

**Chapter 17.09**  
**TRANSFER OF DEVELOPMENT RIGHTS/CREDITS**

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**17.09.010 PURPOSE.** The Transfer of Development Rights/Credits Program is a planning tool for cooperatively managing growth between the City of Fruita, Mesa County, and willing property owners for the following purposes:

- A. To encourage the preservation of large land parcels in agricultural use, buffers between growing communities, or areas with significant natural features;
- B. To support the Cooperative Planning Area that maintains a distinct separation between the City of Fruita and the City of Grand Junction through the perpetuation of rural land uses;
- C. To assist in the orderly development and preservation of rural lands;
- D. To ensure orderly transitions of density between urban and rural areas;
- E. To encourage urban residential development and downtown redevelopment at appropriate densities and locations as Planned Unit Developments (PUDs);
- F. To encourage landowners in designated Sending Areas to forego or limit development of their property by transferring their property's development rights to a designated Receiving Area;
- G. To provide an institutional mechanism for landowners in Sending Areas to receive compensation for either not developing or limiting the development of their property;
- H. To provide an opportunity for landowners in Receiving Areas to obtain a higher return on investment through developing at an increased density; and
- I. To encourage intergovernmental coordination in order to achieve the above purposes.

**17.09.020 GENERAL PROVISIONS.** The City's Transferable Development Rights/Credits (TDR/C) Program establishes a framework to match landowners that are eligible to transfer (sell)

development rights/credits with land developers that desire to acquire (purchase) development rights/credits. The TDR/C transaction is consummated by the issuance of TDR/C certificates.

Bearers of TDR/C certificates are eligible for achieving a bonus density in the Rural Residential, South Fruita Residential or Downtown Commercial/Residential Design Zone Districts with approval of a Planned Unit Development (PUD). Approval of a PUD using TDR/C Certificates is subject to the provisions of Chapter 17.35, Planned Unit Developments. The City bears no responsibility for any misrepresentation of the terms or expectations of a TDR/C transaction.

**17.09.030 SENDING AREAS.** The following provisions are established in the Mesa County Land Development Code for Sending Areas and are summarized here. In the event of conflict between this Section and the Mesa County Land Development Code, the Mesa County Land Development Code shall control:

- A. A landowner of a Sending Site in a Sending Area may voluntarily sell their development rights/credits to an owner or an agent of a Receiving Site, or other buyer, at a market value established by the seller and the buyer.
- B. The issuance of TDR/Cs from the Sending Site must be evidenced by a Transferable Development Right/Credit Certificate issued by the Mesa County Planning Department. In order to issue the TDR/C Certificate, a deed restriction signed by the owner of record from which Transferable Development Rights/Credits are being transferred must be presented to the Mesa County Planning Department, and shall clearly identify:
  1. The transferee;
  2. The transferor;
  3. The legal description of the Sending Site from which the Transferable Development Rights/Credits are being transferred; and
  4. The number of TDR/Cs being transferred from the Sending Site.
- C. The deed restriction shall be recorded in the real property records of Mesa County clearly stating the number of development rights/credits that have been transferred. The deed restriction may also include a conservation easement. The deed restriction shall be perpetual.
- D. Upon recordation of the deed restriction, a TDR/C Certificate shall be issued by the Mesa County Planning Department identifying the number of development rights/credits transferred, and the book and page number of the recorded deed restriction.

- E. Once a TDR/C Certificate is issued:
1. Future development of the Sending Site is limited to the 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 the Mesa County Land Development Code; and
  3. No rezoning of the Sending Site to a higher density or other use shall be permitted.
- F. An owner of record of a Sending Site or an applicant choosing not to participate in the TDR/C Program shall retain the option to develop its property as provided for by the Mesa County Land Development Code.
- G. An owner of record of a Sending Site or an applicant interested in participating in the TDR/C Program should contact the Mesa County Planning Department to review an estimate of the TDR/Cs that may be sold and the associated future site development restrictions that may apply on the subject property.
- H. An owner of record of a Sending Site or an applicant 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.

**17.09.040 RECEIVING AREAS.** The following provisions are established for Receiving Areas:

- A. Existing City zoning limits the development potential of properties within Receiving Areas to a base density.
- B. For a parcel to be developed at a density greater than the base density allowed in either the underlying Rural Residential (RR), South Fruita Residential (SFR) or Downtown Commercial/Residential Design (DCRD) Zone Districts (as applicable) within a Receiving Area, the owner of record or applicant shall use one (1) or more TDR/C Certificates.
- C. No rezoning to a higher density (other than PUD in accordance with this Chapter) shall be permitted within a Receiving Area. Development within a Receiving Area at a density greater than the base density may only be permitted with the use of TDR/C Certificates.
- D. TDR/C Certificates shall be eligible for use either:
1. On a Receiving Site within the incorporate limits of the City;

2. Upon annexation of the Receiving Site to the City; or
  3. Upon ratification of a pre-annexation agreement for a Receiving Site.
- E. TDR/C Certificates may be used on a Receiving Site only with the approval of a Planned Unit Development (PUD) under Chapter 17.35 of this Title.
- F. TDR/C Certificates proposed for use on a Receiving Site must originate only from a Sending Area identified for the City of Fruita/Mesa County TDR/C Program.
- G. An owner of record of a Receiving Site or an applicant interested in participating in the TDR/C Program should contact the City of Fruita Community Development Department to obtain an estimate of the bonus density that may be achieved, and the associated site development requirements that may apply on the subject property.
- H. An owner of record in a Receiving Area or an applicant choosing not to participate in the TDR/C Program shall retain the option to develop its property at the base density as provided for in Chapter 17.07 Zone Districts - Uses and General Requirements.

**17.09.050 STANDARDS AND CRITERIA.** Recommendations of the Planning Commission to the City Council and decisions by the Council concerning the transfer of development rights/credits shall be based upon the following standards and criteria:

- A. Any parcel developed at a density greater than that allowed by either the underlying Rural Residential (RR), South Fruita Residential (SFR) or Downtown Commercial/Residential Design (DCRD) Zone Districts (as applicable), shall be developed as a Planned Unit Development (PUD) under Chapter 17.17 of this Title.
- B. For all parcels to be developed in a Receiving Area with underlying Rural Residential (RR) zoning:
1. The base density is a minimum of three (3) acres per dwelling unit (without City wastewater collection service) and a minimum of two (2) acres per dwelling unit (with City wastewater collection service).
  2. The base density and any bonus density combined shall not exceed a maximum of one (1) dwelling unit per half acre (with City wastewater collection service). Use of bonus density in the Rural Residential (RR) Zone District may only occur in developments served by the Fruita wastewater system.

- C. For all parcels to be developed in a Receiving Area with underlying South Fruita Residential zoning:
1. The base density is two (2) dwelling units per gross acre.
  2. The base density and any bonus density combined shall not exceed a maximum of four (4) dwelling units per gross acre.
- D. For all parcels to be developed in a Receiving Area with underlying Downtown Commercial/Residential Design (DCRD) zoning:
1. The base density is four (4) dwelling units per gross acre.
  2. The base density and any bonus density combined shall not exceed a maximum of eight (8) dwelling units per gross acre.