<table>
<thead>
<tr>
<th>TABLE OF CONTENTS</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 1 INTRODUCTORY PROVISIONS</th>
<th>1-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>§1.1</td>
<td>Title</td>
</tr>
<tr>
<td>§1.2</td>
<td>Authority</td>
</tr>
<tr>
<td>§1.3</td>
<td>Applicability and Jurisdiction</td>
</tr>
<tr>
<td>§1.4</td>
<td>Repeals and Enactment</td>
</tr>
<tr>
<td>§1.5</td>
<td>Purpose</td>
</tr>
<tr>
<td>§1.6</td>
<td>Right to Farm and Ranch Policy</td>
</tr>
<tr>
<td>§1.7</td>
<td>Word Usage and Construction of Language</td>
</tr>
<tr>
<td>§1.8</td>
<td>Conflicting Provisions</td>
</tr>
<tr>
<td>§1.9</td>
<td>Transitional Provisions</td>
</tr>
<tr>
<td>§1.10</td>
<td>Vested Rights</td>
</tr>
<tr>
<td>§1.11</td>
<td>Planning Areas</td>
</tr>
<tr>
<td>§1.12</td>
<td>The Handbook on Land Use</td>
</tr>
<tr>
<td>§1.13</td>
<td>Severability</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 2 REVIEW AND DECISION-MAKING BODIES</th>
<th>2-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>§2.1</td>
<td>Board of County Commissioners</td>
</tr>
<tr>
<td>§2.2</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>§2.3</td>
<td>Board of Adjustment</td>
</tr>
<tr>
<td>§2.4</td>
<td>Floodplain Board of Appeals</td>
</tr>
<tr>
<td>§2.5</td>
<td>Floodplain Administrator</td>
</tr>
<tr>
<td>§2.6</td>
<td>Stormwater Administrator</td>
</tr>
<tr>
<td>§2.7</td>
<td>Planning Director</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 3 DEVELOPMENT REVIEW AND APPROVAL PROCEDURES</th>
<th>3-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>§3.1</td>
<td>General</td>
</tr>
<tr>
<td>§3.2</td>
<td>Master Plan Amendments</td>
</tr>
<tr>
<td>§3.3</td>
<td>Land Development Code Amendments</td>
</tr>
<tr>
<td>§3.4</td>
<td>Rezonings (Zoning Map Amendments)</td>
</tr>
<tr>
<td>§3.5</td>
<td>Administrative Reviews</td>
</tr>
<tr>
<td>§3.6</td>
<td>Administrative Review of Major Subdivisions</td>
</tr>
<tr>
<td>§3.7</td>
<td>Planned Unit Developments (PUD)</td>
</tr>
<tr>
<td>§3.8</td>
<td>Conditional Use Permits</td>
</tr>
<tr>
<td>§3.9</td>
<td>Floodplain Development Permit</td>
</tr>
<tr>
<td>§3.10</td>
<td>Vacation of Rights-of-Way, and Renaming of Streets</td>
</tr>
<tr>
<td>§3.11</td>
<td>Administrative Adjustments</td>
</tr>
<tr>
<td>§3.12</td>
<td>Zoning Variances</td>
</tr>
<tr>
<td>§3.13</td>
<td>Floodplain Variances</td>
</tr>
<tr>
<td>§3.14</td>
<td>Written Interpretations</td>
</tr>
<tr>
<td>§3.15</td>
<td>Appeals of Administrative Decisions</td>
</tr>
<tr>
<td>§3.16</td>
<td>Development Improvements Agreements</td>
</tr>
<tr>
<td>§3.17</td>
<td>Development Agreements</td>
</tr>
<tr>
<td>§3.18</td>
<td>Assignment of Addresses</td>
</tr>
<tr>
<td>§3.19</td>
<td>Stormwater Construction Permit</td>
</tr>
<tr>
<td>§3.20</td>
<td>Stormwater Construction Permit Variances</td>
</tr>
<tr>
<td>§3.21</td>
<td>Exemptions</td>
</tr>
<tr>
<td>§3.22</td>
<td>County Register of Historic Landmarks</td>
</tr>
</tbody>
</table>

Chapter 4 ZONING DISTRICTS | 4-1 |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>§4.1</td>
<td>Rural Zoning Districts</td>
</tr>
<tr>
<td>§4.2</td>
<td>Urban Residential Zoning Districts</td>
</tr>
<tr>
<td>§4.3</td>
<td>Urban Nonresidential Zoning Districts</td>
</tr>
<tr>
<td>§4.4</td>
<td>Special Purpose Zoning Districts</td>
</tr>
<tr>
<td>§4.5</td>
<td>Zoning Map</td>
</tr>
<tr>
<td>§4.6</td>
<td>Compliance with District Standards</td>
</tr>
</tbody>
</table>

Chapter 5 USE REGULATIONS | 5-1 |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>§5.1</td>
<td>Use Table</td>
</tr>
<tr>
<td>§5.2</td>
<td>Use-Specific Standards</td>
</tr>
<tr>
<td>§5.3</td>
<td>Accessory Uses</td>
</tr>
<tr>
<td>§5.4</td>
<td>Temporary Uses</td>
</tr>
</tbody>
</table>

Land Development Code (Effective May 2000) Last Revised October 2018

1
TABLE OF CONTENTS
Chapter 6 DENSITY AND DIMENSIONAL STANDARDS
6-1
§6.1 | Table of Density and Dimensional Standards__________________________________________6-1
§6.2 | Measurements and Exceptions _____________________________________________________6-5
§6.3 | AFT District Density _______________________________________________________________6-9
§6.4 | Alternative Residential Development Options ________________________________________6-14
§6.5 | Urban Residential Reserve (URR) Subdivision Standards ______________________________6-17
§6.6 | Non-Residential Subdivisions _____________________________________________________6-18
§6.7 | RSF-E District Density ____________________________________________________________6-18
Chapter 7 DEVELOPMENT STANDARDS
7-1
§7.1 | Off-Street Parking ________________________________________________________________7-1
§7.2 | Landscaping and Buffering _______________________________________________________7-12
§7.3 | Large Retail Projects _____________________________________________________________7-29
§7.4 | Outdoor Storage, Trash Collection and Loading Areas ________________________________7-31
§7.5 | Open Space/Parks Standards ______________________________________________________7-32
§7.6 | General Site Planning Standards ___________________________________________________7-33
§7.7 | Drainage _______________________________________________________________________7-38
§7.8 | Potable Water Supply ____________________________________________________________7-38
§7.9 | Fire Protection __________________________________________________________________7-39
§7.10 | Wastewater ____________________________________________________________________7-41
§7.11 | Monumentation ________________________________________________________________7-43
§7.12 | Irrigation Canals and Laterals ____________________________________________________7-43
§7.13 | Floodplain Regulations __________________________________________________________7-43
§7.14 | Traffic Impact Analyses__________________________________________________________7-53
§7.15 | Street Access __________________________________________________________________7-53
§7.16 | Streets and Roads ______________________________________________________________7-57
§7.17 | Circulation and Street Layout _____________________________________________________7-59
§7.18 | Street Naming __________________________________________________________________7-59
§7.19 | Posting of Addresses ___________________________________________________________7-60
§7.20 | Intersection and Driveway Visibility _______________________________________________7-60
§7.21 | Land Dedications and Fees In-Lieu ________________________________________________7-61
§7.22 | Fees In Lieu of Improvements ____________________________________________________7-65
§7.23 | Stormwater Construction Permit __________________________________________________7-65
§7.24 | Interim Development Policies _____________________________________________________7-67
Chapter 8 SIGNS
8-1
§8.1 | Purpose _________________________________________________________________________8-1
§8.2 | Prohibited Signs _________________________________________________________________8-1
§8.3 | Exemptions ______________________________________________________________________8-1
§8.4 | Temporary Signs _________________________________________________________________8-3
§8.5 | General Standards for all Signs _____________________________________________________8-4
§8.6 | Rural and Urban Residential Zoning Districts _________________________________________8-5
§8.7 | Nonresidential Zoning Districts _____________________________________________________8-6
§8.8 | Planned Unit Developments and Conditional Uses _____________________________________8-7
§8.9 | Off-Premise (Outdoor Advertising) Signs _____________________________________________8-8
§8.10 | Removal and Disposition of Signs __________________________________________________8-8
Chapter 9 INCENTIVES
9-1
§9.1 | General _________________________________________________________________________9-1
§9.2 | General Density Bonus ____________________________________________________________9-1
§9.3 | Joint Subdivision Bonus ___________________________________________________________9-1
§9.4 | Removal of Urban Nonconforming Use Bonus ________________________________________9-2
§9.5 | Urban Residential Cluster Bonuses __________________________________________________9-2
§9.6 | Urban Residential Attainable Housing Bonus _________________________________________9-2
§9.7 | Rural Cluster Density Bonus _______________________________________________________9-2
§9.8 | Transferable Density Credits _______________________________________________________9-2
Chapter 10 NONCONFORMITIES
10-1
§10.1 | General _______________________________________________________________________10-1
§10.2 | Nonconforming Uses ____________________________________________________________10-2
§10.3 | Nonconforming Structures _______________________________________________________10-4
2
Land Development Code (Effective May 2000) Last Revised October 2018


| §10.4 | Nonconforming Lots | 10-5 |
| §10.5 | Nonconforming Signs | 10-6 |
| §10.6 | Nonconformities Created by Public Action | 10-6 |
| §10.7 | Certification of Nonconforming Status | 10-6 |

Chapter 11 VIOLATIONS AND ENFORCEMENT | 11-1 |
| §11.1 | Responsibility for Enforcement | 11-1 |
| §11.2 | Types of Violations | 11-1 |
| §11.3 | Continuing Violations | 11-1 |
| §11.4 | Remedies and Enforcement Powers | 11-2 |
| §11.5 | Remedies Cumulative | 11-3 |
| §11.6 | Enforcement Procedures | 11-3 |

Chapter 12 DEFINITIONS AND TERMS | 12-1 |
| §12.1 | Terms Defined | 12-1 |
| §12.2 | Use Categories | 12-21 |
| §12.3 | Residential Use Categories | 12-22 |
| §12.4 | Institutional and Civic Use Categories | 12-24 |
| §12.5 | Commercial Use Categories | 12-28 |
| §12.6 | Industrial Use Categories | 12-32 |
| §12.7 | Other Use Categories | 12-35 |

Appendix A | Changes Made to the Code |
Appendix B | Mack Streetscape Standards |
Appendix C | Old Town Clifton Mixed Use District and Design Standards |
Appendix D | Whitewater Mixed Use/Commercial Districts and Design Standards |
Appendix E | Gateway Overlay Zoning District and Design Standards |
Appendix F | Loma Community Design Guidelines and Standards |
Appendix G | Mesa County Register of Historic Landmarks |
CHAPTER 1 | INTRODUCTORY PROVISIONS

§1.1 | Title
This Resolution shall be officially known and cited as the "Mesa County Land Development Code," although it is referred to throughout this Resolution as the "Land Development Code."

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

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

§1.4 | Repeals and Enactment
A. All resolutions, or portions thereof, of the Mesa County Board of County Commissioners, relating to zoning, subdivisions, and/or land use inconsistent herewith are hereby repealed to the extent of such inconsistency.

B. The repeal of any resolution, regulation, or ordinance does not revive any other resolution, regulation or portions thereof repealed by said resolution, regulation, or ordinance.

C. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution hereby, for an offense committed prior to the repeal.

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

A. implement the purposes, goals, and policies of the Mesa County Master Plan;

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

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

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

E. be fair to all by giving due consideration to protecting private property rights, the rights of individuals, and the rights of the community as a whole. In instances where an application to develop does not meet all applicable criteria of this Code, and unique or special circumstances exist which would warrant the approval of the application to develop, and provided the proposed development: (a) poses no threat to health or safety; (b) provides for the mitigation of impacts to the maximum extent reasonable; and (c) is generally consistent and compatible with the allowed uses in the applicable Zoning District, the application to develop may be approved.
CHAPTER 1 | INTRODUCTORY PROVISIONS

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

A. Any agricultural operation or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.

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

§1.7 | Word Usage and Construction of Language

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

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

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

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

1.7.5 | References to Other Regulations, Publications and Documents
Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, or document, unless otherwise specifically stated.

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

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

1.7.8 | Public Officials and Agencies
All public officials, bodies, and agencies to which references are made are those of Mesa County, unless otherwise indicated.
1.7.9 | Mandatory and Discretionary Terms
The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are discretionary terms.

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

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

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

1.7.12 | Abbreviations and Acronyms
The following abbreviations and acronyms shall have the meanings ascribed to them.

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

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

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

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

1.9 | Transitional Provisions

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

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

1.9.3 | Completion of Development

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

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

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

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

<table>
<thead>
<tr>
<th>District Name</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>New</td>
<td>Old</td>
</tr>
<tr>
<td>RMF-16</td>
<td>RMF-24</td>
</tr>
<tr>
<td>R5</td>
<td>R-O</td>
</tr>
<tr>
<td>BR</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
</tr>
<tr>
<td>HS, T, SC</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
</tr>
<tr>
<td>ILCA/ILCB</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

§1.13 | Severability
If a Court of competent jurisdiction declares any part of this Land Development Code to be invalid, that ruling shall not affect any other provisions of this Land Development Code not specifically included in that ruling.
§2.1 | Board of County Commissioners

2.1.1 | Powers and Duties
The Board of County Commissioners' powers and duties under this Land Development Code are set out in this subsection.

A. Land Development Code Amendments
   The Board of County Commissioners shall be responsible for reviewing Land Development Code amendment applications and for taking the final action to approve or deny such applications (see Section 3.3).

B. Rezonings
   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).

C. Administrative Reviews
   The Board of County Commissioners shall be responsible for hearing appeals of the Planning Director's decision on Administrative Reviews, and for taking the final action on such appeals (see Section 3.5).

D. Major Subdivisions
   1. Concept Plans
      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
      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).

E. Planned Unit Developments
   1. 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).
   2. 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).

F. 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).

G. 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).
H. Written Interpretations
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).

§2.2 | Planning Commission

2.2.1 | 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.

2.2.2 | 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.

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

A. Master Plan Amendments
The Planning Commission has the statutory duty to adopt a Master Plan for unincorporated Mesa County. The Planning Commission 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).

B. Land Development Code Amendments
The Planning Commission shall be responsible for reviewing Land Development Code amendment applications, and for recommending that the Board of County Commissioners approve, approve with conditions, or deny such applications (see Section 3.3).

C. Rezonings
The Planning Commission shall be responsible for reviewing rezoning applications, and for recommending that the Board of County Commissioners approve, approve with conditions, or deny such applications (see Section 3.4).

D. Planned Unit Development Concept Plan and Rezoning Applications
The Planning Commission shall be responsible for reviewing PUD Concept Plan and Rezoning applications, and for recommending that the Board of County Commissioners approve or deny such applications (see Section 3.7).

E. Conditional Use Permits
The Planning Commission shall be responsible for reviewing Conditional Use Permit applications, and for recommending that the Board of County Commissioners approve, approve with conditions, or deny Conditional Use Permit applications (see Section 3.8).

F. Other Matters
The Planning Commission shall also have such duties as determined by the Board of County Commissioners. 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, Subdivision); 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.
G. 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.

§2.3 | Board of Adjustment

2.3.1 | 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.

2.3.2 | 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.

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

A. Zoning Variances
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).

B. 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.

C. 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 3.15).

§2.4 | Floodplain Board of Appeals

2.4.1 | 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.

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

A. 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 3.9).
B. 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).

§2.5 | Floodplain Administrator

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

2.5.2 | Powers and Duties
The Floodplain Administrator’s powers and duties under this Land Development Code are set out in this subsection.

A. 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.

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

C. Reports to Floodplain Board of Appeals
The Floodplain Administrator shall be responsible for preparing reports in support of the Floodplain Board of Appeals’ hearings on appeals and Floodplain Variances.

D. Other Matters
The Floodplain Administrator other powers and duties are listed below:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

§2.6 | Stormwater Administrator

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

2.6.2 | Powers and Duties
The Stormwater Administrator’s powers and duties under this Land Development Code are set out in this subsection.

A. 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.

B. Reports to Board of County Commissioners – The Stormwater Administrator shall be responsible for preparing reports for the Board of County Commissioners hearings on appeals.

§2.7 | Planning Director

2.7.1 | Powers and Duties
The Planning Director’s powers and duties under this Land Development Code are set out in this subsection.

A. Master Plan Amendments
The Planning Director 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 3.2).

B. Land Development Code Amendments
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 3.3).

C. Rezonings
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).

D. Administrative Reviews
The Planning Director shall be responsible for reviewing Administrative Review applications, and for acting to approve, approve with conditions, or deny such applications (see Section 3.5).

E. Major Subdivisions

1. 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.
2. 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).

3. 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).

4. 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.

F. Planned Unit Developments
   1. 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.

   2. 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).

   3. 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).

G. 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).

H. 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).

I. Vacations
   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).

J. 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).

K. Zoning Variances
   The Planning 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 (see Section 3.12).

L. Written Interpretations
   The Planning Director shall be responsible for issuing Written Interpretations of the provisions of this Land Development Code (see Section 3.14).
M. Appeals of Administrative Decisions
The Planning Director shall be responsible for preparing reports to assist the Board of Adjustment or Board of County Commissioners in the consideration of appeals related to the enforcement of the zoning requirements of this Land Development Code in Chapters 4 and 6 (see Section 3.15).

N. Other Matters
The Planning Director shall also have those powers and duties designated by the Board of County Commissioners, including the following:

1. 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;

2. Providing professional planning staff assistance to the Board of Adjustment, Planning Commission, and Board of County Commissioners;

3. Conducting short term planning studies and analysis to aid in the orderly development of the County; and

4. 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).
§3.1 | General

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

3.1.1 | Authority to File Applications

A. Rezoning (Zoning Map Amendments) Applications

Applications for Rezoning (Zoning Map Amendments) under this Chapter may be initiated by the owners of the property involved or the owner’s authorized agents. 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.

B. 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.

3.1.2 | Form of Application

Applications required under this Chapter must be submitted in a form and in such numbers as required by the official responsible for accepting the application. Application forms for procedures that require Pre-application Meetings will be made available only at the time of the Pre-application Meeting.

3.1.3 | 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 are nonrefundable.

3.1.4 | 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 shall be considered withdrawn, and the application shall be returned to the applicant.

3.1.5 | 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. See The Handbook for a list of appropriate review agencies for each type of development.

3.1.6 | 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. Application forms are also made available during
Pre-application Meetings. 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. 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.

3.1.7 | Preliminary Completeness Check
Applications will be reviewed at the front counter for a preliminary completeness check.

3.1.8 | Notices

A. 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.

B. Written (Mailed) Notice
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>
<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>
<tr>
<td>Within a Rural Zoning District and NOT within one of the six (6) Rural Communities</td>
<td>Public Hearing Required</td>
<td>2,500 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>Administrative Review</td>
<td>1,000 feet of subject property</td>
</tr>
<tr>
<td>Public right-of-way within a Rural Zoning District (for right-of-way vacations)</td>
<td>Public Hearing Required or Administrative Review</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>Public Hearing Required or Administrative Review</td>
<td>500 feet of the subject right-of-way</td>
</tr>
</tbody>
</table>

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.

C. Posted Notice
When the provisions of this Land Development Code 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.
 CHAPTER 3 | DEVELOPMENT REVIEW & APPROVAL PROCEDURES

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.

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

<table>
<thead>
<tr>
<th>Development Review Procedures Summary Table</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Procedure</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Master Plan Amendments</td>
</tr>
<tr>
<td>Text Amendments §3.2</td>
</tr>
<tr>
<td>Map Amendments §3.2</td>
</tr>
<tr>
<td>Land Development Code Amendments §3.3</td>
</tr>
<tr>
<td>Rezones §3.4</td>
</tr>
<tr>
<td>Administrative Reviews</td>
</tr>
<tr>
<td>Extinguishment of Utility Easement §3.5.5</td>
</tr>
<tr>
<td>Minor Subdivisions §3.5.6</td>
</tr>
<tr>
<td>Simple Land Divisions §3.5.7</td>
</tr>
<tr>
<td>Agricultural Divisions §3.5.8</td>
</tr>
<tr>
<td>Property Line Adjustments §3.5.9</td>
</tr>
<tr>
<td>Physical &amp; Legal Separations §3.5.10</td>
</tr>
<tr>
<td>Site Plans, Major §3.5.11</td>
</tr>
<tr>
<td>Site Plans, Minor §3.5.11</td>
</tr>
<tr>
<td>Major Subdivision</td>
</tr>
<tr>
<td>General Meeting §3.6</td>
</tr>
<tr>
<td>Concept Plan</td>
</tr>
<tr>
<td>Final Plan</td>
</tr>
<tr>
<td>Final Plat</td>
</tr>
<tr>
<td>Planned Unit Developments</td>
</tr>
</tbody>
</table>

*Land Development Code* (Effective May 2000) Last Revised October 2018
### 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>General Meeting</td>
<td>§3.7</td>
<td>NO</td>
<td>R</td>
<td>PC</td>
</tr>
<tr>
<td>Concept Plan/Rezoning</td>
<td></td>
<td>YES</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>PUD Final Plan</td>
<td></td>
<td>YES</td>
<td>DM</td>
<td>A</td>
</tr>
<tr>
<td>PUD Final Plat</td>
<td></td>
<td>NO</td>
<td>DM</td>
<td>A</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 Develop. Permit</td>
<td>§3.9</td>
<td>YES</td>
<td>DM</td>
<td>A[2]</td>
</tr>
<tr>
<td>Vacations (ROW/Access)</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>Zoning Variances</td>
<td>§3.12</td>
<td>NO</td>
<td>R</td>
<td>DM</td>
</tr>
<tr>
<td>Floodplain Variances</td>
<td>§3.13</td>
<td>NO</td>
<td>R</td>
<td>DM[3]</td>
</tr>
<tr>
<td>Stormwater Variance</td>
<td>§3.19</td>
<td>NO</td>
<td>DM</td>
<td>A[5]</td>
</tr>
<tr>
<td>Stormwater Permit</td>
<td>§3.19</td>
<td>NO</td>
<td>DM</td>
<td>A[5]</td>
</tr>
<tr>
<td>Written Interpretations</td>
<td>§3.14</td>
<td>NO</td>
<td>DM</td>
<td>A</td>
</tr>
<tr>
<td>Appeals of Admin. Decisions</td>
<td>§3.15</td>
<td>NO</td>
<td>DM</td>
<td>DM</td>
</tr>
<tr>
<td>Historic Designation</td>
<td>§3.22</td>
<td>YES</td>
<td>R</td>
<td>R</td>
</tr>
</tbody>
</table>

Development Review Procedures Summary

**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.

D. Published Notice
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. 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>Planning Director/Other Admin. Official</td>
<td>Written 15</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>Written 15</td>
</tr>
<tr>
<td>Board of Adjustment</td>
<td>Written 15</td>
</tr>
<tr>
<td>Floodplain Board of Appeals</td>
<td>Written 15</td>
</tr>
<tr>
<td>Board of County Commissioners (Text Amendments)</td>
<td>Written 15</td>
</tr>
<tr>
<td>Board of County Commissioners (Other)</td>
<td>Written 15</td>
</tr>
<tr>
<td>Appeals to the Board of County Commissioners</td>
<td>Written 15</td>
</tr>
<tr>
<td>Administrative Review of Major Subdivisions</td>
<td>Written 15</td>
</tr>
</tbody>
</table>

F. 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 Land Development Code before proceeding with the hearing.

3.1.9 | Conditions of Approval
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. Any discretionary conditions imposed on a development approval shall be based upon duly adopted standards that are: (a) contained in this Land Development Code, 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. 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 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 of this Land Development Code, or to any other land dedication or fee in lieu of requirements adopted by the County.

3.1.10 | Continuation of Applications
A. 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, 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.

B. 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.
3.1.11 | 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).

3.1.12 | 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.

3.1.13 | 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 applications for those development approvals may be processed 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.

3.1.14 | 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:

A. dates of regular meetings of review bodies and decision-makers;
B. deadlines for receipt of a complete application for consideration of such application at a particular meeting; and
C. schedule and routing of staff and agency reviews.

3.1.15 | 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.

3.1.16 | 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.

3.1.17 | 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), of this Land Development Code;

B. is consistent with review agency comments; and

C. is consistent with applicable intergovernmental agreements between the County and other entities.

§3.2 | 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.

3.2.1 | 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.

3.2.2 | Pre-application Meeting
Applicants shall schedule and attend a Pre-application Meeting before filing an application (see Section 3.1.6).

3.2.3 | Application Filing
Applications for an amendment to the Mesa County Master Plan shall be submitted to the Planning Director.

3.2.4 | Public Hearing Notice

A. Master Plan Text Amendments
Notice of the public hearing shall be published in accordance with the requirements of Section 3.1.8.
B. 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.

3.2.5 | 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.

3.2.6 | Joint Municipal Plan Amendments
Master Plan Amendments may be approved, approved with conditions, or denied, based on the Approval Criteria of Section 3.2.8.

A. Decision Making Body
Decision making for 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.

B. 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.

C. Initial Review
A request to amend the Master Plan shall 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.

D. Review Process
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.

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

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 of Section 3.2.8.

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

3.2.7 | Rural Planning Area Amendments
The Mesa County Planning Commission shall hold a public hearing on all proposed Master Plan Amendments affecting the Rural Planning Area and, at the close of the public hearing, act to approve, approve with conditions, or deny the Master Plan Amendment, based on the Approval Criteria of Section 3.2.8.

3.2.8 | Approval Criteria
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:

A. 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;

B. events subsequent to the adoption of the Master Plan have invalidated the original premises and findings;

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

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

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

F. 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

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

3.2.9 | 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.

3.2.10 | 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.

§3.3 | Land Development Code Amendments

3.3.1 | 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).

3.3.2 | Application Filing
Applications to amend the text of this Land Development Code shall be submitted to the Planning Director.
3.3.3 | 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.

3.3.4 | 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.

3.3.5 | 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.

3.3.6 | 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.

3.3.7 | 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.

3.3.8 | Adoption by Resolution
Land Development Code Amendments shall be approved in the form of resolutions.

§3.4 | Rezonings (Zoning Map Amendments)
3.4.1 | Pre-application Meeting
Applicants shall schedule and attend a Pre-application Meeting before filing a Rezoning application (see Section 3.1.6).

3.4.2 | Application Filing
Rezoning applications shall be submitted to the Planning Director.

3.4.3 | 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 3.1.8.

3.4.4 | 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.

3.4.5 | 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.

3.4.6 | 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 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.

3.4.7 | Approval Criteria
In acting on a Rezoning application, the Board of County Commissioners shall consider the General Approval Criteria in Section 3.1.17, consider the stated purpose of the proposed zoning district, and may approve the Rezoning application only after considering the following:

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

B. the proposed zoning district’s allowed uses are or can be made to be similar to or compatible with surrounding and nearby land uses

C. the land to be rezone[d] was previously zoned in error or conditions have changed so that the rezoning is consistent with the County’s goals, policies and/or Master Plan; and

D. 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;

3.4.8 | 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.

3.4.9 | 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 re zoning is adopted by the Board of County Commissioners.

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

§3.5 | Administrative Reviews

3.5.1 | Applicability
The following shall be processed in accordance with the procedures of this section:

A. Extinguishment of Utility Easements
B. Minor Subdivisions
C. Simple Land Divisions
D. Agricultural Land Divisions
E. Property Line Adjustments
   1. Boundary Line Adjustments (Unplatted Land)
   2. Re-subdivisions (Previously Platted Land)
F. Physical and Legal Separations
G. Site Plans
H. Thirty-five Acre Parcels Created by Plat
I. Subdivision for Public Purposes

3.5.2 | Pre-application Meeting
Applicants shall schedule and attend a Pre-application Meeting before filing an Administrative Review application (see Section 3.1.6).

3.5.3 | Application Filing
Administrative Review applications shall be submitted to the Planning Director.

3.5.4 | Notice
Notice of filing of an Administrative Review application shall be mailed and posted in accordance with the requirements of Section 3.1.8.

3.5.5 | 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.

3.5.6 | Minor Subdivisions
Minor Subdivisions may be approved as Administrative Reviews.

   A. Eligibility
      The following may be processed as Minor Subdivisions:
1. 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.
   a. 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.
2. 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.
3. 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.
4. 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.

B. Standards
   The following standards shall apply to Minor Subdivisions:
   1. 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.
   2. 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.
   3. If located within the Urban Residential Reserve (URR) zoning district, the standards of Section 6.5 of this Land Development Code shall apply.
   4. 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).

C. 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:
   1. 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);
   2. 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);
   3. 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;
      a. the shared driveway standards of Section 7.15.5 shall be met;
   4. 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;
5. If additional density is available for a future Major Subdivision, the design and layout of the Minor Subdivision allows for redevelopment;

6. the subdivision complies with all applicable development standards of Chapter 7 of this Land Development Code; and

7. 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).

3.5.7 | Rural Land Divisions

Rural Land Divisions may be approved as Administrative Reviews.

A. Eligibility

The following may be processed as Rural Land Divisions (formerly known as Simple Land Divisions):

1. 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:

   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.

2. 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.

3. 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.

B. Standards

The following standards shall apply to Rural Land Divisions:

1. 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.

2. 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.

3. Rural Land Divisions are not required to meet the density requirements of Section 6.3.2 of this Land Development Code.

C. 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:

1. 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);
2. 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);

3. 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;
   a. the shared driveway standards of Section 7.15.5 shall be met;

4. 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

5. 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).

3.5.8 | Agricultural Division

A. Purpose:
   1. To allow agriculturalists to stay on the land and continue farming and/or ranching to protect the rural lifestyle.

B. Eligibility:
   1. The Tract must be zoned Agricultural Forestry Transitional (AFT).
   2. 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.
   3. 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.
   4. 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.
   5. The majority of the Tract must be actively cultivated or ranched (producing crops and/or raising livestock for sale).

C. 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.

D. 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 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.
CHAPTER 3 | DEVELOPMENT REVIEW & APPROVAL PROCEDURES

E. Approval Criteria:

1. 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 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 four (4), then a road meeting County standard specifications must be constructed.

2. 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.

3. If irrigation water is supplied to the new lots after the division, an irrigation maintenance agreement must be recorded.

4. The division shall not detract from the integrity and efficiency of the farm or ranch operations, as demonstrated by the property owner.

5. 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.

6. 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.

7. New lots may be located anywhere within the Tract.

F. 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:

1. parcels owned by someone other than the applicant or applicant's immediate family;
2. roads functionally classified as minor collectors or higher; or
3. severe topographical divisions of the land such as bluffs, rivers, and major washes.

Immediate Family – Father, mother, sons and daughters are to be considered immediate family.

Agriculturalist – those who practice cultivating the soil, producing crops or raising livestock and in varying degrees the preparation and marketing of the resulting products. (Source: Miriam-Webster’s dictionary online)

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

A. Standards
The following standards shall apply to Property Line Adjustments:
1. 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;

2. 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;

3. 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;

4. Property Line Adjustments are not required to meet the density requirements of the Mesa County Master Plan;

5. Property Line Adjustments shall not be used to increase the number of parcels;

6. 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);

7. 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;

8. 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;

9. 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

10. 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.

B. 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:

1. street locations will not be changed;

2. the proposal will neither create a nonconformity nor increase the degree to which any structure or lot is nonconforming; and

3. 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.
3.5.10 | Physical and Legal Separations

An Administrative Review for a Physical and Legal Separation of Land may be approved in accordance with this subsection.

A. Eligibility

In order to qualify as a Physical and Legal Separation, the separation must:

1. 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

2. one (1) or more intervening parcels must be owned by an unrelated third party.

B. Standards

The following standards shall apply to Physical and Legal Separations:

1. 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;

2. 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

3. an Administrative Review for a Physical and Legal Separation shall not be approved unless instruments reflecting the Legal Separation appear in the public record.

C. 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:

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

2. 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.
CHAPTER 3 | DEVELOPMENT REVIEW & APPROVAL PROCEDURES

3.5.11 | Site Plans

A. 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;
   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.

3.5.11.1 | Minor Site Plans
Minor Site Plans are applications which require a lesser review and approval process than Major Site Plans require. Examples include:

- alteration of drainages;
- temporary uses;
- 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.)

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.

3.5.11.2 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.

3.5.11.3 | 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

Land Development Code (Effective May 2000) Last Revised October 2018
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.

3.5.12 | 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.

3.5.13 | Subdivision for Public Purposes
An administrative review may be approved in accordance with this subsection.

A. 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.

B. Eligibility:
1. 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 (CUPs). This process does not relieve the applicant of the responsibility of an application for a Conditional Use Permit or Site Plan.
2. The property may be platted or unplatted.

C. Standards:
The following standards shall apply to Public Purpose Subdivisions:
1. Only one (1) lot for the public purpose may be created using this process.
2. 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.

D. 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:
1. The lot shall be of sufficient size to meet the requirements in the Land Development Code.
2. 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).
3. 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.

4. If irrigation water is supplied to the new lot after the division, an irrigation maintenance agreement must be recorded.

5. The remainder lot (the lot not used for public purposes) shall meet all requirements in Chapter 6, Density and Dimensional Standards.

6. 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.

3.5.14 | 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.

3.5.15 | 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.

3.5.16 | 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.

3.5.17 | Appeals
A. 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.

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.

§3.6 | Administrative Review of Major Subdivisions

3.6.1 | 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; and

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.
CHAPTER 3 | DEVELOPMENT REVIEW & APPROVAL PROCEDURES

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.

3.6.2 | 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.

3.6.3 | 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 this 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.
3.6.4 | 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.

3.6.5 | 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 lapse 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.

3.6.6 | 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.

§3.7 | Planned Unit Developments (PUD)

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.

3.7.1. Concept Plan

A. 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 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.

B. 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.

C. 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) ninety (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.

D. 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.

E. 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.

F. Concept Plan and PUD Rezoning Approval Criteria
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:

1. the proposed Concept Plan is consistent with the Mesa County Master Plan pursuant to C.R.S. §24-67-104;
2. the Concept 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;
3. the Concept Plan complies with the PUD regulations of Section 4.4.1;
4. 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 maximum extent practical;
5. 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
6. the same development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD district, variances, or administrative adjustments.

G. 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 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.

H. Effect of Concept Plan Approval
Concept Plans shall be approved concurrently with PUD Rezonings. No Concept Plan may be approved without a PUD Rezoning, and no PUD Rezoning application may be approved until a Concept Plan for the development has been approved. Approval of a Concept Plan shall constitute acceptance of the uses, maximum development intensities, and general layout proposed for the PUD development. As such, the Concept Plan shall govern the preparation of the required Final PUD Plans. The approved Concept Plan shall be supported by the project final design. Should the Concept Plan prove unbuildable or otherwise not feasible based on the final PUD Plans, the Concept Plan must be revised to reflect the limitations identified in the design of the final PUD Plans.

I. Lapse of Concept Plan Approval
An approved Concept 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 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 Concept 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 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 that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 3.4.

3.7.2 | Final PUD Plans
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 Section 3.7.1.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 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 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 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.

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.
E. Appeals

1. 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 (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.

3.7.3 | Final Plat
After approval of a Final Plan, a Final Plat application shall be submitted for a PUD which subdivides the property.

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 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 Plan and Final Plans 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.

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, 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 Planning Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

3.7.4 | Expiration of Previously Approved Planned Unit Developments
If an Official Development Plan for a Planned Unit Development 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 before approval of the Planned Unit Development. Applications to rezone such property to a zoning classification 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 that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 3.4.

§3.8 | Conditional Use Permits

3.8.1 | Pre-application Meeting
Applicants shall schedule and attend a Pre-application Meeting before filing a Conditional Use Permit application (see Section 3.1.6).

3.8.2 | Application Filing
Applications for Conditional Use Permits shall be submitted to the Planning Director.

3.8.3 | 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.

3.8.4 | Public Hearing Notice
Notice of the public hearing shall be mailed and posted, in accordance with Section 3.1.8.

3.8.5 | 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.

3.8.6 | 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 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.

3.8.7 | 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:

A. 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;

1. Applications which request an exception to the height limitations of a zone district as identified in Table 6.1 must demonstrate that:

   a. 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

   b. the proposal is compatible with features in the area such as vegetation, topography or similar structures and
c. the proposal will not have an adverse impact upon the properties located within the written notification area defined in Section 3.1.8 of the Code.

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

B. 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;

C. access will be provided as necessary to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;

D. adequate assurances of ongoing maintenance have been provided;

E. 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

F. there is a need for the use on a community wide basis.

3.8.8 | 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.

3.8.9 | 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.

3.8.10 | 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.

§3.9 | Floodplain Development Permit
Pre-application Meeting
Applicants shall schedule and attend a Pre-application Meeting before filing a Floodplain Development Permit application (see Section 3.1.6).

3.9.1 Application Filing
Floodplain Development Permit applications shall be submitted to the Floodplain Administrator.

3.9.2 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.

3.9.3 Approval Criteria
In determining whether to approve a Floodplain Development Permit, the Floodplain Administrator shall consider the following items.

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

B. The effects conveyed downstream or upstream of allowing such a use, including:
   1. the effect on depth and velocity of floodwater (i.e., peak flow characteristics);
   2. the danger to life and property downstream due to increased flood velocities and heights caused by encroachment or obstruction upstream or downstream;
3. whether the depth of floodwaters on neighboring parcels would be increased by more than the designated height above normally expected flood depths;

4. 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;

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

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

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

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

C. 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.

3.9.4 | 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:

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

B. Limitations on periods of use and operations.

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

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

E. 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.

F. Location of building pad envelopes.

G. 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:

1. installation of watertight doors, bulkheads, and shutters, or similar methods of construction;

2. reinforcement of walls to resist water pressures;

3. addition of mass or weight to structures to resist flotation;

4. use of paints, membranes, or mortars to reduce seepage of water through walls;
CHAPTER 3 | DEVELOPMENT REVIEW & APPROVAL PROCEDURES

5. installation of pumps to lower water levels in structures;
6. installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall flood pressures;
7. construction to resist rupture or collapse caused by water pressure from debris;
8. 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
9. 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.

3.9.5 | 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.

3.9.6 | 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.

§3.10 | Vacation of Rights-of-Way, and Renaming of Streets

3.10.1 | 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.

3.10.2 | 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).

3.10.3 | 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.

3.10.4 | 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.

3.10.5 | 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.

3.10.6 | Approval Criteria

A. Vacations
A vacation application under this section may be approved by the Board of County Commissioners if the Board of County Commissioners determines that the requested vacation will not:
CHAPTER 3 | DEVELOPMENT REVIEW & APPROVAL PROCEDURES

1. create any landlocked parcels;
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;
5. be inconsistent with any adopted transportation plan, including the Grand Valley MPO Transportation Plan;
6. affect the historic movement of livestock;
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.

A vacation of a right-of-way may be approved on a Subdivision Plat as long as the above criteria are met, and:
   a. the right-of-way being vacated was previously dedicated to the public;
   b. the right-of-way being vacated is entirely within the plat being created;
   c. existing utilities are accommodated with sufficient easements; and
   d. access to adjoining parcels that existed because of this right-of-way is not jeopardized.

B. Street Renaming
The Board of County Commissioners may approve an application for renaming a street if it finds that both of the following criteria have been met:
   1. 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
   2. 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.

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

§3.11 | Administrative Adjustments

3.11.1 | 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.
3.11.2 | 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.

3.11.3 | 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.

3.11.4 | Approval Criteria
Administrative Adjustments may be approved by the Planning Director only upon a finding that all of the following criteria have been met:

A. 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

B. any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practical;

C. 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;

D. 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

E. 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.

3.11.5 | 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.

3.11.6 | 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.

§3.12 | Zoning Variances
This section sets out the required review and approval procedures for Zoning Variances.

3.12.1 | 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.

3.12.2 | Application Filing
Applications for Zoning Variances shall be submitted to the Planning Director. A check-in meeting shall be required (see Section 3.1.7).
3.12.3 | Public Hearing Notice
Notice of the public hearing shall be published, mailed and posted, in accordance with Section 3.1.8.

3.12.4 | Review and Action
The Board of Adjustment shall hold a public hearing on each Zoning Variance application, and at the close of the public hearing, act to approve, approve with conditions, or deny the Zoning Variance based on the Approval Criteria of Section 3.12.5.

3.12.5 | Approval Criteria for Zoning Variances
A zoning variance may be granted by the Board of Adjustment only if it finds that all of the following criteria have been met:

A. the requested Variance is consistent with the Purposes set out in Section 1.5 of this Land Development Code;

B. 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;

C. the special circumstances and conditions that account for the need for a Variance are not the result of the owners’ actions;

D. 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;

E. 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

F. 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.

3.12.6 | Approval Criteria for Accessory Dwellings
A. 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:

1. The requested variance is consistent with the Purposes set out in Section 1.5 of the Land Development Code;

2. 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;

3. Except for maximum size, the proposed accessory dwelling will meet all applicable requirements of the Land Development Code;

4. 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
5. 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.

B. In addition to the accessory dwelling variance approval criteria listed in paragraph 3.12.6.A above, the Board of Adjustment shall consider the following:

1. 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;

2. 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;

3. 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;

4. 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

5. 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).

3.12.7 | 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.

3.12.8 | 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.

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

§3.13 | Floodplain Variances
This section sets out the required review and approval procedures for Floodplain Variances.

3.13.1 | 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).

3.13.2 | 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.

3.13.3 | Public Hearing Notice
Notice of the public hearing shall be mailed and posted, in accordance with Section 3.1.8.

3.13.4 | Approval Criteria 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:
A. The danger that materials may be swept onto other lands to the injury of others;
B. The danger to life and property due to flooding and erosion damage; and
C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners; and
D. The importance of the services provided by the proposed facility to the community; and
E. The necessity to the facility of a waterfront location, where applicable; and
F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage; and
G. The compatibility of the proposed use with the existing and anticipated development, and;
H. Whether the proposed use is consistent with the Mesa County Master Plan and the floodplain management program for that area; and
I. The safety of access to the property in times of flood for ordinary and emergency vehicles; and
J. 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
K. 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.

3.13.5 | 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.

3.13.6 | 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:

A. 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.
B. 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.
C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:
   1. A showing of good and sufficient cause;
   2. a determination that failure to grant the variance would result in exceptional hardship to the applicant;
   3. 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.

F. 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.

3.13.7 | 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.

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

§3.14 | Written Interpretations

3.14.1 | 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).

3.14.2 | 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.

3.14.3 | Form
The interpretation shall be provided to the applicant in writing, and shall be filed in the official record of interpretations.

3.14.4 | 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.

3.14.5 | Appeals
Appeals 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.
§3.15 | Appeals of Administrative Decisions

3.15.1 | Applicability

A. 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 and 6.

B. Floodplain Board of Appeals
   The Floodplain Board of Appeals shall hear and decide appeals of decisions of an administrative official 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.

C. 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 A. and B.

3.15.2 | 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).

3.15.3 | Application Filing
   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).

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

3.15.5 | 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.

3.15.6 | Public Hearing 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 3.1.8.

3.15.7 | Record of Administrative Decision
   Before the public hearing on the appeal, the official whose decision is being appealed shall transmit to the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals all papers constituting the record of the decision being appealed.
CHAPTER 3 | DEVELOPMENT REVIEW & APPROVAL PROCEDURES

3.15.8 | 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.

A. 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.

B. 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.

C. 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.

3.15.9 | 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.

3.15.10 | Findings of Fact
The decision of the Board of County Commissioners, Board of Adjustment, or 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. Notice of the decision shall be mailed to the appellant and all other parties who have made a written request for notification.

3.15.11 | 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.

§3.16 | Development Improvements Agreements

3.16.1 | 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.

3.16.2 | 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.

3.16.3 | 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.
3.16.4 | Guarantees
The Guarantee security amount for the Agreement 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.

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.

§3.17 | Development Agreements

3.17.1 | 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.

3.17.2 | 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:

A. whether the benefit of the Development Agreement to the County outweighs its costs;
B. whether the Development Agreement is required to mitigate impacts that would otherwise make the proposed development unacceptable; and
C. 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.

3.17.3 | Contents
Development Agreements may, without limitation, contain the following:

A. descriptions of the acceptable and prohibited uses on the property;
B. the density of proposed uses, including maximum floor area and height of buildings;
C. provisions for the reservation or dedication of land for public purposes;
D. proposed schedule for the construction of public improvements, and assurances that public improvements will be available as needed to serve new development;
E. proposed timing and phasing of the development project;
F. provisions to mitigate the impacts of proposed development on the general public, including the protection of environmentally sensitive lands;
G. provisions for public benefits or improvements in excess of what is required by current County policy or law;
CHAPTER 3 | DEVELOPMENT REVIEW & APPROVAL PROCEDURES

H. terms relating to applicant financing of facilities and subsequent reimbursement;

I. terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;

J. a provision that construction shall begin by a specified date, or that certain phases shall be completed within a specified time; and

K. termination date for the Development Improvements Agreement.

§3.18 | Assignment of Addresses

3.18.1 | Applicability
Anyone constructing a new structure or locating or relocating mobile homes shall obtain an address notification form or address notification form serial number from the Planning Department. For purposes of this section, a “new structure” is defined as any principal nonresidential building, residential dwelling unit or multi-dwelling structure that will be occupied for the first time, and that will require an installation visit to obtain service.

3.18.2 | No Utility Service Before Address Assignment
No utility company shall furnish its utility services to any new structure or mobile home, including a mobile home that is moved from one (1) location to another, until it has received from the subscriber: (1) the street and structure number assigned by the County, and (2) either an address notification form issued by the County or a serial number from such address notification form.

3.18.3 | Applications
Applications for an address notification form may be made by telephone or in writing to the Planning Department. The resident of the property must obtain an application, and the applicant shall include the approximate location along with any identifying structures or landmarks which may help locate the structure or property requiring the address. The applicant shall complete the address notification form, and the Department shall assign a serial number to such form. The department shall furnish the applicant with sufficient copies of the form to present to the utility companies and the U.S. Postal Service, and shall maintain a record of all addresses issued.

§3.19 | Stormwater Construction Permit

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

3.19.1 | 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).

3.19.2 | Application filing
Completed Stormwater Construction Permit applications shall be submitted to the Stormwater Administrator (See Section 3.1.4).

3.19.3 | Review and Action
The Stormwater Administrator and other relevant review agencies shall 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 3.1.15), the Stormwater Administrator, shall act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 3.19.4.

3.19.4 | 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.

3.19.5 | Appeals
Appeals of the Stormwater Administrators 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.

3.19.6 | 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.

§3.20 | Stormwater Construction Permit Variances
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.

3.20.1 | 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)

3.20.2 | Review and Action
The Stormwater Administrator shall review each Stormwater Construction Permit Variance, and act to approve, approve with conditions, or deny the Stormwater Construction Permit Variance based on the Approval Criteria of Sec 3.20.3.

3.20.3 | Approval Criteria
In acting upon applications for Stormwater Construction Permit Variances, the Stormwater Administrator shall consider the Stormwater Regulations of Section 7.23; all technical evaluations, and meet one (1) or more of the following criteria:

A. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or enter a waterway.

B. Agricultural and silviculture activities such as home gardening and tilling a field for weed control.

C. 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.

D. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed.

E. 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

F. 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.

3.20.4 | Findings of Fact
The decision of the Stormwater Administrator shall be accompanied by written findings of fact specifying the reason for the decision.

3.20.5 | 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.

3.20.6 | 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.

§3.21 | 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. The following activities are considered exempt:

A. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or entering waters of the state.

B. Agricultural and silviculture activities such as home gardening and tilling a field for weed control.

C. 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.

D. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed.

E. 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.

§3.22 | County Register of Historic Landmarks

3.22.1 | Purpose
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.

3.22.2 | County Register of Historic Landmarks Established

A. The County Register of Historic Landmarks (County Register) is hereby established, and is contained in Appendix G 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.

B. 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.

3.22.3 | Designation of Historic Structures, Sites and Districts

A. The Board of County Commissioners pursuant to this Code:
1. 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; or

2. 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.

B. 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.

C. 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 percent (60%) of the contributing properties.

D. 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.

3.22.4 | Pre-application Meeting
Applicants shall schedule and attend a Pre-application Meeting before filing a Historic Landmark Designation application (see Section 3.1.6).

3.22.5 | Application Filing
Applications to designate a Historic Landmark or Historic District shall be submitted to the Planning and Economic Development Department.

A. An application for designation may be made by the Mesa County Board of Commissioners, the Mesa County Planning Commission, or the property owner.

B. Applications for designation must include the following:
   1. Legal description of the location and boundaries of the property;
   2. A narrative describing the architectural, historical and/or cultural significance of the property or district;
   3. Photographs showing the historical attributes and existing condition of the property or district; and
   4. 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.

3.22.6 | 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.

3.22.7 | Planning Commission Review
The Planning Commission shall act as a review agency and shall provide comments and recommendations to the Planning Director.

3.22.8 | 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.

3.22.9 | 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.

3.22.10 | 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.

A. 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:

1. Represents a specific architectural style or period;
2. Represents a unique example of a structure or building type;
3. Represents an innovation in construction, materials, or design;
4. Demonstrates superior craftsmanship or high artistic value;
5. Is an example of the work of a master architect or builder;
6. Represents the built environment of a group of people in an era of history;
7. Is associated with a significant historic event;
8. Is associated with a notable person or the work of a notable person;
9. Exemplifies the cultural, political, economic, or social heritage of the community, region, state or nation;
10. Is an established and familiar natural setting or visual feature of the County; and/or
11. Has the potential to make an important contribution to the knowledge of the area’s history or pre-history.

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

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

C. Historic Districts
1. 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.

2. Significance is determined by applying the criteria of Subsection A, above, to the pattern and unifying elements.

3. 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.

4. 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.

3.22.11 | Revocation or Amendment of Designation

A. 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.

B. Revocation or Amendment of Historic District Designation

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.

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.

C. 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.
Chapter 4
ZONING DISTRICTS

§4.1 | Rural Zoning Districts
The AF-35 and AFT 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 this Land Development Code or site-specific conditions may further limit development.

4.1.1 | AF-35, Agricultural and Forestry District
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. 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/Agricultural 35+,” “Large Lot Rural/Agricultural 35+,” “Large Lot 35+,” “Cooperative Planning Area” and “Conservation” future land use classifications.

4.1.2 | AFT Agricultural, Forestry, Transitional District
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/Residential 5,” “Rural/Agricultural 10,” “Rural/Agricultural 17,” “Rural Agricultural 20 NB,” “Fruita 201-10,” “EOM 10,” “Conservation,” “Cooperative Planning Area,” and “Buffer” future land use classifications.

§4.2 | Urban Residential Zoning Districts
The URR, RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-12, RMF-16, RMF-24 and MU-R 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 where sewer is available, and near municipalities – all in accordance with the Future Land Use Maps and written policies in the Mesa County Master Plan.

4.2.1 | RSF-R, Residential-Single-Family Rural District
The RSF-R, 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-R 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.

4.2.2 | RSF-E, Residential-Single-Family Estate District
The RSF-E, 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...
CHAPTER 4 | ZONING DISTRICTS

County Master Plan’s “Estate,” “Rural Estate 3,” “Residential Single Family – Estate,” and “Residential/Low” future land use classifications.

4.2.3 | RSF-1, Residential-Single-Family District
The RSF-1, Residential-Single-Family 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.

4.2.4 | RSF-2, Residential-Single-Family District
The RSF-2, Residential-Single-Family 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.

4.2.5 | RSF-4, Residential-Single-Family District
The RSF-4, Residential-Single-Family District is primarily intended to accommodate medium-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/Medium,” and “Loma Residential Medium-Low to Medium-High” future land use classifications.

4.2.6 | RMF-5, Residential-Multi-Family District
The RMF-5, Residential-Multi-Family District is primarily intended to accommodate medium-density single-family, two-family, 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” and “Loma Residential Medium-Low to Medium-High” future land use classifications.

<table>
<thead>
<tr>
<th>RMF-5 Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
</tr>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>Max.</td>
</tr>
<tr>
<td>Density</td>
</tr>
</tbody>
</table>

4.2.7 | RMF-8, Residential-Multi-Family District
The RMF-8, Residential-Multi-Family District is primarily intended to accommodate medium-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,” “Residential/Medium-High,” “Neighborhood Center/Mixed Use,” “Village Center/Mixed Use,” and “Loma Residential Medium-Low to Medium-High” future land use classifications.

<table>
<thead>
<tr>
<th>RMF-8 Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
</tr>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>Max.</td>
</tr>
<tr>
<td>Density</td>
</tr>
</tbody>
</table>

4.2.8 | RMF-12, Residential-Multi-Family District
The RMF-12, Residential-Multi-Family District is primarily intended to accommodate medium-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-High,” “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>RMF-12 Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
</tr>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>Max.</td>
</tr>
<tr>
<td>Density</td>
</tr>
</tbody>
</table>

4.2.9 | RMF-16, Residential-Multi-Family Urban District
The RMF-16, Residential-Multi-Family 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

<table>
<thead>
<tr>
<th>RMF-16 Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
</tr>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>Max.</td>
</tr>
<tr>
<td>Density</td>
</tr>
</tbody>
</table>
CHAPTER 4 | ZONING DISTRICTS

“Residential/Medium-High,” “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.

4.2.10 | RMF-24, RMF-24 Summary
Residential-Multi-Family Urban District

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,” “Urban Residential/Mixed Use,” “Neighborhood Center/Mixed Use,” and “Business Park/Mixed Use” future land use classifications.

<table>
<thead>
<tr>
<th>RMF-24 Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
</tr>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>Max. Density</td>
</tr>
</tbody>
</table>

4.2.11 | MU-R Mixed Use – Residential, Multi-Family Urban District

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,” “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>MU-R Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
</tr>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>Max. Density</td>
</tr>
</tbody>
</table>

4.2.12 | URR, Urban Residential Reserve District

The URR, Urban Residential Reserve District is intended to accommodate 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>URR Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
</tr>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>Max. Density</td>
</tr>
</tbody>
</table>

§4.3 | Urban Nonresidential Zoning Districts

The R-O, B-1, B-2, C-1, C-2, I-1, I-2 and MU-C Districts shall be known as Urban Nonresidential Zoning Districts.

4.3.1 | R-O, Residential Office District

The R-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 R-O District do not adversely affect nearby residential areas. The R-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>Urban Nonresidential Districts Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Name</td>
</tr>
<tr>
<td>R-O</td>
</tr>
<tr>
<td>B-1</td>
</tr>
<tr>
<td>B-2</td>
</tr>
<tr>
<td>C-1</td>
</tr>
<tr>
<td>C-2</td>
</tr>
<tr>
<td>I-1</td>
</tr>
<tr>
<td>I-2</td>
</tr>
<tr>
<td>MU-C</td>
</tr>
</tbody>
</table>
CHAPTER 4 | ZONING DISTRICTS

4.3.2 | B-1, Limited Business District
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,” “Business Park/Mixed Use,” “Mixed Use Opportunity Corridor,” and “Village Center/Mixed Use” future land use classifications.

4.3.3 | B-2, Concentrated Business District
The B-2, Concentrated Business District is primarily intended to accommodate concentrated retail, service, office and mixed 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.

4.3.4 | C-1, Limited Commercial District
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,” “Business Park/Mixed Use,” and “Highway Commercial” future land use classifications.

4.3.5 | C-2, General Commercial District
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,” “Commercial/Industrial,” “Business Park/Mixed Use,” and “Highway Commercial” future land use classifications.

4.3.6 | I-1, Limited Industrial District
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.

4.3.7 | I-2, General Industrial District
The I-2, 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. The I-2 District corresponds to and implements the Mesa County Master Plan’s “Industrial” and “Fruita Greenway Business Park” future land use classifications.

4.3.8 | MU-C Mixed Use – Commercial, Multi-Family Urban District
The MU-C, Mixed Use-Commercial, Multi-Family 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.
<table>
<thead>
<tr>
<th>MU-OTC Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary Uses</strong></td>
</tr>
<tr>
<td><strong>Max. Bldg. Size</strong></td>
</tr>
<tr>
<td><strong>Max Density</strong></td>
</tr>
</tbody>
</table>
CHAPTER 4 | ZONING DISTRICTS

4.3.9 MU-OTC Old Town Clifton Mixed Use District

The MU-OTC, Old Town Clifton Mixed Use 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 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.

| Min. Density | Residential: 8 units/acre |
### TABLE 4.1

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

<table>
<thead>
<tr>
<th>GRAND JUNCTION AREA</th>
<th>WHITEWATER AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Non-Urban</strong></td>
<td><strong>Residential</strong></td>
</tr>
<tr>
<td>LARGE LOT 3+5</td>
<td>ESTATE (1-3 Acre)</td>
</tr>
<tr>
<td>RURAL RES. AF-35</td>
<td>X</td>
</tr>
<tr>
<td>RURAL RES. AFT</td>
<td>X</td>
</tr>
</tbody>
</table>

**Land Development Code** *(Effective May 2000) Last Revised August 2016*

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 4.2

<table>
<thead>
<tr>
<th>RURAL COMMUNITIES</th>
<th>Mack</th>
<th>Gateway</th>
<th>Loma</th>
<th>Mesa Powderhorn</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MACK</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>GATEWAY A</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>LOMA</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>MESA</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>POWDERHORN</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>RHONDA GATEWAY</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>FUTURE LAND USE CLASSIFICATIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Future Land Use Plan

<table>
<thead>
<tr>
<th>ZONING DISTRICTS TO IMPLEMENT THE MESA COUNTY FUTURE LAND USE PLAN</th>
<th>RURAL PLANNING AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FUTURE LAND PLANNING AREA</strong></td>
<td><strong>RURAL RESIDENTIAL</strong></td>
</tr>
<tr>
<td><strong>INDUSTRIAL</strong></td>
<td><strong>RURAL COMMUNITY</strong></td>
</tr>
<tr>
<td><strong>CORE USE (RURAL COMMUNITY)</strong></td>
<td><strong>FUTURE USE</strong></td>
</tr>
<tr>
<td><strong>ESTATE (2-5 ACRE)</strong></td>
<td><strong>LOW DENSITY RESIDENTIAL</strong></td>
</tr>
<tr>
<td><strong>MIXED USE COMMERCIAL</strong></td>
<td><strong>MEDIUM DENSITY RESIDENTIAL</strong></td>
</tr>
<tr>
<td><strong>RECREATIONAL COMMERCIAL</strong></td>
<td><strong>MEDIUM RESIDENTIAL</strong></td>
</tr>
<tr>
<td><strong>HIGHWAY COMMERCIAL</strong></td>
<td><strong>HIGHWAY RESIDENTIAL</strong></td>
</tr>
<tr>
<td><strong>MESA POWDERHORN PLAN</strong></td>
<td><strong>CURTIS GATEWAY BUSINESS PARK</strong></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.

Land Development Code (Effective May 2000) Last Revised August 2016
4.4.1 | PUD, Planned Unit Development District
The PUD, Planned Unit Development District is intended to encourage innovative land planning and site design concepts that implement and are consistent with the Mesa County Master Plan.

A. Developer's Statement of Intent
Each Concept 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.

B. Review and Approval Procedures
PUDs shall be reviewed and approved in accordance with the procedures of Section 3.7.

C. Use Regulations
The Board of County Commissioners shall determine the types of uses allowed within a PUD at the time of Concept Plan approval. Only uses that are consistent 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.

D. Development Intensity
The total number of dwelling units and level of nonresidential development allowed within a PUD shall comply 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.

E. 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 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.

4.4.2 | OL, Orchard Mesa Open Land Overlay District

A. 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 US Highway 50, south of the Colorado River, east of the Persigo Sewer Service area; and west of 33 Road.

B. 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.

C. Standards
1. The OL, Overlay District is applicable only to tracts of land ten (10) acres or larger in size.
2. Developments that use the OL 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.
3. A maximum density of one (1) dwelling unit per two and a half (2.5) gross acres is allowed.
4. Permitted uses of the open land shall be determined by the Board of County Commissioners and may include:
a. agricultural uses;

b. conservation of open land in natural state;

c. passive recreation areas (trails, community gardens, lawn, picnic areas, etc.);

d. active recreation areas;

e. easements for drainage, access, sewer or water lines, stormwater management facilities;

f. parking for active recreation areas (ten (10) or fewer spaces);

g. “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.

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

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

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

D. Residential Grouping, Design and Density

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

2. Structures shall be located in areas least likely to block any scenic views, to the greatest extent possible.
3. 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.

4. 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).

5. All lots shall be grouped into clusters of at least two and no more than twenty-five (25) lots.

6. Minimum lot sizes:
   a. All lots utilizing Onsite Wastewater Treatment Systems (OWTS) shall meet the OWTS standards as determined by Section 7.10 of the Land Development Code.
   b. 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.

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

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

9. All new lots should access internal roads.

10. Minimum setbacks between principal residential structures and the following designated open land uses shall be as follows:
   a. pasture, croplands, orchards: one hundred (100) feet
   b. barns and livestock buildings/pens: three hundred (300) feet
   c. edge of drainages, wetlands, floodplains: one hundred (100) feet
   d. active recreation area: one hundred fifty (150) feet

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

4.4.3 | VM, Village of Mesa Overlay District

A. 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.

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 if approved by the Board of County Commissioners as a rezoning request pursuant to Section 3.4 of this Code.

B. Relationship to Underlying Zoning
Property owners shall have the option of developing in accordance with the underlying zoning or with the VM District standards of this section.

C. Standards

1. Residential
   One (1) dwelling unit per two-thousand five hundred (2,500) square feet minimum lot area is encouraged.

2. Manufactured Homes
   Manufactured Home Parks should not be located along State Highway 65 and KE Road frontages.

3. Recreational Vehicle (RV) Parks
   RV developments may be located along Highway 65 and KE Road. Proposals must comply with campground standards of this Code.

4. Business
   A minimum building lot size of two thousand five hundred (2,500) square feet is required to allow adequate parking, landscaping and circulation.

5. Mixed Use
   A mixture of both business and residential uses on individual parcels is allowed along State Highway 65 frontage.

6. B-2
   All residential uses and business uses are allowed in the B-2 district.

7. Building Height
   Maximum building height shall be thirty-five (35) feet or two (2) stories.

8. Setbacks
   All structures shall meet or exceed the following setbacks:
   
   Front (street): ten (10) feet from front property line or curb line
   Sides: zero (0) feet
   Rear: ten (10) feet
   
   Front porches and canopies may extend five (5) feet into the front setback.

9. 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.

10. 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.
CHAPTER 4 | ZONING DISTRICTS

11. Landscaping
The Landscape Standards of this Land Development Code apply to all new developments.

4.4.4 | AE, Airport Environs Overlay District

A. Title and Purpose
The AE, Airport Environs Overlay District is hereby created with the following purposes:

1. protect the public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas;
2. ensure compatibility between airports and surrounding land uses; and
3. protect the airport from incompatible encroachment.

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.

B. 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).

C. 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.

D. 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:

1. 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.

2. 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.

3. 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.

4. 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.

E. Amendments
The boundaries of the 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.

F. 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 4.4.4.

G. 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.

1. Proposed Uses and Structures
The Land Use Compatibility Standards matrix identifies development standards that apply to proposed uses and structures within the AE Overlay Zoning District. All proposed uses and structures must comply with these standards.

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

Legend:
C: Conditional Use Permit Required
Y: Yes
N: No
CHAPTER 4 | ZONING DISTRICTS

C²⁵: Measures to achieve Noise Level Reduction (NLR) of 25 dB must be incorporated into the design and construction of structures.

C³⁰: 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.

2. 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.

3. 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:
   a. create electrical interference with navigational signals or radio communication between the airport and aircraft;
   b. make it difficult for pilots to distinguish between airport lights and other lighting;
   c. result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport; or
   d. otherwise create a hazard or endanger landing, takeoff, or maneuvering of aircraft.

H. Avigation Easement
   For any new development located within the 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.

I. 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:

   “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.”

   “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.”

J. 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.

4.4.5 | Mack Overlay District

A. Purpose
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.

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

- 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.

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

B. 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.

C. Standards *(Note: these apply to new subdivision lots)*

1. Permitted Uses

- Intent is to promote mixed uses (business and residential) on individual parcels.

- Allowed uses have been customized to the community’s needs and are listed in Table 5.1 of the Land Development Code.

- 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>

2. 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&quot;*1, 2&quot;</td>
<td>0’</td>
<td>0’*3</td>
</tr>
<tr>
<td>Tier 2</td>
<td>20’/25’</td>
<td>7’/3’</td>
<td>25’/10’</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
3. 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.

4. Development Standards for landscaping, parking, sidewalks, bike paths, signs, etc:

Tier 1 – Use Mack Streetscape Standards in Appendix B. All other standards subject to Chapter 7 of the Land Development Code.

Tier 2 – Landscaping standards in Appendix B apply. For all other standards, use Chapter 7 of the Land Development Code.

5. 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:

4.4.6 | Gateway Overlay District:

A. 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.

1. To implement this vision an Overlay District is created for the Rural Community of Gateway.

2. 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.

3. 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”.

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

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.

4.4.7 | Loma Community Plan Area Design Guidelines and Standards (Appendix F)

A. 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.

B. Applicability:
1. 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.

2. New development or major rehabilitation in the Loma Community Plan area requiring Major Site Plan Review, pursuant to Section 3.5.11 of this Code, is subject to the mandatory standards and design guidelines in Appendix F, Loma Community Design Guidelines and Standards, of this Code.

4.4.8 | Whitewater/Mesa County Mixed Use Zoning District

A. Purpose
The purpose of the Whitewater Mixed Use District (MU) 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.

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:

- ability of the residential development to provide for a variety of housing types;
- inclusion of mixed use buildings with non-residential uses on the ground floor and residential units on the second floor;
- ability of the commercial development, either as proposed or in conjunction with surrounding development, to serve daily or frequent needs of the surrounding neighborhood;
- 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;
- 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;
- encouraging an orderly, phased pattern of development supported by adequate public facilities; and
- specific issues of the functioning of the development, including access, parking, drainage, landscaping, and design.

B. 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.

C. 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 this Land Development Code.

D. Required Mix of Uses

1. 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:
   a. existing uses,
   b. approved site plan for development, or
   c. approved Comprehensive or Area Plan.

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

E. Layout, Dimensions and Size Requirements

1. Minimum Lot size
   The minimum lot size of uses shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Size Mixed Use</th>
<th>Minimum Lot Size Traditional Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family</td>
<td>4,000 s.f.</td>
<td>4,000 s.f.</td>
</tr>
<tr>
<td>Duplex</td>
<td>4,000 s.f.</td>
<td>4,000 s.f.</td>
</tr>
<tr>
<td>Attached Single Family</td>
<td>2,000 s.f.</td>
<td>2,000 s.f.</td>
</tr>
<tr>
<td>Commercial up to 10,000 s.f.</td>
<td>5,000 s.f.</td>
<td>8,000 s.f.</td>
</tr>
<tr>
<td>Commercial up to 25,000 s.f.</td>
<td>12,500 s.f.</td>
<td>20,000 s.f.</td>
</tr>
<tr>
<td>Commercial up to 50,000 s.f.</td>
<td>25,000 s.f.</td>
<td>40,000 s.f.</td>
</tr>
</tbody>
</table>

   Note: maximum FAR 2.0
   Note: maximum FAR 1.25

2. Floor to Floor Heights and Floor Area of Ground Floor Space
   a. 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.
   b. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
      (1) 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
      (2) At least twenty percent (20%) of the buildable lot area on lots with fifty (50) feet or more of street frontage.

3. Setbacks
a. 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.

b. 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.

c. 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.

4. Building Height
   See Table 6.1.

F. Parking.

1. 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.

2. Off Street.

a. 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.

b. Off street parking shall be provided as described in Section 7.1: Off-Street Parking.

§4.5 | Zoning Map

The boundaries of the zoning districts established by this Land Development Code 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 as fully as if it were set out here in detail. Original copies of the zoning district map are maintained in the Planning Department. In case of any dispute regarding the zoning classification of property subject to this Land Development Code, 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 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.

4.5.1 | 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 Area, and RSF-E if located in the Urban Planning Area or one of the Rural Communities where public sewer is available.

4.5.2 | District Boundaries

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.

4.5.3 | 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.

4.5.4 | 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.

4.5.5 | 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 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;
   e. surrounding zoning.

Appeals of administrative decisions shall go to the Board of County Commissioners in accordance with Section 3.5.16 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 above at their discretion.

§4.6 | 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 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 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 shall be considered as providing a yard, setback or open space for a building, improvement, or structure on any other lot.
Chapter 5
USE REGULATIONS

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

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

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

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

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

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

5.1.5 | Uses Subject to Specific Regulations
Many uses are subject to use-specific regulations (in addition to general regulations that apply to development in general). The final column of the use table contains references to applicable use-specific standards. Use-specific standards other than or in addition to those referenced in the final column may also apply.
<table>
<thead>
<tr>
<th>Use Category</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mack Overlay District</th>
<th>Old Town Clifton Mixed Use District MLU-OTC</th>
<th>Mixed Use MUR</th>
<th>Mixed Use MUC</th>
<th>GATEWAY OVERLAY District</th>
<th>Use - Specific Standards Code Sections*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (see Section 12.3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living 12.3.2</td>
<td>Business Residence</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rooming/Boarding House</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single-Family Attached / Townhome</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single Family Detached (includes manufactured homes) (One per lot)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Duplex</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multi-Family</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultural Labor Housing</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufactured Housing Park</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Household Living</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>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>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Living 12.3.1</td>
<td>Assisted Living Facility</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>5.2.11</td>
</tr>
<tr>
<td></td>
<td>Treatment Facility</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>5.2.11</td>
</tr>
<tr>
<td></td>
<td>Small Group Living Facility</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>5.2.11</td>
</tr>
<tr>
<td></td>
<td>Large Group Living Facility</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>5.2.11</td>
</tr>
<tr>
<td>Institutional &amp; Civic (see Section 12.4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colleges and Vocational Schools 12.4.1</td>
<td>Colleges and Universities/Vocational/ Technical/ Trade Schools</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Educational Institutions</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></td>
</tr>
<tr>
<td>Community Service 12.4.2</td>
<td>All Community Services</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Museums, Art Galleries, Opera House, Libraries</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Day Care 12.4.3</td>
<td>Home-Based Day Care</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Limited Day Care</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Day Care</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></td>
</tr>
<tr>
<td>Hospital/ Clinic 12.4.4</td>
<td>Medical and Dental Clinics</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Counseling/Rehabilitation Centers (nonresident)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hospital/ Mental Hospital</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>

*Other Use-Specific Standards may apply
### Table 5.1
**Principal Uses Allowed (Size Limits Apply to Buildings in Nonresidential Districts, See Building Size Limits of Section 6.1)**

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mack Overlay District</th>
<th>Old Town Clifton Mixed Use District</th>
<th>Mixed Use MUC</th>
<th>Mixed Use MUC</th>
<th>GATEWAY OVERLAY District</th>
<th>Area A</th>
<th>Area B</th>
<th>Use-Specific Code Standards May Apply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and Open Space 12.4.5</td>
<td>All Other</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
</tr>
<tr>
<td></td>
<td>Cemetery</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
</tr>
<tr>
<td></td>
<td>Golf Course</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Golf Driving Ranges</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Parks/Lakes/Reservoir</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Religious Assembly 12.4.6</td>
<td>All</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
<td>SF</td>
</tr>
<tr>
<td></td>
<td>Jails, Honor Camps, Reformatorys, Rehabilitation Centers</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>
<tr>
<td></td>
<td>Police Station &amp; Sub-Station/Fire Station/Ambulance</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Schools 12.4.8</td>
<td>Boarding School</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>
<tr>
<td></td>
<td>Elementary School</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Secondary School</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Utility, Basic 12.4.9</td>
<td>Utility Service Facilities (underground)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Utility Treatment, Production or Service Facility</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>
<tr>
<td></td>
<td>Minor Basic Utilities</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Basic Utilities</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>
<tr>
<td>Utility Corridors 12.4.10</td>
<td>Transmission lines (above ground)</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>
<tr>
<td></td>
<td>Transmission lines (underground)</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>
<tr>
<td></td>
<td>Minor Utility Facility</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</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 Others</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>
<tr>
<td>Commercial (see Section 12.5)</td>
<td>Farm Implement/Equipment Sales/Service</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>
<tr>
<td></td>
<td>Farmer’s Market</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</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>Feed Store</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Fuel sales, Automotive/Appliance</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Fuel sales, Heavy vehicle</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

### Land Development Code (Effective May 2000) Last Revised August 2016

5-4
## Table 5.1

### Principal Uses Allowed (Size Limits Apply to Buildings in Nonresidential Districts, See Building Size Limits of Section 6.1)

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mack Overlay District</th>
<th>Old Town Clifton Mixed Use District MIU-OTC</th>
<th>Mixed Use MUR</th>
<th>Mixed Use MUC</th>
<th>GATEWAY OVERLAY District</th>
<th>Use - Specific Standards Code Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office &amp; Personal Service 12.5.2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail Sales and Leasing, Indoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>operations, display and storage</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>5.2.18</td>
</tr>
<tr>
<td>General Retail Sales and Leasing,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor operations, display, or storage</td>
<td>C</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>5.2.18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping Materials Sale</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana Sales (Not Permitted)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Retail Sales and Service</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td><strong>Entertainment 12.5.3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Care / Boarding / Sales, Indoor</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td>5.2.1</td>
</tr>
<tr>
<td>Animal Care / Boarding / Sales, Outdoor</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Offices and Personal Services</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td>Mortuary/Crematorium</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Office and Personal Service</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td><strong>Recreation and Entertainment - Outdoor 12.5.4</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming Pools</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>5.2.26</td>
</tr>
<tr>
<td>Major Entertainment Event, Outdoor Facilities</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></td>
</tr>
<tr>
<td>Outdoor Shooting Ranges</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></td>
</tr>
<tr>
<td>Outdoor Recreation and Entertainment Businesses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riding Academy, Roping or Equestrian Area</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5.2.3</td>
</tr>
<tr>
<td>Zoo</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Outdoor Recreation</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lodging 12.5.5</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels &amp; Motels</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Bed &amp; Breakfast (maximum 5 guest rooms)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Other Use-Specific Standards may apply*
## Table 5.1
Principal Uses Allowed (Size Limits Apply to Buildings in Nonresidential Districts, See Building Size Limits of Section 6.1)

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mack Overlay District</th>
<th>Old Town Clifton Mixed Use District MU-OTC</th>
<th>Mixed Use MUC</th>
<th>Mixed Use GATEWAY OVERLAY District</th>
<th>Use - Specific Standards Code Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Service</td>
<td>All</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.5</td>
</tr>
<tr>
<td>Storage</td>
<td>Mini-Warehouse</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>5.2.21</td>
</tr>
<tr>
<td>Vehicle Repair</td>
<td>Auto and Light Truck Mechanical Repair</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.13, 5.2.21</td>
</tr>
<tr>
<td></td>
<td>Body Shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<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></td>
<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>Vehicle Service</td>
<td>Car Wash</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.13</td>
</tr>
<tr>
<td></td>
<td>Gasoline Service Station</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.13</td>
</tr>
<tr>
<td></td>
<td>Quick Lubrication</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>5.2.13</td>
</tr>
<tr>
<td></td>
<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></td>
<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>Industrial</td>
<td>Industrial Service Business</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>5.2.13</td>
</tr>
<tr>
<td>Service</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>
<td>A</td>
<td>5.2.13</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>
<td>C</td>
<td>5.2.13</td>
</tr>
<tr>
<td></td>
<td>Contractors and Trade Shops, Outdoor storage and Operations</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>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>A</td>
<td>C</td>
<td>5.2.13</td>
</tr>
<tr>
<td></td>
<td>Junk, Salvage, and Wrecking Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5.2.13</td>
</tr>
<tr>
<td></td>
<td>Propane, Fuel, and Oil Storage/Distributor</td>
<td>C</td>
<td>C</td>
<td>A</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>Towing and Vehicle Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5.2.13</td>
</tr>
<tr>
<td></td>
<td>Welding and Machine Shop</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>5.2.13</td>
</tr>
<tr>
<td></td>
<td>All Other Industrial Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5.2.13</td>
</tr>
<tr>
<td>Use Category</td>
<td>Specific Use Type</td>
<td>Rural</td>
<td>Urban Residential</td>
<td>Nonresidential</td>
<td>Mack Overlay District</td>
<td>Old Town Clifton Mixed Use District</td>
<td>Mixed Use MUR</td>
<td>Mixed Use MUC</td>
<td>GATEWAY OVERLAY District</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>-------</td>
<td>------------------</td>
<td>----------------</td>
<td>----------------------</td>
<td>-----------------------------------</td>
<td>---------------</td>
<td>-------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>Manufacturing and Production 12.6.2</strong></td>
<td><strong>Indoor Operations and Storage:</strong> Assembly, Food Products, &amp; Manufacturing/Processing</td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>AFT/AF35</td>
<td>R_0_1_2_16_24</td>
</tr>
<tr>
<td></td>
<td><strong>Outdoor Operations and Storage:</strong> Assembly, Food Products, &amp; Manufacturing/Processing</td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Marijuana Growing, Processing &amp; Products (Not Permitted)</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td><strong>Warehouse and Freight Movement 12.6.3</strong></td>
<td><strong>Indoor Operations, Storage and Loading</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Outdoor Storage or Loading</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Sand or Gravel Storage</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>All Other</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td><strong>Waste-Related Use 12.6.4</strong></td>
<td><strong>Non-Hazardous Waste Transfer</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Medical/Hazardous Waste Transfer Station</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Solid Waste Disposal Sites</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Recycling Collection</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>All Other Waste-Related</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td><strong>Wholesales Sales 12.6.5</strong></td>
<td><strong>Wholesale Business (No Highly Flammable Materials/Liquids)</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Agricultural Products</strong></td>
<td>A</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>All Other Wholesale Uses</strong></td>
<td>A</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td><strong>Agricultural 12.7.1</strong></td>
<td><strong>Animal Confinement</strong></td>
<td>A</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Dairy</strong></td>
<td>A</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Confined Animal Feeding</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Boarding Stable</strong></td>
<td>A</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Forestry, Commercial</strong></td>
<td>A</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Forestry Support Services</strong></td>
<td>C</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
<tr>
<td></td>
<td><strong>Marijuana Cultivation (Not Permitted)</strong></td>
<td>A</td>
<td></td>
<td></td>
<td>R_0_1_2_16_24_1_3_1</td>
<td>TIER #1</td>
<td>TIER #2</td>
<td>R_S_F_R</td>
<td>R_S_F_S_F_F_F_F_1</td>
</tr>
</tbody>
</table>

*Other Use-Specific Standards may apply.
**Table 5.1**

Principles Uses Allowed (Size Limits Apply to Buildings in Nonresidential Districts. See Building Size Limits of Section 6.1)

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Specific Use Type</th>
<th>Rural</th>
<th>Urban Residential</th>
<th>Nonresidential</th>
<th>Mack Overlay District</th>
<th>Old Town Clifton Mixed Use District</th>
<th>Mixed Use MUR</th>
<th>Mixed Use MUC</th>
<th>GATEWAY OVERLAY District</th>
<th>Use-Specific Standards Code Sections*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>R 0</td>
<td>B 1</td>
<td>B 2</td>
<td>C 1</td>
<td>C 2</td>
<td>I 1</td>
</tr>
<tr>
<td>Winery/Brewery/Distillery (production facilities)</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td></td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td>All Other Agriculture</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Aviation or Surface Passenger Terminal 12.7.2</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Airports/Heliports</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td>Bus/Commuter Stops</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Bus/Railroad Depot</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td>Helipads</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td>Mining 12.7.3</td>
<td>Field Office Headquarters for Oil &amp; Gas Field Operators</td>
<td>C</td>
<td></td>
<td></td>
<td>C</td>
<td>C</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>
<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>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Support Services</td>
<td>A or</td>
<td></td>
<td></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></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Telecom Facilities 12.7.4</td>
<td>Telecommunications Support Structures</td>
<td>C</td>
<td></td>
<td></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>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>
SECTION 5.2 | USE-SPECIFIC STANDARDS

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

5.2.1 | Adult Entertainment

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

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

B. No entertainment establishment shall be allowed within one thousand (1,000) feet of a lot or parcel occupied by any religious institution, school, park, playground or public building.

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

5.2.2 | Agricultural Labor Housing

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

5.2.3 | Bed and Breakfast

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

A. Bed and breakfast uses that are allowed by right shall be subject to Site Plan Review.

B. Structures shall not be altered in a way that changes their general residential appearance.

C. A minimum of one (1) parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with Section 7.1.2 Additional parking shall be required if reception or party space is available. If four (4) or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.

D. One (1) sign shall be allowed, with a size limit of six (6) square feet. Internally illuminated signs are not allowed. Externally illuminated signs must meet the standards of Chapter 8.

E. No receptions, private parties, or similar activities shall be permitted unless expressly approved as part of the Conditional Use Permit or Site Plan application.

F. No long-term rental shall be permitted. The maximum length of stay shall be thirty (30) days.

G. All guest rooms shall be located within the principal structure, except for properties located within Rural zoning districts.

H. Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Conditional Use Permit or Site Plan application. No cooking facilities shall be allowed in the guest rooms.

I. All bed and breakfast establishments must comply with Mesa County Health Department regulations. Sign-off by the Mesa County Health Department is required prior to approval of the Conditional Use Permit or Site Plan application.

J. All bed and breakfast establishments shall comply with Fire Code requirements. Sign-off by the governing Fire District is required prior to approval of the Conditional Use Permit or Site Plan application.
5.2.4 | Business Residence

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

A. The intent of the business residence provision is to allow a mixed use development to occur in Nonresidential Zoning Districts as allowed in Table 5.1. A limit of fifty percent (50%) of the building floor area may be developed as residential.

B. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit in addition to the required parking for the business(es). Requests to reduce the required parking to one (1) off-street parking space per dwelling unit shall be accompanied by an analysis of the peak hours of parking demand for all the various users of the site.

5.2.5 | Campgrounds

A. Standards of General Applicability

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

1. Campgrounds shall be used as temporary lodging, typically with an average length stay of thirty (30) days. Dwelling units or long-term camping may be provided for the owner or manager and permanent maintenance personnel as an accessory use.
   a. Each overnight campground shall provide at least one (1) full-time attendant.
   b. A permanent record of registrations must be maintained.

2. Vehicles within the campground shall not exceed one hundred two (102) inches in width, excluding slide-outs.

3. Separate camping areas shall be maintained for tents.

4. Camping sites shall have a minimum area of one thousand two hundred fifty (1,250) square feet and be at least twenty-five (25) feet in width. There shall be no more than twenty-five (25) camping sites per acre.

5. Campsites shall be spaced so that there is at least: eight (8) feet from the interior roadways and walkways; fifty (50) feet from exterior roadways; and twenty (20) feet from property lines.

6. Roadways and walkways shall meet the following requirements:
   a. Dust-free surfacing of parking spaces and interior roadways shall be required within the Grand Valley Air shed.
   b. Interior roadways must comply with Colorado Department of Health standards in addition to the requirements of this Land Development Code.
   c. Walkways within the campground area shall be at least four (4) feet wide, with an all-weather surface.
   d. Interior roadways and walks shall be lighted at intersections and at a minimum of every four hundred (400) feet. Full cut-off lighting fixtures shall be used and shall comply with the requirements of Section 7.6.7 of this Code. This requirement may be waived or modified if electricity is not available or it is desirable to follow “Dark Sky” lighting principles to protect the rural character or natural setting of the area.

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

Land Development Code (Effective May 2000) Last Revised August 2016
8. Service buildings with restroom and other facilities shall comply with Colorado Department of Public Health and Environment (CDPHE) standards.
   a. Sewage facilities shall be connected to a public sewer collection and treatment system or an approved on-site wastewater treatment system.
   b. Vault toilets or privies may only be permitted on properties not served by water under pressure, subject to approval of the Mesa County Public Works Department and in accordance with CDPHE standards.

9. All trash collection areas shall be screened. Trash containers shall be wildlife-proof. Campers shall be required to store food in bear-resistant containers or in vehicles.

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

11. One (1) tree of a species suitable for the area shall be provided for each two (2) camping spaces, and shall be located in close proximity to those spaces. Existing trees on the site may be used to satisfy this requirement. If the location is not suited to the planting of trees, a shade structure measuring at least ten (10) feet in each dimension may be provided for each camping space.

12. Residential areas adjoining the campground shall be screened by a fence or wall with a minimum height of six (6) feet. Additional screening shall be required if houses on adjacent properties are within one hundred (100) feet of the property line.

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

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

A. avoid passing through, or within one (1) mile of:
   1. any Urban Residential or Nonresidential zoning district; and
   2. the Colorado National Monument, wherever possible; and

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

5.2.7 Confined Animal Feeding Operations and Feedlots
All feedlots, confined animal feeding operations, animal waste collection systems, and animal waste treatment facilities shall be subject to the standards listed below:

A. Setbacks and Separations
   Feedlots, confined animal feeding operations, animal waste collection systems, and animal waste treatment facilities shall not be located within:
   1. one-quarter (¼) mile of an occupied dwelling that is not in common ownership with the Feedlot, and is in place at the time the facility is proposed;
CHAPTER 5 | USE REGULATIONS

2. one (1) mile of a public or private school (not including dwellings where children are homeschooled);

3. one-half (½) mile of the boundaries of any incorporated municipality;

4. one-quarter (¼) mile of any water well currently used for domestic purposes;

5. two hundred (200) feet of a perennial stream and one hundred (100) feet from a manmade (constructed) drainage ditch owned and maintained by a governmental or quasi-governmental agency, unless it is proved that potential adverse effects to the water quality of the stream can be avoided; or

6. as determined due to topography and other anticipated impacts on adjacent properties at the time a Conditional Use Permit is issued, but not less than fifty (50) feet from any property boundary.

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

1. all runoff retention and containment facilities shall meet and be maintained in accordance with the Colorado Department of Public Health and Environment’s Confined Animal Feeding Operation Control Regulations (5 CCR 1002-81), and the property owner shall be responsible for any additional requirements issued by the Colorado Department of Public Health and Environment, Water Quality Control Division, or the Mesa County Health Department; and all uses on the property shall comply with the Colorado Air Quality Commission’s air quality regulations; and

2. best management practices shall be used to control rodents and insects; odors from all aspects of the operation; fugitive dust; and liquid, solid and animal wastes to avoid nuisances. In addition, at all times, all equipment and areas of the property shall be constructed and maintained, and adequate means for scraping, grading and clearing the property shall be provided to prevent nuisance conditions.

C. Agricultural Advisory Panel Review
Applications for a Conditional Use Permit for a feedlot, confined animal feeding operation, animal waste collection system, or animal waste treatment facility shall be reviewed by the Mesa County Agricultural Advisory Panel for their recommendations regarding the proposed facility and its compliance with the Right to Farm and Ranch policy described in Section 1.6.

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

A. The requirements of Section 7.1.8, Stacking Spaces for Drive-Through, shall be met.

B. The drive-through, including order boards and stacking areas, shall be screened from non-commercial uses, including a combination of fences or walls in addition to landscaping.

C. For sites located adjacent to non-commercial uses or zoning districts, the site should be designed to locate the drive-through and order boards away from the non-commercial use or zoning to the greatest extent practical.

D. In addition to the lighting standards of Section 7.6.7 of this Code, illumination of reader boards and other drive-through specific lighting shall be turned off when the drive-through is not open.

E. Site circulation shall be designed to minimize conflicts with vehicular traffic and pedestrian movement.
5.2.9 | Flea Markets
All flea markets are considered General Retail Sales, indoor or outdoor operations, and shall be subject to the standards listed below:

A. No booths, stalls or other display areas shall be placed or maintained within any required setback.

B. Sanitary facilities shall be provided on site.

C. All items for sale shall be stored indoors (or within an approved screened storage area), or removed from the site at the close of each business day. Flea markets shall not be open for business in excess of sixteen (16) hours per day.

D. No items other than those available for retail sale may be stored on the premises unless confined within an approved screened storage area.

5.2.10 | Commercial Timber Harvesting and Large Construction Projects

A. Commercial Timber Harvesting
Commercial timber harvesting on private lands (five thousand (5,000) board feet per month or more) shall comply with all State Forest Service best management practices guidelines and the following restrictions in section C below.

B. Large Construction Projects
Any project hauling four thousand five hundred (4,500) tons of material or more within a one (1) month time frame is subject to the restrictions in Section C below.

C. Restrictions
Restrictions on the use of County roads may be required by the Public Works Director in terms of size of vehicles; allowable hours and days of use; number of vehicles per given time period (i.e., hour, day, week, month); and other conditions necessary to protect the integrity and condition of county roads.

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

A. Twenty-four-hour (24) supervision shall be provided by qualified staff at all group living facilities.

B. The number of residents occupying a group living facility at any one time, including staff and family of staff, shall not exceed one (1) person per two hundred (200) square feet of living space.

C. All group living facilities shall be located so as to provide convenient access to grocery and other retail stores and other commercial services, public transportation access points, medical services, emergency services, and public recreation facilities.

D. If active and continuous operations are not carried on for a period of twelve (12) consecutive months in a group home that was approved pursuant to this Land Development Code, the group living facility shall be considered to be abandoned. The use may be reinstated only after obtaining a new Conditional Use Permit approval.

E. Group living structures shall be compatible with the character of the surrounding neighborhood.

F. The proposed facility must obtain all state licenses as required pursuant to Colorado Statutes.

G. The facility shall not be located within seven hundred fifty (750) feet of another such facility.
5.2.12 | Hazardous Substance Users
No hazardous substance user shall be located: (a) further than one-quarter (¼) mile from the nearest right-of-way line of US Interstate Highway 70 or US Highways 6 or 50; or (b) where the most direct driving route from the hazardous materials user to the nearest listed highway passes through an Urban Residential Zoning District. Where a hazardous substance user is currently operating, no land within one-quarter (¼) mile of the most direct driving route from the hazardous substance user to the nearest listed highway shall be rezoned to an Urban Residential Zoning District. On-farm agricultural chemical users are exempt from this subsection.

5.2.13 | Junk Yards, Salvage Yards, Heavy Equipment, Industrial and Outdoor Storage
The standards below shall apply to all junk yards, salvage yards, heavy equipment, industrial and outdoor storage yards unless they are entirely enclosed within a building.

A. Such uses shall be screened with a solid one hundred percent (100%) opaque wall or fence with a minimum height of eight (8) feet. An exception to constructing a fence or wall may be granted when natural terrain and/or vegetation will adequately screen the use.

B. The entire length of the fence or wall shall be landscaped in compliance with the Landscape and Buffer Standards of this Land Development Code (see Section 7.2, 7.4).

C. No outdoor storage area shall be placed or maintained within a required setback.

D. Stored items shall not project above the fence or wall used to screen the material.

E. It shall be unlawful to store or otherwise have, maintain, or allow on a single parcel of land or on contiguous parcels under common ownership, more than one (1) non-farm vehicle not having current Colorado license plates or registration, unless the vehicle is:

1. in an approved junkyard, auto repair garage, body shop, gas station or other similar use where vehicle storage is permitted; or

2. owned by or has been the prior private property of the land owner, and is at least one hundred (100) feet from a property line and screened pursuant to this section so as not to be visible from adjacent properties and public roads.

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

F. No motorized vehicle which is inoperable or unlicensed or has been junked, dismantled or wrecked, shall be kept or stored outdoors upon any property used for residential purposes, except as provided in this section. This prohibition shall include all vehicle parts and inoperable or unlicensed trailers or campers. If said vehicle(s) is a collector's item, as defined by C.R.S. §42-15-101 et seq., up to two (2) such vehicles may be maintained outdoors upon a residential property.

1. To qualify as a collector's item, a vehicle must be at least twenty-five (25) years old or recognized by the Executive Director of the State Department of Revenue as being antique or defined having unique interest or historic value, or be a parts car as defined under C.R.S. §42-15-101 et seq. The vehicle must be titled and registered as required under C.R.S. §42-15-102. The property owner bears the burden of proving the qualification of a vehicle as a collector's item.

2. Outdoor storage areas for such vehicles must be maintained in such a manner that they do not constitute a health, safety or fire hazard and are effectively screened from ordinary public view by means of a solid fence, berm, trees, or shrubbery. Tarp covering is not sufficient by itself. Such storage areas shall be kept free of weeds, trash, and other objectionable items.

5.2.14 | Mining and Extractive Uses
Mining and extractive uses shall be subject to the Mesa County Mineral and Energy Resource Master Plan and the standards below:
A. An excavation and rehabilitation plan shall be required for any mining or extractive use.

B. An excavation permit, if applicable, issued by the State of Colorado in conformance with the Open Mining Land Reclamation Act, shall be required.

C. Excavation or deposit of overburden shall not be permitted within thirty (30) feet of a boundary of an adjacent property, easement, irrigation ditch, or right-of-way unless by written agreement of the owner of such property, easement, irrigation ditch or right-of-way.

D. Excavation within one hundred twenty-five (125) feet of a dwelling unit shall be prohibited unless by written agreement of the owner and occupant of the residence. Excavation involving the use of rock crushers, asphalt plant, cement batch plant and other similar equipment within two hundred fifty (250) feet of a dwelling unit shall be prohibited. The Decision-Making Body shall be authorized to require the installation of a Landscape Buffer (see Section 7.2) when necessary to control dust and mitigate other adverse impacts on surrounding areas.

E. All excavation activities shall be set back at least one hundred (100) feet from road rights-of-way and the one hundred (100) year floodway of any watercourses. The watercourse setback may be varied, based on Colorado Department of Wildlife comments concerning site-specific factors. Existing trees and ground cover along public road frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion.

F. The operator shall submit a route plan (haul road plan) to the Public Works Department and seek permission to use, for haulage, any public rights-of-way which is not designated by Mesa County as suitable for such haulage by reason of load limit, dust, right-of-way, pavement width or other relevant factors. The Public Works Department may place reasonable restrictions on such right-of-way use. Alternative haul routes shall be developed where haul route impacts the health, safety and welfare of the local area.

G. Haul roads within the premises shall be maintained in a reasonably dust-free condition and shall be contained within the pit (after excavation allows) to the maximum extent feasible. Depending on local conditions, this may include watering, oiling, or paving.

H. Operation shall be limited to the hours of 6:00 a.m. to 7:00 p.m. unless longer or shorter hours of operation are approved as part of the Conditional Use Permit.

I. The operator shall not excavate, store overburden, excavate materials, or dike in such a manner as to damage to public facilities, or increase any drainage or flooding on property not owned by the operator.

J. Prior to starting excavation, where the operation is adjacent to subdivided or developed commercial, residential, or industrial property, fencing may be required to prevent the visibility of the mining operation, and buffering and screening may be required if deemed necessary by the Planning Director, subject to appeal to the Board of County Commissioners. The operator may fence, buffer or screen the entire parcel, or fence only areas of excavation as it proceeds. None of which shall be removed until rehabilitation has been completed.

K. Once mining has been completed, the site shall not to be used as an area to stockpile sand or gravel resources, if the operation is adjacent to subdivided property or to developed commercial or residential property. The mining operator is to reclaim those areas as soon as possible.

L. Operations shall comply with noise, vibration, and other standards of Mesa County and noise standards enumerated in C.R.S. §25-12-101.

M. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department, and the Colorado Air Quality Control Commission.
CHAPTER 5 | USE REGULATIONS

N. All water uses and discharges shall conform to standards established by the State Water Pollution Control Commission and the water laws of the State of Colorado.

O. All slopes shall be stabilized and land remaining in the natural water level must be re-vegetated in a manner compatible with the surrounding area.

P. A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable), and, if applicable, the years per phase.

1. Up to a five (5) year extension may be granted by the Planning Director if a written request is submitted outlining the factors and reasons for the extension.

2. Requests for extensions longer than five (5) years and appeals of the Planning Director’s decision will be submitted to the Board of County Commissioners at a public hearing.

3. In granting any extension, the Transportation Impact Fee (TIF) and any other applicable fee shall be adjusted to the then-current fee.

Q. If the use has not operated or if no material has been extracted within three (3) years of obtaining the Conditional Use Permit and a request for extension has not been received and approved by the Board of County Commissioners, the Conditional Use Permit will expire. Extension requests shall provide information concerning the factors and reasons for the request. The Decision-Making Body will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting extensions.

R. A Development Improvements Agreement (DIA) shall be required to ensure that any structures, roads, or landscaping necessary to mitigate the impacts of the operation on nearby property owners or residents will be constructed at those times stated in any related condition attached to the Conditional Use Permit. Where appropriate, a landscaping agreement may be used in lieu of the DIA.

5.2.15 | Manufactured Home Park

A. Site Area
   A manufactured home park must have a minimum site area of two (2) acres.

B. Density
   Manufactured home parks shall be subject to the density standards of the underlying zoning district.

C. Setbacks
   Minimum setbacks and separation shall be as follows:

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

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

D. Streets
   Each manufactured home space within a Manufactured Home Park shall abut and have access to a private street or drive that complies with the Standard Specifications for Road and Bridge Construction and all other applicable standards of this Land Development Code.

E. Parking
   Off-street parking shall be provided for each manufactured home, in accordance with the parking requirements for multi-family dwellings. All required parking spaces shall be paved. Off-street parking spaces shall be uniformly distributed through the manufactured home park.
5.2.16 | Oil and Gas Drilling

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

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

B. At the time of Site Plan review for a proposed Oil and Gas Drilling operation, the Planning Director may require that the applicant provide financial assurance adequate to ensure that (1) any structures or roads necessary to mitigate the impacts of the operation on nearby property owners or residents will be constructed at those times stated in any related condition attached to the Site Plan, and (2) any actions required to remove equipment, structures or roads, or to otherwise rehabilitate the site after the end of drilling operations will be taken at those times stated in any related condition attached to the Site Plan. Adequate financial security may include a deposit of money, an irrevocable bond, or letter of credit backed by a reputable bank or financial institution, as determined by the County, or another form of financial security acceptable to the County. The amount of financial security required shall not exceed one hundred twenty-five percent (125%) of the estimated costs of taking the actions that it secures. The Planning Director shall be authorized to execute a partial release or to reduce the amount of the financial assurance from time to time as required construction or rehabilitation activities are completed. The Planning Director shall release all or any remaining amounts of any financial assurance within thirty (30) days after completion of the last construction or rehabilitation action that the financial assurance secures.

C. All oil and gas well wastes must be disposed of in an approved manner. Fresh water may be stored in a reserve pit on-site. All pits shall be fenced and backfilled after evaporation of fluids. All produced water shall be disposed of in an approved disposal site. All use, production, and control of water shall comply with applicable Colorado State Water Quality Control Standards. Garbage, trash and human wastes shall be disposed of in an approved sanitary landfill.

D. All State and Federal permits must be obtained and evidence of approval of applicable permits shall be submitted to Mesa County prior to commencing operations.

E. Abandonment of a well for a period of one (1) year or longer shall constitute abandonment of the use. (Abandonment is used here as defined by the Colorado Oil and Gas Conservation Commission.)

F. Permits pertaining to oversize/overweight vehicles shall be obtained by the operator from the Mesa County Public Works Department.

G. Oversize/overweight vehicles may be restricted from use of County roads during periods when roads are wet and damage to the roads could occur. Bringing roads back to County standards is the responsibility of the applicant.

H. New access or change of use to an existing access to a Mesa County road requires an access permit from the Mesa County Public Works Department.

I. The names, addresses and phone numbers of the project contractors shall be submitted to Mesa County prior to commencement of operations.

J. All permanent structures shall require Mesa County building permits prior to construction.

K. Permanent structures/facilities shall be painted or otherwise treated to blend with the surrounding area.

L. The applicant shall notify the nearest fire protection district of the location of the drill site and submit evidence to Mesa County of such notification prior to commencing operations.

M. Approval of the use in no way precludes Mesa County from seeking special field rules or other relief from the Colorado Oil and Gas Conservation Commission.
N. The reclamation plan shall include a noxious weed management plan as approved by the Mesa County Pest and Weed Control Office, Bureau of Land Management, U.S. Forest Service, or other appropriate agency.

O. The operator shall grant to Mesa County all rights of access to the project site for purposes of verifying compliance with the standards of this Land Development Code and site inspection as held by said applicant.

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

5.2.17 | Telecommunications Facilities

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

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

C. Rural Planning Area

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

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

D. Urban Planning Areas

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

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

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

4. Telecommunications Facilities (TF) and Tower (T) Review.
No application shall be approved until the applicant establishes, to the satisfaction of the decision maker, that the following are satisfied:

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

b. Telecommunications facilities and towers shall be set back from all residentially zoned or used property by a minimum of two hundred (200) feet, or two hundred percent (200%) of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the TF or T higher than ten (10) feet, to any portion of the other property. If notice to the affected property owner is given, the decision maker may reduce any such setback by up to twenty-five percent (25%) if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. For example, a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view.

c. All Telecommunication facilities and towers shall be set back a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio (two (2) foot of setback for every foot of tower height from the property boundary of the facility) whichever is greater, from non-residentially zoned or used property.

d. All Telecommunications facilities and towers on public utility structures, facilities or property shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Decision Maker.

   (1) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred and fifty (750) feet.

   (2) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.

   (3) Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunication facility may be issued by the Decision Maker.

   (4) Towers or facilities that can be constructed as an integral part or component of light standards, buildings, utility structure or other structures at County owned buildings or facilities are encouraged.

   (5) No new tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the Decision Maker that no existing tower, structure or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:

      (a) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements;
(b) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment;

(c) The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or the antennas of existing Towers, Facilities or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible;

(d) There is some other reasonable factor that renders existing towers, facilities or utility structures unsuitable; and

(e) No owner of existing towers, structures or utility structures, including the County and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon or such owner is requiring unreasonable payment or terms.

(f) The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.

5. Interference
   Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

6. Health Issues
   Every tower and telecommunication facility shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.

7. View Corridors
   Only a concealed tower or telecommunications facility, the antennas of which all are located on existing vertical structures, is allowed within one-eighth (1/8) mile from the right-of-way of any portion of Monument Road, and other rights-of-way which may be designated by resolution of the Board of County Commissioners.

8. Historic Zones
   Only a concealed tower or telecommunication facility is allowed within a historic zone or area as designated by the Board of County Commissioners by resolution.

9. Application Requirements
   In addition to other requirements of this Code, each applicant for a Tower or Telecommunication Facility shall provide the Planning Director with an inventory of all of the applicant's existing Tower(s) and/or Telecommunication Facility(ies) or approved sites for the facilities.

   a. A zone map specific to the application from the County's zoning map drawn to scale, showing land uses and zoning designation of all uses within a quarter (¼) of a mile.

   b. A computer-generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the decision maker to assess compliance with the Code. If there are more than four (4) such rights-of-way, the Decision Maker shall designate which rights-of-way shall be analyzed.
c. A description of the tower/facility’s capacity which declares the number and type(s) of antennae(s) that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.

d. An agreement retained by the County which commits the facility owner and its successors to allow shared use of the facility if an additional user(s) agrees in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Planning Director the names, addresses and telephone numbers of every inquiry for co-location; and the status of any such inquiry.

e. The applicant shall provide evidence of mailed notice of a proposed tower or telecommunication facility to all abutting property owners within four (4) times the distance that the tower or facility is tall, or five hundred (500) feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this Code.

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

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

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

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

a. be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape;

b. be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City of Grand Junction;

c. be located on existing vertical infrastructure such as utility poles and public buildings or utility structures;

d. roof-mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;

e. equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions;
f. be located in areas where the existing topography, vegetation, buildings or other structures provide screening; and

g. the applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least fifteen (15) feet higher than that proposed by the applicant to accommodate co-locations.

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

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

13. Lighting and Signage

a. Only lighting required by a federal agency is allowed. The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way and that the light emitted is otherwise in compliance with this Code.

b. Only signage that is required by state or federal law is allowed. No advertising shall be permitted.

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

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

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

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

18. Abandonment
The wireless telecommunication facility owner shall remove all wireless telecommunications facilities that are not in use for any six (6)-month period, within three (3) months of the end of such six (6)-month abandonment. As a part of such removal, the owner shall revegetate the site so that it is compatible with the neighborhood. Abandonment shall only be determined by the Board of County Commissioners after the owner has had notice and an opportunity to be heard.

19. FAA
a. No person shall construct or alter a telecommunications tower or facility without a permit therefore and without having first obtained the approval of the Decision Maker. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration;

b. Form 7460-1 shall not be required for the following:

   (1) an amateur radio antenna if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antenna;

   (2) any existing tower and antenna provided a building permit was issued for a tower or antenna prior to the adoption of this Code;

   (3) any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities; or

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

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

   A. The stored materials shall be located behind a landscaped area meeting the buffer requirements of parking lots in Section 7.2

   B. No materials shall be displayed or stored within a required landscape area.

   C. Not more than one (1) elevated display pad, which may be elevated up to three (3) feet in height, shall be permitted per one hundred (100) feet of street frontage.

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

   A. Used or waste tires may only be legally disposed of in a County-designated landfill or solid waste disposal facility authorized to accept used or waste tires for storage or disposal, provided, however, that no more than fifty (50) used or waste tires may be kept on property in any Rural Zone District (unless accessory to an ensilage pit), and no more than ten (10) used or waste tires may be kept on property in any RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-16, or RMF-24 Zoning District.

   B. Used or waste tires shall not be used to as construction material unless a building permit has been issued by the Mesa County Building Department for such construction and said construction is in compliance with the Uniform Building Code as adopted by Mesa County.

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

   A. Restaurants shall be accessory to the use and shall meet all applicable requirements for food preparation and service, including but not limited to bathrooms, commercial food preparation and storage equipment, plumbing, and ventilation, and obtain all necessary state and local permits. Restaurant seating shall be limited to no more than fifty (50) customers.

   B. Where public sewer is not available, on-site waste treatment systems shall be specifically designed and permitted for the proposed type of commercial use.

   C. The operation shall comply with Colorado Liquor Code and Rules.
CHAPTER 5 | USE REGULATIONS

D. All other requirements of the Land Development Code, including but not limited to parking, landscaping, signage and lighting, shall be met.

E. Retail sales shall be accessory to the use and shall be goods that are predominantly related to the primary business and/or local products (e.g. food products, arts and crafts).

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

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

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

A. In addition to the items identified in the appropriate application packet, the following information shall be submitted with an application for a conditional use permit or major site plan:

1. A supplement to the required narrative will include:
   a. demonstration the need for the facility in the location proposed to serve oil and gas operations and documenting any lack of suitably zoned land in the project area, and
   b. discussion the adequacy of roads and access to the site, including the condition and construction of the roads.

2. A letter from licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the Applicant’s sewage and/or refuse as applicable.

3. An emergency management plan for review and approval by the fire district chief and Mesa County Emergency Management. A copy of the submission to the Designated Emergency Response Authority required by the Superfund Amendments and Reauthorization Act (SARA) shall be included.

4. A reclamation and re-vegetation plan for each site satisfying the following requirements:
   a. All structures and equipment will be removed.
   b. Trash and construction debris will be removed and disposed of at a State-approved solid waste disposal facility.
   c. Concrete footings and foundations may be buried in the backfill with three (3) feet of cover.
   d. Sewage disposal systems will be removed and disposed of in compliance with Mesa County requirements.
e. The site will be ripped, graded and re-contoured to blend into the surrounding topography. Topsoil will be replaced. The site will be seeded with an appropriate seed mix to establish sufficient cover to stabilize the site and to prevent erosion. Interim sediment control is required until the site is reclaimed.

f. Weeds will be monitored and controlled according to a weed management plan approved by the Mesa County Division of Weed and Pest Management.

g. Except as agreed upon in the Surface Use Agreement between the operator and the land owner, access roads will be ripped, re-graded and re-vegetated. Cuts and fills shall be re-graded to smooth slopes and re-vegetated. Access to reclaimed roads will be restricted.

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

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

1. Dust shall be controlled on public roads as agreed upon with the Mesa County Road Department Supervisor. Dust shall be controlled on the site and on driveways serving the site in accordance with State and local regulations. Existing driveways and private roads shall be used to the greatest extent possible. The Road Access Policy must be complied with. Tracking onto roadways must be controlled.

2. The use shall be located so that existing topography, vegetation and/or distance minimize visibility from interstate highways, arterial roads or scenic byways.

3. The facility should be located no less than one (1) mile (measured in driving distance on public roads) from another facility approved under Section 5.2.22 of this Code. Under limited circumstances, the facility may be located less than one (1) mile from another facility provided that the application demonstrates a reasonable justification for locating the proposed facility within this one (1) mile radius. A reasonable justification includes, but is not limited to, a demonstration that the proposed site within the one (1) mile radius causes less impact on the environment or to the public.

4. The facility must be located at least four hundred (400) feet from an existing residence unless a written waiver of this standard is obtained from the property owner.

5. Pursuant to International Building Code, Section 105, 2006 Edition, a permit is required for all structures placed in Mesa County. Pursuant to Colorado Revised Statute 24-32-3311, factory built structures shall be certified by the Colorado Division of Housing to be in accordance with Colorado Construction Safety Code for Factory-Built Structures prior to occupancy. Site work and utility connections to pre-manufactured structures shall comply with local codes. Inspections shall be conducted by the Mesa County Building Department. Building department personnel will not conduct inspections on the construction or the support of state certified modular buildings.

6. Refuse and sewage shall be disposed of appropriately at State-approved, licensed commercial disposal facilities. In no case shall sewage or untreated wastewater be discharged on the ground surface.

7. Weeds will be monitored and controlled according to a weed management plan approved by the Mesa County Division of Weed and Pest Management. The grounds shall be kept free of weeds, junk and trash at all times.

8. Landscaping, fencing and berms shall be used in combinations that effectively screen the facility from existing residences visible from the proposed site. Fencing may be eight (8) feet in height to screen equipment storage.
9. Wildlife-proof trash receptacles shall be used.

10. Except as required for safety purposes, reflective materials shall not be utilized on any buildings, walls or fencing. Reflective materials stored outdoors shall not be visible from roads or properties in the area.

11. Residential noise limits shall be complied with pursuant to Section 7.2.3 of this Land Development Code and the Colorado Oil and Gas Conservation Commission Eight Hundred (800) Series rules for noise abatement.

12. Engines, compressors and motors shall be equipped with quiet design mufflers or equivalent. All mechanical equipment shall be placed and operated to contain vibration within the property boundary and shall be subject to the noise limits in criterion 11 above.

13. A specific plan for containment and disposal of fuel and waste from heavy equipment maintenance shall be provided to meet local, state and federal regulations. Any spill or release that is required to be reported to other agencies must also be reported to the Mesa County Local Government Designee and Mesa County Emergency Manager.

14. Ongoing vehicle and/or equipment repair and/or maintenance activity shall be conducted either within an enclosed building or between the hours of 8 a.m. to 5 p.m. seven (7) days per week. Emergency repair activities may be conducted outside those time frames but must comply with criterion 11 above.

15. The site will be designed as a containment area and shall maintain a minimum distance from perennial or intermittent streams or drainages as recommended by the project engineer or geologist. The operator shall comply with all applicable state and federal regulations regarding protection of waters of the state. Pollutants or contaminants are not allowed to be discharged on the ground at any time.

16. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

17. Development standards in Chapter 7 shall apply.

18. Access shall comply with the Mesa County Road Access Policy.

C. Time Limitations

Conditional Use Permit approvals for support services facilities are valid for a period of three (3) years. The operator may submit a request for an extension of time before the end of the first three-year (3) period as an application for amendment. As part of the request, the operator shall submit to the Planning Director a written narrative describing the condition of the facility, its compliance with each of the County permit requirements, and demonstrate the continued need for the facility in accordance with Section 5.2.22.A.1 above. Subsequent extensions may be applied for in the same manner.

D. Closure

When the need for the use is finished, the support services facility structures must be removed within ninety (90) days of closure except as stipulated in the surface use agreement. If the land owner desires that the structures remain on the property, he must apply for the appropriate County development permit within thirty (30) days of closure of the facility. The Planning Director shall be notified at least ten (10) days prior to removal of improvements. Within ninety (90) days after the removal is completed, a reclamation report shall be submitted to the Planning Director indicating that the site was reclaimed as set forth in the approved reclamation plan.
5.2.23 Temporary Employee Housing

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

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

1. A general description of facilities and structures located on the drilling pad during drilling activities and their uses;
2. A count of the number of beds proposed for essential personnel; and
3. A good faith estimate of the length of time that the drilling rig will be located on the property.

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

A. In addition to the items identified in the appropriate application packet, the following information shall be submitted with an application for a Conditional Use Permit or Major Site Plan:

1. A supplement to the required narrative will include:
   a. Demonstration of the need for the facility in the location proposed to serve oil and gas operations and documenting any lack of suitably zoned land in the project area, and
   b. Discussion of the adequacy of roads and access to the site, including the condition and construction of the roads.
2. A letter from a licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the Applicant’s sewage and/or refuse as applicable.
3. An emergency management plan for review and approval by the fire district chief and Mesa County Emergency Management. A copy of the submission to the Designated Emergency Response Authority required by the Superfund Amendments and Reauthorization Act (SARA) shall be included.
4. A reclamation and re-vegetation plan for each site satisfying the following requirements:
   a. All structures and equipment will be removed.
   b. Trash and construction debris will be removed and disposed of at a State approved solid waste disposal facility.
   c. Concrete footings and foundations may be buried in the backfill with three (3) feet of cover.
   d. Sewage disposal systems will be removed and disposed of in compliance with Mesa County requirements.
   e. The site will be ripped, graded and re-contoured to blend into the surrounding topography. Topsoil will be replaced. The site will be seeded with an appropriate seed mix to establish sufficient cover to stabilize the site and to prevent erosion (Tri-River...
CHAPTER 5 | USE REGULATIONS

Extension Service shall be consulted). Interim sediment control is required until the site is reclaimed.

f. Weeds will be monitored and controlled according to a weed management plan approved by the Mesa County Division of Weed and Pest Management.

g. Except as agreed upon in the Surface Use Agreement between the operator and the land owner, access roads will be ripped, re-graded and re-vegetated. Cuts and fills shall be re-graded to smooth slopes and re-vegetated. Access to reclaimed roads will be restricted.

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

B. The following standards will apply to all temporary employee housing facilities:

1. Dust shall be controlled on public roads as agreed upon with the Mesa County Road Department Supervisor. Dust shall be controlled on the site and on driveways serving the site in accordance with State and local regulations. Existing driveways and private roads shall be used to the greatest extent possible. The Road Access Policy must be complied with. Tracking onto roadways must be controlled.

2. The use shall be located so that existing topography, vegetation and/or distance render it not visible from interstate highways, arterial roads or scenic byways.

3. The facility shall be constructed to minimize erosion, alteration of natural features, and removal of surface materials to the greatest extent practical. The following issues shall be taken into consideration when designing a facility on a specific site:

   a. The facility should be located at the base of slopes to provide a background of topography and/or natural cover.

   b. Cut and fill should be minimized when locating the facility.

   c. Surface use agreements shall be taken into consideration.

   d. If on-site sewage treatment is provided, the system must be approved by either Mesa County or the State Health Department.

4. Refuse and sewage shall be disposed of appropriately at State-approved, licensed commercial disposal facilities. In no case shall sewage or untreated wastewater be discharged on the ground surface.

5. The grounds shall be kept free of weeds, junk and trash at all times.

6. Potable water must be provided at the site. The drinking water source must be identified.

7. If the operator provides the source water to serve twenty-five (25) people or more, or fifteen (15) or more taps, the operator must demonstrate conformance to State regulations by obtaining all necessary State permits prior to application to Mesa County for the temporary employee housing facility.

8. If potable water is hauled into the site, the water haulers must be licensed by the State of Colorado. Chlorine residual and total coli form data shall be collected in conformance with State water quality requirements. The operator shall perform tests monthly (or quarterly if an on-site disinfection system is installed) and shall maintain records of stored potable water samples specific for coli form. Any tests indicating coli form contamination must be disclosed to the Mesa County Board of Health or designee.
9. Pursuant to International Building Code, Section 105, 2006 Edition, a permit is required for all structures placed in Mesa County. Pursuant to C.R.S. 24-32-3311, factory built structures shall be certified by the Colorado Division of Housing to be in accordance with Colorado Construction Safety Code for Factory-Built Structures prior to occupancy. Site work and utility connections to pre-manufactured structures shall comply with local codes. Inspections shall be conducted by the Mesa County Building Department. Building department personnel will not conduct inspections on the construction or the support of state certified modular buildings. Campers, tents and/or recreational vehicles (RV’s) shall not be allowed as temporary employee housing.

10. Domestic animals other than those owned by the property owner or on-site property manager are not allowed at the facility.

11. Landscaping, fencing and berms shall be used in combinations that effectively screen the facility from existing residences visible from the proposed housing site.

12. Wildlife-proof trash receptacles shall be used.

13. Except as required for safety purposes, reflective materials shall not be utilized on any buildings, walls or fencing. Reflective materials stored outdoors shall not be visible from roads or properties in the area.

14. Residential noise limits shall be complied with pursuant to Section 7.2.3 of this Land Development Code and the Colorado Oil and Gas Conservation Commission eight hundred (800) Series rules for noise abatement.

15. Engines, compressors and motors shall be equipped with quiet design mufflers or equivalents. All mechanical equipment shall be placed and operated to contain vibration within the property boundary. All mechanical equipment shall be placed and operated to contain vibration within the property boundary and shall be subject to the noise limits in standard 14 above.

16. The housing location shall not disrupt or convert irrigated agricultural production lands except as stipulated in the surface use agreement.

17. The site will be designed as a containment area and shall maintain a minimum distance from perennial or intermittent streams or drainages as recommended by the project engineer or geologist. The operator shall comply with all applicable state and federal regulations regarding protection of waters of the state. Pollutants or contaminants are not allowed to be discharged on the ground at any time.

18. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

19. Development standards in Chapter 7 of this Code shall apply.

20. Access shall comply with the Mesa County Road Access Policy.

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

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

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

5.2.25 Field Office Headquarters for Oil and Gas Field Operators
All field office headquarters sites shall be designed to achieve the following:

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

B. Outdoor storage of equipment and vehicles as well as parking areas are screened from adjacent land uses including public road frontages. 5.2.12
   1. A landscape/fencing plan shall be proposed which is suitable to achieve the screening and in character with the area. Alternatively, buildings may provide screening.
   2. Landscaping and screening is not required if the outdoor storage areas are not visible from adjacent properties.

C. Section 5.2.22.B, criteria for Oil and Gas Support Services, shall be utilized. Criterion 5.2.22.B.2 may not be applicable if modular structures, outdoor storage and parking are located on a portion of the site not visible from interstate highways, arterial roads and scenic byways.

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

5.2.27 Industrial Development Design Standards

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

B. Applicability:
   1. These standards shall apply to all new industrial, commercial/industrial, and business park development and major rehabilitation of existing structures that abut roads designated as an existing or future collector or arterial, as depicted on the Functional Classification Maps of the Road Access Policy, in the following locations:
      a. any property in an I-1 or I-2 zoning district, excluding those uses listed in Table 5.1 as “Residential” or “Institutional & Civic”;
b. any property in a C-2, MU-R, MU-C or PUD zoning district where the proposed use would also be an allowed use or a conditional use in an I-1 or I-2 zoning district, and where the use is listed in Table 5.1 as “Commercial” or “Other”;

c. any use classified as Industrial in Table 5.1, regardless of the zoning district.

2. For properties where there is an outlot between the road and the subject property, these standards shall still apply.

3. These Standards shall apply in addition to other use-specific regulations of this Chapter.

C. Design Standards

1. Site Design and Development Pattern:
   Site design and development pattern standards address circulation and mobility as an integral component of industrial development. Industrial site design and development patterns shall enrich the mobility in the planning area.
   a. To the maximum extent achievable:
      (1) primary building entry facades should orient towards the major access drive or street;
      (2) structures should orient in a manner that will help to provide a safe and attractive street edge; and
      (3) structures should be oriented to screen outdoor storage areas from view from the street and adjacent residential areas.

2. Vehicular and Pedestrian Circulation and Access:
   Promoting the health and well-being of the community by encouraging physical activity, alternative transportation, and greater opportunities for social interaction are priorities. Circulation and Street Layout must comply with Section 7.17 of the Mesa County Land Development Code.
   a. Circulation patterns shall be designed to minimize vehicular impacts on adjacent residential uses.
   b. Industrial development shall provide safe and efficient patterns of vehicle circulation and access that connect to the existing or future street network within the community.
   c. Circulation shall allow the safe movement of pedestrians and bicyclists, separate from industrial traffic, and provide connections to the rest of the community, consistent with adopted plans.
   d. On-site circulation shall have an adequate length of stacking for industrial facilities, e.g. loading docks, terminals, etc. that do not interfere with the movement of traffic (on or off-site) and/or pedestrian areas.

3. Parking:
   Standards depicted in Chapter 7 of the Mesa County Land Development Code are applicable.
Parking design standards and guidelines are intended to address visual impacts associated with parking structures, parking surfaces, and parking areas.

a. All parking lots located within the front half of the parcel or in front of the principal structure shall only be used for parking of passenger vehicles and shall include no more than fifty percent (50%) of the planned parking spaces. Fleet parking, equipment storage and loading docks shall not be located adjacent to the collector or arterial street. Placement in the rear half of the lot or behind the principal structure is encouraged. For purposes of this Standard, where properties have frontage on both a collector street (or a street of a higher classification level) and another street of a lower level, the collector or higher-level street shall be considered the front with respect to location of parking.

b. Parking lots shall be screened from view from adjacent residential uses. The screening shall include landscaping and structural screens, as required by Section 7.2 of the Mesa County Land Development Code.

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

a. Blank, windowless walls on collector or arterial street facades are discouraged. Where the construction of a windowless wall is necessary, the wall shall be articulated or enhanced using architectural features and landscaping.

b. Use offsets in the wall plane or roof line to break up walls that are more than fifty (50) feet long on collector or arterial street facades. Features such as porches or recessed entries may also be used to provide relief.

c. The facades of buildings facing collector or arterial streets shall be architecturally finished or detailed. Examples include but are not limited to wall cladding with materials such as brick, block, stone or stucco; applied trim such as wainscoting and columns; contrasting trim details or two-tone color schemes; cornices and applied decorative features; murals or artwork; and similar design elements.

d. A setback of fifty (50) feet or more, combined with the use of topography and other screening methods that substantially block the view of the building from the street, may be used to satisfy Building Style and Design standards a-c.

e. The dominant building colors shall be drawn from the natural landscape and must be low reflecting and subtle.

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

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

Industrial development typically contains service, loading, and dumpster areas. These accessory uses can detract from the aesthetics of the area if not properly screened.
a. New development of industrial facilities shall incorporate visual and acoustic mitigation alternatives through the use of built or natural screening along collector streets and pedestrian environments and adjacent to residential uses.

b. All service areas, loading docks, or dumpster areas shall be, to the maximum extent achievable, located in the rear of the lot or behind the principal structure. Trash dumpsters shall be fully screened.

c. All mechanical and utility equipment shall be screened from view from collector streets and residential uses.

d. The design of the screening shall be integrated into the overall design of the project.

7. Fencing, Walls, and Berms:
Fencing, walls and berms are required as buffers to different uses and shall be integrated into the industrial development and surrounding uses. Security fencing shall meet all design standards set forth. The use of high quality fence materials, such as decorative blocks, brick, stone, treated wood, and ornamental metal, is encouraged at key locations where such designs can provide the most benefit with respect to screening of outdoor storage and parking from adjacent uses, intersections and other high-visibility areas. Fences and structural screens shall comply with the requirements of Mesa County Land Development Code Section 7.2. Section 5.2.12 may also apply for certain outdoor uses.

a. Fences, walls, berms, or a combination of these features shall be used along collector streets where outdoor storage abuts the street. Substantial setbacks and other site design elements that mitigate visual impacts may also be used.

b. All fencing, walls, and berms shall provide breaks for pedestrian connections between internal walkways and perimeter walkways.

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

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

a. Freestanding signs shall be limited to monument-style signs at a maximum of twelve (12) feet in height.

b. Monument signs that are internally illuminated shall be designed to limit glare from shining off-site.

c. Lighting for externally illuminated signs shall be designed to direct light only onto the sign and shall not shine off the property or where it might impair the vision of motorists.

d. Other types of signs allowed in Chapter 8 (i.e. flush wall signs, roof signs and projecting signs) are permitted.

§5.3 | Accessory Uses

5.3.1 | Allowed Uses
Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal

Land Development Code (Effective May 2000) Last Revised August 2016
uses allowed in zoning districts. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise expressly stated.

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

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

1. Rural Zoning Districts
   a. One (1) accessory structure may be allowed to be constructed without a principal structure (residence) on property in a rural zoning district that is one (1) acre or greater in size. If the property is less than 5 acres in size, the general location of the future residence must be shown.
   b. Properties with an agricultural principal use are not subject to the limitation of one (1) accessory structure if the structures are clearly related to the agricultural use, e.g. barns and other out-buildings.

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

5.3.3 | Dimensional and Operational Standards
The standards of this section shall apply in all districts unless otherwise expressly stated.

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

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

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

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

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

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

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

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

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

C. Domestic Livestock
   The keeping of domestic livestock shall be considered an accessory use and shall be measured in terms of animal units (see definition of Animal Unit in Chapter 12).
1. Existing Properties in Urban Land Use Areas
On properties designated for urban land uses on the adopted Master Plan Future Land Use Maps, the keeping of domestic livestock may be allowed only on lots or parcels greater than one-half (½) acre in size except as provided for below in subsection a.

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

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

      (1) No more than six (6) chickens or six (6) rabbits over two (2) months old, or any combination of the two animals, are allowed per dwelling unit. No other domestic livestock or fowl shall be permitted.

      (2) For properties that have an accessory dwelling unit, each unit shall be permitted to have up to six (6) animals, for a total of twelve (12) animals total on the property.

      (3) Chickens and/or rabbits shall not be permitted on properties with duplexes or multi-family dwellings.

      (4) No roosters are allowed.

      (5) All animals shall be confined by a fence, cage, or pen. Appropriate shelter shall be provided.

      (6) Animals shall be kept no closer than twenty (20) feet from rear and side property lines whenever there is a residential use on the adjoining property.

      (7) There shall be no confinement of animals in the front setback area.

      (8) The coop, hutch, cage, pen and/or area where the animals are confined shall be kept in a clean and wholesome condition so that any offensive smell and human health issues are minimized. Food supplies shall be secured in animal-proof containers to deter nuisance animals and vermin.

2. Existing Properties in Rural Land Use Areas
On properties designated for rural land uses on the adopted Master Plan Future Land Use Maps, the following criteria apply:

   a. No new domestic livestock pens, fenced corrals, round pens, turnout areas, buildings or other confined areas for keeping domestic livestock shall be located nearer than one hundred (100) feet from dwellings existing on adjacent lots or parcels of land; and

   b. No new dwellings shall be constructed nearer than one hundred (100) feet from existing domestic livestock pens, fenced corrals, round pens, turnout areas, buildings or other confined areas for keeping domestic livestock on adjacent lots or parcels of land unless this requirement effectively renders the property unbuildable; in which case the Planning Director may approve an adjustment up to thirty percent (30%).

   c. Pastures, as defined in Section 12.1 of this Code, are not considered confined areas.

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

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

<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>

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

TABLE OF ANIMAL UNIT EQUIVALENTS

<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 - 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 yrs)</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 (&gt;2 yrs)</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>
<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 - 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>
</tbody>
</table>
### Animal Spe\textspecies\text{}s Equivalency Factor Based on Animal Unit =1000 lb cow

<table>
<thead>
<tr>
<th>Animal Species</th>
<th>Equivalency Factor</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>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>

#### 5.3.5 | Caretakers and Security Guards
Housing for caretakers and security personnel shall specifically be allowed as an accessory use within all Nonresidential zoning districts.

#### 5.3.6 | Home Occupations

**A. General**
Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this section are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the allowed principal use (household living), and that the residential viability of the dwelling unit and property is maintained. Home Occupations shall require Site Plan review.

**B. Exempt Home Occupations**
Home occupations are not subject to the home occupations regulations where all criteria below are met:

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

C. Home Occupations

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

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

3. Prohibited or Limited Uses
   a. Vehicle and Large Equipment Repair
      Repair or assembly of vehicles or equipment with internal combustion engines (such as autos and motorcycles, excluding 'heavy equipment'), or of large appliances (such as washing machines, dryers, and refrigerators), or any other work related to automobiles and their parts within Urban Zone Districts must be conducted entirely within a permitted structure and must be limited to one (1) vehicle at a time. The same repair or assembly activities may occur within Rural Zone Districts; outdoor storage is only allowed within the screened outdoor area defined within the summary table within this section.
   
   b. Animal Care or Boarding Facilities
      Limited animal care or boarding facilities are allowed as home occupations. This includes grooming services, training, and in-home boarding of household pets, provided that no more than a total of five (5) animals over four (4) months of age are present, including those owned by the occupant of the residential unit. Outdoor activity shall be limited to normal play and exercise during daytime hours in a fenced area and to periods when animals are allowed outside to relieve themselves. Boarded animals shall not be housed in outside kennels, runs, or enclosures. Animal hospitals, kennels, stables and all other board and care facilities are not allowed as home occupations. In the Rural Zoning Districts, the boarding of up to five (5) horses is allowed as a home occupation, provided the total number of horses does not exceed the number allowed by Section 5.3.4.C of this Code. See also Table 5.1, Animal Care/Boarding/Sales.
   
   c. Industrial Uses
      Industrial uses may only be allowed as Conditional Use Permits as indicated in Table 5.1.

4. Nonresident Employees
   For the purpose of this provision, the term “nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site but who reports to the site in person as part of the home occupation.

5. Public Right-of-Way
   Customers and delivery services may park in the public right-of-way limited to the area in front of the home occupation. All other activities and storage areas associated with home occupations (including employee and company vehicle parking) are prohibited within public rights-of-way.
## Summary of Home Occupation Regulations

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

---

6. **Exterior Appearance**
   
   There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from any adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation, or the site upon which it is conducted, that will make the dwelling or home occupation property appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

7. **Operational Impacts**
   
   No home occupation, or equipment used in conjunction with a home occupation, may cause odor, vibration, noise, dust, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Home occupations that generate hazardous waste shall register with the Mesa County Hazardous Waste Collection Facility in the Conditionally Exempt Small Quantity Generators (CESQG)
program. Storage of hazardous materials shall not be the primary use of the home occupation and may require permits from the fire department.

8. Small Engine Repair
Small engines are defined as engines that power equipment such as: lawn mowers, tillers, cultivators, trimmers, snow blowers, chain saws, pumps, generators, air compressors, outboard boats, snowmobiles, all-terrain vehicles, and ultra light aircraft.

5.3.7 | Accessory Dwellings

A. Zoning Districts: Accessory dwellings are allowed in all Rural Zoning Districts and in all Urban Zoning Districts (including mixed use zoning districts) except RMF-16 and RMF-24.

B. Application Process: Accessory dwelling applications are reviewed as a residential site plan in accordance with Section 3.5.11.3 and must additionally comply with applicable standards listed below. If an accessory dwelling is accessory to a land use that is applied for under another planning review process, such accessory dwelling shall be considered for approval under that process.

C. General Standards
The following general standards shall apply to accessory dwellings:

<table>
<thead>
<tr>
<th>Item</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number</td>
<td>Only one (1) accessory dwelling shall be allowed per parcel or lot.</td>
</tr>
</tbody>
</table>
| 2. Size (minimum and maximum heated living area – each floor or level of heated living area is counted separately to arrive at a total heated living area square footage number) | a. On parcels or lots less than two (2) acres in size: Three hundred (300) to nine hundred (900) square feet.  
b. On parcels or lots two (2) acres or greater in size:  
1) Attached Accessory Dwellings:  
For accessory dwellings attached to a principal dwelling, the accessory dwelling shall be a minimum of three hundred (300) square feet and a maximum of up to fifty percent (50%) of the heated living area of the principal dwelling. In this context, attached accessory dwelling shall mean a separate dwelling unit contained within a principal dwelling or contained in a structure attached (including attached by a breezeway) to the principal dwelling.  
2) Detached Accessory Dwellings:  
For detached accessory dwellings, the accessory dwelling shall be a minimum of three hundred (300) square feet and a maximum of the greater of nine hundred (900) square feet or fifty percent (50%) of the heated living area of the principal dwelling not to exceed one thousand five hundred (1,500) square feet. In this context, detached accessory dwelling shall mean a dwelling unit contained in a structure that is not attached to the principal dwelling.  
3) Combination Accessory Dwellings/Accessory Structures:  
A combination accessory dwelling/accessory structure is an accessory dwelling contained within an accessory structure such as, but not limited to, a garage, shop or barn. The size of such accessory dwelling within an accessory structure shall be a minimum of three hundred (300) square feet and a maximum of fifty percent (50%) of the size of the accessory structure, not to exceed fifty percent (50%) of the heated living area of the principal dwelling. |
<p>| c. Any accessory dwelling may be increased in size by up to ten percent (10%) to provide accessibility for physically disabled persons. Such accessibility |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>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>d. An applicant may apply to the Board of Adjustment for a variance to the maximum size of an attached, detached or combination accessory dwelling/accessory structure. The Board of Adjustment may grant such a variance if it finds that the proposed accessory dwelling meets the requirements contained in Section 5.3.7.D and meets the approval criteria for accessory dwelling variances described in Section 3.12.6.</td>
<td></td>
</tr>
<tr>
<td>3. 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>4. 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 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.</td>
</tr>
<tr>
<td>5. 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>6. Foundations</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>7. Access</td>
<td>The principal dwelling and the accessory dwelling shall share driveway access to a public road unless a separate access is approved by Mesa County.</td>
</tr>
<tr>
<td>8. Utility Meters</td>
<td>The accessory dwelling applicant shall demonstrate that utility providers will provide potable water and electricity.</td>
</tr>
<tr>
<td>9. Septic System</td>
<td>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.</td>
</tr>
<tr>
<td>10. Lot/Parcel Size</td>
<td>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.</td>
</tr>
<tr>
<td>11. Land Use</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 a multi-family dwelling.</td>
</tr>
<tr>
<td>12. Notice</td>
<td>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.</td>
</tr>
<tr>
<td>13. Purpose</td>
<td>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.</td>
</tr>
</tbody>
</table>

**D. Additional Standards for Attached and Detached Accessory Dwellings:**

In addition to the general standards stated in paragraph 5.3.7.C above, the following additional standards shall apply to attached accessory dwellings and detached accessory dwellings, but not to combination accessory dwellings/accessory structures.
E. Conflicts with Other Regulations
If there is a conflict between the accessory dwelling standards of this Section and any other requirement of this Land Development Code, the standards of this Section shall control. Otherwise, accessory dwellings are subject to all other applicable requirements of this Land Development Code.

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

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

§5.4 | Temporary Uses

5.4.1 | General Regulations
CHAPTER 5 | USE REGULATIONS

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

A. Permanent changes to the site are prohibited.

B. Permanent signs are prohibited. All temporary signs associated with the temporary use shall be removed when the activity ends.

C. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.

D. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.

E. Unless otherwise expressly stated, temporary uses shall be subject to Site Plan Review, pursuant to Section 3.5.11.

5.4.2 | Uses Allowed

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

A. Real Estate Sales Offices
Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office for sites outside of the project is prohibited.

B. Fairs, Carnivals and Other Public Gatherings
Fairs, carnivals and other public gatherings shall be allowed as follows:

1. In Rural Zoning Districts, such uses shall be allowed for up to six (6) consecutive days. Two (2) events are allowed per calendar-year.

2. In Urban Residential Zoning Districts, such uses shall be allowed for up to four (4) consecutive days on the site of an institutional use. Two (2) events are allowed per calendar-year.

3. In Nonresidential Zoning Districts, such uses shall be allowed for up to eight (8) consecutive days. Two (2) events are allowed per calendar-year.

C. Natural Disasters and Emergencies
Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. No Site Plan Review or other review shall be required.

D. Parking Lot Sales
Parking lot sales are allowed in Nonresidential Zoning Districts for up to two (2) consecutive weeks at any one time. Two (2) events are allowed per calendar year.

E. Seasonal Outdoor Sales
Seasonal outdoor sales are allowed for up to one (1) month at any one time. One (1) event is allowed per calendar year. The Planning Director may approve an application for seasonal outdoor sales, subject to a limited administrative review, considering the approval criteria for temporary uses. The limited administrative review does not require notice of the application to be published, posted or mailed to surrounding property owners.

F. Other Uses
The Planning Director may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

G. Yard Sales
Residential yard sales are allowed in the AFT, RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-16 and RMF-24 zones. Yard sales are exempt from permit requirements and from any administrative review. A resident of a single-family or duplex may have a maximum of six (6) yard sales per calendar year. Occupants of a multi-family building are limited to a maximum of six (6) yard sales per calendar year per structure. Each yard sale event is allowed to run a maximum of four (4) consecutive days and must be spaced a minimum of thirty (30) days apart.

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

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

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

A. provision of temporary parking facilities, including vehicular access and egress;
B. control of nuisance factors, such as the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
C. regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment, and open spaces, including buffer areas and other yards;
D. provision of sanitary and medical facilities;
E. provision of solid waste collection and disposal;
F. provision of security and safety measures;
G. regulation of operating hours and days, including the duration of the temporary use to a shorter time period than that requested or specified in this section; and
H. submission of a performance bond or other financial guarantee to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.
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>Zoning District</th>
<th>Density (units/ac.)</th>
<th>Min. Lot Size (net)</th>
<th>Min. Street Frontage (ft)</th>
<th>Min. Lot (% Coverage)</th>
<th>Max. FAR</th>
<th>Max. Bldg. Size (sq ft)</th>
<th>Max. Height (ft)</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>AF35 1</td>
<td>1 per 35Ac</td>
<td>n/a</td>
<td>35 Ac</td>
<td>500</td>
<td>20</td>
<td>50/55</td>
<td>50/50</td>
</tr>
<tr>
<td>AFT 1</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>URR</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>RSF-1</td>
<td>1</td>
<td>n/a</td>
<td>30,000</td>
<td>100</td>
<td>50 5</td>
<td>20/25</td>
<td>15/3</td>
</tr>
<tr>
<td>RSF-2</td>
<td>2</td>
<td>n/a</td>
<td>15,000</td>
<td>100</td>
<td>50 5</td>
<td>20/25</td>
<td>15/3</td>
</tr>
<tr>
<td>RSF-4</td>
<td>4</td>
<td>2</td>
<td>7,000</td>
<td>75</td>
<td>20</td>
<td>20/25</td>
<td>7/3</td>
</tr>
<tr>
<td>RMF-5</td>
<td>5 3</td>
<td>4,000 SF 6,000 2F n/a M²</td>
<td>60</td>
<td>20</td>
<td>20/2522</td>
<td>5/3</td>
<td>25/10</td>
</tr>
<tr>
<td>RMF-8</td>
<td>8 5</td>
<td>3,000 SF 6,000 2F n/a M²</td>
<td>50</td>
<td>20</td>
<td>20/2522</td>
<td>5/3</td>
<td>12</td>
</tr>
<tr>
<td>RMF-12</td>
<td>12 8</td>
<td>n/a</td>
<td>30</td>
<td>20</td>
<td>20/2522</td>
<td>5/3</td>
<td>12</td>
</tr>
<tr>
<td>RMF-16</td>
<td>16 12</td>
<td>n/a</td>
<td>30</td>
<td>20</td>
<td>20/2522</td>
<td>5/3</td>
<td>12</td>
</tr>
<tr>
<td>RMF-24</td>
<td>24 16</td>
<td>n/a</td>
<td>30</td>
<td>20</td>
<td>20/2522</td>
<td>5/3</td>
<td>12</td>
</tr>
<tr>
<td>MU-R</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonresidential Zoning Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-O</td>
<td>8</td>
<td>n/a</td>
<td>n/a23</td>
<td>n/a23</td>
<td>n/a</td>
<td>0/0</td>
<td>0/0</td>
</tr>
<tr>
<td>B-1</td>
<td>8</td>
<td>n/a</td>
<td>n/a23</td>
<td>n/a23</td>
<td>n/a</td>
<td>0/0</td>
<td>0/0</td>
</tr>
<tr>
<td>B-2</td>
<td>24</td>
<td>n/a</td>
<td>n/a23</td>
<td>n/a</td>
<td>n/a</td>
<td>0/0</td>
<td>0/0</td>
</tr>
<tr>
<td>C-1</td>
<td>8</td>
<td>n/a</td>
<td>1 Ac 23</td>
<td>n/a23</td>
<td>n/a</td>
<td>14/14 24</td>
<td>0/0</td>
</tr>
<tr>
<td>C-2</td>
<td>8</td>
<td>n/a</td>
<td>1 Ac 23</td>
<td>n/a23</td>
<td>n/a</td>
<td>14/14 24</td>
<td>0/0</td>
</tr>
<tr>
<td>I-1</td>
<td>8</td>
<td>n/a</td>
<td>1 Ac 23</td>
<td>n/a23</td>
<td>n/a</td>
<td>14/14 24</td>
<td>0/0</td>
</tr>
<tr>
<td>I-2</td>
<td>8</td>
<td>n/a</td>
<td>1 Ac 23</td>
<td>n/a23</td>
<td>n/a</td>
<td>14/14 24</td>
<td>0/0</td>
</tr>
<tr>
<td>MU-C</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MU-OTC13</td>
<td>12</td>
<td>8</td>
<td>2,500</td>
<td>25</td>
<td>n/a</td>
<td>0/0</td>
<td>0/0 14</td>
</tr>
</tbody>
</table>
### Table 6.1.2 | AFT Zoning Requirements

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units/ac.)</th>
<th>Min. Lot Size (net)</th>
<th>Min. Street Frontage (ft)</th>
<th>Minimum Setbacks Principal/Accessory 11, 21 Street Setbacks are Subject to Section 6.2.5.A.1</th>
<th>Max. Lot (%) Coverage</th>
<th>Max FAR</th>
<th>Max. Bldg. Size (sq ft)</th>
<th>Max. Height (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max</td>
<td>Min</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area (sq ft)</td>
<td>Width (sq ft)</td>
<td>Street (ft)</td>
<td>Side (ft)</td>
<td>Rear (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AFT Requirements</strong> 1</td>
<td>See Section 6.3</td>
<td>All Properties</td>
<td>130</td>
<td>20</td>
<td>50/50 (20/25 for properties adjoining Local Roads)</td>
<td>10/10</td>
<td>30/10</td>
<td>35</td>
</tr>
</tbody>
</table>

### Table 6.1.3 | RSF-R, URR & RSF-E Zoning Requirements

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Density (units/ac.)</th>
<th>Min. Lot Size (net)</th>
<th>Min. Street Frontage (ft)</th>
<th>Minimum Setbacks Principal/Accessory 11, 21 Street Setbacks are Subject to Section 6.2.5.A.1</th>
<th>Max. Lot (%) Coverage</th>
<th>Max FAR</th>
<th>Max. Bldg. Size (sq ft)</th>
<th>Max. Height (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max</td>
<td>Min</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area (sq ft)</td>
<td>Width (sq ft)</td>
<td>Street (ft)</td>
<td>Side (ft)</td>
<td>Rear (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RSF-R</strong></td>
<td>1 per 5 Ac</td>
<td>n/a</td>
<td>5 Ac</td>
<td>150</td>
<td>50 5</td>
<td>50/50 (20/25 for properties adjoining a local road)</td>
<td>10/10</td>
<td>30/10</td>
</tr>
<tr>
<td><strong>URR</strong></td>
<td>1 per 2 AC</td>
<td>n/a</td>
<td>See Sec 7.10</td>
<td>100</td>
<td>50 5</td>
<td>20/25</td>
<td>15/5</td>
<td>25/10</td>
</tr>
<tr>
<td><strong>RSF-E</strong></td>
<td>See Section 6.7</td>
<td>See Section 6.7 and 7.10</td>
<td>100</td>
<td>50 5</td>
<td>20/25 17</td>
<td>15/5</td>
<td>25/10</td>
<td>25</td>
</tr>
</tbody>
</table>

### Table 6.1.4 a

**Gateway Overlay District Density and Dimensional Requirements**

**Residential Developments** 20

<table>
<thead>
<tr>
<th></th>
<th>Min. Lot Size detached units</th>
<th>Avg. Lot Size, attached units (sq.ft.)</th>
<th>Front Yard Setback 17, 18 (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><strong>A Area</strong> 16</td>
<td>5,000 sq.ft.</td>
<td>5,000 sq.ft.</td>
<td>10/22</td>
<td>0 18 (interior side)/2 18 (exterior side)</td>
<td>10</td>
<td>35</td>
<td>8</td>
</tr>
<tr>
<td><strong>B Area</strong></td>
<td>1 acre</td>
<td>n/a</td>
<td>25/25</td>
<td>25/0 19 (interior side), 25 (exterior side)</td>
<td>25</td>
<td>35</td>
<td>1</td>
</tr>
</tbody>
</table>

### Table 6.1.4 b

**Gateway Overlay District Density and Dimensional Requirements**

**Non-Residential Developments** 20

<table>
<thead>
<tr>
<th></th>
<th>Min. Lot Size detached units</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>On-Site Parking Requirements (space/sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A Area</strong> 16</td>
<td>8,000 sq.ft.</td>
<td>15/22</td>
<td>15</td>
<td>20</td>
<td>35</td>
<td>1/2,000 sq.ft.</td>
</tr>
<tr>
<td><strong>B Area</strong></td>
<td>2 acre</td>
<td>25/25</td>
<td>25</td>
<td>50</td>
<td>35</td>
<td>1/5,000 sq.ft.</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 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 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.


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 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.
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 Landscape Standards in Appendix E.

19. Within 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.

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.
CHAPTER 6 | DENSITY & DIMENSIONAL STANDARDS

§6.2 | Measurements and Exceptions

6.2.1 | Density

A. 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). Maximum density standards shall not apply to subdivisions that are granted a density bonus under Chapter 9 of the Code.

B. 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). The Planning Director shall be authorized to approve a minimum density of up to twenty percent (20%) less than otherwise stated in Section 6.1 (using the Administrative Adjustment review and approval procedure of Section 3.11) 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.

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 lots created are a maximum lot size of one quarter acre.

Illustration 6.a (to be used as an example only)

6.2.2 | Lot Area

A. Measurement
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-way. 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) acres, or the required dedication through the Simple Land Division process will result in less than ten (10) acres.
B. Exceptions
No building permit or development approval shall be issued for a lot that does not meet the minimum lot area requirements of this Land Development Code, except in the following cases.

1. 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.

2. Detached Dwelling Unit Exemption
The minimum lot area standards of this Land Development Code shall not prohibit the construction of a detached dwelling unit on a lot 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.

6.2.3 | 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.

6.2.4 | Street Frontage
Street Frontage is measured between side lot lines along the street lot line.

6.2.5 | Setbacks
A. Measurement
Setbacks are unobstructed, unoccupied open areas, measured as follows.
1. Street Setbacks
Street setbacks shall be measured between the furthermost projection of a structure and any abutting right-of-way line. 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, street setbacks shall be measured as if a right-of-way line had been established for the street or road in accordance with Standard Specifications for Road and Bridge Construction and any applicable, most current adopted Transportation Plan.

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.

B. 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 RSF-R zone districts):

1. landscaping;
2. bay windows, not to exceed three (3) feet;
3. chimneys, not to exceed two (2) feet;
4. clothesline post;
5. driveways, curbs and sidewalks;
6. flagpoles;
7. heating and cooling units, not to exceed three (3) feet;
8. mailboxes;
9. overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed three (3) feet;
10. septic systems, wells and underground utilities;
11. signs (in accordance with Chapter 8);
12. steps, stairs or fire escapes (non-enclosed), not to exceed six (6) feet;
13. uncovered, unenclosed terraces or porches, not to exceed six (6) feet;
14. accessory buildings, within required rear setbacks only;
15. fences or walls six (6) 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
16. yard and service lighting fixtures, poles.

C. Setback Averaging

Regardless of the minimum street setback required by the underlying zoning district, 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.

1. Only the setbacks on the lots 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.
2. When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.

D. When an addition to an existing legal, nonconforming structure would not meet current setback requirements, the Planning Director may approve such addition if the following criteria are met:

1. No reasonable alternative exists for the location of the addition on the subject property; or
2. 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; and
3. The addition would not encroach in any required street setback or garage setback; and
4. The addition would not encroach on any existing easement.
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 square footage of impervious cover by the square footage of the lot.

\[
\text{Lot Coverage} = \frac{\text{Impervious Surface Area}}{\text{Lot Area}}
\]

6.2.7 | 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.

\[
\text{Floor Area Ratio} = \frac{\text{Gross Floor Area}}{\text{Lot Area}}
\]

6.2.8 | Height
Measuring Building Height

A. 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:

1. the average height level between the eaves and ridge line of a gable, hip or gambrel roof;
2. the highest point of a mansard roof; or
3. the highest point of the coping of a flat roof.

B. Exceptions
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. 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 percent (33 1/3%) of the area of the roof.

§6.3 | AFT District Density

6.3.1 | 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 Rural Master Plan Area, the County has adopted the provisions of this section to govern average lot sizes in the AFT Zoning District.

6.3.2 | Average Lot Size (Density) Criteria
The density allowed in a Major Subdivision within the AFT Zoning District shall be no more than an average of one lot per five (5) acres, based on the approval criteria for a concept plan in Section 3.6.3 and shall 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. In all cases in R/A 17 and R/A 10 classifications where a density bonus is requested, Section 6.3.3 shall be followed.

6.3.3 | Incentive Based Subdivisions

A. 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 areas would allow (i.e. R/A 17/9 and R/A 10/5 areas on the Future Land Use Map).
B. Eligibility:
   To qualify for an Incentive-Based Subdivision, the property must be located in the areas 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.)

C. Goals:
   1. 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.
   2. Encourage grouping of new lots to protect the rural character of the area.
   3. Encourage subdivision design which is considerate of the specific site, and
   4. Provide additional infrastructure to outlying areas to accommodate growth.

D. Process
   The Major Subdivision application process is followed. 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 criteria in E below.

E. Approval Criteria
   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).

<table>
<thead>
<tr>
<th>Density by Design Toolbox</th>
<th>Points Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Provisions</td>
<td></td>
</tr>
<tr>
<td>Fire Flow:</td>
<td></td>
</tr>
<tr>
<td>1 Fire flow (minimum 6&quot; line) is provided to the property -- no extension of water line is required to the property line.</td>
<td>40</td>
</tr>
<tr>
<td>2 Water line (minimum 6&quot; line) accepted by the fire and water districts to provide fire flow is extended to the site a distance of 1/2 mile or less.</td>
<td>50</td>
</tr>
<tr>
<td>3 Water line (minimum 6&quot; line) accepted by the fire and water districts to provide fire flow is extended to the site a distance more than 1/2 mile.</td>
<td>60</td>
</tr>
<tr>
<td>Reservation for Future Development</td>
<td></td>
</tr>
<tr>
<td>4 A portion of the site is reserved in a single larger building lot. A site plan will be provided to show options for future development, access and circulation. These areas may not be overlapped with areas protected for wildlife preservation. Points earned under Item 6 below may be substituted for this item.</td>
<td></td>
</tr>
</tbody>
</table>
### Density by Design Toolbox

<table>
<thead>
<tr>
<th>Density by Design Toolbox</th>
<th>Points Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>40% of the site is reserved for future development until applicable revision or amendment of the Master Plan.</td>
<td>40</td>
</tr>
<tr>
<td>45% of the site is reserved for future development until applicable revision or amendment of the Master Plan.</td>
<td>45</td>
</tr>
<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

<table>
<thead>
<tr>
<th>Provision</th>
<th>Points Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>The reserve building lot or preserved land is adjacent to agricultural land on neighboring platted subdivisions.</td>
<td>20</td>
</tr>
<tr>
<td>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.)</td>
<td>40</td>
</tr>
<tr>
<td>40% of the site is preserved.</td>
<td>40</td>
</tr>
<tr>
<td>45% of the site is preserved.</td>
<td>45</td>
</tr>
<tr>
<td>50% of the site is preserved.</td>
<td>55</td>
</tr>
<tr>
<td>55% or more of the site is preserved.</td>
<td>60</td>
</tr>
<tr>
<td>The reserve building lot or preserved land contains 90% or more land area that is agriculturally productive.</td>
<td>20</td>
</tr>
</tbody>
</table>

#### Wildlife Corridors and Habitat

<table>
<thead>
<tr>
<th>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.)</th>
<th>Points Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total area in conservation:</td>
<td></td>
</tr>
<tr>
<td>5 acres or less</td>
<td>20</td>
</tr>
<tr>
<td>5.1 – 10 acres</td>
<td>25</td>
</tr>
<tr>
<td>10 – 20 acres</td>
<td>30</td>
</tr>
<tr>
<td>20+ acres</td>
<td>35</td>
</tr>
<tr>
<td>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 so that ridgeline standards in the Code are met.</td>
<td>10</td>
</tr>
<tr>
<td>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.</td>
<td>20</td>
</tr>
<tr>
<td>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.</td>
<td>10</td>
</tr>
<tr>
<td>Subdivision covenants allow a mix of home sizes starting at 1500 square feet.</td>
<td>10</td>
</tr>
<tr>
<td>The reserve building lot or preserved land is adjacent to a designated reserve building lot or preserved land in an adjacent platted subdivision.</td>
<td>10</td>
</tr>
</tbody>
</table>

#### Public/Private Amenities (see standards for optional provisions, below)

<table>
<thead>
<tr>
<th>Public/Private Amenities</th>
<th>Points Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xeriscape landscaping is installed in all common areas per Tri-River Extension Service guidelines.</td>
<td>10</td>
</tr>
<tr>
<td>Shared driveways are paved and dedicated to the HOA (Homeowners Association) for private maintenance.</td>
<td>40</td>
</tr>
<tr>
<td>Connecting right-of-way is acquired and a road is built through adjacent property(ies) to complete transportation corridors or enhance the development.</td>
<td>30</td>
</tr>
</tbody>
</table>
## Density by Design Toolbox

<table>
<thead>
<tr>
<th>Points Available</th>
<th>Density by Design Toolbox</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>The developer records covenants which require xeriscaping around the homes.</td>
</tr>
<tr>
<td>18</td>
<td>Public access is provided to public lands and open space as approved by the public lands manager.</td>
</tr>
<tr>
<td>19</td>
<td>A school bus (or transit bus) shelter is constructed to serve the development or neighborhood.</td>
</tr>
<tr>
<td>20</td>
<td>Landscaping is provided by the developer at the entrance to the subdivision.</td>
</tr>
<tr>
<td>21</td>
<td>A pedestrian path or sidewalk is provided on all internal public streets.</td>
</tr>
<tr>
<td>22a</td>
<td>Foot paths are constructed within an outlot and serve as many parcels as physically possible leading to external roadways or common areas.</td>
</tr>
<tr>
<td>22b</td>
<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>
</tr>
<tr>
<td>23</td>
<td>Active recreational facilities are provided by the developer for common use by the development's residents.</td>
</tr>
<tr>
<td>24</td>
<td>An Energy Star rating will be attained in every home in the development.</td>
</tr>
<tr>
<td>25</td>
<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 designed 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>
</tr>
<tr>
<td>26</td>
<td>The developer records covenants requiring weed-free maintenance of lots and compliance with Mesa County Policies regarding junk storage and weed management.</td>
</tr>
<tr>
<td>27</td>
<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>
</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.

## Standards for Optional Provisions

<table>
<thead>
<tr>
<th>Tool box #</th>
<th>Standards for Optional Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>The reserve building lot within an adjacent subdivision will 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 floodplain/floodway corridors will be labeled on the recorded site plan and recorded plat as outlots.</td>
</tr>
<tr>
<td>10</td>
<td>The 200-feet 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>Tool box #</td>
<td>Standards for Optional Provisions</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>15</td>
<td>Shared driveways are paved with asphalt or concrete instead of a treated gravel surface. Maintenance is the responsibility of the HOA.</td>
</tr>
<tr>
<td>17</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>Trailhead parking is provided with an all-weather surface.</td>
</tr>
<tr>
<td>19</td>
<td>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.</td>
</tr>
<tr>
<td>20</td>
<td>Irrigation is provided so the landscaping can be maintained. In areas where irrigation water is not available, dry landscape designs will be considered.</td>
</tr>
<tr>
<td>21</td>
<td>A detached walkway is acceptable (8’ wide concrete). If curb and gutter is installed, an attached sidewalk may be used also.</td>
</tr>
<tr>
<td>22</td>
<td>Foot paths are bladed, compacted and surfaced with either gravel or mulch or equivalent after killing weed growth and are at least 4 feet wide. They are designated as outlots dedicated to and maintained by the HOA. Their purposes are 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.</td>
</tr>
<tr>
<td>23</td>
<td>Facilities are built for common use on a minimum 1 acre tract, e.g. playgrounds, sports fields, stables and corrals, lakes for fishing or boating. These areas will be counted toward the reserve acreage (see #4). Provisions must be made for future maintenance by the homeowners.</td>
</tr>
<tr>
<td>24</td>
<td>A note requiring the Energy Star rating on all new home construction will be placed on the recorded site plan. The builder will arrange for an inspection from a private company to certify the Energy Star Rating for each home. The certification is required before a Certificate of Occupancy is released. Covenants recorded with the plat shall identify the Energy Star rating requirement.</td>
</tr>
<tr>
<td>27</td>
<td>A note on the recorded site plan shall be required, stipulating that the Historic Resource will be protected and that all alterations, additions and new construction on the property containing the historic resource will be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. A preservation plan may be required if determined necessary to protect the Historic Resource.</td>
</tr>
</tbody>
</table>

6.3.4 | Rural Cluster Density Bonus Standards

If an AFT Major Subdivision is designed as a Cluster Development the following standards apply:

A. 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:

1. 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;
2. the units shall be clustered to preserve at least fifty percent (50%) of the site in open space;
3. the protected open space shall include any Prime or Prime and Unique agricultural lands and shall be located in areas adjacent to any existing agricultural operations;
4. prior to any construction, such open space shall be preserved for a period of not less than forty (40) years by the recording of a conservation easement or deed restriction; and
5. 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 (see Section 1.6) and
wildlife habitat protection policies. Each group of clustered lots shall be separated from one another by protected open space.

B. Lot Sizes
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.

C. 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.

1. 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.

2. 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).

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

6.3.5 | Exemptions
Projects in the AFT zone districts eligible to use the Administrative Review procedures of Section 3.5 shall be exempt from review under the criteria set forth in this Section 6.3, with the exception of Minor Subdivisions, which shall be required to meet the density criteria of Section 6.3.2.

§6.4 | 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.

6.4.1 | Flagpole Lots
Flagpole lots shall be allowed in all Rural and Urban Residential zoning districts in accordance with the standards of this subsection.

A. 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.

B. 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.

C. Lot Area Calculation
The area of the flagpole may not be counted as part of the lot area.
D. 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.

6.4.2 | Attached Single-Family
Attached single-family development shall be allowed in accordance with the Use Table of Section 5.1, subject to the following standards.

A. 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.

B. 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.

C. Number of Units
In the RSF-4 and more restrictive districts, no single structure may contain more than eight dwelling units.

6.4.3 | Zero Lot Line
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.

A. 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.

B. Review and Approval
Review for compliance with the standards of this section shall occur during the platting process. Restrictions that assure the minimum distance between houses 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.

C. 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 setback adjacent to lots that are not part of the zero lot line project, development, or subdivision.

D. Additional Standards
1. 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 of each applicable lot to ensure continued compliance with this setback.

2. 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.

3. 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 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.

4. 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.

6.4.4 | Cluster Developments
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 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.

A. 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 Mesa County Master Plan, facility adequacy, and site-specific conditions. All lots utilizing Onsite Wastewater Treatment Systems (OWTS) shall meet the OWTS standards as determined by Section 7.10 of the Land Development Code.

B. 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.

C. Structures on the clustered lots must comply with the Dimensional Standards in Table 6.1 (Table of Density and Dimensional Standards) applicable to the Zoning District that allows the minimum lot size in the Cluster Development (e.g., if the clustered development minimum lot size is four...
CHAPTER 6 | DENSITY & DIMENSIONAL STANDARDS

thousand (4,000) square feet, the setbacks and other dimensional standards for the RMF-16 Zoning District apply).

D. 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.

§6.5 | 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:

A. 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.)

B. 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. All Reserve Lots shall be sized to allow redevelopment in the future and shall have direct access to public right-of-way.

C. The maximum allowed subdivision density for the application shall be calculated by dividing the gross acreage within the application by two (2) (the lowest number of acres per unit allowed in the URR zone district).

D. Land in agricultural production shall be located in the Reserve Lot(s) to the greatest extent possible.

E. 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.

F. Trail easements/outlots 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 easements. Such trails are not required to be constructed. If the municipality does not accept the easement or outlot, then the easement or outlot will be dedicated to the homeowners association. All trails within the development shall be constructed with adequate compacted road base (or similar material acceptable to the Planning Director) as a minimum standard.

G. 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 this 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).

H. Drainages, wildlife corridors, floodplain and flood prone areas, streams and other sensitive areas governed by Chapter 7 shall be preserved in outlot(s). The proportion of sensitive lands contained within the reserve area shall be no greater than the proportion of sensitive lands within the overall application site. The Planning Director shall have the ability to consider a variance if necessary.

I. A site plan shall be provided to show options for access, utility corridors and circulation for future redevelopment of the Reserve Lot(s).

J. 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. If the drainage
area is to be common area useful for recreation, it may be counted as part of the Reserve lot, provided owners of the Reserve lot and owners of the re-subdivided Reserve lot will have access to it.

K. 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.

L. An irrigation plan will be provided that addresses construction and maintenance of supply and tail water ditches. Instructions for maintenance of the irrigation system and the irrigation plan shall be recorded at the same time as the final plat.

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. The Master Plan may be requested to be amended to allow more urban density, and a rezone application may be processed if the amendment is approved; or the property shall be annexed to a municipality.

Within one year of adoption of the municipalities’ comprehensive plans, the redevelopment potential of the reserve lot(s) will be re-evaluated as part of this Section. 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 provide the maximum allowed subdivision density allowed in the URR zone district for the recorded URR subdivision. If the number of lots requested exceeds the maximum allowed subdivision density in the URR zone district, a Master Plan Amendment may be requested to redevelop consistent with adopted Policies and a rezone application shall be required in accordance with the criteria in Chapter 3."

§6.6 | Non-Residential Subdivisions

The following standards may allow subdivision lots to be less than the minimum lot size as defined in Table 6.1.1 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. 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.

B. Pedestrian connections shall be provided for developments as defined in the Master Plan.

C. 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.

D. 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 or 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.

E. Parking and circulation areas shall not be separate tracts.

F. Lots shall be of sufficient size to accommodate requirements of this Code, including but not limited to those in Chapters 5, 6 & 7.

§6.7 | RSF-E District Density

6.7.1 | 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 the provisions of this section to govern density and minimum lot sizes in the RSF-E Zoning District.
6.7.2 | Maximum Density and Minimum Lot Size Criteria
The 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).

Table 6.7.1 | Estate Future Land Uses Summary

<table>
<thead>
<tr>
<th>Future Land Use Classification</th>
<th>Density / Min. lot size</th>
<th>Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estate</td>
<td>1-3 acres / 1 acre</td>
<td>Grand Junction Comprehensive Plan</td>
</tr>
<tr>
<td>Estate</td>
<td>2-5 acres / 2 acres</td>
<td>Loma/Mack Area Plan</td>
</tr>
<tr>
<td>Estate</td>
<td>2-5 acres / 2 acres</td>
<td>Loma Community Plan</td>
</tr>
<tr>
<td>Rural Single Family – Estate</td>
<td>2 acres / 2 acres</td>
<td>Rural Master Plan</td>
</tr>
<tr>
<td>Rural Estate 3</td>
<td>3 acres / 1 acre</td>
<td>Rural Master Plan</td>
</tr>
</tbody>
</table>
The standards in this Chapter apply to all new development unless otherwise stated.

§7.1 | Off-Street Parking

7.1.1 | General

A. Applicability

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 percent (75%) of minimum ratio established in Section 7.1.2.

B. 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.

7.1.2 | 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 the applicable standard addresses 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>See The Handbook for Standards</td>
</tr>
<tr>
<td>Group Living</td>
<td>Boarding/Rooming Houses</td>
<td>1 per rooming unit</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 tandem) spaces per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>Multi-Family</td>
<td>2.2 per unit</td>
</tr>
<tr>
<td>Use Categories</td>
<td>Specific Uses</td>
<td>Minimum Number of Spaces (See Section 7.1.3 for Measurement Rules)</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------------</td>
<td>--------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>College</td>
<td></td>
<td>1 per 2 students</td>
</tr>
<tr>
<td>Community Services</td>
<td>Community Center</td>
<td>1 per 250 square feet or 1 per 4 patrons, whichever results in more spaces</td>
</tr>
<tr>
<td>Day Care</td>
<td></td>
<td>1.5 per employee + drop-off/pick-up area</td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
<td>1 per 2 beds + 1 per employee</td>
</tr>
<tr>
<td>Parks and Open Areas</td>
<td>Golf Course</td>
<td>6 spaces per hole</td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td>20 spaces per athletic field or ball diamond or whichever results in more spaces</td>
</tr>
<tr>
<td>Religious Institutions</td>
<td></td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Safety Service</td>
<td></td>
<td>1 per employee</td>
</tr>
<tr>
<td>Schools</td>
<td>Elementary and Junior Highs</td>
<td>2 per classroom</td>
</tr>
<tr>
<td></td>
<td>High Schools</td>
<td>1 per 4 students</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Recreation and</td>
<td>Driving Range</td>
<td>1 per tee</td>
</tr>
<tr>
<td>Entertainment, Outdoor</td>
<td>Minor Entertainment Events</td>
<td>1 per 2 customers + space for musicians and servers at the events</td>
</tr>
<tr>
<td></td>
<td>Miniature Golf</td>
<td>2 per hole</td>
</tr>
<tr>
<td>Retail Sales and</td>
<td>Bars/Nightclubs</td>
<td>1 per 2 persons</td>
</tr>
<tr>
<td>Service</td>
<td>Banks (Branch and Drive-In)</td>
<td>1 per 300 square feet + required stacking spaces for drive-through</td>
</tr>
<tr>
<td></td>
<td>Bowling Alleys</td>
<td>4 per lane</td>
</tr>
<tr>
<td></td>
<td>Clubs/Lodges</td>
<td>1 per 3 persons</td>
</tr>
<tr>
<td></td>
<td>Convenience Store</td>
<td>1 per 100 square feet</td>
</tr>
<tr>
<td></td>
<td>Hotels/Motels</td>
<td>1 per room + 75 percent of spaces required for other associated uses (e.g., restaurants, bars, office, meeting areas)</td>
</tr>
<tr>
<td></td>
<td>Funeral Home/Mortuary</td>
<td>1 per 4 seats</td>
</tr>
</tbody>
</table>
## CHAPTER 7 | DEVELOPMENT STANDARDS

### Land Development Code

#### (Effective May 2000) Last Revised October 2018

<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>
<th>Bicycle Spaces See The Handbook for Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Vehicle Spaces</td>
<td>Bicycle Spaces</td>
</tr>
<tr>
<td>Retail Sales and Service</td>
<td>Restaurants</td>
<td>1 per 3 seats</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td></td>
<td>Shopping Centers</td>
<td>1 per 200 square feet</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td></td>
<td>Less than 15,000 sq. ft.</td>
<td>1 per 250 square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15,000 to 400,00 sq. ft.</td>
<td>1 per 225 square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>400,000 to 600,000 sq. ft.</td>
<td>1 per 200 square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>600,000 + sq. ft.</td>
<td>1 per 200 square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>With Theater</td>
<td>add 1 per 4 seats</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Theaters</td>
<td>1 per 4 seats</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td></td>
<td>Vehicle Sales</td>
<td>spaces equal to 10 percent of vehicle display area</td>
<td>N/A</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 200 square feet (includes employee parking)</td>
<td>1 per 10 vehicle spaces</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 400 square feet (includes employee parking)</td>
<td>1 per 20 vehicle spaces</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>
</tr>
<tr>
<td>Self-Service Storage</td>
<td></td>
<td>1 per 8 storage units</td>
<td>N/A</td>
</tr>
<tr>
<td>Vehicle Repair</td>
<td></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>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Car Wash, Full-Service</td>
<td>10 per bay</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Service Stations</td>
<td>4 per service bay + required stacking spaces</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Other Limited Vehicle Service</td>
<td>2 per service bay + 1 per employee</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Use Categories

<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></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum Number of Spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Service</td>
<td>1.1 per employee</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Manufacturing and Production</td>
<td>1.1 per employee</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Warehouse and Freight Movement</td>
<td>1 per 1.5 employees, or 1,000 square feet, whichever results in more spaces</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Waste-Related Use</td>
<td>1.1 per employee</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Wholesale Sales</td>
<td>1.1 per employee</td>
<td>1 per 20 vehicle spaces</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></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>

#### 7.1.3 | Rules for Computing Parking Requirements

The following rules apply when computing off-street parking requirements.

A. Multiple Uses
   Lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses.

B. 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.

C. Area Measurements
   Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area.

D. 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.

Land Development Code (Effective May 2000) Last Revised October 2018
E. Unlisted Uses
Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning Director shall apply the off-street parking standard specified for the listed 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.

7.1.4 | 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 must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Public Works Department and should include other reliable data collected from uses or combinations of uses that are the same as 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 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 uses on the site plan. After reviewing the parking study, the Public Works Department shall establish a minimum off-street parking standard for the proposed uses 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.

7.1.5 | 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 and duplex dwellings may be located in driveways.

7.1.6 | 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.

A. Number of Spaces
The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling the overall off-street parking standards.
### Minimum Handicap Accessible Parking Space Determination Table

<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>

#### B. 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:

1. **Car-Accessible Spaces**
   - Car-accessible spaces shall have at least a five (5) foot wide access aisle located adjacent to the designated parking space.

2. **Van-Accessible Spaces**
   - Van-accessible spaces shall have at least an eight (8) foot wide access aisle located adjacent to the designated parking space.

#### C. 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.

#### D. 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.

### 7.1.7 | Parking Area Layout and Design

#### A. Parking Area Dimensions

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.

<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>8.0</td>
<td>22.0</td>
<td>12</td>
</tr>
<tr>
<td>30°</td>
<td>9.0</td>
<td>18.0</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td>18.0</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>10.0</td>
<td>20.0</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>8.5</td>
<td></td>
<td>13</td>
</tr>
</tbody>
</table>
CHAPTER 7 | DEVELOPMENT STANDARDS

Parking Dimension Table

<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>45°</td>
<td>9.0</td>
<td>20.0</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>60°</td>
<td>8.5</td>
<td>21.0</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>9.0</td>
<td></td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td></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>9.0</td>
<td></td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td></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>9.0</td>
<td></td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>9.5</td>
<td></td>
<td>24</td>
</tr>
</tbody>
</table>

B. 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 inches (24”).

C. Paving and Striping

1. 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.

2. 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.

D. Circulation
All required off-street parking areas shall be designed to provide safe, efficient circulation for vehicles and pedestrians.

1. Traffic Islands

   a. Traffic Islands are required at the ends of all rows of parking.

   b. 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.

   c. No more than fifteen (15) spaces may be placed in a row without an island.

   d. Traffic islands must be landscaped per the requirements of Section 7.2. Parking lot design is subject to the Flexible Landscape Point System.

2. Circulation Routes

   a. 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.

   b. When an individual parking area is adjacent to another individual parking area, the design shall accommodate a cross-connection between them if possible.
CHAPTER 7 | DEVELOPMENT STANDARDS

Land Development Code (Effective May 2000) Last Revised October 2018

Zero (0) Degree Parking | Paralleled Parking

30 Degree Parking

45 Degree Parking

60 Degree Parking

75 Degree Parking

Perpendicular 90 Degree Parking

Parking Area Layout Design

NOTE: These drawings are not to scale.
7.1.8 | 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 standards.

A. Stacking Space Schedule
The minimum number of stacking spaces required 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>Determined by Public Works Department based on 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.

B. Design and Layout
Stacking spaces shall be subject to the following design and layout standards.

1. Stacking spaces shall be a minimum of eight feet by twenty-five (25) feet in size.

2. Stacking spaces shall be designed so to not impede on-site and off-site traffic movements or movements into or out of parking spaces.

3. Stacking spaces shall be separated from other internal driveways and pedestrian circulation areas by raised medians, as deemed necessary by the Public Works Department for traffic movement or safety.

7.1.9 | 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 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.

A. Procedures

1. Small Reductions
Alternative Parking Plans that propose a reduction of no more than twenty-five percent (25%) or twenty-five percent (25%) parking spaces 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
   Alternative Parking Plans that propose a reduction of more than twenty-five percent (25%) or more than twenty-five percent (25%) 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.

B. 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.

C. 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, if the applicant demonstrates to the satisfaction of the decision-making body that the proposed plan will do at least as good of job protecting surrounding neighborhoods, maintaining traffic circulation patterns and promoting quality urban design that strict compliance with otherwise applicable off-street parking standards would yield.

   1. 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.

   2. 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:

         a. an automobile shall be retrievable from its parking space with the movement of a maximum of two (2) additional vehicles; and

         b. 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.

   3. 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 standards of this Section.

         a. Required Study
            The applicant must submit a study approved by the Public Works Department that clearly indicates the types of transportation management activities and measures proposed.

         b. 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 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.
CHAPTER 7 | DEVELOPMENT STANDARDS

(1) Posting and Distribution of Information
The distribution and posting of information from transit agencies and other sources of alternative transportation may be cause for a reduction in otherwise applicable off-street parking requirements.

(2) 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.

(3) 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 7:00–9:00 a.m.

(4) 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.

(5) 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.

4. Off-Site Parking
Off-street 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 the all of following standards.

a. 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.

b. Location
No off-site parking space may be located more than three hundred (300) feet 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.

c. Zoning Classification
Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

d. Agreement for Off-Site Parking
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 recording 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.
5. 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 all of the following standards.

a. Location

Shared parking spaces must be located within three hundred (300) feet of the primary entrance of all uses served.

b. Zoning Classification

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

c. 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.

d. 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.

6. Recordation of Approved Plans

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. 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.

§7.2 | 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. In no case would requirements be considered additive.

7.2.1 | Urban Zoning Districts, Rural Communities, and Permitted Uses

This Section 7.2 applies to all new development and Site Plan reviews within the Urban Zoning Districts and all Rural Communities, 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 Planning Director. 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 may apply. The Mesa County Landscape Handbook contains helpful information, resources, and graphic illustrations.

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.

1. Street and Road Frontage
Street trees and plantings shall be required for all new development in order to reduce heat, dust, and 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.

2. 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, adequate to block headlights 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.

a. 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.

b. Interior Landscape Islands
Interior landscape islands shall be required as set forth in Table 7.2.A.
Table 7.2.A Interior Parking Lot Island Requirements

<table>
<thead>
<tr>
<th>WHERE REQUIRED</th>
<th>MINIMUM SIZE</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>At end of all rows of parking.</td>
<td>8.5’ Minimum dimension</td>
<td>1. Curb required.</td>
</tr>
<tr>
<td>No more than 15 cars in a row between islands.</td>
<td>150 square feet minimum area: permeable surface excluding curb</td>
<td>2. For the purpose of the tree requirement, interior landscape islands are defined as those surrounded on more than 2 sides by parking or parking lot circulation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. May be designed to accommodate storm water collection.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Plant materials no greater than 4’ in height allowed, except deciduous trees. Shrubs shall be maintained at 30” or lower where visibility of oncoming vehicles is a concern. Large Tree canopy shall be maintained no lower than 6’ above grade.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. For planting requirements and options see Flexible Point System Chart B</td>
</tr>
</tbody>
</table>

3. 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 hillsides and natural drainages. Open space, as required per Section 7.5.2, 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.

4. Public Right-of-Way
   a. All new development adjacent to any urban public right-of-way shall propose an appropriate combination of tree, shrub, and groundcover 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.
   b. Plant materials within the required visibility zone shall be no greater than thirty inches (30”) high when mature.
   c. 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.
   d. 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.

5. Buffer, Landscape Strip, and Screening
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 ADJACENT TO (Land Use/Zoning):</th>
<th>BASELINE REQUIREMENTS</th>
<th>EXCEPTIONS &amp; NOTES</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Subdivision Street or Right-of-Way</td>
<td>Where rear and side lots abut street frontage: 10’ Landscaped Strip with Structural Screen. Structural Screen options are found within the Flexible Landscape Point System Chart A. The design must be completed in coordination with utility providers.</td>
<td>Single family/two (2) family residential homes are exempt from any landscape requirement.</td>
<td>Flexible Points Chart A</td>
</tr>
<tr>
<td>Parking Lot including vehicular circulation lanes Any Use</td>
<td>6’ Landscaped Strip between parking lot and adjacent property</td>
<td>All new parking lots are subject to a minimum 6’ landscaped strip unless more restrictive buffer requirements herein apply. Cross connections between parking lots are required where possible.</td>
<td>Section 7.2.1, Flexible Points Chart B</td>
</tr>
<tr>
<td>Parking Lot Street or Right-of-Way</td>
<td>10’ Landscaped Strip, behind the public right-of-way for the entire frontage with minimum design height of 30”</td>
<td>Access driveways are deducted from the linear footage of the frontage. Sight triangle must be clear of visual obstructions taller than 30”.</td>
<td>Section 7.2.1, Flexible Points Chart B</td>
</tr>
<tr>
<td>Industrial or High Impact Commercial (with outdoor storage OR requiring Level 2 or higher Transportation Impact Study) Residential or Institutional</td>
<td>20’ Landscaped Buffer with Structural Screen of a length sufficient to render compatibility problems no longer significant. Planting shall be oriented to the benefit of the new development. Structural screen and design options are found within the Flexible Landscape Point System Chart E. Loading docks must be set back a minimum of 50’ from any property line (20’ buffer is within the 50’ setback).</td>
<td>If lower intensity property is developed last, the 20’ buffer is waived but the structural screen must be built.</td>
<td>Flexible Points Chart E</td>
</tr>
<tr>
<td>Multi-story Multi-family Residential (Greater than 40’ in height) Single Family Residential Subdivision</td>
<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.</td>
<td>If Single-Family property is developed last, the 20’ buffer is waived.</td>
<td>Flexible Points Chart E</td>
</tr>
<tr>
<td>Low Impact Commercial (requiring Level 1 TIS) Residential or Institutional</td>
<td>10’ Landscaped Strip with a Structural Screen of a length sufficient to render compatibility problems no longer significant. Planting shall be oriented to the benefit of the developer. Structural screen options are found within the Flexible Landscape Point System Chart E.</td>
<td>If lower intensity property is developed last, the 10’ buffer is waived but the structural screen must be built.</td>
<td>Flexible Points Chart E</td>
</tr>
<tr>
<td>Outdoor storage &amp; trash collection areas including low volume delivery receiving areas Any Use</td>
<td>6’ Landscaped Strip with a 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 E.</td>
<td>Loading docks or receiving areas that accept tractor-trailers or large box trucks are subject to more restrictive requirements herein.</td>
<td>Section 7.4, Flexible Points Chart E</td>
</tr>
</tbody>
</table>
Table 7.2.B Buffer, Landscape Strip, & Screening Requirements

In all cases, **NEW DEVELOPMENT** is responsible for providing the following:

<table>
<thead>
<tr>
<th>Alternative Solutions: in consideration of extraordinary lot size, configuration, topography, or circumstance</th>
<th>Applicant to make a proposal that meets the intent of this Section.</th>
<th>Planning Director's approval</th>
</tr>
</thead>
</table>

**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.

**B. 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)
- **Chart B:** Parking lot of six (6) parking spaces or more
- **Chart C:** Common Open Space as required by Section 7.5.2
- **Chart D:** Detention facilities
- **Chart E:** Buffer, per Table 7.2.B.
- **Chart F:** Dry Landscapes; to be used in conjunction with other charts
CHAPTER 7 | DEVELOPMENT STANDARDS

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.

| 5-6’ Privacy Fence, at least 75% of frontage | 5 |
| 5-6’ Wall, at least 75% of frontage | 20 |
| Upgrade of Wall or Fence: undulating or with bump-outs; may encroach on multi-purpose easement by up to 4’ to allow design flexibility | 10 |
| Upgrade of Wall or Fence: Decorative Pilasters or Features added to the entire length | 10 |
| 4’ Fence or Lower and/or Open Rail, with continuous plantings | 15 |
| Berm used with planting, fence, or wall with minimum combined design height of 6’ | 10 |

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.

| 6’ or wider, attached | 5 |
| 6’ or wider, detached (at least 5’ from back of curb, parallel or meandering) | 15 |
| Pavement upgrades: i.e. textures or colors as approved | 10 |

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)

| Medium Tree, 1 for every 30’ of frontage | 10 |
| Large Tree, 1 for every 40’ of frontage | 10 |
| For Xeric Designs: 1 Small and/or Evergreen Tree for every 30 feet of frontage | 10 |
| Use of large-caliper trees (applies if ALL required trees at least 1” above minimum) | 10 |
CHAPTER 7 | DEVELOPMENT STANDARDS

Additional Tree (any type) | 1 for each tree

**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*

<p>| | |</p>
<table>
<thead>
<tr>
<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>
</tr>
<tr>
<td>B. #5 container size, at density to attain 40% bed coverage after 3 years</td>
<td>10</td>
</tr>
<tr>
<td>C. For Xeric Designs: #2 container size or larger to attain 30% coverage after 3 years</td>
<td>10</td>
</tr>
<tr>
<td>Additional Shrubs: for each 2% additional coverage</td>
<td>1 for each 2%</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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></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>
<tr>
<td>Use of “Water Sense” Certified Smart Irrigation Controller</td>
<td>10</td>
</tr>
</tbody>
</table>

**Use of Turf in Landscape Strips 10’ 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>-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)**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></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

Land Development Code (Effective May 2000) Last Revised October 2018
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)**

| 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. **Site Design (Minimum 0 points, Maximum 45 points)**

| 75% or more of the parking spaces located to the rear or side of the building | 25 |
| 50% or more of the parking spaces located to the rear or side of the building | 15 |
| 75% or more of the parking spaces located between building and street frontage | -5 |
| 100% of the parking spaces located between building and street frontage | -10 |
| Provision of protected pedestrian route from public right-of-way to building | 10 |
| Provision for public transit (Bus Stop) where applicable | 10 |
| Use of permeable pavement for majority of parking lot | 10 |

**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.

3. **Size of Planting Islands (Minimum 0 points, Maximum 50 points)**

**Interior Landscape Islands (minimum 8.5’ wide where required per Table 7.2.A)**

| 10’ wide landscape islands (all islands) | 5 |
| 12’ wide landscape islands (all islands) | 10 |
| Additional interior landscape islands meeting Table 7.2.A. | 5 per island |

**Perimeter Planting Beds (per Table 7.2.B)**

| Additional 2’ width of planted bed (at least ½ of the perimeter) | 15 |
| Additional 4’ width of planted bed (at least ¼ of perimeter) | 25 |

4. **Trees: Interior and Perimeter Planting Beds (Minimum 10 points, Maximum 20 points)**

**Trees: Interior Landscape Islands (where islands exist, choose A, B, or C)**

| A. Large Tree: Min. 1 tree per island. No less than 1 tree per 250 s.f. for larger islands. | 5 |
B. Medium Tree: Min. 2 trees per island. No less than 2 trees per 250 s.f. for larger islands. 5
C. For Xeric Designs: Min. 3 Small Trees per island. No less than 3 per 250 s.f. for larger islands. 5

Trees: Perimeter Planting Beds (MUST choose A, B, or C)
A. Large Tree: 1 for every 40 linear feet 10
B. Medium Tree or Evergreen Tree: 1 for every 30 linear feet 10
C. For Xeric Designs: 1 Small Tree and/or Evergreen Tree for every 30 linear feet 10

Trees: Other
Additional individual tree anywhere in parking lot 1 per tree
Use of large-caliper trees (applies if ALL required trees at least 1” above minimum) 10

**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
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 10
Additional Shrubs: for each 2% additional coverage 1 for each 2%
Foundation Plantings to attain 50% coverage in bed after 3 years 5

**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 F, 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
40% of total area of planted beds in a design 10
60% of total area of planted beds in a design 15
80% of total area of planted beds in a design 25
100% of total area of planted beds in a design 35
Use of “Water Sense” Certified Smart Irrigation Controller 10

**Use of Turf** in Landscape Strips ten (10’) feet or greater in any dimension (% of total landscape area)
Use of low-water-consumption grasses for all specified turf areas 5
No turf 15
Less than 20% turf (any type) 5
20-39% high-water-consumption grasses 0
### 7. Maintenance (Minimum 0 points, Maximum 5 points)

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</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>

**NOTE I:** 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 J:** Turf is not allowed in any bed less than 10’ in any dimension.

| 40% or more high-water-consumption grasses (not applicable to parks or detention areas) | -20    |
CHAPTER 7 | DEVELOPMENT STANDARDS

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>Item</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>1-3’ Retaining wall/raised planter of significant size</td>
<td>15</td>
</tr>
<tr>
<td>Parkway-style entry design with center island as an outlot</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>Item</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>Shrubs: #5 container size, at density to attain 30% bed coverage after 3 years</td>
<td>5</td>
</tr>
<tr>
<td>Shrubs: #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.
CHAPTER 7 | DEVELOPMENT STANDARDS

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 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 beds: 10% of total area of detention basin and bank</td>
<td>5</td>
</tr>
<tr>
<td>Planted beds: 11-20% of total area of detention basin and bank</td>
<td>10</td>
</tr>
<tr>
<td>Planted beds: 21-30% of total area of detention basin and bank</td>
<td>15</td>
</tr>
<tr>
<td>Trees: 3 or more Large or Medium Trees planted in vicinity of detention basin</td>
<td>5</td>
</tr>
<tr>
<td>Use of low-water-consumption grasses in at least 50% of detention area</td>
<td>10</td>
</tr>
<tr>
<td>Use of planted berm around at least 50% of basin</td>
<td>15</td>
</tr>
<tr>
<td>Use of open (see-through) fencing other than chain-link</td>
<td>5</td>
</tr>
</tbody>
</table>

3. **Detention Bank Slopes** (Minimum slope: three percent (3%) from inlet to outlet to ensure positive drainage)

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any slopes steeper than thirty-three percent (33% or 3:1) without a wall</td>
<td>0</td>
</tr>
<tr>
<td>Use of retaining wall to enhance or allow flatter slopes within the banks and basin</td>
<td>10</td>
</tr>
<tr>
<td>No slopes steeper than twenty-five percent (25% or 4:1) other than a wall</td>
<td>5</td>
</tr>
<tr>
<td>At least one significant slope ten percent (10% or 10:1) or flatter, for use as passive/recreational park</td>
<td>10</td>
</tr>
<tr>
<td>Designed with large area with slopes between three and five percent (3-5% or 20:1) for recreational/sports field use</td>
<td>15</td>
</tr>
</tbody>
</table>

4. **Creative Detention Solutions**

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dispersed detention by use of multiple smaller ponds within landscape</td>
<td>10</td>
</tr>
<tr>
<td>Bioretention facilities such as vegetated drainage swales or stormwater planters</td>
<td>10</td>
</tr>
<tr>
<td>Parking islands and/or landscape beds designed to capture stormwater</td>
<td>10</td>
</tr>
<tr>
<td>Detention capacity under parking lots or underground (if 100% underground, this chart does not apply to the project)</td>
<td>10</td>
</tr>
</tbody>
</table>

**NOTE A:** Proposed detention solutions must meet all federal, state, and local drainage and stormwater requirements to be considered for points.
CHAPTER 7 | DEVELOPMENT STANDARDS

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>Item Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-6' 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>5-6' Wall, finished façade 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 8'</td>
<td>10</td>
</tr>
<tr>
<td>For each 2' reduction 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')

<table>
<thead>
<tr>
<th>Item 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>For each additional Evergreen Tree</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>5</td>
</tr>
<tr>
<td>Shrubs: #2 container size, at density to attain 30% bed coverage after 3 years</td>
<td>5</td>
</tr>
<tr>
<td>Shrubs: #2 container size, at density to attain 40% bed coverage after 3 years</td>
<td>10</td>
</tr>
<tr>
<td>Use of “Low” or “Very Low” water plants in an entire bed</td>
<td>5</td>
</tr>
<tr>
<td>Use of low-water-consumption grasses for all specified turf areas</td>
<td>5</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 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.
CHAPTER 7 | DEVELOPMENT STANDARDS

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.

<table>
<thead>
<tr>
<th>1.</th>
<th>Dry Landscape Options (Minimum 25 points, Maximum N/A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUIRED: Groundcover of gravel, decomposed granite, or other mulch.</td>
<td></td>
</tr>
<tr>
<td>Boulders (minimum size 24” x 30”): 1 point each with maximum of 10 points</td>
<td>1</td>
</tr>
<tr>
<td>Dry creek bed or other significant landscape feature</td>
<td>5</td>
</tr>
<tr>
<td>Western collectibles-small (ex: wagon wheel, antlers): 1 point each with maximum 5 points</td>
<td>1</td>
</tr>
<tr>
<td>Large western antiques (ex: mining cart, wagon) 5 pts each with maximum 10 points</td>
<td>5</td>
</tr>
<tr>
<td>Shade structure or other structure (ex: small bridge, pavilion)</td>
<td>10</td>
</tr>
<tr>
<td>Fine art/sculpture (NOT including small garden ornaments)</td>
<td>5</td>
</tr>
<tr>
<td>3-6’ Masonry wall with decorative features (may only be counted on one chart)</td>
<td>5</td>
</tr>
<tr>
<td>Shrubs: #2 container size, at density to attain 5% bed coverage after 3 years</td>
<td>5</td>
</tr>
<tr>
<td>Evergreen Tree, 1 point each with maximum of 10 points</td>
<td>1</td>
</tr>
<tr>
<td>Use of low-water-consumption grasses for at least 5% of bed coverage</td>
<td>5</td>
</tr>
<tr>
<td>Use of permeable, realistic, artificial turf on at least 5% of bed coverage</td>
<td>5</td>
</tr>
<tr>
<td>Preservation of existing significant vegetated areas and/or natural rockscapes</td>
<td>5</td>
</tr>
<tr>
<td>Reclamation of native species</td>
<td>5</td>
</tr>
</tbody>
</table>

**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>
<thead>
<tr>
<th>Table 7.2.C Plant Material Requirements and Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLANT</td>
</tr>
<tr>
<td>LARGE TREES: Deciduous trees attaining a canopy spread of 35' or greater</td>
</tr>
<tr>
<td>MEDIUM TREES: Deciduous tree attaining a canopy spread of 18'-35'</td>
</tr>
<tr>
<td>SMALL TREES: Deciduous trees attaining a canopy spread of 10'-18'</td>
</tr>
<tr>
<td>EVERGREEN TREES: Non-deciduous trees, generally full to ground, attaining a spread of greater than 10'</td>
</tr>
<tr>
<td>SHRUBS: All types of woody shrubs attaining a spread of less than 10'</td>
</tr>
<tr>
<td>GROUNDCOVERS &amp; PERENNIALS: Deciduous or evergreen herbaceous plants, not including turf grasses.</td>
</tr>
</tbody>
</table>
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>TURF GRASS: Seeded or sodded</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>
</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. Xeriscape™ is a set of design principles that should be utilized. Suggested plant species and Xeriscape™ 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.

E.  Installation, Maintenance, and Security

1.  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.

2.  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 successors 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.
3. 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.

4. 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.

5. Property Owners Associations’ covenants will be required to include provision for maintenance of landscaped common areas and rights-of-way within the development.

6. 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.

7.2.2 | 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.

A. 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:

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 feet (3’) of cover.
4. Sewage disposal systems will be removed and disposed of in compliance with Mesa County requirements.
5. 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.
6. 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.

B. 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.

§7.3 | Large Retail Projects

7.3.1 | Applicability
The standards of this Section apply to any retail sales and service uses with a gross floor area of:

A. Fifty thousand (50,000) square feet or more, if the proposed use is adjacent to any Urban Residential Zoning District; and

B. One hundred thousand (100,000) square feet or more, if the proposed use is adjacent to only Nonresidential Zoning Districts.

When the provisions of this Section conflict with other standards of this Land Development Code, the provisions of this Section shall control.

7.3.2 | 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.

A. 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.

B. Each development shall provide an off-street bus stop for customers and employees where located on a bus route.

7.3.3 | Setbacks
The minimum setback for part of a principal or accessory building shall be thirty-five feet (35').

7.3.4 | 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.

A. Perimeter Buffers
A landscaped buffer with a minimum width of thirty feet (30’) shall be provided along all street lot lines with breaks for approved access points. A minimum fifteen foot (15’) 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 feet (20’). No parking or vehicular circulation is permitted within these required buffer or landscape areas.

B. Parking Lot Landscaping
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.

7.3.5 | Pedestrian Circulation
A. 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 shall feature adjoining landscaped
areas that includes trees, shrubs, benches, flower beds, groundcover, or other such materials for no less than fifty percent (50%) of its length.

B. Sidewalks, no less than eight 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.

C. Pedestrian walkways within thirty (30) feet of at least half of the customer entrances shall have weather protection features such as awnings or arcades.

D. 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.

7.3.6 | 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 percent (75%) 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.

7.3.7 | Building Design
The following standards shall apply to all building facades and exterior walls that are visible from adjoining public streets or properties.

A. 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 percent (3%) of the length of the facade, and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed one hundred fifty (150) horizontal feet.

B. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty percent (60%) 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.

C. 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 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.

D. Overhanging eaves, extending no less than three (3) feet past the supporting walls, for no less than thirty percent (30%) of the building perimeter are allowed.

E. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run are required.

F. Three or more roof slope planes are required.

G. Predominant exterior buildings materials shall be high quality materials. These include, without limitation:
   1. brick;
   2. wood;
3. sandstone;
4. other native stone; and
5. tinted, textured, concrete masonry units.

H. 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.

I. Building trim and accent areas may feature brighter colors, including primary colors.

J. Predominant exterior building materials shall not include the following:
   1. smooth-faced concrete block;
   2. smooth-faced tilt-up concrete panels; or
   3. pre-fabricated steel panels.

K. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
   1. canopies or porticos;
   2. overhangs;
   3. recesses/projections;
   4. arcades;
   5. raised corniced parapets over the door;
   6. peaked roof forms;
   7. arches;
   8. outdoor patios;
   9. display windows;
   10. architectural details such as tile work and moldings which are integrated into the building structure and design; and
   11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

L. Building height shall not exceed thirty-five (35) feet for a one-story building.

M. 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.

§7.4 | Outdoor Storage, Trash Collection and Loading Areas

The standards of this Section shall apply in all Nonresidential and Multi-family Residential Zoning Districts.

A. 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.
B. 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 can be used, but in no case shall such areas be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian way.

C. 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.

1. The method of screening shall be subject to the requirements of Section 7.2.1 and the Flexible Point System.

D. 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.

E. 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.

F. All trash collection and loading areas shall be located and designed to ensure adequate on-site maneuvering area for delivery and trash collection vehicles.

G. All developments, including multi-family housing, shall provide a designated trash collection area meeting the requirements of this section.

§7.5 | Open Space/Parks Standards

7.5.1 | 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.

7.5.2 | Common Open Space/Parks within the Urban Zoning Districts

A. Common Open Space Required
All Manufactured Home Parks, 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.

B. Open Space Requirement
The open space requirement shall be a minimum of twenty 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.

C. Areas to be Counted as Common Open Space
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 feet (15’) in any one dimension and no less than five hundred (500) square feet per segment.

D. Active Recreational Areas
At least fifty percent (50%) of the common open space shall be suitable (by location and topography) for active recreational use, pedestrian pathways, or common 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 common open space.

E. Maintenance
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.

§7.6 | 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.

7.6.1 | 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.

7.6.2 | Slope Conditions
A. 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 percent (30%) or more, as measured from the points with the highest and lowest elevation.

B. 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.
7.6.3 | Wildfire Hazards
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 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 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 times the height of the taller clump. The maximum width of any clump of brush or trees shall be no greater than two times the height of the clump. Thinned material shall be removed from the site; and

   b. 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.

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.
B. 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 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 dead trees per acre may remain to serve as wildlife habitat.

C. Maintenance
Persons owning, leasing, or otherwise maintaining new residential structures covered by provisions of this Land Development Code 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.

7.6.4 | Wildlife Habitat Protection

A. 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 Colorado Division of Wildlife to substantiate the basis for the potential impact and to address various, specific measures to avoid, minimize, or mitigate negative impacts to wildlife and its habitat.

B. 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, fences, 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.

7.6.5 | 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.

A. Applicability
These provisions apply to lots platted after the adoption date of this Code 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.

B. 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.

1. Setbacks shall be measured to the building envelope as established at the time of platting or site plan review.
2. 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.

3. Line of sight shall be measured from the nearest point on the centerline of the road most parallel with the ridge line.

4. 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.

C. Rural Planning Area

Within the Rural Planning Area, new buildings that are located more than one-quarter (1/4) mile and less than one 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.

1. 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.

2. 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.

3. 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.

7.6.6 | Grading

A. No site grading for development shall occur before all appropriate approvals have been obtained.

B. New development shall not alter natural watercourses/drainages except in compliance with the Mesa County Floodplain Regulations (Section 7.13) and the Mesa County Storm Water Management Manual.

C. 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.

D. 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 percent (10%) slope, and existing slope grades shall not be steepened over ten percent (10%) slope.

7.6.7 | 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:

A. 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.

B. No outdoor light sources shall be mounted more than thirty-five (35) feet above the ground.
CHAPTER 7 | DEVELOPMENT STANDARDS

C. 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.

7.6.8 | Protection of Agricultural Lands

A. Intent: 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:

1. **Right to Farm** - The Right to Farm Act notice shall be placed on the recorded plat and site plan.

2. **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.

3. **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.

B. **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 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:

1. Construction of an eight (8) feet high 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:
   a. masonry,
   b. vinyl,
   c. wood, or
   d. stucco;

   **Or,**

2. 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:
   a. road right-of-way,
   b. detention facilities,
c. common area, and

d. flagpole portions only of new residential lots;

Improvements such as items a through d 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,

3. 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;

Or,

4. In cases where the applicant has demonstrated that 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.D and has an equal or greater effect.

C. If the domestic livestock and agricultural use ceases on land adjacent to the residential development, Section 7.6.8 regarding protection of agricultural lands will no longer apply to either proposed or previously approved residential development adjacent to that land.

D. Section 5.3.4.C Domestic Livestock contains additional information.

7.6.9 Right to Hunt
The following notice shall be recorded on approved site plans and 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.’

§7.7 | Drainage
Drainage facilities shall be designed and installed in accordance with the Mesa County Stormwater Management Manual.

§7.8 | Potable Water Supply

7.8.1 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.

7.8.2 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.

A. The applicant submits to the County a written certification from the proposed water service provider, on forms provided by the County, stating:

1. that it is able and willing to provide an adequate supply of drinking water;
2. 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
3. if an expansion to the existing system is required to obtain adequate service.

B. 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.

7.8.3 | Wells
If private wells are proposed for new development, the following shall be required to determine the adequacy
of such system before approval:

A. 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,

B. a geologic report shall be submitted by a qualified groundwater geologist, which indicates:
   1. the probability of ground water withdrawal of wells or on-site supply systems within the
      proposed subdivision;
   2. the expected long-term yield of such wells or systems;
   3. the expected depth to potable water;
   4. the expected quality of anticipated water;
   5. any expected significant problems of long-term supply; and,
   6. alternate arrangements available in the event of well or treatment system failure.

7.8.4 | 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.

§7.9 | Fire Protection

7.9.1 | 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 of this Land Development Code shall be exempt from the standards of this section.

7.9.2 | Development Located Outside of Fire Protection District

A. 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.

B. 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:

1. the development is for single family detached residential structures;
2. each residential lot is at least one acre in size;
3. each residential structure shall be set back a minimum of fifty feet (50) from all property lines;
4. fire hydrants shall be installed in the development in accordance with the Land Use Code;
5. water supply for fire flows shall provide at least twenty (20 p.s.i.) pounds per square inch residual and one thousand (1000) gallons per minute;
6. 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;
7. the CCRs shall also contain a provision that substantially provides notice that “The lots subject to these CCRs 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 CCRs. See Mesa County Land Development Code, Section 7.9, as amended, for the fire protection standards that apply.
8. Final plats recorded after the effective date of this amendment shall also contain the statement described in 7, above.
9. The County Master Plan does not recommend the subject property for thirty-five (35+ acre) development. The findings of 1 through 5 above, may be satisfied by the written statement of a licensed fire protection engineer.

7.9.3 | Water Supply Standards
A. 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:

1. 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.

2. 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 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.

3. Maximum Distance Between Hydrants
   The maximum distance between hydrants in all developments shall be five hundred (500) feet.

4. 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.
5. **Looped Line**
   A gridded, or looped, 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-A.1 shall apply.

B. **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-A shall also agree to an alternative fire protection plan.

1. **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.

2. **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.

3. **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.

4. **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.

7.9.4 | 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.

A. **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.

7.9.5 | Wildfire Hazard Areas
Developments proposed in areas subject to wildfire hazard shall also comply with the Wildfire Hazard Standards of Section 7.6.3.

§7.10 | Wastewater

7.10.1 | 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.

7.10.2 | Service by Other Systems
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, 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.

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.

7.10.3 | 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.

7.10.4 | 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 Mesa County.

A. The following Minimum Lot Sizes and Dimensional Standards for Onsite Wastewater Treatment Systems (OWTS) apply to all newly created lots:

1. 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.

2. 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, as amended).

B. 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.

C. Existing Lots Served By Onsite Wastewater Treatment Systems (OWTS):

1. Existing lots must meet the minimum lot size requirements determined through the application of the Mesa County OWTS regulations.

2. Existing lots that do not conform to the minimum standards of this Section shall not be made more nonconforming by a Property Line Adjustment.

D. 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.
E. Existing lots (uses) may request a deviation from the standards of this Section 7.10, subject to approval from the Mesa County OWTS Administrator.

§7.11 | 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.

§7.12 | Irrigation Canals and Laterals

7.12.1 | 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.

7.12.2 | 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.

§7.13 | Floodplain Regulations

7.13.1 | 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.

7.13.2 | 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:

A. 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;

B. protect people and property within the floodplain by regulating the construction of buildings;

C. 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;

D. protect and preserve the natural water carrying and storage characteristics, and capacities of all water courses;
CHAPTER 7 | DEVELOPMENT STANDARDS

E. restrict uses which may be hazardous to the public health in time of flood;
F. minimize or eliminate discharges or infiltration from waste disposal systems into flood waters;
G. discourage people from purchasing lands which are unsuitable for building purposes due to flood hazards;
H. protect human life and health;
I. minimize prolonged business interruptions;
J. 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;
K. to notify potential buyers that property is in an area of special flood hazard; and
L. to notify those who occupy the areas of special flood hazards that they assume responsibility for their actions.

7.13.3 | Methods
In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

A. 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;
B. requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
C. controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which helps accommodate or channel flood waters;
D. controlling filling, grading, dredging, and other development which may increase flood damage; and,
E. preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

7.13.4 | 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.

7.13.5 | Official Floodplain Maps

A. 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.

B. 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.

C. 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.

7.13.6 | Flood Boundary Interpretation

A. Official maps, on file in the Engineering Division 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.

B. 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.

C. 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.

7.13.7 | 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.

7.13.8 | 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.

7.13.9 | 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:

A. No such use shall be expanded or enlarged except in conformity with the provisions of this Section.

B. 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.

C. If such use is discontinued for twelve (12) consecutive months, any future use of the building and
premises shall conform to this Section.

7.13.10 | Floodplain Land Use Regulations

A. 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.

B. 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.

C. 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.

D. Floodway Districts

1. 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:

   a. 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;

   b. 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;

   c. all open pit sand or gravel extraction, including related offices;

   d. original construction of bridges, dams, and irrigation structures;

   e. any type of change, filling, or realignment of a watercourse channel;

   f. subdivision of land;

   g. water and wastewater treatment facilities or storage;

   h. buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations;

   i. 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

   j. 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.
2. **Prohibited Uses**
   The following land uses and activities are specifically prohibited in the Floodway District:
   
   a. any alteration or relocation of a watercourse which reduces its flood carrying capacity;
   
   b. 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;
   
   c. habitable dwellings, including manufactured homes;
   
   d. 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;
   
   e. public or commercial overnight campgrounds or travel trailer parks;
   
   f. junk yards, salvage yards, and wrecking yards of any kind; and
   
   g. 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.

E. **Flood Fringe Districts**

1. **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:
   
   a. growth of agricultural crops or animals, but not including the processing of agricultural products;
   
   b. private and public recreational uses; and
   
   c. wildlife and nature preserves, game farms, and fish hatcheries, but not including related structures.

2. **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.

3. **Prohibited Uses**
   The following uses shall be prohibited in the Flood Fringe District:
   
   a. 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;
   
   b. junk yards, salvage yards and wrecking yards of any kind; and
   
   c. 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.
CHAPTER 7 | DEVELOPMENT STANDARDS

7.13.11 | Floodplain Development Permit Conditions
The Floodplain Administrator shall require all of the following:

A. 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.

B. 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:

1. 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;

2. 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;

3. that all components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds each; and

4. any additions to the manufactured home be similarly anchored.

C. New and replacement sewer and water systems shall be designed to minimize infiltration.

D. 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.

E. Required utility conditions shall be as follows:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2. 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.

3. On-site waste disposal systems shall be located to avoid their impairment or contamination from flooding.

F. Required subdivision conditions shall be as follows:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities (such as sewer, gas, electrical, and water systems) located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Base flood elevation data must be provided for subdivision proposals and other proposed development that contains at least fifty (50) lots or five acres, whichever is less.
G. 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 feet above the ground.

H. 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 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.

I. 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.

J. 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 feet if no depth number is specified).

K. 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.

L. 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:

   1. be flood-proofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

   2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy; and

   3. be certified by a registered professional engineer or architect that the design and methods of constriction are in accordance with accepted standards of practice for meeting the provisions of this regulation.

M. 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.
CHAPTER 7 | DEVELOPMENT STANDARDS

N. 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:

1. 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

2. 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.

O. 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.

7.13.12 | Standards for Recreational Vehicles
Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall:

A. Be defined as:
   1. Be built on a single chassis;
   2. Be four hundred (400) square feet or less when measured at the largest horizontal projections;
   3. Be designed to be self-propelled or permanently towable by a light duty truck;
   4. Be designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and

B. Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall either:
   1. Comply with the permitting, elevating and anchoring requirements for manufactured housing units and manufactured homes as set out in this Section; or
   2. 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.

7.13.13 | 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.

7.13.14 | 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.

A. Classification of Critical Facilities

Land Development Code (Effective May 2000) Last Revised October 2018
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.

1. 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:

a. public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);

b. 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);

c. designated emergency shelters;

d. 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);

e. 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

f. 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.

2. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

a. chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

b. laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

c. refineries;
d. hazardous waste storage and disposal sites; and

e. 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.

(1) Specific exemptions to this category include:

(a) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

(b) 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.

(c) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

(2) These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

3. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

a. Elder care (nursing homes);

b. Congregate care serving twelve (12) or more individuals (day care and assisted living);

c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children;

4. Facilities vital to restoring normal services including government operations. These facilities consist of:

a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
b. 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.

B. 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:

1. Location outside the Special Flood Hazard Area; or
2. Elevation or floodproofing of the structure to at least two (2) feet above the Base Flood Elevation.

C. 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.

§7.14 | Traffic Impact Analyses

7.14.1 | 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:

A. Any project that proposes access to a street with Level of Service (LOS) “D” or below;
B. Any application for a Zoning Map Amendment (rezoning); and,
C. Any case in which the original Traffic Impact Analysis is more than two years old, or where increased land use intensity will result in an increase in traffic generation by more than fifteen percent (15%) or an increase of directional distribution of traffic by more than twenty 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.

7.14.2 | TIA Guidelines
Guidelines for Traffic Impact Analyses 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.

§7.15 | Street Access
7.15.1 | Access to Public Roads
All new lots/parcels, however created, shall have direct or indirect access (no frontage) to a maintained public road. If the approved plat provides for indirect access (i.e. 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.

Summary Table

<table>
<thead>
<tr>
<th></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>2-4</td>
<td>Auto courts</td>
</tr>
<tr>
<td></td>
<td>5-7</td>
<td>Loop lane</td>
</tr>
</tbody>
</table>

7.15.2 | 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.

7.15.3 | 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:

A. 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.

B. 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.

C. 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.
D. 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:

1. one common, off-street parking space shall be provided for every auto court where one extra parking space is not provided on each lot; and

2. 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.

3. The purpose of providing additional parking/storage is to avoid compromising the access provided by the auto court by using it for vehicle storage.

7.15.4 | 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:

A. 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.

B. No portion of the loop lane shall extend more than two hundred fifty (250) feet from the public street to which it gives access.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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:
1. 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

2. 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.

7.15.5 | Shared Driveways

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:

A. Shared driveways are allowed in locations approved per the Road Access Policy, provided that consideration of Public Right-of-way Dedication Requirements in Section 7.16 does not require a public right-of-way to be dedicated and/or a public road to be built by the developer.

B. 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:

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).

C. A Development Improvements Agreement (DIA) shall be required for the shared driveway construction. The developer shall be responsible to construct the shared driveway.

D. 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. 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 do so, or recording a maintenance agreement for the shared driveway. The mechanism for maintenance shall be recorded before the Final Plat is recorded.

§7.16 | Streets and Roads

7.16.1 | Standards
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.

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.

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.

7.16.2 | Public Right-of-Way Dedication Criteria
Intent: Roads are an important component of land development. They provide access to subdivision lots and 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 right-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 right-of-way.

E. Adjacent properties are otherwise constrained by access regulations from direct access on existing public right-of-way.

F. Public right-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(s) anticipated road circulation that involves the subject parcel.

The Mesa County Public Works Department will consider the above criteria prior to requiring dedication of public right-of-way. Required right-of-way connections to adjacent properties shall be located as effectively as possible, considering topography, environmental constraints, and adopted policies and regulations.

If the developer believes that dedication of public right(s)-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(s)-of-way should not be required.

Note: A bubble diagram will be required from the applicant to conceptually lay out their idea for full design of the subdivision at the density allowed by the zoning on the property or the Future Land Use classification.

7.16.3 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).

A. Required Improvements

1. 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).

2. 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.

3. 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 7.15.5.

   Mesa County will not accept new roads for maintenance that are not built to County specifications.

B. Urban Street Improvements
   Development within all Urban Zoning Districts and Rural Communities, shall construct required improvements (see 7.16.2) to streets/roads that are in conformance with the urban road sections in the Mesa County Standard Specifications for Road and Bridge Construction.

C. Rural Road Improvements

1. Development that is in the Rural Zoning Districts shall construct limited improvements (see 7.16.2) to County maintained roads when the development:
   a. has boundaries with frontage on a “public road” as defined in the Road Access Policy;
      and
   b. has adjacent roads that are designated as local roads in Figures 4-3, 4-4, 4-5, 4-6, 4-7 and 4-8 of the Road Access Policy.

2. Development that satisfies the criteria in 7.16.2.C shall provide the following road improvements to adjacent County roads classified as local roads:
CHAPTER 7 | DEVELOPMENT STANDARDS

a. install all or portions of gravel shoulder along adjacent roads in compliance with the Mesa County Standard Specifications for Road and Bridge Construction; and

b. ensure that drainage along roads is not adversely affected by any road improvements installed or accesses constructed.

§7.17 | Circulation and Street Layout

7.17.1 | Sidewalks and Trails
All principal structures in Nonresidential zoning districts, and all Urban Residential zoning districts except the RSF-R, district shall have direct access to a sidewalk or trail without having to cross a street.

7.17.2 | 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 right-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.

7.17.3 | 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 only be created through the Major Subdivision Process.

§7.18 | Street Naming

A street naming system shall be maintained to facilitate the provisions of necessary public services (police, fire, 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 all 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.”

Land Development Code (Effective May 2000) Last Revised October 2018
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.

§7.19 | 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;

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.

§7.20 | Intersection and Driveway Visibility

7.20.1 | Intersections
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:

Visibility triangle requirements may be increased when deemed necessary for traffic safety.

7.20.2 | Driveways
On front (or other street side) property lines, no structure, fence, wall, hedge, or planting that will obstruct vision between a height of three feet and eight 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:

![Visibility Triangle Diagram](image)

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 feet.

7.20.3 | 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 approval.

7.20.4 | 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.

§7.21 | Land Dedications and Fees In-Lieu

7.21.1 | Park Land (see Section 7.5 - Open Space/Parks Standards)

A. 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.

B. 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.
C. 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.

D. 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.

7.21.2 | Schools

A. 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.

B. 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.

1. School Land Dedication (SLD) 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.

2. 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.

3. The SLD Fee shall then be set, by resolution of the Board of County Commissioners, in accordance with the following formula:
CHAPTER 7 | DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Cost per Acre of Suitable School Lands within each School District</th>
<th>×</th>
<th>Student Generation Fee Factor of .023*</th>
<th>=</th>
<th>SLD Fee Per Dwelling Unit</th>
</tr>
</thead>
</table>

[For example, if the average cost of Suitable School Lands is $15,000 per acre, the SLD Fee per Dwelling Unit would $15,000 X .023, or $345.] See Section 7.21.2.B 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.

C. Payment of School Land Dedication Fee

1. 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.

2. 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.

3. Any prepayment of SLD fees in accordance with this section shall be documented by a Memorandum of Prepayment that contains the following minimum components:
   a. The legal description of the real property subject to Residential Development for which an SLD fee is being prepaid.
   b. A description of the development permit issued concerning such real property, and a detailed statement of the SLD fees being prepaid.
   c. The notarized signatures of the owners of record or their duly authorized agents.
   d. The notarized signature of the County Administrator, indicating approval of the prepayment plan.

D. Exemptions

The following shall be exempted from payment of SLD fee:

1. alterations or expansion of existing buildings except where the use is changed from nonresidential to residential and except where additional Dwelling Units result.
2. the construction of accessory buildings or structures;
3. the replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;
4. 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;
5. nonresidential buildings, nonresidential structures, or nonresidential manufactured homes;
6. nursing homes, Adult Foster Care Facilities, or Specialized Group Facilities;
7. 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
8. residential construction on unsubdivided land.

E. Credits

1. 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.

2. 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.

3. Credits shall not be transferable from one project or development to another.

F. Refund of Fees Paid

1. 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.

2. 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.
§7.22 | Fees In Lieu of Improvements

7.22.1 | 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.

7.22.2 | 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.

7.22.3 | 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.

7.22.4 | 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.

§7.23 | Stormwater Construction Permit

7.23.1 | Findings
The Board of County Commissioners has obtained a permit to discharge stormwater under the Colorado
Discharge Permit System (CDPS) as 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.

7.23.2 | Purpose and Intent
It is the purpose of these regulations:

A. To protect and preserve surface water from pollutants associated with stormwater runoff.
B. To meet the terms of the CDPS permit regulations.
C. To regulate the contribution of pollutants to the municipal separate storm sewer system from
   stormwater discharges;
D. to establish legal authority to carry out all inspection, observation, and monitoring procedures
   necessary to ensure compliance with the regulations of this section;
E. to promote public awareness of the hazards involved in the improper discharge of pollutants into the
   municipal separate storm sewer system;
CHAPTER 7 | DEVELOPMENT STANDARDS

F. 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.

G. 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;

H. to require permanent stormwater quality runoff controls to be constructed along with development to prevent the deterioration of water quality;

I. 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.

J. To establish timely and appropriate enforcement actions for violations of the regulations of this section.

7.23.3 | Methods
In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

A. Requiring a Local Stormwater Construction Permit as identified in the Stormwater Management Manual, when applicable.

B. 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.

7.23.4 | Applicability
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.

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.

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.

7.23.5 | 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.

7.23.6 | 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.
7.23.7 | 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.

7.23.8 | Stormwater Construction Permit Conditions
The Stormwater Administrator shall require that the requirements of Section 1506.1 of the SWMM be adhered to. This section covers the requirements of inspections, reporting, and changes to the Construction Stormwater Management Plan.

§7.24 | Interim Development Policies

7.24.1 | 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.

7.24.2 | 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.

7.24.3 | 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.

A. 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 Map and referencing the adopted Policy Resolution number.
§8.1 | Purpose
The sign regulations of this chapter are intended to promote traffic safety and to protect the visual appearance of the County.

§8.2 | Prohibited Signs
The following signs shall be prohibited:

A. 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.

B. 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.

C. 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.

D. 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.

E. Signs that contain or consist of portable signs, tent signs and strings of light bulbs not permanently mounted on a rigid background.

F. Signs that swing or otherwise move as a result of wind pressure because of the manner of their suspension or attachment.

G. 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.

§8.3 | Exemptions
The following types of signs are exempt from the Sign Regulations of this section to the extent stated.

8.3.1 | 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.

8.3.2 | 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.

8.3.3 | 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.

8.3.4 | Directional Signs
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.
8.3.5 | 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.

8.3.6 | Holiday Decorations
Temporary decorations or displays clearly incidental, customary and commonly associated with national or local holiday celebrations.

8.3.7 | 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.

8.3.8 | 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.

8.3.9 | 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.

8.3.10 | Warning Signs
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.

8.3.11 | Advertising - Bus Shelters
Advertising on or incorporated within County approved transit shelters is permitted as long as the following criteria are met:

A. There is a written agreement between the bus shelter provider and the County and all appropriate permits have been obtained from the County.

B. 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.

C. Bus shelters are also subject to the following conditions:

1. 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;

2. 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;

3. 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;

4. bus shelters with advertising are limited to major collectors, minor arterials, and major arterials, as designated on the Grand Valley Circulation Plan.
8.3.12 | Advertising - Bus Benches
Advertising on bus benches is permitted as long as the following criteria are met:

A. There is a written agreement between the bus bench provider and the County and all the appropriate permits have been obtained from the County.

B. 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 ridership 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.

C. Benches are also subject to the following conditions:
   1. 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;
   2. 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;
   3. benches containing advertising are limited to major collector, minor arterials, and major arterials, as designated on the Grand Valley Circulation Plan;

D. 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.B Shelters & Bus Benches.

§8.4 | Temporary Signs

8.4.1 | 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:

A. such signs shall not exceed thirty-two (32) square feet;
B. not more than one (1) sign shall be placed per parcel; and
C. 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.

8.4.2 | Real Estate Sales Signs
Non-illuminated signs pertaining to the sale or lease of the premise on which they are located shall be allowed as temporary signs, provided that:

A. such signs shall not exceed six (6) square feet in areas; and
B. 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 finalized 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.

8.4.3 | 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 premise during the period of construction, development, or lot sales shall be allowed as temporary signs, provided that:

A. signs shall not exceed thirty-two (32) square feet; and

B. such signs shall be removed within twenty-four (24) hours after certificate of occupancy is issued.

8.4.4 | Grand Opening Signs
“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.

§8.5 | General Standards for all Signs
The following requirements shall apply to signs in all zoning districts unless otherwise indicated.

8.5.1 | Permits Required
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.

8.5.2 | Maintenance and Repair
Maintenance, touch-up, repainting or repair of a legal sign shall not require a sign permit.

8.5.3 | Location of Signs
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.

8.5.4 | Permanent Signs
All signs shall be permanent in nature except for those signs allowed as Temporary Signs in accordance with this section.

8.5.5 | Wind Load Standard
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.

8.5.6 | Obsolete Signs
Signs that identify businesses, goods, or services no longer provided on the premise shall be removed within ninety (90) days after the business ceases.

8.5.7 | Sign Measurement
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.

8.5.8 | Illumination
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.
CHAPTER 8 | SIGNS

C. No exposed reflective type bulbs or incandescent lamps which exceed forty (40) watts shall be used on the exterior surface of a sign.

8.5.9 | Identification and Marking
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.

§8.6 | 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.

8.6.1 | Sign Types Allowed

A. 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.

B. One identification sign shall be allowed for each multi-family building or complex, provided that:
   1. such sign shall not to exceed thirty-two (32) square feet in area;
   2. if lighted, such sign shall utilize indirect illumination only; and
   3. such sign shall contain only the building or complex name and name of agent.

C. Signs advertising any subdivision or other project under construction shall be permitted provided that the following conditions are met.
   1. Signs in the model home area and on the subdivision site shall not exceed a total aggregate of two hundred (200) square feet.
   2. Individual permanent on-site subdivision signs shall not exceed thirty-two (32) square feet.
   3. 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.
      a. The development, subdivision, or project does not have frontage on a minor or major arterial.
      b. 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.
      c. 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.
      d. 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.
      e. All regulations concerning maintenance, illumination, and permits shall be met.
      f. All signs approved under this section will be removed within thirty (30) days of the expiration of the permit or extension;
      g. No such temporary sign shall be located closer than one thousand (1,000) feet from any other temporary sign.
h. 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.

8.6.2 | Location
Permitted signs may be located anywhere on the property.

8.6.3 | 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.

8.6.4 | Illumination
Only indirect or internal illumination shall be used for letter faces and logos.

| §8.7 | Nonresidential Zoning Districts |
|--------------------------------------------------|
| Signs shall be allowed in Urban Nonresidential zoning districts in accordance with the standards of this subsection. |

8.7.1 | 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.

8.7.2 | 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.

8.7.3 | Flush Wall Signs and Roof Signs

A. The sign allowance shall be calculated on the basis of the area of the one (1) 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.

B. 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.

C. 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. Show window signs in a window display when incorporated with such display will not be considered part of the total sign allowance.

D. 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 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.
E. 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. No visible guy wires, braces or secondary supports shall be used. Maximum height for roof signs shall be forty (40) feet above grade.

8.7.4 | Projecting Signs

A. 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.

B. 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.

8.7.5 | Freestanding Signs

A. 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.

B. 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>

C. 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 this Land Development Code rather than from the existing right-of-way line. Single legs of one-way pairs shall be treated as four-lane roads.

D. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

§8.8 | Planned Unit Developments and Conditional Uses

Properties in an approved PUD district 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...
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.

§8.9 | Off-Premise (Outdoor Advertising) Signs

A maximum of one (1) off-premise 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:

8.9.1 | Height Limitations
No off-premise 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 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.

8.9.2 | Distance
For each square foot of surface or facing of the sign, two (2) feet of space from adjacent off-premise 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.

§8.10 | Removal and Disposition of Signs

8.10.1 | Maintenance and Repair
A. 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.

B. 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.

8.10.2 | 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.
9.1.1 | 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.

9.1.2 | Combination with Other Bonuses
Unless otherwise expressly stated, the bonuses listed in this chapter may be combined, provided the following conditions are met:

A. 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 percent (20%).

B. In the AFT and AF35 zone districts, the total cumulative bonus allowed shall not exceed the maximum density allowed in the AFT and AF-35 zone districts by more than fifty percent (50%).

C. In the AFT zone district, the total cumulative bonus allowed shall not exceed fifty percent (50%) of the number of units that would be allowed otherwise.

9.1.3 | 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.

9.2 | General Density Bonus
Applicants may obtain a density bonus of up to ten percent (10%) of the maximum density allowed in the underlying base zoning district if all of the following conditions are met:

A. 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

B. 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.

9.3 | 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 10 percent, if they:

A. are submitted jointly for two or more parcels owned by two or more adjacent property owners;

B. include an integrated circulation and access pattern covering all parcels; and

C. contain at least twenty (20) acres and six hundred and sixty (660) feet of frontage on a public road.
§9.4 | 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 10 percent if they:

A. will remove the nonconforming use and any nonconforming structures on the land; and

B. will include only permitted, conditional, accessory and temporary uses, allowed uses, and conforming structures.

§9.5 | Urban Residential Cluster Bonuses

9.5.1 | Eligibility

Applicants 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 percent (20%) under the following conditions:

A. the units must be clustered to preserve at least thirty percent (30%) of the site in contiguous, common open space located along natural drainage corridors or adjacent to existing open space;

B. prior to construction of the units, the required open space must be (1) preserved from development for a period of at least forty (40) years through the use of a recorded deed restriction and (2) 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.

9.5.2 | Buffering

The perimeter of a cluster development shall be buffered from adjacent property pursuant to the applicable Landscaping and Buffering Standards in Section 7.2 of this Land Development Code.

§9.6 | 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>

§9.7 | Rural Cluster Density Bonus

Proposed Major Subdivisions within the AFT and AF35 Zone Districts may obtain a density bonus calculated pursuant to Section 6.3.3 of this Code.

§9.8 | 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 numbers 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 (remainder) 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 of this Code.

9.8.1 Sending Sites

A. Sending Sites shall:

1. be located in a Sending Area, as defined in Section 12.1;
2. be a minimum parcel size of:
   a. ten (10) acres in the AFT and AF35 zoning districts;
   b. five (5) acres in an Urban Residential, Commercial and Industrial zoning district;
3. be located in the AFT, AF35, Commercial, Industrial or an Urban Residential zoning district;
4. 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;
5. 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 an otherwise eligible Sending Site); and
6. 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.

B. 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 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 Development Department, and shall clearly identify:

1. the grantor;
2. 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 number of TDR/Cs being transferred from the Sending Site.

C. 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.

1. 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.

   a. If a portion of the TDR/C has been used, the Declaration of Restriction of Development and Easement may not be removed prior to the end of the original period.

2. 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.

D. 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.

E. Once a TDR/C Certificate is issued:

1. future development of the unrestricted portion of the Sending Site is limited to any remaining density not severed or extinguished by the transfer of Development Rights/Credits;

2. the Sending Site may only be developed as a Cluster Development under Section 6.4.4 of the Mesa County Land Development Code; and

3. no rezoning of the Sending Site to a higher density or other use shall be permitted by Mesa County.

F. 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 on the subject property.

G. 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.

H. Special Sending Areas

1. 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.

2. 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 9.8.2 below (e.g., Clifton/Fruitvale, Mack, and Whitewater programs).
3. Sending/Receiving Ratio of 1:5
   Each Special Sending Area TDR credit is worth 5 dwelling units in a receiving area.

9.8.2 Receiving Areas

A. 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, 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, Powderhorn, and Whitewater as identified in the Mesa County Master Plan.

B. Fruita Receiving Area
   As identified in the Transfer of Development Rights/Credits Program Agreement between Mesa County and the City of Fruita:
   
   1. 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.
   
   2. 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.
   
   3. 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,
   
   4. Mesa County shall not process any development application on an eligible Receiving Site unless and until either:
      
      a. the landowner certifies in writing that said landowner has elected to not participate in the TDR/C Program,
      
      b. ii. the City of Fruita rejects the annexation petition,
      
      c. iii. the City of Fruita revokes the pre-annexation agreement, or
      
      d. iv. the City of Fruita otherwise irrevocably declines to annex the Receiving Site.
   
   5. TDR/C Certificates proposed for use on a Receiving Site in Fruita must originate from a Sending Area identified for the Fruita/Mesa County TDR/C Program.
   
   6. The County shall cooperate with the City of Fruita to ensure that this obligation and relationship is fully implemented.

C. 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.

D. Mack Receiving Area
   
   1. Tier 2 of the Mack Overlay District is designated as a Receiving Area for Transfer of Development Rights/Credits (TDR/C).
2. 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.

3. 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.

4. 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.

5. 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.

6. If the TDR/C program is used on a Receiving Site, the Mack Overlay District zone shall apply.

E. Clifton/Fruitvale Receiving Area

1. 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.

2. 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 districts, i.e., to RMF-5 in the RML future land use and to RMF-12 in the RM future land use.

3. 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 Sending Area is 1:8. Each TDR credit issued from the Palisade Community Separator (Buffer Zone) is worth 8 dwelling units in the Clifton/Fruitvale Receiving Area.

4. Special Sending Areas. No more than 319 units may be transferred to the Clifton/Fruitvale Receiving Area from Special Sending Areas. This is approximately sixteen percent (16%) 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.H.

F. Whitewater Receiving Area

1. 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.

2. 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 the same as adjacent private lands as shown in the Whitewater Community Plan (Residential Low – ½ acre to 2 acre densities). Development of a Receiving Site in the Whitewater Receiving Area can only be achieved through the TDR/C program.
3. 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.

4. 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 percent (25%) of the estimated 480 units the Receiving Area can accept. The sending/receiving ratio is established above in Section 9.8.1.H.
Chapter 10
NONCONFORMITIES

§10.1 | General

10.1.1 | 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.

10.1.2 | Nonconformities Regulated
The regulations of this chapter address the following types of situations, all of which are collectively referred to as nonconformities.

A. 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.

1. 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.

B. 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.

C. Nonconforming Signs
A “nonconforming sign” is one that was legally established but which no longer complies with the sign regulations of Chapter 8.

D. 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.

10.1.3 | Policies

A. Nonconforming Uses, Structures, Signs and Lots
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, 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 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.

Property owners shall be encouraged to pursue all remedies available within this Land Development Code, including but not limited to Administrative Adjustments, Rezoning, Variances, or Subdivision in order to reduce or eliminate nonconformities.

B. Authority to Continue
Nonconformities shall be allowed to continue in accordance with the regulations of this Chapter.
CHAPTER 10 | NONCONFORMITIES

C. Determination of Nonconformity Status
The burden of establishing that a nonconformity lawfully exists shall be on the owner, not the County (see Section 10.7).

D. 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.

E. 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.

F. 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 3.15 of this Land Development Code.

§10.2 | Nonconforming Uses
Nonconforming uses shall be subject to the following standards.

10.2.1 | Nonresidential Uses

A. 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.

1. A nonconforming nonresidential use shall not be expanded in any residential zoning district.

2. 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:

   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.

   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. 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.

1. A nonconforming use may be changed to a conforming use subject to the processes identified in this Land Development Code.

C. 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.
D. 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.

E. Damage or Destruction. A nonconforming nonresidential use that is damaged or destroyed may be reestablished in accordance with the following:

1. A use may only be reestablished within a conforming structure, except as may be permitted in Section 10.3 of this chapter;
2. All restorative and other work must be in compliance with current fire and building codes and other applicable regulations;
3. A building permit must be issued within one (1) year from the date of the damage; and
4. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.

5. 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.

10.2.2 | 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.

A. 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.

1. 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:

   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.

   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. Abandonment.

1. 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.

2. 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.
3. 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.

C. Damage or Destruction. Nonconforming residential uses that are damaged or destroyed may be reestablished 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 must be in compliance with current 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; and
5. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.
6. 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.

10.2.3 | Agricultural Uses
Agricultural uses, as defined in Section 12.7 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.

10.2.4 | 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.

§10.3 | Nonconforming Structures
Nonconforming structures shall be subject to the following standards.

10.3.1 | Enlargement
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.

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.

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.
CHAPTER 10 | NONCONFORMITIES

10.3.2 | Damage or Destruction
In the event that any nonconforming structure is damaged or destroyed, such structure may be reconstructed 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 is in compliance with current construction codes, such as the 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;
E. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit; and
F. 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.

10.3.3 | 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.

§10.4 | Nonconforming Lots

10.4.1 | 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:

A. the owner is able to demonstrate to the satisfaction of the Planning Director that the parcel was lawful at the time it was created;
B. no reasonable alternative exists to make the nonconforming lot conforming, such as the addition of adjoining land under the property owner’s control; and
C. the use meets all other regulations prescribed for the zoning district prior to occupancy or use.

10.4.2 | 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.

10.4.3 | 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.

10.4.4 | 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:

Land Development Code (Effective May 2000) Last Revised December 2015
CHAPTER 10 | NONCONFORMITIES

A. Interior Side and Rear Setbacks
The minimum interior side and rear setback shall be permitted to be three (3) feet.

B. Street Setbacks
The minimum street setback shall be permitted to be twenty percent (20%) of the lot depth.

§10.5 | Nonconforming Signs

10.5.1 | 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 of this Code.

10.5.2 | 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. 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.

§10.6 | 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.

§10.7 | 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. 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.
§11.1 | Responsibility for Enforcement
The Planning Director shall be responsible for enforcing this Land Development Code, unless otherwise specifically stated.

§11.2 | 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:

11.2.1 | 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;

11.2.2 | 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;

11.2.3 | 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;

11.2.4 | 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;

11.2.5 | 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;

11.2.6 | 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;

11.2.7 | 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;

11.2.8 | Removing or Defacing Required Notice
To remove, deface, obscure or otherwise interfere with any notice required by this Land Development Code; and

11.2.9 | 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.

11.2.10 | Violation of National Flood Insurance Program (NFIP) Standards
To fail to be fully compliant with Chapter 7, 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), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is in violation of this Code.

§11.3 | 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.
§11.4 | Remedies and Enforcement Powers

The County shall have the following remedies and enforcement powers:

11.4.1 | 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, 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, 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.

11.4.2 | Permits Approved with Conditions
Instead of withholding or denying a permit or other authorization (as described in Section 11.4.1), the County may grant such authorization subject to the condition that the violation be corrected.

11.4.3 | Revoke Permits
Any development permit or other form of authorization required under this Land Development Code 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 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.

11.4.4 | 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 or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

11.4.5 | Revoke Plan or Other Approval
Where a violation of this Land Development Code 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; (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.

11.4.6 | Injunctive Relief
The County may seek an injunction or other equitable relief in court to stop any violation of this Land Development Code, or of a permit, certificate or other form of authorization granted hereunder and may recover costs of any such action.

11.4.7 | 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.

11.4.8 | Penalties
The County may seek such criminal or civil penalties as are provided by Colorado law.
11.4.9 | 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 provisions.

11.4.10 | 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.

11.4.11 | Continuation
Nothing in this Land Development Code shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

§11.5 | Remedies Cumulative
The remedies and enforcement powers established in this chapter shall be cumulative, and the County may exercise them in any order.

§11.6 | Enforcement Procedures

11.6.1 | Non-Emergency Matters
In the case of violations of this Land Development Code 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 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.

11.6.2 | Emergency Matters
In the case of violations of this Land Development Code 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 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.

11.6.3 | Enforcement Actions Involving Agricultural Operators
Before taking enforcement action to correct a violation of this Land Development Code 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 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 15 days to return its findings and recommendations to the Board of County Commissioners.
§12.1 | Terms Defined

**A1-30, AE (Flood Hazard Zone):** Area of special flood hazards with base flood elevations determined.

**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:

A. is clearly incidental to and customarily found in connection with a principal structure or use;

B. contributes to the comfort, convenience or necessity of occupants of the principal use; and

C. 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 an animal-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>
<thead>
<tr>
<th>Animal Species</th>
<th>Equivalency Factor Based on Animal Unit = 1,000 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 - 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>Animal Species</td>
<td>Equivalency Factor Based on Animal Unit = 1,000 lb. Cow</td>
<td>4 animal units/acre (RSF-R, AFT, AF-35 Zoning Districts)</td>
<td>3 animal units/acre (All Other Urban Zoning Districts)</td>
<td>1,000 Animal Units Feedlot Threshold</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------------------</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 yrs)</td>
<td>5</td>
<td>3.75</td>
<td>1,250</td>
</tr>
<tr>
<td>Cattle, Beef - Slaughter and Feed (&gt;2 yrs)</td>
<td>1.00</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>
<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 two 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 broodstock</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 broodstock</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 broodstock</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.
**Building/Structure, Principal:** The building or structure that is occupied by the principal use.

**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 Code. 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 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 area defined in:


<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>**Chapter 12</td>
<td>Definitions and Terms**</td>
</tr>
<tr>
<td>1) Intergovernmental Agreement</td>
<td>an Intergovernmental Agreement between Mesa County, the City of Fruita, and the City of Grand Junction, and as shown on the &quot;TDR Sending Area&quot; map contained within the Transfer of Development Rights/Credits Program Agreement between Mesa County and the City of Fruita, or</td>
</tr>
<tr>
<td>2) Intergovernmental Agreement</td>
<td>an Intergovernmental Agreement between Mesa County, the Town of Palisade, and the City of Grand Junction.</td>
</tr>
<tr>
<td><strong>A Cooperative Planning Area</strong></td>
<td>is also commonly known as a Community Separator and Buffer Zone.</td>
</tr>
<tr>
<td><strong>County Register of Historic Landmarks (County Register):</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Critical Facility:</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Day-night sound level (Ldn):</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Decision Making Body (Decision-Maker):</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Dedication:</strong></td>
<td>The grant of an interest in property to the public for public use and benefit.</td>
</tr>
<tr>
<td><strong>Deed:</strong></td>
<td>A legal document conveying ownership or other interests in real property.</td>
</tr>
<tr>
<td><strong>Deed Restriction:</strong></td>
<td>A legal document, recorded with the County Clerk describing restricted activities on a property, which may or may not include a Conservation Easement.</td>
</tr>
<tr>
<td><strong>Designated Floodplain:</strong></td>
<td>An area designated by official action by the Board of County Commissioners.</td>
</tr>
<tr>
<td><strong>Development:</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Development Right/Credit:</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Domestic Livestock:</strong></td>
<td>Those animals listed on the Table of Animal Unit Equivalents in Section 5.3.4, Animals, within this Code.</td>
</tr>
<tr>
<td><strong>Driveway:</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Dwelling, Attached:</strong></td>
<td>A dwelling attached to one or more other dwellings by common walls.</td>
</tr>
<tr>
<td><strong>Dwelling, Detached:</strong></td>
<td>A dwelling having open space on all sides.</td>
</tr>
</tbody>
</table>

**Land Development Code** (Effective May 2000) Last Revised October 2018
**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 accessory 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**: 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.

**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.

**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 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").

**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 feet (unless it is a wild or domestic game fence, in which case the height of the fences is equal to or less than eight 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 tires, 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 wheel 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 shall be 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. They 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 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.

**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:

A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or

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

C. 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 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 Line Adjustment:** A change in lot or parcel boundaries 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 Subdivision:** A unified development of manufactured home lots arranged on a tract of land for the purpose of selling or leasing lots meeting the requirements of these regulations.

**Manufactured Home Park or Subdivision, 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 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 or Subdivision, 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 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 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 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.
Land Development Code (Effective May 2000) Last Revised October 2018

**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.

**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 (FBSM).

**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, statuary, 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, 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.

**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.

**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/C 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-E, 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 this 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.

**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.

**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 stitched or otherwise applied on the valance of an awning.

**Sign, Commercial:** Any sign advertising a product or service offered for sale or lease.

**Sign, 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 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/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, 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.

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.

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:** 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 nor 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.

**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 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.”

**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.

**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.

**Urban Development Boundary of the Grand Junction Comprehensive Planning Area:** That area planned for urban land uses as depicted on the Future Land Use map in the Grand Junction Comprehensive Plan.

**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.

**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.

---

**§12.2 | Use Categories**

12.2.1 | 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.

12.2.2 | 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.

12.2.3 | 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:

A. the actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
12.2.4 | 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.

12.2.5 | 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.

12.2.6 | 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.

§12.3 | Residential Use Categories

12.3.1 | Group Living
A. 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 caregivers also reside at the site.

B. Accessory Uses
Accessory uses commonly associated with Group Living are recreational facilities and parking of vehicles for occupants and staff.
C. Examples
The Group Living category is further broken down into the following specific uses:

1. 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:
   
a. a nonprofit group home for the aged or an owner-occupied group home for the aged, as defined in CRS § 30-28-215(2)(b),
   
b. a state-licensed group home for the developmentally disabled, as defined in CRS §30-28-115(2)(a),
   
c. a state-licensed group home for persons with mental illness, as defined in CRS § 30-28-115(2)(b.5).

2. 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:
   
a. a nursing home;
   
b. a nursing facility, as defined in CRS § 26-4-103 (11);
   
c. institutions providing life care, as defined in CRS § 12-13-101 (5);
   
d. a state-licensed group home for the developmentally disabled, as defined in CRS §30-28-115(2)(a);
   
e. a state-licensed group home for persons with mental illness, as defined in CRS § 30-28-115(2)(b.5);
   
f. an adult day treatment facility; and
   
g. a physical/mental rehabilitation home.

3. 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:
   
a. a family care home, as defined in CRS § 26-6-102(4);
   
b. a state-licensed residential child care facility, as defined in CRS § 26-6-102(8);
   
c. an adult foster home;
   
d. a family foster home; and
   
e. a receiving home.
4. **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:

a. a secure residential treatment center, as defined in C.R.S. § 26-6-102(9);

b. a shelter for homeless persons; and

c. 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.

**D. Exceptions**

1. 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.

2. 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.

3. Facilities for people who are under judicial detainment and under the supervision of sworn officers are included in the Detention Facilities category.

12.3.2 | Household Living

**A. 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).

**B. 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.

**C. 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.

**D. 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.

§12.4 | Institutional and Civic Use Categories

12.4.1 | Colleges and Vocational Schools

**A. 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.
B. 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.

C. Examples
Examples include universities, colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, and business, trade, technical and vocational schools.

D. Exceptions
Martial arts, dance and music studios are classified as Office and Personal Service.

12.4.2 | Community Services

A. 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.

B. Accessory Uses
Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.

C. 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.

D. Exceptions
1. Private lodges, clubs and private or commercial athletic or health clubs are classified as Entertainment. Commercial museums are classified as Office and Personal Service.

2. Parks are classified as Parks and Open Areas.

3. 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.

12.4.3 | Day Care

A. 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:

1. Home-Based Day Care (Regular)
   A home-based day care provides care protection and supervision for up to a certain number of individuals established by the State of Colorado.

2. 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.

3. General Day Care
CHAPTER 12 | DEFINITIONS AND TERMS

A general day care provides care protection and supervision for more individuals than a “Limited” facility.

B. Accessory Uses
   Accessory uses include offices, recreation areas and parking.

C. 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.

D. 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.

12.4.4 | Hospitals

A. Characteristics
   Hospitals include uses providing medical or surgical care to patients and offering overnight care.

B. 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.

C. Examples
   Examples include medical centers and hospitals.

D. Exceptions
   1. 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.
   2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office and Personal Service.
   3. Emergency medical clinics not associated with a hospital are classified as Office and Personal Service.

12.4.5 | Parks and Open Areas

A. 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.

B. Accessory Uses
   Accessory uses may include club houses, maintenance facilities, concessions, caretaker’s quarters and parking.

C. 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.

12.4.6 | Religious Institutions

A. Characteristics
Religious Institutions primarily provide meeting areas for religious activities.

B. Accessory Uses
Accessory uses include Sunday school facilities, parking, caretaker’s housing and group living facilities such as convents.

C. Examples
Examples include churches, temples, synagogues and mosques.

D. 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.

12.4.7 | Public Safety Facilities

A. 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.

B. 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.

C. 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.

D. 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.

12.4.8 | Schools

A. 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.

B. Accessory Uses
Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.

C. Examples
Examples include public and private daytime schools, boarding schools and military academies.

D. Exceptions
1. Preschools are classified as Day Care uses.
12.4.9 | Utilities, Basic

A. 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.

B. Accessory Uses
Accessory uses may include parking and control, monitoring, data or transmission equipment.

C. 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.

D. Exceptions
1. Services where people are generally present are classified as Community Services, Office and Personal Services, or Safety Services.
2. Utility offices where employees or customers are generally present are classified as Office and Personal Services.
3. Bus barns are classified as Warehouse and Freight Movement.
4. Telecommunication facilities and support structures are classified as Telecom Facilities.

12.4.10 | Utility Corridors

A. 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.

B. 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.

C. Exceptions
Utility corridors located within public rights-of-way are not included.

§12.5 | Commercial Use Categories

12.5.1 | Retail Sales and Service

A. 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.

B. 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.
C. 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.

D. Exceptions

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

2. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Sales.

3. Wholesale plant nurseries are classified as Agriculture.

12.5.2 | Office and Personal Service

A. 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.

B. 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.

C. 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.

D. Exceptions

1. 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.

2. 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.

3. Commercial boarding stables are classified as Agriculture.

12.5.3 | Entertainment
A. 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.

B. Accessory Uses
Accessory uses may include drive-throughs, concessions, parking, and maintenance facilities.

C. 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.

D. Exceptions
1. Banquet halls that are part of a hotel or restaurant are accessory to those uses.
2. Uses such as dance studios and martial arts studios are classified as Office and Personal Service.

12.5.4 | Recreation and Entertainment, Outdoor

A. 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.

B. Accessory Uses
Accessory uses may include concessions, restaurants, parking, caretaker’s quarters and maintenance facilities.

C. 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.

D. Exceptions
1. Golf courses and driving ranges are classified as Parks and Open Space.
2. Publicly owned swimming pools are classified as Community Services.

12.5.5 | Lodging

A. 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.

B. 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.

C. Examples
Examples include hotels, motels, bed & breakfasts, resorts, cabins, lodges, campgrounds, camps and recreational vehicle parks.

D. Exceptions

1. 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.”

2. 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.

3. 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.

12.5.6 | Parking, Commercial

A. 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.

B. 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.

C. 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).

D. Exceptions

1. 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.

2. 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.

3. Public transit park-and-ride facilities are classified as Basic Utilities.

12.5.7 | Self-Service Storage

A. 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.

B. 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.

C. 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.
CHAPTER 12 | DEFINITIONS AND TERMS

D. Exceptions
   1. 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.

   2. The rental of trucks or equipment is considered Retail Sales and Service.

12.5.8 | Vehicle Repair

A. 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.

B. Accessory Uses
   Accessory uses may include offices, sales of parts and vehicle storage.

C. Examples
   Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing and tire sales and mounting.

D. 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.

12.5.9 | Vehicle Service

A. 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.

B. 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.

C. Examples
   Examples include full-service, mini-service and self-service gas stations, truck stops and travel plazas, car washes, and quick lubrication services.

D. Exceptions
   1. 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.

§12.6 | Industrial Use Categories

12.6.1 | Industrial Service

A. 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.

B. Accessory Uses
   Accessory activities may include offices, parking and storage.
C. 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.

D. Exceptions
1. Repair of personal goods and small appliances and equipment is included in the Office & Personal Service category.

12.6.2 | Manufacturing and Production

A. 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.

B. Accessory Uses
Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker’s quarters.

C. 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.

D. Exceptions
1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.

2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

3. Manufacturing that occurs in a small office-type setting is considered Office and Personal Service.

12.6.3 | Warehouse and Freight Movement

A. 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.
B. Accessory Uses
Accessory uses may include offices, truck fleet parking and maintenance areas.

C. 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.

D. Exceptions
1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
2. Mini-warehouses are classified as Self-Service Storage uses.

12.6.4 | Waste-Related

A. 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.

B. Accessory Uses
Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.

C. 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.

D. Exceptions
1. Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill.
2. Recycling drop-off stations (no on-site processing) are basic utility uses.

12.6.5 | Wholesale Sales

A. 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.

B. Accessory Uses
Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

C. 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.

D. Exceptions
CHAPTER 12 | DEFINITIONS AND TERMS

1. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.

2. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

§12.7 | Other Use Categories

12.7.1 | Agriculture

A. 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 a use by right unless specifically identified in this Code, as described in the Mesa County "Right to Farm and Ranch" policy.

B. 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.

C. 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.

D. Exceptions
1. Processing of animal or plant products that is the primary use of the operation on the premises are classified as Manufacturing and Production.
2. Livestock auctions are classified as Wholesale Sales.
3. Commercial riding academies, roping arenas and equestrian arenas are classified as Recreation and Entertainment, Outdoor. Personal arenas are an accessory use.
4. Animal Care/Boarding/Sales, excluding boarding stables, are classified as Office and Personal Service.
5. The keeping of exotic animals is considered Animal Care/Boarding/Sales.
6. Retail plant nurseries are considered Landscaping Materials Sales, classified as Retail Sales and Service.
7. Farmer’s Markets are Retail Sales and Service.

12.7.2 | Aviation and Surface Passenger Terminals

A. 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.
CHAPTER 12 | DEFINITIONS AND TERMS

B. Accessory Uses
Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.

C. Examples
Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, and helicopter landing facilities.

D. Exceptions
1. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as Basic Utilities.
2. 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.

12.7.3 | Mining

A. 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.

B. Accessory Uses
Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

C. 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.

12.7.4 | Telecommunications Facilities

A. 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.

B. Accessory Uses
Accessory uses may include transmitter facility buildings.

C. 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.

D. Exceptions
1. 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.
2. Radio and television studios are classified in the Office category.

3. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.

END OF LAND DEVELOPMENT CODE TEXT