tr>
<td>8</td>
<td>Covenant language protecting the wildlife areas will be required and guided by the Colorado Division of Wildlife. Wildlife areas and floodplains/floodway options will be labeled on the recorded site plan and recorded plat as outlots.</td>
</tr>
<tr>
<td>10</td>
<td>The 200-foot setback is measured from external rights-of-way only. Trees are planted on the property bordering these external rights-of-way at a spacing of every 40 feet. The homeowners are required to maintain the trees.</td>
</tr>
<tr>
<td>12</td>
<td>This action allows a greater variety of homes to be built on subdivision lots in the rural areas.</td>
</tr>
<tr>
<td>13</td>
<td>The reserve building lot within an adjacent subdivision may also be located on the other side of an adjacent right-of-way.</td>
</tr>
<tr>
<td>14</td>
<td>At a minimum, soil preparation guidelines are followed, drip irrigation is installed and a planting guide is supplied to the HOA in the covenants.</td>
</tr>
<tr>
<td>15</td>
<td>Shared driveways are paved with asphalt or concrete instead of a limited gravel surface. Maintenance is the responsibility of the HOA.</td>
</tr>
<tr>
<td>12</td>
<td>Soil preparation and drip irrigation guidelines, planting lists and typical garden layouts are provided for reference in the covenants. A typical xeriscape design is included.</td>
</tr>
<tr>
<td>18</td>
<td>Wellhead parking is provided on an all-weather surface.</td>
</tr>
</tbody>
</table>

**Commented [GM18]:** Density by Design Toolbox removed. It is proposed that reserving a certain amount of land is the only criteria for bonus density for property with a Future Land Use Classification of RA10 and RA17. This is the same rational used for the URR. 

**Commented [GM30]:** Not sure who this individual is. There seems to be no one within the County with this title. 

**Commented [GM31]:** Does not meet one of the stated goals above. 

**Commented [GM32]:** Does not meet one of the stated goals above. 

**Commented [GM33]:** Does not meet one of the stated goals above. 

**Commented [GM34]:** Does not meet one of the stated goals above. 

**Commented [GM35]:** Does not meet one of the stated goals above. 

435
### School Bus Pullout and Shelter Location

School bus pullout and shelter locations are coordinated with the school bus service provider. These may not be necessary or desirable for every development. Either an engineered design or adopted design standard is used.

### Irrigation

Irrigation is provided on the landscaping can be maintained. In areas where irrigation water is not available, dry landscape designs will be considered.

### Sidewalks

A detached walkway is acceptable if wide concrete. If curb and gutter is installed, an attached sidewalk may be used:

- Widths are limited, comforted, and edged with either grass or mulch or equivalent after killing weed growth and are at least 4 feet wide. They are designated as utilities dedicated to and maintained by the homeowner. Their purpose is to provide off-street connections to common areas and internal and external roads as an alternative to sidewalks and to serve as many lots as physically possible.

### Energy Star Rating

A note requiring the Energy Star rating on all new home construction will be placed on the recorded site plan.

### Historic Resource

A preservation plan may be required if

**Density Bonus Standards**

- If an AFT Major Subdivision is designed as a Cluster Development the following standards apply:
  - **Eligibility**
    - In no event shall the Rural Cluster Density Bonus be used to increase the number of lots that can be otherwise constructed on a subject property in the AFT zone district by more than forty (40%) of the base density of the applicable land use classification in the Mesa County Master Plan (i.e., the base density as identified in the “Future Land Use Classification Summary” table). The Rural Cluster Density Bonus is allowed if the development is consistent with the County’s adopted agricultural land preservation policies and all of the following conditions are met:
  - The units must be located to avoid development of and minimize adverse impacts on any Prime or Prime and Unique agricultural land, steep slopes, ridgelines, wetlands, wildlife habitats, and public facilities;
  - The units shall be clustered to preserve at least fifty percent (50%) of the site. The preserved land shall either be located within a tract designated as open space (in which case the tract is not included in the density calculation) and located in open space or part of a reserved building lot (in which case the reserved building lot is included in the density calculation); and
  - The protected open space of preserved land that includes any Prime or Prime and Unique agricultural land shall be located in areas adjacent to any existing agricultural operations;
  - Prior to any construction, a note shall be placed on the plat that the preserved land is reserved for future development until applicable revision or amendment of the Master Plan and Land Development Code occurs; and
  - Not more than five (5) clustered lots shall be located adjacent to one another, unless the Decision-Making Body determines that clustering more units together is necessary to ensure consistency with the County’s adopted agricultural land preservation policies (see Section 1A). Not
wildlife habitat protection policies. Each group of clustered lots shall be separated from one another by protected open space.

m. Lot Sizes

m1. Average and minimum lot sizes shall be established by the Decision Making Body at the time of approval of the Rural Cluster development. Average and minimum lot size requirements shall be based on adopted area plans, facility adequacy, State and County onsite wastewater treatment system regulations, fire protection standards, site-specific conditions, and the need, if any, to protect adjacent agricultural operations under the County's Right to Farm and Ranch Policy. All lots utilizing Onsite Wastewater Treatment Systems (OWTS) shall meet the OWTS standards as determined by Section 7.10 of the Land Development Code.

6. Open Space

To the greatest degree possible, the protected open space shall include any Prime or Prime and Unique agricultural lands and shall be located in areas adjacent to existing agricultural operations.

a. All developments utilizing the Rural Cluster Density Bonus shall include provisions for the perpetual maintenance of the designated open space for appropriate uses (e.g. covenants for a homeowners association). All applicable weed, pest, and nuisance ordinances and regulations shall apply to all properties.

b. Permitted uses of the open space shall be approved by the Board of County Commissioners and may include, but are not limited to: agricultural uses; conservation of open land in a natural state; passive recreation areas (trails, community gardens, lawn, picnic areas, etc.); active recreation areas; easements for drainage, access, sewer or water lines, stormwater management facilities; and, parking for active recreation areas (ten (10) or fewer spaces).

c. Above ground utilities and road rights-of-way areas may not be counted toward the required fifty percent (50%) minimum open space requirement.

D. Exemptions

Projects Property in the zoned AFT zone districts eligible to use the Administrative Review/Land Division procedures (listed under Section 3.5.X.X) shall be exempt from review under the criteria set forth in this Section 6.3.X.X, with the exception of Minor Subdivisions, which shall be required to meet the density criteria of Section 6.3.X.X.

SECTION 7.03 | RSF-E DISTRICT DENSITY

A. Purpose

This section is intended to implement the Mesa County Master Plan.

In order to implement those goals and to provide more certainty regarding appropriate levels of development on land within the areas designated as an estate future land use in the Mesa County Master Plan, the County has adopted this section to govern density and minimum lot sizes in the RSF-E Zoning District. In order to implement the goals of the Mesa County Master Plan and to provide more certainty regarding appropriate levels of development on land with a Future Land Use Classification of Estate, the County has adopted the provisions of this section to govern density in the RSF-E Zoning District.

B. Maximum Density and Minimum Lot Size Criteria

The maximum density and minimum lot size allowed within the RSF-E Zoning District is one (1) acre. New development shall be consistent with the density and minimum lot sizes recommended in the Mesa County Master Plan for the various estate future land use classifications (see Section 4.2.2 of this Code and Table 6.1.3) shall be as follows:

<table>
<thead>
<tr>
<th>Future Land Use Classification</th>
<th>Density</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Min. lot size)</td>
<td>Plan</td>
</tr>
<tr>
<td></td>
<td>1 acre</td>
<td>2.5 acres / 2 acres</td>
</tr>
<tr>
<td></td>
<td>2 acres / 3 acres</td>
<td>3 acres / 1 acre</td>
</tr>
</tbody>
</table>

Commented [GM41]: This is already discussed above.

Commented [GM42]: There is no need to have a density range.
The alternative development options of this section allow for variety in development standards while maintaining the overall character of single-family residential developments.

A. Flagpole Lots

Flagpole lots shall be allowed in all Rural and Urban Residential zoning districts in accordance with the following standards of this subsection.

1. Frontage
   Each flagpole lot shall have at least twenty (20) feet of street frontage and at least twenty (20) feet of width for the entire length of the flagpole.

2. Number
   A maximum of one flagpole lot is allowed in subdivisions of four (4) lots or less. No more than twenty percent (20%) of the lots within a subdivision containing five (5) or more lots shall be flagpole lots. No more than two (2) flagpole lots may be contiguous.

3. Lot Area Calculation
   The area of the flagpole may not be counted as part of the lot area.

4. Driveways
   Driveways shall be designed to allow vehicles to drive-out forward. Common driveways shall be required when two (2) flagpole lots are contiguous. Driveways shall comply with the Standard Specifications for Road and Bridge Construction.

B. Attached Single-Family

Attached single-family development shall be allowed in accordance with the Use Table of Section 5.1.X.X subject to the following standards:

1. Lot Width
   Attached housing is exempt from the lot width standard of the underlying zoning district, but it is not exempt from minimum lot area requirements.

2. Setbacks
   No interior side setback is required on the “attached” side of a lot containing an attached house. The street, side, and rear setback standards shall apply around the perimeter of an attached housing development.

3. Number of Units
   In the RSF-4 and more restrictive districts, no single structure may contain more than eight dwelling units.
C. Zero Lot Line

The following additional standards shall apply to Zero Lot Line development:

In a zero lot line development, houses are shifted to one side of the lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site development is possible while assuring that single-family detached character is maintained.

1. Applicability

Zero lot line developments are allowed by-right in any Urban Residential zoning district. They may be allowed in the AFT district if approved as part of a Rural Cluster Development in accordance with Section 9.7.

2. Review and Approval

Review for compliance with the standards of this section shall occur during the platting Major Subdivision process. Restrictions

3. Standards:

a. Building envelopes

   To assure the minimum distance between houses, structures, and any required easements must be recorded on the deeds of the applicable lots. Proof of such recordation must be submitted as part of the building permit application. Building envelopes shall be shown on the plat.

b. Setbacks

   The side building setback on one side of the house may be reduced to zero. This reduction does not apply to the street side setback or to the interior side setbacks adjacent to lots that are not part of the zero lot line project, development, or subdivision.

3. Additional Standards

a. Distance Between Houses

   The minimum distance between all buildings in the development must be equal to twice the required side setback required by the underlying zoning district. A deed restriction must be recorded on the deed for each applicable lot to assure continued compliance with this setback.

b. Eaves

   The eaves on the side of a house with a reduced setback may project a maximum of twenty-four (24) inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.

c. Maintenance Easement

   An easement to allow for maintenance or repair is required when the eaves or side wall of a house are within four (4) feet of the adjacent property line. The easement on the adjacent property must provide at least ten (10) feet of unobstructed space between the furthest projection of the structure and be wide enough to allow five (5) feet between the eaves or side wall and the edge of the easement.

d. Privacy
If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

D. Cluster Developments

The following additional standards shall apply to cluster development:

4. A Cluster Development is a residential subdivision in which most of the lots are allowed to be smaller (in area and width) than otherwise required for the underlying zoning district, but in which the overall density cannot exceed the maximum density limit for the underlying zoning district. Under the Cluster Development option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the same. The number of lots shall not exceed the maximum density of the underlying zoning district, but the individual lots within the development could be smaller than required in a conventional subdivision.

Smaller lot sizes within a Cluster Development are required to be offset by an increase in open space, and the open space is required to be preserved from development for a period of at least forty (40) years through the use of a recorded deed restriction. Cluster developments shall also be allowed in accordance with the Urban and Rural Cluster Bonus provisions of Chapter 9 and Section 6.3 respectively.

5. Minimum lot sizes shall be established by the Decision Making Body at the time of approval of the Cluster Development. Minimum lot size requirements shall be based on the underlying zoning or the Mesa County Master Plan, facility adequacy, and site-specific conditions. All lots utilizing Onsite Wastewater Treatment Systems (OWTS) shall meet the OWTS standards or lot size shall be determined by Section 7.10X.X of the Land Development Code.

6. The lots and building sites must be located to avoid adverse impacts on steep slopes, ridge lines, wetlands, and wildlife habitats, wildfire hazard areas, floodplains, and, within the Rural Planning Area, any prime, or prime and unique agricultural land.

7. Structures on the clustered lots must comply with the Dimensional Standards in Table 6.1 (Table shall be determined by the closest of Density and Dimensional Standards applicable to the Zoning District that allows the minimum lot size proposed in the Cluster Development (e.g., if the property is zoned AFT, the clustered development and the proposed minimum lot size is four thousand (4,000) square feet), the setbacks and other dimensional standards for the RMF-16 RSF-1 Zoning District shall apply).

8. No direct access to the existing abutting road right-of-way will be allowed, unless classified as a local road in an adopted Transportation Plan.

D.E. Urban Residential Reserve (URR) Subdivision Standards

The following standards shall be met for applications for Minor Subdivisions and Major Subdivisions in the URR zone district:

1. The lot or parcel must be a minimum of ten (10) acres to qualify for subdivision. (Previously subdivided lots created under AFT zoning may apply individually without averaging density back to the total.
Future Development of the Reserve Lot

1. A minimum of forty percent (40%) of the gross site area shall be retained in a single building lot (the Reserve Lot). Two (2) Reserve Lots may be allowed if necessary to accommodate natural physical divisions of the property or necessary rights-of-way dedication. All Reserve Lots shall be set to allow redevelopment in the future and shall have direct access to public roadways.

2. The maximum allowed subdivision density for the application shall be calculated by dividing the gross area within the application by two (2), the lowest number of acres per unit allowed in the URR zone district.

3. Land in agricultural production shall be located in the Reserve Lot(s) to the greatest extent possible.

4. If outlots or easements are necessary to supply sewer in the future to the developed lots or to the Reserve Lot(s) as determined by the project engineer or the municipality, they shall be designated on the subdivision plat. The outlots or easements will be maintained as designated on the final plat until they may be deeded to the municipality or serving entity for sewer line construction and maintenance purposes.

5. Trails shall be provided for public use throughout the entire site in accordance with trails plans adopted by either the nearby municipality or by Mesa County except where there are unresolved conflicts with existing agreements. Such trails are not required to be constructed if the municipality does not accept the easement or outlot. All trails within the development shall be constructed with adequate access to public rights-of-way under Chapter 7. Trails are already required under Section 7.17.2.

6. Appropriate right-of-way will be required to be dedicated through the Reserve Lot to the property line abutting adjacent property to implement the adopted Transportation Plan or to provide a road network for access to adjacent properties. The road within the right-of-way may not be required to be built within the reserve lot if it does not serve lots proposed by the developer. The owner of the reserve lot may continue to work in the right-of-way in order to irrigate, cultivate or otherwise manage the land until a road is built in the future. In the case where the Reserve Lot will be divided by this right-of-way, the reserved area may be divided into two (2) Reserve Lots. If the Reserve Lot to the property line abutting adjacent property to implement the adopted Transportation Plan or to provide a road network for access to adjacent properties. The road within the right-of-way may not be required to be built within the reserve lot if it does not serve lots proposed by the developer. The owner of the reserve lot may continue to work in the right-of-way in order to irrigate, cultivate or otherwise manage the land until a road is built in the future. In the case where the Reserve Lot will be divided by this right-of-way, the reserved area may be divided into two (2) Reserve Lots. The maximum allowed subdivision density (number of lots) may not be exceeded.

7. Drainage, wildlife corridors, floodplain and flood prone areas, streams and other sensitive areas are governed under Chapter 7 (except for floodplain and flood prone areas).

8. Appropriate right-of-way will be required to be dedicated through the Reserve Lot to the property line abutting adjacent property to implement the adopted Transportation Plan or to provide a road network for access to adjacent properties. The road within the right-of-way may not be required to be built within the reserve lot if it does not serve lots proposed by the developer. The owner of the reserve lot may continue to work in the right-of-way in order to irrigate, cultivate or otherwise manage the land until a road is built in the future. In the case where the Reserve Lot will be divided by this right-of-way, the reserved area may be divided into two (2) Reserve Lots. The maximum allowed subdivision density (number of lots) may not be exceeded.

9. A site plan shall be provided or may be required to show options for access, utility corridors and circulation for future redevelopment of the Reserve Lot(s).

10. Stormwater detention/retention areas shall be designed to be a landscaped amenity, and landscape plans shall be submitted for review and approval, and construction by the developer. The drainage area is to be common area used for recreation. It may be counted as part of the Reserve Lot provided owner of the Reserve Lot and owner of the re-subdivided Reserve Lot will have access to it.

11. Provisions for weed control on outlots and common areas shall be proposed in the Concept Plan phase of review and approved by the Mesa County Weed and Pest Inspector. This is not required for any other subdivision or development. If this is important to the County, it should be required of all development, not just URR.

12. An irrigation plan will be provided that addresses construction and maintenance of supply and irrigation ditch systems. The irrigation plan shall be recorded at the same time as the final plat.

Future Development of the Reserve Lot

a. If the service district that will provide sewer confirms that sewer can be extended to serve a URR subdivision, the Reserve Lot(s) may be considered for redevelopment at higher densities. This Master Plan may be requested to be amended to allow more urban density, and a resale application may be processed if the amendment is approved, or the property shall be annexed to the county.
SECTION 7.05 | NON-RESIDENTIAL SUBDIVISIONS

The following standards may allow non-residential subdivision lots to be less than the minimum lot size allowed as defined in Table 6.1.1X of the Code, where subdivision lots will be connected to a public sewer system. The following standards shall be met for developments in non-residential zoning districts:

A. Standards

1. Shared detention facilities shall be pre-determined and location sited on plans. Alternative designs such as open space areas or belowground vaults are accepted for review.

2. Pedestrian connections shall be provided for developments as defined in the Master Plan.

3. Shared access points shall be required in order to reduce congestion and to mitigate traffic circulation and parking problems. Access shall be permitted in accordance with the requirements of the Road Access Policy.

4. Shared parking and circulation shall be shown on a site plan with ingress/egress easements across lot lines provided. Parking shall be located on the side of the rear of the lots. Parking lots that are adjacent to a collector or arterial road shall not be more than one half the width of the lot frontage.

5. Parking and circulation areas shall not be separate tracts.

6. Lots shall be of sufficient size to accommodate requirements of this Code, including but not limited to those in Chapters 5, 6 & 7.
CHAPTER 8 DEVELOPMENT STANDARDS

The standards in this Chapter apply to all new development unless otherwise stated.

SECTION 8.01 | OFF-STREET PARKING

A. General

1. Applicability

The off-street parking standards of this Section apply to all new buildings and uses.

2. Expansions and Alterations

The off-street parking standards of this Section apply when an existing structure or use is expanded or enlarged. Additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces provided for the entire use (preexisting plus expansion) must equal at least seventy-five percent (75%) of minimum ratio established in Section 7.1.2.X.

3. Changes of use

A change of use that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this Code. Where this calculation results in the addition of less than five (5) spaces, no additional spaces shall be required.

4. No Reduction Below Minimums

Existing parking spaces may not be reduced below the minimum requirements established in this Section. Any change in use or manner of operation that increases applicable off-street parking requirements will be deemed a violation of this Land Development Code unless parking spaces are provided in accordance with this Section.

B. Minimum Required Off-Street Parking

The following Off-Street Parking Schedule establishes the minimum number of off-street parking spaces to be provided for the use categories described in this Land Development Code. Unless employee parking, additional off-street parking spaces shall be provided to meet the projected demand for employee parking. The Bicycle Parking requirements shall apply only within the Urban Zoning Districts.

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Specific Uses</th>
<th>Minimum Number of Spaces (See Section 7.1.3 for Measurement Rules)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Vehicle Spaces</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Living</td>
<td>Boarding/Rooming Houses</td>
<td>1 per rooming unit/bedroom</td>
</tr>
<tr>
<td></td>
<td>Dormitories/Fraternities/Sororities</td>
<td>1 per 2 beds</td>
</tr>
<tr>
<td></td>
<td>Nursing Homes</td>
<td>1 per 4 beds + 1 per each 3 employees</td>
</tr>
<tr>
<td></td>
<td>Other Group Living</td>
<td>1 per 4 beds</td>
</tr>
<tr>
<td>Household Living</td>
<td>Single-Family and Duplex</td>
<td>3 accessible (max. 2 bedrooms) spaces per dwelling unit per unit</td>
</tr>
<tr>
<td></td>
<td>Multi-Family - 1 bedroom</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Multi-Family - 2 bedroom</td>
<td>1.5 per unit</td>
</tr>
<tr>
<td></td>
<td>Multi-Family - 3+ bedroom</td>
<td>2 per unit</td>
</tr>
</tbody>
</table>

Commented [GM1]: Language from Grand Junction’s Land Development Code.

Commented [GM2]: With the added language above, I don’t see the need for this language. Parking cannot be reduced if at the minimum and a use cannot occupy a site that does not have enough parking.

Commented [GM3]: The minimum standard should include employee parking as the total number of spaces is calculated by the gross square foot which includes hallways, kitchens, storage, etc.

Commented [GM4]: Unless specifically commented, the following modifications are using the City of Grand Junction’s standards if they are less than the current requirement.

Commented [GM5]: Modifications to Use Categories are to align with the Use Categories under the Use Table.
<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Specific Uses</th>
<th>Minimum Number of Spaces (See Section 7.1.3 for Measurement Rules)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Vehicle Spaces</td>
</tr>
<tr>
<td>Civic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>College and Vocational Schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital/Clinic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks and Open Area Space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious Institutions/Assembly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks, Recreational Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation and Entertainment,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dining Range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience Store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility/Other/Miscellaneous</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Commented [GM4]: Unless specifically commented, the following modifications are using the City of Grand Junction’s standards if they are less than the current requirement.

Commented [GM5]: Modifications to Use Categories are to align with the Use Categories under the Use Table.

Commented [GM6]: Banks are considered Office and Personal Service not Retail Sales and Service. In addition, Drive through stacking is required later in this section.
## Table 8.1 Minimum Required Off-Street Parking Schedule

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Specific Uses</th>
<th>Minimum Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(See Section 7.1.3 for Measurement Rules)</td>
</tr>
<tr>
<td>Vehicle Spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters</td>
<td></td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Vehicle Sales</td>
<td></td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Other Retail Sales, High Volume, Stand-Alone (e.g., supermarkets, clothing and department stores, shopping complexes, hardware building supplies, and similar uses)</td>
<td>1 per 200-300 square feet (includes employee parking)</td>
<td>1 per 10 vehicle spaces</td>
</tr>
<tr>
<td>Other Retail Sales, Low Volume, Stand-Alone (e.g., appliance sales, repair shops and similar uses)</td>
<td>1 per 400-500 square feet (includes employee parking)</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Other Service Business, Stand-Alone (e.g., beauty/barber shops, frozen food lockers, laundries, and similar uses)</td>
<td>1 per 300 square feet (includes employee parking)</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Office and Personal Service</td>
<td></td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Entertainment</td>
<td></td>
<td>1 per 10 vehicle spaces</td>
</tr>
<tr>
<td>Bars/Nightclubs</td>
<td>1 per 2 seats</td>
<td></td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 per 3 seats</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 per 4 seats</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Clubs/Lodges</td>
<td>1 per 3 seats</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>4 per lane</td>
<td>1 per 10 vehicle spaces</td>
</tr>
<tr>
<td>Driving Range</td>
<td>1 per 20 feet of driving area</td>
<td>N/A</td>
</tr>
<tr>
<td>Minor Entertainment Events</td>
<td>1 per 2 customers + space for musicians and servers at the events</td>
<td>N/A</td>
</tr>
<tr>
<td>Miniature Golf</td>
<td>2 per hole</td>
<td>N/A</td>
</tr>
<tr>
<td>Hotels/Motels</td>
<td>1 per room + 75 percent of spaces required for other associated uses</td>
<td>N/A</td>
</tr>
<tr>
<td>Self-Service Storage</td>
<td>1 per 8 storage units</td>
<td>N/A</td>
</tr>
<tr>
<td>Vehicle Repair</td>
<td>2 per service bay + 1 per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Car Wash, Self-Service</td>
<td>3 per bay</td>
<td>N/A</td>
</tr>
<tr>
<td>Car Wash, Full-Service</td>
<td>10 per bay + 1 space per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Service Stations</td>
<td>4 per service bay + required stacking spaces</td>
<td>N/A</td>
</tr>
<tr>
<td>Other Limited Vehicle Service</td>
<td>2 per service bay + 1 per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Industrial Service</td>
<td>1 per employee</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Manufacturing and Production</td>
<td>1 per employee</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Warehouse and Freight Movement</td>
<td>1 per 1.5 employees + 1000 square feet + required stacking spaces</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Waste-Related Use</td>
<td>1 per employee</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Wholesale Sales</td>
<td>1 per employee</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 8.1 Minimum Required Off-Street Parking Schedule

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Specific Uses</th>
<th>Minimum Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(See Section 7.1.3 for Measurement Rules)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vehicle Spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bicycle Spaces</td>
</tr>
<tr>
<td>Agriculture</td>
<td>None</td>
<td>N/A</td>
</tr>
<tr>
<td>Aviation, Surface Passenger Terminals</td>
<td>1 per employee + spaces required to satisfy projected peak parking needs</td>
<td>N/A</td>
</tr>
<tr>
<td>Detention Facilities</td>
<td>1.1 per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Mining</td>
<td>1 per employee</td>
<td>N/A</td>
</tr>
<tr>
<td>Telecommunications Facilities</td>
<td>None</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**C. Rules for Computing Parking Requirements**

The following rules apply when computing off-street parking requirements.

1. **Multiple Uses**
   
   Lots containing more than one use must provide parking in an amount equal to the total of parking required for all uses.

2. **Fractions**
   
   When measurements of the number of required spaces result in a fractional number, any fraction of \( \frac{1}{2} \) or less will be rounded down to the next lower whole number, and any fraction of more than \( \frac{1}{2} \) will be rounded up to the next higher whole number.

3. **Area Measurements**
   
   Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area.

4. **Employment and Occupancy-Based Standards**
   
   For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

5. **Unlisted Uses**
   
   Upon receiving a development application for a use not specifically listed in an off-street parking schedule Table X.X, the Planning Director shall apply the off-street parking standard specified for the listed Use Category or a use that is most similar to the proposed use or require a parking study in accordance with the parking study requirements of Section 7.1.4.

6. **Parking Studies**
   
   Parking studies shall be submitted by the applicant to establish off-street parking standards for uses that have not been assigned a specific off-street parking standard under this Section. A parking study may be submitted with an application if the applicant does not agree with the parking standard applied to the development. The Parking Study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates approved by the Public Works Department and should include other reliable data collected from uses or combinations of uses that are the same or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations and shall be prepared by a Registered Professional Engineer.
a. Review by Public Works Department

The Public Works Department Director shall review the parking study and any other traffic engineering/planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use on the site plan. After reviewing the parking study, the Public Works Department Director shall establish a minimum off-street parking standard for the proposed use on the site plan.

b. Appeals

Appeals of the Public Works Department’s decision shall be taken to the Board of County Commissioners in accordance with the procedures of Section 3.15.

D. Location of Required Parking Spaces

Except as expressly allowed in this section, required off-street parking spaces must be located on the same lot or parcel as the principal use. No off-street parking shall be allowed within required street setbacks, except that parking for single-family, duplexes, townhomes, and co-operative dwellings may be located in driveways.

E. Accessible Parking for Physically Handicapped Persons

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

1. Number of Spaces

The minimum number of accessible spaces to be provided shall be determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling the overall off-street parking standards.

<table>
<thead>
<tr>
<th>Total Parking Spaces Provided</th>
<th>Minimum Number of Accessible Spaces</th>
<th>Minimum Number of Van-Accessible Spaces</th>
<th>Minimum Number of Car-Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>76-100</td>
<td>4</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>101-150</td>
<td>5</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>151-200</td>
<td>6</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>201-300</td>
<td>7</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>301-400</td>
<td>8</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>401-500</td>
<td>9</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>501-1000</td>
<td>2% of total spaces</td>
<td>1 out of every 8 accessible spaces</td>
<td>7 out of every 8 accessible spaces</td>
</tr>
<tr>
<td>Over 1000</td>
<td>20 + 1 per each 100 spaces over 1000</td>
<td>1 out of every 8 accessible spaces</td>
<td>7 out of every 8 accessible spaces</td>
</tr>
</tbody>
</table>

2. Minimum Dimensions

All parking spaces reserved for persons with disabilities shall comply with the parking space...
dimensional standards of Section 7.1.7, provided that access aisles shall be provided immediately adjacent to such spaces, as follows:

a. Car-Accessible Spaces

Car-accessible spaces shall have at least a five (5) foot wide access aisle located adjacent to the designated parking space.

b. Van-Accessible Spaces

Van-accessible spaces shall have at least an eight (8) foot wide access aisle located adjacent to the designated parking space.

3. Location of Spaces

Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

4. Signs and Marking

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than forty-two (42) inches and no more than seventy-two (72) inches above pavement level.

F. Parking Area Layout and Design

1. Parking Area Dimensions

   a. The dimensions of required off-street parking areas shall comply with standards shown in the following Parking Dimensions Table, unless otherwise specifically stated. Parking spaces provided in excess of required minimums may be designated as compact parking spaces, with a minimum stall width of eight feet and a minimum stall depth of sixteen and a half (16.5) feet. Compact parking spaces shall be clearly identified by signs or pavement markings.

      | Parking Angle | Stall Width (feet) | Stall Depth (feet) | Aisle Width (feet) |
      |---------------|--------------------|--------------------|-------------------|
      | 0°            | 8                  | 22                 | 12                |
      | 30°           | 9                  | 18                 | 11                |
      |               | 9.5                | 18                 | 11                |
      |               | 10                 | 20                 | 11                |
      | 45°           | 8.5                | 20                 | 13                |
      |               | 9                  | 20                 | 12                |
      |               | 8.5                | 19.5               | 15                |
      | 60°           | 9                  | 21                 | 16                |
      |               | 9.5                | 21                 | 15                |
      | 75°           | 8.5                | 19.5               | 25                |
      |               | 9                  | 18.5               | 23                |
      |               | 9.5                | 18.5               | 22                |
      | 90°           | 8.5                | 18.5               | 28                |
      |               | 9                  | 18.5               | 25                |
      |               | 9.5                | 18.5               | 24                |

   b. Parking is permitted to overhang into perimeter landscape or a landscape divider a maximum of two feet.

2. Protective Curbing

Parking spaces abutting an exterior street lot line of a parcel shall be provided with bumper blocks or
curbing to prevent vehicle overhang into the public right of way or over any sidewalk. Vehicles may not overhang landscape areas more than twenty-four (24) inches (24”).

3. Paving and Striping
   a. All required off-street parking areas within the Urban Zoning Districts shall be striped and paved with concrete, asphalt, pavers, or other material approved by the Planning Director. Within Rural Communities, parking areas with more than five (5) spaces shall be paved and striped. Landscaping is required for all paved parking lots per Section 7.2.
   b. In the Rural Zoning Districts, dust suppression shall be required for all non-paved off-street parking areas located within the Grand Valley Airshed. Plans shall be prepared by a Professional Engineer hired by the applicant and shall provide for adequate parking, drainage and traffic circulation.

4. Circulation
   a. All required off-street parking areas shall be designed to provide safe, efficient circulation for vehicles and pedestrians.

   ![Traffic Islands]

   **Zero (0) Degree Parking | Paralleled Parking**

   ![Parking Area Layout Design](https://example.com/image)

   **Parking Area Layout Design**

   **NOTE:** These drawings are not to scale.

   (1) Traffic islands are required at the ends of all rows of parking.
Traffic islands shall have a minimum dimension of eight and one half feet (8.5') and contain a minimum of one hundred fifty (150) square feet, exclusive of curbing.

No more than fifteen (15) spaces may be placed in a row without an island.

Traffic islands must be landscaped per the requirements of Section 7.2. Parking lot design is subject to the Flexible Landscape Point System.

b. Circulation Routes

When a parking area exceeds one hundred twenty (120) spaces, it shall be divided into two (2) or more sub-areas by an internal landscaped street.

c. When an individual parking area is adjacent to another individual parking area, the design shall accommodate a cross-connection between them if possible.

G. Stacking Spaces for Drive-Through

In addition to meeting the off-street parking requirements of this section, drive-through facilities shall comply with the following minimum stacking space and design standards.

1. Stacking Space Schedule

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Minimum Spaces</th>
<th>Measured From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank teller lane</td>
<td>4</td>
<td>Teller or Window</td>
</tr>
<tr>
<td>Automated teller machine</td>
<td>3</td>
<td>Teller Machine</td>
</tr>
<tr>
<td>Restaurant drive-through</td>
<td>8</td>
<td>Order Box</td>
</tr>
<tr>
<td>Car wash stall, automatic</td>
<td>6</td>
<td>Entrance</td>
</tr>
<tr>
<td>Car wash stall, self-service</td>
<td>3</td>
<td>Entrance</td>
</tr>
<tr>
<td>Other</td>
<td>Determined by Public Works Department based on a Traffic Study</td>
<td></td>
</tr>
<tr>
<td>Gasoline pump island</td>
<td>30 feet from each end of pump island</td>
<td></td>
</tr>
</tbody>
</table>

A minimum four-vehicle (4) queue from the pick-up window to the order box shall be provided.

2. Design and Layout

Stacking spaces shall be subject to the following design and layout standards:

a. Stacking spaces shall be a minimum of eight (8) feet by twenty-five (25) feet in size.

b. Stacking spaces shall be designed so as not to impede on-site and off-site traffic movements or movements into or out of parking spaces.

c. Stacking spaces shall be separated from other internal driveways and pedestrian circulation areas by raised medians, as deemed necessary by the Public Works Department Director for traffic movement or safety.

H. Alternative Parking Plans

An Alternative Parking Plan represents a specific proposal to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the Section 7.1.2 off-street parking schedule of Section 7.1.2. Applicants who wish to provide fewer off-street parking spaces than required pursuant to Section 7.1.2 must secure approval of an Alternative Parking Plan.

1. Procedures
A. Small Reductions

An Alternative Parking Plan that proposes a reduction of no more than twenty-five percent (25%) or twenty-five percent (25%) of parking spaces shall be submitted using the site plan approval process and shall be reviewed in accordance with the Administrative Adjustment procedures of Section 3.11, except that the Decision-Making Body shall take action in accordance with the Eligible Alternatives and Approval Criteria of this Section. An attested copy of an approved Alternative Parking Plan must be recorded with the County Clerk and Recorder on forms made available in the Planning Department.

2. Large Reductions

3. Alternative Parking Plans that propose a reduction of more than twenty-five percent (25%) or more than twenty-five percent (25%) of off-street parking spaces require review and action in accordance with the Conditional Use Permit procedures of Section 3.8, except that the Decision-Making Body shall take action in accordance with the Eligible Alternatives and Approval Criteria of this Section. An attested copy of an approved Alternative Parking Plan must be recorded with the County Clerk and Recorder on forms made available in the Planning Department.

4. Enforcement

Every Alternative Parking Plan shall include a description of the means by which an applicant will satisfy the off-street parking requirements of this section. In the event that the Alternative Parking arrangement is not adequately serving the parking and access needs of the subject property, if the County makes a determination of inadequate service, the alternative parking plan shall be revoked and the use shall provide off-street parking spaces in accordance with Section 7.1.2.

5. Eligible Alternatives and Approval Criteria

A number of specific alternatives are described in this subsection. Decision makers are, however, authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development. Using the following alternatives and approval criteria, the applicant shall demonstrate to the satisfaction of the decision-making body that the proposed plan will do at least as good of a job protecting surrounding neighborhoods, maintaining existing traffic circulation patterns and promoting quality urban design that strict compliance with otherwise applicable off-street parking standards would yield.

a. Bicycle Parking

[Decision makers may authorize a reduction in the number of required off-street parking spaces for nonresidential developments or uses that provide bicycle parking and make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities and dressing areas for employees.]

b. Valet Parking

[Decision makers may authorize valet parking as a means of satisfying otherwise applicable off-street parking standards, provided that the following conditions are met:

1. An automobile shall be retrievable from its parking space with the movement of a maximum of two (2) additional vehicles; and
2. The decision maker determines that the valet parking will not cause interference with the public use of streets or ways or imperil the public safety.]

c. Transportation Demand Management

[Decision makers may authorize a reduction in the number of required off-street parking spaces for developments or uses that institute and commit to maintain a transportation management program, in accordance with the following standards of this Section.

1. Required Study

The applicant must submit a study approved by the Public Works Department Director that]
clearly indicates the types of transportation management activities and measures proposed.

(2) 

Transportation Demand Management

The following measures serve as a guide to eligible transportation management activities. Applicants are encouraged to use any transportation demand management techniques or studies adopted by the Grand Junction/Mesa County, MPO—Grand Valley Metropolitan Planning Organization as references. There is, however, no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios.

(a) Posting and Distribution of Information

The distribution and posting and distribution of information from transit agencies and other sources of alternative transportation may be cause for a reduction in otherwise applicable off-street parking requirements.

(b) Transportation Coordinator

The appointment of a Transportation Coordinator with responsibility for disseminating information on ride-sharing and other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons, Transportation Coordinators shall be available to attend meetings and training sessions with the County or transit providers.

(c) Off-Peak Work Hours

Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period, may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as 7:00 AM—9:00 AM.

(d) Preferential Parking

The provision of specially marked spaces for each registered car pool and van pool may be cause for a reduction in otherwise applicable off-street parking requirements.

(e) Financial Incentives

The provision of cash or in-kind financial incentives for employees commuting by car pool, van pool and transit may be cause for a reduction in otherwise applicable parking requirements.

d. Off-Site Parking Plan

Off-site parking spaces may be located on a separate lot from the lot on which the principal use is located if approved as part of an Alternative Parking Plan and if the off-site parking complies with all of the following standards:

(1) Ineligible Activities

Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

(2) Location

No off-site parking space may be located no more than three hundred (300) feet, five hundred (500) feet or one thousand (1,000) feet for employees from the primary entrance of the use served. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than eighty (80) feet, unless a grade-separated pedestrian walkway, other traffic control, or safety device is provided.

(3) Zoning Classification

Commented [WU20]: Removed by request of the Code Focus Group.

Commented [WU21]: This matches what the City of Grand Junction allows.
Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

(4) Agreement for Off-Site Parking

An off-site parking plan will be enforced through written agreement among all owners of record. The agreement must have a minimum term of ten (10) years. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement with a minimum term of ten (10) years shall be required. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recordation on forms made available in the Planning Department. Recordation of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Section 7.1.2.X.X.

e. Shared Parking

Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved as part of an Alternative Parking Plan and if the shared parking complies with the following standards:

(1) Location

Shared parking spaces must be located within three hundred (300) feet of the primary entrance of all uses served.

(2) Zoning Classification

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

(3) Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements shall submit an analysis to the Public Works Department that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Public Works Department. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(4) Agreement for Shared Parking

A shared parking plan will be enforced through written agreement among all owners of record. The agreement must have a minimum term of ten (10) years. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recordation on forms made available in the Planning Department. Recordation of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Section 7.1.2.X.X.

6. Recordation of Approved Plans

An attested copy of an approved Alternative Parking Plan must be recorded with the County Clerk on forms made available in the Planning Department. An Alternative Parking Plan may be amended by following the same procedure required for the original approval.

7. Violations

Violations of an approved Alternative Parking Plan constitute a violation of the Land Development Code and will be subject to the enforcement and penalty provisions of Chapter 11.X.X.

Commented [GM22]: Recordation of approved plans are discussed above.
**SECTION 8.02 | LANDSCAPING AND BUFFERING**

Landscape plans must be prepared by Landscape Architects, licensed in the State of Colorado per the “Landscape Architects Professional Licensing Act,” Colorado Statute Title 12, Article 45. Where requirements conflict, the standard that more specifically describes an area applies. If two requirements are equally specific, then the more stringent of the two requirements applies. The purpose of this Section is to enhance the aesthetic appeal of new development. Landscaping reduces heat and glare, facilitates movement of traffic within parking areas, shades cars and parking surfaces reducing local and ambient temperatures, buffers and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, buffers and screens potentially incompatible uses from one another, and conserves the value of property and neighborhoods within the City.

In no case would requirements be considered additive.

A. **Urban Zoning Districts, Rural Communities, and Permitted Uses General Landscape Standards**

1. **Development within the Clifton/Fruitvale area or the County’s six rural communities (Mack, Loma, Whitewater, Gateway, Mesa, and Powderhorn) or any other planned area shall be required to be consistent with the appropriate adopted area or neighborhood plan’s general objectives and design guidelines and standards related to landscaping unique to each community.** If there is no adopted plan, or if the adopted area or neighborhood plan does not provide specific guidance regarding landscape, the minimum standards of this Section 7.2 shall apply.

   All required landscaping is subject to this Section 7.2, to be used in conjunction with the Flexible Landscape Point System set forth in Section 7.2.1.B. One or more landscape point charts in the Mesa County Landscape Handbook contains helpful information, resources, and graphic illustrations.

2. **Landscape Plan Requirement**

   a. Landscape plans shall be stamped by a licensed landscape architect. Inspection and compliance with approved landscape plan must be certified by a licensed landscape architect prior to issuance of a certificate of occupancy.

3. **Acceptable Plant Material**

   a. Vegetation must be suitable for Mesa County’s climate and soils.

   b. The Director may allow the use of any plant if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements based on planting locations, growth habit, etc.

4. **Minimum Plant Requirements**

   **TABLE 8.5 LANDSCAPE PLANT REQUIREMENTS**

<table>
<thead>
<tr>
<th>Zoning of Proposed Development</th>
<th>Landscape Requirement</th>
<th>Location of Landscaping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family Residential Subdivision (except when located in a Rural Zone District or zoned UR, RSF-E and RSF-R)</td>
<td>One tree per forty (40) linear feet of street frontage, with no more than fifty (50) percent of any one variety. One shrub per one hundred (100) square feet of landscaped area.</td>
<td>Street frontage</td>
</tr>
<tr>
<td>Urban Zone Districts (Multi-family and Nonresidential Uses)</td>
<td>One tree per 2,500 square feet of improved area, with no more than fifty (50) percent of any one variety. One shrub per 300 square feet of improved area.</td>
<td>Parking lots, and required buffers</td>
</tr>
</tbody>
</table>

Commented [GM23]: This requirement has been moved below.

Commented [gm24]: This statement is already made in Chapter 1.

Commented [GM25]: Site Plan review is considered.

Commented [GM26]: Rural Communities are discussed below under exceptions.

Commented [WU27]: Landscape requirement is the same as the City of Grand Junction.
5. Minimum plant size requirements.
   a. Shade tree, two (2) inch caliper (measured six (6) inches above root ball) at time of planting. If two (2) inch caliper trees are not available, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees.
   b. Ornamental tree, one and one half (1 1/2) inch caliper (measured six (6) inches above root ball) at time of planting.
   c. Evergreen tree, six (6) feet tall at time of planting.
   d. Deciduous shrub, five (5) gallon container.
   e. Evergreen shrub, five (5) gallon container.
   f. Perennials and ground covers, one (1) gallon container.
   g. Turf mix, native grasses and wild flower mix are the only vegetation that may be planted as seed.

6. Irrigation.
   Plant selection shall emphasize drought-tolerant plant species and shall limit the use of high water use plant species. All required landscapes, with the exception of dry landscapes, shall include a designed irrigation system.

7. Fire Hydrants and Utility Facilities.
   a. A three (3) foot clear space shall be maintained around the circumference of fire hydrants.
   b. Design of landscaped beds should accommodate access and maintenance of utility facilities.

8. Preservation of Significant Landscape Features.
   Significant landscape features, areas of healthy native vegetation, natural environments or habitats to be preserved, shall not be required to meet the plant coverage or plant type requirements.

9. Sight Distance.
   All vegetation, fences, walls and berms shall be designed and maintained so that there is no site distance hazard nor road or pedestrian hazard.

   a. Interior Landscaping Requirement.
      [1] One parking lot island, parallel to parking spaces, is required for each twenty (20) parking spaces.
      [2] Parking lot islands must be at least one hundred forty (140) square feet.
      [3] A parking lot island is required at the end of every row of parking spaces, regardless of length or number of spaces; and
      [4] In lieu of the standard parking lot island, one “orchard style” island may be used for every six parking spaces. The orchard style islands shall be evenly spaced between end parking lot islands.
      [5] One divider island, parallel to the parking lot drive aisles shall be located for every three (3) parking lot drive aisles.
      [6] Parking lot islands, orchard style islands and divider islands should include shrubs and trees. Shrub shall be maintained at thirty (30) inches or lower where visibility of oncoming vehicles.
is a concern. Tree canopies shall be maintained no lower than six (6) feet above grade. Landscaping is not required when a parking lot island is used as a pedestrian refuge island. A maximum of one third (1/3) of the required parking lot islands may be used as pedestrian refuge islands.

2. Parking Lot Perimeter

Perimeter parking lot landscaping shall include a wall, fence, planter, earthen berm, plant material or a combination of such elements and shall meet the following standards:

a. The minimum dimension allowed for the parking lot perimeter landscape strip is six (6) feet. The width of a landscape strip can be modified by the Director, provided the intent of this Section is met.

b. Where two or more adjacent parking lots are shared and designed to function as one, perimeter landscaping is only required around the perimeter of the combined lots.

c. When utilities conflict with required planting, the applicant shall propose an alternate solution.

C. Street Frontage

With the exception of single-family and two-family residential lots, street frontages shall be landscaped with trees and plantings giving consideration to historic or vernacular character of the location, continuity with native vegetation and the natural landscape, and with the ability to provide water for irrigation.

1. All new development shall provide and maintain a minimum fourteen (14) foot wide street frontage landscape area adjacent to the public right-of-way.

2. A minimum of seventy-five (75) percent of the street frontage landscape area shall be covered by plant material at maturity.

3. All unimproved right-of-way adjacent to new development projects shall be landscaped and irrigated.

4. Landscaping within the street frontage shall include trees and shrubs.

5. Where detached walks are provided, a minimum street frontage landscape of five (5) feet is acceptable.

6. The Director may approve a screen wall between a parking lot and a right-of-way if the following criteria are met:

   a. A screen wall must not be taller than 30 inches, unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30 inches higher than the adjacent roadway.

   b. A column or jog or equivalent architectural feature is required for every twenty-five (25) linear feet of wall.

   c. The back of the wall must be at least thirty (30) inches from the face of curb for bumper overhang; and

   d. Shrub must be planted on the street side of the wall.

7. Dry Landscape Substitutions

The following Table identifies materials that may be substituted for required landscaping in the Street Frontage Landscape Area:

<table>
<thead>
<tr>
<th>Material</th>
<th>Minimum Size or Example</th>
<th>Substitution</th>
<th>Maximum Substitutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boulders</td>
<td>24&quot; x 30&quot;</td>
<td>six (6) shrubs per boulder</td>
<td>twenty-five (25) percent of required shrubs</td>
</tr>
<tr>
<td>Dry creek bed or other significant landscape feature</td>
<td></td>
<td>One (1) shrub per twelve (12) square feet</td>
<td>eighty (80) percent of required shrubs</td>
</tr>
<tr>
<td>Western collectibles-small</td>
<td>Wagon wheel, antlers, etc</td>
<td></td>
<td>twenty-five (25) percent of required shrubs</td>
</tr>
</tbody>
</table>

Commented [WU28]: Requested by the Code Focus Group.
Large western antiques.
Mining cart, wagon, etc.
Shade structure or other structure.
The art/sculture
The ar/sculture
Xeric Shrubs: density to attain fifty (50) percent bed coverage after three (3) years

<table>
<thead>
<tr>
<th>Category</th>
<th>Per one (1) shrub size</th>
<th>Per one (1) shrub</th>
<th>Twenty-five (25) percent of required shrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) shrub per twelve (12) square feet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twenty-five (25) percent of required shrubs</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

D. Detention Facilities

1. The detention facility shall be landscaped with trees, shrubs, rock or cobble.
2. Up to fifty (50) percent of detention basin and bank may be rock or cobble unless retaining walls are used.
3. Slopes shall be no steeper than thirty-three (33) percent.
4. The following shall be encouraged:
   a. Dispersed detention by use of multiple smaller ponds;
   b. Bioretention facilities such as vegetated drainage swales or stormwater planters;
   c. Parking islands and/or landscape beds designed to capture stormwater;
   d. Detention capacity under parking lots or underground.

A. Landscaping Requirement

Stabilization, including revegetation and/or mulching, is required in all areas disturbed as part of any development project and may be subject to State stormwater regulations.

b. Street and Road Frontage

Street trees and plantings shall be required for all new development in order to reduce heat, dust, glare, and the need for cooling or heating of buildings; to help clean and oxygenate the air; reduce road noise; to develop continuity between developments; to provide visual cues to access points; and to enhance the appearance of the public streets. Consideration should be given to urban density, historic or vernacular character of the location, continuity with native vegetation and the natural landscape, and with the ability to provide water for irrigation. With the exception of single-family and two-family residential site plans, the street setback and front yard shall be suitably landscaped in accordance with Table 7.2.B and shall be subject to application of the Flexible Landscape Point System. All design and development shall preserve, insofar as it is reasonable, the natural terrain, natural drainage, existing topsoil, and non-noxious trees and other appropriate vegetation.

c. Parking Lots

The purpose of landscape in parking lots is to define parking areas, provide shade to cool pavement, mitigate the view of cars and pavement, help direct traffic flow, provide continuity to streetscapes, obtain the environmental benefits of increased planting, and reduce and control stormwater runoff.

• When an area provides non-residential parking for five (5) cars or less, the applicant shall provide appropriate screening meeting the requirements of Tables 7.2.A and 7.2.B to block headlight and soften visual impact.

• When an area provides parking spaces for six (6) or more cars, it shall be subject to Table 7.2.A and 7.2.B and the design options within the Flexible Landscape Point System. Chart B. No single parking area shall exceed one hundred twenty (120) spaces unless divided into two (2) or more sub-areas by an internal aisle with landscaping on both sides.

(1) Perimeter Parking Lot Screening
Perimeter parking lot planting strips are required per Table 7.2.B. These shall include a wall, fence, planter, earthen berm, plant material or a combination of such elements. Topography and adjacent uses shall be taken into account to determine the most effective means of screening. When utilities conflict with required planting strips, the applicant shall propose an alternate solution; in no case will a planting requirement be waived. Site design that places parking lots to the rear or side of site rather than along the street frontage will be rewarded within the Flexible Landscape Point System, Chart B.

<table>
<thead>
<tr>
<th>Table 7.2.A Interior Parking Lot Island Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where Required</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>At least one row of parking</td>
</tr>
<tr>
<td>No more than 15 cars in a row between islands</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>-</td>
</tr>
</tbody>
</table>

**B. Common Open Space**

The intent of common open space is to provide useable neighborhood outdoor space, promote compact urban form, to screen, buffer, and/or transition between contrasting land uses, and in general enhance the quality of the urban environment. When appropriate, open space as an element of the urban environment, should contribute to the preservation of the County’s natural features, especially hilltides and natural drainages. Open space, as required per Section 7.5.3, shall be subject to the Flexible Landscape Point System, Chart C. Areas designated within development as common open space, or that are to be maintained jointly or by a property owners association, such as stormwater detention facilities, entrance features, and parks/trails shall be subject to the Flexible Landscape Point System.

**D. Public Right-of-Way**

All new development adjacent to any urban public right-of-way shall propose an appropriate combination of tree, shrub, and ground cover design for the space between the edge of pavement/back of curb and the property line. Right-of-way plantings will not be counted as any part of the tree and shrub requirement unless otherwise noted in the Flexible Landscape Point System.

**E. Plant Materials**

Plant materials within the required visibility zone shall be no greater than thirty inches (30") high when mature.

**F. Tree Canopy**

No tree with a mature size larger than six inches (6") in caliper shall be planted in the public right-of-way within six feet (6') of the edge of pavement/back of curb.

**G. Fire Hydrants**

A three foot (3') clear space shall be maintained around the circumference of fire hydrants. Design of landscaped beds should accommodate access and maintenance of utility facilities.

**I. Buffer, Landscape Strips, and Screening Requirements**

The purpose of buffers and screening is to mitigate the view, lighting, noise, heat, and odor impacts of vehicles, pavement, and higher intensity uses. All types of buffering, planting strips, and screening between differing land uses and activities shall be accomplished by separation and by combinations of opaque fences or walls and plant material, and shall be subject to Table 7.2.B and the design options within the Flexible Landscape Point System. Planting dense stands of evergreen trees, canopy shade trees,
ornamental trees and shrubs will soften the impact between uses. Integrating plantings into the architectural theme of buildings and their outdoor spaces to lessen differences in architecture or mitigate building scale is encouraged.

Table 7.2.B Buffer, Landscape Strip, & Screening Requirements

In all cases, NEW DEVELOPMENT is responsible for providing the following:

<table>
<thead>
<tr>
<th>Where &amp; When Required</th>
<th>Baseline Requirements</th>
<th>Exceptions &amp; Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent To Proposed Use</td>
<td>Land Use/Zoning: Adjacent Use</td>
<td>Single family homes (2) family-residential barns and duplexes are exempt from any landscape requirement. In addition, subdivisions in rural zones and subdivisions zoned BOR, RSF-R and RSF-E are exempt from the requirements of this section.</td>
</tr>
</tbody>
</table>

Residential Subdivision

Street or Right-Of-Way

Where real and side lots about street frontage: ten (10) foot wide landscaped strip with structural screen. Structural screen options are found within the Flexible Landscape Point System.

Non-Residential

Parking Lot

Parking Lot, including vehicular circulation areas

Any Uses

Parking Lot

Street or Right-Of-Way

Any Use

Parking Lot

Street or Right-Of-Way

10' Landscaped Strip behind the public right-of-way for the entire frontage with minimum design height of 30'.

Industrial or High Impact Commercial

Residential or Institutional

10' Landscaped Buffer with structural screen of a length sufficient to mitigate compatibility problems no longer significant. Buffering shall be extended to the benefit of the new development.

If lower intensity property is developed last, the 20' buffer is waived but the structural screen must be built.

Flexible Points Chart A

Flexible Points Chart B

Flexible Points Chart E

Published Points Chart

Commented [WU29]: Parking lot landscaping is already required above.
<table>
<thead>
<tr>
<th>Multi-story Multi-family Residential (Greater than 40' in height)</th>
<th>Single Family Residential Subdivision</th>
<th>Low Impact Commercial (requiring Level 1 TIS)</th>
<th>Flexible Points Chart E</th>
</tr>
</thead>
<tbody>
<tr>
<td>20' landscaped buffer of a length sufficient to render compatibility problems no longer significant. Third floor and higher must be architecturally stepped back a minimum of 5' per floor by (6) foot fences or wall.</td>
<td>If Single family property is developed last, the 20' buffer is waived.</td>
<td>6' (6) foot wide landscaped strip with trees and shrubs and six (6) foot fence or wall.</td>
<td>Flexible Points Chart E</td>
</tr>
<tr>
<td>If lower intensity property is developed last, the structural screen must be built.</td>
<td>If lower intensity property is developed last, the structural screen must be built.</td>
<td>Flexible Points Chart E</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outdoor storage &amp; trash collection areas including low volume delivery, receiving areas</th>
<th>Any Use Residential, or Institutional</th>
<th>Any Use Residential, or Institutional</th>
<th>Flexible Points Chart E</th>
</tr>
</thead>
<tbody>
<tr>
<td>6' landscaped strip with structural screen surrounding the designated area. Planting shall be oriented to the public side. Structural screen options are found within the Flexible Landscape Point System Chart.</td>
<td>15' (15) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.</td>
<td>Landscaping or receiving areas that accept trucks, trailers or large box trucks are subject to more restrictive requirements. If lower intensity property is developed last, the 15' (15) foot buffer is waived but the structural screen must be built.</td>
<td>Flexible Points Chart E</td>
</tr>
</tbody>
</table>

**Alternative Solutions:** In consideration of extraordinary lot size, configuration, topography, or circumstance, Applicant to make a proposal that meets the intent of the Section. Planning Director’s approval is required.

1. One or more situations above may apply to any project. The widths of all landscaped strips may vary so long as the average width meets the stated width requirement, and the intent of the Code is met.

In no case shall a planting bed be less than three feet (3') in any dimension. When an existing fence or wall substantially meets the requirements of this Section an additional fence on the adjacent developing property shall not be required. Fences or walls required by this Section must meet the following:

  a. Solid opaque wood or material with a similar appearance, finished on both sides.
  b. A wall must have a column or other significant architectural feature every thirty (30) feet of length.
  c. No person shall construct or maintain a fence or a wall without first obtaining a building permit from the Building Department.
  d. Berms.

  A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six (6) feet. Minimum requirements for berms are as follows:

  [1] Maximum slope of 4:1 for turf areas and 3:1 for shrub beds; and
  [2] To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

**SECTION 8.03 | FENCES**

Any fence or wall that exceeds seven (7) feet in height shall be considered a structure requiring a planning clearance and building permit and shall be subject to all setback standards.

**A. Fence Height Measurement,**

- **B. Berms,**
1. The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height.
2. Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one (1) foot at intervals no closer than eight feet.

B. Fence Materials
1. Acceptable materials include wire, wrought iron, plastic, wood, and other materials with a similar look.
2. Unacceptable materials that are visible include glass, bottles, cans, machinery parts or appliances, tires, razor wire, and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.
3. Nothing in this Section shall prohibit the agricultural practice of fencing using field stone or woody vegetation removed from the property upon which the fence is constructed nor shall this Section prohibit the use of antique wagon or antique agricultural machinery wheel for fencing.
4. Fences and walls constructed of alternative materials may be approved by the Director.

C. Nonresidential and Multi-Family Uses
1. Required screening fences in nonresidential districts and for multi-family uses shall meet the following standards:
   a. Location of these fences must be shown on the site plan or landscape plan and approved by the Community Development.
   b. Screening fences shall be a minimum of ninety-five (95) percent opaque. Cloth or plastic mesh cannot be used for screening.

D. Maintenance
All fences or walls shall be maintained in good repair. Fences in common areas of subdivisions shall be maintained by the property owners' or home owners' association.

A. Flexible Landscape Points System
The Flexible Landscape Points System is required to be used in conjunction with Tables 7.2.A-C, and provides guidance and flexibility related to planting and design options for a variety of project types. Some projects will require more than one chart, and minimum points from each chart shall be achieved. Up to twenty (20) points earned over the minimum on any chart may be credited towards another chart, with the exception of Chart F, which can only receive up to 10 points from another chart.

Chart A—Residential Subdivisions of five (5) or more units (Street Frontage only)
1. Preservation of existing vegetation on site (Minimum 0 points, Maximum 20 points)

CHART A—RESIDENTIAL STREET FRONTAGE OPTIONS
For Residential Subdivisions of five (5) or more units when rear and side lots abut public right-of-way

MUST EARN 75 POINTS USING ANY COMBINATION OF ITEMS 1-8; MINIMUMS NOTED
Dry landscapes with no irrigation water must earn 35 points from items 1-4 plus Chart F minimum. Refer to Chart F for dry landscaping requirement.

Tables 7.2.B and 7.2.C requirements apply, with options available herein.

   1. Preservation of existing vegetation on site (Minimum 0 points, Maximum 20 points)
Preservation of Healthy Existing Trees 3-6” Caliper, excluding noxious: 2 per tree
Preservation of Healthy Existing Trees 7” Caliper & larger, excluding noxious: 5 per tree
Preservation of Significant Vegetated Areas other than trees, excluding noxious: 5

NOTE A: Must demonstrate adequate protection of existing trees.

NOTE B: For this purpose, noxious trees include all those listed as noxious or discouraged by Mesa County or the State of Colorado, as found in The Handbook.

2. Structural Screens: Fence-Wall-Edge (Minimum 0 points, Maximum 60 points)

REQUIRED PER TABLE 7.2.B. All qualify as structural screens per Table 7.2.B. A fence or wall can only be counted on one chart.

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>5'-6' Privacy Fence, at least 75% of frontage</td>
<td>5</td>
</tr>
<tr>
<td>6'-9' Wall, at least 75% of frontage</td>
<td>10</td>
</tr>
<tr>
<td>Upgrade of Wall or Fence: undulating or with bump-outs; may encroach on multi-purpose easement by up to 4' to allow design flexibility</td>
<td>10</td>
</tr>
<tr>
<td>Upgrade of Wall or Fence: Decorative Pilasters or Features added to the entire length</td>
<td>10</td>
</tr>
<tr>
<td>4'-Fence or Lower and/or Open Rail, with continuous plantings</td>
<td>15</td>
</tr>
<tr>
<td>Berm used with planting, fence, or wall with minimum combined design height of 6'</td>
<td>10</td>
</tr>
</tbody>
</table>

3. Sidewalk-Path (Minimum 0 points, Maximum 30 points)

REQUIRED: Refer to Mesa County Road and Bridge Specifications for minimum requirements. Where sidewalks exceed right-of-way width, they shall be incorporated into the required landscape strip.

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>6' or wider, attached</td>
<td>5</td>
</tr>
<tr>
<td>6'-10' or wider, detached (at least 5' from back of curb, parallel or meandering)</td>
<td>15</td>
</tr>
<tr>
<td>Pavement upgrades: i.e., textures or colors as approved</td>
<td>10</td>
</tr>
</tbody>
</table>

4. Width of Required Landscape Strip (Minimum 0 points, Maximum 40 points)

REQUIRED PER TABLE 7.2.B. 10' Landscape Strip

For each additional 1' width provided (beyond baseline 10') 5 for each foot (up to 40 points max)

5. Trees (Minimum 10 points, Maximum 20 points)

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Tree, 1 for every 30’ of frontage</td>
<td>10</td>
</tr>
<tr>
<td>Large Tree, 1 for every 40’ of frontage</td>
<td>10</td>
</tr>
<tr>
<td>For Xeric Designs: 1 Small and/or Evergreen Tree for every 30 feet of frontage</td>
<td>10</td>
</tr>
<tr>
<td>Use of large-caliper trees (applies if ALL required trees at least 1” above minimum)</td>
<td>10</td>
</tr>
<tr>
<td>Additional Tree (any type)</td>
<td>1 for each tree</td>
</tr>
</tbody>
</table>

NOTE C: Clustering or grouping of trees is allowed. Combinations of Medium, Large, and Evergreen trees to achieve points is allowed as long as the total number of trees meets the intent of this section.

6. Shrubs (Minimum 10 points, Maximum 20 points)

Must choose either A, B, or C

A. #2 container size, at density to attain 50% bed coverage after 3 years 10
B. #5 container size, at density to attain 40% bed coverage after 3 years 10
C. For Xeric Designs: #2 container size or larger to attain 30% coverage after 3 years  
Additional Shrubs: for each 2% additional coverage  

<table>
<thead>
<tr>
<th>Coverage (%)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>30%</td>
<td>10</td>
</tr>
<tr>
<td>32-39%</td>
<td>15</td>
</tr>
<tr>
<td>40%</td>
<td>25</td>
</tr>
<tr>
<td>50%</td>
<td>35</td>
</tr>
</tbody>
</table>

**NOTE D:** Perennials and groundcovers (other than turf) may count towards shrub calculation but cannot exceed 20% of total shrub area and must be installed no smaller than #1 in size.

**NOTE E:** For use of turf, see #7 below: Water-Saving Plant Selection.

**NOTE F:** Xeric design is encouraged: cluster plant materials for increased irrigation efficiency. For landscapes that are completely dry, refer to Chart F., per Section 7.2.1.D.

7. Water-Saving Plant Selection (Minimum 15 points, Maximum 70 points)

**Xeric Beds:** use of “Low” or “Very Low” water plants in an entire bed

<table>
<thead>
<tr>
<th>Coverage (%)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>40% of total area of planted beds in a design</td>
<td>10</td>
</tr>
<tr>
<td>60% of total area of planted beds in a design</td>
<td>15</td>
</tr>
<tr>
<td>80% of total area of planted beds in a design</td>
<td>25</td>
</tr>
<tr>
<td>100% of total area of planted beds in a design</td>
<td>35</td>
</tr>
</tbody>
</table>

**Use of Water Sense** Certified Smart Irrigation Controller  
10 points

Use of Turf in Landscape Strips 10’ or greater in any dimension (% of total landscape area)

<table>
<thead>
<tr>
<th>Turf Type</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>No turf</td>
<td>45</td>
</tr>
<tr>
<td>Less than 20% turf (any type)</td>
<td>5</td>
</tr>
<tr>
<td>20-39% high-water-consumption grasses</td>
<td>0</td>
</tr>
<tr>
<td>40% or more high-water-consumption grasses (not applicable to parks or detention areas)</td>
<td>-20</td>
</tr>
</tbody>
</table>

**NOTE G:** Xeric beds include plant materials in a low-water environment. For landscapes that are completely dry, refer to Chart F., per Section 7.2.1.D.

**NOTE H:** Turf is not allowed in any bed less than 10’ in any dimension.

8. Other (Minimum 0 points, Maximum 15 points)

<table>
<thead>
<tr>
<th>Feature/Plantings</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of Significant Entry Feature/Plantings as part of Street Frontage</td>
<td>10</td>
</tr>
<tr>
<td>Landscape Management and Maintenance Plan tailored to the project is submitted and accepted</td>
<td>.5</td>
</tr>
</tbody>
</table>

**CHART B:** PARKING LOTS  
For Developments with a parking lot of six (6) or more spaces.

**MUST EARN 85 POINTS USING ANY COMBINATION OF ITEMS 1-7; MINIMUMS NOTED**

Dry landscapes with no irrigation water must earn 20 points from items 1-3 plus Chart F. minimum. Refer to Chart F. for dry landscaping requirement.

Tables 7.2.A, 7.2.B and 7.2.C requirements apply, with options available herein.

**1. Preservation of existing vegetation on site (Minimum 0 points, Maximum 20 points)**

<table>
<thead>
<tr>
<th>Feature/Plantings</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preservation of Healthy Existing Trees 3-6” Caliper, excluding noxious</td>
<td>2 per tree</td>
</tr>
<tr>
<td>Preservation of Healthy Existing Trees 7” Caliper &amp; larger, excluding noxious</td>
<td>5 per tree</td>
</tr>
</tbody>
</table>
**Preservation of Significant Vegetated Areas other than trees, excluding noxious**

**NOTE A:** Must demonstrate adequate protection of existing trees.

**NOTE B:** For this purpose, noxious trees include all those listed as noxious or discouraged by Mesa County or the State of Colorado, as found in The Handbook.

### Site Design (Minimum 0 points, Maximum 45 points)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>75% or more of the parking spaces located to the rear or side of the building</td>
<td>25</td>
</tr>
<tr>
<td>50% or more of the parking spaces located to the rear or side of the building</td>
<td>15</td>
</tr>
<tr>
<td>75% or more of the parking spaces located between building and street frontage</td>
<td>10</td>
</tr>
<tr>
<td>100% of the parking spaces located between building and street frontage</td>
<td>5</td>
</tr>
<tr>
<td>Provision of protected pedestrian route from public right-of-way to building</td>
<td>10</td>
</tr>
<tr>
<td>Provision for public transit (Bus Stop) where applicable</td>
<td>10</td>
</tr>
<tr>
<td>Use of permeable pavement for majority of parking lot</td>
<td>10</td>
</tr>
</tbody>
</table>

**NOTE C:** For corner lots, the higher street classification would be considered the frontage for the purpose of Site Design points.

**NOTE D:** Where parking is located to the rear or side with the building adjacent to the street, perimeter trees and foundation plantings are required along the street frontage, unless a zero setback applies.

### Size of Planting Islands (Minimum 0 points, Maximum 50 points)

#### Interior Landscape Islands (minimum 8.5' wide where required per Table 7.2.A)

<table>
<thead>
<tr>
<th>Width of Landscape Islands</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>10' wide landscape islands (all islands)</td>
<td>5</td>
</tr>
<tr>
<td>12' wide landscape islands (all islands)</td>
<td>10</td>
</tr>
<tr>
<td>Additional interior landscape islands meeting Table 7.2.A.</td>
<td>5 per island</td>
</tr>
</tbody>
</table>

Perimeter Planting Beds (per Table 7.2.B):  

<table>
<thead>
<tr>
<th>Additional width of planted bed</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2' width of planted bed (at least 1/4 of the perimeter)</td>
<td>15</td>
</tr>
<tr>
<td>4' width of planted bed (at least 1/2 of perimeter)</td>
<td>25</td>
</tr>
</tbody>
</table>

### Trees: Interior and Perimeter Planting Beds (Minimum 10 points, Maximum 20 points)

#### Trees: Interior Landscape Islands (where islands exist, choose A, B, or C)

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Large Tree: Min. 1 tree per island. No less than 1 tree per 250 s.f. for larger islands.</td>
<td>5</td>
</tr>
<tr>
<td>B. Medium Tree: Min. 2 trees per island. No less than 2 trees per 250 s.f. for larger islands.</td>
<td>5</td>
</tr>
<tr>
<td>C. For Xeric Designs: Min. 3 Small Trees per island. No less than 3 per 250 s.f. for larger islands.</td>
<td>5</td>
</tr>
</tbody>
</table>

#### Trees: Perimeter Planting Beds (MUST choose A, B, or C)

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Large Tree: 1 for every 40 linear feet</td>
<td>10</td>
</tr>
<tr>
<td>B. Medium Tree or Evergreen Tree: 1 for every 30 linear feet</td>
<td>10</td>
</tr>
<tr>
<td>C. For Xeric Designs: 1 Small Tree and/or Evergreen Tree for every 30 linear feet</td>
<td>10</td>
</tr>
</tbody>
</table>

#### Trees: Other

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional individual tree anywhere in parking lot</td>
<td>1 per tree</td>
</tr>
<tr>
<td>Use of large-caliper trees (applies if ALL required trees at least 1&quot; above minimum)</td>
<td>10</td>
</tr>
</tbody>
</table>
**NOTE E:** Clustering or grouping of trees is allowed. Combinations of Medium, Large, and Evergreen trees to achieve points is allowed as long as the total number of trees meets the intent of this section.

5. **Shrubs (Minimum 10 points, Maximum 20 points)**

Must choose either A, B, or C

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. #2 container size, at density to attain 50% bed coverage after 3 years</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>B. #5 container size, at density to attain 40% bed coverage after 3 years</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>C. For Xeric Designs: #2 container size or larger to attain 30% coverage after 3 years</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Additional Shrubs: for each 2% additional coverage</td>
<td>1 for each 2%</td>
<td></td>
</tr>
<tr>
<td>Foundation Plantings to attain 50% coverage in bed after 3 years</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE F:** Perennials and groundcovers (other than turf) may count towards shrub calculation but cannot exceed 20% of total shrub area and must be installed no smaller than #1 in size.

**NOTE G:** For use of turf, see #6 below: Water-Saving Plant Selection.

**NOTE H:** Xeric design is encouraged; cluster plant materials for increased irrigation efficiency. For landscapes that are completely dry, refer to Chart E, per Section 7.2.1.D.

6. **Water-Saving Plant Selection (Minimum 15 points, Maximum 70 points)**

**Xeric Beds:** use of “Low” or “Very Low” water plants in an entire bed

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>40% of total area of planted beds in a design</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>60% of total area of planted beds in a design</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>80% of total area of planted beds in a design</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>100% of total area of planted beds in a design</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Use of ‘Water Sense’ Certified Smart Irrigation Controller</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

**Use of Turf in Landscape Strips ten (10’) feet or greater in any dimension (% of total landscape area)**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of low-water-consumption grasses for all specified turf areas</td>
<td>5</td>
</tr>
<tr>
<td>No turf</td>
<td>15</td>
</tr>
<tr>
<td>Less than 20% turf (any type)</td>
<td>5</td>
</tr>
<tr>
<td>20-39% high-water-consumption grasses</td>
<td>0</td>
</tr>
<tr>
<td>40% or more high-water-consumption grasses (not applicable to parks or detention areas)</td>
<td>0</td>
</tr>
</tbody>
</table>

**NOTE I:** Xeric beds include plant materials in a low-water environment. For landscapes that are completely dry, refer to Chart E, per Section 7.2.1.D.

**NOTE J:** Turf is not allowed in any bed less than 10’ in any dimension.

7. **Maintenance (Minimum 0 points, Maximum 5 points)**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscape Management and Maintenance Plan tailored to the project is submitted and accepted</td>
<td>.5</td>
</tr>
</tbody>
</table>

**CHART C:** OPEN SPACE

For Developments with Public/Common Open Space, including outlots per Section 7.5.2

MUST EARN THE MINIMUM POINTS FROM EACH CATEGORY, ITEMS 1-2
Dry landscapes with no irrigation water must earn 20 points from item 1 plus Chart F: 15 points. Refer to Chart F for dry landscaping requirement. This chart does not include detention facilities (see Chart D). This chart does not overlap with Street Frontage (see Chart A).

Tables 7.2.B and 7.2.C requirements apply with options available herein.

1. Public/Common Open Space Amenities (Minimum 20 points, Maximum N/A)

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of Significant Entry Feature/Plantings</td>
<td>5</td>
</tr>
<tr>
<td>Use of Building Foundation Plantings (other than residential uses)</td>
<td>5</td>
</tr>
<tr>
<td>Installation of two Commercial Grade Benches, or equal value park amenity</td>
<td>5</td>
</tr>
<tr>
<td>Installation of one Commercial-Grade Picnic Table</td>
<td>5</td>
</tr>
<tr>
<td>Installation of one Pavilion or one Children’s Play Area (incl. playground equipment)</td>
<td>20</td>
</tr>
<tr>
<td>Installation of at least 1,000 linear feet of Trail or Detached Sidewalk</td>
<td>20</td>
</tr>
<tr>
<td>1-2: Retaining wall/raised planter of significant size</td>
<td>15</td>
</tr>
<tr>
<td>Parkway-style entry design with center island as an outlet</td>
<td>10</td>
</tr>
<tr>
<td>Use of planted berms</td>
<td>5</td>
</tr>
</tbody>
</table>

---

**NOTE A:** Other amenity features may be used as alternate designs, subject to Planning Director approval.

2. Public/Common Open Space Planting (Minimum 15 points, Maximum N/A)

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preservation of Existing Significant Vegetated Area (trees, shrubs, grasses)</td>
<td>5</td>
</tr>
<tr>
<td>Trees planted at the rate of 1 Large, 2 Medium, or 3 Small trees per 3,000 s.f.</td>
<td>10</td>
</tr>
<tr>
<td>Additional individual trees</td>
<td>1 per tree</td>
</tr>
<tr>
<td>Shrub: #5 container size, at density to attain 30% bed coverage after 3 years</td>
<td>5</td>
</tr>
<tr>
<td>Shrub: #5 container size, at density to attain 40% bed coverage after 3 years</td>
<td>10</td>
</tr>
<tr>
<td>Use of more than 40% coverage with high-water-consumption grasses (not applicable to park areas)</td>
<td>10</td>
</tr>
</tbody>
</table>

---

**NOTE B:** Dry landscapes are exempt from this planting section. Dry landscapes with no irrigation water must earn 20 points from item 1 above Public/Common Open Space Amenities, plus 15 points from Chart F.

---

**NOTE C:** “Existing Significant Vegetated Area” includes non-noxious trees, shrubs, groundcovers and other native plant materials in an area of significant size relative to the project site.

**CHART D:** DETENTION FACILITIES
For Developments with required detention

MUST EARN 30 POINTS USING ANY COMBINATION OF ITEMS 1-4

1. Use of Rock/Cobblestone in Detention Area (not including crushed/decomposed granite)

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 40% of total area of detention basin and bank</td>
<td>15</td>
</tr>
<tr>
<td>40-60% of total area of detention basin and bank</td>
<td>0</td>
</tr>
<tr>
<td>More than 60% of the total area of detention basin and bank</td>
<td>10</td>
</tr>
</tbody>
</table>

2. Planting Options in Detention Area

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planted bed: 10% of total area of detention basin and bank</td>
<td>5</td>
</tr>
<tr>
<td>Planted bed: 11-20% of total area of detention basin and bank</td>
<td>10</td>
</tr>
</tbody>
</table>
3. Detention Bank Slopes  (Minimum slope: three percent (3%) from inlet to outlet to ensure positive drainage)

- Any slopes steeper than thirty-three percent (33% or 3:1) without a wall 0
- Use of retaining wall to enhance or allow flatter slopes within the banks and basin 10
- No slopes steeper than twenty-five percent (25% or 4:1) other than a wall 5
- At least one significant slope ten percent (10% or 10:1) or flatter, for use as passive recreational park 10
- Designed with large area with slopes between three and five percent (3-5% or 20:1) for recreational/sports field use 15

4. Creative Detention Solutions

- Dispersed detention by use of multiple smaller ponds within landscape 10
- Bioretention facilities such as vegetated drainage swales or stormwater planters 10
- Parking islands and/or landscape beds designed to capture stormwater 10
- Detention capacity under parking lots or underground (if 100% underground, this chart does not apply to the project) 10

**NOTE A**: Proposed detention solutions must meet all federal, state, and local drainage and stormwater requirements to be considered for points.

**CHART E: BUFFERS**
For Developments with Buffers and Screening, per Table 7.2.B and other required screening

**MUST EARN 20 POINTS USING ANY COMBINATION OF ITEMS 1-2**
Dry landscapes with no irrigation water must earn 30 points by using any combination from Item 1 below plus any items from Chart F. Refer to Chart F for dry landscaping requirement.

### 1. Structural Screens: Buffer Site Design Options (Minimum 10 points, Maximum N/A)

**REQUIRED PER TABLE 7.2.B.** All qualify as structural screens per Table 7.2.B. A fence or wall can only be counted on one chart.

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.0 - Privacy Fence</td>
<td>0</td>
</tr>
<tr>
<td>Open fencing, used with continuous planting (chain-link or wrought iron allowed)</td>
<td>0</td>
</tr>
<tr>
<td>5.1 - Wall, finished facade required on the outside</td>
<td>10</td>
</tr>
<tr>
<td>Upgrade of Wall or Fence: undulating or with bump-outs; may encroach into minimum landscape strip to allow design flexibility, but no planting bed dimension less than 6'</td>
<td>10</td>
</tr>
<tr>
<td>Upgrade of Wall or Fence: Decorative Pilasters or Features added to the entire length, 30' maximum spacing</td>
<td>10</td>
</tr>
<tr>
<td>Site design that utilizes placement of architectural features to minimize impact, including building detailing, features and placement providing privacy to adjacent property</td>
<td>5</td>
</tr>
<tr>
<td>Berm used with planting, fence, or wall with minimum combined design height of 6'</td>
<td>10</td>
</tr>
<tr>
<td>For each 2' decrease in landscaped buffer width (no buffer less than 6')</td>
<td>-5</td>
</tr>
<tr>
<td>For each 2' increase in landscaped buffer width</td>
<td>5</td>
</tr>
</tbody>
</table>
2. **Buffer Planting Options: (Minimum 5 points)**

**REQUIRED:**
- 1 Large or 2 Medium/Evergreen Trees for every forty linear feet (40')
- Preservation of Existing Significant Vegetated Area (trees, shrubs, grasses)
  - 5
- For each additional Evergreen Tree
  - 1 per tree
- Use of large-caliper trees (applies if ALL required trees at least 1" above minimum)
  - 5
- Shrubs: #2 container size, at density to attain 30% bed coverage after 3 years
  - 5
- Shrubs: #2 container size, at density to attain 40% bed coverage after 3 years
  - 10
- Use of "Low" or "Very Low" water plants in an entire bed
  - 5
- Use of low-water-consumption grasses for all specified turf areas
  - 5
- Use of more than 40% coverage with high-water-consumption grasses (not applicable to park areas)
  - 10

**NOTE A:** Xeric beds include plant materials in a low-water environment. Dry landscapes with no irrigation water must earn 30 points by using any combination from Item 1 above Structural Screens, Buffer Site Design Options plus any items from Chart F. Refer to Chart F for dry landscaping requirement.

**NOTE B:** “Existing Significant Vegetated Area” includes non-noxious trees, shrubs, groundcovers and other native plant materials in an area of significant size relative to the project site.

---

**CHART F: DRY LANDSCAPES**

For Developments that are proven to be completely dry with no water for irrigation and/or properties served by a water district with domestic water only

**MUST EARN 25 POINTS USING ANY COMBINATION** (unless otherwise noted when used with another chart)

Tables 7.2.A, 7.2.B and 7.2.C requirements apply, with options available herein.

1. **Dry Landscape Options (Minimum 25 points, Maximum N/A)**

**REQUIRED:** Groundcover of gravel, decomposed granite, or other mulch.
- Boulders (minimum size 24" x 30") - 1 point each with maximum of 10 points
- Dry creek bed or other significant landscape feature
  - 5
- Western collectibles-small (ex: wagon wheel, antlers): 1 point each with maximum 5 points
  - 1
- Large western antiques (ex: mining cart, wagon): 5 pts each with maximum 10 points
  - 5
- Shade structure or other structure (ex: small bridge, pavilion)
  - 10
- Fine art sculpture (NOT including small garden ornaments)
  - 5
- 3-6 Masonry wall with decorative features (may only be counted on one chart)
  - 5
- Evergreen Tree, 1 point each with maximum of 10 points
  - 1
- Use of low-water-consumption grasses for at least 5% of bed coverage
  - 5
- Use of permeable, realistic, artificial turf on at least 5% of bed coverage
  - 5
- Preservation of existing significant vegetated areas and/or natural rockscapes
  - 5
- Reclamation of native species
  - 5

**NOTE A:** Options that include plant materials also must include the provision of water for at least 2 years, by hauling or other method.

**NOTE B:** “Significant vegetated area” includes non-noxious trees, shrubs, groundcovers and other native plant materials in an area of significant size relative to the project site.
C. Landscape Material

Required plant materials shall comply with Table 7.2.C. For more information and plant lists, see The Mesa County Landscape Handbook and consult local nurseries.

1. Exception

   Significant landscape features, areas of healthy native vegetation, natural environments or habitats to be preserved, shall not be required to meet the plant coverage or plant type requirements.

2. Hardiness

   All required plant material shall be cold-hardy to Mesa County. See The Mesa County Landscape Handbook for hardiness zones. All plant materials shall meet the American Standards for Nursery Stock, ANSI Z60.1–2004, or as it may be amended.

3. Irrigation

   Plant selection shall emphasize drought-tolerant plant species and shall limit the use of high-water-use plant species. All required landscapes, with the exception of dry landscapes where no water is available, shall include a designed irrigation system with a timer. See The Mesa County Landscape Handbook for irrigation guidelines.

4. Prohibited Plant Materials

   Plants not allowed in landscape areas are those listed in The Mesa County Landscape Handbook and any plant that is on the Colorado Division of Plant Industry–State Noxious Weed List. Such plants are required to be removed with any new development.

Table 7.2.C. Plant Material Requirements and Standards

<table>
<thead>
<tr>
<th>PLANT</th>
<th>MINIMUM SIZE WHEN PLANTED</th>
<th>PLANT COVERAGE</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>LARGE TREES:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deciduous trees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>attaining a canopy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>spread of 35' or</td>
<td>2&quot; Caliper</td>
<td>Not applicable: no coverage is counted</td>
<td>Large trees are NOT permitted to be planted:</td>
</tr>
<tr>
<td>greater</td>
<td></td>
<td></td>
<td>(1) within 30’ of overhead power lines</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2) within the public right-of-way</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Large trees may be planted in tree grates ONLY if:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(1) surrounding paving is permeable</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2) tree grate is designed for expansion with growth</td>
</tr>
<tr>
<td>MEDIUM TREES:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deciduous tree</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>attaining a canopy</td>
<td>1.5&quot; Caliper, or 1&quot; if multi-trunk</td>
<td>Not applicable: no coverage is counted</td>
<td>Any planter containing a tree shall have a minimum dimension of 6 feet and shall have at least 75 square feet of permeable surface. If planted in tree grates, the minimum permeable area shall be 16 square feet. Trees may be spaced irregularly in groupings or uniformly spaced, as consistent with the larger overall planting patterns of the area.</td>
</tr>
<tr>
<td>spread of 18’-35’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SMALL TREES:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deciduous tree</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>attaining a canopy</td>
<td>1.5&quot; Caliper, or 1&quot; if multi-trunk</td>
<td>Not applicable: no coverage is counted</td>
<td>To prevent uniform insect and disease susceptibility, diversity of tree species is required as follows: Number of Trees Maximum of any one species</td>
</tr>
<tr>
<td>spread of 10’-18’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EVERGREEN TREES:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-deciduous trees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>generally full to ground, attaining a spread of greater than 10’</td>
<td>6’ Height</td>
<td>75% of Mature spread of tree, if full to ground</td>
<td>Tree trunks must be protected from vehicles by using curbs or parking bumpers placed no less than 24” from the tree trunk, or its expected location at maximum growth.</td>
</tr>
</tbody>
</table>

469
Table 7.2.C - Plant Material Requirements and Standards

<table>
<thead>
<tr>
<th>PLANT</th>
<th>MINIMUM SIZE WHEN PLANTED</th>
<th>PLANT COVERAGE</th>
<th>NOTES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SHRUBS:</strong></td>
<td></td>
<td></td>
<td></td>
<td>In areas where tree planting is impractical, shrubs, perennials, and groundcovers may be exchanged for trees at the following rate: 1 tree = 10 shrubs or 20 perennials/groundcovers.</td>
</tr>
<tr>
<td>All types of woody shrubs attaining a spread of less than 10’</td>
<td>#2 or #5 depending on Point System</td>
<td>75% of Mature spread</td>
<td>Must be planted in landscape beds no less than 3’ in width. All landscape beds shall be contained with some form of edging. Curbing, landscape timbers, paving or other non-permeable surface shall not be included when calculating landscape area. Use of permeable landscape fabric is encouraged. Mulching of shrub beds is required, using any type of acceptable landscape mulch material.</td>
<td></td>
</tr>
<tr>
<td><strong>GROUNDCOVERS &amp; PERENNIALS:</strong></td>
<td>As typically sold locally</td>
<td>75% of Mature spread</td>
<td>May be included within any shrub landscape bed, but can only comprise 20% of total coverage.</td>
<td></td>
</tr>
<tr>
<td><strong>TURF GRASS:</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>The use of turf grass is discouraged. Turf is not allowed in any bed less than ten feet (10’) in any dimension. Where turf is used as a groundcover, warm-season grasses such as buffalo grass, hybrid Bermudas, and native seed mixes should be considered.</td>
<td></td>
</tr>
</tbody>
</table>

D. Xeric and Dry Landscape Standards

1. Xeric Landscapes
   - For all landscapes, plant selection shall emphasize drought-tolerant plant species and shall limit the use of high-water-use plant species. Irrigation systems shall be designed to accommodate low water usage. Non-domestic irrigation water shall be required to maintain landscape areas where such irrigation water is available, with the exception of low volume drip systems. Irrigation systems should be installed by experienced professionals. XeriscapeTM is a set of design principles that should be utilized. Suggested plant species and Xeriscape TM design guidelines are found in The Mesa County Landscape Handbook.

2. Properties with no ability to obtain irrigation water, but that have domestic water provided by a water district shall utilize Flexible Point System Chart F: Dry Landscapes, in conjunction with other charts, and shall comply with the conservation design standards of the governing water district. Subdivision covenants shall include restrictions limiting water-intensive lawns.

3. Dry landscapes where no water is available
   - In locations where the applicant can sufficiently demonstrate to the Planning Director that no water is available for landscaping, a dry landscape primarily using non-living materials and features will be required. Preservation of existing vegetation is strongly encouraged. Use of some drought-tolerant plants is expected and provision shall be made for watering up to two (2) years, until plants are established. Proposals shall be based upon the specific microclimate of each development. Dry landscapes are subject to the Flexible Point System Chart F: Dry Landscapes, and are exempt only from the planting portions of other Charts as noted. Suggested plant species and design guidelines are found in The Mesa County Landscape Handbook.

1. Installation, Maintenance, and Security
a. Installation

All landscaping and irrigation shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All planting beds other than turf/grasses shall be mulched to minimum depth of 3 inches (3”) and the mulch renewed yearly or as needed. Mulch may be of organic or inorganic material. Weed barrier is required; plastic sheeting is not permitted as weed barrier.

b. Maintenance

Trees and vegetation, irrigation systems, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successor in interest shall be responsible or jointly responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free of disease, pests, weeds, and litter and all landscaping elements such as fences and walls shall be repaired and replaced as necessary to maintain a structurally sound condition. New plantings shall be protected from damage by vehicles or weather.

c. Any plant material required by this chapter failing to show healthy growth due to damage, pest, disease, or neglect shall be promptly replaced with a similar plant.

d. Property owners or Property Owners Associations are responsible for maintenance in the public right-of-way between the back of curb and property line(s) to include snow removal from sidewalks and maintenance of landscaping, including control of weeds.

e. Property Owners Associations’ covenants will be required to include provision for maintenance of landscaped common areas and rights-of-way within the development.

f. Security

The applicant shall be required to post a cash bond, letter of credit, or licensed landscape contractor’s guarantee in an amount sufficient to cover the replacement cost of vegetation. This bond or other security shall be released after inspection, but no sooner than one (1) year from the date of planting.

J. Reclamation and Weed Management

Reclamation and re-vegetation plans are required with all temporary or Conditional Use Permits, and other development projects as determined by the Planning Director. Weed management plans are required with subdivision and Major Site Plan development projects that propose significant disturbance to a site. In some cases, these plans will be reviewed by the 5-2-1 Drainage Authority. More information regarding these plans can be found in The Mesa County Landscape Handbook.

1. The purpose of a reclamation and re-vegetation plan is to demonstrate how the site will be restored or prepared for future use once a temporary or conditional use ceases to exist. In the case when a Construction Stormwater Permit is required, these plans will be subject to review by the 5-2-1 Drainage Authority. Re-vegetation plans are subject to review by the Tri River Area Extension – Mesa County, Division of Pest Management, and shall demonstrate the following:

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 feet (3’) of cover.

d. Sewage disposal systems will be removed and disposed of in compliance with Mesa County requirements.

e. The site, including access roads, will be ripped, graded, and re-contoured to blend into the surrounding topography. Topsoil will be replaced in areas where it was removed. The site will be re-vegetated 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. Access to reclaimed roads will be restricted.

e. Reclamation and re-vegetation requirements may be modified if an alternative agreement exists for future reuse of the site, as approved by the Planning Director.

f. The purpose of a weed management plan is to control noxious weeds as defined by Mesa County and the State of Colorado. Weed Management plans are subject to review by the Tri River Area Extension – Mesa County, Division of Pest Management.

1. Prior to grading or earthwork, the site shall be scouted and noxious weeds identified and mapped.

2. Noxious weeds shall not be allowed to become established, go to seed, or spread to other properties.

3. When a noxious weed is suspected or has been identified to exist on the property, the landowner shall contact the Tri River Area Extension – Mesa County, Division of Pest Management for information on how to effectively treat the noxious weeds.

Section 8.03 | Section 8.04 | LARGE RETAIL PROJECTS

A. Applicability

The standards of this Section apply to any retail sales and service uses with a total gross floor area of:

1. Fifty thousand (50,000) square feet or more, if the proposed use is adjacent to any Urban Residential Zoning District; and

2. One hundred thousand (100,000) square feet or more, if the proposed use is adjacent to only Nonresidential Zoning Districts.

3. When the provisions of this Section conflict with other standards of this Land Development Code (LDC), the provisions of this Section shall control.

B. Community Spaces Site Design

Developments shall provide outdoor spaces and amenities to link structures with the remainder of the community. Bus stops, and drop-off/pick-up points shall be integrated with the traffic patterns on the site. Special design features shall enhance the building’s function as a center of community activity.

1. Each development shall provide at least two (2) of the following design features constructed of materials that match the principal structure and linked to the principal building by pedestrian connections: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other approved feature.

2. Each development shall provide an off-street bus stop for customers and employees located on a bus route.

C. Setbacks

The minimum street setback for part of a principal or accessory building shall be thirty-five (35) feet.

D. Landscaping

Large retail projects shall be subject to the standards of Section 7.2 including the Flexible Landscape Point System, except as modified by this subsection.

1. Perimeter Buffers

A landscaped buffer with a minimum width of thirty (30) feet shall be provided along all street lot lines with breaks for approved access points. A minimum fifteen (15) foot wide landscape buffer shall be planted along all other property lines and along all internal roadways, except where adjacent to residential or institutional uses; then the buffer shall be twenty (20) feet wide. No parking or vehicular circulation is permitted within these required buffer or landscape areas.

2. Parking Lot Landscaping

Commented [WU30]: Removed by the Code Focus Group as landscaping is already required under the landscape section of the Code.
The Flexible Landscape Point System and the standards of Section 7.2 shall apply. In addition, a minimum of fifteen percent (15%) of the parking area must be landscaped. Landscaped areas shall be protected by raised curbs and shall be a minimum of two hundred (200) square feet in size, and parking lot islands shall be a minimum of twelve feet (12’) in width.

E. Pedestrian Circulation

1. Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and should feature adjacencies to landscaped areas that include trees, shrubs, benches, flower beds, groundcover, or other such materials for no less than fifty percent (50%) of its length.

2. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located an average of six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows or entryways are part of the facade.

3. Pedestrian walkways within thirty (30) feet of at least half of the customer entrances shall have weather protection features such as awnings or arcades.

4. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

F. Parking Lot Orientation

Parking areas shall provide safe, convenient, and efficient access. They shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than seventy-five (75%) percent of the off-street parking area for the entire property shall be located between the front facade of the principal building and the primary abutting street.

G. Building Design

The following standards shall apply to all building facades and exterior walls that are visible from adjoining public streets or properties.

1. Facades greater than one hundred fifty (150) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade, and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred fifty (150) horizontal feet.

2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.

3. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets. The average height of such parapets shall not exceed one third (1/3) of the height of the supporting wall, and such parapets shall not be of a constant height for a distance greater than one hundred fifty (150) feet.

4. Overhanging eaves, extending no less than three (3) feet past the supporting walls, for no less than thirty (30) percent of the building perimeter are allowed.

5. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run are required.

6. Three (3) or more roof slope planes are required.
7. Predominant exterior buildings materials shall be high quality materials. These include, without limitation:
   a. Brick;
   b. Wood;
   c. Sandstone;
   d. Other native stone; and
   e. Textured, concrete masonry units.

8. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.

9. Building trim and accent areas may feature brighter colors, including primary colors.

10. Predominant exterior building materials shall not include the following:
    a. Smooth-faced concrete block;
    b. Smooth-faced tilt-up concrete panels; or
    c. Pre-fabricated steel panels.

11. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
    a. Canopies or porticos;
    b. Overhangs;
    c. Graceful/projections;
    d. Arches;
    e. Raised corniced parapets over the door;
    f. Peaked roof forms;
    g. Arches;
    h. Outdoor patios;
    i. Display windows;
    j. Architectural details such as tile work and moldings which are integrated into the building structure and design; and
    k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

12. Building height shall not exceed thirty-five (35) feet for a one-story building.

13. Mechanical appurtenances shall be located within the structure, to the greatest degree possible. External appurtenances shall be screened and finished to match the colors of adjacent building materials.

---

Section 8.04 | SECTION 8.05 | OUTDOOR STORAGE, TRASH COLLECTION AND LOADING AREAS

A. Standards

The following standards of this Section shall apply in all Nonresidential and Multi-family Residential Zoning Districts:

1. Areas for truck parking and loading shall be screened by a combination of structures and evergreen landscaping, to minimize visibility from adjacent streets and neighboring urban residentially zoned properties.

2. Areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located in the rear of the lot. If that is not feasible, then the side yard may be used, but in no case shall...
such areas be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian walkway.

3. Outdoor storage, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping plan. Views of these areas shall be screened from visibility from all property lines and separated from pedestrian areas.

a. The method of screening shall be subject to the requirements of Section 7.2.1 and the Flexible Point System.

4. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

5. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) db, as measured at the lot line of any adjoining property.

6. All trash collection and loading areas shall be located and designed to ensure adequate on-site maneuvering area for delivery and trash collection vehicles.

7. All developments, including multi-family housing, shall provide a designated trash collection area meeting the requirements of this section.

**Section 8.05 | SECTION 8.06 | PUBLIC LAND AND OPEN SPACE/PARKS STANDARDS DEDICATION REQUIREMENTS**

A. Public Land Dedications

Dedication of land for public Open Space/Park purposes shall be required of any development if such development includes within it land that is necessary for implementing an adopted park, bikeway, trails, or open space plan, provided that every land dedication shall be related both in nature and extent to the impact of the proposed development. Wherever feasible, required Open Space/Park areas shall be located adjacent to public lands and connected to trails and other open space areas. These shall be designed as outlots on the plat, with a dedication statement for the proposed use.

B. Common Open Space/Parks within the Urban Zoning Districts

C. Common Open Space Requirements

1. All Manufactured Home Parks, and all multi-family residential developments, mixed use, and all Planned Unit Developments that include any multi-family residential development, shall provide common open space based on the project’s net site area.

2. Open Space Requirement

3. The open space requirement shall be a minimum of twenty (20) percent (20%) of the net site area of the project. Net site area shall be defined as the gross land area of the site, less any lots used for nonresidential development and the land area devoted to street rights-of-way. These common open spaces shall be designated as outlots on a plat with a dedication statement for the proposed use. Common Open Space shall be subject to the requirements of Section 7.2 and the Flexible Point System. If extenuating circumstances exist that prohibit the ability of the development to achieve a minimum of twenty (20) percent open space, the Director may approve a reduction in the open space requirement.

4. Areas to be Counted as Common Open Space

5. Whenever possible, the land set aside for common open space shall include significant natural features or recreation resources, such as water courses, rock outcroppings, significant geological features, stands of trees, hills and flood plains. Driveways, perimeter sidewalks, garages, carports and parking areas may not be counted as common open space. Common open space shall be no less than fifteen (15) feet (15') in any one dimension and no less than five hundred (500) square feet per segment.
6. **Active Recreational Areas**

7. **Maintenance**

8. **Open space required by this section shall be dedicated to and maintained either by a Property Owner’s Association, or other legal entity approved by the County, and shall be maintained by such association or entity unless it is dedicated to and accepted by the County. If dedicated to a Property Owners’ Association, there shall be covenants running with the land restricting the use of common open space to such, and prohibiting subdivision or separation of ownership of the common open space, except as noted in this section. Such restriction shall be noted on the recorded Site Plan and/or Final Plat.**

---

**Commented [GM35]:** Depending on the type of multi-family development, active recreational areas may not be appropriate.

---

**Section 8.06 | SECTION 8.07 | GENERAL SITE PLANNING STANDARDS**

New construction shall comply with the following standards, unless compliance with a particular standard would (1) prevent the construction of any permanent structure for a primary use on the land, or (2) require the construction to violate another requirement of this Land Development Code. Where more than one buildable site exists on a parcel and all buildable sites would violate at least one of the following standards, the construction shall be located so as to comply with as many standards as possible. These standards are considered reasonable for regulatory purposes and do not create liability on the part of, or a cause of action against, the Board of County Commissioners.

**A. Hazard Areas**

Land subject to hazardous conditions such as wildfire, landslides, gamma radiation, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, steep slopes, soil creep, seismicity, expansive, hydrocompactive and erodible soils, and polluted or nonpotable water supply, shall be identified in all applications, and development shall not be permitted in these areas unless the application provides for the avoidance of the particular hazards. If avoidance is impossible or would require the construction to violate other development standards, then such hazards shall be minimized or mitigated. Land subject to severe wind and water erosion shall be identified on all plans and shall not be subdivided unless the problems are mitigated by density limitation or some other practical method.

**B. Slope Conditions**

1. Only after a subsurface soils investigation conducted by a licensed professional civil engineer is reviewed by the Colorado Geological Survey and the licensed professional civil engineer has adequately addressed the recommendations of the Colorado Geological Survey to the satisfaction of the Mesa County Building Department, may new structures be built on any parcel of land within a building envelope, (i.e., within twenty-five (25) feet of any portion of the proposed structure) that contains an average slope of thirty (30) percent (30%), or more, as measured from the points with the highest and lowest elevation.

2. Cuts, fills, grading, excavation, vegetation removal, and building construction shall be confined to the footprint of the proposed building plus a working area of thirty (30) feet around each such footprint, plus any site disturbance necessary for installation and maintenance of utilities, access ways, trails, irrigation ditches, and fences, and for landscaping, agriculture, and similar activities. Any site disturbances that remove existing vegetation from a property and leave large areas of soil exposed for more than sixty (60) days shall not be permitted unless an erosion control and revegetation plan has been previously approved by the Planning Director and Public Works Department.

**C. Wildfire Hazards**

1. Defensible Space
All new development located on lands rated as medium or higher wildfire hazard (as shown on the Mesa County Wildfire Hazards Map), and areas immediately surrounding new residential construction which is located within or on the edge of natural areas containing predominantly woods or brush, shall be developed so as to minimize the potential for the structures to be ignited by fire, or for a structure fire to ignite surrounding structures or vegetation. Such areas shall be developed and managed pursuant to the following two (2) part zone system set forth below.

a. Zone 1

On parcels of land that contain an average slope of less than thirty percent (30%), Zone 1 shall consist of the thirty (30) foot area immediately surrounding the primary structure, not to extend beyond the property line. On parcels of land that contain an average slope of thirty to fifty-five percent (30% to 55%), Zone 1 shall consist of the area extending forty-five (45) feet to the sides and up slope of the primary structure and sixty (60) feet down slope of the primary structure, not to extend beyond the property line. On parcels of land that contain an average slope of more than fifty-five percent (55%), Zone 1 shall consist of the area extending sixty (60) feet to the sides and up slope of the primary structure and one hundred twenty (120) feet down slope of the primary structure, not to extend beyond the property line.

For purposes of this provision, average slope shall be measured from the points with highest and lowest elevation within twenty-five (25) feet of any portion of the footprint of the proposed primary structure. No dead trees or other dead vegetation may remain in Zone 1 at the time of initial construction. Zone 1 shall be further subdivided into two (2) segments:

1. Segment A shall consist of the five (5) feet immediately surrounding all sides of the structure. All vegetation shall be removed from this area at the time of initial sale. No new vegetation shall be planted in Segment A if the structure is sided with combustible materials such as wood or logs. However, if noncombustible siding is used, low-growing shrubs may remain or be installed. In no case may shrubs be planted so as to be contiguous with grass areas. No above-ground propane tanks, firewood or other combustible materials may be installed or stored in Segment A.

2. Segment B shall consist of the area immediately beyond Segment A and continuing to the outer boundary of Zone 1. At the time of initial construction vegetation shall be thinned as follows to break up the horizontal and vertical continuity of fuels:
   a. Spacing between clumps of brush or trees, as measured between the crown of each clump, shall be no closer than two (2) times the height of the taller clump. The maximum width of any clump of brush or trees shall be no greater than two (2) times the height of the clump. Thinned material shall be removed from the site; and
      i. All branches of trees or brush shall be pruned to a minimum height of ten (10) feet above the ground or one-half the total height of the tree or bush, whichever is less. Pruned material shall be removed from the site.
      ii. Propane tanks and firewood may be located in Segment B, but in no case shall such tanks and/or firewood be located within twenty (20) feet of the primary structure. Propane tanks shall be located on gravel pads and shall not be located immediately adjacent to grass-covered areas.
2. Zone 2

Zone 2 shall consist of the area immediately beyond Zone 1 and extending to seventy (70) feet from
the primary structure, not to extend beyond the property line. Trees shall be initially thinned in this area
to maintain a minimum of five (5) feet between tree crowns. All dead trees must be removed from
Zone 2 initial construction, and subsequent dead trees shall be removed annually, except that two (2)
dead trees per acre may remain to serve as wildlife habitat.

3. Maintenance

Persons owning, leasing, or otherwise maintaining new residential structures covered by provisions of
this Land Development Code (LDC) are responsible for proper maintenance of the defensible space.
Maintenance shall include modifying or removing flammable vegetation, keeping leaves, needles,
and removing other dead vegetative material annually from roofs of structures.

D. Wildlife Habitat Protection

1. At the discretion of the Director, any project on any parcel that falls within the current Wildlife
   Composite Map for Mesa County, or on an environmental map adopted as part of a specific Master
   Plan by the Mesa County Planning Commission, shall require consultation with the may require review
   by the Colorado Division of Wildlife to substantiate the basis for the potential impact and to
   address, without specific measures to avoid, minimize or mitigate negative impacts to
   wildlife and its habitat.

2. New structures shall not be located within one hundred (100) feet of the floodways of the
   Colorado or Gunnison Rivers or as recommended by the Colorado Division of Wildlife. Roads, trails,
   recreation access sites, bridges, dikes, irrigation, and water diversion facilities, erosion and flood control devices, underground utilities, and similarly necessary structures, may be located within this setback, if necessary. The installation of these structures will comply with all other applicable federal, state, and local regulations.

E. Ridge Lines

The purpose of these ridge line development standards is to preserve the character of identified ridge lines,
and to minimize soil and slope instability and erosion.

1. Applicability

These provisions apply to lots platted after the adoption date of this Code May 2000 and to structures
built after the adoption date of this Code. These provisions shall not apply to parcels of land and
structures existing prior to the adoption date of this Code May 2000.

2. Grand Junction Comprehensive Planning Area

Within the Grand Junction Comprehensive Planning Area, new buildings and walls located within the
mapped ridge line areas (within one (1) mile of the centerline of US Interstate 70, US Highway 6 and
US Highway 50, Colorado State Highway 141 and Colorado State Highway 340, Monument Road,
South Camp Road, and South Broadway) shall be setback a minimum of fifty (50) feet from the ridge line.

a. Setbacks shall be measured to the building envelope as established at the time of platting or site plan review.

Commented [WU37]: Requested by the Code Focus Group.

Commented [GM38]: Could not find an adopted Wildlife Composite Map.
b. Ridge lines shall be determined on a site specific basis and shall be that point at which the line of sight intersects the slope profile.

c. Line of sight shall be measured from the nearest point on the centerline of the road most parallel with the ridge line.

d. This setback shall not apply if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped road corridors, or that mitigation can be provided, such as vegetation, building height, color, or orientation, that sufficiently minimizes the view of the structure from the road corridor. In no case shall a structure be set back less than thirty (30) feet from the ridge line.

3. Rural Planning Area

Within the Rural Planning Area, new buildings that are located more than one-quarter (1/4) mile and less than one (1) mile from the centerline of US Interstate 70, US Highway 6 or US Highway 50, or Colorado State Highways 65, 139, 141, 330, or 340, and so that any portion of their roof line (excluding chimneys and antennas) is visible against the skyline when viewed from the centerlines of the listed highways, shall conform to the standards set forth below.

a. To the maximum extent feasible, predominant exterior wall colors and roof surfacing materials shall repeat the colors found most commonly in the land and vegetation around the building, including browns, tans, maroons, dark greens, whites, and grays. Bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as predominant colors on any wall or roof surface visible from the centerlines of the listed highways.

b. When viewed from the closest centerline point on a listed highway, the shape of the roofline shall taper down on each end in order to reduce the apparent discontinuity between the end of roofline and the ridge line of the surrounding terrain against the sky.

c. To the maximum extent feasible, native vegetation and trees shall be planted within forty (40) feet of the building and visible from the closest centerline point on a listed highway.

F. Grading

1. No site grading for development shall occur before all appropriate approvals are granted by the Director.

2. New development shall not alter natural watercourses/drainages except in compliance with the Mesa County Floodplain Regulations (Section 7.13 X.X) and the Mesa County Storm Water Management Manual.

3. Driveways and access roads shall follow the natural contours of the site, so as to minimize the need for significant grading, and shall be located behind existing land forms and vegetation so as to minimize visibility from nearby roads.

4. When grading for new construction, water shall not be added to the top of a slope, weight shall not be added to the top of slopes over ten (10) percent slope, and existing slope grades shall not be steepened over ten (10) percent slope.

G. Nighttime Light Pollution

All light sources that are located outside of a building shall conform to the standards set forth below; however, all agricultural uses are exempt from these standards:

1. Floodlights shall not be used to light all or any portion of any building facade between the hours of 10:00 p.m. and 6:00 a.m.

2. No outdoor light sources shall be mounted more than thirty-five (35) feet above the ground.

3. All outdoor light sources mounted on poles, buildings, or trees to illuminate streets, sidewalks, parking lots, or other outdoor areas between the hours of 10:00 p.m. and 6:00 a.m. shall use full cutoff light fixtures.
1. **Intent:** Land Development applications shall demonstrate that existing, adjacent agricultural operations will not be limited or adversely impacted by the development.

2. Where residential development (this term, as applied in this section of the Land Development Code, excludes applications for individual single-family dwellings, duplexes and accessory structures) is proposed adjacent to existing agricultural operations, the following criteria shall apply:
   a. **Right to Farm:** The Right to Farm Act notice shall be placed on the recorded plat and/or site plan.
   b. **Household pet controls:** Subdivision covenants shall be recorded requiring dogs and other household pets be controlled and not allowed to interfere with domestic livestock operations in the area.
   c. **Fences:** Subdivision covenants shall be recorded stating that subdivision perimeter fences and walls shall be maintained and any breaks in fences shall be repaired within seventy-two (72) hours.

2. **Separation of New Residential Development from Existing Domestic Livestock Enclosures**

   Residential developments proposed on properties designated for urban land uses on the adopted Mesa County Master Plan Future Land Use Plan Maps shall be designed to maintain a separation of one hundred (100) feet between proposed new residences and pens, fenced corrals, legal buildings or other confined areas used to keep domestic livestock that exist on adjacent lots or parcels at the time of the initial application for development. Pastures are exempt from this requirement. Such residential developments may substitute any of the following measures for the one hundred (100) feet distance requirement:

   Construction of a eight (8) feet foot high opaque wall or fence along the entire length of the common property boundary of the proposed lots that border the property(ies) on which the domestic livestock pens, corrals, buildings or other confined areas are less than one hundred (100) feet from proposed residences. A building permit must be obtained for the wall or fence. The wall or fence must have a subsurface barrier that will prevent dogs from digging underneath, and must be constructed of one or more of the following materials:

   (1) Masonry
   (2) Vinyl
   (3) Wood
   (4) Stucco

   Or, the proposed development is designed so that residential lots do not adjoin domestic livestock pens, corrals, buildings or other confined areas. Improvements that may be placed adjacent to these areas instead of residential lots include non-habitable areas such as, but not limited to:

   (1) Road right-of-way
   (2) Detention facilities
   (3) Common area, and
   (4) Flagpole portions only of new residential lots;

   Improvements such as items (1) through (4) above must be a minimum width of twenty (20) feet. A six (6) feet privacy fence of materials allowed in the Chapter 12 definitions of fence will be constructed on the property boundary adjoining such domestic livestock areas.

   Or, the applicant for the residential development may present an agreement with the domestic livestock property owner which addresses the impacts of the proposed development on the adjacent domestic livestock pens, corrals, buildings or other confined areas for such time as the

Commented [GM39]: These are all of the materials that an opaque wall or fence can be built of. There is no need to identify.
domestic livestock confinement areas exist. Such agreement must be incorporated into subdivision covenants when appropriate. 

Or, in cases where the applicant has demonstrated that above options 1-2 or 3 are not feasible under the circumstances, the applicant for the residential development may present another solution that meets the intent of the options within this Section 7.6.8.X and has an equal or greater effect.

3. If the domestic livestock and agricultural use ceases on land adjacent to the residential development, Section 7.6.8.X regarding protection of agricultural lands will no longer apply to either proposed or previously approved residential development adjacent to that land.

4. See Section 5.3.4.XX Domestic Livestock contains for additional information.

**H. Right to Hunt**

The following notice shall be recorded on approved site plans and/or plats for Minor Subdivisions, Major Subdivisions, Planned Unit Development, Administrative Reviews, and Conditional Use Permits when the notice is applicable:

NOTICE OF TRADITIONAL HUNTING ACTIVITIES

This property is potentially within an area which is traditionally hunted; therefore noise and activity associated with lawful hunting and people moving through the area to hunt is normal and may be expected.

**Section 8.07 | Section 8.08 | Drainage**

Drainage facilities shall be designed and installed in accordance with the Mesa County Stormwater Management Manual.

**Section 8.08 | Section 8.09 | Potable Water Supply**

A. General

New development shall provide an adequate, domestic, potable water supply that is sufficient in terms of quality, quantity, and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the Decision-Making Body shall give substantial weight to the recommendations of the State Water Quality Division, Mesa County Health Department, the State Engineer, other appropriate agencies, and County staff.

B. Municipal, Private and District Water Systems

If a proposed development falls within the service area of a municipality, private water service company, or water service district, or if drinking water is to be provided to the development by any of these systems, then the proposed development may be approved by the County only if the following are met:

1. The applicant submits to the County a written certification from the proposed water service provider, on forms provided by the County, stating:
   a. That it is able and willing to provide an adequate supply of drinking water;
   b. The specific quantity, quality and pressure it will provide to meet the needs of the proposed development based on the projected water usage of that development; and
   c. If an expansion to the existing system is required to obtain adequate service.

2. The applicant agrees in writing to connect the proposed development to such system.

If a proposed development is unable to obtain service from such a system, then the development may be approved only if a new system is created through formation of a Metropolitan District, Water District local improvement district, or other public legal entity approved by the Board of County Commissioners.
C. Wells

If private wells are proposed for new development, the following shall be required to determine the adequacy of such system before approval:

1. Evidence of ownership and water court decree, including an augmentation plan where applicable, proof of a well permit, amenability of existing rights for the proposed use, and evidence concerning the potability of the proposed water supply; and,

2. A geologic report shall be submitted by a qualified groundwater geologist, which indicates:
   a. The probability of ground water withdrawal of wells or on-site supply systems within the proposed subdivision;
   b. The expected long-term yield of such wells or systems;
   c. The expected depth to potable water;
   d. The expected quality of anticipated water;
   e. Any expected significant problems of long-term supply; and,
   f. Alternate arrangements available in the event of well or treatment system failure.

D. Cisterns

Cisterns are a permitted source of potable drinking water only for individual dwelling units on unplatted parcels of land, and must comply with applicable Colorado Health Department standards and the Uniform Building Code.

Section 8.09 | SECTION 8.10 | FIRE PROTECTION

A. Applicability

All major subdivisions, minor subdivisions, major site plans, planned unit developments, commercial developments, and industrial development shall comply with the fire protection standards of this Section. With the exception of the aforementioned project types, all other Administrative Reviews as listed in Section 3.5.1 X.X of the Land Development Code LDC shall be exempt from the standards of this Section.

B. Development Located Outside of Fire Protection District

1. If a development that is subject to the terms of this Section is proposed in a location that is outside of the boundaries or service area of any fire protection district or volunteer fire department, then the development shall only be allowed if the applicant provides evidence that the property will be annexed to the applicable district, or that a service agreement has been entered into between the applicant and the applicable fire protection district or volunteer fire department.

2. For existing platted properties, including lots therein which may be further subdivided in the event that neither inclusion in a fire district nor a service agreement is practicable, the Board of County Commissioners may determine that sprinkling of all habitable structures in accordance with the International Fire Code is acceptable if all of the following is true or can be met:
   a. The development is for single family detached residential structures;
   b. Each residential lot is at least one acre in size;
   c. Each residential structure shall be set back a minimum of fifty feet (50) from all property lines;
   d. Fire hydrants shall be installed in the development in accordance with the Land Use Code;
   e. Water supply for fire flows shall provide at least twenty (20) pounds per square inch residual and one thousand (1000) gallons per minute;
   f. There shall be recorded covenants, conditions and restrictions (CCRs) that prohibit brush, weeds, wood piles and similar combustible materials within thirty feet (30) of the outside of each structure;
   g. The covenants, conditions and restrictions (CCRs) shall also contain a provision that substantially provides notice that “The lots subject to these covenants, conditions and restrictions (CCRs) are
C. Water Supply Standards

1. Fire Hydrants

Fire hydrants shall be installed in any Subdivision or Planned Unit Development where dwellings will be separated by a distance of two hundred (200) feet or less, or in any commercial and industrial development, and shall comply with the following standards:

   a. Fire Flows

      Water supply shall comply with the standards adopted by the applicable fire protection district. In cases where the local fire authority has not adopted specific standards, water supply shall comply with the fire flow standards set out in the most recent edition of the Uniform Fire Code.

   b. Minimum Pipe Size

      The minimum pipe size serving the system shall be six (6) inches for development comprised solely of single-family and duplex dwellings, and eight (8) inches for all other development, unless the applicant submits evidence, prepared by a registered professional engineer, demonstrating that the minimum fire flow requirements may be met with a six (6) inch line.

   c. Maximum Distance Between Hydrants

      The maximum distance between hydrants in all developments shall be five hundred (500) feet.

   d. Hydrant Locations

      Fire hydrants shall be located as specified by the responsible fire chief. Generally, fire hydrants shall be located in the public right-of-way, at road intersections.

      e. Looping Line

      A gridded, or looped, fire hydrant supply line shall be used whenever possible. When such lines are not practical, as determined by the responsible fire chief, a dead-end line may be allowed, provided it does not exceed one thousand (1,000) feet in length. In all cases, the fire flow standards of Section 7.9.3.4.1 shall apply.

2. Alternative Fire Protection Plan

Whenever installation of fire hydrants is not practical, as determined by the responsible fire chief, the applicant shall agree to an alternative fire protection plan. Applicants for any type of development that is not required to install fire hydrants pursuant to Section 7.9.3.X.X shall also agree to an alternative fire protection plan.

   a. Alternatives

      An alternative fire protection plan may include, but not be limited to, providing on-site fire flows, or installing sprinklers within proposed structures. Water may be supplied by a natural water body, or by man-made facilities, such as a cistern, above ground tank, or man-made water body, provided the supply is available year-round.

   b. Review by Fire Chief

      The alternative fire protection plan shall only be allowed when the responsible fire chief determines it will afford the same level of fire protection to the proposed development as would
strict compliance with the fire flow standards of this section, or will comply with the adopted fire code of the district or volunteer fire department.

c. Accessibility
The location of the alternative fire fighting supply and fire protection facilities shall be easily accessible to fire protection personnel and vehicles and shall be identified with a visible sign.

d. Fitting and Connections
All fittings and connections to the fire hydrants or to the alternative water supply shall be provided by the applicant, and shall be compatible with specifications established by the applicable district.

D. Roads and Driveways
Roads and driveways shall be designed to comply with the standards in the Mesa County Standard Specifications for Road and Bridge Construction, its appendix, the Road Access Policy, the Land Development Code and the Fire Apparatus Access Roads section of the International Fire Code, as may be amended. Shared driveways over one hundred fifty (150) feet in length shall also meet the standards listed in the most recently adopted Fire Code in regards to width, grade, turn radius for curves and turnaround standards.

1. Access Points
Two or more dedicated access points shall be provided for all Major Subdivisions and Planned Unit Developments when the projected Average Daily Traffic will exceed three hundred (300) trips or the road length exceeds one thousand (1,000) feet unless all homes have residential sprinklers

E. Wildfire Hazard Areas
Developments proposed in areas subject to wildfire hazard shall also comply with the Wildfire Hazard Standards of Section 7.6.3.

Section 8.10 | SECTION 8.11 | WASTEWATER

A. Service by Grand Junction–Mesa County Wastewater Collection and Treatment System
Any development located within the Persigo Wastewater Treatment Plant Service Area shall be required to connect to the Grand Junction-Mesa County Wastewater Collection and Treatment System if a major sewer line exists or is built within four hundred (400) feet of any part of the property on which the development occurs, as measured via any public right-of-way or utility easement. If Onsite Wastewater Treatment Systems are to be utilized by a development on a temporary basis, such use must be in conformity with all County and State Health Department laws and regulations. An estimate of the funds necessary to cover the cost of such a connection shall be prepared by a registered civil engineer and certified as adequate by the City or County Engineer. The funds shall be placed in escrow by the applicant or a bond shall be posted in a form acceptable to the County, prior to the issuance of a development permit, or the recording of a final plat or plan, and shall be utilized by the Board of County Commissioners to contract for and construct such connection if the applicant fails to comply with the provisions of this paragraph. New developments shall be subject to the Mesa County Sewer Trunk Line Extension Policy.

B. Service by Other Systems

1. If a proposed development is located within the service area of an existing wastewater collection and treatment system other than those listed in Section 7.10.1.X, and if that system is willing and able to provide sewage collection and treatment service to the development, then the development must provide for hook-up to that system.

2. If, in the opinion of the Colorado Department of Health, it would be appropriate for a development to obtain sewage collection and treatment service from an existing system by an enlargement of the capacity of that system, then the development shall be required to obtain services from that system; provided that the cost of the development’s hook-up is roughly proportional to the cost of the increase in capacity.
C. Development Outside Service Areas

Any development that is outside the service area of an existing system, that proposes to provide sewage disposal by the creation of a new system, or the expansion of an existing system, shall create a Metropolitan District, Sanitation District or Water/Sanitation District, or local sewer improvement district, or other public legal entity.

D. Onsite Wastewater Treatment Systems

All onsite wastewater treatment systems, where allowed, shall be located, installed, and operated in accordance with the regulations of the Colorado Department of Health and the requirements of the Mesa County Onsite Wastewater Treatment System Regulations.

1. The following Minimum Lot Sizes and Dimensional Standards for Onsite Wastewater Treatment Systems (OWTS) apply to all newly created lots:
   a. The minimum lot size for all development applications requiring public hearing review and all applications requiring administrative review (except site plans) served by Onsite Wastewater Treatment Systems (OWTS) and a public water system shall be one (1) acre.
   b. All lots within proposed major subdivisions, planned unit developments, or administrative review applications served by Onsite Wastewater Treatment Systems (OWTS) and a public water system must meet the requirements of the Mesa County Onsite Wastewater Treatment System Regulations (June 30, 2014 May 23, 2019, as amended).

2. Lots not served by a public water system:
   The minimum lot size for a lot not served by public water service and/or utilizing wells, springs, or cisterns shall be based on the Colorado Department of Natural Resources well permit requirements, or as required by engineered OWTS design, or one (1) acre, whichever is greater.

3. Existing Lots Served By Onsite Wastewater Treatment Systems (OWTS):
   a. Existing lots must meet the minimum lot size requirements determined through the application of the Mesa County OWTS regulations.

4. If the provisions of this Section conflict with zoning district standards or other provisions of the Land Development Code, the minimum lot size shall default to the larger lot size.

5. Existing lots (uses) may request a deviation from the standards of this Section, subject to approval from the Mesa County OWTS Administrator.

Section 8.11 | SECTION 8.12 | MONUMENTATION

Monuments shall be provided for all Major Subdivision Plats and Administrative Reviews. They shall be set pursuant to Colorado Revised Statutes 38-51. Materials Specifications shall be as required by Colorado Revised Statutes and the Mesa County surveyor. In addition to any other requirements of a plat permitted or required by this Code, all plats shall meet the minimum standards for land survey plats, as defined in Colorado Revised Statutes 38-51-102(12) and as provided in Colorado Revised Statutes 38-51-106, and shall include all recorded or apparent rights-of-way and easements. See The Handbook for plat requirements.

Section 8.12 | SECTION 8.13 | IRRIGATION CANALS AND LATERALS

A. Encroachments

No new development shall be permitted to encroach in, under, upon, or interfere with the recorded or apparent easements or rights-of-way of irrigation canals, laterals, or irrigation drainage channels without the written consent of the property owner and the responsible irrigation or drainage company, or district or lateral association.

B. Standards
All new development must comply with the standards of the responsible irrigation or drainage company, or district or lateral association. New development shall be required to use irrigation water for irrigation purposes wherever irrigation water is physically and legally available, rather than use potable domestic water.

Section 8.13 | SECTION 8.14 | FLOODPLAIN REGULATIONS

A. Findings

The Board of County Commissioners finds that certain areas of unincorporated Mesa County are subject to periodic inundation by flood waters that may result in loss of life, property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which may adversely affect the public health, safety and general welfare. Further, the Board of County Commissioners finds that such flooding may pose a serious hazard to properties and persons, that development within affected areas may increase the degree of hazard to other people situated both upstream and downstream, and that appropriate regulations addressing the use of such hazard areas are therefore necessary.

B. Purpose and Intent

It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas, by provisions designed to:

1. Protect the public from the burden of avoidable financial expenditures for flood control projects, flood relief measures, and damages to public utilities, streets, and bridges;
2. Protect people and property within the floodplain by regulating the construction of buildings;
3. Protect the people downstream and/or upstream by restricting those uses that may be hazardous to life or property in time of flood, and to insure that structures placed in the floodplain be adequately flood proofed;
4. Protect and preserve the natural water carrying and storage characteristics, and capacities of all water courses;
5. Restrict uses which may be hazardous to the public health in time of flood;
6. Minimize or eliminate discharges or infiltration from waste disposal systems into flood waters;
7. Discourage people from purchasing lands which are unsuitable for building purposes due to flood hazards;
8. Protect human life and health;
9. Minimize prolonged business interruptions;
10. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard, so as to minimize future flood blight areas;
11. To notify potential buyers that property is in an area of special flood hazard; and
12. To notify those who occupy the areas of special flood hazards that they assume responsibility for their actions.

C. Methods

In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which helps accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
and,

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

D. Applicability

The floodplain regulations of this Chapter shall apply to all lands adjacent to any watercourse that would be inundated by the 100-year flood, or that is determined to be flood prone on the basis of on-site evidence. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this regulation, and other applicable regulations of the Land Development Code.

E. Official Floodplain Maps

1. For the purpose of this Section, floodplain and other pertinent boundaries shall be those shown on the October 16, 2012 Federal Emergency Management Agency Flood Insurance Study. Those boundaries are hereby incorporated into this Land Development Code, along with related explanatory matter, water surface elevations, profiles, and cross sections.

2. The Board of County Commissioners has incorporated the boundaries of flood regulatory areas shown on the October 16, 2012 Federal Emergency Management Agency Flood Insurance Studies into County Regulations, after holding public hearings prior to the adoption of the official maps.

3. Official maps, as designated by the Board of County Commissioners, shall be recorded with the Mesa County Clerk and Recorder immediately following official designation. Amendments to any official maps shall be accomplished by giving public notice of a public hearing by publication in newspaper of general circulation within the County, at least thirty (30) days prior to the Board of County Commissioners’ hearing. The public notice shall identify the watercourse involved, and shall state in a general fashion the lands which are proposed for inclusion within the flood regulatory area. The public notice shall also state the map proposed for designation is available in the County Engineering Division for public inspection during normal working hours.

F. Flood Boundary Interpretation

1. Official maps, on file in the Engineering Division, define only approximate boundaries of the floodplain. Precise determination of boundaries can only be made by a comparison of flood water elevation at a particular site with the actual ground elevation at that site. Projected flood water elevation data is normally obtained from the Flood Insurance Study.

2. Profile data or other technical information as provided from an approved engineering study, may be used as interpretation of flood boundaries. Where such profile data or other technical data becomes available at any particular site, that data will take precedence over boundaries shown on official floodplain maps, only after a Letter of Map Revision has been submitted to and approved by the Federal Emergency Management Agency. Submittal of Letter of Map Revision shall be the responsibility of the applicant.

3. Correction of an error on any official floodplain map, as proven by data from a registered professional engineer, may be proposed for correction through the procedures defined in this Section.

G. Interpretation

In the interpretation and application of these floodplain regulations, all provisions shall be considered as minimum requirements, liberally construed in favor of the County, and deemed neither to limit nor repeal any other powers granted under State statutes.

H. Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on occasion, or the flood height may be increased by manmade or natural causes, such as ice jams and bridge opening restricted by debris. This Section does not imply that areas outside floodplain area
boundaries, or land uses permitted within such areas will always be totally free from flooding or flood
 DAMAGES. This Section shall not create any liability on the part of, or a cause of action against the Mesa
 County Board of Commissioners or any officer or employee thereof, or the Federal Emergency
 Management Agency, for any flood damages that may result from reliance on this regulation or any
 administrative decision lawfully made thereunder.

I. Floodplain Nonconformities

The existing lawful use of a structure or premises that does not comply with the floodplain regulations of this
section, may be continued subject to the following conditions:

1. No such use shall be expanded or enlarged except in conformity with the provisions of this Section.

2. Substantial improvements, as herein defined, to any nonconforming structure or use must result in the
permanent change of the structure or use to a conforming use.

3. If such use is discontinued for twelve (12) consecutive months, any future use of the building and
premises shall conform to this Section.

J. Floodplain Land Use Regulations

1. Prohibited Uses

Any land use within a designated floodplain that is not specifically allowed or conditionally allowed
by means of a Floodplain Development Permit is prohibited.

2. Uses Allowed in Floodplain Areas

Designated floodplain areas are usually divided into two subdistricts: the floodway and the flood
fringe. Where this distinction has not yet been made, a site-specific comparison between flood water
elevation and ground elevations will be necessary to make such distinction. Until such distinction has
been made, the land shall be considered to lie within the floodway.

3. Flood Prone Areas

Flood prone areas may require a detailed hydrological engineering study in order to define and map
the actual 100-year floodplain, to determine site-specific flood elevations and ground elevations, and
to distinguish between the floodway and the flood fringe. Until such a distinction has been made, the
land will be considered to lie within the floodway.

4. Floodway Districts

a. Uses Requiring Floodplain Development Permits

Any human-made change to improved or unimproved real estate with the floodway district,
including, but not limited to, the following, shall require a Floodplain Development Permit:

(1) Private and public recreational uses, such as, but not limited to, golf courses, tennis courts,
   driving ranges, archery ranges, picnic grounds, boat launching ramps, target ranges,
   shooting trap and skeet ranges, fish hatcheries, swimming pools and open air theaters;

(2) Utility transmission lines, pipelines, roadways, water monitoring devices and railroad rights-
   of-way, but not including railroad sidings and freight or passenger transfer or holding areas;

(3) All open pit sand or gravel extraction, including related offices;

(4) Original construction of bridges, dams, and irrigation structures;

(5) Any type of change, filling, or realignment of a watercourse channel;

(6) Subdivision of land;

(7) Water and wastewater treatment facilities or storage;

(8) Buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling
   operations;
Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted Regulatory Floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision through FEMA; and/or

Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than 0.00-foot (zero-foot) rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and floodway revision in accordance with paragraph i, above.

b. Prohibited Uses
The following land uses and activities are specifically prohibited in the Floodway District:

1. Any alteration or relocation of a watercourse which reduces its flood carrying capacity;
2. Any use, obstruction, or encroachment which would result in any increase whatsoever in the elevation of flood waters during the 100-year flood at any point;
3. Inhabitable dwellings, including manufactured homes;
4. Storage or processing of materials that are flammable, radioactive, poisonous, explosive, corrosive, or which would pose a hazard to life and property during times of flooding;
5. Public or commercial overnight campgrounds or travel trailer parks;
6. Junk yards, salvage yards, and wrecking yards of any kind; and
7. Any new or existing and unapproved encroachment, including but not limited to any structure or other development, in a FEMA-mapped floodway which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge.

5. Flood Fringe Districts
a. Uses Allowed Without a Floodplain Development Permit
The following uses are allowed in the Flood Fringe District without a Floodplain Development Permit, provided that the use complies with underlying zoning and does not involve any human-made change to improved or unimproved real estate:

1. Growth of agricultural crops or animals, but not including the processing of agricultural products;
2. Private and public recreational uses; and
3. Wildlife and nature preserves, game farms, and fish hatcheries, but not including related structures.

b. Uses Requiring Floodplain Development Permits
Unless specifically prohibited, there is no restriction on which uses may locate in the Flood Fringe District. All development that is not specifically exempt from Floodplain Development Permit requirements shall require a Floodplain Development Permit in the Flood Fringe District.

c. Prohibited Uses
The following uses shall be prohibited in the Flood Fringe District:

1. Any residential structure or substantial improvement in which the lowest floor, including the basement, is lower than one foot above the elevation of the 100-year flood;
2. Junk yards, salvage yards and wrecking yards of any kind; and
(3) New construction and substantial improvement of any commercial, industrial or other nonresidential structure in which the lowest floor (including basement) is lower than one foot above the elevation of the 100-year flood or not flood proofed below a flood protection elevation of one foot above the elevation of the 100-year flood together with attendant utility and sanitary facilities.

K. Floodplain Development Permit Conditions

The Floodplain Administrator shall require all of the following:

1. New construction or Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure due to hydrostatic and hydrodynamic loads; be constructed with materials and utility equipment resistant to flood damage; and constructed by methods and practices to minimize flood damage.

2. All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame-to-ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific anchoring requirements are:
   a. Over-the-top ties at each of the four (4) corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie;
   b. Frame ties at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long required four additional ties per side;
   c. That all components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds each; and
   d. Any additions to the manufactured home be similarly anchored.

3. New and replacement sewer and water systems shall be designed to minimize infiltration.

4. All new construction and substantial improvement shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Required utility conditions shall be as follows:
   a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
   b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems, into flood waters.
   c. On-site waste disposal systems shall be located to avoid their impairment or contamination from flooding.

6. Required subdivision conditions shall be as follows:
   a. All subdivision proposals shall be consistent with the need to minimize flood damage.
   b. All subdivision proposals shall have public utilities and facilities (such as sewer, gas, electrical, and water systems) located and constructed to minimize flood damage.
   c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
   d. Base flood elevation data must be provided for subdivision proposals and other proposed development that contains at least fifty (50) lots or five (5) acres, whichever is less.
7. In the instance of an individual manufactured home which is to be elevated on pilings, the piling foundations shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for any piers extending more than six (6) feet above the ground.

8. All manufactured homes, on a single lot or in a new or expansion to an existing manufactured home park or subdivision, that are placed or substantially improved within Zones A1-30, AH, and AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor elevation of the manufactured home is elevated to at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

All manufactured homes in an existing manufactured home park or subdivision prior to the time these regulations are implemented, that are placed or substantially improved on sites in existing manufactured home parks or subdivision within zones A1-30, AH, and AE that are not subject to the provisions of the previous paragraph shall be elevated so that either (i) the lowest floor of the manufactured home is at least one (1) foot above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade, and, shall be securely attached to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

9. New construction and substantial improvement of any residential structure shall have the lowest floor (including the basement) elevated to at least one foot above the projected water surface elevation of the 100-year flood.

10. Within the AO and AH Zones on the Flood Insurance Rate Map (FIRM) require that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified).

11. Within Zones AO and AH require that adequate drainage paths be provided around structures on slopes to guide floodwaters around and away from proposed structures.

12. New construction, and substantial improvement of any commercial, industrial and other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the projected 100-year flood elevation; or, together with attendant utility and sanitary facilities, shall:
   a. Be flood-proofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy; and
   c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation.

13. Within any AO and AH Zones on the FIRM require that all new construction or substantial improvements of nonresidential structures have the lowest floor elevation (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or together with attendant utility and sanitary facilities be completely flood proofed to that level to meet the requirements of this section.

14. Fully enclosed areas of all residential, commercial, industrial or other structures below the lowest floor (to be used solely for the parking of vehicles, building access or storage in an area other than a basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
a. A minimum of two openings with a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding shall be provided; and

b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

15. A permit shall be required for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain.

I. Standards for Recreational Vehicles

Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall:

1. Be defined as:
   a. Be built on a single chassis;
   b. Be four hundred (400) square feet or less when measured at the largest horizontal projections;
   c. Be designed to be self-propelled or permanently towable by a light duty truck;
   d. Be designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and

2. Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall either:
   a. Comply with the permitting, elevating and anchoring requirements for manufactured housing units and manufactured homes as set out in this Section; or
   b. Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and legal for highway use.

For the purpose of this Section, a recreational vehicle shall be deemed ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-connect type utilities and securing devices, and has no permanently attached additions.

M. Properties Removed From the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one (one) foot of freeboard that existed prior to the placement of fill.

N. Standards for Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. Classification of Critical Facilities

   It is the responsibility of Mesa County to identify and confirm that specific structures in their community meet the following criteria.

   Critical Facilities are classified under the following categories: (1) Essential Services; (2) Hazardous Materials; (3) At-risk Populations; and (4) Vital to Restoring Normal Services.

   a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

   These facilities consist of:

   [1] public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
(2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctor’s offices, and non-urgent care medical structures that do not provide these functions);

(3) Designated emergency shelters;

(4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

(5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

(6) Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of Mesa County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to Mesa County on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

(1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

(2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

(3) Refineries;

(4) Hazardous waste storage and disposal sites; and

(5) Above-ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations.
Specific exemptions to this category include:

(i) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

(ii) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

(iii) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

(b) These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

c. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

1. Elder care (nursing homes);
2. Congregate care serving twelve (12) or more individuals (day care and assisted living);
3. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children).

d. Facilities vital to restoring normal services including government operations. These facilities consist of:

1. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
2. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to Mesa County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to Mesa County on an as-needed basis upon request.

2. Protection for Critical Facilities

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

a. Location outside the Special Flood Hazard Area; or
b. Elevation or floodproofing of the structure to at least two (2) feet above the Base Flood Elevation.

3. Ingress and Egress for New Critical Facilities

New Critical Facilities shall, when practicable as determined by Mesa County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.
Section 8.14 | Traffic Impact Analyses (TIA)

A. Traffic Impact Analysis (TIA) Thresholds

A Traffic Impact Analysis (TIA) shall be required to be submitted with applications for development review and approval when trip generation is expected to exceed one hundred (100) peak hour trips, based on traffic generation estimates of the Institute of Transportation Engineers’ Trip Generation manual, unless local trip generation data demonstrate a higher trip rate. A TIA is also required for:

1. Any project that proposes access to a street with Level of Service (LOS) “D” or below;

2. Any application for a Zoning Map Amendment (rezoning); and,

3. Any case in which the original Traffic Impact Analysis (TIA) is more than two years old, or where increased land use intensity will result in an increase in traffic generation by more than fifteen (15) percent (15%) or an increase of directional distribution of traffic by more than twenty (20%) percent (20%).

The developer shall be responsible for design and construction of necessary improvements as identified in the TIA, or participate in a proportionate share of the cost to design and construct such improvements as determined appropriate by the Public Works Department.

When access points are not defined or a site plan is not available at the time the TIA is prepared, additional studies may be required when a site plan becomes available or the access points are defined.

B. Traffic Impact Analysis (TIA) Guidelines

Guidelines for Traffic Impact Analyses (TIA) are found in Article VII of the Mesa County Standard Specifications for Road and Bridge Construction. Traffic Impact Analyses must be prepared by a registered professional engineer with experience in Transportation Engineering. A statement of qualifications shall accompany all Traffic Impact Analysis submittals.

Section 8.15 | Street Access

A. Access to Public Roads

All new lots/parcels, however created, shall have direct or indirect access (no street frontage) to a maintained public road. If the approved plat provides for indirect access (e.g. over intervening private land, loop lanes, auto courts or shared driveways), then access easements benefiting all lots with indirect access shall be identified on the plat. Easements shall be of sufficient width to provide for fire access, utility installation and drainage improvements.

B. Driveways

Driveway access to collector and arterial streets shall be discouraged. Standards shall be as described in the Mesa County Standard Specifications for Road and Bridge Construction, its appendix, the Road Access Policy, the Land Development Code and the International Fire Code, as may be amended.

C. Common Driveways

A driveway that provides access to a public street or road within the rural or urban zoning districts serving two (2) residential lots meeting the following design standards:

1. A common driveway shall be at least twelve (12) feet wide and be located in an access easement at least sixteen (16) feet wide.

2. Common driveways shall be surfaced with a stable material: such as, but not limited to asphalt, reprocessed asphalt, concrete, brick, cobblestone, or Class 6 aggregate six (6) inches thick.

3. If the common driveway is over one hundred fifty (150) feet in length, pullouts shall be required every one hundred (100) feet to allow vehicles to pass.

<table>
<thead>
<tr>
<th>Summary Table</th>
<th>Number of Units</th>
<th>Use driveways section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>2-4</td>
<td>Auto courts, loop lane, shared driveways</td>
</tr>
<tr>
<td>Urban</td>
<td>5-7</td>
<td>Auto courts, loop lane</td>
</tr>
</tbody>
</table>
C. **Auto Courts**

Driveways that provide access to a public street or road within the urban zoning districts, with the exception of RSF-R and RSF-E, serving between two and four (4) single family units must meet the following auto court design standards:

1. Auto Courts shall have a roadway structural section designed by a professional engineer with a surface of flexible or rigid pavement and shall meet the drainage requirements of the Mesa County Stormwater Management Manual. They shall be located within an outlot (an easement may be allowed when shared by two lots), and shall be dedicated to a property owners’ association with responsibility for maintaining the shared driveway and the power to enforce payment of dues from individual homeowners in order to do so. The property owner’s association shall be created and the outlot shall be dedicated to the association when the Final Plat is recorded.

2. Individual driveways leading from the shared driveway to each dwelling unit shall be at least twenty-five (25) feet long, as measured between the front of the garage or carport and the property line.

3. The design of the auto court shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction without any portion of the vehicle:
   a. leaving the individual driveway from which the vehicle is exiting the shared driveway, or
   b. entering on or over the individual driveways of any other residence. The AASHTO turning template for a “P” design vehicle shall be used to confirm that this standard is met.

4. The dwellings served by the auto court must comply with off-street parking requirements applicable to single-family dwellings, and with the following additional requirements without permitting any parking or vehicle storage on the auto court itself:
   a. one common, off-street parking space shall be provided for every auto court where one extra parking space is not provided on each lot;
   b. one or more common areas shall be provided within each development for the storage of recreational vehicles, boats, and utility trailers where storage areas are not provided on the lots. Such common areas shall, together, contain at least two hundred and fifty (250) square feet for each dwelling unit on the auto court, and shall be designed to allow the storage of one recreational vehicle, boat, or utility trailer by each such residence. Detention ponds or any drainage facilities shall not be used as storage areas.
   c. The purpose of providing additional parking/storage is to avoid compromising the access provided by the auto court by using it for vehicle storage.

D. **Loop Lane**

Driveways that provide access to a public street or road within the urban zoning districts serving 5-7 single family units must meet the following loop lane design standards:

1. The surface of the loop lane shall be a minimum of fourteen (14) feet wide, edge of pavement to edge of pavement. The lane may need to be a one way lane and parking may not be allowed on the lane.

2. No portion of the loop lane shall extend more than two hundred fifty (250) feet from the public street to which it gives access.

3. The loop lane and the common area surrounded by the loop lane shall be at least sixty (60) feet wide and shall be labeled as an outlot.
4.3. The loop lane must be surfaced with concrete, not asphalt, and both the loop lane and the common area surrounded by the loop lane shall be dedicated to a property owners’ association with responsibility for maintaining the loop lane and the common area, and the power to enforce payment of dues from individual homeowners in order to do so. The owners’ association shall be created, and the loop lane and common area shall be dedicated to the association when the Final Plat is recorded.

4.4. Individual driveways leading from the loop lane to each home shall be at least twenty-five (25) feet long, as measured between the front of the garage or carport and the closest edge of the loop lane.

4.5. The design of the loop lane shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction without any portion of the vehicle: (a) leaving the individual driveway from which the vehicle is exiting or the loop lane, or (b) entering on or over the individual driveways of any other residence. The AASHTO turning template for a “P” design vehicle shall be used to confirm that this standard is met.

7. The dwellings served by the loop lane shall comply with off-street parking requirements applicable to single-family dwellings and with the following additional requirements, without permitting any parking or vehicle storage on the loop lane itself:
   a. one common, off-street parking space shall be provided for every four (4) residences on the loop lane, where one extra parking space is not provided on each lot; and
   b. one or more common areas shall be provided within each loop lane development (not within the center common area) for the storage of recreational vehicles, boats, and utility trailers where storage areas are not provided on the lots. Such common areas shall together contain at least two hundred fifty (250) square feet for each residence on the loop lane, and shall be designed to allow the storage of one recreational vehicle, boat, or utility trailer by each such residence. Detention ponds or any drainage facilities shall not be used as storage areas.

The purpose of providing additional parking/storage is to avoid compromising the access provided by the auto court by using it for vehicle storage.

6. Four (4) guest-parking spaces, located in the public right-of-way, are required at the end of the loop.

7. Each residence shall provide and maintain four (4) off-street parking spaces, a maximum of two (2) tandem spaces per dwelling unit is allowed.

E. Shared Driveway Standards

Shared Driveways provide private driveway access for up to five (5) lots within “outlots” or easements that are privately owned and maintained. Lots served by a shared driveway typically have utility service extended from the public right-of-way in utility easements.

The following conditions shall be met: The shared driveway or autocard is designed to provide access to lots where a full public street is not practical or economical. Shared driveways shall comply with the following standards:

1. Not more than six (6) single-family lots may access a shared driveway.

2. Shared driveways are allowed in locations approved per the Road Access Policy, provided that consideration of Public Right-of-Way Dedication Requirements in Section 2.16.X.X does not require a public right-of-way to be dedicated and/or a public road to be built by the developer.
2.3 Shared driveways shall be designed by a Professional Engineer licensed in the State of Colorado, and shall meet the following minimum specifications.Shared access within the Grand Junction Rural Fire District shall comply with the Fire Department Access requirements of the Grand Junction Transportation Engineering Design Standards (TEDS).

Minimum Specifications:

a. Unobstructed driving surface width of twenty (20) feet, exclusive of shoulders;

b. Proper drainage;

c. Turning radii at the intersection with public roads are built in accordance with the Road Access Policy;

d. Provision of a turnaround area in compliance with Appendix D of the International Fire Code where shared driveways exceed one hundred fifty (150) feet in length;

e. An all-weather surface is constructed, meaning a road surface over which emergency and typical passenger vehicles can pass at all times and in any weather condition, maintained in a dust-free condition (exception: properties within the GJ Rural Fire District where TEDS is adopted must be finished with hot mix asphaltic concrete or concrete pavement over a flexible base); and

f. Paved aprons are constructed at intersections with paved public roads where required by the Road Access Policy within the Urbanized Area of the Mesa County Municipal Separate Storm Sewer Systems (MS4) Authorization (Stormwater Urbanized Area).

3. A Development Improvements Agreement (DIA) shall be required for the shared driveway construction. The developer shall be responsible to construct the shared driveway.

4. The shared driveway must be maintained with an all-weather surface and in a condition comparable to that required by the engineered design and minimum specifications noted above. Any disturbance of or damage to the driveway for installation of utilities, maintenance, etc. must be restored to meet the requirements of the engineered design and the minimum specifications noted above. Each residence shall provide and maintain four (4) off-street parking spaces, a maximum of two (2) tandem spaces per dwelling unit is allowed.

4.5 Multi-purpose easements shall be dedicated contiguous to the shared driveway for utility service lines. Alternative provisions for utilities must be approved by the utility providers.

The shared driveway shall have some mechanism for maintenance, such as dedication to a property owners’ association with responsibility for maintaining the shared driveway and the power to enforce payment of dues from individual homeowners in order to pay for, or re-work a maintenance agreement for the shared driveway. The mechanism for maintenance shall be recorded before the Final Plat is recorded.

6. A shared driveway shall be owned and maintained by the owners of the parcels or lots that abut the shared driveway. The shared driveways shall be contained within a tract dedicated to the property owners of the parcels that abut the shared driveway.

Section 8.16 | SECTION 8.17 | STREETS AND ROADS

A. Standards

1. When a development plan proposes improvements to a street or road that requires right-of-way in excess of the minimum requirements of the Mesa County Standard Specifications for Road and Bridge Construction, additional right-of-way will be required from the developer to accommodate the proposed plan.

2. Streets, roads and pedestrian/bicycle paths shall be designed as shown in any adopted Transportation or Circulation Plan and constructed in conformance with the current Mesa County Standard Specifications for Road and Bridge Construction and its appendix, the Road Access Policy. All new public or private roads constructed within the Grand Valley Airshed shall be paved. Farm service and canal/ditch/drainage maintenance roads are exempt from this paving requirement.
3. Access and construction specifications shall comply with either urban or rural improvements, as specified in the Mesa County Standard Specifications for Road and Bridge Construction and its appendix, the Road Access Policy.

B. Public Right-of-Way Dedication Criteria

1. **Intent:** Roads are an important component of land development. They provide access to subdivision lots, land circulation for vehicles and pedestrians in a broader area. Some utilities, such as domestic water and sewer, will only locate public lines within public rights-of-way. Since the needs for public rights-of-way are different for every developing property or area, the following criteria will be considered when subdivision or re-subdivision of properties is proposed:

   a. The development includes the construction of new roadways that will be petitioned for acceptance into the County road system.
   
   b. The development application proposes more than five (5) lots on one access or more than five (5) lots on a shared driveway or auto court.
   
   c. The property that is the subject of the development application is able to develop additional lots in the future according to the existing zoning on the property or designated future land use.
   
   d. Adjacent properties are currently physically or legally landlocked from public rights-of-way.
   
   e. Adjacent properties are otherwise constrained by access regulations from direct access on existing public rights-of-way.
   
   f. Public rights-of-way is necessary on the subject property to provide development improvements to the surrounding area either presently or in the future.
   
   g. Adopted transportation plan(s) show anticipated road circulation that involves the subject parcel.

2. The Mesa County Public Works Department will consider the above criteria prior to requiring dedication of public rights-of-way. Required rights-of-way connections to adjacent properties shall be located as effectively as possible, considering topography, environmental constraints, and adopted policies and regulations.

3. If the developer believes that dedication of public right-of-way internal to the subdivision would not be beneficial to the current or future property owners or to the planned development of the area, then the developer or their engineer shall prepare a report for consideration by the Public Works Department certifying why public right-of-way should not be required.

C. Improvements

Road improvements must meet the Mesa County Transportation Impact Fee (TIF) Regulation adopted on June 7, 2004 and effective January 1, 2005.

Limited improvements to adjacent roads shall be required of all types of development (excluding Property Line Adjustments and Residential Site Plans) that are not covered by the Transportation Impact Fee regulation (i.e., local roads).

1. **Required Improvements**

   a. **Streets/Roads**

       If a development is adjacent to a local street or road (as defined in the Road Access Policy) and if the street/road provides primary access, the developer shall be responsible for all improvement costs (see 2.b. below).

   b. **Primary Access Street/Road**

       When a development is not adjacent to a street/road and a Primary Access Street/Road is...
required to access the development, the developer shall be responsible for the entire cost of the design and construction of said Primary Access Street/Road.

c. Internal Streets/Roads

The developer shall be responsible for the entire cost of the design and construction of internal streets/roads and connection stubs. In the rural zoning districts, the Developer may have their engineer prepare a specific proposal for reduced improvements when constraints (e.g., the need exists for additional right-of-way from an adjoining property or when a responsibility to share road construction costs with an adjoining property exists) are identified. When five (5) or fewer residential lots will use the internal road for access, the improvements required in the right-of-way may be reduced, upon request by the Developer, to the minimum standard for shared driveways as specified in Section 7.15.5.X.X.

Mesa County will not accept new roads for maintenance that are not built to County specifications.

2. Urban Street Improvements

Development within all Urban Zoning Districts and Rural Communities, shall construct required improvements (see Section 7.16.2.X.X) to streets/roads that are in conformance with the urban road sections in the Mesa County Standard Specifications for Road and Bridge Construction.

3. Rural Road Improvements

a. Development that is located in the Rural Zoning Districts shall construct limited improvements (see Section 7.16.2.C.X.X) to County maintained roads when the development:

   (1) has boundaries with frontage on a “public road” as defined in the Road Access Policy; and

   (2) has adjacent roads that are designated as local roads in Figures 4-3, 4-4, 4-5, 4-6, 4-7, and 4-8 as defined in the Road Access Policy.

b. Development that satisfies the criteria in Section 7.16.2.C.X.X shall provide the following road improvements to adjacent County roads classified as local roads:

   (1) install all or portions of gravel shoulder along adjacent roads in compliance with the Mesa County Standard Specifications for Road and Bridge Construction; and

   (2) ensure that drainage along roads is not adversely affected by any road improvements installed or accesses constructed.

Section 8.18: STREET NAMING

A street naming system shall be maintained to facilitate the provisions of necessary public services (police, fire, Commented [GM64]: This is a policy and should not be stated in the Land Development Code.

Commented [GM65]: This section should either be a policy or listed as an appendix.
ambulance, mail), reduce public costs for administration, and provide more efficient movement of traffic. All newly
platted, dedicated or named streets and roads shall comply with these standards. The Planning Director shall check
call new street names for compliance to this system and issue all street addresses. Existing streets and roads not
conforming to this system shall be made conforming as soon as possible.

A. Streets running east and west in the urban area are “avenues.”
B. Streets running north and south in the urban area are “streets.”
C. Streets running in a general east and west direction but connecting with an “avenue” shall be a “drive.”
D. Streets running in a general north and south direction but connecting with a “street” shall be a “way.”
E. “Avenues,” “streets,” “drives” and “ways” must be continuous through more than one major block. This
shall include future planned extensions.
F. Streets running east and west but not connecting to avenues on either end shall take the name of the
“avenue” preceding and be designated a “place.”
G. Streets running north and south, but not connecting to avenues on either end shall take the name of the
“street” preceding and be designated a “lane.”
H. Horseshoe-shaped streets beginning and ending within a major block shall be known as “circles.”
I. All cul-de-sacs not planned for future connection to another street shall receive the designation “court.”
   1. Courts directly in line with and connecting to the end of an “avenue,” “street,” “drive,” or “way” shall
      receive the name of that avenue, etc., with the designation “court.”
   2. Courts at right angles to a street shall receive a name substantially different from that street. If possible,
      such a court shall receive the same name as that of a street with which it is aligned, unless this would
      create undue confusion or unless the name is already used by an existing court. In this case, the court
      shall receive the name of that street plus a prefix or suffix such as “wich,” “ford,” “ville,” etc.
J. “Places,” “lanes,” “circles” and “courts” shall be within only one platted block. This includes any future
   planned extension.
K. Street names should be continuous through subdivisions where they align.
L. Proliferation of street names with the same prefix within a subdivision or in the general vicinity is
discouraged.
M. Duplication of street names shall not be permitted unless consistent with this section.
N. Street names in the rural areas of Mesa County shall conform to the alignment requirements of this section
   but need not use the “Street” and “Avenue” designations.
O. No new street name shall contain a cardinal direction, (North, South, East, or West), as part of the street
   name.
P. New street names that sound like, or similar to, existing streets but are spelled differently will not be allowed.

Section 8.19 | POSTING OF ADDRESSES

The owner of any new structure or manufactured home to which a number has been assigned pursuant to Section
3.18 shall:

A. within thirty (30) days after the receipt or notification of such number, affix the number in a conspicuous
   place;
B. remove any different number which might be mistaken for or confused with the number assigned to said
   structure by the County;
C. display the number assigned to the frontage on which the front entrance is located. In case the principal
   building or structure is occupied by more than one business or residential unit, each separate front entrance
   shall display a separate number. Where suite or lot numbers are assigned, the suite or lot number shall be
   displayed in the same manner as the house number.

Commented [GM66]: This section should either be a policy or listed as an appendix.
D. ensure that all required address numerals are painted or applied, are at least two inches in height, and are posted so as to be legible from the street or road on which the property is located;
E. mark all mail boxes that are not attached to the structure or manufactured home with the assigned structure number; and
F. if the structure is not visible from the street or road on which it is located, and no mail box is beside the driveway leading to the structure, erect a signpost with the assigned structure number.

Section 8.20 | INTERSECTION AND DRIVEWAY VISIBILITY

A. Intersections
1. No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of three (3) feet and eleven (11) feet shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of property lines and extending twenty-five (25) feet from their point of intersection, as shown on the following illustration:

2. The Director may require an increase in the visibility triangle requirements, standards may be increased when deemed necessary for traffic safety.

B. Driveways
1. On front (or other street side) property lines, no structure, fence, wall, hedge, or planting that will obstruct vision between a height of three (3) feet and eight (8) feet shall be erected, placed or maintained within the triangular area formed by the edge of the driveway and the front lot line, as shown on the following diagram:

2. The provisions of this section shall be waived for fences, walls, hedges or other plantings if it can be shown that visibility will not be restricted either because of a turnaround driveway or a parkway greater than eight (8) feet.

C. Dedication Required

The above visibility standards shall apply to all Street or Road intersections with public Streets and Roads in Mesa County. The area within required intersection visibility triangles shall be dedicated to the County at the time of development subdivision approval.

D. Enforcement

Upon official written notification of noncompliance, the property owner shall remove any obstructions. If the owner has not done so within a reasonable time as determined by the Public Works Department, Mesa County shall take steps to have the obstruction removed.

Section 8.21 | LAND DEDICATIONS AND FEES IN-LIEU

A. Park Land (see Section 7.5 – Open Space/Parks Standards) Dedication
1. Land Dedications
   Dedication of land for park purposes shall be required of any development if such development
   includes within it land that is necessary for implementing an adopted park, bikeway, or open space
   plan, provided that every land dedication shall be roughly proportional both in nature and extent of
   the proposed development.

2. Fees In-Lieu of Land Dedications
   A fee in lieu of park land dedication shall be paid by all developments except those required to
   dedicate park land in accordance with this section. Revenues from such fees shall be used only to
   acquire park land or construct park or recreation related capital improvements that are necessary to
   serve the fee-paying development and other developments within the area. Fees are payable upon
   the filing of a final plat for a platted residential development. Developments containing residential
   and other uses shall pay the appropriate fees on each part of the development.

3. Required Fees
   The required fees for all types of development shall be calculated in an amount roughly proportional
   to the need or demand generated by the proposed development, as determined by one or more
   studies commissioned and approved by the Board of County Commissioners.

4. Credit Permitted Against Fee
   The development shall be allowed credit against any fees due for the actual costs of any park related
   capital improvements constructed by the applicant, for the development, at the request of Mesa
   County that are not on or directly adjacent to land owned by the applicant.

B. Schools

1. Land Dedications
   Dedication of Suitable School Lands for school purposes shall be required of any development if the
   affected School District determines that such development includes within it land that is necessary for
   implementing a school plan, provided that every land dedication shall be roughly proportional both
   in nature and extent of the proposed development, in accordance with the requirements of this
   section.

2. Fees In-Lieu of Land Dedications
   A fee in-lieu of school land dedication shall be paid by all residential developments except those
   required to dedicate land for schools in accordance with this section. The fee per dwelling unit shall
   be determined by resolution of the Board of County Commissioners, calculated in an amount roughly
   proportional to the need or demand generated by the proposed development, as determined by one or more
   studies commissioned and approved by the School District. School Land Dedication (SLD) fees shall be collected by the County for the exclusive use and benefit of the School District in which
   such development is located, and shall be expended by the School District solely to acquire real
   property or interests in real property reasonably needed for development or expansion of school sites
   and facilities, or to reimburse the School District for sums expended to acquire such property or
   interests.

   a. School Land Dedication Fees shall be collected and held in trust for the use and benefit of
      the School District containing the Residential Development for which the fee is collected. Such
      fees shall be expended by such School District to acquire additional real property for expansion
      of school facilities and construction of new school facilities necessitated by new Residential
      Development in such School District, or to reimburse the School District for sums expended to
      acquire such property. The amount of the SLD Fee shall be based on a methodology which takes
      into account the student generation rates of new Residential Development, the quantity of land
      required to build new school facilities on a per pupil basis, and the anticipated cost of acquiring
      Suitable School Lands in the School District to expand existing school facilities and construct new
      school facilities to accommodate new Residential Development without decreasing current
      levels of educational services.
b. At the time SLD Fees are initially adopted and once every five years thereafter, the Board of County Commissioners shall determine the average cost per acre of Suitable School Lands, after a public hearing. The County shall give each School District of the County sixty (60) days’ prior written notice of the hearing. Such hearing shall consider the School Districts’ long range capital improvement plans and any other evidence, comments or recommendations submitted by the School Districts and the public in making such determination.

c. The SLD Fee shall then be set, by resolution of the Board of County Commissioners, in accordance with the following formula:

\[
\text{Cost per Acre of Suitable School Lands within each School District} \times \text{Student Generation Fee Factor of .023} = \text{SLD Fee Per Dwelling Unit}
\]

For example, if the average cost of Suitable School Lands is $15,000 per acre, the SLD Fee per Dwelling Unit would be $15,000 X .023, or $345. See Section [Section number] above for determination of factor.

The student generation fee factor may also be modified at the hearing, provided that either the subject School District gives notice to the Board of County Commissioners that it requests such a modification at least thirty (30) days prior to the hearing, or the Board adopts a motion providing for consideration of a modification of said fee factor, and its hearing notice to the subject School District pursuant to this subsection. Said hearing shall consider the School District’s school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the County Planning Department, the subject School District and interested members of the public.

3. Payment of School Land Dedication Fee

a. No building permit shall be issued for a dwelling unit or a multi-family dwelling structure that is or contains one or more dwelling units, until the SLD fee in effect at the time the permit is applied for has been paid.

b. Nothing in this section shall preclude a holder of a Development Permit for a Residential Development or Mixed Use Development containing a Residential Development component from pre-paying the SLD fees to become due under this section for one or more Dwellings, Multiple-Family Dwellings or Multi-Family Dwellings to be constructed in such development. Such prepayment shall be made upon the filing of a final plat for a platted Residential Development, at the SLD fee rate then in effect and in the amount which would have been due had a building permit application for such dwellings been pending at the time of prepayment. A subsequent building permit for a Dwelling, Multiple-Family Dwelling or Multi-Family Dwelling that is, or contains, one or more Dwellings for which the SLD fees have been prepaid shall be issued without payment of any additional SLD fees. However, if such permit would allow additional Dwellings Units for which SLD fees have not been prepaid, the permit shall not be issued until the SLD fees for the additional Dwelling Units have been paid at the rate per Dwelling Unit in effect at the time the building permit application was made.

c. Any prepayment of SLD fees in accordance with this section shall be documented by a Memorandum of Prepayment that contains the following minimum components:

1. The legal description of the real property subject to Residential Development for which an SLD fee is being prepaid.

2. A description of the development permit issued concerning such real property, and a detailed statement of the SLD fees being prepaid.

3. The notarized signatures of the owners of record or their duly authorized agents; and,

4. The notarized signature of the County Administrator, indicating approval of the prepayment plan.

4. Exemptions
The following shall be exempted from payment of SLD fee:

a. Alterations or expansion of existing buildings except where the use is changed from nonresidential to residential and except where additional Dwelling Units result;
b. The construction of accessory buildings or structures;
c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;
d. The installation of a replacement manufactured home on a lot or other parcel when a fee in lieu of land dedication for such manufactured home has previously been paid pursuant to this section or where a residential manufactured home legally existed on such site on or before the effective date of this section;
e. Nonresidential buildings, nonresidential structures, or nonresidential manufactured homes;
f. Nursing homes, Adult Foster Care Facilities, or Specialized Group Facilities;
g. County approved Residential Developments that are subject to recorded covenants restricting the age of the residents pursuant to the Federal Fair Housing Amendments Act of 1988; and
h. Residential construction on unsubdivided land.

5. Credits

a. An applicant for a development permit (or a holder of such a permit) who owns other Suitable School Lands within the same School District in which the development is located may offer to convey such lands to such district in exchange for credit against all or portion of the SLD fees otherwise due or to become due, the offer must be in writing, specifically request credit against fees in lieu of SLD, and set forth the amount of credit requested. If the County and the School District in which the development is located accept such offer, the credit shall be in the amount of the value of the Suitable School Lands conveyed, as determined by written agreement between the County, the School District and the permit holder or applicant.
b. Credit against SLD fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this subsection is conveyed to and accepted by the School District in which the development is located. Upon such conveyance, the School District in which the development is located, and the County, shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and a description of the project or development to which the credit shall be applied.
c. Credits shall not be transferable from one project or development to another.

6. Refund of Fees Paid

a. Any SLD fee which has not been expended by a School District within five years of the date of collection shall be refunded, with interest at the rate of five percent per annum compounded annually, to the current owner of the land for which the fee was paid. Prior to such refund, such amount shall be reduced by an amount equal to two percent of the principal amount to be refunded, for the costs incurred by the County in the refund of such fee. The County shall give written notice by first class mail to the person who paid the fee at his or her address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a written claim for such refund with the County within ninety (90) days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this Section 7.21.
b. The Board may, upon a School District’s request, extend the 5-year period of time upon a showing that such extension is reasonably necessary in order for the School District to complete or close a purchase transaction entered into in writing by such district prior to expiration of such period, or to give such district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the Board. In no event shall any extension of time exceed an additional 5-year period.
A. Escrow of Funds in Lieu of Improvements

When specific public improvements are required by the Board of County Commissioners and/or identified in the County's Capital Investment Program and/or any adopted Transportation Plan, a fee (based on the cost of design, construction, and construction administration) may be collected in lieu of improvement construction. The County may hold funds for up to seven (7) years.

B. Use of Funds

Fees paid pursuant to this section shall be deposited in an escrow account held by the Mesa County Treasurer. Fees shall be expended by Mesa County only to construct the specific improvement for which the fee was collected.

C. Credit Permitted Against Fee for Certain Off-Site Improvements.

Any development shall be allowed credit against any fees or funds due under this section for actual costs of any public improvements constructed by the applicant for the development at the request of Mesa County, which are not on or directly adjacent to land owned by the applicant.

D. Impact Fees

All traffic-generating developments are subject to assessment and payment of a Transportation Impact Fee (TIF). The TIF fees are based on one or more studies commissioned and approved by the Board of County Commissioners. The TIF Regulation (MCM 2004-107) was adopted by the BOCC on June 7, 2004. All requirements of MCM 2004-107 and any amendments shall be implemented through this Land Development Code (LDC).

Section 8.23 | SECTION 8.22 | STORMWATER CONSTRUCTION PERMIT

A. Findings

The Board of County Commissioners has obtained a permit to discharge stormwater under the Colorado Discharge Permit System (CDPS) or by required the Federal Clean Water Act, National Pollutant Discharge Elimination System Stormwater Phase II program. The terms and conditions of the permit have set forth minimum requirements for stormwater management programs that address stormwater quality from construction activities, which disturb one (1) acre or more of land and less than one (1) acre if it is part of a larger common plan of development, associated with significant new development or redevelopment.

The Board of County Commissioners finds that to meet the terms of the CDPS permit regulations addressing stormwater quality from construction activities associated with significant development or redevelopment that appropriate regulations are therefore necessary.

B. Purpose and Intent

It is the purpose of these regulations:

1. To protect and preserve surface water from pollutants associated with stormwater runoff.
2. To meet the terms of the CDPS, Colorado Department of Public Safety permit regulations.
3. To regulate the contribution of pollutants to the municipal separate storm sewer system from stormwater discharges;
4. To establish legal authority to carry out all inspection, observation, and monitoring procedures necessary to ensure compliance with the regulations of this section;
5. To promote public awareness of the hazards involved in the improper discharge of pollutants into the municipal separate storm sewer system;
6. To regulate the contributions to the municipal separate storm sewer system by stormwater discharges from construction activity and development and to facilitate compliance with state and federal standards;
7. To reduce pollutants in stormwater discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that...
8. To require permanent stormwater quality runoff controls to be constructed along with development to prevent the deterioration of water quality;

9. To establish provisions for the long-term responsibility for and maintenance of structural stormwater quality control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and do not threaten public safety.

10. To establish timely and appropriate enforcement actions for violations of the regulations of this Section.

C. Methods

In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

1. Requiring a Local Stormwater Construction Permit as identified in the Stormwater Management Manual, when applicable.

2. Require the installation and maintenance of permanent stormwater quality runoff controls to be constructed along with development to prevent the deterioration of water quality as identified in the Stormwater Management Manual, when applicable.

D. Applicability

1. The regulations of this Chapter shall apply to all lands designated as an urbanized area according to the Colorado Department of Public Health and Environment. The most up to date map is located on the Colorado Department of Public Health and Environment webpage at http://www.cdphe.state.co.us/wq/PermitsUnit/Mesa.pdf.

2. No new development or redevelopment, which disturbs one (1) acre or more of land and disturbs less than one (1) acre but is part of a larger common plan of development, shall hereafter be allowed without full compliance with the terms of this regulation, the Mesa County Stormwater Management Manual, and other applicable regulations of the Land Development Code.

3. Disturbance includes any activity that disturbs the soil on the site, including: grading, clearing, excavation activities, areas receiving overburden (e.g. stockpiles), demolition areas, and areas with equipment/vehicle traffic and storage that disturb vegetative cover.

E. Interpretation

In the interpretation and application of these stormwater regulations, all provisions shall be considered as minimum requirements, liberally construed in favor of the County, and deemed neither to limit nor repeal any other powers granted under State statutes.

F. Warning and Disclaimer of Liability

The degree of water quality protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based upon the engineering and scientific methods of Construction Stormwater Management Plan and the Drainage Report. This Section shall not create any liability on the part of, or a cause of action against the Mesa County Board of Commissioners or any officer or employee thereof, for any water quality damages that may result from reliance on this regulation or any administrative decision lawfully made thereunder.

G. Nonconformities

The existing lawful use of a structure or premises that does not comply with the stormwater regulations of this Section, may be continued. If the property is redeveloped, and disturbs an acre of land or less than one (1) acre but is part of a larger common plan of development, activities must conform with this Section.

H. Stormwater Construction Permit Conditions

The Stormwater Administrator shall require that the requirements of Section 1506.10 of the Stormwater Management Manual be adhered to. This Section covers the requirements of inspections,
reporting, and changes to the Construction Stormwater Management Plan.

**Section 8.24 | SECTION 8.23 | INTERIM DEVELOPMENT POLICIES**

A. Findings

The Board of County Commissioners may adopt by resolution Interim Development Policies, stipulating development standards and uses for properties in specific areas prior to availability of infrastructure and services. The purpose of interim development policies is to allow land owners some development potential while ensuring that development does not occur that cannot be adequately served by water, sewer, roads and other appropriate services and infrastructure.

B. Applicability to Development

All development within an area subject to an Interim Development Policy shall be required to meet all applicable standards and limitations set forth in the Policy.

C. Effect on Future Development

New development in an area subject to an Interim Development Policy shall be designed in a manner so as not to interfere with future development or redevelopment consistent with the Future Land Uses and Goals, Policies and Objectives of the Mesa County Master Plan.

As a condition of approval of any development in an area planned for urban development, a note will be placed on the site plan indicating that urban uses are planned for the subject property in the future as designated on the adopted Mesa County Master Plan's Future Land Use Plan Map and referencing the adopted Policy Resolution number.
# CHAPTER 9 SIGNS

## SECTION 9.01 | PURPOSE

The sign regulations of this chapter are intended to promote traffic safety and to protect the visual appearance of the County. Signs placed by a governmental entity or approved to be located on public property or in public rights-of-way are exempt from this chapter.

## SECTION 9.02 | PROHIBITED SIGNS

**A. The following signs shall be prohibited:**

1. Signs that contain statements, words, or pictures of an obscene or indecent nature. Obscene or indecent material is material that depicts uncovered human sexual organs or female breasts, or the touching of covered human sexual organs or female breasts, or that depicts human or animal sexual activity or that includes words commonly used as insults or epithets.
2. Signs that contain or are an imitation of an official traffic sign or signal or contain the words “stop,” “go slow,” “caution,” “danger,” “warning,” or similar words.
3. Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
4. Signs that flash, move, blink, change color, chase or have other animation effects except time and temperature signs, or revolving signs that do not exceed the rate of seven (7) revolutions per minute, but not including revolving beacon lights.
5. Signs that create a hazard for, or impede safe or efficient movement of, motorists or pedestrians.
6. Signs that swing or otherwise move as a result of wind pressure because of the manner of their suspension or attachment.
7. Signs placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills, except as may otherwise expressly be authorized by this section.

## SECTION 9.03 | EXEMPTIONS SIGNS

The following types of signs are exempt from the Sign Regulations of this section to the extent stated.

**A. Safety and Information Signs**

Signs erected by, or on the order of, public officers in the performance of their duty, such as but not limited to safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, informational signs, and the like.

**B. Institutional Signs**

Permanent signs setting forth the name of any noncommercial institution, located entirely within the premises of that institution, up to an area of twenty-four (24) square feet. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six (6) feet above ground level.

**C. Integral Signs**

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal, bronze, aluminum, or other permanent type construction and made an integral part of the structure.

**D. Directional Signs**

---

**Commented [GM1]:** This should be under Chapter 12 Definitions.

**Commented [GM2]:** This prohibition may be used to deny digital signs which has been proposed to be added in this draft. Previously the City of Grand Junction has removed a similar prohibition utilizing the added language below.

**Commented [GM3]:** Proposed language above exempts signs on public property and public rights-of-way.

**Commented [GM4]:** The following signs have been deleted and replaced with the following language.
Signs directing traffic movement into a premise or within a premise, not exceeding three (3) square feet in area for each sign, and horizontal directional signs on and flush with paved areas regardless of size.

**E. Nameplates**

Nameplates, not exceeding two (2) square feet in area containing only the name of the resident, title of person conducting a permitted home occupation, name of building and name of agent.

**F. Holiday Decorations**

Temporary decorations or displays clearly incidental, customary and commonly associated with national or local holiday celebrations.

**G. Rear Entrance Signs**

Rear entrance signs associated with pedestrian walk-through buildings, provided they do not exceed 16 square feet in area and are flush mounted, identifying only the name of the establishment and containing directional information.

**H. Temporary Signs**

Temporary noncommercial signs may be erected as participation in a public parade, event, or celebration for a period not to exceed ten (10) days, provided that they are removed by the owner within three (3) days after the event.

**I. Menu Signs**

Menu signs at drive-in restaurants that are not designed to be read from the public right-of-way or signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.

**J. Warning Signs**

**A. Private Warning or Instructional Signs, such as “No Soliciting,” “No Trespassing,” “Beware of Dog,” or other similar types of signs not exceeding one and one-half (1½) square feet per sign.**

*Signs That Do Not Require a Permit*

The following signs are allowed on a lot/parcel in any zone district:

1. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
2. Signs that cannot be read from street rights-of-way which inform or instruct customers or visitors on-site. This may include but is not limited to menu boards, directional signs, rear entrance signs and warning signs.
3. Temporary decorations or displays clearly incidental, customary and commonly associated with national or local holiday celebrations.
4. A sign that is not illuminated, not digital or electronic and not permanent in nature; for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper. with the following limitations:
   a. On a parcel of less than one (1) acre, up to six (6) such signs are allowed, so long as each sign is not greater than six (6) square feet in area, except in that one of these signs may be up to thirty-two (32) square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
   b. On a parcel of one (1) acre or larger, up to six (6) such signs per acre are allowed, so long as each sign is not greater than six square feet in area, except that one sign per acre can be up to thirty-two (32) square feet in area.

**K. Advertising - Bus Shelters**

Advertising on or incorporated within County approved transit shelters is permitted as long as the following criteria are met.

Commented [GMS]: Language and standards used by the City of Grand Junction.

Commented [GMS]: Bus shelter and bus bench signs are approved and located in public rights-of-way. Proposed language is added above exempting County approved signage. These criteria should not be codified and should be created as a policy for such advertising.
1. There is a written agreement between the bus shelter provider and the County and all appropriate permits have been obtained from the County.

2. The bus shelters are located only at County-designated bus stops on County-designated bus routes. As routes or stops change, bus shelters that are no longer on a designated route or bus stop must be removed within thirty (30) days from notice by the County requesting removal.

3. Bus shelters are also subject to the following conditions:
   a. Advertising shall be limited to two (2) side panels on the bus shelter, each not more than forty-eight inches (48") wide and seventy-two inches (72") high; the advertising panels may be illuminated by "back lighting" at a low level to not affect the night vision of drivers on the road or to cause glare to neighboring residential properties;
   b. A third (3rd) advertising panel may be provided along the rear of the bus shelter for public service messages or other public purposes, as specified in the written agreement with the County;
   c. A proposed maintenance schedule shall be included in the written agreement between the bus shelter provider and the County. The permittee shall be responsible for all maintenance of the shelter including general repair, removal of graffiti, and maintenance of lawn or landscaping around the shelter area. Failure to properly maintain the shelter or shelter area is cause for removal;
   d. Bus shelters with advertising are limited to major collectors, minor arterials, and major arterials, as designated on the Grand Valley Circulation Plan.

4. A permit shall be obtained from the County Engineer based on criteria contained within the Mesa County Standard Specifications for Road and Bridge Construction, Section 4.8 - Bus Shelters & Bus Benches.

Advertising - Bus Benches

Advertising on bus benches is permitted as long as the following criteria are met:

1. There is a written agreement between the bus bench provider and the County and all the appropriate permits have been obtained from the County.

2. A single bench may be located only at County-designated bus stops along a County-designated bus route, subsequent to issuance of a permit by the County Engineer. A second bench may be allowed based on rider-ship data which demonstrates such a need. As routes or stops change, bus benches that are no longer along a designated route or bus stop must be removed within thirty (30) days of notice by the County.

3. Benches are also subject to the following conditions:
   a. the advertising panel shall be limited to a single face which must be oriented to the street. The sign face shall not exceed twelve (12) square feet in size with a maximum sign height of two (2) feet; the sign shall be non-illuminated and non-reflective;
   b. the permittee shall be responsible for all maintenance of the bench including general repair, painting, removal of graffiti, and maintenance of lawn or landscaping around the bench area. Failure to properly maintain the bench or bench area is cause for removal;
   c. Benches containing advertising are limited to major collector, minor arterials, and major arterials, as designated on the Grand Valley Circulation Plan.

4. A permit shall be obtained from the County Engineer based on criteria contained within the Mesa County Standard Specifications for Road and Bridge Construction, Section 4.8 Shelters & Bus Benches.

Section 9.04 | TEMPORARY SIGNS

A. Land Sales Signs

Non-illuminated signs advertising the sale or development of land containing an area of not less than five (5) lots or one (1) acre shall be allowed as temporary signs, provided that:
1. such signs shall not exceed thirty-two (32) square feet;
2. not more than one (1) sign shall be placed per parcel; and
3. such signs shall be removed within one (1) year.

Upon written request from the applicant, the Planning Director may issue approval to continue the sign for up to one (1) additional year.

B. Real Estate Sales Signs

Non-illuminated signs pertaining to the sale or lease of the premises on which they are located shall be allowed as temporary signs, provided that:

1. such signs shall not exceed six (6) square feet in area; and
2. such signs shall be removed within one (1) year or within one (1) week after the transfer of title or the signing of the lease.

During the period of time between the execution of a contract for sale or lease and the finalization of the same, a "sold," "sold by," or similar sign will be permitted as long as the maximum size of six (6) square feet is not exceeded.

C. Contractor's Signs

Non-illuminated signs advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, materials, or labor to the premises during the period of construction, development, or lot sales shall be allowed as temporary signs, provided that:

1. signs shall not exceed thirty-two (32) square feet; and
2. such signs shall be removed within twenty-four (24) hours after certificate of occupancy is issued.

D. Grand Opening Signs

SECTION 9.04 | “GRAND OPENING” SIGNS SHALL BE ALLOWED FOR A MAXIMUM OF ONE (1) WEEK. THIS ALLOWANCE MAY BE USED ONLY ONCE BY A SINGLE BUSINESS OR OWNER.

A. Standards

1. Banners and wind driven signs may be displayed for up to thirty (30) consecutive days up to four (4) times in a twelve (12) month calendar year. Permit periods may run consecutively.
2. All banners must be secured directly to the structure, fence, or post that is permanently affixed to the ground.
3. All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public rights-of-way.
4. In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit.

SECTION 9.05 | DIGITAL OR ELECTRONIC SIGN

A. Standards

1. The maximum brightness levels for signs shall not exceed 0.3 (three tenths) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a footcandle meter, brightness shall be in conformance with the following distance table:

<table>
<thead>
<tr>
<th>Area of Sign (square feet)</th>
<th>Measurement Distance (feet from sign)</th>
</tr>
</thead>
</table>

Commented [GMB]: This proposed language comes from the City of Grand Junction's sign code.

Commented [GM9]: Language taken from the City of Grand Junction sign code.
2. The measurement shall be conducted at least thirty (30) minutes after sunset or thirty (30) minutes before sunrise.
3. Interactive signs are prohibited.
4. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

**Section 9.05 | Section 9.06 | General Standards for All Signs**

The following requirements shall apply to signs in all zoning districts unless otherwise indicated.

**A. Permits Required Standards**

1. Permits shall be required for all new signs except those exempt signs listed in Section 8.3. The alteration of sign faces by painting or overlay shall be considered as construction of a new sign. Permits for signs shall be obtained by sign contractors licensed to engage in such business by any municipality in Mesa County.

**B. Maintenance and Repair**

1. Maintenance, touch-up, repainting or repair of a legal sign shall not require a sign permit.

**C. Location of Signs**

1. All signs shall be located on the same lot as the use to which it is associated, unless they qualify as off-premise signs under this section.

**D. Permanent Signs**

1. All signs shall be permanent in nature except for those signs allowed as temporary-exempt signs in accordance with this section.

**E. Wind Load Standard**

1. All exterior signs shall be engineered to withstand a minimum wind load of thirty (30) pounds per square foot without violating any provisions of this chapter.

**F. Obsolete Signs**

1. All signs that identify businesses, goods, or services no longer provided on the premise shall be removed within ninety (90) days after the business ceases.

**G. Sign Measurement**

1. The total surface area of one (1) sign face of free-standing signs, roof signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. Off-premise signs shall not be counted in maximum square foot allowance.

**H. Illumination**

1. Illumination of all signs shall comply with the following standards:
   a. The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity does not generate glare onto nearby residential areas between the hours of 8 p.m. and 8 a.m.
b. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares, as determined by the Department of Public Works.

c. No exposed reflective type bulbs or incandescent lamps which exceed forty (40) watts shall be used on the exterior surface of a sign.

I. Identification and Marking

7. Each sign requiring a permit hereafter erected or remodeled shall bear, in a permanent position, an identification plate stating the date the sign was erected and the name of person, firm or entity responsible for the construction and erection.

1.8. Touching up, repainting or changing existing letters, text, symbols, graphics, or other content that does not alter the existing sign area, is considered maintenance and repair and does not require a permit.

Section 9.06 | SECTION 9.07 | RURAL AND URBAN RESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Rural and Urban Residential zoning districts in accordance with the standards of this subsection.

A. Sign Types Allowed

1. A bulletin sign, not to exceed twenty-five (25) square feet per face, may be erected upon the premise of any public institution for the purpose of displaying the name of the institution and its activities or services.

2. One identification sign shall be allowed for each institutional or multi-family building or complex, provided that:

   a. Such sign shall not exceed thirty-two (32) square feet in area;

   b. If lighted, such sign shall utilize indirect illumination only; and

   c. Such sign shall contain only the building or complex name and name of agent.

3. Signs advertising any subdivision or other project under construction shall be permitted provided that the following conditions are met:

   a. Signs in the model home area and on the subdivision site shall not exceed a total aggregate of two hundred (200) square feet.

   b. Individual permanent on-site subdivision signs shall not exceed thirty-two (32) square feet.

   c. Temporary off-premise subdivision signs shall be allowed for an initial period of one (1) year from date of issuance and may be extended for one (1) additional year when the following requirements are met.

      (1) The development, subdivision, or project does not have frontage on a minor or major arterial.

      (2) Each sign is located on private land, no such sign may be placed on the public right-of-way, utility poles, or traffic control devices.

      (3) The single face of any temporary off-premise development sign shall not exceed sixteen (16) square feet, and no double faced sign may exceed thirty-two (32) square feet.

      (4) No more than one (1) off-premise sign shall be permitted per parcel. No more than two (2) off-premise development sign locations shall be allowed per development, regardless of the number of development phases or filings.

      (5) All regulations concerning maintenance, illumination, and permits shall be met.

      (6) All signs approved under this section will be removed within thirty (30) days of the expiration of the permit or extension.

Commented [GM13]: This language allows for modification of sign copy without the need to apply for a permit.

Commented [GM14]: This signage is now allowed above under “Exempt Signs”.

Commented [GM15]: Not sure why this language or signage is needed.
(7) No such temporary sign shall be located closer than one thousand (1,000) feet from any other temporary sign.

(8) The content of temporary signs under this section shall be limited to the following: name and address of the new subdivision, one (1) logo, name of real estate broker, and one (1) directional arrow. No illustration shall be permitted other than the logo.

B. Location
Permitted signs may be located anywhere on the property.

C. Height
The height of free-standing signs shall not exceed ten (10) feet. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roof line.

D. Illumination
Only indirect or internal illumination shall be used for letter faces and logos.

SECTION 9.08 | AFT ZONING DISTRICT

The following signs shall be allowed for nonresidential uses in the AFT zoning district.

A. Allowed Sign Area
A total of thirty-two (32) square feet of signage shall be allowed for each nonresidentially used property. Total signage allowed may be divided between flush wall and freestanding signage. Allowed signage for uses that require approval of a Conditional Use Permit shall meet the standards set forth under Section X.X.

B. Flush Wall Signs
1. Flush wall signs may be placed on a building façade that faces a dedicated public street.
2. In the event a building does not have frontage on a dedicated public street, the owner shall designate the building façade where wall signs shall be located.
3. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs incorporated with a window display will not be considered part of the total sign allowance.
4. A maximum of two (2) flush wall signs may be located on a building façade.

C. Freestanding Signs
1. No more than one (1), twelve (12) foot high free-standing sign shall be permitted for any parcel for each street frontage.
2. Signs may be installed at street rights-of-way line but no part of the sign shall project into the rights-of-way. In the event that lots or parcels abut streets or roads without rights-of-way or inadequate rights-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan.
3. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

SECTION | NONRESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Urban Nonresidential zoning districts in accordance with the standards of this subsection.

A. Signs Types Allowed
Signs in Urban Nonresidential zoning districts may include flush wall signs, free-standing signs, projecting signs, and roof signs. All signs allowed in Rural and Urban Residential zoning districts zones are also allowed in Urban Nonresidential zoning districts. Real estate signs in Urban Nonresidential zoning districts shall be limited to a maximum size of sixteen (16) square feet.

B. Location and Size
Permitted signs may be located anywhere on the premises except as specifically restricted in this section. The total amount of signage to be allowed on any property shall not exceed the sign allowance standard of this section. No single sign may be larger than three hundred (300) square feet.

C. Flush Wall Signs and Roof Signs

1. The sign allowance shall be calculated on the basis of the area of the one (1) length of the building facade which is most nearly parallel to the street it faces. Each building facade that faces a dedicated public street shall have its own sign allowance.

2. In the event a building does not have frontage on a dedicated public street, the owner of the building may designate the one (1) building facade which shall be used for the purpose of calculating sign allowance. In the event the only building facade that faces a dedicated street contains no commercial display area, a property owner may designate another building facade to serve as the basis for calculating the total amount of sign area allowed.

3. Up to two (2) square feet of sign area shall be allowed for each linear foot of building facade for flush wall signs and roof signs. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs in a window display area incorporated with such a window display, will not be considered part of the total sign allowance.

4. On any building which allows flush wall signs, roof signs or projecting signs, a maximum of two (2) of these types may be used. If a flush wall sign and roof sign are used, the total sign allowance of two (2) square feet per linear foot of building may be divided between the two (2) signs. If a projecting sign is used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

5. Roof signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished so that they appear to be a part of the building itself. With no visible guy wires, braces or secondary supports shall be used. Maximum height for roof signs shall be forty (40) feet above grade.

D. Projecting Signs

1. Signs may project up to six (6) feet from the face of the building if located eight (8) feet or more above grade but shall not project beyond the back of curb. Total area per sign face shall not exceed one-half (½) square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, it need not be less than twelve (12) square feet per face.

2. On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over public domain, the projection may be one-half (½) foot for each linear foot of building frontage provided that it does not extend further than four (4) feet back of the curb face.

E. Freestanding Signs
1. No more than one (1) free-standing sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage.

2. Maximum sign allowance shall be calculated by the linear front foot of property on a public right-of-way in accordance with the following:

<table>
<thead>
<tr>
<th>Number of Traffic Lanes</th>
<th>Maximum Sign Face Area (per foot of street frontage)</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>0.75</td>
<td>25</td>
</tr>
<tr>
<td>3+</td>
<td>1.5</td>
<td>40</td>
</tr>
</tbody>
</table>

TABLE 9.1-2 FREESTANDING SIGN AREA STANDARDS

3. Signs may be installed at street right-of-way line but no part of the sign shall project into the right-of-way line. If the existing street right-of-way width is less than that required in this Land Development Code, the distance shall be measured from the line of such right-of-way as required by the Land Development Code rather than from the existing right-of-way line. In the event that lots or parcels abut streets or roads with inadequate right-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan. Single legs of one-way pairs shall be treated as four-lane roads.

4. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

Section 9.08 | SECTION 9.10 | PLANNED UNIT DEVELOPMENTS AND CONDITIONAL USES

Properties in an approved PUD district Planned Unit Development or part of an approved Conditional Use Permit shall have the signs on the property reviewed and approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

Section 9.09 | SECTION 9.11 | OFF-PREMISE (OUTDOOR ADVERTISING) SIGNS

A maximum of one (1) off-premise outdoor advertising sign, erected on the ground or affixed to a wall shall be allowed per parcel of land in the C-2, I-1 and I-2 zoning districts, subject to the following conditions:

A. Height Limitations

No off-premise outdoor advertising sign shall be erected higher than forty (40) feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No off-premise outdoor advertising sign shall have a surface or facing exceeding three hundred (300) square feet in area or containing less than fifteen (15) square feet in area. Off-premise signs shall not be denied permits because of maximum size limitations for on-premise signs on the same parcel.

B. Distance

For each square foot of surface or facing of the sign, two (2) feet of space from adjacent off-premise outdoor advertising signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no sign can be erected closer than six hundred (600) feet to an existing three hundred (300) square foot sign.

C. Illumination

Outdoor advertising signs that are illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision.

Section 9.10 | SECTION 9.12 | REMOVAL AND DISPOSITION OF SIGNS

A. Maintenance and Repair

Commented [GM20]: City of Grand Junction standard.
1. No person shall retain on any premises owned or controlled by them, any sign which is in a dangerous or defective condition. The Planning Director shall require the removal or repair of any sign by the owner of the sign or the owner of the premises upon which it is located. In cases of immediate danger to the public due to the defective nature of a sign, the Planning Director may cause the immediate removal of the sign and may assess the costs of the removal against the owner of the property.

2. The appearance and safety of all signs shall be maintained by the replacement of all defective parts and by periodic painting, repainting, cleaning and other acts required for proper maintenance.

B. Abandoned Signs

Except as otherwise expressly stated herein, a sign which is located on property which becomes vacant and unoccupied for a period of ninety (90) days or more, or a sign which pertains to a time, event or purpose which no longer applies, shall be considered abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of the business shall not be considered abandoned unless the property remains vacant for a period of one hundred eighty (180) days or more. The structure and face of an abandoned sign shall be removed by the owner of the sign or the owner of the premises. A sign which is not removed may be removed by the Planning Director, and costs assessed against the owner of the property on which the sign is located.

1. Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. However, a sign structure that has no content or is “blank” and has fallen into disrepair and which is located on property which is unoccupied for a period of 12 consecutive months or more shall be deemed abandoned.

2. An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this section.
Chapter 10: INCENTIVES

Section 10.01 | GENERAL

A. Review and Approval Procedure

Projects requesting bonuses under this chapter for land that has not been platted, or for land that is being voluntarily replatted, shall be reviewed during the Subdivision process. Projects requesting bonuses under this chapter that have already completed the Subdivision process shall be required to obtain approval of an Administrative Review or Major Subdivision if lot lines will be changed, or shall be required to obtain approval for a Site Plan if lot lines will not be changed. A separate rezoning process shall not be necessary to approve the density increases granted through these processes.

B. Combination with Other Bonuses

Unless otherwise expressly stated, the bonuses listed in this chapter may be combined, provided the following conditions are met:

1. In Urban Residential or Nonresidential zoning districts, the total cumulative bonus allowed shall not exceed the maximum density allowed in the underlying zone district by more than twenty (20) percent.

2. In the AFT and AE3S zone districts, the total cumulative bonus allowed shall not exceed the maximum density allowed in the AFT and AE-35 zone districts by more than fifty (50) percent.

3. In the AFT zone district, the total cumulative bonus allowed shall not exceed fifty (50) percent of the number of units that would be allowed otherwise.

C. No Guarantee of Density

The provisions of this chapter shall not be interpreted as guarantees of achievable density. Developments using bonus provisions shall be subject to all other applicable regulations of this Land Development Code. These other regulations or site-specific conditions may prevent bonus density levels from being achieved due to the character of the land or surrounding uses.

Section 10.02 | GENERAL-DENSITY BONUS

Applicants may obtain a density bonus of up to ten (10) percent of the maximum density allowed in the underlying base zoning district if all of the following conditions are met:

Eligibility

1. The property must be located within:

   1. An RSF-R, RSF-1, RSF-2, RSF-4, RMF-5, or RMF-8 zoning district; or

   2. The Rural Communities of Gateway, Loma, Mack, Mesa, Powderhorn, or Whitewater; and

   3. The development that receives the density bonus must be located to avoid and minimize adverse impacts on agricultural operations, sensitive lands (e.g., wetlands, steep slopes, ridgelines), wildlife, and natural hazards.

Section 10.03 | JOINT SUBDIVISION BONUS

In order to encourage integrated planning for adjacent subdivisions, applications for a Major Subdivision shall be eligible for a density bonus of ten (10) percent if they follow the following conditions are met:

Standards

1. The subdivisions are submitted jointly for two or more parcels owned by two or more adjacent property owners.

2. The subdivisions include an integrated circulation and access pattern covering all parcels; and

3. The subdivisions contain at least twenty (20) acres and six hundred and sixty (660) feet of frontage on a public road.

Commented [GM1]: Due to the lack of use, the Code Focus Group is proposing that this entire Chapter be removed from the Land Development Code.
Section 10.04 | REMOVAL OF URBAN NONCONFORMING USE BONUS

In order to encourage the removal of nonconforming uses in Urban Residential zoning districts, applications for redevelopment of land containing nonconforming uses in such zoning districts shall be eligible for a density bonus of ten (10) percent if they follow the standards:

1. The proposal will remove the nonconforming use and any nonconforming structures on the land; and
2. The proposal will include only permitted, conditional, accessory and temporary uses, allowed uses, and conforming structures.

Section 10.05 | URBAN RESIDENTIAL CLUSTER BONUSES

A. Eligibility

Applications for single family developments located within those portions of the RSF-1, RSF-2, RSF-4, RMF-5, and RMF-8 Zone Districts may obtain a density bonus of up to twenty (20) percent (20%) under the following conditions:

1. The units must be clustered to preserve at least thirty (30) percent (30%) of the site in contiguous common open space located along natural drainage corridors or adjacent to existing open space; and
2. Prior to construction of the units, the required open space must be:
   a. Reserved from development for a period of at least forty (40) years through the use of a recorded deed restriction; and
   b. Conveyed to a Property Owner’s Association or other organization with responsibility for maintenance of the open space and the ability to collect assessments or dues for such purpose.

B. Buffering

The perimeter of a cluster development shall be buffered from adjacent property pursuant to the applicable Landscaping and Buffering Standards in Section 7.20.X of this Land Development Code (LDC).

Section 10.06 | URBAN RESIDENTIAL ATTAINABLE HOUSING BONUS

Attainable housing bonuses shall be granted for units within the RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5 or RMF-8 Zoning Districts that the applicant commits to restricting for occupancy at “affordable” levels in accordance with Department of Housing and Urban Development income guidelines and definitions. Attainable housing units must be dispersed throughout the proposed project, and the mechanism used to restrict the units must be approved by the Board of County Commissioners after considering the recommendations of the appropriate state and/or federal housing agency. Bonuses shall be given as follows:

<table>
<thead>
<tr>
<th>Income Group (HUD)</th>
<th>Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low Income</td>
<td>1 bonus unit per each unit restricted to Very Low Income households</td>
</tr>
<tr>
<td>Low Income</td>
<td>1 bonus unit per each 2 units restricted to Low Income households</td>
</tr>
<tr>
<td>Moderate Income</td>
<td>1 bonus unit per each 4 units restricted to Moderate Income households</td>
</tr>
</tbody>
</table>

Section 10.07 | RURAL CLUSTER DENSITY BONUS

Proposed Major Subdivisions within the AFT and AF3.5 Zone Districts may obtain a density bonus calculated pursuant to Section 6.3.3 of this Code.

Section 10.08 | TRANSFERABLE DENSITY CREDITS

The Mesa Countywide Land Use Plan recommends Mesa County initiate a program for Transfer of Development Rights or Credits (TDR/C) in order to provide an alternative to subdivision of land. Such a program is not intended.
to provide additional density to a sending site that has been previously subdivided. The program is also intended to encourage growth to locate in urban and rural community areas with adequate infrastructure in place to service higher density residential development. This Section of the Code provides a mechanism for landowners in Sending Areas to receive compensation for either not developing or limiting the development of their property, and an opportunity for landowners in Receiving Areas to obtain a higher return on investment through developing at an increased density.

Transferable Development Rights/Credits (TDR/C) may only be transferred from specified Sending Areas to specified Receiving Areas. A landowner in a Sending Area may voluntarily sell the Development Rights/Credits to a buyer at a market value established by the landowner and the buyer. Prior to the time of the sale, a Deed Restriction through a Declaration of Restriction of Development and Easement, is recorded with the Mesa County Clerk’s Office, limiting the future development potential of the Sending Site. A TDR/C Certificate is then issued by Mesa County identifying the number of Transferred Development Rights/Credits, and the book and page number of the recorded Declaration of Restriction of Development and Easement.

TDR credits shall be severed from a Sending Site prior to subdivision of a Sending Site, and after subdivision of the Sending Site only the unrestricted (remaindered) area of the site shall be considered in the determination of allowable density of future development of the unrestricted portion of the Sending Site (the remainder). Future development of a Sending Site is then limited to the remaining density not extinguished by the creation of one or more TDR/C’s, and future development of the unrestricted portion of the Sending Site is subject to Cluster Development standards under Section 6.4.4.X of this Code.

A. Sending Sites

1. Sending Sites shall:
   a. be located in a Sending Area, as defined in Section 12.1.X.X;
   b. be a minimum parcel size of:
      (1) Ten (10) acres in the AFT and AF35 zoning districts;
      (2) Five (5) acres in an Urban Residential, Commercial, and Industrial zoning district;
   c. be located in the AFT, AF35, Commercial, Industrial, or an Urban Residential zoning district;
   d. be eligible to receive one (1) TDR/C per five (5) acres placed under Deed Restriction through a Declaration of Restriction of Development and Easement;
   e. not include any land area within a 100 year floodway (acreage within a floodway is not eligible for the TDR/C program; such a condition does not negate the remaining portion of the land from being another otherwise eligible Sending Site); and
   f. be a parcel of land eligible under this Code for potential subdivision into one or more lots, as allowed by the current zoning of the property.

2. The issuance of TDR/Cs from the Sending Site must be evidenced by a Transferable Development Right/Credit Certificate issued by Mesa County. In order to issue the TDR/C Certificate, a Declaration of Restriction of Development and Easement on a form made available by the Planning and Economic Community Development Department signed by the owner of record from which Transferable Development Rights/Credits are being transferred must be presented to the Mesa County Planning and Economic Community Development Department, and shall clearly identify:
   a. the grantor;
   b. the legal description of both the Sending Site from which the Transferable Development Rights/Credits are being transferred and the specific portion of the Sending Site being restricted from future development through the transfer; and
3. The Declaration of Restriction of Development and Easement shall be recorded in the real property records of Mesa County clearly stating the number of Development Rights/Credits that have been transferred. The Declaration of Restriction of Development and Easement shall be for a period of thirty (30) years.

4. If TDR/C have not been used, in whole or in part, within ten (10) years, the owner of record of the sending site may seek to have the Declaration of Restriction of Development and Easement removed through the same process by which it was created.

5. Owners of record of sending sites that were approved prior to January 1, 2016 and that have not used the TDR/C in whole or in part may seek to amend the Declaration of Restriction of Development and Easement to remove the requirement for perpetual restriction and establish a new period of thirty (30) years retroactive to the original date of the establishment of the TDR/C. The amendment shall be modified through the same process by which it was created.

6. Upon recordation of the Declaration of Restriction of Development and Easement, a TDR/C Certificate(s) shall be issued by Mesa County identifying the number of Development Rights/Credits transferred and the book and page number of the recorded Declaration of Restriction of Development and Easement.

7. Upon recordation of the Declaration of Restriction of Development and Easement, a TDR/C Certificate(s) shall be issued by Mesa County identifying the number of Development Rights/Credits transferred and the book and page number of the recorded Declaration of Restriction of Development and Easement.

8. An owner of record of a Sending Site or an applicant interested in participating in the TDR/C Program shall contact the Mesa County Planning and Economic Development Department to schedule a pre-application conference to review the process and an estimate of the TDR/Cs that may be sold and the associated future site development restrictions that may apply to the subject property.

9. An owner of record of a Sending Site choosing not to participate in the TDR/C Program shall retain the option to develop their property as otherwise provided for by the Mesa County Land Development Code LDC.

10. Special Sending Areas

   a. Sending Area Eligibility Criteria

      Special sending areas must first meet a minimum score on an eligibility score sheet on forms provided by the Mesa County Planning and Economic Development Department/Community Development Department.

   b. Receiving Areas

      Special Sending Area TDR Credits are eligible to be sent to a variety of designated receiving areas; limits or caps on the total number of credits that may be transferred to a given Receiving Area are detailed in the applicable Receiving Area program regulations in Section 9.8.X.X below (e.g., Clifton/Fruitvale, Mack, and Whitewater programs).

   c. Sending/Receiving Ratio of 1:5

      Each Special Sending Area TDR credit is worth 5 dwelling units in a receiving area.

B. Receiving Areas

   a. Receiving Area Eligibility Criteria

      Receiving areas are eligible to receive TDR/C from a variety of sending areas, subject to the limitations and regulations as set forth in the applicable Receiving Area program regulations in Section 9.8.X.X below.
1. Receiving Areas are as shown on the TDR/C Receiving Area Map(s), the official copy of which is on file in the Mesa County Planning and Economic Development Department/Community Development Department, and incorporated herein by reference. Receiving Areas (each having a specified Sending Area) also include those portions of the Grand Junction Comprehensive Plan area located in the RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-8, and RMF-24 zoning districts, and the Rural Communities of Gateway, Loma, Mack, Mesa, Powderham, and Whitewater as identified in the Mesa County Master Plan.

2. Fruita Receiving Area

   a. TDR/Cs may be used on Receiving Sites to achieve additional density only through the City of Fruita’s development review process, and in no case shall Mesa County apply TDR/Cs to achieve additional density in any development application processed by Mesa County.

   b. An owner of record within the Receiving Area choosing not to participate in the TDR/C Program shall retain the option to develop their property as provided for by the Mesa County Land Development Code.

   c. Owners of Receiving Sites participating in the TDR/C Program are subject to an annexation petition or pre-annexation agreement with the City of Fruita.

   d. Mesa County shall not process any development application on an eligible Receiving Site unless and until either:

      i. the landowner certifies in writing that said landowner has elected to not participate in the TDR/C Program,

      ii. the City of Fruita rejects the pre-annexation agreement,

      iii. the City of Fruita revokes the pre-annexation agreement, or

      iv. the City of Fruita otherwise irrevocably declines to annex the Receiving Site.

   e. TDR/C Certificates proposed for use on a Receiving Site in Fruita must originate from a Sending Site identified for the Fruita/Mesa County TDR/C Program.

   f. The County shall cooperate with the City of Fruita to ensure that this obligation and relationship is fully implemented.

3. Other Municipal Receiving Areas

   Receiving Areas within incorporated municipalities shall be subject to the terms of any intergovernmental Agreements between Mesa County and the respective municipality.

4. Mack Receiving Area

   a. Tier 2 of the Mack Overlay District is designated as a Receiving Area for Transfer of Development Rights/Credits (TDR/C).

   b. The Mack Sending Area is that area within the Large Lot Rural/Agricultural 35+ and the Rural/Agricultural 35+ future land use classifications located within the Lower Valley as identified in the Mesa County Rural Master Plan north of the Colorado River.

   c. Transfer of Development Rights/Certificates proposed for use on a Receiving Site (Tier 2) in the Mack Receiving Area must originate from a Sending Site within the Sending Area cited in #2 above.

   d. Transfer of Development Rights/Credits may be used on Receiving Sites (Tier 2) to achieve the minimum lot sizes allowed in Tier 1. One additional lot is allowed for each Transfer of Development Right/Credit.
e. An owner of record within the Receiving Area choosing not to participate in the TDR/C Program shall retain the option to develop their property as provided for by the Mesa County Land Development Code and/or Appendix A, the Mack Overlay District.

f. If the TDR/C program is used on a Receiving Site, the Mack Overlay District zone shall apply.

5. Clifton/Fruitvale Receiving Area

a. The Clifton/Fruitvale Receiving Area for Transfer of Development Rights/Credits (TDR/C) is any property in the “eastern expansion” area of the Clifton/Fruitvale planning boundary that has a future land use classification of Residential Medium Low (RML) or Residential Medium (RM) in the Clifton/Fruitvale Community Plan.

b. Residential development may be permitted at the implementing density within the future land use classification of a Receiving Site. Development of a Receiving Site at a density higher than the maximum residential density in the future land use classification may be achieved through the TDR/C program and implemented through the use of a Planned Use Development zone. Density may be increased to that of one zoning district higher than the maximum allowed by the implementing zoning district, i.e., to RMF-5 in the RML future land use and to RMF-12 in the RM future land use.

c. The primary Sending Area for the Clifton/Fruitvale TDR/C program is the Palisade Community Separator (Buffer Zone). The sending/receiving ratio from the Palisade Community Separator is 1:8. Each TDR credit issued from the Palisade Community Separator is worth 8 dwelling units in the Clifton/Fruitvale Receiving Area.

d. Special Sending Areas. No more than 319 units may be transferred to the Clifton/Fruitvale Receiving Area from Special Sending Areas. This is approximately eighteen (18%) of the estimated total 2079 units the Clifton/Fruitvale Receiving Area can accept. The sending/receiving ratio is established above in Section 9.8.1.4.X.

6. Whitewater Receiving Area

a. The Whitewater Receiving Area for Transfer of Development Rights/Credits (TDR/C) is limited to designated Bureau of Land Management properties shown in the Whitewater Community Plan as TDR/C / Open Space. If these parcels are obtained for private use, residential density higher than one unit per thirty-five (35) acres can be achieved only through the TDR/C program.

b. Residential development within the Whitewater Receiving Area may be permitted at a density of one unit per 35 acres as a use by right. Through the TDR/C program allowed densities in the Whitewater Receiving Area are the same as adjacent private lands as shown in the Whitewater Community Plan (Residential Low – 1.1/2 acre to 2 acre densities). Development of a Receiving Site in the Whitewater Receiving Area can only be achieved through the TDR/C program.

c. The primary Sending Area for the Whitewater TDR/C is the area designated in the Whitewater/Kannah Creek area as Large Lot Rural Agricultural 35+ (LL R/A 35+) on the Mesa County 2006 Rural Area Future Land Use Map. The sending/receiving ratio from the Whitewater/Kannah Creek area is 1:7. Each TDR credit issued from the Whitewater/Kannah Creek area is worth 7 dwelling units in the Whitewater Receiving Area.

d. Special Sending Areas. No more than 120 units may be transferred to the Whitewater Receiving Area from Special Sending Areas. This is approximately twenty-five (25%) percent of the estimated 480 units the Receiving Area can accept. The sending/receiving ratio is established above in Section 9.8.1.4.X.
A. Purpose

The purpose of this Chapter is to regulate uses, structures, improvements, lots, and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this Land Development Code (LDC).

B. Nonconformities Regulated

The regulations of this Chapter address the following types of situations, all of which are collectively referred to as nonconformities.

1. Nonconforming Uses

A “nonconforming use” is one that was legally established but which no longer complies with the use regulations that apply within the zoning district in which the use is located.

   a. A use that was legally established without a Conditional Use Permit shall be deemed to have a Conditional Use Permit and shall not be deemed nonconforming solely because a Conditional Use Permit is now required for the use.

2. Nonconforming Structures

A “nonconforming structure” is a building, improvement, and/or structure, not including signs, that was legally established but which no longer complies with the dimensional or development standards that apply within the zoning district in which the building, improvement, or structure is located.

3. Nonconforming Signs

A “nonconforming sign” is one that was legally established but which no longer complies with the sign regulations of Chapter 8X.

4. Nonconforming Lots

A nonconforming lot is a tract of land, designated on a duly recorded plat, or by a duly recorded deed, or by other lawful means, that complied with the lot area, lot width, and other dimensional standards of the zoning district in which it was located at the time of its creation, but that does not comply with the minimum lot area, minimum width or other dimensional requirement of the zoning district in which it is now located.

C. Policies

1. Nonconforming Uses, Structures, Signs and Lots

   a. It is the general policy of the County to allow uses, structures, signs, and lots that came into existence legally and in conformance with then-applicable requirements and do not have a negative impact on public health or safety, but that do not conform to all of the applicable requirements of this Land Development Code (LDC), to continue to exist and be put to productive use while bringing as many aspects of the use or structure into conformance with the Land Development Code (LDC) as is reasonably practicable, all subject to the limitations of this Chapter. The limitations of this Chapter are intended to recognize the interests of the property owner in continuing to use the property in a safe and beneficial manner and allow changes and modifications to specified nonconformities, while working to reduce or eliminate nonconformities that may be detrimental to the public welfare.

   b. Property owners shall be encouraged to pursue all remedies available within this Land Development Code (LDC), including but not limited to Administrative Adjustments, Rezoning, Variances, or Subdivision in order to reduce or eliminate nonconformities.

2. Authority to Continue

Nonconformities shall be allowed to continue in accordance with the regulations of this Chapter.
3. **Determination of Nonconformity Status**

The burden of establishing that a nonconformity lawfully exists shall be on the owner, not the County (see Section 10.7X.X).

4. **Maintenance**

Normal maintenance required to keep nonconforming uses, nonconforming structures, nonconforming signs, and nonconforming lots in a safe condition shall be permitted, provided that no changes or expansion shall be made unless specifically allowed by this chapter or allowed by law or ordinance.

5. **Change of Ownership, Tenancy, or Management**

Changes of ownership, tenancy, or management of an existing nonconformity shall be permitted, and in such cases the nonconforming situation shall continue to be subject to the standards of this Chapter.

6. **Appeals**

The Planning Director’s decisions regarding nonconformities as set forth in this Chapter may be appealed to the Board of Adjustment, in accordance with the provisions of Section 3.15X.X of this Land Development Code LDC.

### SECTION 11.02 | NONCONFORMING USES

Nonconforming uses shall be subject to the following standards.

**A. Nonresidential Uses**

1. **Expansion.**

   In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded provided all other provisions of this Code are met.

   a. A nonconforming nonresidential use shall not be expanded in any residential zoning district.

   b. Any expansion of a nonresidential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this Code as follows:

      (1) An increase less than twenty-five percent (25%) of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection b.

      (2) For structures that are increased by twenty-five percent (25%) or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this Code.

2. **Change of Use.**

   The Planning Director may approve a different use, provided such use is deemed by the Director to be less intense and/or have fewer negative impacts on public health or safety than the existing use. Prior to approval, the Director shall consider traffic generation, parking, and screening requirements for the new nonconforming use. No change to a more intense nonconforming use is allowed.

   e.g. A nonconforming use may be changed to a conforming use subject to the processes identified in this Land Development Code LDC.

3. **Abandonment.**

   A nonresidential nonconforming use that has been discontinued for a period of one (1) year period for whatever reason shall be considered to be abandoned and shall not be reestablished. Any use on
the property after that time shall conform to all provisions of this code. Evidence of intent to abandon is not required.

4. Relocation.

A nonresidential nonconforming use may be moved in whole or in part to another portion of the property, provided the relocation will bring the use into conformance with applicable development standards or otherwise reduce the degree to which the use is nonconforming or impacts to neighboring properties.

5. Damage or Destruction.

A nonconforming nonresidential use that is damaged or destroyed may be reestablished in accordance with the following:

a. A use may only be reestablished within a conforming structure, except as may be permitted in Section 10.3XX of this chapter;

b. All restorative and other work must be in compliance with current fire and building codes and other applicable regulations;

c. A building permit must be issued within one (1) year from the date of the damage; and

d. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.

b. Deadlines for obtaining a permit and completing construction may be extended by the Planning Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the claim beyond the applicant’s control.

B. Residential Uses

A “nonconforming residential use” is a structure or property that contains more dwellings than allowed by the zone or is a dwelling located in a nonresidential zone that does not permit residential uses.

1. Expansion.

In all zones, a residential use may be expanded if no additional dwelling units are created and all other provisions of this code are met. Accessory structures for a nonconforming residential use such as a garage or storage shed shall be allowed if all applicable provisions of this Land Development Code are met. Accessory dwelling units shall not be permitted.

a. Any expansion of a residential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this Code as follows:

(1) An increase less than twenty-five percent (25%) of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection Bxx.

(2) For structures that are increased by twenty-five percent (25%) or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this Code.

2. Abandonment.

a. A nonconforming residential use, other than a single-family dwelling, that has not been occupied for a continuous period of one (1) year, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this code. Evidence of intent to abandon the nonconforming use is not required.

b. A nonconforming single-family dwelling that has not been occupied for a continuous period of one (1) year or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or
multiple-unit residential use, and unless reoccupying the structure poses a risk to public health and safety.

c. Removal of a nonconforming mobile home or manufactured home, not in a mobile home park, from its foundation or pad for a continuous period of one (1) year shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this code. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.

3. Damage or Destruction.

Nonconforming residential uses that are damaged or destroyed may be reestablished in accordance with the following:

d. All portions of the structure being restored are not and were not on or over a property line;

e. The number of dwelling units does not increase;

f. All construction must be in compliance with current fire and building codes and other applicable regulations;

g. A building permit must be obtained within one (1) year from the date of the damage; and

h. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.

i. Deadlines for obtaining a permit and completing construction may be extended by the Planning Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant’s control.

C. Agricultural Uses

Agricultural uses, as defined in Section 12.7X.X of this Code, that are located in the Rural zoning districts shall not be deemed to have been abandoned regardless of how long the use has been abandoned.

D. Accessory Uses

No use that is accessory to a principal nonconforming use shall continue after the principle use is abandoned, damaged or destroyed and not reestablished according to this Section.

SECTION 11.03 | NONCONFORMING STRUCTURES

Nonconforming structures shall be subject to the following standards.

A. Enlargement

1. Any expansion of a nonconforming structure that increases the degree of nonconformity shall be prohibited. Expansions of the structure that comply with applicable dimensional standards shall be permitted. (For example, adding to a building within the allowable setbacks when another part of the building is encroaching into a setback is permissible. Increasing the height of a building over the portion of a building that is encroaching in a setback would not be permitted.) The determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Planning Director.

2. Any expansion of a structure that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this Code as follows:

a. An increase less than twenty-five percent (25%) of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection B.X.X.
b. For structures that are increased by twenty-five percent (25%) or more, parking, landscaping and other requirements shall be provided proportionally for the increased area as set forth in this Code.

B. Damage or Destruction

In the event that any nonconforming structure is damaged or destroyed, such structure may be reconstructed in accordance with the following:

1. All portions of the structure being restored are not and were not on or over a property line;
2. The number of dwelling units does not increase;
3. All construction is in compliance with current construction codes, such as the fire and building codes and other applicable regulations;
4. A building permit must be obtained within one year from the date of the damage;
5. The certificate of occupancy (or other final inspection) must be issued within two years of the issuance of the building permit; and
6. Deadlines for obtaining a permit and completing construction may be extended by the Planning Director for up to one year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant’s control.

C. Relocation

Nonconforming structures shall not be moved unless the movement or relocation will bring the structure into compliance or closer to compliance with applicable dimensional standards.

SECTION 11.04 | NONCONFORMING LOTS

A. Uses

A parcel of land with an area or other dimension less than prescribed in the applicable zone may be used for any purpose permitted in the zoning district if:

1. The owner is able to demonstrate to the satisfaction of the Planning Director that the parcel was lawful at the time it was created;
2. No reasonable alternative exists to make the nonconforming lot conforming, such as the addition of adjoining land under the property owner’s control; and
3. The use meets all other regulations prescribed for the zoning district prior to occupancy or use.

B. Vacant Lots

Vacant nonconforming lots may be developed with uses permitted in the underlying zoning district, provided that they comply with the minimum setback standards of this Land Development Code. If the underlying zoning district allows a variety of uses and one or more uses and intensities that would comply with applicable lot area, lot width, or other dimensional and development standards while others would not, then only the uses or intensities that comply with applicable dimensional standards shall be permitted.

C. Developed Lots

If a developed nonconforming lot is occupied by a building or structure, then the owner may continue the use of that building or structure in any way that does not increase the extent of nonconformity. An increase in building size shall not be deemed to increase the extent of nonconformity unless it encroaches into a required minimum setback, exceeds the maximum allowed height or otherwise violates a required zoning district intensity, density, dimensional, or development standard.

D. Dimensional Standards

Development on nonconforming lots shall comply with the dimensional standards of the underlying zoning district. If the owner is able to demonstrate to the satisfaction of the Planning Director that there would not be sufficient area to build a structure on a nonconforming lot in compliance with the dimensional standards, the following alternative setbacks may be used:
1. Interior Side and Rear Setbacks
   The minimum interior side and rear setback shall be permitted to be three (3) feet.

2. Street Setbacks
   The minimum street setback shall be permitted to be twenty percent (20%) of the lot depth.

SECTION 11.05 | NONCONFORMING SIGNS

A. Change of Copy; Repairs
   Change of copy or the substitution of panels or faces on nonconforming signs shall be permitted. Repairs and maintenance of nonconforming signs, such as repainting, electrical repairs, and neon tubing replacement shall be permitted. Alterations to nonconforming signs that change the structure, character, or function of the sign shall not be permitted, except in accordance with Chapter 8.X.X of this Code.

B. Discontinuance
   Any nonconforming sign that ceases being used for a continuous period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the standards of Chapter 8.X.X. Any nonconforming sign that pertains to a business or institution that ceases operation for a period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the sign regulations of Chapter 8.X.X.

SECTION 11.06 | NONCONFORMITIES CREATED BY PUBLIC ACTION

When lot area or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least seventy-five percent (75%) of the required minimum standard for the district in which it is located, then that lot is deemed to be in compliance with the minimum lot size and setback standards of this Land Development Code LDC.

SECTION 11.07 | CERTIFICATION OF NONCONFORMING STATUS

Owners of nonconforming uses, structures, or signs may request a “Certificate of Legal Nonconforming Status” by filing an application with the Planning Director in accordance with the “Written Interpretation” procedures of Section 3.14.X.X. The application shall be accompanied by documentation that establishes the approximate date that the use, structure, lot, or sign was established. The Planning Director shall be authorized to require additional information if deemed necessary to permit an accurate determination. “Certificates of Legal Nonconforming Status” shall not be required. Once issued, a certificate shall be recorded with the Mesa County Clerk and Recorder, clearly identifying the land by parcel number and/or a legal description of the property. The certificate shall “run with the land;” and its status shall not be affected by changes of tenancy, ownership, or management.
CHAPTER 12 VIOLATIONS AND ENFORCEMENT

SECTION 12.01 | RESPONSIBILITY FOR ENFORCEMENT

The Planning Director shall be responsible for enforcing this Land Development Code, unless otherwise specifically stated.

SECTION 12.02 | TYPES OF VIOLATIONS

Any of the following shall be a violation of this Land Development Code, and shall be subject to the remedies and penalties provided for in this Land Development Code:

A. Use, Structure or Sign Without Permit or Approval

To place any use, structure, improvement, or sign upon land that is subject to this Land Development Code without all of the approvals required by this Land Development Code:

B. Activities Inconsistent with Land Development Code

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, improvement, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this Land Development Code:

C. Activities Without Permit or Approval

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Land Development Code, without all of the approvals required by this Land Development Code:

D. Activities Inconsistent with Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity:

E. Activities Inconsistent with Conditions

To violate, by act or omission, any term, condition, or qualification placed by a Decision Making Body upon any permit or other form of authorization:

F. Making Lots or Setbacks Nonconforming

To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Land Development Code:

G. Increasing Intensity of Use

To increase the intensity of use of any land, improvement, or structure, except in accordance with the procedural requirements and substantive standards of this Land Development Code:

H. Removing or Defacing Required Notice

To remove, deface, obscure or otherwise interfere with any notice required by this Land Development Code; and

I. Failure to Remove Signs or Other Improvements

To fail to remove any sign or other improvement installed, created, erected or maintained in violation of this Land Development Code, or for which the permit has lapsed.

J. Violation of National Flood Insurance Program (NFIP) Standards

To fail to be fully compliant with Chapter XX, Floodplain Regulations, within this Code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (e)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is in violation of this Code.

SECTION 12.03 | CONTINUING VIOLATIONS
Each day that a violation remains uncorrected after receiving notice of the violation from the County shall constitute a separate violation of this Land Development Code LDC.

SECTION 12.04 | REMEDIES AND ENFORCEMENT POWERS

The County shall have the following remedies and enforcement powers:

A. **Withhold Permits**

The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Land Development Code LDC, or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County, until the violation is corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this Land Development Code LDC, until the violation is corrected. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

B. **Permits Approved with Conditions**

Instead of withholding or denying a permit or other authorization (as described in Section 12.4.1 X.X), the County may grant such authorization subject to the condition that the violation be corrected.

C. **Revoke Permits**

Any development permit or other form of authorization required under this Land Development Code LDC may be revoked when the Planning Director determines:

1. That there is departure from the plans, specifications, or conditions as required under terms of the permit;
2. That the development permit was procured by false representation or was issued by mistake; or
3. That any of the provisions of this Land Development Code LDC are being violated. Written notice of such revocation shall be served upon the owner, the owner’s agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

D. **Stop Work**

With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Land Development Code LDC or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

E. **Revoke Plan or Other Approval**

Where a violation of this Land Development Code LDC involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of County Commissioners may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), and after a public hearing, revoke the plan or other approval or condition its continuance on (1) strict compliance with this Land Development Code LDC; (2) the provision of security to ensure that construction is completed in compliance with approved plans, or (3) such other conditions as the Board of County Commissioners may reasonably impose.

F. **Injunctive Relief**

The County may seek an injunction or other equitable relief in court to stop any violation of this Land Development Code LDC, or of a permit, certificate or other form of authorization granted hereunder and may recover costs of any such action.

G. **Abatement or Removal of Unapproved Activity**
The County, pursuant to Section 30-28-124 of the Colorado Revised Statutes, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use and to otherwise restore the premises in question to the condition in which they existed prior to the violation.

H. Penalties

The County may seek such criminal or civil penalties as are provided by Colorado law.

I. Other Remedies

The County shall have such other remedies as are and as may be, from time to time, provided by Colorado law for the violation of zoning, subdivision, sign or related Land Development Code LDC provisions.

J. Other Powers

In addition to the enforcement powers specified in this eChapter, the County may exercise any and all enforcement powers granted by Colorado law.

K. Continuation

Nothing in this Land Development Code LDC shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

SECTION 12.05 | REMEDIES CUMULATIVE

The remedies and enforcement powers established in this eChapter shall be cumulative, and the County may exercise them in any order.

SECTION 12.06 | ENFORCEMENT PROCEDURES

A. Non-Emergency Matters

In the case of violations of this Land Development Code LDC that do not constitute an emergency or require immediate attention, the Planning Director shall give notice of the nature of the violation to the property owner, or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have thirty (30) days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance, and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters

In the case of violations of this Land Development Code LDC that constitute an emergency situation as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this eChapter without prior notice, but the Planning Director shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

C. Enforcement Actions Involving Agricultural Operators

Before taking enforcement action to correct a violation of this Land Development Code LDC by any agricultural operator, the Board of County Commissioners shall direct the Agricultural Advisory Panel to investigate the alleged violation to determine whether a violation of this Land Development Code LDC exists, and whether the activity is protected under the County’s Right to Farm and Ranch policy as “historical, traditional, legitimate and reasonable.” The Agricultural Advisory Panel shall have fifteen (15) days to return its findings and recommendations to the Board of County Commissioners.
CHAPTER 12  DEFINITIONS

SECTION 12.01 | GENERAL

A1-30, AE (Flood Hazard Zone): Area of special flood hazards with base flood elevations determined.

AASHTO: American Association of State Highway and Transportation Officials

AH (Flood Hazard): Area of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet, and with water surface elevations determined.

A0 (Flood Hazard Zone): Area of special flood hazards having shallow water depths (usually sheet flow) between one and three feet and with water surface elevations determined. Areas of alluvial fan flooding, velocities also determined.

Abut/Abutting: To physically touch or border upon; or to share a common property line or border.

Access: A way or means of approach to provide safe, adequate and usable physical entrance and exit to a property, use, or parking space.

Accessory Use: A use or structure that:
1. is clearly incidental to and customarily found in connection with a principal structure or use;
2. contributes to the comfort, convenience or necessity of occupants of the principal use; and
3. is located on the same lot and in the same zoning district as the principal use.

Adjacent: Same as “abutting.”

Adult Bookstore: Any establishment that sells or rents adult material including but not limited to books, magazines, movies, films, slides, or other photographic or written material and/or devices.

Adult Cabaret, Restaurant or other Business: A cabaret, restaurant or place of business that features topless or bottomless dancers, waitresses, waiters, or entertainers.

Adult Entertainment Establishment: Any establishment that conducts as a principal use of the premises or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas as an attraction to the premises, including but not limited to Adult Bookstores, Adult Hotels/Motels, Adult Motion Picture Theaters, Adult Restaurants, Adult Cabarets or other Adult Businesses.

Adult Hotel or Motel: Any hotel or motel in which the presentation of Adult Material is the primary or a principal attraction.

Adult Material: Any material including, but not limited to books, magazines, newspapers, movie films, slides, or other photographic or written materials, video tapes or devices that are distinguished by their emphasis on depicting, describing or relating to Specified Anatomical Areas or Specified Sexual Activities.

Adult Motion Picture Theater: Any fully enclosed theater in which the presentation of Adult Material is the primary or principal attraction.

Air Navigation Facility: Any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe take-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

Airport: Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon however financed. Such facilities may also include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation or convenience of the public, whether or not the members of the public so accommodated are directly or indirectly engaged in transportation by air, including, but not limited to, parking, dining, recreational, and hotel facilities.
Airport Environs: The geographic area that is affected by the airport air traffic operations and defined on the basis of those lands immediately affected by the 65 Ldn and greater noise exposure area from the Airport Environs Overlay Maps (adopted as Section 7.21.3). For purposes of conveyance of avigation easements, the airport environs shall also include the area identified as the Airport Area of Influence (Subdistrict A).

Amateur Radio: Radio communications, which are licensed or regulated as such by the Federal Communications Commission.

Animal - Nondomestic: An animal not normally adapted to live and breed in a tame condition (see Animal - Exotic).

Animal Confinement: Any building, corral, pen or other enclosure used for the feeding or care of 20 to 1,000 animal units. Any sorting pens, alleyways, milking parlors, shelters, scales, or other equipment and buildings directly related to the operation shall be considered accessory uses to the animal confinement.

Animal - Exotic: An animal introduced from another country not normally kept as a household pet or farm animal (see Animal-Nondomestic).

Animal - Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of one litter, brood, or offspring is permitted, per household, per year.

Animal Unit: A unit of measurement used to determine the animal capacity of a farm feeding operation containing one or more species of animals. The animal unit capacity of an operation is determined by multiplying the number of animals of each species by the appropriate equivalency factor from the following table and summing the resulting totals for all animal species contained in the operation.

### Table 12.1: Animal Unit Equivalency

<table>
<thead>
<tr>
<th>Animal Species</th>
<th>Equivalency Factor Based on Animal Unit = 1,000 lb. Cow</th>
<th>4 Animal Units/acre (RSF, AFT, AF-35 Zoning Districts)</th>
<th>3 Animal Units/acre (All Other Urban Zoning Districts)</th>
<th>1,000 Animal Units Traveling Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpaca or llama</td>
<td>0.50</td>
<td>8</td>
<td>6</td>
<td>2,000</td>
</tr>
<tr>
<td>Cattle, Beef - Slaughter and Feed (under 2 years old)</td>
<td>0.80</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Cattle, Beef - Slaughter and Feed (2 yrs+)</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Cattle, Dairy - Bellows (under 2 years old)</td>
<td>1.00</td>
<td>4</td>
<td>3</td>
<td>1,000</td>
</tr>
<tr>
<td>Chickens, Rooster</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>50,000</td>
</tr>
<tr>
<td>Chickens, Layer</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>50,000</td>
</tr>
<tr>
<td>Elk, Domestic (under two years old)</td>
<td>0.80</td>
<td>4</td>
<td>3</td>
<td>1,250</td>
</tr>
<tr>
<td>Elk, Domestic - Cow with calf</td>
<td>0.80</td>
<td>4</td>
<td>3</td>
<td>1,250</td>
</tr>
<tr>
<td>Ostrich</td>
<td>0.30</td>
<td>13.3</td>
<td>10</td>
<td>3,333</td>
</tr>
<tr>
<td>Rabbit, fryer and mature</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>50,000</td>
</tr>
<tr>
<td>Rabbit, Mature</td>
<td>0.02</td>
<td>200</td>
<td>150</td>
<td>50,000</td>
</tr>
<tr>
<td>Sheep, feeder-less than 80 lbs</td>
<td>0.10</td>
<td>30</td>
<td>20</td>
<td>10,000</td>
</tr>
<tr>
<td>Sheep, feeder-less than 80 lbs</td>
<td>0.20 (1 year)</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Sheep, feeder-less than 80 lbs</td>
<td>0.20 (1 year)</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
</tbody>
</table>

Commented [WU2]: There is no Section 7.21.3.

Commented [WU3]: This is not a definition of "animal unit" and is contained elsewhere in the Code.

Commented [WU4]: This table is a duplicate and is not needed.
Table 12.1: Animal Unit Equivalency

<table>
<thead>
<tr>
<th>Animal Species</th>
<th>Equivalency Factor Based on Animal Unit = 1,000 lb. Cow</th>
<th>4 animal units/acre (RSF, AFT, AF-35 Zoning Districts)</th>
<th>3 animal units/acre (All Other Urban Zoning Districts)</th>
<th>1,000 Animal Units Feedlot Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheep, ewes/w lambs</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Sheep, feeder (over 50 lbs)</td>
<td>0.10</td>
<td>40</td>
<td>30</td>
<td>10,000</td>
</tr>
<tr>
<td>Sheep, feeder (under 50 lbs)</td>
<td>0.05</td>
<td>20</td>
<td>15</td>
<td>5,000</td>
</tr>
<tr>
<td>Swine, mature feeders</td>
<td>0.20</td>
<td>20</td>
<td>15</td>
<td>2,500</td>
</tr>
<tr>
<td>Swine, sow with litters</td>
<td>0.40</td>
<td>10</td>
<td>7.5</td>
<td>2,500</td>
</tr>
</tbody>
</table>

Animal Waste Collection System: A system, including pipelines, conduits, pumping stations, force mains, and all other construction, devices, appurtenances, and facilities, used for collecting or conducting wastes to an ultimate point for treatment or disposal.

Animal Waste Treatment Facility: An animal waste receiving facility designed to digest or alter animal waste either mechanically or biologically.

Antenna: Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). It does not include a “telecommunications support structure.”

Apartment: (see Dwelling, Multiple-Family)

Area of shallow flooding (for floodplain regulation): A designated AH or AO zone with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Avigation Easement: An avigation easement limits construction and heights of vegetation, and grants the right of flight over the surface together with the right, subject to the applicable local, state, and federal laws (such as noise pollution laws) to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations.

Base Flood: The flood having a 1 (one) percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building that is partly or completely below grade.

Bed and Breakfast: A facility of residential character that provides sleeping accommodations and breakfast for hire on a day-to-day basis in which the proprietor resides.

Best Management Practices (BMP): Practical activities, procedures, or practices necessary for achieving minimum compliance with appropriate standards (e.g., air quality, odor, water quality, etc.).

Building (Historic): A building that is created principally to shelter any form of human activity, such as a house, barn, church, hotel, or similar construction. “Building” may also be used to refer to a historically and functionally related unit such as a courthouse and jail or a house and barn.

Business Residence: Dwelling unit(s) on the site of a nonresidential use.

Building (or Structure): Anything constructed, erected or placed, which requires a permanent location on the ground or is anchored to the ground, or attached to something having a permanent location on the ground. This includes, but is not limited to advertising signs (on- or off-premise), antennas, satellite dishes, wind generators, and buildings, whether for storage or occupancy. It does not include fences that are less than seven (7) feet in height, poles, lines or other transmission or distribution facilities of public utilities or services.

Building/Structure, Principal: The building or structure that is occupied by the principal use.

C.R.S.: Colorado Revised Statutes

Campground: An outdoor facility designed for temporary overnight accommodation in tents or shelters for recreation, education, or vacation purposes. A campground is a principal use of land in this Land Development.
CodeLDC. Common accessory uses may include shower or toilet facilities or small retail sales of camping-related items operated solely for the benefit of those staying in the camping area.

**Camping:** The overnight use of camping equipment or facilities such as tents, tarpaulins or temporary shelters or the overnight use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

**Cemetery:** Land used for burial of the dead, whether human or animal, including a mausoleum or columbarium.

**Channel:** A natural or artificial low-lying area of perceptible extent, with a definite bed and banks, which confines and conducts continuous or periodic flows of water.

**Cluster Development:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, preservation of environmentally sensitive areas or agricultural uses.

**Co-location:** The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

**Common plan of development or sale (larger):** A contiguous area where multiple separate and distinct construction activities will take place at different times on different schedules under one plan. An example would be a commercial development with multiple separate buildings constructed over the course of multiple construction schedules.

**Conditional Letter of Map Revision (CLOMR):** FEMA’s comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**Confined Animal Feeding Operation (also known as Feedlots):** An agricultural operational unit that meets all of the following criteria: (1) is designed to confine more than 1,000 animal units, (2) animals are confined, fed, and maintained for 45 consecutive days or more between May 15 and September 15, (3) crop or forage growth is not maintained in the area of confinement, (4) a majority of the crops or forage used to feed the animals is not grown on the same property, and (5) generates an average of more than five truck trips per week transporting animals to or from the confinement area (see also, “Animal Confinement”).

**Concealed, or Stealth:** Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a Tower such as light poles, power poles and trees. The term Stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole Tower designs.

**Conservation Easement:** A Deed Restriction placed on property that restricts its owner to specific limited uses of the property, typically agriculture or a passive, private open space.

**Contributing:** A building, structure, site or object located within a Historic District that has sufficient historic, architectural or cultural significance and physical integrity and is related by a pattern of physical elements or social and cultural activities to other properties within the Historic District, so as to add to the historic significance of the Historic District.

**Cooperative Planning Area:** An area defined in:

- An Intergovernmental Agreement between Mesa County, the City of Fruita, and the City of Grand Junction; and as shown on the “TDR Sending Area” map contained within the Transfer of Development Rights/Credits Program Agreement between Mesa County and the City of Fruita, or

- An Intergovernmental Agreement between Mesa County, the Town of Palisade, the City of Fruita and the City of Grand Junction.

**Cooperative Planning Area:** is also commonly known as a Community Separator and Buffer Zone.

**County Register of Historic Landmarks (County Register):** A listing of significant historic places that represent the historical, architectural and cultural heritage of Mesa County and are worthy of recognition and preservation. Places may be a building, site, structure, object or district.

*Commented [WU6]: It is proposed that Chapter 10 be removed from the Code and the City of Fruita has rescinded their acceptance of this portion of the IGA.*
Critical Facility: A structure or related infrastructure, but not the land on which it is situated, as specified in Chapter 7.13, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Day-night sound level (Ldn): A cumulative aircraft noise index that estimates the exposure of aircraft to noise at a certain geographic point and relates the estimated exposure to an expected community response.

Decision Making Body (Decision-Maker): The entity (Board of County Commissioners, Planning Commission, other board or commission or department head) that is authorized to finally approve or deny an application or permit required under this Land Development Code (LDC).

Dedication: The grant of an interest in property to the public for public use and benefit.

Deed: A legal document conveying ownership or other interests in real property.

Deed Restriction: A legal document, recorded with the County Clerk describing restricted activities on a property, which may or may not include a Conservation Easement.

Designated Floodplain: An area designated by official action by the Board of County Commissioners.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, or enlargement of any structure; and any mining, dredging, filling, grading, paving excavation, drilling operation or storage of equipment and materials.

Development Right/Credit: The ability to build one dwelling unit in a Sending Area, as such ability is created and administered pursuant to an Intergovernmental Agreement and/or Section 9.8 of this Code. For purposes of its use in Section 9.8 of this Code, the term Development Right is also known as a Development Credit.

Domestic Livestock: Those animals listed on the Table of Animal Unit Equivalents in Section 5.3.4, Animals, within this Code.

Driveway: A paved or unpaved area used for the ingress and/or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Dwelling, Attached: A dwelling attached to one or more other dwellings by common walls.

Dwelling, Detached: A dwelling having open space on all sides.

Dwelling, Duplex/Two-Family: Two dwelling units structurally attached, located on the same lot and designed to be occupied by two households living independently of each other.

Dwelling, Multiple-Family/Multi-Family: A building containing three or more dwelling units designed for occupancy by three or more households living independently of each other. All of the units are located on one lot under one ownership with accessary uses limited to common office, laundry and recreational facilities used by the occupants. Also called an apartment.

Dwelling, Single-Family, Attached: One of two or more residential buildings, each of which is located on a separate lot and is separated from the others by common fire-resistant walls.

Dwelling, Single Family, Detached: A building containing one dwelling unit, designed to be occupied by one household, entirely surrounded by open space on the same lot.

Dwelling, Townhouse: Attached or semi attached dwelling, containing a single dwelling unit and located on a separate lot.

Dwelling Unit: A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating, and sanitation facilities. Buildings with more than one kitchen shall be considered multi-dwelling structures.

Dwelling, Zero Lot Line Development: Means a single-family detached development where the single family dwellings do not have a common wall, but have one wall abutting a side property line. A single-family detached dwelling that does not have a common wall but has one wall built on one side property line.

Easement: An interest or right in land owned by another that entitles its holder to a specific limited use which is reserved, conveyed or granted by the property owner to and for the use of the public, a utility, a corporation or other persons, without the transfer of fee title.
**Electric Transmission Line:** Means any electric transmission line and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of the transmission of electricity at 115 kilovolts or greater.

**FEMA:** Federal Emergency Management Agency

**FIRM:** Flood Insurance Rate Map

**Feet:**

**Feedlot (Also known as Confined Animal Feeding Operation):** An agricultural operational unit that meets all of the following criteria: (1) is designed to confine more than 1,000 animal units, (2) animals are confined, fed, and maintained for at least 45 consecutive days or more between May 15 and September 15, (3) crop or forage growth is not maintained in the area of confinement, (4) a majority of the crop or forage used to feed the animals is not grown on the same property, and (5) generates an average of more than five truck trips per week transporting animals to or from the confinement area (see also, "Animal Confinement"). See Confined Animal Feeding Operation.

**Fence:** A barrier constructed to mark a boundary or to prevent exit from or entry onto or into premises or property to screen premises or property from view or noise. A fence may be constructed of any material not otherwise prohibited herein, provided that the height of the fence is equal to or less than six (6) feet, unless it is a wild orchard game fence, in which case the height of the fences is equal to or less than eight (8) feet, and the thickness of the fence, excluding poles, posts, pillars, or columns is less than 16 inches. A fence shall not be constructed of tree, bottles, cans, machinery parts or appliances. Nothing in this definition, including the width restriction, shall prohibit the agricultural practice of fencing using field stone or woody vegetation removed from the property upon which the fence is constructed. Nothing in this definition shall prohibit the use of antique wagon or antique agricultural machinery wheels for fencing.

**Field office headquarters for oil and gas field operators:** Land uses which provide central oil and gas field office facilities for operators of oil and gas wells, gathering lines, and gas processing and compression facilities that are subject to Conditional Use Permit Review. Oil and gas field office facilities are for the purpose of allowing these operators to locate and maintain personnel and equipment headquarters in close proximity to their areas of operations. These land uses may be allowed in locations in the more remote rural areas of Mesa County. Oil and gas field office facilities may not be permitted near municipalities or rural communities where location within urban zone districts is preferable based on available facilities and services and where, by locating within Mesa County, annexation is circumvented. Field office facilities include buildings with offices for employees, day rooms for unexpected overnight stays by personnel caused by unforeseen weather and operational circumstances (not for routine occupancy), temporary office space for employees and contractors, warehouses, outdoor storage of equipment, supplies, fuel and chemicals necessary for oil and gas field operations on the site, lay down yards, maintenance shops for vehicles, equipment and prefabrication of oil and gas facilities, and private communication towers and satellite dish communication equipment. This use is not intended to replace those uses more appropriately permitted under Oil and Gas Support Services.

**Fill:** A deposit of material or obstruction of any kind which is placed, stored, or dumped within an area subject to flooding.

**Flea market:** Commercial activities held in an open area or enclosed structure in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various individuals where goods are offered for sale to the general public by individual sellers. This does not including shopping centers, individual retail operations, or sales conducted by a nonprofit or charitable organization. Flea markets are also known as swap meets, auctions or open-air markets or other similarly named or labeled activities. Garage sales, rummage sales, and events defined in Section 5.4.2 are not considered to be flea markets.

**Flood:** Temporary rise in a watercourse, flow, or stage, that results in water overlapping its banks and inundating areas adjacent to the channel.

**Flood Fringe District:** The area within the 100-year floodplain in which the flood waters are relatively shallow, and move at velocities in the neighborhood of one to four feet per second.

**Flood Fringe:** The area, other than the stream channel and floodway, which occupies the remainder of the 100-year floodplain, and receives shallower waters and less velocities, as defined by the Federal Emergency Management Agency.
**Flood Insurance Study**: An official report provided by the Federal Emergency Management Agency (Federal Emergency Management Agency) that includes profiles, the Floodplain and Floodway Boundary Maps, and the water surface elevation of the 100-year flood.

**Flood Insurance Rate Map (FIRM)**: An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood of One Hundred Year Frequency (100-Year Flood)**: A flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year, as determined by probability analysis of historical and hydrological data.

**Flood Profile (Cross Section)**: Hydrological conclusions, based upon historical facts and engineering principles, represented graphically, and showing the relationship of the water surface elevation during a 100-year flood to the channel and adjacent topography.

**Flood Plain Area**: An area adjoining a watercourse, which may be considered subject to flooding during the 100-year flood on the basis of historical information, topography, vegetation, and other naturally occurring indicators, but where precise dimensions of the 100-year floodplain have not been delineated by Flood Insurance Studies.

**Flood Proofing**: A combination of provisions, changes, or adjustments to structures and movable objects, or to surrounding areas, primarily for the reduction or elimination of flood damages.

**Flood Regulatory Area**: That portion of the floodplain that is subject to inundation by the 100-year flood. This area may be divided into the **Floodway District** and the **Flood Fringe District**.

**Floodplain**: The floodplain is made up of three parts, the stream channel, the floodway, and the flood fringe, as defined by the Federal Emergency Management Agency.

**Floodplain Administrator**: The community official designated by title to administer and enforce the floodplain management regulations.

**Floodway District**: That portion of the designated floodplain which is required to carry and discharge a 100-year flood without cumulatively increasing the water surface elevation more than a designated height at any point. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**Floodway, Regulatory**: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six (6) inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**Floor Area**: Measurement in determining the minimum floor area of a building/structure. All measurements shall be made along the outside enclosing walls, except that the garage and carport areas shall not be included as a part of the required floor area.

**Floor Area Ratio (FAR)**: The gross floor area of all buildings, divided by the lot area.

**Forestry**: A land use which creates, conserves and manages forests and forest lands for the continuing use of both commodity and non-commodity benefits.

**Forestry Support Services**: Land uses which provide support service for forestry land uses in that they contract with private land owners and public land managers to harvest trees. Forestry support services’ sites include office space, storage and maintenance of equipment used to harvest and transport forest trees, and storage of harvested trees. Wood grinding/chipping may be allowed as an accessory use.

**Frontage**: The length of any one property line of a premise, which property line abuts a legally accessible street right-of-way.

**Full Cutoff Light Fixture**: A light fixture in which no more than 2.5 percent (two and one-half) of its total output is emitted above 90 degrees from the vertical pole or building wall on which it is mounted.
**Greenhouse/Nursery:** An establishment engaged principally in the cultivation of and sale of trees, shrubs, flowers, or other plants. Accessory uses may include but are not limited to the sale of materials commonly used for landscaping purposes such as soil, rock, mulch, packaged fertilizers or chemicals. The seasonal sale of locally produced fruits and vegetables (produced on the Western Slope) is permitted as an accessory use.

**Grade:** (a) The slope of a road, street or other public way, specified in percentage terms, and (b) The average elevation adjoining all the walls at ground level of the buildable area, i.e. the area conforming to all setback requirements, of a lot, tract or parcel of land.

**Hazardous Substance:** Any material as described in 40 CFR 300.5.

**Hazardous Substance User:** A nonresidential use that consumes or produces in the course of its activities, or as a byproduct of its activities, over 1,000 pounds of any hazardous substance within any one year.

**Heavy Equipment:** Any vehicle with a gross weight greater than 15,000 pounds which is used primarily for commercial purposes, including but not limited to trucks, earthmovers, backhoes and loaders, but not including recreational vehicles or farm equipment.

**High Water Mark:** The ordinary high water level of bank of a stream, river, lake, or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of vegetation growing along the shore.

**Historic District:** A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

**Historic Landmark:** A building, structure, site, object or district that is of historic, architectural or cultural significance to the community, region, state or nation, and is so designated and listed on the County Register of Historic Landmarks.

**Historic Resource:** A building, site, structure, object or district that is listed on the County Register of Historic Landmarks, the State Register of Historic Properties, or the National Register of Historic Places.

**Home Occupation:** A business, profession, occupation or trade conducted for gain, conducted within a dwelling unit for gain or support by a resident of the dwelling unit.

**Household:** Any one of the following:

1. A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or
2. B. A group of not more than five persons not related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit; or
3. Two unrelated persons and their children living together in a dwelling unit.

**Impervious Surface:** Any material that substantially reduces or prevents the infiltration of stormwater or other water into previously undeveloped land.

**Improvement:** Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

**Junk:** Used, old, or second-hand or scrap: machinery; dismantled machinery, equipment, vehicles, and parts; ferrous and non-ferrous metals; paper or paper products; fibers or fabrics; wood or wood products; tires or tire parts; manufactured rubber or plastic products; tools; appliances; implements or portions thereof; glass, clay, or porcelain products; trash or similar materials; cordage, building materials, dismantled machinery or other waste that has been abandoned from its original use.

**Junk Yard:** Any lot, site, yard, building, structure or other place, covered or uncovered, used for any one or all of the following purposes:

The collection, storage, keeping, abandonment or sale of junk whether of value or valueless.

The collection, storage, keeping, abandonment or sale of metal parts or scrap metals or any other scrap materials whether of the same source or kind; and/or,
The collection, storage, keeping, abandonment, wrecking, salvage, sale or exchange or abandonment of automobiles or parts thereof or of any other machinery or parts thereof, except as otherwise may be permitted in these regulations.

**Kennel**: Any place or premises used in whole or in part for the purpose of keeping, boarding, breeding or sale of domesticated dogs and/or cats in which six (6) or more domestic animals exist, and all of which exceed four (4) months in age, to include animal pounds and shelters.

**Land Surveyor, Registered Professional**: A land surveyor licensed and registered in the State of Colorado.

**Large Construction Project**: Any project hauling 4500 tons of material within a one month time frame. *Note*: This averages over ten 12-yard dump trucks a day for a one month period. 20 work days a month.

**Ldn**: Interior Day-Night Average Noise Level

**Ldn contour**: A line linking together a series of points of equal cumulative noise exposure based on the Ldn metric. Such contours are based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway use patterns.

**Letter of Map Revision (LOMR)**: FEMA’s official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydraulic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

**Letter of Map Revision Based on Fill (LOMR-F)**: FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**Lot**: A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

**Lot Line Adjustment**: A change in lot or parcel boundary that does not create additional lots or parcels. *(Note: Can apply to platted or unplatted lands)*

**Lot Lines**: The property lines along the edge of a lot or site.

**Lot Line, Front**: The shortest lot line of all street lot lines. If all street lot lines are the same length, then all shall be considered front lot lines.

**Lot Line, Rear**: A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

**Lot Line, Side**: Any lot line except a street or rear lot line.

**Side Line, Interior**: A side lot line that does not abut a street.

**Lot Line, Street**: Any lot line that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines.

**Lot Area (or Lot Size)**: The total horizontal area included within lot lines.

**Lot, Corner**: A lot located at the intersection of and abutting two or more streets.

**Lot Depth**: The average distance from the front lot line to the rear lot line, measured in the general direction of the side lot lines, that is, from the direction the lot faces and is addressed by.

**Lot, Double Frontage**: A lot having a frontage on two streets that do not intersect at the boundaries of the lot, as distinguished from a corner lot.

**Lot, Flagpole**: A lot not meeting minimum frontage requirements and where the access to the public or private road is by a narrow private right-of-way or driveway, also known as a flagpole. The length of the flagpole shall be
measured from the frontage line to the nearest point of intersection with the property line parallel or most nearly parallel to the frontage line. The area of the flagpole shall not be included determining the site area of a flagpole lot.

**Lot Frontage**: That dimension of a lot or a portion of a lot abutting a street right-of-way, excluding the exterior side dimension of a corner lot.

**Lot, Interior**: A lot other than a corner lot.

**Lot of Record**: A lot which is part of an approved plat, the map of which has been recorded in the office of the Mesa County Clerk and Recorder.

**Lot, Reverse Frontage**: A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

**Lot Width**: The distance between the side lot lines, measured at the required street setback line.

**Lowest Floor**: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

**Manufactured Home**: Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401), which became effective June 15, 1976 (i.e. HUD approved). The structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 30 body feet in length, or, when erected on site is 360 or more square feet, and which is built on a permanent chassis and designed to be used for human occupancy with or without a permanent foundation and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**Manufactured Home Park**: A unified development of mobile home or manufactured home spaces arranged on a tract of land for the purpose of renting or leasing spaces or manufactured homes or mobile homes meeting the requirements of these regulations.

**Manufactured Home Park or Subdivision, Existing**: A manufactured mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before June 18, 1973, the effective date of the floodplain management regulations adopted by Mesa County.

**Manufactured Home Park or Subdivision, New**: A manufactured mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 18, 1973, the effective date of the floodplain management regulation adopted by Mesa County.

**Manufactured Home Park or Subdivision, Expansion**: The preparation of additional sites to an Existing Manufactured Home Park or Subdivision by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Mesa County Master Plan**: Includes the Mesa Countywide Land Use Plan, the Mesa County Land Use and Development Policies and other plans and policies adopted pursuant to C.R.S. § 30-28-108 as elements of a Master Plan.

**Mineral**: An inanimate constituent of the earth, in either solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or incapable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material. This definition does not include surface or ground water useable for domestic, agricultural, or industrial purposes, nor does it include geothermal resources subject to regulation under C.R.S. § 37-90.5-101 et seq., or oil and gas resources subject to regulation under C.R.S. § 34-60-101, et seq.
Mineral Deposit, Commercial: An area in which minerals are located in sufficient concentrations in veins, deposits, bodies, beds, seams, fields, pools or otherwise capable of economic recovery.

Mining: The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater.

Minor Entertainment Events: Events such as weddings, reunions or other social or business gatherings scheduled and held as a business enterprise on a property in a rural zone district. Activities may be held indoors and/or outdoors.

Mixed Use District: The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other.

Municipal Separate Storm Sewer System: A conveyance or the system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, ditches, drainage inlets, catch basins, pipes, tunnel, culverts, channels, detention basins and ponds owned and operated by a municipality or county and designed or used for collecting or conveying stormwater that is not a combined sewer or used for collecting or conveying sanitary sewage.

N/A: Not applicable

National Register of Historic Places (National Register): The list of places significant in American history, architecture, archeology, engineering or culture on a national, state or local level, as designated by the Secretary of Interior. Places may be a building, site, structure, object or district.

Neighborhood Association, Registered: Any group that has filed required registration forms and map and description of its boundaries with the Planning Director.

New Construction, related to Floodplain Management: For the purpose of determining flood insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM (Flood Insurance Rate Map) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nonconforming Lot: A lot that was legally established but that no longer complies the dimensional standards that apply within the zoning district in which the lot is located.

Nonconforming Signs: Signs that were legally established but that no longer comply with the sign regulations of Chapter 8.

Nonconforming Structures: Buildings or structures, not including signs, that were legally established but that no longer comply with the dimensional standards that apply within the zoning district in which the building or structure is located.

Nonconforming Uses: Uses that were legally established but that no longer comply with the use regulations that apply within the zoning district in which the use is located.

Noncontributing: A property within the boundaries of a Historic District that has had substantial alterations, is not of sufficient age, or is otherwise deemed not historic and does not add to the historic character, significance or architectural integrity of the Historic District.

Nonresident Employee: Means an employee, business partner, co-owner, or other person affiliated with a home occupation, who does not live at the site but who reports to the site in person as part of the home occupation.

No-Rise Certification: A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Nuisance Conditions: “public nuisance” as defined by common and case law.
**Object (Historic):** Constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, such as a sculpture, statue, boundary marker or monument. Although it may be movable, by nature or design, an object is associated with a specific setting or environment.

**Obstructions:** Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification culvert, building, fence, stockpile, refuse, fill, structure or matter, in, along, across, or projecting into any drain way, channel, or watercourse, which might impede, retard or change the direction or flow of water, either by itself or by catching or collecting debris carried by such water, or which is placed where the 100-year flood may carry the debris downstream.

**Occupied:** The word “occupied” includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

**Off-Site Improvement:** Any utility, paving, grading, drainage, structure or modification of topography which is, or will be located on property that is (a) not within the boundary of the property to be developed or (b) on or under any perimeter roadway surrounding the property to be development.

**On-Site Wastewater Treatment System (OWTS):** A septic tank, seepage tile-sewage disposal system, or any other approved on-lot sewage treatment device.

**Open Space:** An outdoor, unenclosed area, located on the ground, designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

**Open Space, Common:** Open space within a development that is owned in common by a Property Owners’ Association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common Open Space does not include areas used for streets, alleys, driveways, or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, and other recreation facilities may be counted as common open space.

**Operator:** The mineral estate owner, mineral estate lessee, drilling contractor, production company, or any party or parties acting on behalf of any of the above that has control or management of operations of the oil and gas well.

**Ordinary View:** A sight line from beyond the subject property within normal visual range by a person standing on a public sidewalk or adjacent property at non-elevated ground level.

**Overburden:** All of the earth and other materials which lie above natural mineral deposits of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, and also means such earth and other materials disturbed from their natural state in the process of open mining.

**PUD:** Planned Unit Development

**Parcel:** An area of land described as one entity in a legal document and in the possession of, or owned by, or recorded as the property of, the same person or persons. Not to be confused with a tax parcel.

**Pasture:** Land, including fenced fields, where plants, including but not limited to hay, grass, alfalfa, or corn are cultivated and irrigated or watered and are grown for the purpose of grazing. Fenced yards for dwellings cannot be used as pasture. Weeds (including plants which are not being planted, cultivated and watered or irrigated) cannot be used as pasture.

Areas where animals are tied or contained in a pen, corral or building are not considered pasture areas. Any rangeland or forested lands that can be used for grazing shall be considered pasture.

**Permanent Monument:** Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

**Plan, Concept:** A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail according to these regulations to indicate the suitability of the proposed subdivision.

**Planning Area, Rural:** The Area designated in the Mesa County Master Plan as the “Rural Planning Area.”

**Plat, Final:** A map of a land subdivision prepared according to applicable laws of the State of Colorado and these regulations having the necessary affidavits for filing, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.
**Potable Water**: Water which complies with all requirements of the Colorado State Health Department for drinking water and related to chemical and bacterial content and which, in addition, complies with other potability standards which may be imposed by the Board of County Commissioners, by resolution, from time to time.

**Private Utility**: A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequences and need, such as electricity, gas, transportation or communication.

**Property Line**: The lines bounding the property.

**Property Line Adjustment**: A change in parcel boundaries that does not create additional parcels.

**Property Owners' Association**: A private, nonprofit corporation of property owners for the purpose of owning, operating and maintaining various common properties and irrigation facilities.

**Public Improvement**: Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public private utilities, parks or recreational, energy or similar essential services.

**Public Purpose**: A municipal, quasi-municipal (Public Improvement Districts, Title 32 & 37 districts, etc.) or governmental use established primarily for the benefit and service of the population of the community in which it is located. Private utilities, for-profit entities, non-profit organizations, cooperatives, and other organizations that provide a benefit or service similar to a publicly owned entity may also be considered a Public Purpose. This can include by way of example but not limited to, a fire or police department substation; dedication of land to public ownership for multi-modal transportation facility construction (such as trails); recreation and open space; public education; utilities telecommunication facilities; irrigation and drainage facilities; or uses that provide a governmental function, activity or service for public benefit.

**Receiving Area**: An area designated in urban or urbanizing areas with available infrastructure and services that can accommodate higher density development as shown on the TDR Receiving Area Map(s), the official copy of which is on file in the Mesa County Planning and Development Department, and incorporated herein by reference. Receiving Areas also include those portions of the Grand Junction Comprehensive Plan area located in the RSF-R, RSF-1, RSF-2, RSF-4, RMF-8 and RMF-24 Zoning Districts, and the Rural Communities of Gateway, Loma, Mack, Mesa, Powderhorn, and Whitewater. Each Receiving Area has a corresponding specifically identified Sending Area.

**Receiving Site**: An eligible property (pursuant to Section 9.8.2 of this Code) located within a Receiving Area.

**Reclamation**: The employment, during and after, an open mining operation of procedures reasonably designed to minimize as much as practicable and disruptive from the open mining operation and to provide for the rehabilitation of any such surface resources adversely affected by such opening operations through the rehabilitation of plant cover, soil stability, water resources and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

**Reclamation, Final**: That part of mined land reclamation that occurs after the mining activity ceases and completes the reclamation effort.

**Recreational Vehicle**: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle, or all-terrain vehicle.

**Registered Neighborhood Association**: Any organization representing or purporting to represent a defined geographic region of the County and that has registered with the Planning Director on forms available in the County Planning Office.

**Regulatory Flood Protection Elevation**: An elevation equal to the elevation level of the projected water surface during a 100-year flood.

**Re-subdivision**: A change in lot boundaries in a previously platted subdivision.

**Review Body**: The entity (County department head, board or commission) that is authorized to recommend approval or denial of an application or permit required under the Land Development Code.

**Right-of-way (Easement)**: A strip of land, either public or private, recorded or apparent, for which rights of use exist.

**Right-of-way (Street)**: A strip of land dedicated by a recorded plat to the public, or a warranty deed with a qualifying statement, for which the interest is fee simple ownership.

Commented [WU33]: With the proposed removal of Chapter 9, there is no need for any reference to TDRs.

Commented [WU34]: With the proposed removal of Chapter 9, there is no need for any reference to TDRs.
Rural Community: An area designated as a “Rural Community” in the Mesa County Master Plan.

Rural Planning Area: The area designated as the “Rural Planning Area” in the Mesa County Master Plan.

SLD: School Land Dedication

Satellite Dish: An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

Secretary of the Interior's Standards for the Treatment of Historic Properties: A set of guidelines, also referred to as the Secretary's Standards, developed by the National Park Service to provide guidance and articulate common-sense principles against which project work on historic resources can be weighed. The Secretary's Standards address the four (4) treatments: preservation, restoration, rehabilitation and reconstruction, and may be used by the County, where applicable, as guidelines for review of proposed development applications affecting designated Historic Landmarks. (Full title: "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings")

Sending Area: An area designated for limited development or to remain undeveloped, as shown on the TDR/C Sending Area Map, the official copy of which is on file in the Mesa County Planning and Development Department, and incorporated herein by reference. Sending Areas also include those portions of the Rural Planning Area of the County that are within the AFT and AF35 Zoning Districts and not located within the Rural Communities of Gateway, Loma, Mack, Mesa, Powderhorn, and Whitewater. Each Sending Area has a corresponding specifically identified Receiving Area.

Sending Site: An eligible property (pursuant to Section 9.8.1 of this Code) located within a Sending Area.

Setback: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise expressly stated.

Setback, Street (see also Lot Line, Street): A setback extending along the full width of a street lot line between side lot lines and from the street lot line to the building line in depth.

Setback, Rear: A setback extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear setback depth shall be measured at right angles to the rear line of the lot.

Setback, Side: A setback lying between the side lot line and the nearest point of the building and extending from the street setback to the rear setback, or in absence of either such street or rear setback, to the street or rear lot lines. Side setback width shall be measured at right angles to the side lines of the lot.

Setback Line: A line or lines within a property defining the minimum horizontal distance required between a building/structure and property line.

Sidewalk: A paved surface area usually paralleling and separate from the roadway, used as a pedestrian way.

Sign: A structure or device designed or intended to convey information to the public in written or pictorial form.

Sign Area: The entire area within a continuous perimeter, enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both sign faces coincide and are parallel.

Sign, Awning, Canopy, or Marquee: A sign painted, stamped, perforated or otherwise applied on the valance of an awning. See Sign, Projecting.

Sign, Commercial: Any sign advertising a product or service offered for sale or lease.

Sign, Digital or Electronic Message Board: Any sign that uses changing lights to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
**Sign Facing/Surface:** The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

**Sign, Flashing:** Any sign, which, by method or manner of illumination, flashes of and on, winks or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

**Sign, Free-standing:** A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

**Sign, Identification:** Such signs shall refer only to the principal use of the lot upon which such signs are located.

**Sign, Illuminated:** A sign lit in any manner by an artificial light source.

**Sign, Monument:** A freestanding sign, generally lower in height and attached to the ground by means of a wide base of solid appearance.

**Sign, Noncommercial:** Any sign that is not a “Commercial Sign.”

**Sign, Off-premises:** A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Sign, Pole:** A freestanding sign, supported by a single upright pole or column with a diameter approximately equal to or less than the depth of the sign, and not attached to any building or structure.

**Sign, Portable:** Any sign that is not permanently affixed to a building, other moveable structure or the ground.

**Sign, Projecting:** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/awning/canopy/marquee sign.

**Sign, Pole:** Any sign erected upon, against, or directly above a roof or roof eave, or on top or above a parapet, or on a functional architectural appendage above the roof or roof eave.

**Sign, Temporary:** A sign intended for use for only a limited period of time.

**Sign, Wall:** A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

**Sign, Window:** A sign painted, stenciled or affixed on a window, which is visible from the right-of-way.

**Site Plan:** A plan, prepared to scale, showing accurate and with complete dimensioning, the boundaries of a site and all other information required by these regulations.

**Site (Historic):** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. Examples of sites include: ruins, petroglyphs and natural features having cultural significance.

**Skyline:** The visual line where the earth or vegetation and the sky seem to meet.

**SLD Fee:** The fee in lieu of school land dedication imposed pursuant to this Land Development Code (LDC).

**Small Engine Repair:** Means an engine that powers 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.

**Specified Anatomical Areas:** any of the following that are less than completely and opaque covered: (a) human genitals and pubic region; (b) buttocks; (c) the human female breast or breasts to a point immediately below the top of the areola; and (d) human male genitals in a descibly turgid state even if completely and opaque covered.

**Specified Sexual Activities or Sexual Conduct:** (a) human genitals in a state of sexual stimulation or arousal; (b) actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, anilingus or any sexual act that are prohibited by law; and (c) touching or fondling of the human breasts, buttocks, anus or genitals.

**sq.ft.:** square feet
Start of construction (for floodplain regulation): Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Register of Historic Properties (State Register): A listing of Colorado’s significant cultural resources worthy of preservation for the future education and enjoyment of Colorado’s residents and visitors. Properties listed in the State Register include individual buildings, structures, objects, districts and historic and archaeological sites.

Stream Channel: The area of the floodplain which carries the normal course of the watercourse.

Street: A public or private right-of-way which is used, or intended to be used for passage or travel of motor vehicles.

Structure: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including ditches and their appurtenances or used as fences that are less than six (6) feet in height, poles, lines or other transmission or distribution facilities of public utilities or services. See Building.

Structure (for floodplain regulation): A walled and roofed building or manufactured home that is principally above ground.

Structure (Historic): Functional constructions made usually for purposes other than creating human shelter, such as a bridge, canal or grain elevator. A “Building” may also be referred to as a “Structure.”

Structure (or Building): Anything constructed, erected or placed, which requires a permanent location on the ground or is anchored to the ground, or attached to something having a permanent location on the ground. This includes, but is not limited to advertising signs (on- or off-premise), antennas, satellite dishes, wind generators, and buildings, whether for storage or occupancy. It does not include fences that are less than six feet in height, poles, lines or other transmission or distribution facilities of public utilities or services.

Subdivision: Subdivision shall have the meaning given in C.R.S. §30-28-101.

Substantial damage (for floodplain regulation): Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violation of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a “historic structure.”

Traffic Impact Analysis (TIA): Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a Tower or Antenna Support Structure.

Telecommunication Facility, Attached: An array that is attached to an existing building or structure, including utility poles, signs, water towers, and similar structures with any associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

Telecommunications Support Structure: A structure designed and constructed specifically to support an antenna array, and may include a monopole, self supporting (lattice) tower, guy-wire support tower and other similar structures. Any device used solely to attach an attached telecommunications facility to an existing building or structure shall be excluded from this definition.

Commented [WU46]: There is no need for “historic” definitions.

Commented [WU47]: Same definition under Building.
**Temporary Shelter**: The use of camping equipment or facilities such as tents or fabricated temporary shelters that may include the use of temporary cooking and bedding facilities such as open fires, camp stoves, and cots, bedrolls, hammocks, or sleeping bags.

**Tire, Used or Waste**: An inflatable rubber or synthetic casing, or any part thereof, designed to be sealed to a wheel rim under pressure, which has been applied to a given purpose, or which has been discarded from its original use.

**Tower**: A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term `Tower` shall not include amateur radio operators’ equipment, as licensed by the FCC.

**Transfer of Development Credits**: The conveyance of development rights by deed, easement, or other legal instrument authorized by law to another parcel of land and the recording of that conveyance.

**Transferable Development Right/Credit (TDR/C)**: A Development Right/Credit which has been severed or extinguished from a Sending Site by Deed Restriction, Conservation Easement, or other legal instrument authorized by law and the recording of that instrument, and which is transferable to a Receiving Site within a specified Receiving Area.

**Transferable Development Right/Credit Certificate**: A negotiable certificate issued by Mesa County evidencing the legal right of the holder thereof to use such certificate to obtain bonus density on a Receiving Site within a specified Receiving Area.


**Use**: The purpose for which land or the building is designed, arranged or intended, or for which is or may be occupied or maintained; also any activity, occupation, business or operation which is carried on, in or on a structure or on a tract of land.

**Vehicle, Inoperable**: Means any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

1. Absence of an effective registration plate upon such vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, chains, or other supports;
3. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

**Vehicle, Unlicensed**: Includes but is not limited to any car, truck, van, motor home, camper, trailer, motorcycle or other vehicle not bearing or displaying proper and/or current proof of licensing from the state of license plate issuance.

**Watercourse**: A natural or man-made channel through which water flows.

**Waters of the State**: All streams, lakes, rivers, ponds, wells, impounding reservoirs, watercourses, springs, drainage systems, and irrigation systems; all sources of water such as snow, ice, and glaciers; and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, located wholly or partly within or bordering upon the State of Colorado and within the jurisdiction of the State of Colorado.

**Water Surface Elevation**: The height, in relation to the National American Vertical Datum (NAVD) of 1988 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Zoning District**: A portion of territory of the County, within which certain uses of land, premises and buildings are permitted by a uniform set of regulations.

**SECTION 12.02 | USE CATEGORIES**

**A. Basis for Classifications**

Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers...
or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. Principal Use Characteristics

Principal uses are assigned to the category that most closely describes the nature of the principal use. The

C. Considerations Used in Categorizing Principal Uses

The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

1. the actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. the relative amount of site area or floor space and equipment devoted to the activity;
3. relative amounts of sales from each activity;
4. the customer type for each activity;
5. the relative number of employees in each activity;
6. hours of operation;
7. building and site arrangement;
8. vehicles used with the activity;
9. the relative number of vehicle trips generated by the use;
10. signs;
11. how the use advertises itself; and
12. whether the activity is likely to be found independent of the other activities on the site.

D. Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the Retail Sales and Service category because all of the development’s principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

E. Accessory Uses

Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

F. Use of Examples

The “Examples” subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “Wholesale Warehouse” but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

SECTION 12.03 | RESIDENTIAL USE CATEGORIES

A. Group Living

1. Characteristics

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. Tenancy is arranged on a monthly or longer basis, and
the size of the group may be larger than a family. Uses where tenancy may be arranged for a shorter
period are not considered residential. They are considered to be a form of lodging (see the “Retail
Sales and Service” and “Community Service” categories). Generally, Group Living structures have a
common eating area for residents. The residents may receive care, training, or treatment, as long as
the care giver also resides at the site or the site is staffed twenty-four (24) hours a day.

2. Accessory Uses

Accessory uses commonly associated with Group Living are recreational facilities and parking of
vehicles for occupants and staff.

3. Examples

The Group Living category is further broken down into the following specific uses:

a. Assisted Living Facility

A residence for up to eight unrelated individuals, none of which are receiving on-site medical or
psychological treatment, therapy, or counseling, but some or all of whom are receiving on-site
physical assistance with day-to-day living activities. The limit of eight individuals is exclusive of
staff. Provided that the use otherwise complies with this definition and size restriction, an Assisted
Living Facility may include any of the following:

(1) a nonprofit group home for the aged or an owner-occupied group home for the aged, as
defined in CRS § 30-28-115(5)(b);
(2) a state-licensed group home for the developmentally disabled, as defined in CRS § 30-28-
115(2)(a), and
(3) a state-licensed group home for persons with mental illness, as defined in CRS § 30-28-
115(2)(b.5).

b. Treatment Facility

A residence for up to eight unrelated individuals, some or all of whom are receiving on-site
medical or psychological treatment, therapy, or counseling. The limit of eight individuals is
exclusive of staff. Provided that the use otherwise complies with this definition and size restriction,
a Treatment Facility may include any of the following:

(1) a nursing home;
(2) a nursing facility, as defined in CRS § 26-6-102(8);
(3) institutions providing life care, as defined in CRS § 12-13-101 (5);
(4) a state-licensed group home for the developmentally disabled, as defined in CRS § 30-28-
115(2)(a);
(5) a state-licensed group home for persons with mental illness, as defined in CRS § 30-28-
115(2)(b.5);
(6) an adult day treatment facility; and
(7) a physical/mental rehabilitation home.

c. Small Group Living Facility

A residence for up to eight unrelated individuals, none of which are receiving on-site medical or
psychological treatment, therapy, counseling, or physical assistance with day-to-day living
activities. The restriction to eight individuals is exclusive of staff. Provided that the use otherwise
complies with this definition and size restriction, a Small Group Living Facility use may include,
without limitation:

(1) a family care home, as defined in CRS § 26-6-102(4);
(2) a state-licensed residential child care facility, as defined in CRS § 26-6-102(8);
(3) an adult foster home.
d. Large Group Living Facility

Any residence for more than eight unrelated individuals, and any residence for up to eight unrelated individuals that does not meet the definition of “Treatment Facility,” “Assisted Living Facility,” or “Small Group Living Facility.” Provided that the use complies with this definition and size restriction of this definition, a Large Group Living Facility may include, without limitation:

1. a secure residential treatment center, as defined in C.R.S. § 26-6-102(9);
2. a shelter for homeless persons; and
3. a group home including persons assigned to such home in lieu of being sentenced to a correctional facility, or upon their release from a correctional facility.

4. Exceptions

a. Lodging where tenancy may be arranged for periods of less than 30 days is to be considered a hotel or motel use and classified in the Retail Sales and Service category.

b. Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.

c. Facilities for people who are under judicial detainment and under the supervision of sworn officers are included in the Detention Facilities category.

B. Household Living

1. Characteristics

Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Lodging category).

2. Accessory uses

Accessory uses commonly associated with household living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies, parking of the occupants’ vehicles, and accessory dwellings. Home occupations and accessory dwellings are accessory uses that are subject to additional regulations of this Land Development Code.

3. Examples

Uses include living in single family dwellings, duplexes, triplexes, fourplexes and other multi-dwelling structures, retirement center apartments, manufactured housing and other structures with self-contained dwelling units. Agricultural labor housing and temporary employee housing, which are intended to house workers on or near the site, may include self-contained dwelling units or shared facilities.

4. Exceptions

Lodging in a dwelling unit or where less than two thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the Lodging category.

SECTION 12.04 | INSTITUTIONAL AND CIVIC USE CATEGORIES

A. Colleges and Vocational Schools

1. Characteristics

This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree or professional certification. Colleges tend to be in campus-like settings or on multiple blocks.
2. Accessory Uses
   Accessory uses include offices, housing for students, food service, laboratories, health and sports
   facilities, theaters, meeting areas, parking, maintenance facilities and support commercial uses.
3. Examples
   Examples include universities, colleges, community colleges, nursing and medical schools not
   accessory to a hospital, seminaries, and business, trade, technical and vocational schools.
4. Exceptions
   Martial arts, dance and music studios are classified as Office and Personal Service.

B. Community Services

1. Characteristics
   Community Services are uses of a public, nonprofit, or charitable nature, generally providing a local
   service to people of the community. Generally, they provide the service on-site or have employees at
   the site on a regular basis. The service is ongoing, not just for special events. Community centers or
   facilities that have membership provisions are open to the general public to join at any time, (for
   instance, any senior citizen could join a senior center). The use may provide special counseling,
   education, or training of a public, nonprofit or charitable nature.
2. Accessory Uses
   Accessory uses may include offices; meeting areas; food preparation areas; parking, health and
   therapy areas; and athletic facilities.
3. Examples
   Examples include libraries, museums, senior centers, community centers, community gardens, publicly
   owned swimming pools, youth club facilities, hospices, social service facilities, temporary shelters,
   vocational training for persons with physical or mental disabilities, columbariums and mausoleums.
4. Exceptions
   a. Private lodges, clubs and private or commercial athletic or health clubs are classified as
      Entertainment. Commercial museums are classified as Office and Personal Service.
   b. Parks are classified as Parks and Open Areas.
   c. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential
      and are classified as Household or Group Living.

C. Day Care

1. Characteristics
   Day Care uses provide care, protection and supervision for children or adults on a regular basis away
   from their primary residence for less than 24 hours per day. There are three types of day care:
   a. Home-Based Day Care (Regular)
      A home-based day care provides care protection and supervision for up to a certain number
      individuals established by the State of Colorado.
   b. Limited Day Care (Large)
      A limited day care provides care protection and supervision for more individuals than a “Regular”
      facility up to a number individuals established by the State of Colorado.
   c. General Day Care
      A general day care provides care protection and supervision for more individuals than a
      “Limited” facility.
2. Accessory Uses
Accessory uses include offices, recreation areas and parking.

3. Examples
Examples include preschools, nursery schools, latch key programs and adult day care programs. “Child Care Centers,” as defined in C.R.S. §26-6-102(1), are classified as “day care” uses under this Land Development Code LDC.

4. Exceptions
Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

D. Hospitals
1. Characteristics
Hospitals include uses providing medical or surgical care to patients and offering overnight care.

2. Accessory Uses
Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.

3. Examples
Examples include medical centers and hospitals.

4. Exceptions
   a. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
   b. Medical clinics that provide care where patients are generally not kept overnight are classified as Office and Personal Service.
   c. Emergency medical clinics not associated with a hospital are classified as Office and Personal Service.

E. Parks and Open Areas
1. Characteristics
Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

2. Accessory Uses
Accessory uses may include club houses, maintenance facilities, concessions, caretaker’s quarters and parking.

3. Examples
Examples include parks, golf courses, cemeteries, public squares, plazas, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves and land used for grazing that is not part of a farm or ranch.

F. Religious Institutions
1. Characteristics
Religious Institutions primarily provide meeting areas for religious activities.

2. Accessory Uses
Accessory uses include Sunday school facilities, parking, caretaker’s housing and group living facilities such as convents.
Examples include churches, temples, synagogues and mosques.

4. Exceptions

Elementary and secondary schools are classified as Schools. Colleges and other post-secondary schools are classified as Colleges and Vocational Schools. Child care other than that provided during church events is considered Day Care.

G. Public Safety Facilities

1. Characteristics

Safety Services are uses that provide public safety and emergency response services as well as detention facilities. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site. Detention facilities include facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.

2. Accessory Uses

Accessory uses include offices and parking. Accessory Detention uses also include recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.

3. Examples

Examples of public safety facilities include fire stations, police stations, emergency medical and ambulance stations. Examples of detention facilities include prisons, jails, probation centers, honor camps, juvenile detention homes, reformatories and rehabilitation centers.

4. Exceptions

Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are also classified as Group Living.

H. Schools

1. Characteristics

This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.

2. Accessory Uses

Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.

3. Examples

Examples include public and private daytime schools, boarding schools and military academies.

4. Exceptions

Preschools are classified as Day Care uses.

I. Utilities, Basic

1. Characteristics

Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.

2. Accessory Uses
Accessory uses may include parking and control, monitoring, data or transmission equipment.

3. Examples

Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; public and private water and sewage treatment facilities; regional stormwater retention and detention facilities; telephone exchanges; recycling drop-off stations; and park-and-ride facilities for mass transit. Minor facilities are those that cover a small or limited area, or are underground.

4. Exceptions

a. Services where people are generally present are classified as Community Services, Office and Personal Services, or Safety Services.

b. Utility offices where employees or customers are generally present are classified as Office and Personal Services.

c. Bus barns are classified as Warehouse and Freight Movement.

d. Telecommunication facilities and support structures are classified as Telecom Facilities.

J. Utility Corridors

1. Characteristics

This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

2. Examples

Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines and gas compressor and transfer stations. Minor facilities include above ground structures such as valves, pump stations, transformers, and other equipment that cover a small or limited area.

3. Exceptions

Utility corridors located within public rights-of-way are not included.

SECTION 12.05 | COMMERCIAL USE CATEGORIES

A. Retail Sales and Service

1. Characteristics

Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide offices, personal services or entertainment, or provide product repair or services for consumer and business goods.

2. Accessory Uses

Accessory uses may include offices, drive-throughs, services, repair, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

3. Examples

Stores selling, leasing, or renting consumer, home and business goods (including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, and stationery); food sales; sales or leasing of consumer vehicles (including passenger vehicles, motorcycles, light and medium trucks and recreational vehicles and equipment); wineries; retail plant nurseries; flea markets; and farmer’s markets.

4. Exceptions

a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
b. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Sales.

c. Wholesale plant nurseries are classified as Agriculture.

B. Office and Personal Service

1. Characteristics

Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Personal service uses may also provide personal services, product repair or services for consumer and business goods.

2. Accessory Uses

Accessory uses may include cafeterias, health facilities, parking, other amenities primarily for the use of employees in the firm or building, drive-throughs, and storage of vehicles and materials associated with the business. Limited retail that complements the service being provided may be included as accessory to the primary use.

3. Examples

Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, banks, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics; medical and dental labs; emergency medical care not associated with a hospital; and blood-collection facilities.

Examples of personal services include laundromats, photographic studios, photocopy and blueprint services; hair, tanning and personal care services; martial arts studios; art, dance or music classes; taxidermists; mortuaries and crematoriums; private museums; repair of TVs, bicycles, clocks, watches, shoes, guns, appliances, and office equipment; tailors, locksmith, upholsterers, veterinarians, and animal care, grooming, boarding, and training.

4. Exceptions

a. Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.

b. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Service.

c. Commercial boarding stables are classified as Agriculture.

C. Entertainment

1. Characteristics

Entertainment businesses provide continuous recreation and entertainment-oriented activities and services. Entertainment businesses also include Major Entertainment Event uses, which are characterized by activities and structures that draw large numbers of people to specific events or shows and are generally of a spectator nature. Minor Entertainment Event uses are smaller special events such as weddings, reunions and similar social or business gatherings, held on a limited basis.

2. Accessory Uses

Accessory uses may include drive-throughs, concessions, parking, and maintenance facilities.

3. Examples

Entertainment businesses include restaurants, cafes and delicatessens; bars, taverns and nightclubs; adult entertainment; banquet, meeting and exhibition areas; indoor continuous recreation businesses (such as arcades, bowling alleys, skating rinks, play centers, health clubs, gyms, membership clubs and lodges, pool halls, dance halls, and indoor shooting ranges); and indoor theaters. Examples of Major
Entertainment Event businesses include stadiums; sports arenas; coliseums; auditoriums; and fairgrounds.

4. Exceptions
   a. Banquet halls that are part of a hotel or restaurant are accessory to those uses.
   b. Uses such as dance studios and martial arts studios are classified as Office and Personal Service.

D. Recreation and Entertainment, Outdoor

1. Characteristics
   Outdoor Recreation and Entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.

2. Accessory Uses
   Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.

3. Examples
   Examples include riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, miniature golf facilities, outdoor shooting ranges, amphitheaters, drive-in theaters, and zoos. Outdoor Major Entertainment Event uses are characterized by activities such as concerts, events and shows that draw large numbers of people, are generally of a spectator nature, and are located in an outdoor venue.

4. Exceptions
   a. Golf courses and driving ranges are classified as Parks and Open Space.
   b. Publicly owned swimming pools are classified as Community Services.

E. Lodging

1. Characteristics
   Lodging is the provision of rooms and temporary accommodations to individuals for a short term, typically with an average length stay of less than thirty (30) days.

2. Accessory Uses
   Accessory uses include restaurants, bars, meeting and banquet halls, parking, spas and salons, laundry facilities, and recreation facilities and activities that are primarily for the use of guests.

3. Examples
   Examples include hotels, motels, bed & breakfasts, resorts, cabins, lodges, campgrounds, camps and recreational vehicle parks.

4. Exceptions
   a. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See “Community Services.”
   b. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Vehicle Service.
   c. Camping in an AFT zoning district that is not located in a campground and that meets the requirements of Section 5.3.8 is considered accessory to the residential use.

F. Parking, Commercial

1. Characteristics
Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

2. Accessory Uses
   In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.

3. Examples
   Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).

4. Exceptions
   a. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
   b. Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
   c. Public transit park-and-ride facilities are classified as Basic Utilities.

G. Self-Service Storage
   1. Characteristics
      Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Storage may be enclosed in a building or may be located outdoors for vehicles and recreational equipment.
   2. Accessory Uses
      Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
   3. Examples
      Examples include facilities that provide individual storage areas for rent, also called mini-warehouses, and outdoor storage of recreational vehicles, boats and other personal vehicles.
   4. Exceptions
      a. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.
      b. The rental of trucks or equipment is considered Retail Sales and Service.

H. Vehicle Repair
   1. Characteristics
      Vehicle Repair firms service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
   2. Accessory Uses
      Accessory uses may include offices, sales of parts and vehicle storage.
   3. Examples
Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing and tire sales and mounting.

4. Exceptions
Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage, are classified as Industrial Service.

I. Vehicle Service

1. Characteristics
Vehicle Service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.

2. Accessory Uses
Accessory uses may include auto repair and tire sales. Truck stops and travel plazas may include restaurants, hotels and similar uses serving the traveling public.

3. Examples
Examples include full-service, mini-service and self-service gas stations, truck stops and travel plazas, car washes, and quick lubrication services.

4. Exceptions
Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

SECTION 12.06 | INDUSTRIAL USE CATEGORIES

A. Industrial Service

1. Characteristics
Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

2. Accessory Uses
Accessory activities may include offices, parking and storage.

3. Examples
Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapimg; building, heating, plumbing or electrical contractors; delivery and dispatch services; printing, publishing and lithography; exterminators; janitorial and building maintenance services; propane, fuel, and oil storage and distributors; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories.

4. Exceptions
Repair of personal goods and small appliances and equipment is included in the Office & Personal Service category.

B. Manufacturing and Production

1. Characteristics
Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed
materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

2. Accessory Uses

Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker’s quarters.

3. Examples

Examples include processing of food and related products; catering establishments; slaughterhouses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, orglass materials or products; movie production facilities; concrete batching and asphalt mixing; electric power generation plants; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments (including musical instruments), vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including manufactured homes.

4. Exceptions

a. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.

b. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

c. Manufacturing that occurs in a small office-type setting is considered Office and Personal Service.

C. Warehouse and Freight Movement

1. Characteristics

Warehouse and Freight Movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

2. Accessory Uses

Accessory uses may include offices, truck fleet parking and maintenance areas.

3. Examples

Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants (including frozen food lockers); storage of weapons and ammunition; major wholesale distribution centers; truck or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

4. Exceptions

a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

b. Mini-warehouses are classified as Self-Service Storage uses.

D. Waste-Related

1. Characteristics

Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that
manufacture or produce goods or energy from the composting of organic material. Waste-Related uses also include uses that receive hazardous wastes from others.

2. Accessory Uses
   Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.

3. Examples
   Examples include sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage treatment plants, brine disposal/storage and hazardous waste-collection sites.

4. Exceptions
   a. Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill.
   b. Recycling drop-off stations (no on-site processing) are basic utility uses.

E. Wholesale Sales
   1. Characteristics
      Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

2. Accessory Uses
   Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

3. Examples
   Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures, mail order houses, and wholesalers of food, clothing, auto parts, building hardware.

4. Exceptions
   a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
   b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.
3. Examples
Examples include breeding or raising of fowl or other animals; dairy farms; commercial boarding stables; farming, orchards, vineyards, truck gardening, forestry, forestry support services, tree farming; wineries, breweries and distilleries; agricultural support businesses; agricultural production greenhouses; aquaculture; and wholesale plant nurseries.

4. Exceptions
   a. Processing of animal or plant products that is the primary use of the operation on the premises are classified as Manufacturing and Production.
   b. Livestock auctions are classified as Wholesale Sales.
   c. Commercial riding academies, roping arenas and equestrian arenas are classified as Recreation and Entertainment, Outdoor. Personal arenas are an accessory use.
   d. Animal Care/Boarding/Sales, excluding boarding stables, are classified as Office and Personal Service.
   e. The keeping of exotic animals is considered Animal Care/Boarding/Sales.
   f. Retail plant nurseries are considered Landscaping Materials Sales, classified as Retail Sales and Service.
   g. Farmer's Markets are Retail Sales and Service.

B. Aviation and Surface Passenger Terminals
   1. Characteristics
      Aviation and Surface Passenger Terminals include facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service and regional rail service.
   2. Accessory Uses
      Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.
   3. Examples
      Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, and helicopter landing facilities.
   4. Exceptions
      a. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as Basic Utilities.
      b. Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

C. Mining
   1. Characteristics
      Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use regardless of whether or not the State of Colorado requires a Reclamation Permit for the activity.
   2. Accessory Uses
      Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.
   3. Examples
Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling, also included are support services for drilling or mining such as temporary employee housing; 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 field offices used by production related personnel.

D. Telecommunications Facilities

1. Characteristics

Telecommunications facilities include all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz, and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.

2. Accessory Uses

Accessory uses may include transmitter facility buildings.

3. Examples

Examples include broadcast towers, communication towers, point-to-point microwave towers and all FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

4. Exceptions

a. Receive-only antennas and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator are not included in this category.

b. Radio and television studios are classified in the Office category.

c. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.
REVIEW
AGENCY
COMMENTS
Review Agency List
PRO2019-0214 TXT 2020 Land Development Code Update

MISCELLANEOUS
- Airport GJ Regional
- Airport Mack Mesa
- GJ Chamber Commerce
- GJ Regional Comm Ctr
- GV Trails Alliance
- Housing Res-Western Co
- GJ Riverfront Comm
- Mesa Land Trust
- Union Pacific RR
- Urban Trails Comm
- CSU Extension Tri River

MUNICIPALITIES
- City Collbran
- City Debeque
- City Palisade
- City Loma
- City Fruita Engineer
- City GJ Watershed
- City GJ Land Agent
- Palisade Public Works

STATE & FEDERAL AGENCIES
- CO Geological Survey
- CO Mesa Conservation
- CO Parks-Wildlife NW
- CO Parks-Wildlife SW
- CO Plateau Val Cnsrv
- CO Rec Mining Safety
- CO St Land Board
- CODOT-Region 3
- CODPHE-Wtr Quality
- CODPHE-RAD/HAZ Waste
- CODPHE-Solid Waste
- US Fed Aviation Admin
- US Fish & Wildlife

WATER
- Water Clifton
- Water Debeque
- Water GJ Kannah Crk
- Water GR Mesa Metro
- Water Grand Junction
- Water Mesa San/Water
- Water Palisade
- Water Ute

FIRE DISTRICTS
- Fire Central OM
- Fire Clifton
- Fire Debeque
- Fire East OM
- Fire Gateway
- Fire GJ Rural
- Fire Glade Park
- Fire Grand Junction
- Fire Lands End
- Fire Lower Valley
- Fire Palisade
- Fire Plateau Valley
- Fire Wild Land Team
IRRIGATION DISTRICTS

- IRR 5-2-1 Drain Auth
- IRR Bluestone
- IRR Collbran Conserv
- IRR Grand Valley
- IRR GV Drainage
- IRR GV Water Users

MESA COUNTY IN-HOUSE

- MC Addressing
- MC Air Quality
- MC Animal Services
- MC Assessor
- MC Attorney
- MC Building Dept
- MC Clerk & Recorder
- MC Code Compliance

SEWER DISTRICTS & PIDs

- PID SWMCRS Gateway
- PID Gateway
- PID Mack LV
- PID Southwest Rural

SCHOOL DISTRICTS

- SCHLDIST 49-Debeque
- SCHLDIST 51-MC

UTILITIES

- UT Amerigas
- UT Centurylink-Eagle
- UT GV Rural Power
- UT Naturita-Nucla PH
- UT Charter Cable
- UT Source Gas LLC
- UT Tri-St Generation
- UT XCEL Energy

MC Dev Engineer
MC Emergency Mgmt
MC Engineer Owts
MC Facilities/Parks
MC Floodplain Admin
MC Public Works
MC Road & Bridge A
MC Road & Bridge B
MC Road & Bridge C
MC RTPO
MC Sheriff
MC Surveyor
MC Traffic Engineer
MC Trans Plan
MC TIF
SAN GR Mesa Metro
SAN Mesa Water/San
SAN Persigo

568
<table>
<thead>
<tr>
<th>Submitted By</th>
<th>Question/ Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRE CLIFTON</td>
<td>No objections</td>
</tr>
<tr>
<td>IRR 5-2-1 DRAIN AUTH</td>
<td>No objections.</td>
</tr>
<tr>
<td>MC CODE COMPLIANCE</td>
<td>Code Compliance comments and suggestions were passed on the Greg Moberg.</td>
</tr>
<tr>
<td>MC DEV ENGINEER</td>
<td>MC Development Engineering</td>
</tr>
<tr>
<td></td>
<td>- Section 8.01.E.4 – This does not appear to be consistent with the 2010 ADA Standards section 502.6.</td>
</tr>
<tr>
<td></td>
<td>- Section 8.16 – Any ‘shared’ access (serving 2 or more parcels) needs to meet the multi-lane access requirements of Road Access Policy section 4.3.5. This will affect the driveway surface and easement widths adjacent to the road.</td>
</tr>
<tr>
<td></td>
<td>- Section 8.16 – The current code has the requirement of a DIA for construction of a shared driveway to ensure that the construction cost does not get passed on to the buyer(s). This doesn’t appear to be included in this code update. What sort of mechanism can be used to achieve the same result with this code for common and shared driveways? Is a DIA still appropriate or is there some other method to get the construction completed and not passed on to the buyer(s)?</td>
</tr>
<tr>
<td></td>
<td>- Section 8.16.C – How is maintenance of a common driveway going to be handled?</td>
</tr>
<tr>
<td></td>
<td>- Section 8.16.C.3 – What are the dimensions of the required pullouts?</td>
</tr>
<tr>
<td></td>
<td>- Section 8.16.E.1 – Remove the mention of autocourt as this no longer appears to be an option.</td>
</tr>
<tr>
<td></td>
<td>- Section 8.16.E.6 – Should a different word other than ‘abut’ be used here? I can foresee scenarios where a parcel may abut a shared driveway but not utilize it for legal access.</td>
</tr>
<tr>
<td>MC ENGINEER OWTS</td>
<td>No objection.</td>
</tr>
<tr>
<td>MC TRANS PLAN</td>
<td>Chapter 7, Transportation Planner Comments</td>
</tr>
<tr>
<td></td>
<td>Pages 8-3 &amp; 8-4</td>
</tr>
<tr>
<td></td>
<td>Who is the Director? Community Development and/or Public Works?</td>
</tr>
<tr>
<td></td>
<td>Page 8-5</td>
</tr>
<tr>
<td></td>
<td>What about defining Parking Area Layouts for Temporary Events?</td>
</tr>
<tr>
<td></td>
<td>Is there a requirement for Parking Areas to be designed by a Professional Engineer?</td>
</tr>
<tr>
<td></td>
<td>Previously the Engineer was responsible for design of adequate parking per Mesa County (MC) policy, drainage, and traffic circulation.</td>
</tr>
<tr>
<td></td>
<td>Will your rewrite include parking template examples? It appears that you have removed the old ones etc.</td>
</tr>
<tr>
<td></td>
<td>Page 8-7</td>
</tr>
</tbody>
</table>
Agreement for Off-Site Parking for a minimum of 10-years. What happened when the agreement expires? Who monitors this?

Page 8
Shared Parking Study who is responsible for the review? Agreement for Shared parking what happens when it expires? Who monitors this?

Page 8
Parking lot lighting
I see no mention of light pole locations in the landscape code. You should have a provision to not allow light poles to be places in the landscape islands because the trees typically grow and block the light fixtures. In addition, branches tend to destroy the light fixtures etc.

Pages 8-10
The mention of the 14-ft frontage landscape area adjacent to the public right-of-way is this located in or on top of the 14-ft multi-purpose easement?

Page 8
Nighttime light pollution
There is no specification for the use of cut-off light fixtures to protect the dark skies. Should specify that lighting fixtures shall be 90-degree cut-off fixtures.

In addition, there is no mention of the Illuminating Engineering Society (IES) and the use of their recommended practices for lighting etc.

Over lighting of parcels can create nighttime light pollutions see IES recommended practices for area to be lighted etc.

Page 8
Revise 1. Access Point
a. Two or more dedicated access points shall be provided when the Average Daily Trips (ADT exceeds 300 trips.
b. Road length for a single access shall be limited to 1,000-ft unless all homes all homes are to be sprinkled.

Note two separate issues

Page 8
Section 8.13 – Irrigation Canals & Laterals
We should include a section that forbids the use of ditch roads (irrigation and/or drainage) as an access to a parcel.

Page 8
Common Driveways
1. Access width needs to be revised to meet the Road Access Policy (RAP) multi-lane access requirement of at a minimum of an ingress lane of 16-ft and egress lane of 12-ft.
Driveway width shall be maintained a minimum of 25-ft from the edge of the roadway and may taper to a narrower width. In addition, IFC requires that the width of the drive be 20-ft minimum for 2-way traffic.

No stacking of vehicles shall be allowed on the MC roadways.

Common driveway shall be located within an ingress/egress easement. There needs to be a maintenance agreement between the 2-parcels.

3. A Common Driveway shall not be any longer that 150-ft in length. In addition if longer than 150-ft a shared driveway shall be required.

| Page 8-35 |
| D. Loop Lanes |
| One-way accesses shall have a minimum width of 16 to 18-ft per the RAP 4.3.5 Access Width. |

| E. Shared driveway standard |
| 1. Remove auto court, as it is no longer used. |
| 3. Shared accesses shall comply with all fire department access requirements per the IFC appendix D access requirements. |

The City of Grand Junction Rural Fire Department requires that the access be paved.

How will the County be assured that the shared driveway has been installed? It appears that you have remove C the Development Improvement Agreement (DIA) requirements from the code.

Had provision for the DIA.

Page 8-36
5. Multi-purpose easement it should be an ingress/egress easement?

What has happened with the Maintenance Agreement requirement?

Should we have the property owners sign a maintenance waiver to protect MC?

| B. Public Rights-of-Way Dedication Criteria |
| b. 5 lots will this change to 6 or 7 lots? |

3. Should we refer the applicant to the Design Exception Committee when they are questioning the need for additional rights-of-ways etc?

| Page 8-37 |
| C. Internal Streets/Roads |
When 5 or fewer residential lots... right-of-way improvements may be reduced. The applicant should ask the Design Exception Committee for the reduction approval.

Pages 8-38
Section 8.19 – Intersection and Driveway Visibility
There should also be a reference to MC RAP, Section 4.3.10 – Sight Distance Requirements and Table 4.2 – Intersection Sight Distance.

Page 8-41
Section 8.21 – Fees in Lieu of Improvements

C. Credit Permitted Against Fees for Certain Off-Site Improvements

This should be associated with the Transportation Impact Fee Resolution, J Credits

<table>
<thead>
<tr>
<th>RTPO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dana Brosig - Comments added by Planner</td>
</tr>
</tbody>
</table>

These are based on my experience as the Development Engineer and also general proofreading. A few comments are also related to the RTPO (as a review agency) and roadway safety (aprons).

Chapter 4-To protect the public, a Warranty Guarantee must be included as part of the Development Improvements Agreement. This is to ensure that the public does not have to bear the cost of repair if the roads or other public facilities (ie drainage) are not properly constructed. Warranty period is currently18 months so that roads go through 2-winters. There was talk of making it 24 months. 15% guarantee is needed, otherwise there is no incentive to fix anything.

- The summary says that a minor subdivision is changing from 4 to 5 lots, but the text says it is for up to 6 lots (section 4.10)

- 4.10B- chart -Ag division, lot size, says max five(6)acres. Text below says less than five acres. Need consistency.

- 4.10E- The signing of the Development Improvement Agreement should be included in the process. Otherwise, people are shocked when it happens. We used to tell them during pre-app meetings, but if that is optional, they won't know until they go to sign the agreement

- 4.12C- Access should comply with road access policy.

8.09- If wells are used for a subdivision, there must also be a long-term contract between future land owners for rights to that water. Otherwise, only the landowner where the well is located has any water. This was per Ben Krause- Department of Water Resources who came to talk to the Planning Dept Oct, 2018

8.10- Property line adjustments should also comply with fire protection standards if accesses are now shared as a result of a PLA.
8.15- As Road and Bridge Standards are being updated, I wouldn’t reference a section, as that will likely change.

8.16- Common driveways should have an apron to minimize tracking. There are also standards in the Road and Bridge Standards for driveways built in existing public ROW. This should be referenced in the LDC as people were always shocked about that.

General Comments:

- To properly review document, need actual sections, not Section X.X

-I noticed in all of the processes, there is never a step that the applicant needs to respond to review agencies and modify their application, as needed. I think this is important as applicants are then surprised when they need to comply with comments. With this, include a list of review agencies in the LDC.

- CDOT Access Permits should be mentioned somewhere since they can limit development on State Hwys.

<table>
<thead>
<tr>
<th>MC FACILITIES/PARKS</th>
<th>2020 Code Update - Chapter 1 - Draft - September 3, 2019- No Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 2 - Draft - September 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 3 - Draft- September 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 4 - Draft - September 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 5 - Draft - September 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 6 - Draft - September 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 7 - Draft - October 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 8 - Draft - October 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 9 - Draft - October 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 10 - Draft - October 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 11 - Draft - October 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FACILITIES/PARKS</td>
<td>2020 Code Update - Chapter 12 - Draft - October 3, 2019- No Comment</td>
</tr>
<tr>
<td>MC FLOODPLAIN ADMIN</td>
<td>2020 Code Update - Chapter 2 - Draft - September 3, 2019- Under section 2.04 Creation and appointment is missing. This section speaks of how the BoCC appoints a floodplain board of appeals, the number of members and how they need to be qualified. This section needs to be included in the LDC.</td>
</tr>
<tr>
<td>MC SURVEYOR</td>
<td>2020 Code Update - Chapter 3 - Draft- September 3, 2019- The Corrections for Errors or Omissions for Minor Changes to Recorded Plats procedure on page 4-19 is not compliant with CRS 38-51-111 Surveyor’s Affidavit of Correction. The statute does not provide for any Surveyor other than the surveyor of record to prepare and record an Affidavit of Correction.</td>
</tr>
<tr>
<td>Lower Valley Fire Department</td>
<td>Overall the revision to the whole code is well done. Not an easy task.</td>
</tr>
</tbody>
</table>

A couple of comments for consideration:

1. Shared driveways over 150 feet in length create problems for firefighters. Installing a fire hydrant on shared driveways causes the waterline to become a private dead end main, without proper hydrant maintenance being performed. Ute Water probably has a problem with water quality too. A solution is to require a dedicated right of way which most governmental agencies do not want from a maintenance
standpoint. Another solution is to install residential sprinkler systems in all residences.

2. LVFD has had a terrible time with weed complaints in the county this year, partly due to the wet spring but also due to land not being farmed next to several subdivisions which created a couple of serious urban interface fire issues. It would be desirable to have some language in the Violations & Enforcement Chapter to address this issue.

LVFD is not interested in farmers fences, irrigation ditches or fields except where weeds/brush threaten subdivisions or a cluster of houses. Would be glad to discuss this issue further if it would help.

---

### CSU Extension Tri River Area

<table>
<thead>
<tr>
<th>Section(s) under review</th>
<th>7, landscaping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comment : In the past few years, Colorado State University Extension has updated their tree planting methods and when to use fabric. Colorado State University Extension has Landscape Up to date Recommendations: 1. Tree planting methods changed about 3 years ago. See Tree planting steps. <a href="https://static.colostate.edu/client-files/csfs/pdfs/TreePlanting_636.pdf">https://static.colostate.edu/client-files/csfs/pdfs/TreePlanting_636.pdf</a> <strong>a.</strong> The hole is now to be dug 3 times the width to improve rooting and getting rid of transplant shock. <strong>b.</strong> Girdled roots are now shaved off. Cutting did not prevent continual circling. <strong>c.</strong> The root crown is found and excessive soil removed before planting. 2. Fabric- Landscape fabric is only recommended where there are annuals or no root zone. Example: RV parking on one side of house, no trees nearby. See the mulch section in this factsheet: <a href="https://extension.colostate.edu/topic-areas/yard-garden/xeriscaping-creative-landscaping-7-228/">https://extension.colostate.edu/topic-areas/yard-garden/xeriscaping-creative-landscaping-7-228/</a> <strong>a.</strong> Tree root zones are 2 to 5 times the height of the tree or for low, wide trees twice the spread of the tree. So a 50’ tall tree has a root zone diameter minimum of 100’! <strong>3.</strong> We do not recommend small planting squares such as a 4x4 or 6x6. See Fort Collins, street trees in sidewalk cutout recommendations. <a href="https://www.larimer.org/sites/default/files/apdxc.pdf">https://www.larimer.org/sites/default/files/apdxc.pdf</a> Horticulturist refer to these small planting areas as concrete tree coffins. This type of planting should only be used if methods are taken to provide a larger root zone to ensure longer life. <strong>4.</strong> A watering plan should be provided. Drip at the base of the tree is only sufficient to water newly planted trees for 4-5 months! Refer to #2 for root zone size above. Urban trees are living an average of 7-12 years, which is right around the time it takes to devalue the carbon load usage of the production, shipment, care and planting of the trees. Care of recently planted trees: <a href="https://cmg.extension.colostate.edu/Gardennotes/635.pdf">https://cmg.extension.colostate.edu/Gardennotes/635.pdf</a> Watering mature trees: <a href="https://cmg.extension.colostate.edu/Gardennotes/657.pdf">https://cmg.extension.colostate.edu/Gardennotes/657.pdf</a> 5. A pruning maintenance plan or certified arborists should be pruning trees especially above 10’ ht. Trees are an investment and have multiple benefits. Refer to City of Grand Junction Forestry board and code. Once a bad cut is made, that tree could be ruined for life. Structural training of young trees: <a href="https://cmg.extension.colostate.edu/Gardennotes/613.pdf">https://cmg.extension.colostate.edu/Gardennotes/613.pdf</a> Pruning mature trees: <a href="https://cmg.extension.colostate.edu/Gardennotes/615.pdf">https://cmg.extension.colostate.edu/Gardennotes/615.pdf</a> I am available for presentations or would be happy to discuss landscape recommendations further. By Susan Carter Horticulture and Natural Resource Agent CSU Extension Tri River Area 970-244-1834, <a href="mailto:susan.carter@colostate.edu">susan.carter@colostate.edu</a></td>
<td></td>
</tr>
</tbody>
</table>
PUBLIC COMMENTS
<table>
<thead>
<tr>
<th>Submitted By</th>
<th>Chapter</th>
<th>Question/ Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>I object to the revision of “Planning” Director to &quot;Community Development&quot; director. It is transparent and prioritizes development over the role of COMMUNITY planning. I'd rather our commissioners focus on improving quality of life, rather than Quantity of developers bank accounts!</td>
</tr>
<tr>
<td>Richard</td>
<td>General</td>
<td>I WOULD LIKE TO SEE THE PROGRESS REGARDING SHORT TERM RENTAL REGULATION</td>
</tr>
<tr>
<td>Sheila</td>
<td>Land Development Code</td>
<td>In response to the notice shared with the public to gather comments on updating the Conditional Use Permit policy for the County I submit the following. My comments aren’t to address the technical wording of the policy at this time but to provide perception of the overall process and communication from a personal experience. My friend started the process in December when she was moving her home based business from the City to the County. This process took 6 months and conditions were put upon her to hire an engineer for inspections, to build a fence and she had to restore a shoulder on a Mesa County road that was altered by a previous owner just to board and train dogs. In the City when she applied for a similar use permit it only took weeks. In the City, the neighbor’s homes were within 20 feet. There was no screening requirement, no inspections of the sewer system or modifications that had to be made to her property in contrast to the county process. Septic System Inspection: When she tried to explain to reviewers that it is not a traditional kennel she wanted to operate, reviewers still placed comments on record indicating that the septic system would be overrun with hosed feces. I left a message for OWTS and she explained to staff that messes are wiped up with paper towels, crates and areas are sanitized, wiped and towels disposed of – crates and dogs are not hosed down. So the engineering inspection of the septic system seemed excessive. When she obtained her inspection which stated her system was in good shape and suggested a change in the language for the CUP before her public hearing she was told not to introduce it so that it didn’t delay the process further. Screening Requirements: No neighbors complained when she was in the city and closer to the neighbors and no current neighbors in the county complained about the sight of dogs but one of her conditions required her to put in privacy fencing. Modification of the shoulder of road: She placed items to block access to the incorrectly installed entrance placed there by the previous owner of the property but the conditions required that she contract for a landscaper and heavy equipment to undo what the previous owner had done and restore the shoulder of the road for the County. It seems reasonable that she should have to get the septic system in the agricultural building permitted. It seems reasonable that before she uses the agricultural building for another use and builds an office within it she would have it inspected/permited. As you review the policy and procedure I encourage you to consider small home based business owner’s perspective, access, expense and ease of use of the system adopted. I am certified in PEAK process improvements and one of the focuses of that process is to highlight the value to the customer in the processes even in government. I would volunteer my time for this improvement.</td>
</tr>
<tr>
<td>Janet</td>
<td>NW Mesa County</td>
<td>Is there anywhere written into the draft long range planning for how long a person mush live in Mesa County before developing? One quarter of a mile from me developers are most likely going to put as many as 57 homes. I can see that out my window. I have lived at the above address for 40 some years and am not allowed to do a one time split. I would like to go from AFT to RSF-E (1-3) on my 4 acre parcel but seem to have &quot;slipped through the cracks&quot;. It's hard for someone 70 to do all the yardwork, but it's the only place I've known.</td>
</tr>
<tr>
<td>Name</td>
<td>Location/Comment</td>
<td>Text</td>
</tr>
<tr>
<td>--------</td>
<td>------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Janet</td>
<td>NW Mesa County</td>
<td>I would like to see more fairness in the way the development fans out from the busy Mall area. Moving north mile by mile allowing property owners who have been here for many years to develop more. Perhaps AFT/RSF-E combination from the city line to J Rd. Do you have any idea how much traffic we put up with . . . and with NO benefits near I Rd and 24 Rds. Everyone calls it I-24.</td>
</tr>
<tr>
<td>Keith</td>
<td>General Comment - many more to come.</td>
<td>Highlights of proposed changes are helpful, but entire marked-up chapters should be included showing actual proposed changes - highlight/strike through etc. to allow a thorough review by the public. The best example is chapter 9 - where the highlights indicate the Code Focus Group is recommending deletion of the entire chapter, but staff has included a chapter 9 - what changes are proposed? Also, I appreciate inclusion of public comments on the website, but my previous comments appear to be incomplete, and I wasn't notified of the status of the review and posting of chapters and comments as I believe I requested. AND - what is the current timeline for completion of this process? Thanks.</td>
</tr>
<tr>
<td>Sally</td>
<td></td>
<td>- The Master Plan, with community input, should have been updated before the LDC was updated. When is the Master Plan going to be updated? - If the county is doubling residential density in C-1 and C-2, better require urban services to go along with it.</td>
</tr>
<tr>
<td>Mark</td>
<td>All</td>
<td>1. Need to have a real &quot;concept plan&quot; review process that gets buy in on a subdivision layout without having to spend significant money to address submittal documents (i.e., drainage report, soils report, PAL, Drainage and Irrigation checklist, improvements survey, perc tests, geo hazards, mineral extraction policy letter, landscape plan). This items should be REQUIRED AT THE FINAL PLAN stage. Many times clients will stop a project at the concept plan level if there are too many issues. SEE THE CITY OF GRAND JUNCTION PRE-APPLICATION SUBMITTAL PROCESS AS A TEMPLATE FOR HOW THIS IS DONE. 2. The PAL process could be eliminated if the county would to a true concept plan review. 3. Urban level development should start at R-4 Density.. A URR is NOT URBAN DEVELOPMENT. 4. The landscape code is way to complicated and overkill. 5. Half street improvements on Collector street and above should be done by county as a street corridor project. All you have to do is look at recent corridor improvement projects the County had completed and see that in most cases the existing curb/gutter/sidewalk will ultimately have to be removed because they are almost always too high as compared to the surrounding grades. Collect TCP fee's and do a corridor project. 6. Why doesn't the county eliminate the AFT zoning and change the zoning to reflect what the Future Land Use plan says can be developed. That's essentially what is happening now from my experience. 7. The DIA process needs to be online, easily accessible, and use &quot;STANDARDIZED&quot; forms. Again, See city of grand junction's process for a good example.</td>
</tr>
<tr>
<td>Susan</td>
<td>Chapter 1 &amp; 2</td>
<td>Thank you for supporting our farmers and allowing them to function, as most were here first. Please let me know if you ever need help with actual landscape code. We have updated our tree planting guide and no longer recommend weed fabric. Keep up the good work.</td>
</tr>
<tr>
<td>Keith</td>
<td>1.13 - PLANNING AREAS</td>
<td>This section is proposed to be deleted entirely. The Planning Areas defined in the Mesa County Master Plan determine which areas of the unincorporated county are to be subject to Rural or Urban development standards of the Development Code (Code). It is appropriate for the Code to include an explanation of how and where the Code will implement the Rural and Urban standards anticipated in the Master Plan. Thus, this section 1.13 should not be deleted from the Code. With the upcoming municipal planning efforts to update the Grand Junction, Fruita and Palisade master plans or comprehensive plans, it would behoove the</td>
</tr>
</tbody>
</table>
Mesa County Planning Commission to participate in those efforts to ensure Mesa County and the municipalities do not have disparate plans for the annexation areas outside of the municipal limits. The Persigo agreement (IGA) has effectively motivated GJ and Mesa County to cooperatively plan for future development within the GJ Urban Development Boundary. Now there is an opportunity to extend this cooperative planning approach to the City of Fruita and the Town of Palisade.

| Sally | Chapter 2 | The BoCC should hear all subdivision applications. Having staff approve projects takes the BoCC out of the equation and it has come to the point where they don't know the Land Development Code, rarely hear from the public and just want to make everything easy. The role of local government is not to make things easy, it is to protect the public and look out for the public good. This should be the job of elected officials, not the Director. There is no transparency to the process anymore. - If the BOCC doesn't hear them, all subdivisions of any kind, should at a minimum, be heard before the Planning Commission. It seems like you are taking public input out of the approval process and giving all of the power to staff. |
| David | Chapter 4 | I suggest: ‘Estate’ density (RSF-E) should return to 2-5 acre parcel sizes, as it was prior to about 10 years ago 1) 1 acre lots seemed larger when homes were 900-1500 SF with single car garages, but with many homes now 2500-5000 SF and large garages and out buildings it allows for much less distance between homes, a distinct urban experience; 2) The City of GJ’s ‘Estate’ density is also 1 acres and I suggest that with the County as the same there is insufficient differentiation between City and County, insufficient transition, blurring the lines and diversity of experience; 3) Lot sizes could very modestly below the 2 acres to accommodate land features and for variation with the average lot size, including dedicated open space, being 2 acre minimums. 4) the County, through its Planning Department or Planning Commission or Board of Commissioners, has never seemed to limit the density within that 1-3 acre zoning, always defaulting to giving the developer the maximum density, resulting in the 2-3 acre lots of the Code being effectively not there ...useless, and making for a sea of unimaginative, cookie-cutter 1 acre lots that I suspect will eventually cover the North Central Valley. Greystone Estates is a good example of all these points: while they are fine homes, it was not planning; it was simply retrofitted from its original approved 2 acre lots down to 1 acre lots solely to maximize profits for the developer. I suggest that is not quality development, and encourage the County recommending and decision bodies to appropriately recommend lower densities within zones, as it did not do for Greystone Estates. |
| Sally | 4.10B | Rural Land Division- It says cannot exceed section X.X. What does this mean? I think we should get rid of Rural Land Divisions, they should have to follow master plan just like everyone else. |
| Leslie | Ch. 5 Use Regulations | Overall Recommendation for No Short-Term Rentals in Mesa County
1. No short-term rentals should be allowed in Mesa County, in either commercial or business zones or in single family residential or agricultural zones.
2. Short-term rentals are unfair to motels and hotels. These businesses have gone to the trouble and significant expense of purchasing commercial property in zones appropriate for guests. They build appropriate buildings for renting out rooms, provide lighted, monitored parking, follow state, county, and franchise guidelines, have appropriate insurance, and are regularly inspected. They build accommodations that are safe, accessible to all, and they make sure they have constant security and oversight. They employ people, pay payroll taxes, and do not pay them under the table. They have safety expectations for their businesses to |
protect the strangers (who are supervised) that stay in their rooms and the accommodations are designed that in case of problems they can be assisted. They monitor their known guests and make sure they do not disturb other businesses or residents in their vicinity so they do not become public nuisances. They keep records and file taxes and do not hide their income or avoid reporting income they have their guests pay to their workers through their website. They also pay taxes on income sent out of the state and county to their franchise granters—rather than having advertising web-based juggernauts receive money off sending strangers into empty homes in family neighborhoods.

3. Short-term rentals are also unfair to people that have bought homes or property in residential or agricultural areas. These people have purchased their homes or started their agricultural activities under the assumption that they would not have unsupervised, unregulated party and flop houses next door. They are unprepared for the liability and litigation risks that occur from these largely unsupervised, often heavily in debt homes full of strangers who know nothing about their neighborhoods or the property they are staying at and no way to find out. They must bear these liability and litigation risks alone, since often the short term rental operators are improperly insured and hide their activities from their homeowner insurance providers. These homeowners also face threats from these short-term rental operators when they try to protest the behavior or activities of the strangers near their homes and face safety and security risks in what should be quiet neighborhoods—people running around their yards in the middle of the night, pounding on their doors asking to borrow items or with questions, dogs chasing livestock, people leaving stock gates unsecured, trespassers wandering on nearby property. Many of these guests are very entitled and behave badly when they come in contact with neighbors. There is no remedy for neighbors experiencing property damage from guests or employees of these businesses. Short-term rental corporations will not take phone calls from neighbors, nor will the county because “there are no rules against them” even though these businesses are earning money from strangers staying in their homes in non-commercial zoned areas. Neighbors also face loss of home value if they put their homes up for sale if they are living near the chaos of an unsupervised short-term rental business.

4. There is no reason to have ANY zoning in Mesa County at all if these businesses are allowed to operate in residential and agricultural areas on the one hand or to avoid paying commercial and businesses taxes, obtain licenses, subject themselves to the same building codes, face regular inspections, and to avoid the expenses that motels and hotels pay. This is a unlevel play field for both homeowners and businesses. Hotels and motels should no longer have to purchase business licenses, collect lodging and sales tax, pay commercial property taxes, keep financial records, oversee guests, and have their guest rooms, kitchens, and bathrooms meet any sort of safety or health standards. Homeowners should be able to open restaurants, bars, and retail and liquor stores in residential areas—after all, if complete strangers can show up to empty homes, party all night, wander around the neighboring properties or bumper surf on farmer and rancher’s gravel roads, why should those neighbors face any zoning or licensing requirements for them if they decide to open up stores, restaurants, or bars in their homes? Theoretically, all are guests—the latter simply aren’t spending the night.
Recommendations IF the county allows short-term rentals in commercial zones:

1. No short-term rentals should be allowed in noncommercial zones of the property. They should be considered only in commercial or business areas.

2. All short-term rentals should follow the same state and county safety and security regulations as hotels and motels. They should have a building department lodging inspection prior to granting a business license and yearly inspections. This should include electrical and plumbing, or well and septic, inspections.

3. The building inspection should result in maximum occupancy allowances, and this should be enforced and checked, periodically, with unannounced visits to make sure occupancy standards are met and that the short-term operators are present.

4. All short-term rentals should require smoke alarms integrated with local fire department systems like hotels and group homes are required to have, as well as sprinkler systems. They should be subject to the same fire inspection requirements, and scheduled reinspections, as local hotels and motels. Safety exits should be labeled and maps provided in all rooms. Pull alarms should be present, along with wall mounted fire extinguishers, just like hotels.

5. No use of open fires such as pellet stoves, fireplaces, and outside fire pits should be allowed in commercial areas unless directly supervised by owner. No fire pits or wood or charcoal burning outdoor grills or fireplaces should be allowed in commercial areas if wildfire damage is high, very high, or extreme.

6. Any assaults, fires, or property damage at homes licensed as short-term rentals should be investigated by the sheriff’s office. This will include extra attention to suspicious activities or occurrences and repetitious incidents. The short-term rental operator must insure that the short-term rental organization they are associated with will cooperate with full divulgence of the identity of any renters that may have caused problems for investigative purposes or, in the case of owner occurrences, allow access to rental records to determine if any unusual rental patterns or advertised descriptions or comments coincided with the timeline of the situation. Financial and bank records should also be checked. Any evidence of illegal or dangerously negligent behavior that results in any assault, threat, or significant property damage on the part of operator or guest that causes property damage to either neighbors or the host’s property should result in termination of the operation license for nearby businesses and future guest safety.

7. All short-term rentals should require the business owner to live on the premises and provide direct in time oversight and supervision during the entire guests’ length of stay. No home or business operator should be allowed to have more than one short term rental business in our county at a time. The county will not count someone owning less than 20% of the home as meeting this requirement.

8. Short term rentals should be required to purchase business licenses, pay lodging taxes, pay state taxes on income, pay sales taxes, and property should be designated commercial for purposes of property taxes. Website operators advertising these businesses and paid directly by the guests separately when the booking is complete should also report and pay taxes on their income to the state and county.

9. In agricultural areas without access to city water, well water should be potable, and tested for bacteria and other contaminants every 90 days. Septic systems must be
provided or redone to comply with the size requirements for the number of people licensed to stay in the home at maximum occupancy. If city water and sewer is available, any property in that area should be required to upgrade their system from wells and septic to city services. No cistern-provided water or outhouses or portapotties should be allowed. Running water must be provided to all short-term rental guest quarters, not just the main house.

10. If the owner/operator employs other people for maintenance and cleaning, background checks should be required, and payroll records should be kept. All employee salaries or direct payments through the website from the guests should be reported to the state, and federal and state taxes should be sent on the same schedule as other businesses. Tips should be reported, too, just as they are in the hotel, motel, and food service industries. These employees or workers should be insured by workman’s comp.

11. All short-term rentals should have direct access to state and county roads without the use of easements (dominant or subservient) or commonly used or maintained access areas (for apartment complexes, condominium complexes, or homeowner associations). Driveways and property asphalt or gravel roads should follow state and local regulations for commercial or business property. Driveways, roads, and sidewalks should follow commercial regulations for lighting and maintenance. County or state inspectors should inspect driveways or access roads in advance to make sure they meet state guidelines for visitors. Maximum safe speeds should be posted if the driveway is longer than a quarter mile.

12. All short-term rental lodging should be required to carry short term rental insurance on themselves and any of their adjacent businesses, co-easement or mall renters or users, easement grantors, or subdivision, apartment complex, or homeowner associations. Homeowner insurance does not cover commercial usage, especially for what are considered very high-risk usage such as short-term rentals. They should be required to show local agencies proof of the insurance being paid for 12 months in advance, and name adjacent businesses, residences, and agricultural operations as secondary insured. Minimum insurance should be $20 million as this is recommended for these high-risk lodging operations. The neighboring businesses and homeowners and other interested parties insured by the short-term rental must be provided with the name of the insurance company in case they experience property damage or injury from guests, and must be notified if the insurance is cancelled.

13. Short term rentals need an oversight office with the county where problems with safety, security, or failure to comply with the above requirements could be reported by nearby businesses. After a certain number of complaints, the license of the short-term rental should be terminated.

14. No short-term rentals in commercial areas should be allowed to host events such as weddings or parties without obtaining food service and liquor licenses and be regulated and have their buildings inspected for these types of events. These are business activities. If such events are allowed the county should require a minimum of one professional on-site security personnel during the event no matter what the size of the crowd. Parking must meet state and local requirements for businesses and must be provided on the operators’ premises—a lighted parking area with a well-maintained asphalt or gravel surface should be required, and marked and
signed handicapped parking meeting state guidelines should be required in line with state requirements.

15. Any “guests of guests” must also be directly supervised by the full-time on-premises homeowner and also be insured by the operator. Their names, addresses, and contact information must be obtained by the homeowner, who must also oversee and be liable for their behavior and conduct when invited by the short-term rental guests onto the homeowner’s property.

16. A complete guest list should be maintained for all guests staying at the rental, not just the original “booker.” Vehicle license plates should also be kept on file and should be given to the sheriff’s office upon request. On premises/parking must be supplied for all guest vehicles.

17. If pets are allowed on the short-term rental property, a fenced area should be provided and cleaned regularly. No dogs should be allowed to run at large on or off premises. Dogs must be supervised while in the fenced area and cannot be allowed to threaten or disturb nearby neighbors or businesses.

18. No advertising for Class 1 drugs use, sale, or manufacturing should be allowed on websites or printed material outside the state of Colorado. If the short-term rental is advertising its business as “marijuana friendly,” the host should notify the licensing agency and comply with guidelines through direct supervision to make sure the guests comply with state law. If unlawful activities do occur, the homeowner is responsible for notify the sheriff’s office and, if necessary, having the home inspected for hazards prior to renting again.

19. If the County decides to limit the amount of time the home can be rented a year, the on-site operator should give the county the dates of planned rental open dates at the first of each rental year so there will be no circumvention of this requirement. Otherwise, it is too hard for the local government to oversee.

Recommendation IF Short-term Rentals are Allowed in Single Family Residential or Agricultural Zoned Areas (in addition to above):

1. All adjacent neighbors and property owners should be notified of the presence of a short-term rental in the neighborhood
2. Real estate agents must be required to divulge the presence of a short-term rental adjacent to any property they represent.
3. The county should set up a hotline and investigator funded with short-term rental licensing fees to report problems or issues with the short-term rental in residential or agricultural areas.
4. The short-term rental should pay commercial property taxes rather than the taxes applicable for single family or agricultural zoning. Once the property has been used as a short-term rental, the property should continue to pay commercial property taxes and not revert back to single family or commercial unless the property is purchased by a new homeowner. The new owner notifies the county it will not be operating a lodging business on the property and, if the property is subsequently converted back into short-term lodging, back taxes at commercial rates will be required prior to issuing a license.
5. The state or country should be required not to limit direct access to state highways for the short-term rental businesses under any circumstances, even if they limit driveway access for residential or agricultural property. Common driveways should
not be forced on residents as these put neighbors, easement grantors, other easement users, homeowner associations, and other common use property owners at increased litigation risk and causes an unfair burden of upkeep for those single family and agricultural property owners already being subjected to the short-term rental business annoyances and commercial use of their common property. If the short-term rental obtains property that intersects with a road, or reaches an agreement with another property owner to set up a designated access/easement road through that latter’s property, a second access point to a state or country road must be allowed by the state or county.

6. The short-term rental must be owner occupied by a homeowner that owns at least an 80% share of the property. When short term renters are booked, the homeowner must remain on the property and directly supervise the guests at all times. They should also supervise and monitor the guests’ ingress and egress to their property if the guests go through other property.

7. No more than 4 guests, or one bedroom, can be rented at a time. No more than one vehicle can come onto the property. The vehicle must be given a parking tag identifying it as a short-term rental vehicle for neighbors so they know it is associated with the short-term rental and they can differentiate it from unknown trespassers or suspicious vehicles in their neighborhoods. On-site parking, within the actual short-term rental’s property line, should be required. Parking will not be allowed on nearby streets or roads, nor next to common easements and access roads.

8. Check in times cannot be before 8 a.m. or after 10 p.m. if such activities will disturb nearby neighbors or if easement or common driveways or homeowner or subdivision roads are used.

9. The short-term rental must maintain a secure fence around their property marking their property line with signage designating the boundaries of their property. Short-term rental operators are responsible to make sure their guests do not wander or trespass onto property they do not own and to inform nearby neighbors or property owners of any incidents that do occur and what their action was. If using a common easement or commonly-owned road, the operator must supervise guests on and off property if requested by other easement holders or grantors, especially if guests are coming and going middle of the night during their stay. The operator must insure they do not disturb other neighbors or property owners in single family and agricultural zoned areas.

10. If this is not possible, they will work with other common property owners to come up with an alternative plan to ensure to differentiate guests and to avoid non-guests from gaining access to the property without the other neighbors and property owners knowledge. This can include locked and secured gates with codes that the short-term rental operator must change on a daily basis, and must be set up at the short-term rental operator’s expense and to the satisfaction of the neighbors involved. The short-term rental operator must insure their guests do not trespass or wander on any nearby neighbors’ properties in the course of entering and exiting the property, and the ingress and egress road can be used for vehicle access only, not for going for walks or bicycling on the neighbors’ roads for recreational purposes. Guests must shut and secure or lock any gates or stock gates they go through in agricultural areas to avoid livestock injury or motorist harm on
state or county roads by loose livestock. If short-term rentals are used on common roads, all neighbors should be allowed to put up security fences no matter what easement widths as long as 12 feet of the common driveway is preserved for the use of the strangers entering and exiting the commercial short-term rental.

11. Short term rental insurance must be carried on all adjacent neighbors, easement, common roads, and any neighbor who fronts a non-public, private road. The name of this insurance agency must be provided to all the property and easement owners involved. The minimum insurance should be $20 million and must be paid in full 12 months in advance. The insurance cannot be cancelled without direct written notification to the county and neighbors involved.

12. No outdoor fires at short term rentals should be allowed in rural areas as these are traditionally high hazard areas that can easily start wildfires. Propane or gas grills will be provided rather than charcoal grills for neighbors’ safety. If the host/operator has an indoor fireplace or pellet stove, they will meet with the sheriff’s department and provide the sheriff’s office along with the local fire department a complete fire safety and ash disposal plan that will protect the lodging home and guests as well as neighbors. Overhead sprinklers and smoke alarms should be set up to automatically notify the local fire department in case of a fire in any commercial short-term rental business. Fire extinguishers should be present in all rentals.

13. The short-term rental will be responsible for a minimum of 75% road upkeep for any common roadways or easements. Fellow property owners will be given the name of the short-term rental insurance company to file claims for excessive road damage. If road repairs are frequent, affected neighbors should be able to require road paving to be fully funded by the short-term rental business. The affected neighbors should be able to petition the oversight agency for short-term rentals in the county to require this as a stipulation for maintaining their license. All support workers coming on to the property and plowing and maintaining roads should be experienced and bonded.

14. No references to neighbors will be allowed on national websites or printed material advertising the home. Any litigation threatened by the short-term rental operator to neighbors will result in stoppage of the short-term rental activities until the threatened litigation is resolved, and the short-term rental operator cannot sue a neighbor in a single family residential or agricultural zoned area for any loss of income.

15. If the County decides to limit the amount of time the home can be rented a year, the on-site operator should give the county and nearby neighbors and easement users the dates of planned rental open dates at the first of each rental year so there will be no circumvention of this requirement. Otherwise, it is too hard for the local government to oversee.

16. No guests of guests should be allowed and no events, especially if commonly owned property, roads, or apartment or homeowner associations are involved.

<table>
<thead>
<tr>
<th>David</th>
<th>Section 5.3.4</th>
<th>Proposed change(s) in RED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>A. 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. Properties larger than 4 acres and all properties zoned agricultural, agricultural</td>
</tr>
</tbody>
</table>
transition forestry. For dogs/cats kept outdoors, or kept in an accessory structure. Are exempt from this code and regulation. On Properties larger than 4 acres and all properties zoned agricultural, agricultural transition forestry. Kennels, boarding facilities, and commercial activities are an allowed accessory use, 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.

| Jon | Use Table 5.1, definitions under Utility, Basic 12.4.9 | Ground mounted solar facilities have become very common in Colorado. They range in size, but share many important characteristics that make them good uses in many rural zone districts. With the exception of some of the largest sites, no personnel are stationed at these facilities. Maintenance happens only a few times annually, meaning traffic as a result of these projects is negligible. There are no exterior lights, no emissions, and almost no noise during operations (which are entirely during daylight hours). The max height of the projects means that views are not blocked, and the limited contact of the equipment with the ground means that site impacts related to infiltration are negligible. When the projects are complete, they are easily decommissioned and the sites are returned to their former uses. Proposed changes: Add under Utility, Basic: Small Scale Solar PV Facilities (>1 acre and < 20 acres) to become Allowed Use in AFT zone district, and CUP in all zone districts Large Scale Solar Facilities (>20 acres) CUP in AFT/AF, C2, I1 & I2 zone districts |

<p>| Keith | Chapter 7 &amp; 8 | Thanks for forwarding the proposed Code revisions. I've had a chance to look them over. Overall it looks like most of the suggestions will reduce redundancies and clarify a few things. That is a good thing. My major and significant concerns relate to natural resources, including margin comments in the marked-up pdfs you shared in chapters 7 and 8 about your inability to locate certain maps, e.g., Wildlife Composite, Wildfire Hazards and Prime and Prime and Unique Soils. These are (or at least were) layers in the Mesa County GIS databases used by planners, reviewers and applicants in meeting development standards. Perhaps the Code should be revised and modernized to reference these GIS databases rather than maps. Similarly, I believe there is no longer an official zoning map - just the GIS data that reflects current zoning as it is updated overtime. Mesa County relies on GIS data updates from Colorado Parks and Wildlife (CPW) to ensure we are all using the same information related to wildlife areas and corridors. Deletion of the entire section on Wildlife Habitat Protection, as suggested in this Code revision, is poor planning and is contrary to numerous elements of the Mesa County Master Plan and many years of cooperation with CPW. As far as wildfire hazards mapping, Mesa County contracted with the Colorado State Forest Service (CSF) to map such hazards. That information has been located on the MCGIS for many years and informs landowners and planners when to consult further with CSF when development plans are being prepared/reviewed. It is irresponsible to change Section 8.07.C from a mandatory development standard to an &quot;encouraged&quot; approach to design for the very real and serious wildfire hazards in Mesa County. I’d be surprised if CSF, USFS, and Mesa County Emergency Management staff disagree with me on this. Prime and Prime and Unique soils are defined by the US Department of Agriculture and are included in soil type attributes as mapped by the USDA (these too are included in GIS layers in the MCGIS databases). Many of the fine agricultural lands in Mesa County are considered Prime if irrigated. The East Orchard Mesa orchard and vinelands are considered Prime and Unique soils due to the geographic location of the area (beneficiary of the warming winds off of the Grand Mesa - thus &quot;unique&quot;). I suggest the Code continue to reference the importance of these soils in Chapter 7. Chapter 7 references to Sensitive |</p>
<table>
<thead>
<tr>
<th>Name</th>
<th>Chapter</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sally</strong></td>
<td>Chapter 8</td>
<td>Lands should not be deleted from the Code. Such lands are defined in elements of the Mesa County Master Plan and include steep slopes, floodplains, wildlife habitats/corridors, wildfire hazard areas, etc. I suggest the Code include a definition of Sensitive Lands and/or reference the Master Plan. I trust you have included as reviewers of the proposed Code amendments the many subject-experts we have in the area, such as: USDA Soil Conservation Districts, CSU Tri-River Extension, CSU Range Specialists, CSU Agricultural Research Center, Colorado State Forest Service, US Forest Service, BLM, MC Emergency Management, Colorado Parks and Wildlife, US Fish and Wildlife Service and the Colorado National Monument. (In fact Mesa County's many memoranda of understanding with most of these agencies requires giving them the opportunity to participate or at a minimum review and comment on Code revisions.) I hope these comments help.</td>
</tr>
<tr>
<td><strong>Keith</strong></td>
<td>Chapter 9 - Incentives</td>
<td>I was glad staff shared their red-lined copy of suggested changes to what was chapter 9 - Incentives. I was shocked to see the final draft dated 11/6/19 has entirely omitted that chapter. Is the Code Focus Group in charge of the proposed Code revisions, since they have suggested deleting this entire chapter? THE ENTIRE CHAPTER provides voluntary means of achieving many of the goals and objectives found within various elements of the Mesa County Master Plan. Mesa County is facing a dire lack of attainable housing and deletion of the density bonus for providing attainable housing units (deed restricted) will do away with one of the few tools available to provision of affordable (attainable for all income levels) housing in unincorporated Mesa County. Housing Resources of Western Colorado used that bonus in development of Buntner Estates - a self help home project and a portion soon to be a portion to be the home of the new Clifton Branch of the Mesa County Library. THIS CHAPTER SHOULD REMAIN INTACT UNTIL AND UNLESS THE MESA COUNTY MASTER PLAN IS UPDATED TO PROVIDE DIFFERENT DIRECTION.</td>
</tr>
<tr>
<td><strong>Jon</strong></td>
<td>Use Table 5.1, definitions under Utility, Basic 12.4.9</td>
<td>Ground mounted solar facilities have become very common in Colorado. They range in size, but share many important characteristics that make them good uses in many rural zone districts. With the exception of some of the largest sites, no personnel are stationed at these facilities. Maintenance happens only a few times annually, meaning traffic as a result of these projects is negligible. There are no exterior lights, no emissions, and almost no noise during operations (which are entirely during daylight hours). The max height of the projects means that views are not blocked, and the limited contact of the equipment with the ground means that site impacts related to infiltration are negligible. When the projects are complete, they are easily decommissioned and the sites are returned to their former uses. Proposed changes: Add under Utility, Basic: Small Scale Solar PV Facilities (&gt;1 acre and &lt; 20 acres) to become Allowed Use in AFT zone district, and CUP in all zone districts Large Scale Solar Facilities (&gt;20 acres) CUP in AFT/AF, C2, I1 &amp; I2 zone districts</td>
</tr>
<tr>
<td>Submitted By</td>
<td>Chapter</td>
<td>Question/Comment</td>
</tr>
<tr>
<td>--------------</td>
<td>---------</td>
<td>------------------</td>
</tr>
<tr>
<td>Diane</td>
<td></td>
<td>There is no transition from AFT-1 home/5 acres to 1 home per acre. We need to bring back Estate 1 home/2 acres. Eliminating 1 home on 1-3 acres should be reconsidered. This doesn’t meet the needs of the citizens.</td>
</tr>
<tr>
<td>Mark</td>
<td></td>
<td>URR Subdivisions at 1 unit per 2 acre density is not urban level development, define urban development density @ 3 lots/acre so the street design exception crazyness goes away. A simple definition include this in the definition could resolve this.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please consider extending review period, Dec 10th is too quick!</td>
</tr>
<tr>
<td>Holly</td>
<td></td>
<td>Holly wants to be included on future Master Plan email notifications.</td>
</tr>
</tbody>
</table>
Mesa County Land Development Code Chapter 9 - proposed revisions

3 messages

KB Fife <kbfife@gmail.com> Thu, Nov 7, 2019 at 1:07 PM
To: Greg Moberg <greg.moberg@mesacounty.us>
Cc: Patrick Coleman <patrick.coleman@mesacounty.us>, Katie Bowman <KatieB@hrwco.org>, Todd Hollenbeck <todd.hollenbeck@mesacounty.us>, Peter Baier <peter.baier@mesacounty.us>

Greg,
I was glad staff shared their red-lined copy of suggested changes to what was chapter 9 - Incentives. I was shocked to see the final draft dated 11/6/19 has entirely omitted that chapter. Is the Code Focus Group in charge of the proposed Code revisions, since they have suggested deleting this entire chapter? THE ENTIRE CHAPTER provides voluntary means of achieving many of the goals and objectives found within various elements of the Mesa County Master Plan. Mesa County is facing a dire lack of attainable housing and deletion of the density bonus for providing attainable housing units (deed restricted) will do away with one of the few tools available to provision of affordable (attainable for all income levels) housing in unincorporated Mesa County. Housing Resources of Western Colorado used that bonus in development of Butner Estates - a self help home project and a portion soon to be a portion to be the home of the new Clifton Branch of the Mesa County Library.

THIS CHAPTER SHOULD REMAIN INTACT UNTIL AND UNLESS THE MESA COUNTY MASTER PLAN IS UPDATED TO PROVIDE DIFFERENT DIRECTION.

Thanks,
Keith
"No reason to get excited"

Greg Moberg <greg.moberg@mesacounty.us> Thu, Nov 7, 2019 at 4:19 PM
To: KB Fife <kbfife@gmail.com>
Cc: Patrick Coleman <patrick.coleman@mesacounty.us>, Katie Bowman <KatieB@hrwco.org>, Todd Hollenbeck <todd.hollenbeck@mesacounty.us>, Peter Baier <peter.baier@mesacounty.us>

Keith,

Thank you for your comments.

To answer your question; yes, the Code Focus Group is the committee that reviewed each chapter of the proposed code update. They were made aware that Chapter 9 incentivised attainable housing, joint subdivisions, removal of nonconforming uses, clustering and TDRs and that the Chapter had been used by a few developers.

Greg Moberg
Principal Planner
Mesa County Planning Division
200 S. Spruce St.
P.O. Box 20,000
Grand Junction, CO. 81502-5022
greg.moberg@mesacounty.us

https://mail.google.com/mail/u/0?ik=a01930b09f&view=pt&search=all&permthid=thread-f%3A1649574978905562054&simpl=msg-f%3A16495749789...
I was aware the CFG reviewed the proposals, but not that they had the "final say" in what the draft includes. So, there isn't a staff recommendation? Thanks for sharing all of the public comments with the MCPC and BCC.

Thanks,

Keith

"No reason to get excited"

[Quoted text hidden]
Greg Moberg <greg.moberg@mesacounty.us>

Re: Land Development Code Update - Natural Resources
1 message

KB Fife <kbfife@gmail.com>Thu, Oct 31, 2019 at 4:00 PM
To: Greg Moberg <greg.moberg@mesacounty.us>, Todd Hollenbeck <todd.hollenbeck@mesacounty.us>, Peter Baier <peter.baier@mesacounty.us>, Chris Kadel <Chris.Kadel@mesacounty.us>, Andrew.Martsof@mesacounty.us, Dean Riggs - CPW DNR <dean.riggs@state.co.us>, Kamie.Long@colostate.edu, Dave Thornton <daviddt@ci.grandjct.co.us>, Dan Caris <dcaris@fruita.org>, Bill Edwards <waedwards@fs.fed.us>, greg.litus@colostate.edu

Thanks for forwarding the proposed Code revisions. I've had a chance to look them over. Overall it looks like most of the suggestions will reduce redundancies and clarify a few things. That is a good thing.

My major and significant concerns relate to natural resources, including margin comments in the marked-up pdfs you shared in chapters 7 and 8 about your inability to locate certain maps, e.g., Wildlife Composite, Wildfire Hazards and Prime and Prime and Unique Soils. These are (or at least were) layers in the Mesa County GIS databases used by planners, reviewers and applicants in meeting development standards. Perhaps the Code should be revised and modernized to reference these GIS databases rather than maps. Similarly, I believe there is no longer an official zoning map - just the GIS data that reflects current zoning as it is updated overtime.

Mesa County relies on GIS data updates from Colorado Parks and Wildlife (CPW) to ensure we are all using the same information related to wildlife areas and corridors. Deletion of the entire section on Wildlife Habitat Protection, as suggested in this Code revision, is poor planning and is contrary to numerous elements of the Mesa County Master Plan and many years of cooperation with CPW.

As far as wildfire hazards mapping, Mesa County contracted with the Colorado State Forest Service (CSF) to map such hazards. That information has been located on the MCGIS for many years and informs landowners and planners when to consult further with CSF when development plans are being prepared/reviewed. It is irresponsible to change Section 8.07.C from a mandatory development standard to an "encouraged" approach to design for the very real and serious wildfire hazards in Mesa County. I'd be surprised if CSF, USFS, and Mesa County Emergency Management staff disagree with me on this.

Prime and Prime and Unique soils are defined by the US Department of Agriculture and are included in soil type attributes as mapped by the USDA (these too are included in GIS layers in the MCGIS databases). Many of the fine agricultural lands in Mesa County are considered Prime if irrigated. The East Orchard Mesa orchard and vineyards are considered Prime and Unique soils due to the geographic location of the
area (beneficiary of the warming winds off of the Grand Mesa - thus "unique"). I suggest the Code continue to reference the importance of these soils in Chapter 7.

Chapter 7 references to Sensitive Lands should not be deleted from the Code. Such lands are defined in elements of the Mesa County Master Plan and include steep slopes, floodplains, wildlife habitats/corridors, wildfire hazard areas, etc. I suggest the Code include a definition of Sensitive Lands and/or reference the Master Plan.

I trust you have included as reviewers of the proposed Code amendments the many subject-experts we have in the area, such as: USDA Soil Conservation Districts, CSU Tri-River Extension, CSU Range Specialists, CSU Agricultural Research Center, Colorado State Forest Service, US Forest Service, BLM, MC Emergency Management, Colorado Parks and Wildlife, US Fish and Wildlife Service and the Colorado National Monument. (In fact Mesa County's many memoranda of understanding with most of these agencies requires giving them the opportunity to participate or at a minimum review and comment on Code revisions.)

I hope these comments help.

Thanks,

Keith Fife

“No reason to get excited”

On Fri, Oct 18, 2019 at 4:54 PM Greg Moberg <greg.moberg@mesacounty.us> wrote:

Keith,

Attached are the Code chapters with proposed changes highlighted.

Greg Moberg
Principal Planner
Mesa County Planning Division
200 S. Spruce St.
P.O. Box 20,000
Grand Junction, CO. 81502-5022
greg.moberg@mesacounty.us
(970) 244-1650